

(APPROVED: 07/03/08)

**CULTURAL RESOURCES COMMISSION
REGULAR MEETING
APRIL 3, 2008**

*** All documents, including written testimony, that was submitted for or at this meeting are filed in the minutes file and are available for public viewing at the Maui County Department of Planning, 250 S. High St., Wailuku, Maui, Hawaii. ***

A. CALL TO ORDER

The regular meeting of the Cultural Resources Commission (Commission) was called to order by Chairperson Samuel Kalalau, III, at approximately 9:08 a.m., Thursday, April 3, 2008, in the Planning Department Conference Room, first floor, Kalana Pakui Building, 250 South High Street, Wailuku, Island of Maui.

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

Mr. Samuel Kalalau III: Good morning, everyone. Welcome to the April County Resource -- Cultural Resources Commission meeting. Will the meeting please come to order? First thing we're gonna take here is we're gonna introduce our new member: Raymond Hutaff.

B. INTRODUCTION OF NEW COMMISSION MEMBER RAYMOND HUTAFF

Mr. Raymond Hutaff: Hutaff is fine. Ray is better.

Mr. Kalalau: Okay, Ray. Ray, okay, welcome aboard.

Mr. Hutaff: Mahalo.

Mr. Kalalau: And the next thing we're gonna take here is we need to elect new officers, Chair and Vice-Chair, for this Commission.

C. ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON FOR THE 2008-2009 BOARD YEAR

Mr. Kalalau: We have senior people that will be getting off next year and we have some new ones like Ray just came on. So, Commissioners, we will now open the floor for any nominations. Do I have to -- Okay, first of all, we're gonna elect the chairperson first. Okay, nominations are now open for a chairperson.

Mr. Perry Artates: Chair, I nominate yourself, Kalalau.

Mr. Erik Fredericksen: Second.

Mr. Kalalau: Do we have any more nominations?

Ms. Veronica Marquez: I move that the nominations be closed.

Mr. Fredericksen: Second.

Mr. Kalalau: It has been moved and second that, I guess, myself, Sam Kalalau, has been nominated to be the Chairperson for the Cultural Resources Commission.

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

It has been moved by Mr. Artates, seconded by Mr. Fredericksen, then unanimously

VOTED: To re-elect Samuel Kalalau III as Chairperson for 2008-2009 year.

Mr. Kalalau: Motion passed. The floor is now open for chairperson -- vice-chair.

Ms. Marquez: I nominate Erik for vice-chair.

Mr. Nani Watanabe: I second.

Mr. Perry Artates: I move the nominations be closed.

Mr. Kalalau: It's been moved and second that the nominations -- and nominations be closed.

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

It has been moved by Ms. Marquez, seconded by Ms. Watanabe, then unanimously

VOTED: To elect Erik Fredericksen as Vice-Chairperson for the 2008-2009 year.

Mr. Kalalau: Okay, passed. Erik, you're the new Vice-Chair now.

Mr. Fredericksen: Okay, thanks, I think.

Mr. Kalalau: Okay, Commissioners, the next item is we have our minutes to approve--the February 7th minutes.

**D. APPROVAL OF MINUTES OF THE FEBRUARY 7, 2008 REGULAR MEETING,
AND FEBRUARY 21, 2008 SPECIAL MEETING**

Mr. Kalalau: Anyone wants to make a motion? Veronica?

Ms. Marquez: I move that we approve the minutes of February 7 and 21, 2008.

Mr. Artates: Second.

Mr. Kalalau: It has been moved and second. Any discussion? The Chair has some comments to say. Being that this special meeting dealt with the Molokai Land, Inc. applicant, this is for the staff, what happens to that EIS being that, you know, what happened over there on Molokai? Do we still comment on it or --

Mr. Stanley Solamillo: I mean the comments went in. They were sent. And they accompanied the comments that were generated by the Planning Department, in general. And that's -- that pretty much ends our review at this time. I don't know what happens further.

Mr. Kalalau: Okay, Erik?

Mr. Fredericksen: Well, Stan, will we have an opportunity to -- I'm assuming we're gonna be able to see the next version of this EIS if it --

Mr. Solamillo: If it comes back.

Mr. Fredericksen: If it does go back. So if it's final, what happens?

Mr. Solamillo: If it's final, you'll have an opportunity to comment on it again, I believe, but the details of that, I'm not really sure. I can't really address --

Mr. Fredericksen: Is there a way that you could find out at some, you know, point in somewhere near future?

Mr. Solamillo: I can do that.

Mr. Fredericksen: I know you don't have anything to do.

Mr. Kalalau: Okay, thank you. Any more discussion?

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

It was moved by Ms. Marquez, seconded by Mr. Artates, then unanimously

VOTED: To approve the minutes of February 7 and February 21, 2008.

Mr. Kalalau: Motion passed. Stan, are we gonna move an agenda item?

Mr. Solamillo: Yeah, at the request of an applicant who is listed under Communications, there's been a request because of time constraints that Ms. Laura Mau of Wilson Okamoto Corporation is allowed to present a status report on the Lahaina Bypass.

Mr. Kalalau: Okay, Commissioners, I think we're gonna have to make a motion to move that item forward.

Mr. Artates: I so move.

Ms. Marquez: Second.

Mr. Kalalau: It's moved and second.

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

It has been moved by Mr. Artates, seconded by Ms. Marquez, then unanimously

VOTED: To move Item F.1.a. to this point of the agenda.

Mr. Kalalau: Okay, motion passed. So, Stan, do we have representatives here?

Mr. Solamillo: Yes, we have Laura Mau, of Wilson Okamoto Corporation, and she'll be presenting a status report on the Lahaina Bypass.

Mr. Kalalau: Okay, thank you.

F. COMMUNICATIONS

1. PRESENTATIONS

a. MS. LAURA MAU of WILSON OKAMOTO CORPORATION presenting status report on the Lahaina Bypass

Ms. Laura Mau: Good morning, CRC Members, Chair Kalalau. Thank you for the opportunity to come before you and brief you on the Lahaina Bypass Project. My name is Laura Mau. I'm a Senior Planner with the firm Wilson Okamoto Corporation in Honolulu. We're part of the design build team that's headed by Hawaiian Dredging Corporation to --

and we were contracted by the State Department of Transportation to complete the design of this first phase of the project, as well as start construction.

With me here today from the State of Hawaii, Ms. Charlene Shibuya, the Assistant District Engineer from Maui. Freddy Cajigal, the District Engineer, wasn't able to join us this morning. Also from Wilson Okamoto, I have Ron Sato here to my left. He's one of the project managers on this job. From Cultural Surveys Hawaii, Maui Office, we have Ms. Tanya Lee-Greig, who is the Director of the CRC Maui Office and the lead archaeologist on this project. Also, we have Mr. Jonathan Corpuz representing Hawaiian Dredging Construction Company.

The purpose of today's meeting is to brief the -- you, the Commission, regarding this project and our outreach and consultation to the lineal descendants; to update you on the different archaeological field work and research that we've been doing over the last several months; and to introduce you to the different alternatives that we've been evaluating so that we can avoid archaeological sites that we've discovered recently.

To familiarize you with the project, this is the entire corridor that runs from Laniupoko to the south, to Honokowai in the north. It's a -- the corridor is approximately ten miles long. The portion that we're tasked to design and build is just this Phase 1A, which is approximately, a half-mile long. This is an aerial plan view of the project in the context of the Lahaina Town area. The project is shown here in red. Honoapiilani Highway is shown here in the yellow dashed line. Lahainaluna Road runs perpendicular here. Kahoma and Kanaha are shown in blue. And the green dashed line you see is the future Keawe Street Extension Project. The Lahainaluna School Complex is located at the top of the screen here.

The purpose of this first phase is to reduce the congestion that's currently experienced at this intersection of Honoapiilani Highway and Lahainaluna Road. Once this road is put in, it's envisioned to provide an alternative venue for drivers to drive from Honoapiilani Highway up to the Lahainaluna School Complex, and back down. The same traffic congestion occurs primarily during the morning and peak hours in the area. And this is a close-up of that earlier slide showing again the project here in red, the future Keawe Street Extension Connection shown in green, Kahoma Stream here, and this concrete area is the Kahoma Flood Control Project.

We have been -- excuse me. When we started the project last year, we had a public information meeting in April, and this was to inform the public at that time that we were ready to start construction in the summer. Shortly after the meeting, the public information meeting, we went to the State Historic Preservation Division, SHPD, Maui Archaeologist, who was Melissa Kirkendahl at that time, just to go over what the -- what was at the time, limited to data recovery requirements that were remaining on this project. During that

meeting, Ms. Kirkendahl suggested that our archaeologist go out and resurvey the site to confirm that what we were tasked to do, based on previous archaeological research done by a separate archaeologist, was consistent and what we would be continuing to study as part of our phase of the project.

When we went out, or when our archaeologist went out -- I'm sorry. Let me back up. The -- what you see here is the project site that's shown in red--a faint, red line here--and this red spot here is what was required to be data recovered as part of the earlier archaeological recommendation. And this was all recorded as part of a supplemental EIS and a record of decision that was dated 2002 and 2003, respectively. When our -- when Cultural Surveys Hawaii went out to resurvey the site, what they found was this additional green area, the light -- the lime green area, which was not recorded in the prior archaeology report. In addition what was found was within this red area, a number of different features within a main rock-walled feature, and I'll go over that in a little while.

This is a close up of that site, of the prior map, rather. The project site here shown in red. This lower band is the right-of-way which is about a 150 feet. This trapezoidal piece just upwards of the right-of-way is a sloped easement. Again, that red spot is what was defined in the earlier archaeological survey as requiring or recommended for data recovery. The portion that was identified in the subsequent field survey last year by Cultural Surveys is shown here in green.

Mr. Fredericksen: Excuse me?

Ms. Mau: Yes?

Mr. Fredericksen: Laura, hi. Good morning. I've got a question. When was the earlier survey carried out and who carried it out?

Ms. Mau: It was done over a course of a few years, but it started in approximately, 19 -- early to mid-1990s, and it was done by Paul Rosendahl.

Mr. Fredericksen: Thanks.

Ms. Mau: Also shown here are some additional previously discovered sites which are shown with the white labeling. We have -- I'm sorry. My laser pointer is not cooperating today. This proposed triangle is noted as Site 25 -- 2485, which is a walled enclosure. We've since discovered, after contacting the lineal descendants, that it's actually a family cemetery that's tied to the family ohana. Also shown here is this green square shape. That's known as the -- it's a terraced system. And we know now that the Site 1776 is tied to the Kaya Family who we've also been in consultation with. And there is a burial mound or burial feature located here labeled as Site 2486. The Kahoma Complex located farther

mauka upstream. This is mauka of the confluence of Kahoma and Kanaha. And we have this historic road. All of these features are considered to be outside the APE or area of potential effect. So the portions -- the two sites that we're focusing on are here.

This is a sketch of Site 2484 that was prepared by Cultural Surveys Hawaii. The portion that was identified in the earlier study was actually this sort of L-shaped wall feature. It's a remnant rockwall feature. That's how it was described in the earlier documentation. What you see within the walled-feature is a -- are a number of different terraces that are fairly intact, as well as at that time, there was a rectangular-walled feature within the center of the site right here. Cultural Surveys Hawaii did some test borings, and also tested beneath this rectangular feature to confirm the presence or absence of iwi within that site. When we first went out to the site, because of its location and its distinct rectangular feature within the terraced system, Tanya felt that there was a very good chance of there being iwi there. Prior to testing within the site, however, she did some shovel tests around the area, and determined that there was a shallow layer of soil. So if that layer had continued within the rectangular feature, she felt that the possibility of there being iwi at that point would be reduced. And if you have questions about the method of her testing, I can bring her up later on. So what she determined within that rectangular feature was negative for iwi and cultural deposits. There has also been some data recovery that's gone on on the walled area. And Tanya can come up to speak about that as well.

This is a schematic of Site 6277 that was also prepared by Cultural Surveys. The portion that's shown in this brownish band is the 150-foot road right-of-way. The portion in the yellow band is the sloped easement. Total area -- total APE here is approximately, two acres and -- of entire estimated limit of 30 acres for Site 6277. Within the two acres that Cultural Surveys sketched, you can see there are -- there are a vast number of terraces estimated at about 400 terraces with an intact auwai system.

As part of -- because the Lahaina Bypass is being funded by -- with Federal monies through FHWA, anytime you find an archaeological site, or a public park, other types of public lands, the project automatically gets kicked into what's called a 4F process or a section, which refers to Section 4F of the Department of Transportation Act, whereby the applicant, in this case would be DOT, is required to go back and re-evaluate the site to avoid the 4F property. In this case, Site 6277 is what's being considered the 4F property. So our design team went back to the drawing board to see if we could come up with different alternatives to avoid the site, and also minimize or avoid other impacts that may be triggered by the realignment. So the next series of slides I'm gonna show you are basically different versions of how we were able to turn the road and avoid Site 6277. We actually came up with about six or eight different versions, but I've limited what I'm gonna show you today just for time -- in the efficiency of time.

This first alternative would basically skew the road from Lahainaluna Road shown here, would curb the road makai bound, thereby avoiding Site 6277. In this alternative, however, there would be great impact to the residents along the mauka and makai areas of Ikena Avenue. Some of you might recall many years ago there was some relocation of a number of residents along Ikena Avenue and the State decided that they did not want to impact any more residents because of this road.

This is an earlier -- this is a different version of that earlier alternative. Again you see we're still able to avoid the site, but there are impacts to residents here, as well as Kelaweau Mauka Park, which is considered another 4F property because it is a public recreation site.

This is a couplet version that we did to see if we could maybe minimize the road right-of-way here, and allow for one-way travel in each direction. This still avoids 6277, but it also would take out more homes that are located makai of the Kelaweau Mauka Park.

So these first three alternatives were excluded from consideration because of the impacts to the families, to the other 4F site, the Kelaweau Mauka Park site, as well as we had a couple of other versions that showed impact to the two water tank sites here.

This one too -- what we did was move the road entirely down where we would abandon this alternative or this alignment, and bring the road completely down to an area makai of the Kelaweau Mauka Park. But again, this was not selected for consideration because of the impacts to the families along here.

So our team went back to the drawing board again to see if we could try and refine our alignment and hold the existing alignment from Lahainaluna Road to Kahoma Stream thereby retaining the existing homes intact, Kelaweau Mauka Park shown here, and the two water tanks. So in the next three slides what you'll see is a downturn. We're calling these "downturns" in the alternative alignment which still would avoid 6277 and the same action would also avoid Site 62 -- 60 -- I'm sorry, 2484 shown here. In this alternative, the road would curb makai bound toward Kelaweau Mauka Park, it would be a roundabout feature to allow for traffic flow, and then it would connect up to the Keawe Street Extension here. The subsequent phase for this project, Phase 1C, would tie into the roundabout feature here.

This is another version of that turned down where again we would be able to retain the alignment from Lahainaluna Road to Kahoma Stream, and curb the road from the stream makai bound, and tie in this way. And we would still be avoiding Site 6277 and 2484. And another version of that where we're still turning down. We're still able to completely avoid the two archaeological sites and tie into Keawe Street here.

Mr. Fredericksen: Excuse me, Laura?

Ms. Mau: Yes?

Mr. Fredericksen: In these alternatives that you've depicted up there which avoid the previously identified sites, are these alternatives in areas that have been surveyed most recently? Or are we talking survey -- that 19 -- mid-1990's survey? Which?

Ms. Mau: This -- these last three alternatives, we would need to go out and resurvey them. They were not included in the prior archaeological study. And what we're trying to do right now is narrow down these last few alternatives to see which one is most feasible and prudent according to Section 4F, and then we'll need to do an EA to assess the impacts. As part of that effort, we would need to do more archaeological research.

Mr. Fredericksen: Yeah, I would -- just given what's been found so far in this area -- I mean, this is a classic example of the cultural landscape, what's left, after lots of impacts from mechanization, etc., over the years. It might be a good idea to look at the area from an archaeological perspective before spending, you know, tons and tons of money on the engineering, etc. There could be some -- quite a bit more there. There may not be, but until that's been ascertained.

Ms. Mau: Yeah, that's a good point, and that's why we were proceeding along these routes where we would need to do more arch. surveys prior to -- well, to support the EA, and then make that final decision as we move forward with refining the design.

I have one more alternative after this. And basically, it's the same concept where we're turning down the road shown here in pink, and connecting up to Keawe Street here. What this alternative does that the other three do not is it avoids this push pile shown here. Let me back up so you can see better. This is the location of the push pile in this alternative shown here, and this alternative which, although it's still out of the right-of-way, it still might be within the APE because we're gonna need some slope easements. We're gonna need to do some filling. Primarily filling, but some excavation too. And then here it is again in this shot.

In our consultation with the families, one family came forward and said that they were concerned that the push pile may contain some possible family iwi. So we're trying to coordinate with SHPD on that to do some testing. So what --

Mr. Fredericksen: Excuse me, Laura. Yeah, she just brought up a really interesting point, and it's something that's kind of been skirted around by some landowners in West Maui. Some of these push piles were placed there maybe just for no reason, but some of them might've been put there because there could've been some iwi there before. We've worked on projects before, I mean, not where you have these massive push piles, but other agricultural clear piles from the 19 -- early 1900's. And in a couple cases, there were

actually some graves under those piles that have been put there during agricultural activities, but, you know, I'm sure the folks that did that knew about it. And so that could be the case. I mean, not necessarily every single one of these big rock, you know, big boulder piles, but again, there's no way to go, oh, there's not iwi under any. I mean, we've done two surveys. I'll just be real quick about this. Just on the -- to the -- as we're looking at the lower right, the old cane fields there, and we've found two human burials in each of the different separate surveys. And that's just testing an old cane -- sugarcane land, you know, they were plopped here and there. So it's -- it's a very, very high likelihood that there are burials in abandoned sugarcane areas.

Ms. Mau: Erik, can I ask you a question? Where were those two push piles that you folks tested?

Mr. Fredericksen: Okay, the ones I was talking about had been Upcountry in old pineapple -- pineapple fields. Pineapple fields subsequently came in after, but before that there was agricultural activity from basically, mostly, potatoes in the mid to late 1800's. But the two projects I'm talking about, one, is Lahaina Flood Control Project.

Ms. Mau: You mean Kahoma Flood Control Project?

Mr. Fredericksen: No, Lahaina Flood Control. It goes through the Wainee side of all of this which would be as you're looking towards -- mauka towards Lahainaluna Road, it would be the area on the right.

Ms. Mau: Yeah, thank you, Erik. And you bring up a good point. Although this area has all been previously cultivated, we never underestimate the possibility of there being iwi below the plow line.

Mr. Fredericksen: One more thing. This other inventory survey we're working on, we're starting to get the report together now, that is on -- to the right, the Olowalu side of Lahainaluna Road in the area that's near the park and mauka of the Aquatic Center, we identified a burial there as well, and we've also located some remnant habitation, subsurface habitation deposits below the plow zone in areas where maybe the soil was -- they didn't make the depth too deeply, and there are still some remnant subsurface habitation deposits there. So just because it's an area -- that also was the case in Olowalu that just because an area's been impacted by sugarcane, especially in areas near these major streams in -- on Lahaina side, doesn't mean that there's not anything there even if the surface has been, you know, heavily, heavily impacted by sugarcane for a hundred years.

