

(APPROVED: 10/07/10)

**CULTURAL RESOURCES COMMISSION
REGULAR MEETING
MAY 6, 2010**

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

A. CALL TO ORDER

The regular meeting of the Cultural Resources Commission (Commission) was called to order by Chairperson, Erik Fredericksen, at approximately 10:10 a.m., Thursday, May 6, 2010, in the Planning Department Conference Room, first floor, Kalana Pakui Building, 250 South High Street, Wailuku, Island of Maui.

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

Mr. Erik Fredericksen: Good morning, all. Welcome to the May 6, 2010 meeting for the Maui County Cultural Resources Commission meeting. Let's see - hope everybody had a nice start to May and we're moving right along in the month.

B. APPROVAL OF MINUTES OF THE FEBRUARY 4, 2010 MEETING

First item of business is approval of minutes of the February 4, 2010 meeting. Anyone from the Commission have any changes or anything like that you wanna bring up? If not, then if someone will make a motion to approve we can entertain that.

Ms. Veronica Marquez: Move to accept the minutes of the February 4, 2010 meeting.

Ms. Rhiannon Chandler: I second.

Mr. Fredericksen: Okay, it's second.

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

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

VOTED: to accept the minutes of the February 4, 2010 meeting.

Mr. Fredericksen: Okay, motion carries. Let's see, Stanley, Item C.

Mr. Stanley Solamillo read the following project description into the record.

C. MS. ATHLINE CLARK, Project Manager, on behalf of the US ARMY CORPS OF ENGINEERS, Honolulu District, presenting a report to the Cultural Resource Commission on the status of Mokuhinia Ecosystem Restoration Project. (S. Solamillo)

Mr. Stanley Solamillo: And before we begin, I'll give you your customary background, which will be brief today. Lahaina, as every knows, is a sacred place because of Moku`ula, a royal compound established by Chief Pi`ilani, between 1570 and 1600, sometime in the late 1500's, from which he ruled a unified Kingdom of Hawaii. Lahaina was made the capitol of the Hawaiian kingdom by King Kamehameha, who lived from 1795 to 1819. It remained the capitol of the kingdom during the reign of Kamehameha II, 1796 to 1823, and that ran through 1845 when the capitol was moved to Honolulu on Oahu by his successor Kamehameha III.

That is a 19th century painting of Loko Mokuhinia in Lahaina.

Mokuhinia is the axis mundi, the point between heaven and earth of the Hawaiian world where political rule and religious operated in concert from the days of the emergents of the Maui kingdom with the unification of the islands and then the coming of Christianity in the modern age.

These two views were made and these are from land maps, which were prepared by George F. Wright, and recorded in 1916, the one on the right, and the one on the left was prepared by S.E. Bishop in 1918.

The few views that we have of Mokuhinia are primarily by Jerome Baker and they were taken in 1910. And this has occurred, obviously, after Pioneer Mill had began to take water from the whole system, which converted in from -- converted the area from a lake into a wetland, and then it became a swamp, which eventually began to dry up. The stagnant water that was created was decried by the -- the new settlers in Lahaina because of its potential for mosquitos, and we had settlement of poor people around the edges.

Pioneer Mill was ultimately responsible for filling in of Loko Mokuhinia under the instructions of Manager Louis Weinzheimer, as well as a pond on Chapel Street, in addition to the filling in of the royal taro patches at the courthouse and near the wharf.

This is one of those settlements that occurred on another pond, which was north of Mokuhinia. This photograph dates to 1904. At the mauka side of Mokuhinia was another settlement. This one was Gilbert Islanders. It was called "Kilipaki Village" as an annotation to photographs which were taken in 1904. This settlement consisted of islanders who arrived in the 1880's and stayed in Lahaina for 20 years. They were here actually to work

for Pioneer Mill and, from census records, which we just started unearthing, they were equally divided between hat makers and fishermen and laborers for Pioneer Mill.

Loko Mokuhinia was proposed as an improvement in the 1967 plan that was prepared for Lahaina and until probably this project came along, had been somewhat forgotten. Sure.

Mr. Fredericksen: The library, right now, is here.

Mr. Solamillo: Correct.

Mr. Fredericksen: That's the taro patch. But that's a nice shot of the taro patch that used to be there.

Mr. Solamillo: Also located in this graphic, which was prepared by Community Planning Inc., are the numerous canals as well as, what Erik just pointed out, the royal taro patch under or on which the library was built. And I think all the dialogue that we've heard about Lahaina, specifically, when speaking about Halloween in Lahaina, and what I've come to characterize as something of an identity crises for the particular merchant community, I think this project in particular has much promise for bringing everybody kind of back into focus to what, as our former Commissioner said: What do we wanna remember Lahaina for? Is it for the Halloween party or is it for the capitol of the kingdom and the home of the ali'i? So that's a really brief background but that gives an introduction to the whole project of the Mokuhinia Moku`ula ecosystem restoration project and I wish to probably preface that if it had not been for the U.S. Army Corps of Engineers doing this project, we would not have the momentum that we have today. Also to be credited, of course, are Friends of Moku`ula, who have been working on this for over a decade as well. With that, I'll give it to Athline.

Ms. Athline Clark: Aloha no kakou. My name is Athline Clark. I am new to the Army Corps of Engineers. I've only been with the Army Corps of Engineers for about five months maybe, and I'm co-managing this project with another project manager. Prior to that, I had the honor and the privilege of being the State Superintendent for Papahanaumokuakea. So I come to this project with a diverse background, and what's exciting to me about having the honor of also being involved with the project is that, just like in Papahanaumokuakea, when we move forward with this project, what we need to do is we need to make sure that we consider the significance from the cultural perspective as well as the significance from the natural perspective, and the Corps' kuleana for this part of this project would be to restore the wetland area or the natural piece, which provides the framework or the foundation for the rest of the restoration of the cultural piece and having to do that in full integration and with a holistic approach to the whole process.

I kinda -- I have some handouts and -- and I'm going to have Stanley and Shirley maybe help me pass this out, and I apologize, between computer lameness on my part and not being able to figure out how to burn the powerpoint CD and -- and the printer breaking down on me in the middle of the night last night --

Mr. Fredericksen: You're not alone.

Ms. Clark: I'm sure you can all relate. So I wasn't quite sure how I was going to approach this this morning, but humor always works. My first handout that I'm going to give you, I apologize, is I'm going to start with a little bit of a process presentation and then go more into where we are in the overall -- in the overall project. And so the very first handout you're getting is a slide, and I have enough for everybody so -- is a slide that shows the Army Corps process regardless of what we're going through when we're doing civil works, and I think that the most important two components of this are the arrow at the top and the last box at the bottom, and why that's important is that what we need to make sure that everybody understands is that we don't initiate a project without being invited into the community to do so. That when we setup a project, it's because we've been asked to be a component or a partner in the process. That without that ask, we aren't there. And what we do is we provide some of the kala, dollars, and some of the technical expertise to help provide the catalyst for the project to go from start to fruition. The other key component of what we do, and which is really important in this understanding of these overall processes, is when it gets to the very last box where it talks about operation and maintenance, it's not our kuleana anymore. We leave the project for those who asked initially. So we help to facilitate between the beginning and the end, but the at the end, it's not our kuleana. It is yours. So when we do a process like this or a project like this, through that project and throughout that process, it is as a partner and it is with guidance and support from our non-federal sponsor, and I think that that's pretty critical to understand.

I think the other thing that's really important - I have additional handouts if people want them, sorry. The other piece that's important to understand is that, as we move through the process, our non-federal sponsor somewhere down the line in the process, so in the bottom row with the yellows, actually help provide additional funding or in-kind match into the project process. So we provide the up-front cost and do a lot of the technical studies. But again, at the end, this is a partnership that flows all the way through, and I think that this project is no exception.

We, at the Corps, have never done a project like this before. There are not any really good examples of wetland restoration in Hawaii, so we are breaking new ground, both from the opportunities to combine naturally . . . restoration with a significant and crucial important cultural site, we're breaking new ground there; we are also breaking new ground in trying to define what will be an effective wetland ecosystem restoration. We do know, from all of the maps, that there was a big wetland area there previously, and anytime you drive down

Lahaina, and you see a mud puddle, you see the native birds there, so you know that there's nothing for them now and, hopefully, what we provide for them will help. Again, our goal is to bring back the water to provide the wai, or the foundation, for the rest to come after, and we need to do that in partnership and consultation with all of you folks and also with the U.S. Fish and Wildlife Service who provides us some of the criteria or framework for defining what an effective ecosystem looks like. And we can already tell you that they have said, "You know that Azeka area? Don't do that." So, you know, that's -- that's what we know not to do. What to do - we will be learning together.

So where are we now in the process? Going back to this initial flowchart, we already did the reconnaissance, which was what provided the foundation for justifying federal dollars coming to the table to do this project. Now we're starting the feasibility stage, which is the comprehensive planning stage. And then from the feasibility stage, we go into a design phase, and then into construction, and then we turn the project back over to you folks.

So what does that mean? That means that, if you look at this next one, which is the green one, we are in phases one and two right now, which is to identify the issues and the opportunities, the problems and constraints, to do the inventory and forecasting, collect the data that is needed in order to be able to then develop the alternatives for what does the wetland look like.

