

**VOLUME 3**  
**~~DRAFT~~ FINAL ENVIRONMENTAL**  
**IMPACT STATEMENT**  
**FOR**  
**PI'ILANI PROMENADE**

**APPENDICES I-1 - L**

<u>Appendix I-1</u>	<u>Supplemental Cultural Impact Assessment dated March 2017</u>
<u>Appendix I-2</u>	<u>Cultural Impact Assessment for the proposed Honua'ula offsite workforce housing project dated April 2017</u>
Appendix J	Baseline Assessment of Marine Water Chemistry and Marine Biotic Communities dated February 2014
Appendix K	Economic and Fiscal Impact Assessment dated <del>November</del> <u>December 2013, revised July 2015</u>
Appendix L	Preliminary Engineering Report <u>dated December 2013, revised February 2, 2017</u>

June 2017  
~~August 2014~~



**CHRIS  
HART**  
& PARTNERS, INC.



**APPENDIX I -1**  
**Supplemental Cultural Impact Assessment Report**  
**dated March 2017**

**SUPPLEMENTAL CULTURAL IMPACT ASSESSMENT  
FOR THE PROPOSED PIILANI PROMENADE PROJECT**

**KA'ONO'ULU AHUPUA'A, WAILUKU AND MAKAWAO DISTRICTS  
ISLAND OF MAUI, HAWAI'I**

**TMK: (2) 3-9-001:016, 170, 171, 172, 173, AND 174**

Prepared by:  
**Cathleen A. Dagher, B.A.**  
and  
**Michael F. Dega, Ph.D.**

March 2017  
**FINAL**

Prepared for:  
**Mr. Robert D. Poynor, Vice President**  
**Sarofim Realty Advisors**  
**8115 Preston Road, Suite 400**  
**Dallas, Texas 75225**

## TABLE OF CONTENTS

<b>TABLE OF CONTENTS.....</b>	<b>ii</b>
<b>LIST OF FIGURES.....</b>	<b>iii</b>
<b>INTRODUCTION .....</b>	<b>1</b>
<b>METHODOLOGY .....</b>	<b>7</b>
<i>ARCHIVAL RESEARCH .....</i>	<i>8</i>
<i>INTERVIEW METHODOLOGY.....</i>	<i>9</i>
<b>ENVIRONMENTAL SETTING .....</b>	<b>10</b>
<i>PROJECT AREA.....</i>	<i>10</i>
<i>BARREN ZONE .....</i>	<i>10</i>
<i>SOILS .....</i>	<i>11</i>
<i>CLIMATE.....</i>	<i>13</i>
<b>CULTURAL HISTORICAL CONTEXT.....</b>	<b>13</b>
<i>PAST POLITICAL BOUNDARIES.....</i>	<i>14</i>
<i>TRADITIONAL SETTLEMENT PATTERNS.....</i>	<i>14</i>
<i>PRE-CONTACT PERIOD (PRE-1778).....</i>	<i>15</i>
<i>WAHI PANA (LEGENDARY PLACES) .....</i>	<i>16</i>
<i>PRE-CONTACT PERIOD (POST-1778) .....</i>	<i>17</i>
<i>MĀHELE .....</i>	<i>18</i>
<b>PREVIOUS ARCHAEOLOGY .....</b>	<b>22</b>
<b>CONSULTATION .....</b>	<b>29</b>
<i>SUPPLEMENTAL CONSULTATION.....</i>	<i>31</i>
<b>SUPPLEMENTAL CULTURAL IMPACT ASSESSMENT INTERVIEWS AND RESPONSES .....</b>	<b>32</b>
<i>INTERVIEW SUMMARIES.....</i>	<i>33</i>
<i>RESPONSES.....</i>	<i>36</i>
<b>SUMMARY .....</b>	<b>37</b>
<b>CULTURAL ASSESSMENT .....</b>	<b>37</b>

ARCHAEOLOGICAL CONCERNS .....	38
TRADITIONAL CULTURAL PRACTICES .....	39
<b>CONCLUSION .....</b>	<b>39</b>
<b>REFERENCES.....</b>	<b>42</b>
<b>APPENDIX A: CULTURAL IMPACT ASSESSMENT FOR THE PROPOSED PIILANI PROMENADE PROJECT.....</b>	<b>A</b>
<b>APPENDIX B: EXAMPLE LETTER OF INVITATION .....</b>	<b>B</b>
<b>APPENDIX C: EXAMPLE FOLLOW-UP LETTER .....</b>	<b>C</b>
<b>APPENDIX D: SIGNED INFORMATION RELEASE FORMS .....</b>	<b>D</b>
<b>APPENDIX E: LAND COMMISSION AWARD 3237 AND ROYAL PATENT 7447 .....</b>	<b>E</b>
<b>APPENDIX F: SHPD ACCEPTANCE LETTER_AIS _ PIILANI PROMENADE .....</b>	<b>F</b>

**LIST OF FIGURES**

Figure 1: USGS Quadrangle (Puu O Kali, 1992; 1:24,000) Map Showing the Proposed Project Area Location. ....	2
Figure 2: Tax Map Key [TML: (2) 3-9-001] Showing the Proposed Project Area Location. ....	3
Figure 3: Google Earth Image (Dated 1/12/2013) Showing the Proposed Project Area Location. ....	4
Figure 4: USDA Soil Survey Map (Foote <i>et al.</i> 1972: Sheet 107) Map Showing the Proposed Project Area Location. .....	12
Figure 5: Ka’ono’ulu <i>Ahupua’a</i> , LCA 3237, awarded to Hewahewa in 1860 (basemap: “Maui, Hawaiian Islands” by F.S. Dodge 1885:1:90,000 scale).....	20
Figure 6: Selected Previous Archaeology in Vicinity of the Proposed Project Area (portion USGS Puu o Kali Quad: 1954). ....	23

## INTRODUCTION

At the request of Sarofim Realty Advisors, Scientific Consultant Services, Inc. (SCS) prepared a Supplemental Cultural Impact Assessment (SCIA) in advance of the proposed Piilani Promenade Project. The proposed project area consists of approximately 75-acres located in Kīhei, Ka'ono'ulu Ahupua'a, Wailuku and Makawao Districts, Island of Maui, Hawai'i [TMK: (2) 3-9-001:016, 170, 171, 172, 173, and 174] (Figures 1 through 3). The proposed project area is owned by Piilani Promenade North, LLC and Piilani Promenade South, LLC.

The SCIA follows an earlier CIA prepared by Hana Pono, LLC (2016; Appendix A). Sarofim Realty Advisors requested SCS provide an additional report to the original Hana Pono LLC (2016) CIA in response to input raised by the cultural community and in response to comments received through public comment on the Draft Environmental Impact Statement (DEIS). Please note that a CIA for the proposed Honua'ula Offsite Workforce Housing Project, located on approximately 13.0 acres of land, in Kīhei, Ka'ono'ulu Ahupua'a, Wailuku and Makawao (Kula) Districts, Island of Maui, Hawai'i [TMK: (2) 3-9-001:169], is being prepared under separate cover by SCS.

The proposed project involves the development of Light Industrial, Business/Commercial, and Multi-Family land uses on approximately 75 acres of land in North Kīhei. The project will include associated onsite and offsite infrastructure improvements including but not limited to water, sewer, roads, drainage, electrical. Amenities will include bicycle, and pedestrian pathways, and landscaping. A Maui Electric Company (MECO) substation is also proposed on the project site.

Onsite and Offsite improvements include re-routing the County's existing 36-inch high pressure water main which traverses the property, installing a 1.0 million gallon drinking water tank and water transmission lines, and providing utility system connections. The proposed undertaking will include an access easement located *mauka* and to the north of the project site which will provide for future possible vehicular and pedestrian and bicycle access and connectivity to Ohukai Road. The project will also provide road-widening lots and improve the intersection of Pi'ilani Highway at Ka'ono'ulu Street.

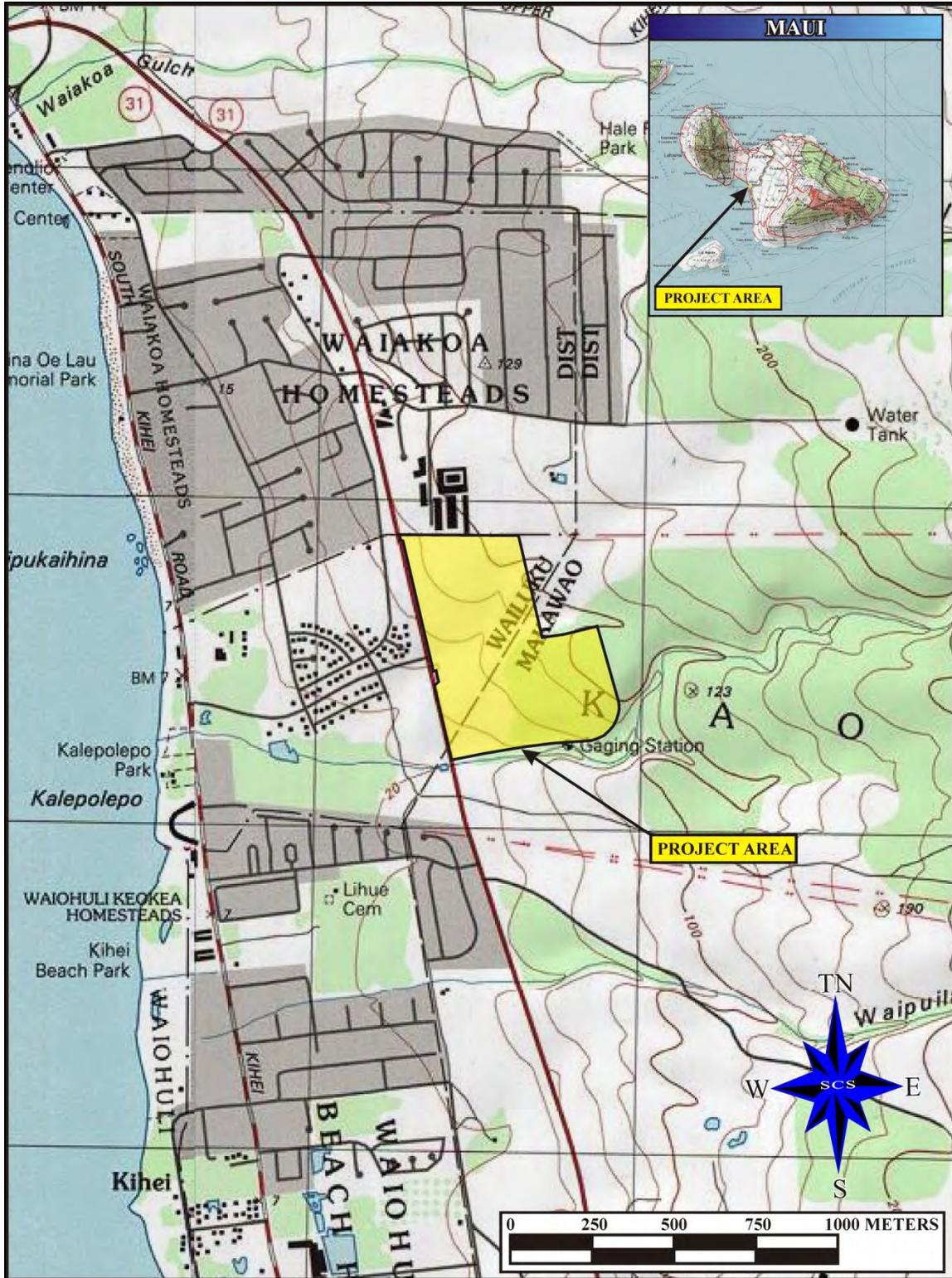


Figure 1: USGS Quadrangle (Puu O Kali, 1992; 1:24,000) Map Showing the Proposed Project Area Location.

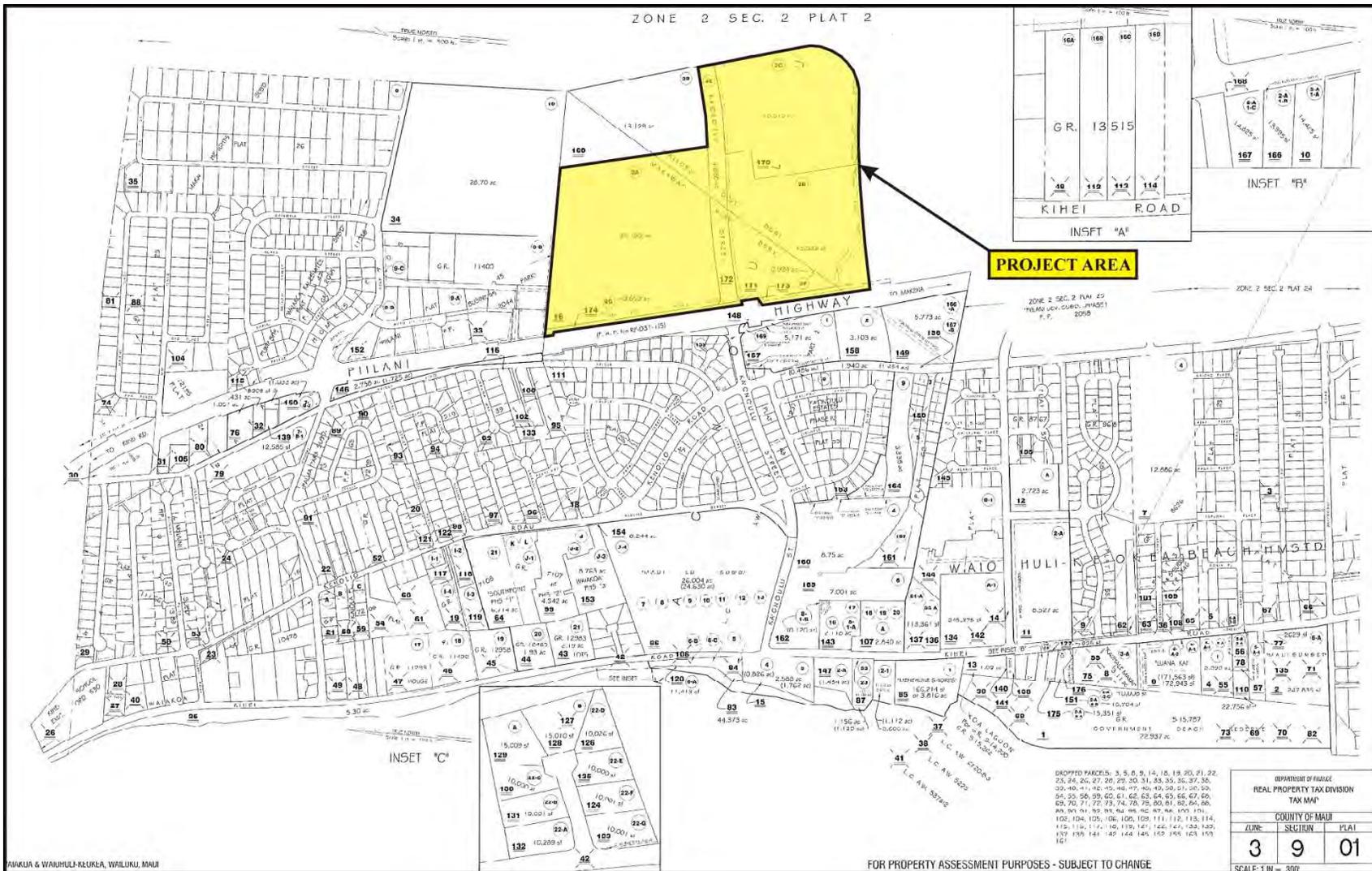


Figure 2: Tax Map Key [TML: (2) 3-9-001] Showing the Proposed Project Area Location.



The Constitution of the State of Hawai'i clearly states the duty of the State and its agencies is to preserve, protect, and prevent interference with the traditional and customary rights of native Hawaiians. Article XII, Section 7 (2000) requires the State to "protect all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes and possessed by *ahupua'a* tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778." In spite of the establishment of the foreign concept of private ownership and western-style government, Kamehameha III (Kauikeaouli) preserved the peoples traditional right to subsistence. As a result, in 1850, the Hawaiian Government confirmed the traditional access rights to native Hawaiian *ahupua'a* tenants to gather specific natural resources for customary uses from undeveloped private property and waterways under the Hawaii Revised Statutes (HRS) 7-1. In 1992, the State of Hawai'i Supreme Court, reaffirmed HRS 7-1 and expanded it to include, "native Hawaiian rights...may extend beyond the *ahupua'a* in which a native Hawaiian resides where such rights have been customarily and traditionally exercised in this manner" [Pele Defense Fund v. Paty, 73 Haw.578, 620, 837 P.2d 1247, 1272 (1992)].

Act 50, enacted by the Legislature of the State of Hawai'i (2000) with House Bill (HB) 2895, relating to Environmental Impact Statements, proposes that:

...there is a need to clarify that the preparation of environmental assessments or environmental impact statements should identify and address effects on Hawai'i's culture, and traditional and customary rights... [H.B. NO. 2895].

Articles IX and XII of the State constitution, other state laws, and the courts of the State impose on government agencies a duty to promote and protect cultural beliefs and practices, and resources of native Hawaiians as well as other ethnic groups. Act 50 also requires state agencies and other developers to assess the effects of proposed land use or shoreline developments on the "cultural practices of the community and State" as part of the HRS Chapter 343 (2001) environmental review process.

It also redefined the definition of "significant effect" to include "...the sum of effects on the quality of the environment, including actions that irrevocably commit a natural resource, curtail the range of beneficial uses of the environment, are contrary to the State's environmental policies . . . or adversely affect the economic welfare, social welfare or cultural practices of the community and State" (H.B. 2895, Act 50, 2000). Cultural resources can include

a broad range of often overlapping categories, including places, behaviors, values, beliefs, objects, records, stories, etc. (H.B. 2895, Act 50, 2000).

Act 50 requires that an assessment of cultural practices and the possible impacts of a proposed action be included in Environmental Assessments and Environmental Impact Statements to be taken into consideration during the planning process. As defined by the Hawaii State Office of Environmental Quality Control (OEQC), the concept of geographical expansion is recognized by using, as an example, “the broad geographical area, *e.g.* district or ahupua‘a” (OEQC 2012:12). As defined by the OEQC (Ibid.), the process should identify ‘anthropological’ cultural practices, rather than ‘social’ cultural practices. For example, *limu* (edible seaweed) gathering would be considered an anthropological cultural practice, while a modern-day marathon would be considered a social cultural practice.

Therefore, the purpose of a CIA is to identify the possibility of ongoing cultural activities and resources within a project area, or its vicinity, and then assessing the potential for impacts on these cultural resources. The CIA is not intended to be a document of in-depth archival-historical land research, or a record of oral family histories, unless these records contain information about specific cultural resources that might be impacted by a proposed project.

According to the Guidelines for Assessing Cultural Impacts established by the Hawaii State Office of Environmental Quality Control (OEQC 2012:12):

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

The meaning of “traditional” was explained in the *National Register Bulletin*:

“Traditional” in this context refers to those beliefs, customs, and practices of a living community of people that have been passed down through the generations, usually orally or through practice. The traditional cultural significance of a historic property then is significance derived from the role the property plays in a community’s historically rooted beliefs, customs, and practices. . . . [Parker and King 1998:1]

## METHODOLOGY

The SCIA follows an earlier CIA prepared by Hana Pono, LLC (2016; see Appendix A). Sarofim Realty Advisors requested SCS provide an additional report to the original Hana Pono LLC (2016) CIA in response to input raised by the cultural community and in response to comments received through public comment.

The SCIA was prepared in accordance with the suggested methodology and content protocol in the Guidelines for Assessing Cultural Impacts (OEQC 2012:11-13). In outlining the “Cultural Impact Assessment Methodology,” the OEQC (2012:11) states that:

...information may be obtained through scoping, community meetings, ethnographic interviews and oral histories...

This report contains archival and documentary research, as well as communication with organizations having knowledge of the project area, its cultural resources, and its practices and beliefs. An example letter of inquiry is presented in Appendix B. An example follow-up letter is presented in Appendix C. The signed information release forms are presented in Appendix D. The SCIA was prepared in accordance with the suggested methodology and content protocol provided in the Guidelines for Assessing Cultural Impacts (OEQC 2012:13), whenever possible. The assessment concerning cultural impacts may include, but not be limited to:

- A. Discussion of the methods applied and results of consultation with individuals and organizations identified by the preparer as being familiar with cultural practices and features associated with the project area, including any constraints or limitations which might have affected the quality of the information obtained.
- B. Description of methods adopted by the preparer to identify, locate, and select the persons interviewed, including a discussion of the level of effort undertaken.
- C. Ethnographic and oral history interview procedures, including the circumstances under which the interviews were conducted, and any constraints or limitations which might have affected the quality of the information obtained.
- D. Biographical information concerning the individuals and organizations consulted their particular expertise and their historical and genealogical relationship to the project area, as well as information concerning the persons submitting information or interviewed their particular knowledge and cultural expertise, if any, and their historical and genealogical relationship to the project area.

- E. Discussion concerning historical and cultural source materials consulted, the institutions and repositories searched and the level of effort undertaken. This discussion should include, if appropriate, the particular perspective of the authors, any opposing views, and any other relevant constraints, limitations or biases.
- F. Discussion concerning the cultural resources, practices and beliefs identified, and, for resources and practices, their location within the broad geographical area in which the proposed action is located, as well as their direct or indirect significance or connection to the project site.
- G. Discussion concerning the nature of the cultural practices and beliefs, and the significance of the cultural resources within the project area affected directly or indirectly by the proposed project.
- H. Explanation of confidential information that has been withheld from public disclosure in the assessment.
- I. Discussion concerning any conflicting information in regard to identified cultural resources, practices and beliefs.
- J. Analysis of the potential effect of any proposed physical alteration on cultural resources, practices or beliefs; the potential of the proposed action to isolate cultural resources, practices or beliefs from their setting; and the potential of the proposed action to introduce elements which may alter the setting in which cultural practices take place.
- K. A bibliography of references, and attached records of interviews which were allowed to be disclosed.

If ongoing cultural activities and/or resources are identified within the project area, assessments of the potential effects on the cultural resources in the project area and recommendations for mitigation of these effects can be proposed.

## **ARCHIVAL RESEARCH**

Archival research focused on a historical documentary study involving both published and unpublished sources. These sources included legendary accounts of native and early foreign writers; early historical journals and narratives; historic maps; land records, such as Land Commission Awards, Royal Patent Grants, and Boundary Commission records; historic accounts; and previous archaeological reports.

Historical and cultural source materials were extensively used and can be found listed in the References Cited portion of this report. Such scholars as Samuel Kamakau, Martha Beckwith, Jon J. Chinen, Lilikalā Kame'eleihiwa, R. S. Kuykendall, Marion Kelly, E. S. C. Handy

and E.G. Handy, John Papa 'Ī'i, Gavin Daws, A. Grove Day, and Elspeth P. Sterling and Catherine C. Summers, and Mary Kawena Puku'i and Samuel H. Elbert continue to contribute to our knowledge and understanding of Hawai'i, past and present. The works of these and other authors were consulted and incorporated in this report where appropriate. Land use document research was supplied by the Waihona 'Aina 2016 Database and the Honolulu's Real Property Assessment and Tax Billing Information website.

## **INTERVIEW METHODOLOGY**

Interviews are conducted in accordance with Federal and State laws and guidelines when knowledgeable individuals are able to identify cultural practices in, or in close proximity to, the project area. If they have knowledge of traditional stories, practices and beliefs associated with a project area or if they know of historical properties within the project area, they are sought out for additional consultation and interviews. Individuals who have particular knowledge of traditions passed down from preceding generations and a personal familiarity with the project area are invited to share their relevant information concerning particular cultural resources. Often people are recommended for their expertise, and indeed, organizations, such as Hawaiian Civic Clubs, the Island Branch of Office of Hawaiian Affairs (OHA), historical societies, Island Trail clubs, and Planning Commissions are depended upon for their recommendations of suitable informants. These groups are invited to contribute their input and suggest further avenues of inquiry, as well as specific individuals to interview. It should be stressed again that this process does not include formal or in-depth ethnographic interviews or oral histories as described in the OEQC's *Guidelines for Assessing Cultural Impacts* (2012). The assessments are intended to identify potential impacts to ongoing cultural practices, or resources, within a project area or in its close vicinity.

If knowledgeable individuals are identified, personal interviews are sometimes taped and then transcribed. These draft transcripts are returned to each of the participants for their review and comments. After corrections are made, each individual signs a release form, making the interview available for this study. When telephone interviews occur, a summary of the information is usually sent for correction and approval, or dictated by the informant and then incorporated into the document. If no cultural resource information is forthcoming and no knowledgeable informants are suggested for further inquiry, interviews are not conducted.

## **ENVIRONMENTAL SETTING**

The island of Maui ranks second in size of the eight main islands in the Hawaiian Archipelago. The Island was formed by two volcanoes, Mount Kukui in the west and Haleakalā in the east. The younger of the two volcanoes, Haleakalā, soars 2,727 m (10,023 feet) above sea level and embodies the largest section of the island. Unlike the amphitheater valleys of West Maui, the flanks of Haleakalā are distinguished by gentle slopes. Although it receives more rain than its counterpart in the east, the permeable lavas of the Honomanū and Kula Volcanic Series prevent the formation of rain-fed perennial streams. The few perennial streams found on the windward side of Haleakalā originate from springs located at low elevations. Valleys and gulches were formed by intermittent water run-off.

### **PROJECT AREA**

The project area is located on approximately 75 acres of vacant land in North Kīhei, Ka'ono'ulu Ahupua'a, and straddles the boundary between Wailuku and Makawao Districts, Island of Maui, Hawai'i [TMK: (2) 3-9-001:016, 170, 171, 172, 173, and 174]. The project is bordered on the north by Waiakoa Ahupua'a and to the south by Kūlanihāko'i Gulch. The western boundary is adjacent to Pi'ilani Highway and currently vacant lands lie to the east. The entire project area once was part of the Kaonoulu Ranch lands and spans from 0.5 mile to approximately 1.0 miles inland of the coastline at an elevation of approximately 70 feet above mean sea level (amsl), within an area archaeologically known as the "barren zone."

### **BARREN ZONE**

In geographical and physiographical terms, the barren zone is an intermediary zone between direct coastline and back beach areas to upland forests and more montane environments. The barren zone is a medial zone that appears to have been almost exclusively transitory, or at best, intermittently occupied through time. Intermittent habitation loci, as defined by surface midden scatters or small architectural features (*i.e.*, C-shapes, alignments) dominate the few documented traditional site types (pre-Contact) in the area through time. Post-Contact features are generally limited to walls and small alignments, respectively associated with ranching and military training in the area.

The barren zone was an intermediary region between verdant upland regions and the coastline. Apparently, agricultural endeavors were practically non-existent in the barren zone and tool procurement materials (basalt, wood) were selected from other locales as well. Sediment regimes in the area are shallow, most often overlying bedrock, and perennial water sources are virtually non-existent.

Cordy (1977) divided the Kīhei (inclusive of Ka'ono'ulu) area into three environmental zones (or subzones when one considers the entire *ahupua'a*): coastal, transitional/barren, and inland. The project location occurs in the transitional or barren zone: the slopes back of the coast with less than 30 inches of rainfall annually (Cordy 1977:4).

This barren zone is perceived as dry and antagonistic to permanent habitation. Use of the area would primarily have been intermittent or transitory, particularly as the zone could have contained coastal-inland trails and would have marked an intermediary point between the two more profitable ecozones. The region remains hostile to permanent habitation, only having been "conquered" in recent times through much modern adaptation (*i.e.*, air conditioning, water feed systems, etc.).

Based on general archaeological and historic research, the barren zone was not subject to permanent or expansive population until recent times. This intimates that population pressure along the coast was minimal or non-existent in the Kīhei coastal area through time. As such, architectural structures associated with permanent habitation sites and/or ceremonial sites are not often identified in the area. The prevailing model that temporary habitation-temporary use sites predominate in the barren zone has been authenticated further by recent research.

## **SOILS**

According to Foote (*et al.* 1972: Sheet Map 107; Figure 4), the project area is comprised of soils of the Waiakoa Soil Series and the Alae Series. More specifically, the soils of the Waiakoa Soil Series are specifically comprised of Waiakoa Extremely Stony Silty Clay Loam, 30 to 70 percent (WID2). The well-drained, volcanic soils of the Waiakoa Series occur in the upland (*mauka*) region of the island of Maui. These soils can be found in areas ranging from 100 to 1,000 feet amsl and receiving 12 to 20 inches of rainfall annually (Foote *et al.* 1972:126-127).

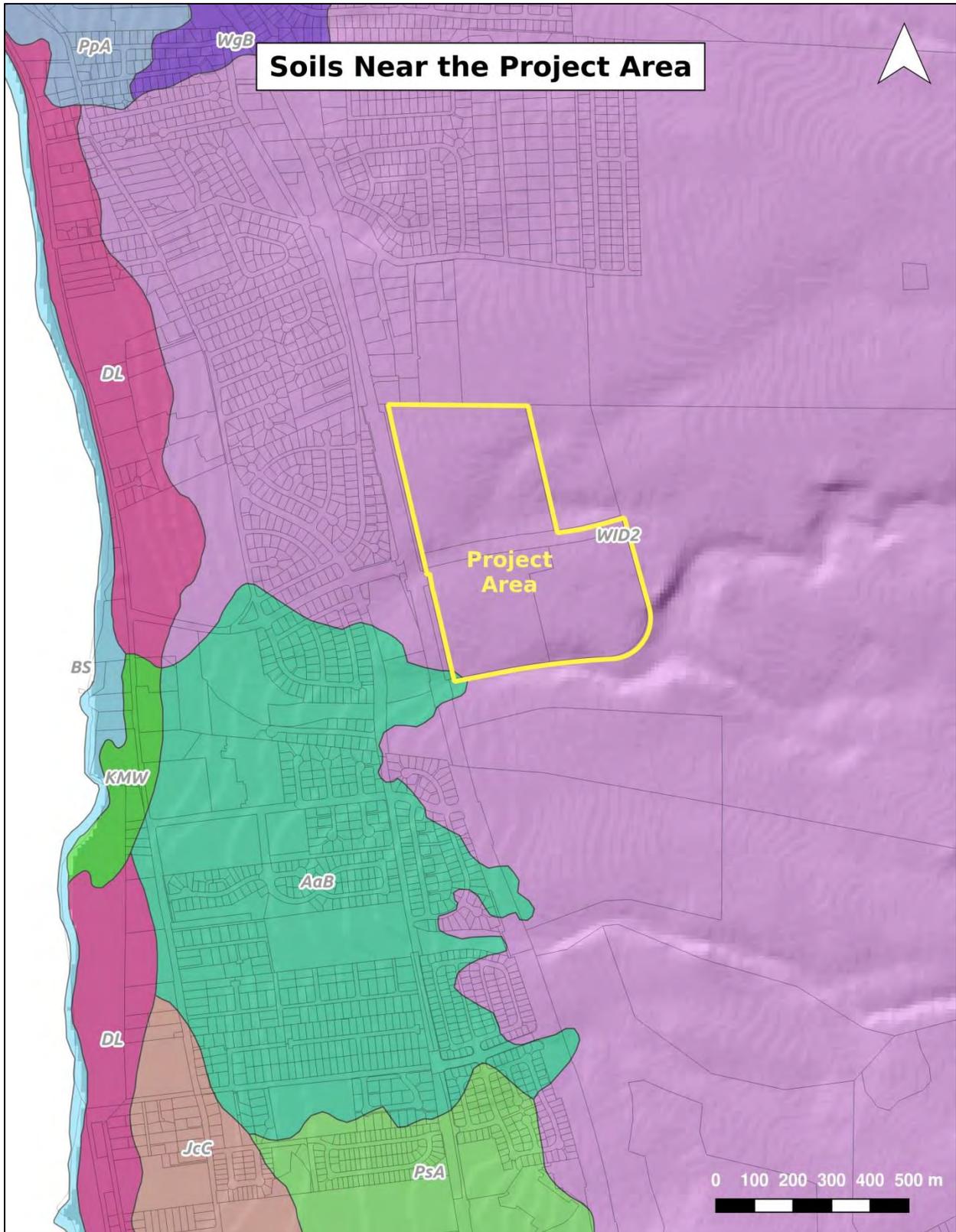


Figure 4: USDA Soil Survey Map (Foote *et al.* 1972: Sheet 107) Map Showing the Proposed Project Area Location.

The WID2 soils are generally associated with highly eroded landscapes and 3 to 15 percent of the ground surface is covered with rocks. The WID2 soils exhibit medium runoff and a severe erosion hazard. These soils are typically used as ranchlands and as a wildlife habitat (Foote *et al.* 1972: 127).

In general, the soils of the Alae are specifically comprised of Alae sandy loam 3 to 7 percent (AaB) and consist of “excessively drained” volcanic soils that occur between 50 to 600 feet amsl in areas receiving 12 to 20 inches of rainfall annually (Foote *et al.* 1972: 14). The AaB soils are similar to the Alea cobbly sandy loam, 0 to 3 percent (AcA) soils, in that they occur on alluvial fans and exhibit similar profiles. By contrast, the AaB soils do not exhibit cobblestones on the ground surface (Ibid: 14, 26). The AaB soils exhibit slow runoff and slight erosion hazard. These soils are most frequently used to cultivate sugar cane and a ranchlands, although smaller parcels are often used for the cultivation of fruits and vegetables (Ibid: 26).

## **CLIMATE**

Kīhei receives an average of 11 inches of rainfall per year (Giambelluca *et. al.* 2013). According to Armstrong (1983: 62), the Kīhei area receives approximately 5 inches of rainfall during the summer months and approximately 10 to 19 inches of rainfall during the winter months. The hot, dry region in which Kīhei is situated experiences winter temperatures between the 50s to the low 80s (degrees Fahrenheit). Summer temperatures range from the high 60s to the high 90s (degrees Fahrenheit).

## **CULTURAL HISTORICAL CONTEXT**

The environment factors and resource availability heavily influenced pre-Contact settlement patterns. Although an extensive population was found occupying the uplands above the 30-inch rainfall line where crops could easily be grown, coastal settlement was also common (Kolb *et al.* 1997). The existence of three fishponds at Kalepolepo, southwest of the project area, and at least two *heiau* identified near the shore confirm the presence of a stable population relying mainly on coastal and marine resources.

Agriculture may have been practiced behind the dune berms in low-lying marshland or in the vicinity of Keālia Pond. It is suggested that permanent habitation and their associated activities occurred from A.D. 1200 to the present in both the uplands and coastal region (Ibid.).

## PAST POLITICAL BOUNDARIES

Traditionally, the island of Maui was divided into twelve districts (Sterling 1998:3). The division of Maui's lands into districts (*moku*) and sub-districts was performed by a *kahuna* (priest, expert) named Kalaiha'ōhia, during the time of the *ali'i* Kaka'alaneo (Beckwith 1979:383; Fornander places Kaka'alaneo at the end of the 15<sup>th</sup> century or the beginning of the 16<sup>th</sup> century [Fornander 1919-20, Vol. 6:248]). Land was considered the property of the king or *ali'i 'ai moku* (the *ali'i* who eats the island/district), which he held in trust for the gods. The title of *ali'i 'ai moku* ensured rights and responsibilities to the land, but did not confer absolute ownership. The king kept the parcels he wanted, his higher chiefs received large parcels from him and, in turn, distributed smaller parcels to lesser chiefs. The *maka'āinana* (commoners) worked the individual plots of land.

In general, several terms, such as *moku*, *ahupua'a*, *'ili* or *'ili'āina* were used to delineate various land sections. A district (*moku*) contained smaller land divisions (*ahupua'a*), which customarily continued inland from the ocean and upland into the mountains. Extended household groups living within the *ahupua'a* were therefore, able to harvest from both the land and the sea. Ideally, this situation allowed each *ahupua'a* to be self-sufficient by supplying needed resources from different environmental zones (Lyons 1875:111). The *'ili'āina* or *'ili* were smaller land divisions next to importance to the *ahupua'a* and were administered by the chief who controlled the *ahupua'a* in which it was located (Ibid: 33; Lucas 1995:40). The *mo'o'āina* were narrow strips of land within an *'ili*. The land holding of a tenant or *hoa'āina* residing in an *ahupua'a* was called a *kuleana* (Lucas 1995:61). The project area is located in the *ahupua'a* of Ka'ono'ulu, which translated means literally "the desire for breadfruit" (Pukui *et al.*:86).

## TRADITIONAL SETTLEMENT PATTERNS

The Hawaiian economy was based on agricultural production and marine exploitation, as well as raising livestock and collecting wild plants and birds. Extended household groups

settled in various *ahupuaʻa*. Within the *ahupuaʻa*, residents were able to harvest from both the land and the sea. Ideally, this situation allowed each *ahupuaʻa* to be self-sufficient by supplying needed resources from different environmental zones (Lyons 1875:111).

### **PRE-CONTACT PERIOD (PRE-1778)**

During the pre-Contact Period, there were primarily two types of agriculture, wetland and dry land, both of which were dependent upon geography and physiography. River valleys provided ideal conditions for wetland *kalo* (*Colocasia esculenta*) agriculture that incorporated pond fields and irrigation canals. Other cultigens, such as *kō* (sugar cane, *Saccharum officinarum*) and *maiʻa* (banana, *Musa* sp.), were also grown and, where appropriate, such crops as *ʻuala* (sweet potato, *Ipomoea batatas*) were produced. Traditionally, this was the typical agricultural pattern seen on all the Hawaiian Islands (Kirch and Sahlins 1992, Vol. 1:5, 119; Kirch 1985). Agricultural development on the leeward side of Maui was likely to have begun early in what is known as the Expansion Period (AD 1200-1400, Kirch 1985). According to Handy (1940), there was “continuous cultivation on the coastal region along the northwest coast” of Maui. Handy (1940:159) writes:

On the south side of western Maui the flat coastal plain all the way from Kihei and Maʻalaea to Honokahua, in old Hawaiian times, must have supported many fishing settlements and isolated fishermen’s houses, where sweet potatoes were grown in the sandy soil or red lepo [soil] near the shore. For fishing, this coast is the most favorable on Maui, and, although a considerable amount of taro was grown, I think it is reasonable to suppose that the large fishing population, which presumably inhabited this leeward coast, ate more sweet potatoes than taro with their fish....

Trails extended from the coast to the mountains, linking the two for both economic and social reasons. A trail known as the *alanui* or “King’s trail” built by Kihapiʻilani, extended along the coast passing through all the major communities between Lāhainā and Mākena, including to Kīhei. Kolb noted that two traditional trails extended through Kēōkea. One trail, named “*Kekuawahaʻulaʻula*” or the “red-mouthed god”, went from Kīhei inland to Kēōkea. Another, the Kalepolepo trail, began at the Kalepolepo Fishpond and continued to upland Waiohuli. These trails were not only used in the pre-Contact era, but were expanded to accommodate wagons bringing produce to the coast in the 1850s (Kolb *et al.* 1997:61).

## WAHI PANA (LEGENDARY PLACES)

There is little specific information pertaining directly to Kīhei, which was originally a small area adjacent to a landing built in the 1890s (Clark 1980). Presently, Kīhei refers to a six-mile section along the coast from the town of Kīhei to Keawakapu. Scattered amongst the agricultural and habitation sites were places of cultural significance to the *kama'āina* of the district including at least two *heiau*. In ancient times, there was a small village at Kalepolepo based primarily on marine resources. It was recorded that occasionally the blustery Kaumuku Winds would arrive with amazing intensity along the coast (Wilcox 1921).

During the pre-Contact Period, there were several fishponds near Kīhei; Waiohuli, Kēōkea-kai, and Kalepolepo Pond (also known by the ancient name of Kō'ie'ie Pond; Kolb *et al.* 1997). Constructed on the boundary between Ka'ono'ulu and Waiohuli Ahupua'a, these three ponds were some of the most important royal fishponds on Maui. The builder of Kalepolepo and two other ponds (Waiohuli and Kēōkea-kai) has been lost in antiquity, but they were reportedly rebuilt at least three times through history, beginning during the reign of Pi'ilani (1500s; *Ibid*; Cordy 2000).

Oral tradition recounts the repairing of the fishponds during the reign of Kiha-Pi'ilani, the son of the great *ali'i* (chief) Pi'ilani, who had bequeathed the ponds to Umi, ruler of Hawai'i Island. Umi's *konohiki* (land manager) ordered all the people from Maui to help repair the walls of Kalepolepo's fishponds. A man named Kikau protested that the repairs could not be done without the assistance of the *menehune* who were master builders (Wilcox 1921:66-67). The *konohiki* was furious and Kikau was told he would die once the repairs had been made. Kēōkea-kai was the first to be repaired. When the capstone was carried on a litter to the site, the *konohiki* rode proudly on top of the rock as it was being placed in the northeast corner of the pond. When it was time for repairs on Waiohuli-kai, the *konohiki* did the same. As the last pond, then known as Ka'ono'ulu-kai, was completed, the *konohiki* once again rode the capstone to its resting place. Before it could be put into position, the capstone broke throwing both the rock and *konohiki* into the dirt. The workers reportedly said "*Ua konohiki Kalepolepo, ua eku i ka lepo*" (the manager of Kalepolepo, one who roots in the dirt)" (*Ibid*: 66). That night a tremendous storm threw down the walls of the fishponds. The *konohiki* implored Kikau to help him repair the damage. Kikau called the *menehune* who rebuilt the walls in one night. Umi

sent for Kikau who lived in the court of Waipi'o valley from then on. The region of Kēōkea-kai and Ka'ono'ulu-kai Fishpond became known as Kalepolepo Fishpond (Ibid.).

The Kalepolepo fishponds were rebuilt by Kekaulike, chief of Maui in the 1700s. During that period of time, the Kalepolepo fishponds supplied *'ama'ama* (mullet) to Kahekili. Kamehameha I subsequently restored Kalepolepo fishponds when he ruled as governing chief over Maui. The fishponds were restored for the final time in the 1840s, when prisoners from the Kaho'olawe penal colony were sent to do repairs (Kamakau 1961; Wilcox 1921). At this time, stones were taken from Waiohuli-kai pond for the reconstruction of Kalepolepo. It was here at Kalepolepo that Kamehameha I reportedly beached his victorious canoes after subduing the Maui chiefs. The stream draining into Keālia Pond (north of the project area) became sacred to royalty and *kapu* to commoners (Stoddard 1894).

#### **PRE-CONTACT PERIOD (POST-1778)**

Early records, such as journals kept by explorers, travelers and missionaries, Hawaiian traditions that survived long enough to be written down, and archaeological investigations have assisted in the understanding of past cultural activities. Unfortunately, early descriptions of this portion of the Maui coast are brief and infrequent. Captain King, Second Lieutenant on the *Revolution* during Cook's third voyage briefly described what he saw from a vantage point of "eight or ten leagues" (approximately 24 miles) out to sea as his ship departed the islands in 1779 (Beaglehole 1967). He mentions Pu'u Ōla'i south of Kīhei and enumerates the observed animals, thriving groves of breadfruit, the excellence of the taro, and almost prophetically, says the sugar cane is of an unusual height. Seen from this distance and the mention of breadfruit suggest the uplands of Kīpahulu-Kaupo and 'Ulupalakua were his focus.

In the ensuing years, LaPérouse (1786), Nathaniel Portlock and George Dixon, (also in 1786), sailed along the western coast, but added little to our direct knowledge of Kīhei. During the second visit of Vancouver in 1793, his expedition becalmed in the Mā'alaea Bay close to the project area. (A marker commemorating this visit is located across from the Maui Lu Hotel). Vancouver (1984:852) reported:

The appearance of this side of Mowee was scarcely less forbidding than that of its southern parts, which we had passed the preceding day. The shores, however, were not

so steep and rocky, and were mostly composed of a sandy beach; the land did not rise so very abruptly from the sea towards the mountains, nor was its surface so much broken with hills and deep chasms; yet the soil had little appearance of fertility, and no cultivation was to be seen. A few habitations were promiscuously scattered near the waterside, and the inhabitants who came off to us, like those seen the day before, had little to dispose of.

Archibald Menzies, a naturalist accompanying Vancouver stated, "...we had some canoes off from the latter island [Maui], but they brought no refreshments. Indeed, this part of the island appeared to be very barren and thinly inhabited" (Menzies 1920:102). According to Kahekili, then ruling *ali'i* of Maui, the extreme poverty in the area was the result of the continuous wars between Maui and Hawai'i Island causing the land to be neglected and human resources wasted (Vancouver 1984:856).

## **MĀHELE**

In the 1840s, a drastic change in traditional land tenure resulted in a division of island lands. This system of private ownership was based on western law. While a complex issue, many scholars believe that in order to protect Hawaiian sovereignty from foreign powers, Kamehameha III (Kamehameha III) was forced to establish laws changing the traditional Hawaiian economy to that of a market economy (Kuykendall Vol. I, 1938:145 footnote 47, 152, 165-6, 170; Daws 1968:111; Kelly 1983:45; Kame'eiehiwa 1992:169-70, 176).

Among other thing, foreigners demanded private ownership of land to insure their investments (Kuykendall Vol. I, 1938:138, 145, 178, 184, 202, 206, 271; Kame'eiehiwa 1992:178; Kelly 1998:4). Once lands were made available and private ownership was instituted the *maka'āinana* (commoners) were able to claim the plots on which they had been cultivating and living (*kuleana* lands, Land Commission Awards, LCA). These claims could not include any previously cultivated or presently fallow land, *'okipū* (on O'ahu), stream fisheries or many other resources necessary for traditional survival (Kelly 1983; Kame'eiehiwa 1992:295; Kirch and Sahlins 1992). This land division, or Māhele, occurred in 1848. The awarded parcels were called Land Commission Awards (LCAs). If occupation could be established through the testimony of two witnesses, the petitioners were awarded the claimed LCA, issued a Royal Patent number, and could then take possession of the property (Chinen 1961: 16).

Fifty-five LCA claims were made for land in Ka'ono'ulu Ahupua'a. However, a search of the Waihona 'Aina Database (2016) indicated that Hapakuka Hewahewa, the last high priest (*kahuna nui*) under the traditional religion and primary *kahuna* of Kamehameha I, received most of the *ahupua'a*, comprising 5715 acres, under LCA 3237\*M/Royal Patent 7447 in 1853 (Appendix D). According to the Waihona 'Aina Database (2016), seven LCAs were issued in Ka'ono'ulu Ahupua'a, in addition to Hewahewa's lands:

Land Commission Award 9021/ Royal Patent 7885; consisting of one *'āpana* (piece) of land comprising 0.5 acres in the *'ili* of Kapukahawai, Ka'ono'ulu Ahupua'a, Kula District and one *'āpana* comprising 5.54 acres in the *'ili* o Kupalaia, Ka'ono'ulu Ahupua'a, Kula District was awarded to Kamai in 1888.

Land Commission Award 3108/Royal Patent 2814; consisting of one *'āpana* comprised of 0.4 acres in the *'ili* of Kalepolepo, Ka'ono'ulu Ahupua'a, Kula District was awarded to Konohia in 1856.

Land Commission Award 5299/Royal Patent 7468; consisting of one *'āpana* comprised of 1.4 acres in the *'ili* of Puuokuhihewa, Ka'ono'ulu Ahupua'a, Kula District was awarded to Kalio in 1880.

Land Commission Award 5328/ Royal Patent 6575; consisting of one *'āpana* comprised of 2.04 acres in the *'ili* of Kupalaia, Ka'ono'ulu Ahupua'a, Kula District and *'āpana* comprised of 5.14 acres in the *'ili* of Puuokuhihewa, Ka'ono'ulu Ahupua'a, Kula District was awarded to Pupuka in 1874.

Land Commission Award 5376/ Royal Patent 2792; consisting of one *'āpana* comprised of 2.04 acres in the *'ili* of Kupalaia, Ka'ono'ulu Ahupua'a, Kula District and *'āpana* comprised of 0.22 acres in the *'ili* of Kalepolepo, Ka'ono'ulu Ahupua'a, Kula District and one *'āpana* comprised of 2.17 in Ka'ono'ulu Ahupua'a was awarded to Lono in 1856.

Land Commission Award 5407/ Royal Patent 2791; consisting of two *'āpana* comprised of 3.491 acres in Ka'ono'ulu Ahupua'a, Kula District was awarded to in 1856.

Land Commission Award 5465/ Royal Patent 7653; consisting of three *'āpana* comprised of 10.25 acres in the *'ili* of Kailua, Ka'ono'ulu Ahupua'a, Kula District was awarded to Makahahi in 1882.

The Office of Hawaiian Affairs Kipuka Database (2016; Figure 5) indicated the entire *ahupua'a* of Ka'ono'ulu was awarded to Hewahewa.

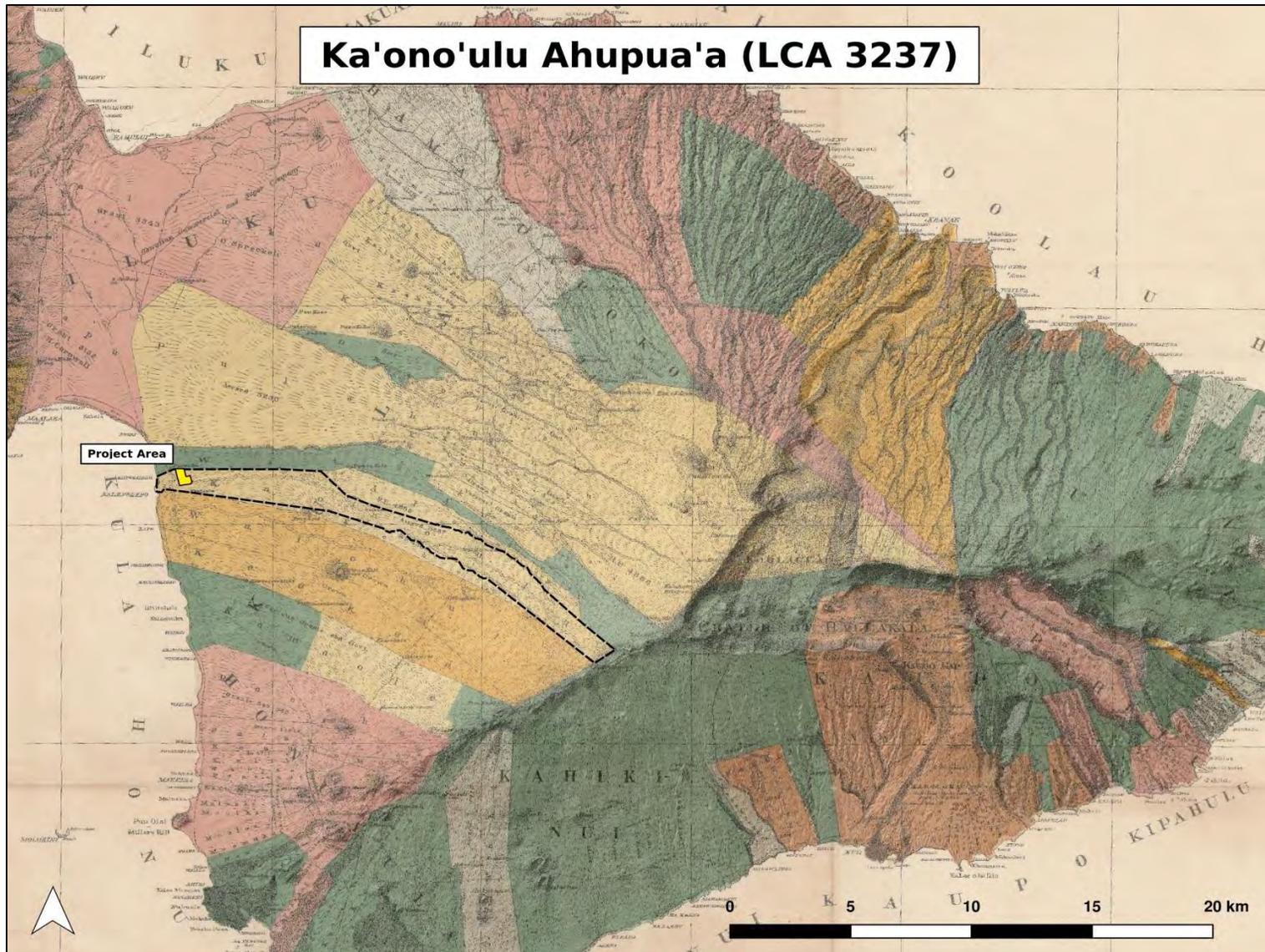


Figure 5: Ka'ono'ulu Ahupua'a, LCA 3237, awarded to Hewahewa in 1860 (basemap: "Maui, Hawaiian Islands" by F.S. Dodge 1885:1:90,000 scale).

As western influence grew, Kalepolepo became the important provisioning area. Europeans were now living or frequently visiting the coast and several churches and missionary stations were established. A Mr. Halstead left medical school on the East coast of the continent to become a whaler and after marrying the granddaughter of Issac Davis, settled in Kalepolepo on land given him by Kamehameha III (Kolb *et al.* 1997). His residence and store situated at Kalepolepo Landing was known as the Koa House having been constructed of *koa* logs brought from the uplands of Kula. The store flourished due to the whaling and potato industry and provided an accessible port for exported produce. Several of Hawai`i's ruling monarchs stayed at the Koa House, including Kauikeaouli (Kamehameha III), Kamehameha the 1V, Lot Kamehameha (V), and Lunalilo. Wilcox (1921:67), giving a glimpse of the surroundings before abandonment stated, "...Kalepolepo was not so barren looking a place. Coconut trees grew beside pools of clear warm water along the banks of which grew taro and ape...". However, by 1887 this had changed. Wilcox (1921) continues:

...the Kula mountains had become denuded of their forests, torrential winter rains were washing down earth from the uplands, filling with silt the ponds at Kalepolepo...ruins of grass huts [were] partly covered by drifting sand, and a few weather-beaten houses perched on the broad top of the old fish pond wall at the edge of the sea, with the Halstead house looming over them dim and shadowy in the daily swirl of dust and flying sand..."

As early as 1828, sugar cane was being grown commercially on Maui (Speakman 1981:114). Sugar was established in the Makawao area in the late 1800s and by 1899, the Kihei Plantation Company (KPC) was growing cane in the plains above Kīhei. The Kihei Plantation was absorbed by the Hawaiian Commercial and Sugar Company (HC&SC) in 1908, which continued cultivating what had been the KPC fields into the 1960s. A 200-foot-long wharf was constructed in Kīhei at the request of Maui plantation owners and farmers and served inter-island boats for landing freight and shipping produce to Honolulu (Clark 1980). In 1927, Alexander and Baldwin became the agents for the plantation (Condé and Best 1973). A landing was built at Kīhei around 1890.

The Kaonoulu Ranch has been in the Rice family since 1916. Previously, both the Haleakalā and Kaonoulu Ranches leased the then Crown lands for pasture and other ranching activities. According to Fredericksen *et al.* 1994:32):

Land Commission Award 8452: 20 consisted of a portion of the ahupua'a of Alae to A. Keohokaole, identified as Alae 3 of an unknown size. Land Commission Award 8452: 19 gave title to a portion of the ahupua'a of Koheo, again to A. Keohokaole (Granted June 8, 1858, from Kamehameha IV). The acreage was not specified in the Land Commission Award listings. However, the three awards make up 5966.72 acres of the Ranch shown on TMK 2-2-02: 15. In the period between 1860 and 1870, the Ranch lands were obtained from A. Keohokaole, by a Chinese immigrant, Young Hee. In the 1890's Young Hee had to return to China because of personal family problems, and decided to sell his Maui land interests. The Ranch lands were then acquired by William H. Cornwall. Harold W. Rice purchased the property from the Cornwall family in 1916. An article in The Maui News, dated August 25, 1916, states that Mr. Rice became the largest individual landowner on Maui with the purchase of the Hee property. It also goes on to say that Mr. Rice resigned as the assistant manager of Maui Agricultural Company, where he had worked for five years, to devote himself full-time to his ranching activities.

With the introduction of a dependable water supply in 1952 came overseas investment and development, which has continued up to and including this time, along the coastal region of Kīhei.

### **PREVIOUS ARCHAEOLOGY**

Archaeological studies in the greater Kīhei area began in the early twentieth century with T. Thrum (1909), J. Stokes (1909–1916), and W. M. Walker (1931). These surveys included areas of leeward Maui and inventoried both upland of the Kula District and coastal sites. Scientific Consultant Services, Inc. and other cultural resource management firms have more recently conducted numerous projects in the vicinity of the present project area. Several studies have been conducted in association with development of the Maui Research and Technology Park and the Elleair Maui Golf Club (Kennedy 1986; Hibbard 1994; Fredericksen *et al.* 1994; Chaffee *et al.* 1997; McGerty *et al.* 2000; Sinoto *et al.* 2001; Tome and Dega 2002; Monahan 2003; Figure 6).

The barren zone areas of this study have recently been subject to a proliferation of archaeological studies as residential and business endeavors expand from the coastline into other reaches of the Kīhei area. Concomitant with modern expansion involves necessary

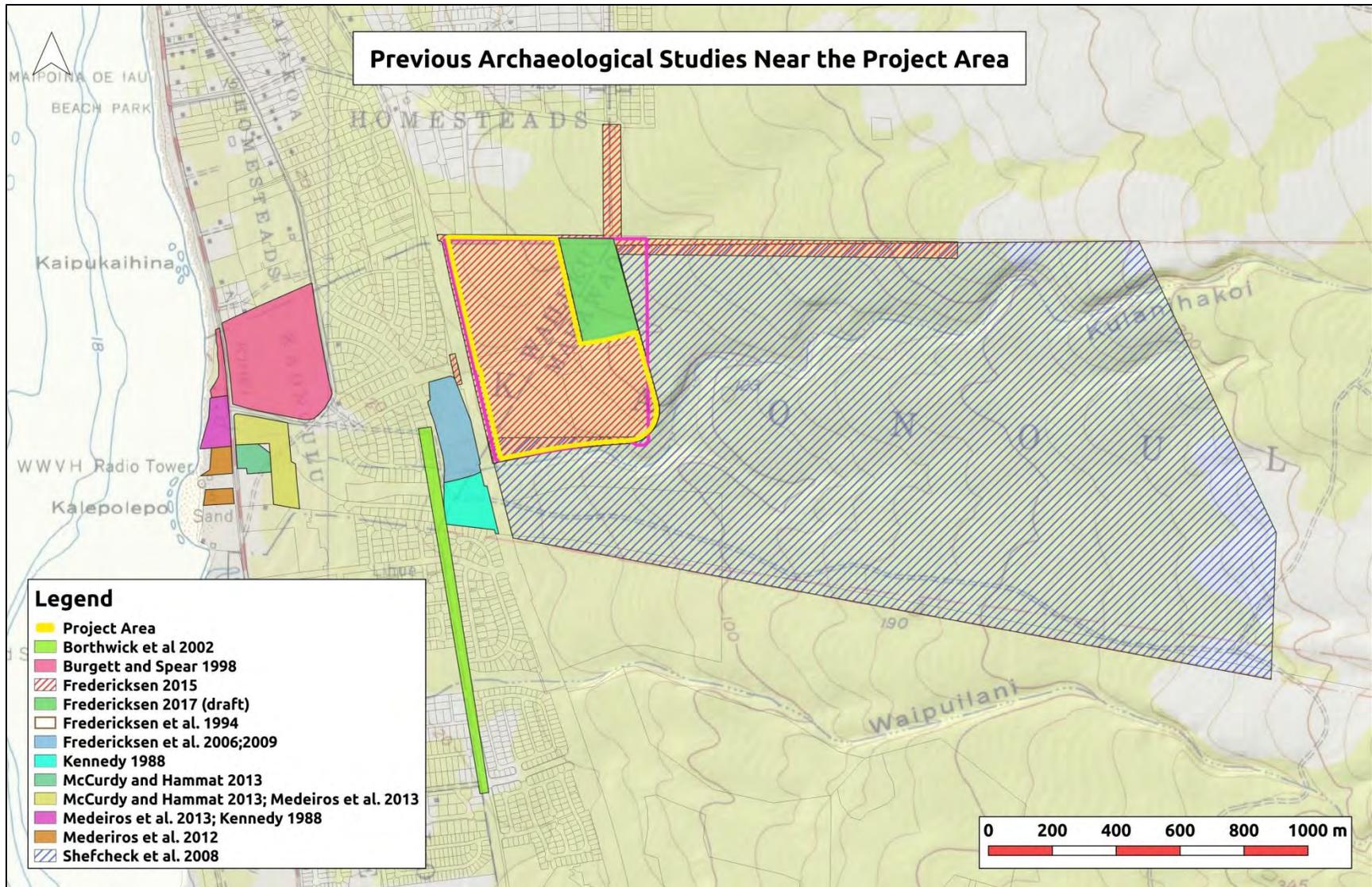


Figure 6: Selected Previous Archaeology in Vicinity of the Proposed Project Area (portion USGS Puu o Kali Quad: 1954).

historic preservation work. The following section provides a general overview of archaeological studies in the general Kīhei area, focused on the barren zone.

As noted by Hammatt and Shideler (1992:10), “what is particularly striking in the many archaeological reports on Kīhei is the general paucity of sites within the transitional or barren zone.” Cordy (1977) and Cox (1976) all conducted large-scale survey in this zone that led to the recordation of only small, temporary habitation or temporary use sites. Several other studies in this zone of Kama’ole Ahupua’a, including those conducted by Mayberry and Haun (1988) and Hammatt and Shideler (1990), identified historic properties interpreted as functioning as temporary habitation and temporary use loci.

McDermott (2001:100) states that site densities are typically quite low within the “barren zone” with multiple studies having been conducted on large parcels (Kennedy 1986, Watanabe 1987, Hammatt and Shideler 2000, Kikiloi *et al.* 2000) that did not lead to the identification any pre-Contact sites. However, military sites related to World War II (WWII) training exercises have been previously documented in the area (McGerty *et al.* 2000), these sites often consisting of low, short alignments or walls. The few radiocarbon dates acquired from the area indicate definitive use of the landscape in later prehistory c. A.D. 1500 to 1600+.

Archaeological Consultants of Hawaii (Kennedy 1986) conducted an Archaeological Reconnaissance Survey of the entire 150.032 acres of the then-proposed Maui Research and Technology Park [TMK: (2) 2-2-002, since changed to TMK: (2) 2-2-024]. Kennedy’s study, which did not include subsurface testing (excavation), concluded that no archaeological sites or features were located within the project area.

Archaeological Consultants of Hawaii (Kennedy 1988) conducted an Archaeological Reconnaissance Survey of TMK: (2) 3-9-001: 15, 148, and 149), which yielded negative findings.

Scientific Consultant Services, Inc. (Burgett *et al.* 1998) conducted an Archaeological Inventory Survey of Lots A and B of the Maui Lu Resort in Kīhei, Ka’ono’ulu Ahupua’a, Wailuku District, Maui [TMK: (2) 3-9-1:83,86, and 120]. No historic properties were identified.

Xamanek Researches (Fredericksen *et al.* 1994) conducted an Archaeological Inventory Survey of 88 acres of land located in Ka’ono’ulu Ahupua’a, Wailuku and Makawao Districts,

Maui Island [TMK: (2) 3-9-01:16 and 2-2-02 por. 15]. This survey included the proposed Piilani Promenade project area (see Figure 6). During the survey, 20 archaeological sites (State Sites 50-50-10-3727 through 50-50-10-3746) were identified. Fredericksen *et al.* (1994) state that while there was no direct evidence of traditional agriculture, State Sites 50-50-10-3727, 3728, and 3734 were interpreted as remnants of dry land agriculture. Evidence of traditional use of the area is suggested by several surface scatters (State Sites 50-50-10-3741 through -3745); an enclosure (State Site 50-50-10-3736), which was interpreted as a possible habitation feature; and a petroglyph boulder (State Site 50-50-10-3746), which was subsequently relocated off-site and is currently under preservation. State Sites 50-50-10-3735, -3737, 3738, and -3740 were interpreted as military features associated with World War II. In addition, Fredericksen *et al.* (1994) state that the subject property has been disturbed by modern activities including bulldozing, grubbing, and blasting activities, and that the project area was formerly a portion of the Kaonoulu Ranch, which was owned by the Rice family.

Scientific Consultant Services, Inc. (Chaffee *et al.* 1997) conducted an Archaeological Inventory Survey, including subsurface testing, of a portion of the Maui Research and Technology Park, within the area investigated by Kennedy (1986). During the survey, ten features were identified. The features included remnant terraces, stone alignments, a mound, and a modified outcrop. Based on spatial relationships, these features were incorporated into three archaeological sites. All of the sites were interpreted as having agricultural functions, with the exception of a rock mound that may have functioned as a religious feature.

Cultural Surveys Hawai'i, Inc. (Folk *et al.* 1999) conducted an Archaeological Reconnaissance Survey of the proposed Kīhei to Kula Road corridors, Kailua to Kama'ole Ahupua'a, Makawao and Wailuku Districts, Island of Maui, (TMK: (2) 2-2 and 2-3). During the survey, twenty historic properties were newly identified (State Site 50-50-10-4760 through 50-50-10-4779) and five previously identified sites were relocated (the Kaliaui Petroglyph Site State Site 50-50-10-1061; Kaluapulani Gulch Petroglyphs, State Site 50-50-10-1062; Kaluapulani Gulch Petroglyphs (Canoes, etc.), State Site 50-50-10-4178; an historic cattle wall, State Site 50-50-10-4180; and two pineapple plantation clearing mounds, State Site 50-50-10-4181. The newly identified sites included enclosures, walls, mound and cairn, midden and lithic scatter, a modified outcrop, road, ditch, rock overhang shelter, and the petroglyph sites. Most of these sites were interpreted as having agricultural and ranching functions, five sites were interpreted

as habitation sites, the petroglyph site was interpreted as having a symbolic function, and an enclosure complex was interpreted as having a military function.

Cultural Surveys Hawai'i, Inc. (Borthwick *et al.* 2002) conducted an Archaeological Inventory Survey of the proposed alignment for the North-South Collector Road. The northern portion of the alignment is adjacent and west of the current proposed project area (see Figure 6). No historic properties were identified during the survey.

Scientific Consultant Services, Inc. (Monahan 2003) conducted an Archaeological Inventory Survey, including subsurface testing, of a 28.737-acre portion of the Maui Research and Technology Park, within the area investigated by Kennedy (1986). Other than one surface feature, a small arrangement of stacked boulders interpreted as a 'push pile', this survey yielded no evidence of historic or prehistoric significance.

Scientific Consultant Services, Inc. (McGerty *et al.* 2000) conducted an Archaeological Inventory Survey of 15 selected areas within the Elleair Maui Golf Club. During the survey, five archaeological sites (State Sites 50-50-10-5043, -5044, -5045, -5046, and -5047), containing a total of seven surface features, were identified. The surface features were interpreted as agricultural terraces, perhaps dating from the pre-Contact period, and C-shaped rock formations (fighting positions) built during World War II training. Ten excavation units placed within these features yielded no cultural material.

Sinoto *et al.* (2001) conducted an Archaeological Inventory Survey of a parcel adjacent to the subject property (see Figure 6). No archaeological or historical sites or features were identified.

Scientific Consultant Services, Inc. (Tome and Dega 2002) conducted an Archaeological Inventory Survey along the northeastern flank of the Elleair Maui Golf Club property. They identified a historical ranching corral and a short agricultural wall, collectively designated State Site 50-50-10-5233. No other structures or subsurface deposits were identified. No traditional native Hawaiian sites or features were identified. Another Inventory Survey along the southern flank of the Elleair Maui Golf Course (Dega 2003) failed to yield any archaeological or historical features.

Scientific Consultant Services, Inc. (Monahan 2004) conducted Archaeological Inventory Survey on two undeveloped lots totaling approximately 56.647 acres near the Elleair Golf Course in Kīhei, Waiohuli and Ka'ono'ulu Ahupua'a, Wailuku (Kula) District, Kīhei, Maui Island, Hawai'i [TMK: (2) 2-2-024: Portion 012 and 013]. A pedestrian survey and subsurface testing was performed in advance of a proposed residential project near the Elleair Golf Course. Four surface features consisting of stacked basalt stones were located within the project area; each was assigned a separate state site number. Test excavations yielded buried cultural material consistent with traditional native Hawaiian activities at three of the four sites (State Sites 50-50-10-5506, -5507, and -5509). Excavation at the fourth site (-5508)—a C-shaped rock pile consistent with a World War II military training feature—did not yield any subsurface evidence. The discovery of three traditional native Hawaiian sites in this area is significant, as previous studies have generally failed to document any such activity. One of these sites (-5509) yielded a modern radiocarbon date ( $0 \pm 50$  BP), but its context is questionable and it may not be associated with the buried artifacts. Two other sites (-5506 and -5507) did not yield charcoal, although both contained buried traditional artifacts and midden. No additional archaeological work was recommended in the project area.

Scientific Consultant Services, Inc. (Shefcheck *et al.* 2008) conducted an Archaeological Inventory Survey on a large parcel of open land located in Kīhei, Ka'ono'ulu Ahupua'a, Makawao District, Maui Island, Hawai'i [TMK: 2-2-002: 015 por.], located immediately adjacent and east of the current project area (see Figure 6). During the survey, forty archaeological sites were newly identified. Of these forty sites, eight were interpreted as associated with pre-Contact activities. These pre-Contact sites consisted of temporary rock shelters with petroglyph components, enclosures, platforms, a mound and a wall. Historic sites identified during this survey were interpreted as having agricultural and military training functions.

In 2006, Xamanek Researches (Fredericksen 2006, 2009) conducted an archaeological field inspection of 8.274 acres of land in Ka'ono'ulu Ahupua'a [TMK: (2) 3-9-001:157 and 158]. No historic properties were identified. The original field inspection report was turned in to the State Historic Preservation Division (SHPD) for review and comment. However, the archaeological field inspection reports are not subject to the SHPD review process. The SHPD subsequently requested that the report be resubmitted as an archaeological assessment survey.

Cultural Surveys Hawai'i, Inc. (McCurdy and Hammatt 2013) conducted an Archaeological Inventory Survey for the proposed Kūlanihāko'i Bridge Replacement Project, Ka'ono'ulu Ahupua'a, Wailuku District, Maui Island [TMK: (2) 3-9-001: 999, 162, 143 (pors)]. During the survey, the Kūlanihāko'i Bridge (State Site 50-50-10-7606) was documented. No additional historic properties were identified. Prior to the Archaeological Inventory Survey, Cultural Surveys Hawai'i, Inc. (Medeiros *et al.* 2012) conducted an archaeological literature review and field inspection for the Kūlanihāko'i Bridge Replacement Project.

Xamanek Researches (Fredericksen 2015) conducted an Archaeological Inventory Survey of 101.658 acres of land within Ka'ono'ulu Ahupua'a, Wailuku and Makawao Districts, Island of Maui [TMK: (2) 3-9-001: 16, 169-174; TMK: (2) 2-2-002: 016, 077, 082; TMK: (2) 3-9-001: 148; and TMK: (2) 3-9-048: 122]. This survey included the proposed Piilani Promenade project area and land previously surveyed by Fredericksen *et al.* (1994). The recent findings included:

- Identification of a previously undocumented enclosure (State Site 50-50-10- 8266), which was interpreted as a possible pre-Contact habitation site;
- That “[p]revious bulldozing activities, prior ranching and more recent farming operations, road construction activities, as well as erosion have impacted portions of the project area;
- State Sites 50-50-10-3734 and -3739, which were previously identified by Fredericksen *et al.* (1994) were destroyed by post-1994 bulldozing activities; and
- Recommended Archaeological Data Recovery for the newly identified State Sites 50-50-10-8266 and for State Sites 50-50-10-3727-3729, 3732, 3735, 3736 and 3741-3745, which were previously identified by Fredericksen *et al.* (1994).

The report (Fredericksen 2015) documenting the findings of this survey has been approved by the State Historic Preservation Division (Log No: 2015.03310/Doc No: 1601MD08; Appendix F).

During 2016 and 2017, Xamanek Researches (Fredericksen 2017, Draft) conducted an Archaeological Assessment (Archaeological Inventory Survey-level investigation) of the proposed 13-acre Honua'ula off-site workforce housing project located. The project area is located within Ka'ono'ulu Ahupua'a, Wailuku and Makawao Districts, Island of Maui [TMK: (2) 3-9-001:169], and immediately adjacent to the current project area (see Figure 6). No historic properties were identified.

As may be gleaned from this praxis of archaeological studies for the barren zone, site expectation and site density is low for the area. A majority of the pre-Contact population of Kīhei was settled along the coastline, nearer resources, while lands above 2,000 ft. amsl. were also heavily occupied from the c. A.D. 1400s. Thus, the "barren zone" became a medial zone between a coastal and inland population. Coupling the lack of major water resources and the shallow depths of the soils, the barren zone became an infrequent occupation area. Given the paucity of significant sites in the barren zone, the sites that are identified in this zone become much more significant.

### **CONSULTATION**

Hana Pono, LLC (2016) conducted a CIA, in support of the DEIS, for the proposed Piilani Promenade Project. During the Hana Pono, LLC (2016) consultation process, several in-person interviews were conducted with Mrs. Paula Kalanikau, Mr. Daniel Kanahale, and Mr. Michael Lee, kumu (see Appendix A). In addition, two community-based consultation meetings were held. Sarofim Realty Investors, Inc. held a Cultural Consultation Meeting at the Kīhei offices of Goodfellow Bros., Inc., on February 25, 2014. Sarofim Realty Investors, Inc. held a Cultural Consultation Meeting with the Aha Moku o Maui Council, on April 27, 2016. These interviews, cultural meetings, are briefly summarized below.

#### **Mrs. Paula Kalanikau**

Mrs. Kalanikau thought having a high school built on the subject property would be good for the children, but also expressed the need for respecting the history of the area and the land:

Oh, I'm definitely interested in having the high school there. I think the children deserve that; and a hospital. But we need to be also aware of what our ancestors have established in these areas and be mindful of developers what would be our priorities. And that is our priority: to look after our 'aina (Hana Pono, LLC 2016:11).

**Mr. Daniel Kanahele**

Mr. Daniel Kanahele (in Hana Pono, LLC 2016:11) expressed the importance of the Hawaiian stories to be told as a method of preserving the past. "... [P]reserving the stories as well as the various sites should be of the utmost importance," as learning about the history of an area provides a sense of continuity between the present and the past .

**Mr. Michael Lee**

Mr. Michael Lee (in Hana Pono, LLC 2016:11) believes "...that people should be educated about the spiritual and physical meaning of the various sites in the project area"... and that he would like to see as many sites preserved as possible. Mr. Lee suggested that community meetings should be held with "...members of the Aha Moku Kula: Basil Oshiro and 'Ohana, Brian Naeole and 'Ohana, Jacob Mau and Tim Baily and 'Ohana (from Mauka) to discuss a Site Preservation Plan" (Ibid).

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

On February 25, 2014, Sarofim Realty Investors, Inc. held a Cultural Consultation Meeting at Kīhei offices of Goodfellow Bros., Inc. Those who attended this meeting were:

**Charlie Jencks**

**Brett Davis**

**Eric Fredericksen**

**Kimokeo Kapahulehua**

**Kelii Taua**

**Levi Almeida**

**Basil Oshiro**

**Sally Ann Oshiro**

**Clare Apana**

**Brian Nae'ole**

**Florence K. Lani**  
**Daniel Kanahale**  
**Jacob R. Mau**  
**Lucienne deNaie**

This meeting is transcribed in full by Jessica R. Perry, CSR, RPR (see Appendix A). During the course of the meeting, Mr. Jencks called upon Clare Apana, as she had not spoken throughout the meeting. Ms. Apana stated that the "...kanaka were pretty much in agreement about the flow of water and preserving the coastline, keeping the water clean flowing down and keeping it flowing down" (Hana Pono 2016: 83).

On April 27, 2016, Sarofim Realty Investors, Inc. held a Cultural Consultation Meeting with the Aha Moku Council to discuss the Piilani Promenade Project. Those who attended this meeting were:

**Charlie Jencks, Owner's Representative**  
**Kimokeo Kapahulehua, Cultural Consultant**  
**Brett Davis, Chris Hart and Partners**  
**Lucienne deNaie**  
**Florence K. Lani, lineal descendant of Hewahewa Hapakuka**  
**Brian Nae'ole, lineal descendant of Hewahewa Hapakuka**  
**Basil Oshiro, Aha Moku o Maui, Kula Makai Representative**  
**Sally Ann Oshiro, Makai Kula Moku**

The purpose of this meeting was to take the re-visit the information obtained from the February 25, 2014 and to update the community on what steps Sarofim had taken to address the concerns expressed at the earlier meeting. This meeting is transcribed in full by Tonya McDade, CSR, RPR, CRC (see Appendix A).

## **SUPPLEMENTAL CONSULTATION**

Consultation for the Supplemental CIA was conducted via telephone, e-mail, personal interviews, and the U.S. Postal Service. Consultation was sought from the following individuals:

Dr. Kamana'opono M. Crabbe, Office of Hawaiian Affairs;  
Chris (Ikaika) Nakahashi, Cultural Historian, State Historic Preservation Division;  
Leimana DaMate, Executive Director, Aha Moku Advisory Committee;  
Kimokeo Kapahulehua, President, 'Ao'ao O Na Loko'ia O Maui;  
Leslie Kuloloio, cultural practitioner and former member of the Maui/Lāna'i Islands Burial Council;  
Andrew K. Phillip, State Historic Preservation Division, Burial Sites Specialist, Maui;  
Kapulani Antonio, Chair Maui/Lāna'i Islands Burial Council and representative of the Moku of Kula;  
Clare Apana, cultural practitioner;  
Elden Liu, descendent of Hapakuka Hewahewa;  
Kahele Dukelow, Maui/Lāna'i Islands Burial Council District Representative;  
Ke'eaumoku Kapu, Chair, Aha Moku;  
Basil Oshiro, 'Aha Moku Representative for Kula;  
Kaonohi Lee, Honua'ula Moku Representative;  
Kamoa Quitevis, Cultural Consultant;  
Joylynn Paman, 'Ao'ao O Na Loko'ia O Maui;  
William Ho'ohuli, community member;  
Sally Ann Oshiro, Makai Kula Moku;  
Brian Nae'ole, descendant of Hapakuka Hewahewa;  
Sharon Rose, community member; and  
Jacob Mau, community member

### **SUPPLEMENTAL CULTURAL IMPACT ASSESSMENT INTERVIEWS AND RESPONSES**

Analysis of the potential effect of the project on cultural resources, practices or beliefs, the potential to isolate cultural resources, maintain practices or beliefs in their original setting, and the potential of the project to introduce elements that may alter the setting in which cultural practices take place is a requirement of the OEQC (No. 10, 2012). As stated earlier, this includes the cultural resources of the different groups comprising the multi-ethnic community of Hawai'i.

During the consultation process for the SCIA, SCS received responses from four individuals responded to SCS's query for information about traditional cultural practices

previously or currently conducted in the project area or Ka'ono'ulu Ahupua'a by indicating that they would like to be interviewed. Cathleen Dagher, SCS Senior Archaeologist, conducted four interviews during the consultation process of the Supplemental CIA. Three of the interviews were conducted in-person interviews, two of the interviews were conducted with single individuals, and one joint interview was conducted with two individuals.

An in-person interview was conducted with Joylynn Paman at the Hawaiian Islands Humpback Whale Sanctuary Visitor Center, Kīhei, on December 15, 2016. A joint interview was conducted with Basil Oshiro, Aha Moku o Maui, Kula Makai Representative, and Sally Ann Oshiro, Makai Kula Moku at the Hawaiian Islands Humpback Whale Sanctuary Visitor Center, Kīhei, on December 15, 2016. An in-person interview was conducted with Elden Liu at Kalepolepo Beach Park, on November 30, 2016. On January 18, 2017, Mr. Liu telephoned SCS to request that his testimony not be included in the SCIA. The interview summaries, with the exception of Mr. Liu's, are presented below.

## **INTERVIEW SUMMARIES**

### **Joylynn Paman, 'Ao'ao O Na Loko'ia O Maui**

Joylynn Paman is a long-time resident of Waiohuli Ahupua'a, the Hawaiian Homestead in Kula. Waiohuli is the neighboring *ahupua'a* to the south of Ka'ono'ulu. Ms. Paman has been involved with Kalepolepo Fishpond for almost twenty years. In 1997, she joined 'Ao'ao O Na Loko'ia O Maui as an intern. She has definitely seen her share of changes to the physical environment here and how things that have happened up in the mountains have impacted the Kalepolepo area.

The non-profit fishpond project, 'Ao'ao O Na Loko'ia O Maui, was formed in 1997 by a group of Kīhei residents who wanted to learn about the historical and cultural importance of Kalepolepo Fishpond. These Kīhei residents felt there was a need to revitalize the fishpond. The mission of 'Ao'ao O Na Loko'ia O Maui is to restore and maintain the fishpond and to acknowledge all of the recreational, cultural, historical importance the fishpond has in their community.

As Ms. Paman lives *mauka* and given her connection to the Kalepolepo Fishpond area, Ms. Paman is very aware of the environment and how what happens in the uplands impacts the *makai* environment. For example, the heavy rains that were experienced throughout the *ahupua'a* recently caused flooding in the *makai* area and caused all of this dirty sediment to wash into our ocean.

Pu'u Kalepeamoā (approximately 9,000 feet amsl) forms the apex of Ka'ono'ulu Ahupua'a, which extends *makai*, into the ocean, to the outermost edge of the reef. Ka'ono'ulu Ahupua'a is one of the narrowest *ahupua'a* in the Kula District. At its widest point the *ahupua'a* is approximately one mile wide and at the shoreline, the *ahupua'a* is about a half a mile wide. If you look at a map of the *mauka* portion of Ka'ono'ulu Ahupua'a, you will see twenty to thirty small tributaries joint together to form Kūlanihāko'i Stream. Historically, this area has been the recipient of sediment deposits that have washed down from *mauka*, as a result of heavy rainfall in the uplands.

In the 1800s, Kalepolepo was known as a bustling town, actually a fishing village. People now associate Kalepolepo with just the area immediately adjacent to Kaeloplepo Park. However, during the mid-1800s, it was a long stretch of land that extended from a little bit past where the Maui Lu is now to where Azeka's is currently located. While only Kalepolepo Fishpond remains, several ponds once extended along this portion of the coastline. These ponds included Waiohuli Kai Fishpond, which is located to the south of Kalepolepo, and Kēōkea Fishpond, which is located south of Waiohuli Kai Fishpond. The ancient name for Kalepolepo Fishpond was Kō'ie'ie Fishpond. A third name associated with the fishpond is Ka'ono'ulu Kai, named after the *ahupua'a*. According to legend, the changing of the name from Kō'ie'ie to Kalepolepo happened many years ago during one of the major repairs to the fishpond wall. The thousands of people involved with the wall repair kicked up so much dirt that the dirt formed a big cloud of dust that hovered over the area. Thus, the area became known as Kalepolepo, the "dirty dirt."

Limu was once abundant in the area. During the 1950s and '60s, Mā'alaea Bay was one of the most pristine reef systems in the State. However, due to the quick transitions that happened on land (*i.e.*, development), all of the runoff washed into the ocean causing all of the sediments to smother the reefs. Now it is one of the worst coral reef systems in the State. Just within 30 to 40 years, we've gone from one extreme to the other, within the spectrum.

Traditional cultural practices currently conducted at Kalepolepo Fishpond include seasonal limu gathering, chanting (*oli*), cleansing ritual (*hiu wai*), fishing, repairing and maintaining the fishpond, and recreation. The fishpond is also used to educate the community on traditional cultural practices.

**Concerns:** Ms. Paman's primary concern is that the ocean and Kalepolepo Fishpond are the recipients of everything that occurs *mauka*. Sediments, as a result of natural or construction-related events, may be washed downwards from the proposed project area into the ocean as a result of heavy rainfall and flooding. Large amounts of re-deposited sediments have the potential to change the bathymetry (topography of the ocean) of our immediate ocean area.

Once the bathymetry has changed, the currents will change, which in turn will affect the fishpond. Impacts to the fishpond, as a result of bathymetry, may include: changing wave angles which can weaken the fishpond wall; the filling of the fishpond with sediment which may change the water levels within the pond; the changing water levels within the pond may affect the types of fish that can thrive in the pond.

**Basil Oshiro, Aha Moku o Maui, Kula Makai Representative, and Sally Ann Oshiro, Makai Kula Moku**

Sally and Basil Oshiro are long-time residents of Ka'ono'ulu Ahupua'a. Basil Oshiro is the Aha Moku representative for Kula Moku and Sally Oshiro is affiliated with the Makai Kula Moku. The Oshiro's point out that there are numerous streams and tributaries located *mauka* of the project area, some of which flow into, Ka'ono'ulu Stream, which runs through the project area. Throughout recent history, heavy rains have caused these waterways to flood the project area and adjacent lands. The project area and adjacent lands contain natural features that may be impacted by the proposed undertaking. Lava tube systems, which serve as *pueo* habitats, extend beneath project area. Mr. Oshiro pointed out on the USGS (Puu O Kali, 1992; 1:24,000) quadrangle map the possible location of the *punawai* (traditional water catchment system) within the project area. Mr. Oshiro pointed out on the USGS quadrangle map a ditch located *mauka* of the project area that looks natural, but may have been modified for water diversion purposes during the pre-Contact Period. Mr. and Mrs. Oshiro said that there are archaeological features (*i.e.*, directional rocks, seating areas, an area where children used to play), within the project area that have not been documented. Mr. Oshiro said that there are additional undocumented archaeological features adjacent to and within the gulches. There are, also, trails that extend *mauka/makai* across the project area that were used traditionally. Mr. and Mrs. Oshiro would like to see development work with nature, rather than against it.

**Concerns:** Basil and Sally Oshiro expressed their concerns that natural run-off and water diversion associated with proposed development would contribute to flooding of the project area and adjacent lands. Mr. and Mrs. Oshiro are concerned that undocumented archaeological features, within the project area, will be impacted by the proposed development.

## **RESPONSES**

Scientific Consultant Services, Inc. received three responses via e-mail and one via telephone, from individuals answering SCS' inquiries for information that might contribute to the knowledge of traditional cultural activities that were, or are currently, conducted in the vicinity of the proposed undertaking. Responses were received from Andrew K. Phillip, State Historic Preservation Division, Burial Sites Specialist, Maui; Chris (Ikaika) Nakahashi, Cultural Historian, State Historic Preservation Division; Ke'eaumoku Kapu, Chair, Aha Moku o Maui; and Joylynn Paman, 'Ao'ao O Na Loko'ia O Maui.

### **Andrew K. Phillip, State Historic Preservation Division, Burial Sites Specialist, Maui.**

In his e-mail dated November 16, 2016, Mr. Phillip suggested SCS contact Kapulani Antonio, Chair, Maui/Lāna'i Islands Burial Council; Kahele Dukelow, Honua'ula District Representative, Maui/Lāna'i Islands Burial Council; and Keeaumoku Kapu, Chair, Aha Moku o Maui.

### **Chris (Ikaika) Nakahashi, Cultural Historian, State Historic Preservation Division**

In an e-mail dated December 9, 2016, Mr. Nakahashi thanked SCS for contacting him about this project. Mr. Nakahashi stated that people that may have information on the traditional cultural practices of Ka'ono'ulu are Keeaumoku Kapu and Kamoā Quitevis.

### **Ke'eaumoku Kapu, Chair, Aha Moku o Maui**

Mr. Kapu indicated in an e-mail to SCS, dated December 2, 2016, that he will be forwarding SCS's consultation materials to the moku representative of Kula, Basil Oshiro and the Honua'ula moku rep Kaonohi Lee, so that they can assist with coordinating meetings with descendants of those ahupua'a and also hunting and fishing families which may frequent those areas of the project site.

### **Joylynn Paman, 'Ao'ao O Na Loko'ia O Maui**

On December 5, 2016, Ms. Paman contacted the SCS, Honolulu office via telephone, and indicated that she would like to participate in the consultation process. An in-person interview

was conducted with Ms. Paman on December 15, 2016, at the Hawaiian Islands Humpback Whale Sanctuary Visitor Center, Kihei (see Interview Summaries above).

### **SUMMARY**

The “level of effort undertaken” to identify the potential effect by a project to cultural resources, places or beliefs (OEQC 2012) has not been officially defined and is left up to the investigator. A good faith effort can mean contacting agencies by letter, interviewing people who may be affected by the project or who know its history, researching sensitive areas and previous land use, holding meetings in which the public is invited to testify, notifying the community through the media, and other appropriate strategies based on the type of project being proposed and its impact potential. Sending inquiring letters to organizations concerning development of a piece of property that has already been totally impacted by previous activity and is located in an already developed industrial area may be a “good faith effort.” However, when many factors need to be considered, such as in coastal or mountain development, a good faith effort might mean an entirely different level of research activity.

In the case of the current undertaking, letters of inquiry were sent to individuals and organizations that may have knowledge or information pertaining to the collection of cultural resources and/or practices currently, or previously, conducted in close proximity to the proposed development of the Piilani Promenade Project.

### **CULTURAL ASSESSMENT**

Analysis of the potential effect of the project on cultural resources, practices or beliefs, the potential to isolate cultural resources, maintain practices or beliefs in their original setting, and the potential of the project to introduce elements that may alter the setting in which cultural practices take place is a requirement of the OEQC (2012:13). As stated earlier, this includes the cultural resources of the different groups comprising the multiethnic community of Hawai‘i.

## ARCHAEOLOGICAL CONCERNS

Concerns expressed by the community focused on the potential presence of undocumented archaeological sites within the project area that may be impacted by the proposed undertaking. These concerns were addressed by two Archaeological Inventory Surveys conducted in Ka'ono'ulu Ahupua'a and included the proposed project area (Fredericksen *et al.* 1994, Fredericksen 2015). The Fredericksen (2015) archaeological report documenting the findings of the survey has been reviewed and accepted by SHPD (Log No: 2015.03310/ Doc No: 1601MD08; see Appendix F).

Xamanek Researches (Fredericksen *et al.* 1994) conducted an Archaeological Inventory Survey of 88 acres of land located in Ka'ono'ulu Ahupua'a, Wailuku and Makawao Districts, Maui Island [TMK: (2) 3-9-01:16 and 2-2-02 por. 15]. This survey included the currently proposed Piilani Promenade project area. During the survey, 20 archaeological sites were identified (State Sites 50-50-10-3727 through 50-50-10-3746). A subsequent Archaeological Inventory Survey (Fredericksen 2015), which included the current project area and the area surveyed by Fredericksen *et al.* (1994), was conducted by Xamanek Researches, in 2004 and 2015. During the recent survey, Fredericksen (2015) identified a previously undocumented enclosure (State Site 50-50-10- 8266), which was interpreted as a possible pre-Contact habitation site; determined that previously conducted bulldozing activities, ranching, farming operations, road construction activities, and erosion have impacted portions of the project area. These impacts include the destruction of State Sites 50-50-10-3734 and -3739, which were previously identified by Fredericksen *et al.* (1994). As a mitigation measure to prevent further impact to archaeological sites within the proposed project area, Fredericksen (2015) recommended that a program of Archaeological Data Recovery be conducted during all construction related ground altering activities at the newly identified State Sites 50-50-10-8266 and at State Sites 50-50-10- 3727-3729, 3732, 3735, 3736 and 3741-3745, which were previously identified by Fredericksen *et al.* (1994).

The project ownership has committed to a continuation of the cultural consultation process with additional participation in the data recovery effort proposed for the archeological sites. The Archaeological Monitoring program will be prepared under the guidance and directive of the State Historic Preservation Division.

## TRADITIONAL CULTURAL PRACTICES

The concerns expressed by those interviewed for the Supplemental Cultural Impact Assessment did not focus on traditional cultural practices previously or currently conducted within the project area. However, there is the potential for traditional cultural practices conducted within the greater *ahupua'a* to be impacted by the proposed undertaking (*i.e.*, naturally occurring flooding and run-off generated by construction activities within the project area which may negatively affect the adjacent areas, including Kalepolepo Fishpond and the Pacific Ocean). As these concerns pertain to the environment, please refer to the Drainage discussion in the Potential Impacts and Mitigation Measures section in the Final Environmental Impact Assessment (FEIS).

## CONCLUSION

To fulfill these purposes, the Supplemental Cultural Impact Assessment has reviewed historical research and suggestions from contacts, and analyzed the potential effect of the project on cultural resources, practices or beliefs, its potential to isolate cultural resources, practices or beliefs from their setting, and the potential of the project to introduce elements which may alter the setting in which cultural practices take place, as required by the OEQC (2012). Based upon this review and analysis, no traditional cultural practices are currently known to be practiced within the proposed project area.

The Land Use Commission (LUC) is also required to apply the analytical framework set forth by the Hawaii Supreme Court in Ka Pa'akai O Ka'Aina v. Land Use Comm'n, State of Hawai'i, 94 Hawai'i 31, 7 P.3d 1068 (2000) (hereinafter, "Ka Pa'akai"). In this case, a coalition of native Hawaiian community organizations challenged an administrative decision by the Land Use Commission (the "**LUC**") to reclassify nearly 1,010 acres of land from conservation to urban use, to allow for the development of a luxury project including upscale homes, a golf course, and other amenities. The native Hawaiian community organizations appealed, arguing that their native Hawaiian members would be adversely affected by the LUC's decision because the proposed development would infringe upon the exercise of their traditional and customary rights. Noting that "[a]rticle XII, section 7 of the Hawaii Constitution obligates the LUC to protect the reasonable exercise of customarily and traditionally exercised rights of native Hawaiians to the extent feasible when granting a petition for reclassification of district

boundaries,” the Hawai‘i Supreme Court held that the LUC did not provide a sufficient basis to determine “whether [the agency] fulfilled its obligation to preserve and protect customary and traditional rights of native Hawaiians” and, therefore, the LUC “failed to satisfy its statutory and constitutional obligations.” Ka Pa‘akai, 94 Hawai‘i at 46, 53, 7 P.3d at 1083, 1090.

The Hawai‘i Supreme Court in Ka Pa‘akai provided an analytical framework in an effort to effectuate the State’s obligation to protect native Hawaiian customary and traditional practices while reasonably accommodating competing private interests. In order to fulfill its duty to preserve and protect customary and traditional native Hawaiian rights to the extent feasible, the LUC must—at a minimum—make specific findings and conclusions as to the following:

- (1) the identity and scope of “valued cultural, historical, or natural resources” in the petition area, including the extent to which traditional and customary native Hawaiian rights are exercised in the petition area;
- (2) the extent to which those resources—including traditional and customary native Hawaiian rights—will be affected or impaired by the proposed action; and
- (3) the feasible action, if any, to be taken by the LUC to reasonably protect native Hawaiian rights if they are found to exist.

See Ka Pa‘akai, 94 Hawai‘i at 47, 7 P.3d at 1084.

Given the culture-historical background presented by the CIA and Supplemental CIA, in addition to the summarized results of prior archaeological studies in the project area and in the neighboring areas, it is the finding of the current analysis that there are no specific valued cultural, historical, or natural resources within the project area; nor are there any traditional and customary native Hawaiian rights being exercised within the project area. The long-term use of the project area for grazing and ranching activities also supports this conclusion.

Notwithstanding the absence of valued resources, the developer has committed to a continuation of the cultural consultation process with Aha Moku o Maui members, with additional participation in the Data Recovery effort proposed for the archaeological sites. The findings of the Archaeological Monitoring program will be conducted under the guidance and directive of the SHPD.

Based on the information presented in the Supplemental CIA, it seems reasonable to conclude that, pursuant to Act 50, the exercise of native Hawaiian rights, or any ethnic group, related to numerous traditional cultural practices including, procurement of marine resources, gathering, access, cultivation, the use of traditional plants, and the use of trails, will not be adversely impacted by the proposed Piilani Promenade to be located on approximately 75-acres of land, owned by Piilani Promenade North, LLC and Piilani Promenade South, LLC., in Kīhei, Ka'ono'ulu Ahupua'a, Wailuku and Makawao Districts, Island of Maui, Hawai'i [TMK: (2) 3-9-001:016, 170, 171, 172, 173, and 174].

## REFERENCES

- Armstrong, R. W.  
1983 "Climate." In *Atlas of Hawaii*. The University Press of Hawaii, Honolulu.
- Beaglehole, John, Ed.  
1967 *The Journals of Captain James Cook on his Voyages of Discovery*. Vol. 3. *The Voyage of the Resolution and Discovery, 1776-1780*. Cambridge: Hakluyt Society, Cambridge University Press, London.
- Beckwith, Martha  
1979 *Hawaiian Mythology*. The University Press of Hawaii, Honolulu.
- Borthwick, D.F., T. Tulchin, and H.H. Hammatt  
2002 *Archaeological Inventory Survey for the Proposed Alignment of the North-South Collector Road (Ka'ono'ulu Street to Waipu'ilani Road), Waiohuli Ahupua'a, (Kihei), District of Makawao, Island of Maui. (TMK 3-9-001)*. Cultural Surveys Hawai'i, Inc., Kailua. Manuscript on file at the State Historic Preservation Division, Wailuku.
- Burgett, B., L. Humphrey, R.L. Spear  
1998 *An Archaeological Inventory Survey of Lots A and B of the Maui Lu Resort, Kihei, Kaonoulu Ahupua'a, Wailuku District, Maui, Hawai'i (TMKL 3-9-1:83, 86, and 120)*. Scientific Consultant Services, Inc., Honolulu.
- Chaffee, David, Berdena B. Burgett, Mike T. Carson, and Robert L. Spear  
1997 *An Archaeological Inventory Survey of a Portion of the Proposed Expansion of the Maui Research and Technology Park, Kihei, Maui Island, Hawai'i (TMK: 2-2-2:54)*. Prepared for Maui Research and Technology Park. Scientific Consultant Services, Inc., Honolulu.
- Chinen, Jon  
1961 *Original Land Titles in Hawaii*. Copyright 1961 Jon Jitsuzo Chinen. Library of Congress Catalogue Card No. 61-17314.
- Clark, John  
1980 *The Beaches of Maui County*. A Kolowalu Book, University Press of Hawaii, Honolulu.
- Condé, Jesse, and Gerald Best  
1973 *Sugar Trains, Narrow Gauge Rails of Hawaii*. Glenwood Publishers: Felton, California.
- Cordy, R.  
1977 *Kihei Flood Control Project: Archaeological Reconnaissance and Literature Search*. U.S. Army Corps of Engineers, Honolulu.  
  
2000 *Exalted Sits the Chief*. Mutual Publishing: Honolulu.

- Cox, D.  
 1976 *The Archeology of Kula Maui from Pulehu Nui Ahupua'a to Kama'ole Ahupua'a: Surface Survey, Pi'ilani Highway*. Department of Transportation, Honolulu.
- Dagher, Cathleen A. and Michael F. Dega  
 n.d. *Cultural Impact Assessment for the Proposed Honua'ula Offsite Workforce Housing Project Kihei, Ka'ono'ulu Ahupua'a, Wailuku and Makawao (Kula) Districts, Island of Maui, Hawai'i [TMK: (2) 3-9-001:169]*. Scientific Consultant Services, Inc., Honolulu. In prep.
- Daws, G.  
 1968 *Shoal of Time: History of the Hawaiian Islands*. University of Hawai'i Press, Honolulu.
- Day, A. Grove  
 1984 *History Makers of Hawaii*. Mutual Publishing of Honolulu, Honolulu.
- Dega, Michael  
 2003 *An Archaeological Assessment Report on Approximately ¾ Acres of Land at Elleair Maui Golf Club in Kihei, Keokea Ahupu'a, Kula District, Island of Maui, Hawai'i [TMK: 2-2-02-054]*. Scientific Consultant Services, Honolulu.
- Dodge, F.S.  
 1885 Maui, Hawaiian Islands. (Registered Survey Map 1268).
- Donham, Theresa K.  
 1989 *Archaeological Inventory Survey, Piilani Residential Community, Phase I, Land of Keokea, Makawao (Wailuku) District, Island of Maui (TMK:2-2-02:42)*. Paul H. Rosendahl, Inc., Hilo.
- Folk, W.H., M. Heidel, V. Creed, T.K. Devereux, J.A. Masterson, K. Hillyard, and H. H. Hammatt  
 1999 *Archaeological Reconnaissance Survey of the Proposed Kihei to Kula Road Corridors, Kailua to Kama'ole Ahupua'a, Makawao and Wailuku Districts, Island of Maui, (TMK 2-2 and 2-3)*. Cultural Surveys Hawai'i, Inc., Kailua.
- Foote, D.E., E. Hill, S. Nakamura, and F. Stephens  
 1972 *Soil Survey of the Islands of Oahu, Maui, Molokai, and Lanai, State of Hawaii*. U.S. Department of Agriculture Soil Conservation Service. Washington. D.C.
- Fornander, Abraham  
 1969 *An Account of the Polynesian Race, Its Origins and Migrations*. Vol. 1 to 3. Charles E. Tuttle Co. Inc.: Jutland.  
 1919 *Hawaiian Antiquities and Folklore*. Bishop Museum Press: Honolulu.

Fredericksen, Erik

- 2006 *An Archaeological Field Inspection of an 8.274 acre Portion of Land Identified as Ka'ono'ulu Phase VI (formerly known as Ka'ono'ulu Phase IV), Ka'ono'ulu Ahupua'a, Wailuku and Makawao District, Maui (TMK 3-9-001: 157 and 158).* Xamanek Researches, Pukalani. Manuscript on file at the State Historic Preservation Division, Kapolei.
- 2009 *An Archaeological Assessment Survey of an 8.274 acre Portion of Land Identified as Ka'ono'ulu Phase VI (formerly known as Ka'ono'ulu Phase IV), Ka'ono'ulu Ahupua'a, Wailuku and Makawao District, Maui (TMK 3-9-001: 157 and 158).* Xamanek Researches, Pukalani.
- 2015 *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'ulu 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).* Xamanek Researches, Pukalani.
- 2017 *An Archaeological Assessment Survey for the Proposed 13-Acre Honua'ula Off-Site Workforce Housing Project, Ka'ono'ulu Ahupua'a, Wailuku and Makawao Districts, Island of Maui. (TMK: 2-3-009:169).* Draft Report, Xamanek Researches, Pukalani.

Fredericksen, E.M., D.L. Fredericksen, and W.M. Fredericksen

- 1994 *Archaeological Inventory Survey and Botanical Survey Report, Kaonoulu Light Industrial Project, Kaonoulu Ahupua'a, Wailuku and Makawao Districts, Maui Island (TMK: 3-9-01:16 and 2-2-02 por. 15).* Xamanek Researches, Pukalani.

Giambelluca, T.W., Q. Chen, A.G. Frazier, J.P. Price, Y.-L. Chen, P.-S. Chu, J.K. Eischeid, and D.M. Delporte

- 2013 *Online Rainfall Atlas of Hawai'i.* Bull. Amer. Meteor. Soc. 94, 313-316, doi: 10.1175/BAMS-D-11-00228.1. Accessed November 2016.

Hammatt, H. H. and D. W. Shideler

- 1990 *Archaeological Reconnaissance Survey for a Kihei Employee Housing Project at Kama'ole, Wailuku District, Maui.* Cultural Surveys Hawai'i, Inc., Kailua. Manuscript on file at the State Historic Preservation Division, Kapolei.
- 1992 *Archaeological Survey and Testing of a 54-Acre Parcel at Kama'ole, Wailuku District, Island of Maui (TMK: 3-9-18).* Cultural Surveys Hawai'i, Inc., Kailua. Manuscript on file at the State Historic Preservation Division, Kapolei.
- 2000 *Archaeological Inventory Survey for Fuji Chemical Industry Co., LTD.'s 4.75-Acre Algae Farm Site in Ka'ono'ulu Ahupua'a (Kihei), District of Makawao, Island of Maui (TMK:2-2-02: por 42).* Cultural Surveys Hawai'i, Inc., Kailua. Manuscript on file at the State Historic Preservation Division, Kapolei.

- Handy, E.S.C.  
1940 *The Hawaiian Planter*. B.P. Bishop Museum Bulletin 161. Bishop Museum Press, Honolulu.
- Hana Pono, LLC  
2016 *Cultural Impact Assessment for the Proposed Piilani Promenade Project*  
TMK: (2) 3-9-01:016, (2) 3-9-01:169-174, (2) 3-9-048:122, (2) 3-9-001:148, (2) 2-2-02:077, (2) 2-2-02:016 (portion), (2) 2-2-02:082 (portion). Kihei.
- Hibbard, Don  
1994 *County of Maui, Historic Preservation Review of the Silversword Single Family Subdivision Development Waiohuli, Makawao District, Island of Maui*. TMK: 2-2-24: 12 & 13. State Historic Preservation Division, Honolulu. Letter report on file at the State Historic Preservation Division, Kapolei.
- Kamakau, S.M.  
1961 *Ruling Chiefs of Hawaii*. Honolulu: The Kamehameha Schools Press, Honolulu.
- Kame'eleihiwa, Lilikalā  
1992 *Native land and Foreign Desires: Pehea Lā E Pono Ai?* Bishop Museum Press, Honolulu.
- Kelly, Marion  
1983 *Na Māla o Kona: Gardens of Kona*. Report 83-2, Department of Anthropology. Bishop Museum. Bishop Museum Press, Honolulu.  
1998 *Gunboat Diplomacy, Sandalwood Lust and National Debt*. In *Ka Wai Ola o*. Office of Hawaiian Affairs, Vol. 15, No. 4, April 1998.
- Kennedy, J.  
1986 *Preliminary Archaeological Reconnaissance of Proposed Golf Course, Ahupua'a of Waiohuli, Island of Maui*. Archaeological Consultants of Hawaii, Hale'iwa. On file at the State Historic Preservation Division, Kapolei.  
1988 *Archaeological Walk-Through Survey of the Proposed Kaonoulu Subdivision, (TMK 3-9-01:15,148 and 149, Located at Kihei, Maui, Ahupua'a of Kaonoulu*. Archaeological Consultants of Hawaii, Hale'iwa. On file at the State Historic Preservation Division, Kapolei.
- Kikiloi, S., D. Shideler, and H.H. Hammatt  
2000 *Archaeological Inventory Survey for the Expanded 20-Acre Algae Farm Site, Ka'ono'ulu Ahupua'a, District of Makawao, Island of Maui (TMK 2-2-02: por 42)*. Cultural Surveys Hawai'i, Inc., Kailua. Manuscript on file at the State Historic Preservation Division, Kapolei.
- Kirch, Patrick  
1985 *Feathered Gods and Fishhooks: An Introduction to Hawaiian Archaeology and Prehistory*. University of Hawaii Press, Honolulu.

- 2011 "When Did the Polynesians Settle Hawai'i? A Review of 150 Years of Scholarly Inquiry and a Tentative Answer," in *Hawaiian Archaeology*. 12 (2011) pp. 3-26.
- Kirch, P.V. and M. Sahlins  
 1992 *Anahulu: The Anthropology of History in the Kingdom of Hawaii, Vol. I. Historical Ethnography by Marshall Sahlins, Vol. 2, The Archaeology of History by Patrick V. Kirch*, University of Chicago Press, Chicago.
- Kolb, Michael, Patty Conte, Ross Cordy (eds.)  
 1997 *Kula: The Archaeology of Upcountry Maui in Waiohuli and Keokea*. Prepared for the Department of Hawaiian Home Lands. State Historic Preservation Division, Honolulu.
- Kuykendall, R.S.  
 1938 *The Hawaiian Kingdom*. Vol.1. University of Hawai'i Press, Honolulu.
- Lucas, Paul F. Nahoia  
 1995 *A Dictionary of Hawaiian Legal Land-terms*. Native Hawaiian Legal Corporation. University of Hawai'i Committee for the Preservation and Study of Hawaiian Language, Art and Culture.. University of Hawai'i Press, Honolulu.
- Lyons, C.J.  
 1875 Land Matters in Hawaii. *The Islander*, Vol. I. Honolulu.
- McCurdy, Todd and Hallett H. Hammatt  
 2013 *An Archaeological Inventory Survey for the Proposed Kūlanihāko'i Bridge Replacement Project, Ka'ono'ulu Ahupua'a, Wailuku District, Maui Island TMK: (2) 3-9-001: 999, 162, 143 (pors)*. Cultural Surveys Hawai'i, Inc., Kailua. Manuscript on file at the State Historic Preservation Division, Kapolei.
- McDermott, M.  
 2001 *Archaeological Inventory Survey for the Proposed Pi'ilani Mauka Detention Basin No.1, Waiohuli Ahupua'a (Kihei), District of Makawao, Island of Maui (TMK 2-2-024: por 14)*. Cultural Surveys Hawai'i, Inc., Kailua. Manuscript on file at the State Historic Preservation Division, Kapolei.
- McGerty, Leann, William R. Fortini, and Robert L. Spear  
 2000 *An Archaeological Inventory Survey of Areas within the Maui Golf Club, Kihei, Maui Island, Hawai'i [TMK 2-2-24: Por 012 and 013]*. Scientific Consultant Services, Inc., Honolulu.
- Medeiros, Colleen P., Robert H. Hill and Hallett H. Hammatt  
 2012 *An Archaeological Literature Review and Field Inspection for Kulanihako'i Bridge Replacement Project, Ka'ono'ulu Ahupua'a, Wailuku District, Maui Island TMK: (2) 3- 9-001:999, 015, 147, 162, (pors)*. Cultural Surveys Hawai'i, Inc., Kailua. Manuscript on file at the State Historic Preservation Division, Kapolei.

Menzies, Archibald

1928 *Hawaii New, 128 Years ago*. W.F. Wilson, ed. New Freedom Publishers, Honolulu.

Monahan, Chris

2003 *An Archaeological Inventory Survey of 28.737 Acres of Land Located within the Maui Research and Technology Park in the Ahupua'a of Waiohuli, Wailuku (Kula) District, Maui Island, Hawai'i [TMK: 2-2-24: Por. 13 & 9]*. Scientific Consultant Services, Inc., Honolulu.

2004 *An Archaeological Inventory Survey Report on 56.647 Acres of Land on Two Undeveloped Lots Near the Elleair Golf Course in Waiohuli and Keokea Ahupua'a, Wailuku (Kula) District, Kihei, Maui Island, Hawai'i [2-2-024: Portion 12 and Portion 13]*. Scientific Consultant Services, Inc., Honolulu.

Office of Hawaiian Affairs

2016 Kipuka Database (<http://kipukadatabase.com/kipuka>). Accessed October 2016.

Office of Environmental Quality Control

2012 *Guide to the Implementation and Practice of the Hawaii Environmental Policy Act*. State of Hawai'i, Honolulu.

Parker, Patricia L., and Thomas F. King

1998 *Guidelines for Evaluating and Documenting Traditional Cultural Properties*. National Register Bulletin 38. Washington, D.C.: National Park Service.

Pukui, Mary K., Samuel H. Elbert and Esther Mookini

1974 *Place Names of Hawaii*, University of Hawaii Press, Honolulu.

Shefcheck, Donna, Shayna Cordle, and Michael Dega

2008 *An Archaeological Inventory Survey on a 516.2-Acre Parcel Located in Kihei Ka'ono'ulu Ahupua'a, Makawao District Maui Island, Hawai'i [TMK (2) 2-2-002:015 por.]*. Scientific Consultant Services, Inc., Honolulu.

Sinoto, A., L. Rotunno-Hazuka, and J. Pantaleo

1999 *An Archaeological Inventory Survey of the Proposed Douglas Spencer Subdivision, Kama'ole Ahupua'a, Wailuku, Maui, TMK 3-9-04:129*. Aki Sinoto Consulting, Honolulu.

2001 *An Archaeological Inventory Survey of the Proposed U.S. Post Office Facility Maui Research and Technology Park, Waiohuli Ahupua'a, Makawao, Maui, Hawai'i (TMK: 2-2-24: por. 08)*. Aki Sinoto Consulting, Honolulu.

Speakman, Cummins

1978 *Mowee, An Informal History of the Hawaiian Island*. Cal Central Press, San Francisco.

Stokes, J.F.G.

1909–1916 *Maui Heiau*. Manuscript on file at the Bernice Pauahi Bishop Museum, Honolulu.

Stoddard, Charles Warren

1894 *Hawaiian Life: Being Lazy Letters from Low Latitudes*. F.T. Neely, 1894:  
Chicago.

Thrum, T.G.

1909 Heiau of Maui. In *Hawaiian Annual*. Compilation at State Historic Preservation Division,  
Kapolei.

Tome, G. and M. Dega

2002 *Archaeological Inventory Survey on a 3-Acre Parcel in Kihei Town, Kama'ole District,  
Maui Island, Hawai'i [TMK: 3-9-17:31]*. Scientific Consultant Services, Inc., Honolulu.

Walker, W.

1931 *Archaeology of Maui*. Department of Anthropology, Bernice Pauahi Bishop Museum,  
Honolulu.

Wilcox, Charles

1921 Kalepolepo. *Paradise of the Pacific*. 34 (12):65-67.

Vancouver, George

1984 *Voyage of Discovery to the North Pacific Ocean and Round the World 1791-1795*. Kaye  
Lamb, ed. The Hakluyt Society. Cambridge University Press, London.

Waihona Aina Database

2016 Website: <http://www.waihona.com>. Accessed October 2016.

**APPENDIX A: CULTURAL IMPACT ASSESSMENT FOR THE PROPOSED PIILANI  
PROMENADE PROJECT**

**CULTURAL IMPACT ASSESSMENT**  
**For the**  
**PROPOSED**  
**Piilani Promenade Project**

**December 2013**  
Revised March 2016 & August 2016



Hana Pono, LLC - PO Box 1574 Kihei, HI 96753 – [hanapono@gmail.com](mailto:hanapono@gmail.com)

**CULTURAL IMPACT ASSESSMENT**  
**For the**  
**PROPOSED**  
**Piilani Promenade Project**

**December 2013**  
Revised March 2016 & August 2016



Hana Pono, LLC - PO Box 1574 Kihei, HI 96753 – [hanapono@gmail.com](mailto:hanapono@gmail.com)

**CULTURAL IMPACT ASSESSMENT**  
For the  
**PROPOSED**  
**Piilani Promenade Project**

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

Prepared for:  
**Mr. Robert Poynor, Vice President Sarofim**  
**Realty Advisors**  
**8115 Presto Road, Ste. 400**  
**Dallas, TX 75225**

Prepared by: **Hana**  
**Pono, LLC PO Box**  
**1574**  
**Kihei, Maui, Hawai'i 96753**

**December 2013**

Revised March 2016 & August 2016

**MANAGEMENT SUMMARY**

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

## **CULTURAL SUMMARY**

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

## TABLE OF CONTENTS

<b>Management Summary .....</b>	<b>1</b>
<b>Cultural Summary .....</b>	<b>2</b>
<b>Table of Contents .....</b>	<b>3</b>
<b>Introduction .....</b>	<b>4</b>
<i>Guiding Legislation for Cultural Impact Assessments .....</i>	<i>4</i>
<i>Goal and Purpose .....</i>	<i>4</i>
<i>Scope .....</i>	<i>4</i>
<b>Project Area .....</b>	<b>5</b>
<b>Approach &amp; Method .....</b>	<b>5</b>
<i>Objectives .....</i>	<i>5</i>
<i>Tasks .....</i>	<i>5</i>
<i>Archival Research .....</i>	<i>5</i>
<i>Oral Interviews .....</i>	<i>5</i>
<i>Level of Effort Undertaken .....</i>	<i>5</i>
<b>Historical &amp; Current Cultural Resources &amp; Practices .....</b>	<b>6</b>
<i>First migrations .....</i>	<i>7</i>
<i>Settling of Kula Moku &amp; Ahupua'a .....</i>	<i>7</i>
<b>Place Names Associated With This Area .....</b>	<b>8</b>
<i>Ka'ono'ulu .....</i>	<i>8</i>
<i>Waiakoa .....</i>	<i>8</i>
<i>Waiohuli .....</i>	<i>8</i>
<i>Kalepolepo .....</i>	<i>8</i>
<i>Ko'ie'ie .....</i>	<i>9</i>
<i>Kaipukaiohina .....</i>	<i>9</i>
<i>Kihei .....</i>	<i>9</i>
<b>Traditional Hawaiian Uses &amp; Practices .....</b>	<b>9</b>
<i>Post-Contact Historical Uses &amp; Practices .....</i>	<i>9</i>

<i>Current Uses, Practices, &amp; Resources of Project Area .....</i>	<i>10</i>
<b>Summary of Interviews.....</b>	<b>10</b>
<i>Paula Kalanikau .....</i>	<i>10</i>
<i>Daniel Kanahele .....</i>	<i>11</i>
<i>Michael Lee .....</i>	<i>11</i>
<b>Synthesis of Archival, Literary, &amp; Oral Accountings.....</b>	<b>13</b>
<b>Potential Effects of Development &amp; Proposed Recommendations .....</b>	<b>15</b>
<b>Bibliography .....</b>	<b>17</b>

APPENDICES

Appendix A: Transcription of interview with Daniel Kanahele

Appendix B: Transcription of interview Michael Lee

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

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

## **INTRODUCTION**

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

### ***Guiding Legislation for Cultural Impact Assessments***

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

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

### ***Goal and Purpose***

The goal of this study is to identify any and all Native Hawaiian, traditional, historical, or otherwise noteworthy practices, resources, sites, and beliefs attached to the project area in order to analyze the impact of the proposed development on these practices and features.

Consultations with lineal descendents or kupuna (Hawaiian elders) with knowledge of the area in gleaning further information are a central part of this study.

### ***Scope***

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

*The geographical extent of the inquiry should, in most instances, be greater than the area over which the proposed action will take place. This is to ensure that cultural practices which may not occur within the boundaries of the project area, but which may nonetheless be affected, are included in the assessment.*

*An ahupua'a is usually the appropriate geographical unit to begin an assessment of cultural impacts of a proposed action, particularly if it includes all of the types of cultural practices associated with the project*

*area. In some cases, cultural practices are likely to extend beyond the ahupua'a and the geographical extent of the study area should take into account those cultural practices. (OEQC, Guidelines for Assessing Cultural Impacts, Nov 9, 1997)*

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

#### **PROJECT AREA**

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

#### **APPROACH & METHOD**

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

#### ***Objectives***

The objectives of the Cultural Impact Assessment are as follows:

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

#### ***Tasks***

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

## ***Archival Research***

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

## ***Oral Interviews***

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

## ***Level of Effort Undertaken***

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

### **HISTORICAL & CURRENT CULTURAL RESOURCES & PRACTICES**

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

Although Kihei is one of the more dry areas of Maui in present time, it once was home to many fresh and brackish wetlands. Such as the wisdom of the ahupua'a system, the events mauka (upland) effected the land below. The mauka portion of Kula underwent major deforestation for farming and ranching and therefore, rainwater was less able to filter into the ground and recharge the ponds near the coast. The Honolulu Star-Bulletin and Advertiser reported in 1962, "a secondary result of the clearing of the Kula forests, he said, was the destruction of extensive fresh water ponds in Kihei, on the Ma'alaea Bay coast below Kula. When the forest was cleared,

water was free to rush down the mountain, carrying soil from Kula to the coast and filling with mud the ponds for which Kihei was once famous" (Sterling, 245). This destruction started with the large-scale deforestation of the native Sandalwood in the 1800's and although short-lived was a major source of commerce for this area in those times.



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

### ***First migrations***

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

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

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

## ***Settling of Kula Moku & Ahupua'a***

With its gentle and open white sand beaches, the coastal areas of Kula were surely a favorite location for fisherman and their families. Accounts tell of a large population on the coast with much bounty from the ocean, not only by fishing the open sea, but also by the construction of fishponds, gathering limu (seaweed), and diving for octopus, lobster, and other marine life. Inhabitants of this region relied on vegetable foods from other areas of the island. Possibly obtaining kalo (taro) from across the Ma'alaea plain in Waikapu and uala (sweet potato) from the mauka slopes of Haleakala, the inhabitants of the coastal region were able to supplement their diet of fish, shellfish, and limu. Handy and Handy elaborate on the lands of the moku, "there were some patches of upland taro, not irrigated; but this was a notable area for sweet potato, which, combined with the fishing, must have supported a sizable population although it cannot be counted as one of the chief centers" (272).

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

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

### **PLACE NAMES ASSOCIATED WITH THIS AREA**

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

### ***Ka'ono'ulu***

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

### ***Waiakoa***

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

### ***Waiohuli***

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

### ***Kalepolepo***

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

### ***Ko'ie'ie***

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

### ***Kaipukaiohina***

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

### ***Kihe***

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

### **TRADITIONAL HAWAIIAN USES & PRACTICES**

The inhabitants of the coastal areas of Ka'ono'ulu sustained themselves through the bounty of the ocean. Nearby to them was the fishpond of Kalepolepo, commonly called Ko'ie'ie.

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

### ***Post-Contact Historical Uses & Practices***

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

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

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

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

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

### ***Current Uses, Practices, & Resources of Project Area***

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

## **SUMMARY OF INTERVIEWS**

### ***Paula Kalanikau***

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

Paula Kalanikau moved to Kihei in the early 1960's. She reminisced that all of the people lived in the flood inundation zone and when the floods came from a Kona storm, people couldn't get in

or get out. That was before Pi'ilani Highway. The old Suda Store at the beginning of South Kihei Road was the gateway to Kihei back in the 1960's and 1970's.

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

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

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

### ***Daniel Kanahale***

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

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

## ***Michael Lee***

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

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

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

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

Charlie Jencks  
Brett Davis  
Eric Fredrickson  
Kimokeo Kapahulehua  
Kelii Taua  
Mike Lee  
Levi Almeida  
Basil Oshiro  
Sally Ann Oshiro  
Clare Apana  
Brian Nae'ole  
Florence K. Lani  
Daniel Kanahale

Jacob R. Mau  
Lucienne DeNaie

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

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

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

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

Some of the consultation participants had spent time on the land as youth and members of families working for Ulupalakua and Kaonoulu Ranch and had familial ties with the ranch ownerships. Ranching practices including the creation of roads and removal of trees for the cattle operation were briefly described along with the significance of Kulanihakoi gulch and the changes the gulch has seen over the years in getting deeper and wider.

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

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

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

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

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

**PIILANI PROMENADE CULTURAL CONSULTATION MEETING, APRIL 27, 2016**

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

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

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

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

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

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

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

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

### **Cultural Input from Aha Moku Council**

The Aha Moku Council members present offered the following input on the project area: The archaeological sites located within the project area should not be disturbed and remain in their current context. As part of this discussion, the existing drainage way traversing the property was discussed as it contains what is believed to be portions of a Punawai or dam structure used to regulate and improve water quality for downstream areas. The discussion on the gulch also

Piilani Promenade Cultural Impact Assessment

included the discussion of and presentation of pictures and mapping showing the location of other possible cultural sites of interest with a request to ownership for further site investigation. Specific reference was made to rock shelf and shelter along with the rock stacking believed to form a Punawai as areas of specific concern.

### **Drainage Way Discussion**

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

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

### **Requests from the Aha Moku Council**

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

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

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

### **SYNTHESIS OF ARCHIVAL, LITERARY, & ORAL ACCOUNTINGS**

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

### **POTENTIAL EFFECTS OF DEVELOPMENT & PROPOSED RECOMMENDATIONS**

This report finds that the proposed Piilani Promenade Project located at TMK(s): TMK(s): (2) 3-9-01:016, (2) 3-9-01:169-174, (2) 3-9-048:122, (2) 3-9-001:148, (2) 2-2-02:077, (2) 2-2-02:016 (portion), (2) 2-2-02:082 (portion) could benefit from further meetings with the Aha Moku Council members as well as other members of the community during the site data recovery process to further understand the cultural and archaeological nature of the site and where possible, development of a preservation plan for those sites.

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

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

## **BIBLIOGRAPHY**

- Ashdown, Inez  
Stories of Old Hawai'i. Ace Printing Company, Inc., Honolulu, Hawaii.
- Fornander, Abraham  
1969 An Account of the Polynesian Race: Its origins & migrations. Charles Tuttle, Rutland, Vt.
- Handy, E. S. Craighill; Handy Elizabeth Green; Pukui, Mary Kawena  
1972 Native Planters in Old Hawai'i: Their Life, Lore, and Environment. Bishop Museum Press, Honolulu, Hawaii.
- Handy, E.S.C.  
1940 The Hawaiian Planter Volume I: His Plants, Methods and Areas of Cultivation. Bishop Museum Bulletin 161, Honolulu, Hawaii.
- Hawaii State Office of Environmental Quality Control  
1997 Guidelines for Assessing Cultural Impacts, (taken from OEQC website)
- Holt, Hokulani & Budnick, Rich  
1991 Maui Street Names: the Hawaiian dictionary and history of Maui street names, Aloha Press, Honolulu, HI
- Kamakau, Samuel M.  
1961 Ruling Chiefs of Hawaii. Kamehameha Schools Press, Honolulu, Hawaii
- Kay, Alison  
1994 A Natural History of the Hawaiian Islands, University of Hawaii Press
- Kyselka, Will & Lanterman, Ray  
1980 Maui: How It Came To Be, University of Hawaii Press
- Sterling, Elspeth P.  
1998 Sites of Maui. Bishop Museum Press, Honolulu, Hawaii.
- Stoddard, Charles Warren  
1894 Hawaiian Life: Being Lazy Letters from Low Latitudes. F.T. Neely, Chicago, Ill.
- Waihona 'Aina  
1995 Waihona 'Aina Database. Waihona 'Aina Corporation.  
www.haihona.com. 20 Oct 2013  
1895

## Appendix A: Transcription of interview with Daniel Kanahele

0001

1  
2  
3 INTERVIEW OF DANIEL KANAHELE  
4 BY KIMOKEO KAPAHULEHUA 5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

0002

1

\*\*\*

2

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

4

DANIEL KANAHELE: I agree.

5

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

8

DANIEL KANAHELE: Yes.

9

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

10

DANIEL KANAHELE: Yeah.

11

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

12

DANIEL KANAHELE: As best as I can.

13

KIMOKEO KAPAHULEHUA: Yeah.

14

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

15

KIMOKEO KAPAHULEHUA: Uh-huh.

16

DANIEL KANAHELE: But the -- the Aha Moku system

17

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

18

KIMOKEO KAPAHULEHUA: Right.

19

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

20

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

21

But Maui has probably the most organized Aha Moku on the island because we have all the moku reps, there's 12 of them. We have a kiole, which is, right now, Kai Makani Lua, but he's gonna step down, I think he's already stepped down. So they're gonna replace him. And there's a process in

22

0004

1

island because we have all the moku reps, there's 12 of them. We have a kiole, which is, right now, Kai Makani Lua, but he's gonna step down, I think he's already stepped down.

2

So they're gonna replace him. And there's a process in

3

So they're gonna replace him. And there's a process in

4

So they're gonna replace him. And there's a process in

5

So they're gonna replace him. And there's a process in

6

So they're gonna replace him. And there's a process in

7

So they're gonna replace him. And there's a process in

8

So they're gonna replace him. And there's a process in

9

So they're gonna replace him. And there's a process in

10

So they're gonna replace him. And there's a process in

11

So they're gonna replace him. And there's a process in

12

So they're gonna replace him. And there's a process in

13

So they're gonna replace him. And there's a process in

14

So they're gonna replace him. And there's a process in

15

So they're gonna replace him. And there's a process in

16

So they're gonna replace him. And there's a process in

17

So they're gonna replace him. And there's a process in

18

So they're gonna replace him. And there's a process in

19

So they're gonna replace him. And there's a process in

20

So they're gonna replace him. And there's a process in

21

So they're gonna replace him. And there's a process in

22

So they're gonna replace him. And there's a process in

23

So they're gonna replace him. And there's a process in

24

So they're gonna replace him. And there's a process in

25

So they're gonna replace him. And there's a process in

1

So they're gonna replace him. And there's a process in

2

So they're gonna replace him. And there's a process in

3

So they're gonna replace him. And there's a process in

4

So they're gonna replace him. And there's a process in

5

5 place for doing that. And so Aha Moku got together and  
6 nominated individuals to serve as the kiole for the --for  
7 the (inaudible). So -- so right now, forward, speaking of  
8 the Kula Moku, there are two representatives, one that  
9 represents Kula makai, you know, near the ocean, and one  
10 that represents Kula mauka. So Kula makai is Basil Oshiro,  
11 who lives right next to the project area, Pi'ilani  
12 Promenade. And then Tim Bailey, who lives up -- up mauka.  
13 KIMOKEO KAPAHULEHUA: I think the -- the other  
14 thing is that why was Tim Bailey chosen and why was Basil  
15 Oshiro chosen for be representative of the Kula Moku? Mauka  
16 was Tim Bailey.  
17 DANIEL KANAHELE: Yeah. So like the way I seen  
18 it, then, is that the residents or people within the moku  
19 choose who they want to be their representative. So I'm  
20 assuming that Basil and Tim were chosen by--  
21 KIMOKEO KAPAHULEHUA: Residents.  
22 DANIEL KANAHELE: -- the residents, yeah, to be  
23 their representatives.  
24 KIMOKEO KAPAHULEHUA: Were they -- were they  
25 chosen by residents, one, and would you say that they were  
1 chosen by genealogy connection or lineage of the land?  
2 DANIEL KANAHELE: Yes. Both.  
3 KIMOKEO KAPAHULEHUA: Both, yeah.  
4 DANIEL KANAHELE: Both lineals and people who live  
5 there and may -- you know, may not be kanaka, may not be  
6 from here, but -- you don't have to be kanaka to have  
7 generational knowledge, you know. You don't have to be  
8 kanaka to be--  
9 KIMOKEO KAPAHULEHUA: I think the idea was lineage  
10 and knowledge of the area.  
11 DANIEL KANAHELE: Was the key, yeah.  
12 KIMOKEO KAPAHULEHUA: Yeah.  
13 DANIEL KANAHELE: Knowledge. You know, knowledge  
14 and lineage, those are both important. But knowledge is  
15 very important.  
16 KIMOKEO KAPAHULEHUA: But both of 'em live within  
17 the moku?  
18 DANIEL KANAHELE: Yes.  
19 KIMOKEO KAPAHULEHUA: And both of them is  
20 identified as makai, which is Tim Bailey--  
21 DANIEL KANAHELE: Yeah.  
22 KIMOKEO KAPAHULEHUA: -- and mauka -- I mean mauka  
23 is Tim Bailey.  
24 DANIEL KANAHELE: Yeah.  
25 KIMOKEO KAPAHULEHUA: Makai is Basil. 0006  
1 DANIEL KANAHELE: That's right.  
2 KIMOKEO KAPAHULEHUA: And Basil, like you said,  
3 live right in the moku.  
4 DANIEL KANAHELE: Right. Yeah. I think he lives  
5 in the -- does he live in ahupua'a, too?  
6 KIMOKEO KAPAHULEHUA: Yeah.  
7 DANIEL KANAHELE: I don't know if he's Kaonouluor  
8 he's in the next one over. I think he's -- yeah, I think  
9 he's in the Kaonoulu Ahupua'a.

10 KIMOKEO KAPAHULEHUA: I no think Honua'ula. I  
11 think the next one is Waiakoa.  
12 DANIEL KANAHELE: Right. Next is Waiakoa.  
13 KIMOKEO KAPAHULEHUA: You know. If you had --if  
14 I asked you the question does -- the Pi'ilani Promenade, I  
15 think Pi'ilani Promenade project--  
16 DANIEL KANAHELE: Yeah.  
17 KIMOKEO KAPAHULEHUA: -- have a impact on you  
18 culturally?  
19 DANIEL KANAHELE: Uh-huh. Cultural practices  
20 or --  
21 KIMOKEO KAPAHULEHUA: Yeah. Practices, culture  
22 land, culture flora, culture fauna, culture insects, various  
23 culture sections.  
24 DANIEL KANAHELE: Well, if we're talking  
25 about this -- I don't know what the proposed project is 0007  
1 right now because they've done a environmental impact  
2 statement. Right? And they've shown a plan of what they're  
3 thinking of doing right now. But I don't know if that's  
4 actually what they're going to do. But based upon what I  
5 know --  
6 KIMOKEO KAPAHULEHUA: Yeah.  
7 DANIEL KANAHELE: -- that they're planning to  
8 build right now and that they are -- based on what I know  
9 from the EIS, they are not planning to preserve any sites,  
10 to my knowledge. They may, but not to my knowledge. And  
11 they're also planning to culvertize the gulch.  
12 KIMOKEO KAPAHULEHUA: Gulch.  
13 DANIEL KANAHELE: I would have to say --speaking  
14 just for myself as Kanaka Maoli that lives in this area--  
15 KIMOKEO KAPAHULEHUA: Yeah.  
16 DANIEL KANAHELE: -- that, you know, my family is  
17 from Maui, from different -- from different moku, maybe had  
18 family in Kula, but I cannot say right now, right now, I  
19 don't know, that for me, personally, it will have impact on  
20 my traditional cultural practices.  
21 KIMOKEO KAPAHULEHUA: That is important.  
22 DANIEL KANAHELE: Pardon me?  
23 KIMOKEO KAPAHULEHUA: I think that's important  
24 they know --  
25 DANIEL KANAHELE: Yeah. 0008  
1 KIMOKEO KAPAHULEHUA: -- from a Kanaka Maoli,  
2 Daniel Kanahele that --  
3 DANIEL KANAHELE: Yeah.  
4 KIMOKEO KAPAHULEHUA: -- there is a impact, you  
5 know.  
6 DANIEL KANAHELE: On my -- on what I do as a  
7 cultural practitioner, yeah, it will have a impact on me.  
8 KIMOKEO KAPAHULEHUA: Uh-huh. So, you know, I'm  
9 filming and interviewing you, so we have to ask permission  
10 to use your interview. Would you allow the permission for  
11 us to use the interview in this project as the CIA?  
12 DANIEL KANAHELE: Yeah. So maybe you can  
13 explain -- well, maybe I'll just kind of say what you told  
14 to me before that. The -- the video will be turned into a

15 transcript. So someone will type up what--  
16 KIMOKEO KAPAHULEHUA: Exactly what we're saying.  
17 DANIEL KANAHELE: And that transcript will be  
18 included in the Cultural Impact--  
19 KIMOKEO KAPAHULEHUA: Yeah.  
20 DANIEL KANAHELE: -- Assessment. And then what  
21 happens -- what happens to that? All the interviews that  
22 are done, does someone make a determination as to whether or  
23 not, based on the interviews, there is cultural -- impact to  
24 cultural traditional practices?  
25 KIMOKEO KAPAHULEHUA: My understanding, that State 0009  
1 Hawaii -- State of Hawaii Preservation--  
2 DANIEL KANAHELE: Yeah.  
3 KIMOKEO KAPAHULEHUA: -- gets to look at it. And  
4 they would be -- they would have a decision to make. They  
5 would be one of the decision people. I think the other  
6 person -- it included a QECC, Quality of Environment -- you  
7 know. So they get it read it and see it and they would make  
8 a recommendation of preserving or, just like you said, data  
9 recovery and not significant, you know what I mean. So this  
10 will go to them. They would -- they would -- and it also  
11 goes to Office of Hawaiian Affairs. So they would be the  
12 agency that would tell the developer, my understanding, this  
13 is what should be done, you know.  
14 DANIEL KANAHELE: Okay. So the firm that's  
15 interviewing me that you work for is--  
16 KIMOKEO KAPAHULEHUA: Is Hart -- is Hart -- Chris  
17 Hart & Associates.  
18 DANIEL KANAHELE: Chris Hart & Associates. So  
19 you're -- you're -- you're working for the consultant, Chris  
20 Hart & Associate?  
21 KIMOKEO KAPAHULEHUA: They -- they contract us as 22 a --  
23 DANIEL KANAHELE: They contract you.  
24 KIMOKEO KAPAHULEHUA: Yeah.  
25 DANIEL KANAHELE: And then you're -- are you Hui 0010  
1 Pono or --  
2 KIMOKEO KAPAHULEHUA: Hana Pono.  
3 DANIEL KANAHELE: Oh, Hana Pono. Okay.  
4 KIMOKEO KAPAHULEHUA: Yeah.  
5 DANIEL KANAHELE: Okay. So does Hana Pono make  
6 any recommendations to -- do you take the interviews and  
7 then say -- make a summary of -- based on what we--  
8 KIMOKEO KAPAHULEHUA: We -- we make a summary.  
9 And so our summary will show, you know, that -- what we had  
10 discussed --  
11 DANIEL KANAHELE: Uh-huh.  
12 KIMOKEO KAPAHULEHUA: -- with interviews that  
13 there is impact.  
14 DANIEL KANAHELE: So you'll make a conclusion  
15 as --  
16 KIMOKEO KAPAHULEHUA: We'll make a--  
17 DANIEL KANAHELE: -- to whether or not there are  
18 impacts or not?  
19 KIMOKEO KAPAHULEHUA: Yeah. So our recommendation

20 would be based on our interviews.

21 DANIEL KANAHELE: Okay. Just thought I would

22 share -- maybe share something. I have talked to SHPD,

23 State Historic Preservation Division--

24 KIMOKEO KAPAHULEHUA: Yeah.

25 DANIEL KANAHELE: -- about cultural impact 0011

1 assessments and their purview. And I was told by Hinano

2 Rodrigues -- and I forget what his position is right now,

3 but he's in the Maui office -- and -- and Morgan Davis--

4 KIMOKEO KAPAHULEHUA: Right.

5 DANIEL KANAHELE: -- the archaeologist herein

6 Maui. They don't have any purview over CIAs.

7 KIMOKEO KAPAHULEHUA: No. It goes to--

8 DANIEL KANAHELE: The ones that review CIAs is the

9 OEQC.

10 KIMOKEO KAPAHULEHUA: Yeah.

11 DANIEL KANAHELE: The Office of Environmental--

12 KIMOKEO KAPAHULEHUA: Environmental--

13 DANIEL KANAHELE: -- Control. So SHPD won't make

14 any recommendations based on this interview; only OEQC.

15 What SHPD has purviews over is ethnographic studies. They

16 can make comments on ethnographic studies, but not CIAs, not

17 cultural impact assessments. And that's what I was told by

18 Hinano Rodrigues and Morgan Davis.

19 KIMOKEO KAPAHULEHUA: Yeah. Our summary would

20 show exactly what our interviews, you know, say. We

21 wouldn't turn that or make a recommendation. We -- we -- we --

22 summarize exactly what we got --

23 DANIEL KANAHELE: Okay.

24 KIMOKEO KAPAHULEHUA: -- from the people.

25 DANIEL KANAHELE: Should I state what the cultural 0012

1 impact is going to be to me?

2 KIMOKEO KAPAHULEHUA: Yeah. That's important.

3 DANIEL KANAHELE: Okay. So what is my cultural

4 practice? My cultural practice is walking the land. I love

5 walking wahi pana, story places, because they teach meso

6 much about my culture and who I am as -- as a kanaka, where

7 I came from, why I am here and where I am going.

8 So speaking of archaeological sites.

9 Archaeological sites with their attached features are, to

10 me, like books in a library. And you can open a book in a

11 library and you can read it and you can learn many, many

12 things on many, many topics. So when I walk the land and I

13 see an archaeological site, it's like me opening a book.

14 And it teaches me about history and my connection to that--

15 that -- the past.

