



**CLEAN WATER AND NATURAL LANDS
ADVISORY COMMISSION**
KOMIKINA A'OA'O NO KA WAI MA'EMA'E & KA 'ĀINA KŪLOHELOHE
City and County of Honolulu

Commissioners

Sherry P. Broder - Chairperson
Jason Kekahi "Kahi" Pacarro – Vice Chair
Keli'iahonui Kotubetey
William Reese Liggett
William Kamana'olana Mills
Frederick Reppun
Jamie Tanimoto

MEETING MINUTES – SITE VISIT

Friday, January 5th, 2024, 9:00 a.m.
Meeting held in-person at
5088 Kia'i Place, Honolulu, HI 96821
Duration of 1hr 12 mins

ITEM 1. Call to Order.

Chair Broder called the Clean Water and Natural Lands Advisory Commission ("CWNLAC") to order at 9:00 AM at 5088 Kia'i Place, Honolulu, HI 96821 ("Wailupe Property"). The CWNLAC members, staff, and members of the public introduced themselves.

ITEM 2. Commission Roll Call.

Commissioners Present

Sherry Broder - Chairperson
Jason Kekahi "Kahi" Pacarro – Vice Chair
Keli'iahonui Kotubetey
William Reese Liggett
William Kamana'olana Mills
Jamie Tanimoto

Commissioners Absent

Frederick Reppun (excused)

Staff Resources Personnel Present

Kealaponi Richardson, Department of Land Management ("DLM")
Danielle Hopkins, DLM
Lau'wae Clayton, DLM
Craig Kawakami, DLM
Marilyn Ushijima, Deputy Corporation Counsel ("COR")

Members of the Public Present

Pu'uhonua o Wailupe: Mialisa Otis, Michael Hikalea, Healani Sonoda-Pale, Brayden White-Hikalea, Malia Marquez, Chris Cramer, Wayne Tanaka

Landowners: Kent Untermann, Lori Untermann

'Āina Haina Community Association: Marie Riley, Jeanne Ohta

ITEM 3. Introduction.

Chair Broder provided introductory remarks to remind all attendees that the site visit is a standard CWNLAC meeting and that the topic of discussion is limited to the agenda items.

[Commissioner Pacarro arrived at 9:05 AM]

ITEM 4. Site visit to the Wailupe Property.

Members of Pu‘uhonua o Wailupe were designated to lead the presentation and site visit at the Wailupe Property. These members included Healani Sonoda-Pale, Chris Cramer, Michael Hikalea, and Mialisa Otis.

Healani Sonoda-Pale detailed the protocol for entering the Wailupe Property, that involved distributing pa‘akai [sea salt] for attendees as a cleansing practice.

Site 1. Entrance to Wailupe Property.

Healani Sonoda-Pale led the group to the gate of the Wailupe Property. The entrance protocol consisted of chanting *E Hō Mai* and *Nā ‘Aumākua*.

Next, the group was asked to be mindful of the native plants that were identified using ground markers before being guided to the first burial site.

Site 2. Archaeological / Burial Site.

Chris Cramer highlighted Wailupe’s historical, cultural, and ecological significance, citing local kūpuna stories, archaeological research, and environmental observations. He emphasized concerns regarding construction impacts and called for collaborative efforts to preserve the area.

Michael Hikalea discussed his family’s historical connection to the Wailupe area, emphasizing their connection to local caves and the role in preserving community health and heritage. He detailed his family’s efforts in maintaining cultural artifacts and their contributions to local development, like fishponds and pathways. Michael stressed the importance of preserving these historical and cultural narratives for future generations, underscoring the community’s strong ties to the land.

Healani Sonoda-Pale provided additional insights regarding a pōhaku ku‘i ‘ai [poi pounder] that Michael described in his presentation. She explained the pōhaku’s historical significance.

