



**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  
Jamie Tanimoto

**MEETING MINUTES**

Friday, September 8<sup>th</sup>, 2023, 9:00 a.m.  
Meeting Held Remotely with public viewing at  
650 South King Street, 3<sup>rd</sup> Floor, Honolulu, Hawai'i 96813  
Duration of 1hr 22 mins

**Recording Link and Password:** vUVxMMc2

<https://cchnl.webex.com/cchnl/ldr.php?RCID=74c1cbe024c17a395db6547691f67630>

**I. Call to Order 00:03**

**Chair Broder** called the Clean Water and Natural Lands Advisory Commission ("CWNLAC") to order.

**II. Roll Call 00:16**

**Commissioners Present**

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

**Commissioners Absent**

William Reese Liggett (excused)

**Staff Resources Personnel Present**

Kealaponi Richardson, Department of Land Management ("DLM")  
Keith Suzuka, DLM  
Duane W. H. Pang, Deputy Corporation Counsel ("COR")

**III. Discussion and Approval of Minutes from May 12, 2023 meeting. 01:37**

**Chair Broder** called for comments and approval of May 12, 2023 meeting minutes.

**Commissioner Mills** moved to approve the minutes.

**Commissioner Kotubetey** seconded the motion to approve the minutes.

**Chair Broder** called for a vote. All six Commissioners present unanimously approved May 12, 2023 meeting minutes.

**III.A. Review of transcript of oral testimony received at the August 11, 2023 meeting that was cancelled for lack of quorum. 02:27**

**Chair Broder** presented the transcript from oral testimony accepted by the Commission on August 11, 2023. The Commission did not have quorum but did accept testimony from the public who came to share their views and thoughts.

**III.B. DLM presented the reorganization of DLM's role in the CWNL application process initiated by RES23-021. 03:03**

**Chair Broder** called for testimony and proceeded to DLM to present on Item III.B.

**Kealapon Richardson 03:47**

Chair, Vice Chair, Members of the Commission, my name is Kealapon Richardson, and I'm the second fully dedicated staff member for the Clean Water and Natural Lands ("CWNL") program. I co-manage the program with my colleague, Danielle Hopkins, who is unavailable today. I will be presenting on agenda presentation items B through F.

Related to the reorganization, presentation item B, on July 1 the receipt and processing of applications was transferred from the Department of Budget and Fiscal Services to DLM. The transfer was initiated by Resolution 23-21 and effectuated through executive reorganization by the mayor. The reorganization took effect 60 days after the reorganization plan was transmitted to the City Council. There may be some confusion about it not passing or being approved by City Council, but it was through the reorganization authority of the mayor. So the reorganization plan was automatically accepted because Council did not reject that reorganization.

**Chair Broder** called for questions and comments from Commissioners and thanked Mr. Richardson and Ms. Hopkins for their support.

**III.C. DLM discussed its proposed revisions to the CWNL funding application. 05:40**

**Chair Broder** called for testimony on Item III.C.

**Healani Sonoda-Pale (Pu'uhonua o Wailupe) 06:08**

My name is Healani Sonoda-Pale. I'm with Pu'uhonua o Wailupe. I wanted to just make sure that I bring up my concerns for the record that we put in our pre-application back in September of 2022. And then we put in our regular application in early this year, I believe it was the end of January, early February of 2023. And we were surprised that they're going to change the process for the application in amid the fact that our proposal is very time sensitive, especially in light of the new discoveries of more burials on the property. And I'm concerned that this will delay our application even more. And that's my concern here. We have done everything we've been asked to do. We are in the process of doing the EIS. We're almost done. And I'm concerned that there will be more requirements of us going forward with this new application process. And I believe that we should be grandfathered in into whatever application process we were on before. I'm concerned that we may have to start over again, that this will delay the process even more.

**Kealapon Richardson** responded to the concerns by clarifying there is no change to the process related to the application that has been submitted.

**Chair Broder** asked whether this application will continue to proceed under the prior application process which was effective when the application was submitted.

**Kealaponi Richardson 09:01**

The application was received by BFS and it was transferred to DLM for processing. The process was already initiated and DLM is carrying on from where BFS had left off. The proposals that we're making are for new applications. And the idea is that, in consultation with land trusts here, people who have applied to the application in the past, other government agencies like the Hawai'i County preservation program,—we're trying to gather best management practices to lower that bar of entry to getting more applications in. The idea is to streamline this process so that most of the diligence and process that you go through in the real estate transaction, through a conservation transaction is done as soon as we receive the application through that process. The idea is, in consultation with everyone, is we make this process easier to access and accessing funds from the CWNL program.

**Mialisa Otis (Pu'uhonua O Wailupe)** asked whether there still a need to do an appraisal if the application process is not changing.

**Kealaponi Richardson** requested to respond at the Pu'uhonua agenda item because it's related to that process and commented that the City will do an appraisal and that process is initiated once the funds for the project have been approved by City Council.

**Commissioner Mills** raised a question from an earlier speaker that there were additional burials found in Wailupe and there's many more.