16 And so when you have a large area with a lot of

17 cultural historic sites, like this project has maybe 20 or

18 more, give or take, that's many, many books. And then what

19 you eventually have, if you go even beyond -- because you

20 know in western -- our western view is that we -- we look

21 things through like tunnel vision. We have a very narrow

22 view. We take -- in western views, they take something,

23 they dissect it into little tiny pieces, and then they try

24 to understand things, how they work better. Hawaiian -- the

25 Hawaiian approach is completely different. We look at 0013  
 1 things as a whole, as a complete. We try to understand how  
 2 things work in relationship to each other, you know, to  
 3 the -- the stars, to the streams, to the plants, to the  
 4 local i'a, to the sea. Everything is connected--  
 5 KIMOKEO KAPAHULEHUA: Connected.  
 6 DANIEL KANAHELE: -- like a spiderweb. You touch  
 7 one part of a spiderweb, the whole thing shakes. It's all  
 8 connected. There's nothing not connected. But the western  
 9 view disconnects everything and isolates it from its other  
 10 connected parts. And you cannot really understand the whole  
 11 by looking at a small tiny part of it. So when you look at  
 12 this project area, you're looking at a TMK, tax map key.  
 13 Right? You're not looking at the whole moku. You're not  
 14 looking at the mokupuni. And that's how you have to look at  
 15 things in order to understand the big picture and the  
 16 interrelationships and interconnections and everything.  
 17 Always what is going to happen on the land going to impact  
 18 things around it, not just on the land, but around it, from  
 19 mauka to makai, all the way out into the ocean.  
 20 And so that's -- that's how I look at things when  
 21 I walk on land. When I look at a cultural site, I don't  
 22 look at it as like separated and disconnected from  
 23 everything else around it. Because I know the cultural site  
 24 is there because it's connected to that site, to that site,  
 25 to that gulch, to that local i'a, it's all related. And the 0014  
 1 sites not even in the project area. There are sites in  
 2 Kulanihako'i Gulch that haven't been documented. I know  
 3 because I walk that. I love walking gulches. So I know  
 4 there's sites in there that haven't been documented that are  
 5 connected to the sites that are in the project.  
 6 So what I'm saying is my cultural practices is  
 7 walking the land so that I can be taught by my kupuna. And  
 8 whether it's a rock, whether it's a cultural site, whether  
 9 it's a native plant, or what-have-you, you know, I'm being  
 10 taught and educated so that I can be a better prepared  
 11 kanaka living on this land, know how to malama the resources  
 12 that took care of my ancestors, which can take care of me  
 13 today, and which I want to make sure is around to take care  
 14 of future generations. So all that knowledge is there for  
 15 me to learn. So the impact of this project is if they wipe  
 16 that all out, there goes the books I could read. There goes  
 17 my library. There's a big part of my education that I no  
 18 longer can access because I'll never ever be able to read  
 19 the stories those cultural sites could tell me. I'll never  
 20 be able to open -- or anybody else.  
 21 Oh, sure, they'll do data recovery, they'll write  
 22 it down, they'll put it in the reports, stick it on a shelf  
 23 somewhere. Who is going to look at that? How many  
 24 Hawaiians would have a chance to look at that? Not too  
 25 many. But if it's still there, it's still present, then we 0015  
 1 can still access it. It's all about being able to access  
 2 things. You can't access your cultural resources, whether  
 3 it's a plant, whether it's a tree, whether it's a pohaku,

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

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

16 DANIEL KANAHELE: Oh, thank you so much.

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

23 DANIEL KANAHELE: Kaleoaloha.

24 KIMOKEO KAPAHULEHUA: Kaleoaloha. Daniel  
25 Kaleoaloha Kanahele on Saturday -- I think today is -- 0016

1 DANIEL KANAHELE: February 6, I think.

2 KIMOKEO KAPAHULEHUA: 6th. Mahalo, Daniel.

3 DANIEL KANAHELE: February 16.

4 KIMOKEO KAPAHULEHUA: Appreciate it.

5 DANIEL KANAHELE: Aloha. That was good.

6 (Recording concluded.) 7

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
0017

CERTIFICATE

1  
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 or  
15 an attorney for any of the parties hereto, nor in any way  
16 concerned with the cause.

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

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

## Appendix B: Transcription of interview Michael Lee

0001

1  
2  
3 INTERVIEW OF MICHAEL LEE  
4 BY KIMOKEO KAPAHULEHUA 5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

0002

1

\*\*\*

2

MICHAEL LEE: -- fifties and sixties. And my  
3 father was there in the -- the fifties and sixties. And  
4 then he opened the Royal Hawaiian Kaanapali in 1962. Sowe  
5 moved from Hana to --

6

KIMOKEO KAPAHULEHUA: Royal Lahaina?

7

MICHAEL LEE: -- Royal Lahaina in '62. So all of  
8 that -- all of that took place. And so I was learning from  
9 both sides of my family about tramping the land and going  
10 to the ocean, learning more about the seaweed and  
11 everything. So this was my -- this was my Hawaiian tutu and  
12 her half Hawaiian child which was Jacob Martin Lee. His  
13 father was Peter Lee of Peter Lee Rhode at the Volcano  
14 House.

15

KIMOKEO KAPAHULEHUA: Oh, yeah.

16

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

24

Now, on my father's side, in the Maui genealogy,  
25 my -- the Meek side cohabitated and married into -- this is 0003  
1 the -- from the archives. G6 is from Lahaina, June --

1

2 KIMOKEO KAPAHULEHUA: 18--  
3 MICHAEL LEE: 1865.  
4 KIMOKEO KAPAHULEHUA: --65?  
5 MICHAEL LEE: Yeah, 1865. This is the Maui  
6 genealogy, okay. And this is one of the best genealogies  
7 because it outs everybody, you know. And on Page 49, this  
8 is Alapai. This is Alapai. This is Julia Alapai. And at  
9 the time she was married to Helikunii. This was before  
10 Kioniana. Her child was Keiki Namiki, the child of Meek.  
11 And the Meek we're talking about is Eliza Meek. Because,  
12 she was known as ali'i haole. So this lady is from Princess  
13 Julia Alapai Kauwa, who Olowalu land and Hanaland.  
14 KIMOKEO KAPAHULEHUA: Oh.  
15 MICHAEL LEE: And then her grandson from Keiki  
16 Namiki, John Meek Kalawaia, he has land in Hana, too, so the  
17 connection in our family was always Hana, Maui on both  
18 sides. All sides was always Hana.  
19 KIMOKEO KAPAHULEHUA: From the beginning.  
20 MICHAEL LEE: From the beginning, it's always  
21 Hana. And Hana people always know who they are.  
22 KIMOKEO KAPAHULEHUA: Yeah.  
23 MICHAEL LEE: They know because there's the  
24 connection to the Big Island. Because that's the backdoor  
25 of the Big Island. 0004  
1 KIMOKEO KAPAHULEHUA: Yeah.  
2 MICHAEL LEE: That's the porch of the Big Island.  
3 So I get chicken skin when I talk about this because this  
4 how we're connected to Princess Julia Alapai Kauwa was  
5 through Captain Meek. Now you know you can't get these kind  
6 of documents unless you can prove, going backwards, that  
7 you're related --  
8 KIMOKEO KAPAHULEHUA: To them.  
9 MICHAEL LEE: -- to them because the -- the -- the  
10 Health Department would not give anybody anybody's records.  
11 So this is Captain John Meek. He passed away in 1875.  
12 KIMOKEO KAPAHULEHUA: 74.  
13 MICHAEL LEE: Yeah, '75 at 83.  
14 KIMOKEO KAPAHULEHUA: What is that on the top, 15 1886-87?  
15 MICHAEL LEE: Oh, these are the book of records.  
16 KIMOKEO KAPAHULEHUA: Oh, the record book.  
17 MICHAEL LEE: Book of records. So that's for the  
18 book of records. And this then this is my grandmother,  
19 Eliza Meek. And this is her records. She died in February  
20 8th, 1888. And she was the mother of John Meek, okay,  
21 because he was hanai to two full-blooded Hawaiians, but, on  
22 his certificate of death, it says hapahaole.  
23 KIMOKEO KAPAHULEHUA: Oh.  
24 MICHAEL LEE: So how can two Hawaiians make one -- 0005  
1 KIMOKEO KAPAHULEHUA: Hapa haole.  
2 MICHAEL LEE: -- hapa haole, yeah. So he died in  
3 1891. He was born in 1833. Okay. And then, of course,  
4 this is the Lahaina side of this family that comes from Mary  
5 Ann Nunez. She's the one who has this blood. She was a  
6 great granddaughter of Captain Meek and Eliza Meek. So

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

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

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

22 KIMOKEO KAPAHULEHUA: First.  
23 MICHAEL LEE: -- wrote -- yeah -- from Kauai to--  
24 and -- and Kuhealani and the chiefs on Oahu, a haoleman.  
25 So this was before he died in 1819, yeah, in May. So 0008  
1 Captain Meek had children during the time of Kamehameha I,  
2 yeah.

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

14 KIMOKEO KAPAHULEHUA: Before --  
15 MICHAEL LEE: On the 4th of July.  
16 KIMOKEO KAPAHULEHUA: Before 1820?  
17 MICHAEL LEE: Before 1820. So all the -- all the  
18 evidence that certified --

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

21 MICHAEL LEE: Yeah. So bruddah had that. But  
22 that's how we jumped into Julia Alapai Kauwa's, her --  
23 KIMOKEO KAPAHULEHUA: Lineage.  
24 MICHAEL LEE: -- lineage, yeah. So -- and that's  
25 very important because Julia Alapai, she has land on Maui, 0009  
1 in Olowalu and, also, in Hana, that links up to our Hana  
2 connection as well. So this establishes that, you know, we  
3 were around for quite some time. And it goes back to the  
4 Pi'ilani genealogy.

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

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

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

17 MICHAEL LEE: She was born in 1900. She would be  
18 116 today.  
19 KIMOKEO KAPAHULEHUA: Okay.  
20 MICHAEL LEE: Auntie Alice, she would be 116.  
21 KIMOKEO KAPAHULEHUA: And her real name?  
22 MICHAEL LEE: Alice Holokai. Her father came  
23 from -- he was lua master -- lua practitioner from Kohala.  
24 He broke kapu and taught her how to do the (inaudible). She  
25 killed her husband and then she brought him back and he  
1 never beat her up again. She lived with the queen from  
2 1910, when she was 10 years old, to right before the queen  
3 died in 1918. So I was really, really fortunate to be with  
4 her. And she would, on sessions with me, talk about the  
5 death of Captain Cook, all in Hawaiian, who was the man who  
6 is different -- it's a different story from what you hear in  
7 history. She goes to the genealogy of the man who broke his  
8 bones, in doing lua snapped his -- his spine. She tells who  
9 the name of the guy was, who the family is, who they are  
10 today, and she does it in Hawaiian. And she went back and  
11 forth. I mean, she was such a treasure trove of knowledge.  
12 She knew Prince Kuhio, she lived with Queen Liliuokalani.  
13 She was part of the star knowledge that I got for these  
14 certificates as Papa Kilo Hoku from the City Council. They  
15 recognized me in two certificates, and my genealogy to the  
16 Kamehamehas.  
17 KIMOKEO KAPAHULEHUA: 2012?  
18 MICHAEL LEE: 2012. And then this one was -- this  
19 is May. That one was December. And the cultural practices  
20 of doing the mawawai ceremony, which I've done for children  
21 out here, it's a cultural practice from Kau on the Big  
22 Island for Lono, but we do Ke Akua. So they were  
23 recognition certificates. But all of this stuff, on all my  
24 certificates, I put my teachers, my grandfather, all the  
25 people who -- who -- 0011  
1 KIMOKEO KAPAHULEHUA: Who taught you.  
2 MICHAEL LEE: Who taught me. Because, for me, you  
3 know, they kept out of the limelight. Auntie Alice Holokai  
4 taught David Kalii's grandson in 1983 how to get to Kauai.  
5 And she was -- it was written up in the Star Bulletin. And  
6 she wouldn't give her name. She just -- they just said they  
7 got the knowledge from the lady on the mountain in  
8 Papakolea. She would never seek any knowledge for herself.  
9 She won the Thomas Jefferson award for taking care of  
10 children and healing people. Just an incredible group of --  
11 of people that I was so privileged to learn a lot of this --  
12 this knowledge in my cultural practice. And that tape is  
13 from 30 years ago, in 1986, when she was in her 80s. And  
14 she passed away in 1992 at 92 years old. And the wealth of  
15 knowledge that I got from my kupunas -- because I used to  
16 hang around 80 and 90 year olds when I was young and when I  
17 was in my early 20s, and just tried to soak up as much as  
18 I -- I could. And what Auntie -- Auntie Alice talked about  
19 the prayer. And this is the prayer of how to paddle. You  
20 have to go into prayer several months before you go and do  
21 it. So this was in her handwriting. I asked her, could you

22 please write it down, because I knew this was important  
 23 historically and, some day, it would have to come out. Sol  
 24 wanted the master to write it in her hand, which she did.  
 25 And, you know, the thing talks about the stars, but it  
 1 doesn't show the positions. So I asked her to put the  
 2 position of the star and how to paddle to Kauai under the  
 3 double night rainbow. So she wrote this down in her hand.  
 4 So all of this was, you know, very, very important. And I  
 5 drew a picture of how Auntie Alice Holokai looked like. So  
 6 my grandfather was the master keeper of the stars for me and  
 7 the petroglyphs. Auntie Alice added on and others added on  
 8 to that knowledge that I was really privileged to have these  
 9 great people from the turn of the century who knew the  
 10 historical figures personally.  
 11 And so Maui has always been very close to us  
 12 because, you know, we're allodial landholders but, also,  
 13 keepers of our record in 'olelo. And when we were talking  
 14 about the Kihei area and the neck of the property where the  
 15 nalu rains and the nalu winds come down and how it affects  
 16 by the side of the mountain where Keokealani is, pu'umakoi  
 17 redirects from nuakea, the breasts of the mountains, pulling  
 18 the nalu rains to feed the child. It's almost like a  
 19 squatting child here on Kaho'olawe. And to feed the child  
 20 the -- the life-giving mother's milk of the rains coming  
 21 down in the clouds that are jutting out as the Kihei opens  
 22 up and her breast milk goes to -- which is the freshwater,  
 23 lawainui, the wealth and the fortune of the land. And all  
 24 of these stories in Aki as well as Pana'ewa and the limu in  
 25 Mala Bay and in Hana, where my grandfather fished, where he  
 1 made his lama spear, 12-foot spear. And he had the -- the  
 2 turtle glasses and he would take a breath at five minutes,  
 3 he would go down and we wouldn't see him. And then he would  
 4 come up with all this red fish and everything at Hana Pier  
 5 and everything. So, you know, it was a rich, rich  
 6 experience that I was given. And the stars and -- and the  
 7 cloud signs. And really, really fortunate to have had these  
 8 people who are my family teach this knowledge, which at the  
 9 time I never thought anything of it. I just thought it was  
 10 family stuff. But then as I got into my 50s, Auntie Alice,  
 11 in my 20s, said, Governor, with one day you're gonna be  
 12 doing what I'm doing. And I said, oh, auntie, that's never  
 13 gonna happen because I'm a 9:00 to 5:00er. I gotta work for  
 14 my living, I gotta -- I gotta pay the bills. And she goes,  
 15 oh, you'll see. And sure enough, when I hit 50, exactly  
 16 what she said, no longer a 9:00 to 5:00er, but actually  
 17 taking all this knowledge that they showed me and actually  
 18 doing something with it to save the Hawaiian culture.  
 19 We as a community have to move on in progress,  
 20 jobs, development, but the law is situated that we can save  
 21 those corners and pieces that are valuable to our Hawaiian  
 22 culture. Like at the -- the megamall Pi'ilani Promenade,  
 23 there are certain rocks and features that I was taught and  
 24 told that -- how to distinguish what their purpose was  
 25 through generational knowledge of this family line. And 0014

1 what we bring to the table is to educate, to youknow  
2 better, you can do better. And if you know why this pileof  
3 rocks is what it is, and once its functionary--  
4 KIMOKEO KAPAHULEHUA: Let me stop oneminute.  
5 MICHAEL LEE: Yeah.  
6 KIMOKEO KAPAHULEHUA: So I can get a newtape.  
7 MICHAEL LEE: Okay. Break in audio..  
8 KIMOKEO KAPAHULEHUA: Hang on one more, alittle  
9 bit. Okay.  
10 MICHAEL LEE: Aloha again. You know, from our--  
11 our family lineage, this nihopalaos came from myfifth  
12 grade grandmother found in the entrance channel ofthe  
13 marina of Ewa, walking the proposed channel, whichwe  
14 stopped regarding, we got into it and went up as ourown  
15 attorney for the Supreme Court to stop, 'cause otherfamily  
16 members are buried there. And so we got recognition. And  
17 our tutu was holding these nihopalaos in her hand atthe  
18 time. Two, one for male, one for female. And this ispart  
19 of -- this is part of our world, our mo`oku`auhau,our  
20 genealogy, links all kanakas, 966 generations, but itlinks  
21 us to hauloa. And all of us are linked to how hauloa asthe  
22 root, yeah, in our mo`oku`auhau. And it's importantfor  
23 anybody who's kanaka to know, this is the pupee thatwas  
24 found, to know the well to. She had a cache of allthese  
25 Hawaiian jewelry. She was like 25 years old in -- in 1796, 0015  
1 1795 where the burials were -- were found. And so youdon't  
2 destroy our world. I was never an attorney, but I'll doan  
3 attorney. I helped kanu the SHPD StateHistoric  
4 Preservation Division's found my grandmother's iwikipuna.  
5 And it took me 10 years to get her back into the groundin  
6 Ewa, had to do a long fight. And this is the local --how  
7 genealogy of how family goes to the Pi`ilani side andKaiwe  
8 side.  
9 KIMOKEO KAPAHULEHUA: And theKamoalii.  
10 MICHAEL LEE: And the Kamoalii side. We'reall  
11 family. We all family in -- on my dad's side. Themarriage  
12 locked everybody in through (inaudible), who wasthe  
13 Keopuolani of the 1700s, who married Luna Haipu,my  
14 grandfather of Kauai, and linked us all in. Kualii ismy  
15 direct eighth grade grandfather, so he was from theOahu  
16 (inaudible) line to both Kauai and Oahu. Kauai and Oahuare  
17 connected. And the channel is only a river betweenthem  
18 because Kualii would spend every January, February onKauai  
19 as mo`i of Kauai, but that bloodline is what locks inthe  
20 islands, just as Hana is locked into north Kohala. The  
21 islands are one Big Island with these little riversin  
22 between that we call channels, kaiiwe channel, butthey're  
23 rivers 'cause it's the family blood lines that lockin  
24 everything which is the back door to the front porchor  
25 whatever. So in our family lineage, there is no -- you 0016  
1 know, we have 88 different canoes and the 88 differentways  
2 of using the canoes, 'cause today people use theairplanes,  
3 jets. The canoe's usage, our family would stay two yearson  
4 one island, go to Molokai, Kola Kula Koa was ChiefKula  
5 Koa's daughter who was ali`i of Molokai. That's mygreat,

6 great, great, great grandfather, my sixth -- seventh great  
7 grandfather. The family lineage locks us in to the land and  
8 visiting other family on other islands. We always visited  
9 each other. I mean, six months here, two years there, three  
10 years there, two years there, and we just kept on traveling  
11 all over. That's what our mo'oku'auhau chants say. So when  
12 they try to lock us in and they say, oh, Mr. Lee, you can't  
13 go to the Big Island and fight for the Kohala side because  
14 your ahupua'a is in Ewa. And I go, here's the chant of  
15 Koali'i. Kanehili is picking three limus, halahalaha, Lipoa  
16 and Komu. And I'm saying it goes to the Big Island, six  
17 months later, and, on the Hilo side, he's picking the same  
18 limus. I said that's our cultural practice. You can't  
19 limit us to one spot because our families are on all islands  
20 and our icebox is the ocean, and soon as you get off, boom,  
21 you start eating. So, you know, the outside people cannot  
22 define who we are. Our chants define who we are. Our  
23 generational knowledge define who we are. Place, presence  
24 and our cultural practice that we have been taught by our  
25 kupunas define who we are. And to have people who live in 0017  
1 Nebraska on a farm for 200 years or whatever and say that's  
2 how you guys should live is false because we constantly  
3 move, nomadic. Summertime, that's why Queen Emma, summer  
4 palace. It's not -- they didn't stay in one place 24/7.  
5 They lived on different islands at different times,  
6 different sections of the island as their lovers, their  
7 moods, their children, their family needed them to help out  
8 in the lo'i or whatever. We constantly moved around. That  
9 knowledge that on the tape of Auntie Alice, this that you  
10 see is underneath Pu'u Wawa, Kohala on the Big Island. This  
11 is the underground aquifer, the river, the -- the anacave,  
12 the puuwaina. So this is the keeper makaka'iili. I know her  
13 and her family.  
14 Now, haoles are getting into this cave. And I  
15 wrote to Alan Downer, saying what are haoles doing in here  
16 when there's been a keeper from the Keakeolani family for  
17 hundreds of years. And what are foreigners doing for our  
18 fresh water system. That fresh water goes to (inaudible)  
19 and makes the limu grow for our fishery because the limu's  
20 algae, and algae is the foundational food source for our  
21 fishery. So I wrote to Alan Downer saying what -- how come  
22 DLNR is allowing people to go into our ana caves when there  
23 are Hawaiian keepers for our culture in this place. And why  
24 wasn't it put out for public notice because this is not  
25 Disneyland. This is very important. Because on the shelves 0018  
1 of these caves we put our keai, we put our iwi kupuna. You  
2 see the shelves down here? Well, sometimes there are niches  
3 above where with put iwi kupuna. This is a sacred place for  
4 us. It's not just, like I said, Disneyland, for people to  
5 go in and -- and niele around. You know, these are our  
6 cultural places that are being infested by everybody, just  
7 because they think they can.  
8 And there's laws, Section 6(d) 1 through 13, that  
9 the State regulates who can come into these caves and stuff.  
10 And where was the DLNR meeting? Where was public notice for

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

19 Dealing with the Pi'ilani Promenade, or some  
20 people call it the megamall, there are historical features  
21 that -- mounds for sacrifice for rain, for fish, for the  
22 different times of the solstices because, you know, our  
23 cultural practice that I was taught in generational  
24 knowledge is konohiki, makahiki and kapu. So when people do  
25 a EIS or AIS, the first thing I ask is if you're gonna  
1 define the Hawaiian culture, our practices surround  
2 konohiki, makahiki and kapu, so where does your planter  
3 feature, your sea shape, your terraces fall into konohiki,  
4 makahiki and kapu. Because this was a spiritual land, with  
5 spiritual people who every day they did everything was  
6 through ha and prayer, the rising of the sun, ku, towakea  
7 and napo'o, the hoku ewa, zenith of the sun and the sky, and  
8 the setting of the sun, Hina, in the west, konohiki,  
9 makahiki, kapu. The clock that regulated the practices  
10 dealing with fresh water, using fresh water 1,000 ways  
11 before it got to the ocean. And the signs of these seasons  
12 for konohiki, makahiki and kapu are constantly shouting out  
13 on the cultural landscape.

14 So why would you have a solar observatory on the  
15 property that told you when konohiki, makahiki and kapu?  
16 Because it was kapu -- after October, the Hawaiian year ends  
17 and the resetting of the covenant of waiwai nui, fortune,  
18 fresh water of the king, had to take place in November,  
19 December and January. The fisheries had to be reset. The  
20 la'au rights for the terraces and the planting had to be  
21 reset. The kahunas could not eat the -- they would have to  
22 feed themselves on food. Nobody could work. It was like a  
23 giant sabbath until everything was reset during cultural  
24 practice of konohiki, makahiki and kapu. So if they don't  
25 have it, then they're making it up because our culture  
1 written in Kamakau, Malo, Abraham Fornander, Papal'i,  
2 Emery, Emerson, (inaudible) 1 through 5. Everything talks  
3 about konohiki and makahiki and kapu in a spiritual way, a  
4 spiritual way. Here I am up at Hale Maumau and Tutu Pele  
5 sending the red -- she's sending me the red Kihei saying --  
6 she's my 17th great grandmother, she's saying, eh, you gotta  
7 wear the red, not the blue. But my teacher, Auntie Alice  
8 never gave me permission. You know, we always listen to our  
9 elders. We don't do unless they give -- they give us  
10 permission to do. And for me, it was too kapu. So until my  
11 student was saying, eh, my Kihei's turning red that Tutu  
12 Pele gave us permission to wear red Kihei. I didn't wear  
13 red Kihei. So -- and then what -- what happens is when we  
14 do practice, we're too young to hold certain practices. You  
15 gotta be on makua. I'm not kupuna, but my hair will turn

16 white and I will turn 80 years old when I do acultural  
17 practice that needs me to be in my eighties because of the  
18 Tutu Pele bloodline. We will turn -- our hair will turn  
19 color and we'll grow old, from being young to being very  
20 old. But that's the superhighway in the spirituality of what  
21 takes place for us, you know, that's something where, as you  
22 can see, my hair isn't this white, yeah. But it will happen  
23 because it's supposed to happen, yeah. Two pictures side to  
24 side, salt and pepper.  
25 KIMOKEO KAPAHULEHUA: This way. Yeah. Right 0021  
1 there.  
2 MICHAEL LEE: So you see one salt and pepper--  
3 KIMOKEO KAPAHULEHUA: This side. This side.  
4 Wait, wait, wait. Right there.  
5 MICHAEL LEE: So you can see the -- the  
6 transformation from salt and pepper to extremely old.  
7 KIMOKEO KAPAHULEHUA: The green one or the red  
8 one. There you go. Right there. Right there.  
9 MICHAEL LEE: Yeah. So, for us, this is not  
10 something that, you know, is -- is try go see because my  
11 aunts and uncles could do all of this stuff. And it's  
12 just in the family -- it's in the family line of our  
13 cultural practice when we go out. And this was on the  
14 Pi'ilani Promenade side. We're doing the -- the eclipse.  
15 And behind is the wiliwili forest showing up that used to be  
16 there 1,000 years ago, the dryland wiliwili forest on the  
17 Pi'ilani Promenade. And there was like 40 people up there  
18 that night. The kahus or kahunas, all we do is open portals  
19 and we close portals. And we bring ho'okupu and thanks and  
20 care and ha to our ancestors who are what other people call  
21 gods, but they're just family from us, they're just family,  
22 you know. What we were taught in our mo'oku'auhau and the  
23 proper mahina stone at Mala Bay I use for divination of  
24 family genealogy. Only take kanakas for that one, you know,  
25 because the stones are very important. Our -- 0022  
1 KIMOKEO KAPAHULEHUA: Who that guy? Who is this?  
2 MICHAEL LEE: Oh. This is Hank Fergerstrom. I  
3 took him to the -- the pu'u at Hunuulu in Wailuku to meet  
4 his -- his son that had passed away, Michael. So there's  
5 certain pu'us that we go to meet your family. And you goup  
6 and you close your eyes, and we do a chant. You put the  
7 lavender salt from Kauai on your forehead and then your  
8 family members come to talk to you from the other side.  
9 Then the mo'o. The mo'o is very important to us.  
10 This was -- the mo'o, (inaudible) up at Wailuku 670, yeah,  
11 you can see her -- her hand. She's kind of translucent  
12 white.  
13 KIMOKEO KAPAHULEHUA: Really close, so I can your  
14 hand.  
15 MICHAEL LEE: Yeah, translucent white. Okay.  
16 This is when we did a cultural access with Charlie Jencks  
17 and we went up on the land. It's important -- our  
18 connection to the land is very important because our iwi  
19 kupuna is there. And that's our connection.  
20 KIMOKEO KAPAHULEHUA: There was a -- there was

21 some concerns that you had, and you wrote them the concerns.  
 22 MICHAEL LEE: Yeah.  
 23 KIMOKEO KAPAHULEHUA: So can you share that  
 24 concerns that you had, you went over with on--  
 25 MICHAEL LEE: The -- 0023  
 1 KIMOKEO KAPAHULEHUA: -- the promenade?  
 2 MICHAEL LEE: The promenade, yeah.  
 3 KIMOKEO KAPAHULEHUA: (Inaudible), yeah.  
 4 MICHAEL LEE: Yeah. The -- the concerns were that  
 5 the -- and we went over with the archaeologist.  
 6 KIMOKEO KAPAHULEHUA: Yeah.  
 7 MICHAEL LEE: You know, there's certain sites  
 8 that, on the highest part, the solar mound for our -- for  
 9 our cultural practices, the oracle stone, which Luciennede  
 10 Naie -- I'm gonna be coming up in April, April 14th, 15th,  
 11 16th and 17th of 2016. But the oracle stone that is there,  
 12 the mound of stones for offering for rain to come, the solar  
 13 area that has the solstices, the area that we -- the eclipse  
 14 site, Hina Ake Ahi, and Hina Ake Ahi is Tutu Pele. Tutu  
 15 Pele, this is her niho palaoa that we were given on  
 16 Haleakala by Tutu herself. She said take it. Okay.  
 17 Our concerns is that these things can be raised  
 18 up, because they have to flatten out that property, to make  
 19 it level and plain. And these cultural sites need to be  
 20 protected and landscaping around them. And it's okay to --  
 21 if you're raising the property, you can raise it up, because  
 22 that property's a bowl. It's, basically, a bowl. And these  
 23 features are Hawaiian cultural resources. They are our  
 24 books, our observations and practice in place for our  
 25 presence of our history. And to destroy them is like to 0024  
 1 destroy the books in the library of Alexandria of Egypt when  
 2 it was burned. And we come to the forefront to put our  
 3 mo'oku'auhau, our ike, our `olelo out to define under law  
 4 what needs to be -- is what they call a finding of fact, to  
 5 show that these things existed, they had form, they had  
 6 function, they had a foundation for the purpose and need of  
 7 makahiki, konohiki and kapu in their observations and in  
 8 their time clock as our `olelo book through our chants. And  
 9 we're not stopping the project, but we're asking people,  
 10 because we've identified these cultural resources, what they  
 11 are, what the practices were, why they're important. And  
 12 they're not a lot around. There's some major ones that we  
 13 just said, raise it up. For the ones that have alignments,  
 14 keep them as is, but you can raise it up, you know, to  
 15 flatten the bowl out, to have your project. But we're  
 16 defining it, so put a protective buffer boundary zone around  
 17 it in your landscaping for our cultural landscape. And  
 18 incorporate it into what makes this place so special and  
 19 should not be destroyed. Because it connects in to the  
 20 rising of the sun who -- and directly overhead and Hina and,  
 21 also, the nighttime practices for the fishermen, which was,  
 22 basically, like a -- a temporary fishing village that took  
 23 advantage of all the fish that came and during a certain  
 24 time because you dried fish. You dried fish and octopus and  
 25 for survival strategies and food sustainability. This place

0025

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

15 We also mention, in the EIS, the drainage issue,  
16 very important, because part of the cultural features in  
17 sites are the gullies and gulches that go down to the ocean.  
18 And it's gonna affect the limu. If you -- part of my --  
19 besides the archaeological inventory survey, part of my  
20 concerns dealt with, you know, partnering with the Army  
21 Corps of Engineers with what is next to the fish pond below.  
22 And right next to that, on the north side, you have a marsh  
23 carryout. And to protect that area with Army Corps of  
24 Engineers with -- what you're doing on the drainage above.  
25 Because what concerned me is they wanted to go over and 0026  
1 cover up certain natural drains. You know, gravity rules.  
2 From the mountain to the sea, water flows from a high place  
3 to a low place, and it finds its own way. If you block it,  
4 it's gonna find a new way and cause plenty of ikeka,  
5 especially if there's a 500-year rain event.

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

19 We're not asking, stop the project, 90 percent of  
20 the thing, you have to do it our way. There are very few  
21 things that we bring up that show and define what our  
22 practices are and why, in konohiki, makahiki and kapu. So  
23 within those lines, it's very little to give consideration  
24 and mitigate on these sites that we brought out how  
25 important they are. Certain stones can be moved, but should 0027  
1 not be destroyed or moved off the property. Certain places,  
2 because the orientation of the sun, has to be kept in that  
3 area. If you gotta go up, go up, but it is our books, it is  
4 our 'olelo, it's our library.

5                   And to say no practice is done there, tell me what  
6 Hawaiian puts a neon sign saying I'm doing cultural practice  
7 tonight, why don't everybody show up. And then the outside  
8 western world says, oh, we don't see anything. Most  
9 Hawaiians do not advertise something sacred like where the  
10 Keakealani line have their iwi kupuna underground. Because  
11 if they do, outsiders, unwanted people, will take advantage  
12 and show no respect, because they do not know the history  
13 and the DLNR and the State of Hawaii doesn't. That's why  
14 they enacted, in 2004, the Aha Moku Council, to help guide  
15 DLNR as a body that would give recommendations on proper  
16 usage of natural resources, cultural resources. This is  
17 a -- this is a pure example of what takes place when the  
18 outside culture doesn't take time to respect and find out  
19 how significant pili grass is for stopping erosion. And  
20 invasives come in and their roots are like concrete and the  
21 water runs off and doesn't percolate into our aquifer. So  
22 where we gonna get the water to live on a desert island?  
23                   So all of these things are foundational and  
24 functional for survival. And it's been part of our cultural  
25 generational knowledge for thousands of years. What we  
1 bring to the table is what the law allows us to do, to give  
2 us our concerns. And we would like that respect under the  
3 law because, if it doesn't happen, we end up suing as Wailea  
4 670 and the cultural preserve took place. And thank God  
5 it's coming to an end. And, you know, \$10 million is set  
6 aside -- 185 acres are set aside for the habitat of the  
7 dryland forest and all the plants, animals and insects,  
8 and -- and we pushed for Hawaiian cultural practice because  
9 I was a part of that, too, for years. This is the same  
10 thing. We're just following the law. We're doing what the  
11 law asks us, to put on the table, put some skin in the game,  
12 step up and define what your practices are and why it's  
13 important.

14                   We have done that and we would like the -- not  
15 just footnotes, but we would like it mentioned in the AIS,  
16 because it's a legal document, that the County of Hawaii --  
17 the State of Hawaii and Land and Natural Resource -- DLNR,  
18 Board of Land and Natural Resources, and the Land Use  
19 Commission use as a document to make legal decisions from.  
20 So this is really important. Everything matters. Plus, we  
21 want to continue teaching to the next generation how  
22 important and how invaluable their culture is, whether it's  
23 Kamehameha Schools or whether it's tourists that don't know  
24 but wanna know, or Maui Meadows who, new people moving in  
25 from the mainland, they wanna find out what the culture so  
1 they can do the right thing in the right way that is pono  
2 for respect. And we'll be willing, we're putting it out there  
3 that this doesn't happen normally, where Hawaiians break out  
4 their family mo'oku'auhau, their 'olelos to bring it to the  
5 table to save it. But we've seen too many hidden treasures  
6 of our culture gets blitzed because people didn't know,  
7 because nobody stepped up and put this information on the  
8 table for people to question, for people to observe, for  
9 people to do whatever they need to do to do the right thing

10 under the law. And that's what we're looking for and that's  
11 what we're asking for.  
12 Mahalo.  
13 KIMOKEO KAPAHULEHUA: It is some of the things--  
14 this was the site that you went with us on Friday, yeah?  
15 MICHAEL LEE: Yeah.  
16 KIMOKEO KAPAHULEHUA: And was this document that  
17 you sent in to address the concerns?  
18 MICHAEL LEE: Yes.  
19 KIMOKEO KAPAHULEHUA: Can you flip each of the  
20 document because there was a lot of -- lot of things that  
21 you talked that --  
22 MICHAEL LEE: Right.  
23 KIMOKEO KAPAHULEHUA: -- was in your -- your  
24 report --  
25 MICHAEL LEE: Right. 0030  
1 KIMOKEO KAPAHULEHUA: -- in the backend.  
2 MICHAEL LEE: Right.  
3 KIMOKEO KAPAHULEHUA: So we with Michael Lee and  
4 at his home, but he had some -- he's already sent in some  
5 photos of undocumented -- undocumented areas in Kalanihakoi  
6 Gulch.  
7 MICHAEL LEE: Right.  
8 KIMOKEO KAPAHULEHUA: So he can -- he can -- as  
9 you can see that.  
10 MICHAEL LEE: Yeah.  
11 KIMOKEO KAPAHULEHUA: And then, also, on the back  
12 page --  
13 MICHAEL LEE: Yeah.  
14 KIMOKEO KAPAHULEHUA: -- you know --  
15 MICHAEL LEE: In the back page, it has a  
16 description of the -- the site numbers that -- for the AIS.  
17 KIMOKEO KAPAHULEHUA: Right.  
18 MICHAEL LEE: The site numbers that were first  
19 recorded in 1997. And it goes into the boundaries and the  
20 sites of the gulches and it goes into the details of the  
21 areas.  
22 You know, some of these that I was told were  
23 heiaus that, you know, people say, well, you know, it's  
24 clearly that this was -- the bulldozer came and it's got --  
25 it's got striations and cut from bulldozers. And I have to 0031  
1 remind people, oh, before the bulldozers came to Hawaii, we  
2 had our heiaus and rock sites, then Ka`ahumanu came, she  
3 abolished that in Kuamo`o, the battle on the Big Island.  
4 And then what happened, the missionaries came and they  
5 defunct our religious practices.  
6 But that doesn't mean they stopped, just because  
7 the ali`i said you cannot do it anymore, burn the statues  
8 doesn't mean the statues weren't taken underground in our  
9 ana caves. And the practices were still being done Monday  
10 through Friday. And on Saturday, Sunday, they went to  
11 church, yeah. So the bottom line is our practices have  
12 been -- how come the hula didn't die out when the  
13 missionaries said stop that, clothe them, don't be naked,  
14 because people still continued in the family generational

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

18 So the transmittal of these important places like  
19 the heiau on the Pi'ilani Promenade, the heiau was first,  
20 and then came the Mahele. Then after the Mahele, ranching  
21 came in, around the same time of the Mahele. And then they  
22 used the stones, also for cattle pens and stuff, they move  
23 'em around. And then the military came in and then they  
24 bulldozed for their purposes and stuff, over the ranches  
25 that -- you know, during the war, that -- 1940, World War II.  
1 II. And even before 1940, 1930s they came in. And they did  
2 their thing. Sometimes right over our sites, putting their  
3 emplacements and gunnery stuff. They did it right over  
4 our -- our sites.

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

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

20 So when it came to these sites and these areas --  
21 and I talk about the neck of the property where the wind  
22 comes through, which was very important for cloud signs.  
23 And where the placement of water heiaus are because of where  
24 the clouds come in, that's where you're gonna offer  
25 sacrifice to Kane, (Hawaiian language), where are the waters  
1 of Kane, to make the water come down, the limu bloom, the  
2 fishes to come in, because they eat off the limu. Chant 1,  
3 Kumulipo, the 12 limus in the ocean are protected by the  
4 mauna, what's up in the mauna. Well, what's up in the  
5 mauna? The broad stream. That's the surface river that  
6 comes down from the mountain. And with it, what does it  
7 bring that's in the mountain that protects the fishes and  
8 the ocean? It brings with it fruits that fall in  
9 seasonally. And the fish come to the ocean. And where the  
10 auwai comes out, they gotta make a choice, do I eat the limu  
11 that's coming or do I take the fruit that's coming, I see,  
12 which one, the ho'okupu from the -- from mauka, or the limu.  
13 So they go for the ho'okupu and they leave the limu alone.  
14 Then the sand shifts, covers the limu, allows it to grow.  
15 So as it gets bigger in the summertime and grows prolific  
16 under photosynthesis of the sun, there's a lot of limu for  
17 fish and people. Because the fresh water brings nutrients,  
18 not nitrates. Those are -- are high chemicals that make the  
19 invasives grow. But it's the foundation of the food source,

20 the mountain, the midrange land and the ocean are all  
 21 connected by the broad stream, the wahine. Okay. And that  
 22 makes the fresh water estuary, where the magic of life  
 23 begins in breeding. Okay. Because all the food comes down,  
 24 because the fresh water wakes up the limu in the different  
 25 seasons with the temperature. Okay. 0034

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

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

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

22 KIMOKEO KAPAHULEHUA: Mullet?  
 23 MICHAEL LEE: Mullet, o'opu, the list goes on,  
 24 awa. You go all the way through and you found out most of  
 25 our fishes are like salmon, but the people from the mainland 0035

1 don't fish, don't know. So why hasn't it collapsed? We  
 2 have all of these ana springs and caves that are huge that  
 3 are -- are pumping out water from beneath the ground, which  
 4 are these ana caves that I'm showing you to show that the  
 5 fresh water still goes even though -- even though you can't  
 6 see it. It's subsurface, it's the kane. And so the  
 7 mountain is protecting the sea in many different ways.  
 8 And people don't stop and ask the practitioner,  
 9 what does Kumulipo mean about Chant 1, the 13 limu in the  
 10 ocean being protected by all these plants in the land, what  
 11 is the connection, what is the interwoven web of life.  
 12 Well, the connector is the subsurface streams and rivers,  
 13 and we call auwais, that go into the ocean, and the  
 14 underground ana cave which continues sight unseen, but does  
 15 the same purpose.

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

25 the mahina eye, we farm and we fish by the moon. All of 0036  
 1 this has its practice and its time. Okay. The sea itself,  
 2 on hoaka, it's the second day moon after Hilo, it naturally  
 3 plants the limu, the ocean oki snaps the limu and vegetation  
 4 reproduction and puts them into the reef to grow again. We  
 5 know the seasons, we know the times. What you do on the  
 6 land is gonna affect the sea. And that's what our concern  
 7 is as cultural practitioners and generational knowledge that  
 8 we bring to the table. If you destroy this balance of Hale  
 9 O Kaulike, the house of balance, it's all gonna bekapakahi  
 10 and then it's all gonna start to fall apart. You cut down  
 11 too many trees, you're gonna change the wind, the bees are  
 12 not gonna be able to go there. It's gonna be really hard  
 13 when the rains come. Everything has a purpose the way it's  
 14 situated. The outside culture comes in, it doesn't learn,  
 15 it doesn't care, shows no respect. Pull out the piligrass,  
 16 put in California grass. Take down the natural trees, no  
 17 more nalu winds and nalu mists from the ocean breakers  
 18 that come and condense and make two rains. They don't know.  
 19 They don't care. They don't think it matters. But we know  
 20 everything matters. So we bring all of this knowledge to  
 21 the table not to be an obstruction, but to say do the right  
 22 thing for the right reason, which is pono. Because you  
 23 order pipes, special order pipes, and they don't fit,  
 24 pono'ole. Same thing, what is connected to the mountain,  
 25 the midrange and the ocean and deep in the ocean, it's all 0037  
 1 connected. And you break the connection, pono'ole.  
 2       And we're putting this stuff down, especially in  
 3 Pi'ilani, to say, look, where that ancient petroglyph was,  
 4 that was a sign marker for the well that was there for the  
 5 intermittent village, the fishing village that was there.  
 6 To take the water -- when the streams weren't flowing, there  
 7 was water in the man stream below, the -- the narrow cave,  
 8 to support life on the land so they could do their cultural  
 9 practice. That was removed. They didn't -- the guys just  
 10 took it, they didn't know what the purpose, what the need  
 11 was, what the survival strategy.  
 12       I showed you documentations of my family on Maui.  
 13 They knew, we're bringing it to the table, so we can do the  
 14 right thing and teach at the same time. Because this  
 15 culture doesn't belong to my family. It belongs to all our  
 16 Hawaiian people so that -- so that they can do what is pono  
 17 in managing and being good stewards of the land. And that's  
 18 what -- that's what we bring to the table. We're not saying  
 19 stop the project; we're just saying, hey, these are  
 20 important flags and markers, that what you do up at  
 21 Pi'ilani -- and if you block the gulches, you're gonna  
 22 destroy the estuary below, the brackish water estuary below.  
 23 And it's gonna modify the sand that's there. It's gonna  
 24 change the limu. So knowing the patterns of the rain that  
 25 come and the water that runs in the ana caves below and 0038  
 1 properly manage the drainage runoff so that pili grass stops  
 2 that erosion and red water, the brown water that we hear  
 3 about. Because if it's managed properly, there is no brown

4 water. Because there is no ripping and tearing of the land.  
5 So that's, again, the knowledge we're bringing, to say,  
6 look, this exists, we managed the land. When Captain Cook  
7 came in March 1778, 400,000 Hawaiians living off the ocean  
8 and not polluting, not shedding in the streams causing  
9 havoc. They buried their crap. They buried their waste.  
10 We all used the ocean. Thousands of monk seals. They only  
11 became endangered when western man came and took the octopus  
12 over -- overharvest octopus, overharvest lobsters, then they  
13 started to starve. Kanakas used the -- the resources.

14 That monk seal is found in Chant 6 of the  
15 Kumulipo, Line 500. Okay. We work together with the ocean.  
16 That's why we had local i`as, to -- and koas, we created the  
17 koas in the ocean. They're not just on the land, but  
18 they're in the ocean. We built them to train the opeluto  
19 come in the net. We feed 'em, we tame 'em. You take wild  
20 opelu and you feed 'em vegetation matter, like taro, like  
21 sweet potato, like fruits. What we do is we change their  
22 behavior and they become tame and they become like dogs. So  
23 we train 'em go in the net, go out of the net, go in the  
24 net, go out of the net. Then when it's time to harvest, we  
25 take out the big breeders that's gonna give hundreds of  
1 thousands of eggs and hundreds of thousands of fish and we  
2 selectively take fish for the village, for their needs, and  
3 we take 'em. Okay. But we're not pirates. Hawaiian  
4 fishermen were not pirates. They were farmers, they were  
5 mahi eyes of the ocean under mahina eye. And what they did  
6 was they trained the next generation and planted the limu  
7 and did everything so the harvest was ensured for an  
8 abundance and an increase in opportunity for the children of  
9 prosperity. That's how you stave off hunger and famine, is  
10 you plant in the ocean.

11 Same thing with our local i`as. Those are the heiaus.  
12 Why are they heiaus? Because you have the Ku stone and the  
13 Hina stone both impregnated. The Ku stone always stays  
14 underwater in the shape of the he`e. That's why this kuula,  
15 kuula, the standing octopus, Kanaloa, okay, this is always  
16 underwater. The Hina stone can be half -- can be out of  
17 water and in water. It symbolizes the moon, but she is the  
18 informant. We pray in the morning to them before the sun  
19 comes up. We touch the Hina stone, the Hina stone tells us,  
20 with the akua noho inside of it, who's been in the fishpond  
21 at night. Did the puhi eel come in, did the red eel come  
22 in, and -- and where is it now. She's gonna tell us.  
23 Because we cannot stand guarding that fishpond 24/7.  
24 Nobody's gonna do that. So how do we do that? The  
25 informant is the Hina stone. Okay. And the way we situated  
1 it, it's -- it's based on Kane's forehead of the makaha and  
2 the makohelani, two stars in his forehead that show Kanaloa  
3 Kane, fresh water ocean octopus. When it's gonna -- the  
4 makaha is gonna open and when to close the makaha gate of  
5 the local i`a. It's a natural time clock of two stars that  
6 rotate around -- one rotates -- the red one rotates around  
7 alko, which is Kane, which is makohelani, and makahais  
8 Kanaloa which tells us when to open the sluice gates. All

9 of this knowledge has a purpose and need for survival  
10 strategy. And so we bring that to the table to say, look,  
11 this is not isolated. Everything matters. Everything fits.  
12 It doesn't match your western model because your  
13 western model is not an island. And in that island, if you  
14 don't take care of business correctly, you're gonna starve  
15 to death because everything is your refrigerator. The--  
16 the forest is your refrigerator. The land is your  
17 refrigerator. The springs are your refrigerator. The ocean  
18 is your refrigerator with the limu. All places to eat and  
19 be taken care of feed off the land, `aina, `aina, to eat  
20 from the land. The land itself, you eat from.  
21 So all of this is very important when it comes  
22 back to the assessment that is being made and for what we--  
23 we put in both for the -- for the EIS and the AIS in our  
24 commentaries to highlight these areas for the broader scope  
25 that we're talking about in this interview with Kimokeo who 0041  
1 has come down this morning from Maui to -- to give this  
2 interview.  
3 And to back it up, what we're putting here --and  
4 we're laying the foundation of standing, that there is a  
5 place where we get it. We're not making this up. Governor  
6 Abercrombie used to say all the time, "Oh, those Hawaiians,  
7 they just showed up 10 minutes ago and they made it up."  
8 Well, no. In this case that's not the case.  
9 KIMOKEO KAPAHULEHUA: Way, way back. Couple  
10 hundred years.  
11 MICHAEL LEE: Way, way ago, couple of hundred  
12 years.  
13 KIMOKEO KAPAHULEHUA: And more.  
14 MICHAEL LEE: And more. And in our  
15 interconnectivity, we're bringing this out, we're --we're  
16 trying to reveal the best use, best practice, so that it  
17 works out for everybody. Because Hawaiians managed and were  
18 good stewards of the land so people could live. Everything  
19 was waiola, the life of the land is perpetuated in  
20 righteousness in Ke Akua io. Okay. So the spirituality of  
21 the land and our practices.  
22 Since I came back to the land for the Wailea 670  
23 project and we've done cultural practice up there, I've been  
24 told that it rains there consistently now for the last four  
25 years in that area. And that's what our ancestors always 0042  
1 knew, if you brought the ho`okupu, if you paid the respect,  
2 if you did the ha and you did the proper chants and did you  
3 what you needed to do, everything would be put in balance.  
4 The house of balance, Hale O Akaulike. So that's what we've  
5 been doing and bringing to the table in these projects, to  
6 educate people on the best way. We figure if you know  
7 better, you can do better. And the -- the mainlanders say  
8 they wanna know, so, eh, we're just doing what the law  
9 provides us to do for best use, best practice. And what  
10 people on Maui have been asking for, can you teach us, can  
11 you come, can you show us, so we have.  
12 Mahalo.  
13 KIMOKEO KAPAHULEHUA: So as can you see, we're at

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

19 MICHAEL LEE: You have my permission. You havemy  
20 permission.  
21 KIMOKEO KAPAHULEHUA: Appreciate that verymuch.  
22 MICHAEL LEE: Yeah.  
23 KIMOKEO KAPAHULEHUA: So I'm gonna saymahalo  
24 akua.  
25 MICHAEL LEE: Mahalo. 0045  
1 KIMOKEO KAPAHULEHUA: Mahalonaamakua.  
2 MICHAEL LEE: Mahalo.  
3 KIMOKEO KAPAHULEHUA: Mahalo no kupunaokahiko.  
4 And mahalo your oi and ohana oli.  
5 MICHAEL LEE: Mahalo.  
6 KIMOKEO KAPAHULEHUA: Ae mama uno.  
7 MICHAEL LEE: Mahalo puni oae.  
8 KIMOKEO KAPAHULEHUA: Mahalo.  
9 (Recording concluded.) 10

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

0046

CERTIFICATE

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19

I, TONYA MCDADE, Certified Shorthand Reporter, do hereby certify that the electronically-recorded proceedings contained herein were, after the fact, taken by me in machine shorthand and thereafter was reduced to print by means of computer-aided transcription; proofread under my supervision; and that the foregoing represents, to the best of my ability, a true and accurate transcript of the electronically-recorded proceedings provided to me in the foregoing matter.

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

DATED this 15th day of March, 2016. 18

20 Tonya McDade

Registered Professional Reporter  
Certified Realtime Reporter

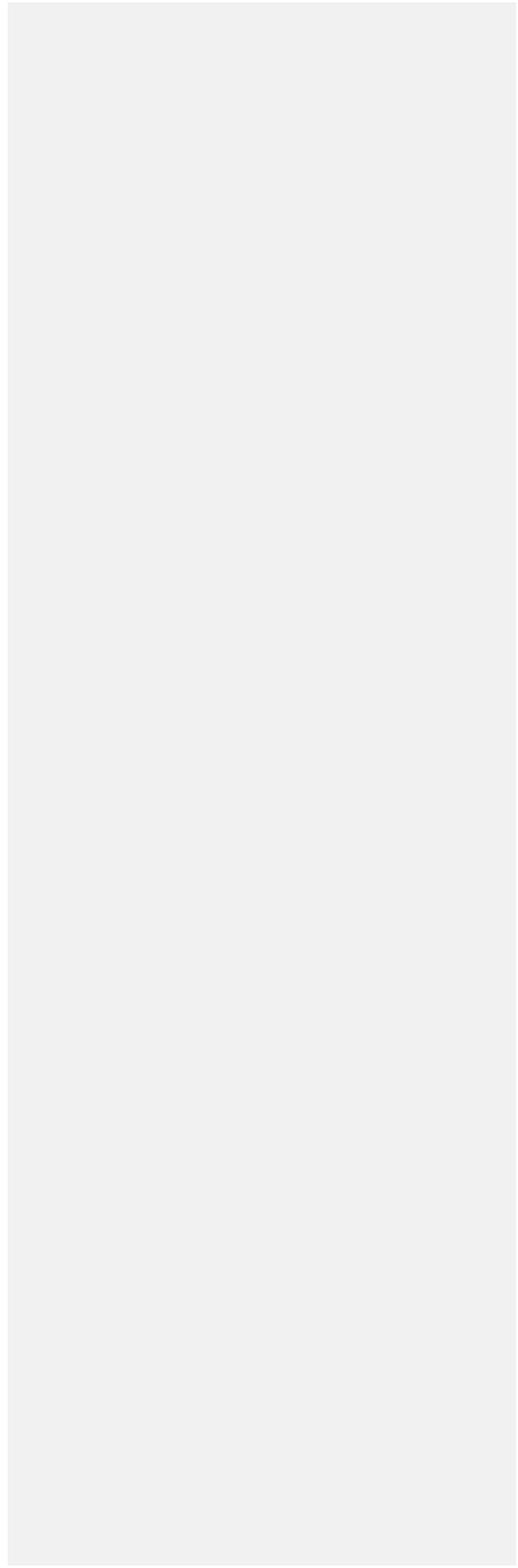
21

Certified Broadcast Captioner  
Hawaii Certified Shorthand Reporter #447 23

22  
24  
25

22  
23  
24  
25

Certified Broadcast Captioner  
Hawaii Certified Shorthand Reporter #447



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

1

2

3

4

5

6

7

8

9

10

11

12

Piilani Promenade Cultural Consultation Meeting

13

February 25, 2014

14

15

16

17

18

19

20

21 Transcribed by: Jessica R. Perry, CSR, RPR 22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

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

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

A copy of the sign-in sheet is attached as Exhibit A. 15

23

24

25

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

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

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

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

22 Eric has completed a draft AIS that contains two of  
23 the sheets that he's handing out right now.

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

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

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

20 So without any further ado, may I present  
21 to you Mr. Eric Fredrickson. We are going to go from

22 6:00 to 8:00, as is standard procedure here. If

23 you're going to speak, your name, so we know who it is

24 on the record so it's easy to transcribe. Remember

25 that, your name and then you talk. I said my name,

1 Charlie Jencks, so everyone knows who I am.

2 So, Eric, please, take it away.

3 MR. FREDRICKSON: Thank you, Charlie.

4 And hi, everyone. Thank you for coming. As Charlie

5 said, I'm Eric Fredrickson. I grew up on Maui and

6 have been doing archaeology for a long time. Does

7 everybody have a handout? There are a couple pages

8 that came out. Okay. (Inaudible).

9 What I'll do is before we get started, if

10 it's okay, if everybody would just say hi, I'm --

11 (inaudible) -- just to say hi. So I probably won't

12 remember everybody's name, but just at least so we can

13 all kind of say.

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

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

16 Lee.

17 MR. ALMEIDA: Aloha, Levi Almeida.

18 MR. OSHIRO: Basil Oshiro.

19 MR. KANAHELE: Daniel Kanahale.

20 MS. APANA: Clare Apana.

21 MS. OSHIRO: Aloha. Aunty Sally Oshiro.

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

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

24 Lani.

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

1 MR. KAPAHULEHUA: Aloha. Kimokeo

2 Kapahulehua.

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

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

5 JENCKS: Charlie Jencks.

6 MR. FREDRICKSON: Again, thanks all for

7 coming. The whole purpose of this is to -- for

8 information and then of course to get input from you

9 folks. As Charlie said, we originally carried out an

10 inventory survey, an archaeological inventory survey

11 of this parcel, which is this pink portion right here,

12 it was 88 acres originally, and a portion of it now is

13 going to be developed as housing that's not directly

14 involved with this project, which is now known as

15 Piilani Promenade. So I think the on the ground

16 component is about 75 or so acres.

17 In 1994 the archaeological inventory

18 survey that we conducted -- and I was on the ground

19 for all of that. We located 20 sites, ranged from

20 rock piles, some which were indeterminate function and

21 then some which were makers. Some really low, some  
22 were a bit higher. We also found some enclosures, and  
23 I'll discuss them in a bit, and we also found what we  
24 are called surface scatters, which basically is an  
25 area where folks in the past were doing something,

1 eating, maybe working on tools, whatever, because  
2 people were going mauka-makai, and this was an area --  
3 it was kind of a stop point. It wasn't a place where  
4 people were living permanently because it's too dry.  
5 We also found a petroglyph that was on a bolder, and  
6 it's a good-size boulder, three or so feet in  
7 diameter. It was out in the middle of basically a  
8 pasture area. It had all been -- it was owned  
9 previously by Honua`ula Ranch and they'd run cattle on  
10 it. That boulder was a (inaudible). It was actually  
11 removed during the project while we were working --  
12 the report was in draft form and the prior owner took  
13 away. It went Upcountry, and it's in the same  
14 ahupua`a, but it's not on the property.  
15 It was somewhere in this area, kind of  
16 near where this proposed Kihei-Upcountry highway is,  
17 originally. And that -- if you folks look at that,  
18 that map that came out is site 3746, which is kind of  
19 right up in this area. And again, that one was --  
20 that was taken off site.

21 At the time of the 1994 survey, all of

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

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

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

22 central Maui transmission waterline. It's a really  
23 big waterline. It's a 36-inch diameter waterline. It  
24 was completed, at least in this portion of Kihei, in  
25 1979, according to water department records. So that

1 comes across kind of the middle, diagonally across the  
2 property line -- or, excuse me, the project area, b  
3 that line is going to be diverted in this easement, ut  
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  
9 help. Is this -- is this going to be connecting in  
10 here?

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

12 MR. FREDRICKSON: So it will come in  
13 toward the south, southwest, in the southwest borde  
14 and connect toward the system that's in place. Tha  
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,  
18 this access road here and then it comes up here and r  
19 then this is -- is it a million gallon watertank? t

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 b  
24 Monsanto for -- they're growing corn there. This is  
25 whole area has been previously impacted by that

y

1 activity associated with land clearing.

2 There's another area -- so there's these

3 three -- four areas, actually. There's this access

4 road that goes out to Ohukai. Then you've got this

5 access road that goes up to the watertank, then this

6 easement, which was proposed for drainage formerly,

7 but that's no longer going to be used for that. It's

8 just the -- there will be a waterline kind of on the

9 makai side of the western side of the new waterline

10 will be diverted -- or not diverted, but excavated and

11 then laid in place and go down there.

12 The additional area that's going to be --

13 that was looked at, but, I mean, just basically, it's

14 shoulder right-of-way, is this pink area over here.

15 And that basically has to do with future improvements

16 that this project is going to be required to do on the

17 other side of the Piilani Highway.

18 So those areas we looked at this year,

19 and no new sites were identified or anything in those

20 areas. This area has been disturbed quite a bit. A

21 lot of your sheet erosion, there's no more topsoil,

22       it's down to bedrock.                   This part of Kihei, not  
23       everywhere, but in a lot of areas has gotten really  
24       shallow soil, and over 100 or so years of grazing and  
25       everything, the grass has been eaten down and then in

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

8 So let's take a -- just a brief look at  
9 the sites that we actually located in the 1994 survey,  
10 and what we did -- because a lot of time elapsed,  
11 we've reevaluated sites, and in the prior survey there  
12 wasn't additional work recommended for the sites that  
13 were located. The preservation issue for the  
14 petroglyph is something that was set on the side,  
15 because it's not here. If it was here, I certainly  
16 would -- that would be recommended for preservation.

17 There have been some discussions with the former  
18 landowner -- I don't know what's occurred yet -- about  
19 trying to have the petroglyph returned, but there's  
20 nothing that I've heard at this point.

21 These sites -- the sites started from

22 3729, and there are 20 of them, so the petroglyph, the  
23 last one, is 3746. So sites 3729 through site 3746,  
24 those are the sites that were identified.  
25 MS. DeNAIE: And did you take photos of

1 most of the sites?

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

3 MS. DeNAIE: They are --

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

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

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

11 MS. DeNAIE: Yeah.

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

14 MS. DeNAIE: Oh, I'm sorry, Lucienne,  
15 just asking about -- there's pictures of the sites.

16 So you have these pictures in black and white --

17 MR. FREDRICKSON: Yes.

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

20 MR. FREDRICKSON: Yeah. So sites 3727

21 through, let's see, okay, 3728, this is 3729. What

22 are these, Charlie, I'm not quite --

23 MR. JENCKS: (Inaudible).

24 MR. FREDRICKSON: Oh, okay. Thank you.

25 These are -- these were stone piles that were just --

1 and we actually tested a couple of them to see what,  
2 if anything, was underneath, just trying to get an  
3 approximate idea of the age, that sort of thing. Most  
4 of the piles appear to be placed on bedrock, on  
5 outcrop bedrock. We didn't locate anything in -- in  
6 the -- in the test phases. A couple of them had  
7 artifacts that were nearby, which isn't -- it's not a  
8 surprise. Hawaiians were transiting back and forth.  
9 Some of the other sites -- so there's -- 10 let's see, 28 -- 3728, 3729, 3730,  
those are stone  
11 piles, (inaudible). An interesting one is -- what's  
12 this one, Charlie? I'm trying to --  
13 MR. JENCKS: I don't see the number on  
14 it.  
15 MR. FREDRICKSON: I think that one is --  
16 that's 37 I think 20 -- that's part of 3728, I  
17 believe. But that's a -- appeared to be a possible  
18 agricultural site, but we didn't find any evidence for  
19 it. I'm just going to get out my -- the other table.  
20 MS. DeNAIE: Is that this one? Because  
21 that's 27.

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

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

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

20 Again, these -- if you folks can see this  
21 bedrock around, there's bedrock in many of these

22 areas, just more examples of stone -- of stone piles,  
23 some of them pretty high. 3731 was about -- you know,  
24 about like that tall, two and a half -- two and a half  
25 feet or so. Some were a bit lower. This one, 3734

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

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

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

19 The area in the past was -- have been  
20 under ranching for quite a while, hundred plus years.

21 The military was in there, in this part all over in

22 Kihei during World War II and you see evidence of it  
23 all over the place. I worked on the Big Island a long  
24 time ago for Bishop Museum, and also on Maui, and  
25 you'll get these -- we found a couple of them

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

6 We looked at a couple of enclosures too,  
7 which I think they're -- yes, are over here. Site  
8 3735, 3736, we tested, didn't locate anything, but we  
9 probably will go back and do some more -- some more  
10 work on those. 3735 -- or, excuse me, 3736, this one.

11 This one we think is probably military. We may go  
12 back and check that as well. Then we had some  
13 alignments. 3737, 3738 and 3739, two of them, 3737  
14 and 3738 were pretty long, especially 3737. I mean,

15 60, 70 feet long, linear, parallel. Some of the rocks  
16 and the alignments had been -- I mean, it wasn't like  
17 really carefully stacked. It's like a bulldozer had  
18 gone through and the rocks were on the edge. There

19 are some heavy equipment scars on some of the rocks  
20 and lots of like exposed -- like bedrock, flat, but  
21 it's like the -- there was hardly any rocks on the

22 inside, so it's like it had been cleared of rocks.

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



22 MR. FREDRICKSON: Mauka.

23 MS. DeNAIE: And they found an

24 alignment -- I didn't see a picture of it, because I

25 didn't see the actual report. I just saw it in

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

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

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

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

13 MS. DeNAIE: I would love to.

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

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

17 MR. FREDRICKSON: But what I was going to  
18 say is -- excuse me -- is near the watertank site, off  
19 the project, we just were -- just wanted to just take  
20 a look around the area. We did note a bulldozed -- an  
21 old bulldozed -- a road that had been bulldozed that

22 had kind of some rough alignment, you know, like  
23 similar to these, but the -- there were smaller bits  
24 of rock as they dug down a little bit more and there  
25 was a little bit more soil, but again, it's probably

1 World War II era.

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

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

16 We found one more. There were three  
17 total. The other one was not as long, 3739 up here.  
18 Again, outcrop, bedrock, nothing in the interior  
19 portion of it. 3740, which is in the little gully  
20 that crosses the parcel -- a portion of the parcel,  
21 erosion containment walls, and it has like old fencing

22 stuff in it and probably ranch (inaudible), so things  
23 didn't get washed -- washed out when that gully did  
24 flow, because when it rains, the water comes down  
25 pretty -- pretty fast.

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

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

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

7 MR. NAE`OLE: 1979.

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

10 MR. NAE`OLE: Yes.

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

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

20 MS. DeNAIE: And we also have Jacob Mau,  
21 who worked for DOCARE, and so he -- he took his Jeep  
22 all over the place, so we're just hoping that, you

23 know, some of the stuff, though, they'll know

24 something about.

25 MR. FREDRICKSON: That's great. I

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

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

22 mauka. And that one -- that site also had food

23 remains.

24 MS. DeNAIE: Excuse me. Lucienne. Was

25 that the one that was preserve the sort of over near

1 the Monsanto area?

2 MR. FREDRICKSON: That's a different one.

3 That one had a possible religious or ceremonial

4 function, but yes, that was a different one.

5 MR. LEE: Hi. Michael Lee. When you get

6 into the Hawaiian traditional practice, when you find

7 a lot of coral on one of these mounds and stuff, that

8 links to the Ku ceremony of au`au, when you go to the

9 ocean and you cleanse and then you bring back a piece

10 for -- usually it's a heiau or an offering site.

11 MR. FREDRICKSON: Yeah, these -- we

12 didn't find much -- much -- it was small -- small

13 pieces of coral, not like branch --

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

15 MR. FREDRICKSON: -- (inaudible) chunks

16 of branch coral.

17 MR. LEE: Right, chunks (inaudible)

18 normally.

19 MR. FREDRICKSON: That site that Lucienne

20 brought up that's further south that was preserved did

21 have some --

22 MR. LEE: (Inaudible).

23 MR. FREDRICKSON: -- excuse me, branch

24 coral in it, and that was one of the rationale -- one

25 of the rationales we used to say, hey, you know, it's

1 possible ceremonial function, preserve.

2 MR. LEE: Right.

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

20 3742 is another one, and that one will --  
21 it was just a few pieces of shell and a couple small

22 pieces of coral and a water worn rock, and it's  
23 basically -- you know, somebody took it there, and  
24 it's called a manuport, if it's not something that was  
25 like an artifact or formal artifact. So that's

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

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

22 very recent.

23 3745, another one, we tested that, same

24 thing, got a little bit of shell midden in the soil

25 deposit and -- but nothing below that. No charcoal or

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

6 Yeah, Lucienne?

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

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

12 MS. DeNAIE: (Inaudible)?

13 MR. FREDRICKSON: It was -- I'm trying to  
14 remember how close it was. It was -- it wasn't right  
15 next to it. It was like -- just picture yourself out  
16 in the -- out in the field. It was probably 40 -- 30  
17 or 40 meters, 100 plus feet away, maybe a little bit  
18 farther, but it went -- comparatively speaking, it was  
19 close, certainly closer than anything -- any other of  
20 the sites on the project. And then the petroglyph  
21 itself was itself was, again, it was on a boulder

22 about three feet in diameter and it was a real -- the  
23 rock was pretty porous, like if you rubbed up against  
24 it, really -- you know, you could get a pretty good  
25 sanding off of it and it was weathered, and it may

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

7 Yes, Mike.

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

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

22 couple sections that were partial, partial

23 (inaudible).

24 MS. DeNAIE: Showing (inaudible).

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

1 And again, this boulder was transported off site.

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

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

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

13 MR. FREDRICKSON: So that's -- that's the  
14 summary of the sites that were located and what is  
15 going to be the proposal for -- because some  
16 additional work does need to get done on some of  
17 the -- on some of the sites, the ones that I shared  
18 with you folks. And, excuse me, the data recovery  
19 will -- I mean, it's -- that we do as much work as we  
20 can, get as best information as possible, and  
21 sometimes you don't -- you don't get a lot more

22 information, sometimes you do. It just -- it just  
23 depends. I'm not super optimistic, because of the  
24 real shallow soil. It would be great to get a couple  
25 carbon samples, but I don't know. All we can do is

1 try the best we can. Yeah.

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

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

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

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

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

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

22 archaeological inventory survey. I read it two years  
23 ago, so it's been awhile. My understanding, that was  
24 accepted --  
25 MR. FREDRICKSON: Uh-huh.

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

2 MR. FREDRICKSON: Yeah.

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

6 MR. FREDRICKSON: It will be submitted.

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

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

22 significance evaluations valid today.

23 The criterion D evaluations certainly --

24 you know, certainly are. The petroglyph under -- is

25 significant under criterion E for its cultural

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

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

6 MR. FREDRICKSON: Yes.

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

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

22 requirement was put in place. So there was no  
23 monitoring at all, and that was something that, again,  
24 that's 20 years ago. That has changed, and I  
25 completely agree that, yeah, I mean, even though it is

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

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

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

22 property. So these areas have been looked at.

23 The monitoring will also -- will

24 extend -- it will be for this portion, the 88 acres,

25 including the 13 acres or thereabouts, which is owned

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

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

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

22 MR. FREDRICKSON: Yes, and I'm sorry, and

23 I know someone here -- it was a very large one. It's

24 5,000 plus acres to Heeiwa, and I don't have that --

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

1 Nae`ole.

2 MR. FREDRICKSON: Oh, thank you.

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

5 MR. FREDRICKSON: 3237.

6 MR. NAE`OLE: Mahalo.

7 MR. FREDRICKSON: Thank you.

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

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

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

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

17 MR. FREDRICKSON: I think -- and I'll  
18 double check, Daniel, but I believe Les Kuloloio came  
19 out to look at some of the -- like some of the surface  
20 scatters and stuff, because he's been involved with

21 this for an awfully long time with -- you know, with  
22 being interested in what is found, and he came out and  
23 looked at -- looked at some of the sites, and I  
24 believe he saw the petroglyph, but we didn't have, I  
25 mean, as many folks -- and again, thank you for all,

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

2 Yeah.

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

6 MR. FREDRICKSON: It was in 1994.

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

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

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

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

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

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

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

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

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

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

9 MR. FREDRICKSON: Uh-huh.

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

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

18 MR. LEE: This was in 19 --

19 MR. FREDRICKSON: 1994.

20 MR. LEE: 1994.

21 MR. JENCKS: Charlie Jencks. My

22 understanding is that the state requested, subsequent  
23 to the relocation of the stone Upcountry, they  
24 requested that the land owner do the relocation --

25 MR. FREDRICKSON: There was some sort of

1 a relocation plan, but --

2 MR. JENCKS: Did you guys do that?

3 MR. FREDRICKSON: I don't think we did.

4 I don't remember, but that's --

5 MR. JENCKS: That was done --

6 MR. FREDRICKSON: That's something I will

7 look at.

8 MR. JENCKS: That was done and accepted

9 by the state.

10 MR. FREDRICKSON: Yeah, and there is

11 reference to it, so --

12 MR. LEE: The relocation was to bring it

13 back?

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

15 MR. JENCKS: To keep it up.

16 MR. FREDRICKSON: -- to -- (inaudible).

17 It wouldn't be -- yeah, it would be a relocation,

18 because from here Upcountry.

19 MR. JENCKS: Charlie Jencks. The point

20 there is that the state knew about the relocation, the

21 state had asked a land owner to do a study to

22 formalize it, they blessed it --

23 MR. FREDRICKSON: Yeah, and --

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

25 MR. LEE: I see.

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

5 MR. LEE: I see.

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

18 MR. FREDRICKSON: Yeah.

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

21 MR. FREDRICKSON: Right, to do some

22 tourist attraction.

23 MS. DeNAIE: He just said, well, you

24 know, it's out here in the open and I don't know what

25 I'm going to develop and, you know, to keep it from

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

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

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

22 (inaudible) to have it back on the property because of

23 that significance. That's what I believe.

24 MR. FREDRICKSON: And the contact person

25 (inaudible) anybody does have any questions at the

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

6 So any other questions?

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

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

15 MS. DeNAIE: And outside the project  
16 scope, but they noted them when they did some work on  
17 the parcel on the other side of 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.

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

4 MS. DeNAIE: (Inaudible).

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

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

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

15 MS. DeNAIE: Well, it's interesting  
16 because, you know, they commissioned -- Honua`ula  
17 commissioned a study of the area up until the property  
18 line of this property, and yet recorded nothing in  
19 this gulch, and, you know, people have seen sites in  
20 that gulch, so it's sort of like a no man's land right  
21 now. I mean, I guess we could take it up with SHPD

22 and ask that somehow, you know, it be included in the

23 other review, but it just seems like there was no

24 imaginary line between this gulch and this land.

It's

25 like they were functioning as --

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

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

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

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

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

22 MR. FREDRICKSON: Uh-huh.

23 MR. NAE`OLE: So that's the only way you

24 could see them, but riding horse, you're practically

25 right next to the gulches.

1 MR. FREDRICKSON: Oh, yeah.

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

10 MR. FREDRICKSON: Too much, yeah.

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

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

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

20 MR. FREDRICKSON: Just look out.

21 MR. NAE`OLE: -- wait 45 minutes. That's

22 why the ground is -- you can see it. You can vision.

23 It's getting -- you know, it's corroding, and how it's

24 corroding, it's getting heavier and heavier, so...

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

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

3 MR. NAE`OLE: I worked for the ranch  
4 months. I went to high school, Baldwin High School, five  
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? An  
22 a lot of these gulches, like this gulch or this --  
23 that is coming across the property, it wasn't there.  
24 So you see the overload of water transferring to  
25 different areas. So we're diverting water that we



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

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

14 We're just diverting it. So if you look by  
15 construction, I think that's where the problem is.

16 So --

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

22 Ranch.

23 UNIDENTIFIED MALE: (Inaudible).

24 MS. LANI: Yeah. And then in about --

25 when I was about almost ten years old we moved to

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

8 MR. FREDRICKSON: Oh, yeah?

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

22 two boys, you know, Freddie and Henry. So, you know,  
23 we just like family, but he used to come from Kula all  
24 the way down here to behind Maui Lou because he had  
25 all --

1 MR. FREDRICKSON: Oh, the road.

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

13 MR. FREDRICKSON: Oh, in Lahaina?

14 MS. LANI: Yes.

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

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

22 Makena.

23 MR. FREDRICKSON: Uh-huh.

24 MS. LANI: That's our road every day

25 going La Perouse, all the way to Kihei, we'll never

1 forget the areas, how (inaudible). Only (inaudible)

2 kiawe trees, so we can park anyplace, you know.

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

5 MR. FREDRICKSON: Yes, thank you.

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

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

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

19 MR. MAU: Get all the fire wood.

20 MS. LANI: Yes, yes. And the bulls. Oh,  
21 my mom and dad, I remember they used to trick a lot,

22 and they would sleep on the roadside, and my sister

23 and I just running around and (inaudible) bulls, ho,

24 just fighting and fighting, and they were just

25 sleeping because they were all drunk (inaudible).

But

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

20 And my dad travels all the way down from  
21 Makena going to La Perouse, he says he's going

22 (inaudible) nighttime by himself. He going with the  
23 car and he see this cow walking in the middle road and  
24 he telling the cow, go blowing the horn, telling him  
25 to the move, the cow, the cow's going, he's taking his

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

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

19 MS. LANI: I went through hell.

20 MR. LEE: Mike Lee. Aunty, how did No  
21 guys find springs, since you needed water, or did yo  
22 pack water?

23 MS. LANI: Yes.

24 MR. LEE: Pack water?

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

you

u

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

6 MR. MAU: (Inaudible).

7 MS. LANI: We still have that today,

8 because where I'm staying now, I living like that. My

9 kids didn't want that, but today they're used to that.

10 Just not (inaudible). They know, and they love it.

11 They (inaudible) they look up to going to the country,

12 do what you want, you know, in the country.

13 MS. DeNAIE: Lucienne. Aunty Florence,

14 so have you ever like hiked down the gulch that runs

15 down, you know --

16 MS. LANI: Oh, yeah.

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

18 MS. LANI: With my dad sometimes.

19 MS. DeNAIE: (Inaudible).

20 MS. LANI: Yes, and that's very true what

21 Brian is saying, because sometimes we can't cross

22 over. We have to, you know, stay -- stay there, but

23 (inaudible) --

24 MS. DeNAIE: (Inaudible) along the side?

25 How did you folks (inaudible) --

1 MS. LANI: Walk, and there's horse to --

2 you know, he packs us on the horse, or sometimes he

3 can use the bulldozers to come down and follow.

4 That's why sometimes it blocks up and he has to be the

5 one to knock the kahawai, you know.

6 UNIDENTIFIED MALE: So there's like big

7 trees or stuff --

8 MS. LANI: Yeah, sometimes.

9 UNIDENTIFIED MALE: -- flood came, yeah.

10 MS. LANI: Yeah, and he has to go, yeah,

11 to go and clean it, yeah. And if he can't pass, we

12 have to just find an area. My dad knew where to go

13 and, you know, make sure that we are, you know,

14 safety, yeah, yeah. So we knew how to live life the

15 hard way, but, you know --

16 MR. FREDRICKSON: When you were -- this

17 is Eric again. Aunty, when you folks -- you know,

18 when you were a kid like walking in some of the

19 gulches or, you know, like Lucienne just said, the

20 Kulanihakoi Gulch, do you remember seeing anything

21 anywhere like coming down the gulch from anyplace

22 anywhere, like caves, anything like that?

23 MS. LANI: Well, before it wasn't like

24 that. Once in a big while we used to have a lot of,

25 you know, rain, rain day -- then that's the only time

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

8 MR. FREDRICKSON: Go down the channel.

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

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

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

20 MS. LANI: Oh, no, but -- no, he was  
21 all -- no, we never did enter, you know, through --

22 always following the -- either the roadside or making  
23 roads. You know, sometimes the roads get all block  
24 up, and he -- damaged by rain and everything, stones  
25 cover 'em up, so he has to (inaudible). (Inaudible),

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

5                       UNIDENTIFIED MALE:       (Inaudible).

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

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

10                      MS. LANI:       Yes.

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

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

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

21                      MS. LANI:       Used to pick up limu and all

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

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

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

14 MS. LANI: A lot. A lot.

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

18 MS. LANI: Yes, my uncles were all  
19 fishermens too. We'd go down Makena, La Perouse and  
20 they would put a building there and that's what did  
21 their job every day, and they would gather -- when

22 they gather, they pull the nets and they get fish,

23 limu, they always would share for all the families,

24 you know, because before we didn't have the kind that

25 you can go paddle or sell, you know, we would trade

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

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

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

7 MR. LEE: (Inaudible).

8 MS. LANI: Yeah, tutu taught us how to,  
9 you know, make all the -- and it was not liked to.

10 Today you don't hardly see all those. It's all -- the  
11 rocks -- every rock when you take, you know how to  
12 take it out, there's always -- next time there's  
13 always more, but today you don't -- you scrape the  
14 rock, so that's why hardly.

15 MR. NAE`OLE: Brian Nae`ole. Back in the  
16 '70s when we used to go pick up limu, remember we used  
17 to go down there all the time, we were told numerous  
18 times not to go in certain areas. We used to always  
19 stay in like more towards the makai -- well, more  
20 Makena side, because there were certain things that  
21 you couldn't go more by the fishpond, but I remember

22 the limu that was so plentiful before. The fishes  
23 was -- they were like right there. Not liked to,  
24 they're pretty much disappearing.  
25 But I remember when we go gathering, we

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

22 just different now, compared to what it was back then.

23 So like aunty was saying, you know, all

24 that years, you know, we only hear from our ohana what

25 they tell us to do and what not to do. So I don't

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

3 MS. DeNAIE: 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

1 natural plants so when the water does flow down from  
2 up mauka -- that water is supposed to be crystal clean  
3 coming into the ocean. That doesn't destroy anything.

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

13 So, you know, a project like this,  
14 because the gulches are so important for the  
15 drainage -- you cannot do -- you know, the arrogant  
16 thing in the state, they said you have to have  
17 drainage for this project. The drainage was natural.

18 The mauka takes care of the drainage, but you have to  
19 make sure that the right kind of grasses -- it was  
20 known that pili grass grew inside, but you now have to  
21 plant it because the invasive -- the birds kukai and

22 then they take over and so you literally have to  
23 replant that and take out the invasives, so that when  
24 this happens --  
25 And concretizing isn't good.

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

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

16 I mean, we see that in Manoa, we see that  
17 down when you go to Waikiki when it -- those big  
18 ditches were flooding over, and it's those events  
19 health and safety, not the regular small event, but  
20 the fishery is dying. That's a native cultural  
21 resource that ties into this property and this

22 project, and that's Article 12 , Section 7. Article  
23 7 -- Article 11, Section 7 , the natural flow is  
24 supposed to be protected, surface and subsurface.  
25 So there are -- there are a win-win for

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

12 MR. KAPAHULEHUA: 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

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 lao and (inaudible) near the  
17 ocean, so is my family, and, you know, concretizing  
18 and tampering with the natural flow of -- you know,  
19 the natural waterways has been extremely detrimental  
20 to the ocean resources in that area.

21 What it's akin to, you know, you have an

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

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

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

8 UNIDENTIFIED MALE: Go ahead, Basil.

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

21 And we just overdeveloping our wetland.

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

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

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

18 Look at our rain forest. It's moving  
19 farther and farther up the mountain. Yeah, you go up  
20 to Polepole, oh, it's a big area, because we one speck  
21 of dust in that area, but look down from there, you

22 see the vast area, it's actually all wetlands.  
23 you look at where Aunty Florence guys, they talking  
24 about right here, that's part of our wetland.  
25 water comes down, disperses and goes down to our

Yeah,

The

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 Mokuhou coming to Kihei.  
6 They want to pump it (inaudible) Kula because Kula  
7 don't have enough water. Farmers starving out there.  
8 So we better listen to the land instead  
9 of growing homes and making industrializations. Let's  
10 grow farm land and food so we can be self-sustainable,  
11 because within my lifetime I hope to see something  
12 happen, that the -- we will be self-sustainable, in a  
13 way that we don't have to depend on the outside so  
14 much.  
15 I come from -- I the only one from my  
16 family as a commercial fisherman, and a lot to do with  
17 the -- what we have on land, up mauka, makai, gonna  
18 affect our waters. And everybody's talking about the  
19 same -- same thing, and if we not in spirit with what  
20 we have here, we all gonna suffer. Our future  
21 generations are gonna suffer. So whenever you folks

22       decide -- we not trying to stop all developments, but  
23       to be in spirit with what our kupuna had, how they did  
24       it, and listen and be in spirit.                               It's the main thing  
25       I'm talking about.

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

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

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

20 UNIDENTIFIED MALE: Your name.

21 MR. KANAHELE: Oh, Daniel Kanahale.

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.



22 anything with or know about really.

23 Having said that, some landowners are --

24 you know, they have like land managers, et cetera that

25 they do have a level of interest about it -- if they

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

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

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

22 waterline, the central Maui transmission waterline

23 that will go around -- more around the property.

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

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

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

4 MR. KANAHELE: Okay.

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

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

20 So for those reasons, we backed  
21 completely out of that approach to the stream,

22 diverting any water to the Kulanihakoi Gulch, and  
23 we've -- we had a conscious effort to make sure that  
24 we were not doing any work close to the (inaudible).  
25 With that said, however, I'll take under advisement

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

3 MR. KANAHELE: So -- Daniel 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.

1 MR. KANAHELE: So you're diverting?

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

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

22 (inaudible).

23 UNIDENTIFIED MALE: (Inaudible).

24 MS. DeNAIE: And if you look at the 1930s

25 maps you see as then the conjoined flow goes

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

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

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

20 MS. DeNAIE: Right. And I just wonder,  
21 because, you know, when you look at the archaeological

22 surveys for a number of other places that are at this  
23 same elevation, a lot of times they're fairly empty.  
24 They've been pretty smashed up by military -- the  
25 activities or by ranching activities. It's

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

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

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

22 that comes across it too.

23 UNIDENTIFIED MALE: Oh, yeah, definitely.

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

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

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

22 were like 400 years back when people were using these  
23 kind of implements, what things were like further up  
24 the gulch, and what was happening down at the ocean,  
25 which was pretty busy. So end of rant.

1 MR. MAU: Jacob Mau. You know, I started  
2 working for the state Department of Land and Natural  
3 Resources in 1961, and part of my responsibility was  
4 once a week I would read the rain gauges from Cosner  
5 Grove, I go down Puluau, Puniiu, 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.



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: EldenLiu does, but he

24 couldn't come tonight.

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

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

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

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

18 MR. LEE: Mike Lee. Hewahewanui was my  
19 8th great grandfather. His granddaughter Kapele, was  
20 mother of Neole, who married Kawaha, who had Julia  
21 Alapa`i, who is my grandmother, who when she was with

22 Nahili or Nahele, the child that she had in the Maui  
23 genealogy's keiki na miki, Captain Meek's daughter,  
24 Liza Meek, alii haole, who is my 4th great  
25 grandmother. The secret was that so long as you keep

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

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

9 UNIDENTIFIED MALE: Naulu.

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

20 So this takes the moisture. In October

21 the moisture that comes off of the south -- the

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

1 fertilizing everything. It's more fertile than weeks

2 and weeks of rain of the so you never see one drop of

3 rain come, and everything turn green. And it's

4 like --

5 MS. DeNAIE: From the fog?

6 MR. LEE: From the mist that comes down.

7 That's the secret in the family structure of doing

8 that. So when you keep that in check, then naulu

9 comes and the uaulu rain takes place. You wipe that

10 out here, it stops it here, and then this no longer --

11 the fishery no longer proliferates because the

12 underground pahoehoe lava tube and the mo`o is used to

13 clear all of that stuff, so that the fishery is going

14 to be impacted in a positive way, and that's why the

15 nakoas are set up here, here, here, it intersects with

16 the fishery and in December, through the right moon,

17 (inaudible) can go right across. Just suck you right

18 across.

19 So if it's kept in check, then everything

20 goes. Keokea Lani, which on the earth is part of

21 Puumahoi and her breast and Keokea Lani in the sky

22 match up together, and everything flows. Break that  
23 cycle, you choke it all off, right down the whole  
24 thing.  
25 MR. KANAHELE: Question. Eric, yeah, I

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

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

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

11 UNIDENTIFIED MALE: Yeah.

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

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

22 dry season, Charlie?

23 MR. JENCKS: Charlie Jencks. Yes, you

24 can. We will. And number two -- that's with regard

25 to the site visit. And number two with regard to the

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

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

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

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

11 MR. JENCKS: Done.

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

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

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

20 MR. JENCKS: What I would suggest you do  
21 or they do is comment, as a part of the draft comment,

22 and then we have to address that.

23 MR. LEE: Okay. Good.

24 MR. JENCKS: That's basically the purpose

25 of that document is to put out a draft document. You

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

3 MR. LEE: Okay. Fair.

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

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

16 MR. JENCKS: Well, like I said when I  
17 started the meeting, we have an audio man here. We'll  
18 take this audio recording, it will be put into a  
19 transcript. That transcript will then be attached to  
20 the AIS, which is part of the EIS for the project.

21 Okay. And you will then have a chance to comment on

22 the transcript, if you wish, and also comment on the  
23 AIS as a part of the project and the cultural impact  
24 assessment.

25 MS. APANA: Does this comments get to

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

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

6 UNIDENTIFIED MALE: (Inaudible).

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

9 UNIDENTIFIED MALE: Thank you, Charlie.

10 MR. JENCKS: Have a good evening.

11 (End of audio-recorded proceedings.) 12

13

14

15

16

17

18

19

20

21

22

23

24

25

1  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

CERTIFICATE

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

23

24

25





**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

Transcribed by:

Tonya McDade, CSR, RPR, CRC Certified Shorthand  
Reporters Maui 2145 Wells Street, Suite 302

Wailuku, Hawaii  
www.csrmaui.com  
808-244-DEPO

96793

Page 2

1

\*\*\*

2

MR. JENCKS: I'll just open this up. My name is

3

Charlie Jencks. And I am -- I am the owner's representative

4

for Sarofim Realty out of Dallas, Texas, and the guy on Maui

5

working with -- with Brett and Kimokeo on the Pi'ilani

6

Promenade project. I think maybe the first thing to do

7

today is to go around the room and introduce ourselves and

8

who we're representing, if you are representing someone. So

9

you've heard from me, you know who I am. Let's go, and then

10

we'll go around the table this way back to me.

11

MR. KAPAHULEHUA: Kimokeo Kapahulehua, Hana Pono,

12

working with Charlie Jencks on this project, as he

13

identified.

14

MR. DAVIS: My name is Brett Davis, I'm a planner

15

with Chris Hart & Partners. And we are preparing the

16

environmental impact statement.

17

MR. NAEOLE: Brian Naeole, lineal descendant to

18

Hewahewa Hapakuka in that area. Good morning.

19

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

20

Kula Makai Rep.

21

MS. LANI: Florence Keala Lani. I am here to

22

represent myself as a lineal descendant to Hapakuka today.

23

Thank you.

24

MS. SALLY OSHIRO: Hi. Sally Ann Oshiro with the

25 Makai Kula Moku.

Mahalo.

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

2 MR. NAEOLE: Thank you.

3 MR. JENCKS: Some of the folks that are here -- I

4 think, actually, all of the folks that are here were present

5 at a meeting we had in my office February, it was a year

6 ago, February 2015. We had the same videographer and we had

7 the same --

8 MR. NAEOLE: Same.

9 MR. JENCKS: Same drill, right? We had the same

10 discussion points, the same idea to get input and learn more

11 about this property from a cultural perspective. And we --

12 that meeting was concluded, we took the information that we

13 gained from the video and the audio and had a transcript

14 done, so we have good documentation as to what was talked

15 about in that meeting.

16 Fast forward to today, there's been a lot of work

17 done on the project, EIS and Cultural Impact Assessment,

18 and, also, I'm pleased to say, an Archaeological impact --

19 excuse me -- Archaeological Inventory Survey was done for

20 the property again. It was originally done in the early

21 nineties for Henry Rice and then was redone and then redone

22 again. And what we did do is we had, as a part of learning

23 more about the process -- I think every time I open up a

24 book about process in this County, I learn something more I

25 need to do or should have done and then I have to revise and

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

2 It was --

3 MR. KAPAHULEHUA: January.

4 MR. DAVIS: January, yeah.

5 MR. JENCKS: January. It was requested -- that

6 site visit was suggested and I agreed to it in the meeting

7 we had in February of 2015. And we had a site visit. And

8 Brett and Kimokeo was there. Brian, were -- who -- did

9 anyone --

10 MR. DAVIS: Everybody was there.

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

12 Yes.

13 MR. JENCKS: Okay. Which is --

14 MR. KAPAHULEHUA: And Daniel Kanahale and --

15 MR. JENCKS: Right.

16 MR. KAPAHULEHUA: -- Lucienne De Naie.

17 MR. NAEOLE: Yes.

18 MR. JENCKS: Which was, I think, a good idea. We

19 learned more about the property during that visit. The

20 Archaeological Inventory Survey has been -- I think we told

21 you folks at that site visit that the office of SHPD has

22 accepted our Archaeological Inventory Survey, accepted it.

23 That doesn't mean we're done, by any stretch of the

24 imagination. That report proposed, just as a matter of

25 background, in deference to the prior report, which

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

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

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

12 MS. SALLY OSHIRO: Right.

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

1 creating a place for them, creating recognition --

2 MS. SALLY OSHIRO: Right.

3 MR. JENCKS: -- that that activity was on that

4 property, I think, is an important thing to do. You can do

5 the data recovery and say, okay, we're done, finish it up,

6 we don't need this anymore, but I would prefer, and the

7 owner prefers, to recognize that cultural history and bring

8 it vertically into the project. So it's incorporated into

9 the project in some way.

10 And -- and Brett did a really good job in the

11 project EIS talking about the archaeological section and the

12 work we've done to date in bringing you folks into that

13 process. So that we -- whatever vertical (inaudible) we

14 bring in, once we have all the data recovery done, we can --

15 we can then sit down together and say, okay, what is it we

16 want to bring vertically, what's the most important piece of

17 this, how do we most effectively -- how do we most

18 effectively represent the host culture on this property as a

19 finished product. Okay.

20 That's -- that's where we are now. There's a lot

21 of things to do. We wanted to have this meeting because

22 Kimokeo had been working on the Cultural Impact Assessment.

23 And I know there was communications, Basil, between you and

24 Kimokeo on setting up a meeting.

25 MR. BASIL OSHIRO: Yeah.

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

3 MR. KAPAHULEHUA: Aha Moku meeting and --

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

7 MS. DE NAIE: Hello.

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

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

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

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

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

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

17 MR. JENCKS: The EIS was drafted.

18 MR. BASIL OSHIRO: Uh-huh.

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

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

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

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

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

7 MR. KAPAHULEHUA: The EIS.

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

10 MR. DAVIS: The draft EIS?

11 MR. BASIL OSHIRO: Yeah.

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

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

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

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

17 MR. DAVIS: It's available on the State website.

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

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

23 MR. DAVIS: It's OEQC.

24 MR. BASIL OSHIRO: All in capital?

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

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

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

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

7 MR. BASIL OSHIRO: Yeah.

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

9 MR. BASIL OSHIRO: Yeah.

10 MR. NAEOLE: Yeah.

11 MS. SALLY OSHIRO: That would be better.

12 MR. DAVIS: Not a problem.

13 MR. KAPAHULEHUA: What's your email?

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

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

17 MR. KAPAHULEHUA: Yeah.

18 MS. DE NAIE: Thank you. Lucienne de Naie. I'm

19 on the Advisory Board of Maui Cultural Lands and, also, I'm

20 President of Maui Tomorrow, which is one of the

21 organizations that did ask that this be reviewed and has

22 submitted comments on the EIS in great volume. We haven't

23 heard anything back yet.

24 MS. SALLY OSHIRO: Thank you.

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

1 MR. JENCKS: Everybody is so popular.

2 MS. DE NAIE: Yeah.

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

5 MR. JENCKS: Who is that?

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

7 MR. JENCKS: That was my wife.

8 MS. DE NAIE: That counts.

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

11 MS. SALLY OSHIRO: Thank you.

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

14 MR. BASIL OSHIRO: Yeah.

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

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

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

21 MR. BASIL OSHIRO: Yeah.

22 MR. JENCKS: -- is about what you know about the  
23 property, what you have to offer from a cultural perspective  
24 with regard to the property. That's what this meeting is

25 about and that's what it's being held for. And I'm just

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

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

6 MR. JENCKS: No, I can comprehend.

7 MS. SALLY OSHIRO: Oh, okay.

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

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

20 MS. SALLY OSHIRO: Air.

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

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

1 I did get from it, from what I read, was that the  
2 organization focuses on the various ahupua`a in the state.

3 So there's a -- there's a council for geographical areas, is  
4 that --

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

8 MR. JENCKS: Uh-huh.

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

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

12 MR. BASIL OSHIRO: Yeah.

13 MR. JENCKS: Okay.

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

16 MR. JENCKS: Okay.

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

25 group, it's the community. If you don't show up, well, you

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

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

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

12 MS. SALLY OSHIRO: Share.

13 MR. BASIL OSHIRO: -- how we can share the water.

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

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

21 MR. BASIL OSHIRO: Yeah.

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

23 MR. BASIL OSHIRO: Get all those --

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

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

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

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

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

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

9 MR. BASIL OSHIRO: No.

10 MR. JENCKS: Is there any funding?

11 MR. BASIL OSHIRO: Not --

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

14 MS. SALLY OSHIRO: Right there.

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

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

19 MR. JENCKS: Got somebody that --

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

21 MS. SALLY OSHIRO: No. No.

22 MR. BASIL OSHIRO: Not --

23 MR. KAPAHULEHUA: Like this moku is called Kula,  
24 and you live in the ahupua`a, but the moku is -- this

25 particular moku we talking right now, they not funded, they

1 don't -- they --

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

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

7 MR. JENCKS: Okay.

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

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

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

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

23 MR. BASIL OSHIRO: Yeah, it can actually leave the  
24 fishpond, but the fishpond was actually made as a

25 conservation district, yeah, it's our resource. So was

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

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

6 MR. JENCKS: On the website.

7 MR. KAPAHULEHUA: The moku Kula.

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

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

11 MR. KAPAHULEHUA: Yeah.

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

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

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

17 MS. SALLY OSHIRO: Okay. Yeah.

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

19 MR. BASIL OSHIRO: That's all looking through it.

20 That's -- it's a old, really old, 1,000-year-old system that  
21 the Hawaiians did to actually live sustainably without  
22 outside --

23 MS. SALLY OSHIRO: Intervention.

24 MR. BASIL OSHIRO: -- intervention.

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

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

10 MR. BASIL OSHIRO: About conservation.

11 MR. JENCKS: All right.

12 MR. BASIL OSHIRO: Yeah.

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

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

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

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

21 MR. JENCKS: It's all different.

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

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

9 MR. JENCKS: Okay.

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

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

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

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

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

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

22 MR. JENCKS: Yeah, yeah.

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

24 MR. KAPAHULEHUA: Together.

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

1 heads. We not gonna be drinking from the same cup. No,  
2 separate, the cups. The cups from the same pitcher.  
3 MR. JENCKS: Okay. Well, just for my edification,  
4 I want to understand.  
5 MS. DE NAIE: The word you see in Act 121 over and  
6 over again is to bring traditional knowledge into the  
7 process because it was a big puka. It was not -- it was  
8 missing. You -- you -- you heard from the folks at DAR, you  
9 know, they trying to do their job, you heard from folks who  
10 own the properties and their consultants, they're trying to  
11 do their job, but what you weren't hearing from is people  
12 who knew about these places for generations. And their  
13 knowledge was not in books, it was not like made into a  
14 video somewhere on YouTube, for the most part, it was within  
15 their families. And so this was a place where people could  
16 feel safe to gather and come and share their family  
17 knowledge and know that it was supposed to actually have  
18 some part in the process because aha moku is -- it's  
19 designed by law to advise the DLNR, which is in charge of  
20 cultural sites, fish and wildlife, plants, you know, the  
21 reefs, the oceans, you know, all these kinds of things, and  
22 is also designed to be a voice within the community to talk  
23 to folks at the County, to talk to landowners, you know. So  
24 it's a relatively young organization. I've watched the  
25 formation. I serve on the Aha Moku Council over in

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

9 MR. BASIL OSHIRO: It's generational.

10 MS. DE NAIE: -- generational knowledge.

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

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

16 MR. BASIL OSHIRO: Yeah, but --

17 MR. JENCKS: And demonstrate that connection.

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

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

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

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

2 and --

3 MR. NAEOLE: Not knowing --

4 MR. BASIL OSHIRO: They're so westernized that

5 they forget their -- where they came from. So what we talk

6 about a lot of times is if there's a natural disaster, which

7 is probably gonna happen, if we don't have the military, we

8 sunk. So you go to Oahu, you ask them, "Where you get your

9 food? The supermarket. Where else? The supermarket." You

10 gonna starve, yeah. You don't know how to gather, you don't

11 know how to hunt. And that's the culture of the Hawaiian

12 people. And they keep taking away, so -- and that's what

13 we're actually fighting, eh, don't take away any more from

14 us. That's all we have, you know. We don't have -- you

15 know, like auntie here, she has a lineal, Brian has a lineal

16 to that land you folks trying to build. And Jacob Mau who

17 I'm quite sure is lineal to that, too.

18 MS. DE NAIE: EldenLiu, Hewahewa, that's his

19 ancestors.

20 MR. BASIL OSHIRO: They --

21 MS. SALLY OSHIRO: They all --

22 MS. DE NAIE: Hewahewa was the Konohiki there.

23 That's whose name is on the TMK.

24 MS. SALLY OSHIRO: That's right.

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

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

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

5 MR. BASIL OSHIRO: You getting it now.

6 MR. JENCKS: Okay. So continue.

7 MR. BASIL OSHIRO: Yeah. So Brian would know  
8 because he's part of it, Auntie Flo. And if you get the  
9 other guys in here, too, they probably tell you, you know,  
10 we weren't alone, but what is progress. If you can be pono

11 and build, for me, I don't know, I don't have a lineal to  
12 that, so I gonna stick in only for myself. If you guys

13 gonna build, the cultural sites should be used as education,  
14 to teach whoever's in there, whoever's gonna be using the  
15 land, that this is Hawaiian culture in here. It's not just  
16 come here, bulldoze or anything. When you walk in there,

17 say, oh, my God, they bulldozed everything in there, how  
18 many of the sites did they damage already that we don't know  
19 about because it's buried. Because I went in there, I was  
20 by myself, I walked off by myself.

21 MR. JENCKS: Yeah.

22 MR. BASIL OSHIRO: I found that -- I don't know if  
23 it's -- it's probably a old dam. I don't see any place  
24 where they bulldozed. And I can see that the punawai over

25 ~~there from the -- the gulch come down and raise the waters~~

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

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

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

10 MR. JENCKS: All right.

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

13 MR. DAVIS: Drainage Way A.

14 MR. JENCKS: All right.

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

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

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

19 MR. BASIL OSHIRO: -- you folks gonna have

20 problem. Like, you know, the sanctuary, that area is gonna

21 flood because I can see where -- I don't know if the kupuna

22 actually showing me that, but that place is filled in

23 with -- with dirt and silt now. When I going through, that

24 place was one punawai, was a reservoir. And the people used

25 it as a resting or -- that was a path, a traveled area down

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

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

5 MR. NAEOLE: The Hawaiian Homes.

6 MS. SALLY OSHIRO: Yes. Thank you.

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

8 MS. SALLY OSHIRO: Please.

9 MR. NAEOLE: That gulch.

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

12 MR. JENCKS: That was Keokea?

13 MS. SALLY OSHIRO: Hawaiian Homes.

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

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

18 MR. NAEOLE: Yeah. That house.

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

20 MR. NAEOLE: Yeah.

21 MR. BASIL OSHIRO: Yeah.

22 MS. DE NAIE: Yeah, sad.

23 MR. NAEOLE: Ripped right off the foundation.

24 MS. SALLY OSHIRO: Right through.

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

1 Kihei.

2

MS. DE NAIE: Yeah.

3

MR. KAPAHULEHUA: Where that big stream come right

4 down to the left, inside that Kulanihakoi Gulch.

5 MR. NAEOLE: Yeah.

6 MS. DE NAIE: Yeah.

7 MR. KAPAHULEHUA: By Maui Lu.

8 MR. NAEOLE: Yeah, right.

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

11 a temporary bridge, they gonna build a big bridge.

12 MS. SALLY OSHIRO: See, the thing is that you

13 folks don't understand is our islands, we have all

14 natural --

15 MR. NAEOLE: Drainage.

16 MS. SALLY OSHIRO: -- drainage and, you know, from

17 the -- like he said, from mauka to makai, from the mountain

18 to the sea.

19 MR. JENCKS: Uh-huh.

20 MS. SALLY OSHIRO: Anytime you destroy that and

21 you try to divert something, it don't work because, for some

22 reason, it will go right back and say, "This is my place,

23 this is the way I want to flow, but thank you very much, now

24 you put all this rubbish, now I'm gonna block up down

25 below." So you only causing more mishap.

1 MR. JENCKS: Right.

2 MR. BASIL OSHIRO: Gotta work with nature.

3 MS. SALLY OSHIRO: Yeah.

4 MR. BASIL OSHIRO: And that -- that gulch is

5 natural. And the run right next, by the school, it

6 overflows pretty often, too.

7 MR. KAPAHULEHUA: Kulanihakoi.

8 MR. JENCKS: Kulanihakoi.

9 MR. BASIL OSHIRO: Yeah.

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

11 MR. BASIL OSHIRO: Yeah.

12 MR. KAPAHULEHUA: Where?

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

14 MR. BASIL OSHIRO: That place flows. And one time

15 I was wondering how come that other -- that ditch was

16 flowing. And I found out the tank that -- I don't know how

17 many million gallon tank, was broken. So where this water

18 came from, no rain.

19 MR. JENCKS: It was in -- the water was in

20 Kulanihakoi Gulch?

21 MR. BASIL OSHIRO: Yeah, flowing.

22 MS. DE NAIE: Where was the tank that was broken,

23 up in Kula?

24 MS. SALLY OSHIRO: Right above our house.

25 MR. BASIL OSHIRO: Right above us.

1 MS. DE NAIE: Oh.

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

5 MR. JENCKS: I'm not sure.

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

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

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

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

12 MR. BASIL OSHIRO: Yeah.

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

16 MS. DE NAIE: Monsanto guys.

17 MS. SALLY OSHIRO: Yeah.

18 MS. DE NAIE: Yeah.

19 MS. SALLY OSHIRO: When they first started the  
20 thing. So they blocked it off. And then, right behind our  
21 house, I noticed that there was a natural gulch that had  
22 come down and then come across and joined. Well, now they  
23 blocked that off. So I told him -- right by the gate, I  
24 told him, eh, look, they blocked that off, where is it gonna

25 go, down on this side, not going down the road. So I

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

2 MR. JENCKS: Hard learners.

3 MR. BASIL OSHIRO: It's the engineers that not

4 from Hawaii. Actually, you gotta talk to the kupuna. All

5 that water used to flow. If they were generational, how the

6 waters flow, you guys gotta follow, you know, that pattern.

7 Otherwise, oh, boy, problems. And you can see the problems

8 with the whale sanctuary. When they built all the wetlands,

9 we were telling them, watch out because this place gonna be

10 underwater when they get the 100-year rain. Sure enough.

11 Lucky, nobody got injured or what. But my friend lives down

12 there, he had 18 inches of water. He couldn't leave his

13 house, and months. And what that thing smell like? Cow

14 dung. (Inaudible).

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

16 MS. DE NAIE: So, Basil, was this down off of

17 Kaonoulu Street like where it comes down?

18 MR. BASIL OSHIRO: Yeah.

19 MS. DE NAIE: And then there's that big wetlands

20 on the -- across from Maui Lu? Yeah.

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

22 MS. DE NAIE: Yeah.

23 MR. BASIL OSHIRO: -- said it was about six inches

24 deep of mud, if they dig. Couple of the trees down, they

25 said this one rain, eh, we gonna get it.

1 MS. DE NAIE: Yeah.

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

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

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

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

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

23 MR. NAEOLE: Flush it.

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

1 MR. JENCKS: Yeah.

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

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

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

10 MR. BASIL OSHIRO: (Inaudible).

11 MR. JENCKS: Kaonoulu Estates.

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

13 MR. JENCKS: Yeah.

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

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

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

18 MR. NAEOLE: Azeka.

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

21 MR. NAEOLE: Ditches.

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

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

25 MR. NAEOLE: St. Theresa's.

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

2 MR. NAEOLE: Yeah.

3 MR. BASIL OSHIRO: If they -- I think they follow

4 the right channels and watch how the drainage, the ditches

5 and stuff, and then save enough wetland where the water can

6 collect. By St. Theresa's is only place that's left.

7 MR. NAEOLE: Well, get that other one in the back

8 of -- what is the -- Longs --

9 MS. DE NAIE: Yeah, Longs Drugs. Yeah, they --

10 MR. NAEOLE: Longs Drugs, in the back.

11 MS. DE NAIE: They created it, yeah, which it

12 functions good. And they're gonna do one at that new place,

13 the courts, whatever they are. Yeah, they have to -- they

14 have to do a part there.

15 Daniel Kanahale asked me, said -- because he can't

16 be here this time, he said would I bring up that many

17 cultural practitioners have commented and feel that that

18 small gulch is a cultural feature of the land and that it

19 definitely should not just be, you know, viewed as some

20 convenient drainage that you can get rid of and have a

21 drainage someplace else. Everybody here sort of feel that

22 way?

23 MS. SALLY OSHIRO: Yes.

24 MS. DE NAIE: So is there any consideration in

25 this project not to -- not to fill that up and obliterate it

1 forever?

2 MR. JENCKS: Well, you know, we've looked at  
3 that -- at that drainageway a couple of ways. Originally,  
4 the original plan for the drainageway, when we bought the  
5 land from the original owner, Henry Rice, it was gonna be  
6 diverted to Kulanihakoi Gulch, 100 percent of it was going  
7 to go over to the gulch. And I realized that if I did  
8 that -- or if I allowed the civil plans to be completed to  
9 do that, then that would be creating problems for other  
10 people downstream, and that wouldn't be fair and wouldn't be  
11 equitable. So the current plan provides for intercepting  
12 the gulch, the drainageway, whatever you want to call it, on  
13 the mauka side of the property and then putting it in a  
14 culvert, down the alignment of East Kaonoulu Street with the  
15 same terminus at the makai side of the property with no  
16 increase in either quantity or speed.

17 MS. DE NAIE: So that means it gets filled in  
18 because you're intercepting it?

19 MR. JENCKS: So what we're going to do is we're  
20 going to use -- you know, the gulch crosses diagonally  
21 across the land.

22 MR. BASIL OSHIRO: Yeah.

23 MR. JENCKS: Two parcels. A parcel, the 1,300  
24 acre, which is at the very corner, which is designated to be

25 an affordable housing site, and then the larger piece below

1 that similar to -- and if you, in your mind, think about  
2 the -- the overall acreage, there's a water line that the  
3 County built years ago which serves Central and South Maui.  
4 It cuts it diagonally right across. It's now the  
5 hypotenuse. That's going to be rerouted as well.  
6 Similarly, this drainageway cuts across these two pieces,  
7 one more than the other. And no matter what we do here on  
8 this property, whether it's -- it's the grading for the --  
9 for East Kaonoulu Street or the project itself, it's gonna  
10 be a problem. So, you know, we -- we tried to develop a  
11 scenario within which we would divert it at the top, across  
12 and down, without, A, increasing the volume or the capacity  
13 or the quantity of water. So that we're not harming  
14 downstream properties, which is important. And you can't do  
15 that. It's not fair and equitable. With respect to  
16 Kulanihakoi Gulch, there is no increase from that  
17 drainageway, which complicates, Basil, what you were talking  
18 about makai of the highway.

19 MS. DE NAIE: So that's not the question. The  
20 question is not whether it has flow or not. That's one  
21 question. You're saying it won't have flow, so it won't be  
22 a problem because the flow --

23 MR. JENCKS: I'm saying -- what I said was we're  
24 not diverting to Kulanihakoi Gulch to --

25 MS. DE NAIE: Yeah.

1 MR. JENCKS: -- increase the flow there. We are  
2 going to intercept at the top, bring it right down East  
3 Kaonoulu Street to the existing exit under the Piilani  
4 Highway. There's a series of culverts under the highway  
5 now, very large culverts, that -- that move water from --  
6 you know the gas station area? There's a drainage  
7 easement --

8 MS. SALLY OSHIRO: Right.

9 MR. JENCKS: -- on the highway.

10 MS. DE NAIE: Yeah, it's a big trough.

11 MR. JENCKS: Yeah. It's a concrete deal, that's  
12 there as well. So those culverts handle all that water.

13 MS. DE NAIE: Yeah.

14 MR. JENCKS: But the water that we're going to  
15 channel down will exit at the --

16 MS. DE NAIE: But it's not about the water, it's  
17 about the feature itself, where it exists. It's a cultural  
18 feature because folks lived along -- I mean, you can  
19 see it's green when other things are dry, you know, there's  
20 groundwater there, the water is following it. Brian, what  
21 were you saying? You were saying there was like trees, you  
22 couldn't even see the gulch when you were young.

23 MR. NAEOLE: You can't see. It was all covered,  
24 that's why. Water was flowing, that's why you have  
25 the greenery, yeah.

1 MR. BASIL OSHIRO: It's so green.

2 MS. DE NAIE: Yeah.

3 MR. JENCKS: Well, and that's the plan. We

4 have -- you know, whether you agree or disagree with the

5 Archaeological Inventory Survey, that's the plan. And we

6 have to move on from there.

7 MR. NAEOLE: Yeah.

8 MR. BASIL OSHIRO: Because the thing is, is what

9 you trying to say --

10 MS. DE NAIE: See, the green part is the gulch,

11 yeah.

12 MR. JENCKS: What do you mean, the low part?

13 MS. DE NAIE: Well, yeah, but there's -- there's

14 groundwater there, you know, too. It's like those trees can

15 keep living while everything else dries up.

16 MR. BASIL OSHIRO: Water is still flowing

17 underneath.

18 MS. DE NAIE: Yeah.

19 MR. BASIL OSHIRO: The thing what we trying to

20 tell you, you folks, is when you folks develop, you know you

21 guys gonna develop, to keep the natural drainage, don't

22 divert it, (inaudible) problems, you know. It's -- I don't

23 know. Maybe it's just, like I say, a gut feeling that --

24 because where you folks want to put the affordable housing

25 is where you folks have the big culverts. Right below that

1 culverts is where the reservoir or the punawai, when the  
2 rain comes down, collects there, goes over that little  
3 waterfall and goes down in the gulch and drains across the  
4 road, you know, makai. And if you're going to divert that,  
5 the water has its own mind on what way it wants to go.

6 MR. JENCKS: Sure.

7 MR. BASIL OSHIRO: You're going to try to divert  
8 it, that lower side of Pi'ilani, problems. They're having  
9 problems over there.

10 MR. JENCKS: Okay. Well, it's worth taking a look  
11 at, then. We can certainly go back and talk about this  
12 issue and see if there's -- if there's any way we can  
13 address your concerns. Be happy to do that.

14 MS. SALLY OSHIRO: Excuse me. I think we brought  
15 this up the second meeting we had at your office.

16 MS. DE NAIE: Yeah.

17 MS. SALLY OSHIRO: We did bring all this up.

18 MR. JENCKS: In the transcript for that meeting,  
19 at the very end of the meeting, there was a discussion about  
20 this drainageway. And I believe Daniel Kanahale asked me a  
21 direct question. My response then is the same as it is  
22 today. So, yes, it was brought up at the February --  
23 February --

24 MS. SALLY OSHIRO: Yeah.

25 MR. JENCKS: -- 2015 meeting. It's in the



1 pictures.

2 MR. BASIL OSHIRO: Yeah. It's cultural kind of

3 stuff. Charlie should look at it.

4 MS. DE NAIE: Wait a second. Let me find that

5 stuff. So if you look from --

6 MR. JENCKS: Do you have a location map, Lucienne?

7 MS. DE NAIE: Yeah. Yeah, yeah. So we have a  
8 location map --

9 MR. BASIL OSHIRO: Everyone is --

10 MS. DE NAIE: So you find 3740, Site 3740, you see  
11 there's kind of like a bend in the --

12 MR. JENCKS: Yeah, it's right here.

13 MS. DE NAIE: Okay. So just makai of that --

14 MS. SALLY OSHIRO: 3740?

15 MS. DE NAIE: Yeah.

16 MR. BASIL OSHIRO: I think the only thing we  
17 didn't find was picture of --

18 MS. DE NAIE: Yeah. So just -- just --

19 MR. BASIL OSHIRO: Somebody cleared the area out,  
20 like the homeless.

21 MS. DE NAIE: Just makai. So here's the gulch.  
22 And the gulch is about to make that -- that bend.

23 MR. JENCKS: Oh. So you're talking this area  
24 right here?

25

(Multiple speakers.)

1 MS. DE NAIE: 3740 is just a little bit mauka of

2 that.

3

(Multiple speakers.)

4

5 MR. JENCKS: So this is kind of going like this? MS. DE NAIE: Yeah.

6

7 The gulch is going like this. MR. JENCKS: Wrapping  
8 around.

9

10

11 MS. DE NAIE: Yeah, it's wrapping around. This is

12 like a little hill above the gulch.

13

14 MR. JENCKS: Okay. All right.

15

16 MS. DE NAIE: So you see these two rocks. Then

17

18 when you get near, you realize that it's actually like a

19

20 little shelter that's been, you know, formed into a shelter.

21

22 MR. JENCKS: So did you -- when you guys did the

23

24 site walk, did you point this out to Erik?

25

26 MS. DE NAIE: No, because we didn't go down there.

27

28 We went further up.

29

30 MR. BASIL OSHIRO: I went up to the dam. And they

31

32 didn't have enough time.

33

34 MR. JENCKS: Did you know about this when you did

35

36 the site walk?

37

38 MR. KAPAHULEHUA: No.

39

40 MS. DE NAIE: I'm not sure if we did.

41

42 MR. JENCKS: So you've been back out on the

24 property since --

25 MS. DE NAIE: Yeah. This is -- this is -- this

1 is -- yeah, because we wanted to find the thing to show --  
2 to show the archaeologist. We wanted to find -- this is the  
3 other site, the talking stone, the oracle stone, yeah.

4 MR. JENCKS: Can I make a note on this map?

5 MR. DAVIS: Yes.

6 MS. DE NAIE: Yeah.

7 MR. JENCKS: All right. So may I have this?

8 MS. DE NAIE: Yeah, you may.

9 MR. KAPAHULEHUA: Makai side of 3740.

10 MR. JENCKS: So -- so if I see --

11 MS. DE NAIE: So here's 3740. That's what 3740  
12 looks like. It's -- it's rocks stacking along the side.

13 MR. JENCKS: So these -- these rocks, the rocks  
14 you're talking about in this picture --

15 MS. DE NAIE: Yeah.

16 MR. JENCKS: -- are on the mauka side of the  
17 channel, of the drainageway, and on this side or this side?

18 MS. DE NAIE: They're on the south side. Yeah,  
19 the south side. And they're makai of this site. So this  
20 site is -- is lining --

21 MR. JENCKS: Are we looking -- are we looking  
22 makai or we're looking --

23 MS. DE NAIE: Yeah. This would be mauka, this  
24 would be makai.

25 MR. JENCKS: Okay. So we're -- so these are the

1 rocks you're talking about?

2 MS. DE NAIE: Those are the -- yeah, you see  
3 those.

4 MR. JENCKS: So if this is the drainageway, then  
5 these rocks are on this side of the drainageway, looking  
6 mauka?

7 MS. DE NAIE: They're on the south. Yeah.

8 MR. JENCKS: Okay.

9 MS. DE NAIE: Well, they're -- they're on --  
10 they're going towards Makena.

11 MR. JENCKS: On this side. Yeah, on the Makena  
12 side. So --

13 MS. DE NAIE: Yeah.

14 MR. JENCKS: Okay. So this is --

15 MS. DE NAIE: And so on -- on both sides, there's  
16 some stacking similar to this. There's a lot more stacking  
17 that's associated with this site.

18 (Multiple speakers.)

19 MS. SALLY OSHIRO: This must be at the site she  
20 talking about?

21 MS. DE NAIE: Yeah, we were taken --

22 MR. JENCKS: Is this 3740?

23 MS. DE NAIE: This is 3740. There's a flag there.  
24 We were taken to that site.

25 MR. JENCKS: Okay.

1 (Multiple speakers.)

2 MS. DE NAIE: Then the other thing is about that  
3 site is it appears --

4 MR. JENCKS: Okay, guys, we got to limit because  
5 we're recording.

6 MS. DE NAIE: Sorry.

7 MR. JENCKS: We're going to get a transcript. So  
8 we gotta limit who is talking at the same time. Okay?

9 MS. DE NAIE: So it appears that a Pueo is using  
10 this because there were droppings and then there's the  
11 pellets underneath that have all the little mice -- you  
12 know, these are typical 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

1 from that site -- so here's the top of that big rock, and  
2 then there's modifications from there, too, it's filled in,  
3 leading up to Site 2740. So --

4 MR. JENCKS: 3740?

5 MS. DE NAIE: 3740. So those are -- 3740 --

6 MR. JENCKS: So these were all the same rock area?

7 MS. DE NAIE: Yeah. In other words, you had the  
8 two sides of the gulch. 3740 are stackings on two sides of  
9 the gulches -- of the same gulch.

10 MR. JENCKS: All right.

11 MS. DE NAIE: On the north side and the south

12 side. And then this is a little bit makai of where those

13 were recorded. Those were recorded, you know, back in

14 the -- 1994. And then this is a little bit makai. You

15 know, the feeling that we had is that the general area,

16 though, should be like cleaned. And you would probably see

17 more features because there's just, you know, a lot of -- a

18 lot of alignments of pohaku in that particular area. And,

19 you know, it's -- it's another wrinkle in the -- in the

20 mystery of what -- you know, what this whole gulch was

21 utilized for.

22 MR. JENCKS: Okay. Thank you. We'll take a look

23 at that.

24 MS. DE NAIE: Okay.

25 MR. BASIL OSHIRO: If you see historical, we would

1 like to preserve it so we can teach, yeah, the younger  
2 generation that don't have a clue what's going on, show how  
3 our ancestors used to live.

4 MS. SALLY OSHIRO: (Inaudible).

5 MS. DE NAIE: That's the dam.

6 MR. BASIL OSHIRO: (Inaudible). It's not about  
7 trying to stop --

8 MS. DE NAIE: The one other thing that we noticed  
9 is that when you're in the gulch at that point, right below  
10 the rock, you're really looking straight at Kahoolawe, very  
11 much aligned with Kahoolawe. I mean, it's what you see, is  
12 that, you know -- yeah. So, you know, for -- for a Hawaiian  
13 sense of things, that is something to take into account,  
14 what you're seeing from a particular place.

15 MR. JENCKS: Okay. Thank you.

16 MR. BASIL OSHIRO: Like you said, it's -- it's a  
17 pathway, mauka to makai. I'm quite sure that area was a  
18 resting area. (Inaudible.)

19 (Multiple speakers.)

20 MR. BASIL OSHIRO: A circle of flat rocks, I  
21 couldn't -- I didn't have a GPS so I couldn't actually mark  
22 it. So going back, when you folks was down side, I was up  
23 there, where is that place at now, you know.

24 MS. DE NAIE: Yeah. See, Basil saw a lot of stuff  
25 on the site visit that we didn't have time to go because,

1 you know, we had so much to see already.

2 MR. BASIL OSHIRO: I didn't want to go to old  
3 sites, I wanted to go to the -- look for something, somebody  
4 was pointing where to go.

5 MS. SALLY OSHIRO: Exactly.

6 MS. DE NAIE: Well, it was good to see the other  
7 ones, too, but it would have been nice if we could have  
8 like, you know, checked out more stuff, yeah.

9 MR. JENCKS: Well, we modified the -- subsequent  
10 to that site visit, we modified the AIS to reflect things  
11 that were discovered or found or added. We added additional  
12 sites to the -- to the AIS. Correct me if I'm wrong, Brett,  
13 but we added --

14 MR. DAVIS: I don't think that we did, Charlie.

15 MR. JENCKS: Okay. But we noted them?

16 MR. DAVIS: We noted -- yeah, we noted the extra  
17 sites.

18 MR. JENCKS: And I think there are -- some of them  
19 would be included in the data recovery?

20 MR. DAVIS: I think that we -- that we agreed to  
21 that.

22 MR. JENCKS: Okay.

23 MS. DE NAIE: Okay. But I have my notes from that  
24 right here. And so we asked that Sites 3736, 3730, 3731,

25 3732 and 3745, as well as the natural stone that Kumu Lee

1 felt was associated with eclipses, all be considered for  
2 preservation. So Daniel also asked, you know, could you get  
3 an update on what happened from that request. That's why I  
4 brought my notes.

5 MR. JENCKS: What we can do is have Brett get back  
6 to you on those. Okay?

7 MR. DAVIS: Charlie, the stone that she's  
8 mentioning is Number 1 there on my -- circled right there.

9 MR. JENCKS: Okay.

10 MR. DAVIS: And that's -- you know, that's  
11 where -- Lucienne, right before you came in, we were  
12 talking -- Charlie was talking about vertical preservation  
13 of sites.

14 MS. DE NAIE: Uh-huh.

15 MR. DAVIS: And that was the site that was really  
16 important during our site visit.

17 MR. JENCKS: Okay. All right.

18 MR. DAVIS: About keeping it in that location and  
19 bringing it straight up.

20 MR. JENCKS: And context is important.

21 MS. SALLY OSHIRO: Are you folks talking about  
22 this one?

23 MS. DE NAIE: No. No, not yet.

24 MS. SALLY OSHIRO: Different one, oh.

25 MS. DE NAIE: No. Because we never got to see

1 that one.

2 MS. SALLY OSHIRO: Oh, okay.

3 MS. DE NAIE: No. We saw the -- the eclipse  
4 stone.

5 MR. DAVIS: Eclipse.

6 MS. DE NAIE: Yeah, the -- yeah. Yeah.

7 MR. DAVIS: There was a second stone that we  
8 talked about, but we didn't visit it.

9 MS. DE NAIE: Here are pictures of it.

10 MR. DAVIS: Those are pictures?

11 MR. JENCKS: Is that Number 2 here?

12 MR. DAVIS: That is.

13 MS. DE NAIE: Sally, you like talk about that?

14 MS. SALLY OSHIRO: Okay. We went and -- we had a  
15 meeting and then we ended up going down there one night.  
16 And we had a lady with us that insisted on taking a picture.  
17 And I was telling her that, no, because she -- this rock is  
18 a female. And she was adamant about being left alone. She  
19 doesn't want to be moved. She wants to be here. And she  
20 plopped things on it and whatnot. I kept taking it off.  
21 And, finally, when she did plop it, it knocked it down,  
22 something knocked it down. So she picking everything up and  
23 redoing it and putting on top. The next time it went down,  
24 a mouse came along and ate it. That's what she said. And I  
25 said, "No."

1 MR. JENCKS: No. No.

2 MS. SALLY OSHIRO: But Daniel was playing on the

3 rocks like a little child, because this was all childrenly,

4 for a place where the children played. So that the adults

5 would be around here and they were doing -- they stargazing

6 and whatnot, and mapping out things. Okay. That's this

7 area. So she was overly protective. Finally, in the end,

8 she insist -- the lady that was there insisted on taking a

9 picture. So I asked permission, and she said, "Yes, two."

10 She already took pictures of Danny playing on the rock.

11 MR. JENCKS: Dan --

12 MS. SALLY OSHIRO: Kanahale, okay. And was cute

13 because he was like a little child, like something just came

14 over him and he was hopping around and enjoying himself.

15 MR. JENCKS: So, this is -- all these rocks are

16 located in this Number -- Number 2?

17 MS. DE NAIE: No.

18 MS. SALLY OSHIRO: This is makai side.

19 MS. DE NAIE: No. This rock is --

20 MS. SALLY OSHIRO: Way down.

21 MS. DE NAIE: There's a road over here. There's a

22 corral.

23 MR. JENCKS: Yeah.

24 MS. DE NAIE: You know there's a corral. And

25 there's a road that kind of goes right beyond the corral.

1 MR. JENCKS: Yeah, right. Right.

2 MS. DE NAIE: And if you go a little bit beyond  
3 the corral, maybe 300 feet, something like that --

4 MR. JENCKS: Okay.

5 MS. DE NAIE: -- right to the left-hand side of  
6 that road is this little grouping of rocks. I mean, you can  
7 see 'em because it's like -- it looks different from  
8 other -- I mean, here's the -- here's kind of a picture of  
9 what they look like. So this is the lock -- the rock that  
10 Sally is referring to, but it lines up with a bunch of other  
11 rocks. Like this is that same rock and you can see that  
12 there's rocks all in a line here.

13 MR. JENCKS: So it's pretty obvious.

14 MS. DE NAIE: It's pretty obvious, yeah. And it's  
15 just right off that -- that little dirt road if you -- if  
16 you walk the dirt road right past the corral on the -- you  
17 know, on the Kihei side of the corral, you'd see this little  
18 spot. We didn't get a chance to go to it.

19 MR. JENCKS: So was this a part of the site walk  
20 that you did?

21 MS. SALLY OSHIRO: No, not with you folks.

22 MS. DE NAIE: We -- we said we were going to go  
23 back.

24 MR. JENCKS: I feel obliged to ask you --

25 MS. SALLY OSHIRO: Yes.

1 MS. DE NAIE: -- if you're going to go onto this  
2 property --

3 MS. SALLY OSHIRO: Yes.

4 MR. JENCKS: -- that you let somebody know you're  
5 going to be out there.

6 MS. SALLY OSHIRO: Oh, we always ask permission.

7 MR. JENCKS: From who?

8 MS. SALLY OSHIRO: The land.

9 MR. JENCKS: Okay. And, look, I respect that. I  
10 think that's important.

11 MS. SALLY OSHIRO: I knew that was going to  
12 happen.

13 MR. JENCKS: The problem is there's a whole bunch  
14 of attorneys who really don't care about that. I do. Okay?  
15 So if you're going to go out on this property, just so it's  
16 on record, you need to call me.

17 MS. SALLY OSHIRO: Okay.

18 MR. JENCKS: And ask permission.

19 MS. SALLY OSHIRO: All right.

20 MR. JENCKS: Okay. I'm not going to object to it.  
21 I just need to know who is going out there and when. Going  
22 on the property at night is not a good idea.

23 MS. SALLY OSHIRO: Oh, we went early evening.

24 MS. DE NAIE: This was years ago.

25 MS. SALLY OSHIRO: This was years, okay. But I

1 want to tell you that she took picture, first one, it's all  
2 black. So she said, "No. Wait, wait. Got to take one  
3 more." It didn't come out. So she took another one. It  
4 didn't come out. And I said, "Don't take any more. She  
5 already said two." And it was so funny because she took  
6 another picture later, but not of the rock, and it came out.  
7 And the two didn't come out.

8 MR. JENCKS: Interesting, yeah. Okay. Just call  
9 me, call my office, let me know when you want to go. Just  
10 so we know, so if something happens, we know people were out  
11 there. There's poachers. It's not as comfortable a place  
12 as it could be. And that's why I just -- if I know you're  
13 out there, then you're covered and I'm covered. Okay?  
14 Good. All right.

15 MS. DE NAIE: You know, they live right around the  
16 corner from here.

17 MR. JENCKS: That's fine. That's fine. They  
18 don't live on the property, though.

19 MS. DE NAIE: No, no, no, no, no. I mean,  
20 Sally -- Sally, she was telling, she goes, "I remember  
21 coming here years ago when I worked at the farm." She  
22 worked at the farm that used to be -- you know where  
23 Monsanto fields are.

24 MR. JENCKS: There are clear rights as Hawaiians  
25 for gathering, cultural practices. And I am telling you I

1 honor those rights, okay, but it's for Hawaiians.

2 Hawaiians.

3 MR. BASIL OSHIRO: What's that law that --

4 MR. JENCKS: And it's also -- it's also -- well,

5 this is (inaudible), okay, state law, it's also for people

6 who live in that area. I don't want to get into that. I'm

7 just saying --

8 MS. SALLY OSHIRO: I know what you're saying.

9 MR. JENCKS: -- there's just proper protocol. And

10 even then, you're supposed to at least discuss I want to go

11 on the property, just respect both sides.

12 MS. SALLY OSHIRO: Okay.

13 MR. JENCKS: Okay. Any more comments, Basil?

14 MR. BASIL OSHIRO: Okay. I know Willy and I went

15 through these, at least give us time, like, say, a couple

16 weeks, so we can get our people together, too, you know, in

17 the moku. So it didn't happen. Brett sent me email on

18 Monday. So good thing that I looked at the email on that

19 Monday. Otherwise, I wouldn't be here, because we're having

20 other kind of crazy things happening and --

21 MR. JENCKS: Everybody is busy, Basil.

22 MR. BASIL OSHIRO: Yeah. So --

23 MR. JENCKS: Everybody.

24 MR. BASIL OSHIRO: Sometimes I don't look at my

25 email for three or four days, and then just so happen I was

1 on the site and then it clicked on, said, ooh, somebody --

2 MR. KAPAHULEHUA: We'll give advance notice.

3 MR. JENCKS: Sorry?

4 MR. KAPAHULEHUA: We'll give advance notice.

5 MR. BASIL OSHIRO: Yeah. This way it's not a  
6 surprise.

7 MR. KAPAHULEHUA: Advance notice.

8 MR. JENCKS: Okay. I think -- I think it's a good  
9 idea that, in the context of this project, as we move on,  
10 that we probably should meet on a regular basis to discuss  
11 where we are, the status of what's going on. I think that's  
12 a good idea.

13 MR. BASIL OSHIRO: Keep us posted.

14 MR. JENCKS: And keep you posted. I think that's  
15 fine. That probably should come from Brett, actually, not  
16 this character here.

17 MR. BASIL OSHIRO: Well, he --

18 MR. JENCKS: Because he's busy. But I think if  
19 we're gonna -- if we can -- we have some things we got to  
20 get done, the process will start, whether it's design  
21 issues, even the data recovery concept that we talked about  
22 earlier, the participation on that. Giving you good notice,  
23 I think, is important. And we'll definitely do that.

24 MR. BASIL OSHIRO: Yeah, so we can actually pass

25 the word out to the -- to the people that's involved in the

1 area. This way, they -- they got to bring out their manao.

2 MR. JENCKS: Okay. Basil, if -- instead of us  
3 shooting in the dark -- and maybe I shouldn't use that  
4 term -- if you could help us with some names and some --  
5 some contacts, that would be helpful.

6 MR. BASIL OSHIRO: The thing is the contacts, I  
7 have Brian here, Vernon Kalanikau, (Inaudible) Lani,  
8 Keaumoku, Daniel, Kay, Lucy, Timmy Bailey.

9 MS. DE NAIE: EldenLiu --

10 MR. BASIL OSHIRO: Yeah.

11 MS. DE NAIE: -- should meet us in the moku.

12 MR. BASIL OSHIRO: Yeah. And then we'll hui with  
13 Honua`ula so (inaudible), me and Tanya, and then Aha Moku O  
14 Maui, we have Nadine, Genai.

15 MR. JENCKS: So, Basil, if you wouldn't mind, when  
16 he emails you, when Brett gets that email, send 'em back so  
17 that we have the names.

18 MR. BASIL OSHIRO: Yeah. See, all the email that  
19 Brett sent me, without -- you know, a few of us only got it.

20 The rest of 'em, I got kinda huhu because I said  
21 (inaudible). Then Lucienne calls me and said, oh, I get one  
22 (inaudible) that's good, you know. So we're here, it's a  
23 small group, otherwise, we would be about 12 people here,  
24 not including you four guys over here.

25 MR. NAEOLE: Give us time for schedule, yeah.

1 MS. DE NAIE: Yeah, yeah, yeah.

2 MR. NAEOLE: Actually, was too fast.

3 MS. DE NAIE: Yeah, too fast.

4 MR. NAEOLE: Notification was --

5 MS. DE NAIE: Yeah. Daniel was very disappointed  
6 that he couldn't be here.

7 MR. BASIL OSHIRO: Yeah, couldn't come.

8 MS. DE NAIE: Yeah.

9 MR. NAEOLE: Auntie -- you get all that  
10 information, Brett?

11 MR. DAVIS: I'm going to ask for it.

12 MR. NAEOLE: (Inaudible).

13 MR. DAVIS: If you could email me the list, I  
14 think --

15 MR. BASIL OSHIRO: Well, the thing is if I --

16 MR. DAVIS: Or I can --

17 MR. BASIL OSHIRO: If you send me the stuff, then

18 whatever is happening, instead of BCC that I can put these

19 guys all on CC, then you gonna have their email. I'm quite

20 sure they wouldn't mind. One another one, Jacob Mau, which

21 I don't know how to get in touch with him.

22 MS. DE NAIE: Yeah, you have to call Jacob. Yeah.

23 (Multiple speakers.)

24 MS. DE NAIE: And we got -- we gotta pick him up

25 because he cannot drive no more.

1 MR. BASIL OSHIRO: And then you can contact the  
2 other lineals that you know.

3 MS. DE NAIE: Yeah. And people keep -- keep  
4 appearing, too. I keep meeting more people. You know, you  
5 meet other folks who have the other pieces of the puzzle.

6 MR. BASIL OSHIRO: This way, Charlie, you can get  
7 the manao from the -- from the kupuna, how the -- that place  
8 was actually utilized. Once the cattle went in there, wow.

9 MR. JENCKS: Well, I remember at the meeting we  
10 had in February a year ago, we had a really good discussion.  
11 It was really interesting reading the transcript again  
12 because we had -- we had a number of people that talked  
13 about living on the ranch, some of the people that  
14 they worked with, worked for.

15 MS. DE NAIE: Fishing, gathering below.

16 MR. JENCKS: And that was, I thought, very, very  
17 helpful.

18 MR. BASIL OSHIRO: And Flo here is one of the --

19 MS. LANI: My dad.

20 MR. JENCKS: Right. I think you spent a lot of  
21 time talking on the transcript about driving up and down,  
22 getting water in Kulanihakoi Gulch and using dynamite. I  
23 didn't want to get into that too much.

24 MS. LANI: My dad.

25 MR. JENCKS: It sounded like some pretty crazy

1 things. And, also, there was a lot of discussion about what  
2 was happening on the makai side of the Pi'ilani, the  
3 gathering that was happening on the shoreline.

4 MS. DE NAIE: Yeah.

5 MR. JENCKS: You know, how that's evolved over  
6 time. So it was a really good thorough discussion. I  
7 suggest to you, when you have a chance, you know, look at  
8 that, when that document comes out, read the transcript,  
9 because it will be in the appendices. It's very  
10 interesting.

11 MS. DE NAIE: And you know what, when we was on  
12 the site visit -- and I think Brett took some notes on it --  
13 but when Michael Lee -- when we were at the eclipse stone  
14 and Michael and -- and Kimokeo were really tuning in to the  
15 view planes there and how they connected, and, you know,  
16 they were like just -- really some valuable information as  
17 far as generational knowledge kind of thing was coming out.  
18 So I hope there's a way that that can be captured, too,  
19 because people don't always remember exactly what they said.  
20 You know, in the moment sometimes you're just inspired to --  
21 to -- thoughts come through, you know. So that -- that walk  
22 was, in my opinion, very valuable because we got to hear  
23 from everybody, you know, when we went to places. And the  
24 archaeologists were so helpful. They really -- they really  
25 seemed very interested in wanting to find more things and,

1 you know, wanting to figure out how they related to one  
2 another. So it was -- it was a pleasant experience, I  
3 think, all the way around. I mean, I know Mr. Lee felt a  
4 little bit like no one was taking good notes, but, you know,  
5 I think that we found out there were some notes being taken  
6 and --

7 MR. JENCKS: Well, the interview was done.

8 MS. DE NAIE: Yeah. And then he's had an  
9 interview, too, to share more. But, anyway, I think  
10 continuing it -- Daniel definitely wanted to ask about the  
11 status of the sites. And I think people here would say that  
12 data recovery is not the answer for the sites. We want to  
13 know if there's any possibility that they are going to be  
14 preserved within any of the project design and, you know,  
15 because data recovery could even show they're very  
16 important. And if there's no intention to preserve them,  
17 it's like that's just all for nothing. So --

18 MR. JENCKS: Well -- okay.

19 MR. BASIL OSHIRO: It's a education.

20 MR. JENCKS: Prior to you arriving, I went through  
21 that.

22 MS. DE NAIE: Okay.

23 MR. JENCKS: I'll go through it one more time. We  
24 have -- we have an accepted Archaeological Inventory Survey  
25 from SHPD. That report includes a recommendation for data

1 recovery. And my recollection is that the vast majority of  
2 the sites, Brett, are gonna have data recovery.

