

**(APPROVED: 04/01/10)**

**CULTURAL RESOURCES COMMISSION  
REGULAR MEETING  
JANUARY 7, 2010**

*\*\* 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, Hawai'i. \*\**

**A. CALL TO ORDER**

The regular meeting of the Cultural Resources Commission (Commission) was called to order by Chairperson Erik Fredericksen, at approximately 10:03 a.m., Thursday, January 7, 2010, 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: Good morning. Good morning all and Happy New Year to everybody here. Happy 2010. And, hopefully, your year improves and it's a good year for everybody. Calling the January 7, 2010 meeting for the County Cultural Resources Commission to order. First -- first item of business is the approval of the minutes of November 5, 2009. Any Cultural Resources Commission Members have any comments, etcetera, on those minutes? If not, then -- go ahead, Rhiannon.

**B. APPROVAL OF MINUTES OF THE NOVEMBER 5, 2009 MEETING**

Ms. Rhiannon Chandler: Thank you. I just have one question. There are a couple of places in the minutes it has dot, dot, dot, and then it says, "Hawaiian language," and that's Page 6 and --

Mr. Fredericksen: Page -- okay, yeah, if you could read the page numbers, Rhiannon.

Ms. Chandler: Page 6 and Page 8, and those were the only two places that I found, and my question is really just is it possible to go back later and try and translate some of that information so that it could be part of the text or is that just not normally?

Mr. Fredericksen: I don't know. Suzie, any -- okay.

Ms. Chandler: I was just wondering. Thank you.

Mr. Fredericksen: Okay, well, that's a good question. And if Kepa was here, maybe he can help out the next time he's here. Any other comments? Okay, anyone wanna bring a motion forward then?

Mr. Alike Romanchak: I move that we approve the minutes of the meeting for November of 2009.

Mr. Fredericksen: The November 5<sup>th</sup> minutes? Any second on that?

Mr. Raymond Hutaff: I second it.

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

***It has been moved by Mr. Romanchak, seconded by Mr. Hutaff, then unanimously***

***VOTED: To approve the minutes of the meeting for November 5, 2009.***

Mr. Fredericksen: Okay. Just before we get started, before Stanley get started, I just wanted to ask if anybody does have anything that they need to do in the audience and would like to testify on one of these items that are before us today, please, you know, come forward now, state your name, and just with the understanding that once you've testified, you know, not -- please don't come back up unless you've got something additional to add, and please confine your comments to what the agenda is. Anybody? Yep, please come forward, and three minutes. Let's try to stick to three minutes. Thank you.

Ms. Kuhea Paracuelles: Okay. My name is Kuhea Paracuelles. I'm the Environmental Coordinator for the County of Maui, in the Mayor's office, and I was really hoping to actually follow Dawn Chang's presentation this morning of the rodent control resolution to support that but I'll just go ahead now.

Mr. Fredericksen: You can wait if you want. That's fine.

Ms. Paracuelles: Yeah, I would prefer to wait.

Mr. Fredericksen: Okay, that's fine.

Ms. Paracuelles: Until after her presentation.

Mr. Fredericksen: Okay, that's fine. Yeah, you don't -- no one has to. Only if somebody needs to leave.

Ms. Paracuelles: Okay.

Mr. Fredericksen: That's all. That's the reason I announced that. Thanks. Anybody else? Okay, let's -- Stanley, please?

*Mr. Stanley Solamillo, Cultural Resources Planner, read the following item description into the record:*

**C. DEMOLITIONS**

- 1. MR. WADE BRADY, on behalf of MASARU YOKOUCHI TRUST, requesting review and comment on the proposed demolition of a plantation house built ca. 1911 and located in the Lahaina Historic Landmark (NHL) District, 233 Lahainaluna Road, TMK (2) 4-5-006: 008, Lahaina, Maui, Hawai'i. The CRC may comment and provide recommendations. Public testimony will be accepted. (S. Solamillo)**

Mr. Stanley Solamillo: This case came at the tail-end of last year during December in the heat of the holidays from some frantic citizens in Lahaina who noticed that all of a sudden the trees surrounding this particular property were -- were cut down, and the big concern from Lahaina citizens was that it was going to be a demolition without permit because no permit to demolish had been filed by the owner.

The building shows up on Sanborn Insurance maps, which date to 1914. County records indicate that it has a construction date of 1911. On a Pioneer Mill Company map, dated 1936, the property is also shown, which indicates that Pioneer Mill either own the house outright or was leasing it from another owner for one of its employees.

Further investigation into Pioneer Mill Company documents indicate that this particular building was the head carpenter's house and it's shown on a map, which is dated March 24, 1936, which shows the house next to that of the head blacksmith located there on Lahainaluna Road, so it's obviously an important building.

I'm going to remind everybody that at one time we didn't have these wonderful aerial photographs and we were working off these really junk maps from 1915. U.H. had a collection of aerial photographs that we found also in the tail-end of last year and we are benefitting from them having included these maps on their shoreline study website.

Mr. Fredericksen: Excuse me, Stanley?

Mr. Solamillo: Yeah?

Mr. Fredericksen: What do the aerial photos that U.H. has on file or archived - what are the date ranges that they --

Mr. Solamillo: This one is 1946. That's the earliest one that we've got.

Mr. Fredericksen: That's the earliest?

Mr. Solamillo: Right.

Mr. Fredericksen: Cool.

Mr. Solamillo: So I've identified the house with an orange arrow and you can see it's right across the street from a group of barracks that we had discussion early last year as well. That's an enlargement. You see it's very proximal to the mill and to a group of stables, which was located to the left of it and towards the top of the insert photograph. What everybody forgets is that we're looking at a pre-Honoapiilani Highway widening so you've got a lot of buildings which were suddenly taken out by the highway. That was in 1959.

Mr. Fredericksen: Stanley?

Mr. Solamillo: Yes?

Mr. Fredericksen: Could you -- could you back up to that please?

Mr. Solamillo: Yes.

Mr. Fredericksen: Let's see - is down at the lower right of the larger photo --

Mr. Solamillo: Yep.

Mr. Fredericksen: That's Lahaina Harbor --

Mr. Solamillo: Correct.

Mr. Fredericksen: Prior to, I believe, prior to the -- well, certainly, prior to the right wall being completely --

Mr. Solamillo: Prior to the small -- the small beach or the small harbor being built.

Mr. Fredericksen: Right.

Mr. Solamillo: In 1962, the National Park Service established Lahaina National Historic Landmark, and that's -- we refer to it as the NHL. It is the first National Historic Landmark established in Hawai'i. In 1974, there was a boundary amendment, which actually enlarged the district to the current boundaries that we have on this map. Maui County

established Historic District Nos. 1 and 2 in 1962, and in 1971, respectively, and the Lahaina NHL was placed on the Hawai'i Register, finally, in 1974.

Over the past four years, I've been having to, in essence, defend the NHL because the NHL has come under attack from both historic preservation professionals in Honolulu as well as National Park Service people on the Mainland in Washington D.C. And the contention is that we have so few historic resources now left that there has actually been a movement afoot to delist the entire NHL. This would be a really bad thing because so many people worked very hard to get it established in the beginning and it was, as I said before, the first NHL to be established in Hawai'i.

Mr. Fredericksen: Stanley?

Mr. Solamillo: Yes?

Mr. Fredericksen: Where is -- where's the Park Service and the professionals you're referring to within the State on the inclusion of the pre-contact component of Lahaina in this, you know, their assessment that they're -- when they're talking about delisting?

Mr. Solamillo: The subsurface -- the subsurface or archaeological remains that we believe lie underneath much of Lahaina as well as its pre-contact history, which I guess the most visible embodiment is Moku'ula, will probably comprise the main reason why we will be able to keep the NHL an NHL because right now the historical resources are on the way.

Mr. Fredericksen: But you're -- what they're using, in essence, for criteria are --

Mr. Solamillo: Standing buildings.

Mr. Fredericksen: Historic standing buildings.

Mr. Solamillo: Standings buildings and structures. That is correct.

Mr. Fredericksen: But that's -- but that's -- that's one of the big flaws, it's not only in Hawai'i but certainly in Hawai'i, where the -- I don't know what the right term is but for -- and, please, everybody in the audience, pardon me, but the use of this term but I don't what other -- another term I could use is the credit, if you will, that's given to historic districts is typically heavily favored on post -- on post -- in Hawai'i, on post-contact structures and a lot of them are European, Western structures.

Mr. Solamillo: Right. So, based upon that, my charge probably over the next two years is to rewrite the NHL nomination and the additional charge is to hold as many historic buildings that we can for the plantation period because remember the original NHL

nomination was predicated on Hawaiian history and missionary history. The plantation period was not considered important at that time, that was 1962, and was not included in the nomination documents. So we will have to actually expand to include the plantation period as well as early modernism, which occurs when the first tourist buildings go up, and they date to the 1960s.

Alright, the property in question is located at the top of the map near the boundary or the northern most boundary of the district. I'm going to go through a sequence of slides, and this is probably something that everybody remember it so when anybody talks to you about, oh, what's happened to Lahaina, you know, it's -- it's not historic anymore, I want you to look and remember these. What happened, and what these -- the chronology of slides will show you very clearly is that most of Lahaina was agricultural. We have sugar cane being planted all the way down to the beach, alright. And what has happened is that gradually as sugar cane planting was withdrawn, the agricultural land urbanized, and there was no way to stop the urbanization because it was something of a low priority for a lot of agencies. We had a lot of departments within the County as well as agencies at the State level who actively promoted changes to Lahaina based upon, you know, the need for our tourist industry. The other thing that's probably critical to remember is that, ironically, the biggest proponent for the creation of the NHL was Amfac, or American Factors, and Pioneer Mill. A manager named Keith Tester was very instrumental in getting the district created because the big fear was that when Kaanapali went into development on the high end and had golf courses and fancy places for people to stay, that Lahaina would indeed become a ghost town. So the need for the creation of a tourist destination in Lahaina, at that time, was predicated on the creation of the NHL and the local historic districts.

Okay, this shot, 1946, sugar is still going strong. You see Baldwin packers on the left-hand of the photograph; you see Mala Wharf, it's still intact; you see the mill at the center of the photograph and cane fields being grown pretty much everywhere, and Lahaina is -- is a town that develops along the seashore and hugs the ocean. Second shot taken in 1960, right before the NHL is created. Pretty much the same scenario. There's a cloud on the right side of the photograph, and just to its left, if you go to eleven o'clock, that is Moku`ula, okay. The small boat harbor has been created. By 1960, Kamehameha III has been built as a series of low-rise single-story education buildings. And much of Lahaina still looks like it did back in 1946.

Mr. Fredericksen: Excuse me, Stanley?

Mr. Solamillo: Yeah?

Mr. Fredericksen: The -- your reference to King Kamehameha III Elementary School, what we see there is the second --

Mr. Solamillo: Correct.

Mr. Fredericksen: Phase, if you will, cause the first -- the first construction was in earlier 1900s. This is a much smaller two-story building.

Mr. Solamillo: Right.

Mr. Fredericksen: It was on the campus as well.

Mr. Solamillo: It was a great building though.

Mr. Fredericksen: Yeah. It was.

Mr. Solamillo: Okay, this is 1975. Now you can see, if you go to the right side of the photograph, you can begin seeing how some of the cane fields are beginning to be carved up into subdivisions, and that's where your urbanization is starting to take place. Okay, over the next series of slides you'll see more and more subdivisions going in. That arrow denotes this property. Just below the arrow is the new shopping center that was -- that is -- that has been built by 1975. And to the left of the arrow, and that shopping center is ground which is being cleared for an apartment complex. Next shot, 1987. You can see very clearly now that your cane fields are really being erased by new development, so your ag is completely going and all the ag lands are becoming urbanized. Here's a shot at the back of the house - we now have another shopping center, which is being built behind it. And we have a shot taken in '97 and now you have more asphalt and concrete than you do cane fields. The cane fields are now fallow. Last year for production for Pioneer Mill is 1999.

Okay, based on that series of slides, now you can tell everyone who comes up to you and makes the statement: There's nothing historic left in Lahaina, you can tell them how it happened.

Alright, this is the property as it appeared in 2008 when we surveyed the Lahaina NHL. It's part of the update of the NHL documents. It includes the findings from that survey. You can see on the aerial photograph location of the -- the camera station and direction of the shot. This is as the building appeared at the tail-end of 2009 after the trees had been removed and this is what prompted the telephone calls. Bear in mind that no official application for a demolition has been filed yet with the County.

This is looking at a side view. I think there are five windows that have been changed out. Outside of the five windows, all the original windows, which are two-over-two, and period intact windows remain on the building. Shed additions have been added to the rear and

to the makai side of the building. And that's another shot, which duplicates the survey short minus the trees.

As we have found out in doing the nomination for Lana'i City, all of the seemingly insignificant plantation buildings or houses have lots of history contained therein, and this is a shot of the Lee family in Lana'i City taken in 1938. It came from a Filipino collection, A. Delgado, and it's provided courtesy of Lana'i Cultural and Heritage Center. There's a series of shots of plantation houses taken in Lana'i City of various families of various ethnicities, and they're pretty amazing. Now for a Chinese family - how many kids in this family, 2, 4, 6, 8, 10, 11 children, you know, and a lot of, especially in Lana'i, you know, two-room houses, you got 10 or 11 kids, I still have the question: Where did everybody sleep? One the floor. Everyone will tell you, and, you know, this is the comment referring from most applicants who wanna demolish in Lahaina: The termites have taken a toll and the house can't be saved. And I always have to go back to this house and this was the Kaluakini house, and it was very important, associated with an important family from Lahaina, and had it not been saved, we would not have known about the history. It received the 2005 to 2006 Historic Preservation Honor Award from the Historic Hawai'i Foundation in Honolulu.

The next series of shots show you what the house looked like and it wasn't much worse condition than the house that we're looking at today. Floor's gone; siding's got holes in it. Porch floor is beyond - amazing the refrigerator is still standing on the porch. Lower porch knee walls are almost gone. Roof is collapsed on one side of the house. Windows are gone. But this house was brought back.

Typically, with single-wall houses you can, and remember, when we talk about buildings that are restored in the NHL or any of the historic districts, all we're primarily concerned with are the exteriors. So, essentially, you can build a second wall, make it a double-wall house on the inside, they went with sheet rock as the Braytons did. And you end up with a house that has got 12 to 14 foot ceilings. And it could be really stunning.

That's a shot of the house in 2008. It was nominated to the Hawai'i Register of Historic Places. That's a shot in the 1930's, I think, '36 or '37, with -- that was Deputy Sheriff Kaluakini, he is Deputy Sheriff of Lahaina and Hana, with his granddaughter standing on the front lawn. William Kauaha`ao Kaluakini was born in 1872, lived through 1932. He had a short life but he did an awful lot. He was a member of Kahekili Chapter No. 4 Order of Kamehameha; a teacher at various schools in the Lahaina district; principal of Honokohau School; deputy tax collector in Lahaina in 1904; captain of the Lahaina Police in 1905 to 1906, which was one of Pioneer Mill's most violent strikes; lieutenant of the Lahaina Police in 1909 to 1916; he was a messenger for the House of Representatives in 1915; captain again of the Lahaina Police 1916 to 1917; deputy sheriff of Lahaina 1917 to 19; worked for

the House Printing Committee 1919; deputy sheriff of Hana in 1919 to 1924; deputy sheriff of Lahaina and Hana from 1924 to 1931.

Alright, at this point, before we go on to public comment, the applicant will want to present their findings of the house and also address any questions that the Commission Members may have.

Mr. Fredericksen: Thanks, Stanley.

Mr. Wade Brady: Good morning, everybody. My name is Wade Brady. My associate ...(inaudible)... and we are the applicants. I'll just make a brief statement with respects to the property. Obviously, we did do some removal of the trees, which was strictly done as for two purposes. One was we had a safety concern. They were mango trees. We had a number of people walking on the roof which is unsafe. The building itself is in substantial disrepair. And the other were with respect to the trees, the roots themselves were destroying the foundation. It actually started to ...(inaudible)... the house so that was the reason for that. I'd also like to present you right now with some of our original photos at the time that we actually took over that building.

Mr. Fredericksen: Excuse me. What's your position in this?

Mr. Brady: I'm a --

Mr. Fredericksen: You're not the landowner correct?

Mr. Brady: I am not. I'm a partner with John Yokouchi, representing the Yokouchi Trust family.

Mr. Fredericksen: And so the trust is the landowner?

Mr. Brady: That is correct.

Mr. Fredericksen: Is he the trustee or --

Mr. Brady: I wouldn't know what his formal title would be. He's a son of the mother and father.

Mr. Fredericksen: Okay.

Mr. Brady: What you can see is, obviously, very similar to the substantial termite damage, we've had our architect, a structure engineer, out to look at the property and that's where --

Unidentified Speaker: We can't hear anything that ...(inaudible)...

Mr. Brady: Oh sorry. Is this better? Sorry. So what you see from -- with respects to the original photos to what we had -- that was presented by Stanley -- to what was presented by Stanley was we've simply done a really superficial cosmetic overlay of the existing stuff with respects to we put T-111 as skirting across the base of the building, we put quarter-inch plywood over the flooring just to give it a temporary kinda bracing, and then the entire structure was painted. The windows that were referenced were simply -- we just had some lexan put in just to, basically, make the building secure so nobody can get in. A number of squatters were in there at the time that we sort of took over.

Mr. Fredericksen: I've got another question. How long has this building been owned by the trust?

Mr. Brady? I don't have an answer to that. I don't know.

Mr. Fredericksen: Okay, because there are some questions that are coming to my mind. One is, you know, how long has this building been owned by the trust? And, two, when the building was purchased, the trust should certainly have known that it was within the Lahaina, you know, the NHL in Lahaina. And I guess the other question would be: Was this building -- well, depending on how long ago, was it purchased to basically with the intent to demolish knowing that it's within the Historic District?

Mr. Brady: Well, I should clarify. Our intent was not to demolish. We have, basically, been looking at a relocation and had offered it to a number of different organizations that were going to actually move it over closer to the smokestack. The difficulty is it's so far gone, structurally, that they don't believe it would actually survive the move. So it's at a point where we're looking at the demolition as the only recourse to -- to move forward so --

Mr. Fredericksen: Yeah, I just have a comment for the Commission. I mean this is just like, and this isn't, you know, this isn't something new that is coming forward but this is a recurring theme where it's always, well, you know, you can't do anything because it's, whatever, it's too far gone, but I really would like to know how -- how long the trust has had, you know, has held this property.

Mr. Brady: That would be information that I'd have to get from John Yokouchi. Unfortunately, he was actually supposed to be here. I'm not sure what has delayed him.

Mr. Fredericksen: Anybody else on the Commission have a question at this point?

Mr. Alika Romanchak: I'm wondering what is the intent for the property if you do move it or demolish it?

Mr. Brady: We haven't finalized any plans yet. If we were to build something new, it would fall under a plantation type architecture. Our architect is Ron Agor, he's a proclaimed plantation architect, so whatever would go back up would definitely suit the area.

Mr. Fredericksen: Okay, go ahead and I'll try to hold questions until you're done with your presentation at this point.

Mr. Brady: That is all I really would have to say so I'd be open to any additional questions.

Mr. Fredericksen: Anything else, Alike? So how long has the building been vacant? You don't know?

Mr. Brady: At least five years.

Mr. Fredericksen: Any other -- any other questions, Commissioners, at this point?

Mr. Hutaff: Yeah, I have --

Mr. Fredericksen: Ray?

Mr. Hutaff: I have a couple. First, when were these pictures taken?

Mr. Brady: Approximately one year ago.

Mr. Hutaff: A year ago? So that means that the time that these pictures were taken, the property had been vacant only for four years?

Mr. Brady: That is correct.

Mr. Hutaff: Okay, when -- has any consideration been taken, if you're going to build it plantation style, has any consideration been taken just to rebuild this one as it is? I mean within the same framework, with all the materials, and all that. It kinda makes sense doesn't it?

Mr. Brady: Like I said, we don't have any type of finalized plan at all so we are looking at all kinds of different options so --

Mr. Hutaff: What are your options?

Mr. Brady: Utilizing aspects of that structure in a new structure. Taking that exact same architecture and incorporating it into a brand new structure. These kinda things. If we can utilize some of the materials in the new structure, we would do that. All kinds of things

have been kicked around. It's important to know, we haven't applied for a demo permit cause we don't really have any finalized arrangement or plans or anything.

Mr. Romanchak: Stan, if it's not been applied for a demolition permit, is there a reason it's on the agenda?

Mr. Fredericksen: So this is more of an informational --

Mr. Solamillo: Actually, it's to develop a protocol --

Mr. Fredericksen: Right.

Mr. Solamillo: Because the concern from citizens who wished, at the time, to be not identified was that it could come down and they're fear was that it was going to come down by December 31. I, in fact, posted a notice on the door indicating that, you know, if -- if proper procedure wasn't filed, that the other agencies involved, which included the National Park Service as well as SHPD and Maui County, that substantial fines and penalties could result from a demolition without filing a permit. That's how that happened. So given the discussion, which I had because Mr. Brady called me back the following day after the notice was posted, I wanted to outline a clear protocol for this building.

Mr. Fredericksen: Yeah. Veronica, did you have a comment or question?

Ms. Marquez: I guess clarification. So when I'm looking at the agenda and it states, "Request and review comment on proposed demolition," however, when I hear what you're saying, you're not really requesting demolition?

Mr. Brady: That is correct.

Ms. Marquez: Right, what I'm getting at this whole essence is really we're looking at the so-called protocol rather than the demolition, per se. Am I following this right?

Mr. Brady: That would be my impression.

Mr. Fredericksen: Stanley?

Mr. Solamillo: If the property is to be demolished, there must a procedure that is followed. Since there's no tree protection, the trees went without any comment. The big concern is that the building would follow suit.

Ms. Marquez: Okay.

Mr. Fredericksen: Rhiannon, I'm sorry.

Ms. Chandler: No, I just wanted to re-clarify. You said that you were looking at demolition as the only viable option left? You just mentioned that couple minutes ago so is that still something that you are sticking to?

Mr. Brady: It's difficult for me to -- to say that, yes, we're definitely demolishing it and, basically, it's all going in the dumpster. It's -- we want to look at every option. We -- removing of the trees was strictly done as a safety and to protect what's already there. What those pictures don't show is how the roots have actually grown underneath and are starting to lift corners of the house. The one on the front was actually destroying the front wall. So these were things that we had just sort of done on our own as we're going through the process of exactly what steps will be taken. So if demolition is -- is the only option, however long in the future that is, then that's what we'll -- we'll, at that time, we'd apply for a demo permit. Like I said, we've talked to different organizations at this time to try to move it. We had some interest to moving it over to the -- aside the smokestack. We had some engineers look at it. They didn't think it could make it. That doesn't necessarily mean it won't be tried. I don't -- we don't have a plan cause we don't -- I haven't really got to that point yet so --

Ms. Chandler: Stan, is there any protocol whatsoever about keeping -- maintaining historical properties, like are there any guidelines that would suggest that if in the last five years this property's been vacant, is there anything that could have supported maybe maintenance or something?

Mr. Solamillo: No. I mean nothing is really stated within the guidelines or in the County ordinance that owners must maintain their properties neither is it stated that an owner cannot demolish. In the past year, there were two demolitions that occurred in Lahaina without permits and now they just get an after the fact fine. This is a particularly rare house. The reason it poses concern is because, like one property that did come to Commission last year, these are one-of-a-kind buildings. They're the last ones. It needs to be made clear, you know, to new owners or prospective partners in whatever development scenarios may result that, you know, these are important and that a clear protocol and procedure must be followed.

Mr. Fredericksen: Yeah, for what's left because there really are not many of these structures left. I have one more question for the - I'm not sure if you'd be the applicant at this point, but --

Unidentified Speaker: Owner's rep.

Mr. Fredericksen: Owner's rep. Thank you. The wall that's depicted here, that, I believe, is a fairly old wall with pillars -- or maybe, Stanley, this is a question for you. You've seen this place first hand, right?

Mr. Solamillo: Yes. I actually got inside it a year ago but the photos went when my hard drive sent last year.

Mr. Fredericksen: This wall, some of it made with, you know, the dress cut basalt that's, you know, kind of reflective of the '20's when that -- a lot of that work was going on in, basically, Maui County and elsewhere too in the State.

Mr. Solamillo: Yeah, but the rock work along Lahainaluna Road I think is important because there's a couple of Japanese masons who were involved in doing the rock work.

Mr. Fredericksen: Right. Yeah.

Mr. Solamillo: And you could see it where it's in front of the Pioneer Mill Office, which is dated to 1916, I believe, '15 or '16, and then you have it along portions of Lahaina proper.

Mr. Fredericksen: Remnants, yeah.

Mr. Solamillo: Yes, remnants.

Mr. Fredericksen: And there are, I believe, some remnant curb -- curb stones --

Mr. Solamillo: Correct.

Mr. Fredericksen: In some parts of Lahaina still.

Mr. Solamillo: Right.

Mr. Fredericksen: Okay, thanks. We're talking about the house but this -- this wall's also on the property as well. It's depicted there. What are -- are you folks thinking about this wall?

Mr. Brady: Again, that was one of the reasons we did cut down one of the trees. What you can't see is, on the photo, it's actually starting to tilt the one pillar and collapse the wall into the yard, so we wanted to save those elements and that's we, basically, stopped that from happening.

Mr. Fredericksen: That's probably the one that's by where there's a mailbox next to the pillar?

Mr. Brady: Correct. Yes.

Mr. Fredericksen: Well, at this point, as a -- well, I'm speaking for myself and I believe I'm speaking for the Commission kind of in general too, but we always are in favor, if at all possible, reusing old buildings, if at all possible, especially one like this because, as Stanley pointed out, it is a unique - well I mean for what's left in Lahaina of these sorts of structures - it's quite unique. And the one that he showed earlier that has been restored was -- looked to me like it was in worse shape than this one, and I don't know, Stanley, if you can speak to that, but it just, to me, it looked like it was in -- it had more challenging problems with it. So at this point, Stanley, we grappling with trying to -- it's sort of a chicken and egg at this point because they're -- I mean if I'm understanding what you're saying, you folks are still thinking about your potential options.

Mr. Brady: Yes.

Mr. Fredericksen: Who's the structural engineer that's looked at the feasibility of if this building is moved? Who's that?

Mr. Brady: That was Ron Agor. He's an architect and structural engineer. He works out of Kauai and Oahu.

Mr. Fredericksen: What's the last name? Spell it, please.

Mr. Brady: Agor. A-g-o-r.

Mr. Fredericksen: Ron - first name?

Mr. Brady: Ron. Correct.

Mr. Fredericksen: From just my individual point of view, I feel that there should be a serious effort made to look at trying to rehabilitate the building. I mean it would be a very unique -- it could be a visual attraction and it could also be an attraction to the trust itself, plus there would be a way to certainly make money off of it as well.