**Alfred Keaka Hiona Medeiros (Pu'uhonua O Wailupe) 11:25**

Aloha Kamana'o. This is Alfred Keaka Hiona Medeiros. Recently, we found two more pieces of 'iwi up on the 'aina of Wailupe. And there's many more. That is very significant findings lately. And I would love to have you come up there one of these days to take a walk up there Kamana'o. I know we talked about last meeting, and you got my support in every single way and hope to get your support as well.

**Commissioner Mills** mentioned that he is the chair of O'ahu Island Burial Council and would talk with State Historic Preservation Division ("SHPD") for more information.

**Chair Broder** asked that if Commissioner Mills attends a tour with the Burial Council, if it would it be appropriate for the commissioners to be invited at that time or more appropriate at a different time.

**Commissioner Mills** responded that he would try coordinating with SHPD to see what they have on file and see if there's any concerns from SHPD or the or the Council regarding a site visit with Clean Water and Natural Land.

**III.D(1)-(2). DLM presented a status updates on Makali'i and Pālāwai Application. 12:54**

**Chair Broder** called for testimony for Item III.D.

**Angela Correa-Pei (Kupa'āina o Kuli'ou'ou)** commented that she would like to provide testimony after DLM gives their update regarding our Kuli'ou'ou project.

**Chair Broder** acknowledged Angela's request and asked Mr. Richardson to proceed.

**Kealaponi Richardson 14:01**

Thank you Chair Broder. I'm going to be presenting Agenda item D.1 and 2 together since the Makali'i and Pālāwai applications are similar in their transaction. For both Makali'i and Pālāwai, The Trust for Public Lands, or TPL, and its partners have secured all necessary funding. TPL has those properties under contract with the landowner and that landlord has several subdivision applications for the purpose of conservation, and not development, that are pending the approval of the City's Department of Planning and Permitting. Next steps for would be the negotiation of those conservation easements.

**Chair Broder** asked for the exact location of the parcels and for Lea Hong to respond.

**Reyna Ramolete (Trust for Public Lands) 15:17**

Lea logged off but I'm here. Aloha Chair Broder. They're located in Maunawili. So I think you guys have the maps. I can pull them up—do you know where Maunawili Park is? Off of Maunawili Road, right off of the highway next to Royal Hawaiian Golf Club. Makali'i is a valley that's right next to Olomana Ridge. It's a nice pocket valley right next to between Olomana Ridge and the subdivision. And Pālāwai are primarily wetlands that are located along basically right next to the golf course and adjacent to Maunawili Park.

**Chair Broder** called for comments or questions on these two applications from the Commissioners.

**Commissioner Kotubetey** asked if DLM is waiting for the conservation easement negotiation to begin.

**Kealapon Richardson** confirmed Commissioner Kotubetey's question.

**Commissioner Kotubetey** asked how long the process takes.

**Reyna Ramolete (Trust for Public Lands) 17:15**

We're waiting on DLM's position on co-holding relationships with land trusts. I think DLM is consulting right now with corporation counsel on whether Hawai'i Land Trust ("HILT") can co-hold the conservation easement with the City and whether DLM is going to require HILT to make a financial contribution to the conservation easement. So we do have a draft of the conservation easement but we haven't started negotiating with DLM yet because we're still waiting to hear their position on whether HILT can co-hold or not and what arrangement would be. We've had a few meetings with DLM already about this. Thanks.

**III.D(3). DLM presented a status updates on Waikalua Fishpond Application. 18:29**

**Kealapon Richardson 18:52**

For Waikalua Fishpond, the City ordered the appraisal, that appraisal is under review by HILT, the Pacific American Foundation, and also the City's Department of Design and Construction. We expect to get comments from everyone by the end of September.

**Commissioner Pacarro** asked for the difference between the appraisal and the approved funding amount.

**Kealapon Richardson** responded that would need to get back to Commissioner Pacarro regarding his question.

**III.D(4). DLM presented a status updates on Paiko Ridge Application. 19:45**

**Kealapon Richardson 20:03**

Related to Paiko Ridge application, we're currently waiting on the appraisal to establish both the conservation easement value and the fee simple valuation. If the City funds are being used to acquire the fee simple interest, then the City must own the fee simple interest. If Kupa'āina o Kuli'ou'ou would like to acquire the fee simple interest, it can acquire it through acquiring the fee simple value and then the City may acquire the conservation easement value. That appraisal, when it comes in, is going to be a critical component for us in determining the next stage of discussion and informing our next steps.

**Angela Correa-Pei (Kupa'āina o Kuli'ou'ou) 21:13**

We have been in discussions with DLM for the last almost two months now regarding that change of direction regarding the funding. When we applied for the Clean Water funds back in 2021, it was known that we were applying for funding for the fee. And, you know, now we're now we're learning that it can't be used for the fee, which we do understand, but we're just it was challenging to find this out way late in the game, you know, a year and a half later after going through the whole application process, commissioning multiple appraisals and surveys. You know, but we're, we want to thank the commission for supporting this project that we're continuing to work with the City to figure out how we're ultimately going to leave this land in conservation. And we just wanted to thank the commission for their support of the project and hopefully the appraisals come back in a way that we're going to be able to make this project works in our partnership with Livable Hawaii Kai Hui. Mahalo nui.