Mialisa Otis provided an account of the Archaeological Inventory Survey (“AIS”) conducted on August 21 and 22, 2023. She detailed the processes and decisions made during the survey, particularly concerning the discovery of ‘iwi [human remains]. Additionally, Mialisa highlighted the discovery of an ancient trail, a switchback leading to a heiau [Hawaiian temple] in the area.

Healani Sonoda-Pale shared the role of ‘iwi protectors in preserving the site and the belief that there are more significant sites within the property, but stressed the important of not actively seeking them out to prove the area’s value. Instead, she advocated for leaving these sites undisturbed.

Kent Untermann thanked Michael, Healani, and Chris for their guidance and support, acknowledging the cultural oversights in the project. He committed to dispelling misconceptions about traffic and rock mitigation, citing the emotional and cultural challenges faced as significant learning experiences. Kent expressed respect for Hawaiian culture and heritage, apologizing for past actions and committing to prioritizing protection.

Healani Sonoda-Pale shared positive updates on their progress, highlighting the 2.9-acre property’s terrain, mostly sloped. She detailed the community’s conservation efforts, including fireproofing, planting native species, and removing invasive plants, all conducted manually to protect the site’s sensitivities.

Site 3. Initial Archeological / Burial Site.

Healani Sonoda-Pale spoke about a significant site on the property, discovered and then sealed, with an established burial plan and buffer zone. She expressed concerns that the buffer zone was not honored as of February 2022, prompting her group to take action.

Site 4. Wailupe Property Overlook.

Chris Crammer discussed the findings related to the ancient trail on the property. He referenced old photographs which led to the discovery of the trail by the archaeologists that lead to the top area where the heiau was once located.

Commissioner Kotubetey asked whether the area/heiau has a name.

Chris Crammer responded that there are names and two different heiau that have since been destroyed.

Mialisa Otis pointed to the cliff face and helped identify the outline of the zigzag trail on the property.

Healani Sonoda-Pale and **Chris Crammer** pointed out an additional archeological site that includes a cave area.

Healani Sonoda-Pale mentioned ongoing communication with residents near the property and detailed their manual efforts removing invasive kiawe and planting trees for conservation. She expressed hope for CWNLAC's approval for their application.

Chris Crammer discussed further archaeological findings on the property, including several quarry areas that were discovered. He proposed two theories for these pits: first, that they might have been used historically for fishing activities, possibly as platforms for lighting to signal out into the ocean; second, they could date back to the World War II era. He noted that the pits were unique in that they contained no cement and were directly carved into the stone.

Chair Broder expressed "mahalo nui loa" to Pu'uhonua o Wailupe for their presentation and insights. She acknowledged the significance of their explanations and conveyed her appreciation for the opportunity to visit the site. She emphasized that the visit greatly enhanced their understanding of the efforts and objectives of Pu'uhonua o Wailupe. Chair Broder also extended thanks to the property owners for their role in facilitating the visit.

Kent Untermann expressed his thanks to the CWNLAC.

Chair Broder acknowledged the collaborative efforts of the property owners in working with the community to protect 'iwi and their willingness to ensure the preservation of the property. She also extended her appreciation to DLM and COR for their roles in ensuring the visit adhered to legal requirements and facilitating coordination with the Commissioner's schedules.

Following Chair Broder's acknowledgements, she opened the floor to questions, indicating that Commissioner Mills had a question.

ITEM 5. Opportunity for public comments

Commission Mills raised a question based on his experience as the chair for the O'ahu Island Burial Council. He began by reflecting that the Kahala area had such a high concentration of 'iwi that stories are told of when the horses would walk, they would crunch on bones. Commissioner Mills addressed the challenges faced when orphan human remains are discovered without a known resting place, often found on shores or through museums and NAGPRA [Native American Graves Protection and Repatriation Act] activities. He inquired if Pu'uhonua o Wailupe, in their capacity working with the O'ahu Island Burial Council, would be open to accepting such orphan human remains for reburial on the property, given its significance as a burial site.