Mr. Brady: We will exhaust all avenues, I'm sure, trying to determine what is the best course of action for the building.

Mr. Fredericksen: Any comments, Commission Members?

Mr. Hutaff: Yeah, I have one. Since you're not really officially coming here with a demolition thing and all I can really do is say that when you come here the next time, my statement will be what I'm going to tell you now or ask of you now, okay? Don't consider

anything else other than rehabilitating the building because that's pretty much my stand if you come here in five years or four years, okay, based upon the way what we're supposed to do, the significance of the building and its time era, and you could actually become or the owners could become heroes. And as far as a profit potential, where that building is, whether you're going to lease it out, rent it out, whatever you're going to do, would be more beneficial than probably anything else that you could do, including moving it. Part of me says that moving it's like the second worst thing you could do, the first is demolishing it, moving it would be the second worst because I think it also needs to kinda stay in the area to give visual impact, I know there's probably other things around that don't share the same structure and time period, but that makes it more important not to be moved.

Mr. Fredericksen: Makes it that much more -- more valuable.

Mr. Hutaff: That's kinda what I'm saying is that while all we can do is comment, so I'm giving you my comment today, and if you come back in four years, it'll be the same comment. Fair enough?

Mr. Fredericksen: Yep. And what we need to do is get the -- accept some public testimony and we can comment some more. So we'll -- we'll probably have some more questions for you in a bit, but thanks. Anyone in the audience wanna come up and testify on this item? Please state your name and --

Ms. Theo Morrison: Good morning. My name is Theo Morrison, Executive Director of Lahaina Restoration Foundation. And I guess we wanna go on record as adamantly opposed to the demolition of this building. And actually I agree with Ray, the second worst thing would be moving the building. It should stay in its historic context. Our history defines who we are as a community, and a built environment is a collective memory. I have been testifying before this committee since -- Commission since 1991. I continue to see buildings go away. We're losing part of our history, and we know better. This isn't 1700. We know better. And we need to take an adamant step to preserve this building. I should also mention that I question the fact that it's been empty for five years as I was invited to an art opening in the Old Lahaina Gallery in 2009. It was occupied.

Mr. Fredericksen: Thank you for that information.

Ms. Morrison: Also, Lahaina Restoration Foundation is the -- we have restored numerous buildings throughout Lahaina. We've been in existence for close to 50 years. We have never been contacted about this building. So I don't know what organization he talked to but it certainly wasn't us. And I do also wanna commend Stanley for being proactive.

Mr. Fredericksen: Yes.

Ms. Morrison: Too often in Lahaina it's the midnight demolitions, the changes, the murals on the wall, all these things happen and then it's like, oh gosh, too bad, and the after-the-fact permit and a little fine. So we need to be more vigilant and the trees going down was the first indicator that something bad was going to happen. And that's another thing that I wish we could add to the cultural -- the Historic District is trees.

Mr. Fredericksen: Yeah.

Ms. Morrison: Lahaina Restoration and Lahainaluna Foundation are currently in the very, very initial stages of discussing an `ulu planting project, reforesting Lahaina with `ulu. That's as much a part of the environment as these ...(inaudible)... maybe we can add trees to -- to the -- don't cut 'em down. So I just wanted to say that. Also, Lahaina Restoration, right now, is in the process of renovating the Pioneer Mill Smokestack. Now this smokestack obviously doesn't work. There's no mill attached to it. No smoke will ever come out of it. It's a \$600,000 project. Why would we bother? Because the community cares. It's part of our legacy. It's part of who we are as a community. In the last year, we've raised close to \$92,000 to help offset the \$600,000 cost, and they didn't come from big corporations. The names coming in on the checks are Japanese names, and Filipino names, and Hawaiian names. These are the people that are part of this community that care. And this is another -- this building is another part of our community so we, again, are adamantly opposed to any -- any demolition or any moving of the building. Thank you.

Mr. Fredericksen: Thanks, Theo. Any questions for Theo? Okay, next? Go ahead and state your name and everything.

Mr. Foster Ampong: Aloha. My name is Foster Ampong. I reside in Kahului. I'm originally from Lahaina. Thank you for this opportunity. In regards to the home, I'd like to thank the dialogue, the discussions. Although I'm on the record as not really being an advocate of the plantation era, I think it is very important that there is protocol and there is discussion like this to ensure that, you know, there is no unintended consequences or maybe intended consequences, you know, that are hidden from public view. So I'd like to commend the council on that specific point and issue. I wish that, during my grandparents' time, that there was some kind of body like this that could have done a lot more for the Hawaiian people and our culture. So, again, mahalo nui loa. I need to shift gears now towards the smokestack.

Mr. Fredericksen: Foster, we gotta -- it's not on our agenda. Sorry.

Mr. Ampong: Oh. Okay. Alright. Then I'm just responding to what Theo said about the smokestack and that I don't mind that smokestack being demolished because it really, really offends me and my family. So thank you.

Mr. Fredericksen: It's not on the agenda. Thanks, Foster.

Mr. Ampong: Okay.

Mr. Fredericksen: Take care.

Mr. Ampong: Thank you.

Mr. Fredericksen: Okay, next, everybody, the sign up sheet didn't get passed around so please -- please spell your name out for me and I'll be the keeper of the -- hopefully, Suzie can read my writing. Good morning.

Ms. Uilani Kapu: Good morning. Aloha. Uilani Kapu, Kuleana Kuikahi. Aloha mai. I just wanted to kinda remind you folks, about two years ago when we had the Halloween festival controversy going on in Lahaina, there was also a controversy about the Whitehead's property located right across the street from this property. Two houses they were renovating. The controversy on that one was just windows, okay. They took the time to renovate those houses, and I'm pretty sure they're the same age as that one. There are three houses across the street from this one that were renovated and putting back the same, and I agree with you folks that this house needs to be done the same. I was called in regards to this house to find out if we wanted it. When that phone call came in I was just like, okay, wait a minute. First thing was trees are going down. Everybody was calling us up. Hey, got logs. Come get it. Cause we artisans. We use the wood. We bring it back to life. Second thing was, phone call, you want the house? Well -- so this is why we are here today. This needs to stop. Lahaina needs to stop being desecrated. It needs to keep its culture, history, preservation in any which way that we can. Maui itself needs to be put back. We need to start mandating and putting things in writing. And I'm pretty sure, when they sell a property, it was written in their documents that it's an native -- National Historic Landmark. So the landowners have no way, no how saying that, oh, we didn't know. And I'm glad it came forward, and I'm glad it's on your agenda today, and I'm glad we got the phone call in regards to this. And I do get the agendas every month now. Thank you. Yeah. So I know what's going on. Mahalo you folks for standing -- standing firm in yours guys' beliefs in what you guys are supposed to be doing and protecting Maui because nobody else will do it for us. We need to start doing it ourselves. So mahalo.

Mr. Fredericksen: Anyone else on this agenda item?

Mr. Keeaumoku Kapu: Aloha mai kakou. Keeaumoku Kapu, ko inoa, no Kauaula mai, oe mai Lahaina mai. My name is Keeaumoku Kapu. I'm from Lahaina. I wasn't going speak but I felt compelled to because of one photo that was shown previously of the Kaluakini property. That one we got worried because they cut the mango trees down. You guys heard the song: *In Lahaina, the living is slow. In Lahaina . . .*, and in the words of the song

it talks about the mango trees and the centipede that crawl all over our feet. Well, in the Kaluakini property, the la`au that came from there, we heard that they went chop down this tree, and actually Kaluakini is the grandfather of John Keola Lake, yeah? And the wahine that Kaluakini was carrying was Keola Lake's grandfather -- I mean mother. So we was able to get the la`au, the mango wood from that place because we heard that they went chop the trees down. We made 27 poi boards and poi pounders for the 2007 Festival of Canoes, and we donated all those poi boards and poi pounders to all the Department of Education schools on Maui, okay. We got word that these trees was coming down. By the time we came down the mountain, whoa, everything was obliterated already. We heard that from a friend or a source saying that if we wanted some of the logs to come and get the logs, yeah. We all about bringing life to something that, basically, other people think that doesn't have a value, like the song, yeah, *In Lahaina*. It was a culturalistic value where somebody actually took time and put words to this thing, yeah, and now we know why because now, all of a sudden, our mango trees are being eradicated. It's supposed to be their place for the benefit of the people, yeah, in time of need. We hardly get mango trees in Lahaina now. Lahaina was known as, and I mahalo the Lahaina Restoration Foundation for considering the planting of `ulu trees because Lahaina was known as Malu`ulu`olele, where the breadfruit sprang here and there, but then at the same time is it become more of a liability than coconuts to have `ulu falling down all over cars and heads. That one other thing that you gotta consider being a part of the Cultural Resources Commission too, you know. All these kinds of dynamics. It's interesting what Stan talked about when this district was considered on the National Historic Register, historic values of Hawaiian culture, missionary impacts was the focal point on the review of properties for the --

Mr. Fredericksen: Keeaumoku, try finish up if can. We're just trying to -- and I'm not trying to step on --

Mr. Kapu: I going get to my point.

Mr. Fredericksen: Okay, thanks.

Mr. Kapu: That the mill and sugar cane cultivation was not considered at the time of the historic review. Okay? So you gotta really take grasp pertaining to what that means. Really take grasp. And to make sure that are you guys stepping over your bounds? You guys not stepping over your bounds? I not trying to say that I favoring what this guy trying to do over here, I'm totally appalled to any kind of change that goes on in Lahaina, but I think the rules that you guys are tied to as a recommendation to anything that happens in any historic district, you guys gotta put together some kinda resolution or something to back you guys up or else this is water under the bridge. Theoretically. I mean think about it. What kind jurisdiction you guys get? That's all I wanted to add to this. I never come here for this agenda but my wife said she better go up before me because every time I go

up, it seems like I suck the air out of the room all the time. But mahalo. Think about that now where your guys jurisdiction really lie.

Mr. Fredericksen: Thank you, Keeaumoku.

Mr. Kapu: Thank you.

Mr. Fredericksen: Come forward. Please state your name.

Ms. Jocelyn Perreira: Aloha. My name is Jocelyn Perreira. I'm the Executive Director of the Tri-Isle Main Street Resource Center, representing and advocating for small towns in Maui County. We have nine under our flagship right now. Lahaina is not necessarily one, but the reason why I'm here -- I'm here for another topic, but the reason why I wanna speak on this particular one is because this is significant in that you are talking about a building and a structure that has not been afforded the protection. The plantation era, as Stan has said, I think it's really important that they include and expand the responsibilities to that because this building represents a connection to our roots. It is important that we have and document the -- the evolution of what led to this tremendous melting pot and the contributions of the multi ethnicity, and not necessarily the plantation era lifestyle of how, you know, how they had the plantation camps, but when you look at the architecture and the merits of that that was brought were all bits and pieces that were handcrafted and made by the people who came here and adopted this land as their home and has and worked alongside the Hawaiians. I think it's really important that -- this is so precedent setting, not only for Lahaina, and that's why it's so important that we were here today to rise to the occasion. I've seen many, many terrible buildings in many of our small towns, and this building is not even close to -- to the termites holding hands --

Mr. Fredericksen: Yeah.

Ms. Perreira: Falling down, like I've seen, you know, in other places. It is so important that the area that this building sits, the fact that it's reflected in numerous mappings, so on and so forth, that it's a legacy that's irreplaceable. We work very hard to try to bring an awareness of the intrinsic value that's in the elements that's reflected in, not only in buildings, but in rock walls, the trees are a very important piece of the history that people don't realize. I mean it's the first to go and then people don't realize what's happening. And, literally, don't think that this couldn't have gone down overnight cause when we were working to save the Iao Theater, they actually had a demolition permit that we could have waked up the next morning and had it gone except that we asked the MRA to put an injunction. So it's not like this couldn't happen, that something could come down.

Mr. Fredericksen: Try to summarize, please, just so we can kinda keep our meeting going.

Ms. Perreira: Thank you. I just want you to respect its right to be an anchor, a permanent record of the historical roots, its -- and build around it whenever possible. If this was going to be needed for a hospital or a school or something, then you'd have to look at possible relocation, but I think we have to respect what our built environment was and has stood for generations now, and thank you for your hard work and thank you to Stan Solamillo for having the courage to do what's right on this. Mahalo.

Mr. Fredericksen: Thank you for your testimony. Anyone else from the audience wanting to testify on this agenda item? Okay. Let's see, Stanley, could you come up for a minute and give us some recommendations and then we'll have some discussion?

Mr. Solamillo: Couple of caveats. First one is none of us are empowered to stop a property owner from demolishing a property. That's the first caveat. Second caveat is that building is over 50 years old, it has all the contributing elements that it needs to be a -- or excuse me, the character defining elements that it needs to have in order to be a contributing building to the Lahaina NHL. So we've made a preliminary determination of eligibility that is in that favor, okay. That being said, we have a potential eligible building to the entire NHL; one that it probably is eligible on its own because of its associations with the Pioneer Mill and being the residence for the head carpenter, which changed through time. You might have had German. You might have had Portuguese. And then you end up with Japanese carpenters at the end of the period of significance. Being that as it may, however, and the fact that we cannot prevent the demolition of a property, then we need to recommend that the following protocol be followed. Our preference here is to preserve this building and rehabilitate it in place as an adaptive reuse. If that cannot be done, and if no -- and I'm asking actually for clear evidence that all efforts to physically preserve this house on its site have been made, okay. If the property owner, at that point, feels that they've exhausted all of those efforts, they have to provide us evidence that they have done so and if no -- the next thing is to offer it up for a move, a physical -- a physical relocation to another site for its preservation. If they cannot find someone who is willing to do that and that if there are no alternatives to demolition at that point, then there must be a mitigation of the adverse effect of demolition --

Mr. Fredericksen: Stan? No, go ahead. I'm sorry. Go ahead.

Mr. Solamillo: That we've established over a period of four years. We use the National Park Service standards. The National Park Service for all buildings, and you've seen them, really good ones like this one and some not so good ones, National Park Service has been always recommending HABS Level I, okay. That is Historic American Building Survey Level I, which includes large format four-by-five black and white photographs. In this case, since it's a single story, you have to have floor plans, floor elevations, two sections, and details, and this must accompanied by a HABS narrative, which shall include a statement

of significance, an architectural description, endnotes or footnotes, and the bibliography. That's the minimum that National Park Service is recommending.

When the calls, the frantic calls came in, both the National Park Service as well as SHPD were contacted. So everyone's kind of inline and has been ...(inaudible)... verbally and this is the protocol that I'm recommending.

Mr. Fredericksen: Have you spoken with the Architectural Branch of SHPD? Any comments, Commissioners, on the recommendations that Stanley's outlined, or additions?

Mr. Romanchak: My understanding would be that they would come back at the time --

Mr. Fredericksen: Yeah.

Mr. Romanchak: If and when they do decide to demolish with a demolition permit, and we're asking them, at that time, to prove that they've exhausted all the other options and would make that -- this recommendation at that time.

Mr. Solamillo: We can take it now or at that time. I prefer to lock it in early.

Mr. Romanchak: I guess my only comment, I think it's clear based on the testimony today, both from Commissioners and the public what the preference is, and I think the owner's rep has a clear idea, but I would also say that, you know, I wonder what we, as a community, could do pro-actively to help them, whether it's the County or Lahaina Restoration Foundation, identifying properties that are at risk and pro-actively helping those owners to understand their -- their role in the community or position and --

Mr. Fredericksen: Ultimate responsibility.

Mr. Romanachak: What -- what options there are for them in terms of grants or resources available to restore these -- these properties and take a more proactive approach as opposed to reactive approach of us reacting to a demolition permit as, you know, I think that's part of the purpose you brought this to us today as opposed to when the actual demolition permit would be submitted that, in the future, you know, what can the County or other community groups do to be proactive in helping these landowners.

Mr. Solamillo: I can address that in part. Since the building is eligible for possible listing in the National Register by itself, it probably is eligible to get historic preservation or historic tax credits, which can get you up to 20% of your total rehabilitation cost. That's currently all that we have in place. We're pursuing actually a proposal to try and get commercial properties the same tax abatement that residential properties are getting. They did that for Honolulu County -- City and County of Honolulu recently. We received a copy of the

actual ordinance and have passed that around. But at this point, the only thing that we can offer assistance with is the actual historic tax credit.

Mr. Romanchak: Is there anything being done though to put that information into the hands of the people who would ...(inaudible)...

Mr. Solamillo: Not on an active basis. It's on a case-by-case basis and if the property owner or the owner's rep wants that information, I'll be happy to provide it for them.

Mr. Fredericksen: Any other Commission Member? Ray?

Mr. Hutaff: Yeah --

Mr. Fredericksen: Thanks, Alika.

Mr. Hutaff: Provide evidence that all efforts to physically preserve this home have been made is a path to destruction. It also places the burden of determining that evidence on us or somebody. Which is it - to us or somebody?

Mr. Solamillo: It's this Commission.

Mr. Hutaff: It's this Commission. I understand what's trying to be done with that. It's really saying that, you know, they have a right to do whatever they want but, first, we need to make recommendations ...(inaudible)... the problem that I have with it is that it really is a path, you know. It opens the door - eh, if you do this, you can do that. I, personally, don't know how to change that but I certainly would like to. And also with a real small side comment to Mr. Brady, okay, thank you so much for responding to his notice on the board within 24 hours and coming here. I know sometimes we can appear a little mean. We are. But we like you.

Mr. Fredericksen: Thanks, Ray. Any other comments, Commission Members? Makalapua.

Ms. Kanuha: I just wanted to make one comment because I like in Lahaina. I actually live right off Lahainaluna Road so I pass this building all the time. And as Uilani Kapu had shared is that right across the street, like Mike Whitehead and his family and they purchased those three buildings that look almost exactly as the one that's right now we're talking about, so I believe that, you know, I -- same, I commend Wade for coming over here and bringing this to our attention and thank you for responding to the notice; however, as a Commissioner, you know, we have kuleana and every month we're reminded of our kuleana, which is a good thing, because once it's gone, that's history that's gone. So, like Keeaumoku was saying too, I mean there's a protocol of how we can protect and the

owners are buying properties and I'm sure in it it states that your -- the properties that you wanna purchase is in a historical district and there's guidelines and what you can and what you cannot do so -- and this morning a representative of the Yokouchi Trust is here, however, the owners are not here so we have questions that cannot really be answered because the representative is not sure what we're going to do with the after the demolition or what it's going to be used -- so my comment is or recommendation is to please try to do whatever needs to be done. Use -- exhaust all avenues before or even -- for me, it's saving the building.

Mr. Fredericksen: Yeah, and I think one of the -- one of the concerns that I have just, you know, at the front of all of this is it's somewhat awkward not having any information on, one, how long the property has been held in this trust; two, what sort of disclosure was made when the property was purchased. And, Stanley, this is a question for you that you may or may not be able to answer but if you could at least comment on it, I'd appreciate it. Do you know what -- is there some sort of set procedure for disclosure on properties that are in the historic -- the National Historic Landmark in Lahaina?

Mr. Solamillo: No.

Mr. Fredericksen: What -- what sort of -- logistically, how could that be changed?

Mr. Solamillo: I don't know because I'm not a broker so I mean if -- I mean this is something that goes --

Mr. Fredericksen: I mean if it's land that's being sold within the historic district --

Mr. Solamillo: Right, but I mean I don't know whether we're requiring anything...(inaudible)... deed that says this is located in the Lahaina NHL or spelling out any of those things because, you know, I don't do deed transfers and recordations.

Mr. Fredericksen: Right. But it's --

Mr. Solamillo: So I couldn't tell you.

Mr. Fredericksen: It is within the County and it's in the NHL, which is -- the County is tasked, if you will, with dealing with this area. And, James, maybe you can jump in from the legal side and maybe shed some light.

Mr. Giroux: Hey, thanks for asking - no. I just -- you know, as far as that issue on the -- my understanding that it possibly is actually on the title search. Part of what a person's -- well, a buyer's due diligence is is that they have to, during the DROA process where there's the offer and the acceptance going on, that the buyer actually has an opportunity to find

out what exact encumbrances are on that property. A lot of times the buyer will say that this offer is pending finding out whether or not there's an encumbrance. That encumbrance, by law, the case just went to the Supreme Court where somebody withdrew when they found out that there was a historic site on that property, they withdrew their offer, multi million dollars, and said we are not buying the property. There's an encumbrance. The seller, very upset, said it's not. It went all the way to the Supreme Court and the Supreme Court said no, it's an encumbrance. If you -- if your property is designated historic and you cannot do exactly what you would normally do with a property that is not historic, then that would be seen as an encumbrance, and the buyer can withdraw the offer. So it is something that buyers and sellers are aware of. Anybody in the profession that understands that land in Hawai'i is heavily encumbered, from all angles, that that is one of the things that a property has is -- I mean you have -- you have native Hawaiian gathering rights, you have historic properties, you have archaeological sites that are actually registered as that, so it is something that the realtors are aware of, the quality of your realtor depends on the quality of the character, and that's where litigation comes and that's where lawyers make all their money. So, you know, we love it - no. But you have to understand that it's there. It is there. There is that chance that somebody, when they're buying property, has. It's called due diligence and they need to exercise it.

Mr. Fredericksen: So we're basically, at this point, relying on the due diligence and it shakes out to whether or not information is even asked for.

Mr. Giroux: Right. I mean, you know, you see it in the internet as-is or, you know, I mean these types of things and it's all part of the process. I mean it's all part -- you know, even for the house, you can get an inspection and, you know, those kinds of things, but it does get to the level of what are -- you know, title reports, what are the encumbrances, are there encroachments, all of those things are looked at or supposed to be looked at.

Since I'm butting into your meeting already - no, I really -- this -- and I'm going to ask Stan to possibly put this on as a separate agenda item for my purposes as from looking at this from the legal standpoint because I know Stan has a big frustration about where's the teeth, where's the clause, and you have to focus on 19.52.050, that is your demolition ordinance. That's -- in Title 19, it states that within any historic district established in this article, the commission shall - and that states out your powers. Later on in that title, it starts talking about demolitions and it -- it's very clear, and I'll read it into the record that "Demolitions or moving of a structure of historic or architectural worth shall be discouraged and the commission shall not issue a certificate of demolition except when a structure is deemed a hazard to public health or safety by the superintendent or the State Department of Health's authorized representative. The commission may, at its own discretion, issue a certificate of approval for demolition or for moving a structure within the historic district but shall be guided by the following," and there's three -- three criteria and then a definition. And this is what bothers me is that when -- when it says historic or architectural worth, they

use the word "worth," but in the definition, they say, "For the purpose of this article, buildings and structures of historical significance," a different word, "shall be deemed to be those within any historic district," which we're in, "constructed prior to the year 1910." And when I look at the agenda, I see constructed circa 1911, and I'm going, wow, loophole central. Driving a bulldozer right through the loophole. And this -- if you look at this -- this statute or this code, it has not been revised probably since the 1960's.

Mr. Fredericksen: And that's -- you think that's when it was put together was the '60's? So it's almost historical ...(inaudible)...

Mr. Giroux: Because I'm looking at the prior code, Section 8-3.8, and every time I've looked at that code, I'd have to blow dust off of that code to open it up and put a little mask on to read it, so that's what that's telling me as an attorney is that this section of the Maui County Code has not been revisited in over - don't let me do the math - a long time. And so for this Commission, I really wanna encourage you, and that's why I'm asking for a separate agenda item because, under your powers, you can recommend new ordinances, establish -- establishing special treatment districts and archaeological districts, but you also can make a recommendation to the director to review this section because it's the County Council that ultimately would need to have review of this and accept your recommendations to actually update this section because I really see it as being archaic at this point. It's just not working for the purpose of preservation because we're not -- first of all, we're not using the right words and we're using ...(inaudible)... that don't really fit for what we're trying to preserve.

Mr. Fredericksen: That the dates need to be moved forward ...(inaudible)...

Mr. Giroux: So I just encourage the Department, you know, to put it on another agenda item at least so we can review this or at least so we can look at what -- what needs to be tightened up in the demolition process because I mean the thing that -- I mean for four years what I've been hearing from the planners is it doesn't have teeth. It doesn't have teeth. And I'm looking at it going, well, shall - it says "shall." Shall. Shall. Every time I read the word "shall," but then it -- when you get to the definition, it falls apart. And so we really -- I think, as far as this Commission, I strongly encourage you to -- to look at that because it's an issue of are the laws that we, as a county, have the ability to update and strengthen. Are we going to take advantage of that by being proactive seeing what's ahead of us and instead of wondering why it wasn't preserved, just having the right tools, getting the best of them, and learning how to use them, and I think this is a great opportunity. And again, I'm just asking for a separate agenda item for that.

Mr. Fredericksen: Can do, Stanley? Thank you, James.

Ms. Makalapua: Thanks, James.

Mr. Fredericksen: Any -- okay.

Mr. Solamillo: One more addition to Corporation Counsel's comments, for the purpose of the National Park Service as well as the State Historic Preservation Division, we use the 50-year threshold so that's the moving date.

Mr. Fredericksen: Yes. And, Stanley, I'd like to -- do you want us to -- we really -- are we in a position to make a motion on this at this point? There's really not -- I mean other than we're in favor, I believe, of -- we're not in favor of demolition.

Mr. Solamillo: This Commission could do anything it wants. I just made a recommendation. You could say forget it. That's not what we wanna do. We want the house preserved - you could say that. You could say no action. Or you could say we'll wait until an application formally is submitted by -- by the owner. It's up to you.

Mr. Fredericksen: Commission Members? Veronica?

Ms. Marquez: Okay, on that last note, you're smiling. Keep smiling. He's not here. Mr. Wade is not here on behalf of requesting any permits, per se, and that's not the mana`o - well, it was but that's really wrong here, so, to me, we can't make any motion on what he's not here for. I can just see these minutes coming out. However, we can be proactive on what he is here for. As long as he is clear on what he knows what he is here for and what -- what our action is. So clarify this, either Stanley or Erik, what then would be our kuleana in response to what he's not here for? That makes sense?

Mr. Fredericksen: Okay, let me --

Ms. Marquez: Think about it, people.

Mr. Fredericksen: Yeah, no, I know it is a -- it is kind of a chicken and the egg thing. From my own personal point of view, I would like to ensure that we have some sort of a consensus or at least have a strong statement about, you know, our -- our feelings on this particular house structure in terms of its potential demolition or potential removal, and I believe, from what the public has said as well, it should, if at all possible, this structure should stay where it is and it should be rehabilitated.

Ms. Marquez: Because we're really here for information on the protocol. Yes?

Mr. Fredericksen: Yes. Hence the chicken and the egg again. Stanley, on the recommendations at this point, I'd also -- I'd like to have, and I believe the other Commission Members share this, is this -- when did the trust acquire this property --

Mr. Solamillo: I do not know because I didn't have time to do proper research.

