

**MAUI COUNTY CULTURAL RESOURCES COMMISSION
REGULAR MINUTES
MARCH 1, 2018**

A. CALL TO ORDER

The regular meeting of the Cultural Resources Commission was called to order by Chairperson Lori Sablas at approximately 11:00 a.m., Thursday, March 1, 2018, Planning Conference Room, 250 S. High Street, Wailuku, Island of Maui 96793.

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

Chair Sablas: Aloha kakahiaka and welcome to the Maui County Cultural Resources meeting of March 1, 2018. Mahalo, Commission Members and staff, for your presence for this meeting. So good morning. So the meeting is called 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 Sablas: I would like to start with public testimony, if I may. I'm looking to a nod 'cause I see Ann up there. Ann, did you wanna say something before public testimony?

Ms. Cua: No, no, no.

Chair Sablas: Okay. Okay, I would like to open the floor at this time for public testimony, and if I could remind those who are testifying to keep it within three minutes, if you don't mind, and then identify yourself and the item that you'll be testifying on, so the floor is open to the public for testimony at this time. Okay, seeing none, then public testimony is closed. Second order of business, item C, Resolutions Thanking Outgoing Members Janet Six and Luana Kawaa, and so who of the staff will be doing that? Annalise? Thank you.

C. RESOLUTIONS THANKING OUTGOING MEMBERS JANET SIX AND LUANA KAWAA

Ms. Kehler: Good morning.

Chair Sablas: Good morning.

Ms. Kehler: So we have a Resolution thanking Dr. Janet Six for her five years of service on this Commission, and we also have a couple of other things, a certificate, so what I'll

do is I'll read the Resolution, and then I'll pass it out, and each one of the Commissioners can sign the Resolution, so I'm going to read -- read the Resolution, so it says:

Whereas Dr. Janet Six has served on -- served the County of Maui since May 2013 as a Member of the Cultural Resources Commission, and
Whereas Dr. Six has served as the Maui County Cultural Resources Commission's chairperson from April 2015 to March 2017; and
Whereas Dr. Six has served with distinction and has performed her duties in the highest professional manner with the Cultural Resources Commission; and
Whereas Dr. Six's term of office expires on March 31, 2018;
Now, therefore, be it resolved that the County -- Maui County Cultural Resources Commission hereby commends Dr. Six for her dedication and untiring public service to the people of Maui County and expresses their sincere appreciation for Dr. Six's service and extends their best wishes in her future endeavors; and
Furthermore, be it resolved that copies of this Resolution be transmitted to the Honorable Alan M. Arakawa, Mayor for the County of Maui, and the Honorable Mike White, Chair of the Maui County Council.

So Janet started the same time that I started, so we kind of grew up together, and -- and she's the one Commissioner who's been here consistently throughout my entire five years so --

Chair Sablas: And driving in from Hana.

Ms. Kehler: Yes, thank you. She started, originally, I think as the West Maui, and then she moved out to Hana and she still managed to come to our meetings all the way out from Hana, so we thank her.

Dr. Six: ...(inaudible - not speaking into the microphone)... Costco.

Ms. Kehler: Yeah. She -- two birds with one stone.

Ms. McLean: Chair, you'll need a motion to adopt the Resolution.

Chair Sablas: Oh, I got so emotionally involved. And thank you for your passion and your commitment, and it shows. We really need more dedicated community members like you, Janet, to serve and, you know, again, if there's another clone like you, can you recommend them to be --

Dr. Six: ...(inaudible)...

Chair Sablas: Okay, yeah. But thank you. So is there a motion?

Ms. Kajiwar-Gusman: Move to adopt.

Chair Sablas: A second?

Mr. Lay: Second.

Chair Sablas: It's been moved and seconded. All in favor, say aye. Opposed? So Resolution passes. Mahalo very, very much.

It has been moved by Commissioner Christy Kajiwar-Gusman, seconded by Commissioner Ivan Lay, then

VOTED: to adopt Commissioner Janet Six's Resolution.

**(Assenting - C. Kajiwar-Gusman; I. Lay; M. Ropa; L. Sablas; F. Skowronski)
(Excused - T. Bailey; C. Lima; L. Kawaa)**

Dr. Six: I'm normally not this much of a hot mess. I just came from the Mainland where I just loss my stepfather so I've been -- so this is very nice to have nice to be said, so I'm not normally this much of a basket case. Thank you. Thank you very much. That was more than kind.

Chair Sablas: So we do have another one, being that she's not present, do we need to have a Resolution motion? No?

Ms. McLean: Yes, Chair, you could still adopt the Resolution but we don't need to read it into the record.

Chair Sablas: Okay, so we are -- we'd like to recognize another outgoing Commission Member, Luana Kawaa, if I can have a motion to accept the Resolution?

Ms. Kajiwar-Gusman: Motion to accept.

Chair Sablas: Second?

Mr. Lay: Second.

Chair Sablas: Okay, all in favor, say aye. None -- motion -- Resolution passed. Thank you very much.

It has been moved by Commissioner Christy Kajiwar-Gusman, seconded by Commissioner Ivan Lay, then

VOTED: to adopt Commissioner Luana Kawa`a's Resolution.

**(Assenting - C. Kajiwar-Gusman; I. Lay; M. Ropa; J. Six; F. Skowronski)
(Excused - T. Bailey; C. Lima; L. Kawaa)**

Chair Sablas: Okay, on to New Business. I'll have you read it.

