

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

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12 Piilani Promenade Cultural Consultation Meeting

13 February 25, 2014

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21 Transcribed by: Jessica R. Perry, CSR, RPR

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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 Kellii 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

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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,

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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 Kumukaucha  
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.

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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,

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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

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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

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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

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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

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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

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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

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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

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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.

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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 Auntie 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

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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

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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

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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

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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.

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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

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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,

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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

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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.

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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 descendants 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

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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

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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 Waipuilani 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.

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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 --

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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.

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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 --

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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 --

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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

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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

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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

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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

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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) --

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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

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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),

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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.

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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

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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

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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: Kimokeo?

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

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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.

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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

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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: Kimokeo 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

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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.

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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

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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

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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 Mokuahau 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.

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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.

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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

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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

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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 Kanahele.  
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.

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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

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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

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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.

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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

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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

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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 Naele, 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

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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 pahoeohoe 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 descendants 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

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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

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

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EXHIBIT "A"

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

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

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

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

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

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

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

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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

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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

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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

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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 --

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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.

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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

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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.

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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

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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.

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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.

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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.

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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

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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.

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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.

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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.

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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

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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 Kaonoululu 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

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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.

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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.

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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

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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 Kanahele 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

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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

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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.)

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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

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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

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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.

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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 Pueo 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

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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

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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,

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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

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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

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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."

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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: Kanahele, 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.

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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.

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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

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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

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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

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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

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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.

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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.

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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

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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,

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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

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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.

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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

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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

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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

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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

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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.

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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 --

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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

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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.

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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?

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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

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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.)  
20  
21  
22  
23  
24  
25

## 1 CERTIFICATE

2  
3  
4  
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 16th day of May, 2016.

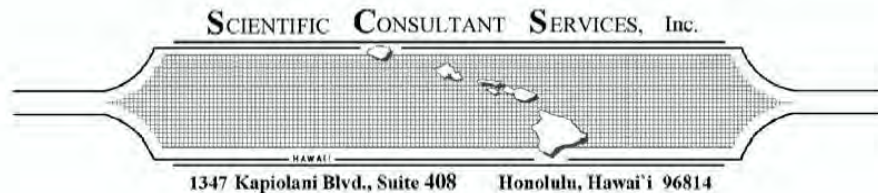
18  
19 /s/ Tonya McDade

20 Tonya McDade  
21 Registered Professional Reporter  
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23 Certified Broadcast Captioner  
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25 (The certified hard copy contains original signature.)

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**APPENDIX B: EXAMPLE LETTER OF INVITATION**



November XX, 2015

Aloha kāua,

At the request of Mr. Charles Jencks, Honua'ula Partners, LLC (landowners), Scientific Consultant Services, Inc. is preparing an addendum Cultural Impact Assessment (CIA) in advance of the proposed Piilani Promenade Project. The addendum CIA follows an existing CIA which was prepared by Hana Pono (2016). The proposed project area consists of approximately 75-acres located in Kīhei, Ka'ono'ulu Ahupua'a, Wailuku and Makawao (Kula) Districts, Island of Maui, Hawai'i [TMK: (2) 3-9-001:016, 170, 171, 172, 173, 174] (Figures 1 through 3).

The proposed project involves the development of Light Industrial, Business/Commercial land uses and affordable multi-family residences in North Kīhei. The project will include associated onsite and offsite infrastructure improvements including, but not limited to, water, sewer, roads, drainage, and electrical. Amenities will include bicycle, and pedestrian pathways, and landscaping. A Maui Electric Company (MECO) substation is also proposed on the project site.

Also at the request of Mr. Jencks, Honua'ula Partners, LLC (landowners), SCS, is preparing a separate CIA in advance of the proposed Honua'ula Offsite Workforce Housing Project on 13.0 acres of land located in Kīhei, within Ka'ono'ulu Ahupua'a, Wailuku and Makawao (Kula) Districts, Island of Maui, Hawai'i [TMK: (2) 3-9-001:169]. The proposed project site will be located *mauka* (east) of Pi'ilani Highway at the future East Ka'ono'ulu Street (see Figures 1 through 3).