Mr. Fredericksen: No, but that would be information that should be provided. And what, you know, what was the disclosure at the purchase of the property. And what sort of plans are floating around as well. And I guess, at this point, the first two are -- would be more important, and then also us, as a Commission, strongly recommending that, if at all possible, the structure be rehabilitated for adaptive reuse. Alike, any questions, discussion?

Mr. Romanchak: Well, I was just gonna say that it doesn't seem the owner knows what they're going to do. This issue may not come back before us if they decide to restore it so I would move that we don't take any action until such time that the owner comes back and says this is what we wanna do.

Mr. Fredericksen: What's everybody feel about that? Okay, I'd like to have it put on the record though that we, you know, are certainly in favor of having the building preserved, if at all possible. Is that okay with everybody?

Ms. Marquez: So wouldn't the motion be, if there is one, alluding to that - the protocol?

Mr. Solamillo: No action.

Mr. Fredericksen: Yeah, it would be a no action.

Ms. Marquez: No? That's not the protocol?

Mr. Solamillo: Yeah, but there's no action.

Ms. Marquez: Because if the mana`o was alluding to or here to be informed on protocol, then shouldn't the motion be and aligned to protocol? No?

Mr. Solamillo: You can do anything you want.

Mr. Romanchak: Veronica, I think the protocol issue gets -- gets back to what the ordinance reads and so I think that's kind of a separate issue as to the process of how demolition permits come to the County and through our Commission and that's kind of a, to me, a separate issue than -- than this house in Lahaina.

Ms. Marquez: Okay.

Mr. Fredericksen: But in the meantime we're kinda stuck, if you will, with dealing with this issue in the context of what's on the books at this point. Stanley?

Mr. Solamillo: Well, not really. I mean there is --

Mr. Fredericksen: Well, that's why ...(inaudible)...

Mr. Solamillo: When someone submits for a demolition application, it goes to SHPD, it goes to me, and it goes to the National Park Service. And two things are done: a determination of eligibility based upon some of those things that I discussed today - do we have an intact building? Does it have intact windows, doors, massing, and things like that? Is it independently significant, or is it significant as part of a thematic group? Then if it gets the yes test, then it goes to mitigation for the adverse effect of demolition. What my intent was today was to establish a clear protocol so, by information, the owner's rep now knows that there is a protocol. If we do nothing, it goes -- if he files for a demolition application or an application to demolish, then it goes just administratively to those -- those three agencies and they recommend HABS Level I. So it gets covered that way. The problem here was the timeline, the holidays, things seem to be happening, citizens concerns, and I, for those persons that called the Planning Department and a large number of other people, they should be praised because they're your eyes and ears --

Mr. Fredericksen: Yeah.

Mr. Solamillo: And -- but what had happened last year losing two buildings as well as coming in or an owner coming in adamant that she wanted her house demolished regardless of whether it was the last one standing in Lahaina and that there was absolutely no history attached to it, which, you know, conflicts with just general information that we do have, that's kind of something that I wanted to avert here. So at least we have a heads up. So you can take a vote.

Mr. Fredericksen: Okay, do you feel comfortable with the way things are that we're potentially leaving them at this point with this particular issue or item?

Mr. Solamillo: That doesn't matter.

Mr. Fredericksen: No. No, it does. I'm asking you because in terms of trying to -- we're not planners, you know, we come from all sorts of different walks of life, we're doing the best that we can, but we'd like to support you on this the best that we can under the circumstances cause it's the chicken and the egg thing.

Mr. Solamillo: Correct. Since we do not have an application to demolish --

Mr. Fredericksen: Right.

Mr. Solamillo: Then the Commission can choose a no action. But I think the message -- the Commission communicated its message clearly this morning.

Mr. Fredericksen: Are you going to be sending something in writing to SHPD to the Architecture Branch and NPS too?

Mr. Solamillo: It's not going to go to -- NPS was alerted as well as SHPD. They were alerted via email with site photographs, so they know about it.

Mr. Fredericksen: So they have been --

Mr. Solamillo: Yes.

Mr. Fredericksen: And maybe a followup email ...(inaudible)... our, you know, position even though it is a no-action at this point --

Mr. Solamillo: Okay.

Mr. Fredericksen: Situation. Commissioner Members feel comfortable about that? That's fine? Okay.

Ms. Marquez: You need a motion on that?

Mr. Fredericksen: We need a --

Mr. Solamillo: With no-action, you have to take a vote.

Mr. Hutaff: I move that on this that is before us that we take no action at this particular point in time.

Mr. Romanchak: I second the motion.

Mr. Fredericksen: And these recommendations are going along with that? No?

Mr. Solamillo: No.

Mr. Fredericksen: Just the no-action straight up?

Mr. Solamillo: Just the no-action straight up.

Mr. Fredericksen: Any discussion before we take that vote? Okay, so everybody's okay with, if this comes back, looking at it? So if there is -- if there is a permit filed down the road, this item will come back here?

Mr. Solamillo: Yes.

Mr. Fredericksen: It will?

Mr. Solamillo: If there is a permit filed.

Mr. Fredericksen: Okay, any discussion? No?

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

***It has been moved by Mr. Hutaff, seconded by Mr. Romanchak, then***

***VOTED: that the Commission take no action at this particular point in time.***

***(Assenting: R. Chandler; R. Hutaff; M. Kanuha; V. Marquez; A. Romanchak; N. Watanabe)***

***(Dissenting: E. Fredericksen)***

***(Excused: K. Maly; K. Moikeha)***

Mr. Fredericksen: Okay, I'm, personally, not in favor of taking no-action but I'll respect the Commission Members. I believe that we do have enough opportunity to see this again. I just -- I'm really concerned, not just about this instance, but just about the larger picture and -- but I believe what James -- I mean this agenda item will be coming -- I mean there will be a separate agenda item coming back on this subject in Lahaina and which, you know, really is needed.

Mr. Hutaff: Okay, and now I have new name and it's called Chicken Little.

Mr. Fredericksen: What? Oh, Stanley?

Mr. Solamillo: Yes?

Mr. Fredericksen: We need to take a five-minute break, please.

Mr. Solamillo: Okay.

*(A recess was called at 11:33 a.m., and the meeting was reconvened at 11:48 a.m.)*

Mr. Fredericksen: Let's go ahead and move forward.

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

**D. ADVISORY REVIEW**

- 1. MR. CHESTER KOGA, on behalf of R.M. TOWILL CORPORATION, requesting consultation as required by Section 106 of the National Historic Preservation Act of 1966 (NHPA) for Makawao Avenue and Makani Road Improvements From Eddie Tam Gym to Kalama Intermediate School, STP-0900(72), Makawao, Maui, Hawai'i. The CRC may comment and provide recommendations. Public testimony will be accepted. (S. Solamillo)**

Mr. Solamillo: I wanna thank Staff Planner, Gina Flammer, for taking the photography and actually going out to do a short field survey. This came in as a request for comment as we noted under Section 106 of the National Historic Preservation Act. Public monies are involved in this and this is a capital improvements project. During the initial ...(inaudible)... survey, Eddie Tam Gym is on the left aerial photograph the kind of gray rooftop and beginning at that point and working down that street, Gina took the following photographs and noted that we've got two walls located directly across the street.

Mr. Fredericksen: Those are right across from Eddie Tam Gym, right?

Mr. Solamillo: That's correct. And those are termed or identified for this presentation as Rock wall 1.

Mr. Fredericksen: Excuse me, Stanley?

Mr. Solamillo: Yeah?

Mr. Fredericksen: I know we're going to -- the applicant is going to come up as well but how wide is all of this, these improvements?

Mr. Solamillo: I do not have any description for that project.

Mr. Fredericksen: Oh, okay.

Mr. Solamillo: You may ask Gina Flammer to inform you if the applicant's rep is not here.

Mr. Fredericksen: Oh, they're not?

Mr. Solamillo: I don't know if they are or not. I'm just going to briefly go over the walls that Gina located and shot for you. So the same rock wall directly across from Eddie Tam Gym. This is the second rock wall identified as Rock Wall No. 2. That's another view of it. These are dry stacked. There's a third one, part of which is overgrown. Same rock wall kind of eroding into the bank. Another one, which is non-historic located at the corner of Pakani Place and Makawao Avenue. This is non-historic dry laid rock wall. A culvert on the north side of Makawao Avenue. The date is uncertain. Another rock wall identified as Rock Wall 6.

Mr. Fredericksen: Stanley, I think that culvert, if it's -- do you know where that one is?

Mr. Solamillo: No. Gina? Is she here? No, Gina is not here.

Mr. Fredericksen: I think that one is -- there's a decent chance that that one's over 50 years old.

Mr. Solamillo: Okay.

Mr. Fredericksen: I believe - if it's the one I'm thinking of.

Mr. Solamillo: This is Rock Wall No. 6, and I'm just going to tell you that this is all really peripheral because, technically, a consultant should be doing this and not me. Another rock wall partially eroded as well and damaged by I think some vehicular traffic - it's dry laid.

Mr. Fredericksen: Stanley?

Mr. Solamillo: Yeah?

Mr. Fredericksen: Excuse me. There -- I believe there are also curb stones. Were any of those -- were photos of any of those taken?

Mr. Solamillo: No, photos were not taken of curb stones, just of the rock walls.

Mr. Fredericksen: Okay. The curb stones definitely are over 50 years old. I think the -- the sidewalks and everything, at least in Wailuku Town area, were paved. Shoot, I'm trying to remember. In the late I believe it might have been later teens, but the curb stones were -- we found evidence of curb stones in the, oh, I think it was 1906 or a photo that was taken about 1906 or 1908. And so, you know, these curb stones in Makawao, and there are curb stones elsewhere on the island, the old time curb stones that are still in place and they're -- some of them are really big, they're cut dressed basalt, but they're some range, they range from two to three feet in width. They're all pretty much four to six -- maybe six inches thick

but the height, if you will, that you don't see is pretty -- pretty substantial. They're buried at least usually a foot below what you see exposed at the surface.

Mr. Solamillo: Okay, and that pretty much concludes -- I'm going to pop over public comment because what was really clear here was just there was a letter sent out for CRC comments but there's insufficient background really on the case to make any judgement calls and what I believe should take place is that a thorough archaeological investigation should be conducted as part of this consultation so that the dates of all the walls that we identified plus if there are curb stones and other materials related to the area that's going to be impacted, those need to be specified, and with an archaeologist, it shouldn't be hard to do that. So based upon that, I can return to this after public comment is in, but just based on the cursory investigation that Gina did, we know that there's a street widening issue involved, so we'll probably open it for public comment because it's come to light at this meeting that there's a lot of public opinion about this particular CIP.

Mr. Fredericksen: Okay, let's -- so we're ready for public comment. There's no representative from that R.M. Towill Corporation here? Okay, let's have public comment, please.

Ms. Jocelyn Perreira: Jocelyn Perreira, Tri-Isle Main Street Resource Center. Makawao Main Street is one of our organizations under our flagship and the Makawai Main Street Association, for some time, has had discussions along this roadway on various different projects. Most significant that affected rock walls was when the Barto project, back in the early '90's, was trying to be placed in Makawao and required some road widening and that was going to affect walls, rock walls, and so on and so forth, so we do have some of that information that I talked with Stanley. We are in process of having further discussions in the next week. We will be having a Makawao Main Street meeting and we've been contacted by many property owners who are -- are -- have concerns about what happened. I did talk --

Mr. Fredericksen: Excuse me. Have you been contacted by someone from R.M. Towill Corporation or anybody?

Ms. Perreira: Yeah, we had to go chase them down.

Mr. Fredericksen: So there has been no contact at this point?

Ms. Perreira: And then they had -- they had -- well, they had our name in their project manual when mister -- when one of the property owners walked in and said, well, they said they consulted with you and I did express concern. I called Milton Arakawa, just so you know, first of all, and I said, "Can I get a copy of the project manual because I understand we're referred to in here?" Our phones are ringing off the wall from property owners that

we have ...(inaudible)... represent and for more than 20 -- 20 something -- 27 years in Makawao and we are concerned. So then I did talk to Mr. Chester Koga in Honolulu as a result and I did ask him, I said, "You have our name in there and can you tell me the date and the time that we met because I can't recall, recollect, or have any documentation that there ever was a meeting." And he said, "Oh no. That was an error. That was placed in there that it was who they intended to contact and have a discussion with." And then I told him, as I mention to Milton, I said, "Awhile back, oh maybe about five to seven years ago, there was a public meeting about concerns in Makani." It was when the guy that was the safety -- helping the kids walk across, he got hit, and so as a result, there was a public meeting and we had a meeting down at Eddie Tam Gym and a lot of the old-timers, some of who has died since, had talked about the concerns on Makani, in that particular area, that intersection, what needed to be done. The Police Department showed and everything, and they had some very, very good solid recommendations as what could be done aside from the extent to which this project is proposed. So, right now, what we are talking about and expressing is concerns about how broad the project is, particularly and I wanna focus in, not necessarily on Makani Road, but I wanna focus in on --

Mr. Fredericksen: Makawao Avenue.

Ms. Perreira: The intersection of Makawao Avenue, you know, Eddie Tam to the school, Kalama School, so we are still in the process of trying to work through that, and I do wanna have an opportunity to talk to them because I know, and I shared that with Stan this morning, that one of the things that came out that I can share with you today --

Mr. Fredericksen: We're going to have to try to summarize it but could you give me your folks' official title so we can, in our comments on this to this -- this corporation, give some backup to make sure that you folks are contacted?

Ms. Perreira: Yeah, well, the way people contact us, you would go: Makawao Main Street Association, in care of Tri-Isle Main Street Resource Center --

Mr. Fredericksen: Okay.

Ms. Perreira: Attention to me and that way I am responsible to make sure that whoever is the prevailing chair or what have you --

Mr. Fredericksen: Right.

Ms. Perreira: Is paying attention and has duly gotten the information.

Mr. Fredericksen: Did you get that down, Stanley?

Mr. Solamillo: Yeah.

Mr. Fredericksen: Okay. Just try to summarize. Thank you.

Ms. Perreira: So long story short, in summary, because it's very important --

Mr. Fredericksen: Yes, I agree.

Ms. Perreira: Is some of the recommendations made were really valid. They involved a much broader picture. It's not even just a picture of this -- this one roadway but its interconnections within the town itself, from Ukiu Road, coming down by Makawao School, and how do you access to the Eddie Tam facility and whatnot, so that we can get our children in safety to and from ballfields and what have you, so one of the recommendations I got, a resident, Mr. DeCoite, at the time that I remember, he lives right in the general vicinity, was that perhaps there could be a one way in through Eddie Tam, you can drop your kids off by Kalama School, and then you can go out and that eliminates --

Mr. Fredericksen: Around the back way.

Ms. Perreira: Yeah, and it eliminates the need for drastic road widening. And just to make a big point, we stood firmly and solidly in support of being careful of trees and rock walls and things like that, when that was going to be demolished back in the '90's, and I would express the same concern for the older walls, not the newer walls, cause, you know, you can't save everything.

Mr. Fredericksen: Don't touch the -- yeah.

Ms. Perreira: But, you know, and there's little remnants that sometimes you have to photographs and document. So we're not saying save every little thing. But I think the rock wall that you have in there is significant in the old pictures. And, you know, I'm a Makawao girl myself so I'm very familiar with the area and that has been there for generations as near as I can get from the old-timers.

Mr. Fredericksen: I grew up in Lahaina but I -- we moved, my family moved Upcountry when I was whatever, went to 5<sup>th</sup> grade, however old that is. I forgot. So I've lived Upcountry pretty much since.

Ms. Perreira: Yeah, well, I'm 4<sup>th</sup> generation of Makawaoan so anything we can do that preserves and protects but at the same time, we do know that there's a need for public safety and improvement so you gotta balance that, but this is one of those that, you know, we would be glad to share with you any additional information that we have as this pursues.

Mr. Fredericksen: And have them contact -- they need to get in touch with you folks.

Ms. Perreira: I think that is very, very important because we have some people right now in Makawao with very sleepless nights worrying about this. Thank you.

Mr. Fredericksen: Okay, thank you for your testimony.

Ms. Perreira: Thank you.

Mr. Fredericksen: Anybody else from the public wanna testify, please come forward.

Mr. Keeaumoku Kapu: Keeaumoku Kapu, Lahaina. Uhau pohaku, traditional dry stacking. We -- I belong to an association called Na Papa Kanaka O Pu`u Kolau, we're right at the moment on a cultural curriculum on dry stacking. The value of traditional native Hawaiian dry stacking in today's contemporary world is very important to us. I would like to -- our association, Kuleana Kuikahi, be considered as a participant under the 106 -- Section 106 process, Kuleana Kuikahi LLC. Thank you.

Mr. Fredericksen: Keeaumoku? Could you spell that out for Stanley - for Stanley?

Mr. Kapu: Kuleana Kuikahi?

Mr. Fredericksen: Yeah, just so he can write it because I wanna include that in our comments to the -- could just -- please? Thank you. Okay, thanks, Keeaumoku. Yeah, the wall, the tall one - well, there's several walls that are very old. I spend a lot of time Upcountry and there's several of those walls are very old and they've been there a very long time. Yeah, the curb stones are from the early 1900's for sure, but some of those walls have been there a very, very long time. Just, okay, real quick, yeah.

Ms. Perreira: I believe the sidewalks was 1916 in Makawao.

Mr. Fredericksen: Okay.

Ms. Perreira: And I think I saw some of the other material dating back as far as 1907 or 19 -- around that time period.

Mr. Fredericksen: Thank you. Anyone else from the public wanting to testify on this item? Okay. Okay, so, Stanley, what do we have on recommendations in addition to what has already been --

Mr. Solamillo: Okay, for recommendations, Tri-Isle Main Street Resource Center wishes to be a party and needs to be a party of the consultation as well as Keeaumoku Kapu, of

Kuleana Kuikahi, who also wishes to be a part of the consultation for this project. In addition to that --

Mr. Fredericksen: Stanley?

Mr. Solamillo: Let me complete.

Mr. Fredericksen: Go ahead and finish. I'm sorry.

Mr. Solamillo: This request for comment and a description of the actual Public Works or the CIP project itself was insufficient --

Mr. Fredericksen: Yeah.

Mr. Solamillo: To provide any kind of significant input. And what we're also recommending is that an archaeologist must survey, confirm dates of the walls, and curb stones, which is --

Mr. Fredericksen: The curb stones guarantee, and so are the walls. I mean -- when's '62? 1962. That's 47 years ago. A really close family friend of mine - well, his family lived in Paia but then they moved Upcountry to the new -- when the Pukalani Terrace was just started and those walls were there when he was there, you know, as a 10 or 11 year old. He remembers about them.

Mr. Solamillo: Okay.

Mr. Fredericksen: I spoke with him yesterday. So those walls, guaranteed, are over 50 years old. They've been there a very long time.

Mr. Solamillo: Right. So what we need to have is actually all the improvements that are located within the potential project area must be surveyed and accurately identified. And then if there's any discussion about the demolition and a mitigation of an adverse effect, that has to involve SHPD obviously, and the property owners, and those two organizations who today asked to be party to the consultation.

Mr. Fredericksen: And I'd like to also just make a general comment. This is a County job that there are Federal funds involved.

Mr. Solamillo: That's correct.

Mr. Fredericksen: There needs to be -- well, Commission Members, you know, if you disagree, please, you know, say something to me, but this is one of those situations where there needs to be thinking out of the box because -- just because there are Federal funds

involved doesn't mean that the road has to be widened to anywhere USA standards. You know, the comment that Ms. Perreira made about the -- the comment from the public about how about having a one-way ingress, or whatever you call it, to Eddie Tam, and then having the outlet go behind the Upcountry Boys and Girls Club, connect down and you go back out, and you come out Makani Road, that -- something like that takes -- if that action were followed up on, that takes the road part widening out of the equation in that area - don't need to.

Mr. Solamillo: Correct.

Mr. Fredericksen: And the walls would stay there, etcetera. So there need to be some additional options explored other than just like, okay, well, we're going to bring this into Federal specs, and this I harken back to when I was on the Commission the first time all the discussion about Hana, the Hana Highway, about, you know, the County was accepting Federal funds and, therefore, was being held, if you will, to going at Federal standards and this is where the -- there are guidelines or avenues within the Federal policies, Federal law where you can do improvements but stay with the, you know, the historically significant component for -- you know, you don't have to have it be absolutely safe in 2010 terms.

Mr. Solamillo: Okay. So what I'm recommending is that we add the additional two parties as consultation as well as the requirement that additional options must be considered.

Mr. Fredericksen: And they gotta -- they need to come back with full information as to what the proposal is and -- but before that, consult with those parties.

Mr. Solamillo: Correct. Okay.

Mr. Fredericksen: And, you know, the members of the community but that would be the way -- probably through the Makawao Main Street -- what's Makawao Main Street?

Ms. Perreira: You need to have it noted as Makawao Main Street Association, in care of the Tri-Isle Main Street Resource Center.

Mr. Fredericksen: Right. Okay, thank you.

Mr. Solamillo: Okay.

Mr. Fredericksen: Any comments, Commission Members?

Mr. Hutaff: Yeah.

Mr. Fredericksen: Yeah, Ray?

Mr. Hutaff: I agree with the first line recommendations and archeological -- must survey, confirm dates of walls, and determine if there are any other cultural resources impacted by the proposed project - a hundred percent with that. The rest of it - no. Okay, again, we're suggesting that demolishing the walls, at this particular point, is an option. The other thing too is I'd really like to see it come back to us again after that's been done and have Mr. Chester Koga explain, first, why the ...(inaudible)... why are we even having this here. I mean what, you know -- we have a road widening. Okay, why? I don't see that without having him here to ask him that question.

Mr. Fredericksen: Yeah, we need to get more information.

Mr. Hutaff: Yeah, so I think we leave it right there and it has to come back to us again.

Mr. Fredericksen: Because I think the reason that they're looking at the wall issue and the curb stone issue, quite frankly, is because there is going to be some sort of road widening. It wouldn't be needed if the ingress of Eddie Tam is one-way. That would solve that part of the road widening thing and that's where the consultation with the community really really really is needed. Any other comments, Commission Members? Do you -- this is advisory at this point so --

Mr. Solamillo: This is advisory.

Mr. Fredericksen: We don't need to do a motion. We do? Okay, who wants to put forward a motion about this -- about this, going on the recommendations that have been put forward?

Mr. Hutaff: Okay.

Mr. Solamillo: So we have the additional two parties, okay. Consultation must involve Makawao Main Street Association in care of along with Tri-Isle Main Street Resource Center as well as Keeaumoku Kapu's organization, Kuleana --

Mr. Fredericksen: Put attention Jocelyn Perreira in that? Okay.

Mr. Solamillo: Yes.

Mr. Fredericksen: Okay. Sorry. Pardon me.

Mr. Solamillo: As well as Keeaumoku Kapu, of Kuleana Kuikahi. Those are two parties that need to be involved in the consultation. We'll include the first recommendation: An archaeologist must survey, confirm dates of walls, and determine if there are any cultural

resources impacted by the proposed project including the dry stack walls and the curb stones.

Mr. Fredericksen: And we just put, as a Commission, we need to see what -- what the proposed scope even is.

Mr. Solamillo: I was getting to that. Okay. Alright, that's where the current recommendation stands. Someone needs to make a motion.

Mr. Hutaff: Before I make --

Mr. Solamillo: And I'm not including the last two.

Mr. Fredericksen: They've been struck. Okay.

Mr. Solamillo: They've been struck.

Mr. Hutaff: Okay. I move that we take his recommendations as he has just stated it.

Mr. Marquez: Second.

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

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

***VOTED: to accept the recommendations as stated by Stanley Solamillo, Cultural Resources Planner.***

Mr. Fredericksen: Okay, that passes unanimously. And thanks to the two folks that testified and want to have their organizations they're representing involved. Let's see, next agenda item, D.2.

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

- 2. MS. DAWN CHANG, on behalf of KU'IWALU, requesting resolution to Support the Collaborative Federal, State, and Non-profit Effort to Preserve and Protect Native Hawaiian Plants and Animals by Reducing the Devastating Threat of Rodents Through the Appropriate Use of Approved Rodenticides to Eradicate Rats and Mice in Maui County. The CRC may comment and provide recommendations. Public testimony will be accepted. *Item requested by Commissioner Rhiannon Chandler. (S. Solamillo)***

Mr. Solamillo: Alright, before we begin, if someone wants to hit the lights, since today -- today is a very special day. We have a Maori carving and this is from the Waipapa Marae at the University of Auckland, which depicts Ruanui, who sailed the Mamari, which was a canoe that brought the Maori to Aotearoa, which was their name for New Zealand, from Hawaiki. Ruanui is shown is kiore, which is the Polynesian rat. The rat is exulans, which were often transported as a food source riding on his shoulder. Exquisite carving. This is the Marae. Spectacular. Alright, so there's something within our indigenous culture, which makes note that the rats that were transported from Polynesia held particular importance to the people and to the culture. However, we've been inundated and that's where Dawn comes in.

Ms. Dawn Chang: Aloha kakou. I know the hour is late and you have been here for a very long time. My name is Dawn Chang. I'm a principal of a small consulting firm called Ku'iwalu, but I really am here on behalf of this collaborative effort. I'm going to try to keep my comments, my presentation very brief and then permit opportunity for any comments.

Let me just first -- I'd like to read a quote: *"I ola oi i ola makou nei. My life is dependent on yours. Your life is dependent on mine."* And this was a line from an article that was prepared by a partnership driven by diverse partnerships of entities engaging in restoration, conservation, and cultural outreach. It was provided by the Edith Kanakaole Foundation.

I'm here this morning to talk about something - a lot of times what you deal with are structures. This is the heart of the Hawaiian culture is your ability to continue to preserve and protect access to these valued cultural resources. One of the major threats to these natural resources, plants and animals, is, unfortunately, the `iole, the rat. I have been engaging in some community outreach - this is even before the consultation process for a programmatic EIS, but the desire is to meet in particular with the Hawaiian community first and talk to you about this effort as there are cultural issues involving the `iole and wanting to be very sensitive of that.

Why are we protecting these native resources? It is a traditional way of life. We have constitutional laws of protection of native Hawaiian rights, continue to access, and it is an important resources that we wanna protects. Rats are a public health. And again, rats are one of the major threats. I want to open now up into this powerpoint.

Let's see. Okay, the first slide. We'll go rather quickly through these. Some facts about the rats. They carry more than 40 diseases, destroy 20% of the crops worldwide, and they're considered the leading cause of decline and extinction of Hawai'i's forest birds. It also affects native seeds, snails, and insects. And Hawai'i only spends \$600,000 a year to control the rats.

Mr. Fredericksen: That's an entire state?

Ms. Chang: That's the entire State. And much of that is not in conservation efforts. Rats are prolific. They can get through the size of a quarter and you can have rats that have offspring, 8 to 12 offspring for every 30 days, and a rat can mature in 3 to 4 months. So you multiply that exponentially - we are overtaken by rats.