Mr. Smith: Thank you, Chair. Item C, of the agenda, we just concluded, now moving on to new item -- New Business item D.1.:

Mr. Smith read the following agenda item description into the record:

D. NEW BUSINESS

Charlie Jencks, on behalf of Honuaula Partners, LLC, requesting adoption of the *Cultural Resources Preservation Plan* for the proposed Honuaula Project (formerly Wailea 670), Paeahu, Palauea, and Keauhou Ahupuaa, TMK: (2) 2-1-008: por. 056 and 071, in accordance with Condition No. 13 of Ordinance No. 3554, establishing Kihei-Makena Project District 9 (A. Cua)

Pursuant to Condition No. 13 of Ordinance 3554 (available at <https://www.mauicounty.gov/DocumentCenter/View/7475>), the applicant was required to prepare a CRPP in consultation with Na Kupuna o Maui, lineal descendants of the project area, other Native Hawaiian groups, the Maui County Cultural Resources Commission, the Maui/Lanai Island Burial Council(s), the Office of Hawaiian Affairs ("OHA"), the State Historic Preservation Division of the Department of Land and Natural Resources ("SHPD"), the Maui County Council, Na Ala Hele, and other interested parties.

The completed CRPP was required to be submitted to SHPD and OHA for review and recommendations, which have been received by the CRC and posted on the County's website at:

<https://www.mauicounty.gov/DocumentCenter/View/111700>

Pursuant to Condition No. 13, Ordinance 3554, the CRC may now consider whether to adopt the CRPP

Mr. Smith: What we're going to do is invite staff, I believe, to provide a brief presentation on the matter, and then hand it over to the applicant.

Chair Sablas: Thank you.

Ms. Cua: Good morning, Chair. Are we on here? Test. Yeah, we're on. Good morning, Chair and Members of the Commission, and congratulations, Janet, and thank you very much. I've attended a few meetings in the five years that you've been here and have been really impressed with the -- the work that you do and the passion that have.

So I just -- what I'd like to do, before I introduce the applicant, is provide a little context of why we are here, and then we can kinda go from there. So back in April of 2008, the County Council enacted zoning Project District 9, Kihei-Makena Project District 9 for the Wailea 670 project, and that ordinance, that conditional zoning was subject to 30 conditions. Condition no. 13, and I'd like to read verbatim, if you could indulge me:

That Honuaula Partners LLC, its successors and permitted assigns, shall prepare a cultural resources preservation plan in consultant with Na Kupuna O Maui, lineal descendants of the area, other Native Hawaiian groups, the Maui County Cultural Resources Commission, the Maui/Lanai Islands Burial Council, the Office of Hawaiian Affairs, the State Historic Preservation Division, Department of Land and Natural Resources, the Maui County Council, Na Ala Hele, and all other interested parties. Prior to initiating the consultation process, Honuaula Partners LLC, its successors and permitted assigns, shall publish a single public notice in a Maui newspaper and a statewide newspaper that are published weekly. The CRPP shall consider access to specific sites to be preserved. The manner and method of preservation of sites. The appropriate protocol for visitation to cultural sites and recognition of public access in accordance with the Constitution of the State of Hawaii. Upon completion of the CRPP, Honuaula Partners LLC, its successors and permitted assigns, shall submit the plan to the State Historic Preservation Division, Department of Land and Natural Resources, and the Office of Hawaiian Affairs for review and comment prior to Project District Phase 2 Approval. Upon receipt of the above-agencies' comments and recommendations, the CRPP shall be forwarded to the Maui County Cultural Resources Commission for its review and adoption prior to Project District 2 Approval.

I wanna tell you just a little bit about the project district process so when you hear the terminology "prior to project district approval," you'll know what that means. So we have a process in the County called "the project district process" that allows zoning to be able to create a flexible type of development, it's normally used for very large tracts of land that has multi -- multi-use, it's a multi-use project, like, you know, commercial, residential, multi-family, parks, there might be a school, a whole bunch of uses, and the process to establish a project district is to go through the Project District 1 process, which is to create, basically, your own ordinance, so they've done that. That was what was adopted in 2008. The -- the Phase 2 Project District process, which is called out in the ordinance, that process is the creation of a preliminary site plan, so based on the ordinance that they have and the land that they have and the -- the uses and potential -- the potential zoning and the uses that are contemplated, they come up with a preliminary site plan; that site plan needs to be reviewed by the planning commission and it needs to be -- and a public

hearings needs to be held, and the public hearing needs to be in the affected community plan region, so for this particular project, when the planning commission holds its hearing on the Project District Phase 2 application, we're going to need to go out to Kihei. So that's the -- part of process. And after that gets done, and we do have an application that's been in our office, but it is pending things that need to happen before we can go to the planning commission for them to be able to act on the Phase 2 application, and this is one of them.

So based on how the condition reads, there were a number of things that needed to happen. The preparation of the plan. That has been done. That's why we're here today. And you have a copy of the plan. The plan was prepared July of 2017. And then they were supposed to consult with a number of groups. That has been done. Charlie will speak to that a little bit in his powerpoint presentation today. Then the plan needed to be submitted to State Historic Preservation Division and OHA. That was done, and the wording is that it was supposed to be submitted for review and recommendation; that review has been done; the recommendation has come forward back to us. We received letters from them. We were not able to bring this before you until we received letters from them. So in addition to the cultural resources management plan that you have, you also have two letters. One letter, from the State Historic Preservation Division, dated December 7, 2017, and, basically, you know, they talk about two conditions, Condition 13 and 26, we're here today to only speak about Condition 13, that's what's on the agenda, which deals with the cultural resource -- the cultural, I'm sorry, the cultural resource preservation plan. So what SHPD says is that the Council, in their conditions of zoning, is the body that called for this plan. They say in the fourth paragraph of their letter, "SHPD did not request the CRPP as a mitigation measure as a result of its historic preservation review of the project, and SHPD has no administrative rules that would cover review of such a document," so, therefore, they had no comments on the CRPP. OHA, in their letter, dated January 29, 2018, they too reviewed the CRPP as well as another preservation plan for the project, and their comments are on two separate plans. The comment -- they had three basic comments on page 2, the comment that is germane to the discussion today is comment 2: Invitation to OHA for a seat as a member on the applicant's cultural advisory committee should the project advance. And so, with that, I'd like to turn it over to Charlie, have him give his presentation, and then we can come back and have further discussion.

Mr. Jencks: Can you all hear me? My name is Charlie Jencks. I'm the owner's representative for Honuaula Partners. I've been working on this project since 2001, and, as Ann described this, it's been a very lengthy process, so what I'm going to do is just give you a powerpoint presentation on a little bit of the history, and why we're here today, and -- and what I'm going to ask you to do today. So I think what I do is I go arrow up. How come it's not over there?

