

(APPROVED: 06/03/10)

**CULTURAL RESOURCES COMMISSION
REGULAR MEETING
APRIL 1, 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 Commission Member, Erik Fredericksen, at approximately 10:05 a.m., Thursday, April 1, 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: Let me call to order the 1st of April, 2010 meeting of the Cultural Resources Commission, Maui County. Thanks to all for showing up, and we'll go ahead and get started.

B. INTRODUCTION OF NEW COMMISSION MEMBERS - BRUCE U`U and JACEY LABORTE

Let's see, first order of business is - let's see - introduction of new Commission Members. We have one new member that's here, Bruce U`u. Good morning, Bruce.

Mr. Bruce U`u: Good morning.

Mr. Fredericksen: Thank you for coming on to the Commission and welcome. And another member who may come or just may not be able to make it today is Jacey Laborte. We still have two other positions that are in the process of being filled to get us back up to our nine -- nine-member Commission size. And let's see -- oh, was I supposed to do this, Stanley? I'm just looking, we're supposed to do elections, so I'll turn that over to you. Sorry.

Mr. Stanley Solamillo: I wanted to actually do -- just call the introduction, invite Mr. U`u to tell us a little bit about himself and welcome him. I know he had a rough time getting here. Welcome him to the family.

Mr. U`u: Aloha, everyone. My name is Bruce U`u, a lifelong resident of Maui, Hawai'i. I went through a rough ride getting here. Definitely a turbulent ride. But I look forward to serving on the CRC. You know, I came from Planning - in fact, my last meeting was Tuesday, Planning Commission, my favorite parts in reading of the Planning Commission were of history, and that's the part I really like to read so, hopefully, I can enjoy this

Commission, and I look forward to serving on the CRC. I know how important it is. And I going be myself. And I love to read certain aspects and this is the part I look forward to to, hopefully, get along with everybody and making a different and looking forward to having the education to serve on the board, and I thank you guys for being so nice to me showing up today.

Mr. Solamillo: Well, we welcome you. I think, as kind of a final comment, we all remember that last -- that earlier this year we -- we remembered former Commissioner Lee Kalei Moikeha, and during the heavy days of discussion about Halloween in Lahaina, it was Kalei whose statement was picked up by the news in Honolulu and actually sent around the world, and he asked the crucial -- he boiled down the whole issue to one crucial statement and he said, "What do you want Lahaina to be remembered for, the host culture's importance as the home of the ali'i or royalty, or for the Halloween party." And that went around the globe. So just as a postscript, we welcome all our new Commissioners.

Now, we have election of chair and vice-chair. I can tender nominations.

C. ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON FOR THE 2010-2011 BOARD YEAR

Mr. Ray Hutaff: I'd like to nominate Mr. Erik again for chair.

Mr. Solamillo: Second?

Ms. Makalapua Kanuha: I'll second.

Ms. Veronica Marquez: Oh, go ahead.

Ms. Kanuha: Okay, I'll move to second.

Mr. Solamillo: Any other nominations?

Ms. Marquez: Move that the nominations be closed.

Mr. Solamillo: Do we have a second?

Mr. U`u: Second.

Mr. Solamillo: Okay, we can take a vote by a show of hands.

There being no further nominations, a vote was taken.

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

VOTED: that Commissioner Fredericksen serve as chair for the 2010-2011 board year.

Mr. Solamillo: Okay, Erik is Chair.

(Commission Member Jacey Laborte arrived at 10:18 a.m.)

Mr. Fredericksen: Okay, am I --

Ms. Marquez: You're the Chair, I guess.

Mr. Fredericksen: Okay, then if I'm the Chair, then I will just like -- is this Jacey?

Mr. Jacey Laborte: Yes.

Mr. Fredericksen: Good morning, Jacey.

Mr. Laborte: Good morning.

Mr. Fredericksen: How do we do this, Stanley? Can he just -- we just continue on the way here?

Mr. Solamillo: We can continue on or he can tell us a little bit about himself and --

Mr. Fredericksen: Yeah, let's go ahead and get back --

Mr. Solamillo: And sorry to put you on the spot.

Mr. Laborte: No, no, no. Not a problem.

Mr. Solamillo: But welcome as a new Commissioner for the Cultural Resources Commission.

Mr. Laborte: Good morning, ladies and gentlemen. So my name is Jacey Laborte and I'm actually an anthropologist, and my specialty happens to fit in on landscape and memory. So with that, I studied how individuals look a piece of landscape and how they actually go in and use that landscape as meaning makers cause as practitioners of culture, that's what we actually are. We're the meaning makers. So I look specifically with landscape,

memory, language, and logic; how those pieces funnel together to create the idea of concept and self culture, and how an individual can go ahead and make meaning with that particular place. Maui is the place in which I spent to do my dissertation. It was very fun. So I like that. Especially noting that I spent some time making the differentiation in my work and the academy between being Hawaii, being native Hawaiian, and being local. And so there's a whole separate culture between each of the different subsets. So for me being on this Commission, it gives me the time and practice to go ahead and look at something, both in the way of an anthropologist and as a social scientists, but also as a human, and someone who makes meaning within Maui and this particular place and these cultures of times and find synthesis in which we are able to diffuse and merge the ideas of those people who actually can eloquent what they're trying to say and feel and those who can't, so more or less we can become, in my opinion, the guardians of that act and, in that way, bestow what we can to others with regard to culture as how these particular places have meaning in our lives and work toward that. And for more of the boring parts of my life actually, I sit as the Director of Quality and Contracts for Aloha House, Maui Youth and Family Services and Malama. So I spend a lot of my day actually working with individuals with substance abuse and mental health disorders, and I've taken on the perspective of looking at them in a different way as most mental health practitioners tend not to do; looking at culture and how that plays into a role of their substance abuse. As well and I came actually from Oregon where I was a law clerk in the State Courts in the Ninth Circuit, so I got to leave that not so fun part of life but behind so I came back to Hawaii after doing my degrees in anthro sociology and psychology from Pacific, then going to do law at Lewis and Clark, then teaching here at the University, and then also continuing my doctoral, hopefully, soon enough when I hear back from Stanford. So that's kind of me in a nutshell. But I'm always open if anybody has questions or comments about anything, just feel free to always pick my brain since, you know, I think that that's how we get to move places is through a good group discussion and facilitation of those discussions thereof, and then we can go ahead and make progress like that. So I thank the board very much.

Mr. Solamillo: We welcome your expertise.

Mr. Laborte: Thank you.

Mr. Solamillo: Okay, back to elections.

Mr. Fredericksen: Okay, back to elections. Now, am I running it now? Okay, I apologize for earlier. I hadn't even noticed that on the agenda. I'm sorry, everybody. And thank you for trusting me with the chair position again everyone. Let's go ahead and nominate vice-chair position. Veronica?

Ms. Marquez: I nominate Mr. Ray Hutaff.

Mr. Hutaff: Sure.

Ms. Marquez: Sure.

Mr. Fredericksen: Is there a second?

Ms. Kanuha: And I second.

Mr. Fredericksen: Any other nominations? Okay.

Ms. Marquez: I move that the nominations be closed.

Ms. Kanuha: Second.

Mr. Fredericksen: Okay.

There being no further nominations, a vote was taken.

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

VOTED: *that Commissioner Hutaff serve as vice-chair for the 2010-2011 board year.*

Mr. Fredericksen: Okay, so that's taken care of. Thanks all. Let's see, Item D, Stanley?

D. RESOLUTIONS THANKING OUTGOING COMMISSIONERS KEPA MALY, ALIKA ROMANCHAK, and NANI WATANABE

Mr. Solamillo: Item D, a Resolution thanking outgoing Commissioners Kepa Maly, Alika Romanchak, and Nani Watanabe. I will read a sample right now. Each Resolution goes to each individual Commissioner so I'm going to read from Nani's reso:

RESOLUTION
OF THE CULTURAL RESOURCES COMMISSION

WHEREAS, Evalina "Nani" Watanabe, has served the County of Maui since April 2005 as a member of the Cultural Resources Commission; and

WHEREAS, Ms. Watanabe has served with distinction and has performed her duties in the highest professional manner with the Cultural Resources Commission; and

WHEREAS, Ms. Watanabe's term of office expires on March 31, 2010; now therefore

BE IT RESOLVED that the Maui County Cultural Resources Commission hereby commends Ms. Watanabe for her dedication and untiring public service to the people of Maui County; and

FURTHERMORE, BE IT RESOLVED that the Cultural Resources Commission expresses their sincere appreciation for Ms. Watanabe's services and extends their best wishes in her future endeavors; and

FURTHERMORE, BE IT RESOLVED that copies of this Resolution be transmitted to the Honorable Charmaine Tavares, Mayor of the County of Maui; and the Honorable Danny Mateo, Council Chair of the Maui County Council.

Mr. Solamillo: The signers for the Resolution include all the members of this Commission and needs to be passed out for signature.

E. APPROVAL OF MEETING MINUTES OF JANUARY 7, 2010

Mr. Solamillo: The next item is E, Approval of the meeting minutes of January 7, 2010.

Mr. Fredericksen: Do any Commission Members have any -- anything they'd like to add to the approval -- prior to approval on those minutes, the draft minutes? If not, someone could make a motion to approve.

Ms. Marquez: Move to accept the meeting minutes of January 7, 2010.

Mr. Fredericksen: Okay, do we have a second?

Mr. Hutaff: I second it.

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

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

VOTED: to accept the meeting minutes of January 7, 2010.

Mr. Fredericksen: Okay, so the meeting minutes of January 7, 2010 are accepted. Item F, Historic District Applications.

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

F. HISTORIC DISTRICT APPLICATIONS

- 1. MR. STEVE FRANZ, on behalf of KING KAMEHAMEHA III ELEMENTARY SCHOOL, requesting approval to deviate from the Sign Design Guidelines for Lahaina Historic Districts, Maui, Hawaii, in the construction of a new ground sign on the school property at 611 Front Street, TMK (2) 4-6-002:014, Lahaina, Maui, Hawai'i (HDS 00205). The CRC may comment and provide recommendations. Public testimony will be accepted. (E. Wade)**

Mr. Erin Wade: Good morning, Commissioners. This property is located in Lahaina Historic District 1. It is King Kamehameha III Elementary School. It is located off of Front Street. And I did incorporate several photos in the site plan or in the staff report that I provided you, but for the public, just some illustrations. The original school building on this property was built in 1913. It is the photo that's shown. Someone looks fond of it. Stan dropped this in, this is the original aerial photo of the 1913 school building. The school was of wood construction and began rotting early on based on the location so -- one more site map. You can see the -- okay, so here's the school property on the - this is the official Historic District map - this is the school's property right here. You can see it's immediately adjacent to the marina. Here's the Banyan Tree Park, which is immediately across the street. And on the opposite side is the Holy Innocense Church. Across Front Street are several commercial structures.

And just some -- oh, and this illustrates the site. And this is the Holy Innocense Church, which is immediately next door. This is the Hotel Street adjacent to the Banyan Tree Park, and the school, you can see the school over here. This is looking down Prison Street to -- so this Prison Street, here's Front Street, it T's right into Kamehameha III Elementary School. And this would actually be the location of the sign right here in front of this mechanical equipment. This is the crosswalk in front of the school right at the Prison Street crossing area. You can see now they put up little banners like this on the fence to be able to indicate to parents and children upcoming events, but that's the purpose of this new sign would be an information board sign.

There is no drop-off area on site for children at Kamehameha III Elementary so you can see here this is the drop-off lane. This white solid line is painted for about half-a-block down and here's the sign that indicates it's a five-minute passenger loading zone. There's no parking in this area. It's just for children to be dropped off.

This is the sign that Wailuku Elementary School has and they're, King Kamehameha III is asking for a very similar sign, exact same size, dimension, and when - I don't know if I put the next one. I didn't. But if you look at actually the sidewalk height, which is down here, the sign would be higher than the sign that Kamehameha III would be. This is almost 17 feet high from the sidewalk, measured by the sidewalk.

So, basically, in short, what they're requesting is a message board sign similar to Wailuku Elementary. The inconsistency is the reason it's before you is it's inconsistent with the *Lahaina Sign Design Guidelines* in two ways: it doesn't match the required materials, which would be wood, wood construction, and entirely of wood construction, and the second is the total square footage of the sign area. So we would normally allow a 20 square-foot sign. This is a 24 square-foot sign enabling them to do their message, to adjust the message on the sign. The sign would not be internally lit. And you can see from their application, the frame of the sign would be of wood construction and does match the *Sign Design guidelines*. So I'm here for any questions that you have, and also the principal of the school, Steve Franz, is here. Would you like to say anything?

Mr. Steve Franz: Good morning, and thank you for considering this sign.

Mr. Fredericksen: Excuse me. Could you just state your name please for the record. Thank you.

Mr. Franz: Oh, sure. Sure. Sure. I'm Steve Franz. I'm the Principal of King Kamehameha III School. I've been at King Kamehameha III Elementary School starting as a teach in '96 so I've watched a lot of different things happen in our community over the years, and one of the things we've wrestled with is this - communicating to our public, to our parents what's going on at the school. And as Erin mentioned, we've used different ways to do that using banners on the fence and different ways to communicate. What we'd like to do is to be able to make it easier to communicate to our parents on a consistent basis. We've wrestled with how to fit a sign design into our campus. Over the years, because of our location on Front Street, the setback is such that we can't put anything close to the street, and we've been looking for areas that are most effective where we can put the sign on campus. Physically, the sign would be on campus, and as Erin mentioned, the location is right behind what is now a fence and a hedge that basically hides the ugly fence, so the height needs to be tall enough to be over -- over the existing hedge. We don't wanna take the hedge down or meddle with that cause it really looks pretty nice actually, but we want the sign to be visible.

The location was chosen for a couple of reasons. One, personally, I'd kinda like to hide the -- the duct work that you see right behind it. We were fortunate to have air conditioning added to our campus about seven or eight years ago, which is great in Lahaina Town. I used to teach in those rooms with out it. It was fairly miserable actually. But the duct work is there because of the air conditioning unit. Now, the sign wouldn't totally block it, but it would certainly block some of it. But, primarily, the location was chosen because of the visibility for people as they approach out school. What happens at our school is, you can't really see in this picture, but just to the left of Prison Street is a parking lot, it's the County parking area, it's a limited parking zone, but most all of our parents who drive their kids to school park in that lot to drop off their children. Most of our students do live outside of Lahaina. They're from Kaanapali north so many of our parents do drive them in. They don't wanna put them on the buses and bring them in. So we do get a lot of foot traffic. We have a crossing guard, as Erin mentioned, right there where that little car is on Front Street there, so we get a lot of traffic right there at that intersection either driving down Prison Street, you can imagine yourself in a car right there looking at the sign, and then the parents drop off and cross their students right there. So we get a lot of foot traffic. We know we'd get a lot of information communicated that way in that location at the school. So that was primarily why the location was chosen.

The construction of the material is the other part, as Erin mentioned, really to get a marquee sign, similar to what you saw at Wailuku. Our look's very similar except the color obviously would be different. Our school colors are green and white, and we plan to make the sign green and white. The wood construction is basically to encase the marquee sign itself. When looking for what's available out there to create that kind of sign where we can change the lettering, change the message, to get a sign made like that, they're fairly heavy duty metal construction so they last. They're designed with plastic covers that don't fade. They're designed with metal that doesn't rust. And to do that, we wanted to have a sign that was going to last. Normally those signs are made with other types of materials. To bolt them to the ground, they're usually metal, wood, or sometimes they've made -- they have concrete structures or other things to attach to the sign to the ground. But the picture that you see is our proposal to make something that blends in with the community, blends in with signs that are around the area right across the street. There's a sign for the Historic District locating different things. I've looked at signs on the street at the banyan tree and most of those are made out of four-by-four posts that are painted to blend in with the structure. So ours would be a larger post cause it would need to be larger than a four-by-four the construction --

Mr. Fredericksen: Four-by-six?

Mr. Franz: It's more of a four-by-six or perhaps a six-by-six to hold the weight, but it would be wood sides on either side to hold it, a frame to put it within, and then you'll see the decorative scrolling on top would also be made out of wood. So the construction of it would

look like wood, it would be painted to blend in with the school and the surroundings, it's just that middle part, the sign that you see, that would be made out of metal and then plastic and other materials for the sign itself.

Mr. Fredericksen: For the interchange -- for the ...(inaudible)...

Mr. Franz: For the interchangeable letters, yeah. And the Wailuku picture is a good picture of a real example I mean of what it's made out of.

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

Mr. Franz: It's use. And if you can imagine, basically, that kind of sign but -- well, you can see in our picture where it says, "King Kamehameha III Elementary School," I'm working actually with our kupuna at the school that work with out students to create a kapa design to include a little bit of an element of that Hawaiian into our design as well. When I first -- when we were first working on the sign, we didn't have anything yet, but we're really close to having that design finished and that feature would be added in too, and if I could just describe that. So, you know, I'll describe that in a second. So briefly, basically, you would see a sign similar to that with wood on either side. We discussed at one point even if there would be a need to put some kind of a wood overlay to cover the little bit of metal that you would see exposed on the edges. I'm not sure if that would work cause we need to be able to open the front. You change the lettering on this sign in particular from the front. That marquee part has a plastic cover - you open it up, and change the letters, and then close it again. So we'd wanna be able to open and close the --

Mr. Fredericksen: Could the metal, if there is any exposed metal, could that be -- I'm assuming that could be painted to the sign guidelines.

Mr. Franz: Yeah, well, the metal you would -- where you see the orange metal on this sign, ours would be the dark green, which the idea would be it'd blend right into the wood. But yeah, you can see there's a little metal on the -- where the lettering is itself, there's a metal band that goes around it. As far as I can tell that standard is like an aluminum color. I don't know if it's a brushed aluminum or what that would be. If that's a concern, that's something I'm sure we could have.

Mr. Fredericksen: Just a way to mute it just so it stays as close to the sign guidelines as possible.

Mr. Franz: Right, and that might be something. I don't think that that would be an issue if that was required to paint that strip to blend it.

Mr. Fredericksen: I have a question for you, Steve.

Mr. Franz: Sure.

Mr. Fredericksen: Excuse me. Where -- okay, where the propose sign is going is that pretty much in front of the office?

Mr. Franz: No, it's just to the - can you click back to that other picture? No, it's not, and part of that was purposeful. Yeah, that's good. Thank you. It's close to the office but not the office and that --

Mr. Fredericksen: Which side of the flagpole is it?

Mr. Franz: That's a good question. So if you're looking at the school now to the right, you'll see another kind of a very light colored roof, that's the main office. And on the end of that building, actually, is the original sign from that building, it's a metal sign that sticks out from the wall - right there where Erin's pointing - and it announces the school as King Kamehameha III School 1957. We considered that are, to be honest, and where it would go there, but it felt, one, a little cluttered to try to put it in that location and, two, we actually get more foot traffic in this location down Prison Street since that's where the kids primarily come and go that are dropped off.

