

(APPROVED: 02/04/10)

**CULTURAL RESOURCES COMMISSION
REGULAR MEETING
DECEMBER 3, 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 10:00 a.m., Thursday, December 3, 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: We don't have all of our body here but we got enough to make the -- deal with what we need to deal with.

Mr. James Giroux: Quorum.

B. APPROVAL OF MINUTES OF THE OCTOBER 10, 2009 MEETING

Mr. Fredericksen: Let's see -- yes, quorum. Thank you, Corp. Counsel. Let's see, first item, after call to order, is approval of minutes of the October 10, 2009 meeting. Any Commission Members have any comments on the -- the meetings that were sent via email?

Ms. Nani Watanabe: Mr. Chair, no, I just did a correction on one of the names and that was --

Mr. Fredericksen: And you spoke with Suzie about it?

Ms. Watanabe: I told Suzie.

Mr. Fredericksen: The only thing I could think of possibly, Suzie, is Kepa send -- send an email? Okay, I'm sure he took a look at 'em as well. He can't be here today because he's on Oahu. Okay, let's go into Advisory Review.

Mr. Stanley Solamillo read the following item description into the record:

C. ADVISORY REVIEW

- 1. MS. THEO MORRISON on behalf of LAHAINA RESTORATION FOUNDATION requesting review and comment on an Exhibit Concept Proposal for the Lahaina Courthouse, Second Floor Orientation Center, located in the Lahaina Historic Landmark District, 648 Wharf Street, TMK (2) 4-6-001: 009, Lahaina, Maui, Hawai'i. The CRC may comment and provide recommendations. Public testimony will be accepted. (S. Solamillo)**

Mr. Stanley Solamillo: The Lahaina Courthouse Building is sometimes known today as the Old Lahaina Courthouse and it was also the Court and Custom House. The first public building built in Lahaina. The original building was built in 1859, and repairs were made in 1865, 1871 after an earthquake, and 1898. The current building that we have today was built as a result of a renovation in 1925, which was conducted by Maui County under the direction of Maui County Engineer, Paul Lowe. In 1966, the Historic American Building Survey ...(inaudible)... to document this building and these are the measured drawings for that -- from that project.

This is the first floor. This is a basement that a lot of people, including myself, forget that there is one but this building does have a basement. This is the floor as it appeared in 1966. This was the second floor. Notice the courtroom on the right-hand side; lower corner of the building. These are elevations as well as some of the photographs that were taken during that project. This is the elevation, which faces the banyan tree. This the two-side elevations, which face north and south or southeast and northwest respectively. And this is a section as well as an interior shot of the staircase leading from the front entrance on the first floor to the second floor.

At this time, we'll have Ms. Theo Morrison, the Executive Director of Lahaina Restoration Foundation take over the presentation.

Ms. Theo Morrison: Good morning. My name is Theo Morrison. I'm the Executive Director of Lahaina Restoration Foundation. Before I go into the actual project, I'm going to explain a little about how we got here, and I see you guys each have a copy of the interpretive plan.

So my relationship with the Old Lahaina Courthouse goes back to 1986, when I was with Lahaina Arts Society, which had and still has galleries in the building. In 1991, I was hired by Lahaina Town Action Committee as their executive director. And in about 2000 -- I mean in 1993, we opened the Lahaina Visitors Center and we moved the LAC offices to the building. Currently, I'm with Lahaina Restoration Foundation and we have the lease

on the building with Lahaina -- with the County of Maui and Lahaina Arts Society and Lahaina Town Action Committee are our tenants.

Also, before a major renovation that the County did in 1997, the Mayor at the time convened a task force to come up with the future uses of the building, and those recommendations, after a very long community process, became a final report and that final report is the basis of our lease, our current lease, with the County of Maui on the building. This project conforms with those guidelines.

In 1989, Akoni Akana, from Friend of Moku`ula, myself, with Lahaina Town Action Committee, and Keoki, Freeland from Lahaina Restoration Foundation, attended a workshop put by the State Foundation on Cultural and the Arts on developing an interpretive plan. And we were so excited after this two-day workshop, that we decided we needed to do this for Lahaina, and we spent the next two or two-and-a-half to three years working on this plan, which you have in front of you. And, basically, what an interpretive plan is is identifying the major themes and sub-themes and a destination, i.e. the stories, why they're important, and all the various ways to communicate these stories effectively to the public. We learned a lot. And we're very fortunate to have like Akoni with us to give us incredible amount of Hawaiian history and we -- we were able to pinpoint all those factors of why Lahaina is such a fantastic destination. And one of the key themes that we discovered, which is one of the things that his project portrays, is that throughout all the eras of Maui and Hawaii's history, starting with pre-contact, to monarchy, and whaling, and missionary, and plantation, and, currently, tourism, Lahaina has always reinvented itself, not completely, but evolved and changed and rose to the occasion and become a prominent destination during each of those eras.

So today, we have, in Lahaina, we have Moku`ula, which is one of the most, if not the most significant Hawaiian site. And we have the plantation - the old Pioneer Mill of the plantation era. And then we have the whaling stuff, and, of course, we have the Baldwin Home and all the missionary stuff. And then we have a Chinese museum. The only Chinese -- one of the few remaining Chinese buildings. So it adds to these layers and layers of history and that's what you see before you in that interpretive plan, it's the plan we developed. The first project -- and this plan was reviewed and approved by the Cultural Resources Commission.

One of the first projects we did with the interpretive plan our way of telling the story, implementing this plan, was the Lahaina Historic Trail, which is about 63 different sites throughout Lahaina, which we identified as significant -- significant sites that we wanted the public to learn about, and we created plaques with photos and brief stories on what had happened at those sites. It's important to remember that many of the sites that we chose to interpret were Hawaiian sites because many of the actual buildings were no longer there. So like when we interpreted the Baldwin Home, etcetera, too, but the Baldwin Home is there, it's pretty obvious, but we -- there's three -- I think there's six -- six plaques at

Kamehameha Iki, there's plaques at the harbor, there's plaques that -- throughout Lahaina, there's plaques at the Haoula Stone, there's plaques at the old taro field, places where, if you didn't read the plaque, you would absolutely not know what happened there. So it's a very successful project. Those plaques are in operation seven hour -- you know, everyday of the week, 24-hours a day. We did two phases of those plaques. In the second phase, we also installed haes with maps, about six, I believe, haes throughout town with a map showing where all the historic sites were as well as a brochure, and then the interpretive -- the historic walking trail is also on our website as well as picked up on many other websites.

So we've -- it's been, like I said, the interpretive plan that you have is the basis for all this. One of the other key features of the interpretive plan was developing an orientation hub; a place where the public, and by -- I don't mean just tourist here, I mean the community, students, anybody that's coming to Lahaina, could come to one place and from there be oriented on the various aspects of Lahaina. And if they're interested to pursue further information about pre-contact, for example, that we could pickup a brochure on Hui O Wa`a or Moku`ula and go to those sites.

So this year, I got a call from Allen Tom, who is here today from NOAA, who told me that NOAA was interested in doing a project in Lahaina. We went to the Old Lahaina Courthouse, we walked through the courthouse, they loved it, and, basically, they said we're here to help fund a project in the courthouse to help Lahaina, the community, tell its story. So I put together a group of stakeholders, which included Lahaina Arts Society, Lahaina Town Action Committee, Hui O Wa`a Kaulua, some merchants, some ...(inaudible)... from Lahaina Restoration Foundation, and a few other people, to talk to the designer that NOAA had -- had hired about what the community wanted to see in Lahaina. And the overall consensus was they wanted to see the Hawaiian history. And in addition to that, they wanted to see the display on law in Hawaii because it was a courtroom. So the designer came up with a plan, which you will see today. That plan was represented to that initial -- the initial group of stakeholders. They loved it. This particular designed named Zofia - incredibly perceptive. It was just amazing what she was able to hear and she -- these -- this is Lahaina's story, not NOAA's story. It's Lahaina's story. I also gave her a copy of the interpretive plan, which was -- was really, basically, what the people in this meeting were also saying, which is, basically, what this interpretive plan had also said.

So, anyway, I will now -- so that's where we came today and NOAA has agreed to fund this project with \$500,000, which is put into a budget for 2010. So this is a tremendous opportunity for the town of Lahaina. A tremendous opportunity for our history and culture. The community will be involved as soon as we get the go-ahead to do this. It's -- it'll be a entirely community-run project with the assistance, financial assistance and technical assistance of NOAA.

Okay, I'll just -- you won't be able to read these things so we'll just past the wording part. But, basically, the -- this is the courthouse as it is today if you're walking in from the harbor side. You see the Lahaina Arts Society there. That -- the big open counter is where the post office technically was before the displays in the hallway. What's also significant about this project, which is why it has the support of the current tenants, is that it will only be in the public areas of the building. So Lahaina Arts Society and Lahaina Town Action Committee, the spaces that they currently lease, will not be affected by this. So on the first floor, it'll be the front lobby and hallway, and the back, where it says "Theater," that's a meeting room/theater. It'll become a theater. It's currently a meeting room. Okay. This is, again, from the makai side walking in the front door. The window that you saw -- I mean the opening of the counter into the Arts Society, that will become, and we've discussed this with the Arts Society, that will become a glass window. And although the displays on this -- what you see this window now, pretty much cover up the whole window, that will change. They will be on either side, like where those white squares are, so you'll still be able to see into the gallery. That was important to the Arts Society because their entrance is around the back, however, it'll provide a continuity as you walk through the door. Now the other -- this is just another picture of -- of the displays over there. Those displays will be about the Old Lahaina Courthouse.

Now this is an example of the type of displays that are being planned. This particular -- so that's actually printed on wood. This particular wood they use in this display is maple, but it's been suggested that we use a Hawaiian wood, and it -- I love it. It just really creates a very -- a very good type of image that fits the historic theme of the courthouse.

Currently, there's an existing map, which is one of our maps that we have around town. It shows our historic sites. NOAA is proposing that we substitute that map with a satellite image of Lahaina, which will be much more colorful and much more engaging to the public. One important thing to understand about interpreting a site is people -- you have to get people interested. It can't just be like, oh, you think it's really interesting, and you make this great display, and nobody cares. It has to -- you have to engage the public because that's your goal - is to get them involved and educated about your destination.

In hallway from the front lobby, like going backwards towards the banyan tree, is currently a series of historic photographs and that series will be expanded with additional photographs and the photographs will be all re-framed so they all match. They're all mismatched right now. And not too many changes in that area planned.

Okay, this is going up the stairs to the - what's called -- currently called "The Lahaina Heritage Museum" to the second floor. Another project that I had mentioned to Zofia was a Hawaiian timeline project I did and it was installed at the Old Lahaina Luau, in the lobby area, and the significance of this timeline is that it showed everything that happened prior to Captain Cook, and it was done with I think one inch equaled a hundred years, so the

timeline is very, very, very long and Captain Cook kinda shows up right at the end. A few other things happened after that. But it -- visually, it's very significant. And she's going to take that concept and utilize it on the stairs, on the risers, and on the -- on the -- you see that little kinda -- on the wall going up the stairs.

Now this is currently the meeting room. This is the back room next to the banyan tree. We currently have a display in there, on the bottom flight, is a display of Hale Pa`i, which is another one of my displays. That display will remain in the room, however, it will go on a different wall. Okay, by having a meeting room in the building is a requirement of the Old Lahaina Courthouse Task Force. So, however, due to lack of parking and the smallness of the room, the meeting room does not get used as often except by the tenants of the building. So to more fully utilize this space, this plan comes up with creating a mini theater in this back room, and there's a closet in this room, and the table for meetings will be put in the closet and the chairs can be rearranged so, at any point in time, a group can use this as a meeting room; in addition, the video can be used to show powerpoints or whatever to that group if interested. But the majority of the time, I believe it will be used as a theater and what's -- also what's great about this is, you know, when we build the museum displays and all the displays in the building, they'll become static, they'll pretty much stay the same, so this feature right here allows us to talk about the current history that's unfolding. For example, when Hui O Wa`a Kaulua launches Mo`okiha, we can do a whole ad video to this that talks all about the, you know, the history of Hawaiian voyaging, and then we can also talk about other canoe that's being launched. We can also talk, prior to Kamehameha Day, we can talk -- we can put in information about the monarchy period. So I think this is a tremendous tool to continually revitalize, update, and, again, it's a great way to reach people. People, by the time they walk to the banyan tree and looked around the tree, they're kinda tired. They like to sit down. So they'll come in here, they'll sit down, and this will be our opportunity to really engage them in our history. Okay. And this will all be vandal proof and all those things. And there will probably be a continuous loop that we will develop with -- that we'll be able to add on to it as we go through. Okay.

These are just more pictures and this you'll someone walking in with the display of Hale Pa`i on the wall and they're on the chairs and everything else. These are -- this is all conceptual at this point in time but it's -- it's pretty detailed as far as the concept. Okay.

Now we're talking about the second floor. We'll just skip the words. Okay, this is the current second floor. By the way, the flag is bent like that; it's not like that. The flag is actually flat. So the current second floor has the old Hawaiian flag on it, which was -- used to fly over the building during the monarchy. There's also a map, a three-dimensional map of Maui, and there's old black and white photos of Lahaina in the hallway. Okay. So, again, this -- and then there's offices up there of Lahaina Town Action Committee and bathrooms and a heritage, current heritage museum. So the hallway, which quite large as you can see here in the photo, the hallway will become an area where we will be talking

about the natural history of Lahaina -- of the old Maui actually. Earth, fire, water, and wind. So the colors that you see, birth of Hawaii, ahupua`a, volcanoes, and then NOAA's fisheries. Those colors have nothing to do with the color of the display. Those are just to designate the different subject matters. Okay.

So this is a top view of that. The map will stay. Possibly that map will be pulled out from the wall. We were suggesting that. But that's currently the way it is. That map becomes like a kitchen table. People gather around that map and point out different places where they've been. This is, again, just another -- with the flag remaining in its position. This is an excellent place for the flag. This flag was one of my projects many years ago. It's installed completely with museum quality. It was done -- it just turned out that there's a guy on Maui who worked for the textile -- he's a textile conservator for Stanford and he actually did this, the whole installation of this flag. It's handstitched onto linen. The plexiglass covering on it is - what do you call that? So the sun doesn't get in? Ultra-violet protected. And it's a tremendous display. The fact that the stairs there, when people come up, they stop right there and gaze at this flag and it holds people back on the flag, and it's great. So it's going to remain as is in the hallway and, like I said, the rest of the display there will be on natural history. Okay.