**Healani Sonoda-Pale (Pu'uhonua o Wailupe) 22:47**

I'm a resident of Kuli'ou'ou. And I just want to lend my support to the Paiko Ridge application and to the Reeves 'Ohana, and all their work that they've done to help preserve this space. And to keep our neighborhoods safe. I'm totally in supportive of this and I know they have the full support of the Kuli'ou'ou community. Thank you.

**Alfred Keaka Hiona Medeiros (Pu'uhonua O Wailupe) 23:18**

Aloha mai kākou, Alfred Keaka Hiona Medeiros, Vice President of Pu'uhonua O Wailupe. In full support of the Paiko community. And in this application, Pu'uhonua O Wailupe is here for you guys, anytime you need. Mahalo.

**Commissioner Pacarro** clarified that the Commission has approved this project.

**Healani Sonoda-Pale (Pu'uhonua o Wailupe)** raised the concern that it's taking two years for their application.

**Commissioner Pacarro** stated that the Commission would like this to happen as quickly as possible, but from a commissioner's standpoint, it's out of our control, we do our best to process as quickly as possible, we approve it or we decline and then more or less out of our hands. So we're also with you and empathize with your frustrations.

**Angela Correa-Pei (Kupa'āina o Kuli'ou'ou)** asked if Mr. Richardson could explain the change in the status and that funding cannot be used for Kupa'āina to buy the fee. The determination would mean that Kupa'āina would not likely be the fee holders because they are not going to be able to raise the funds necessary outside of CWNL funds.

**Chair Broder** commented that the determination may be a corporation counsel opinion and that Commissioner Pacarro explained very well the role of the Commission—to review, approve, or disapprove and then send on to City Council and then to DLM to complete.

**Angela Correa-Pei (Kupa'āina o Kuli'ou'ou)** appreciates the Commission and learning the new changes in this process have been a little bit difficult. But we're here to continue working with the City and we just appreciate the City's goal to continue making efforts to place this into conservation.

**Waipa Parker (Kupa'āina o Kuli'ou'ou)** asked a question to DLM. We last spoke on our appraisal and said it would be about proximately four days. Do you have any update on approximately when that appraisal will come in?

**Kealaponi Richardson** responded that appraisal is due any day now and that DLM is waiting on the appraiser to return the report.

**Waipa Parker (Kupa'āina o Kuli'ou'ou)** thanked the Commission and Pu'uhonua for all the support.

**Chair Broder** requested to place on the next agenda an update on the appraisal and an opinion from Corporation Counsel on the fee simple question raised.

**III.E. DLM presented a status update of the Pu'uhonua o Wailupe application. 26:46**

**Kealaponi Richardson 26:57**

We're awaiting the results of the AIS that we heard about from the previous oral testimony. That AIS will help us inform the structure of how this conservation transaction is formulated. And for our next steps.

**Michael Hikalea (Pu'uhonua o Wailupe) 27:49**

Aloha Chair Broder and fellow commissioners of the CWNL commission. My name is Michael Hikalea. I'm a board member Pu'uhonua o Wailupe, and currently serving as president. Our mission is to protect and preserve 'iwi kūpuna, moepū, sacred sites, and mo'olelo stories of the area and elsewhere.

Thank you for this opportunity. My family has lived in the Wailupe area for generations. We no longer reside there, but we are of there. And I would like to give you some documented history—kind of validate that stuff. In 1882 my kupuna Kalua, gave the mo'olelo of Kalua from Wailupe and that was recorded by J. H. Kanepu'u and that mo'olelo spanned six generations from his grandson back to his great grandfather, who actually lived in Wailupe.

So at least for that timeframe, and I'm sure even further because my dad actually lived in Wailupe also. It's been a few 100 years, at least in that span, living in the Wailupe. And he also gave native testimony in 1847 regarding Kawaohau Heiau [??] which was destroyed and in his testimony he testified on behalf of his kūpuna, and this is Kalua that I'm talking about, and that the protection of coconut trees, that he claimed, that they were his. And his kūpuna built the 'ahu for the heiau. It takes an occupation, I guess you could call that, on the family even further than what I just stated. In 1923, his daughter passed away. And two of her sons also gave testimony. And they even went into the arrival of Kamehameha—in a letter to the editor of the newspaper—and how upon her death, she no longer going envision the story that she had shared with them. But they were there to protect and carry on that story.

My position today is to, as president, to share with Commission, and ask for your full support in our application. Stories are just as important, but I think, if we do not protect and preserve places like this, they will no longer exist at some point in time.

So I ask for your strong support, and I'm available for any questions.

**Chair Broder** thanked Mr. Hikalea for sharing his very special story.

**Commissioner Mills 31:57**

I just heard back from SHPD about the two recent discoveries. And I'm reading the report now, but of Kia'i Place, which is right next. And that they mentioned that it was 20 meters away from an earlier discussion that did come before the Island Burial Council.

So the question is, is the footprint of this property that is being proposed to be acquired, do we know that there is a burial in one of the blisters there. The two other ones that Healani mentioned earlier, that were more recently discovered. Are they still on that property's footprint?

**Mialisa Otis (Pu'uhonua O Wailupe) and others** answered "yes."

**Kent Untermann (Individual) 33:17**

This is Kent Untermann the property owner and I just want to share everybody that, Healani and her team have been managing this and there is going to be no, no disturbances on that [inaudible] or anywhere around [inaudible] until we get through that as well as for the Hawaiian community here. They have our full support, and nothing. We have granted them full access, and there will be zero disturbances. We just want to be very supportive. That's the bottom line. Thank you.