3 MR. DAVIS: Uh-huh. That's correct.

4 MR. JENCKS: -- done. We don't know what these  
5 sites are until we do the data recovery. So to say what

6 they are prior to doing that is really not proper. The

7 assumption that we're making at this point is that the data  
8 recovery will be done, the documentation will be complete.

9 The cultural community is invited to participate in that  
10 process and learn and work. It's gonna be hot, it's gonna

11 be dusty, but it's gonna be a learning experience. And the

12 goal here is to learn as much about -- through the data  
13 recovery process of this site, learn more about the site,

14 and bring that knowledge vertically into the project. If

15 that is -- and I -- you know, I think this is rather

16 intriguing, these rocks, their location. What if we took

17 those rocks and put them in the same configuration --

18 MS. DE NAIE: No.

19 MR. JENCKS: -- way up on the property.

20 MS. DE NAIE: No.

21 MR. JENCKS: Okay.

22 MS. DE NAIE: No.

23 MR. JENCKS: All right.

24 MS. DE NAIE: No. That is not cultural. That's a

25 simul con. That's you're simulating Hawaiian culture.

1 Please.

2

MR. JENCKS: Moving on to another idea.

3

4 say. MS. DE NAIE: We got to move on, but I'm gonna

5

MR. JENCKS: That wasn't received very well.

6 Taking the data we receive from the data recovery process,

7 putting it all together, and, like I said earlier, taking

8 that and bringing it vertically into the project in a way

9 that we can recognize the cultural history on the property.

10 This is -- this is assuming that we don't find something

11 hugely significant to the data recovery process. We don't

12 know what we're gonna find. We have to go through the

13 process. But the approach right now is we gather all that

14 material, all the documentation, the knowledge, and we bring

15 that vertically into the project and create something in the

16 project or in a variety of places in the project that

17 reflect this history on the property.

18 MS. DE NAIE: Okay. Daniel asked me to say one

19 other thing. You know, he likes the law. And he said, you

20 know, an AIS was accepted that said six of the sites were

21 missing and couldn't be relocated. We now know that they

22 are relocated. So that AIS, under the law, is -- is not

23 sufficient. It should be reopened. And someone can request

24 that it be reopened. So if you want to go through that  
25 process, there are people who would request that it be

1 reopened, would challenge it, and so forth and so on. And

2 if new information is available like that, the law allows an

3 AIS to be reopened. Or we can do it the nice way and just

4 say, look, the AIS should be amended and it should include

5 this information that those six sites are not lost, that

6 some of them are considered very culturally important by

7 folks. And, yeah, you could do data recovery, whatever, but

8 let's not like pretend that that AIS was complete when it

9 said six sites were -- were lost and they're not lost.

10 They're right there and we visited all of them. So,

11 anyway --

12 MR. JENCKS: We'll --

13 MS. DE NAIE: I didn't put this as diplomatically

14 as Daniel would have, but he said --

15 MR. JENCKS: That's fine.

16 MS. DE NAIE: -- please -- please bring this up.

17 MR. JENCKS: I -- I get it and I understand the

18 issue and we'll work to address it.

19 MS. DE NAIE: Okay.

20 MR. JENCKS: Thank you very much for your comment.

21 MS. SALLY OSHIRO: I had explained about that

22 rock. And you -- it went right over you. So if you're not

23 going to pay attention to it --

24 MR. JENCKS: No. I --

25 MS. SALLY OSHIRO: Should -- should we meet with

1 Marco? Marco was very willing to --

2 MR. JENCKS: Who is Marco?

3 MS. DE NAIE: Marco is --

4 MR. KAPAHULEHUA: The archeological guy who works  
5 for --

6 MS. DE NAIE: Marco Molina. He works with Erik.

7 He was very willing to, with your permission, schedule a

8 re-thing to go out there with folks who knew where that site

9 was and look at some of the stuff. Because Basil brought

10 out about how he had seen this dam area and so forth and so

11 on. Should we try to do that officially, and -- and show it

12 to him so that it's not like we're showing you a picture?

13 MR. JENCKS: I think that's a possibility --

14 MS. DE NAIE: And he could GPS it on a map.

15 MR. JENCKS: -- in the future. We still have some

16 things we're working on right now. And let's see where we

17 go. It's a possibility.

18 MS. DE NAIE: He's -- he's your consultant, but he

19 gave us his email, and -- and I'm seeing it right on my map

20 here, and telephone number. And he was actually very

21 interested in seeing these other things, but, you know --

22 MR. JENCKS: We may get -- we may get to the point

23 where another site visit like that is needed. And

24 certainly --

25 MR. BASIL OSHIRO: Yeah. We look forward to that

1 because --

2 MR. JENCKS: Okay.

3 MR. BASIL OSHIRO: If that thing wasn't so  
4 overgrown, I think we can see most stuff.

5 MR. JENCKS: It's pretty dry now. Pretty dry.

6 MS. DE NAIE: Yeah. So it could be a good time in  
7 the near future. And then he could check out the areas  
8 around 3740, too, and, you know, see -- see how much they  
9 had recorded in the past. I mean, they recorded, obviously,  
10 the fact that there's something there. It's just it didn't  
11 go far enough makai.

12 MR. BASIL OSHIRO: Yeah, because the water --  
13 water control with the walls and stuff.

14 MR. JENCKS: Yeah. That's how they're described.

15 MR. BASIL OSHIRO: And like I say, I'm quite sure  
16 that punawai is filled up over there through the hundreds of  
17 years of nobody doing anything to it, silt built up.

18 Because you can't, you see, one side -- no -- mauka, higher,  
19 and then makai a little bit lower where the thing would  
20 channel out. If that punawai would get overflowed and then  
21 the dam itself, and then it goes -- from the dam, it goes  
22 pretty deep. More to mauka you go, the deeper that gulch  
23 gets.

24 MS. DE NAIE: And, Basil, do you think anything  
25 like this maybe was done because it needed to work with the

1 fisheries practices down below or anything?

2 MR. BASIL OSHIRO: I'm quite sure they wanted to  
3 control the flow of that big water.

4 MS. DE NAIE: Yeah.

5 MR. BASIL OSHIRO: That's what it's all about.

6 MS. DE NAIE: Yeah. And when you say "they," it's  
7 not maybe the ranch, it's --

8 MR. BASIL OSHIRO: No, no.

9 MS. DE NAIE: -- maybe people before the ranch  
10 that --

11 MR. BASIL OSHIRO: The ancestors.

12 MS. DE NAIE: Yeah.

13 MR. KAPAHULEHUA: They always try to control the  
14 silt.

15 MS. DE NAIE: Yeah. Because not dumb, you know,  
16 they figured it out.

17 MR. BASIL OSHIRO: They knew how to flow the water  
18 down so all that opala wouldn't go in the water.

19 MS. DE NAIE: Yeah.

20 MR. BASIL OSHIRO: And you can see in that gulch  
21 where all the old branches from the kiawe all piling up  
22 because --

23 MR. KAPAHULEHUA: Outside.

24 MR. BASIL OSHIRO: Yeah.

25 MS. DE NAIE: Yeah, the debris comes in the gulch.

1 That's -- every time I've been in that gulch, it's --

2 MR. BASIL OSHIRO: You can tell the water, you  
3 know, just recent that water that flow in the last -- you  
4 know, had a pretty good rain.

5 MS. SALLY OSHIRO: Good thing (inaudible).

6 MS. DE NAIE: Yeah, we could (inaudible).

7 MR. JENCKS: Is there anything else you want to  
8 add so we can wrap this up?

9 (Multiple speakers.)

10 MR. BASIL OSHIRO: The last thing I would kind of  
11 recommend, if leave the natural drainage for the gulches.

12 Is it a filling in? Because I'm quite sure, you fill it in,  
13 like makai of Pi'ilani --

14 MR. JENCKS: Uh-huh.

15 MR. BASIL OSHIRO: -- you're gonna have problems  
16 up there with flood, yeah. Because Mother Nature has its  
17 own way of doing things. The Kula Hawaiian Homes, see  
18 their -- their problems -- still having their problems up  
19 there because of diversions of the water flow.

20 MR. JENCKS: Okay.

21 MR. BASIL OSHIRO: So we would very much to keep  
22 that --

23 MR. JENCKS: That's kind of a recurring theme in  
24 your desire discussion, that's been something that you've  
25 focused on in a number of ways. And so I think that's --

1 like I said earlier, we'll take a look at that.

2 MR. BASIL OSHIRO: Do good consideration on it

3 because it probably -- I don't know if Goodfellows gonna be

4 around yet to fix the problem if it ever happens. I can see

5 I probably not gonna be around, but it's gonna happen when

6 they get that big water come down.

7 MR. JENCKS: Okay.

8 MR. BASIL OSHIRO: If you fill up the area in

9 divert the streams.

10 MR. JENCKS: Okay.

11 MR. NAEOLE: I got one question to ask.

12 MR. JENCKS: Sure.

13 MR. NAEOLE: Maybe if you look into the history of

14 that area, like maybe with the County, you know, and like

15 future damages, how severe it was, you know, what year, you

16 might have a calculation of when the storms occur. Because

17 there's findings that it happens every like 10 years, maybe

18 less, but it all depends on the climate.

19 MR. JENCKS: As it relates to flooding and --

20 MR. NAEOLE: Correct.

21 MR. JENCKS: -- that kind thing.

22 MR. NAEOLE: Okay. Because I remember when we

23 were little -- well, when I was a little kid, I used to go

24 with uncle, you know, on the ranch, used to work for Henry

25 Rice. So we used to check water, the trucks. And then

1 sometimes we cannot come home because the water is so big  
2 and you're in between two gulches and they're like tidal  
3 waves. And you gotta sleep right there. So, you know, it's  
4 good to analyze in those areas how severe it is because you  
5 don't want to build something right in that area and you're  
6 gonna have, you know, one catastrophic damage. And, you  
7 know, the -- the weather today is getting a little stronger  
8 than what it was, you know, before, yeah. If you look all  
9 around the world, what is happening, you know. And, you  
10 know, we don't want to see that -- that disaster coming in  
11 right in arm's where -- you know, arm way -- arm's way. So  
12 you, you know -- something to check into.

13 MR. JENCKS: Sure.

14 MR. BASIL OSHIRO: Yeah, historical records.

15 MR. NAEOLE: Because you can kind of get a better  
16 knowledge, you know.

17 MS. DE NAIE: Brian, what year frame was that when  
18 you and your uncle would go and do those runs?

19 MR. NAEOLE: Back in '79.

20 MS. DE NAIE: Okay.

21 MR. NAEOLE: Yeah.

22 MR. JENCKS: Seventies, huh?

23 MR. NAEOLE: The truck with Henry Rice, you know  
24 that one through radio. Once upon a time, I was fortunate  
25 to have that opportunity to work on the ranch, you know.

1 And you can -- as you grow old, where do you go, you know.

2 So my -- my history was a meat cutter all my life, so, you

3 know, it's good to go back to that history and remember all

4 these, you know -- these -- these memories.

5 MR. JENCKS: Sure. That's good input, Brian.

6 Good idea.

7 MR. BASIL OSHIRO: Gotta look for the kupuna.

8 MR. NAEOLE: Yeah.

9 MR. BASIL OSHIRO: And then the guys that used to  
10 live up the ranch that took care of the water and stuff like  
11 that, that passed already. So they would know about. The  
12 other person, I cannot remember his name, I know his first  
13 name is Joe, and had that Kaonoulu Ranch. And they're  
14 working for Ulupalakua Ranch. They're the ones that spread  
15 that Buffalo grass seed all over the place that has been  
16 invasive.

17 MR. JENCKS: Everywhere.

18 MS. DE NAIE: Thank you.

19 MR. BASIL OSHIRO: So he told me they used to ride  
20 the horses down and just throw seeds. So they were working  
21 as young kids over there, too. I cannot remember his name.  
22 They still have part of the ranch. When they gone -- dad  
23 died, there was a big hassle, so they had to get rid of half  
24 of the ranch to pay for the lawyers.

25 MR. JENCKS: Pay for the what?

1 MS. DE NAIE: Inheritance tax, probably. MR. JENCKS:

2 They get their share first.

3 MR. NAEOLE: Joseph, I don't remember his last

4 name.

5 MR. JENCKS: They take it off the top, Basil.

6 Attorneys get their money first and everybody gets whatever

7 is left.

8 MS. LANI: What year was that?

9 MR. BASIL OSHIRO: Oh, this was back way in the --

10 I guess, the fifties because he's about my age now.

11 MR. NAEOLE: You figure --

12 MR. BASIL OSHIRO: Oh, Joe Thompson. Thompson

13 Ranch.

14 MR. JENCKS: Oh, yeah.

15 MS. DE NAIE: Oh, yeah.

16 MR. JENCKS: Huh.

17 MR. BASIL OSHIRO: And Joe's in Oahu. The

18 brother's running the ranch now, only half of it.

19 MS. DE NAIE: That's the Akina family, too.

20 They're related to Thompson Ranch.

21 MR. BASIL OSHIRO: Yeah.

22 MS. DE NAIE: We could get some Akinas in. I've

23 been working with some of the Akina ohana. And Daniel --

24 MR. BASIL OSHIRO: You get meetings going better,

25 Charlie don't mind that the lineals come in and give manao

1 from their generational knowledge of the area, that way you

2 can work together.

3 MR. JENCKS: Well, I think that's a -- as we move

4 on to the project, I think that's a good idea, getting the

5 input. You know, as we move on --

6 MR. BASIL OSHIRO: Yeah.

7 MR. JENCKS: -- that's a good idea.

8 MR. BASIL OSHIRO: We gotta work together;

9 otherwise, we gonna be bucking heads. Yeah, all the thing

10 is we gotta save water. I don't know what kind of usage

11 you're gonna get for that area, yeah. Because Olowalu, two,

12 three million gallons a day. Do you have that much water?

13 MR. JENCKS: We're certainly not that much, far

14 less.

15 MR. BASIL OSHIRO: I hope not because we --

16 everybody's on conservation, conservation of our water

17 supply.

18 MR. JENCKS: Okay.

19 (Recording concluded.)

20

21

22

23

24

25  
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

CERTIFICATE

I, TONYA MCDADE, Certified Shorthand Reporter, do hereby certify that the electronically-recorded proceedings contained herein were, after the fact, taken by me in machine shorthand and thereafter was reduced to print by means of computer-aided transcription; proofread under my supervision; and that the foregoing represents, to the best of my ability, a true and accurate transcript of the electronically-recorded proceedings provided to me in the foregoing matter.

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

DATED this 16th day of May, 2016. \_\_\_\_\_

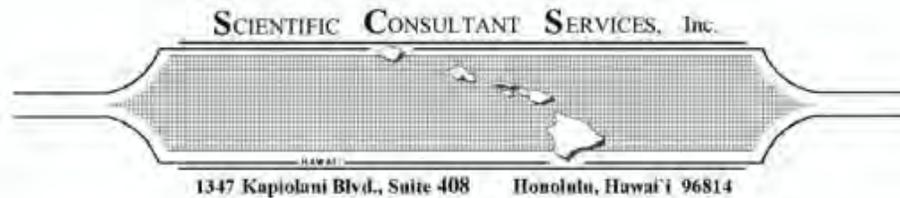
/s/ Tonya McDade  
Tonya McDade  
Registered Professional Reporter  
Certified Realtime Reporter Certified Broadcast  
Captioner  
Hawaii Certified Shorthand Reporter #447

23

24

25 (The certified hard copy contains original signature.)

**APPENDIX B: EXAMPLE LETTER OF INVITATION**



November XX, 2016

Aloha kāua,

At the request of Mr. Charles Jencks, Honua'ula Partners, LLC (landowners), Scientific Consultant Services, Inc. is preparing an supplemental Cultural Impact Assessment (CIA) in advance of the proposed Piilani Promenade Project. The supplemental 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 Hawai'ian and/or historic cultural resources or traditional cultural practices associated with the subject property and the surrounding *ahupua'a*. 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 *ahupua'a*; and
- Due to the sensitive nature regarding *iwi kūpuna* (burials) remains discovered, *mana'o* (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

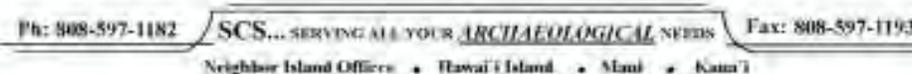
Aloha kāua,

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 supplemental Cultural Impact Assessment (CIA) in advance of the proposed Piilani Promenade Project. The supplemental 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].

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.

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 INFORMATION 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 propose project will be located on approximately 75-acres located in Kthei, 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: 

**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

**APPENDIX E: LAND COMMISSION AWARD 3237 AND ROYAL PATENT 7447**



- [Articles](#)
- [Information](#)
- [Samples](#)
- [Gallery](#)
- [About Us](#)
- [Purchase](#)
- [Mahele Database](#)
- [Boundary Commission](#)
- [Land Grants](#)
- [Royal Patents](#)
- [Review Cart & Cl](#)

## 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/Poalima:	<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 goir Waihee, south, the land of Waikani 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 ir Hawaii - those are the ancient claims from my makuas. Kamehameha I gave ther 1782. /Also/ Alakahi in Hilo, Hawaii and Kaleohiu in Kekaha, Hawaii.

On the island of Maui, /I claim/ Kalepolepo. On the island of Oahu, /I have/ a kup 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 n 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. 7 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 land 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 Kaluaoopu  
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]

---



# Document Delivery

## Royal Patents Documents

Royal Patent Number(RP)	<a href="#">7447</a>	LCA Number:	03237*M
Patentee:	Hewahewa, H.	Book::	25
Island	Maui	Page	201
District:	Kula	TMK	2-2-02
Ahupua'a	Kaonoula	Miscellaneous	

Ili

**Helu 7447, Hewahewa, H., Kaonoula Ahupuaa, Makawao District [former Kula District], Island of Maui, Volume 25, pps. 201-202 [RP Reel 13, 01029-01030.tif]**

[Great Seal]

No. 7447

ROYAL PATENT.

Upon Confirmation by the Land Commission.

Whereas, The Board of Commissioners to quiet Land Titles have by their decision awarded unto H. Hewahewa, Land Commission Award 3237, part 2, an estate of Freehold less than Allodial, in and to the land hereafter described, and whereas proper application having been made to the Minister of the Interior by H.A. Widemann for a Royal Patent on the within described land, a certificate defining the boundaries of the same being filed, and the Government commutation thereon relinquished by an order of the Privy Council.

Therefore, ~~Lunalilo~~ Kalakaua, by the Grace of God, King of the Hawaiian Islands, by this Royal Patent, makes known to all men, that he has, for himself and for his successors in office, this day granted and given absolutely, in Fee Simple, unto H. Hewahewa all that certain piece of land ~~situate~~ known as Kaonoulu Makawao in the Island of Maui and described as follows:

Commencing at a cross cut on a stone amongst a lot of stones on sand beach a place called Kapahina; from which cross the Government Survey Station Puuhele bears North 44° 58' West true and running:

1. North 66° 28' East true 2302 feet along Waiakoa, to a cross cut on a stone; thence
2. South 89° 57' East true 14404 feet along Waiakoa to a pile of stones;

3. South 86° 21' East true 5575 feet along Waiakoa to a pile of stones;
  4. South 46° 20' East true 4803 feet along Alae 1, 2 to a pile of stones;
  5. South 69° 3' East true 3730 feet along Alae 1, 2 to a stone marked thus [right arrow] at a rocky place on edge of gulch;
  
  6. South 72° 50' East true 4146 feet along Alae 1, 2 to a cross cut on a stone;
  7. South 72° 32' East true 4355 feet along Alae 1, 2 to a stone marked thus [right arrow] a little north of a cave and stone pen;
  8. Thence along Alae 1, 2 following up the bottom of the Kaakaulua gulch to an iron pin on edge of same, the traverse up being as follows:
    1. South 73° 39' East true 4989 feet to an old grave on edge of gulch;
    2. South 61° 14' East true 4647 feet to point on edge of gulch above water hole called Kupalaia;
    3. South 55° 25' East true 5063 feet to Iron pin; thence
  
  9. South 39° 6' East true 3169 feet up gulch along Alae 1, 2 to point on south edge of same;
  10. South 47° 57' East true 7153 feet along Alae 1, 2 to pile of stones at upper corner of same on side of mountain; thence  
[Page 202]
  11. South 50° 9' East true 5718 feet along Waiakoa to pile of stones on top of mountain; thence
  12. South 53° 55' West true 3395 feet along Papanui to a cross cut on the rock over a sort of cave at a place called Kalepeamoia;
  13. North 50° 46' West true 9571 feet along Waiohuli to an iron pin on ridge, thence
  14. North 51° 20' West true 9709 feet along Kohoe [Koheo] to an iron pin on edge of gulch at a place called Keanawai; thence
  15. along Koheo following down the bottom of the gulch to a stone marked thus [right arrow] on South West edge of same; Traverse down the gulch being as follows:
    1. North 63° 7' West true 5292 feet to a cross on a stone on edge of gulch;
    2. North 59° 31' West true 7952 feet to a cross on stone at edge of gulch;
    3. South 70° 10' West true 1200 feet to post on edge of gulch;
    4. North 64° 40' West true 1883 feet to a stone marked thus [right arrow]; thence
  
  16. North 71° 29' West true 6899 feet along Koheo to pile of stones;
  17. North 82° 5' West true 19825 feet along Koheo to a stone marked thus [right arrow] at a place called Kaulaula; thence
  18. North 84° 1' West true 2874 feet along Waiohuli;
  19. South 35° 35' West true 548 feet along Waiohuli;
  20. North 85° 3' West true 340 feet along Waiohuli along the Kuapa of an old fish pond at Kalepolepo to sea; thence
  21. North 4° 55' West true 2325 feet following along sea shore to initial point.
- area 5715 acres

Containing an area of Five thousand seven hundred fifteen Acres, more or less; excepting and reserving to the Hawaiian Government, all mineral or metallic mines of every description.

To Have and to Hold the above granted Land in Fee Simple, unto the said H. Hewahewa Heirs and Assigns forever, subject to the taxes to be from time to time imposed by the Legislative Council, equally upon all Landed Property held in Fee Simple.

In Witness Whereof, I have hereunto set my hand, and caused the Great Seal of the Hawaiian Islands to be affixed, this ninth of Apera 1880

Kalakaua R [Rex]  
S.G. Wilder

[Royal Land Patent No. 7447, Hewahewa, H., Kaonoula Ahupuaa, Makawao District [former Kula District],  
Island of Maui, 5715 Acres, 1880]

---

characters transformed: 1

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

DAVID Y. IGE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

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

SUZANNE B. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
KEKOA KALUHIWA  
FIRST DEPUTY  
JEFFREY T. PEARSON  
DEPUTY DIRECTOR - WATER  
AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RECREATION IMPROVEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE FARMS

January 6, 2016

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

Log No: 2015.03310  
Doc No: 1601MD08  
Archaeology

Aloha Mr. Hart:

**SUBJECT: Chapter 6E-42 Historic Preservation Review – Maui County  
Draft Archaeological Inventory Survey for the Piilani Promenade Project  
Ka'ono'ulu 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'ulu 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 effected areas the total acreage for this survey was 101,658 acres) located *mauka* of Piilani 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 [Planning@co.maui.hi.us](mailto:Planning@co.maui.hi.us)  
County of Maui Department of Public Works - DSA [Renee.Segundo@co.maui.hi.us](mailto:Renee.Segundo@co.maui.hi.us)  
County of Maui Cultural Resources Commission [Annalise.Kehler@co.maui.hi.us](mailto:Annalise.Kehler@co.maui.hi.us)  
Robert Poyner, V.P. Sarofim Realty Advisor [cjenks@pacificinland.com](mailto:cjenks@pacificinland.com)  
Erik M. Fredericksen, M.A. Xamanek Researches, LLC [xamanekresearchesllc@gmail.com](mailto:xamanekresearchesllc@gmail.com)



**APPENDIX I -2**  
**Cultural Impact Assessment for the proposed**  
**Honua'ula offsite workforce housing project dated**  
**April 2017**

**CULTURAL IMPACT ASSESSMENT  
FOR THE PROPOSED HONUĀ'ULA OFFSITE WORKFORCE  
HOUSING PROJECT**

**KĪHEI, KA'ONO'ULU AHUPUA'A  
WAILUKU AND MAKAWAO (KULA) DISTRICTS  
ISLAND OF MAUI  
HAWAI'I**

**TMK: (2) 3-9-001:169**

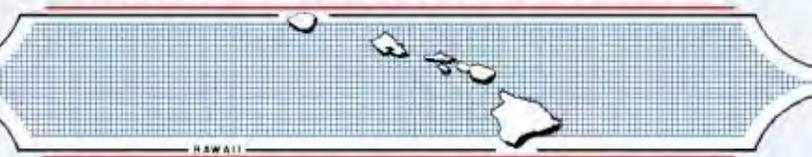
Prepared by:  
**Cathleen A. Dagher, B.A.  
and  
Michael F. Dega, Ph.D.**

**April 2017**

**FINAL**

Prepared for:  
**Mr. Charlie Jencks, Owner Representative,  
Honua'ula Partners, LLC  
1999 Avenue of the Stars, Ste. 2850  
Los Angeles, CA. 90067**

**SCIENTIFIC CONSULTANT SERVICES Inc.**



**1347 Kapiolani Blvd., Suite 408 Honolulu Hawai'i 96814**

# TABLE OF CONTENTS

INTRODUCTION	1
METHODOLOGY	6
ARCHIVAL RESEARCH	8
INTERVIEW METHODOLOGY	9
ENVIRONMENTAL SETTING	10
PROJECT AREA	10
BARREN ZONE	10
SOILS	11
CLIMATE	13
CULTURAL HISTORICAL CONTEXT	13
PAST POLITICAL BOUNDARIES	13
TRADITIONAL SETTLEMENT PATTERNS	14
PRE-CONTACT PERIOD (PRE-1778)	14
WAHI PANA (LEGENDARY PLACES)	15
PRE-CONTACT PERIOD (POST-1778)	16
MĀHELE	17
PREVIOUS ARCHAEOLOGY	21
CONSULTATION	28
FEBRUARY 25, 2014, CULTURAL CONSULTATION MEETING	29
CONSULTATION FOR THE CURRENT CULTURAL IMPACT ASSESSMENT	30
CULTURAL IMPACT ASSESSMENT INTERVIEWS, RESPONSES, AND CONCERNS	30
INTERVIEW SUMMARIES	31
RESPONSES	34

SUMMARY	35
CULTURAL ASSESSMENT	35
ARCHAEOLOGICAL CONCERNS	35
TRADITIONAL CULTURAL PRACTICES	36
CONCLUSION	36
REFERENCES	39
APPENDIX A: HANA PONO, LLC CIA (2016)	46
APPENDIX B: EXAMPLE LETTER OF INVITATION	259
APPENDIX C: EXAMPLE FOLLOW-UP LETTER	262
APPENDIX D: SIGNED INFO RELEASE FORMS	265
APPENDIX E: LCA 3237 AND ROYAL PATENT 7447	268
APPENDIX F: SHPD ACCEPTANCE LETTER AIS FOR THE PIILANI PROMENADE	273

## LIST OF FIGURES

Figure 1. USGS Quadrangle (Puu O Kali, 1992; 1:24,000) Map Showing the Proposed Project Area Location.	3
Figure 2. Tax Map Key [TMK: (2) 3-9-001] Showing the Proposed Project Area Location.	4
Figure 3. Google Earth Image (Dated 1/12/2013) Showing the Proposed Project Area Location.	5
Figure 4. Soils Map Showing the Proposed Project Area Location (NRCSS 2017).	12
Figure 5. Ka‘ono‘ulu Ahupua‘a, LCA 3237, awarded to Hewahewa in 1860 (basemap: “Maui, Hawaiian Islands” by F.S. Dodge 1885:1:90,000 scale).	20
Figure 6. Previous Archaeology in Vicinity of the Proposed Project Area.	22

## INTRODUCTION

At the request of Charles Jencks, Owner Representative, Scientific Consultant Services, Inc. prepared a Cultural Impact Assessment (CIA) in advance of the proposed Honuaʻula Offsite Workforce Housing Project. The proposed undertaking will be located on approximately 13.0 acres of land, owned by Honuaʻula Partners LLC (HPL), in Kīhei, Kaʻonoʻulu Ahupuaʻa, Wailuku and Makawao (Kula) Districts, Island of Maui, Hawaiʻi [TMK: (2) 3-9-001:169]. The proposed project site will be located *mauka* (east) of Piʻilani Highway at the future East Kaʻonoʻulu Street (Figures 1 through 3).

The current CIA for Honuaʻula Offsite Housing follows an earlier CIA prepared by Hana Pono, LLC (2016; Appendix A) for the Piilani Promenade Project. Scientific Consultant Services, Inc. (Dagher and Dega 2017) prepared a Supplemental Cultural Impact Assessment (SCIA) in advance of the proposed Piilani Promenade Project. The proposed Piilani Promenade Project will be located on lands immediately adjacent to the south and west of the HPL property, on approximately 75-acres in Kīhei, Kaʻonoʻulu Ahupuaʻa, Wailuku and Makawao Districts, Island of Maui, Hawaiʻi [TMK: (2) 3-9-001:016, 170, 171, 172, 173, and 174].

The proposed undertaking will consist of 250 workforce housing units in six (6) multi-family residential buildings within the project area. The project will consist of 125 rental housing units and 125 ownership units for sale with sales prices and rental rates to be determined through a housing agreement with the County of Maui. Surface parking, 2.5 acres of park space, and related improvements are also proposed. Access to the site will be via the future East Kaʻonoʻulu Street.

The Constitution of the State of Hawaiʻi clearly states the duty of the State and its agencies is to preserve, protect, and prevent interference with the traditional and customary rights of native Hawaiians. Article XII, Section 7 (2000) requires the State to “protect all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes and possessed by *ahupuaʻa* tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778.” In spite of the establishment of the foreign concept of private ownership and western-style government, Kamehameha III (Kauikeaouli) preserved the peoples traditional right to subsistence. As a result, in 1850, the Hawaiian Government confirmed the traditional

access rights to native Hawaiian *ahupuaʻa* tenants to gather specific natural resources for customary uses from undeveloped private property and waterways under the Hawaiian Revised Statutes (HRS) 7-1. In 1992, the State of Hawaiʻi Supreme Court, reaffirmed HRS 7-1 and expanded it to include, “native Hawaiian rights...may extend beyond the *ahupuaʻa* in which a native Hawaiian resides where such rights have been customarily and traditionally exercised in this manner” (Pele Defense Fund v. Paty, 73 Haw.578, 1992).

Act 50, enacted by the Legislature of the State of Hawaiʻi (2000) with House Bill (HB) 2895, relating to Environmental Impact Statements, proposes that:

...there is a need to clarify that the preparation of environmental assessments or environmental impact statements should identify and address effects on Hawaii’s culture, and traditional and customary rights... [H.B. NO. 2895].

Articles IX and XII of the State constitution, other state laws, and the courts of the State impose on government agencies a duty to promote and protect cultural beliefs and practices, and resources of native Hawaiians as well as other ethnic groups. Act 50 also requires state agencies and other developers to assess the effects of proposed land use or shoreline developments on the “cultural practices of the community and State” as part of the HRS Chapter 343 (2001) environmental review process.

It also redefined the definition of “significant effect” to include “...the sum of effects on the quality of the environment, including actions that irrevocably commit a natural resource, curtail the range of beneficial uses of the environment, are contrary to the State’s environmental policies . . . or adversely affect the economic welfare, social welfare or cultural practices of the community and State” (H.B. 2895, Act 50, 2000). Cultural resources can include a broad range of often overlapping categories, including places, behaviors, values, beliefs, objects, records, stories, etc. (H.B. 2895, Act 50, 2000).

Thus, Act 50 requires that an assessment of cultural practices and the possible impacts of a proposed action be included in Environmental Assessments and Environmental Impact Statements, and to be taken into consideration during the planning process. As defined by the Hawaii State Office of Environmental Quality Control (OEQC), the concept of geographical expansion is recognized by using, as an example, “the broad geographical area, *e.g.* district or *ahupuaʻa*” (OEQC 2012:12). As defined by the OEQC (Ibid.), the process should identify

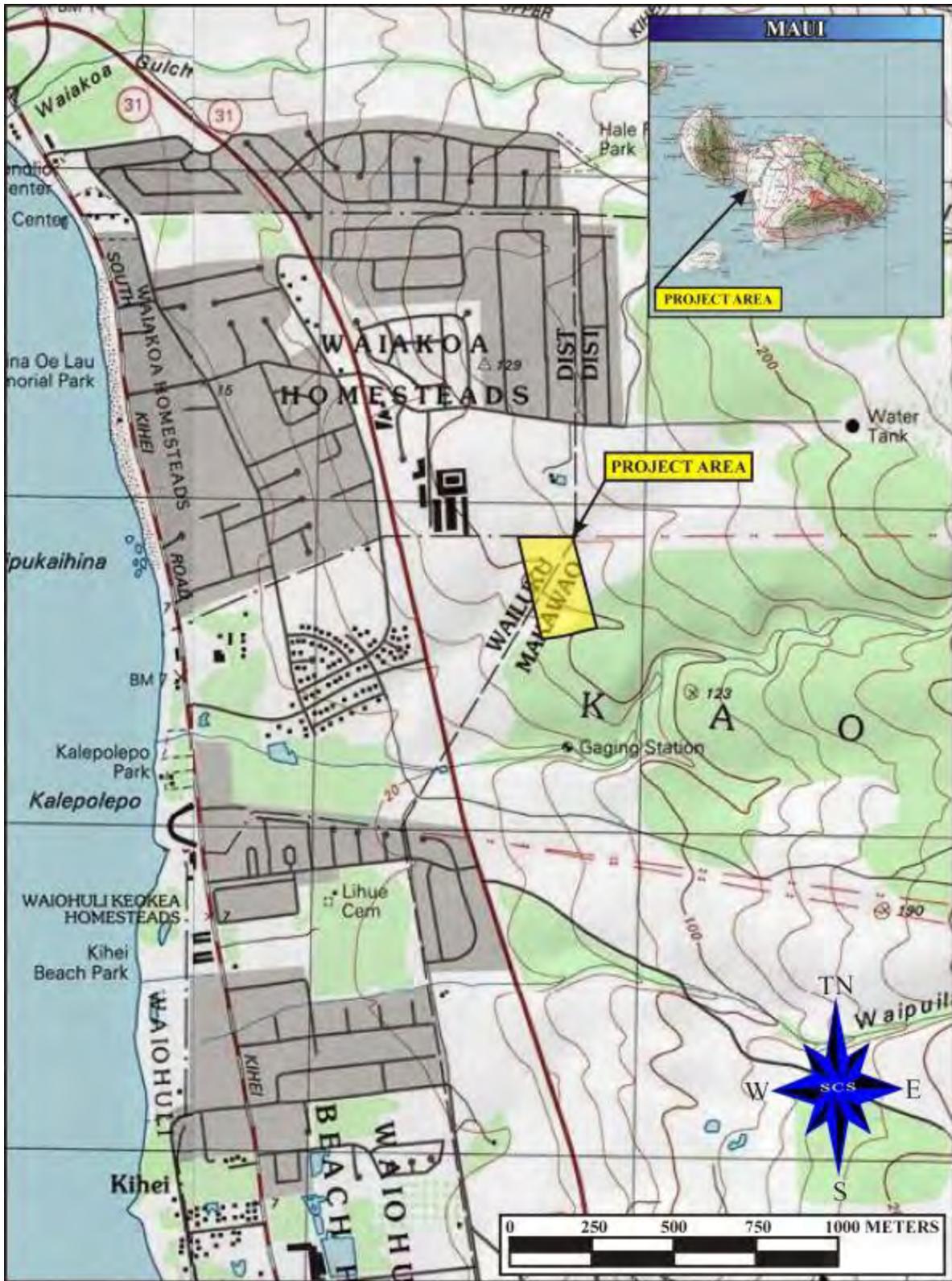


Figure 1. USGS Quadrangle (Puu O Kali, 1992; 1:24,000) Map Showing the Proposed Project Area Location.

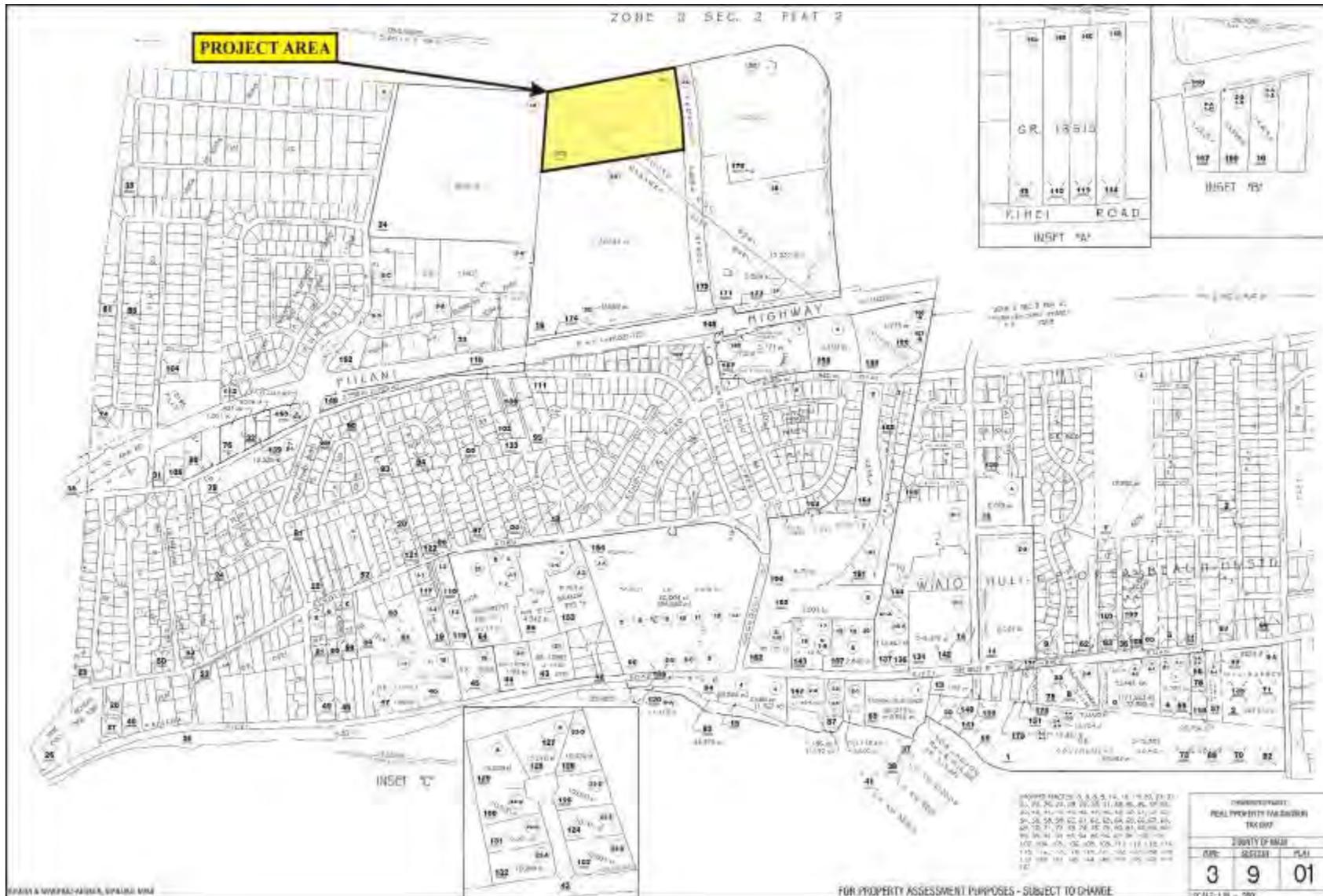


Figure 2. Tax Map Key [TMK: (2) 3-9-001] Showing the Proposed Project Area Location.



Figure 3. Google Earth Image (Dated 1/12/2013) Showing the Proposed Project Area Location.

‘anthropological’ cultural practices, rather than ‘social’ cultural practices. For example, *limu* (edible seaweed) gathering would be considered an anthropological cultural practice, while a modern-day marathon would be considered a social cultural practice.

Therefore, the purpose of a CIA is to identify the possibility of ongoing cultural activities and resources within a project area, or its vicinity, and then assessing the potential for impacts on these cultural resources. The CIA is not intended to be a document of in-depth archival-historical land research, or a record of oral family histories, unless these records contain information about specific cultural resources that might be impacted by a proposed project.

According to the Guidelines for Assessing Cultural Impacts established by the Hawaii State Office of Environmental Quality Control (OEQC 2012:12):

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

The meaning of “traditional” was explained in *National Register Bulletin*:

"Traditional" in this context refers to those beliefs, customs, and practices of a living community of people that have been passed down through the generations, usually orally or through practice. The traditional cultural significance of a historic property then is significance derived from the role the property plays in a community's historically rooted beliefs, customs, and practices. . . . [Parker and King 1998:1]

## **METHODOLOGY**

The current CIA for the HPL project area follows an earlier CIA prepared by Hana Pono, LLC (2016; see Appendix A). The current CIA also follows a supplemental CIA (Dagher and Dega 2017, which was prepared at the request of Sarofim Realty Investors, in advance of the proposed Piilani Promenade project. Honua`ula Partners LLC requested the current CIA be prepared, in advance of the proposed HPL proposed workforce housing project.

This CIA was prepared as much as possible in accordance with the suggested methodology and content protocol in the Guidelines for Assessing Cultural Impacts (OEQC

2012:11-13). In outlining the “Cultural Impact Assessment Methodology,” the OEQC (2012:11) states that:

...information may be obtained through scoping, community meetings, ethnographic interviews and oral histories...

This report contains archival and documentary research, as well as communication with organizations having knowledge of the project area, its cultural resources, and its practices and beliefs. An example letter of inquiry is presented in Appendix C. An example follow-up letter is presented in Appendix C. Responses to SCS’s inquiries are presented in the Consultation discussion in this document. The signed information release forms are presented in Appendix D. This CIA was prepared in accordance with the suggested methodology and content protocol provided in the Guidelines for Assessing Cultural Impacts (OEQC 2012:13), whenever possible. The assessment concerning cultural impacts may include, but not be limited to:

- A. Discussion of the methods applied and results of consultation with individuals and organizations identified by the preparer as being familiar with cultural practices and features associated with the project area, including any constraints or limitations which might have affected the quality of the information obtained.
- B. Description of methods adopted by the preparer to identify, locate, and select the persons interviewed, including a discussion of the level of effort undertaken.
- C. Ethnographic and oral history interview procedures, including the circumstances under which the interviews were conducted, and any constraints or limitations which might have affected the quality of the information obtained.
- D. Biographical information concerning the individuals and organizations consulted their particular expertise and their historical and genealogical relationship to the project area, as well as information concerning the persons submitting information or interviewed their particular knowledge and cultural expertise, if any, and their historical and genealogical relationship to the project area.
- E. Discussion concerning historical and cultural source materials consulted, the institutions and repositories searched and the level of effort undertaken. This discussion should include, if appropriate, the particular perspective of the authors, any opposing views, and any other relevant constraints, limitations or biases.

- F. Discussion concerning the cultural resources, practices and beliefs identified, and, for resources and practices, their location within the broad geographical area in which the proposed action is located, as well as their direct or indirect significance or connection to the project site.
- G. Discussion concerning the nature of the cultural practices and beliefs, and the significance of the cultural resources within the project area affected directly or indirectly by the proposed project.
- H. Explanation of confidential information that has been withheld from public disclosure in the assessment.
- I. Discussion concerning any conflicting information in regard to identified cultural resources, practices and beliefs.
- J. Analysis of the potential effect of any proposed physical alteration on cultural resources, practices or beliefs; the potential of the proposed action to isolate cultural resources, practices or beliefs from their setting; and the potential of the proposed action to introduce elements which may alter the setting in which cultural practices take place.
- K. A bibliography of references, and attached records of interviews which were allowed to be disclosed.

If ongoing cultural activities and/or resources are identified within the project area, assessments of the potential effects on the cultural resources in the project area and recommendations for mitigation of these effects can be proposed.

## **ARCHIVAL RESEARCH**

Archival research focused on a historical documentary study involving both published and unpublished sources. These sources included legendary accounts of native and early foreign writers; early historical journals and narratives; historic maps; land records, such as Land Commission Awards, Royal Patent Grants, and Boundary Commission records; historic accounts; and previous archaeological reports.

Historical and cultural source materials were extensively used and can be found listed in the References Cited portion of this report. Such scholars as Samuel Kamakau, Martha Beckwith, Jon J. Chinen, Lilikalā Kame'eiehiwa, R. S. Kuykendall, Marion Kelly, E. S. C. Handy and E.G. Handy, John Papa ʻĪī, Gavin Daws, A. Grove Day, and Elspeth P. Sterling and Catherine C. Summers, and Mary Kawena Puku'i and Samuel H. Elbert continue to contribute to our

knowledge and understanding of Hawai'i, past and present. The works of these and other authors were consulted and incorporated in this report where appropriate. Land use document research was supplied by the Waihona 'Aina 2016 Database and the Honolulu's Real Property Assessment and Tax Billing Information website.

## **INTERVIEW METHODOLOGY**

Interviews are conducted in accordance with Federal and State laws and guidelines when knowledgeable individuals are able to identify cultural practices in, or in close proximity to, the project area. If they have knowledge of traditional stories, practices and beliefs associated with a project area or if they know of historical properties within the project area, they are sought out for additional consultation and interviews. Individuals who have particular knowledge of traditions passed down from preceding generations and a personal familiarity with the project area are invited to share their relevant information concerning particular cultural resources. Often people are recommended for their expertise, and indeed, organizations, such as Hawaiian Civic Clubs, the Island Branch of Office of Hawaiian Affairs (OHA), historical societies, Island Trail clubs, and Planning Commissions are depended upon for their recommendations of suitable informants. These groups are invited to contribute their input and suggest further avenues of inquiry, as well as specific individuals to interview. It should be stressed again that this process does not include formal or in-depth ethnographic interviews or oral histories as described in the OEQC's *Guidelines for Assessing Cultural Impacts* (2012). The assessments are intended to identify potential impacts to ongoing cultural practices, or resources, within a project area or in its close vicinity.

If knowledgeable individuals are identified, personal interviews are sometimes taped and then transcribed. These draft transcripts are returned to each of the participants for their review and comments. After corrections are made, each individual signs a release form, making the interview available for this study. When telephone interviews occur, a summary of the information is usually sent for correction and approval, or dictated by the informant and then incorporated into the document. If no cultural resource information is forthcoming and no knowledgeable informants are suggested for further inquiry, interviews are not conducted.

## **ENVIRONMENTAL SETTING**

The island of Maui ranks second in size of the eight main islands in the Hawaiian Archipelago. The Island was formed by two volcanoes, Mount Kukui in the west and Haleakalā in the east. The younger of the two volcanoes, Haleakalā, soars 2,727 m (10,023 feet) above sea level and embodies the largest section of the island. Unlike the amphitheater valleys of West Maui, the flanks of Haleakalā are distinguished by gentle slopes. Although it receives more rain than its counterpart in the east, the permeable lavas of the Honomanū and Kula Volcanic Series prevent the formation of rain-fed perennial streams. The few perennial streams found on the windward side of Haleakalā originate from springs located at low elevations. Valleys and gulches were formed by intermittent water run-off.

## **PROJECT AREA**

The project area is located on approximately 13 acres of vacant land in North Kīhei, Ka'ono'ulu Ahupua'a, and straddles the boundary between Wailuku and Makawao Districts, Island of Maui, Hawai'i [TMK: (2) 3-9-001:169]. The project at is bordered on the north by Waiakoa Ahupua'a and by currently vacant lands to the east, west, and to the south. The entire parcel was part of the Kaonoulu Ranch lands. The project area is situated approximately 1.0 miles inland at an elevation of approximately 110 feet above mean sea level (amsl), within an area archaeologically known as the "barren zone."

## **BARREN ZONE**

In geographical and physiographical terms, the barren zone is an intermediary zone between direct coastline and back beach areas to upland forests and more montane environments. The barren zone is a medial zone that appears to have been almost exclusively transitory, or at best, intermittently occupied through time. Intermittent habitation loci, as defined by surface midden scatters or small architectural features (*i.e.*, C-shapes, alignments) dominate the few documented traditional-period site types (pre-Contact) in the area through time. Post-Contact features are generally limited to walls and small alignments, respectively associated with ranching and military training in the area.

The barren zone was an intermediary region between verdant upland regions and the coastline. Apparently, agricultural endeavors were practically non-existent in the barren zone

and tool procurement materials (basalt, wood) were selected from other locales as well. Sediment regimes in the area are shallow, most often overlying bedrock, and perennial water sources are virtually non-existent.

Cordy (1977) divided the Kīhei (inclusive of Ka'ono'ulu) area into three environmental zones (or subzones when one considers the entire *ahupua'a*): coastal, transitional/barren, and inland. The current project location occurs in the transitional or barren zone: the slopes back of the coast with less than 30 inches of rainfall annually (Cordy 1977:4).

This barren zone is perceived as dry and antagonistic to permanent habitation. Use of the area would primarily have been intermittent or transitory, particularly as the zone could have contained coastal-inland trails and would have marked an intermediary point between the two more profitable ecozones. The region remains hostile to permanent habitation, only having been “conquered” in recent times through much modern adaptation (*i.e.*, air conditioning, water feed systems, etc.).

Based on general archaeological and historic research, the barren zone was not subject to permanent or expansive population until recent times. This intimates that population pressure along the coast was minimal or non-existent in the Kīhei coastal area through time. As such, architectural structures associated with permanent habitation sites and/or ceremonial sites are not often identified in the area. The prevailing model that temporary habitation-temporary use sites predominate in the barren zone has been authenticated further by recent research.

## **SOILS**

According to Foote (*et al.* 1972: Sheet Map 107; Figure 4), the project area is comprised of soils of the Waiakoa Soil Series, specifically Waiakoa Extremely Stony Silty Clay Loam, 30 to 70 percent slopes (WID2). The well-drained, volcanic soils of the Waiakoa Series occur in the upland (*mauka*) region of the island of Maui. These soils can be found in areas ranging from 100 to 1,000 feet amsl and receiving 12 to 20 inches of rainfall annually (Foote *et al.* 1972:126-127).

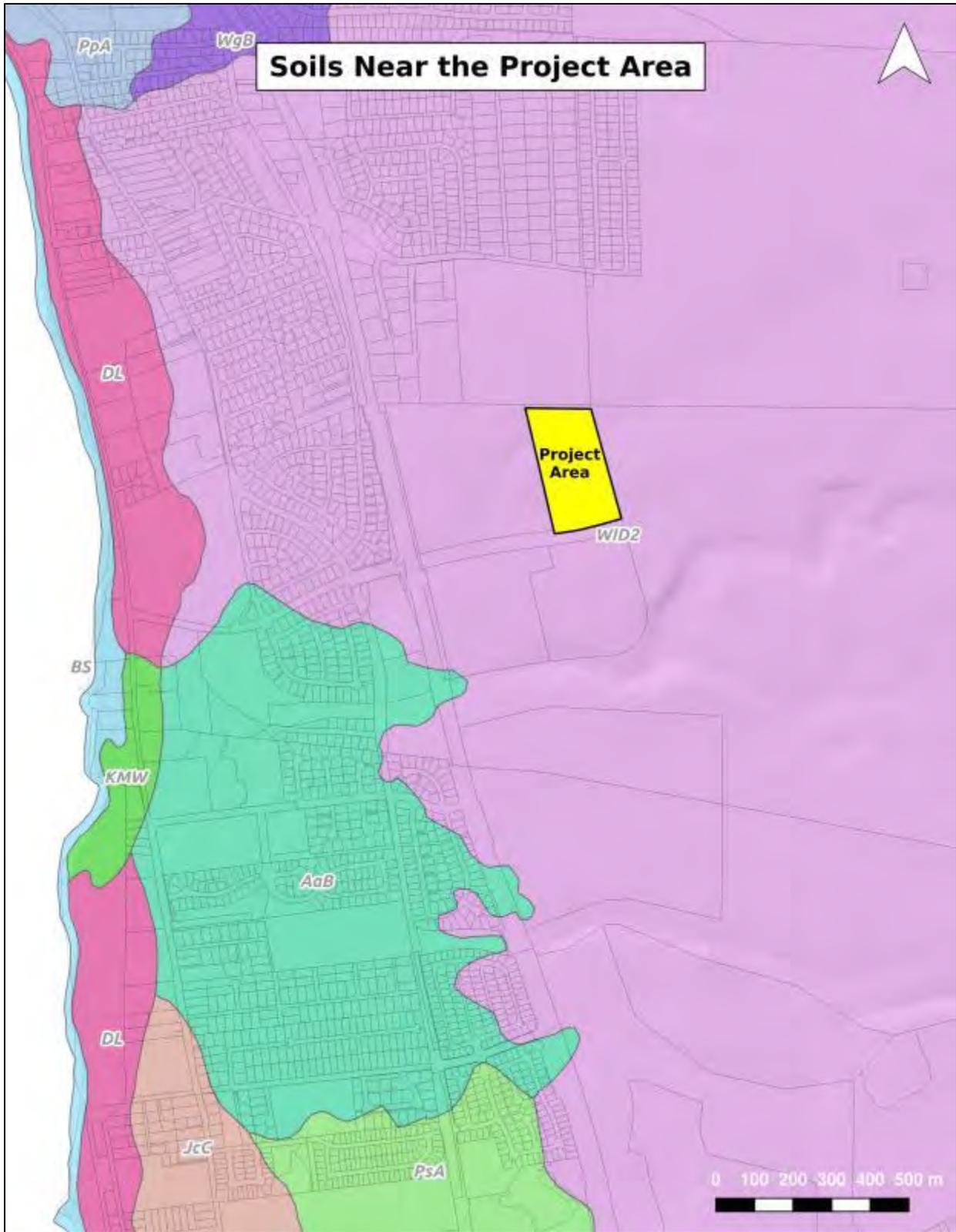


Figure 4. Soils Map Showing the Proposed Project Area Location (NRCSS 2017).

## **CLIMATE**

Kīhei receives an average of 11 inches of rainfall per year (Giambelluca *et al.* 2013). According to Armstrong (1983: 62), the Kīhei area receives approximately 5 inches of rainfall during the summer months and approximately 10 to 19 inches of rainfall during the winter months. The hot, dry region in which Kīhei is situated experiences winter temperatures between the 50s to the low 80s (degrees Fahrenheit). Summer temperatures range from the high 60s to the high 90s (degrees Fahrenheit).

## **CULTURAL HISTORICAL CONTEXT**

The environment factors and resource availability heavily influenced pre-Contact settlement patterns. Although an extensive population was found occupying the uplands above the 30-inch rainfall line where crops could easily be grown, coastal settlement was also common (Kolb *et al.* 1997). The existence of three fishponds at Kalepolepo, southwest of the project area, and at least two *heiau* identified near the shore confirm the presence of a stable population relying mainly on coastal and marine resources.

Agriculture may have been practiced behind the dune berms in low-lying marshland or in the vicinity of Kealia Pond. It is suggested that permanent habitation and their associated activities occurred from A.D. 1200 to the present in both the uplands and coastal region (Ibid.).

## **PAST POLITICAL BOUNDARIES**

Traditionally, the island of Maui was divided into twelve districts (Sterling 1998:3). The division of Maui's lands into districts (*moku*) and sub-districts was performed by a *kahuna* (priest, expert) named Kalaiha'ōhia, during the time of the *ali'i* Kaka'alaneo (Beckwith 1979:383; Fornander places Kaka'alaneo at the end of the 15<sup>th</sup> century or the beginning of the 16<sup>th</sup> century [Fornander 1919-20, Vol. 6:248]). Land was considered the property of the king or *ali'i 'ai moku* (the *ali'i* who eats the island/district), which he held in trust for the gods. The title of *ali'i 'ai moku* ensured rights and responsibilities to the land, but did not confer absolute ownership. The king kept the parcels he wanted, his higher chiefs received large parcels from him and, in turn, distributed smaller parcels to lesser chiefs. The *maka'āinana* (commoners) worked the individual plots of land.

In general, several terms, such as *moku*, *ahupua'a*, *'ili* or *'ili'āina* were used to delineate various land sections. A district (*moku*) contained smaller land divisions (*ahupua'a*), which customarily continued inland from the ocean and upland into the mountains. Extended household groups living within the *ahupua'a* were therefore, able to harvest from both the land and the sea. Ideally, this situation allowed each *ahupua'a* to be self-sufficient by supplying needed resources from different environmental zones (Lyons 1875:111). The *'ili'āina* or *'ili* were smaller land divisions next to importance to the *ahupua'a* and were administered by the chief who controlled the *ahupua'a* in which it was located (Ibid: 33; Lucas 1995:40). The *mo'o'āina* were narrow strips of land within an *'ili*. The land holding of a tenant or *hoa'āina* residing in an *ahupua'a* was called a *kuleana* (Lucas 1995:61). The project area is located in the *ahupua'a* of Ka'ono'ulu, which translated means literally "the desire for breadfruit" (Pukui *et al.*:86).

## **TRADITIONAL SETTLEMENT PATTERNS**

The Hawaiian economy was based on agricultural production and marine exploitation, as well as raising livestock and collecting wild plants and birds. Extended household groups settled in various *ahupua'a*. Within the *ahupua'a*, residents were able to harvest from both the land and the sea. Ideally, this situation allowed each *ahupua'a* to be self-sufficient by supplying needed resources from different environmental zones (Lyons 1875:111).

## **PRE-CONTACT PERIOD (PRE-1778)**

During the pre-Contact Period, there were primarily two types of agriculture, wetland and dry land, both of which were dependent upon geography and physiography. River valleys provided ideal conditions for wetland *kalo* (*Colocasia esculenta*) agriculture that incorporated pond fields and irrigation canals. Other cultigens, such as *kō* (sugar cane, *Saccharum officinarum*) and *mai'a* (banana, *Musa* sp.), were also grown and, where appropriate, such crops as *'uala* (sweet potato, *Ipomoea batatas*) were produced. Traditionally, this was the typical agricultural pattern seen on all the Hawaiian Islands (Kirch and Sahlins 1992, Vol. 1:5, 119; Kirch 1985). Agricultural development on the leeward side of Maui was likely to have begun early in what is known as the Expansion Period (AD 1200-1400, Kirch 1985). According to Handy (1940), there was "continuous cultivation on the coastal region along the northwest coast" of Maui. Handy (1940:159) writes:

On the south side of western Maui the flat coastal plain all the way from Kihei and Ma‘alaea to Honokahua, in old Hawaiian times, must have supported many fishing settlements and isolated fishermen’s houses, where sweet potatoes were grown in the sandy soil or red lepo [soil] near the shore. For fishing, this coast is the most favorable on Maui, and, although a considerable amount of taro was grown, I think it is reasonable to suppose that the large fishing population, which presumably inhabited this leeward coast, ate more sweet potatoes than taro with their fish....

Trails extended from the coast to the mountains, linking the two for both economic and social reasons. A trail known as the *alanui* or “King’s trail” built by Kihapi‘ilani, extended along the coast passing through all the major communities between Lāhainā and Mākena, including to Kīhei. Kolb noted that two traditional trails extended through Kēōkea. One trail, named “*Kekuawaha‘ula‘ula*” or the “red-mouthed god”, went from Kīhei inland to Kēōkea. Another, the Kalepolepo trail, began at the Kalepolepo Fishpond and continued to upland Waiohuli. These trails were not only used in the pre-Contact era, but were expanded to accommodate wagons bringing produce to the coast in the 1850s (Kolb *et al.* 1997:61).

## **WAHI PANA (LEGENDARY PLACES)**

There is little specific information pertaining directly to Kīhei, which was originally a small area adjacent to a landing built in the 1890s (Clark 1980). Presently, Kīhei refers to a six-mile section along the coast from the town of Kīhei to Keawakapu. Scattered amongst the agricultural and habitation sites were places of cultural significance to the *kama‘āina* of the district including at least two *heiau*. In ancient times, there was a small village at Kalepolepo based primarily on marine resources. It was recorded that occasionally the blustery Kaumuku Winds would arrive with amazing intensity along the coast (Wilcox 1921).

During the pre-Contact Period, there were several fishponds near Kīhei; Waiohuli, Kēōkea-kai, and Kalepolepo Pond (also known by the ancient name of Kō‘ie‘ie Pond; Kolb *et al.* 1997). Constructed on the boundary between Ka‘ono‘ulu and Waiohuli Ahupua‘a, these three ponds were some of the most important royal fishponds on Maui. The builder of Kalepolepo and two other ponds (Waiohuli and Kēōkea-kai) has been lost in antiquity, but they were reportedly rebuilt at least three times through history, beginning during the reign of Pi‘ilani (1500s; *Ibid*; Cordy 2000).

Oral tradition recounts the repairing of the fishponds during the reign of Kiha-Pi‘ilani, the son of the great *ali‘i* (chief) Pi‘ilani, who had bequeathed the ponds to Umi, ruler of Hawai‘i

Island. Umi's *konoiki* (land manager) ordered all the people from Maui to help repair the walls of Kalepolepo's fishponds. A man named Kikau protested that the repairs could not be done without the assistance of the *menehune* who were master builders (Wilcox 1921:66-67). The *konoiki* was furious and Kikau was told he would die once the repairs had been made. Kēōkea-kai was the first to be repaired. When the capstone was carried on a litter to the site, the *konoiki* rode proudly on top of the rock as it was being placed in the northeast corner of the pond. When it was time for repairs on Waiohuli-kai, the *konoiki* did the same. As the last pond, then known as Ka'ono'ulu-kai, was completed, the *konoiki* once again rode the capstone to its resting place. Before it could be put into position, the capstone broke throwing both the rock and *konoiki* into the dirt. The workers reportedly said "*Ua konoiki Kalepolepo, ua eku i ka lepo*" (the manager of Kalepolepo, one who roots in the dirt)" (Ibid: 66). That night a tremendous storm threw down the walls of the fishponds. The *konoiki* implored Kikau to help him repair the damage. Kikau called the *menehune* who rebuilt the walls in one night. Umi sent for Kikau who lived in the court of Waipi'o valley from then on. The region of Kēōkea-kai and Ka'ono'ulu-kai Fishpond became known as Kalepolepo Fishpond (Ibid.).

The Kalepolepo fishponds were rebuilt by Kekaulike, chief of Maui in the 1700s. During that period of time, the Kalepolepo fishponds supplied *'ama'ama* (mullet) to Kahekili. Kamehameha I subsequently restored Kalepolepo fishponds when he ruled as governing chief over Maui. The fishponds were restored for the final time in the 1840s, when prisoners from the Kaho'olawe penal colony were sent to do repairs (Kamakau 1961; Wilcox 1921). At this time, stones were taken from Waiohuli-kai pond for the reconstruction of Kalepolepo. It was here at Kalepolepo that Kamehameha I reportedly beached his victorious canoes after subduing the Maui chiefs. The stream draining into Keālia Pond (north of the project area) became sacred to royalty and *kapu* to commoners (Stoddard 1894).

## **PRE-CONTACT PERIOD (POST-1778)**

Early records, such as journals kept by explorers, travelers and missionaries, Hawaiian traditions that survived long enough to be written down, and archaeological investigations have assisted in the understanding of past cultural activities. Unfortunately, early descriptions of this portion of the Maui coast are brief and infrequent. Captain King, Second Lieutenant on the *Revolution* during Cook's third voyage briefly described what he saw from a vantage point of "eight or ten leagues" (approximately 24 miles) out to sea as his ship departed the islands in

1779 (Beaglehole 1967). He mentions Pu‘u Ōla‘i south of Kīhei and enumerates the observed animals, thriving groves of breadfruit, the excellence of the taro, and almost prophetically, says the sugar cane is of an unusual height. Seen from this distance and the mention of breadfruit suggest the uplands of Kīpahulu-Kaupo and ‘Ulupalakua were his focus.

In the ensuing years, LaPérouse (1786), Nathaniel Portlock and George Dixon, (also in 1786), sailed along the western coast, but added little to our direct knowledge of Kīhei. During the second visit of Vancouver in 1793, his expedition becalmed in the Mā‘alaea Bay close to the project area. (A marker commemorating this visit is located across from the Maui Lu Hotel). Vancouver (1984:852) reported:

The appearance of this side of Mowee was scarcely less forbidding than that of its southern parts, which we had passed the preceding day. The shores, however, were not so steep and rocky, and were mostly composed of a sandy beach; the land did not rise so very abruptly from the sea towards the mountains, nor was its surface so much broken with hills and deep chasms; yet the soil had little appearance of fertility, and no cultivation was to be seen. A few habitations were promiscuously scattered near the waterside, and the inhabitants who came off to us, like those seen the day before, had little to dispose of.

Archibald Menzies, a naturalist accompanying Vancouver stated, “...we had some canoes off from the latter island [Maui], but they brought no refreshments. Indeed, this part of the island appeared to be very barren and thinly inhabited” (Menzies 1920:102). According to Kahekili, then ruling *ali‘i* of Maui, the extreme poverty in the area was the result of the continuous wars between Maui and Hawai‘i Island causing the land to be neglected and human resources wasted (Vancouver 1984:856).

## **MĀHELE**

In the 1840s, a drastic change in traditional land tenure resulted in a division of island lands. This system of private ownership was based on western law. While a complex issue, many scholars believe that in order to protect Hawaiian sovereignty from foreign powers, Kamehameha III (Kamehameha III) was forced to establish laws changing the traditional Hawaiian economy to that of a market economy (Kuykendall Vol. I, 1938:145 footnote 47, 152, 165-6, 170; Daws 1968:111; Kelly 1983:45; Kame‘eleihiwa 1992:169-70, 176).

Among other thing, foreigners demanded private ownership of land to insure their investments (Kuykendall Vol. I, 1938:138, 145, 178, 184, 202, 206, 271; Kame‘eleihiwa 1992:178; Kelly 1998:4). Once lands were made available and private ownership was instituted

the *maka'āinana* (commoners) were able to claim the plots on which they had been cultivating and living (*kuleana* lands, Land Commission Awards, LCA). These claims could not include any previously cultivated or presently fallow land, *'okipū* (on O'ahu), stream fisheries or many other resources necessary for traditional survival (Kelly 1983; Kame'eiehiwa 1992:295; Kirch and Sahlins 1992). This land division, or *Māhele*, occurred in 1848. The awarded parcels were called Land Commission Awards (LCAs). If occupation could be established through the testimony of two witnesses, the petitioners were awarded the claimed LCA, issued a Royal Patent number, and could then take possession of the property (Chinen 1961: 16).

Fifty-five LCA claims were made for land in Ka'ono'ulu Ahupua'a. However, a search of the Waihona 'Aina Database (2016) indicated that Hapakuka Hewahewa, the last high priest (*kahuna nui*) under the traditional religion and primary *kahuna* of Kamehameha I, received most of the *ahupua'a*, comprising 5715 acres, under LCA 3237\*M/Royal Patent 7447 in 1853 (Appendix E). According to the Waihona 'Aina Database (2016), seven LCAs were issued in Ka'ono'ulu Ahupua'a, in addition to Hewahewa's lands:

Land Commission Award 9021/ Royal Patent 7885; consisting of one *'āpana* (piece) of land comprising 0.5 acres in the *'ili* of Kapukahawai, Ka'ono'ulu Ahupua'a, Kula District and one *'āpana* comprising 5.54 acres in the *'ili* o Kupalaia, Ka'ono'ulu Ahupua'a, Kula District was awarded to Kamai in 1888.

Land Commission Award 3108/Royal Patent 2814; consisting of one *'āpana* comprised of 0.4 acres in the *'ili* of Kalepolepo, Ka'ono'ulu Ahupua'a, Kula District was awarded to Konohia in 1856.

Land Commission Award 5299/Royal Patent 7468; consisting of one *'āpana* comprised of 1.4 acres in the *'ili* of Puuokuhihewa, Ka'ono'ulu Ahupua'a, Kula District was awarded to Kalio in 1880.

Land Commission Award 5328/ Royal Patent 6575; consisting of one *'āpana* comprised of 2.04 acres in the *'ili* of Kupalaia, Ka'ono'ulu Ahupua'a, Kula District and *'āpana* comprised of 5.14 acres in the *'ili* of Puuokuhihewa, Ka'ono'ulu Ahupua'a, Kula District was awarded to Pupuka in 1874.

Land Commission Award 5376/ Royal Patent 2792; consisting of one *'āpana* comprised of 2.04 acres in the *'ili* of Kupalaia, Ka'ono'ulu Ahupua'a, Kula District and *'āpana* comprised of 0.22 acres in the *'ili* of Kalepolepo, Ka'ono'ulu Ahupua'a, Kula District and one *'āpana* comprised of 2.17 in Ka'ono'ulu Ahupua'a was awarded to Lono in 1856.

Land Commission Award 5407/ Royal Patent 2791; consisting of two *'āpana* comprised of 3.491 acres in Ka'ono'ulu Ahupua'a, Kula District was awarded to in 1856.

Land Commission Award 5465/ Royal Patent 7653; consisting of three *‘āpana* comprised of 10.25 acres in the *‘ili* of Kailua, Ka‘ono‘ulu Ahupua‘a, Kula District was awarded to Makahahi in 1882.

The Office of Hawaiian Affairs Kipuka Database (2016; [Figure 5]) indicated the entire *ahupua‘a* of Ka‘ono‘ulu was awarded to Hewahewa. As western influence grew, Kalepolepo became the important provisioning area. Europeans were now living or frequently visiting the coast and several churches and missionary stations were established. A Mr. Halstead left medical school on the East coast of the continent to become a whaler and after marrying the granddaughter of Issac Davis, settled in Kalepolepo on land given him by Kamehameha III (Kolb *et al.* 1997). His residence and store situated at Kalepolepo Landing was known as the Koa House having been constructed of *koa* logs brought from the uplands of Kula. The store flourished due to the whaling and potato industry and provided an accessible port for exported produce. Several of Hawai‘i’s ruling monarchs stayed at the Koa House, including Kauikeaouli (Kamehameha III), Kamehameha the IV, Lot Kamehameha (V), and Lunalilo. Wilcox (1921:67), giving a glimpse of the surroundings before abandonment stated, “...Kalepolepo was not so barren looking a place. Coconut trees grew beside pools of clear warm water along the banks of which grew taro and ape...”. However, by 1887 this had changed. Wilcox (1921) continues: ...the Kula mountains had become denuded of their forests, torrential winter rains were washing down earth from the uplands, filling with silt the ponds at Kalepolepo...ruins of grass huts [were] partly covered by drifting sand, and a few weather-beaten houses perched on the broad top of the old fish pond wall at the edge of the sea, with the Halstead house looming over them dim and shadowy in the daily swirl of dust and flying sand...”

As early as 1828, sugar cane was being grown commercially on Maui (Speakman 1981:114). Sugar was established in the Makawao area in the late 1800s and by 1899, the Kihei Plantation Company (KPC) was growing cane in the plains above Kīhei. The Kihei Plantation was absorbed by the Hawaiian Commercial and Sugar Company (HC&SC) in 1908, which continued cultivating what had been the KPC fields into the 1960s. A 200-foot-long wharf was constructed in Kīhei at the request of Maui plantation owners and farmers and served inter-island boats for landing freight and shipping produce to Honolulu (Clark 1980). In 1927, Alexander and Baldwin became the agents for the plantation (Condé and Best 1973). A landing was built at Kīhei around 1890.

The Kaonoulu Ranch has been in the Rice family since 1916. Previously, both the Haleakalā and Kaonoulu Ranches leased the then Crown lands for pasture and other ranching activities. According to Fredericksen *et al.* 1994:32):

Land Commission Award 8452: 20 consisted of a portion of the *ahupua‘a* of Alae to A. Keohokaole, identified as Alae 3 of an unknown size. Land Commission Award 8452: 19 gave title to a portion of the *ahupua‘a* of Koheo, again to A.

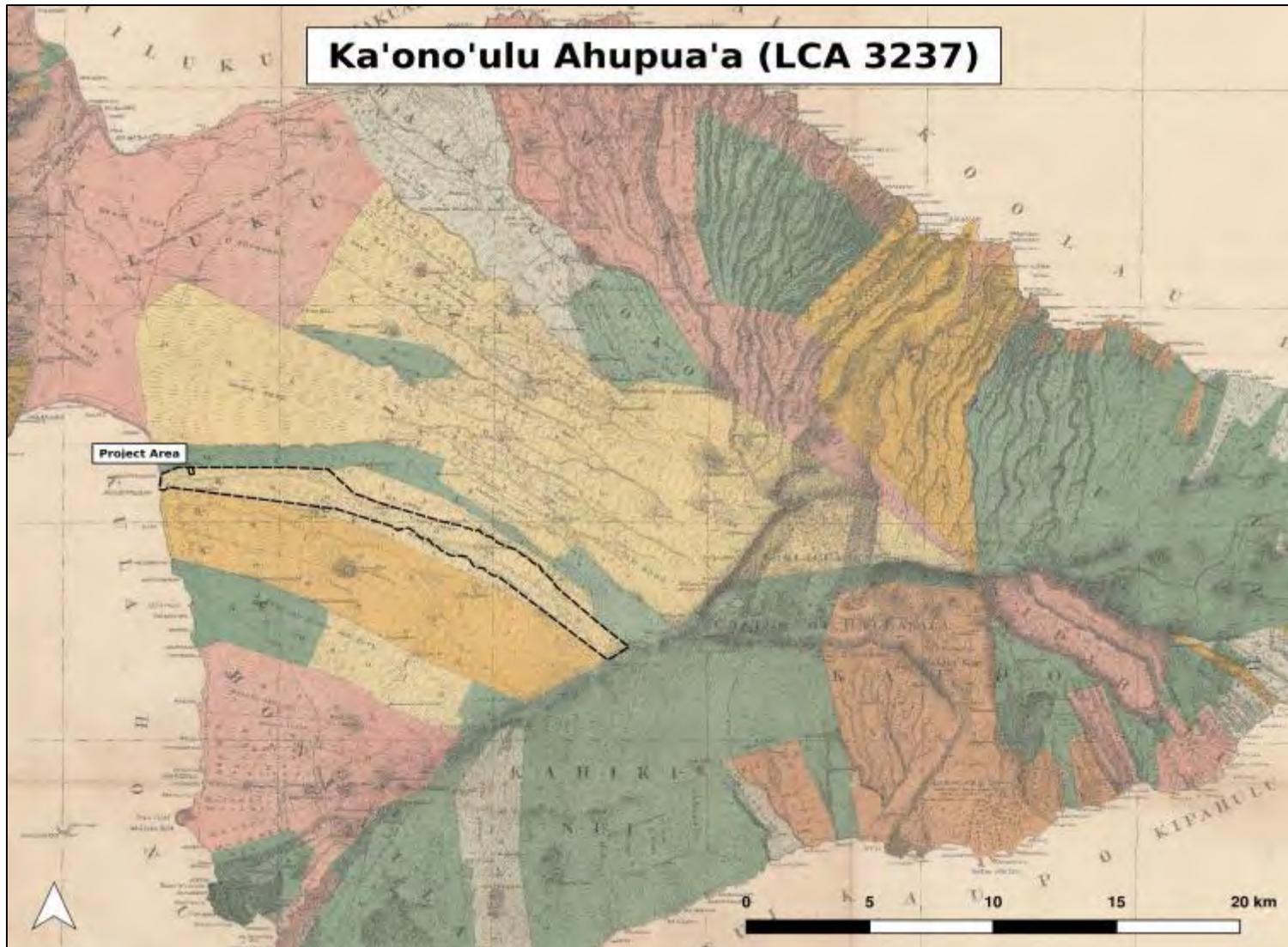


Figure 5. Ka'ono'ulu Ahupua'a, LCA 3237, awarded to Hewahewa in 1860 (basemap: "Maui, Hawaiian Islands" by F.S. Dodge 1885:1:90,000 scale).

Keohokaole (Granted June 8, 1858, from Kamehameha IV). The acreage was not specified in the Land Commission Award listings. However, the three awards make up 5966.72 acres of the Ranch shown on TMK 2-2-02: 15. In the period between 1860 and 1870, the Ranch lands were obtained from A. Keohokaole, by a Chinese immigrant, Young Hee. In the 1890's Young Hee had to return to China because of personal family problems, and decided to sell his Maui land interests. The Ranch lands were then acquired by William H. Cornwall. Harold W. Rice purchased the property from the Cornwall family in 1916. An article in *The Maui News*, dated August 25, 1916, states that Mr. Rice became the largest individual landowner on Maui with the purchase of the Hee property. It also goes on to say that Mr. Rice resigned as the assistant manager of Maui Agricultural Company, where he had worked for five years, to devote himself full-time to his ranching activities.

With the introduction of a dependable water supply in 1952 came overseas investment and development, which has continued up to and including this time, along the coastal region of Kīhei.

## **PREVIOUS ARCHAEOLOGY**

Archaeological studies in the greater Kīhei area began in the early twentieth century with T. Thrum (1909), J. Stokes (1909–1916), and W. M. Walker (1931). These surveys included areas of leeward Maui and inventoried both upland of the Kula District and coastal sites. Scientific Consultant Services, Inc. and other cultural resource management firms have more recently conducted numerous projects in the vicinity of the present project area. Several studies have been conducted in association with development of the Maui Research and Technology Park and the Elleair Maui Golf Club (Kennedy 1986; Hibbard 1994; Fredericksen *et al.* 1994; Chaffee *et al.* 1997; McGerty *et al.* 2000; Sinoto *et al.* 2001; Tome and Dega 2002; Monahan 2003; Figure 6).

The barren zone areas of this study have recently been subject to a proliferation of archaeological studies as residential and business endeavors expand from the coastline into other reaches of the Kīhei area. Concomitant with modern expansion involves necessary historic preservation work. The following section provides a general overview of archaeological studies in the general Kīhei area, focused on the barren zone.

As noted by Hammatt and Shideler (1992:10), “what is particularly striking in the many archaeological reports on Kīhei is the general paucity of sites within the transitional or barren zone.” Cordy (1977) and Cox (1976) all conducted large-scale survey in this zone that led to the

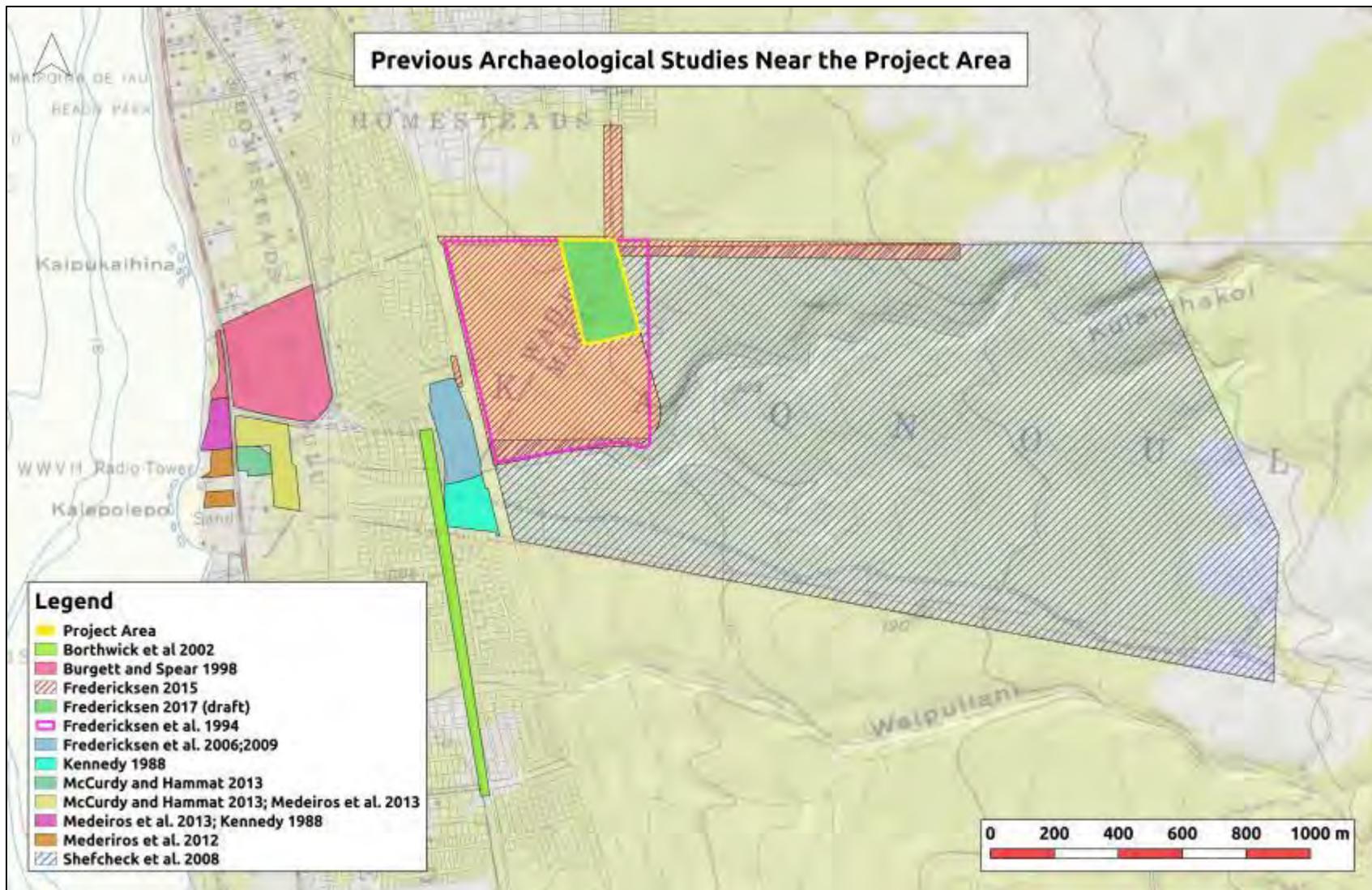


Figure 6. Previous Archaeology in Vicinity of the Proposed Project Area.

recording of only small, temporary habitation or temporary use sites. Several other studies in this zone of Kama'ole Ahupua'a, including those conducted by Mayberry and Haun (1988) and Hammatt and Shideler (1990), identified historic properties interpreted as functioning as temporary habitation and temporary use loci.

McDermott (2001:100) states that site densities are typically quite low within the "barren zone" with multiple studies having been conducted on large parcels (Kennedy 1986, Watanabe 1987, Hammatt and Shideler 2000, Kikiloi *et al.* 2000) that did not lead to the identification any pre-Contact sites. However, military sites related to World War II (WWII) training exercises have been previously documented in the area (McGerty *et al.* 2000), these sites often consisting of low, short alignments or walls. The few radiocarbon dates acquired from the area indicate definitive use of the landscape in later prehistory c. A.D. 1500 to 1600+.

Archaeological Consultants of Hawaii (Kennedy 1986) conducted an Archaeological Reconnaissance Survey of the entire 150.032 acres of the then-proposed Maui Research and Technology Park [TMK: (2) 2-2-002, since changed to TMK: (2) 2-2-024]. Kennedy's study, which did not include subsurface testing (excavation), concluded that no archaeological sites or features were located within the project area.

Archaeological Consultants of Hawaii (Kennedy 1988) conducted an Archaeological Reconnaissance Survey of TMK: (2) 3-9-001: 15, 148, and 149), which yielded negative findings.

Scientific Consultant Services, Inc. (Burgett *et al.* 1998) conducted an Archaeological Inventory Survey of Lots A and B of the Maui Lu Resort in Kihei, Ka'ono'ulu Ahupua'a, Wailuku District, Maui [TMK: (2) 3-9-1:83,86, and 120]. No historic properties were identified.

Xamanek Researches (Fredericksen *et al.* 1994) conducted an Archaeological Inventory Survey of 88 acres of land located in Ka'ono'ulu Ahupua'a, Wailuku and Makawao Districts, Maui Island [TMK: (2) 3-9-01:16 and 2-2-02 por. 15]. This survey included the adjacent proposed Piilani Promenade project area (see Figure 6). During the survey, 20 archaeological sites (State Sites 50-50-10-3727 through 50-50-10-3746) were identified. Fredericksen *et al.* (1994) state that while there was no direct evidence of traditional agriculture, State Sites 50-50-10-3727, 3728, and 3734 were interpreted as remnants of dry land agriculture. Evidence of traditional use of the area is suggested by several surface scatters (State Sites 50-50-10-3741

through -3745); an enclosure (State Site 50-50-10-3736), which was interpreted as a possible habitation feature; and a petroglyph boulder (State Site 50-50-10-3746), which was subsequently relocated off-site and is currently under preservation. State Sites 50-50-10-3735, -3737, 3738, and -3740 were interpreted as military features associated with World War II. In addition, Fredericksen *et al.* (1994) state that the subject property has been disturbed by modern activities including bulldozing, grubbing, and blasting activities, and that the project area was formerly a portion of the Kaonoulu Ranch, which was owned by the Rice family.

Scientific Consultant Services, Inc. (Chaffee *et al.* 1997) conducted an Archaeological Inventory Survey, including subsurface testing, of a portion of the Maui Research and Technology Park, within the area investigated by Kennedy (1986). During the survey, ten features were identified. The features included remnant terraces, stone alignments, a mound, and a modified outcrop. Based on spatial relationships, these features were incorporated into three archaeological sites. All of the sites were interpreted as having agricultural functions, with the exception of a rock mound that may have functioned as a religious feature.

Cultural Surveys Hawai'i, Inc. (Folk *et al.* 1999) conducted an Archaeological Reconnaissance Survey of the proposed Kīhei to Kula Road corridors, Kailua to Kama'ole Ahupua'a, Makawao and Wailuku Districts, Island of Maui, (TMK: (2) 2-2 and 2-3). During the survey, twenty historic properties were newly identified (State Site 50-50-10-4760 through 50-50-10-4779) and five previously identified sites were relocated (the Kaliaui Petroglyph Site State Site 50-50-10-1061; Kaluapulani Gulch Petroglyphs, State Site 50-50-10-1062; Kaluapulani Gulch Petroglyphs (Canoes, etc.), State Site 50-50-10-4178; an historic cattle wall, State Site 50-50-10-4180; and two pineapple plantation clearing mounds, State Site 50-50-10-4181. The newly identified sites included enclosures, walls, mound and cairn, midden and lithic scatter, a modified outcrop, road, ditch, rock overhang shelter, and the petroglyph sites. Most of these sites were interpreted as having agricultural and ranching functions, five sites were interpreted as habitation sites, the petroglyph site was interpreted as having a symbolic function, and an enclosure complex was interpreted as having a military function.

Cultural Surveys Hawai'i, Inc. (Borthwick *et al.* 2002) conducted an Archaeological Inventory Survey of the proposed alignment for the North-South Collector Road. The northern portion of the alignment is adjacent and west of the current proposed project area (see Figure 6). No historic properties were identified during the survey.

Scientific Consultant Services, Inc. (Monahan 2003) conducted an Archaeological Inventory Survey, including subsurface testing, of a 28.737-acre portion of the Maui Research and Technology Park, within the area investigated by Kennedy (1986). Other than one surface feature, a small arrangement of stacked boulders interpreted as a 'push pile', this survey yielded no evidence of historic or prehistoric significance.

Scientific Consultant Services, Inc. (McGerty *et al.* 2000) conducted an Archaeological Inventory Survey of 15 selected areas within the Elleair Maui Golf Club. During the survey, five archaeological sites (State Sites 50-50-10-5043, -5044, -5045, -5046, and -5047), containing a total of seven surface features, were identified. The surface features were interpreted as agricultural terraces, perhaps dating from the pre-Contact period, and C-shaped rock formations (fighting positions) built during World War II training. Ten excavation units placed within these features yielded no cultural material.

Sinoto *et al.* (2001) conducted an Archaeological Inventory Survey of a parcel adjacent to the subject property (see Figure 6). No archaeological or historical sites or features were identified.

Scientific Consultant Services, Inc. (Tome and Dega 2002) conducted an Archaeological Inventory Survey along the northeastern flank of the Elleair Maui Golf Club property. They identified a historical ranching corral and a short agricultural wall, collectively designated State Site 50-50-10-5233. No other structures or subsurface deposits were identified. No traditional native Hawaiian sites or features were identified. Another Inventory Survey along the southern flank of the Elleair Maui Golf Course (Dega 2003) failed to yield any archaeological or historical features.

Scientific Consultant Services, Inc. (Monahan 2004) conducted Archaeological Inventory Survey on two undeveloped lots totaling approximately 56.647 acres near the Elleair Golf Course in Kīhei, Waiohuli and Ka'ono'ulu Ahupua'a, Wailuku (Kula) District, Kīhei, Maui Island, Hawai'i [TMK: (2) 2-2-024: Portion 012 and 013]. A pedestrian survey and subsurface testing was performed in advance of a proposed residential project near the Elleair Golf Course. Four surface features consisting of stacked basalt stones were located within the project area; each was assigned a separate state site number. Test excavations yielded buried cultural material

consistent with traditional native Hawaiian activities at three of the four sites (State Sites 50-50-10-5506, -5507, and -5509). Excavation at the fourth site (-5508)—a C-shaped rock pile consistent with a World War II military training feature—did not yield any subsurface evidence. The discovery of three traditional native Hawaiian sites in this area is significant, as previous studies have generally failed to document any such activity. One of these sites (-5509) yielded a modern radiocarbon date ( $0 \pm 50$  BP), but its context is questionable and it may not be associated with the buried artifacts. Two other sites (-5506 and -5507) did not yield charcoal, although both contained buried traditional artifacts and midden. No additional archaeological work was recommended in the project area.

Scientific Consultant Services, Inc. (Shefcheck *et al.* 2008) conducted an Archaeological Inventory Survey on a large parcel of open land located in Kīhei, Ka'ono'ulu Ahupua'a, Makawao District, Maui Island, Hawai'i [TMK: 2-2-002: 015 por.], located immediately adjacent and east of the current project area (see Figure 6). During the survey, forty archaeological sites were newly identified. Of these forty sites, eight were interpreted as associated with pre-Contact activities. These pre-Contact sites consisted of temporary rock shelters with petroglyph components, enclosures, platforms, a mound and a wall. Historic sites identified during this survey were interpreted as having agricultural and military training functions.

In 2006, Xamanek Researches (Fredericksen 2006, 2009) conducted an archaeological field inspection of 8.274 acres of land in Ka'ono'ulu Ahupua'a [TMK: (2) 3-9-001:157 and 158]. No historic properties were identified. The original field inspection report was turned in to the State Historic Preservation Division (SHPD) for review and comment. However, the archaeological field inspection reports are not subject to the SHPD review process. The SHPD subsequently requested that the report be resubmitted as an archaeological assessment survey.

Cultural Surveys Hawai'i, Inc. (McCurdy and Hammatt 2013) conducted an Archaeological Inventory Survey for the proposed Kūlanihāko'i Bridge Replacement Project, Ka'ono'ulu Ahupua'a, Wailuku District, Maui Island [TMK: (2) 3-9-001: 999, 162, 143 (pors)]. During the survey, the Kūlanihāko'i Bridge (State Site 50-50-10-7606) was documented. No additional historic properties were identified. Prior to the Archaeological Inventory Survey, Cultural Surveys Hawai'i, Inc. (Medeiros *et al.* 2012) conducted an archaeological literature review and field inspection for the Kūlanihāko'i Bridge Replacement Project.

Xamanek Researches (Fredericksen 2015) conducted an Archaeological Inventory Survey of 101.658 acres of land within Ka'ono'ulu Ahupua'a, Wailuku and Makawao Districts, Island of Maui [TMK: (2) 3-9-001: 16, 169-174; TMK: (2) 2-2-002: 016, 077, 082; TMK: (2) 3-9-001: 148; and TMK: (2) 3-9-048: 122). This survey included the adjacent proposed Piilani Promenade project area and land previously surveyed by Fredericksen *et al.* (1994). The recent findings included:

- Identification of a previously undocumented enclosure (State Site 50-50-10- 8266), which was interpreted as a possible pre-Contact habitation site;
- That “[p]revious bulldozing activities, prior ranching and more recent farming operations, road construction activities, as well as erosion have impacted portions of the project area;
- State Sites 50-50-10-3734 and -3739, which were previously identified by Fredericksen et al. (1994) were destroyed by post-1994 bulldozing activities; and
- Recommended Archaeological Data Recovery for the newly identified State Sites 50-50-10-8266 and for State Sites 50-50-10- 3727-3729, 3732, 3735, 3736 and 3741-3745, which were previously identified by Fredericksen et al. (1994).

The report (Fredericksen 2015) documenting the findings of this survey has been approved by the State Historic Preservation Division (Log No: 2015.03310/Doc No: 1601MD08; Appendix F).

During 2016 and 2017, Xamanek Researches (Fredericksen 2017, Draft) conducted an Archaeological Assessment (Archaeological Inventory Survey-level investigation) of the proposed 13-acre Honua'ula off-site workforce housing project (*i.e.*, the current project area; see Figure 6). The project area is located within Ka'ono'ulu Ahupua'a, Wailuku and Makawao Districts, Island of Maui [TMK: (2) 3-9-001:169]. No historic properties were identified.

As may be gleaned from this praxis of archaeological studies for the barren zone, site expectation and site density is low for the area. A majority of the pre-Contact population of Kīhei was settled along the coastline, nearer resources, while lands above 2,000 ft. amsl. were

also heavily occupied from the c. A.D. 1400s. Thus, the “barren zone” became a medial zone between a coastal and inland population. Coupling the lack of major water resources and the shallow depths of the soils, the barren zone became an infrequent occupation area. Given the paucity of significant sites in the barren zone, the sites that are identified in this zone become much more significant.

## **CONSULTATION**

Hana Pono, LLC (2016) conducted a CIA, in support of the DEIS, for the proposed Piilani Promenade Project, which includes the currently proposed HPL project area. During the Hana Pono, LLC (2016) consultation process, several in-person interviews were conducted with Mrs. Paula Kalanikau, Mr. Daniel Kanahele, and Mr. Michael Lee, kumu (see Appendix A). In addition, two community-based consultation meetings were held. Sarofim Realty Investors, Inc. held a Cultural Consultation Meeting at the Kīhei offices of Goodfellow Bros., Inc., on February 25, 2014. HPL Realty Investors, Inc. held a Cultural Consultation Meeting with the Aha Moku o Maui Council, on April 27, 2016. These interviews, cultural meetings, are briefly summarized below.

### **Mrs. Paula Kalanikau**

Mrs. Kalanikau thought having a high school built on the subject property would be good for the children, but also expressed the need for respecting the history of the area and the land:

Oh, I’m definitely interested in having the high school there. I think the children deserve that; and a hospital. But we need to be also aware of what our ancestors have established in these areas and be mindful of developers what would be our priorities. And that is our priority: to look after our ‘aina (Hana Pono, LLC 2016:11).

### **Mr. Daniel Kanahele**

Mr. Daniel Kanahele (in Hana Pono, LLC 2016:11) expressed the importance of the Hawaiian stories to be told as a method of preserving the past. “... [P]reserving the stories as well as the various sites should be of the utmost importance,” as learning about the history of an area provides a sense of continuity between the present and the past.

### **Mr. Michael Lee**

Mr. Michael Lee (in Hana Pono, LLC 2016:11) believes “...that people should be educated about the spiritual and physical meaning of the various sites in the project area”... and

that he would like to see as many sites preserved as possible. Mr. Lee suggested that community meetings should be held with "...members of the Aha Moku Kula: Basil Oshiro and 'Ohana, Brian Naeole and 'Ohana, Jacob Mau and Tim Baily and 'Ohana (from Mauka) to discuss a Site Preservation Plan" (Ibid).

## **FEBRUARY 25, 2014, CULTURAL CONSULTATION MEETING**

On February 25, 2014, HPL Realty Investors, Inc. held a Cultural Consultation Meeting at Kihei offices of Goodfellow Bros., Inc. Those who attended this meeting were:

**Charlie Jencks  
Brett Davis  
Eric Fredericksen  
Kimoeko Kapahulehua  
Kelii Taua  
Levi Almeida  
Basil Oshiro  
Sally Ann Oshiro  
Clare Apana  
Brian Nae'ole  
Florence K. Lani  
Daniel Kanahale  
Jacob R. Mau  
Lucienne deNaie**

This meeting is transcribed in full by Jessica R. Perry, CSR, RPR (see Appendix A). During the course of the meeting, Mr. Jencks called upon Clare Apana, as she had not spoken throughout the meeting. Ms. Apana stated that the "...kanaka were pretty much in agreement about the flow of water and preserving the coastline, keeping the water clean flowing down and keeping it flowing down" (Hana Pono, 2016: 83).

On April 27, 2016, HPL Realty Investors, Inc. held a Cultural Consultation Meeting with the Aha Moku Council to discuss the Piilani Promenade Project, which included the currently proposed HPL project area. Those who attended this meeting were:

**Charlie Jencks, Owner's Representative  
Kimoeko Kapahulehua, Cultural Consultant  
Brett Davis, Chris Hart and Partners  
Lucienne deNaie  
Florence K. Lani, lineal descendant of Hewahewa Hapakuka  
Brian Nae'ole, lineal descendant of Hewahewa Hapakuka**

**Basil Oshiro, Aha Moku o Maui, Kula Makai Representative**  
**Sally Ann Oshiro, Makai Kula Moku**

The purpose of this meeting was to take the re-visit the information obtained from the February 25, 2014 and to update the community on what steps HPL had taken to address the concerns expressed at the earlier meeting. This meeting is transcribed in full by Tonya McDade, CSR, RPR, CRC (see Appendix A).

## **CONSULTATION FOR THE CURRENT CULTURAL IMPACT ASSESSMENT**

Consultation for the current CIA Consultation was conducted via telephone, e-mail, personal interviews, and the U.S. Postal Service. Consultation was sought from the following individuals:

**Dr. Kamana’opono M. Crabbe, Office of Hawaiian Affairs;**  
**Chris (Ikaika) Nakahashi, Cultural Historian, State Historic Preservation Division;**  
**Leimana DaMate, Executive Director, Aha Moku Advisory Committee;**  
**Kimokeo Kapahulehua, President, ‘Ao’ao O Na Loko’ia O Maui;**  
**Leslie Kuloloio, cultural practitioner and former member of the Maui/Lāna’i Islands Burial Council;**  
**Andrew K. Phillip, State Historic Preservation Division, Burial Sites Specialist, Maui;**  
**Kapulani Antonio, Chair Maui/Lāna’i Islands Burial Council and representative of the Moku of Kula;**  
**Clare Apana, cultural practitioner;**  
**Elden Liu, descendent of Hapakuka Hewahewa;**  
**Kahele Dukelow, Maui/Lāna’i Islands Burial Council District Representative;**  
**Ke’eaumoku Kapu, Chair, Aha Moku;**  
**Basil Oshiro, ‘Aha Moku Representative for Kula;**  
**Kaonohi Lee, Honua’ula Moku Representative;**  
**Kamoa Quitevis, Cultural Consultant;**  
**Joylynn Paman, ‘Ao’ao O Na Loko’ia O Maui;**  
**William Ho’ohuli, community member;**  
**Sally Ann Oshiro, Makai Kula Moku;**  
**Brian Nae’ole, descendant of Hapakuka Hewahewa;**  
**Sharon Rose, community member; and**  
**Jacob Mau, community member**

## **CULTURAL IMPACT ASSESSMENT INTERVIEWS, RESPONSES, AND CONCERNS**

Analysis of the potential effect of the project on cultural resources, practices or beliefs, the potential to isolate cultural resources, maintain practices or beliefs in their original setting, and the potential of the project to introduce elements that may alter the setting in which

cultural practices take place is a requirement of the OEQC (No. 10, 2012). As stated earlier, this includes the cultural resources of the different groups comprising the multi-ethnic community of Hawai`i.

During the current consultation process, SCS received responses from four individuals responded to SCS's query for information about traditional cultural practices previously or currently conducted in the project area or Ka'ono'ulu Ahupua'a by indicating that they would like to be interviewed. Cathleen Dagher, SCS Senior Archaeologist, conducted four interviews during the consultation process of the Supplemental CIA. Three of the interviews were conducted in-person interviews, two of the interviews were conducted with single individuals, and one joint interview was conducted with two individuals.

An in-person interview was conducted with Elden Liu at Kalepolepo Beach Park, on November 30, 2016. During a subsequent telephone conversation on January 18, 2017, Mr. Liu has requested that his testimony not be included in the Supplemental CIA. An in-person interview was conducted with Joylynn Paman at the Hawaiian Islands Humpback Whale Sanctuary Visitor Center, Kihei, on December 15, 2016. A joint interview was conducted with Basil Oshiro, Aha Moku o Maui, Kula Makai Representative, and Sally Ann Oshiro, Makai Kula Moku at the Hawaiian Islands Humpback Whale Sanctuary Visitor Center, Kihei, on December 15, 2016. These interviews are summarized below.

## **INTERVIEW SUMMARIES**

### **Joylynn Paman, 'Ao'ao O Na Loko'ia O Maui**

Joylynn Paman is a long-time resident of Waiohuli Ahupua'a, the Hawaiian Homestead in Kula. Waiohuli is the neighboring *ahupua'a* to the south of Ka'ono'ulu. Ms. Paman has been involved with Kalepolepo Fishpond for almost twenty years. In 1997, she joined 'Ao'ao O Na Loko'ia O Maui as an intern. She has definitely seen her share of changes to the physical environment here and how things that have happened up in the mountains have impacted the Kalepolepo area.

The non-profit fishpond project, 'Ao'ao O Na Loko'ia O Maui, was formed in 1997 by a group of Kihei residents who wanted to learn about the historical and cultural importance of Kalepolepo Fishpond. These Kihei residents felt there was a need to revitalize the fishpond. The mission of 'Ao'ao O Na Loko'ia O Maui is to restore and maintain the fishpond and to acknowledge all of the recreational, cultural, historical importance the fishpond has in their community.

As Ms. Paman lives *mauka* and given her connection to the Kalepolepo Fishpond area, Ms. Paman is very aware of the environment and how what happens in the uplands impacts the *makai* environment. For example, the heavy rains that were experienced throughout the *ahupua'a* recently caused flooding in the *makai* area and caused all of this dirty sediment to wash into our ocean.

Pu'u Kalepeamoā (approximately 9,000 feet amsl) forms the apex of Ka'ono'ulu Ahupua'a, which extends *makai*, into the ocean, to the outermost edge of the reef. Ka'ono'ulu Ahupua'a is one of the narrowest *ahupua'a* in the Kula District. At its widest point the *ahupua'a* is approximately one mile wide and at the shoreline, the *ahupua'a* is about a half a mile wide. If you look at a map of the *mauka* portion of Ka'ono'ulu Ahupua'a, you will see twenty to thirty small tributaries joint together to form Kūlanihāko'i Stream. Historically, this area has been the recipient of sediment deposits that have washed down from *mauka*, as a result of heavy rainfall in the uplands.

In the 1800s, Kalepolepo was known as a bustling town, actually a fishing village. People now associate Kalepolepo with just the area immediately adjacent to Kaeloplepo Park. However, during the mid-1800s, it was a long stretch of land that extended from a little bit past where the Maui Lu is now to where Azeka's is currently located. While only Kalepolepo Fishpond remains, several ponds once extended along this portion of the coastline. These ponds included Waiohuli Kai Fishpond, which is located to the south of Kalepolepo, and Kēōkea Fishpond, which is located south of Waiohuli Kai Fishpond. The ancient name for Kalepolepo Fishpond was Kō'ie'ie Fishpond. A third name associated with the fishpond is Ka'ono'ulu Kai, named after the *ahupua'a*. According to legend, the changing of the name from Kō'ie'ie to Kalepolepo happened many years ago during one of the major repairs to the fishpond wall. The thousands of people involved with the wall repair kicked up so much dirt that the dirt formed a big cloud of dust that hovered over the area. Thus, the area became known as Kalepolepo, the "dirty dirt."

Limu was once abundant in the area. During the 1950s and '60s, Mā'alaea Bay was one of the most pristine reef systems in the State. However, due to the quick transitions that happened on land (*i.e.*, development), all of the runoff washed into the ocean causing all of the sediments to smother the reefs. Now it is one of the worst coral reef systems in the State. Just within 30 to 40 years, we've gone from one extreme to the other, within the spectrum.

Traditional cultural practices currently conducted at Kalepolepo Fishpond include seasonal limu gathering, chanting (*oli*), cleansing ritual (*hiu wai*), fishing, repairing and maintaining the fishpond, and recreation. The fishpond is also used to educate the community on traditional cultural practices.

**Concerns:** Ms. Paman's primary concern is that the ocean and Kalepolepo Fishpond are the recipients of everything that occurs *mauka*. Sediments, as a result of natural or construction-related events, may be washed downwards from the proposed project area into the ocean as a result of heavy rainfall and flooding. Large amounts of re-deposited sediments have the potential to change the bathymetry (topography of the ocean) of our immediate ocean area. Once the bathymetry has changed, the currents will change, which in turn will affect the fishpond. Impacts to the fishpond, as a result of bathymetry, may include: changing wave angles which can weaken the fishpond wall; the filling of the fishpond with sediment which may change the water levels within the pond; the changing water levels within the pond may affect the types of fish that can thrive in the pond.

**Basil Oshiro, Aha Moku o Maui, Kula Makai Representative, and Sally Ann Oshiro, Makai Kula Moku**

Sally and Basil Oshiro are long-time residents of Ka'ono'ulu Ahupua'a. Basil Oshiro is the Aha Moku representative for Kula Moku and Sally Oshiro is affiliated with the Makai Kula Moku. The Oshiro's point out that there are numerous streams and tributaries located *mauka* of the project area, some of which flow into, Ka'ono'ulu Stream, which runs through the project area. Throughout recent history, heavy rains have caused these waterways to flood the project area and adjacent lands. The project area and adjacent lands contain natural features that may be impacted by the proposed undertaking. Lava tube systems, which serve as *pueo* habitats, extend beneath project area. Mr. Oshiro pointed out on the USGS (Puu O Kali, 1992; 1:24,000) quadrangle map the possible location of the *punawai* (traditional water catchment system) within the project area. Mr. Oshiro pointed out on the USGS quadrangle map a ditch located *mauka* of the project area that looks natural, but may have been modified for water diversion purposes during the pre-Contact Period. Mr. and Mrs. Oshiro said that there are archaeological features (*i.e.*, directional rocks, seating areas, an area where children used to play), within the project area that have not been documented. Mr. Oshiro said that there are additional undocumented archaeological features adjacent to and within the gulches. There are, also, trails that extend *mauka/makai* across the project area that were used traditionally. Mr. and Mrs. Oshiro would like to see development work with nature, rather than against it.

**Concerns:** Basil and Sally Oshiro expressed their concerns that natural run-off and water diversion associated with proposed development would contribute to flooding of the project area and adjacent lands. Mr. and Mrs. Oshiro are concerned that undocumented archaeological features, within the project area, will be impacted by the proposed development.

## **RESPONSES**

Scientific Consultant Services, Inc. received three responses via e-mail and one via telephone, from individuals answering SCS' inquiries for information that might contribute to the knowledge of traditional cultural activities that were, or are currently, conducted in the vicinity of the proposed undertaking. Responses were received from Andrew K. Phillip, State Historic Preservation Division, Burial Sites Specialist, Maui; Chris (Ikaika) Nakahashi, Cultural Historian, State Historic Preservation Division; Ke'eaumoku Kapu, Chair, Aha Moku o Maui; and Joylynn Paman, 'Ao'ao O Na Loko'ia O Maui.

### **Andrew K. Phillip, State Historic Preservation Division, Burial Sites Specialist, Maui.**

In his e-mail dated November 16, 2016, Mr. Phillip suggested SCS contact Kapulani Antonio, Chair, Maui/Lāna'i Islands Burial Council; Kahele Dukelow, Honua'ula District Representative, Maui/Lāna'i Islands Burial Council; and Keeaumoku Kapu, Chair, Aha Moku o Maui.

### **Chris (Ikaika) Nakahashi, Cultural Historian, State Historic Preservation Division**

In an e-mail dated December 9, 2016, Mr. Nakahashi thanked SCS for contacting him about this project. Mr. Nakahashi stated that people that may have information on the traditional cultural practices of Ka'ono'ulu are Keeaumoku Kapu and Kamoā Quitevis.

### **Ke'eaumoku Kapu, Chair, Aha Moku o Maui**

Mr. Kapu indicated in an e-mail to SCS, dated December 2, 2016, that he will be forwarding SCS's consultation materials to the moku representative of Kula, Basil Oshiro and the Honua'ula moku rep Kaonohi Lee, so that they can assist with coordinating meetings with descendants of those ahupua'a and also hunting and fishing families which may frequent those areas of the project site.

### **Joylynn Paman, 'Ao'ao O Na Loko'ia O Maui**

On December 5, 2016, Ms. Paman contacted the SCS, Honolulu office via telephone, and indicated that she would like to participate in the consultation process. An in-person interview was conducted with Ms. Paman on December 15, 2016, at the Hawaiian Islands Humpback Whale Sanctuary Visitor Center, Kīhei (see Interview Summaries above).

## **SUMMARY**

The “level of effort undertaken” to identify the potential effect by a project to cultural resources, places or beliefs (OEQC 2012) has not been officially defined and is left up to the investigator. A good faith effort can mean contacting agencies by letter, interviewing people who may be affected by the project or who know its history, researching sensitive areas and previous land use, holding meetings in which the public is invited to testify, notifying the community through the media, and other appropriate strategies based on the type of project being proposed and its impact potential. Sending inquiring letters to organizations concerning development of a piece of property that has already been totally impacted by previous activity and is located in an already developed industrial area may be a “good faith effort.” However, when many factors need to be considered, such as in coastal or mountain development, a good faith effort might mean an entirely different level of research activity.

In the case of the current undertaking, letters of inquiry were sent to individuals and organizations that may have knowledge or information pertaining to the collection of cultural resources and/or practices currently, or previously, conducted in close proximity to the proposed development of the Honua‘ula Offsite Workforce Housing Project.

## **CULTURAL ASSESSMENT**

Analysis of the potential effect of the project on cultural resources, practices or beliefs, the potential to isolate cultural resources, maintain practices or beliefs in their original setting, and the potential of the project to introduce elements that may alter the setting in which cultural practices take place is a requirement of the OEQC (2012:13). As stated earlier, this includes the cultural resources of the different groups comprising the multiethnic community of Hawai‘i.

## **ARCHAEOLOGICAL CONCERNS**

Concerns expressed by the community focused on the potential presence of undocumented archaeological sites within the project area that may be impacted by the proposed undertaking. These concerns were addressed by two Archaeological Inventory Surveys conducted in Ka‘ono‘ulu Ahupua‘a and included the proposed project area (Fredericksen *et al.* 1994, Fredericksen 2015). The Fredericksen (2015) archaeological report

documenting the findings of the survey has been reviewed and accepted by SHPD (Log No: 2015.03310/ Doc No: 1601MD08; see Appendix F).

Xamanek Researches (Fredericksen *et al.* 1994) conducted an Archaeological Inventory Survey of 88 acres of land located in Ka'ono'ulu Ahupua'a, Wailuku and Makawao Districts, Maui Island [TMK: (2) 3-9-01:16 and 2-2-02 por. 15]. Subsequently, Fredericksen (2015) conducted a subsequent Archaeological Inventory Survey, which included the current HPL project area and the area surveyed by Fredericksen *et al.* (1994). No historic properties were identified with the current project area. The project ownership has committed to a continuation of the cultural consultation process with additional participation in the data recovery effort proposed for the archeological sites. The Archaeological Monitoring program will be prepared under the guidance and directive of the State Historic Preservation Division.

### **TRADITIONAL CULTURAL PRACTICES**

The concerns expressed by those interviewed for the Pi'ilani Promenade Supplemental Cultural Impact Assessment did not focus on traditional cultural practices previously or currently conducted within the general project area. However, there is the potential for traditional cultural practices conducted within the greater *ahupua'a* to be impacted by the proposed undertaking (*i.e.*, naturally occurring flooding and run-off generated by construction activities within the project area which may negatively affect the adjacent areas, including Kalepolepo Fishpond and the Pacific Ocean). As these concerns pertain to the environment, please refer to the Drainage discussion in the Potential Impacts and Mitigation Measures section in the Final Environmental Impact Assessment (FEIS).

### **CONCLUSION**

To fulfill these purposes, this Cultural Impact Assessment has reviewed historical research and suggestions from contacts, and analyzed the potential effect of the project on cultural resources, practices or beliefs, its potential to isolate cultural resources, practices or beliefs from their setting, and the potential of the project to introduce elements which may alter the setting in which cultural practices take place, as required by the OEQC (2012). Based upon this review and analysis, no traditional cultural practices are currently known to be practiced within the proposed project area.

The Land Use Commission (LUC) is also required to apply the analytical framework set forth by the Hawaii Supreme Court in Ka Pa‘akai O Ka‘Aina v. Land Use Comm’n, State of Hawai‘i, 94 Hawai‘i 31, 7 P.3d 1068 (2000) (hereinafter, “Ka Pa‘akai”). In this case, a coalition of native Hawaiian community organizations challenged an administrative decision by the Land Use Commission (the “**LUC**”) to reclassify nearly 1,010 acres of land from conservation to urban use, to allow for the development of a luxury project including upscale homes, a golf course, and other amenities. The native Hawaiian community organizations appealed, arguing that their native Hawaiian members would be adversely affected by the LUC’s decision because the proposed development would infringe upon the exercise of their traditional and customary rights. Noting that “[a]rticle XII, section 7 of the Hawaii Constitution obligates the LUC to protect the reasonable exercise of customarily and traditionally exercised rights of native Hawaiians to the extent feasible when granting a petition for reclassification of district boundaries,” the Hawai‘i Supreme Court held that the LUC did not provide a sufficient basis to determine “whether [the agency] fulfilled its obligation to preserve and protect customary and traditional rights of native Hawaiians” and, therefore, the LUC “failed to satisfy its statutory and constitutional obligations.” Ka Pa‘akai, 94 Hawai‘i at 46, 53, 7 P.3d at 1083, 1090.

The Hawai‘i Supreme Court in Ka Pa‘akai provided an analytical framework in an effort to effectuate the State’s obligation to protect native Hawaiian customary and traditional practices while reasonably accommodating competing private interests. In order to fulfill its duty to preserve and protect customary and traditional native Hawaiian rights to the extent feasible, the LUC must—at a minimum—make specific findings and conclusions as to the following:

1. The identity and scope of “valued cultural, historical, or natural resources” in the petition area, including the extent to which traditional and customary native Hawaiian rights are exercised in the petition area;
2. The extent to which those resources—including traditional and customary native Hawaiian rights—will be affected or impaired by the proposed action; and
3. The feasible action, if any, to be taken by the LUC to reasonably protect native Hawaiian rights if they are found to exist.

See Ka Pa‘akai, 94 Hawai‘i at 47, 7 P.3d at 1084.

The culture-historical background presented in the CIA prepared by Hana Pono, LLC (2013), the SCIA (Dagher and Dega (2017), in addition to the findings of prior archaeological studies in the project area and in the neighboring areas, support the finding of the current CIA analysis: that there are no specific valued cultural, historical, or natural resources within the project area. Nor are there any traditional and customary native Hawaiian rights being exercised within the project area. The long-term use of the project area for grazing and ranching activities also supports this conclusion.

Notwithstanding the absence of valued resources, the developer has committed to a continuation of the cultural consultation process with Aha Moku o Maui members.

Based on the information presented in the current CIA, it seems reasonable to conclude that, pursuant to Act 50, the exercise of native Hawaiian rights, or any ethnic group, related to numerous traditional cultural practices including, procurement of marine resources, gathering, access, cultivation, the use of traditional plants, and the use of trails, will not be adversely impacted by the proposed Honua'ula Offsite Workforce Housing Project to be located on approximately 13.0 acres of land, owned by Honua'ula Partners LLC, in Kīhei, Ka'ono'ulu Ahupua'a, Wailuku and Makawao (Kula) Districts, Island of Maui, Hawai'i [TMK: (2) 3-9-001:169]..

## REFERENCES

- Armstrong, R. W.  
1983 "Climate." In *Atlas of Hawaii*. The University Press of Hawaii, Honolulu.
- Beaglehole, John, Ed.  
1967 *The Journals of Captain James Cook on his Voyages of Discovery*. Vol. 3. *The Voyage of the Resolution and Discovery, 1776-1780*. Cambridge: Hakluyt Society, Cambridge University Press, London.
- Beckwith, Martha  
1979 *Hawaiian Mythology*. The University Press of Hawaii, Honolulu.
- Borthwick, D.F., T. Tulchin, and H.H. Hammatt  
2002 *Archaeological Inventory Survey for the Proposed Alignment of the North-South Collector Road (Ka'ono'ulu Street to Waipu'ilani Road), Waiohuli Ahupua'a, (Kihei), District of Makawao, Island of Maui. (TMK 3-9-001)*. Cultural Surveys Hawai'i, Inc., Kailua. Manuscript on file at the State Historic Preservation Division, Wailuku.
- Burgett, B., L. Humphrey, R.L. Spear  
1998 *An Archaeological Inventory Survey of Lots A and B of the Maui Lu Resort, Kihei, Kaonoulu Ahupua'a, Wailuku District, Maui, Hawai'i (TMKL 3-9-1:83, 86, and 120)*. Scientific Consultant Services, Inc., Honolulu.
- Chaffee, David, Berdena B. Burgett, Mike T. Carson, and Robert L. Spear  
1997 *An Archaeological Inventory Survey of a Portion of the Proposed Expansion of the Maui Research and Technology Park, Kihei, Maui Island, Hawai'i (TMK: 2-2-2:54)*. Prepared for Maui Research and Technology Park. Scientific Consultant Services, Inc., Honolulu.
- Chinen, Jon  
1961 *Original Land Titles in Hawaii*. Copyright 1961 Jon Jitsuzo Chinen. Library of Congress Catalogue Card No. 61-17314.
- Clark, John  
1980 *The Beaches of Maui County*. A Kolowalu Book, University Press of Hawaii, Honolulu.
- Condé, Jesse, and Gerald Best  
1973 *Sugar Trains, Narrow Gauge Rails of Hawaii*. Glenwood Publishers: Felton, California.
- Cordy, R.  
1977 *Kihei Flood Control Project: Archaeological Reconnaissance and Literature Search*. U.S. Army Corps of Engineers, Honolulu.  
2000 *Exalted Sits the Chief*. Mutual Publishing: Honolulu.

- Cox, D.  
 1976 *The Archeology of Kula Maui from Pulehu Nui Ahupua'a to Kama'ole Ahupua'a: Surface Survey, Pi'ilani Highway.* Department of Transportation, Honolulu.
- Dagher, Cathleen A. and Michael F. Dega  
 n.d. *Supplemental Cultural Impact Assessment for the Proposed Piilani Promenade, Ka'ono'ulu Ahupua'a, Wailuku and Makawao Districts, Island of Maui, Hawai'i [TMK: (2) 3-9-001:016, 170, 171, 172, 173, and 174].* Scientific Consultant Services, Inc., Honolulu. In prep.
- Daws, G.  
 1968 *Shoal of Time: History of the Hawaiian Islands.* University of Hawai'i Press, Honolulu.
- Day, A. Grove  
 1984 *History Makers of Hawaii.* Mutual Publishing of Honolulu, Honolulu.
- Dega, Michael  
 2003 *An Archaeological Assessment Report on Approximately ¾ Acres of Land at Elleair Maui Golf Club in Kihei, Keokea Ahupu'a, Kula District, Island of Maui, Hawai'i [TMK: 2-2-02-054].* Scientific Consultant Services, Honolulu.
- Dodge, F.S.  
 1885 Maui, Hawaiian Islands. (Registered Survey Map 1268).
- Donham, Theresa K.  
 1989 *Archaeological Inventory Survey, Piilani Residential Community, Phase I, Land of Keokea, Makawao (Wailuku) District, Island of Maui (TMK:2-2-02:42).* Paul H. Rosendahl, Inc., Hilo.
- Folk, W.H., M. Heidel, V. Creed, T.K. Devereux, J.A. Masterson, K. Hillyard, and H. H. Hammatt  
 1999 *Archaeological Reconnaissance Survey of the Proposed Kihei to Kula Road Corridors, Kailua to Kama'ole Ahupua'a, Makawao and Wailuku Districts, Island of Maui, (TMK 2-2 and 2-3).* Cultural Surveys Hawai'i, Inc., Kailua.
- Foote, D.E., E. Hill, S. Nakamura, and F. Stephens  
 1972 *Soil Survey of the Islands of Oahu, Maui, Molokai, and Lanai, State of Hawaii.* U.S. Department of Agriculture Soil Conservation Service. Washington. D.C.
- Fornander, Abraham  
 1919 *Hawaiian Antiquities and Folklore.* Bishop Museum Press: Honolulu.  
 1969 *An Account of the Polynesian Race, Its Origins and Migrations.* Vol. 1 to 3. Charles E. Tuttle Co. Inc.: Jutland.

Fredericksen, Erik

- 2006 *An Archaeological Field Inspection of an 8.274 acre Portion of Land Identified as Ka'ono'ulu Phase VI (formerly known as Ka'ono'ulu Phase IV), Ka'ono'ulu Ahupua'a, Wailuku and Makawao District, Maui (TMK 3-9-001: 157 and 158).* Xamanek Researches, Pukalani. Manuscript on file at the State Historic Preservation Division, Kapolei.
- 2009 *An Archaeological Assessment Survey of an 8.274 acre Portion of Land Identified as Ka'ono'ulu Phase VI (formerly known as Ka'ono'ulu Phase IV), Ka'ono'ulu Ahupua'a, Wailuku and Makawao District, Maui (TMK 3-9-001: 157 and 158).* Xamanek Researches, Pukalani.
- 2015 *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'ulu 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).* Xamanek Researches, Pukalani.
- 2017 *An Archaeological Assessment Survey for the Proposed 13-Acre Honua'ula Off-Site Workforce Housing Project, Ka'ono'ulu Ahupua'a, Wailuku and Makawao Districts, Island of Maui. (TMK: 2-3-009:169).* Draft Report, Xamanek Researches, Pukalani.

Fredericksen, E.M., D.L. Fredericksen, and W.M. Fredericksen

- 1994 *Archaeological Inventory Survey and Botanical Survey Report, Kaonoulu Light Industrial Project, Kaonoulu Ahupua'a, Wailuku and Makawao Districts, Maui Island (TMK: 3-9-01:16 and 2-2-02 por. 15).* Xamanek Researches, Pukalani.

Giambelluca, T.W., Q. Chen, A.G. Frazier, J.P. Price, Y.-L. Chen, P.-S. Chu, J.K. Eischeid, and D.M. Delporte

- 2013 *Online Rainfall Atlas of Hawai'i.* Bull. Amer. Meteor. Soc. 94, 313-316, doi: 10.1175/BAMS-D-11-00228.1. Accessed November 2016.

Hammatt, H. H. and D. W. Shideler

- 1990 *Archaeological Reconnaissance Survey for a Kihei Employee Housing Project at Kama'ole, Wailuku District, Maui.* Cultural Surveys Hawai'i, Inc., Kailua. Manuscript on file at the State Historic Preservation Division, Kapolei.
- 1992 *Archaeological Survey and Testing of a 54-Acre Parcel at Kama'ole, Wailuku District, Island of Maui (TMK: 3-9-18).* Cultural Surveys Hawai'i, Inc., Kailua. Manuscript on file at the State Historic Preservation Division, Kapolei.
- 2000 *Archaeological Inventory Survey for Fuji Chemical Industry Co., LTD.'s 4.75-Acre Algae Farm Site in Ka'ono'ulu Ahupua'a (Kihei), District of Makawao, Island of Maui (TMK:2-2-02: por 42).* Cultural Surveys Hawai'i, Inc., Kailua. Manuscript on file at the State Historic Preservation Division, Kapolei.

- Handy, E.S.C.  
1940 *The Hawaiian Planter*. B.P. Bishop Museum Bulletin 161. Bishop Museum Press, Honolulu.
- Hana Pono, LLC  
2016 *Cultural Impact Assessment for the Proposed Piilani Promenade Project*  
TMK: (2) 3-9-01:016, (2) 3-9-01:169-174, (2) 3-9-048:122, (2) 3-9-001:148, (2) 2-2-02:077, (2) 2-2-02:016 (portion), (2) 2-2-02:082 (portion). Kihei.
- Hibbard, Don  
1994 *County of Maui, Historic Preservation Review of the Silversword Single Family Subdivision Development Waiohuli, Makawao District, Island of Maui*. TMK: 2-2-24: 12 & 13. State Historic Preservation Division, Honolulu. Letter report on file at the State Historic Preservation Division, Kapolei.
- Kamakau, S.M.  
1961 *Ruling Chiefs of Hawaii*. Honolulu: The Kamehameha Schools Press, Honolulu.
- Kame'elehiwa, Lilikalā  
1992 *Native land and Foreign Desires: Pehea Lā E Pono Ai?* Bishop Museum Press, Honolulu.
- Kelly, Marion  
1983 *Na Māla o Kona: Gardens of Kona*. Report 83-2, Department of Anthropology. Bishop Museum. Bishop Museum Press, Honolulu.  
1998 Gunboat Diplomacy, Sandalwood Lust and National Debt. In *Ka Wai Ola o*. Office of Hawaiian Affairs, Vol. 15, No. 4, April 1998.
- Kennedy, J.  
1986 *Preliminary Archaeological Reconnaissance of Proposed Golf Course, Ahupua'a of Waiohuli, Island of Maui*. Archaeological Consultants of Hawaii, Hale'iwa. On file at the State Historic Preservation Division, Kapolei.  
1988 Archaeological Walk-Through Survey of the Proposed Kaonoulu Subdivision, (TMK 3-9-01:15,148 and 149, Located at Kihei. Maui, Ahupua'a of Kaonoulu. Archaeological Consultants of Hawaii, Hale'iwa. On file at the State Historic Preservation Division, Kapolei.
- Kikiloj, S., D. Shideler, and H.H. Hammatt  
2000 *Archaeological Inventory Survey for the Expanded 20-Acre Algae Farm Site, Ka'ono'ulu Ahupua'a, District of Makawao, Island of Maui (TMK 2-2-02: por 42)*. Cultural Surveys Hawai'i, Inc., Kailua. Manuscript on file at the State Historic Preservation Division, Kapolei.
- Kirch, Patrick  
1985 *Feathered Gods and Fishhooks: An Introduction to Hawaiian Archaeology and Prehistory*. University of Hawaii Press, Honolulu.

- 2011 "When Did the Polynesians Settle Hawai'i? A Review of 150 Years of Scholarly Inquiry and a Tentative Answer," in *Hawaiian Archaeology*. 12 (2011) pp. 3-26.
- Kirch, P.V. and M. Sahlins  
 1992 *Anahulu: The Anthropology of History in the Kingdom of Hawaii, Vol. I. Historical Ethnography by Marshall Sahlins, Vol. 2, The Archaeology of History by Patrick V. Kirch*, University of Chicago Press, Chicago.
- Kolb, Michael, Patty Conte, Ross Cordy (eds.)  
 1997 *Kula: The Archaeology of Upcountry Maui in Waiohuli and Keokea*. Prepared for the Department of Hawaiian Home Lands. State Historic Preservation Division, Honolulu.
- Kuykendall, R.S.  
 1938 *The Hawaiian Kingdom*. Vol.1. University of Hawai'i Press, Honolulu.
- Lucas, Paul F. Nahoā  
 1995 *A Dictionary of Hawaiian Legal Land-terms*. Native Hawaiian Legal Corporation. University of Hawai'i Committee for the Preservation and Study of Hawaiian Language, Art and Culture.. University of Hawai'i Press, Honolulu.
- Lyons, C.J.  
 1875 Land Matters in Hawaii. *The Islander*, Vol. I. Honolulu.
- McCurdy, Todd and Hallett H. Hammatt  
 2013 *An Archaeological Inventory Survey for the Proposed Kūlanihāko'i Bridge Replacement Project, Ka'ono'ulu Ahupua'a, Wailuku District, Maui Island TMK: (2) 3-9-001: 999, 162, 143 (pors)*. Cultural Surveys Hawai'i, Inc., Kailua. Manuscript on file at the State Historic Preservation Division, Kapolei.
- McDermott, M.  
 2001 *Archaeological Inventory Survey for the Proposed Pi'ilani Mauka Detention Basin No.1, Waiohuli Ahupua'a (Kihei), District of Makawao, Island of Maui (TMK 2-2-024: por 14)*. Cultural Surveys Hawai'i, Inc., Kailua. Manuscript on file at the State Historic Preservation Division, Kapolei.
- McGerty, Leann, William R. Fortini, and Robert L. Spear  
 2000 *An Archaeological Inventory Survey of Areas within the Maui Golf Club, Kihei, Maui Island, Hawai'i [TMK 2-2-24: Por 012 and 013]*. Scientific Consultant Services, Inc., Honolulu.
- Medeiros, Colleen P., Robert H. Hill and Hallett H. Hammatt  
 2012 *An Archaeological Literature Review and Field Inspection for Kulanihako'i Bridge Replacement Project, Ka'ono'ulu Ahupua'a, Wailuku District, Maui Island TMK: (2) 3-9-001:999, 015, 147, 162, (pors)*. Cultural Surveys Hawai'i, Inc., Kailua. Manuscript on file at the State Historic Preservation Division, Kapolei.

Menzies, Archibald

1928 *Hawaii New, 128 Years ago*. W.F. Wilson, ed. New Freedom Publishers, Honolulu.

Monahan, Chris

2003 *An Archaeological Inventory Survey of 28.737 Acres of Land Located within the Maui Research and Technology Park in the Ahupua'a of Waiohuli, Wailuku (Kula) District, Maui Island, Hawai'i [TMK: 2-2-24: Por. 13 & 9]*. Scientific Consultant Services, Inc., Honolulu.

2004 *An Archaeological Inventory Survey Report on 56.647 Acres of Land on Two Undeveloped Lots Near the Elleair Golf Course in Waiohuli and Keokea Ahupua'a, Wailuku (Kula) District, Kihei, Maui Island, Hawai'i [2-2-024: Portion 12 and Portion 13]*. Scientific Consultant Services, Inc., Honolulu.

Office of Hawaiian Affairs

2016 Kipuka Database (<http://kipukadatabase.com/kipuka>). Accessed October 2016.

Office of Environmental Quality Control

2012 *Guide to the Implementation and Practice of the Hawaii Environmental Policy Act*. State of Hawai'i, Honolulu.

Parker, Patricia L., and Thomas F. King

1998 *Guidelines for Evaluating and Documenting Traditional Cultural Properties*. National Register Bulletin 38. Washington, D.C.: National Park Service.

Pukui, Mary K., Samuel H. Elbert and Esther Mookini

1974 *Place Names of Hawaii*, University of Hawaii Press, Honolulu.

Shefcheck, Donna, Shayna Cordle, and Michael Dega

2008 *An Archaeological Inventory Survey on a 516.2-Acre Parcel Located in Kihei Ka'ono'ulu Ahupua'a, Makawao District Maui Island, Hawai'i [TMK (2) 2-2-002:015 por.]*. Scientific Consultant Services, Inc., Honolulu.

Sinoto, A., L. Rotunno-Hazuka, and J. Pantaleo

1999 *An Archaeological Inventory Survey of the Proposed Douglas Spencer Subdivision, Kama'ole Ahupua'a, Wailuku, Maui, TMK 3-9-04:129*. Aki Sinoto Consulting, Honolulu.

2001 *An Archaeological Inventory Survey of the Proposed U.S. Post Office Facility Maui Research and Technology Park, Waiohuli Ahupua'a, Makawao, Maui, Hawai'i (TMK: 2-2-24: por. 08)*. Aki Sinoto Consulting, Honolulu.

Speakman, Cummins

1978 *Mowee, An Informal History of the Hawaiian Island*. Cal Central Press, San Francisco.

Stokes, J.F.G.

1909–1916 *Maui Heiau*. Manuscript on file at the Bernice Pauahi Bishop Museum, Honolulu.

Stoddard, Charles Warren

1894 *Hawaiian Life: Being Lazy Letters from Low Latitudes*. F.T. Neely, 1894:  
Chicago.

Thrum, T.G.

1909 Heiau of Maui. In *Hawaiian Annual*. Compilation at State Historic Preservation Division,  
Kapolei.

Tome, G. and M. Dega

2002 *Archaeological Inventory Survey on a 3-Acre Parcel in Kihei Town, Kama'ole District,  
Maui Island, Hawai'i [TMK: 3-9-17:31]*. Scientific Consultant Services, Inc., Honolulu.

Walker, W.

1931 *Archaeology of Maui*. Department of Anthropology, Bernice Pauahi Bishop Museum,  
Honolulu.

Wilcox, Charles

1921 Kalepolepo. *Paradise of the Pacific*. 34 (12):65-67.

Vancouver, George

1984 *Voyage of Discovery to the North Pacific Ocean and Round the World 1791-1795*. Kaye  
Lamb, ed. The Hakluyt Society. Cambridge University Press, London.