This Cultural Impact Assessment (CIA) is in compliance with the statutory requirements of the Federal National Environmental Policy Act (NEPA), the State of Hawai'i Revised Statute (HRS) Chapter 343 Environmental Impact Statements Law, in accordance with the State of Hawai'i Department of Health's Office of Environmental Quality Control (OEQC) Guidelines for Assessing Cultural Impacts as adopted by the Environmental Council, State of Hawai'i on November 19, 1997.

According to the *Guidelines for Assessing Cultural Impacts* (Office of Environmental Quality Control, Nov. 1997):

The types of cultural practices and beliefs subject to assessment may include subsistence, commercial, residential, agricultural, access-related, recreational, and religious and spiritual customs...The types of cultural resources subject to assessment may include traditional cultural properties or other types of historic sites, both man made and natural which support such cultural beliefs...

The purpose of this Cultural Impact Assessment (CIA) is to identify and understand the importance of any traditional Hawaiʻian and/or historic cultural resources or traditional cultural practices associated with the subject property and the surrounding *ahupuaʻa*. In an effort to promote responsible decision-making, the CIA will gather information about the project area and its surroundings through research and interviews with individuals and organizations that are knowledgeable about the area in order to assess potential impacts to the cultural resources, cultural practices, and beliefs identified as a result of the proposed project. We are seeking your *kōkua* (help) and guidance regarding the following aspects of our study:

- General history as well as present and past land use of the project area;
- Knowledge of cultural resources which may be impacted by future development of the project area (*i.e.* historic and archaeological sites, as well as human burials);
- Knowledge of traditional gathering practices in the project area, both past and on-going;
- Cultural associations of the project area and surrounding area, such as legends, traditional uses and beliefs;
- Referrals of individuals and organizations who might be willing to share their cultural knowledge of the project area and the *ahupuaʻa*; and
- Due to the sensitive nature regarding *iwi kūpuna* (burials) remains discovered, *manaʻo* (thoughts) regarding *nā iwi kūpuna* (burials) will be greatly appreciated.

Thus, we are asking you for any information that you or other individuals have which might contribute to the knowledge of traditional cultural activities that were, or are currently, conducted in the vicinity of the two proposed project areas. We are also asking for any information pertaining to traditional cultural activities or traditional rights which may be impacted by the proposed undertakings. The results of the cultural impact assessments are dependent on the response and contributions made by individuals, such as you.

Enclosed are maps showing the two proposed project areas. Please contact me at the Scientific Consultant Services, Honolulu, office at (808) 597-1182 with any information or recommendations concerning these Cultural Impact Assessments. Individual meetings will be scheduled with anyone who would like to talk in person. Interviews can also be conducted via telephone or e-mail.

Sincerely yours,

Cathleen Dagher  
Senior Archaeologist  
cathy@scshawaii.com

Enclosures (3)

Cc:

## **APPENDIX C: EXAMPLE FOLLOW-UP LETTER**



November XX, 2015

Aloha kāua,

This is our follow-up letter to our November XX, 2016 letter which was in compliance with the statutory requirements of the State of Hawai'i Revised Statute (HRS) Chapter 343 Environmental Impact Statements Law, and in accordance with the State of Hawai'i Department of Health's Office of Environmental Quality Control (OEQC) Guidelines for Assessing Cultural Impacts as adopted by the Environmental Council, State of Hawai'i, on November 19, 1997.

At the request of Mr. Charles Jencks, Honua'ula Partners, LLC (landowners), Scientific Consultant Services, Inc. is preparing an addendum Cultural Impact Assessment (CIA) in advance of the proposed Piilani Promenade Project. The addendum CIA follows an existing CIA which was prepared by Hana Pono (2016). The proposed project area consists of approximately 75-acres located in Kihei, Ka'ono'ulu Ahupua'a, Wailuku and Makawao (Kula) Districts, Island of Maui, Hawai'i [TMK: (2) 3-9-001:016, 170, 171, 172, 173, 174].