Ms. Mau: Okay, so getting back to this F4 Alternative, what -- we felt that what this offered was a very good feasible, prudent, viable alternative that would not only avoid the 4F site,

it would also maintain the existing homes intact. It would allow for us to also maintain the tie-in here for DOT's future 1B Phase to the south of the project, as well as do the tie-in to Phase 1C as close as possible to where it was originally intended to tie in. And it also helped us to maintain the Keawe Street Extension Connection here while also avoiding this potentially sensitive area. I should mention also the County did their own EA along Keawe Street last year. I believe that EA was FONSI'd late last year. And they did some -- a number of different trenching units along the corridor and found it to be negative for iwi within the test units. So while we are --

Mr. Fredericksen: Oh, excuse me. Just another quick comment. Do you know how many test trenches they did?

Ms. Mau: I think it was seven or eight.

Mr. Fredericksen: And how long was the area?

Ms. Mau: How long is Keawe Street?

Mr. Fredericksen: Well, the area that -- the corridor that they looked at.

Ms. Mau: I'm not sure.

Mr. Fredericksen: Yeah, the -- I mean, seven or eight trenches in that amount of area is essentially, nothing. I mean, we did an -- a whole bunch of backhoe test trenching on this 400 and some-odd-acre project area that we're working on. It's -- it would be makai of the yellow area to the right area of the pink area that you're looking at.

Ms. Mau: In here?

Mr. Fredericksen: No, in the open area. The old sugarcane field to the right, your right. Yeah, down in that area. And we did -- I think it was a little -- maybe over 200 backhoe trenches, which is still not that many, but we found a burial, and then like I said, these subsurface habitation site remnants. The point is, in this area, I don't know what the Land Commission Award set up is like in that -- the Keawe Street area, but on the other side, there are Land Commission Awards all over because there were meanders from Kauaula Stream. But I'm sure there was before Kahoma got messed up in the flood control by the Flood Control Project, there would've certainly been meanders over there, too, especially with that huge agricultural system, that complex that's mauka. But just because there were no -- I mean, there was nothing found in seven trenches doesn't mean there's nothing there. I mean, there's a situation where because of the impact from all the sugarcane, you've got an -- you don't have like a constant subsurface site that's there. You just have

remnants of it, if there is anything left. So that seven or eight trenches is not a very large sample.

Ms. Mau: I'm sorry. If I could clarify? I didn't mean to reference that to diminish the possibility of -- based on previous studies. I just wanted to mention that there has been other work and we've been coordinating with the County on that. We are still gonna be doing our own archaeological inventory survey plan that'll include a number of different testing areas and we're coordinating closely with SHPD on that.

Mr. Fredericksen: Okay.

Ms. Mau: Thank you. So that basically ends the -- or is where we are with the alternatives analysis process. Oh, I'm sorry. There was one more where it's basically the same alignment except the roundabout feature here is being looked at as a key intersection instead to see if the flow of traffic would move as well. It also minimizes the APE. And there's some other design issues as well. What we're trying to do with these different alternatives is balance the different parameters that we're required to design within. While the archaeological and cultural concerns are of utmost importance to us, and to DOT, and FHWA as well, and also strictly required by the 4F process from FHWA standpoint, DOT is also challenged to balance not only those issues, but other community issues as well in terms of function and operation of this roadway; other environmental and community impacts; minimize the amount of disruption in the area; and to keep the flow of traffic moving; and be mindful of the northern and southern connections of the road as well all while trying to design within the minimum criteria that's set before us for civil design, as well as structural design of the bridge. So there's just a number of different moving parts that we're needing to combine to come up with the best alternative here.

What I wanted to do was go over the -- what we've learned from the consultation process with the families. We've had a number of different meetings with them, and a number of phone calls with different individuals. And I just wanted to take this opportunity to thank those family members, some of which are here behind me. Some of whom I haven't met because I understand there's a very large family that's tied to this area. I wanted to recognize Keeaumoku Kapu and his wife Uilani as well who helped me to outreach and identify the families of lineal descendants from this area. It was very hard for me in the beginning to contact anyone and to get a reply back. But after Keeaumoku as well as Jonah Keahi and Foster Ampong got involved, more people started to reply, and I was able to get a clearer list of the kanaka maoli that were tied to this area.

That said, we've had a total of four meetings since October of last year. Three of those meetings were attended by a handful of family members--about ten people, give or take. Our last meeting was in February, February 13, where we had about 50 family members attend. That was both a surprise, but a good thing that that happened, because it really

helped us to outreach to more of the family members. And in a minute, I'll kind of go over what their major concerns were that they shared with us. And like I said, we've had many calls with certain individuals in the family that have given their time and their -- shared their mana`o with us as well. So I really wanna thank them for that. I know it's been a very difficult and emotional thing for them. It's a very sensitive issue. Because this area is so significant, we're trying to be mindful and sensitive to that issue. On a personal level, I feel like I've gotten to know a couple of -- a few of them well. And it's always an education as I talk with them and learn more about what's happened in the families.

With that, I wanted to -- excuse me? Ron just reminded me this -- we're doing this as part of our 106 consultation because this is -- this does trigger the Historic Preservation Act. So as we outreach to the families and other native Hawaiian and cultural organizations, we're including all of this as part of the consultation process and documenting it appropriately.

Mr. Kalalau: We have a question. Veronica?

Ms. Mau: I'm sorry. Go ahead.

Ms. Marquez: So in regards to your mana`o consulting with the ohana, being kanaka maoli, did you consult with like all of the ohana? Did a representative from each ohana in that area come to the mana`o?

Ms. Mau: At this point, I would like to say yes, but I'm really not sure. Initially, when -- the first three meetings, when I talked with Keeaumoku, and Foster, Jonah, we thought that we had a pretty good representation of all of the family members. At the last meeting, however, it was brought to our attention there are others that we really needed to include. So we're open to continuing that discussion, but right now, I think things are on hold because the last meeting was very -- was very emotionally-charged, understandably. So while I'm not pushing it, and the families have kind of -- I think they just wanted to let it be, let it soak in, and they're having their own kuka sessions as well. I think that's really important for them to discuss internally without the design team there as well.

Ms. Marquez: Mahalo.

Ms. Mau: I wanted to add to that. I think now would be a really good time for DOT to issue a public notice to the different lineal descendants to include more outreach. So we are -- we're starting that process.

Mr. Kalalau: Okay.

Ms. Mau: Yes?

Mr. Artates: Laura, does any one of the families wanna come up and kinda speak on their behalf of what has been discussed in your consultation?

Ms. Mau: I'm sure they do. Prior to that, may I just go down some of the major concerns that we've learned from them? There was -- there were a lot of different information and ideas and concerns that were expressed but a major one included many of the family members are strongly opposed to this road being anywhere in the mauka areas. Some are opposed to the road at all. Those that understand the need for the road would consider another alternative that wasn't included in any of the ones that I've shown you. It would basically include only the Cane Haul Road or the Haul Cane Road action that's located along here, which is basically the one that was -- it was assessed in a very early EIS that was prepared in 1990 by another team. At that time, the road was assessed along with a couple of alternatives. The road at that time or the alternative at that time was eliminated because of its proximity to Honoapiilani Highway. It was determined that it was in such close proximity to the existing highway that the distances between Honoapiilani and the Haul Cane Road were insufficient to provide that kind of traffic relief and the operation of that road as a bypass. The other reason for its elimination was because of the impact to the mill operations at that time were going very strong. Today, however, that point is moot because the mill is no longer in operation.

That said, we, the team, realizes the significance of revisiting this Cane Haul Road and we have been looking at it again. We didn't wanna just dismiss it based on the earlier reasons so we have been looking back at it and taking a closer look, and we have shared these ideas with the families as well. The design team's concern continues to be the proximity to Honoapiilani Highway. The location of this Cane Haul Road hasn't changed so we're still dealing with the challenge of it being so close to Honoapiilani Highway and trying to -- to figure out a way to make it more operationally efficient. There's nothing we can do about moving the road though because we'd still have -- here along Lahainaluna Road, the distance between Honoapiilani Highway and the Haul Cane Road is about 300 feet. Minimum distance to put in -- to kinda put it into perspective, from a design standpoint, it would require about a thousand feet to do two major highways that close together. So that remains a challenge for us and it's still a valid reason for not using this as an alternative.

Mr. Fredericksen: Excuse me. I have a question, Laura. Why? Why, you know, so what if it's 300 feet? I'm just putting out a straw, strawman, so what? So what if it's 300 feet?

Ms. Mau: Well, because the distance -- if you have a -- say a residential type road or a smaller connector road, 300 feet would probably be, I'm not an engineer, but it would probably be workable. When you have two major highways like this, one of them that's already in existence and a new one coming in, you need more than the 300 feet is what I'm being told by our engineers to hold to the standards.

Mr. Fredericksen: Okay, so this is -- this sounds like this is something that the Feds are saying that it has to -- it's like all this stuff like the Hana bridges where it's -- the bridges, if they want it to be historic should be X-width if you're going to get Federal funds and unless ...(inaudible)...

Ms. Mau: It's not just Federal, it's also State, but it's just the design standards in order to do something that's safe. But if I can proceed with some other concerns that we have with this.

Mr. Fredericksen: Thanks.

Ms. Mau: As Erik mentioned earlier, the number of LCA's in this lower area is quite intense. As you move from the mauka area to the makai area, you can see there's an obvious pattern of intensity in the LCA and, Stan? Is Stan in the room? Okay, if you can give me a couple of minutes, I have a file that I uploaded to his computer. Okay, thanks for your patience. This is the 1884 Bishop Museum LCA Map, and its orientation is different than the alternatives map, but basically, to the right of the screen, are the mauka areas; the left of the screen are the makai areas and -- to put it into context, this is the Kahoma and Kahana Streams here. The confluence is here. The stream flows down to Mala Wharf, and I think this is the former location of Lahainaluna Road. So what we're saying is -- what I'm trying to say is the -- as you move from the mauka areas to the makai areas, you see intensity of LCA's as you move down the mountain. What our archaeologist is concerned with is if the road were to be constructed to this area, we would impact more LCA's. The other concern that she has is, she did a drive through one day and noticed that there were some historic house foundations, which we know, historically, it wasn't uncommon to find a families buried there beneath the homes, so the concern is impact to some of those foundations.

So other areas or red flags or concerns that we have this Cane Haul Road is -- I don't have that aerial, to the south of Lahainaluna Road, there is a regional ballpark that's located on Shaw Street, the Cane Haul Road is located right behind that park and is in between a row of homes as well, so our concern is triggering any impacts to park, which would also another 4F site, and not having enough wiggle room and, thereby, impacting possibly homes makai of the Cane Haul Road as well.

Mr. Fredericksen: And there are two cemeteries right -- right adjacent to -- probably some of the burials are probably under the Cane Haul Road.

Ms. Mau: Under the Cane Haul Road?

Mr. Fredericksen: Yeah. I'm sure -- I wouldn't be surprised if they paved over burials. In Olowalu, there was a, just very briefly, there was an old stone church there. When Olowalu

Sugar was bought out by -- by Pioneer, they -- they basically took the headstones off the cemeteries, went mauka of the -- of the church, and planted sugar cane. We identified one burial, then they stopped, and just told them that they had get the whole plot of what the church property used to be, come back, and not do anything. So it wouldn't surprise me. Some of the burials were actually, when they put Honoapiilani Highway, the newest version of it going into Lahaina Town, some of those burials were moved mauka into the first cemetery. I'm sorry. I forgot the -- it's the Hawaiian cemetery. I'm sorry I forgot the name of it. I know some folks in the audience, when they come up, you know, they could say the name.

Ms. Mau: You know, from a surface perspective, I think if you ask many of the residents in Lahaina, it seems like a really good idea to go with the Cane Haul Road. And at first glance, we -- we saw merit in looking at it again. We also wanted to make sure we made a good faith effort to address the concerns of the families and that's why we spent so much time going back looking at it. Another -- another concern we have is the existing Cane Haul Road, at its widest point, it's right-of-way is about 80 feet. The right-of-way required for this project would be 150 feet. So whether we take on the mauka or the makai side, or we hold to the center line, we will be affecting more properties along the corridor. And it's a 150 feet if we were to do a straight shot with the road. In this case, because we would have a number of curves and bends that we would need to negotiate, that 150 feet might actually increase the ATA because we'll need to compensate for some of the buffer around the right-of-way. So the -- so those are some reasons why it's looking less likely that the Cane Haul Road might be a viable option.

Another concern the families shared was the, I mentioned earlier, about the push piles and about the possibility that there may be iwi there. The reason for that is because, as Erik mentioned earlier, because of this Flood Control Project, there was a lot of construction that went on and some heavy excavation that went on. The families have sought advice and information from their kupuna and there has been some kupuna that came forward that said their kupuna iwi are or were buried along Kahoma Stream, and this would be from the recollection of being present at the funeral of one of their kupuna. Because of the construction of Kahoma Stream's Flood Control Project, however, we're uncertain if the iwi are still there. What other -- the other thing that makes this more confusing or adds a shroud of uncertainty is there were a number of archaeological and osteological that -- reports that were prepared as part of this Kahoma Stream Flood Control Project. Information in there references iwi that were disinterred during the construction of that project. The disposition of that iwi, however, is uncertain and it's become a very painful thought for the families because they want to know where the bones are. So some has said that the iwi were put in -- one report says the iwi was put into a redwood barrel. It was taken to one site. Removed from that site. There was another reference in the Maui/Lanai Island Burial Council meeting minutes that the iwi were supposedly re-interred at Pu`ukiha Cemetery near Mala Wharf. Our archeologist followed the paper trail to see if there was

confirmation of that re-interment and the meeting minutes were silent. So on our end, we've been trying to help the families to find where the iwi are to help bring closure at least to this aspect of the project and to address their concerns but the paper trail is very confusing. But again, I wanted to acknowledge and I understand the pain and the hurt that they feel because of how the iwi were handled. The other confusing thing is the number of sets of remains that were disinterred. We have references to 27 sets. Another report talks about 11 sets. So it's -- there isn't consistency in the information. And I think some of the families can share their concerns in greater detail. Tanya can also come up and talk about how -- what -- the research that she's done to try and piece this all together.

The issue of the iwi, possible iwi, is concentrated in this location, which is right at the area of the bridge crossing. If we stayed with the current alignment, we would be far mauka of where this presumed area is. If we turned the bridge down as we would need to do in order to avoid this site, we'd potentially get closer to where the iwi site might be, and that is the area of great concern to the families. What we're trying to do is work with SHPD to see if we can possibly test the area before we do our -- our heavier excavation but, again, the families are very concerned with even testing of that area. Without testing though, we will not know if that -- if the iwi are there or not. It would continue to be unconfirmed. So we're looking at the testing along the bridge area as well as the push pile and the entire right-of-way and beyond the right-of-way.

The final -- the last major issue that they're having is regarding the ceded lands issue and that's something that, unlike the -- the first three items, I personally don't know how to resolve that issue. I'm not sure if I'm going to be able to resolve that in my own lifetime or see that. So, unfortunately, I can't really speak to that. But I thought it was important you should know that it definitely has been a concern for them. And that's all I have.

Mr. Kalalau: Okay, thank you, Laura. And, as a Commissioner, you know, I wanna thank you for updating us and coming forward and having this communication section with the rest of the Commissioners and the public. I see you guys have a whole lot of work ahead but I believe that -- I think, you know, one of your guys alternatives might be -- might be workable. Anymore Commissioners have any comments before we open the floor for any public comments?

Mr. Fredericksen: I have a comment, and this goes back to earlier on, I asked a question about when the -- when the archeological work had initially been carried out in this area and I think, Laura, you said it was the mid '90's? Mid-1990's?

Ms. Mau: The first archaeological work was done in conjunction with a 1990 EIS. That was a very small survey so I didn't even mention that one. The larger effort or work was in the mid-1990's by Rosendahl ...(inaudible)...

Mr. Fredericksen: That's the one that --

Ms. Mau: Yeah.

Mr. Fredericksen: That identified a portion of this very large site.

Ms. Mau: No, it identified a portion of 2484, which is that small 12 --

Mr. Fredericksen: And that's the large -- okay.

Ms. Mau: Okay.

Mr. Fredericksen: Okay, thanks. Thank you. That goes back, and I won't get on this one too long, but about when we were discussing Laau Point, that archaeological work there that was also done 15 or so years ago. That was -- that's just one of those things that I -- it concerns me because level of work changes over time and I think it's a good idea or it's the only proper idea for them to now go through with -- through these, you know, the proposed new alignment and test beforehand to get -- to get a feel for what is potentially there.

Mr. Kalalau: Okay, we will now open this portion to the public who wants to comment on this agenda item we have right before us. If there's anyone in the public who wants to testify, come forward and give your name.

Mr. Keeaumoku Kapu: Aloha mai kakou . . . Hello, Commissioners. It's kinda interesting to be on this side of the fence. But that's alright as it gives me a great opportunity to spread my wings a little bit more. As Laura Mau was mentioning, we basically have been involved in this process of I guess trying to gather some information from the families and, as for myself being a part of the Resources Commission at that time, literally, I had to recuse myself. And also being affiliated with the Island Burial Council, I also had to recuse myself and I still recusing myself today because of my confliction with that commission.

There is I guess great concern and one of the major concerns has a lot to do with the iwi kupuna from the previous osteological data recovery that was done by I guess some archaeological firm in the past. And when Ms. Mau mentioned about closure, that's basically what it's all about. And as a representative for Kuleana Kui Kahi as well, we basically sent a letter of complaint to State Historic Preservation on that issue of those burials, and I think we need to understand that, at that time, the Honolulu burial issue at Ritz-Carlton was the biggest instrumental play at that time so when everything was focused on that, all other burials in the State of Hawaii was sort of moot at the time because that one took greater concern than all the other rest, so this is one of those projects that, basically, fell through the cracks or went over everybody's head because the other issue

was even of more greater importance. So when it comes to the point of trying to find closure for the families, there is some major confusion as pertaining to the burials that was found in the barrel and to the families' understanding that they knew how many burials was within a vicinity of where the by-pass bridge is going to go that they feel that, okay, there's a couple other kupuna that is missing so they may still be in that exact vicinity. When the time when the flood project was done, if you was to look at that report, along side the whole river, the major work that was done, and a lot of sites and taro, pastures, and outside was obliterated, and that was back then in the '80's and right into the '90's, but, you know, back then we didn't have these so-called "laws" that like Mr. Mau talked about the 4F and all things kinds of things, yeah, which we basically needed back then but, well, apparently things happened the way it did and I guess for the closure portion for the families' benefit is to find out where that kupuna is because one of the osteological reports also mentioned that one of the iwi kupuna had one steel plate, yeah, which they so believe to be a family member of Kailiho family, the great-grandfather, and he was also buried with four other keiki when the osteological only mentions two of them, so which meaning there could be possibly the other iwi kupuna that is still within that vicinity as well.