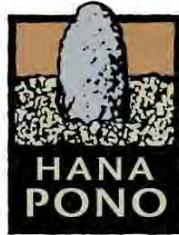
Waihona Aina Database

2016 Website: <http://www.waihona.com>. Accessed October 2016.

**APPENDIX A: HANA PONO, LLC CIA (2016)**

**CULTURAL IMPACT ASSESSMENT**  
**For the**  
**PROPOSED**  
**Piilani Promenade Project**

**December 2013**  
Revised March 2016 & August 2016



Hana Pono, LLC - PO Box 1574 Kihei, HI 96753 – [hanapono@gmail.com](mailto:hanapono@gmail.com)

**CULTURAL IMPACT ASSESSMENT**  
For the  
**PROPOSED**  
**Piilani Promenade Project**

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

Prepared for:  
**Mr. Robert Poynor, Vice President**  
**Sarofim Realty Advisors**  
**8115 Presto Road, Ste. 400**  
**Dallas, TX 75225**

Prepared by:  
**Hana Pono, LLC**  
**PO Box 1574**  
**Kihei, Maui, Hawai'i 96753**

**December 2013**  
Revised March 2016 & August 2016

## Management Summary

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

## **Cultural Summary**

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

## Table of Contents

Management Summary .....	1
Cultural Summary.....	2
Table of Contents.....	3
Introduction.....	4
Guiding Legislation for Cultural Impact Assessments .....	4
Goal and Purpose .....	4
Scope.....	4
Project Area .....	5
Approach & Method.....	5
Objectives .....	5
Tasks .....	5
Archival Research.....	5
Oral Interviews.....	5
Level of Effort Undertaken.....	5
Historical & Current Cultural Resources & Practices .....	6
First migrations .....	7
Settling of Kula Moku & Ahupua'a.....	7
Place Names Associated With This Area .....	8
Ka'ono'ulu.....	8
Waiakoa .....	8
Waiohuli.....	8
Kalepolepo.....	8
Ko'ie'ie .....	9
Kaipukaiohina.....	9
Kihei.....	9
Traditional Hawaiian Uses & Practices .....	9
Post-Contact Historical Uses & Practices.....	9
Current Uses, Practices, & Resources of Project Area.....	10
Summary of Interviews.....	10
Paula Kalanikau .....	10
Daniel Kanahele.....	11
Michael Lee .....	11
Synthesis of Archival, Literary, & Oral Accountings.....	13
Potential Effects of Development & Proposed Recommendations .....	15
Bibliography .....	17

### APPENDICES

- Appendix A: Transcription of interview with Daniel Kanahele
- Appendix B: Transcription of interview Michael Lee
- Appendix C: Transcription of Cultural Consultation Meeting of February 25, 2014
- Appendix D: Transcription of Cultural Consultation Meeting of April 27, 2016

## **Introduction**

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

### ***Guiding Legislation for Cultural Impact Assessments***

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

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

### ***Goal and Purpose***

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

### ***Scope***

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

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

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

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

### **Project Area**

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

### **Approach & Method**

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

### **Objectives**

The objectives of the Cultural Impact Assessment are as follows:

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

### **Tasks**

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

### **Archival Research**

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

### **Oral Interviews**

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

### **Level of Effort Undertaken**

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

## Historical & Current Cultural Resources & Practices

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

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



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

### ***First migrations***

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

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

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

### ***Settling of Kula Moku & Ahupua'a***

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

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

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

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

### **Place Names Associated With This Area**

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

#### ***Ka‘ono‘ulu***

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

#### ***Waiakoa***

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

#### ***Waiohuli***

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

#### ***Kalepolepo***

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

### ***Ko'ie'ie***

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

### ***Kaipukaiohina***

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

### ***Kihei***

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

## **Traditional Hawaiian Uses & Practices**

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

### ***Post-Contact Historical Uses & Practices***

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

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

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

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

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

### ***Current Uses, Practices, & Resources of Project Area***

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

## **Summary of Interviews**

### ***Paula Kalanikau***

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

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

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

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

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

### ***Daniel Kanahale***

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

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

### ***Michael Lee***

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Piilani Promenade Cultural Consultation Meeting, April 27, 2016**

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

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

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

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

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

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

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

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

#### **Cultural Input from Aha Moku Council**

The Aha Moku Council members present offered the following input on the project area:

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

#### **Drainage Way Discussion**

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

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

#### **Requests from the Aha Moku Council**

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

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

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

### **Synthesis of Archival, Literary, & Oral Accountings**

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

### **Potential Effects of Development & Proposed Recommendations**

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

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

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

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

## Bibliography

- Ashdown, Inez  
Stories of Old Hawai'i. Ace Printing Company, Inc., Honolulu, Hawaii.
- Formander, Abraham  
1969 An Account of the Polynesian Race: Its origins & migrations. Charles Tuttle, Rutland, Vt.
- Handy, E. S. Craighill; Handy Elizabeth Green; Pukui, Mary Kawena  
1972 Native Planters in Old Hawai'i: Their Life, Lore, and Environment. Bishop Museum Press, Honolulu, Hawaii.
- Handy, E.S.C.  
1940 The Hawaiian Planter Volume I: His Plants, Methods and Areas of Cultivation. Bishop Museum Bulletin 161, Honolulu, Hawaii.
- Hawaii State Office of Environmental Quality Control  
1997 Guidelines for Assessing Cultural Impacts, (taken from OEQC website)
- Holt, Hokulani & Budnick, Rich  
1991 Maui Street Names: the Hawaiian dictionary and history of Maui street names, Aloha Press, Honolulu, HI
- Kamakau, Samuel M.  
1961 Ruling Chiefs of Hawaii. Kamchamcha Schools Press, Honolulu, Hawaii
- Kay, Alison  
1994 A Natural History of the Hawaiian Islands, University of Hawaii Press
- Kyselka, Will & Lanterman, Ray  
1980 Maui: How It Came To Be, University of Hawaii Press
- Sterling, Elspeth P.  
1998 Sites of Maui. Bishop Museum Press, Honolulu, Hawaii.
- Stoddard, Charles Warren  
1894 Hawaiian Life: Being Lazy Letters from Low Latitudes. F.T. Neely, Chicago, Ill.
- Waihona 'Aina  
1995 Waihona 'Aina Database. Waihona 'Aina Corporation.  
www.haihona.com. 20 Oct 2013  
1895

**Appendix A: Transcription of interview with Daniel Kanahale**

0001  
1  
2  
3 INTERVIEW OF DANIEL KANAHELE  
4 BY KIMOKEO KAPAHULEHUA  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

0002  
1  
2 \*\*\*  
3 KIMOKEO KAPAHULEHUA: I think that's really  
4 important, in this interview, people understand that.  
5 DANIEL KANAHELE: I agree.  
6 KIMOKEO KAPAHULEHUA: And to think -- the  
7 importance of the Aha Moku of Kula and having Basil as Aha  
8 Moku was important, you know, as makai one.  
9 DANIEL KANAHELE: Yes.  
10 KIMOKEO KAPAHULEHUA: And, yet, to connect with  
11 Timmy. So can you explain about the Aha Moku so people  
12 understand in this thing how -- that we're talking about the  
13 moku of Kula, you know.  
14 DANIEL KANAHELE: Yeah.  
15 KIMOKEO KAPAHULEHUA: And the Aha Moku person,  
16 Basil, was there and the reason why Aha Moku exists today.  
17 DANIEL KANAHELE: As best as I can.  
18 KIMOKEO KAPAHULEHUA: Yeah.  
19 DANIEL KANAHELE: And, probably, Basil could do  
20 better job of it because he's actually the rep, or Tim  
21 Bailey. I don't know if you're gonna interview Tim, too.  
22 KIMOKEO KAPAHULEHUA: Uh-huh.  
23 DANIEL KANAHELE: But the -- the Aha Moku system  
24 was created under Act 288. And the idea behind it was to --  
25 to form an advisory group to the Department of Land and  
26 Natural Resources that relied in traditional generational  
0003  
1 knowledge from top to bottom, which was the practice, you  
2 know, in ancient times, to help manage our resources, our  
3 natural resources, and to be an advisory group to the  
4 Department of Land and Natural Resources. So Act 288 formed  
5 this advisory group. And each island has a kiole who  
6 represents -- who works with all the representatives from  
7 all the moku. Right? Like Maui has 12 moku, as far as we  
8 know. Some say there's 13. And there may be 13, but, you  
9 know, right now, my understanding, there's 12.  
10 KIMOKEO KAPAHULEHUA: Right.  
11 DANIEL KANAHELE: And as -- as -- as we speak  
12 today, there are 12 moku. Each of those moku has a  
13 representative that -- that speaks for that moku. And  
14 everybody that belongs to that moku or lives in that moku,  
15 whether they're Hawaiian or not, can participate in the Aha  
16 Moku system. And so the leaders within each moku are --  
17 hopefully, have the -- the knowledge or maybe expertise  
18 in -- in some area that has been passed down to them from  
19 over generations, from kupuna to, you know, the next  
20 generation, the next generation. And they use that  
21 knowledge to help determine how to best take care, malama,  
22 you know, that -- the resources of that moku, down to the  
23 a'a, the (inaudible) ahupua'a.  
24 So it's fairly new. It's just a couple years old.  
25 But Maui has probably the most organized Aha Moku on the  
0004  
1 island because we have all the moku reps, there's 12 of  
2 them. We have a kiole, which is, right now, Kai Makani Lua,  
3 but he's gonna step down, I think he's already stepped down.  
4 So they're gonna replace him. And there's a process in

5 place for doing that. And so Aha Moku got together and  
6 nominated individuals to serve as the kiole for the -- for  
7 the (inaudible). So -- so right now, forward, speaking of  
8 the Kula Moku, there are two representatives, one that  
9 represents Kula makai, you know, near the ocean, and one  
10 that represents Kula mauka. So Kula makai is Basil Oshiro,  
11 who lives right next to the project area, Pi'ilani  
12 Promenade. And then Tim Bailey, who lives up -- up mauka.  
13 KIMOKEO KAPAHULEHUA: I think the -- the other  
14 thing is that why was Tim Bailey chosen and why was Basil  
15 Oshiro chosen for be representative of the Kula Moku? Mauka  
16 was Tim Bailey.  
17 DANIEL KANAHELE: Yeah. So like the way I seen  
18 it, then, is that the residents or people within the moku  
19 choose who they want to be their representative. So I'm  
20 assuming that Basil and Tim were chosen by --  
21 KIMOKEO KAPAHULEHUA: Residents.  
22 DANIEL KANAHELE: -- the residents, yeah, to be  
23 their representatives.  
24 KIMOKEO KAPAHULEHUA: Were they -- were they  
25 chosen by residents, one, and would you say that they were  
0005  
1 chosen by genealogy connection or lineage of the land?  
2 DANIEL KANAHELE: Yes. Both.  
3 KIMOKEO KAPAHULEHUA: Both, yeah.  
4 DANIEL KANAHELE: Both lineals and people who live  
5 there and may -- you know, may not be kanaka, may not be  
6 from here, but -- you don't have to be kanaka to have  
7 generational knowledge, you know. You don't have to be  
8 kanaka to be --  
9 KIMOKEO KAPAHULEHUA: I think the idea was lineage  
10 and knowledge of the area.  
11 DANIEL KANAHELE: Was the key, yeah.  
12 KIMOKEO KAPAHULEHUA: Yeah.  
13 DANIEL KANAHELE: Knowledge. You know, knowledge  
14 and lineage, those are both important. But knowledge is  
15 very important.  
16 KIMOKEO KAPAHULEHUA: But both of 'em live within  
17 the moku?  
18 DANIEL KANAHELE: Yes.  
19 KIMOKEO KAPAHULEHUA: And both of them is  
20 identified as makai, which is Tim Bailey --  
21 DANIEL KANAHELE: Yeah.  
22 KIMOKEO KAPAHULEHUA: -- and mauka -- I mean mauka  
23 is Tim Bailey.  
24 DANIEL KANAHELE: Yeah.  
25 KIMOKEO KAPAHULEHUA: Makai is Basil.  
0006  
1 DANIEL KANAHELE: That's right.  
2 KIMOKEO KAPAHULEHUA: And Basil, like you said,  
3 live right in the moku.  
4 DANIEL KANAHELE: Right. Yeah. I think he lives  
5 in the -- does he live in ahupua'a, too?  
6 KIMOKEO KAPAHULEHUA: Yeah.  
7 DANIEL KANAHELE: I don't know if he's Kaonoulu or  
8 he's in the next one over. I think he's -- yeah, I think  
9 he's in the Kaonoulu Ahupua'a.

10 KIMOKEO KAPAHULEHUA: I no think Honua'ula. I  
11 think the next one is Waiakoa.  
12 DANIEL KANAHELE: Right. Next is Waiakoa.  
13 KIMOKEO KAPAHULEHUA: You know. If you had -- if  
14 I asked you the question does -- the Pi'ilani Promenade, I  
15 think Pi'ilani Promenade project --  
16 DANIEL KANAHELE: Yeah.  
17 KIMOKEO KAPAHULEHUA: -- have a impact on you  
18 culturally?  
19 DANIEL KANAHELE: Uh-huh. Cultural practices  
20 or --  
21 KIMOKEO KAPAHULEHUA: Yeah. Practices, culture  
22 land, culture flora, culture fauna, culture insects, various  
23 culture sections.  
24 DANIEL KANAHELE: Well, if we're talking  
25 about this -- I don't know what the proposed project is  
0007  
1 right now because they've done a environmental impact  
2 statement. Right? And they've shown a plan of what they're  
3 thinking of doing right now. But I don't know if that's  
4 actually what they're going to do. But based upon what I  
5 know --  
6 KIMOKEO KAPAHULEHUA: Yeah.  
7 DANIEL KANAHELE: -- that they're planning to  
8 build right now and that they are -- based on what I know  
9 from the EIS, they are not planning to preserve any sites,  
10 to my knowledge. They may, but not to my knowledge. And  
11 they're also planning to culvertize the gulch.  
12 KIMOKEO KAPAHULEHUA: Gulch.  
13 DANIEL KANAHELE: I would have to say -- speaking  
14 just for myself as Kanaka Maoli that lives in this area --  
15 KIMOKEO KAPAHULEHUA: Yeah.  
16 DANIEL KANAHELE: -- that, you know, my family is  
17 from Maui, from different -- from different moku, maybe had  
18 family in Kula, but I cannot say right now, right now, I  
19 don't know, that for me, personally, it will have impact on  
20 my traditional cultural practices.  
21 KIMOKEO KAPAHULEHUA: That is important.  
22 DANIEL KANAHELE: Pardon me?  
23 KIMOKEO KAPAHULEHUA: I think that's important  
24 they know --  
25 DANIEL KANAHELE: Yeah.  
0008  
1 KIMOKEO KAPAHULEHUA: -- from a Kanaka Maoli,  
2 Daniel Kanahele that --  
3 DANIEL KANAHELE: Yeah.  
4 KIMOKEO KAPAHULEHUA: -- there is a impact, you  
5 know.  
6 DANIEL KANAHELE: On my -- on what I do as a  
7 cultural practitioner, yeah, it will have a impact on me.  
8 KIMOKEO KAPAHULEHUA: Uh-huh. So, you know, I'm  
9 filming and interviewing you, so we have to ask permission  
10 to use your interview. Would you allow the permission for  
11 us to use the interview in this project as the CIA?  
12 DANIEL KANAHELE: Yeah. So maybe you can  
13 explain -- well, maybe I'll just kind of say what you told  
14 to me before that. The -- the video will be turned into a

15 transcript. So someone will type up what --  
16 KIMOKEO KAPAHULEHUA: Exactly what we're saying.  
17 DANIEL KANAHELE: And that transcript will be  
18 included in the Cultural Impact --  
19 KIMOKEO KAPAHULEHUA: Yeah.  
20 DANIEL KANAHELE: -- Assessment. And then what  
21 happens -- what happens to that? All the interviews that  
22 are done, does someone make a determination as to whether or  
23 not, based on the interviews, there is cultural -- impact to  
24 cultural traditional practices?  
25 KIMOKEO KAPAHULEHUA: My understanding, that State  
0009  
1 Hawaii -- State of Hawaii Preservation --  
2 DANIEL KANAHELE: Yeah.  
3 KIMOKEO KAPAHULEHUA: -- gets to look at it. And  
4 they would be -- they would have a decision to make. They  
5 would be one of the decision people. I think the other  
6 person -- it included a QECC, Quality of Environment -- you  
7 know. So they get it read it and see it and they would make  
8 a recommendation of preserving or, just like you said, data  
9 recovery and not significant, you know what I mean. So this  
10 will go to them. They would -- they would -- and it also  
11 goes to Office of Hawaiian Affairs. So they would be the  
12 agency that would tell the developer, my understanding, this  
13 is what should be done, you know.  
14 DANIEL KANAHELE: Okay. So the firm that's  
15 interviewing me that you work for is --  
16 KIMOKEO KAPAHULEHUA: Is Hart -- is Hart -- Chris  
17 Hart & Associates.  
18 DANIEL KANAHELE: Chris Hart & Associates. So  
19 you're -- you're -- you're working for the consultant, Chris  
20 Hart & Associate?  
21 KIMOKEO KAPAHULEHUA: They -- they contract us as  
22 a --  
23 DANIEL KANAHELE: They contract you.  
24 KIMOKEO KAPAHULEHUA: Yeah.  
25 DANIEL KANAHELE: And then you're -- are you Hui  
0010  
1 Pono or --  
2 KIMOKEO KAPAHULEHUA: Hana Pono.  
3 DANIEL KANAHELE: Oh, Hana Pono. Okay.  
4 KIMOKEO KAPAHULEHUA: Yeah.  
5 DANIEL KANAHELE: Okay. So does Hana Pono make  
6 any recommendations to -- do you take the interviews and  
7 then say -- make a summary of -- based on what we --  
8 KIMOKEO KAPAHULEHUA: We -- we make a summary.  
9 And so our summary will show, you know, that -- what we had  
10 discussed --  
11 DANIEL KANAHELE: Uh-huh.  
12 KIMOKEO KAPAHULEHUA: -- with interviews that  
13 there is impact.  
14 DANIEL KANAHELE: So you'll make a conclusion  
15 as --  
16 KIMOKEO KAPAHULEHUA: We'll make a --  
17 DANIEL KANAHELE: -- to whether or not there are  
18 impacts or not?  
19 KIMOKEO KAPAHULEHUA: Yeah. So our recommendation

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

0011  
1 assessments and their purview. And I was told by Hinano  
2 Rodrigues -- and I forget what his position is right now,  
3 but he's in the Maui office -- and -- and Morgan Davis --  
4 KIMOKEO KAPAHULEHUA: Right.  
5 DANIEL KANAHELE: -- the archaeologist here in  
6 Maui. They don't have any purview over CIAs.  
7 KIMOKEO KAPAHULEHUA: No. It goes to --  
8 DANIEL KANAHELE: The ones that review CIAs is the  
9 OEQC.  
10 KIMOKEO KAPAHULEHUA: Yeah.  
11 DANIEL KANAHELE: The Office of Environmental --  
12 KIMOKEO KAPAHULEHUA: Environmental --  
13 DANIEL KANAHELE: -- Control. So SHED won't make  
14 any recommendations based on this interview; only OEQC.  
15 What SHPD has purviews over is ethnographic studies. They  
16 can make comments on ethnographic studies, but not CIAs, not  
17 cultural impact assessments. And that's what I was told by  
18 Hinano Rodrigues and Morgan Davis.  
19 KIMOKEO KAPAHULEHUA: Yeah. Our summary would  
20 show exactly what our interviews, you know, say. We  
21 wouldn't turn that or make a recommendation. We -- we -- we  
22 summarize exactly what we got --  
23 DANIEL KANAHELE: Okay.  
24 KIMOKEO KAPAHULEHUA: -- from the people.  
25 DANIEL KANAHELE: Should I state what the cultural

0012  
1 impact is going to be to me?  
2 KIMOKEO KAPAHULEHUA: Yeah. That's important.  
3 DANIEL KANAHELE: Okay. So what is my cultural  
4 practice? My cultural practice is walking the land. I love  
5 walking wahi pana, story places, because they teach me so  
6 much about my culture and who I am as -- as a kanaka, where  
7 I came from, why I am here and where I am going.  
8 So speaking of archaeological sites.  
9 Archaeological sites with their attached features are, to  
10 me, like books in a library. And you can open a book in a  
11 library and you can read it and you can learn many, many  
12 things on many, many topics. So when I walk the land and I  
13 see an archaeological site, it's like me opening a book.  
14 And it teaches me about history and my connection to that --  
15 that -- the past.  
16 And so when you have a large area with a lot of  
17 cultural historic sites, like this project has maybe 20 or  
18 more, give or take, that's many, many books. And then what  
19 you eventually have, if you go even beyond -- because you  
20 know in western -- our western view is that we -- we look  
21 things through like tunnel vision. We have a very narrow  
22 view. We takes -- in western views, they take something,  
23 they dissect it into little tiny pieces, and then they try  
24 to understand things, how they work better. Hawaiian -- the

25 Hawaiian approach is completely different. We look at  
0013  
1 things as a whole, as a complete. We try to understand how  
2 things work in relationship to each other, you know, to  
3 the -- the stars, to the streams, to the plants, to the  
4 local i'a, to the sea. Everything is connected --  
5 KIMOKEO KAPAHULEHUA: Connected.  
6 DANIEL KANAHELE: -- like a spiderweb. You touch  
7 one part of a spiderweb, the whole thing shakes. It's all  
8 connected. There's nothing not connected. But the western  
9 view disconnects everything and isolates it from its other  
10 connected parts. And you cannot really understand the whole  
11 by looking at a small tiny part of it. So when you look at  
12 this project area, you're looking at a TMK, tax map key.  
13 Right? You're not looking at the whole moku. You're not  
14 looking at the mokupuni. And that's how you have to look at  
15 things in order to understand the big picture and the  
16 interrelationships and interconnections and everything.  
17 Always what is going happen on the land going o impact  
18 things around it, not just on the land, but around it, from  
19 mauka to makai, all the way out into the ocean.  
20 And so that's -- that's how I look at things when  
21 I walk on land. When I look at a cultural site, I don't  
22 look at it as like separated and disconnected from  
23 everything else around it. Because I know the cultural site  
24 is there because it's connected to that site, to that site,  
25 to that gulch, to that local i'a, it's all related. And the  
0014  
1 sites not even in the project area. There are sites in  
2 Kulanihakoi Gulch that haven't been documented. I know  
3 because I walk that. I love walking gulches. So I know  
4 there's sites in there that haven't been documented that are  
5 connected to the sites that are in the project.  
6 So what I'm saying is my cultural practice is  
7 walking the land so that I can be taught by my kupuna. And  
8 whether it's a rock, whether it's a cultural site, whether  
9 it's a native plant, or what-have-you, you know, I'm being  
10 taught and educated so that I can be a better prepared  
11 kanaka living on this land, know how to malama the resources  
12 that took care of my ancestors, which can take care of me  
13 today, and which I want to make sure is around to take care  
14 of future generations. So all that knowledge is there for  
15 me to learn. So the impact of this project is if they wipe  
16 that all out, there goes the books I could read. There goes  
17 my library. There's a big part of my education that I no  
18 longer can access because I'll never ever be able to read  
19 the stories those cultural sites could tell me. I'll never  
20 be able to open -- or anybody else.  
21 Oh, sure, they'll do data recovery, they'll write  
22 it down, they'll put it in the reports, stick it on a shelf  
23 somewhere. Who is going to look at that? How many  
24 Hawaiians would have a chance to look at that? Not too  
25 many. But if it's still there, it's still present, then we  
0015  
1 can still access it. It's all about being able to access  
2 things. You can't access your cultural resources, whether  
3 it's a plant, whether it's a tree, whether it's a pohako,

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

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

16 DANIEL KANAHELE: Oh, thank you so much.

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

23 DANIEL KANAHELE: Kaleoaloha.

24 KIMOKEO KAPAHULEHUA: Kaleoaloha. Daniel  
25 Kaleoaloha Kanahele on Saturday -- I think today is --  
0016

1 DANIEL KANAHELE: February 6, I think.  
2 KIMOKEO KAPAHULEHUA: 6th. Mahalo, Daniel.  
3 DANIEL KANAHELE: February 16.  
4 KIMOKEO KAPAHULEHUA: Appreciate it.  
5 DANIEL KANAHELE: Aloha. That was good.  
6 (Recording concluded.)  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
0017

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 13th day of March, 2016.  
18  
19

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

**Appendix B: Transcription of interview Michael Lee**

0001

1  
2  
3 INTERVIEW OF MICHAEL LEE  
4 BY KIMOKEO KAPAHULEHUA  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

0002

1  
2  
3 MICHAEL LEE: -- Fifties and sixties. And my  
4 father was there in the -- the fifties and sixties. And  
5 then he opened the Royal Hawaiian Koaupali in 1962. So we  
6 moved from Hana to --  
7 KIMOKEO KAPAHULEHUA: Royal Lahaina?  
8 MICHAEL LEE: -- Royal Lahaina in '62. So all of  
9 that -- all of that took place. And so I was learning from  
10 both sides of my family about tramping the land and going  
11 to the ocean, learning more about the seaweed and  
12 everything. So this was my -- this was my Hawaiian tutu and  
13 her half Hawaiian child which was Jacob Martin Lee. His  
14 father was Peter Lee of Peter Lee Rhode at the Volcano  
15 House.  
16 KIMOKEO KAPAHULEHUA: Oh, yeah.  
17 MICHAEL LEE: He was manager before the Curtises,  
18 yeah. So that was him in the 1800s. And that's him in the  
19 1940s, Jacob Martin. So -- and then this is his mother with  
20 her sister, our Kanaka side. So we were steeped in family  
21 culture because my mother's a quarter Hawaiian and my father  
22 is a quarter Hawaiian, making us kids quarter Hawaiian. So  
23 that was the family line for -- for that part of the family  
24 that we were steeped.  
25 Now, on my father's side, in the Maui genealogy,  
my -- the Meek side cohabitated and married into -- this is  
0003  
1 the -- from the archives. G6 is from Lahaina, June --

2 KIMOKEO KAPAHULEHUA: 18 --  
3 MICHAEL LEE: 1865.  
4 KIMOKEO KAPAHULEHUA: -- 65?  
5 MICHAEL LEE: Yeah, 1865. This is the Maui  
6 genealogy, okay. And this is one of the best genealogies  
7 because it outs everybody, you know. And on Page 49, this  
8 is Alapai. This is Alapai. This is Julia Alapai. And at  
9 the time she was married to Helikunii. This was before  
10 Kioniana. Her child was Keiki Namiki, the child of Meek.  
11 And the Meek we're talking about is Eliza Meek. Because,  
12 she was known as ali'i haole. So this lady is from Princess  
13 Julia Alapai Kauwa, who Olowalu land and Hana land.  
14 KIMOKEO KAPAHULEHUA: Oh.  
15 MICHAEL LEE: And then her grandson from Keiki  
16 Namiki, John Meek Kalawaia, he has land in Hana, too, so the  
17 connection in our family was always Hana, Maui on both  
18 sides. All sides was always Hana.  
19 KIMOKEO KAPAHULEHUA: From the beginning.  
20 MICHAEL LEE: From the beginning, it's always  
21 Hana. And Hana people always know who they are.  
22 KIMOKEO KAPAHULEHUA: Yeah.  
23 MICHAEL LEE: They know because there's the  
24 connection to the Big Island. Because that's the back door  
25 of the Big Island.

0004  
1 KIMOKEO KAPAHULEHUA: Yeah.  
2 MICHAEL LEE: That's the porch of the Big Island.  
3 So I get chicken skin when I talk about this because this is  
4 how we're connected to Princess Julia Alapai Kauwa  
5 through Captain Meek. Now you know you can't get these kind  
6 of documents unless you can prove, going backwards, that  
7 you're related --  
8 KIMOKEO KAPAHULEHUA: To them.  
9 MICHAEL LEE: -- to them because the -- the -- the  
10 Health Department would not give anybody anybody's records.  
11 So this is Captain John Meek. He passed away in 1875.  
12 KIMOKEO KAPAHULEHUA: 74.  
13 MICHAEL LEE: Yeah, '75 at 83.  
14 KIMOKEO KAPAHULEHUA: What is that on the top,  
15 1886-87?  
16 MICHAEL LEE: Oh, these are the book of records.  
17 KIMOKEO KAPAHULEHUA: Oh, the record book.  
18 MICHAEL LEE: Book of records. So that's for the  
19 book of records. And this then this is my grandmother,  
20 Eliza Meek. And this is her records. She died in February  
21 8th, 1888. And she was the mother of John Meek, okay,  
22 because he was hanai to two full-blooded Hawaiians, but, on  
23 his certificate of death, it says hapa haole.  
24 KIMOKEO KAPAHULEHUA: Oh.  
25 MICHAEL LEE: So how can two Hawaiians make one --

0005  
1 KIMOKEO KAPAHULEHUA: Hapa haole.  
2 MICHAEL LEE: -- hapa haole, yeah. So he died in  
3 1891. He was born in 1833. Okay. And then, of course,  
4 this is the Lahaina side of this family that comes from Mary  
5 Ann Nunez. She's the one who has this blood. She was a  
6 great granddaughter of Captain Meek and Eliza Meek. So

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

12 Kuhealani who were the chiefs on Oahu, a haole man,  
13 Mr. Kiaka, that's Jack, for Jack Meek, who is living with a  
14 wahine, and had some children from hence the occupation of  
15 my parents hina were there. But this was -- this -- this is  
16 very important because what this does, in the -- it says  
17 that Princess Julia Alapai Kauwa.  
18 KIMOKEO KAPAHULEHUA: Oh, really.  
19 MICHAEL LEE: Yeah, is that. On this certified  
20 house lot for Number 150 Helu, for LCA, Kikiau, okay. It  
21 says, at the time when Kamehameha I --  
22 KIMOKEO KAPAHULEHUA: First.  
23 MICHAEL LEE: -- wrote -- yeah -- from Kauai to --  
24 and -- and Kuhealani and the chiefs on Oahu, a haole man.  
25 So this was before he died in 1819, yeah, in May. So  
0008  
1 Captain Meek had children during the time of Kamehameha I,  
2 yeah.  
3 And so we also have Buster Crabbe, the famous  
4 movie star that was Flash Gordon and everything, he was a  
5 grandson the Captain Meek. Because one of the Captain  
6 Meek's daughters was Elizabeth, the younger daughter of my  
7 grandmother, Eliza Meek. And in his memoirs and  
8 autobiography, he said, yeah, Captain Meek originally came  
9 from Massachusetts, who married a native girl in the 1820s  
10 and settled in the islands. But he had children, according  
11 to the Hawaiian testimonies and everything, before 1820,  
12 yeah. And the Moren's journals, 1819, the boy is being  
13 baptized.  
14 KIMOKEO KAPAHULEHUA: Before --  
15 MICHAEL LEE: On the 4th of July.  
16 KIMOKEO KAPAHULEHUA: Before 1820?  
17 MICHAEL LEE: Before 1820. So all the -- all the  
18 evidence that certified --  
19 KIMOKEO KAPAHULEHUA: They were the documents that  
20 showed it was 1818, too.  
21 MICHAEL LEE: Yeah. So bruddah had that. But  
22 that's how we jumped into Julia Alapai Kauwa's, her --  
23 KIMOKEO KAPAHULEHUA: Lineage.  
24 MICHAEL LEE: -- lineage, yeah. So -- and that's  
25 very important because Julia Alapai, she has land on Maui,  
0009  
1 in Olowalu and, also, in Hana, that links up to our Hana  
2 connection as well. So this establishes that, you know, we  
3 were around for quite some time. And it goes back to the  
4 Pi'ilani genealogy.  
5 Now, what is very important on this tape, which is  
6 kind of really rare, was one of my teachers, back in the  
7 eighties -- I have to use this kind of tape, don't make it  
8 any more, or tape recorder -- was Auntie Alice Holokai,  
9 George Holokai, master hula chanter's mother. And she, with  
10 my grandfather, gave me my -- my star knowledge that I have.  
11 So this is -- and she got it from David Kali, from Niihau,  
12 so this is her talking about --  
13 (A recording is being played out loud; and is not  
14 being transcribed.)  
15 KIMOKEO KAPAHULEHUA: Stop, I'm gonna change the  
16 tape. But we'll finish the recording. Just stop that.

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

19           KIMOKEO KAPAHULEHUA: Okay.

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

21           KIMOKEO KAPAHULEHUA: And her real name?

22           MICHAEL LEE: Alice Holokai. Her father came  
23 from -- he was lua master -- lua practitioner from Kohala.  
24 He broke kapu and taught her how to do the (inaudible). She  
25 killed her husband and then she brought him back and he  
0010

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

17           KIMOKEO KAPAHULEHUA: 2012?

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

1           KIMOKEO KAPAHULEHUA: Who taught you.

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

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

0012

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

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

0013

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

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

0014

1 what we bring to the table is to educate, to you know  
2 better, you can do better. And if you know why this pile of  
3 rocks is what it is, and once its functionary --  
4 KIMOKEO KAPAHULEHUA: Let me stop one minute.  
5 MICHAEL LEE: Yeah.  
6 KIMOKEO KAPAHULEHUA: So I can get a new tape.  
7 MICHAEL LEE: Okay. Break in audio..  
8 KIMOKEO KAPAHULEHUA: Hang on one more, a little  
9 bit. Okay.  
10 MICHAEL LEE: Aloha again. You know, from our --  
11 our family lineage, this nihopalaoas came from my fifth  
12 grade grandmother found in the entrance channel of the  
13 marina of Ewa, walking the proposed channel, which we  
14 stopped regarding, we got into it and went up as our own  
15 attorney for the Supreme Court to stop, 'cause other family  
16 members are buried there. And so we got recognition. And  
17 our tutu was holding these nihopalaoas in her hand at the  
18 time. Two, one for male, one for female. And this is part  
19 of -- this is part of our world, our mo'oku'auhau, our  
20 genealogy, links all kanakas, 966 generations, but it links  
21 us to hauloa. And all of us are linked to how hauloa as the  
22 root, yeah, in our mo'oku'auhau. And it's important for  
23 anybody who's kanaka to know, this is the pupae that was  
24 found, to know the well to. She had a cache of all these  
25 Hawaiian jewelry. She was like 25 years old in -- in 1796,  
0015  
1 1795 where the burials were -- were found. And so you don't  
2 destroy our world. I was never an attorney, but I'll do an  
3 attorney. I helped kanu the SHED State Historic  
4 Preservation Division's found my grandmother's iwi kupuna.  
5 And it took me 10 years to get her back into the ground in  
6 Ewa, had to do a long fight. And this is the local -- how  
7 genealogy of how family goes to the Pi'ilani side and Kaiwe  
8 side.  
9 KIMOKEO KAPAHULEHUA: And the Kamoalii.  
10 MICHAEL LEE: And the Kamoalii side. We're all  
11 family. We all family in -- on my dad's side. The marriage  
12 locked everybody in through (inaudible), who was the  
13 Keopuolani of the 1700s, who married Luna Haipu, my  
14 grandfather of Kauai, and linked us all in. Kualii is my  
15 direct eighth grade grandfather, so he was from the Oahu  
16 (inaudible) line to both Kauai and Oahu. Kauai and Oahu are  
17 connected. And the channel is only a river between them  
18 because Kualii would spend every January, February on Kauai  
19 as mo'i of Kauai, but that bloodline is what locks in the  
20 islands, just as Hana is locked into north Kohala. The  
21 islands are one Big Island with these little rivers in  
22 between that we call channels, kaiwe channel, but they're  
23 rivers 'cause it's the family blood lines that lock in  
24 everything which is the back door to the front porch or  
25 whatever. So in our family lineage, there is no -- you  
0016  
1 know, we have 88 different canoes and the 88 different ways  
2 of using the canoes, 'cause today people use the airplanes,  
3 jets. The canoe's usage, our family would stay two years on  
4 one island, go to Molokai, Kola Kula Koa was Chief Kula  
5 Koa's daughter who was ali'i of Molokai. That's my great,

6 great, great, great grandfather, my sixth -- seventh great  
7 grandfather. The family lineage locks us in to the land and  
8 visiting other family on other islands. We always visited  
9 each other. I mean, six months here, two years there, three  
10 years there, two years there, and we just kept on traveling  
11 all over. That's what our mo'oku'auhau chants say. So when  
12 they try to lock us in and they say, oh, Mr. Lee, you can't  
13 go to the Big Island and fight for the Kohala side because  
14 your ahupua'a is in Ewa. And I go, here's the chant of  
15 Koali'i. Kanehili is picking three limus, halahalaha, Lipoa  
16 and Komu. And I'm saying it goes to the Big Island, six  
17 months later, and, on the Hilo side, he's picking the same  
18 limus. I said that's our cultural practice. You can't  
19 limit us to one spot because our families are on all islands  
20 and our icebox is the ocean, and soon as you get off, boom,  
21 you start eating. So, you know, the outside people cannot  
22 define who we are. Our chants define who we are. Our  
23 generational knowledge define who we are. Place, presence  
24 and our cultural practice that we have been taught by our  
25 kupunas define who we are. And to have people who live in  
0017  
1 Nebraska on a farm for 200 years or whatever and says that's  
2 how you guys should live is false because we constantly  
3 move, nomadic. Summertime, that's why Queen Emma, summer  
4 palace. It's not -- they didn't stay in one place 24/7.  
5 They lived on different islands at different times,  
6 different sections of the island as their lovers, their  
7 moods, their children, their family needed them to help out  
8 in the lo'i or whatever. We constantly moved around. That  
9 knowledge that on the tape of Auntie Alice, this that you  
10 see is underneath Pu'u Wawa, Kohala on the Big Island. This  
11 is the underground aquifer, the river, the -- the ana cave,  
12 the puuwaina. So this is the keeper makakaili. I know her  
13 and her family.  
14 Now, haoles are getting into this cave. And I  
15 wrote to Alan Downer, saying what are haoles doing in here  
16 when there's been a keeper from the Keakealani family for  
17 hundreds of years. And what are foreigners doing for our  
18 fresh water system. That fresh water goes to (inaudible)  
19 and makes the limu grow for our fishery because the limu's  
20 algae, and algae is the foundational food source for our  
21 fishery. So I wrote to Alan Downer saying what -- how come  
22 DLNR is allowing people to go into our ana caves when there  
23 are Hawaiian keepers for our culture in this place. And why  
24 wasn't it put out for public notice because this is not  
25 Disneyland. This is very important. Because on the shelves  
0018  
1 of these caves we put our keai, we put our iwi kupuna. You  
2 see the shelves down here? Well, sometimes there are niches  
3 above where with put iwi kupuna. This is a sacred place for  
4 us. It's not just, like I said, Disneyland, for people to  
5 go in and -- and niele around. You know, these are our  
6 cultural places that are being infested by everybody, just  
7 because they think they can.  
8 And there's laws, Section 6(d) 1 through 13, that  
9 the State regulates who can come into these caves and stuff.  
10 And where was the DLNR meeting? Where was public notice for

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

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

0019  
1 define the Hawaiian culture, our practices surround  
2 konohiki, makahiki and kapu, so where does your planter  
3 feature, your sea shape, your terraces fall into konohiki,  
4 makahiki and kapu. Because this was a spiritual land, with  
5 spiritual people who every day they did everything was  
6 through ha and prayer, the rising of the sun, ku, to wakea  
7 and napo'o, the hoku ewa, zenith of the sun and the sky, and  
8 the setting of the sun, Hina, in the west, konohiki,  
9 makahiki, kapu. The clock that regulated the practices  
10 dealing with fresh water, using fresh water 1,000 ways  
11 before it got to the ocean. And the signs of the seasons  
12 for konohiki, makahiki and kapu are constantly shouting out  
13 on the cultural landscape.

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

0020  
1 written in Kamakau, Malo, Abraham Fornander, Papa I'i,  
2 Emery, Emerson, (inaudible) 1 through 5. Everything talks  
3 about konohiki and makahiki and kapu in a spiritual way, a  
4 spiritual way. Here I am up at Hale Maumau and Tutu Pele  
5 sending the red -- she's sending me the red Kihei saying --  
6 she's my 17th great grandmother, she's saying, eh, you gotta  
7 wear the red, not the blue. But my teacher, Auntie Alice  
8 never gave me permission. You know, we always listen to our  
9 elders. We don't do unless they give -- they give us  
10 permission to do. And for me, it was too kapu. So until my  
11 student was saying, eh, my Kihei's turning red that Tutu  
12 Pele gave us permission to wear red Kihei. I didn't wear  
13 red Kihei. So -- and then what -- what happens is when we  
14 do practice, we're too young to hold certain practices. You  
15 gotta be on makua. I'm not kupuna, but my hair will turn

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

25 KIMOKEO KAPAHULEHUA: This way. Yeah. Right  
0021  
1 there.  
2 MICHAEL LEE: So you see one salt and pepper --  
3 KIMOKEO KAPAHULEHUA: This side. This side.  
4 Wait, wait, wait. Right there.  
5 MICHAEL LEE: So you can see the -- the  
6 transformation from salt and pepper to extremely old.  
7 KIMOKEO KAPAHULEHUA: The green one or the red  
8 one. There you go. Right there. Right there.  
9 MICHAEL LEE: Yeah. So, for us, this is not  
10 something that, you know, is -- is try go see because my  
11 aunties and uncles could do all of this stuff. And it's  
12 just in the family -- it's in the family line of our  
13 cultural practice when we go out. And this was on the  
14 Pi'ilani Promenade side. We're doing the -- the eclipse.  
15 And behind is the wiliwili forest showing up that used to be  
16 there 1,000 years ago, the dryland wiliwili forest on the  
17 Pi'ilani Promenade. And there was like 40 people up there  
18 that night. The kahus or kahunas, all we do is open portals  
19 and we close portals. And we bring ho'okupu and thanks and  
20 care and ha to our ancestors who are what other people call  
21 gods, but they're just family from us, they're just family,  
22 you know. What we were taught in our mo'oku'auhau and the  
23 proper mahina stone at Mala Bay I use for divination of  
24 family genealogy. Only take kanakas for that one, you know,  
25 because the stones are very important. Our --  
0022  
1 KIMOKEO KAPAHULEHUA: Who that guy? Who is this?  
2 MICHAEL LEE: Oh. This is Hank Fergerstrom. I  
3 took him to the -- the pu'u at Hunuulu in Wailuku to meet  
4 his -- his son that had passed away, Michael. So there's  
5 certain pu'us that we go to meet your family. And you go up  
6 and you close your eyes, and we do a chant. You put the  
7 lavender salt from Kauai on your forehead and then your  
8 family members come to talk to you from the other side.  
9 Then the mo'o. The mo'o is very important to us.  
10 This was -- the mo'o, (inaudible) up at Wailuku 670, yeah,  
11 you can see her -- her hand. She's kind of translucent  
12 white.  
13 KIMOKEO KAPAHULEHUA: Really close, so I can your  
14 hand.  
15 MICHAEL LEE: Yeah, translucent white. Okay.  
16 This is when we did a cultural access with Charlie Jencks  
17 and we went up on the land. It's important -- our  
18 connection to the land is very important because our iwi  
19 kupuna is there. And that's our connection.  
20 KIMOKEO KAPAHULEHUA: There was a -- there was

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

0023  
1 KIMOKEO KAPAHULEHUA: -- the promenade?  
2 MICHAEL LEE: The promenade, yeah.  
3 KIMOKEO KAPAHULEHUA: (Inaudible), yeah.  
4 MICHAEL LEE: Yeah. The -- the concerns were that  
5 the -- and we went over with the archaeologist.  
6 KIMOKEO KAPAHULEHUA: Yeah.  
7 MICHAEL LEE: You know, there's certain sites  
8 that, on the highest part, the solar mound for our -- for  
9 our cultural practices, the oracle stone, which Lucienne de  
10 Naie -- I'm gonna be coming up in April, April 14th, 15th,  
11 16th and 17th of 2016. But the oracle stone that is there,  
12 the mound of stones for offering for rain to come, the solar  
13 area that has the solstices, the area that we -- the eclipse  
14 site, Hina Ake Ahi, and Hina Ake Ahi is Tutu Pele. Tutu  
15 Pele, this is her niho palaoa that we were given on  
16 Haleakala by tutu herself. She said take it. Okay.  
17 Our concerns is that these things can be raised  
18 up, because they have to flatten out that property, to make  
19 it level and plain. And these cultural sites need to be  
20 protected and landscaping around them. And it's okay to --  
21 if you're raising the property, you can raise it up, because  
22 that property's a bowl. It's, basically, a bowl. And these  
23 features are Hawaiian cultural resources. They are our  
24 books, our observations and practice in place for our  
25 presence of our history. And to destroy them is like to

0024  
1 destroy the books in the library of Alexandria of Egypt when  
2 it was burned. And we come to the forefront to put our  
3 mo'oku'auhau, our ike, our 'olelo out to define under law  
4 what needs to be -- is what they call a finding of fact, to  
5 show that these things existed, they had form, they had  
6 function, they had a foundation for the purpose and need of  
7 makahiki, konohiki and kapu in their observations and in  
8 their time clock as our 'olelo book through our chants. And  
9 we're not stopping the project, but we're asking people,  
10 because we've identified these cultural resources, what they  
11 are, what the practices were, why they're important. And  
12 they're not a lot around. There's some major ones that we  
13 just said, raise it up. For the ones that have alignments,  
14 keep them as is, but you can raise it up, you know, to  
15 flatten the bowl out, to have your project. But we're  
16 defining it, so put a protective buffer boundary zone around  
17 it in your landscaping for our cultural landscape. And  
18 incorporate it into what makes this place so special and  
19 should not be destroyed. Because it connects in to the  
20 rising of the sun who -- and directly overhead and Hina and,  
21 also, the nighttime practices for the fishermen, which was,  
22 basically, like a -- a temporary fishing village that took  
23 advantage of all the fish that came and during a certain  
24 time because you dried fish. You dried fish and octopus and  
25 for survival strategies and food sustainability. This place

0025

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

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

0026

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

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

19 We're not asking, stop the project, 90 percent of  
20 the thing, you have to do it our way. There are very few  
21 things that we bring up that show and define what our  
22 practices are and why, in konohiki, makahiki and kapu. So  
23 within those lines, it's very little to give consideration  
24 and mitigate on these sites that we brought out how  
25 important they are. Certain stones can be moved, but should  
0027

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

5 And to say no practice is done there, tell me what  
6 Hawaiian puts a neon sign saying I'm doing cultural practice  
7 tonight, why don't everybody show up. And then the outside  
8 western world says, oh, we don't see anything. Most  
9 Hawaiians do not advertise something sacred like where the  
10 Keakealani line have their iwi kupuna underground. Because  
11 if they do, outsiders, unwanted people, will take advantage  
12 and show no respect, because they do not know the history  
13 and the DLNR and the State of Hawaii doesn't. That's why  
14 they enacted, in 2004, the Aha Moku Council, to help guide  
15 DLNR as a body that would give recommendations on proper  
16 usage of natural resources, cultural resources. This is  
17 a -- this is a pure example of what takes place when the  
18 outside culture doesn't take time to respect and find out  
19 how significant pili grass is for stopping erosion. And  
20 invasives come in and their roots are like concrete and the  
21 water runs off and doesn't percolate into our aquifer. So  
22 where we gonna get the water to live on a desert island?  
23 So all of these things are foundational and  
24 functional for survival. And it's been part of our cultural  
25 generational knowledge for thousands of years. What we  
0028  
1 bring to the table is what the law allows us to do, to give  
2 us our concerns. And we would like that respect under the  
3 law because, if it doesn't happen, we end up suing as Wailea  
4 670 and the cultural preserve took place. And thank God  
5 it's coming to an end. And, you know, \$10 million is set  
6 aside -- 185 acres are set aside for the habitat of the  
7 dryland forest and all the plants, animals and insects,  
8 and -- and we pushed for Hawaiian cultural practice because  
9 I was a part of that, too, for years. This is the same  
10 thing. We're just following the law. We're doing what the  
11 law asks us, to put on the table, put some skin in the game,  
12 step up and define what your practices are and why it's  
13 important.  
14 We have done that and we would like the -- not  
15 just footnotes, but we would like it mentioned in the AIS,  
16 because it's a legal document, that the County of Hawaii --  
17 the State of Hawaii and Land and Natural Resource -- DLNR,  
18 Board of Land and Natural Resources, and the Land Use  
19 Commission use as a document to make legal decisions from.  
20 So this is really important. Everything matters. Plus, we  
21 want to continue teaching to the next generation how  
22 important and how invaluable their culture is, whether it's  
23 Kamehameha Schools or whether it's tourists that don't know  
24 but wanna know, or Maui Meadows who, new people moving in  
25 from the mainland, they wanna find out what the culture so  
0029  
1 they can do the right thing in the right way that is pono  
2 for respect. And we'll willing, we're putting it out there  
3 that this doesn't happen normally, where Hawaiians break out  
4 their family mo'oku'auhau, their 'olelos to bring it to the  
5 table to save it. But we've seen too many hidden treasures  
6 of our culture gets blitzed because people didn't know,  
7 because nobody stepped up and put this information on the  
8 table for people to question, for people to observe, for  
9 people to do whatever they need to do to do the right thing

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

0030  
1 KIMOKEO KAPAHULEHUA: -- in the back end.  
2 MICHAEL LEE: Right.  
3 KIMOKEO KAPAHULEHUA: So we with Michael Lee and  
4 at his home, but he had some -- he's already sent in some  
5 photos of undocumented -- undocumented areas in Kalanihakoi  
6 Gulch.  
7 MICHAEL LEE: Right.  
8 KIMOKEO KAPAHULEHUA: So he can -- he can -- as  
9 you can see that.  
10 MICHAEL LEE: Yeah.  
11 KIMOKEO KAPAHULEHUA: And then, also, on the back  
12 page --  
13 MICHAEL LEE: Yeah.  
14 KIMOKEO KAPAHULEHUA: -- you know --  
15 MICHAEL LEE: In the back page, it has a  
16 description of the -- the site numbers that -- for the AIS.  
17 KIMOKEO KAPAHULEHUA: Right.  
18 MICHAEL LEE: The site numbers that were first  
19 recorded in 1997. And it goes into the boundaries and the  
20 sites of the gulches and it goes into the details of the  
21 areas.  
22 You know, some of these that I was told were  
23 heiaus that, you know, people say, well, you know, it's  
24 clearly that this was -- the bulldozer came and it's got --  
25 it's got striations and cut from bulldozers. And I have to

0031  
1 remind people, oh, before the bulldozers came to Hawaii, we  
2 had our heiaus and rock sites, then Ka'ahumanu came, she  
3 abolished that in Kuamo'o, the battle on the Big Island.  
4 And then what happened, the missionaries came and they  
5 defunct our religious practices.  
6 But that doesn't mean they stopped, just because  
7 the ali'i said you cannot do it anymore, burn the statues  
8 doesn't mean the statues weren't taken underground in our  
9 ana caves. And the practices were still being done Monday  
10 through Friday. And on Saturday, Sunday, they went to  
11 church, yeah. So the bottom line is our practices have  
12 been -- how come the hula didn't die out when the  
13 missionaries said stop that, clothe them, don't be naked,  
14 because people still continued in the family generational

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

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

0032

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

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

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

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

0033

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

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

0034

1 The narrow stream, Kumulipo Chant 1, is the ana  
2 cave, the male running in the pahoehoe lava tube. Okay.  
3 That is a backup in case the top stream dries up, the bottom  
4 stream continues to go.  
5 In the State of Hawaii, they've closed down all  
6 the natural streams and diverted the water for sugarcane and  
7 human development and whatever. So why is the fishery not  
8 collapsed? Well, we've seen the limu fall. I mean, there's  
9 great people from my generation, Lipoa Road and all of those  
10 places, we have seen a decline of limu because of diversion  
11 of fresh water. The limu needs to be healthy. Okay.  
12 There's a direct correlation. Several limus are indicator  
13 species of fresh water, (inaudible), palahalaha.  
14 KIMOKEO KAPAHULEHUA: Eleele.  
15 MICHAEL LEE: Eleele. You see that limu growing,  
16 you know there's a spring around, you know the fresh water  
17 is blasting. All of this are indicator species. Now, best  
18 use, best practice of land, konohiki, is that you allow that  
19 to flow because most endemic Hawaiian fish are like salmon.  
20 Okay. They go out into the ocean, but, when they have to  
21 breed, they have to go in fresh water, moi, aholehole.  
22 KIMOKEO KAPAHULEHUA: Mullet?  
23 MICHAEL LEE: Mullet, o'opu, the list goes on,  
24 awa. You go all the way through and you found out most of  
25 our fishes are like salmon, but the people from the mainland

0035

1 don't fish, don't know. So why hasn't it collapsed? We  
2 have all of these ana springs and caves that are huge that  
3 are -- are pumping out water from beneath the ground, which  
4 are these ana caves that I'm showing you to show that the  
5 fresh water still goes even though -- even though you can't  
6 see it. It's subsurface, it's the kane. And so the  
7 mountain is protecting the sea in many different ways.  
8 And people don't stop and ask the practitioner,  
9 what does Kumulipo mean about Chant 1, the 13 limus in the  
10 ocean being protected by all these plants in the land, what  
11 is the connection, what is the interwoven web of life.  
12 Well, the connector is the subsurface streams and rivers,  
13 and we call auwais, that go into the ocean, and the  
14 underground ana cave which continues sight unseen, but does  
15 the same purpose.  
16 So when we talk about a property, we know that the  
17 name of the property is either named for the clouds that are  
18 floating or the stars above, what the cultural practice, use  
19 and the alignment. If it talks about makali'i, this is a  
20 place to observe the rising of the (inaudible). Why do you  
21 observe it? Because you have makahiki and you have for  
22 farming and fishing. Makali'i is called kalawaia for  
23 fishing and it's called mahi for farming. It's -- it's  
24 necessary in setting that time clock of ho'oilo. So we know

25 the mahina eye, we farm and we fish by the moon. All of  
0036  
1 this has its practice and its time. Okay. The sea itself,  
2 on hoaka, it's the second day moon after Hilo, it naturally  
3 plants the limu, the ocean oki snaps the limu and vegetation  
4 reproduction and puts them into the reef to grow again. We  
5 know the seasons, we know the times. What you do on the  
6 land is gonna affect the sea. And that's what our concern  
7 is as cultural practitioners and generational knowledge that  
8 we bring to the table. If you destroy this balance of Hale  
9 O Kaulike, the house of balance, it's all gonna be kapakahi  
10 and then it's all gonna start to fall apart. You cut down  
11 too many trees, you're gonna change the wind, the bees are  
12 not gonna be able to go there. It's gonna be really hard  
13 when the rains come. Everything has a purpose the way it's  
14 situated. The outside culture comes in, it doesn't learn,  
15 it doesn't care, shows no respect. Pull out the pili grass,  
16 put in California grass. Take down the natural trees, no  
17 more nalu winds and nalu mists from the ocean breakers  
18 that come and condense and make two rains. They don't know.  
19 They don't care. They don't think it matters. But we know  
20 everything matters. So we bring all of this knowledge to  
21 the table not to be an obstruction, but to say do the right  
22 thing for the right reason, which is pono. Because you  
23 order pipes, special order pipes, and they don't fit,  
24 pono`ole. Same thing, what is connected to the mountain,  
25 the midrange and the ocean and deep in the ocean, it's all  
0037  
1 connected. And you break the connection, pono`ole.  
2 And we're putting this stuff down, especially in  
3 Pi'ilani, to say, look, where that ancient petroglyph was,  
4 that was a sign marker for the well that was there for the  
5 intermittent village, the fishing village that was there.  
6 To take the water -- when the streams weren't flowing, there  
7 was water in the man stream below, the -- the narrow cave,  
8 to support life on the land so they could do their cultural  
9 practice. That was removed. They didn't -- the guys just  
10 took it, they didn't know what the purpose, what the need  
11 was, what the survival strategy.  
12 I showed you documentations of my family on Maui.  
13 They knew, we're bringing it to the table, so we can do the  
14 right thing and teach at the same time. Because this  
15 culture doesn't belong to my family. It belongs to all our  
16 Hawaiian people so that -- so that they can do what is pono  
17 in managing and being good stewards of the land. And that's  
18 what -- that's what we bring to the table. We're not saying  
19 stop the project; we're just saying, hey, these are  
20 important flags and markers, that what you do up at  
21 Pi'ilani -- and if you block the gulches, you're gonna  
22 destroy the estuary below, the brackish water estuary below.  
23 And it's gonna modify the sand that's there. It's gonna  
24 change the limu. So knowing the patterns of the rain that  
25 come and the water that runs in the ana caves below and  
0038  
1 properly manage the drainage runoff so that pili grass stops  
2 that erosion and red water, the brown water that we hear  
3 about. Because if it's managed properly, there is no brown

4 water. Because there is no ripping and tearing of the land.  
 5 So that's, again, the knowledge we're bringing, to say,  
 6 look, this exists, we managed the land. When Captain Cook  
 7 came in March 1778, 400,000 Hawaiians living off the ocean  
 8 and not polluting, not shedding in the streams causing  
 9 havoc. They buried their crap. They buried their waste.  
 10 We all used the ocean. Thousands of monk seals. They only  
 11 became endangered when western man came and took the octopus  
 12 over -- overharvest octopus, overharvest lobsters, then they  
 13 started to starve. Kanakas used the -- the resources.  
 14 That monk seal is found in Chant 6 of the  
 15 Kumulipo, Line 500. Okay. We work together with the ocean.  
 16 That's why we had local i'as, to -- and koas, we created the  
 17 koas in the ocean. They're not just on the land, but  
 18 they're in the ocean. We built them to train the opelu to  
 19 come in the net. We feed 'em, we tame 'em. You take wild  
 20 opelu and you feed 'em vegetation matter, like taro, like  
 21 sweet potato, like fruits. What we do is we change their  
 22 behavior and they become tame and they become like dogs. So  
 23 we train 'em go in the net, go out of the net, go in the  
 24 net, go out of the net. Then when it's time to harvest, we  
 25 take out the big breeders that's gonna give hundreds of  
 0039  
 1 thousands of eggs and hundreds of thousands of fish and we  
 2 selectively take fish for the village, for their needs, and  
 3 we take 'em. Okay. But we're not pirates. Hawaiian  
 4 fishermen were not pirates. They were farmers, they were  
 5 mahi eyes of the ocean under mahina eye. And what they did  
 6 was they trained the next generation and planted the limu  
 7 and did everything so the harvest was ensured for an  
 8 abundance and an increase in opportunity for the children of  
 9 prosperity. That's how you stave off hunger and famine, is  
 10 you plant in the ocean.  
 11 Same thing with our local i'as. Those are heiaus.  
 12 Why are they heiaus? Because you have the Ku stone and the  
 13 Hina stone both impregnated. The Ku stone always stay  
 14 underwater in the shape of the he'e. That's why this kuula,  
 15 kuula, the standing octopus, Kanaloa, okay, this is always  
 16 underwater. The Hina stone can be half -- can be out of  
 17 water and in water. It symbolizes the moon, but she is the  
 18 informant. We pray in the morning to them before the sun  
 19 comes up. We touch the Hina stone, the Hina stone tell us,  
 20 with the akua noho inside of it, who's been in the fishpond  
 21 at night. Did the puhi eel come in, did the red eel come  
 22 in, and -- and where is it now. She's gonna tell us.  
 23 Because we cannot stand guarding that fishpond 24/7.  
 24 Nobody's gonna do that. So how do we do that? The  
 25 informant is the Hina stone. Okay. And the way we situated  
 0040  
 1 it, it's -- it's based on Kane's forehead of the makaha and  
 2 the makohelani, two stars in his forehead that show Kanaloa  
 3 Kane, fresh water ocean octopus. When it's gonna -- the  
 4 makaha is gonna open and when to close the makaha gate of  
 5 the local i'a. It's a natural time clock of two stars that  
 6 rotate around -- one rotates -- the red one rotates around  
 7 alko, which is kane, which is makohelani, and makaha is  
 8 Kanaloa which tells us when to open the sluice gates. All

9 of this knowledge has a purpose and need for survival  
10 strategy. And so we bring that to the table to say, look,  
11 this is not isolated. Everything matters. Everything fits.  
12 It doesn't match your western model because your  
13 western model is not an island. And in that island, if you  
14 don't take care of business correctly, you're gonna starve  
15 to death because everything is your refrigerator. The --  
16 the forest is your refrigerator. The land is your  
17 refrigerator. The springs are your refrigerator. The ocean  
18 is your refrigerator with the limu. All places to eat and  
19 be taken care of feed off the land, 'ains, 'ains, to eat  
20 from the land. The land itself, you eat from.  
21 So all of this is very important when it comes  
22 back to the assessment that is being made and for what we --  
23 we put in both for the -- for the EIS and the AIS in our  
24 commentaries to highlight these areas for the broader scope  
25 that we're talking about in this interview with Kimokeo who  
0041  
1 has come down this morning from Maui to -- to give this  
2 interview.  
3 And to back it up, what we're putting here -- and  
4 we're laying the foundation of standing, that there is a  
5 place where we get it. We're not making this up. Governor  
6 Abercrombie used to say all the time, "Oh, those Hawaiians,  
7 they just showed up 10 minutes ago and they made it up."  
8 Well, no. In this case that's not the case.  
9 KIMOKEO KAPAHULEHUA: Way, way back. Couple  
10 hundred years.  
11 MICHAEL LEE: Way, way ago, couple of hundred  
12 years.  
13 KIMOKEO KAPAHULEHUA: And more.  
14 MICHAEL LEE: And more. And in our  
15 interconnectivity, we're bringing this out, we're -- we're  
16 trying to reveal the best use, best practice, so that it  
17 works out for everybody. Because Hawaiians managed and were  
18 good stewards of the land so people could live. Everything  
19 was waiola, the life of the land is perpetuated in  
20 righteousness in Ke Akua io. Okay. So the spirituality of  
21 the land and our practices.  
22 Since I came back to the land for the Wailea 670  
23 project and we've done cultural practice up there, I've been  
24 told that it rains there consistently now for the last four  
25 years in that area. And that's what our ancestors always  
0042  
1 knew, if you brought the ho'okupus, if you paid the respect,  
2 if you did the ha and you did the proper chants and did you  
3 what you needed to do, everything would be put in balance.  
4 The house of balance, Hale O Akaulike. So that's what we've  
5 been doing and bringing to the table in these projects, to  
6 educate people on the best way. We figure if you know  
7 better, you can do better. And the -- the mainlanders say  
8 they wanna know, so, eh, we're just doing what the law  
9 provides us to do for best use, best practice. And what  
10 people on Maui have been asking for, can you teach us, can  
11 you come, can you show us, so we have.  
12 Mahalo.  
13 KIMOKEO KAPAHULEHUA: So as can you see, we're at

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



22  
23  
24  
25

Certified Broadcast Captioner  
Hawaii Certified Shorthand Reporter #447

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Piilani Promenade Cultural Consultation Meeting  
February 25, 2014

Transcribed by: Jessica R. Perry, CSR, RPR

RALPH ROSENBERG COURT REPORTERS, INC.  
Honolulu, HI (808) 524-2090

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

—RALPH ROSENBERG COURT REPORTERS, INC.—  
Honolulu, HI (808) 524-2090

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,

—RALPH ROSENBERG COURT REPORTERS, INC.—  
Honolulu, HI (808) 524-2090

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.

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,

—RALPH ROSENBERG COURT REPORTERS, INC.—  
Honolulu, HI (808) 524-2090

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

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

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

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

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

—RALPH ROSENBERG COURT REPORTERS, INC.—  
Honolulu, HI (808) 524-2090

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

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

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

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

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

20 MR. JENCKS: Yes.

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

1 activity associated with land clearing.

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

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

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

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

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

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

25 MS. DeNAIE: And did you take photos of

1 most of the sites?

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

3 MS. DeNAIE: They are --

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

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

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

11 MS. DeNAIE: Yeah.

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

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

17 MR. FREDRICKSON: Yes.

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

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

23 MR. JENCKS: (Inaudible).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 of a segment.

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

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

18           Yes, Lucienne.

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

22           MR. FREDRICKSON: Mauka.

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

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

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

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

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

13 MS. DeNAIE: I would love to.

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

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

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

1 World War II era.

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

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

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

—RALPH ROSENBERG COURT REPORTERS, INC.—  
Honolulu, HI (808) 524-2090

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

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

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

7 MR. NAE`OLE: 1979.

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

10 MR. NAE`OLE: Yes.

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

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

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

25 MR. FREDRICKSON: That's great. I

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

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

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

1 the Monsanto area?

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

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

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

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

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

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

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

22 MR. LEE: (Inaudible).

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

1 possible ceremonial function, preserve.

2 MR. LEE: Right.

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

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

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

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

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

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

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

6 Yeah, Lucienne?

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

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

12 MS. DeNAIE: (Inaudible)?

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

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

7 Yes, Mike.

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

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

24 MS. DeNAIE: Showing (inaudible).

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

1 And again, this boulder was transported off site.

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

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

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

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

1 try the best we can. Yeah.

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

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

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

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

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

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

25 MR. FREDRICKSON: Uh-huh.

—RALPH ROSENBERG COURT REPORTERS, INC.—  
Honolulu, HI (808) 524-2090

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

2 MR. FREDRICKSON: Yeah.

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

6 MR. FREDRICKSON: It will be submitted.

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

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

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

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

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

6 MR. FREDRICKSON: Yes.

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

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

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

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

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

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

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

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

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

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

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

1 Nae`ole.

2 MR. FREDRICKSON: Oh, thank you.

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

5 MR. FREDRICKSON: 3237.

6 MR. NAE`OLE: Mahalo.

7 MR. FREDRICKSON: Thank you.

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

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

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

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

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

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

2 Yeah.

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

6 MR. FREDRICKSON: It was in 1994.

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

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

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

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

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

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

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

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

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

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

9 MR. FREDRICKSON: Uh-huh.

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

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

18 MR. LEE: This was in 19 --

19 MR. FREDRICKSON: 1994.

20 MR. LEE: 1994.

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

25 MR. FREDRICKSON: There was some sort of

1 a relocation plan, but --

2 MR. JENCKS: Did you guys do that?

3 MR. FREDRICKSON: I don't think we did.

4 I don't remember, but that's --

5 MR. JENCKS: That was done --

6 MR. FREDRICKSON: That's something I will

7 look at.

8 MR. JENCKS: That was done and accepted

9 by the state.

10 MR. FREDRICKSON: Yeah, and there is

11 reference to it, so --

12 MR. LEE: The relocation was to bring it

13 back?

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

15 MR. JENCKS: To keep it up.

16 MR. FREDRICKSON: -- to -- (inaudible).

17 It wouldn't be -- yeah, it would be a relocation,

18 because from here Upcountry.

19 MR. JENCKS: Charlie Jencks. The point

20 there is that the state knew about the relocation, the

21 state had asked a land owner to do a study to

22 formalize it, they blessed it --

23 MR. FREDRICKSON: Yeah, and --

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

25 MR. LEE: I see.

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

5                   MR. LEE: I see.

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

18                   MR. FREDRICKSON: Yeah.

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

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

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

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

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

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

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

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

6 So any other questions?

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

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

15 MS. DeNAIE: And outside the project  
16 scope, but they noted them when they did some work on  
17 the parcel on the other side of 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.

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

4 MS. DeNAIE: (Inaudible).

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

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

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

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

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

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

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

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

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

22                   MR. FREDRICKSON: Uh-huh.

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

1 MR. FREDRICKSON: Oh, yeah.

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

10 MR. FREDRICKSON: Too much, yeah.

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

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

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

20 MR. FREDRICKSON: Just look out.

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

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

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

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

6 MR. FREDRICKSON: Oh, neat.

7 MR. NAE`OLE: With the job.

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

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

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

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

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

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

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

23           UNIDENTIFIED MALE: (Inaudible).

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

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

8 MR. FREDRICKSON: Oh, yeah?

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

1 MR. FREDRICKSON: Oh, the road.

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

13 MR. FREDRICKSON: Oh, in Lahaina?

14 MS. LANI: Yes.

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

20 MS. LANI: We would use that top road  
21 from the highway in the back road coming all down to  
22 Makena.

23 MR. FREDRICKSON: Uh-huh.

24 MS. LANI: That's our road every day  
25 going La Perouse, all the way to Kihei, we'll never

1 forget the areas, how (inaudible). Only (inaudible)  
2 kiawe trees, so we can park anyplace, you know.

3 MS. DeNAIE: Lucienne. Aunty Florence,  
4 what years were these?

5 MR. FREDRICKSON: Yes, thank you.

6 MS. LANI: This is back like in the '70s,  
7 I mean in the '50s, you know, because I was born in  
8 1939 here in Ulupalakua, and by the time five, six  
9 years old he took us to Kula and Makawao, and from  
10 then on my dad worked ranch all the time from then on.

11 MR. FREDRICKSON: So all for -- go ahead,  
12 I'm sorry.

13 MS. LANI: And, you know, when he brought  
14 us -- that is about like '52, '53. My dad always had  
15 to drive the bulldozer, because he knocks every tree  
16 down, you know, the kiawe tree. Red hill is his  
17 favorite spot. Always go there and camp up here  
18 (inaudible).

19 MR. MAU: Get all the fire wood.

20 MS. LANI: Yes, yes. And the bulls. Oh,  
21 my mom and dad, I remember they used to trick a lot,  
22 and they would sleep on the roadside, and my sister  
23 and I just running around and (inaudible) bulls, ho,  
24 just fighting and fighting, and they were just  
25 sleeping because they were all drunk (inaudible). But

1 I remember these days, you know, like before, so --  
2 and I never thought I gonna see that and remember  
3 those things, but I -- we always used to come out, and  
4 there was mean stories about that point, all the rain  
5 used to come from behind (inaudible), comes down a lot  
6 of times, you know, my mom said they know about these  
7 wheelbarrow. When this wheelbarrow is making noise,  
8 they hear the noise from up there coming down, you  
9 better make room, because it's -- before they have all  
10 this kind of stories and the wheelbarrow would just  
11 come from up there, going full speed, and you -- they  
12 know, and they just move on the side. (Inaudible),  
13 you know, they use these kind of words. We tell them,  
14 we don't know what they telling us. Why you moving  
15 over there, daddy? We supposed to be on the road, but  
16 no, he tells no, you wait, wait. Wait and keep quiet,  
17 no say nothing, just respect, okay. Yeah, and big  
18 wheelbarrow just come swishing right down, right down  
19 to the ocean.

20 And my dad travels all the way down from  
21 Makena going to La Perouse, he says he's going  
22 (inaudible) nighttime by himself. He going with the  
23 car and he see this cow walking in the middle road and  
24 he telling the cow, go blowing the horn, telling him  
25 to the move, the cow, the cow's going, he's taking his

—RALPH ROSENBERG COURT REPORTERS, INC.—  
Honolulu, HI (808) 524-2090

1 time, taking his time, and he said when the bull --  
2 the cow turned around and look at him, had mad face.  
3 (Inaudible) those kind of stories they tell us, and oh  
4 (inaudible) my mom and dad (inaudible) never taught us  
5 to -- you know, don't -- you know, this is only to  
6 respect. They have things that way, but respect those  
7 things and we were taught that, you know. Don't  
8 damage or don't go -- do anything talk back and say  
9 anything, just respect that, and that's how we were  
10 raised today to respect. Know who you come from, you  
11 know, that's how we have to teach our children, our  
12 grandchildren, the generations going down, and I'm so  
13 happy that I (inaudible), I continue to learn what my  
14 tutu, because we used to -- we was raised with the  
15 olden tutu ways, yeah, so we know how to survive. No  
16 lights, no water, wash hands.

17 MR. FREDRICKSON: You remember -- you  
18 remember that. Kids now --

19 MS. LANI: I went through hell.

20 MR. LEE: Mike Lee. Aunty, how did you  
21 guys find springs, since you needed water, or did you  
22 pack water?

23 MS. LANI: Yes.

24 MR. LEE: Pack water?

25 MS. LANI: Yes. We had a lot of water

1 catchment, and (inaudible) big property we had, tutu  
2 to used to make us early in the morning, we have to  
3 get up, learn how to work, and no more this kind  
4 toilet you have today. It's outhouse, you know, and  
5 it's not near and in the house. You have to walk.

6 MR. MAU: (Inaudible).

7 MS. LANI: We still have that today,  
8 because where I'm staying now, I living like that. My  
9 kids didn't want that, but today they're used to that.  
10 Just not (inaudible). They know, and they love it.  
11 They (inaudible) they look up to going to the country,  
12 do what you want, you know, in the country.

13 MS. DeNAIE: Lucienne. Aunty Florence,  
14 so have you ever like hiked down the gulch that runs  
15 down, you know --

16 MS. LANI: Oh, yeah.

17 MS. DeNAIE: -- all the way --

18 MS. LANI: With my dad sometimes.

19 MS. DeNAIE: (Inaudible).

20 MS. LANI: Yes, and that's very true what  
21 Brian is saying, because sometimes we can't cross  
22 over. We have to, you know, stay -- stay there, but  
23 (inaudible) --

24 MS. DeNAIE: (Inaudible) along the side?  
25 How did you folks (inaudible) --

1 MS. LANI: Walk, and there's horse to --  
2 you know, he packs us on the horse, or sometimes he  
3 can use the bulldozers to come down and follow.  
4 That's why sometimes it blocks up and he has to be the  
5 one to knock the kahawai, you know.

6 UNIDENTIFIED MALE: So there's like big  
7 trees or stuff --

8 MS. LANI: Yeah, sometimes.

9 UNIDENTIFIED MALE: -- flood came, yeah.

10 MS. LANI: Yeah, and he has to go, yeah,  
11 to go and clean it, yeah. And if he can't pass, we  
12 have to just find an area. My dad knew where to go  
13 and, you know, make sure that we are, you know,  
14 safety, yeah, yeah. So we knew how to live life the  
15 hard way, but, you know --

16 MR. FREDRICKSON: When you were -- this  
17 is Eric again. Aunty, when you folks -- you know,  
18 when you were a kid like walking in some of the  
19 gulches or, you know, like Lucienne just said, the  
20 Kulanihakoi Gulch, do you remember seeing anything  
21 anywhere like coming down the gulch from anyplace  
22 anywhere, like caves, anything like that?

23 MS. LANI: Well, before it wasn't like  
24 that. Once in a big while we used to have a lot of,  
25 you know, rain, rain day -- then that's the only time

1 we see big boulders come down, then, yeah, it will hit  
2 the side, so, you know, on the side sometimes you just  
3 hits the side, and that's where the bank gets soft,  
4 yeah, hits the bank and the water hits it again and it  
5 will just fall, and it gets wider. Yeah, it's when he  
6 has to go in and clean it out, make room again so the  
7 water can, you know, go down.

8 MR. FREDRICKSON: Go down the channel.

9 MS. LANI: Yes. Yeah. So he always  
10 taught us about being careful to go, where to go in  
11 the -- you know, when you see water, don't go  
12 (inaudible).

13 MR. FREDRICKSON: It comes fast. It's  
14 scary.

15 MR. LEE: Aunty Florence, did your father  
16 ever talk about pahoehoe lava tubes on this property  
17 or that came from the side gulch or something that  
18 went around this property or through this property,  
19 like lava tube for a cave?

20 MS. LANI: Oh, no, but -- no, he was  
21 all -- no, we never did enter, you know, through --  
22 always following the -- either the roadside or making  
23 roads. You know, sometimes the roads get all block  
24 up, and he -- damaged by rain and everything, stones  
25 cover 'em up, so he has to (inaudible). (Inaudible),

1       yeah. And sometimes he goes to the kahawai too, but  
2       then, you know, he has to go look all the way --  
3       that's why from up there to down here he has to look  
4       the safest place to make the (inaudible).

5                       UNIDENTIFIED MALE: (Inaudible).

6                       MS. LANI: Yeah, (inaudible), yeah.

7                       MS. DeNAIE: Lucienne here. Now, I know  
8       both of you folks used to go down to the shoreline  
9       here too.

10                      MS. LANI: Yes.

11                      MS. DeNAIE: Over where like Menehune  
12       Shores is, like that. What was that like? What did  
13       (inaudible) --

14                      MS. LANI: (Inaudible). Yes, yeah, a  
15       lot, we could go hukilau down the beaches, you know.  
16       That was when nothing was (inaudible), just kiawe  
17       trees (inaudible).

18                      MS. DeNAIE: And what kinds of stuff --  
19       Lucienne again. What kind of stuff did you find down  
20       there?

21                      MS. LANI: Used to pick up limu and all  
22       kind of limu, all the Hawaiian limus that you could  
23       get, that's our area, just enough for us to take home  
24       to eat, you know. It was -- and the water wasn't  
25       liked to. Today there's slimy, the limu is slimy.

1 When you eat it, you can taste the (inaudible), the  
2 taste of the lotion, yeah. So that's why I hardly --  
3 hardly get it now. There's laws you can only take so  
4 much, so, you know, everything's changed today.

5 MR. FREDRICKSON: It's Eric here. A  
6 question actually for both of you folks. You know  
7 when you folks were let's say small kid times going  
8 like down to the -- to the shore, like Lucienne and  
9 Mike were talking about, compared to like then to more  
10 recent, what's your impressions of like how much limu  
11 is there now compared to like when you were -- you  
12 know when you were younger and -- because, you know,  
13 you folks --

14 MS. LANI: A lot. A lot.

15 MR. FREDRICKSON: -- a resource, just  
16 because -- to see the changes, you know. So, I'm  
17 sorry, I interrupted you.

18 MS. LANI: Yes, my uncles were all  
19 fishermens too. We'd go down Makena, La Perouse and  
20 they would put a building there and that's what did  
21 their job every day, and they would gather -- when  
22 they gather, they pull the nets and they get fish,  
23 limu, they always would share for all the families,  
24 you know, because before we didn't have the kind that  
25 you can go paddle or sell, you know, we would trade

1 our goods that we have, but there's rare, not today,  
2 you don't see that kind of limu hardly, huh-uh.

3 MR. LEE: Aunty Florence, are we talking  
4 about like lipoa, palahalaha, aalaula, lipeepee?

5 MS. LANI: Lipoa, lipeepee, all those,  
6 yeah, huluhuluwaena.

7 MR. LEE: (Inaudible).

8 MS. LANI: Yeah, tutu taught us how to,  
9 you know, make all the -- and it was not liked to.  
10 Today you don't hardly see all those. It's all -- the  
11 rocks -- every rock when you take, you know how to  
12 take it out, there's always -- next time there's  
13 always more, but today you don't -- you scrape the  
14 rock, so that's why hardly.

15 MR. NAE`OLE: Brian Nae`ole. Back in the  
16 '70s when we used to go pick up limu, remember we used  
17 to go down there all the time, we were told numerous  
18 times not to go in certain areas. We used to always  
19 stay in like more towards the makai -- well, more  
20 Makena side, because there were certain things that  
21 you couldn't go more by the fishpond, but I remember  
22 the limu that was so plentiful before. The fishes  
23 was -- they were like right there. Not liked to,  
24 they're pretty much disappearing.

25 But I remember when we go gathering, we

1 lay nets, and the limus was like lipeepee, wawae`iole,  
2 ogo, you know, you never had to go too far, because  
3 everything was right in the area. Now you have to go  
4 like further down to St. Theresa's. Even St.  
5 Theresa's is pretty much getting, you know, wiped out.  
6 I guess corrosion. But by experience, the fish was  
7 like -- you didn't have to go far. Now it's -- you  
8 walk -- or you go in the water, everything is just  
9 dead, more sand, everything is all covered up. Back  
10 in the days, you can see the difference from that  
11 times to what it is today. So we're pretty much  
12 destroying things right in front of our eyes, and how  
13 to do it, I think it takes the whole community to  
14 really save it. Because this place has food,  
15 resources, and I think that's part of our culture of  
16 living, because that was what we used to cut up  
17 tomatoes, you know, just basic stuff that we grow and  
18 we add to the limu, because that was part of our --  
19 like rice, you know. So now you look at it now, we  
20 don't go there, because we know it's -- there's no  
21 gain, you know, and even the -- you know, things are  
22 just different now, compared to what it was back then.

23 So like aunty was saying, you know, all  
24 that years, you know, we only hear from our ohana what  
25 they tell us to do and what not to do. So I don't

—RALPH ROSENBERG COURT REPORTERS, INC.—  
Honolulu, HI (808) 524-2090

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

1 natural plants so when the water does flow down from  
2 up mauka -- that water is supposed to be crystal clean  
3 coming into the ocean. That doesn't destroy anything.  
4 It actually adds, yeah. But because it's coming down  
5 muddy, because you don't have pili grass to bend over  
6 and deep roots that go like this like limu in the  
7 water, holding everything together so the water does  
8 pilau, it doesn't turn red, so by the time you get to  
9 the ocean, you also had your grasses down makai and  
10 big so it spreads out, so when hits the energy doesn't  
11 (indicating) and all the rubbish and everything and  
12 red water going in and then getting inside.

13 So, you know, a project like this,  
14 because the gulches are so important for the  
15 drainage -- you cannot do -- you know, the arrogant  
16 thing in the state, they said you have to have  
17 drainage for this project. The drainage was natural.  
18 The mauka takes care of the drainage, but you have to  
19 make sure that the right kind of grasses -- it was  
20 known that pili grass grew inside, but you now have to  
21 plant it because the invasive -- the birds kukai and  
22 then they take over and so you literally have to  
23 replant that and take out the invasives, so that when  
24 this happens --

25 And concretizing isn't good.

1 Concretizing is when, you know, they did that in New  
2 Orleans, and they don't do that any more, and they did  
3 it at Iao. Think don't do that. I mean, nowadays you  
4 don't do it, because it has to percolate down, because  
5 there's an underwater natural channel freshwater  
6 that's going into the ocean.

7 So all of these protocol for safety, when  
8 you get -- as you said, Brian, when this builds up and  
9 it let's loose, those big boulders will crack all the  
10 concrete stuff, you know, and you cannot house water  
11 underneath to settle in. It's going to have a  
12 devastating effect, because you're going against the  
13 flow. And when you go against the flow on a -- say, a  
14 one-week straight rain, it's going to bust over the  
15 banks and just go like this.

16 I mean, we see that in Manoa, we see that  
17 down when you go to Waikiki when it -- those big  
18 ditches were flooding over, and it's those events  
19 health and safety, not the regular small event, but  
20 the fishery is dying. That's a native cultural  
21 resource that ties into this property and this  
22 project, and that's Article 12, Section 7. Article  
23 7 -- Article 11, Section 7, the natural flow is  
24 supposed to be protected, surface and subsurface.

25 So there are -- there are a win-win for

1 everybody. It's a doable, is what I'm saying, if the  
2 proper things are put into place. It's a doable. I  
3 mean, we're not here to be in the middle ages, but so  
4 long as we can keep the ocean clean and that water  
5 coming down fresh, this is a plus for everybody, you  
6 know, if that is part of the mitigation plan. Because  
7 Army Corps of Engineers will do a 10 million dollar  
8 grant, you know, not out of the pocket of the  
9 developers but to make sure that the Clean Water Act  
10 and all of that stuff, the protocols are kept,  
11 something to really keep in mind, you know.

12 MR. KAPAHULEHUA: 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

1 mean huge bags. This is before any, you know,  
2 (inaudible), and the octopus, the he`e, pulling he`e,  
3 you know, like crazy, but that ended when they busted  
4 into the springs and for the (inaudible) and they were  
5 literally not letting the springs (inaudible) ocean.  
6 And so then we see a big turn over and change and all  
7 the palahalaha disappeared, the ogo started -- the  
8 invasive started coming in and the problem.

9 And then the governor, when he was a  
10 congressman, put this bill in and they really brought  
11 it back. It can be brought back is the good news, is  
12 what you're saying. We can bring all of this back, if  
13 we do proper management plans for it.

14 MR. ALMEIDA: Levi Almeida, and to  
15 further speak, to touching, you know, the (inaudible).  
16 I'm actually kama`aina of Iao and (inaudible) near the  
17 ocean, so is my family, and, you know, concretizing  
18 and tampering with the natural flow of -- you know,  
19 the natural waterways has been extremely detrimental  
20 to the ocean resources in that area.

21 What it's akin to, you know, you have an  
22 ordinary garden hose, yeah. You can water your  
23 plants, you can -- you know, it's gentle, yeah, but  
24 when you start concretizing and tampering with it,  
25 what happens is you no longer have a garden hose.

1 You now have a fire hose, and we turn it on and it  
2 blasts everything, you know, causing further erosion.

3 So I think with the gulches, it's  
4 important for us to, you know, really be precise and  
5 to have a really, really deep and clear understanding  
6 of what the effects is going to have from, you know,  
7 touching these waterways.

8 UNIDENTIFIED MALE: Go ahead, Basil.

9 MR. OSHIRO: Basil Oshiro. From what  
10 I've been hearing from everybody is we've got to be in  
11 spirit with the land. We've got to know what the land  
12 is telling us. We with cannot create -- actually, we  
13 are creating pollution by industrialization, but  
14 there's solutions to it. We've got to look at -- like  
15 Kihei, the deep floods we having. Somebody's not in  
16 spirit with the land. (Inaudible) ranch was one of  
17 the faults of that. I can say that much because they  
18 just -- they forest the whole area over there, and  
19 what came down here, all the (inaudible) from up there  
20 came out down here. Yeah.

21 And we just overdeveloping our wetland.  
22 We putting concrete where the water supposed to  
23 settle. Because you can look up mauka, the Hawaiian  
24 homes are there, those gulches are huge. So you know  
25 water comes down through there in -- you know, you can

1 say catastrophic amounts. And where it's gonna end up  
2 if you have concrete? It cannot flow in the land. It  
3 comes out to a certain amount, it disperses itself and  
4 settles and creates a water table, because we on  
5 volcanic islands, and the dirt is only so thick. It  
6 will settle on the bedrock and that's our water table.  
7 And that's a common sense kind of thing.

8 We've gotta listen what the land is  
9 telling us, and industrialization is going to happen,  
10 whether we like it or not, but we gotta be in spirit.  
11 If the land tells us something, listen. We cannot  
12 just develop. Listen to the land and find solution to  
13 that, what's happening. Otherwise, we're not gonna  
14 have Hawaii. We're only -- we're so limited on our  
15 land space. You look mauka, you think, oh, we get a  
16 whole bunch of land. We don't. We just a needle in a  
17 haystack right now looking at it.

18 Look at our rain forest. It's moving  
19 farther and farther up the mountain. Yeah, you go up  
20 to Polepole, oh, it's a big area, because we one speck  
21 of dust in that area, but look down from there, you  
22 see the vast area, it's actually all wetlands. Yeah,  
23 you look at where Aunty Florence guys, they talking  
24 about right here, that's part of our wetland. The  
25 water comes down, disperses and goes down to our

1 bedrock, but that water table is being depleted. They  
2 think we have a lot of water, west Maui, east Maui,  
3 Kula, but (inaudible) Haleakala, I'm quite sure  
4 there's just maybe at the most two water tables that  
5 we keep drawing. Water from Mokuauia coming to Kihei.  
6 They want to pump it (inaudible) Kula because Kula  
7 don't have enough water. Farmers starving out there.

8           So we better listen to the land instead  
9 of growing homes and making industrializations. Let's  
10 grow farm land and food so we can be self-sustainable,  
11 because within my lifetime I hope to see something  
12 happen, that the -- we will be self-sustainable, in a  
13 way that we don't have to depend on the outside so  
14 much.

15           I come from -- I the only one from my  
16 family as a commercial fisherman, and a lot to do with  
17 the -- what we have on land, up mauka, makai, gonna  
18 affect our waters. And everybody's talking about the  
19 same -- same thing, and if we not in spirit with what  
20 we have here, we all gonna suffer. Our future  
21 generations are gonna suffer. So whenever you folks  
22 decide -- we not trying to stop all developments, but  
23 to be in spirit with what our kupuna had, how they did  
24 it, and listen and be in spirit. It's the main thing  
25 I'm talking about.

—RALPH ROSENBERG COURT REPORTERS, INC.—  
Honolulu, HI (808) 524-2090

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 Kanahale.  
22 Sorry. Speaking of the archaeological inventory  
23 survey, really to understand site significance of any  
24 individual cultural feature, you have to understand  
25 the cultural landscape that surrounds it. And so

1 often, you know, we look at just a small slice of a  
2 pie. We look at it through, you know, sort of tunnel  
3 vision. We can't do that, because we know as  
4 Hawaiians that it's a much bigger picture, and we're  
5 talking about a cultural landscape.

6 And so we're talking about the gulches,  
7 Kulanihakoi and Kaonoulu, which Basil says doesn't  
8 flow very often, but when it flows, it's crazy. It  
9 means a lot of water comes down. We have to look at  
10 our cultural landscape, and the gulches are cultural  
11 resources, and it's part of the reason why you have  
12 traditional sites there.

13 MR. FREDRICKSON: Sure.

14 MR. KANAHELE: Because of the water,  
15 because of the access (inaudible) ocean. And we know  
16 there was a lot of activity going down near the ocean,  
17 you know, this makai -- you had Kalepalepo  
18 (inaudible). You have a lot of people down there. So  
19 I have hiked Kulanihakoi gulch many times. I know for  
20 a fact that if you go along the southern boundary of  
21 the project area and the gulch and as you make that  
22 (inaudible) left turn in the gulch, gulch (inaudible)  
23 and it turns north. There are sites, there are walls  
24 along the gulch there, which is, you know, adjacent to  
25 the property.

1                   So I think it's important to -- in order  
2                   to understand the sites that you're looking at, to  
3                   understand the sites that are adjacent to it, what's  
4                   next to it, especially the sites in the gulch, because  
5                   it's apparent that that was used a lot. So who is --  
6                   who is going to cover that? Who is going to look at  
7                   those sites that are just right, right next to this  
8                   project area right along the gulch? Because the  
9                   project area will impact the gulch, Kulanihakoi. It  
10                  will impact Kaonoulu Gulch.

11                  So who is going to look at those sites?  
12                  Will it be -- will it be part of this reassessment  
13                  that, you know, the survey is undergoing?

14                  MR. FREDRICKSON: Really the question --  
15                  Eric here, Fredrickson. Again, the gulch area per se,  
16                  though, is -- it's not the same landowner, and trying  
17                  to look at that -- one has to absolutely have  
18                  permission, one, and -- because landowners tend to  
19                  be -- especially large landowners, tend to be somewhat  
20                  sensitive about having sites identified on their  
21                  property that they're not necessarily wanting to do  
22                  anything with or know about really.

23                  Having said that, some landowners are --  
24                  you know, they have like land managers, et cetera that  
25                  they do have a level of interest about it -- if they

1 do know of something, making sure that they don't  
2 inadvertently bulldoze through a site complex or  
3 something, but actually looking at sites that are off  
4 the project area that have not been surveyed before,  
5 trying to do that is something that -- I mean, it  
6 sounds -- it would be neat to do, but that can't --  
7 that can't be done with this project. It's a -- I  
8 mean, it would be neat from an archaeological point to  
9 do that.

10 MR. KANAHELE: Is that a potential area  
11 of impact for the proposed -- proposed --

12 MR. FREDRICKSON: I'll let Charlie answer  
13 that, because that's -- I'm looking at the  
14 archaeology. My understanding -- I will say one  
15 thing, Daniel, that this easement -- excuse me, here,  
16 that's on the mauka, the eastern side, this originally  
17 was classified as a drainage easement, which would  
18 have brought drain and from up slope and just emptied  
19 it into the gulch. That -- that has been taken --  
20 that potential use is no longer something that's  
21 proposed. It's just going to be used for this  
22 waterline, the central Maui transmission waterline  
23 that will go around -- more around the property.

24 MR. KANAHELE: Okay. Close to the fence?

25 MR. FREDRICKSON: It will be -- it will

1 be next -- it will be mauka of the fence and then it  
2 will be on the southern part of -- in the property  
3 itself.

4 MR. KANAHELE: Okay.

5 MR. FREDRICKSON: But Charlie can  
6 speak -- Charlie Jencks can speak to your question  
7 about, you know, are actions of the project -- I mean,  
8 like development actions going to potentially do  
9 something to the gulch.

10 MR. JENCKS: Charlie Jencks. I would  
11 just say, Daniel, that, you know, we -- Eric described  
12 fairly accurately how the engineering plans for the  
13 project changed because I learned very quickly I  
14 didn't want to divert water and put it in Kulanihakoi  
15 gulch for a lot of reasons. Number one, I didn't to  
16 mess with the gulch in any fashion. And number two, I  
17 didn't want to be influencing stream flows down stream  
18 from the property, because that affects other people  
19 unfairly.

20 So for those reasons, we backed  
21 completely out of that approach to the stream,  
22 diverting any water to the Kulanihakoi Gulch, and  
23 we've -- we had a conscious effort to make sure that  
24 we were not doing any work close to the (inaudible).  
25 With that said, however, I'll take under advisement

1 your request and look at that in the context of the  
2 plans we have today and we'll fiddle with that.

3 MR. KANAHELE: So -- Daniel 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.

1 MR. KANAHELE: So you're diverting?

2 MR. JENCKS: Yeah, but not in -- not into  
3 Kulanihakoi Gulch. It was at one time. Henry's  
4 original proposal was to take it over to here and put  
5 it in the gulch over here.

6 MS. DeNAIE: Lucienne deNaie. I think it  
7 might be interesting, just from an archaeological  
8 perspective, to look at this project in terms of what  
9 the land might have looked like 400 years ago or so.  
10 And I'm really intrigued by what Brian and aunty are  
11 saying about Kulanihakoi Gulch being so much more  
12 shallower, because imagine if this is kind of a piece  
13 of land between two gulches. Because if you look at  
14 the 1922 topo map, Kaonoulu Gulch is pretty prominent  
15 on that. It's a little dotted blue line. It's not  
16 just, you know, some little checkered marks saying  
17 there's sort of a gully. It -- it had a life of some  
18 sort. It joined in to Kulanihakoi Gulch down below  
19 what is now Piilani Highway. There probably was sort  
20 of a wetlands or something there, because two water  
21 places coming together, because it's very low lying  
22 (inaudible).

23 UNIDENTIFIED MALE: (Inaudible).

24 MS. DeNAIE: And if you look at the 1930s  
25 maps you see as then the conjoined flow goes

1 through -- now it's Kaonoulu Estates and down near  
2 that place where it always floods near the whale  
3 sanctuary, where, you know, this gulch, Kulanihakoi  
4 Gulch comes out at that point there. There was a big  
5 (inaudible), and it's on the map. So in other words,  
6 it was a big, open lagoon swampy area. Now there's  
7 like a little channel, like Michael referred to  
8 earlier, Michael Lee noted this.

9 So in essence what you have was land that  
10 might have been between two areas that had maybe some  
11 spring feeding and certainly intermittent flow and  
12 certainly not intermittent flow like 15, 20 feet  
13 below, maybe 5 feet down or 6 feet down. And so I  
14 heard you say earlier, well, nobody lived here because  
15 there was no water, but 400 years ago it could have  
16 been --

17 UNIDENTIFIED MALE: Down closer to the  
18 coast there certainly would have -- were people living  
19 there, yeah.

20 MS. DeNAIE: Right. And I just wonder,  
21 because, you know, when you look at the archaeological  
22 surveys for a number of other places that are at this  
23 same elevation, a lot of times they're fairly empty.  
24 They've been pretty smashed up by military -- the  
25 activities or by ranching activities. It's

1 interesting that this one had all these mitten  
2 scatters and other, you know, the petroglyph, that  
3 there's more petroglyphs further up the gulch that  
4 were found in Socheck's report.

5           You know, I'm with whoever said we  
6 need -- I think it was Daniel. You need to look at  
7 the cultural landscape. And I realize you can't go  
8 out and do other people's work, but I'm really happy  
9 that we're looking at this report, because I know  
10 you're a hard working archaeologist. I've read so  
11 many of your reports and I really respect your work  
12 and I really respect the fact that you like to dig.  
13 You're personally curious about this.

14           So I would just say that let's take a  
15 look at this land. It may be that the reason that we  
16 have these mitten scatters is that so much soil that  
17 used to be there was washed away earlier simply  
18 because the same erosion effect that has cut down that  
19 gulch, Kulanihakoi Gulch, and sort of (inaudible) in  
20 Kaonoulu Gulch, has kind of, you know, impacted the  
21 flatter part of the land. Because there's sheet flow  
22 that comes across it too.

23           UNIDENTIFIED MALE: Oh, yeah, definitely.

24           MS. DeNAIE: Plenty of sheet (inaudible).  
25 That's why we had that big cement thing there. It's

1 not just for the gulch. It's for all the sheet flow  
2 too. So in terms of the significance, I mean, I hope  
3 that, you know, your investigations shed more light on  
4 what's there, but even if they don't, I think we may  
5 have to assume that some of it may have been washed  
6 away, but if there's a way to design this project as  
7 (inaudible) parking lots, just so there's a sense of  
8 history left here, so there's a couple plaques that  
9 say, oh, here's a little -- here's a little -- I  
10 notice there was an enclosure that was near one of the  
11 mitten scatters, and it seemed like that mitten  
12 scatter, number 3744 had two layers, had kind of a  
13 larger selection artifacts, maybe a grinding stone,  
14 this and that, maybe there's a little bit going on  
15 there. I mean, if that can be preserved in a parking  
16 lot somewhere and you give up like four parking  
17 spaces, but you have a sense of -- Kaonoulu is not a  
18 very wide ahupua`a. I mean, I bet you wouldn't oppose  
19 that if that could be arranged, but just throwing this  
20 out, that there may be a whole other landscape view of  
21 this as we put the pieces together of what conditions  
22 were like 400 years back when people were using these  
23 kind of implements, what things were like further up  
24 the gulch, and what was happening down at the ocean,  
25 which was pretty busy. So end of rant.

—RALPH ROSENBERG COURT REPORTERS, INC.—  
Honolulu, HI (808) 524-2090

1                   MR. MAU: Jacob Mau. You know, I started  
2 working for the state Department of Land and Natural  
3 Resources in 1961, and part of my responsibility was  
4 once a week I would read the rain gauges from Cosner  
5 Grove, I go down Puluau, Puniaiu, I come out Waikamoi,  
6 and I go inside the reservoir, read the rain gauge. I  
7 come out, I go inside Waiahole spring, which is  
8 Olinda. I come back down, I go up Pulipuli. I take  
9 the sky road, I come down on the skyland ridge, come  
10 down Pulipuli, go read the rain gauge. And there were  
11 times, especially in the winter months when you get  
12 the Kona wind or the Kona rain, there's a river. I  
13 don't know if you guys been up Pulipuli, get one  
14 concrete crossing (inaudible).

15                   UNIDENTIFIED FEMALE: Yeah, yeah.

16                   MR. MAU: Sometime I cannot even come  
17 home until the water go down. And I stand up there, I  
18 sit down, I look. You see the water going all the way  
19 down to Kihei and all the dirt and mud and everything  
20 down there. I go, wow, I wish I had a video camera,  
21 you know, just to show the devastation.

22                   Another thing, I was fortunate in 1963 or  
23 '64, I worked on Kahoolawe. We did a first  
24 reforestation -- first we did eradication, get rid of  
25 all the sheep and the goats that were -- I think

1 Kaonoulu Ranch, yeah, the Rice family had use of --

2 MS. DeNAIE: They had some use, yeah.

3 MR. MAU: Kahoolawe, so we had to get rid  
4 of all of the goats and the sheep, and you like see  
5 the damage, you know, over there, the erosion, the  
6 damage. I look at that, you know, and (inaudible) no  
7 more money for camera, but you look at the damage, the  
8 erosion, you know, all over that island, the  
9 devastation to all the native (inaudible), the kiawe  
10 tree, the goats get so hungry, they climb the kiawe  
11 tree and they go up on the limb, eat as much as they  
12 can on the trees, because that's all they can eat. On  
13 the ground no more nothing, you know, all gone.

14 So things like that can happen again,  
15 yeah, but today (inaudible) we did all the  
16 reforestation on Kahoolawe, so now get plenty rain,  
17 plenty rain. Everything stay pono now, I hope. Okay,  
18 that's it.

19 MR. NAE`OLE: Brian Nae`ole real fast.  
20 Talking about what Lucienne was saying about 400 years  
21 ago, does anybody in here knows Hewahewahapakuka, who  
22 he was back then?

23 MS. DeNAIE: Eldon Liu does, but he  
24 couldn't come tonight.

25 MR. NAE`OLE: Hewahewa was a kahu for

1 Kamehameha the Great, and he had some kind of  
2 significant thing back in here, because back then over  
3 here was green. Now we're like vacant, you know, we  
4 cannot go on the land, but back in the old days they  
5 used to work the lands before, so maintenance was  
6 pretty well organized. So had a significant life here  
7 in Kaonoulu, because Kamehameha the Great trusted  
8 Hewahewa, because Hewahewa was his high priest at the  
9 time.

10 So what was significant was vegetation,  
11 food, resources, fishpond was all in one area, and  
12 that land mass is so magnificent, it's high and it's  
13 low, you know, and it makes sense, because we're just  
14 trying to find --

15 MS. DeNAIE: Pili grass too. Lucienne.  
16 Pili grass was on this site. It was in your report.  
17 It's still there.

18 MR. LEE: Mike Lee. Hewahewanui was my  
19 8th great grandfather. His granddaughter Kapele, was  
20 mother of Neole, who married Kawaha, who had Julia  
21 Alapa'i, who is my grandmother, who when she was with  
22 Nahili or Nahele, the child that she had in the Maui  
23 genealogy's keiki na miki, Captain Meek's daughter,  
24 Liza Meek, alii haole, who is my 4th great  
25 grandmother. The secret was that so long as you keep

1 the natural forest going, okay, the (inaudible) keep  
2 double rain, okay.

3 So what happens is the water from the  
4 ocean condenses and then it goes down in dew from the  
5 morning time all the way to 1:00 and then you get the  
6 secondary rain that takes place. The cloud forms.  
7 This is the neck for the area. It's the neck. It  
8 comes down and shoots over to -- this is the naulu.

9 UNIDENTIFIED MALE: Naulu.

10 MR. LEE: Naulu for the uaulu rain that  
11 comes down. So long as you keep -- now, what happened  
12 was Kahona set this on fire, burned this, stopped  
13 this. This is the neck, and it's related to the mo`o  
14 that goes through here, which everything is made for  
15 the mo`o from east to west to clear everything from  
16 the mountain to the sea, but if you keep this in check  
17 up here, the neck run, the naulu rain will take -- the  
18 cloud will form, and that's part of Puumahoi's job  
19 over here.

20 So this takes the moisture. In October  
21 the moisture that comes off of the south -- the  
22 southeast and south, what happens is there's plankton  
23 inside that moisture from the surf. It gets very cold  
24 in mauka, but it comes cold down below and it  
25 condenses all of that. And what happens is it

1 fertilizing everything. It's more fertile than weeks  
2 and weeks of rain of the so you never see one drop of  
3 rain come, and everything turn green. And it's  
4 like --

5 MS. DeNAIE: From the fog?

6 MR. LEE: From the mist that comes down.  
7 That's the secret in the family structure of doing  
8 that. So when you keep that in check, then naulu  
9 comes and the uaulu rain takes place. You wipe that  
10 out here, it stops it here, and then this no longer --  
11 the fishery no longer proliferates because the  
12 underground pahoehoe lava tube and the mo`o is used to  
13 clear all of that stuff, so that the fishery is going  
14 to be impacted in a positive way, and that's why the  
15 nakoas are set up here, here, here, it intersects with  
16 the fishery and in December, through the right moon,  
17 (inaudible) can go right across. Just suck you right  
18 across.

19 So if it's kept in check, then everything  
20 goes. Keokea Lani, which on the earth is part of  
21 Puumahoi and her breast and Keokea Lani in the sky  
22 match up together, and everything flows. Break that  
23 cycle, you choke it all off, right down the whole  
24 thing.

25 MR. KANAHELE: Question. Eric, yeah, I

1 know our time is running short, the cultural impact  
2 assessment for this project area was done in 1994? I  
3 know there was a CIA done -- no, I think it was  
4 2000 -- (inaudible).

5 MR. FREDRICKSON: We didn't do the CIA --  
6 there was no requirement in '94 and we didn't do  
7 the -- I believe there was one done, but we didn't do  
8 one on this project.

9 MR. KANAHELE: Okay. (Inaudible) 2004,  
10 because I read a CIA for the project.

11 UNIDENTIFIED MALE: Yeah.

12 MR. KANAHELE: (Inaudible) did that? I  
13 think around 2004, something like that. And it was  
14 very short, because there was actually no one  
15 interviewed. There was no one found to interview,  
16 but, I mean, I'm just wondering if that should be  
17 redone, if there should be a CIA, because there's like  
18 two people here.

19 The other quick question -- oh, I see  
20 (inaudible). Another -- the other quick question is,  
21 you know, can we set a date for a site visit at green  
22 dry season, Charlie?

23 MR. JENCKS: Charlie Jencks. Yes, you  
24 can. We will. And number two -- that's with regard  
25 to the site visit. And number two with regard to the

1 cultural impact assessment, it has been redone by  
2 Hanapono as a part of this project application. It  
3 will be in the AIS.

4 MR. KANAHELE: It's done or it's going to  
5 be done?

6 MR. JENCKS: It has been done. It will  
7 be included in the draft AIS when it's published for  
8 review.

9 MR. KANAHELE: I wasn't aware that it was  
10 underway.

11 MR. JENCKS: Done.

12 UNIDENTIFIED MALE: Did you hear,  
13 (inaudible)?

14 UNIDENTIFIED MALE: No, I just heard  
15 about it now.

16 MR. LEE: Mike Lee. Can you do a  
17 supplemental for aunty and uncle over there for the  
18 CIA? Because they are cultural resources that are  
19 valuable and lineal descendents of the --

20 MR. JENCKS: What I would suggest you do  
21 or they do is comment, as a part of the draft comment,  
22 and then we have to address that.

23 MR. LEE: Okay. Good.

24 MR. JENCKS: That's basically the purpose  
25 of that document is to put out a draft document. You

1 have a chance to comment on every aspects of the  
2 document, and then we have to address those comments.

3 MR. LEE: Okay. Fair.

4 MR. JENCKS: Okay, it is literally  
5 straight up 8:00. I want to thank every -- hold on.  
6 I want to thank everybody for coming. Clare, you  
7 didn't say a word.

8 MS. APANA: (Inaudible). I just have a  
9 question. So everyone has given such great input, I  
10 mean, it's a record meeting. Seems like all the  
11 kanaka are pretty much in agreement about the flow of  
12 water and preserving the coastline, keeping the water  
13 clean, flowing down and keeping it flowing, but -- so  
14 how does -- where do you take this? Where do you take  
15 this, Charlie, these comments and --

16 MR. JENCKS: Well, like I said when I  
17 started the meeting, we have an audio man here. We'll  
18 take this audio recording, it will be put into a  
19 transcript. That transcript will then be attached to  
20 the AIS, which is part of the EIS for the project.  
21 Okay. And you will then have a chance to comment on  
22 the transcript, if you wish, and also comment on the  
23 AIS as a part of the project and the cultural impact  
24 assessment.

25 MS. APANA: Does this comments get to

1 be -- does it have a chance to be seen as an impact,  
2 as a cultural impact?

3 MR. JENCKS: You'll see it in context in  
4 the document and you'll be able to read that and you  
5 can comment on that. Okay?

6 UNIDENTIFIED MALE: (Inaudible).

7 MR. JENCKS: As I understand your  
8 question, that's a yes. Okay, thank you for coming.

9 UNIDENTIFIED MALE: Thank you, Charlie.

10 MR. JENCKS: Have a good evening.

11 (End of audio-recorded proceedings.)

12

13

14

15

16

17

18

19

20

21

22

23

24

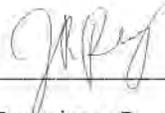
25

## 1 C E R T I F I C A T E

2  
3 I, Jessica R. Perry, Certified Shorthand Reporter  
4 for the State of Hawaii, hereby certify that the  
5 audio-recorded proceedings were transcribed by me in  
6 machine shorthand and thereafter reduced to  
7 typewritten form; that the foregoing represents to the  
8 best of my ability, a true and correct transcript of  
9 the audio-recorded proceedings had in the foregoing  
10 matter.

11 I further certify that I am not attorney for any of  
12 the parties hereto, nor in any way concerned with the  
13 cause.

14 DATED this 21st day of March, 2014, in Honolulu,  
15 Hawaii.

16  
17 

18 \_\_\_\_\_  
19 Jessica R. Perry, CSR, RPR  
20 Hawaii CSR# 404  
21  
22  
23  
24  
25

—RALPH ROSENBERG COURT REPORTERS, INC.—  
Honolulu, HI (808) 524-2090

**Piilani Promenade Cultural Consultation Meeting  
February 25, 2014**

Print Name	Address	E-mail Address	Phone Number(s)
KIMOKEO KAPAHUICHA KUHAI	P.O. Box 1574 Waiuku 96793	honokohau@amalg.com	276-7219
KELI TANA	P.O. Box 1973	HokuTup@a.mtl.com	281-8743
MIKE CEE	91-1200 Keolu Dr. Unit 614 Ewa Beach HI 96721	KeakuaKalua@yahoo.com	603-1957
Leni A	616A Kona Road Waiuku, HI 96793	nenepaokuKalua@gmail.com	250-6105
BASIL OSHIRO	P.O. Box 543 Kahului HI 96733	soshiro17@hawaii.rr.com	781-5759
Sally Oshiro	"	"	264-2947
Clara Apone	260 Halemanu Dr		214 4411
Bruce Nzebe	477 Kaimahameha AVE Kahului HI 96732	nzee@hawaii.rr.com	264 1231
Florence KLANI	P.O. Box 1056 Kula, HI 96790	Kuekueku (Pina) Kuekueku (Kula) Kuekueku (Kula) Kuekueku (Kula)	357-5812
Daniel Kanohole	POB 646 Kula HI 96753	tookie49@2004.aigchan.com	879-2257

EXHIBIT "A"

**Piilani Promenade Cultural Consultation Meeting  
February 25, 2014**

Print Name	Address	E-mail Address	Phone Number(s)
JACOB L. MAH	PO BOX 880511 MAKAIWA, HI 96788		808 283 8257
BRETT DAVIS	PO BOX 2606 WAILUKU, HI 96793	bdavis@chphawaii.com	

**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

Transcribed by:  
Tonya McDade, CSR, RPR, CRC  
Certified Shorthand Reporters Maui  
2145 Wells Street, Suite 302  
Wailuku, Hawaii 96793  
[www.csrmaui.com](http://www.csrmaui.com)  
808-244-DEPO

Certified Shorthand Reporters Maui  
808-244-3376

1 \*\*\*

2 MR. JENCKS: I'll just open this up. My name is  
3 Charlie Jencks. And I am -- I am the owner's representative  
4 for Sarofim Realty out of Dallas, Texas, and the guy on Maui  
5 working with -- with Brett and Kimokeo on the Pi'ilani  
6 Promenade project. I think maybe the first thing to do  
7 today is to go around the room and introduce ourselves and  
8 who we're representing, if you are representing someone. So  
9 you've heard from me, you know who I am. Let's go, and then  
10 we'll go around the table this way back to me.

11 MR. KAPAHULEHUA: Kimokeo Kapahulehua, Hana Pono,  
12 working with Charlie Jencks on this project, as he  
13 identified.

14 MR. DAVIS: My name is Brett Davis, I'm a planner  
15 with Chris Hart & Partners. And we are preparing the  
16 environmental impact statement.

17 MR. NAEOLE: Brian Naeole, lineal descendant to  
18 Hewahewa Hapakuka in that area. Good morning.

19 MR. BASIL OSHIRO: Basil Oshiro, Aha Moku O Maui,  
20 Kula Makai Rep.

21 MS. LANI: Florence Keala Lani. I am here to  
22 represent myself as a lineal descendant to Hapakuka today.  
23 Thank you.

24 MS. SALLY OSHIRO: Hi. Sally Ann Oshiro with the  
25 Makai Kula Moku. Mahalo.

Certified Shorthand Reporters Maui  
808-244-3376

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

Certified Shorthand Reporters Maui  
808-244-3376

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 Kanahela 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

Certified Shorthand Reporters Maui  
808-244-3376

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

Certified Shorthand Reporters Maui  
808-244-3376

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 --

Certified Shorthand Reporters Maui  
808-244-3376

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 Kimoeko had been working on the Cultural Impact Assessment.  
23 And I know there was communications, Basil, between you and  
24 Kimoeko on setting up a meeting.

25 MR. BASIL OSHIRO: Yeah.

Certified Shorthand Reporters Maui  
808-244-3376

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

Certified Shorthand Reporters Maui  
808-244-3376

1 meeting, we would meet and we should just -- and I know  
2 everybody be busy, but, that way, we get some -- some kind  
3 of discussion ongoing. And it really happened that Charlie  
4 could be here to update all of us on what's -- what's coming  
5 on this summer, you know, and how do we proceed together in  
6 looking at it. And I know that they didn't have as much  
7 what we talked about earlier about Wailea 670, but there are  
8 sites that you guys had shown that's significant and  
9 everything else. So it's a good time to go out with the  
10 archaeological guy. And, you know, not necessarily  
11 everybody here, but those who can, you know. So I think the  
12 reason for the meeting was just to give ongoing discussion,  
13 you know, and ongoing update with -- with the owners and the  
14 developers.

15 MR. BASIL OSHIRO: So this part is -- we're  
16 looking at updating or looking at the EIS, AIS.

17 MR. JENCKS: The EIS was drafted.

18 MR. BASIL OSHIRO: Uh-huh.

19 MR. JENCKS: Went out for public comment. Public  
20 comments were received. Those letters were then reviewed by  
21 the ownership and the various technical members of the team.  
22 Responses were written, and those responses are included in  
23 the final EIS, which has not been finalized.

24 MR. BASIL OSHIRO: Yeah, because I don't think I  
25 got anything.

1 MS. DE NAIE: I didn't get anything.

2 MR. BASIL OSHIRO: Because you have my email  
3 address, can you send me all that -- I know it's probably  
4 400 pages long.

5 MR. DAVIS: I'm sorry. What are you ask -- are  
6 you asking for --

7 MR. KAPAHULEHUA: The EIS.

8 MR. BASIL OSHIRO: EIS, AIS or whatever you guys  
9 did already.

10 MR. DAVIS: The draft EIS?

11 MR. BASIL OSHIRO: Yeah.

12 MR. DAVIS: Yes, we can -- I can email that.

13 MR. BASIL OSHIRO: I hope it -- I hope it's not  
14 400 page long.

15 MR. DAVIS: It's longer than 400 pages.

16 MS. SALLY OSHIRO: Do we have it mailed?

17 MR. DAVIS: It's available on the State website.  
18 The Office of Environmental Quality Control has what's  
19 called an EA and EIS library. So every EA and EIS that's  
20 ever been written is in there. And it's in PDF and you can  
21 review it right there or you can download it and print it.

22 MR. BASIL OSHIRO: What's the website?

23 MR. DAVIS: It's OEQC.

24 MR. BASIL OSHIRO: All in capital?

25 MR. DAVIS: If you went to like a Google search

1 engine and just typed in O-E-Q-C, it will take you to their  
2 website.

3 MS. DE NAIE: You have to do "Hawaii" because  
4 there's other OEQCs.

5 MR. DAVIS: Okay. Okay. Hawaii OEQC. I can  
6 forward you --

7 MR. BASIL OSHIRO: Yeah.

8 MR. DAVIS: -- a link to the website.

9 MR. BASIL OSHIRO: Yeah.

10 MR. NAEOLE: Yeah.

11 MS. SALLY OSHIRO: That would be better.

12 MR. DAVIS: Not a problem.

13 MR. KAPAHULEHUA: What's your email?

14 MR. NAEOLE: I'll give you my -- okay.

15 MS. SALLY OSHIRO: While we doing this, would you  
16 like to introduce yourself?

17 MR. KAPAHULEHUA: Yeah.

18 MS. DE NAIE: Thank you. Lucienne de Naie. I'm  
19 on the Advisory Board of Maui Cultural Lands and, also, I'm  
20 President of Maui Tomorrow, which is one of the  
21 organizations that did ask that this be reviewed and has  
22 submitted comments on the EIS in great volume. We haven't  
23 heard anything back yet.

24 MS. SALLY OSHIRO: Thank you.

25 MS. DE NAIE: Oh, sorry. Turn this off.

Certified Shorthand Reporters Maui  
808-244-3376

1 MR. JENCKS: Everybody is so popular.

2 MS. DE NAIE: Yeah.

3 MR. BASIL OSHIRO: You gonna get your turn too,  
4 Charlie, you watch, they gonna be calling you next.

5 MR. JENCKS: Who is that?

6 MR. BASIL OSHIRO: I don't know.

7 MR. JENCKS: That was my wife.

8 MS. DE NAIE: That counts.

9 MR. JENCKS: Always take those calls. You can  
10 never tell what's happening at home or at the office. Okay.

11 MS. SALLY OSHIRO: Thank you.

12 MR. DAVIS: So, yeah, I can email that link to  
13 you, no problem.

14 MR. BASIL OSHIRO: Yeah.

15 MR. DAVIS: I'll do that today.

16 MR. BASIL OSHIRO: Because, Brett, I look at the  
17 fishery stuff and I get 400 or 500 pages. It gonna take me  
18 six months to look at that, so just glance through it. So  
19 this meeting is actually about the AIS or the EIS?

20 MR. JENCKS: No. This meeting, Basil --

21 MR. BASIL OSHIRO: Yeah.

22 MR. JENCKS: -- is about what you know about the  
23 property, what you have to offer from a cultural perspective  
24 with regard to the property. That's what this meeting is  
25 about and that's what it's being held for. And I'm just

1 curious, if someone could explain to me clearly what the  
2 function of your organization is. Because I've -- I've  
3 looked at a lot of data on the website and I've read -- I've  
4 read through, but I --

5 MS. SALLY OSHIRO: You can't comprehend?

6 MR. JENCKS: No, I can comprehend.

7 MS. SALLY OSHIRO: Oh, okay.

8 MR. JENCKS: I'm just looking for the substance,  
9 what is -- I looked for a mission statement, I looked for  
10 goals. I just didn't see -- maybe -- maybe it's somewhere  
11 else and maybe I didn't go to the right spot, but if,  
12 perhaps, you could communicate what it is you're all about,  
13 I think that will be helpful.

14 MR. BASIL OSHIRO: Well, it's -- I will do the  
15 best I can. It's the ancient ways. If you know how the old  
16 Hawaiians, like, say, our ancestors, actually survived  
17 without outside intervention. We're trying to meet halfway,  
18 yeah. The system is almost about how we can conserve our  
19 natural resources, whether it's land, ocean --

20 MS. SALLY OSHIRO: Air.

21 MR. BASIL OSHIRO: -- air, all that. We had a  
22 whole (inaudible) of it. But it's mostly our natural  
23 resource, the conservation, the use of it. Not the ban --  
24 banding of it. So it's a sharing of our natural resources.

25 MR. JENCKS: And your organization, if I may, what

1 I did get from it, from what I read, was that the  
2 organization focuses on the various ahupua`a in the state.  
3 So there's a -- there's a council for geographical areas, is  
4 that --

5 MR. BASIL OSHIRO: Yeah. So it starts with the  
6 ahupua`a. It's, you know, like the single person, one  
7 person.

8 MR. JENCKS: Uh-huh.

9 MR. BASIL OSHIRO: It's a community. The ahupua`a  
10 is part of the moku. The towns in the moku --

11 MR. JENCKS: Like Honua`ula is a moku?

12 MR. BASIL OSHIRO: Yeah.

13 MR. JENCKS: Okay.

14 MR. BASIL OSHIRO: They have districts inside of  
15 that moku. That's what they call ahupua`a.

16 MR. JENCKS: Okay.

17 MR. BASIL OSHIRO: So that -- from -- you know if  
18 you have a concern from the ahupua`a or a single person,  
19 like Bully says, I have a concern, okay, they going talk to  
20 the leader of his community. And from his community, they  
21 going get together, okay, let's do this, and they go through  
22 the moku. And the moku rep comes out and they have their  
23 discussion. From their discussion, the people, the  
24 community involved, not just for special -- special interest  
25 group, it's the community. If you don't show up, well, you

1 know, you know what you have, what happens, you gonna be  
2 left out in the -- in the cold. But (inaudible) the  
3 ahupua`a, the community or the town has a -- has a concern  
4 or problem, comes to the moku, the moku of the ahupua`a can  
5 get together, what they wanna do. This is all the moku,  
6 now. Like you have -- like the stream that's flowing in a  
7 certain place. Then we all get together and then discuss  
8 that.

9 MS. SALLY OSHIRO: How we can get it back.

10 MR. BASIL OSHIRO: How can we get it back to  
11 actually not take all the water, but --

12 MS. SALLY OSHIRO: Share.

13 MR. BASIL OSHIRO: -- how we can share the water.  
14 Not one ahupua`a who get all the water and this other side,  
15 they lo`i dry. No. We try to share all that. And that's  
16 the conservation. And that's how the old Hawaiians worked  
17 before.

18 MR. JENCKS: Does the organization do annual  
19 reports on what they've accomplished or what they've engaged  
20 in?

21 MR. BASIL OSHIRO: Yeah.

22 MR. JENCKS: Does that -- is that also done?

23 MR. BASIL OSHIRO: Get all those --

24 MS. DE NAIE: It's up to the legislature.

25 MR. BASIL OSHIRO: Yeah. It's written in Hawaiian

Certified Shorthand Reporters Maui  
808-244-3376

1 and English. It goes to our (inaudible). From the  
2 (inaudible), from there, she supposed to be our -- our  
3 middleman that takes it to the DLNR, if we having problems  
4 there, it get stuck, you know, stays (inaudible).

5 MS. SALLY OSHIRO: It's not supposed to.

6 MR. BASIL OSHIRO: It's not supposed to do that,  
7 but nets is something else, but what --

8 MR. JENCKS: Are you funded by the State?

9 MR. BASIL OSHIRO: No.

10 MR. JENCKS: Is there any funding?

11 MR. BASIL OSHIRO: Not --

12 MR. JENCKS: So how do you -- how do you cover  
13 your expenses?

14 MS. SALLY OSHIRO: Right there.

15 MS. DE NAIE: Well, actually, isn't there some  
16 money for Leimana's salary?

17 MR. BASIL OSHIRO: We -- it hasn't gone through  
18 yet.

19 MR. JENCKS: Got somebody that --

20 MR. KAPAHULEHUA: No, but the moku and ahupua`a --

21 MS. SALLY OSHIRO: No. No.

22 MR. BASIL OSHIRO: Not --

23 MR. KAPAHULEHUA: Like this moku is called Kula,  
24 and you live in the ahupua`a, but the moku is -- this  
25 particular moku we talking right now, they not funded, they

1 don't -- they --

2 MS. DE NAIE: Yeah, there's no funding for the  
3 moku.

4 MR. KAPAHULEHUA: The moku -- down from the moku  
5 all the way to the shoreline, there's no funding, everybody  
6 is volunteer. Actually, they volunteer, documents --

7 MR. JENCKS: Okay.

8 MR. KAPAHULEHUA: So -- but what he's saying is  
9 how it works from the concern of the division, you know, the  
10 island, the moku and then ahupua`a. But it goes down to the  
11 kuleana of the lineal of Konohiki, you know. So in the  
12 ahupua`a, you still have kuleana, kuleana, you have  
13 (inaudible), you have Konohiki.

14 MS. SALLY OSHIRO: Do you understand what they --

15 MR. JENCKS: Yeah. Yeah. That's helpful. I  
16 mean, I --

17 MR. KAPAHULEHUA: So that is a particular person  
18 like when we just talked about this morning and told him  
19 about our fishpond get all the -- the ama, the ama is like  
20 this, then the mullet which are (inaudible). So the deal is  
21 to report to DLNR that nobody bother that fish so the thing  
22 can get big enough so it can go on its own.

23 MR. BASIL OSHIRO: Yeah, it can actually leave the  
24 fishpond, but the fishpond was actually made as a  
25 conservation district, yeah, it's our resource. So was

1 talking about monk seal getting in there, that's why they  
2 kill the monk seal. He eating all my kaukau, what -- get  
3 out of here, you know what I mean.

4 MR. KAPAHULEHUA: So the Aha Moku information,  
5 when he that, through the Aha Moku Kula.

6 MR. JENCKS: On the website.

7 MR. KAPAHULEHUA: The moku Kula.

8 MR. BASIL OSHIRO: Well, the thing is, on the  
9 Federal side, the ahamoku.org.

10 MR. JENCKS: That's where I went.

11 MR. KAPAHULEHUA: Yeah.

12 MR. JENCKS: That's where I went. And there was  
13 some information there.

14 MS. SALLY OSHIRO: Then you didn't get to see the  
15 Act 212 and --

16 MR. JENCKS: I have a copy of that as well.

17 MS. SALLY OSHIRO: Okay. Yeah.

18 MR. JENCKS: And I just started reading that.

19 MR. BASIL OSHIRO: That's all looking through it.  
20 That's -- it's a old, really old, 1,000-year-old system that  
21 the Hawaiians did to actually live sustainably without  
22 outside --

23 MS. SALLY OSHIRO: Intervention.

24 MR. BASIL OSHIRO: -- intervention.

25 MS. SALLY OSHIRO: And, also, you know, the way we

1 live is it's kapu, there are times that you don't go after  
2 fish or certain plant, you know. We've just lived our way  
3 that way. And that's what the moku is all about. It tries  
4 to have everybody, doesn't matter what race, but we all live  
5 as one. And like he was trying to explain, you have a  
6 problem because you don't want -- you want to develop, let  
7 me put it that way. Okay. We don't want you to develop in  
8 the area, but now you tell us, okay, let's work this out.  
9 It's the same thing. It the same principle.

10 MR. BASIL OSHIRO: About conservation.

11 MR. JENCKS: All right.

12 MR. BASIL OSHIRO: Yeah.

13 MR. JENCKS: Okay. I just -- I needed to  
14 understand that from your perspective.

15 MR. BASIL OSHIRO: It's not about no do this, no  
16 do that. The kapu system is -- you know, it's like all  
17 resources, that put in the fishery, when it's spawning --

18 MS. SALLY OSHIRO: You don't -- yeah.

19 MR. BASIL OSHIRO: -- it's kapu. And then every  
20 moku is different, the spawning cycle is different.

21 MR. JENCKS: It's all different.

22 MR. BASIL OSHIRO: You go to the ahupua`a, if it  
23 goes out on the ocean, too, it's different, yeah. It's like  
24 the moon calendar, you plant some certain things at certain  
25 times of the moon phase. Everything is done the Hawaiian

1 science. And then it's -- if you folks can actually take  
2 this plant, and then take it back to the mainland and say,  
3 see how these guys used to survive without outside  
4 intervention. They had -- Hawaiians -- had about a million  
5 of Hawaiians here. It's the same population, close to,  
6 right now, and, yet, we gotta import 90 percent of our food.  
7 The Hawaiians didn't have anything but their own. The  
8 (inaudible), they took care of themselves.

9 MR. JENCKS: Okay.

10 MR. BASIL OSHIRO: So that's -- that's what we  
11 trying to work partway, yeah. Bully knows about it, yeah,  
12 but he's been working on the wrong side of da kine fence.

13 MR. NAEOLE: Yeah, to protect the resources.

14 MR. BASIL OSHIRO: Well, you got to get him in  
15 there so he can --

16 MR. JENCKS: I thought we were all on the same  
17 side of the fence, looking in.

18 MR. KAPAHULEHUA: Take us 11 years to build a  
19 wall, so we still in. They not finished yet.

20 MR. BASIL OSHIRO: No. That just was a joke on  
21 that portion.

22 MR. JENCKS: Yeah, yeah.

23 MR. BASIL OSHIRO: We got to work together.

24 MR. KAPAHULEHUA: Together.

25 MR. BASIL OSHIRO: Otherwise, we gonna be bucking

1 heads. We not gonna be drinking from the same cup. No,  
2 separate, the cups. The cups from the same pitcher.

3 MR. JENCKS: Okay. Well, just for my edification,  
4 I want to understand.

5 MS. DE NAIE: The word you see in Act 121 over and  
6 over again is to bring traditional knowledge into the  
7 process because it was a big puka. It was not -- it was  
8 missing. You -- you -- you heard from the folks at DAR, you  
9 know, they trying to do their job, you heard from folks who  
10 own the properties and their consultants, they're trying to  
11 do their job, but what you weren't hearing from is people  
12 who knew about these places for generations. And their  
13 knowledge was not in books, it was not like made into a  
14 video somewhere on YouTube, for the most part, it was within  
15 their families. And so this was a place where people could  
16 feel safe to gather and come and share their family  
17 knowledge and know that it was supposed to actually have  
18 some part in the process because aha moku is -- it's  
19 designed by law to advise the DLNR, which is in charge of  
20 cultural sites, fish and wildlife, plants, you know, the  
21 reefs, the oceans, you know, all these kinds of things, and  
22 is also designed to be a voice within the community to talk  
23 to folks at the County, to talk to landowners, you know. So  
24 it's a relatively young organization. I've watched the  
25 formation. I serve on the Aha Moku Council over in

1 Hamakualoa. It's not confined only to people who are  
2 Hawaiian. If -- if you have an interest, our Aha Moku  
3 Council has several non-Hawaiians on it. It's just if you  
4 live in the moku, you have knowledge of the moku from your  
5 own practices or from just learning from your neighbors or  
6 learning over time, you know, then you're -- you're  
7 considered a valuable asset because you're passing on that  
8 traditional knowledge and that is --

9 MR. BASIL OSHIRO: It's generational.

10 MS. DE NAIE: -- generational knowledge.

11 MR. BASIL OSHIRO: That's not written down in the  
12 books.

13 MR. JENCKS: Well, let's see if there's something  
14 that we can pull out of this history that we can translate  
15 into a benefit for the project.

16 MR. BASIL OSHIRO: Yeah, but --

17 MR. JENCKS: And demonstrate that connection.

18 MR. BASIL OSHIRO: The thing is, Charlie, we wanna  
19 benefit the people, not just the project. Our main concern  
20 is the people of Hawaii. You know, doesn't matter where  
21 you're from.

22 MR. JENCKS: I don't disagree with you at all. I  
23 don't disagree.

24 MR. BASIL OSHIRO: Yeah, because the people the  
25 one gonna suffer, our next generation, you folks, your

1 grandkids, if you're gonna hang around, Kimokeo's grandkids,  
2 and --

3 MR. NAEOLE: Not knowing --

4 MR. BASIL OSHIRO: They're so westernized that  
5 they forget their -- where they came from. So what we talk  
6 about a lot of times is if there's a natural disaster, which  
7 is probably gonna happen, if we don't have the military, we  
8 sunk. So you go to Oahu, you ask them, "Where you get your  
9 food? The supermarket. Where else? The supermarket." You  
10 gonna starve, yeah. You don't know how to gather, you don't  
11 know how to hunt. And that's the culture of the Hawaiian  
12 people. And they keep taking away, so -- and that's what  
13 we're actually fighting, eh, don't take away any more from  
14 us. That's all we have, you know. We don't have -- you  
15 know, like auntie here, she has a lineal, Brian has a lineal  
16 to that land you folks trying to build. And Jacob Mau who  
17 I'm quite sure is lineal to that, too.

18 MS. DE NAIE: Eldon Liu, Hewahewa, that's his  
19 ancestors.

20 MR. BASIL OSHIRO: They --

21 MS. SALLY OSHIRO: They all --

22 MS. DE NAIE: Hewahewa was the Konohiki there.  
23 That's whose name is on the TMK.

24 MS. SALLY OSHIRO: That's right.

25 MR. BASIL OSHIRO: The thing is, you have to talk

1 to those people, too, what their manao is or their  
2 generational knowledge of the land.

3 MR. JENCKS: Well, in terms of, you know, the  
4 reason why we're here today is to get some input from you --

5 MR. BASIL OSHIRO: You getting it now.

6 MR. JENCKS: Okay. So continue.

7 MR. BASIL OSHIRO: Yeah. So Brian would know  
8 because he's part of it, Auntie Flo. And if you get the  
9 other guys in here, too, they probably tell you, you know,  
10 we weren't alone, but what is progress. If you can be pono  
11 and build, for me, I don't know, I don't have a lineal to  
12 that, so I gonna stick in only for myself. If you guys  
13 gonna build, the cultural sites should be used as education,  
14 to teach whoever's in there, whoever's gonna be using the  
15 land, that this is Hawaiian culture in here. It's not just  
16 come here, bulldoze or anything. When you walk in there,  
17 say, oh, my God, they bulldozed everything in there, how  
18 many of the sites did they damage already that we don't know  
19 about because it's buried. Because I went in there, I was  
20 by myself, I walked off by myself.

21 MR. JENCKS: Yeah.

22 MR. BASIL OSHIRO: I found that -- I don't know if  
23 it's -- it's probably a old dam. I don't see any place  
24 where they bulldozed. And I can see that the punawai over  
25 there from the -- the gulch come down and raise the waters

1 to collect and used to flow down. 'Til this day, I see that  
2 flow. And if it gets big rain, if you're gonna build in  
3 that area, somebody's gonna be underwater. Because even  
4 like few months back, had rain, you can see that gulch was  
5 flowing.

6 MR. JENCKS: The area that Basil is talking about,  
7 is that located on the map? Did you make note of that?

8 MS. DE NAIE: It's the small gulch. It's the  
9 small gulch that's shown.

10 MR. JENCKS: All right.

11 MS. DE NAIE: If you look at where Site 3740 is,  
12 that's on that natural gulch.

13 MR. DAVIS: Drainage Way A.

14 MR. JENCKS: All right.

15 MS. SALLY OSHIRO: You can't --

16 MR. BASIL OSHIRO: It's not a drainage. If you  
17 plowed there now --

18 MS. SALLY OSHIRO: That's what he's calling it.

19 MR. BASIL OSHIRO: -- you folks gonna have  
20 problem. Like, you know, the sanctuary, that area is gonna  
21 flood because I can see where -- I don't know if the kupuna  
22 actually showing me that, but that place is filled in  
23 with -- with dirt and silt now. When I going through, that  
24 place was one punawai, was a reservoir. And the people used  
25 it as a resting or -- that was a path, a traveled area down

1 from mauka to makai. You cannot fill up it. If you folks  
2 want to fill in that gulch, yeah, eh, gonna have problems.

3 MS. SALLY OSHIRO: I don't know if you're familiar  
4 with the Kula, where they built the homes. Yes.

5 MR. NAEOLE: The Hawaiian Homes.

6 MS. SALLY OSHIRO: Yes. Thank you.

7 MR. NAEOLE: I was just going to mention that.

8 MS. SALLY OSHIRO: Please.

9 MR. NAEOLE: That gulch.

10 MR. BASIL OSHIRO: It's the same gulch that come  
11 down. And that place, when it rained --

12 MR. JENCKS: That was Keokea?

13 MS. SALLY OSHIRO: Hawaiian Homes.

14 MR. NAEOLE: There was an incident back many years  
15 ago where that house got washed off the foundation.

16 MR. JENCKS: December 5th, I think, is the big  
17 storm, multi-day storm.

18 MR. NAEOLE: Yeah. That house.

19 MS. DE NAIE: It was Henry Lau's house, yeah.

20 MR. NAEOLE: Yeah.

21 MR. BASIL OSHIRO: Yeah.

22 MS. DE NAIE: Yeah, sad.

23 MR. NAEOLE: Ripped right off the foundation.

24 MS. SALLY OSHIRO: Right through.

25 MR. BASIL OSHIRO: That thing flew all the way to

1 Kihei.

2 MS. DE NAIE: Yeah.

3 MR. KAPAHULEHUA: Where that big stream come right  
4 down to the left, inside that Kulanihakoi Gulch.

5 MR. NAEOLE: Yeah.

6 MS. DE NAIE: Yeah.

7 MR. KAPAHULEHUA: By Maui Lu.

8 MR. NAEOLE: Yeah, right.

9 MR. KAPAHULEHUA: So that went down that whole  
10 area. So they're trying to get the new bridge, but this is  
11 a temporary bridge, they gonna build a big bridge.

12 MS. SALLY OSHIRO: See, the thing is that you  
13 folks don't understand is our islands, we have all  
14 natural --

15 MR. NAEOLE: Drainage.

16 MS. SALLY OSHIRO: -- drainage and, you know, from  
17 the -- like he said, from mauka to makai, from the mountain  
18 to the sea.

19 MR. JENCKS: Uh-huh.

20 MS. SALLY OSHIRO: Anytime you destroy that and  
21 you try to divert something, it don't work because, for some  
22 reason, it will go right back and say, "This is my place,  
23 this is the way I want to flow, but thank you very much, now  
24 you put all this rubbish, now I'm gonna block up down  
25 below." So you only causing more mishap.

Certified Shorthand Reporters Maui  
808-244-3376

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.

Certified Shorthand Reporters Maui  
808-244-3376

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

Certified Shorthand Reporters Maui  
808-244-3376

1 thought, how dumb can they be, you know.

2 MR. JENCKS: Hard learners.

3 MR. BASIL OSHIRO: It's the engineers that not  
4 from Hawaii. Actually, you gotta talk to the kupuna. All  
5 that water used to flow. If they were generational, how the  
6 waters flow, you guys gotta follow, you know, that pattern.  
7 Otherwise, oh, boy, problems. And you can see the problems  
8 with the whale sanctuary. When they built all the wetlands,  
9 we were telling them, watch out because this place gonna be  
10 underwater when they get the 100-year rain. Sure enough.  
11 Lucky, nobody got injured or what. But my friend lives down  
12 there, he had 18 inches of water. He couldn't leave his  
13 house, and months. And what that thing smell like? Cow  
14 dung. (Inaudible).

15 MR. JENCKS: Not pleasant. Not pleasant at all.

16 MS. DE NAIE: So, Basil, was this down off of  
17 Kaonoulu Street like where it comes down?

18 MR. BASIL OSHIRO: Yeah.

19 MS. DE NAIE: And then there's that big wetlands  
20 on the -- across from Maui Lu? Yeah.

21 MR. BASIL OSHIRO: And (inaudible) on the ranch --

22 MS. DE NAIE: Yeah.

23 MR. BASIL OSHIRO: -- said it was about six inches  
24 deep of mud, if they dig. Couple of the trees down, they  
25 said this one rain, eh, we gonna get it.

1 MS. DE NAIE: Yeah.

2 MR. BASIL OSHIRO: And didn't take maybe about a  
3 year later had that big rain, constant rain --

4 MS. DE NAIE: Yeah. And all the rubbish flushed  
5 down.

6 MR. BASIL OSHIRO: Yeah. It was -- was a good  
7 smell for a little while.

8 MS. DE NAIE: Well, you know, I have a map from  
9 the 1930s that has that area there, right where the new  
10 bridge is, you know, where the little narrow water is coming  
11 across, it was like a much bigger area, and it was labeled  
12 muliwai. So it was known as a muliwai at that time. And  
13 even the 1950s maps, when you look at it, you know, it looks  
14 different than it does today. In fact, this little gulch  
15 comes out down by the ocean on those maps, as far as I could  
16 tell. Yeah.

17 MR. BASIL OSHIRO: Well, if you get the old maps,  
18 Sally, you can see, actually, how the water -- you can --  
19 I'm quite sure you will be able to see how the water  
20 actually flows. And if you try to divert that thing like  
21 they did on mauka side of the lower Kihei Road, South Kihei  
22 Road, try diverting all that water.

23 MR. NAEOLE: Flush it.

24 MR. BASIL OSHIRO: That's why it was underwater  
25 for a little while.

1 MR. JENCKS: Yeah.

2 MR. BASIL OSHIRO: If they kept to the natural  
3 flow and they didn't build so much on the wetland, I don't  
4 think we would have that --

5 MS. DE NAIE: Well, then the water can spread out.  
6 The wetland is for the water to spread out. By making it  
7 the small channel like that, then, yeah, then it just --

8 MR. JENCKS: Speaking of the development, on the  
9 makai side of the highway --

10 MR. BASIL OSHIRO: (Inaudible).

11 MR. JENCKS: Kaonoulu Estates.

12 MR. BASIL OSHIRO: Both sides of South Kihei Road.

13 MR. JENCKS: Yeah.

14 MR. BASIL OSHIRO: That's all wetland, from  
15 Maalaea all the way to -- past Kalama Park.

16 MS. DE NAIE: So where Maui Lu is, too?

17 MR. BASIL OSHIRO: Maui Lu is wetland, too.

18 MR. NAEOLE: Azeka.

19 MR. JENCKS: It was -- it was at one time before  
20 it was filled.

21 MR. NAEOLE: Ditches.

22 MR. BASIL OSHIRO: Yeah. Yeah, so that place gets  
23 flooded, too. (Inaudible) --

24 MS. DE NAIE: It's a bad flood -- yeah.

25 MR. NAEOLE: St. Theresa's.

Certified Shorthand Reporters Maui  
808-244-3376

1 MR. JENCKS: St. Theresa's, same.

2 MR. NAEOLE: Yeah.

3 MR. BASIL OSHIRO: If they -- I think they follow  
4 the right channels and watch how the drainage, the ditches  
5 and stuff, and then save enough wetland where the water can  
6 collect. By St. Theresa's is only place that's left.

7 MR. NAEOLE: Well, get that other one in the back  
8 of -- what is the -- Longs --

9 MS. DE NAIE: Yeah, Longs Drugs. Yeah, they --

10 MR. NAEOLE: Longs Drugs, in the back.

11 MS. DE NAIE: They created it, yeah, which it  
12 functions good. And they're gonna do one at that new place,  
13 the courts, whatever they are. Yeah, they have to -- they  
14 have to do a part there.

15 Daniel Kanahale asked me, said -- because he can't  
16 be here this time, he said would I bring up that many  
17 cultural practitioners have commented and feel that that  
18 small gulch is a cultural feature of the land and that it  
19 definitely should not just be, you know, viewed as some  
20 convenient drainage that you can get rid of and have a  
21 drainage someplace else. Everybody here sort of feel that  
22 way?

23 MS. SALLY OSHIRO: Yes.

24 MS. DE NAIE: So is there any consideration in  
25 this project not to -- not to fill that up and obliterate it

1 forever?

2 MR. JENCKS: Well, you know, we've looked at  
3 that -- at that drainageway a couple of ways. Originally,  
4 the original plan for the drainageway, when we bought the  
5 land from the original owner, Henry Rice, it was gonna be  
6 diverted to Kulanihakoi Gulch, 100 percent of it was going  
7 to go over to the gulch. And I realized that if I did  
8 that -- or if I allowed the civil plans to be completed to  
9 do that, then that would be creating problems for other  
10 people downstream, and that wouldn't be fair and wouldn't be  
11 equitable. So the current plan provides for intercepting  
12 the gulch, the drainageway, whatever you want to call it, on  
13 the mauka side of the property and then putting it in a  
14 culvert, down the alignment of East Kaonoulu Street with the  
15 same terminus at the makai side of the property with no  
16 increase in either quantity or speed.

17 MS. DE NAIE: So that means it gets filled in  
18 because you're intercepting it?

19 MR. JENCKS: So what we're going to do is we're  
20 going to use -- you know, the gulch crosses diagonally  
21 across the land.

22 MR. BASIL OSHIRO: Yeah.

23 MR. JENCKS: Two parcels. A parcel, the 1,300  
24 acre, which is at the very corner, which is designated to be  
25 an affordable housing site, and then the larger piece below

1 that similar to -- and if you, in your mind, think about  
2 the -- the overall acreage, there's a water line that the  
3 County built years ago which serves Central and South Maui.  
4 It cuts it diagonally right across. It's now the  
5 hypotenuse. That's going to be rerouted as well.  
6 Similarly, this drainageway cuts across these two pieces,  
7 one more than the other. And no matter what we do here on  
8 this property, whether it's -- it's the grading for the --  
9 for East Kaonoulu Street or the project itself, it's gonna  
10 be a problem. So, you know, we -- we tried to develop a  
11 scenario within which we would divert it at the top, across  
12 and down, without, A, increasing the volume or the capacity  
13 or the quantity of water. So that we're not harming  
14 downstream properties, which is important. And you can't do  
15 that. It's not fair and equitable. With respect to  
16 Kulanihakoi Gulch, there is no increase from that  
17 drainageway, which complicates, Basil, what you were talking  
18 about makai of the highway.

19 MS. DE NAIE: So that's not the question. The  
20 question is not whether it has flow or not. That's one  
21 question. You're saying it won't have flow, so it won't be  
22 a problem because the flow --

23 MR. JENCKS: I'm saying -- what I said was we're  
24 not diverting to Kulanihakoi Gulch to --

25 MS. DE NAIE: Yeah.

Certified Shorthand Reporters Maui  
808-244-3376

1 MR. JENCKS: -- increase the flow there. We are  
2 going to intercept at the top, bring it right down East  
3 Kaonoulu Street to the existing exit under the Piilani  
4 Highway. There's a series of culverts under the highway  
5 now, very large culverts, that -- that move water from --  
6 you know the gas station area? There's a drainage  
7 easement --

8 MS. SALLY OSHIRO: Right.

9 MR. JENCKS: -- on the highway.

10 MS. DE NAIE: Yeah, it's a big trough.

11 MR. JENCKS: Yeah. It's a concrete deal, that's  
12 there as well. So those culverts handle all that water.

13 MS. DE NAIE: Yeah.

14 MR. JENCKS: But the water that we're going to  
15 channel down will exit at the --

16 MS. DE NAIE: But it's not about the water, it's  
17 about the feature itself, where it exists. It's a cultural  
18 feature because folks lived along -- I mean, you can  
19 see it's green when other things are dry, you know, there's  
20 groundwater there, the water is following it. Brian, what  
21 were you saying? You were saying there was like trees, you  
22 couldn't even see the gulch when you were young.