The proposed project involves the development of Light Industrial, Business/Commercial land uses and affordable multi-family residences in North Kihei. The project will include associated onsite and offsite infrastructure improvements including, but not limited to, water, sewer, roads, drainage, and electrical. Amenities will include bicycle, and pedestrian pathways, and landscaping. A Maui Electric Company (MECO) substation is also proposed on the project site.

Also at the request of Mr. Jencks, Honua'ula Partners, LLC (landowners), SCS, is preparing a separate CIA in advance of the proposed Honua'ula Offsite Workforce Housing Project on 13.0 acres of land located in Kihei, within Ka'ono'ulu Ahupua'a, Wailuku and Makawao (Kula) Districts, Island of Maui, Hawai'i [TMK: (2) 3-9-001:169]. The proposed project site will be located *mauka* (east) of Pi'ilani Highway at the future East Ka'ono'ulu Street.

We are asking you for any information that you or other individuals have which might contribute to the knowledge of traditional cultural activities that were, or are currently, conducted in the vicinity of the two proposed project areas. We are also asking for any information pertaining to traditional cultural activities or traditional rights which may be impacted by the proposed undertakings. The results of the cultural impact assessments are dependent on the response and contributions made by individuals.

Please contact me at the Scientific Consultant Services, Honolulu, office at (808) 597-1182 with any information or recommendations concerning these Cultural Impact Assessments. Individual meetings will be scheduled with anyone who would like to talk in person. Interviews can also be conducted via telephone or e-mail.

Sincerely yours,

Cathleen Dagher  
Senior Archaeologist  
cathy@scshawaii.com

Cc:



**APPENDIX D: SIGNED INFO RELEASE FORMS**

**INFORMATION RELEASE FORM**

I, the undersigned, personally participated in an interview with, Cathleen Dagher from Scientific Consultant Services, Inc., on December 15, of the year 2016. The interview was conducted by telephone, by e-mail, or in person.

\* I understand that the information I have provided to Scientific Consultant Services, Inc., shall be submitted as part of a Cultural Impact Assessment report on the proposed Piilani Promenade Project. The proposed project will be located on approximately 75-acres located in Kihei, Ka'ono'ulu Ahupua'a, Wailuku and Makawao (Kula) Districts, Island of Maui, Hawai'i [TMK: (2) 3-9-001:016, 170, 171, 172, 173, 174] This information will be subject to publication which will be submitted to the public for general review.

I have read the summary of the interview and the information is true and accurate to the best of my knowledge. By signing this release form, I am providing my approval for the release of the information to Scientific Consultant Services, Inc., for the purpose outlined above (*i.e.*, making the contents of this interview available for publication to the general public).

Print Name: Joylynn J. M. Pama

Signature: Joylynn J. M. Pama

Release Dated: 1/17/17


**INFORMATION RELEASE FORM**

I, the undersigned, personally participated in an interview with, Cathleen Dagher from Scientific Consultant Services, Inc., on December 15, of the year 2016. The interview was conducted by telephone, by e-mail, or in person.

I understand that the information I have provided to Scientific Consultant Services, Inc., shall be submitted as part of a Cultural Impact Assessment report on the proposed Piilani Promenade Project. The proposed project will be located on approximately 75-acres located in Kīhei, Ka'ono'ulu Ahupua'a, Wailuku and Makawao (Kula) Districts, Island of Maui, Hawai'i [TMK: (2) 3-9-001:016, 170, 171, 172, 173, 174] This information will be subject to publication which will be submitted to the public for general review.

I have read the summary of the interview and the information is true and accurate to the best of my knowledge. By signing this release form, I am providing my approval for the release of the information to Scientific Consultant Services, Inc., for the purpose outlined above (*i.e.*, making the contents of this interview available for publication to the general public).