Ms. Cua: It's showing there but it's --

Mr. Jencks: This is not my system, so I apologize. Yup, there you go. Thank you very much. If we can get all this on the screen.

Okay, once again, March 1st, this is our cultural resource preservation plan presentation to the Cultural Resources Commission. I'm going to use a few acronyms here today. We have the archaeological inventory survey, or the AIS; we have the historic resource preservation plan, which is -- I'm going to refer to as the HRPP; and the cultural resource preservation plan, which is the subject of today's discussion, which is the CRPP. It gets very confusing.

Okay, a little bit of the background. As Ann described, we received project district zoning approval in April of 2008; signed it into law by Mayor Charmaine Tavares. The conditional zoning had 30 conditions of approval of which there were two, Condition 13 requiring the CRPP, and Condition 26 requiring compliance with HRS 6E requiring the development of a historic resource preservation plan, or HRPP. That plan that was developed subsequent to the finalization of the AIS was accepted by SHPD in August of 2017 and is, basically, the foundation for the CRPP document we're discussing today, which all follows, from the archaeological inventory survey, or the AIS, which was accepted by SHPD in December of 2015. I've been to the CRC a number of times, I think this is my third meeting, we have continually updated this document, and it became clear that OHA was not going to comment on this document until we had the -- the HRPP done, which couldn't be done until the AIS was revised and updated, so this has been a long process doing multiple documents and going through a process with the agencies. The draft CRPP and historic preservation plan was transmitted to SHPD and the Office of Hawaiian Affairs in August of 2017 following the completion of these prior documents.

As Ann stated, there were number of requirements in Condition 13, one was, of course, to reach out and get -- get public input by doing some advertising in the local papers; we did that a number of times. We reached out in February of 2009 in The Maui News and The Advertiser. We published in the OHA newsletter in February of 2009. And, again, working with SCS, I asked that we go again to get any input from the public, and so in June of 2014, did the same thing again with The Maui News and The Honolulu Advertiser. Between these two, and this goes -- I think goes back to the original advertising we did in 2009, we got about 30 requests for the need to participate in this process, and as a result of those requests, we developed a questionnaire that we sent out and that -- the questionnaire and responses are in the appendices of the CRPP. We had about 12 responses. We sent out the questionnaire and got about 12 responses back. The responses were, in some case, helpful asking about what people knew about the property from a cultural perspective, prior practices, use on the property, but there really wasn't a lot of direction that we gained from that -- from that effort in compliance with the condition. The plan has to be developed in coordination with the accepted AIS, which we finally got, the Native Hawaiian group, such Na Kupuna O Maui, as well as other governmental and

nongovernmental groups that we reached out to as part of this process getting input for the cultural resource preservation plan. Specially, the plan needs to provide responses to a couple of issues that Ann talked about, method of preservation of the sites, appropriate protocol for visitation, and recognition of public access per the Hawaii State Constitution, and I'm going to tell you how we complied with these provisions later on in my presentation.

We did complete the CRPP, submitted it to both OHA and SHPD, and, as described, SHPD's response was, look, we don't have any criteria to review this, so we're not going to provide any comment. OHA did respond and Ann described the one relevant comment, which was participation, they would like to participate in the cultural advisory committee that is proposed as a part of the HRPP and the CRPP for the project, which is something we have -- we have encouraged OHA to do from the beginning. OHA's other comments, observations were as follows, and I'm going to show you on the exhibits, part of the project plan, it's 670 acres, 134 acres of that area is a native plant preservation area at the very southern end of the project as it abuts Makena Resort, this is a new part of the project. This 134 acres, basically, overlies the key botanical resources in the property, and the bulk of the cultural archaeological sites and features on the property, so they're all included in this 134-acre area, which will be put in a conservation easement in perpetuity and held by the Hawaiian Island Land Trust. The fee title to the NPPA area, or the easement area, OHA would like first right of refusal on accepting that fee title. This is kind of a complicated story, but we have a settlement agreement that we entered into with the Sierra Club and Maui Unite on a lawsuit, that settlement agreement provides for the transfer of the fee title to the same area to a variety of groups in order of preference and our discussions with the Sierra Club. OHA was number two on that list. In my discussions with OHA, they would like to have fee title of this area for their legacy, which we agree with, we think it's a good idea, but the fee title transfer can only take place when the project is completed, which is somewhere between 15 to 18 years in the future, and a lot of things will happen between now and then; perhaps then, OHA, we can discuss with OHA if they want it, they can -- they can have the fee title, but the conservation easement will continue to be held by the Hawaiian Island Land Trust for the area. Another, they want invitation for participation in the applicant's cultural advisory committee. We supported that from the beginning. We want them on the -- on the advisory committee, perhaps they could provide some leadership on that. They also wanted to review the future archaeological monitoring plan for the project, which we also agree with. My only request to OHA was, okay, once you get the -- the archaeological monitoring plan, which will be done prior to construction, could you please review that in a reasonable period of time, let's say 30 days, so that we are not delayed in the getting -- getting through the process, and they -- they didn't have any problem with that either.