**Mialisa Otis (Pu'uhonua O Wailupe) 34:44**

I'm testifying on behalf of Pu'uhonua O Wailupe in support. I have protected sacred spaces since 2019 at Hūnānāniho and I do this for the protection of 'iwi kūpuna, the preservation of land, and to uphold the legacy and future of Kānaka Maoli for generations. We had an AIS done on August 21 and 22nd. So any AIS back feed is irrelevant. The findings are five rock shelters, two modifies tips [??], one trail with stack balls and two burials and the trails originally led to the heiau, which is no longer there. On the 22nd, I was hoping to clear the switchback and near the cave, and as we were packing up to osteologist, arrived and notify me of the two burials at the two new caves. One was a keiki. I called our friend Akini Lindsay [??], who had just left, and our historian Chris Kramer had just pulled up. And we call an Uncle Mike, to see what he wanted to do. And he concurred that we preserve in place in lieu of letting the archaeologist rebury. Akini [??] and I offered pule and while lay and while I reinterned the 'iwi, we shared tears of confirmation. I felt the pain of desecration and also the salvation of it being recognized. And what we're doing is for good reason, and you know, and also being put to rest. And in the meantime, we have development paving over our history. And here we have our property owner, Kent Untermann, wanting to have this parcel preserved, especially with the Maui devastation, he is mediating desecration by going through his through this Commission. This is a rare opportunity. He along with other developers could sell for much higher but he wants to protect this land from further desecration. Pu'uhonua is a Kānaka led organization that will preserve Wailupe's rich history by being the stewards of this area. The City should be proud of their role in this preservation. Mahalo.

**Alfred Keaka Hiona Medeiros (Pu'uhonua O Wailupe) 37:22**

Aloha mai kākou. [needs translation from 'Ōlelo Hawai'i]. I'm the vice president of Pu'uhonua o Wailupe. I was one of the first people up there, to stop the desecration from happening of Wailupe. I guess the people didn't

know about that place because previous times people went up there saying there was no findings. And they lied about that. As we can see with the most recent AIS of the findings. I never knew I was connected to this space, you know, until I did my mo'oku'auhau and I found out that I'm Kalua myself and you know, this is my 'ohana. My Uncle Michael—you look at my uncle's and he looks just like him. It's a splitting image of him. I will do whatever I can to protect this space. By all means, if my life needs to be taken to protect these sites, I will. Because it means a lot to me. There's a lot of history of that place from the Wailupe fish ponds that were desecrated and filled up by Hawaiian dredging, the desecration of the of the heiaus in the area, to the freshwater that runs underneath that's being stopped and diverted. There's so much history that we can share with our keiki, that we can share with our future generations to preserve such a significant place. But not only the Kanaka, those that are not Kanaka connect to this place. Because you know the special places of it. The people of the area, the residents have been fully supportive in every single way. We have neighbors down below watering the area, you know, I mean welcoming us when we go over to mālama Wailupe, bringing out snacks, drinks and everything. We have pastors and everybody involved in this, you know, three neighborhood boards fully agree with us that our stance is to protect and preserve. My whole dedication to this is basically that preservation, education, is the key to these people to these locations. I'm tired of seeing our kūpuna being displaced when they're no longer here. You know what I mean? We're already getting displaced as people living here in Hawai'i. But imagine being dead and a means shipped around or just been dug up and put into boxes, like across the street at Kawaihao [??], your family over there, too.

So I'm asking everybody that's a part of this meeting right now to please help and support us. I know there's like only one person that's against it because of the money wise, but even that, like the money shouldn't account to anything in preservation. There's significant history to this. There's people here that can tell you firsthand. If you guys don't believe in it, then come up. Come up with us. We do mālama Pu'uhonua o Wailupe days. And we request everybody over here in these rooms and everybody online, if you guys would like to come up, learn the history of this area, see what we value. You know, I mean, people may see rocks and 'āina as just what it is, land. We see it as history, as culture as heritage that we need to protect. You know, like I said, I'll do whatever it takes, I was willing to get arrested that day to tell somebody to get off of the construction equipment. But that's my kuleana. It's not my job to do this. This is an obligation that my kūpuna instilled in me to protect. So I'll do whatever I can I know everybody in this room is in this room will. This is this is significant to us. Many of us love the 'āina, love our kūpuna whether they're living or they're gone, and I know a lot of you too, have the same love for your elders in the same way. And if you guys can understand where we come from, then I'm sure you guys understand the process in this and hopefully we can get through it because I know Kent is going through this for a long time. The community has been going through this for a long time. And now with preservation in place there's actually a hope for us to actually save this space and preserve it for our history, for our keiki to understand this significant piece of Wailupe and we would like to be the stewards of this land to ensure that we can tell the history and the story that once was told before and bring back this beautiful place. Mahalo for your time and letting me speak.

**Commissioner Pacarro** asked for the amount requested through the application for funding from the Clean Water and Natural Lands Commission.