And these are just some of the types of things that they would use. Again, they would use the wooden displays. Artifacts too, although you don't see too many in these photos, artifacts are a very significant part of this whole project because artifacts are what people are really interested in, I mean pictures are fine and everything, but it's the things that -- that draw people's attention. Okay.

Okay, this -- this is another picture of the map. Okay, this -- this circular map you see on the bottom, it wouldn't be like that. That's like too modern and glitzy. But it would possibly include those features where it could be an interactive map where you could push a button and you could see all the cultural sites on the island. You could push a button and you could see the whale migratory patterns, or the Polynesian voyaging directions. It's -- the potential of story-telling on this map is phenomenal and, currently, we have the map in the middle on the top there and people love it so much that they poked it to death. It was something that was given to us by a timeshare company, and they poked at it. So the new plan will be to put a -- have a glass top with a three-dimensional map underneath, with peepholes along the sides so children can see through, and then people can point as much as they want to the different areas without destroying the map. So I think this has tremendous potential and, again, this will have tremendous community input on the areas that we wanna highlight and teach people about. And, again, we can always reprogram it as new things develop or more information is available. Okay.

Okay, this is a kiosk. This is a NOAA kiosk. Currently, it needs to be connected to cable and there's no cable in the building, so this may or may not happen, but this is a great

resources cause it's connected to the NOAA website and this has NOAA -- NOAA information. Again, this is something we will program to provide current information about Lahaina.

Now this -- this aspect may be something you wanna look at. Currently, the balcony on the second floor of the Old Lahaina Courthouse is closed off to the public because the railing is too low. It doesn't fit current building codes. So, however, this is a beautiful location. You get a great view of the whole National Marine Sanctuary right outside the spot where Kamehameha brought a hundred canoes, where there were a hundred whaling ships, the old lighthouse, etcetera. So what this project is proposing is a glass -- a glass display right against the railings to keep people back from the railing and create an essence of a higher barricade there. One other possibility that was suggested in our discussions was an additional rail be installed above the existing rail as opposed to the glass, so it might be -- feel free afterward to comment on that. That's the one area that I wanted to point out to you because it is outside the building. However, allowing the public to utilize this lanai, which is currently dirty and it's got like mops and boxes and stuff out there, is a tremendous opportunity I think so I think we should utilize this chance to -- to utilize this space. Oka.

Okay, this is what is currently known as the Lahaina Heritage Museum, which was the old courtroom. The picture on the bottom is the judges stand and the witness stand. Okay. That was just a meeting we had in that room. So, pass that one. Okay, currently the display in the Old Lahaina Courthouse -- I mean in the Lahaina Heritage Museum, this is the museum operated by Lahaina Restoration Foundation, is based on whaling. Okay. What we're proposing with this project is that the Lahaina Heritage Museum, it would be called something else, would be a museum of all the different -- all the different areas of Lahaina in addition to having a display at the makai side, where the judges stand is, on law in Hawaii. So the -- so as you see in this diagram on the bottom, it would contain information, artifacts, possible audio on pre-contact monarchy, missionaries and whaling, plantation, and then people of Lahaina. And then law in Hawaii. Okay. So this is -- and, again, these colors just designate the subject matter, but the current idea is to have one major display in the middle and then more information on the different subjects around the sides. And again, there would be much more artifacts than are being portrayed in these photos. Okay. That's just an example of a possible center type display. And this is more of the same. This would be the Law in Hawaii exhibit. The -- you see the judge's stand, the witness stand, and then there's another structure in front. The structure in front was actually something that the County of Maui removed during the renovation of the courthouse, so we would put that back, and then talk about law in Hawaii and all these different facts that we have; actually going from the kapu system, you know, again bringing in the -- the ancient pre-contact stuff, the kapu system to present day. Okay. Another aspect of this would -- there would be seating a long the side with audio either phones or little things you can listen to actual court cases that may have happened in the building. And just another example of that. And this is another -- this is the whole room. The law

on the makai end and then the other displays toward the banyan tree side. And that's the end. So if anybody has any questions or comments.

Ms. Watanabe: I have a question.

Ms. Morrison: Sure.

Mr. Fredericksen: Thanks, Theo. Yeah, Nani?

Ms. Watanabe: For people to get upstairs, is it, cause I work with persons with disabilities and we get a lot of calls from persons visiting Hawaii and wanting to go on a tour, is it accessible for wheelchairs?

Ms. Morrison: Yes, there is an elevator and there's ADA restrooms upstairs.

Ms. Watanabe: Okay.

Ms. Morrison: That was part of the 1997 renovation of the Old Lahaina Courthouse.

Ms. Watanabe: Thank you.

Ms. Morrison: And there's a ramp in the back ...(inaudible)... upstairs at the beginning so there is a ramp in the back.

Ms. Watanabe: Very good. Thank you.

Mr. Fredericksen: Any other questions, Commission Members? Theo, you brought it up, and it was something I was going to ask, about the railing out on the balcony, cause I know what you mean, the balcony, you know, is certainly underutilized right now, the -- the glass or plexiglass clear display that would serve as a barrier, if the railing's kept as is, how high would that be?

Ms. Morrison: It wouldn't be plexiglass. It would be glass.

Mr. Fredericksen: Okay.

Ms. Morrison: I think it would be as high as was necessary to create the barrier.

Mr. Fredericksen: So what, like three, four feet? I don't know what the -- what ...(inaudible)...

Ms. Morrison: I think it just needs to be another foot higher.

Mr. Aika Romanchak: The code if 42 inches.

Mr. Fredericksen: Okay, thanks, Aika.

Ms. Morrison: It's probably 36 right now.

Mr. Fredericksen: The railing? The existing --

Ms. Morrison: Yeah, so I --

Mr. Fredericksen: Yeah, it's a little low.

Ms. Morrison: The way I imagining this would be a little bit higher and then it would be so the people would not get to be close to --

Mr. Fredericksen: Close to the railing.

Ms. Morrison: To the edge. Yeah.

Mr. Fredericksen: How far from the railing, conceptually, these things, if that is the direction that's taken, would it be - like a foot?

Ms. Morrison: I don't think we got that far.

Mr. Fredericksen: Uh-huh.

Ms. Morrison: Yeah, that can be something we could take comments from you guys on. It was just -- it was just there was a strong feeling with the group of stakeholders that it would be really great to utilize the space out there.

Mr. Fredericksen: Sure.

Ms. Morrison: It's fabulous out there, you know.

Mr. Fredericksen: Have any other questions?

Mr. Ray Hutaff: Kind of a comment.

Mr. Fredericksen: Yeah, Ray?

Mr. Hutaff: First of all, you all said, cause I was going to ask that too, yeah, I think the glass is probably a good idea that way you -- you know, you're not really changing the

visual aspect of it as we're supposed to keep it intact. You know, so I think that's a good idea to actually utilize that space but stay within the idea of not changing --

Ms. Morrison: The actual building.

Mr. Hutaff: Yeah.

Ms. Morrison: Correct. You know, all these -- this entire project is displays, you know. It's not at all changing the building. They're installed displays and NOAA had said in one of the letters of support there that, you know, they'll be partnering with us, this whole thing goes under Lahaina Restoration Foundation, and if at anytime we don't want them or the County doesn't want them, you guys don't want them, whatever, they'll pack up and split so there's no -- there's no big obligation here to --

Mr. Fredericksen: Well, I think having NOAA involved is quite -- is quite neat because I mean we are surrounded by the ocean and that certainly plays a big part in what they're concerned with. And having that glass barrier, if you will, would -- then you said you folks would look at putting some displays on that too? Some sort of interpretive --

Ms. Morrison: I believe so. So I -- you could make that a recommendation that we come back to this board --

Mr. Fredericksen: You'd have another room, so to speak --

Ms. Morrison: Right.

Mr. Fredericksen: An outdoor room looking right out at the ocean.

Ms. Morrison: The way I envision it, I think the glass would be like by the railing and then right below it there would be a slanted, like this, where you could -- you'd be looking at the ocean, you could read the display here, and look up, and I think that's the big idea.

Mr. Fredericksen: Yeah, and be really neat. That's a neat balcony. I used to go up there when I was kid. When it was the postoffice. That was a very long time ago. Any other questions or comments?

Ms. Makalapua Kanuha: I just wanted to make a comment. I just wanted to say thank you, Theo, for all that you do and seeing this slide show, I don't know if it was the very same one but --

Ms. Morrison: It is. Yeah.

Ms. Kanuha: To see that all the information of all the history of Lahaina from pre-contact to up to this point is very important to educate, not only our malihini our our visitors, but as well as our kama`aina cause, you know, there's a lot of our kama`aina that some of the information they don't know. You know, everybody gets busy in their everyday life, but this gives them the opportunity to come and, you know, it has a whole different, you know, it has a whole different flavor to the courthouse now.

Ms. Morrison: Yeah.

Ms. Kanuha: So thank you for that. And I was just thinking about that railing. Is it -- what's the capacity of how many people can be out there at a time?

Mr. Fredericksen: On the balcony?

Ms. Kanuha: Yeah, on the balcony. Yeah.

Ms. Morrison: I don't -- it's pretty well -- I don't know.

Ms. Kanuha: Okay, I'm just thinking that it's very kahiko, eh, so have to make sure that, you know -- it's not only about the railing but ...(inaudible)...

Mr. Fredericksen: Yeah, the balcony itself.

Ms. Kanuha: Yeah, the balcony itself so --

Ms. Morrison: Well, it was -- the whole building was redone in 1997 to current standards so --

Mr. Fredericksen: And then the balcony would have been included in that -- in that redo though.

Ms. Morrison: Correct. They redid the -- I believe. Keoki could probably answer that question better. Yeah.

Ms. Kanuha: Okay.

Ms. Morrison: And the other thing I wanted -- I wanted to bring up because we did show this, this was the same presentation to the Board of Hui O Wa`a, and they did ask about who would be writing the content, and again, this isn't going to be NOAA writing all this stuff. We will be working with the local community.

Mr. Fredericksen: So it'll be a collaborative project, which is ...(inaudible)...

Ms. Morrison: Yes, so we do have the accurate local information.

Mr. Fredericksen: Yeah, I just wanted to make a comment and, you know, it's echoing what Makalapua has brought up very, you know, very appropriately, it's about the -- this is an issue that's kind of been ongoing over the years is, you know, to have more -- more about the Hawaiian culture in a place where, you know, it's kinda got a home, if you will, where people can go, and I think it's -- and I know the rest of the Commission feels the same way, it's great. I'm glad that the funds have become available so you folks have the funds so you can have the tools, if you will, to do it right and looking at the plan, I mean it's very thorough and very, you know, very well done, and it's exciting. And Keoki Raymond, from U.H. MCC wrote a real -- I, you know, I really appreciated how he, you know, it's not the greatest of words, but how he put it into words was great. I also wanted to, while I'm on that subject, I spoke with Auntie Patty Nishiyama, she's with Na Kupuna O Maui, and she wasn't able to be here today, but she just wanted me to read in that, you know, Na Kupuna O Maui is very supportive of the project and looks forward to, you know, to being involved with design, etcetera, of the interpretive plaques, etcetera.

Ms. Morrison: Okay.

Mr. Fredericksen: Any other comments? James?

Mr. Giroux: Theo, you know, being the lawyer up here, I was just -- I'm just so excited to hear about the legal aspects and I kind of, you know -- I know there's limited space but what kind of materials have you guys looked at or gathered in order to, I guess, present these legal aspects? I mean I can see the kapu system and the underlying facts of that is your natural resources, preserving those. As history goes by, you have your, you know, maybe your Great Mahele, your kuleana issues, and the underlying factors, your land preservation for the people. And then as time goes by, you also have your -- your civil liberties issues. Between your 1920's to the 1960's, that courthouse was, you know, your focal point of your civil liberties. And I had access to some documents, and to see how a trial happened in the 1920's, and as a lawyer trained now, and to see - I'm about to cry - to see -- I mean these are plantation era trials, seeing, you know, judges and how they're dealing with no attorney, you know, no right to a trial, the type of fines given out for, you know, crimes that we're looking at and going: Dude, that's attempted murder and that's a \$200 fine. But the guy didn't get a trial and he didn't have an attorney. You know, I've seen these documents, you know, and to just have that, to show people that, you know, the history of Hawaii and from the legal aspect --

Ms. Morrison: So, would you like to help us? Would you like to be in charge?

Mr. Giroux: Well, I'm sure there's a lot of local attorneys who has access, you know, to these documents. We stumbled upon it. You know, they were throwing away these transcripts from the Lahaina Courthouse, and we read them, and it was just amazing.

Mr. Fredericksen: What happened to the transcripts?

Mr. Giroux: I don't know. I don't know what happened. But I'm wondering, is there any archival, you know, anywhere in Hawaii where they tried to preserve these. And even if it's not from Lahaina, from Hana, from, you know, the Bishop Museum has these anywhere that if you could see them and read them and just understand that, you know, I mean here a plantation machete incident, and you're going: Wow, this is how they dealt with this legally and it happened in this courthouse? It's amazing. You know, so just to look at that to see if you can get those archives.

Ms. Morrison: Okay. And we'll call you, definitely.

Mr. Giroux: The other thing is the voice recreation. I've been in museums where, you know, if you can hear or have a recreation of a mini trial, you know, where like this machete incident where the judge is trying to talk to a Filipino immigrant and there's pidgin and he's using Queen ...(inaudible)... or whatever and just to see the -- oh my God, how do you get justice in this situation where you're just culturally so diverse, you know, and the other person is just going: I just wanna get out of here. You know, what do I need to do? And it happens in that courthouse, you know, and so I've seen displays where you hear, like up in the Rockies where there's miners, you know, have that miner and you hear the voices of the miners working and you're like: Wow, you're sudden there.

Ms. Morrison: Well, we definitely plan -- I agree with you on the actual voices. That's a very --

Mr. Fredericksen: Yeah.

Ms. Morrison: It really brings the whole experience to life. We definitely would want to incorporate that.

Mr. Giroux: You know, and I think it's an opportunity also to actually preserve some of the pidgin history from Lahaina, the plantation era so --

Ms. Morrison: Okay.

Mr. Giroux: And I know there's just limited space and there's just so much history, but to just keep that in mind that even if it's just something that comes in or comes out, but, you

know, if you have the resources, I think that's a great opportunity cause a lot of people don't remember, like if it's not there, it's a flash in time.