A couple of additional observations, they -- they were interested in housing for purchase in the project. We have a very -- we have 1150 units of which 25% of that or 238, or actually 250 will be affordable; they will certainly have the opportunity to acquire those

units. They wanted a long-term plan providing for access and use, and, you know, the historic resource preservation plan and the CRPP provide that. They were, once again, electing to secure the fee title of land to the NPPA; again, as I stated earlier, that's something we can talk about in the future. There's a lot that has to be done prior to that time coming to the -- to the floor. Preservation of sites outside the preserve areas, as a part of our discussions with SHPD on the -- SHPD on the HRPP, a lot of acronyms here, and I apologize, we had sites outside of the NPPA and primary preservation areas that we were proposing for data recovery. As a part of the finalization of the HRPP, we agreed to preserve those sites, and not do data recovery, preserve them just the way they are and work around them and put them in common area in the project, and that got us through that approval process with SHPD on that document. Let's see here. Once again, and item 5, establishment of the cultural advisory committee. We want them to participate. We've invited them to participate when it's -- when it's formed. Receipt of information regarding traditional hiking trails on the property. There aren't many that we know of. The one we do know of is the Kanaio-Kalama Park Trail that is going to be preserved as a part of the NPPA and continue through the project through our discussions with the Sierra Club and Maui Unite, that's -- and I'll show that trail system, and provisions of coastal zone management are adhered to. The project is not in the SMA, yet there may -- may still be some policy issues we gotta resolve in that regard. We have no problem with that. So that's basically what OHA came back to us with, but again, as Ann stated, the key issue here is their participation on the CAC, the cultural advisory committee, when that is formed, which is something we certainly want to have happen.

The development process of this document started in 2009 when the original draft was developed. I attended, in May of 2010, a meeting with this committee asking for input, got a little bit of input back; continued on. We -- we redid the AIS for the project, and I'll show you what that is. In 2013, we started a new AIS for the project. This is the AIS that was completed for the project. Scientific Consultant Services did the work for us with a significant amount of public input and consultation and participation in the process. In October of 2014, I met with the CRC again, and Mr. Michael Dega, who's here today, provided an update on the AIS process; subsequent to that, it was completed and accepted by SHPD. The AIS consultation approach, which follows into all of the following consultation for the CRPP, we did the invitation for interested parties to participate, and cultural groups. We had -- we had countless meetings in my office, also out in the field. We had pre-field orientation. We met with the folks and had them participate in the AIS process and also then solicited input on cultural knowledge of the property through that process. SHPD acceptance of the AIS was December of 2015. We started in 2013. The historic resource preservation plan development and acceptance has also taken place; that was in August of this year -- last year, excuse me. A review of all CRPP inputs, CRC requests, the AIS, and the HRPP was done to make sure that this document reflects all of that basic foundation, and then we submitted and -- for public -- for comment with OHA and SHPD, per the condition, the draft that we completed this last summer.

What did we find in the AIS? And if you have any detailed questions on this, I can have Michael Dega follow up. A significant amount of sites were found on the site. The current AIS provides for the following: A 134-acre native plant and cultural preservation area; 125 sites in the southern third of the project area; agricultural field complex of over 515 agricultural features, platforms, terraces, etcetera, in the southern area, which is also that -- that NPPA area; 74 sites in the northern two-thirds of the project area; location of a field complex and other single sites resulted in the following: a 192-acre area within which all single-feature non-agricultural sites are preserved in place; 134-acre native plant preservation area combining the core botanical and cultural assets of the property into a conservation easement in perpetuity. Now, that 134 is a part of the 192, okay. We have 192 acres; 134 is a part of that 192.

The revised cultural resource preservation plan is as follows: We updated the AIS and it clearly establishes a more clear vision for the future of the property from a cultural preservation point-of-view. The consultation process, we utilized provided valuable input. Condition 13, post a request for input placed in The Maui News and Honolulu Advertiser. Letters to all relevant agencies have been received and responded to and, in fact, I have with me today, this binder, this is -- this is in your appendices that you received, but this is a binder full of all the letters send and received, responses back from all the agencies that we were asked to contact. The CRP follows the basic foundation of the HRPP and the AIS, and provides for the following: Preservation in place for future data recovery if desired; appropriate protocol for cultural access and visitation rights; guidelines for preservation sites to prevent deterioration of cultural value; signs and access via trails and roadways for maintenance of these areas in concert with a habitat conservation plan; funds for maintenance of botanical resources in perpetuity.

The historic resource preservation plan, the survey that we did, the AIS, indicated multiple but significant historic sites on the property the bulk of which are contained within a large preservation area, this is the NPPA area. The majority of the sites subject to preservation are located in the 134-acre preservation area. Sites in the northern area will be preserved in common area. And the provisions of the HRPP provide for the following: The NPPA preserved in perpetuity with an endowment for maintenance; the NPPA will be fenced to prevent ungulates from damaging native plants, and sites, and features; the CAC will develop the MPs and procedures for access and use of site feature areas while incorporating ideas and direction provided by OHA; sites outside the NPPA will be located in a common area with adequate buffers for protection and access and all uncommon area land not on private property; any construction in areas adjacent will provide for a five-meter buffer for further verification of sites features and limits; in addition to the Kanaio-Kalama Park Trail, additional trails will be developed to assist in maintenance and access; nonindigenous plants will be removed from site feature areas; monitoring of the NPPA and sites and features will be done by the NPPA manager and the CAC; site location and interpretation signs for the NPPA and common area, if determined to be needed, will be developed per consultation with the CAC.

In summary, the CRPP document has evolved since it was originally developed in 2009. All requirements contained in Condition 13 have been satisfied. The AIS and the HRPP has -- have been done and accepted by SHPD. The CRPP document reflects the data conclusions and mitigation found in both the AIS and the HRPP. The current draft CRPP, before you today, reflects input from various -- from previous CRC meetings and all prior draft documents. Adoption of the CRPP critical to further entitlement and funding of endowment and mitigation necessary to protect and preserve both botanical and cultural resources on the property. This adoption of this document is necessary, it's a condition of approval, it's an unsolicited document, and a little bit of the background on this document. I made the recommendation to the Council, when I was in my zoning hearings, for a cultural resource preservation plan, and what happened, when I made that suggestion to the Council, they put it as a condition on the project and -- and this is a document that is -- that has no real criteria for its development so we're kind of breaking new ground here, and it's a document that public agencies won't look at because they have no guidelines, hence, the response from SHPD, but it's something that we offered to do, it became a condition for the project, and I need this adopted so that I can move on to the Phase 2 Approval that Ann described, which will then trigger investment in the property, the release of funds to fence the NPPA for example, get the mitigation plan underway because that's very expensive, it's about the -- the initial mitigation work for the NPPA is about three million dollars, and the endowment that carries this forward is a cash endowment that will yield about 155 - 170,000 dollars a year that will go on in perpetuity to manage both the botanical and the cultural resources on the property.