**Healani Sonoda-Pale (Pu'uhonua o Wailupe) 41:54**

Our original application was for seven. But and what we're going off is a tax assess, what the county assessor, the amount or the worth of the property, that's what we're going off. And so right now it's at seven, it was at seven, but now it's at nine. So it may have gone up but we are going to, as part of the process, get the appraisal done. And I think you know that is and this is Healani Sonoda-Pale with Pu'uhonua o Wailupe. And I think that, you know, the one opposition that's at the crux of that person's issue, but as Kānaka Maoli, as a Hawaiian of that place, you cannot put a price on the protection of our 'iwi. We have gone through so much. It is it is a heavy kuleana. We are doing the work already. In terms of taking care of the 'iwi and it's a big burden.

Because I don't think that discoveries are going to stop. To tell you the truth. And for us to have to justify the amount, as Kānaka, of how much our kūpuna worth. That's traumatic in itself for us having to do that. And have to justify to non-Hawaiians, why this is worth our lives. We've dedicated so much of our time to this preservation, and we are with them all the time. They're constantly with us now. Our kūpuna. To the Kānaka, it's hurtful to have to justify the price. What is what is our kūpuna worth? You can't put a price on our kūpuna.

**Commissioner Pacarro 44:19**

No, you should ever have to, from our standpoint. From a process standpoint. I put it to you guys. If they're saying—and Kent as well, Mr. Untermann is a transaction and we're the ones that have the funds that we would

pay it out. I think the question here is, from an appraisal standpoint, what happens if the appraisal comes in? And they say, you know, like, this property is really only worth five million. Yet we as a Commission are approving the nine million. What is the process when it comes to an instance such as that, because I think that's the fear here. Just to come through the madness. It's like, how do we make this happen if the appraisal comes in lower? That's the question.

**Kent Untermann (Individual) 45:19**

There is not a nine million dollar asking price. I want to make sure that we're not confused. It's so obvious to me how important is to the Hawaiian community. I'm not going to be that guy at the end of the day that comes down to price. There is an order of magnitude price. But I'm not going to hold out in for a million dollars. And it's just not it's not going to happen. So they have my full support. I respect their passion and culture. And I'm not going to cross that line. I just want to be really clear on that.

**Alfred Keaka Hiona Medeiros (Pu'uhonua O Wailupe) 46:46**

I think it's a timely matter is very important because as we take longer, prices go up, inflation, property taxes rise. The longer it takes in process, that everything goes up, right, we see as we're living in overpriced paradise already, and everything goes up, every year, property taxes raised. So we just, I just don't want to add on to something where it's just like outrageously expensive. And like how you said, Kahi, you come to the table and the appraiser is way lower compared to asking price or whatever.

**Chair Broder 47:35**

[Inaudible] taking an interest in this project, and we appreciate the feedback we've gotten from DLM and in their efforts to keep it moving forward. We know that the community is concerned about the time although, you know, we're familiar with the time it does take to proceed. And of course, the monies are monies that belong to the people. And this appears to be a very good project, but we have to consider that we have a fiduciary obligation to the people, the other people in the community as well. I think the testimony has been very moving. And we have put this on the agenda early. It's contrary to our usual practice because of our great interest in seeing this move forward as quickly as possible.

**Mialisa Otis (Pu'uhonua O Wailupe) 48:40**

This is Mialisa Otis from Pu'uhonua o Wailupe. I had a comment on how important it is to get the appraisal done before it comes to the Commission and the timeliness of the City organizing the appraisal if it's going to take a few months that might be too long. So if we can do that, now that the AIS—we have confirmation that SHPD is aware, can we get moving on appraisal? Thank you.

**Wayne Tanaka (Sierra Club of Hawai'i) 49:39**

Good morning, Chair Broder, members of the Commission. Wayne Tanaka with the Sierra Club of Hawai'i, just here to express our support of the Pu'uhonua o Wailupe application that you're being updated on. I did want to emphasize, I think it has been alluded to that, from the start, this proposal was entirely driven by kānaka 'ōiwi. And not the landowner. And in fact, it was quite contentious. But if it wasn't for the tenacity and the commitment of these community members, their willingness to do what it takes, including working with the landowner, we would not be here. And I think it's also important to note that the members of the Pu'uhonua o Wailupe are incredibly capable and dedicated, they already spent, hundreds of hours safeguarding this space. And once access was granted, they have cleaned up and taking care of the property, pulled the koa haole, they replanted with native flora, like 'uhaloa, 'ilima. And they've also built community around that work. They've also written grants, they've engaged with the City Council, with the Commission, and with DLM. And so as you know, in our written testimony, these committee members have also gone above and beyond, to safeguard all of us. Safeguard our island in so many ways, including the organizing leadership in the shutdown Red Hill campaign, in the reestablishment of the O'ahu Historic Preservation Commission. And this is really this is about Hawaiian stewardship of 'iwi kūpuna, of restoration of 'āina, and establishing a kīpuka—in a larger region where so much has already been lost permanently to development and occupation. And so just like to encourage your continued support this application, and mahalo DLM, and the Commission for your continued work on helping move this application forward. And happy to answer any questions you may have. Mahalo.