Print Name: Basil Oshiro

Signature: 

Release Dated: \_\_\_\_\_

Print Name: Sally Ann Oshiro

Signature: 

**APPENDIX E: LCA 3237 AND ROYAL PATENT 7447**



## Document Delivery

Mahele Database Documents  
Number: 03237\*M

Claim Number:	<b>03237*M</b>		
Claimant:	<b>Hewahewa</b>		
Other claimant:			
Other name:			
Island:	<b>Maui</b>		
District:	<b>Wailuku, Kula</b>		
Ahupuaa:	<b>Wailuku, Kaonoulu</b>		
Ili:	<b>Kepuakeeo, Peapea, Kalepolepo</b>		
Apana:	<b>3</b>	Awarded:	<b>1</b>
Loi:		FR:	
Plus:		NR:	<b>48v6</b>
Mala Taro:		FT:	<b>649v9?</b>
Kula:		NT:	<b>649v9</b>
House lot:		RP:	<b>6888, 7447, 8</b>
Kihapai/Pakanu:		Number of Royal Patents:	<b>3</b>
Salt lands:		Koele/Polima:	<b>No</b>
Wauke:		Loko:	<b>No</b>
Olona:		Lokoia:	<b>No</b>
Noni:		Fishing Rights:	<b>No</b>
Hala:		Sea/Shore/Dunes:	<b>No</b>
Sweet Potatoes:		Auwai/Ditch:	<b>Yes</b>
Irish Potatoes:		Other Edifice:	<b>No</b>

Bananas:	Spring/Well:	<b>No</b>
Breadfruit:	Pigpen:	<b>No</b>
Coconut:	Road/Path:	<b>Yes</b>
Coffee:	Burial/Graveyard:	<b>No</b>
Oranges:	Wall/Fence:	<b>No</b>
Bitter Melon/Gourd:	Stream/Muliwai/River:	<b>No</b>
Sugar Cane:	Pali:	<b>No</b>
Tobacco:	Disease:	<b>No</b>
Koa/Kou Trees:	Claimant Died:	<b>No</b>
Other Plants:	Other Trees:	
Other Mammals: <b>No</b>	Miscellaneous:	<b>claims ili</b>

**No. 3237\*M, Hewahewa, Wailuku, December 30, 1847**  
**N.R. 48-49v6**

To the Land Commissioners: Here is my claim in the `Ili of Kepuakeeo and Peap. The boundaries at Kepuakeeo are: north, the lo`is of Napaina, east, the road going Waihee, south, the land of Walkani nui, west, a water course. Six lo`i are in anoti place in the `Ili. These were given by Kailihiwa.

The boundaries of Peapea; north, a lot of Hapakau, east, Lupeloi, south, an "acre west, the lot of Kaauwai. This was given by Kuihelani in 1847. That is my claim at Wailuku on the Island of Maui.

Here is my claim on the Island of Hawaii: An Ahupua`a, Mahukona, and Kalaoa in Hawaii - those are the ancient claims from my makuas. Kamehameha I gave them 1782. /Also/ Alakahi in Hilo, Hawaii and Kaleohi in Kekaha, Hawaii.

On the island of Maui, /I claim/ Kalepolepo. On the island of Oahu, /I have/ a kupu Kaluapulu, in Kalihi. The Ahupua`a of Makaua in Koolau Loa was given me by Kamehameha II. The kupono of Papaa in Ewa was given by Kamehameha III to my makuas have lived continuously under Kamehameha I and Kamehameha II and Kamehameha III in this time of 1847. My fixed place of residence is Kalepolepo. I claim my claim under the Mo`i.

HEWAHEWA

**F.T. 463v7**

Cl. 3237, Hewahewa

Kikane, sworn, The claimant's lands. They consist of 3 pieces in Wailuku, Maui.

No. 1 is one loi in Kipuhakuo  
No. 2 is one loi in Kepuhakuo.  
No. 3 is a section of loi in Kepuhakuo.