23 MR. NAEOLE: You can't see. It was all covered,  
24 that's why. Water was flowing, that's why you have  
25 the greenery, yeah.

1 MR. BASIL OSHIRO: It's so green.

2 MS. DE NAIE: Yeah.

3 MR. JENCKS: Well, and that's the plan. We  
4 have -- you know, whether you agree or disagree with the  
5 Archaeological Inventory Survey, that's the plan. And we  
6 have to move on from there.

7 MR. NAEOLE: Yeah.

8 MR. BASIL OSHIRO: Because the thing is, is what  
9 you trying to say --

10 MS. DE NAIE: See, the green part is the gulch,  
11 yeah.

12 MR. JENCKS: What do you mean, the low part?

13 MS. DE NAIE: Well, yeah, but there's -- there's  
14 groundwater there, you know, too. It's like those trees can  
15 keep living while everything else dries up.

16 MR. BASIL OSHIRO: Water is still flowing  
17 underneath.

18 MS. DE NAIE: Yeah.

19 MR. BASIL OSHIRO: The thing what we trying to  
20 tell you, you folks, is when you folks develop, you know you  
21 guys gonna develop, to keep the natural drainage, don't  
22 divert it, (inaudible) problems, you know. It's -- I don't  
23 know. Maybe it's just, like I say, a gut feeling that --  
24 because where you folks want to put the affordable housing  
25 is where you folks have the big culverts. Right below that

1 culverts is where the reservoir or the punawai, when the  
2 rain comes down, collects there, goes over that little  
3 waterfall and goes down in the gulch and drains across the  
4 road, you know, makai. And if you're going to divert that,  
5 the water has its own mind on what way it wants to go.

6 MR. JENCKS: Sure.

7 MR. BASIL OSHIRO: You're going to try to divert  
8 it, that lower side of Pi'ilani, problems. They're having  
9 problems over there.

10 MR. JENCKS: Okay. Well, it's worth taking a look  
11 at, then. We can certainly go back and talk about this  
12 issue and see if there's -- if there's any way we can  
13 address your concerns. Be happy to do that.

14 MS. SALLY OSHIRO: Excuse me. I think we brought  
15 this up the second meeting we had at your office.

16 MS. DE NAIE: Yeah.

17 MS. SALLY OSHIRO: We did bring all this up.

18 MR. JENCKS: In the transcript for that meeting,  
19 at the very end of the meeting, there was a discussion about  
20 this drainageway. And I believe Daniel 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

1 transcript. Yeah, you're right.

2 MS. SALLY OSHIRO: And is he not gonna listen,  
3 then --

4 MR. JENCKS: Well, I --

5 MS. SALLY OSHIRO: No. But I'm telling you so you  
6 can go back and explain.

7 MR. JENCKS: I'm listening -- I'm listening to you  
8 as a different group. That was a group of people we pulled  
9 together. This is a different group.

10 MS. DE NAIE: Actually, I think --

11 MR. JENCKS: Different --

12 MS. DE NAIE: I think all the same, all these  
13 people.

14 MS. SALLY OSHIRO: Except we don't have the rest.

15 MS. DE NAIE: Yeah.

16 MR. JENCKS: What I'm saying is I'll take back  
17 your concerns, see if there's something we can do. We'll  
18 talk about it.

19 MS. SALLY OSHIRO: Yeah. Because if you don't  
20 want any problems with the development --

21 MR. JENCKS: We certainly don't.

22 MS. SALLY OSHIRO: Yeah. So --

23 MR. JENCKS: I agree. I agree.

24 MS. DE NAIE: I don't know, Basil, you want to  
25 talk about the shelter along the gulch, too? Again, a few

1 pictures.

2 MR. BASIL OSHIRO: Yeah. It's cultural kind of  
3 stuff. Charlie should look at it.

4 MS. DE NAIE: Wait a second. Let me find that  
5 stuff. So if you look from --

6 MR. JENCKS: Do you have a location map, Lucienne?

7 MS. DE NAIE: Yeah. Yeah, yeah. So we have a  
8 location map --

9 MR. BASIL OSHIRO: Everyone is --

10 MS. DE NAIE: So you find 3740, Site 3740, you see  
11 there's kind of like a bend in the --

12 MR. JENCKS: Yeah, it's right here.

13 MS. DE NAIE: Okay. So just makai of that --

14 MS. SALLY OSHIRO: 3740?

15 MS. DE NAIE: Yeah.

16 MR. BASIL OSHIRO: I think the only thing we  
17 didn't find was picture of --

18 MS. DE NAIE: Yeah. So just -- just --

19 MR. BASIL OSHIRO: Somebody cleared the area out,  
20 like the homeless.

21 MS. DE NAIE: Just makai. So here's the gulch.  
22 And the gulch is about to make that -- that bend.

23 MR. JENCKS: Oh. So you're talking this area  
24 right here?

25 (Multiple speakers.)

1 MS. DE NAIE: 3740 is just a little bit mauka of  
2 that.  
3 (Multiple speakers.)  
4 MR. JENCKS: So this is kind of going like this?  
5 MS. DE NAIE: Yeah. The gulch is going like this.  
6 MR. JENCKS: Wrapping around.  
7 MS. DE NAIE: Yeah, it's wrapping around. This is  
8 like a little hill above the gulch.  
9 MR. JENCKS: Okay. All right.  
10 MS. DE NAIE: So you see these two rocks.. Then  
11 when you get near, you realize that it's actually like a  
12 little shelter that's been, you know, formed into a shelter.  
13 MR. JENCKS: So did you -- when you guys did the  
14 site walk, did you point this out to Erik?  
15 MS. DE NAIE: No, because we didn't go down there.  
16 We went further up.  
17 MR. BASIL OSHIRO: I went up to the dam. And they  
18 didn't have enough time.  
19 MR. JENCKS: Did you know about this when you did  
20 the site walk?  
21 MR. KAPAHULEHUA: No.  
22 MS. DE NAIE: I'm not sure if we did.  
23 MR. JENCKS: So you've been back out on the  
24 property since --  
25 MS. DE NAIE: Yeah. This is -- this is -- this

Certified Shorthand Reporters Maui  
808-244-3376

1 is -- yeah, because we wanted to find the thing to show --  
2 to show the archaeologist. We wanted to find -- this is the  
3 other site, the talking stone, the oracle stone, yeah.

4 MR. JENCKS: Can I make a note on this map?

5 MR. DAVIS: Yes.

6 MS. DE NAIE: Yeah.

7 MR. JENCKS: All right. So may I have this?

8 MS. DE NAIE: Yeah, you may.

9 MR. KAPAHULEHUA: Makai side of 3740.

10 MR. JENCKS: So -- so if I see --

11 MS. DE NAIE: So here's 3740. That's what 3740  
12 looks like. It's -- it's rocks stacking along the side.

13 MR. JENCKS: So these -- these rocks, the rocks  
14 you're talking about in this picture --

15 MS. DE NAIE: Yeah.

16 MR. JENCKS: -- are on the mauka side of the  
17 channel, of the drainageway, and on this side or this side?

18 MS. DE NAIE: They're on the south side. Yeah,  
19 the south side. And they're makai of this site. So this  
20 site is -- is lining --

21 MR. JENCKS: Are we looking -- are we looking  
22 makai or we're looking --

23 MS. DE NAIE: Yeah. This would be mauka, this  
24 would be makai.

25 MR. JENCKS: Okay. So we're -- so these are the

1 rocks you're talking about?

2 MS. DE NAIE: Those are the -- yeah, you see  
3 those.

4 MR. JENCKS: So if this is the drainageway, then  
5 these rocks are on this side of the drainageway, looking  
6 mauka?

7 MS. DE NAIE: They're on the south. Yeah.

8 MR. JENCKS: Okay.

9 MS. DE NAIE: Well, they're -- they're on --  
10 they're going towards Makena.

11 MR. JENCKS: On this side. Yeah, on the Makena  
12 side. So --

13 MS. DE NAIE: Yeah.

14 MR. JENCKS: Okay. So this is --

15 MS. DE NAIE: And so on -- on both sides, there's  
16 some stacking similar to this. There's a lot more stacking  
17 that's associated with this site.

18 (Multiple speakers.)

19 MS. SALLY OSHIRO: This must be at the site she  
20 talking about?

21 MS. DE NAIE: Yeah, we were taken --

22 MR. JENCKS: Is this 3740?

23 MS. DE NAIE: This is 3740. There's a flag there.  
24 We were taken to that site.

25 MR. JENCKS: Okay.

Certified Shorthand Reporters Maui  
808-244-3376

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

Certified Shorthand Reporters Maui  
808-244-3376

1 from that site -- so here's the top of that big rock, and  
2 then there's modifications from there, too, it's filled in,  
3 leading up to Site 2740. So --

4 MR. JENCKS: 3740?

5 MS. DE NAIE: 3740. So those are -- 3740 --

6 MR. JENCKS: So these were all the same rock area?

7 MS. DE NAIE: Yeah. In other words, you had the  
8 two sides of the gulch. 3740 are stackings on two sides of  
9 the gulches -- of the same gulch.

10 MR. JENCKS: All right.

11 MS. DE NAIE: On the north side and the south  
12 side. And then this is a little bit makai of where those  
13 were recorded. Those were recorded, you know, back in  
14 the -- 1994. And then this is a little bit makai. You  
15 know, the feeling that we had is that the general area,  
16 though, should be like cleaned. And you would probably see  
17 more features because there's just, you know, a lot of -- a  
18 lot of alignments of pohaku in that particular area. And,  
19 you know, it's -- it's another wrinkle in the -- in the  
20 mystery of what -- you know, what this whole gulch was  
21 utilized for.

22 MR. JENCKS: Okay. Thank you. We'll take a look  
23 at that.

24 MS. DE NAIE: Okay.

25 MR. BASIL OSHIRO: If you see historical, we would

1 like to preserve it so we can teach, yeah, the younger  
2 generation that don't have a clue what's going on, show how  
3 our ancestors used to live.

4 MS. SALLY OSHIRO: (Inaudible).

5 MS. DE NAIE: That's the dam.

6 MR. BASIL OSHIRO: (Inaudible). It's not about  
7 trying to stop --

8 MS. DE NAIE: The one other thing that we noticed  
9 is that when you're in the gulch at that point, right below  
10 the rock, you're really looking straight at Kahoolawe, very  
11 much aligned with Kahoolawe. I mean, it's what you see, is  
12 that, you know -- yeah. So, you know, for -- for a Hawaiian  
13 sense of things, that is something to take into account,  
14 what you're seeing from a particular place.

15 MR. JENCKS: Okay. Thank you.

16 MR. BASIL OSHIRO: Like you said, it's -- it's a  
17 pathway, mauka to makai. I'm quite sure that area was a  
18 resting area. (Inaudible.)

19 (Multiple speakers.)

20 MR. BASIL OSHIRO: A circle of flat rocks, I  
21 couldn't -- I didn't have a GPS so I couldn't actually mark  
22 it. So going back, when you folks was down side, I was up  
23 there, where is that place at now, you know.

24 MS. DE NAIE: Yeah. See, Basil saw a lot of stuff  
25 on the site visit that we didn't have time to go because,

1 you know, we had so much to see already.

2 MR. BASIL OSHIRO: I didn't want to go to old  
3 sites, I wanted to go to the -- look for something, somebody  
4 was pointing where to go.

5 MS. SALLY OSHIRO: Exactly.

6 MS. DE NAIE: Well, it was good to see the other  
7 ones, too, but it would have been nice if we could have  
8 like, you know, checked out more stuff, yeah.

9 MR. JENCKS: Well, we modified the -- subsequent  
10 to that site visit, we modified the AIS to reflect things  
11 that were discovered or found or added. We added additional  
12 sites to the -- to the AIS. Correct me if I'm wrong, Brett,  
13 but we added --

14 MR. DAVIS: I don't think that we did, Charlie.

15 MR. JENCKS: Okay. But we noted them?

16 MR. DAVIS: We noted -- yeah, we noted the extra  
17 sites.

18 MR. JENCKS: And I think there are -- some of them  
19 would be included in the data recovery?

20 MR. DAVIS: I think that we -- that we agreed to  
21 that.

22 MR. JENCKS: Okay.

23 MS. DE NAIE: Okay. But I have my notes from that  
24 right here. And so we asked that Sites 3736, 3730, 3731,  
25 3732 and 3745, as well as the natural stone that Kumu Lee

1 felt was associated with eclipses, all be considered for  
2 preservation. So Daniel also asked, you know, could you get  
3 an update on what happened from that request. That's why I  
4 brought my notes.

5 MR. JENCKS: What we can do is have Brett get back  
6 to you on those. Okay?

7 MR. DAVIS: Charlie, the stone that she's  
8 mentioning is Number 1 there on my -- circled right there.

9 MR. JENCKS: Okay.

10 MR. DAVIS: And that's -- you know, that's  
11 where -- Lucienne, right before you came in, we were  
12 talking -- Charlie was talking about vertical preservation  
13 of sites.

14 MS. DE NAIE: Uh-huh.

15 MR. DAVIS: And that was the site that was really  
16 important during our site visit.

17 MR. JENCKS: Okay. All right.

18 MR. DAVIS: About keeping it in that location and  
19 bringing it straight up.

20 MR. JENCKS: And context is important.

21 MS. SALLY OSHIRO: Are you folks talking about  
22 this one?

23 MS. DE NAIE: No. No, not yet.

24 MS. SALLY OSHIRO: Different one, oh.

25 MS. DE NAIE: No. Because we never got to see

1 that one.

2 MS. SALLY OSHIRO: Oh, okay.

3 MS. DE NAIE: No. We saw the -- the eclipse  
4 stone.

5 MR. DAVIS: Eclipse.

6 MS. DE NAIE: Yeah, the -- yeah. Yeah.

7 MR. DAVIS: There was a second stone that we  
8 talked about, but we didn't visit it.

9 MS. DE NAIE: Here are pictures of it.

10 MR. DAVIS: Those are pictures?

11 MR. JENCKS: Is that Number 2 here?

12 MR. DAVIS: That is.

13 MS. DE NAIE: Sally, you like talk about that?

14 MS. SALLY OSHIRO: Okay. We went and -- we had a  
15 meeting and then we ended up going down there one night.  
16 And we had a lady with us that insisted on taking a picture.  
17 And I was telling her that, no, because she -- this rock is  
18 a female. And she was adamant about being left alone. She  
19 doesn't want to be moved. She wants to be here. And she  
20 plopped things on it and whatnot. I kept taking it off.  
21 And, finally, when she did plop it, it knocked it down,  
22 something knocked it down. So she picking everything up and  
23 redoing it and putting on top. The next time it went down,  
24 a mouse came along and ate it. That's what she said. And I  
25 said, "No."

1 MR. JENCKS: No. No.

2 MS. SALLY OSHIRO: But Daniel was playing on the  
3 rocks like a little child, because this was all childrenly,  
4 for a place where the children played. So that the adults  
5 would be around here and they were doing -- they stargazing  
6 and whatnot, and mapping out things. Okay. That's this  
7 area. So she was overly protective. Finally, in the end,  
8 she insist -- the lady that was there insisted on taking a  
9 picture. So I asked permission, and she said, "Yes, two."  
10 She already took pictures of Danny playing on the rock.

11 MR. JENCKS: Dan --

12 MS. SALLY OSHIRO: 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.

1 MR. JENCKS: Yeah, right. Right.

2 MS. DE NAIE: And if you go a little bit beyond  
3 the corral, maybe 300 feet, something like that --

4 MR. JENCKS: Okay.

5 MS. DE NAIE: -- right to the left-hand side of  
6 that road is this little grouping of rocks. I mean, you can  
7 see 'em because it's like -- it looks different from  
8 other -- I mean, here's the -- here's kind of a picture of  
9 what they look like. So this is the lock -- the rock that  
10 Sally is referring to, but it lines up with a bunch of other  
11 rocks. Like this is that same rock and you can see that  
12 there's rocks all in a line here.

13 MR. JENCKS: So it's pretty obvious.

14 MS. DE NAIE: It's pretty obvious, yeah. And it's  
15 just right off that -- that little dirt road if you -- if  
16 you walk the dirt road right past the corral on the -- you  
17 know, on the Kihei side of the corral, you'd see this little  
18 spot. We didn't get a chance to go to it.

19 MR. JENCKS: So was this a part of the site walk  
20 that you did?

21 MS. SALLY OSHIRO: No, not with you folks.

22 MS. DE NAIE: We -- we said we were going to go  
23 back.

24 MR. JENCKS: I feel obliged to ask you --

25 MS. SALLY OSHIRO: Yes.

1 MS. DE NAIE: -- if you're going to go onto this  
2 property --

3 MS. SALLY OSHIRO: Yes.

4 MR. JENCKS: -- that you let somebody know you're  
5 going to be out there.

6 MS. SALLY OSHIRO: Oh, we always ask permission.

7 MR. JENCKS: From who?

8 MS. SALLY OSHIRO: The land.

9 MR. JENCKS: Okay. And, look, I respect that. I  
10 think that's important.

11 MS. SALLY OSHIRO: I knew that was going to  
12 happen.

13 MR. JENCKS: The problem is there's a whole bunch  
14 of attorneys who really don't care about that. I do. Okay?  
15 So if you're going to go out on this property, just so it's  
16 on record, you need to call me.

17 MS. SALLY OSHIRO: Okay.

18 MR. JENCKS: And ask permission.

19 MS. SALLY OSHIRO: All right.

20 MR. JENCKS: Okay. I'm not going to object to it.  
21 I just need to know who is going out there and when. Going  
22 on the property at night is not a good idea.

23 MS. SALLY OSHIRO: Oh, we went early evening.

24 MS. DE NAIE: This was years ago.

25 MS. SALLY OSHIRO: This was years, okay. But I

1 want to tell you that she took picture, first one, it's all  
2 black. So she said, "No. Wait, wait. Got to take one  
3 more." It didn't come out. So she took another one. It  
4 didn't come out. And I said, "Don't take any more. She  
5 already said two." And it was so funny because she took  
6 another picture later, but not of the rock, and it came out.  
7 And the two didn't come out.

8 MR. JENCKS: Interesting, yeah. Okay. Just call  
9 me, call my office, let me know when you want to go. Just  
10 so we know, so if something happens, we know people were out  
11 there. There's poachers. It's not as comfortable a place  
12 as it could be. And that's why I just -- if I know you're  
13 out there, then you're covered and I'm covered. Okay?  
14 Good. All right.

15 MS. DE NAIE: You know, they live right around the  
16 corner from here.

17 MR. JENCKS: That's fine. That's fine. They  
18 don't live on the property, though.

19 MS. DE NAIE: No, no, no, no, no. I mean,  
20 Sally -- Sally, she was telling, she goes, "I remember  
21 coming here years ago when I worked at the farm." She  
22 worked at the farm that used to be -- you know where  
23 Monsanto fields are.

24 MR. JENCKS: There are clear rights as Hawaiians  
25 for gathering, cultural practices. And I am telling you I

1 honor those rights, okay, but it's for Hawaiians.

2 Hawaiians.

3 MR. BASIL OSHIRO: What's that law that --

4 MR. JENCKS: And it's also -- it's also -- well,  
5 this is (inaudible), okay, state law, it's also for people  
6 who live in that area. I don't want to get into that. I'm  
7 just saying --

8 MS. SALLY OSHIRO: I know what you're saying.

9 MR. JENCKS: -- there's just proper protocol. And  
10 even then, you're supposed to at least discuss I want to go  
11 on the property, just respect both sides.

12 MS. SALLY OSHIRO: Okay.

13 MR. JENCKS: Okay. Any more comments, Basil?

14 MR. BASIL OSHIRO: Okay. I know Willy and I went  
15 through these, at least give us time, like, say, a couple  
16 weeks, so we can get our people together, too, you know, in  
17 the moku. So it didn't happen. Brett sent me email on  
18 Monday. So good thing that I looked at the email on that  
19 Monday. Otherwise, I wouldn't be here, because we're having  
20 other kind of crazy things happening and --

21 MR. JENCKS: Everybody is busy, Basil.

22 MR. BASIL OSHIRO: Yeah. So --

23 MR. JENCKS: Everybody.

24 MR. BASIL OSHIRO: Sometimes I don't look at my  
25 email for three or four days, and then just so happen I was

Certified Shorthand Reporters Maui  
808-244-3376

1 on the site and then it clicked on, said, ooh, somebody --

2 MR. KAPAHULEHUA: We'll give advance notice.

3 MR. JENCKS: Sorry?

4 MR. KAPAHULEHUA: We'll give advance notice.

5 MR. BASIL OSHIRO: Yeah. This way it's not a  
6 surprise.

7 MR. KAPAHULEHUA: Advance notice.

8 MR. JENCKS: Okay. I think -- I think it's a good  
9 idea that, in the context of this project, as we move on,  
10 that we probably should meet on a regular basis to discuss  
11 where we are, the status of what's going on. I think that's  
12 a good idea.

13 MR. BASIL OSHIRO: Keep us posted.

14 MR. JENCKS: And keep you posted. I think that's  
15 fine. That probably should come from Brett, actually, not  
16 this character here.

17 MR. BASIL OSHIRO: Well, he --

18 MR. JENCKS: Because he's busy. But I think if  
19 we're gonna -- if we can -- we have some things we got to  
20 get done, the process will start, whether it's design  
21 issues, even the data recovery concept that we talked about  
22 earlier, the participation on that. Giving you good notice,  
23 I think, is important. And we'll definitely do that.

24 MR. BASIL OSHIRO: Yeah, so we can actually pass  
25 the word out to the -- to the people that's involved in the

1 area. This way, they -- they got to bring out their manao.

2 MR. JENCKS: Okay. Basil, if -- instead of us  
3 shooting in the dark -- and maybe I shouldn't use that  
4 term -- if you could help us with some names and some --  
5 some contacts, that would be helpful.

6 MR. BASIL OSHIRO: The thing is the contacts, I  
7 have Brian here, Vernon Kalanikau, (Inaudible) Lani,  
8 Keaumoku, Daniel, Kay, Lucy, Timmy Bailey.

9 MS. DE NAIE: Eldon Liu --

10 MR. BASIL OSHIRO: Yeah.

11 MS. DE NAIE: -- should meet us in the moku.

12 MR. BASIL OSHIRO: Yeah. And then we'll hui with  
13 Honua`ula so (inaudible), me and Tanya, and then Aha Moku O  
14 Maui, we have Nadine, Genai.

15 MR. JENCKS: So, Basil, if you wouldn't mind, when  
16 he emails you, when Brett gets that email, send 'em back so  
17 that we have the names.

18 MR. BASIL OSHIRO: Yeah. See, all the email that  
19 Brett sent me, without -- you know, a few of us only got it.  
20 The rest of 'em, I got kinda huhu because I said  
21 (inaudible). Then Lucienne calls me and said, oh, I get one  
22 (inaudible) that's good, you know. So we're here, it's a  
23 small group, otherwise, we would be about 12 people here,  
24 not including you four guys over here.

25 MR. NAEOLE: Give us time for schedule, yeah.

Certified Shorthand Reporters Maui  
808-244-3376

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.

Certified Shorthand Reporters Maui  
808-244-3376

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 mana'o from the -- from the kupuna, how the -- that place  
8 was actually utilized. Once the cattle went in there, wow.

9 MR. JENCKS: Well, I remember at the meeting we  
10 had in February a year ago, we had a really good discussion.  
11 It was really interesting reading the transcript again  
12 because we had -- we had a number of people that talked  
13 about living on the ranch, some of the people that  
14 they worked with, worked for.

15 MS. DE NAIE: Fishing, gathering below.

16 MR. JENCKS: And that was, I thought, very, very  
17 helpful.

18 MR. BASIL OSHIRO: And Flo here is one of the --

19 MS. LANI: My dad.

20 MR. JENCKS: Right. I think you spent a lot of  
21 time talking on the transcript about driving up and down,  
22 getting water in Kulanihakoi Gulch and using dynamite. I  
23 didn't want to get into that too much.

24 MS. LANI: My dad.

25 MR. JENCKS: It sounded like some pretty crazy

1 things. And, also, there was a lot of discussion about what  
2 was happening on the makai side of the Pi'ilani, the  
3 gathering that was happening on the shoreline.

4 MS. DE NAIE: Yeah.

5 MR. JENCKS: You know, how that's evolved over  
6 time. So it was a really good thorough discussion. I  
7 suggest to you, when you have a chance, you know, look at  
8 that, when that document comes out, read the transcript,  
9 because it will be in the appendices. It's very  
10 interesting.

11 MS. DE NAIE: And you know what, when we was on  
12 the site visit -- and I think Brett took some notes on it --  
13 but when Michael Lee -- when we were at the eclipse stone  
14 and Michael and -- and Kimokeo were really tuning in to the  
15 view planes there and how they connected, and, you know,  
16 they were like just -- really some valuable information as  
17 far as generational knowledge kind of thing was coming out.  
18 So I hope there's a way that that can be captured, too,  
19 because people don't always remember exactly what they said.  
20 You know, in the moment sometimes you're just inspired to --  
21 to -- thoughts come through, you know. So that -- that walk  
22 was, in my opinion, very valuable because we got to hear  
23 from everybody, you know, when we went to places. And the  
24 archaeologists were so helpful. They really -- they really  
25 seemed very interested in wanting to find more things and,

1 you know, wanting to figure out how they related to one  
2 another. So it was -- it was a pleasant experience, I  
3 think, all the way around. I mean, I know Mr. Lee felt a  
4 little bit like no one was taking good notes, but, you know,  
5 I think that we found out there were some notes being taken  
6 and --

7 MR. JENCKS: Well, the interview was done.

8 MS. DE NAIE: Yeah. And then he's had an  
9 interview, too, to share more. But, anyway, I think  
10 continuing it -- Daniel definitely wanted to ask about the  
11 status of the sites. And I think people here would say that  
12 data recovery is not the answer for the sites. We want to  
13 know if there's any possibility that they are going to be  
14 preserved within any of the project design and, you know,  
15 because data recovery could even show they're very  
16 important. And if there's no intention to preserve them,  
17 it's like that's just all for nothing. So --

18 MR. JENCKS: Well -- okay.

19 MR. BASIL OSHIRO: It's a education.

20 MR. JENCKS: Prior to you arriving, I went through  
21 that.

22 MS. DE NAIE: Okay.

23 MR. JENCKS: I'll go through it one more time. We  
24 have -- we have an accepted Archaeological Inventory Survey  
25 from SHPD. That report includes a recommendation for data

1 recovery. And my recollection is that the vast majority of  
2 the sites, Brett, are gonna have data recovery.

3 MR. DAVIS: Uh-huh. That's correct.

4 MR. JENCKS: -- done. We don't know what these  
5 sites are until we do the data recovery. So to say what  
6 they are prior to doing that is really not proper. The  
7 assumption that we're making at this point is that the data  
8 recovery will be done, the documentation will be complete.  
9 The cultural community is invited to participate in that  
10 process and learn and work. It's gonna be hot, it's gonna  
11 be dusty, but it's gonna be a learning experience. And the  
12 goal here is to learn as much about -- through the data  
13 recovery process of this site, learn more about the site,  
14 and bring that knowledge vertically into the project. If  
15 that is -- and I -- you know, I think this is rather  
16 intriguing, these rocks, their location. What if we took  
17 those rocks and put them in the same configuration --

18 MS. DE NAIE: No.

19 MR. JENCKS: -- way up on the property.

20 MS. DE NAIE: No.

21 MR. JENCKS: Okay.

22 MS. DE NAIE: No.

23 MR. JENCKS: All right.

24 MS. DE NAIE: No. That is not cultural. That's a  
25 simul con. That's you're simulating Hawaiian culture.

1 Please.

2 MR. JENCKS: Moving on to another idea.

3 MS. DE NAIE: We got to move on, but I'm gonna  
4 say.

5 MR. JENCKS: That wasn't received very well.

6 Taking the data we receive from the data recovery process,  
7 putting it all together, and, like I said earlier, taking  
8 that and bringing it vertically into the project in a way  
9 that we can recognize the cultural history on the property.  
10 This is -- this is assuming that we don't find something  
11 hugely significant to the data recovery process. We don't  
12 know what we're gonna find. We have to go through the  
13 process. But the approach right now is we gather all that  
14 material, all the documentation, the knowledge, and we bring  
15 that vertically into the project and create something in the  
16 project or in a variety of places in the project that  
17 reflect this history on the property.

18 MS. DE NAIE: Okay. Daniel asked me to say one  
19 other thing. You know, he likes the law. And he said, you  
20 know, an AIS was accepted that said six of the sites were  
21 missing and couldn't be relocated. We now know that they  
22 are relocated. So that AIS, under the law, is -- is not  
23 sufficient. It should be reopened. And someone can request  
24 that it be reopened. So if you want to go through that  
25 process, there are people who would request that it be

1 reopened, would challenge it, and so forth and so on. And  
2 if new information is available like that, the law allows an  
3 AIS to be reopened. Or we can do it the nice way and just  
4 say, look, the AIS should be amended and it should include  
5 this information that those six sites are not lost, that  
6 some of them are considered very culturally important by  
7 folks. And, yeah, you could do data recovery, whatever, but  
8 let's not like pretend that that AIS was complete when it  
9 said six sites were -- were lost and they're not lost.  
10 They're right there and we visited all of them. So,  
11 anyway --

12 MR. JENCKS: We'll --

13 MS. DE NAIE: I didn't put this as diplomatically  
14 as Daniel would have, but he said --

15 MR. JENCKS: That's fine.

16 MS. DE NAIE: -- please -- please bring this up.

17 MR. JENCKS: I -- I get it and I understand the  
18 issue and we'll work to address it.

19 MS. DE NAIE: Okay.

20 MR. JENCKS: Thank you very much for your comment.

21 MS. SALLY OSHIRO: I had explained about that  
22 rock. And you -- it went right over you. So if you're not  
23 going to pay attention to it --

24 MR. JENCKS: No. I --

25 MS. SALLY OSHIRO: Should -- should we meet with

1 Marco? Marco was very willing to --

2 MR. JENCKS: Who is Marco?

3 MS. DE NAIE: Marco is --

4 MR. KAPAHULEHUA: The archeological guy who works  
5 for --

6 MS. DE NAIE: Marco Molina. He works with Erik.  
7 He was very willing to, with your permission, schedule a  
8 re-thing to go out there with folks who knew where that site  
9 was and look at some of the stuff. Because Basil brought  
10 out about how he had seen this dam area and so forth and so  
11 on. Should we try to do that officially, and -- and show it  
12 to him so that it's not like we're showing you a picture?

13 MR. JENCKS: I think that's a possibility --

14 MS. DE NAIE: And he could GPS it on a map.

15 MR. JENCKS: -- in the future. We still have some  
16 things we're working on right now. And let's see where we  
17 go. It's a possibility.

18 MS. DE NAIE: He's -- he's your consultant, but he  
19 gave us his email, and -- and I'm seeing it right on my map  
20 here, and telephone number. And he was actually very  
21 interested in seeing these other things, but, you know --

22 MR. JENCKS: We may get -- we may get to the point  
23 where another site visit like that is needed. And  
24 certainly --

25 MR. BASIL OSHIRO: Yeah. We look forward to that

1 because --

2 MR. JENCKS: Okay.

3 MR. BASIL OSHIRO: If that thing wasn't so  
4 overgrown, I think we can see most stuff.

5 MR. JENCKS: It's pretty dry now. Pretty dry.

6 MS. DE NAIE: Yeah. So it could be a good time in  
7 the near future. And then he could check out the areas  
8 around 3740, too, and, you know, see -- see how much they  
9 had recorded in the past. I mean, they recorded, obviously,  
10 the fact that there's something there. It's just it didn't  
11 go far enough makai.

12 MR. BASIL OSHIRO: Yeah, because the water --  
13 water control with the walls and stuff.

14 MR. JENCKS: Yeah. That's how they're described.

15 MR. BASIL OSHIRO: And like I say, I'm quite sure  
16 that punawai is filled up over there through the hundreds of  
17 years of nobody doing anything to it, silt built up.  
18 Because you can't, you see, one side -- no -- mauka, higher,  
19 and then makai a little bit lower where the thing would  
20 channel out. If that punawai would get overflowed and then  
21 the dam itself, and then it goes -- from the dam, it goes  
22 pretty deep. More to mauka you go, the deeper that gulch  
23 gets.

24 MS. DE NAIE: And, Basil, do you think anything  
25 like this maybe was done because it needed to work with the

1 fisheries practices down below or anything?

2 MR. BASIL OSHIRO: I'm quite sure they wanted to  
3 control the flow of that big water.

4 MS. DE NAIE: Yeah.

5 MR. BASIL OSHIRO: That's what it's all about.

6 MS. DE NAIE: Yeah. And when you say "they," it's  
7 not maybe the ranch, it's --

8 MR. BASIL OSHIRO: No, no.

9 MS. DE NAIE: -- maybe people before the ranch  
10 that --

11 MR. BASIL OSHIRO: The ancestors.

12 MS. DE NAIE: Yeah.

13 MR. KAPAHULEHUA: They always try to control the  
14 silt.

15 MS. DE NAIE: Yeah. Because not dumb, you know,  
16 they figured it out.

17 MR. BASIL OSHIRO: They knew how to flow the water  
18 down so all that opala wouldn't go in the water.

19 MS. DE NAIE: Yeah.

20 MR. BASIL OSHIRO: And you can see in that gulch  
21 where all the old branches from the kiawe all piling up  
22 because --

23 MR. KAPAHULEHUA: Outside.

24 MR. BASIL OSHIRO: Yeah.

25 MS. DE NAIE: Yeah, the debris comes in the gulch.

Certified Shorthand Reporters Maui  
808-244-3376

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 --

Certified Shorthand Reporters Maui  
808-244-3376

1 like I said earlier, we'll take a look at that.

2 MR. BASIL OSHIRO: Do good consideration on it  
3 because it probably -- I don't know if Goodfellows gonna be  
4 around yet to fix the problem if it ever happens. I can see  
5 I probably not gonna be around, but it's gonna happen when  
6 they get that big water come down.

7 MR. JENCKS: Okay.

8 MR. BASIL OSHIRO: If you fill up the area in  
9 divert the streams.

10 MR. JENCKS: Okay.

11 MR. NAEOLE: I got one question to ask.

12 MR. JENCKS: Sure.

13 MR. NAEOLE: Maybe if you look into the history of  
14 that area, like maybe with the County, you know, and like  
15 future damages, how severe it was, you know, what year, you  
16 might have a calculation of when the storms occur. Because  
17 there's findings that it happens every like 10 years, maybe  
18 less, but it all depends on the climate.

19 MR. JENCKS: As it relates to flooding and --

20 MR. NAEOLE: Correct.

21 MR. JENCKS: -- that kind thing.

22 MR. NAEOLE: Okay. Because I remember when we  
23 were little -- well, when I was a little kid, I used to go  
24 with uncle, you know, on the ranch, used to work for Henry  
25 Rice. So we used to check water, the trucks. And then

1 sometimes we cannot come home because the water is so big  
2 and you're in between two gulches and they're like tidal  
3 waves. And you gotta sleep right there. So, you know, it's  
4 good to analyze in those areas how severe it is because you  
5 don't want to build something right in that area and you're  
6 gonna have, you know, one catastrophic damage. And, you  
7 know, the -- the weather today is getting a little stronger  
8 than what it was, you know, before, yeah. If you look all  
9 around the world, what is happening, you know. And, you  
10 know, we don't want to see that -- that disaster coming in  
11 right in arm's where -- you know, arm way -- arm's way. So  
12 you, you know -- something to check into.

13 MR. JENCKS: Sure.

14 MR. BASIL OSHIRO: Yeah, historical records.

15 MR. NAEOLE: Because you can kind of get a better  
16 knowledge, you know.

17 MS. DE NAIE: Brian, what year frame was that when  
18 you and your uncle would go and do those runs?

19 MR. NAEOLE: Back in '79.

20 MS. DE NAIE: Okay.

21 MR. NAEOLE: Yeah.

22 MR. JENCKS: Seventies, huh?

23 MR. NAEOLE: The truck with Henry Rice, you know  
24 that one through radio. Once upon a time, I was fortunate  
25 to have that opportunity to work on the ranch, you know.

Certified Shorthand Reporters Maui  
808-244-3376

1 And you can -- as you grow old, where do you go, you know.  
2 So my -- my history was a meat cutter all my life, so, you  
3 know, it's good to go back to that history and remember all  
4 these, you know -- these -- these memories.

5 MR. JENCKS: Sure. That's good input, Brian.  
6 Good idea.

7 MR. BASIL OSHIRO: Gotta look for the kupuna.

8 MR. NAEOLE: Yeah.

9 MR. BASIL OSHIRO: And then the guys that used to  
10 live up the ranch that took care of the water and stuff like  
11 that, that passed already. So they would know about. The  
12 other person, I cannot remember his name, I know his first  
13 name is Joe, and had that Kaonoulu Ranch. And they're  
14 working for Ulupalakua Ranch. They're the ones that spread  
15 that Buffalo grass seed all over the place that has been  
16 invasive.

17 MR. JENCKS: Everywhere.

18 MS. DE NAIE: Thank you.

19 MR. BASIL OSHIRO: So he told me they used to ride  
20 the horses down and just throw seeds. So they were working  
21 as young kids over there, too. I cannot remember his name.  
22 They still have part of the ranch. When they gone -- dad  
23 died, there was a big hassle, so they had to get rid of half  
24 of the ranch to pay for the lawyers.

25 MR. JENCKS: Pay for the what?

1 MS. DE NAIE: Inheritance tax, probably.

2 MR. JENCKS: They get their share first.

3 MR. NAEOLE: Joseph, I don't remember his last  
4 name.

5 MR. JENCKS: They take it off the top, Basil.  
6 Attorneys get their money first and everybody gets whatever  
7 is left.

8 MS. LANI: What year was that?

9 MR. BASIL OSHIRO: Oh, this was back way in the --  
10 I guess, the fifties because he's about my age now.

11 MR. NAEOLE: You figure --

12 MR. BASIL OSHIRO: Oh, Joe Thompson. Thompson  
13 Ranch.

14 MR. JENCKS: Oh, yeah.

15 MS. DE NAIE: Oh, yeah.

16 MR. JENCKS: Huh.

17 MR. BASIL OSHIRO: And Joe's in Oahu. The  
18 brother's running the ranch now, only half of it.

19 MS. DE NAIE: That's the Akina family, too.  
20 They're related to Thompson Ranch.

21 MR. BASIL OSHIRO: Yeah.

22 MS. DE NAIE: We could get some Akinas in. I've  
23 been working with some of the Akina ohana. And Daniel --

24 MR. BASIL OSHIRO: You get meetings going better,  
25 Charlie don't mind that the lineals come in and give manao

1 from their generational knowledge of the area, that way you  
2 can work together.

3 MR. JENCKS: Well, I think that's a -- as we move  
4 on to the project, I think that's a good idea, getting the  
5 input. You know, as we move on --

6 MR. BASIL OSHIRO: Yeah.

7 MR. JENCKS: -- that's a good idea.

8 MR. BASIL OSHIRO: We gotta work together;  
9 otherwise, we gonna be bucking heads. Yeah, all the thing  
10 is we gotta save water. I don't know what kind of usage  
11 you're gonna get for that area, yeah. Because Olowalu, two,  
12 three million gallons a day. Do you have that much water?

13 MR. JENCKS: We're certainly not that much, far  
14 less.

15 MR. BASIL OSHIRO: I hope not because we --  
16 everybody's on conservation, conservation of our water  
17 supply.

18 MR. JENCKS: Okay.

19 (Recording concluded.)  
20  
21  
22  
23  
24  
25

CERTIFICATE

I, TONYA MCDADE, Certified Shorthand Reporter, do hereby certify that the electronically-recorded proceedings contained herein were, after the fact, taken by me in machine shorthand and thereafter was reduced to print by means of computer-aided transcription; proofread under my supervision; and that the foregoing represents, to the best of my ability, a true and accurate transcript of the electronically-recorded proceedings provided to me in the foregoing matter.

I further certify that I am not an employee nor an attorney for any of the parties hereto, nor in any way concerned with the cause.

DATED this 16th day of May, 2016.

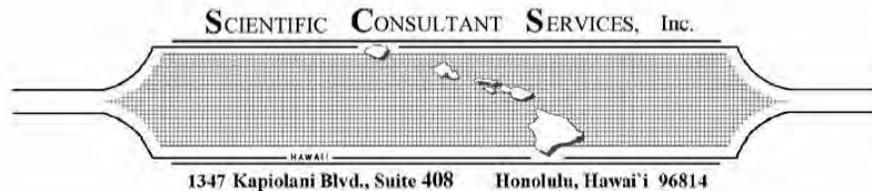
/s/ Tonya McDade

\_\_\_\_\_  
Tonya McDade  
Registered Professional Reporter  
Certified Realtime Reporter  
Certified Broadcast Captioner  
Hawaii Certified Shorthand Reporter #447

(The certified hard copy contains original signature.)

Certified Shorthand Reporters Maui  
808-244-3376

**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 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].

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.

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 propose 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**



- [Articles](#)
- [Information](#)
- [Bureaus](#)
- [Land Grants](#)
- [Royal Patents](#)
- [Mahele Database](#)
- [Boundary Commission](#)
- [Land Grants](#)
- [Royal Patents](#)
- [Review Cart & Cl](#)

## 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/Poalima:	<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 Kallihwa.

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 Kaleohiu 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. 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. This is 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 Kaluaoopu  
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 Kallhi, 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; Kapuakaeo  
Wailuku; 1 ap.; 4.67 Acs; R.P. 8536 Wailuku]

---

**APPENDIX F: SHPD ACCEPTANCE LETTER AIS FOR THE PIILANI PROMENADE**



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION  
KAKUHIHEWA BUILDING  
601 KAMOKILA BLVD, STE 555  
KAPOLEI, HAWAII 96707

SUZANNE D. CAME  
CHAIRPERSON  
COMMISSION ON STATE HISTORIC PRESERVATION  
MANAGEMENT

KEOLA KALINOWSKI  
VICE CHAIR

JEFFREY T. PEARSON  
CHAIRMAN  
COMMISSION ON STATE HISTORIC PRESERVATION  
MANAGEMENT

WILLIAM W. WATSON  
MEMBER  
COMMISSION ON STATE HISTORIC PRESERVATION  
MANAGEMENT

DAVID M. HARRIS  
MEMBER  
COMMISSION ON STATE HISTORIC PRESERVATION  
MANAGEMENT

LAND  
WATER  
WILDLIFE

January 6, 2016

Jordan E. Hart, President  
Chris Hart & Partners, Inc.  
115 N. Market Street  
Wailuku, Hawaii 96793  
Via email to [JHart@chrcmaui.com](mailto:JHart@chrcmaui.com)

Log No. 2015.03310  
Doc No. 1601ML008  
Archaeology

Aloha Mr. Hart:

**SUBJECT: Chapter 6E-42 Historic Preservation Review – Maui County  
Draft Archaeological Inventory Survey for the Pūlani Promenade Project  
Ka'ono'ūlu 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 Pūlani Promenade Project, and Updated Recommendations for Sites Identified in a 1994 Archaeological Inventory Survey, Ka'ono'ūlu 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 effected areas the total acreage for this survey was 101,658 acres) located *mauka* of Pūlani 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 [Planning@co.maui.hi.us](mailto:Planning@co.maui.hi.us)  
County of Maui Department of Public Works - DSA [Genev.Segundo@co.maui.hi.us](mailto:Genev.Segundo@co.maui.hi.us)  
County of Maui Cultural Resources Commission [Annalise.Kahala@co.maui.hi.us](mailto:Annalise.Kahala@co.maui.hi.us)  
Robert Poyner, V.P. Sarofim Realty Advisor [rpoyner@pacificrimland.com](mailto:rpoyner@pacificrimland.com)  
Erik M. Fredericksen, M.A. Yamausk Researches, LLC [yamauskresearchesllc@gmail.com](mailto:yamauskresearchesllc@gmail.com)



**APPENDIX J**  
**Baseline Assessment of Marine Water Chemistry and**  
**Marine Biotic Communities dated February 2014**

**BASELINE ASSESSMENT OF  
MARINE WATER CHEMISTRY  
AND MARINE BIOTIC COMMUNITIES  
PIILANI PROMENADE  
KIHEI, MAUI, HAWAII**

Prepared for:

Piilani Promenade North LLC  
&  
Piilani Promenade South LLC

By:

Marine Research Consultants, Inc.  
1039 Waakaua Pl.  
Honolulu, HI 96822

February 2014

## ***I. INTRODUCTION AND PURPOSE***

The Piilani Promenade project, located in North Kihei, Maui, is a development with a mix of Light Industrial and Business/Commercial uses with 226 apartment units which are proposed on three large developable parcels comprising 68.19 acres. Associated onsite and offsite infrastructure improvements are also proposed, including but not limited to water, sewer, roads, drainage, electrical, bicycle and pedestrian pathways and landscaping. A Maui Electric Company (MECO) substation is also proposed on the project site.

The main part of project site is located mauka of Piilani Highway, with two small triangular shaped parcels makai of the highway at the intersection with no aspect of the project involving direct alteration of the shoreline or nearshore marine environment (Figure 1). None of the proposed land uses includes any direct alteration of the coastal areas or nearshore waters, and the entire project site is separated from the coastline by other development as well as North Kihei Road. As a result, potential effects to the marine environment from the project are limited only to alteration of basal groundwater flowing beneath the site with subsequent discharge to the ocean.

In the interest of addressing these concerns and assuring maintenance of environmental quality, a baseline marine environmental assessment and potential impact analysis of the nearshore areas makai of the Piilani Promenade project site was conducted in November 2013. The rationale of this assessment was to collect a set of baseline data to accurately depict both qualitatively and quantitatively the existing physical, chemical and biological setting of the marine areas that could be potentially affected by the project. Because the only reasonable way the project could affect marine waters is by adding subsidies to groundwater, it was determined that the most effective method of determining the potential for such impacts was to determine the existing degree of groundwater input to the ocean off the site. If the existing groundwater input is of a minor extent, it can be assumed that there is not sufficient input for any subsidies from the project site to affect water quality to a detectable degree.

Existing marine community structure, primarily in terms of coral reef assemblages was also described based on rapid ecological assessment (REA) surveys. Evaluation of the existing condition of the water chemistry and marine communities provides an insight into the physical and chemical factors that influence the marine setting, which provide a basis for determining the potential for changes that could be produced by the project. As coral communities are both long-lived and attached to the bottom, they serve as the best indicators of the time-integrated forces that affect offshore reef areas. Understanding the existing physical, chemical and biological conditions of the marine environment that presently occur provides a basis for predicting potential affects that might occur as a result of the proposed Piilani Promenade project.

## ***II. METHODS***

### ***A. Water Quality/Chemistry***

All fieldwork was conducted on November 20, 2013. As the goal of the assessment was to evaluate the potential for alteration of groundwater discharge, evaluation of water chemistry was

limited to determining variations in salinity and temperature, which are the two physico/chemical components that reflect the mixing of groundwater and marine water in the coastal ocean. Groundwater has a salinity of essentially zero, which open ocean water has a salinity of approximately 35 parts per thousand (‰). Submarine groundwater typically enters the ocean at or near the shoreline resulting in a nearshore zone of mixing characterized by lower salinity, and often lowered temperature (groundwater is typically cooler than ocean water). Weather and sea conditions during the sampling consisted of calm winds and small surf of 1-2 feet breaking on the shoreline. These conditions are somewhat atypical for the Kihei coastline which is generally affected by tradewinds. As a result, conditions during the survey can be considered to have minimum mixing, which should represent the highest detectable groundwater discharge.

Salinity and temperature were assessed along three survey transects that extended perpendicular to the shoreline originated at the beach and extending approximately 100 meters (m) offshore. Data was collected by towing a continuously recording CTD instrument (RBR Model 620) behind a personal watercraft at a dept of approximately 10 centimeters (3 inches) below the surface (Figure 1). These tows were conducted at the upper layer of the water as this is the zone that lower density groundwater will be most evident. Hence, the three surface transects comprised a sampling scheme is designed to span the greatest range of salinity with respect to potential freshwater efflux at the shoreline. Sampling was limited to the nearshore zone because this area receives the majority of groundwater discharge, and hence is most important with respect to identifying the effects of shoreline modification.

## **B. Marine Biotic Community Structure**

Biotic composition of the survey area was assessed by divers using SCUBA working from a small boat. Dive surveys were conducted by swimming in a zigzag pattern from the shoreline across the reef to a water depth of approximately 10 m (30 feet) in the same areas as the CTD tows were conducted. During these underwater investigations, notes on species composition were recorded, and numerous digital photographs recorded the existing conditions of the area. All fieldwork was conducted by Dr. Steven Dollar.

## **III. RESULTS**

### **A. Water Quality/Chemistry - *Distribution of Salinity and Temperature***

Figure 2 shows values of salinity and temperature for continuous horizontal tows along three transects originating downslope from the north (transect 1) central (transect 2) and southern (transect 3) boundaries of the Piilani Promenade project site. With respect to salinity, several trends are apparent. First, on all three transects there is a zone between the shoreline and approximately 30 m (90 feet) offshore where there is a distinct gradient of salinity, with lowest values nearest the shoreline. On all three transects the gradients span a salinity range of about 0.5‰. These gradients reflect the dimension of the zone where groundwater is mixing with ocean water, and is consistently restricted to within approximately 30 m of the shoreline.

The second major trend is that the overall salinity on transect 1 is lower than on transects 2 and 3. In addition the variation within the trace of transect 1 is substantially wider than on transects 2

and 3. These patterns indicate that the location of transect 1 is subjected to somewhat different water masses than transects 2 and 3. The most likely explanation for these patterns is that transect 1 is located on a boundary between water from Maalaea Bay, which may have lower salinity as a result of recent heavy rainfall and runoff, and open ocean waters. Thus, the slightly lower overall values and increased “noise” in the profile for transect 1 relative to the other transects reflects the incomplete mixing of these two water masses. The slightly upward trend of the profile in transect 1 near the ocean terminus of the transect also suggests that there is some mixing of fresh water emanating from the shoreline that diminishes with distance from shore.

Results of the temperature trances in Figure 2 also reveal patterns that indicate a mixing of groundwater and marine waters in the nearshore zone extending from the shoreline to a distance of approximately 30 m from shore. Beyond this distance, temperature is nearly constant on transects 2 and 3. However, the nearshore gradients for each transect are slightly different with temperature slightly elevated on transects 1 and 3 relative to offshore values, and slightly lower values on transect 2 relative to offshore values. These differences indicate that while slightly different factors may be affecting temperature in the nearshore zone, the effect of cooler groundwater is not a dominant feature affecting these overall patterns.

In sum, horizontal gradients of salinity and temperature indicate that there is a detectable zone of mixing of groundwater and ocean water from the shoreline to a distance of approximately 30 m offshore. Beyond this distance, water chemistry, in terms of salinity and temperature reflect open ocean conditions with little effect from inputs from land. Thus, any future input from groundwater subsidies would likewise be limited in effects to water chemistry to a distance of approximately 30 m from shore.

## **B. Reef Community Structure**

### ***1. Physical Structure***

Physical composition of the shoreline area makai of the Piilani Promenade site consists of several structures. The approximate northern half of the shoreline area consists of a narrow sand beach that grades into a rubble zone within the intertidal zone. At the approximate center of the survey area the shoreline is built up with a boulder wall that extends into the intertidal zone. The shoreline area at the southern end of the survey area consists of a small corridor of white sand that is the ocean terminus of a stream bed. Just to the south of the sand delta is a rock wall of a fishpond (Figure 1).

As can be seen in Figure 1, the offshore area fronting the project site is composed of a wide shallow reef platform that extends 50-60 meters (~150-180 feet) offshore and extends to a depth of about 3-4 meters (~10-13 feet). Within the intertidal zone along the beach front bottom composition consists of a rubble bed consisting of broken and eroded limestone chunks interspersed with sand patches (Figure 3). With increasing distance from shore beyond the zone of wave impact, rubble chunks become larger, and are interspersed with patches of coarse white sand (Figure 3). Moving seaward water depth increases gradually, with bottom composition

remaining a mix of sand and rubble with occasional outcroppings of eroded limestone from fossil reef structures (Figures 4-6).

At the outer edge of the reef platform, bottom composition turns to a bed of coarse white sand that extends seaward beyond the limits of the present survey (Figure 7).

## **2. Biotic Community Structure**

Overall, biotic community structure throughout the shallow reef flat fronting the Piilani Promenade project site can be considered depauperate, with no well-developed coral reef communities. Such lack of well-developed living coral reef structure is likely a result of the combination of large volumes of sand and loose rubble, which do not provide for an abundance of solid surfaces for settling coral planular. In addition, the frequent occurrence of breaking waves over the shallow platform result in concussive forces that are too strong for most corals to withstand. Wave action also causes resuspension of sand and movement of rubble fragments which scour the bottom, creating conditions too harsh for settlement and growth of rich reef communities.

However, the area is not completely devoid of macrobenthic (bottom dwelling) organisms. In the sand rubble zone, isolated coral heads colonies occur, primarily of the species *Porites lobata* (Figure 4), and *Pocillopora* spp. (Figure 5). These two genera are the two most common on virtually all Hawaiian reefs. Other species observed were the "soft coral" *Zooanthus* sp. (Figure 6). As can be seen in Figures 5 and 6, most of the coral heads were growing on large rubble fragments that extended somewhat above the level of the sand rubble floor of the shallow platform. Although the elevation above the reef floor is only several inches, the distance is apparently required for reduction in sand and rubble scouring to allow coral colonization.

The other class of benthic organisms that were common on the reef platform was sea urchins. The most common urchins were the small boring species *Echinometra mathaei* that occurred in holes bored into the limestone outcrops and rubble mounds. Other urchin species that were observed included the spiny urchins *Echinothrix diadema*, and *E. calamaris*, and the collector urchin *Tripneustes gratilla* (Figures 5 and 6). Many of these urchins were observed in holes in elevated chunks of coral rubble (Figure 6).

Macroalgae were rare in the inner sand-rubble zone, likely in response to the shifting nature of the substratum. However, at the outer boundaries of the shallow reef platform, where bottom composition consists of beds of coarse sand, the introduced red alga *Acanthophora specifera* occurs in monospecific beds (Figure 7, top). These beds extend to a depth of approximately 15 feet where they disappear, and bottom composition consists entirely of sand flats (Figure 7, bottom).

#### **IV. DISCUSSION and CONCLUSIONS**

The purpose of this assessment is to assemble the information to make valid evaluations of the potential for impact to the marine environment from the proposed Piilani Promenade project that is planned for a 69 acre parcel of land mauka and makai of Piilani Highway in Kihei, Maui. As the project is not located on the shoreline, and will not structurally alter the shoreline or nearshore marine environment, the only source of potential effect to the ocean is through changes to groundwater as a result of materials leaching from the project site to basal groundwater lens, with subsequent input to the nearshore ocean. As there have been no preliminary estimates of the amount of changes to groundwater hydraulic and chemical fluxes that will result from the project, a most reasonable technique for evaluating potential for impact is to evaluate the magnitude of groundwater flux downslope from the project. If the present magnitude can be considered minor, it can be reasoned that there is even if there are subsidies to groundwater from the project, the overall input over existing conditions will not be sufficient to cause significant negative impacts to the marine environment.

Results of recorded continual horizontal profiles of salinity and temperature from the shoreline to a distance offshore beyond the influence of input from land revealed that there was indeed a detectable input of groundwater (noted by decreased values of salinity below open ocean values) at the shoreline. However, the groundwater signals consistently extended only to a distance of approximately 30 meters (~90 feet offshore). The width of the mixing zone is a result of both relatively low input, and dilution-mixing by physical forces of wind waves and currents. At the time of the surveys winds were calm and surf breaking on the shoreline was less than one foot. These conditions represent the calmest that can occur, hence the documented width and magnitude of the zone of mixing can be considered maximal; during typical tradewind conditions with higher surf, the zone of mixing will be commensurately smaller.

Results of assessments of the physical and biotic setting of the nearshore area indicates that within a distance of 30 meters from shore, bottom composition consists of a mix of sand and rubble which provides a constantly shifting unstable surface for marine organisms to settle and grow. In addition, continual scour by moving sand in the nearshore zone adds to the harshness of the habitat in terms of suitable habitat. As a result, the reef zone that has any potential for being affected by input from land contains no biotic communities that could be affected. While some isolated corals and other benthic fauna and flora occur on the outer regions of the reef flat, these areas are beyond the influence of inputs from land.

All of these considerations indicate that the proposed Piilani Promenade project will not have any significant negative or likely even measurable, effect on water quality or marine biota in the coastal ocean offshore of the property. Because of groundwater subsidies are likely to be small, based on calculations from similar projects, they are likely to remain within the wide variation in nutrient concentrations of the entirety of Central Maui. As the effects of groundwater input have been shown to be small and restricted in area, and typical ocean conditions have strong mixing characteristics of the nearshore environment, and there is not a biotic community structure in the area of effect, the changes to the marine environment as a result of Piilani Promenade project will likely be undetectable, with no change from the present conditions.



FIGURE 1. Aerial photograph of area of North Kihei, Maui, Hawaii showing location of Piilani Promenade project site. The main project site is located mauka of Piilani Highway, while two small triangular parcels are located makai of the Highway. Also shown are locations of three ocean transects extending from the shoreline to approximately 100 m offshore along which salinity and temperature profiles were acquired.

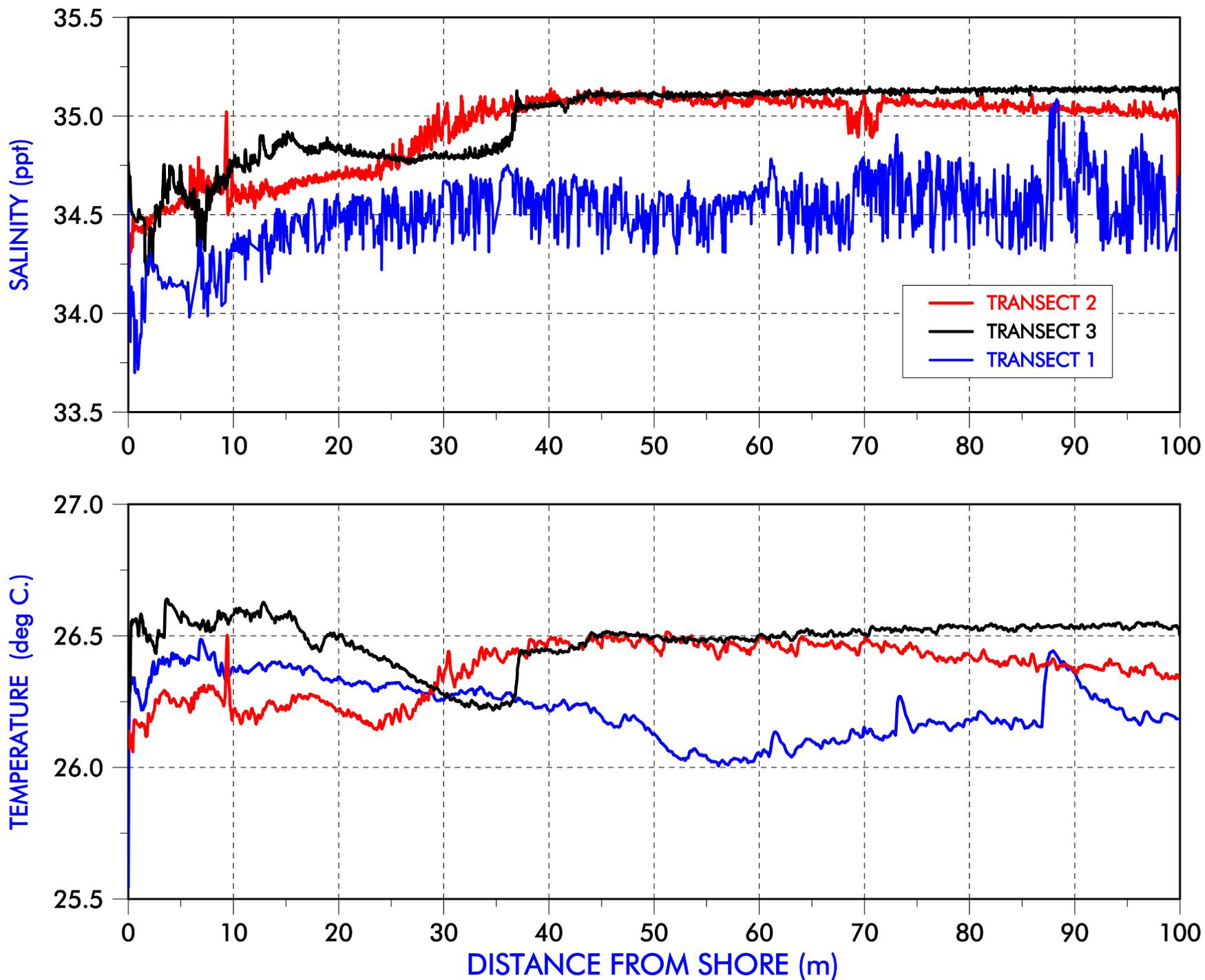


FIGURE 2. Plots of salinity (top) and temperature (bottom) in surface water on three transects that extended from the shoreline to approximately 100 m offshore of the Piilani Promenade property. For locations of transects, see Figure 1.

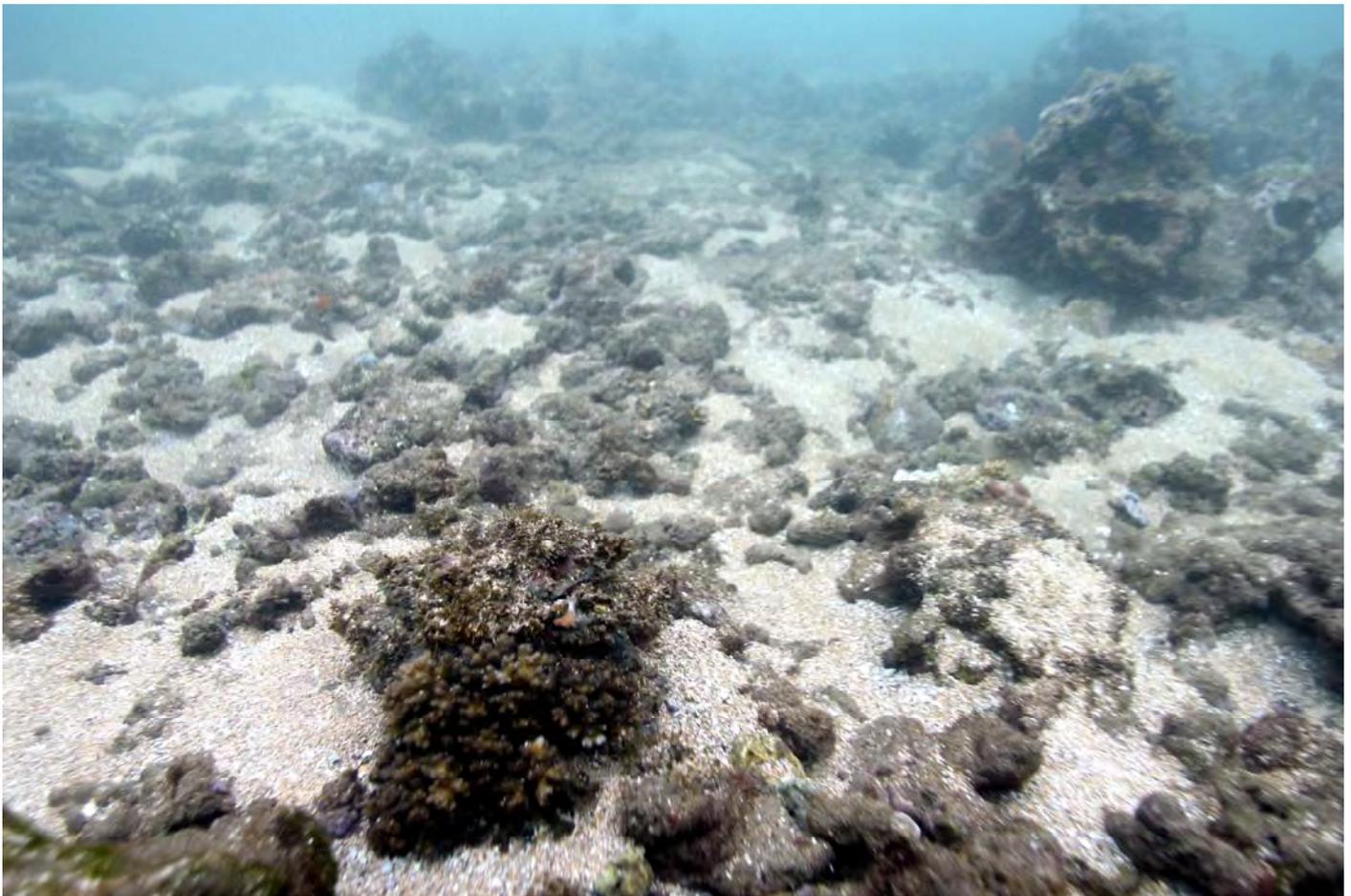


FIGURE 3. Two views of sand and rubble bottom of nearshore zone downslope from the Piilani Promenade Project site in Kihei, Maui, Hawaii. Water depth in both photos is 2-3 feet.



FIGURE 4. Two views of rubble zone with isolated coral colonies. Corals in both photos is *Porites lobata*. Water depth in both photos is 4-5 feet.



FIGURE 5. Two views of rubble zone with isolated coral colonies. Coral in upper photo is *Pocillopora damicornis*; corals in bottom photo are *Pocillopora meandrina*. Round sea urchin in upper center is *Tripneustes gratilla*; striped long-spined sea urchin in bottom center is *Echinothrix calamaris*. Water depth in both photos is 4-5 feet.

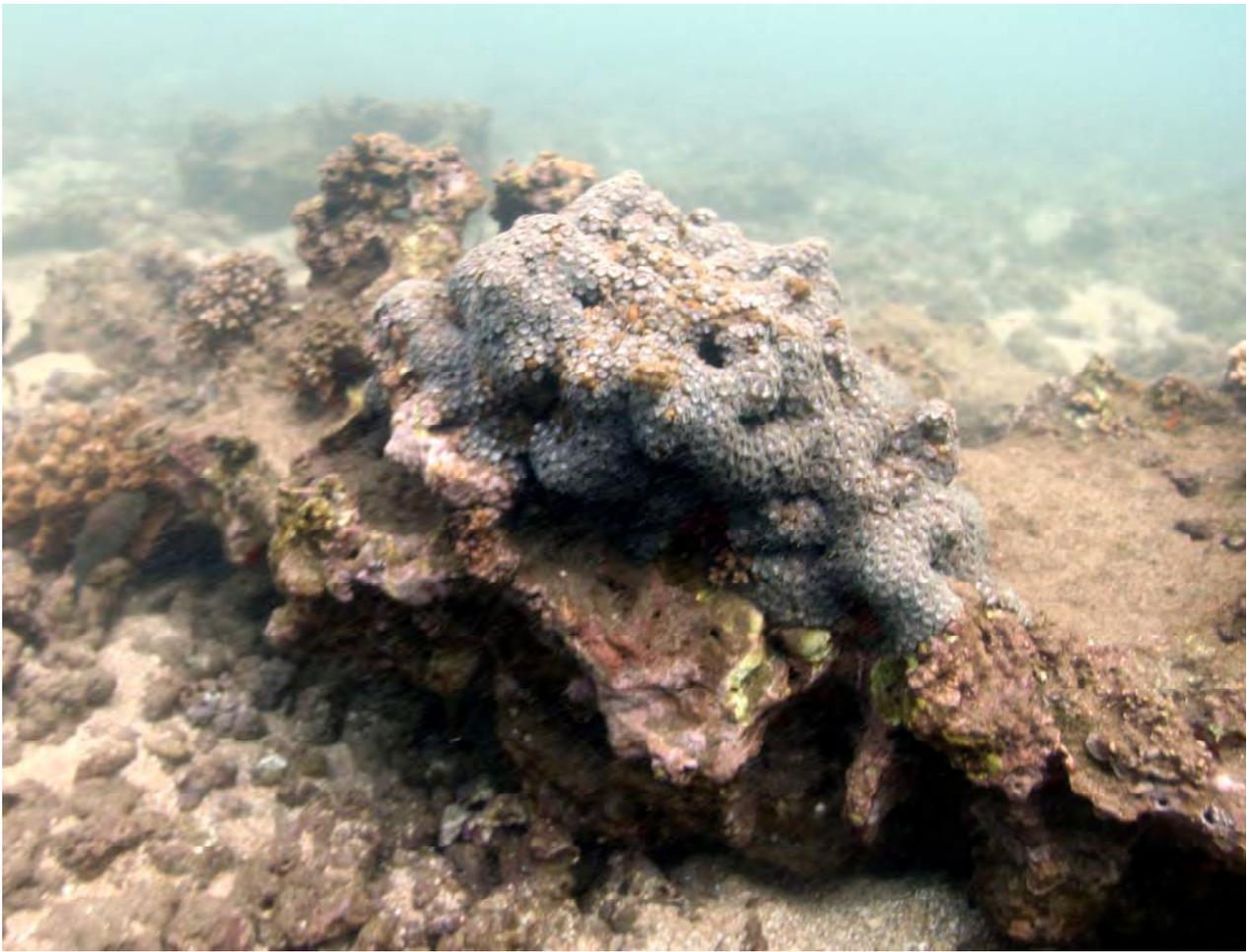


FIGURE 6. Upper photo shows colony of soft coral *Zoanthus* sp. growing on ledge of fossilized reef. Bottom photo shows a cluster of spiny sea urchins (*Echinothrix diadema*) inhabiting holes in mound of dead coral on outer reef off of Kihei. Water depth in both photos is approximately 10 feet.

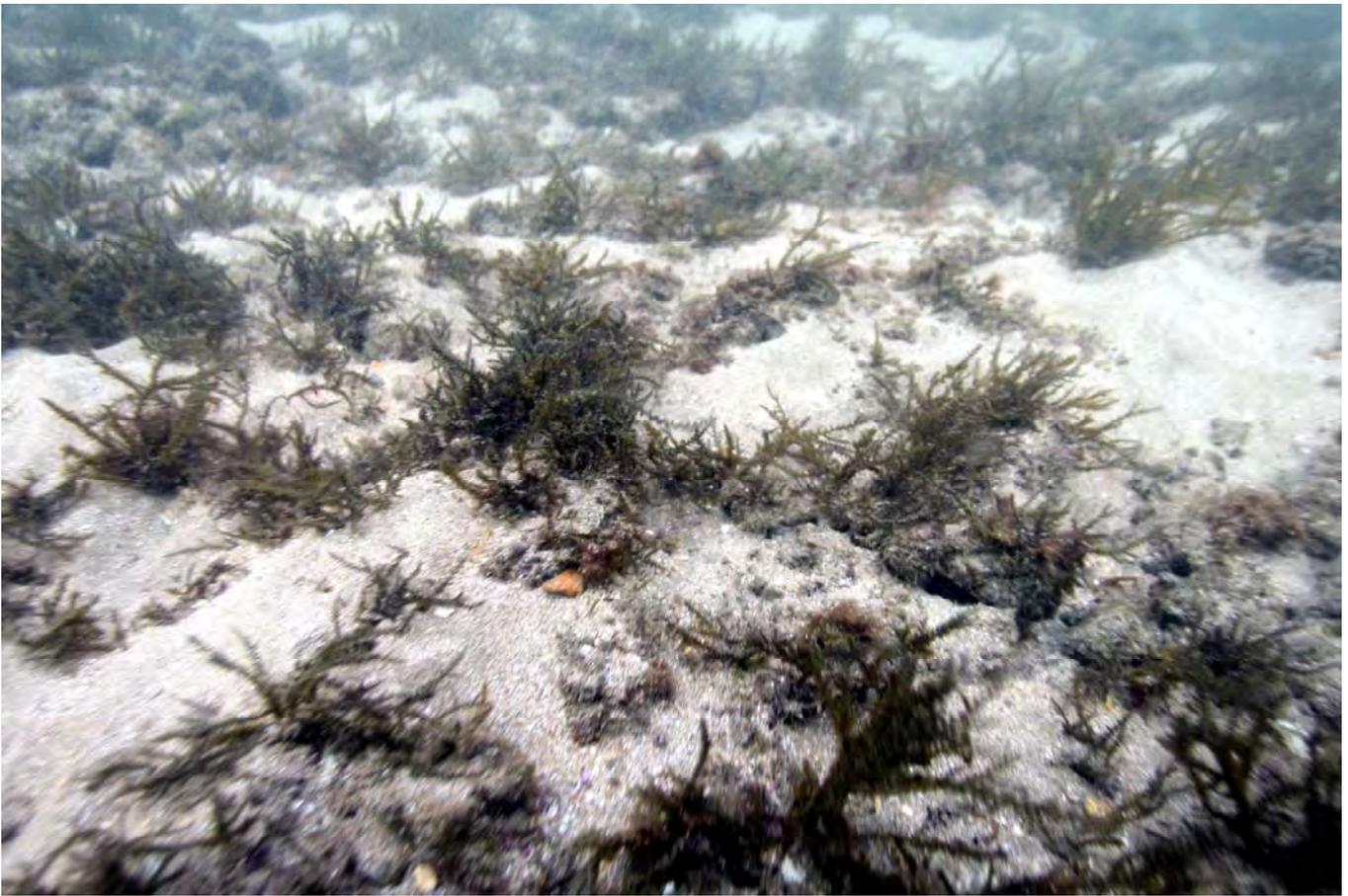


FIGURE 7. Upper photo shows clusters of introduced alga *Acanthophora specifera* in sand flat in outer zone of reef flat off Kihei. Bottom photo shows sand flats that extend offshore into deep water. Water depth top photo is approximately 10 feet, water depth in bottom photo is 15 feet.



**APPENDIX K**  
**Economic and Fiscal Impact Assessment dated**  
**~~November~~ December 2013, revised July 2015**

**Market Study,  
Economic Impact Analysis, and  
Public Fiscal Assessment  
of the Proposed**

**PIILANI PROMENADE**

**Kihei, Maui, Hawaii**



July 31, 2015

Mr. Robert Poynor  
Vice President  
Sarofim Realty Advisors  
8115 Preston Road, Suite 400  
Dallas, Texas 75225

**Market Study, Economic Impact Analysis  
and Public Fiscal Assessment of the  
Proposed Piilani Promenade  
Kihei, Maui, Hawaii**

Dear Mr. Poynor:

The Kaonoulu Industrial Subdivision was entitled in the mid-1990s to provide land in support of economic growth in Kihei, a rapidly expanding community with then scarce development sites. The project was intended to meet a portion of the long-term demand for industrial and commercial floor space in South Maui; providing needed space for business opportunities that would in turn lead to increased economic activity, regional employment and tax revenues.

Over the past two decades the Maui light industrial sector has meaningfully evolved, and the initial conceptual plan envisioning 123 small lots to support some 900,000 square feet of business floor area is no longer valid in today's market.

In compliance with the in-place land use designations and reflecting prevailing market trends, the landowners have proposed the Piilani Promenade master plan, a mixed-use project containing commercial, light industrial and residential components on 68.19 acres of the subdivision.

ARBITRATION  
VALUATION AND  
MARKET STUDIES

SUITE 1350  
1003 BISHOP STREET  
HONOLULU  
HAWAII 96813-6442

(808) 526-0444  
FAX (808) 533-0347  
[email@hallstromgroup.com](mailto:email@hallstromgroup.com)  
[www.hallstromgroup.com](http://www.hallstromgroup.com)

We have completed a series of market and econometric analyses regarding the revised master plan for the well-located site fronting the mauka side of Piilani Highway at the northerly interior gateway of Kihei Town, approximately 10 miles south of Kahului Airport, Maui.

Under the updated concept, the project will include approximately:

- Up to 530,000 square feet of gross leasable business commercial space, including neighborhood/general retail and restaurant, anchor/large retail outlets, and service/office tenants.
- Up to 60,000 square feet of gross leasable light industrial space, including general industrial, warehouse, supply and service/office uses.
- 226 one and two-bedroom rental apartments.

The project site, comprised of three currently vacant parcels is identified on State of Hawaii Tax Maps as Second Division, Tax Map Key 3-9-1, Parcels 16, 170 & 171, with respective street addresses of 451, 524 & 376 Kaonoulu Street, Kihei, Hawaii, 96753. It is located in an urbanizing corridor along the Highway, which stretches some seven miles from north Kihei to Wailea.

The subject holding is designated for urban and light industrial use by the State of Hawaii and County of Maui. It is level to moderately sloping, in an arid climate zone, offers makai and upslope Haleakala panoramas from some areas, and is currently overgrown with bunch grass and scattered small trees. The highway frontage is unimproved apart from a paved shoulder and streetlights, and portions of the site are fenced.

Our assignment was to: determine the level of demand for the Piilani Promenade inventory relative to available supply; assess the appropriateness of the site and master plan from a market perspective; and quantify the economic impacts of the project within the public and private spheres presently and in the future. Our study was primarily comprised of three elements:

1. **Market Study.** To ascertain whether there currently exists, or will exist, sufficient demand in the Maui and Kihei-Makena commercial, industrial and residential real estate sectors to successfully absorb the finished subject inventory in a timely manner given its characteristics and those of competing in-place and proposed regional developments.
2. **Economic Impact Analysis.** To estimate the general and specific effects on the local economy which will result from the build-out of the project, including construction and business employment, wages and income, contractor/supplier profits, end-user expenditures, and other regional monetary and employment effects. This study also forecasts the population of the subject community

including residents and workers, and their household income and discretionary spending levels.

3. **Public Fiscal Assessment.** To quantify the gross tax receipts, public costs, and net benefits which will be received by the State of Hawaii and the County of Maui resulting from the actualization and operation of Piilani Promenade.

The pertinent results from our studies are presented in the following report, which opens with an Executive Summary focusing on brief narrative describing our conclusions. The remainder of the report is comprised of a series of six addenda exhibits containing the tabular presentation of our data, analysis and modeling for each aspect of the assignment.

As part of our investigation program, we have: visited the subject property and its environs; researched the Maui and Kihei-Makena submarkets including residential, industrial/business park and commercial real property sectors; interviewed knowledgeable parties active in the regional economy; reviewed government statistics, policies and publications; accessed on-line databases; and compiled materials from published and private sources.

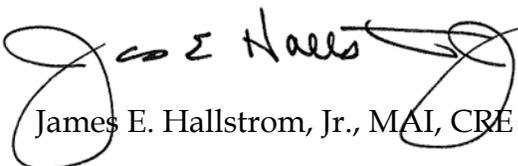
All conclusions presented herein are subject to the limiting conditions, assumptions and certifications of The Hallstrom Group, Inc., in addition to any others specifically set forth in the text. All work has been completed in conformance with the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute, and the Uniform Standards of Professional Appraisal Practice (USPAP).

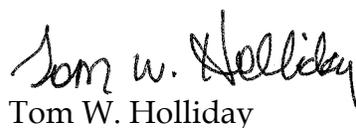
The original analysis was completed in the third and fourth quarter of 2013, with a publication and effective study date of December 20, 2013. Minor revisions were subsequently made to the narrative in response to input/questions from community letters and meetings and to correct an error in the public fiscal cost/benefit model, with a final revision date of July 31, 2015. No portions of the market data, analysis or model were updated subsequent to the original report date.

We appreciate the opportunity to be of service to Piilani Promenade LLC and Sarofim Realty Advisors in regards to this prominent mixed-use project.

Respectfully submitted,

THE HALLSTROM GROUP, INC.

  
James E. Hallstrom, Jr., MAI, CRE

  
Tom W. Holliday

/jmo



**Market Study, Economic Impact Analysis,  
and  
Public Fiscal Assessment  
of the**

**PROPOSED  
PIILANI PROMENADE**

**Located at  
Kihei, Maui, Hawaii**

**Prepared for  
Mr. Robert Poynor  
Sarofim Realty Advisors  
&  
Piilani Promenade North LLC  
&  
Piilani Promenade South LLC**

ARBITRATION  
VALUATION AND  
MARKET STUDIES

SUITE 1350  
1003 BISHOP STREET  
HONOLULU  
HAWAII 96813-6442

(808) 526-0444  
FAX (808) 533-0347  
[email@hallstromgroup.com](mailto:email@hallstromgroup.com)  
[www.hallstromgroup.com](http://www.hallstromgroup.com)

**As of  
November 2013  
(Revised July 2015)**

---

## TABLE OF CONTENTS

---

	<u>Page</u>
<b>PROJECT OVERVIEW</b>	<b>1</b>
<b>The Subject Property</b>	<b>1</b>
<b>History and Analysis of the Proposed Kaonoulu Industrial Subdivision</b>	<b>2</b>
<b>The Proposed Piilani Promenade Master Plan Revision</b>	<b>6</b>
<b>ASSIGNMENT</b>	<b>10</b>
<b>PRIMARY STUDY CONCLUSIONS</b>	<b>12</b>
<b>Market Study</b>	<b>12</b>
<b>Economic Impact Analysis</b>	<b>19</b>
<b>Secondary Impacts</b>	<b>21</b>
<b>Public Fiscal Assessment</b>	<b>22</b>
<b>MARKET STUDY OF THE MASTER PLAN COMPONENTS AND ABSORPTION ESTIMATES</b>	<b>23</b>
<b>The Kihei-Makena Business Commercial Sector</b>	<b>25</b>
<b>The Kihei-Makena Light Industrial Sector</b>	<b>30</b>
<b>The Study Area Residential Rental Market</b>	<b>35</b>
<b>ECONOMIC IMPACTS FROM DEVELOPMENT</b>	<b>43</b>
<b>PUBLIC FISCAL COSTS/BENEFITS ASSOCIATED WITH THE PROJECT</b>	<b>50</b>
<b>Public Fiscal Benefits (Tax Revenues)</b>	<b>50</b>
<b>Public Fiscal Costs</b>	<b>52</b>
<b>Correlation of Public Costs and Net Fiscal Impact</b>	<b>53</b>

**ADDENDA**

**Exhibit I** - Business Commercial Market Study Tables

**Exhibit II** - Light Industrial Market Study Tables

**Exhibit III** - Residential Rental Market Study Tables

**Exhibit IV** - Economic Input Analysis Model Tables

**Exhibit V** - Public Fiscal Costs / Benefits Assessment Model Tables

**Qualifications of The Hallstrom Group, Inc.**

**Qualifications of the Analysts**

## PROJECT OVERVIEW

### **The Subject Property**

The proposed Piilani Promenade (PP) project site is comprised of approximately 68.2 acres of vacant urban-classified lands within the undeveloped Kaonoulu Industrial Subdivision located mauka of Piilani Highway at the northerly, interior gateway to the Kihei-Makena corridor. It is situated on the coastal plain/lower northwesterly flanks of Haleakala, one-half mile from the shoreline and ten miles from the Kahului Airport (OGG).

The irregularly/L-shaped site has approximately 2,400 lineal feet of frontage along the mauka side of the highway across from the current inland terminus of Kaonoulu Street, the extension of which will bisect and provide the primary access for PP.

There are existing light industrial and commercial uses immediately north of the subject project along with some limited specialty agricultural, with single family residential beyond. The lands makai across the highway are for the most part fully-developed with resident, visitor-oriented and commercial uses which stretch to the shoreline. The lands on the mauka side of the highway to the south of the site are undeveloped.

The property has been entitled for light industrial uses since achieving State Land Use redistricting to Urban for the proposed Kaonoulu Industrial Park in 1995. At that time, the concept plan showed 123 lots for commercial and light industrial uses ranging in size from approximately 14,000 square feet (.32 acres) to 54,000 square feet (1.24 acres).

Kihei is one of Hawaii's fastest growing suburban towns and is emerging as another focal point for future, modern commercial and light industrial uses on the island in support of, and complimentary to, the historic and expanding residential and visitor-oriented development in the region.

## History and Analysis of the Proposed Kaonoulu Industrial Subdivision

When announced in the early-1990s, the purpose of the Kaonoulu Industrial Subdivision was to support business growth and economic activity serving resident households and visitors in the urbanizing Kihei-Makena corridor, which was undergoing transition from a secondary coastal village into an expanding, distinct, major suburban market area.

As stated in the July 1994, *Project Assessment Report* (Section 1.B.):

### **"Reason for Reclassification**

The proposed reclassification is being sought in order to develop a commercial and light industrial subdivision. Light industrial space in the South Maui Region is generally very sparse....Thus, residents and businesses must rely heavily on goods and services being delivered from the Wailuku-Kahului Area. This results in higher cost for goods and services, increase in traffic and other inconveniences for both providers and receivers of these goods and services.

In addition, the proposed commercial and light industrial subdivision is anticipated to address the needs for goods and services from a growing population based in the region."

The petitioners sought approvals allowing the conversion of marginally-productive agricultural lands into urban uses identified under Maui County "M-1 Light Industrial" zoning regulations, which also permit the uses allowable under B-1, B-2 and B-3 classifications and residential development. The Subdivision was to provide needed space for business opportunities that would in turn lead to increased economic activity, regional employment and tax revenues over the long-term.

The conceptual plan forwarded during the entitlement process showed a 123-lot subdivision with parcels ranging from 14,000 to 54,000 square feet. However, as noted in the *Market Feasibility Study* (Exhibit "A", page 8):

"These estimates of lot size, quantity and values are provided for planning purposes only. It is only one conceptual alternative which meets current market conditions with considerations for economic, social and physical variables. These estimates require reassessments from time to time and may need to be adjusted accordingly."

Market conditions in the Maui Light Industrial sector have meaningfully evolved during the past twenty years and the initial master plan concept now "requires reassessment" within an updating context.

Historically, light industrial lands on Maui, reflecting the agrarian-based and limited-scale of economic activity on the island, were typically:

- Subdivided into smaller lots;
- Owner-occupied;
- Single business/tenant buildings; and,
- Placing lesser emphasis on exposure, appearance of improvements and patron functionality.

Over the past two decades, the sector has changed dramatically; a result of the movement towards a service-based economy, the emergence of "retail warehouses", influx of mainland companies and franchises, adapting business models, trending consumer preferences, and economic realities on the island.

The outcome has been that the newer light industrial subdivisions on Maui (and throughout Hawaii) are now primarily developed with:

- Larger projects/complexes and structures,
- Multi-tenant buildings,
- Ownership by investors (rather than owner-occupants),
- Major commercial components;

- Higher quality of building design and construction;
- Emphasize frontage/exposure and appearance, larger parking areas and ease of access; and,
- Heightened efforts to improve the customer experience and broaden appeal.

The juxtaposition of "old" versus "new" light industrial-zoned development along Dairy Road evidences the inexorable evolutionary changes in the sector.

The business commercial/industrial subdivision and building model of the past, as reflected in the original Kaonoulu Industrial Subdivision concept plan, is not amenable to supporting prevailing business and consumer trends, and would fail to satisfy demand under current and forecast market conditions.

At the start of its entitlement process the Maui economy (and specifically real estate) was in a major down period and the commercial/industrial market was just beginning the fundamental transformation towards the modern light industrial park design and mix of uses. The initially-envisioned plan for the project reflected the historically "safe and tested" model within the context of an unstable period.

**From a market viewpoint, it is illogical to require that a master plan, in the face of obvious market evolutions, unyieldingly maintain a static design that will inevitably result in lesser ability to meet evident business demands and negatively impact the economic activity, employment and tax revenues for which the Subdivision was created.**

Master plans for all real estate use types are invariably revised over time to reflect changes in the marketplace. In the years between conceptualization and build-out there are transformations constantly taking place in regards to business models, consumer preferences, construction design and techniques, ownership, and developer/investor perspective.

A successful and sustainable master plan must be sufficiently malleable to accommodate generally-conforming evolutions over time in order to achieve maximum efficiency of entitled lands and supporting infrastructure systems. Otherwise a project can stagnate, devolve into lesser orders of use, and fail to actualize the goals of the entitlement effort.

There are numerous examples of master plan revisions on Maui.

In a highly similar manner as at Kaonoulu, the Maui Research & Technology Park (MRTP) master plan is currently in the process of a major revision, updating the design in regards to allowable uses, lot sizes, development standards, and including a residential component.

The MRTP changes are acknowledged by virtually all to be necessary in order to adapt the Park to evident market changes and in support of it achieving the long-term business expansion, economic activity and employment objectives for which it was entitled. As at Kaonoula, the originally forwarded MRTP concept lacked functionality and desirability/competitiveness on a current and going-forward basis, resulting in entitled lands going unused for decades.

Since the mid-1980s, the master plans for the major destination resorts statewide have been changed to provide large numbers of house lots, which were initially a tertiary consideration at best, but have become a driving economic factor in the continuing success of the communities. Conversely, the focus on large scale hotel and condominium development ebbed, with many master planned multifamily building sites being converted to single family subdivision.

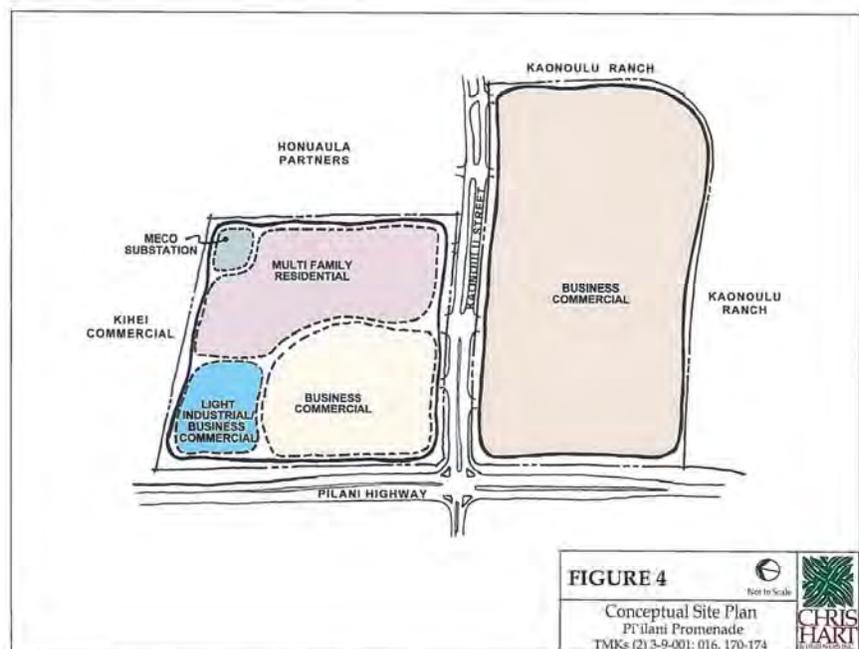
The uses are meaningfully different in design, ownership, price, market orientation, buyer demographics and appearance; yet, they are conforming uses in regards to the underlying land use classifications and generally consistent with the original planning objective of providing resort product for the Maui market.

The North Beach Makai area of Kaanapali was long master-planned (and entitled) primarily for hotel development. Changes in the market have resulted in the area being dominated by timeshare projects, along with a single family subdivision, which are again different in design, ownership, price, etc., but conforming with in-place zoning, and timeshare being generally consistent with the intent of providing on-beach transient lodging inventory.

The master plans of the Project Districts mauka of Kapalua and Wailea Resorts have also been through several iterations of use, density and lay-out changes in response to market trends. before construction has even begun.

**The Proposed Piilani Promenade Master Plan Revision**

The updated master plan creating PP (shown below), designed by Architects Orange along with Chris Hart & Partners (shown below), is intended to offer a diverse mix of competitive business commercial and light industrial use-types within a major complex having some 588,000 square feet of gross leasable area serving neighborhood and regional demand. Additionally, it will contain an apartment project providing needed rental housing opportunities for on-site workers and the South Maui community.



The following chart summarizes the primary proposed components of the project within the revised design. Overall, the updated lay-out will contain about 750,000 square feet of total floor area, the same as would have been developed on the acreage under the original Kaonoulu Industrial Subdivision plan. The evolved master plan is intended to be general and conceptual.

PIILANI PROMENADE MASTER PLAN COMPONENTS			
Use	Business Commercial	Light Industrial/Business	Rental Apartment
Gross Leaseable Area in Square Feet/ or Number of Units	530,706 Total Square Feet Gross Leaseable Floor Area	57,588 Total Square Feet Gross Leaseable Floor Area	226 Total One-Bedroom to Three-Bedroom Units

- The 530,706 square foot Business Commercial component, the focal use of the project, is envisioned to be comprised of General Retail, Anchor/Large Retail Outlets, Neighborhood Retail, Restaurants, and Service Providers and Business Office uses.
- The 57,588 square foot Business/Light Industrial component is envisioned to be comprised of General Industrial, Warehouse, Building Materials/Supply, Service Providers, and Business Office uses.
- The proposed apartment complex, which will be separated from the business/commercial component by an extensive open space buffer, is intended to provide proximate housing for some of the on-site workforce and expand the number of market rental apartments in the community, is currently envisioned to be comprised of about 226 spacious one, two (majority type) and three bedroom units.

The final mix of use-types and square footages for the business commercial and business industrial components, and final apartment unit count and mix, are subject to change in accordance with market trends, Kihei and regional customer demands, and evolving design and business needs over the coming decade.

The developers anticipate commencing with on and off-site infrastructure emplacement in 2015, continuing through 2016, with vertical construction of the apartment complex and the initial business commercial and light industrial improvements breaking-ground in 2016 and available for occupancy in 2017-18.

The updated PP master plan is essentially for a moderate-size, largely self-contained urban village, generally reflecting leading-edge land planning and development techniques, which will provide opportunities for a population of residents, workers and customers within a sustainable, diverse project.

PP will become a major economic engine and employment center for Maui over the next generation, providing an opportunity for expanding and new businesses to find space in a modern, amenitized, mixed-use project outside of the island's traditional industrial parks and commercial centers. The development is complementary to the other uses and existing and proposed projects within the urbanizing Piilani Highway corridor; particularly in conjunction with the revised MRTP master plan which will attract some smaller, true light industrial users that might have previously considered Kaonoulu as an alternative location.

From a market perspective, the master plan builds upon several favorable factors, focal of which are:

- *The site has superior attributes for a business commercial and business/light industrial project. It has extensive frontage and excellent exposure along the primary highway in the region past which thousands of vehicles travel daily, and it is at the gateway to the Kihei-Makena Corridor (just one mile south of the junction serving as the northerly entrance to the region) with a permanent intercept position.*

The holding has sufficient width/depth to support a variety of uses, project designs and building opportunities, a moderate terrain capable of supporting

the proposed components, and will be accessed via fully signalized/channelized intersection.

- *It is within an expanding, high-demand area.* Kihei has grown many-fold in the past forty years while evolving from a sleepy visitor-oriented beach town into Maui's "second city".

The demand for residential units in the area is strong, it experiences some of the highest industrial and non-resort commercial occupancy levels on Maui, with available space typically quickly filled. Many of the stores, restaurants and service providers in the region have been at their locations for decades. It is becoming a more desirable business and shopping destination over time, with solid highway access characteristics and a well-populated neighborhood trade area. Kihei is an increasingly competitive location for new and expanding businesses on Maui.

- *PP will contribute to the standing of South Maui as a destination for business* by offering quality, well-located, building parcel inventory capable of supporting a wide variety of commercial and light industrial use types meeting the demands of companies seeking a high-volume/high-exposure, readily accessible location within an integrated master planned environment. Similar quality sites for major anchor and "big box" operations are exceptionally scarce in Kihei and these types of retailers (which help create cumulative attraction for an area) will be seeking to locate in the Kihei-Makena Corridor as the population and economic importance of the area increase in coming years.
- *In concert with market trends.* The PP master plan will contain the components necessary to maximize penetration in the competitive sectors within the context of prevailing and anticipated near to mid-term market trends; incorporating a diverse mix of uses (including a substantial residential complex), and will be capable of achieving a desirable critical mass to a far greater degree

than possible within the antiquated small lot industrial park previously planned for the property.

Based on our analysis of the subject property and project from a market perspective, we conclude the proposed PP master plan will:

- Embrace leading edge mixed-use design concepts.
- Maximize the reasonable development potentials of a well-located parcel having superior access, frontage, intercept and exposure characteristics.
- Complement the existing and proposed urban development in the Piilani Highway corridor.
- Competitively address existing and forecast needs for rental residential, business commercial and light industrial inventory in the study area.
- Be representative of the highest and best use of the property.

## ASSIGNMENT

The Hallstrom Appraisal Group, Inc.'s assignment was to analyze the proposed PP master plan from a real estate market perspective and to identify and quantify probable market and economic impacts associated with its development in light of competitive, regional, prevailing and forecast trends to answer four basic study questions:

1. Is there sufficient demand to absorb the various components of the subject project during a reasonable exposure period given competing developments (supply) and projected regional market trends?
2. Will PP be an appropriate use of the underlying site relative to market needs?

3. What will be the general/specific and direct/indirect economic impacts on Maui resulting from the undertaking of the subject community via employment, wages, business operations, population, and other economic activity related to the real property asset?
4. What will be the effect on the state and county "public purse" from the project in regards to costs of services required to service the PP population and increased tax/fee receipts flowing from its development?

These issues were addressed through a comprehensive research and inquiry process utilizing data from market investigation, governmental agencies, various Hawaii-based media, industry spokespersons/sources, on-line databases, and published public and private documents.

The pertinent results of our study are highlighted in the body of our report, which contains a concise narrative and tabular synopsis of our conclusions. Additional materials, contained in data tables and models depicting the subject community's lifespan from commencement to completion, upon which our conclusions are based, are presented in the Addenda.

Our summary narrative presentation is divided into four sections:

1. **Primary Study Conclusions**
3. **Market Study of the Piilani Promenade Components and Absorption Estimates**
4. **Economic Impacts of the Proposed Development**
5. **Public Fiscal Costs and Benefits Associated With PP**

The primary sources of information regarding the subject community used in our study were: maps, master plans, GLA/unit counts, infrastructure and vertical cost estimates and background materials provided by Piilani Promenade North LLC, Piilani Promenade South LLC, Sarofim Realty Advisors,

Architects Orange, Chris Hart & Partners, and other members of the development/consultant team; resident population and housing projections, community plan materials and other data from the Maui County Planning Department; the United States 2010 Census; rental housing data from the Maui Board of Realtors and Hawaii Information Service (and others); and data from our files.

The PP site and environs have been viewed by our firm on many occasions and specifically for this assignment. The effective date of study was November 1, 2013.

## PRIMARY STUDY CONCLUSIONS

Based on our analysis of the subject property, its environs, and envisioned development we have reached the following conclusions regarding the probable market standing and economic impacts of the proposed Piilani Promenade development:

### Market Study

- Hawaii has steadily rebounded from the 2008-09 recession and associated down-cycle in the real estate market, with Maui and Oahu showing the strongest recovery movement, regaining most of the ground “lost” in most sectors by mid-2013. Expectations are for continuing economic expansion within the current up-cycle during 2014-15 (and into the mid-term) resulting in increasing demand for real estate inventory within a limited-supply market environment, with activity levels reaching long-term averages.
- Among the favorable economic indicators and trends on Maui, the unemployment rate has dropped to a current level of about 4.5 percent from a high of 9.1 percent during the depths of the recession; median household income has grown two percent in each of the last two years; residential sales activity and prices are moving upwards; commercial and industrial space absorption has shown strong gains in 2013; and, total visitor days

and spending have had annual escalations averaging 6.1 percent and 12.4 percent respectively since 2010.

- The "Kihei-Makena Study Area" is a suburban coastal community, with residential-oriented uses in the inland areas (housing units, neighborhood commercial and limited industrial), and resort/vacation-oriented uses dominating the shoreline (condos, hotels, timeshare and destination resorts). It has expanded dramatically in the past three decades, growing four-fold in resident population, adding nearly one million square feet of commercial and industrial floor area and more than 2,500 visitor units, and evolving into a major hub of Maui investment and business activity. Forecasts are the study area resident population will grow from the current figure of 28,650 to between 42,000 to 46,000 by 2035 (a gain of 46 to 61 percent), and the de facto population to grow between 69,700 to 74,100 (total growth of 42 to 51 percent) as shown in the chart below:

Scenario	Year-End	Projected Kihei-Makena Population				
	2013	2015	2020	2025	2030	2035
<b>One: Minimum Based on Planning Department Baseline Population Forecasts</b>						
Resident	28,653	30,597	33,227	35,962	38,757	41,750
De Facto	48,957	51,510	55,709	60,130	64,737	69,679
<b>Two: Maximum Based on Planning Department Historical Trend Run Population Forecasts</b>						
Resident	28,653	30,500	34,000	38,000	42,000	46,200
De Facto	48,957	51,413	56,482	62,168	67,980	74,129

The population expansion will increase the standing and importance of the study region, making it a distinct suburban market area within the island's economy; particularly as the Maui Research & Technology Park (MRTP) and Makena Resort experience further development and Honouaula and other large master-planned projects are manifest.

- Historically, the study area has been a secondary, commercial sector on Maui, meaningfully behind and substantially dependent upon Kahului-Wailuku, with an estimated 764,000 square feet of commercial floor area, or 16 percent of the island total. Kihei-Makena contains about one-quarter of the de facto population of Maui, resulting in the regional commercial sector being "under-serviced" relative to average consumer needs on a gross basis (by some 415,000 square feet of space); a product of commercial development failing to keep pace with population growth and the lack/scarcity of many use-types within the regional inventory such as big box, destination projects and regional centers.
- On a going-forward basis, the Kihei-Makena Corridor will evolve into a more primary trade area with significantly less dependence upon Wailuku-Kahului businesses, which are ten to 15 miles distant from the subject area residents. There is a meaningful potential for expansion by: capturing more of the locally-generated demand that now flows elsewhere on the island (primarily Kahului); continuing growth in the community de facto population (more customers); and through diversification of commercial, light industrial and business/service product offerings.
- The vacancy rate on the island for retail, restaurant and service/support commercial floor space is currently at eight percent; down more than a point from the depth of the recession. It is anticipated to further decline by two-plus points in 2014. After numerous quarters of "negative absorption" (vacated space) from late 2008 to 2010, and mixed absorption levels in 2011-12, positive net absorption of competitive retail/restaurant space returned to the Maui market in 2013, with 51,488 square feet of net newly leased space through the first three quarters of the year, leading all the major islands in the State. Rents have stabilized over the past year and are beginning to show escalations for the first time since 2007-08. In Kihei-Makena vacancy rates are at 3.8 percent, the lowest of any primary commercial region,

with most of the available bays located on Ohukai Road or Lipoa Parkway (not the highway or S. Kihei Road). Rents in competitive spaces are among the highest on the island, tenant stability is relatively solid (particularly compared to West Maui), and there are fewer quality vacant bays remaining as the sector continues through its post-recession ramp-up period.

- Maui currently has some 16.1 million square feet of “commercial” floor area, including light industrial, retail and office uses, or about 108.8 square feet per resident. This is at the low-end of surveyed market areas in the US which ranged from 97.6 square feet to 237.7 square feet per capita, and average of 138.8 square feet per resident. The Kihei-Makena region currently has some 1.8 million square feet of commercial space, or about 63.4 square feet per resident. Given the large numbers of high-spending tourists contributing to demand in addition to residents on Maui and in Kihei, the demand created by the de facto population is proportionately higher than in the surveyed market areas, indicating that the island and study region are not over-serviced with commercial development.
- We estimate there will be demand for an additional 936,000 to 1,505,000 million square feet of gross leasable commercial floor space in the Kihei-Makena Study Area by 2035, more than doubling the existing inventory. This equates to an additional 92 to 147 acres of vacant gross land area to support expected market needs.
- The existing supply of vacant commercial development sites is limited in Kihei-Makena, with much of the scarce inventory being less-desirably located in the interior of the community, not along the primary thoroughfares of Piilani Highway and South Kihei Road. Virtually all of the choice commercial parcels in the region have already been developed. The updated MRTTP development code provides only for some 100,000 square foot of neighborhood retail space, intended to service the added residential component of the community, but it will be

uncompetitive as it is well removed from the highway. Several of the major proposed master-planned residential developments will contain commercial uses, but these are limited in size, often in the interior of the project, and are primarily intended to service their neighborhood residents. Our analysis indicates there will be insufficient competitive acreage to meet the forecast regional mid-point demand for commercial floor space in the region.

- The study area industrial space sector has approximately 960,000 square feet of inventory, or less than nine percent of the total amount built on Maui; again, indicating the region is under-serviced relative to its full share of the overall island market (by some 2.67 million square feet). The majority of space is in business commercial, storage/warehousing, suppliers, offices, staging, and other uses. Island-wide the vacancy rate for industrial floor area is about 2.0 percent (well below the State average of 3.2 percent), and is indicative of a “tight” sector, which showed a positive absorption of 41,870 square feet in the first nine months of 2013. Vacancy in Kihei-Makena is estimated at less than two percent, rents are at or above island-wide averages, and brokers report increasing interest in regional industrial spaces, with several owner/user and multi-tenant buildings under construction or in the final approval stages.
- As has occurred throughout the country over the past two decades in response to an evolving market, light industrial parks/zoned lands on Maui and within the Kihei-Makena region often have major business commercial components, blurring the line between traditional industrial-type uses and retail/service/office uses. An excellent example is a store such as Home Depot, which are now often located in industrial subdivisions (particularly in Hawaii), and are essentially retail industrial parks under a single roof. This mixed-use trend has strongly and steadily increased over the past two decades and is anticipated to continue, with newer anchor retailers, strip centers and large retail outlets often

being located on well-located industrial-zoned sites. In many of the more recent major “light industrial” developments on the island, business commercial uses represent from 40 to 70-plus percent of the total floor space. This aspect, which is embodied in the evolution of the subject property master plan from the small-lot Kaonoulu Industrial Park to the envisioned Piilani Promenade, is critical in analyzing and forecasting light industrial demand and supply factors.

- We estimate the demand for additional light industrial (and associated uses) floor space on Maui over the next 22 years (through 2035) will total from 1.8 million to 2.3 million square feet, an increase of from 83 to 137 percent above current levels. This equates to a demand for between 153 to 200 additional gross acres of underlying sites at prevailing "business park" densities; and significantly more acreage if base yards, quarries, and open storage uses are included.
- Again, apart from MRTP, which potentially could have up to two million square feet of light industrial/business park development, and the subject property, there are limited competitive vacant industrial sites in the Kihei-Makena Corridor; markedly less than what will be required to meet regional demand. There are no other major inventory additions proposed at this time, and few of the master-planned communities will contain light industrial building sites.
- The rental housing market in the study area has been chronically under-supplied, with low vacancies even during recessionary periods and relatively high rents for the neighbor islands. This status is a result of a limited supply of housing units of all types in the area and their comparatively high prices in relationship to household income levels, pressures on the sector from non-residents absorbing supply across the spectrum, the focus of developers on upper-end product, and high land and construction costs. The currently available supply of rental units is virtually non-existent, with fewer than 15

units listed on the primary websites and in local publications. Brokers report occupancies of agency units at nearly 100 percent, a continually rising demand, rapidly escalating rents, and low tenant turnover in most units; all opining that any new and/or available rental apartments would quickly be “snapped up” within the prevailing and anticipated near to mid-term market context.

- The demand for new residential units in the Kihei-Makena Corridor will be from 7,250 to 11,500 units over the next 22 years (through 2035), approximately 46 percent of which, or 3,327 to 5,276 total units, will be for rental housing opportunities.
- While any housing unit could be used as a residential rental, it is estimated there are fewer than 500 market units within dedicated rental apartment projects in the study area; less than four percent of the total regional inventory; and several of the projects are considered as having marginal desirability (and higher tenant turnover). Apart from the subject, proposed supply of rental apartment units though somewhat limited, may increase sharply over the mid to long-term as a result of the workforce/affordable housing requirements for the proposed major master-planned communities; an example of which are the 125 rental units proposed within the 250 unit project to be located adjacent to the subject (associated with the planned Honuaua community).
- From a market perspective, the subject property is a superior location for the proposed mixed-use PP development in regards to frontage, exposure, intercept potentials, access, topography, shape, size, and interior view potentials. It will be complimentary with existing adjacent uses and provide quality business opportunities for a diverse range of retail, restaurant, service/office, and light industrial space owners and end-users. The rental apartment is a complimentary component, offering housing opportunities for the PP workforce and others in

the community (close by to traffic corridors), and an on-site customer base. PP will have the attributes necessary to be highly competitive in all its product sectors.

- We forecast the Piilani Promenade development will capture a meaningful share of the Kihei-Makena regional commercial space demand during its offering period (achieving a 40 to 45 percent market share), and a lesser share of industrial space demand (15 to 25 percent of the total market) comprised of both standard light industrial uses and business commercial users who typically locate on industrial-zoned lands. The 226 rental apartment units are projected to capture a market share of 19 to 33 percent of the study area demand for rental housing units during its lease-up.

Our annualized mid-point absorption estimates are summarized on Table A.

We anticipate the serviced, vacant sites comprising the project will be:

- Sold to business commercial and light industrial builders and owner-users within an eight to ten year period commencing with initial offerings during infrastructure emplacement (beginning in 2015-16).
- Built-out with the 588,288 square feet of gross leasable business commercial and light industrial floor space and the 226 unit apartment complex within 12 to 14 years of the first site closing (by 2028 to 2030).
- Achieve full absorption and stabilized operations of the finished business commercial and light industrial floor space within 15 years of the first sales (by 2031).

### **Economic Impact Analysis**

We have constructed a model depicting the economic impact of the proposed PP development on the Maui and Statewide community during the course of its "lifespan" from ground-breaking in 2015 through the final build-out, absorption and stabilized operations of the commercial component in 2031. The

TABLE A

**PROJECTED SUBJECT ABSORPTION**  
**Market Study of the Proposed Piilani Promenade**  
Kihei, Maui, Hawaii  
Assuming 588,000 Square Feet of Total Floor Space  
With Leasing Starting in 2017

Year		Construction, Sale and Absorption Timing	Projected Mid-Point Demand Absorption	
Calendar	Development		Business Commercial & Industrial Square Feet	Apartment Units
2016	1	Infrastructure Emplacement and Lot Sales Commence		
2017	2	Infrastructure Completed, Vertical Construction Begins		
2018	3	Initial Buildings Completed and Occupied	34,598	76
2019	4	Vertical Construction, Absorption and Lot Sales On-Going	34,598	75
2020	5	Rental Apartments Fully-Absorbed	34,598	75
2021	6	Construction, Absorption and Lot Sales On-Going	43,465	
2022	7	Construction, Absorption and Lot Sales On-Going	39,087	
2023	8	Construction, Absorption and Lot Sales On-Going	39,087	
2024	9	Construction & Absorption On-Going, Lot Sales Completed	39,087	
2025	10	Construction & Absorption On-Going	39,087	
2026	11	Construction & Absorption On-Going	45,722	
2027	12	Construction & Absorption On-Going	42,605	
2028	13	Construction & Absorption On-Going	42,605	
2029	14	Construction & Absorption On-Going	42,605	
2030	15	Absorption On-Going, Construction Completed	42,605	
2031	16	Absorption On-Going	50,826	
2032	17	Business Commercial and Industrial Space Fully Absorbed	17,424	
<b>Totals</b>			<b>588,000</b>	<b>226</b>

Source: The Hallstrom Group/CBRE

model builds on the data and forecasts contained in our market study.

All estimated amounts are in constant 2013 dollars.

- The subject development will bring in \$212 million of new capital investment into the island's real estate market during its build-out over a 12 to 15 year period (from 2015 to circa 2028-30), generate \$2.3 billion in total on-site economic activity during the construction and initial operations period (17 years, 2015 to 2031), and some \$348.7 million in annual economic activity on a stabilized basis thereafter.
- The construction of the PP components will directly create an estimated 878 “worker-years” of employment (the equivalent of 52 work weeks at 40 hours per week) in the trades and associated businesses during build-out, averaging 52 worker years annually, with an estimated \$66.5 million in wages (averaging \$3.9 million per year). Secondary/off-site employment resulting from subject construction will total another 220 worker-years of employment with wages of \$8.9 million.
- The on-going operations and maintenance of the business commercial, light industrial and apartment components will directly provide an estimated 8,816 worker-years and \$274.4 million in total wages over the 15-year period from opening of the first businesses until full build-out and stabilization are achieved (2017 to 2031). Associated secondary/off-site employment during the time-frame will total 2,778 worker-years with wages of \$112.2 million. After "stabilization" the mixed-use community will support some 1,210 permanent jobs on-site with an annual payroll of about \$36.6 million, and an additional 303 secondary/off-site positions with \$12.2 million in yearly wages off-site.
- The large majority of the gross operating revenues within the project, 97 percent, will be a result of outside patrons coming to the in-project companies (the remaining 3.0

percent will be from consumption and rents paid by the residents of the 226 on-site rental apartments). The base economic impact on Maui will total at least \$2.6 billion during build-out and \$352.3 million annually upon stabilization.

- At build-out the resident population of the community will be some 607 persons, with up to 100 to 120 total children, of which 60 to 70 would be attending public schools. The cumulative resident household income during the 17-year build-out and absorption modeling period will total \$241 million, and will stabilize at \$17.2 million annually thereafter. Discretionary expenditures into Maui businesses by the PP population will be some \$120.5 million during build-out and average \$8.6 million per year on a stabilized basis.
- Application of the State Input-Output Model macro multipliers depicting direct, indirect and induced economic impacts arising from development of PP results in significantly higher economic out-flow indicators than those from our direct, subject-specific micro model.

The total State economic impact from construction of the project would reach \$449.5 million, there would be 2,933 total worker-years of jobs created, and the total increase in earnings statewide would be \$134.3 million.

The State model also estimates the total annual economic output from business operations within PP would be more than double the gross revenues at \$728.8 million annually on a stabilized basis, the total number of worker years attributable to the PP dollars flowing through the economy would be 6,626 positions annually, and the increase in direct earnings would be \$230.2 million per year.

### **Secondary Impacts**

- The project will have nominal impacts on the socio-economic aspects of the surrounding community that relate to real estate issues.

1. The proposed components will be compatible with adjacent (light industrial/commercial) and nearby (residential) development and the subject end uses/users should have nominal impact on the desirability of real property interests in the neighborhood.
2. Property values in the Kihei Makena region are largely driven by external, cyclical economic factors and its existing cumulative mass, not any single new project. PP will have nominal impact on the market values or real property assessments of nearby real estate.
3. It is not expected there will be meaningful in-migration to Maui as a direct result of the operating components of the projects.
4. The rental apartments will provide housing for some of the PP workforce as well as needed, quality housing opportunities for others in the community. The subject project should have a generally positive impact on the local rental unit sector by increasing competitively-priced, available supply.
5. All traffic movement of customers, employees, residents and servicers will flow directly from Piilani Highway (through a signalized/channelized intersection), onto/through the subject development, and contained on-site, and will not directly impact the internal road systems of adjacent/nearby projects and subdivisions.

**Public Fiscal Assessment**

- The County of Maui will realize Real Property Taxes and other secondary receipts and impact fees of \$34 million during the 17-year construction and absorption period, and \$2.6 million annually on a stabilized basis thereafter. The net benefit to the County purse will be of \$25.9

million during development, and \$594,600 annually on a stabilized basis.

- The State of Hawaii will receive Gross Excise and Income Taxes, secondary revenues, and impact fees of \$210.7 million during the build-out and ramp-up time frame, and \$26.0 million per year thereafter. The net benefit to the State purse will be in excess of \$194.9 million during development, and a stabilized 'profit' of \$20.7 million per year.

The major economic impacts and public fiscal conclusions are shown on Table B. The column on the left summarizes the cumulative impacts during the initial 17-year construction and absorption period, and the right hand column the annual impacts after stabilization.

## **MARKET STUDY OF THE MASTER PLAN COMPONENTS AND ABSORPTION ESTIMATES**

Within the general real estate market “commercial” development is comprised of a broad spectrum of uses including light industrial, retail, and office types, all allowable under the in-place entitlements, which will be the focus of the updated PP master plan.

As summarized on Table 1, our survey of major US urban/suburban market areas showed an overall range of combined light industrial, retail and office floor area at between 97.6 square feet and 237.7 square feet per resident in the market area, averaging 138.8 square feet per capita.

The survey averages are shown on the chart below along with those for Maui and Kihei:

TABLE B

**SUMMARY COMPARISON OF MAJOR ECONOMIC IMPACTS  
AND PUBLIC FISCAL COSTS/BENEFITS**  
Market Study of the Proposed Piilani Promenade  
Kihei, Maui, Hawaii  
All Amounts Expressed in Constant, Uninflated 2013 Dollars

Analysis Item	Cumulative During Build-Out Period	Stabilized Annually Thereafter
Direct Capital Investment	\$212,046,162	
Local Contractor's Profits	\$21,204,616	
Local Supplier's Profits	\$8,481,846	
Worker Years of Jobs	12,692	1,513
Employee Wages	\$461,950,706	\$48,859,144
Resident Population		607
Full-Time Resident Household Income	\$240,987,600	\$17,213,400
De Facto Population Expenditures (On & Off Site)	\$120,493,800	\$8,606,700
Total Operating Gross Receipts	\$2,317,435,305	\$348,719,376
Outside Patronage Expenditures	\$2,197,048,028	\$338,155,824
Total Maui "Base" Economic Impact	\$2,609,993,390	\$352,307,724
County of Maui Gross Tax Receipts	\$33,974,713	\$2,561,036
State of Hawaii Gross Tax Receipts	\$210,726,863	\$26,006,449
County of Maui Costs of Services (per capita basis)	\$5,899,317	\$1,966,439
State Costs of Services (per capita basis)	\$15,821,606	\$5,273,869
County of Maui Net Benefits or (Loss)	\$25,860,646	\$594,597
State Net Benefits or (Loss)	\$194,905,257	\$20,732,580

Source: The Hallstrom Group, Inc.

TABLE 1

**COMMERCIAL FLOOR SPACE DEVELOPMENT IN SELECTED US METROPOLITAN AREAS**  
**Market Study of the Proposed Piilani Promenade**  
 Kihei, Maui, Hawaii

Location	Orange County, CA	San Diego County, CA	Sacramento, CA	Portland, OR	Seattle, WA	Denver, CO	Albuquerque, NM	Buffalo, NY	Reno, NV	AVERAGES
Resident Population	3,100,000	3,200,000	1,831,682	2,289,800	3,552,157	2,599,504	907,000	1,137,000	425,417	<b>2,115,840</b>
Industrial Floor Area in Sq. Ft.	252,635,000	200,771,000	172,917,000	194,999,000	252,595,000	224,138,000	39,408,382	64,363,281	73,847,926	<b>163,963,843</b>
<b>Industrial Space Per Capita in Sq. Ft.</b>	<b>81.5</b>	<b>62.7</b>	<b>94.4</b>	<b>85.2</b>	<b>71.1</b>	<b>86.2</b>	<b>43.4</b>	<b>56.6</b>	<b>173.6</b>	<b>77.5</b>
Primary Retail Floor Area in Sq. Ft. (1)	84,326,593	67,714,050	45,554,184	31,057,159	91,381,450	78,221,275	25,299,320	26,394,839	16,987,864	<b>51,881,859</b>
<b>Primary Retail Space Per Capita in Sq. Ft.</b>	<b>27.2</b>	<b>21.2</b>	<b>24.9</b>	<b>13.6</b>	<b>25.7</b>	<b>30.1</b>	<b>27.9</b>	<b>23.2</b>	<b>39.9</b>	<b>24.5</b>
Office Floor Space in Sq. Ft. (2)	100,015,921	66,881,855	52,809,413	46,088,010	98,063,225	107,526,332	13,702,411	32,150,195	6,210,965	<b>58,160,925</b>
<b>Office Space Per Capita in Sq. Ft.</b>	<b>32.3</b>	<b>20.9</b>	<b>28.8</b>	<b>20.1</b>	<b>27.6</b>	<b>41.4</b>	<b>15.1</b>	<b>28.3</b>	<b>14.6</b>	<b>27.5</b>
<b>Total Commercial Space in Sq. Ft.</b>	<b>436,977,514</b>	<b>335,366,905</b>	<b>271,280,597</b>	<b>272,144,169</b>	<b>442,039,675</b>	<b>409,885,607</b>	<b>78,410,113</b>	<b>122,908,315</b>	<b>97,046,755</b>	<b>274,006,628</b>
<b>Total Commercial Space Per Capita in Sq. Ft.</b>	<b>141.0</b>	<b>104.8</b>	<b>148.1</b>	<b>118.9</b>	<b>124.4</b>	<b>157.7</b>	<b>86.4</b>	<b>108.1</b>	<b>228.1</b>	<b>129.5</b>

(1) Includes only centers with more than 50,000 gross square feet in market area.

(2) Estimated square footage of free-standing office buildings not on industrial-zoned land or withing retail project.

Source: CBRE, Kidder Mathews, US Census and The Hallstrom Group, Inc.

COMMERCIAL FLOOR SPACE COMPARISONS OF SELECTED US METROPOLITAN AREAS WITH THE ISLAND OF MAUI AND KIHEI MARKET AREAS Market Study of the Proposed Piilani Promenade Kihei, Maui, Hawaii			
	Surveyed Cities Averages	Island of Maui	Kihei
Resident Population	<b>2,115,840</b>	147,700	28,653
Industrial Floor Area in Sq. Ft. (1)	<b>163,963,843</b>	10,723,580	925,295
<b>Industrial Space Per Capita in Sq. Ft.</b>	<b>77.5</b>	<b>72.6</b>	<b>32.3</b>
Primary Retail Floor Area in Sq. Ft. (2)	<b>51,881,859</b>	2,517,214	525,422
Primary Retail Space Per Capita in Sq. Ft.	<b>24.5</b>	17.0	18.3
Other Retail Floor Area in Sq. Ft.	<b>19,749,537</b>	2,260,600	238,314
Other Retail Space Per Capita in Sq. Ft.	<b>9.3</b>	15.3	8.3
<b>Total Retail Area in Sq. Ft.</b>	<b>71,631,396</b>	<b>4,777,814</b>	<b>763,736</b>
<b>Total Retail Space Per Capita in Sq. Ft.</b>	<b>33.9</b>	<b>32.3</b>	<b>26.7</b>
Office Floor Space in Sq. Ft. (3)	<b>58,160,925</b>	573,306	128,427
<b>Office Space Per Capita in Sq. Ft.</b>	<b>27.5</b>	<b>3.9</b>	<b>4.5</b>
<b>Total Commercial Space in Sq. Ft.</b>	<b>293,756,165</b>	<b>16,074,700</b>	<b>1,817,458</b>
<b>Total Commercial Space Per Capita in Sq. Ft.</b>	<b>138.8</b>	<b>108.8</b>	<b>63.4</b>

(1) Include retail, office and other commercial uses in industrial parks & on industrial-zoned sites.  
 (2) Includes only centers with more than 50,000 gross square feet in market area.  
 (3) Estimated square footage of free-standing office buildings not on industrial-zoned land or within mixed-use projects.  
 Total square foot figure may be over-stated for Island of Maui.

Source: CBRE and The Hallstrom Group, Inc.

The total Maui figure of 108.8 square feet per capita is below the survey average and towards the lower end of the overall range; but is reasonably comparable given the rarity of stand-alone major office development to date.

The total Kihei figure of 63.4 square feet of floor space per resident is well below the survey and Maui range/average.

**The Kihei-Makena  
Business  
Commercial Sector**

The primary shortfalls are in the light industrial-classified sector, particularly in regards to the mix-use and retail warehouse potentials, and in office space, which will take years to expand with much of demand focused on the MRTP.

The tables containing the commercial market data and demand/supply projection models summarized in this section are presented in Addenda Exhibit I.

The primary focus for commercial uses at Piilani Promenade will be to provide a diverse spectrum of neighborhood, general, regional, destination and big box business commercial opportunities to meet the retail, restaurant, service, medical and support demands created by Kihei-Makena residents and visitors, and residents and workers within the project.

Historically, Kihei-Makena has been a secondary commercial sector on Maui. While floor space has been steadily added since the mid-1980s, including major new projects during the past two decades, it has continued to be oriented towards resident-serving "neighborhood" and general retail/restaurants fronting S. Kihei Road and within the interior of the community, with visitor-oriented businesses in the resorts and makai areas. Most "big box", major mall, destination and specialty retailers serving the island are still located in Wailuku-Kahului.

To some degree, this trend will continue in the near to mid-term; however, as the de facto population and disposable income in the study area increase, congestion in Kahului worsens, and Kihei continues its maturation into a modern, suburban community, an increase in demand for all retail, restaurant and service types will follow and big box, specialty/destination and regional center/mall-type development typical for a community of this scale and scope will occur.

While driving into Wailuku/Kahului from other island areas to patronize big box, destination/specialty and regional centers has been a traditional part of the Maui commercial market, with distance and time being secondary considerations, an expanding population, deteriorating traffic flow, rising gas

costs, and modern time constraints will all stimulate commercial development elsewhere.

And PP, at circa nine miles from the Dairy Road/Hana Highway commercial nexus in Kahului, with the Greater Kihei trade area stretching another six miles southerly beyond, is sufficiently far removed (and in a distinctly different trade area) to be the location of additional stores. In example, on Oahu the four Costco stores are each located 10 to 13 miles apart, and the three regional malls are between five and 11 miles distant. And, the subject parcel has the superior intercept/"gateway", exposure/access and size/shape characteristics highly sought by regional and destination retailers.

Demand for business commercial space is a direct function of the number of consumers in the effective trade area. Each individual, resident or visitor, generates the "need" for more retail opportunities.

At present, there is some 4.8 million square feet of commercial floor space on Maui, or the equivalent of 24.1 square feet of gross leasable area per capita of the de facto population (residents and visitors).

This is slightly above the statewide average of 22.6 square feet per capita, and a moderate to lower-moderate amount for an economy of Maui's size and composition relative to similar markets; particularly given that being an island consumers can't readily access other nearby trade areas. Given the generational evolution of the economy from agrarian to service-based, a continually diversifying consumer base, and the expanding competitive context of the market, we forecast Maui will support a spatial allowance of between 30 and 35 square feet per person by mid-century.

Maui experienced significant "negative absorption" (existing tenants vacating space faster than new tenant or expanding business leasing space up) during the 2008-09 recession and for several years afterward, with the initial signs of recovery, within an erratic market environment, beginning in mid-2011.

The market has picked up positive velocity since that time, the product of a recovering economy, favorable credit environment, rebounding tourism and an increasing population. Through the first three quarters of 2013, Maui has led the state in absorption, with some 51,488 more square feet of floor space in major centers being leased than being vacated.

The 8.0 percent vacancy rate is down more than a point from the nadir of the market, and rents have stabilized and are starting to move upwards once again. Commercial brokers islandwide are reporting an increase in interest and activity, particularly in Kihei, Paia and Wailuku.

In Kihei-Makena, there is an estimated 763,736 square feet of competitive commercial floor space, or about 16 percent of the gross floor area on the island.

This equates to a per capita spatial allowance of 15.6 square feet per member of the study area de facto population, or only 65 percent of the islandwide per capita average.

Given the shortfall between the study area per capita floor space (15.6 square feet) and the islandwide average (24.1 square feet), **the Kihei-Makena region is “underserviced” in regards to commercial floor space on a gross demand/supply basis.**

Were it to be equitably developed as is the overall island with 24.1 square feet of space per capita, there would be an additional 411,000 square feet of business commercial space in Kihei-Makena, an increase of 54 percent above current supply. This demand is currently spread to other areas on the island (notably Wailuku/Kahului).

Kihei-Makena vacancy rates are at 3.8 percent, the lowest of any primary commercial region on the island, with most of the available bays located on Ohukai Road or Lipoa Parkway, not in the prime projects fronting Piilani Highway or S. Kihei Road. Rents in competitive spaces are among the highest on the island, tenant stability is relatively solid (particularly compared to West Maui), and there are fewer quality vacant bays remaining as the

as the sector continues through its post-recession ramp-up period.

Neighborhood retail uses typically constitute about 45 to 55 percent of per capita demand, with Service Commercial, Medical and Support commercial spaces combining for another 20 to 30 percent of the total. The remaining 15 to 35 percent of per capita demand is oriented towards big boxes, major centers, destination and specialty retailers and in-hotel space.

As Greater Kihei continues to grow and evolve as a community, the commercial uses in the region will intensify and diversify as a broader range of businesses seek to locate in an expanding market area. The regional capture rate of the study area per capita demand will increase over time from its current level of 65 percent to between 80 and 90 percent by 2035.

Total regional capture (100 percent) of all per capita demand is not likely, as many businesses serving an islandwide market will remain focused in Wailuku/Kahului.

The combination of a growing de facto population, increasing per capita demand (forecast to reach 30.5 to 34.0 square feet per person on Maui by 2035), and an escalating regional capture rate, will create demand for between 936,428 and 1,504,606 square feet of new gross commercial floor area in Kihei-Makena over the next 22 years, with a mid-point of 1,220,517 square feet; more than double the existing inventory.

An estimated 92 to 147 gross acres of land (119 acres mid-point) will be needed to support this forthcoming demand.

The existing supply of vacant commercial development sites is limited in Kihei-Makena, with much of the scarce inventory being less-desirably located in the interior of the community, not along the primary thoroughfares of Piilani Highway and S. Kihei Road. Virtually all of the choice commercial parcels in the region have already been developed.

The updated MRTTP development code provides for only some 100,000 square foot of total retail space (equating to about 8 gross acres of land), in a Neighborhood Retail context.

Several of the major proposed master-planned residential developments will contain commercial components, but these are limited in size, often in the interior of the project, and are primarily intended to service the neighborhood retail needs of community residents.

Our analysis indicates there will be insufficient competitive acreage to meet the forecast regional mid-point demand for commercial floor space in the region.

On a gross demand/supply comparison basis, Kihei-Makena is presently significantly underserviced and there will be shortfall of commercial land in the study area over the next 22 years.

Given the limited amount of currently vacant floor space, scarce competitive high-volume development opportunities, the timing relative to other proposed projects, and the excellent traits of the subject site, we estimate PP could achieve a Market Share (or "Capture Rate") of circa 40 to 45 percent of the total Kihei-Makena demand for new commercial floor space during its offering period from 2017 onward. This would equate to between 323,184 and 577,145 square feet of gross leasable floor area during the 2014 through 2035 study time-frame, with a mid-point of 450,165 square feet.

An estimated 30,450 square feet of this demand would be generated by PP residents and its workers, calculated as shown on the following table.

<b>SUMMARY OF NEIGHBORHOOD COMMERCIAL SPACE DEMAND CREATED BY SUBJECT RESIDENTS AND WORKERS AT BUILD-OUT</b>	
<b>1. Stabilized Subject Population</b>	
Full-Time Residents	607
Full Time Equivalent On-Site Workers	1,210
<b>2. Project Resident Per Capita Demand for Commercial Space (in Gross Square Feet per Person)</b>	
Total for All Commercial Needs (1)	32.0
Total Commercial Demand Created by Subject Residents	19,424.0
Capture Rate of In-Project Resident Neighborhood Demand	85.0%
Total Floor Space Demand for Resident-Oriented/Neighborhood Commercial Space	<b>16,510</b>
<b>3. Project Worker Resident Per Capita Demand for Commercial Space (in Gross Square Feet per Person)</b>	
Estimated Percent of Workers not Residing in Project	90.0%
Non-Resident Workers Patronizing Subject Commercial Businesses	1,089
Total Per Capita Floor Space Demand by Workers for Neighborhood Commercial Space (2)	12.8
Total Floor Space Demand by Workers for Neighborhood Commercial Space	<b>13,939</b>
<b>4. Indicated Subject Commercial Floor Space Demand</b>	
From Subject Project Population (Items #2 & #3 Above)	<b>30,450</b>

(1) Based on mid-point per person spatial demand in 2030.

(2) Based on capture rate of 40 percent of per capita resident demand in square feet.

Source: The Hallstrom Group, Inc.

### **The Kihei-Makena Light Industrial Sector**

The tables containing the market data and absorption model component summarized in this section are presented in Addenda Exhibit II.

Historically, the focus of industrial development on Maui has been in Wailuku/Kahului, owing to its proximity to the island's working port, airport, large population, seat of government, central location and access to major highways.

As a result of zoning code allowances, business commercial uses are permitted in light industrial subdivisions and parks (common to the neighbor islands), which has resulted in an ever-escalating trend over the past two decades of commercial/retail users locating on industrial-zoned land; in many ways rendering the distinction moot.

At present, there are some 10.72 million square feet of light industrial space on Maui, or about 54.03 square feet per person

of the de facto population. More than 70 percent of the island's industrial space is in Wailuku/Kahului and Central Maui.

The per capita figure is higher than the statewide average of 38.61 square feet, due to the large numbers of business commercial users that locate in industrial parks as a result of the zoning allowances; which is also seen on the Big Island (47.52 square feet per capita), but not to a major degree on Oahu (34.41 square feet).

Newer Maui industrial projects have particularly large amounts of commercial/retail space. This has been an increasing trend for the past two decades, with some developments having upwards of 45 to 70 percent of the total project floor space occupied by commercial (often big box) or quasi-commercial users.

Whether these uses are located in industrial or commercial complexes is irrelevant to total per capita floor space demand square foot multipliers and our conclusions. Regardless of how it is classified the total floor space required by the market would not be meaningfully different, just moved from one designated market sector to another.

The market is highly cognizant of the relative interchangeability between commercial and light industrial sites, as evidenced in the wide-spread use of high exposure industrial locations for retail businesses and that per square foot land prices for comparable commercial and industrial lots are similar.

The majority of floor area on Maui industrial lands is in business commercial, storage/warehousing, suppliers, big box, offices, staging, and other uses. Island-wide the vacancy rate for industrial space is about 2.0 percent (well below the State average of 3.2 percent), and indicative of a "tight" sector. There was positive absorption of 41,870 square feet of space in the first nine months of 2013, and brokers stated the market is now strongly recovering from the lingering effects of the recession, interest in space is high, turn-over is decreasing, asking rents are starting to move upwards, and quality spaces are limited.

Until the mid-1990s, Kihei-Makena did not have significant amounts of industrial development; as few sites were available, established businesses preferred a Wailuku/Kahului location, and prior to the opening of Piilani Highway, access was inferior and traffic congestion common.

Over the past two decades there has been increasing industrial development in the study area, fueled by an expanding regional population, increasing economic importance, rising land costs in Kahului, land use entitlement efforts, and enhanced transportation in and out of Kihei (while Kahului became more congested).

Today, increasing amounts of, and interest in, new industrial/business/office development on Maui is oriented towards Kihei-Makena; a trend which will increase in coming decades as the region evolves from being a secondary dependent trade area into a more primary independent sector; capturing a greater share of the locally-generated demand which now flows ten-plus miles to Kahului.

The study area industrial space sector has approximately 960,000 square feet of inventory, or less than nine percent of the total amount built on Maui.

Given that about 25 percent of the de facto population on Maui is located in Kihei-Makena, the region is under-serviced on a gross basis relative to its potential full share of the overall island market by some 2.67 million square feet.

We forecast that over the coming two decades the in-region capture rate of the Kihei trade area will increase from its current sub-par level of about 35 percent of inferred regional demand to between 60 and 65 percent. This includes capturing the large majority of new demand from an increasing population/consumer base in Kihei-Makena, redirection of some historic demand from Kahului/Wailuku towards Kihei locations, and attracting some demand from other districts as the diversity and scale of uses in the study area increases over time.

Vacancy in Kihei-Makena is estimated at less than two percent, rents are at or above island-wide averages, and brokers report increasing interest in regional industrial spaces.

As with elsewhere on the island light industrial parks/zoned lands within the Kihei-Makena region have major business commercial components, again blurring the line between traditional industrial-type uses and retail/service/office uses. This aspect is embodied in the evolution of the subject property master plan from the small-lot Kaonoulu Industrial Park to the envisioned Piilani Promenade.

Using similar “per capital spatial demand” methodology as for our commercial space analysis, we quantified the demand for additional industrial floor space in the Kihei-Makena area through 2035.

We assume the per capita demand will continue to rise slowly from the current level to between 66.75 and 70.75 square feet by the end of the projection period. Even with the large business commercial component contributing to the figure, Maui will still be at the low-end of the national range for a trade area of its scale and economic orientation (generally at 75 to 125-plus square feet per capita); primarily as it lacks a meaningful manufacturing and trans-shipping base.

We estimate the demand for additional "light industrial" floor space (of all types) in Kihei-Makena from 2014 through 2035 will be from 1.76 million to 2.28 million square feet, with a mid-point of about two million square feet. This would represent a two to three-fold increase over the current in-place total.

An estimated 153 to 200 gross acres of land (176 acres mid-point) will be needed to support forecast demand.

Again, apart from MRTP, which potentially could have upwards of one million square feet of light industrial/business park development, and the subject property, there are limited competitive vacant industrial sites in the Kihei-Makena Corridor at present; markedly less than what will be required to meet regional demand. There are no other major inventory

additions proposed at this time, and few of the master-planned communities will contain industrial building sites.

In light of its favorable characteristics, including a northerly Kihei intercept location, superior frontage/exposure on and ease of access to Piilani Highway, benefits of a mixed use project, and limited availability of alternative sites, we forecast PP will capture a market share averaging about 18 percent of total South Maui industrial demand during its prospective offering period (2017 to 2035).

Absorption would start at 25 percent of the regional market in the initial years of offering (commencing in 2017), as it would be a new, desirable project within a market environment with limited competition, declining to 15 percent as MRTTP (with a new master plan) achieves critical mass/cumulative attraction and other alternatives come on-line.

A CB Richard Ellis survey estimated there are currently 884 parcels comprising some 2,620 acres of vacant industrial lands on Maui. This figure includes specialized sites near the harbor and airport, base yards, surrounding the Puunene mill, quarries, dump, and many parcels that are lacking infrastructure or otherwise not competitive in the general market. Most are located in Central Maui. While there is not a general shortage islandwide, the availability of quality sites is limited in the study area.

Overall, we estimate PP would have the potential to absorb some 294,000 to 382,300 square feet of light industrial, business commercial and related uses during 2017 through 2035 offering period, with a mid-point of 338,000 square feet.

This total absorption would include at least 57,600 square feet of “true” industrial uses as specifically provided for in the PP master plan with remainder being business commercial, big box and quasi-commercial uses as is typical of the Maui light industrial market.

An estimated 41,761 square feet of this demand would be generated by PP residents and its workers, calculated as shown on the following table.

<b>SUMMARY OF LIGHT INDUSTRIAL SPACE DEMAND CREATED BY SUBJECT RESIDENTS AND WORKERS AT BUILD-OUT</b>	
<b>1. Stabilized Subject Population</b>	
Full-Time Residents	607
Full Time Equivalent On-Site Workers	1,210
<b>2. Project Resident Per Capita Demand for Light Industrial Space (in Gross Square Feet per Person)</b>	
Total for All Light Industrial Needs (1)	<u>63.0</u>
Total Light Industrial Demand Created by Subject Residents	38,241.0
Capture Rate of In-Project Resident Demand	<u>50.0%</u>
Total Floor Space Demand for Resident-Oriented/Neighborhood Commercial Space	<b>19,121</b>
<b>3. Project Worker Resident Per Capita Demand for Light Industrial Space (in Gross Square Feet per Person)</b>	
Estimated Percent of Workers not Residing in Project	<u>90.0%</u>
Non-Resident Workers Patronizing Subject Light Industrial Businesses	1,089
Total Per Capita Floor Space Demand by Workers for Light Industrial Space (2)	<u>20.8</u>
Total Floor Space Demand by Workers for Light Industrial Space	<b>22,640</b>
<b>4. Indicated Subject Light Industrial Floor Space Demand</b>	
From Subject Project Population (Items #2 & #3 Above)	<u><u><b>41,761</b></u></u>

(1) Based on mid-point per person spatial demand in 2030.