A couple of things that I can tell from that slide over there, and I have another one that I handed out to you folks here, is that a few things that we have already determined or decided is that whatever piece of it we do restore, we will provide -- it will not include -- our restoration will include a big buffer around the moku and around the loko that's associated or the spring, the key piko that was associated with the moku, so we will not be touching any of that and there will be at least a ten meter boundary around any of that area with whatever we do restore so that what's left behind then is the restoration of the heiau and the cultural piece that goes with that. And so our -- and that big pink area that you see there, or that kinda looks yellow on this map, is the area where that boundary is that's around the moku and the loko. The constraints that we're looking at right now, in terms of how big we can make it, the key constraint at this point in time really has to do with how much of a buffer we have to put around the outside where the roadways are. Things like how we define a wetland in such a way that it's not a sink, so, in other words, we don't attract the birds and then the cats and mongoose and everything just eat 'em all. So, you know, what does it look like in terms of predator control and things along those lines. And that it is a brackish water system. And that, if you look at the map that I handed out here, you'll see there's one parcel of land that partly over -- touches over part of the moku, and that parcel -- those two parcels are currently where the Salvation Army sits. So if we can resolve how to provide them another place, then we can incorporate all of that into the wetland restoration. If we cannot, then the wetland would be smaller than that. But our

goal is the whole yellow area. So the larger the better we think because that actually provides as much of the footprint of what was there originally as possible.

Mr. Fredericksen: I got a question.

Ms. Clark: Sure.

Mr. Fredericksen: Under let's say best case scenario on the wetland restoration, what's the total acreage?

Ms. Clark: It's approximately - it's on this one - 6.5 acres.

Mr. Fredericksen: So about 6.5 acres?

Ms. Clark: Yeah.

Mr. Fredericksen: Now that -- does that include the area around the moku or not?

Ms. Clark: No.

Mr. Fredericksen: Okay, so --

Ms. Clark: If you subtracted out the area that's around the moku and the area that's on the side over here, which is where the parking lot's going to get moved to that whole area, then it's about 7.5 acres, something along those lines, depending upon which GPS locations you --

Mr. Fredericksen: Right.

Ms. Clark: You know, whatever, but close. Okay. So -- and, you know, there's -- and, you know, some of the things we're still looking at, and that's part of this whole planning process, is there's a roadway on the back and then there's a ditch, but there's actually a spring that's associated with that ditch --

Mr. Fredericksen: Yeah.

Ms. Clark: And so can we take that roadway out and tap the water that comes from that spring and incorporate some of that into it or not, but if we do that, then there are three property owners along there that we'd have to provide different access for. So I mean that's all a part of where we're -- you know, this is the beginning of that whole conversation and all of those considerations. There is a pump house that is a major utility facility for Lahaina that cannot move.

Mr. Fredericksen: That's the force main.

Ms. Clark: Yeah. But, luckily, what we can do is we can incorporate the design of it into the project so it's as un-obtruse, if you will, as possible. So, you know, we're still like assessing that kind of stuff, but things we have been able to do is we have done the initial hydrology studies and found that there is enough water, although it is brackish, to flow through so that you can in fact have a fresh water input that the aquifer has not been tapped, you know, the groundwater has not been tapped enough to minimize that flow but again, some of the decisions: do we need a pump? You know, those kind of things, and that's all part of that conversation about what is an effective area and not effective area, etcetera, etcetera.

Mr. Fredericksen: I've got one more question.

Ms. Clark: Yes, sir?

Mr. Fredericksen: I'll have many more too but for the outline of Moku`ula?

Ms. Clark: Yes?

Mr. Fredericksen: How has that been determined in this -- in this, you know, figure that you have, this display?

Ms. Clark: Well, again, we haven't fully ground truth where that is but there's some --

Mr. Fredericksen: This is based on old maps ...(inaudible)...

Ms. Clark: This is based -- or outline, in particular, there's -- we've done a number of initial studies. We did a collection or a cataloging, if you will, of all those studies that have been done up until now. One of the ones that actually provided the most useful map was a cross-section sketch in 1916 that was actually done and was kept in -- at Lahainaluna that shows the cross-section of the pond before they filled it in, and the moku before they filled it in.

Mr. Fredericksen: Do you know who did the cross-section?

Ms. Clark: It was a survey. It was actually a 1916 survey. I forgot who, sorry.

Mr. Fredericksen: No, that's fine. I'm just -- I'm just real interested that's all. I went to school at King Kamehameha III Elementary School many, many, many moons ago and I've just got a lot of interest in Lahaina as it is. But that would be interesting information if maybe you could provide that to Shirley and then, Shirley, if we could get that, get the

information on that map. It doesn't have to happen right this -- right this minute or anything, but maybe you could let Stanley know and he could let me know.

Ms. Clark: Stanley will -- we can get a copy of it for you but part of why that's really interesting, not only because it provides a cross-section, is because it also shows how deep the pond was previously, you know, it shows the - I don't know - the foundation of the moku, and we think that in terms of position, it's more accurate than there was another survey done in like 1890-something, and we think that this one is actually more accurate than that one because it was -- you know, it provided much more of the topography and the stratification, but we're not -- you know, they don't all match up --

Mr. Fredericksen: Right. Yeah, that's going to be the case.

Ms. Clark: So that's going to be the case, but that's also part of why we're putting a big buffer around it because even -- no matter what, that's not our kuleana so, you know, we provide the other part of the framework for it. So that's -- yeah. Yeah. But the more you can help us define what that is, the better. So, alright. So the good news is, since the last time we came before you, we have gotten all of the funding to do the full planning stage and all the way to the initial design. So that's -- and because of when this project was first requested, we actually don't require any match until we get into the design phase. Now, in the planning phase with projects that move forward, there's a 50-50 match, but with this one, there was not. The other thing that's really important to know about the match is the match doesn't have to be all dollars; as a matter of fact, most of it can be in-kind, and we can also use other federal dollars that are brought in through grants, etcetera, as long as that federal agency approves that money. So again, we have some -- we have some interesting ways because of the way that the Corps works to put that catalyst together and to identify those partnerships that many of the other federal agencies do not. So just kind of giving you that process.

So where are we? We're in the beginning of the collecting and inventorying and consultation and the like. Once we've done more of this, then we'll go into some alternative design parameters. When we get at the end of this, we'll have the initial environmental assessment done, we'll have done the 106 consultation, we'll have done the initial archaeology, we'll have done the consultation on endangered species and fish and wildlife, etcetera, etcetera, etcetera. All of those pieces become part of the planning document so that when we finish, we're at -- we're ready to just move, if we can, to the next phase. And if we cannot, then, you know, we have -- then those document stay alive, if you will, for at least five years before we'd have to go back and do any alternations to them. So -- and the design -- the designs would be at about 35%. So the final design phase goes into much more detail about what is the, you know, what's the planting; what's the plants look like; you know, what are the designs of the little islets or areas that we would, you know, put aside for water bird habitat look like; what -- you know, all of that kind of stuff. That all happens

in the next phase. We go to about 35% of that in this phase. We have done the hydrology. We have done an initial compilation of what archaeology has been done previously. We did some initial just top layer testing for -- for soil, pollutants or toxins, and where we are now is the next thing we would like to do is we would like to do some additional testing because, when we were doing the initial testing for this site, so last piece, when we were doing the initial testing for this site, I'm sorry that it's not any bigger, but you won't believe how hard it was to get it this big - I need computer training. I'm just convinced. Anyway, this shows where we would like to do some additional soil testing, and it's broken out into different discreet units because, within each unit, they would do a random stratified sample. They would like to do up to 20 test sites with -- and the proposal is to go down to six feet with a small 2½ inch core and to pull the sediment out and to also tap to the water they could test to see whether there's any toxins in the water in approximately 20 sites. Obviously, Site No. 4 is a no go, so we would tell them no go there cause we not going there, and so -- and then Site No. 2, as it's listed here, there's a small area that we would actually be able to test because we don't wanna test within the -- that loko, where the people so -- but we do need to do some additional soil testing because if you look at the pink area, Site No. 3, there was some, in the initial testing that was done, some arsenic that was found in the soil. And so before we can go any further along, we need to test the soil to make sure that, you know, well, a number of things that, you know, if we were to take it out, we would need to know what that is before we can dispose of it. If it's really toxic, do we really wanna touch that area, you know, etcetera, etcetera. So there's a lot, there's that -- it's kind of a critical baseline piece of information that we would need before we move forward.

Mr. Fredericksen: I've got one more question. On the arsenic?

Ms. Clark: Yes?

Mr. Fredericksen: So that was -- how was that first identified? That was with borings --

Ms. Clark: There was -- again, I'm brand new to this project, but when they did the initial reconnaissance, they did some initial soil grabs at the surface, and then when they did the hydrology studies, they identified some additional, and that was done when they were looking at the hydrology.

Mr. Fredericksen: So with the hydrology studies, were done with cores?

Ms. Clark: Yeah.

Mr. Fredericksen: And then that -- so that's where the arsenic was identified?

Ms. Clark: Yeah.