I wanna show you very briefly some before and after slides. For me, I really didn't know what -- what were the affects of rats. This is some native plants, Ha`a, Ohawai, this is in its very natural beautiful state. This is what happens when a rat eats it. They eat the shoots. They eat what produces its ability to make more keikis. This is also a Mahoe, Ala`ala hua, before. The next slide is this is what happens when a rat eats it. Again, another picture. And this is what happens when the rats eats the shoots of the plants. `le`ie. Beautiful. Many of you probably have seen this. This is what happens when the rats eat the plants.

Unfortunately, Hawaiian snails, Pupu kani oe, is a favorite food of rats. This is what they do. They will eat through the shells and devastate many native Hawaiian -- native snail populations. Some of our most precious and endangered birds. This -- I mean this is so disheartening. The rat is going into the nest and eating the eggs of the young. They will never mature. This is what we're trying to protect.

Mr. Fredericksen: Excuse me, Dawn?

Ms. Chang: Yes?

Mr. Fredericksen: What's the, if it's known, what's the maximum elevation that rats are kind of capable of going at this point?

Ms. Chang: You know, I think the -- I don't know specifically but I know that they have been found everywhere. They are even on the slopes of Mauna Kea so --

Mr. Fredericksen: They got a very wide tolerance --

Ms. Chang: Right.

Mr. Fredericksen: Of --

Ms. Chang: And they will adjust.

Mr. Fredericksen: Of altitude and they'll tolerant.

Ms. Chang: They have adjusted. So, again, this is a sea bird. The rat has eaten the eggs, through the eggs, and these are the effects. I mean look at this - the rat actually going right underneath the mama, into her nest, and eating the egg.

So this is the partnership. There have been some -- as I've -- I've been going around talking to various organizations, landowners. I went to, in Kona, spoke to Namaka Whitehead, of Kamehameha Schools, who is our land manager, and she shared one story about on Kamehameha lands in Kona, there's an uhi uhi forest, a hundred percent no germination. Every time the keikis come up, the rats eat them all. So I mean this is -- this is -- these are the resources; these are the woods; these are the plants; these are the birds that form the foundation of the Hawaiian culture, and one of the effects -- one of the causes for this desecration, decimation is the rats.

So I have -- I'm hoping you've gotten a copy of a fact sheet. It provides some background information of this collaborative effort. There are Federal agencies, US Fish and Wildlife, the Natural Resources Section of the US Army Environmental Division, and DLNR, and they are at the forefront of this collaborative effort as well as there are other -- we're reaching out to other land managers and other private landowners as well as other stewards of the land. This project team is putting together a programmatic EIS. We have not started as what we're trying to do is reach out to the Hawaiian -- reach out to the community and the Hawaiian community initially through this public awareness campaign. The choice, the rodenticide that's being selected is diphacinone and there are several on the market: one is diphacinone, and one is rodiphicone.

Historically, a lot of -- in New Zealand, as Stan showed the slide, the first slide, New Zealand is probably at the forefront of a lot of rat eradications because of all their island communities and they have used, historically, a drug, the brodifacoum, but it's very toxic, and so we have selected diphacinone because of its low toxicity to non-target species. Again, a lot of the concerns are the rat may be eaten by a pueo, may be eaten by -- so, one, we're trying to minimize the effects of non-target species as we apply this rodenticide. Diphacinone is an anticoagulant. It was used by -- as a blood thinner and that's actually what kills the rats, you know, I mean they consume this -- this diphacinone and then they end up bleeding to death.

Mr. Fredericksen: Excuse me, Dawn?

Ms. Chang: Yes?

Mr. Fredericksen: This drug is used already by DLNR and other State agencies --

Ms. Chang: That's correct.

Mr. Fredericksen: For localized controlled.

Ms. Chang: Exactly. Right. It's used -- it is used for -- it is the only licensed rodenticide used for conservation purposes, and what this project is proposing to do is a larger landscape using -- looking at alternative methods, as Erik is right, we've used a lot of bait traps, hand broadcast; what we're wanting to add to our arsenal or tools is aerial application, and we have actually used that on two small islands on -- within our State: one is Mokapu, off of Moloka'i, and, you know, there was this beautiful, it was a luolu tree, was the only luolu tree on this island of Mokapu. It never had keikis because the rats would always eat them. In 2008, they did the first -- they did an aerial application and would you believe that that tree has come back to life. The sea birds on that island has come back. At this point in time, there are no rats on that island due to the eradication efforts. The other ...(inaudible)... that a small population has come back, and this is all expected to be monitored. We're trying to determine what caused the rats to come back. There was also some fish killed soon after that rodenticide and many of the Ni'ihau residents were very concerned that potentially it was the rodenticide that caused that. DLNR and other agencies did a series of tests to confirm that diphacinone was not found in any of the dead fish. We have been working with Aunty Lei Benny Amina and we've also been working with the Robinsons to address the issues relating to Ni'ihau, so we are working with the community. Again, our community outreach efforts has, at this point in time, been targeted to the Hawaiian community. We know that rat, the iole, does have ...(inaudible)... and considered to be ...(inaudible)... there is no doubt the iole is a part of our native history. So balance begins - what are the -- what is the harm that they do versus the preservation of our cultural -- the cultural values. We are of the view that if done correctly, and it's in consultation with the community, that we would hope that the community would support an appropriate use this rodenticide, again, to save our native species.

Mr. Fredericksen: And, Dawn, excuse me, just a little -- an addition. The bulk of the rat population, if you will, are all -- they're not the Polynesian rat. They're the European rats, the ones that do carry pretty nasty diseases.

Ms. Chang: And you're -- Erik is absolutely correct. Out of the different populations of rats, the Polynesian rats tend to be smaller rats and it's even being consumed

Mr. Fredericksen: Yeah.

Ms. Chang: By the European rats, but it is -- but nonetheless, this rodenticide doesn't distinguish whether you're Polynesian or European. So again, the goal is to preserve our native forests and our species. We did bring this before the Association of Hawaiian Civic Club at the convention on Maui and, in fact, Kuhea was also there, we did a small workshop highlighting some of the conservation efforts, and then we included this presentation on the rodent project there. And as a result, the Association of Hawaiian Civic Club passed a

resolution to support this collaborative effort. And again, I wanna reassure you that this is still during the early stages. As we begin to unfold the programmatic EIS process, we will come back, so there will be, hopefully, some use of Federal funds, we will engage in the Section 106 consultation process as well. We will also do a State EIS. There are no sites that have been selected at this point in time. Once sites are selected, they will go through their own independent EA process. So there will be numerous opportunities for the comment -- for the community to make additional comments. But this was more reaching out to those of you who are involved on cultural issues and wanting to bring this to your awareness and seek your support for this project. So, with that, I open it up. If you've got any questions or if there are any comments, I'm available to answer them.

Mr. Fredericksen: Yeah, just one more -- a side comment. I mean the whole goal of this project is to try to protect, if you will, the native Hawaiian landscape, which has been greatly stressed and -- by introduced species - well, and development too - but by introduced species. Any questions for the -- for Dawn or comments from the Commission at this point?

Ms. Watanabe: I just have a question. So are you going to the different islands to talk?

Ms. Chang: Yeah. Actually, I've spoken to most of the different Aha Kiole on the different islands. We've gone to the island of -- the Big Island and spoken to some cultural practitioners as well as on Kaua'i, spoke to several organizations there. On Maui, I went up to the Maui Watershed Conservation Council. But I've been doing some preliminary consultation efforts and they will continue to -- I will continue to do those outreach. We will, hopefully, launch a public campaign on this. We will launch a website probably within the next -- hopefully, within the next 30 to 60 days. But it's been sort of a soft consultation process trying to get the information out, again, to the Hawaiian community organizations. But I have been speaking Statewide to different organizations.

Ms. Watanabe: Oh, I just ask because -- did you go to Lana'i yet?

Ms. Chang: Yes, I did. So I spoke to Aunty Winnie Basques who kind of initiated this small community meeting there, so I spoke to several members. We are trying to work with Castle & Cooke, they're land manager who is interested in this project because of some of the concerns that they have in their conservation efforts. And I'm trying to think of the wahine that I met there who's got a petrol project out there so we've been working collaboratively with them to try to get them a permit to use this rodenticide as well.

Ms. Watanabe: One of the things -- I grew up on the island of Lana'i and we never had any mongooses and we never had any toads, so I was -- I grew up not knowing what a mongoose was and what a toad was, and they were really -- the plantation really took a lot of responsibility in protecting our island from having all these critters come over, but I think now, according to my brother who works for DLNR, said that they found couple of toads.

Yeah, he said, and we're not sure if there's the mongoose. But I hope that it never happens. I mean --

Ms. Chang: Okay. Good. Yeah, I can appreciate that.

Mr. Fredericksen: Any other comments, questions? Ray?

Mr. Hutaff: Yeah, this chemical, has anybody determined whether it accumulates or does it dissipate?

Ms. Chang: It dissipates.

Mr. Hutaff: Okay. Two, as far as the Polynesian rat, all things in Polynesia had a purpose, even the things that we, today, may look at and find defensive. Has anybody said, okay, we're going to destroy all of these rats period, can we preserve the Polynesian ones, the nice guy?

Ms. Chang: No. While our goal is -- it's actually -- we recognize we cannot do total eradication.

Mr. Fredericksen: No. It's not possible.

Ms. Chang: But we also realize too that the rodenticide, it truly does not distinguish between the different types of rats. What they did on New Zealand, which was very interesting, because, again, there are some communities in New Zealand that actually consume the rats. That is their cultural practice. But as they did the eradication, they actually preserved some of the islands so that the -- so for communities that consume the rats, they would continue to have access. We're not aware of anyone here, within the Hawaiian Islands, that practice that. But I do not believe, at this point in time, we have the technology to distinguish between the Polynesian and the European rat. So I don't believe that there will be an effort to preserve the Polynesian rats over the European rats.

Mr. Hutaff: I'm not talking about preserving them. I'm talking about saying that now if you're going to go into an area - everything has its purpose. We just might not understand. And -- but to preserve the Polynesian rat in captivity and so those things can be determined rather than just go ahead and killing 'em all off. The other thing that kinda concerns me too is -- first of all, I don't like rats, okay.

Ms. Chang: You share that with a lot of people.

Mr. Hutaff: Yeah. Yeah. And I don't know how to tell one from the other, but I also was kind of brought up was like forgive them for they know not what they do, okay. Has there

really been any thought in order -- in taking the step towards eliminating their ability to procreate as a method of control because here's what you're saying and history has told us that when rats come in, okay, the population increases in rats, okay? So if we kill off 99%, the 1% will come back again as it is today or even worse unless we can continue this. So you're really eradicating for today and not preventing anything for tomorrow anticipating this growth, right?

Mr. Fredericksen: Ray, let me -- can interject this for a second? One of the -- one of the goals, I believe, is, it's not only with the rat population but with other feral animals, is to try to exclude certain areas, that's more with fencing and whatnot and we're involved with some of those projects, but with the rat, it's in order to knock the population down, allow the native vegetation to recover, and after that, it would be like a management thing. It's like -- I mean Upcountry, every summer the rats swarm and --

Mr. Hutaff: I live there.

Mr. Fredericksen: And, you know, out come my rat traps and I put out -- I put out little bait stations myself just -- I mean because it gets crazy. But in the areas where, you know, there are remnant native, you know, plant communities, trying to control the, you know, the influx of the rats there give the native plants and other native species a chance to recover and then keep that recovery building, hopefully, over time and keeping the rats more depressed, if you will. Because they're populations have completely exploded because there's people -- you know, in the way our refuse and the disposal patterns are now provides a lot more food for them.

Ms. Chang: And if I can just kinda add to that cause, Commissioner, you're right. I mean, quite frankly, it is -- we will never eradicate rats.

Mr. Fredericksen: No.

Ms. Chang: I mean cause this project is not being proposed in rural communities or urban centers. It's really we're looking at areas that we cannot normally reach, it's the cliffs, it's the very -- it's those hard to access areas. The thought is, as in any conservation effort, it's a long-term stewardship commitment. The project is intended to come in and try to do an aerial application or a large effort, an aggressive effort, but it requires the commitment, and I think that that's part of what the cultural approach is, it is to find communities that will engage in a long-term stewardship to maintain this so that we can -- you know, our native populations can come back. Rats are just one predator. There are -- Kaho`olawe has cats as one of their primes. So different communities have different issues. So I think this is part of an overall conservation effort to looking at different tools to preserve those resources. But I wish I could tell you we can get rid of them all, but we won't.

Mr. Hutaff: Oh, I understand that. I was just seeing if that -- if the native rat from the people who view this as culturally important have that option to say, hey, you know, we're being sensitive you too. We understand that we have, you know, the immigrant rats that's not so good - if there's anyway of preserving them if you're going to -- and the other thing too, if you're going to section off an area to try to take care of this -- keep the rat population away from or in, you know, they, like it said here, can go through a quarter size hole, I don't see how that's going to even be possible so you're going to be continually spraying this stuff constantly, you know, the long periods of time. And I'm all in favor, and I think all of us here, everyone here, is all in favor of restoring all Hawai'i flora, fauna, birds. There's no question. We're not even going to question that, okay. It's how do we do it responsibly and quickly and, like you said, I like the fact that you've answered part of the question is you're going to have management. It's not like spray, spray, spray. Okay pau. See you later. Twenty years we come back, we do the same darn thing.

Mr. Fredericksen: Yeah.

Mr. Hutaff: With the same problem. Okay, I'm glad it doesn't accumulate, and those are your words, okay, I'll do my own research on that because that's something that, you know, we didn't think breathing in exhaust gases was a problem until we found the lead in our legs 40 years later. DEET's also another thing that we've always said was perfect and we're now founding it's not so 40 years later. But no one -- I guess the only last question I have, which don't seem to be answered: Have anybody looked into the ability to have these animals not procreate as much or as a method of eradicating them?

Ms. Chang: I'm not aware of, at least as part of this study, where there's been an alternative to looking at sort of like what you do for cats. I don't think --

Mr. Hutaff: As you do for cockroaches, believe it or not.

Ms. Chang: I mean they are so prolific that it would be very difficult but I think the choice is spending that kind of resources just doing this aggressive -- and it's really not spraying over -- they won't be constantly, it would just be sort of -- like what they did on Mokapu, it was two days over a two-week period of time, they did the aerial application over the entire island. And as a consequence, they have now been rat free. But that doesn't mean that they won't come back. That doesn't mean there won't be stowaways.

Mr. Fredericksen: But it's a management tool.

Ms. Chang: But it is a management -- you're absolutely -- at this point now, it becomes a management and it becomes monitoring. So I think there has not been, at least as I'm aware of, research looking in trying to - how would I say - curb the rat population through

alternative means other than, at this point, it is now just an aggressive campaign to preserve the resources that we've got.

Mr. Hutaff: I appreciate that. Thank you.

Ms. Chang: You're welcome. Thank you.

Mr. Fredericksen: Thanks, Dawn. Any other comments, Commission Members? Let's go ahead and have public testimony. If anyone wants to testify about this item, come forward and state your name, please.

Mr. Keeaumoku Kapu: Keeaumoku Kapu ...(inaudible)... mentioned about the Aha Kiole. I don't know whether they're -- they're functional, functional at this point because the legislation hasn't actually recognized them in the State. I mean they was appointed by the Governor but the creation of Act 212, under the Aha Kiole Commission that was formed, actually mentions Hawai'i's affiliation to the Marcasian rat, if you read the bill. I think we get rats in the building because the speakers making plenty noise. I think one of the possible things is maybe the scientist look at possibilities of birth control pesticides. But I don't know. You really gotta look at this as one double-edge sword now. We had an issue on one of our commissions, I sit on the Native Hawaiian Historic Preservation Council on the eradication of waiwi of introducing a biotech, yeah, into Wao Kele o Puna on the eradication of waiwi on how it was going to affect other indigenous plants as well. So when I look at this topic, I sort of see the same, and I like what -- the comments that was given as pertaining to what would be the adverse effects on other things that may possibly feed on these kinds of things. So, you know, I kinda stuck on both sides. I believe in the protection of our endemic and indigenous native fauna and species. I'm kinda really akahela, cautious as pertaining to the adverse effects on what may happen so you guys get one hard one to dwindle on. But if there's any process -- I mean she mentioned about the 106, we also would like to be included in that - Kuleana Kuikahi.

Mr. Fredericksen: Thanks, Keeaumoku. Any other comments from the public?

Ms. Chang: Mr. Chair, could I ...(inaudible)...

Mr. Fredericksen: Sure.

Ms. Chang: Kuhea had to leave.

Mr. Fredericksen: Yes, and that's what I was going to ask you. Okay, just one sec., Dawn. Are there any other comments on this item?

Ms. Marquez: Keeaumoku's subject.

Mr. Fredericksen: Keeaumoku, could you come back up, please?

Ms. Marquez: Keeaumoku, question.

Mr. Kapu: Yeah?

Ms. Marquez: Do you know of any benefits of having these rats around?

Mr. Kapu: Benefits?

Ms. Marquez: Benefits.

Mr. Kapu: Like cultural benefits?

Ms. Marquez: A good thing. Cause I saw the listing of all the negative mana`o. I'm wondering is there anything, in defense of the rats --

Mr. Kapu: In pre-contact history, there might have abundances of benefits. I mean they talk about the iole. They also name certain valleys in Oahu and Big Island, they name 'em after the iole. So, you know, geographically-wise, you know, in Hawai'i's history, there was certain things that were domino, I guess, historical moments in the past based upon the iole but as pertaining to like food consumption and things like that, I don't know, but the rate we going in development, we might -- once our agricultural lands gone, we might have to start eating rats too so --

Mr. Hutaff: It might be a good reason to keep 'em around.

Mr. Kapu: That's my limited understanding on the rat is very kinda complex at this point.

Ms. Marquez: Okay. Thank you.

Mr. Hutaff: To kinda answer your question from the Maui standpoint, food.

Ms. Marquez: Food.

Mr. Hutaff: Food, okay. It's something they didn't have to corral. They didn't have to plant, okay, that they could easily get to come to them.

Ms. Marquez: And you're talking today?

Mr. Hutaff: I'm talking in historical times of the Maori; even when they voyaged, they took rats as a food resources because you didn't have to do anything for them so --

Ms. Marquez: I was wondering about today's needs.

Mr. Hutaff: Well, from my understanding, they actually taste pretty good.

Ms. Marquez: Taste pretty good.

Mr. Hutaff: From my understanding, yeah.

Mr. Fredericksen: The thing with the -- with the rat, you know, along those -- that line of comment or discussion, is those were Polynesian rats, which were a lot - I don't know the right term, but cleaner and disease free because they hadn't been exposed to all the crap that --

Mr. Hutaff: That's a good thing to point out, yeah.

Mr. Fredericksen: Yeah.

Mr. Hutaff: That's a good thing to point out. I don't want anybody eating rats today and come blame me if they get sick.

Mr. Fredericksen: Any other questions from the Commission? Anybody else want to give testimony on this item? Okay, Dawn, what -- go ahead and come back up, please.

Ms. Chang: Let me just make one comment about the consumption and maybe, Erik, you might even know this. From an archaeological standpoint, what we understand is that they tested some DNA of rats and from skeletal remains and they have now tried to, as a result of those DNA testing, re-track the migration of the Hawaiian people, and they believe they may have actually come from the Cook Islands versus some of the others because of the evidence that they're finding in the rats. Culturally, what we've -- some of the information that I've gathered is that there's no evidence that rats were ever hunted, although there were bow and arrows, but they were primarily hunted by ali'i. But Hawaiians -- and the question whether Hawaiians actually brought the rats for consumption purposes or whether there was stowaways --

Mr. Fredericksen: There was inadvertent ...(inaudible)...

Mr. Chang: Yeah, it's not really clear either. But again, the DNA was used, is being used. There's a recent study - I was trying to get a copy - of Steve Athens, an archaeologist, who did a report, I don't know if some of you are familiar with the Ewa Plains by Barbers Point, luolu forest all over there, and they're actually -- they felt it was through human effects that degraded all of the luolu trees. Now they're believing, through Steve Athens report, that from archaeological evidence that the decimation of the luolu forest was from rats, like what

happened in Rapa Nui, that that forest was decimated by rats. So, some cultural issues. The only thing I could say, my mother told me, when we were -- when we had children that we had to take our child's piko, we're ocean, so we had to take our piko out to the ocean, but she said, "Never let your child's piko be in the rubbish cause if the rat gets it, your child going be one thief forever." That's what we were -- so I would say, to this day, we all do that. We all still take our child's piko out to the ocean cause you don't want your child to be one thief but a rat going eat 'em. So I don't know. But that's -- that's the story that has been carried on.

So let me just briefly -- this is Kuhea Paracuelles, with the County of Maui, she apologizes, she needed to leave, but she has -- she'd like to be supportive of this effort. Let me try to briefly read some of her notes. She's lived and worked in three of the four counties. Every island is unique in its ecological makeup, and unique in its conservation challenges. Important to remember that this is a complex issue. You cannot pinpoint one factor. What we have today is the cumulative impacts resulting from many human activities, including fire, development, loss of habitat, alien species, disease, exploitation. Our approach to environmental protection also needs to be multi-faceted - a result of cumulative efforts. Rodents, which includes mongoose, plague each of the islands creating havoc on native ground, nesting birds, forest birds, snails, and flora. More than 150 native forest birds evolve and maybe just 15 species exist. Less than 40 native bird species survive today; more than half of them are endangered. County of Maui's priorities: resources first, people second, commercial activity third. Preservation of our natural and cultural heritage is not separate from this. It is the foundation for all the work that we do to protect our natural resources in Maui County. And the last thing she said is rats are known to have carried the bubonic plague, leptospirosis, typhus, and on. I don't know if you recently recall, on the Big Island, the rat lung worm disease actually put two people in a coma. So besides they wreaking havoc on the environment, they are a public health issue.

Mr. Fredericksen: A public health problem.

Ms. Chang: Thank you again. I appreciate talking to you.

Mr. Fredericken: Thanks, Dawn.

Ms. Chang: Thank you.

Mr. Fredericksen: Stanley?

Mr. Solamillo: As the item before you, as a result, following that presentation is A Resolution from the Maui County Cultural Resources Commission to Support the Collaborative Federal, State, and Non-profit Effort to Preserve and Protect Native Hawaiian

Plants and Animals by Reducing the Devastating Threat of Rodents Through the Appropriate Use of Approved Rodenticides to Eradicate Rats and Mice. It begins:

Whereas, Hawai`i has more than 10,000 native Hawaiian species, many of which are found nowhere else on Earth, and many of these native Hawaiian species have been historically and continue to be used for traditional and customary native Hawaiian practices;

Whereas, the protection and preservation of our valued native Hawaiian species are essential to the continued preservation and practice of traditional and customary practices;

Whereas, we are losing these native Hawaiian species at alarming rates due to invasive species impacts, including rats and mice, which are not native to Hawai`i. In Hawai`i, rats prey on the adults, chicks and eggs of native seabirds, waterbirds, and forest birds, sea turtles hatchlings, and native tree snails, and other invertebrates, plant seeds, fruits and flowers. Rats also destroy plants by chewing on shoots, stems and trunks. As such, they have and continue to change the structure and composition of our forests and shoreline ecosystems, altering the entire ecology of our islands;

Whereas, since the 1980s, hundreds of islands worldwide are now rat-free and native species are recovering because of the application of rodenticides through rat bait stations, hand broadcast, and aerial application by helicopter;

Whereas, on Mokapu Island, there are 27 native Hawaiian plant species including a rare loulou palm and 11 of the last 13 hauawa plants remaining in the wild. On Lehua Island, there are 18 species of seabirds and 23 native plant species being protected;

Whereas, in Hawai`i, rat bait pellets containing the rodenticide diphacinone were aerially applied on Mokapu Island, located off the coast of Moloka`i, and Lehua Island near Ni`ihau. Since these aerial applications, the native species have rebounded and flourished and there are no signs of rodents on islands;

Whereas, diphacinone is an anticoagulant (blood thinner) that has undergone extensive testing. It was prescribed for human heart patients until more effective drugs replaced it;

Whereas, diphacinone is registered by the United States Environmental Protection Agency and State Department of Agriculture for conservation uses since very little is needed for rodent control (one half gram per acre at 50 parts per million diphacinone) and has proven to be effective to eradicate rodents, and is safe to the environment, humans and animals when applied correctly;

Whereas, the U.S. Fish & Wildlife Service, the Natural Resources Section of the U.S. Army Environmental Division, the National Park Service, the Hawai`i State Department of Land and Natural Resources, and The Nature Conservancy (a non-profit organization), and many other Federal, State and private wildlife managers have collaborated on a joint project to preserve and protect native Hawaiian species from the devastating effects of rodents through the use of approved rodenticides to eradicate rodents;

Whereas, this collaborative effort is in its preliminary stages of educating the community about the threats to native species from rodents and to create awareness of the proposed use of approved rodenticides to eradicate rats and mice before the preparation of a Federal Programmatic Environmental Impact Statement, or EIS, as well as a State EIS;

Whereas, on August 18, 2009, the Kailua Hawaiian Civic Club and the Waimanalo Hawaiian Civic Club took formal action to accept this Resolution and submitted the Resolution to the Association of Hawaiian Civic Clubs at its annual convention in Makena, Maui, for support on November 4 and 7, 2009.

Now, therefore, be it resolved by the Maui County Cultural Resources Commission at its January meeting held in Wailuku, Maui, Hawai`i, this 7th day of January 2010, that it strongly supports the intent of the project to preserve and protect our native Hawaiian plants and animals from the devastating effects of rodents through the appropriate use of approved rodenticides to eradicate rats and mice and that the implementation of the project is subject to an approved EIS; and

Be it further resolved that a certified copy of this Resolution shall be transmitted to the project sponsors.

Mr. Fredericksen: Stanley, I've got a question on the third to the last paragraph.

Mr. Solamillo: Yeah?

Mr. Fredericksen: Where, let's see, okay, it's real clear that the Kailua Hawaiian Civic Club and Waimanalo Hawaiian Civic Club took formal action on that date and accepted the Resolution. From what Dawn Chang said, it sounded like that also was accepted by the Association of Hawaiian Civic Clubs at its annual convention in Makena. For support and approval, does it look, to anybody else, like that -- it was submitted for the support and approval but there's no -- like it was approved?

Mr. Solamillo: What was the date ...(inaudible)...

Ms. Chang: They approved it on November 7, 2009.

Mr. Fredericksen: Okay, maybe "and approved."

Ms. Solamillo: That's okay. November 7?

Mr. Fredericksen: For support on November 4 and approved on November 7, just so it's for sure that it was --

Mr. Solamillo: Correct.

Mr. Fredericksen: Approved.

Mr. Solamillo: Alright.