Mr. Fredericksen: And, three, there's a burial quite close to the flagpole.

Mr. Franz: Yes, there is.

Mr. Fredericksen: Yeah.

Mr. Franz: That was discovered just not too long ago when the AC system was put in.

Mr. Fredericksen: Yeah, that was about five years ago -- four or five years ago.

Mr. Franz: Yeah, and to describe this area a little bit better, while you're asking, Erik, is right behind the hedge, you'll see a royal palm. That royal palm was there with the original building from 1913. There's a few other royal palms that you'll see there too; those were saved when they tore down the old building and put in the new structures that you see here, so they did save some of those original trees. So there's the royal palm right next to it and then kind of just a clear grassy area, I'd say about 10 to 12 feet from the fence to the building, where the air conditioning unit is, you'll see there's actually a little chainlink fence where the condenser is for the air conditioning unit for that end of the building and then the duct work goes up. So there's just kind of a wide grassy area there, nothing much happens in that area right now. Occasionally, kids will come in through the gate and cut through that area to get to the office. But other than that, there's not much traffic or any flow there so there's some room there to kind of finagle where -- where the sign would be. What we

envisioned would be having the sign close to the fence so it's kind of out of the way if anybody wanted to walk through, they could walk behind the fence, behind the sign, and then it would be close to where we want people to actually be able to see it.

Mr. Fredericksen: Do you know how -- how deep the post holes are going to have to be?

Mr. Franz: I do have some construction information. We've had a couple of people come out to give us an idea of what it would take to put the sign in, and the company has some recommendations. If you wanna hold on a second, I can do something. It's right here. I believe it was a couple feet --

Mr. Fredericksen: Yeah, it'd have to be down a ways.

Mr. Franz: Into the ground cause for a sign of that weight, it needs to be secured solidly into the ground so it doesn't blow over and there's some, not requirements, but some guidelines from the sign company on how to install it. It was a little tricky to get specifics from the sign company because they're not used to using wood, which is what we're requesting, they're used to, basically, putting down a big metal -- or cement slab with bolts sticking out and then they bolt on the metal sign, but I did have a -- I do have some information from a contractor on what he felt would be appropriate, and he estimates 20 inches deep, so approximately 2 feet and large enough to put the posts into the ground.

Mr. Fredericksen: Okay, the burial that was discovered in 2000 and -- right at the end of 2004, I believe, was just under 2 feet below the existing surface. Just for the Commission Members' information, I mean the whole King Kamehameha III Elementary School campus is -- it's a very, very culturally significant property and so -- and there are cultural deposits all over the place, there are unmarked burials that are still there. We found a number of burials on different projects that we monitored there. So bear that in mind. And the State may end up saying that needs to be monitored. There's a general monitoring plan in place for the campus at this point. It's just any place where you dig there, there's a very real chance of finding something.

Mr. Franz: Yeah, I understand that. I've been at the school over the years as we've had different projects go on. Our most recent one, after the discovery that you're talking about, was we had some portable buildings that were added to our classroom actually between this building and the office building and some drainage was actually put in even on the other side of the office building between that building and what we call "B Building," which is closer to the banyan tree, and, yeah, in the midst of that digging, there was quite a bit of that digging actually for -- for drainage, trenches, and then for the footings themselves for the portables at that time. We found the foundation to the original building that was there in the middle of that construction, which was interesting to see how far that had spread out, and we found a cannon ball over between Building A and Building B while they were

digging along with a bunch of glass from other broken bottles, but, fortunately, that was all that they found in that digging. So I've been there through enough of the excavations when we've, unfortunately, found some remains and I've been there when we've dug around and haven't found things too. And you're right, we're aware of that and my understanding is, basically, anytime we scratch the ground, we need to make sure an archaeologist is notified and we've been working with the State archaeologist over the years for anything we do pretty much at our school to dig a hole to put a tree or do -- move dirt around with even just a few inches.

Mr. Fredericksen: Yeah, it's just --

Mr. Franz: I know. So that --

Mr. Fredericksen: It's a very tricky location.

Mr. Franz: It is. It is. It's a great location but it creates that difficulty when it comes to that. So we're aware of that and we know that we would need monitoring if we were to be approved as we go forward. There was some discussion when it comes to that and I did ask the -- the contractors, when they were discussing how we would hold this thing down without it blowing over, and we discussed the possibility of rather than going a post hole deep, perhaps going not as deep but with a cement slab and attaching to that. And, basically, they said, well, that's a possibility. The idea would be to have a post hole deep just for the rigidity of it being able to stand up and withstand high winds and hurricanes and the other things that might come through our neighborhood. So that's something that is an option but they went with the option that they felt was the most --

Mr. Fredericksen: To be the safest.

Mr. Franz: Appropriate for the sign.

Mr. Fredericksen: The safest.

Mr. Franz: Yeah, the safety of the sign for it standing up. There was a comment I wanted to make earlier but now I can't remember what it was. Something about the sign and the location. It slipped my mind.

Mr. Fredericksen: That's okay.

Mr. Franz: Anyway --

Mr. Fredericksen: Any questions for --

Mr. Franz: Yeah.

Mr. Fredericksen: Veronica?

Ms. Marquez: So help me understand this.

Mr. Franz: Yes.

Ms. Marquez: So I'm reading this document dated March 23rd, so the biggest thing of concern from your end is the only thing that this sign that you're proposing will not meet would be exceeding the height? The height?

Mr. Franz: That's the only -- the height --

Ms. Marquez: That's what it says right here.

Mr. Franz: That's the only thing I understand that we're out of compliance with.

Ms. Marquez: Other than that it --

Mr. Franz: Other than that --

Ms. Marquez: You will adhere to all of the other sign guidelines?

Mr. Franz: Yes.

Ms. Marquez: Okay.

Mr. Fredericksen: Any other questions? Okay, well, Erin, do you want to give recommendations? Thank you.

Mr. Franz: Thank you.

Ms. Wade: Okay, thank you. In consideration of this application, the Planning Department recommends approval based on four conditions that I provided you and a fifth that actually the Planning Director suggested when he signed but I didn't get a chance to incorporate it. Those conditions would include: That the sign proposed be located inside the school's perimeter fence on the school property; No. 2, That the sign frame, back, and posts be constructed of solid wood and painted in accordance with the *Sign Design Guidelines*; That work shall immediately cease and the State Historic Preservation Division office of Maui be contacted should any historic or archaeological artifacts be discovered during ground

altering activities; 4., Compliance with all other governmental regulations shall be rendered; and 5., the Director ask that I include: That the sign shall not be internally lit.

Mr. Fredericksen: No internal light.

Ms. Wade: Correct.

Mr. Fredericksen: I would, on the item -- on item or the third condition, put in there, depending on what the design ends up, final design for subsurface intrusion if it going to be deep, given the location, that there should be monitoring.

Ms. Wade: Okay.

Mr. Fredericksen: There's a general monitoring plan that's in place with the State. It was for the State, for consultation with the State archaeologist at the time who did it, so that won't slow them down. The monitoring plan preparation, that's not there at all anymore. It's an in-place plan. But if they are going to go deep, just give them the location. It should be monitored even though there's only two holes but I mean places, there's lots of stuff there. Any discussion, Commission Members, about this? The applicant will be adhering to the rest of the guidelines except for the height, but the other guidelines will be followed. Any discussion?

Ms. Wade: Mr. Chair --

Mr. Fredericksen: Yeah?

Ms. Wade: Would you like to take public testimony on this item?

Mr. Fredericksen: Yeah. Yeah. We'll do that. Anything? Okay, anybody from the public have any -- wanna testify about this item? Please come forward and state your name.

Mr. Keeaumoku Kapu: Just briefly. Keeaumoku Kapu from Lahaina. I just wanted to maybe remind the Commission I think Wailuku Elementary School and Lahaina District falls under a different Historic District code that you need to be aware of those kinds of things and that I guess one of the biggest issues for Lahaina is sign ordinance. We've been dealing with that issue for the past I don't know how many years so whatever is set precedence today may set a bigger precedence tomorrow. I just wanna make sure that the Commissioners understandable about those things. Thank you.

Mr. Fredericksen: Thanks, Keeaumoku. Yeah, this would be -- if we, as a Commission, concur that this sign can move forward, it would be just only for this particular instance, just this one case.

Ms. Wade: Mr. Chair, when a motion is made if whomever makes that motion could clarify for the purposes of the decision and order I need to write up the reasons why this case is special and that we shouldn't, you know, do this for every single property. That would be very helpful for the Planning Department. Thank you.

Mr. Fredericksen: Just going back again to what I was just sharing a little earlier. The school itself is a -- it's a very unique property. It's also a school. And so, in this instance, I believe having the sign so it is -- sticks up high enough so it can be viewed is a -- that's an okay exception. But that's just my own opinion and let's talk about it.

Mr. Hutaff: You know, obviously this is one of those things that would make sense to not follow exactly the guidelines so that sign would be visible. Conversely, right across the street, slightly towards Lahaina, there's a corner there that has been sort of mutilated as far as keeping within the Historic District design. They were approved, the permit, to do it a certain way within the design guidelines and then just went ahead and did whatever the hell they wanted and I would hate to use Kamehameha III Elementary School signage as a means to say not even the school can do that. As a suggestion - can I go up there to the thing?

Mr. Fredericksen: To the picture?

Mr. Hutaff: Yeah. If I could suggest --

Mr. Fredericksen: Ray, can you take that walk -- handheld -- thanks.

Mr. Hutaff: If I could suggest, the whole idea of this thing here is to make sure that you can actually see it, okay. If you put the sign in here, like so, and cut down these hedges, it would really really look nice and, at the same time, you wouldn't be violating any of the historic laws or asking for an exemption or complicating the issue of the rest of Front Street and still have in your task of notifying everybody. So I would make my suggestion that if you kept it right in here, I know you have a fence there, okay, but if you could keep it right in here, then all could be accomplished and there wouldn't need to be an exception.

Mr. Fredericksen: That's an interesting suggestion. My question would be: Is that on -- is that still on school property?

Ms. Wade: That location is on school property, however, there is a requirement for a six-foot setback for any ground sign.

Mr. Fredericksen: Because of the sidewalk and everything or --

Ms. Wade: Well, it's all kinds of reasons - utility easements, sidewalk, the number of public utility. So I also wanted to clarify too the word "marquee sign" has been thrown out and based on the definition of this sign, this is a -- in the sign ordinance, this is a ground sign. A marquee sign is something like at a theater that, you know, illustrate -- it is also a changeable sign, you know, but it's usually like an awning function, it's circular, this is a ground sign, it requires a six-foot setback, so they would require a different kind of a variance, which you would also be able to give them to locate the sign there. The only other consideration that the principal has raised to me is the requirement of the fence. The DOE requires that the entire property remain fenced --

Mr. Fredericksen: Right.

Ms. Wade: And that there not be any penetrations on that fence so we'd have to work that out also.

Mr. Fredericksen: Bruce, did you have a question?

Mr. U`u: Yeah, along the lines of what Ray said, I know if you turned that sign facing the roadway, it would be hard to read, you know, when you getting the information out. I've installed three of those signs recently, three schools, and then the idea would be to make where you can read as you're driving to and from the school, not turn and look at 'em, you know, what's happening over the week. I understand the hardship of the school in being that I would -- you need the fence there for the safety of the kids, and the hedge is a barrier, which is, you know, it's high traffic area, so I'll be in favor of the school signage due to hardship of the school, and they face a certain task but I think it's doable, and you gotta keep the parents informed. We all get kids. We get hard time keeping up with anything. They lose 'em on the way home. So we need the sign. So I understand the hardship that the school is going through.

Mr. Fredericksen: Any other Commission Member want to comment?

Mr. Laborte: I'll just get some clarity from Erin and fact, so on your conditions or recommendation, so we have it noted that we do fast forward and give them the dispensation to go ahead and use the ground sign, and thanks for making the designation between a marquee and a ground sign - very different. So we will have archaeologist noted if there is anything should that past. And second to that, there's particularly no other, I would say, forthcoming with regards to the sign being placed where it is in fact. I think the generalized idea for the school is that they want iconography there. They want some method in which to communicate their information to their parents and the children cause we should note that nobody is going to sit around and wave those little fliers that come out all the time in the paper. But it's kind of a just large -- it's in a larger way to convey information. It's really not going to do anything else other than that, you know. It'll sit on

the points of aesthetics based on the historical rules and regulations but it's just made on a practical sense, right, plus all these particulars so there's no, you know, there's nothing that's going to hinder, you know, any rules or regulations other than what you've stated. It's just going to be for a sense of practicality and communication and nothing else.

Ms. Wade: Right. That's correct. The -- actually, the *Sign Design Guidelines*, as you know, are a component of the *Architectural Style Book* that we have for Lahaina, they're like an addendum to the *Architectural Style Book* that the CRC has the authority to approve any variations to those things. However, we also have a parallel sign ordinance that clarifies a number of things. In the sign ordinance this sign would be completely compliant. If this sign was not in the Historic district, it would be 100% compliant with the conditions of the sign ordinance. So there is nothing, you know, from a government position that we have any concerns with. It is simply the aesthetic, the materials being use, and the size of the sign in this location based on your Historic District requirements.

Mr. Fredericksen: Any other discussion or questions? Veronica.

Ms. Marquez: I think this is for the principal. Is he still here?

Mr. Franz: Yes.

Ms. Marquez: Please. So we all know that the purpose of a sign is to communicate effectively. Now, the thing about, oh, the children don't bring home the flyers and whatnot, as a retired teacher, hey, they better. That's their responsibility. That's another agenda. However, the -- you're proposing this extra height, however, if we went with the original, what -- how much of a message would be missing because I know for signs, you don't put up all these long words, etcetera, it's just snack shop, gotta have this this time this date? So I'm asking if we did adhere to the actual guidelines of the height, are we going to be missing a lot of information? Or wait. Or is it we can't see the sign? I don't understand that part.

Mr. Franz: Mostly the second. We won't be able to see the sign. My understanding of the violation is how far off the ground that it starts, not the end height. I might be misunderstanding that. But currently, with the location the way it is, it's the problem that it would be five feet off the ground as opposed to four feet off the ground - the bottom of the sign, not overall height of the sign. There are smaller signs than the one that we're proposing. There are larger signs than the one that we're proposing. We feel that this size is right amount of signs. We're talking four lines to be able to communicate, basically, the information that we need to get out to the community and to our students on this sign.

Ms. Marquez: So then it's really the thing about the hedge blocking that part of the sign?

Mr. Franz: Yeah, we don't wanna take out the fence or the hedge at least ...(inaudible)...

Mr. Fredericksen: Well, the fence, that needs to stay. The fence height. That needs to stay.

Mr. Franz: Yeah, actually that -- yeah, maybe I shouldn't even go there. The Department of Education's recommended height for a fence around the school is six feet. When they came by our school, they said, "Why do you have four-foot fence?" It was here when we got here. I'm not sure who put in the four-foot fence, but the DOE said it would be six. And I don't disagree especially in the location that we're at. Again, we're in a unique location. Lahaina is not old Lahaina. Lahaina is a tourist destination. We have visitors and the locals wondering around, all around, and on our campus trying to get to the harbor, trying to get to the surf schools, and four feet, six feet - it doesn't always slow 'em down but we have a unique situation there. So, yeah, the sign is basically the height is being dictated by the existing fence, the requirement to have a fence, and then the hedge that is there as well that kinda hides the fence so it's a nice presentation. Yeah, we wouldn't want a fence, you know, cutting through the middle of the sign so it kinda needs to be one or the other, in my opinion. You either get the sign above the fence or you move the fence like was mentioned as a possibility too, but like Erin said that's all another can of worms so --

Mr. Hutaff: Oh yeah, I wouldn't -- I wouldn't wanna move the fence.

Mr. Franz: Am I accurate on the height? Right, it's the four feet where it starts above the ground?

Ms. Marquez: Thank you.

Mr. Franz: Okay.

Mr. Fredericksen: Yeah, Ray?

Mr. Hutaff: You have a sign, and I'm trying to envision it, I walk by that place at least, you know, three times a century and as my memory is not all that good, but there is a sign up there that says, "King Kamehameha III," right?

Mr. Franz: There's not a sign. As you see on the end of our building, there's an actual permanent metal lettering --

Mr. Hutaff: Okay.

Mr. Franz: On the end of the building that announces that it's our school.

Mr. Hutaff: Can we get back to the Wailuku sign?

Mr. Franz: Sure.

Mr. Hutaff: How about another suggestion? First, I'm on your side, okay.

Mr. Franz: Thank you. I appreciate it.

Mr. Hutaff: Does the Wailuku -- "King Kamehameha III" have to be at the top? Could you move that sign and kinda reserve it so it stands a little higher so you could still be in compliance and still communicate? You follow what I'm trying to say there?

Mr. Franz: I do but the problem is not, my understanding, is not the problem of that being switched, it's the starting level of the bottom of the sign. The starting height of the bottom of the sign is supposed to be four feet. We're asking for a starting height of the bottom of the sign, regardless of what's on top and what's on bottom, to be five feet so it's above the fence.

Mr. Fredericksen: So it doesn't get blocked.

Mr. Hutaff: Well, if they couldn't see that, if we reversed, so like take it and turn it upside down, okay, would it be that important that the "King Kamehameha" be at the top? Couldn't it be at the bottom?

Mr. Fredericksen: I think the "King Kamehameha" should be at the top cause that's -- it's -- even the campus as it sits now with the buildings that were built in '56 is historically significant; never mind what was there before. I mean it's an incredibly historically significant place, but just the campus as it sits now, minus the portables, is over 50 years old.

Mr. Hutaff: Okay. Well, I was just trying to make it all work.

Mr. Franz: Yeah, I understand, but you would actually put -- the wording would be hidden by the hedge. To meet the requirement, it'd have to be at four feet, which would be behind the hedge and --

Mr. Hutaff: Your communication, your daily communication, would be up.

Mr. Franz: The communication would stick out.

Mr. Hutaff: Which is the effort of the sign.

Mr. Franz: Yeah.

Mr. Hutaff: I'm just trying to make it work. I'm still on your side.

Mr. Franz: Oh, I understand. Well, if I may, I, personally, really like the look of that sign because I like the rock work. A few years back, we were looking at getting a different kind of sign. In fact, I talked to Erin before about having a sign similar to this right in front of our school but because of setbacks and the curb from the street to our property, there's not enough room to put a sign like that. That grass area that you see there right now was an area that I really wanted to put a sign similar to the Wailuku sign but because of the setbacks, we couldn't put one out there. We need to be off the street so cars don't crash into it, and things like that, and trucks making big turns. So our setbacks kinda pushed it to the point where - and Erin and I had a discussion about, well, we got that fence right there, can you just put, you know -- that's kinda where we needed to start, from the fence back, and we discussed having a sign right there or where else. I wouldn't want to make a nice rock wall hidden by the hedge either. That's sort of a waste of a beautiful rock wall to put the sign on, which is where we came with the other idea of using similar materials to the rest of the community so -- yeah, we've wrestled with different ideas and different options but, right now, it's either at the fence line or behind where we're trying to put something and work around what's already there.