Mr. Fredericksen: What was the depth about where the arsenic was identified? Were these true cores, like where they took out -- brought up sections or was it an auger?

Ms. Clark: It wasn't an auger.

Mr. Fredericksen: Okay, it was the true cores - pound in and then bring it up?

Ms. Clark: Yeah. And that's what they wanna do more of. Yeah. And -- I'm sorry, I don't have all that data but I could get it for you.

Mr. Fredericksen: Just to -- to share something with you. If you could go back and look at this figure, the slide, Commission Members, if you look at the upper -- upper kinda center portion of it, we did an inventory survey on that parcel and there was a loko there, I can't remember the name of it, but it was really interesting. We got down maybe, not quite five, four feet and is it -- what's the term? Physcometric pressure? When you displace the capping sediment, whatever it is, and if there's enough pressure, the water just gushes up?

Ms. Clark: Like what's happening in the Gulf right now.

Mr. Fredericksen: Yeah, unfortunately. But that -- it was very interesting because it sounded like a stream coming the reverse way from underground up because we got down past through the pond sediment and everything into the more of a sand -- the same matrix and there was a lot of water that came up. It was interesting making it so it didn't flood the whole area.

Ms. Clark: Well, you'll notice that there are some empty lots here and so, you know, another question is: Do we make the wetland even bigger, you know?

Mr. Fredericksen: This property that's immediately adjacent to it where it shows the loko going a little hump up, that property there was -- Bishop Museum did a fair amount of work on a number of years ago, but there were pond sediments there as well as some sites, some cultural deposits.

Ms. Clark: So, you know, again, you know, as part of this process, is there options for actually expanding beyond, which makes it actually more like the true footprint was originally or not? And again, how do we inquire that?

Mr. Fredericksen: Yeah.

Ms. Clark: Is that a possibility? You know, all that's part of that dialogue as well as this other -- these other parcels where Salvation Army is, etcetera. So --

Mr. Fredericksen: Well, I've got one question about the Salvation Army. What would -- how is the boundary on the - what would that be? On the south side determined? The way the boundary goes up. It's just kinda like it's almost drawn there. How was that determined?

Ms. Clark: That boundary is the area that currently would be not restored but where the new parking lot and other center would be, and it's also the area that was the key dump site previously.

Mr. Fredericksen: No, I was going to bring that up.

Ms. Clark: Yeah.

Mr. Fredericksen: We did some work on that. The former dump area.

Ms. Clark: So we're pretty sure that if there's going to be --

Mr. Fredericksen: Problems.

Ms. Clark: High problems, it's going to be there so -- but that's where, you know, they would move the parking lot from the other side here over to there so that doesn't become part of the wetland then.

Mr. Fredericksen: This larger lot is a County lot, the larger pretty much -- well, it's got like skateboard stuff on it I think now, but that's a County lot, the one that's next to Wainee -- I think the Wainee Church property, or close to it, yeah, like the cemetery, I believe that's it.

Ms. Clark: Right, and the County is -- has plans to lease that and then develop the parking lot with Friends of Moku`ula, so that would be -- that would be where that would go which would then allow us the opportunity to restore the backside of the moku as well so -- but that's where we're at. So any additional questions?

Ms. Marquez: You mentioned constraints earlier.

Ms. Clark: Yes.

Ms. Marquez: You're talking about how much of a buffer and the brackish, but I have a question on the mana`o you said about defining the wetland alluding to predator control. Who does that?

Ms. Clark: Defining the predator control or the --

Ms. Marquez: No, defining the I guess what is a wetland especially when you have to consider predator control. So is there a committee that does that?

Ms. Clark: Normally, for a project like this, it would be U.S. Fish and Wildlife Service and DLNR, the natural resource agencies. So a combination of those two groups and, you know, we would be working with DOFAW, the Division of Forestry and Wildlife, and that's where I came from was with those guys, so not DOFAW, but DAR, and so -- but we would -- we would, you know, we're required to setup a consultation process with both of those groups to do that.

Ms. Marquez: Good. Thank you.

Mr. Fredericksen: Any other questions? Rhiannon.

Ms. Chandler: I wanted to ask, at what phase in this planning process would the vegetation that you select actually be chosen, like the native plants that would be going in?

Ms. Clark: Not until the design phase. So we could mention some of that in the actual discussion of the alternatives but to get to the point where we're actually defining the plants specifically and whether we would use, for example, naupaka versus whatever whenever for the, you know, for the perimeter versus within the little islets or little mokus for the bird nesting or whatever, that, the final definitions of that, happen during the design phase but some of that we'll need to know up front in order to be able to do the design phase --

Ms. Chandler: That's what I was wondering.

Ms. Clark: And -- right.

Ms. Chandler: There's actually -- it's so fortunate that this area is so culturally significant that there are many stories about it and chants, and a lot of the chants do name specific plants and so that would be wonderful to incorporate in this process. And then my next question was: When -- when is, I guess, the earliest opportunity for public comment and how is that handled in this process?

Ms. Clark: When we know a little more, the very first thing we would do, when we get to the point where we -- we have some preliminary -- more specific preliminary alternatives defined would be when we would have sort of a public information meeting or something to talk more about that. And as a part of this process, we're actually developing a public outreach plan so we can, you know, continue to provide information in a timely manner as we move through. But there will be -- there will be -- we're just not there yet cause we don't have all the information we need.

Ms. Chandler: No, I understand.

Ms. Clark: Yeah.

Mr. Fredericksen: At this point, it sounds like the first step is trying to define what -- what's the extent of this arsenic challenge, if you will, to see what -- how that's going to, ultimately, impact how things can even proceed.

Ms. Clark: Right.

Mr. Fredericksen: If it's too unstable, there's some -- so at this point, it's kind of -- the data needs to be retrieved as to what -- how extensive is this arsenic and -- or is it localized, etcetera.

Ms. Clark: Right, cause if it's -- if it's localized and there's a way to deal with it, then, you know, all the rest can move forward pretty quickly but, you know, we couldn't -- we wouldn't or couldn't -- wanna do any additional archaeological studies in any of that area either.

Mr. Fredericksen: Sure. Because of the hazard.

Ms. Clark: So -- right. So we need -- we started the consultation process last week with the Maui Burials Council. We need to come back cause they asked us a set of questions of methods --

Mr. Fredericksen: Testing methodology.

Ms. Clark: Yeah. And so we're having dialogue with our consultants to see if there's alternatives for different methodology. So far, we're till discussing it. There's -- you know, we're not quite sure but that's -- yeah.

Mr. Fredericksen: Yeah, it's a challenging -- challenging location just because of the cultural sensitivity and then, unfortunately, because of some of the junk that was deposited there that were in the early 1900's or mid -- it was what? The 15, 12? When was the major filling?

Ms. Clark: 1916 is the -- was the last map we saw where they had the topography map.

Mr. Fredericksen: So post 1916 but not too many years after that.

Ms. Clark: My understanding from somebody coring did and others way before, there's actually two layers and one layer was actually from Lahaina Harbor area.

Mr. Fredericksen: The dredging, yeah.

Ms. Clark: The dredging, which was more sand and coral and stuff, which is probably not as much of an issue, and at the next layer, which came out of the sugar cane area, is the one that we're more concerned with.

Mr. Fredericksen: Any other questions? Bruce.

Mr. Bruce U`u: I know there's a lot of variables, but what is the estimated cost for do something like this, and I know you mentioned this the first in the State, is there any mention of anyone else potentially have a project like this throughout the State?

Mr. Fredericksen: I think it's unique.

Mr. U`u: Yeah. Oh yeah.

Mr. Fredericksen: Yeah. That's a great question.

Ms. Clark: The answer is that we are looking at additional restoration efforts in other areas, like at Kawainui, for example, and if I was to -- Kawainui Marsh, and if I was to talk about a similar site because Kawainui also has heiau and other cultural important pieces to it, I would say that would be the most similar, but it's not as small and where we're doing the restoration is not as close to where the cultural -- where the heiau is, etcetera, etcetera, so it's at a different scale in terms of that type of restoration, so that's the only other one and that hasn't been finished yet so there's nothing else really to compare it to, but that would be the only other one and we are working on --

Mr. Fredericksen: Within the State.

Ms. Clark: Within the State.

Mr. Fredericksen: There's probably - I would imagine that this is one of the most unique undertakings that the Corps is doing in the country.

Ms. Clark: In terms of the cultural significance coupled with the natural significance, absolutely. The Corps, amazingly enough, one of the things that people don't understand that's happening now is that more dollars are actually going towards restoration efforts within the Corps, particularly in areas -- and it kinda -- it has to do with the fact that when the Corps is doing a project, they have to actually do this benefit cost analysis to see if it's, you know, how beneficial the project can be before they can justify moving it forward. But if you add on a restoration piece to that, then the analysis is done differently. So more and more municipalities and other places that previously just wanted us to do say like flood

mitigation or whatever are now coming back and asking the Corps to do more restoration than anything else, and there are billions of dollars going into major restoration projects around the country that have been very successful.

Mr. Fredericksen: That's smart.

