

(APPROVED: 12/03/09)

**CULTURAL RESOURCES COMMISSION
REGULAR MEETING
OCTOBER 1, 2009**

*** All documents, including written testimony, that was submitted for or at this meeting are filed in the minutes file and are available for public viewing at the Maui County Department of Planning, 250 S. High St., Wailuku, Maui, Hawaii. ***

A. CALL TO ORDER

The regular meeting of the Cultural Resources Commission (Commission) was called to order by Chairperson Erik Fredericksen, at approximately 10:03 a.m., Thursday, October 1, 2009, in the Planning Department Conference Room, first floor, Kalana Pakui Building, 250 South High Street, Wailuku, Island of Maui.

A quorum of the Commission was present (see Record of Attendance).

Mr. Erik Fredericksen: Let's see - let's go ahead and call the meeting to order. It's the 1st of October. Thanks, everybody, for taking the time to come and look forward to an interesting meeting here. Let's see, the first item on the agenda is approval of minutes of the June 4 and the August 6, 2009 meetings. Any Commission Members have any -- anything to comment on?

B. APPROVAL OF MINUTES OF THE JUNE 4, 2009 AND AUGUST 6, 2009 MEETINGS

Mr. Kepa Maly: Mr. Chair, the -- when you -- are we ready to go to August or we're still looking at June?

Mr. Fredericksen: Well, let's just go to June at this point. Thanks. Any comments? I have one on the June minutes and, let's see, I think it's Page 15. First I have to find it. Here we go. So Page 15 - let me find it here - oh, and this is -- maybe this is more of a question for Stanley, and this is regarding the, let's see, it's near the bottom of the page, and this is when the -- this is regarding Lana'i, and there was a CD --

Mr. Stanley Solamillo: What page?

Mr. Fredericksen: Page 15 on the June minutes. And I was wondering if, there was a request to have that CD sent to the Planning Department, and I just wanted to know if that had happened? Did you folks get --

Ms. Nani Watanabe: I was just talking to Kepa right now.

Mr. Solamillo: I received a copy.

Mr. Maly: *Of Reflections?*

Mr. Fredericksen: Uh-huh.

Mr. Maly: *The Reflections of Lana`i*, yeah?

Mr. Fredericksen: Okay, so we -- the Planning Department did get the copy then?

Mr. Maly: Yeah, sorry.

Mr. Fredericksen: Yeah, Kepa?

Mr. Maly: I didn't review these cause I wasn't here but I just noticed, on Page 15, as an example, "Bumbar" is "Bumbar."

Mr. Fredericksen: Spell please?

Mr. Maly: Yeah, just no more "d" at the end.

Mr. Fredericksen: Okay.

Mr. Maly: And I think that there's some sort of error, "we made one Aka`aina." That doesn't exist on Lana`i and so I think there may -- I don't know what he pronounced or what might have been heard but "Aka`aina" which in the second sentence, so I'm just -- I'm just drawing it to your attention that it's -- I don't -- it's not right.

Mr. Fredericksen: So that -- that's not the title of the CD or the DVD?

Mr. Maly: Yeah.

Mr. Fredericksen: Okay.

Mr. Maly: Sorry. It just isn't --

Mr. Fredericksen: No, thank you. Nani, did you have a comment?

Ms. Watanabe: I think it's a -- it's a CD, Kepa, that they did after *Reflections*. I think Castle & Cooke was doing that one CD but I'm not sure what the correct title is. Yeah.

Mr. Fredericksen: Just to clarify. It's a DVD or a CD that's just audio? Is it --

Mr. Maly: *Reflections of Lana`i* has been converted from video format, made in 1987-88, to DVD, and I believe that's the copy that I provided to Mr. Solamillo.

Mr. Fredericksen: Okay. Okay. Okay, that was the one comment I had on the minutes, and thanks for the spelling update, Kepa. Thank you.

Ms. Watanabe: And, Mr. Chair, I think Mr. Bumbar was going to actually get a copy to Stan.

Mr. Fredericksen: That was my memory --

Ms. Watanabe: Right.

Mr. Fredericksen: Of the meeting and everything, and the request, so maybe - I don't know - we do have one copy right now?

Ms. Watanabe: Yeah. Yep.

Mr. Fredericksen: Now, there are one or two DVDs? Just one?

Mr. Maly: That we know of.

Mr. Fredericksen: Okay.

Ms. Watanabe: That we know of.

Mr. Fredericksen: Okay. Any other comments on the June minutes folks? No? Let's -- we have to approve these separately. Is that correct? The minutes? We can do them together? Okay. How about the August minutes, any comment?

Mr. Maly: Yeah, Mr. Chair, I, and I apologize, I wasn't able to go through this until late last night-early this morning, so I've prepared just a set of notes for Suzie --

Mr. Fredericksen: Okay.

Mr. Maly: Just with Hawaiian corrections and the page numbers, and I'll give this over to Suzie --

Mr. Fredericksen: Right.

Mr. Maly: For -- for her reference. And I only have one quick question. On Page 62 of the August 6 minutes, there's a reference in my narrative where -- did I -- and I'm just curious,

did I really say that there were a million claims or if I did, that was a little bit of an exaggeration.

Mr. Fredericksen: Tongue and cheek kind of thing. Yeah.

Mr. Maly: Yeah. But you know --

Mr. Fredericksen: Yeah, I don't remember but I'm sure you didn't mean it literally.

Mr. Maly: Yeah, so I don't -- I don't think that, yeah.

Mr. Fredericksen: Yeah, you didn't mean it literally, certainly.

Mr. Maly: Yeah. No. Thank you.

Mr. Fredericksen: Any other comments? Okay, how about a motion to approve?

Mr. Ray Hutaff: I move that we approve -- a motion to approve the minutes of June 4 and the August -- or was it June 4?

Mr. Fredericksen: Sixth, I think. June 4 and the August 6.

Mr. Hutaff: June 4 and August 6 meetings with changes as noted.

Ms. Watanabe: Second.

Mr. Fredericksen: Okay.

There being no further discussion, the motion was put to a vote.

It has been moved by Mr. Hutaff, seconded by Ms. Watanabe, then unanimously

VOTED: to approve the June 4 and August 6 meeting minutes with changes as noted.

Mr. Fredericksen: Okay, the minutes for June 4 and August 6 are approved. Let's see, Item C, Banyan Tree Park. Report from the Parks Department of confirmed users for Banyan Tree Park for 2010.

C. BANYAN TREE PARK

a. Report from the Parks Department of confirmed users for Banyan Tree Park for 2010

Mr. Steve Ashfield: Good morning. I'm Steve Ashfield. I'm here for my annual visit.

Mr. Fredericksen: Good morning.

Mr. Ashfield: The only time you see anybody from Parks is this time of year. Okay, you've received now the list for next year. If you look at it, there's still three people using the Banyan Tree. Na Kupuna, which is Aloha First. Also, LAS, which is Lahaina Arts Society. And Lahaina Town Action Committee taking the special days that both of those other two don't really wanna put the expense out of doing. So there is a total of 95 days; broken down, it's 44 for each of the two, and 7 for Lahaina Town Action Committee. They will be -- if you say this is okay, they will be getting this so they can divide them up. There is also one weekend every month missing, if you look at it, which is the -- what you had said before, that one weekend that shall be closed. They can move those dates around as long as they close one weekend once they get it because I don't know when ships come in, and it seems to be, if a ship comes in, they make some more money. Yesterday, there was two. So they like it when the ships come in and, as Na Kapuna has found out, it's really hard. They're having a rough time making some money underneath the Banyan Tree right now. So if there's nobody else added to the list, I can give this list to 'em and they can start negotiating between the two as their dates.

Mr. Fredericksen: Okay, thank you. Any questions, Commission Members? No? Does anybody from the public -- would anyone from the public like to testify about this? Please come forward and state your name.

Ms. Robin Ritchie: Just to introduce myself, I'm Robin Ritchie, and I'm Director of Operations, actually the new director, for Lahaina Town Action Committee, and I just wanted to thank everybody for the use of Banyan Tree Park. It certainly makes it a nicer area to work in when there are different events from different people. And I just wanted to connect face-to-face and thank you personally.

Mr. Fredericksen: Thank you.

Mr. Ashfield: I do -- I'm sorry.

Mr. Fredericksen: Yes?

Mr. Ashfield: I do have a couple of questions, if that's okay.

Mr. Fredericksen: Sure.

Mr. Ashfield: The Hui O Wa`a, which is Kamehameha Iki Park, they sort of take care of it and have their Quonset hut and building canoes over there, they want to do a fundraiser at Kamehameha Iki. Parks Department has no problem. They have asked me to find out about if they want to -- are the rules for Banyan Tree still going to Kamehameha Iki where they can't accept money or sell stuff there? Do they have to use script? Right now, at Kamehameha -- at Banyan Tree, they have to go inside the courthouse in order to change money. And they also wanna know if they could sell crafts and stuff at that function. You may not have to make a decision. Myrna, who is with Hui O Wa`a, is on your next schedule for November. I'm just bringing this up to let you know. The Parks Department doesn't care. But maybe the people who are under the Banyan Tree, who happens to be that weekend, it's the Lighting of the Banyan Tree, it's June 6, is the date that they wanna use.

Mr. Maly: December.

Mr. Ashfield: December. I'm sorry. June. I'm thinking of next year already. Sorry. June 6, which is the Lighting of the Banyan Tree, but Lahaina Town Action Committee is there till 6 but their event starts a little later. If there's no problem, like I said, Parks Department has no problem. We have gave them a permit ready to go. If they can sell stuff or whatever, that's sort of your kuleana. Sorry, I'm haole but I try to use the Hawaiian word. That that would come under. I can't really say if they can do it.

Mr. Fredericksen: Okay.

Mr. Ashfield: If you say, "yes," fine with me.

Mr. Fredericksen: Okay. Nani?

Ms. Watanabe: Can we, oh, ask the group a question? No?

Mr. Fredericksen: Stanley, do you know about the nuts and bolts on that end?

Mr. Solamillo: No, I'll have to actually look in the code and see --

Mr. Fredericksen: Okay.

Mr. Solamillo: Whether it does expand --

Mr. Fredericksen: Yeah, I'm -- I don't --

Mr. Solamillo: Where the rules for money exchanging, which occur at Banyan Tree Park, whether --

Mr. Fredericksen: Okay.

Mr. Solamillo: Expands to other parts of the NHL.

Mr. Fredericksen: But this is going to be on the agenda for next month?

Mr. Ashfield: She's on the agenda for the next month.

Mr. Fredericksen: Okay.

Ms. Watanabe: Okay.

Mr. Ashfield: Just to let you know that you can look up and find out and then you'd have her answer.

Mr. Fredericksen: Okay. Yeah, that'll be good to find that out. Now is this -- is this an action item - this part?

Mr. James Giroux: You can just do -- acknowledge receipt and approval. That would help.

Mr. Fredericksen: Okay. Commission Members -- yes, Stanley?

Mr. Solamillo: You have another ...(inaudible)...

Mr. Fredericksen: Oh, okay. Somebody else wanna come up and say something?

Ms. Joan McKelvey: I'm Joan McKelvey, and I'm President of Lahaina Town Action Committee. We only have a very few days left in the year and we actually need every one of those. Lahaina Town Action Committee is having a real struggle to stay alive. We were left with a huge indebtedness and we are overcoming it, but for us to lose any days, would -- could be a death now to LAC. The Lighting of the Banyan Tree is something that we're looking forward to. It's the very next day that we have. We have nothing between now and then, whereby, we can generate any funds or income, and we're planning to make that one of the biggest events ever, the lighting. So I do want you to consider that when you're thinking about taking it away. I realize the Hui O Wa`a needs income too, and we're happy to maybe join with them and see what we can do, but please don't take away from us what little we have left. Mahalo.

Mr. Fredericksen: Any comments, Commissioners?

Mr. Hutaff: Yeah, I kinda have one here. I'm sure that the answer is --

Mr. Fredericksen: We do have to remember, everyone, that this isn't exactly on the agenda about -- about the other so we probably can't stray too much farther into this, but, yes, go ahead.

Mr. Ashfield: This isn't taking away. We're not taking away anything. They're still having underneath Banyan Tree ...(inaudible)...

Ms. Watanabe: Right ...(inaudible)...

Mr. Ashfield: It's just that they're asking for -- can they do this --

Mr. Fredericksen: At the other park.

Mr. Ashfield: At the same time.

Mr. Fredericksen: Okay, thank you for that clarification.

Mr. Ashfield: So you're not losing anything.

Mr. Fredericksen: Okay, thank you for that clarification.

Mr. Ashfield: Because you're already in the schedule, you haven't paid yet, but you're in the schedule.

Mr. Fredericksen: Okay, thanks for the clarification. Okay. Keeaumoku.

Mr. Keeaumoku Kapu: Good morning, Commissioners. Keeaumoku Kapu from Lahaina. Looking at your agenda, I was trying to figure out, okay, what is my topic of discussion going to be based on today and, apparently, everything that you have is under the Director's Report. I have a lot of concerns based upon the discussions that are going to happen. I know that Lahaina would definitely be heavily considered when you're going through the *National Register Bulletin* because of the significance of those areas and I hope you really take it into consideration because it has a lot to do with the application that is in front of you for the Banyan Tree, the use of the Banyan Tree. I know there is definitely some --

Mr. Fredericksen: Just one second. Commission Members, it was just suggested, maybe we should move the Director's Report up in the agenda if we could get that ahead of the

workshop if someone -- I mean if everybody's amenable to that on the Commission, and then we could -- some of these things could be addressed prior to the workshop maybe.

Ms. Watanabe: Okay.

Mr. Kapu: Okay, so can I hold my comments until --

Mr. Fredericksen: Yeah, what we're going to do, Keeaumoku, is we're going to switch the Director's Report --

Mr. Kapu: Okay, good.

Mr. Fredericksen: So it comes up, and then you can -- Stanley will give the presentation and then you can provide testimony for whichever --

Mr. Kapu: Okay. Okay.

Mr. Fredericksen: Then that way it might flow a little bit better.

Mr. Kapu: Okay. I'll reserve my time.

Mr. Fredericksen: Thank you. Okay, do we have to get a motion to pass or can we just -- is that okay, everybody?

Ms. Watanabe: Yeah.

Mr. Fredericksen: We're on the same page? Okay. Stanley, if you could give -- so now we're going to switch Item E with --

Mr. Maly: Did we finish C?

Ms. Watanabe: Oh, yeah.

Mr. Fredericksen: Oh, okay.