The claimant received these lands from Kailihewa in 1837, and his title was never disputed up to his death in 1848. His widow's name is Nawelu and she and Keaka Claimant's sister are his heirs. They live in Kula (See Mr. Ii about this claim.)

No. 1 is bounded:  
Mauka by Naea's land  
Waihee by Kuapuu's land  
Makai by Kekuapahipahi's land  
Maalaea by the Paahao lois.

No. 2 is bounded:  
Mauka and Waihee sides by Kuapuu's' land  
Makai by the Poalima lois  
Maalaea by Opunui's land

No. 3 is bounded:  
Mauka by the ili of Kaluaoopu  
Waihee by the ili of Holu  
Makai by the King's land  
Maalaea by Lonohiwa's land.

**N.T. 649v9**

No. 3237, Hewahewa, July 12, 1849

Kikane sworn: I know his parcels of taro land in the 'ili of Kepuhakeeo, Wailuku, parcels. Parcel 1, one taro lo'i, Parcel 2, one taro lo'i, Parcel 3, taro pauku. His title was from Kailihiwa in 1837. No opposition. Hewahewa died in 1848. Nawelu, his wife, was his heir to these lands. Keaka is the kaikuahine of H. Hewahewa.

[No.] 1 is bounded:  
Mauka by the land of Naea  
Waihee by the land of Kuapuu  
Makai by the land of Kekuapahipahi  
Maalaea by lo'i pa'ahao.

[No.] 2 is bounded:  
Mauka by Kuapuu  
Waihee by the same [Kuapuu]

Makai by the land of Naea  
Maalaea by land of Opunui.

[No.] 3 is bounded:  
Mauka by the 'Ili of Kaluaopu  
Waihee by the 'Ili of Holu  
Makai by the land of the Mo'i  
Maalaea by the land of Lonohiwa.

**N.T. 249v10**

No. 3237, Hewahewa

H. Hewahewa's land (2) as listed in the Mahele Registry.  
Kaluapulu ili for Kalihi, Kona, Oahu.  
Kaonoulu ahupuaa, Kula, Maui.

TRUE COPY

(signature) A.G. Thruston, Clerk  
Interior Dept.  
6 August 1853

[Award 3237; R.P. 7447; Kaonoulu Kula; 1 ap. 5715 Acs; R.P. 6888; Kapuakao  
Wailuku; 1 ap.; 4.67 Acs; R.P. 8536 Wailuku]

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**APPENDIX F: SHPD ACCEPTANCE LETTER AIS FOR THE PIILANI PROMENADE**



STATE HISTORIC PRESERVATION DIVISION  
KAKUHIHEWA BUILDING  
601 KAMOKILA BLVD, STE 555  
KAPOLAHAWA HAWAII 96707

[illegible]

Jordan E. Hart, President  
Chris Hart & Partners, Inc.  
115 N. Market Street  
Wailuku, Hawaii 96793  
Via email to [JHart@chhawaii.com](mailto:JHart@chhawaii.com)

Log No. 2015-03310  
Doc No. 1601ML008  
Archaeology

SUBJECT: Chapter 6E-42 Historic Preservation Review – Maui County  
Draft Archaeological Inventory Survey for the Piilani Promenade Project  
Ka'ono'ohi Ahupua'a, Wailuku and Makawao Districts, Island of Maui  
TMK (2) 2-2-002:016, 077 and 082 and 3-9-001:016, 148, 169-174 and 3-9-048:122

Thank you for the opportunity to review the draft report titled *An Archaeological Inventory Survey for On- and Off-Site Improvements Associated with the Proposed Piilani Promenade Project, and Updated Recommendations for Sites Identified in a 1994 Archaeological Inventory Survey, Ka'ono'uli Ahupua'a, Wailuku and Makawao Districts, Island of Maui (On-site TMK (2) 3-9-001: 16, 169-174, and off-site TMK (2) 2-2-002: 016, 077 and 082, (2) 3-9-001: 148, (2) 3-9-048: 122) by Fredericksen (Revised August 2015). We received the draft plan submittal on September 2, 2015 and apologize for the delayed review. We requested revisions to an earlier draft of this report on May 2015 (*Log No. 2014.04433, Doc No. 1505MD54*).*