Ms. Clark: But that's -- very successful. I know of a couple of projects in Arizona and a couple of places like that where less than a seven-mile corridor on a river, after less than three years, it became the most populace area for native wild fowl and native, you know, American eagles and whatever that had just not been there since before it was -- before the river was altered. So -- but that's not here and so, you know, again, there is no good examples on islands. The only place -- the only two places where the Corp is working that would have similar kinda projects are in Florida with the major restoration water projects they're doing in Florida and in Puerto Rico, which is an island, and so -- but that would be the closest we could come to any other comparison. And again, unlike Puerto Rico and Florida, you know, there are not the cultural pieces that are a major component of what we do here and in the rest of the Pacific so that's -- that's where we have to weigh the differences.

Mr. Chandler: I have a question.

Mr. Fredericksen: Yeah, Rhiannon?

Ms. Chandler: And I'm not sure that this question is for you or maybe it's for Shirley Ann Kaha'i, but I wanted to ask, we, several months ago, had the Maui Community College come and talk about doing archaeology at this site and I wanted to find out if that was happening like parallel to this project or if that is still happening at all.

Ms. Clark: Well, Shirley is here. My understanding is they're doing a presentation for you folks next month --

Ms. Chandler: Okay.

Ms. Clark: But it's in parallel.

Ms. Chandler: Okay.

Ms. Clark: But, obviously, any information that they capture would assist us in our decision making as well.

Ms. Chandler: Yes.

Ms. Clark: And Friends of Moku`ula and the County are the non-federal sponsor for this project with us so --

Ms. Chandler: Okay. Because I remember them mentioning something about really trying to find out where the moku is in this area, which would definitely, I think, help you work the way that you are.

Ms. Shirley Kaha`i: Yes, it will but -- oh, I'm Shirley Kaha`i with the Friends of Moku`ula. It will, but right now we're focusing close to where the monument is and in previous archaeology dig, they found the pier and that's where they're working right now. They're not going to go anywhere near the island at present because we're just starting out, and this is students with the University of Hawaii Maui College so --

Ms. Chandler: Okay, thank you very much.

Ms. Kaha`i: Okay.

Mr. Fredericksen: Any other questions? No? Okay, thanks. We'll --

Ms. Clark: Stay tuned.

Mr. Fredericksen: Yes, definitely. Any comments from public? If not, okay, let's -- yeah, okay. Go ahead and come forward and state your name please.

Ms. Johanna Kamaunu: My name is Johanna Kamaunu. I'm from Waihe`e. It's a wonderful idea, but just some precautions because we've experienced the U.S. Army Corps of Engineers in Maui. The Lao Stream is one. And even though they tried to do a good thing over there, the problem that we find with that stream is in allowing a life cycle to continue. The health of the stream is somewhat diminished because of the channelizing right now.

Mr. Fredericksen: I would say a lot.

Ms. Kamaunu: And the other thing is that over in Waihe`e, and only because we did some of the reviewing of the archaeological reports that came through, is that the Army Corps of Engineers had some experience in there with some of our auwai that is no longer running anymore because of that experience. So I'm really concerned that the issues that they're having, and she says there's no good example, and I'm concerned about that, okay. The other thing is, you know, if anything that I've learned from our community about the history of a place and the history about people, is that some of that history is still retained in the families and I know they're experiencing some problems, some questions here, but I really think that if you had a public hearing and expose some of those issues to the public, that

there might be a remedy, there might be some mana`o out there that helps us understand why things are working a certain way, and that might go a long ways towards transparency and a good relationship between the organizations that are working on it. So I'd really like to see the project go forward. I'd really like to see that place restored. But I'd really think twice about saying that the public comments come earlier in the process of planning than later when they think they've got it. Okay, that's all I have to say.

Mr. Fredericksen: Thanks. I share your concerns about some of the projects that have occurred in the past with the Corps and I like the direction that the Corps is going now. There's a lot more push towards the restoration side of things rather than just like, okay, take Iao Stream for example, channelize it and make it "safe." But, yeah, native habitat. Any other comments from the public? Okay, Stanley, let's see Item D. And thank you to the Friends of Moku`ula and the Army Corps of Engineers for the presentation and we look forward to getting updates and please -- please do involve community and everything. It's a great project. Thanks folks. Stanley?

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

D. HISTORIC DISTRICT APPLICATIONS

- 1. 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. Erin Wade: Do you folks all have the form? Okay. Well good morning, Chair and Commissioners. My name's Erin Wade. I'm the Small Town Planner, and last month, I presented for you a draft form of a new special events permit, and as I explained last month, this isn't an application form that exist today. We just have a general historic district application. But given that the nature of special events is so unique and not at all like a construction project, we wanted to have a different application form. So we did receive some testimony last time and we incorporated as much of that as we could into the revised form that was mailed out with your packets, so I can first go through and share with you the things that were changed if you like, and then we can have a general discussion about what you like and what you might like to edit about the form.

The things that were added, under Sources of Authority, the first part, were the sign design guidelines, which is the second link - and by the way, all of these are links so if you pull this up as a PDF, it will take you to each of these different ordinances. The one, two, three, four, fifth one down, which is Chapter 5E, which was commented by Hinano Rodrigues, we

should add that relationship in there is important. And then the last one, which is the Rules of Practice and Procedure by Maui County Cultural Resources Commission.

Then at the bottom of the page, under Processing Procedures, the last sentence was added at the suggestion of Theo Morrison, from the Restoration Foundation, just to indicate there is a timeframe that we would like applicants to come in by so that we can properly transmit their application to various agencies and evaluate the content of the event.

So that's all for the first page. On the second page, actually I don't think we made any adjustments.

On the third page, No. 9, the Event History, we adjusted a little bit as we passed it around the office, actually, and we sent it to a couple organizations that regularly apply for events and they were confused about, well, what is a annual event, what is a recurring event, so we just clarified the text a little bit and provided a yes-no, and then a if-yes, if-no, just a little bit clearer -- more clearly written.

We adjusted -- Theo Morrison caught, in the Signs and Banner section, we still had the link to the Moose McGillycuddy's location for a banner that no longer is possible so we took that off. Then we also kinda broke out the signs and banners. It was all one question before we broken it up now 10, 11, and 12 so that we ask for any signs and addition to banners so that we can sort of preempt people to share with us, yeah, we plan on sticking flyers on every telephone pole, and that allows us to provide the feedback, well, that's not acceptable. And then 12, Promotional Materials, which request that any applicant provide us flyers, logos, graphics, or artwork that's going to be associated with the event, even if it's in the draft form so that the Commission has an opportunity to review.

The Sales, I'd maybe like you to take a look at. We didn't change it but I think there is a concern. We do allow for the sale of scripts in public places and perhaps this needs to be more clearly stated, but I'd like your help with that a little bit.

And then, finally, on the back page, in the big bold box, we asked: Please provide a brief narrative about this event and how it will honor, educate, or promote the history or culture of Lahaina. And that was, I think, at the request of a member of the audience and the Commission.

So I'm -- you know, we were able to go through this and, please, just share with us any comments or ideas you have so that we can enhance the process both for the staff and for you folks when you receive the application. I think it's a little bit more educational also for the applicant. It gives them an idea. It's a lot -- there's a whole lot to think about when you plan a special event like this, especially on public property.

Mr. Fredericksen: Go ahead, James.

Mr. James Giroux: Erin, I don't know if this is the proper venue but, you know, I've always been perplexed, as this board's attorney, that the County consistently has a position of that there's no -- you cannot ever have exchange of money on a public park. As far as your reference to your authorities, has anybody in your Department actually pointed to where they're getting that from?

Ms. Wade: Yeah, it's in 19.52. It's actually right above the section we looked at this morning, James, about the sale of alcohol, and it says, "Selling in public places." So that's the location, and that's for the -- it's in the Historic District Ordinance.

Mr. Giroux: But -- but the issue is that once you get a permit, you're supposed to be allowed to do it. So the Department always points to this other ordinance that says you can't exchange money. I'm just wondering if that was vetted.

Ms. Wade: That's a good question. That might be a condition of the Parks Department, so I'll check into whether that's what -- where that's coming from.

Mr. Giroux: Because I just want some consistency. I don't want, you know, through the application -- you know, I mean if it's a policy, then it's a policy. If it's a rule, it's a rule. If it's an ordinance, it's an ordinance.

Ms. Wade: Yeah.

Mr. Giroux: And I think the Department needs to be clear in what is it enforcing.

Ms. Wade: Okay.

Mr. Fredericksen: What would have been the reasons for not -- for the cash sales not occurring? Just this possible ordinance or possible Parks Department saying no? Has that been it?

Ms. Wade: I can't necessarily speak to the sales at specific parks, but I can figure that one out. I know that the way that it's written in the Historic District Ordinance is basically so you don't get the activities that occur within an enclosed building --

Mr. Fredericksen: Right. Right.

Ms. Wade: Moved out onto the sidewalk and into the street and so that you get vendors all over the place because Lahaina has such a potential for that and a great market to capture something like that --

Mr. Fredericksen: Sure.

Ms. Wade: But they wanted to keep the integrity of the place. So I wonder if -- I mean that would be my thinking is that's -- that's why it initiated and perhaps it's -- it might have -- well, I will look into whether it's just been the decision of this board or whether Parks Department has also initiated some rule related to that.