Ms. Watanabe: We didn't finish C.

Mr. Fredericksen: Sorry, everybody. Let's go back and finish Banyan Tree Park. Anybody else wanna say anything? Aunty Patty? Please say your name.

Ms. Patty Nishiyama: Aloha kakahiaka. My name is Aunty Patty Nishiyama - actually, everybody calls me "Aunty Patty." I just want to show you who I am since you're new

Commissioners here - we have. I haven't been here for so long. But anyway, I wanna thank you folks for everything and I know it's very slow, the tourism industry in Lahaina, but we'll stick it out, you know, and we'll make -- make it more exciting and more cultural, yeah. Thank you. Mahalo.

Mr. Fredericksen: Thank you. Okay, do we need a motion for the approval for the Banyan Tree use? Okay, we have the schedule that the County's presented with -- with the understanding that there'll be one weekend free a month but it could get shifted around depending on, you know, scheduling with other -- other things. Is there a Commission Member who would like to make a motion that we accept -- we approve this?

Mr. Maly: Are we accepting or approving?

Mr. Giroux: It's an acceptance of approval.

Mr. Maly: As a submittal or --

Mr. Giroux: Yeah, and knowing that the Parks Department is the ultimate authority and administration.

Mr. Maly: Yes. Okay, well, I make a motion that we accept it on the terms just cited and go from there.

Mr. Fredericksen: Is there a second?

Ms. Rhiannon Chandler: Second.

Mr. Fredericksen: Okay, all those in favor? Okay, those oppose?

Mr. Hutaff: Aye.

Mr. Fredericksen: You're an aye or a nay?

Mr. Hutaff: I'm a nay.

Mr. Fredericksen: You're a nay? You wanna comment?

Mr. Hutaff: It's just that I don't think it's complete. The question I had I on is, October 31, there seems to be an approval for a keiki parade to use the Banyan Tree and it's not listed down here in this thing, so it's incomplete, as far as I'm concerned.

Mr. Fredericksen: Could to County comment on that, please.

Mr. Ashfield: This is for 2010 and this is only for use of the Banyan Tree for craft fairs and art fairs. They do not have it. All they do is end their parade there and give out trinkets to the kids and stuff like that. But this is for next year. And we close it down on that day, not giving it to either one of the two people because then it would be just too many people there.

Mr. Hutaff: Okay. I accept that. I approve then

Mr. Fredericksen: Okay, so you'll withdraw your nay? Okay.

There being no further discussion, the motion was put to a vote.

It has been moved by Mr. Maly, seconded by Ms. Chandler, then unanimously

VOTED: accept it on the terms just cited.

Mr. Fredericksen: Okay, so Item C, we've accepted the schedule that the County presented. Thank you. Okay, Stanley, let's -- oh, did we -- do we have to -- we still have to shift the -- cause we got kind of out of sync.

Mr. Giroux: Just note it for the record that we're --

Mr. Fredericksen: We're shifting the Director's Report into -- in front of the workshop.

E. DIRECTOR'S REPORT

1. July 27 Meeting with National Park Service

Mr. Solamillo: Good morning, Commissioners. It's been I guess, let's see, we missed September, it's been several months since the July 27 meeting with the National Park Service. Many of you may be aware and many of you may not be aware that SHPD was under an audit from the National Park Service this year, and they had essentially and auditor out of the Oakland office who just literally sat in SHPD's office and monitored activities. Maui County, being a Certified Local Government and a participant in the GLG program, had to have an interview with the -- the National Park Service. And one of the things that I think that was -- was stressed was that, yes, we are doing well as a CLG in meeting a lot of our programmatic agreements, but what the Park Service is actually looking for is nominations, an active nomination program where sites, districts, and things like that are nominated. They're also looking for diversity in the nominations. And, currently, a lot of cultural groups or ethnic groups, such as Filipinos, Koreans, Okinawans, we do not have sites, buildings, or things that have been nomination to the National

Register. So the emphasis is on that type of work and the survey work that goes into, you know, actually evaluating resources and then making those nominations. We submitted for projects to the CLG, as part of the CLG project this year, and those went into the Oakland office yesterday, National Park Service office.

Mr. Fredericksen: What --- Stanley, what were those, if that's okay?

Mr. Solamillo: The projects included a preliminary catalog of plaques, couplets, and records for the Wo Hing Society, which also included a historical context, part one, because it's going to be a phased project, which ran from the late 1700's all the way up to 1930, translations of representative documents, including plaques and couplets. I think to summarize, what was really interesting is that the plaques had been there for 30 years and no one had translated them. And when we finally assembled a team, which was like almost 20 people all over the -- from Mainland China all the way to the Mainland, we found out that persons' names, dates, and place names was all part of those plaques. It wasn't just a salutatory statement, you know, "Welcome to the Wo Hing Society Building," or a name plaques that said, "Wo Hing Society." It actually involved a lot of dedication language from groups away, as far away as the Honolulu Chinese, so it was really interesting. So, right now, we've got a date change, probably on Wo Hing, that indicates that the building as it stand today was built in 1905. The earlier building that we often see the photograph, which was a very narrow kind of two-story example, that looks very Chinese, it probably was there on the same site in 1900, and I can probably bring copies of that to you.

The other two projects we had were on Lana`i: One was the Lana`i multi-property nomination and the addendum, and then the HABS Level 3 mitigation for the senior center. And then the final project, which was done by an outside contractor, which was the National Register of Historic Places photo assessment project, which was photo as well as FEMA survey forms for all National Register sites in Maui County, on the three islands of Maui, Lana`i, and Moloka`i. Total DVDs on that, I think, is 18 - 18 DVDs total, it included aerial coverage.

Mr. Fredericksen: And that project's complete now?

Mr. Solamillo: That project is complete.

Mr. Fredericksen: How can -- how can that information be accessed or is there going to be a --

Mr. Solamillo: We're probably going to put it on the web because we're, right now, in the process of trying to get a lot of HABS HAER work so that it gets up on the web so that contractors can have examples of -- of how to do projects and then probably also --

Mr. Fredericksen: Stanley, could you -- could you, just for everybody's benefit, just say what HABS, the acronym is for that, and HAER? Just so --

Mr. Solamillo: Maui County does documentation of buildings and has a very limited budget, I think we got 50,000 in 2008; 45,000 this year - actually 2009 and 2008, correct. What we do is we get buildings sometimes where we have low and moderate income people who cannot afford the -- the price of a -- of a documentation and what happens is that if a building is determined to be eligible for listing in the National Register of Historic Places, then it's judged to be worthy of either a HABS Level 1 or usually a HABS Level 3 documentation. HABS Level 3 consist of - and HABS, the acronym means Historic American Building Survey - HABS Level 3 is floor plans, and a brief history as well as a building description, and four-by-five black and white photographs, which are large format, and those are the requirements of the Feds. HABS Level 1 is full documents, which is full floor plan sections, elevations, as well as a full history, and four-by-five photographs. Back in 2005, it was possible and the Planning Department did receive all sorts of documentation for buildings. There was no standardization. In that year, one of our first projects, which was Pioneer Mill, this Commission opted to -- to go for HABS Level documentation and when we began to process other demolitions around the County, we proceeded to go to the same thing. Most of it now is done administratively so as not to burden with you the details of mitigation. So when we get into a potential conflict, we will bring those mitigation, or if they're large projects, we'll bring the mitigation to CRC.

HAER, which is Historic American Engineering Record, is the same thing as HABS except it's restricted to engineering, so it gets -- those types of structures are bridges, sugar mills, pineapple canneries, that sort of thing, okay.

Mr. Fredericksen: Thank you.

2. Halloween in Lahaina

Mr. Solamillo: Alright, Halloween In Lahaina. There was a meeting that took place before our last scheduled CRC meeting between me and Erin Wade and it was -- she had been -- she had been processing an application for a parade, a keiki parade, which was to occur at the same time as it did last year. The Police Department was recommending instead that it occur earlier in the day and I do not know what the outcome of that meeting was, but it will occur on -- on that day, on Halloween, and it's keiki parade only so it does get a street closure, but we don't exactly know what time the outcome was. Probably if there's people that would like to speak on Halloween in Lahaina, they can talk about it now. Okay.

Mr. Fredericksen: Is there any public testimony? Thanks, Stanley.

Mr. Kapu: Good morning again. Keeaumoku Kapu. Well, I'm really pleased that you will be reviewing through a workshop on the policies on National Register. It has a lot to do with, I guess, you know, whatever your fiduciary duties going be based upon on looking on historic districts, on applications based upon what should happen in these areas. One question I get about the Halloween is we have an application set forth for a Halloween keiki parade. I'm all in favor of that. I think we need to define the time pertaining to the road closure and when they going reopen the road. That's important, okay?

The National Park Service information. I think I know that we all today or you today is going to go through I guess sort of a workshop or something to define based upon what is important because your job now, at this point, when you start reviewing this traditional cultural properties in the workshop that you guys going be doing, you have to take into consideration a lot of things and that's -- and when Stan was talking about the one, two, and three, we need to understand, basically, what we're looking at. What is the criteria or background of one. What is the criteria or background two. What is the criteria or background on three. And, hopefully, as this workshop commences, that you can clearly define based upon what your duties are as a Commission to this council. I served on the Cultural Resources Commission for five years and reluctant to say that now I finally starting to understand what our job was back then, and too bad it's at this point in time that I really understand what your jobs are now and what is defined based upon when you look at any project that will hinder those properties; what kinda questions that need to be asked; what kinda research that needs to be done by the County when it's presented in front of you; what kinda applications; what is the background of the application; whether or not the application has to file, you know, and whatever stringent policies to make sure that we don't deter from the protection of these properties whether or not it's under the national level; whether or not it's under the State level; whether or not it's under the County level to take into high consideration of these things because, as years go by, because we're an impression, there's a need for something, and I hate to think that because of this recession, we're going to allow a lot of this intrusive things to become a part of our lives just because associations out there are suffering in the pocket. To make sure that you take into heavy consideration when you look at these kinds of things, we all go through recessions, we all go through problems, but the whole thing is is to set aside those values and make sure that your directors are very stringent and straight based upon what your job description is. It should be based upon whether or not an association is having a hardship. That's a no-no because other things can follow in the near future as pertaining to how the outcome or the look of our historic properties are going to be based upon these associations that run these historic properties or allowed to run these historic properties through permittings from the County and the State level to take into high consideration of those things.

Like I said, the important part for me is the Halloween. I'm in all favor for the keiki parade but there need to be a defined time based upon the opening, the closures of the roads, and

the opening of the roads, and is there a deadline or is this just a workshop based upon enlightening the Commission on these -- these things?

Mr. Solamillo: It's just a workshop.

Mr. Kapu: It's just a workshop?

Mr. Solamillo: It's not an action item.

Mr. Kapu: Okay, another thing I wanted to mentioned, being that it was brought up in a meeting, the discussion based upon Kamehameha Iki Park. Lahaina Town Action Committee requested certain things to be done at Kamehameha Iki Park. They had to follow the same conditions that they had to follow under the Banyan Tree based upon what could be done in those areas. And if you was to look at the -- the International Festival of Canoes, it'll give everybody a clear definition based upon what was done there; what was provided there; what was allowed from the County side, yeah, to try not to misconstrue the Banyan Tree and Kamehameha Iki to be the same but, in essence, on the application, it actually is the same. So, other than that, good luck. Thank you very much.

Mr. Fredericksen: Thanks, Keeaumoku. Anyone else, at this point?

Ms. Ritchie: Hi it's Robin Ritchie and I am with LAC. I've been a resident of Lahaina for 35 years. And we have a toll-free phone number at LAC and regular phone lines in our office. And I've been answering a lot of questions about the decisions for Halloween this year, and the main question is: Will the road be closed? And the response from the people that attended last year's was they felt it really wasn't safe having traffic in the evening and the roads open, and so I'm just forwarding the comments from the phone calls I've received. Did anyone have any questions for me? No?

Mr. Fredericksen: No.

Ms. Ritchie: Soroptimist has gotten their permit for the keiki parade, and the hours for closing the road have been agreed upon, and they will be paying for the police -- the extra police officers. They'll be incurring that expense.

Mr. Fredericksen: Thank you. Yeah, Ray?

Mr. Hutaff: Based upon the meetings we had last year about Halloween in general, or maybe we should probably put it this way, Halloween after the keiki parade, is that the County had indicated that they were going to still close the road, okay, and still do certain things to accommodate the influx of people. For some reason, that changed just before the

event, so that's really question I think you should be asking the County as far as the road closed.

Ms. Ritchie: Right.

Mr. Hutaff: Because it was indicated to us that it was going to be left open or at least opened for people so that they would be safe, but something happening, and it all changed. So it's really a question for the County, I think.

Ms. Ritchie: Right. So the inquiries I get I should be referring them --

Mr. Hutaff: You should ask the County if they're going to close the road or not. We have no decision-making powers on that.

Mr. Fredericksen: Yeah.

Ms. Ritchie: Right. Yeah. Just input. Okay. Thank you.

Mr. Fredericksen: Thank you. Anyone else at this point?

Mr. Richard McCarty: Good morning. I'm Richard McCarty. And I know that you're all thoughtful people but sometimes we forget things that may be obvious. In this handout this morning, paints a good picture of some of the issues that had given rise to some tension in the Lahaina community about some things, including Halloween, and I think some of the testimony in the past has focused about, well, what does it hurt if we go in and do this one night a year, and the handout we have talks about, I know it's Federal rules, but I think there's some wisdom in these. I wouldn't always say about Federal rules. But I think there's some -- there's some here. One of the things they say on Page 11 is the relationship between the property and the beliefs or practices associated with it should be carefully considered, however, since it is the beliefs and practices that may give the property its significance and make it eligible for inclusion in the National Register. So I think, in making your decisions, it's good to take a minute and say, "Well what -- what really does this mean and how does it apply to something like having this Halloween, as its been described in the testimony, in a protected area?" The other thing that kind of is a -- an obvious comment that grabbed my attention is there's a picture on Page 9 of an elderly man in Truk and the comment is: "Much of the significance of traditional cultural properties can be learned only from testimony of the traditional people who value them, like this old man being interviewed in Truk." What this says to me is that there are a lot of people I know that like to think of things in a business sense that may override the cultural issues and the cultural respect that must be paid to an area. And if you read this comment, which is obvious once you see it in print, is that we can only learn what's important about an area

from those who know. And so please keep that in mind when you're thinking about all of the issues, but especially with respect to Halloween. Mahalo.