Ms. Morrison: Right.

Mr. Giroux: It's just a small little blip in time but, you know, to know it existed.

Ms. Morrison: Okay.

Mr. Fredericksen: Thank you, James. Ray?

Mr. Hutaff: You don't sue anybody do you?

Mr. Giroux: I only defend mind. No.

Mr. Hutaff: You won't defend me if I say something wrong ...(inaudible)... sort of like, you know, in thinking about all of this, it's wonderful, okay. The only comment I have is that when we portray something, we are educating people, and we do leave them with an impression. And if you look at the impression that people have today about Lahaina as a whole, Lahaina started in 1900 as they look at it, okay. And in looking at the things that you're going to present, this is -- this is advice, it's not scolding or anything else like that, it's just something to kinda think about, is that we cannot forget because if you have a picture here and you say whaling spree, and whaling days, and you have Captain Cook days, it's the same size, and then you have the pre-contact days, it all looks like it's the same amount of time. You follow what I'm saying? Okay? And so what happens is, based upon experience in talking with people, trying to understand how they conceptualize things, is that if we really want to educate people, we need to point out that the Hawaiian culture has a huge picture in relationship to the other little points. Okay, like I like what he said about that cause that's really a great curiosity, but he also pointed out it's a very small point in time. And let's try not to forget and let's try to educate that there is a huge time that the Hawaiians were here and did things, not just the same picture. You follow what I'm saying?

Ms. Morrison: Oh, absolutely. And that's -- I don't know if you remember when I talked about the Hawaiian timeline on the hallway and on the staircase will actually portray that visually that you'll see.

Mr. Hutaff: And that's a good start.

Ms. Morrison: Okay.

Mr. Hutaff: But what I'm trying to ask is think about every picture that you put up there because I like that timeline as going down the stairs, and it's going to be, I think, a great opportunity as people walk up to really look at the time, the steps actually would give that timeline some essence, but then when you go through the other educational rooms with pre-contact and post-contact, it then becomes that one square, so we forgot that. Or I shouldn't say we forgot it, but if we could just try to make it somehow understand that that is just a small portion. Go back to the timeline, how much bigger. If I'm like doing one thing, it's one long picture going up the stairs, and then looking at all of your other pictures, they overwhelm that conceptually as far as looking at the whole timeline. Again, my whole point is in today's -- if you go to Lahaina, talk to all the things, you read the editorials, basically, everybody's been educated that Lahaina started in 1900. And I think the Commission, as a whole, would like to kinda say: No, that was a part of it, and it's important --

Ms. Morrison: Yeah.

Mr. Hutaff: But it's not even the biggest part. Not even close.

Ms. Morrison: No, I understand.

Mr. Fredericksen: Ray, I would modify your 1900 date, pushing it back a little bit to the whaling -- whaling period.

Mr. Hutaff: That's right, yeah?

Mr. Fredericksen: Yeah. But Ray's point is -- I think is real important because this is what has happened in the past. The native Hawaiian cultural component is not been given, you know, due attention and so, you know, the Commission certainly would support ensuring that there is, you know, a strong presentation on -- about native -- you know, the pre-contact native Hawaiian culture and then moving on into the, you know, post-contact time. I mean it's -- it's a real exciting positive project.

Mr. Hutaff: Yeah, very much so.

Mr. Fredericksen: Do we wanna -- let's discuss the railing issue. I, personally, would support the glass barrier with the displays in front of it rather than trying to go into the issue of removing that railing because that would change the character of the building. What do you folks think? Let's talk about it a little bit.

Mr. Hutaff: Okay. Yeah, I think the glass is kind of a good idea. I think if we're looking at a visual aspect of keeping Lahaina the way it was at a certain period of time, the glass by itself would give that -- that -- we would see through it and keep everybody safe. The only

problem I'm kinda thinking about is if you start putting up these little plaques and things like that, then that becomes a visual site that you see, okay. So I think that what you wanna do with those plaques I think is very important and I think it's very great --

Mr. Fredericksen: Ray? Excuse me, I'm just going to -- let's take public comments first, and this might be more appropriate to discuss after. I'm sorry. I was premature on that. Any more questions for Theo at this point? Okay, let's go -- thanks, Theo. And if we have any questions, we'll ask you to come back up. Anyone from the public wish to comment on this item, please come forward, state your name, and let us hear what you got to say.

Mr. Keoki Freeland: Good morning. Keoki Freeland. I'm speaking on behalf of Lahaina Restoration Foundation. All of you have a copy of that interpretive plan. It took years to get final approval. We had meetings after meetings. But the very force behind that plan was, like Makalapua spoke out earlier, is to educate the people of Hawaii. The tourist and the guest were secondary. And that was the driving force behind that interpretive plan. But also there are -- there is room in there for making some changes to plan the correct start. Like you're suggesting, okay, we have a timeline and whatnot, but maybe we need to use a little bit more details on this and whatnot. And your suggestion about the law portion of it. But mainly the driving force behind that whole interpretive plan was to educate the people of Hawaii. I am a prime example who didn't know much about the issue and culture of especially Lahaina. But my experience working with Lahaina Restoration Foundation, I've been able to find out a lot of information and want to share this with other people, and that's why we worked on this interpretive plan. Now, as Theo mentioned, the Lahaina Restoration Foundation has the lease on the courthouse from the County. How you utilize that courthouse is stated within that lease in accordance with the Old Lahaina Courthouse Task Force recommendations. That task force was made up of a whole bunch of people representing the community as well as people from government; both from Maui County and the State cause the State owns the property. So there was a lot of input into how this courthouse should be utilized. And what Theo is proposing here is -- conforms with that completely, right down the line, as well as conforming with the interpretive plan. So I recommend that you folks approve what is being proposed but also be aware that there is room for changes and improvements, so your suggestions as well as from other people in the community will be taken into account. Thank you.

Mr. Fredericksen: Thanks. Any questions for Keoki? Thanks, Keoki. And thank you, just from a community point of view for being involved in this for a long, long time. Much appreciated. Let's see, the next -- we're going to go off the list, Keoki was the first to sign in, Lori Gomez -- I'm sorry I can't --

Ms. Lori Gomez-Karinen: Karinen.

Mr. Fredericksen: Yeah, just -- okay, Karinen. There we go.

Ms. Gomez-Karinen: Good morning. Aloha. I'm a teacher in the Hawaii State Department of Education. I have been an educator since 1966 and am still actively employed. Today, I am here to support the noble and grand efforts of the Lahaina interpretive planning team. I speak from the perspective, research, and summative knowledge of an educator, researcher, and Hawaiiana Club and Borders Course Advisor at Lahainaluna High School.

Lahainaluna was founded in 1931. It's not only the oldest school west of the Rocky Mountains but also the birthplace of education in Hawaii. Walk the hallowed grounds of Lahainaluna and you will feel her essence is steeped in tradition, culture, values, mores that are our legacy to behold. The monumental and most valuable task, the interpretive planning team is undertaking, would enhance the learning process, not only for our students, but also for the community and visitors alike. Why preserve the research on historic Lahaina? The answer lies in the philosophy of Lahainaluna's vision and mission to make literate the people in the kingdom. The State, our monarchs and missionaries knew that the literate people will take it upon themselves as their kuleana, their responsibility to preserve West Maui's past. And in doing so, preserve and perpetuate the legacy of Hawaii, our host culture. By preserving our past, we can build a better future. With kuleana, the responsibility then of a proposed Lahaina center is to understand, to respect diversity. It is not only to respect but to celebrate each other too. We are a special group of people in the Polynesian Islands as we integrate with one another. Such respect, understanding, harmony, and diversity are possible by learning about our past. The proposed project is timely and long overdue. It will empower our students to learn about their past and to build a better future. The displays, the research, and conferences held there are venues into which our students can learn, in a social way, their past, their diversity. The center will reflect a way of life in our island community; reflect the values, the traditions, the culture, the ways of kupuna, our ancestors, our host culture. The center will stand as a beacon to remind us of our kuleana to preserve, sustain.

In sum, we are all born with an inner compass. It points us to values that are deeply rooted in our Hawaiian culture. We live these values through our songs, our traditions, and our cultural events. We learn of these values through our past. It is our tradition too to keep the past alive. The proposed center in Lahaina will preserve our past. It will demonstrate the aforementioned values of those who went before us. It is a life-longing learning experience we cannot deny our students, our community, and our visitors. It will give us a sense of place, roots, and identity. Thank you for your time and consideration. It is with high hopes that this testimony, along with others, will result favorably. Mahalo.

Mr. Fredericksen: Okay, excellent. Well, let's see, Connie Sutherland.

Ms. Connie Sutherland: Good morning. I just wanna say that was a very eloquent presentation. All I'm here to say is I very much support the NOAA project mainly because

it does encompass showing the history and that's something we desperately need. Lahaina isn't what it has been and, hopefully, this will help change. Thank you.

Mr. Fredericksen: Thank you. Okay, let's see -- I'm just -- Burkhalter, and I'm sorry, I can't get the first name. Please be sure to state your name.

Mr. Bunt Burkhalter: B-u-n-t. Bunt.

Mr. Fredericksen: Oh, okay. I wasn't sure if it was an "o." Thank you though.

Mr. Burkhalter: Good morning. I'm a malihini here. I've been in Lahaina for 15 years and, fortunately, in a position in life where I can spend a little time doing the things I wanna do and this is one of the things I wanna do. I have a degree in physics and a masters degree in physics oceanography and I've worked actively in the field for three years for the University of Alaska, at which time I ran into NOAA, and I realized the quality of the work they did, the people that I worked with. I was very, very impressed, so I'm here sort of as a NOAA cheerleader. I don't think they will do their own patting on the back so I'm kinda here to do that for them. We're all familiar with the common things they do - weather forecasting. I don't care where you get your weather from, the newspaper or from James or whether you, like I do, I have a NOAA page bookmarked on my computer, but it's all NOAA information. It's unbelievable that you can, as a civilian, you can punch in something on your computer and you see a realtime satellite photo of the Pacific Basin. It's just, you know -- anyway, NOAA has done an amazing job in their oceanographic and atmospheric research. Here, in Hawaii, it becomes even more critical to us, at certain times of the year, because of the hurricane and tsunami alerts, and that's all strictly NOAA stuff, and so, you know, it really takes on a -- a more important thing to us. One of the things you're probably not aware of is in front of every news -- phonebook is that little map showing the shoreline runup areas for possible tsunamis; that was NOAA inspired. So they are a big part of our lives. You know, here -- I'm just going to touch on a few things. They currently are doing coral reef mapping and health studies in Hawaii. They do -- they have long-term sea level studies here in Hawaii. They have land cover maps. You can look at the bio-diversity of any of the islands here in the chain. The Hawaiian Whale Sanctuary is through the Marine Division is the -- is NOAA. The - I'm going to get into trouble here - but the West Island Coral Reef Reserve, Papahanaumokuakea, that's directly as a result of NOAA. So they have made a huge input to life here in Hawaii and about ten years ago, they went through sort of a revamping or redirecting of their directions and they took a lot of input from various people; they decided they wanted more preservation and education and partnering with appropriate organizations, and I feel honored that we have been selected to be one of those appropriate organizations, and I'm sure this will turn out to be a fabulous display. Thank you.

Mr. Fredericksen: Thank you. Okay, next -- next person, Joan McKelvey.

Ms. Joan McKelvey: Good morning. I'm Joan McKelvey and I presently am President of Lahaina Town Action Committee, which of course leases space in the building. We operate the visitor center, which is on the first floor. And our offices are on the second floor. I, and my board, I can speak for most of them, categorically agrees that this is one of the best things that could have happened for the courthouse. It's beautifully done. How in the world would we ever been able to garner half a million dollars to do it, and that, to me, is a wonderful gift. Wonderful gift. The gentleman who wanted to expand -- expound on the legal aspect of it, I'll tell you a little story. Back in 1961, when I was first in Lahaina, I came to the courthouse with then the -- William Richardson, who was the Chief Justice, the retired Chief Justice. He wasn't Chief Justice then. He was running for Lieutenant Governor. And he stood in that courthouse and he said, this is wonderful. It has to be preserved. The story of this courthouse has to be up on that wall, and, hopefully, that's what will happen. I also have been asked to speak on behalf of Mrs. Donna Soares, who is on our board and also on the Lahaina Restoration board, and that she categorically is in favor of this program. Mahalo.

Mr. Fredericksen: Thank you. Let's see, Myrna Ah Hee. Okay. Let's see, Allen Tom, I think. I'm sorry if I -- oh, it is? Okay.

Mr. Allen Tom: Good morning. Aloha. My name's Allen Tom. I'm the Regional Director for the National Marine Sanctuaries Program. I wanted to thank you for having this hearing. I also wanted to thank the people who testified today and, of course, Theo for sharing I guess my dream of having a visitor center in Lahaina. You have my letter in front of your, the supporting letter, so I won't read it. I just wanna provide you the what, where, why, and how we got here.

I think the big question is why is NOAA interested in this. NOAA has been interested in Maui for many years. Obviously, the heart of the whale sanctuary is here. It's been here for 16 years. And we actually looked at having a visitor center in Lahaina way before we had our office in Kihei. We looked at a variety of locations and, of course, Kihei came up because it was Federal property, but that didn't mean that we weren't interested in doing something in Lahaina, and so that's how sort of -- you know, with today's budget shrinking, matching what we wanna do with, obviously, a community leader, like Theo, was just sort of a no-brainer, and I've know Theo for now, what, 16 years, so I know she's a doer -- definitely a mover and shaker. What NOAA is trying to do is not come in and tell you what your history is. We have our mandate to really work with the communities, and not just here, but American Samoa, in Hilo, and Kauai, so the Lahaina project is just sort of -- was one that had Theo not been involved, the community had not been involved and had progressed this far, we probably wouldn't be here talking today.