Mr. Fredericksen: Any other questions? Okay, thanks. Okay, Commission Members, does anyone want to make a motion? Oh, Bruce?

Mr. U`u: Motion to approve as recommended by staff with amendments due to a hardship, the setback, and the safety for the kids of that school.

Mr. Fredericksen: Okay, is there a second for the motion?

Ms. Marquez: Do you need a second for discussion or discussion is all pau?

Mr. Fredericksen: Well, we can have discussion before we have -- you have to have a second first?

Mr. Giroux: Well, it would be good to have a second to --

Mr. Fredericksen: Okay.

Ms. Marquez: Second.

Mr. Fredericksen: Discussion?

Ms. Marquez: Discussion. So should we approve this, are we setting a precedence? I know you did say hardship, what have you, we have to be sure that when we word this motion that we are not setting a precedence.

Mr. Fredericksen: And that's a very good point.

Ms. Marquez: So how?

Mr. Fredericksen: James, any suggestion on -- my understanding is this one case situation. This is not a blanket everything's fine to make the sign higher -- higher off the ground for anybody else.

Mr. Giroux: Again, you're looking at this as a type of variance and that's why it's very important that -- that Bruce's motion includes -- that his motion does include the idea of hardship and impracticality and that's what eliminates the idea of that as a precedence because you're looking at a unique place and a unique situation and it takes away this blanket idea that you're now setting a new policy. It's very unique to the place and the situation. The uniqueness of the property itself, the restraints on the ability to put an informational sign. You don't have other public facilities quite like what the school is. The school is in the middle of a commercial area. The only other possible public is the church but they don't have the same situation. They have a lot of room between the road and their area so --

Mr. Fredericksen: And there's no other situation like this on Front Street.

Mr. Giroux: Right. So it's a very unique situation. So when you point out the uniqueness as part of your discussion and as part of the order, you take away that idea that it's a blanket, you know, approval. I think that if you look at the report and you see how the sign comports to all other aspects of the sign ordinance, I think that that should be where you look at to see whether or not you're setting a precedent because I think what you're being told is that it does meet all other aspects of the sign ordinance. The only issue is where does the sign start from the bottom so --

Ms. Marquez: So as part of the uniqueness in this individual case because it's a school with the Department of Education?

Mr. Giroux: I think it's a factor but I think more importantly is the location and the setbacks and also -- you're also dealing with historic, you know, the limited area you have is because you also are limited in that you don't wanna be digging around too much in that area and if this reduces that need, then I think that's also a factor that it's a unique property.

Ms. Marquez: Thank you.

Mr. Fredericksen: Thanks, James. Any other discussion, Commission Members, or concerns?

Mr. Hutaff: Maybe we should also address the fact that it's needed, okay, that the sign is actually needed because it is a school to inform parents and the general public of activities that are taking place --

Mr. Fredericksen: On campus.

Mr. Hutaff: On campus. This might help, you know, alleviate somebody else coming in later on and saying, well, they have a sign. Well that has a need, first of all, and it has a specific need because of its location.

Mr. Fredericksen: Yeah, and it's a public educational system.

Mr. Hutaff: And - I probably shouldn't say this - but at this particular point, I would like to vote against it just so that there is a voice that says it's not going to be easy the next time.

Mr. Fredericksen: Bruce?

Mr. U`u: Just another comment. I heard of talk with the principal saying that I think they have a small metal sign so not only would it be a benefit for the parents or the school children, it would be a benefit for the general public to know that this is a school --

Mr. Fredericksen: Right.

Mr. U`u: That we cannot trespass on the school. There is -- this is a not a surf school.

Mr. Fredericksen: Right.

Mr. U`u: And this is not the entrance to the harbor. This is not -- so the general population, the tourist, would also know cause myself, I know it's a school but there's no signage that states that's a school. Now you have signage so you can take care of that people guessing what it is and now people know. So two for one.

Mr. Laborte: And I think too, just to add in in the latter part, if, you know, after the motion as you made, if you term the sign just being site specific, I think that's just going to ameliorate anybody who's setting precedence later on. Just the simple phrase. It's not like site specific's going to be a catchall necessarily but if you just say, okay, this particular sign is site specific to this particular location at this particular time based on the subset of factors X, Y, and -- that's -- if it's clear and cut and dry, it's not going to give -- and they'd have to really take, you know, some legal loopholes to go find their way to catch through. So it's

a necessarily, it's site specific, you did the cost benefit analysis ratio of weighing the benefits of the signage versus the communication factor above and beyond that -- than what it is then I think there's probably no reason not to go forward if we just put in "site specific," and no one's going to probably run with precedence, I would hope not, but you never really know. As long as you just coin the phrase correctly and Corp. Counsel could phrase that out too as long as you necessarily put the right phrasing down, then people shouldn't necessarily run with the, you know, this is setting precedence that we're making the exception. It's just saying site specific based upon all these, you know, myriad of factors that we went through.

Mr. Fredericksen: And the rest of the sign follows the sign guidelines. The only thing that's different is it's one foot higher at the bottom. Okay, so we -- we have a motion, it's been seconded. Excuse me. Yeah, Stanley?

Mr. Solamillo: A bit of clarification is the height as well as the materials.

Mr. Fredericksen: Okay, so the color is correct but the materials --

Mr. Solamillo: Right. I think that's plastic.

Mr. Fredericksen: There is plastic and there is metal.

Mr. Solamillo: Metal. Right.

Mr. Fredericksen: Which allows for the --

Mr. Solamillo: It's not wood.

Mr. Fredericksen: The sign to be changed up.

Mr. Solamillo: Correct. And just as background, Lahaina is and has been a signage nightmare, and I will bring probably another case to you in the near future where we've got a proliferation of signage to such a degree on some facades that they look like billboards.

Mr. Fredericksen: Any -- any other comments, Commissioners, or discussion?

Ms. Marquez: Okay, so the ground height and the materials now?

Mr. Fredericksen: Some of the materials, yeah.

Ms. Marquez: Some of the material.

Mr. Fredericksen: Cause it is wood - some of it.

Ms. Marquez: Even though they're going to suggest framing it in wood?

Mr. Fredericksen: Right. Any other questions? Comments? Okay, let's go ahead and take a vote. Any discussion before we do that?

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

It has been moved by Mr. U`u, seconded by Ms. Marquez, then

VOTED: to approve as recommended by staff with amendments due to a hardship, the setback, and the safety for the kids of that school.

(Assenting: J. Laborte; B. U`u)

(Dissenting: R. Hutaff; M. Kanuha; V. Marquez)

(Excused: R. Chandler)

MOTION NOT PASSED.

Mr. Fredericksen: Motion is not passed at this point. Yeah, we wanna discuss and try to get an alternate motion? Bruce?

Mr. U`u: I make a motion to defer, if possible, to see, at one point in time, maybe we can have more Commissioners to vote on this, if it's reasonable.

Mr. Fredericksen: Any other -- does anybody wanna try an alternate motion? This is on the table too. Well, actually, let's -- let's discuss before we take -- before we take a motion on that or second the motion. Can we do that? Or no? Okay, yeah, let's -- let's -- anybody wanna second?

Mr. U`u: You want me to withdraw my motion?

Ms. Marquez: I can second, then we can discuss.

Mr. Fredericksen: Yeah.

Ms. Marquez: Second.

Mr. Fredericksen: All those in favor?

Ms. Marquez: To?

Mr. Fredericksen: Oh no, just before -- we'll discuss this. Need a little WD-40. Just a couple months. Okay, let's discuss.

Mr. Hutaff: Okay, I think we're all in favor of a sign, okay. I think we all see the importance of having a sign to communicate. It's also a way for, like the principal said, maybe to keep people from meandering around, and that in itself can create, you know, issues with the way the world is nowadays - is it a visitor or is it something else going on? I think the only issue is really, at this particular point, is it doesn't fit a hundred percent within the design guidelines of the Historic District. Weighing the balance of all of that, I think it's good that we haven't made this particular issue easy, okay, and I think that's the effort that we need to establish is that it's not -- this has not been easy for the principal to do, it's not been easy for the Commission to come about because it is a historical district and it's a compromise, and a compromise leads to more compromise, and compromise leads to more compromise - leads to disillusion, and I think that that's what I would try to avoid. I think considering my vote and knowing that there's going to be one other vote that is probably going to remain the same, I would like to go back and have the motion put together one more time so I can vote in a different manner, just to make a statement.

Mr. Fredericksen: Motion for a sign?

Mr. Hutaff: Yes.

Mr. Fredericksen: Okay. Any other -- any other discussion?

Ms. Marquez: Even with all the way they got to word this motion with the needs, the specs of this all, and its uniqueness, I still have this feeling that you know what? Somebody else is going to come up to this Commission and here we go again. And I just have that uneasy feeling that you can word it all you want, however, there will be some mana`o saying, hey, look at King Kamehameha School. Look at what they did. And I know it'll come and we have to go through this again. It's just that there's no really guarantee that you can really --

Mr. Fredericksen: Well, and nothing can be absolutely iron clad.

Ms. Marquez: True.

Mr. Fredericksen: But my take on this, Veronica, is it's extremely unique, okay. It's a school. It's a public school. And a public school has certain needs that don't apply to like a restaurant or a store. It's very, you know, it's a public, public, public school, and having a sign that allow -- that gives them some flexibility to be able to change the internal parts of it sometimes in this one particular instance, to me, seems that's okay. Bruce?

Mr. U`u: I think how we'll set precedence is to potentially deny the for-profit companies when they come before us.

Mr. Fredericksen: Yeah. And that's out --

Mr. U`u: I think that's how you set precedence is it's not -- not allowing a school to have a sign but the precedence we set, potentially, is when the for-profit companies come before us and we deny them, potentially, now going have to be fair cause this is not a for profit. If this was a for profit, I'll make a motion to deny it. It's that simple for me, personally, cause this is not for profit. This is for our kids. And that's why I'll bend a little when it comes to the safety of the kids. That's my mana`o.

Ms. Kanuha: I just have some concerns and I understand we do needs the signs to inform our community, our parents, and our kids of what's going on. My concern is, you know, because that's my community, I live in Lahaina, and same thing like what Veronica's concerns are is that we may, not that we will, but living in Lahaina, people would try is what I'm saying. And I understand what's on the top, but see when I became a Cultural Resources Commissioner, my kuleana is to preserve and protect, so that's where I am right now. I understand. My children went to Kamehameha III School, and I know about that fence and, you know, they graduated from Lahainaluna so, yeah, I kinda stuck too right now is I am for the kids, I am for informing our community, I'm on the Board of Directors for Hui O Wa`a Kaulua, you know, we all try to stay in what is already set right there and the last thing I want is to set a precedence that it will open the door, and I understand what Bruce is saying, that's great to know cause some of this mana`o I'm not aware of, so as I sit here, I am learning too. So that's where my challenge is right now is I'm here to protect and preserve and that's why I took on this kuleana so --

Mr. Fredericksen: Any other Commissioner? Yeah, Stanley?

Mr. Solamillo: The only caveat I guess I will offer is what makes this different is this is for a public good.

Mr. Fredericksen: Yeah.

Mr. Solamillo: Okay. It is not for private gain and be assured that someone will come in. I mean that's Lahaina, right? We know it. I think there's at least been two occasions where the signage ordinances were attempted by or there were attempts by the County to enforce them, and the most recent one calls went to the Mayor's office and the County had to pull back, were kind of approached and then it became kind of this family thing where you would tell your neighbor and you kinda coerce them between building owners or business owners, so you kinda have this family thing going on, you know, where you just say, hey, come on, you know. But now we're getting to the point again, because business have been

changing, business owners, and we're getting to that point again where we have to deal with the signage issue in Lahaina so -- but the big differentiation and the big deciding factor here - this is for the public good. Okay, so it's like a handicap ramp.

Mr. Fredericksen: Thanks, Stanley. Yeah, Ray?

Mr. Hutaff: I'd like to hear from if Keeaumoku has anything to say on this. It certainly might help.

Mr. Fredericksen: Commission Members wanna open public testimony again?

Ms. Marquez: Sure.

Mr. Fredericksen: Okay. Anybody want to testify or add something to this? Please come forward. State your name.

Ms. Johanna Kamaunu: Good morning. I'm Joanna Kamaunu from Waihe'e, and I used to teach in the schools for like 14, 15 years already so -- and been on the PTA so I can understand the importance of the sign and everything but, you know, what I hear is that you are in approval of the sign. You're just not in approval of the material. I'm not supportive of the size of the sign, but I just wanted to give you an alternative because Waihe'e has a school -- has a sign that's set farther back than this school is and it's created in such a way that it appears to me the sign more than four feet off the ground. It's a bench type of situation. The bench is there and the sign is on top of that and it has a covering, so it brings a lot of attention to the sign and it's setback farther off of the school grounds. Of course, you'd have to have a view plain and, in this case, you don't have that particular view plain. But I still see that the committee is approving the signage, which is different from saying, no, we're not going to approve this motion. Now, I don't know if, technically, that's how you have to take it, the whole thing as it's presented and approve or disapprove that, but I just thought I'd offer you some of these alternatives for the sign. The materials that they use are -- and I could see a sign like that made out of more natural materials, the wood and that kinda things, a larger sign sitting over there, I just have a hard time with the manmade sign that you have right now and that kind of a situation that it would produce. That's all.

Mr. Fredericksen: Thank you. Keeaumoku?

Mr. Kapu: Hi. Aloha. Keeaumoku Kapu. You know, I guess the more impact to the area may cause serious problems. So if the Cultural Resources Commission, I guess, through the recommendations from SHPD is to require monitoring, I'm pretty sure that's going to happen. When you start looking at -- I don't know. I looking at the building, of using the existing building as a possible solution to putting signage on the building so you're not

impacting that general area over there. Yeah, like going subsurface. You can find things eight inches under the ground over there. That's why it's considered Historic District 1. I remember the HDI incident across the street when they wanted to put that nice little colored carving sign over there. Whoa, communities came out crazy, like over a hundred people testified against that sign being placed across the street adjacent from that school. I was one of those people. So when I talked about making decisions that may not -- that may actually set a precedent for tomorrow, those kind of things are kinda crucial. Then you also gotta think about the longevity of the school because it's in a tidal wave zone, that school was required to, through State regulation, to be relocated some place across the street. Where? So whatever precedence we set today, we know we get other things that are pending tomorrow that may benefit for the majority of the community on where the actual relocation on the school is going to be. I mean we talking maybe 15, 20 years. We talking maybe one State act. They may require all schools to move away from the tidal wave zone area. I lived in Nanakuli. They did that to Nanaikapono. Now Nanaikapono is across the street. This one going through the same recommendation through the State as we discussed matters on how we going -- how we going change our look of this place. So just take into serious consideration. I mean you guys get sign ordinance, guidelines. Be stringent to the sign ordinance, guidelines in despite what -- I know it's an educational component but use the building as possibly a -- maybe a possible solution to that instead of just impacting the subsurface area. Thanks.

Mr. Fredericksen: Thanks, Keeaumoku. Anyone else? Okay. Let's go back - some more discussion. Do we wanna try another motion or do we want to vote on the deferral? I, personally, would, if at all possible, really like to try to get this matter resolved here so the school can move forward with whatever -- whatever may, you know, need to be transpire but we're a Commission so let's -- let's figure it out. Anybody have anything to add, say, or --

Ms. Marquez: How would the next motion be different? Or would somebody say the same motion? What are we going for?

Mr. Giroux: Because, with the *Robert's Rules of Order*, just because a motion to approve doesn't pass, it doesn't mean that it automatically turns into a motion to disapprove. There's also motions that may -- the main motion was to approve as recommended with amendments. There's lesser motions that could be motions to approve with materials changed. There would be a motion to approve with size changed. There could be a motion to approve with location changed. There's a lot of subservient motions that could go just because a motion to approve does not get five affirmative votes. The alternatives are also, as Bruce has stated, deferral. There's a motion to defer for further information; to allow the applicant to come up with his proposal alternate changes possibly to more conform with material. And then, ultimately, there's the motion to disapprove, and then that would end the permitting process right there. So there's a lot of subservient motions that can be put

on the floor; that's why we're encouraging discussion to see where that would go and if people would want to propose various alternate motions.

Mr. Fredericksen: What do Commission Members feel about if the materials of the sign were more -- just completely within the sign guidelines, i.e. wood -- Stanley, is glass in the sign guidelines? That -- yeah. And glass instead of plastic and metal? Bruce.

Mr. U`u: Yeah, just comment. I know the type of signs supposed to have a lifetime guarantee but, you know, with the salt around the area --

Mr. Fredericksen: Yeah.

Mr. U`u: Nothing's lifetime in Hawaii. But if was wood, if you were to use wood, it would rot out in seven years. Case in point, Paia, as you enter to Paia: "Welcome to Paia," you know, that sign went in, you know, ten years probably fell down but that's the -- that's what you run into with wood for the school. I don't know how you change the wording or the signage if you go to wood, but I like the wood look more so than the metal look so -- and my motion to defer, one would be to give the school an opportunity to give options to the Commission whether it'd be what some of the testifiers said as placement, placement on the building so as not to disturb the potential iwi in the area; just alternatives for the Commission to weigh in cause even with me and making the motion to approve, and you run into the process of potentially finding iwi in the ground, I would feel pretty crappy, seriously, and that's the risk you take in that area. So weighing the options.

Mr. Fredericksen: Any other comments or discussion?

Mr. Hutaff: Yeah. I think people are going to figure out I have 57 different personalities and never know which one's going to shine. I actually kind of agree with Bruce as far as the deferral goes to relook at the sign itself and how it's put together. As far as the wood goes and the metal goes, it's King Kamehameha III. That says a lot to me, okay, because it's one of the few times, in my life, I actually think King Kamehameha is used correctly, okay. We got golf courses and --

Mr. Fredericksen: Yeah.

Mr. Hutaff: Hotels and ...(inaudible)... you know, and I hate to put the principal in this position but might be an opportunity, okay, to really looking at making a sign that represents the royalty of Kamehameha III in Lahaina even if it's seven year temporary, okay. And I kinda like to, you know, maybe you can ask the kids - it's amazing, we get kinda clouded sometimes and the kids just come up with these ideas and go -- you're going ...(inaudible)... about that man. So I kind of agree that I think deferral to rethink it, to try to

get it within design guidelines, try to get it culturally appropriate, that would just tickle me brown.

Mr. Fredericksen: Well, let's go ahead and -- we can go ahead and put -- we have a motion, it has been seconded, and if the Commission wants to, let's take a vote on it, okay? So the motion to defer - and before we continue with that, I would just like to note that I feel that the Commission does support having some sort of signage that allows the school to get to communicate with the public, and it is a public -- it is public property, it's for public good, but given the location and everything, maybe there does need to be some more -- some more time to review it but -- yes, Veronica?