Ms. Chandler: Mr. Chair, there's one other, the second to the last paragraph on the first page where it says, "there are no signs of rodents on Mokapu," if we could add it and -- yeah. Or "there are no signs of rodents on Mokapu." Is that correct?

Ms. Chang: Yeah.

Ms. Chandler: Okay.

Ms. Chang: May I just clarify? On Lehua, there is a rat population so I don't want to mislead anybody. On Mokapu, there are no signs of rodents. On the island of Lehua, we are still determining the extent of the rodents.

Mr. Fredericksen: But they are being protected --

Ms. Chang: Oh yes. Right.

Mr. Fredericksen: By having the population knocked way down. Yeah.

Ms. Chang: Exactly. Ninety-five percent.

Mr. Solamillo: What was the paragraph again, Commissioner Chandler?

Ms. Chandler: It's the second to the last paragraph on the first page.

Mr. Solamillo: On the first page?

Ms. Chandler: It's the last line.

Mr. Solamillo: Tell me what to strike, please.

Ms. Chandler: Rather than “on the islands,” we could replace with “the islands” with “Mokapu.”

Mr. Solamillo: Thank you. Also, my apologies for mispronouncing the names.

Mr. Hutaff: We also might wanna put down as of this date that there are no rats on that island. Fortunately, this is a document that’ll go on forever.

Mr. Solamillo: Okay.

Mr. Hutaff: I’m sure that might change.

Mr. Fredericksen: Veronica?

Ms. Marquez: So this Resolution with MCRC on it was it, basically, copied from the others? Yeah?

Ms. Chandler: Mr. Chair?

Mr. Fredericksen: Yeah?

Ms. Chandler: Can I just thank very much Dawn and the Commission for being willing to listen to this. I think that I feel the same way as you do, Keeaumoku, that, yes, we -- we do have reservations and, yes, there is -- there is the significance of the rat having followed the Polynesians, there is also the prevalence of the European rat for this, the purposes of this conversation, and the overwhelming loss of plants and trees and birds and, you know, are we going to stand back and say this rat is more important, or are these hundreds of species more important? It’s a very difficult decision but I appreciate everybody considering it.

Mr. Fredericksen: Well thanks -- thanks for alerting us about this. Hold on we’ve got -- let’s have -- anything else, Stanley, on this right now, at the moment? Okay, let’s -- anybody wanna have --

Mr. Solamillo: You would need to vote to approve the Resolution with changes.

Mr. Fredericksen: Yeah. But Hinano wanted to -- come forward, Hinano, please.

Ms. Hinano Rodrigues: Hinano Rodrigues, Historic Preservation. Since Dawn brought up the subject about how, when we were growing up, they said you have to hide the piko because if the rat steals the piko, then your kid becomes a thief. In her family, because they’re ocean people, they took it out into the ocean. For the people of Ukumehame, they actually put it in the rock and plugged up -- they put it in the cavities of the rock and actually

plugged it up, and one of those rocks are a various obvious rock in Ukumehame to this day, and I'll let you guys figure out where that one is. But I just wanted to tell you the story, since she brought up the rat thing, there is a -- you know, when you look at Hawaiian stories and Hawaiian legends, it tells you a lot about the people. Well there is a story about this rat, and I don't know the Hawaiian name for Coconut Island, it has a -- it has a Hawaiian name, anyway, so I'll just use the name Coconut Island; anyway, there was this rat on Coconut Island who wanted to get back to the main island, Oahu, and because he couldn't swim, he kept asking other animals to help him, and nobody want to help him, so the he`e, the octopus came out and said, oh, I'll take you over to the channel. I'll take you back to Oahu. So, anyway, the rat goes onto the he`e's head and they swim over, and then the he`e let's the rat off, and then the he`e realizes that the rat made kukae on his head. So the he`e told the `iole, you know, no keha maila o ike o ai malu no ku`u po`o - why did you make kukae on my head? And rat's response was: You knew I was a rat. Alright, so, again, the story is not to -- the story is not a manifestation of my position on this issue, but it's something to think about cause it gives us an idea as to how the Hawaiian, himself, might have thought of the rat during a specific time period in Hawaiian history.

Mr. Fredericksen: Thanks, Hinano.

Mr. Kapu: I like followup ...(inaudible)... you know that lu he`e, the cowry shell, the pohaku, and the feathers, that's the rat and that's why the he`e pissed off. Every time he see that lu he`e in the water, the he`e always koko.

Mr. Fredericksen: Thanks, Keeaumoku. I love this.

Mr. Hutaff: I think -- kind of a comment, you know. We definitely need to get rid of the rat. There's no question about it. And then we need to understand too that, at one time, there was a preferred Polynesian rat for probably a couple more reasons than we're aware of. Maybe we can use this as a lesson and advertise that is that the good stuff had to go because the bad stuff came. And so maybe we need to watch what the bad stuff is a little more closely so we never have to get rid of the good stuff. Does that make any sense?

Mr. Fredericksen: Yeah.

Mr. Hutaff: Okay. Just a comment.

Mr. Fredericksen: Thanks, Ray. Okay, so have, Stanley, this Resolution, as a Commission to consider. I, personally, am completely in favor of what the project's trying to, you know, trying to accomplish recognizing that, you know, hey, it's real world application, you know, how can you do the best that you can given the circumstances, but it's not perfect, but it's the best that, you know, we can given the limited resources, etcetera. Now is there anymore discussion? Veronica?

Ms. Marquez: Comment. I think we're going to have some changes in the Resolutions, yes?

Mr. Solamillo: Yeah, there were changes that were suggested.

Ms. Marquez: Right. Well, my mana`o is then wouldn't that negate paragraph three on the last page that to accept this Resolution cause isn't this Resolution as documented? How would -- wouldn't that change? Sorry, semantics, but wouldn't that change cause it wouldn't be this Resolution anymore with changes?

Mr. Solamillo: I would make the changes and keep the date unless you want me to bring it back to --

Mr. Fredericksen: No, I think it's --

Ms. Marquez: You know what I'm saying?

Mr. Fredericksen: Yeah, I know what you're saying but it's still a Resolution of support in kind. I mean --

Mr. Romanchak: This Resolution will refer to the Resolution with --

Mr. Fredericksen: With the Maui County Cultural Resources --

Mr. Romanchak: The changes so I don't -- I don't understand what the conflict is.

Ms. Marquez: Well, I'm just trying to --

Ms. Fredericksen: See, look -- look at the title. It goes, "Maui County Cultural Resources Commission, A Resolution."

Ms. Marquez: Okay.

Ms. Fredericksen: The CRC is -- I mean --

Ms. Marquez: Because it says at paragraph three, last page, that these entities took formal action to accept this Resolution. Now, when you say, "this Resolution," I'm looking at this current documentation today. However, if we make the changes, would that --

Mr. Fredericksen: How about "a similar Resolution?"

Ms. Marquez: You know what I'm saying?

Mr. Fredericksen: No, I do see what you're saying.

Ms. Marquez: Yeah.

Mr. Solamillo: Can we ask Corporation Counsel?

Mr. Fredericksen: Thank you.

Ms. Marquez: But think about it.

Mr. Fredericksen: Yeah.

Ms. Marquez: I mean, you know, what's documented, we gotta be held accountable --

Mr. Fredericksen: Right.

Ms. Marquez: And we have MCRC shining right here. How can we blend the two together?

Mr. Solamillo: Dawn made a great recommendation that we make the change to accept "a Resolution" instead of "this Resolution."

Mr. Fredericksen: Yeah.

Mr. Solamillo: Changing the article.

Mr. Fredericksen: ...(inaudible)... paragraph. And it's still -- it's still grammatically ...(inaudible)...

Ms. Marquez: That's makes more sense though.

Mr. Fredericksen: Yeah, no, that -- thank you.

Ms. Marquez: You're welcome.

Mr. Fredericksen: Thank you for keeping us honest.

Ms. Marquez: Of course.

Mr. Solamillo: Do we have a motion?

Mr. Fredericksen: Someone wanna make a motion on this?

Ms. Chandler: I move that we accept this Resolution with the changes as suggested.

Mr. Fredericksen: Second?

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

***It has been moved by Ms. Chandler, seconded by Ms. Watanabe, then unanimously***

***VOTED: to accept this Resolution with the changes as suggested.***

Mr. Fredericksen: Okay, unanimous. And best of luck on this project and it's -- it'll be an ongoing task but best of luck.

Ms. Chang: I appreciate it. I will be back probably in the formal consultation process --

Mr. Fredericksen: Okay.

Ms. Chang: And I want you to know we're also talking to the Office of Hawaiian Affairs so we are -- in fact, I just had a meeting with them yesterday. So thank you. I really appreciate --

Mr. Fredericksen: Okay, we'll see you again then.

Ms. Chang: Yes. Thank you. Thank you. Mahalo.

Mr. Solamillo: Mahalo, Dawn.

Mr. Fredericksen: Okay, Stanley?

Mr. Solamillo: We have lunch here.

Mr. Fredericksen: Okay.

Mr. Solamillo: We can either do this while you dine --

Mr. Fredericksen: What do the Commission Members wanna do - working lunch? Is that okay? Okay. Okay, and I apologize to the members of the public. We'll be still paying attention but we'll be trying to eat too.

Mr. Solamillo: You may lose your appetite.

Mr. Hutaff: Actually I think it was suggested as one way to keep Ray quite.

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

3. **MR. STANLEY SOLAMILLO, on behalf of Maui County Planning Department, requesting review and comment on “TIKI CULTURE” as described in an article entitled “RE-IMAGINING TIKI” published in ART & CULTURE ON MAUI MAGAZINE (November-December 2009) by Jim Pouba, GPS-Companies, Inc., Wailuku and circulated at airports throughout Hawai‘i. The CRC may comment and provide recommendations. Public testimony will be accepted. *Item requested by Commissioner Rhiannon Chandler. (S. Solamillo)***

Mr. Solamillo: This may be another -- another item that you might ascribe to *Chicken Little*. And there are several things that need to be stated before we begin. The authority under which this is actually being considered is Maui County Code Chapter 2.88, Section 12-531-6, under Powers and Duties, the following powers and duties are within the jurisdiction of the Commission, as stated in Section 2.88.060 of the Maui County Code: (2) Providing public information, education, training, and technical assistance relating to the national, state, and county historic preservation programs and (11) Undertaking such other action as necessary and appropriate toward the implementation of the its powers and duties. It may appear to be just -- to be something of a stretch until you actually look at traditional cultural properties as defined by the National Park Service, which we went over in our workshop in October. The National Park Service provides guidelines and evaluative criteria for identifying traditional cultural properties that are eligible for listing in the National Register of Historic Places as a type of cultural resource. In the list, it says, “A traditional cultural property may be an object, an object that is associated with cultural practices or beliefs of a living community that are rooted in that community’s history that are still practiced and valued in the present day and that are important in maintaining the continuing cultural identity of that community.” So please remember that.

As everyone who’s lived here on Maui can remember, the census of 2000 recorded that Euro-Americans were, for the first time in the history of Maui County, a majority, an immigration trend that began in the 1990's produced the new statistics. Between 2005 and 2006 alone, a total of 60,825 people moved into Hawai‘i from other states, including Washington D.C. By far, California was the top origin state of Hawai‘i’s new immigrants. Almost one-fourth or 23% of the immigrants came from that west coast state. Other states sending large number of immigrants to Hawai‘i were Texas 7%, Virginia 6%, Washington 6%, Alaska 5%, New York 4%, and Florida 4%. Over 55% of Hawai‘i’s immigrants arrived from one of these top 7 states. With the influx of the new population has arrived Mainland attitudes and perceptions of Hawai‘i, Hawaiians, and other immigrant populations in the Archipelago. In addition, this population, more often than not, does not recognize the difference between American popular culture, or APC, depictions of Hawaiians and authentic Hawaiian culture, nor does it typically recognize the political and cultural

aspirations of the Hawaiian people. The APC fad of tiki culture has also arrived with this group and is being openly promoted in the trade press. The recent article that you have been presented with, which promotes the fad, appears in *Art & Culture on Maui Magazine*, which has been at airports throughout the island since November 2009 and its publisher is located in Wailuku. The concern was essentially because of the venue or circulation, which was at all the airports, that it had the potential of reaching thousands of tourists; possibly who had never been to Hawai'i, and that this would become registered as -- as something that is fact. Thank you very much.

What is tiki-culture? It's all over the internet and you can go to a variety of sites and get your fill of it. Tiki-culture, I think the best definition that I found came from *Tikis, Traders, and Candied Meat: The Myth of Polynesian Cuisine* by Joseph Bird. He defines tiki-culture as a relic of the 1930's through the 1960's. He actually said it was 1940's and '50's. I interjected a kind of a longer timeline because of its beginning and end dates. Los Angeles and Oakland were where it began. Don The Beachcomber and Trader Vic's each claiming author-ship of the concoction called a "Mai-tai." There was, dating to the early 1930's, a kind of Hawaiian cult and pop music presaged by amateur ukulele players during the Jazz Age. The Hawaiian genre, became a marketable style of '50s pop on the U.S. Mainland, when transliterations of American phrases into Hawaiian pidgin or, more appropriately, HCE, or Hawaiian Creole English, were considered clever. Bird goes on to say that it's really kind of benign racism, cultural nostalgia for a bucolic pre-imperial Hawai'i, not so different from the fondness in the '10s and '20s for "The Old South," land of sunny plantations, "happy darkies" and mint juleps.

The article that appeared on the glossy pages of the magazine featured caricatures of a wahine and a ki'i, which is known throughout the tiki-culture as a tiki, and various other artifacts and images from Hawai'i. It ran for four pages. And there was a statement in there that mentioned that the owner of one establishment on Maui, there are two, one is in Lahaina, and one is in Kihei, was looking for "an authentic tiki bar," with which to purchase and to operate. And when you actually get back into the histories, there is no such thing as an authentic tiki bar because tiki is foculture. Tiki, you will notice in the slide here, comes out of an age of desperation on the United State Mainland when we have a depression, and there are bloodlines. And an unemployed man gets a spot of lease space and decides that he's going to convert into a bar and sell fruity drinks, and it was brilliant, and it was located in Hollywood. This became Don the Beachcomber.

Don the Beachcomber, his place became really popular with the ladies because of the fruity drinks and very popular with the men who were running after the ladies. So his bar in Hollywood, California, has a start date of 1934 and runs - I think it was operated later on by his wife following possibly a divorce - and it could have run clear through the 1970's, but it, literally, put tiki-culture on the map even though he vies for authorship of the drink with another place called "Trader Vic's." Don the Beachcomber came to Honolulu. It came to

Waikiki Beach in the 1960's. This is where it is and it was a hot spot. He featured Polynesian dancing. He became something of a celebrity. He even changed his name to Don Beach to go along with his bar. He was popular amongst stewardesses, popular among locals, and he died, I believe, in 1981, and that's the only color photograph that we can locate on him.

Trader Vic's started out in Oakland. I think in 1937, it comes out with a line of fruity drinks and out of the two Trader Vic's is the big corporate image of tiki-culture around the world. You would be surprised, if you looked at the openings of these restaurants because they continued all the way up into 2000s, opening up in China; opening up in Abu Dhabi; opening up in Bahrain. They are worldwide. And they have managed to stay alive. Trader Vic's in Beverly Hills, California, 1955, you can the image of -- of the planned restaurant, and then he -- Trader Vic's also opened up in Washington D.C. in 1961. This cult took off in 1962 when the World's Fair in Seattle, Washington, the Hawai'i Pavilion featured this new type of Polynesian architecture, which began, not to just do Hawaiian components, but just reached across the Pacific and grabbed all sorts of Polynesian cultures, put them together, despite the culture, went to other ends of the Pacific, and despite the tribe, mixed everything together so you could have things from both sides of "the Pacific Rim" being mixed together, and then we got characteristically the roofs, most often, covered in thatch and it spread across America. It went to Utah. It went to Florida. It went all the way up to Canada; all the way down into Texas; came back to Waikiki. Here we have the Tahitian Lanai at the Waikikian Hotel on Waikiki. Many of you will probably know some of these places. Maui Surf, at Kaanapali Beach, 1969 to 1970. These are the artist renderings. Even in places like Detroit, Michigan, there were tiki bars. South Pacific Polynesian Restaurant in Hollywood, Florida, ran from the 1960s to the 1970s, with thatched huts, as they called them, and Polynesian roof lines. The menus. You can find these on sites on the internet. The best one is, I think, Architrevia, which features a whole line of anything that has to do with this culture and the various ways that Pacific imagery was used or misused. And, of course, Disneyland couldn't stay out of the act, so in 1963, I believe, Disneyland opens the Enchanted Tiki Room and they take off.

The unfortunate thing about tiki-culture or the tiki bar is that the centerpiece of the decor in all of the bars and restaurants is an image that the Hawaiians call a "ki'i." This is a view of two ki'i from the Place of Refuge on Big Island. Can someone pronounce the Hawaiian for me, please?

Ms. Kanuha: Pu`uhonua o Honaunau.

Mr. Solamillo: If I don't eat and I go for long periods of time, I become totally cultural inept. Rocky Jensen has this really long Hawaiian name, he's a master carver from Big Island, and when I come up to -- come to his name, I constantly choke, so I apologize. There are not many of these images around, but these images are sacred. I think the most interesting

thing was that in -- there is a book that everyone should get a copy of and it's entitled *Hawaiian Sculpture*, printed in the 1980's I believe by the University of Hawai'i Press. This may be a newer edition. But you will notice, as you go through this, that there 150 images that remain today, and that they survived the ...(inaudible)... of 1819 where these images, along with the kapu were thrown out from traditional Hawaiian society, and that the vast majority of these images were ironically preserved by visiting merchant marines and sailors on English vessels. I thought that was unbelievable.

What else is unbelievable is that if you look around on the internet, you begin to see that the way tiki or ki'i have been treated in popular culture often influences how tourists treat them when they come to visit. So it's either, you know, an opportunity to get a smiling portrait between two ki'i or something that's a little less kind. These images and probably worse are circulated throughout the internet.

On -- in Honolulu, we have a wedding company, which describes the shot as "The Hawaiian Tiki's of Good Luck," and actively promotes this type of weddings utilizing the images. But remember, they're not real Hawaiian ki'i. They're not real Hawaiian images. They are, in fact, caricatures of real ki'i. All of this seems to happen in spite of the fact that, during the 1970s, and probably a little bit earlier, we had something called "A Cultural Renaissance in Hawai'i," and that all of those things that, for generations, had been degraded or talked about in negative ways or depicted as caricatures; those became things that were actively sought by members of the Hawaiian people to bring back and to give the cultural importance that had been lost.

So if we look briefly at ki'i, these are sacred images. They were called tiki in Polynesian. It's typically described as a god represented in wood or stone; a mythological first man; a carved figure representing an ancestor. They're called ki'i in Hawaiian. There are four major Hawaiian gods that appear. Those are depicted at Ku, Kane, Lono, and Kanaloa.

Ki'i images appear principally as four types: temple images, akua ka'i, aumakua images, and support figures. We could probably do a whole workshop on this but I'm -- and I am no authority on Hawaiian iconography. The best or the largest collection of standing temple images is at the place --

Ms. Kanuha: Pu`u Honua o Honaunau.

Mr. Solamillo: Thank you. The Place of Refuge. Tiki-culture is promoting caricatures of sacred images. I'm going to briefly go back and deal with some things that I feel more comfortable with, namely, American portrayals of Asians and Pacific Islanders. I'm just going to run a few short slides, and they run from 1887 to 1901. I was really surprised recently when I walked Chinatown and I happen to look at a cornerstone and it was for a Hawaiian society, the United Chinese Society, and it had graffiti, and it had CHINK, and I

was going: This is 2009. Why would somebody put that on a Chinese Society building in Honolulu, in Chinatown? But those things and the people who promote that kind of characterization of other people still exist. Remember, and we've gone through this before, that American's portrayals of the others, specifically the Chinese and the Hawaiians and everyone else who existed in territories that it took or came in order to provide a labor source for the Americans, they were always depicted as caricatures. In Hawai'i, even prior to the so-called White Revolution that occurred in 1893 and 1887, King Kalaukaua was depicted in the cartoon that I've just shown that came from the magazine, *The Wasp*, on July -- this one printed on July 16, 1887. Queen Kapi'olani was depicted in the background. If you'll notice, quite -- if you look in some detail at the figures, they're shown as appearing more African-American than Hawaiian. In the 1893 issue of *Judge*, which was published on December 2, 1893, and *Judge Magazine*, by the way, is produced out of New York, Queen Lili'uokalani is portrayed almost as a native American atop the bayonets of American troops supporting the overthrow. This characterization of the other continued in 1898 as America went to take the islands of Cuba, Puerto Rico, the Hawaiian Islands, and Philippines, as well as all the Spanish possessions in-between. You'll note that the people who lived on those islands were depicted as either being very, very brown or African-American and often like children. This is a depiction of Uncle Sam with his pupils representing the Philippines, Puerto Rico, Cuba, and Hawai'i. This characterization - that one came from *Puck Magazine*, this one also comes from *Puck Magazine*, this one came from *Judge Magazine* as late as 1901. In this case, it's a Filipino boy that's being led by the ear and he's dressed in non-Filipino costume.

I think the most egregious thing or the characterizations, when they deal with the "Philippine-American War," which runs actually from 1898 to 1913, even though everybody says officially that ends in 1903, this is at the capitulation of the Filipino Army is that the cartooning of native and indigenous peoples ampt up during this period during the Philippine-American War and you can get a copy of a book called *The Forbidden Book*," which has been produced by the some Filipino historians in California and they've done a wonderful job depicting or actually showing the types of cartoons which went on. The book and the cartoons, which it features, was also the subject of a traveling exhibit called *Ka-Toon-Ayan* in California.

What happens or happened to Hawai'i, and most of you can tell me more than I can tell you because you've grown up here or you are Hawaiian, certain pieces of your culture were taken away. First, they were criminalized and made illegal, then whatever spiritual or cultural importance that they had was removed, and then they were sold back or they were brought back to be sold specifically to make an income and, a lot of times, for people who weren't Hawaiian.

I'm just running through just photos taken from Hawai'i at the docks from the leis sellers. We still don't have a history of the lei sellers. We need one. But if you look closely at the

photographs, we're not looking at a lot of happy people. The lei becomes more identified with the tourism industry after air travel, and we also see that the hula girls kinda lighten up.

Na hukilau is something I don't know enough about and you can tell me, especially if you are from Moloka'i. We have a few images. In the case of the photograph at the left, it was taken and duplicated on postcards, which were sent around the world, hand tinted and sent to the Mainland. But somehow, when it got to the Mainland, its become something else and it resurfaces, what, 50 years later as a festival that takes place in Fort Lauderdale, Florida, and it promotes, in this case, Polynesian. At least they're being honest to whatever degree. Experience Polynesia in America and Vacation Land. So we're seeing this continuous kind of we'll take it from you, recap, we rename it or change it to what we need it to do, and then advertise it and make it into an income producing opportunity.

Hula, by far, is another cultural practice, which is attached -- or has a level of sacredness in its early beginnings as it's practiced by native Hawaiians and, through time, it gets changed. Someone told me, just before this meeting, that you had to have a permit to practice hula or to perform hula in the 1960's and that it had to be strictly for tourists and it couldn't have any other meanings associated with it. I was kind of stupefied. Anyway, back in the day, around 1900, and this proceeds all the way to the 1930s, hula is not known as hula. It's among the American but as hula-hula. I don't know why we had to duplicate the name twice. It is looked at very differently today thanks to very dedicated practitioners and students and teachers and halaus who have changed it into something that it is today. If we look back at the phenomenon of the hula girl, however, we can see changes through time that really have changed the image. In the 1910s, this is probably the only time that you'll see a Hawaiian dressed in a greco Roman outfit and this, in the case here, it was to promote how civilized Hawai'i was. Remember, we've just become associated with America, formally, 1898, but we are civilized. In the 1920s, we get back to, you know, looking at the grass skirts and the erotic native, and this image is the one that continues and used through the 1930s, 1940s, '50s. In the '60s, they were kind of saying that, you know, everybody can do it. And I think there was a story where it was featured, the child actress, the girl, Shirley Temple, who does dance steps in a magazine article to show you how simple and easy it is to learn. We all know that that isn't the case. In the 1920s, hula-hula becomes the topic or the feature of sideshows and carnivals. This continues through the 1930s where all you need is a wig and a grass skirt. And it's popularly performed in Central Park in New York in the 1940s. And of course, there's always the bodacious sexual content that's applied to the hula girl that drove it actually to be perceived as burlesque and associated with burlesque by the 1960s in -- on the Mainland.

What everybody forgets, and I think I could go on, we could probably do a whole workshop and I wouldn't say very much, I would let everyone else say something, as we all know, if we study culture and we study religion, old gods and old religions do not die. The merely go underground and then they resurface generations later.

The duty is that, today, there is a real emphasis on Hawaiian cultural tradition and Hawaiian religion and discovering or rediscovering the roots of the people. So this is occurring all over our islands and this is something to be proud of that this has actually survived. This is under the line of cultural sovereignty. It is the practice of authentic Hawaiian culture including the reclaiming of religious practices and iconography, and it is the exercise of cultural sovereignty, and it is related to the political aspirations of the Hawaiian people.

Refreshing our memory on traditional cultural properties. A traditional cultural property may be an object that is associated with cultural practices or beliefs of a living community that are rooted in the community's history, that are still practiced and valued in the present day, and that are important in maintaining the continual -- or continuing cultural identity of that community. These are images of Akua Ka'ai, portable images that come from a burial cave. Part of cultural sovereignty is demanding that the objects be returned to Hawai'i and this is happening. It happens slowly from various institutions, among them the British Museum, but it will continue to happen. These are temple images that are in the book *Hawaiian Sculpture*. Images of Ku, I believe. This is a temple image on the left. Actually, both of these are from the British Museum. The one on the left was erected by Kamehameha I. It dates to 1790 to 1810. The one on the right, 1795 to 1819. These are actually color pictures of two that were just shown. You can't really, from the black and whites, you don't get the depths of the figure until you actually see them in color pictures of the wood. This is an Aumakua image. It was described in the British Museum catalog as used to evoke lesser gods for family or personal reasons. Such guards -- such gods, excuse me, have a generally protective function but it can also be used for sorcery. And this is another Aumakua image. And we have something called "support figures," which I don't know anything about, so these are support figures on a drum. So I will keep my mouth shut and move on. Again, 17 -- or 18<sup>th</sup> century, so the 1700s. The one on the left is in the Bishop Museum -- or the British Museum. We have local master carver and he has an image of Ku. This is Sam Kaai. He was a Cultural Resources Commissioner. So it's not like there isn't any information out there and there are not people to interview or talk to if you really want to get to the essence of the ki'i. These are two examples of his Aumakua figures that sailed on the Hokule'a.