Another I guess huge major concern that we need to ask ourselves based upon making any type of predetermined judgement without any type of consultations from the legal department based upon the ceded land issues. That's a big question, yeah? And as of January 31, the Supreme Court ruling info talks about the ceded lands under the public trust for the place. The main party of this is to the beneficiaries. Who is the beneficiaries? It's not the majority. It's the minority of the 50 percent native Hawaiian blood that can actually create that argument to figure out whether or not these ceded land issues will ever be resolved. Okay, so that's a bigger picture, that's a bigger player, and we know what's happening with that with the Office of Hawaiian Affairs and the Legislature at the moment.

Another one of the biggest I guess concerns that we have, like for myself, I know that the Cane Haul Road that the families definitely are in favor of the Cane Haul Road but to get a little bit more understanding based up why the Cane Haul Road might be even more important, as for myself as a previous Cultural Resources Commissioner and knowing the impact of the area down on the bottom because of those Land Commission Awards would probably even be more of a greater concern on my part. But you cannot forget the fact that along side that bypass, where exactly where the bridge will be going, may and I'm saying "may" which is even of a great possibility that impacts to burials will occur. Okay?

So I guess, I haven't looked at the agenda, this morning's agenda based upon what your kuleana is going to be -- thank you. E kala mai. Well, it's just a presentation. Okay. Yeah. Presenting status on the Lahaina Bypass. Okay, so you're not -- basically you're here to give comment or recommendations, yeah, just to review. And I guess the next meeting that comes about in Lahaina will be on the April 30 time and, hopefully, we can sort of get to the core issues based upon that iwi kupuna that is buried along side that area until -- now I

would just like to say that, for the department that has been working on the project has been very sincere with the families and thank you for that, especially Laura Mau and Tanya Lee-Greig, the archaeologist in the area, and hope that we can really keep an open line conversation between the families.

Another thing I would like to request from the Cultural Resources Commission to find out from State Historic Preservation based upon the letter of complaint that was filed, I don't know whether or not the CRC received some sort of letter as I guess a memorandum from State Historic Preservation just asking the Chair to see if you guys can find --

Mr. Fredericksen: Excuse me, Keeaumoku, what -- what letter, specifically, are you talking about?

Mr. Kapu: It was a letter of complaint based upon the bypass project by Uilani Kapu, Kuleana Kuikahi President, and it addressed the osteological report and the missing remains that haven't been found yet, and that's one of the -- the hugest concern is to create closure on half of that issue and to definitely address the other issue based upon the burial that was there and what was the interment process. What happened back in 1993 and the discussion with the burial council, or was it '93, or was it '92? There was no closure at that time for the families. They wanna know where their kupuna is, basically. Who -- who gave the recommendation to place where? Where is it? And if there is a possibility, could those burials be re-interred in the place that they were taken?

Mr. Fredericksen: Do you know if this would be -- this would be -- this occurred when the burial council -- the Maui/Lanai Islands Burial Council had been formed?

Mr. Kapu: Yes.

Mr. Fredericksen: It was?

Mr. Kapu: Yeah.

Mr. Fredericksen: It was after?

Mr. Kapu: Yeah. Just for your part as I guess a memorandum in that matter as to get little bit more information from State Historic Preservation on that letter. That letter might soon be a possibility of some litigation in the future.

Mr. Fredericksen: When was it submitted?

Mr. Kapu: I'm not sure.

Mr. Fredericksen: Like six months? A year?

Mr. Kapu: Possibly about maybe six months possibly. About six, five-six months ago, and at the last burial council meeting it was mentioned again and State Historic Preservation had no clue but the letter went to them, yeah, and the letter also went to for this project and also with OHA, Office of Hawaiian Affairs. There is no memorandum sent back to address those issues. Just to keep you abroad based upon the concerns that was -- was talked about back then, that letter may explain a lot of those issues.

Mr. Fredericksen: Keeaumoku, I got one more question for you. Did you say there was a memorandum of agreement out?

Mr. Kapu: No, no, no.

Mr. Fredericksen: No?

Mr. Kapu: No.

Mr. Fredericksen: No? Okay.

Mr. Kapu: To see whether or not State had submitted a memo on this because you guys dealing with the Lahaina Bypass project. Okay, other than that, I commend you for your good work. Mahalo.

Mr. Kalalau: Thank you. Any questions? Ray?

Mr. Raymond Hutaff: Yeah, Keeaumoku, besides the families, is there anyone responsible to try to find the bones and if so, is that happening?

Mr. Kapu: From the last burial council meeting, I guess from that point on, I don't think anybody is trying, basically, but thanks to I guess some of the research that Laura Mau and Tanya Lee-Greig is doing, hopefully we can find some kind of track. There was, like what she was mentioning in one of the minutes it just mentions nothing about it, it was known to be on our agenda but then, all of the sudden, there was nothing. So the letter that Kuleana Kuikahi sent was to push that bar to see whether or not there is any record or mention where those burials are. It's like you know, all of a sudden, you come home, then next thing you know, somebody's turned up your garden and, you know, put these things on the side in some closet and everybody forgot where it was. Did they re-inter it? They mentioned about some burials being re-interred at Pu`upiha Cemetery on the bottom and as we know Pu`upiha, it's a oriental cemetery, yeah. Who made the decision to do that? And was there any consultation from family members at that time that they were allowed to do that kinda thing? And back then, like I said, the laws were limited to -- to the burials,

yeah, not like today. So closure is one thing the families are looking for. And when it comes to these, I guess, how things were handled in the past and how the laws basically have changed today, it gives a greater advantage for the native Hawaiian component, basically, I would call them -- reference them to the small mouse that is roaring in the valley. Now, all of sudden, everybody is listening to the small mouse that's roaring in the valley because they have a valid point now in despite of what was done in the past.

Mr. Hutaff: Mahalo. Thank you.

Mr. Kapu: Mahalo.

Mr. Kalalau: We have Lori Sablas.

Ms. Lori Sablas: Aloha kakahiaka kakou, Commissioners. I'm here to speak -- to address the agenda item and I'm here to speak -- I'm a Lahaina girl, born and raised in Lahaina, and I saw a lot of things happen in my hometown. The last 50 years, the island has changed drastically, and I'm one of those who have benefitted from working in the visitor industry, and I'm proud of that, because it puts food on my table, house roof on my head, and many of our family members who were not living here, were able to come back to Maui because of the industry. So why I'm here is because, you know, our roads have not changed. I bought a home in Kihei about 30 years ago so I've been a commuter everyday and I -- I wanna be able to see this project move forward in a very positive way. I'm very sensitive to the families who have descendants there, but my wise dad, who's going to be turning 100 years old this year, tells us, he says, "You know, we need to also consider the living. While we need to honor our dead, what about the living?" And he's almost 100 years old. Chastised many of the relatives who go cry at the funeral saying, "How come you no come visit me? I'm living." I'm speaking on behalf of those who are living. I'm a commuter who drives back and forth. I come to work and I have to bring an overnight pack with me because there are days that I know I cannot go home because there's something with traffic going on. And I'm here -- we're very busy at my job at Kaanapali Beach Hotel with the closing of ATA and Aloha Airlines, we had to service many of the pressing needs of the visitors who have to come and go, but I think it was important for me to come here to speak to you, I'm a former Commissioner, and I know your kuleana. I know your kuleana and I respect what you have to do, but I also need to speak, again, for those of us who are commuters. I have no choice. You know we have to work. We have to travel the road. Realistically, the roads have not changed. So are we going to deliberate, deliberate, deliberate and not come to any solutions? I really applaud Laura Mau and Wilson Okamoto for their efforts in trying to come up with some kind of solution. It's not easy. I know that. No matter what the end result is going to be, somebody's not going to be happy. I think we need to accept that. To move on. I'm not sure what the answer is. We all have our respective kuleana, but I'm here mainly to speak about, I don't know if there's anybody who's like me traveling back and forth on that road everyday, and having to sit in traffic, and

having to think can I go home tonight, and this is what my generation has to look forward to in our livelihood today. This is what the next generation's going to have to look forward to the next 50 years? Is it fair to the future generation to be subjected to this type of situation? I would like to see some of the solution like they did in Waikiki perhaps, you know when they did a lot of the upgrading of Waikiki, they found a lot of iwi, and I was very impressed with -- I was a part of it, I was very fortunate to be invited to the process that they had done where they actually were able to take the iwi and put them all in a place of honor in Kapiolani Park, and they came up with some type of mitigation that was able to respect both sides, and perhaps this is some way that you look at it. Respect, you know, there's the families there. That has to be done. But at what expense too? So how can we come up with a solution that would be looking at all sides cause cultural resources are not only the past, it's also the present, and the future. We are the cultural resources. So that's my short mana`o for today.

And I do wanna speak about the harbor, but I gotta go back to work, so can I also talk about that real quick?

Mr. Kalalau: Okay, we'll give you that opportunity.

Ms. Sablas: Unless there's any questions you have of me about this because I'm really here to speak on behalf of those who -- a person who drives back and forth on the road everyday to just hear my voice.

Mr. Kalalau: We normally give the public the floor to speak because of time and because of the agenda item. Since you gotta go back to Lahaina, we're going to give you the opportunity right now to speak on the other agenda item.

Ms. Sablas: Well, I sit on the board of the Lahaina Restoration Foundation but I'm not speaking on behalf of that organization. With the boat harbor, you know, I was a member of the Cultural Resources Commission at the time we had proposed the indigenous architecture and the position, I know, for the Lahaina Restoration Foundation is that we are supportive of the improvements to the harbor for the community needs. And we are very opposed to the dredging of any type because it would disturb the cultural sites, specifically the Hauola Stone and the surfing site, which is really -- great King Kamehameha used to surf there. So if we have to build any type of structure, I'm recommending that you consider the indigenous Hawaiian architecture that they had -- we had proposed, the CRC, it's in there. If there's any building, how wonderful it would be to have a thatched building as opposed to what you see now, if there's a pier, and I understand there will be doing that for a shade -- just to provide shade purposes, so that's one suggestion. The other is that the pier or the mooring spot that was, at one time, occupied by the Carthaginian, the Lahaina Restoration Foundation would really like to maintain that because it's our hope to be able to work with Keeamoku's organization to perhaps, you know, bring in the double-

haul canoe to use that as an opportunity to educate our residents and our visitors about way ferry and that was an area that, you know, we hope can work with that with the Foundation's support and financially, you know, to be able to just support them in their efforts to -- to bring a sense of the Hawaiian culture into historic Lahaina Town and also to remember, again, that this project is under the 106 guideline as a historic so they need to go through the process of getting the proper public hearings, etc., so that's my mana`o on that. Any questions?

Mr. Kalalau: Thank you, Lori. Any questions?

Ms. Sablas: Thank you.

Mr. Kalalau: Okay, the next one is Wiliama.

Mr. William Waiohu: Aloha no kakou. Kau inoa William Waiohu, Jr. . . . (*Mr. Waiohu gave portions his testimony in the Hawaiian language*) . . . because I work for Pioneer Mill 1962; 1971 I was Pioneer Mill operator, machine operator, backhoe, bulldozer operator, bulldozer appraiser worker. My last job. Then I went to disable. I plow all that whole field from Ukumehame all the way to Field 30. And you know the old folks, they always tell me, "Boy?" I tell, "Yeah? Yeah, tutu?" . . . I tell 'em, "Yeah, okay." Then every time when the plantation boss come to me tell me, "Eh, go clean up this place, you know, so they can plant more cane." Then when I look at the place, eh, no, no, no. No can. You know your back get all e`eu yeah? All chicken skin come up. Maka`u because loa ke a iwi. I mean when you go inside go look, you walk go look, oh, yeah, it is the stone over here. You get the pu`u over here. They no more marker but you can tell how they buried. That place over there . . . they all buried over there because why they buried there? That's their aina. They own. Not you and I come over here and tell, "Eh, I gotta put one road over here." . . . You go to hell. This is tutu man. He buried over there because that's his. That's not for you and me to say he cannot stay there. That's wrong. You gotta respect them, like Lori say, huh, what about -- why we have to -- no need respect the dead. That's bullshit. You know what? If not for them, you and I no stay over here today. Maka`ainana . . . your developers. That's wrong. Wrong. That's why today I come. You know I getting old. I'm 66 and I had open heart, you know, surgery. Today that's why -- today I kinda talk little bit funny. I used to sit on the burial council. And when you sit down on burial council, you get hard time to make that kind decision. When you say no, oh, the developer, they run go Honolulu. Eh, I no put this one. Oh . . . the Honolulu. Oh here burial council nothing. You know, they have no choice. No can do nothing because over there make the kind, the decision, not the burial council over here because I know that. Sitting down on top till 2001 and 2005 I we out, eh, I feel good because I no need make that kind decision because hurt. This is your own kind, you know. They . . . the iwi. That's not pono. You go look down there, Maui Lani. They dig, dig, dig, there. Hit the bone. They tell, oh, but I take this one and put them over there. You know, they was buried there why? There's a reason

why they were buried there. That's why I oppose that road. Go on the haul cane road, not go on top people land that they own. Like they talk about LC. What is LC? That's the TMK number that. Go back on top the kind, the RP . . . (inaudible). . . pepa that they sign and who sign that? Your kupuna. All your kupuna sign the RP. They are the original owners. Who we are to say, ah, nah, because I inherit that. You only inherit interest. Your interest. You can sell only your interest but you cannot sell the land because belong to the old folks, not you. That's why we gotta respect our kupuna. The one's kala cause if it wasn't for them, we no stay over here today. You know, and then -- now, I pau already about the road. Now I like talk about the Lahaina wharf.

Mr. Fredericksen: William, can I ask you one question?

Mr. Waiohu: Yeah.

Mr. Fredericksen: Where's Field 30?

Mr. Waiohu: Field 30, that's way Kahana.

Mr. Fredericksen: Okay.

Mr. Waiohu: Mauka.

Mr. Fredericksen: Yeah, because I couldn't remember all the different numbers. Okay.

Mr. Waiohu: Yeah.

Mr. Fredericksen: Okay. Thanks.

Mr. Kalalau: So this field is what number is this field that the road is -- they plan the road for?

Mr. Waiohu: The one they show on top that? That's right across of Kelawea Mauka. Stay across. My house not too far from over there where the guys like make the road. And the Kahawai's too not too far. The new one. The old one was living close. This one that's a new Kahawai. Then they went make one dam, eh, floor control. Guarantee then went dig out all the kind, the iwi, and without nobody knowing, they take the iwi, take them down to Mala Wharf, bury them over there. No let the other people know, especially the families. I know they . . . they hana kalohe. Hana kalohe . . .

Mr. Kalalau: When they took them down to Mala Wharf, they buried them in that cemetery over there?

Mr. Waiohu: Yeah, they bury them over there by the cemetery but they no tell nobody. No more pepa - the paper.

Mr. Kalalau: Okay, thank you. Veronica?

Ms. Veronica Marquez: . . . Ke haka mana`o o document or mana`o that people signed? I don't understand.

Mr. Waiohu: That's the Royal Patent. You know the Royal Patent that Kamehameha III went give you the aina, your tutu man? Ah, they i mai palapala.

Ms. Marquez: To our people?

Mr. Waiohu: The palapala . . .

Ms. Marquez: Mahalo.

Mr. Waiohu: I tell you we gotta think about the old folks. If not for them, we nothing, but because of them. That's why now they all ma`alo . . . see too much aloha - auwe. Broke down. Because too love, the kind, ho`o punipuni kind love. They tell I love you. Aloha. No ka aloha but no more. No more the heart. That's why they bankrupt. But akamai, you know . . . they make bankrupt so they don't need for pay all the working men so they take the money . . . runaway go foreign country. America . . . yeah, akamai. Akamai . . .

Now another thing we gotta remember, we gotta remember where we come and who we are, especially us Hawaiians . . . you come from here you know . . . We never come from foreign country. Over here. Hawaii nei. The kind ua mau ke ea. I like know how many of you guys know what is the meaning "ua mau ke ea?" You guys don't know, huh? What the kind said "ua mau ke ea," that means the sovereign land perpetuated of righteousness. That's what it is. . . . That's sovereign. Without the sovereign people, this no . . . no ka aina . . . we never all make yet, only the ali`i, but we are the last maka`ainana that live today. Today, we gotta think. We gotta malama this maka`ainana, malama.

You see, I get my grandchildren. They hakaka with me. I kick them out of my house. I tell them, "You see the door? The road? You get the hell out of here. If you think you better than me, then go look for your own land. See if you can afford." But they no can. Every time come home. "Tutu, I can come back? I sorry." I this. I that. But they make the damn same thing again. You know, no listen. A pepeiao. You know I do that because to teach them a lesson because where they are, that's where I was. Today I get one house I bought 1971, I no pay the land tax from 1997 till today, I no pay, because I know I right. Plantation was wrong. They no own the land. They get all different type of land . . . all different land of -- get the kind Po`olima. That Po`olima land that the King give to the Hawaiian

community for work and pay the land tax. The end of the year they make one big luau. That's how the Hawaiian was . . . Up in the heaven. No go down. A pau - you make. Make `oe . . . pau.

Now I end my story for the Lahaina -- I like talk about the harbor.

Mr. Kalalau: Okay, Wiliama, because right after you, we going to address the -- we're going to have the Lahaina Harbor guys come up here give presentation so, okay, anymore questions for William before we go to the next agenda item or anybody from the public wants to testify on this? Okay, come forward.

Ms. Yolanda Dison: Aloha, my name is Yolanda Dison. Mahalo, uncle, for that, for sharing, and mahalo to Laura for, you know, it's hard the job that she has but, you know, she -- she feels but then her hands are tied too, yeah? I get so excited when I sitting back there listening, yeah, that I don't know what to say first. Get too much. But here it goes. The four that you saw - one common denominator. That bypass, there's houses on both sides and, of course, there's a park, so there will be impacts, even on that last one that you're looking at. Big time impacts. A lot of children cross there so I don't see how much safer it would be up at that top, and not even going into the separation of our kupuna, and not only our kupuna, but the history that they had there, that will be totally destroyed. Minimal impacts. I've heard that so many times and look at all that development that's happening. They also said minimal impact, and before you know it, they're so into the project continuously finding significant sites and iwi but then the higher up say, "Oh but too late already. We cannot stop the project because it's already approved. And then we gotta consider the ones that who already bought into it." So then Hawaiians lose again. Our history gets totally destroyed, never to return again. And you know, Lori, the past does matter. Our kupuna . . . it does matter because, like uncle said, if it wasn't for them . . . Hawaii. It impacts our present generation and our future generation. God forbid but, you know, one day our kupu will be gone. And for anyone to learn about our history have to go to the museum to see one Hawaiian because of all the intermarriage, yeah. Another thing is this is just a small part of the major picture for this bypass. Now if there's so much hupapapa about that, yeah . . . can you imagine from Launiupoko all the way out? It was, you know, proven the map went out, all the LCA's, RP's, so if you let this one go, and I know this is just a review, but just consider it, if this one goes through, what going happen? That's going to be the starting point, the major point for the first State government to say, okay, we already started this, now we cannot stop, and they will totally destroy everything else along the way for this bypass. Yeah, I live Lahaina. I gotta commute Wailuku, you know. I mean everybody gotta commute back and forth daily. I have family that live on this side or on that side gotta commute. At what cost though? That's my question: At what cost? How much is enough to destroy what is Hawaii? What is Maui period? It's like opening up a can of worms. If this project goes through, kiss everything else goodbye. And then, later on, explain to your great grandchildren why it is the way it is because at

least I can say, "Baby, I tried. I tried." But besides that, because of the feeling about our ceded lands, now that's a major major issue also, the beneficiaries, if they are not heard or if they are not here to speak at everyone of these major projects that's going on, there's going to be ...(inaudible)... all over the place and remember it is law the beneficiaries, 50 percent are considered, 50 percent blood quantum are considered, and that doesn't mean because I have less or you have less that you have no say. All I'm saying is that if I have 20 percent I will back our 50 percent Hawaiians because they are the first, the beneficiaries to speak out and can make the decisions. It is the law. So before opening up these can of worms, please take this all into consideration. Mahalo.