Mr. Giroux: Well, Erin, I was told that there's an ordinance, that it's an anti-peddling ordinance, and I think the Department should at least have a copy of it so they can --

Ms. Wade: Okay, so you're talking about the vending license, which is a separate thing, right?

Mr. Giroux: Yeah, the exchange of money between a seller and a buyer on a government property.

Ms. Wade: Okay.

Mr. Hutaff: Kind of as a --

Mr. Giroux: I mean because right now we're putting these organizations through -- I mean this go buy a ticket, go to the courthouse, go outside to your vendor, get a ticket, come back in, exchange your ticket - I'm wondering, are we --

Mr. Fredericksen: Inadvertently making it too hard.

Mr. Giroux: Promulgating something that doesn't need to be -- I mean, you know.

Ms. Wade: Okay.

Mr. Grioux: I don't know. I'm just --

Ms. Wade: I can say though people who utilize Banyan Tree Park and utilize that process have not complained at all to me in the past year about that process. They pretty much have it dialed in and we haven't been receiving complaints from the public about it, but certainly understanding the origin of the decision is a good request.

Ms. Makalapua Kanuha: Yeah, if I may, several years ago, I was the island manager for Aloha Festivals, and I did come before the CRC, and I had many discussions with other event organizers and said, you know, Makalapua, you cannot be -- because you're right, James, I didn't wanna have to have people come to the event, then they have to stand in this long line to get tickets, then go and stand in another long line to get their food or

whatever that they're trying to purchase. But my situation was different because I didn't have my vendors, which was all nonprofit organizations, Hawaiian organizations participating with the Aloha Festivals, I was actually at Campbell Park so that didn't -- the law didn't pertain to what I was trying to do. But with Hui O Wa`a Kaulua, because we did have other event, what we did was the cash exchange actually happen within our building, and everybody was -- I think if it's communicated, I believe that there's a mutual understanding. And I know other events, like vendors participating at the banyan tree, they've been there for a long time, and, you know, I think they're very kamaaina to the whole process, I mean they're very familiar to the whole process so -- but I just wanted to share that. But yeah, it could be a pain because I've actually got into, not heated discussions, but just sharing that you cannot do this, Makalapua, you can't do this, and I said, "Yes, I can." So I actually was -- cause I wasn't under the -- and I guess they didn't understand - no, this is a historical district. You cannot be doing those things. And -- but, wow, Makalapua, we cannot believe you did it. Well, if you understand that Campbell Park actually comes under Waiola Church, who is with Campbell Estate, and they're the caretakers, the laws didn't pertain to that park, but I just didn't want people coming to celebrate and stand in long lines, and then they gotta stand in longer lines, and then I gotta go and get accountants to start counting tickets and paying off all these vendors, so what I did was just charge them one fee and whatever you folks made, I didn't need to know; I didn't wanna know only because it's nonprofit organizations, like the canoe clubs and other halaus that needed to make money. So I just wanted to share that.

Mr. Hutaff: My understanding of the ticket thing, there were -- there's many but the one thing that, when I was involved, the things that I really like is that you only had approved vendors, okay. Somebody couldn't come off to the side and start selling t-shirts or, you know, drugs, okay, or whatever, and so it was also there was no cash within that particular area so it wasn't subject to robberies, or thieveries, or things like that, so it also was a safety issue, okay, where your cash went to a secure area, in exchange you had these chips, and if you purchased it someplace, they'd take those things and go back. So it really protected the vendors as far as making sure that the people who were supposed to be there were the only ones allowed to sell, and also it supported the security of cash in making sure it wasn't loss. The Kihei Canoe Club loss \$80,000 one year, about 15 years ago. They only had it in trash bags, okay. So that's another good reason to have that. I think that that's -- if you take -- we need to know why it was there because then that reminds us, I think, or if we forget why something's there we may say, oh yeah, we don't need it anymore, and then what we do is repeat the process, yeah? What happens when we say we don't need it anymore? No problems. Oops. We got a robbery. We've got vendors selling outside. You know what? That chip idea was really a good idea after all. So if we know it, that I think is important, like you say, we don't know why, so we don't forget the reasons.

Mr. Fredericksen: Yeah.

Ms. Marquez: It's a minor thing, but Page 4, yeah, your bold block, which reads, "Please provide a brief narrative about how this event will honor, educate, or promote the history or culture of Lahaina." I see in my brain that, you know, you can't have one without the other, history, culture, so could we, small stuff, change "or" to "and?" Yes? Thank you.

Mr. Fredericksen: Any other comments, Commission Members?

Ms. Wade: If you would like to take public comment too and then --

Mr. Fredericksen: Yeah.

Ms. Wade: We can continue to edit if you like.

Mr. Fredericksen: Yeah, we'll do that.

Ms. Wade: Very good.

Mr. Fredericksen: Anybody from the public wanna comment on this draft application packet for Historic District special events?

Ms. Johanna Kamaunu: Johanna Kamaunu from Waihe'e. Yes, thank you. Actually, it all looks pretty good except that one part on the -- it's not except. I'd like to see added on there because it's not really specific as to the culture, or how you're going to honor it, or what time period we're looking at. They could honor today's culture in Lahaina and, you know, I don't know if that would be really what we were looking at. That was the only thing. Thank you.

Mr. Fredericksen: Thank you. That could be scary. Any other comments from the public? Rhiannon.

Ms. Chandler: I just wanted to, I'm sorry if I'm not seeing it and it is here, find out if it was specified what a recurring event is versus an annual event.

Mr. Fredericksen: This to specify like define what it is?

Ms. Chandler: Like define, yeah.

Mr. Fredericksen: Erin, any thoughts?

Ms. Wade: There's been discussion about bringing back some other events, the Festival Canoes, but not -- maybe not doing it every single year, maybe doing it every other year or -- so if that was going to be -- that would be more like a recurring event as opposed to

like The Banyan Tree Birthday, which happens every single year for the birthday celebration so -- but if you think I should do maybe like a glossary of terms or something at the back or on the bottom somewhere, we'd be open to that.

Ms. Chandler: Maybe. I mean it seems like there's a lot of links on this form where if you click on it, it would take you somewhere else. That would be helpful. And then my second question is, for those that will not be accessing this form online, that would be a lot of additional paperwork that they would need to get if they wanted to actually know where these links take you and do they get it at the same time as they can pick up this application if needed or -- that's my question.

Ms. Wade: That's an excellent question. You know, not all of us are that web savvy so we wouldn't -- the intention, originally, when I -- when we started pulling this together was to have a special events package that had all the paperwork you would need attached to it. And for picking up a hard copy, it would be that way. So if you came to the Department to get the hard copy, we would have it all packaged. But online, it's much easier for us to just have the single and then link you the rest.

Ms. Chandler: Thank you.

Ms. Marquez: Just a thought. What if you had asked: Is this a initial event or a first time event? So that would then tell you -- if they say yes, then it's not a recurring one. And if they say no, then it is.

Ms. Wade: Yeah.

Ms. Marquez: I mean make the question a tad simpler.

Ms. Wade: Okay. That's a good suggestion.

Mr. Fredericksen: Just having that in there is this the first time, and then recurring.

Ms. Marquez: Well, you know, then you would think if it's not, then it's recurring or --

Mr. Fredericken: Thank you, school teacher. Very good. No, it's good. Make it simpler, the better. No misunderstanding.

Ms. Marquez: Simplicity, huh?

Mr. Hutaff: I have a question. It says here, "and event has received Cultural Resources Commission approval in the past, attached a copy of the past year's approval letter to your

application.” What this is really saying, as I understand it, is that once the Cultural Resources Commission gives permission, it’s perpetual.

Ms. Wade: That’s correct. An annual event, unless it changes in intensity, yep, in the scope or in the activities that are being provided, gets an administrative approval. So if they apply for the exact same permit that they applied for last year, we give them an administrative approval. If they expand to a different area or let’s say they put up a stage with a concert that they didn’t have before, we would ask them to come back to you folks.

Mr. Hutaff: That’s why we gotta be real careful. What we’re saying is lifetime plus two weeks.

Ms. Kanuha: So if I wanted to put on an event again, that would give me an approval?

Ms. Wade: If you wanted --

Mr. Fredericksen: If it was the same.

Ms. Kanuha: Same thing?

Ms. Wade: Correct.

Mr. Fredericksen: If it had been approved.

Ms. Kanuha: Yes.

Ms. Wade: And that’s pretty much just for annual event, like Banyan Tree Birthday where we know it’s the same weekend every single year. If you’re going to change the time, you know, it’s a lot more likely to affect another event in Lahaina, since there are so many, so you would then also have to come back.

Mr. Fredericksen: Rhiannon.

Ms. Chandler: I just have one more question. I was wondering why Malu`uluolele has hyphens in between. Is that -- is that the way that it is written in other County --

Ms. Wade: That’s the way it’s on the Parks website. You know I’ve seen it several different ways but I just was kinda going with what the County has it written as.

Ms. Chandler: It’s strange to me.

Ms. Kanuha: Yeah, I think between the two “u’s” should be one okina. Yeah, that’s what it is.

Mr. Fredericksen: So no dash.

Ms. Kanuha: Yeah, no dash. Yeah, okina.