Under the term cultural sovereignty, choosing how Hawaiian culture, religious practice, people, and cultural - I forgot to write "people" - and cultural objects are portrayed and depicted is also the exercise of cultural sovereignty. So, in essence, kanaka maoli can tell people how they wish to be portrayed and have every right to do that, and what images can be portrayed or not. These come from Big Island, Rocky Jensen and his wife, Natalie. So it's very different than what we see in the all the tourist brochures. These are from photographic work entitled *Daughters of Haumea*.

And then I'm going to leave with some quotes before we go into public comment. This came out of an author named Seiden from 1992, I don't remember the title of the

publication. The author said, "They, the Americans, have taken away everything from us and it seems there is left but a little, and that little is our very life itself. We, native Hawaiians, live now in such away, that people wonder if even we exist anymore." And those are photographs taken from Waikiki, around the turn of the century, and I located them, it was in some condominium project in the -- in the photographs, I think, of the Bishop Museum. A couple of comments came back. One came from Lucia Tarallo Jensen, who's Rocky Jensen's wife, and she said, "The tiki-culture is an abomination - an offense against all that the maoli were and are ascribing to be. Nothing about it is salvageable. They should all be destroyed for it is an affront to everything that is maoli pono." The book seller, Jan Morgan, who overnighted the book *Hawaiian Sculpture* to me said, "I find the article *Reimagining Tiki* offensive, disrespectful, flippant, and culturally insensitive. The author includes one paragraph explaining the history of the tiki - giving very short shrift to their importance in the lives of the Hawaiian people. The pictures included in the article are outrageous. Obviously, this mockery exist at the South Shore Tiki Lounge but I believe it should be condemned, not lauded. The editors should have known better." That's a picture of Lucia.

Based upon my really cursive coverage of the subject, if there are no questions, we can open it up for public comment.

Mr. Fredericksen: I have a comment, and I'd like to thanks Stanley and Rhiannon for -- well Rhiannon for bringing this to, you know, to the attention of Stanley, and then Stanley for putting together, I think, a very informative and interesting and disturbing, not in a -- I mean in a very useful way I think, the presentation. Any other comments, Commission Members, before we open -- open up this public comment? I mean this is going to be a very wide ranging comment -- public comment section, I believe, just because this is a very -- very disturbing, well to me, topic. But does anybody have a --

Mr. Romanchak: Just before we take public comment, I'm wondering if Stanley can just clarify as to, you know, it's here for our review and comment, but what the purpose of our review and comment will be for or --

Mr. Solamillo: You can do no action. Or you can do an action. You could ask that a letter be written. You could go further, and I'm sure that during Commissioners' comments, there could be other things that could be asked for or demanded. The critical thing I think that the reason this is coming, if you don't say anything, it kinda happens. But then like five years down the road, you got 20 tiki bars and they're all over the place and it's like, wait a minute. This might be good for Anaheim, and Stockton, and Hollywood, Florida, but this is the home islands of the Hawaiian people and this is not okay. The other thing is that this is a trade magazine, right? It's oriented towards the tourist market. You can -- when I said, "demand," it's like you can demand that or Hawaiians can demand that they be portrayed and their culture be portrayed in accurate and authentic ways.

Mr. Fredericksen: And respectful.

Mr. Solamillo: Right. I mean we can -- yeah, I mean -- but I mean, and I'm sure, you know, some Commissioners as well as the public will have much stronger ways to say than I do, but if I wanted to open up a Buddha bar and, you know, make the head of the -- or make little Buddhas and make them into drink glasses, I would have JAACL on my case in no time and I would be roundly condemned in every publication in Maui County and probably it would go Statewide. It's just -- it's not okay anymore. This comes out of an America that we've gotten past, right? We now have a black president. In 1950, that would be totally unthinkable. We didn't have equal rights to vote. We didn't have integrated school systems. Think back, people. Bussing. The whole nine yards. So in 2010, it seems highly inappropriate to have these relics popping up and being called "cool." So I just kind of thought that, unfortunately, I have to -- to go between two statements in the ordinance because I don't have it saying that this Commission has the right to comment on issues directly affecting kanaka maoli culture or all the other immigrant cultures that we have, you know. We don't have that. That's another thing that should probably be amended in our ordinance.

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

Mr. Solamillo: Yeah. But it's just that to -- it's up to you, Commissioners. You can do what you want. You could say this is Stanley being *Chicken Little*.

Mr. Fredericksen: Stanley, hold on. I've got a --

Mr. Solamillo: Yeah.

Mr. Fredericksen: I've got another comment. This falls into a similar category of as Lahaina being described as the Mardi Gras of the Pacific, and the way that the culture, the Hawaiian culture, in that case, it's a very significant cultural area being depicted to be whatever you wanna call it. The broader world audience and how, I mean, how can we, as a Commission, try to make sure that people just behave more responsibly and I -- yeah, Nani?

Ms. Watanabe: I think, you know, not only this, but this opens up a whole lot of -- a whole lot of our Hawaiian culture because there's so many things that are being desecrated in the culture ...(inaudible)... throughout the islands and what they're using as publicity. You know, I mean if you look at the hula, you know, they actually took the language away from the Hawaiian people and the hula. And then when they brought the hula back, it was Hollywood, you know. It wasn't the original culture. So they brought hula back but it started very Hollywood, you know, and -- and I think this is going to open up, not just this, but there's going to be a lot more with the Lahaina thing, you know, marketing as the Mardi

Gras of the Pacific and so I mean, you know, that one issue with Kamehameha statute and they're putting the champaign glass in his hand, you know, that was another desecration. So there's a lot that's going to come in and I think how do we -- how do we -- how do Hawaiians, how do we claim the right to that? I mean how do we protect the culture? How do we stop them from, you know, doing this desecration to our culture? I mean it's -- I think what was -- you know, how do you pass -- you know, who has the right to hula motion? I mean there are so many out there. It's very -- it's out there and more is going to come.

Mr. Solamillo: It at least needs to start as a letter objecting to. Some way of communicating your objection. If there are, you know, other nonprofit who wanna get into -- into getting attorneys and things like that, that's -- that's there too, but at least, at some point, enough is enough. This is 2010. We have an indigenous population that is our host culture, you know.

Mr. Romanchak: I guess I would just voice the concern is how are we possibly going to draw the line, you know? Are we going to read every publication and newspaper and have to write a letter?

Mr. Solamillo: You wanna be a culture police.

Mr. Romanchak: You know, is that what we wanna get ourselves into or I mean it's -- I think we all agree that we can agree that it's -- it's not right, but I think our role and, you know, what precedent do we set and it's gotta be thought carefully.

Ms. Kanuha: I have a comment.

Mr. Solamillo: That's your decision.

Ms. Kanuha: Couple years ago, NaHHA, Native Hawaiian Hospitality came to Maui and this all came about, It was at the civic center. You know, and these are businesses. They gotta come to the State or the County to get business license, tax license - maybe they need one cultural class, the dos and don'ts, because I'd like to believe that people want to do the right thing, but same thing, like if nobody say anything, then to them it's okay. So I think, you know, this just gives nonprofits, like Kuleana Kuikahi, to be able to go and educate and somehow say, you know, this is a very sacred ki'i. It means war, the God of War. Would you like that in your bedroom or part of your business? Cause I think a lot of ignorance is --

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

Ms. Kanuha: Yeah. There's a lot of ignorance that's going on. However, this just gives us, as kanaka maoli Hawai'i, the opportunity to educate and really let these people know who we are and what is sacred to us as Hawaiians today so --

Mr. Hutaff: This issue is so huge and multifaceted, and stop versus ...(inaudible)... versus how come? Right now, this moment, I think we need to listen to the public because, you know, maybe they'll help us determine what path we can take to have positive input.

Ms. Watanabe: That's true.

Mr. Fredericksen: Anymore comments at this stage? Okay, let's -- let's take public testimony on this. Try to -- let's try to keep our comments as focused as possible and try to be as, you know, efficient as possible. I know that's a real tall order. But anyone wants to give some testimony, please come forward.

Mr. Keeaumoku Kapu: Aloha, Keeaumoku Kapu. You know the hardest part in coming to share these kinds of things is we're stricken by the three-minute rule.

Mr. Fredericksen: We're not going to stick real tight to it.

Mr. Kapu: Okay.

Mr. Fredericksen: But if you wanna -- we're going to lose some Commission Members.

Mr. Kapu: I brought couple books, and this book was actually a guideline to help Hawai'i's economy, to stimulate its economy by not intrusively affecting traditions, like native Hawaiian cultural traditions. And there's some good mana`o in side there that, basically, was the creation or the formulae to the creation of the Native Hawaiian Hospitality Association, yeah, of all these hotel industries in the State of Hawai'i that banded together to say that we need to stop the madness on the desecration of the native Hawaiian cultural ways. I'm totally appalled to this. The reasons why because I am a traditional practitioner. I carve ki'i as well. I brought the victim with me. It's inside the case. And I think that everyone needs to understand why I brought this. It's because, to me, it sort of means a lot because it sort of sends a message out there, not only to my -- my siblings, my younger generations because they need to step into the next realm as pertaining to where they're going, but as a reminder to other people out there that we need to be selective in the choices that we do in our society today. I made this image. No worry - no bite. I made this image so it would reflect my mo`opuna. I have five grandchildren - all wahine. And the reason why I have depicted this is because this image, yeah, is depicted of an image called the Kiha wahine, which was known as the deified ki'i of Keopuolani and the line of the Pi'ilani. And what this does, literally, to our character and identity, as kanaka maoli, especially for myself, total discriminates - totally discriminates the fact that the artist of contemporary art today cannot express themselves truly based upon why we do these kinds of things. The pectoral versions based upon what is implemented in advertisements like this even more determines our faith as kanaka maoli to persevere in today's society as practitioners or as traditionalists to make sure that we can carry on the knowledge to our

younger generations tomorrow. This ki'i, there's a thousand words that talk about why this ki'i wears the defiant tongue that covers her private part is to be a reminder to not only my mo'opuna, but the many wahine generations to be selective pertaining to the kane that you going noho with because we see a lot of wahine get children don't know the daddy. So as a conceptual artist based upon where I'm coming from on the message I'm trying to push out there to the younger generation is you have to know your mo'o ku'auhau, you have to know your genealogies pertaining to from the beginning all the way till today so your children no suffer the drastic consequences that may happen in the past -- in the future.

Here's another -- this magazine was written by NaHHA, was a magazine that they went out into the community to try to gather consensus, and I just going read this and I going -- I pau already. "In 2005 survey of residents' sentiments on tourism in Hawaii, 70% of Hawaiians surveyed felt that preservation of native Hawaiian culture was a problem; 47% of Hawaiians believed that tourism that makes the preservation of Hawaiian culture worse. Just as disconcerting is 62% of residents polled in a 2006 survey of resident sentiments agreed that this island is being run for tourists at the expense of local people. Up to 55% in 2005, however, not surprisingly, in addition to this survey's statistics, residents still feel that the benefits overweight the problems, and 46% said tourism provides their overall quality of life. These diverse points of view within the population reflects some of the realities of tourism. It accounted for approximately 183,000 jobs and 23% of the tax base for the State of Hawaii in 2005. Tourism brought in 12 billion in revenues in the economy in 2006."

So the point I getting to you is, you know what? About expense. Everybody says, you know what? All these other kind of issues, the money overweight these kind of things. So what is more important - the stimulus based upon our economy than the genocide and discrimination of our native Hawaiian culture? And I not going have no more of this already. I'm tired. I'm totally fed up with it. And mahalo for this Commission to be placing these kind of things on the agenda. Ki'i comes in many forms. Ki'i la'au. Ki'i pohaku. And the issue that is going to come in front of this Cultural Resources Commission very soon - now I need to know right now whether or not you competent or not competent - that we need to have a po'okela, a group of leaders to come out and help our native Hawaiian communities on stopping this madness already because we're sick and we're tired of what goes about in our community, like this, this is the biggest issue that's going to come in front of the Cultural Resources Commission anytime now and the merchants feel we have to stimulate the economy - the hell with the Hawaiian culture. That's my feed and that's what I get on those kinds of things. This book - totally offensive. I need something that going guarantee us the preservation and protection of native Hawaiian lives, lives, my life, as well as all of you who have kanaka maoli blood within you to make sure - and also the ones a'ole kanaka maoli blood but are compassionate - the longevity and protection of our native Hawaiian culture, traditions, character, identity, and everything else. If nothing can start here, then where do we have to go? Where do I have to go? We need help. Please help us. We no like go court. That was never Hawaiians' ways by going over there trying to make a buck. And

that's pure pono. We always try ho`oponopono. We try to make sure that there is justification on both sides that no one is offended and that offense not going reflect upon their homes as well as mine. We need a process. And I hope, if cannot from here, that whatever recommendations you set forth goes to an entity that has some kind of authority that you can be the beacon, you can be the voice for us to start this ball rolling. If not, then I no like be stuck in court. But if I have to, that's the way I gotta go and I not going sit down and educate these kinds of people because they never had the time to come to the community to even find out. So I mahalo you all again. Thank you.

Mr. Fredericksen: Okay. Anybody else wanna speak -- speak about this? Testify?

Ms. Uilani Kapu: Aloha. Uilani Kapu. I'm here to reflect on the book. The book itself - we went to the airport. I picked it up. The first thing that caught me was this corner. In this corner are iwi kupuna. Our battles here in Maui are iwi kupuna. For that to be placed on here, it hurts. The next one is this middle. There are two ki`i on the side. Who are they worshipping? What are they depicting in this back? Besides the obvious that we can is the ki`i itself, the woman - why does she have to be bare-breasted? Why does she have to have a tattoo? There's so much things about this, just this front cover, that -- and I took the time and read the article. I understand. I was raised in Waikiki. My mom used to work in Waikiki so I was always in the background at work with her, and I've seen all of -- everything. Arthur Lyman is my dad's cousin. And for the depiction of this, when they wrote his name, I was like, okay, this is -- for them to be bringing up people that cannot be here to testify on their behalf of why they were involved in all of this, is not right. It sounded like they did their research. They're just in the wrong era. They're located in Kihei. One portion of their advertisement stated that: South Shore Tiki Lounge needed to appeal to the sustainable -- the sensitivity of the young or young at heart crowd while also honoring the culture. How? In what way are they going to do that? *Wall Street Journal's* article: Tiki does not have to be tacky. This is what they are doing.

My recommendation is an awareness campaign. Awareness campaign of the desecration that has been happening and that needs to stop. If you folks wanna make money and draw people to your place, do it on your own. Why do you need to use our Hawaiian culture or even any Polynesian culture to do it? If you wanna run a business in Hawai`i, and if you're coming from the Mainland, then you need to pick an area and a place, but you also need to go to your community. The community needs a voice. The people need a voice. For me, I'm against alcoholism. I'm against tikis -- I'm against bars period. We don't need it. It kills our people on the streets. And even the innocent it kills. So that can go a long way. But my whole thing to come here was to show you and point out to you what I saw on the cover the first time I reviewed this, and for you folks to take this into heart, and a recommendation of a awareness campaign of how the Cultural Resources Commission would like to take this and educating people. Mahalo.

Mr. Kaniloa Kamaunu: My name is Kaniloa Kaumanu. I'm from Waihe'e. I really didn't know anything about today's activity or agenda until it was pointed out to me I believe by Joyclynn Costa and I was looking at, you know -- I really didn't take into consideration the picture until I took the time cause she was talking about it and looked at it, and I think it's a thing that is a trend. People look at the ocean different than we look at the ocean. The ocean for us is sustainability. You know even though we have fun going to the ocean and riding the waves, you know, and enjoying ourselves, it has part of our culture in it. Others believe it to just be for fun, recreation, that's all they know what the ocean is for. Same thing with this depiction of the tiki. I'd like to thank Stan for all the information he brought out. But, you know, it's a worldwide -- look at what they feel Hawaiians are and, you know, we're supposed to be these happy-go-lucky guys with ukuleles in our hands sitting around by the beach doing nothing. But we know that's not true. We all have work, you know. I mean how can a culture survive those years without contact and have a society of such well educated people but they didn't understand the concept of work and understood how things are relevant to each other. They had to understand how things were relevant. And like any other culture, these tikis or these everyday gods or people that they can look to so it gives them hope, that's what this thing is about. Right? I mean the tiki is hope. I mean when you put your gods in front of you and you see it, it gives you hope that, yeah, what I'm doing and how I'm going is correct. I mean it's religion. It's something that your -- that's why people make idols. That's why people look at it so that it gives them confidence that they actually exist and then what they're doing is actually viable. So, you know, we come down to more than just a cultural thing, but it's actually deeply rooted in us and that these things have an important space. And it's sad to see that the world's concept of us and our traditions are just pleasurable, you know. I mean taken lightly. They don't understand. And I'm in -- I'm in the tourist industry. I work at Ka'anapali Beach Hotel. And even with our hula, you know, we talk about -- hula was talked about, you know, it's hard to sit there and perform and I know these people really don't understand what you're doing, and their only depiction of hula dancer is what was shown on top of that. You know, I mean -- and they come into shock when they see actually real hula dancers depicting our tradition and they go like, oh, this is boring. Because they were told to believe that fire night dancers are part of the hula, which actually not. That is a different culture. You know all -- other dancers put into these shows that they have down in Ka'anapali blending all these and just call it "Polynesia." But really Hawai'i is different. And so, you know, I mean it is a folly to see such an advertisement not being carefully looked at the ramifications that it gives out, not only here, but to visitors that come I mean from Sweden, certain time of year - people from Canada. These guys come from different countries: Australia. So can we blame them for their depiction or they thoughts of us if we allow these kinda things to happen? No, we cannot because this is what's being fed them. So the concern is how do we stop this from circulating and how do we get the real information out? Cause you know what? When you really talk to people about the culture part, they become more interested. And every other country that gets, you know, you look on the TV channel, they talk about the real culture of those countries and what things you're going to see, you know, and so people come from

miles around to see that the people are like. And one of the major comments I get from people is that, you know, you guys are the only ones on the strip that have a regular hula show. And throughout time, some of them they come here every year and they travel throughout the island looking for true Hawaiian shows so --

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

Mr. Kamaunu: Yeah, you know, so that's what I'm saying, you know, we need to spend more effort in I guess being the watchdogs for these things. Thank you.

Mr. Fredericksen: Thank you.

Ms. Joanna Kamaunu: I don't know if I should even touch that. Hi, I'm Johanna Kamaunu from Waihe'e. While I was listening to Stan, I was going through this turmoil, so to speak, and it's kind of the awakening path I traveled to this point. Three thoughts came to mind: cigarettes, kalo, and intellect, and, hopefully, I can explain this so that it makes sense. But, you know, this County just passed the GMO - banning GMO testing on kalo, okay, and there were really good reasons for it. I'm sure you all understood and understand what could happen with GMO kalo, right? What if you imagine the culture to be kalo and the results of the testing as stuff like this, the tiki-culture? That's what they've done to it. They've taken the kalo and they made it change and they have a lot of reasons why it's good to change it, right? Or to test it. But the bottom line is it's all about money. Okay, cigarettes. There was a brand of cigarettes that came out one year, didn't do really well so the company, the next year, decided to can it. They started a new line of cigarettes. It went on for one year. It did alright, but not too good. So the following year, they added a slogan to it, and they called it, "Marlboro Country." It tripled within the next year. Its sales tripled in the next year. When they added Marlboro Man to it, it more than doubled that. So you see, that's what they do with this. It all comes down to money. Basically, it all comes down to money. And now I come to the intellectual part. We know what happened when - what's her name? Sorry. What's that cartoon? *Lilo and Stitch*. Okay. Remember what happened with *Lilo and Stitch* and that wonderful song they had on there and the kids was singing it all over the place? Somebody got sued for intellectual property rights, right? Because they were using the song. So when you sitting here trying to figure out what it is that we could possibly do to counter, if you chose to make a statement or do something about this, first of all, we have a voice, and I think, as your collective voice, you have a greater opportunity, a greater audience than my individual voice would have. And I see people come before you with resolutions. I don't know if that's within purview to create a resolution but it's certainly within your purview to request that a resolution to deal with this issue be made. Okay, then we come down to how do we get it out to everybody? How do we get it out to every venue that might think to create an aberration of it? Once that story hit about intellectual property rights, everybody stopped. Everybody reexamined what they were doing and how they used it. But of course, what had to proceed that was a suit, a lawsuit. Now, that may not

also be within your purview, but these are the kinds of things that I think we need to bring to the attention of people that if it's not within your purview, then who's purview is it under? And I would hope that the statements you make, especially to the County, on behalf of the County, is that we don't support this kind of thing. Now, I was just reminded that I should ask: Did the County, in any way, fund this magazine? Well, I sure hope not. But, you know, any form of advertising in the magazine usually support it at one way or another. But anyway, those are -- that's my thoughts on this. I would sure hope that we can find a way to make that statement, especially if it's one that we might have to do together.

Mr. Fredericksen: Thank you.

Mr. Hutaff: One small --

Mr. Fredericksen: Oh, Ray? You have a question?

Mr. Hutaff: Actually I wanted to just -- the thing she said. Joanne, just to let you know, this book is an extension of *Maui Time* magazine.

Ms. Kamauna: *Maui Times*?

Mr. Hutaff: *Time*.

Ms. Kamauna: *Time*? Oh, okay.

Mr. Hutaff: *Time. Maui Time.* Yeah. It's just an extension.

Ms. Kamauna: I can check with them.

Mr. Fredericksen: Any other testimony?

Mr. Richard McCarty: Aloha. Good afternoon. I'm Richard McCarty. I'm a guest here on Maui and I've had the opportunity to know that, as a guest, I have kuleana here that includes several of its aspects; making sure that whatever I do is pono, and making sure that whatever I do or become involved in is founded upon a spirit of aloha. This situation, it would be very sad to me if we just left here and said nothing can be done. It reminds me of a situation where if you can picture all of us seated at a restaurant, and all kinds of people around us, it's a large restaurant, and somebody either in our group or walks up to us and tells a horribly racist joke. We didn't invite that, but it happens. So what happens with the people around us? What do they look at? Not the guy that told the joke but how we react to it. That's the important thing and we've been put under the spotlight now and the world, Maui, everybody is going to say: How do we react to this? If we do nothing, we endorse it. We become a part of it. We may as well have told the joke ourselves. So what

do we do? We have to right then take a stand and tell that person it's wrong. That they've acted inappropriately. And that's what we hope you will do. To hear a comment that maybe somebody can file a suit, that isn't going to address the situation about how we, as a community, look at this. Look at this thing. If you wanted to put together something that was just the most bigoted, racist thing you could put together, how could you improve on this? Seriously. They have made, in the past, there's been a lot of history about whether or not the Hawaiian religion is paganistic. What does this do to that thought? This looks like the depths of hell. They've made a sunset look like the fires of hell. Look at this thing. They've -- what did they hope to accomplish by putting iwi kupuna skulls up in the corner of this? That is just done to enrage somebody, to insult somebody. What other purpose could this have? So how do you address things like this in a society where you just don't go beat people up anymore? You hit 'em in the pocketbook, or you make them feel uncomfortable, and you do that by, first of all, sending a letter to them saying this was addressed in public. You weren't there. I don't know if they were invited to be here or not. And if not, maybe they should be invited to do this again some other time. But first of all, you didn't even have the decency to show up and, secondly, this is how the community feels about what you've done. And that letter should not only go to this publisher, but to everybody who advertises in here because that's why they do this - to make money, to sell ads. And I think that the people who advertise, and it's ironic, who's the first one you look at? *Uialena*. How do they feel about this? But they should be made to know that this publisher did something that the community does not appreciate and approve of. And I think if we do that, that will at least, if they aren't going to be good children, they'll know that it's going to hurt them if they're bad children again. So, please, at least take the responsibility to take those steps and I would hope that something maybe more drastic could occur, like somebody suggesting a resolution and so forth because if we let these kind of things go unaddressed, we're not better than the people that did it. Thank you.

Mr. Fredericksen: Thank you. Any comments, Commissioners? Well, we'll hold comments. Okay, anyone else? I'd like to ask, Hinano, if you'd be willing to come up? I had a question. Hinano? Have you see the cover of this publication?

Mr. Hinano Rodrigues: Hinano Rodrigues, Historic Preservation.

Mr. Fredericksen: Have you seen the --

Mr. Rodrigues: I just looked at it right now.

Mr. Fredericksen: Okay. What -- what is -- is there a protocol for depicting, in this case, human remains that, by default, certainly are at least associated in some -- I mean kind of a -- it's certainly not accurate, but some portion of at least the Hawaiian culture on a -- a magazine, just one the cover? I mean is there any -- anything in -- that sets out, you know, is this even appropriate to do?

Mr. Rodrigues: No. Unfortunately, the answer is no. I think you're referring to Hawaii Administrative Rules 13-300, with respect to the photographing of native Hawaiian remains.

Mr. Fredericksen: Right. This clearly isn't a photograph but it's -- but I mean the inference is either native Hawaiian human remains that are depicted on the front of a glossy magazine that's - I don't know what the distribution it, but I'm sure it's, you know, more than a thousand copies. I'm sure it's quite a few.

Mr. Rodrigues: Right, and I know where you're going with this. Again, unfortunately, 13-300 says that you can't take pictures of native Hawaiian remains. It doesn't say anything about you can't depict them. The act itself of taking a picture is where the violation of the law actually occurs. And I think, I wasn't here when 13-300 was developed by the legislature, I would think that the reason why they -- they did that was because we already have, in our anthropology textbooks pictures of any human remains and to have a law that is not specific would make it difficult to even publish textbooks. What I --

Mr. Fredericksen: But this is -- this is a not a textbook though, and I know where you're coming from. I'm just trying to discuss the --

Mr. Rodrigues: Right, bottom line is I can't help you.

Mr. Fredericksen: Yeah.

Mr. Rodrigues: There's nothing in the law that permits me to help you period.

Mr. Fredericksen: So if one were to try to insure this sort of thing couldn't happen, you, literally, have to change, or not change, or modify the existing law?

Mr. Rodrigues: Right. Let me take off my SHPD hat and speak as someone who's almost half native Hawaiian. My suggestion is, in a situation like this, you need to change people's attitudes and behavior, and we all know that is something extremely difficult to do, but the way to -- the way to make an impression on almost anyone, especially a business person, is to hit 'em in the pocketbook. And the way to hit someone in the pocketbook is the kind of behavior that we used in the 1970's and '80's and that is to demonstrate. I agree, I think if I heard right, we already had two of these places on the island. Two is more than enough already. And so if -- you have to nip it in the bud, and that is just my personal opinion. It's not a Historic Preservation opinion.

Mr. Fredericksen: Right.

Mr. Rodrigues: It's my personal opinion. It's a greater problem than we have time to discuss today or even for the entire year. We just need to change people's attitudes and behavior.

Mr. Fredericksen: Thank you. Any other testimony? Stanley, I've got a question for you, please, and then we'll have some more discussion, Commission Members. Did you say there's one of these bars in Lahaina?