**Jeanne Ohta ('Āina Haina Community Association) 52:05**

Good morning Chair Broder and members of the Commission. My name is Jeanne Ohta. I'm president of the 'Āina Haina Community Association. And I'm the one person that's been mentioned that because we questioned the price that we're against preservation of the land. And that is completely not true. In fact, our organization has a track record of working for 50 years to preserve the back of Wailupe Valley, which was with the assistance and



the support of the Clean Water and Natural Lands Fund was placed into preservation in 2020. There's significant cultural artifacts at locations back there, which we knew about, and which we fought for even harder. Our concern here, and I'm just hoping that all of the commissioners have my written testimony. Our concern here has been since 2006, with the proposed development on that property, that the homes surrounding the property are kept safe. As you know Wailupe Valley has a history of falling boulders, sliding homes, landslides, and soil instability. Our concern at this time is the condition of the property with a significant grading that had been done. And that a stop order was issued, so the work stopped. So we just want to be sure that the grading has not damaged the land on—that if there is—that there could be an assessment made. And if an assessment determines that some mediation or for the land is necessary than that be completed, so that the surrounding homes will not suffer any runoff and soil instability caused by runoff from that property. So that's, that's our concern. And that has been our concern since 2006. It has not changed. Had an AIS been done in 2006 as SHPD had asked, we would have been further along in this process. And I just want you folks to know that we have dealt with the developer. And I'm so relieved and happy to see that the developer is now willing to work with the community and even to revise perhaps the value that you may sell the property at. So we're very, very happy with that turn of events. Hopefully, we can, as we've done with the back of the valley, we can put this land into preservation. Thank you very much.

**Chair Broder 55:11**

Mahalo. All of your efforts in the community association are very much appreciated and turning the back of the valley into something that is preserved and accessible to the public is very special. Mahalo for your work on that. Are there any other comments or questions from commissioners?

**Kent Untermann (Individual) 55:43**

This is Kent Untermann, the landowner—.

**Chair Broder 55:47**

I think you made yourself clear, Mr. Unterman. And your willingness to sell it possibly below value or below appraised value.

Let's let the commissioners ask any questions that they have and we'll give you one more opportunity Mr. Untermann to testify, but usually it's limited to one time per item but we'll give you another opportunity. And please know that your willingness to sell it below market value is very much appreciated and embraced.

**Commissioner Pacarro 57:36**

I just wanted to clarify on page two of the 'Āina Haina Community Associations testimony. There's a set of A through D, which appear to be kind of like kuleana that would then fall upon the City and County, if we were to undertake, if we were to approve this funding—I just wanted to understand this, currently, does the existing landowner—are they responsible for all of these potential risks associated with landslides and runoff? And if the ownership then goes to the either to your organization or to the City, who then is responsible for it? And what are the potential risks associated with that? Because that could be very big question to you.

**Chair Broder 58:42**

I think that's an excellent question, Commissioner Pacarro. [inaudible – multiple speakers]

It is not a free for all. And let's go in order. Commissioner Pacarro has several questions. I think that they're excellent questions, and I'm sure the Commission does as well. And we'd like answers to those questions at the next meeting from the Corporation Counsel. I think the issue of risk and other things is very pertinent and we need to know the answer. So we will give you one more opportunity, Mr. Untermann, to testify to testify now but this will be the last time. Thank you. Go ahead Mr. Untermann.

**Kent Untermann (Individual) 59:58**

In the application there's about 100 page soils [??] report and I had reached out to Jeanne and her and her association they declined to meet with me and as hard as it was with Healani's group and as contentious as that was, I have openly reached out over email all and she declined saying that they didn't have—but this is my concern there's going to be a lot of unnecessary angst over landslide issues. The cut—that hillside is the same hillside for Kia'i Place. Kia'i Place has been safe. That particular hillside stability wise is one of the most stable hillsides which is why we're able to get the permit. The permit that was pulled was purely because of the burials. It had nothing to do with safety. It had nothing to do with runoff. The city actually had— [inaudible – bad reception]

**Chair Broder 1:01:30**

Thank you very much Mr. Untermann. As I said earlier, as Commissioner Pacarro has raised a very important series of questions and I think that the Commission would look to the corporation counsel first for answers and then to DLM to address the geological aspects that you just brought up Mr. Untermann. Okay, is there anybody else that would like to—let's do that at the next meeting. Is there anybody else that would like to testify?

**Mialisa Otis (Pu'uhonua O Wailupe) 1:02:10**

I gave the Commission these two binders that has all the information about landslides and soil. So that can be helpful when you guys are meeting with corporation counsel.

**Alfred Keaka Hiona Medeiros (Pu'uhonua O Wailupe) 1:02:30**

[This] goes to Jeanne Ohta, we've been planting native plants you know basically to amend the soil to restart the whole process. I want to plant naupaka up there you know, as you know, it helps to the erosion. Even though the site and the types of rock and stuff in the foundation there is already solid. The only thing that fell was because of construction equipment that was done, the grading. Beside that as a stable community. You look above it, the homes are massive and they've been sitting up there for a long time. To Jeanne Ohta, I would love to see you come to Pu'uhonua O Wailupe and come to mālama I hear you talk about 2006 and I haven't seen you since. I'm sorry, but people can talk online. I'd rather talk in person and she can meet the 'āina and can see what we're doing over there first hand. Mahalo for your time. Please come and join us.