Mr. Fredericksen: Any other comments, Commission Members?

Ms. Marquez: Well, this is so comprehensive. I mean cool. I mean I looked at it and I said, “Gee, I gotta do all this?” This is real good cause it’s well defined, linkage galore. Good one.

Ms. Wade: No, thank you.

Mr. Fredericksen: Thanks. So just a couple of those suggestions to modify.

Ms. Wade: Given that the attorney has asked me to look into the origin of the sales, would you like me to bring this back one more time, or would you just like the answer and then I can finalize this?

Mr. Fredericksen: A clarification within the -- within here, if need be, if it’s something that’s going to affect it.

Ms. Wade: Okay.

Mr. Fredericksen: If cash sales are not allowed, they’re not allowed. Maybe reference the whatever - section.

Mr. Giroux: Yeah, Erin, I was just looking at the -- where it says, “sale,” and then you have the note, “Please note,” and then if you just put cash cannot be exchanged on public property pursuant to the ordinance blah, blah, blah, I think that would cover it. You wouldn’t find yourself being argued with or the Department wouldn’t find itself in a defensive position.

Ms. Wade: Okay. That sounds good. If you’re all alright with me doing that, then we can --

Mr. Fredericksen: Rhiannon’s got one more.

Ms. Chandler: Oh no. Yeah, I just wanted to say if you could change that place name, that would be wonderful.

Ms. Wade: I would be happy to do that.

Ms. Chandler: It's M-A-L-U, okina, U-L-U-OLELE, and it would just all be one word.

Ms. Wade: And "olele" is one word?

Ms. Chandler: Manlu`uluolele is one word actually.

Ms. Wade: Oh, gotcha.

Ms. Chandler: Or you could separate it if you wanted to, actually. It doesn't really -- it all means the same thing, but the "ulu" has an okina in front of it.

Ms. Wade: Okay. Great. Thank you. Alright, well, we do have the initial application for an adult Halloween event that came in between the last meeting and this time, so my preference would be to ask them to complete this application form because then we'll have -- it'll all be catalogued a lot more recognizably. So if you don't mind if I finalize it then with your comments, and then we put it up on the web and we can certainly bring it back and make changes at anytime too. There's no formal process for this. It's just a tool for the Commission and for the staff.

Mr. Fredericksen: And then if it's something to do with Halloween, since that hasn't been approved, that has to come back to the Commission, anything ...(inaudible)...

Ms. Wade: Absolutely. Yeah.

Mr. Fredericksen: Any other questions, Commission Members? Okay.

Ms. Kanuha: No. That's it.

Mr. Fredericksen: Thanks, Erin.

Ms. Wade: Thank you so much for your help.

Ms. Kanuha: Thanks, Erin.

Mr. Fredericksen: Where are we at? Item E.

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

E. ADVISORY REVIEW

- 1. MR. XORIN BALBES, on behalf of SOULSPACE RANCH, LLC, requesting review and comment on "After-the-Fact" Repairs and**

Alterations as well as a proposed certified rehabilitation of the Fred Baldwin Memorial Home, including demolition of four additions and two sheds, removal of and reconfiguration of interior partitions, restoration of exterior walls, lanais, roofs (including dormers, porte cochere), changes to fenestration, addition of rear porches, ramps, stairs, and pool, located at 1813 Baldwin Avenue, TMK (2) 2-5-004:007, Makawao, Maui. The CRC may comment and provide recommendations. Public testimony will be accepted. (BT2010/0434, BT2010/0647) (S. Solamillo)

Mr. Solamillo: Just so that no one groans, F. Workshop has been deferred because this ends up being pretty involved, so that'll be deferred until the next meeting. So if your stomach starts growling, just tell it, "It's not going to be long."

This is a really interesting project, and I've spoken with -- presented to this Commission on various occasions how important it was to begin to deal with something that had been provided by the Federal Government as far back as 1973 and that was the use of historic preservation tax credits. This is the first project of that nature to come to this Commission, and it is the first one for Maui County, and it's really important.

The red arrow marks the location of this particular project, and it's located between Paia and Makawao. It was built by Mr. Baldwin in 1905 - or, excuse me, in 1910, following the death of his son Fred, which followed an operation for appendicitis in New York. The location of -- of this particular property is near Grove Ranch as well as Manaolu Seminary or College. This is important because this particular group of buildings, it's eight total, were built by or designed by Harry Livingston Kerr, who was a very prolific architect who was based out of Honolulu. In the design for this particular complex, which is essentially a U-plan, he's addressing two trends that were prevalent on the Mainland at the end of the 19th century and early 20th century, and it was how to house a growing population of veterans that were coming or that had survived the Civil War and were coming to old age. So there were two kinds of thoughts. One was to put them in rather large institutions sometimes using a U-plan, so you can see some similarities with this projecting gable surrounded by a U-plan on the top, which was done for Washington Barracks, which was a turn of the century project, and then for the New York State Soldiers and Sailors Home, they've got a two-story kinda projecting gable end and this long horizontal administrative wing. And the other trend was to put elderly people into -- or elderly vets into small cottages. So with the two trends actually are married in every Livingston Kerr design for the Fred Baldwin memorial home in that he uses separate cottages but they're all linked together and they form a large complex. This is the only building complex that we know of that has survived that is directly linked to Harry Livingston Kerr. All of his other buildings are done out of permanent materials - the McCandless Building in Honolulu, Yokohama Specie Bank in

Honolulu, Mission Memorial Building. These rank from 1906, 1905, 1915. Cooke Hall at Punahou, 1917. And Linekona School, I think that's 1925.

On Maui, he's best known for designing the Maui County Courthouse, which was erected in 1909. And after it was redesigned by the County engineer, Paul Lo, in the '20's, it received a ...(inaudible)... roof. He also was responsible for Bank of Maui Branches in Lahaina, and I think also in Wailuku and Paia as well.

The interesting thing about this particular complex, which was kind of not anticipated, is that it utilizes something called "Beaux Arts Forced Perspective." When actually you go and measure the buildings, the cottages, if you would, that are closest to you, if you're standing facing the U, are actually larger than the ones behind them, and what happens is that, seeing as they're aligned on the front but not on the rear facades, when you look at them from a distance, it pulls the ridges of the ones which are farther away towards you in such a way where you actually see them as separate buildings. If they were the same depth, you wouldn't see them as different buildings or individuals buildings, they would appear as one long continuous facade, and that was kind of unexpected here. Virtually all the promo shots that -- that we were able to find, all are from this station point.

Some photographs appeared late in the research and that included this aerial shot taken in 1950 from a helicopter, as well as two shots taken of the formal gardens that were built there, and these were taken in 1915 -- 1958.

The current site consist of nine buildings, which are directly associated with the operation of the institution, which was open from 1911 through 1958. When it closed, the building actually was operated by the college for some years, and then eventually ended up in -- in use by Maui Land & Pine to be used as dormitories. During the war years, the elderly residents were actually moved off site; some were located in the private homes, and the remaining members were relocated to Lahaina. This is that famous view that everyone chose to capture in early photographs.

Several things occurred on this particular project, and the first one was that the owner is a limited liability corporation under a company called "Temple Home" in Los Angeles, and Temple Home has -- has a reputation of doing some pretty incredible things with older buildings. When they purchased or acquired this property, they had to clear a lot of vegetation because vegetation had been allowed to grow onto the buildings proper. There was a lot of termite damage. So there a little bit of clearing on the outside as well as on the inside of the buildings and that's why we have an after-the-fact permit involved here. Important pieces of the building, such as wood trim, windows, siding, handrails, things of that nature, samples were retained so that they could be sent to the Mainland and milled.

When I got to visit this site, I was asked pretty early on to make a determination of eligibility. It is in fact eligible because of its associations with the Baldwin family for listing in the National Register of Historic Places as well as the Hawaii Register. Its character defining features include the dormers, the brackets, siding, windows, doors. There had been some limited changes or alterations, which had been made over time. The -- when you look at the entire complex, it retains its integrity of place, its integrity of craftsmanship in materials.

When you review the floor plans, which we will shortly, you can see that the rooms are pretty small and they are located on either side of corridors, and when you're walking in the corridors, you unfortunately have a strong tunnel vision and Zorin's construction team were instructed to essentially take out partitions so we could actually see what the building looked like once they were removed and it compliments or in deference to the company, they were the first group of folks that I've seen who came here with their architect and began looking at the project in a very different way than most. As the project stands today, however, the interior partitions have been removed. Interior finishes are planned to be retained.

I'm going to give you a little background on the tax credit process, for those of you who weren't present at a presentation that I made last year. The Federal Historic Preservation Tax Incentive Program was created in 1976 to help preserve historic buildings from demolition and encourage their adaptive reuse. The program is managed by both the National Park Service and the Internal Revenue Service. There are basically two types of credits: one for historic properties, and one for non-historic properties.

Historic tax credits are available for buildings that are in National Historic Landmarks, or NHLs, or those buildings which are listed in the National Register of Historic Places or contribute to National Register of Historic Districts or local historic districts. Non-historic tax credits are also available for the rehabilitation of older buildings built before 1936 that do not have historic status associated with them. All restored buildings and properties must be income producing, that's the key, and rehabilitated according to the standards set by the Secretary of the Interior.