Mr. Fredericksen: Thank you. Anyone else?

Ms. Uilani Kapu: Aloha. Uilani Kapu, Kuleana Kuikahi, in front of you again about Halloween. You folks know my issues about safety, drugs, drinking. We went through a long two-year process on this. It split the community in half. You folks know that. You folks heard it. Keiki parade is all good. I don't know what the discussion was with the police and with Soroptimist. I was hoping to get some information here cause I wanted to get more information in regards to what kind of building structures they're going to be building in Banyan Tree Park. What time does it close; what time does it open; what are the safeties; are they going to set up other things within the areas; all of that. I have no information in front of me but what I've received in the mail through the County. I was hoping I would get some answers here. And if you guys have any answers for me, I'd like to hear it. I'm against the road closure all night. Last year, it spread people all around the islands, which made it convenient for everyone to be sustainable in economics - where people stayed in their own areas and had fun. There was nobody driving outside of their areas late at night. It made it safe for everyone to enjoy it. The kids to go home. And this my spokesperson. I mean she always wants to speak out on everything. She's going to be our next one. I give here maybe three, four years, and she'll be testifying in front of you folks because she goes everywhere with us. She hears the issues. She sees the issues. And she knows the issues. She may be two years old, but they are sponges. So for the safety of our keiki, and changing traditions that are not of our culture, and that's who you folks are - Cultural Resources Commission. Please help us. And if anybody has answers, mahalo.

Mr. Fredericksen: Stanley, do -- is there any information?

Mr. Solamillo: The application was processed by Planner Erin Wade, who is not in the office today because we called up to try and get that information for those of you who came to the hearing today to actually find out that information. So I apologize on behalf of the Planning Department that we don't have it. The Lahaina Town Action representative seems to think that it is supposed to run from 3 or 3:30, I guess a two-hour slot, and that's all that I know at this point. Since I didn't process the application, I can't provide that information.

Mr. Fredericksen: As I'm reading through this application, I don't see anything about building any structures. There are a couple banners for the keiki parade. Do any other Commission Members see anything referring to structures? I don't see anything in here.

Mr. Hutaff: I think they just commented that everything needed to be the same as last year.

Mr. Fredericksen: For the keiki parade. Yeah. Any other comments, testimony? Please state your name. Thank you.

Mr. Kent Stewart: Aloha and good morning. My name is Kent Stewart and I'm here wearing two different hats. I am both a board member of Lahaina Town Action Committee, but also a board member of Waiola Church, the first church that was founded on Maui. Rather than speaking to specific -- specific issues relative to Halloween -- well, the only thing I would say relative to Lahaina Town Action Committee is that they're -- because of the actions of the Cultural Resources Commission in revising or in declining the permit that was requested that last year, Lahaina Town Action Committee did not submit a request to put in a closure or activities for this year. As you may know, LAC is -- is not in a position right now to -- to conduct other operations on behalf of Lahaina Town during the course of Halloween. So it is important to note that -- that, if possible, the public utilities commission or public utilities department be notified that cleanup of town and those kinds of things may be -- may not be able to be organized as they had been in years past by representatives of the LAC. That's just one aspect of what I wanted to say.

Speaking on behalf of both -- well, actually, I'll speak on behalf of myself here in this next section. I would hope that in the course of your deliberations that you would recognize that institutions in Lahaina, such as Lahaina Town Action Committee, but also -- but also Waiola Church deeply respect the Hawaiian culture that underlies and was here first in -- in West Maui but throughout Maui as well. But I would want to observe to you that Lahaina is Lahaina because of the fact that there is not only the very important Hawaiian cultural base, but there has been an overlay of cultures that have come from plantation times to the many, many other times and institutions, such as the Wo Hing Temple, which is an important cultural landmark, would not be a cultural landmark without the presence of the Chinese, and the various hongwanji's that represent the Japanese cultures that overlay in Lahaina, as well as all of downtown Lahaina that has been the focus of such controversy but none of that would have existed without, let's face it, the whaling days and that architecture and those structures all came along as a result of the development of Lahaina from later cultural overlays. And I would hope that as a Cultural Resources Commission, this group would consider that layering because it is all of that that gives the vibrancy of what is Lahaina and many other parts of -- of this island but particularly Lahaina. And -- and what you, I hope, need to do and what we all on the ground in West Maui are attempting to do is respect those -- respect the cultural underlayment that exist but also acknowledge the cultural overlays that -- that exist in West Maui and consider all of that, the culture, of Maui. That's probably the central thing that I was hoping to say.

With regards to Halloween, Waiola Church has -- has long had an important or had, for itself, an important function within Halloween in that it had attempted to or it has attempted to raise a small amount of money, year after year, by providing food in the property owned by Waiola Church in Campbell Park. It's one of the many properties that was bestowed

upon the church back in 1823. And -- and the imposition of the -- of the much earlier application periods was missed by the church, didn't know that, and so therefore request to make use of that portion of the Historic District has directly impacted the ability of -- or raised the question as to whether any of these sorts of traditional things that have been done for many years are going to be possible to do - just putting out food. We've always gotten a food permit. We've always attempted to operate in a confined area and not spread those activities out towards the street or onto the street, but it is a service that has been provided to people and it -- and one that was in good demand. Would there be any questions you might have of -- of me as a representative of either Waiola or Lahaina Town Action Committee?

Mr. Fredericksen: Commission Members?

Mr. Hutaff: I appreciate everything that you've -- that you've tried to say, okay, but I kinda think that you really missed the point and I also understand why you may miss the point, okay. Halloween is not a problem. It's in actions that take place on that particular day by individuals who are not even honoring the significance of Halloween. That is the problem. The lack of respect for the Hawaiian culture that has been perpetuated even by the Lahaina Town Action Committee through signs that they wanted to do for certain years and things like that. You mentioned that the development of Lahaina and all these things that have taken place in the history of that development is the excuse that Halloween should be okay. Actually, I think it's the opposite. I think all of these actions that have taken place have never honored the culture first. They've never respected the culture. Now, Halloween has been encouraged to happen by the Lahaina Town Action Committee to help the businesses out period, in my -- in my particular view. Lahaina Town Action Committee claims that they organize it and that the lack of the organization creates the problem. Well, if you're organizing it, then you have a kuleana, you have a responsibility. You can't forget that the culture, Hawaiian culture was there first before the whalers. You mentioned that the church was here first. Sorry. Hawaiians were here first. The church may be the first church here, but your statement was very clear, and I think you missed the point on that one, is that the Hawaiian culture took on the church, accepted it, and started to believe in their ways admirably, okay, but the culture was still here first. So Halloween, in itself, is not the bad thing. It's the actions that take place on Halloween. By supplying food and things like that, you are actually from the outside going: It's okay to do what you do as long as you come here and you support us financially as a church. I think that your actions, in my opinion, personal opinion, should be more along the lines of let's make sure the culture is respected first, okay, and that the actions that are taking place by just a few individuals are not appropriate. That's really the issue about Halloween. And then advertising Halloween as the - what is it? The Mardi Gras of the Pacific, that's offensive. That's absolutely offensive. It may not have nothing to do with your church, okay, and I'm not really sure where the word came from but, again, it shows that we are slowly and continuously and for an awfully long time moving away from what Lahaina means to the Hawaiian people and what it

should mean to all of us, okay. I've sort of set out to make this -- this saying something that we can actually benefit from and that: Culture first, tourism next. Culture has to come first. Culture has to come first within your church. Culture has to come first within Lahaina. Lahaina's there. It's not going to go away soon. But we need to remember what Lahaina meant to the culture and we can't disrespect that. That's our responsibility. That's our kuleana. That's our kuleana here, in my opinion.

Mr. Fredericksen: Thanks, Ray.

Mr. Stewart: If it would be appropriate for me to make a few responses, I would like to attempt to do that. First, I would -- I think it's -- speaking on behalf of Lahaina Town Action Committee, I would like to say to you that I -- that I've served on the board there since 2004, I believe, and I've had many discussions with particularly Theo Morrison but many other members of the board about the very, very deeply felt concerns with regard to any event that relates to how does this benefit, not just the businesses of Lahaina, but the culture of Lahaina, and is something offensive. With specific regard to the -- to the t-shirt and logo that was deemed offensive, I would like to remind the Commission that that -- when that issue was raised, at great loss to the organization, all of those t-shirts were pulled and disposed of. A mistake was made. But because of the respect of the organization for the cultural -- for the cultural sensitivities and for the native Hawaiian culture, when a mistake was made, and it was raised, it was addressed. It wasn't rammed down the throat and gone ahead with. And I think that's an admirable attribute of Lahaina Town Action Committee for which it deserves great recognition. It was 4 or \$5,000 loss incurred as a result of that that was supposed to have been money that helped to fund the port-a-potties, the various other things to -- to mitigate and improve the conditions and respect the town, respect the place. And -- and with respect to the -- to the concerns about putting on an event that perpetuates an activity and draws people to the town, I know that you acknowledged that -- that prior to Lahaina Town Action Committee's involvement, the activities had been becoming -- had existed, number one, and number two, had been -- been offensive or wrong, the reason that LAC got involved was because things were headed in a negative direction, and the reason that LAC got involved was the people were coming anyway and, yes, there can be steps to be taken to prevent people from coming or discourage people from coming or dissipate people all over the island, but the fact was they were coming, and so, therefore, LAC made a -- made a significant attempt to try and concentrate activities that would not produce greater drunkenness or out of control behavior but instead make it an event that more people from West Maui could participate in, that could enjoy, coordinate with the keiki parade, put up stages to make that optimal, put up -- put up things to work with everyone, all the stakeholders involved and make it a positive event rather than perpetuating the negative aspects of the event. Yes, of course, there are few bad apples or a few people can ruin anything but -- but the question is not is Lahaina Town Action Committee trying to promote an event that is inherently negative. The question really is: If Halloween is something that is celebrated in some -- by a group of

people or many people, how can that be done in a way that -- that preserves things or institutes a greater level of respect? And I think that -- I wish that -- that a greater degree of interaction could have been achieved with LAC in order to make the event more of a positive thing. As of now, you know, LAC just cannot or is not involved. So it will be what it will be. Now, with regard --

Mr. Fredericksen: Okay, excuse me. We're kind of getting off of everything. We really do need to move on. Thank you and --

Mr. Stewart: Forgive me. No, I'll just respond briefly --

Mr. Fredericksen: Okay, briefly, please.

Mr. Stewart: On the Waiola side and I'll be done.

Mr. Fredericksen: Thank you.

Mr. Stewart: With regard to Waiola Church, Waiola is a Hawaiian church, and I wish other members who are Hawaiian could be here, but it is a church that -- that fundamentally is a Hawaiian institution, and I only made mention of Waiola's small activities with regard to Halloween because it's a small church and it needs to find any source of funding that it can and this was something that was possible for it to do. There are -- we will seek other ways as always, but it's a hardship and I don't think that things that were being done were being done in any negative intent or to perpetuate something but simply to work with what was there. Thank you very much for your time and interest.

Mr. Fredericksen: Thank you. Anybody else?

Mr. Charlie Makekai: My name is Charlie Makekai. I am with the Maui kupunas. The gentleman that spoke ahead of me speak so highly of Waiola Church. I take my hat off to him. But he must be aware, I, as Charlie Makekai, was the moderator for three years for Waiola Church. That event, which we talk about, Halloween, basically was forced upon us to utilize whatever we could get from that. It grew and it grew - until at this point. We do not accept it. That gentleman, to me, is wrong to use Waiola. If he is a member of the church, he should have kicked his own butt. Do not use that church for his gain. The only thing I can say is Waiola did not accept Halloween. It just grew on us, and grew to the point. Financially, Waiola is not in a bad position. Never was. They had a huge amount of money that went to Waiola. Yes, the membership is small today as it was in the past because each and everyone have different beliefs. And I say, where the kupunas are coming from, the belief is stop. No more Halloweens. It's inappropriate. If you are Christians, you know that Halloween is inappropriate. If you use the good book, which we call a *Bible*, you don't use Halloween as a good omen to make money. Just forget it, and

thank Him that you're still walking around yet, and thank Him, that you still have your family that is happy, but tell Him that Halloween, I believe, is inappropriate in Lahaina. Take it some place else. Mahalo.

Mr. Fredericksen: Thank you.

Mr. William Waiohu: Aloha no. Ko inoa William Waiohu. (. . .*Mr. Waiohu presented portions his testimony in the Hawaiian language. . .*) Waiola, that's the water that they drink - make you come alive, yeah. Waiola. When you use da kine name, Waiola ... maika`i. Pilikia. That's why now we get pilikia because ... the devil. Halloween. It is the devil. I live in Lahaina for many years. We never had Halloween before until the po`e haole ... The money going back inside their pocket. That's what Halloween is for these people. For money. Now, when I look at this palapala, on top here said, "National Register," yeah, "Bulletin." When you look at me, I am a National of Hawaii. I am. I born Hawaii. I'm maka`ainana. I going make maka`ainana. I not going make nothing else but maka`ainana. This is my culture. Plea. Every time I come over here, I gotta testify every year for this kepolo thing. You know, I think about time, like my ohana over there, they said pau ... ohala mean let go that thing. Pau already. ... we gotta stop this kine. You know, kanaka maolis get kicked in the ass. Every year we get kicked in the ass. We get no more kala come to us. Only us we get our love to give you guys, give all the po`e malahini. Our aloha. But what we get from aloha from the malahini. Nothing. ... We get nothing. ... palanaio means ripe worm. That's what it is. This is my language. I talk for make you guys understand where I coming from, and I like -- I like the way you talk. Very maikai ... aloha.

Mr. Fredericksen: Okay, any -- anybody else? Okay. State your name, please.

Mr. Michael Yanta: My name's Michael Yanta. You know, I'm sitting here listening today and my perception of what's going on is there's a segregation going on between the cultures. We're not respecting all cultures here in Hawaii. Everybody respects the Hawaiian culture, but we have to recognize all the cultures that also surround the Hawaiian culture as well. And we're talking about Halloween - Halloween, whether you believe it's something of satan or something of celebration. Everybody recognizes Christmas, but not everybody that recognizes Christmas is Christian. And that's all I wanted to say. I wanted everybody on the panel to recognize that if you look at your panel yourself, you're of mixed culture, but there's an abundance of respect here on this panel, and that's all I'd like to see within this culture. Thank you.

Mr. Hutaff: Comment?

Mr. Fredericksen: Yeah, Ray.