Ms. Marquez: So what are we going to vote on? Refresh my memory.

Mr. Fredericksen: This would be a deferral.

Ms. Marquez: So we're voting on the deferral? Somebody made a motion to defer?

Mr. Fredericksen: You seconded it.

Ms. Marquez: I did? I'm sorry - get lost sometimes.

Mr. Fredericksen: It's okay. No, this has been long and I think, at this point --

Ms. Marquez: I just needed clarification.

Mr. Fredericksen: We need to try to make a step forward. So the motion is -- Bruce put forth the motion to defer, not to try to, you know, shut down the idea of a sign, but to provide some flexibility for the school to go back and revisit possibly site location and certainly materials.

Mr. Hutaff: And design.

Mr. Fredericksen: Yeah.

Mr. Hutaff: ...(inaudible)...

Mr. Fredericksen: Yeah.

Ms. Marquez: So I request that the motion said one more time or -- he's making a motion?

Mr. Fredericksen: Yes, it was to defer.

Ms. Marquez: Okay, with all these details added because we need more information from them?

Mr. Fredericksen: Yeah, so the school, the principal, they have an opportunity to --

Ms. Marquez: Suggest other --

Mr. Fredericksen: To look at what we've said and try to address some of the concerns.

Ms. Marquez: Okay.

Mr. Fredericksen: Okay, the motion is to defer at this point but we certainly welcome the school coming back with -- with some options. We're not, as a Commission, opposed to having a sign there, it's just let's get it -- get it right, given the location and everything.

Ms. Marquez: And with options to adhere to the guidelines.

Mr. Fredericksen: Yes.

Ms. Kanuha: Yes.

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

It has been moved by Mr. U`u, seconded by Ms. Marquez, then unanimously

VOTED: to defer.

Mr. Fredericksen: Okay, motion to defer passes. Thanks to the applicant. It's a difficult location, a very challenging location. I appreciate you folks coming in. Revisit the issue of looking at materials that are completely within the sign guidelines and possibly maybe even re-sighting the sign into a location where you don't have to dig or excavation does not have to occur. Bruce?

Mr. U`u: Also, was wondering, just in case, at one point in time DOE says you need a six-foot fence, that you're prepared for that also.

Mr. Fredericksen: Yeah. Good point. Okay, let's see, Item 2, under the F heading.

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

2. **MS. ERIN WADE, on behalf of Maui County Planning Department, requesting review and comment on a new Historic District Special Events application form. The CRC may comment and provide recommendations. Public testimony will be accepted. (E. Wade)**

Ms. Wade: Thank you again. As you are aware, we do have a Historic District Application right now and the majority of permits that we process on an administrative level are special events. The challenge for us right now -- and I have Paul Critchlow from the Current Planning Division also here with me to assist in illustrating what we do today and why we came to you to ask for some assistance in amending our application process.

Mr. Fredericksen: Excuse me, Erin?

Ms. Wade: Yeah?

Mr. Fredericksen: Can you see okay?

Ms. Wade: Yeah, no -- no problem.

Mr. Fredericksen: Okay, so we'll just have the lights off then so we can see.

Ms. Wade: Sure. So Paul is going to pull up our existing Historic District Application and you will see that the majority of the information that's requested is related to buildings and to the architecture. There's very little about if you're going to do an event. So when an application comes in to us, we have to sort of pull that information out of whomever is proposing to do the event.

Historic District Applications - that's the one. Okay. And just so you know, all of this is online so anyone that wants to access the permits or find out about small towns and historic districts can do so online. This is our current Historic District Application. And if you keep scrolling a little bit, the third page is the one I'm interested in. We ask for basic information, but we ask for a lot of building information, you know, what is the community plan designation? What is the zoning? Most of that's fairly irrelevant to the event. And then we ask -- we ask for their flood confirmation, which also is irrelevant to an event most times. And then this is it right here, Paul, thanks. The historic resources inventory, which is essential when you have a construction project but usually doesn't inform you in any way about what the event activity might entail.

So what Paul and I did -- and we've spoken with both Lahaina Town Action Committee and the Lahaina Restoration Foundation, who are the primary groups that propose events, special events in that district. When Myrna Ah Hee was here for Hui O Wa`a Kaulua, we solicited her thoughts about how did this application process go for you, and all of them

say, well, why didn't you ask me in the first place for what you needed to know in order to approve my event. So what we've done is we developed a new application, which Paul has pulled up, and it has -- the first thing it does is it cites all of the sources of authority related to the Historic District and to the special events process, and this is actually a new format for many of our applications in the Planning Department. We're revising the SMA application too right now. Then it states the purpose of this application.

This is actually going to end up being a new permit with a different fee. Right now, if you're applying for anything in the Historic District, you just pay \$55.00. It's a flat fee. It doesn't matter if I reviewed it administratively or if it comes to the Cultural Resources Commission or if it has to go all the way up to the Council, it's one flat fee. What we've been looking at is a graduated scale based on the amount of public effort entailed in order to process the permit. And then it illustrates the contents of the application and a description of the processing procedures. Right now, there's no way for an applicant to know what they're in store for when they propose an event in Lahaina, especially if they're going to be using public property. So it's two parts. One part is for us in order to get the information we need faster and easier. The other part is sort of education of the public in order to get -- so they understand all the things that are required.

So if we go to the second page, this is where a checklist begins. We're reformatting most of our applications to have a checklist. And it goes through some initial things about what is required to submit, and then we ask for a cover letter, an area map, a site plan, Police Department consultation, which we automatically ask for a special event, and a certificate of liability insurance. Everything on this first page then would be standard when someone's proposing a special event. Then as we get into the second page, it's -- these are things that may or may not apply to individual events. Obviously, the first one they'll check if it's a new event or a recurring event.

Most of you are aware that recurring events that have been already approved by the Cultural Resources Commission, if they don't change in scope or intensity in any way, we approve those annually administratively if they continue to stay the same event with the same conditions as it was approved. If anything changes, like if they're going to expand to an additional area, if they now wanna do sales when they didn't do it before, if they're going to have a stage or noise, they're going to add a parade, any of those things would trigger coming back to the Cultural Resources Commission. Go ahead, Ray.

Mr. Hutaff: Is there a provision in there to say that, okay, we approve it this time only just as a test and then it has to come back again for review?

Ms. Wade: At this point, no events have been approved with the condition, however, you certainly have the ability to do that. So if a new event came and you would like to do that, you may. You have the authority. No. 10 sort of triggers the sign ordinance -- or the *Sign*

Design Guidelines we have already discussed. There are specific locations identified in the *Sign Design Guidelines* of where banners can be permitted and it can only be permitted in the location where an event is going to occur. Suzie passed out for you -- I did get an email from Theo Morrison this morning updating me that the Kimo's and Moose's location is no longer allowed. Those two buildings do not want anything hanging from their properties anymore so we're going to be taking that off of the list.

Also, we do the approvals through the Cultural Resources Commission when there's a use of public property. If it's on private property, generally, they don't need to come in for a permit unless they're going to trigger the use of police, Public Works, anything like that where they're going to need outside support, then it also comes to the Cultural Resources Commission.

Mr. Fredericksen: So, excuse me, Erin, so somebody can run a banner across Front Street if it's private property to private property and -- but bridging County property?

Ms. Wade: No, that's -- the air space is also County --

Mr. Fredericksen: Oh. Okay, thanks.

Ms. Wade: Considered County property so you couldn't do that.

Mr. Fredericksen: Okay.

Ms. Wade: And then we've also asked questions that are a bit leading, and I wanted to make sure you understand that we have done this in this application. We have asked: "Will any other promotion signs or displays be used to advertise this event?" This is partially for enforcement purposes for us. We have had problems with some events just going out and like littering Lahaina Town with flyers, stapling it to flagpoles or utilities poles and things, so we -- this is a point for us to have a conversation with the applicant and say, you know, that's not allowed and here's where you are able to display and promote and here's where you're not. The use of a County park. This is almost 100% of the time part of an application. Almost all the events occur at either Kamehameha Iki Park or Banyan Tree Park. The use of a State highway, all of these things that are listed now from 11 on down to 14 require additional permitting and additional agency consultation, which is the reason we're asking for it.

And then, finally, on the back we ask for some basic information about who are you? What is your nonprofit? What do you intend to do? And how big do you anticipate the event to be? Okay. So, basically, this is our initially request from you to take a look at it. I wanted to be here to discuss with you why we did it, and then I'll come back at the next meeting, if that's okay, and get additional feedback cause I know it kinda takes a while to process.

Well, if I -- the way I like to review events is to think -- or to review applications is to think, well, if I was going to apply for an event, how would I do it and what would I need to include and those types of things.

I would also like to direct your attention to the email that I got from Theo Morrison. She brings up several good points that -- and I wanted to address those with you in your consideration. In terms of the banner -- the whole banner section, which is, as she notes, "Aloha, Erin," and then two lines down says, "Changes." Those next three paragraphs are all related to banners and are very easy things for us to just amend about the text.

The next one is about the sale of liquor, and this is identified in the Historic District Ordinance as something that we do not explicitly permit unless it's approved by the Cultural Resources Commission and the Parks Department for the park at which alcohol would be sold. At this point, there has never been an event approved where alcohol was sold. But as you know, the Taste of Lahaina has not been occurring regularly for the last several years and that's one of the things that's being talked about and bringing back into Lahaina Town and, of course, they have a wine tasting, so that's the reason we included the liquor question here. It is an option, but it is something that has not been done at this point.

In terms of the sales, as you know, we don't allow open sales in any of the public parks or on public property. We require the scripts and then the sales to take place in a building. So at banyan tree, you purchase whatever you buy under the banyan tree within the courthouse building. Hui O Wa`a did the same thing for theirs. They purchased in their boathouse. The purchases were done for their event within the boathouse. And that's just something that Theo is asking us to clarify a little bit more clearly because precedence has been we don't allow just open sales on public property, so perhaps you can help me to re-frame how to word that.

And she mentions also the timeframe. At this point, we require 90 days in advance of a permit -- or in advance of an event occurring that you file your permit. I will tell you, since I've started reviewing the permits, I've only had two actually come in in advance -- in 90 days in advance, so it's actually not something we've been sticking with, you know, they're nonprofits; they're going to do a fundraising; it's good for the community; it's usually a positive thing; we'll just process it as quickly as we possibly can. But I would like you to also think about: Is there a cutoff at which point you would like to say, you know what, it's too late, we can't work out these details, the logistics are too complicated, you're going to have to get your application in on time? Because, at this point, it hasn't caused any problems, and I will say that almost everyone that has applied has been incredibly easy to work with and follow through on all of their commitments, even if it has been verbal with me over the phone, you know, administrative, but I certainly don't want to get us in a position where there is a problem, you know. So maybe you can think about: Is that 90 days the right amount of time? Do we allow some variations and for what purposes?

She mentions building permits which -- and electrical permits, which are important to consider, the health permit in the sale of foods. And then the final one I thought was pretty smart on her part was the emergency and evacuation plan. That's something that we haven't had to deal with, thankfully, in the past but given the tsunami that we had, you never know.

Mr. Fredericksen: Yes.

Ms. Wade: So it's probably a good thing to consider. So I'm here today to answer any questions you have about the application and if you have -- if anything is raised in your mind in an event you've been associated with that you think we should incorporate, we're happy to do that. And then on the next agenda, I'd kinda like to solicit your comments and begin amending the actual application as a group so that you can approve it and we can move forward, begin to use this new tool with our new applicants.

Mr. Fredericksen: Thank you, Erin. Any questions for Erin? So we'll mull this over and this will be on May's agenda?

Ms. Wade: If you're willing to put it on your next agenda, I'd appreciate that.

Mr. Fredericksen: Commission Members, I think the sooner the better. Yeah? Good. That'll give us a chance to look it over. Now, and you said you're going to incorporate some of the items that Theo had emailed in?

Ms. Wade: Yeah. If you're okay with that, what I'll do is I'll amend -- Paul and I will work together to amend this existing one.

Mr. Fredericksen: Does that give you enough time?

Ms. Wade: Yep.

Mr. Fredericksen: Okay.

Ms. Wade: Oh yeah. Absolutely. No problem.

Mr. Fredericksen: So, as a Commission, we're okay with looking at this at the May meeting? We don't need to do a motion if we're all comfortable with it, so as consensus?

Mr. Hutaff: Yes.

Ms. Kanuha: Yes.

Mr. Fredericksen: Yeah, I think it's good to have something updated to help the Planning Department out.

Ms. Kanuha: Absolutely.

Mr. Fredericksen: Okay. Thank you, Erin.

Mr. Hutaff: I'd like to really thank Erin for --

Ms. Kanuha: Good job.

Mr. Hutaff: Putting this together and, you know, kinda going forward with it and there's a lot of things in here I think we've all had concerns about that she's addressed. So it's a great beginning.

Mr. Fredericksen: Yep.

Mr. Hutaff: Thank you.

Mr. Solamillo: You should ask if there's any public testimony.

Mr. Fredericksen: Yes, any public testimony on this? Come forward. State your name, please.

Mr. Kapu: Aloha. Keeaumoku Kapu. I mean it's not like I come to this meetings all the time just to have an opportunity to come in front of you and speak.

Mr. Fredericksen: That's why I come so I can listen.

Mr. Kapu: We've dealt with these kinds of issues before on the application process and one of the sticklers, basically, I guess under what you review, under the State Historic Preservation's guidelines and all those kinds of things, I think there should be more. I mean County also has to -- your job is also have to look under 343, 205, 217, all those little ordinances and I think it should be a little bit more extreme, 13-300, 6E, you know, just for the preview of this Commission to look at what kind of educational components that people are required or mandated to follow under historic preservations because we've dealt with an issue in Lahaina in the past when we asked about the application why it wasn't exempt from the special management assessment. And asked whether or not there was a FONSI that was done, findings of facts, there was nothing. The special event actually was rubber stamped and got shoved down the pipe. Then you also mentioned something else about any changes that would trigger a new application. I say from 15,000 to 35,000 constituents in one town is a change in application and it should be reapplied for again. Those kinda

changes. So I just here to give you guys a some kinda little pointers. Mahalo for the County for bringing up the applications, special event application. I would definitely like to be kept aware on this.

Mr. Fredericksen: It's going to be next month.

Mr. Kapu: Yeah, it'll be next month. I serve on a position, I'm the Chair for the Native Hawaiian Historic Preservation Council, and the Native Hawaiian Preservation Council was enacted in 1989. We're an advisory to the Board of Trustees, Office of Hawaiian Affairs, and our job is basically to review these kinds of things to give recommendations to development and all these other kinds of things and when it comes to these special events that's happening in historic districts, we'd like to definitely be aware pertaining to what the recommendations from this board is because we'd like to have a say in it too. So good luck. Mahalo. Thank you very much.

Mr. Fredericksen: Alright, Keeaumoku. Anyone else?

Mr. U`u: Question.

Mr. Fredericksen: Oh yeah, Bruce?

Mr. U`u: Have we ever denied a permit?

Mr. Fredericksen: As a Commission?

Mr. U`u: Yes, as a Commission.

Mr. Fredericksen: Yeah.

Ms. Kanuha: Yeah.

Mr. U`u: Okay.

Mr. Fredericksen: You wanna speak?

Mr. Kaniloa Kamaunu: My name is Kaniloa Kamauna from Waihe`e Valley. It's a good process to have applications. I think things that should be added, and it's because of the research we've been working on, is to see whether or not they're in compliance with what the cultural aspects as far as the laws are concerned for, you know, the events. I think a lot of times the events should actually - and I guess when we look at what Kalei said about the area, I guess his quote that was made - that the event should actually somehow promote what the culture is about, and it should be stated in the application so that

there's -- the forefront is always the kanaka or the Hawaiian because even though we have all -- you know, we have -- we talk about, and I see this all the time, we talk about plantations. We talk about their areas really strong because of a lot of the different cultures that have come into Hawai'i through that aspect but -- and yet the Hawaiian side is always downplayed. The only time the Hawaiian side is taken into concern is, you know, it comes to a party event. Yeah, you know, we're supposed to be this tropical island. You know, we talk about tropical drinks. We talk about, you know, girls running around in hula skirts and all these types of things, which is not true to the culture. And I think last year or this past year you talked about that art work that was presented and it distinctly did that. So I think the events, especially in a area that has historic events for in fact all cultures. And I think, when you look at all cultures, especially the ...(unaudible)... cultures, they become very dishearten when their culture is looked at as or presumed to be something that it's not, and the real aspect of the culture is never brought up. And I think with the application, it should -- that should be the foremost important part: How does this event really support the historical events that happened here? You know, we're talking about precontact. We're talking about post-contact. We're talking about all these different things so that the cultures, you know, I mean we are a melting pot, and so that the cultures, especially the host culture, which is the Hawaiian culture, be taken into consideration. So that is the true point. Being an entertainer at Kaanapali Beach Hotel, and I've learned from the last two years being there, tried to promote what is really Hawaiian, and I appreciate them because they stick to a traditional hula show. It's not flashy. It's not, you know -- we don't have the fire and knife -- you know, I have to tell people that's a Polynesian thing. That's a Polynesian show ...(inaudible)... different Polynesian groups. That's not a Hawaiian thing but these are the traditions and, you know, that's should be, I think, the things that should be looked at. But I think the process of being able to protect the integrity, I guess is the word, of the area that the event should protect that integrity. Thank you.

Mr. Fredericksen: Thank you. I've got a question for Erin. Hi, Erin. That was a very good point that was brought up and having -- having something in there along the lines of, you know, how does this particular event support - let's see - not only the Hawaiian culture but certainly that would be, you know, the host culture, but maybe having just how is it a culturally appropriate event. Something like that in the applications because that would also provide -- get kind of a filter, if you will, on some of these -- yeah?

Ms. Marquez: So wouldn't that come under No. 4 of your cover letter? Wouldn't that mana`o be part of that cover letter?

Ms. Wade: It certainly could be but I found, with cover letters, you do kinda need to be specific about what you would like to include and I did think that was an excellent recommendation - a question about how does the event honor the historic and cultural significance of the Lahaina Historic District.

Mr. Fredericksen: Yeah. Thank you. That's much more eloquently put and I tried to do it --

Mr. Hutaff: Or bring cultural awareness.

Ms. Wade: Or bring cultural awareness. The other point that I thought he made was in reference to materials, logos, and symbols, so perhaps something: please provide draft copies of promotional materials, logos, and symbols to be associated with the event.

Mr. Fredericksen: With the given event.

Ms. Wade: Yeah. Very good. Thank you.

Mr. Hutaff: Alright.

Mr. Fredericksen: Stan? Anybody else? State your name please.

