



APPENDIX I
Cultural Impact Assessment dated December 2013,
revised March 2016 and August 2016

CULTURAL IMPACT ASSESSMENT
For the
PROPOSED
Piilani Promenade Project

December 2013
Revised March 2016 & August 2016



Hana Pono, LLC - PO Box 1574 Kihei, HI 96753 – hanapono@gmail.com

CULTURAL IMPACT ASSESSMENT
For the
PROPOSED
Piilani Promenade Project

TMK: (2) 3-9-01:016, (2) 3-9-01:169-174, (2) 3-9-048:122, (2) 3-9-001:148, (2) 2-2-02:077, (2) 2-2-02:016 (portion), (2) 2-2-02:082 (portion)

Prepared for:
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December 2013
Revised March 2016 & August 2016

Management Summary

Report	Cultural Impact Assessment for the proposed Piilani Promenade project
Date	December 2013, revised March 2016 & August 2016
Project Location	County of Maui; Kula District; Ka'ono'ulu ahupua'a, TMK(s): (2) 3-9-01:016, (2) 3-9-01:169-174, (2) 3-9-048:122, (2) 3-9-001:148, (2) 2-2-02:077, (2) 2-2-02:016 (portion), (2) 2-2-02:082 (portion)
Acreage	Approximately 88 acres
Ownership	Sarofim Realty Advisors
Developer/Applicant	Sarofim Realty Advisors
Project Description	The proposed project will include residential, light-industrial, commercial, and public/ quasi-public uses.
Region of Influence	Ka'ono'ulu ahupua'a, Kula Moku
Agencies Involved	SHPD/DLNR, Maui County, State Land Use Commission
Environmental Regulatory Context	The undertaking is subject to both State land use laws and County zoning regulations, and other environmental regulations
Results of Consultation	Lands in question have long been disturbed by ranching and construction. However, there are still archeological sites within the project area that should be preserved when possible.
Recommendations	<ul style="list-style-type: none"> • Work with community members on the data recovery plan to identify cultural sites/features for incorporation into the final site development plan. • Adherence to all applicable rules governing earth-disturbance activities • Adherence to accepted SHPD archaeological monitoring plans

Cultural Summary

Sarofim Realty Advisors is proposing the construction of a mixed -use development just mauka (upland) of Pi'ilani Highway at Ka'ono'ulu Road. The entire project sits in the moku of Kula and the ahupua'a of Ka'ono'ulu, adjacent to the Pi'ilani Hwy and other previously disturbed lands. Whatever cultural practices or resources were practiced there in ancient times have long been abandoned and paved over in the construction of modern-day Kihei.

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Introduction

At the request of Mr. Charlie Jencks, owner representative for Sarofim Realty Advisors, Hana Pono LLC has completed a report for the Cultural Impact Assessment of the proposed Piilani Promenade project at TMK(s): (2) 3-9-01:016, (2) 3-9-01:169-174, (2) 3-9-048:122, (2) 3-9-001:148, (2) 2-2-02:077, (2) 2-2-02:016 (portion), (2) 2-2-02:082 (portion). This study was completed in accordance with State of Hawaii Chapter 343, HRS, and the State of Hawaii Office of Environmental Quality Control (OEQC) Guidelines for Assessing Cultural Impacts (1997).

Guiding Legislation for Cultural Impact Assessments

It is the policy of the State of Hawaii under Chapter 343, Hawaii Revised Statutes, to alert decision makers about significant environmental effects that may occur due to actions such as development, re-development, or other actions taken on lands. Articles IX and XII of the State Constitution, other state laws, and the courts of the state require the promotion and preservation of cultural beliefs, practices, and resources of native Hawaiians and other ethnic groups.

The Guidelines for Assessing Cultural Impacts, as adopted by the Environmental Council, State of Hawaii 1997 and administered by the Office of Environmental Quality Control, including HAR Title 11 Chapter 200-4(a), include effects on the cultural practices of the community and state. The Guidelines also amend the definition of “significant effect” to include adverse effects on cultural practices.

Goal and Purpose

The goal of this study is to identify any and all Native Hawaiian, traditional, historical, or otherwise noteworthy practices, resources, sites, and beliefs attached to the project area in order to analyze the impact of the proposed development on these practices and features. Consultations with lineal descendents or kupuna (Hawaiian elders) with knowledge of the area in gleaning further information are a central part of this study.

Scope

The scope of this report compiles various historical, cultural and topographical accounts and facts of the project area and its adjacent ahupua’a.

The geographical extent of the inquiry should, in most instances, be greater than the area over which the proposed action will take place. This is to ensure that cultural practices which may not occur within the boundaries of the project area, but which may nonetheless be affected, are included in the assessment. An ahupua’a is usually the appropriate geographical unit to begin an assessment of cultural impacts of a proposed action, particularly if it includes all of the types of cultural practices associated with the project area. In some cases, cultural practices are likely to extend beyond the ahupua’a and the geographical extent of the study area should take into account those cultural practices. (OEQC, Guidelines for Assessing Cultural Impacts, Nov 9, 1997)

Data will be compiled beginning with the first migrations of Polynesians to the area, progressing through the pre-contact period of Hawaiian settlement, containing data on the post-contact period, through to the current day and any cultural practices or beliefs still occurring in the project area. Hawaiian kupuna with ties to the area will be interviewed on their knowledge of the area and its associated beliefs, practices, and resources. Additionally, any other individuals

or organizations with expertise concerning the types of cultural resources, practices and beliefs found within the geographical area in question will be consulted.

Project Area

The project is located in the State of Hawaii, County of Maui, at TMK(s): TMK(s): (2) 3-9-01:016, (2) 3-9-01:169-174, (2) 3-9-048:122, (2) 3-9-001:148, (2) 2-2-02:077, (2) 2-2-02:016 (portion), (2) 2-2-02:082 (portion). The project is in the moku of Kula, the ahupua'a of Ka'ono'ulu, and centers around Pi'ilani Highway and its intersection with Ka'ono'ulu Street.

Approach & Method

The approach taken in this study was two-fold. Foremost, historical, involving as appropriate, a review of: mahele (land division of 1848), land court, census and tax records, previously published or recorded ethnographic interviews and oral histories; community studies, old maps and photographs and other archival documents. Secondly, an in-depth study involving oral interviews with living persons with ties, either lineal or cultural, to the project area and the surrounding region.

Objectives

The objectives of the Cultural Impact Assessment are as follows:

- to compile and identify historical and current cultural uses of the project area,
- to identify historical and current cultural beliefs & practices associated with project area,
- To assess the impact of the proposed action on the cultural resources, practices, and beliefs.

Tasks

Data gathered combined oral interviews of knowledgeable kupuna and families/individuals with long-standing ties to the area with all available written and recorded background information.

Archival Research

All sources of historical written data, old maps, and literature were culled for information.

Oral Interviews

Tasks completed for oral interviews included: identification of appropriate individuals to be interviewed, determination of legitimate ties to project area and surrounding region, interview recorded in writing and by digital audiocassette, transcription of interview, compilation of pertinent data.

Level of Effort Undertaken

Interviewees are contacted and selected for inclusion in this report based on a sliding scale of legitimate authority based on the following characteristics: lineal descendents, cultural descendents, traditional practitioners, cultural practitioners, knowledgeable area residents of Hawaiian ancestry, knowledgeable concerned citizens. Every effort is made to obtain the highest quality interviewees and determination of appropriate individuals follows this criteria.

Historical & Current Cultural Resources & Practices

The island of Maui is comprised of twelve (12) traditional land districts, called moku. Each moku is made up of numerous ahupua'a, smaller land divisions wherein a self-inclusive community could find all the things needed for a satisfactory life. Usually these ahupua'a ran from the heights of the mountain peak to the edge of the outer reef like a giant pie slice, although many ahupua'a did not fit this template. As previously mentioned, the project area resides in the moku of Kula and the ahupua'a of Ka'ono'ulu. Handy relates that, "Kula was always an arid region, throughout its long, low seashore, vast stony kula [open country] lands and broad uplands. Both on the coast, where fishing was good, and on the lower westward slopes of Haleakalā a considerable population existed" (ESC Handy, 114). The moku of Kula is so called for its kula lands, meaning broad open expanses, likened to pasture land by the ranchers of the last century.

Although Kihei is one of the more dry areas of Maui in present time, it once was home to many fresh and brackish wetlands. Such as the wisdom of the ahupua'a system, the events mauka (upland) effected the land below. The mauka portion of Kula underwent major deforestation for farming and ranching and therefore, rainwater was less able to filter into the ground and recharge the ponds near the coast. The Honolulu Star-Bulletin and Advertiser reported in 1962, "a secondary result of the clearing of the Kula forests, he said, was the destruction of extensive fresh water ponds in Kihei, on the Mā'alaiea Bay coast below Kula. When the forest was cleared, water was free to rush down the mountain, carrying soil from Kula to the coast and filling with mud the ponds for which Kihei was once famous" (Sterling, 245). This destruction started with the large-scale deforestation of the native Sandalwood in the 1800's and although short-lived was a major source of commerce for this area in those times.



The project area has been severely disturbed from its original and unaltered state for many decades, by the effects of grazing cattle and the construction of ranch roads, county roads and the construction of the Pi'ilani Highway. Any resources or practices occurring traditionally in the area are now non-existent and would have been obliterated.

First migrations

Traditional stories start with the creation chant called “Kumulipo.” The Kumulipo brings darkness into light. Embedded in this all-encompassing chant includes the tale of the coming of the Hawaiian Islands through the mythical stories of Pele and another demigod named Maui who, with his brothers, pulls up all the islands from the bottom of the sea. The latest and last physical appearance of Pele occurred as late as mid-1800s when the Fire Goddess flowed from the top of the southern slopes of Haleakalā, south of our project area, down through Honua'ula and landing at the surf of Mākena and southward. In the Hawaiian Annual published by Thomas Thrum and James Dana's "Characteristics of Volcanoes", are reported Father Bailey's statements of his oral interviews explaining that the last flow had occurred in 1750 (Sterling 1998: 228). Many of the lava flows in the summit depression and in the Ulupalakua to Nu'u area were dark black and bare 'a'ā (rough, jagged type of lava landscape). The two freshest lava flows run near La Perouse Bay. The upper flow broke out of a fissure near Pu'u Mahoe and the lower flow broke out at Kalua o Lapa cone. Both flows contain large balls or wrapped masses of typical 'a'a found throughout Hawai'i.

The occupation of the Hawaiian archipelago after its mythical creation came in distinct eras starting around 0 to 600 A.D. This was the time of migrations from Polynesia, particularly the Marquesas. Between 600 and 1100 A.D. the population in the Hawaiian Islands primarily expanded from natural internal growth on all of the islands. Through the course of this period the inhabitants of the Hawaiian Islands grew to share common ancestors and a common heritage. More significantly, they had developed a Hawaiian culture and language uniquely adapted to the islands of Hawai'i which was distinct from that of other Polynesian peoples (Fornander, 222).

Between 1100 and 1400 A.D., marks the era of the long voyages between Hawai'i and Tahiti and the introduction of major changes in the social system of the Hawaiian nation. The chants, myths and legends record the voyages of great Polynesian chiefs and priests, such as the high priest Pa'ao, the ali'inui (Head Chief) Mō'ikeha and his sons Kiha and La'amaikahiki, and high chief Hawai'iloa. Traditional chants and myths describe how these new Polynesian chiefs and their sons and daughters gradually appropriated the rule over the land from the original inhabitants through intermarriage, battles and ritual sacrifices. The high priest Pa'ao introduced a new religious system that used human sacrifices, feathered images, and enclosed heiau (temples) to facilitate their sacred religious practices. The migration coincided also with a period of rapid internal population growth. Remnant structures and artifacts dating to this time suggest that previously uninhabited leeward areas were settled during this period.

Settling of Kula Moku & Ahupua'a

With its gentle and open white sand beaches, the coastal areas of Kula were surely a favorite location for fisherman and their families. Accounts tell of a large population on the coast with much bounty from the ocean, not only by fishing the open sea, but also by the construction of fishponds, gathering limu (seaweed), and diving for octopus, lobster, and other marine life. Inhabitants of this region relied on vegetable foods from other areas of the island. Possibly obtaining kalo (taro) from across the Mā'alaea plain in Waikapū and uala (sweet potato) from the mauka slopes of Haleakalā, the inhabitants of the coastal region were able to supplement their diet of fish, shellfish, and limu. Handy and Handy elaborate on the lands of the moku, “there were some patches of upland taro, not irrigated; but this was a notable area for sweet potato,

which, combined with the fishing, must have supported a sizable population although it cannot be counted as one of the chief centers” (272).

The project area rests in the Ahupua’a of Ka’ono’ulu, named for the delicious Ulu trees that grew in the upper, cooler portion of the ahupua’a that those residents on the coast would trek up the mountain to obtain. In ancient times the surrounding areas makai from the project were known for their fresh (brackish) water ponds that would fill up in times of rain and become dry during the summer months. Previously, there were many of these types of ponds that have now been filled in for development. There were no perennial streams here and the water supplied by these ponds and freshets of water that filled the gulches were an important lifeline for these peoples.

Hewahewa claimed Kalepolepo during the Great Mahele and was awarded over five thousand acres referred to as “Kaonoulu Ahupua’a” (Waihona). This award likely includes the project area. Hewahewa calls Kalepolepo his “fixed place of residence” (Waihona).

Place Names Associated With This Area

The Hawaiian culture places a particular importance on place-names. Throughout Polynesia, cultures are for the most part ocean-based, surviving and building their cultures around the bounty of the sea. While Hawaiians share common history with all Pacific peoples, because of the unique factors of these high-islands, their culture turned decidedly more land-oriented than many other Pacific cultures. The abundant access to fresh water sources, fertile soil, relative lack of reef and reef fish compared to older south Pacific islands all contributed to their formation of a completely unique and distinct culture; a culture that placed a high inherent value on land and landforms, landscapes and their relationship to people’s lives. In place-names one can find its purpose, their purpose, and the hidden *kaona* (symbolism) behind the word.

Ka’ono’ulu

The ahupua’a the project resides in is named for the breadfruit grown on its upper slopes in the cooler mauka region on Haleakala. This breadfruit would have been carried down to the coastline and traded for fish and other products.

Waiakoa

The ahupua’a adjacent and to the north of the project area, it is named for the Koa tree that grew on the upper slopes of that ahupua’a.

Waiohuli

The ahupua’a adjacent and to the south of the project area, it is named for the clouds that come down the slopes of Haleakala and let loose their rain before retreating again to the mauka regions.

Kalepolepo

The small coastal region directly makai of the project area that houses the fishpond of Ko’ie’ie, so called for the dirty (lepo) waters in the area during times of rain.

Ko'ie'ie

The name of the major ancient fishpond in the Ka'ono'ulu ahupua'a, that along with others supplied a variety of food to the residents. See the following sections for more detailed information on the history of Ko'ie'ie.

Kaipukaiohina

A section of beach named for the bounty of its waters, *Ka ipu kai o Hina* is the Ocean-basket of Hina.

Kihei

The contemporary name for the entire coastal area of Kula, Kihei literally means a cape or shawl as is interpreted as representing the cloak of dust spread over the area by fierce trade winds and/or the cloak of the clouds created by Haleakala that stretch out into the channel sometimes connecting to Kaho'olawe and Lana'i.

Traditional Hawaiian Uses & Practices

The inhabitants of the coastal areas of Ka'ono'ulu sustained themselves through the bounty of the ocean. Nearby to them was the fishpond of Kalepolepo, commonly called Ko'ie'ie. Kalepolepo was built by an early Maui chief and by the 16th century King Umi of Hawai'i Island tasked the commoners with rebuilding the walls. Later, during the reign of Kamehameha I he rebuilt Kalepolepo again, tasking all the people of the west side of Maui to work. Ke Alaloa o Maui, the broad highway of Maui constructed by King Pi'ilani crosses through the ahupua'a of Ka'ono'ulu on its way to Mākena and not much is mentioned of this area besides Kalepolepo pond and the dryness of the area.

Post-Contact Historical Uses & Practices

It was near Kalepolepo and the shoreline north of the project area that Kamehameha is said to have landed his canoes for his invasion of Maui. Kamehameha had previously been beaten by the forces of Maui because of their furious use of the ma'a (sling) for which Maui's warriors were famous. But Kamehameha this time had the foreign technology of mortars, muskets, and cannons. It was here he uttered the now famous saying, "Imua e nā poki'i. He inu i ka wai 'awa'awa", forward my brothers or drink of the bitter waters. He set fire to his canoes, their only form of retreat and challenged his men to win the battle or drink the bitter water of defeat and certain death. From Kalepolepo the army of Kamehameha pushed the warriors of Maui back to the West Maui Mountains.

With the arrival of the foreigners came the foreign interest of making money and one of the first goods to be mass exported from the islands was the Sandalwood. Ili'ahi in Hawaiian, the sandalwood tree has a fragrance highly prized by the Chinese and entire forests were denuded in the rush to make foreign money. Many of these forests were in the upper part of the Kula moku and the deforestation of these forests was a contributor to the siltation of the brackish ponds and loko i'a (fishponds).

While the rest of the island was undergoing a radical transformation of landscape with the construction of large sugar and pineapple plantations, the Kihei area remained largely unchanged

due to the lack of water. No foreign investors wanted to stake a claim to land out there knowing there was no way to water their crops. For a long time, Kihei remained the same, a few hundred Hawaiian families living off the bounty of the ocean.

In 1828 the first Catholic priest to the Hawaiian Islands, Father Bachelot, brought with him from Paris a seed which he grew into a tree and planted in a church in Honolulu. Soon after the seeds of this tree were taken to all the islands and began to dominate the leeward landscape of Maui. Kiawe soon was the most prolific tree in South Maui, so much so, that the kupuna (elders) of today remember Kihei as being covered in kiawe. There was so much kiawe that they would make slippers out of old car tires, the only thing that would stop the kiawe thorn from puncturing their feet. Oral accounts detailed how they would take the rubber tires off their bikes and replace it with a garden hose, wrapped multiple times and bound with wire, after getting too many flats with a regular tube tire.

Current Uses, Practices, & Resources of Project Area

Currently the project area is generally unmaintained former ranch lands mauka of the highway. There are no known cultural practices or resources in the project area. The closest cultural resource of significance is the Ko'ie'ie fishpond and the other fishponds along the coast which are undergoing a revitalization effort to bring them back to their former glory and provide educational opportunities for the community. The project area does include a variety of archaeological sites and features for which an Archaeological Inventory Survey (AIS) was completed on August 26, 2015, submitted to DLNR/State Historic Preservation Division with a letter of acceptance dated January 6, 2016. Recommendations with the accepted AIS include data recovery for nearly all of the sites and features located within the property.

Summary of Interviews

Paula Kalanikau

Paula was interviewed for another Kihei project in 2006 and again in October 2013, both interviews took place at her residence on Kenolio Street in Kihei. Paula married into the Kalanikau 'ohana, the family who owned the ahupua'a of Kaonoulu. She stated that there were three families involved in the ownership prior to the Great Mahele: the Waiwaiole's and the Kalanikauikealaleo's.

Paula Kalanikau moved to Kihei in the early 1960's. She reminisced that all of the people lived in the flood inundation zone and when the floods came from a Kona storm, people couldn't get in or get out. That was before Pi'ilani Highway. The old Suda Store at the beginning of South Kihei Road was the gateway to Kihei back in the 1960's and 1970's.

In 1972, Paula's husband worked with a group of neighborhood men to start the Kihei Canoe Club on Sugar Beach. All of the Sugar Beach hotels were already there by the time Kihei Canoe Club got that land from the County. The Kalanikaus were all active in the Kihei community.

Mrs. Kalanikau talked about the changes in Kihei and how a lot of the changes are for the worse. Her final comment sums up her feelings about the future of Kihei:

“Oh, I’m definitely interested in them having a High School here. I think the children deserve that; and a hospital. But we need to be also aware of what our ancestors have established in these areas and be mindful to developers what would be our priorities. And that is our priority: to look after our ‘aina.”

Daniel Kanahele

Daniel Kanahele’s interview was recorded and the entire video is available through the ownership per the request of Mr. Kanahele. His interview was also transcribed in an effort to address his concern that Hawaiian stories need to be told. Mr. Kanahele spoke earnestly about the fact that once something is gone, it cannot be recovered. So preserving the stories as well as the various sites should be of utmost importance. Mr. Kanahele spoke of the fundamental relationship from the heavens to the land to the ocean—a relationship that can be negatively influenced if people aren’t careful in their development. Mr. Kanahele regularly walks the land in the proposed project area. He views rocks and plant life and living creatures as books in a library, things we can learn from.

“So when I walk the land and I see an archaeological site, it's like me opening a book. And it teaches me about history and my connection to that --that -- the past.” “When I look at a cultural site, I don't look at it as like separated and disconnected from everything else around it. Because I know the cultural site is there because it's connected to that site, to that site, to that gulch, to that local i`a, it's all related. And the sites not even in the project area. ... So what I'm saying is my cultural practice is walking the land so that I can be taught by my kupuna.”

Michael Lee

Michael Lee’s interview was recorded and the entire video is available through the ownership per the request of Mr. Lee. The interview was also transcribed in an effort to address his concern that Hawaiian stories should be told. Mr. Lee feels that people should be educated about the spiritual and physical meaning of the various sites in the project area. He also feels that as many of the sites as possible should be preserved. Specifically, the water flow in the streams and gullies should flow mauka to makai. Mr. Lee would like a group meeting that includes members of the Aha Moku Kula: Basil Oshiro and ‘Ohana, Brian Naeole and ‘Ohana, Jacob Mau and Tim Baily and ‘Ohana (from Mauka) to discuss a Site Preservation Plan. Mr. Lee spoke about his elders taking the time with him when he was young to teach him about his family genealogy and the history of the land. He was taught the wind and rain names, fishing and cultivating practices. He is grateful that he was given the knowledge to pass down to future generations and feels education of Hawaiian culture and history should be a priority.

“We as a community have to move on in progress, jobs, development, but the law is situated that we can save those corners and pieces that are valuable to our Hawaiian culture. Like at the -- the megamall Pi`ilani Promenade, there are certain rocks and features that I was taught and told that -- how to distinguish what their purpose was through generational knowledge of this family line.”

Piilani Promenade Cultural Consultation Meeting, February 25, 2014

Sarofim Realty Investors, Inc. hosted a Cultural Consultation Meeting on February 25, 2014, from 6:00 p.m. to 8:00 p.m. at the offices of Goodfellow Bros., Inc., located at 1300 N. Holopono Street, Suite 201, Kihei, Maui, Hawaii. In attendance were:

Charlie Jencks
Brett Davis
Eric Fredrickson
Kimokeo Kapahulehua
Kelii Taua
Mike Lee
Levi Almeida
Basil Oshiro
Sally Ann Oshiro
Clare Apana
Brian Nae`ole
Florence K. Lani
Daniel Kanahela
Jacob R. Mau
Lucienne DeNaie

The purpose of the consultation meeting was to present to those in the cultural community a summary of the current archaeological findings discovered as part of the ongoing environmental review process and to gain input from the attendees on their cultural and practical knowledge of the project area. The attendees were given the time and date of the meeting through Ms. Lucienne DeNaie and asked to attend if they were interested in communicating their knowledge of the area. The following summarizes the discussion:

The consultation meeting was started with a general description of the property and the most recent archaeological survey work done for the project area. The project area was subject to military occupation in the 1940's with land modification work on and above the subject lands. Modified land forms on and above the project were discussed in the context of possible cultural connection.

During the meeting there was a discussion about the petroglyph stone relocated off of the property in the mid 1990's. The petroglyph stone was moved prior to relocation being approved by SHPD. The petroglyph stone was relocated to prevent damage, and the petroglyph stone is now located on property not owned by the current owner of the subject project.

With respect to the AIS sites, the existence of coral midden was discussed as an important indicator of use and activity. It was explained that a data recovery plan would be approved and implemented to fully understand the significance of the sites and their relationship to the site.

Some of the consultation participants had spent time on the land as youth and members of families working for Ulupalakua and Kaonoulu Ranch and had familial ties with the ranch ownerships. Ranching practices including the creation of roads and removal of trees for the cattle

operation were briefly described along with the significance of Kulanihakoi gulch and the changes the gulch has seen over the years in getting deeper and wider.

There was discussion about the size of Kulanihakoi Gulch, its relationship to the areas Mauka of the project, historic flooding and the concern relative to any changes to the gulch in terms of hardening. Historic flows and the damage done to areas Makai of the subject property were also discussed. The gulch may be of interest in understanding the cultural history of the area and it was asked if the AIS work could be expanded to include the gulch area.

Discussion on the form of the land and presence of drainage ways traversing the project was reviewed in the context of the AIS with emphasis on making sure any cultural significance discovered through the AIS review of the areas was documented.

With the historic use of the land there was the question as to water and possible use of springs in the area. The folks having history of the area described the use of catchment to secure water for domestic and other uses in the area with no reference to ground water.

On the subject of food resources there was considerable discussion on the availability of Limu and other similar edible material on the shoreline. Collection and use was historically established but availability and access to the areas outside the project on the shoreline have diminished.

Finally, there was discussion about looking at the land form in a historical context which is actually part of the Cultural Impact Assessment process, hence this interview and consultation effort.

Piilani Promenade Cultural Consultation Meeting, April 27, 2016

Sarofim Realty Investors, Inc. hosted a Cultural Consultation Meeting with Aha Moku Council representatives noted below on April 27, 2016 , from 10AM to 11:30 AM at the offices of Chris Hart and Partners, located at 115 North Market Street, Wailuku, Maui, Hawaii. In attendance were:

Charlie Jencks
Brett Davis
Kimoqueo Kapahulehua
Basil Oshiro
Sally Ann Oshiro
Brian Nae`ole
Florence K. Lani
Lucienne deNaie

The purpose of the meeting was to first understand the overall mission of the Aha Moku Council, specific areas of interest and how those areas of interest can be communicated to the development community and gather input on various aspects of the project for which there is a concern as expressed by the Aha Moku Council. A specific request from the Aha Moku Council was made to Kimoqueo Kapahulehua for a meeting to discuss the project and in an effort to further extent the cultural knowledge and concerns regarding the project the ownership assisted in scheduling and hosting the subject meeting on the date noted above. The full transcript of this

meeting is contained within Appendix D of this document with the following summarizing the salient points discussed during the meeting:

So as to fully understand the overall role of the Aha Moku Council it was requested that as an opening statement the Aha Moku Council members present summarize the mission, purpose and direction of the Aha Moku Council. It was represented that the Aha Moku Council meets with landowners and community interests as a way to express and get the ideas of traditional thinking relating to a specific or geographical area discussed and addressed. The Aha Moku Council openly invites discussion on traditional Hawaiian ideas and philosophy as a way to help focus on issues of concern to the Hawaiian community, and works to get open dialogue on areas of concern. The idea of open discussion on issues helps to put forward the traditional concepts of sustainability and traditional use of the land, preservation of cultural resources for future generations and long term sustainable use of natural resources such as water, land and the ocean.

It was noted that all of those present representing the Aha Moku Council had attended prior meetings to discuss the same project.

A summary of the status for the cultural aspects of the site was offered by Charles Jencks with assistance provided by Brett Davis. Briefly, the following was noted:

- Previous consultation discussion occurred in February 2014,
- Draft EIS published with comments received,
- Site visit request for project area completed in January 2016
- Final Draft EIS in process,
- The project AIS has been accepted by SHPD,
- The accepted AIS recognized sites not previously noted through the site survey work,
- Recent site visit noted additional areas of concern which have been added to scope for future evaluation and data recovery,
- Overall approach in AIS is to prepare a data recovery plan and include cultural community in the data recovery process,
- No decisions on final significance can be made until data recovery plan is completed,
- Overall goal is to bring cultural findings into project through set-aside areas designed to reflect the cultural history of the land as revealed through the data recovery process,

Cultural Input from Aha Moku Council

The Aha Moku Council members present offered the following input on the project area: The archaeological sites located within the project area should not be disturbed and remain in their current context. As part of this discussion, the existing drainage way traversing the property was discussed as it contains what is believed to be portions of a Punawai or dam structure used to regulate and improve water quality for downstream areas. The discussion on the gulch also included the discussion of and presentation of pictures and mapping showing the location of other possible cultural sites of interest with a request to ownership for further site investigation. Specific reference was made to rock shelf and shelter along with the rock stacking believed to form a Punawai as areas of specific concern.

Drainage Way Discussion

The small drainage way was discussed in further detail regarding its future possible change and the impact on downstream properties. The significance of the drainage way was emphasized by those present in terms of drainage flow and possible impact to downstream properties if modified. The project team was asked if the drainage way would be relocated and the response was in the affirmative with the improvements located within the East Kaonoulu right of way with no increase in either quantity or velocity of flow. The explanation provided reflected on the original plans for diversion to Kulanihakoi Gulch which have been changed to instead direct flow through improvements to property with same Makai exit under Piilani Highway. Those present felt the drainage way has cultural significance and should be closely evaluated further with respect to sites and features within the gulch and ownership agreed to discuss further with project engineer and archaeologist.

From the perspective of flooding and the nature of Kihei being the low point, the Aha Moku Council made it clear it was concerned about flooding and the impact the proposed project would have on stream flows and additional runoff plus impacts to near shore water quality.

Requests from the Aha Moku Council

The Council concluded its discussion by making the following requests of ownership:

- Want GPS for all sites on property – This will be accomplished prior to or with data recovery program,
- Additional site visits – Data recovery will be the next visit,
- Drainage way site evaluation – To be done by project archaeologist,
- Eclipse rock feature needs to be included in AIS – AIS has been accepted but if significant, rock can be part of cultural site within project,
- Circle of rocks in area close to corral must stay in place and not be moved – Rock locations are the result of past construction work on site but if deemed significant, may be relocated into cultural site within project area,
- Site preservation for sites 3730, 3731, 3732, 3736, 3740, and 3745 – Preservation will be driven by data recovery,

The meeting was concluded with the transfer of information regarding site pictures and mapping and the note that another meeting would be scheduled to discuss the project.

Synthesis of Archival, Literary, & Oral Accountings

The ahupua'a of Ka'ono'ulu carried a relatively large population in pre-contact times that survived on marine life, sweet potato, and ulu that was carried down from the upper slopes of Haleakala. Post-contact the area nearer the coast continued to support a variety of commerce and recreational activities centered around Ko'ie'ie fishpond until the siltation of the ocean area and breakdown of the fishpond wall made it unusable. The proposed project area has been used for ranching for the past century.

Potential Effects of Development & Proposed Recommendations

This report finds that the proposed Piilani Promenade Project located at TMK(s): TMK(s): (2) 3-9-01:016, (2) 3-9-01:169-174, (2) 3-9-048:122, (2) 3-9-001:148, (2) 2-2-02:077, (2) 2-2-02:016

(portion), (2) 2-2-02:082 (portion) could benefit from further meetings with the Aha Moku Council members as well as other members of the community during the site data recovery process to further understand the cultural and archaeological nature of the site and where possible, development of a preservation plan for those sites.

Given the input received through the consultation process and a review of the archaeological data gathered in the project AIS we cannot conclude the minor drainage way discussed within the project documents or consultation discussions has any relevant cultural significance. As part of the data recovery process proposed for the project area further information may reveal more about this drainage way and possible significance.

As always, all applicable county, state, and federal laws concerning discovery of burials or other cultural materials should be followed to the letter.

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Appendix A: Transcription of interview with Daniel Kanahele

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INTERVIEW OF DANIEL KANAHELE

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BY KIMOKEO KAPAHULEHUA

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KIMOKEO KAPAHULEHUA: I think that's really important, in this interview, people understand that.

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DANIEL KANAHELE: I agree.

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KIMOKEO KAPAHULEHUA: And to think -- the importance of the Aha Moku of Kula and having Basil as Aha Moku was important, you know, as makai one.

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DANIEL KANAHELE: Yes.

9

KIMOKEO KAPAHULEHUA: And, yet, to connect with Timmy. So can you explain about the Aha Moku so people understand in this thing how -- that we're talking about the moku of Kula, you know.

13

DANIEL KANAHELE: Yeah.

14

KIMOKEO KAPAHULEHUA: And the Aha Moku person, Basil, was there and the reason why Aha Moku exists today.

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DANIEL KANAHELE: As best as I can.

17

KIMOKEO KAPAHULEHUA: Yeah.

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DANIEL KANAHELE: And, probably, Basil could do better job of it because he's actually the rep, or Tim Bailey. I don't know if you're gonna interview Tim, too.

21

KIMOKEO KAPAHULEHUA: Uh-huh.

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DANIEL KANAHELE: But the -- the Aha Moku system was created under Act 288. And the idea behind it was to -- to form an advisory group to the Department of Land and Natural Resources that relied in traditional generational

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knowledge from top to bottom, which was the practice, you know, in ancient times, to help manage our resources, our natural resources, and to be an advisory group to the Department of Land and Natural Resources. So Act 288 formed this advisory group. And each island has a kirole who represents -- who works with all the representatives from all the moku. Right? Like Maui has 12 moku, as far as we know. Some say there's 13. And there may be 13, but, you know, right now, my understanding, there's 12.

10

KIMOKEO KAPAHULEHUA: Right.

11

DANIEL KANAHELE: And as -- as -- as we speak today, there are 12 moku. Each of those moku has a representative that -- that speaks for that moku. And everybody that belongs to that moku or lives in that moku, whether they're Hawaiian or not, can participate in the Aha Moku system. And so the leaders within each moku are -- hopefully, have the -- the knowledge or maybe expertise in -- in some area that has been passed down to them from over generations, from kupuna to, you know, the next generation, the next generation. And they use that knowledge to help determine how to best take care, malama, you know, that -- the resources of that moku, down to the a`a, the (inaudible) ahupua`a.

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So it's fairly new. It's just a couple years old.

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But Maui has probably the most organized Aha Moku on the

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island because we have all the moku reps, there's 12 of them. We have a kirole, which is, right now, Kai Makani Lua, but he's gonna step down, I think he's already stepped down. So they're gonna replace him. And there's a process in

5 place for doing that. And so Aha Moku got together and
6 nominated individuals to serve as the kiole for the -- for
7 the (inaudible). So -- so right now, forward, speaking of
8 the Kula Moku, there are two representatives, one that
9 represents Kula makai, you know, near the ocean, and one
10 that represents Kula mauka. So Kula makai is Basil Oshiro,
11 who lives right next to the project area, Pi'ilani
12 Promenade. And then Tim Bailey, who lives up -- up mauka.
13 KIMOKEO KAPAHULEHUA: I think the -- the other
14 thing is that why was Tim Bailey chosen and why was Basil
15 Oshiro chosen for be representative of the Kula Moku? Mauka
16 was Tim Bailey.
17 DANIEL KANAHELE: Yeah. So like the way I seen
18 it, then, is that the residents or people within the moku
19 choose who they want to be their representative. So I'm
20 assuming that Basil and Tim were chosen by --
21 KIMOKEO KAPAHULEHUA: Residents.
22 DANIEL KANAHELE: -- the residents, yeah, to be
23 their representatives.
24 KIMOKEO KAPAHULEHUA: Were they -- were they
25 chosen by residents, one, and would you say that they were
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1 chosen by genealogy connection or lineage of the land?
2 DANIEL KANAHELE: Yes. Both.
3 KIMOKEO KAPAHULEHUA: Both, yeah.
4 DANIEL KANAHELE: Both lineals and people who live
5 there and may -- you know, may not be kanaka, may not be
6 from here, but -- you don't have to be kanaka to have
7 generational knowledge, you know. You don't have to be
8 kanaka to be --
9 KIMOKEO KAPAHULEHUA: I think the idea was lineage
10 and knowledge of the area.
11 DANIEL KANAHELE: Was the key, yeah.
12 KIMOKEO KAPAHULEHUA: Yeah.
13 DANIEL KANAHELE: Knowledge. You know, knowledge
14 and lineage, those are both important. But knowledge is
15 very important.
16 KIMOKEO KAPAHULEHUA: But both of 'em live within
17 the moku?
18 DANIEL KANAHELE: Yes.
19 KIMOKEO KAPAHULEHUA: And both of them is
20 identified as makai, which is Tim Bailey --
21 DANIEL KANAHELE: Yeah.
22 KIMOKEO KAPAHULEHUA: -- and mauka -- I mean mauka
23 is Tim Bailey.
24 DANIEL KANAHELE: Yeah.
25 KIMOKEO KAPAHULEHUA: Makai is Basil.
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1 DANIEL KANAHELE: That's right.
2 KIMOKEO KAPAHULEHUA: And Basil, like you said,
3 live right in the moku.
4 DANIEL KANAHELE: Right. Yeah. I think he lives
5 in the -- does he live in ahupua`a, too?
6 KIMOKEO KAPAHULEHUA: Yeah.
7 DANIEL KANAHELE: I don't know if he's Kaonoulu or
8 he's in the next one over. I think he's -- yeah, I think
9 he's in the Kaonoulu Ahupua`a.