Mr. Kalalau: Thank you. Anyone else in the public before we close this portion of the floor and if Laura wants to come back and wrap things up, you may at this time.

Ms. Mau: Thank you for the family member for, again, coming up and sharing their thoughts. It is a -- it's a tough call. We have a lot of moving parts, like I said, and a lot of impacts to consider, a lot of requirements to consider, but the purpose of today was to advise you of what was happening on this project. As we proceed, I'll probably be coming again and updating you on our archeological finds. Hopefully, we will have more consultation meetings with the families, if they so desire. We're available to do so. And I can say that with you as well.

I just wanted to confirm what Keeaumoku was saying that the public information meeting for this project has been scheduled for Wednesday, April 30, from 5:00 to 8:30, at the Lahaina Civic Center. We'll be doing an open-house format as well as a formal presentation and have a discussion period with the people who come.

When we proceed with the EA portion of the project, we assess the portion that we're going -- we're needing to acquire more land for and need more funding. We'll need to -- I'll be forwarding the EA for this year, this formal comments as well. That's all I have.

Mr. Fredericksen: Excuse me, Laura, just one question before go and it's maybe a loaded question but what is the status of the overall Lahaina Bypass road study or highway study because one of the -- one of the folks that came up, you know, gave testimony, I mean it's something that's been going around in my head that this one section, I mean a relatively small section of the whole proposed bypass? Do you know what's the status of the other sections? You know, what is the status of the other sections? Are those just kind of sitting, nothing's being done them in terms of the study? Is this the first segmented study?

Ms. Mau: There is a -- there was an overall EIS, which is what we talked about. There was a supplement to that EIS as well to assess the project in its entirety.

Mr. Fredericksen: The over -- the -- and that's the study that was done in the mid '90's?

Ms. Mau: Yes.

Mr. Fredericksen: And that's --

Ms. Mau: Well, no. The EIS, the supplemental EIS was completed in 2002. The ROD was issued in 2003. But to talk on -- to speak about the subsequent phases, I think the Phase 1B Team has been selected for design of that roadway but they're on hold while we resolve this issue as well. They may be impacted as well. And hold on one moment. Charlene Shibuya's here. She's the District Engineer from the Maui DOT office.

Ms. Charlene Shibuya: Actually, I'm not the District Engineer. I'm the Assistant District Engineer. My name is Charlene Shibuya. I'm also the construction engineer. But right now, as far as the future phases, we did award a contract to the consultants for the what we call "1B1." We have to have the Lahaina Bypass divided in to 1A, which is the current project we're talking about; 1B1 and 1B2, for the next increment; and then we have 1C and 1D. And basically the first 1A, B, and C is essentially developing the first two lanes, two lanes of the whole alignment, and the 1B is to develop it into four lanes. Right now, as far as, it's pretty much like Laura said, the 1B1 has just been awarded but, you know, it's kind of on hold because obviously this 1A connects to 1B and, you know, it has some bearing as well as 1C, but 1C is a future phase.

Mr. Fredericksen: How long is the -- this whole sequence of phases, 1A through 1D, about, just qualitatively?

Ms. Shibuya: Oh, are you talking about the entire length?

Mr. Fredericksen: Yeah.

Ms. Shibuya: It's approximately, let's see, I would say about seven miles, seven-eight miles, yeah. I don't have the exact but I just have some rough -- rough lengths. But then, as you can see, 1A is not even a mile.

Mr. Fredericksen: Yeah. Yeah, I guess the -- the reason I brought this up is it's a -- I have some concerns about what the overall project is based on, like in terms of the archaeological side, before, you know, we got into 1A, 1B1, 1B2, and 1C, and 1D, do you -- do you know anything about that or is that -- I mean the reason that the bypass is where it is approximately is because I'm assuming there was some study that looked at the whole thing to begin with. Is that correct?

Ms. Mau: Yes, and I guess it's -- it's like what you had mentioned before, the level of --

Mr. Fredericksen: Work was not --

Ms. Mau: Yeah, it was different, you know, back then in the '80's and '90's and obviously we're learning from this 1A that we actually have to take a step backwards and, you know, revisit, so that's what's potentially going to happen, you know, on 1B1 and all the future phases.

Mr. Fredericksen: Yeah, cause I'm afraid that it's not only going to be this one section that was not adequately covered.

Ms. Mau: Correct. Yeah, we realize that.

Mr. Fredericksen: That's just how it is and I -- it's one of these things where I don't -- piecemeal process might not be the best way to go about it, it's almost impossible no matter how you go about it anyway, but it's just my two cents, maybe not even two.

Ms. Mau: Yeah. No, I understanding what you're saying and, as I said you know, we've really learned that, you know, for this 1A, we've had to step back and, you know, even if the future phases does take, you know, a little bit longer, we even might have even a higher level of detail that we need to study the rest of the areas. But I think he was just saying that maybe perhaps we should take a step back for the entire phase. Is that what I hear you saying?

Mr. Fredericksen: It's the -- the way that it's designed to go right now, qualitatively because I'm assuming there is not real engineering and stuff --

Ms. Mau: Yes. Yes, conceptually.

Mr. Fredericksen: Yeah, I know there are going to be other areas that have -- and I'm only -- I'm just speaking from an archaeological point of view, but there -- I know there are going to be other areas that have archaeological/cultural issues that certainly weren't addressed by the first -- the first survey that was done in the mid '90's for the full corridor.

Ms. Mau: Yes.

Mr. Fredericksen: It's something to keep in mind.

Ms. Mau: Yeah, so what happens is, you know, the original EIS and the supplemental obviously defined a conceptual coordinate as we go these different increments. They're actually going at a, you know, more detailed level and we either may or may not, you know, end up with some thing, you know, like, basically, our consultant has to come up with alternatives, so it's probably not going to even look close to what the overall alignment looks like. So, yeah, I don't know if I answered your question adequately but I kind of hear what you're saying.

Mr. Fredericksen: It's, yeah, and it's hard for me to frame it even because it's a -- it's a large area in terms of this lineal distance because you've got all of these different stream valley/gulch areas that are going to be crossed and these areas that have many, many Land Commission Awards that were -- however -- whatever the process was, they were acquired by the sugar -- by Pioneer and then also the -- and some of it, I'm sure, by Maui Pine as well for the -- on the northern end of those projects, but anyway I'll leave that for now but there's -- there's just not -- I mean it's one of these things where a lot of people want to have the project happen quick, yeah there's traffic problems, but there's this situation where all of the information just isn't there at this point.

Ms. Mau: Yes, but we're -- we're quickly learning and probably a lot more to learn. We probably have only scratched the surface in some areas.

Mr. Fredericksen: Thanks.

Mr. Kalalau: Okay, thank you.

Ms. Mau: I just wanted to mention too that there is -- there are really positive aspects to this project, from a funding standpoint, and I say this not to diminish anything of what you've heard today, not to pressure you in any way, but we are in a very unique situation because we have tremendous support, not only from the community at large on this project, but as a lot of you know, it's been decades in the works. We have a very dedicated team of people from FHWA who is committed to holding onto the funding for this while we resolve this aspect of the project. We also have a lot of commitment by DOT so I commend them as well. I think, in the past, they've been -- they've had a tendency to press forward without stepping back and doing their research, so I wanna acknowledge that they have been very supportive of our time that we've needed to go back and do some more homework. We also have the commitment of Hawaiian Dredging Construction Company, who is the head of our design build team. They, of everyone, must feel the frustration of the delays as well from a business standpoint because we were ready to pretty much turn dirt last August, so they have been on hold but yet they're -- they're sticking with the team as our -- our team leader as we work through these -- these issues as well. What that does is it keeps the design build team intact. Once the prime is off the team, we may need to step back or look backwards again and go through another RFP process, which again adds delays to this. So I thought it was really important that I mention that and share that with you.

Mr. Fredericksen: I just have a quick comment, and I am glad that the State DOT is evolving because there have been instances in the past where they were -- I mean some substantial problems, and I think some of the folks that are involved at the Maui office or branch are receptive, which is very good.

Ms. Mau: Yes.

Mr. Fredericksen: And the assistant?

Ms. Mau: Assistant District Engineer.

Mr. Fredericksen: Yes, Assistant District Engineer, is I think is very receptive to this. It's just that it's sort of like the inertia. It's just, you know, it's a big bureaucratic organization and -- but I hope that, in the future, the DOT can be -- become more and more proactive instead of just having big problems occur and then trying to band-its way through.

Ms. Mau: Point taken.

Mr. Kalalau: Okay, Commissioners, anymore before we wrap this up? Okay.

Mr. Perry Artates: I'm going try to make this real quick. But, you know, beingone native Hawaiian, 50 percent, and I think it was mentioned being 50 percent Hawaiian, you're always taught to listen to your kupuna, okay, that's why I listen, focus directly to what Uncle Wiliama said, but it seems that there's some type of split ...(inaudible)... my understanding in the testimony. I have some type of split in my head too because of, on some personal note, my son serves the military cause, like Uncle Wiliama said, you know, get out. Go do something with your life, and that's what I told my sons, I have four sons, and that's what I told my boy. So he went join the military. He went join the Army. He served his tour in Iraq. He came back home and it was a tough decision on how to bring my boy back because of what he experienced in the Iraq War, and he was about 19 when he went in, and, like I said, I had to go hunt for him because his mind was all screwed up. He joined the Operator Engineering Unit. He worked for Hawaiian Dredging as an apprentice. Finally he came home to spend time with his child that he has but because of this delay, he's not employed because they had to do the layoff. He just got a recall to go back to the service again. So, you know, in all consideration of what this tough decision is, I think so we can put it quite clear that you have the tougher job, you know, and it's not -- you're going to come back here again until what Uncle Wiliama said, when you gotta make things pono in that group of when we move forward. But yet then, whatever the decision is, whether it's right or wrong, it's going to affect everybody's life. And so I commend you for bringing the families together like this because that's where, like Uncle Wiliama also is thinking, we the host culture, people buried there, our natives, our blood, our koko buried there. Yet then I gotta think of what my kids going have for one future too as far as employment. And like Uncle Wiliama said again, everything going down, everybody getting laid off, ATA, this morning too, Molokai Ranch. Where everybody going? What we going do? This is sustainable work as I can see in the future but yet then how far down the road this going open? How many more people in that construction even going get laid off? Archaeological finding people, consultants going get laid off cause you not going get nothing. But if the

funding is there, the project has been awarded, then let's go through a process where we make it right cause going affect everybody. Thank you.

Mr. Kalalau: Anymore, Veronica? Nani?

Ms. Watanabe: I have to really commend Perry because I was raised by my kupuna too and like anakala what he says is so true cause our kupuna taught us a lot. Living on Lanai actually was very challenging because I had to come back via Expeditions via Honoapiilani Highway and then come back. Well, the time that they had the big fire, it was -- I mean I was sitting in my office and I said, "Aah, I can make it." I didn't know it was that bad. It actually, and I always looked forward in coming home on the weekend with my family because I -- it was only me living on Lanai and my daughters and my husband was living here. I had to actually take the ferry, go to Kapalua Airport, take Island Air, fly to Honolulu, and then take a flight out of Honolulu back to Maui. So actually everybody that was stuck on the road, I got home by 8:00, and I actually -- it was traumatic. I mean it was like I never -- and thank goodness Island Air gave this special fare of \$25, and I didn't -- I couldn't -- I didn't realize that just to get home, I mean my husband couldn't come to pick me up, and I was going to be stuck in Lahaina, so I had to take these flights just to come back and I was at home by 9:00 that night but it was a mess, and my heart really goes out to the people in Lahaina. I do have a lot of ohana in Lahaina. And you have a hard task. I mean like, you know, I have a daughter and she's in -- actually in the Air Force and I'm actually, you know, she's thinking of, you know, making it her career because what is she going to do? She can't afford a home here, you know. She just got back -- she was deployed to Kuwait and she just got back and -- but, you know, I'm proud of her because of the fact that she's trying to make a future for herself and the way she can do it is through the military because she gets all of that help, but I would like to see her come back, you know, when she retires from the military but the other part is jobs, you know. You know, being on Lanai and -- I mean I'm back here now because of job again, you know, and -- but then what do our island people, you know, do when there's no job. I know job is very critical and if we're looking for work, we still have to drive to Lahaina because there's a lot of work out there, you know, and just commuting back and forth. I mean I didn't mind it, you know, taking the boat and coming back and forth to Lahaina, but we kinda, you know, you have to learn the routine and you kind of get -- be part of the routine but you really have a lot of work ahead of you and I'd really like to commend Cultural Surveys Hawaii, Tanya, doing such a good work. I mean, you know, in the past, you know, archaeologist, you know, screwed up big time, but, you know, and I've seen her at work before on Lanai and she does do a lot and lot of hard work and I've really learned on a archaeologist's standpoint by being on the site with them and seeing the amount of work that they have to do. But as a Hawaiian, I believe in supporting, you know, keeping the culture, honoring what the kupuna says because we are raised that way. I mean whatever the kupuna said, it is so true, you know. On Lanai, when my grandfather actually consulted with the construction people when they were building our Manele Harbor years ago, he consulted with them. They never listen. They had

so much problems, you know, major, major problems, you know. And today, we have a beautiful harbor. But, you know, I've learned through that that, you know, a lot of the kupuna what they share is true stories because it comes from -- from their hearts. When I was working in the museum on Lanai, one of the visitors told me, he said, "How do you know they're not fabricating stories? How do you know that? How do you know everything they tell you is true?" And I said, "Because I don't think our kupuna would have lied to us because they experienced the lifestyle and they passed on that mana`o to us and if we don't -- if we don't learn that mana`o, we will never know how they lived in those days. But they are the storytellers of the past." So I hope that this will work out and somehow the families and with you folks you'll be able to make it pono because if it's not pono, it's not, like uncle said, if it's not pono, you're going to have a lot of problems and pilikia going on and, you know, I wish you the best and even to the ohana, their mana`o is -- we're learning a lot. You know, we don't live in that district, but they do, and they are the actually the best consultants and the best people to talk to for ideas in that. Mahalo.

Ms. Mau: Thank you. Thank you, Commissioners, and thank you for the team here who was waiting patiently from Lahaina wharf.

Mr. Kalalau: Thank you very much, Laura. Our next agenda item is -- we're having the next team up. This is the small boat harbor. But you know what? We'll give you guys for set up. We're going to take a short five-minute break, okay.

(A recess was called at 11:15 a.m., and the meeting was reconvened at 11:30 a.m.)

Mr. Kalalau: Okay, Commissioners, we're going to reconvene with the meeting and, Stan?

E. PERMIT REVIEW

1. HISTORIC DISTRICT APPLICATIONS - none

2. ADVISORY REVIEW

- a. **MS. NAMI WONG AND MR. ERIC YUASA OF THE STATE OF HAWAI'I DEPARTMENT OF LAND AND NATURAL RESOURCES requesting comments on the proposed Lahaina Small Boat Harbor Ferry Pier Improvements Draft Environmental Impact Statement (EIS), located at Papalekani Street, TMK (2) 4-6-002: 002-007, 012, 014, and 017 Lahaina, Maui. The CRC will review the request and provide recommendations. Public testimony will be accepted. (S. Solamillo)**

Mr. Stanley Solamillo: Thank you, Mr. Chair. First, I wanna apologize to the applicant, the Communication item. That was way long. So I apologize to the application, to the Commissioners, and members of the audience and staff. Under Permit Review: 1, Historic District Applications, there are none being brought before this body at this time. Under 2, Advisory Review, we have Ms. Nami Wong and Mr. Eric Yuasa of the State of Hawaii Department of Land and Natural Resources requesting comments on the proposed Lahaina Small Boat Harbor Ferry Pier Improvements Draft Environmental Impact Statement, or DEIS, located at Papalekani Street, TMK (2) 4-6'002: 002-007, 012, 014, and 017 in Lahaina, Maui. The CRC is being asked to review the document and provide recommendations. Public testimony will be accepted. At this point, I'm going to ask someone to drop the lights and I'll give you some background.

Mr. Fredericksen: Excuse me, Stan. One quick question. As a Commission, right now, are we -- is this the only opportunity we get to comment on this?

Mr. Solamillo: This is the draft environmental impact statement.

Mr. Fredericksen: Okay. But --

Mr. Solamillo: This is not the final, I don't believe.

Mr. Fredericksen: Right. But this is -- we have comments today and opportunity to get feedback on those comments at a later meeting?

Mr. Solamillo: That may be. It's probably more appropriate to be asking the applicant when they come up.

Mr. Fredericksen: Okay, thank you.

Mr. Solamillo: Thank you. Staff can answer. From Current Planning, this is Thorne Abbott.

Mr. Thorne Abbott: Hi. Thorne Abbott. Coastal Resources Shoreline Planner. Privileged to speak to you today. You'll review the draft -- the Draft EIS and your comments will be included in the Final EIS. The applicant will respond to those comments, and then they'll also need to get a special management area permit as well as a historic district use permit, so you would be commenting on that as well. So you'll actually have two opportunities, not only to comment, but also to see the response to it.

Mr. Solamillo: The proposed project is occurring in the Lahaina National Historic Landmark District. The white arrow locates the project within Lahaina Town and this is adjacent to or approximate to Historic Districts No. 1 and 2, those are County districts and, again, this is the Federal district, which is the National Historic Landmark.

The NHL was established in 1966 and the actual boundaries of the district go out into the ocean for one mile. Seaside views are protected and they're really important and that's why the boundaries were extended that far out from -- from the land. I'm going to take you through a series of photographs. This one was taken in 1915 and the white is actually pointing to a lighthouse that was located at the harbor. This is the view today. It's pretty much the same. You can still have the same landmarks. Pioneer Mill Company Store is the white building which is next to the smokestack. The smokestack is all that remains of Pioneer Mill today but that's a landmark for sea ferrers and you can still see Pioneer Mill Store, you still see the lighthouse, and you still see Pioneer Inn.