Healani Sonoda-Pale discussed their preparedness and training in the reinterment of 'iwi. She mentioned that some members of their group have already undergone training. Healani also referenced the same request from the Board of Water Supply ("BWS"), noting nearby water work encountering burials.

Marie Riley expressed concerns about the safety of residents living downslope from the property, particularly regarding risk associated with land alternations. She asked about existing proposals or plans to mitigate potential hazards to those in the downslope area originating from the property's conditions.

Kent Untermann responded to Marie's concerns with a reference to a detailed 100-page report, recommending its review for clarity. He described the soil composition difference on the property, pointing out better drainage in the upper parts compared to the clay-heavy, poorly draining lower areas near residential zones. Kent noted that while development could have improved drainage issues, they chose not to proceed to preserve the site's cultural integrity.

Chris Crammer commented on the ongoing efforts to engage with local schools for educational purposes, emphasizing the importance of community awareness about the site and its significance.

Healani Sonoda-Pale added that a school had discovered an artifact and subsequently contacted her group for guidance. In response, they provided necessary protocol and educational support.

Commissioner Pacarro directed two questions to COR. First question pertained to the CWNLAC's requirements regarding public access to the property. He sought clarification on whether it was a mandatory condition for the Commission to consider public access in their judgment, particularly questioning the implications if the property were to be gated and made private.

Commissioner Pacarro's second question addressed the financial aspects of the property valuation and acquisition. He inquired about the procedure if the Commission were to approve a valuation of \$7 million for the property, but subsequent appraisals came in at lower figures. He sought to understand the financial constrains in such a scenario, questioning whether the Commission would be obligated to the pay the approved \$7 million or be limited to the appraised value.

Chair Broder acknowledged that if additional time was needed for COR to formulate a response, it would be acceptable. She also referenced a pending query about a liability issue previously raised by Commissioner Pacarro, suggesting that it might be beneficial to address both sets of questions in a comprehensive manner at the next meeting. Chair Broder inquired whether COR was prepared to provide an immediate response or preferred to defer until the next meeting.

Marilyn Ushijima responded to Commissioner Pacarro's questions, clarifying that public access for properties acquired under the Clean Water and Natural Lands Fund ("CWNLF") depends on the intended purpose for acquisition, e.g., acquisition of watershed land that is inaccessible would not require public access. She also emphasized the need for a justified purchase price on rational grounds, ensuring responsible use of public funds.

Commissioner Pacarro sought further clarification on property appraisal and funding allocation. He inquired to understand how the appraised value of the property would influence or limit the Commission's financial commitment towards its purchase.

Marilyn Ushijima stated that transactions are a matter of negotiation.

Kent Untermann recognized the significance of the inquiry, expressing a commitment to close the transaction, albeit with the expectation of not achieving the property's full potential value. He highlighted current financial commitments on the property amounting to \$3.5 million, underscoring the need for the transaction to address these obligations. Kent acknowledged their \$7 million investment in the property, recognizing that they might not recoup all of it.

Commissioner Pacarro spoke about the difficulties in appraising the culturally significant property, noting the challenge of quantifying its value in monetary terms. He stressed the CWNLAC's fiduciary duty to manage the funds responsibility, highlighting the importance of careful financial stewardship.

Healani Sonoda-Pale reported strong community backing for the project from nearby property owners. She detailed to the CWNLAC that through door-to-door outreach, they garnered positive responses and active involvement from neighboring residents, including assistance with tasks like plant watering and participating in project activities.

Marie Riley pursued further details from her previous inquiry on rock fall mitigation and soil movement, questioning the chronology of the documents Kent mentioned. She inquired whether these documents were produced before or after the removal of the soil.

Kent Untermann responded that the documents were prepared in 2018 after they removed the soil.

Commissioner Liggett asked why development was terminated.