10 KIMOKEO KAPAHULEHUA: I no think Honua`ula. I
11 think the next one is Waiakoa.
12 DANIEL KANAHELE: Right. Next is Waiakoa.
13 KIMOKEO KAPAHULEHUA: You know. If you had -- if
14 I asked you the question does -- the Pi'ilani Promenade, I
15 think Pi'ilani Promenade project --
16 DANIEL KANAHELE: Yeah.
17 KIMOKEO KAPAHULEHUA: -- have a impact on you
18 culturally?
19 DANIEL KANAHELE: Uh-huh. Cultural practices
20 or --
21 KIMOKEO KAPAHULEHUA: Yeah. Practices, culture
22 land, culture flora, culture fauna, culture insects, various
23 culture sections.
24 DANIEL KANAHELE: Well, if we're talking
25 about this -- I don't know what the proposed project is
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1 right now because they've done a environmental impact
2 statement. Right? And they've shown a plan of what they're
3 thinking of doing right now. But I don't know if that's
4 actually what they're going to do. But based upon what I
5 know --
6 KIMOKEO KAPAHULEHUA: Yeah.
7 DANIEL KANAHELE: -- that they're planning to
8 build right now and that they are -- based on what I know
9 from the EIS, they are not planning to preserve any sites,
10 to my knowledge. They may, but not to my knowledge. And
11 they're also planning to culvertize the gulch.
12 KIMOKEO KAPAHULEHUA: Gulch.
13 DANIEL KANAHELE: I would have to say -- speaking
14 just for myself as Kanaka Maoli that lives in this area --
15 KIMOKEO KAPAHULEHUA: Yeah.
16 DANIEL KANAHELE: -- that, you know, my family is
17 from Maui, from different -- from different moku, maybe had
18 family in Kula, but I cannot say right now, right now, I
19 don't know, that for me, personally, it will have impact on
20 my traditional cultural practices.
21 KIMOKEO KAPAHULEHUA: That is important.
22 DANIEL KANAHELE: Pardon me?
23 KIMOKEO KAPAHULEHUA: I think that's important
24 they know --
25 DANIEL KANAHELE: Yeah.
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1 KIMOKEO KAPAHULEHUA: -- from a Kanaka Maoli,
2 Daniel Kanahele that --
3 DANIEL KANAHELE: Yeah.
4 KIMOKEO KAPAHULEHUA: -- there is a impact, you
5 know.
6 DANIEL KANAHELE: On my -- on what I do as a
7 cultural practitioner, yeah, it will have a impact on me.
8 KIMOKEO KAPAHULEHUA: Uh-huh. So, you know, I'm
9 filming and interviewing you, so we have to ask permission
10 to use your interview. Would you allow the permission for
11 us to use the interview in this project as the CIA?
12 DANIEL KANAHELE: Yeah. So maybe you can
13 explain -- well, maybe I'll just kind of say what you told
14 to me before that. The -- the video will be turned into a

15 transcript. So someone will type up what --
16 KIMOKEO KAPAHULEHUA: Exactly what we're saying.
17 DANIEL KANAHELE: And that transcript will be
18 included in the Cultural Impact --
19 KIMOKEO KAPAHULEHUA: Yeah.
20 DANIEL KANAHELE: -- Assessment. And then what
21 happens -- what happens to that? All the interviews that
22 are done, does someone make a determination as to whether or
23 not, based on the interviews, there is cultural -- impact to
24 cultural traditional practices?
25 KIMOKEO KAPAHULEHUA: My understanding, that State
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1 Hawaii -- State of Hawaii Preservation --
2 DANIEL KANAHELE: Yeah.
3 KIMOKEO KAPAHULEHUA: -- gets to look at it. And
4 they would be -- they would have a decision to make. They
5 would be one of the decision people. I think the other
6 person -- it included a QECC, Quality of Environment -- you
7 know. So they get it read it and see it and they would make
8 a recommendation of preserving or, just like you said, data
9 recovery and not significant, you know what I mean. So this
10 will go to them. They would -- they would -- and it also
11 goes to Office of Hawaiian Affairs. So they would be the
12 agency that would tell the developer, my understanding, this
13 is what should be done, you know.
14 DANIEL KANAHELE: Okay. So the firm that's
15 interviewing me that you work for is --
16 KIMOKEO KAPAHULEHUA: Is Hart -- is Hart -- Chris
17 Hart & Associates.
18 DANIEL KANAHELE: Chris Hart & Associates. So
19 you're -- you're -- you're working for the consultant, Chris
20 Hart & Associate?
21 KIMOKEO KAPAHULEHUA: They -- they contract us as
22 a --
23 DANIEL KANAHELE: They contract you.
24 KIMOKEO KAPAHULEHUA: Yeah.
25 DANIEL KANAHELE: And then you're -- are you Hui
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1 Pono or --
2 KIMOKEO KAPAHULEHUA: Hana Pono.
3 DANIEL KANAHELE: Oh, Hana Pono. Okay.
4 KIMOKEO KAPAHULEHUA: Yeah.
5 DANIEL KANAHELE: Okay. So does Hana Pono make
6 any recommendations to -- do you take the interviews and
7 then say -- make a summary of -- based on what we --
8 KIMOKEO KAPAHULEHUA: We -- we make a summary.
9 And so our summary will show, you know, that -- what we had
10 discussed --
11 DANIEL KANAHELE: Uh-huh.
12 KIMOKEO KAPAHULEHUA: -- with interviews that
13 there is impact.
14 DANIEL KANAHELE: So you'll make a conclusion
15 as --
16 KIMOKEO KAPAHULEHUA: We'll make a --
17 DANIEL KANAHELE: -- to whether or not there are
18 impacts or not?
19 KIMOKEO KAPAHULEHUA: Yeah. So our recommendation

20 would be based on our interviews.
21 DANIEL KANAHELE: Okay. Just thought I would
22 share -- maybe share something. I have talked to SHPD,
23 State Historic Preservation Division --
24 KIMOKEO KAPAHULEHUA: Yeah.
25 DANIEL KANAHELE: -- about cultural impact

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1 assessments and their purview. And I was told by Hinano
2 Rodrigues -- and I forget what his position is right now,
3 but he's in the Maui office -- and -- and Morgan Davis --
4 KIMOKEO KAPAHULEHUA: Right.
5 DANIEL KANAHELE: -- the archaeologist here in
6 Maui. They don't have any purview over CIAs.
7 KIMOKEO KAPAHULEHUA: No. It goes to --
8 DANIEL KANAHELE: The ones that review CIAs is the
9 OEQC.
10 KIMOKEO KAPAHULEHUA: Yeah.
11 DANIEL KANAHELE: The Office of Environmental --
12 KIMOKEO KAPAHULEHUA: Environmental --
13 DANIEL KANAHELE: -- Control. So SHPD won't make
14 any recommendations based on this interview; only OEQC.
15 What SHPD has purviews over is ethnographic studies. They
16 can make comments on ethnographic studies, but not CIAs, not
17 cultural impact assessments. And that's what I was told by
18 Hinano Rodrigues and Morgan Davis.
19 KIMOKEO KAPAHULEHUA: Yeah. Our summary would
20 show exactly what our interviews, you know, say. We
21 wouldn't turn that or make a recommendation. We -- we -- we
22 summarize exactly what we got --
23 DANIEL KANAHELE: Okay.
24 KIMOKEO KAPAHULEHUA: -- from the people.
25 DANIEL KANAHELE: Should I state what the cultural

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1 impact is going to be to me?
2 KIMOKEO KAPAHULEHUA: Yeah. That's important.
3 DANIEL KANAHELE: Okay. So what is my cultural
4 practice? My cultural practice is walking the land. I love
5 walking wahi pana, story places, because they teach me so
6 much about my culture and who I am as -- as a kanaka, where
7 I came from, why I am here and where I am going.
8 So speaking of archaeological sites.
9 Archaeological sites with their attached features are, to
10 me, like books in a library. And you can open a book in a
11 library and you can read it and you can learn many, many
12 things on many, many topics. So when I walk the land and I
13 see an archaeological site, it's like me opening a book.
14 And it teaches me about history and my connection to that --
15 that -- the past.
16 And so when you have a large area with a lot of
17 cultural historic sites, like this project has maybe 20 or
18 more, give or take, that's many, many books. And then what
19 you eventually have, if you go even beyond -- because you
20 know in western -- our western view is that we -- we look
21 things through like tunnel vision. We have a very narrow
22 view. We takes -- in western views, they take something,
23 they dissect it into little tiny pieces, and then they try
24 to understand things, how they work better. Hawaiian -- the

25 Hawaiian approach is completely different. We look at
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1 things as a whole, as a complete. We try to understand how
2 things work in relationship to each other, you know, to
3 the -- the stars, to the streams, to the plants, to the
4 local i`a, to the sea. Everything is connected --
5 KIMOKEO KAPAHULEHUA: Connected.
6 DANIEL KANAHELE: -- like a spiderweb. You touch
7 one part of a spiderweb, the whole thing shakes. It's all
8 connected. There's nothing not connected. But the western
9 view disconnects everything and isolates it from its other
10 connected parts. And you cannot really understand the whole
11 by looking at a small tiny part of it. So when you look at
12 this project area, you're looking at a TMK, tax map key.
13 Right? You're not looking at the whole moku. You're not
14 looking at the mukupuni. And that's how you have to look at
15 things in order to understand the big picture and the
16 interrelationships and interconnections and everything.
17 Always what is going happen on the land going o impact
18 things around it, not just on the land, but around it, from
19 mauka to makai, all the way out into the ocean.
20 And so that's -- that's how I look at things when
21 I walk on land. When I look at a cultural site, I don't
22 look at it as like separated and disconnected from
23 everything else around it. Because I know the cultural site
24 is there because it's connected to that site, to that site,
25 to that gulch, to that local i`a, it's all related. And the
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1 sites not even in the project area. There are sites in
2 Kulanihakoi Gulch that haven't been documented. I know
3 because I walk that. I love walking gulches. So I know
4 there's sites in there that haven't been documented that are
5 connected to the sites that are in the project.
6 So what I'm saying is my cultural practice is
7 walking the land so that I can be taught by my kupuna. And
8 whether it's a rock, whether it's a cultural site, whether
9 it's a native plant, or what-have-you, you know, I'm being
10 taught and educated so that I can be a better prepared
11 kanaka living on this land, know how to malama the resources
12 that took care of my ancestors, which can take care of me
13 today, and which I want to make sure is around to take care
14 of future generations. So all that knowledge is there for
15 me to learn. So the impact of this project is if they wipe
16 that all out, there goes the books I could read. There goes
17 my library. There's a big part of my education that I no
18 longer can access because I'll never ever be able to read
19 the stories those cultural sites could tell me. I'll never
20 be able to open -- or anybody else.
21 Oh, sure, they'll do data recovery, they'll write
22 it down, they'll put it in the reports, stick it on a shelf
23 somewhere. Who is going to look at that? How many
24 Hawaiians would have a chance to look at that? Not too
25 many. But if it's still there, it's still present, then we
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1 can still access it. It's all about being able to access
2 things. You can't access your cultural resources, whether
3 it's a plant, whether it's a tree, whether it's a pohako,

4 whether it's a local (inaudible), you cannot practice your
5 culture. You need the cultural resources to practice your
6 culture. You take away the cultural resources, a`ole, no
7 more cultural practices. That's how it's going to impact
8 me.

9 KIMOKEO KAPAHULEHUA: I think that's really
10 important that this interview brings to the developer and
11 the people how -- not only the treasures of our culture,
12 yeah, but how do we -- how do we keep the treasure and how
13 do we -- how do you -- your interview impact them to make
14 some decisions to do something about it, you know. So I
15 appreciate you meeting with us today.

16 DANIEL KANAHELE: Oh, thank you so much.

17 KIMOKEO KAPAHULEHUA: So ulu ulu about your mana`o
18 and walking the land like how I go in the ocean and how
19 kupuna keep on teaching us every day because the natural
20 elements, they not the same every day, you know. And so
21 this is Kimokeo Kapahulehua interview with Daniel Kanahele
22 Kealoha --

23 DANIEL KANAHELE: Kaleoaloha.

24 KIMOKEO KAPAHULEHUA: Kaleoaloha. Daniel
25 Kaleoaloha Kanahele on Saturday -- I think today is --
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1 DANIEL KANAHELE: February 6, I think.

2 KIMOKEO KAPAHULEHUA: 6th. Mahalo, Daniel.

3 DANIEL KANAHELE: February 16.

4 KIMOKEO KAPAHULEHUA: Appreciate it.

5 DANIEL KANAHELE: Aloha. That was good.

6 (Recording concluded.)
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1 CERTIFICATE
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5 I, TONYA MCDADE, Certified Shorthand Reporter, do
6 hereby certify that the electronically-recorded proceedings
7 contained herein were, after the fact, taken by me in
8 machine shorthand and thereafter was reduced to print by

9 means of computer-aided transcription; proofread under my
10 supervision; and that the foregoing represents, to the best
11 of my ability, a true and accurate transcript of the
12 electronically-recorded proceedings provided to me in the
13 foregoing matter.

14 I further certify that I am not an employee nor
15 an attorney for any of the parties hereto, nor in any way
16 concerned with the cause.

17 DATED this 13th day of March, 2016.
18
19

20 _____
21 Tonya McDade
22 Registered Professional Reporter
23 Certified Realtime Reporter
24 Certified Broadcast Captioner
25 Hawaii Certified Shorthand Reporter #447

Appendix B: Transcription of interview Michael Lee

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3 INTERVIEW OF MICHAEL LEE
4 BY KIMOKEO KAPAHULEHUA
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3 MICHAEL LEE: -- fifties and sixties. And my
4 father was there in the -- the fifties and sixties. And
5 then he opened the Royal Hawaiian Kaanapali in 1962. So we
6 moved from Hana to --
7 KIMOKEO KAPAHULEHUA: Royal Lahaina?
8 MICHAEL LEE: -- Royal Lahaina in '62. So all of
9 that -- all of that took place. And so I was learning from
10 both sides of my family about tramping the land and going
11 to the ocean, learning more about the seaweed and
12 everything. So this was my -- this was my Hawaiian tutu and
13 her half Hawaiian child which was Jacob Martin Lee. His
14 father was Peter Lee of Peter Lee Rhode at the Volcano
15 House.

16 KIMOKEO KAPAHULEHUA: Oh, yeah.
17 MICHAEL LEE: He was manager before the Curtises,
18 yeah. So that was him in the 1800s. And that's him in the
19 1940s, Jacob Martin. So -- and then this is his mother with
20 her sister, our kanaka side. So we were steeped in family
21 culture because my mother's a quarter Hawaiian and my father
22 is a quarter Hawaiian, making us kids quarter Hawaiian. So
23 that was the family line for -- for that part of the family
24 that we were steeped.

25 Now, on my father's side, in the Maui genealogy,
my -- the Meek side cohabitated and married into -- this is

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1 the -- from the archives. G6 is from Lahaina, June --

2 KIMOKEO KAPAHULEHUA: 18 --
3 MICHAEL LEE: 1865.
4 KIMOKEO KAPAHULEHUA: -- 65?
5 MICHAEL LEE: Yeah, 1865. This is the Maui
6 genealogy, okay. And this is one of the best genealogies
7 because it outs everybody, you know. And on Page 49, this
8 is Alapai. This is Alapai. This is Julia Alapai. And at
9 the time she was married to Helikunii. This was before
10 Kioniana. Her child was Keiki Namiki, the child of Meek.
11 And the Meek we're talking about is Eliza Meek. Because,
12 she was known as ali'i haole. So this lady is from Princess
13 Julia Alapai Kauwa, who Olowalu land and Hana land.

0004

1 KIMOKEO KAPAHULEHUA: Yeah.
2 MICHAEL LEE: That's the porch of the Big Island.
3 So I get chicken skin when I talk about this because this is
4 how we're connected to Princess Julia Alapai Kauwa was
5 through Captain Meek. Now you know you can't get these kind
6 of documents unless you can prove, going backwards, that
7 you're related --
8 KIMOKEO KAPAHULEHUA: To them.
9 MICHAEL LEE: -- to them because the -- the -- the
10 Health Department would not give anybody anybody's records.
11 So this is Captain John Meek. He passed away in 1875.
12 KIMOKEO KAPAHULEHUA: 74.
13 MICHAEL LEE: Yeah, '75 at 83.
14 KIMOKEO KAPAHULEHUA: What is that on the top,
15 1886-87?
16 MICHAEL LEE: Oh, these are the book of records.
17 KIMOKEO KAPAHULEHUA: Oh, the record book.
18 MICHAEL LEE: Book of records. So that's for the
19 book of records. And this then this is my grandmother,
20 Eliza Meek. And this is her records. She died in February
21 8th, 1888. And she was the mother of John Meek, okay,
22 because he was hanai to two full-blooded Hawaiians, but, on
23 his certificate of death, it says hapa haole.
24 KIMOKEO KAPAHULEHUA: Oh.
25 MICHAEL LEE: So how can two Hawaiians make one --

0005

1 KIMOKEO KAPAHULEHUA: Hapa haole.
2 MICHAEL LEE: -- hapa haole, yeah. So he died in
3 1891. He was born in 1833. Okay. And then, of course,
4 this is the Lahaina side of this family that comes from Mary
5 Ann Nunez. She's the one who has this blood. She was a
6 great granddaughter of Captain Meek and Eliza Meek. So

7 that's how we jump into that -- that -- that pool.
8 KIMOKEO KAPAHULEHUA: It shows -- on the death
9 thing --
10 MICHAEL LEE: Yeah.
11 KIMOKEO KAPAHULEHUA: -- shows like makimole.
12 MICHAEL LEE: Yeah. It says -- it says like what
13 they died of over there.
14 KIMOKEO KAPAHULEHUA: It says fever.
15 MICHAEL LEE: Right.
16 KIMOKEO KAPAHULEHUA: And maimau.
17 MICHAEL LEE: Yeah.
18 KIMOKEO KAPAHULEHUA: (Inaudible).
19 MICHAEL LEE: Yeah. Yeah.
20 KIMOKEO KAPAHULEHUA: That you know the record
21 shows everything.
22 MICHAEL LEE: Yeah.
23 KIMOKEO KAPAHULEHUA: And registered as so.
24 MICHAEL LEE: Yeah. So this is from Moren's
25 journals. And it says -- this is from 1819, baptism, 4th of
0006
1 July. Says today the children were baptized, I was
2 godfather of son of John Meek. John Meek's son is very
3 important because John Meek's son marries Princess Harriet
4 Kawaikipi in June of 1837. She is the daughter of George
5 Humehume, the heir of Kauai.
6 KIMOKEO KAPAHULEHUA: Oh.
7 MICHAEL LEE: Now, that's really interesting.
8 This is how we're related to Bula Logan is because Eliza
9 Meek, she's the elder sister of John Meek, Jr. He marries
10 Princess Harriett Kawaikipi, he gets one daughter from her
11 because Kamohoalii is her grandfather and the heir to Kauai
12 is George Humehume.
13 KIMOKEO KAPAHULEHUA: So Kamohoalii is from Kauai?
14 MICHAEL LEE: From Kauai.
15 KIMOKEO KAPAHULEHUA: Ali`i?
16 MICHAEL LEE: Ali`i. So this is how we jump into
17 the Kauai ali`i side was that this boy married Princess
18 Harriet Kawaihinikipi. She died in 1842, but, before she
19 died, she had a daughter. Her name is Becky, Elizabeth,
20 Elizabeth Meek. From her comes Ahi Logan and Bula Logan.
21 KIMOKEO KAPAHULEHUA: Oh.
22 MICHAEL LEE: That's how they're related to us.
23 KIMOKEO KAPAHULEHUA: So the Logan now is
24 (inaudible).
25 MICHAEL LEE: Yeah, yeah.
0007
1 KIMOKEO KAPAHULEHUA: His papa out there?
2 MICHAEL LEE: Yeah, his papa out there, yeah. And
3 then this is John Meek in 19 -- the year 1918, he said I was
4 known -- I lived in a grass hut next to the hotel and it
5 stood where the market is now on -- the hotel was outside my
6 grass hut. Okay. And this is certified. This is
7 certified. So it says that he lived there on the property.
8 It says, this property in Honolulu I was given to John Meek
9 by (inaudible) in the year 1817, when I arrived. Okay. And
10 this sets up -- this is the property downtown. This was the
11 next door neighbors. They said there were chiefs from

12 Kuhealani who were the chiefs on Oahu, a haole man,
13 Mr. Kiaka, that's Jack, for Jack Meek, who is living with a
14 wahine, and had some children from hence the occupation of
15 my parents hina were there. But this was -- this -- this is
16 very important because what this does, in the -- it says
17 that Princess Julia Alapai Kauwa.

18 KIMOKEO KAPAHULEHUA: Oh, really.

19 MICHAEL LEE: Yeah, is that. On this certified
20 house lot for Number 150 Helu, for LCA, Kikiau, okay. It
21 says, at the time when Kamehameha I --

22 KIMOKEO KAPAHULEHUA: First.

23 MICHAEL LEE: -- wrote -- yeah -- from Kauai to --
24 and -- and Kuhealani and the chiefs on Oahu, a haole man.
25 So this was before he died in 1819, yeah, in May. So

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1 Captain Meek had children during the time of Kamehameha I,
2 yeah.

3 And so we also have Buster Crabbe, the famous
4 movie star that was Flash Gordon and everything, he was a
5 grandson the Captain Meek. Because one of the Captain
6 Meek's daughters was Elizabeth, the younger daughter of my
7 grandmother, Eliza Meek. And in his memoirs and
8 autobiography, he said, yeah, Captain Meek originally came
9 from Massachusetts, who married a native girl in the 1820s
10 and settled in the islands. But he had children, according
11 to the Hawaiian testimonies and everything, before 1820,
12 yeah. And the Moren's journals, 1819, the boy is being
13 baptized.

14 KIMOKEO KAPAHULEHUA: Before --

15 MICHAEL LEE: On the 4th of July.

16 KIMOKEO KAPAHULEHUA: Before 1820?

17 MICHAEL LEE: Before 1820. So all the -- all the
18 evidence that certified --

19 KIMOKEO KAPAHULEHUA: They were the documents that
20 showed it was 1818, too.

21 MICHAEL LEE: Yeah. So bruddah had that. But
22 that's how we jumped into Julia Alapai Kauwa's, her --

23 KIMOKEO KAPAHULEHUA: Lineage.

24 MICHAEL LEE: -- lineage, yeah. So -- and that's
25 very important because Julia Alapai, she has land on Maui,

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1 in Olowalu and, also, in Hana, that links up to our Hana
2 connection as well. So this establishes that, you know, we
3 were around for quite some time. And it goes back to the
4 Pi'ilani genealogy.

5 Now, what is very important on this tape, which is
6 kind of really rare, was one of my teachers, back in the
7 eighties -- I have to use this kind of tape, don't make it
8 any more, or tape recorder -- was Auntie Alice Holokai,
9 George Holokai, master hula chanter's mother. And she, with
10 my grandfather, gave me my -- my star knowledge that I have.
11 So this is -- and she got it from David Kali, from Niihau,
12 so this is her talking about --

13 (A recording is being played out loud; and is not
14 being transcribed.)

15 KIMOKEO KAPAHULEHUA: Stop, I'm gonna change the
16 tape. But we'll finish the recording. Just stop that.

17 MICHAEL LEE: She was born in 1900. She would be
18 116 today.

19 KIMOKEO KAPAHULEHUA: Okay.

20 MICHAEL LEE: Auntie Alice, she would be 116.

21 KIMOKEO KAPAHULEHUA: And her real name?

22 MICHAEL LEE: Alice Holokai. Her father came
23 from -- he was lua master -- lua practitioner from Kohala.
24 He broke kapu and taught her how to do the (inaudible). She
25 killed her husband and then she brought him back and he
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1 never beat her up again. She lived with the queen from
2 1910, when she was 10 years old, to right before the queen
3 died in 1918. So I was really, really fortunate to be with
4 her. And she would, on sessions with me, talk about the
5 death of Captain Cook, all in Hawaiian, who was the man who
6 is different -- it's a different story from what you hear in
7 history. She goes to the genealogy of the man who broke his
8 bones, in doing lua snapped his -- his spine. She tells you
9 the name of the guy was, who the family is, who they are
10 today, and she does it in Hawaiian. And she went back and
11 forth. I mean, she was such a treasure trove of knowledge.
12 She knew Prince Kuhio, she lived with Queen Liliuokalani.
13 She was part of the star knowledge that I got for these
14 certificates as Papa Kilo Hoku from the City Council. They
15 recognized me in two certificates, and my genealogy to the
16 Kamehamehas.

17 KIMOKEO KAPAHULEHUA: 2012?

18 MICHAEL LEE: 2012. And then this one was -- this
19 is May. That one was December. And the cultural practices
20 of doing the mawawai ceremony, which I've done for children
21 out here, it's a cultural practice from Kau on the Big
22 Island for Lono, but we do Ke Akua. So they were
23 recognition certificates. But all of this stuff, on all my
24 certificates, I put my teachers, my grandfather, all the
25 people who -- who --
0011

1 KIMOKEO KAPAHULEHUA: Who taught you.

2 MICHAEL LEE: Who taught me. Because, for me, you
3 know, they kept out of the limelight. Auntie Alice Holokai
4 taught David Kalii's grandson in 1983 how to get to Kauai.
5 And she was -- it was written up in the Star Bulletin. And
6 she wouldn't give her name. She just -- they just said they
7 got the knowledge from the lady on the mountain in
8 Papakolea. She would never seek any knowledge for herself.
9 She won the Thomas Jefferson award for taking care of
10 children and healing people. Just an incredible group of --
11 of people that I was so privileged to learn a lot of this --
12 this knowledge in my cultural practice. And that tape is
13 from 30 years ago, in 1986, when she was in her 80s. And
14 she passed away in 1992 at 92 years old. And the wealth of
15 knowledge that I got from my kupunas -- because I used to
16 hang around 80 and 90 year olds when I was young and when I
17 was in my early 20s, and just tried to soak up as much as
18 I -- I could. And what Auntie -- Auntie Alice talked about
19 the prayer. And this is the prayer of how to paddle. You
20 have to go into prayer several months before you go and do
21 it. So this was in her handwriting. I asked her, could you

22 please write it down, because I knew this was important
23 historically and, some day, it would have to come out. So I
24 wanted the master to write it in her hand, which she did.
25 And, you know, the thing talks about the stars, but it

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1 doesn't show the positions. So I asked her to put the
2 position of the star and how to paddle to Kauai under the
3 double night rainbow. So she wrote this down in her hand.
4 So all of this was, you know, very, very important. And I
5 drew a picture of how Auntie Alice Holokai looked like. So
6 my grandfather was the master keeper of the stars for me and
7 the petroglyphs. Auntie Alice added on and others added on
8 to that knowledge that I was really privileged to have these
9 great people from the turn of the century who knew the
10 historical figures personally.

11 And so Maui has always been very close to us
12 because, you know, we're allodial landholders but, also,
13 keepers of our record in `olelo. And when we were talking
14 about the Kihei area and the neck of the property where the
15 nalu rains and the nalu winds come down and how it affects
16 by the side of the mountain where Keokealani is, pu`u makoi
17 redirects from nuakea, the breasts of the mountains, pulling
18 the nalu rains to feed the child. It's almost like a
19 squatting child here on Kaho`olawe. And to feed the child
20 the -- the life-giving mother's milk of the rains coming
21 down in the clouds that are jutting out as the Kihei opens
22 up and her breast milk goes to -- which is the fresh water,
23 lawainui, the wealth and the fortune of the land. And all
24 of these stories in Aki as well as Pana`ewa and the limus in
25 Mala Bay and in Hana, where my grandfather fished, where he

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1 made his lama spear, 12-foot spear. And he had the -- the
2 turtle glasses and he would take a breath at five minutes,
3 he would go down and we wouldn't see him. And then he would
4 come up with all this red fish and everything at Hana Pier
5 and everything. So, you know, it was a rich, rich
6 experience that I was given. And the stars and -- and the
7 cloud signs. And really, really fortunate to have had these
8 people who are my family teach this knowledge, which at the
9 time I never thought anything of it. I just thought it was
10 family stuff. But then as I got into my 50s, Auntie Alice,
11 in my 20s, said, Governor, with one day you're gonna be
12 doing what I'm doing. And I said, oh, auntie, that's never
13 gonna happen because I'm a 9:00 to 5:00er. I gotta work for
14 my living, I gotta -- I gotta pay the bills. And she goes,
15 oh, you'll see. And sure enough, when I hit 50, exactly
16 what she said, no longer a 9:00 to 5:00er, but actually
17 taking all this knowledge that they showed me and actually
18 doing something with it to save the Hawaiian culture.

19 We as a community have to move on in progress,
20 jobs, development, but the law is situated that we can save
21 those corners and pieces that are valuable to our Hawaiian
22 culture. Like at the -- the megamall Pi`ilani Promenade,
23 there are certain rocks and features that I was taught and
24 told that -- how to distinguish what their purpose was
25 through generational knowledge of this family line. And

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1 what we bring to the table is to educate, to you know
2 better, you can do better. And if you know why this pile of
3 rocks is what it is, and once its functionary --

4 KIMOKEO KAPAHULEHUA: Let me stop one minute.

5 MICHAEL LEE: Yeah.

6 KIMOKEO KAPAHULEHUA: So I can get a new tape.

7 MICHAEL LEE: Okay. Break in audio..

8 KIMOKEO KAPAHULEHUA: Hang on one more, a little
9 bit. Okay.

10 MICHAEL LEE: Aloha again. You know, from our --
11 our family lineage, this nihopalaoas came from my fifth
12 grade grandmother found in the entrance channel of the
13 marina of Ewa, walking the proposed channel, which we
14 stopped regarding, we got into it and went up as our own
15 attorney for the Supreme Court to stop, 'cause other family
16 members are buried there. And so we got recognition. And
17 our tutu was holding these nihopalaoas in her hand at the
18 time. Two, one for male, one for female. And this is part
19 of -- this is part of our world, our mo`oku`auhau, our
20 genealogy, links all kanakas, 966 generations, but it links
21 us to hauloa. And all of us are linked to how hauloa as the
22 root, yeah, in our mo`oku`auhau. And it's important for
23 anybody who's kanaka to know, this is the pupee that was
24 found, to know the well to. She had a cache of all these
25 Hawaiian jewelry. She was like 25 years old in -- in 1796,
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1 1795 where the burials were -- were found. And so you don't
2 destroy our world. I was never an attorney, but I'll do an
3 attorney. I helped kanu the SHPD State Historic
4 Preservation Division's found my grandmother's iwi kupuna.
5 And it took me 10 years to get her back into the ground in
6 Ewa, had to do a long fight. And this is the local -- how
7 genealogy of how family goes to the Pi'ilani side and Kaiwe
8 side.

9 KIMOKEO KAPAHULEHUA: And the Kamoalii.

10 MICHAEL LEE: And the Kamoalii side. We're all
11 family. We all family in -- on my dad's side. The marriage
12 locked everybody in through (inaudible), who was the
13 Keopuolani of the 1700s, who married Luna Haipu, my
14 grandfather of Kauai, and linked us all in. Kualii`i is my
15 direct eighth grade grandfather, so he was from the Oahu
16 (inaudible) line to both Kauai and Oahu. Kauai and Oahu are
17 connected. And the channel is only a river between them
18 because Kualii`i would spend every January, February on Kauai
19 as mo`i of Kauai, but that bloodline is what locks in the
20 islands, just as Hana is locked into north Kohala. The
21 islands are one Big Island with these little rivers in
22 between that we call channels, kaiwe channel, but they're
23 rivers 'cause it's the family blood lines that lock in
24 everything which is the back door to the front porch or
25 whatever. So in our family lineage, there is no -- you
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1 know, we have 88 different canoes and the 88 different ways
2 of using the canoes, 'cause today people use the airplanes,
3 jets. The canoe's usage, our family would stay two years on
4 one island, go to Molokai, Kola Kula Koa was Chief Kula
5 Koa's daughter who was ali`i of Molokai. That's my great,

6 great, great, great grandfather, my sixth -- seventh great
7 grandfather. The family lineage locks us in to the land and
8 visiting other family on other islands. We always visited
9 each other. I mean, six months here, two years there, three
10 years there, two years there, and we just kept on traveling
11 all over. That's what our mo'oku'auhau chants say. So when
12 they try to lock us in and they say, oh, Mr. Lee, you can't
13 go to the Big Island and fight for the Kohala side because
14 your ahupua'a is in Ewa. And I go, here's the chant of
15 Koali'i. Kanehili is picking three limus, halahalaha, Lipoa
16 and Komu. And I'm saying it goes to the Big Island, six
17 months later, and, on the Hilo side, he's picking the same
18 limus. I said that's our cultural practice. You can't
19 limit us to one spot because our families are on all islands
20 and our icebox is the ocean, and soon as you get off, boom,
21 you start eating. So, you know, the outside people cannot
22 define who we are. Our chants define who we are. Our
23 generational knowledge define who we are. Place, presence
24 and our cultural practice that we have been taught by our
25 kupunas define who we are. And to have people who live in
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1 Nebraska on a farm for 200 years or whatever and says that's
2 how you guys should live is false because we constantly
3 move, nomadic. Summertime, that's why Queen Emma, summer
4 palace. It's not -- they didn't stay in one place 24/7.
5 They lived on different islands at different times,
6 different sections of the island as their lovers, their
7 moods, their children, their family needed them to help out
8 in the lo'i or whatever. We constantly moved around. That
9 knowledge that on the tape of Auntie Alice, this that you
10 see is underneath Pu'u Wawa, Kohala on the Big Island. This
11 is the underground aquifer, the river, the -- the ana cave,
12 the puuwaina. So this is the keeper makakaiili. I know her
13 and her family.

14 Now, haoles are getting into this cave. And I
15 wrote to Alan Downer, saying what are haoles doing in here
16 when there's been a keeper from the Keakeolani family for
17 hundreds of years. And what are foreigners doing for our
18 fresh water system. That fresh water goes to (inaudible)
19 and makes the limu grow for our fishery because the limu's
20 algae, and algae is the foundational food source for our
21 fishery. So I wrote to Alan Downer saying what -- how come
22 DLNR is allowing people to go into our ana caves when there
23 are Hawaiian keepers for our culture in this place. And why
24 wasn't it put out for public notice because this is not
25 Disneyland. This is very important. Because on the shelves
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1 of these caves we put our keai, we put our iwi kupuna. You
2 see the shelves down here? Well, sometimes there are niches
3 above where with put iwi kupuna. This is a sacred place for
4 us. It's not just, like I said, Disneyland, for people to
5 go in and -- and niele around. You know, these are our
6 cultural places that are being infested by everybody, just
7 because they think they can.

8 And there's laws, Section 6(d) 1 through 13, that
9 the State regulates who can come into these caves and stuff.
10 And where was the DLNR meeting? Where was public notice for

11 the lineal descendants to come forth and to protect their
12 interest of their family that's buried inside these caves?