This is the old Lahaina, which was taken from the wharf in approximately 1905, and these are, again, familiar views that have been intact about a hundred years. This shot was taken last year, 2007, coming in on the Lanai ferry and pretty much that whole part of Lahaina is still pretty much identifiable with earlier views that sea ferrers have had for a hundred years.

This is a shot taken in 1940 and Lahaina had some change on the -- in the wharf area by the addition of the -- of the Ice Company, which is that -- that wooden building on the corner there and in the foreground there are fishing boats that were being operated by Japanese fishermen at the time, but still we had some real continuity in the images that we see coming into Lahaina Harbor. This was taken last year. Virtually, it looks identifiable. This is what the National Historic Landmark is supposed to be.

This is a shot taken by, I believe, the Japanese photographer, Kutsunai, who was a Lahaina photographer. And again, he immortalizes the black and white image and then he had a hand-printed postcard that results from that and that's circulated around the globe. I think this was postmarked July 17, 1908. There are some things still identifiable with Lahaina.

If we go back to the earliest maps of the area, in 1850, we have this map by W.P. Alexander, which shows, at the time, The King's Way. It is a road from Lahaina to Olowalu and it was, shortly thereafter, renamed Main Street for a short time and then Front Street. The next map was a detail of the Hawaiian Government Survey Map for the town Lahaina, which was produced by S.E. Bishop in 1884, and a lot of the things that were discussed in the Communication item, the intensity of the parcelization in this part of Lahaina is -- is real evident from the maps. If you look at the coastline, you can see the beginnings of a harbor of a small wall being built.

The wharf projects from that point but you also have things like the royal taro patch, and you have things like the courthouse, and you can see where Hawaiian lands and -- which are related to the history of this place as being Hawaii's first capitol are present and are

shown on these maps. Also located is Mokuhunia, which was the sacred site for Lahaina, or Lele, as it was known at that time.

Another map, which is not as detailed, that was produced in 1904 by Walter E. Wall, shows clearly the taro patch, the courthouse is shown, we have a wharf, and we have other parcels that are loosely identified with the people we were just looking at.

In 1914, the Sanborn Insurance Company prepared the first maps of Lahaina and it showed the kind of building that was going on and approximate to the wharf. So you had, besides a wharf building and the courthouse and the Pioneer Inn, we had a lot ancillary buildings, especially fish markets and things of that nature which was supplied by the fishermen, who you just saw, boats out beyond the harbor, in a later shot, but it shows you the level of intensity. Also located is the U. S. Coast Guard lighthouse which is just in front of the beginnings of Pioneer Inn.

Another map, which was produced in 1916, this is by George F. Wright, and it shows you a little more detail. So the County street actually went through that parcel but it was later abandoned when Pioneer Inn was expanded.

This is a period view, I don't have a date on this photograph, but it shows you the type of structures that were located there. Because they were wooden, they were subject to being burned down and that's what happened later on in 1916. We had a fire in 1916 so the Sanborn Insurance Maps are changed. Then agents came back to Lahaina and documented the new construction that took place -- had taken place by 1919, so virtually all of the wooden buildings were replaced and that's when, I believe, the Ice House was built and then the buildings that actually fronted Front Street were rebuilt in concrete. These are two shots taken in 1916 just after the fire to show you how much devastation had happened. What we had along Front Street was this concrete block of store fronts which were built. They remain today although they're much more brightly colored. And this is kind of what we had discussed earlier on, I think in January when we were talking about the impacts of the Halloween festival on Lahaina and how things had -- had kind of changed in Lahaina Town.

Still we have identifiable buildings from the earlier period, which is the first of the 20th Century, the first decade, we have Pioneer Inn, although it's much more expanded and probably three times the size of -- of its former self in the first decade of the 20th Century. We have the courthouse, which has also been changed through time, but it's still a prominent anchor for the NHL and for the harbor. When you look a little closer at this area, however, you see a concentration of Hawaiian sites all pretty much related to King Kamehameha or to the ali'i of Lahaina and this is a very important place and everyone will tell you that in the past.

Also in discussions that we have had at this Commission, you know, in discussing events, has been this idea that since local Mokuhunia is planned to be restored and reconstructed that we will have an opportunity to celebrate Hawaiian culture and give its due, which it has been denied for about a hundred years. Given that, however, that place is a new emphasis and actually challenges everyone who's involved in Lahaina to look at how do we deal with authenticity of the district itself and deal with Hawaiian culture as being the host culture and deal with whaling, which has really taken a prominent position as something which it really was a 50-year blip in the life of the entire district.

The bright colors that we see today on Front Street have, unfortunately, caused some reactions from the travel industry, which I don't know, some people may like them; some people won't. From our perspective of authenticity, you might find the following statement to be a little disturbing because it describes Lahaina as a "jolly busy resort town that resembles Mainstreet Disneyland in many ways." For the National Historic Landmark, which people fought really hard to get in place in the first point and for Hawaiians whose culture is so importantly anchored at this first capitol, it's probably not a positive to have this -- this message going around on brochures but it does.

With that, as background, given the importance of this place, the fact that it is located in an NHL, which is the top tier of historic sites recognized by the United States, we will now turn it over the applicant to brief you on their project.

Mr. Eric Yuasa: Thank you, Stan. Good morning, Cultural Resources members. Chairperson Kalalau, congratulations on your appointment. Planning Director Hunt. Thank you for inviting us to come and present our project to you. We're here to present the proposed Lahaina Small Boat Harbor Ferry Pier Project. But before I get started, I would like to introduce to you our project team sitting behind me. First of all, I have Eric Hirano, he's the Chief Engineer for the Engineering Division, Department of Land and Natural Resources. And sitting next to him I have Ed Underwood, he's the Boating Administrator. And one of our consultants, Mich Hirano, from Munekiyo & Hiraga and Associates. And next to him, Hal Silva, the Harbor Agent for Lahaina Small Boat Harbor. Behind, I have Marshall Sakai, one of the project engineers, and Nami Wong, project engineer from Engineering Division. And I have Steve Wong, Vice President, Mitsunaga and Associates, they'll be consulting on this project. And I'm sorry, I have our newly selected Maui District Manager, Nicholas Giacconi, in the back.

Okay, today we are here to talk about the draft EIS for the Lahaina Ferry Pier Project and before I get started, this is really not for the Superferry. This project is for the Lanai ferry and also the Molokai ferry, who, we understand, provide a valuable and essential service to both island communities that provide an affordable, a reliable service for members of Lanai and Molokai to gain access to public -- employment, recreational opportunities, cultural activities, and also to go shopping at Costco.

Okay, as I said, this is not a new project. We've been working on this project for nearly four years and the first time we -- we came to the Cultural Resources Commission, this was back on April 8, 2004, and again we came in November 4, 2004, and January 6, 2005. This project has gone through a lot of revisions based on comments that we received from the Cultural Resources Commission as well as talking to various community groups, and also working with the Federal and State regulatory resource agencies, such as EPA, National Fisheries, U.S. Fish and Wildlife, and the Army Corps of Engineers. Okay, what'll I'll do is I'll turn this -- turn the mike over the Mich Hirano and Mich Hirano will describe the process that we've gone through to get to this point of the draft EIS.

Mr. Mich Hirano: Thank you, Eric. And again, congratulations, Chair Kalalau, and, Commission members, it's always a pleasure to be before you, and Director Hunt, good morning. I'm with Munekiyo & Hiraga and we're the planning consultants on this project. As Eric mentioned, we've been before the Cultural Resources Commission a number of times regarding this project and I'd like to just briefly summarize some of the actions and some of the changes and modifications and, I guess, results that were made to the project as a result of the input that we received from the Cultural Resources Commission.

When this project first came before the Commission in 2004, in September 2004 it was a project that included improvements to the Lahaina Pier and as well a comfort station at the Lahaina Small Boat Harbor. At that time, we received input from the Cultural Resources Commission and from the community that the comfort station was a needed project that was a high priority. There were some issues that the Cultural Resources Commission and the community felt that -- with regard to Lahaina Pier. So at that time, the project was actually ...(inaudible).. and the comfort station went on a separate track and the Lahaina Pier went on the environmental impact statement track. At that time, then in November, we came before the Cultural Resources Commission, November 2004. We had comment on the environmental assessment that was prepared for the comfort station, and then as well we prepared an environmental impact preparation notice for the pier improvements and we received comments from the Cultural Resources on both projects at that time. And in January of 2005, we were before the Cultural Resources Commission again with the comments on the draft environmental assessment of the comfort station. And in April of 2004, the Lahaina Comfort Station received Historic District Approval and that project is now completed and opened, and I think it's been a tremendous benefit facility for -- and a much needed one in Lahaina. The environmental impact statement, however, went on a different track and -- with the pier improvements. The comments we received at that time were to look at alternative sites with the pier, look at in more detail at the cultural resources within the area, look at the surf sites, and as well look at some design alternatives with respect to what was being proposed.

So, today, I'd like to just summarize the draft environmental impact statement, which was published in February of this year, 2008, and this is part of our Section 106 consultation as

well as comments during the draft environmental impact statement, the 45-day comment period. So with that, I'd just like to go through the powerpoint that we prepared for the Cultural Resources Commission.

As Eric mentioned, the project team is here today. The lead agency for the project, for the Lahaina Pier, is actually the Federal Transit Administration, the Federal part of the Department of Transportation, and the reason why the Federal Transit Administration is lead agency is that 80 percent of the funding for the project and for the comfort station that was built had been funded by the Federal Transit Administration funds. The lead agency at the State level is the State Department of Transportation and as well the State of Hawaii Department of Land and Natural Resources. And the Department of Land and Natural Resources is actually the lead State agency that is handling the design and the studies and implementing the project. The funding still though is flowing through the Department of Transportation and that's how the lead agency at the State level is working in terms of the cooperation with respect to project design, project funding, and project implementation.

The proposed ferry improvements in West Maui relate to Lahaina Pier. There's the Lahaina Small Boat Harbor but, however, the services really are Countywide. The service is really to develop a ferry facility on Maui that also serves Lanai and Molokai. The Lanai ferry terminal is at Manele Harbor and it's also a small boat harbor of the Department of Land and Natural Resources. And the ferry harbor on Molokai is Kaunakakai Harbor, which is a commercial harbor run by DOT. The existing inter-island ferry facilities at West Maui include the Lahaina Small Boat Harbor. There are two ferry services operating out the harbor. Expeditions provides daily service between Maui and Lanai. And Sea Links of Hawaii provides the service between Maui and Molokai. Lahaina Small Boat Harbor, the existing uses at the harbor include the inter-island ferries, the two ferry vessels. There are also 47 commercial vessels operating out of the harbor and these commercial vessels range from snorkel tours, sail tours, whale watching tours, and evening cruise tours. There are 71 recreational vessels operating out the harbor and as well Lahaina Harbor is a place where the cruise ship tenders come in to unload passengers.

Project needs has been established, prioritized for safety and this is primarily geared to the ferries because the funding is coming from the ferries and it is for ferry improvements. There is as well harbor congestion and many times during boat days, when the cruise ships are in, there are -- there is congestion in the harbor and the ferries sometimes have to wait outside the harbor entrance before being able to unload their passengers or to load their passengers, so the priority is to provide more service area so that ferries can be accommodated. And as well there are Americans with Disabilities Act compliance issues that need to be carried out at the harbor. There is limited passenger loading and unloading right now at the harbor, on Wharf Street, and that needs to be improved to make it more convenient for the ferry users and commuters.

Part of the study and the reason for the time lag, we came before you in 2005 and it's almost three years, however, a lot of study and other work was carried out during that time. One of the main studies that was carried out was a site location and design alternatives investigation and assessment. Three sites were reviewed during this process. The Lahaina Boat Harbor site, which is the current site for the Lahaina Pier and the ferries. Mala Wharf was also considered, and that was suggested. And Keka`a Point, in Kaanapali, was also another site that was investigated.

In terms of the site evaluation criteria and assessment criteria, there were a number of factors that were considered. We looked at the environmental criteria. We also looked at how each site and facilities to be developed at those site would be in compliance with plans, community plans, State plans, and policies of the State, and policies of the Maui County, and we also looked at the economic criteria in terms of support industries and linkages that the ferry terminal will have with -- with the local economy and as well cost for the facility.

This is the Lahaina Small Boat Harbor. It's an aerial view of the harbor. Right now, there is a breakwater fronting the harbor to protect the harbor from the swells. Again, these are the marginal piers where the harbor users are moored, and this is the existing pier. The proposed pier will be approximately 60 feet north of the existing pier, and as well this is the limits of dredging to enable enough draft for the vessels to moore on the north side or the north face of the proposed new pier. This dredging basically involves dredging and deepening the channel and, right now, there's been a lot of sand and sediment in the channel so they'll be dredging of the channel, and then to clear an area just to the north of the proposed pier.

The Lahaina Boat Harbor site alternative would include expansion of an existing facility. It's within the limits, of course, of the National Historic Landmark. It's also within the limits of the County of Maui Historic District No. 1. This is a plan view of the proposed pier improvements. This is the existing pier, the outline of the harbor wall, seawall along the harbor, and this is the limits of the existing breakwater. In order to make this operational, this is the harbor entrance area, and this is the limits of dredging is this hash mark that is along site within this triangular piece or this triangular line. And this triangular line is basically the area that was surveyed by the marine biologist, APOS. They did a marine biology assessment, water quality assessment, and as well a marine dredging area assessment for this particular project. This is the edge of the coral or the reef that is outside the harbor. And this is the area of dredging of the reef that will be required in order to widen the entrance channel on the north face of the harbor. This particular area as well delimits the sand bottom and the reef edge, and so this portion of dredging that will be required to deepen the channel will basically be sand dredging and this is the portion that would impact the reef. This is just some underwater shots of that area. These are just representative corals and the sand bottom that is representative of the biota and marine conditions.

In terms of the Lahaina aquatic analysis, there is a diverse aquatic biota in and around Lahaina Small Boat Harbor. The main coral coverage in the area is 7.1 percent. The direct dredging impact area is between 18 and 33 meters from the shore. The sand bottom in the channel -- there is a sand bottom in the channel and underneath the proposed pier site. And the proposed pier site is basically in that area where the Carthaginian was docked. That is sort of where the proposed pier will be positioned.

In terms of the economic criteria of the Lahaina Small Boat Harbor, it is the site of the existing ferry service. There are a number of support facilities in and around that area. There's bus loading zones. There's restaurants for ferry passengers; shops for passengers to shop and for visitors as well. There's a little economy of shops and businesses and commercial operations in and around that area. There is ample parking available, not only at the site within the harbor, but also paid parking and free public parking in the vicinity of the Lahaina Small Boat Harbor.

Mr. Fredericksen: Excuse me, Mich? Excuse me?

Mr. Hirano: Yes?

Mr. Fredericksen: The -- okay, the proposed ferry pier or dock is that going to be exclusively used by the ferry if it gets built?

Mr. Hirano: No, it won't be.

Mr. Fredericksen: Thanks.

Mr. Hirano: And as well, there will be public -- it has existing public transportation and plans for future public transportation links. The overall cost for the ferry pier at the Lahaina site is 8.16 million dollars.

The Mala Wharf location alternative was also investigated. The Mala Wharf is in this section of the photograph. It was built in and around 1922 and because of design issues as well as current and wind and ocean conditions, the Mala Wharf was really abandoned shortly thereafter. It wasn't really used for a long period of time. It became a very dangerous area and it is actually condemned and has been fenced off from use from the pier.

Mr. Fredericksen: Excuse me, Mich? I just wanna interject real quick. Mala Wharf, when it was constructed, it was constructed to get basically to get pineapple and sugar out of there. It was under built and it was pretty much knocked apart by the -- the big vessels that came in to take sugar and whatnot off.

Mr. Hirano: And it was also used as a commercial -- I mean a passenger dock as well. There's the Pu`uhia Cemetery right next to it, just to the south. This is Ala Moana Street, which provides access, Mala Wharf approach road off of Front Street. There's single-family residential areas to the south. This is the Lahaina Jodo Mission. There's as well multi-family residences just to the south of the wharf. This is the wharf parking area. The Old Lahaina Luau just to the north of the site. There is an existing boat launching ramp that many commercial operators as well and local commercial fishers use to gain access to the water. Just as a point as well, in the cultural background, there was some work being proposed at the pier and as well there was a sewage pump out -- sewage pump station just in this location, and there was some archaeological work done and there were a number of graves and iwi uncovered in that area as well, so there are a lot of burials in that area. This is a picture of the Mala Wharf. As you can see, it's deteriorated quite a bit. And this is the boat launching ramp just to the north of pier, and that's used as well quite heavily by tour operators as well as local fishers.

The marine survey uncovered at Mala Wharf quite a rich and diverse marine life in and around that area, healthy natural corals that have repopulated on the cement piles, as you can see from these photographs. In terms of the economic criteria, cost wise and other factors.

It looks like, in terms of our analysis, there would be some socio-economic impacts of a facility, a new facility within that residential area. There'll be land use conflicts and also conflicts as been identified by some of the local fishers at the public meetings that were held, they felt that they were very happy with the way things were at Mala Wharf right now where they would have easy access to the fishing grounds. There's very limited support facilities in terms of commercial operations, restaurants, support facilities and convenient areas for commuters. There's no bus service in that area at this point in time. And the cost to demo some of the existing structure and to rebuild a new ferry facility there would be approximately 12.6 million dollars.

The Keka`a Point location alternative was then looked at, this is further north in Kaanapali, and again this wharf or pier was used to unload sugar during the turn of the century. This is the Sheraton Maui Resort to the south. This is a drainage channel. There's the golf course, the Kaanapali Golf Course just on the mauka side of the pier. This is Honoapiilani Highway. The Royal Lahaina Hotel area. Kaanapali Golf Course. Sandy Beach just to the north of the pier, and Black Rock, another historic significant cultural site in Kaanapali. This is just a picture at the head of the pier or on the land side just looking out over. As you see, there's very little of the pier left. It was just a rock mound. It's very shallow at the face of the pier. This is the drainage channel just to the left on the lefthand side of the pier and Black Rock, forms of Black Rock just on the other side of the drainage channel.

Again, in terms of just the marine biology, marine sea life and marine conditions in that area, there are -- it's hard substraight on the rock, however, there are corals growing in the area. Between five to ten percent of the area is covered in coral growth. There's also sand just -- it's sandy beach as well in that area. And as you can see from that earlier picture, to the north, it was a sandy beach.

We summarized just the alternatives. The Lahaina Boat Harbor, in terms of the overall dredging, would require approximately 2,500 cubic yards of dredging. There's an average 7.1 percent coral coverage on that reef portion. There is a sand bottom, and it is a protected harbor. Mala Wharf, there was coral coverage, substantial marine biomass. Removal of existing structure supporting the coral and other marine life will be required in order to develop Mala Wharf. And Keka`a Point, there's less than ten percent coral coverage, sandy bottom, a rocky shoreline on the south, and a recreational sandy beach on the north.