Kent Untermann outlined the timeline and permissions for the property, noting a 2005 cultural survey found no significant artifacts, unaware that the State Historic Preservation Division (“SHPD”) had recommended such a survey to the City. The issue reemerged in 2018, questioning the absence of the recommended survey, leading to the halt in construction to rectify the oversight. Kent attributed the situation to a possible miscommunication or misunderstanding by the City, stating they were under the impression from cultural experts and the City that their actions were compliant until the discrepancy was discovered in 2018.

Commissioner Liggett asked whether Kent considers the property developable.

Kent Untermann indicated that activities could be considered for the lower areas of the property, acknowledging the need to respect its cultural significance, which implies restricting such activities on the upper part of the property.

Commissioner Kotubetey proposed that the CWNLAC’s funds should be used not just for access but also for property protection. He highlighted the value of community participation in conservation and the creation of opportunities for people to connect with and value the site’s historical and cultural importance.

Healani Sonoda-Pale provided a recent example of engagement, mentioning that just this past Saturday, they had a student participate in conservation efforts.

Commissioner Kotubetey acknowledged the significant changes in the landscape over time. He emphasized the importance of preserving the history and stories of the land for future generations.

Healani Sonoda-Pale shared an incident where a human vertebrae was discovered on the lower part of the property. In response, they conducted a burial at the site of discovery and planted a kukui tree over it. She emphasized the careful and respectful approach, explaining that this is the reason they prefer to work by hand.

Chris Crammer commented about having specific areas that could be protected and designated for limited use, specifically to prevent the issue of dogs being let loose, for example.

Chair Broder checked if there were any further questions from the Commissioners and expressed her gratitude with a “mahalo nui loa” to everyone involved.

Chair Broder specifically acknowledged Wayne Tanaka for his significant work on Red Hill.

[The group applauded Wayne for his work on Red Hill.]

Wayne Tanaka commented that Pu’uhonua o Wailupe and other community members, extended beyond their mission at this site to be instrumental in the Red Hill campaign.

Chair Broder commented on the public benefits arising from the vision presented by Pu’uhonua o Wailupe. She highlighted the educational aspect of their work, emphasizing how it contributes positively to the community, particularly in the context of respecting and understating the cultural significance of ‘iwi.

Chris Crammer commented that there are ongoing workdays every month.

Healani Sonoda-Pale shared that volunteers include community groups like drug rehabilitation groups who love the experience.

ITEM 6. CWNLAC to hold commission meetings on an as-needed basis

Chair Broder brought up the logistical matter concerning the scheduling of regular meetings. Chair Broder relayed the proposal from DLM to hold commission meetings on an as-needed basis to avoid the constant back-and-forth. She expressed her inclination towards this approach and sought the Commissioner’s opinions.

After confirming that there were no objections from the Commissioners, Chair Broder agreed to implement scheduling meetings on an as-needed basis.

ITEM 7. Adjournment

Chair Broder adjourned the meeting at 10:12 AM and reminded the commissioners of the importance of adhering to procedural guidelines regarding discussions of meeting content. She emphasized that while commissioners are free to communicate with individuals outside of the meeting, they must avoid discussing meeting content amongst themselves if two or more commissioners are present.

Respectfully Submitted,

Kealapono Richardson, DLM

The minutes of the Commission Meeting on
Jan. 5, 2024 were approved at the
_____ Commission Meeting.

	<u>Aye</u>	<u>No</u>	<u>Comment</u>
Sherry P. Broder	<input type="checkbox"/>	<input type="checkbox"/>	
Keli'i Kotubetey	<input type="checkbox"/>	<input type="checkbox"/>	
William Reese Liggett	<input type="checkbox"/>	<input type="checkbox"/>	
William Kamana'olana Mills	<input type="checkbox"/>	<input type="checkbox"/>	
Jason Kekahi "Kahi" Pacarro	<input type="checkbox"/>	<input type="checkbox"/>	
Frederick Reppun	<input type="checkbox"/>	<input type="checkbox"/>	
Jamie Tanimoto	<input type="checkbox"/>	<input type="checkbox"/>	