Mr. Hutaff: I think you miss the point too, at least my point, it's not about Halloween, okay. I understand where Halloween comes from. I don't necessarily agree or disagree where it came from or what it represents. But at the same time, it's not represented as Halloween on Front Street on October 31, okay. If it -- there was a individual who pointed out the religious aspect of Halloween and I told him that since he believed so strongly in Halloween that I would actually stand by him, okay. It's the actions that take place on that particular day and the lack of respect of the Hawaiian culture, which is prominent in that area. Yes, we need to acknowledge the rest of the cultures that are here in the islands a little more strongly, but remember, Hawaiian is still the first culture, so that's where we begin. And if we have a Halloween, we can't get beyond the first culture and Halloween to start to acknowledge some of the other cultures out there that we all have a lot of respect for because they are part of us. So your comments are taken well, but maybe believe that Halloween is not the issue, it's the actions that take place.

Ms. Myrna Ah Hee: Aloha. My name is Myrna Ah Hee. I'm actually with the Hui O Wa`a Kaulua but I am not right at this moment speaking about -- I'm born and raised in Lahaina. I'm not kupuna. They were born before we became state. I grew up in Lahaina. I was trying to find the definition of culture and trying to understand that -- I mean I don't -- when you think "Halloween," it's all hallows -- I mean isn't it a celebration of the evils, right, of -- no? What is that? Anyway, I mean we grew up with that. Lahaina never used to have it when I was young. I mean we used to have fun going through town with our truck but, basically, what had happened is this past year, they had road -- I drove through Front Street and it was pretty -- I mean I don't think everybody knew the road was open. It had road closure signs but people could get through. They did close the streets in the middle but what I -- what happened was there were a lot of people. I mean has this been offered to another community to get it out of Lahaina? I mean because of the sacredness of Lahaina. I mean I respect my kupuna. I don't want it in Lahaina, but it is part of what I grew up with. So that's all I kinda have to say. I don't have a -- you know, it's Halloween and we all, as kids, grew up with it cause, you know, I was born when -- after 1959 so it's part of how I was, you know, and I think being part of my growing up, you know, it's a fun thing. It's fun, basically. It's fun. But I did not like naked bodies walking down Front Street just painted. They need to really watch what they're doing. But, anyway, I don't know if anyone has any questions for me. But I just -- I just wanna see it moved, you know, and take it out of such a sacred area.

Mr. Fredericksen: Yeah, and that's why we, as a Commission, voted to deny the portions of, you know, Halloween that were occurring in areas that, you know, we, as a Commission, have to take, you know, take some ...(inaudible)...

Ms. Ah Hee: I mean, yeah, the only way we're going to avoid people coming to Lahaina is to have it someplace else. They still came in hoards. There were tons of people down Front Street. The police - there wasn't enough cops on Front Street. The cops were your

barriers along the road that the cars were driving back and forth. I mean isn't -- I mean I don't know. Maybe I gotta go in the paper, hey, come on somebody, take this Halloween thing out of Lahaina. I don't know but --

Mr. Fredericksen: Yeah, we, as a Commission, have done what we can and we're not, you know, we're not revisiting the issue of, oh, is Halloween going to happen this year as a County sponsored event at all.

Ms. Ah Hee: Oh, it's going to happen.

Mr. Fredericksen: No, yes, but --

Ms. Ah Hee: Yeah, but who's going to be responsible for the luas, people making stuff all over the place? I mean there's no luas. I mean thank goodness they have the one down by the harbor now but what about the rest of Front Street, you know? I mean I can see Lahaina Town Action they had their -- the luas, you know, but, yeah, we don't wanna condone it in the area, basically. You know, so that's just me, personally, growing up in the area. At first I was like, wow, I grew up with that. Why not? But, yet, now I -- you gotta look at the -- Lahaina, the capitol of the state, not stage, e kala mai, the capitol of the Kingdom of Hawaii. Mahele time. Oh my gosh. So much mana. So I don't know. Gotta -- we gotta make more efforts to get it out. Move it.

Mr. Fredericksen: Thank you. Okay, let's go ahead and proceed with the workshop. We're running out of -- out of time, Stanley. Oh, thank you, Alike. There's two more items, November 4, and 2010 meeting calendar.

- 3. November 4 CRC Meeting Agenda**
- 4. 2010 Meeting Calendar**

Mr. Solamillo: If anyone has anything specific to place on the agenda?

Mr. Fredericksen: At this point?

Mr. Solamillo: At this point.

Mr. Fredericksen: We'll revisit that.

D. WORKSHOP

- a. **Workshop on “Traditional Cultural Properties” including “Guidelines for Identification, Evaluation, and Documentation,” and “Cultural Resource Management and Planning” for the purposes of proposing amendments to the Maui County Code. Public testimony will be accepted. (S. Solamillo)**

Mr. Solamillo: Okay. Alright, Commissioners --

Mr. Fredericksen: You want this light off, Stan?

Mr. Solamillo: Probably if you can do -- keep one light on - enough to look at your binder as we go through this, and then enough to be able to see the slides. That's good. And I'll apologize to the Commission as well as to the general public, this is a workshop on traditional cultural properties that we're going to go into some significant background with the National Register. We're specifically not going to deal with Lahaina because Lahaina is a National Historic Landmark and that has its own set of regulations that we will look at at another time.

The reason why we're here today is because back in November, a group of concerned citizens brought to the Commissioners' attention -- I'm sorry, 2008, that's a typo - a group of concerned citizens brought to the Commissioners' attention that a development, which had been approved by the Maui County Planning Commission was taking place in an area that was a Hawaiian burial ground and had been known as such for generations. Burial Council staff later concurred that an excess of 300 burials had been encountered during grading activities and that when they had to be removed, that that was done with all accept protocol and practice. The citizens also inferred during the hearing that the area may have been the site of a historic battle, but this remains to be substantiated through further research. Following that testimony, however, the CRC Chair asked staff to revisit the subject at a later meeting, conduct research, and provide possible recommendations on how to protect cultural properties, which currently are not sufficiently addressed by either Hawaii State Statute or the County Code and are, subsequently, at risk for a loss. Burial grounds and other sites may be classified as traditional cultural properties -- excuse me? And their descriptions are provided for by National Park -- by the National Park Service. At a CRC meeting, which was held on August 6, 2009, the Commission voted to hold a workshop on the topic, which was originally planned to occur on the Island of Moloka'i. The current fiscal situation has prevented the CRC from going to Moloka'i but this workshop is still being held on the topic here in Wailuku.

The basis for everything, virtually everything that I do and most of what any of us do, either at the State or the Federal level, when it comes to cultural resources is found in the

National Register of Historic Places. And for this, you've been given a copy of *Bulletin No. 15*. I'm going to really bore you with a lot of words and then we're going to -- at the tail end, when everybody is really sleepy, then we go to pictures, okay.

You have to remember that this goes back to Historic Preservation Act, which as enacted in 1966, so it has been around with us for a long time and a lot of people, you know, sometimes, when I tell them about it, they act like they've never ever heard of it before but, in fact, it has been around for, you know, over 40 years so it's almost a TCP itself, a traditional cultural property.

Historic property categories are broken down into five basic categories. First, it's a building. It can be a building, a structure, an object, a site, or a district. The building is created principally to shelter any form of human activity. A building may be also used to refer to a historically or functionally related unit, such as a courthouse or jail or a house or a barn. A structure is used to distinguish from buildings. It is functional and construction's made usually for purposes other than creating human shelter. Under the term object, an object is used to distinguish from buildings and structures those constructions that are primarily artistic in nature or relatively small in scale and simply constructed although it may be, by nature or design, movable. An object is associated with a specific setting or environment. The next category is site. A site is the location of a significant event be it prehistoric or historic. It can be an occupation or activity. It can be a building or a structure where there's standing room ...(inaudible)... it can also be a location that itself posses historic cultural or archeological value regardless of the value of any existing structure. The last major category is a district. A district posses a significant concentration, a linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical environment.

The types of significance are broken down into what they call "criteria." Under Criterion A -- and these are what you do when you receive a demolition permit and the applicant sends you a group of photographs and you have to do this -- this whole evaluation in order to recommend a mitigation. Everyone who receive anything with regards to a cultural property goes through this evaluation process, and this is really the fundamentals on -- on how evaluations are made and what mitigation come from those. Alright, Criteria A: These are associated with events that have made a significant contribution to the broad patterns of our history. Criterion B: These are associated with the lives of persons significant to our past. Under Criterion C: These are associated or embody the distinctive characteristics of a type, period, or method of construction, or they represent the work of a master, or that posses high artistic values where they represent the significant and distinguishable entity whose components may lack individual distinction. Or Criterion D: A property that may yield or is likely to yield information important to our prehistory or history.

There is something called the “criterion considerations,” and these are restricted to usually things like cemeteries, birth places, graves of historical figures, churches, and religious institutions. Ordinarily, these types of properties, including those that have been moved from original locations or reconstructed historic buildings. Usually, because of certain things that the Constitution wishes to have in place, which is a separation of church and state, we don’t just nominate religious buildings or religious structures. They have to be important for their merit as far as a work by design, by craftsmanship, or those criterion that we just went over before they can be nominated for the National Register. This also applies for properties which are primarily commemorative in nature and properties which may have achieved significance in the past 50 years. Normally, these are not considered eligible for the National Register. However, if they are part of a district that has other properties associated with it, they may be included within that district.

There are criterion considerations and these are listed out pretty much in the same way, and it kinda gets a little confusing as we go through -- the considerations also have the designations: A, B, and C and so on. So if this is a part of a larger district, under Consideration A, religious property deriving primary significance for its architectural or artistic distinction or historical importance; under B, it could be a structure or building removed from the original location but which is significant primarily for its architectural value, or which is a surviving structure, or most importantly associated with a historic person or event, and those are the two that I have gone into at this point. There are a few others.

Under Types of Significance, this continues the criteria considerations. Under C: It can be a birthplace or grave of historical figure, of outstanding importance if there is no appropriate site or building directly associated with his or her productive life. Or under Consideration D: A cemetery, which derives its primary significance from graves of persons of transcendent importance from age, from distinctive design features, or from association with historical events. Or under E: A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, or when no other building or structure with the same association has survived. Under F: A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance. Or G: A property achieving significance within the past 50 years if it is of exceptional importance.

This criterion considerations kind of make it really wide for lots of -- of other things besides just the normal A through D criterion that we use to designation buildings or properties or structures to the National Register of Historic Places. When we districts, we can actually include things that normally, if we just judged it by itself, would not qualify. If we look at a place like Lahaina or any place which is urbanized over time and you have multiple buildings that have been built, so you’d begin with its earliest commemorative place. Moku`ula, correct, which has Hawaiian significance and it is our first place of importance

in Hawaiian cosmology as well as in Hawaiian history, and then you go to the far end of the district, to the north, and you find commemorative properties, such as Jodo Mission, the Great Buddha, and the Pagoda located there, which were built in '68, and those are under the 50 years, which is usually reserved to nominate properties; that's when they achieve their significance. At that point, see this spread, by the fact that those are commemorative property at Jodo. Those are still, if taken together with the entire NHL District, they still -- they still can be part of that district. Does everyone understand that because - I'll apologize for the presentation technique this morning.

When you prepare nominations, and everything that I have gone through this morning requires the preparation of a nomination, it's a very long and arduous process, and you have to put something together called a "historic context." You have historic context, which are approved by the State Historic Preservation Division for the State, okay, so that's going to cover Hawaiian history, it'll cover plantation history, it'll cover the early missionary period, and then we're getting into other aspects now; we're getting in to World War II; we're getting into post-war; development -- development of the tourist industry, and things of that -- which are also called "associated historic context." All of these are part of a narrative that has to be prepared. This is then submitted. In the case of a County generated nomination, as you have experienced this past year, we submitted to you, as a Commission, to review; it went to public hearing; it was then transmitted to the Mayor; the Mayor then transmitted it to the State, to SHPD, and that was also transmitted for review to the Hawaii Historic Places Review Board. Once it passes that point, then it goes to National Park Service if it is a National Register nomination. In the case of a contested case, which we had with the Lana'i City nomination, then it stays with the Hawaii Register and does not go to the National Park Service.

Mr. Fredericksen: Stanley?

Mr. Solamillo: Yes?

Mr. Fredericksen: So for clarification, if a -- if a property or a site, let's just use site, is nominated to the National Register, and if there's -- and things are accepted, but if it's contested, then that means it only stays on the State Register?

Mr. Solamillo: Right, it can't -- it has to go through a contested case hearing but, typically, the National Register does not accept properties which the owners do not agree to them being listed.

Mr. Fredericksen: Thank you.

Mr. Solamillo: The other big issue that -- that we face when we deal with the National Register is integrity, and integrity is broken down into several categories as well. It's

broken down into location, design, setting, materials, feeling, and association. And this is another evaluation that you have to do when you look at a historic property. Location is the place where the historic property was constructed or the place where the historic event occurred. Design is a combination of elements that create the form, the plans, space, structure, and style of a property. The setting is the physical environment of a historic property. Materials are the physical elements that were combined or deposited during a particular period of time and a particular pattern or configuration to form a historic property. Feeling is a property's expression of the aesthetic or historic sense of a particular period of time. And association. There's a direct link between an important historic event or person or a historic property. Is there any question about these six issues of integrity?

I've provided you with several bulletins. The first bulletin is, "How to apply the National Register Criteria for Evaluation." The second one, which is your second tab, is "Guidelines for Evaluating and Documenting Rural Historic Landscapes," because it deals specifically with a lot of what we have here in Hawaii. The two that follows are: "Battlefields" and "Cemeteries and Burial Grounds." You will find specifically that, because they're written for the Mainland, we're kind of like new ground --

Mr. Fredericksen: Yeah.

Mr. Solamillo: And noone has really, you know, investigated this probably as thoroughly as we can so it is new ground. The next tab --

Mr. Fredericksen: Stanley?

Mr. Solamillo: Yes?

Mr. Fredericksen: When you say "new ground," you're talking about kind of from a County perspective?

Mr. Solamillo: It's both County but I think it's also at State as well.

Mr. Fredericksen: Yeah, I would agree that it's also at the State level too.

Mr. Solamillo: Yeah, because I mean when discussing - and I'm just trying to give you the layout of the tabs so that we can go back into it - but just as a general observation, a lot of people, you know, have not heard about traditional cultural properties and you still get the -- when you talk about the National Register, the Hawaii Register, the common person will refer to them as historic registry or any permutation of -- of names but it's the National Register of Historic Places. We abbreviate it as NRHP. Hawaii Register of Historic Places is HRHP. And it's important to have those distinctions.