The presentation you saw earlier was actually done - the contractor, her name is Zofia, she was actually a Walt Disney - I think they're called Imagineers, that's how she could come

up with something like this. I was very impressed that, you know, when you bring somebody in from the Mainland, you're never quite sure are they going to get it or not. But she definitely wanted me to let people know that this is an organic document; this is really an organic project. If three years down the road some of these things change or some, you know, information is incorrect, we would go back in -- we, NOAA, would go back in and fix it. One of the things that the letter states is that NOAA would own the displays but we don't definitely own the building, and if Theo and I get into some kind of fight, and she kicks us out, that's part of it. You know, we could definitely write up a memorandum of agreement that says that. If there are cost overruns, we do have half a million budgeted for this project, but we all know how these things work, if there's a cost overrun or if there's maintenance issues with any of the displays, NOAA will go in and fix it. So if you decide that the glass railing is something you wanna do but you don't wanna put signs up or wanna have something else in there, that's something that NOAA would absorb - to a limit. We can't get too fancy. But we recognize that these are things that happen.

I guess -- and I believe one question came up from Theo of can we put this on the web. Certainly, this -- all the information would be available on the web for students to learn about -- it would be on web page, which is a national web page, we would wanna link it with our other visitor centers in D.C. and Florida. So, hopefully, this is a much more expansive project than just Lahaina. It certainly is about Lahaina but we certainly want the world to see what Lahaina is doing. So I definitely wanted to be here to support this project, and thank you all, again, for sharing our vision.

Mr. Fredericksen: Thank you. Oh, I like this kinda meetings. Let's see, oh gosh -- oh, Al Harty. I got the "A" there.

Mr. Al Harty: Good morning. I'm Al Harty, President, Lahaina Arts Society Board of Trustees, and we are naturally, completely in favor of this project. For some of you who may not know, we just had our 42nd birthday November 14, and we've been in the courthouse for 40 years. And as a group of artists, I can tell you we have a great reverence for the courthouse and Banyan Tree Park, so we are in complete support of this project. Thank you.

Mr. Fredericksen: Thank you. Let's see, next person, Amy Watson.

Ms. Amy Watson: Good morning. I'm Amy Watson. I'm the gallery manager for Lahaina Arts Society. And as Al Harty already stated, Lahaina Arts Society is wholly in support of this project. And the reason I wanted speak today is I'm actually physically in the courthouse space on an almost daily basis. And from the gallery perspective, we get almost all of the people that traffic through building come in and they check out all the nicks and crannies, and all the crevices, and they come into the retail space and the gallery, they go into the visitor center, they go into the old jail downstairs to get the historical perspective

from there as well, and they're always craving more information. They come in asking for handouts. They come in asking for brochures. They ask us questions till they turn blue in the face. They're always looking for more information. And I think having an organization like NOAA that has the financial backing to be able to provide more for -- for our whether it's visitors or school groups, we have school groups that come through all the time, or the local community that comes through as well, having someone that has the resources to be able to make it possible to get that information across, whether it'd be through handouts that we're happy to participate in as well or things that are just physically in the space, will help satisfy, and not only a craving for the community and for the tourist industry, but I think a need for sharing that information. So thank you.

Mr. Fredericksen: Thank you. Okay, next one, I'm sorry on the last name, I can't make it out, first name is Naomi? Naoni? Sorry.

Mr. Naomi Guth: Naomi.

Mr. Fredericksen: Naomi?

Ms. Guth: Yeah.

Mr. Fredericksen: It is with an -- okay. And please state your last name.

Mr. Guth: Good morning, I'm Naomi Guth and I'm a resident of Lahaina, born and raised. I'm sixth generation. I'm on the board with the Lahaina Restoration Foundation and I'm just here in support of the NOAA project. Thank you.

Mr. Fredericksen: Thank you. And then Aileen Trout.

Ms. Aileen Trout: I'm Aileen Trout, born and raised in Lahaina, and I'm here to support the -- this project that Lahaina Restoration Foundation is doing. I'm also part of the board. But like Keoki said and Lori said, it's education that we're trying to impart, and like -- I am like Keoki, sometimes, you know, we kinda forget just all that we have in our town of Lahaina. I mean in the '60's, I can remember, we knew Lahainaluna, the Hale Pa`i, the courthouse, and the Baldwin House, but, you know, it wasn't until the '60's that somebody -- a group of people came together and formed to preserve the gems for us, and we continue to do that with -- and I'm trying to make it so that it's not only for our visitors, but for our people who live there. And this past July, you may have heard about our Plantation Days that Lahaina Restoration -- I wasn't here, but it was a hit because it -- it was plantation days from the perspective of our immigrants, you know, and all of those artifacts were there and it rekindled a lot of memories in people to keep Lahaina's spirit alive. And so when I look at this NOAA project, all of us can agree, this is -- this is the best, especially when it's being funded, but I can remember -- I can remember, because I went to Kam III school, and we

used to take field trips, you know, we went to the Postoffice, the Police Department, Bank of Hawaii, we even went to Kondo Bakery - I can envision our children walking across from the Kam III. I hope that field trips will be there for our kids to -- to see, not only the past history, but the history that we have to be stewards for our moana, our kai, our i`a, our fish, and so I know we all have support but I just wanted to put my support into this too. Mahalo.

Mr. Fredericksen: There's a comment. Nani?

Ms. Watanabe: No, I just had a comment. I was at that Lahaina celebration. It was awesome. The Plantation Days. And when I was working on Lana`i, a little story is, you know, Kepa's doing a really wonderful job with our -- with our museum there now, but, you know, it took a lot of people to start to preserve history on our island, like Lana`i. And when I was there working, I saw the memorabilia and -- and I remember, for the museum, I said: Oh, I was looking for one lunch can." You know those ...(inaudible)...

Ms. Trout: Yeah. The bento.

Ms. Watanabe: And I ended up with 13.

Ms. Trout: Oh.

Ms. Watanabe: But, basically, I actually went to -- so when Kepa came onboard, when he looked at the place, it was like all of these memorabilia. I mean it looked like a second-hand store, yeah, but in actuality, those memorabilia actually had a story. I mean people -- I mean this guy even donated this rope that they used for chicken fights. It was hilarious. I mean but that's the kind of activities that you had. And the little things that they had, I mean, you know, we have a courthouse that we have an old -- a jailhouse. I mean it's like -- I mean people said, eh, do you want my picture cause I was in jail before, you know. They were willing to put up their pictures. And one of the teachers that passed away, she had sold her house and we went to -- we went through tons of things, and that's how we collected things is people -- some of the family members have no meaning to these things, these memorabilia, and so they were kinda either throwing it away or getting rid of it, but we were able to collect the history and the stories. So today, Kepa has a lot of stuff that now he can put together and to make that a reality because, you're right, a lot of people did not know the history of Lana`i. I mean they really thought Lana`i was Filipino because 75% is Filipinos, and now with the museum, you know, and the history, our visitors are coming to hear about, you know, the stories about Lana`i. When I was there my first oral history was with Ruth Ginsburg from the -- you know, from the Supreme -- and I was so nervous because I said, oh my gosh, you know, and, you know, she really wanted to hear what was the story of Lana`i and she just wanted the very local flavor story of Lana`i and -- and I wasn't sure if I should use the word "haole" because one of our areas on Lana`i is

called "Haole Camp," and she cracked up, and so she said, you know -- and her question was: Oh, what was the haoles doing here? You know, so it was really -- but it was people like her that actually -- that's what they come for. They wanna hear the true stories of Hawaii and of the Hawaiian people. So this is really wonderful.

Ms. Trout: Thank you. On that same note, I do want to say that it was such a hit for that Plantation Days that we had so many artifacts that The Wharf has opened space and they had donated a spot for us to display those things for people. And so those would be something where you'd be at the visitor center and they'd be directing you out to -- to different places so that, not only once a year, but year-round people can come and can see these things, you know, for our own ohana who come and visits, you know. So mahalo.

Ms. Watanabe: Thank you. Oh, and then we ate the chow -- no, was the --

Ms. Trout: Oh, the fried soup. Fried soup.

Ms. Watanabe: That's right. Yeah, cause auntie said, oh no, it's not chow fun, it's fried soup.

Ms. Trout: Fried soup, yeah.

Ms. Watanabe: And we had it in the pink paper that was --

Ms. Trout: Oh, the cone, yeah.

Ms. Watanabe: Amazing. Thank you.

Mr. Fredericksen: Oh. Oh great. Let see, does anyone else, who's not on the list, wanna testify? Come forward and state your name please.

David Allaire: Good morning, everyone. Aloha. My name is David Allaire and I am the current President of the Lahaina Restoration Foundation Board of Directors, and I am slightly biased so I come here to speak on this project as well. I just wanna thank you all for having us here today, and I wanna thank NOAA personally from the foundation for making this offer and a concurrent program. This is a marriage that was made in Heaven. This is like Mr. Tom said a no-brainer we think. It's been a visitor center for many years through Lahaina Town Action Committee, through Lahaina Restoration Foundation, and now NOAA wants to come in and put half a million dollars to make the best that there is. Lahaina deserves that. Lahaina's history is so rich and that's what we do at the Lahaina Restoration Foundation is we are trying to preserve and renovate, restore, and present the history, rich history of Lahaina. When we first formed, back in 1962, it was a group from Amfac, and they realized that there was a lot of cultural sites and historical sites that were

starting to decay over the years, some over a hundred years old, that would go away if nobody did anything, so that little group of people got together with I think - what was it, Keoki, a \$10,000 budget per year? Something like that. Then they said identify some sites and we decided to -- they decided to kind of restore what was about the monarchy period of Hawaii. But lately, as we've been coming along, we realized that, in a strategic planning move that Connie Sutherland spearheaded, that we said we have to expand our historical purview because we'd have to go pre-contact. Now, there's not a lot of pre-contact things around because they didn't last, grass huts and things like that just don't preserve, so many of the missionary buildings and the whaling era are the ones that seems like that were being concentrated on. But we also realized, back at '62, the plantation era was not history, it was just what was going on. Well now, in 2009, that's a historical period.

Mr. Fredericksen: Yeah.

Mr. Allaire: So we have to expand our history. History just keeps going along, you know. I'd hate to say but we're all going to be history one day. We're going to be in books. I'm feel fairly historical right now with everyday. But what we did was we decided to do that. And as you know, we came -- Keoki came before you, about two years ago, to preserve the one last thing of the mill - it's the smokestack, and we stepped up when Amfac wanted to push it over, and we said, no, that can't happen. That's an icon even though -- not all history is good. There are sore points with the plantation era thing. There is acrimony, and there is fights, but it is part of our history and we want to tell the truth about that because some things we don't want to repeat, but at least we tell it accurately and truthfully, and that's what Lahaina Restoration Foundation is all about. We're committing \$500,000 -- about 465 to preserve that smokestack because it's the right thing to do. We have an interpretive design around that that you have past the judgement on. And we're selling bricks, and if you'd like a brick, we'll give you one. We'll sell you one. So -- but we wanna do that in the right way. We want to preserve our history. The Carthaginian's gone. It was an 80 year old boat in a 50 year old hull. It's not really gone, it's just a little lower, still visited, but we're going to pull -- and then the Ah Hee's were here, Snake was here with Polynesian Voyaging Committee, he has the -- what's the name of the -- it's the --

Ms. Kanuha: Mo`okiha.

Mr. Allaire: Mo`okiha canoe, double-hull canoe's going to come right in there. We gave them a grant. Some funds. They got another grant. They're going to finish it. They promise. And we're going to fill that slip with Hawaiian double-hull canoe, and that'll be active. That you can take kids sailing on that. So there's going to be some great things right around that courthouse. But that courthouse is so important. I know that courthouse top to bottom. And the reason I know that is because, up top, when I moved here in 1970, I got a ticket for no tail light so I had a \$15.00 fine on top there, and I was also a busboy at the Lahaina Broiler and some guy called up from the jail and said can anybody bail me

out, so I went down with \$10.00 and billed him out of the jail, it was actually a functioning jail at the time, so I know it top to bottom. So I have experience with that. But anyway, I'm a businessman here who has fallen in love with -- I came as just a youngster and became a businessman and, hopefully, you've had some good fish over at Kimo's over the years, or somewhere, and joined and helped start the Lahaina Town Action Committee, and now I find myself in the most honored position I can think of working with Keoki Freeland and Theo Morrison and Jim Lucky to be the president of the Restoration Foundation. It is an honor. And I think it's an honor of our -- it's to our reputation that NOAA would trust us with this. This is a, what I would think, is like a Smithsonian quality type of display, and we're getting it right here, in Lahaina, under our charge, we proved to be good stewards, and they're going to trust us with that, and I think it's just a wonderful project. So I really urge you to vote for that. Thank you very much.

Mr. Fredericksen: David, before you step off, what -- how do you spell your last name because it wasn't on here?

Mr. Allaire: A-I-I-a-i-r-e. Like "All air" with an "e" on the end. That's my employee's ...(inaudible)...

Ms. Kanuha: Now I know why he the president.

Mr. Fredericksen: Okay, thanks.

Mr. Allaire: Okay, thank you.

Mr. Fredericksen: Anyone else? Anyone else wanna say anything about this? Okay, Stanley? Yeah, I -- as a Commission, we -- we support this. James doesn't think we need to, you know, pass a formal motion, but I, you know, I certainly support it. Nani, you support it. Makalapua? Okay.

Mr. Hutaff: Absolutely.

Mr. Fredericksen: Alike? Okay. And it's consensus. And James does too. But, Stanley, do you have anything to add?

Mr. Solamillo: This did not accompany an application.

Mr. Fredericksen: Right.

Mr. Solamillo: And if we had an application, we could recommend approval. We'll have to see whether there is an application required. If there is, then it'll come back as -- as a recommendation for approval.

Mr. Fredericksen: Okay.

Mr. Solamillo: I think the only comment I'd like to make is I think Theo called me up one day and mentioned that she was working on an exhibit with NOAA, and I was really concerned, but after reviewing material that has come through my office for the past five years, this was one of the best presentations and the best thought out plans I have seen. And I cannot commend the Lahaina Restoration Foundation as well as NOAA and their -- their contractor, Zofia - I still don't have a last name - for putting together something as well thought out and as well articulated on paper as what we were able to present to you today. So I commend all the parties involved.

Mr. Fredericksen: Yeah, it's real exciting and I look forward to seeing this project come to fruition. Thanks all. Okay, let's see, what do we have next - Director's Report?