So that's my presentation. It's very complex. A lot of history on this. I've been to the -- this is my third meeting with the CRC. If you have any questions, detailed questions on the AIS or the HRPP, we're here to answer any questions you may have, and I kinda like to get this so I can get on my way and get some other things done. Thank you for your time.

Chair Sablas: Thank you very much, Mr. Jencks. I was just saying if -- this project, you could have had a baby and graduated from college the time it took or not -- at least enter college the time it's taken. I recall --

Mr. Jencks: My son did all of that.

Chair Sablas: Yes. Thank you very much. So, at this time again, I would like to open the floor if there's any public testimony at this time, you're welcome to come up and testify. Okay, seeing none, I just wanted to give the public an opportunity to share your mana`o. So, at this point, staff -- comments from staff?

Ms. Cua: So, we have no further comments. We've given our comments in our introductory remarks. Basically, you know, I broke down the condition and, you know, we

-- we've seen that they have complied with each portion of the condition. What needs to happen, I mean I don't know if you have any questions of me or of Charlie, but, you know, the goal of today, as was mentioned by myself and Charlie, is to be able to get you to adopt the plan, which will allow a lot of things, but one of the things from -- for the Department, the main thing for the Department is to be able -- it'll bring them one step further for us to process their Project District Phase 2 application with the Maui Planning Commission.

Chair Sablas: Thank you. Okay, discussion from Commission Members. The floor is open.

Dr. Six: I just have a quick question maybe for Dr. Dega just regarding -- 'cause I, full disclosure, did hike this site, I was on there with Mr. Jencks years ago and been on this site numerous times, and I notice you have several ceremonial sites marked here, but I also noticed there was lots of branching coral on some of the sites, did you guys do any dating of the coral?

Mr. Dega: We did not do coral dating yet.

Dr. Six: Coral dating.

Mr. Dega: No. Not yet. We left open -- you know, while those -- a lot of these sites are for preservation, we left open a clause that says, "for further research," people can present academic documents to the SHPD and to Charlie's group, go out there and conduct academic excavations and survey all through the future so we can learn more about it.

Dr. Six: 'Cause my one other comment 'cause this is my last day --

Mr. Dega: Congratulations by the way.

Dr. Six: ...(inaudible)... like when I was on a recent hike and people asked me what is this site, you know, and I said it really depends on the scope you're looking at, and so when we have this many sites with this many features, do we have a sense of how they relate to each other? I, obviously, haven't had a chance, I just got done traveling, to read this because I do see that, you know, like this site is separate, this site and, for those who don't know, most people here do know features are things you can't pickup and move, like a firepit or a house, you know, platform versus an artifact, like a piece of coral or ...(inaudible)... but I always, when I go up there, because it's so overgrown with invasives, it's kind of hard to get a sense of how the 515 agricultural fields relate to the ceremonial fields, and this I'll bring up again the work Dr. Pat Kirch and Michael Graves, they did in Kanaio and Kaupo area where they found over 23 ceremonial sites within the agricultural fields, so, for me, it's always a challenge to separate ceremonial, like, you know, for us, there's the church, here's the farm, you know, we go through Iowa, but in Hawaii, there

is that marriage of agriculture and not seeing as nature, cultural, the economy that the west sees, so did you guys have a chance to kind of take a look at how some of these things relate to each other? I mean I know it's ...(inaudible)... on trails and things connect to, you know.

Mr. Dega: Yeah. No, it's a good point. I mean, archaeologically, we could call it all one site instead of two hundred.

Dr. Six: Yeah, Maui's one site. Yeah.

Mr. Dega: The whole island could be considered one site and just separate things a feature of it. In the southern portion, we had over 800 agricultural features, we designate it as a specific field system because they was so much. I mean nobody know knew in this area, it's dry, it's Makena, it's upland a little bit from the coast. Why are people doing agriculture? They did a lot of agriculture from about the 1600s and even into the 1850s with the gold rush where they expanded the traditional systems to supply Irish potatoes to California for the gold rush, so they built upon the 1600, 1718s, expanded the fields. Within the fields, you're right, you have ceremonial sites related to, you know, probably Ku, Lono, agricultural things, you have stepping stone trails linking them, and you have habitation. A lot of these habitations are mostly temporary because people lived on the coast and they would do agricultural a little bit in the upland; this trend is, you know, it started around 1200 in Makena, 1200 A.D., where coastal habitation was first, then you get the movement upland the 14 to 1600s. How you differentiate them spatially, you don't. It's just a huge site with a lot of different activities occurring through time up there - ceremonial, agriculture, and habitation were all coexisting up there from about the 1600s.

Dr. Six: Thank you. I just wanted to ask because I did see some branching coral and I was wondering if you got some dates off that because I know you haven't done a lot of testing, it's mostly survey and mapping and some -- some testing, and then the other thing I was --

Mr. Dega: Oh, to get back to your coral question.

Dr. Six: Yeah. Go ahead.

Mr. Dega: I actually had some good samples and I was going to send them to Kirch at Berkley and he said we don't do commercial dating, and I couldn't find a lab to do commercial dating of coral, so I might have to send it to New Zealand, but anyway.

Dr. Six: Yeah, I was thinking the same. Who does do that? That's interesting.

Mr. Dega: Charlie, you wanna buck up for that?

Mr. Jencks: Why not?

Dr. Six: So I just -- I just was just wondering because -- because it's very distinct, it's upland, these are upland sites, so for those of you that don't know, there was a trend at a certain period of time when they started bringing coral up to upland heiau, and so because it was alive, you can actually date that, you can't always date the rocks so that you would know when the rock was made, but you can often date the coral, which allows you to get kind of an average use of time and identify ceremonial sites, so thank you for answering.

Mr. Dega: Right. Thank you,

Dr. Six: And that's pretty much it. And you said the bulk of the sites are in this 134, are any of the ceremonial sites outside of that preserve?