Ms. Johanna Kamaunu: Johanna Kamaunu from Waihe'e. To expound a little bit more on what Kani was saying, you know, it's -- and if I'm not mistaken, there's a time span, right, on the historic era that is associated with Lahaina, right? So, you know, you could very well have your Halloween celebration more like a costume or a period event so that they could reflect the costumes, the foods, the people of that time period that were in Lahaina at the time. So it does become very cultural, multi-cultural, and not just limited to one thing. I had occasion to come home on the plane this weekend and sit next to a gentleman from Canada and I cannot tell you what possessed me but he -- he was nice enough that I said, "You know, I feel really impressed to tell you some history that you may not hear anywhere else." And as I started to tell him the history that I wanted to share with him, he was shocked. He was amazed. He was in awe. And I would think that, as a Cultural Resources Committee, especially when it comes to historic preservation areas, that these are the kinds of things that we would want the people who come to our events to remember, or the people who create activities and -- or businesses in the area to make all of this a part of what they're doing so that we don't forget. We've lost a lot because we've forgotten. We've lost a lot because we didn't know how to do things. But we're starting to learn and we seem to be working pretty good at coming to that understanding together. So, yeah, if we can make these little changes, I think that would, you know, go a long way to supporting and making the kinds of impact that I think that this committee should be doing. Thank you.

Mr. Fredericksen: Thank you. Okay, anyone else? Hinano. Oh, Hinano does -- okay.

Mr. Hinano Rodrigues: Hinano Rodrigues, State Historic Preservation. You would think that being the job for four years I would know what I'm talking about but what made me

question what I might have saw up there, and I haven't seen the application and I need to re-read 6E, but I think that quite possibly any kind of permit that'll go through CRC would require comments from SHPD, based on my liberal interpretation of 6E.

Ms. Wade: That's absolutely accurate. So right now, administrative approval is given and doesn't go to SHPD if it's a recurring event with the same scope. New events or expanded events do go to SHPD for review.

Mr. Rodrigues: Okay. Thank you.

Mr. Fredericksen: Thanks, Hinano. Okay, we're -- that's it for the public testimony. But thank you all.

Mr. Solamillo: I can go out to the street and ask people to come in if you want. Okay, would you all like to take a break now before we get another long-winded presentation.

Mr. Fredericksen: Stanley, what are we going to recess for? Recess for how long?

Mr. Solamillo: Until 12:15?

Mr. Fredericksen: Okay, 15-minute recess.

(A recess was called at 12:02 p.m., and the meeting was reconvened at 12:26 p.m.)

Mr. Fredericksen: Let's go ahead and reconvene, if that's okay with our audience.

G. WORKSHOP

- 1. Workshop on Cultural Resource Commission "Purpose and Intent," "Definitions," "Powers and Duties," "Nominations to the Hawaii and National Registers of Historic Places," "Guidelines," and "Regulations on Buildings and Uses" as outlined in Chapter 2.88 and 19.48-19.52 of the Maui County Code as well as applicable State and Federal laws. Public testimony will be accepted. (S. Solamillo)**

Mr. Solamillo: Alright, before we begin, there was one public testimony item that came in via email, and it was from Lucienne de Naie, and I'll read it to you before we begin.

Mr. Fredericksen: Did we have that?

Mr. Hutaff: Yeah.

Mr. Solamillo: No, I just --

Mr. Hutaff: Yeah, we do.

Mr. Solamillo: You do?

Mr. Fredericksen: Oh yeah. We have a handout.

Mr. Solamillo: Okay.

Mr. Fredericksen: It's an email?

Mr. Solamillo: Yeah, sent via email. Okay. Thank you, Suzie. Then I don't need to read it?

Mr. Fredericksen: We have the handout.

Mr. Solamillo: Okay.

Mr. Fredericksen: I mean you can highlight anything or --

Mr. Solamillo: If you've got it, that's our public testimony.

Mr. Fredericksen: What is this regarding?

Mr. Solamillo: This is regarding --

Mr. Fredericksen: The National -- Hawaii and National --

Mr. Solamillo: Let me just read through the first part of it:

Aloha kakou and welcome to new Commissioners.

My apologies for not being able to attend the meeting today. Please consider these comments in your discussions of the topic of Nominations to Hawaii and National Registers of Historic Places.

While the Commission is updated on applicable State and Federal laws that govern nominations to the Hawaii and National Registers, it is also important to consider how local ordinances that support nomination of qualified sites can be more effectively implemented.

Virtually all of our individual community plans support nominations of appropriate and qualified historic and cultural sites to the State or National Register. What the record shows (June 2009 Historic Preservation Office, Maui Register of Historic Places) is that the 65 sites listed on the State Register for Maui, 25 are pre-contact Hawaiian sites. An additional 3 pre-contact sites are listed only on the Federal Register. The most recent listing of a pre-contact site, Kalepolepo Fish Pond, was in 1996, 14 years ago. Most date from the 1980's.

Keeping this in mind, are there tools that can be used by the CRC, and the Maui Planning Commission it advises, to increase the respect, recognition and funding for protection afforded our indigenous antiquities?

One strategy that could be pursued is for the CRC to recommend that qualified historic or pre-contact sites on private or public land that are listed as significant in the respective community plans be listed on State or National Register as a condition of entitlement approvals. The Planning Department and Planning Commission could then consider the CRC recommendation and decide whether to include registration as a condition of approval.

Another strategy could be for the Planning Department, with guidance from the CRC, invite historic and cultural preservation groups, such as the Hawaiian Civic Clubs, Maui Historical Society, Hana Historical Society, Haiku Living Legacy Project, Lahaina Restoration, Maui Cultural Lands, Friends of Moku`ula, Hui Alalnui o Makena, and Hawaiian fishpond restoration groups, to suggest sites that should be considered for inclusion on the State or National Register.

Personally, I would like to suggest that the CRC review eligibility of a number of multiple feature sites that are currently proposed for preservation in areas undergoing development review. These are also areas where virtually no listings have been done for 20 years or more.

For purposes of brevity, I have labeled them as "complexes" because of the presence of 10 or more inter-related sites or features at each locale. The actual extent of the cultural landscape in each area may extend beyond the given site and include other features such as prominent landforms, ponds, culturally significant springs and reefs.

She includes: Honokowai Valley Complex, Olowalu Complex, Launiupoko Complex, Kaua`ula Valley Complex, Ma`alaea Complex, Honolulu Valley Complex, Mo`oiki Heiau

Complex in Makena, Mo`oiki Village Complex, which was an SIHP site in 1969, and Palau`ea Complex.

May additional worthy sites exist in areas such as East Maui, which are not currently proposed for development review but should also be considered for listing. In addition, a few specific sites, threatened by imminent devaluation and destruction are described below.

And she includes: `Aupuni Wall of Honua`ula, Ka`eo Ahupua`a Boundary Wall, Palau`ea Stepping Stone Trails.

And I guess that concludes what I'll read from this just so that it is entered publicly into the document.

Mr. Fredericksen: Yeah, and I just have a comment - kind of comment/question on some of those. On -- and I just was talking with James briefly about this, and maybe I'll address it to James on -- on private property where there are known significant historic sites, is it even -- is it possible to tie -- tie things to -- like attempting to register the site to subsequent permits, etcetera? And I know -- I mean that's just a very qualitatively answer at this point.

Mr. Giroux: Yeah, that's -- I think that would take about 20, 30 pages with footnotes, but I mean in a nutshell just so the discussion can be had is that when you're looking at registration, it -- in a context like something like a special management area permit where the -- the criteria is set out in objectives and policies where one of the policies is to protect, you know, resources - natural resources, to protect cultural resources. You can look at mitigative measures in order to impose on that permit at that time if the development were to be, you know, damaging that. We have trail preservation, you know. If somebody's property has a known cultural trail to the ocean or to the mountain, a condition can be put that that is preserved. Beach access. If there's no access to the beach, there can be an easement placed on that property to permanently allow beach access. And so the idea is that this -- 205A also has those same powers for preserving cultural resources - burials, heiaus - but what they're asking is that the next step or registering that site on the National -- the State or the National Register, it would be a condition that would have to be formulated in the sense that the person apply for because the State could say, well, you may think it's significant, we don't. And so you couldn't say you can't get a -- you won't get a development permit because you didn't get registered but you can give, as part of the preservation plan, a -- one of the conditions is that they submit the property for the application to be, you know, admitted as a, you know, historic property because it's not guaranteed and if it's a -- if it's a condition that the applicant cannot meet because it's not within his authority to do so, then a lot of times we're going to look at that as not being a reasonable condition. So it's really tricky as to the language and I think what they're asking you is that, from that letter from what I'm reading, is that would this board I guess advocate

that position to the permitting processes where that's possible, and I think when that would come to the next board, they would have to look at that as, okay, in our parameter, what would we be able to do? Would we be able to request them to, you know -- because right now, SHPD they'll -- that permit, because of 6E, that permit does go through SHPD, and they do comment, and they say there's a known burial site on your property, there's a required 8-foot, 12-foot buffer, we also are requiring a preservation plan be submitted and approved, you know, so there's a lot of conditions on these properties in order to preserve the cultural resource, and what they're saying is, well, can we go to the next level and have it registered. And the -- I guess the short answer is you can request, as part of the permit, it can be a condition that they at least submit --

Mr. Fredericksen: Attempt.

Mr. Giroux: Yeah, they submit an application for registration, you know, and then we would have to see where it went from there.

Mr. Fredericksen: Okay. And this, I'm sure, is an issue that will be revisited down the road but thanks. Thanks for the -- I know I put you on the spot, but thanks for the answer.

Mr. Giroux: The nutshell.

Mr. Fredericksen: Yes. Okay, Stanley.

Mr. Solamillo: Alright.

Mr. Fredericksen: If you're ready, we can --

Mr. Solamillo: We are ready.

Mr. Fredericksen: You want the lights off?

Mr. Solamillo: Just the ones that are over the screen please. This is going to be one of three training workshops that you, Commission Members, will have to suffer through. And this has come about because of all sorts of things that were said when our two most recent Commissioners went before Council. So I will share what little I know with you and maybe you will agree with me that the more you know here, the less you really know.

Okay, you are members of the Maui County Cultural Resources Commission. You are empowered to be here and to make decisions by Maui County Code. Under purpose and intent -- and, actually, I'll backup a little bit, Maui County Code Chapters include: 2.88; 29.48, 50, and 52; also Chapter 530, Rules of Practice and Procedure; and Chapter 531,

Duties and Authority. Under Section 2.88.010, Purpose and Intent, the preamble reads:

The Council finds that preservation of historic properties enhances the educational, cultural, economic, and general welfare of the County. It is deemed essential that the qualities relating to the history and culture of Maui County be preserved through comprehensive historic preservation planning. Implementation of Chapter 6E, Historic Preservation, Hawaii Revised Statutes, and Maui County General Plan, and adopted community plans provide a means to perpetuate the value of various cultures of which our community is comprised.

Under B: It is the intent of this chapter to provide for: 1. Protecting and preserving historic properties and artifacts in the County and encouraging, where appropriate, their adoption for appropriate and feasible use.

Under 2.88.010, continued: 2. Encouraging the restoration, rehabilitation, and continual -- or continued functional use of historic properties.

Under 3.: Encouraging the identification, preservation, promotion, and enhancement of those historic properties which represent or reflect distinctive elements of cultural, social, economic, political, and architectural history, and to encourage the designation of historic properties thereby ensuring that our cultural and historic heritage will be imparted to present and future generations of residents and visitors.

And 4.: Formulating Countywide comprehensive historic preservation policies, programs, and plans.

Under 2.88.020, these are the definitions that you should remember: "Historic preservation" means the research, protection, restoration, rehabilitation, and interpretation of districts, sites, buildings, structures, areas, or objects significant to the history, architecture, archaeology, or culture of the County, State, and the Nation. Under "historic properties," this means any prehistoric or historic district, site, building, structure, area, or object, again, significant to the history, architecture, archaeology, or culture of the county, state, and nation, including those listed in the Hawaii or National Register of Historic Places. "Professional," you guys heard all about that during the Council meeting so we will pass.

Under 2.88.060, Powers and Duties: A. The Commission shall advise and assist Federal, state, and county government agencies in carrying out their historic preservation responsibilities.

B. The Commission shall provide public information, education, training, and technical assistance relating to the National, State, and County historic preservation programs.

C. The Commission shall initiate, accept, review, and recommend to the State Historic Preservation officer historic properties nominations for inclusion on the Hawaii and National Register of Historic Places.

D. The Commission shall maintain a system for the survey, inventory, and nomination of historic properties and archaeological sites within the County as well as a system and site monitoring that is compatible with that of the State Historic Preservation office.

And E. The Commission shall administer the Certified Local Government Program of Federal assistance for historic preservation within the County.

Under F. The Commission shall provide design review for projects affecting any building or structure, site, or district eligible for listing in the National or Hawaii Register of Historic Places and shall request and consider the State Historic Preservation Office's review and comment on all County undertakings, including the granting of permits.

I'm going to skip and go to G. The Commission shall develop and implement a comprehensive Countywide historic preservation planning process consistent with that of the State Historic Preservation Plan, which includes the submitted information pertaining to the State Inventory of Historic Places to the State Historic Preservation Officer.

Under H. The Commission shall make recommendations to the Council for the expenditure of gifts and grants accepted by the County -- or by the Council for projects connected with the identification, rehabilitation, restoration and reconstruction of historic properties, the historic preservation planning process, and the promotion of exhibits and other information activities in connection therewith.

Under I. The Commission shall administer the provisions of the historic districts established in Title 19 of this code and shall advise the Mayor, the Council, and the County Planning Commission on the establishment of historic districts and regulations thereof.

J. The Commission shall adopt rules and regulations of procedure and conduct pursuant to Chapter 91, Hawaii Revised Statutes.

Under K. The Commission may review and comment on archaeological reports submitted as part of development proposals to various County agencies.

Under L. The Commission may undertake any other action or activity necessary or appropriate towards the implementation of its powers or duties or towards the implementation of the purpose of this chapter. Specifically, these include: 1) Recommend new ordinances establishing special treatment districts and archaeological districts. 2) Review and recommend amendments to current policies and laws on the enforcement of

existing codes relating to the historic districts. 3) Continually reevaluate building code requirements and enact amendments that are more sympathetic to preservation or provide exemptions for historic properties. 4) Encourage the County, State, and Federal Governments and the private sector to implement appropriate management strategies, curatorships, and meaningful interpretive programs at significant, historical, and archaeological structure sites and districts. And 5) Assist in programs of historic preservation including presentations, films, exhibits, conferences, publications, and other educational means the whole intent of which is to increase public awareness and participation in preserving the past.

Now, I'm going to pause for a minute. This might sound like we've got like an army, like a huge staff. Well, you've got one.

Mr. Hutaff: An army of one.

Mr. Solamillo: An army of one.

Mr. Hutaff: So we haven't used you to your potential yet?

Mr. Solamillo: So I'll continue. Remember, it's an army of one and you have just been -- and actually, if you went and looked at some of these, we began doing some of these processes and we haven't even started on some others. I think, in particular, when this Commission attempted to address the tiki issue recently, and showing how Hawaiians choose to portray themselves instead of how someone else chooses to portray Hawaiians, I think that was a step in that other direction towards exercising what rights you have as the Commission, which normally in the past has not taken place. I'll continue so we can get the pictures.

I'm pretty dull that way. Words make me fall asleep. Anyway, 2.88.060, continued -- I just did that, right? Okay, alright. Nominations. This is what we've heard about from Lucienne de Naie and from our Corporation Counsel, nominations to the Hawaii and National Register of Historic Places, any person or organization, no matter how humble or how small, including the Commission may submit nominations to the Hawaii or National Register by submitting a completed nomination form to the State Historic Preservation Officer - that means anybody. Okay, remember that.

B) And this is where it gets muddy because it got muddy because in the '80's, I believe it was 1984, it was something like that, we had a survey and a lot of properties got nominated, and everybody who owned a property that didn't want it nominated came out in force, and then we got real particular as a result that you had to have structured hearing times. What I'm going to tell you at the end of all the structured hearing times is that the current process doesn't really work all that well.

So the way it reads is that: "The Commission shall hold a public hearing after receiving notification from the State Historic Preservation Officer," remember, your nomination goes to the State, "of a nominated historic property with the County. At least 10 days prior to the hearing, notice of the date, time, and purpose of such hearing shall be published in the newspaper of general circulation in the County. Oral or written testimony concerning the significance of the proposed nomination shall be taken at a public hearing from any person. The Commission shall then forward its report to the Mayor within 45 days after receiving notice from the State Historic Preservation office, the report shall include findings and whether the property meets the criteria for nomination, and recommendation that the State Historic Preservation either nominate or reject the proposed nomination. The Mayor shall have 15 days, after receiving the report of the Commission, to send this report and a recommendation to the State Historic Preservation Officer. The Mayor's recommendation may but not need to concur with recommendation contained in the Commission's report. The next step is a determination by the Commission and Mayor that the application for a nomination does not meet nomination criteria is not a final administration decision. Appeals must be filed with the State Historic Preservation Officer in writing within 30 days after the nomination has been denied."

So our standard submittal, if we were going to go this route, is an individual, Joe Public or Mary Public, can submit that nomination to SHPD and, right now, he or she can do it for 35 -- in 35 days ahead of a hearing. For the County, the County submitting to SHPD requires 65 days. If we go through all the processes just outlined - the County, through CRC, then to the Mayor's office, then to SHPD - we're talking 90 days. And I have found, because I have been asked to write nominations on behalf of the County or on behalf of persons who want nominations done in Maui County, that the 90-day rule, plus your research time, and I've squeezed them down, I've squeezed nominations down to production in six weeks but end up with me between 110 and 120 days, which usually is really long.

So what we do right now is I bypass that process. I submit straight to SHPD. SHPD sends the nomination to the Mayor. The Mayor sends the nomination back to me asking me to prepare comments for the Mayor's office. And that's a whole bunch of work. And if we went to Commission on everything, then I would also have public noticing requirements to be in the newspaper 30 days before the hearing, etcetera, etcetera, etcetera. So the best way that we found, up to this point, is to do it straight to SHPD and bypass it, bypass this system because it, technically, doesn't work. It only lengthens the time and the amount of work that has to be done. If this Commission chooses to say, Stanley, you're way of out line. We wanna see every nomination. You can.

Most recently, when we did follow the process to a T, at the instructions of Corporation Counsel, was for the Lana'i nomination, which is still on -- on a holding pattern pending additional public meetings that are to beheld but haven't been scheduled on Lana'i.

Okay, under Guidelines. This is 2.88.080. The following documents on file in the Planning Department shall be used as a guide in matters pertaining to the review functions of the Commission. I believe you have that bibliography and that's been included so we can kinda bypass that. The only thing that I will add is that the Design Guidelines for Lahaina have been revised. This Commission did approve revisions and those revisions are being incorporated and will be sent to the Planning Commission and then to Council. I don't have a timeline on that yet.

Under 19.48, these are these general policy statements. In order to promote the economic cultural and general welfare of the people of the County and to ensure the harmonious orderly and efficient growth and development of the County, it is deemed essential by the County Council that the qualities relating to the history and culture of the County be preserved, thereby creating attractions for visitors and residents alike. It kind of sounds like a Disney World plug, but whatever plug we can get. I like to think more in terms of it's our sense of place of who we are and maintaining that and differentiating ourselves from every other tropical island or every other place in the United States.