(2) Based on capture rate of 33 percent of per capita resident demand in square feet.

Source: The Hallstrom Group, Inc.

### **The Study Area Residential Rental Market**

The tables containing the market data and absorption model component summarized in this section are presented in Addenda Exhibit III.

Prior to the 1970s, Kihei was a small coastal village with fewer than 3,000 residents, with very limited resort-oriented and commercial uses. The development of Wailea Resort coupled with numerous condominium projects along South Kihei Road served to create a desirable visitor destination. At the same

time, Kihei was identified as the most appropriate location for resident housing for the employees of the South and West Maui resort areas and to support the natural and in-migrating population growth of the island.

By 1980, the population had more than doubled to about 7,000 persons, substantial commercial space was being developed, and the region was well-established as a desirable vacation locale offering a wide variety of resort units.

While the near-makai areas continued to be dominated by resort/transient-oriented and non-resident use and ownership, the inland areas of Kihei began being developed at a rapid pace for local resident households. Over the next two decades, the resident population more than tripled.

Initially during this surge, most resident-oriented product was developed as vacant home sites which were then built-out individually as "custom" homes. However, over-time the trend became larger builders constructing spec tract homes and multifamily projects (resident-oriented in the interior and a mix of visitor and resident in the makai areas).

Today, the residential inventory in the study area remains tilted towards single family type, with under 60 percent being single family product and over 40 percent multifamily units. On a going-forward basis it is expected that multifamily construction will outpace single family, and that over the next two decades multifamily units will comprise 52 percent of the new housing units in Kihei-Makena as available entitled, serviced land becomes further scarce and unit prices increase over time.

There were 17,981 non-resort "residential" units in the Kihei-Makena region as of the 2010 census. Of these, 4,433 units were transient vacation rentals (DBEDT Visitor Inventory Survey) and 13,548 were used for housing; 10,731 units (79.21%) by full-time resident households and 2,817 (20.79%) were second homes/part-time residences.

Residential construction in Greater Kihei has progressed at a generally consistent and fairly rapid pace over the past three

decades; a trend we anticipate will continue as long as suitable lands are made available for development. Among the primary reasons for this conclusion are:

- The region provides for a quality, comprehensive, modern, suburban lifestyle;
- There is a scarcity of alternative, entitled acceptable development areas throughout the island;
- In addition to the in-community availability of a broad range of commercial, industrial and service businesses, Kihei is proximate to goods, services, and support uses in Central Maui;
- Relative ease of access to major South Maui and Central Maui employment centers and other areas of the island;
- A warm, generally dry climate considered highly desirable by many residents and most non-residents; and
- Superior view panoramas from many interior locations.

The balance between demand and supply in Kihei-Makena has been more stable than in many neighbor island regions; although like elsewhere the market remains generally under-supplied (just not acutely) from a long-term perspective. Yet, there remains significant unmet need for additional affordable housing opportunities.

Long-range planning done by/for the County of Maui indicates there will be a need for an increase of between 50 percent to 80 percent in the number of housing units in order to service the anticipated demand created by community growth. This includes the demand by second home/non-resident purchasers which comprise between 20 and 30 percent of total demand for non-resort residential units in Kihei-Makena.

Based on regional population forecasts (as utilized in the Commercial and Industrial analyses), household size trending, and allowances for non-resident purchasers and vacancies, we

project the demand for new residential units in the Kihei-Makena Corridor will be from 7,250 to 11,500 units over the next 22 years (through 2035), with a mid-point of 9,383 units.

According to 2010 Census data, about 52 percent of the housing units in the study area are owner-occupied and 48 percent are renter-occupied, with multifamily units comprising a larger share of the rental sector than single family homes. The ratio of owner-to-renter occupancy was little changed from the prior Census. The total number of renter-occupied housing units in Kihei-Makena is currently estimated at about 6,750 units.

Given the number of potential residential units in major proposed projects in the interior and mauka areas Kihei-Makena (many comprised of mostly modest product), County workforce/affordable housing regulations and requirements, and continuing low mortgage interest rates, it is anticipated that homeownership in the region will minorly increase over the next two decades, with about 54 percent of new inventory being owner-occupied and 46 percent renter-occupied.

However, if the changes to the Truth in Lending Act (Regulation Z) commencing January 2014 limit the availability of mortgages, as many industry analysts predict, there could be fewer homeowners and more renters in the South Maui market than anticipated.

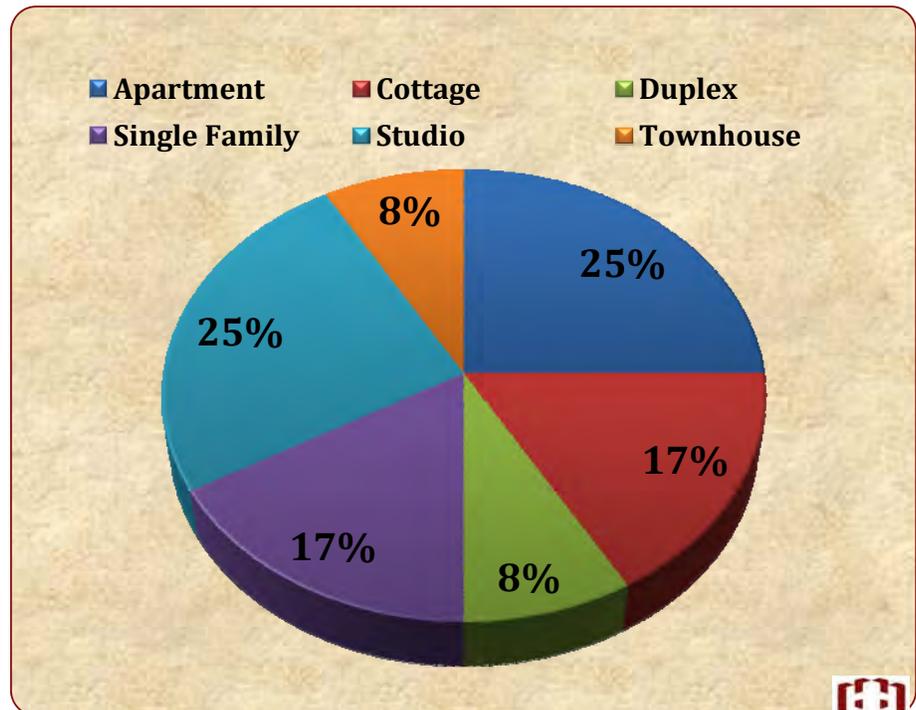
We estimate the demand for rental housing units in Kihei-Makena during the projection period (2014 to 2035) will be between 3,327 and 5,276 total additional units, with a mid-point of 4,302 units. The majority, between 60 and 70 percent, or 2,581 to 3,011 units at mid-point demand, will be directed towards multifamily product, either in “for sale” condominium complexes or in rental apartment projects as proposed at PP.

The rental housing market in the study area has been chronically under-supplied, with low vacancies even during recessionary periods and relatively high rents for the neighbor islands. This status is a result of a limited supply of housing units of all types in the area and their comparatively high prices in relationship to household income levels, pressures on the

sector from non-residents absorbing supply across the spectrum, the focus of developers on upper-end product, and high land and construction costs.

The currently available supply of rental units is virtually non-existent, with 32 units listed on the primary websites and in local publications as of the report date. The average asking rental rates and types of units available are shown in the following charts.

Average Asking Rents in Kihei-Makena	
Apartment	\$1,250
Cottage	\$1,275
Duplex	\$1,200
Single Family	\$3,350
Studio	\$843
Townhouse	\$3,200

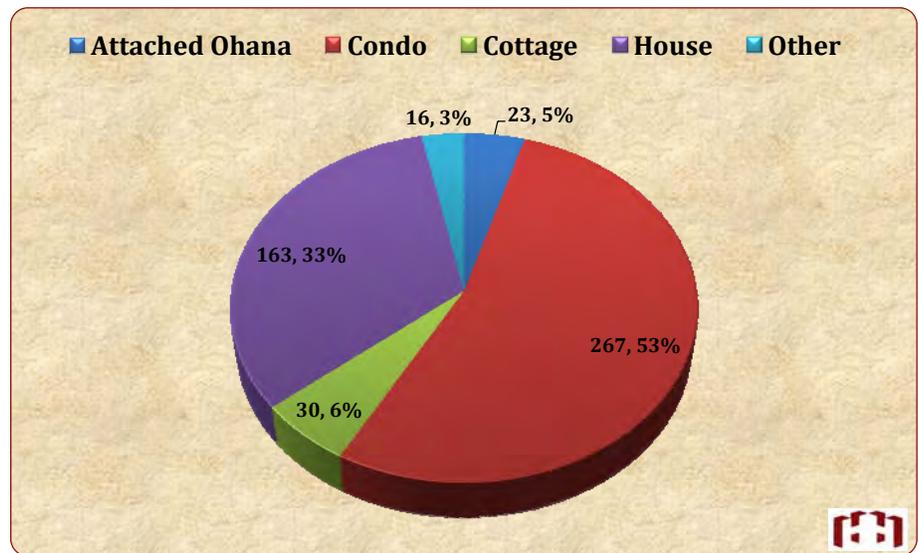


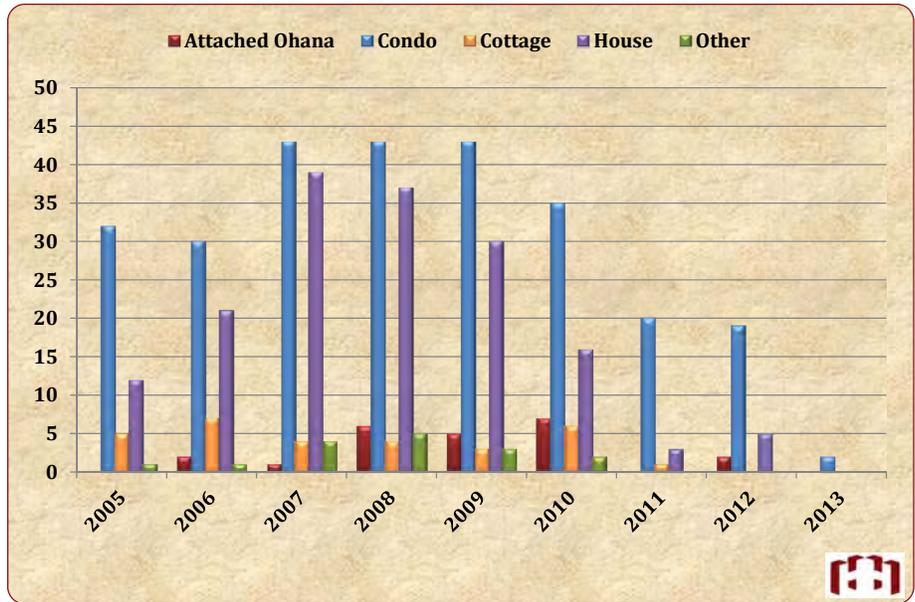
Brokers report occupancies of agency units at nearly 100 percent, a continually rising demand, rapidly escalating rents, and low tenant turnover in most units; all opining that any new

and/or available rental apartments would quickly be “snapped up” within the prevailing and anticipated near to mid-term market context.

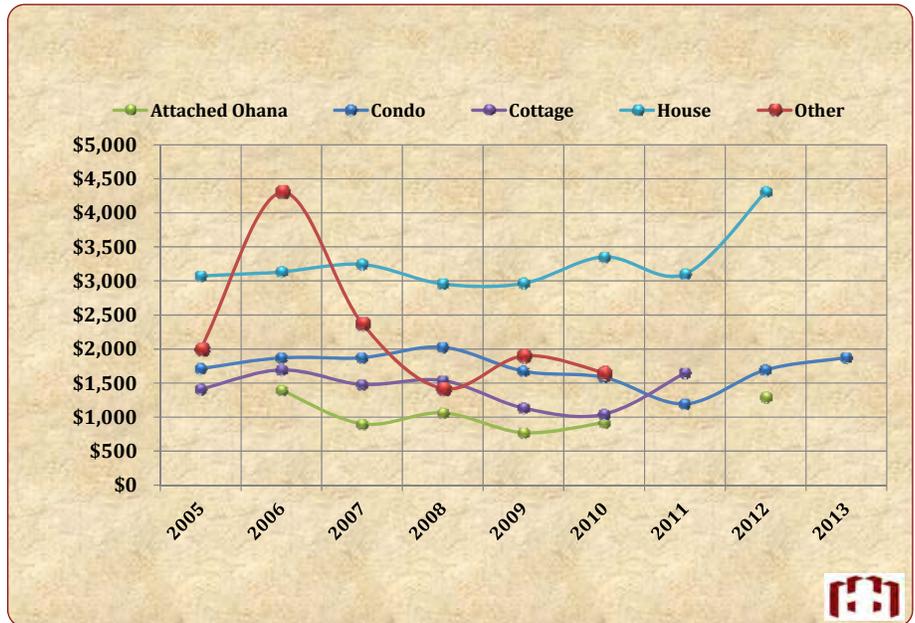
Agency rental data (as compiled by the Maui Multiple Listing Service) provides insight into the limited availability of rental units and their trending over time as a reflection of the larger market which has a major non-agency (private party rental) component.

From 2005 through October 2013, there were only 499 rental listings available in agency units, an average of 62 per year; with 53 percent being condominium/multifamily product, with supply highest during 2007-2009, and almost non-existent today, as shown.





Average rents were relatively stable during much of the survey period, but have moved upwards in 2012 and 2013.



The average market rates are generally above the monthly affordability guidelines set by Maui County and HUD.

MONTHLY AFFORDABLE RENT GUIDELINES FOR MAUI COUNTY BY UNIT SIZE AND PERCENTAGE OF MEDIAN FAMILY INCOME						
Percent of Median Income	Unit Size By Number of Bedrooms					
	Studio	1 BR	2 BR	3BR	4 BR	5 BR
10%	\$138	\$147	\$177	\$204	\$228	\$252
20%	\$275	\$295	\$354	\$409	\$456	\$503
30%	\$413	\$442	\$531	\$613	\$684	\$755
40%	\$550	\$737	\$708	\$818	\$912	\$1,006
50%	\$688	\$884	\$884	\$1,022	\$1,140	\$1,258
60%	\$825	\$1,032	\$1,061	\$1,226	\$1,368	\$1,509
70%	\$963	\$1,179	\$1,238	\$1,431	\$1,896	\$1,761
80%	\$1,101	\$1,326	\$1,415	\$1,635	\$1,824	\$2,012
90%	\$1,238	\$1,474	\$1,592	\$1,839	\$2,052	\$2,264
100%	\$1,376	\$1,621	\$1,769	\$2,044	\$2,280	\$2,515
110%	\$1,513	\$1,769	\$1,945	\$2,248	\$2,507	\$2,767
120%	\$1,651	\$1,916	\$2,122	\$2,452	\$2,735	\$3,018
130%	\$1,788	\$2,063	\$2,299	\$2,657	\$2,963	\$3,270
140%	\$1,926	\$2,476	\$2,476	\$2,861	\$3,191	\$3,521

Note: Affordable Rents are beased on 30% of gross monthly income. Does not include utilities.

Source: Housing Division, Department of Housing and Human Concerns, County of Maui

While any housing unit could be used as a residential rental, it is estimated there are fewer than 800 market units within dedicated rental apartment projects within the study area; equal to about 12 percent of the total regional rental inventory. Major projects include Kihei Regency (200 units), Kalama Heights (a 120 unit senior living facility), Paradise Gardens (100 units), Hotel Wailea workers housing (24 units), and Uwapo Road Apartments (18 units).

Apart from the subject the announced proposed supply of rental apartment units is currently limited, but will increase over the mid to long-term as a result of the workforce/affordable housing requirements for the proposed major master-planned communities. An example is the 125 rental units proposed within the 250 unit project to be located adjacent to the Piilani Promenade (associated with the planned Honuaula community).

Given the benefits of a location in an amenitied mixed-use project offering a broad mix of retail, restaurant and service business (and associated employment opportunities), easy access to Piilani Highway, potentially favorable view panoramas, and scarcity of available units and of competing new inventory, the PP rental apartments will garner a significant share of demand during its offering period. Several

rental brokers interviewed opined it would easily be completely occupied within six to eight months, and could even be fully pre-leased out during construction if the rents were reasonable.

While we are not so bullish, we do forecast the subject could achieve a market capture rate of circa 40 percent of the total Kihei-Makena demand for new rental units during its offering period (commencing in 2017), equating to some 75 units per year at mid-point demand levels and resulting in a total absorption period of three years. If the market continues in its current condition to 2017, it is likely absorption will be even quicker.

## ECONOMIC IMPACTS FROM DEVELOPMENT

Selected summary tables from the modeling process are contained in Addenda Exhibit IV. The primary sources and variables contributing to the model are footnoted on each table. All monetary figures are expressed in constant 2013 dollars.

Piilani Promenade has the potential to become a significant contributor to the Maui economy over the coming generation with investment, employment and business activity on a par with the primary resort and industrial/business projects on the island.

In order to forecast the primary and higher-level secondary economic impacts resulting from the development of the project, we have constructed a model depicting the "lifespan" of PP from groundbreaking (assumed in 2015), through build-out (projected for 2029-30), and absorption and ramp-up to stabilized "operations" (achieved by 2031).

The total "Infrastructure/Build-Out/Stabilization" time-frame in the model stretches across 17-years.

Sources for the primary model factors include:

- Construction timing and costs were estimated by the development team.
- Job counts were taken from similar projects and operations, and/or based on industry standards.
- Wages are based on data from the State Department of Labor & Industrial Relations.
- Household size, income and spending, and population estimates were based on government materials including US Department of Housing and Urban Development and 2010 census data.
- Business activity variables are based on our analysis of similar use-types on Maui and Statewide.

The development and build-out of PP over the coming two decades will infuse some \$212 million in direct capital investment into the Maui real estate and construction sectors. Local contractor and supplier profits are estimated to total more than \$29.7 million.

On and off-site infrastructure emplacement is projected at \$33 million, and the construction of the rental apartment component is forecast at \$31,878,000, or \$193 per square foot for the 165,600 square foot complex. The vertical construction costs of the commercial and industrial components of the project are estimated as follows:

ESTIMATE OF CONSTRUCTION COSTS FOR COMMERCIAL COMPONENT				
Type	Percent of Total Sq. Ft	Component Sq. Ft	Per Sq. Ft Direct Costs	Total Costs
General Retail	30%	159,210	\$330	\$52,539,300
Restaurant	5%	26,535	\$375	\$9,950,625
Anchor/Big Box	55%	291,885	\$200	\$58,377,000
Services	10%	53,070	\$300	\$15,921,000
	100%	530,700		<u>\$136,787,925</u>
			Average Construction Cost per Sq. Ft.	<u>\$258</u>

ESTIMATE OF CONSTRUCTION COSTS FOR INDUSTRIAL COMPONENT				
Type	Percent of Total Sq. Ft	Component Sq. Ft	Per Sq. Ft Direct Costs	Total Costs
General Industrial	35%	20,156	\$165	\$3,325,707
Warehouse	30%	17,276	\$150	\$2,591,460
Building/Supply	25%	14,397	\$200	\$2,879,400
Services	10%	5,759	\$275	\$1,583,670
	100%	57,588		\$10,380,237
			Average Construction Cost per Sq. Ft.	\$180

The construction of the approximately 590,000 square feet of industrial/commercial floor area and 226 apartment units in the project will require an estimated 878 of direct "worker years" in a variety of trades, suppliers and services; an average of 55 Full Time Equivalent (FTE) positions per year for the circa 16 years of building.

A worker year may be comprised of numerous individuals completing a variety of tasks whose cumulative efforts equate to 2,080 aggregate hours of work. We estimate that one direct worker year of employment is created on and off-site via every \$400,000 in infrastructure costs and ever \$225,000 in vertical construction costs.

Most of these positions will not be new jobs for new businesses, but work flowing to existing contractors, suppliers and tradespersons.

The operations within the finished business commercial and light industrial space at PP will operations will generate some 8,816 FTE worker years during the build-out, absorption and ramping-up to stabilization period and provide stabilized employment for 1,189 FTE permanent positions, estimated as follows:

ESTIMATE OF FTE EMPLOYMENT COUNT FOR COMMERCIAL COMPONENT				
Type	Percent of Total Sq. Ft	Component Sq. Ft	Per Sq. Ft per Employee	Total Employees
General Retail	30%	159,210	500	318
Restaurant	5%	26,535	100	265
Anchor/Big Box	55%	291,885	900	324
Services	10%	53,070	300	177
	100%	530,700		1,085
		Average per Sq. Ft. per Employee		489.1

ESTIMATE OF FTE EMPLOYMENT COUNT FOR INDUSTRIAL COMPONENT				
Type	Percent of Total Sq. Ft	Component Sq. Ft	Per Sq. Ft per Employee	Total Employees
General Industrial	35%	20,156	475	42
Warehouse	30%	17,276	700	25
Building Supply	25%	14,397	800	18
Services	10%	5,759	300	19
	100%	57,588		104
		Average per Sq. Ft. per Employee		552.1

Administration, maintenance and security requirements within the project (including the apartment component) will create a projected 21 FTE positions.

In addition to these direct/on-site positions, significant indirect/off-site employment resulting from PP will flow into the Maui economy, estimated at one indirect FTE for every four direct FTEs. This accounts only for the “higher-order” indirect employment; substantial additional secondary/indirect and induced employment will be generated (as quantified later in the report using the State Input-Output Economic Model).

In aggregate, during the 17-year build-out and move to stabilization of PP, some 1.2692 worker years of employment will be created in construction and operations, on and off-site, with stabilized employment after completion of 1,513 total FTE jobs.

Wages paid to direct/on-site construction workers will total an estimated \$66.5 million during build-out, with indirect/off-site wages associated with the effort reaching \$8.9 million.

Employment related to Park operations during build-out and ramp-up will total \$386.6 million including direct/on-site (\$274.4 million) and indirect/off-site (\$112.2 million); stabilizing at \$48.9 million annually in 2031 and beyond.

Current average annual wages for the various worker-types contributing to the construction and operations of PP, as taken from State wide data, are as follows:

2013 ANNUAL WAGES FOR DIRECT AND INDIRECT WORKER-TYPES ASSOCIATED WITH DEVELOPMENT				
Construction	Commercial	Industrial	Maintenance/ Security	General Worker
\$75,712	\$29,521	\$37,700	\$32,000	\$40,400

At build-out the resident population of Piilani Promenade will be some 607 persons of which an estimated 100 to 120 total children, of which 60 to 70 would be attending public schools.

Resident household income during build-out will total \$241 million and average \$17.2 million annually on a stabilized basis.

Discretionary expenditures into Maui businesses by the PP resident population are estimated at \$120.5 million during construction and \$8.6 million per year on a stabilized basis.

After completion and operational stabilization of the project (forecast by 2031), the on-site businesses will generate an estimated \$348.7 million in revenues/sales (“economic activity”) per year; the majority coming from the business commercial component. During the build-out period, activity will total some \$2.3 billion in economic activity.

We estimate annual average gross revenues/sales/rents for the various components of PP will be as follows (2013 dollars):

- Business Commercial – Total annual sales averaging \$600 per square foot of gross floor area.
- Light Industrial – Total annual revenues averaging \$400 per square foot of gross floor area.

- Rental Apartments - Average monthly rents of \$1,600 for one bedroom units, \$2,100 for two-bedroom units and \$2,500 for three-bedroom units.

PP business will be dominated by outside patronage. The project resident population is estimated to create about three percent of total on-site revenues/sales at stabilization and beyond, the remaining 97 percent by customers residing elsewhere.

During the 17 years of build-out and absorption (2015-2031), the project will have a base economic impact on Maui of some \$2.6 billion with a stabilized annual benefit of \$352.3 million thereafter.

Not all of this spending will be "new" to Maui. Some portion of patronage, particularly that flowing to retail and restaurant businesses from the intercept of Piilani Highway traffic, represents a relocation of their demand from other commercial locations in Kihei. Similarly, there will be some businesses which are relocating to the PP for a variety of reasons, and will not be newly created or an expansion outlet.

However, our fundamental demand calculations demonstrating future market support for PP are based on overall growth in the Maui economy creating the need for new business commercial and light industrial spaces. So whether that new growth takes place in PP, or it is a new business filling the vacated space elsewhere, a similar level of economic expansion will take place on Maui. Our task is to identify the specific economics related to the development of the subject property.

We have also analyzed the impacts of the project for Maui and Statewide using the State Input-Output economic model Type II multipliers. These factors quantify the total Direct, Indirect and Induced "effects" of various forms of business and spending activity as it flows through the economy of the islands.

**In every instance, application of the macro Input-Output multipliers resulted in higher dollar, employment and tax revenue indicators than in our subject-focused micro model**

**which was designed to reflect Direct/On-Site and primary (“higher order”) Indirect/Off-Site impacts only.**

Among the outputs using the State method:

- The \$212 million in cumulative PP construction costs will generate a total State Economic Output of \$449.5 million.
- Direct subject construction wage earnings of \$66.5 million will yield another \$134.3 million in statewide wage earnings.
- Indirect and induced State taxes associated with construction will total more than \$25.4 million in addition to direct taxes paid by the project.
- Direct effect jobs created by PP construction employment will be 2.68 times the number of on-site workers, or a total of 2,354 worker years of employment. The total job multipliers from the construction activity as it spreads directly and indirectly across the islands will be 13.83 times the on-site employment, or more than 2.933 worker years during the build-out period.
- The \$2.3 billion in cumulative PP business activity during the 17-year build-out and absorption period equates to a total State Economic Output of \$4.8 billion. On a stabilized basis, the \$348.7 million in annual business activity will result in \$728.8 million in total impact per year.
- Direct on-site wages paid by operating businesses of \$244.3 million during construction and ramp-up will yield another \$461.6 billion in statewide wage earnings. Upon stabilization, the direct wages of \$48.9 million annually equates to an additional \$92.3 million in other wages around the state.
- Indirect and induced State taxes associated with business operations will total \$370.8 million in addition to direct

taxes paid by the project during build-out and \$55.8 million more per year thereafter.

- Direct effect jobs created by PP business operations will be about 2.05 times the number of on-site workers, or a total of 22,778 worker years of employment from 2015 through 2031, and 2,481 annually after stabilization.

## **PUBLIC FISCAL COSTS/BENEFITS ASSOCIATED WITH THE PROJECT**

The master summary and break-out tables from the modeling process are presented in Exhibit V.

### **Public Fiscal Benefits (Tax Revenues)**

Maui County and the State of Hawaii will receive millions of dollars in tax receipts from the construction and "operation" of PP, from numerous revenue sources.

For the County, the primary tax source will be from Real Property Taxes paid by the owners of the various subject components. The property tax receipts were estimated by applying prevailing tax rates against the projected market value of the finished inventory (total construction costs, plus underlying land value, and developer's profit). We assumed there would be no exemptions.

We estimate the County will receive some \$21.6 million in real property tax receipts during the 17-year build-out and absorption of the project, and annual collections of \$1.7 million on a stabilized basis thereafter.

Secondary taxes associated with other daily activities in the subject project will contribute additional funds.

Real Property Taxes (RPT) were expected to generate about 68.1 percent of total County General Fund revenues, with secondary taxes and fees the forming the remainder. It is logical to assume the PP development and business activities will generate

secondary taxes in proportion to RPT as does the overall Maui community.

The secondary Maui County receipts are equal to 47 percent of the RPT and TAT total (31.9% divided by 68.1%).

Application of this ratio to the PP property tax sum results in a cumulative total estimated County tax collection from the subject of \$31.8 million during the initial construction and sales period, and \$2.6 million annually on a stabilized basis.

The County will additionally receive some \$2.2 million in impact fees for parks, water service and wastewater service. These fees will push the total County collections (primary taxes, secondary taxes and impact fees) upward during the development period.

The State of Hawaii will receive an estimated \$47.3 million in primary receipts from State Income Taxes from worker wages, resident household incomes and profits from operating businesses during the 17-year construction-to-stabilization period based on average statewide corporate and personal payment rates of 4.4 percent and 5.1 percent, respectively, applied against the economic model forecasts.

On an annualized basis after completion and ramp-up of the project by 2031, the State will generate income taxes of \$4.9 million; the majority (69 percent) from personal returns.

The State will collect Gross Excise Taxes (GET) of 4.166 percent on the gross amount of building contracts, construction supplies, spending by workers and residents, and outside patronage at operating businesses in PP. During the 17-year construction and absorption period they will total \$120.9 million and reach a stabilized amount of \$15.9 million annually.

Income Tax and GET generate about 80 percent of total State revenues, secondary taxes and fees the remainder. We anticipate PP activity will result in similar ratios of secondary taxes flowing from the project relative to the primary sources quantified.

The secondary State receipts are equal to 25 percent of the Income, GET and TAT totals (20% divided by 80%).

Application of this ratio to the PP income tax and GET sums results in a cumulative total estimated tax collection for the state from the subject of \$210.2 million during the initial 17-year construction and ramp-up period, and \$26 million annually on a stabilized basis.

Additionally the State will receive Department of Education school impact fees estimated at \$533,926, pushing the total State collections (primary taxes, secondary taxes and impact fees) even higher during the development time-frame.

### Public Fiscal Costs

Having quantified the cumulative revenue benefits, the second step in public fiscal assessment is to quantify the probable costs of local government services which will be required directly due to, or in general support of, the project. This is done using a "per capita costs" method described and applied following.

By comparing the tax benefits (revenues) generated by the subject with the estimated costs of providing public services, the net fiscal impact of the development can be determined.

The most appropriate way to estimate governmental expenses associated with a major new project is on a "per capita basis". This is founded on the assumption that every individual in a community is equally responsible for all costs of governance regardless of the actual services they, their household, or business may avail themselves of.

This approach is founded on a "commonweal" concept. If a project results in the expansion of the community, the costs of governance generally rise proportionately, and the new development should bear the direct, indirect and implied government expenses, which is best reflected on a per person (or per capita) cost per year.

This method represents the maximum cost perspective in regards to estimating public costs for a modern, mixed-use project containing significant numbers of resident households,

and is appropriate as most costs of government are related to individual living needs. In general, businesses pay (in fact, collect) taxes and people require services.

The State 2013-14 combined operating and capital budgets totals some \$13.43 billion servicing a de facto population of circa 1,550,000 individuals (residents and tourists), or an average per capita expense of \$8,687 per person in aggregate State spending.

Similarly, the County of Maui 2014 fiscal year budget will spend some \$664.03 million in operating and capital costs servicing a de facto population of 205,000 individuals, or an average per capita expense of \$3,239 per person.

Application of these per capita figures to the stabilized projected resident population of PP upon full absorption of 607 persons, results in total per capita costs of:

- \$5.3 million to the State of Hawaii on an annual, stabilized basis with costs totaling \$15.8 million during build-out; and,
- \$2.0 million per year on average to the County of Maui upon completion, and an aggregate expense of \$5.9 million from ground-breaking through 2031.

**Correlation of Public Costs and Net Fiscal Impact**

It is estimated the County of Maui will:

- Receive an aggregate total of \$34 million in primary and secondary revenues and impact fees over the course of the 17-year construction period and \$2.6 million thereafter on a stabilized annual basis.
- Expend \$5.9 million in allocated per capita costs in servicing the project during its build-out and absorption period, and \$2.0 million per year thereafter.
- Realize a net benefit of \$25.9 million during the modeling time-frame, and a stabilized net "profit" margin of \$594,600 per year thereafter.

The State of Hawaii will:

- Receive an aggregate total of \$210.7 million in primary and secondary tax revenues and impact fees during the construction period and \$26 million thereafter on a stabilized annual basis.
- Spend \$15.8 million in servicing the project during its absorption period on a per capita basis, and \$5.3 million per year thereafter.
- Realize a net benefit of \$194.9 million on a per capita basis during the modeling time-frame, and a stabilized net profit margin ranging of \$20.7 million annually.

## ADDENDA

TABLE I-1

Exhibit I

**SUMMARY OF EXISTING COMMERCIAL SPACE DEVELOPMENT IN HAWAII**  
**Market Study of the Proposed Piilani Promenade**  
**Kihei, Maui, Hawaii**  
**As of 3rd Quarter 2013**

County	<u>C&amp; C of Honolulu</u>	<u>Maui</u>	<u>Kauai</u>	<u>Hawaii</u>	<u>State Totals</u>
Resident Population	991,000	147,700	69,461	191,083	1,399,243
De Facto Population	1,090,066	198,462	91,846	219,812	1,600,187
<b><u>1. Summary of Inventory</u></b>					
Number of Retail Centers	126	52	17	38	226
Gross Leasable Area in Surveyed Major Centers (1) (Square Feet)	13,607,375	2,517,214	771,652	2,377,112	19,273,353
Other Gross Leasable Area in Other Centers (1) (Square Feet)	6,804,000	1,585,600	735,000	1,675,000	10,799,600
Other Gross Leasable Area in Other/Minor Projects (2) (Square Feet)	4,100,000	675,000	337,600	902,000	6,014,600
<b>Total Estimated Commercial GLA</b> (Square Feet)	<b>24,511,375</b>	<b>4,777,814</b>	<b>1,844,252</b>	<b>4,954,112</b>	<b>36,087,553</b>
<b><u>2. Per Capita Spatial Allowance</u></b> (Square Feet per Person)					
Per Resident Population Member	24.73	32.35	26.55	25.93	25.79
Per De Facto Population Member	22.49	24.07	20.08	22.54	22.55
<b><u>3. Surveyed Major Center Operating Overview</u></b>					
Vacancy Rate	5.0%	8.0%	8.2%	5.3%	<u>State Averages</u> 5.5%
Estimated Vacant Square Feet of GLA	687,958	202,178	63,734	164,579	1,118,089
Avg. Monthly Base per Square Foot Rents Range (3)					
Low	\$4.37	\$3.21	\$2.73	\$3.12	\$3.91
High	\$9.98	\$4.72	\$4.15	\$4.41	\$7.99
Percentage Overage Rents Range (4)					
Low	3.8%	5.4%	5.5%	7.3%	4.9%
High	10.8%	9.2%	10.0%	10.3%	10.8%
Average Monthly per Square Foot Operating Expenses	\$1.40	\$1.32	\$1.04	\$1.31	\$1.36
Space Absorbed in 2013 Through 3rd Quarter	(30,484)	51,488	36,227	25,951	83,182

(1) Complexes with circa 50,000 square feet and up.

(2) Includes smaller projects and hotels. Does not include space within mixed-use, multi-tenant buildings located in Light Industrial parks.

(3) Recent leases. Generally excludes "anchor" spaces and single-tenant buildings, which typically have lower rents.

(4) For properties and spaces with leases calling for percentage rents, which are generally paid to the extent they exceed base rents.

Source: CB Richard Ellis, State DBEDT and The Hallstrom Group, Inc.

TABLE I-2

Exhibit I

**CURRENTLY AVAILABLE COMMERCIAL AND INDUSTRIAL SPACES IN KIHEI  
OFFERED ON THE MAUI MULTIPLE LISTING SERVICE  
Market Study of the Proposed Piilani Promenade  
Kihei, Maui, Hawaii**

MLS #	Type	Price	LT	Status	Address	Interior Area Conveyed	Sale/Rent	Price/Unit SQFT
350048	Commercial-Lease Unit	\$798	FS	ACT	535 Lipoa PKWY	290	For Rent	\$2.75
353097	Commercial-Lease Unit	\$832	FS	ACT	300 Ohukai RD	616	For Rent	\$1.35
352821	Commercial-Lease Unit	\$832	FS	ACT	300 Ohukai RD	616	For Rent	\$1.35
345622	Commercial-Lease Unit	\$832	FS	ACT	300 Ohukai RD	616	For Rent	\$1.35
345029	Commercial-Lease Unit	\$832	FS	ACT	300 Ohukai RD	616	For Rent	\$1.35
345028	Commercial-Lease Unit	\$855	FS	ACT	300 Ohukai RD	633	For Rent	\$1.35
345624	Commercial-Lease Unit	\$1,126	FS	ACT	300 Ohukai RD	834	For Rent	\$1.35
356890	Commercial-Lease Unit	\$1,232	FS	ACT	300 Ohukai RD	1,232	For Rent	\$1.00
357304	Commercial-Lease Unit	\$1,276	FS	ACT	310 Ohukai RD	1,160	For Rent	\$1.10
345625	Commercial-Lease Unit	\$1,664	FS	ACT	300 Ohukai RD	1,232	For Rent	\$1.35
344958	Commercial-Lease Unit	\$1,703	FS	ACT	300 Ohukai RD	1,261	For Sale	\$1.35
351931	Commercial-Lease Unit	\$1,797	FS	ACT	300 Ohukai RD	1,331	For Rent	\$1.35
344959	Commercial-Lease Unit	\$1,797	FS	ACT	300 Ohukai RD	1,331	For Sale	\$1.35
350047	Commercial-Lease Unit	\$1,898	FS	ACT	535 Lipoa PKWY	690	For Rent	\$2.75
355091	Commercial-Lease Unit	\$2,341	FS	ACT	300 Ohukai RD	2,128	For Rent	\$1.10
351932	Commercial-Lease Unit	\$2,341	FS	ACT	300 Ohukai RD	2,128	For Rent	\$1.10
350046	Commercial-Lease Unit	\$2,720	FS	ACT	535 Lipoa PKWY	989	For Rent	\$2.75
350049	Commercial-Lease Unit	\$2,940	FS	ACT	535 Lipoa PKWY	1,069	For Rent	\$2.75
344962	Commercial-Lease Unit	\$3,506	FS	ACT	300 Ohukai RD	2,597	For Sale	\$1.35
352837	Commercial-Lease Unit	\$3,594	FS	ACT	300 Ohukai RD	2,662	For Rent	\$1.35
357811	Commercial-Lease Unit	\$6,122	FS	ACT	535 Lipoa Pkwy	2,226	For Sale	\$2.75
352423	Commercial-Lease Unit	\$8,198	FS	ACT	535 Lipoa PKWY	2,981	For Rent	\$2.75
<b>Total</b>						<b>29,238</b>		

Note: Data retrieved on 10/31/2013.

The Maui MLS places retail, restaurant, office and industrial spaces in a single "Commercial" category.

Source: Maui Board of Realtors Multiple Listing Service and The Hallstrom Group, Inc.

TABLE I-3

Exhibit I

COMMERCIAL CLASSIFIED VACANT LAND SUPPLY IN KIHEI					
Market Study of the Proposed Piilani Promenade					
Kihei, Maui, Hawaii					
Tax Key	PITT	Land SF	Land Acres	Tenure	Vacant Land
Maui Reserch & Technology Park		The Updated MRTP Master Plan, in the approval process, provides for up to 520,000 square feet of commercial floor and upwards of 1,000,000 SF of industrial floor space, the equivalent of some 44 and 83 acres, respectively.			
2-3-9-2-91	Commercial	64,164	1.473	Fee Simple	Yes
2-3-9-2-215	Commercial	69,565	1.597	Fee Simple	Yes
2-3-9-3-33	Commercial	1,102	0.025	Fee Simple	Yes
2-3-9-3-45	Commercial	3,485	0.080	Fee Simple	Yes
2-3-9-4-140-2	Commercial	52,490	1.205	Leasehold	Yes
2-3-9-4-149	Commercial	35,932	0.825	Leasehold	Yes
2-3-9-8-16	Commercial	40,418	0.928	Fee Simple	Yes
2-3-9-12-41	Commercial	421	0.010	Fee Simple	Yes
2-3-9-20-8	Commercial	6,534	0.150	Fee Simple	Yes
2-3-9-20-29	Commercial	15,856	0.364	Fee Simple	Yes
2-3-9-51-2	Commercial	11,050	0.254	Fee Simple	Yes
2-3-9-51-3	Commercial	11,050	0.254	Fee Simple	Yes
2-3-9-51-6	Commercial	29,681	0.681	Fee Simple	Yes
2-3-9-51-7	Commercial	25,880	0.594	Fee Simple	Yes
2-3-9-51-8	Commercial	10,790	0.248	Fee Simple	Yes
2-3-9-51-10	Commercial	10,790	0.248	Fee Simple	Yes
2-3-9-51-11	Commercial	10,790	0.248	Fee Simple	Yes
2-3-9-51-12	Commercial	10,790	0.248	Fee Simple	Yes
2-3-9-51-18	Commercial	10,015	0.230	Fee Simple	Yes
2-3-9-51-19	Commercial	10,011	0.230	Fee Simple	Yes
2-3-9-51-20	Commercial	29,953	0.688	Fee Simple	Yes
2-3-9-51-21	Commercial	27,263	0.626	Fee Simple	Yes
2-3-9-51-22	Commercial	10,458	0.240	Fee Simple	Yes
2-3-9-51-26	Commercial	10,755	0.247	Fee Simple	Yes
2-3-9-51-27	Commercial	11,106	0.255	Fee Simple	Yes
2-3-9-51-30	Commercial	10,771	0.247	Fee Simple	Yes
2-3-9-51-31	Commercial	10,853	0.249	Fee Simple	Yes
2-3-9-51-32	Commercial	12,396	0.285	Fee Simple	Yes
2-3-9-51-33	Commercial	13,243	0.304	Fee Simple	Yes
2-3-9-51-43	Commercial	10,417	0.239	Fee Simple	Yes
2-3-9-51-45	Commercial	13,554	0.311	Fee Simple	Yes
2-3-9-51-45	Commercial	13,554	0.311	Fee Simple	Yes
	<b>Totals</b>	<b>184,334</b>	<b>4.232</b>		

Note: Data retrieved from Hawaii Information Service,

Source: Hawaii Information Service, and The Hallstrom Group, Inc.

TABLE I-4

Exhibit I

**QUANTIFICATION OF COMMERCIAL FLOOR SPACE DEMAND  
IN THE GENERAL STUDY AREA FROM 2013 TO 2035  
Market Study of the Proposed Piilani Promenade  
Kihei, Maui, Hawaii**

**Scenario One: Minimum Population Estimates and Growth Rates**

Year	De Facto Population (1)		Per Capita Demand in Square Feet	Total Resident Demand in Square Feet	Regional Capture Rate (2)	Net Regional Demand in Square Feet
	Annual Growth Rate	Forecast Total				
Year-End 2013		48,957	24.00	1,174,978	65.0%	763,736
2015	0.99%	51,510	24.50	1,261,998	68.0%	858,159
2020	1.51%	55,709	26.00	1,448,424	71.0%	1,028,381
2025	1.47%	60,130	27.50	1,653,567	74.0%	1,223,640
2030	1.42%	64,737	29.00	1,877,382	77.0%	1,445,584
2035	1.42%	69,679	30.50	2,125,204	80.0%	1,700,163

**Scenario Two: Maximum Population Estimates and Growth Rates**

Year	De Facto Population (1)		Per Capita Demand in Square Feet	Total Resident Demand in Square Feet	Regional Capture Rate (2)	Net Regional Demand in Square Feet
	Annual Growth Rate	Forecast Total				
Year-End 2013		48,957	24.00	1,174,978	65.0%	763,736
2015	0.96%	51,413	26.00	1,336,741	70.0%	935,719
2020	1.79%	56,482	28.00	1,581,485	75.0%	1,186,114
2025	1.83%	62,168	30.00	1,865,032	80.0%	1,492,025
2030	1.71%	67,980	32.00	2,175,370	85.0%	1,849,064
2035	1.66%	74,129	34.00	2,520,380	90.0%	2,268,342

15.6  
0.15985  
411,242  
0.538462

**Indicated Projection Mid-Point**

Year	De Facto Population (1)		Per Capita Demand in Square Feet	Total Resident Demand in Square Feet	Regional Capture Rate	Net Regional Demand in Square Feet
	Annual Growth Rate	Forecast Population				
Year-End 2013		48,957	24.00	1,174,978	65.0%	763,736
2015	0.97%	51,462	25.25	1,299,406	69.0%	896,590
2020	1.65%	56,095	27.00	1,514,568	73.0%	1,105,634
2025	1.65%	61,149	28.75	1,758,026	77.0%	1,353,680
2030	1.57%	66,359	30.50	2,023,944	81.0%	1,639,394
2035	1.54%	71,904	32.25	2,318,898	85.0%	1,971,064

(1) In 2012, the average daily visitor census on Maui was 50,762 persons. We have estimated that 40 percent of this total finds lodging in the study area, as the Kihei/Wailea corridor has 7,233 (or 37 percent) of the total visitor units on the island.

Source: The Hallstrom Group, Inc.

TABLE I-5

**ESTIMATED TOTAL ADDITIONAL COMMERCIAL FLOOR SPACE AND ACREAGE DEMAND  
FOR THE GENERAL STUDY AREA 2014 TO 2035  
Market Study of the Proposed Piilani Promenade  
Kihei, Maui, Hawaii**

<b>Scenario One: Minimum</b>			
Year	Forecast Floor Space Demand (in Sq. Ft.)	Divided by FAR Allowance (1)	Resulting Land Area Demand (in Acres)
Year-End 2013	763,736		72
2015	858,159	0.238	83
2020	1,028,381	0.238	99
2025	1,223,640	0.238	118
2030	1,445,584	0.238	139
2035	1,700,163	0.238	164

<b>Scenario Two: Maximum</b>			
Year	Forecast Floor Space Demand (in Sq. Ft.)	Divided by FAR Allowance (1)	Resulting Land Area Demand (in Acres)
Year-End 2013	763,736		72
2015	935,719	0.238	90
2020	1,186,114	0.238	114
2025	1,492,025	0.238	144
2030	1,849,064	0.238	178
2035	2,268,342	0.238	219

**FINISHED FLOOR SPACE ANALYSIS (in Square Feet)**

	<u>Minimum</u>	<u>Maximum</u>
<b>Periodic Additions Required (Sq. Ft.):</b>		
2014 to 2015	94,423	171,983
2015 to 2020	170,222	250,395
2021 to 2025	195,259	305,912
2026 to 2030	221,944	357,039
2031 to 2035	254,579	419,278
<b>Cumulative Additional Space Required:</b>	<b>936,428</b>	<b>1,504,606</b>
<b>Increase as a Percent of Existing Floor Space</b>	<b>122.61%</b>	<b>197.01%</b>
<b>Estimated Mid-Point Additional Space Required (2):</b>	<u><u><b>1,220,517</b></u></u>	

**DEVELOPABLE LAND AREA ANALYSIS (in Acres)**

	<u>Minimum</u>	<u>Maximum</u>
<b>Periodic Additions Required (Acres):</b>		
2014 to 2015	11	18
2015 to 2020	16	24
2021 to 2025	19	30
2026 to 2030	21	34
2031 to 2035	25	40
<b>Cumulative Additional Acreage Required</b>	<b>92</b>	<b>147</b>
<b>Increase as a Percent of Existing Acreage:</b>	<b>127.77%</b>	<b>203.89%</b>
<b>Estimated Mid-Point Additional Acreage Required (2):</b>	<u><u><b>119</b></u></u>	

(1) Assuming average finished "Floor Area Ratio" of .28 for finished commercial development sites, and a net to gross ratio of 85 percent on the underlying site.

TABLE I-6

Exhibit I

SUMMARY OF SUBJECT PROJECTED COMMERCIAL DEMAND LEVELS USING THE MARKET SHARES METHOD Market Study of the Proposed Piilani Promenade Kihei, Maui, Hawaii Assuming Pre-Leasing to Begin in 2018				
<b>Scenario One: Using Minimum Demand Assumptions</b>				
Sales Year		Total Regional Demand (in Square Feet)	Effective Subject Share	Indicated Total Subject Absorption (in Square Feet)
Date	Period			
2018	1	34,044	40.00%	13,618
2019	2	34,044	40.00%	13,618
2020	3	34,044	40.00%	13,618
2021	4	39,052	40.00%	15,621
2022	5	39,052	40.00%	15,621
2023	6	39,052	40.00%	15,621
2024	7	39,052	40.00%	15,621
2025	8	39,052	40.00%	15,621
2026	9	44,389	40.00%	17,756
2027	10	44,389	40.00%	17,756
2028	11	44,389	40.00%	17,756
2029	12	44,389	40.00%	17,756
2030	13	44,389	40.00%	17,756
2031	14	50,916	40.00%	20,366
2032	15	50,916	40.00%	20,366
2033	16	50,916	40.00%	20,366
2034	17	50,916	40.00%	20,366
2035	18	50,916	40.00%	20,366
<b>Totals</b>		<b>807,960</b>	<b>40.00%</b>	<b>309,566</b>
<b>Scenario Two: Using Maximum Demand Assumptions</b>				
Sales Year		Total Regional Demand (in Square Feet)	Effective Subject Share	Indicated Total Subject Absorption (in Square Feet)
Date	Period			
2018	1	50,079	45.00%	22,536
2019	2	50,079	45.00%	22,536
2020	3	50,079	45.00%	22,536
2021	4	61,182	45.00%	27,532
2022	5	61,182	45.00%	27,532
2023	6	61,182	45.00%	27,532
2024	7	61,182	45.00%	27,532
2025	8	61,182	45.00%	27,532
2026	9	71,408	45.00%	32,133
2027	10	71,408	45.00%	32,133
2028	11	71,408	45.00%	32,133
2029	12	71,408	45.00%	32,133
2030	13	71,408	45.00%	32,133
2031	14	83,856	45.00%	37,735
2032	15	83,856	45.00%	37,735
2033	16	83,856	45.00%	37,735
2034	17	83,856	45.00%	37,735
2035	18	83,856	45.00%	37,735
<b>Totals</b>		<b>1,282,544</b>	<b>45.00%</b>	<b>554,609</b>

Source: The Hallstrom Group, Inc.

TABLE II-1

Exhibit II

**SUMMARY OF EXISTING INDUSTRIAL SPACE DEVELOPMENT IN HAWAII**  
**Market Study of the Proposed Piilani Promenade**  
Kihei, Maui, Hawaii  
 As of 3rd Qtr 2013

County	<u>C &amp; C of Honolulu</u>	<u>Maui</u>	<u>Kauai</u>	<u>Hawaii</u>	<u>State Totals</u>
Resident Population	991,000	147,700	69,461	191,083	1,399,243
De Facto Population	991,000	198,462	69,461	191,083	1,450,005
<b>Total Estimated Industrial GLA</b> (Square Feet)	<b>34,097,718</b>	<b>10,723,580</b>	<b>1,852,587</b>	<b>9,079,769</b>	<b>55,983,505</b>
<b><u>2. Per Capita Spatial Allowance</u></b> (Square Feet per Person)					
Per Resident Population Member	34.41	72.60	26.67	47.52	40.01
Per De Facto Population Member	34.41	54.03	26.67	47.52	38.61
<b><u>3. General Market Operating Overview</u></b>					<b><u>State Averages</u></b>
Vacancy Rate	4.0%	2.0%	1.3%	2.1%	3.2%
Estimated Vacant Square Feet of GLA	1,365,208	214,560	23,183	192,804	1,795,755
Weighted Avg. Monthly Base per Square Foot Rents (1)					
Net	\$1.06	\$1.15	\$0.87	\$0.89	\$1.05
Gross	\$1.41	\$1.48	\$1.19	\$1.21	\$1.33
Average Monthly per Square Foot Operating Expenses (1)	\$0.36	\$0.33	\$0.33	\$0.32	\$0.35
Space Absorbed in 2013 Through 3rd Quarter	113,480	41,870	2,176	(24,644)	132,882
<hr style="width: 200px; margin-left: 0;"/>					
(1) Recent leases.					

Source: CB Richard Ellis, State DBEDT and The Hallstrom Group, Inc.

TABLE II-2

Exhibit II

COMMERCIAL & INDUSTRIAL CLASSIFIED VACANT LAND SUPPLY IN KIHEI					
Market Study of the Proposed Piilani Promenade					
Kihei, Maui, Hawaii					
Tax Key	PITT	Land SF	Land Acres	Tenure	Vacant Land
<b>Subject Property</b>					
2-3-9-1-16	Industrial	1,312,550	30.132	Fee Simple	Yes
2-3-9-1-170	Industrial	806,687	18.519	Fee Simple	Yes
2-3-9-1-171	Industrial	851,118	19.539	Fee Simple	Yes
Maui Reserch & Technolgy Park		The Updated MRTP Master Plan, in the approval process, provides for up to 520,000 square feet of commercial floor and upwards of 1,000,000 SF of industrial floor space, the equivalent of some 44 and 83 acres, respectively.			
2-3-9-1-169	Industrial	571,899	13.129	Fee Simple	Yes
2-3-9-1-172	Industrial	213,356	4.898	Fee Simple	Yes
2-3-9-1-173	Industrial	40,249	0.924	Fee Simple	Yes
2-3-9-1-174	Industrial	37,418	0.859	Fee Simple	Yes
2-3-9-45-2	Industrial	20,119	0.462	Fee Simple	Yes
2-3-9-45-16	Industrial	73,602	1.690	Fee Simple	Yes
2-3-9-45-18	Industrial	29,480	0.677	Fee Simple	Yes
2-3-9-45-20	Industrial	38,172	0.876	Fee Simple	Yes
2-3-9-45-21	Industrial	10,341	0.237	Fee Simple	Yes
2-3-9-45-25	Industrial	535	0.012	Fee Simple	Yes
<b>Total Including Subject Property</b>		<b>4,005,526</b>	<b>91.954</b>		
<b>Total Excluding Subject Property</b>		<b>1,035,171</b>	<b>23.764</b>		

Note: Data retrived from Hawaii Information Service,

Source: Hawaii Information Service, and The Hallstrom Group, Inc.

**QUANTIFICATION OF INDUSTRIAL FLOOR SPACE DEMAND  
IN THE GENERAL STUDY AREA FROM 2013 TO 2035  
Market Study of the Proposed Piilani Promenade  
Kihei, Maui, Hawaii**

**Scenario One: Minimum Population Estimates and Growth Rates**

Year	De Facto Population (1)		X	Per Capita Demand in Square Feet	=	Total Resident Demand in Square Feet	X	Regional Capture Rate	=	Net Regional Demand in Square Feet
	Annual Growth Rate	Forecast Total								
Year-End 2013		48,957		54.00		2,643,701		35.0%		925,295
2015	0.99%	51,510		55.00		2,833,057		37.0%		1,048,231
2020	1.51%	55,709		57.50		3,203,245		42.0%		1,345,363
2025	1.47%	60,130		60.00		3,607,783		48.0%		1,731,736
2030	1.42%	64,737		62.50		4,046,081		54.0%		2,184,884
2035	1.42%	69,679		65.00		4,529,124		60.0%		2,717,474

**Scenario Two: Maximum Population Estimates and Growth Rates**

Year	De Facto Population (1)		X	Per Capita Demand in Square Feet	=	Total Resident Demand in Square Feet	X	Regional Capture Rate	=	Net Regional Demand in Square Feet
	Annual Growth Rate	Forecast Total								
Year-End 2013		48,957		54.00		2,643,701		35.0%		925,295
2015	0.96%	51,413		55.25		2,840,575		37.0%		1,051,013
2020	1.79%	56,482		58.25		3,290,053		43.0%		1,414,723
2025	1.83%	62,168		61.25		3,807,773		50.0%		1,903,887
2030	1.71%	67,980		64.25		4,367,735		57.0%		2,489,609
2035	1.66%	74,129		68.25		5,059,292		64.0%		3,237,947

**Indicated Projection Mid-Point**

Year	De Facto Population (1)		X	Per Capita Demand in Square Feet	=	Total Resident Demand in Square Feet	X	Regional Capture Rate	=	Net Regional Demand in Square Feet
	Annual Growth Rate	Forecast Population								
Year-End 2013		48,957		54.00		2,643,701		35.0%		925,295
2015	0.97%	51,462		55.13		2,836,822		37.0%		1,049,624
2020	1.65%	56,095		57.88		3,246,504		42.5%		1,379,764
2025	1.65%	61,149		60.63		3,707,141		49.0%		1,816,499
2030	1.57%	66,359		63.38		4,205,489		55.5%		2,334,046
2035	1.54%	71,904		66.63		4,790,592		62.0%		2,970,167

(1) In 2012, the average daily visitor census on Maui was 50,762 persons. We have estimated that 40 percent of this total finds lodging in the study area, as the Kihei/Wailea corridor has 7,233 (or 37 percent) of the total visitor units on the island.

Source: The Hallstrom Group, Inc.

**ESTIMATED TOTAL ADDITIONAL INDUSTRIAL FLOOR SPACE AND ACREAGE DEMAND  
FOR THE GENERAL STUDY AREA 2014 TO 2035  
Market Study of the Proposed Piilani Promenade  
Kihei, Maui, Hawaii**

<b>Scenario One: Minimum</b>			
Year	Forecast Floor Space Demand (in Sq. Ft.)	Divided by FAR Allowance (1)	Resulting Land Area Demand (in Acres)
Year-End 2013	960,000		92
2015	1,048,231	0.255	94
2020	1,345,363	0.255	121
2025	1,731,736	0.255	156
2030	2,184,884	0.255	197
2035	2,717,474	0.255	245

<b>Scenario Two: Maximum</b>			
Year	Forecast Floor Space Demand (in Sq. Ft.)	Divided by FAR Allowance (1)	Resulting Land Area Demand (in Acres)
Year-End 2013	960,000		92
2015	1,051,013	0.255	95
2020	1,414,723	0.255	127
2025	1,903,887	0.255	171
2030	2,489,609	0.255	224
2035	3,237,947	0.255	292

**FINISHED FLOOR SPACE ANALYSIS (in Square Feet)**

	<u>Minimum</u>	<u>Maximum</u>
<b>Periodic Additions Required (Sq. Ft.):</b>		
2014 to 2015	88,231	91,013
2015 to 2020	297,132	363,710
2021 to 2025	386,373	489,164
2026 to 2030	453,148	585,722
2031 to 2035	532,590	748,338
<b>Cumulative Additional Space Required:</b>	<b>1,757,474</b>	<b>2,277,947</b>
<b>Increase as a Percent of Existing Floor Space</b>	<b>183.07%</b>	<b>237.29%</b>
<b>Estimated Mid-Point Additional Space Required (2):</b>	<b><u>2,017,711</u></b>	

**DEVELOPABLE LAND AREA ANALYSIS (in Acres)**

	<u>Minimum</u>	<u>Maximum</u>
<b>Periodic Additions Required (Acres):</b>		
2014 to 2015	2	3
2015 to 2020	27	33
2021 to 2025	35	44
2026 to 2030	41	53
2031 to 2035	48	67
<b>Cumulative Additional Acreage Required</b>	<b>153</b>	<b>200</b>
<b>Increase as a Percent of Existing Acreage:</b>	<b>165.92%</b>	<b>216.85%</b>
<b>Estimated Mid-Point Additional Acreage Required (2):</b>	<b><u>176</u></b>	

(1) Assuming average finished "Floor Area Ratio" of .30 for finished industrial development sites, and a net to gross ratio of 85 percent on the underlying site.

TABLE II-5

Exhibit II

SUMMARY OF SUBJECT PROJECTED INDUSTRIAL DEMAND LEVELS USING THE MARKET SHARES METHOD Market Study of the Proposed Piilani Promenade <u>Kihei, Maui, Hawaii</u> Assuming Pre-Leasing to Begin in 2018				
<b>Scenario One: Using Minimum Demand Assumptions</b>				
<u>Sales Year</u>		<u>Total Regional Demand</u> (in Square Feet)	<u>Effective Subject Share</u>	<u>Indicated Total Subject Absorption</u> (in Square Feet)
<u>Date</u>	<u>Period</u>			
2018	1	59,426	25.00%	14,857
2019	2	59,426	25.00%	14,857
2020	3	59,426	25.00%	14,857
2021	4	77,275	25.00%	19,319
2022	5	77,275	20.00%	15,455
2023	6	77,275	20.00%	15,455
2024	7	77,275	20.00%	15,455
2025	8	77,275	20.00%	15,455
2026	9	90,630	20.00%	18,126
2027	10	90,630	17.00%	15,407
2028	11	90,630	17.00%	15,407
2029	12	90,630	17.00%	15,407
2030	13	90,630	17.00%	15,407
2031	14	106,518	17.00%	18,108
2032	15	106,518	15.00%	15,978
2033	16	106,518	15.00%	15,978
2034	17	106,518	15.00%	15,978
2035	18	106,518	15.00%	15,978
<b>Totals</b>		<b>1,609,817</b>	<b>18.24%</b>	<b>287,481</b>
<b>Scenario Two: Using Maximum Demand Assumptions</b>				
<u>Sales Year</u>		<u>Total Regional Demand</u> (in Square Feet)	<u>Effective Subject Share</u>	<u>Indicated Total Subject Absorption</u> (in Square Feet)
<u>Date</u>	<u>Period</u>			
2018	1	72,742	25.00%	18,186
2019	2	72,742	25.00%	18,186
2020	3	72,742	25.00%	18,186
2021	4	97,833	25.00%	24,458
2022	5	97,833	20.00%	19,567
2023	6	97,833	20.00%	19,567
2024	7	97,833	20.00%	19,567
2025	8	97,833	20.00%	19,567
2026	9	117,144	20.00%	23,429
2027	10	117,144	17.00%	19,915
2028	11	117,144	17.00%	19,915
2029	12	117,144	17.00%	19,915
2030	13	117,144	17.00%	19,915
2031	14	149,668	17.00%	25,444
2032	15	149,668	15.00%	22,450
2033	16	149,668	15.00%	22,450
2034	17	149,668	15.00%	22,450
2035	18	149,668	15.00%	22,450
<b>Totals</b>		<b>2,114,192</b>	<b>18.09%</b>	<b>375,612</b>

Source: The Hallstrom Group, Inc.

TABLE II-6

CONCLUDED SUBJECT FLOOR SPACE DEMAND Market Study of the Proposed Piilani Promenade Kihei, Maui, Hawaii Assuming 588,000 Square Feet of Total Floor Space with Leasing Starting in 2018					
Year	Development Year	Projected Mid-Point Demand in Square Feet			
		Commercial	Industrial	Yearly Total	Cumulative
2018	1	18,077	16,521	34,598	34,598
2019	2	18,077	16,521	34,598	69,195
2020	3	18,077	16,521	34,598	103,793
2021	4	21,576	21,888	43,465	147,258
2022	5	21,576	17,511	39,087	186,345
2023	6	21,576	17,511	39,087	225,432
2024	7	21,576	17,511	39,087	264,519
2025	8	21,576	17,511	39,087	303,606
2026	9	24,945	20,777	45,722	349,328
2027	10	24,945	17,661	42,605	391,934
2028	11	24,945	17,661	42,605	434,539
2029	12	24,945	17,661	42,605	477,144
2030	13	24,945	17,661	42,605	519,750
2031	14	29,051	21,776	50,826	570,576
2032	15	10,487	6,936	17,424	<b>588,000</b>

Source: The Hallstrom Group, Inc.

TABLE I-1

Exhibit III

QUANTIFICATION OF HOUSING UNIT DEMAND FOR THE KIHEI-MAKENA STUDY AREA 2013 TO 2035 Market Study of the Proposed Piilani Promenade Kihei, Maui, Hawaii							
	Year-End 2013	2015	2020	2025	2030	2035	Additional Units Required by 2035
<b>Scenario One: Minimum Based on Planning Department Baseline Population Forecasts</b>							
Resident Population	28,653 (1)	30,597	33,227	35,962	38,757	41,750	
Average Household Size (2)	2.50	2.48	2.46	2.44	2.42	2.41	
<b>Total Resident Units Required</b>	<b>11,461</b>	<b>12,338</b>	<b>13,507</b>	<b>14,739</b>	<b>16,015</b>	<b>17,324</b>	
Vacancy Allowance (3 % of resident unit demand)	344	370	405	442	480	520	
<b>Non-Resident Purchaser Allowance (3)</b> (20% of resident unit demand)	<b>2,292</b>	<b>2,468</b>	<b>2,701</b>	<b>2,948</b>	<b>3,203</b>	<b>3,465</b>	
<b>TOTAL MARKET UNIT DEMAND</b>	<b>14,097</b>	<b>15,175</b>	<b>16,614</b>	<b>18,128</b>	<b>19,699</b>	<b>21,308</b>	<b>7,258</b>
<b>Scenario Two: Maximum Based on Planning Department Historical Trend Run Population Forecasts</b>							
Resident Population	28,653 (1)	30,500	34,000	38,000	42,000	46,200	
Average Household Size (2)	2.50	2.46	2.43	2.40	2.37	2.35	
<b>Total Resident Units Required</b>	<b>11,461</b>	<b>12,398</b>	<b>13,992</b>	<b>15,833</b>	<b>17,722</b>	<b>19,660</b>	
Vacancy Allowance (5% of resident unit demand)	573	620	700	792	886	983	
<b>Non-Resident Purchaser Allowance (3)</b> (25% of resident unit demand)	<b>2,865</b>	<b>3,100</b>	<b>3,498</b>	<b>3,958</b>	<b>4,430</b>	<b>4,915</b>	
<b>TOTAL MARKET UNIT DEMAND</b>	<b>14,900</b>	<b>16,118</b>	<b>18,189</b>	<b>20,583</b>	<b>23,038</b>	<b>25,557</b>	<b>11,507</b>
<b>CONCLUDED HOUSING UNIT DEMAND RANGE</b>							
	<b>Existing</b>	<b>2014-2015</b>	<b>2016-2020</b>	<b>2021-2025</b>	<b>2026-2030</b>	<b>2031-2035</b>	<b>Totals</b>
<b>MINIMUM DEMAND</b>							
Periodic	47	1,078	1,438	1,515	1,570	1,609	7,258
Cumulative	47	1,101	2,564	4,078	5,649	7,258	
Average Annual Demand (4)		551	292	303	314	322	
<b>MAXIMUM DEMAND</b>							
Periodic	850	1,218	2,071	2,394	2,455	2,519	11,507
Cumulative	850	1,643	4,139	6,533	8,988	11,507	
Average Annual Demand (4)		821	499	479	491	504	
<b>MID-POINT DEMAND</b>							
Periodic	449	1,148	1,755	1,954	2,013	2,064	9,383
Cumulative	449	1,372	3,351	5,306	7,318	9,383	
Average Annual Demand (4)		686	396	391	403	413	

(1) According to the 2010 US Census, there were 26,810 residents in the Primary Study Area (Kihei and Wailea CDPs). Figure escalated to year-end 2013 at compound annual growth rate from 2000 to 2010 of 2.23 percent.

(2) Census reported average household size for Primary Study Area in 2010 was 2.499 persons (2.55 in Kihei and 2.20 in Wailea).

(3) There were 17,981 total "housing units" in the Primary Study Area in 2010 according to the Census, of which 4,433 were transient vacation rentals (DBEDT survey) resulting in a total residential unit count of 13,548 units in the study area. Of these, 10,731 units (79.21%) were occupied by full-time resident households and 2,817 units (20.79%) were second-homes/part-time residences. We estimate the total residential units count is now 14,050.

(4) Existing (or latent) demand is assumed absorbed evenly from 2014 through 2020.

ESTIMATE OF HOUSING PRICE AFFORDABILITY FOR MAUI RESIDENTS			
Market Study of the Proposed Piilani Promenade			
Kihei, Maui, Hawaii			
Assuming Family of Four, 4.5 Percent Mortgage Interest Rate			
<b>1. Based on HUD/Maui County Criteria for Three-Bedroom Single Family House</b>			
<b>Grouping</b>	<b>Low Income</b>	<b>Below-Moderate to Moderate Income</b>	<b>Above-Moderate to Gap Group Income</b>
<b>Household Income as a Percent of County Median</b>	<b>80% or less</b>	<b>81% to 120%</b>	<b>121% to 160%</b>
Gross Household Monthly Income, Using Maximum for Category (1)	\$5,240	\$7,860	\$10,480
Amount Available for Debt Service (2)	\$1,572	\$2,358	\$3,144
Maximum Mortgage Amount (3)	\$329,273	\$493,910	\$658,546
Down payment at 5% of Sales Price	\$17,330	\$25,995	\$34,660
<b>Total Affordable Purchase Price, Maximum for Category</b>	<b>\$346,603</b>	<b>\$519,905</b>	<b>\$693,206</b>
<b>Indicated Affordable Price Range for Category (Rounded)</b>	<b>Up to \$347,000</b>	<b>\$347,000 to \$520,000</b>	<b>\$520,000 to \$693,000</b>
<b>County Pricing Guidelines for Other Unit Sizes and Types (4)</b>			
<b>Single Family</b>			
One Bedroom House	\$242,620	\$363,930	\$485,240
Two Bedroom House	\$294,610	\$441,915	\$589,220
Three Bedroom House	<b>\$346,600</b>	<b>\$519,900</b>	<b>\$693,200</b>
Four Bedroom House	\$398,590	\$597,885	\$797,180
<b>Multi-Family</b>			
One Bedroom Unit	\$218,330	\$327,530	\$443,730
Two Bedroom Unit	\$265,115	\$397,715	\$530,315
Three Bedroom Unit	\$311,900	\$467,900	\$623,900
Four Bedroom Unit	\$358,985	\$538,085	\$717,485
<b>2. Based on Conventional Financing Criteria</b>			
<b>Grouping</b>	<b>Low Income</b>	<b>Below-Moderate to Moderate Income</b>	<b>Above-Moderate to Gap Group Income</b>
Gross Household Monthly Income	\$5,240	\$7,860	\$10,480
Maximum Allowable Housing Expense (4)	\$1,467	\$2,201	\$2,934
Maximum Mortgage Amount (5)	\$307,280	\$461,024	\$614,559
Down payment at 20% of Sales Price (6)	\$76,820	\$115,256	\$153,640
<b>Total Affordable Purchase Price</b>	<b>\$384,100</b>	<b>\$576,280</b>	<b>\$768,199</b>
<b>Indicated Affordable Price Range for Category (Rounded)</b>	<b>Up to \$384,000</b>	<b>\$384,000 to \$576,000</b>	<b>\$576,000 to \$786,000</b>

THE BANK OF HAWAII INTEREST RATE ON A STANDARD 30-YEAR FIXED MORTGAGE DURING REPORT PREPARATION WAS 3.875% APR with 2.50 points or 4.000% with 1.25 points.

Note: Total Purchase Price estimate excludes any points associated with financing.

- (1) Utilizing US HUD 2013 median household income estimate for Island of Maui of \$78,600 annually for family of four.  
(2) Based on Maui County mortgage affordability criteria at 30% of gross income, apart from any reserves.  
(3) Assuming 4.0% annual interest and 30 year mortgage with 5% down payment, no discount points.  
(4) Conventional financing with maximum monthly mortgage payment at 28% of gross income, apart from any reserves.  
(5) Assuming 4% annual interest and 30 year mortgage, with 20% down payment.  
(6) Conventional financing standard.

Source: Maui County Dept. of Housing and Human Concerns, and The Hallstrom Group, Inc.

TABLE I-3

Exhibit III

**MONTHLY AFFORDABLE RENT GUIDELINES FOR MAUI COUNTY  
BY UNIT SIZE AND PERCENTAGE OF MEDIAN FAMILY INCOME**

Percent of Median Income	Unit Size By Number of Bedrooms					
	Studio	1 BR	2 BR	3BR	4 BR	5 BR
10%	\$138	\$147	\$177	\$204	\$228	\$252
20%	\$275	\$295	\$354	\$409	\$456	\$503
30%	\$413	\$442	\$531	\$613	\$684	\$755
40%	\$550	\$737	\$708	\$818	\$912	\$1,006
50%	\$688	\$884	\$884	\$1,022	\$1,140	\$1,258
60%	\$825	\$1,032	\$1,061	\$1,226	\$1,368	\$1,509
70%	\$963	\$1,179	\$1,238	\$1,431	\$1,896	\$1,761
80%	\$1,101	\$1,326	\$1,415	\$1,635	\$1,824	\$2,012
90%	\$1,238	\$1,474	\$1,592	\$1,839	\$2,052	\$2,264
100%	\$1,376	\$1,621	\$1,769	\$2,044	\$2,280	\$2,515
110%	\$1,513	\$1,769	\$1,945	\$2,248	\$2,507	\$2,767
120%	\$1,651	\$1,916	\$2,122	\$2,452	\$2,735	\$3,018
130%	\$1,788	\$2,063	\$2,299	\$2,657	\$2,963	\$3,270
140%	\$1,926	\$2,476	\$2,476	\$2,861	\$3,191	\$3,521

Note: Affordable Rents are based on 30% of gross monthly income. Does not include utilities.

Source: Housing Division, Department of Housing and Human Concerns, County of Maui

**SOUTH MAUI RESIDENTIAL INVENTORY SALES  
FROM 2005 TO OCTOBER 22, 2013**  
Market Study of the Proposed Piilani Promenade  
Kihei, Maui, Hawaii

As Taken from Maui Multiple Listing Service Data, May not Include All Original Unit Sales

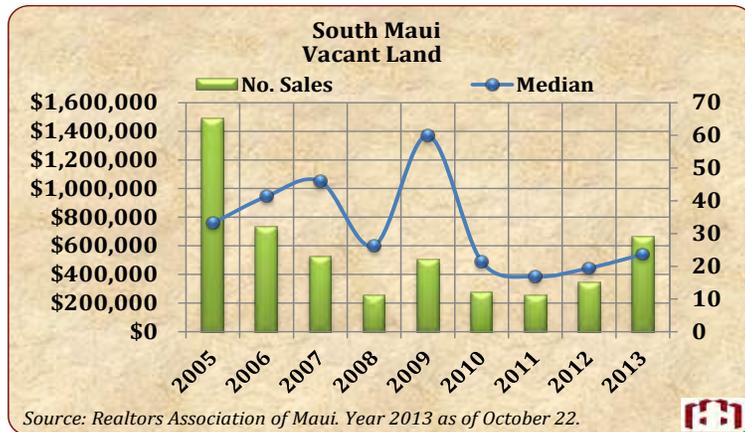
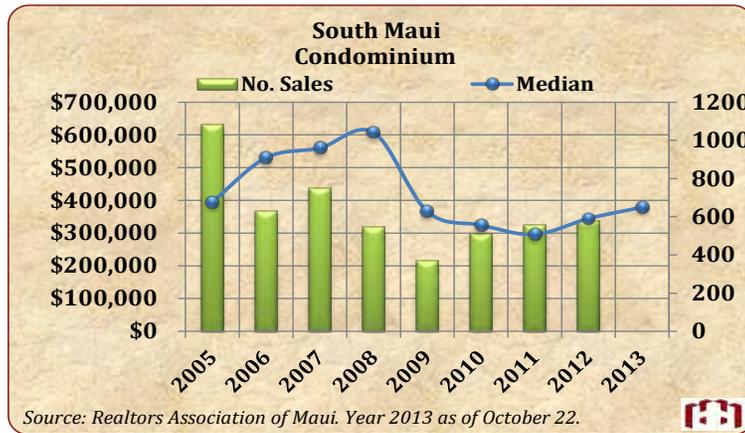
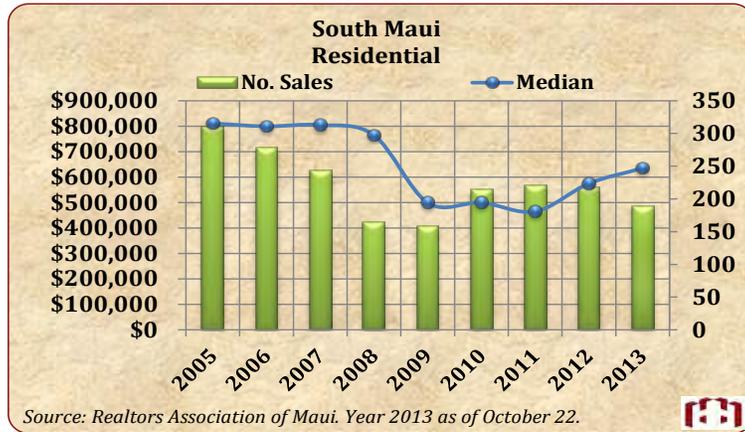


TABLE 5

Exhibit III

**RENTAL UNIT IN STUDY AREA BY UNIT TYPE (2005-2013)**  
**Market Study of the Proposed Piilani Promenade**  
**Kihei, Maui, Hawaii**  
**With Number and Percent of Total Listings**  
**Based on Maui MLS Data**

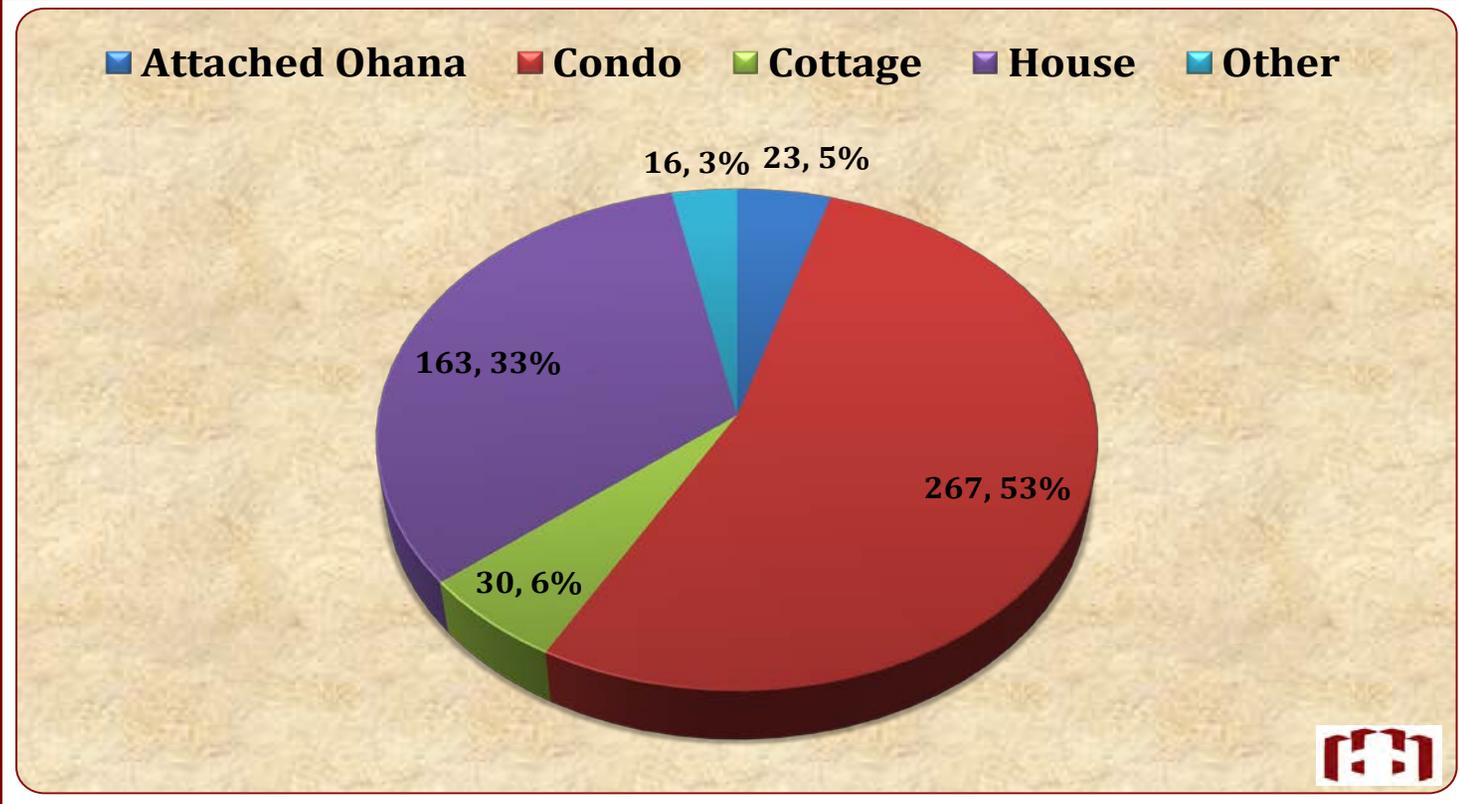


TABLE 6

Exhibit III

**RESIDENTIAL SUPPLY IN TARGET AREA BY TYPE AND YEAR (2005-2013)**  
**Market Study of the Proposed Piilani Promenade**  
**Kihei, Maui, Hawaii**

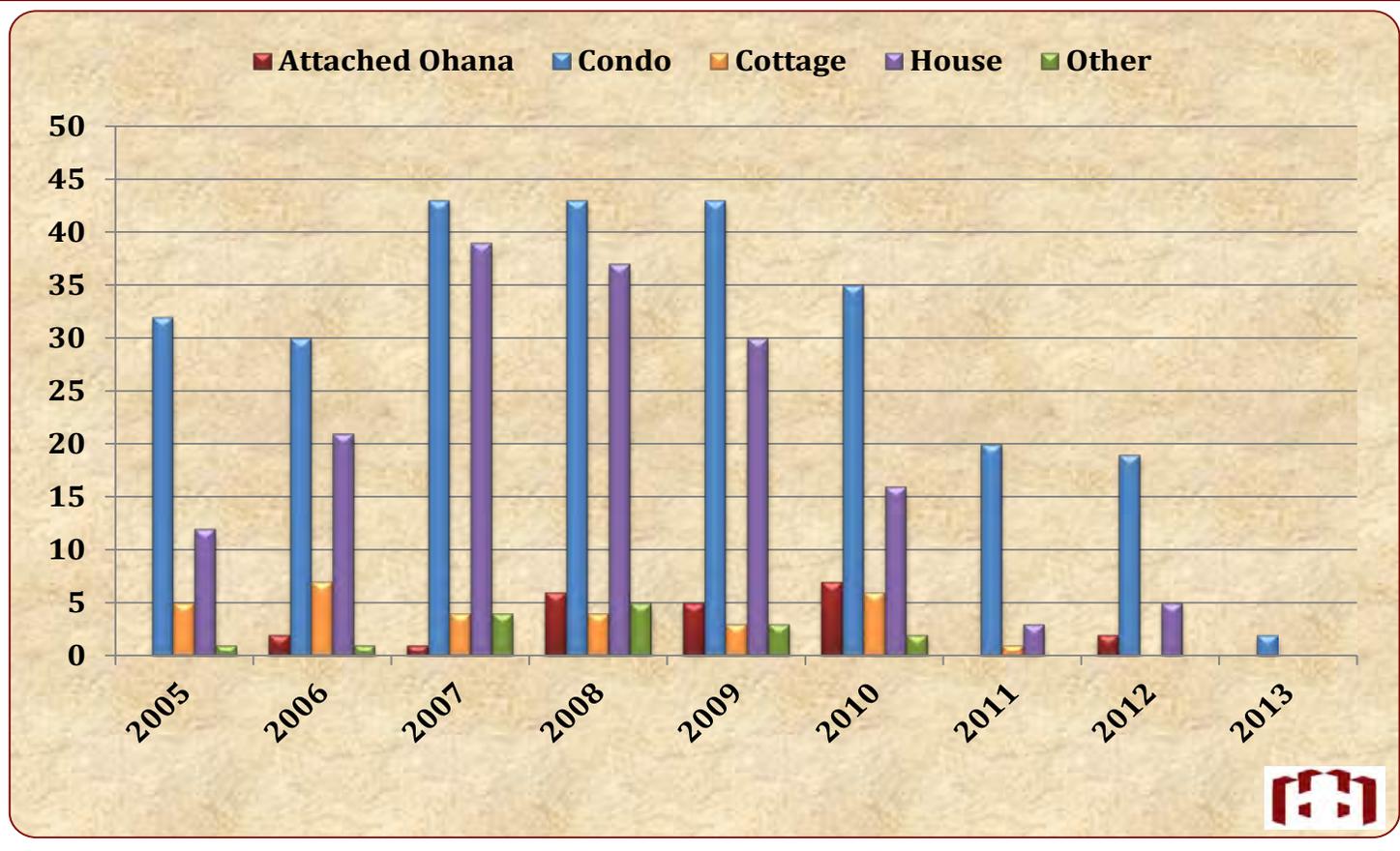
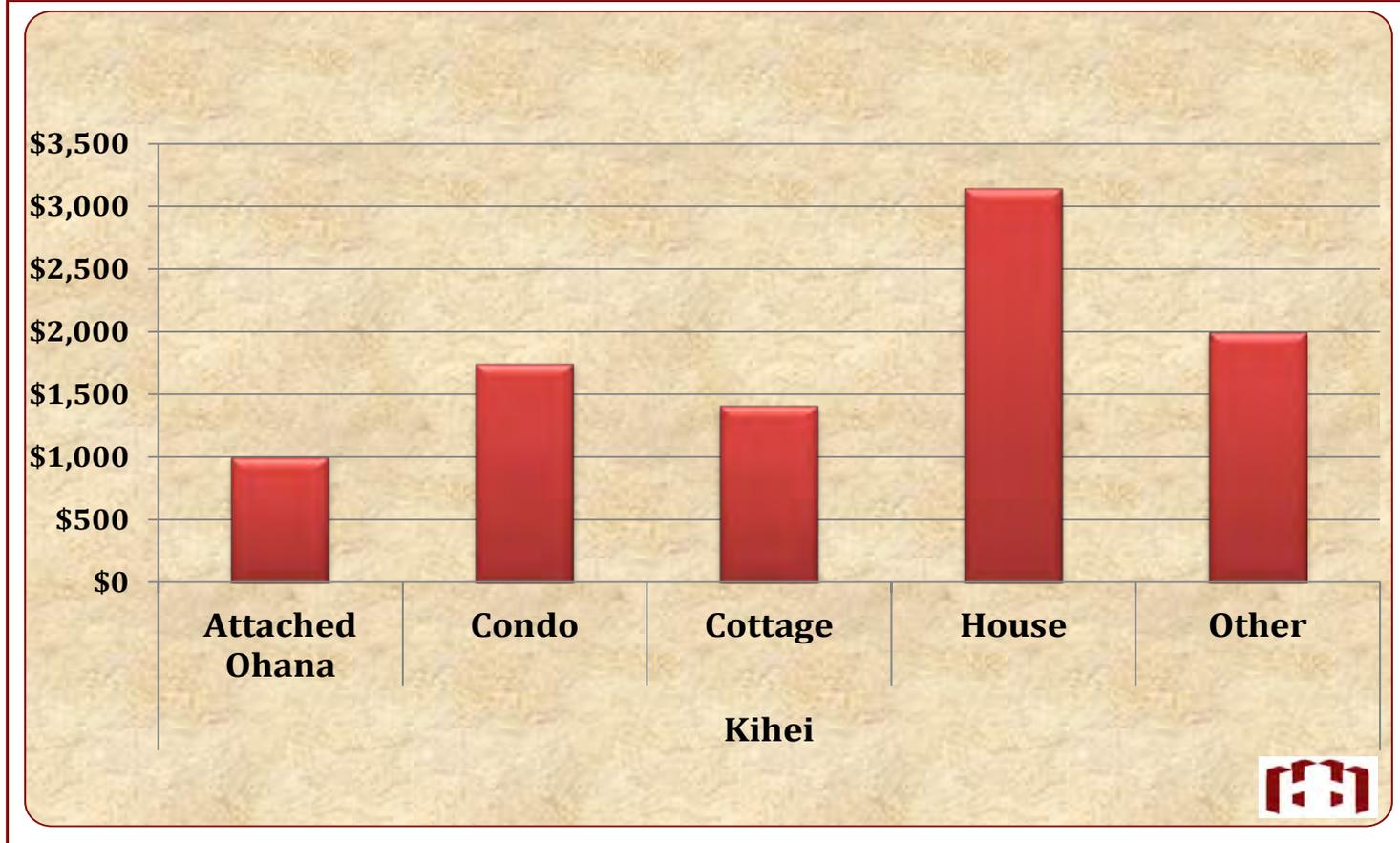


TABLE 7

**AVERAGE RENTAL ASKING PRICE BY LOCATION AND TYPE (2005-2013)**  
**Market Study of the Proposed Piilani Promenade**  
**Kihei, Maui, Hawaii**



Note: Maalaea, Maui Meadows & Wailea/Makena presented no residential listings during the study period.

TABLE 8

### AVERAGE ASKING RENT BY TYPE AND YEAR (2005-2013) Market Study of the Proposed Piilani Promenade Kihei, Maui, Hawaii

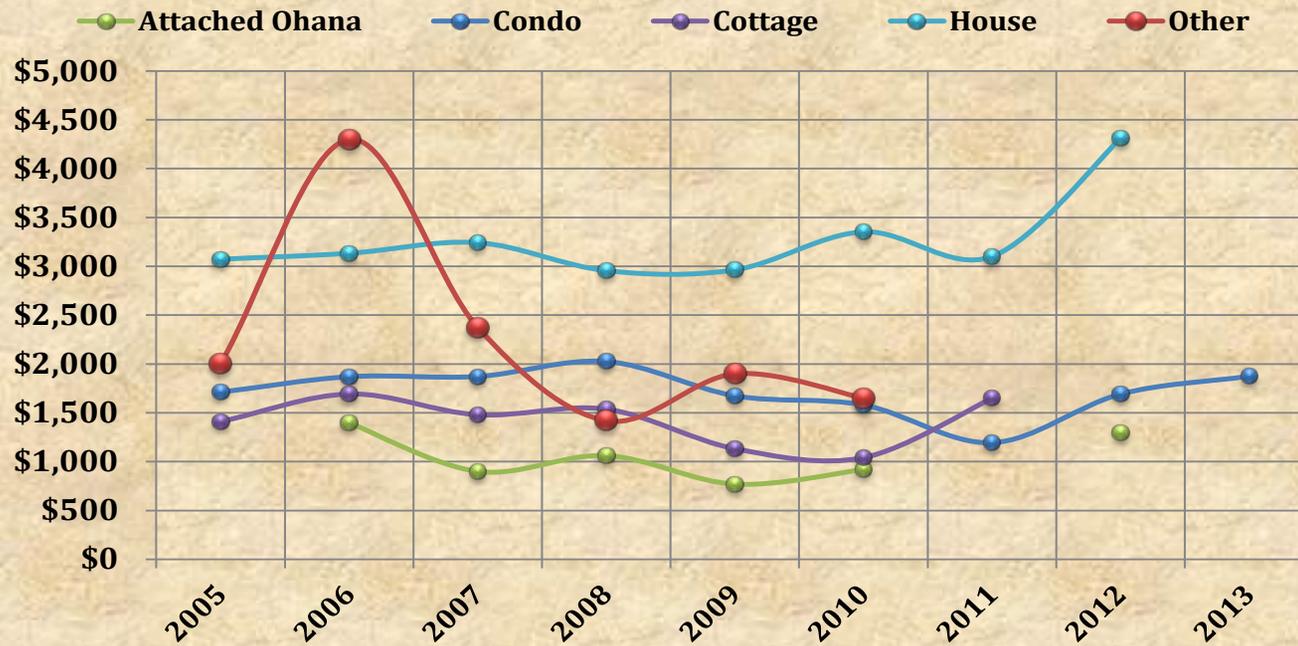


TABLE I-9

Exhibit III

<b>STRATIATED PROJECTIONS OF HOUSING UNIT DEMAND</b> <b>BY SELLING PRICE IN KIHEI-MAKENA STUDYAREA 2013 TO 2035</b> <b>Market Study of the Proposed Piilani Promenade</b> <b>Kihei, Maui, Hawaii</b> <b>Expressed in Constant 2013 Dollars</b>						
Period	Periodic Demand					Total Demand 2014-2035
	2014 to 2015	2016 to 2020	2021 to 2025	2026 to 2030	2031 to 2035	
<b>1. Minimum Demand Forecasts</b>						
<b>Less Than \$350,000 (1)</b>	<b>275</b>	<b>366</b>	<b>379</b>	<b>393</b>	<b>402</b>	<b>1,815</b>
Percent of Total Demand	25.00%	25.00%	25.00%	25.00%	25.00%	25.00%
<b>\$350,000 to \$700,000 (2)</b>	<b>441</b>	<b>585</b>	<b>606</b>	<b>628</b>	<b>644</b>	<b>2,903</b>
Percent of Total Demand	40.00%	40.00%	40.00%	40.00%	40.00%	40.00%
<b>\$700,000 to \$1,000,000</b>	<b>220</b>	<b>292</b>	<b>303</b>	<b>314</b>	<b>322</b>	<b>1,452</b>
Percent of Total Demand	20.00%	20.00%	20.00%	20.00%	20.00%	20.00%
<b>Over \$1,000,000</b>	<b>165</b>	<b>219</b>	<b>227</b>	<b>236</b>	<b>241</b>	<b>1,089</b>
Percent of Total Demand	15.00%	15.00%	15.00%	15.00%	15.00%	15.00%
<b>Total Market Demand</b>	<b>1,101</b>	<b>1,462</b>	<b>1,515</b>	<b>1,570</b>	<b>1,609</b>	<b>7,258</b>
	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
<b>2. Maximum Demand Forecasts</b>						
<b>Less Than \$350,000 (1)</b>	<b>411</b>	<b>624</b>	<b>599</b>	<b>614</b>	<b>630</b>	<b>2,877</b>
Percent of Total Demand	25.00%	25.00%	25.00%	25.00%	25.00%	25.00%
<b>\$350,000 to \$700,000 (2)</b>	<b>657</b>	<b>999</b>	<b>958</b>	<b>982</b>	<b>1,008</b>	<b>4,603</b>
Percent of Total Demand	40.00%	40.00%	40.00%	40.00%	40.00%	40.00%
<b>\$700,000 to \$1,000,000</b>	<b>329</b>	<b>499</b>	<b>479</b>	<b>491</b>	<b>504</b>	<b>2,301</b>
Percent of Total Demand	20.00%	20.00%	20.00%	20.00%	20.00%	20.00%
<b>Over \$1,000,000</b>	<b>246</b>	<b>374</b>	<b>359</b>	<b>368</b>	<b>378</b>	<b>1,726</b>
Percent of Total Demand	15.00%	15.00%	15.00%	15.00%	15.00%	15.00%
<b>Total Market Demand</b>	<b>1,643</b>	<b>2,496</b>	<b>2,394</b>	<b>2,455</b>	<b>2,519</b>	<b>11,507</b>
	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
<b>Current Median Housing Prices in South Maui (Year-to-Date 2013 Average to October 22)</b>						
Single Family Home Median Price	\$635,000					
Multi-Family Unit Average Price	\$379,000					
Average Price All Residential Units	\$449,531					

Note: The estimated median household income for Maui in 2013 is \$78,600 for a four-person household; the accepted median baseline.

(1) This price is considered "affordable" for households earning 80% of the median county household income ("Low Income").

(2) This price is considered "affordable" for households earning from 81% to 160% of county median (includes "Below Moderate" to "Gap Income" categories).

TABLE 1-10

**DIVISION OF PROJECTED DEMAND BY UNIT TYPE  
FOR HOUSING UNITS IN KIEHI-MAKENA STUDY AREA 2014 TO 2035**  
Market Study of the Proposed Piilani Promenade  
Kihei, Maui, Hawaii

	Periodic Demand (1)					Total Demand 2014-2035	Comments
	2014 to 2015	2016 to 2020	2021 to 2025	2026 to 2030	2031 to 2035		
<b><u>1. Using Minimum Demand Projections</u></b>							
Single Family Homes	419	556	576	597	612	2,758	The study area was among the first neighbor island regions to have significant numbers of "tract/spec" homes built relative to size of market, and this type of development has been the primary segment in the single family sector over the past two decades.
Percent of Total	38%	38%	38%	38%	38%	38%	
Single Family Lots	132	161	151	141	129	715	
Percent of Total	12%	11%	10%	9%	8%	10%	Prior to mid-80s, vacant lots were the primary single family development type. Now mainly limited to smaller and/or more upscale subdivisions. However, several major projects being proposed are expected to have some lot offerings.
Multifamily Units	551	746	788	832	869	3,785	The primary residential development type in the makai/resort areas of the region, although the number of available and competitive sites has become somewhat limited. Need for affordable/workforce units will fuel continuing development as will demand for more moderate-priced vacation units.
Percent of Total	50%	51%	52%	53%	54%	52%	
<b>Total</b>	<b>1,101</b> 100%	<b>1,462</b> 100%	<b>1,515</b> 100%	<b>1,570</b> 100%	<b>1,609</b> 100%	<b>7,258</b> 100%	
<b><u>2. Using Maximum Projections</u></b>							
Single Family Homes	624	949	910	933	957	4,373	
Percent of Total	38%	38%	38%	38%	38%	38%	
Single Family Lots	197	275	239	221	202	1,134	
Percent of Total	12%	11%	10%	9%	8%	10%	
Multifamily Units	821	1,273	1,245	1,301	1,361	6,001	
Percent of Total	50%	51%	52%	53%	54%	52%	
<b>Total</b>	<b>1,643</b> 100%	<b>2,496</b> 100%	<b>2,394</b> 100%	<b>2,455</b> 100%	<b>2,519</b> 100%	<b>11,507</b> 100%	
<b><u>Mid-Point</u></b>							
Single Family Homes	521	752	743	765	784	3,565	
Single Family Lots	165	218	195	181	165	924	
Multifamily Units	686	1,009	1,016	1,067	1,115	4,893	
<b>Total</b>	<b>1,372</b>	<b>1,979</b>	<b>1,954</b>	<b>2,013</b>	<b>2,064</b>	<b>9,383</b>	

Source: The Hallstrom Group, Inc.

**DIVISION OF PROJECTED DEMAND BETWEEN OWNER-OCCUPANTS AND RENTALS  
FOR HOUSING UNITS IN KIEHI-MAKENA STUDY AREA 2014 TO 2035**  
Market Study of the Proposed Piliani Promenade  
Kihei, Maui, Hawaii

	Periodic Demand (1)					Total Demand 2014-2035
	2014 to 2015	2016 to 2020	2021 to 2025	2026 to 2030	2031 to 2035	
<b><u>1. Using Minimum Demand Projections</u></b>						
Owner-Occupied Units	573	775	818	864	901	3,931
Percent of Total	52%	53%	54%	55%	56%	54%
Renter-Occupied Units	529	687	697	707	708	3,327
Percent of Total	48%	47%	46%	45%	44%	46%
<b>Total</b>	<b>1,101</b> 100%	<b>1,462</b> 100%	<b>1,515</b> 100%	<b>1,570</b> 100%	<b>1,609</b> 100%	<b>7,258</b> 100%
<b><u>2. Using Maximum Projections</u></b>						
Owner-Occupied Units	854	1,323	1,293	1,350	1,411	6,231
Percent of Total	52%	53%	54%	55%	56%	54%
Renter-Occupied Units	789	1,173	1,101	1,105	1,109	5,276
Percent of Total	48%	47%	46%	45%	44%	46%
<b>Total</b>	<b>1,643</b> 100%	<b>2,496</b> 100%	<b>2,394</b> 100%	<b>2,455</b> 100%	<b>2,519</b> 100%	<b>11,507</b> 100%
<b><u>Mid-Point</u></b>						
Owner-Occupied Units	714	1,049	1,055	1,107	1,156	5,081
Renter-Occupied Units	659	930	899	906	908	4,302
<b>Total</b>	<b>1,372</b>	<b>1,979</b>	<b>1,954</b>	<b>2,013</b>	<b>2,064</b>	<b>9,383</b>

Note: The 2010 Census identified owner-occupants as comprising 52 percent of the market and rental-occupied units at 48 percent of the Kihei-Makena study area, with nominal change from the 2000 census.

Source: The Hallstrom Group, Inc.

**COMPARISON OF PROPOSED KIHEI-MAKENA STUDY AREA LONG-TERM RESIDENTIAL SUPPLY ESTIMATES**  
**Market Study of the Proposed Piilani Promenade**  
**Kihei, Maui, Hawaii**

Estimate Title	South Maui Development Projects Directed Growth Boundaries Map	Advisory Committee Final Recommendations
Purpose	To identify the extent of the proposed Directed Growth Boundaries in the Kihei-Makena region and the proposed development therein.	To support the on-going updating of the Kihei-Makena Community Plan
Prepared By	Long Range Planning Div. Dept. of Planning, Maui County	Maui General Plan Advisory Committee
<b><u>Estimate of Approved/Proposed Future Supply</u></b>		
Perspective	<b>Within Proposed DGB</b>	<b>Within Community Plan Region</b>
<b>All Units in Study Area (1)</b>		
Single Family	4,709	No Distinction by Unit Type
Multi Family	4,293	
<b>Total</b>	<b>9,002</b>	
<b>Resort-Residential Units (3)</b>		
Single Family	884	
Multi Family	832	
<b>Total</b>	<b>1,716</b>	
<b>Net Resident-Oriented Housing Units (4)</b>		
Single Family	4,114	
Multi Family	3,675	
<b>Total</b>	<b>7,789</b>	

Note: Both estimates include proposed Resort-Residential units in the Wailea and Makena destination resorts that are not intended for, nor competitive with the resident-oriented housing sector.

- (1) Excludes "Time Share/Hotel" Units. Only a portion of the proposed 2,417 unit Kaonoulu Village site is within the DGB. We estimate about 60 percent of the project area is within the DGB, and have allocated the units accordingly.
- (2) GPAC Maps include only a portion of several projects including Kaonoulu Village and Ohukai Village, and/or reflect lower densities than proposed by the developer. We have made appropriate allowances. Also included are the proposed 1,250 units within the Maui Research & Technology Park.
- (3) Proposed units in the Wailea and Makena destination resorts, and ocean-influenced projects between them.
- (4) We estimate that 40 percent of the proposed Makena Inventory of lots (669) and multifamily units (436) will be competitive within the resident-oriented housing market sector along with 10 percent of the other proposed resort-residential inventory in the area.

Source: As cited, and The Hallstrom Group, Inc.

PROJECTION OF POTENTIAL SUBJECT UNIT ABSORPTION USING THE RESIDUAL METHOD BASED ON TOTAL DEMAND FOR RESIDENTIAL UNITS IN THE KIHAI-MAKENA STUDY AREA Market Study of the Proposed Piilani Promenade <u>Kihei, Maui Hawaii</u> Based on Proposed Units Within the Proposed Directed Growth Boundary for Kihei-Makena, Using Mid-Point Demand Estimates							
Segment	TOTAL UNITS	Sales Period					Total
		2014-2015	2016-2020	2021-2025	2026-2030	2031-2035	
<b><u>Single Family (1)</u></b>							
Identified Supply (2)	4,114	350	850	900	900	900	3,900
Market Share Percentage of Total Supply		58%	49%	48%	47%	46%	48%
Regional SF Lot/Home Demand (mid-point)	<b>4,490</b>	<b>686</b>	<b>970</b>	<b>938</b>	<b>946</b>	<b>950</b>	<b>4,490</b>
Shortage or (Excess) Supply	<b>375</b>	<b>336</b>	<b>120</b>	<b>38</b>	<b>46</b>	<b>50</b>	<b>590</b>
<b><u>Potential Residual Subject SF Demand</u></b>							
at 90% Capture Rate	338	302	108	34	41	45	531
at 80% Capture Rate	300	269	96	31	37	40	472
<b><u>Multi Family</u></b>							
Identified Supply (2)	3,675	250	900	975	1,000	1,050	4,175
Market Share Percentage of Total Supply		42%	51%	52%	53%	54%	52%
Regional MF Unit Demand (mid-point)	<b>4,893</b>	<b>686</b>	<b>1,009</b>	<b>1,016</b>	<b>1,067</b>	<b>1,115</b>	<b>4,893</b>
Shortage or (Excess) Supply	<b>1,218</b>	<b>436</b>	<b>109</b>	<b>41</b>	<b>67</b>	<b>65</b>	<b>718</b>
<b><u>Potential Residual Subject MF Demand</u></b>							
at 90% Capture Rate	1,096	392	98	37	60	58	646
at 80% Capture Rate	975	349	88	33	53	52	575
<b><u>Total Single and Multi Family</u></b>							
Identified Supply	7,789	600	1,750	1,875	1,900	1,950	8,075
Market Share Percentage of Total Supply		100%	100%	100%	100%	100%	100%
Regional Total Unit Demand (mid-point)	<b>9,383</b>	<b>1,372</b>	<b>1,979</b>	<b>1,954</b>	<b>2,013</b>	<b>2,064</b>	<b>9,383</b>
Shortage or (Excess) Supply	<b>1,594</b>	<b>772</b>	<b>229</b>	<b>79</b>	<b>113</b>	<b>114</b>	<b>1,308</b>
<b><u>Potential Residual Subject Demand</u></b>							
at 90% Capture Rate	1,434	695	206	72	101	103	1,177
at 80% Capture Rate	1,275	618	183	64	90	92	1,046

(1) Includes lots and finished homes.

(2) Timing of unit development based on information from numerous sources, including media articles, developer projections, Maui Affordable Residential Housing Study (12/2006), and logistic/market realities. Includes recently SLU-approved homes proposed within Maui Research and Technology Park.

**SUMMARY OF SUBJECT PROJECTED DEMAND LEVELS  
USING THE MARKET SHARES METHOD BASED ON RENTAL DEMAND  
Market Study of the Proposed Piilani Promenade  
Kihei, Maui, Hawaii**

**Scenario One: Using Minimum Demand Assumptions**

Sales Year		Total Regional Rental Demand	Effective Subject Share	Indicated Total Subject Absorption
<u>Date</u>	<u>Period</u>			
2018	1	137	40.00%	55
2019	2	137	40.00%	55
2020	3	137	40.00%	55
2021	4	139	40.00%	56
2022	5	139	4.00%	6
<b>Totals</b>		<b>691</b>	<b>32.74%</b>	<b>226</b>

**Scenario Two: Using Maximum Demand Assumptions**

Sales Year		Total Regional Rental Demand	Effective Subject Share	Indicated Total Subject Absorption
<u>Date</u>	<u>Period</u>			
2018	1	235	40.00%	94
2019	2	235	40.00%	94
2020	3	235	16.50%	39
<b>Totals</b>		<b>704</b>	<b>32.17%</b>	<b>226</b>

**ANALYSIS MID-POINT**

3.25 Years	698	32.45%	226
------------	-----	--------	-----

Source: The Hallstrom Group, Inc.

## PROPOSED DEVELOPMENT SCHEDULE AND ESTIMATED CONSTRUCTION COSTS

Market Study of the Proposed Piilani Promenade

Kihei, Maui, Hawaii

All Amounts Expressed in Constant 2013 Dollars

	Development and Sales Period				Totals During
					Build-Out
	<u>2016 to 2017</u>	<u>2018 to 2022</u>	<u>2023 to 2027</u>	<u>2028 to 2032</u>	
Infrastructure Emplacement	\$33,000,000				\$33,000,000
Commercial Construction (1)	\$6,180,328	\$34,977,382	\$51,945,463	\$43,684,752	\$136,787,925
Industrial Construction (2)	\$2,076,047	\$8,304,190			\$10,380,237
Apartment Construction (3)	\$12,751,200	\$19,126,800			\$31,878,000
<b>TOTAL PERIODIC CONSTRUCTION COSTS</b>	<b>\$54,007,576</b>	<b>\$62,408,372</b>	<b>\$51,945,463</b>	<b>\$43,684,752</b>	<b>\$212,046,162</b>
Contractor Profits	\$5,400,758	\$6,240,837	\$5,194,546	\$4,368,475	\$21,204,616
Supplier Profits	\$2,160,303	\$2,496,335	\$2,077,819	\$1,747,390	\$8,481,846

(1) Includes retail, restaurant, service and office/other components. Estimated average direct development cost of \$258 per sq ft.

(2) Estimated average direct development cost of \$180 per square foot.

(3) Assuming 226 total units with 29 one bedroom units at 600 Sq. Ft., 192 two bedroom units at 750 Sq. Ft., and 5 three-bedroom units at 900 sq. ft., with average cost of \$193 per sq. ft.

TABLE IV-2

Exhibit IV

ESTIMATED YEARLY FULL-TIME EQUIVALENT EMPLOYMENT POSITIONS CREATED BY DEVELOPMENT					
Market Study of the Proposed Piilani Promenade					
Kihei, Maui, Hawaii					
Construction Employment (1)	Development and Sales Period				Totals During Build-Out
	2016 to 2017	2018 to 2022	2023 to 2027	2028 to 2032	
Infrastructure Emplacement	83				83
Commercial Construction	27	155	231	194	608
Industrial Construction	9	37			46
Apartment Units	57	85			142
<b>Total Periodic Construction Jobs</b>	<b>176</b>	<b>277</b>	<b>231</b>	<b>194</b>	<b>878</b>
<b>On-Going Business Employment</b>					
Commercial Worker Years (2)		613	2,242	4,342	7,197
Total FTE Jobs in Place at End of Period		245	652	1,085	1,085
Industrial Worker Years (3)		261	522	522	1,304
Total FTE Jobs in Place at End of Period		104	104	104	104
Maintenance & Common Element (4)		105	105	105	315
Total FTE Jobs in Place at End of Period		21	21	21	21
<b>Total Periodic On-Going Business Jobs</b>		<b>1,328</b>	<b>3,625</b>	<b>6,158</b>	<b>8,816</b>
<b>Total FTE Jobs in Place at End of Period</b>		<b>370</b>	<b>777</b>	<b>1,210</b>	<b>1,210</b>
Off-Site Employment (5)	44	401	964	1,588	2,997
Total FTE Jobs in Place at End of Period		93	194	303	303
<b>TOTAL PERIODIC WORKER YEARS</b>	<b>220</b>	<b>2,007</b>	<b>4,820</b>	<b>7,940</b>	<b>12,692</b>
<b>TOTAL END-OF-PERIOD PERMANENT JOBCOUNT</b>	<b>0</b>	<b>463</b>	<b>971</b>	<b>1,513</b>	<b>1,513</b>

(1) Infrastructure construction employment estimated at 1 worker-year for every \$400,000 in costs. Vertical construction (all types) employment estimated at 1 worker-year for every \$225,000 in costs. Includes all direct employment associated with construction, on and off-site.

(2) Employment estimated at 1 full-time-equivalent worker for every 350 square feet of gross floor area. First stores opening in 2017.

(3) Employment estimated at 1 full-time-equivalent worker for every 400 square feet of gross floor area. First businesses opening in 2017.

(4) Includes project common element administration, security and maintenance staff of 10 jobs, and apartment staff of 11.

(5) Estimated at one cumulative off-site employment position for every four on site positions.

Source: Hallstrom Group, Inc.

TABLE IV-3

**ESTIMATED YEARLY EMPLOYEE WAGES CREATED BY DEVELOPMENT**  
**ASSUMING HISTORICAL ECONOMIC GROWTH TRENDS**  
 Market Study of the Proposed Piilani Promenade  
Kihei, Maui, Hawaii  
 All Amounts Expressed in Constant 2013 Dollars

Construction Wages (1)	Development and Sales Period				Totals During Build-Out	Stabilized Annually
	2016 to 2017	2018 to 2022	2023 to 2027	2028 to 2032		
Infrastructure Emplacement	\$6,246,240				\$6,246,240	
Commercial Construction	\$2,079,667	\$11,769,811	\$17,479,533	\$14,699,822	\$46,028,833	
Industrial Construction	\$698,585	\$2,794,341			\$3,492,927	
Multifamily Units	\$4,290,750	\$6,436,126			\$10,726,876	
<b>Total Periodic Construction Wages</b>	<b>\$13,315,243</b>	<b>\$21,000,278</b>	<b>\$17,479,533</b>	<b>\$14,699,822</b>	<b>\$66,494,876</b>	
<b>On-Going Business Wages</b>						
Commercial (2)		\$19,969,058	\$73,076,165	\$141,501,311	\$212,471,513	\$32,029,891
Industrial (3)		\$9,832,734	\$19,665,467	\$19,665,467	\$49,163,668	\$3,933,093
Maintenance & Common Element (4)		\$4,242,000	\$4,242,000	\$4,242,000	\$12,726,000	\$672,000
<b>Total Periodic On-Going Business Wages</b>	<b>\$0</b>	<b>\$34,043,791</b>	<b>\$96,983,633</b>	<b>\$165,408,778</b>	<b>\$274,361,181</b>	<b>\$36,634,985</b>
Off-Site Employment Wages (5)	\$1,776,257	\$16,214,451	\$38,946,617	\$64,157,324	\$121,094,649	\$12,224,159
<b>TOTAL PERIODIC WAGES</b>	<b>\$15,091,499</b>	<b>\$71,258,521</b>	<b>\$153,409,782</b>	<b>\$244,265,924</b>	<b>\$461,950,706</b>	<b>\$48,859,144</b>

(1) Average annual wage for full-time-equivalent construction worker (all trades) at \$75,712 (\$35.26/hour X 2,080 hours).  
 (2) Average annual wage for full-time-equivalent retail trade & restaurant workers at \$29,521 (\$14.19/hour).  
 (3) Average annual wage for full-time-equivalent industrial worker estimated at \$37,700 (\$18.13/hour) based on average wage for manufacturing, trade, wholesale workers.  
 (4) Average annual wage for full-time-equivalent maintenance and security workers at \$32,000 (\$15.38/hour).  
 (5) Average annual wage for full-time-equivalent general worker at \$40,400 (\$19.42/hour), the average wage for all "Total Private Workers" in the state.

Wages taken from State of Hawaii "Hawaii Workforce Infonet" "Data and Publications>Hours and Earnings" for January 2012.

TABLE IV-4

Exhibit IV

ESTIMATED RESIDENT POPULATION, HOUSEHOLD INCOME AND DISCRETIONARY EXPENDITURES				
Market Study of the Proposed Piilani Promenade				
<u>Kihei, Maui, Hawaii</u>				
All Amounts Expressed in Constant 2013 Dollars				
	Development and Sales Period			
	2016 to 2017	2018 to 2022	2023 to 2027	2028 to 2032
				Totals
<b>Apartment Units</b>				<b>Stabilized</b>
Number of Units Occupied		226	226	226
One Bedroom Units		30	30	30
Percent of Total Units		13%	13%	13%
Two Bedroom Units		192	192	192
Percent of Total Units		85%	85%	85%
Three Bedroom Units		4	4	4
Percent of Total Units		2%	2%	2%
One Bedroom Unit Population (1)		54	54	54
Two Bedroom Unit Population (2)		538	538	538
Three Bedroom Unit Population (3)		15	15	15
<b>Total Resident Population</b>		<b>607</b>	<b>607</b>	<b>607</b>
<b>RESIDENT HOUSEHOLD INCOME (4)</b>				<b>During Build-Out</b>
Annually		\$17,213,400	\$17,213,400	\$17,213,400
Periodic		\$68,853,600	\$86,067,000	\$86,067,000
				\$240,987,600
<b>TOTAL DISPOSABLE EXPENDITURES AFTER HOUSING COSTS (5)</b>				
Annually (at end of period)		\$8,606,700	\$8,606,700	\$8,606,700
Periodic		\$34,426,800	\$43,033,500	\$43,033,500
				\$120,493,800
(1) Average household size of 1.80 persons.				
(2) Average household size of 2.80 persons.				
(3) Average household size of 3.80 persons.				
(4) One-bedroom unit households at 75% of Maui household income average, two-bedroom unit households at 100% of Maui average, three-bedroom units at 110%.				
(5) Assumes 15% of gross income for taxes, 30% for rent and 5% for utilities. Leaving 50% of gross income as net disposable.				
Source: The Hallstrom Group, Inc.				

**PROJECTED ON-SITE OPERATING ECONOMIC ACTIVITY**  
**Market Study of the Proposed Piilani Promenade**  
**Kihei, Maui, Hawaii**  
**All Amounts Expressed in Constant 2013 Dollars**

	Development and Sales Period				Totals During Build-Out	Stabilized Annually
	2016 to 2017	2018 to 2022	2023 to 2027	2028 to 2032		
<b><u>Commercial Businesses (1)</u></b>		\$179,834,965	\$658,100,641	\$1,094,480,712	\$1,932,416,317	\$318,420,000
In-Project Resident Population Patronage %	1.50%	1.50%	1.25%	1.00%	1.25%	1.00%
Outside Project Patronage Expenditures		\$177,137,440	\$649,874,383	\$1,083,535,905	\$1,908,261,113	\$315,235,800
<b><u>Industrial Businesses (2)</u></b>		\$57,588,000	\$115,176,000	\$115,176,000	\$287,940,000	\$23,035,200
In-Project Resident Population Patronage %	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%
Outside Project Patronage Expenditures		\$57,300,060	\$114,600,120	\$114,600,120	\$286,500,300	\$22,920,024
<b><u>Apartment Rents (3)</u></b>		\$24,953,400	\$27,726,000	\$27,726,000	\$80,405,400	\$5,545,200
In-Project Resident Population Patronage %	100%	100%	100%	100%	100%	100%
Outside Project Patronage Expenditures		\$0	\$0	\$0	\$0	\$0
<b><u>Maintenance &amp; Common Element (4)</u></b>		\$3,056,990	\$5,481,549	\$8,135,049	\$16,673,587	\$1,718,976
In-Project Resident Population Patronage %	100%	100%	100%	100%	100%	100%
Outside Project Patronage Expenditures		\$0	\$0	\$0	\$0	\$0
<b><u>Total Economic Activity</u></b>						
In-Project Resident Population Patronage % of Total Activity		\$30,995,854 11.7%	\$42,009,687 5.2%	\$47,381,736 3.8%	\$120,387,277 5.2%	\$10,563,552 3.0%
Outside Project Patronage Spending % of Total Activity		\$234,437,500 88.3%	\$764,474,503 94.8%	\$1,198,136,025 96.2%	\$2,197,048,028 94.8%	\$338,155,824 97.0%
<b>TOTAL PERIODIC PROJECT GROSS REVENUES</b>	<b>\$0</b>	<b>\$265,433,354</b>	<b>\$806,484,190</b>	<b>\$1,245,517,761</b>	<b>\$2,317,435,305</b>	<b>\$348,719,376</b>

(1) Estimated based on average annual sales of \$600 per square foot.

(2) Estimated based on average annual sales of \$400 per square foot.

(3) Estimated at average rent of \$1,600/month for one-bedroom units, \$2,100 per month for two-bedroom, and \$2,500 per month for three-bedroom.

(4) Estimated at \$2,400 per apartment unit per year and \$2 per square foot of total leaseable area per year.

SUMMARY OF ECONOMIC IMPACTS ASSOCIATED WITH DEVELOPMENT  
 Market Study of the Proposed Piilani Promenade  
Kihei, Maui, Hawaii  
 All Amounts Expressed in Constant 2013 Dollars

	Development and Sales Period				Totals During Build-Out	Stabilized Annually
	2016 to 2017	2018 to 2022	2023 to 2027	2028 to 2032		
<u>Construction Activity</u>						
Construction Wages	\$13,315,243	\$21,000,278	\$17,479,533	\$14,699,822	\$66,494,876	
Contractor Profits	\$5,400,758	\$6,240,837	\$5,194,546	\$4,368,475	\$21,204,616	
Supplier Profits	\$2,160,303	\$2,496,335	\$2,077,819	\$1,747,390	\$8,481,846	
Other Construction Costs	\$33,131,273	\$32,670,921	\$27,193,565	\$22,869,065	\$115,864,824	
<b>Total Construction Impact</b>	<b>\$54,007,576</b>	<b>\$62,408,372</b>	<b>\$51,945,463</b>	<b>\$43,684,752</b>	<b>\$212,046,162</b>	
<u>Project De Facto Population Spending</u>						
On-Site Spending		\$30,995,854	\$42,009,687	\$47,381,736	\$120,387,277	\$10,563,552
Off-Site Spending		\$28,384,346	\$28,749,813	\$23,377,764	\$80,511,923	\$3,588,348
<b>Total Project Population Impact</b>		<b>\$59,380,200</b>	<b>\$70,759,500</b>	<b>\$70,759,500</b>	<b>\$200,899,200</b>	<b>\$14,151,900</b>
<u>Outside Patronage Spending</u>		\$234,437,500	\$764,474,503	\$1,198,136,025	\$2,197,048,028	\$338,155,824
<b>TOTAL BASE ECONOMIC IMPACT</b>	<b>\$54,007,576</b>	<b>\$356,226,072</b>	<b>\$887,179,466</b>	<b>\$1,312,580,276</b>	<b>\$2,609,993,390</b>	<b>\$352,307,724</b>

Source: Hallstrom Group, Inc.

TABLE IV-7

Exhibit IV

**ESTIMATES OF TOTAL ECONOMIC IMPACT FROM SUBJECT CONSTRUCTION  
USING STATE INPUT-OUTPUT MODEL "TYPE II" MULTIPLIERS  
Market Study of the Proposed Piilani Promenade  
Kihei, Maui, Hawaii  
All Amounts Expressed in Constant 2013 Dollars**

Year	Development and Sales Period				Totals
	2016 to 2017	2018 to 2022	2023 to 2027	2028 to 2032	
<b><u>Construction Costs</u></b>	\$54,007,576	\$62,408,372	\$51,945,463	\$43,684,752	\$212,046,162
1. Economic Output Multiplier	2.12	2.12	2.12	2.12	2.12
<b>Total State Economic Output</b>	<b>\$114,496,060</b>	<b>\$132,305,748</b>	<b>\$110,124,382</b>	<b>\$92,611,674</b>	<b>\$449,537,863</b>
2. Earnings Multiplier	0.61	0.61	0.61	0.61	0.61
<b>Total Increase in State Earnings</b>	<b>\$32,944,621</b>	<b>\$38,069,107</b>	<b>\$31,686,733</b>	<b>\$26,647,699</b>	<b>\$129,348,159</b>
3. State Tax Multipliers	0.12	0.12	0.12	0.12	0.12
<b>Total Increase in State Taxes</b>	<b>\$6,480,909</b>	<b>\$7,489,005</b>	<b>\$6,233,456</b>	<b>\$5,242,170</b>	<b>\$25,445,539</b>
4. Total Job Multipliers	13.83	13.83	13.83	13.83	13.83
<b>Total State Jobs Created</b>	<b>746.9</b>	<b>863.1</b>	<b>718.4</b>	<b>604.2</b>	<b>2,932.6</b>
<b><u>Construction Employment</u></b>	<b>176</b>	<b>277</b>	<b>231</b>	<b>194</b>	<b>878</b>
5. Direct-Effect Job Multipliers	2.68	2.68	2.68	2.68	2.68
<b>Total Direct Jobs Created</b>	<b>471.3</b>	<b>743.4</b>	<b>618.7</b>	<b>520.3</b>	<b>2,353.7</b>
<b><u>Construction Wages</u></b>	<b>\$13,315,243</b>	<b>\$21,000,278</b>	<b>\$17,479,533</b>	<b>\$14,699,822</b>	<b>\$66,494,876</b>
6. Direct-Effect Earnings	2.02	2.02	2.02	2.02	2.02
<b>Total Increase in Direct Earnings</b>	<b>\$26,896,790</b>	<b>\$42,420,562</b>	<b>\$35,308,656</b>	<b>\$29,693,640</b>	<b>\$134,319,649</b>

Source: State Input-Output Model (approved July 2011), and The Hallstrom Group, Inc.

TABLE IV-8

Exhibit IV

**ESTIMATES OF TOTAL ECONOMIC IMPACT FROM SUBJECT OPERATIONS  
USING STATE INPUT-OUTPUT MODEL "TYPE II" MULTIPLIERS  
Market Study of the Proposed Piilani Promenade  
Kihei, Maui, Hawaii  
All Amounts Expressed in Constant 2013 Dollars**

Year	Development Year			Totals	Stabilized
	2018 to 2022	2023 to 2027	2028 to 2032	During Build-Out	Annually
<b><u>Operating Revenues</u></b>	\$265,433,354	\$806,484,190	\$1,245,517,761	\$2,317,435,305	\$348,719,376
1. Economic Output Multiplier	2.09	2.09	2.09	2.09	2.09
<b>Total State Economic Output</b>	<b>\$554,755,711</b>	<b>\$1,685,551,957</b>	<b>\$2,603,132,120</b>	<b>\$4,843,439,787</b>	<b>\$728,823,496</b>
2. Earnings Multiplier	0.66	0.66	0.66	0.66	0.66
<b>Total Increase in State Earnings</b>	<b>\$175,186,014</b>	<b>\$532,279,565</b>	<b>\$822,041,722</b>	<b>\$1,529,507,301</b>	<b>\$230,154,788</b>
3. State Tax Multipliers	0.16	0.16	0.16	0.16	0.16
<b>Total Increase in State Taxes</b>	<b>\$42,469,337</b>	<b>\$129,037,470</b>	<b>\$199,282,842</b>	<b>\$370,789,649</b>	<b>\$55,795,100</b>
4. Total Job Multipliers	19.00	19.00	19.00	19.00	19.00
<b>Total State Jobs Created</b>	<b>5,043.2</b>	<b>15,323.2</b>	<b>23,664.8</b>	<b>44,031.3</b>	<b>6,625.7</b>
<b><u>Operating Employment</u></b>	<b>1,328</b>	<b>3,625</b>	<b>6,158</b>	<b>11,111</b>	<b>1,210</b>
5. Direct-Effect Job Multipliers	2.05	2.05	2.05	2.05	2.05
<b>Total Direct Jobs Created</b>	<b>2,722.4</b>	<b>7,431.7</b>	<b>12,624.0</b>	<b>22,778.2</b>	<b>2,481.1</b>
<b><u>Operating Wages</u></b>	<b>\$15,091,499</b>	<b>\$71,258,521</b>	<b>\$153,409,782</b>	<b>\$244,265,924</b>	<b>\$48,859,144</b>
6. Direct-Effect Earnings	1.89	1.89	1.89	1.89	1.89
<b>Total Increase in Direct Earnings</b>	<b>\$28,522,934</b>	<b>\$134,678,605</b>	<b>\$289,944,489</b>	<b>\$461,662,596</b>	<b>\$92,343,782</b>

Source: State Input-Output Model (approved July 2011), and The Hallstrom Group, Inc.

PUBLIC FISCAL COSTS/BENEFITS SUMMARY TABLE  
Market Study of the Proposed Piilani Promenade  
Kihei, Maui, Hawaii  
All Amounts Expressed in Constant 2013 Dollars

Development Period	Development and Sales Period				Totals During Build-Out Period	Stabilized Annually After Build-out
	2016 to 2017	2018 to 2022	2023 to 2027	2028 to 2032		
<b>PUBLIC BENEFITS (Revenues)</b>						
<b>1. COUNTY REAL PROPERTY TAXES</b>						
<i>Land Assessed Value</i>						
Commercial		\$41,164,200	\$41,164,200	\$41,164,200		\$41,164,200
Industrial	\$26,250,000	\$23,522,400	\$23,522,400	\$23,522,400		\$23,522,400
Residential		\$5,645,376	\$5,645,376	\$5,645,376		\$5,645,376
<b>Total Assessed Value</b>	<b>\$26,250,000</b>	<b>\$70,331,976</b>	<b>\$70,331,976</b>	<b>\$70,331,976</b>		<b>\$70,331,976</b>
<i>Improvements Assessed Value</i>						
Commercial		\$41,157,710	\$93,103,173	\$136,787,925		\$136,787,925
Industrial	\$0	\$10,380,237	\$10,380,237	\$10,380,237		\$10,380,237
Residential		\$31,878,000	\$31,878,000	\$31,878,000		\$31,878,000
<b>Total Assessed Value</b>	<b>\$0</b>	<b>\$83,415,947</b>	<b>\$135,361,410</b>	<b>\$179,046,162</b>		<b>\$179,046,162</b>
<b>REAL PROPERTY TAXES</b>						
Commercial		\$2,901,847	\$4,732,925	\$6,272,812	\$13,907,585	\$1,254,562
Industrial	\$383,250	\$1,237,446	\$1,237,446	\$1,237,446	\$4,095,589	\$247,489
Residential		\$1,200,748	\$1,200,748	\$1,200,748	\$3,602,244	\$240,150
<b>Total Real Property Taxes</b>	<b>\$383,250</b>	<b>\$5,340,042</b>	<b>\$7,171,119</b>	<b>\$8,711,007</b>	<b>\$21,605,417</b>	<b>\$1,742,201</b>
<b>2. STATE INCOME TAXES</b>						
Taxable Personal Income	\$15,091,499	\$140,112,121	\$239,476,782	\$330,332,924	\$725,013,327	\$66,072,544
Taxable Corporate Profits	\$756,106	\$27,417,053	\$81,375,655	\$125,163,363	\$234,712,177	\$34,871,938
Personal Taxes Paid	\$769,666	\$7,145,718	\$12,213,316	\$16,846,979	\$36,975,680	\$3,369,700
Corporate Taxes Paid	\$33,269	\$1,206,350	\$3,580,529	\$5,507,188	\$10,327,336	\$1,534,365
<b>TOTAL STATE INCOME TAXES</b>	<b>\$802,935</b>	<b>\$8,352,068</b>	<b>\$15,793,845</b>	<b>\$22,354,167</b>	<b>\$47,303,015</b>	<b>\$4,904,065</b>
<b>3. STATE GROSS EXCISE TAX</b>						
<i>Taxable Transactions</i>						
Construction Contracts	\$54,007,576	\$62,408,372	\$51,945,463	\$43,684,752	\$212,046,162	
Worker Disposable Income Purchases	\$9,054,900	\$42,755,113	\$92,045,869	\$146,559,554	\$290,415,436	\$29,315,486
Resident Population Discretionary Expenditures (on/off site) & Rents	\$0	\$59,380,200	\$70,759,500	\$70,759,500	\$200,899,200	\$14,151,900
Non-Resident Patronage Expenditures	\$0	\$234,437,500	\$764,474,503	\$1,198,136,025	\$2,197,048,028	\$338,155,824
<b>Total Taxable Transactions</b>	<b>\$63,062,475</b>	<b>\$398,981,184</b>	<b>\$979,225,335</b>	<b>\$1,459,139,831</b>	<b>\$2,900,408,826</b>	<b>\$381,623,210</b>
<b>TOTAL STATE EXCISE TAX</b>	<b>\$2,627,624</b>	<b>\$16,624,349</b>	<b>\$40,801,382</b>	<b>\$60,797,979</b>	<b>\$120,851,335</b>	<b>\$15,901,094</b>
<b>TOTAL GROSS PUBLIC REVENUES</b>						
To County of Maui (Item #1)	\$383,250	\$5,340,042	\$7,171,119	\$8,711,007	\$21,605,417	\$1,742,201
Adjustment for Other Proportional Taxes (1)	1.47	1.47	1.47	1.47	1.47	1.47
Adjusted Maui County Revenues	\$563,378	\$7,849,861	\$10,541,545	\$12,805,180	\$31,759,964	\$2,561,036
Plus Impact Fees (2)	\$2,214,749	\$0	\$0	\$0	\$2,214,749	
<b>Total County of Maui Receipts</b>	<b>\$2,778,126</b>	<b>\$7,849,861</b>	<b>\$10,541,545</b>	<b>\$12,805,180</b>	<b>\$33,974,713</b>	<b>\$2,561,036</b>
To State (Items #2 & #3)	\$3,430,559	\$24,976,417	\$56,595,227	\$83,152,146	\$168,154,350	\$20,805,159
Adjustment for Other Proportional Taxes (3)	1.25	1.25	1.25	1.25	1.25	1.25
Adjusted State Revenues	\$4,288,199	\$31,220,522	\$70,744,033	\$103,940,183	\$210,192,937	\$26,006,449
Plus Impact Fees (2)	\$533,926	\$0	\$0	\$0	\$533,926	
<b>Total State of Hawaii Receipts</b>	<b>\$4,822,125</b>	<b>\$31,220,522</b>	<b>\$70,744,033</b>	<b>\$103,940,183</b>	<b>\$210,726,863</b>	<b>\$26,006,449</b>
<b>AGGREGATE TAX REVENUES</b>	<b>\$5,385,503</b>	<b>\$39,070,383</b>	<b>\$81,285,579</b>	<b>\$116,745,363</b>	<b>\$242,486,827</b>	<b>\$28,567,485</b>
<b>PUBLIC COSTS (Expenses)</b>						
By County of Maui	\$0	\$1,966,439	\$1,966,439	\$1,966,439	\$5,899,317	\$1,966,439
By State of Hawaii	\$0	\$5,273,869	\$5,273,869	\$5,273,869	\$15,821,606	\$5,273,869
<b>TOTAL PUBLIC COSTS</b>	<b>\$0</b>	<b>\$7,240,308</b>	<b>\$7,240,308</b>	<b>\$7,240,308</b>	<b>\$21,720,924</b>	<b>\$7,240,308</b>
<b>TOTAL NET PUBLIC BENEFITS</b>						
To County of Maui	\$563,378	\$5,883,422	\$8,575,106	\$10,838,741	\$25,860,646	\$594,597
To State of Hawaii	\$4,822,125	\$25,946,653	\$65,470,165	\$98,666,314	\$194,905,257	\$20,732,580
<b>AGGREGATE NET BENEFITS</b>	<b>\$5,385,503</b>	<b>\$31,830,075</b>	<b>\$74,045,271</b>	<b>\$109,505,055</b>	<b>\$220,765,903</b>	<b>\$21,327,177</b>

(1) Real property taxes comprise 68.1 percent of General Fund in the Maui County 2012-13 budget. Economic activity generates other revenue items of 31.9 percent or additional 46.8 percent above real property taxes.

(2) For parks, water/wastewater service, schools and other items. Additional impact fees may be assessed.

(3) In recent fiscal years, Gross Excise and Income Taxes have averaged circa 80 percent of total State revenues; other revenue items 20 percent, or 25 percent above income and gross excise taxes.

TABLE V-2

Exhibit V

PUBLIC FISCAL COSTS/BENEFITS SUMMARY TABLE  
Market Study of the Proposed Piilani Promenade  
Kihei, Maui, Hawaii  
All Amounts Expressed in Constant 2013 Dollars

Development Period	Development and Sales Period				Totals During Build-Out Period	Stabilized Annually After Build-out
	2016 to 2017	2018 to 2022	2023 to 2027	2028 to 2032		
<b>PUBLIC BENEFITS (Revenues)</b>						
<b>1. COUNTY REAL PROPERTY TAXES</b>						
<i>Land Assessed Value</i>						
Commercial		\$41,164,200	\$41,164,200	\$41,164,200		\$41,164,200
Industrial	\$26,250,000	\$23,522,400	\$23,522,400	\$23,522,400		\$23,522,400
Residential		\$5,645,376	\$5,645,376	\$5,645,376		\$5,645,376
<b>Total Assessed Value</b>	<b>\$26,250,000</b>	<b>\$70,331,976</b>	<b>\$70,331,976</b>	<b>\$70,331,976</b>		<b>\$70,331,976</b>
<i>Improvements Assessed Value</i>						
Commercial		\$41,157,710	\$93,103,173	\$136,787,925		\$136,787,925
Industrial	\$0	\$10,380,237	\$10,380,237	\$10,380,237		\$10,380,237
Residential		\$31,878,000	\$31,878,000	\$31,878,000		\$31,878,000
<b>Total Assessed Value</b>	<b>\$0</b>	<b>\$83,415,947</b>	<b>\$135,361,410</b>	<b>\$179,046,162</b>		<b>\$179,046,162</b>
<b>REAL PROPERTY TAXES</b>						
Commercial		\$2,901,847	\$4,732,925	\$6,272,812	\$13,907,585	\$1,254,562
Industrial	\$383,250	\$1,237,446	\$1,237,446	\$1,237,446	\$4,095,589	\$247,489
Residential		\$1,200,748	\$1,200,748	\$1,200,748	\$3,602,244	\$240,150
<b>Total Real Property Taxes</b>	<b>\$383,250</b>	<b>\$5,340,042</b>	<b>\$7,171,119</b>	<b>\$8,711,007</b>	<b>\$21,605,417</b>	<b>\$1,742,201</b>

Source: The Hallstrom Group, Inc.

TABLE V-3

Exhibit V

PUBLIC FISCAL COSTS/BENEFITS SUMMARY TABLE  
Market Study of the Proposed Piilani Promenade  
Kihei, Maui, Hawaii  
All Amounts Expressed in Constant 2013 Dollars

Development Period	Development and Sales Period				Totals During Build-Out Period	Stabilized Annually After Build-out
	2016 to 2017	2018 to 2022	2023 to 2027	2028 to 2032		
<b>2. STATE INCOME TAXES</b>						
Taxable Personal Income	\$15,091,499	\$140,112,121	\$239,476,782	\$330,332,924	\$725,013,327	\$66,072,544
Taxable Corporate Profits	\$756,106	\$27,417,053	\$81,375,655	\$125,163,363	\$234,712,177	\$34,871,938
Personal Taxes Paid	\$769,666	\$7,145,718	\$12,213,316	\$16,846,979	\$36,975,680	\$3,369,700
Corporate Taxes Paid	\$33,269	\$1,206,350	\$3,580,529	\$5,507,188	\$10,327,336	\$1,534,365
<b>TOTAL STATE INCOME TAXES</b>	<b>\$802,935</b>	<b>\$8,352,068</b>	<b>\$15,793,845</b>	<b>\$22,354,167</b>	<b>\$47,303,015</b>	<b>\$4,904,065</b>
<b>3. STATE GROSS EXCISE TAX</b>						
Taxable Transactions						
Construction Contracts	\$54,007,576	\$62,408,372	\$51,945,463	\$43,684,752	\$212,046,162	
Worker Disposable Income Purchases	\$9,054,900	\$42,755,113	\$92,045,869	\$146,559,554	\$290,415,436	\$29,315,486
Resident Population Discretionary Expenditures (on/off site)	\$0	\$59,380,200	\$70,759,500	\$70,759,500	\$200,899,200	\$14,151,900
Non-Resident Patronage Expenditures	\$0	\$234,437,500	\$764,474,503	\$1,198,136,025	\$2,197,048,028	\$338,155,824
<b>Total Taxable Transactions</b>	<b>\$63,062,475</b>	<b>\$398,981,184</b>	<b>\$979,225,335</b>	<b>\$1,459,139,831</b>	<b>\$2,900,408,826</b>	<b>\$381,623,210</b>
<b>TOTAL STATE EXCISE TAX</b>	<b>\$2,627,624</b>	<b>\$16,624,349</b>	<b>\$40,801,382</b>	<b>\$60,797,979</b>	<b>\$120,851,335</b>	<b>\$15,901,094</b>

Source: The Hallstrom Group, Inc.