Going back to the lineup, the other bulletin that follows is: "Guidelines for Evaluating and Documenting Traditional Cultural Properties;" followed by: "ICOMOS," the International Council on Monuments and Sites, from the UNESCO and World Heritage Convention, which will give you just general reading background. And I go into cultural resource management articles that are applicable. And then I close with a very urbanized TCP, which occurs in California. Okay.

Going back to the National Register nominations. The instructions to cover them are -- and how to prepare them are addressed in NR Bulletins Nos. 16A and 16B, which I have not included for you. But in essence, any person, any citizen can prepare a National Register nomination for a property and submit it to the State for review by the Historic -- Hawaii Historic Review Board. And that probably will apply, when we go further into this, then we'll see that we have to begin at this point. It can't just be professionals who do nominations and write architectural or ethnic histories anymore. When you get into this realm, we have to actually involve kupuna and involve communities, which is the big difference.

Under National Historic Landmarks, as I indicated before, we're not going to be doing that one today, but it is covered under the Code of Federal Regulations, Title 36, Part 65. It has its own bulletin, which doesn't have a number: "How to Prepare National Historic Landmark National Form." And you can refer also to history and prehistory in the National Park system and the National Historic Landmarks Program from 1987.

Mr. Romanchak: Stanley?

Mr. Solamillo: Yes?

Mr. Romanchak: Can you comment on why they've made a distinction between a landmark and a place?

Mr. Solamillo: Actually, landmarks are the highest tier of cultural resource. They were established first in 1966. They predate the National Register. And then we -- we had the National Register for properties which don't have the merits of the NHL program but the NHL was established first, and those were the first large -- actually, the multi-property districts for the ...(inaudible)... so by time, temporarily, I think there's a difference because NHL came first, then the National Register was established, and -- and now, they remain the highest tier and we have properties that continue to be added to the NHL Program all over the United States as well as its territories, and we're still bringing in properties as well to the National Register, but you meet a few more criteria in order to be NHL, and I don't have those to give you today. Okay.

As I said before, the -- the National Register and all of those items that we just went over for evaluation as well as integrity issues, form the basis for traditional cultural properties

evaluations. The next most applicable series of regulations, our guidance comes from Title 36, Part 60, which is 36CFR60, for rural historic landscapes. A rural historic landscape is a geographic area that historically has been used by people or shaped or modified by human activity, occupancy, or intervention and that possesses a significant concentration, linkage, or continuity of various land use, vegetation, buildings and structures, roads and waterways, and natural features. The evidence of human use or activity is examined through 11 landscape characteristics. These include: land uses and activities, patterns of spatial organization, response to the natural environment, cultural traditions, circulation that works, boundary demarcations, vegetation related to land use, buildings, structures, and objects, clusters, archaeological sites, and small scale elements. Rural historic landscapes are listed in the National Register as sites or historic districts. They follow a process of identification of historic landscape characteristics, and evaluation according to the National Register Criteria, which we just went through, and documentation on a registration form. To identify a rural historic landscape, we have to develop a historic context, conduct historic research, and survey the landscape. To evaluate National Register eligibility, we have to define the significance, assess integrity, and select boundaries. Remember the select boundaries because that will come back up when we discuss TCPs. To register a rural historic landscape, complete the National Register form, which is NPS 10-900, and follow the procedures outlined in the Code of Federal Regulations.

Historic Battlefields. Because there wasn't really anything that dealt with indigenous warfare, and we've had that on the Mainland among various indigenous tribes and we've had it here in Hawaii, and we've had it in the Pacific. That's what I would call new ground. How do we find -- how do we define, describe, provide context for -- for warfare occurred in the Hawaiian Islands because it's an implicit part of the history here and it hasn't really been worked out to my knowledge. We have Hinano Rodrigues. Whenever you'd like to make comments, jump in, please. Okay, Hinano is much better and much more knowledgeable than I so questions of this nature should be asked of him. I've very glad that he's here.

Under Cemeteries and Burial Places. There is something called the "Native American Graves Protection and Repatriation Act of 1990," Public Law 101-601, which sets out the rights of Indian Tribes and Native Hawaiian organizations with regard to human remains, funerary, and sacred objects, and other culturally significant objects for which they can demonstrate lineal descent or cultural affiliation. But the main purpose of the legislation is to protect Native American graves and related items and to control the removal. The act encourages the avoidance of archaeological sites that contain burials and also makes Federal agencies responsible for consulting Indian Tribes or Native Hawaiian groups when they encounter such sites either in the course of planned excavations or inadvertent discovery. Probably in the research that we conducted, we have had to try and look at an alternative to what is currently on the books for Hawaii as well as for Maui County, and

that's why we're actually looking at trying to use traditional cultural properties as a way to -- to provide some sort of mechanism beyond what is currently allowed or specified by law.

Mr. Fredericksen: Stanley?

Mr. Solamillo: Yes?

Mr. Fredericksen: A question. When -- did that come up when you were talking with the Park Service - the audit?

Mr. Solamillo: That particular issue - no. It did not.

Mr. Fredericksen: Yeah. It's interesting that you brought it up and, you know, it is something that has not -- if you don't have traditional cultural properties, that term isn't used an awful lot in Hawaii, and it should be.

Mr. Solamillo: Which is odd.

Mr. Fredericksen: It should be used more and maybe that's something that Hinano would like to talk a little bit about that. You decline? Okay.

Mr. Solamillo: As with everything, consultation is required to determine the appropriate treatment of human remains and cultural objects. Evolving policies, and this is the actual language from the National Park Service, and procedures relating to the Native American Graves Protection and Repatriation Act are still happening or occurring so references, examples, and brief discussions of prehistoric burials, which appear throughout both in 41 recognize that they may be eligible for National Register listing, so that was first. But the rest of that, you know, the particular bulletin, which was included for your background information, is largely historic and is going to deal with European cemeteries and burials on the U.S. Mainland.

The most important thing is your next tab, which is "Traditional Cultural Properties." This came about, I believe, in 1980 under a revision of the National Historic Preservation Act, Title 16, USC470. A traditional cultural property, as defined in Bulletin 38, is a property that is eligible for inclusion in the National Register because of its association with cultural practices or beliefs of a living community that are: A) rooted in that community's history, and B) are important in maintaining the contributing cultural identity of that community. Those are kind of crucial and critical statements. Repeat them over and over again every night before you go to bed. Cultural practices or beliefs of a living community that are rooted in that community's history and are important in maintaining the contributing cultural identity of the community. The designation of a TCP is a way to recognize the cultural heritage of a property or area based upon its living history or those elements of the culture

that are still practiced and valued in the present day and that maintain the vitality of the cultural community. The TCP must be rooted in the physical environment however and, therefore, is concerned with the way in which extant properties play a part in the community's historically based but continuing beliefs, customs, and practices. Because the TCP designation is a function of the National Register of Historic Places, which concerned with the preservation of extant physical properties, a TCP must have tangible aspects to be preserved thus fulfilling the purpose of the National Register. We have a question of tangible -- I had a question of tangible. It has to have boundaries. And this is where we got -- got two world views: one of the native Hawaiian who views all of the Island of Maui and all of the islands in the archipelago as something which is sacred or unique or a traditional cultural property; whereas, the authority to actually designate, coming from the Park Service, says it must have boundaries. So the next best thing, probably, is then we look at physiographic features or look at ahupua`a divisions, or things of that nature, but for the purposes of getting it listed as a traditional cultural property, it must have physical boundaries. A TCP is documented in the same way that any other historic property is documented. In order to be nominated to the National Register, it must have the statement of significance and related evaluative information and should focus strongly on the traditional cultural significance that is ascribed to the property by the subject cultural community. As with any property listed on the National Register of Historic Places, a property nominated and listed as a TCP bears a visual designation status at the national level and, subsequently, at the state and local levels. No differentiation exist to set TCP properties apart from more typical National Register property. And once designated, TCPs are subject to the same controls and benefits that apply to any property listed on the National Register.

The National Park Service provides guidelines and evaluative criteria for identifying traditional cultural properties that are eligible for listing in the National Register of Historic Places as a type of cultural resource. A traditional cultural property - I'll use the abbreviation TCP - is a building, object, site, or area that is currently occupied, functional, or active, and associated with cultural practices or beliefs of a living community that are rooted in that community's history that are still practiced and valued in the present day and that are important in maintaining the continuing cultural identity of the community. A determination of a TCP requires verification by the cultural community as well as concurrence by the National Park Service and does result in actual listing of a property in a historic register, which is a separate process. It may be initiated by a property owner and that's going through the preparation of a National Register nomination for the TCP itself. Questions?

Ms. Chandler: Stan, I just wanted to ask: What constitutes verification by the cultural community?

Mr. Solamillo: Your kupuna. The types of - and in all deference to one of your Commissioners, Commissioner Maly - Commissioner Maly does cultural assessments, and he, I've reviewed only two of his documents but I've been pretty stunned and pretty proud, he actually goes back to Hawaiian language records and begins this process of is written, and then oral history information is also added, and there's this whole process of going through time from the earliest to the most recent where he actually documents, in narrative fashion, with sufficient and graphics as well citations, it gives you a very complete picture of a property through time. And it's important, when we're dealing with this whole idea of traditional cultural property, that the community of which you're trying to nominate the property for or on behalf of is heavily involved in this process, so it will require ethnographic or ethnohistorical research, it will require doing interviews, so it sidesteps the tradition western kind of view as well as -- as practice of just doing narrative based specifically on records and gets into almost a living history type of scenario because Hawaiian history is not static and it doesn't just end there or begin there and some other places, it's constantly evolving. So for that reason, it's very important when you begin this type of work that you involve the community from the front end or before you actually begin, and you discuss with them what they want or what they feel is important and why do they feel it is important, and probably your research then begins to try and tie records together that will provide you with a narrative form to "substantiate" things that you are told in oral tradition because you begin from an oral tradition instead of working just from the record because in the west, we work from the records first, then we go get oral, or maybe I can fill this in. I need some information here so I'll go do an oral history interview and see if I can fill in the holes. This is much for fluid and begins with -- with oral tradition first.

There is kind of a procedure that's been worked out and that's talked about, I think, briefly in that bulletin on traditional properties. You establish a level of effort. You involve traditional communities. You involve traditional communities and groups. You conduct field work and reconcile sources and usually when you're reconciling sources, you're reconciling the western record versus the oral history tradition or the oral history source, and the critical difference in this, as with all TCP research, is you must include the community but this is primarily ethnographic and its ethnohistoric documentation.

Determinations of eligibility. This is kind of -- it gets a little dicey because there is -- when you go through the actual bulletin, it's almost if then kind of scenarios; if A then C, or if A then plus C then it's E, and that's where you probably should include the Park Service because I'm not qualified to really get into the considerations, I'll give you the basics which is in the determinations of eligibility. Ensure that the entity under consideration is -- is the property. It must be a district, a site, a building, a structure, or an object. So again, we're going back to that it has to be tangible and must have boundaries. Consider the property's integrity. It must have integrity of location, design, setting, materials, workmanship, feeling, and association. Those are the tenants of the National Register. It must have integrity of relationship between a property and the belief and --

Mr. Fredericksen: Excuse me, Stanley?

Mr. Solamillo: Yeah?

Mr. Fredericksen: You know, going back to the boundary issue, if you will --

Mr. Solamillo: Yes.

Mr. Fredericksen: With TCPs. I'm just thinking of a -- of a -- of one that's been floating around for some time on -- on Maui and it's -- I know the Maui/Lana`i Island Burial Council's real concerned about the area, it's -- would be probably best defined, Pu`uone Sand Dune Complex, and that's a physiographic -- you could, to some extent, define physiographic boundaries for something like that because it is -- it's, you know, based on the fact that it's, you know, sand dune area.

Mr. Solamillo: Correct.

Mr. Fredericksen: And do you know of any instances where that's been -- something like that's been done elsewhere?

Mr. Solamillo: No. Maybe Hinano might. But if I were doing a nomination, I would propose the physical -- the limits of the sand to an effect be the boundary, but that would have to be -- again, it's all hypothetical until you actually submit something to the National Park Service and see if they accept it. They may require a much more physical boundary, like a ridge. So it's purely hypothetical at this point.

Mr. Fredericksen: Uh-huh. Yeah, I'm just curious if the Park Service has had any instances where there was something like that that was -- that it's already been carried out some place on the Mainland. Hinano -- do you know, Hinano? Or do you wanna speculate about that? If you could come up. Thanks.

Mr. Solamillo: Thank you.

Mr. Hinano Rodrigues: Hinano Rodrigues, State Historic Preservation Division. Offhand, I don't know but, you know, we shouldn't emulate what the Native Americans might do on the Mainland.

Mr. Fredericksen: Oh no, I know.

Mr. Rodrigues: We should come up with our own. And the perfect example would be Pu`uone, as you had stated, so what we would do is - I know in the western system we use

TMKs, but in a situation like this, what we should do is just use the sand dunes itself and that's your -- that's your boundary.

Mr. Fredericksen: Thanks, Hinano.

Mr. Maly: Sorry. Hinano?

Mr. Fredericksen: You had another question?

Mr. Maly: Is Mokapu, on Oahu, I know we did some TCP work for the ethnographic component of it, I'm just wondering if Mokapu, if you know offhand if that process was followed through and I think became a part of a national or a TCP?

Mr. Rodrigues: I don't know the answer to that.

Mr. Maly: Okay.

Mr. Fredericksen: Thanks, Hinano.

Mr. Solamillo: Okay, so we'll hold the thought and we'll do the sand is limit - the boundary. Back under consideration of the property's integrity, it must have integrity of relationship between a property and the beliefs and practices that gives it its significance. For evaluating a property with reference to the National Register criteria, it must meet the same criteria as any property eligible for listing in the National Register. I apologize for the typos. There's another caveat in the bulletin, which stated in the effect that if a property did not satisfy one of the criteria considerations, that it would be ineligible and that really requires further research and be a question I would ask of the Park Service proper cause it, at that point, it was another one of those A, B -- A plus B equals C configurations in the bulletin.

Mr. Fredericksen: I think a lot of those tend to be for historic properties that have been taken out of context, been moved, or whatever.

Mr. Solamillo: Okay.

Mr. Fredericksen: Not all, but a lot of time that can be a situation where it's determined not be eligible.