Under 19.5, under Historic District No. 1: The purpose of this district is to preserve historic structures and sites within the district and to enable the State and County to make plans for the restoration of historic structures and sites. That's pretty explicit. It doesn't say demolition, and all we do in Lahaina today is demolition. And we'll get into that in a few minutes.

Under 19.52: The Commission shall have the power to approve all plans, to construct, alter, repair, move, or demolish - that's the only case where it happens - any structure in the Historic Districts. If the Commission disapproves such plans, it shall state its reason for doing so and shall transmit a record of such action and reasons thereof in writing to the Council. The Commission may advise the applicant and the applicant may modify plans. This has not happened yet. This Commission has yet to deny a demolition.

Mr. Hutaff: We didn.

Mr. Solamillo: No. That wasn't actually an action. That was consideration.

Mr. Hutaff: The home? The lady with the home?

Mr. Solamillo: The lady with the home.

Mr. Hutaff: Yeah. She wanted her place demolished because people were sleeping there and she was ...(inaudible)...

Mr. Solamillo: No. They have a HABS Level I mitigation. But I mean they're going to demolish it.

Mr. Hutaff: Oh.

Mr. Solamillo: Yeah. But I mean we haven't, for whatever reason, we haven't come to that point and that may be something that we have to really talk in depth with Corporation Counsel about is do we really have the power. Technically, looking at everything right now, we cannot tell anyone, no, you cannot, or no can.

Mr. Hutaff: We can tell them that but there's no law supporting us.

Mr. Solamillo: Correct. For Chapter 6E, Hawaii Revised Statutes, Hinano, thank goodness, will bail us out on this one and give us a much more in-depth understanding at our June meeting, and he has volunteered to do this, so we have to buy his lunch free.

One of the most important things that we do is review permits and review work against the National Register of Historic Places or the criterion which make buildings, structures, sites, eligible for listing in the National Register of Historic Places. The Hawaii Register, all your State designations, are based upon or modeled after the National Register of Historic Places, and they setup categories and they setup conditions. According to historic property categories, and you can find this in *Bulletin No. 15*, a building is created principally to shelter any form of human activity. A building may be also used to refer to a historically and functionally related, such as a courthouse, a jail or a house, and a barn. A structure is used to distinguish it from building in that those functional constructions are made usually for the purposes other than creating human shelter. So a bridge is not a building. A bridge is a structure. A wall is a structure. A house is a building. A shed is a building. And so on. I had trouble with this early on in my career. Under object, the term object is used to distinguish from buildings and structures those constructions that are primarily artistic in nature, or relatively small in scale and simply constructed although it may be by nature or design movable. An object is associated with a specific setting or environment. A site is the location of a significant event, and this can be prehistoric or historic, as an occupation or activity, or it can be a building or structure whether standing, ruined, or vanished but the location itself possesses historic, cultural, or archaeological value regardless of the value of an existing structure.

So if we looked at Lahaina, and we know that we've got buildings that are standings, buildings that are not standing, we also have vacant pieces of ground but they have archaeological remains beneath them, we also have places where iwi are contained in great numbers or is singular burials, or we have places that were once occupied. There were places in Lahaina occupied by Gilbert Islanders, for instance, up to 1905. The Gilbert Islanders returned to the place where they came from but that place is still associated with

their occupation. Those are sites. If you have a historic building that -- or historic building nomination that has multiple buildings, it's actually a site and it can also be a district, and we'll get to districts as our next item.

A district possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects which are united historically or aesthetically by planned or physically development. Is everybody clear? I'm not clear.

In determining eligibility, we use something called "levels of significance" or "types significance" and they're identified as criteria. Criterion is single. Criteria is plural. That was another one I had problems with. Criterion A, that means -- and I'll just read it verbatim: That are - or it should be "is associated" maybe, I guess it's plural - That are associated with events that have made a significant contribution to the broad patterns of our history. So every nomination that goes out from Maui County includes these criteria, or at least a majority of them. Under Criterion B: That are associated with the lives of persons significant in our past. Or Criterion C: That embody distinctive characteristics of a type period or method of construction, or that represent the work of a master, or that possess high artistic values, or they represent a significant and distinguishable entity whose components may lack individual distinction. Or Criterion D: That have yielded or may be likely to yield information important to the prehistory or history of a place.

I'm going to go back to C. C, and the backend of that sentence, the end says, "or that represent a significant and distinguishable entity whose components may lack individual distinction." The most perfect example of that was? Recent nomination? Lana`i City, right, because if you took those individual buildings, they're not really all that great by themselves, right? They're pretty humble buildings. But if you take them as a cohesive group of buildings, they constitute something very important. As far as Maui County is concerned, they are -- or they constitute the last in tact plantation town left in Maui County that's among the three islands. So even if you go up to Hali`imaile, right, and you look at those buildings there, most of them have been already altered. I think in my last drive through, there were only two that hadn't been altered out of like 50 or 60. So this was really it. And this was a large part of why everybody came out in favor of the nomination except, of course, the owners. Small detail.

Alright. There are other criteria considerations, and I'm going to kinda move through these pretty quickly because this is where it all can get super muddy, and we don't need any muddy in the water today. What I'd like you to remember are Criteria A through D, because those are the major basis that I use to make a determination of eligibility as well as to document the significance of a property for a nomination.

Mr. Fredericksen: Stanley?

Mr. Solamillo: Yes?

Mr. Fredericksen: There's a -- you're talking about Federal, the Federal?

Mr. Solamillo: Well, it's Federal as well as State because the State is modeled after the Federal.

Mr. Fredericksen: Okay, but the State has a, and Hinano can correct me if I'm not quite accurate on this, the State also recognizes Criterion E for cultural significance.

Mr. Solamillo: Okay.

Mr. Fredericksen: Oh, no. They don't?

Mr. Solamillo: Hold on. Okay, I don't have -- I do not have Criterion E. Thank you.

Mr. Fredericksen: It might have just been on the bottom on the thing you flashed. It wasn't in this -- this one that we just looked at.

Mr. Solamillo: But these are considerations. These are the ones that muddy the water. These are the caveats. These mean that these are -- these don't fall clearly within A through E, thank you for mentioning that, and they're additional considerations that you can use to nominate a property. So that's why I didn't want to spend a lot of detail because they contend to muddy. A birthplace or grave of a historic figure, if there's no appropriate site or building directly with his or her productive life. Let me go back to A, I'm sorry. A religious property deriving primary significance from architectural or artistic distinction or historical importance. B: A building or structure removed from its original location but which is significant primarily for architectural value or which is the surviving structure most importantly associated with a historic person or event. C: A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his or her productive life. D: A cemetery which derives as primary significance from graves or persons of transcended importance from age, from distinctive design features, or from association with historic events. Or, E: A reconstructed building which accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan and when no other building or structure with the same association has survived. Or, F: A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance. Or, G: A property achieving significance within the past 50 years if it is of exceptional importance. Historic context have to be prepared for any of the above criterion considerations and individual criteria.

Integrity is something that is really important to all of this, and those are actually the criteria are the first things that you look. Location is the place where the historic property was constructed or the place where the historic event occurred. Design is the combination of elements that create the form, plan, space, structure, and style of a property. Setting is a physical environment of a historic property. Materials are the physical elements that are combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property. Feeling is a property's expression of the aesthetic or historic sense of a particular period of time. And association is a direct link between an important historic event or person and a historic property. So at the conclusion, you have to do a summary at the end of the nomination and you summarize does this property have integrity of location or design, setting, materials, feelings, and association.

Okay, as Ms. de Naie indicated in her correspondence, Maui County does in fact have lots of properties but not enough that have been listed in the Hawaii and National Register of Historic Places, and these were -- the ones which are listed currently were surveyed and recorded photographically in 2007 through 2008 and they will be shortly available on DVD, and this was a CLG, or certified local government project, which was mentioned earlier in a reference to the Maui County Code. The CLG, for purposes today because we're not going to go into detail, provides \$50,000 to Maui County for preservation activities every two years.

Since 2007, Maui County has been producing nominations. The first one was for Pioneer Mill Office, which sits at 380 Lahainaluna Road. The second was the William Kauahaau Kaluakini House in Lahaina, followed by Paia Mantokuji Soto Mission in 2008, 2009 was Lana`i City B-CT, and the most recent one that has been submitted to SHPD is for the Fred Baldwin Memorial Home, which was built in 1910, and we're going to followup probably with a group of buildings that were designed by William Desmond from 1920 to 1930 at the end of the year and both the Desmond properties, which will be a multi property nomination as well as the Lana`i City, which is also a multi property nomination of 80 buildings will be pending.

You've hear mentioned of the Lahaina National Historic Landmark, or NHL, and we dealt with it a little bit today and obviously the question for new Commissioners is: Well, what is the National Historic Landmark? And my answer - and I misspelled - I'm sorry, I'm having problems with my eyes these days - National Historic Landmarks are nationally significant properties that illustrate or commemorate the history and prehistory of the United States. They are the highest tier of historic -- recognized historic sites in the United States. And what's wonderful, because we have a landmark boundary that extends out into the ocean, is that I can take a photograph from 1900 to 1905, compare it with one done for a Japanese postcard, maybe 1919, and look at a photograph today and it looks pretty close to what it did back in 1905, and that's what it's supposed to, but that's looking from afar

from the ocean. When you land, it's totally different. So I'm always asked with: Well, what the heck happened to Lahaina?

National Historic Landmarks are covered under Federal Regulation 36 CFR 65, whose purpose and authority is to identify and designate NHLs and encourage long-range preservation of nationally significant properties that illustrate or commemorate the history and prehistory of the United States. The effects of the designation. The purpose of the NHL program is to focus attention on the properties of exceptional value to the nation as a whole. The program recognizes and promotes the preservation efforts of Federal, state, and local agencies as well as private organizations and individuals and encourages the owners of landmark properties to observe preservation precepts. Properties designated as NHLs are listed in the National Register of Historic Places upon designation. Listing of a private property on the National Register does not prohibit, under Federal law or regulations, any actions which may otherwise be taken by the property owner with respect to the property. That means, you can't stop them from taking it down.

Listing -- and I'll backup I guess, and add my little editorials. We'll get into this a little bit later but again, I want everyone to remember that this was the first district that was created for Maui County - I think it was one of the first in Hawai'i - 1966, okay. That's a long time ago. The process -- there was a lot of negotiations. Ka'anapali was just kicking off or it had just been built. And Pioneer Mill -- Pioneer Mill management backed the formation of the NHL. Why? Because it was a tourist attraction and it was something for people, you know, to do, to visit after they, you know, spend time on the golf course at Ka'anapali. Pioneer Mill, a manager tester, was involved in actually getting a hold of Wo Hing, the temple, and actually getting involved in the preservation of that building. Had he not, it would have taken the same route that the one in Wailuku did by just falling down. So this was a -- this was a really interesting thing. The other major thing was there was a Japanese businessman, he was very influential, and for the lift of me, I can't remember his name today, but he was influential in actually going around to all the property owners who were Japanese and saying, look, this is a good deal and you need to get onboard, and he was a very persuasive negotiator and he brought virtually the bulk of the Japanese business establishments into supporting this and contributing their properties as contributing properties to the district. Okay, that's 1966. Well 50 years later, the descendants, they want out. Seriously. Okay.

Listing in the National Register, this is still under NHLs, makes property owners eligible to be considered for Federal grants and aid in loan guarantees when implemented for historic preservation. This has not occurred in this district. If a property is listed in the National Register, certain Federal income tax provisions may apply to the owners of the property pursuant to Section 2124 of the Tax Reform Act of 1976, which occurred 10 years after this district was formed, as well as the Economic Recovery Tax Act of 1981 and a Tax Treatment Extension Act of 1980. Right now, and I think the State actually provides a tax

break, that if you were the owner of a contributing building to a historic district or a National Register property, you get a tax break, okay. This has not been widely told to property owners, and should have been, but has not been, okay. The Federal grants in aid and loan guarantees also. If we were really going to pursue the way we should, then these things should be packaged up in some kind of facade improvement program, for instance, for Front Street merchants so that we can get the whaling stuff off the buildings and be really from the period that we were, which is post-whaling, and that's plantation period, and help building owners out then you could match that with certified local government funds as well as CDBG, which is community development block grants, because all of these things, at the Federal level and on the U.S. Mainland, are usually packaged together to do this kind of thing, but we're not doing it here.

Alright, because of the way that things have been going, we're on the watch list in Washington, and the Secretary of the Interior prepares an annual report to Congress, which identifies all NHLs that exhibits known or anticipated damage or threat to the integrity of their resources, and we're out there. So it doesn't look really good. I'm telling you this because I don't know what to do. This brings us back to that familiar thing, which is the "D" word. Since 1980 and 2008, we've got lots of demolitions, I don't have a number to give you right now, but every yellow parcel you see has got a demolition on it. The parcels that are yellow and have a little red circle with a number inside it gives you multiple property demos. And proposed demolitions of contributing properties that came to the CRC in 2009 were two. In 2010, there are going to be two more at least. And we seem to have this thing that is occurring within the district where people, for better or for worse, are purchasing properties with intent to take them down, okay. And that's just the way it is. Or we got people that have held on to properties with, you know, the intent, upon retirement, they leave the Mainland, come back to Maui, and take it down and build their dream house. This is just a fact of life. Okay, but I label that the "Ainokea" kind of attitude towards historic preservation or to the district as a whole.

Okay, you saw this one last year. This is under a HABS I. National Park Service issued a HABS Level I Mitigation, which will not be discussed today, we'll discuss that at the next meeting, which is full documentation, architectural drawings, large scale photographs, and historical research and reportage and that cause the owner, in this particular case, was just adamant. That kind of was -- and she's a descendant. It's kind of this new attitude that is coming. If you wanna go back and look at this one, I think -- I forget which meeting this was at, but we'll get into the mitigation requirements for Historic American Building Survey, or HABS documents at the next meeting.

This one was an obvious turnout. I was shocked when it came in and the owner said, "Stanley, I want you to write a nomination." That was a proud day. But looking at it, it's perfect. Take it down, right? This is the "Aikea" example. Windows; doors; floors were gone; roof had collapsed in one section of the house. It was a throwaway. But this one got

back. And you know this is a really important house that we would not have known about had we not saved it and found out about the history. This was the deputy sheriff of Lahaina and Hana.

Okay, the big question I had when I first came back, and I'm a descendant from a plantation family, was: What happened? How did this happen? How do we have the forward thinking in 1966 and, all of a sudden, it's like gone? You go there today and it's like I can't make out -- the landscape has changed so much. So luckily, over a period of five years, which is what it has taken to amass aerial photographs, we have this picture here. This is 1946. Plantation camps are intact. And you could tell that everything else, and I told Commission Members who were here over the past several sessions, you're going to see these photographs until you get sick, look at how much vacant land you got all cultivated in cane, alright? So you can chart from 1946, that's when that school building, by the way, Kamehameha III was standing this morning, 1960, that school is gone. The new buildings are there. We got a new harbor. And you could start seeing the landscape begin to change.

Mr. Fredericksen: Stanley, that photo is --

Mr. Solamillo: This is 1960.

Mr. Fredericksen: Of Lahaina Harbor is '60?

Mr. Solamillo: Yeah.

Mr. Fredericksen: Do you know when the harbor was ...(inaudible)...

Mr. Solamillo: I don't know have an exact date.

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

Mr. Solamillo: Yeah, it's -- but this would appear -- this would have appeared on this photograph which was taken in '60, okay, but you can see -- you can start seeing some changes. And over time, all those cane fields urbanized. So what started out, this is 1987, you could see you got all sorts of development happening, subdivisions popping up, you know. In '97, wow, lots of concrete, parking lots. That's the last one, '97, so that's pretty close to today. Then the State comes in and wants to put in a new pier and expand the harbor further, and everybody just seems to keeping want to take this place apart. So I don't know. I've tried every angle. I'm going to fine ya. Be a nice guy. It's your history. Nah, I no care. So the interesting thing, and what Kalei reminded us of, is this was the Hawaiian Capitol, right? And the Hawaiian Capitol was overlaid with missionary and overlaid with a whole bunch of other people on top of it to the point where you lose site of

that history. I think of, in one of our presentations, this Hawai`i really, historically, competes with Argentina and Brazil for the amount of people that were brought from abroad to colonize it. It's really amazing. So we got this incredible place at the end of the NHL and we're just looking at that northern most corner, and this was a County sponsored project so I'm telling you kind of the challenges exist not just between the CRC and the public, or Joe or Mary Public, they exist between the State with new harbor, they exist between County, you know, departments, and this was a case where they wanted to put a recycling center adjacent and across the street from Jodo Mission. This is really serious. So I mean you kinda walk around the site. You know there's something historic there. You don't know really what it is. But it's Pu`unoa Beach, which is a wonderful beach. If you go and stand out at that point, and look in two directions, it's awesome. You're out there surrounded on three sides by water. It also has burial grounds, several. The kanaka burial grounds are at Pu`upiha Cemetery, which was much larger than it is today. It is only a fragment of what it was. There's also other names associated with the place. One is Pu`unoa, which is a name that appears to have been given because a chief - help me out here. What is the chief's name?

Ms. Kanuha: Kepakailiula.

Mr. Solamillo: Thank you. Okay. The chief called for a time of freedom of the people from fear, of war, or death as a result of the disagreement between the chiefs, Kepakailiula of Hawai`i and Kaipikaananea of Maui. And that's part of an old oral tradition, and I think Kepa had found out for us, in the short abbreviated name "Pu`upiha" Cemetery literally means "filled hill," but that's a part of this history that's kind of disappeared. And then we have Chinese graves, Chinese alters, Japanese graves, and then we have Lahaina Jodo Mission. And this is one of these places where the buildings are newer. They were built in 1968 because a fire took out the original temple. But because they're so spectacular and so important in their own right, this is one of those considerations that we were talking about, right, those criterion considerations. It also has -- we also have a temple. We also have a pagoda, a shoro. The largest Amida Buddha outside of Japan. This was the original temple in 1930, The congregation started in '12. This was how the congregation looked in 1937. And they came from nearby camps: Pu`ukoli`i, Marayama, Mill, and Lahaina. Pu`ukoli`i, or Puukolii as it's known in the vernacular, was the home of Milton Murayama, who first wrote what we know today as plantation literature *All I Asking for is My Body*, and my paternal grandparents lived there.

Jodo Mission also has this other oral tradition that we don't know about, a refuge for strikers. And the oral tradition, which still needs to be defined, is that the fishponds of Moloka`i fed the strikers of Lahaina because the Hawaiians brought fish from Moloka`i to places like Jodo and kept the soup lines going. Congregation members were also from Baldwin Packers and Honolua Ranch. There was a fishpond here. This was one of the rare places where we had an inland fishpond. It also has military history. There was a

wireless station with a wharf and wharf agent from 1920 to '41, and then I believe marines took over under marshal law after the bombing of Pearl Harbor.