Compliance with plans, policies, both or all sites will require the standard Department of Army permit because we're working in navigable waters, the Section 404 as well a water quality certification by the Department of Health, and a conservation district use permit because they are in the conservation district. With the Lahaina Small Boat Harbor, there's the Historic District Approval that will be required, a special management use permit, the Cultural 106 negotiation, a memorandum of agreement, but it is a permitted use within the existing harbor. Same kind of permits at Mala Wharf: Department of Army, a 401, and conservation district use permit. It will require Section 106 and the reason for that is that, you know, all project locations will involve Federal funds. There are known burials in and around the Mala Wharf road access. It will require special management area use permit, and it may require a special use permit depending on verification of the type of zoning and the operations of the ferry in that area. And Keka`a Point, beyond the other similar permits of that will be required at Lahaina Small Boat Harbor and Mala Wharf, it will require a community plan amendment. Right now, the area is designated in the community plan as open space. Then it will require a change in zoning as well from open space to public/quasi-public. It is on private land. There'll be tremendous land cost in acquisition for that and it would require and SMA use permit.

Socio-economic assessment. The Lahaina Small Boat Harbor is an existing use. It has support facilities and a 8.16 million cost. The Mala Wharf has limited support facilities. There are no restaurant or conveniences close by for ferry commuters. It has conflicts with residential uses in the upland and it has a 12.6 million dollar capital cost. The Keka`a Point probably has the more severe limitations. It lacks public access will have to be purchased from other Kaanapali land management company or the Maui Sheraton Resort so private land acquisition will be required, which really increases the cost of this alternative, and it conflicts with the resort and open space land uses that are adjacent uses to the Keka`a Point site.

Based on this assessment, Lahaina Small Boat Harbor was deemed to be the preferred alternative. It was the one that had impacts that could be mitigated; one that had an existing service and an existing use in operation. The proposed improvements at the Lahaina Small Boat Harbor include both marine and landside improvements. The marine improvements involve ferry pier improvements, and that is to build a new ferry pier adjacent to the existing pier, and it will as well involve dredging. Landside improvements include replacing the administrative office, this is the Harbor Master's office, it'll replace the ticket booth. Improvements that will include parking and circulation in around the site, and as well site utility work.

The landside improvements, this is the administrative office. What's being proposed is to tear down the old office and rebuild the office, as well build a new Lanai and Molokai ferry ticket booth. And I think what, in terms of the -- on the landside, what this can do is to kind of consolidate a architectural theme at the harbor, which was established by the comfort station.

Improvements. Pedestrian improvements include restriping the crosswalk across Hotel Street; widening the sidewalk along the north side of -- I'm sorry the south side of the Hotel Street on the Pioneer Inn side. This sidewalk tapers down to two to four feet in various places and, you know, right along this piece right here, it's very critical, so the improvements would be to widen the sidewalk to a minimum of six feet, develop this curb, and provide wider, again, sidewalk in this area, and develop pavement crosswalk that would probably be patterned pavement across from Wharf Street, from Pioneer Inn to the ferry terminal and the pier.

Traffic improvements as we would be to develop the roadways so that it can be a one-way through system on Papelekane Street, and during boat days, this area is somewhat closed off and very restricted so there will be access coming through lane for loading and unloading of passengers and goods and services and continue on through Papelekane Street. This is the existing lighthouse. This is Hauola Stone, this is another cultural site, and the Pioneer Inn, the Banyan Tree, both cultural sites.

Again, this is an elevation of the office, Harbor Master's office. Single-story building kind of in the plantation style architectural style. And this is the ferry ticket booth proposed, just a very small building, 12 feet high, and 8 feet wide, and just to have two little rooms for both the Lanai and Molokai ferry ticket dispensing. Lahaina Small Boat Harbor. We looked at plan alternatives and design alternatives as well.

The plan alternatives included the independent pier and the ferry building or an attached sheet pile pier and ferry building. The existing pier on Lahaina Small Boat Harbor is a sheet pile pier and one of the first, of course, design alternatives was to look at just a sheet pile here with fill behind the sheet pile and a concrete deck along the pier which would be then

attached by a ramp onto the seawall of the Lahaina Harbor. This pier would be approximately 35 feet wide and 115 feet long. It'll be about 60 feet from the north of the existing pier. And what was being proposed, and this is a very early one, it was a two-story structure with a waiting -- a passenger waiting area on the main floor, and the ferry harbor offices and administrative offices and an enclosed waiting area on the second floor and some concessions and washrooms. This plan, as I said, was a very early plan and there were a lot of comments, negative comments, on this particular development plan. The alternative to that was to keep it still a sheet pile structure. This is an access ramp and actually it would then be attached and not impact the historic seawall or the upland area of the pier but actually come off access to the new pier would be from the existing pier, it's a 16 foot wide, 60-foot long ramp, that approach ramp that would go onto the new pier. And this is the elevation of the -- that ramp. It would be supported on piles. And the new pier would be 35 feet wide, approximately 115 feet long, and would involve, not a two-story building, but basically a shade structure over an open shade structure, and the roof of the structure has been further reduced into two small roofs with connecting trellises that would provide view plains through the area as well as the open area, openness of the building.

In terms of the evaluation of these, we looked as well at design and construction of alternatives, and this included the sheet pile pier design and pile supported pier design. Some of the comments that were received about the sheet pile design was water circulation within the harbor, so the pier was then supported on piles which would then allow, not only visibility and light to go underneath the pier, but also develop habitat for marine life to recolonize on these piers, on the piles that are the -- these are the concrete piles supporting the pier. And to have a surfer access. This is a surfer access platform so that the surfers can use the pier to access and gain access to the surfer sites outside the harbor. This is the Hauola Stone, so this is approximately 130 feet from -- 123 feet distance from the Hauola Stone. There'll be as well circulation of water behind the pier and underneath the pier.

In terms of the alternative design evaluation, part of this was a coordination act between the State and Federal agencies and the U.S. Fish and Wildlife Service did, under the Fish and Wildlife Coordination Act of 1934, they evaluated these alternatives and looked at a preferred alternative that would result in the least amount of anticipated adverse impacts to fish and wildlife resources. Under this Section 404-B1 guidelines, code -- it's Code 40 of the Federal regulations, is to look at the least environmentally damaging practical alternative, and we're not looking at a project that will have no impact or saying that it won't have impact, we're looking at a project in terms of the evaluation that has the least environmentally damaging practical alternative and, as part of that as well, any unavoidable impacts that have been identified during this process is to be mitigated. So we're looking not only at the least damaging practical alternatives, we're identifying what may be unavoidable impacts and as well looking at ways to mitigate that impact.

In terms of the evaluation methodology, there was a marine biological assessment that was carried out, as well U.S. Fish and Wildlife, under this 404-B assessment, looked at a quantitative determination of impacts so that they could look at compensatory mitigation, and they did a quantitative analysis to look at habitat equivalency. So it was like quantifying what that impact will be. And then in terms of the mitigation, measuring the mitigation action that would equal or offset the negative impact.

Through this process, the preferred alternative was the attached pier, supported pier. It would maintain circulation and flushing of air between the new pier and the existing shorelines. In terms to habitat mitigation, by the pile supported pier, there was a gain or what they call '60,309 square-foot years' so that's over a 20-year period the square footage of rehabilitation and recolonization of marine life on the piles of habitat over that period of time, so there was a net gain and that's because of the -- the new habitat of the piles in the water, which would be areas for colonization of coral and other marine life. And as well, through compensation, they looked at a compensation action to recolonize the corals that are removed from the dredging in order to gain through this compensation program 15,742 square-foot years of replant habitat, and that's through recolonization programs of coral reefs.

In terms of potential -- other potential impacts and mitigation. We looked at historic resources, the surfing sites and traffic. Again, as Stan had mentioned, this is in the Lahaina National Historic Landmark Boundary, which go out one mile into the water. Within the pier area itself and the harbor, this is the development area, the existing pier, and the new pier site, as well as the land improvement areas. There is the brick palace; the Hauola Stone to the north. Both very prominent and important sites. The courthouse and the banyan tree are also classified as historic property. And the lighthouse.

Mr. Fredericksen: Excuse me, Mich?

Mr. Hirano: Yes?

Mr. Fredericksen: You know on that -- the outline that you have of the impact areas?

Mr. Hirano: This is the project area, yes.

Mr. Fredericksen: Project area. Okay, the -- the portion of it that's semi-rectangle that's all along the Wharf Street side --

Mr. Hirano: This area?

Mr. Fredericksen: Yeah, between that and then the library grounds, yeah. What's proposed for in there?

Mr. Hirano: That is where there will be road improvements to sidewalks, there's a loading and unloading area in this area, yeah.

Mr. Fredericksen: So most of that's aboveground then?

Mr. Hirano: Yes. It will be aboveground, yeah.

Mr. Fredericksen: I see pavement would be restriped or whatever.

Mr. Hirano: They'll be resurfacing probably what may be proposed are more decorative type pavement surfaces that would be -- act as traffic calming and pedestrian safety type features that would delineate areas for pedestrian movement and slow traffic down over this area. There's a loading and unloading area that would be a through lane here and then a one-way lane through to Papalekane Street, and five parking stalls on Papalekane Street.

This is one of just the -- this is just how the waves and the current flows Keaweiki surf site and Ao`u surf site are in these areas. And the marine coastal engineering assessment with the dredging indicated that there would be no impact to these surf sites as a result of that dredging. That, again, we -- during our public comment period and our presentation that was made public here in Lahaina last month, in March, we got some really good input from the Surf Association of Maui, surfriders as well, and, you know, they made some suggestions as to what should be looked at in a little more detail and I think we would get the coastal engineer to assess those comments. But they offered some pretty good practicable advice to make sure that these be studied so that there will be no impact to the wave set up in and around the harbor.

Traffic mitigation was as well looked at. It looked -- Wilson Okamoto did the traffic impact assessment. They looked at all the intersections. They're currently operating at acceptable levels of service. In terms of the ferry terminal, they didn't except -- and the idea of this whole ferry pier improvements is not to look at increasing capacity at the harbor but, basically, providing a safety area that would accommodate the existing levels of traffic, so we're not looking -- in the traffic impact analysis didn't indicate that there will be any extra traffic as a result of the pier improvements. It's really to accommodate the levels of traffic that are within the harbor right now. It's to improve passenger loading and unloading facilities as well to improve sidewalk and pedestrian safety. And most of the focus of the traffic assessment was really done on the pedestrian traffic and the safety and what could make it more pedestrian safe in and around the harbor, and how can you provide little bit separation to help increase traffic flow as well as to provide pedestrian safety and pedestrian -- ease of pedestrian movement to and from the Front Street area and along Hotel Street to the harbor and the pier.

Unresolved issues. There are unresolved issues at this point in time, which are going to be further evaluated. There's that compensatory habitat mitigation plan. There's more studies and consultation going on with the U.S. Fish and Wildlife Service with respect to mitigation, and that would also involve all the Federal agencies and regulatory bodies, including Environmental Protection Agency; the U.S. Fish and Wildlife; NOAA, National Ocean Atmospheric Administration. As well, this is Federal funding, Section 106 is triggered. This is part of our 106 consultation with the Cultural Resources Commission. We also have identified a number of cultural groups that will be contacted during, you know, this part of the study, and a memorandum of agreement will be entered into with those cultural groups that will be potentially impacted by this project and look at ways in which those impacts can be mitigated, and then that will be completed through a memorandum of agreement. A number of ideas and suggestions have come up from cultural groups with respect to some forms of mitigation, which involve the double-haul canoe stationed at the former site where the Carthaginian was moored. So, you know, those kind of discussions will be taking place in a little more detail. And then a memorandum of agreement will be entered into to memorialize that compensation and mitigation program.

Just to summarize and conclude my statements. The draft environmental impact statement is a disclosure document. It's to disclose the relevant issues and concerns with a particular project, in this case the pier, the inter-island ferry pier expansion. I think we've identified in instances mitigation measures that can be undertaken to ensure impacts will be minimized or fully mitigated, and that, as well, we've identified areas where we could be working in more detail with the Section 106 memorandum of agreement, and the habitat compensation program.

So, at this point, this concludes our presentation and information on the draft environmental impact statement and we are available to answer any questions that the Commission may have. So thank you for your time.

Mr. Kalalau: Okay, thank you, Mich. Commissioners, questions?

Ms. Watanabe: Mich, I have a question. So are you guys going to have a designated place for like the taxis, you know, cause they're --

Mr. Hirano: There is, right now, you know, a place for the busses and the drop-off, but there is -- there will be a loading and unloading zone so taxis can come in into that area, a drop-off, pick-up, or move out. If they're parked for any length of time, I think that they would be to where the busses are right now.

Ms. Watanabe: Good, because I think now because, you know, they're just parked there and sometimes when we're doing unloading, they're parked there, you know, and so it's like we have to ask them to move their cars. It's very frustrating sometimes. And then -- and

then, of course, you know like when the cruise ship comes in, you know, there's the security so -- and then so, for Lanai people, we have to go down, we have to load up on the bottom, but what I see too is that everybody's lined to get on the boat and people are coming off and you that pier is pretty narrow and what kinda scares me sometimes is you have a lot of families coming off with babies and, you know, I know when I come off the boat with my grand-daughter, you know, she makes me nervous cause she's on the edge of the pier so --

Mr. Hirano: Yes.

Ms. Watanabe: And so how would that, you know, with the cruise ship and this new place, would that separate all of that? I mean --

Mr. Hirano: Yes, right now, because when boat days are operating, everyone uses that same pier so when -- the idea is to dedicate an area for the ferry that it can use and will have access to when it's in use. When it's not being used by the ferry, of course, it will open to other users. It's not an exclusive site for the ferries. So the -- during boat days, what happens is they cordon off certain areas to make it a secure area -- oh, Hal can talk on that.

Mr. Hal Silva: Hal Silva. I'm the Harbor Master. Cruise ship activity. That stays the same. That's going to be contained in its own little area. But if you look at how we got it set up, to get to the ferry pier, you walk through there, walk through there, and you're there. Right now, we've got kind of a mix on a cruise ship day. With the Molokai ferry, we've gotta kinda open the gates, slide the guys down, you go through the cruise ship security zone, so it's kind of an overlapping thing. With the new ferry pier, all of the ferry activity will be completely separated from the existing loading dock, that would include regular traffic, cruise ship tenders, all of that. The ferry passengers or commuters will have their own little world off to the side. They'll check in at the ticket booth, walk down a walkway, and onto the pier. Presently, you go to the ticket booth, you gotta go to your car, you're walking back and forth all over the pier, and it's just inconvenient. And like you said, it's a little spooky sometimes for little kids walking.

As far as the traffic goes, what we did was Eric and I spent a lot of time just observing what's going on as far as traffic, and it's a mess. It's a bottleneck. Nobody uses -- traffic doesn't flow as I believe it was intended because it's not clear on what's happening. Vehicles will pull in, stop, turn around and back up. There's no flow through traffic. So what we did was we -- we kinda took a look at Kahului Airport and kinda shrunk it down. You stop there, you load, you off-load, you move on. Same thing with the taxis. Right now we have taxi congestion. The taxis just block up all the, you know, stalls and it's just very challenging. With what we have set up, if the taxis wanna park, they're going to have to

park off to the side, but to drop off or pick up, they'll have to come through, drop off, pick up, and move on, just like at the airport.

Ms. Watanabe: Well, I think the other thing too is when we come in to unload and there is that busses that come in and then, you know, we get told that we can't unload there because the bus, we have to make room for the bus, but you know if we have like kupuna and stuff to unload because everything else is closed up when the cruise ship is in, so that makes it, you know, very hard.

Mr. Silva: With the cruise ships or without the cruise ships, the whole idea behind this traffic plan is to increase the flow cause right now nobody drives up Papalekane Street. They stop, they turn around, and they end up going against the traffic. Technically, that's a one-way street but, you know, what do you do? I think in the -- I think we've pretty much got things covered. As far as large buses, technically, there should be a sign out there that limits the size or the gross vehicle weight rating. There's like a imaginary line - no buses beyond that line, so I'm sure we can include that signage to keep the buses where they need to be.

Ms. Watanabe: Good. Thank you.

Mr. Fredericksen: Yeah, I've got a question before you take off.

Mr. Silva: Okay.

Mr. Fredericksen: Okay, let's say this thing gets built. There's a new ferry terminal. So when the ferries aren't there, what do you envision happening over there?

Mr. Silva: When the ferries aren't using it -- well, currently, we've got Expeditions, the Lanai ferry, they have five runs per day from early in the morning to early in the evening. The Molokai ferry does a morning run and a afternoon run. In the meantime, commercial users, recreational users; it basically doubles our existing public loading dock so we will significantly eliminate congestion. So, yeah, whoever, anybody can use it.

Mr. Kalalau: Okay, Ray.

Mr. Ray Hutaff: Thanks. I got a couple questions for you. I've been up that Papalekane and I hate going up there. And I think that a lot of people who use that area once, and then come back again, don't wanna do it again. It's very hard to make a lefthand turn out of there even though it's pretty hard still on Canal Street. What would be the encouraging factor because most of the people come down Hotel Street, kinda go sideways hoping to get out on Canal Street rather than go up that street? None of that will change. You'll still want to not go there and go on Canal Street. It's a great idea on paper, but how are you going to

encourage that? Now, the other end of it too is that if that's going to be a -- like a through loading zone, you're not going to allow -- how are you going to encourage traffic not go down Canal Street? We still may end up with the same problem.

Mr. Silva: Well, what we -- we would like to see is some sort of improvement on Papalekane Street. Right now it's very narrow. We're tossing around several ideas as far as what we would recommend. Obviously, by reconfiguring that sidewalk area on Hotel Street, and clearly marking the area, again, visually to encourage drivers to flow through rather than kinda bunch up and bottleneck.

Mr. Hutaff: Maybe you should look at how to make it easier to get out of -- back onto Front Street again --

Mr. Silva: Well --

Mr. Hutaff: Cause if you're going to make a left over there, because the road's kinda out like this, you know, and you have people constantly walking, you have to, you know, make sure that they have at the crosswalk.

Mr. Silva: Well, obviously, on -- you know to encourage traffic to go through Papalekane Street, we're going to have to do something to improve it to allow that flow to go through. Mr. Hutaff: And also to get back onto Hotel Street cause Canal Street offers you a right-hand turn and go down shortly to get back up on Honoapiilani Highway.

Mr. Silva: Correct.

Mr. Hutaff: Whereas, if you go up that street there, you now have to go in front of Pioneer Inn and all the visitors are walking across those crosswalks, and they time it just right so you can't get through, okay. So I know, personally, and even talking with others out there, that that's one of the reasons they don't go up that street. They've done it once; they've seen the problem; it's just not worth it. They come and do a little drop-off over there, which creates the congestion, then you have the buses that are trying to get in to park. So really making it more convenient to go up that street, you're trying to do, but you missed the street part, I think. I think that that needs to be really looked into. I know you can't get rid of the parking stalls and I know people park on the other side up till a certain period of time, which makes even say a small van or a medium size van they don't wanna go up that street either so --

Mr. Silva: Well, obviously, whatever -- whatever ideas we come up with we're going to be talking to you.