Mr. Dega: You said that was your last question.

Dr. Six: Yeah, I changed my mind, Mike. You know that.

Mr. Dega: I'm joking.

Dr. Six: Today's my last day, I gotta get it in. Are any of the ceremonial stuff outside?

Mr. Dega: No.

Dr. Six: No.

Mr. Dega: No.

Dr. Six: And I want to make one other comment, as someone who -- I'm a member of the Sierra Club, and I went on a hike recently, and I watched people stomping all over the cultural resource, and I had a big problem with that, and I made that clear to members of the Sierra Club that if you're going to take hikes in there, I heard a lot of nonsense, unfounded statements, and I saw people being brought up to sites and crawling up hills and I didn't participate, and people asked me why, and I said because, until we understand more, even then, we probably -- it's good to have access to the resource especially for lineal descendants and cultural practices, but the idea of opening it up to people to crawl all over, and it is a lot of a`a, and loose, and the other thing, if you had 515 field systems and you have all these two-hundred-something sites, we know there's burials whether they're in a lava tube or wherever they were, if they're down by the beach, we know that this is a site that people lived in so even if we haven't found them, and my other last comment, it is the last comment, is when I went on that initial walk with Charlie

Jencks and Hinano was with us and Keeaumoku and Daniel Kanahale, a lot of that property was -- they had oxen drag chains across it, so a lot of the sites were literally wiped away, the surface sites, and that was done historically, so I'm always concerned, and I'm glad to hear there's monitoring clearly --

Mr. Dega: Yes.

Dr. Six: Because even through there's not a bulk of cultural sites in some of these areas, there probably was a substantial population in some of that surface areas disturbed through previous ranching activities, so I also wanna say congratulations on the work you did because the original survey, which I did see, had something like 21 sites, then it went to 47 sites, and then after SCS came in, a much more thorough and comprehensive survey was done, so I do want to thank your firm for doing that.

Mr. Dega: Well, thank you, and it was --

Dr. Six: Because there was a major amount of sites came out of -- from the original survey.

Mr. Dega: It was people like you and Theresa and community that said, look, there's more out there than 39 sites.

Dr. Six: Like there's one. There's one.

Mr. Dega: Yeah, we ended up -- Ian Bassford in the back there, a future CRC member, led the crew to find 172 new sites and over 900 archaeological features that had been missed from 1972, '78, '82, and 2012, four previous studies.

Dr. Six: Thank you for that.

Mr. Dega: Yeah, thank you.

Dr. Six: And, Charlie, thank you for that.

Mr. Jencks: ...(inaudible)... excuse me, Mike. The comment with respect to, you know, this -- this study and its limits, it's a survey. When I received the approval on the AIS from SHPD, and I was, of course, very happy 'cause it's been a long path from 2000, when I first got involved, to 2015, they said okay you're done. And I said no, no, look, that's not how I want to do business. What I've committed to here is, yeah we have a survey, and now we're going to subdivide, okay; as a part of that subdivision process, there'll be another round of reviews because it's exactly what you just described, you really don't know until you do a much more detailed parcel-by-parcel, I wanna know because it's not -- it's not -- I made the statement when we restarted the AIS process that none of these

sites would be on private property, I mean that, I don't want -- I don't wanna hassle with easements, I want -- I want the cultural community to have access in common area, in the NPPA, we're not done here. There's -- there's going to be future iterations of a more detailed study, we have to because it -- I think -- I think the culture deserves that, so this is just not a survey that we're done. No, no. There'll be more work, so we make sure that we hit those kinds of issues, okay?

Dr. Six: Well, thank you. Thank you so much.

Mr. Jencks: You're welcome.

Chair Sablas: Comments from other Members?

Mr. Lay: A motion.

Chair Sablas: Are we that quick? Commissioner Skowronski.

Mr. Skowronski: Can you give the -- you've been working on this for 16 years, plus or minus, the upshot is that there's 134 acres, plus or minus, that are going to be left intact without ownership and into this conservation easement. Can you flush out where -- where that 134 acres is in relation to the rest of the project?

Mr. Jencks: This is the 670 acres. This is the -- this piece here is the exclusion parcel that's owned by Ulupalakua Ranch. They held that when the State was looking at extending the Piilani Highway up to Kula. They subdivided it out. They actually ... (inaudible) ... this land, they subdivided it but they still own it today. We have an access ... (inaudible) ...

Ms. Cua: Charlie?

Chair Sablas: I think you need to speak in the mike.

Mr. Jencks: So this is the 670 acres. This gray area, Frank, at the far right --

Mr. Skowronski: Right.

Mr. Jencks: Is the NPPA.

Mr. Skowronski: Okay, and that's plus or minus 134 acres?

Mr. Jencks: That's -- it's 134 acres.

Mr. Skowronski: Okay. Is it, geographically, is it above the rest of the project for elevation-wise below the rest of the project?

Mr. Jencks: It runs from the bottom to the top. From here --

Mr. Skowronski: Right.

Mr. Jencks: To here.

Mr. Skowronski: Okay. So is there going to be any kind of plan to, under best management practices, to protect the site during the construction of the rest of the site? Is there going to be some way to prevent runoff or debris or construction --

Mr. Jencks: Yeah.

Mr. Skowronski: Staging, etcetera, etcetera, how is that 134 acres going to be protected during the course of the construction of the rest of the property?

Mr. Jencks: Nothing can take place in the NPPA. There can't be any construction activity, no access through it. It's completely isolated. The balance of the development, from this boundary north, is where the development take place. There's nothing happening in here.

Mr. Skowronski: Okay.

Mr. Jencks: No access through it.

Mr. Skowronski: Well, let's talk about that. You said that you're going to put that into a conservation easement.

Mr. Jencks: That's correct.

Mr. Skowronski: Okay. Are you going to subdivide that out?

Mr. Jencks: It'll have to be subdivided out.

Mr. Skowronski: Okay, so it'll have its own TMK?

Mr. Jencks: That's correct.