This is the Pioneer Mill Camp map from 1930. That's the location. 1949 aerial.

Mr. Fredericksen: Hey, Stanley?

Mr. Solamillo: Yes?

Mr. Fredericksen: Do you have the pointer handy?

Mr. Solamillo: Yes I do.

Mr. Fredericksen: Could you show us about on this map where the previous map about where the District 1 ends?

Mr. Solamillo: District 1 is not even here.

Mr. Fredericksen: Or the NHL.

Mr. Solamillo: Oh, the NHL is right -- it's gonna be down here.

Mr. Fredericksen: So it's kind of ...(inaudible)...

Mr. Solamillo: Yeah, actually it comes downs here.

Mr. Fredericksen: So it does come down Mala?

Mr. Solamillo: Yeah. And it comes up here this way, goes that way, I believe. No? I take it back. It goes up this way to this route -- no, you know what's wrong here? This is Mill Street, okay. It was an unpaved road. I'm sorry. I need to speak into a mike. This is Lahainaluna Road here. When they put in Honoapi'ilani Highway, the highway comes down here, right? So it takes out one, two, three, four, I think it takes out these plantation barracks, at least four of them, and this is the new location of the highway, and then it hooks over here or it comes down here - it hooks around somewhere. I don't know. The site of Baldwin Packers. So you'll see it in the next slide. Nope, '49. This is it here. You can see the church that I was pointing to was here and it went right through the barracks, came down this way, came over here, okay. So the district was formed that came up this way, I believe it comes up like that, then follows the highway, and continues that way. I think it zooms north and then comes down that way. It includes that little piece so it picks up that church.

Mala Wharf became the destination for the U.S. fleet, based out of Pearl Harbor. So there's lots of stories about the U.S. fleet showing up and, all of sudden, was disembarking and flooding Lahaina. Japanese fleet docked on the other side of the island at Kahului. After the bombing, we had internments so we had lots of Japanese or, in this case, it was just the reverends and their families. But I think there's other indications that we've got other things that happened and what isn't documented really are how many Japanese lost property and lost businesses. There was a lot of -- by order of the military governor or by order of Maui County acting on behalf of the military governor. Many Japanese lost lots of property. This isn't part of the, you know, the official history that we read. But if you go to the Bureau of Conveyances and look through these libbers or large volumes, you will come across dozens and dozens of names and it's pretty amazing. So that's for a research project for somebody. Another dissertation.

Living culture. This is something that is -- that takes place here because it is alive, and this is O Bon and people from Japan come here to study O Bon here in the islands because it lasts three months. It does not last three months in Japan.

Okay, now, we get to what's underneath all of the stuff on top. This is the entry to my valley, it's not my valley, but it's my temporary home. Because I try to remind myself and I try to remind most people that I meet is that this really isn't your place. No can. It doesn't matter how much you have, you know, cause it's someone's home and someone's homeland. It was occupied for 1400 years by an indigenous people. So this brings us into another area that we just touched on briefly when we did a workshop on traditional cultural properties last year and so all the new Commissioners, when I get to May, will get big thick binders with all the regulations that you need to know about traditional cultural properties. What this opens us up to being able to do is to finally begin taking those intact remnant places that remain and say, and this is if we can get vocal kanaka maoli support, can we preserve this place; can we nominate the entire place, okay. So you could go down to Keanae, right. You can go to these places that still retain the old way of life and save them or attempt to save them. I love lo'i. That makes me smile when I leave in the morning and when I come home at night. Somebody had the audacity to tell me, oh, you know, it was a misuse of water. It really wasn't that efficient. I said thousands of people for thousands of years, you know, what's your problem? And your point is?

Okay, we begin with deal with rural historic landscapes because when you deal with a place that is a destination, like Maui, alright, people come from all over the world and they want a piece of it. They want a piece of paradise. You will find that over time, your paradise begins to erode. The buildings that get built look like somewhere else. Your whole sense of place seems to erode and all those places that you remember disappear. So there are things that we do which is to try and preserve these rural landscapes and it's pretty broad so it includes evidence of human activity or use. There's 11 landscape characteristic -- characteristics, plural, land uses and activities; patterns of spatial

organization; response to the natural environment; cultural traditions; circulation networks; boundary demarcations, those are those walls; vegetation related to land use; building, structures, and objects; clusters; archaeological sites; small-scale elements. Then you do the same process that you would for a National Register Nomination: identify the rural landscape, develop a historic context, conduct research, survey the landscape, define a significance, assess historic integrity and select boundaries, and complete the National Register form, which any individual can do. We had citizens come in here saying that there are historical Hawaiian battlefields, which are being destroyed, right? The year before last and last year and we had at least try and deal with the problem or the opportunity - however you wish to look at it - and this I'll probably defer to Hinano cause he knows it better than I will ever know it. But there is some basis for looking at this under cemeteries and burial places, at least from the Federal level, and we've got NAGPRA, which is the Native American Graves Protection and Repatriation Act, which sets out the rights of Indian tribes and native Hawaiian organizations regarding human remains, funerary, and sacred objects and other culturally significant objects for which they can demonstrate lineal descent or cultural affiliation. And then references, examples, and brief discussions of prehistoric burials appear throughout both in '41 in recognition that they may be eligible for National Register listing as well. So all those caves at the end of the valley, right, that's all eligible, but you don't want people to know where the caves are and that's a big issue and probably why they will never be nominated.

Traditional cultural properties. I drummed this over several times. It is associated with cultural practices or beliefs of a living community that are rooted in that community's history and are important in maintaining the continuing cultural identity of the community. Living history. Those elements of the culture that are still practiced and valued in the present day and that maintain the vitality of a cultural community. A traditional cultural property, or TCP, must be rooted in the physical environment, however, and therefore is concerned with the way in which extant properties play a part in the community's historically based, but continuing beliefs, customs, and practices. And a TCP must have tangible aspects to be preserved thus fulfilling the purpose of the National Register. These are things we haven't even attempted in Hawai'i for the most part, definitely not to any great degree on Maui. Once designated, TCPs are subject to the same controls and benefits that apply to any property listed on the National Register. All those tax opportunities exist. You still have to apply National Register criteria with traditional cultural properties. You still deal with integrity. You still deal with all those criterions. It has to be 50 years of age or older, as must all your buildings and structures. You have to document the significance. You have to have boundaries. And you have to satisfy all the National Register criteria.

Avoiding ethnocentrism. And probably I'm as guilty, when I came home, I hadn't been home in 30 years and I wanted to reconstruct my family history. But that's mostly plantation cause I can only point to one piece of paper and one individual who landed in Lahaina and went to Pu'ukoli'i Camp, and the camp probably starts between 1900 and

1905, so it's a modern construction, right, and that's what I wanted to do. And then I found out there were like 42 camps that Pioneer Mill ran and I was going, well, I can't just write about one, I gotta write about a whole bunch, and then I found out that, oh, my family remarried Hawaiians at rural Hana. So it changed my world drastically. But I still suffer, from time to time, from ethnocentrism and I'm guilt.

Mr. Laborte: Can you define that for me? I'm just very curious to hear your definition of "ethnocentrism." Just in general. Like people will throw out that term all the time but I'm curious to hear what it actually -- what it means and even your definition of "sense of place." There's very few people have that -- ever used that particular term. Like there's only a few that I've know that have actually used it cause it's so intrinsic. Most of these words are extremely intrinsic, which means that they're based upon our own personal feeling before going out, before making something global. So I'm curious, when you said, you know --

Mr. Solamillo: I'm schooled at a western university, okay. I learned to speak English. All of the languages were devoid from my life, okay. I didn't learn Visayan. I didn't learn Tagalog. I didn't learn anything. My first language was French. Then I studied Latin. Then I studied Greek, Russian. Well, that's great. Where did I end up? No training in any Asian language. No training in Hawaiian, right. I was taught to value things that are European. I was taught to value things that, when I studied architecture, that were modern, right? ...(inaudible)... was the model. He is an iconoclast. He destroys everything that has come before him, and he preaches that destruction, okay. So when you come through that, the series of systems, and I also got my undergraduate degree in anthropology so I was trained to look a certain way at culture. I think it only happened later in life that I began to get a sensitivity that I didn't have earlier in my life. And when I started out and wanted to work in anthropology, I wanted to work in the Mayan area in Mexico, and I studied Spanish, and it didn't happen, and that's okay. But you find out is that you begin to look at -- you have a certain way of grading art, iconography, architecture. It sets up all these things. So anybody that doesn't meet a threshold to hear, you know, you're really not worth my study, alright. When I came back to Hawai'i, I was looking for something. I was looking for childhood memories, and those childhood memories were waterfalls. The waterfalls do not exist today. I was looking for these glimpses of things. I would ask a cousin where was this thing? Where was this place? I remember Mala Wharf when there was a store there and a newspaper stand right next to the wharf, right. They're just glimpses from childhood, but I remember, and I came back looking for those things and, luckily for me, I was able to get a hot dog at Maalaea Store before it closed. But those started the lost of those things. And I had seen it on the Mainland where they scrape, they will scrape acres and acres of land, of everything so that rural landscape that I talk about gets destroyed, and new people move in, and the old or any memory of it is gone. The more I studied Hawaiian history, the more I became conscience of ethnocentrism from the fact that Hawaiian history is colonial history. It has been written by a lot of colonial people. And it is written to ensure that there

is a -- that society is stratified here a certain way. So in the post 1970's Hawaiian renaissance period, I would expect all indigenous people to want, and to some degree people have, tell their own stories and define who they are in what way that they are. But still today we get - I call it the "neo-colonization period," or the "new colonizers." Would people want to continue this whole thing of erasing the throwaway people whether they're pineapple workers who have been recently laid off, or pineapple workers on Lana'i, you know, or I ask questions about what has happened to our Hawaiian families at such and such an area. The Hakuloa. Places like that. I became more aware probably from studying, but I'm still tainted by ethnocentrism. I came here to do one thing that was to study plantation history, you know, I concentrated on industrial railroad and stuff like that, and labor history, and then all of sudden I have to deal with all these other things, and I was resistant to it at first, but I had some very understanding teachers and they convinced me, okay, this is live, right, and they told me -- and I -- you know, what was important and I always remembered that my favorite memories of Maui come from my Hawaiian uncle who took this redhead kid around and was showing him off. He taught him how to fish. So those -- seeing the way that the island is going, or the islands of Maui County are going, I become more and more conscience of the loss. Go down to Makena and look at these incredible Hawaiian walls and then see people planting their houses right in the middle of them and through them and I kinda go -- and I'm, also later in life, I'm superstitious, so I will not walk on a heiau. Period. That's just me. ...(inaudible)... come, oh, you wanna go? Nope. But that's how I feel and -- so I don't know if that answers any questions because it's kind of a roundabout way of describing it but after you live on the Mainland, you know all about erasure and you don't wanna see it happen here.

Mr. Laborte: No, you hit it smack dab on the head. Instead of being an ethnocentrist, I think you've bridged what you would say, you know, cultural relativity sits on one side and ethnocentrism sits on the other side, and such they're so different in the polar ways. Once, you know, we live in the individualistic society of the western world move here ...(inaudible)... the society you realize that ...(inaudible)... the societies have this whole idea that if you're not nice to your neighbors, they're going to throw you to the sharks. Here it's very simple to do that. There is water around us. Or the nail that stands out of the peg will get pounded back down. Whereas, you know, you don't like somebody on the Mainland, who cares. You can move halfway across the country, you're not going to see person X, you know, for that long of a time, but you've bridged what we would consider, you know, to be ethnocentric, which is putting our cultural values, beliefs, ideas, artifacts, presence then somebody else's but you went to the relative, which is to take that step back - I would say and look at it in the all encompassing view because anybody could say that, you know, I'm culturally relative, you know. I understand these things. But it's really more of a you can't become culturally relative until you actually take a stand and say we all have ethnocentrism and take that step back and look at it in that regard. You have an appreciation for all things now I believe that, you know, are across the way and, you know, we talk about considering my field and like, ironically, my specialty, so I'm always curious.

Everybody brings about the ethnocentrism back and a lot of people just say that, you know, it's kind of like being racist when it's really not. You know what I mean? You know, it involves so many more different construct to that particular ideology that's the only way for people to play themselves, you know, not to be one or to be one, but actually taking a step back. So I think that was a very poignant thing that you actually were able to convey your answer, which I didn't was roundabout. I thought it was extremely poignant to that.

Mr. Solamillo: You know, based on that, I'll blow through this. The mythological or the oral traditions here are really stunning and I think I've only gotten glimpse of it. I think I was really challenged here at first, and I still am, so I will always ask Hawaiian speakers to please assist me from time to time because I am challenged by the language, but I wish I could read it. I mean I think that the key to everything really is if we can just unlock all the Hawaiian language newspapers, everything is recorded, and that's what I believe. But anyway, if you were an archaeologist and historian, you describe inhabiting these islands in the context of settlements, which resulted from voyages taken in canoes across the open ocean and you kind of -- we always miss that mythological point that this is a place with a purpose. The islands have a place and a purpose, and the people are indigenous to the place, and that's getting back into the unseen world and why such places, as Haleakala or Iao Valley, or Pi'ilani Heiau, which is outstanding, are so important. We're running out of time so trying to make it all work for me, and create also educational tools, I created timelines actually, and we don't have time so I always kinda boil it down to it all begins and ends with the land or ka `aina, which it really does, because every -- all the challenges we have today are about land. They were initially about land, and it's the same stuff. The names and faces have changed. But anyway, if at some point, we have this timeline, and what's probably unique about it is we key in these nice little changes that occurred in Hawaiian law to allow land to be taken. And if you look at the newspaper, you still have quiet titles that exist today. This was the most - because I'm a researcher and I spend a lot of time in archives, that's where I prefer to be - this was the most unbelievable find that I've ever had, and I was looking at Lana`i land records over at the University of Hawaii, and they've got lots of deeds there going back to the 1800's, this is Kamehameha IV, they have the Baldwin deeds, land sales, which was Baldwin signatures, it would be 1922, this disturbed me. Alright, this is a geneological chart drawn up by a real estate agent who wants your land, okay. This truly disturbed me because it said to me the lengths that people would go to find out who owned the land, or who potentially could own the land so that you could acquire it. That means that you were specifically targeting persons to acquire their land, you know, and I kinda go, well, what? Why didn't you just give him a royalty? But that wasn't part of the equation. It's really been about ownership and complete control. So -- so you've got these really, you know, and I share these with Kepa, all the land records and all of this, and I said, you know, this is another thing that needed to be looked at because it was purposeful. On the flip side of that, not every Hawaiian is a victim, and we have Moses U`ele, I think it is, in Lahaina, who challenges Pioneer Mill, takes them to the Supreme Court, and wins, and says get your railroad off my land, right,

and we've got instances like that and it's in the telling of the history here I think what really needs to come out is we really need to tell the truth and say what happened really, you know, so that we can understand it and teach our children to deal with it better than they're able to deal with it today.

Okay, last slide and then we can -- any questions?

Ms. Marquez: Regarding demolitions --

Mr. Solamillo: Next meeting.

Ms. Marquez: You know, I don't know how to reword what you said, however, something eluding to we can't do anything about it? Help me understand that.

Mr. Solamillo: No matter -- well, the "we" comes from what law you're empowered with whether by local ordinance or state law or Federal law, and in our system, property owner's rights rule, so we cannot officially tell anybody, no, you cannot tear this down. The maximum that we can do is what we do which is to order the preservation of that building, if you will, through mitigation. If it's an archaeological site, then we're going to tell you to mitigate the whole thing, you know. If it's a building or a structure, it's complete documentation. So the emphasis of that is that you are preserving a record of it, which preserves, you know, whatever information can be gleamed from that. And with the simplest of houses in Lahaina, I have found that they're usually attached to, you know, in the case of Kaluakini, very significant people, or people who did make, you know, real contributions, you know, the township, and it's really unfortunate that we're at this late stage of the game. But no, property owner's rights rule. So technically -- I mean I'm getting calls now from people who own sites in East Maui, Kipahulu, 1974 that district was formed, right? I got a guy coming in, well, you know, the chimney's going to fall down and it's like, dude, you know, how long have you owned the property? Oh, since eighty something. I said you've got a responsibility. It's like tenting your building, you know, to treat it for termites. You don't just buy something and let it -- that's called -- you know, let it languish, that's called "demolition by neglect." You know, but it's a real changing animal now that we have to grapple with and in a review of this information, I hopefully -- you'll have to do some background reading because you should read every ordinance and then when we get to doing ordinance amendments, which I hope to do before the end of the year so at least by fourth quarter, you need to be grappling with -- do take some time to think about it. How could we make it better? You know, and I'm not for taking away people's property rights, but I'm not for this place becoming Plano, Texas either with nothing but strips, strip shopping malls and big subdivisions. This place is really really important. And the other thing I think that I'll harp on constantly, place names. Puamana, I said before, is not a real Hawaiian name. It was contrived during the period when so-called kama`aina families, you know, made up these names for their houses. But for

County Government to then take that name and use it for a public park and replace the original Hawaiian name, you know, this causes a lot of problems because, especially for kanaka maoli, your genealogy, everything, your religion, landownership, right, tenancy, all of this stuff, this tie implicitly to these names. So anyway -- does that answer or no answer?

Mr. Fredericksen: Any other questions for Stanley?

Mr. U`u: I got a question.

Mr. Fredericksen: There you go. Bruce.

Mr. U`u: And thank you, Stanley, for the history. Was awesome for me. And, you know, I guess we all balancing what's happening now with the past. And I understand a lot of reasoning, but what are the negative impacts, and when I say "negative impacts," it depends who you ask? I know when I was on the Planning Commission, I had -- we had homeowners, local homeowners who, when you get different zoning for your property, say the demolition permit, you going have to hire consultants to get your -- do anything you need to do for your house cause it's designated in a State historic preservation area and then it overlaps with an SMA application, so get all these layers of rules and regulations and ordinances that is placed upon a property, then you got zoning that are placed on top the property where it's almost hard to move and very expensive to just exist. So when you get homeowners that born and raised here, and they cannot move, and they cannot even afford one consultant cause we get these layers and layers of rules, they end up selling. How do we protect those people, and how do we discourage those from coming in? Cause you're adding one thing to protect, but at times it restricts the average, and that's why people selling. They cannot move. My mom is caught in an area in Kuau, yeah. The highest property tax increase. Granted, get ways you can do 'em. You know, get circuit breakers and stuff you can do. But we're surrounded by millionaires and the only way -- and it's in the SMA area. They just going have to come up with the money. And to renovate, to not demolish, or to renovate, it's expensive. It's very expensive. And if you renovate the existing, which is redwood, it's almost insane. It's suicide. What do you do?