Mr. Solamillo: Yeah.

Mr. Fredericksen: Where?

Mr. Solamillo: What used to be The Lounge.

Mr. Fredericksen: I don't know. I don't go to bars or any of that stuff so I'd just like an area in Lahaina.

Mr. Solamillo: Well, it's on the makai side of Front Street, just down from -- maybe two doors down from Wo Hing.

Mr. Fredericksen: So two down towards --

Mr. Solamillo: Yeah, but he doesn't call it Tiki Bar. He calls it something else.

Mr. Fredericksen: But two down towards Lahainaluna Road?

Mr. Solamillo: No, going -- going --

Mr. Fredericksen: Going harbor side?

Mr. Solamillo: Yeah -- no, the other way.

Mr. Fredericksen: Oh, okay.

Mr. Solamillo: No. It used to be the -- the Japanese fish market that changed and -- it used to be a Japanese fish market.

Mr. Fredericksen: Not the old Nagasako's who was on the corner of Lahainaluna Road?

Mr. Solamillo: No. But it's like the best store front there. But, originally, someone had come to me and wanted to put a Polynesian canoe, the front of, coming through the facade,

you know, to advertise this business. So now it's way toned down. You know, it's owned by a German National I believe.

Mr. Fredericksen: That is within what part of the NH -- it's completely within the NHL?

Mr. Solamillo: Yes, it's in the NHL. But I mean you can't legislate what kind of businesses open unless it's a strip joint or something like that.

Mr. Fredericksen: Yeah. Any other comments at this point, Commission Members?

Ms. Marquez: I just wanna understand. I think this is for James.

Mr. Fredericksen: Yeah.

Ms. Marquez: The letter of the law. If you look at -- he smiles. When you look at this, how much of this is creative licensor?

Mr. Giroux: All of it.

Mr. Solamillo: All of it.

Ms. Marquez: On here it's some company.

Mr. Giroux: When you say "creative licensor," you mean as to avoid --

Ms. Marquez: Any law.

Mr. Giroux: An electoral property, taking misuse of property? Yeah, the way that works is you actually have to -- you actually have to get whatever you have that you don't want anybody to use, you actually have to go and get it copyrighted and trademarked and, you know, like Da Hui, Da Hui has their board shorts. Well, they went and they registered it, and they wanna go sell it, and make millions of dollars with that petroglyph looking surfer, that's what the law protects. You made up something and now that's your art, you registered it, and now you -- it becomes a proprietary right. And if anybody else uses it or uses your name now, and I think in Hawaii we see that a lot with the surf culture and the ocean culture is everybody goes and grabs the name as fast as they can, you know, Maui Sand. All of sudden, oh, Maui Sand. Now we've got somebody owns Maui Sand. And if somebody wants to go use it, they gotta go pay that person to -- you know, so -- but it comes to a point where things are so -- of such - it's called "public domain" where -- like music, that Christmas music, nobody gets a royalty anymore. It's just *Jingle Bells*. Nobody gets a dime for it anymore cause it's just public domain. It's a cultural, you know, it's part of that culture that everybody sings and nobody gets paid any money and everybody can use it. That's

how we get elevator music because that's all the music that nobody has anymore rights to. But the -- the thing is is that the American law is based on the American dollar, and that's why we get all crazy because when -- when we, Americans, export their culture, like to China, they don't have that law and they use, you know -- they'll use the names that we think are our -- you know, we should be getting money for that, right, a million Chinese are using the word "crayon" in which somebody should get a dollar for that, right? Well, that's the law. The law. The law -- it's Chinese law, and then Americans try and enforce that over there - it doesn't work so hot, but there's political pressure to try to, you know -- but again, like what you've heard, it's about the dollar. It's about everybody is trying to -- to claim something in ownership, and that's the copyright law, that trademark, copyright, patent - these are all very specialized areas of law so it generates, sadly enough, this type of creativity because the artist who painted this abomination, if anybody copies it, guess what? He gets a dollar. He can go and sue them for that. But it's very -- it's -- you know what I mean? The law's going to perpetuate the person who executes that claim - kinda like a claim jumper.

Ms. Marquez: Okay, second part.

Mr. Giroux: The claim jumper.

Ms. Marquez: Second part. How much of this freedom of speech?

Mr. Giroux: That's another American law there - the freedom of speech.

Ms. Marquez: So a thousand percent? This is freedom of speech? I'm asking.

Mr. Giroux: Most "art" would be covered by that. And that -- that's an iffy area to because there is a limitation on your freedom of speech if it's meant to excite riot which -- and I see SHPD back there getting -- so, you know, there is limitations but most art will be protected. I mean it -- I gotta qualify that but most art is, you know, so --

Ms. Marquez: Alright. Thank you. Learning.

Ms. Watanabe: I just have a --

Mr. Fredericksen: Yeah, Nani?

Ms. Watanabe: I have a friend, and she has a shop, I think you probably heard this news, and it had to do with the image that she had on her shop, which was the hula hand, and then an artisan filed suit because he claimed that that was his image, you know, so, you know, that becomes like I mean, you know, whose image is it? I mean, you know, it's like -- and then it's a culture again, it's the Hawaiian culture, it's the use of the hula hands, you

know, so I mean I think, Mr. Chair, how -- I mean I think this is, you know, really a heavy-duty issue that is really happening.

Mr. Hutaff: I have a path to a suggestion, okay.

Ms. Watanabe: Okay.

Mr. Hutaff: To try to help understand what I'm trying to say I need to kinda add a couple of things to it here. First of all, it was mentioned that tourism has sort of caused the problem by advertising the Hawaiians in a certain way in order to increase visitors to come and also to have an appeal. Okay, in other words, we went from, and I'm going to put it quite bluntly, from the Negro Hawaiians to the haole Hawaiians, right? Okay, so that we would not offend people. Tourism has played the role as the bad person in this; the bad child of our economy. And I have to agree, okay. I have to agree that tourism is "the problem." Conversely, tourists are not. They're impressionable people, obviously, okay. So take that, tourism, if not done correctly, can become the solution in this particular point.

Mr. Fredericksen: Sure.

Mr. Hutaff: Okay, because it's the same entity. We've, you know, we've been sold out by tourism - well let's buy it back. I'm not talking with money, but with information, okay. Culture first; tourism will follow. If we enhance the visitors' understanding of culture, and what Hawaiians have to offer, or Filipinos, or Japanese, or Portuguese, okay, to the Hawaiians -- or to the Hawaiian Islands, then we can reestablish the correctness of it all to buy back. Now, as far as educating the people who continue to advertise, someone said put it in their pocketbook or take it out of their pockets, that's the best way to do it. I say just take the words and throw them back at themselves, okay, and then use that threat of you know what? You want us to go and point out, for instance, for this guy Jim --

Mr. Fredericksen: The editor?

Mr. Hutaff: Yes. "My goal is that readers of the *Art & Culture on Maui* will use the magazine as a tool to connect with Maui artists, galleries, and the many cultural events the island has to offer." Okay, well, I can see the three lines there make a whole lot of sense but you should improve the last line. You own words. Okay, let's go down to here to Ellen Peterson, okay. I love this. "But looking out our second story office window in the center of historic, downtown Wailuku," okay, she claiming to -- to find that as a historic town, "we witness something remarkably different," I love this, "remarkably different - a culturally rich, artistic community," she starts it off with "culturally." We can challenge that easily, okay, and ask them to go ahead and maybe tidy up some of this stuff. One gentleman said put 'em out of business. Go to all their advertising -- you know what? For one this, this publication just proved how good it really is. I actually love it. I actually love it. I think it's

fantastic, okay, because now we have the opportunity to convince the editors and the artists to become more culturally correct. Let's don't put 'em out of business --

Mr. Fredericksen: Yeah.

Mr. Hutaff: Let's put 'em on a correct path, okay. Now, let's go to the article. I'm going to try to be real quick here. Some of the bad things that we can use there as being really offensive are obvious when an outsider reads it, "...ignited the lust, and tiki bars..." okay. Oh, I'm sorry. It had to do with rum. Okay, now I get it, "...tiki freaks..." okay. I mean any rational person reading this article from an artistic cultural point of view, which is what this magazine is supposed to be about, okay, if we just bring it to their attention, will be offended when they read it again, so we can educate, right? We can educate the people. "It's no longer a fairytale, so go ahead, and get tiki-fied." Okay. "People mission to different tiki bars, not only to collect mugs," okay it went from tikis to mugs, okay, "but report to others what they've discovered." Hey, guys, look at this really cool McDonalds mug that have the tiki on it. Okay, that's really perfect. So the thing is is they've given us a lot of fuel for fire in order to challenge on what this magazine is supposed to be about, okay.

Mr. Fredericksen: The title of magazine is *Art & Culture on Maui*. And culture is like huh?

Mr. Hutaff: Oh, its got it down here, "Tiki culture has become more and more of interest as a bonafide underground culture." What? Okay. The second thing is or the last thing down here is again we can easily attack this magazine with its own words and what we would like to see it do and challenge it to do that, okay? And I'm not saying the Cultural Resources Commission needs to do that, everyone needs to do it, okay? Because who are the real cultural resource commissioners? Everyone who finds offense in something like this needs to speak out, not throw it in somebody else's face and say, eh, it's your responsibility. You know what? It's all of our responsibility as individuals, as our positions within the Cultural Resources Commission, okay. We need to go out and make that point to the visitor industry, okay. You want money? You benefit from culture and which is -- which is to me is like, okay, a benefit is a good thing, okay, but when you circumvented that culture, by making money, then that's wrong. You're not supposed to -- it should enhance. So let's challenge the visitor industry and everybody within it, including tour companies on Hana Road, okay, to enhance the visitors experience by educating them on what the truths are, okay, and then that way we will get more tourism, and it'll be the kind of tourism that we would actually like to have.

Mr. Fredericksen: Sure.

Mr. Hutaff: People who have an interest in understanding the legitimate side of it and who will help us fight the garbage that's out there, which, by the way, okay, I don't know what the life expectancy of this book is on the earth, but I bet it's over a thousand years, we have to

create more ...(inaudible)... books, yeah, then why don't we use the people who have the money to publish this to help us out. I think we should challenge them - all of us. I think I've made my point. I think I'm done.

Mr. Fredericksen: Anybody else on the Commission? Stanley? Oh, Rhiannon?

Ms. Chandler: I just wanted to agree with everything that you said, Ray, and also say that, yes, it is freedom of speech and we can maybe take the stance that they are ignorant in their thinking --

Mr. Fredericksen: Misinformed.

Ms. Chandler: Misinformed, don't understand. Don't understand that to Hawaiians these are our gods. You don't drink out of a cup -- drink your alcohol with a straw out of a cup that is representative of our god. What if it -- what if this was a Christian symbol and they were drinking alcohol, how would that be received? And it needs to have the same weight, you know, so I fully support whatever it is that -- that the Commission feels is the most appropriate way to not insult them but to address that rather than honoring the tiki, which they say that they're doing through this article, they're in fact offending a lot of people and that this kind of thing makes it look like there was never a Hawaiian renaissance, like we didn't move anywhere farther than 1950 because we could have seen this back then. So I appreciate again all of -- everybody's patience. I know this is a big issue but --

Mr. Fredericksen: Stanley, you have anything you wanted to add? I -- I feel that, at a minimum, we should, the Commission should write to the publisher and admonish, in a constructive way, but admonish them about what's been done here noting, you know, there does need to be cultural sensitivity exercised in their -- in what they put out. What Rhiannon was talking about and other Commission Members too about displaying tiki -- I mean whatever it's supposed to be, a mai tai, or what did you call it, Stanley, a fruity drink?

Mr. Solamillo: Fruity drink.

Mr. Fredericksen: That's in -- that's in this figure that is representing a tiki/ki'i is -- that's disrespectful. Certainly having human remains displayed, that's extremely disrespectful to the Hawaiian culture.

Mr. Hutaff: See, I agree that this thing on the front cover is totally inappropriate. I really like the colors though, okay, it's art. That's the word I was trying to get to there is that we really can't challenge this picture because the first thing to come out of a publisher's mind is somebody else created it, one, okay; two, why can't we print this? And, at that point, we're -- we're not having a discussion ...(inaudible)...

Mr. Fredericksen: Well, what I meant -- I'm saying we find, you know, if the Commission wants, it takes exception to this, it was -- it's generally, or not generally, it's disrespectful to the Hawaiian culture, and maybe it wasn't meant that way --

Mr. Hutaff: Right.

Mr. Fredericksen: But the -- the problem is is lack of, it appears to be anyway, lack of awareness on the part of the, one, the artist, and, two, certainly the publisher. You know, if this -- if this guy's, you know, real proud of it and everything, of his publication, then he should be taking a little bit closer look at what he's doing and --

Mr. Hutaff: Or understanding what he's doing.

Mr. Fredericksen: Yeah, understanding what he's doing.

Mr. Hutaff: So I would suggest that the approach be more along the article that they've written and the way that they've written it, and, again, use their own words on what they wanna project culturally, you know, and artistically rather than challenge the appropriateness of this picture because someone has a right to do that.

Mr. Fredericksen: They -- yeah, ultimately, but as a publisher, I think they also need to be responsible and to be notified that, hey -- or not notified, but informed that you know what? This wasn't a very good pick.

Mr. Hutaff: I'm on -- I'm on your side on that but you see it's already done and so all -- you know, there's been many newspaper that have, you know, done ...(inaudible)... what do you call those cartoon characters?

Mr. Fredericksen: Caricatures and stuff, yeah.

Mr. Hutaff: Caricatures for, you know, all kinds of things and they've always won and the whole issue has been about: Was it allowed to happen? Okay, now about --

Mr. Fredericksen: Yeah, we can't prevent this --

Mr. Hutaff: Right.

Mr. Fredericksen: What's happened.

Mr. Hutaff: But see that's been the end argument has been more about no, we can print whatever we want rather than, well, yeah, it was offensive. You see what I'm saying? So rather than attack the front cover, attack the words, okay, cause we're going to write

something down, then we could open up - if they wanna come and discuss it with us, then that's when we could actually point out and say, and by the way --

Mr. Fredericksen: Yeah, I think in the letter it should be just some salient points like, you know, it is culturally inappropriate to display ...(inaudible)...

Mr. Hutaff: Well, if I sit here -- you know, if I looked at these -- these skulls ...(inaudible)... if you look real closely, okay, they have an English tattoo on the skull.

Mr. Fredericksen: I believe you, Ray, but I can't see it.

Mr. Hutaff: Huh? See all you have to say: What Hawaiian?

Mr. Fredericksen: Well, then it would be to the context.

Mr. Hutaff: The idea is to eliminate the argument ...(inaudible)...

Mr. Fredericksen: I mean that's -- if there is a tattoo there, that's not -- it's not real big giveaway that that's not what you're --

Mr. Hutaff: Trying to do.

Mr. Fredericksen: Yeah. But I certainly feel there should be a letter, as I said, and, you know, a constructive letter, I mean than a -- you know, an informational letter but also one that indicates that this is not the most culturally appropriate thing to do.

Ms. Kapu: Can I just mention one thing real fast?

Mr. Fredericksen: Okay, keep it --

Ms. Kapu: Just like your opening, reviewing your minutes, you folks said that there was dot dot dots in front of Hawaii, it's the same thing that these guys are going to need, a specialist that can do it like what you folks need for your Cultural Resources, you folks opened with it, and that's all we're asking them to do. I'm writing a letter to them. I'm writing it, and I'm making sure it gets to the painter, to the writer, and their --

Mr. Fredericksen: Publisher.

Ms. Kapu: Their publisher to say that it's not culturally correct. It's offensive. But I'm doing my part, but we -- you know, when I hear this was here, you know, Stan can't -- he can't do it all by himself so he brings it forward to everybody. So we do our part, you folks do your part, and I understand you need to hit the words so I mean I'm listening to all of this, and

this is going to be in my letter too, everything within this book, it's not just the cover that is offensive, everything I'm hitting, and this isn't the first book that I'm going to hit. I'm going to start hitting all of 'em because they all need to start being aware of how we feel. And if they need to hire somebody to review their work, then they need to hire somebody, but it can't continue on anymore. This is 2010. We're standing up. We stood up a long time ago, but we can't do it ourselves anymore. So mahalo.

Mr. Hutaff: This kinda reminds me of something to me as -- as a child is how to approach it. I was outside and I was touching my uncle's car, and he had this really wonderful hotrod, and he came up and grabbed me by the back of the shirt and slapped me across the head. At the same time my aunt was walking out the door and she looked at him and go: "What are you doing?" "Well, I'm slapping him?" "Well, why?" "He's touching my car." She says, "Well, he doesn't know. Did you tell him he couldn't touch the car?" "Oh no." Okay. So my uncle goes, "Don't touch my car." "Fine." Being the child that I was, next day I touched the car and he gave two slaps ...(inaudible)... I went to my aunty pretty sure she going back me up: "Uncle gave me two slaps." She goes, "No, no, no, no. You should have known already so that's two slaps, okay?" So the idea is, first, we gotta educate; then we gotta give the slaps.

Ms. Marquez: Okay, so comment to that comment. Let's say we did endorse this letter to this particular mana`o. Who are we educating? If we get that letter out there to these people, you tell me who are we educating?

Mr. Hutaff: I think the point is is to educate them.

Ms. Marquez: Okay, so then them. Okay, my point is, that's so that you go and educate them, but you know what? We all need to be educated. So it's not really targeting -- this could be like a spark. A story starting line, as we say in school. Something to step out with that -- maybe that's one thing good, however, if we take beyond, and when I say, "we," I am tired of hearing only educating all these people who don't know the culture. I tell you what, a lot of Hawaiian people, yeah, I looking at the Portuguese, and the Hawaiian, the Filipino and Japanese over here, and I'm talking about myself, a lot of the local people don't even know their own culture. So in addition to educating this mana`o and others out there, let's all say this is for everyone because I don't think we should go out there and pinpoint, oh, you. Somebody said he was a guest or whatever, or you visitors come you don't know. Oh, you folks are not Hawaiian, you don't know. You try go out there and talk story to a lot of the locals. They don't know. So what I'm saying is we all should be educated including this Commissioner. So if this could be a spark -- sparkler -- a starter, then so be it. Do not just stop at sending a letter.

Mr. Fredericksen: Yeah, and that's a very good point, and that's something I was going to talk about. It's a very good point.

Mr. Marquez: Okay.

Mr. Fredericksen: And I think we should probably look at this, not just this issue, but some larger issues as to what's culturally appropriate and what's being disseminated, you know, going back to that Lahaina Mardi Gras of the Pacific, other issues as well, also what the HVB is putting out. I mean what is the HVB putting out? As tax dollars, what are they putting out?

Ms. Watanabe: I've traveled with MVB --

Mr. Fredericksen: Okay.

Ms. Watanabe: A couple of years. I have to say Maui puts out a very good presentation. I don't know about Honolulu though. You know, that's all different counties. But -- and we would be there doing our venue and then next door, this group is promoting Hawaii and their style, and there's like this huge tiki, you know.

Mr. Fredericksen: Yeah, the full on stereotype, yeah.

Ms. Watanabe: Yeah.

Mr. Fredericksen: Yeah. But I think just trying to spread the net, or whatever you wanna call it, a little further to try to spread some of the education or the information so people get -- that are involved in the tourism industry, one way or another, and this certainly is very reliant on the tourism industry, is -- there's a more respectful and accurate portrayal if, you know, in the case of Hawaiian culture, whatever it may be, this or, you know, etcetera, but have -- try to get involved in us at least getting some information out, as a Commission, to some of these other -- these organizations that are, you know, defacto or the ones that are doing it.

Ms. Kanuha: I just had a comment. At the time of the Kamehameha statute with the champagne bottle in his hand, our Hawaiian community was uproared and everybody was truly upset, they did contact the main office, which is based out in Florida, so these people had no idea - out of sight out of mind so they think that's really cool and all of this is created on their computer and then it just goes out. So what had happened was they sent three of their top sales people because NCL had no idea that, you know, it was -- because they look good.

Mr. Fredericksen: Yeah.

Ms. Kanuha: It'll draw people. And that was the whole idea. And they sent them to NaHHA, to Native Hawaiian Hospitality Association, and then NaHHA, who is with Peter

Apo and then you got Ramsey Tom, and they were the ones that had to give these people like one full cultural meaning that, okay, if you got Kamehameha or you're looking at the tikis, now take the head of the tiki off and you put Jesus over there; take the head off and you put Buddah over there, and the impact was like, whoa. So the same way as the Hawaiian people, when we see our ki'i, that's a whoa for us too. So it kinda like was something that was so powerful because it was visual that, you know, they apologized and apologized, but they sent their top sales people from NCL to get educated so stuff like that would not happen anymore with NCL. So that's why I said that -- and even when NaHHA came up here I said, you know, I took like a whole day of my life out because I got offended that a lot of our culture was taken out of -- they're using it for advertisement for tourism, however, they cutting our people from having jobs, like dancing or performing and entertainment, because they felt that the Hawaiian culture was not important or it's not, you know -- so usually when they start cutting back in hotels, that's the first thing to go because they feel that it's not really -- it generates revenue, the education part. So I did my own research, and I called every hotel on this island, how many hotels had a cultural resource person - two. One was trying to slide in. I said one lei greeter just doesn't work. Sorry, babes. A lei greeter doorman no work. So was Ka'anapali Beach Hotel and was the Ritz-Carlton Kapalua, out of all the hotels, and they kept asking me what my name was, I said, no, it's not important. I'm just doing my own personal research. So that was kinda like wow. So that's why I'm saying that, you know, you have a business, you need to have some kind of cultural resource person that you can, you know, ask questions - is this okay? Or am I culturally correct? Or -- so they no make these mistakes. Okay. That thing is like okay I heard already.

Ms. Watanabe: Mr. Chair, I know that --

Mr. Solamillo: Can I interrupt? So what would you recommend in this case?

Ms. Kanuha: What would I recommend?

Mr. Solamillo: Yeah.

Ms. Kanuha: Is that, like I said, education is really important. I mean we can, you know, bash them and get upset, however, is that going to resolve - education and I think like, I mean it might be way out of the loop, but if you have a business or a hotel or -- there has to be some kind of cultural resource person that you can confide in so that you know that you stay -- I know there's American law and stuff, but I think I just got about 50 million things going through my head right now, however, is that we wanna make sure that this doesn't happen again so how do we get that? They gotta get a cultural resource person.

Mr. Hutaff: Yeah, they do.

Ms. Kanuha: And guide them. And not only for them, I mean us. We need a cultural resource person or whatever and -- and the County and the State and the businesses, the visitors industry, you know, and that's why they have NaHHA, Native Hawaiian Hospitality Association, and I was actually 1 of 16 that graduated from Ola Hawai'i that conducted workshops based on chiefly leadership, and the dos and the don'ts, and Hawaiian values, and all of that stuff, and I believe that it works, but we gotta get it out there. I mean we have cultural resource people, we have Keeaumoku Kapu, we have Kaponoi Molitau from Pu'ukohola, they're out there, but to businesses, like, well, it's not important though. It is. You need to like sense of place - where are you? This is Hawai'i. And this is our opportunity, as a Commission, to educate all these people that keep coming up with stuff like this and so that it doesn't happen again. And maybe we should, you know, do one education with the Planning Commission and with our County Council Members and with the State and -- cause we're all in this together. It's all of our kuleana, not just CRC, if we wanna make a wonderful change, I mean that's where we can start.

Ms. Watanabe: Mr. Chair, I think the County always puts on these conferences, I guess sustainable whatever, every year, and I think they should start to look into adding cultural education to these conferences cause they will always every year talk about water, talk about energy, but I think because of the fact that the County is involved with so many things, they should include a cultural education workshop conference --

Ms. Kanuha: Absolutely.

Ms. Watanabe: That would actually have all of this available because that's what we need.

Mr. Fredericksen: That's a great suggestion.

Ms. Kanuha: Yeah.

Ms. Watanabe: And because I think the Mayor needs to understand this that this seems to be an issue --

Ms. Kanuha: Ongoing too.

Ms. Watanabe: And the County -- I mean then you have the Planning -- all the department heads would actually be educated and then opening it up to the community. I think that's what they should look into.

Mr. Romanchak: I think an approach to that or whether it's a resolution is going to be much more effective than writing a letter, you know, because --

Ms. Watanabe: Yeah.

Mr. Romanchak: Are we going to write a letter to every single person and is that really going to accomplish what we wanna do, you know, and like Veronica said, this is a great spark to action but I'm not sure that a letter pointed to these people directly is necessarily the action, maybe it's -- I don't know ...(inaudible)...

Mr. Fredericksen: It would be in this case --

Mr. Romanchak: Maybe it's part of it but, you know, I think finding a solution, something like Nani suggested or whatever it may be, that is more holistic would be something I'd be in favor of.

Mr. Fredericksen: In this case, because this has already happened --

Ms. Watanabe: Right.

Mr. Fredericksen: I'd still think just an informative letter so this publisher would be kind of clued in that, you know, this wasn't the most appropriate or --

Mr. Romanchak: But I mean does that mean we're going to write a letter every time a Commissioner brings --

Mr. Fredericksen: No, no.

Mr. Romanchak: Brings this to the -- you know, I mean -- I don't wanna -- I don't --

Mr. Fredericksen: We need to go from here but this is just kind of like, well, what do we do about this situation and then move it forward.

Mr. Hutaff: The goal would be to get this guy to write all the letters.

Ms. Marquez: Alike, I think I follow because if we should pursue this and then another ...(inaudible)...

Ms. Hutaff: Yeah, it can be forever.

Ms. Marquez: And they said, oh, how come MCRC said something about that but they're letting this one slide by? We really have to be careful. That's putting our Commission ...(inaudible)...

Mr. Fredericksen: So how do you folks suggest doing something about it given the context of this is what we've looked at and this is the agenda item or tiki-culture whatever we wanna call it?

Mr. Romanchak: Can we send them the minutes?

Mr. Fredericksen: That would be a waste of --

Mr. Hutaff: I got --

Mr. Solamillo: The writers were noticed with an agenda so I have to send them something so -- but I don't have a collective something to send them.

Mr. Hutaff: I think Maka had it, you know, correctly and, you know, you point out we can't send the letter to everyone - well, I disagree with that. I think that we can't send the letter every time something comes up, but to send out a letter, like she said, to businesses, to -- there's a whole lot of people on Front Street right now that would like to receive a letter, that would love to be educated on what the next step is. They show up for the meeting, okay, and include, you know, copies to some of the other magazines there that we've just noticed, you know, it's a letter like we are the Cultural Resources Commission and we've noticed there's a lot of misinformation --

Mr. Fredericksen: Well that's a good idea.

Ms. Watanabe: Okay.

Mr. Hutaff: A lot of offensive things that go on --

Mr. Fredericksen: Yeah, I like that.

Ms. Watanabe: Just like a heads up letter.