Mr. Hutaff: Just drive it. One other question, real quick, small one. The Lanai and Molokai ferry ticket booths, okay, are -- is that going to be leased by the Lanai and Molokai ferries or rent's going to be paid by that or is that going to be something that's provided as a service for local people?

Mr. Silva: Well right now -- right now the way our permitting process goes, we issue what are called RP's, or revokable permits, for any -- any properties or land that are landside. So in theory, the RP, or revokable permit, would apply to that structure. The project would build the structure and a small amount of money would be assessed of the operator of the Molokai ferry and the Lanai ferry for those booths.

Mr. Hutaff: I like the idea what you said about small.

Mr. Silva: Yeah, we ...(inaudible)...

Mr. Hutaff: Because if, you know, if they are charged big bucks because it's a new thing, that cost is passed on to the local people who use --

Mr. Silva: Sure.

Mr. Hutaff: Lanai and that's --

Mr. Silva: Well, currently, the Expeditions Lanai Ferry operation are leasing a ticket booth, so to speak, that is considerably larger than what this new one would be, but it was just a matter of convenience. The Molokai ferry people also, with one of their commercial permits, they have a ticket booth in front of their slip, which they pay I believe its \$250.00 a month rent. So as far as the revokable permit, within our department, we have a separate land section that does those permits. I just do the boat permits.

And then in addition, Mich brought to my attention, one of the ideas or one of things that we thought of to help improve the flow on Papalekane Street, aside from, you know, changing the size of it or whatnot, was to limit that to a right turn only rather than to try and turn left onto Front Street. A right turn is a lot easier to do than a left turn.

Mr. Hutaff: Can you do the same thing for Canal Street? Cause then all those who wanna go left they're going to go up Canal Street.

Mr. Silva: Right. Right.

Mr. Hutaff: I think what you're trying to accomplish is great. I think you got the right idea and all that kinda stuff. But I think that some other kind of improvement needs to be done. I hate the thought of a traffic light.

Mr. Silva: No.

Mr. Hutaff: You know, but I do see people avoiding that; that's the reason it's not used. It's always been there but people don't use it cause it's a difficult thing to negotiate. It's so much easier to go down Canal Street.

Mr. Silva: That is true.

Mr. Hutaff: The street is so much wider. You can actually pull out to go left and the guy behind you is not going to be upset cause you have to wait for everybody. The crosswalk is on the opposite side of the street so your left is so much easier, you know. Making it right turn only is the reason people don't go up there because it is a right turn only now just because it's inconvenient versus Canal Street.

Mr. Silva: Correct. Correct.

Mr. Hutaff: They already have that. That's part of the problem. But thank you so much for your answers.

Mr. Silva: Thanks.

Mr. Kalalau: Okay, Commissioner, people we're going -- we're running into some problems right now, and I apologize for that. We didn't know that the first agenda items was going to go that long. Anyway, we're going to now open the floor for public testimonies because there's people that's been sitting in here from this morning. So the floor is now open for anyone who, in the audience, is going to testify on this agenda item. Please come forward and state your name.

Ms. Dorothy Pyle: I guess it's afternoon now. This is Dorothy Pyle. Hi, guys. I -- wow, so many comments to make and not very much time to make it in. So anyway, as you all know, because I've been on this Commission before, the first thing that I'm going to just say again, which I say over and over again, is that the Commission's job is to speak for the sites. And while it's really fun to talk about the traffic flow and other things like that, and I recognize that we have a Lanai and a Molokai person who takes ferries, the issue really, for the Cultural Resources Commission, is to consider the impact that this will have on a National Historical Landmark. And the Landmark issue I think is a really really serious issue for this particular place.

Lahaina's been a National Landmark since the inception of that program and actually last year, Stan and I visited with a representative from the National Landmarks Program who came here because there are some concerns already that Lahaina has been abused for way too long as a Landmark. And so we visited this site and we talked to her a great deal

about what some of the issues were. And she did really indicate that the whole significant statement for the Lahaina Landmark needed to be rewritten, and one of the directions that she felt this needed to be rewritten in was to recognize much more strongly the value of the Hawaiian cultural sites that are there. And so, as Stan pointed out in his earlier presentation, there are some real connections all along the area of Front Street, right by the harbor area as well as the Moku'ula area, and creating anymore disruptions in that area, changing the shoreline, changing the visual impact has an impact, not just on the Landmark as it sits today, but as it really should be considered because of its value in many other areas.

I have a whole bunch of other comments, and so I sat here and listened to what was going on, so I'm just going to run through these. These are for you guys to just think about. One of the things is -- well, one of the issues was will it be used by the cruise ship? What percentage? If the cruise ship tenders leave that area and perhaps could be sent to Mala Wharf, then is the capacity in that area still appropriate for the ferries? And I think we really need to consider that because the ferry impact, if the wharf stays the same, the ferry impact can still be there. It won't change. All of those services that are really important for our local citizens would remain the same. You just remove the part that's disruptive, that brings the buses, and brings the taxis, and all those other things away from that area and it would make it substantially more palatable to everybody and it would not have any big impact on the sites that currently exist.

I was interested to see what shoreline changes they were discussing and, certainly, they've tried to mitigate shoreline changes by creating this structure that they've done, but there are going to be shoreline impacts. We just heard that this narrow road will be "improved." What does that mean in a National Historical Landmark? So you have to consider that.

I was also really quite interested to hear a very small comment made at the very beginning that the funding for this project will be funneled through the Department of Transportation because if it comes through the Department of Transportation, there's a whole other set of requirements that I'm aware of that we really should be following or the plan should be following, and that has to do with the National Transportation Act, Section 4F requirements, which are involved with any kind of project that concerns historic sites of any kind. This is not just on Federal land. These are historic sites that have been deemed so by Federal, state, or local agencies. Lahaina's a Landmark. It's at the top of the list. The County has Historic Districts there. So all of these things need to be considered.

Here's part of what it says in a Section 4F environmental tool kit so it says, this is just brief quotes, and I have some of these that I could pass out, it says, "It is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside in a public park and recreation lands, wildlife and water fowl refuges, and historic sites." And it goes on to say, "Requirements for historic sites. The requirements of

this section shall be considered to be satisfied with respect to the area described in paragraph 2. If the program or project has," what they call a, "deminimus," which I would say no impact in the area. And then it goes down a little further and it says, "Historic sites. With respect to historic sites," and what I mean by these are Federal or state or local sites, "a finding of deminimus or no impact can only be found if the program or project will have no adverse effect on the historic site or there will be no historic properties affected by the program or project." So a Section 4F is a very, very serious issue.

And I should just kinda tell you a little story. You know, I've been - I look around and I think you are the only one in this room that is older than me - I think, and many years ago, I worked in Honolulu for the State Historic Preservation office, only it wasn't called that at the time, it was the Hawaii Register of Historic Places. Section 4F was called into play, amazingly, to stop the widening of Ward Avenue in Honolulu, which is one of the main arteries, you all probably know, that runs mauka and makai, right down past, you know, all those areas. It was stopped. The widening of this road was stopped because it would have destroyed part of the property of the Honolulu Academy of Arts. So the Federal Department of Transportation took this so seriously that they would not allow the county, the City of Honolulu, to use any Federal money to widen Ward Avenue.

A little bit later in the I think 1973, 1974, some people may remember and some research should be done because I remember this very well, I -- probably -- DLNR, once again, wanted to build a small boat harbor in front of Lahaina Front Street, and a Section 106 procedure was called for this. It became a highly contested thing in the State of Hawaii, which required the National Historic Preservation Council to send an officer, hearing officer, to Lahaina where we had a public hearing concerning this. The National Historic Preservation Council's comment or recommendation was that the boat harbor be denied because of the status of the National Landmark in Lahaina.

So my feeling is is that when this comes to a Section 106 memorandum of agreement, I really think that, considering that the National Landmark program is involved in this and that we already have a precedent set for denial of something like this, that we should all consider what the impact really is for a National Landmark. And I know the ferry is important, and I really do understand that, but sometimes the sites are really important.

Many of you I'm sure, like I have, have traveled many places in the world and visited many historic sites and historical areas in world as well, and I have to say none of them are convenient, and that's probably the major issue is that we sometimes have to give up a little bit of convenience for things in order to maintain our historical integrity. So, anyway, I thank you for your time. I talk really fast, I know. Anybody have any questions?

Mr. Hutaff: Thank you for putting me on point.

Mr. Fredericksen: Thanks, Dorothy.

Mr. Keeaumoku Kapu: Hi. Aloha again. Keeaumoku Kapu from Lahaina. Well, I guess that takes the cake based upon what your fiduciary duties are and that has a lot to do with doing some research, whether or not we're going in the right direction. I really think, on your capacity as a Cultural Resources Commission for advisement that needs to basically step it up to advise the Planning Department to basically do what needs to be done on the benefit of the people of Lahaina. I mean I not talking about the majority. I talking about the people of the place, not from the place. I really feel that County needs to take a more active role on the advertisement of a National Historic Registered area. Thanks to Stan Solamillo for sharing that ad from Hawaiian Airlines, I think it was. That's basically what the impression that gives to outsiders what Lahaina basically is is just another Disneyland and it's coming soon, so everybody's expectation when they come to -- to Lahaina, we know how that is sometimes especially when the Halloween festival comes to the Lahaina Town; next thing you know, every ferry tent is going to be occupied because they wanna see all these naked people walking down the streets.

So I guess my major concern is the role on the County Planning Department and, basically, the County alone, and I think that the Cultural Resources Commission's recommendations is this is to push it to the bar. Get the County active in this to make sure that, you know, if there is something that is discriminately an issue to yourselves as pertaining to the integrity of this town and how this town may escalate to, basically, a National Historic Registered area to a so-called just the name, that's all it is, but the intention basically is totally something else. So when I listen, you know, it gives me a great opportunity because I used to sit in that chair before but when I listen from the outside, I gather even more information as pertaining to what our kuleana is or what your kuleana is, and your kuleana basically is to protect the cultural historic place, you know, you get sign ordinances, you get -- you guys, I don't know, look at all these other kinda things and not to also remember that they have other commissions that may override your decision as well based upon traffic flows and all this kind. The Planning Commission is another area. The Cultural Resources Commission needs to really seriously look at the integrity on how this town is basically going to change in the next five years, yeah.

And I have a list of things that I'm really concerned about and that has nothing to do with the Section 106 as of yet because I think that'll be worked out with the Native Hawaiian Association based upon what their say is under the 106 consultation. One of my concerns is the lighthouse. The lighthouse known in the past for the lost sailors out in the ocean. How is that going to affect the view plains from outside? Is that lighthouse still in operation? And if not, why not? And if it is, great, main thing that this structure is built where you look on the map it's built, is that going to affect any incoming vessel to even see where the harbor actually is? Well, you get some blinking lights on the outside but still yet.

The view plains. Another issue is the ceded land issue. This is harbor, which triggers the ceded land issue as well. And as a beneficiary myself, on that issue, there needs to have some follow-up based upon what's going to happen with that. Land impacts. That's the hugest question I get for myself as pertaining to how this is going to be handled. You know when these -- what do you call them? These cruise ships come in, that place is total chaos. I mean we all know. We gotta catch the plane, right, and the first thing we gotta do is go through the electronic box, yeah, then we gotta figure what we limited to bring now, and everything that we bring, like our ...(inaudible)... and our roll-on and all this kind stuff gotta be placed in one Ziploc bag. So I see these kinda changes coming just by the impacts of what the airport gives us an opportunity to experience. How is this harbor going to be sort of changing in that atmosphere? I hope not.

Homeland security is a big issue for me, at the same time, because the cruise ships, well, when you have one ship carrying 750 rooms, times 2, that's the population of how many people coming to this town, and now that's the small cruise ship. You get the bigger cruise ships which hold a total 900 room capacity, some even more. So land impacts to me -- you know when they talk about economics, yeah, how much economics this town is going to get from this, and I see that the tourist industries load up the tourist in the buses and they don't stop to Moku`ula or stop to the town, they take them right straight out of town, someplace else, in Kihei or in Kahului. I no see not one of those buses even stay in the Lahaina District so I no think economics is the question here whether or not this town will benefit on any of those kinds of things. So economic impacts from tourism? A`ole. There's no economic venue for our town when it comes to this kind thing. It's like, you know, if you one rancher and you gotta get the meat to the market, you load 'em up in the truck, get 'em to the slaughter house so it's nice and fresh for Safeway or Foodland. That's basically how I see these drastic changes coming to our town.

Section 106 is a play in this and I think maybe there should be some other stringent kind of rules that they need to follow and one of them would be possible a TCP study or TCP survey on any type of improvement. Dorothy Pyle also mentioned about -- what is that?

Mr. Fredericksen: Section 4F.

Mr. Kapu: Section 4F. Okay. And it's kinda interesting that I also looked through that that didn't mention anything about it. And the biggest part, it was on the slide show, it was so beautiful to see a mo`olele sitting in the harbor yeah? It sort off gives a -- really historic cultural kinda price within ourselves that we still got our double-haul canoes and in the mix of a contemporary life too that we still have an association that basically is trying to put the integrity of the town back into play. I mean it's like a prehistoric kinda thing, but if we start way back then and try to build ourselves into this contemporary management system that we're forced to live, then maybe there's a venue for both to have any opportunity reap off

of its benefits. As a 501(c)(3) nonprofit organization, I see the economics and the dynamics of the town, the merchants, the industries, they like the history but only if its on a postcard and only if it sells good for them, but maybe there might be a possible way, instead of making sure that Hui O Wa`a Kaulua has a place for their canoe, especially our 62-foot canoe, once it's finished, and that mitigation process is, hopefully, continuing? Okay. But we also look at other advantages too with Lahaina Restoration Foundation, that lighthouse area would possibly -- what supposed to possibly serve as an entryway for our nonprofit organization and help us establish a kiosk over there so we can bring some revenues in to help support our 501(c)(3) nonprofit organization, or someplace inside there. I see everybody else reaping in town and everybody else actually reaping off of our nonprofit organization as well and not giving a percentage back. And on the, you know, the so-called DLNR rulings, there is a tax assessment in there that talks about giving back to these so-called "entities," 501(c)(3) nonprofit organization a certain percentage, to give back, well, us guys chasing for all those small little grants out there because we scared go for the anagrant because there's a hundred thousand people going for the same thing. So I look at this, not only the economic side, but I look at it pertaining to how we going to be in the years to come and you have, I guess, the hugest task but I don't know what kind of weight that'll hold based upon your advisement or your recommendation that come through here so I wanna encourage you all to be stringent in your recommendations to the Planning Department and hope that, you know, to create even more clarity for the -- these other things that have to do with protection of the National Historic Register are definitely looked into, okay, because me, myself as a beneficiary, I would definitely push it to the bar, and the bar would be as for myself, as a kanaka maoli, pushing it to the bar would have to mean finding out whether or not the laws have been followed and if not, then there shall be some repercussions.

So the bottom line it boils down to this project is not a business and it shouldn't involve any type of business venture in the future.

My one more concern that I have that every time that area is impacted, the public gets pushed out. Okay, when they talk about putting cones and signs and telling people for ride around and, you know, we've been stopped in that area by the Police Department telling us that we cannot go inside here because of the cruise ship operations, they're all coming out. They get security down pack over there. So under, you know, Article 12, Section 7, HRS 7-11-1, you know, that's kinda hard for me, as a Hawaiian, to be deprived to even walk pass that area or even drive my car around that area knowing that it's a public -- public area. But when certain things happen in the area, then our rights are being infringed upon.

So I hope you take into some serious considerations about those kinds of things. Is it or will it benefit us in the future? My thoughts? I don't think so. Yeah, so the key question to you is I guess the impact on the National Historic Registered areas is the main area you need

to look into and, like I said, push them to the bar and make sure that every t is dotted and i crossed. Other than that, mahalo. Thank you very much. Aloha.

Mr. Kalalau: Thank you.

Mr. William Waiohu: Aloha. William Waiohu again. You know, I get this map that they show from 2004. That's long time already. The gravy all i`i. You know the . . . Lahaina national. You take away the "a" and "l." What you call over there? Lahaina Nation. We knew the nation. The Hawaiians. We are the history of our aina. We cannot forget that until we make. When we hala then pau. The next one going think about you, not the po`e from Mainland. They not going care about you. They going tell you, "Aah, you make. You go to hell. You gone." You know? This they way I talk my true self. In 2004, I went agree, yes, put the kind, but now I change my mind because you look over here, Lahaina national history landmark, and you put that, you know, that Supreme Court thing together, eh, they match. Match with this history thing with public 103 ... match. That's the law. You cannot go build something or change the face of Lahaina. When you change the face of Lahaina, you lose Lahaina . . . now we gotta always remember who we are. We are maka`ainana that live the land. And that's all I get to say. Thank you.

Mr. Kalalau: Thank you.

Ms. Yolanda Dison. Aloha again. I'm Yolanda Dison. Well, Dorothy, Keeaumoku, and uncle just about covered everything I was going say, which is maika`i. And actually now you should be too stressed out because Dorothy just gave the information that should be a major impact before anything is decided. So think about that. Eh, put the burden on DOT, County, State, and then the Federal. So, you know, you guys no need stress out too much about the decision when it's time to make a decision, okay? Mahalo.

Mr. Kalalau: Thank you. Anyone else from the public? If not, Stan, maybe we can have the applicant close 'em up, summarize.

Mr. Hirano: It's been a long morning and early afternoon for you. I just wanna say that we appreciate the comments that were received. We will be working with the native groups, cultural groups. There was a 4F analysis done in the draft EIS, so it wasn't overlooked. I overlooked in my comments to you this morning, but it is in the document. We'll be before you. This is just the beginning of the process for us. We're halfway through it with our consultation, our discussions, and we will be before you with updates and as well for the historic district application.

Mr. Fredericksen: Excuse me. Mich, now in regards to Section 4F, I got the CD Tuesday afternoon and didn't get a chance to look at it till Wednesday and, of course, we had a power outage Upcountry, so I didn't have a whole lot of time to look at this whole document,

but what -- where are you in the Section 4F process because just me just glancing through here, it seems like this might not be a project that can really go forward in this format?

Mr. Hirano: The 4F analysis was basically as well part -- parcel of the alternatives analysis that was done where we looked at the economic, socio, and environmental criteria. That's documented in the report and the outcome.

Mr. Fredericksen: Was there a, let's see, an alternative that looked at this shifting all the cruise ship traffic over to Mala?

Mr. Hirano: No. The alternatives were really ferry based so we looked at moving the ferry operation.

Mr. Fredericksen: Yeah, I just -- because it seems to me that the way the traffic is there now, without the cruise ship traffic would I mean greatly reduce the problems that are there. I mean and that actually doesn't really have anything to do, in my opinion, with what we're on the Commission for anyway, about all the problems, it's the affect of a project like this on, you know, this Historic District and everything.