13 You know, we were here thousands of years and we
14 know these things. We don't talk about that because look
15 what happens once the secret gets out. It's infested like
16 termites to go and use it as Disneyland. So, you know,
17 proper pono, what fits. This does not fit in our Hawaiian
18 sacred places.

19 Dealing with the Pi'ilani Promenade, or some
20 people call it the megamall, there are historical features
21 that -- mounds for sacrifice for rain, for fish, for the
22 different times of the solstices because, you know, our
23 cultural practice that I was taught in generational
24 knowledge is konohiki, makahiki and kapu. So when people do
25 a EIS or AIS, the first thing I ask is if you're gonna

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1 define the Hawaiian culture, our practices surround
2 konohiki, makahiki and kapu, so where does your planter
3 feature, your sea shape, your terraces fall into konohiki,
4 makahiki and kapu. Because this was a spiritual land, with
5 spiritual people who every day they did everything was
6 through ha and prayer, the rising of the sun, ku, to wakea
7 and napo`o, the hoku ewa, zenith of the sun and the sky, and
8 the setting of the sun, Hina, in the west, konohiki,
9 makahiki, kapu. The clock that regulated the practices
10 dealing with fresh water, using fresh water 1,000 ways
11 before it got to the ocean. And the signs of the seasons
12 for konohiki, makahiki and kapu are constantly shouting out
13 on the cultural landscape.

14 So why would you have a solar observatory on the
15 property that told you when konohiki, makahiki and kapu?
16 Because it was kapu -- after October, the Hawaiian year ends
17 and the resetting of the covenant of waiwai nui, fortune,
18 fresh water of the king, had to take place in November,
19 December and January. The fisheries had to be reset. The
20 la`au rights for the terraces and the planting had to be
21 reset. The kahunas could not eat the -- they would have to
22 feed themselves on food. Nobody could work. It was like a
23 giant sabbath until everything was reset during cultural
24 practice of konohiki, makahiki and kapu. So if they don't
25 have it, then they're making it up because our culture

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1 written in Kamakau, Malo, Abraham Fornander, Papa I`i,
2 Emery, Emerson, (inaudible) 1 through 5. Everything talks
3 about konohiki and makahiki and kapu in a spiritual way, a
4 spiritual way. Here I am up at Hale Maumau and Tutu Pele
5 sending the red -- she's sending me the red Kihei saying --
6 she's my 17th great grandmother, she's saying, eh, you gotta
7 wear the red, not the blue. But my teacher, Auntie Alice
8 never gave me permission. You know, we always listen to our
9 elders. We don't do unless they give -- they give us
10 permission to do. And for me, it was too kapu. So until my
11 student was saying, eh, my Kihei's turning red that Tutu
12 Pele gave us permission to wear red Kihei. I didn't wear
13 red Kihei. So -- and then what -- what happens is when we
14 do practice, we're too young to hold certain practices. You
15 gotta be on makua. I'm not kupuna, but my hair will turn

16 white and I will turn 80 years old when I do a cultural
17 practice that needs me to be in my eighties because of the
18 Tutu Pele bloodline. We will turn -- our hair will turn
19 color and we'll grow old, from being young to being very
20 old. But that's the superhighway in the spirituality of what
21 takes place for us, you know, that's something where, as you
22 can see, my hair isn't this white, yeah. But it will happen
23 because it's supposed to happen, yeah. Two pictures side to
24 side, salt and pepper.

25 KIMOKEO KAPAHULEHUA: This way. Yeah. Right

0021

1 there.

2 MICHAEL LEE: So you see one salt and pepper --

3 KIMOKEO KAPAHULEHUA: This side. This side.

4 Wait, wait, wait. Right there.

5 MICHAEL LEE: So you can see the -- the
6 transformation from salt and pepper to extremely old.

7 KIMOKEO KAPAHULEHUA: The green one or the red
8 one. There you go. Right there. Right there.

9 MICHAEL LEE: Yeah. So, for us, this is not
10 something that, you know, is -- is try go see because my
11 aunties and uncles could do all of this stuff. And it's
12 just in the family -- it's in the family line of our
13 cultural practice when we go out. And this was on the
14 Pi'ilani Promenade side. We're doing the -- the eclipse.
15 And behind is the wiliwili forest showing up that used to be
16 there 1,000 years ago, the dryland wiliwili forest on the
17 Pi'ilani Promenade. And there was like 40 people up there
18 that night. The kahus or kahunas, all we do is open portals
19 and we close portals. And we bring ho`okupu and thanks and
20 care and ha to our ancestors who are what other people call
21 gods, but they're just family from us, they're just family,
22 you know. What we were taught in our mo`oku`auhau and the
23 proper mahina stone at Mala Bay I use for divination of
24 family genealogy. Only take kanakas for that one, you know,
25 because the stones are very important. Our --

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1 KIMOKEO KAPAHULEHUA: Who that guy? Who is this?

2 MICHAEL LEE: Oh. This is Hank Fergerstrom. I
3 took him to the -- the pu`u at Hunuulu in Wailuku to meet
4 his -- his son that had passed away, Michael. So there's
5 certain pu`us that we go to meet your family. And you go up
6 and you close your eyes, and we do a chant. You put the
7 lavender salt from Kauai on your forehead and then your
8 family members come to talk to you from the other side.

9 Then the mo`o. The mo`o is very important to us.
10 This was -- the mo`o, (inaudible) up at Wailuku 670, yeah,
11 you can see her -- her hand. She's kind of translucent
12 white.

13 KIMOKEO KAPAHULEHUA: Really close, so I can your
14 hand.

15 MICHAEL LEE: Yeah, translucent white. Okay.
16 This is when we did a cultural access with Charlie Jencks
17 and we went up on the land. It's important -- our
18 connection to the land is very important because our iwi
19 kupuna is there. And that's our connection.

20 KIMOKEO KAPAHULEHUA: There was a -- there was

21 some concerns that you had, and you wrote them the concerns.
22 MICHAEL LEE: Yeah.
23 KIMOKEO KAPAHULEHUA: So can you share that
24 concerns that you had, you went over with on --
25 MICHAEL LEE: The --

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1 KIMOKEO KAPAHULEHUA: -- the promenade?
2 MICHAEL LEE: The promenade, yeah.
3 KIMOKEO KAPAHULEHUA: (Inaudible), yeah.
4 MICHAEL LEE: Yeah. The -- the concerns were that
5 the -- and we went over with the archaeologist.
6 KIMOKEO KAPAHULEHUA: Yeah.
7 MICHAEL LEE: You know, there's certain sites
8 that, on the highest part, the solar mound for our -- for
9 our cultural practices, the oracle stone, which Lucienne de
10 Naie -- I'm gonna be coming up in April, April 14th, 15th,
11 16th and 17th of 2016. But the oracle stone that is there,
12 the mound of stones for offering for rain to come, the solar
13 area that has the solstices, the area that we -- the eclipse
14 site, Hina Ake Ahi, and Hina Ake Ahi is Tutu Pele. Tutu
15 Pele, this is her niho palaoa that we were given on
16 Haleakala by tutu herself. She said take it. Okay.
17 Our concerns is that these things can be raised
18 up, because they have to flatten out that property, to make
19 it level and plain. And these cultural sites need to be
20 protected and landscaping around them. And it's okay to --
21 if you're raising the property, you can raise it up, because
22 that property's a bowl. It's, basically, a bowl. And these
23 features are Hawaiian cultural resources. They are our
24 books, our observations and practice in place for our
25 presence of our history. And to destroy them is like to

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1 destroy the books in the library of Alexandria of Egypt when
2 it was burned. And we come to the forefront to put our
3 mo`oku`auhau, our ike, our `olelo out to define under law
4 what needs to be -- is what they call a finding of fact, to
5 show that these things existed, they had form, they had
6 function, they had a foundation for the purpose and need of
7 makahiki, konohiki and kapu in their observations and in
8 their time clock as our `olelo book through our chants. And
9 we're not stopping the project, but we're asking people,
10 because we've identified these cultural resources, what they
11 are, what the practices were, why they're important. And
12 they're not a lot around. There's some major ones that we
13 just said, raise it up. For the ones that have alignments,
14 keep them as is, but you can raise it up, you know, to
15 flatten the bowl out, to have your project. But we're
16 defining it, so put a protective buffer boundary zone around
17 it in your landscaping for our cultural landscape. And
18 incorporate it into what makes this place so special and
19 should not be destroyed. Because it connects in to the
20 rising of the sun who -- and directly overhead and Hina and,
21 also, the nighttime practices for the fishermen, which was,
22 basically, like a -- a temporary fishing village that took
23 advantage of all the fish that came and during a certain
24 time because you dried fish. You dried fish and octopus and
25 for survival strategies and food sustainability. This place

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1 was used primarily by fishermen, but you had your Papa Kilo
2 Hoku to show you the signs, to ask for the rain to come so
3 the limu would grow so more fish would come. And the basic
4 big fishing was summertime, May, June, July, August,
5 September, October, because the sun was prolific, always up,
6 the limu grew, and that's when the mating season of all the
7 fish take place. So, you know, this site primarily is going
8 to concentrate on fishing, by kilo, kilo -- by -- kilo means
9 the vision by being up and kiloea, to be able to see and
10 then to thank the gods and offer the right sacrifices,
11 konohiki, makahiki and kapu, and the different practices of
12 the ku and the lono practices for purification for the
13 different times of the year. So we've taken the time to put
14 that out.

15 We also mention, in the EIS, the drainage issue,
16 very important, because part of the cultural features in
17 sites are the gullies and gulches that go down to the ocean.
18 And it's gonna affect the limu. If you -- part of my --
19 besides the archaeological inventory survey, part of my
20 concerns dealt with, you know, partnering with the Army
21 Corps of Engineers with what is next to the fishpond below.
22 And right next to that, on the north side, you have a marsh
23 carryout. And to protect that area with Army Corps of
24 Engineers with -- what you're doing on the drainage above.
25 Because what concerned me is they wanted to go over and

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1 cover up certain natural drains. You know, gravity rules.
2 From the mountain to the sea, water flows from a high place
3 to a low place, and it finds its own way. If you block it,
4 it's gonna find a new way and cause plenty pilikea,
5 especially if there's a 500-year rain event.

6 So, you know, all of these things we point out to
7 the developers for best use, best practice. Risk, cost,
8 benefit, ratio. Who is getting the benefit and who's
9 carrying the risk and the cost? We don't want the ocean,
10 the limu -- you know, as I said, Uncle Henry, myself and
11 Uncle Walter (inaudible) founded the Ewa Limu Project and
12 went out like apostles to all islands because we want best
13 use, best practice conservation of our Hawaiian natural
14 resources. Article 12, Section 7, which is we will not
15 overregulate or destroy Hawaiian religious cultural practice
16 for the benefit and the health of the Hawaiian people. It's
17 not just for Hawaiians. If you do those good practices,
18 it'll help out everybody. Everything is important.

19 We're not asking, stop the project, 90 percent of
20 the thing, you have to do it our way. There are very few
21 things that we bring up that show and define what our
22 practices are and why, in konohiki, makahiki and kapu. So
23 within those lines, it's very little to give consideration
24 and mitigate on these sites that we brought out how
25 important they are. Certain stones can be moved, but should

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1 not be destroyed or moved off the property. Certain places,
2 because the orientation of the sun, has to be kept in that
3 area. If you gotta go up, go up, but it is our books, it is
4 our `olelo, it's our library.

5 And to say no practice is done there, tell me what
6 Hawaiian puts a neon sign saying I'm doing cultural practice
7 tonight, why don't everybody show up. And then the outside
8 western world says, oh, we don't see anything. Most
9 Hawaiians do not advertise something sacred like where the
10 Keakealani line have their iwi kupuna underground. Because
11 if they do, outsiders, unwanted people, will take advantage
12 and show no respect, because they do not know the history
13 and the DLNR and the State of Hawaii doesn't. That's why
14 they enacted, in 2004, the Aha Moku Council, to help guide
15 DLNR as a body that would give recommendations on proper
16 usage of natural resources, cultural resources. This is
17 a -- this is a pure example of what takes place when the
18 outside culture doesn't take time to respect and find out
19 how significant pili grass is for stopping erosion. And
20 invasives come in and their roots are like concrete and the
21 water runs off and doesn't percolate into our aquifer. So
22 where we gonna get the water to live on a desert island?

23 So all of these things are foundational and
24 functional for survival. And it's been part of our cultural
25 generational knowledge for thousands of years. What we

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1 bring to the table is what the law allows us to do, to give
2 us our concerns. And we would like that respect under the
3 law because, if it doesn't happen, we end up suing as Wailea
4 670 and the cultural preserve took place. And thank God
5 it's coming to an end. And, you know, \$10 million is set
6 aside -- 185 acres are set aside for the habitat of the
7 dryland forest and all the plants, animals and insects,
8 and -- and we pushed for Hawaiian cultural practice because
9 I was a part of that, too, for years. This is the same
10 thing. We're just following the law. We're doing what the
11 law asks us, to put on the table, put some skin in the game,
12 step up and define what your practices are and why it's
13 important.

14 We have done that and we would like the -- not
15 just footnotes, but we would like it mentioned in the AIS,
16 because it's a legal document, that the County of Hawaii --
17 the State of Hawaii and Land and Natural Resource -- DLNR,
18 Board of Land and Natural Resources, and the Land Use
19 Commission use as a document to make legal decisions from.
20 So this is really important. Everything matters. Plus, we
21 want to continue teaching to the next generation how
22 important and how invaluable their culture is, whether it's
23 Kamehameha Schools or whether it's tourists that don't know
24 but wanna know, or Maui Meadows who, new people moving in
25 from the mainland, they wanna find out what the culture so

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1 they can do the right thing in the right way that is pono
2 for respect. And we'll willing, we're putting it out there
3 that this doesn't happen normally, where Hawaiians break out
4 their family mo`oku`auhau, their `olelos to bring it to the
5 table to save it. But we've seen too many hidden treasures
6 of our culture gets blitzed because people didn't know,
7 because nobody stepped up and put this information on the
8 table for people to question, for people to observe, for
9 people to do whatever they need to do to do the right thing

10 under the law. And that's what we're looking for and that's
11 what we're asking for.
12 Mahalo.
13 KIMOKEO KAPAHULEHUA: It is some of the things --
14 this was the site that you went with us on Friday, yeah?
15 MICHAEL LEE: Yeah.
16 KIMOKEO KAPAHULEHUA: And was this documents that
17 you sent in to address the concerns?
18 MICHAEL LEE: Yes.
19 KIMOKEO KAPAHULEHUA: Can you flip each of the
20 document because there was a lot of -- lot of things that
21 you talked that --
22 MICHAEL LEE: Right.
23 KIMOKEO KAPAHULEHUA: -- was in your -- your
24 report --
25 MICHAEL LEE: Right.

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1 KIMOKEO KAPAHULEHUA: -- in the back end.
2 MICHAEL LEE: Right.
3 KIMOKEO KAPAHULEHUA: So we with Michael Lee and
4 at his home, but he had some -- he's already sent in some
5 photos of undocumented -- undocumented areas in Kalanihakoi
6 Gulch.
7 MICHAEL LEE: Right.
8 KIMOKEO KAPAHULEHUA: So he can -- he can -- as
9 you can see that.
10 MICHAEL LEE: Yeah.
11 KIMOKEO KAPAHULEHUA: And then, also, on the back
12 page --
13 MICHAEL LEE: Yeah.
14 KIMOKEO KAPAHULEHUA: -- you know --
15 MICHAEL LEE: In the back page, it has a
16 description of the -- the site numbers that -- for the AIS.
17 KIMOKEO KAPAHULEHUA: Right.
18 MICHAEL LEE: The site numbers that were first
19 recorded in 1997. And it goes into the boundaries and the
20 sites of the gulches and it goes into the details of the
21 areas.
22 You know, some of these that I was told were
23 heiaus that, you know, people say, well, you know, it's
24 clearly that this was -- the bulldozer came and it's got --
25 it's got striations and cut from bulldozers. And I have to

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1 remind people, oh, before the bulldozers came to Hawaii, we
2 had our heiaus and rock sites, then Ka'ahumanu came, she
3 abolished that in Kuamo'o, the battle on the Big Island.
4 And then what happened, the missionaries came and they
5 defunct our religious practices.
6 But that doesn't mean they stopped, just because
7 the ali'i said you cannot do it anymore, burn the statues
8 doesn't mean the statutes weren't taken underground in our
9 ana caves. And the practices were still being done Monday
10 through Friday. And on Saturday, Sunday, they went to
11 church, yeah. So the bottom line is our practices have
12 been -- how come the hula didn't die out when the
13 missionaries said stop that, clothe them, don't be naked,
14 because people still continued in the family generational

15 life away from the missionaries. Because the missionaries
16 aren't around -- there are not enough of missionaries to be
17 around you 24/7, so they don't know what's going on.

18 So the transmittal of these important places like
19 the heiau on the Pi'ilani Promenade, the heiau was first,
20 and then came the Mahele. Then after the Mahele, ranching
21 came in, around the same time of the Mahele. And then they
22 used the stones, also for cattle pens and stuff, they move
23 'em around. And then the military came in and then they
24 bulldozed for their purposes and stuff, over the ranches
25 that -- you know, during the war, that -- 1940, World War

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1 II. And even before 1940, 1930s they came in. And they did
2 their thing. Sometimes right over our sites, putting their
3 emplacements and gunnery stuff. They did it right over
4 our -- our sites.

5 So, you know, we still had knowledge of what was
6 there before the military, before the ranches and cattle.
7 And, of course, they used the rocks for boundary stones and
8 highways and stuff like that. People took them because
9 the -- the practice was defunct officially.

10 But every kanaka knows in their family that the
11 practices were still done out of sight, out of mind. They
12 did it out of sight so people -- just like when we
13 (inaudible), we don't do it in the daytime. We do it new
14 moon, at night, so that people who are jealous do not steal
15 and turn the bones or crap in the skull or turn 'em into
16 fishhooks or defile our family. Because there's some
17 Hawaiian families that were jealous and competed. So for
18 survival strategy, continuing the practice was done in
19 secret.

20 So when it came to these sites and these areas --
21 and I talk about the neck of the property where the wind
22 comes through, which was very important for cloud signs.
23 And where the placement of water heiaus are because of where
24 the clouds come in, that's where you're gonna offer
25 sacrifice to Kane, (Hawaiian language), where are the waters

0033

1 of kane, to make the water come down, the limu bloom, the
2 fishes to come in, because they eat off the limu. Chant 1,
3 Kumulipo, the 12 limus in the ocean are protected by the
4 mauna, what's up in the mauna. Well, what's up in the
5 mauna? The broad stream. That's the surface river that
6 comes down from the mountain. And with it, what does it
7 bring that's in the mountain that protects the fishes and
8 the ocean? It brings with it fruits that fall in
9 seasonally. And the fish come to the ocean. And where the
10 auwai comes out, they gotta make a choice, do I eat the limu
11 that's coming or do I take the fruit that's coming, I see,
12 which one, the ho'okupu from the -- from mauka, or the limu.
13 So they go for the ho'okupu and they leave the limu alone.
14 Then the sand shifts, covers the limu, allows it to grow.
15 So as it gets bigger in the summertime and grows prolific
16 under photosynthesis of the sun, there's a lot of limu for
17 fish and people. Because the fresh water brings nutrients,
18 not nitrates. Those are -- are high chemicals that make the
19 invasives grow. But it's the foundation of the food source,

20 the mountain, the midrange land and the ocean are all
21 connected by the broad stream, the wahine. Okay. And that
22 makes the fresh water estuary, where the magic of life
23 begins in breeding. Okay. Because all the food comes down,
24 because the fresh water wakes up the limu in the different
25 seasons with the temperature. Okay.

0034

1 The narrow stream, Kumulipo Chant 1, is the ana
2 cave, the male running in the pahoehoe lava tube. Okay.
3 That is a backup in case the top stream dries up, the bottom
4 stream continues to go.

5 In the State of Hawaii, they've closed down all
6 the natural streams and diverted the water for sugarcane and
7 human development and whatever. So why is the fishery not
8 collapsed? Well, we've seen the limu fall. I mean, there's
9 great people from my generation, Lipoa Road and all of those
10 places, we have seen a decline of limu because of diversion
11 of fresh water. The limu needs to be healthy. Okay.
12 There's a direct correlation. Several limus are indicator
13 species of fresh water, (inaudible), palahalaha.

14 KIMOKEO KAPAHULEHUA: Eleele.

15 MICHAEL LEE: Eleele. You see that limu growing,
16 you know there's a spring around, you know the fresh water
17 is blasting. All of this are indicator species. Now, best
18 use, best practice of land, konohiki, is that you allow that
19 to flow because most endemic Hawaiian fish are like salmon.
20 Okay. They go out into the ocean, but, when they have to
21 breed, they have to go in fresh water, moi, aholehole.

22 KIMOKEO KAPAHULEHUA: Mullet?

23 MICHAEL LEE: Mullet, o`opu, the list goes on,
24 awa. You go all the way through and you found out most of
25 our fishes are like salmon, but the people from the mainland

0035

1 don't fish, don't know. So why hasn't it collapsed? We
2 have all of these ana springs and caves that are huge that
3 are -- are pumping out water from beneath the ground, which
4 are these ana caves that I'm showing you to show that the
5 fresh water still goes even though -- even though you can't
6 see it. It's subsurface, it's the kane. And so the
7 mountain is protecting the sea in many different ways.

8 And people don't stop and ask the practitioner,
9 what does Kumulipo mean about Chant 1, the 13 limus in the
10 ocean being protected by all these plants in the land, what
11 is the connection, what is the interwoven web of life.
12 Well, the connector is the subsurface streams and rivers,
13 and we call auwais, that go into the ocean, and the
14 underground ana cave which continues sight unseen, but does
15 the same purpose.

16 So when we talk about a property, we know that the
17 name of the property is either named for the clouds that are
18 floating or the stars above, what the cultural practice, use
19 and the alignment. If it talks about makali`i, this is a
20 place to observe the rising of the (inaudible). Why do you
21 observe it? Because you have makahiki and you have for
22 farming and fishing. Makali`i is called kalawaia for
23 fishing and it's called mahi for farming. It's -- it's
24 necessary in setting that time clock of ho`oilu. So we know

25 the mahina eye, we farm and we fish by the moon. All of

0036

1 this has its practice and its time. Okay. The sea itself,
2 on hoaka, it's the second day moon after Hilo, it naturally
3 plants the limu, the ocean oki snaps the limu and vegetation
4 reproduction and puts them into the reef to grow again. We
5 know the seasons, we know the times. What you do on the
6 land is gonna affect the sea. And that's what our concern
7 is as cultural practitioners and generational knowledge that
8 we bring to the table. If you destroy this balance of Hale
9 O Kaulike, the house of balance, it's all gonna be kapakahi
10 and then it's all gonna start to fall apart. You cut down
11 too many trees, you're gonna change the wind, the bees are
12 not gonna be able to go there. It's gonna be really hard
13 when the rains come. Everything has a purpose the way it's
14 situated. The outside culture comes in, it doesn't learn,
15 it doesn't care, shows no respect. Pull out the pili grass,
16 put in California grass. Take down the natural trees, no
17 more nalu winds and nalu mists from the ocean breakers
18 that come and condense and make two rains. They don't know.
19 They don't care. They don't think it matters. But we know
20 everything matters. So we bring all of this knowledge to
21 the table not to be an obstruction, but to say do the right
22 thing for the right reason, which is pono. Because you
23 order pipes, special order pipes, and they don't fit,
24 pono`ole. Same thing, what is connected to the mountain,
25 the midrange and the ocean and deep in the ocean, it's all

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1 connected. And you break the connection, pono`ole.
2 And we're putting this stuff down, especially in
3 Pi'ilani, to say, look, where that ancient petroglyph was,
4 that was a sign marker for the well that was there for the
5 intermittent village, the fishing village that was there.
6 To take the water -- when the streams weren't flowing, there
7 was water in the man stream below, the -- the narrow cave,
8 to support life on the land so they could do their cultural
9 practice. That was removed. They didn't -- the guys just
10 took it, they didn't know what the purpose, what the need
11 was, what the survival strategy.

12 I showed you documentations of my family on Maui.
13 They knew, we're bringing it to the table, so we can do the
14 right thing and teach at the same time. Because this
15 culture doesn't belong to my family. It belongs to all our
16 Hawaiian people so that -- so that they can do what is pono
17 in managing and being good stewards of the land. And that's
18 what -- that's what we bring to the table. We're not saying
19 stop the project; we're just saying, hey, these are
20 important flags and markers, that what you do up at
21 Pi'ilani -- and if you block the gulches, you're gonna
22 destroy the estuary below, the brackish water estuary below.
23 And it's gonna modify the sand that's there. It's gonna
24 change the limu. So knowing the patterns of the rain that
25 come and the water that runs in the ana caves below and

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1 properly manage the drainage runoff so that pili grass stops
2 that erosion and red water, the brown water that we hear
3 about. Because if it's managed properly, there is no brown

4 water. Because there is no ripping and tearing of the land.
5 So that's, again, the knowledge we're bringing, to say,
6 look, this exists, we managed the land. When Captain Cook
7 came in March 1778, 400,000 Hawaiians living off the ocean
8 and not polluting, not shedding in the streams causing
9 havoc. They buried their crap. They buried their waste.
10 We all used the ocean. Thousands of monk seals. They only
11 became endangered when western man came and took the octopus
12 over -- overharvest octopus, overharvest lobsters, then they
13 started to starve. Kanakas used the -- the resources.
14 That monk seal is found in Chant 6 of the
15 Kumulipo, Line 500. Okay. We work together with the ocean.
16 That's why we had local i`as, to -- and koas, we created the
17 koas in the ocean. They're not just on the land, but
18 they're in the ocean. We built them to train the opelu to
19 come in the net. We feed 'em, we tame 'em. You take wild
20 opelu and you feed 'em vegetation matter, like taro, like
21 sweet potato, like fruits. What we do is we change their
22 behavior and they become tame and they become like dogs. So
23 we train 'em go in the net, go out of the net, go in the
24 net, go out of the net. Then when it's time to harvest, we
25 take out the big breeders that's gonna give hundreds of
0039

1 thousands of eggs and hundreds of thousands of fish and we
2 selectively take fish for the village, for their needs, and
3 we take 'em. Okay. But we're not pirates. Hawaiian
4 fishermen were not pirates. They were farmers, they were
5 mahi eyes of the ocean under mahina eye. And what they did
6 was they trained the next generation and planted the limu
7 and did everything so the harvest was ensured for an
8 abundance and an increase in opportunity for the children of
9 prosperity. That's how you stave off hunger and famine, is
10 you plant in the ocean.

11 Same thing with our local i`as. Those are heiaus.
12 Why are they heiaus? Because you have the Ku stone and the
13 Hina stone both impregnated. The Ku stone always stay
14 underwater in the shape of the he`e. That's why this kuula,
15 kuula, the standing octopus, Kanaloa, okay, this is always
16 underwater. The Hina stone can be half -- can be out of
17 water and in water. It symbolizes the moon, but she is the
18 informant. We pray in the morning to them before the sun
19 comes up. We touch the Hina stone, the Hina stone tell us,
20 with the akua noho inside of it, who's been in the fishpond
21 at night. Did the puhi eel come in, did the red eel come
22 in, and -- and where is it now. She's gonna tell us.
23 Because we cannot stand guarding that fishpond 24/7.
24 Nobody's gonna do that. So how do we do that? The
25 informant is the Hina stone. Okay. And the way we situated
0040

1 it, it's -- it's based on Kane's forehead of the makaha and
2 the makohelani, two stars in his forehead that show Kanaloa
3 Kane, fresh water ocean octopus. When it's gonna -- the
4 makaha is gonna open and when to close the makaha gate of
5 the local i`a. It's a natural time clock of two stars that
6 rotate around -- one rotates -- the red one rotates around
7 alko, which is kane, which is makohelani, and makaha is
8 Kanaloa which tells us when to open the sluice gates. All

9 of this knowledge has a purpose and need for survival
10 strategy. And so we bring that to the table to say, look,
11 this is not isolated. Everything matters. Everything fits.
12 It doesn't match your western model because your
13 western model is not an island. And in that island, if you
14 don't take care of business correctly, you're gonna starve
15 to death because everything is your refrigerator. The --
16 the forest is your refrigerator. The land is your
17 refrigerator. The springs are your refrigerator. The ocean
18 is your refrigerator with the limu. All places to eat and
19 be taken care of feed off the land, `aina, `aina, to eat
20 from the land. The land itself, you eat from.
21 So all of this is very important when it comes
22 back to the assessment that is being made and for what we --
23 we put in both for the -- for the EIS and the AIS in our
24 commentaries to highlight these areas for the broader scope
25 that we're talking about in this interview with Kimokeo who

0041
1 has come down this morning from Maui to -- to give this
2 interview.

3 And to back it up, what we're putting here -- and
4 we're laying the foundation of standing, that there is a
5 place where we get it. We're not making this up. Governor
6 Abercrombie used to say all the time, "Oh, those Hawaiians,
7 they just showed up 10 minutes ago and they made it up."
8 Well, no. In this case that's not the case.

9 KIMOKEO KAPAHULEHUA: Way, way back. Couple
10 hundred years.

11 MICHAEL LEE: Way, way ago, couple of hundred
12 years.

13 KIMOKEO KAPAHULEHUA: And more.

14 MICHAEL LEE: And more. And in our
15 interconnectivity, we're bringing this out, we're -- we're
16 trying to reveal the best use, best practice, so that it
17 works out for everybody. Because Hawaiians managed and were
18 good stewards of the land so people could live. Everything
19 was waiola, the life of the land is perpetuated in
20 righteousness in Ke Akua io. Okay. So the spirituality of
21 the land and our practices.

22 Since I came back to the land for the Wailea 670
23 project and we've done cultural practice up there, I've been
24 told that it rains there consistently now for the last four
25 years in that area. And that's what our ancestors always

0042
1 knew, if you brought the ho`okupus, if you paid the respect,
2 if you did the ha and you did the proper chants and did you
3 what you needed to do, everything would be put in balance.
4 The house of balance, Hale O Akaulike. So that's what we've
5 been doing and bringing to the table in these projects, to
6 educate people on the best way. We figure if you know
7 better, you can do better. And the -- the mainlanders say
8 they wanna know, so, eh, we're just doing what the law
9 provides us to do for best use, best practice. And what
10 people on Maui have been asking for, can you teach us, can
11 you come, can you show us, so we have.

12 Mahalo.
13 KIMOKEO KAPAHULEHUA: So as can you see, we're at

14 Michael Lee, practitioner for Papa Kilo --
15 MICHAEL LEE: And the limu.
16 KIMOKEO KAPAHULEHUA: -- the limu and, also,
17 protocol.
18 MICHAEL LEE: Yeah.
19 KIMOKEO KAPAHULEHUA: And we share with you -- he
20 share with you his mo`oku`auhau, his genealogy, the
21 connection to mokopuniomai and the moku of Hana and the
22 moku of Kula and differential and different ahupua`as. He
23 share with you napoikalani the people of the heaven and how
24 they're connected to us and napoi kamuana, the people that
25 have see, and napoi konua, that we one big family. So he
0043
1 has explained that -- some of the things that, on there, is
2 a physical example or things that was left behind and he had
3 expressed his concerns and addressed all of that for the
4 developer to include that in this report, and to address it.
5 And not to only address it, but see and -- and know that his
6 and our ancestors, our kupuna, way, way back. So the
7 documents that we shown you earlier was purely the
8 mo`oku`auhau and the genealogy of his ohana from Hana all
9 the way to Lahaina, and how he expressed the connection of
10 the lehuula, which is the first fishpond made by Kula,
11 connected to a local i`a right below the promenade project.
12 And he was sharing with you the summer solstice and the
13 winter solstice. And he also explained at the site about
14 the winter solstice lined up when the moon sets on the north
15 wall and the sunset -- rises on the north wall, that was
16 winter solstice. And he was also explaining properly the --
17 where the sun rises on south wall and the moon set on the
18 south wall, that was summer solstice. So throughout this
19 document, he was explaining to all of us and teaching us
20 what knowledge was left behind for us with his ohana, his
21 family, and showing the connection of the -- connected from
22 the ali`i all the way down to where he is today. And we had
23 seen -- we heard Auntie Alice showing about -- talking about
24 the stars. So Papa Kilo Hoku was one of the awards he
25 received because of the kupuna teaching him the many, many
0044
1 stars. And Auntie Alice was just sharing one example of
2 following the stars from Pokai Bay to Nawiliwili. Now what
3 does that have to do with (inaudible), were there other
4 stories that never been told about the same situation of
5 what Auntie Alice explains about Kauai.
6 So I want to mahalo Mike this morning, brah, for
7 being open and for sharing all your ohana genealogy. Such a
8 rich genealogy you have. And we will send you a document
9 what we just did now.
10 MICHAEL LEE: Oh, Mahalo.
11 KIMOKEO KAPAHULEHUA: I like the video because it
12 gives word for word, and no one can change it.
13 MICHAEL LEE: Right.
14 KIMOKEO KAPAHULEHUA: So I'll send you a document
15 of that. And with your permission, we would like to use
16 your document --
17 MICHAEL LEE: Yes. Whatever, however.
18 KIMOKEO KAPAHULEHUA: Yeah.

19 MICHAEL LEE: You have my permission. You have my
20 permission.
21 KIMOKEO KAPAHULEHUA: Appreciate that very much.
22 MICHAEL LEE: Yeah.
23 KIMOKEO KAPAHULEHUA: So I'm gonna say mahalo
24 akua.
25 MICHAEL LEE: Mahalo.
0045
1 KIMOKEO KAPAHULEHUA: Mahalo naamakua.
2 MICHAEL LEE: Mahalo.
3 KIMOKEO KAPAHULEHUA: Mahalo no kupuna okahiko.
4 And mahalo your oi and ohana oli.
5 MICHAEL LEE: Mahalo.
6 KIMOKEO KAPAHULEHUA: Ae mama uno.
7 MICHAEL LEE: Mahalo puni o ae.
8 KIMOKEO KAPAHULEHUA: Mahalo.
9 (Recording concluded.)

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CERTIFICATE

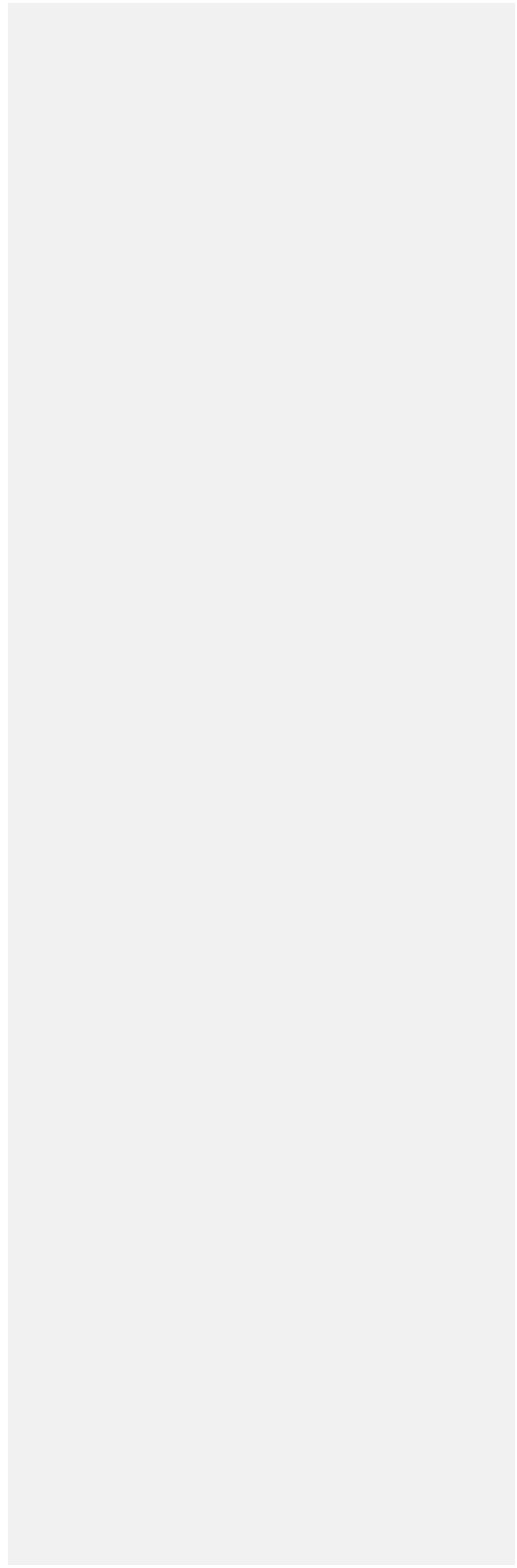
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5 I, TONYA MCDADE, Certified Shorthand Reporter, do
6 hereby certify that the electronically-recorded proceedings
7 contained herein were, after the fact, taken by me in
8 machine shorthand and thereafter was reduced to print by
9 means of computer-aided transcription; proofread under my
10 supervision; and that the foregoing represents, to the best
11 of my ability, a true and accurate transcript of the
12 electronically-recorded proceedings provided to me in the
13 foregoing matter.
14 I further certify that I am not an employee nor
15 an attorney for any of the parties hereto, nor in any way
16 concerned with the cause.
17 DATED this 15th day of March, 2016.