This report was prepared for Mr. Robert Poyner of Sarofim Realty Advisors in advance of planned construction of commercial development of 74,871 acres (including off-site affected areas the total acreage for this survey was 101,658 acres) located *mauka* of Pihlani Highway in North Kihei on Maui Island. An archaeological inventory survey (AIS) was originally conducted for this project in the early 1990s; however, following changes both to the land and to the project's anticipated area of potential effect a revised survey report has been prepared as part of the environmental impact statement pursuant to the Hawai'i Revised Statutes § 343 requirements following the recommendation of SHPD.

Fieldwork for the subject AIS was initially conducted in January and February of 2014 by three archaeologists with Erik M. Fredericksen, M.A. as the principal investigator. Three shovel-test pits were manually excavated. Twenty historic properties were identified in the earlier 1994 AIS associated with this project; all were re-identified during the current survey following a second period of fieldwork in July and August 2015. Results of consultation and information previously requested by SHPD regarding required changes to County utilities have been included as Appendices.

One new site was identified, State Inventory of Historic Places (SIHP) 50-50-10-8266. SIHP 8266 has been identified as a pre-Contact temporary habitation area, significant under criterion "d" for its information content. We concur with that assessment. Data recovery has been recommended as mitigation and we concur with that recommendation.

The original 1994 AIS identified 20 SIHPs; two of those, SIHP 3734 and 3739, have since been destroyed/lost. For the remaining SIHPs 3727-3733, 3735-3738 and 3740-3745 were all previously determined eligible for their information content under criterion "d." Of these 18 sites, one was removed in late 1994 (SIHP 3746); seven (7) are recommended for no further work (SIHPs 3730, 3731, 3733, 3737, 3738 and 3740); while the remaining 12 (SIHPs 3727-3729, 3732, 3735, 3736 and 3741-3745) have been recommended for data recovery. We concur with these recommendations and look forward to reviewing an archaeological data recovery plan which will also include the newly-identified SIHP 8266 for a total of thirteen (13) historic properties.

Chris Hart & Partners, Inc.  
January 6, 2015  
Page 2

Revisions we previously requested, including results from additional fieldwork recommended in consultation with concerned citizen groups, have been adequately addressed. The draft AIS meets the requirements specified in Hawai'i Administrative Rule §13-276 and is accepted as final. Please send one hardcopy of the document, clearly marked **FINAL**, along with a copy of this review letter and a text-searchable PDF version on CD to the Kapolei SHPD office, attention SHPD Library. Please contact me at (808) 243-4641 or [Morgan.E.Davis@hawaii.gov](mailto:Morgan.E.Davis@hawaii.gov) if you have any questions or concerns about this letter.

Mahalo,



Morgan E. Davis  
Lead Archaeologist, Maui Section

cc:	County of Maui Department of Planning <a href="mailto:Planning@co.maui.hi.us">Planning@co.maui.hi.us</a>	County of Maui Department of Public Works - DSA <a href="mailto:Genev.Segundo@co.maui.hi.us">Genev.Segundo@co.maui.hi.us</a>	County of Maui Cultural Resources Commission <a href="mailto:Annalise.Kahala@co.maui.hi.us">Annalise.Kahala@co.maui.hi.us</a>
	Robert Poyner, V.P. Sarofim Realty Advisor <a href="mailto:robert@pacificrimland.com">robert@pacificrimland.com</a>	Erik M. Fredericksen, M.A. Kamauak Researches, LLC <a href="mailto:kamauakresearchesllc@gmail.com">kamauakresearchesllc@gmail.com</a>	