TABLE V-4

Exhibit V

PUBLIC FISCAL COSTS/BENEFITS SUMMARY TABLE  
Market Study of the Proposed Piilani Promenade  
Kihei, Maui, Hawaii  
All Amounts Expressed in Constant 2013 Dollars

Development Period	Development and Sales Period				Totals During Build-Out Period	Stabilized Annually After Build-out
	2016 to 2017	2018 to 2022	2023 to 2027	2028 to 2032		
<b>TOTAL GROSS PUBLIC REVENUES</b>						
To County of Maui (Item #1)	\$383,250	\$5,340,042	\$7,171,119	\$8,711,007	\$21,605,417	\$1,742,201
Adjustment for Other Proportional Taxes (1)	1.47	1.47	1.47	1.47	1.47	1.47
Adjusted Maui County Revenues	\$563,378	\$7,849,861	\$10,541,545	\$12,805,180	\$31,759,964	\$2,561,036
Plus Impact Fees (2)	\$2,214,749	\$0	\$0	\$0	\$2,214,749	
Total County of Maui Receipts	\$2,778,126	\$7,849,861	\$10,541,545	\$12,805,180	\$33,974,713	\$2,561,036
To State (Items #2 & #3)	\$3,430,559	\$24,976,417	\$56,595,227	\$83,152,146	\$168,154,350	\$20,805,159
Adjustment for Other Proportional Taxes (3)	1.25	1.25	1.25	1.25	1.25	1.25
Adjusted State Revenues	\$4,288,199	\$31,220,522	\$70,744,033	\$103,940,183	\$210,192,937	\$26,006,449
Plus Impact Fees (2)	\$533,926	\$0	\$0	\$0	\$533,926	
Total State of Hawaii Receipts	\$4,822,125	\$31,220,522	\$70,744,033	\$103,940,183	\$210,726,863	\$26,006,449
<b>AGGREGATE TAX REVENUES</b>	<b>\$5,385,503</b>	<b>\$39,070,383</b>	<b>\$81,285,579</b>	<b>\$116,745,363</b>	<b>\$242,486,827</b>	<b>\$28,567,485</b>
<b>PUBLIC COSTS (Expenses)</b>						
By County of Maui	\$0	\$1,966,439	\$1,966,439	\$1,966,439	\$5,899,317	\$1,966,439
By State of Hawaii	\$0	\$5,273,869	\$5,273,869	\$5,273,869	\$15,821,606	\$5,273,869
<b>TOTAL PUBLIC COSTS</b>	<b>\$0</b>	<b>\$7,240,308</b>	<b>\$7,240,308</b>	<b>\$7,240,308</b>	<b>\$21,720,924</b>	<b>\$7,240,308</b>
<b>TOTAL NET PUBLIC BENEFITS</b>						
To County of Maui	\$563,378	\$5,883,422	\$8,575,106	\$10,838,741	\$25,860,646	\$594,597
To State of Hawaii	\$4,822,125	\$25,946,653	\$65,470,165	\$98,666,314	\$194,905,257	\$20,732,580
<b>AGGREGATE NET BENEFITS</b>	<b>\$5,385,503</b>	<b>\$31,830,075</b>	<b>\$74,045,271</b>	<b>\$109,505,055</b>	<b>\$220,765,903</b>	<b>\$21,327,177</b>

(1) Real property taxes comprise 68.1 percent of General Fund in the Maui County 2012-13 budget. Economic activity generates other revenue items of 31.9 percent or additional 46.8 percent above real property taxes.

(2) For parks, water/wastewater service, schools and other items. Additional impact fees may be assessed.

(3) In recent fiscal years, Gross Excise and Income Taxes have averaged circa 80 percent of total State revenues; other revenue items 20 percent, or 25 percent above income and gross excise taxes.

Source: The Hallstrom Group, Inc.



## PROFESSIONAL BACKGROUND AND SERVICES

The Hallstrom Group, Inc. is a Honolulu based independent professional organization that provides a wide scope of real estate consulting services throughout the State of Hawaii with particular emphasis on valuation studies. The purpose of the firm is to assist clients in formulating realistic real estate decisions. It provides solutions to complex issues by delivering thoroughly researched, objective analyses in a timely manner. Focusing on specific client problems and needs, and employing a broad range of tools including after-tax cash flow simulations and feasibility analyses, the firm minimizes the financial risks inherent in the real estate decision making process.

The principals and associates of the firm have been professionally trained, are experienced in Hawaiian real estate, and are actively associated with the Appraisal Institute and the Counselors of Real Estate, nationally recognized real estate appraisal and counseling organizations.

The real estate appraisals prepared by The Hallstrom Group accomplish a variety of needs and function to provide professional value opinions for such purposes as mortgage loans, investment decisions, lease negotiations and arbitrations, condemnations, assessment appeals, and the formation of policy decisions. Valuation assignments cover a spectrum of property types including existing and proposed resort and residential developments, industrial properties, high-rise office buildings and condominiums, shopping centers, subdivisions, apartments, residential leased fee conversions, special purpose properties, and vacant acreage, as well as property assemblages and portfolio reviews.

Market studies are research-intensive, analytical tools oriented to provide insight into investment opportunities and development challenges, and range in focus from highest and best use determinations for a specific site or improved property, to an evaluation of multiple (present and future) demand and supply characteristics for long-term, mixed-use projects. Market studies are commissioned for a variety of purposes where timely market information, insightful trends analyses, and perceptive conceptual conclusions or recommendations are critical. Uses include the formation of development strategies, bases for capital commitment decisions, evidence of appropriateness for state and county land use classification petitions, fiscal and social impact evaluations, and the identification of alternative economic use/conversion opportunities.

ARBITRATION  
VALUATION AND  
MARKET STUDIES

PAUAAHI TOWER  
SUITE 1350  
1003 BISHOP STREET  
HONOLULU  
HAWAII 96813-6442

(808) 526-0444

FAX (808) 533-0347

[email@hallstromgroup.com](mailto:email@hallstromgroup.com)

[www.hallstromgroup.com](http://www.hallstromgroup.com)

## PROFESSIONAL QUALIFICATIONS OF THOMAS W. HOLLIDAY

---

### Business Affiliation

- |                               |  |
|-------------------------------|--|
| Senior Analyst/<br>Supervisor | The Hallstrom Group, Inc.<br>Honolulu, Hawaii<br>Since 1980            |
| Former Staff Appraiser        | Davis-Baker Appraisal Co.<br>Avalon, Santa Catalina Island, California |

### Education

- California State University, Fullerton (Communications/Journalism)
- SREA Course 201- Principles of Income Property Appraising
- Expert witness testimony before State of Hawaii Land Use Commission and various state and county boards and agencies since 1983.
- Numerous professional seminars and clinics.
- Contributing author to Hawaii Real Estate Investor, Honolulu Star Bulletin

On January 1, 1991, the American Institute of Real Estate Appraisers (AIREA) and the Society of Real Estate Appraisers (SREA) consolidated, forming the Appraisal Institute (AI).

### Recent Neighbor Island Assignments

- Market Study, Economic Impact Analyses and Public Costs/Benefits (Fiscal Impact) Assessments

#### Maui

- Maui Research & Tech Park (Mixed-Use Community)
- Maui Lani (Mixed-Use Community)
- Honuaula (Mixed-Use Community)
- Makena Beach Resort
- Maui Business Park, Phase II (Industrial/Commercial)
- Kapalua Mauka (Master Planned Community)
- Hailiimaile (Mixed-Use Master Planned Community)
- Pulelehua (Master Planned Community)
- Westin Kaanapali Ocean Villas Expansion (Resort/Timeshare)
- Upcountry Town Center (Mixed-Use Project)

#### Big Island

- Kamakana Villages (Mixed-Use Residential Development)
- W.H. Shipman Ltd, Master Plan (Various Urban Uses)
- Nani Kahuku Aina (Mixed-Use Resort Community)
- Kona Kai Ola (Mixed-Use Resort Community)
- Waikoloa Highlands (Residential)
- Waikoloa Heights (Mixed-Use Residential Development)

#### Kauai

- Hanalei Plantation Resort (Resort/Residential)
- Kukuiula (Resort/Residential)
- Waipono/Puhi (Mixed-Use Planned Development)
- Eleele Commercial Expansion (Commercial)
- Village at Poipu (Resort/Residential)
- Ocean Bay Plantation (Resort/Residential)

## Professional Qualifications of Thomas W. Holliday (continued)

---

- Major Neighbor Island Valuation Assignments
  - Mauna Lani Bay Hotel
  - Courtyard Kahului Airport Hotel
  - Maui Oceanfront Days Inn
  - Holiday Inn Express - Kona Hotel (proposed)
  - Keauhou Beach Hotel
  - Courtyard King Kamehameha Kona Beach Hotel
  - Aloha Beach Resort
  - Coco Palms Resort
  - Grand Hyatt Kauai
  - Islander on the Beach
  - Waimea Plantation Cottages
  - Coconut Beach Resort
  - Sheraton Maui Hotel
  - Outrigger Wailea Resort Hotel
  - Maui Lu Hotel
  - Coconut Grove Condominiums
  - Palauea Bay Holdings
  - Wailea Ranch
  - Maui Coast Hotel
  - Westin Maui Hotel
  - Maui Marriott Hotel
  - Waihee Beach
  - Kapalua Bay Hotel and The Shops at Kapalua

Email Address

[TWH@HallstromGroup.com](mailto:TWH@HallstromGroup.com)



**APPENDIX L**  
**Preliminary Engineering Report**  
**dated December, 2013 revised February 2, 2017.**

# Preliminary Engineering Report

---

## PIILANI PROMENADE

Kihei, Maui, Hawaii

TMK: (2) 2-2-02: por. 16 and por. 82

TMK: (2) 3-9-01: 16, por. 148, por. 169, 170 - 174

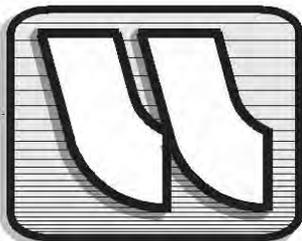
TMK: (2) 3-9-48: por. 122

Prepared For:

Sarofim Realty Advisors

8115 Preston Road, Suite 400

Dallas, TX 75225



**WARREN S. UNEMORI ENGINEERING, INC.**

Civil and Structural Engineers – Land Surveyors

Wells Street Professional Center – Suite 403

2145 Wells Street

Wailuku, Maui, Hawaii 96793

December 17, 2013

Revised: February 2, 2017

# TABLE OF CONTENTS

	<u>Page</u>
1. INTRODUCTION	
1.1 Purpose .....	1-1
1.2 Project Description .....	1-1
1.3 Project Location .....	1-1
1.4 Existing Obligation to Construct Infrastructure .....	1-2
2. DRAINAGE	
2.1 Existing Conditions .....	2-1
2.1.1 Topography and Soils .....	2-1
2.1.2 Flood and Tsunami Zone .....	2-2
2.1.3 Existing Drainage Pattern .....	2-2
2.2 Drainage Plan for Offsite Runoff .....	2-4
2.3 Drainage Plan for Onsite Runoff .....	2-4
2.3.1 Projected Increase in Runoff .....	2-4
2.3.2 Proposed Improvements .....	2-5
2.3.3 Post-Development Runoff after Application of Mitigation Measures .....	2-6
<i>Figure 2-1 Soil Survey Map</i>	
<i>Figure 2-2 Flood Insurance Rate Map</i>	
<i>Figure 2-3 Existing Drainage Pattern</i>	
<i>Figure 2-4 Post-Development Drainage Pattern</i>	
3. WATER SYSTEM	
3.1 Existing Infrastructure .....	3-1
3.1.1 Potable Water System .....	3-1
3.1.2 Non-Potable Water System .....	3-1

3.2	Proposed Improvements .....	3-2
3.2.1	Potable Water System .....	3-2
3.2.2	Non-Potable Water System .....	3-3
3.3	Water Requirements .....	3-4
3.3.1	Water Sources .....	3-4
3.3.2	Fire Protection .....	3-5

*Figure 3-1 Potable Water System Improvements*

*Figure 3-2 Non-Potable Water System Improvements*

#### 4. WASTEWATER SYSTEM

4.1	Existing Infrastructure .....	4-1
4.2	Sewer Improvements .....	4-1
4.3	Treatment Capacity .....	4-2
4.4	Impact Fees .....	4-2

*Figure 4-1 Sewer System Improvements*

#### 5. ROADWAY IMPROVEMENTS

5.1	Existing Roadways .....	5-1
5.2	Proposed Improvements .....	5-1
5.2.1	Vehicular Access .....	5-1
5.2.2	Proposed Improvements .....	5-2

*Figure 5-1 Vehicular Access Plan*

*Figure 5-2 Bike and Pedestrian Improvements*

*Figure 5-3 Typical Section Along East Kaonoulu Street*

*Figure 5-4 Bike & Pedestrian Way from Ohukai Road to East Kaonoulu Street*

6.	POWER AND TELECOMMUNICATIONS	
6.1	Maui Electric Company Power System . . . . .	6-1
6.2	Telephone and CATV System . . . . .	6-2

*Figure 6-1 Electrical Power Improvements*

APPENDIX A - Drainage Calculations

A-1	Pre-Development Onsite Surface Runoff (50-yr./1-hr.)
A-2	Post-Development Onsite Surface Runoff (50-yr./1-hr.) Total
A-3	North Detention Basin Sizing Calculations
A-3.1	Post-Development Onsite Surface Runoff (50-yr./1-hr.) North
A-3.2	Post-Development Onsite Surface Runoff (50-yr./1-hr.) Roads, Water Tank and Diversion Ditch
A-3.3	North Detention Basin Sizing for Water Quality Protection
A-4	South Detention Basin Sizing Calculations
A-4.1	Post-Development Onsite Surface Runoff (50-yr./1-hr.) South
A-4.2	South Detention Basin Sizing for Water Quality Protection
A-5	Drain Inlet Pollution Filter Details

APPENDIX B - Drainage Report for Kaonoulu Market Place

(Approved by State of Hawaii Dept. of Transportation and Maui County Dept. of Public Works in 2009)

APPENDIX C - Water Demand Calculations

C-1	Potable and Non-Potable Water Demand Calculation
C-2	Available Meter Capacity vs. Projected Demand
C-3	Fire Flow Demand Calculation

APPENDIX D - Wastewater Calculations

**Preliminary Engineering Report  
for  
Piilani Promenade**

**1. INTRODUCTION**

**1.1 Purpose**

This report describes the existing infrastructure in the vicinity of the Piilani Promenade project and identifies the key infrastructure improvements that will be needed to implement the proposed development plan.

**1.2 Project Description**

The project is located in Kihei, Maui on the easterly side of Piilani Highway. It lies south of Kihei Commercial Center and north of Kulanihakoi Gulch.

**1.3 Project Location**

Piilani Promenade will be a mixed-use development project combining light industrial, commercial, public/quasi-public and residential components on approximately 68 acres of M-1 (light-industrial) zoned land. The current development plan proposes approximately 530,000 square feet of commercial building space, 57,000 square feet of light industrial building space, a 2.3 acre recreational park and 226 residential units within a low-rise multi-family apartment complex.

The mixed use development will be part of a larger 76 acre project area consisting of: three developable lots (TMK 3-9-01: 16, 170 and 171) with a combined area of approximately 68 acres; three roadway lots (TMK 3-9-01: 172, 173 and 174) totaling approximately 7 acres; a 1 acre water tank lot (TMK 2-2-07: 77); and portions of adjacent land parcels on which various improvements will be constructed (TMK 3-9-01: 148 and 169; TMK 2-2-02: 16 and 82; and TMK 3-9-048: 122.)

#### **1.4 Existing Obligation to Construct Infrastructure**

Piilani Promenade will be constructed on Lots 2A, 2C and 2D of the Kaonoulu Ranch Large-Lot Subdivision No. 2, which received final subdivision approval from the County of Maui in 2009 with all required subdivision improvements secured by an obligation agreement and \$22 million performance bond.<sup>1</sup> These bonded subdivision improvements, which include extensive roadway and utility infrastructure<sup>2</sup>, also represent most of the major infrastructure components needed to develop Piilani Promenade.

---

<sup>1</sup>Ref. letters dated:

- August 14, 2009 from Maui County Department of Public Works granting final subdivision approval under bond to *Kaonoulu Ranch (Large-Lot) Subdivision No. 2* (Subdivision File No. 2.2795) and *Kaonoulu Ranch Water Tank Subdivision* (Subdivision File No. 2.2995); and
- September 17, 2010 from Maui County Department of Public Works acknowledging assumption of subdivision bond obligation by Piilani Promenade LLC.

<sup>2</sup>The bonded improvements are described by the *Construction Plans for Kaonoulu Marketplace*, approved in 2008 by the State of Hawaii Dept. of Transportation, various County of Maui Departments and the local Public Utilities. Construction of these improvements has been authorized by permits issued between 2010 and 2012 by the approving State and County Departments.

## **2. DRAINAGE**

### **2.1 Existing Conditions**

#### **2.1.1 Topography and Soils**

The project area is currently undeveloped pasture land covered by brush and scattered trees. The existing terrain generally slopes steadily downward from east to west at an average slope of roughly 4%. Elevation across the project area ranges from approximately 234 feet above Mean Sea Level (MSL) at the 1.0 MG Water Tank site to approximately 30 feet MSL at Piilani Highway. An existing minor natural drainageway (Drainageway “A”) runs northeast-to-southwest across the project area before converging with the main stem of Kulanihakoi Gulch below Piilani Highway.

According to the USDA’s *Soil Survey of Islands of Kauai, Oahu, Maui, Molokai, and Lanai, State of Hawaii*,<sup>3</sup> the predominant soil classification found on the project area is Waiakoa extremely stony silty clay loam (WID2) (see Figure 2-1). This soil is characterized as having medium runoff and posing a potentially severe erosion hazard if left exposed.

---

<sup>3</sup> United States Department of Agriculture, Soil Conservation Service, *Soil Survey of Islands of Kauai, Oahu, Maui, Molokai, and Lanai, State of Hawaii*, August 1972, p. 127, Map 107.

### **2.1.2 Flood and Tsunami Zone**

The Federal Emergency Management Agency's Flood Insurance Rate Maps<sup>4</sup> for the Kihei area place Piilani Promenade within Zone X, indicating that it lies outside of the 500-year floodplain (see Figure 2-2).

### **2.1.3 Existing Drainage Pattern**

#### *Offsite Storm Flows*

Storm runoff from approximately 471 acres of undeveloped land east (mauka) of Piilani Promenade is conveyed by Drainageway "A" to the eastern boundary of the project area (see Figure 2-3). The 100-year, 24-hour peak runoff conveyed in Drainageway "A" is 498 cfs<sup>5</sup> at this point. Once across the eastern boundary, Drainageway "A" continues across the project area in an east-west direction to an existing 102-inch twin barrel culvert crossing at Piilani Highway. Once across Piilani Highway, Drainageway "A" converges with the main stem of Kulanihakoi Gulch before reaching the Pacific Ocean.

---

<sup>4</sup> U.S. Department of Homeland Security, Federal Emergency Management Agency, *Flood Insurance Rate Map, Maui County, Hawaii*, Community-Panel Number 150003 0580E and 0586E, September 25, 2009.

<sup>5</sup> Offsite flow rate is documented in Appendix B, "Drainage Report for Kaonoulu Market Place," page 4.

Ohukai Subdivision, an existing residential development located to the northeast of Piilani Promenade, discharges approximately 25 cfs<sup>6</sup> of stormwater runoff toward the project area from a drainage outlet located on the south side of Ohukai Road. Runoff discharged from Ohukai Subdivision's drainage culvert is conveyed by Drainageway "B" southward, until it converges with Drainageway "A", described earlier.

#### *Onsite Storm Flows*

The existing, undeveloped project area generates approximately 85 cfs of surface runoff during a 50-year 1-hour storm.<sup>7</sup> This runoff sheet flows in a westerly direction until it is intercepted by either Kulanihakoī Gulch, Drainageway "A", existing concrete drainage ditches along Piilani Highway, or an existing 54-inch culvert<sup>8</sup> at Piilani Highway located near the northwest corner of the project area (see Figure 2-3) – all of which eventually drain to the main stem of Kulanihakoī Gulch before reaching the ocean.

---

<sup>6</sup> Offsite discharge rate from Ohukai Subdivision can be found in Appendix B, "Drainage Report for Kaonoulu Market Place," page 4.

<sup>7</sup> See Appendix A-1 for supporting calculations.

<sup>8</sup> Runoff entering the 54-inch culvert at Piilani Highway enters the Kaonoulu Estates subdivision's drainage system, which eventually discharges into Kulanihakoī Gulch.

## 2.2 Drainage Plan for Offsite Runoff

Offsite runoff will be allowed to pass through the project area and will not be affected by the development of Piilani Promenade. Offsite surface runoff conveyed in Drainageways “A” and “B” will be routed to a new diversion ditch constructed along the project’s eastern boundary, then down along East Kaonoulu Street in a large underground drainline which will convey the runoff to the existing 102-inch culvert crossing at Piilani Highway (see Figure 2-4).

## 2.3 Drainage Plan for Onsite Runoff

### 2.3.1 Projected Increase in Runoff

Once developed, the Piilani Promenade project area is expected to produce a peak runoff volume of 292 cfs from a 50-year 1-hour storm.<sup>9</sup> This represents a net increase of approximately 207 cfs attributable to development of the project area. A comparative summary of pre-development and post-development surface runoff is presented in Table 2-1 below:

**Table 2-1** - Increase in Runoff Attributable to Development of Piilani Promenade

Drainage Area	Pre-Development Flow	Post-Development Flow Before Mitigation	Net Change
Onsite	85 cfs	292 cfs	+207 cfs

---

<sup>9</sup> See Appendix A-2 for supporting calculations.

### **2.3.2 Proposed Improvements**

#### *Collection, Disposal, and Mitigation of Peak Flow*

Surface runoff generated by Piilani Promenade’s buildings and pavement will be directed to drain inlets located throughout the development, then conveyed by underground drainlines to stormwater detention facilities for peak flow mitigation (see Figure 2-4). Underground detention chambers within Promenade South and an open detention pond within Promenade North with a combined storage capacity of 7.6 acre-feet will limit downstream stormwater discharges to a peak flow rates that do not exceed pre-development levels, in compliance with Maui County’s Drainage Rules.<sup>10</sup>

#### *Water Quality Measures*

Maui County now requires the implementation of water quality control measures to reduce water pollution from stormwater runoff.<sup>11</sup> Both “flow through” and “detention based” treatments will be employed by Piilani Promenade to mitigate stormwater-related water pollution

---

<sup>10</sup> County of Maui, Department of Public Works and Waste Management, “Rules for the Design of Storm Drainage Facilities in the County of Maui,” Title MC-15, Chapter 4, November 2, 1995.

<sup>11</sup> County of Maui, Department of Public Works, “Rules for the Design of Storm Water Treatment Best Management Practices,” Title MC-15, Chapter 111, November 15, 2012.

associated with the Promenade North and South development sites.<sup>12</sup>

“Flow through” treatment will be achieved by outfitting parking lot drain inlets with filters capable removing up to 80 percent of Total Suspended Solids.<sup>13</sup> “Detention based” treatment will be provided by providing additional storage volume in the subsurface detention chambers and surface detention pond to facilitate sediment removal in addition to peak flow mitigation.

### **2.3.3 Post-Development Runoff After Application of Mitigation Measures**

The proposed stormwater detention improvements must fully mitigate the increase in peak flow attributable to development while simultaneously providing water pollution control. Table 2-2 summarizes the storage capacity within the stormwater detention system needed to achieve both these objectives.

---

<sup>12</sup> The East Kaonoulu Street roadway improvements, Piilani Highway roadway improvements, 1.0 MG water storage tank and other improvements associated with the Kaonoulu Ranch Large-Lot Subdivision No. 2 were approved prior to the effective date of County Ordinance 3902 which established the storm water quality requirements and so are exempt from these requirements. *Ref. Maui County Ordinance 3902:*

*“SECTION 2. The requirements of this ordinance shall not apply to any subdivision that receives preliminary subdivision approval prior to the effective date [July 7, 2012] of this ordinance.”*

<sup>13</sup> See Appendix A-5 for a representative example of the type of drain inlet pollution filter system which will be employed.

**Table 2-2 - Drainage Detention System Capacity for Piilani Promenade**

Storage Capacity Required to Meet Water Quality Criteria	Additional Storage Capacity Required to Mitigate Peak Flow	Total Storage Capacity to be Provided
2.5 ac.-ft.	5.1 ac.-ft. <sup>14</sup>	7.6 ac.-ft.

Once the stormwater detention facilities are in place, the hydrologic impact on downstream properties resulting from the proposed development of Piilani Promenade will be negligible, as summarized in Table 2-3.

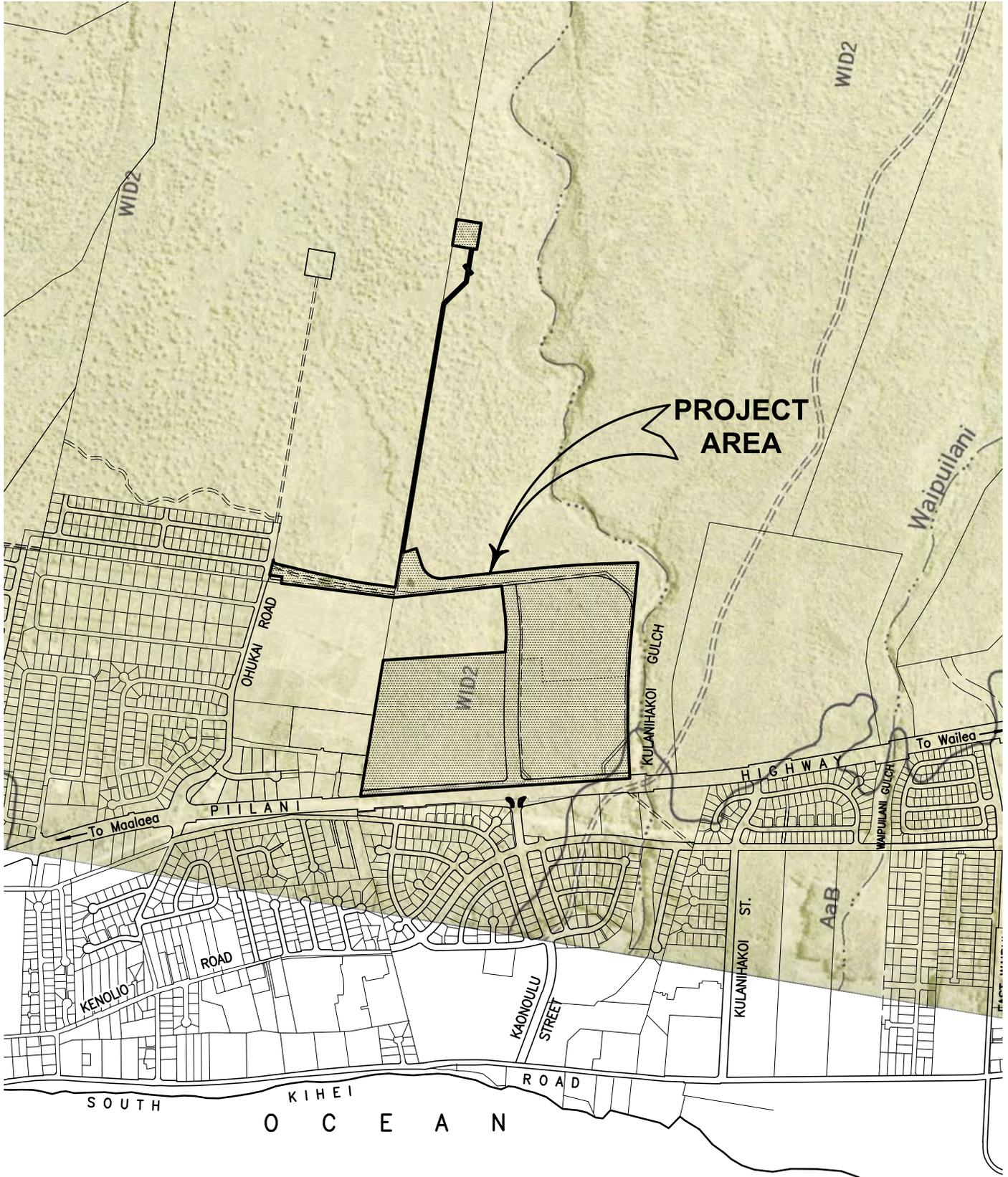
**Table 2-3 - Result of Peak Runoff Mitigation by Piilani Promenade**

Drainage Area	Acreage	Pre-Development Peak Flow	Post-Development Peak Flow <i>Before</i> Mitigation	Post-Development Peak Flow <i>After</i> Mitigation	Net Change in Peak Runoff
North	30.1	31.2 cfs	107.7 cfs	9.6 cfs	-21.6 cfs
South	38.1	41.0 cfs	148.2 cfs	39.2 cfs	-1.8 cfs
Roads, Water Tank, Diversion Ditch	9.4	12.5 cfs	35.9 cfs	35.9 cfs	+23.4 cfs
<b>Total</b>	<b>77.6</b>	<b>84.7 cfs</b>	<b>291.8 cfs</b>	<b>84.7 cfs</b>	<b>0.0 cfs</b>

---

<sup>14</sup> See Appendices A-3 and A-4 for supporting calculations.

TRUE NORTH  
SCALE: 1 IN. = 1200 FT.

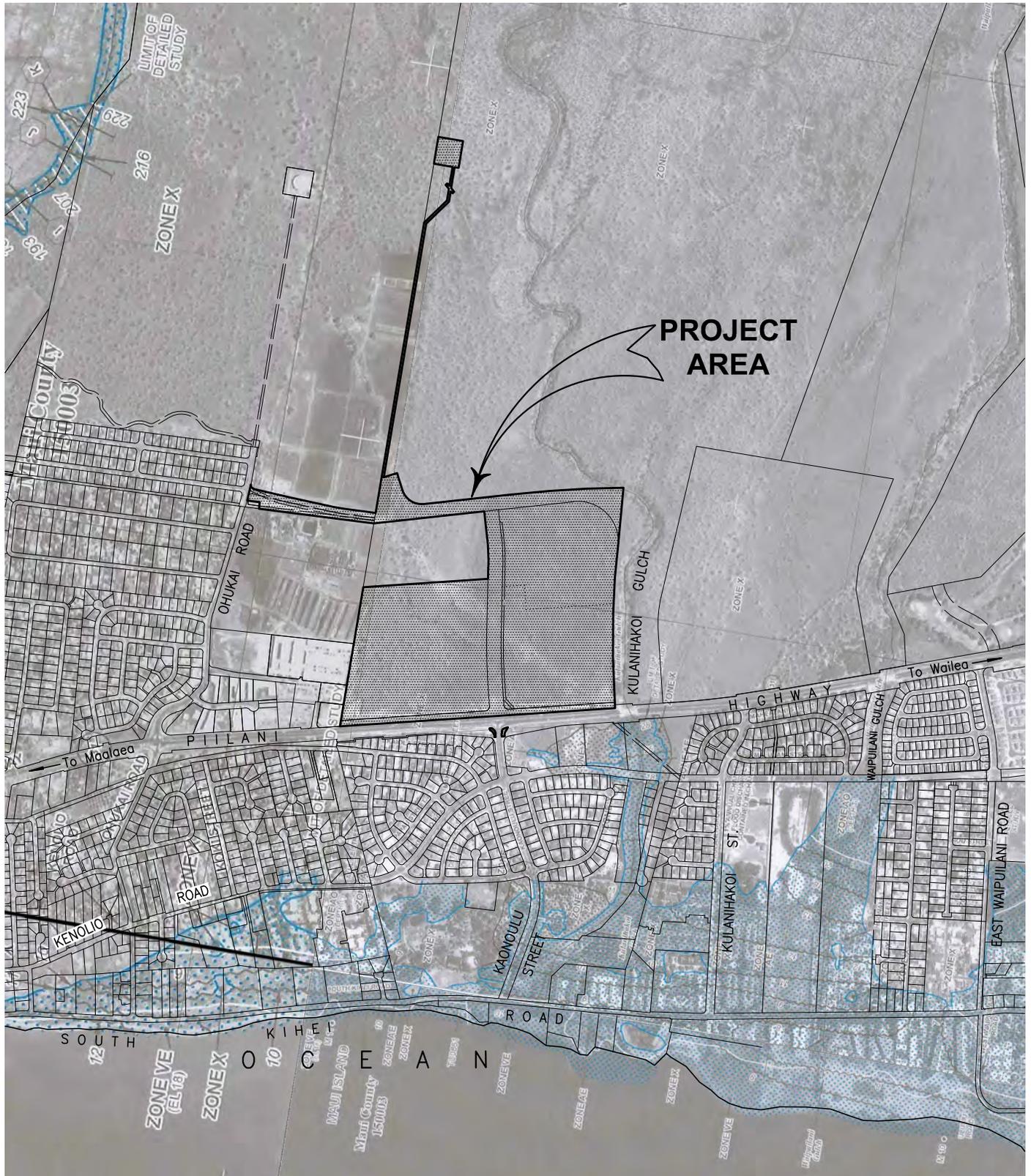


PROJECT AREA

**FIGURE 2-1**  
Soil Survey Map

**Source:**  
U.S. Department of Agriculture, Soil Conservation Service, "Soil Survey of Islands of Kauai, Oahu, Maui, Molokai and Lanai, State of Hawaii", 1972, Map Sheet 107.

TRUE NORTH  
SCALE: 1 IN. = 1200 FT.

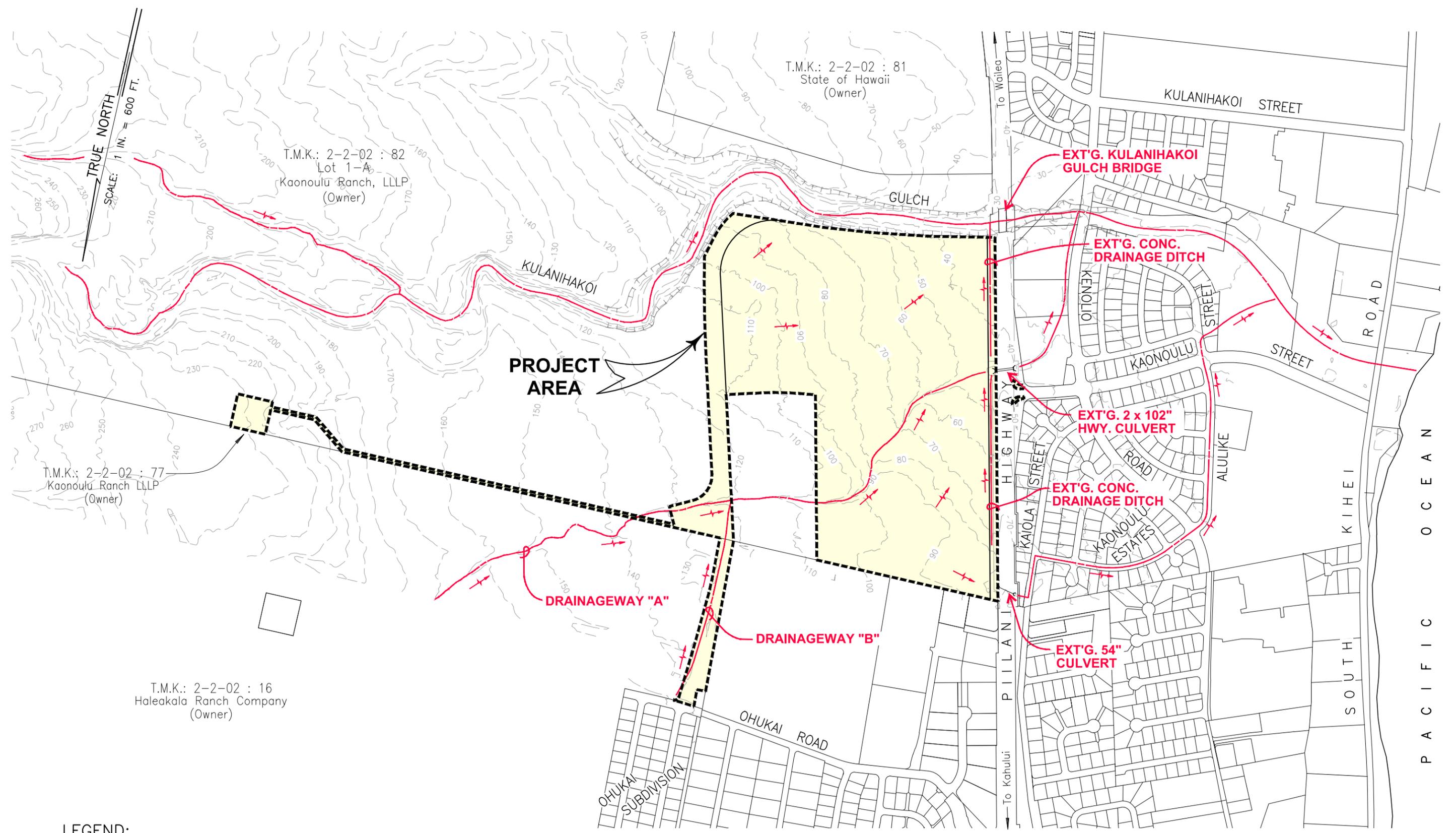


**Source:**

U.S. Department of Homeland Security, Federal Emergency Management Agency, "Flood Insurance Rate Map, Maui County, Hawaii", Map Numbers 1500030580E and 1500030586E September 25, 2009.

**FIGURE 2-2**  
Flood Insurance Rate Map

V:\Proj\data\13proj\13037\dwg\exhibits\PER\Extg-Drainage\_Pattern-00.dwg

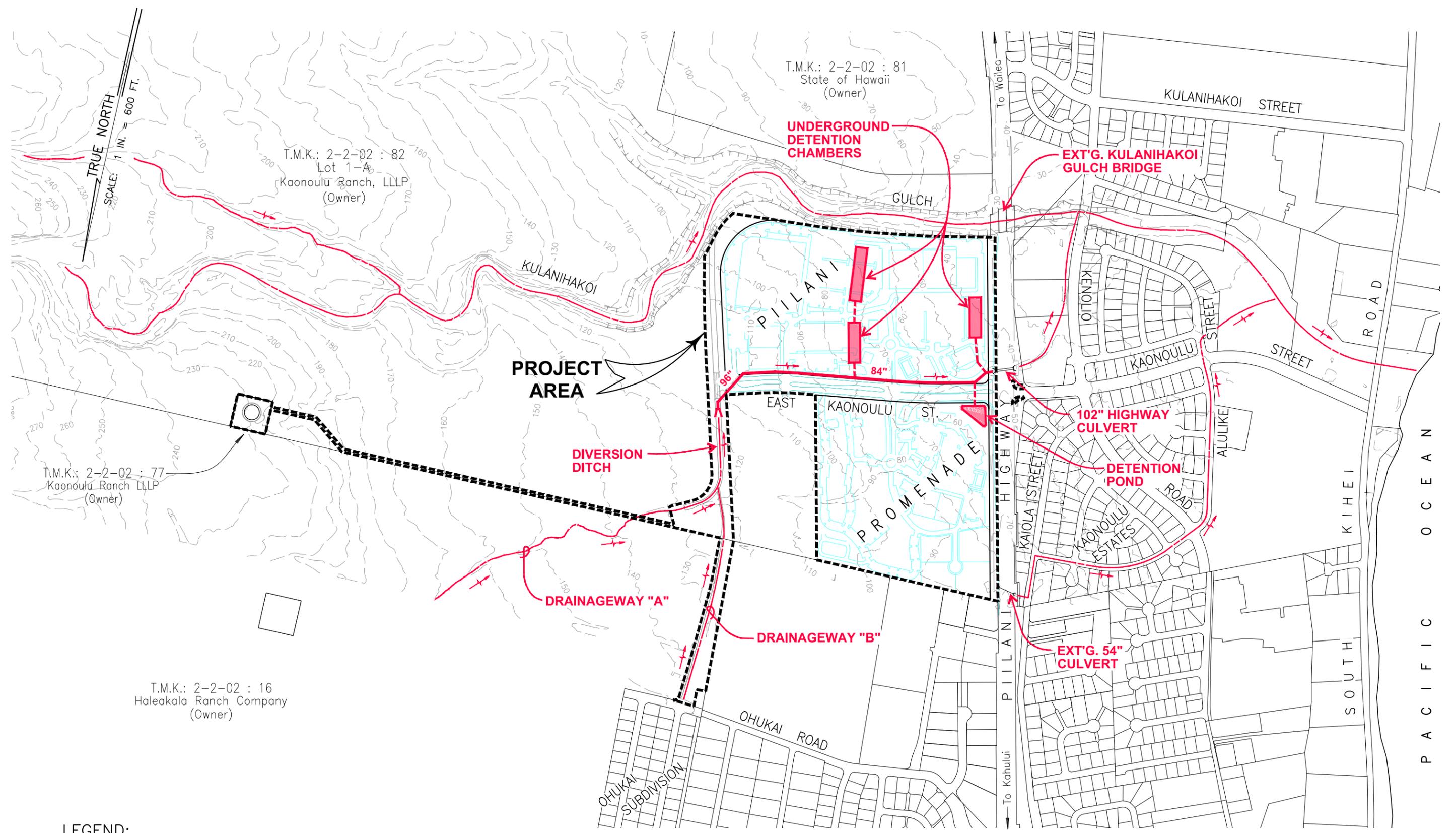


**LEGEND:**

-  DIRECTION OF FLOW
-  PROJECT AREA LIMITS
-  FLOW LINE
-  EXISTING ELEVATION CONTOUR

**FIGURE 2-3**  
Existing Drainage Pattern

V:\Projdata\13proj\13037\dwg\exhibits\PER\Proposed-Drainage\_Pattern-00.dwg



**LEGEND:**

-  DIRECTION OF FLOW
-  PROJECT AREA LIMITS
-  FLOW LINE
-  -150- EXISTING ELEVATION CONTOUR

**FIGURE 2-4**  
Post-Development Drainage Pattern

### **3. WATER SYSTEM**

#### **3.1 Existing Infrastructure**

##### **3.1.1 Potable Water System**

The Piilani Promenade development is located within the Maui County Department of Water Supply's Central Maui service area. Potable water for the proposed development will come from existing groundwater wells located in upper Waiehu and North Waihee which draw groundwater from the Iao and Waihee Aquifers. Potable water from these wells is pumped into an existing 1.0 million gallon (MG) capacity concrete water storage tank located in upper Waiehu<sup>15</sup>, then conveyed across the isthmus by the Central Maui Water Transmission System's 36-inch diameter transmission main to consumers in South Maui. The existing Department of Water Supply water distribution system does not currently extend into the project area.

##### **3.1.2 Non-Potable Water System**

An irrigation well permit was obtained from the State Water Resource Commission for a well which was constructed in 2011 on Lot 2B<sup>16</sup> of the Kaonoulu Ranch Large-Lot Subdivision No. 2 at a wellhead elevation of 118 feet. The well has been proven capable of producing 216,000 gallons of non-potable

---

<sup>15</sup>The floor elevation of the 1.0 MG Waiehu Storage Tank is approximately 490 feet MSL.

<sup>16</sup>Lot 2B of the Kaonoulu Ranch Large-Lot Subdivision No. 2 is TMK (2) 3-9-001: 169.

water per day and a permanent 150 gpm pump has since been installed. No distribution infrastructure has yet been constructed to utilize the water, however.

## **3.2 Proposed Improvements**

### **3.2.1 Potable Water System**

Piilani Promenade will be served by the water system improvements that it will construct to complete the subdivision improvement requirements for Kaonoulu Ranch Large-Lot Subdivision No. 2.<sup>17</sup> (See Figure 3-1) These improvements will consist of:

- 1) relocating a 2,500 ft. long segment of DWS' existing 36-inch diameter Central Maui Water Transmission System waterline from its present alignment, which now crosses the project area, onto a new alignment along East Kaonoulu Street;
- 2) constructing a new 1.0 million gallon (MG) capacity concrete water storage reservoir located at elevation 220 feet that will be dedicated to the Dept. of Water Supply upon completion;
- 3) installing a 3200 ft. long, 12-inch diameter transmission waterline extending from the DWS' existing 36-inch Central Maui Water

---

<sup>17</sup> Ref. Letter dated August 14, 2009 from County of Maui Department of Public Works granting final subdivision approval under bond to *Kaonoulu Ranch (Large-Lot) Subdivision No. 2* (Subdivision File No. 2.2795) and *Kaonoulu Ranch Water Tank Subdivision* (Subdivision File No. 2.2995).

Transmission line to the 1.0 MG storage reservoir that will be used to fill the new storage tank;

- 4) installing a 5,500 ft. long, 16-inch diameter distribution main extending from the new 1.0 MG storage reservoir to East Kaonoulu Street which will deliver potable water for domestic use and fire protection to the Piilani Promenade project site; and
- 5) installing a further 1,100 ft. long extension of a 12-inch diameter distribution main across Piilani Highway to a connection point at the 18-inch diameter waterline on Kenolio Road to provide water circulation and link the new water system improvements to the County water distribution system serving the Kihei area.

### **3.2.2 Non-Potable Water System**

Permanent electrical power, a permanent pump control system and a small control tank will be installed at the existing irrigation well site on Lot 2B to complete the outfitting of this well and enable it to be used as a permanent source of irrigation water for Piilani Promenade. A 6-inch diameter water main will be installed along one shoulder of East Kaonoulu Street to deliver non-potable well water to the various irrigation systems that will be used to irrigate landscaping on East Kaonoulu Street and throughout the Piilani Promenade development. (See Figure 3-2)

A future connection point at the eastern end of the irrigation main will be provided to enable the irrigation system to utilize reclaimed water from the County's R-1 system in the future, once that system has expanded northward and reaches the Piilani Promenade development.<sup>18</sup>

### **3.3 Water Requirements**

#### **3.3.1 Water Sources**

Piilani Promenade will consume an average of 252,000 gallons of water per day (gpd) at build-out, including 171,000 gpd of potable water for domestic uses and 81,000 gpd of non-potable water for irrigation.<sup>19</sup>

The development currently has three 3-inch Dept. of Water Supply-issued domestic water meters available, whose combined 1050 gpm flow capacity exceeds the roughly 600 gpm of flow capacity expected to be needed by Piilani Promenade to complete the build out of its proposed development plan.<sup>20</sup>

Consequently, no additional potable water sources beyond the issued County water meters should be needed to implement the Piilani Promenade development plan.

The existing 216,000 gpd capacity irrigation well is capable of supplying both the expected 81,000 average and 121,000 maximum daily demand of non-

---

<sup>18</sup> Providing for a future connection to the County reclaimed water system is a condition of County zoning for this project. (Ref. Maui County Ordinance 2772, effective May 25, 1999.)

<sup>19</sup>Water demand calculations may be found in Appendix C-1.

<sup>20</sup>Water meter capacity calculations may be found in Appendix C-2.

potable irrigation water needed to complete the build out of the proposed development plan. Consequently, no additional non-potable water sources beyond the existing well are needed.

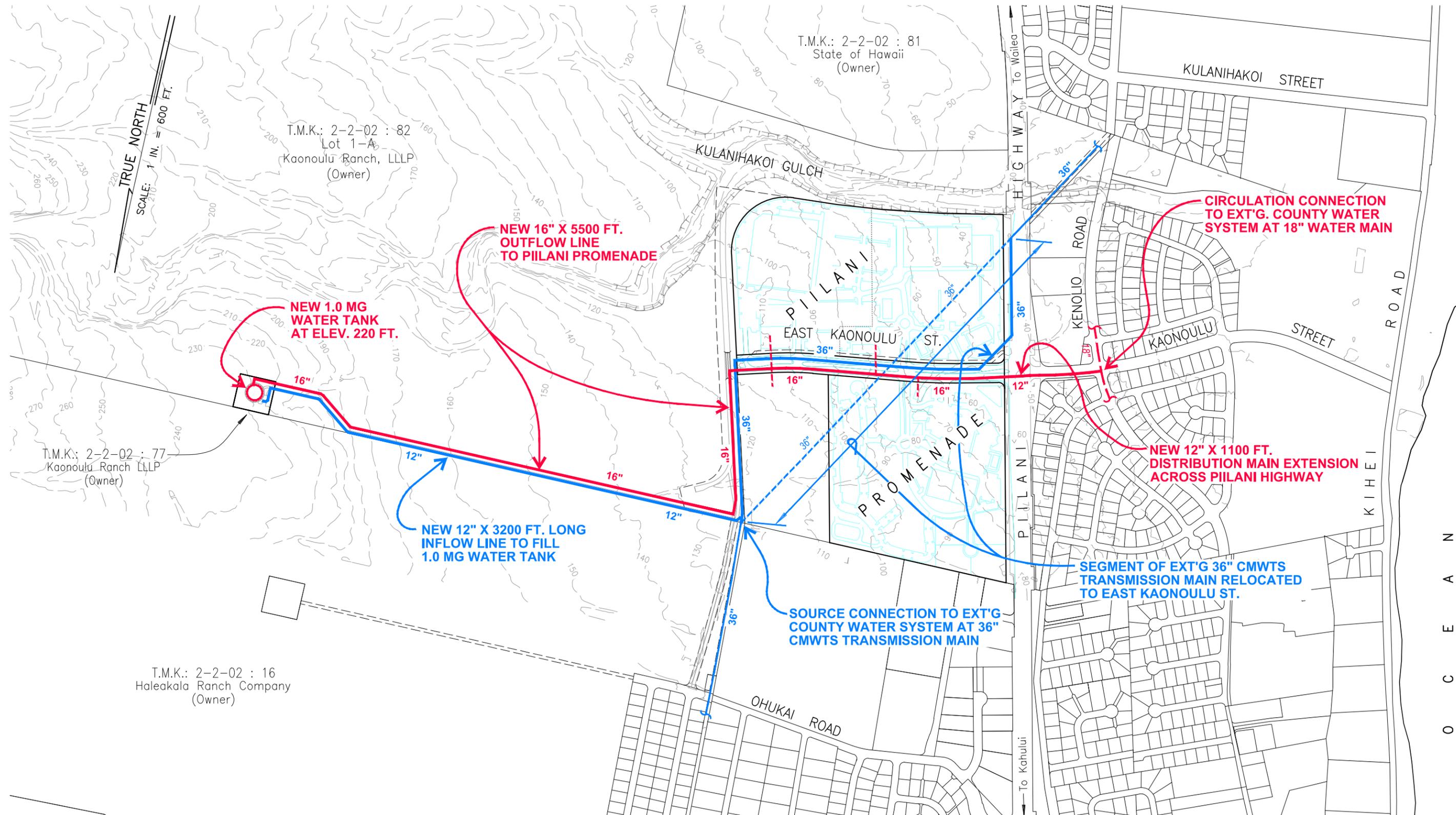
### **3.3.2 Fire Protection**

Piilani Promenade will require a fire protection system capable of delivering a fire flow of 3,000 gallons-per-minute (gpm)<sup>21</sup> from a storage reservoir with at least a 360,000 gallon storage capacity<sup>22</sup> to meet Maui County Fire Department and Department of Water Supply requirements for fire suppression. These requirements will be met or exceeded by the construction of the 1.0 MG capacity water storage tank and 16-inch distribution main, which together will be capable of delivering the required volume of water.

---

<sup>21</sup>See Appendix B-4 for fire flow demand calculation.

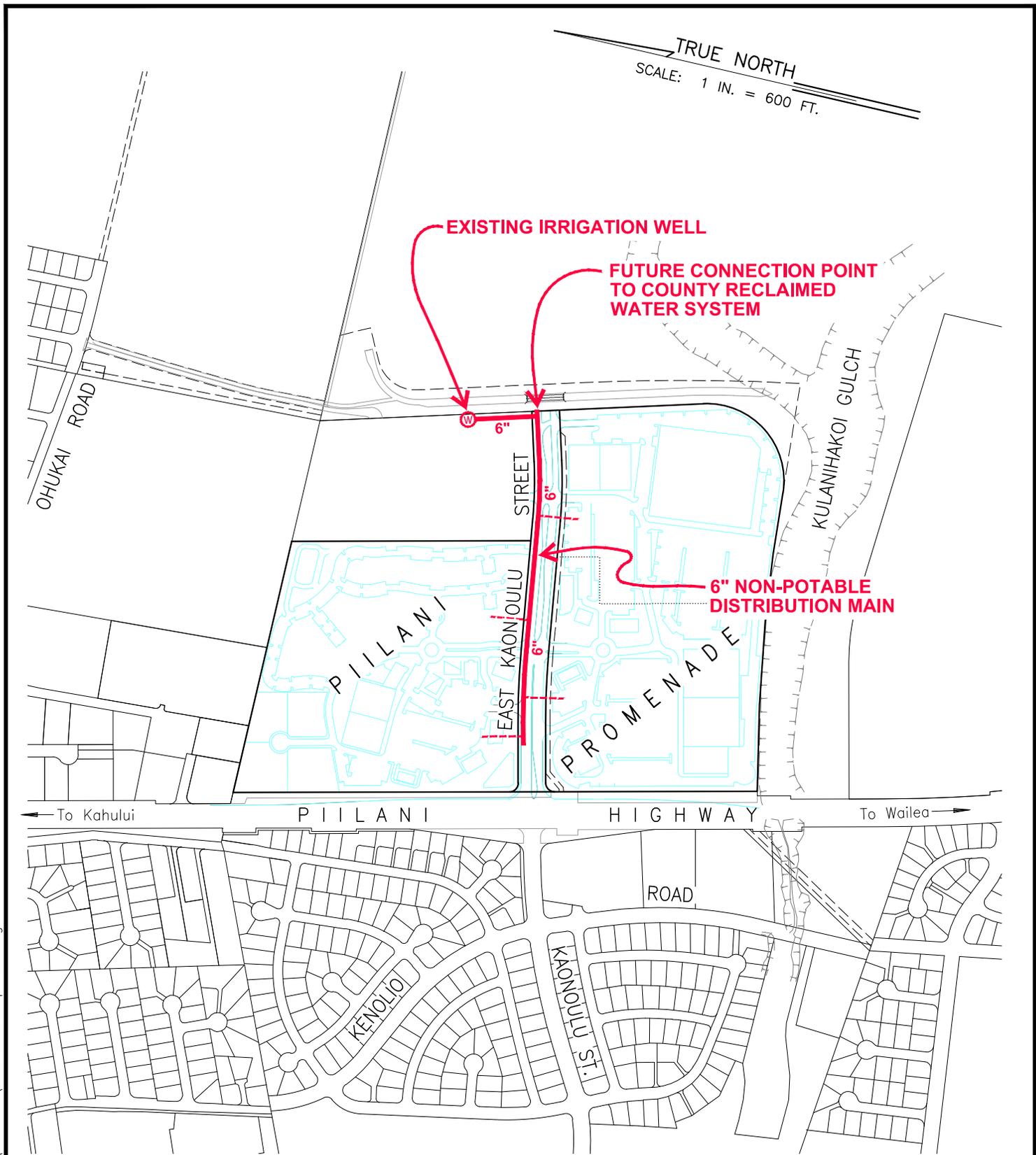
<sup>22</sup>Reservoir storage capacity required to support needed fire flow for two hours:  
 $3000 \text{ gpm} \times 120 \text{ minutes} = 360,000 \text{ gallons}$



V:\Projdata\13proj\13037\dwg\exhibits\Exh-Loc\_Map-00.dwg

**FIGURE 3-1**  
Potable Water System Improvements

O C E A N



V:\Projdata\13proj\13037\dwg\exhibits\Exh-Loc\_Map-00.dwg

**FIGURE 3-2**  
Non-Potable Water System Improvements

## **4. WASTEWATER SYSTEM**

### **4.1 Existing Infrastructure**

The project site is currently not sewerred; however, the sewerage system operated by the County of Maui is located nearby, to the west of project site across Piilani Highway. Wastewater collected by the County's Kihei sewerage sewer system is conveyed by a series of existing gravity lines, pump stations and force mains along Kihei Road which transports the collected wastewater to the County of Maui's Kihei Wastewater Reclamation Facility (KWWRF) for processing and disposal.

### **4.2 Sewer Improvements**

Piilani Promenade is expected to generate 114,000 gallons of wastewater per day.<sup>23</sup> The development will connect to the existing County sewerage system at a point approximately 1,400 feet west of project site at the intersection of Kaonoulu and Alulike Streets, makai of Piilani Highway, where the County's sewer system has sufficient capacity to accept the wastewater generated by the project. A 2,600 ft. long gravity sewer mainline consisting of 8- and 10-inch diameter pipe will extend eastward along Kaonoulu Street and across Piilani Highway from this connection point to the Piilani Promenade project site. (See Figure 4-1)

---

<sup>23</sup>Sewer demand calculations may be found in Appendix D.

### **4.3 Treatment Capacity**

The Maui County Dept. of Environmental Management, Wastewater Reclamation Division reports that the County's Kihei Wastewater Reclamation Facility has approximately 4.6 million-gallons-per-day (mgd) of its 8.0 mgd treatment capacity still available based on measured average daily flows.<sup>24</sup> Consequently, there should be ample treatment capacity available to accommodate the 114,000 gallon (0.1 mgd) daily wastewater flow expected to be generated by the Piilani Promenade project.<sup>25</sup>

### **4.4 Impact Fees**

Piilani Promenade will be subject to two impact fees levied by the County of Maui to cover the cost of wastewater collection and treatment infrastructure serving the Kihei area, including:

- A "Regional Wastewater Treatment System Facility Expansion Assessment Fee," for treatment plant expansion, which is assessed at \$4.65 per gallon of project flow. Piilani Promenade will be assessed approximately \$530,100 for the 114,000 gpd of wastewater flow which the project is expected to generate.

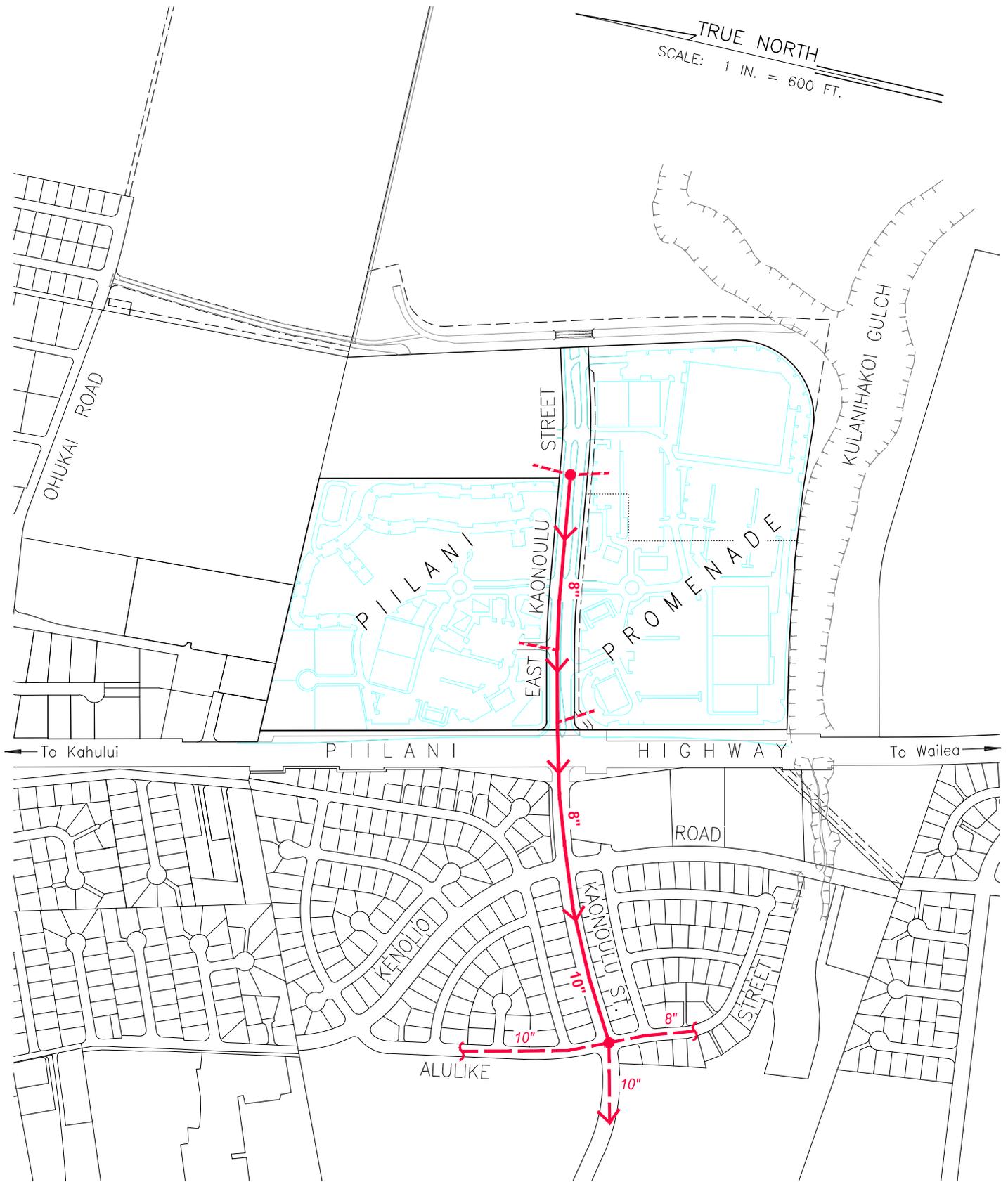
---

<sup>24</sup>Actual average daily wastewater flows into the Kihei wastewater treatment plant measured 3.4 mgd as of December 31, 2012.

<sup>25</sup> Under the provisions of Hawaii Administrative Rules, Title 11, Chapter 62 - Wastewater Systems, Section 23.1, the County of Maui is required to initiate a treatment facility expansion plan once actual wastewater flows reach 75 percent of current plant capacity and implement that plan once actual wastewater flows reach 90 percent of plant capacity. Given this statutory mandate that treatment capacity be programmed to keep pace with demand, treatment capacity at the KWWRF can be relied upon to accommodate regional demand over time.

- A “Kihei Regional Wastewater Treatment System - Collection/Transmission System Project Assessment Fee,” for collection system upgrades, which is assessed at \$6.64 per gallon of project flow. Piilani Promenade will be assessed approximately \$756,960 for the 114,000 gpd of wastewater flow which the project is expected to generate.

TRUE NORTH  
SCALE: 1 IN. = 600 FT.



**LEGEND:**

-  8" NEW GRAVITY SEWERLINE
-  SEWER LATERAL
-  DIRECTION OF FLOW
-  EXISTING GRAVITY SEWERLINE

**FIGURE 4-1**  
Sewer System Improvements

## **5. ROADWAY IMPROVEMENTS**

### **5.1 Existing Roadways**

Piilani Highway – a four-lane highway which is owned and maintained by the Hawaii State Department of Transportation and serves as the primary north-south arterial highway linking Kihei and the other cities on the island of Maui – currently provides the only improved access to the project site. Its intersection with Kaonoulu Street planned western terminus of the Kihei-Upcountry Maui Highway, whose alignment was approved in 2002.<sup>26</sup>

A secondary access route to the project site in the form of a 44-foot wide access easement extending from the Ohukai Road / Hale Kai Street intersection across Haleakala Ranch lands was obtained in 2001; however, this access easement has remained unimproved to date.

### **5.2 Proposed Improvements**

#### **5.2.1 Vehicular Access**

Piilani Promenade will signalize and substantially widen the existing intersection at Piilani Highway and Kaonoulu Street and construct a four-lane, 1,800 ft. long extension of Kaonoulu Street east of Piilani Highway. Once completed, East Kaonoulu Street will provide the primary vehicular access to and

---

<sup>26</sup>The Record of Decision for the Kihei-Upcountry Maui Highway Final Environmental Impact Statement was approved on May 21, 2002.

from the Piilani Promenade development onto Piilani Highway. Access to and from the Northern and Southern portions of Piilani Promenade development will be provided by a combination of driveways along East Kaonoulu Street that will include: (See Figure 5-1)

- one full-movement signalized driveway;
- one full-movement stop-controlled driveway;
- two right-turn-only stop-controlled driveways; and
- one stop-controlled service-vehicle driveway with a restricted left-turn - movement.

A Traffic Impact Analysis Report Update has been prepared which discusses the needed geometric improvements at the Piilani Highway/Kaonoulu Street intersection in greater depth.<sup>27</sup>

### **5.2.2 Bicycle and Pedestrian Access**

Bicycle and pedestrian access to Piilani Promenade will be facilitated by a number of improvements constructed with the development.

- East Kaonoulu Street will be constructed with walking and cycling paths on both shoulders to allow convenient bike and pedestrian access to Piilani Promenade. (See Figures 5-2 and 5-3) The bike paths will tie into the

---

<sup>27</sup> SSFM International, *Pi'ilani Promenade Traffic Impact Analysis Report Update, Kihei, Maui*, December 20, 2016, p. 59.

bicycle lanes along Piilani Highway to provide connectivity with the rest of Kihei.

- The new signalized intersection at Kaonoulu Street will include crosswalks enabling pedestrians from the residential area below Piilani Highway to cross the Highway safely.
- A separate bike path running parallel to Piilani Highway will be constructed within the Piilani Promenade development.

Among the improvements will also be a gated, 20-foot wide paved bike and pedestrian way which will be constructed from Ohukai Road to East Kaonoulu Street within the 44-foot wide Access and Utility Easement obtained from Haleakala Ranch to provide a more direct link between Piilani Promenade and the residential area to the north of the development.<sup>28</sup> (See Figure 5-4)

---

<sup>28</sup> The paved bike and pedestrian way will also be used to enable service and maintenance vehicles to access the drainage channel and culvert improvements located on TMK 2-2-02: 82, the irrigation pump station on Lot 2B, and the new 1.0 MG water tank site. Maintenance vehicle access over the bike and pedestrian way will be limited to authorized personnel during normal daylight working hours and emergencies in order to minimize noise and traffic nuisance to the existing residences along Ohukai Road.

TRUE NORTH

SCALE: 1 IN. = 200 FT.

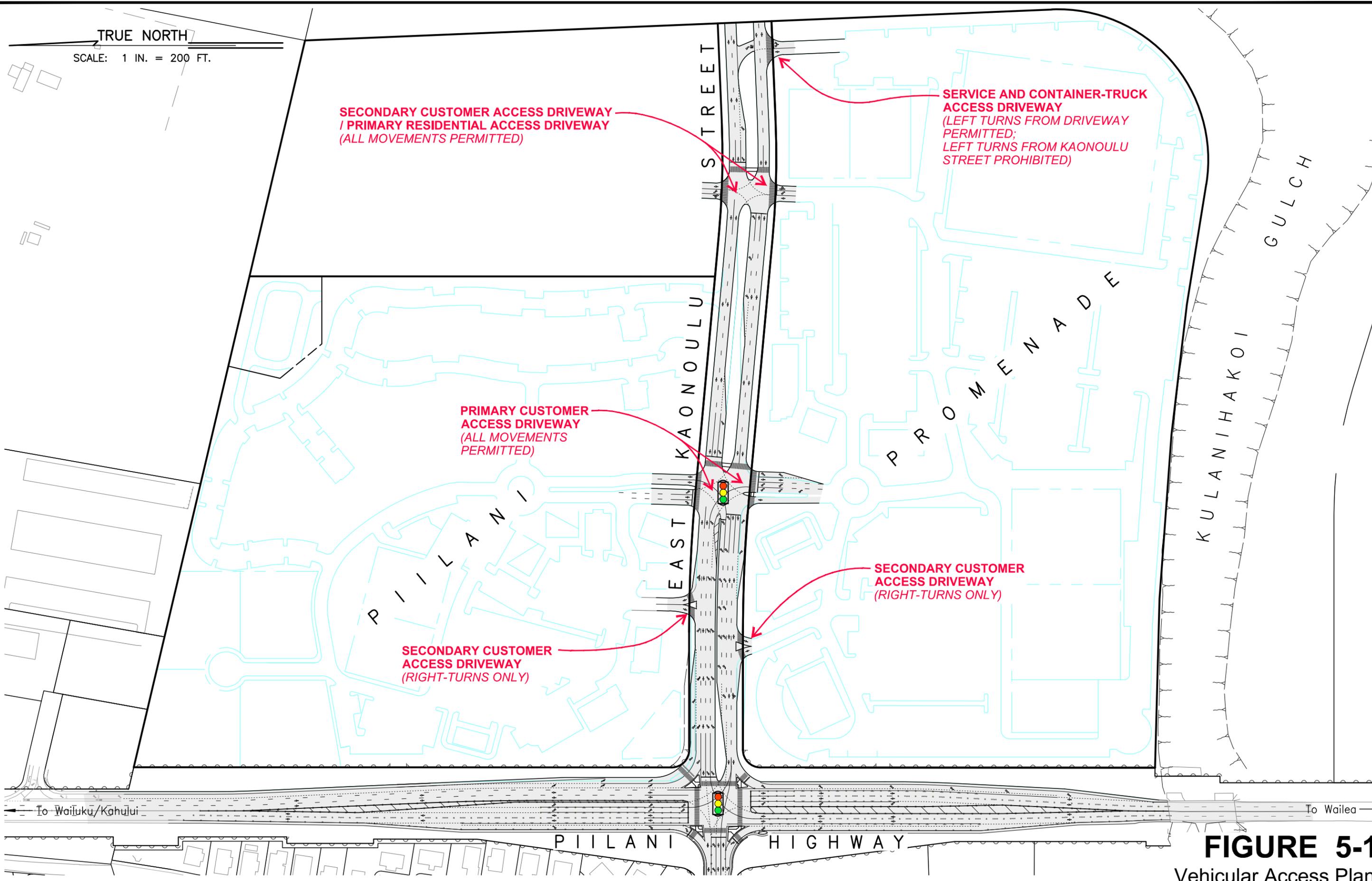
SECONDARY CUSTOMER ACCESS DRIVEWAY / PRIMARY RESIDENTIAL ACCESS DRIVEWAY  
(ALL MOVEMENTS PERMITTED)

SERVICE AND CONTAINER-TRUCK ACCESS DRIVEWAY  
(LEFT TURNS FROM DRIVEWAY PERMITTED;  
LEFT TURNS FROM KAONOULU STREET PROHIBITED)

PRIMARY CUSTOMER ACCESS DRIVEWAY  
(ALL MOVEMENTS PERMITTED)

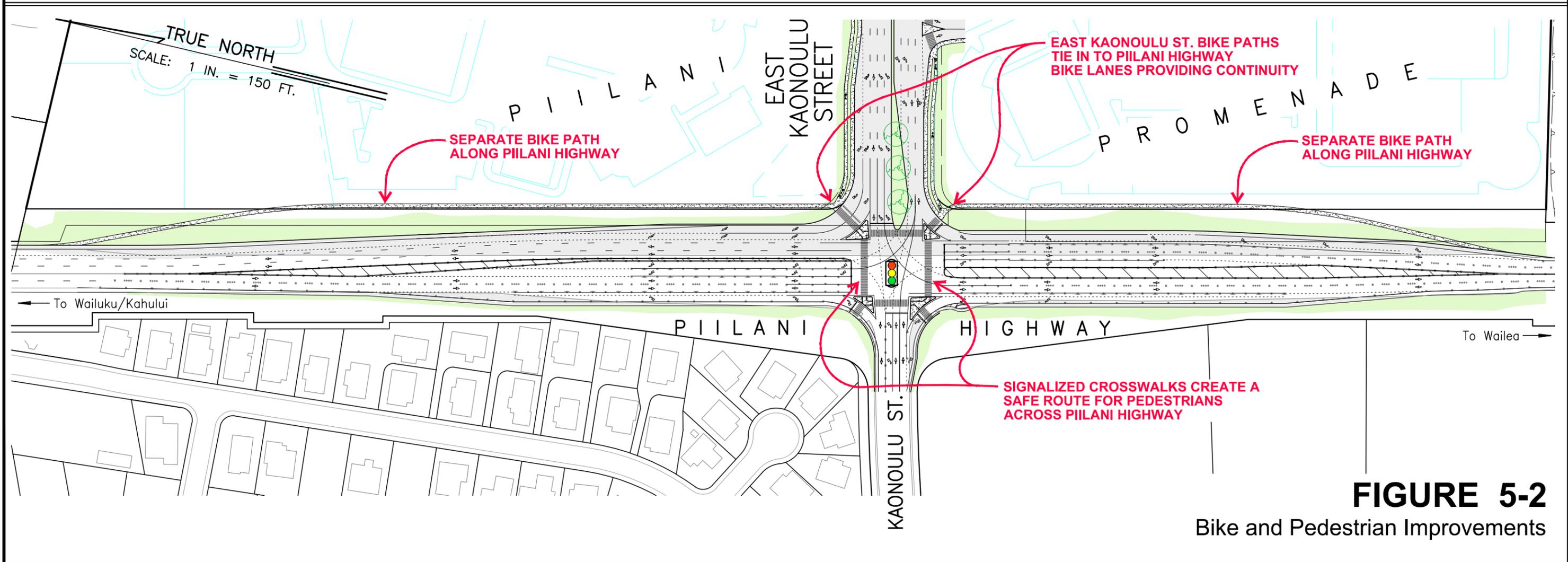
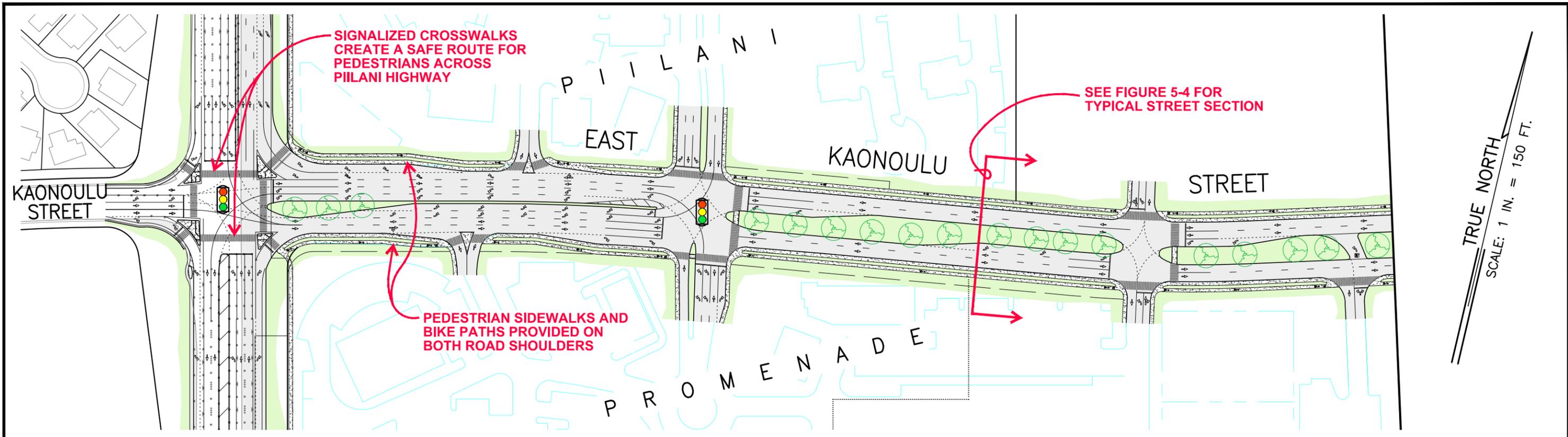
SECONDARY CUSTOMER ACCESS DRIVEWAY  
(RIGHT-TURNS ONLY)

SECONDARY CUSTOMER ACCESS DRIVEWAY  
(RIGHT-TURNS ONLY)



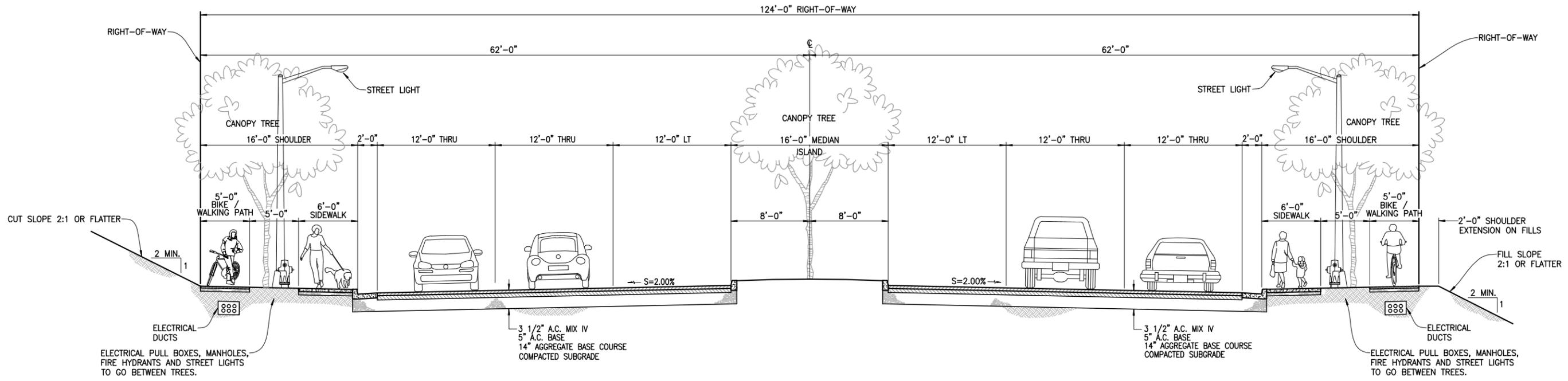
**FIGURE 5-1**  
Vehicular Access Plan

V:\Projdata\13037\dwg\exhibits\Vehicular Access Plan-00.dwg



**FIGURE 5-2**

Bike and Pedestrian Improvements



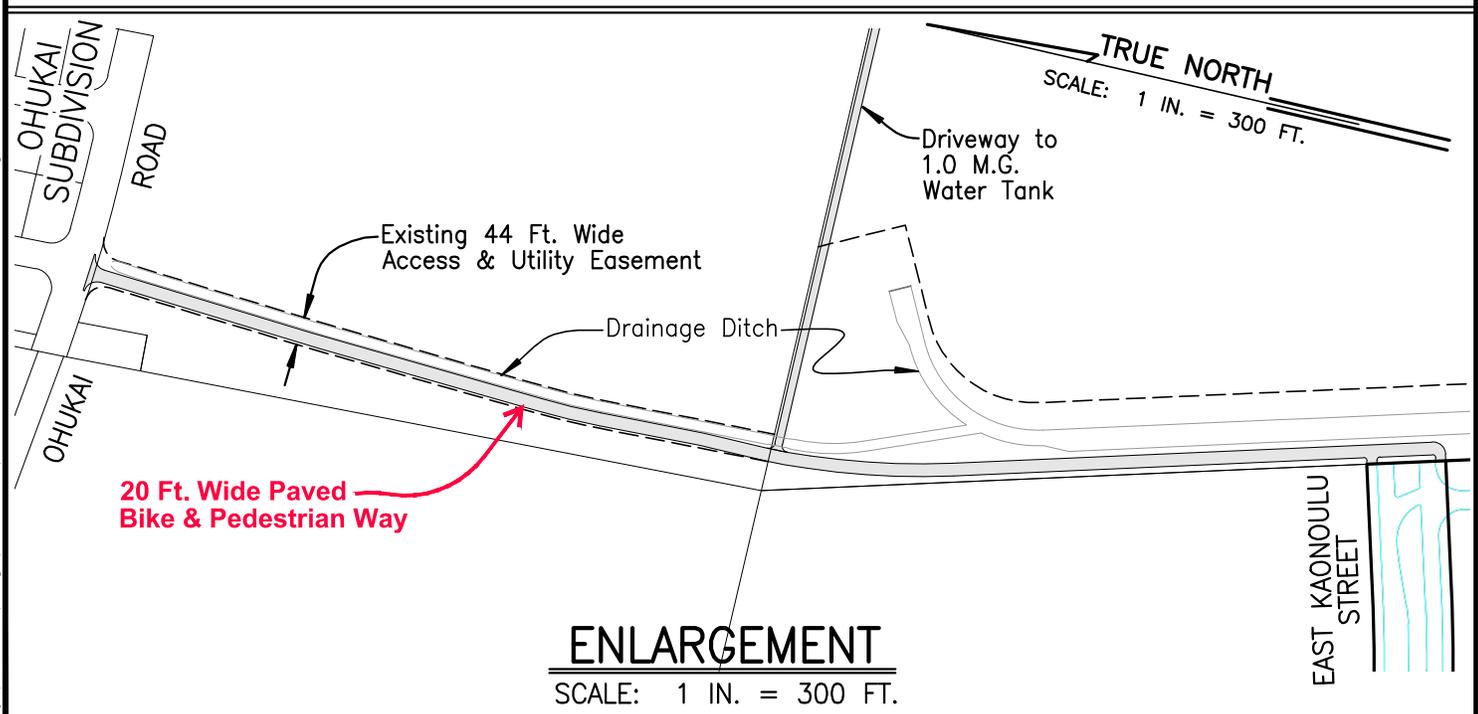
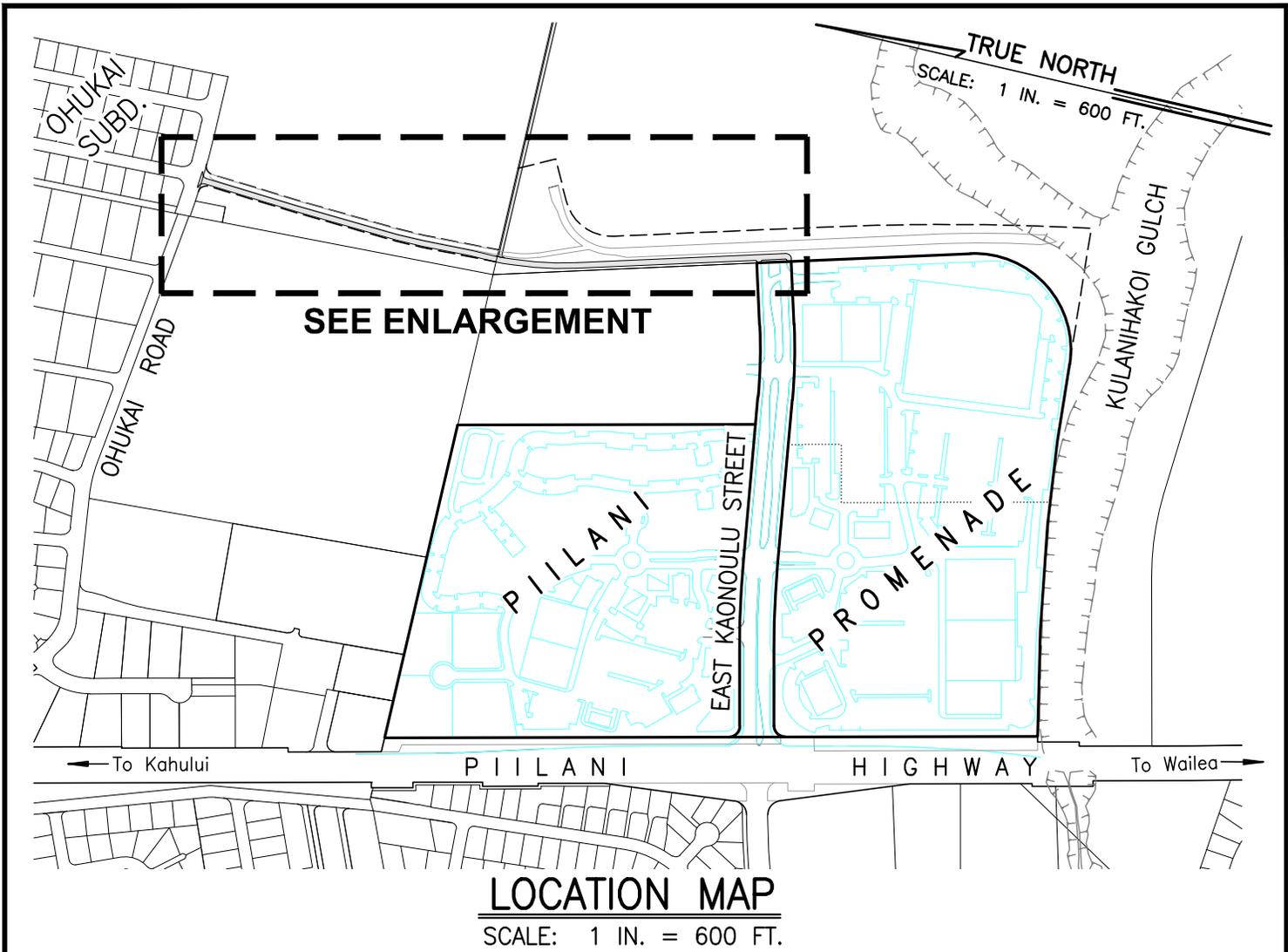
**TYPICAL SECTION ALONG EAST KAONOULU STREET**

SCALE: 3/32" = 1'-0"

**FIGURE 5-3**

Typical Section Along East Kaonoulu Street

V:\Projdata\13proj\13037\dwg\exhibits\Typ-Sec-Kaonoulu St-Ext-00.dwg



**FIGURE 5-4**

Bike & Pedestrian Way from Ohukai Road to East Kaonoulu Street

## **6. POWER AND TELECOMMUNICATIONS<sup>29</sup>**

### **6.1 Maui Electric Company Power System**

There are no existing MECo power sources in the immediate vicinity of the proposed development. The closest existing MECo power source is an overhead 69 kV and 12 kV pole line running through the existing subdivision just makai of Piilani Highway. The 69 kV is part of MECo's transmission loop for the Island of Maui, and is the nearest source of large power. The 12 kV pole lines provide distribution power to existing commercial and residential developments in the area. However, MECo has advised that the existing 12 kV system does not have sufficient spare capacity to accommodate the estimated 6,250 kVA of load required by the current Piilani Promenade development plan.

Maui Electric Company is planning a new substation to provide the additional capacity needed to accommodate further growth in the north Kihei area. The new substation will be located in the northwest corner of the Piilani Promenade development, and will be fed by an overhead 69 kV line extension across Piilani Highway, which will be tapped into MECo's transmission loop pole line below the Highway. (See Figure 6-1) Public Utilities Commission (PUC) review and approval are required for MECo's new substation.

The substation will contain two (2) MECo transformers to step down the voltage from 69 kV to 12 kV for local distribution. A new 12 kV concrete-encased underground ductline and manholes will be provided to extend power from the substation, along the

---

<sup>29</sup>Discussion provided by ECS, Inc.

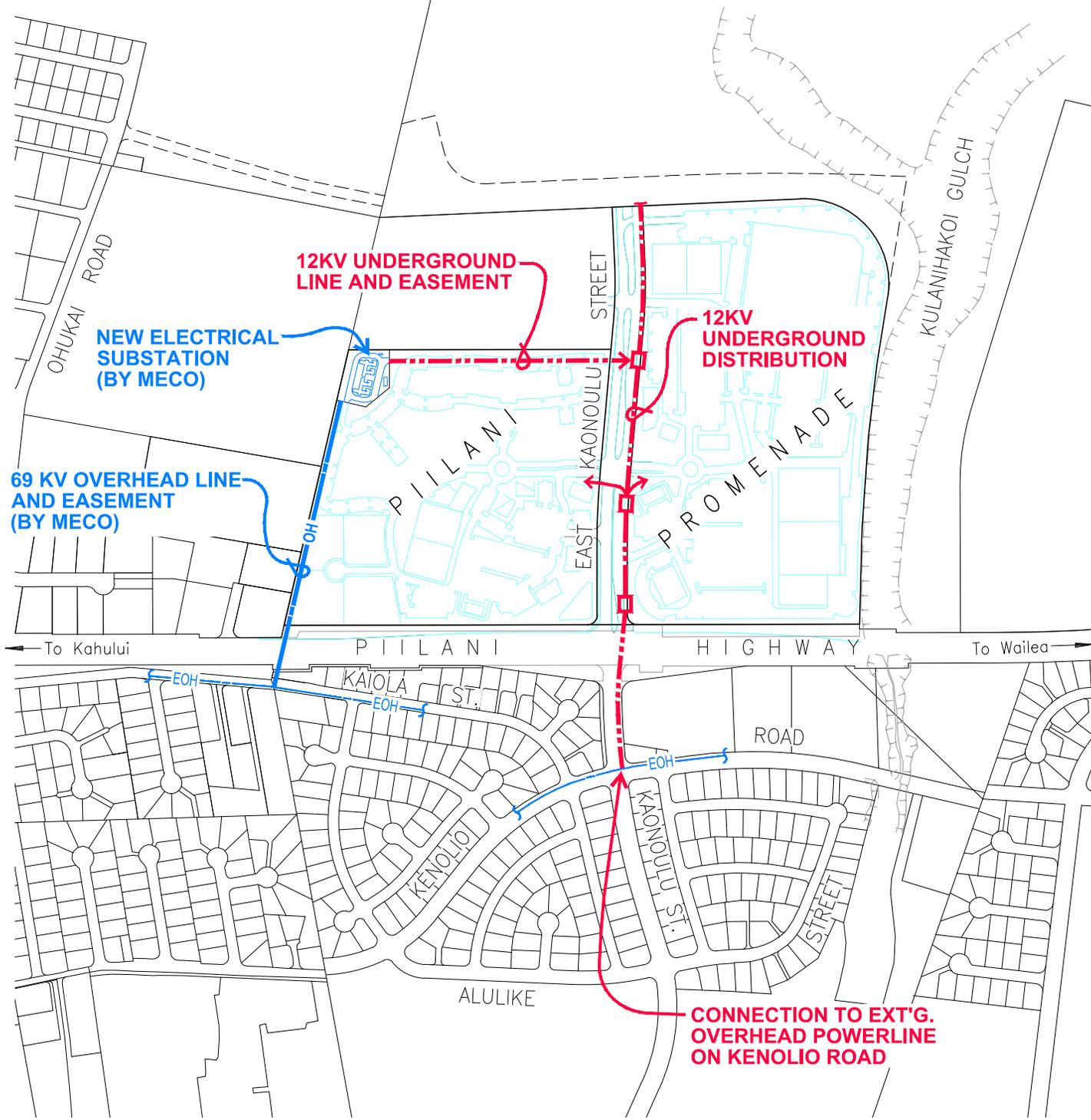
north boundary of the residential site, and to a major ductline along Kaonoulu Street extension. Stubouts for 12 kV distribution will be provided at each bulk-lot for future on-site distribution. All distribution will be underground, including wiring along East Kaonoulu Street for MECo's street lighting system.

## **6.2 Telephone and CATV System**

Hawaiian Telcom (HT) and Oceanic Time Warner Cable (OTWC) also do not have any existing telecommunications facilities in the immediate vicinity of the proposed development. The closest source of telephone and CATV service is MECo's 69 kV pole line, which runs below Piilani Highway. It is proposed to build an underground ductline extension from the existing 69 kV pole line, across Piilani Highway, and underground along Kaonoulu Street extension. Conduit stubouts will be provided for each bulk-lot for future on-site distribution.

HT and OTWC will provide the fiber optic cables in the ductlines on an as-needed basis. No Central Offices or electronic equipment pads are anticipated. However, small cross connects and CATV node pads may be required along Kaonoulu Street. As with MECo, all distribution will be underground.

TRUE NORTH  
SCALE: 1 IN. = 600 FT.



**LEGEND:**

- - - - - CONSTRUCTED BY PIILANI PROMENADE
- - - - - CONSTRUCTED BY MAUI ELECTRIC CO.

**FIGURE 6-1**  
Electrical Power Improvements

**APPENDIX A**  
Drainage Calculations

**APPENDIX A-1**  
Pre-Development Onsite Surface Runoff (50-yr./1-hr.)



Warren S. Unemori Engineering, Inc.  
Civil & Structural Engineers · Land Surveyors  
Wells Street Professional Center  
2145 Wells Street, Suite 403  
Wailuku, Maui, HI 96793

## HYDROLOGIC CALCULATIONS - Surface Runoff

---

Project Name: Piilani Promenade  
Project No.: 13037  
Engineer: Derek T. Ono  
Date: 10/28/2013

### Area

---

Description: Pre-development onsite surface runoff

Area (A): 77.59 acres

### Runoff Coefficient

---

Infiltration:	[Medium]	→	0.07
Relief:	[Rolling]	→	0.03
Vegetal Cover:	[Good]	→	0.03
Development:	[Agricultural]	→	0.15
Composite Runoff Coefficient:			0.28

### Time of Concentration

---

Average Slope: 4.0 %  
Time of Concentration ( $T_c$ ): 19 minutes

### Intensity

---

Project Location: Kihei, Maui, Hawaii  
Design Storm: 50-year recurrence interval, 1-hour duration  
Rainfall Depth: 2.3 in.  
Intensity (I): 3.90 in./hr.

### Flow Rate

---

$$\begin{aligned} Q &= C \cdot I \cdot A \\ &= 84.7 \quad \text{ft.}^3/\text{sec.} \end{aligned}$$

**APPENDIX A-2**  
Post-Development Onsite Surface Runoff (50-yr./1-hr.) Total



Warren S. Unemori Engineering, Inc.  
Civil & Structural Engineers · Land Surveyors  
Wells Street Professional Center  
2145 Wells Street, Suite 403  
Wailuku, Maui, HI 96793

## HYDROLOGIC CALCULATIONS - Surface Runoff

---

Project Name: Piilani Promenade  
Project No.: 13037  
Engineer: Derek T. Ono  
Date: 10/28/2013

### Area

---

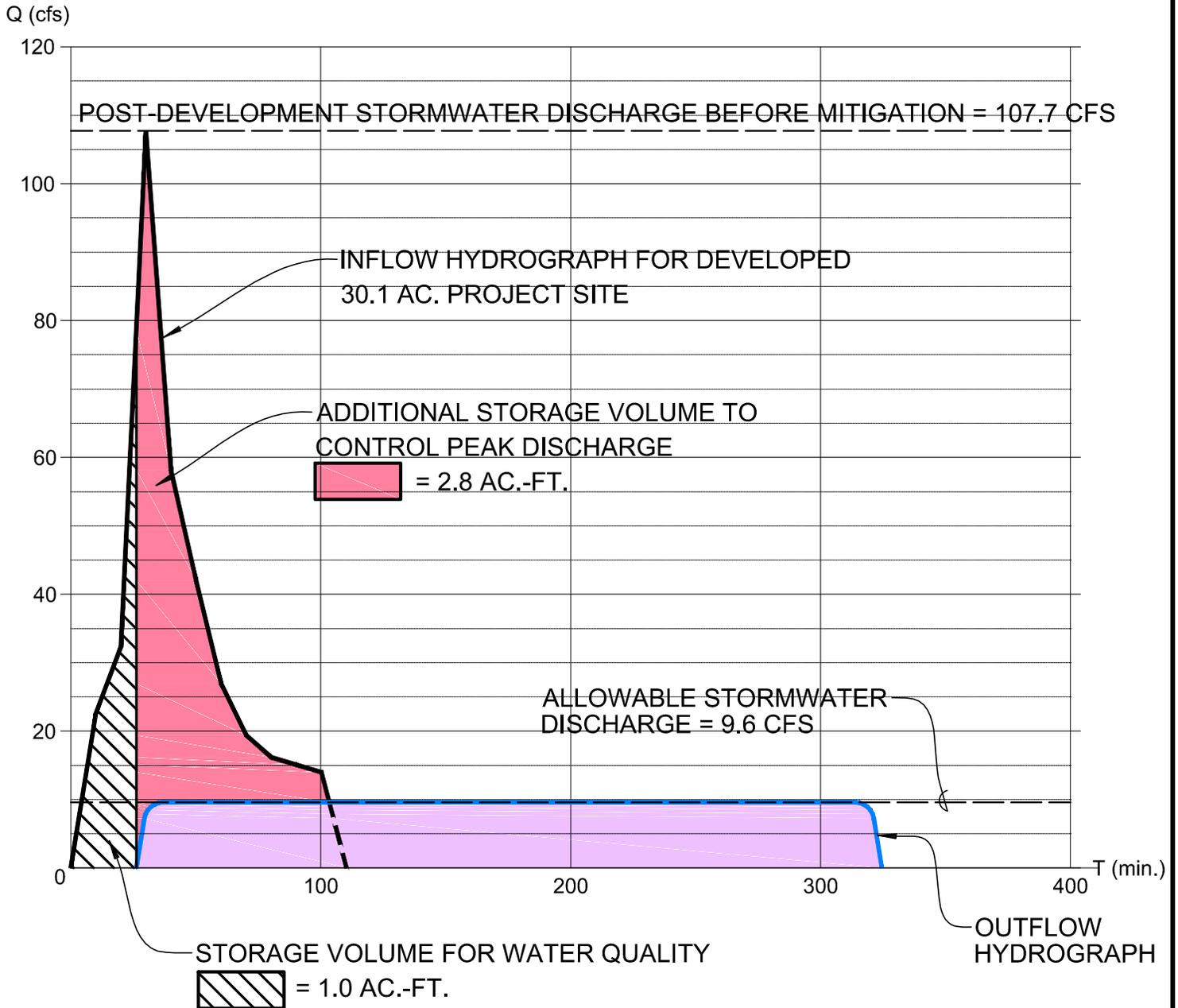
Description: Total post-development onsite surface runoff  
Area: 77.59 acres  
Project Location: Kihei, Maui, Hawaii  
Design Storm: 50-year recurrence interval, 1-hour duration  
Rainfall Depth: 2.3 in.

### Flow Rate

---

$$\begin{aligned} Q &= Q_{\text{north}} + Q_{\text{south}} + Q_{\text{roads, water tank, diversion ditch}} \\ &= 107.7 + 148.2 + 35.9 \\ &= 291.8 \quad \text{ft.}^3/\text{sec.} \end{aligned}$$

**APPENDIX A-3**  
North Detention Basin Sizing Calculations



**NOTE:**

1. TOTAL REQUIRED STORAGE VOLUME =  +  = 3.8 AC.-FT.
2. BASED ON 50-YR., 1-HR. STORM FOR KIHAI, HI (DEPTH=2.3 IN.)

**FIGURE A-3.1**

Inflow & Outflow Hydrographs for Piilani Promenade (North)

**APPENDIX A-3.1**

Post-Development Onsite Surface Runoff (50-yr./1-hr.) North



Warren S. Unemori Engineering, Inc.  
Civil & Structural Engineers · Land Surveyors  
Wells Street Professional Center  
2145 Wells Street, Suite 403  
Wailuku, Maui, HI 96793

## HYDROLOGIC CALCULATIONS - Surface Runoff

---

Project Name: Piilani Promenade  
Project No.: 13037  
Engineer: Derek T. Ono  
Date: 10/28/2013

### Area

---

Description: Post-development onsite surface runoff for north portion

Area (A):	30.13 acres
Light Industrial Area:	3.59 acres
Impervious Area:	16.15 acres
Gravel Area:	0.48 acres
Landscaped Area:	9.91 acres
Apartment Area:	14.25 acres
Industrial Area:	15.88 acres

### Runoff Coefficient

---

Light Industrial Runoff Coefficient:	0.80
Impervious Runoff Coefficient:	0.95
Gravel Runoff Coefficient:	0.60
Landscape Runoff Coefficient:	0.15
Weighted Runoff Coefficient:	0.66

Minimum Runoff Coefficient for Apartment Areas:	0.70
Minimum Runoff Coefficient for Industrial Areas:	0.80
Weighted Runoff Coefficient (C):	0.75

### Time of Concentration

---

Time of Concentration ( $T_c$ ): 10 minutes

### Intensity

---

Project Location: Kihei, Maui, Hawaii  
Design Storm: 50-year recurrence interval, 1-hour duration  
Rainfall Depth: 2.3 in.  
Intensity (I): 4.75 in./hr.

### Flow Rate

---

$$Q = C \cdot I \cdot A$$
$$= 107.7 \text{ ft.}^3/\text{sec.}$$

**APPENDIX A-3.2**

Post-Development Onsite Surface Runoff (50-yr./1-hr.)  
Roads, Water Tank and Diversion Ditch



Warren S. Unemori Engineering, Inc.  
Civil & Structural Engineers · Land Surveyors  
Wells Street Professional Center  
2145 Wells Street, Suite 403  
Wailuku, Maui, HI 96793

## HYDROLOGIC CALCULATIONS - Surface Runoff

---

Project Name: Piilani Promenade  
Project No.: 13037  
Engineer: Derek T. Ono  
Date: 10/28/2013

### Area

---

Description: Post-development onsite surface runoff for roads, water tank,  
and diversion ditch

Area (A):	9.40 acres
Impervious Area:	7.69 acres
Landscaped Area:	1.71 acres

### Runoff Coefficient

---

Impervious Runoff Coefficient:	0.95
Landscape Runoff Coefficient:	0.15
Weighted Runoff Coefficient (C):	0.80

### Time of Concentration

---

Time of Concentration ( $T_c$ ): 10 minutes

### Intensity

---

Project Location: Kihei, Maui, Hawaii  
Design Storm: 50-year recurrence interval, 1-hour duration  
Rainfall Depth: 2.3 in.  
Intensity (I): 4.75 in./hr.

### Flow Rate

---

$$\begin{aligned} Q &= C \cdot I \cdot A \\ &= 35.9 \text{ ft.}^3/\text{sec.} \end{aligned}$$

### **APPENDIX A-3.3**

#### North Detention Basin Sizing for Water Quality Protection



Warren S. Unemori Engineering, Inc.  
Civil & Structural Engineers · Land Surveyors  
Wells Street Professional Center  
2145 Wells Street, Suite 403  
Wailuku, Maui, HI 96793

## HYDROLOGIC CALCULATIONS - Storm Water Treatment (North)

---

Project Name: Piilani Promenade  
Project No.: 13037  
Engineer: Derek T. Ono  
Date: 10/28/2013

Purpose: To determine the required volume of the above-ground basin to meet the County of Maui, Department of Public Works' "Rules for the Design of Storm Water Treatment Best Management Practices"

Calculations: The required design volume for detention based control is computed by the MCC §15-111-5.a.1.C formula:

$$WQDV = C \cdot 1" \cdot A \cdot 3630$$

where, WQDV = water quality design volume in cubic feet  
C = EPA volumetric runoff coefficient  
A = gross area of the site in acres = 30.13 ac.  
1" = design storm for detention based water quality system  
3630 = conversion factor

The EPA volumetric runoff coefficient, C, calculated from the formula given in MCC §15-111-5.a.1.A is:

$$C = 0.05 + (0.009) \cdot (IMP)$$

where, IMP = percentage of impervious area  
= (impervious area) / (gross area) · 100  
= (19.50 ac.) / (30.13 ac.) · 100  
= 65

Since IMP = 65, the value of C is:

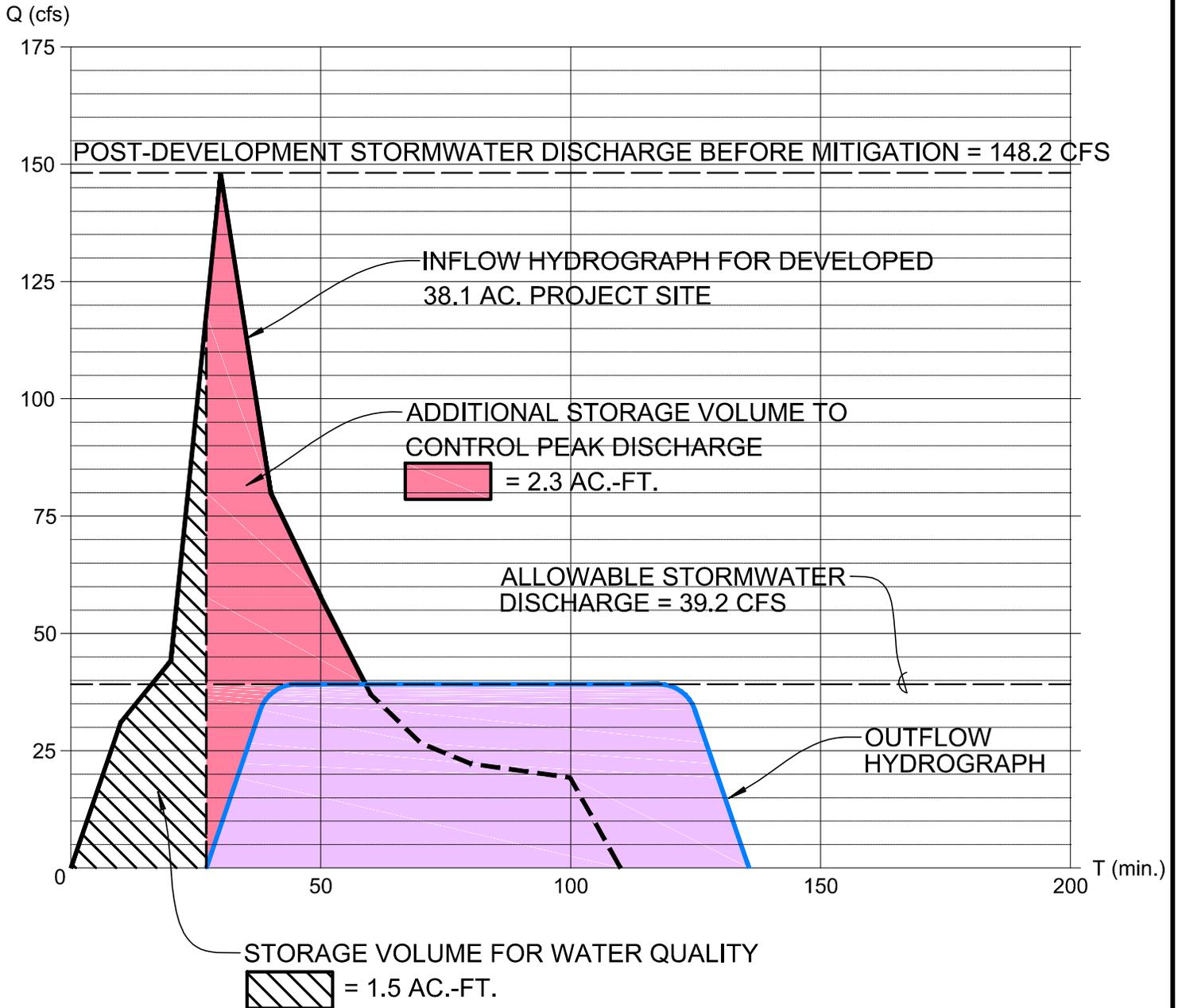
$$C = 0.05 + (0.009) \cdot (65) \\ = 0.64$$

For this project, upstream flow-through treatment (catch basin filter inserts) will be utilized in combination with detention based treatment. Thus, the design storm for the combined system may be reduced to 0.6" as allowed in MCC §15-111-5.d.

Compute the required design volume for a 0.6" storm with C = 0.64:

$$WQDV = C \cdot 0.6" \cdot A \cdot 3630 \\ = 0.64 \cdot 0.6" \cdot 30.13 \cdot 3630 \\ = 41,999 \text{ ft}^3 \\ = 1.0 \text{ ac.-ft.}$$

**APPENDIX A-4**  
South Detention Basin Sizing Calculations



**NOTE:**

1. TOTAL REQUIRED STORAGE VOLUME =  +  = 3.8 AC.-FT.
2. BASED ON 50-YR., 1-HR. STORM FOR KIHAI, HI (DEPTH=2.3 IN.)

**FIGURE A-4.1**

Inflow & Outflow Hydrographs for Piilani Promenade (South)

**APPENDIX A-4.1**

Post-Development Onsite Surface Runoff (50-yr./1-hr.) South



Warren S. Unemori Engineering, Inc.  
Civil & Structural Engineers · Land Surveyors  
Wells Street Professional Center  
2145 Wells Street, Suite 403  
Wailuku, Maui, HI 96793

## HYDROLOGIC CALCULATIONS - Surface Runoff

---

Project Name: Piilani Promenade  
Project No.: 13037  
Engineer: Derek T. Ono  
Date: 10/28/2013

### Area

---

Description: Post-development onsite surface runoff for south portion

Area (A):	38.06 acres
Impervious Area:	31.86 acres
Landscaped Area:	6.20 acres

### Runoff Coefficient

---

Impervious Runoff Coefficient:	0.95
Landscape Runoff Coefficient:	0.15
Weighted Runoff Coefficient (C):	0.82

### Time of Concentration

---

Time of Concentration ( $T_c$ ): 10 minutes

### Intensity

---

Project Location: Kihei, Maui, Hawaii  
Design Storm: 50-year recurrence interval, 1-hour duration  
Rainfall Depth: 2.3 in.  
Intensity (I): 4.75 in./hr.

### Flow Rate

---

$$\begin{aligned} Q &= C \cdot I \cdot A \\ &= 148.2 \text{ ft.}^3/\text{sec.} \end{aligned}$$

**APPENDIX A-4.2**  
South Detention Basin Sizing for Water Quality Protection



Warren S. Unemori Engineering, Inc.  
Civil & Structural Engineers · Land Surveyors  
Wells Street Professional Center  
2145 Wells Street, Suite 403  
Wailuku, Maui, HI 96793

## HYDROLOGIC CALCULATIONS - Storm Water Treatment (South)

---

Project Name: Piilani Promenade  
Project No.: 13037  
Engineer: Derek T. Ono  
Date: 10/28/2013

Purpose: To determine the required volume of the subsurface storage chambers to meet the County of Maui, Department of Public Works' "Rules for the Design of Storm Water Treatment Best Management Practices"

Calculations: The required design volume for detention based control is computed by the MCC §15-111-5.a.1.C formula:

$$WQDV = C \cdot 1" \cdot A \cdot 3630$$

where, WQDV = water quality design volume in cubic feet  
C = EPA volumetric runoff coefficient  
A = gross area of the site in acres = 38.06 ac.  
1" = design storm for detention based water quality system  
3630 = conversion factor

The EPA volumetric runoff coefficient, C, calculated from the formula given in MCC §15-111-5.a.1.A is:

$$C = 0.05 + (0.009) \cdot (IMP)$$

where, IMP = percentage of impervious area  
= (impervious area) / (gross area) · 100  
= (31.86 ac.) / (38.06 ac.) · 100  
= 84

Since IMP = 84, the value of C is:

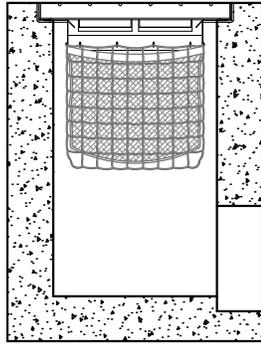
$$C = 0.05 + (0.009) \cdot (84) \\ = 0.81$$

For this project, upstream flow-through treatment (catch basin filter inserts) will be utilized in combination with detention based treatment. Thus, the design storm for the combined system may be reduced to 0.6" as allowed in MCC §15-111-5.d.

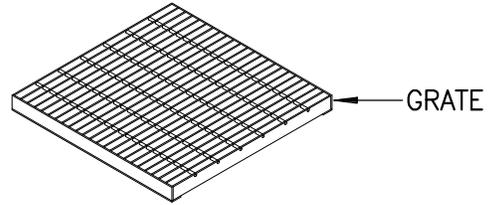
Compute the required design volume for a 0.6" storm with C = 0.81:

$$WQDV = C \cdot 0.6" \cdot A \cdot 3630 \\ = 0.81 \cdot 0.6" \cdot 38.06 \cdot 3630 \\ = 66,813 \text{ ft}^3 \\ = 1.5 \text{ ac.-ft.}$$

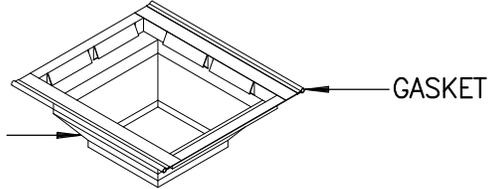
**APPENDIX A-5**  
Drain Inlet Pollution Filter Details



ELEVATION



GRATE

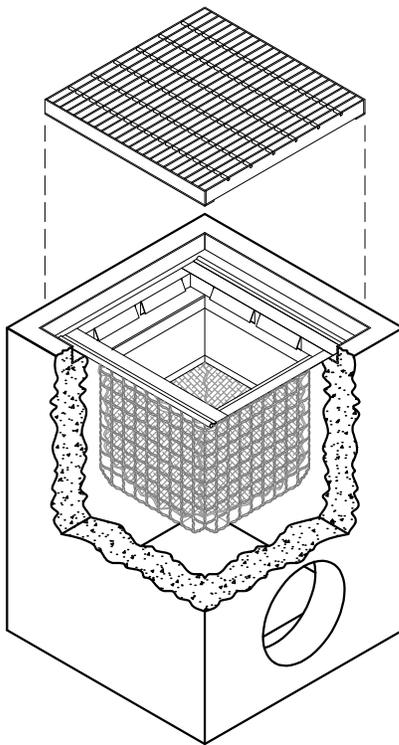


GASKET

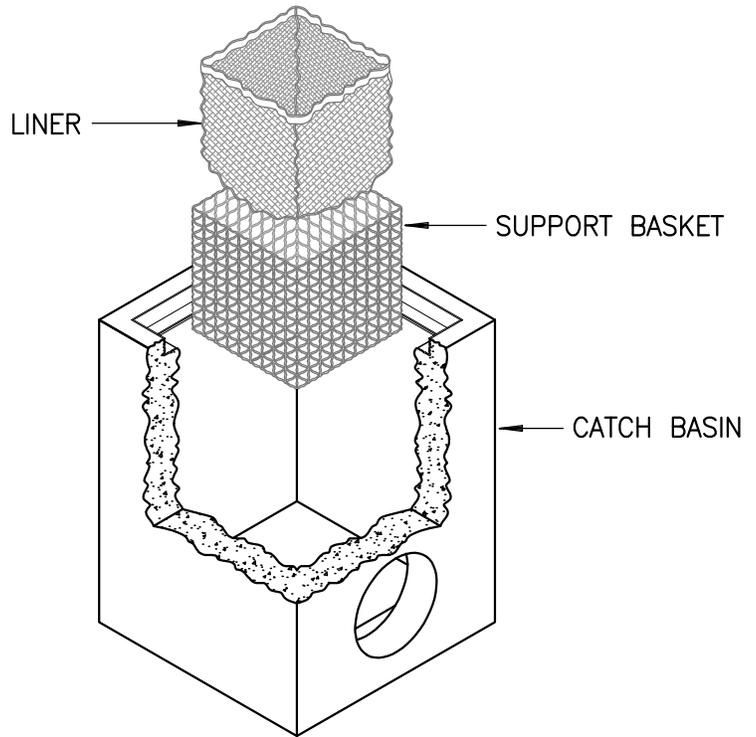
SUPPORT BASKET



ABSORBENT POUCHES



ISOMETRIC



LINER

SUPPORT BASKET

CATCH BASIN

EXPLODED VIEW

NOTES:

1. FILTER INSERTS SHALL BE INSTALLED IN ALL CATCH BASINS.
2. FILTER INSERTS TO BE KRISTAR ENTERPRISES, INC. FLOGARD+PLUS OR SIMILAR.

**FIGURE A-5.1**  
Typical Drain Inlet Filter



## FloGard<sup>®</sup>+PLUS<sup>®</sup> Catch Basin Insert Filter

### FloGard<sup>®</sup>+PLUS Catch Basin Insert Filter

#### GENERAL FILTER CONFIGURATION

FloGard<sup>®</sup>+PLUS catch basin insert filter shall provide solids filtration through a filter screen or filter liner, and hydrocarbon capture shall be effected using a non-leaching absorbent material contained in a pouch or similar removable restraint. Hydrocarbon absorbent shall not be placed at an exposed location at the entry to the filter that would allow blinding by debris and sediment without provision for self-cleaning in operation.

Filter shall conform to the dimensions of the inlet in which it is applied, allow removal and replacement of all internal components, and allow complete inspection and cleaning in the field.

#### FLOW CAPACITY

Filter shall provide two internal high-flow bypass locations that in total exceed the inlet peak flow capacity. Filter shall provide filtered flow capacity in excess of the required "first flush" treatment flow. Unit shall not impede flow into or through the catch basin when properly sized and installed.

#### MATERIALS

Filter support frame shall be constructed of type 304 stainless steel. Filter screen, when used in place of filter liner, shall be type 304 or 316 stainless steel, with an apparent opening size of not less than 4 U.S. mesh. Filter liner, when used in place of filter screen, shall be woven polypropylene geotextile fabric liner with an apparent opening size (AOS) of not less than 40 U.S. mesh as determined by ASTM D 4751. Filter liner shall include a support basket of polypropylene geogrid with stainless steel cable reinforcement.

Filter frame shall be rated at a minimum 25-year service life. All other materials, with the exception of the hydrocarbon absorbent, shall have a rated service life in excess of 2 years.

#### FloGard<sup>®</sup>+PLUS TEST RESULTS SUMMARY

Testing Agency	% TSS Removal	% Oil and Grease Removal	% PAH Removal
UCLA	80	70 to 80	
U of Auckland Tonking & Taylor Ltd. (for city of Auckland)	78 to 95		
U of Hawaii (for city of Honolulu)	80		20 to 40

#### FEATURES

- Easy to install, inspect and maintain
- Can be retrofitted to existing drain catch basins – or used in new projects
- Economical and efficient
- Catches pollutants where they are easiest to catch (at the inlet)
- No standing water – minimizes vector, bacteria and odor problems
- Can be incorporated as part of a "Treatment Train"

#### BENEFITS

- Lower installation, inspection and maintenance costs
- Versatile installation applications
- Higher return on investment
- Allows for installation on small and confined sites
- Minimizes vector, bacteria and odor problems
- Allows user to target specific pollutants

# Innovative stormwater management products

## FloGard® +PLUS Catch Basin Insert Filter



### INSTALLATION AND MAINTENANCE

Filter shall be installed and maintained in accordance with manufacturer's general instructions and recommendations.

### PERFORMANCE

Filter shall provide 80% removal of total suspended solids (TSS) from treated flow with a particle size distribution consistent with typical urban street deposited sediments. Filter shall capture at least 70% of oil and grease and 40% of total phosphorus (TP) associated with organic debris from treated flow. Unit shall provide for isolation of trapped pollutants, including debris, sediments, and floatable trash and hydrocarbons, from bypass flow such that re-suspension and loss of pollutants is minimized during peak flow events.

### FloGard®+PLUS COMPETITIVE FEATURE COMPARISON

Evaluation of FloGard+PLUS Units (Based on flow-comparable units) (Scale 1-10, 10 being best)	FloGard+PLUS	Other Insert Filter Types**
<b>Flow Rate</b>	10	7
<b>Removal Efficiency*</b>	80%	45%
<b>Capacity – Sludge and Oil</b>	7	7
<b>Service Life</b>	10	3
<b>Installation – Ease of Handling / Installation</b>	8	6
<b>Ease of Inspections &amp; Maintenance</b>	7	7
<b>Value</b>	<b>10</b>	<b>2</b>

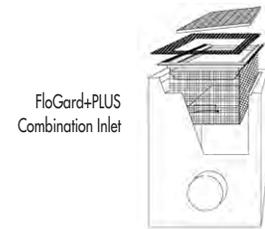
\*approximate, based on field sediment removal testing in urban street application \*\*average

Long-Term Cost Comparison (Scale 1-10, 10 being lowest cost, higher number being best)	FloGard+PLUS	Other Insert Filter Types
Unit cost — initial (\$/cfs treated)	10	4
Installation cost (\$/cfs treated)	10	7
Adsorbent replacement (annual avg \$/cfs treated)	10	2
Unit materials replacement (annual avg \$/cfs treated)	10	10
Maintenance cost (annual avg \$/cfs treated)	10	7
<b>Total first yr (\$/cfs treated)</b>	<b>10</b>	<b>5</b>
<b>Total Annual Avg (\$/cfs treated, avg over 20 yrs)*</b>	<b>10</b>	<b>5</b>

\*assumes 3% annual inflation



Captured debris from FloGard+PLUS, Dana Point, CA



FloGard+PLUS  
Combination Inlet



FloGard+PLUS  
Flat Grate



FloGard+PLUS  
Round Gated Inlet

KriStar Enterprises, Inc.  
360 Sutton Place  
Santa Rosa, CA 95407

PH: 800-579-8819  
FAX: 707-524-8186

[www.kristar.com](http://www.kristar.com)

© 2004-2009 KriStar Enterprises, Inc.  
FGP-T 05.19.09.1M

FloGard® is a registered trademark of KriStar Enterprises, Inc.

## **APPENDIX B**

Drainage Report for Kaonoulu Market Place  
(Approved by State of Hawaii Dept. of Transportation  
and Maui County Dept. of Public Works in 2009)

# Drainage Report

---

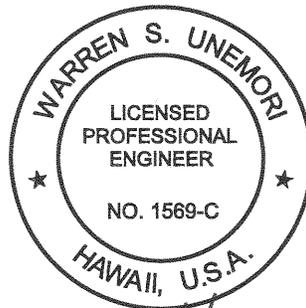
## Kaonoulu Market Place

Kihei, Maui, Hawaii

TMK: (2) 2-2-02:Por. of 15  
and (2) 3-9-01:16

Prepared For:

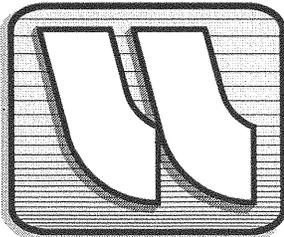
Maui Industrial Partners LLC  
Kihei, Maui, Hawaii



A handwritten signature in black ink, appearing to read "Warren S. Unemori", written over a horizontal line.

**WARREN S. UNEMORI ENGINEERING, INC.**  
Civil and Structural Engineers - Land Surveyors  
Wells Street Professional Center - Suite 403  
2145 Wells Street  
Wailuku, Maui, Hawaii 96793

Date: October 2008



## TABLE OF CONTENTS

	<u>Page</u>
I. INTRODUCTION .....	1
II. PROPOSED PROJECT	
A. Site Location .....	1
B. Project Description .....	1
III. EXISTING CONDITIONS	
A. Topography and Soil Conditions .....	2
B. Drainage .....	2-3
C. Flood and Tsunami Zone .....	3
IV. DRAINAGE PLAN	
A. General .....	3-6
B. Hydrologic Calculations .....	7
C. Conclusion .....	8
V. REFERENCES .....	9

### EXHIBITS

1	Location Map
2	Site Specific Soil Classification Map
3	Flood Insurance Rate Map
4A	Individual Onsite Drainage Area Map
4B	Offsite Drainage Area Map
5	Storm Sewer Schematic
6	Drainage Flow Path to Kulanihakoi Gulch
7	Existing vs. Post Diversion Inundation Limits

### APPENDICES

A	Hydrologic Calculations
B	Hydraulic (Backwater) Calculations

**Drainage Report  
for  
Kaonoulu Market Place**

I. INTRODUCTION

This report has been prepared to examine the existing site drainage conditions and the proposed drainage plan for the subject development.

II. PROPOSED PROJECT

A. Site Location:

The project site is located in Kihei, on the island of Maui, in the State of Hawaii. The project encompasses Lot 2 of the Kaonoulu Ranch (Large-Lot) Subdivision. It is situated on the easterly side of Piilani Highway, south of Piilani Business Park, and north of Kulanihakoi Gulch. (see Exhibit 1).

The project site encompasses an area of approximately 88.0 acres.

B. Project Description:

The proposed plan for the Kaonoulu Market Place is to develop the project site into a commercial center consisting of 4 light industrial lots numbered 1 through 4 (see Exhibit 4A). Proposed improvements include asphalt paved roadways, concrete curb and gutter, concrete sidewalks and landscaping. Utility improvements will consist of underground sewer, drainage, water, electrical and telephone distribution systems.

### III. EXISTING CONDITIONS:

#### A. Topography and Soil Conditions:

The project site is presently vacant and not being used for any particular purpose. Natural vegetation includes, but is not limited to, buffelgrass, feather finegrass, ilima, kiawe, uhaloa, and zinnia. The project site generally slopes from an elevation of approx. (+) 124± feet M.S.L. to approx. (+) 31± feet M.S.L. in a northeasterly to southwesterly direction, with an average slope of approx. 4.1%.

According to the *Soil Survey of Islands of Kauai, Oahu, Maui, Molokai, and Lanai, State of Hawaii*<sup>1</sup>, prepared by the United States Department of Agriculture, Soil Conservation Service, the predominant soil classification found on the project site is the Waiakoa extremely stony silty clay loam, 3 to 25 percent slopes, eroded (WID2). The Waiakoa soil is characterized as having medium runoff and a severe erosion hazard. (See Exhibit 2).

#### B. Drainage:

According to our calculations, the project site lots 1-4 presently generate approximately 31.22, 15.44, 20.22, and 20.79 cfs of onsite surface runoff during a 50-year recurrence interval, 1-hr. duration storm, respectively (see Appendix A). This surface runoff volume presently sheet flows across the project in an easterly to westerly direction, where it either flows directly into Kulanihakoi Gulch or is intercepted by existing drainageways, and eventually discharges into Kulanihakoi Gulch downstream. Kulanihakoi Gulch runs along the southern boundary of the project site.

Offsite surface runoff from the area located immediately mauka of the subject

development was estimated to be 498 cfs for a 100 year-24 hour storm and 911 cfs for a 100 year-6 hour storm. (see Appendix A). This runoff presently flows through the project site by means of an existing natural drainageway. According to the “Hydrology Report for Piilani Highway” prepared by Trans-Meridian Engineers and Surveyors, Inc., the drainageway discharges the entire pre-development onsite and offsite design flow of approximately 1,136 cfs for a 100 year-6 hour storm across existing twin 102 inch culverts under Piilani Highway and into an existing gully that ties into Kulanihakoi Gulch approximately 1,000 feet downstream of the makai boundary of the project site.

C. Flood and Tsunami Zone:

According to Panel Number 150003 0265C dated September 6, 1989 of the Flood Insurance Rate Map<sup>2</sup>, prepared by the United States Federal Emergency Management Agency, the project site is situated within Zone C. Zone C is designated as an area which is subject to minimal flooding. (See Exhibit 3)

IV. DRAINAGE PLAN

A. General:

The drainage criteria that will be used for the proposed development will be to try and maintain the natural drainage pattern of the onsite surface runoff.

The onsite surface runoff generated by the proposed development of the Kaonoulu Street Extension will be intercepted by new curb inlet type catch basins and conveyed by means of a new underground drainage system located within the subdivision roadway. In the fully built-out industrial condition, the individual

commercial lots 1-4 will each retain their own additional post-development runoff and discharge their pre-development flow into stubouts placed at the downstream end of each industrial lot which will tie into the underground drainage system. In the interim, prior to complete industrial development of the 4 lots, a berm will be installed along the western boundary of Lots 1 & 4 to keep the onsite runoff within the property and off the Piilani Highway. The minimal grading being done on the individual lots will not result in any increase in the post development runoff. Lots 3 & 4 will continue to flow to the gulch as it is presently doing and Lots 1 & 2 will tie into the new drainage system.

The offsite surface runoff presently sheet flowing onto the project site will be intercepted by a new drainage diversion ditch that runs along the eastern boundary of the property up to the northern edge of the proposed Kihei Upcountry Highway ROW. The diversion ditch is sized to accommodate both the entire 498 cfs of offsite runoff generated from the 100yr - 24 hr storm flowing into the project site and the 25 cfs of runoff conveyed by the new grassed ditch that runs along the access road from Ohukai Road. (see Appendix A & C). The runoff generated by the existing Ohukai Subdivision is presently conveyed by a grassed swale and discharged into an existing gully that runs through Kaonoulu Market Place. Since this existing gully will be intercepted by the new diversion ditch, a new grassed ditch is to be installed along the access road to route the 25 cfs of existing runoff from the Ohukai Subdivision and to intercept the additional runoff generated by the paved access road. The new grassed ditch is not sized to accommodate the runoff from the mauka ranch. It will convey the 25 cfs to the diversion ditch and allow any additional runoff from the

mauka areas to continue to sheet flow onto the downstream properties as it is presently doing. The offsite runoff and the runoff from the access road grassed ditch will be conveyed through the open channel diversion ditch and piped underground to tie into the new underground drainage system and eventually discharge into the existing Kulanihakoi Gulch as it is presently doing. Offsite runoff in excess of this capacity will be intercepted and conveyed to Kulanihakoi Gulch via an overflow ditch that runs along the easterly boundary of the project site.

The combined 523 cfs of offsite surface runoff and runoff from the access road grassed ditch will be added to the 106 cfs generated by the 4 industrial lots and the Kaonoulu Street Extension for a total of 629 cfs. Therefore, one of the existing twin 102 inch culverts presently routing the runoff across the Piilani Highway will be sealed off and the other 102 inch pipe will tie into the new project development drainage system. This existing drainline has adequate capacity to route the 629 cfs of surface runoff within the new drainage system underneath the Highway and into the Kulanihakoi Gulch via an existing gully that runs through several of the downstream properties (see Exhibit 6).

Based on a Flood Inundation Limits Analysis, it was determined that the maximum discharge capacity of the existing gully located makai of Piilani Highway is approximately 640 cfs. The existing twin 8.0' x 6.5' box culverts immediately downstream of the existing gully was similarly analyzed to have a capacity of 800 cfs. Therefore, the discharge capacities of both the existing gully and the twin box culverts are higher than the anticipated discharge from the new subdivision drainage system of 629 cfs.

The existing runoff from the existing drop intake catch basin located at the southwestern corner of Piilani Business Park will be piped underground along its original alignment and continue to the existing outlet located mauka of the Kulanihako'i Bridge as it is presently doing. (see Exhibit 5). Surface runoff generated on the eastern shoulder of Piilani Highway will be intercepted by new concrete swales and directed to grated inlet catch basins that tie into this new underground drainage system.

B. Hydrologic Calculations:

The onsite hydrologic calculations are based on the "Rules for the Design of Storm Drainage Facilities in the County of Maui", Title MC-15, Chapter 4 and the "Rainfall Frequency Atlas of the Hawaiian Islands", Technical Paper No. 43, U. S. Department of Commerce, Weather Bureau.

Rational Formula used:

Where

Q	=	CIA
Q	=	Rate of Flow (cfs)
C	=	Runoff Coefficient
I	=	Rainfall Intensity (inches/hour)
A	=	Area (Acres)

Rational Method calculations are based on a 50 yr-1 hr storm duration interval. Hydrologic calculations for drainage areas greater than 100 acres are based on procedures developed by the U.S. Department of Agriculture, Soil Conservation Service (SCS). This procedure is described in detail in the SCS National Engineering Handbook, Section 4, Hydrology (NEH-4). Hydrologic calculations were computed by utilizing the "SCS Unit Hydrograph Method" in the PONDPACK computer program, by Haestad Methods, which is based on the procedures outlined in NEH-4. The hydrologic calculations for this project may be found in Appendix A.

C. Conclusion:

In the fully built-out condition, the industrial lots 1-4 will each retain their own additional post-development runoff but discharge of their pre-development runoff into stubouts located at the low end of each lot which will tie into the new underground drainage system. The onsite surface runoff generated by the proposed roadway, Kaonoulu Street Extension, will be intercepted by new curb inlet type catch basins which will be installed as part of the project improvements. The offsite runoff presently flowing onto the project site along with the runoff conveyed by the proposed access road grassed ditch will be intercepted by a new drainage diversion ditch that runs along the eastern boundary of the property until it hits the future Kihei Upcountry Highway ROW where it is piped underground and ties into the new underground drainage system. The new underground drainage system will then convey the intercepted surface runoff underneath Piilani Highway and safely discharge it into the Kulanihakoi Gulch via an existing gully that runs through several of the downstream properties. A Flood Inundation Limits Analysis demonstrated that there will be adequate capacity within the existing downstream gully and twin box culverts to route the runoff from the project drainage system. Therefore, it is our professional opinion that the proposed development will not have any adverse effect on drainage conditions in the area.

Report Prepared By:

Darren K. Okimoto  
Darren K. Okimoto

Report Checked By:

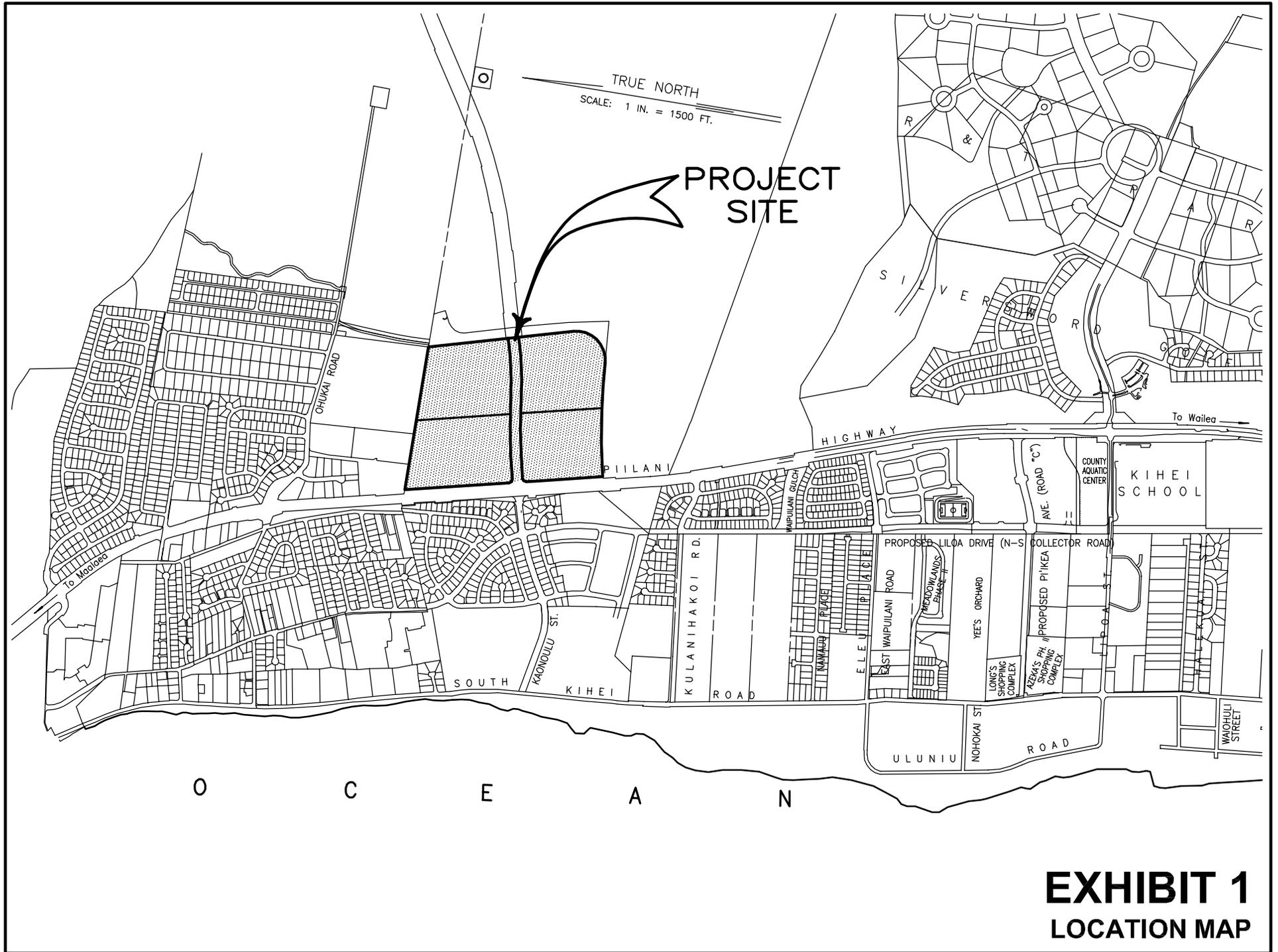
Warren S. Unemori  
Warren S. Unemori

VII. REFERENCES

1. *Soil Survey of Islands of Kauai, Oahu, Maui, Molokai, and Lanai, State of Hawaii.* August 1972. United States Department of Agriculture, Soil Conservation Service.
2. *Flood Insurance Rate Map, Maui County, Hawaii.* Community-Panel Number 150003 0260 B, June 1, 1981. Federal Emergency Management Agency, Federal Insurance Administration.
3. *Rainfall Frequency Atlas of the Hawaiian Islands, Technical Paper No. 43.* 1962. U.S. Department of Commerce, Weather Bureau.
4. *Rules for the Design of Storm Drainage Facilities in the County of Maui.* July 1995. Department of Public Works and Waste Management, County of Maui.
5. *SCS National Engineering Handbook, Section 4 - Hydrology.* 1969. Soil Conservation Service, U.S. Department of Agriculture.
6. *Hydrology Report for Piilani Highway.* 1978. Trans-Meridian Engineers & Surveyors, Inc.

## **EXHIBITS**

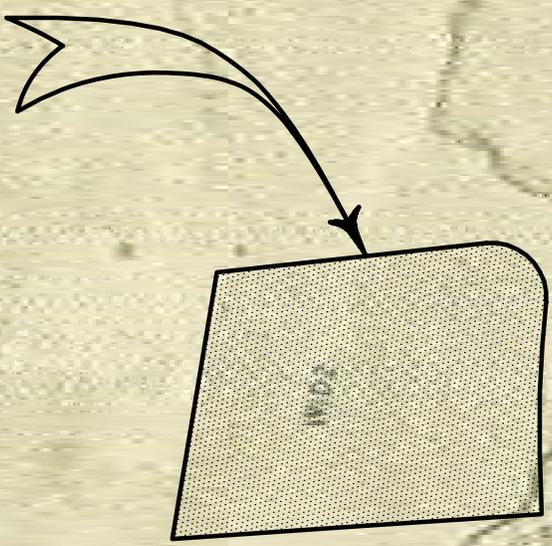
- 1 Location Map
- 2 Site Specific Soil Classification Map
- 3 Flood Insurance Rate Map
- 4A Individual Onsite Drainage Area Map
- 4B Offsite Drainage Area Map
- 5 Storm Sewer Schematic
- 6 Drainage Flow Path to Kulanihakoi Gulch
- 7 Existing vs. Post Diversion Inundation Limits



**EXHIBIT 1**  
**LOCATION MAP**

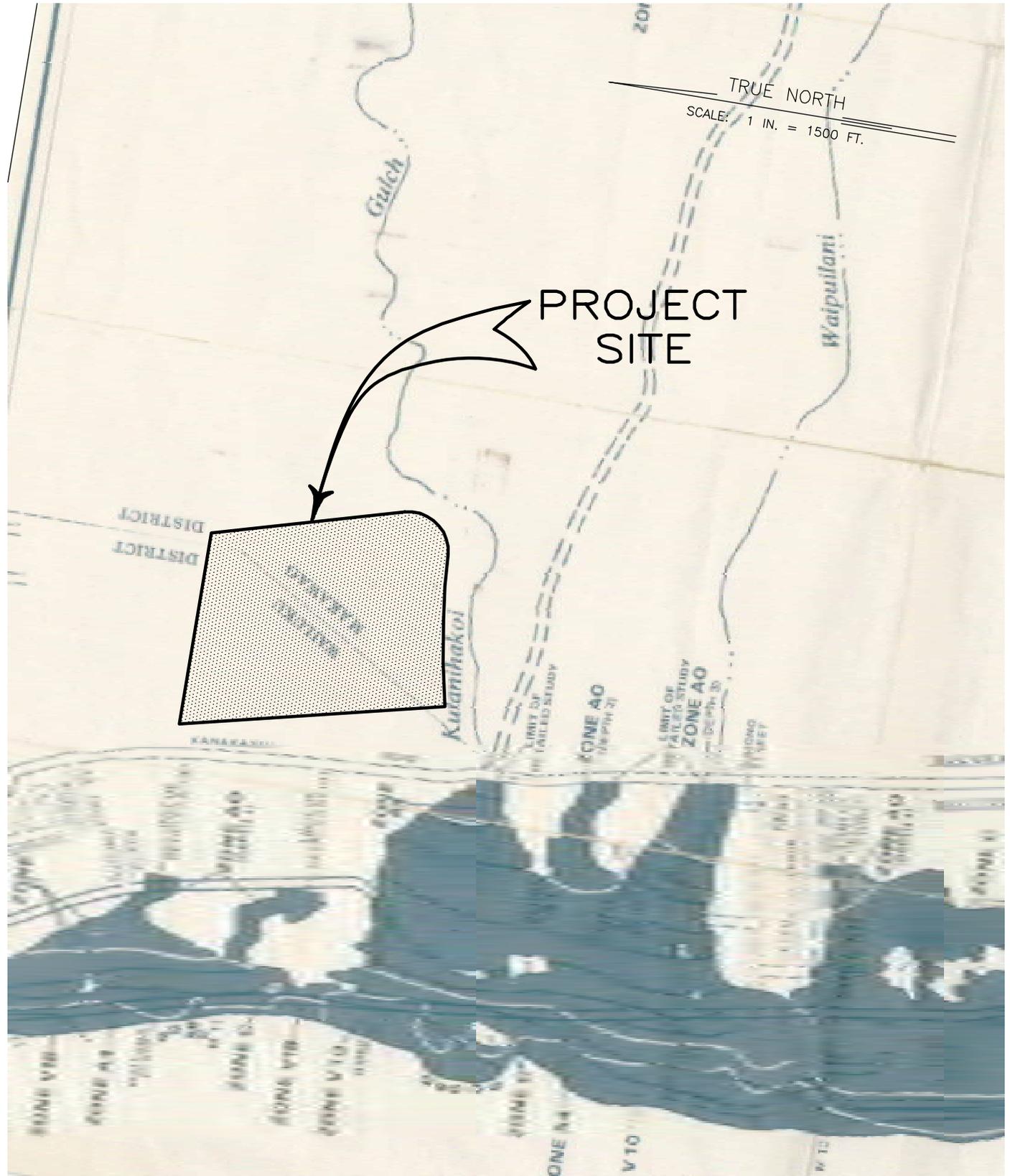
TRUE NORTH  
SCALE: 1 IN. = 1500 FT.