D. DIRECTOR'S REPORT

Mr. Solamillo: Okay, along those lines, since we're entering into the realm of the Director's Report. The all faded part of the meeting that never gets done most meetings. I'm glad that in the conversation about the courthouse that we did touch on -- on the fact that Maui County records have, on occasion, gone missing. This has been something that I don't understand, and I somehow feel powerless to articulate anything to the people who I would think might be in charge of "record keeping." So I guess my advice to - if I can offer my humble advice to the Corporation Counsel, if you ever find stuff like that, hold on to it because I've received I mean just books of who had guns in 1900 or 1898 and -- and those are part of the whole legal thing because you had to have a gun permit in order to have a weapon here, and arrest records and things like that are really important because we're trying to piece together this history. Things we haven't looked upon are questions of how large numbers of acreage, which were formally known as public lands, suddenly became private lands, and these were thousands of acres on certain plantations on our island and we haven't had the opportunity to trace this. Police records that I would hope that we have to show evidence of the criminalization of Hawaiian culture as well as aspects of immigrant culture, which occurs, not just talking about the chicken fights, but other things, other aspects of immigrant culture, which at times become the objective or the objects for criminalization by the Territorial Government. These are important facets of our history and why we are who we are today. So if -- that's my recommendation. I've had some hair-raising stories about the loss of Maui County's records and, all I can say is, whenever we can, grab them, hold them, record them, and get them at least copied in digital formats. Yes?

Mr. Fredericksen: Stanley, I got a question for you. What is in place right now for record keeping, specifically records that are older than 50 years?

Mr. Solamillo: I have no idea.

Mr. Fredericksen: Who --

Mr. Solamillo: One would think it's the County -- who is it?

Mr. Giroux: Well, there's -- you know, you're working with Federal, State, and County so there's -- you know, the County has something in its code book about dispensing of documents. You know, there's -- it's gotta go through the Department of Finance, get okayed, and then you can throw stuff away but --

Mr. Solamillo: I just heard a story not 30 days ago that the stuff was pitched straight out.

Mr. Giroux: Yeah, cause I mean the building, you know, the building right over -- the Federal --

Mr. Solamillo: Yes.

Mr. Giroux: Thing. That thing was full of documents and, you know, people were just assigned to go in and, you know, there was dumpsters, you know.

Mr. Solamillo: Yeah.

Mr. Giroux: So I don't know what the story is on, you know, what that was or whatever, but, yeah, that's where we lose a lot of the documents. And I was just wondering, as far as -- because the courts are State and that's where you can try to see, you know, was there any archiving or anything of that sort, you know, because you get transcripts and you have, you know, things of records that maybe they're not on Maui --

Mr. Solamillo: But they'll be in Honolulu.

Mr. Giroux: But they were shipped out, or they were moved, or they were -- you know, and that's why I was wondering if like the Bishop Museum and places like that, or even the Supreme Court might even have a library that has this preserved and we don't even know about it ...(inaudible)... but also too, I mean there may be stuff not even in Hawaii that, you know, people would have. I mean people might have stuff that went back to the Philippines, went to the Mainland, California coast --

Mr. Fredericksen: There's a lot of Hawaiian history in England.

Mr. Giroux: England, you know. All these places where they might actually take better care of records than we do. So it's just interesting to -- from Lahaina Town, across the

whole globe, you know, the history has -- it's out there. It's just a matter of bringing it back and putting it on display to educate.

Mr. Fredericksen: Stanley, here's -- here's my question along these same lines. If it appears like there's no mechanism within the County to archive old records, I mean that's not good. I certainly would not be surprised if that's the case. But what can be done to ensure that that doesn't continue cause I mean we're just moving along in time and stuff that's over whatever, you know, 40 or 50 or 60 or 100 years old, I mean to help ensure that, you know, it doesn't get tossed or if stuff does get tossed or is there a way to put a filter on it.

Mr. Solamillo: Maybe you can come up with -- or we can come up with a recommendation in 2010. It's not something I wanna debate today.

Mr. Fredericksen: No. Right. But --

Mr. Solamillo: I just wanted to make you aware.

Mr. Fredericksen: Let's put it on -- let's put it on -- let's make it an agenda item. Commissioner Members, how's that? I think that's something that definitely --

Mr. Hutaff: Absolutely.

Ms. Watanabe: It should.

Mr. Fredericksen: Thank you for bringing it up. So let's make it an agenda item.

Mr. Hutaff: One comment. I believe it was 22 or 23 years ago I remember reading an article in the newspaper where the State was starting to turn some of these documents into digital to maintain them because everything kinda turns to dust, yeah, and I don't know the name, I don't remember what it was, but I remember it was the State had decided to do that on one of their buildings because they had these huge things and then there was a problem with one of the libraries, they got, you know, where they kept this stuff, where it got wet in a storm and stuff. So I believe there might be something already in place that we can utilize to our benefit to go and say, hey, how come it's not being followed? I don't know how to find out that information because it's 22, 23 years ago, but I believe there's a State agency that's in charge of turning this stuff into digital. Understand what digital was 22, 23 years ago too, right?

Mr. Solamillo: I'll see what I can do and then we'll post it on the agenda.

Mr. Giroux: I guess, you know, in the modern age, I mean it's just incredible amount of information and we're just dealing with a hundred -- I mean my -- when you look at my out tray --

Mr. Fredericksen: Yeah.

Mr. Giroux: Every month I have to throw away about this much paper. You know, I mean it's just incredible. But I'm always going, okay, Planning has this, or Finance has this document or -- you know, so if I'm throwing stuff away, I'm always double-checking and saying who has the original because I get the -- I get this much copies, so you can imagine how much paperwork that is. That's one lawyer who has this much. So every department -- I mean Planning Department, with their reports and studies and, you know, it's an amazing amount. But if there's a system that digitize, that would get rid of that paper.

Ms. Watanabe: And save more trees.

Ms. Kanuha: And save more trees.

Mr. Fredericksen: Well let's look at -- let's look at this as an agenda item in 2010.

Mr. Solamillo: Okay.

Mr. Fredericksen: Okay, so what do we got?

1. Certified Local Government (CLG) Projects (2007-2009)

Mr. Solamillo: I'm going to take you through Certified Local Government projects, which were done by our office, in the Planning Department, from 2007 to 2009. It entailed \$50,000 in matching funds from the National Park Service to Maui County Planning Department as a Certified Local Government.

The first project, and the most expensive, was actually we were approached by SHPD in Honolulu to do a project that they had received from the Feds, the National Park Service, and it was to do National Register of Historic Places site photo assessments, which ended up in three CD rom cases with I think two, four, six -- six CDs per case, so that's a total of 18 CDs, which document the current conditions of Maui County's sites which are listed on the National Register of Historic Places. We're waiting on review comments to come from MPS in Washington D.C. After their comments have been received, we expect to be able to disseminate these as a product from the Planning Department sometime in 2010. So for your own personal library, and for a fee, you too will be able to have copies of this -- this information.

Probably the most exciting -- that was the most expensive CLG project. The most exciting CLG project was probably what we did with Wo Hing, which was the Wo Hing Society Preliminary Catalog of Plaques, Couplets, and Records. And this was a project which had actually been begun as volunteer work, back in 2001, and by the time that we wrapped it up in its current version, which is a pre-publication document, it had involved ten people from around the world; Cantonese, people from Honolulu, from Taiwan, from Thailand residing in California, presidents who were Cantonese in Malaysia, Shanghai translators from the Peoples Republic of China, others residing in Seattle, Washington, as well as in Indiana, and it was a really pretty incredible project because we finally began to look at Wo Hing's 2000 records in wood and on paper and on rice paper and actually began to translate this story, and it took a lot of work and a lot of hours. And I think the -- one of the translators that I liked the most was the guy who was very analytical, and he was also a great artist, and you could see how he translates a document and he's got great penmanship so I always put that one up as an example. He should be an architect or something like that but he's not. But it was just amazing, and it's also amazing the kind of information, which is contained -- which is going to be responsible for why we're going to go into a phase two of this project. His one was 7,000, and the next one will be 10,000, to continue to translate representative documents so that we can say what the Chinese were actually writing about themselves during the period of significance, and that's ...(inaudible)... because usually it's somebody else writing about someone. The people that were involved in the production of the document were Dr. Busaba Yip, who's Docent with Lahaina Restoration Foundation, I prepared the historical context and did preliminary layouts, Ken Kimura, also with Lahaina Restoration Foundation, did the photographic scanning of all the plaques, couplets, and actual records, so that was 2,000, and then Conway Carter, that PhD candidate that I brought to the Commission back in 2007, actually did the architectural drawings, the HABS drawings.

We discovered a piece of Maui history, which has been virtually forgotten or written out, and that was the significant contributions of the Chinese to the Maui County's history, and that includes the first Chinese engineer, Paul Lo. We had, during this process, discovered photographs, in the collections of Chinese living in East Maui, specifically Mrs. Soon, of Society Halls that we didn't even know that had existing as well as Chinese stores. So it's really quite amazing to see some of this coming out. We had located also photographs of the founders, which had been in the collection of the Wo Hing Society and on display at Wo Hing Museum. But we were able to also look at individual Chinese businesses and get interior photographs and actually begin to find out how many businesses were operating in Lahaina and how early they got there.

The most important thing, I think, was actually identifying when the building that currently stands was built. It looks like it's 1905, instead of 1915, which is the and has been the official history. We know that this smaller temple was in existence in 1900 and that the larger one that stands today was probably built in 1905. We still don't have the name of

the builder who did it. But we are presuming, looking at all the other society buildings that were built by the Chinese during this decade, that they were all probably erected by the same carpenter or master craftsman.

In looking at the plaques and couplets, remember the plaques are the horizontal side that goes above the lintel and the couplets go on either side of the doorway, the information contained within these was both historic in nature, it actually named people who were donors who had actually paid for the plaques to be carved in Chinatown in Honolulu and sent here in Lahaina as well as saying which -- which were how we would describe the sayings today but they were sayings -- were instructions to the membership you had in certain ways. It would be beneficial to the society as a whole. But anyway, at this point, we have translated everything on the exterior of the Wo Hing Society Museum as well as everything, which has appeared in a photograph taken during -- by the HABS team in 1966 as well as those which are suspended in places such as the Dallas Temple, plaque and couplets, on the second floor.

Now what we're going to move to are the plaques and couplets in the Cook house and then they're located in other ...(inaudible)...

Mr. Fredericksen: I got a real quick question about this. The plaques, etcetera, is it a mixture of the ones from the original and the, you know, the --

Mr. Solamillo: The 1900 and 1905?

Mr. Fredericksen: Yeah.

Mr. Solamillo: Yes. There's actually a chronology.

Mr. Fredericksen: Oh, cool.

Mr. Solamillo: We've got two that had been really difficult to read because they're pre-1900. They're probably 1880's maybe because the strip or the ideograms are so, one in particular, the calligraphy on it is almost unintelligible to most people who look at it, and the second one is very early as well. And you have to understand, after the Chinese Revolution, it's like what happens in Japan after World War II, the whole alphabet gets changed --

Mr. Fredericksen: Right.

Mr. Solamillo: And a lot of ideograms gets completely dropped. So to find people, which is the initial challenge to find people who can read the old ...(inaudible)...

Mr. Fredericksen: The earlier -- yeah.

Mr. Solamillo: And then to also read it in Cantonese, which is different from all the ...(inaudible)... of the Chinese languages and do that translation is a feat in itself finding people. So we've been really blessed with everybody's work on it. As a result, we expect that in the phase two we'll have a much more complete - I think we ended the historical context at 1931, after the death of Sun Yat-sen and we're moving into the second phase. Some new information that came up at the end of the project were that Chinese were drafted as well as Filipinos, and Japanese, and Koreans into the U.S Armed Forces from Hawaii for World War I. We were unaware that -- I was absolute shocked at the actual numbers of Asians coming out of Lahaina to serve. And there's a lot of new information that's coming in that -- that will change, you know, our view of Asians in Maui's history. That'll be really good.

This next project was a Certified Local Government project, the HABS Level 3 mitigation which was recommended by the ...(inaudible)... when it was found that the Senior Center, which located in a proposed Hawaii Register of Historic Places District for Lana`i City was -- had been altered in the 1980's significantly. It grew from a very small dwelling, as you can see in the lower left-hand side top photograph, which is probably 500 square foot -- 700 square foot to something much more expansive and what is what you see today, and that alteration by itself changed it significantly enough where we know that it was no longer eligible for listing and it was taken off the category of contributing building for that district.

Also part of the Certified Local Governments projects for 2007 to 2009 was an addendum to the nomination that we had submitted to SHPD in January of this year. We expanded the nomination to include the blocks on the high end of the BC-T, which included the old Hawaiian Pineapple Company offices as well as this hotel which used to house company officials that came to visit as well as politicians, such as Governor Harrington when we came in 1925. It was built in 1923 we believe by Kikuichi Honda and it's still intact to this day. That concludes our Certified Local Government contracts.

3. January 9, 2010 HRHP Hearing

The other thing that I need to make everyone aware of, currently, the nomination for Lana`i City Business Country Town Historic District Nomination to the Hawaii Register of Historic Places is going as a contested case. There were a series of meetings which the company asked to take place in April where we thought we might be close to coming to an agreement. I got a call two weeks ago to resume those meetings but we're in the 11th hours, of course, and the company asked that the first hearing we defer, which the County requested after being asked by the company to do so. The second deferral happened with the company outright asked SHPD. And this recent thing appeared to be more of the same. We have essentially, in deferring the hearing, have sidelined the public process for

a year and the public is not happy with that and want their day. So based upon that, we will have to move forward. The recent talks that we had actually occurred yesterday and, unfortunately, I can't speak really positive about it so we'll go with a contested case. What I'm going to ask the Members of this Commission is that because Kepa Maly is involved with the museum there, the Lana`i Culture and Heritage Center, which is funded in part by the company, yes, he is a standing commissioner, but I need to have somebody from this island to go and speak on behalf of the Commission. So if it'd be the chair or vice-chair or anyone that you designate, I think it would be important that it takes place so that he is not placed in a position of, you know, a sudden funding cut if he speaks out of turn.

Mr. Fredericksen: Yeah.

Mr. Solamillo: Because that's the way that the company is -- has been moving thus far. I'm still have having to argue why that jail needs to stay as well as the courthouse, and it's, you know, I'm not real positive about the outcome, but that's what we have to do. We can't leave him in a position because he's still tied to the company because of funding for the museum. So that's going to be what I'm going to ask today. We benefitted because we have gotten national notoriety, first with the Hawaii Historic Hawaii Foundation announcing that Lana`i City was on the nine most endangered historic places list for I think it was 2008 -- 2008, we filed the nomination in 2009. It made it to the National Trust, which is in Washington D.C., for historic preservation. It made it to their America's 11 most endangered historic places list. In discussions with the company, I said, you know, this could actually work in your advantage. We've got everyone's attention. If you need potential buyers who wanna come here and do the right thing and do historic district. But they don't perceive it that way we're constantly getting some kind of negative back story that this is a really bad thing. Given that, as it may, we're hoping to get a turnout from the many Lana`i City descendants who live in Honolulu, and there are some meetings I think today or tomorrow -- tomorrow and this announcement will be made to try and get a crowd from Honolulu, Pearl City, come and speak.