Mr. Solamillo: Okay. Thank you. Another component of dealing with TCPs is carried under the title of traditional cultural values. Traditional cultural significance is derived from the role a property plays in a community's historically rooted beliefs, customs, and practices. Properties may have significance under Criterion A: If they are associated with events or series of events significant to the cultural traditions of a community. When

evaluating properties associated with traditional cultures, it is important to recognize that often these cultures do not make clear distinctions between what is secular and what is sacred; Criteria Consideration A is, therefore, not intended to exclude traditional cultural resources merely because they have religious uses or considered sacred property or natural feature important to a traditional culture's religion and mythology is eligible if its importance has been ethnohistorically documented and if the site can be clearly defined. That's kind of a major component. So remember that.

Alright, now we get to fun stuff. A lot of work, right now, is occurring in this area worldwide, so this is kind of a good time for Hawaii and Maui to actually deal with traditional cultural properties. The International Council on Monument Sites, ICOMOS, was created by the UN under its Educational Scientific and Cultural Organization, which is called UNESCO, which was formed in 1965. It's an international non-governmental organization dedicated to promoting the application of theory methodology and scientific technique to the conservation of architectural and archeological heritage. Its work is based upon the principals of ...(inaudible)... in '64 International Charter on the conservation and restoration of monuments and sites, also known as the Venus Charter. In 2007, ICOMOS came out with actually a thematic study, which I've included on the cultural landscapes of the Pacific Islands.

I think it's good to actually go through and see what is being looked at internationally. These sites or districts were proposed by various governments to a list that was eventually selected by ICOMOS. I don't have a copy of the final list. But in the thematic discussions, it go on in the document, it provides, I think, good information as far as seeing that Hawaii and Maui County is related to other cultural ...(inaudible)... that stretch over thousands of miles and we know this when we talk to each other but somehow it gets lost in our discussions when we talk about cultural resources here in the County. We're part of a much bigger thing and so things that we might have here in Maui County may not be found in other parts of the Pacific or in the world, and we don't seem always to recognize that. So a lot of the other things I think to be mindful of I think is that because we do a lot of piecemeal development, that things get eroded in small -- small parcels and we never really see the effect until you get off the pali one day and you go: Oh my God. Right? Or you come across something that has been negatively impacted, like finding graveyards that are suddenly being vandalized, which ten years would not have happened here, right? But they're happening today. And I think that it's just looking at -- at things in a different way. So I've only selected a few Rapa Nui, Lapaha Royal Tombs in Tonga. These were all tied to a -- a typology and a historic context that essentially breaks down into Pacific indigenous and Pacific colonial. Under Pacific indigenous, what is presented to ICOMOS as potential listings for organically evolved cultural landscapes. So they're kind of what we talk about when we look at rural landscapes here that they're inherently indigenous and they've been developed over thousands of years. When we look at Pacific colonial landscapes, we're looking at cultural landscapes which exemplify extraction of natural resources, creation of

plantation economies, civilizing projects under missionaries, and the establishment of colonial rule, and today, you know, and actually the Post World War II period is the decolonization process, which is still ongoing in many places of the world.

Among a lot of the -- the landscape selection or the cultural sites what were selected and contained within the thematic study that ICOMOS document provides are: Raiatea and Kerikeri, Moorea, Tuamotu Archipelago. You notice that some of them are manmade and some of them are landscape. Taranaki, Sigatoka Dunes in Fiji, and this my favorite, Napaiti. This is really interesting and, you know, I was kind of looking at this and it was you're looking at fortifications that are located along a ridge line, you know, on this -- on this really unbelievably shaped island. The red dots in the figure at the lower right are the fortifications. The blue dots are actually refuge settlements. And the green dots are habitation settlements for small villages. But it's really quite amazing. Now, if we were here on Maui, right, in 2009, someone would look at that top photo and go: Oh, let's call it "Spindletop Rock," right? But it has a name: Fanga Uta. And we should always remember that when we talk about our place names how really threatened that is cause the whole fact of our place names constantly being eroded to become something else and somehow we're not able to -- stop that, that continuous erosion. Then, among some of the sites, we included Mauna Loa, Mauna Kea, the Keahou -- Keahou battle ground and burial grounds, and such wonderful aerial views of Big Island.

Okay, traditional cultural properties are always places; they are not intangible. A traditional cultural property is eligible for the National Register only if it meets the National Register Criterion, so that's that A through D that we went through. Like other kinds of historic properties, to be eligible for the National Register, a traditional cultural property must have integrity, integrity of relationship, and integrity of condition. A traditional cultural property is subject to the same general time threshold as other historic properties. It must have been important to maintaining traditions for at least 50 years. To be determined eligible, traditional cultural properties must not be ineligible because of one or more National Register criteria considerations, and that's the one I don't know enough about to really explain to you at length. Traditional cultural properties must be described and their significance documented in order to be nominated, and traditional cultural properties must have boundaries.

Okay, this is the big one, and the fact that it was provided for in the bulletin at some length was kind of surprising, but I think they used another word. They used "bias" or something. I don't remember what the wording was - but avoiding ethnocentrism, and we all have it. Whether you are a new immigrant or whether you are an old one, we all have it to some degree and -- but this particular ethnocentrism is based at western scientist, social scientist, and historians, and cultural -- people that practice the business of studying culture that we have to be very very much aware that in Hawaiian culture natural and cultural resources are often on in the same and that they have personas and it's part of a

cosmology and it lives, and oftentimes we forget that, and it's something that probably is best by always making sure that kupuna and cultural practitioners are involved in this whole process of defining and describing a traditional cultural property. That's probably the best way to get around it.

This is a quote from Commissioner Maly from one of his -- his pieces: "Native traditions describe the formation, literally, the birth of the Hawaiian Islands and the presence of life on and around them in the context of genealogical accounts. All forms of the natural environment, from the heavens and mountain peaks to the valleys, flat sloping lands or kula lava plains, and to the shoreline and ocean depths, as well as the winds, rains, clouds, stars in the heavens, and all forms of life, animate and inanimate, are believed to be embodiments of Hawaiian gods and deities." That's pretty awesome.

Okay, I'm going to be tongue-tied because I'm really sleepy so rather than mess up the Hawaiian names, I'm going to the next slide. Okay, under still avoiding ethnocentrism, Maui, to a Hawaiian, is a living thing and it encompasses the whole island. It is the second largest of the islands. It was the second born of these island children. As the Hawaiian genealogical account continues, we find that these same God beings were created forces of nature and were the parents of the islands were also the parents of - Mr. Maly? Commissioner Maly? The parents of? Can you?

Mr. Maly: Sorry, you were just saying -- Haloa naka lau kapalili.

Mr. Solamillo: Thank you. This Haloa was born as a shapeless mass and buried outside the door of his parent's house and from his grave grew the kalo or taro. The next child born to this God parents was also called Haloa, the long stock or breath of life and he is credited as being the progenitor of the Hawaiian race. It was in this concept of kinship that the ancient Hawaiians addressed their environment and is the basis of the Hawaiian system of land use and probably tenure.

Archaeologist and historians, on the other hand, will describe the inhabiting of the islands in the context of settlement, which resulted from voyages taken in canoes across the open ocean for thousands and thousands of miles, and the relationship of this island culture to the next island culture and to the ...(inaudible)... Pacific Island cultures, as I started to do. So that is my ethnocentrism.

Archaeologists have proposed that early Polynesian settlement voyages between Kahiki, the ancestral homelands of the Hawaiian gods and people and Hawaii were underway by circa 400 A.D. with long distance occurring fairly regularly through at least the 13th Century. It has been generally reported that the land sources of the early Hawaiian population, the Hawaiian Kahiki were the Marquesas and Society Islands. Given that, and being mindful of the Hawaiian world view, then we can look at places around us and the geography of the

islands and begin to look at them differently, and we're all aware of it because we've heard it, and we've heard it from kupuna who have come here to speak to this Commission as well to people that who we may have spoken to outside of this venue and you will hear the same thing. Haleakala. Iao Valley. And then we'll go through numerous places. And for these two places in particular it's really interesting because you can go back and there are glass slides, photographs, right? That were taken of Haleakala way back in the 1800's. The advent of photography. It's pretty amazing. So you've got this tremendous literally documentation through time from the earliest glass photographic plates all the way to Kodachrome of Haleakala and the environment. Same thing for Iao Stream. These are really popular with tourists, you know, and it's like this is -- tourism, as soon as -- as soon as people from the Mainland and Europe got here they wanted to record it, and they did. But these are all very special places for the Hawaiian community and Hawaiian communities. When I first think about a TCP, this is the obvious thing I think of, this Pi'ilani Heiau, thanks to Commissioner Huttaff who reminded me. I couldn't remember the name of it. I love this shot. This is part of the NRHP photo assessments. These are some of the aerial views. I told the photographer fly around the island and get the relationship between the heiau and its environment because usually you see the heiau shots and they're looking up. You gotta see it - how does it relate to the sea; how does it relate to the mountain. So it's really quite incredible. And it's a stunning site. It's over Hana side.

We, earlier this year, went through Pu'upuha burial grounds. This was a case where, to answer I think a gentleman's comment earlier, you know, we do value the overlay of cultures here because it's what makes us who we are - true. In Pu'upuha Cemetery, we had the Hawaiian burial ground overlaid with Chinese burials, Japanese burials, Filipino burials. All in the same place. We also had Jodo Mission, which was built there during the teens, right. They started a congregation during the teens and the church -- the temple burned down in the '60's and they rebuilt new temples, okay, and fantastic Japanese architecture, and they took collections from both sides of the Pacific and built -- and cast the I think it's the largest Buddha outside of Japan. So it's a very important place. And there's also a peace monument there. So, given that, you have this overlay of cultures all in one place, which makes it, you know, extremely important as a place for everyone.

We get challenged, I think, and it's what I call "contested places" and "contested spaces." We are particularly challenged when we have a place, such as Papohaku Dunes, which is in the oral tradition known as a burial ground, right? It's known as a burial ground. A place where native Hawaiians were interned after the oku'u or the epidemics, and it becomes popular because it's a beach, and it's a beautiful beach. It's also been mined for sand, I believe, for Waikiki for some time. So you've had -- you've had a lot of sand mining and then you have parcelization, which is rather intense, and the property values are pretty incredible and the price tags are too. What I think has gotten missed in the whole dialogue is this may be a TCP as well and how do we protect this place that is important to the people of Moloka'i.

We all have Professor Minerbi's idealized ahupua`a diagram seared into our memories where he breaks up the idealized land division into various zones; into places for heiau; places for graves; places for settlements; location of fishing shrines and fishponds, and all this interrelated system -- an interrelated system that included forest, agricultural, coastal, and sea zones for the sustenance of -- of populations. This is I call it "idealized" because I'm still trying to find it and you see bits and pieces of it that they're still intact but they're under -- these are places are particularly under stress, and this is something probably, because we're dealing with living culture, living communities, that we ought to look at. I didn't get an island aerial. I apologize.

Some studies which were done earlier included, I think, a UH study of Waipio - no, this was Bishop Museum study of Waipio Valley where they did a similar breakdown that Minerbi had done with real heiau, fishponds, and lo`i, and other categories of properties. And then they did these wonderful diagrams that showed lo`i, where they were located within kuleana parcels, and I think most of you have seen these before. In this case, they were doing wauke, paper mulberry, the bark of which was used to make tapa. This was the locations for them. Kula for dryland or pasture. So it's really interesting to go through the diagrams. The -- I think the -- another aspect of getting into contested places and spaces is a new phenomenon, I think that's happened since maybe 2000, where the tops of pu`u are being cutoff to create housing for whomever but it's creating platforms. It's -- the old plantation house was the post on the stone foundation. Now the actual change or alteration of the land from is actually more extensive. How long it'll last -- the house will be there? I don't know. But I mean we are altering the landscape, which historically has been this way for thousands of years. And, photographically, in certain parts of this island, we can go back to the earliest points, as I said, from Haleakala so that's like 1800's, come all the way past, you know, the threshold of the new century, all the way up to maybe, you know, within the last ten years and see that that landscape is virtually, you know, pretty close, virtually unchanged, and then all of a sudden, now, it just starts changing. They have villages and settlements - and I've just pulled things. We have early maps. For me, they're hard to locate. Commissioner Maly probably knows where they are easier than I do. But the fact is you go to the eastern side of this island, you see this wonderful village sites that are really intact and that was another thing to send the photographer on the helicopter and say, "Go shoot this stuff." Because we never see it, right? You see it from the ground. You never see it from the air. And then to see how close these match up with the early maps to get this kind of relationship going so we tied various data sources together. My -- one of my favorites places is Keanae and this is the cultural landscape. Again, because of it's location on the far side of this island, it's been relatively intact because it was isolated, and you can go back and get these great pictures and go through this process and it's -- it's pretty close. Is it threatened? It could be cause I think the -- the water issue. Yeah, it dried up all the lo`i and, all of a sudden, the Hawaiian taro farmers were under stress and so that was cause for concern because that's not a place you wanna put under stress because everyone knows the Hana Highway is a tourism industry, you know, proclaims and

lots of people go there, and to put that place in stress was really disconcerting, to say the least, and it's where I've shown you photographs again going back to the turn of the century. I mean that rock point in the upper photograph, you see it in the bottom one from 2005 or 6, I mean this is -- this is gold. This is all about living culture today, you know, with direct connections to the past. You know, house forms; lo`i; auwae. All of this stuff still working.

Then we got to my -- my favorite cultural resource, which is the fishpond, and this one is under stress hugely. I've located with this 1897 photograph, this thing shows up as a postcard and in the lefthand side it's a colorized version of a photograph taken below, and I think one of -- Nancy McPherson, Molokai -- former Molokai Planner said, "I know where that place is," and we get -- I'm starting to find these photographs from the '20's through the '40's of net fishing and hukilau, and it's like really important to try and bring these traditions. Where did they take place? Did they take place only on open water? Could they take place on a large fishpond? You know, it's all these questions about things that I remember hearing when I was younger but I don't see today. You know, it's important. Can we get them going again? You know, it's all part of a living culture. Fishponds have been studied for over a decade. Probably longer. Probably 20 years. Infinitum. We have spectacular examples of native intelligence, as one council member was in here saying. Ingenuity. Science. Aquiculture. All here and, yet, nothing producing today. We have the largest complex in the entire Pacific of fishponds period. That's pretty major. But some of them are on the register, the National Register of Historic Places, some are not. It's amazing to me because we do have the only large complex in the Pacific. Why they are? Because they're unique in all the world. On Oahu, they like to fill them in. Build houses on them. There was a trend recently we saw on Moloka`i especially, and it was really disturbing to see right after Statehood I think, or leading up to it, these changes, intense parcelization around fishponds.