18
19

20 _____
Tonya McDade
Registered Professional Reporter
21 Certified Realtime Reporter

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23
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Certified Broadcast Captioner
Hawaii Certified Shorthand Reporter #447



**Appendix C: Transcription of Cultural Consultation Meeting of
February 25, 2014**

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Piilani Promenade Cultural Consultation Meeting
February 25, 2014

Transcribed by: Jessica R. Perry, CSR, RPR

1 Sarofim Realty Investors, Inc. hosted a Cultural
2 Consultation Meeting on February 25, 2014, from 6:00
3 p.m. to 8:00 p.m. at the offices of Goodfellow Bros.,
4 Inc., located at 1300 N. Holopono Street, Suite 201,
5 Kihei, Maui, Hawaii. In attendance were:

6 Charlie Jencks
7 Brett Davis
8 Eric Fredrickson
9 Kimokeo Kapahulehua
10 Kelii Taua
11 Mike Lee
12 Levi Almeida
13 Basil Oshiro
14 Sally Ann Oshiro
15 Clare Apana
16 Brian Nae`ole
17 Florence K. Lani
18 Daniel Kanahale
19 Jacob R. Mau
20 Lucienne deNaie

21 A copy of the sign-in sheet is attached as Exhibit A.
22
23
24
25

1 MR. JENCKS: Hi, everybody. Are we ready
2 to go, Mr. Audio/video?

3 MR. KINNIE: We're good to go.

4 MR. JENCKS: Good deal. Okay, thank you
5 all for coming. My name is Charlie Jencks. I'm the
6 owners representative for Piilani Promenade, which is
7 a project that you can see the land with dust control
8 fences in north Kihei. We are in the process of doing
9 an environmental impact statement, which as you all
10 probably know and understand involves a couple can of
11 things. One of those is a complete archaeological
12 inventory survey that we need to do for the project,
13 for the EIS.

14 Way back when, when the land was owned by
15 Mr. Henry Rice, he -- in the mid, early '90s, he hired
16 Zemanek to go out and do the archaeological survey
17 for the property. When we contracted with Chris Hart
18 & Partners, and Brett Davis is here from Chris Hart &
19 Partners, to do the AIS, I thought it would be best
20 and most efficient to have Zemanek redo the work as
21 an update from the AIS. So Eric's firm was hired and
22 Eric has completed a draft AIS that contains two of
23 the sheets that he's handing out right now.

24 The purpose of tonight's meeting is to,
25 number one, get a presentation from Eric on what was

1 found way back when and what we know about it today
2 and update it, because we have an updated AIS. And
3 number two, to take what he's going to tell you and
4 then have a discussion from a cultural perspective
5 what this property means to you and what you know
6 about the property, because what we'd like to do is
7 include that information as a part of the file when
8 they resubmit the AIS. The intent tonight is to
9 record video and audio. That information then will be
10 used to develop a transcript, which we will then
11 append to the AIS at some point in the future so the
12 file is complete.

13 You know, we've looked at the property
14 multiple times. I think it's decorum to ask you what
15 you think. I went to Lucienne and asked her who --
16 who should be invited to this meeting, and she came
17 up with a good list of people that I have (inaudible)
18 before and I think this should be a good discussion
19 and I look forward to it.

20 So without any further ado, may I present
21 to you Mr. Eric Fredrickson. We are going to go from
22 6:00 to 8:00, as is standard procedure here. If
23 you're going to speak, your name, so we know who it is
24 on the record so it's easy to transcribe. Remember
25 that, your name and then you talk. I said my name,

1 Charlie Jencks, so everyone knows who I am.

2 So, Eric, please, take it away.

3 MR. FREDRICKSON: Thank you, Charlie.

4 And hi, everyone. Thank you for coming. As Charlie
5 said, I'm Eric Fredrickson. I grew up on Maui and
6 have been doing archaeology for a long time. Does
7 everybody have a handout? There are a couple pages
8 that came out. Okay. (Inaudible).

9 What I'll do is before we get started, if
10 it's okay, if everybody would just say hi, I'm --
11 (inaudible) -- just to say hi. So I probably won't
12 remember everybody's name, but just at least so we can
13 all kind of say.

14 MS. DeNAIE: Hi, I'm Lucienne deNaie.

15 MR. LEE: Aloha, I'm Michael Kumukauoha
16 Lee.

17 MR. ALMEIDA: Aloha, Levi Almeida.

18 MR. OSHIRO: Basil Oshiro.

19 MR. KANAHELE: Daniel Kanahale.

20 MS. APANA: Clare Apana.

21 MS. OSHIRO: Aloha. Aunty Sally Oshiro.

22 MR. NAE`OLE: Aloha, Brian Nae`ole.

23 MS. LANI: Aloha, I'm Florence Kea`ala
24 Lani.

25 MR. MAU: Aloha. My name is Jacob Mau.

1 MR. KAPAHULEHUA: Aloha. Kimokeo
2 Kapahulehua.

3 MR. TAU`A: Aloha. Kumu Tau`a.

4 MR. DAVIS: My name's Brett Davis.

5 MR. JENCKS: Charlie Jencks.

6 MR. FREDRICKSON: Again, thanks all for
7 coming. The whole purpose of this is to -- for
8 information and then of course to get input from you
9 folks. As Charlie said, we originally carried out an
10 inventory survey, an archaeological inventory survey
11 of this parcel, which is this pink portion right here,
12 it was 88 acres originally, and a portion of it now is
13 going to be developed as housing that's not directly
14 involved with this project, which is now known as
15 Piilani Promenade. So I think the on the ground
16 component is about 75 or so acres.

17 In 1994 the archaeological inventory
18 survey that we conducted -- and I was on the ground
19 for all of that. We located 20 sites, ranged from
20 rock piles, some which were indeterminate function and
21 then some which were makers. Some really low, some
22 were a bit higher. We also found some enclosures, and
23 I'll discuss them in a bit, and we also found what we
24 are called surface scatters, which basically is an
25 area where folks in the past were doing something,

1 eating, maybe working on tools, whatever, because
2 people were going mauka-makai, and this was an area --
3 it was kind of a stop point. It wasn't a place where
4 people were living permanently because it's too dry.
5 We also found a petroglyph that was on a bolder, and
6 it's a good-size boulder, three or so feet in
7 diameter. It was out in the middle of basically a
8 pasture area. It had all been -- it was owned
9 previously by Honua`ula Ranch and they'd run cattle on
10 it. That boulder was a (inaudible). It was actually
11 removed during the project while we were working --
12 the report was in draft form and the prior owner took
13 away. It went Upcountry, and it's in the same
14 ahupua`a, but it's not on the property.

15 It was somewhere in this area, kind of
16 near where this proposed Kihei-Upcountry highway is,
17 originally. And that -- if you folks look at that,
18 that map that came out is site 3746, which is kind of
19 right up in this area. And again, that one was --
20 that was taken off site.

21 At the time of the 1994 survey, all of
22 the sites that we did locate were found to be
23 significant, further information content under
24 criteria D. No additional work was recommended at
25 that time. The petroglyph, because of its cultural

1 significance, also was designated important under
2 criteria E. And there was a -- preservation was
3 recommended for it, but didn't get to that point
4 because it was removed. The recommendation probably
5 at the time would have been preservation on site
6 somewhere. It was in an area that was not very
7 secure. I mean, it was just out in the middle of just
8 an open field. So that's a synopsis of what happened
9 in the 1994 work.

10 Now here we are 2014. Happy new year, by
11 the way, to all of you. There are some off site
12 portions of this project that, you know, that wasn't
13 even known in 1994 that anything was going to happen.
14 So recently we came back, there's one -- there's an
15 easement -- or, excuse me, there will be a road that
16 comes from this project out to Ohukai, and then
17 there's this -- it was titled a drainage easement, but
18 now it's actually going to be used just to reroute the
19 waterline. Right along the Wailuku-Makawao district
20 line, which on that map that you folks have there's
21 like an easement that's indicated, and that's the
22 central Maui transmission waterline. It's a really
23 big waterline. It's a 36-inch diameter waterline. It
24 was completed, at least in this portion of Kihei, in
25 1979, according to water department records. So that

1 comes across kind of the middle, diagonally across the
2 property line -- or, excuse me, the project area, but
3 that line is going to be diverted in this easement,
4 and then it will be on the southern side in the
5 project area, and then it connects down into the --
6 into where it is down on the other side of Piilani
7 Highway, which is down this direction.

8 And, I don't know, Charlie, maybe you can
9 help. Is this -- is this going to be connecting in
10 here?

11 MR. JENCKS: Yes, that's (inaudible).

12 MR. FREDRICKSON: So it will come in
13 toward the south, southwest, in the southwest border
14 and connect toward the system that's in place. That
15 will be a major improvement and also action.

16 Other things that are proposed, all of
17 this is required archaeological work to check out, is
18 this access road here and then it comes up here and
19 then this is -- is it a million gallon watertank?

20 MR. JENCKS: Yes.

21 MR. FREDRICKSON: A million gallon
22 watertank is proposed. So we covered this area as
23 well. This -- this area here is I believe leased by
24 Monsanto for -- they're growing corn there. This
25 whole area has been previously impacted by that

1 activity associated with land clearing.

2 There's another area -- so there's these
3 three -- four areas, actually. There's this access
4 road that goes out to Ohukai. Then you've got this
5 access road that goes up to the watertank, then this
6 easement, which was proposed for drainage formerly,
7 but that's no longer going to be used for that. It's
8 just the -- there will be a waterline kind of on the
9 makai side of the western side of the new waterline
10 will be diverted -- or not diverted, but excavated and
11 then laid in place and go down there.

12 The additional area that's going to be --
13 that was looked at, but, I mean, just basically, it's
14 shoulder right-of-way, is this pink area over here.
15 And that basically has to do with future improvements
16 that this project is going to be required to do on the
17 other side of the Piilani Highway.

18 So those areas we looked at this year,
19 and no new sites were identified or anything in those
20 areas. This area has been disturbed quite a bit. A
21 lot of your sheet erosion, there's no more topsoil,
22 it's down to bedrock. This part of Kihei, not
23 everywhere, but in a lot of areas has gotten really
24 shallow soil, and over 100 or so years of grazing and
25 everything, the grass has been eaten down and then in

1 the summer, it's stressed, you get rain, soil -- soil
2 has been washed away. So you get some pedestaling
3 effect of rocks and stuff. If anybody here has been
4 to Kahoolawe, not quite as severe because there's not
5 as much soil as there is on Kahoolawe in a lot of
6 areas, but you'll see like rocks and stuff that are
7 just stuck up on little pedestals of soil.

8 So let's take a -- just a brief look at
9 the sites that we actually located in the 1994 survey,
10 and what we did -- because a lot of time elapsed,
11 we've reevaluated sites, and in the prior survey there
12 wasn't additional work recommended for the sites that
13 were located. The preservation issue for the
14 petroglyph is something that was set on the side,
15 because it's not here. If it was here, I certainly
16 would -- that would be recommended for preservation.
17 There have been some discussions with the former
18 landowner -- I don't know what's occurred yet -- about
19 trying to have the petroglyph returned, but there's
20 nothing that I've heard at this point.

21 These sites -- the sites started from
22 3729, and there are 20 of them, so the petroglyph, the
23 last one, is 3746. So sites 3729 through site 3746,
24 those are the sites that were identified.

25 MS. DeNAIE: And did you take photos of

1 most of the sites?

2 MR. FREDRICKSON: Yeah, they're in --

3 MS. DeNAIE: They are --

4 MR. FREDRICKSON: In the appendix, in the
5 back of the inventory survey from 2000 -- or 1994,
6 they're in that, but not -- they may not be in this.

7 MS. DeNAIE: This was -- well, they were
8 like sort of --

9 MR. FREDRICKSON: Yeah, they're black and
10 white.

11 MS. DeNAIE: Yeah.

12 MR. FREDRICKSON: Which is -- that
13 preserves the best.

14 MS. DeNAIE: Oh, I'm sorry, Lucienne,
15 just asking about -- there's pictures of the sites.
16 So you have these pictures in black and white --

17 MR. FREDRICKSON: Yes.

18 MS. DeNAIE: -- if anybody needed to see
19 (inaudible)?

20 MR. FREDRICKSON: Yeah. So sites 3727
21 through, let's see, okay, 3728, this is 3729. What
22 are these, Charlie, I'm not quite --

23 MR. JENCKS: (Inaudible).

24 MR. FREDRICKSON: Oh, okay. Thank you.
25 These are -- these were stone piles that were just --

1 and we actually tested a couple of them to see what,
2 if anything, was underneath, just trying to get an
3 approximate idea of the age, that sort of thing. Most
4 of the piles appear to be placed on bedrock, on
5 outcrop bedrock. We didn't locate anything in -- in
6 the -- in the test phases. A couple of them had
7 artifacts that were nearby, which isn't -- it's not a
8 surprise. Hawaiians were transiting back and forth.

9 Some of the other sites -- so there's --
10 let's see, 28 -- 3728, 3729, 3730, those are stone
11 piles, (inaudible). An interesting one is -- what's
12 this one, Charlie? I'm trying to --

13 MR. JENCKS: I don't see the number on
14 it.

15 MR. FREDRICKSON: I think that one is --
16 that's 37 I think 20 -- that's part of 3728, I
17 believe. But that's a -- appeared to be a possible
18 agricultural site, but we didn't find any evidence for
19 it. I'm just going to get out my -- the other table.

20 MS. DeNAIE: Is that this one? Because
21 that's 27.

22 MR. FREDRICKSON: 3727. Thanks. I've
23 got my other table out. This has stone piles and
24 there was some -- some -- the traditional --
25 traditional cultural remains were -- was on the

1 surface. That was when we tested and weren't sure
2 what it was, and our -- at that point the guests that
3 we had was possible agricultural function. This is
4 one that merits more study. So this one will have
5 what's called data recovery work done on it in the
6 future, once the State Historic Preservation Division
7 reviews the report and once they concur, if that's --
8 if that's reasonable. It was not recommendation in
9 1994, views of things were a bit different, and the
10 state said no, no further work was needed.

11 I spent -- just a quick thing about
12 myself, just a brief -- I was on the Cultural
13 Resources Commission for ten years, two separate
14 five-year terms, and times have changed, so there does
15 need to be some more work done to try to get
16 additional information. That one, site 3727, is
17 recommended for data recovery, and so is the 3728.
18 There are other stone piles which we came across.
19 Thanks, Charlie.

20 Again, these -- if you folks can see this
21 bedrock around, there's bedrock in many of these
22 areas, just more examples of stone -- of stone piles,
23 some of them pretty high. 3731 was about -- you know,
24 about like that tall, two and a half -- two and a half
25 feet or so. Some were a bit lower. This one, 3734

1 was only about 35 centimeters, maybe a foot and a half
2 high.

3 One thing, that one we probably will be
4 doing some more -- some more work on. That's one that
5 I'm still thinking about it. It said no further work,
6 but there are a lot of -- a lot smaller rocks in that
7 pile, so it may merit some additional work, and
8 basically it would be just taking a section and seeing
9 what's underneath it.

10 Again, bedrock is right there, and it's
11 not a really big, you know, deep pile. Any time I see
12 piles that are, you know, kind of good size, always
13 there's a possibility there could be iwi there. When
14 there's bedrock and stuff around, it's a little bit
15 less, because it's not -- especially if it's not that
16 deep, but still we -- that's why we probably are going
17 to check to make sure, see if we can get any more
18 information on it.

19 The area in the past was -- have been
20 under ranching for quite a while, hundred plus years.
21 The military was in there, in this part all over in
22 Kihei during World War II and you see evidence of it
23 all over the place. I worked on the Big Island a long
24 time ago for Bishop Museum, and also on Maui, and
25 you'll get these -- we found a couple of them

1 C-shapes, is what they're called, and it was basically
2 a place where they would set up practice for machine
3 gun -- have a machine gun there, and sometimes you'll
4 find spent shell casings from practice and stuff. But
5 the military had been in the area.

6 We looked at a couple of enclosures too,
7 which I think they're -- yes, are over here. Site
8 3735, 3736, we tested, didn't locate anything, but we
9 probably will go back and do some more -- some more
10 work on those. 3735 -- or, excuse me, 3736, this one.
11 This one we think is probably military. We may go
12 back and check that as well. Then we had some
13 alignments. 3737, 3738 and 3739, two of them, 3737
14 and 3738 were pretty long, especially 3737. I mean,
15 60, 70 feet long, linear, parallel. Some of the rocks
16 and the alignments had been -- I mean, it wasn't like
17 really carefully stacked. It's like a bulldozer had
18 gone through and the rocks were on the edge. There
19 are some heavy equipment scars on some of the rocks
20 and lots of like exposed -- like bedrock, flat, but
21 it's like the -- there was hardly any rocks on the
22 inside, so it's like it had been cleared of rocks. It
23 looked like bulldozing, because there was metal --
24 excuse me, heavy equipment scarring on the rock, on
25 some of the rocks. Same with 3738. It wasn't as long

1 of a segment.

2 There is a possibility that because
3 there's a lot of bulldozing that had happened on the
4 parcel over the years in the past -- and some of it
5 could have been related to like the fire department
6 too, because sometimes Kihei has got the wild fires
7 and they will take bulldozers out wherever need be
8 just to try to -- for public safety.

9 Also, with the central -- central Maui
10 transmission line was put in in the '70s, like I said,
11 it's a three-foot diameter line. It's a big one, and
12 they buried it pretty deep, and so when all of that
13 work was going on, they had to have construction, you
14 know, access roads and all that to get the equipment
15 in and lay it, lay the pipe and everything, so that
16 was a pretty big disturbance event that went through
17 the middle of the property.

18 Yes, Lucienne.

19 MS. DeNAIE: Lucienne. Did you read in
20 the report -- I guess it was Septric. They did a
21 report for the parcel immediately mauka.

22 MR. FREDRICKSON: Mauka.

23 MS. DeNAIE: And they found an
24 alignment -- I didn't see a picture of it, because I
25 didn't see the actual report. I just saw it in

1 another report, the map, but it sounded like kind of a
2 similar thing, an alignment of two things of stones
3 that were, you know, so far apart. Did you ever
4 encounter any pictures or anything to compare it, if
5 it's the same?

6 MR. FREDRICKSON: We just have gotten
7 that report. The state didn't have -- the SHPD didn't
8 have --

9 MS. DeNAIE: Yeah, I tried to get it
10 (inaudible).

11 MR. FREDRICKSON: Yeah, I will -- if you
12 want to take a peek at it, I just got it in PDF.

13 MS. DeNAIE: I would love to.

14 MR. FREDRICKSON: And I will email it to
15 you.

16 MS. DeNAIE: Oh, that would be great.

17 MR. FREDRICKSON: But what I was going to
18 say is -- excuse me -- is near the watertank site, off
19 the project, we just were -- just wanted to just take
20 a look around the area. We did note a bulldozed -- an
21 old bulldozed -- a road that had been bulldozed that
22 had kind of some rough alignment, you know, like
23 similar to these, but the -- there were smaller bits
24 of rock as they dug down a little bit more and there
25 was a little bit more soil, but again, it's probably

1 World War II era.

2 MS. DeNAIE: Be interesting just to even
3 line them up and see just part of that history. I
4 don't know if that's your job, but --

5 MR. FREDRICKSON: We found -- we found
6 another one down -- it was off project, Piilani farm
7 that Monsanto operates for their corn, near it, on
8 another -- I think it was on Haleakala Ranch land, we
9 saw another one of these. There was a World War II
10 road that actually ran through that property that went
11 off property and there was another one of these where
12 a bulldozer had gone through relatively long ago, and
13 you get this kind of a parallel alignment, and it's
14 pretty -- you know, you've got basically a bulldozer
15 blade width that goes through.

16 We found one more. There were three
17 total. The other one was not as long, 3739 up here.
18 Again, outcrop, bedrock, nothing in the interior
19 portion of it. 3740, which is in the little gully
20 that crosses the parcel -- a portion of the parcel,
21 erosion containment walls, and it has like old fencing
22 stuff in it and probably ranch (inaudible), so things
23 didn't get washed -- washed out when that gully did
24 flow, because when it rains, the water comes down
25 pretty -- pretty fast.

1 MS. DeNAIE: And Lucienne here. We do
2 have a former cowpoke here.

3 MR. FREDRICKSON: I'm looking forward
4 to --

5 MS. DeNAIE: Brian Nae`ole, and he rode
6 up and down here in his youth out of high school.

7 MR. NAE`OLE: 1979.

8 MS. DeNAIE: And so, you know -- and your
9 ohana worked for the ranch too, yeah.

10 MR. NAE`OLE: Yes.

11 MS. DeNAIE: Yeah, so, and Aunty Florence
12 too. So they might be able to answer some questions
13 about ranching practices.

14 MR. FREDRICKSON: Oh, yeah, no, I would
15 hope that -- I'm just talking, and, you know, feel
16 free to interrupt me and then I'll shush and then I'd
17 love to hear information from you folks, because
18 you've seen an awful lot of interesting things over
19 the years.

20 MS. DeNAIE: And we also have Jacob Mau,
21 who worked for DOCARE, and so he -- he took his Jeep
22 all over the place, so we're just hoping that, you
23 know, some of the stuff, though, they'll know
24 something about.

25 MR. FREDRICKSON: That's great. I

1 appreciate everybody, again, taking the time on what
2 is a Tuesday at 6:00, whatever, beautiful day, but I
3 know there's other things you could be doing, so I
4 appreciate it.

5 The -- and then the sites 3741 to 3745,
6 those are what are termed surface scatter, and those
7 are definitely traditional Hawaiian sites. They had
8 shell fish, like marine shell fish scattered around,
9 not lots, but some. Somebody stopped there maybe a
10 couple times, and some -- some artifacts, or like
11 pieces of coral that people brought in. We did find
12 on another project further Makena way, south from
13 here, but on the mauka side of Piilani Highway,
14 similar elevation, a place that had been -- it's kind
15 of a stop -- a resting station, a rest station, kind
16 of had an enclosure, not real -- a lot of effort put
17 into it, but it's because it was just used not that
18 often, but that actually ended up being a workshop, if
19 you will, where folks were coming up from the ocean
20 and reducing volcanic glass, taking the opala stuff
21 off so they didn't have as much to pack up the -- up
22 mauka. And that one -- that site also had food
23 remains.

24 MS. DeNAIE: Excuse me. Lucienne. Was
25 that the one that was preserve the sort of over near

1 the Monsanto area?

2 MR. FREDRICKSON: That's a different one.
3 That one had a possible religious or ceremonial
4 function, but yes, that was a different one.

5 MR. LEE: Hi. Michael Lee. When you get
6 into the Hawaiian traditional practice, when you find
7 a lot of coral on one of these mounds and stuff, that
8 links to the Ku ceremony of au`au, when you go to the
9 ocean and you cleanse and then you bring back a piece
10 for -- usually it's a heiau or an offering site.

11 MR. FREDRICKSON: Yeah, these -- we
12 didn't find much -- much -- it was small -- small
13 pieces of coral, not like branch --

14 MR. LEE: Yeah, usually (inaudible) --

15 MR. FREDRICKSON: -- (inaudible) chunks
16 of branch coral.

17 MR. LEE: Right, chunks (inaudible)
18 normally.

19 MR. FREDRICKSON: That site that Lucienne
20 brought up that's further south that was preserved did
21 have some --

22 MR. LEE: (Inaudible).

23 MR. FREDRICKSON: -- excuse me, branch
24 coral in it, and that was one of the rationale -- one
25 of the rationales we used to say, hey, you know, it's

1 possible ceremonial function, preserve.

2 MR. LEE: Right.

3 MR. FREDRICKSON: But these four surface
4 scatters, 3741 to 3745, the biggest one is 3741, which
5 we did -- it's pretty substantial. It's about 50, 60
6 feet, 60 feet in diameter, kind of, but it's not a
7 clean circle or anything, but that's -- that one needs
8 to have more work done, and so that would also be one
9 that's going to be -- that we're going to recommend
10 data recovery on. So we'll go back in and do some
11 more testing. We didn't locate any subsurface
12 component of it. It was only material on the top,
13 and, again, shallow soil, a lot of erosion has
14 occurred in the area, but that was certainly an area
15 where people were stopping. There were some volcanic
16 glass pieces that were there, but not good stuff,
17 waste plates where it was just a place to lighten --
18 lighten the load so you can take the good stuff up
19 mauka.

20 3742 is another one, and that one will --
21 it was just a few pieces of shell and a couple small
22 pieces of coral and a water worn rock, and it's
23 basically -- you know, somebody took it there, and
24 it's called a manuport, if it's not something that was
25 like an artifact or formal artifact. So that's

1 another one that we'll do some more excavation on --
2 or excavation on. We didn't excavate that one.

3 3743 is another one of these surface
4 scatters that we'll also do some excavation,
5 excavation on. And 3744, that one we put in a couple
6 test units. A good amount of food midden, not a ton,
7 but more than the others, and it was in the top 10
8 centimeters, which was about 6 1/2 -- 6 -- not even 6
9 inches, 5 -- less than 5 inches of soil is for the --
10 where the cultural material was and there wasn't
11 anything deeper than that. It wasn't really deep soil
12 deposited.

13 All of these areas have been traversed by
14 cattle a lot. So it's possible the cattle just
15 walking through might have pushed some of the shell
16 down, but it's possible could have been covered by
17 sheet erosion, water and dirt just going across, but
18 it was certainly in the area where people were -- you
19 know, they'd stop there, not on a regular basis, but
20 they'd stop there at some point in the past. Again, a
21 traditional site, though, it's not something that was
22 very recent.

23 3745, another one, we tested that, same
24 thing, got a little bit of shell midden in the soil
25 deposit and -- but nothing below that. No charcoal or

1 anything. That was something we were looking for to
2 try to -- so we could get a radiocarbon date -- sample
3 so we could submit it to try to get an idea of about
4 how old the site might be, but we didn't find any on
5 all the testing that we did.

6 Yeah, Lucienne?

7 MS. DeNAIE: Lucienne. It looked like on
8 your chart that the -- that last midden scatter was
9 somewhat near where the petroglyph stone was --

10 MR. FREDRICKSON: Yeah, that one was
11 about --

12 MS. DeNAIE: (Inaudible)?

13 MR. FREDRICKSON: It was -- I'm trying to
14 remember how close it was. It was -- it wasn't right
15 next to it. It was like -- just picture yourself out
16 in the -- out in the field. It was probably 40 -- 30
17 or 40 meters, 100 plus feet away, maybe a little bit
18 farther, but it went -- comparatively speaking, it was
19 close, certainly closer than anything -- any other of
20 the sites on the project. And then the petroglyph
21 itself was itself was, again, it was on a boulder
22 about three feet in diameter and it was a real -- the
23 rock was pretty porous, like if you rubbed up against
24 it, really -- you know, you could get a pretty good
25 sanding off of it and it was weathered, and it may

1 indicate that it was really, really old, or it may
2 indicate that, you know, the rock is just more prone
3 to getting weathered. But it's certainly interpreted
4 as a traditional -- traditional site. Figure of a
5 male, possibly with a basket or something, not sure,
6 but, again, this is what got taken away.

7 Yes, Mike.

8 MR. LEE: Mike Lee. That circle on the
9 bottom, was it like weather worn on one side that you
10 could see it was a circle but it wore down or someone
11 just completed what they thought should be the
12 completed portion?

13 MR. FREDRICKSON: It -- really good
14 question. This was our interpretation. It was kind
15 of like -- it was discontinuous. It's like over here,
16 we couldn't even -- you know, even see if the leg --
17 I'm sure the leg had been there, but it was -- again,
18 it was real weathered, but that was our -- it appeared
19 that it was circular, but this -- the part that's
20 dashed lines is -- that's what our interpretation was
21 that that's what it appeared to do. There were a
22 couple sections that were partial, partial
23 (inaudible).

24 MS. DeNAIE: Showing (inaudible).

25 MR. FREDRICKSON: Oh, yeah, thank you.

1 And again, this boulder was transported off site.

2 MS. DeNAIE: Lucienne. Do you have like
3 a fairly clear black and white picture of it that is
4 in electronic form at all? It might be interesting
5 (inaudible) cultural practitioners.

6 MR. FREDRICKSON: I could go back and
7 look -- look in some of our old project photos, and
8 I -- I'm sure it wouldn't be difficult to scan it or
9 anything. It would -- and I'm happy to send -- to
10 send it, to distribute that.

11 MS. DeNAIE: Yeah, we'd really appreciate
12 it.

13 MR. FREDRICKSON: So that's -- that's the
14 summary of the sites that were located and what is
15 going to be the proposal for -- because some
16 additional work does need to get done on some of
17 the -- on some of the sites, the ones that I shared
18 with you folks. And, excuse me, the data recovery
19 will -- I mean, it's -- that we do as much work as we
20 can, get as best information as possible, and
21 sometimes you don't -- you don't get a lot more
22 information, sometimes you do. It just -- it just
23 depends. I'm not super optimistic, because of the
24 real shallow soil. It would be great to get a couple
25 carbon samples, but I don't know. All we can do is

1 try the best we can. Yeah.

2 MR. LEE: Mike Lee. Is there going to be
3 a walkthrough for what these sites are, a consulting
4 walkthrough?

5 MR. FREDRICKSON: Possibly later in
6 the -- like when it's dry, prior to maybe data
7 recovery.

8 UNIDENTIFIED MALE: Because it's like --
9 you cannot see anything now.

10 MS. DeNAIE: It's (inaudible).

11 MR. FREDRICKSON: (Inaudible), but nobody
12 else. Nothing else. Yeah, Daniel.

13 MR. KANAHELE: Daniel Kanahale. Eric,
14 yeah, before I ask my questions, I just want to
15 preface it by saying that this is part of a
16 consultation process, according to HAR 13-7-276,
17 where -- you know, where you're asked to seek the
18 views of those who may have knowledge of the history
19 of the area with regards to site significance and site
20 function and site identification, so first of all, I
21 wanted to ask the 2014 -- well, I did read the 1994
22 archaeological inventory survey. I read it two years
23 ago, so it's been awhile. My understanding, that was
24 accepted --

25 MR. FREDRICKSON: Uh-huh.

1 MR. KANAHELE: -- by SHPD at the time.

2 MR. FREDRICKSON: Yeah.

3 MR. KANAHELE: So is this a supplement to
4 that that you're undertaking? Is this something that
5 you are going to be submitting for --

6 MR. FREDRICKSON: It will be submitted.

7 MR. KANAHELE: -- for review again and
8 acceptance again?

9 MR. FREDRICKSON: Well, the 1994 --
10 this -- the 88-acre project area, that's -- that part
11 of it was accepted before. There was no monitoring
12 recommendation or no further work recommended at the
13 time in 1994. This project, like I said earlier,
14 takes this -- this lot is a different land owner, but
15 still it was part of the original survey in 1994, so
16 that -- there weren't any sites located on this at the
17 time, but that's still, in my mind, I'm considering it
18 part of the -- of this overall project, so to speak.
19 The -- so the sites that were found in 1994, that's
20 the reevaluations, just see, you know, is the -- are
21 they still significant, would they still be -- are the
22 significance evaluations valid today.

23 The criterion D evaluations certainly --
24 you know, certainly are. The petroglyph under -- is
25 significant under criterion E for its cultural

1 importance. Again, it's in longer on the project;
2 however, it's still -- doesn't mean its cultural
3 significance goes away.

4 MR. KANAHELE: Just to -- just to follow
5 up.

6 MR. FREDRICKSON: Yes.

7 MR. KANAHELE: So your recommendations --
8 because I don't see the 1994 recommendations on --

9 MR. FREDRICKSON: Yeah, there -- at the
10 time the views about criterion D sites were -- the
11 amount of work were a little different that was
12 figured, that was agreed upon, like, okay, well,
13 there's enough information that's been collected. And
14 the State Historic Preservation Division concurred,
15 yeah, no additional work needed in -- at that time.
16 In 2014, in my opinion, there should be some
17 additional work done on the -- on close to half of the
18 sites, to try to see if any additional information can
19 be gathered. I mean, it's just -- just doing the best
20 that can be done, and also, I mentioned a little
21 earlier, in the 1994 inventory survey, no monitoring
22 requirement was put in place. So there was no
23 monitoring at all, and that was something that, again,
24 that's 20 years ago. That has changed, and I
25 completely agree that, yeah, I mean, even though it is

1 shallow soil and everything, there should be
2 archaeologic -- precautionary archaeological
3 monitoring carried out.

4 And the State -- the State Historic
5 Preservation Division, actually in 2011, approved an
6 archaeological monitoring plan that covers some of
7 this property and some of the area mauka that -- of
8 this property that Lucienne brought up that a 2008
9 survey had looked at on the -- not in this area, but
10 the area mauka. So there is an archaeological
11 monitoring requirement that covers much of the
12 property right now, and the plan has been accepted by
13 the State Historic Preservation Division.

14 Because this -- you know, it's not a
15 project-specific monitoring plan, though, and SHPD has
16 already indicated that, hey, this project has changed,
17 because originally it was 88 acres, but now -- well,
18 it's less, this part of the original survey is a
19 little less, but there's this off site improvement
20 areas that they were never surveyed when we did the
21 original work. This was just this one -- this one
22 property. So these areas have been looked at.

23 The monitoring will also -- will
24 extend -- it will be for this portion, the 88 acres,
25 including the 13 acres or thereabouts, which is owned

1 by a separate entity, not part of the Piilani
2 Promenade. It took me awhile to get my -- wrap my
3 brain around this, but I finally do understand, so I
4 know how frustrating it can be to not completely
5 understand what a project is, because I saw this all
6 the time on the Cultural Resources Commission, so I --
7 Charlie was very patient with me, but I -- but I do
8 understand what the scope of the project is, because
9 this is the first time I've been involved with it
10 since 1994.

11 I mean, I didn't do -- we didn't do any
12 of the work in 2011 for the monitoring plan,
13 preparation or anything. This was just kind of --
14 Charlie called me last year about this and I was like,
15 hmm, okay, I was always -- it was always difficult for
16 me because of what had happened with the petroglyph,
17 and I just -- it was something that just -- didn't
18 have anything to do with them or anything. It was
19 just one of those things that happened.

20 MR. LEE: Mike Lee. Was there an LCA for
21 this whole property?

22 MR. FREDRICKSON: Yes, and I'm sorry, and
23 I know someone here -- it was a very large one. It's
24 5,000 plus acres to Heeiwa, and I don't have that --

25 MR. NAE`OLE: I have the apopuka. Brian

1 Nae`ole.

2 MR. FREDRICKSON: Oh, thank you.

3 MR. NAE`OLE: Land Commission Award,
4 3237.

5 MR. FREDRICKSON: 3237.

6 MR. NAE`OLE: Mahalo.

7 MR. FREDRICKSON: Thank you.

8 MR. NAE`OLE: And I have an apopuka.

9 MR. KANAHELE: Was there a consultation
10 process in 1994, somewhat like this, that occurred?

11 MR. FREDRICKSON: No, not -- not like
12 this at all. It was, again, different -- different
13 time. I'm trying -- we -- I think I brought -- who
14 came out (inaudible).