Rehabilitation for definitions is defined in the regs governing historic preservation certifications under 36 CFR Part 67, and it is the process of returning a building or buildings to a state of utility through repair or alteration which makes possible an efficient use while preserving those portions and features of the building and its site and environment which are significant to its historic architectural and cultural values. Rehabilitation not only encourages the repair of historic buildings, it allows appropriate alterations to assure their efficient contemporary use, examples include the continued use of hotels, stores, and private residences, as well as the adaptation of vacant schools into apartments, warehouses into offices, and industrial buildings into commercial space.

For a certified historic structure, the term "CHS" means any building and its structural components, which is listed in the National Register or is located in a Registered Historic District. A Registered Historic District is any district listed in the National Register or any district which is designated under a statute of the appropriate state or local government. This also applies in the case where the Secretary of the Interior has made a decision that such buildings or districts meet substantially all the requirements for listing of districts in the National Register; that applies for local districts.

Historic tax credits reward private investment for the rehabilitations of historic properties, such as offices, retail stores, factories, and rental housing. The current tax incentives offered by the program include two different tax credits, which directly reduce the amount tax owed by the property owner. These two tax credits are mutually exclusive and their use depends on the type of building. We have a 20% tax credit, or HTC, for the certified rehabilitation of certified historic structures, and then there's a 10% tax for those building constructed before 1936 that haven't been identified as being historic.

This is the process that you usually go through. It involves SHPD or the SHPO, the National Park Service, the Internal Revenue Service, and these are the standards. And for the sake of brevity, I don't think I'll probably go through these right now. There are ten of them.

Pursuant to what Maui County is doing right now since tax credit projects haven't been important for Maui County's development community, what the Planning Department is doing right now is we prepare the historic preservation certification applications for applicants at no charge; that includes a Part One and a Part Two. The Part One is equivalent of a National Register Nomination, and usually what happens we will file a National Register Nomination concurrently with a Part One, and then a Part Two will follow. The Part One is an evaluation of significance of the property. It's the same thing as a National Register Nomination. The Part Two is rather detailed and it records every room in every building. It records all finishes, door types, window types, and it's fairly detailed. These are examples of HPCA Part Two for Pioneer Office.

Alright, this is the site, and this is from the permit set, which was submitted. That's the essential floor plan with everything reduced. And that is the existing -- or the pre-rehabilitation condition. And these are the proposed rehabilitation changes.

Because it's kind of complicated, what I did is actually broke down each building so we'll just briefly go through every building and go over the proposed rehabilitation changes.

These photographs were taken within the last three weeks, so this is the way the building looks today ...(inaudible)... braces, dormers, exterior finishes, windows and doors are still intact. That's an end view and side view. This is the floor plan. The right plan is the

original configuration of the walls, and the left plan is the proposed changes. You can see the interior corridors that originally were located in this particular building, we'll call it a "cottage," if we will. There was essentially a living room or a sitting room, and then the corridor went from that room and on either side of the corridors were bedrooms; the bathrooms were located at the ends of the building. The new proposal still reverses kind of the function of the corridor and loads all your bathrooms and service areas within -- in that former corridor space and then has living units. The original function is dormitories. The continued function is dormitories as well.

Exterior changes are -- I'm going to class them as being fairly minor, but most of the projects that I worked on in certified rehabilitations on the Mainland probably didn't do as many alterations to fenestration as this one is doing, but the alterations in this case are minor because essentially they're moving windows only slightly in order to line up with the interior partition configurations and to center windows and doors on stairwells or steps, excuse me, that go up to the lanais. With the exception of those as well as the interior partitions, the vast majority of the building is unchanged, so any kind of work is duplicating materials that are there or were there originally.

Because of code requirements, handicap access, ramps, as well as steps have been located on various portions of building. If you look at those areas which are hatched for windows and doors, those are where the changes are actually taking place.

This is the second cottage or we call it "Fred Baldwin Memorial Home," of FBMH002. It's very similar except that it's smaller to the one we just looked at. That's an elevation. That's an exterior elevation. We're looking for the outside of the U-plan or the courtyard. The right plan is the original configuration of the building when it was first acquired, and then the left-hand plan is the proposed rehabilitation. These are exterior views again. Site modifications to, again, doors and windows, slightly enlarging the center doors.

Mr. Fredericksen: Stanley?

Mr. Solamillo: Yes?

Mr. Fredericksen: What's the plan for the -- this rehabilitated building? You said it was dormitory before. What -- what's --

Mr. Solamillo: Yeah, I'm going to have to ask the owner to address that because I don't know the exact use. Do you wanna address that now?

Mr. Xorin Balbes: ...(inaudible)...

Mr. Solamillo: Yes. The owner is Xorin Balbes.

Mr. Fredericksen: We can take that up after ...(inaudible)...

Mr. Balbes: Okay.

Mr. Fredericksen: Thank you.

Mr. Solamillo: Alright. These are the handicap access ramps which are provided on the exterior of the building facing out from the courtyard. And then you'll notice the windows that are going to be changed. The two center pairs are changed to doorways to provide access to the handicap ramp. This portion here is or it includes three buildings at PMH003, 004, and 005. These -- actually if you look at the -- the two-story building was actually the manager's residence, and then the service wings are located on either side of the two-story building, and there was a porte-cochere. So when you came into the site, there was actually a circular road and you would park on the porte-cochere. This is the rear or exterior view looking at those same buildings.

FBMH003 is actually a plantation house that was moved and attached to the building. FBMH004 includes an addition that was built out from the existing exterior wall which enclosed an existing exterior wall and made it into a corridor, and then we have like three additions that were -- or excuse me, we have one, two, three -- no, maybe two additions that were added on to building 005.

Mr. Fredericksen: When were those additions, Stanley?

Mr. Solamillo: It's impossible for me to date. I mean they're all contemporary ...(inaudible)... to '20's or '30's.

Mr. Fredericksen: Okay.

Mr. Solamillo: These are views of the -- the plan when the building was acquired. These are proposed changes. This is the second story dwelling unit. Right plan is as the building was found; left plan is proposed changes. There's going to be, actually, if you look at the lower plan, the hashed areas are those additions of those additions as well as the plantation house are those areas which are slated for changing and removal. And a formal entry is actually going to be located on this side of the building. A lanai will also be added. These are views of the interior courtyard facades. Again, hashed areas are those windows and doors which are proposed for change. Sections and side elevations. This is the administrative wing, which projects off the -- the two-story residential quarters on the right, if you're on the inside of the courtyard, and it's labeled "FBMH006." These are views of the outside facing away from the courtyard. Another view looking back at it. This is the floor plan when the building was purchased. These are the proposed changes. And these are proposed exterior changes to the fenestration pattern. The last two of the quarters or

cottages, FBMH007, essentially the same detailing throughout. Right plan, when the building was acquired; left, the proposed changes. And again, hashed areas are where fenestration patterns change. Location of handicap ramps. And a change in fenestration here to provide doors and access to the handicap ramps. And then the last one, FBMH008, end view; side view from the exterior facing out from the courtyard. Same scenario. Hashed areas are the changes in the fenestration patterns and those are to provide access to porches. And this is a preview of a view from the courtyard with the proposed rehabilitation changes. Even with the new landscaping designs, in consultation with the SHPD, the owner has maintained the feeling of this property and the integrity of materials. It is, however, up to the National Park Service in doing a certified rehabilitation to get into the details further than what we have and SHPD, essentially, is deferred to the Park Service on issues that are related to the certified rehabilitation of the tax credits.

Some other projects that Temple Home did on the Mainland included the Sowden House in Los Angeles, and they took -- the company took a rather awkward space and made it quite livable. This was designed by Frank Lloyd Wright's son, and it had a rather notorious history. They also did a rehabilitation of Security-First National Bank of Los Angeles. And all of these properties were listed on the National Register of Historic Places.

Essentially, this will be the first time that a developer who has been doing tax credits and putting the buildings on the National Register will have been actively involved in anything in Maui County, so we welcome this trend. Before I came here, I was working in Dallas, Texas, and between 1997 and 2001, I prepared tax credit applications that could be valued in excess of 16.7 million dollars in commercial rehabilitation projects. The result of doing that, and this is just going to address the federal tax credits, we were able to capture at least \$3,341,000 for developers and their investment partners, not counting the savings that were produced through local tax abatement from city and county governments. Again, on Maui, the preservation community has not really pushed these to any great degree. For us to get anywhere near the way the tax credits are used on the Mainland, will require a local tax abatement as well, and City and County of Honolulu have had one in place, I think, since 2005, so we've kind of lag in getting those passed. But as a result, I think, because we haven't pursued a tax credit issue to any great degree, our developers have probably lost the potential of thousands in tax credits and abatements that were not made available to them, so we're very pleased that this, the Fred Baldwin Memorial Home, is the first tax credit on record for Maui County.

At this time, before we got to public comment, we should probably ask the owner, Xorin Balbes, to come up and address any questions that the Commission might have.

Mr. Xorin Balbes: Hi. I'm Xorin Balbes. And you had asked what it's potentially going to be used for, and it's going to end up being a yoga metaphysical learning center where people will come for --

Mr. Fredericksen: So it would be -- the dormitory would still be a dormitory just it's a different -- a different use but it still would ultimately be used as a dormitory.