Mr. Solamillo: We haven't looked at it. We should look at it. I -- you know, when we add to mitigate National Register eligible properties for low and moderate income people, the County pays half, you know, and then I -- you know, the first HABS bid I had from a Honolulu contractor was \$50,000. I got it down to 5 now, okay. And the County picks up -- I write most of the HABS stuff for Maui County. But the issue of if all the people subdivided around you and all of sudden you're living next to millionaires, nobody has taken a look at that. Really. And the other thing, if you have a National Register house, and you live in it, your property tax gotta drop to \$100 a year, but you gotta file the paperwork on it. And I would really challenge, I think, because no one has looked at it, that this is a perfect

opportunity. This is where if you wanted a Hawaiian organization, like Keeaumoku Kapu's organization, if you're going to be a Hawaiian organization for preservation, preserving people on their land, who have historically been removed, cause this was always the way in the past, you just put your name in the newspaper right front page, back taxes for the year 1910, and then you get hit, but it's like we should have those services available at least at a graduated cost, you know, for people who are local or poor to moderate income people, or we just do it, but no one's come up with a way to do this.

Mr. Fredericksen: ...(inaudible)... in the place and for landowners living on the property.

Mr. Solamillo: Correct.

Mr. Fredericksen: Not like it's their fourth or fifth house --

Ms. Kanuha: Yeah.

Mr. Fredericksen: From wherever.

Mr. Solamillo: But we haven't looked at creating, you know, what is the need, if this is really an issue, and I believe it is, then we should find ways to help out our indigenous people in keeping their land.

Mr. Fredericksen: Yeah, and what Bruce, the point that he brought up, it's really interesting because, you know, just as soon as he said Kuau, cause I was thinking even before he said it, I was thinking, oh, Kuau, Makena, there's some places in Lahaina, I mean it's just like I mean all the land values all around have been just blown out of the sky.

Mr. Solamillo: So there should be a waiver, right? We should be able to waive certain things. If it's for a 70 or 80 year old woman, anybody over 65, you know.

Mr. Fredericksen: ...(inaudible)... residents --

Mr. Solamillo: Right.

Mr. Fredericksen: Where it's not like for somebody trying to -- what's that term realtors use? Flip stuff. Whatever. Just trying to make sales and do all that kind of stuff.

Mr. Solamillo: You know, I would hesitate to do or project my personal opinion but I think Lahaina is over regulated to death. It's been thrown up in my face as the very reason why we don't want any historic districts in everywhere from Makawao to Paia, right? Yeah, and it's like getting slapped every time I even open my mouth.

Mr. Hutaff: Just kind of along the line of I think Bruce is trying to say his family is in is that, you know, creating a method or a law or a design to try to protect something, you know, is not always good in the end. It creates paperwork, cost, and things like that. For the protection process, it actually makes it impossible for the person that you're trying to protect to afford it and impossible for those who don't care about it to buy it.

Mr. Solamillo: So what you do then you move to create an exemption.

Mr. Fredericksen: Yeah.

Mr. Solamillo: Okay? If this is where we're at, then you are empowered as a Commission, if it involves cultural resource stuff, to maybe look at an exemption.

Mr. U`u: And the point I bring up is basically some of the locals on Front Street. I mean we take up the property tax where we are. Everybody pitch in, kick in, but --

Mr. Solamillo: You should be able -- are they living there?

Mr. U`u: Oh yeah.

Mr. Solamillo: Then they should -- if the buildings are contributing, and the tax office is not going to volunteer this information, you should be being capped at \$100 a year for a contributing building.

Mr. Fredericksen: Does that have to be listed? ...(inaudible)...

Mr. Solamillo: You're in. All you gotta be have a -- what I probably need to do is take pictures or you haven't send pictures to me. If the thing is in tact, wood windows still there, the building look like it was, you know, in 1940?

Mr. U`u: No. No.

Mr. Solamillo: So that's the problem. If they've changed it.

Mr. U`u: That's what I'm talking about.

Mr. Solamillo: Okay, but if they wanted to take it back, you know, to make it look like it did and make it a contributing building, then you'll get your 100 cap. But that's the reverse thing of what we've got now where people are coming in to tear down and to flip the property up. Cause, frankly, I'd love to see the old families remain because once all the old families leave Lahaina, we're done for. So -- but that's something -- if you want those issues on an agenda as an agenda item, you know, you have an opportunity at the end of

every meeting what you want on the next agenda. So if we wanna begin to -- they're tough issues, but if we wanna begin to try and get around this trend that's happening, which is just gonna make everything real different, you know, we should probably look at them.

Mr. Fredericksen: Stanley, I've got a question. Didn't we have a mechanism for keeping an agenda item on or that was not acceptable?

Mr. Solamillo: We were told that was not, by Corporation Counsel, we do not do that anymore.

Mr. Fredericksen: Okay.

Mr. Solamillo: I can't have the floating -- the floating agenda item.

Mr. Giroux: But that doesn't stop you from putting it on every time. I mean it's just you can't just say, "talk about stuff," you know.

Mr. Solamillo: Front Street.

Mr. Giroux: Front Street, right.

Mr. Solamillo: The floating agenda item.

Mr. Hutaff: I'd like to finish that one though.

H. DIRECTOR'S REPORT

1. May 6, 2010 CRC Meeting Agenda

Mr. Solamillo: Okay, anything - let's see - anything for the May 6, 2010 agenda besides the deferment of the Kamehameha Elementary School sign? Kamehameha III, sorry.

Mr. Fredericksen: Did we wanna get back to Lahaina stuff about, Ray's brought it up several times, about trying to get a mechanism in place so the County can be generating money from the parking lots that are owned and funding a historic, whatever, district person, enforcement person?

Mr. Solamillo: We've got a -- the truth of the matter is the financial times for the County, I think we're look at 40 to 42 million deficit. Any kind of cash raising, you know, would go towards that. I'm even -- I'm lucky if I can hold on to a HABS budget right now. They trying to ax that too. I don't know how to -- the only thing is Feds. I wanna go get Fed money. This is -- if you did a facade improvement grant as a one-to-one match with a merchant,

you know, merchant's contribution, so you split the cost 50-50, you know, you could do what I think should be done, you know, let's get the windows right, let's get a new paint job, get the gutters that should be on the back of the building to the back of the building instead of the front, you know, take off that little whaling figure head that belongs on a boat, remove it from your 1913 bank building, which is way post whaling, but we could do that cause, virtually, I think I did a tour with Theo Morrison, with Lahaina Restoration, and we looked at all the buildings on Front Street and, you know, if we were by the book, it wouldn't make it.

Mr. Hutaff: I think that we gotta kinda take a stand in Lahaina for -- we have these rules and laws in places. We've had permits that have been received with conditions and the conditions haven't been met. There's a ton of violations, some on purpose, and some just out of ignorance. And I think that what we were trying to establish way back when was, okay, we need to get the people who live and work and own in Lahaina to understand what they're responsibilities are within the historic district. And since there was no one to go and tap them on the shoulder and say, you can't do that, or you need to do this, or you've done that, you need to kinda undo it, that that's what we were trying to establish was this kind of individual. In today's budget climate, they're going to look at, in my opinion, how do you fund something of that nature, and is there truly a need. I think we can establish the need. I think we know what is the need. I mean being on the Cultural Resources Commission and finding out that we're responsible for the Lahaina Historic District and then find out that the Lahaina Historic District is known as the biggest joke there is, is shame. You know, and it's so shameful it's like do I wanna say I'm part of the Cultural Resources Commission or do we wanna stand our ground and try to make it work? So funding to me would be the issue cause we can create need. I mean we can't create need, we can show the need, and I don't think anybody's going to disagree with us that there is a need. It's just how do we fund this individual and fund these programs, and we have the ability, the knowledge to fund it. Your concern is the way the budget is they're going to say, oh yeah, that's a really good idea. We can generate 9 million dollars a year and we really need it to get rid of our 41 million dollar deficit. I don't know exactly how that works, legally, but, to me, if we do nothing, nothing's done.

Mr. Solamillo: So what do you want?

Mr. Hutaff: Stan, what I want and what I can get are two different things sometimes. I'd like to -- you have more knowledge than I have on what's workable and what's not, it's just that I am going to bring this up again and again and again because I think it needs to be addressed. If it's something that, in your opinion, is going to slow us down, hinder us from more important things, I value your opinion.

Mr. Solamillo: Lahaina NHL, when it was created, was a district, right? Maui County could have established a district that had the same boundaries. Maui County chose to create two

separate districts. One, I read the description of this morning, that acknowledged that that was -- there were historic properties involved. Number two, which I did not read to you, was that Historic District 2 is a theme only district and that there are no historic property, and at the time that that was written, that was incorrect.

Mr. Fredericksen: Yeah.

Mr. Solamillo: So I don't -- from the beginning, I believe, it was challenged in its intent and how it's been carried on, and we are now at that crucial land game where, okay, we don't have enough buildings now. We had a Commissioner here, who will remain unnamed, but that person wanted that district be listed and moved with, you know, petition the Park Service to do actually that. There is a professor at UH who still seeks the same, I look like the idiot - now who's the guy? It's not the one with the -- the finger in the dike, or chasing windmills, Don Quiote, that's says, no, we cannot. The only thing that will truly save the district, ironically, is its kanaka maoli history.

Mr. Hutaff: And that's right.

Mr. Solamillo: That is what will save the district. Moku`ula, if it is rebuilt, it becomes the biggest historic site in the district, and what I tried to tell, I think, various representatives of the business community is you gotta change cause change is coming. But I cannot get that to ring through there. I don't know what it is. It's like can't you see it?

Mr. Hutaff: I've had the same conversation with some of the business community leaders. There are two, and I can tell you that there are a couple of ears who really have a vision and part of establishing what we're supposed to be doing for the Lahaina Historic District is actually the beginning of bringing more knowledge about what was there before. The problem is if we keep -- you know, "compromise" is such an ugly word, and when you talk about people who come from the Mainland and stuff like that, they come to visit a place, they come to live in a place that's attracted them, and their thought process is but I'm only going to change my spot, okay, and two million my spots later, we have no spots.

Mr. Solamillo: That's right.

Mr. Hutaff: Okay, so for me looking at the Lahaina Historic District, to tell you the truth, I think we've got the wrong dates there as far as it being a historic district. I think all of you know, at least most of you know how I feel, 1901 is not the beginning of Lahaina, okay, not even close, but if we don't protect from 1901, how can we go back? Okay, if we protect from 1970, can we go back to 1901? Can we go back to 1800's? Can we go back to the 14th century? Can we go back to 300 A.D.? We have to, you know, stop the, oh, just my place. Just my little hole here. And you have to kinda jump forward and do that otherwise it just keeps evolving and evolving and evolving and Moku`ula is such a great concept and

too value to the culture but if you don't protect all the rest of it, it too will be just a great monument in a very small area that has less meaning than it really should have. It should have a greater meaning. A hundred thousand people lived in Lahaina at one time.

Mr. Solamillo: That's right.

Mr. Hutaff: A hundred thousand people. Can you imagine what kind of food resources, what kind of lo'i, kalo, breadfruit, fishing? All those things had to had to be there. Try to image that. How did they do it? Well, it also prevented more people from coming in, believe it or not, but those are the things that I think that for me, personally, in my life, before I go, is I'd like to have a part of that - bringing back history and the culture because we're all a product of where we came from, okay, and some of my ancestors weren't the coolest people in the world, and some are really cool, and our role as human beings in life, I believe, for our legacy to continue is we need to do the very best that we can today to undo any wrongs in that past that we have had and they give us the foundation for our future generations. And for future generations that don't have visual path backwards, then they too will go out, you know, I just going make this little place a little bit this way. We gotta keep it all. It's important, okay. It's aloha. The place.

Mr. Fredericksen: I've got a question, Stanley, but since it came up, Moku`ula. Status on the data recovery plan? Nothing? No update?

Mr. Solamillo: I have a meeting on the 7th.

Mr. Fredericksen: Of this month?

Mr. Solamillo: Yeah. And if you want me to do a report -- I've been asking: When are you guys coming back to Commission with a, you know --

Mr. Fredericksen: And then has the State reviewed the plan, the draft plan?

Mr. Solamillo: I think it's reviewed. I think changes have been made but I don't know.

Mr. Fredericksen: Could we be copied whatever, you know, on the correspondence?

Mr. Solamillo: Yeah.

Mr. Fredericksen: I thought that ...(inaudible)...

Mr. Solamillo: I thought we were supposed to be anyway but I haven't gotten anything.

Mr. Fredericksen: Cause I specifically remember in the meeting --

Mr. Solamillo: Correct.

Mr. Fredericksen: You know, many of the different of us were going, oh yeah, we need to be involved to see what -- see what the correspondence ...(inaudible)...

Mr. Solamillo: Not leaving Lahaina yet, I think one thing we need to think about, and I'll start touching on it at the next meeting specifically, the history in its reality is much more rich than we can even imagine. Pu`ukoli`i, in my childhood memory, is actually filled with Koreans, and Hawaiian, and Chinese, and has a school run by a German headmaster, right, you know, in 1905 or '07, and I said, you know, this is like can you imagine all these elementary school kids with that German guy? And then the Gilbert Islanders, large community, what are they doing? On the census, they're making hats for laborers. Largest number of Hawaiians are engaged in fishing, alright. So you get this whole system that the Hawaiians are feeding all these plantation workers that are coming here and it begins to paint this very different picture than what we read in the history books, and it's just like, come on guys, this is really -- you know, the ability to see these things, and that's why very little census research has been done historically here. We've got a colonial history. You know who, you know, is set up to be a part of that, for the most part, but we've got all this other stuff and it's like when you put your hands in the sand the sand, you know, goes between your fingers. That's pretty amazing stuff. So just -- I think, quite frankly, Maui County's history needs to be reread and I felt like that for a while, but more so now, you know, it's the new things that I'll be sharing with you - pretty spectacular. But what is hard now is to get the business community to say, okay, look, you've been doing this, this is okay, you can do better, you know, and that's actually people like yourself, Ray, you know, because you have that ability. I just gotta get pissed off at them. What you doing, stupid? But if we took all of those grains of sands that I talk about, you know, and you tell the truthful story, it's very powerful. Yeah, you gotta deal with the pain and the garbage, but you come out at the other end, oh, so much more rich for it.

Mr. Fredericksen: I'd like to request, as much as possible anyway, to have for the next month meeting to have an agenda item on just an update on what's going on with Moku`ula --

Mr. Solamillo: Okay.

Mr. Fredericksen: The whole project, the data recovery plan, the -- and also if they've made any progress going for a World Heritage Site designation.

Mr. Solamillo: Okay.

Mr. Fredericksen: Bruce, did you have a question?

Mr. U`u: Yeah, I just like know what days we meet.

Mr. Solamillo: First Thursday of every month.

Mr. U`u: First Thursday.

Mr. Fredericksen: So the date always is going to be different but it's whatever the first Thursday is, like this one's the first of the month, next month I think is the 6th. So it's always the first Thursday.

Mr. U`u: First Thursday of every month. Okay.

Mr. Fredericksen: It's just whatever the date is but the main thing is it's the first Thursday. That's the easy way.

2. Hawai'i Register of Historic Places Review Board Hearing on proposed Fred Baldwin Memorial Home Historic District, Makawao, Maui, April 24, 2010.

Mr. Solamillo: Okay. Alright, the only thing -- item left was me to let you know that I filed, on behalf of a new owner, for a nomination for the Fred Baldwin Memorial Home Historic District in Makawao, which consist of eight buildings, and they were built in 1910 in memory of Fred Baldwin, who died from complications from an appendectomy in New York, and they brought his body back to Maui on a freighter. It's a pretty amazing story. But they built that home to take care -- as a retirement facility for, in the original charter, it was for Hawaiians, Americans, and foreigners.

Mr. Fredericksen: Is this nomination for buildings on one property owned by one landowner?

Mr. Solamillo: Yes.

Mr. Fredericksen: Interesting.

Mr. Solamillo: Yeah. Fully intact. Amazing that it remains intact since 1910 is when they built the complex.

Mr. Fredericksen: Where is this exactly?

Mr. Solamillo: Makawao. You take Baldwin Avenue --

Mr. Fredericksen: Right.

Mr. Solamillo: Up from Paia, it'll be on your lefthand side if you're going up towards Makawao.

Mr. Fredericksen: Oh, the --

Mr. Solamillo: They're a U-shape -- it's a U-shape complex.

Mr. Fredericksen: Right. Okay.

Mr. Solamillo: Yeah.

Mr. Fredericksen: I gotcha.

Mr. Solamillo: Yeah. Closed in 1958 and it is the precursor of the Fred Baldwin Foundation in Honolulu.

Mr. Fredericksen: Any Commission Member want any other item on the agenda for this next month's meeting? If not, then think about -- yes?

Mr. Giroux: Stanley, were you going to give us an update on the Lana`i contested case?

Mr. Solamillo: I have nothing to add right.

Mr. Giroux: Nothing?

Mr. Solamillo: No. We were supposed to have a second meeting. We had one meeting with Council Member Kaho`ohalahala but we didn't have a followup meeting and no decision was made.

Mr. Giroux: What about with the Mayor as far as the compromise, the offer to compromise, was that discussed at all with the Mayor?

Mr. Solamillo: No, because we really don't have -- I don't have an agreed compromise yet because we're still floating out with trying to get the residents of Lana`i and the company still -- cause the residents want not just, you know, the Dole Park and the commercial buildings around Dole Park, they also want the shops preserved, so there's been no movement on that proposal.

Mr. Giroux: The other thing is that I think at the last meeting we talked about you were going to send me a legal request to --

Mr. Solamillo: I haven't had time to work on it. I'm sorry.

Mr. Giroux: Just trying to keep everybody up to date.

Mr. Solamillo: Can you send me an email?

Mr. Giroux: No scolding.

Mr. Solamillo: No that's okay. I need scolding.

Mr. Giroux: Just checking. I mean, you know, sometimes it's on my desk and I don't see it.

Mr. Solamillo: It's there. I sent it to you. Honest.

Mr. Giroux: I was just wondering.

Mr. Marquez: I'm sorry, James, which request was that?

Mr. Giroux: When we reviewed 19.52.050.

Mr. Marquez: That's right.

Mr. Solamillo: There are changes.

Mr. Marquez: That's right.

Mr. Solamillo: Mahalo to everyone. New Commissioners, welcome.

J. NEXT MEETING DATE: May 6, 2010

K. ADJOURNMENT

Mr. Fredericksen: Okay, that's about it. Anybody wanna make a motion to

Mr. Marquez: Move to adjourn.

Mr. Hutaff: Second.

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

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

VOTED: *to adjourn the meeting at 2:24 p.m.*

Respectfully submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards and Commissions

RECORD OF ATTENDANCE

Present

Erik Fredericksen, Chair
Raymond Hutaff, Vice-Chair
Makalapua Kanuha
Jayce Laborte
Veronica Marquez
Bruce U`u

Excused

Rhiannon Chandler

Others

Stanley Solamillo, Cultural Resources Planner
Erin Wade, Staff Planner
James Giroux, Deputy Corporation Counsel