15 MR. KANAHELE: I'm sorry, Daniel
16 Kanahele.

17 MR. FREDRICKSON: I think -- and I'll
18 double check, Daniel, but I believe Les Kuloloio came
19 out to look at some of the -- like some of the surface
20 scatters and stuff, because he's been involved with
21 this for an awfully long time with -- you know, with
22 being interested in what is found, and he came out and
23 looked at -- looked at some of the sites, and I
24 believe he saw the petroglyph, but we didn't have, I
25 mean, as many folks -- and again, thank you for all,

1 you know, coming -- at the time who participated.

2 Yeah.

3 MR. KANAHELE: One other comment before
4 I -- my understanding was in 1994 -- I don't know when
5 the petroglyph was removed.

6 MR. FREDRICKSON: It was in 1994.

7 MR. KANAHELE: But it was removed without
8 the permission of the state?

9 MR. FREDRICKSON: It was -- it was taken
10 from the property before the inventory survey report
11 had been finalized before the state had accepted it.

12 MR. KANAHELE: So still it was considered
13 a historic property and removed from the site without
14 permission of the state at that time?

15 MR. FREDRICKSON: As far as I know, there
16 wasn't any permission, but I -- it was the land owner
17 at the time, and they -- they -- they took it, I
18 believe with good intentions, because it was -- it
19 would be in a safer -- you know, safer area.

20 MR. KANAHELE: But you couldn't do that
21 today, for example?

22 MR. FREDRICKSON: Oh, no. Well --

23 MR. KANAHELE: Do you remove a site
24 before a preservation plan was put in place?

25 MR. FREDRICKSON: It's -- it's pretty

1 tricky. You -- the preservation plan needs to get put
2 in place, and if it's not, it's kind of a gray area,
3 and I don't really want to say that too much, just
4 because there are landowner rights that can be kind
5 of -- override some things. I don't want to go too
6 much into.

7 MR. LEE: (Inaudible) tried to do some
8 research --

9 MR. FREDRICKSON: Uh-huh.

10 MR. LEE: -- for Hawaiian cultural
11 significance under Article 12, Section 7. Mike Lee.
12 So -- thank you -- so we'll look at that, we'll look
13 at survey notes and stuff like that.

14 MR. FREDRICKSON: It would be a lot -- if
15 something like this were to happen now, it would be a
16 lot different, I think, the result would be a lot
17 different.

18 MR. LEE: This was in 19 --

19 MR. FREDRICKSON: 1994.

20 MR. LEE: 1994.

21 MR. JENCKS: Charlie Jencks. My
22 understanding is that the state requested, subsequent
23 to the relocation of the stone Upcountry, they
24 requested that the land owner do the relocation --

25 MR. FREDRICKSON: There was some sort of

1 a relocation plan, but --

2 MR. JENCKS: Did you guys do that?

3 MR. FREDRICKSON: I don't think we did.
4 I don't remember, but that's --

5 MR. JENCKS: That was done --

6 MR. FREDRICKSON: That's something I will
7 look at.

8 MR. JENCKS: That was done and accepted
9 by the state.

10 MR. FREDRICKSON: Yeah, and there is
11 reference to it, so --

12 MR. LEE: The relocation was to bring it
13 back?

14 MR. FREDRICKSON: No, no, this was --

15 MR. JENCKS: To keep it up.

16 MR. FREDRICKSON: -- to -- (inaudible).
17 It wouldn't be -- yeah, it would be a relocation,
18 because from here Upcountry.

19 MR. JENCKS: Charlie Jencks. The point
20 there is that the state knew about the relocation, the
21 state had asked a land owner to do a study to
22 formalize it, they blessed it --

23 MR. FREDRICKSON: Yeah, and --

24 MR. JENCKS: -- and closed it out.

25 MR. LEE: I see.

1 MR. FREDRICKSON: And again, not the
2 ideal -- not the ideal, but there were some -- there
3 were actions that were taken to I guess make it
4 official.

5 MR. LEE: I see.

6 MS. DeNAIE: Lucienne deNaie. I did come
7 across sort of (inaudible) SHPD file, and I think the
8 basic discussion was, well, Mr. Rice's intentions were
9 good. (Inaudible) see it defaced or (inaudible).
10 However, he didn't follow proper procedure, so our
11 only choice here -- and they didn't -- they didn't
12 really think that they might have a choice to contact
13 lineal descendents of the land or anybody else and see
14 if anyone else wanted to say anything. They felt
15 their only choice was to provide a process to
16 formalize what had already happened, because the
17 intentions weren't bad.

18 MR. FREDRICKSON: Yeah.

19 MS. DeNAIE: You know, he didn't steal it
20 to start his own museum.

21 MR. FREDRICKSON: Right, to do some
22 tourist attraction.

23 MS. DeNAIE: He just said, well, you
24 know, it's out here in the open and I don't know what
25 I'm going to develop and, you know, to keep it from

1 harm, I'll just move it some place else.

2 MR. FREDRICKSON: Yeah, it wasn't done
3 with malice or anything. It was done with good
4 intentions. Again, it was 1994. A lot different than
5 2014.

6 MR. LEE: Article 12 -- Mike Lee, Article
7 12, Section 7 was in 1978, so it -- it's still covered
8 under the State Constitution, which because they did
9 not contact the lineal descendents, they're
10 technically in violation of the Constitution when it
11 comes to our gathering rights and religious cultural
12 practice rights were not considered. State has made
13 many mistakes while being -- this is not
14 grandfathered. It would have been grandfathered if it
15 was '77, you know, under that action, but because it
16 falls under that umbrella of we just have to find
17 specifically what those cultural practices were, if we
18 can find it as a findings of fact, that would be cause
19 to bring it back when this property is secured for
20 what it's supposed to do, to have a place back, you
21 know, maybe as a pedestal and a cleaning to
22 (inaudible) to have it back on the property because of
23 that significance. That's what I believe.

24 MR. FREDRICKSON: And the contact person
25 (inaudible) anybody does have any questions at the

1 State Historic Preservation Division is Hinano
2 Rodrigues. He's pretty knowledgeable about that
3 stuff, so if anybody does have questions about it, I
4 mean, certainly feel free to call him up. Thank you.
5 Good questions and info.

6 So any other questions?

7 MS. DeNAIE: Sorry. I have so many
8 questions. Lucienne deNaie. This project is
9 immediately bordered by a gulch. I notice that when
10 SCS did the high school site, right across the gulch
11 from it, they did note that there were sites in the
12 gulch.

13 MR. FREDRICKSON: Oh, I'm sure there's
14 sites in the gulch.

15 MS. DeNAIE: And outside the project
16 scope, but they noted them when they did some work on
17 the parcel on the other side of Waipuiani Gulch.
18 They also noted that there were some sites in that
19 gulch, even though it was outside the project area of
20 the Hi-Tech center area. So are the land owners
21 willing to have the portion of the gulch that kind of
22 surround here also surveyed, because it seems like it
23 could inform us a little bit more about maybe what was
24 going on here?

25 MR. FREDRICKSON: Yeah, good question.

1 The tricky part about that is it's a different -- this
2 is -- I believe this is all Haleakala Ranch; is that
3 correct?

4 MS. DeNAIE: (Inaudible).

5 MR. FREDRICKSON: Or, yeah, sorry,
6 (inaudible) Ranch.

7 MS. DeNAIE: So it's the same people
8 whose land you're surveying (inaudible).

9 MR. FREDRICKSON: At that time, yeah.
10 And it would be -- it would be an owner -- land owner
11 permission -- you'd have to have -- because you can't
12 any more just kind of go on to somebody's property and
13 go, oh, by the way, you have this site and this site
14 and this site and you need to do X, Y and Z.

15 MS. DeNAIE: Well, it's interesting
16 because, you know, they commissioned -- Honua`ula
17 commissioned a study of the area up until the property
18 line of this property, and yet recorded nothing in
19 this gulch, and, you know, people have seen sites in
20 that gulch, so it's sort of like a no man's land right
21 now. I mean, I guess we could take it up with SHPD
22 and ask that somehow, you know, it be included in the
23 other review, but it just seems like there was no
24 imaginary line between this gulch and this land. It's
25 like they were functioning as --

1 MR. FREDRICKSON: Sure. Well, and mauka
2 and makai do.

3 MS. DeNAIE: And you saw a (inaudible) or
4 something around (inaudible) stone, it probably came
5 from this gulch, because it's (inaudible). Also,
6 Brian, what were you saying about the gulch had gone
7 down like it was eight feet higher before or something
8 like that?

9 MR. NAE`OLE: Well, when I used to work
10 on the ranch with my uncle, John Nauwau, we used to
11 ride horses all down through there. I remember the
12 gulch as very shallow, but as the years go by, it gets
13 heavier and heavier, and you can see the way the
14 action of the water coming down is like --

15 MR. FREDRICKSON: (Inaudible) big flood
16 events.

17 MR. NAE`OLE: It's like tidal waves.
18 Yes, exactly, you know, and it got really deeper, you
19 know, from the time I saw it, because you couldn't
20 get -- you couldn't go on these lands, only if you
21 were to work on the lands.

22 MR. FREDRICKSON: Uh-huh.

23 MR. NAE`OLE: So that's the only way you
24 could see them, but riding horse, you're practically
25 right next to the gulches.

1 MR. FREDRICKSON: Oh, yeah.

2 MR. NAE`OLE: You're seeing all -- more
3 vegetation, a lot of paninis, a lot of walls, a lot of
4 lava -- man-made walls. So when you're looking at it,
5 you just vision what it was back then. The waters
6 from old-timers, they used to say it was very heavy.
7 It was dangerous. In fact, couple times my uncle had
8 to just sleep right there because (inaudible) was just
9 running.

10 MR. FREDRICKSON: Too much, yeah.

11 MR. NAE`OLE: And you would have had to
12 wait at least 12 hours, maybe more or maybe less.

13 MR. FREDRICKSON: I remember down by
14 Kamaole I, before they, you know, raise the road, I
15 mean, there were times where it's like, oh, not going
16 any further south --

17 MR. NAE`OLE: You know, it looks rainy up
18 on the top and nice and sunny down here, but then when
19 nature comes --

20 MR. FREDRICKSON: Just look out.

21 MR. NAE`OLE: -- wait 45 minutes. That's
22 why the ground is -- you can see it. You can vision.
23 It's getting -- you know, it's corroding, and how it's
24 corroding, it's getting heavier and heavier, so...

25 MR. FREDRICKSON: So you think in your --

1 in your lifetime, like -- how long did you work for
2 the ranch?

3 MR. NAE`OLE: I worked for the ranch five
4 months. I went to high school, Baldwin High School,
5 so I had the opportunity to go on a work furlough.

6 MR. FREDRICKSON: Oh, neat.

7 MR. NAE`OLE: With the job.

8 MS. DeNAIE: And what year was that,
9 Brian?

10 MR. NAE`OLE: This is back in --

11 MR. JENCKS: Let's be careful about our
12 names so we can keep track of what's going on.

13 MR. NAE`OLE: So Brian Nae`ole,
14 (inaudible). Back in 1979 I had that opportunity,
15 because uncle and in fact my grandfather used to do
16 all the roads back then. They had many, many stories.
17 They told us certain places not to go, certain places
18 to go to. So we were pretty much, you know, all word
19 of mouth, but does the experience, by looking at it
20 today, you can see a lot of devastation, you know, in
21 this area. So how can we make it safe, you know? And
22 a lot of these gulches, like this gulch or this --
23 that is coming across the property, it wasn't there.
24 So you see the overload of water transferring to
25 different areas. So we're diverting water that we

1 wasn't supposed to, because back in the old days the
2 water just flowed naturally. So you see the
3 difference.

4 And I know some of you guys in here, you
5 know, by experience we see this all the time. Every
6 year, every ten cycle, every twenty cycle, you know,
7 it changes. So we don't know if we're coming to our
8 catastrophic findings of disaster or is it naturally
9 made that way. Because back in the old days they had,
10 you know, the kupunas to -- the konahikis, the anuis
11 had it all studied down, because they knew how to
12 divert. Today we're just figuring out by word of
13 mouth so we're not really pressing it by natural.
14 We're just diverting it. So if you look by
15 construction, I think that's where the problem is.
16 So --

17 MS. LANI: Florence Lani. I was born in
18 Ulupalakua and my dad -- all my families were all
19 cowboys. My brothers, I have two brothers that worked
20 the ranch and one of my brothers, he works with -- my
21 dad was a heavy equipment operator for Ulupalakua
22 Ranch.

23 UNIDENTIFIED MALE: (Inaudible).

24 MS. LANI: Yeah. And then in about --
25 when I was about almost ten years old we moved to

1 Kula. That's where the (inaudible) Rice arena is now.
2 That's where my dad worked for Harold Rice. He was
3 the only operator that Harold Rice would have knocking
4 all the kiawe trees. My sister and I, he used to take
5 us on his bulldozer and go to red hill, and my mom --
6 he would pack us, and my dad used to find these big
7 bombs.

8 MR. FREDRICKSON: Oh, yeah?

9 MS. LANI: And he would bring it home and
10 he would put it by the door. Yeah, he don't even know
11 it's alive, and we didn't know, and, you know, my mom
12 always told him to take away that big thing, it's so
13 heavy, and he told (inaudible). He puts the bomb
14 right there and they don't know anything, but my dad
15 had so much trouble with the ranch, and he would let
16 my dad do anything. Harold Rice, my dad was one
17 (inaudible) best purpose, and only he would get brand
18 new trucks every year. He loves my dad so much,
19 that's why he would take care. We always have
20 presents every year, you know, from Harold Rice, and
21 then came Aske, all of his family, we raised with his
22 two boys, you know, Freddie and Henry. So, you know,
23 we just like family, but he used to come from Kula all
24 the way down here to behind Maui Lou because he had
25 all --

1 MR. FREDRICKSON: Oh, the road.

2 MS. LANI: The area, yes, and we always
3 going back and forth. And like Brian, they're the
4 boys, so all of them was just riding on the trucks and
5 everything with my dad, and we seen see many things,
6 you know, through our years, you know, as we were
7 growing up, but then after when they past down, then,
8 you know, my brothers started working, and one past on
9 and that's how our life was always. You know, so I'm
10 still (inaudible) in the place where I was born and
11 raised. So I know a lot, and our lineal descendents
12 is all grave back there in Lahaina.

13 MR. FREDRICKSON: Oh, in Lahaina?

14 MS. LANI: Yes.

15 MR. FREDRICKSON: Now, did you -- this is
16 Eric Fredrickson. I'll try to say my name too so
17 whoever is transcribing this doesn't get too upset.
18 When you folks used to come from Ulupalakua down --
19 did he come to Kihei area a lot?

20 MS. LANI: We would use that top road
21 from the highway in the back road coming all down to
22 Makena.

23 MR. FREDRICKSON: Uh-huh.

24 MS. LANI: That's our road every day
25 going La Perouse, all the way to Kihei, we'll never

1 forget the areas, how (inaudible). Only (inaudible)
2 kiawe trees, so we can park anyplace, you know.

3 MS. DeNAIE: Lucienne. Aunty Florence,
4 what years were these?

5 MR. FREDRICKSON: Yes, thank you.

6 MS. LANI: This is back like in the '70s,
7 I mean in the '50s, you know, because I was born in
8 1939 here in Ulupalakua, and by the time five, six
9 years old he took us to Kula and Makawao, and from
10 then on my dad worked ranch all the time from then on.

11 MR. FREDRICKSON: So all for -- go ahead,
12 I'm sorry.

13 MS. LANI: And, you know, when he brought
14 us -- that is about like '52, '53. My dad always had
15 to drive the bulldozer, because he knocks every tree
16 down, you know, the kiawe tree. Red hill is his
17 favorite spot. Always go there and camp up here
18 (inaudible).

19 MR. MAU: Get all the fire wood.

20 MS. LANI: Yes, yes. And the bulls. Oh,
21 my mom and dad, I remember they used to trick a lot,
22 and they would sleep on the roadside, and my sister
23 and I just running around and (inaudible) bulls, ho,
24 just fighting and fighting, and they were just
25 sleeping because they were all drunk (inaudible). But

1 I remember these days, you know, like before, so --
2 and I never thought I gonna see that and remember
3 those things, but I -- we always used to come out, and
4 there was mean stories about that point, all the rain
5 used to come from behind (inaudible), comes down a lot
6 of times, you know, my mom said they know about these
7 wheelbarrow. When this wheelbarrow is making noise,
8 they hear the noise from up there coming down, you
9 better make room, because it's -- before they have all
10 this kind of stories and the wheelbarrow would just
11 come from up there, going full speed, and you -- they
12 know, and they just move on the side. (Inaudible),
13 you know, they use these kind of words. We tell them,
14 we don't know what they telling us. Why you moving
15 over there, daddy? We supposed to be on the road, but
16 no, he tells no, you wait, wait. Wait and keep quiet,
17 no say nothing, just respect, okay. Yeah, and big
18 wheelbarrow just come swishing right down, right down
19 to the ocean.

20 And my dad travels all the way down from
21 Makena going to La Perouse, he says he's going
22 (inaudible) nighttime by himself. He going with the
23 car and he see this cow walking in the middle road and
24 he telling the cow, go blowing the horn, telling him
25 to the move, the cow, the cow's going, he's taking his

1 time, taking his time, and he said when the bull --
2 the cow turned around and look at him, had mad face.
3 (Inaudible) those kind of stories they tell us, and oh
4 (inaudible) my mom and dad (inaudible) never taught us
5 to -- you know, don't -- you know, this is only to
6 respect. They have things that way, but respect those
7 things and we were taught that, you know. Don't
8 damage or don't go -- do anything talk back and say
9 anything, just respect that, and that's how we were
10 raised today to respect. Know who you come from, you
11 know, that's how we have to teach our children, our
12 grandchildren, the generations going down, and I'm so
13 happy that I (inaudible), I continue to learn what my
14 tutu, because we used to -- we was raised with the
15 olden tutu ways, yeah, so we know how to survive. No
16 lights, no water, wash hands.

17 MR. FREDRICKSON: You remember -- you
18 remember that. Kids now --

19 MS. LANI: I went through hell.

20 MR. LEE: Mike Lee. Aunty, how did you
21 guys find springs, since you needed water, or did you
22 pack water?

23 MS. LANI: Yes.

24 MR. LEE: Pack water?

25 MS. LANI: Yes. We had a lot of water

1 catchment, and (inaudible) big property we had, tutu
2 to used to make us early in the morning, we have to
3 get up, learn how to work, and no more this kind
4 toilet you have today. It's outhouse, you know, and
5 it's not near and in the house. You have to walk.

6 MR. MAU: (Inaudible).

7 MS. LANI: We still have that today,
8 because where I'm staying now, I living like that. My
9 kids didn't want that, but today they're used to that.
10 Just not (inaudible). They know, and they love it.
11 They (inaudible) they look up to going to the country,
12 do what you want, you know, in the country.

13 MS. DeNAIE: Lucienne. Aunty Florence,
14 so have you ever like hiked down the gulch that runs
15 down, you know --

16 MS. LANI: Oh, yeah.

17 MS. DeNAIE: -- all the way --

18 MS. LANI: With my dad sometimes.

19 MS. DeNAIE: (Inaudible).

20 MS. LANI: Yes, and that's very true what
21 Brian is saying, because sometimes we can't cross
22 over. We have to, you know, stay -- stay there, but
23 (inaudible) --

24 MS. DeNAIE: (Inaudible) along the side?
25 How did you folks (inaudible) --

1 MS. LANI: Walk, and there's horse to --
2 you know, he packs us on the horse, or sometimes he
3 can use the bulldozers to come down and follow.
4 That's why sometimes it blocks up and he has to be the
5 one to knock the kahawai, you know.

6 UNIDENTIFIED MALE: So there's like big
7 trees or stuff --

8 MS. LANI: Yeah, sometimes.

9 UNIDENTIFIED MALE: -- flood came, yeah.

10 MS. LANI: Yeah, and he has to go, yeah,
11 to go and clean it, yeah. And if he can't pass, we
12 have to just find an area. My dad knew where to go
13 and, you know, make sure that we are, you know,
14 safety, yeah, yeah. So we knew how to live life the
15 hard way, but, you know --

16 MR. FREDRICKSON: When you were -- this
17 is Eric again. Aunty, when you folks -- you know,
18 when you were a kid like walking in some of the
19 gulches or, you know, like Lucienne just said, the
20 Kulanihakoi Gulch, do you remember seeing anything
21 anywhere like coming down the gulch from anyplace
22 anywhere, like caves, anything like that?

23 MS. LANI: Well, before it wasn't like
24 that. Once in a big while we used to have a lot of,
25 you know, rain, rain day -- then that's the only time

1 we see big boulders come down, then, yeah, it will hit
2 the side, so, you know, on the side sometimes you just
3 hits the side, and that's where the bank gets soft,
4 yeah, hits the bank and the water hits it again and it
5 will just fall, and it gets wider. Yeah, it's when he
6 has to go in and clean it out, make room again so the
7 water can, you know, go down.

8 MR. FREDRICKSON: Go down the channel.

9 MS. LANI: Yes. Yeah. So he always
10 taught us about being careful to go, where to go in
11 the -- you know, when you see water, don't go
12 (inaudible).

13 MR. FREDRICKSON: It comes fast. It's
14 scary.

15 MR. LEE: Aunty Florence, did your father
16 ever talk about pahoehoe lava tubes on this property
17 or that came from the side gulch or something that
18 went around this property or through this property,
19 like lava tube for a cave?

20 MS. LANI: Oh, no, but -- no, he was
21 all -- no, we never did enter, you know, through --
22 always following the -- either the roadside or making
23 roads. You know, sometimes the roads get all block
24 up, and he -- damaged by rain and everything, stones
25 cover 'em up, so he has to (inaudible). (Inaudible),

1 yeah. And sometimes he goes to the kahawai too, but
2 then, you know, he has to go look all the way --
3 that's why from up there to down here he has to look
4 the safest place to make the (inaudible).

5 UNIDENTIFIED MALE: (Inaudible).

6 MS. LANI: Yeah, (inaudible), yeah.

7 MS. DeNAIE: Lucienne here. Now, I know
8 both of you folks used to go down to the shoreline
9 here too.

10 MS. LANI: Yes.

11 MS. DeNAIE: Over where like Menehune
12 Shores is, like that. What was that like? What did
13 (inaudible) --

14 MS. LANI: (Inaudible). Yes, yeah, a
15 lot, we could go hukilau down the beaches, you know.
16 That was when nothing was (inaudible), just kiawe
17 trees (inaudible).

18 MS. DeNAIE: And what kinds of stuff --
19 Lucienne again. What kind of stuff did you find down
20 there?

21 MS. LANI: Used to pick up limu and all
22 kind of limu, all the Hawaiian limus that you could
23 get, that's our area, just enough for us to take home
24 to eat, you know. It was -- and the water wasn't
25 liked to. Today there's slimy, the limu is slimy.

1 When you eat it, you can taste the (inaudible), the
2 taste of the lotion, yeah. So that's why I hardly --
3 hardly get it now. There's laws you can only take so
4 much, so, you know, everything's changed today.

5 MR. FREDRICKSON: It's Eric here. A
6 question actually for both of you folks. You know
7 when you folks were let's say small kid times going
8 like down to the -- to the shore, like Lucienne and
9 Mike were talking about, compared to like then to more
10 recent, what's your impressions of like how much limu
11 is there now compared to like when you were -- you
12 know when you were younger and -- because, you know,
13 you folks --

14 MS. LANI: A lot. A lot.

15 MR. FREDRICKSON: -- a resource, just
16 because -- to see the changes, you know. So, I'm
17 sorry, I interrupted you.

18 MS. LANI: Yes, my uncles were all
19 fishermens too. We'd go down Makena, La Perouse and
20 they would put a building there and that's what did
21 their job every day, and they would gather -- when
22 they gather, they pull the nets and they get fish,
23 limu, they always would share for all the families,
24 you know, because before we didn't have the kind that
25 you can go paddle or sell, you know, we would trade

1 our goods that we have, but there's rare, not today,
2 you don't see that kind of limu hardly, huh-uh.

3 MR. LEE: Aunty Florence, are we talking
4 about like lipoa, palahalaha, aalaula, lipeepee?

5 MS. LANI: Lipoa, lipeepee, all those,
6 yeah, huluhuluwaena.

7 MR. LEE: (Inaudible).

8 MS. LANI: Yeah, tutu taught us how to,
9 you know, make all the -- and it was not liked to.
10 Today you don't hardly see all those. It's all -- the
11 rocks -- every rock when you take, you know how to
12 take it out, there's always -- next time there's
13 always more, but today you don't -- you scrape the
14 rock, so that's why hardly.

15 MR. NAE`OLE: Brian Nae`ole. Back in the
16 '70s when we used to go pick up limu, remember we used
17 to go down there all the time, we were told numerous
18 times not to go in certain areas. We used to always
19 stay in like more towards the makai -- well, more
20 Makena side, because there were certain things that
21 you couldn't go more by the fishpond, but I remember
22 the limu that was so plentiful before. The fishes
23 was -- they were like right there. Not liked to,
24 they're pretty much disappearing.

25 But I remember when we go gathering, we

1 lay nets, and the limus was like lipeepee, wawae`iole,
2 ogo, you know, you never had to go too far, because
3 everything was right in the area. Now you have to go
4 like further down to St. Theresa's. Even St.
5 Theresa's is pretty much getting, you know, wiped out.
6 I guess corrosion. But by experience, the fish was
7 like -- you didn't have to go far. Now it's -- you
8 walk -- or you go in the water, everything is just
9 dead, more sand, everything is all covered up. Back
10 in the days, you can see the difference from that
11 times to what it is today. So we're pretty much
12 destroying things right in front of our eyes, and how
13 to do it, I think it takes the whole community to
14 really save it. Because this place has food,
15 resources, and I think that's part of our culture of
16 living, because that was what we used to cut up
17 tomatoes, you know, just basic stuff that we grow and
18 we add to the limu, because that was part of our --
19 like rice, you know. So now you look at it now, we
20 don't go there, because we know it's -- there's no
21 gain, you know, and even the -- you know, things are
22 just different now, compared to what it was back then.

23 So like aunty was saying, you know, all
24 that years, you know, we only hear from our ohana what
25 they tell us to do and what not to do. So I don't

1 know if anyone here ever went there lately or ever
2 tried to go and see if it came back alive.

3 MS. DeNAIE: Kimoqueo?

4 MR. LEE: Yeah, we've been doing for the
5 last four years around that place, where Kimo is
6 (inaudible) -- oh, Mike Lee -- for the good work that
7 they're doing, you know, with the young people and
8 trying to teach them to bring it back. Like we went
9 down there on the lauo o Pele is coming out, the
10 pakapaka is there. This is not the season for the
11 palahalaha, usually April, May or August or October,
12 because water has to be warm for that one, but that
13 one loves freshwater. On the northern side of the
14 fishpond is where you have the spring coming down and
15 it feeds all the limu.

16 Limu and freshwater are one and one. You
17 know, certainly limu like limu kala and also your limu
18 koko needs the Jacuzzi of the ocean crashing, not just
19 the water, and sand going over crashing, like the
20 wawae`iole. They live off the sand inside their
21 little pods. And the aalaula, because you've gotta
22 clean, hard time cleaning that limu because the sand
23 inside.

24 MR. MAU: Plenty rubbish.

25 MR. LEE: Plenty rubbish inside. So

1 unless you know how to clean it properly, you don't
2 want to, you know, handle, a lot of work to clean that
3 one. So -- and lipoa needs plenty, plenty freshwater,
4 and that's like December that the (inaudible) moon
5 cuts that -- that limu to replant.

6 So we've been down there. We've taken
7 films of where you guys have been working, and
8 palahalaha was there profusely, which we use for
9 medicine and stuff for the lungs, yeah, and the lauo o
10 Pele we use for cultural practice. That one you have
11 to lawala and imu because like (inaudible), tough, but
12 it can be eaten when you put it in the hot water and
13 blanch it and it gets soft. But manawaea needs plenty
14 Jacuzzi action and freshwater, and you got six
15 different kinds from the very purple purple to the
16 rice type, you know, the green one, kane wahine one,
17 so all of this stuff, the health of the ocean depends
18 on two things, the estuary -- see, used to have pili
19 grass that used to grow, hold everything in place so
20 when the water comes down, you don't tear off the
21 sides of the gulches, yeah, so, dig, dig, dig, dig, if
22 it's all pili grass. The invasive have come in so the
23 tearing takes place. That's one of the reasons.

24 And then when you get to the estuary --
25 they kind of made it narrow, so instead of having the

1 natural plants so when the water does flow down from
2 up mauka -- that water is supposed to be crystal clean
3 coming into the ocean. That doesn't destroy anything.
4 It actually adds, yeah. But because it's coming down
5 muddy, because you don't have pili grass to bend over
6 and deep roots that go like this like limu in the
7 water, holding everything together so the water does
8 pilau, it doesn't turn red, so by the time you get to
9 the ocean, you also had your grasses down makai and
10 big so it spreads out, so when hits the energy doesn't
11 (indicating) and all the rubbish and everything and
12 red water going in and then getting inside.

13 So, you know, a project like this,
14 because the gulches are so important for the
15 drainage -- you cannot do -- you know, the arrogant
16 thing in the state, they said you have to have
17 drainage for this project. The drainage was natural.
18 The mauka takes care of the drainage, but you have to
19 make sure that the right kind of grasses -- it was
20 known that pili grass grew inside, but you now have to
21 plant it because the invasive -- the birds kukai and
22 then they take over and so you literally have to
23 replant that and take out the invasives, so that when
24 this happens --

25 And concretizing isn't good.

1 Concretizing is when, you know, they did that in New
2 Orleans, and they don't do that any more, and they did
3 it at Iao. Think don't do that. I mean, nowadays you
4 don't do it, because it has to percolate down, because
5 there's an underwater natural channel freshwater
6 that's going into the ocean.

7 So all of these protocol for safety, when
8 you get -- as you said, Brian, when this builds up and
9 it let's loose, those big boulders will crack all the
10 concrete stuff, you know, and you cannot house water
11 underneath to settle in. It's going to have a
12 devastating effect, because you're going against the
13 flow. And when you go against the flow on a -- say, a
14 one-week straight rain, it's going to bust over the
15 banks and just go like this.

16 I mean, we see that in Manoa, we see that
17 down when you go to Waikiki when it -- those big
18 ditches were flooding over, and it's those events
19 health and safety, not the regular small event, but
20 the fishery is dying. That's a native cultural
21 resource that ties into this property and this
22 project, and that's Article 12, Section 7. Article
23 7 -- Article 11, Section 7, the natural flow is
24 supposed to be protected, surface and subsurface.

25 So there are -- there are a win-win for

1 everybody. It's a doable, is what I'm saying, if the
2 proper things are put into place. It's a doable. I
3 mean, we're not here to be in the middle ages, but so
4 long as we can keep the ocean clean and that water
5 coming down fresh, this is a plus for everybody, you
6 know, if that is part of the mitigation plan. Because
7 Army Corps of Engineers will do a 10 million dollar
8 grant, you know, not out of the pocket of the
9 developers but to make sure that the Clean Water Act
10 and all of that stuff, the protocols are kept,
11 something to really keep in mind, you know.

12 MR. KAPAHULEHUA: Kimoqueo Kapahulehua.
13 Another good example is Malama Maunaloa in Oahu, where
14 they have taken mauka-makai and remove all the
15 invasive seaweed and now they're moving back in the
16 land and going up and taking care, like (inaudible)
17 field in Maunaloa.

18 MR. LEE: Exactly.

19 MR. KAPAHULEHUA: So you talking exactly
20 that kind of idea.

21 MR. LEE: Because I live -- Mike Lee. I
22 lived on Summer Street from '62 to '79, so when we
23 went out Paiku lagoon, palahalaha all over. It was
24 one of the most known places, besides Ewa, for ogo,
25 okay. People took bags, big bags of ogo out there, I

1 mean huge bags. This is before any, you know,
2 (inaudible), and the octopus, the he`e, pulling he`e,
3 you know, like crazy, but that ended when they busted
4 into the springs and for the (inaudible) and they were
5 literally not letting the springs (inaudible) ocean.
6 And so then we see a big turn over and change and all
7 the palahalaha disappeared, the ogo started -- the
8 invasive started coming in and the problem.

9 And then the governor, when he was a
10 congressman, put this bill in and they really brought
11 it back. It can be brought back is the good news, is
12 what you're saying. We can bring all of this back, if
13 we do proper management plans for it.

14 MR. ALMEIDA: Levi Almeida, and to
15 further speak, to touching, you know, the (inaudible).
16 I'm actually kama`aina of Iao and (inaudible) near the
17 ocean, so is my family, and, you know, concretizing
18 and tampering with the natural flow of -- you know,
19 the natural waterways has been extremely detrimental
20 to the ocean resources in that area.

21 What it's akin to, you know, you have an
22 ordinary garden hose, yeah. You can water your
23 plants, you can -- you know, it's gentle, yeah, but
24 when you start concretizing and tampering with it,
25 what happens is you no longer have a garden hose.

1 You now have a fire hose, and we turn it on and it
2 blasts everything, you know, causing further erosion.

3 So I think with the gulches, it's
4 important for us to, you know, really be precise and
5 to have a really, really deep and clear understanding
6 of what the effects is going to have from, you know,
7 touching these waterways.

8 UNIDENTIFIED MALE: Go ahead, Basil.

9 MR. OSHIRO: Basil Oshiro. From what
10 I've been hearing from everybody is we've got to be in
11 spirit with the land. We've got to know what the land
12 is telling us. We with cannot create -- actually, we
13 are creating pollution by industrialization, but
14 there's solutions to it. We've got to look at -- like
15 Kihei, the deep floods we having. Somebody's not in
16 spirit with the land. (Inaudible) ranch was one of
17 the faults of that. I can say that much because they
18 just -- they forest the whole area over there, and
19 what came down here, all the (inaudible) from up there
20 came out down here. Yeah.

21 And we just overdeveloping our wetland.
22 We putting concrete where the water supposed to
23 settle. Because you can look up mauka, the Hawaiian
24 homes are there, those gulches are huge. So you know
25 water comes down through there in -- you know, you can

1 say catastrophic amounts. And where it's gonna end up
2 if you have concrete? It cannot flow in the land. It
3 comes out to a certain amount, it disperses itself and
4 settles and creates a water table, because we on
5 volcanic islands, and the dirt is only so thick. It
6 will settle on the bedrock and that's our water table.
7 And that's a common sense kind of thing.

8 We've gotta listen what the land is
9 telling us, and industrialization is going to happen,
10 whether we like it or not, but we gotta be in spirit.
11 If the land tells us something, listen. We cannot
12 just develop. Listen to the land and find solution to
13 that, what's happening. Otherwise, we're not gonna
14 have Hawaii. We're only -- we're so limited on our
15 land space. You look mauka, you think, oh, we get a
16 whole bunch of land. We don't. We just a needle in a
17 haystack right now looking at it.

18 Look at our rain forest. It's moving
19 farther and farther up the mountain. Yeah, you go up
20 to Polepole, oh, it's a big area, because we one speck
21 of dust in that area, but look down from there, you
22 see the vast area, it's actually all wetlands. Yeah,
23 you look at where Aunty Florence guys, they talking
24 about right here, that's part of our wetland. The
25 water comes down, disperses and goes down to our

1 bedrock, but that water table is being depleted. They
2 think we have a lot of water, west Maui, east Maui,
3 Kula, but (inaudible) Haleakala, I'm quite sure
4 there's just maybe at the most two water tables that
5 we keep drawing. Water from Mokuauia coming to Kihei.
6 They want to pump it (inaudible) Kula because Kula
7 don't have enough water. Farmers starving out there.

8 So we better listen to the land instead
9 of growing homes and making industrializations. Let's
10 grow farm land and food so we can be self-sustainable,
11 because within my lifetime I hope to see something
12 happen, that the -- we will be self-sustainable, in a
13 way that we don't have to depend on the outside so
14 much.