Mr. Hutaff: Yeah, kind of a heads up, and that we would encourage you to, you know, seek cultural advice on what's offensive, you know, and what is appropriate to the whole -- you know, to everybody, you know, and that sort of like opens the door, you know. And then, I don't know how we -- this is the hard part, you know, obviously we'd like to say and you can call us and we'll tell you what you did wrong. But, oh, there's a whole bunch out there. We may not get through next century if we did that or maybe we could have a spokesperson designated that could say, well, bring your stuff down, we'll take a look at it, and we'll give it to somebody and they can make their comments. But I think, initially, a letter to everyone is important just saying that there are issues, not being specific, then maybe something, you know, she's going to do something specific, as Raymond J. Hutaff, I'm going to do something specific.

Mr. Fredericksen: Rhiannon?

Ms. Chandler: Does Maui Visitors Bureau have a listing of all of the publications like this, like the free publications and things like that like to start or are you addressing shops, hotels, and everything? I guess that's my question.

Ms. Watanabe: We can check with them because they do have a lot of writers that actually go to them to get stories, so that would be a good start.

Ms. Chandler: Okay.

Mr. Hutaff: You know, I think writing a letter, targeting specific businesses as far as the mail goes to, and then seeking donations to publish it in the newspaper or the full page open letter to the community of Maui, you know, he and you have to prove that part to all --

Mr. Fredericksen: Before even the possible newspaper approach, I think sending out at least some -- you know, a letter to at least some, like the MVB and some of the other agencies, yeah, and saying, look, we need your help, this is a problem that's been brought to our attention. It's been ongoing. Please help us. Please let members know that please be culturally sensitive.

Ms. Watanabe: Yeah, bring it to the ...(inaudible)...

Mr. Hutaff: Well, you know what? I think we're getting on the right path here so --

Mr. Solamillo: So who's that letter going to?

Ms. Watanabe: Everybody.

Mr. Fredericksen: At least, at this point --

Mr. Solamillo: The visitors bureau?

Mr. Fredericksen: Yeah, MVB --

Ms. Watanabe: HVB.

Mr. Fredericksen: Yeah.

Mr. Romanchak: What's Marsha Wiener's title now? Marsha Wiener's title is?

Mr. Fredericksen: HVB, right? Yeah. Something to her --

Ms. Watanabe: ...(inaudible)... the Governor.

Mr. Fredericksen: Yeah, the Governor's office, and I think -- and the Mayor. The Mayor's office. Rhiannon?

Ms. Chandler: So the letter is basically just addressing the concerns that we have that maybe some items are misrepresented? And you alluded to a lot of things in your presentation, Stan, about the traditional cultural properties and things that -- that -- I don't wanna necessarily come way out of left field on this, on the letter, but if we could connect it to maybe how items are traditional cultural properties in some way.

Mr. Solamillo: The cultural patrimony of the Hawaiian people, right?

Ms. Chandler: Yes. Yes.

Mr. Solamillo: So what right does anyone have to take it and make it into a caricature and put it in airports in Hawai'i to circulate to tourists that come off the plane going to the next terminal? This is Hawai'i. This is not -- I think I was trying make the distinction: This isn't California.

Ms. Chandler: Yeah.

Mr. Fredericksen: Or anywhere US ...(inaudible)...

Ms. Chandler: Yeah.

Mr. Fredericksen: Whatever you wanna call it, yeah.

Mr. Solamillo: This is the home island of the host culture. You cannot do that here. You can do it in California.

Ms. Chandler: In Oakland.

Mr. Solamillo: You can do it in Florida, Texas, right? It'd be like, okay, I'm going to go to Alabama or I'm going to go to East Texas and I'm going to make fun of Klans men.

Ms. Chandler: Yeah.

Mr. Solamillo: You know, I mean I'm going to draw caricatures and I'm going to have little Klan dolls in the back of my car and they're going to be wiggling. That ain't going to happen. So why is it that the same -- why is it that people think they can come here and do that? That's the whole thing. Why do I sit and put my butt next to a ki'i and laugh?

Ms. Chandler: Yeah.

Mr. Solamillo: That's the whole difference. Do as the Romans do. You look at this fantastic art, the totem's in the Northwest, right? Would you go and make fun of those folks? No, right? You go to San Antonio, Texas, right, you're going to make fun of Mexicanos? You're going to put it on a glossy magazine and put it in San Antonio Airport? Heck no. So the deal was: Why here? There's something. This is screwy. This doesn't make sense to me. For me, it becomes -- it has a different kind of insidiousness because it's okay to do it here but, you know, I wouldn't go to Atlanta and do caricatures of black folks.

Ms. Chandler: No, that's true.

Mr. Solamillo: Right? I wouldn't -- you know.

Ms. Chandler: I think --

Mr. Hutaff: Somebody already has.

Ms. Chandler: Like Ray said, you cannot be scolded for what you didn't know, so we're going to have to assume that they didn't know.

Mr. Solamillo: Right.

Ms. Chandler: But once they receive this letter, now they do know and, like Makalapua said, if you have somebody that you can bring your things to be reviewed, you know, by somebody who has any cultural knowledge, and that's kinda scary too because, you know, then who's --

Ms. Kanuha: Yeah ...(inaudible)... somebody that you get living the culture, you know, not just anybody.

Ms. Chandler: Yeah, but if it can at all pass through some other level of review, you know, maybe that could be a component of the letter way before things go out to thousands of people that somebody maybe could have stopped it because they like this picture, clearly, because it's in this magazine twice --

Mr. Solamillo: Yes. Right.

Ms. Chandler: Right? It's the centerfold and --

Mr. Solamillo: They're proud of it.

Ms. Chandler: Oh, yeah. So --

Mr. Solamillo: Probably paid big bucks for it too.

Ms. Chandler: Yeah.

Mr. Solamillo: So it -- it's just -- for me, it's blatant. For me it's just blatantly racist. That's -- that's -- but I worked on the Mainland a long time so, you know, I've lived with it. I just kinda -- I'm up and down on stuff, you know, and maybe that's me and the *Chicken Little* thing, you know, so --

Mr. Fredericksen: Yeah, I still -- I still feel pretty strongly about just letting this publisher know, you know, and maybe they could be just mentioned in this general letter that, you know, this particular item came to the CRC.

Mr. Solamillo: Well, he know. He got an agenda.

Mr. Fredericksen: Oh, he does know?

Mr. Solamillo: Yeah, he got an agenda and, obviously, he didn't care enough to show.

Mr. Fredericksen: So the publisher did not come here then.

Mr. Solamillo: Right. So I mean they don't care. So maybe we -- I think the best thing is maybe the people that do care, and maybe that's the visitors bureau and people that have -- where it's their kuleana and they can actually dictate to a publisher because they're the bigger picture.

Mr. Romanchak: Mr. Chair, I've gotta recuse myself but before I go, I just wanna go on record, I'm in favor of writing a letter to the Maui Visitors Bureau and the Hawaii Visitors Bureau --

Mr. Fredericksen: Yeah, but more general --

Mr. Romanchak: For broader issues, I think it would be okay to mention this as an example of and we can copy the publisher with that letter, but I don't -- I'm not in favor of writing a letter specifically to this person.

Mr. Fredericksen: Yeah, and I think that's a better -- I like that idea, Alika, then -- I was little stuck on the one thing, but including a broader letter but just referencing this as a poor example, I think.

Mr. Romanchak: Yeah.

Mr. Fredericksen: Something good to avoid. Thanks, Alika.

Mr. Romanchak: Sorry, I gotta go.

Mr. Fredericksen: No, I know. Yeah, you take care. Thanks for hanging in there as long as you did.

Mr. Watanabe: ...(inaudible)... senators, legislators, State ...(inaudible)... everybody.

Mr. Fredericksen: Yeah.

Ms. Kanuha: Cause then it'll kinda like -- cause we going be duct-taping all the time - run out of glue, you know.

Mr. Fredericksen: Take care. Thanks. That's fine, Alika. We all have our lives we have contend with as well. Take care. See you next month.

Mr. Hutaff: You know, I kinda have a suggestion, and I think everybody's going to hate me for it, which is okay, but homework. Why don't we all write a letter and discuss it at the next meeting. Write our own, you know, write our own letter like we represent the Cultural Resources Commission.

Ms. Watanabe: Oh to --

Mr. Hutaff: Just all of us, you know, and just kinda see -- what I was kinda looking at was is that there's some ideas, if we're going to write a letter, there's going to be some ideas that are common, and then there are going to be some that are going to be different among all of us, and what I wanted to do is discuss the differences and see which is more powerful.

Ms. Marquez: So who's supposed to write this supposedly letter?

Mr. Hutaff: All of us.

Mr. Fredericksen: I'm in favor of having it -- well, sooner rather than later because I mean if we put it off till the next month's meeting, then it's going to be something beyond that before a letter can be created.

Ms. Watanabe: Yeah, let's start off the ...(inaudible)...

Ms. Marquez: Is it your kuleana?

Mr. Solamillo: It always falls on shoulders.

Mr. Kapu: Mr. Chair, I like make one fast comment. Whatever letter that comes from this --

Mr. Fredericksen: You wanna be copied?

Mr. Kapu: Yeah, we can have one copy but, you know, we need something to follow on. We've been dealing with issues by ourselves. It would be good to get something from an agency, yeah, so we can followup if people going listen. We sent letters on our own and they're like, aah, bunch of radicals. Any letter -- any letter you guys do, we'll followup.

Mr. Fredericksen: We'll circulate the letter. It'll be sent to as many agencies as we can think about.

Mr. Kapu: Any letter can be sent to us, I mean just to Kuleana Kuikahi.

Mr. Fredericksen: Okay.

Mr. Kapu: Mahalo to you all.

Mr. Fredericksen: Stanley, what do you feel -- I mean I know we haven't given you an awful lot of concrete direction on this --

Mr. Solamillo: I'll just write my letter and make sure that everybody's got your email addresses --

Mr. Fredericksen: Yeah.

Mr. Solamillo: And then ask --

Mr. Fredericksen: Can we do a draft and then --

Mr. Solamillo: I'll ask Suzie to send me all your email addresses, I'll circulate the draft, and --

Mr. Fredericksen: Is that okay? We can --

Mr. Hutaff: Yeah.

Ms. Marquez: We can do that?

Mr. Giroux: As far as Sunshine Law reasons, as long as there is not collaboration between the Commissioners --

Mr. Fredericksen: We can just send our own comments back to Stanley?

Mr. Giroux: Yeah, if Stanley does a rough draft and sends it out, just send your comments back to Stanley. Don't comment on Ray's comment. Don't -- there shouldn't be a mass emailing. You don't batch it. Just send it right back to Stanley. Stanley will look at your comment and decide whether to integrate or not, he'll give us a draft at the meeting, and we can all see if your comment got in there or not, and if it didn't, you can advocate for the comment to be added or somebody else's to be taken out.

Mr. Fredericksen: So we're still back to ...(inaudible)...

Mr. Giroux: You're still going to be, yeah, a drafting period, yeah, cause what you vote on or what you send out as an endorsement of that letter has to be voted on on that language because it's vague as to exactly the finer points that you wanna make because it is a broader mailing. So I think you wanna be secure in the exact words that are picked and you also are given an opportunity to add or delete before that letter gets signed and sent out.

Mr. Solamillo: So remember, I'm not going to write you stupid racist. This is going to be -- this is going to be written, you know, with the idea that it's going to, you know, all these -- it's going to be couched in such a way as it can go to various other people involved in the tourist business at the larger -- or at the bigger level.

Mr. Fredericksen: Go ahead, Ray.

Mr. Hutaff: I think it's worth what he's saying to do because it is the same I suggested ...(inaudible)... a little bit, and I don't -- I think the hurry I understand and I agreed with you at first and so I looked up here and it says, "November and December" --

Mr. Fredericksen: So we're a month out already.

Mr. Hutaff: Well, which means there's going to be another issue displacing it January and February --

Mr. Solamillo: But as of yesterday, this one was still on the shelf and that's why you have some today.

Mr. Hutaff: So you took enough to deplete their entire stock because --

Mr. Solamillo: No, there was a bunch more.

Mr. Hutaff: Awe shucks.

Mr. Fredericksen: Okay, so is the Commission comfortable with letting this item sit for a month until we come back?

Ms. Watanabe: Yeah.

Mr. Fredericksen: I'm not overly comfortable with that. I'd like to send something out.

Mr. Hutaff: I'd rather have the emails.

Ms. Watanabe: Yeah.

Mr. Hutaff: I'd rather have it discussed, or not discussed, but we get our input prior to the meeting so that when we have the meeting we're just going to --

Mr. Fredericksen: Oh no ...(inaudible)...

Mr. Solamillo: That's what we're going to do.

Mr. Hutaff: Yeah.

Mr. Solamillo: That's what we're going to do.

Mr. Fredericksen: You will have emails of the draft, we'll have the opportunity to look at it, give you feedback, and then we'll have a finished rough draft to look at in the meeting.

Mr. Solamillo: Right. So you get to send me, either you or Mr. Ray, you can send me reminder emails next week --

Mr. Fredericksen: Okay.

Mr. Solamillo: Before I leave town, because I'm leaving after the 16<sup>th</sup>, I'm going to take a week off and doing archives on Oahu, so remind me it's gotta get out, okay.

Mr. Fredericksen: Okay. Okay, the draft, before you leave, you're going to try to get the --

Mr. Solamillo: Yeah, I need to get it out.

Mr. Fredericksen: We'll send you comments.

Mr. Solamillo: Yeah, but so you send me an email say gotta have it before you go.

Mr. Fredericksen: Okay, so you're leaving the 16<sup>th</sup>?

Mr. Solamillo: 17<sup>th</sup>.

Mr. Fredericksen: 17<sup>th</sup>.

Mr. Giroux: And to help Stanley out, if you do ramseyer comments like insert and delete comments instead of, you know, I like your style but if you use more traditional language, it would help. It's not going to help Stanley do a second draft if you just, yeah, insert name, you know, spelling, you know, that kind of stuff to help him out get draft. Yeah, so that draft Stanley can get out to you at the next meeting should be something that you can discuss and do minor corrections, hopefully, and then it can just be signed by the Chair, and it can go out.

Ms. Marquez: Now when we do this email back and forth --

Mr. Fredericksen: Only to Stanley.

Mr. Giroux: Just to Stanley.

Ms. Marquez: When we do this email just to Stanley and something comes up and somebody goes, well, how do we know you folks didn't break the Sunshine Law, do they have access to the emails?

Mr. Giroux: Well, the way Stanley's going to do it is the first email batches out, okay. Now, when you -- when you do your ramseyer of the email, you press "send" only to Stanley.

Ms. Marquez: Not cc everybody?

Ms. Kanuha: Just "reply."

Mr. Giroux: Yeah, "reply," yeah, not "reply all." Just "reply."

Ms. Marquez: Oh. Good to know that.

Mr. Giroux: Yeah. Some computers will have a bubble that pops up and asks you do you want -- do you want to send to the sender or send to all and -- yeah. And the main thing is just no debate. No debate now. I don't think Ray's comment was very politically correct.

## **E. DIRECTOR'S REPORT**

### **1. February 4, 2010 CRC Meeting Agenda**

Mr. Solamillo: Okay, I wanna thank everybody for this was a really long meeting so I'm going to roll through Director's Report, February 4, 2010 CRC meeting agenda, one for Corporation Counsel, demolition language, and then the next item for that agenda is this letter that we were just talking about.

Mr. Giroux: And again, for that one, I just wanted to be on the agenda for discussion and possibly some brain-storming from the Commissioners, so look at that section, come prepared to, you know, kind of give maybe some pointers, but I think from that what I want is a kind of guidance to the Department to begin that drafting. What happens is that they have a person within the Department and Stan would be probably be the point person but they have to come up with draft legislation and that the Department would be responsible for updating or beginning that process of updating that legislation, and then it would go through Corp. Counsel again, then it would go through the Council Committee, then it would go through the Council, so that would be the legislative process. So what the next agenda item would be is really a beginning of exercising your powers to recommend a process to start updating that code section, and it's a long process, guys, so --

Mr. Fredericksen: Yeah. We'll all no longer be on the Commissioner.

Mr. Hutaff: We'll be on our second or third term.

Ms. Kanuha: Eh, no make like that. I just started you guys.

Ms. Watanabe: I'm almost pau.

Mr. Solamillo: Are there any other items that anybody wants? Okay.

Mr. Fredericksen: Okay, well this will be on the agenda and then the possible revisions to that. What -- oh, James, what is the article chapter whatever we're -- I wrote it down but --

Ms. Marquez: Title 19?

Mr. Giroux: Yeah, 19 --

Mr. Fredericksen: Okay.

Ms. Marquez: Title 19.

Mr. Giroux: Yeah, 19.52, and you can look at .020, and also .050, and so how it goes, does it make sense how those two subsections work.

Mr. Fredericksen: In today, in 2010.

Ms. Watanabe: Demolitions.

Mr. Hutaff: The Historic District officer, Lahaina Historic District officer, is that something we're going to take up soon or --

Mr. Solamillo: You can put it on if you want.

Mr. Fredericksen: At least for some addition -- I mean some kinda re-discussion to revisit it, yeah.

Mr. Solamillo: Yeah.

Mr. Fredericksen: Rhiannon?

Ms. Chandler: We had discussed maybe two or three months ago a, it was a really long discussion, it was like cultural mapping so that we could determine where burials or culturally sensitive areas were so that we could add another layer onto like GIS when people come in for a permit and stuff.

Mr. Fredericksen: Traditional cultural properties is that -- is that --

Mr. Solamillo: Actually there's two things that need to happen. We have to review the entire survey that's just been completed for Maui County, right? I mean that has to take place before we're going to get into -- before we can get in the discussion of GIS stuff.

Ms. Chandler: Okay.

Mr. Solamillo: That really is almost a meeting by itself because the document's, you know, when you do 'em out -- it's pretty thick, so we may end up doing a workshop.

Mr. Fredericksen: We're looking at that a workshop on that in March then?

Mr. Solamillo: It really depends how my -- okay, God willing, my family will be arriving in March so, yeah, so like, yeah, I can't project it the first quarter of this year, so sometime during the -- at least by the first half, we will have this review of the surveys, and then we can do overlays for culturally sensitive areas.

Mr. Fredericksen: It'll be a database that we can --

Mr. Solamillo: Yeah, it's all on CD rom, but what we have to do is recommend, for planning purposes, what areas are potential districts because that was part of -- that's what makes this survey different. We were looking at areas what can we protect? And larger areas,

what make good districts, you know, potential districts? Can we go over to the east side of the island and say, hey, you know, can we get 51 percent of the property owners in your neck of the woods to go for a historic district? Cause we've been concentrating and having a really bad record with plantation period stuff, so it's like, you know, maybe our Hawaiian people wanna preserve their culture and their lands, and that's the way to just change -- almost change the whole orientation of what we've been doing National Register wise here and just move to another deal.

Ms. Chandler: And that, I believe, that discussion was larger than just the designation of historic areas but it was also I remember, Ray, you talking about development and how when something happened with Maui Lani was after-the-fact and there was nothing that could be done so --

Mr. Solamillo: Right.

Ms. Chandler: So it was a process of triggering a permit or something maybe that would be another level of -- or something, but that was the larger picture so I don't know - just in the future.

Mr. Solamillo: And I wanna look at traditional cultural -- the reason why we went into traditional cultural properties last year is to give us a better vehicle to move in this direction.

**2. Hawai'i Register of Historic Places Review Board Hearing on the proposed Lāna'i City BCT Historic District, Lāna'i City, Lāna'i, January 9, 2010**

Okay, just a reminder, Hawai'i Register of Historic Places Review Board hearing on the proposed Lana'i City BCT Historic District is January 9, 11:00, in the middle of Dole Park.

Ms. Watanabe: The bowling alley.

Mr. Solamillo: Yeah.

Ms. Watanabe: No, no, no. They changed it. Isn't it Hale Kupuna?

Mr. Solamillo: Hale Kupuna. Okay, and that's it. Any Commissioner's announcements?

Mr. Hutaff: Question on that. Are we still going? Is that still something we're willing to do or --

Mr. Solamillo: We didn't buy a ticket yet did we? Gotta buy a ticket.

Ms. Watanabe: Are you going?

Mr. Solamillo: I have to go. I have to present.

Ms. Watanabe: Oh cool.

Mr. Solamillo: So I need to --

Mr. Hutaff: I come buy my own ticket.

Mr. Giroux: I'll be there.

Mr. Solamillo: Let me talk to somebody.

Mr. Hutaff: Do you still want me to -- does the Commission --

Mr. Fredericksen: Yeah, I can't go.

Mr. Solamillo: Yeah, he can't go so --

Ms. Watanabe: I talked to one of the ladies, Sally, and she said it would be nice to, you know, for us to be represented cause they need support, yeah.

Mr. Solamillo: Alright, give me your cell.

Mr. Fredericksen: And, Nani, you're going?

Ms. Watanabe: Yes, I am.

Mr. Giroux: Did we take a vote to authorize somebody to make a public statement on behalf of this Commission?

Ms. Watanabe: No.

Mr. Hutaff: Not an official vote.

Mr. Fredericksen: Should we --

Mr. Solamillo: You better vote.

Mr. Fredericksen: Nani, you're not going as a CRC member? You could go as a CRC member but Ray could speak if anything need to be said. I don't know.

Mr. Giroux: Yeah, because I mean if you wanna say that this is on behalf of the CRC that we -- the CRC reaffirms our letter --

Mr. Fredericksen: Just affirm the support.

Mr. Giroux: You know, and I think we did take a vote to tell the Mayor that this committee was in full support of that, so that member has the authority to reiterate that statement.

Mr. Fredericksen: Well, why don't we vote on it just to make sure that it's covered so that the suits over there don't inadvertently, well, not this suit, but the corporate suit --

Mr. Giroux: Stanley, do I have to wear --

Ms. Watanabe: Ray, you go on behalf of the CRC.

Mr. Hutaff: But you're going to be there, right?

Ms. Watanabe: Yeah, I'm going to be there, and if I say anything, it's going to be on behalf of --

Mr. Fredericksen: Well, you could say you're there as a Cultural Resources Commission Member but --

Ms. Watanabe: But I'm speaking on behalf of --

Mr. Fredericksen: But in this instance I'm speaking as a, you know, a resident of Lana`i back when.

Ms. Watanabe: The back when. The word "resident," you know, is like --

Mr. Fredericksen: I know. It's like you gotta be real careful with that one. Well, is there -- can we get a motion to I guess delegate the Vice-Chair to reaffirm the CRC's report -- or, excuse me, support for the nomination of Lana`i City to the National Register?

Mr. Giroux: And just to clarify, Stan --

Mr. Solamillo: Hawai`i Register.

Mr. Fredericksen: Excuse me. The Hawai`i Register.

Mr. Giroux: You have a copy of the transcript of the meeting that we had that vote? When we did a public hearing here and we, yeah, about Lana`i, and we sent it to the Mayor. We

did a report and we sent it to the Mayor. So if you -- that would be very important to have, as part of your case and to have it represented as a document, an exhibit.

Ms. Watanabe: Is that the time when Riki was here? Was that -- the Lana`i Senior Center was included in that? No?

Mr. Fredericksen: It was after that.

Ms. Watanabe: It was after that.

Mr. Fredericksen: Yeah. That was after that.

Mr. Giroux: Cause we did hear -- we held a public hearing, public testimony, and we voted on support to transmit the letter to the Mayor.

Mr. Solamillo: Right.

Mr. Fredericksen: Was that -- was that ...(inaudible)....

Mr. Solamillo: This last February.

Ms. Kanuha: February?

Mr. Fredericksen: Wait. How could it be February?

Ms. Kanuha: This is January.

Mr. Solamillo: No, no, no. February last year.

Mr. Hutaff: It was after the Lana`i meeting.

Mr. Solamillo: It was after the Lana`i meeting.

Mr. Hutaff: On Lana`i, we planted the seed.

Mr. Solamillo: Right. Right.

Mr. Hutaff: Then the Planning Department took it to them and then it came to us so we'd support what's happening.

Mr. Fredericksen: No, but when we -- when we delegated last month ...(inaudible)... to go.

Mr. Hutaff: ...(inaudible)... but it wasn't a vote.

Mr. Fredericksen: Yeah. Okay, well let's go ahead, somebody wanna make a motion?

Ms. Kanuha: Okay, I'll make motion --

Mr. Fredericksen: To delegate the Vice-Chair.

Ms. Kanuha: To delegate the Vice-Chair to go, Mr. Ray Hutaff, to represent the -- in support of -- with the Cultural Resources Commission in support of the Lana`i nominated --

Mr. Fredericksen: To the State Register.

Ms. Kanuha: Yeah.

Mr. Fredericksen: State -- Hawai`i State Register.

Ms. Kanuha: Hawai`i State --

Mr. Fredericksen: Okay, is there a second?

Ms. Watanabe: Second.

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

***It has been moved by Ms. Kanuha, seconded by Ms. Watanabe, then***

***VOTED: to delegate Vice-Chair, Ray Hutaff, to represent the Cultural Resources Commission in support of nominating Lana`i City BCT to the Hawai`i State Register of Historic Places.***

***(Assenting: E. Fredericksen; R. Chandler; V. Marquez; N. Watanabe; M. Kanuha)***

***(Recused: R. Hutaff)***

***(Excused: K. Maly; K. Moikeha; A. Romanchak)***

Mr. Fredericksen: Okay, and Ray had to recuse himself on that. We just made it.

Ms. Watanabe: Yeah.

Ms. Marquez: No kidding.

Mr. Solamillo: Ray, what's your telephone number - cell phone please? Thank you.

Mr. Fredericksen: Okay, we gotta -- Stanley, we're pau? Stanley, we're done, yeah?  
Okay --

**F. COMMISSIONER'S ANNOUNCEMENTS**

**G. NEXT MEETING DATE: February 4, 2010**

**H. ADJOURNMENT**

Mr. Solamillo: Vote to close it.

Mr. Fredericksen: Yes.

Ms. Watanabe: I move that we --

Ms. Kanuha: Adjourn.

Mr. Fredericksen: Okay, is there a second?

Ms. Chandler: I second.

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

***It has been moved by Ms. Watanabe, seconded by Ms. Chandler, then unanimously***

***VOTED: to adjourn the meeting at 3:30 p.m.***

Mr. Solamillo: Thank you, everyone.

Respectfully submitted by,

SUZETTE L. ESMERALDA  
Secretary to Boards & Commissions

**RECORD OF ATTENDANCE**

**Present**

Erik Fredericksen - Chairperson  
Raymond Hutaff - Vice-Chairperson  
Rhiannon Chandler  
Makalapua Kanuha  
Veronica Marquez  
Alika Romanchak (left at 3:10 p.m.)  
Nani Watanabe

**Excused**

Kepa Maly  
Kalei Moikeha

**Others**

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