Mr. Fredericksen: Stanley?

Mr. Solamillo: Yes?

Mr. Fredericksen: Stanley? Just kind of an interesting sidebar. A lot of the fishponds actually have separate TMK numbers, which is, in terms of just the long term integrity for some of these, you know, cultural resources, isn't really good because the people -- I mean there's a lot more involvement now but that's one of the reasons why some of these places got filled in because they were -- somebody would buy it and people thought it wasn't, you know, worth anything at that point and then they would be filled in.

Mr. Solamillo: I've just looked at a couple of examples on Oahu. But it's, I think, it's something that needs to be looked at, and I've tried talking to some of the NGOs involved in restoration and it's slow going.

Mr. Fredericksen: I've got other questions, Stanley. You said some were on the register and some were not. The ones that are not, are those because the landowner, whoever the landowners are, are blocking for some reason?

Mr. Solamillo: That and when the National Register nomination was written, they weren't written as a complex, you know. I would have taken the whole coast --

Mr. Fredericksen: Right.

Mr. Solamillo: If I were to prepare the nomination, right, and gotten them all, but for some reason it wasn't, and I don't know if the basis of that was that a property owner opposed it or not, but still it could have gone down as Hawaii Register.

Mr. Fredericksen: Do you know when the Moloka'i ones were placed on ...(inaudible)...

Mr. Solamillo: No. I haven't had anytime to do research on it. But, again, because they are so intrinsically linked, because I think you hear in the oral tradition, well, it was the last tsunami, it '46, '48 -- '46, where they were damaged and after that they never functioned again. But when we go and we talk literally in the oral history of Lahaina strikes, the fishponds on Moloka'i fed strikers in Lahaina and their families, that's a real important connection between the two islands and it's not, you know, really studied and investigated to any -- any great degree. It's something that can be. But I think making them more important because that brings us down to present history when we're dealing with strikes and when you're dealing with, you know, the tsunami or what happened to the tsunami. I mean I've read some of the descriptions of Halawa Valley and it's really amazing the damage that occurred from that tsunami. So it's bring it -- it's the process of bringing it, consolidating the records and bringing them forward. What is the history of the place? This is a great one that was preserved fully on the north -- along the north shore somewhere. I was happy to find it. It's Kaneohe. Thank you. And these are just looking at some of the fishponds on the south face of Moloka'i, going towards Manae. Now from Kaunakakai, all the way, which will be that green spot right kind of central, all the way to your right, which is moving east, that's all fishponds. They were documented back as early as I think 1897, we've got a fairly reasonable map that just deals with Moloka'i fishponds. And we can't look at fishponds as just being the wall and the ocean because they contain unique chemistry and the unique chemistry is fed from freshwater sources, and it's a mixing of the freshwater with the brackish -- or creating the brackish water of certain salinities that we have the ability to grow fish fingerlings and grow them into adults, so it's really important, and this is being lost. I think the filling of the fishponds, the grading and covering up of springs, all leads to an ongoing state of threat to our fishpond complex on Moloka'i.

Now I'm going to take you the complete opposite and we're going to go to an urban environment cause we deal with this in Lahaina, and we deal with it in Kahului, and we deal

with it in Wailuku. We deal with multiple layers of occupations. This was interesting because this is a TCP study done this year, 2009, for a place called "Japantown" in San Francisco. This is our last big one so if everybody can bear with me unless you wanna take a break. We'll be over soon. Japantown currently only has a population of 9% Japanese. It's mixed. In the history of California's Japanese settlements, there were 43: Alameda; Bakersville; Berkley; Brawley; Cortez; El Centro; Florin; Fowler; Fresno; Gardena; Glendale; Guadalupe; Isleton; Livingston; Lodi; Lompoc, and all the way down to Walnut Grove, Watsonville, and even Venice, California. These all had Japanese communities going back to the turn of the century. So they all went away in 1942. This is to illustrate that TCPs may exist in an urbanized setting. They may remain intact after a community has been in fact displaced and they may remain intact after development and the "g" word, gentrification has occurred. Japantown has another name. It's called, you know, "Nihonmachi." And it began and developed after the 1906 earthquake. But it's heavy. It's all -- this is all buildings and it's all urbanization. In 1907, after the quake, picture brides began arriving, families were established, and the second generation of Japanese-Americans, or Nisei, were born. I don't remember the full extent of this community in particular but it's pretty large as far as a block area but I don't have a count for it. What they've been doing recently has been really interesting because they've taken the Sanborn Insurance Maps for Japantown, actually all the Japanese settlements, historical settlements in California, and mapping them. So you've got maps with, like this one on the right that give you a date and they give all the name of businesses. That's really important. Hawaii has Sanborn coverage but it's not really great. In fact, it really sucks for Maui. I mean you'll get two maps, 1914 and 1919, for Lahaina. You don't get anything for Hali'imaile. You got some for Wailuku; some for Kahului. But Hana, there's nothing. Paia, there's nothing. You can go around to the big townships and there's nothing. It's pretty bad.

On March 29, 1942, after Pearl Harbor happened on December 7, 1941, the Japanese community was rounded up and sent off, under Executive Order 9066, and they were sent to camps. Some called them "internment camps;" some called them "concentration camps." But they all had the effect of isolating a community, the Japanese community, from its former places cause in those communities were the institutions, the temples, churches, cemeteries, and things like that, and even in San Francisco they sent families as far away as Texas. This was a shot of Girls Day in Crystal City, Texas, Internment Camp in 1943. It's unique because noone is wearing any Japanese clothing so there's no kimonos. The effect of the internment is so burned into the psyche of Japanese on the West Coast that I was amazed that it really forms a big basis for this TCP because it, in effect, uprooted them, took them out, put them someplace else, and when they came back, Japantown did not exist because black workers had moved in, they were employed in the military industries, and they had created a community called the "Fillmore." So you have this -- this other community which has come in, in your absence, and occupies your house and your business. So there was resentment between the Japanese and the African-American community there.

But that community, the Fillmore District, has its own incredible history and even it had nightclubs. Billie Holiday, was the name of the singer I was trying to remember, because she performed a song called *Strange Fruit*, which was written by two Jewish composers in New York City and it was, I believe, in 1913, and it was the first anti-klan song because it was about lynching in the south. So Billie Holiday was performing here in this district and that's why it's important cause when I was doing research in the south, we had to deal with the issue of lynching and the atrocity were heard. Her song is pretty riveting in the words and the way she performs it. But anyway, sorry for the segway. By the end of a really short period, from '42 through '45, which is what? Three years? We've got an entrenched black community that has its own history and story, and it continues to live side by side with the returning Japanese. Unfortunately, they don't have much time to do that because, in 1948, 27 blocks get taken out for a slum clearance project or actually they get identified for a slum clearance project and they taken out a little bit later.

In 1960, they do it again. So you have about half of Japantown is raised. They displace 60 Japanese businesses, 1500 residents, and they, literally, it's amazing. It looks like a city that was bombed during World War II. So they tried to do it again. The next -- the next planned development was raising 60 square blocks, and affecting 13,000 residents, and the community exploded, and they stopped it.

So here we -- you know, to commemorate the Japanese presence, we had this pagoda, which was designed and constructed by the architect who also worked on the Twin Towers in New York City. And if you look at the bottom shot, you can just barely see it, it's adjacent to a parking garage. As a memorial plaza, it became this pagoda kind of shopping mall kind of thing, Japan Mall, and there were few temples and institutions that are still scattered among the -- the new development that still remain but the vibrancy is obviously loss, and there's always that kind of -- this is kind of a contested space, place kind of thing. The architect and the developer were Japanese from Japan, you know, flexing their muscles in the California real estate industry and their presence, so it was a good thing from their standpoint, but it was interesting how they impacted, you know, a local and historic Japanese community. But this is what gets remembered, it's a peace pagoda, I believe. But when you get down and you begin to talk to people who were there, who were part of that community, and who, you know, were caught in the middle of the slum clearance project, one man recalls it didn't have to happen. Our community didn't have to fighting for its survival. I mean we can lift little phrases from folks whether they were involved in the slum clearance projects whether they were Mexican or African-American or Asian, on the Mainland, you can take them and you can find the same counterparts here in Hawaii, you know, it happened in Honolulu, it happened here, happened in Maunaloa, right, Moloka'i, right? So we have the same -- same feelings, same displacement, and the same need to probably recognize some of these places. Now they have festivals. They actually are dictating a new planning process called "A Better Neighborhood Plan," I believe. They have street fairs. But they have this thing called "Day of Remembrance," and it's really

amazing because they force, you know, or inculcate, is a better word, within the young the memory of that displacement so you never forget. And the same thing can be applied here. Do not forget. Really interesting photographs, you know, that come out of the Japanese community in the Mainland. If you have the opportunity to visit sites, visit the Chinese History Society -- Historical Society, CSA, San Francisco. Really riveting civil rights stuff as it applies to Asians and the Chinese experience and it's -- it's kind of very different from here. It's really in your face. But it's worth looking at because it's looking at how other communities are dealing with -- with their past and their future in making sure that things that have happened do not get repeated.

Okay, TCP quiz. This is our last series of slides. Top one. Is it or isn't it a traditional cultural property? We have a picture. A Hawaiian hale. A western style house in the back. This looks like it might have been taken 1920, 1918. Today, the land is vacant so there's no building, no structure, just the site. Is it a traditional cultural property? You can give me a yes, no, or maybe.

Mr. Maly: How's about not enough information?

Mr. Solamillo: Okay, we'll do the could be. Slide two, the sugar mill. This particular sugar mill. I don't know if they did a heiau. This was --

Mr. Maly: Koloa --

Mr. Solamillo: Yeah, this is --

Mr. Maly: Hawaii, yeah?

Mr. Solamillo: Did they take down a heiau to build that thing?

Mr. Maly: It was ...(inaudible)...

Mr. Solamillo: Really? Okay. So could kinda be or -- again, you gotta really look. Alright, number three, Paia Mantokuji Soto Mission. Traditional cultural property or not? Alright. Ah-huh, topside, Maui. Traditional cultural property or not? Remember -- remember what I was saying about --

Mr. Maly: What ...(inaudible)...

Mr. Solamillo: The "B" word. Okay, topside, yes or no? No can. It's too big. That's according to how the National Park Service. Remember, this is traditional cultural properties as the Park Service defines it must have boundaries. No, you can't do the whole island cause lots of people wanna do the whole island and rightly so. Okay, slide two,

Hawaiian church. I think it's Keanae. Okay, good. Good. Slide three, pineapple fields, Hali'imaile. Pineapple industry since at least 1907 or 06, over 50 years. Is it a traditional cultural property?

Mr. Hutaff: Traditional culture?

Mr. Solamillo: But remember, I think in the bulletin it says 50 years. That's what I forgot to tell you today that the traditional cultural property had to be important to a living culture, it was important to their identity, it was important to their belief system for at least 50 years.

Mr. Hutaff: And they put "traditional" in front of that word? In front of that statement?

Mr. Solamillo: Yeah. No, no, but I'm saying -- I'm asking you: Is it a yes or no? Can be? I would tend to disagree. The reason being: Is it important to someone's identity today? Does it carry community significance?

Mr. Fredericksen: Well, to the people that are -- that came into the plantation so it's a could be.

Mr. Solamillo: Okay, could be.

Mr. Hutaff: Yeah, you have to ...(inaudible)...

Mr. Fredericksen: I would argue ...(inaudible)...

Mr. Solamillo: And I'm sure certain owners would not like to be. Okay, last one, bottom, lo'i?

Mr. Fredericksen: Yeah.

Mr. Hutaff: Absolutely. No question.

Mr. Solamillo: Okay. Cool. That concludes today's thing. I'm sorry I ran out of gas and time and steam. I had great intent to provide you something incredible, and next year we'll do a -- next year I promise I'll learn the smart board. I'll learn how to use that thing so -- take the book home, the binder -- thank you everyone. Take the binder home, read it and study it. You will be getting at least two cases next year which involve TCPs and I'll involve your decision-making capabilities. Thank you. Mahalo.

Mr. Fredericksen: Thanks, Stanley. Any comments, Commissioners?

Ms. Watanabe: Very good, Stan.

Mr. Hutaff: Bravo.

Mr. Maly: Yeah. Thank you for compiling all of this information.

Mr. Fredericksen: Yes.

Mr. Maly: You know, just gives you one place, yeah?

Mr. Fredericksen: A mountain of data. Okay, let's see, does anyone from the public want to comment? No? Okay. Well, okay, so that takes care of the workshop for now. Do we want any discussion about what we saw? I'm -- one of my interest is -- is trying to, you know, within the way the system is now for, you know, establishing traditional cultural properties, just trying to wrap my brain a little bit around the sand dune complex that we have on Maui cause it is a -- I mean and that, I think, would certainly qualify for traditional cultural property. The area's been impacted obviously. But it was used traditionally for burial purposes and other purposes too but certainly the burial interring burials there was certainly significant practice to Hawaiians. That, to me, seems like that certainly is a traditional cultural property, strong candidate - just trying to get around the National Park Service or into their kinda lingo for identifying something. But it was an interesting presentation. There's an awful lot of information in this. Let's see, I think next item is F, Commissioner's Announcements. Does anyone have anything to say? No? Okay.

Ms. Watanabe: Yeah, I just want to --

Mr. Fredericksen: Oh, Nani? Sorry.

F. COMMISSIONER'S ANNOUNCEMENTS

Ms. Watanabe: Yeah, I just wanted to say that when the Lana`i Cultural and Heritage Center just had a recent fundraiser and Kepa presented a very wonderful presentation with the interview of the different -- of the people of Lana`i just sharing their story. It was just so wonderful presentation that represented all the different cultures on the island, the people, and they were present, so I have to commend, you know, Kepa for doing such a wonderful work. Him and Onaona. You have to see that little --

Mr. Maly: Mahalo. Yeah.

Ms. Watanabe: That little presentation. It was wonderful.

Mr. Fredericksen: Is it on -- is it in a format where it could be seen?

Mr. Maly: It's actually online now at www.lanaichc.org, but lanaichc.org. It's the tickler for a major program that we're engaging in as a result of the fundraiser with kupuna, elder kama`aina of Lana`i. Commissioner Watanabe's ohana are key participants in it as are, you know, again, as was alluded to earlier in the morning, you know, there are these broad cultural affiliations which is why looking at the pineapple field shot there - does it qualify? Indeed. Many of the people living on Maui are tied or in that are tied specifically to that history.