Ms. Watanabe: Actually, I'm going to go to that.

Mr. Solamillo: Oh, good for you.

Ms. Watanabe: Yeah. I'll be there.

Mr. Fredericksen: Oh, good.

Ms. Watanabe: I'll be participating on Saturday so -- and it's actually the Lana`i community coming together and --

Mr. Fredericksen: Yeah.

Ms. Watanabe: Preserving Lana`i, and they're really all for it, and Kepa -- so I'll see him there.

Mr. Fredericksen: Okay, I, on that day, that would not be a good day for me to go. If Nani is going to be there, if it's okay with the Commission, I mean because she knows Lana`i.

Ms. Watanabe: Oh, on that day?

Mr. Solamillo: Yeah, on the 9th. January 9, 2010.

Ms. Watanabe: Ray, you're good. You go.

Mr. Hutaff: Okay.

Mr. Fredericksen: You're not going to be on island?

Ms. Watanabe: Not on the 9th.

Mr. Fredericksen: Okay.

Mr. Hutaff: January 9th, is that a Saturday?

Ms. Watanabe: Oh, no, no, no, not for this. I'm going to go for another --

Mr. Fredericksen: Oh, okay.

Ms. Watanabe: This weekend.

Mr. Fredericksen: Oh, okay. I'm sorry. I missed that. Yeah, the 9th is not -- that's just not a good one for me.

Mr. Solamillo: The other thing that's really important is that the Hawaii -- the State Board of Review, they're tickets are being paid by -- by an actual donor, otherwise, the hearing would have taken place in Honolulu. This is kind of way out --

Mr. Fredericksen: So that's -- yeah, I mean that's really nice that -- appropriate that it's being there.

Mr. Solamillo: Right, it's cleared the Ethics Commission, yes.

Mr. Fredericksen: It's appropriate that it is being held on Lana`i.

Mr. Solamillo: So any attempt, you know, yesterday to actually get this case deferred yet again, you know, it's like --

Mr. Fredericksen: Well, it's --

Mr. Solamillo: Airplane tickets are already purchased. Too bad. We gotta go.

Mr. Fredericksen: Too bad. Yeah. Yeah.

Mr. Solamillo: So -- but it's a historic day for Lana`i. A recent -- I found or was given the opportunity yesterday to actually look at a new collection of photography, which has just come into the museum, and although you may deference that, you know, people historically looked at Lana`i as a Filipino community. If you look at Hawaii, very little Filipino history is actually recorded. It's shocking that we don't have anything listed on the National or Hawaii Historic Registers, you know, or Registers of Historic Places that deal with Filipino history, you know. It's sad. So this is really the one place where we do have -- the photographs I saw yesterday were like you saw Lana`i City with thousands of people of all, you know, ethnicities at parades doing, you know -- they swim down at the commercial dock.

Mr. Fredericksen: It was a thriving community.

Mr. Solamillo: Yeah. And it was like unbelievable to see Lana`i at its heyday as these photographs come from 1938 and you see, you know, Hawaiian families, and Japanese families, and Korean families, and Filipino families, you know, and Portugues, and it's like wow, you know, and it's stunning. So the material is incredible and it's -- when you go -- I was on the boat with people from, you know, Atlanta, Georgia, and other places yesterday and they were going, wow. We love this place as is, right? That seems to be a resounding theme --

Mr. Fredericksen: Sure.

Mr. Solamillo: And, unfortunately, you know, the folks that own it don't get it.

Mr. Fredericksen: It's cheaper to go to Disneyland. I mean why put Disneyland on Lana`i?

Mr. Solamillo: Yes. So it's --

Ms. Watanabe: You know, and I think, you know, the town is so unique in its way because of how its built and when people gather, I mean, you know, that's where we have everything.

Mr. Fredericksen: Sure.

Ms. Watanabe: And each of the building has a story to it, you know, of what it was before, you know, and, yeah, and I know that a lot of Lana`i people wanna preserve it, you know, cause they wanna -- they wanna do a mall, they wanna do -- it's not Lana`i, you know.

Mr. Fredericksen: No.

Mr. Solamillo: No.

Mr. Fredericksen: You sure you cannot go on the -- the 9th of January?

Ms. Watanabe: I'm going to try. I have to just check my schedule.

Mr. Fredericksen: I -- and, Ray, I'm, you know --

Mr. Hutaff: No, no, no.

Mr. Fredericksen: I really, you know, if -- I just -- cause Nani lives there. If she can't, then if you're willing to --

Ms. Watanabe: Well, I live here now but Kepa's there but --

Mr. Fredericksen: No, I mean but you've lived there.

Ms. Watanabe: Oh yeah.

Mr. Fredericksen: You had the -- you have the history from the Commission. I mean Kepa would great but I mean I --

Ms. Watanabe: Yeah, he can't, yeah.

Mr. Fredericksen: What Stanley said, he cannot.

Ms. Watanabe: Yeah, he can't.

Mr. Hutaff: Well, from what I understand from what Stan is asking is that going there as the Cultural Resources Commission, speak on that level --

Ms. Watanabe: Right.

Mr. Fredericksen: And just supporting the community.

Mr. Hutaff: About -- about -- that's what I was going to ask you if you could --

Mr. Fredericksen: Are you going? You're going, right, James?

Mr. Hutaff: This is the first I've heard of it but I'm --

Mr. Solamillo: I mean what -- the contested case is actually -- it's being handled at a State AG's office.

Mr. Hutaff: Yeah, I mean I was going to ask, you know, if you could just email me some of the reasons that the CRC would speak on that particular level. I can't speak on the community level.

Ms. Watanabe: Yeah.

Mr. Fredericksen: Well, we've already supported --

Mr. Solamillo: Correct.

Mr. Fredericksen: This and I mean --

Mr. Solamillo: So it's just really reiterating what the Commission --

Mr. Hutaff: Had already said. Yeah.

Mr. Fredericksen: We passed a motion in support.

Mr. Solamillo: Correct.

Mr. Hutaff: Absolutely.

Mr. Solamillo: You passed it on to the Mayor to past on to SHPD --

Mr. Fredericksen: Right, and that's all happened.

Mr. Solamillo: To transmit it. Correct.

Mr. Fredericksen: Yeah, so -- so, you know, if Nani cannot attend or if you don't want to --

Ms. Watanabe: Saturday. No, I mean I just thought --

Mr. Hutaff: Yeah, it's a Saturday.

Ms. Watanabe: I think at this -- we're having a gathering on Saturday in Honolulu and I think we're going to try and encourage a lot of Lana`i people to testify.

Mr. Solamillo: We need a crowd.

Ms. Watanabe: Yeah, because that is --

Mr. Fredericksen: Especially since it's on Lana`i.

Ms. Watanabe: Yeah, and I think the one that would actually benefit to testify would actually be people not connected to ...(inaudible)...

Mr. Fredericksen: And you had past connections?

Ms. Watanabe: Oh, yeah. No, I mean -- yeah, yeah. I mean I'm not connected anymore because --

Mr. Fredericksen: Yeah.

Ms. Watanabe: Because people are so afraid to speak up, you know.

Mr. Hutaff: Oh, I can understand that that's why I said, you know, I just wanted to know what -- if the Commission wants me to do something like that, I'm certainly willing. I can talk all day and say absolutely nothing, as most of you know, and I'd rather fill it in with good things that would benefit the community, represent the Commission well, and not be selective.

Mr. Fredericksen: Yeah, and I think just, basically, going, yeah, we, as a Commission, we can discuss cause this is on the thing, I mean we, as a Commission, have already voted unanimously in favor of the nomination being ...(inaudible)...

Mr. Hutaff: But I think they're going to want to look at the reasons why ...(inaudible)...

Mr. Romanchak: Yeah, I think -- and I think -- I mean probably Stanley --

Mr. Fredericksen: Stanley, you could speak to that.

Mr. Solamillo: Well, I'm making the presentation.

Mr. Fredericksen: Yeah.

Mr. Romanchak: Well, and I think he could review it with Ray and review the minutes as to the reasons why.

Mr. Hutaff: Yeah, I could keep it short and strong and, you know, like I said, like on the outside, I agree with the outside resource being somebody who's looking in --

Ms. Watanabe: It helps. It helps.

Mr. Hutaff: You know, and also, personally, my approach would be along the same lines of what you mentioned earlier is this is going to be a benefit to the company --

Mr. Fredericksen: Yeah. I mean --

Mr. Hutaff: You know, and to try to, you know, get them to bridge. Obviously, there's something going on with the company that they're not telling us and we've already felt that.

Mr. Solamillo: Right.

Ms. Watanabe: Yeah.

Mr. Hutaff: So we don't have a vision of what to counteract, but the idea is if we continue on on the same lines as this is beneficial to both sides.

Mr. Fredericksen: And it's the responsible thing to do.

Mr. Hutaff: Well, you know, if we put it in a little better terms --

Mr. Fredericksen: Yeah.

Mr. Hutaff: You know, it shows how business concern you are about the environment and the island, I mean obviously I'm making that up right now, but that would be kind of the idea, you know, if I had to speak on it. I am definitely willing to go. I'll be there if you need me.

Mr. Fredericksen: You won't get steamrolled - I know that.

Mr. Hutaff: What's that?

Mr. Fredericksen: You won't get steamrolled - I know that.

Mr. Hutaff: It doesn't matter to me. I'm used to it.

Mr. Fredericksen: No, you won't. I know you'll -- you'll give the call to arms.

Ms. Watanabe: And then I think we're going to work on trying to encourage people to go and testify. Sometimes Lana`i people you kinda have to help them write up something --

Mr. Fredericksen: Yeah.

Ms. Watanabe: And then they'll do it, you know. I think that's what they need.

Mr. Hutaff: What time is the meeting? Do you know?

Mr. Solamillo: I think it starts at ten but I'm not sure. They're going over on the early ferry, so it's the 6:45 ferry.

Mr. Fredericksen: Could Ray get a lift with you? Would you ...(inaudible)...

Mr. Solamillo: Yeah, I would take care of you.

Mr. Hutaff: I'll go on my own. It doesn't matter to me.

Mr. Solamillo: And then they're doing a tour of the town. They're going to walk the town. And then they'll probably eat. And then they'll begin the meeting. For the meeting though they're doing -- which I didn't -- I told them it was a bad idea but they're going to do two other nominations in front of -- and they're from Oahu.

Mr. Fredericksen: Those are coming after -- Lana`i is up first? No?

Mr. Solamillo: No. No. The Oahu nominations are first. I recommended that they only do Lana`i but they got their deal too so.

Mr. Fredericksen: Is that just because -- it's because it moved from Oahu to Lana`i they --

Mr. Solamillo: Yeah, but I mean I really wanted them to have a hearing just on Lana`i because the amount of, you know --

Mr. Fredericksen: It cost anything either --

Mr. Solamillo: Right.

Mr. Fredericksen: Because the tickets had been --

Mr. Solamillo: Donated. So -- so anyway, it's still at Oahu Century.

Mr. Fredericksen: Okay, so we're -- we're in agreement and everything. I mean we've already passed -- I mean, you know, a motion, a strong motion of support and everything. And then so let's, at this point, Ray, we'll designate Ray --

Ms. Watanabe: Okay.

Mr. Fredericksen: If that's okay with -- and, Ray, thank you.

Mr. Hutaff: I have no problem with that but --

Mr. Fredericksen: Okay.

Mr. Hutaff: Maybe we can modify it a little bit and say I'll go, okay, and I'll rely on you if you're there --

Ms. Watanabe: Okay.

Mr. Hutaff: To say, Ray, yes, I want you to.

Ms. Watanabe: Sure.

Mr. Hutaff: And I'll rely on Stan to say, yes, it's okay. But I'll be there anyway.

Mr. Fredericksen: And Stan could -- okay, if Nani is able to attend, she could also testify as a CRC member too, right?

Mr. Solamillo: If she wants.

Mr. Fredericksen: Okay.

Mr. Solamillo: I mean do you -- I mean because of your -- you've got directions to the company as well.

Ms. Watanabe: Not anymore.

Mr. Solamillo: Right, but I mean --

Ms. Watanabe: I think I'm pau with them.

Mr. Solamillo: Yeah.

Ms. Watanabe: Yeah.

Mr. Solamillo: I mean that's the sensitivity. I've got -- I have Filipinos calling pulling their houses out of the nomination this week. You know, there's a lot of stuff still going on.

Mr. Fredericksen: Oh yeah. No, I sensed it when we were there the last time.

Mr. Solamillo: Yeah.

Mr. Fredericksen: I mean really strongly sensed it. I mean, you know --

Mr. Hutaff: You can see their fear, but you see their passion, and their struggling with it and it's sad and that maybe one of the things that we can look at and one of the reasons we would do this is so that we can help them speak without having them have to speak too loudly because it is a concern for them.

Mr. Fredericksen: Sure. If you can, Nani, I think it'll be -- because you, you know, you got a lot of connections.

Mr. Hutaff: I'll be there.

Ms. Watanabe: I'll be there on the 1st. I'm going to pound mochi at the hotel so --

Mr. Giroux: So, Stan, you don't need Corp. Counsel?

Mr. Solamillo: I'm going to give you -- I'm going to give -- I'm going to fill out my paperwork for request for legal services anyway.

Mr. Giroux: But --

Mr. Solamillo: But --

Mr. Giroux: We need to be clear because, you know --

Mr. Solamillo: AG -- the AG's office, because this is at SHPD, is handling the contested case.

Mr. Giroux: So is the Attorney General advocating the County's position? That's what I'm asking.

Mr. Fredericksen: Yes.

Mr. Solamillo: I don't know. I mean --

Mr. Giroux: Okay, you need to know that because if this is a contested case --

Mr. Fredericksen: Yeah, that's something ...(inaudible)...

Mr. Giroux: And the Attorney General is not advocating the County's position, then you do not have an advocate.