Mr. Skowronski: Okay. And are you going to fence it? How do you turn it over to the "new entity?"

Mr. Jencks: Just --

Mr. Skowronski: You're just going to -- I mean --

Mr. Jencks: The -- subsequent to the -- the zoning approval in 2008, we got involved with the Fish and Wildlife Service, and DLNR DOFAW on endangered species, and we are now processing, nearly complete on it, a habitat conservation plan that provides for the management of this NPPA, 134 acres, it'll be totally fenced with I think it's an eight-foot deer fence, that habitat conservation plan provides for the removal of all the ungulates, the deer, whatever pigs are in there, that'll all be removed, all the non-native vegetation will be removed so you'll only have the endemic species.

Mr. Skowronski: But that's -- that cost and -- and that provision is going to be provided by you before it gets turned over to the new entity, or is that part of the plans for the new entity?

Mr. Jencks: It's all -- it'll all incorporated in the plan. We've got a 15-year -- we've got a 15-year initial permit term that we have to manage the NPPA and by that time, the project will be developed out, hopefully, 15 to 18 years, the HILT will hold the conservation easement, the fee title will go to someone else 'cause you -- maybe OHA could be -- who knows?

Mr. Skowronski: Well, that's actually where I'm driving this. This someone else. Someone else is going to be administering, as you said, 155 to 170,000 dollars of the endowment per year. Who -- who is that? How do you control, I mean how do you know --

Mr. Jencks: The endowment funds will go to the National Wildlife Foundation. They will then pay out the monies to a management entity, and, right now, it's Pono Pacific, it is a management entity that manages areas just like this in Hawaii. The easement will be held by HILT, who will be responsible for the management of this to Fish and Wildlife Service and DLNR DOFAW. If they fail to manage this properly, it directly affects my project, so I have no interest in giving this to anyone who won't do the job because if they don't do their job, I'm going to be the one that's in trouble.

Mr. Skowronski: Well, my question is is there going to be some sort of overview or some sort of management review as to how the property's being managed, how it's going to be maintained, who's granting access, you know, I mean is there going to be someone watching who's spending the money?

Mr. Jencks: Yes.

Mr. Skowronski: Who -- who is that?

Mr. Jencks: I have --

Mr. Skowronski: Is that a function of the -- of the County of Maui?

Mr. Jencks: No. It's the Federal Government and the State of Hawaii because of the Endangered Species Act; very strictly regulated and monitored by those agencies, and, as I said, HILT and Pono Pacific. They have a tech conservation plan. If you'd like a copy, I can send you a copy. It's a very complex document. A very complete document. It provides all the guidelines. And in addition to that document, we have a native plant conservation plan, which is the management plan for the HCP. I can send you those documents but they're very complex and very complete; addressing all of the concerns of Fish and Wildlife and DOFAW.

Mr. Skowronski: Well my -- my concern and the reason for the questioning is you made a comment of further entitlement and funding of -- of the endowment and the mitigation, and based on previous projects that have been either abandoned or mismanaged or whatever with cultural resources, my concern is the 670 is now being turned over to its "original conditions for 134 acres" and I'm just curious as to who's going to manage and who's fiscally responsible for the endowment. The endowments coming from a --

Mr. Jencks: The owner.

Mr. Skowronski: From the owner? And that endowment is secured and -- and --

Mr. Jencks: Yep.

Mr. Skowronski: Okay.

Dr. Six: What if there's a change in ownership?

Mr. Jencks: It all -- nothing changes.

Dr. Six: It runs with it?

Mr. Jencks: It runs with the land.

Dr. Six: The only reason I bring that up is because having been involved when I was at the college with Palauea and the college was trying to take over and it going to OHA and it's still -- it's still not a Hawaiian heritage --

Mr. Jencks: Yeah. Right.

Dr. Six: It was promised 25 years ago so I'm always concerned when oh we're going to preserve it and then nothing is done and, you know. It's nice to hear that they're going to be fencing it.

Mr. Jencks: Yeah, absolutely.

Dr. Six: You know because of the -- I used to see a lot of deer skeletons up there --

Mr. Jencks: Yep.

Dr. Six: And, you know, that it's going to be --

Mr. Jencks: I have to get through the Endangered Species Review Committee, I'm going for my fourth meeting with the ESRC; they then will approve the habitat conservation plan/incidental take license because of the endangered species; they will then refer that document to the State Land Board, who has to formally accept it, and at that time, once the permit -- before I start any work on this project, all of the provisions of the HCP have to be in place.

Mr. Skowronski: The three sides of this parcel, this remnant 134-acre parcel, the three sides that are not abutting the 670 and your ownership, who owns those? Who abuts those three sides?

Mr. Jencks: Makena Resort here and here, and Wailea Resort here.

Dr. Six: And Maui Meadows on that end.

Mr. Jencks: Well --

Dr. Six: No, I mean for people, not in the preserve, but of this parcel that's going to be --

Mr. Jencks: Yeah, Maui Meadows at the northern end.

Dr. Six: ...(inaudible)... Maui Meadows.

Ms. Thomson: Can I -- I wanted to just add something kind of to bring our focus back to what the CRC's job is today. The conservation easement is also another condition of zoning, it's Condition No. 27, there are lots of different agencies and different requirements attached to this project, but the CRC's job today is to look at Condition No. 13 and the cultural resources preservation plan and judge it to be either adequate or inadequate, so you're going to be either accepting that document or not accepting it, or you can defer if there is additional information or something that you're not getting answers to today, but that's -- that's what our job is today.

Chair Sablas: Any other comments from Commissioners? I had one, Mr. Jencks. I commend you really for reaching out to the community and others, stakeholders, but I was curious, I'm always interested in reading the oral histories of old-timers or genealogy, why only -- why were there only six oral interviews noted in the report?

Mr. Jencks: The -- the six interviews that you see in the CRPP came from the cultural impact assessment that was done for the project EIS in 2007-2008, okay. Subsequent to that, we had meetings and interviewed people; actually, at the direction of the CRC, we interviewed two additional people, and the transcripts are provided in the appendices, so there's -- there's a lot of oral history knowledge in the appendices, in transcripts 'cause I had all of it done by a court reporter.