**Chris Crammer (Individual) 1:03:42**

Aloha Chair and Commissioners. I just wanted to lend my support as well for this effort and this area has been identified by kūpuna in the area for many years as a burial ground. And when you when you go to that area, you can see numerous burials and some sealed, some unsealed, there's lava tubes, and it's a very significant site. But I also wanted to speak to the urgency because right now, this commission has the expertise in 'āina and clean water and cultural issues and DLM does not have that expertise and corp. counsel does not have that expertise as well. So I would urge the Commission to take action with your strengths and not cede everything to other DLM or corp. counsel because the Commission has expertise and I would really urge the Commission to take action with the expertise because its application has just been in slow mode for how many months. This will unravel the longer and longer it takes.

**Chair Broder 1:05:26**

Mahalo. That's why it's on the agenda this meeting and on the agenda last meeting [inaudible] that we wait until the department brings it to us and the reason that I requested the input from corporation counsel and DLM is definitely not to override any of the expertise that we have within the Commission, but nearly to make sure that we have all the information, correct information before us. I really appreciate your comments. And it's wonderful to see you. Your presence is missed. Are there any questions from commissioners?

Okay, are there any other testifiers?

**Malia Kawaihoa Marquez (Pu'uhonua o Wailupe) 1:06:37**

Aloha mai kākou. [needs translation from 'Ōlelo Hawai'i]. It's very hard to be Hawaiian and Hawai'i these days, and have to come to outside entities to be able to preserve our kūpuna I'm born and raised Maunaloa. We don't use that name anymore. It's Hawai'i Kai. I don't know how much more our people can take by not protecting and preserving what little we have left. The tourists come to see our culture. Tourism industry is a billion-dollar industry that everybody cares about. We got to show them the real culture. We're not mai tais and rainbows. We need people to understand that we are still here. Less than 4,000 pure Hawaiians left on this earth. We all come from different ethnicities. But together if you have one drop of koko or blood in your system, it is your kuleana to protect our 'iwi, our kūpuna who are taught and walked the walk for us. If we don't do it, it will die. By the time I'm a grandmother. That's why we're willing to live our lives and lay our lives down for our history and our culture and our preservation. It's disheartening to have to come to these little buildings and meetings and beg and beg and beg to be Hawaiian and Hawai'i and outside entities telling us what kind of land grading and what kind of stability our mauna is. Our people were so akamai, they would never put our 'iwi in an unstable area. And developers have chosen to go and build on these areas. And perhaps now it might lessen the stability. Remember where you are and who you are living and what grounds these are. These are our 'āina This is our kūpuna and this is our right to preserve this. I'm so sorry if it comes out very harsh, but we all have jobs, 'ohana—and we take our time to come and beg outside entities to hear us. So we're going to be there whether it's approved or not. I'm so sorry if that sounds very disrespectful. But I'm past the point of crying and seeing our people suffer. Mahalo for your time. Aloha.

**Hinano Paia Gates (Pu'uhonua O Wailupe) 1:09:21**

My name is Hinano Paia. I'm the former kahu for 'ōiwi cultural resources that was run by Paulette Laeikini. I served as the kahu for that place for nine years. I specialized in preserving burials, containing burials, and ensuring that all burials in Hawai'i are preserved and left in place. I work side by side right now with Howard Hughes Corporation and all of their projects as a cultural monitor and their cultural resource. I come here today in support of Pu'uhonua o Wailupe, and all of the things that they're doing up there because I took my first trip up there after their last findings. And let me tell you something, it doesn't look like before you know, this place is prospering, this place is—we call it in Hawaiian “mohala,” this place is coming to blossom now. And in Hawaiian, we call it “ho'ailona”—it's a sign that the kūpuna are welcoming us back home. And for those of you guys who hasn't taken a trip up there yet, I highly encourage you folks, and invite your folks to go out there and see it for yourself. Because until you go up there and see it, you'll never understand the true essence of these 'iwi kūpuna and all of these preservations like, you know, you guys need to see it firsthand guys. So again, my name is Hinano Paia and I'm here supporting Pu'uhonua o Wailupe. Mahalo.