Mr. Fredericksen: Yeah. I think that James should go because this is a --

Mr. Solamillo: I totally agree but the whole deal is you're an attorney. The AG's office is an attorney. It would be better for two attorneys to talk together so -- cause I don't know -- if you need the name of -- and if you need the paperwork, I cannot be relaying messages between attorneys, okay. This is my concern because when we were building up to this, when we were doing -- possibly going to hearing back in January or whenever, or March, you know, all of a sudden I'm relaying between attorneys. I don't speak your language. So I need -- is there -- if I can get you the name of the guy from the AG's office who's going to handle it, and get my paperwork in for request for legal services, will you be able to talk to him about this? Cause I don't -- I'm dumb.

Mr. Giroux: Okay, no, you're not. The issue -- the issue is is that when this came up as a contested case, I talked to you about, okay, the County will be represented, right? And my understanding was that you needed an attorney from the County to advocate the County's position at the contested case. So when I took this back to my people, my -- because usually the way our department is setup is that the admin attorneys don't advocate. We -- just as a -- I come to the meetings and sometimes the County is sitting over there and then they have a litigation attorney who is advocating the County's position to the board. Now, this contested case is in the State arena and so my understanding was from my supervisor was that they were okay with me stepping out of that role and helping the Department be an advocate. So earlier in this meeting, my understanding was that you told the board that the State Attorney General was the attorney handling the case. But as an attorney, I don't need to know if there's another attorney there. What I need to know is whose guns is he firing. Is he onboard and does he fully -- is he fully prepared to advocate the County's position that this should be nominated to the -- because I don't want -- I don't you, Stanley, to be sitting there without an attorney and that attorney getting a call to be told step off the podium. Because then you don't have an advocate.

Mr. Fredericksen: Can I just interject something, James? I don't have a lot of faith right now - sorry, Hinano - in SHPD's willingness to really step up to the plate on some issues. Hinano's exempted this -- what I'm talking about. But what I'm talking about is I noticed that the archaeology and the architecture, I don't know anything about the person who's on the architecture side, but the person who's on the archaeology side I'm not -- it's just I think that it would be a good idea, if it's doable, to have -- if the protocol would be okay

where, you know, like you were saying, James, if you could act as an advocate for the County's position cause this -- the reason it's there is because of the County.

Mr. Solamillo: I'm fine. I really don't care.

Mr. Fredericksen: Okay.

Mr. Solamillo: I mean, you know, it doesn't -- I would prefer to have Corporation Counsel be by my side so you can instruct me what to do and then we'll do it. Up to this point, we -- we were kind of unsure because of some meetings that occurred in April where, you know, there was a possibility for a meeting of the minds. And now, at the 11th hour --

Mr. Fredericksen: I'm sure there's not going to be --

Mr. Solamillo: There's not. The 11th hour, they tried another, you know -- they wanted to defer again and they're using it as a way to postpone the hearing. So now we're at this 11th hour and we gotta move from here.

Mr. Giroux: My concern, Stanley, is that the use of your corporate counsel, I mean we can't just jump in and do it. We do what we're told by our client. So our client has to say we need these witnesses subpoenaed, we need these people to talk to, we need to have these documents submitted as evidence, we need -- this is -- I mean this is why I'm really -- I mean what I really want is to know what is your expectation of your attorney because what it sounded like was you were going to rely on the Attorney General. I mean is he -- has he prepared a case?

Mr. Solamillo: I have no idea.

Mr. Giroux: And that's what I'm afraid of because my understanding is is that no county, and I might be wrong, but this is what I was told by the State when I talked to them, that no county has won a contested case against a private landowner in the history of this contested case process.

Mr. Solamillo: Well --

Mr. Giroux: And, as an attorney, I'm going, wow, that's -- that's bad odds.

Mr. Solamillo: Yeah, that is bad odds.

Mr. Giroux: And what I'm trying to understand is that I've been authorized to, you know, if you needed, to be your attorney. So what I'm trying to understand is how much attorney do you need? I mean if you just want me to show up and sit next to you, that's -- I can do

that. I just gotta figure out how to get to Lana`i, and I'm sure, you know, couple phone calls will do that. But if I have to -- if your expectation of me is actually to present a case, that's -- that's a lot of -- you know, then that's more than me calling some AG on Oahu. So I'm just saying we need to talk about this. We need to interface and really figure out what -- what do you need.

Mr. Solamillo: I agree.

Mr. Giroux: You know, because, you know, as an attorney, my worse nightmare is not being prepared, and that means I show up, and they're like, oh, James, it's your turn. And I'm like, Stanley? That's not how to, you know -- I mean --

Mr. Solamillo: I mean I'm kind of in the cold as well because I've -- you know, here we have "a contested case," and I've made presentations to the Hawaii State Board of Review before, but I don't have any protocol how does it work, you know --

Mr. Fredericksen: For a contested case.

Mr. Solamillo: Right, for a contested case and all this stuff. You know, there's -- there's zippo on ...(inaudible)...

Mr. Fredericksen: Well, can you two communicate --

Mr. Solamillo: Yeah.

Mr. Fredericksen: Just in the next few days and talk -- and talk to the State Attorney General some too, but I just by -- from my exposure to AG stuff on other -- in other issues to do with SHPD, I haven't been overly -- I'm not overly confident with that level of -- of presentation or whatever.

Mr. Giroux: Yeah, at a minimum, you should know what their position is. I mean if they -- if they --

Mr. Fredericksen: Don't hit me too hard, I'll give up, or --

Mr. Giroux: Oh no, they're protesting, I guess we're not -- you know what I mean? What is their position? Do they wanna see this nominated and actually registered, or are they just going to show up, and fill a seat and listen to testimony, and then make their closing argument?

Mr. Fredericksen: I have very low confidence --

Ms. Watanabe: That's true.

Mr. Giroux: I mean because, like I said, me hearing that the County has never won a contested case, I'm going, wow, you know.

Mr. Hutaff: I trust you.

Mr. Giroux: Well, the thing is is how prepared, right? I love to have my client's trust but knowing -- knowing what I have to do is really, you know, knowing what my expectation of what I have to do is really important.

Mr. Fredericksen: I mean it's in a -- it's a State court, right?

Mr. Giroux: Yeah, it's like --

Mr. Fredericksen: The board is -- yeah. So, ultimately, I would imagine, you know, the State's -- the AG is the one who's going to be talking but it would be in support or an advocate in terms of, you know, from the County's side. And if the State isn't strong enough about something, I mean it would --

Mr. Giroux: Yeah. I think a good example is your Land Use Commission, you know, you have your State represented, you have your State Planning represented, you have your county planning represented, you have your private developer, and then you have your intervenors. So you got five parties. And if the county shows up thinking that the State's going to do their work, but the State and county aren't on the same page, you've got a different advocacy cause the State might be going, yeah, we don't care if this becomes urbanized, and then the county is going, wait a second. We don't have the infrastructure. We can't deal with urbanization. That's -- you know, I mean if the State's position is that we -- we don't care if this becomes a national historic area, but the County does, then that means you don't have an advocate.

Mr. Solamillo: Do you -- okay, then we're back to a deal of would your office recommend that we defer just to get our legal butts in order? Excuse my French.

Mr. Giroux: I would say so.

Mr. Solamillo: Cause it sounds like we're, you know --

Mr. Giroux: Yes, I mean --

Mr. Fredericksen: It'd be ashamed to have this slip away of something.

Mr. Solamillo: On a technicality? Yeah, I know. We got the holidays and everything else and --

Mr. Giroux: Yeah, your preparation is everything and if your counsel hasn't even been signed up yet and he's got, you know, 30 days to prepare, you know, in legal time, that's not long.

Mr. Hutaff: Sure it is. It's fine.

Mr. Fredericksen: 35 or 36 days.

Mr. Giroux: I mean I've been made to do attempted murder preliminary hearings within five hours of prep but at least I know I get a second shot at it. I'm just fishing. Then I get to go and pick my jury later, six months later, but --

Mr. Hutaff: Well, maybe you two guys can discuss that and find out what's really going on.

Mr. Fredericksen: Figure out --

Mr. Solamillo: I mean the discussion has to happen now because the Lana`i people are meeting on Friday and Saturday.

Mr. Hutaff: Well, we also have one more meeting as a CRC to find out what's --

Mr. Solamillo: I can't wait that long. I mean this is ...(inaudible)...

Mr. Hutaff: No, you can't that's why you need to talk with them first so that we know by the next meeting.

Mr. Solamillo: Okay.

Mr. Hutaff: I'm going to make my reservations tomorrow morning.

Mr. Solamillo: No need. You can make them like the day before.

Mr. Hutaff: How do you know?

Mr. Solamillo: Cause I make them all the time.

Mr. Fredericksen: On the ferry?

Mr. Solamillo: Yeah.

Ms. Watanabe: On the boat.

Mr. Fredericksen: Yeah.

Mr. Solamillo: I'm not flying. I always take the boat.

Mr. Hutaff: Oh, yeah, yeah, yeah. Well, I'm just --

Ms. Watanabe: And actually we're actually, you know, in support of this, yeah, and so I would think that we need to have support. I mean that's what the Lana'i people is looking for, yeah. They're looking for the support to make this --

Mr. Fredericksen: Yeah, I mean I don't know the person on the architectural side but I mean there needs to be some really strong, you know, advocacy and, yeah, SHPD's been furloughed and this and that --

Ms. Watanabe: Maybe they'll have furlough that day or --

Mr. Solamillo: Okay.

Mr. Fredericksen: You okay, Stanley, with this?

Mr. Solamillo: I guess.

Mr. Fredericksen: Well --

Mr. Solamillo: I mean --

Mr. Fredericksen: You guys talk --

Mr. Solamillo: Mr. Giroux and I need to talk.

Mr. Fredericksen: Yeah, talk --

Mr. Giroux: I need to see your file -- no.

Mr. Hutaff: Let's make it happen.

Ms. Watanabe: ...(inaudible)... support.

Mr. Fredericksen: Yeah.

Mr. Solamillo: It's a big box.

Mr. Fredericksen: Yeah. Talk.

Mr. Hutaff: I mean if I have to go there as a concerned individual with knowledge, then I'll go do that.

Mr. Solamillo: Okay.

Mr. Hutaff: It has a little stronger thing when you can say, you know, I do represent the CRC and this is --

Mr. Fredericksen: Yeah.

Mr. Hutaff: You know, what we've come up with and why, and then my personal opinion on how the two should get together, at least the one side needs to come a little bit more from a business standpoint. So cool.

2. January 7, 2010 CRC Meeting Agenda

Mr. Solamillo: Okay. Any specific items that Commissioners want to have on the 2010 agenda?

Mr. Fredericksen: I have a question about a handout that we got today that's dated the 30th of November. That's this regarding Mu`olea Point in Hana.

Ms. Kanuha: Oh yeah.

Mr. Fredericksen: And, you know, I'm quite concerned about this. There's several -- several comments. One is does this heiau have a site number, a designated site number? Who's property that is? Is it County property? I thought -- or is that another letter? But anyway, who the property owner is. It doesn't appear that this organization, the Na Mamo O Mu`olea owns the property, but there's -- but then there's also no signature on this memo from whence that it originate and I mean -- is there a way to find that out?

Mr. Solamillo: Not if -- if the correspondence is not signed, then there was no return address.

Mr. Fredericksen: Okay, so it was anonymously submitted?

Mr. Solamillo: There was no return address on the envelope so --

Mr. Fredericksen: It was an anonymously submitted -- there is a way to find out who the parcel owner is.

Mr. Solamillo: Correct.

Mr. Fredericksen: And also if this, you know, if there is a heiau on it and, you know, if there's a composting toilet setup on top the heiau, no -- no can do. But could -- we need to try to address it somehow.

Ms. Watanabe: So it looks like this lady is with Na Mamo O Mu`olea --

Mr. Fredericksen: And putting green -- green waste on the parcel.

Ms. Watanabe: But she also lives on that --

Mr. Solamillo: Adjacent parcel.

Mr. Fredericksen: On an adjacent parcel.

Ms. Watanabe: She lives -- yeah.

Mr. Fredericksen: But the stuff that's -- well, according to this, and I mean, you know, without a signature --

Ms. Watanabe: It's on that property.

Mr. Fredericksen: It's on -- it's going from the parcels that are not -- that are owned by this person, supposedly, onto a parcel that is not owned, and then also there's something in here digging pukas to put in -- to bury the green waste. I mean that's --

Ms. Watanabe: Gross.

Mr. Fredericksen: We need to have some more information but at least property owner. It's a named point like that, there's a good chance that the State would have -- have the heiau -- Walker, he might -- even *Sights of Hawaii*, I'll take a look and just see if there's something in *Sites of Hawaii* - Mu`olea Heiau or something.

Ms. Watanabe: It's like it's right on it, yeah?

Mr. Fredericksen: Yeah.

Mr. Hutaff: Has anybody considered mailing this to Jan?

Mr. Fredericksen: Well, maybe that got -- then that's the last thing I was going to say is the landowner that's attached to this organization, I think there needs to be a letter that's sent out saying, hey, what -- please provide information from your point of view too. Hinano can come up and give us some guidance too.

Mr. Hinano Rodrigues: Hinano Rodrigues, State Historic Preservation. I, interestingly -- oh, coincidentally enough, I received an anonymous phone call yesterday regarding this case and it was difficult to -- it was difficult to ascertain, from the caller, just exactly where we're talking about, what exactly was going on, and who the landowner is. At this point, the landowner might be the County of Maui.

Mr. Fredericksen: No, that's what it appears. This parcel is owned by the County, I think.

Mr. Rodrigues: Okay.

Mr. Fredericksen: But the surrounding parcels are not. Did you get a copy of this?

Mr. Rodrigues: No, I didn't. And that is why I need to ascertain the facts, and I told that person on the telephone, at the very least, you need to provide me with a copy of the letter that of which was not given to me yet, as well as a TMK, and then we start there and figure out the facts.

Mr. Fredericksen: And that info is in there. It does have the TMK in the letter.

Mr. Rodrigues: In light of the fact that this might be County of Maui property, I don't know that for a fact yet, in light of the fact that this might be County of Maui property, I had recommended to that anonymous caller that he contact Mahina Martin first, and then get ball rolling. It was also communicated to me on the -- through that telephone call that there is a probability that there is a Hawaiian burial on the property. That now gives me jurisdiction --

Mr. Fredericksen: Yeah.