15 I come from -- I the only one from my
16 family as a commercial fisherman, and a lot to do with
17 the -- what we have on land, up mauka, makai, gonna
18 affect our waters. And everybody's talking about the
19 same -- same thing, and if we not in spirit with what
20 we have here, we all gonna suffer. Our future
21 generations are gonna suffer. So whenever you folks
22 decide -- we not trying to stop all developments, but
23 to be in spirit with what our kupuna had, how they did
24 it, and listen and be in spirit. It's the main thing
25 I'm talking about.

1 Right now I see Kihei, the land is
2 fighting back with the flooding, you know. Can see
3 enough already, slow it down. Study. Do studies or
4 research before you go ahead and do things, and right
5 now that promenade, I live right up mauka of that, and
6 the grass, the forest is the one that containing the
7 water. If it rains -- you have to have real big
8 rains. If it's concrete, the jungle over there, we're
9 gonna lose it, yeah.

10 Like (inaudible) Kula gulch, (inaudible)
11 Kula gulch, you don't see it flow too often. When it
12 comes, it's crazy, and if you're gonna concrete around
13 that and divert the gulches, what's gonna happen?
14 Like Mike said, it's gonna overflow. You cannot fool
15 nature. You gotta build in spirit with nature and
16 it's part of our land. So I think I talk enough
17 already. Thanks.

18 MR. KANAHELE: Yeah, getting -- you know,
19 speaking of.

20 UNIDENTIFIED MALE: Your name.

21 MR. KANAHELE: Oh, Daniel Kanahele.
22 Sorry. Speaking of the archaeological inventory
23 survey, really to understand site significance of any
24 individual cultural feature, you have to understand
25 the cultural landscape that surrounds it. And so

1 often, you know, we look at just a small slice of a
2 pie. We look at it through, you know, sort of tunnel
3 vision. We can't do that, because we know as
4 Hawaiians that it's a much bigger picture, and we're
5 talking about a cultural landscape.

6 And so we're talking about the gulches,
7 Kulanihakoi and Kaonoulu, which Basil says doesn't
8 flow very often, but when it flows, it's crazy. It
9 means a lot of water comes down. We have to look at
10 our cultural landscape, and the gulches are cultural
11 resources, and it's part of the reason why you have
12 traditional sites there.

13 MR. FREDRICKSON: Sure.

14 MR. KANAHELE: Because of the water,
15 because of the access (inaudible) ocean. And we know
16 there was a lot of activity going down near the ocean,
17 you know, this makai -- you had Kalepalepo
18 (inaudible). You have a lot of people down there. So
19 I have hiked Kulanihakoi gulch many times. I know for
20 a fact that if you go along the southern boundary of
21 the project area and the gulch and as you make that
22 (inaudible) left turn in the gulch, gulch (inaudible)
23 and it turns north. There are sites, there are walls
24 along the gulch there, which is, you know, adjacent to
25 the property.

1 So I think it's important to -- in order
2 to understand the sites that you're looking at, to
3 understand the sites that are adjacent to it, what's
4 next to it, especially the sites in the gulch, because
5 it's apparent that that was used a lot. So who is --
6 who is going to cover that? Who is going to look at
7 those sites that are just right, right next to this
8 project area right along the gulch? Because the
9 project area will impact the gulch, Kulanihakoi. It
10 will impact Kaonoulu Gulch.

11 So who is going to look at those sites?
12 Will it be -- will it be part of this reassessment
13 that, you know, the survey is undergoing?

14 MR. FREDRICKSON: Really the question --
15 Eric here, Fredrickson. Again, the gulch area per se,
16 though, is -- it's not the same landowner, and trying
17 to look at that -- one has to absolutely have
18 permission, one, and -- because landowners tend to
19 be -- especially large landowners, tend to be somewhat
20 sensitive about having sites identified on their
21 property that they're not necessarily wanting to do
22 anything with or know about really.

23 Having said that, some landowners are --
24 you know, they have like land managers, et cetera that
25 they do have a level of interest about it -- if they

1 do know of something, making sure that they don't
2 inadvertently bulldoze through a site complex or
3 something, but actually looking at sites that are off
4 the project area that have not been surveyed before,
5 trying to do that is something that -- I mean, it
6 sounds -- it would be neat to do, but that can't --
7 that can't be done with this project. It's a -- I
8 mean, it would be neat from an archaeological point to
9 do that.

10 MR. KANAHELE: Is that a potential area
11 of impact for the proposed -- proposed --

12 MR. FREDRICKSON: I'll let Charlie answer
13 that, because that's -- I'm looking at the
14 archaeology. My understanding -- I will say one
15 thing, Daniel, that this easement -- excuse me, here,
16 that's on the mauka, the eastern side, this originally
17 was classified as a drainage easement, which would
18 have brought drain and from up slope and just emptied
19 it into the gulch. That -- that has been taken --
20 that potential use is no longer something that's
21 proposed. It's just going to be used for this
22 waterline, the central Maui transmission waterline
23 that will go around -- more around the property.

24 MR. KANAHELE: Okay. Close to the fence?

25 MR. FREDRICKSON: It will be -- it will

1 be next -- it will be mauka of the fence and then it
2 will be on the southern part of -- in the property
3 itself.

4 MR. KANAHELE: Okay.

5 MR. FREDRICKSON: But Charlie can
6 speak -- Charlie Jencks can speak to your question
7 about, you know, are actions of the project -- I mean,
8 like development actions going to potentially do
9 something to the gulch.

10 MR. JENCKS: Charlie Jencks. I would
11 just say, Daniel, that, you know, we -- Eric described
12 fairly accurately how the engineering plans for the
13 project changed because I learned very quickly I
14 didn't want to divert water and put it in Kulanihakoi
15 gulch for a lot of reasons. Number one, I didn't to
16 mess with the gulch in any fashion. And number two, I
17 didn't want to be influencing stream flows down stream
18 from the property, because that affects other people
19 unfairly.

20 So for those reasons, we backed
21 completely out of that approach to the stream,
22 diverting any water to the Kulanihakoi Gulch, and
23 we've -- we had a conscious effort to make sure that
24 we were not doing any work close to the (inaudible).
25 With that said, however, I'll take under advisement

1 your request and look at that in the context of the
2 plans we have today and we'll fiddle with that.

3 MR. KANAHELE: So -- Daniel Kanahale.
4 So, Charlie, your plans aren't to divert Kaonoulu
5 Gulch to the east side of the project area into
6 Kulanihakoi Gulch? There's no plans to divert
7 Kaonoulu Gulch?

8 MR. JENCKS: That stream -- that
9 intermittent stream bed is not being diverted to
10 Kulanihakoi Gulch, that's correct.

11 MR. KANAHELE: Is it being changed in any
12 way, shape or form?

13 MR. JENCKS: What it does, it comes
14 down -- it comes down here. It's going to be diverted
15 in a culvert over here, then down with the exact same
16 spot that it crosses under Piilani Highway.

17 MR. KANAHELE: I see. You are diverting
18 it.

19 MR. JENCKS: So there is no increase in
20 flow or velocity as a result of that diversion.

21 MR. KANAHELE: On the map there is drawn
22 the actual gulch, Kaonoulu Gulch, are you changing
23 that, that's what I'm asking?

24 MR. JENCKS: It's going over from here,
25 over here, then down here.

1 MR. KANAHELE: So you're diverting?

2 MR. JENCKS: Yeah, but not in -- not into
3 Kulanihakoi Gulch. It was at one time. Henry's
4 original proposal was to take it over to here and put
5 it in the gulch over here.

6 MS. DeNAIE: Lucienne deNaie. I think it
7 might be interesting, just from an archaeological
8 perspective, to look at this project in terms of what
9 the land might have looked like 400 years ago or so.
10 And I'm really intrigued by what Brian and aunty are
11 saying about Kulanihakoi Gulch being so much more
12 shallower, because imagine if this is kind of a piece
13 of land between two gulches. Because if you look at
14 the 1922 topo map, Kaonoulu Gulch is pretty prominent
15 on that. It's a little dotted blue line. It's not
16 just, you know, some little checkered marks saying
17 there's sort of a gully. It -- it had a life of some
18 sort. It joined in to Kulanihakoi Gulch down below
19 what is now Piilani Highway. There probably was sort
20 of a wetlands or something there, because two water
21 places coming together, because it's very low lying
22 (inaudible).

23 UNIDENTIFIED MALE: (Inaudible).

24 MS. DeNAIE: And if you look at the 1930s
25 maps you see as then the conjoined flow goes

1 through -- now it's Kaonoulu Estates and down near
2 that place where it always floods near the whale
3 sanctuary, where, you know, this gulch, Kulanihakoi
4 Gulch comes out at that point there. There was a big
5 (inaudible), and it's on the map. So in other words,
6 it was a big, open lagoon swampy area. Now there's
7 like a little channel, like Michael referred to
8 earlier, Michael Lee noted this.

9 So in essence what you have was land that
10 might have been between two areas that had maybe some
11 spring feeding and certainly intermittent flow and
12 certainly not intermittent flow like 15, 20 feet
13 below, maybe 5 feet down or 6 feet down. And so I
14 heard you say earlier, well, nobody lived here because
15 there was no water, but 400 years ago it could have
16 been --

17 UNIDENTIFIED MALE: Down closer to the
18 coast there certainly would have -- were people living
19 there, yeah.

20 MS. DeNAIE: Right. And I just wonder,
21 because, you know, when you look at the archaeological
22 surveys for a number of other places that are at this
23 same elevation, a lot of times they're fairly empty.
24 They've been pretty smashed up by military -- the
25 activities or by ranching activities. It's

1 interesting that this one had all these mitten
2 scatters and other, you know, the petroglyph, that
3 there's more petroglyphs further up the gulch that
4 were found in Socheck's report.

5 You know, I'm with whoever said we
6 need -- I think it was Daniel. You need to look at
7 the cultural landscape. And I realize you can't go
8 out and do other people's work, but I'm really happy
9 that we're looking at this report, because I know
10 you're a hard working archaeologist. I've read so
11 many of your reports and I really respect your work
12 and I really respect the fact that you like to dig.
13 You're personally curious about this.

14 So I would just say that let's take a
15 look at this land. It may be that the reason that we
16 have these mitten scatters is that so much soil that
17 used to be there was washed away earlier simply
18 because the same erosion effect that has cut down that
19 gulch, Kulanihakoi Gulch, and sort of (inaudible) in
20 Kaonoulu Gulch, has kind of, you know, impacted the
21 flatter part of the land. Because there's sheet flow
22 that comes across it too.

23 UNIDENTIFIED MALE: Oh, yeah, definitely.

24 MS. DeNAIE: Plenty of sheet (inaudible).

25 That's why we had that big cement thing there. It's

1 not just for the gulch. It's for all the sheet flow
2 too. So in terms of the significance, I mean, I hope
3 that, you know, your investigations shed more light on
4 what's there, but even if they don't, I think we may
5 have to assume that some of it may have been washed
6 away, but if there's a way to design this project as
7 (inaudible) parking lots, just so there's a sense of
8 history left here, so there's a couple plaques that
9 say, oh, here's a little -- here's a little -- I
10 notice there was an enclosure that was near one of the
11 mitten scatters, and it seemed like that mitten
12 scatter, number 3744 had two layers, had kind of a
13 larger selection artifacts, maybe a grinding stone,
14 this and that, maybe there's a little bit going on
15 there. I mean, if that can be preserved in a parking
16 lot somewhere and you give up like four parking
17 spaces, but you have a sense of -- Kaonoulu is not a
18 very wide ahupua`a. I mean, I bet you wouldn't oppose
19 that if that could be arranged, but just throwing this
20 out, that there may be a whole other landscape view of
21 this as we put the pieces together of what conditions
22 were like 400 years back when people were using these
23 kind of implements, what things were like further up
24 the gulch, and what was happening down at the ocean,
25 which was pretty busy. So end of rant.

1 MR. MAU: Jacob Mau. You know, I started
2 working for the state Department of Land and Natural
3 Resources in 1961, and part of my responsibility was
4 once a week I would read the rain gauges from Cosner
5 Grove, I go down Puluau, Puniaiu, I come out Waikamoi,
6 and I go inside the reservoir, read the rain gauge. I
7 come out, I go inside Waiahole spring, which is
8 Olinda. I come back down, I go up Pulipuli. I take
9 the sky road, I come down on the skyland ridge, come
10 down Pulipuli, go read the rain gauge. And there were
11 times, especially in the winter months when you get
12 the Kona wind or the Kona rain, there's a river. I
13 don't know if you guys been up Pulipuli, get one
14 concrete crossing (inaudible).

15 UNIDENTIFIED FEMALE: Yeah, yeah.

16 MR. MAU: Sometime I cannot even come
17 home until the water go down. And I stand up there, I
18 sit down, I look. You see the water going all the way
19 down to Kihei and all the dirt and mud and everything
20 down there. I go, wow, I wish I had a video camera,
21 you know, just to show the devastation.

22 Another thing, I was fortunate in 1963 or
23 '64, I worked on Kahoolawe. We did a first
24 reforestation -- first we did eradication, get rid of
25 all the sheep and the goats that were -- I think

1 Kaonoulu Ranch, yeah, the Rice family had use of --

2 MS. DeNAIE: They had some use, yeah.

3 MR. MAU: Kahoolawe, so we had to get rid
4 of all of the goats and the sheep, and you like see
5 the damage, you know, over there, the erosion, the
6 damage. I look at that, you know, and (inaudible) no
7 more money for camera, but you look at the damage, the
8 erosion, you know, all over that island, the
9 devastation to all the native (inaudible), the kiawe
10 tree, the goats get so hungry, they climb the kiawe
11 tree and they go up on the limb, eat as much as they
12 can on the trees, because that's all they can eat. On
13 the ground no more nothing, you know, all gone.

14 So things like that can happen again,
15 yeah, but today (inaudible) we did all the
16 reforestation on Kahoolawe, so now get plenty rain,
17 plenty rain. Everything stay pono now, I hope. Okay,
18 that's it.

19 MR. NAE`OLE: Brian Nae`ole real fast.
20 Talking about what Lucienne was saying about 400 years
21 ago, does anybody in here knows Hewahewahapakuka, who
22 he was back then?

23 MS. DeNAIE: Eldon Liu does, but he
24 couldn't come tonight.

25 MR. NAE`OLE: Hewahewa was a kahu for

1 Kamehameha the Great, and he had some kind of
2 significant thing back in here, because back then over
3 here was green. Now we're like vacant, you know, we
4 cannot go on the land, but back in the old days they
5 used to work the lands before, so maintenance was
6 pretty well organized. So had a significant life here
7 in Kaonoulu, because Kamehameha the Great trusted
8 Hewahewa, because Hewahewa was his high priest at the
9 time.

10 So what was significant was vegetation,
11 food, resources, fishpond was all in one area, and
12 that land mass is so magnificent, it's high and it's
13 low, you know, and it makes sense, because we're just
14 trying to find --

15 MS. DeNAIE: Pili grass too. Lucienne.
16 Pili grass was on this site. It was in your report.
17 It's still there.

18 MR. LEE: Mike Lee. Hewahewanui was my
19 8th great grandfather. His granddaughter Kapele, was
20 mother of Neole, who married Kawaha, who had Julia
21 Alapa`i, who is my grandmother, who when she was with
22 Nahili or Nahele, the child that she had in the Maui
23 genealogy's keiki na miki, Captain Meek's daughter,
24 Liza Meek, alii haole, who is my 4th great
25 grandmother. The secret was that so long as you keep

1 the natural forest going, okay, the (inaudible) keep
2 double rain, okay.

3 So what happens is the water from the
4 ocean condenses and then it goes down in dew from the
5 morning time all the way to 1:00 and then you get the
6 secondary rain that takes place. The cloud forms.
7 This is the neck for the area. It's the neck. It
8 comes down and shoots over to -- this is the naulu.

9 UNIDENTIFIED MALE: Naulu.

10 MR. LEE: Naulu for the uaulu rain that
11 comes down. So long as you keep -- now, what happened
12 was Kahona set this on fire, burned this, stopped
13 this. This is the neck, and it's related to the mo`o
14 that goes through here, which everything is made for
15 the mo`o from east to west to clear everything from
16 the mountain to the sea, but if you keep this in check
17 up here, the neck run, the naulu rain will take -- the
18 cloud will form, and that's part of Puumahoi's job
19 over here.

20 So this takes the moisture. In October
21 the moisture that comes off of the south -- the
22 southeast and south, what happens is there's plankton
23 inside that moisture from the surf. It gets very cold
24 in mauka, but it comes cold down below and it
25 condenses all of that. And what happens is it

1 fertilizing everything. It's more fertile than weeks
2 and weeks of rain of the so you never see one drop of
3 rain come, and everything turn green. And it's
4 like --

5 MS. DeNAIE: From the fog?

6 MR. LEE: From the mist that comes down.
7 That's the secret in the family structure of doing
8 that. So when you keep that in check, then naulu
9 comes and the uaulu rain takes place. You wipe that
10 out here, it stops it here, and then this no longer --
11 the fishery no longer proliferates because the
12 underground pahoehoe lava tube and the mo`o is used to
13 clear all of that stuff, so that the fishery is going
14 to be impacted in a positive way, and that's why the
15 nakoas are set up here, here, here, it intersects with
16 the fishery and in December, through the right moon,
17 (inaudible) can go right across. Just suck you right
18 across.

19 So if it's kept in check, then everything
20 goes. Keokea Lani, which on the earth is part of
21 Puumahoi and her breast and Keokea Lani in the sky
22 match up together, and everything flows. Break that
23 cycle, you choke it all off, right down the whole
24 thing.

25 MR. KANAHELE: Question. Eric, yeah, I

1 know our time is running short, the cultural impact
2 assessment for this project area was done in 1994? I
3 know there was a CIA done -- no, I think it was
4 2000 -- (inaudible).

5 MR. FREDRICKSON: We didn't do the CIA --
6 there was no requirement in '94 and we didn't do
7 the -- I believe there was one done, but we didn't do
8 one on this project.

9 MR. KANAHELE: Okay. (Inaudible) 2004,
10 because I read a CIA for the project.

11 UNIDENTIFIED MALE: Yeah.

12 MR. KANAHELE: (Inaudible) did that? I
13 think around 2004, something like that. And it was
14 very short, because there was actually no one
15 interviewed. There was no one found to interview,
16 but, I mean, I'm just wondering if that should be
17 redone, if there should be a CIA, because there's like
18 two people here.

19 The other quick question -- oh, I see
20 (inaudible). Another -- the other quick question is,
21 you know, can we set a date for a site visit at green
22 dry season, Charlie?

23 MR. JENCKS: Charlie Jencks. Yes, you
24 can. We will. And number two -- that's with regard
25 to the site visit. And number two with regard to the

1 cultural impact assessment, it has been redone by
2 Hanapono as a part of this project application. It
3 will be in the AIS.

4 MR. KANAHELE: It's done or it's going to
5 be done?

6 MR. JENCKS: It has been done. It will
7 be included in the draft AIS when it's published for
8 review.

9 MR. KANAHELE: I wasn't aware that it was
10 underway.

11 MR. JENCKS: Done.

12 UNIDENTIFIED MALE: Did you hear,
13 (inaudible)?

14 UNIDENTIFIED MALE: No, I just heard
15 about it now.

16 MR. LEE: Mike Lee. Can you do a
17 supplemental for aunty and uncle over there for the
18 CIA? Because they are cultural resources that are
19 valuable and lineal descendents of the --

20 MR. JENCKS: What I would suggest you do
21 or they do is comment, as a part of the draft comment,
22 and then we have to address that.

23 MR. LEE: Okay. Good.

24 MR. JENCKS: That's basically the purpose
25 of that document is to put out a draft document. You

1 have a chance to comment on every aspects of the
2 document, and then we have to address those comments.

3 MR. LEE: Okay. Fair.

4 MR. JENCKS: Okay, it is literally
5 straight up 8:00. I want to thank every -- hold on.
6 I want to thank everybody for coming. Clare, you
7 didn't say a word.

8 MS. APANA: (Inaudible). I just have a
9 question. So everyone has given such great input, I
10 mean, it's a record meeting. Seems like all the
11 kanaka are pretty much in agreement about the flow of
12 water and preserving the coastline, keeping the water
13 clean, flowing down and keeping it flowing, but -- so
14 how does -- where do you take this? Where do you take
15 this, Charlie, these comments and --

16 MR. JENCKS: Well, like I said when I
17 started the meeting, we have an audio man here. We'll
18 take this audio recording, it will be put into a
19 transcript. That transcript will then be attached to
20 the AIS, which is part of the EIS for the project.
21 Okay. And you will then have a chance to comment on
22 the transcript, if you wish, and also comment on the
23 AIS as a part of the project and the cultural impact
24 assessment.

25 MS. APANA: Does this comments get to

1 be -- does it have a chance to be seen as an impact,
2 as a cultural impact?

3 MR. JENCKS: You'll see it in context in
4 the document and you'll be able to read that and you
5 can comment on that. Okay?

6 UNIDENTIFIED MALE: (Inaudible).

7 MR. JENCKS: As I understand your
8 question, that's a yes. Okay, thank you for coming.

9 UNIDENTIFIED MALE: Thank you, Charlie.

10 MR. JENCKS: Have a good evening.

11 (End of audio-recorded proceedings.)

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C E R T I F I C A T E

I, Jessica R. Perry, Certified Shorthand Reporter for the State of Hawaii, hereby certify that the audio-recorded proceedings were transcribed by me in machine shorthand and thereafter reduced to typewritten form; that the foregoing represents to the best of my ability, a true and correct transcript of the audio-recorded proceedings had in the foregoing matter.

I further certify that I am not attorney for any of the parties hereto, nor in any way concerned with the cause.

DATED this 21st day of March, 2014, in Honolulu, Hawaii.



Jessica R. Perry, CSR, RPR
Hawaii CSR# 404

**Piilani Promenade Cultural Consultation Meeting
February 25, 2014**

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**Piilani Promenade Cultural Consultation Meeting
February 25, 2014**

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**Appendix D: Transcription of Cultural Consultation Meeting of
April 27, 2016**

TRANSCRIPT OF VIDEOTAPED PROCEEDINGS

HELD ON APRIL 27, 2016

PI`ILANI PROMENADE PROJECT

PRESENT:

Charlie Jencks, Owner's Representative
Kimokeo Kapahulehua, Cultural Consultant
Brett Davis, Chris Hart & Partners
Lucienne de Naie
Florence Keala Lani
Brian Naeole
Basil Oshiro
Sally Ann Oshiro

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1 ***

2 MR. JENCKS: I'll just open this up. My name is
3 Charlie Jencks. And I am -- I am the owner's representative
4 for Sarofim Realty out of Dallas, Texas, and the guy on Maui
5 working with -- with Brett and Kimokeo on the Pi'ilani
6 Promenade project. I think maybe the first thing to do
7 today is to go around the room and introduce ourselves and
8 who we're representing, if you are representing someone. So
9 you've heard from me, you know who I am. Let's go, and then
10 we'll go around the table this way back to me.

11 MR. KAPAHULEHUA: Kimokeo Kapahulehua, Hana Pono,
12 working with Charlie Jencks on this project, as he
13 identified.

14 MR. DAVIS: My name is Brett Davis, I'm a planner
15 with Chris Hart & Partners. And we are preparing the
16 environmental impact statement.

17 MR. NAEOLE: Brian Naeole, lineal descendant to
18 Hewahewa Hapakuka in that area. Good morning.

19 MR. BASIL OSHIRO: Basil Oshiro, Aha Moku O Maui,
20 Kula Makai Rep.

21 MS. LANI: Florence Keala Lani. I am here to
22 represent myself as a lineal descendant to Hapakuka today.
23 Thank you.

24 MS. SALLY OSHIRO: Hi. Sally Ann Oshiro with the
25 Makai Kula Moku. Mahalo.

1 MR. JENCKS: Thank you. Thank you for coming.

2 MR. NAEOLE: Thank you.

3 MR. JENCKS: Some of the folks that are here -- I
4 think, actually, all of the folks that are here were present
5 at a meeting we had in my office February, it was a year
6 ago, February 2015. We had the same videographer and we had
7 the same --

8 MR. NAEOLE: Same.

9 MR. JENCKS: Same drill, right? We had the same
10 discussion points, the same idea to get input and learn more
11 about this property from a cultural perspective. And we --
12 that meeting was concluded, we took the information that we
13 gained from the video and the audio and had a transcript
14 done, so we have good documentation as to what was talked
15 about in that meeting.

16 Fast forward to today, there's been a lot of work
17 done on the project, EIS and Cultural Impact Assessment,
18 and, also, I'm pleased to say, an Archaeological impact --
19 excuse me -- Archaeological Inventory Survey was done for
20 the property again. It was originally done in the early
21 nineties for Henry Rice and then was redone and then redone
22 again. And what we did do is we had, as a part of learning
23 more about the process -- I think every time I open up a
24 book about process in this County, I learn something more I
25 need to do or should have done and then I have to revise and

1 work. We had a site visit months ago out on the property.

2 It was --

3 MR. KAPAHULEHUA: January.

4 MR. DAVIS: January, yeah.

5 MR. JENCKS: January. It was requested -- that
6 site visit was suggested and I agreed to it in the meeting
7 we had in February of 2015. And we had a site visit. And
8 Brett and Kimokeo was there. Brian, were -- who -- did
9 anyone --

10 MR. DAVIS: Everybody was there.

11 MR. NAEOLE: Yeah, we went to walk the site, yes.
12 Yes.

13 MR. JENCKS: Okay. Which is --

14 MR. KAPAHULEHUA: And Daniel Kanahale and --

15 MR. JENCKS: Right.

16 MR. KAPAHULEHUA: -- Lucienne De Naie.

17 MR. NAEOLE: Yes.

18 MR. JENCKS: Which was, I think, a good idea. We
19 learned more about the property during that visit. The
20 Archaeological Inventory Survey has been -- I think we told
21 you folks at that site visit that the office of SHPD has
22 accepted our Archaeological Inventory Survey, accepted it.
23 That doesn't mean we're done, by any stretch of the
24 imagination. That report proposed, just as a matter of
25 background, in deference to the prior report, which

1 suggested data recovery and further work on a limited number
2 of sites, we've expanded that to include, I think, pretty
3 much almost every site we identified of any significance
4 as -- for more data recovery work and research. And the --
5 the project archaeologist, Erik Frederickson, was to have
6 developed and submitted to SHPD a data recovery plan that
7 they will review and approve. And we've also made it clear
8 that it is our intent to pursue the data recovery sooner
9 than later and involve the cultural community in that
10 process. And I know everybody here has a job. Most of us
11 work every day, we gotta be someplace, whether it's a
12 nonprofit or taking care of children, we have something we
13 need to do. But the idea here is -- and I've done this on
14 another project where I actually invited people to
15 participate in the process, I think it's -- I think it's a
16 great experience. Having him in the field and being there
17 while this data recovery work is underway, I think would be
18 beneficial to everybody. We would learn -- all learn more
19 about the property and what is there and what is not there,
20 whatever the case may be. So that's -- that's an event
21 that's coming. And as I said earlier, I would prefer to
22 have that work underway sooner than later so that we know
23 more about this as we get farther into the project.
24 Hopefully, that work will start this summer sometime, early
25 in the summer. And if you do have time, we'll reach out to

1 everybody and tell you what, when and where, what to bring,
2 what the rules are. Because we have to organize, you know,
3 there's a liability issue, but we want everybody to
4 participate. We'll start that process. And I encourage
5 those that want to attend and participate to do so because I
6 think it will be -- it will be an interesting process.

7 Generally speaking, the idea here is to -- you
8 know, this project is one that requires some significant
9 infrastructure development. One critical piece is the
10 initial increment of the Kihei/Upcountry Highway that we're
11 obligated to build for the State.

12 MS. SALLY OSHIRO: Right.

13 MR. JENCKS: Some of the sites that are on the
14 property -- well, I should say all of the sites that are on
15 the property that we are aware of will not exist at their
16 existing grade when the project is done; however, what we've
17 talked about with Erik Frederickson and others, and the
18 project ownership, which they -- they have agreed to do,
19 is -- is when we find significant issues on the property,
20 significant features -- and I hope you understand what I'm
21 gonna communicate here -- we want to bring those vertically
22 into the project. There may be walls, there could be
23 midden, there could be -- I'm not quite sure what it is
24 we're going to find, but bringing those sites, those
25 features vertically into the project and making them --

1 creating a place for them, creating recognition --

2 MS. SALLY OSHIRO: Right.

3 MR. JENCKS: -- that that activity was on that
4 property, I think, is an important thing to do. You can do
5 the data recovery and say, okay, we're done, finish it up,
6 we don't need this anymore, but I would prefer, and the
7 owner prefers, to recognize that cultural history and bring
8 it vertically into the project. So it's incorporated into
9 the project in some way.

10 And -- and Brett did a really good job in the
11 project EIS talking about the archaeological section and the
12 work we've done to date in bringing you folks into that
13 process. So that we -- whatever vertical (inaudible) we
14 bring in, once we have all the data recovery done, we can --
15 we can then sit down together and say, okay, what is it we
16 want to bring vertically, what's the most important piece of
17 this, how do we most effectively -- how do we most
18 effectively represent the host culture on this property as a
19 finished product. Okay.

20 That's -- that's where we are now. There's a lot
21 of things to do. We wanted to have this meeting because
22 Kimokeo had been working on the Cultural Impact Assessment.
23 And I know there was communications, Basil, between you and
24 Kimokeo on setting up a meeting.

25 MR. BASIL OSHIRO: Yeah.

1 MR. JENCKS: I think you were ill or there was a
2 lot of stuff going on.

3 MR. KAPAHULEHUA: Aha Moku meeting and --

4 MR. JENCKS: So we wanted -- we wanted to pull the
5 meeting together, sit down as a group and, once again, tell
6 us what you know -- hi, Lucienne --

7 MS. DE NAIE: Hello.

8 MR. JENCKS: -- about the property in the context
9 of your knowledge -- you've been out there a couple of
10 times, you've walked it, you've seen it -- just so we can
11 document further the knowledge of the property. So we've
12 got -- you know, we've got the ownership represented here,
13 we've got Kimokeo, we've got Brett. We're gonna record this
14 and then do a transcript so that it's well documented, so
15 there's no fudging around what people say. It's all a
16 matter of record, which is good, I think.

17 MR. BASIL OSHIRO: I tell you what, you know, for
18 me --

19 MR. JENCKS: So with that, I'll just open it up.
20 Brett, if you want to add anything, or Kimokeo.

21 MR. KAPAHULEHUA: No. We just wanted to get us
22 guys together knowing that this is not, you know, the final
23 meeting. There's more things to happen. So we know it's
24 tough on you guys, tough on all of us. I mean, every one of
25 us will just do that. But we thought we -- since January

1 meeting, we would meet and we should just -- and I know
2 everybody be busy, but, that way, we get some -- some kind
3 of discussion ongoing. And it really happened that Charlie
4 could be here to update all of us on what's -- what's coming
5 on this summer, you know, and how do we proceed together in
6 looking at it. And I know that they didn't have as much
7 what we talked about earlier about Wailea 670, but there are
8 sites that you guys had shown that's significant and
9 everything else. So it's a good time to go out with the
10 archaeological guy. And, you know, not necessarily
11 everybody here, but those who can, you know. So I think the
12 reason for the meeting was just to give ongoing discussion,
13 you know, and ongoing update with -- with the owners and the
14 developers.

15 MR. BASIL OSHIRO: So this part is -- we're
16 looking at updating or looking at the EIS, AIS.

17 MR. JENCKS: The EIS was drafted.

18 MR. BASIL OSHIRO: Uh-huh.

19 MR. JENCKS: Went out for public comment. Public
20 comments were received. Those letters were then reviewed by
21 the ownership and the various technical members of the team.
22 Responses were written, and those responses are included in
23 the final EIS, which has not been finalized.

24 MR. BASIL OSHIRO: Yeah, because I don't think I
25 got anything.

1 MS. DE NAIE: I didn't get anything.

2 MR. BASIL OSHIRO: Because you have my email
3 address, can you send me all that -- I know it's probably
4 400 pages long.

5 MR. DAVIS: I'm sorry. What are you ask -- are
6 you asking for --

7 MR. KAPAHULEHUA: The EIS.

8 MR. BASIL OSHIRO: EIS, AIS or whatever you guys
9 did already.

10 MR. DAVIS: The draft EIS?

11 MR. BASIL OSHIRO: Yeah.

12 MR. DAVIS: Yes, we can -- I can email that.

13 MR. BASIL OSHIRO: I hope it -- I hope it's not
14 400 page long.

15 MR. DAVIS: It's longer than 400 pages.

16 MS. SALLY OSHIRO: Do we have it mailed?

17 MR. DAVIS: It's available on the State website.
18 The Office of Environmental Quality Control has what's
19 called an EA and EIS library. So every EA and EIS that's
20 ever been written is in there. And it's in PDF and you can
21 review it right there or you can download it and print it.

22 MR. BASIL OSHIRO: What's the website?

23 MR. DAVIS: It's OEQC.

24 MR. BASIL OSHIRO: All in capital?

25 MR. DAVIS: If you went to like a Google search

1 engine and just typed in O-E-Q-C, it will take you to their
2 website.

3 MS. DE NAIE: You have to do "Hawaii" because
4 there's other OEQCs.

5 MR. DAVIS: Okay. Okay. Hawaii OEQC. I can
6 forward you --

7 MR. BASIL OSHIRO: Yeah.

8 MR. DAVIS: -- a link to the website.

9 MR. BASIL OSHIRO: Yeah.

10 MR. NAEOLE: Yeah.

11 MS. SALLY OSHIRO: That would be better.

12 MR. DAVIS: Not a problem.

13 MR. KAPAHULEHUA: What's your email?

14 MR. NAEOLE: I'll give you my -- okay.

15 MS. SALLY OSHIRO: While we doing this, would you
16 like to introduce yourself?

17 MR. KAPAHULEHUA: Yeah.

18 MS. DE NAIE: Thank you. Lucienne de Naie. I'm
19 on the Advisory Board of Maui Cultural Lands and, also, I'm
20 President of Maui Tomorrow, which is one of the
21 organizations that did ask that this be reviewed and has
22 submitted comments on the EIS in great volume. We haven't
23 heard anything back yet.

24 MS. SALLY OSHIRO: Thank you.

25 MS. DE NAIE: Oh, sorry. Turn this off.

1 MR. JENCKS: Everybody is so popular.

2 MS. DE NAIE: Yeah.

3 MR. BASIL OSHIRO: You gonna get your turn too,
4 Charlie, you watch, they gonna be calling you next.

5 MR. JENCKS: Who is that?

6 MR. BASIL OSHIRO: I don't know.

7 MR. JENCKS: That was my wife.

8 MS. DE NAIE: That counts.

9 MR. JENCKS: Always take those calls. You can
10 never tell what's happening at home or at the office. Okay.

11 MS. SALLY OSHIRO: Thank you.

12 MR. DAVIS: So, yeah, I can email that link to
13 you, no problem.

14 MR. BASIL OSHIRO: Yeah.

15 MR. DAVIS: I'll do that today.

16 MR. BASIL OSHIRO: Because, Brett, I look at the
17 fishery stuff and I get 400 or 500 pages. It gonna take me
18 six months to look at that, so just glance through it. So
19 this meeting is actually about the AIS or the EIS?

20 MR. JENCKS: No. This meeting, Basil --

21 MR. BASIL OSHIRO: Yeah.

22 MR. JENCKS: -- is about what you know about the
23 property, what you have to offer from a cultural perspective
24 with regard to the property. That's what this meeting is
25 about and that's what it's being held for. And I'm just

1 curious, if someone could explain to me clearly what the
2 function of your organization is. Because I've -- I've
3 looked at a lot of data on the website and I've read -- I've
4 read through, but I --

5 MS. SALLY OSHIRO: You can't comprehend?

6 MR. JENCKS: No, I can comprehend.

7 MS. SALLY OSHIRO: Oh, okay.

8 MR. JENCKS: I'm just looking for the substance,
9 what is -- I looked for a mission statement, I looked for
10 goals. I just didn't see -- maybe -- maybe it's somewhere
11 else and maybe I didn't go to the right spot, but if,
12 perhaps, you could communicate what it is you're all about,
13 I think that will be helpful.