Chair Sablas: Thank you. I apologize. I didn't --

Mr. Jencks: You're welcome. No, that's no problem. No problem.

Chair Sablas: Read appendices, I didn't open that, so I was just curious.

Mr. Jencks: There's a lot. There's a lot in there. We had meetings in my office, in the conference room for I think maybe four or five nights. I invited everybody to come in that knew anything about this property. Just tell us what you know. Tell us what you've learned about the property.

Chair Sablas: Well, it's evident through your hard work because look at -- we don't have that audience today, so thank you.

Mr. Jencks: Yeah, well I --

Chair Sablas: Yes.

Mr. Jencks: It's going pretty well I think.

Dr. Six: How many -- how many endangered species are in the preserve? Do you know?

Mr. Jencks: We have one known awikiwiki, and then we also have the Blackburn's sphinx moth.

Dr. Six: Sphinx moth. Yeah.

Mr. Jencks: Now --

Dr. Six: You're not counting the wiliwili as endangered?

Mr. Jencks: No, no, no. They're not listed, but they're protected. They're in there. Actually, in the area north of the NPPA, here in this line, there's a -- there's a wall, a mauka-makai wall, that is a future development area; none of the lots encumber any of the sites; none of the lots encumber any of the awikiwiki; it's all in common area if it is there. What we tried to do was plan around everything.

Dr. Six: There's also a number of gulches that you're not going to be impacting as well that are not within the preserve. Correct?

Mr. Jencks: That's correct.

Dr. Six: And also there's a buffer on the Maui Meadow side as well.

Mr. Jencks: Yeah, let me get that map. Hold on.

Dr. Six: Just because there was a number of different things that they're doing to try to have as low impact as possible.

Mr. Jencks: This is the -- this the current site plan. Now, you'll note on here there is no golf course. It had an 18-hole --

Dr. Six: I'm sorry. I don't golf.

Mr. Jencks: It had an 18-hole Tom Weiskopf 7,000-yard golf course; that's gone in favor of the 134-acre NPPA and a golf amenity located right here. All of these lines that you see, the green lines running mauka-makai, those are drainages; all of those drainages have trails on them; there's about 12 miles of trails in common area in the project plan. You heard me mention the Kanaio-Kalama Park Trail, that's this trail right here. It goes through the NPPA, and then working with Sierra Club and Maui Unite, we found a way to get it from -- 'cause they're position was it went from the southern end to the northern end of the property, we worked a way to get that same trail, not in the same alignment 'cause a lot of it's been destroyed, but we recreated it in easements so we can get from the southern end of the property to the northern end of the property via the same trail. So there's about 12 miles. They follow drainage ways. They follow roadways, collector roads. A lot of opportunity for getting in and out of the project and, as you mentioned, there's a 116-foot wide buffer from the Maui Meadows boundary into the project, which is going to be remained in open space, be landscaped, and have trails in there so people can connect from Maui Meadows into the project.

Dr. Six: I mean my walking that property too, I just know there's lots of features, as you mentioned, in the gulches.

Mr. Jencks: Yeah.

Dr. Six: So thank you.

Chair Sablas: Thank you. Thank you, Members. No further comments, questions? Are we ready?

Dr. Six: Can I make a motion?

Chair Sablas: Yes, it's last. Go for it. Go for it.

Dr. Six: 'Cause I love to hear myself talk. I move that we accept the preservation plan.

Chair Sablas: Do I hear a second?

Ms. Thomson: You need to adopt it.

Dr. Six: Oh, excuse me. I -- let me change that. Thank you, legal counsel.

Ms. Thomson: You're welcome.

Dr. Six: I would move that we adopt the preservation plan that's before us.

Chair Sablas: Do I hear a second?

Ms. Kajiwara-Gusman: Second.

Chair Sablas: Okay. All in favor of the motion?

Ms. Thomson: Any discussion.

Chair Sablas: I mean, sorry. Thank you, Corp Counsel. I'm so excited we're moving. Further discussion before we call for the vote? Wow, this group is easy. Okay, all in favor, say aye. Any opposed? Congratulations.

It has been moved by Commissioner Janet Six, seconded Commissioner Christy Kajiwara-Gusman, then

VOTED: to adopt the Cultural Resources Preservation Plan for the proposed Honuaula Project (formerly Wailea 670).

**(Assenting - C. Kajiwara-Gusman; I. Lay; M. Ropa; J. Six; F. Skowronski)
(Excused - T. Bailey; C. Lima; L. Kawaa)**

Chair Sablas: Thank you for all that you've done. Thank you very much.

Dr. Six: Thanks for doing the right thing,

Chair Sablas: Thank you.

E. NEXT MEETING DATE: April 5, 2018

F. ADJOURNMENT

Chair Sablas: Well, the next item on the agenda is the next meeting date of April 5th so -
-

Dr. Six: I won't be here.

Chair Sablas: You won't be here.

Dr. Six: ...(inaudible)...

Chair Sablas: So, with that, meeting is adjourned.

The meeting was adjourned at approximately 12:00 p.m.

Submitted by,

SUZETTE ESMERALDA
Secretary to Boards & Commissions II

RECORD OF ATTENDANCE:

Present:

Lori Sablas, Chairperson
Ivan Lay, Vice-Chairperson
Christy Kajiwara-Gusman
Michael "Kaleo" Ropa
Dr. Janet Six
Frank Skowronski

Absent(A)/Excused(E):

Timothy Bailey (E)
Luana Kawaa (A)
Cheney-Ann Lima (E)

Others:

Michele McLean, Deputy Planning Director

Garrett Smith, Planner, Long-Range Division

Ann Cua, Planner, Current Division

Annalise Kehler, Cultural Resources Planner, Long-Range Division

Richelle Thomson, Deputy Corporation Counsel

Mimi Desjardins, Deputy Corporation Counsel

Suzette Esmeralda, Secretary to Boards & Commissions II