Mr. Fredericksen: Yeah, especially Hali`imaile.

Mr. Maly: Yes, Hali`imaile is this amazing place and it actually ties to Lana`i's history as well. So, anyway, you know, we have these communities in these island I think, as Stanley has suggested also, pushing the boundaries on some of the NPS things. If I may go back for a moment to Commissioner Watanabe's one hanau that how do we deal with Keahikawelo, which is a noted place now called "Garden of the Gods" on Lana`i who's traditional cultural property boundaries extend beyond Keahikawelo, Mahana, out to Lanikaula on Moloka`i because of that visual view plain? We can actually create a boundary for it, noone wants to hear it today, but we can create a boundary for it and, you know, it is more than the biggest pile of stones and bones, yeah. It's a wide range of resources that make a TCP.

Mr. Fredericksen: Nice point.

Ms. Watanabe: Mahalo.

Mr. Solamillo: I have a comment. This is addressed to Corp. Counsel. Could a commissioner come here and request that the TCP be established on such and such place? Can the Commission direct staff to prepare a nomination for a TCP, traditional cultural property, or any nomination to the National or Hawaii Register of Historic Places?

Mr. Giroux: Stanley, just put me on the --

Mr. Solamillo: I'm sorry.

Mr. Giroux: Spot here and we have telephones so we can talk.

Mr. Solamillo: No, it just happened -- it just happened now. It's kinda one of these Texas things. It just happened.

Mr. Giroux: Typical Planning but I'll deal with it. Yeah, I don't think there's anything stopping, you know, the -- when you look at the powers and duties of the Cultural

Resources Commission, I think that it is part of -- part of it is that not only are to take nominations, but you can actually initiate them.

Mr. Fredericksen: Very interesting question and answer.

Mr. Hutaff: Since we're kind of on the subject, what I've been hearing through this is that in order for us to move forward with some of these things, we have to sort of follow the National --

Mr. Fredericksen: Existing guidelines ...(inaudible)...

Mr. Hutaff: Existing guidelines. I'd kinda like to -- and then there was also this thing is that, you know, we don't really want to use the American Indians example. I respect them.

Mr. Fredericksen: Right.

Mr. Hutaff: We have no problem with that. It's just that our situation is so much different. I'd like to point out that, based upon that, you know, we should really kinda stand our ground and say: No, this is pertinent to the way the culture is, okay, and we can't really perfectly follow the government's method of determining things. And so we'd like to present our case in a little larger format and have them look at it and maybe take on and modify some of the rules rather than stand back and say: Oh, well, we can't do that because it doesn't fit. Well, we don't want it to fit, okay. We should establish our own methods and present that to the government and say: You've set a ground work and great model, but, you know, we need to move a little left here for the Hawaiian culture to exist within these rules and you need to accept it because that's really your purpose to make these things work, not to stifle them. So I don't think we should try to limit ourselves really.

Mr. Fredericksen: I -- yeah, and thanks, Ray. I think -- I've just been thinking about this, I've thought about it for some time, but as far as the nuts and bolts are concerned and from what James just said, I'd like to see something on the agenda, maybe next -- I won't be here next month, but if not next month, then December, to address what Stanley, the question that he brought up because I, you know, personally think that the -- for a traditional cultural property, at this point, there's enough in terms of, you know, physiographic boundary to put forward the Pu'uone Sand Dune Complex as a TCP.

Mr. Solamillo: And that is located where?

Mr. Fredericksen: Pretty much from Waihe'e side, all the way out through -- down through Maui Lani area, that development area, towards Waikapu.

Mr. Solamillo: Yeah, I know but I mean you're impacting how many property owners? I mean the thing that we have to remember about the National Register is, okay, I've gotta have 60%, you know, 60% -- between 50 and 60% in support of that, correct?

Mr. Fredericksen: That was my next question.

Mr. Solamillo: I can't so if we did a nomination, it would be contested, right? So it goes to this nice little holding pen that we now have at SHPD, Honolulu, for contested cases, you know, like Lana'i City, and -- and there it will sit until it gets resolved ultimately in a stormy hearing. And I -- the other thing was that it had gone through its approval process, right? This development that had started us actually talking and thinking about it has already gone through an approval process. What I wanted to find was a way -- how can we gear up after. You know, I don't know if I can or I don't know if I want to even go there, you know, trying to, you know, reverse something that's already done.

Mr. Fredericksen: Well, I don't -- I'm not talking about even --

Mr. Hutaff: Reversing.

Mr. Solamillo: No.

Mr. Fredericksen: Trying to reverse anything, but just to acknowledge that this area is a significant -- a significant area. I'm not -- I mean, you know, the -- what's happened with that development, that's just one small portion of this whole complex and I -- trying to just say, oh, no development can occur, that's not what I'm even -- that's not where I'm going with it but at least trying to provide some level of recognition, if nothing else.

Mr. Hutaff: If I remember correctly, which is probably not a good thing for me to say, what we were trying to do was use this Maui Lani thing as an example of what went wrong and how it came to be, and have a discussion or have an investigative committee to find out how to prevent the conflicts that would take place in other areas like that. How to identify areas in advance so as developers came in, they would have an opportunity to back away without spending a whole lot of money, and then the community would have an opportunity to be in the beginning stages of it or the pre-beginning stages of it, okay, rather than after-the-fact because that's where the problem lie was after the fact.

Mr. Fredericksen: And they went through the process as it exist now.

Mr. Solamillo: Right.

Mr. Hutaff: Yeah.

Mr. Fredericksen: Yeah.

Mr. Hutaff: And so for us to determine what happened, why, how the system works, and how the community can get involved because it's really I think beyond our Commission capabilities to completely identify every single area that some of the areas need to be identified by the people who are responsible for the areas; the Hawaiians that are responsible of the area; the Chinese who are responsible of the area; the Japanese who are responsible of the area in advance because, you know, it's not publicly written when a developer says: Okay, we're going to -- we wanted this permit. The permit process comes in to say: Okay, we wanna apply for this, and they go: Okay, do you have water? Do you have this? Do you have that? Do you have that? There's no: Oh, oh, wait a minute now. This is a traditional area. You might wanna get with the people there so you don't have any conflicts. So I think we were trying to look at it as being in advance. What happens? How did it get to this point? And what could be done to prevent a conflict by informing the residents of a particular area that something might be going on, or have the residents inform the Maui -- the County, the National Historic District, or whatever it takes to say: Time out. This is a very sensitive area to us. So I think that's what the idea of having an investigative committee was to find out. So I think we've already kind of asked for that and we were supposed to discuss it in a few meetings on how to go about it if it was even possible.

Mr. Fredericksen: I think that got addressed at the meeting in Lahaina where it ended up going into this -- into this sort of a format of more of workshop.

Mr. Hutaff: More of workshop kind of thing?

Mr. Fredericksen: Yeah.

Mr. Hutaff: So we could still continue along those lines of, you know, what's happening and here is where I think the Hawaiian community or the cultural communities out there need to be tapped on the shoulder and say: You need to be a little more active in identifying these places cause we can't do it. I think that's their kuleana too.

Mr. Solamillo: We heard the kupuna talk today and he says it's all about kala, and he says it with frustration, and a lot of the kupuna in Lahaina, specifically, you know speak it's, you know, it's terrible, and our kupuna are living in poverty, which I find really, you know, frustrating, but the whole point is I'm trying to find a mechanism, if nothing else, for this Commission as well as for communities to do something, and I think that was really it. It's kind of like I was blessed to live in a valley for two years in Waihe'e - you were there --

Mr. Hutaff: It's a nice place.

Mr. Solamillo: I love it there and it's -- it's a very special place because I was telling somebody, you know, the water runs uphill in the auwae there. It's incredible. And those are places where this culture lives and that -- these are places that have to be preserved. So right now is can we find a connection? Okay. Can we get all the kuleana members in that valley? Alright, let's buy into this, you know. Recognize it for what it is. And then what? Can we get some funds? I don't know. I mean we gotta work on it. But it's just trying to say --

Mr. Hutaff: Well, I think there's laws and rules that actually would -- if certain acknowledgments were made about a particular area, that money would not be the issue, I mean your money, I'm not talking about developers' money, but where you have to go and buy the place in order to protect it. I think even the water rights where the government has said that Hawaiians have supreme water rights - that's a different issue - okay, but the idea is is that, you know, it didn't cost any ...(inaudible)... buy the streams, okay, and so same way with a particular area, if its got historical significance, it needs to be brought to the surface and to the attention, and fit within the protected status of some of these things that we have already within SHPD, which you said we need to kind of tidy up their laws cause they are after-the-fact things. I think that's what we really wanted to do is to create a prevention process so that everybody comes out ahead rather than everybody being left behind. The developers that has spent tons of money in order to protect their investments and things like that, the Hawaiians lost out cause they didn't have an opportunity to say: Hey, this our, you know, this is burial sites. Yeah, you may have found one or two, but it ended up being 127 and who knows where it's going to go in the future. So -- but they were again brought in after-the-fact. Everything was pretty much after-the-fact and what happens is is you have a conflict and nobody walks away a winner, even we weren't satisfied with our decision. It was the best decision we could make. So the idea of having these kinds of discussions and looking at what the process is was to develop a plan to prevent all the huhu before the developer can come in and go: Yeah, I wanna develop this place, and somebody say: Okay, well, before you do that, you gotta go look at this palapala. You gotta look at this over here and see if you really wanna deal with it. The the developer can say: No, I don't wanna deal with hundred of millions of dollars, you know, overruns just because I have to fight this in court for the next 15 or 20 years. The developer would certainly would love to come in and just be able to go: I want that spot; let's build tomorrow; let's go. And six months later, it's all done, okay. That's profitable for them and you know what? Some development we do need, okay. We do need some development. But at the same time, it shouldn't be at the expense of somebody else who didn't get a chance to speak. So our investigative committee option, I felt, was to figure a way that they had the opportunity to speak. And if they didn't speak, so be it.

Ms. Nancy McPherson: Hi. Good afternoon, Commissioners. Nancy McPherson, Long Range Planning Division. I have worked on Molokai for the last three years. And I just wanted to make a couple of comments, in listening to the discussion, that might be helpful

to the Commission. I've worked very closely with Stanley and I've learned a lot from his and try to help him out as much as I can. One thing is that the NPS process and criteria and methodologies have evolved over time and that's because of the nature of the nominations that have been submitted to them. So their scope has gradually expanded to include traditional cultural properties and cultural landscapes, and so I think the idea being that if Hawaii is different, which we all agree it is, to not limit ourselves in scope but to -- or not limit yourselves in scope, but to basically have to do a really good nomination for a really eligible site or property that is -- that turns out to be successful and pushes the envelope for the National Park Service. So they, at that point, they will say: Well, we -- this doesn't exactly fit in but we have to adjust because this is so good and it's so obviously eligible, then we'll adjust our processes. So it can be an iterative process. They're Federal. They're slow. It takes them a while. But I think with some good candidates for nominations, that -- the NPS could actually be, you know -- they're ideas could be changed to fit Hawaii better. So that's one point. Another point is that on Moloka'i, we have done some work already. The Papohaku Dune Protection Plan is one example. The Manae mapping project is another example. The idea being that GIS could be a really important tool for exactly what you're talking about that that layer of data can be useful, not only to native Hawaiians and other cultural groups, but to the community but also to developers, to property owners because we all know that predictability and information is really important and that that can help be proactive and protect and prevent things, bad things from happening. Of course, that takes resources and there needs to be -- you know, we had a small amount of money, we were not able to do enough with the Manae mapping project that we wanted to, but we want to expand that, and so the idea being that eventually we could get a cultural resources layer in GIS for the entire County and that would be a planning tool. So I think the -- that's really important because I did study under Luciano Minerbi and one of his -- you know, his methodology is GIS is a real critical component of that and what he proposes is you have the layer for cultural resources, SHPD has some data, they have to protect a lot of it because it's sensitive, and you index those areas with high likelihood of the known sites or high likelihood of the presence sites and you index that to development pressure. So what are the areas where people would really like to develop. And then you identify areas that are likely to be okay and areas that need higher scrutiny. So that can really be helpful. Again, you know, the property owner thing is an issue on Moloka'i. They wanted to put an enormous amount of the East End of Moloka'i into an archaeological district in the '70's but because that ownership buy-in process was not followed by State Historic Preservation, they had to drop the whole idea, but all of that research has been done. So the idea being that I think if we could get good data, if we could get some, you know, buy-in by property owners and community, you know, it's possible that there's a number of places I mean I know of on Moloka'i, starting with Papohaku Dunes, that could be nominated for traditional cultural properties, and so those are stepping stones, you know, then you can -- sometimes you have to take baby steps. You have to take the low hanging fruit and say: This one is a no-brainer and get it done successfully. So the other thing is the community plans, island plans and the community

plans, Moloka`i Community Plan, we're going to be going into the update phase here and since the '80's, they have been proposing a traditional use zone. Some kind of zoning or overlay that protects an area for traditional use and protects Hawaiian rights in the process. So that also protects the traditional cultural landscape. So the idea being that there are a number of different tools and Planning Department, I think, can -- we can work together to try to, you know, put something together and I would like to have a workshop on Moloka`i eventually if we can find the resources to do that and maybe talk about places like Manae and Papohaku and just kind of move these things forward. So I just wanna let you know that that community plan implementation can be really important and you folks are a critical piece in that. So thank you for letting me speak.

Mr. Fredericksen: Thank you. Any questions, comments, folks? I'm having low blood sugar at this point. Okay, let's see, so the next meeting date is November 4 and is there a motion to adjourn?

Ms. Watanabe: You're not going to be here?

Mr. Fredericksen: I won't be here so Ray will be the --

Mr. Hutaff: I'll make my apologies now.

Mr. Romanchak: I move that we adjourn the meeting.

Ms. Watanabe: Second.

Mr. Fredericksen: Alright, well, have a good -- actually two months. See you in December.

G. NEXT MEETING DATE: November 4, 2009

H. ADJOURNMENT

There being no further business brought before the Commission, the meeting was adjourned at 1:10 p.m.

Respectfully submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards and Commissions II

RECORD OF ATTENDANCE

Present

Erik Fredericksen, Chairperson
Ray Hutaff, Vice-Chairperson
Rhiannon Chandler
Kepa Maly
Alika Romanchak
Nani Watanabe

Excused

Makalapua Kanuha
Veronica Marquez
Kalei Moikeha

Others

Stanley Solamillo, Cultural Resources Planner
Nancy McPherson, Planner
James Giroux, Deputy Corporation Counsel