14 MR. BASIL OSHIRO: Well, it's -- I will do the
15 best I can. It's the ancient ways. If you know how the old
16 Hawaiians, like, say, our ancestors, actually survived
17 without outside intervention. We're trying to meet halfway,
18 yeah. The system is almost about how we can conserve our
19 natural resources, whether it's land, ocean --

20 MS. SALLY OSHIRO: Air.

21 MR. BASIL OSHIRO: -- air, all that. We had a
22 whole (inaudible) of it. But it's mostly our natural
23 resource, the conservation, the use of it. Not the ban --
24 banding of it. So it's a sharing of our natural resources.

25 MR. JENCKS: And your organization, if I may, what

1 I did get from it, from what I read, was that the
2 organization focuses on the various ahupua`a in the state.
3 So there's a -- there's a council for geographical areas, is
4 that --

5 MR. BASIL OSHIRO: Yeah. So it starts with the
6 ahupua`a. It's, you know, like the single person, one
7 person.

8 MR. JENCKS: Uh-huh.

9 MR. BASIL OSHIRO: It's a community. The ahupua`a
10 is part of the moku. The towns in the moku --

11 MR. JENCKS: Like Honua`ula is a moku?

12 MR. BASIL OSHIRO: Yeah.

13 MR. JENCKS: Okay.

14 MR. BASIL OSHIRO: They have districts inside of
15 that moku. That's what they call ahupua`a.

16 MR. JENCKS: Okay.

17 MR. BASIL OSHIRO: So that -- from -- you know if
18 you have a concern from the ahupua`a or a single person,
19 like Bully says, I have a concern, okay, they going talk to
20 the leader of his community. And from his community, they
21 going get together, okay, let's do this, and they go through
22 the moku. And the moku rep comes out and they have their
23 discussion. From their discussion, the people, the
24 community involved, not just for special -- special interest
25 group, it's the community. If you don't show up, well, you

1 know, you know what you have, what happens, you gonna be
2 left out in the -- in the cold. But (inaudible) the
3 ahupua`a, the community or the town has a -- has a concern
4 or problem, comes to the moku, the moku of the ahupua`a can
5 get together, what they wanna do. This is all the moku,
6 now. Like you have -- like the stream that's flowing in a
7 certain place. Then we all get together and then discuss
8 that.

9 MS. SALLY OSHIRO: How we can get it back.

10 MR. BASIL OSHIRO: How can we get it back to
11 actually not take all the water, but --

12 MS. SALLY OSHIRO: Share.

13 MR. BASIL OSHIRO: -- how we can share the water.
14 Not one ahupua`a who get all the water and this other side,
15 they lo`i dry. No. We try to share all that. And that's
16 the conservation. And that's how the old Hawaiians worked
17 before.

18 MR. JENCKS: Does the organization do annual
19 reports on what they've accomplished or what they've engaged
20 in?

21 MR. BASIL OSHIRO: Yeah.

22 MR. JENCKS: Does that -- is that also done?

23 MR. BASIL OSHIRO: Get all those --

24 MS. DE NAIE: It's up to the legislature.

25 MR. BASIL OSHIRO: Yeah. It's written in Hawaiian

1 and English. It goes to our (inaudible). From the
2 (inaudible), from there, she supposed to be our -- our
3 middleman that takes it to the DLNR, if we having problems
4 there, it get stuck, you know, stays (inaudible).

5 MS. SALLY OSHIRO: It's not supposed to.

6 MR. BASIL OSHIRO: It's not supposed to do that,
7 but nets is something else, but what --

8 MR. JENCKS: Are you funded by the State?

9 MR. BASIL OSHIRO: No.

10 MR. JENCKS: Is there any funding?

11 MR. BASIL OSHIRO: Not --

12 MR. JENCKS: So how do you -- how do you cover
13 your expenses?

14 MS. SALLY OSHIRO: Right there.

15 MS. DE NAIE: Well, actually, isn't there some
16 money for Leimana's salary?

17 MR. BASIL OSHIRO: We -- it hasn't gone through
18 yet.

19 MR. JENCKS: Got somebody that --

20 MR. KAPAHULEHUA: No, but the moku and ahupua`a --

21 MS. SALLY OSHIRO: No. No.

22 MR. BASIL OSHIRO: Not --

23 MR. KAPAHULEHUA: Like this moku is called Kula,
24 and you live in the ahupua`a, but the moku is -- this
25 particular moku we talking right now, they not funded, they

1 don't -- they --

2 MS. DE NAIE: Yeah, there's no funding for the
3 moku.

4 MR. KAPAHULEHUA: The moku -- down from the moku
5 all the way to the shoreline, there's no funding, everybody
6 is volunteer. Actually, they volunteer, documents --

7 MR. JENCKS: Okay.

8 MR. KAPAHULEHUA: So -- but what he's saying is
9 how it works from the concern of the division, you know, the
10 island, the moku and then ahupua`a. But it goes down to the
11 kuleana of the lineal of Konohiki, you know. So in the
12 ahupua`a, you still have kuleana, kuleana, you have
13 (inaudible), you have Konohiki.

14 MS. SALLY OSHIRO: Do you understand what they --

15 MR. JENCKS: Yeah. Yeah. That's helpful. I
16 mean, I --

17 MR. KAPAHULEHUA: So that is a particular person
18 like when we just talked about this morning and told him
19 about our fishpond get all the -- the ama, the ama is like
20 this, then the mullet which are (inaudible). So the deal is
21 to report to DLNR that nobody bother that fish so the thing
22 can get big enough so it can go on its own.

23 MR. BASIL OSHIRO: Yeah, it can actually leave the
24 fishpond, but the fishpond was actually made as a
25 conservation district, yeah, it's our resource. So was

1 talking about monk seal getting in there, that's why they
2 kill the monk seal. He eating all my kaukau, what -- get
3 out of here, you know what I mean.

4 MR. KAPAHULEHUA: So the Aha Moku information,
5 when he that, through the Aha Moku Kula.

6 MR. JENCKS: On the website.

7 MR. KAPAHULEHUA: The moku Kula.

8 MR. BASIL OSHIRO: Well, the thing is, on the
9 Federal side, the ahamoku.org.

10 MR. JENCKS: That's where I went.

11 MR. KAPAHULEHUA: Yeah.

12 MR. JENCKS: That's where I went. And there was
13 some information there.

14 MS. SALLY OSHIRO: Then you didn't get to see the
15 Act 212 and --

16 MR. JENCKS: I have a copy of that as well.

17 MS. SALLY OSHIRO: Okay. Yeah.

18 MR. JENCKS: And I just started reading that.

19 MR. BASIL OSHIRO: That's all looking through it.
20 That's -- it's a old, really old, 1,000-year-old system that
21 the Hawaiians did to actually live sustainably without
22 outside --

23 MS. SALLY OSHIRO: Intervention.

24 MR. BASIL OSHIRO: -- intervention.

25 MS. SALLY OSHIRO: And, also, you know, the way we

1 live is it's kapu, there are times that you don't go after
2 fish or certain plant, you know. We've just lived our way
3 that way. And that's what the moku is all about. It tries
4 to have everybody, doesn't matter what race, but we all live
5 as one. And like he was trying to explain, you have a
6 problem because you don't want -- you want to develop, let
7 me put it that way. Okay. We don't want you to develop in
8 the area, but now you tell us, okay, let's work this out.
9 It's the same thing. It the same principle.

10 MR. BASIL OSHIRO: About conservation.

11 MR. JENCKS: All right.

12 MR. BASIL OSHIRO: Yeah.

13 MR. JENCKS: Okay. I just -- I needed to
14 understand that from your perspective.

15 MR. BASIL OSHIRO: It's not about no do this, no
16 do that. The kapu system is -- you know, it's like all
17 resources, that put in the fishery, when it's spawning --

18 MS. SALLY OSHIRO: You don't -- yeah.

19 MR. BASIL OSHIRO: -- it's kapu. And then every
20 moku is different, the spawning cycle is different.

21 MR. JENCKS: It's all different.

22 MR. BASIL OSHIRO: You go to the ahupua`a, if it
23 goes out on the ocean, too, it's different, yeah. It's like
24 the moon calendar, you plant some certain things at certain
25 times of the moon phase. Everything is done the Hawaiian

1 science. And then it's -- if you folks can actually take
2 this plant, and then take it back to the mainland and say,
3 see how these guys used to survive without outside
4 intervention. They had -- Hawaiians -- had about a million
5 of Hawaiians here. It's the same population, close to,
6 right now, and, yet, we gotta import 90 percent of our food.
7 The Hawaiians didn't have anything but their own. The
8 (inaudible), they took care of themselves.

9 MR. JENCKS: Okay.

10 MR. BASIL OSHIRO: So that's -- that's what we
11 trying to work partway, yeah. Bully knows about it, yeah,
12 but he's been working on the wrong side of da kine fence.

13 MR. NAEOLE: Yeah, to protect the resources.

14 MR. BASIL OSHIRO: Well, you got to get him in
15 there so he can --

16 MR. JENCKS: I thought we were all on the same
17 side of the fence, looking in.

18 MR. KAPAHULEHUA: Take us 11 years to build a
19 wall, so we still in. They not finished yet.

20 MR. BASIL OSHIRO: No. That just was a joke on
21 that portion.

22 MR. JENCKS: Yeah, yeah.

23 MR. BASIL OSHIRO: We got to work together.

24 MR. KAPAHULEHUA: Together.

25 MR. BASIL OSHIRO: Otherwise, we gonna be bucking

1 heads. We not gonna be drinking from the same cup. No,
2 separate, the cups. The cups from the same pitcher.

3 MR. JENCKS: Okay. Well, just for my edification,
4 I want to understand.

5 MS. DE NAIE: The word you see in Act 121 over and
6 over again is to bring traditional knowledge into the
7 process because it was a big puka. It was not -- it was
8 missing. You -- you -- you heard from the folks at DAR, you
9 know, they trying to do their job, you heard from folks who
10 own the properties and their consultants, they're trying to
11 do their job, but what you weren't hearing from is people
12 who knew about these places for generations. And their
13 knowledge was not in books, it was not like made into a
14 video somewhere on YouTube, for the most part, it was within
15 their families. And so this was a place where people could
16 feel safe to gather and come and share their family
17 knowledge and know that it was supposed to actually have
18 some part in the process because aha moku is -- it's
19 designed by law to advise the DLNR, which is in charge of
20 cultural sites, fish and wildlife, plants, you know, the
21 reefs, the oceans, you know, all these kinds of things, and
22 is also designed to be a voice within the community to talk
23 to folks at the County, to talk to landowners, you know. So
24 it's a relatively young organization. I've watched the
25 formation. I serve on the Aha Moku Council over in

1 Hamakualoa. It's not confined only to people who are
2 Hawaiian. If -- if you have an interest, our Aha Moku
3 Council has several non-Hawaiians on it. It's just if you
4 live in the moku, you have knowledge of the moku from your
5 own practices or from just learning from your neighbors or
6 learning over time, you know, then you're -- you're
7 considered a valuable asset because you're passing on that
8 traditional knowledge and that is --

9 MR. BASIL OSHIRO: It's generational.

10 MS. DE NAIE: -- generational knowledge.

11 MR. BASIL OSHIRO: That's not written down in the
12 books.

13 MR. JENCKS: Well, let's see if there's something
14 that we can pull out of this history that we can translate
15 into a benefit for the project.

16 MR. BASIL OSHIRO: Yeah, but --

17 MR. JENCKS: And demonstrate that connection.

18 MR. BASIL OSHIRO: The thing is, Charlie, we wanna
19 benefit the people, not just the project. Our main concern
20 is the people of Hawaii. You know, doesn't matter where
21 you're from.

22 MR. JENCKS: I don't disagree with you at all. I
23 don't disagree.

24 MR. BASIL OSHIRO: Yeah, because the people the
25 one gonna suffer, our next generation, you folks, your

1 grandkids, if you're gonna hang around, Kimokeo's grandkids,
2 and --

3 MR. NAEOLE: Not knowing --

4 MR. BASIL OSHIRO: They're so westernized that
5 they forget their -- where they came from. So what we talk
6 about a lot of times is if there's a natural disaster, which
7 is probably gonna happen, if we don't have the military, we
8 sunk. So you go to Oahu, you ask them, "Where you get your
9 food? The supermarket. Where else? The supermarket." You
10 gonna starve, yeah. You don't know how to gather, you don't
11 know how to hunt. And that's the culture of the Hawaiian
12 people. And they keep taking away, so -- and that's what
13 we're actually fighting, eh, don't take away any more from
14 us. That's all we have, you know. We don't have -- you
15 know, like auntie here, she has a lineal, Brian has a lineal
16 to that land you folks trying to build. And Jacob Mau who
17 I'm quite sure is lineal to that, too.

18 MS. DE NAIE: Eldon Liu, Hewahewa, that's his
19 ancestors.

20 MR. BASIL OSHIRO: They --

21 MS. SALLY OSHIRO: They all --

22 MS. DE NAIE: Hewahewa was the Konohiki there.
23 That's whose name is on the TMK.

24 MS. SALLY OSHIRO: That's right.

25 MR. BASIL OSHIRO: The thing is, you have to talk

1 to those people, too, what their manao is or their
2 generational knowledge of the land.

3 MR. JENCKS: Well, in terms of, you know, the
4 reason why we're here today is to get some input from you --

5 MR. BASIL OSHIRO: You getting it now.

6 MR. JENCKS: Okay. So continue.

7 MR. BASIL OSHIRO: Yeah. So Brian would know
8 because he's part of it, Auntie Flo. And if you get the
9 other guys in here, too, they probably tell you, you know,
10 we weren't alone, but what is progress. If you can be pono
11 and build, for me, I don't know, I don't have a lineal to
12 that, so I gonna stick in only for myself. If you guys
13 gonna build, the cultural sites should be used as education,
14 to teach whoever's in there, whoever's gonna be using the
15 land, that this is Hawaiian culture in here. It's not just
16 come here, bulldoze or anything. When you walk in there,
17 say, oh, my God, they bulldozed everything in there, how
18 many of the sites did they damage already that we don't know
19 about because it's buried. Because I went in there, I was
20 by myself, I walked off by myself.

21 MR. JENCKS: Yeah.

22 MR. BASIL OSHIRO: I found that -- I don't know if
23 it's -- it's probably a old dam. I don't see any place
24 where they bulldozed. And I can see that the punawai over
25 there from the -- the gulch come down and raise the waters

1 to collect and used to flow down. 'Til this day, I see that
2 flow. And if it gets big rain, if you're gonna build in
3 that area, somebody's gonna be underwater. Because even
4 like few months back, had rain, you can see that gulch was
5 flowing.

6 MR. JENCKS: The area that Basil is talking about,
7 is that located on the map? Did you make note of that?

8 MS. DE NAIE: It's the small gulch. It's the
9 small gulch that's shown.

10 MR. JENCKS: All right.

11 MS. DE NAIE: If you look at where Site 3740 is,
12 that's on that natural gulch.

13 MR. DAVIS: Drainage Way A.

14 MR. JENCKS: All right.

15 MS. SALLY OSHIRO: You can't --

16 MR. BASIL OSHIRO: It's not a drainage. If you
17 plowed there now --

18 MS. SALLY OSHIRO: That's what he's calling it.

19 MR. BASIL OSHIRO: -- you folks gonna have
20 problem. Like, you know, the sanctuary, that area is gonna
21 flood because I can see where -- I don't know if the kupuna
22 actually showing me that, but that place is filled in
23 with -- with dirt and silt now. When I going through, that
24 place was one punawai, was a reservoir. And the people used
25 it as a resting or -- that was a path, a traveled area down

1 from mauka to makai. You cannot fill up it. If you folks
2 want to fill in that gulch, yeah, eh, gonna have problems.

3 MS. SALLY OSHIRO: I don't know if you're familiar
4 with the Kula, where they built the homes. Yes.

5 MR. NAEOLE: The Hawaiian Homes.

6 MS. SALLY OSHIRO: Yes. Thank you.

7 MR. NAEOLE: I was just going to mention that.

8 MS. SALLY OSHIRO: Please.

9 MR. NAEOLE: That gulch.

10 MR. BASIL OSHIRO: It's the same gulch that come
11 down. And that place, when it rained --

12 MR. JENCKS: That was Keokea?

13 MS. SALLY OSHIRO: Hawaiian Homes.

14 MR. NAEOLE: There was an incident back many years
15 ago where that house got washed off the foundation.

16 MR. JENCKS: December 5th, I think, is the big
17 storm, multi-day storm.

18 MR. NAEOLE: Yeah. That house.

19 MS. DE NAIE: It was Henry Lau's house, yeah.

20 MR. NAEOLE: Yeah.

21 MR. BASIL OSHIRO: Yeah.

22 MS. DE NAIE: Yeah, sad.

23 MR. NAEOLE: Ripped right off the foundation.

24 MS. SALLY OSHIRO: Right through.

25 MR. BASIL OSHIRO: That thing flew all the way to

1 Kihei.

2 MS. DE NAIE: Yeah.

3 MR. KAPAHULEHUA: Where that big stream come right
4 down to the left, inside that Kulanihakoi Gulch.

5 MR. NAEOLE: Yeah.

6 MS. DE NAIE: Yeah.

7 MR. KAPAHULEHUA: By Maui Lu.

8 MR. NAEOLE: Yeah, right.

9 MR. KAPAHULEHUA: So that went down that whole
10 area. So they're trying to get the new bridge, but this is
11 a temporary bridge, they gonna build a big bridge.

12 MS. SALLY OSHIRO: See, the thing is that you
13 folks don't understand is our islands, we have all
14 natural --

15 MR. NAEOLE: Drainage.

16 MS. SALLY OSHIRO: -- drainage and, you know, from
17 the -- like he said, from mauka to makai, from the mountain
18 to the sea.

19 MR. JENCKS: Uh-huh.

20 MS. SALLY OSHIRO: Anytime you destroy that and
21 you try to divert something, it don't work because, for some
22 reason, it will go right back and say, "This is my place,
23 this is the way I want to flow, but thank you very much, now
24 you put all this rubbish, now I'm gonna block up down
25 below." So you only causing more mishap.

1 MR. JENCKS: Right.

2 MR. BASIL OSHIRO: Gotta work with nature.

3 MS. SALLY OSHIRO: Yeah.

4 MR. BASIL OSHIRO: And that -- that gulch is
5 natural. And the run right next, by the school, it
6 overflows pretty often, too.

7 MR. KAPAHULEHUA: Kulanihakoi.

8 MR. JENCKS: Kulanihakoi.

9 MR. BASIL OSHIRO: Yeah.

10 MR. JENCKS: That's a big one.

11 MR. BASIL OSHIRO: Yeah.

12 MR. KAPAHULEHUA: Where?

13 MR. JENCKS: Kulanihakoi. Yeah, that's a big one.

14 MR. BASIL OSHIRO: That place flows. And one time
15 I was wondering how come that other -- that ditch was
16 flowing. And I found out the tank that -- I don't know how
17 many million gallon tank, was broken. So where this water
18 came from, no rain.

19 MR. JENCKS: It was in -- the water was in
20 Kulanihakoi Gulch?

21 MR. BASIL OSHIRO: Yeah, flowing.

22 MS. DE NAIE: Where was the tank that was broken,
23 up in Kula?

24 MS. SALLY OSHIRO: Right above our house.

25 MR. BASIL OSHIRO: Right above us.

1 MS. DE NAIE: Oh.

2 MR. BASIL OSHIRO: And it was flowing for like
3 three months. And I was wondering where the hell this water
4 coming from.

5 MR. JENCKS: I'm not sure.

6 MR. BASIL OSHIRO: No. That tank is --

7 MS. SALLY OSHIRO: No. It's --

8 MR. BASIL OSHIRO: Right above (inaudible). So
9 that -- that was flowing.

10 MR. JENCKS: So it was flowing across, then down
11 into the Kulanihakoi Gulch?

12 MR. BASIL OSHIRO: Yeah.

13 MS. SALLY OSHIRO: See, what happened was they
14 blocked it off with -- they started making the cornfields or
15 whatever they had.

16 MS. DE NAIE: Monsanto guys.

17 MS. SALLY OSHIRO: Yeah.

18 MS. DE NAIE: Yeah.

19 MS. SALLY OSHIRO: When they first started the
20 thing. So they blocked it off. And then, right behind our
21 house, I noticed that there was a natural gulch that had
22 come down and then come across and joined. Well, now they
23 blocked that off. So I told him -- right by the gate, I
24 told him, eh, look, they blocked that off, where is it gonna
25 go, down on this side, not going down the road. So I

1 thought, how dumb can they be, you know.

2 MR. JENCKS: Hard learners.

3 MR. BASIL OSHIRO: It's the engineers that not
4 from Hawaii. Actually, you gotta talk to the kupuna. All
5 that water used to flow. If they were generational, how the
6 waters flow, you guys gotta follow, you know, that pattern.
7 Otherwise, oh, boy, problems. And you can see the problems
8 with the whale sanctuary. When they built all the wetlands,
9 we were telling them, watch out because this place gonna be
10 underwater when they get the 100-year rain. Sure enough.
11 Lucky, nobody got injured or what. But my friend lives down
12 there, he had 18 inches of water. He couldn't leave his
13 house, and months. And what that thing smell like? Cow
14 dung. (Inaudible).

15 MR. JENCKS: Not pleasant. Not pleasant at all.

16 MS. DE NAIE: So, Basil, was this down off of
17 Kaonoulu Street like where it comes down?

18 MR. BASIL OSHIRO: Yeah.

19 MS. DE NAIE: And then there's that big wetlands
20 on the -- across from Maui Lu? Yeah.

21 MR. BASIL OSHIRO: And (inaudible) on the ranch --

22 MS. DE NAIE: Yeah.

23 MR. BASIL OSHIRO: -- said it was about six inches
24 deep of mud, if they dig. Couple of the trees down, they
25 said this one rain, eh, we gonna get it.

1 MS. DE NAIE: Yeah.

2 MR. BASIL OSHIRO: And didn't take maybe about a
3 year later had that big rain, constant rain --

4 MS. DE NAIE: Yeah. And all the rubbish flushed
5 down.

6 MR. BASIL OSHIRO: Yeah. It was -- was a good
7 smell for a little while.

8 MS. DE NAIE: Well, you know, I have a map from
9 the 1930s that has that area there, right where the new
10 bridge is, you know, where the little narrow water is coming
11 across, it was like a much bigger area, and it was labeled
12 muliwai. So it was known as a muliwai at that time. And
13 even the 1950s maps, when you look at it, you know, it looks
14 different than it does today. In fact, this little gulch
15 comes out down by the ocean on those maps, as far as I could
16 tell. Yeah.

17 MR. BASIL OSHIRO: Well, if you get the old maps,
18 Sally, you can see, actually, how the water -- you can --
19 I'm quite sure you will be able to see how the water
20 actually flows. And if you try to divert that thing like
21 they did on mauka side of the lower Kihei Road, South Kihei
22 Road, try diverting all that water.

23 MR. NAEOLE: Flush it.

24 MR. BASIL OSHIRO: That's why it was underwater
25 for a little while.

1 MR. JENCKS: Yeah.

2 MR. BASIL OSHIRO: If they kept to the natural
3 flow and they didn't build so much on the wetland, I don't
4 think we would have that --

5 MS. DE NAIE: Well, then the water can spread out.
6 The wetland is for the water to spread out. By making it
7 the small channel like that, then, yeah, then it just --

8 MR. JENCKS: Speaking of the development, on the
9 makai side of the highway --

10 MR. BASIL OSHIRO: (Inaudible).

11 MR. JENCKS: Kaonoulu Estates.

12 MR. BASIL OSHIRO: Both sides of South Kihei Road.

13 MR. JENCKS: Yeah.

14 MR. BASIL OSHIRO: That's all wetland, from
15 Maalaea all the way to -- past Kalama Park.

16 MS. DE NAIE: So where Maui Lu is, too?

17 MR. BASIL OSHIRO: Maui Lu is wetland, too.

18 MR. NAEOLE: Azeka.

19 MR. JENCKS: It was -- it was at one time before
20 it was filled.

21 MR. NAEOLE: Ditches.

22 MR. BASIL OSHIRO: Yeah. Yeah, so that place gets
23 flooded, too. (Inaudible) --

24 MS. DE NAIE: It's a bad flood -- yeah.

25 MR. NAEOLE: St. Theresa's.

1 MR. JENCKS: St. Theresa's, same.

2 MR. NAEOLE: Yeah.

3 MR. BASIL OSHIRO: If they -- I think they follow
4 the right channels and watch how the drainage, the ditches
5 and stuff, and then save enough wetland where the water can
6 collect. By St. Theresa's is only place that's left.

7 MR. NAEOLE: Well, get that other one in the back
8 of -- what is the -- Longs --

9 MS. DE NAIE: Yeah, Longs Drugs. Yeah, they --

10 MR. NAEOLE: Longs Drugs, in the back.

11 MS. DE NAIE: They created it, yeah, which it
12 functions good. And they're gonna do one at that new place,
13 the courts, whatever they are. Yeah, they have to -- they
14 have to do a part there.

15 Daniel Kanahale asked me, said -- because he can't
16 be here this time, he said would I bring up that many
17 cultural practitioners have commented and feel that that
18 small gulch is a cultural feature of the land and that it
19 definitely should not just be, you know, viewed as some
20 convenient drainage that you can get rid of and have a
21 drainage someplace else. Everybody here sort of feel that
22 way?

23 MS. SALLY OSHIRO: Yes.

24 MS. DE NAIE: So is there any consideration in
25 this project not to -- not to fill that up and obliterate it

1 forever?

2 MR. JENCKS: Well, you know, we've looked at
3 that -- at that drainageway a couple of ways. Originally,
4 the original plan for the drainageway, when we bought the
5 land from the original owner, Henry Rice, it was gonna be
6 diverted to Kulanihakoi Gulch, 100 percent of it was going
7 to go over to the gulch. And I realized that if I did
8 that -- or if I allowed the civil plans to be completed to
9 do that, then that would be creating problems for other
10 people downstream, and that wouldn't be fair and wouldn't be
11 equitable. So the current plan provides for intercepting
12 the gulch, the drainageway, whatever you want to call it, on
13 the mauka side of the property and then putting it in a
14 culvert, down the alignment of East Kaonoulu Street with the
15 same terminus at the makai side of the property with no
16 increase in either quantity or speed.

17 MS. DE NAIE: So that means it gets filled in
18 because you're intercepting it?

19 MR. JENCKS: So what we're going to do is we're
20 going to use -- you know, the gulch crosses diagonally
21 across the land.

22 MR. BASIL OSHIRO: Yeah.

23 MR. JENCKS: Two parcels. A parcel, the 1,300
24 acre, which is at the very corner, which is designated to be
25 an affordable housing site, and then the larger piece below

1 that similar to -- and if you, in your mind, think about
2 the -- the overall acreage, there's a water line that the
3 County built years ago which serves Central and South Maui.
4 It cuts it diagonally right across. It's now the
5 hypotenuse. That's going to be rerouted as well.
6 Similarly, this drainageway cuts across these two pieces,
7 one more than the other. And no matter what we do here on
8 this property, whether it's -- it's the grading for the --
9 for East Kaonoulu Street or the project itself, it's gonna
10 be a problem. So, you know, we -- we tried to develop a
11 scenario within which we would divert it at the top, across
12 and down, without, A, increasing the volume or the capacity
13 or the quantity of water. So that we're not harming
14 downstream properties, which is important. And you can't do
15 that. It's not fair and equitable. With respect to
16 Kulanihakoi Gulch, there is no increase from that
17 drainageway, which complicates, Basil, what you were talking
18 about makai of the highway.

19 MS. DE NAIE: So that's not the question. The
20 question is not whether it has flow or not. That's one
21 question. You're saying it won't have flow, so it won't be
22 a problem because the flow --

23 MR. JENCKS: I'm saying -- what I said was we're
24 not diverting to Kulanihakoi Gulch to --

25 MS. DE NAIE: Yeah.

1 MR. JENCKS: -- increase the flow there. We are
2 going to intercept at the top, bring it right down East
3 Kaonoulu Street to the existing exit under the Piilani
4 Highway. There's a series of culverts under the highway
5 now, very large culverts, that -- that move water from --
6 you know the gas station area? There's a drainage
7 easement --

8 MS. SALLY OSHIRO: Right.

9 MR. JENCKS: -- on the highway.

10 MS. DE NAIE: Yeah, it's a big trough.

11 MR. JENCKS: Yeah. It's a concrete deal, that's
12 there as well. So those culverts handle all that water.

13 MS. DE NAIE: Yeah.

14 MR. JENCKS: But the water that we're going to
15 channel down will exit at the --

16 MS. DE NAIE: But it's not about the water, it's
17 about the feature itself, where it exists. It's a cultural
18 feature because folks lived along -- I mean, you can
19 see it's green when other things are dry, you know, there's
20 groundwater there, the water is following it. Brian, what
21 were you saying? You were saying there was like trees, you
22 couldn't even see the gulch when you were young.

23 MR. NAEOLE: You can't see. It was all covered,
24 that's why. Water was flowing, that's why you have
25 the greenery, yeah.

1 MR. BASIL OSHIRO: It's so green.

2 MS. DE NAIE: Yeah.

3 MR. JENCKS: Well, and that's the plan. We
4 have -- you know, whether you agree or disagree with the
5 Archaeological Inventory Survey, that's the plan. And we
6 have to move on from there.

7 MR. NAEOLE: Yeah.

8 MR. BASIL OSHIRO: Because the thing is, is what
9 you trying to say --

10 MS. DE NAIE: See, the green part is the gulch,
11 yeah.

12 MR. JENCKS: What do you mean, the low part?

13 MS. DE NAIE: Well, yeah, but there's -- there's
14 groundwater there, you know, too. It's like those trees can
15 keep living while everything else dries up.

16 MR. BASIL OSHIRO: Water is still flowing
17 underneath.

18 MS. DE NAIE: Yeah.

19 MR. BASIL OSHIRO: The thing what we trying to
20 tell you, you folks, is when you folks develop, you know you
21 guys gonna develop, to keep the natural drainage, don't
22 divert it, (inaudible) problems, you know. It's -- I don't
23 know. Maybe it's just, like I say, a gut feeling that --
24 because where you folks want to put the affordable housing
25 is where you folks have the big culverts. Right below that

1 culverts is where the reservoir or the punawai, when the
2 rain comes down, collects there, goes over that little
3 waterfall and goes down in the gulch and drains across the
4 road, you know, makai. And if you're going to divert that,
5 the water has its own mind on what way it wants to go.

6 MR. JENCKS: Sure.

7 MR. BASIL OSHIRO: You're going to try to divert
8 it, that lower side of Pi'ilani, problems. They're having
9 problems over there.

10 MR. JENCKS: Okay. Well, it's worth taking a look
11 at, then. We can certainly go back and talk about this
12 issue and see if there's -- if there's any way we can
13 address your concerns. Be happy to do that.

14 MS. SALLY OSHIRO: Excuse me. I think we brought
15 this up the second meeting we had at your office.

16 MS. DE NAIE: Yeah.

17 MS. SALLY OSHIRO: We did bring all this up.

18 MR. JENCKS: In the transcript for that meeting,
19 at the very end of the meeting, there was a discussion about
20 this drainageway. And I believe Daniel Kanahale asked me a
21 direct question. My response then is the same as it is
22 today. So, yes, it was brought up at the February --
23 February --

24 MS. SALLY OSHIRO: Yeah.

25 MR. JENCKS: -- 2015 meeting. It's in the

1 transcript. Yeah, you're right.

2 MS. SALLY OSHIRO: And is he not gonna listen,
3 then --

4 MR. JENCKS: Well, I --

5 MS. SALLY OSHIRO: No. But I'm telling you so you
6 can go back and explain.

7 MR. JENCKS: I'm listening -- I'm listening to you
8 as a different group. That was a group of people we pulled
9 together. This is a different group.

10 MS. DE NAIE: Actually, I think --

11 MR. JENCKS: Different --

12 MS. DE NAIE: I think all the same, all these
13 people.

14 MS. SALLY OSHIRO: Except we don't have the rest.

15 MS. DE NAIE: Yeah.

16 MR. JENCKS: What I'm saying is I'll take back
17 your concerns, see if there's something we can do. We'll
18 talk about it.

19 MS. SALLY OSHIRO: Yeah. Because if you don't
20 want any problems with the development --

21 MR. JENCKS: We certainly don't.

22 MS. SALLY OSHIRO: Yeah. So --

23 MR. JENCKS: I agree. I agree.

24 MS. DE NAIE: I don't know, Basil, you want to
25 talk about the shelter along the gulch, too? Again, a few

1 pictures.

2 MR. BASIL OSHIRO: Yeah. It's cultural kind of
3 stuff. Charlie should look at it.

4 MS. DE NAIE: Wait a second. Let me find that
5 stuff. So if you look from --

6 MR. JENCKS: Do you have a location map, Lucienne?

7 MS. DE NAIE: Yeah. Yeah, yeah. So we have a
8 location map --

9 MR. BASIL OSHIRO: Everyone is --

10 MS. DE NAIE: So you find 3740, Site 3740, you see
11 there's kind of like a bend in the --

12 MR. JENCKS: Yeah, it's right here.

13 MS. DE NAIE: Okay. So just makai of that --

14 MS. SALLY OSHIRO: 3740?

15 MS. DE NAIE: Yeah.

16 MR. BASIL OSHIRO: I think the only thing we
17 didn't find was picture of --

18 MS. DE NAIE: Yeah. So just -- just --

19 MR. BASIL OSHIRO: Somebody cleared the area out,
20 like the homeless.

21 MS. DE NAIE: Just makai. So here's the gulch.
22 And the gulch is about to make that -- that bend.

23 MR. JENCKS: Oh. So you're talking this area
24 right here?

25 (Multiple speakers.)

1 MS. DE NAIE: 3740 is just a little bit mauka of
2 that.

3 (Multiple speakers.)

4 MR. JENCKS: So this is kind of going like this?

5 MS. DE NAIE: Yeah. The gulch is going like this.

6 MR. JENCKS: Wrapping around.

7 MS. DE NAIE: Yeah, it's wrapping around. This is
8 like a little hill above the gulch.

9 MR. JENCKS: Okay. All right.

10 MS. DE NAIE: So you see these two rocks. Then
11 when you get near, you realize that it's actually like a
12 little shelter that's been, you know, formed into a shelter.

13 MR. JENCKS: So did you -- when you guys did the
14 site walk, did you point this out to Erik?

15 MS. DE NAIE: No, because we didn't go down there.
16 We went further up.

17 MR. BASIL OSHIRO: I went up to the dam. And they
18 didn't have enough time.

19 MR. JENCKS: Did you know about this when you did
20 the site walk?

21 MR. KAPAHULEHUA: No.

22 MS. DE NAIE: I'm not sure if we did.

23 MR. JENCKS: So you've been back out on the
24 property since --

25 MS. DE NAIE: Yeah. This is -- this is -- this

1 is -- yeah, because we wanted to find the thing to show --
2 to show the archaeologist. We wanted to find -- this is the
3 other site, the talking stone, the oracle stone, yeah.

4 MR. JENCKS: Can I make a note on this map?

5 MR. DAVIS: Yes.

6 MS. DE NAIE: Yeah.

7 MR. JENCKS: All right. So may I have this?

8 MS. DE NAIE: Yeah, you may.

9 MR. KAPAHULEHUA: Makai side of 3740.

10 MR. JENCKS: So -- so if I see --

11 MS. DE NAIE: So here's 3740. That's what 3740
12 looks like. It's -- it's rocks stacking along the side.

13 MR. JENCKS: So these -- these rocks, the rocks
14 you're talking about in this picture --

15 MS. DE NAIE: Yeah.

16 MR. JENCKS: -- are on the mauka side of the
17 channel, of the drainageway, and on this side or this side?

18 MS. DE NAIE: They're on the south side. Yeah,
19 the south side. And they're makai of this site. So this
20 site is -- is lining --

21 MR. JENCKS: Are we looking -- are we looking
22 makai or we're looking --

23 MS. DE NAIE: Yeah. This would be mauka, this
24 would be makai.

25 MR. JENCKS: Okay. So we're -- so these are the

1 rocks you're talking about?