**Davie-Ann Momilani Thomas (Individual) 1:11:09**

Aloha. My name is Davie-Ann Momilani Thomas. I'm born and raised from here, O'ahu. Awesome. I was also a 17 year navy wife. And I gave a lot of my all to our Hawai'i military community and to our military community, whether it's on Japan, San Diego, and here on O'ahu. However, I've heard about the stewardship, actually since covid, I would see them only on social media, and I thought that was such a beautiful heartwarming thing what they were doing for 'āina. Second thing is I got to personally intimately respectfully meet them during this Navy Red Hill, because me and my family are exposed for eight years now. Plus 2005 when I became a navy wife on this island. They have supported me in so many ways they have supported where I live for eight years Pearl City Peninsula, navy housing, my, our residents, my former neighbors, my current neighbors, I took care of Pearl City Peninsula Navy housing and many of our Hawai'i military community by designated driving sober driving or neighborhood watch or now giving them free water through these guys. What I'm trying to say here is our Hawai'i military community, for years while I was an entire navy wife for 17 years, till today, now that my husband's retired, they asked to learn a lot about the Hawaiian history in the Hawaiian culture. They come here to O'ahu. They say oh my god, it's ugly. What happened? We don't know where to find all this pure Hawaiian or anything about your beautiful culture because they think they see me they see my actions, because I was homesick first time leaving Hawai'i as a Navy wife 2005 for seven years on Japan. And I shared Hawai'i, I connected with Japan. I was that Aloha in action, everything. Even with the tourism bureau, they wanted me to be a part of them. I said no. What I'm trying to say, sorry, is that the military community when they come here, because you there's a huge revenue here on the island, they want to see more of the Hawaiian culture in real time. They hear what our State and our City and all these wealthy people are doing to our islands, raping our islands, tearing taking apart the bone so they learned a lot from me. I learned to care about home Hawai'i. Because I was so Americanized. I learned to care about home Hawai'i when I became a navy wife living away from home. And admirals, the captains, even Governor Linda Lingle in the lingo and Representative Gene Ward, everybody, a lot of people they heard my actions they heard my caring everything. And I taught the military community that. I tried my best to show in action through my good work through so much volunteering here on the island whether in Japan, whether in San Diego, how to love and respect Hawai'i because we became so Americanized and all we care about is that American dream, all we care about is making money off of these lands, man. It's crazy. I was raised to think like that too. But now I humbled myself becoming a navy wife. I asked you guys, you know, you guys really got to not think about money here. You know, I understand money is needed and everything. But these people right here, they've taken care of me and my family and our Hawai'i military community through this Navy Red Hill. I've seen their heart I see their actions. And I really believe they will take care of our bones. Our ancestors' bones are very old. They need us, they need our help. Our ancestors need our help. They need your help too. If I can do it, if I can change my whole life and my whole mind around and teach our Hawai'i military community, how to love our Hawaiian culture, our Hawaiian history, our Hawaiian ancestors, our burials, everything respects the lands everything and how our State of Hawai'i and America ruined O'ahu, you guys can do it too. Mahalo.

**Louisa Keawe (Individual) 1:15:59**

Aloha mai kākou. My name is Louisa Keawe. Mahalo nui for Department of Land Management and commissioners that are here today to listen to all of our 'ike, mana'o, concerns, comments and complaints. I am a voter. Born into the language of English, and what an American is. I was taught to respect our elders' respect [??], those in leadership. So I come a long way to where I find out later. Just recently, and I've been here so many times, Kānaka Maoli, Kānaka Maoli. I have no idea what it is, then I find it's a person, I find out is our language, it is a culture. 'E kala Mai, I was born and raised in the City. Everything was based on you go to school, and then from there, it leads you up to where you're going to end up in life. I'm here today on behalf of Pu'uhonua o

Wailupe. Council to support them. [inaudible] reason I know who I am today. I am a Kānaka Maoli, aka Hawaiian. So respect that means there's other people, they're not Kānaka Maoli, but they are a part. They are part of Hawai'i, they are part of us. They're part of what they choose to receive or accept in their hearts, whether it's the culture, language, history, wherever it may be on our eight islands. And I humbly ask that our culture, our preservation, our historic, our 'iwi kūpuna—from the land to the waters, from the sky to the depths of our oceans—to be pono. It's time to make it pono—make it right. What was done wrong before in the past from a foreign forefathers, not my forefathers, Kamehameha, but from a foreign forefathers that there's still time to make it right. And it's so important because you know there can be a disaster and Pu'uhonua o Wailupe, burials there, amount is there, is to save those who are presently there now—and the whole sector of Hawai'i Kai all the way to the other end closing into Diamond Head. Mahalo nui.

**III.F. DLM presented a status update on the appointment of a new Commissioner. 1:19:32**

**Kealaponi Richardson 1:19:55**

The office of the City Council has interviewed candidates to fill the vacancy on the Advisory Commission. I think they're still in that process and will be putting forth a nomination to City Council for approval shortly. Once the nomination is submitted for vote, that process should move pretty quickly.

**Chair Broder** asked Mr. Richardson to inform the Commission as soon as DLM knows who the next Commissioner will be.

**Kealaponi Richardson 1:20:38**

*[Received Resolution 23-21 from Adam Doo, community liaison for the Office of City Council Chair Tommy Waters]*

Thank you Chair. I have a resolution here from City Council for the proposed appointment for Frederick Reppun for the Clean Water and Natural Lands Advisory Commission.

**Chair Broder** asked Mr. Richardson to circulate the resolution to all the members of the commission

**Kealaponi Richardson** confirmed Chair Border's request.

**V. Announcements: Next Clean Water and Natural Lands Advisory Commission meeting is on October 13<sup>th</sup>, 2023. 1:21:08**

**Chair Broder** asked for objections to adjourning the meeting and noted the next meeting is October 13.

**Reyna Ramolete (Trust for Public Lands) 1:21:42**

I saw on agenda that there was going to be a discussion of the proposed revision to the Clean Water and Natural Lands application. We are in the process of helping other groups apply for the funds. Is it just me or was that not discussed today?

**Chair Broder** asked Mr. Richardson to speak with Reyna Ramolete directly.

**VI. Adjournment. 1:22:45**

**Chair Broder** adjourned the meeting.

Respectfully Submitted,

\_\_\_\_\_  
Kealaponon Richardson

The minutes of the Commission Meeting on  
Sept. 8, 2023 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"/>	
Jamie Tanimoto	<input type="checkbox"/>	<input type="checkbox"/>	