Mr. Hirano: The 4F analysis is in the document as well we have and are continuing, of course, discussions with the National Historic -- the Department of Interior, which has the office that oversees the National Historic Landmark --

Mr. Fredericksen: And I have one --

Mr. Hirano: And that's the Parks and -- Department of Parks.

Mr. Fredericksen: And I have another -- this is just a comment. This, the document in here, the Appendix B, okay, it says it's an archaeological inventory survey for the Lahaina Harbor improvements and new ferry project, Waihe`e ahupua'a. "Waihe'e" is incorrect. It's "Waine`e" project. Maybe that's just a typo, hopefully, in the Lahaina District, Maui Island, Hawaii, and it's May of 2006, and then the title page of the document also states it's an archaeological inventory survey. And then when -- when you get into the body of the report, per se, in here, second -- let's see, first paragraph, Pacific Legacy Incorporated at the request of EKNA Services conducted an archaeological assessment and cultural impact assessment for the proposed Lahaina Pier Improvement Project, and then it goes on. And then it goes on again, throughout the document, it refers to what this is is an archaeological assessment report and -- I mean is this -- they mention in there that this is also a cultural impact assessment that's in this document of 23 -- 24 pages of text and then maybe another 15 or 20 pages of just xeroxed National Historic Register forms.

Mr. Hirano: Yes. That's it.

Mr. Fredericksen: Okay, so -- so, well to begin with, it's not an inventory survey. I mean the way I look at this, I mean just for this part by itself, never mind the -- never mind the having placing a structure there that I think would have enormous impact on the integrity of the district itself, but there -- I look at this report as an opportunity to kind of pull together all of the archaeological work that's been done in the Lahaina area to give some context and they don't -- they didn't do that. I mean they have some stuff in here. But they missed -- just to give you one example that I happen to be very well acquainted with, we've done ongoing work at King Kamehameha III Elementary School, which is between Moku`ula and Lahaina Harbor and where this pier is, and I mean that area was very significant in its own right as well and that's not even -- that report's not even referenced and that was -- when did we do that? 2000-2001, and I know of some other studies that have been done and there's just not -- it's somewhat cursory. I think they did a pretty decent job but it's too -- I think it's a bit too cursory. The -- if this is a cultural impact assessment that's also wrapped into this same report, I mean it's awkward. Those are usually done separately and it's not -- this is all one -- one -- kind of put in one report and it isn't an inventory survey and they -- anyway, those are some comments. I mean there's an opportunity --

Mr. Hirano: Those are good comments and I think --

Mr. Fredericksen: To really to pull research together in Lahaina Town because this is front and center to be able to -- and have that information in the document and that hasn't been the case here. That's just a comment.

Mr. Hirano: I think those are good comments, Commissioner Fredericksen, and we'll look into that in the final and some -- if necessary supplemented.

Mr. Fredericksen: And the cultural impact assessment, I think, needs to be a separate document because it's got -- it needs to be something that OEQC can review separately out from the State Historic Preservation Division. Have you folks gotten any feedback from SHPD or has this not gotten to that point yet?

Mr. Hirano: We haven't received the comments from SHPD on it.

Mr. Fredericksen: Yeah, I -- I just, at this point, to me, I would say that that, you know, that's a -- that's -- and I haven't had a chance to look at everything else, but that's something that's certainly is one thing. One of the folks that provided some testimony today mentioned the TCP, traditional cultural property, and that's certainly, I think, something that would need to be looked at. Yeah, there is an overlay of, you know, all the development, everything else that's occurred since the host culture was established and, to some extent, in a lot of ways pushed the host culture to the margins, but that doesn't mean that this is -- this is not a traditional cultural property. I mean I -- it's a very -- it's a lot of significance in

the Lahaina area and so I would encourage you folks to look at that -- that aspect of it but I mean the Section 4F, what have you gotten back for feedback from the --

Mr. Hirano: We haven't received anything back from the Department of Interior.

Mr. Fredericksen: About when -- when did all that go in? I'm just curious. Just qualitatively like months, six months, a year?

Mr. Hirano: It was published in -- no, it was published February.

Mr. Fredericksen: Okay, so you're -- I mean it'll take -- it'll take some months beyond that for them to get back --

Mr. Hirano: And we had early consultation with them a number of years ago as well, and it's documented in this report, with David Luke, who's Head of the National Historic Program with Department of Interior. So he was actually -- we met him in Honolulu and -- and he sent a letter here so, you know, we have been ..(inaudible)... and we have been in consultation with the Department of the Interior on that.

Mr. Fredericksen: Yeah, I mean -- I have --

Mr. Hirano: And, of course, you know their final letters and their final approval will be required.

Mr. Fredericksen: I was just going to say I have kind of a long -- long relationship with Lahaina. I actually lived on board a boat there for couple of years when I was a little kid, and I mean it's just gotten incredibly -- it's just -- it's extremely commercialized in the harbor. It's, you know -- and from the folks on the State side, I mean it's nightmare because they've gotta try to contend with what's going on there, but I like Dorothy's suggestion about ship the cruise ship traffic away from the area. That's just my own -- I'm not saying that there don't need to be some -- there does need to be some level of improvements but --

Mr. Kalalau: And then bus them into Lahaina.

Mr. Hutaff: Or as Keeaumoku said, bus them out of Lahaina. They already go that route.

Mr. Kalalau: Okay, anymore questions or comments for Mich? If not, thank you,

Mich. Stan, you get --

Mr. Hirano: Thank you. On behalf of the Department of Land and Natural Resources too, thank you.

Mr. Fredericksen: Yeah, thanks folks.

Mr. Kalalau: Thank you. Do you wanna make your comments a recommendation?

Mr. Fredericksen: Sure.

Mr. Kalalau: Cause we need to --

Mr. Fredericksen: Can we get some feedback from -- see what the Planning Department will do on this?

Mr. Abbott: Aloha. Thank you very much. I've been -- I only heard that portion of your discussion, Erik, so I could summarize, if you would, what I heard and you can tell me ...(inaudible)...

Mr. Fredericksen: Well, and also your -- what the Planning Department is, you know, what the Planning Department's stance, if you will, is on this at this point.

Mr. Abbott: We don't have a stance.

Mr. Fredericksen: There's nothing at all?

Mr. Abbott: No, we just got this permit.

Mr. Fredericksen: No staff recommendations, nothing? So -- oh, okay.

Mr. Abbott: At this juncture, what we're doing is -- we are serving the applicant to collect the comments from the various agencies. We'll transmit those to the applicant. We will also take your comments and write those up formally and transmit those to the applicant. We'll also take the ones from the Commission, the Maui Planning Commission, sorry, to transmit to the applicant. The applicant will then necessarily have to respond to all those in the final EA and then we'll bring the final EA back to you -- well, certainly back to the Maui Planning Commission; I believe also to yourselves to review because it needs a Historic District Approval.

Mr. Fredericksen: Yeah, this is a draft environmental impact statement.

Mr. Abbott: And at that juncture, you may say, well, you know, I had this question about shifting the cruise ships and in your final EA you didn't address that. So at that point, you say either you can defer your decision and say you want more information; you can have a FONSI -- actually, a FONSI would be for an EA, but you can either accept the EIS, final

EIS or not, and use that as the basis for your decision on the Historic District Use Permit. But at this point, we don't have any comments.

Mr. Fredericksen: Everything's just starting --

Mr. Abbott: Just starting.

Mr. Fredericksen: I heard that it been to the Commission before in whatever it was that Mich said, sometime in 2004, correct? Yeah. Mr. Abbott: I believe that's when they hypercated the project.

Mr. Fredericksen: So that -- okay, that's where that is. Okay.

Mr. Abbott: So the comfort station was approved. The EIS --

Mr. Hirano: The environmental impact statement preparation notice for the Lahaina Pier was presented in November, I believe --

Mr. Fredericksen: Of 2004?

Mr. Hirano: Of 2004.

Mr. Fredericksen: Okay. Thanks, Mich.

Mr. Hirano: And we received comments. That was the comment letter in the draft EIS.
Mr. Fredericksen: Okay.

Mr. Abbott: I don't know if Stan normally writes your comments up, or Stan and I will write them.

Mr. Fredericksen: Yeah, that's --

Mr. Abbott: Would you like me to reiterate --

Mr. Fredericksen: Yeah, that's --

Mr. Abbott: What my notes say just to clarify?

Mr. Fredericksen: Please.

Mr. Abbott: Okay, basically, the archaeological assessment report is an opportunity to pull together all the relevant research of Lahaina together in one place and how this relates to

that. You felt that was a fairly -- the existing document was rather cursory and did not serve as an inventory. Also that the cultural impact assessment should be a separate document so OEQC can review that separately from SHPD. Also address ceded lands and traditional cultural property within that document. And -- and basically pull together the Lahaina research that's been done and how this project relates to that. Would the -- do you have other things to add to that?

Mr. Fredericksen: Yeah. Well, it's just my comment, I guess, was just because where this is situated, I mean it's just -- my folks did work I mean forever at this point and from that time, there has not really been much work done in that close proximity because there's nothing that's occurred there. Everything has been further away either mauka of Front Street, on Front Street, north and south of there. So it's an opportunity to provide some -- set some -- I don't know what the right term, a synthesis of things of the work that's been done but be sure to include everything. I mean there's some -- there were -- I don't have my notes in here, but there were a couple of reports that were referenced that are quite a ways away; well, I know there's a lot of other work that's been done in there that would add pertinence to the report, to that section.

Mr. Abbott: Okay. I heard you say front and center, that this is front and center so -- it's should be relevant.

Mr. Fredericksen: It's in an area that is -- was very, very significant, I mean it still is, don't get me wrong, but it was I think King Kamehameha III had his, you know, brick palace, if you will, but there was also the royal lo'i, there was a whole bunch of stuff there, and the heiau at one point, and the heiau was mentioned, it was dismantled, but just to try to just bring all of this information together. It's an important opportunity do that.

Mr. Abbott: Thank you. Are there any other comments from the Commissioners that would like the department to incorporate in your comments?

Mr. Kalalau: Any comments?

Mr. Fredericksen: I'm sorry. I have one more. This Section 4F process. I mean that, to me, it seems like that may be something that's -- that really may make all of this moot.

Mr. Abbott: Okay, so a comment would be, correct me if I'm wrong, address Section 4F comment procedure.

Mr. Fredericksen: Yeah, and the applicant has done that. I mean that's in there. I think I would certainly be interested in seeing a copy of that before the next version of the EIS, draft EIS comes down.

Mr. Abbott: And do you want a time line associated with that?

Mr. Fredericksen: It's a Federal comment thing and I don't know if there's a deadline or time frame that they have to adhere to.

Mr. Abbott: But if there are, would you like those itemized in that report or at least graphically shown in some way with context.

Mr. Fredericksen: What does the rest of the Commission think about that? I think it would be good. I mean this project has been going on for a long time. I think it would be good to be able to get some answers so everybody can put that into the mix. I don't know.

Mr. Kalalau: Mich, you guys actually tried to address part of that Section 4F, right?

Mr. Hirano: Yes. And just to maybe clarify for Commissioner Fredericksen that the draft EIS was sent to over 98 agencies, including the Department of Interior, so we will get their comments, and that 4F analysis is in there as well as Department of Transportation Federal Highways will review it as well for the 4F. So we will be getting those comments and that'll be included in the final EIS.

Mr. Fredericksen: Mich, because, again, I didn't look at the -- I just wasn't able to look at this whole document.

Mr. Hirano: Yes. Right.

Mr. Fredericksen: If -- if you can, could you, I mean very briefly, summarize what the 4F analysis was that was submitted, if that's possible?

Mr. Hirano: Well, it was -- the criteria was to look at avoidance of the National Historic Landmark area or any cultural properties, so that's why that was part of the reason to do the alternative analysis of moving the ferry outside of National Historic Landmark and look at the impacts that would have, and the analysis indicated that -- you know, it's the -- to look at site location, which we went over, and as well the evaluation in terms of the economic legislative environmental criteria, so we did that analysis --

Mr. Fredericksen: Yeah, and I remember you saying that in your summary.

Mr. Hirano: And then the summary is avoidance, and then measures to minimize harm, and that was our final part of it was the, you know, what are the mitigation measures that we could identify if you cannot avoid the development outside the Historic District, so we identified those, which were the Section 106 consultation, the habitat mitigation, architectural mitigation with respect to keeping the improvements in context of the Lahaina

National Historic Landmark and the Architectural Style Book of Lahaina, and then further coordination, which would require coordination, not only with the Cultural Resources, as we are today, but through the Section 106 and historic district review, and then through the Department of Interior through the Park Service regarding the 106 National Historic Preservation Act consultations and they, as well, will be reviewing this document as well as Federal Highways.

Mr. Fredericksen: Yeah, I think, you know, just to the Commission, given where this is and everything, I think we should -- the Commission be on there as a signatory to that MOA.

Mr. Hirano: Yeah, I think that would be part of it as well the Historic District Approval. I mean we need the Historic District Approval so that would be part of it.

Mr. Fredericksen: But because this is also -- you know, this has got everything, it's got National, and then it's County Historic District as well and it's the Cultural Resources Commission so, as a Commission, we need to be a signatory --

Mr. Hirano: To the MOA.

Mr. Fredericksen: Yeah, to the MOA.

Mr. Hirano: Okay. You can put that on your comment and we can respond to that.

Mr. Fredericksen: Yeah, I think we should cause it's certainly, in this instance, that is our kuleana.

Mr. Kalalau: Okay, thank you, Mich.

Mr. Fredericksen: Thank you.

Mr. Abbott: Thank you very much. Any other comments? Concerns? Thoughts?

Mr. Artates: You know I just get one comment and nothing to add to what Erik said. This Section 106 is almost similar to what we heard previously, right, about consultations with -- we never even get off the block with that, right? With you folks? So we still in the early stages of what's going to be happening in negotiating and mitigation, so I mean I no more one bone for chew on if we never hear nothing yet. I mean that's the -- you know what I'm saying? That's my opinion. Nothing has been in concrete that we can discuss because this Section 106 mitigation hasn't even gotten off the block. So I just wanted to comment on that so that I clearly understand in this little percent brain where I coming from.

Mr. Hirano: I'd just like to add to that is the draft environmental impact statement is out for agency review and review with the cultural groups. And then at that point, when you get their comments, you'll know what the issues that have been identified, we follow-up, and come back. So, yeah, I think we're just starting at getting the comments and then following up.

Mr. Kalalau: Okay. All clear? Okay, so we need to make a motion send that comments and recommendations.

Mr. Fredericksen: I so move. I would just say let's -- I think I would like to make a motion that we, as a Commission, send our comments on the draft EIS, at this point, as we've discussed, and underlining the fact that we should be a signatory on the MOA as it develops, if it even becomes something that will develop given where this is.

Ms. Watanabe: Second.

Mr. Fredericksen: Was that clear enough? I mean --

Mr. Abbott: Yes. Yes, I captured that.

Mr. Kalalau: It's been moved and second. Any further discussions?

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

It has been moved by Mr. Fredericksen, seconded by Ms. Watanabe, then unanimously,

VOTED: that the Cultural Resources Commission send their comments on the draft EIS, at this point, as discussed, and underlining the fact that the Cultural Resources Commission should be a signatory on the MOA as it develops; if it even becomes something that will develop given where this is.

Mr. Kalalau: Motion passed. We just wanna thank all of you and I apologize for keeping you guys late since you guys was the ones -- the first ones on the agenda. Next time if the highway guys is before you guys, we'll switch 'em around.

Mr. Fredericksen: Yeah.

Mr. Hirano: Thanks for your time.

Mr. Kalalau: Okay, thank you, Stan?

3. DEMOLITION PERMITS - none

F. COMMUNICATIONS

2. CORRESPONDENCE - none

G. UNFINISHED BUSINESS - none

H. NEW BUSINESS - none

I. DIRECTOR'S REPORT

1. May 1 CRC Meeting Agenda

2. Administrative Permit Reports:

a. Demolition Permits - none

b. Historic District Approvals Report - none

Mr. Solamillo: Under Item 3, Demolition Permits, none are being brought before the Commission at this time. Under Communications, you've already the presentation from Laura Mau and Wilson Okamoto Corp. Under Correspondence, no items are being brought nor are any items on Unfinished Business or New Business. The May 1 CRC meeting is scheduled to be held in Lahaina and the topic is Halloween in Lahaina, so mark your calendars. Are there any other pressing items for Lahaina since we will be there that you might wanna discuss?

Mr. Fredericksen: Stan, can -- because we will be in Lahaina, there might not have been enough people -- well not enough people, but some people schedules might not have fit in with this meeting today that was on -- cause they're both -- is there a way we could open that up again?

Mr. Solamillo: Hold on. Thorne, one question. The end of -- the last period for comments, when's your deadline? The question from the Commissioner is we're in Lahaina for a meeting on May 1, could this Commission take comments on this project at that time and forward them?

Mr. Abbott: That's a very good question. I believe the comment period at that time will have expired. Now, the applicant does not have to respond to any comments but it would be prudent that they respond to any comments. So I think any information that would help the

project is going to help the applicant identify where they have to focus on would be greatly appreciated by the Department of Planning.

Mr. Solamillo: Thank you. If that's everything, under Administrative Permit Report, nothing's being brought to the Commission at this time. We now open the floor for Commissioner's Announcements.

J. COMMISSIONER'S ANNOUNCEMENTS

Ms. Watanabe: Yes, May 1 is Lei Day. Did you know what?

Mr. Solamillo: Yes, I've been told several times today.

Ms. Watanabe: So you're going to bring us all a lei on May 1?

Mr. Solamillo: Obviously, I'm going to have to --

Ms. Watanabe: Bring our own.

Mr. Solamillo: Make it special for you guys. So I'll make a point to bring leis. Is that it?

Ms. Watanabe: That's it.

K. NEXT MEETING DATE: MAY 1, 2008

Mr. Solamillo: Okay. The next meeting date is Lei Day, aka May 1, so I will leave it up to the Chair to adjourn the meeting, and, again, welcome to our new member, Ray.

Mr. Kalalau: Ray, welcome aboard. Someone make a motion.

Ms. Watanabe: Move to adjourn.

Ms. Marquez: Second.

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

It has been moved by Ms. Watanabe, seconded by Ms. Marquez, then unanimously

VOTED: to adjourn the meeting

L. ADJOURNMENT

There being no further business brought before the Commission, the meeting was adjourned at 1:48 p.m.

Submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards and Commissions

RECORD OF ATTENDANCE

Present

Samuel Kalalau, III, Chairperson
Erik Fredericksen, Vice-Chairperson
Perry Artates
Raymond Hutaff
Veronica Marquez
Nani Watanabe

Excused

Kalei Moikeha

Others

Jeffrey Hunt, Planning Director
Stanley Solamillo, Cultural Resources Planner
James Giroux, Deputy Corporation Counsel
Cultural Resources Commission