2 MS. DE NAIE: Those are the -- yeah, you see
3 those.

4 MR. JENCKS: So if this is the drainageway, then
5 these rocks are on this side of the drainageway, looking
6 mauka?

7 MS. DE NAIE: They're on the south. Yeah.

8 MR. JENCKS: Okay.

9 MS. DE NAIE: Well, they're -- they're on --
10 they're going towards Makena.

11 MR. JENCKS: On this side. Yeah, on the Makena
12 side. So --

13 MS. DE NAIE: Yeah.

14 MR. JENCKS: Okay. So this is --

15 MS. DE NAIE: And so on -- on both sides, there's
16 some stacking similar to this. There's a lot more stacking
17 that's associated with this site.

18 (Multiple speakers.)

19 MS. SALLY OSHIRO: This must be at the site she
20 talking about?

21 MS. DE NAIE: Yeah, we were taken --

22 MR. JENCKS: Is this 3740?

23 MS. DE NAIE: This is 3740. There's a flag there.
24 We were taken to that site.

25 MR. JENCKS: Okay.

1 (Multiple speakers.)

2 MS. DE NAIE: Then the other thing is about that
3 site is it appears --

4 MR. JENCKS: Okay, guys, we got to limit because
5 we're recording.

6 MS. DE NAIE: Sorry.

7 MR. JENCKS: We're going to get a transcript. So
8 we gotta limit who is talking at the same time. Okay?

9 MS. DE NAIE: So it appears that a Pueo is using
10 this because there were droppings and then there's the
11 pellets underneath that have all the little mice -- you
12 know, these are typical Pueu pellets. So --

13 MR. JENCKS: And where is this?

14 MS. DE NAIE: This is -- this is the little shelf.
15 So this site, the picture I gave you has --

16 MR. JENCKS: Oh.

17 MS. DE NAIE: -- has like a little shelf in it.

18 MR. JENCKS: That's all right here? Oh, I see the
19 rock.

20 MS. DE NAIE: Yeah. You can see the droppings.

21 MR. JENCKS: Okay.

22 MS. DE NAIE: So that's a Pueo habitat in -- in
23 our opinion, anyway, from --

24 MR. JENCKS: Okay.

25 MS. DE NAIE: -- from -- from seeing it. And then

1 from that site -- so here's the top of that big rock, and
2 then there's modifications from there, too, it's filled in,
3 leading up to Site 2740. So --

4 MR. JENCKS: 3740?

5 MS. DE NAIE: 3740. So those are -- 3740 --

6 MR. JENCKS: So these were all the same rock area?

7 MS. DE NAIE: Yeah. In other words, you had the
8 two sides of the gulch. 3740 are stackings on two sides of
9 the gulches -- of the same gulch.

10 MR. JENCKS: All right.

11 MS. DE NAIE: On the north side and the south
12 side. And then this is a little bit makai of where those
13 were recorded. Those were recorded, you know, back in
14 the -- 1994. And then this is a little bit makai. You
15 know, the feeling that we had is that the general area,
16 though, should be like cleaned. And you would probably see
17 more features because there's just, you know, a lot of -- a
18 lot of alignments of pohaku in that particular area. And,
19 you know, it's -- it's another wrinkle in the -- in the
20 mystery of what -- you know, what this whole gulch was
21 utilized for.

22 MR. JENCKS: Okay. Thank you. We'll take a look
23 at that.

24 MS. DE NAIE: Okay.

25 MR. BASIL OSHIRO: If you see historical, we would

1 like to preserve it so we can teach, yeah, the younger
2 generation that don't have a clue what's going on, show how
3 our ancestors used to live.

4 MS. SALLY OSHIRO: (Inaudible).

5 MS. DE NAIE: That's the dam.

6 MR. BASIL OSHIRO: (Inaudible). It's not about
7 trying to stop --

8 MS. DE NAIE: The one other thing that we noticed
9 is that when you're in the gulch at that point, right below
10 the rock, you're really looking straight at Kahoolawe, very
11 much aligned with Kahoolawe. I mean, it's what you see, is
12 that, you know -- yeah. So, you know, for -- for a Hawaiian
13 sense of things, that is something to take into account,
14 what you're seeing from a particular place.

15 MR. JENCKS: Okay. Thank you.

16 MR. BASIL OSHIRO: Like you said, it's -- it's a
17 pathway, mauka to makai. I'm quite sure that area was a
18 resting area. (Inaudible.)

19 (Multiple speakers.)

20 MR. BASIL OSHIRO: A circle of flat rocks, I
21 couldn't -- I didn't have a GPS so I couldn't actually mark
22 it. So going back, when you folks was down side, I was up
23 there, where is that place at now, you know.

24 MS. DE NAIE: Yeah. See, Basil saw a lot of stuff
25 on the site visit that we didn't have time to go because,

1 you know, we had so much to see already.

2 MR. BASIL OSHIRO: I didn't want to go to old
3 sites, I wanted to go to the -- look for something, somebody
4 was pointing where to go.

5 MS. SALLY OSHIRO: Exactly.

6 MS. DE NAIE: Well, it was good to see the other
7 ones, too, but it would have been nice if we could have
8 like, you know, checked out more stuff, yeah.

9 MR. JENCKS: Well, we modified the -- subsequent
10 to that site visit, we modified the AIS to reflect things
11 that were discovered or found or added. We added additional
12 sites to the -- to the AIS. Correct me if I'm wrong, Brett,
13 but we added --

14 MR. DAVIS: I don't think that we did, Charlie.

15 MR. JENCKS: Okay. But we noted them?

16 MR. DAVIS: We noted -- yeah, we noted the extra
17 sites.

18 MR. JENCKS: And I think there are -- some of them
19 would be included in the data recovery?

20 MR. DAVIS: I think that we -- that we agreed to
21 that.

22 MR. JENCKS: Okay.

23 MS. DE NAIE: Okay. But I have my notes from that
24 right here. And so we asked that Sites 3736, 3730, 3731,
25 3732 and 3745, as well as the natural stone that Kumu Lee

1 felt was associated with eclipses, all be considered for
2 preservation. So Daniel also asked, you know, could you get
3 an update on what happened from that request. That's why I
4 brought my notes.

5 MR. JENCKS: What we can do is have Brett get back
6 to you on those. Okay?

7 MR. DAVIS: Charlie, the stone that she's
8 mentioning is Number 1 there on my -- circled right there.

9 MR. JENCKS: Okay.

10 MR. DAVIS: And that's -- you know, that's
11 where -- Lucienne, right before you came in, we were
12 talking -- Charlie was talking about vertical preservation
13 of sites.

14 MS. DE NAIE: Uh-huh.

15 MR. DAVIS: And that was the site that was really
16 important during our site visit.

17 MR. JENCKS: Okay. All right.

18 MR. DAVIS: About keeping it in that location and
19 bringing it straight up.

20 MR. JENCKS: And context is important.

21 MS. SALLY OSHIRO: Are you folks talking about
22 this one?

23 MS. DE NAIE: No. No, not yet.

24 MS. SALLY OSHIRO: Different one, oh.

25 MS. DE NAIE: No. Because we never got to see

1 that one.

2 MS. SALLY OSHIRO: Oh, okay.

3 MS. DE NAIE: No. We saw the -- the eclipse
4 stone.

5 MR. DAVIS: Eclipse.

6 MS. DE NAIE: Yeah, the -- yeah. Yeah.

7 MR. DAVIS: There was a second stone that we
8 talked about, but we didn't visit it.

9 MS. DE NAIE: Here are pictures of it.

10 MR. DAVIS: Those are pictures?

11 MR. JENCKS: Is that Number 2 here?

12 MR. DAVIS: That is.

13 MS. DE NAIE: Sally, you like talk about that?

14 MS. SALLY OSHIRO: Okay. We went and -- we had a
15 meeting and then we ended up going down there one night.
16 And we had a lady with us that insisted on taking a picture.
17 And I was telling her that, no, because she -- this rock is
18 a female. And she was adamant about being left alone. She
19 doesn't want to be moved. She wants to be here. And she
20 plopped things on it and whatnot. I kept taking it off.
21 And, finally, when she did plop it, it knocked it down,
22 something knocked it down. So she picking everything up and
23 redoing it and putting on top. The next time it went down,
24 a mouse came along and ate it. That's what she said. And I
25 said, "No."

1 MR. JENCKS: No. No.

2 MS. SALLY OSHIRO: But Daniel was playing on the
3 rocks like a little child, because this was all childrenly,
4 for a place where the children played. So that the adults
5 would be around here and they were doing -- they stargazing
6 and whatnot, and mapping out things. Okay. That's this
7 area. So she was overly protective. Finally, in the end,
8 she insist -- the lady that was there insisted on taking a
9 picture. So I asked permission, and she said, "Yes, two."
10 She already took pictures of Danny playing on the rock.

11 MR. JENCKS: Dan --

12 MS. SALLY OSHIRO: Kanahale, okay. And was cute
13 because he was like a little child, like something just came
14 over him and he was hopping around and enjoying himself.

15 MR. JENCKS: So, this is -- all these rocks are
16 located in this Number -- Number 2?

17 MS. DE NAIE: No.

18 MS. SALLY OSHIRO: This is makai side.

19 MS. DE NAIE: No. This rock is --

20 MS. SALLY OSHIRO: Way down.

21 MS. DE NAIE: There's a road over here. There's a
22 corral.

23 MR. JENCKS: Yeah.

24 MS. DE NAIE: You know there's a corral. And
25 there's a road that kind of goes right beyond the corral.

1 MR. JENCKS: Yeah, right. Right.

2 MS. DE NAIE: And if you go a little bit beyond
3 the corral, maybe 300 feet, something like that --

4 MR. JENCKS: Okay.

5 MS. DE NAIE: -- right to the left-hand side of
6 that road is this little grouping of rocks. I mean, you can
7 see 'em because it's like -- it looks different from
8 other -- I mean, here's the -- here's kind of a picture of
9 what they look like. So this is the lock -- the rock that
10 Sally is referring to, but it lines up with a bunch of other
11 rocks. Like this is that same rock and you can see that
12 there's rocks all in a line here.

13 MR. JENCKS: So it's pretty obvious.

14 MS. DE NAIE: It's pretty obvious, yeah. And it's
15 just right off that -- that little dirt road if you -- if
16 you walk the dirt road right past the corral on the -- you
17 know, on the Kihei side of the corral, you'd see this little
18 spot. We didn't get a chance to go to it.

19 MR. JENCKS: So was this a part of the site walk
20 that you did?

21 MS. SALLY OSHIRO: No, not with you folks.

22 MS. DE NAIE: We -- we said we were going to go
23 back.

24 MR. JENCKS: I feel obliged to ask you --

25 MS. SALLY OSHIRO: Yes.

1 MS. DE NAIE: -- if you're going to go onto this
2 property --

3 MS. SALLY OSHIRO: Yes.

4 MR. JENCKS: -- that you let somebody know you're
5 going to be out there.

6 MS. SALLY OSHIRO: Oh, we always ask permission.

7 MR. JENCKS: From who?

8 MS. SALLY OSHIRO: The land.

9 MR. JENCKS: Okay. And, look, I respect that. I
10 think that's important.

11 MS. SALLY OSHIRO: I knew that was going to
12 happen.

13 MR. JENCKS: The problem is there's a whole bunch
14 of attorneys who really don't care about that. I do. Okay?
15 So if you're going to go out on this property, just so it's
16 on record, you need to call me.

17 MS. SALLY OSHIRO: Okay.

18 MR. JENCKS: And ask permission.

19 MS. SALLY OSHIRO: All right.

20 MR. JENCKS: Okay. I'm not going to object to it.
21 I just need to know who is going out there and when. Going
22 on the property at night is not a good idea.

23 MS. SALLY OSHIRO: Oh, we went early evening.

24 MS. DE NAIE: This was years ago.

25 MS. SALLY OSHIRO: This was years, okay. But I

1 want to tell you that she took picture, first one, it's all
2 black. So she said, "No. Wait, wait. Got to take one
3 more." It didn't come out. So she took another one. It
4 didn't come out. And I said, "Don't take any more. She
5 already said two." And it was so funny because she took
6 another picture later, but not of the rock, and it came out.
7 And the two didn't come out.

8 MR. JENCKS: Interesting, yeah. Okay. Just call
9 me, call my office, let me know when you want to go. Just
10 so we know, so if something happens, we know people were out
11 there. There's poachers. It's not as comfortable a place
12 as it could be. And that's why I just -- if I know you're
13 out there, then you're covered and I'm covered. Okay?
14 Good. All right.

15 MS. DE NAIE: You know, they live right around the
16 corner from here.

17 MR. JENCKS: That's fine. That's fine. They
18 don't live on the property, though.

19 MS. DE NAIE: No, no, no, no, no. I mean,
20 Sally -- Sally, she was telling, she goes, "I remember
21 coming here years ago when I worked at the farm." She
22 worked at the farm that used to be -- you know where
23 Monsanto fields are.

24 MR. JENCKS: There are clear rights as Hawaiians
25 for gathering, cultural practices. And I am telling you I

1 honor those rights, okay, but it's for Hawaiians.

2 Hawaiians.

3 MR. BASIL OSHIRO: What's that law that --

4 MR. JENCKS: And it's also -- it's also -- well,
5 this is (inaudible), okay, state law, it's also for people
6 who live in that area. I don't want to get into that. I'm
7 just saying --

8 MS. SALLY OSHIRO: I know what you're saying.

9 MR. JENCKS: -- there's just proper protocol. And
10 even then, you're supposed to at least discuss I want to go
11 on the property, just respect both sides.

12 MS. SALLY OSHIRO: Okay.

13 MR. JENCKS: Okay. Any more comments, Basil?

14 MR. BASIL OSHIRO: Okay. I know Willy and I went
15 through these, at least give us time, like, say, a couple
16 weeks, so we can get our people together, too, you know, in
17 the moku. So it didn't happen. Brett sent me email on
18 Monday. So good thing that I looked at the email on that
19 Monday. Otherwise, I wouldn't be here, because we're having
20 other kind of crazy things happening and --

21 MR. JENCKS: Everybody is busy, Basil.

22 MR. BASIL OSHIRO: Yeah. So --

23 MR. JENCKS: Everybody.

24 MR. BASIL OSHIRO: Sometimes I don't look at my
25 email for three or four days, and then just so happen I was

1 on the site and then it clicked on, said, ooh, somebody --

2 MR. KAPAHULEHUA: We'll give advance notice.

3 MR. JENCKS: Sorry?

4 MR. KAPAHULEHUA: We'll give advance notice.

5 MR. BASIL OSHIRO: Yeah. This way it's not a
6 surprise.

7 MR. KAPAHULEHUA: Advance notice.

8 MR. JENCKS: Okay. I think -- I think it's a good
9 idea that, in the context of this project, as we move on,
10 that we probably should meet on a regular basis to discuss
11 where we are, the status of what's going on. I think that's
12 a good idea.

13 MR. BASIL OSHIRO: Keep us posted.

14 MR. JENCKS: And keep you posted. I think that's
15 fine. That probably should come from Brett, actually, not
16 this character here.

17 MR. BASIL OSHIRO: Well, he --

18 MR. JENCKS: Because he's busy. But I think if
19 we're gonna -- if we can -- we have some things we got to
20 get done, the process will start, whether it's design
21 issues, even the data recovery concept that we talked about
22 earlier, the participation on that. Giving you good notice,
23 I think, is important. And we'll definitely do that.

24 MR. BASIL OSHIRO: Yeah, so we can actually pass
25 the word out to the -- to the people that's involved in the

1 area. This way, they -- they got to bring out their manao.

2 MR. JENCKS: Okay. Basil, if -- instead of us
3 shooting in the dark -- and maybe I shouldn't use that
4 term -- if you could help us with some names and some --
5 some contacts, that would be helpful.

6 MR. BASIL OSHIRO: The thing is the contacts, I
7 have Brian here, Vernon Kalanikau, (Inaudible) Lani,
8 Keaumoku, Daniel, Kay, Lucy, Timmy Bailey.

9 MS. DE NAIE: Eldon Liu --

10 MR. BASIL OSHIRO: Yeah.

11 MS. DE NAIE: -- should meet us in the moku.

12 MR. BASIL OSHIRO: Yeah. And then we'll hui with
13 Honua`ula so (inaudible), me and Tanya, and then Aha Moku O
14 Maui, we have Nadine, Genai.

15 MR. JENCKS: So, Basil, if you wouldn't mind, when
16 he emails you, when Brett gets that email, send 'em back so
17 that we have the names.

18 MR. BASIL OSHIRO: Yeah. See, all the email that
19 Brett sent me, without -- you know, a few of us only got it.
20 The rest of 'em, I got kinda huhu because I said
21 (inaudible). Then Lucienne calls me and said, oh, I get one
22 (inaudible) that's good, you know. So we're here, it's a
23 small group, otherwise, we would be about 12 people here,
24 not including you four guys over here.

25 MR. NAEOLE: Give us time for schedule, yeah.

1 MS. DE NAIE: Yeah, yeah, yeah.

2 MR. NAEOLE: Actually, was too fast.

3 MS. DE NAIE: Yeah, too fast.

4 MR. NAEOLE: Notification was --

5 MS. DE NAIE: Yeah. Daniel was very disappointed
6 that he couldn't be here.

7 MR. BASIL OSHIRO: Yeah, couldn't come.

8 MS. DE NAIE: Yeah.

9 MR. NAEOLE: Auntie -- you get all that
10 information, Brett?

11 MR. DAVIS: I'm going to ask for it.

12 MR. NAEOLE: (Inaudible).

13 MR. DAVIS: If you could email me the list, I
14 think --

15 MR. BASIL OSHIRO: Well, the thing is if I --

16 MR. DAVIS: Or I can --

17 MR. BASIL OSHIRO: If you send me the stuff, then
18 whatever is happening, instead of BCC that I can put these
19 guys all on CC, then you gonna have their email. I'm quite
20 sure they wouldn't mind. One another one, Jacob Mau, which
21 I don't know how to get in touch with him.

22 MS. DE NAIE: Yeah, you have to call Jacob. Yeah.

23 (Multiple speakers.)

24 MS. DE NAIE: And we got -- we gotta pick him up
25 because he cannot drive no more.

1 MR. BASIL OSHIRO: And then you can contact the
2 other lineals that you know.

3 MS. DE NAIE: Yeah. And people keep -- keep
4 appearing, too. I keep meeting more people. You know, you
5 meet other folks who have the other pieces of the puzzle.

6 MR. BASIL OSHIRO: This way, Charlie, you can get
7 the manao from the -- from the kupuna, how the -- that place
8 was actually utilized. Once the cattle went in there, wow.

9 MR. JENCKS: Well, I remember at the meeting we
10 had in February a year ago, we had a really good discussion.
11 It was really interesting reading the transcript again
12 because we had -- we had a number of people that talked
13 about living on the ranch, some of the people that
14 they worked with, worked for.

15 MS. DE NAIE: Fishing, gathering below.

16 MR. JENCKS: And that was, I thought, very, very
17 helpful.

18 MR. BASIL OSHIRO: And Flo here is one of the --

19 MS. LANI: My dad.

20 MR. JENCKS: Right. I think you spent a lot of
21 time talking on the transcript about driving up and down,
22 getting water in Kulanihakoi Gulch and using dynamite. I
23 didn't want to get into that too much.

24 MS. LANI: My dad.

25 MR. JENCKS: It sounded like some pretty crazy

1 things. And, also, there was a lot of discussion about what
2 was happening on the makai side of the Pi'ilani, the
3 gathering that was happening on the shoreline.

4 MS. DE NAIE: Yeah.

5 MR. JENCKS: You know, how that's evolved over
6 time. So it was a really good thorough discussion. I
7 suggest to you, when you have a chance, you know, look at
8 that, when that document comes out, read the transcript,
9 because it will be in the appendices. It's very
10 interesting.

11 MS. DE NAIE: And you know what, when we was on
12 the site visit -- and I think Brett took some notes on it --
13 but when Michael Lee -- when we were at the eclipse stone
14 and Michael and -- and Kimokeo were really tuning in to the
15 view planes there and how they connected, and, you know,
16 they were like just -- really some valuable information as
17 far as generational knowledge kind of thing was coming out.
18 So I hope there's a way that that can be captured, too,
19 because people don't always remember exactly what they said.
20 You know, in the moment sometimes you're just inspired to --
21 to -- thoughts come through, you know. So that -- that walk
22 was, in my opinion, very valuable because we got to hear
23 from everybody, you know, when we went to places. And the
24 archaeologists were so helpful. They really -- they really
25 seemed very interested in wanting to find more things and,

1 you know, wanting to figure out how they related to one
2 another. So it was -- it was a pleasant experience, I
3 think, all the way around. I mean, I know Mr. Lee felt a
4 little bit like no one was taking good notes, but, you know,
5 I think that we found out there were some notes being taken
6 and --

7 MR. JENCKS: Well, the interview was done.

8 MS. DE NAIE: Yeah. And then he's had an
9 interview, too, to share more. But, anyway, I think
10 continuing it -- Daniel definitely wanted to ask about the
11 status of the sites. And I think people here would say that
12 data recovery is not the answer for the sites. We want to
13 know if there's any possibility that they are going to be
14 preserved within any of the project design and, you know,
15 because data recovery could even show they're very
16 important. And if there's no intention to preserve them,
17 it's like that's just all for nothing. So --

18 MR. JENCKS: Well -- okay.

19 MR. BASIL OSHIRO: It's a education.

20 MR. JENCKS: Prior to you arriving, I went through
21 that.

22 MS. DE NAIE: Okay.

23 MR. JENCKS: I'll go through it one more time. We
24 have -- we have an accepted Archaeological Inventory Survey
25 from SHPD. That report includes a recommendation for data

1 recovery. And my recollection is that the vast majority of
2 the sites, Brett, are gonna have data recovery.

3 MR. DAVIS: Uh-huh. That's correct.

4 MR. JENCKS: -- done. We don't know what these
5 sites are until we do the data recovery. So to say what
6 they are prior to doing that is really not proper. The
7 assumption that we're making at this point is that the data
8 recovery will be done, the documentation will be complete.
9 The cultural community is invited to participate in that
10 process and learn and work. It's gonna be hot, it's gonna
11 be dusty, but it's gonna be a learning experience. And the
12 goal here is to learn as much about -- through the data
13 recovery process of this site, learn more about the site,
14 and bring that knowledge vertically into the project. If
15 that is -- and I -- you know, I think this is rather
16 intriguing, these rocks, their location. What if we took
17 those rocks and put them in the same configuration --

18 MS. DE NAIE: No.

19 MR. JENCKS: -- way up on the property.

20 MS. DE NAIE: No.

21 MR. JENCKS: Okay.

22 MS. DE NAIE: No.

23 MR. JENCKS: All right.

24 MS. DE NAIE: No. That is not cultural. That's a
25 simul con. That's you're simulating Hawaiian culture.

1 Please.

2 MR. JENCKS: Moving on to another idea.

3 MS. DE NAIE: We got to move on, but I'm gonna
4 say.

5 MR. JENCKS: That wasn't received very well.
6 Taking the data we receive from the data recovery process,
7 putting it all together, and, like I said earlier, taking
8 that and bringing it vertically into the project in a way
9 that we can recognize the cultural history on the property.
10 This is -- this is assuming that we don't find something
11 hugely significant to the data recovery process. We don't
12 know what we're gonna find. We have to go through the
13 process. But the approach right now is we gather all that
14 material, all the documentation, the knowledge, and we bring
15 that vertically into the project and create something in the
16 project or in a variety of places in the project that
17 reflect this history on the property.

18 MS. DE NAIE: Okay. Daniel asked me to say one
19 other thing. You know, he likes the law. And he said, you
20 know, an AIS was accepted that said six of the sites were
21 missing and couldn't be relocated. We now know that they
22 are relocated. So that AIS, under the law, is -- is not
23 sufficient. It should be reopened. And someone can request
24 that it be reopened. So if you want to go through that
25 process, there are people who would request that it be

1 reopened, would challenge it, and so forth and so on. And
2 if new information is available like that, the law allows an
3 AIS to be reopened. Or we can do it the nice way and just
4 say, look, the AIS should be amended and it should include
5 this information that those six sites are not lost, that
6 some of them are considered very culturally important by
7 folks. And, yeah, you could do data recovery, whatever, but
8 let's not like pretend that that AIS was complete when it
9 said six sites were -- were lost and they're not lost.
10 They're right there and we visited all of them. So,
11 anyway --

12 MR. JENCKS: We'll --

13 MS. DE NAIE: I didn't put this as diplomatically
14 as Daniel would have, but he said --

15 MR. JENCKS: That's fine.

16 MS. DE NAIE: -- please -- please bring this up.

17 MR. JENCKS: I -- I get it and I understand the
18 issue and we'll work to address it.

19 MS. DE NAIE: Okay.

20 MR. JENCKS: Thank you very much for your comment.

21 MS. SALLY OSHIRO: I had explained about that
22 rock. And you -- it went right over you. So if you're not
23 going to pay attention to it --

24 MR. JENCKS: No. I --

25 MS. SALLY OSHIRO: Should -- should we meet with

1 Marco? Marco was very willing to --

2 MR. JENCKS: Who is Marco?

3 MS. DE NAIE: Marco is --

4 MR. KAPAHULEHUA: The archeological guy who works
5 for --

6 MS. DE NAIE: Marco Molina. He works with Erik.
7 He was very willing to, with your permission, schedule a
8 re-thing to go out there with folks who knew where that site
9 was and look at some of the stuff. Because Basil brought
10 out about how he had seen this dam area and so forth and so
11 on. Should we try to do that officially, and -- and show it
12 to him so that it's not like we're showing you a picture?

13 MR. JENCKS: I think that's a possibility --

14 MS. DE NAIE: And he could GPS it on a map.

15 MR. JENCKS: -- in the future. We still have some
16 things we're working on right now. And let's see where we
17 go. It's a possibility.

18 MS. DE NAIE: He's -- he's your consultant, but he
19 gave us his email, and -- and I'm seeing it right on my map
20 here, and telephone number. And he was actually very
21 interested in seeing these other things, but, you know --

22 MR. JENCKS: We may get -- we may get to the point
23 where another site visit like that is needed. And
24 certainly --

25 MR. BASIL OSHIRO: Yeah. We look forward to that

1 because --

2 MR. JENCKS: Okay.

3 MR. BASIL OSHIRO: If that thing wasn't so
4 overgrown, I think we can see most stuff.

5 MR. JENCKS: It's pretty dry now. Pretty dry.

6 MS. DE NAIE: Yeah. So it could be a good time in
7 the near future. And then he could check out the areas
8 around 3740, too, and, you know, see -- see how much they
9 had recorded in the past. I mean, they recorded, obviously,
10 the fact that there's something there. It's just it didn't
11 go far enough makai.

12 MR. BASIL OSHIRO: Yeah, because the water --
13 water control with the walls and stuff.

14 MR. JENCKS: Yeah. That's how they're described.

15 MR. BASIL OSHIRO: And like I say, I'm quite sure
16 that punawai is filled up over there through the hundreds of
17 years of nobody doing anything to it, silt built up.
18 Because you can't, you see, one side -- no -- mauka, higher,
19 and then makai a little bit lower where the thing would
20 channel out. If that punawai would get overflowed and then
21 the dam itself, and then it goes -- from the dam, it goes
22 pretty deep. More to mauka you go, the deeper that gulch
23 gets.

24 MS. DE NAIE: And, Basil, do you think anything
25 like this maybe was done because it needed to work with the

1 fisheries practices down below or anything?

2 MR. BASIL OSHIRO: I'm quite sure they wanted to
3 control the flow of that big water.

4 MS. DE NAIE: Yeah.

5 MR. BASIL OSHIRO: That's what it's all about.

6 MS. DE NAIE: Yeah. And when you say "they," it's
7 not maybe the ranch, it's --

8 MR. BASIL OSHIRO: No, no.

9 MS. DE NAIE: -- maybe people before the ranch
10 that --

11 MR. BASIL OSHIRO: The ancestors.

12 MS. DE NAIE: Yeah.

13 MR. KAPAHULEHUA: They always try to control the
14 silt.

15 MS. DE NAIE: Yeah. Because not dumb, you know,
16 they figured it out.

17 MR. BASIL OSHIRO: They knew how to flow the water
18 down so all that opala wouldn't go in the water.

19 MS. DE NAIE: Yeah.

20 MR. BASIL OSHIRO: And you can see in that gulch
21 where all the old branches from the kiawe all piling up
22 because --

23 MR. KAPAHULEHUA: Outside.

24 MR. BASIL OSHIRO: Yeah.

25 MS. DE NAIE: Yeah, the debris comes in the gulch.

1 That's -- every time I've been in that gulch, it's --

2 MR. BASIL OSHIRO: You can tell the water, you
3 know, just recent that water that flow in the last -- you
4 know, had a pretty good rain.

5 MS. SALLY OSHIRO: Good thing (inaudible).

6 MS. DE NAIE: Yeah, we could (inaudible).

7 MR. JENCKS: Is there anything else you want to
8 add so we can wrap this up?

9 (Multiple speakers.)

10 MR. BASIL OSHIRO: The last thing I would kind of
11 recommend, if leave the natural drainage for the gulches.
12 Is it a filling in? Because I'm quite sure, you fill it in,
13 like makai of Pi'ilani --

14 MR. JENCKS: Uh-huh.

15 MR. BASIL OSHIRO: -- you're gonna have problems
16 up there with flood, yeah. Because Mother Nature has its
17 own way of doing things. The Kula Hawaiian Homes, see
18 their -- their problems -- still having their problems up
19 there because of diversions of the water flow.

20 MR. JENCKS: Okay.

21 MR. BASIL OSHIRO: So we would very much to keep
22 that --

23 MR. JENCKS: That's kind of a recurring theme in
24 your desire discussion, that's been something that you've
25 focused on in a number of ways. And so I think that's --

1 like I said earlier, we'll take a look at that.

2 MR. BASIL OSHIRO: Do good consideration on it
3 because it probably -- I don't know if Goodfellows gonna be
4 around yet to fix the problem if it ever happens. I can see
5 I probably not gonna be around, but it's gonna happen when
6 they get that big water come down.

7 MR. JENCKS: Okay.

8 MR. BASIL OSHIRO: If you fill up the area in
9 divert the streams.

10 MR. JENCKS: Okay.

11 MR. NAEOLE: I got one question to ask.

12 MR. JENCKS: Sure.

13 MR. NAEOLE: Maybe if you look into the history of
14 that area, like maybe with the County, you know, and like
15 future damages, how severe it was, you know, what year, you
16 might have a calculation of when the storms occur. Because
17 there's findings that it happens every like 10 years, maybe
18 less, but it all depends on the climate.

19 MR. JENCKS: As it relates to flooding and --

20 MR. NAEOLE: Correct.

21 MR. JENCKS: -- that kind thing.

22 MR. NAEOLE: Okay. Because I remember when we
23 were little -- well, when I was a little kid, I used to go
24 with uncle, you know, on the ranch, used to work for Henry
25 Rice. So we used to check water, the trucks. And then

1 sometimes we cannot come home because the water is so big
2 and you're in between two gulches and they're like tidal
3 waves. And you gotta sleep right there. So, you know, it's
4 good to analyze in those areas how severe it is because you
5 don't want to build something right in that area and you're
6 gonna have, you know, one catastrophic damage. And, you
7 know, the -- the weather today is getting a little stronger
8 than what it was, you know, before, yeah. If you look all
9 around the world, what is happening, you know. And, you
10 know, we don't want to see that -- that disaster coming in
11 right in arm's where -- you know, arm way -- arm's way. So
12 you, you know -- something to check into.

13 MR. JENCKS: Sure.

14 MR. BASIL OSHIRO: Yeah, historical records.

15 MR. NAEOLE: Because you can kind of get a better
16 knowledge, you know.

17 MS. DE NAIE: Brian, what year frame was that when
18 you and your uncle would go and do those runs?

19 MR. NAEOLE: Back in '79.

20 MS. DE NAIE: Okay.

21 MR. NAEOLE: Yeah.

22 MR. JENCKS: Seventies, huh?

23 MR. NAEOLE: The truck with Henry Rice, you know
24 that one through radio. Once upon a time, I was fortunate
25 to have that opportunity to work on the ranch, you know.

1 And you can -- as you grow old, where do you go, you know.
2 So my -- my history was a meat cutter all my life, so, you
3 know, it's good to go back to that history and remember all
4 these, you know -- these -- these memories.

5 MR. JENCKS: Sure. That's good input, Brian.
6 Good idea.

7 MR. BASIL OSHIRO: Gotta look for the kupuna.

8 MR. NAEOLE: Yeah.

9 MR. BASIL OSHIRO: And then the guys that used to
10 live up the ranch that took care of the water and stuff like
11 that, that passed already. So they would know about. The
12 other person, I cannot remember his name, I know his first
13 name is Joe, and had that Kaonoulu Ranch. And they're
14 working for Ulupalakua Ranch. They're the ones that spread
15 that Buffalo grass seed all over the place that has been
16 invasive.

17 MR. JENCKS: Everywhere.

18 MS. DE NAIE: Thank you.

19 MR. BASIL OSHIRO: So he told me they used to ride
20 the horses down and just throw seeds. So they were working
21 as young kids over there, too. I cannot remember his name.
22 They still have part of the ranch. When they gone -- dad
23 died, there was a big hassle, so they had to get rid of half
24 of the ranch to pay for the lawyers.

25 MR. JENCKS: Pay for the what?

1 MS. DE NAIE: Inheritance tax, probably.

2 MR. JENCKS: They get their share first.

3 MR. NAEOLE: Joseph, I don't remember his last
4 name.

5 MR. JENCKS: They take it off the top, Basil.
6 Attorneys get their money first and everybody gets whatever
7 is left.

8 MS. LANI: What year was that?

9 MR. BASIL OSHIRO: Oh, this was back way in the --
10 I guess, the fifties because he's about my age now.

11 MR. NAEOLE: You figure --

12 MR. BASIL OSHIRO: Oh, Joe Thompson. Thompson
13 Ranch.

14 MR. JENCKS: Oh, yeah.

15 MS. DE NAIE: Oh, yeah.

16 MR. JENCKS: Huh.

17 MR. BASIL OSHIRO: And Joe's in Oahu. The
18 brother's running the ranch now, only half of it.

19 MS. DE NAIE: That's the Akina family, too.
20 They're related to Thompson Ranch.

21 MR. BASIL OSHIRO: Yeah.

22 MS. DE NAIE: We could get some Akinas in. I've
23 been working with some of the Akina ohana. And Daniel --

24 MR. BASIL OSHIRO: You get meetings going better,
25 Charlie don't mind that the lineals come in and give manao

1 from their generational knowledge of the area, that way you
2 can work together.

3 MR. JENCKS: Well, I think that's a -- as we move
4 on to the project, I think that's a good idea, getting the
5 input. You know, as we move on --

6 MR. BASIL OSHIRO: Yeah.

7 MR. JENCKS: -- that's a good idea.

8 MR. BASIL OSHIRO: We gotta work together;
9 otherwise, we gonna be bucking heads. Yeah, all the thing
10 is we gotta save water. I don't know what kind of usage
11 you're gonna get for that area, yeah. Because Olowalu, two,
12 three million gallons a day. Do you have that much water?

13 MR. JENCKS: We're certainly not that much, far
14 less.

15 MR. BASIL OSHIRO: I hope not because we --
16 everybody's on conservation, conservation of our water
17 supply.

18 MR. JENCKS: Okay.

19 (Recording concluded.)

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