Mr. Rodrigues: To jump in and I had spoken with the Hana representative, Wilson Kanaoale, to go out there and see exactly what's out there and he plans on doing it this weekend.

Mr. Fredericksen: Oh, he's going to go soon? Good. Hinano, could you please communicate to Stanley what you find and if it is County property, then, you know, we can provide some backup as well. But, yeah, being on a point like that, there's -- I don't have any doubt that there certainly could be a heiau there. It's right on the point. But, again,

without -- you know, these photos are not -- I mean they're clear, but it's hard to get a perspective, like if there's a heiau and it's covered in vegetation, it's real hard to -- to see.

Mr. Rodrigues: Yes, we'll work on it.

Mr. Fredericksen: Yeah.

Mr. Rodrigues: Since I'm standing up here, Mr. Chair, if it's alright, could I do a short presentation?

Mr. Fredericksen: Yes.

Mr. Rodrigues: On behalf of State Historic Preservation Division, we would like to thank this forum for doing what you guys have done in the last year. On a more personal note, and a more person expression of appreciation, I would like to thank each of you as individuals for what you do. There's a saying that no one can be a great man in history unless he works with disagreements, and that is exactly what you face on a monthly basis. So I'd like to thank you guys for that. Last, but not least - oh, I thought he walked out - last but not least, Historic Preservation and myself would like to thank Stan for what he does. As a person who -- as a government employee who does staff another commission, I know how difficult it is to do that. So mahalo.

Ms. Watanabe: Mahalo.

Mr. Hutaff: Maybe in your investigation too if you wanna talk with Robert Molokini, okay. I know, many years ago, they were trying to identify sites, so he might have knowledge of specific areas.

Mr. Rodrigues: I think what Erik said might be true in that this is an identified point, chances are, at the very least, even Walker himself probably identified this site.

Mr. Fredericksen: Yeah, and I mean we've done lots of -- I'm just trying to think, I mean numbers of surveys where when there is a point like this, there certainly are sites, archaeological sites there, there have been ceremonial structures, koa, heiau, habitation sites, and burials, and I would be shocked if there's nothing on this point, and the fact that there's this activity occurring and someone saying that, hey, there is a burial that they know of and there's some sort of a structure there, this sort of activity should not -- should not be occurring, and like you said, Hinano, I completely agree we need some more information. So between you and Stanley, try track some of the like landownership. And if it's County property, wouldn't surprise me, that would be -- that would be the simplest, I think, or State property, but one of those two would be good.

Mr. Rodrigues: Sure.

Mr. Fredericksen: But thanks. And thanks for the support too. And I, you know, I do support SHPD. I just get, you know, I just sometimes get kinda wild about some stuff, but I do, I complete support the mission. I just am not always happy with how some things are followed through on, not from your side, but from other portions of SHPD.

Mr. Rodrigues: And I understand exactly what you're saying.

Mr. Fredericksen: Thanks, Hinano.

Mr. Hutaff: Yeah, thank you. And you know what? You're a likable guy.

Ms. Watanabe: Yeah.

Ms. Kanuha: We cannot get angry at that face.

Mr. Rodrigues: Now to convince the other five billion people.

Mr. Hutaff: Bring 'em in. On Stan's last question, what we would like to see on 2010, okay, I'm glad you kinda put it -- brought it up that way, today I asked Keoki to try to get it on our agenda about having that district officer in Lahaina that we --

Mr. Fredericksen: Thanks for being in for the long haul on that, Ray.

Mr. Hutaff: Yeah, well, I have --

Mr. Fredericksen: I knew you wouldn't forget about it.

Mr. Hutaff: Oh, I got this paperwork in the back of my truck that just gets heavier and heavier.

Mr. Fredericksen: And the parking lot stuff and everything the County and --

Mr. Hutaff: But the thing is is that I wanted to kinda ask you guys first but when I saw the agenda, I figured that at least Morrison would be here, but I also know she comes in like 30 seconds before she's supposed to be here so I wasn't sure if I could ask her to try to put it on the agenda, and I was going to bring it up anyway. I just didn't want you guys to think I'd do anything behind your back. But I would like to see that on the agenda.

Mr. Fredericksen: Yeah ...(inaudible)...

Mr. Hutaff: So if it doesn't come maybe in the first couple of months from Theo, if we could put it on our agenda.

Mr. Fredericksen: It'd be good to try to get it on in the earlier, you know -- whenever, sometime in the first quarter maybe. Stanley, is that --

Mr. Solamillo: All I'm going to say, you can bring it on the agenda but I'm going to preface that with if you have not -- if you have not noticed, the County is in a tighten the belt mode --

Mr. Hutaff: Yes.

Mr. Solamillo: And is looking at a serious deficit next year, so there may have been actions which were made to freeze positions and not, you know, hire anymore people. So we may dealing with things that are larger than -- than this particular issue.

Mr. Hutaff: Just for your information for now --

Mr. Solamillo: Yes?

Mr. Hutaff: Part of putting the information that I have is also funding that individual --

Mr. Fredericksen: Right.

Mr. Hutaff: With resources that are not within the County --

Mr. Fredericksen: That are underutilized at this point.

Mr. Hutaff: Yeah.

Mr. Fredericksen: Or not utilized at all.

Mr. Hutaff: And had a profit. So it would actually be or probably -- well, if we can get it on the agenda.

Mr. Solamillo: Okay.

Mr. Fredericksen: Yeah. Good.

Mr. Solamillo: Alright.

Mr. Fredericksen: And, depending on what's found, this Mu`olea Point, on January's agenda, depending on what's found --

Mr. Solamillo: Okay.

Mr. Fredericksen: Found on that. On whatever that -- is it the 7th?

Ms. Kanuha: Yeah.

Mr. Fredericksen: January 7th, I think. Any other --

E. COMMISSIONER'S ANNOUNCEMENTS

Ms. Kanuha: Yeah, I had a question. I did talk to Stanley and James last -- last month on, you know, there's that Hanakao`o Graveyard and it's been like that so who -- my question is, somebody told me, well, the County owns it, and somebody said somebody else owns it, so that was my question because I know we got our County Parks and Recreation people, and I've questioned them, I said how come we don't have grass on the other side? And then when we have like canoe races, I mean people are like just bombarding that area, banging -- banging some of these headstones. I mean so, you know, who's kuleana is that? Is that the County? Or how can we help these --

Mr. Fredericksen: The cemetery itself.

Ms. Kanuha: Yeah, the cemetery itself, even plug in some water. They said, you know, Makalapua, we don't have any water so, you know, that's why it's so dry on that side. I said but you cross the road, and over here get water so --

Mr. Fredericksen: Do you know who the -- is there a cemetery association? Sometimes there are. Hinano?

Ms. Kanuha: Maybe we can ask Hinano.

Mr. Fredericksen: He might know.

Ms. Kanuha: Yeah. Sorry, Hinano.

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

Mr. Rodrigues: Hinano Rodrigues, Historic Preservation. Yes, it is a County cemetery. And the reason why I know that for a fact is, about a month ago, I was out there with SCS, Mika Dega, SCS is an archaeological firm, and they were conducting -- the County is going

to install a force sewer main I think from the town of Lahaina out to its sewage treatment plant, and so what they needed to do is to install a new pipe between the cemetery, mauka of the cemetery, and then Honoapiilani Highway, and so because we never know where the boundaries or burials really are, what they did was they went in with ground penetrating radar to see if there was any probability of any graves there, and the County -- the County was there, not just because it was a County project, but because it is County property.

Mr. Fredericksen: They're the landowner of the cemetery.

Mr. Rodrigues: State Historic Preservation Division only has jurisdiction and authority within - I'm going to use this term really loosely - in a non-cemetery situation.

Mr. Fredericksen: Thanks, Hinano.

Ms. Kanuha: Thank you, Hinano.

Mr. Hutaff: You said when they have the canoe races over there? Oh, yes. Okay.

Ms. Kanuha: Yeah.

Mr. Hutaff: There wouldn't be any volunteers that would maybe help prevent that from happening? I know there's a big parking area and it's difficult to turn around, and you get lots of people park on one area that looks good, and another car comes by and it sits --

Ms. Kanuha: Well, you know, there is really no boundary that, you know --

Mr. Hutaff: Well --

Ms. Kanuha: Like a maybe a white picket fence or something. Something that will set a visual boundary that you cannot go and bang tutu's headstone even though she Japanese or, you know -- you know, it's like cause there's no physical boundary is what I'm saying so, you know, everybody is just parking wherever they can get their cars in.

Mr. Hutaff: It's hard. It's real hard.

Ms. Kanuha: Yeah, so -- and it's so dusty so, you know, they have maybe some companies might have, you know, those grass seed that you can just blow and all they need is water, but then you're going to need --

Mr. Hutaff: Water.

Ms. Kanuha: Yeah, you're going to need the water and --

Mr. Fredericksen: Water and the -- and the County's probably happy that the --

Ms. Kanuha: Well, the Parks and Rec guys already lawn mowing and raking and, you know, taking care and maintaining that park area, it's like right over, and if that's the County, why not, you know, fulfill their kuleana of taking care of that.

Mr. Fredericksen: No argument.

Mr. Hutaff: And maybe even getting with the canoe club because they utilize the area --

Ms. Kanuha: Yeah, Kahana Canoe Club, Napili, and I think if they --

Mr. Hutaff: Participate in some way.

Mr. Fredericksen: Maybe if there is some water made available. That sounds like that's what the --

Ms. Kanuha: Yeah, if they had the tools to do it because Kai them are really good about taking of the grass area right in front of the hale, so, you know, that wouldn't be, you know, so hard for them, and I have no problem with talking to them, but they just need the tools.

Mr. Fredericksen: Yeah, maybe talk to them and then see what --

Ms. Kanuha: Like water. Water pipes.

Mr. Fredericksen: Maybe next month just remind us again, we can maybe approach the County about, I don't know --

Mr. Hutaff: Yeah, maybe the County can open up the volunteer side of adding the water to it, you know, without -- without cost to the canoe club members if they were participate labor and just buy some materials to supply water. All the County has to do is, the Council, the County Council has to do is say, yeah, you can do it.

Ms. Kanuha: Maybe the Hyatt Regency Maui might wanna do that like monthly. I mean the Kaanapali Beach Hotel takes care of the other cemetery that when you're coming into Lahaina monthly.

Mr. Fredericksen: Yeah, maybe -- maybe there could be something just as long as there's some water available.

Ms. Kanuha: Yeah, so -- yeah, I'm sure --

Mr. Hutaff: Sheraton would be a good one to ask right now.

Ms. Kanuha: Oh, Sheraton would be a good one? Alright.

Mr. Fredericksen: Any other -- any other things at this point? Stanley, did you have something else that you wanted to talk about or add?

Mr. Hutaff: Rodents.

Mr. Solamillo: Rodents.

Mr. Fredericksen: Oh, yeah, can you mention how this was brought up?

Mr. Solamillo: Well, I mean if you saw the Honolulu paper today it said that Chinatown is, again, you know, they have videotape now of large rodents running across their markets and -- and I commented to somebody last time we had a rodent problem in Chinatown in Honolulu, they burned it down. But that was in 1900. We had a Commissioner who sent an email to me asking if we might pose the item on an agenda, I don't know under which way we would do that, it is because we have a rodent problem on our island here, it's not as well publicized yet as the one in Honolulu, and that we also have an importance of -- of the rat in Hawaiian culture and she wants to address the two issues. So --

Mr. Fredericksen: And she'll be here next January meeting.

Mr. Solamillo: Yeah, she'll be here in January.

Mr. Fredericksen: Well, let's have a - I don't know - a general -- what would that be? Under Commissioner's Announcements maybe? No?

Mr. Solamillo: I don't know. I'm going to have to go do some digging through the code and see if I can flag it under anything and then --

Mr. Fredericksen: Okay.

Mr. Hutaff: So long as we don't ...(inaudible)...

Mr. Solamillo: Yeah.

Mr. Fredericksen: Well, one of the -- I guess one of the goals or the concerns is the impact of, you know, rats, mostly the introduced rats on native habitat --

Mr. Solamillo: Correct.

Mr. Fredericksen: Which, of course, would impact the cultural landscape, what's left of the cultural landscape, traditional cultural landscape. Yeah, let's put -- work it in somehow wherever you think it appropriate.

Mr. Solamillo: Okay. And I think, in closing, I wanna thank all the Commission Members. Without you, I would not exist. I also want to thank Hinano Rodrigues. Without his assistance, I would have an even rougher time. He's provided us incredible guidance and assistance. Corporation Counsel, of course. Blessings for the holidays, and they are going to be here in no time at all.

Mr. Fredericksen: Yeah, they're swinging right through. And I just wanted to say the same thing. I really appreciate the Commission, and everybody's energy, and we all get along real well and that's something to me that's neat. That's awesome. And I -- and, Stanley, I do wanna thank you a lot cause I know it's -- it's a very challenging position and I really, really, and I know the Commission agrees too, we really appreciate your efforts and everything, and James for keeping us honest, and when Hinano's in here, that's -- that's awesome.

Mr. Solamillo: Double honest.

Ms. Kanuha: Double honest .

Mr. Solamillo: And we cannot thank Suzie - who sits over there quietly and listens to all this stuff.

Mr. Fredericksen: And keeping us well fed.

Ms. Watanabe: And she sends the email.

Ms. Hutaff: It's always nice because I get always sit over here and I get to watch all the beautiful women. Once in a while I have to look that way too -- but I have the best - almost the best seat in the house.

Mr. Fredericksen: But everybody have a great last 2009 and see you all in 2010. I can't even believe it. But safe holidays and best of the end of this one and real nice start to the next one. And thanks all. Let's see we're set to go. Anybody want to make a motion to adjourn?

F. NEXT MEETING DATE: January 7, 2010

G. ADJOURNMENT

Mr. Hutaff: I say we hele on - adjourn.

Mr. Fredericksen: Any second?

Ms. Kanuha: I'll second.

There being no further business brought before the Commission, the motion was put to a vote.

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

VOTED: to adjourn the meeting at 12:40 p.m.

Respectfully submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards and Commissions

RECORD OF ATTENDANCE

Present

Erik Fredericksen, Chairperson
Ray Hutaff, Vice-Chairperson
Makalapua Kanuha
Alika Romanchak
Nani Watanabe

Excused

Rhiannon Chandler
Kepa Maly
Veronica Marquez
Kalei Moikeha

Others

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