PROJECT  
SITE



# EXHIBIT 2

## SITE SPECIFIC SOIL CLASSIFICATION MAP



**EXHIBIT 3**  
**FLOOD INSURANCE RATE MAP**

TRUE NORTH  
SCALE: 1 IN. = 250 FT.

Haleakala Ranch Co.  
(Owners)

Kaonoulu Ranch Co.  
(Owners)

Tony H. Hashimoto - Trust  
Hilda Hashimoto - Trust  
(Owners)

KCOM Corp.  
Valentine Peroff, Jr.  
(Owners)

PIILANI  
BUSINESS PARK

(A)

(B)

(2)  
LOT 2

(D)

(3)  
LOT 3

(C)

(1)  
LOT 1

(F)

(E)

(4)  
LOT 4

(G1)

(H)

(G2)

KAONOU LU STREET EXTENSION

KULANIHAKO GULCH

PIILANI HIGHWAY

(J)

(K)

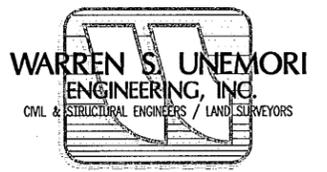
LEGEND:

- 1680 — FINISH GRADE W/ ELEVATION
- - - 1680 - - - EXISTING GRADE W/ ELEVATION
- — — DRAINAGE AREA LIMITS
- (25) DRAINAGE AREA NUMBER

EXHIBIT 4A

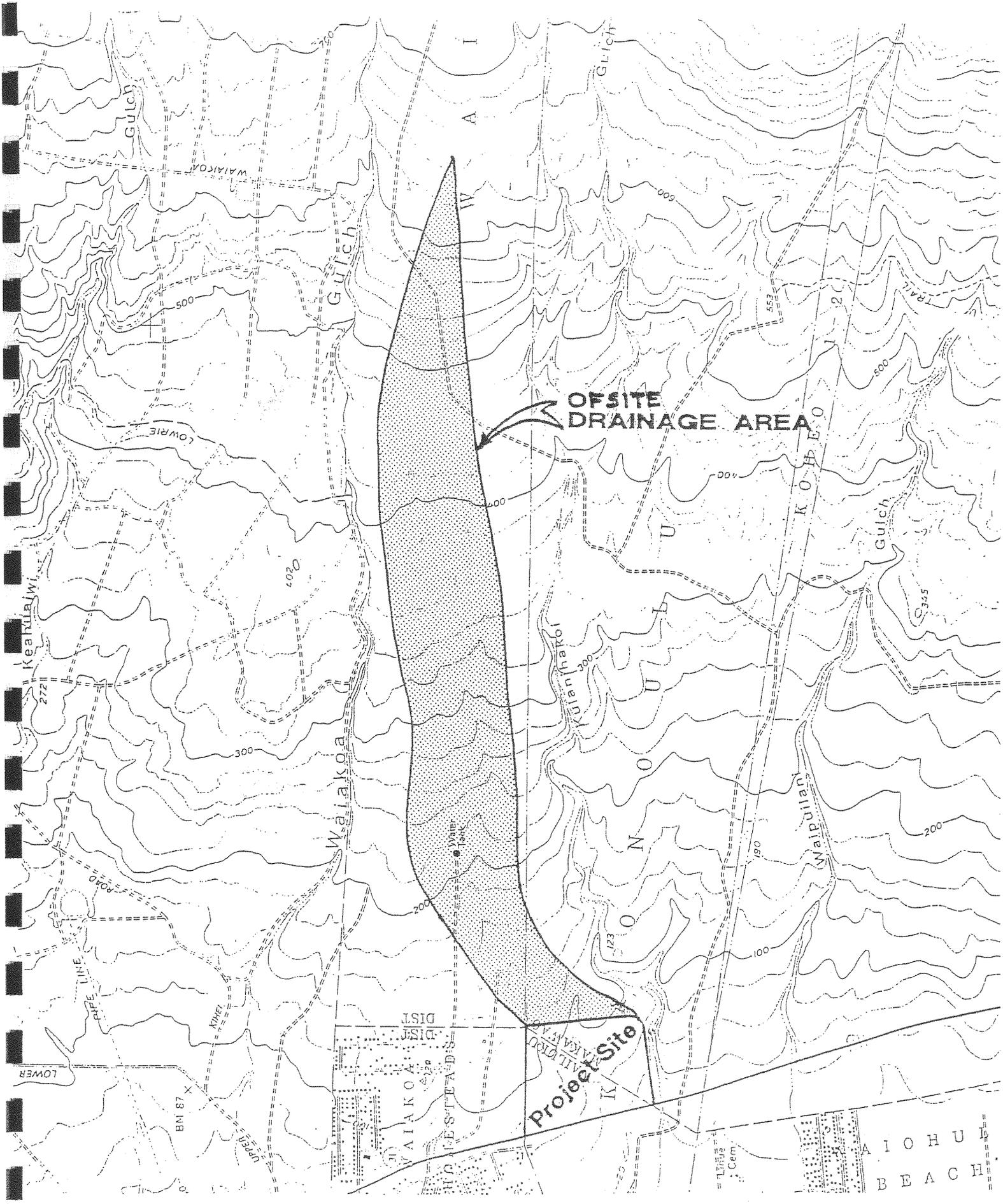
INDIVIDUAL ONSITE DRAINAGE AREA MAP

SCALE: 1 IN. = 250 FT.



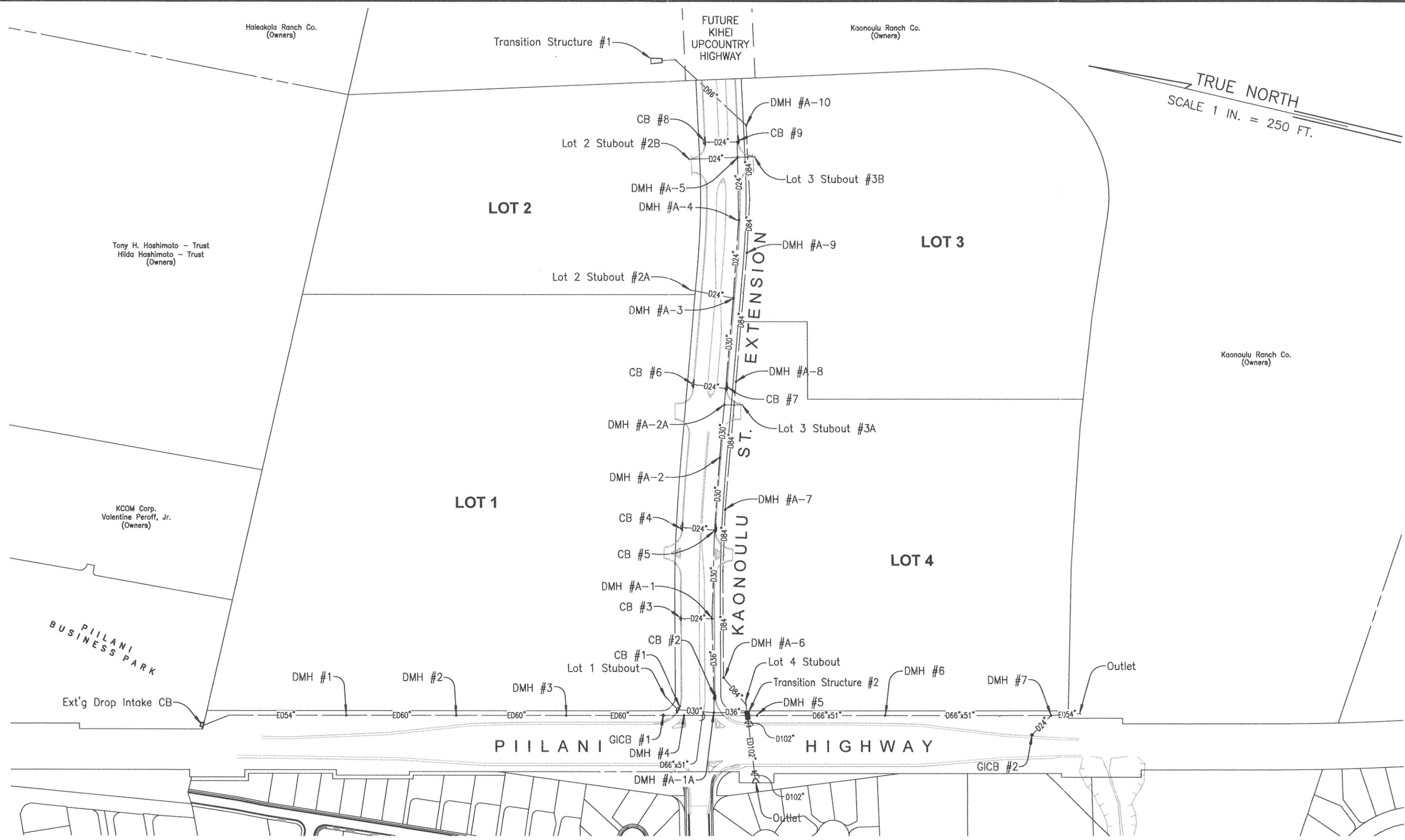
October 9, 2006

O:\proj\04010.10\dwg2004\exhibits\drn-reports\drn-area00.dwg



**EXHIBIT 4B  
OFFSITE DRAINAGE**

04proj\04010.10\dwg2004\exhibits\drn-reports\drn-system00.dwg



**EXHIBIT 5**  
**STORM SEWER SCHEMATIC**  
 SCALE: 1 IN. = 250 FT.

04PROJ\04010.10\DWG2004\EXHIBITS\DRN-REPORTS\FLOW-PATH-GULCH.DWG

Tony H. Hashimoto - Trust  
Hilda Hashimoto - Trust  
(Owners)

KCOM Corp.  
Valentine Peroff, Jr.  
(Owners)

Piilani Business  
Park

TRUE NORTH

SCALE 1 IN. = 350 FT.

# KAONOULU MARKET PLACE (PROJECT SITE)

KULANIHAKOI GULCH

To Wailea

PIILANI HIGHWAY

OUTLET

EXISTING GULLY

KAONOULU ROAD

To Wailuku

## EXHIBIT 6

# DRAINAGE FLOW PATH TO KULANIHAKOI GULCH

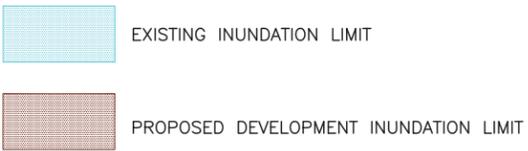
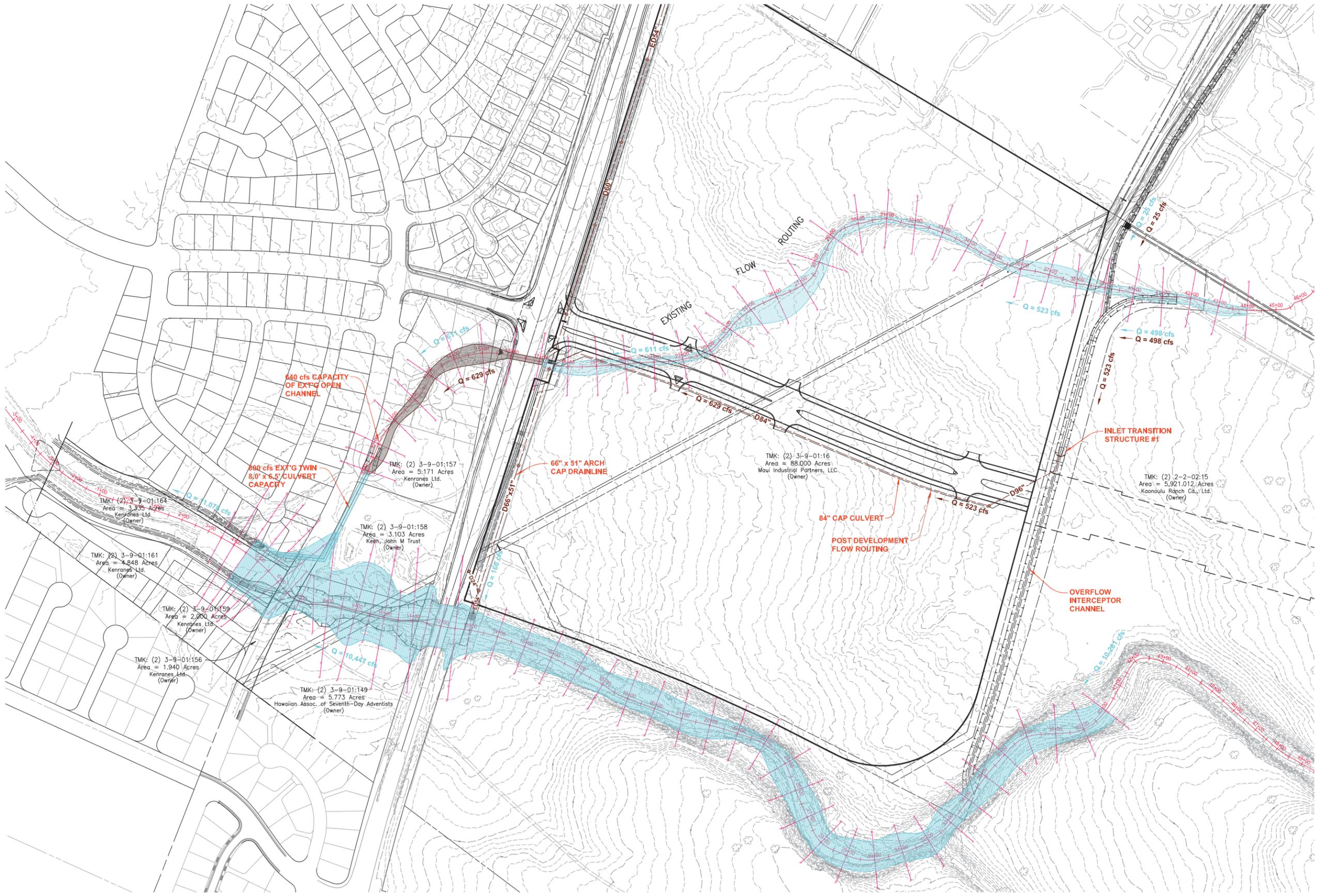
0 350 700 1050 1400

SCALE: 1 IN. = 350 FT.

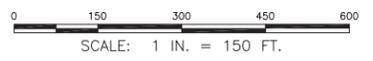


October 22, 2008

TRUE NORTH  
SCALE: 1" = 150 FEET



**EXHIBIT 7 - COMPARISON BETWEEN INUNDATION LIMITS  
OF EXISTING AND PROPOSED DEVELOPMENT**



**WARREN S. UNEMORI - ENGINEERING, INC.**  
Wells Street Professional Center - Suite 403  
2145 Wells Street - Wailuku, Maui, Hawaii 96793  
(808)242-4403 FAX: (808)244-4856

October 3, 2008

V:\Projects\04PRD\04G10\_10.dwg 2/20/08 10:45:10 AM

WSUE #04G10.10 24/36

APPENDIX A

HYDROLOGIC CALCULATIONS

Date: September 13, 2006

**HYDROLOGIC CALCULATIONS: PRE-DEVELOPMENT**

---

Objective: To determine the pre-development runoff for the proposed Kaonoulu Market Place (Area 1)

**1. 50-Yr. - 1 Hr. Rainfall:**

From "Rainfall Frequency Atlas of the Hawaiian Islands", for Kihei, Maui,  
R(50 Yr.-1Hr.) = 2.30 inches

**2. Total Area:**

Area (Ac.): 30.13

**3. Runoff Coefficients:**

Infiltration:	Medium	0.07
Relief:	Rolling (5-15%)	0.03
Vegetal Cover:	Good (10-50%)	0.03
Development Type:	Agricultural	0.15
<hr/>		
Runoff Coefft., C:		0.28

**4. Time of Concentration:**

Approx. Elev. Diff'l. (ft.):		55
Higher Elev. (ft.):	107	
Lower Elev. (ft.):	52	
Approx. Runoff Length (ft.):		1,491
Average Slope:		3.69%
Time of Concentration (min.):		22

**5. Intensity:**

Intensity (in./hr.): 3.7

**6. Total Runoff:**

$Q = C \times I \times A$  (cfs): 31.22

Date: September 13, 2006

**HYDROLOGIC CALCULATIONS: PRE-DEVELOPMENT**

---

Objective: To determine the pre-development runoff for the proposed Kaonoulu Market Place (Area 2)

**1. 50-Yr. - 1 Hr. Rainfall:**

From "Rainfall Frequency Atlas of the Hawaiian Islands", for Kihei, Maui,  
 R(50 Yr.-1Hr.) = 2.30 inches

**2. Total Area:**

Area (Ac.): 13.13

**3. Runoff Coefficients:**

Infiltration:	Medium	0.07
Relief:	Rolling (5-15%)	0.03
Vegetal Cover:	Good (10-50%)	0.03
Development Type:	Agricultural	0.15
Runoff Coefft., C:		0.28

**4. Time of Concentration:**

Approx. Elev. Diff'l. (ft.):		30
Higher Elev. (ft.):	121	
Lower Elev. (ft.):	91	
Approx. Runoff Length (ft.):		684
Average Slope:		4.39%
Time of Concentration (min.):		15.5

**5. Intensity:**

Intensity (in./hr.): 4.2

**6. Total Runoff:**

$Q = C \times I \times A$  (cfs): 15.44

Date: September 13, 2006

**HYDROLOGIC CALCULATIONS: PRE-DEVELOPMENT**

---

Objective: To determine the pre-development runoff for the proposed Kaonoulu Market Place (Area 3)

**1. 50-Yr. - 1 Hr. Rainfall:**

From "Rainfall Frequency Atlas of the Hawaiian Islands", for Kihei, Maui,  
 R(50 Yr.-1Hr.) = 2.30 inches

**2. Total Area:**

Area (Ac.): 18.52

**3. Runoff Coefficients:**

Infiltration:	Medium	0.07
Relief:	Rolling (5-15%)	0.03
Vegetal Cover:	Good (10-50%)	0.03
Development Type:	Agricultural	0.15
<hr/>		
Runoff Coeff't., C:		0.28

**4. Time of Concentration:**

Approx. Elev. Diff'l. (ft.):		44
Higher Elev. (ft.):	114	
Lower Elev. (ft.):	70	
Approx. Runoff Length (ft.):		985
Average Slope:		4.46%
Time of Concentration (min.):		18

**5. Intensity:**

Intensity (in./hr.): 3.9

**6. Total Runoff:**

$Q = C \times I \times A$  (cfs): 20.22

Date: September 13, 2006

**HYDROLOGIC CALCULATIONS: PRE-DEVELOPMENT**

---

Objective: To determine the pre-development runoff for the proposed Kaonoulu Market Place (Area 4)

**I. 50-Yr. - 1 Hr. Rainfall:**

From "Rainfall Frequency Atlas of the Hawaiian Islands", for Kihei, Maui,  
 R(50 Yr.-1Hr.) = 2.3 inches

**2. Total Area:**

Area (Ac.): 19.54

**3. Runoff Coefficients:**

Infiltration:	Medium	0.07
Relief:	Rolling (5-15%)	0.03
Vegetal Cover:	Good (10-50%)	0.03
Development Type:	Agricultural	0.15
Runoff Coeff't., C:		0.28

**4. Time of Concentration:**

Approx. Elev. Diff'l. (ft.):		53
Higher Elev. (ft.):	86	
Lower Elev. (ft.):	33	
Approx. Runoff Length (ft.):		1,228
Average Slope:		4.32%
Time of Concentration (min.):		20

**5. Intensity:**

Intensity (in./hr.): 3.8

**6. Total Runoff:**

$Q = C \times I \times A$  (cfs): 20.79

Date: October 22, 2008

**HYDROLOGIC CALCULATIONS: POST-DEVELOPMENT**

---

Objective: To determine the post-development runoff for the proposed Kaonoulu Market Place (Kaonoulu Street Extension).

**1. 50-Yr. - 1 Hr. Rainfall:**

From "Rainfall Frequency Atlas of the Hawaiian Islands", for Kihei, Maui,  
 R(50 Yr.-1Hr.) = 2.3 inches

**2. Total Area:**

Area (Ac.): 4.81

**3. Runoff Coefficients:**

Area of Paved Road (Ac.): 3.88

Minimum Runoff Coefft., C, for Asphalt Streets\*: 0.95

Landscape Area (Ac.): 0.93

Infiltration: Medium 0.07

Relief: Rolling (5-15%) 0.03

Vegetal Cover: Good (10-50%) 0.03

Development Type: Agricultural 0.15

---

Runoff Coefft., C: 0.28

Weighted Runoff Coefft., C: 0.82

**4. Time of Concentration:**

Approx. Elev. Diff'l. (ft.): 71

Higher Elev. (ft.): 110

Lower Elev. (ft.): 39

Approx. Runoff Length (ft.): 1,765

Average Slope: 4.02%

Time of Concentration (min.): 10.5

**5. Intensity:**

Intensity (in./hr.): 4.65

**6. Total Runoff:**

$Q = C \times I \times A$  (cfs): 18.35

**DRAINAGE CALCULATION - INDIVIDUAL POST DEVELOPMENT DRAINAGE AREAS ALONG ROADWAY**

Drainage Area	Catch Basin	Total Area (sqft.)	Total Area (acres)	Runoff Coefficient	Time of Conc. (Min.)	Rainfall Intensity (50yr.-1hr.) (in./hr.)	Drainage Area Q (50yr.-1hr.) (cfs)	Q + Bypass Flow (cfs)	Inlet Capacity (cfs) <sup>1</sup>	Bypass Flow (cfs)	Channel Slope	Flooded Width (ft.) <sup>2</sup>
A	CB #8	10092.53	0.232	0.78	5	5.9	1.07	1.07	1.07	0.00	3.24%	3.95
B	CB #9	8345.86	0.192	0.75	5	5.9	0.85	0.85	0.85	0.00	3.24%	3.36
C	CB #6	40936.31	0.940	0.79	7.5	5.3	3.94	3.94	3.94	0.00	4.19%*	7.47
D	CB #7	41252.98	0.947	0.77	7.5	5.3	3.86	3.86	3.86	0.00	4.19%*	7.40
E	CB #4	24916.95	0.572	0.89	6	5.7	2.89	2.89	2.89	0.00	4.12%*	6.47
F	CB #5	22175.12	0.509	0.86	6	5.7	2.50	2.50	2.50	0.00	4.12%*	6.01
G1	CB #3	16560.37	0.380	0.92	5.5	5.8	2.03	2.03	2.03	0.00	2.43%	6.18
G2	CB #1	16336.03	0.375	0.90	6.5	5.5	1.85	1.85	1.85	0.00	2.08%	6.14
H	CB #2	28870.84	0.663	0.75	7.5	5.25	2.60	2.60	2.60	0.00	2.08%	7.24
J	GICB #1	103206.71	2.369	0.68	19	3.85	6.19	6.19	6.19	0.00	2.35%	N/A
K	GICB #2	95415.24	2.190	0.76	16	4.1	6.85	6.85	6.85	0.00	1.11%	N/A

\* For grades 4% and greater, 10-foot long deflector inlets shall be used.

Notes: <sup>1</sup> Acceptable Catch Basin Inlet Capacity (Standard 10-foot Curb Inlets) based on Department of Planning and Permitting January 2000 *Rules Relating to Storm Drainage Standards*.

<sup>2</sup> Flooded Width Calculated from Haestad Methods Program FlowMaster 2005

**LONGEST RUN CALCULATIONS FOR INDIVIDUAL DRAINAGE AREAS**

Drainage Area	Runoff Length (ft.)	High Elev. (ft.)	Low Elev. (ft.)	Elevation Diff. (ft.)	Average Slope
A	200	110	105	5	0.025
B	200	110	105	5	0.025
C	737	106	79	27	0.037
D	721	106	79	27	0.037
E	450	82	62	20	0.044
F	439	81	62	19	0.043
G1	326	66	55	11	0.034
G2	318	55	50	5	0.016
H	557	63	50	13	0.023
J	1208	80	51	29	0.024
K	1029	48	31	17	0.017

MASTER DESIGN STORM SUMMARY

Network Storm Collection: Offsite Runoff

Return Event	Total Depth in	Rainfall Type	RNF ID	
Pre100	9.0000	Synthetic Curve	TypeI	24hr

MASTER NETWORK SUMMARY  
SCS Unit Hydrograph Method

(\*Node=Outfall; +Node=Diversion;)  
(Trun= HYG Truncation: Blank=None; L=Left; R=Rt; LR=Left&Rt)

Node ID	Type	Return Event	HYG Vol ac-ft	Trun	Qpeak hrs	Qpeak cfs	Max WSEL ft	Max Pond Storage ac-ft
*OUT 10	JCT	100	252.974		11.9000	498.21		
POND 10	IN POND	100	252.974		11.9000	498.21		
POND 10	OUT POND	100	252.974		11.9000	498.21		
SUBAREA 10	AREA	100	252.974		11.9000	498.21		

Name.... SUBAREA 10

Tag: Pre100

Event: 100 yr

File.... V:\Projdata\04PROJ\04010.10\calcs\drainage\offsite areas\offsiterunoff.ppw

Storm... TypeI 24hr Tag: Pre100

SCS UNIT HYDROGRAPH METHOD

Calc.Method Option = 2

STORM EVENT: 100 year storm

Duration = 24.0000 hrs Rain Depth = 9.0000 in

Rain Dir = V:\Projdata\04PROJ\04010.10\calcs\drainage\offsite areas\

Rain File -ID = - TypeI 24hr

Unit Hyd Type = Default Curvilinear

HYG Dir = V:\Projdata\04PROJ\04010.10\calcs\drainage\offsite areas\

HYG File - ID = - SUBAREA 10 Pre100

Tc = 2.8615 hrs

Drainage Area = 471.000 acres Runoff CN= 79

Calc.Increment= .05020 hrs Out.Incr.= .0500 hrs

HYG Volume = 252.974 ac-ft

HYDROGRAPH ORDINATES (cfs)

Output Time increment = .0500 hrs

Time |  
hrs | Time on left represents time for first value in each row.

3.4000	.00	.00	.00	.01	.01
3.6500	.01	.02	.03	.04	.05
3.9000	.07	.09	.11	.14	.17
4.1500	.21	.26	.31	.37	.44
4.4000	.51	.60	.69	.80	.92
4.6500	1.04	1.18	1.34	1.50	1.68
4.9000	1.87	2.08	2.29	2.52	2.77
5.1500	3.03	3.30	3.58	3.88	4.19
5.4000	4.52	4.86	5.21	5.57	5.94
5.6500	6.33	6.72	7.13	7.55	7.98
5.9000	8.41	8.86	9.32	9.79	10.26
6.1500	10.74	11.23	11.73	12.24	12.75
6.4000	13.27	13.80	14.33	14.87	15.42
6.6500	15.98	16.54	17.12	17.70	18.29
6.9000	18.89	19.50	20.12	20.76	21.40
7.1500	22.06	22.73	23.42	24.12	24.84
7.4000	25.57	26.32	27.09	27.87	28.67
7.6500	29.49	30.32	31.18	32.05	32.94
7.9000	33.84	34.76	35.70	36.65	37.62
8.1500	38.61	39.61	40.63	41.66	42.72
8.4000	43.79	44.89	46.01	47.15	48.32
8.6500	49.52	50.75	52.02	53.32	54.66
8.9000	56.05	57.48	58.97	60.51	62.11
9.1500	63.79	65.53	67.36	69.27	71.27
9.4000	73.37	75.58	77.90	80.35	82.95
9.6500	85.74	88.76	92.07	95.75	99.97
9.9000	104.78	110.19	116.24	122.97	130.38
10.1500	138.40	147.03	156.18	165.87	176.08
10.4000	186.89	198.30	210.32	222.94	236.23
10.6500	250.14	264.62	279.59	294.97	310.65

HYDROGRAPH ORDINATES (cfs)

Output Time increment = .0500 hrs

Time |  
hrs | Time on left represents time for first value in each row.

10.9000	326.44	342.18	357.55	372.41	386.70
11.1500	400.29	413.08	425.01	436.08	446.21
11.4000	455.40	463.63	470.93	477.27	482.66
11.6500	487.18	490.86	493.79	496.00	497.49
11.9000	498.21	498.05	497.04	495.29	492.87
12.1500	489.97	486.63	482.88	478.71	474.14
12.4000	469.15	463.77	457.94	451.65	444.94
12.6500	437.84	430.38	422.60	414.63	406.54
12.9000	398.55	390.76	383.17	375.85	368.84
13.1500	362.12	355.67	349.47	343.43	337.56
13.4000	331.84	326.29	320.91	315.69	310.62
13.6500	305.73	300.99	296.40	291.93	287.57
13.9000	283.29	279.08	274.94	270.85	266.81
14.1500	262.83	258.92	255.11	251.38	247.75
14.4000	244.21	240.76	237.39	234.10	230.87
14.6500	227.70	224.58	221.52	218.52	215.58
14.9000	212.70	209.88	207.11	204.40	201.75
15.1500	199.15	196.62	194.15	191.73	189.36
15.4000	187.03	184.76	182.52	180.35	178.25
15.6500	176.21	174.24	172.31	170.44	168.62
15.9000	166.84	165.11	163.44	161.80	160.22
16.1500	158.68	157.19	155.75	154.34	152.98
16.4000	151.66	150.38	149.13	147.91	146.72
16.6500	145.56	144.44	143.36	142.30	141.28
16.9000	140.28	139.30	138.35	137.43	136.53
17.1500	135.66	134.81	133.98	133.17	132.38
17.4000	131.59	130.83	130.07	129.34	128.61
17.6500	127.91	127.23	126.56	125.91	125.28
17.9000	124.65	124.03	123.42	122.81	122.22
18.1500	121.63	121.04	120.47	119.89	119.33
18.4000	118.76	118.21	117.65	117.10	116.56
18.6500	116.02	115.48	114.95	114.42	113.89
18.9000	113.36	112.84	112.33	111.81	111.30
19.1500	110.79	110.29	109.80	109.31	108.83
19.4000	108.37	107.91	107.47	107.04	106.61
19.6500	106.18	105.75	105.33	104.91	104.50
19.9000	104.08	103.67	103.26	102.85	102.44
20.1500	102.03	101.63	101.22	100.82	100.42
20.4000	100.01	99.61	99.21	98.81	98.41
20.6500	98.02	97.62	97.22	96.82	96.43
20.9000	96.03	95.64	95.24	94.85	94.45
21.1500	94.06	93.67	93.27	92.88	92.49
21.4000	92.10	91.70	91.31	90.92	90.53
21.6500	90.14	89.74	89.35	88.96	88.57
21.9000	88.18	87.79	87.40	87.00	86.61

HYDROGRAPH ORDINATES (cfs)

Output Time increment = .0500 hrs

Time on left represents time for first value in each row.

Time hrs	Time on left represents time for first value in each row.				
22.1500	86.22	85.83	85.44	85.05	84.66
22.4000	84.27	83.88	83.49	83.09	82.70
22.6500	82.31	81.92	81.53	81.14	80.75
22.9000	80.36	79.96	79.57	79.18	78.79
23.1500	78.40	78.01	77.61	77.22	76.83
23.4000	76.44	76.04	75.65	75.26	74.87
23.6500	74.47	74.08	73.69	73.29	72.90
23.9000	72.51	72.11	71.72	71.32	70.90
24.1500	70.49	70.06	69.61	69.14	68.66
24.4000	68.16	67.63	67.08	66.50	65.90
24.6500	65.27	64.61	63.92	63.18	62.41
24.9000	61.60	60.75	59.85	58.91	57.92
25.1500	56.88	55.81	54.69	53.54	52.36
25.4000	51.16	49.93	48.68	47.41	46.13
25.6500	44.85	43.56	42.26	40.97	39.69
25.9000	38.41	37.15	35.89	34.64	33.41
26.1500	32.19	31.00	29.84	28.70	27.58
26.4000	26.49	25.43	24.39	23.38	22.40
26.6500	21.45	20.53	19.64	18.78	17.96
26.9000	17.17	16.42	15.70	15.03	14.38
27.1500	13.77	13.18	12.63	12.10	11.59
27.4000	11.10	10.63	10.18	9.76	9.35
27.6500	8.96	8.58	8.22	7.87	7.54
27.9000	7.23	6.92	6.63	6.35	6.07
28.1500	5.81	5.56	5.33	5.10	4.88
28.4000	4.67	4.47	4.28	4.10	3.92
28.6500	3.75	3.59	3.44	3.29	3.15
28.9000	3.01	2.88	2.76	2.64	2.52
29.1500	2.41	2.31	2.20	2.11	2.02
29.4000	1.93	1.84	1.76	1.68	1.61
29.6500	1.54	1.47	1.40	1.34	1.28
29.9000	1.22	1.17	1.12	1.07	1.02
30.1500	.97	.93	.88	.84	.80
30.4000	.77	.73	.70	.66	.63
30.6500	.60	.57	.54	.52	.49
30.9000	.47	.44	.42	.40	.38
31.1500	.36	.34	.32	.31	.29
31.4000	.28	.26	.25	.23	.22
31.6500	.21	.19	.18	.17	.16
31.9000	.15	.14	.13	.12	.12
32.1500	.11	.10	.09	.08	.08
32.4000	.07	.06	.06	.05	.05
32.6500	.04	.04	.03	.03	.02
32.9000	.02	.02	.01	.01	.01
33.1500	.01	.01	.00	.00	.00

Type.... Unit Hyd. (HYG output)

Page 7.06

Name.... SUBAREA 10 Tag: Pre100

Event: 100 yr

File.... V:\Projdata\04PROJ\04010.10\calcs\drainage\offsite areas\offsiterunoff.ppw

Storm... TypeI 24hr Tag: Pre100

---

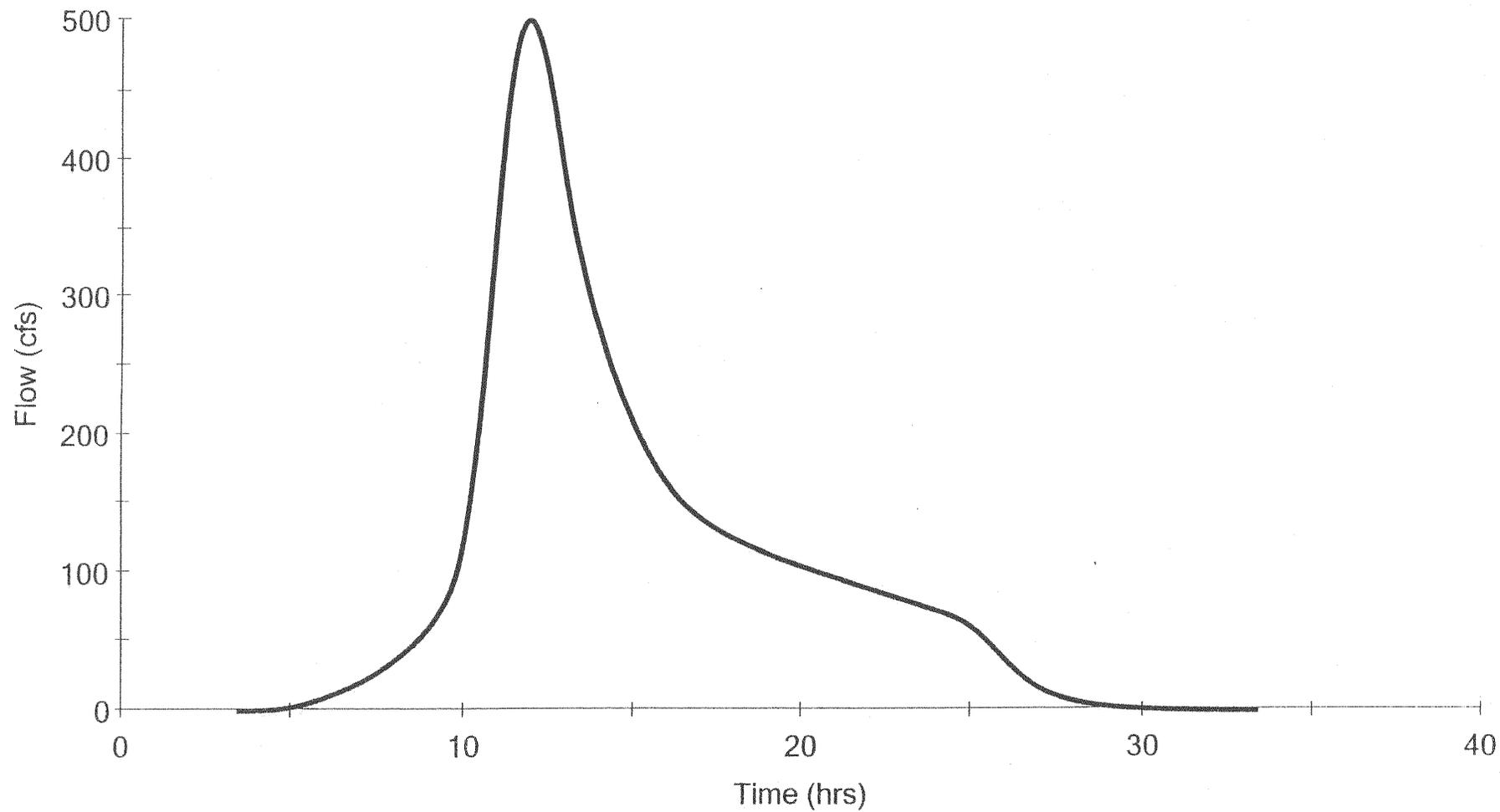
HYDROGRAPH ORDINATES (cfs)

Time | Output Time increment = .0500 hrs

hrs | Time on left represents time for first value in each row.

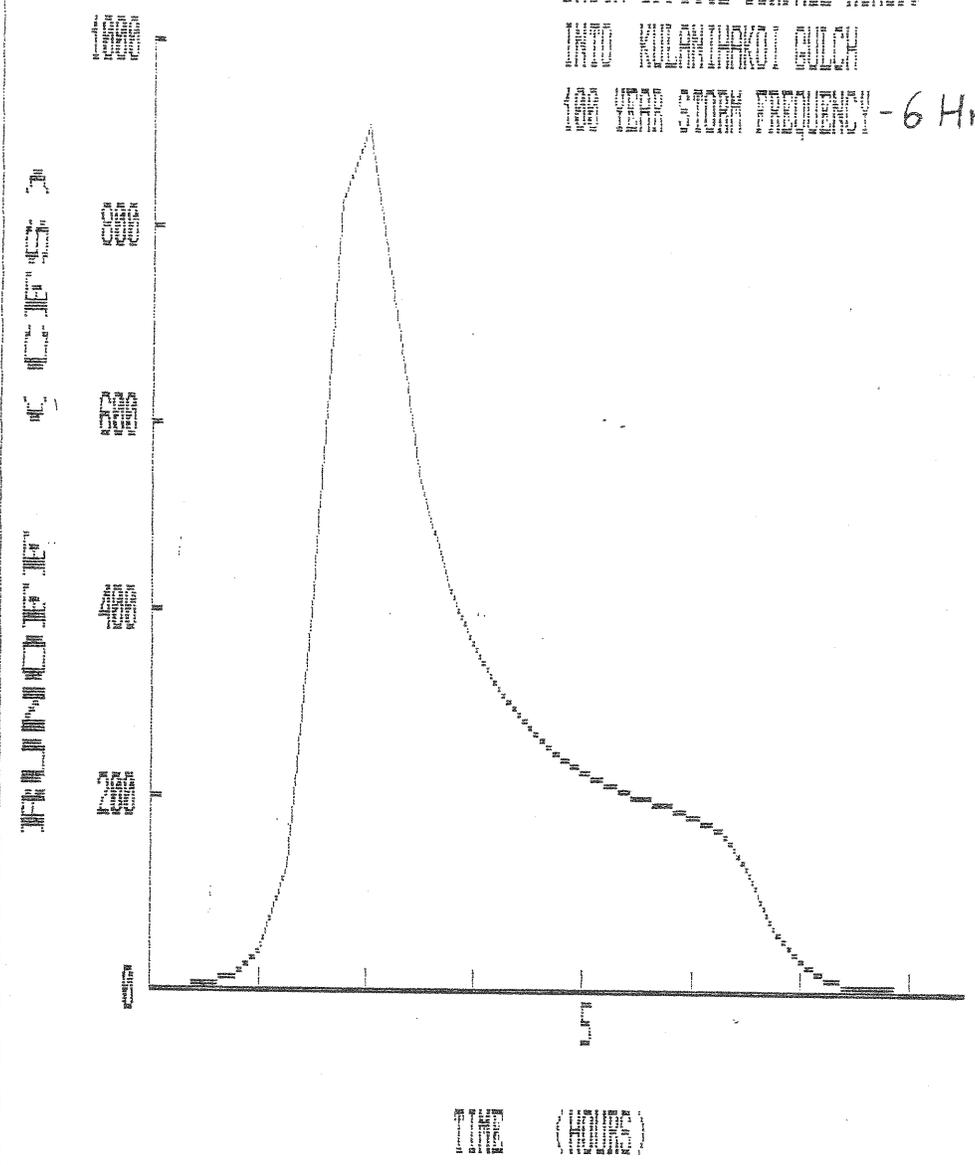
-----|-----  
33.4000 | .00

# SCS Unit Hydrograph - Kaonoulu Market Place (100 Yr - 24 Hr)





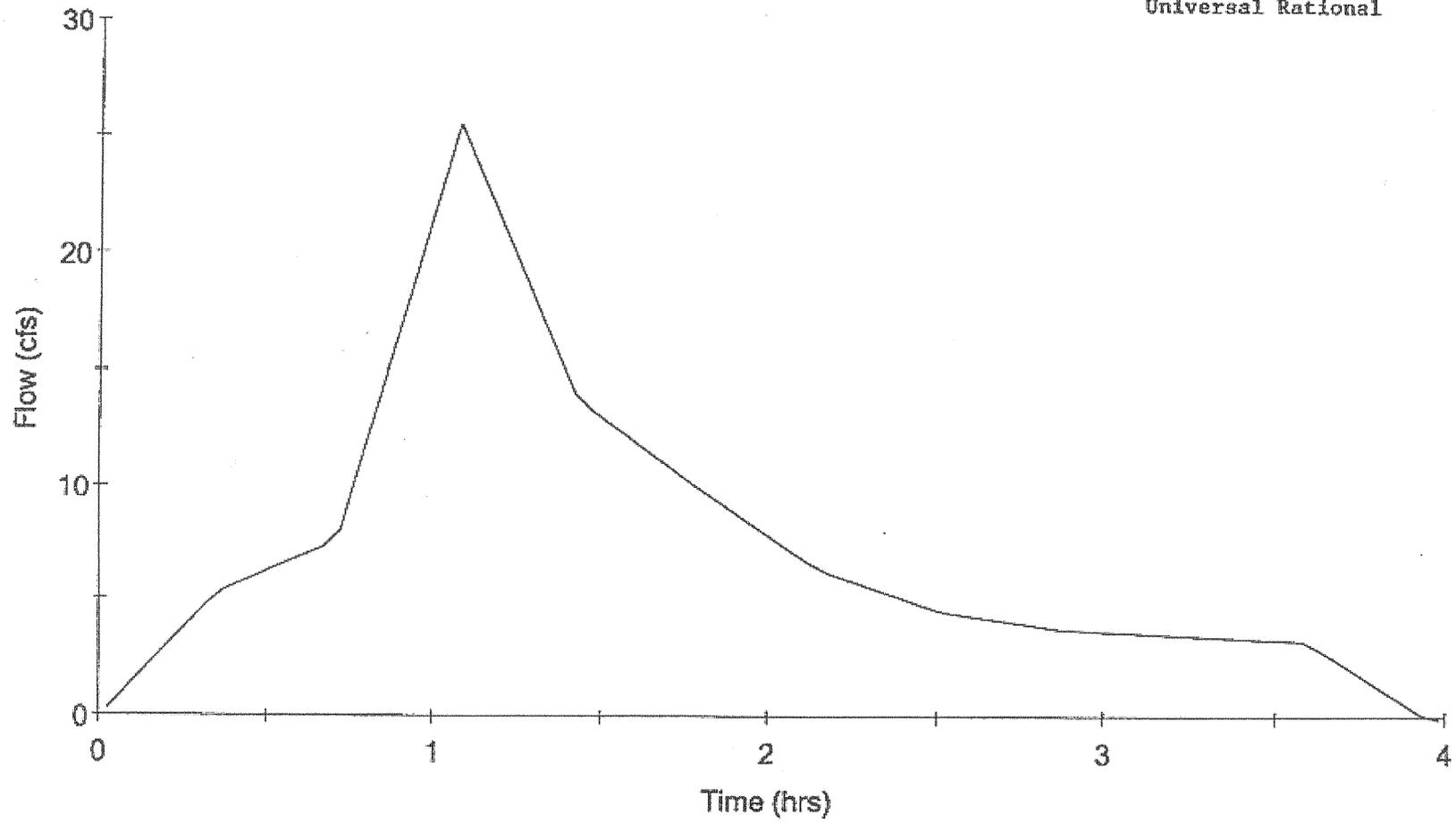
BASIN OPPOSITE SURFACE RUNOFF  
INTO KULANIHAKOI GULCH  
100 YEAR STORM FREQUENCY - 6 Hr





Hydrograph  
SUBAREA 10 100

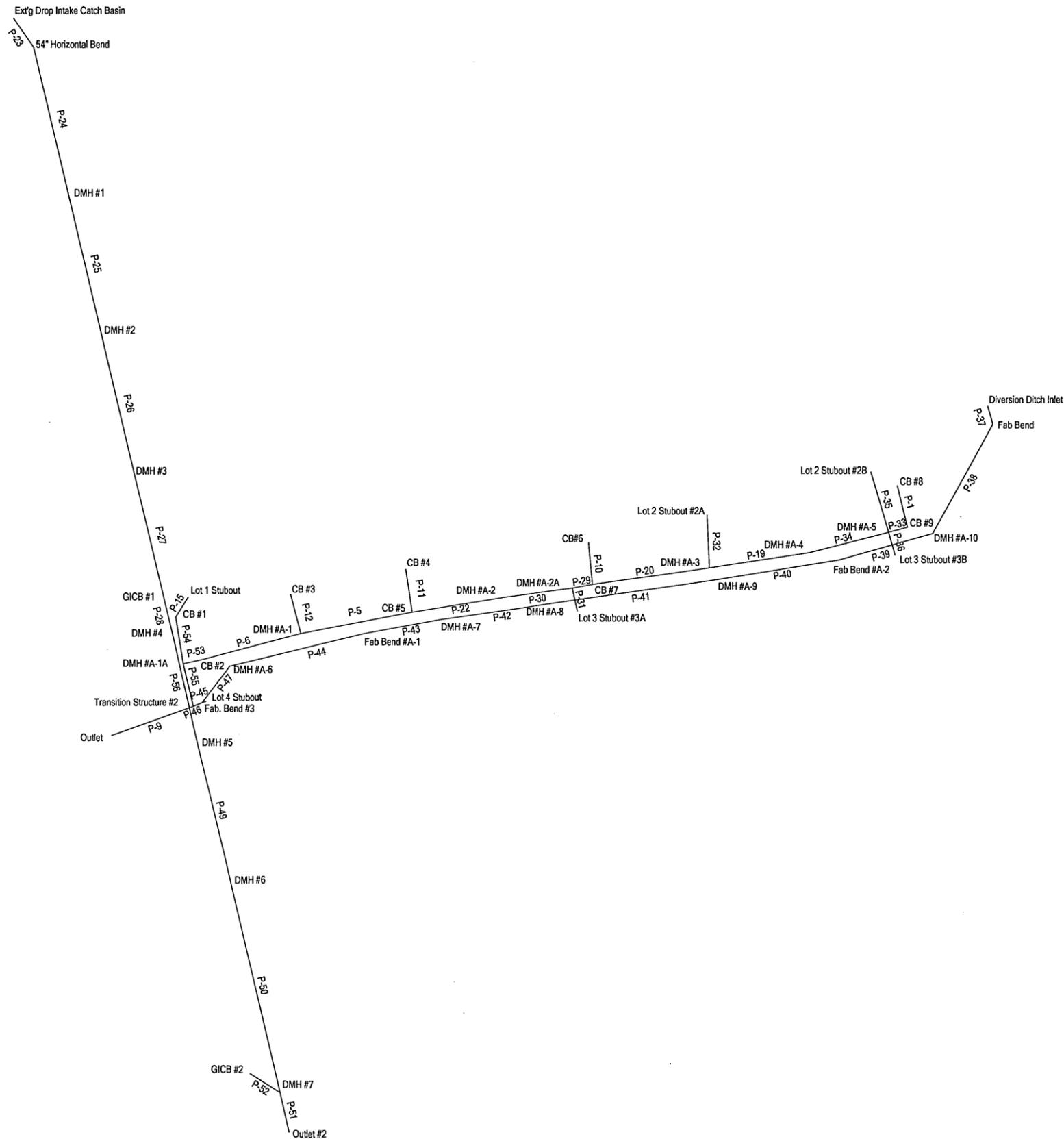
Ohukai Runoff  
Universal Rational



**APPENDIX B**

HYDRAULIC (BACKWATER) CALCULATIONS

Scenario: Base



## Calculation Results Summary

Scenario: Base

>>>> Info: Subsurface Network Rooted by: Outlet  
 >>>> Info: Subsurface Analysis iterations: 1  
 >>>> Info: Convergence was achieved.

>>>> Info: Subsurface Network Rooted by: Outlet #2  
 >>>> Info: Subsurface Analysis iterations: 1  
 >>>> Info: Convergence was achieved.

### CALCULATION SUMMARY FOR SURFACE NETWORKS

Label	Inlet Type	Inlet	Total Intercepted Flow (cfs)	Total Bypassed Flow (cfs)	Capture Efficiency (%)
Lot 4 Stubout	Generic Inlet	Generic Default 100%	0.00	0.00	100
Diversion Ditch Inlet	Generic Inlet	Generic Default 100%	0.00	0.00	100
Lot 3 Stubout #3B	Generic Inlet	Generic Default 100%	0.00	0.00	100
Lot 2 Stubout #2B	Generic Inlet	Generic Default 100%	0.00	0.00	100
Lot 2 Stubout #2A	Generic Inlet	Generic Default 100%	0.00	0.00	100
Lot 3 Stubout #3A	Generic Inlet	Generic Default 100%	0.00	0.00	100
CB #2	Generic Inlet	Generic Default 100%	0.00	0.00	100
CB #5	Generic Inlet	Generic Default 100%	0.00	0.00	100
CB #4	Generic Inlet	Generic Default 100%	0.00	0.00	100
CB #3	Generic Inlet	Generic Default 100%	0.00	0.00	100
CB #7	Generic Inlet	Generic Default 100%	0.00	0.00	100
CB#6	Generic Inlet	Generic Default 100%	0.00	0.00	100
CB #9	Generic Inlet	Generic Default 100%	0.00	0.00	100
CB #8	Generic Inlet	Generic Default 100%	0.00	0.00	100
CB #1	Generic Inlet	Generic Default 100%	0.00	0.00	100
Lot 1 Stubout	Generic Inlet	Generic Default 100%	0.00	0.00	100
GICB #2	Generic Inlet	Generic Default 100%	0.00	0.00	100
GICB #1	Generic Inlet	Generic Default 100%	0.00	0.00	100
Ext'g Drop Intake Catch Basin	Generic Inlet	Generic Default 100%	0.00	0.00	100

### CALCULATION SUMMARY FOR SUBSURFACE NETWORK WITH ROOT: Outlet

Label	Number of Sections	Section Size	Section Shape	Length (ft)	Total System Flow (cfs)	Average Velocity (ft/s)	Hydraulic Grade Upstream (ft)	Hydraulic Grade Downstream (ft)
P-9	1	102 inch	Circular	164.00	632.26	12.99	38.07	35.89
P-46	1	84 inch	Circular	33.93	543.79	14.13	41.41	40.71
P-55	1	36 inch	Circular	91.07	88.47	12.52	42.31	40.71
P-45	1	24 inch	Circular	8.07	20.79	6.62	43.96	43.89
P-47	1	84 inch	Circular	96.00	523.00	13.59	45.74	43.89
P-54	1	30 inch	Circular	97.82	33.07	6.74	45.38	44.74
P-53	1	36 inch	Circular	39.75	55.40	7.84	45.02	44.74
P-44	1	84 inch	Circular	288.65	523.00	19.25	53.04	47.75
P-15	1	24 inch	Circular	50.00	31.22	9.94	47.04	46.09
P-6	1	36 inch	Circular	215.02	52.80	7.47	47.32	45.97
P-43	1	84 inch	Circular	166.65	523.00	19.27	58.30	54.79
P-12	1	24 inch	Circular	84.75	2.03	0.65	48.19	48.19
P-5	1	30 inch	Circular	239.93	50.77	15.05	52.31	48.19
P-42	1	84 inch	Circular	348.44	523.00	22.57	74.71	60.40

### Calculation Results Summary

P-11	1	24 inch	Circular	88.73	2.89	0.92	54.11	54.09
P-22	1	30 inch	Circular	196.52	45.38	20.80	65.43	54.09
P-41	1	84 inch	Circular	350.89	523.00	20.63	87.84	76.81
P-30	1	30 inch	Circular	145.00	45.38	17.08	71.18	66.55
P-40	1	84 inch	Circular	144.95	523.00	19.02	92.27	89.94
P-31	1	24 inch	Circular	50.37	18.22	10.52	71.50	71.18
P-29	1	30 inch	Circular	44.00	27.16	15.16	72.54	71.18
P-39	1	84 inch	Circular	201.53	523.00	19.04	98.45	94.02
P-10	1	24 inch	Circular	88.72	3.94	6.91	73.73	73.36
P-20	1	30 inch	Circular	246.17	19.36	13.72	82.19	73.36
P-38	1	96 inch	Circular	261.86	523.00	14.57	102.26	100.90
P-19	1	24 inch	Circular	212.31	6.42	11.30	93.45	82.82
P-32	1	24 inch	Circular	110.23	12.94	9.65	84.70	82.82
P-37	1	96 inch	Circular	38.00	523.00	14.56	104.42	104.19
P-34	1	24 inch	Circular	170.03	6.42	8.12	97.05	93.70
P-35	1	24 inch	Circular	132.25	2.50	6.06	99.35	97.39
P-33	1	24 inch	Circular	42.02	1.92	5.72	97.52	97.39
P-36	1	24 inch	Circular	48.32	2.00	5.68	97.61	97.39
P-1	1	24 inch	Circular	88.72	1.07	4.70	99.17	97.69

Label	Total System Flow (cfs)	Ground Elevation (ft)	Hydraulic Grade Line In (ft)	Hydraulic Grade Line Out (ft)
Outlet	632.26	45.00	29.58	29.58
Transition Structure #2	632.26	45.83	40.71	38.07
Fab. Bend #3	543.79	48.40	43.89	41.41
DMH #A-1A	88.47	49.13	44.74	42.31
Lot 4 Stubout	20.79	48.50	44.64	43.96
DMH #A-6	523.00	51.71	47.75	45.74
CB #1	33.07	48.87	46.09	45.38
CB #2	55.40	49.76	45.97	45.02
Fab Bend #A-1	523.00	59.30	54.79	53.04
Lot 1 Stubout	31.22	49.50	48.57	47.04
DMH #A-1	52.80	54.74	48.19	47.32
DMH #A-7	523.00	65.42	60.40	58.30
CB #3	2.03	54.26	48.20	48.19
CB #5	50.77	62.32	54.09	52.31
DMH #A-8	523.00	80.28	76.81	74.71
CB #4	2.89	62.32	54.12	54.11
DMH #A-2	45.38	70.88	66.55	65.43
DMH #A-9	523.00	94.70	89.94	87.84
DMH #A-2A	45.38	76.93	71.18	71.18
Fab Bend #A-2	523.00	100.30	94.02	92.27
Lot 3 Stubout #3A	18.22	77.10	72.27	71.50
CB #7	27.16	78.52	73.36	72.54
DMH #A-10	523.00	107.60	100.90	98.45
CB#6	3.94	78.52	73.98	73.73
DMH #A-3	19.36	88.05	82.82	82.19
Fab Bend	523.00	106.00	104.19	102.26
DMH #A-4	6.42	97.70	93.70	93.45
Lot 2 Stubout #2A	12.94	90.50	85.27	84.70
Diversion Ditch Inlet	523.00	107.00	106.22	104.42
DMH #A-5	6.42	103.75	97.39	97.05
Lot 2 Stubout #2B	2.50	104.40	99.55	99.35
CB #9	1.92	104.82	97.69	97.52
Lot 3 Stubout #3B	2.00	105.40	97.78	97.61
CB #8	1.07	104.82	99.29	99.17

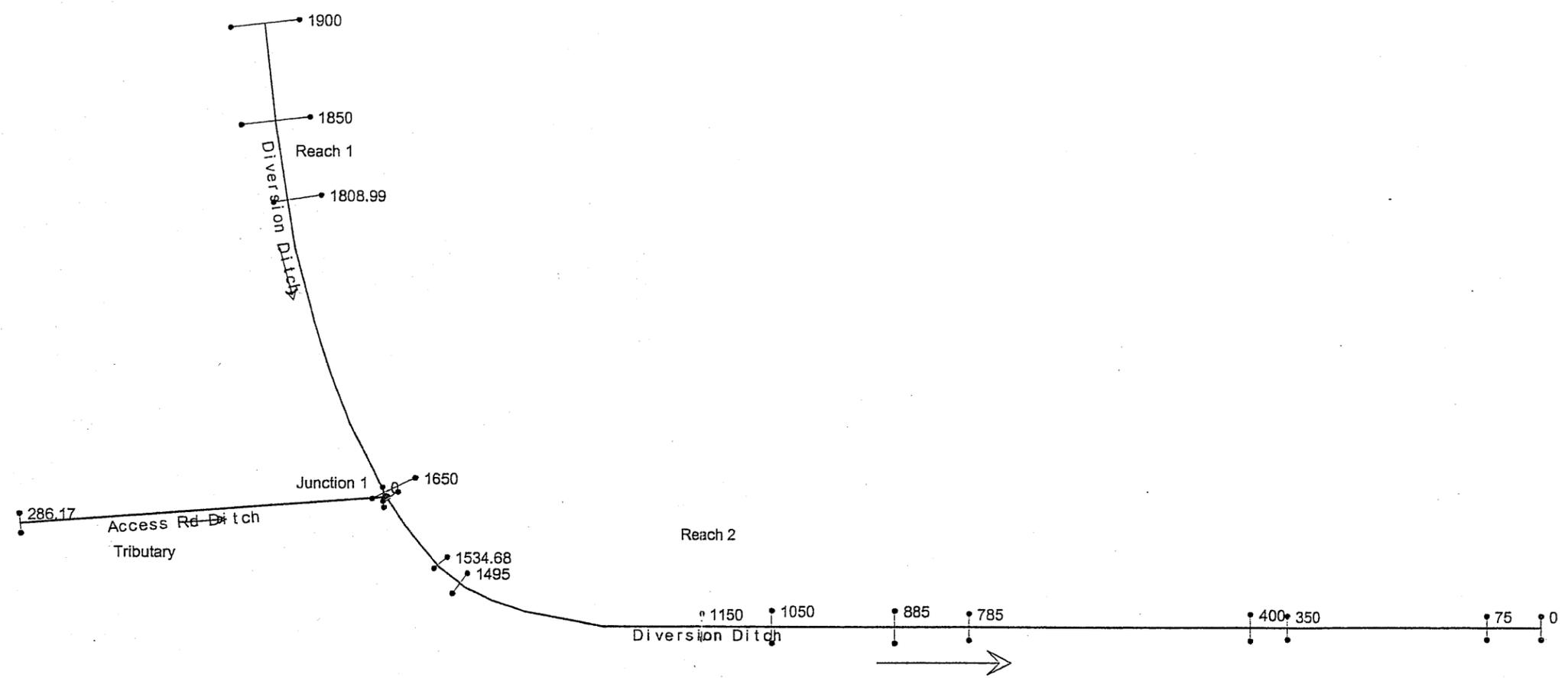
CALCULATION SUMMARY FOR SUBSURFACE NETWORK WITH ROOT: Outlet #2

## Calculation Results Summary

Label	Number of Sections	Section Size	Section Shape	Length (ft)	Total System Flow (cfs)	Average Velocity (ft/s)	Hydraulic Grade Upstream (ft)	Hydraulic Grade Downstream (ft)
P-51	1	54 inch	Circular	81.40	160.04	17.99	27.70	22.40
P-52	1	24 inch	Circular	74.00	6.85	2.18	29.80	29.73
P-50	1	60 inch	Circular	452.44	153.19	9.35	35.33	30.46
P-49	1	60 inch	Circular	350.00	153.19	11.85	41.16	36.69
P-56	1	60 inch	Circular	199.56	153.19	9.42	44.59	42.80
P-28	1	60 inch	Circular	58.16	153.19	21.30	45.42	45.53
P-27	1	60 inch	Circular	264.81	147.00	21.07	53.87	47.06
P-26	1	60 inch	Circular	300.00	147.00	21.08	63.53	55.05
P-25	1	60 inch	Circular	300.00	147.00	20.16	72.08	64.71
P-24	1	54 inch	Circular	321.00	147.00	13.22	76.33	73.18
P-23	1	54 inch	Circular	74.00	147.00	13.29	77.77	77.44

Label	Total System Flow (cfs)	Ground Elevation (ft)	Hydraulic Grade Line In (ft)	Hydraulic Grade Line Out (ft)
Outlet #2	160.04	27.32	19.82	19.82
DMH #7	160.04	32.00	29.73	27.70
GICB #2	6.85	31.30	29.87	29.80
DMH #6	153.19	37.90	36.69	35.33
DMH #5	153.19	46.25	42.80	41.16
DMH #4	153.19	49.91	45.53	44.59
GICB #1	153.19	51.00	47.06	45.42
DMH #3	147.00	59.60	55.05	53.87
DMH #2	147.00	68.10	64.71	63.53
DMH #1	147.00	76.60	73.26	72.08
54" Horizontal Bend	147.00	79.80	77.44	76.33
Ext'g Drop Intake Catch Basin	147.00	79.80	78.77	77.77

=====  
 Completed: 10/26/2008 09:36:47 AM

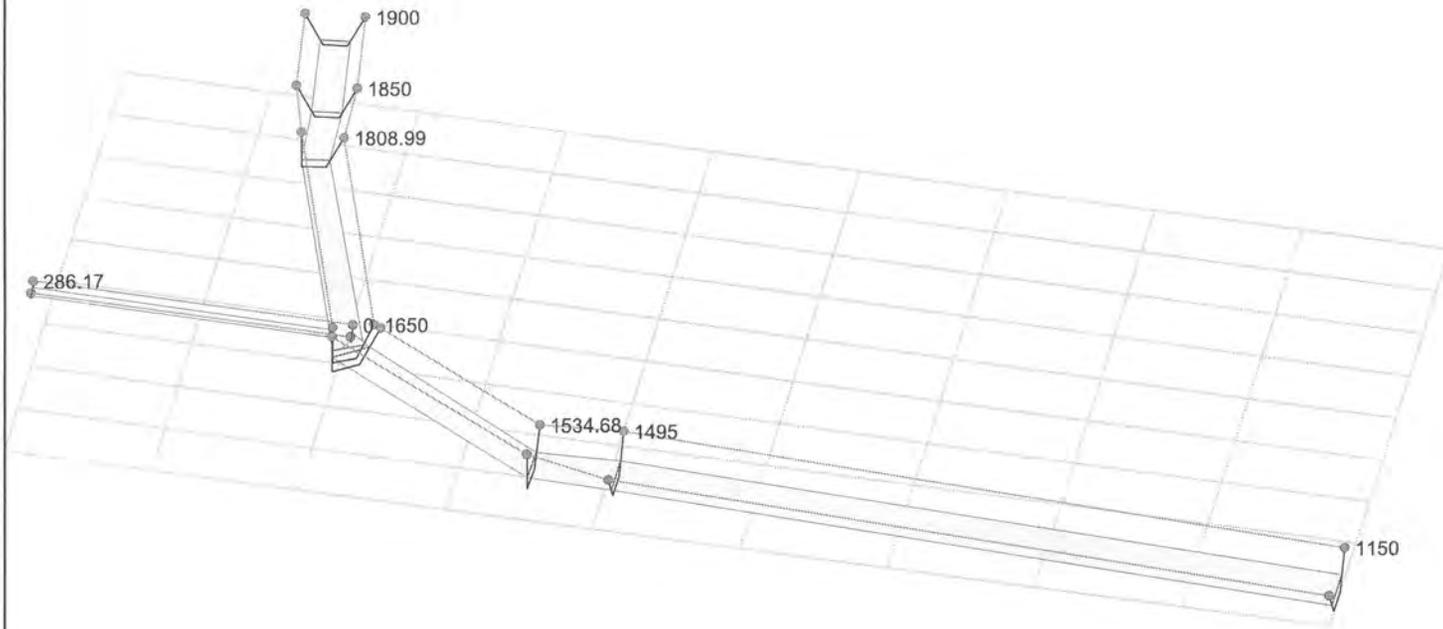


KAONOULU MARKET PLACE - OFFSITE DIVERSION DITCH

Kaonoulu Market Place - Diversion Ditch

Plan: Kaonoulu Market Place - Diversion Ditch

Legend	
	WS 100yr-24hr
	Ground
	Bank Sta



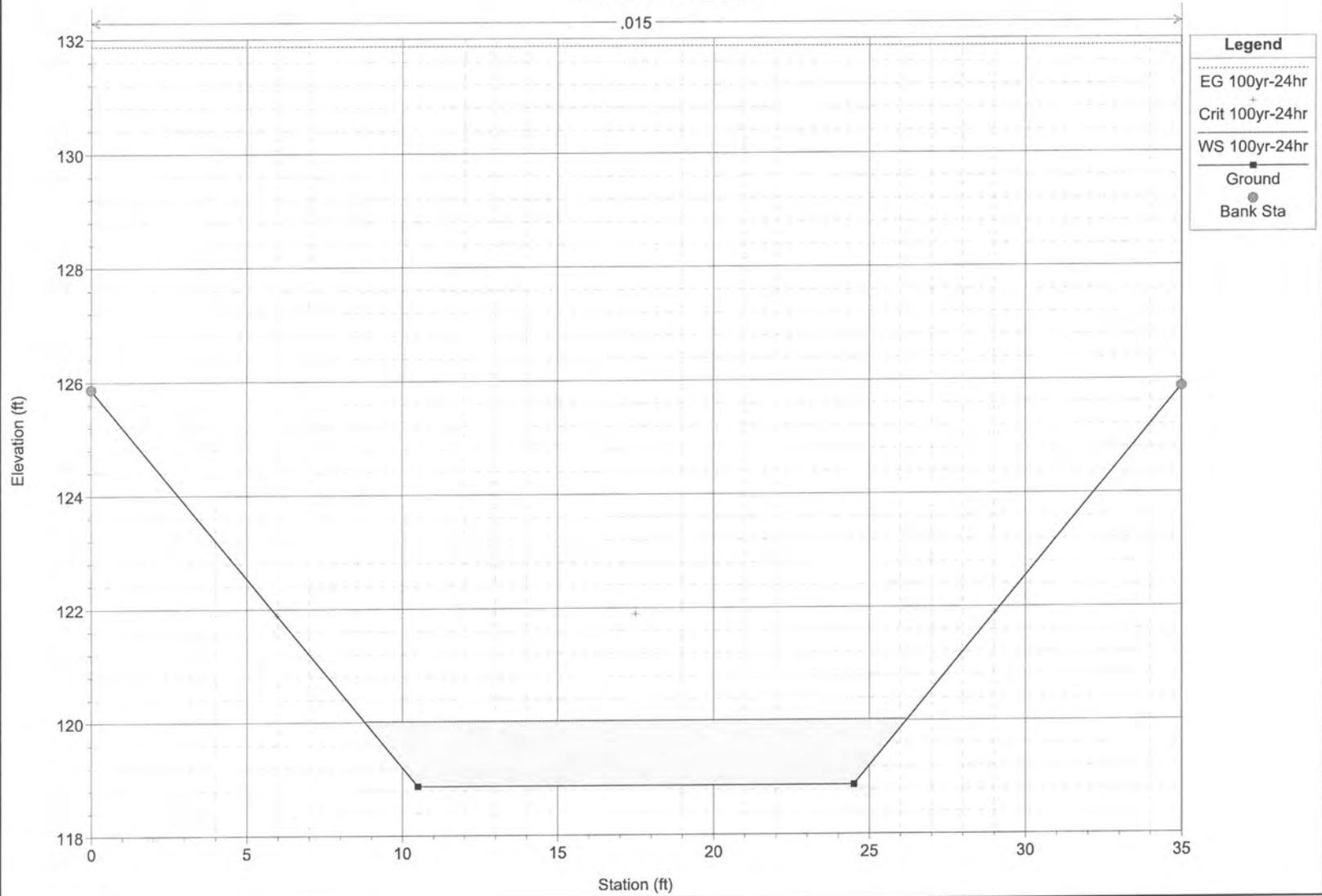
HEC-RAS Plan: DivDitch Profile: 100yr-24hr

River	Reach	River Sta	Profile	Q Total (cfs)	Min Ch El (ft)	W.S. Elev (ft)	Crit W.S. (ft)	E.G. Elev (ft)	E.G. Slope (ft/ft)	Vel Chnl (ft/s)	Flow Area (sq ft)	Top Width (ft)	Froude # Chl
Diversion Ditch	Reach 1	1900	100yr-24hr	498.00	118.87	120.02	121.89	131.87	0.078414	27.63	18.03	17.44	4.79
Diversion Ditch	Reach 1	1850	100yr-24hr	498.00	115.50	116.67	118.52	127.92	0.072387	26.91	18.50	17.52	4.62
Diversion Ditch	Reach 1	1808.99	100yr-24hr	498.00	114.91	116.47	118.10	123.32	0.088910	21.00	23.71	16.34	3.07
Diversion Ditch	Reach 1	1850	100yr-24hr	498.00	112.62	115.38	115.81	117.34	0.013810	11.23	44.33	18.14	1.27
Diversion Ditch	Reach 2	1850	100yr-24hr	523.00	112.62	115.91	115.91	117.36	0.008528	9.65	54.17	18.93	1.01
Diversion Ditch	Reach 2	1534.68	100yr-24hr	523.00	110.97	113.66	114.26	115.94	0.016470	12.12	43.16	18.04	1.38
Diversion Ditch	Reach 2	1495	100yr-24hr	523.00	110.40	112.78	113.51	115.22	0.019615	12.54	41.71	21.13	1.57
Diversion Ditch	Reach 2	1150	100yr-24hr	523.00	105.44	108.20	108.55	109.89	0.011533	10.44	50.10	22.28	1.23
Access Rd Ditch	Tributary	286.17	100yr-24hr	25.00	121.50	122.43	122.23	122.59	0.009220	3.23	7.75	10.65	0.67
Access Rd Ditch	Tributary	0	100yr-24hr	25.00	117.63	118.36	118.36	118.66	0.022403	4.39	5.70	9.64	1.01

***Kaonoulu Market Place UpStream Diversion Ditch to Transition Section Hydraulic Grade Line for 100-year 24-hr Storm***

<i>River</i>	<i>Sta</i>	<i>HEC-RAS Sta</i>	<i>Min Channel Elevation (ft)</i>	<i>W.S. Elevation (ft)</i>	<i>Top Width (ft)</i>	<i>Depth (ft)</i>
<i>Diversion Ditch</i>	0+00	1900	118.87	120.02	17.44	1.15
	0+50	1850	115.50	116.67	17.52	1.17
	0+91.01	1808.99	114.91	116.47	16.34	1.56
	2+50	1650	112.62	115.91	18.93	3.29
	3+65.32	1534.68	110.97	113.66	18.04	2.69
	4+05	1495	110.40	112.78	21.13	2.38
	7+50	1150	105.44	108.20	22.28	2.76
<i>Access Road Ditch</i>	0+00	286.17	121.50	122.43	10.65	0.93
	2+86.17	0	117.63	118.36	9.64	0.73

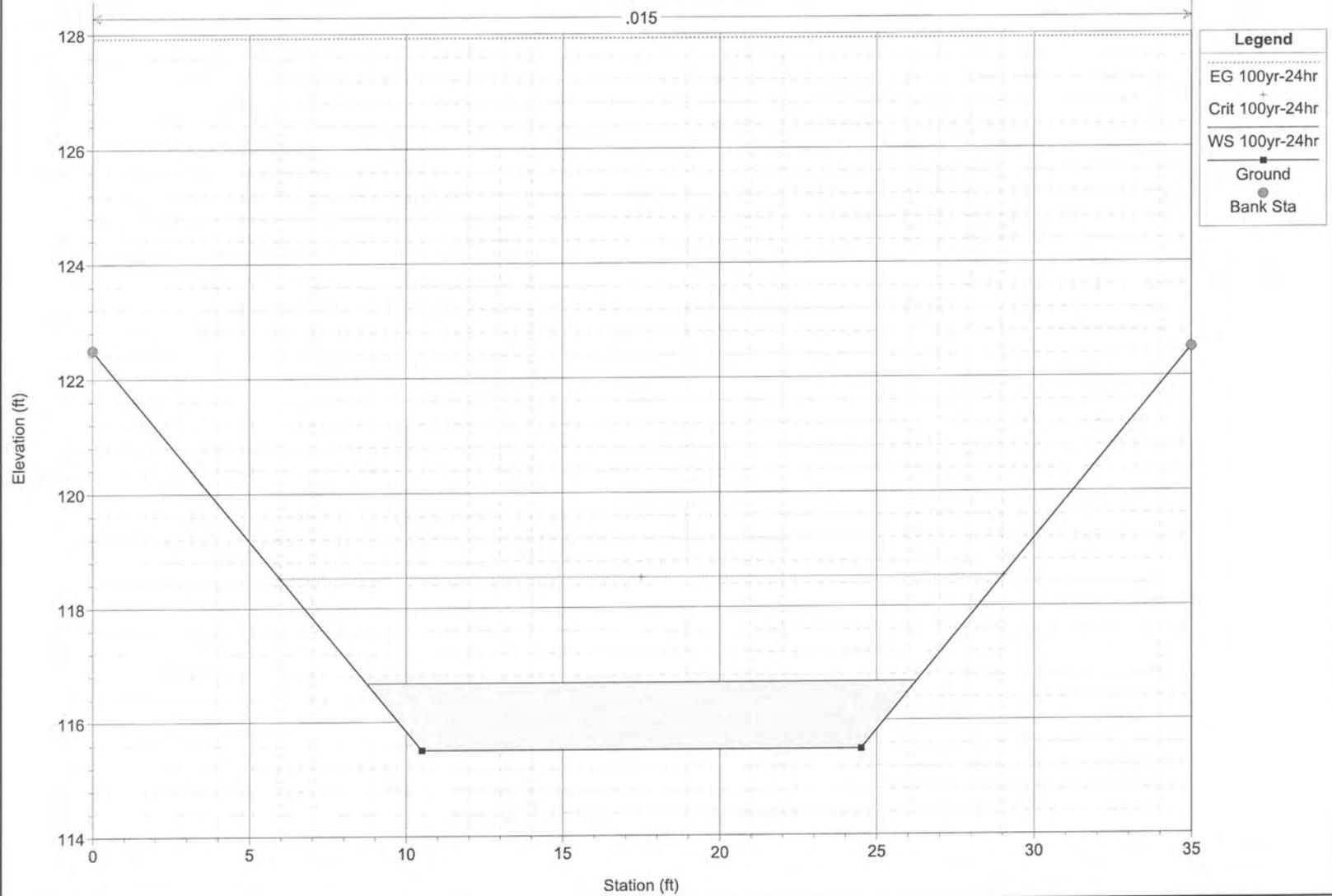
Kaonoulu Market Place - Diversion Ditch Plan: Kaonoulu Market Place - Diversion Ditch  
Diversion Ditch Sta. 0+00



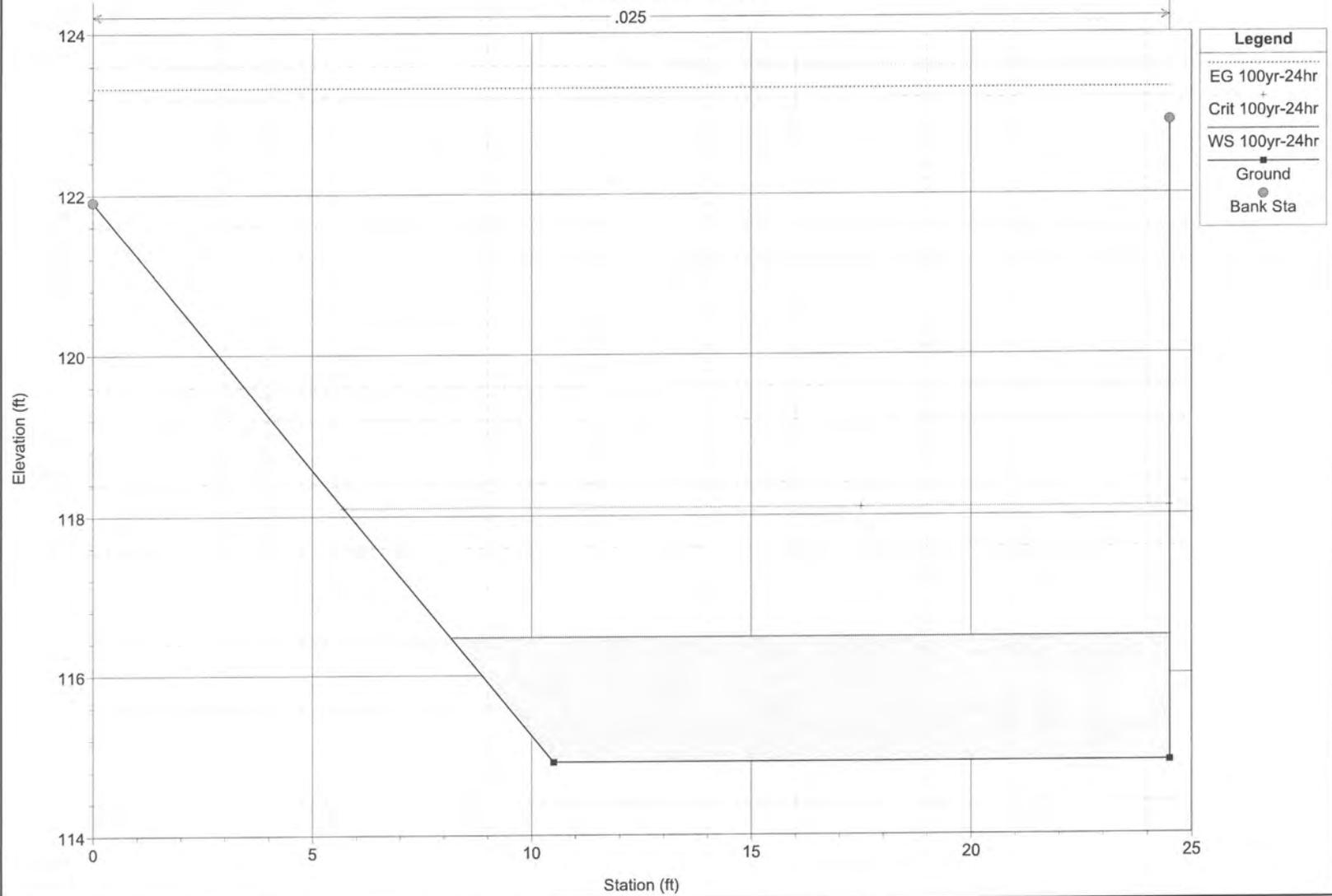
**Legend**

- EG 100yr-24hr
- Crit 100yr-24hr
- WS 100yr-24hr
- Ground
- Bank Sta

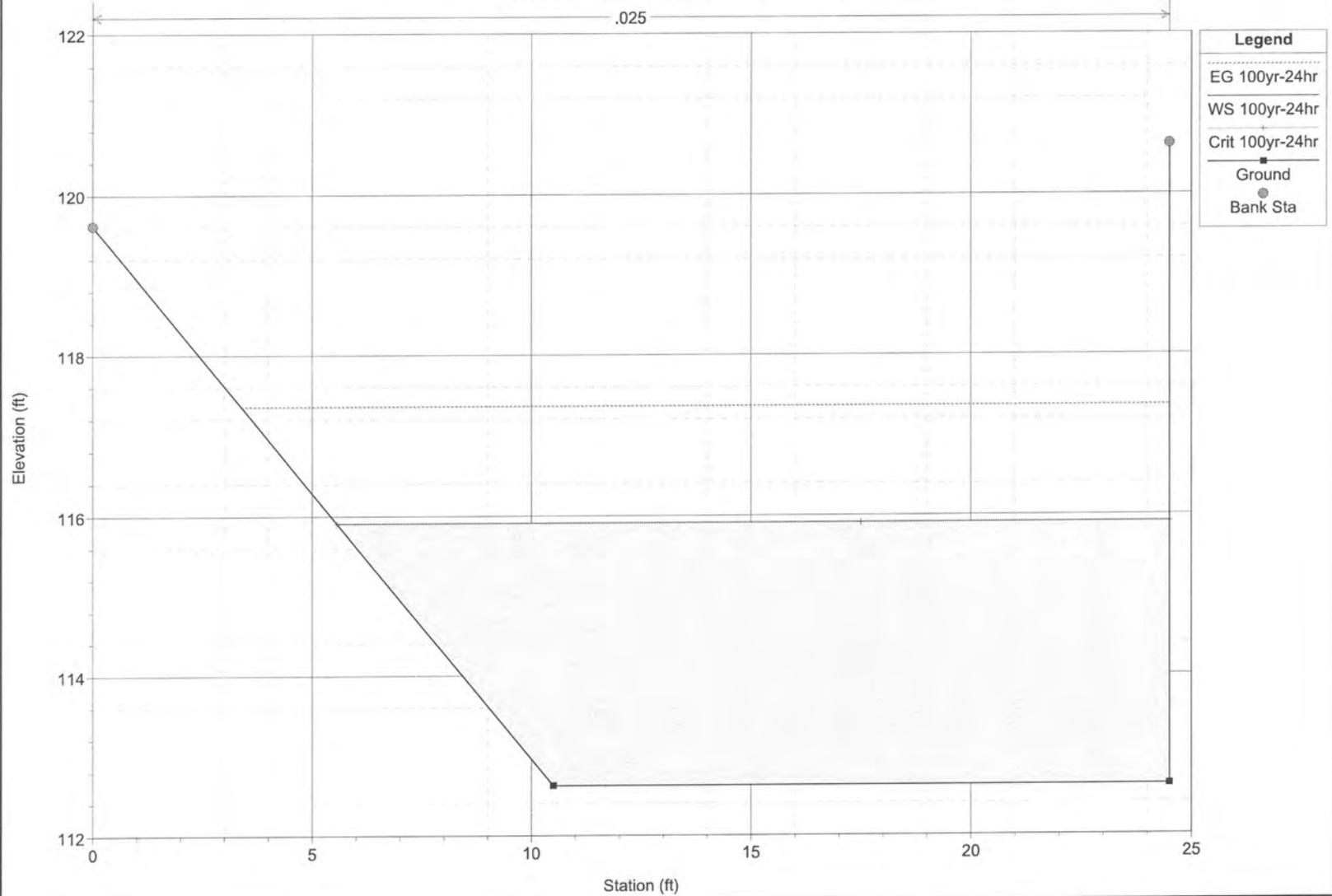
Kaonoulu Market Place - Diversion Ditch Plan: Kaonoulu Market Place - Diversion Ditch  
Diversion Ditch Sta. 0+50



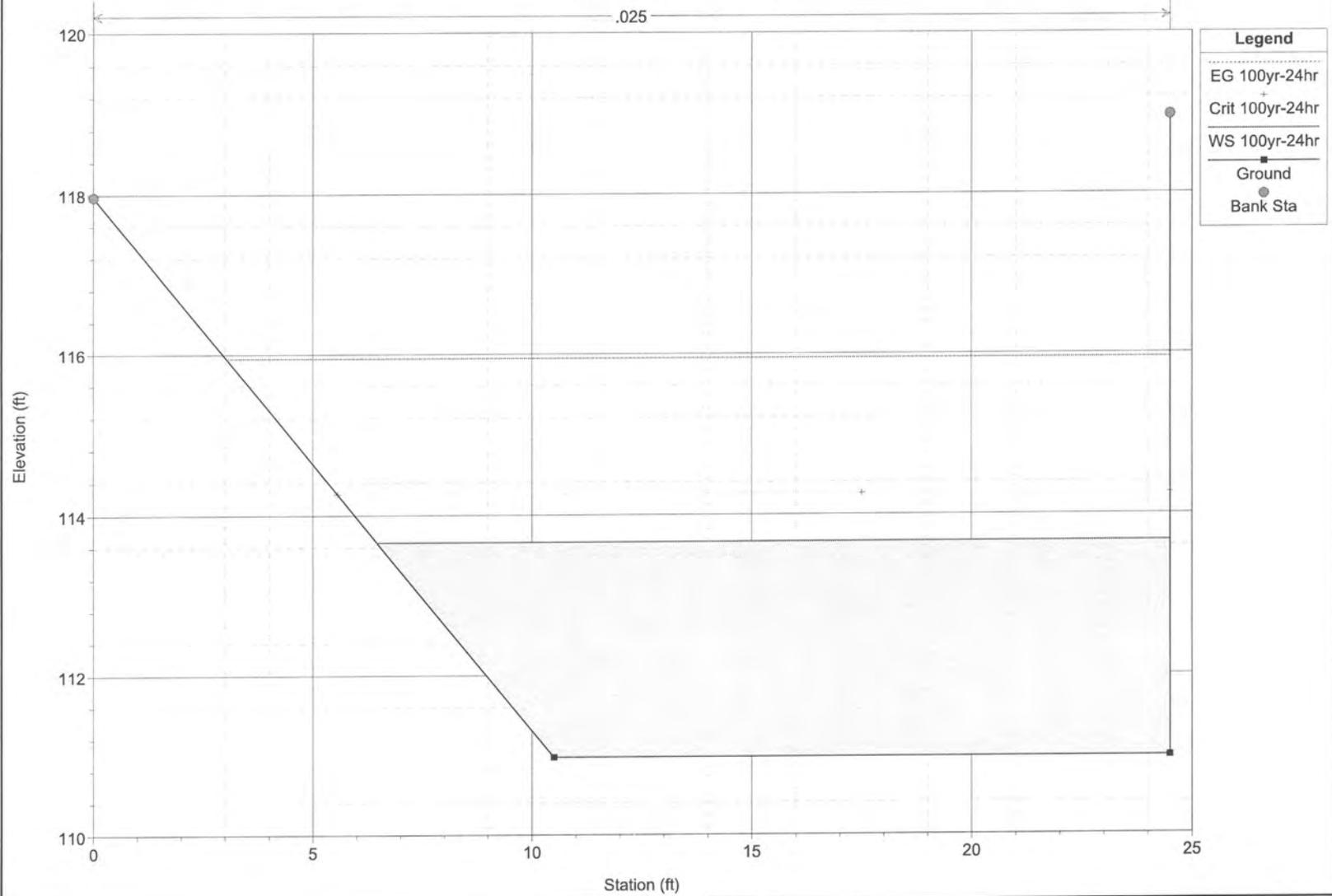
Kaonoulu Market Place - Diversion Ditch Plan: Kaonoulu Market Place - Diversion Ditch  
Diversion Ditch Sta. 0+91.01



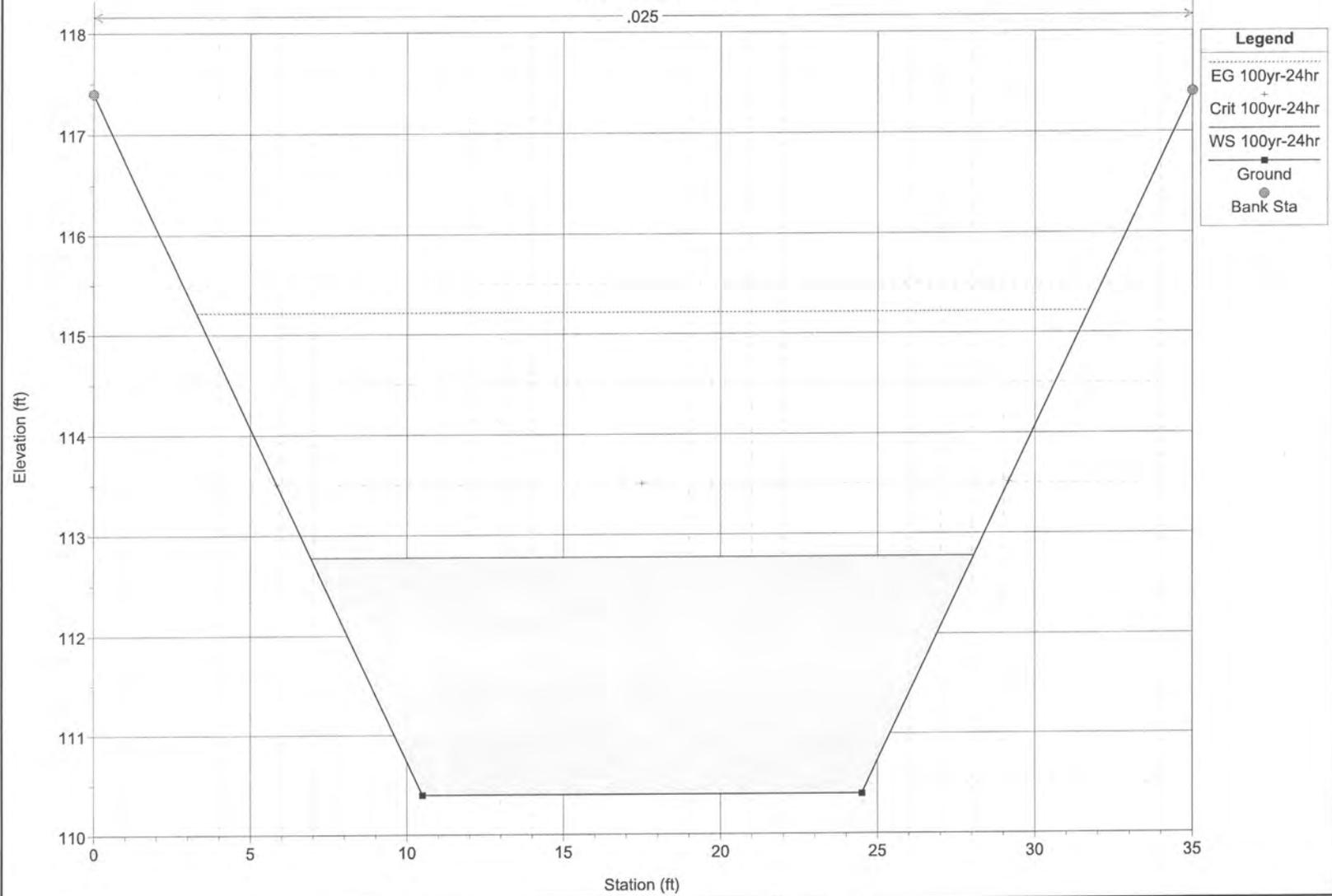
Kaonoulu Market Place - Diversion Ditch Plan: Kaonoulu Market Place - Diversion Ditch  
Upstream Boundary of Diversion Ditch Sta. 2+50



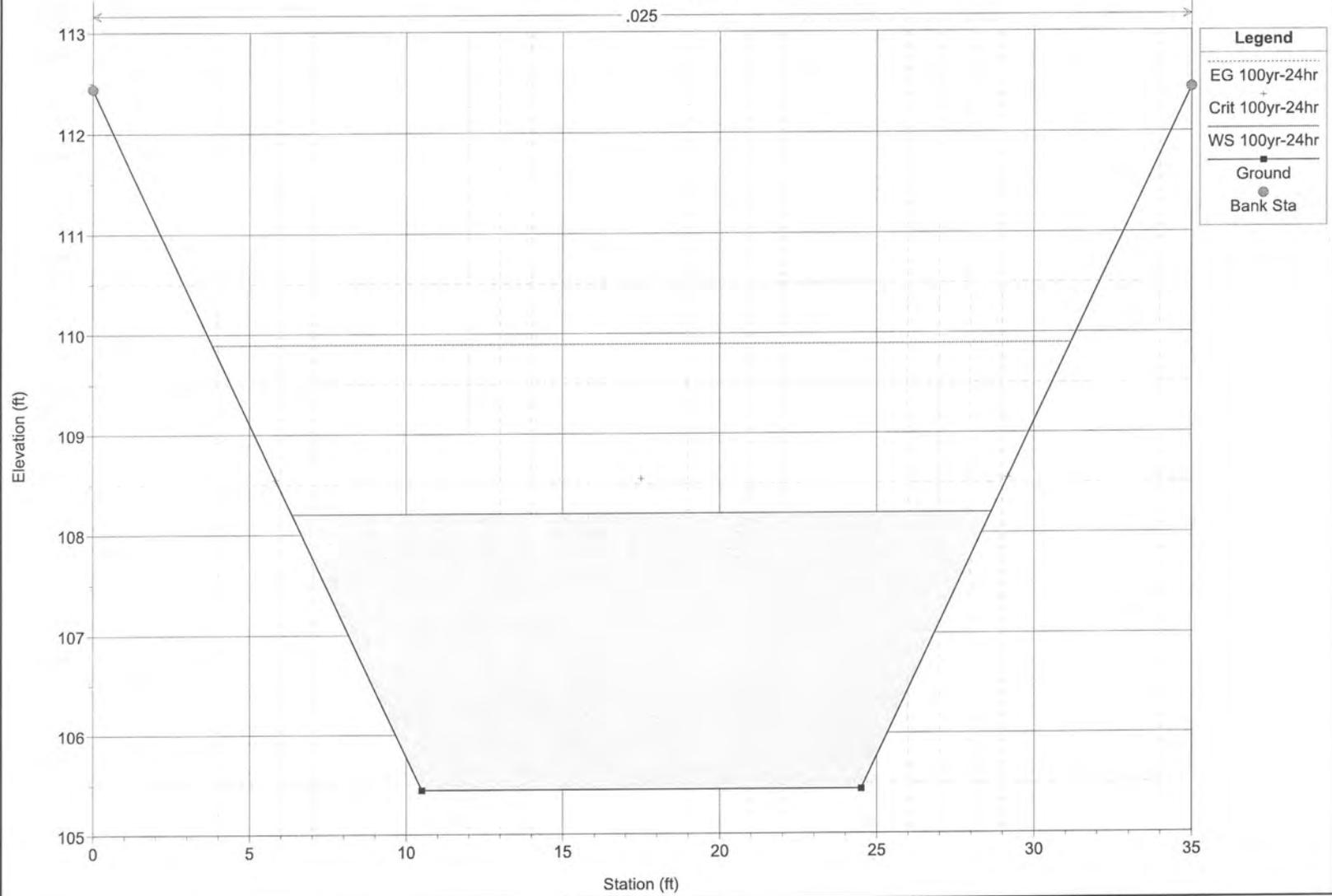
Kaonoulu Market Place - Diversion Ditch Plan: Kaonoulu Market Place - Diversion Ditch  
Diversion Ditch Sta. 3+65.32

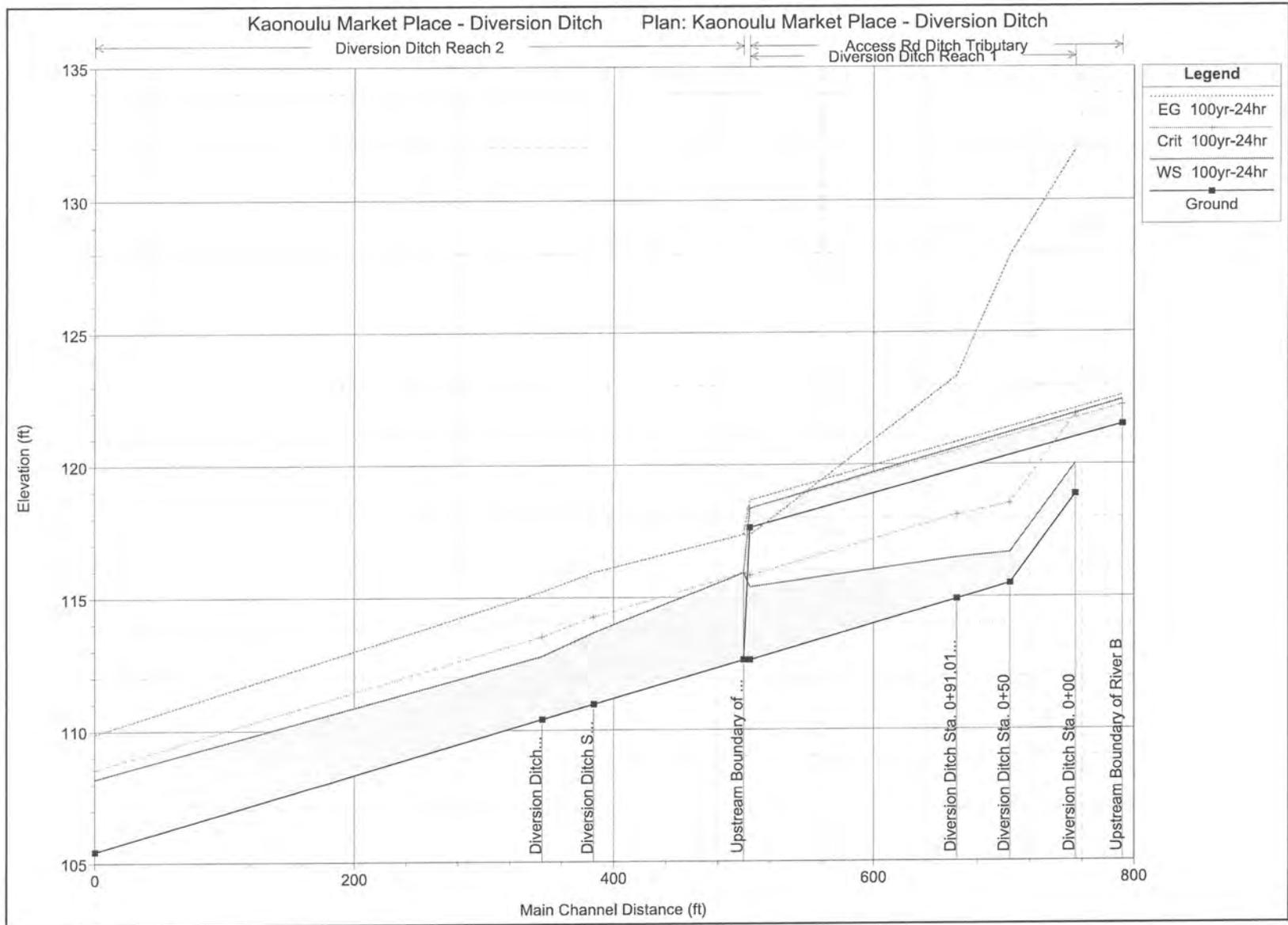


Kaonoulu Market Place - Diversion Ditch    Plan: Kaonoulu Market Place - Diversion Ditch  
Diversion Ditch Sta. 4+05



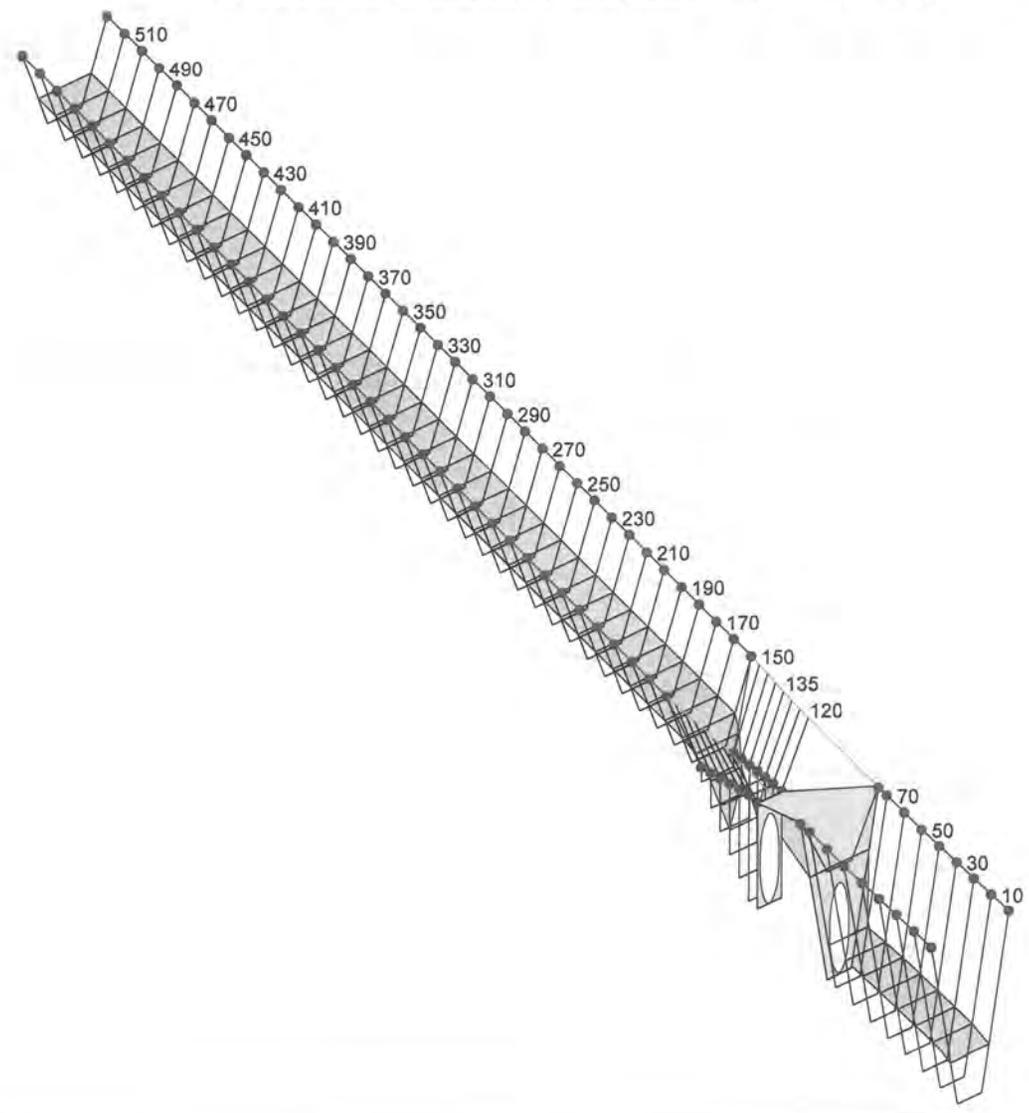
Kaonoulu Market Place - Diversion Ditch Plan: Kaonoulu Market Place - Diversion Ditch  
Diversion Ditch Sta. 7+50





Kaonoulu Diversion Ditch Interceptor Channel T Plan: 1) Plan 01

Legend	
	WS PF 1
	Ground
	Bank Sta



HEC-RAS Plan: Plan 01 River: Diversion Ditch Reach: One Profile: PF 1

Reach	River Sta	Profile	Q Total (cfs)	Min Ch El (ft)	W.S. Elev (ft)	Crit W.S. (ft)	E.G. Elev (ft)	E.G. Slope (ft/ft)	Vel Chnl (ft/s)	Flow Area (sq ft)	Top Width (ft)	Froude # Chl
One	520	PF 1	523.00	110.76	113.35	113.87	115.33	0.014402	11.27	46.39	21.78	1.36
One	510	PF 1	523.00	110.62	113.24	113.73	115.17	0.013949	11.15	46.91	21.85	1.34
One	500	PF 1	523.00	110.47	113.07	113.58	115.03	0.014299	11.25	46.51	21.80	1.36
One	490	PF 1	523.00	110.33	112.93	113.44	114.89	0.014299	11.25	46.51	21.80	1.36
One	480	PF 1	523.00	110.19	112.79	113.30	114.75	0.014299	11.25	46.51	21.80	1.36
One	470	PF 1	523.00	110.04	112.65	113.15	114.60	0.014164	11.21	46.66	21.82	1.35
One	460	PF 1	523.00	109.90	112.51	113.01	114.46	0.014164	11.21	46.66	21.82	1.35
One	450	PF 1	523.00	109.75	112.35	112.86	114.31	0.014322	11.25	46.48	21.79	1.36
One	440	PF 1	523.00	109.61	112.21	112.72	114.17	0.014322	11.25	46.48	21.79	1.36
One	430	PF 1	523.00	109.47	112.07	112.58	114.03	0.014322	11.25	46.48	21.79	1.36
One	420	PF 1	523.00	109.32	111.92	112.43	113.88	0.014191	11.22	46.63	21.81	1.35
One	410	PF 1	523.00	109.18	111.78	112.29	113.74	0.014191	11.22	46.63	21.81	1.35
One	400	PF 1	523.00	109.04	111.64	112.15	113.60	0.014191	11.22	46.63	21.81	1.35
One	390	PF 1	523.00	108.89	111.49	112.00	113.45	0.014345	11.26	46.46	21.79	1.36
One	380	PF 1	523.00	108.75	111.35	111.86	113.31	0.014345	11.26	46.46	21.79	1.36
One	370	PF 1	523.00	108.60	111.20	111.71	113.16	0.014219	11.22	46.60	21.81	1.35
One	360	PF 1	523.00	108.46	111.06	111.57	113.02	0.014219	11.22	46.60	21.81	1.35
One	350	PF 1	523.00	108.32	110.92	111.43	112.88	0.014219	11.22	46.60	21.81	1.35
One	340	PF 1	523.00	108.17	110.77	111.28	112.74	0.014368	11.26	46.43	21.78	1.36
One	330	PF 1	523.00	108.03	110.63	111.14	112.60	0.014368	11.26	46.43	21.78	1.36
One	320	PF 1	523.00	107.89	110.49	111.00	112.46	0.014368	11.26	46.43	21.78	1.36
One	310	PF 1	523.00	107.74	110.34	110.85	112.30	0.014246	11.23	46.57	21.80	1.35
One	300	PF 1	523.00	107.60	110.20	110.71	112.16	0.014246	11.23	46.57	21.80	1.35
One	290	PF 1	523.00	107.45	110.04	110.56	112.02	0.014391	11.27	46.41	21.78	1.36
One	280	PF 1	523.00	107.31	109.90	110.42	111.88	0.014391	11.27	46.41	21.78	1.36
One	270	PF 1	523.00	107.17	109.76	110.28	111.74	0.014391	11.27	46.41	21.78	1.36
One	260	PF 1	523.00	107.02	109.62	110.13	111.58	0.014273	11.24	46.54	21.80	1.36
One	250	PF 1	523.00	106.88	109.48	109.99	111.44	0.014273	11.24	46.54	21.80	1.36
One	240	PF 1	523.00	106.74	109.34	109.85	111.30	0.014273	11.24	46.54	21.80	1.36
One	230	PF 1	523.00	106.59	109.18	109.70	111.16	0.014414	11.28	46.38	21.78	1.36
One	220	PF 1	523.00	106.45	109.04	109.56	111.02	0.014414	11.28	46.38	21.78	1.36
One	210	PF 1	523.00	106.30	108.90	109.41	110.86	0.014300	11.25	46.51	21.80	1.36
One	200	PF 1	523.00	106.16	108.76	109.27	110.72	0.014300	11.25	46.51	21.80	1.36
One	190	PF 1	523.00	106.02	108.62	109.13	110.58	0.014300	11.25	46.51	21.80	1.36
One	180	PF 1	523.00	105.87	108.48	108.98	110.43	0.014166	11.21	46.66	21.82	1.35
One	170	PF 1	523.00	105.73	108.34	108.84	110.29	0.014166	11.21	46.66	21.82	1.35
One	160	PF 1	523.00	105.59	108.20	108.70	110.15	0.014166	11.21	46.66	21.82	1.35
One	150	PF 1	523.00	105.44	108.04	108.55	110.00	0.014324	11.25	46.48	21.79	1.36

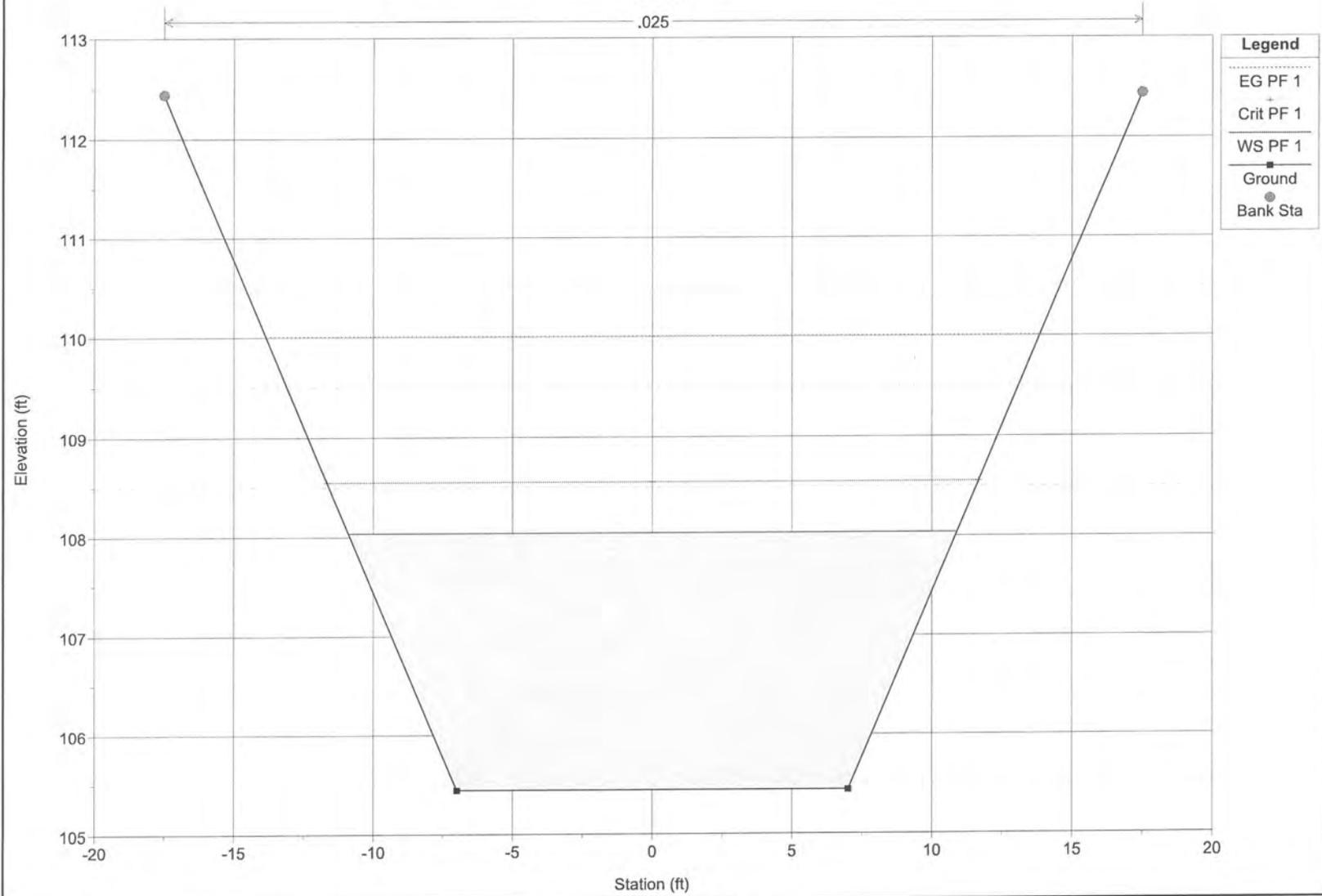
HEC-RAS Plan: Plan 01 River: Diversion Ditch Reach: One Profile: PF 1 (Continued)

Reach	River Sta	Profile	Q Total (cfs)	Min Ch El (ft)	W.S. Elev (ft)	Crit W.S. (ft)	E.G. Elev (ft)	E.G. Slope (ft/ft)	Vel Chnl (ft/s)	Flow Area (sq ft)	Top Width (ft)	Froude # Chl
One	145	PF 1	523.00	104.33	107.13	107.95	109.85	0.016404	13.45	40.96	18.09	1.42
One	140	PF 1	523.00	102.63	105.06	106.45	109.54	0.038489	16.98	30.80	12.68	1.92
One	135	PF 1	523.00	101.22	103.49	105.10	109.19	0.053235	19.15	27.31	12.01	2.24
One	130	PF 1	523.00	99.81	102.02	103.85	108.78	0.066346	20.86	25.07	11.35	2.47
One	125	PF 1	523.00	98.41	106.31	102.62	106.91	0.002325	6.20	84.29	10.68	0.39
One	120	PF 1	523.00	97.00	106.38	101.38	106.86	0.001813	5.57	93.90	10.02	0.32
One	115		Culvert									
One	70	PF 1	523.00	96.28	100.34	100.23	101.87	0.007716	9.93	52.65	15.95	0.96
One	60	PF 1	523.00	96.13	100.38	100.08	101.75	0.006594	9.39	55.71	16.23	0.89
One	50	PF 1	523.00	95.99	100.40		101.65	0.005800	8.96	58.34	16.47	0.84
One	40	PF 1	523.00	95.94	100.33		101.59	0.005872	9.00	58.08	16.44	0.84
One	30	PF 1	523.00	95.89	100.27		101.54	0.005952	9.05	57.80	16.42	0.85
One	20	PF 1	523.00	95.84	100.20		101.48	0.006042	9.10	57.49	16.39	0.86
One	10	PF 1	523.00	95.79	100.12	99.74	101.42	0.006184	9.17	57.01	16.35	0.87
One	0	PF 1	523.00	95.74	99.69	99.69	101.33	0.008434	10.25	51.00	15.80	1.01

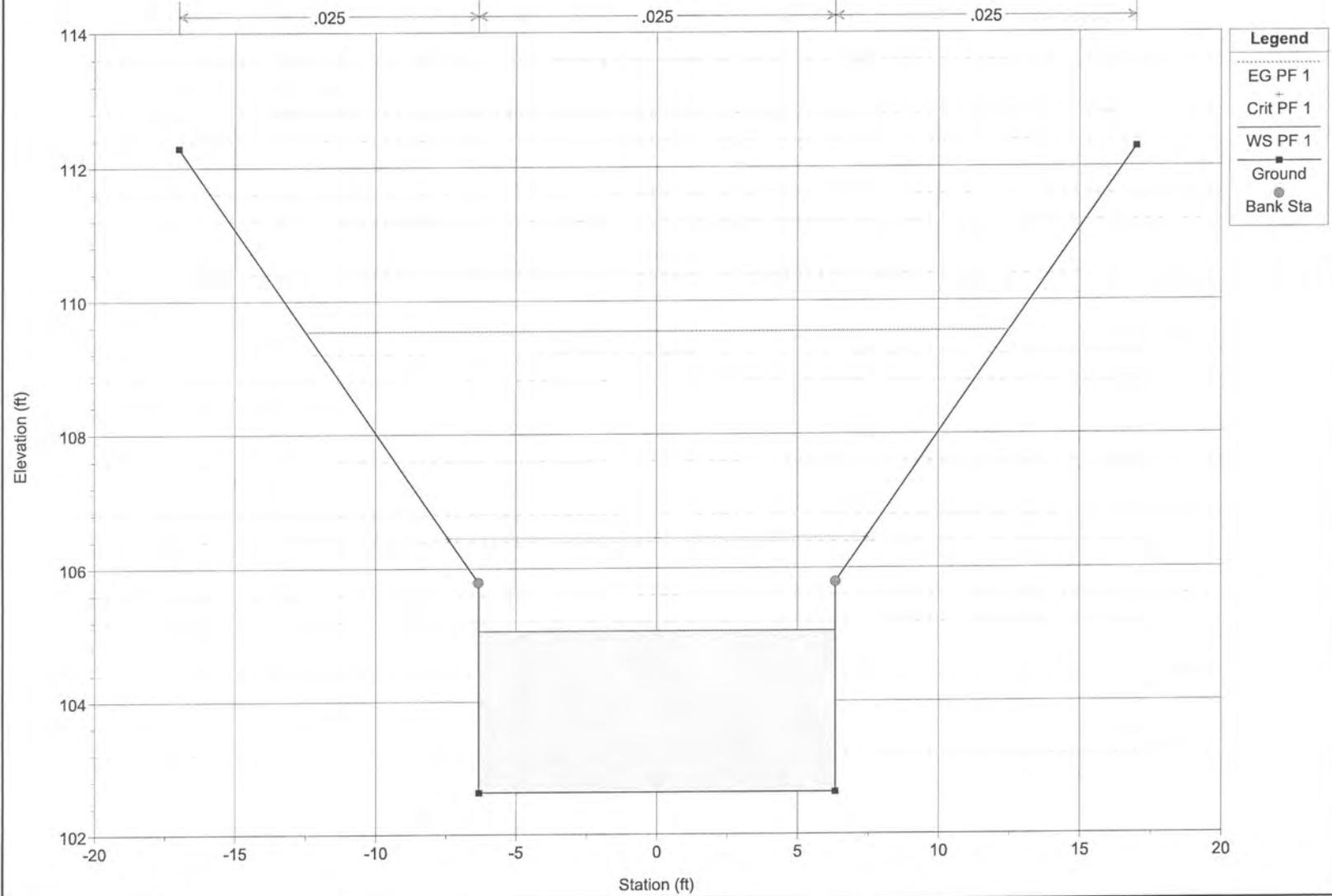
**Kaonoulu Market Place Diversion Ditch-Interceptor Channel Hydraulic Grade Line for 100-year 24-hr Storm**

Sta	HEC-RAS Sta	Min Channel Elevation (ft)	W.S. Elevation (ft)	Top Width (ft)	Depth (ft)
3+80	520	110.76	113.35	21.78	2.59
3+90	510	110.62	113.24	21.85	2.62
4+00	500	110.47	113.07	21.80	2.60
4+10	490	110.33	112.93	21.80	2.60
4+20	480	110.19	112.79	21.80	2.60
4+30	470	110.04	112.65	21.82	2.61
4+40	460	109.90	112.51	21.82	2.61
4+50	450	109.75	112.35	21.79	2.60
4+60	440	109.61	112.21	21.79	2.60
4+70	430	109.47	112.07	21.79	2.60
4+80	420	109.32	111.92	21.81	2.60
4+90	410	109.18	111.78	21.81	2.60
5+00	400	109.04	111.64	21.81	2.60
5+10	390	108.89	111.49	21.79	2.60
5+20	380	108.75	111.35	21.79	2.60
5+30	370	108.60	111.20	21.81	2.60
5+40	360	108.46	111.06	21.81	2.60
5+50	350	108.32	110.92	21.81	2.60
5+60	340	108.17	110.77	21.78	2.60
5+70	330	108.03	110.63	21.78	2.60
5+80	320	107.89	110.49	21.78	2.60
5+90	310	107.74	110.34	21.80	2.60
6+00	300	107.60	110.20	21.80	2.60
6+10	290	107.45	110.04	21.78	2.59
6+20	280	107.31	109.90	21.78	2.59
6+30	270	107.17	109.76	21.78	2.59
6+40	260	107.02	109.62	21.80	2.60
6+50	250	106.88	109.48	21.80	2.60
6+60	240	106.74	109.34	21.80	2.60
6+70	230	106.59	109.18	21.78	2.59
6+80	220	106.45	109.04	21.78	2.59
6+90	210	106.30	108.90	21.80	2.60
7+00	200	106.16	108.76	21.80	2.60
7+10	190	106.02	108.62	21.80	2.60
7+20	180	105.87	108.48	21.82	2.61
7+30	170	105.73	108.34	21.82	2.61
7+40	160	105.59	108.20	21.82	2.61
7+50	150	105.44	108.04	21.79	2.60
7+55	145	104.33	107.13	18.09	2.80
7+60	140	102.63	105.06	12.69	2.43
7+65	135	101.22	103.49	12.01	2.27
7+70	130	98.41	106.31	10.68	7.90
7+75	125	97.00	106.38	10.02	9.38
7+80	120	96-Inch CAP Culvert			
7+85	115				
7+90	110				
7+95	105				
8+00	100				
8+10	90				
8+20	80				
8+30	70				
8+40	60				
8+50	50				
8+60	40				
8+70	30				
8+80	20				
8+90	10				
9+00	0				

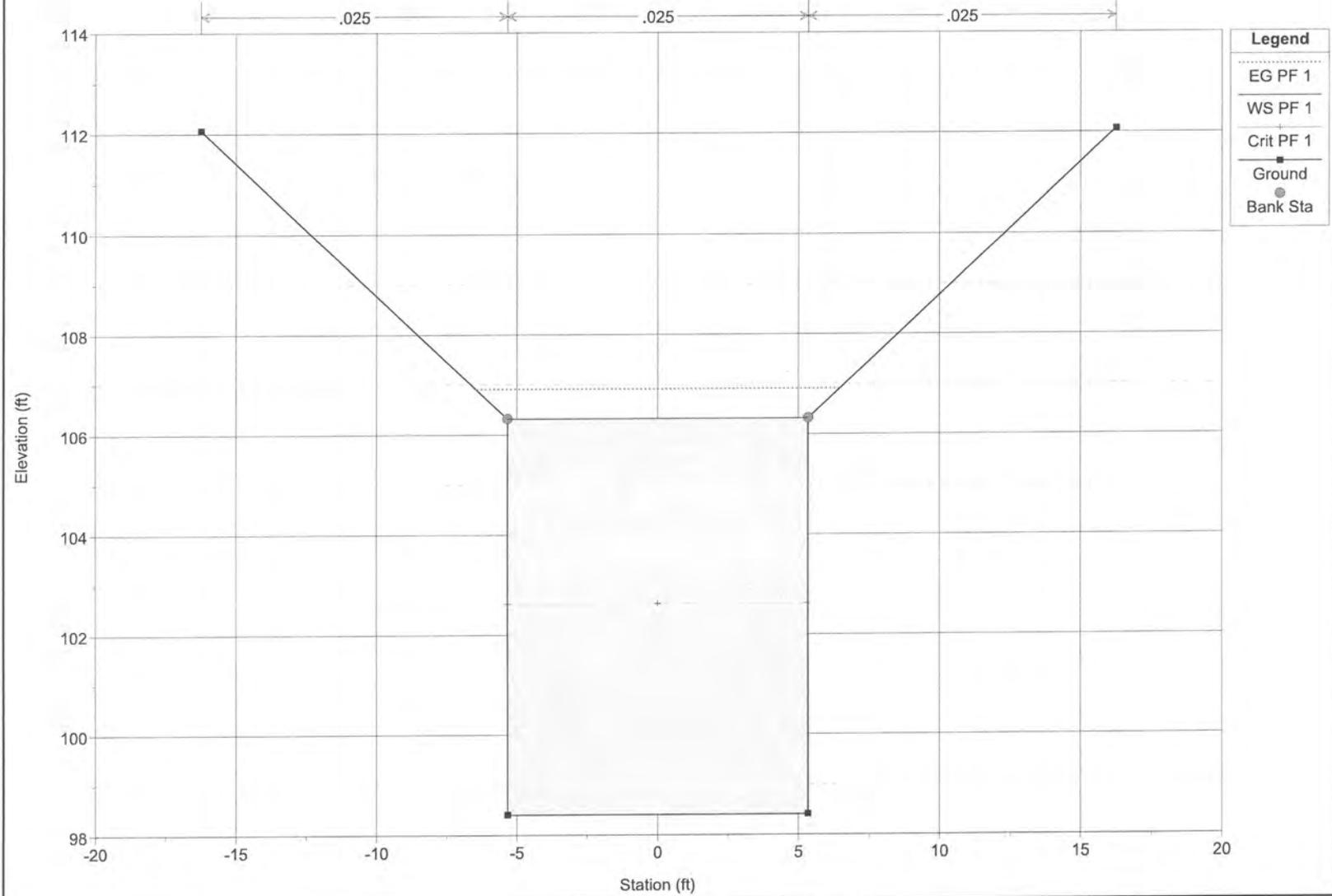
Kaonoulu Diversion Ditch Interceptor Channel T Plan: 1) Plan 01  
Sta 7+50



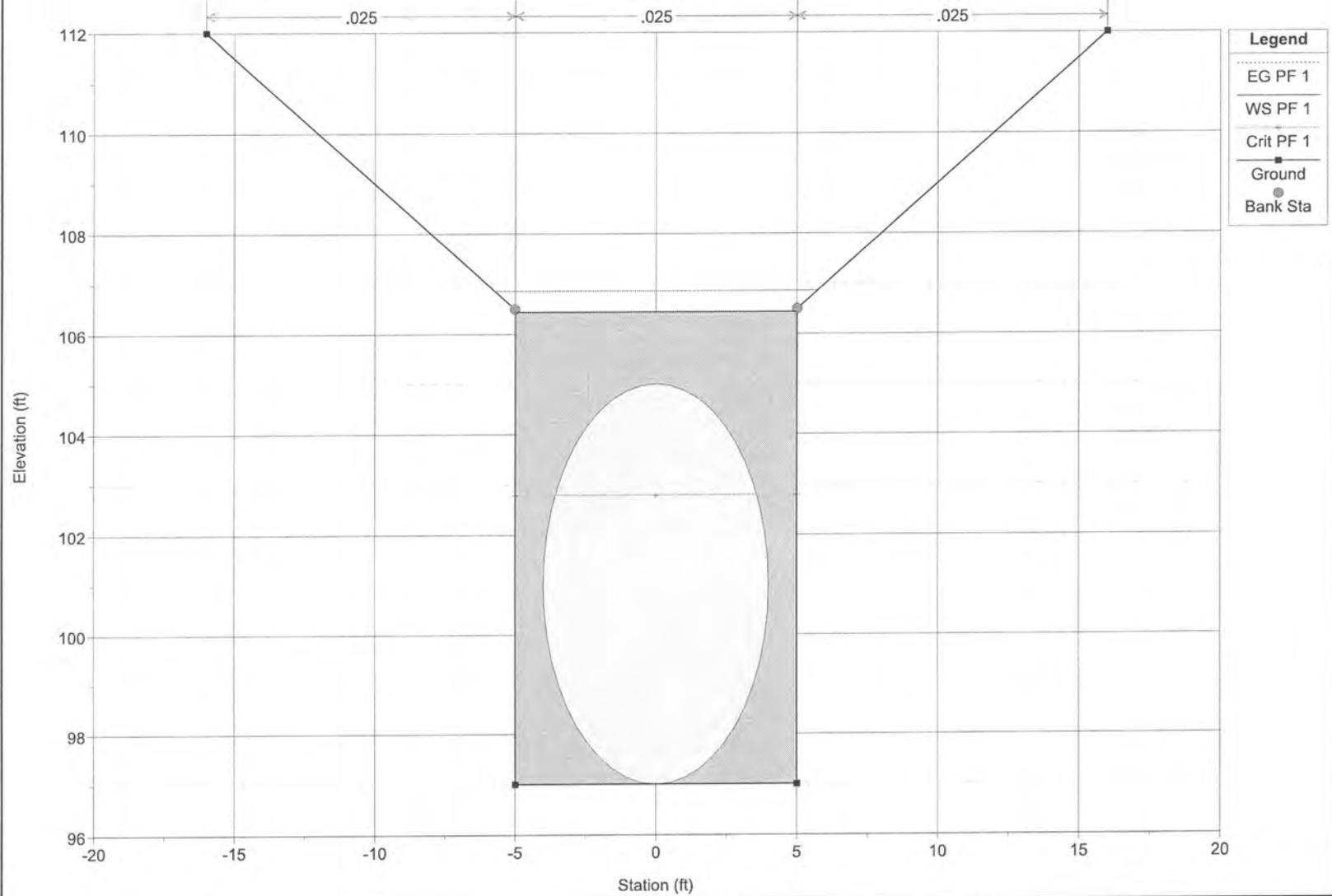
Kaonoulu Diversion Ditch Interceptor Channel T Sta 7+60 Plan: 1) Plan 01



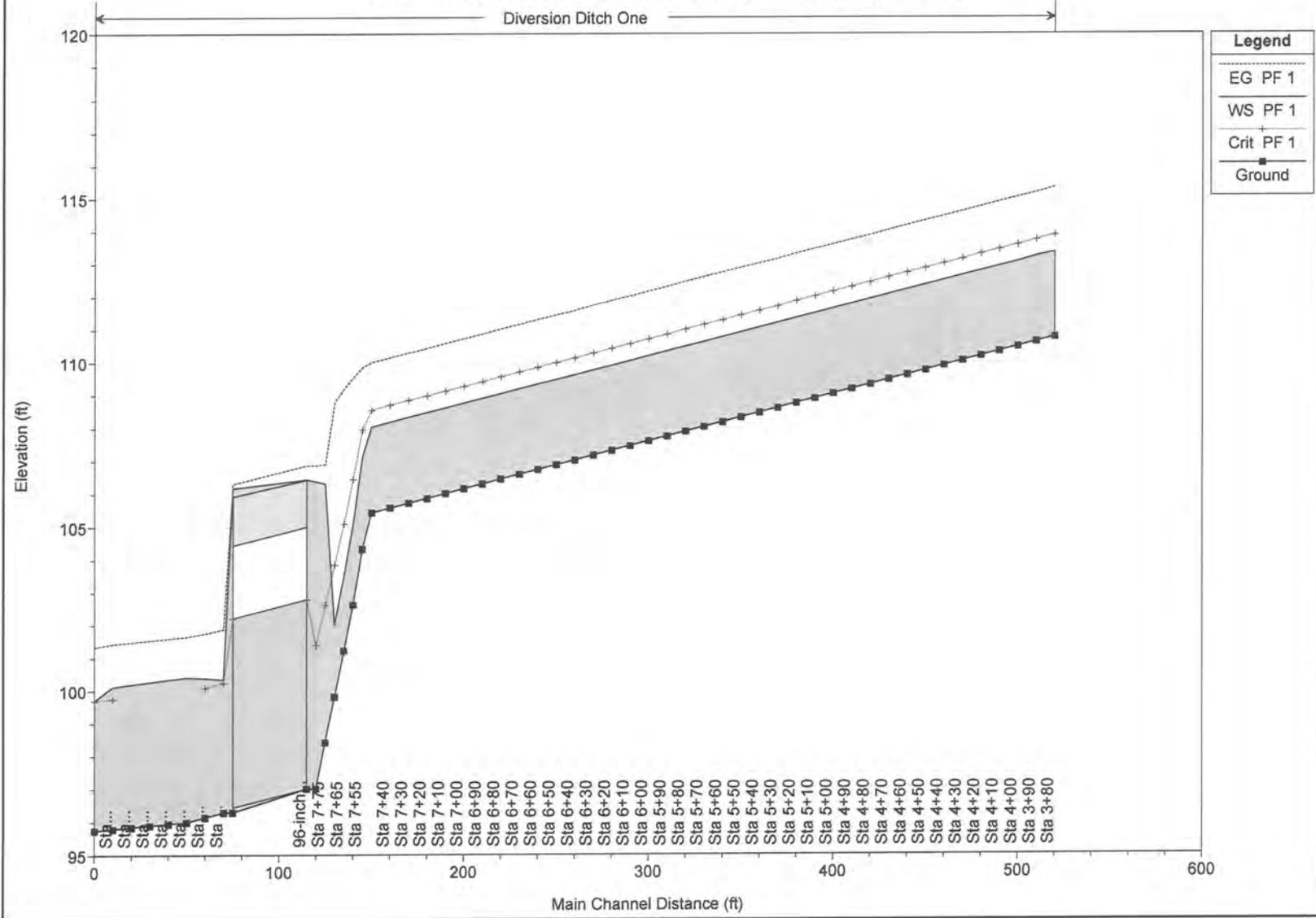
Kaonoulu Diversion Ditch Interceptor Channel T Sta 7+75 Plan: 1) Plan 01



Kaonoulu Diversion Ditch Interceptor Channel T 96-inch CAP Plan: 1) Plan 01



Kaonoulu Diversion Ditch Interceptor Channel T Plan: 1) Plan 01



Legend	
EG PF 1	(Dotted line)
WS PF 1	(Solid line with crosses)
Crit PF 1	(Solid line with squares)
Ground	(Shaded area)

**APPENDIX C**  
Water Demand Calculations

**APPENDIX C-1**  
Potable and Non-Potable Water Demand Calculation

**PIILANI PROMENADE**  
**Projected Daily Water Demand**

<u>POTABLE WATER</u>	<u>Base Unit</u>		<u>Consumption Rate<sup>1</sup></u>		<u>Average Daily Demand</u>		<u>Max. Daily Demand</u>
Multi-Family Residential	226 units	x	392 gals/unit <sup>2</sup>	==>	88,592 gpd	x 1.5 ==>	132,888 gpd
Business Commercial	530,706 s.f.	x	140 gals/1000 s.f.	==>	74,299 gpd	x 1.5 ==>	111,448 gpd
Light Industrial	57,588 s.f.	x	140 gals/1000 s.f.	==>	8,062 gpd	x 1.5 ==>	12,093 gpd
Subtotal - Potable Water						170,953 gpd	256,430 gpd
<u>NON-POTABLE WATER</u>	<u>Base Unit</u>		<u>Consumption Rate*</u>		<u>Average Daily Demand</u>		<u>Max. Daily Demand</u>
Multi-Family Residential	226 units	x	168 gals/unit <sup>3</sup>	==>	37,968 gpd	x 1.5 ==>	56,952 gpd
Park	2.3 Ac.	x	1,700 gals/Acre	==>	3,910 gpd	x 1.5 ==>	5,865 gpd
Onsite Landscaping	21.0 Ac.	x	1,700 gals/Acre	==>	35,700 gpd	x 1.5 ==>	53,550 gpd
Kaonoulu Street Landscaping	1.7 Ac.	x	1,700 gals/Acre	==>	2,890 gpd	x 1.5 ==>	4,335 gpd
Subtotal - Non-Potable Water						80,468 gpd	120,702 gpd
<b>COMBINED TOTAL</b>						<b>251,421 gpd</b>	<b>377,132 gpd</b>

*Notes:*

<sup>1</sup> Consumption rates taken from Water System Standards, Department of Water Supply County of Maui, State of Hawaii, 2002, Table 100-18, p. 111-3.

<sup>2</sup> Multi-Family domestic consumption estimated to be 70% of total consumption:  
 MF domestic consumption = 560 gpd x 70% = 392 gpd

<sup>3</sup> Multi-Family irrigation consumption estimated to be 30% of total consumption:  
 MF irrigation consumption = 560 gpd x 30% = 168 gpd

**APPENDIX C-2**  
Available Meter Capacity vs. Projected Demand

**ADEQUACY OF DOMESTIC WATER METER CAPACITY  
AVAILABLE TO PIILANI PROMENADE**

Compare available water meter capacity to projected capacity needed to complete build-out of Piilani Promenade.

Available Water Meter Capacity

Combined normal flow capacity of three 3-inch water meters already issued to Piilani Promenade by Maui County Dept. of Water Supply:

$$3 \text{ meters} \times 350 \text{ gpm/meter}^1 = 1050 \text{ gpm}$$

Needed Water Meter Capacity (Projected)

Needed Meter Capacity

$$= \text{Average Daily Domestic Demand} \times \text{Peaking Factor}$$

$$= 171,000 \text{ gpd} \times 5.0$$

$$= 594 \text{ gpm}$$

Since 1050 gpm < 594 gpm, available meter capacity should be adequate to meet projected need.

October 24, 2013

V:\Projdata\13proj\13037\Reports\Prelim Engineering Report\Calculations\dtu\_Water Meter Capacity\_rev1.wpd

---

<sup>1</sup>Safe Maximum Operating Capacity of 3-inch cold water meter per AWWA C701-88.

**APPENDIX C-3**  
Fire Flow Demand Calculation



ADJUSTMENT FOR AUTOMATIC SPRINKLER PROTECTION:

	6325 gpm	
-	4745 gpm (-75% Reduction for Automatic Fire Sprinklers)	
+	1000 gpm (Estimated flow demand from fire sprinklers)	
+	500 gpm (Additional hose streams)	
	<hr/>	
	3080 gpm ==>	<u>3000 gpm</u> (Rounded to nearest 250 gpm)

October 24, 2013

V:\Projdata\13proj\13037\Reports\Prelim Engineering  
Report\Calculations\dtu\_Fire-Flow-Demand\_rev1.wpd

**APPENDIX D**  
Wastewater Calculations

**PIILANI PROMENADE**  
**Projected Daily Sewer Demand**

<u>RESIDENTIAL</u>	<u>Base Unit</u>	<u>Contribution Rate</u> <sup>1</sup>			<u>Average Daily Sewer Demand</u>	
Multi-Family Residential	226 units	x 255 gals/unit/day	==>		57,630 gpd	
<u>COMMERCIAL</u>	<u>Base Unit</u>	<u>No. Persons</u>	<u>Contribution Rate</u>			<u>Average Daily Sewer Demand</u>
Business Commercial	530,706 s.f.	÷ 200 s.f./person	x 20 gpcpd	==>		53,071 gpd
Light Industrial	57,588 s.f.	÷ 500 s.f./person	x 25 gpcpd	==>		2,879 gpd
<hr/>						
Subtotal					55,950 gpd	
<hr/>						
COMBINED TOTAL					<u>113,580 gpd</u>	

Note:

<sup>1</sup> Contribution rates taken from County of Maui, Wastewater Reclamation Division, "Wastewater Flow Standards," February 2, 2000.