Mr. Balbes: Exactly. Sort of how I see it is that instead of it being a convalescent home for the aging, it's a convalescent home for the soul, so the rebirth of it.

Mr. Fredericksen: How -- how many -- let's see, what's your capacity for this facility about in terms of number of folks that can stay there at a given time?

Mr. Balbes: Well, there's going to be 17 bedrooms total in which 3 of those bedrooms are actually going to be staff that's going to be living there, so it's going to be 14 bedrooms and if you figure even if people come as couples, it'll be 28 people at the most.

Mr. Fredericksen: Okay. Any other questions? Bruce?

Mr. Bruce U`u: I'm just curious of why an after-the-fact permit?

Mr. Balbes: Well, you know --

Mr. U`u: And that was one question. My second one: What will be the average timeline for a project that is unique like this?

Mr. Balbes: How long it will take to redo?

Mr. U`u: Most of the permit process.

Mr. Balbes: Oh, the permit process.

Mr. U`u: From filing for tax to --

Mr. Fredericksen: Getting the actual credit?

Mr. U`u: To the actual -- the tax credit to the actual hands-on.

Mr. Balbes: Well, what we did is we actually applied two separate phases for the permits. The first phase was to do a reroofing permit, which we already actually got the permits for because I wanted to actually get the roofs redone so that the destruction would stop, you know, on the interiors from all the water leak. And then the second is we then put in the permits for the entire remodel for the restoration of it. And I believe -- you know, I don't know how long the Parks and Recs takes to, you know, go through that process or for the tax credit process, but the permits are already in, you know, applied for at the County. So, hopefully, the two sort of happen at the same time.

And as far as the after-the-fact, I was actually told when I actually bought it that you could actually do like, you know, several thousands of dollars worth of repairs and things, and I was trying to shore-up the building, and when the inspector came out and said stop. I stopped and -- because I was told that if it was under \$2500 you could do it, and so I did stop, and then he came back and said, oh, you can continue. And then he came back three days later and said, okay, stop. So then we stopped. So there was somehow confusion on our part, and then there was the inspector who said, okay, you can continue shoring up the building because there were post and piers and lanais that were starting to fall off, so I was just trying to shore-up those kinds of things.

Mr. Fredericksen: Any other questions?

Mr. Hutaff: Just out of curiosity, you told us what you're going to -- what you plan to do with the building, and your idea is to pretty much keep the ambiance of the building in tact for the outside. Is there any plans to memorialize what the property was there for cause it had a good cause? You know what I mean? It's like this is the old Baldwin house, blah, blah, blah, blah, plaques or historic pictures. Is there plans to do that? Or is that outside of what you plan to do with it?

Mr. Balbes: Well, you know, as far as like having like a plaque and -- I mean there already is. There is the Fred Baldwin Memorial Home --

Mr. Hutaff: Yeah.

Mr. Balbes: That's actually on the building that I don't plan on taking off.

Mr. Hutaff: Good.

Mr Balbes: That will stay. And Stanley has been amazing at finding all these pictures and I would love to have whatever originals and/or copies --

Mr. Fredericksen: It'd be an asset --

Mr. Balbes: Oh, for sure.

Mr. Fredericksen: At the facility.

Mr. Balbes: For sure. In fact, at the -- both at the Security Pacific Bank and the Lloyd Wright house, the Lloyd Wright house has one whole secret room that's dedicated to all the, you know, the past architecture and parties and people that actually were there. So, yes.

Mr. Hutaff: This investment that you're making in a property to ...(inaudible)... is that a long-term commitment? In other words, are you making a long-term commitment to this building and property based upon the business that you want?

Mr. Balbes: For sure. So, if you don't mind, can I take a minute and just sort of share a little bit? So I'm actually the president of Temple Home and I've been doing design and development for the last like ten years. And over the last few years, I've had a -- I'll say a life awakening moment, and I see this as my path for the rest of my life. So I see me actually being here and running this because I've seen what yoga and healers have done for me, you know, having to deal with my own life challenging, you know, issues, and I just wanna share that and teach as many people as I possibly can for the rest of my life. So this is -- this is my soul ...(inaudible)...

Mr. Hutaff: You know, that's really good and I appreciate that, but why only one life?

Mr. Balbes: What do you mean?

Mr. Hutaff: Well, when you say "for the rest of my life," you know, in the Hawaiian culture, there is no end.

Mr. Balbes: Oh, okay.

Mr. Hutaff: You know what I mean? It's like we're always looking down the road for five, six, seven thousand more years. Anything you start today, has a consequence or an opportunity in the future. You've put an end to that.

Mr. Balbes: And I hear you and I appreciate that. Thank you.

Mr. Fredericksen: Bruce.

Mr. U`u: Yeah, question. Is it going to be also -- could local residents use the yoga facility?

Mr. Balbes: Yes. We're certainly hoping that that would be the case cause I have Chris Hart who's - and Jordan - that are doing the applications for, you know, for the use, and so I'm certainly hoping that, you know, that the community can come in and actually participate in yoga classes and metaphysical classes for sure.

Mr. Fredericksen: No questions, Veronica?

Ms. Marquez: Not yet.

Mr. U`u: When was the approximate time of completion?

Mr. Balbes: From when -- from when I receive the permits?

Mr. U`u: No, to actually grand opening or the opening of your retreat?

Mr. Balbes: Well, part of that depends on the County of Maui and how quickly I can get the permits through, but one of the things that I had shared with Stanley is that if there's any way for us to work together, the 100th year anniversary of this is 13 months from now I think, right? And if there was any way to get the permits for the renovation quickly, I would love to sort of tie into trying to get there for that celebration. And just as another little comment, you know, one of the things that I actually started in Los Angeles when I did the Lloyd Wright house is historic properties, you know, 11 years ago were really not that valued. And today, if a historic property comes on the market in Los Angeles, it's usually gobbled up in the first week because people really understand the historic nature. And I'm excited about doing this here because I feel like maybe Maui and Hawaii hasn't held on to enough of its historic nature because I think it tells so much of the history of the people through architecture so --

Mr. Fredericksen: Veronica.

Ms. Marquez: Okay, just help me understand this. So are you at this initial phase of requesting permits or you already did but got stopped, then continued, and then got stopped?

Mr. Balbes: No, I got stopped from doing, you know, minor repairs to just shore-up the building. We didn't have the -- we didn't have the plans, the architectural plans, the renovation plans done at that point cause I just closed on this in middle of November, and so we just -- so I guess about a month ago already we've already turned in all the architectural, structural, electrical, mechanical plans, so we're just waiting on the permits right now.

Ms. Marquez: Okay.

Mr. Fredericksen: So at this stage, the term "after-the-fact repairs" that's relating to the structural - just trying to shore-up the buildings?

Mr. Balbes: Correct.

Mr. Fredericksen: Not renovations. What step did you show, Stanley, on the slides? That step that's been taken out?

Mr. Solamillo: Yeah. It was also for removal of interior partitions.

Mr. Fredericksen: So that's part of the after-the fact thing too? Okay. Any other questions? Okay, let's see. Oh, Stanley, I have a question for you. Thanks. We'll probably have some more questions for you too.

Mr. Balbes: Okay.

Mr. Fredericksen: So, at this point, what are we -- we're advisory for the -- the after-the-fact repairs that have occurred or what's being --

Mr. Solamillo: You're advisory for both.

Mr. Fredericksen: For both.

Mr. Solamillo: Right. So we've got, on the table, after-the-fact permit for work which has been done, okay? And then we've got a certified rehabilitation.

Mr. Fredericksen: Now what's "certified rehabilitation?" Certified by the County?

Mr. Solamillo: No. It's certified by the National Park Service as being eligible to capture the tax credits.

Mr. Fredericksen: Okay.

Mr. Solamillo: And this will get into addressing Commission U`u's question. The plans and the Part One and the Part Two, the Part One is the history that you've all -- you all were sent out in the packets, and which is again the equivalent of a National Register Nomination, that is sent along with in this case I think there's like close to 300 photographs, which document all the materials, room conditions, exterior conditions, site photographs. Those go to the -- well, first they go to SHPD, SHPD looks it over, reviews it, and then sends it off to NPS. Turnaround at SHPD is 30 days for tax credit projects for Maui County. Then they go to the National Park Service and they can turn them within 30 as well. Okay, that says what you plan to do is your work is eligible for capture of the HP tax credits, okay? Once that comes back, I believe they have between year one and year seven to capture or take advantage of the tax credits. There are two ways that people do it. Sometimes they will, if they're large enough projects, they syndicate the tax credits and actually use that to bring in more money, and that's what we were talking about last year when I was going over the inter-urban buildings and I was going what do they do, you know, cause it was what? 13.5 million and they did a mezzanine loan and then, you know, syndicated the tax credits. Well that's -- that's used a lot, especially for doing high-rise buildings. But that can also be done for nonprofits and it gets tighter for nonprofits because you can't have the lease for more than 20, it actually has to be for 19 years on a nonprofit lease, and then somebody, such as an LLC has to be set up to act as a pass through for

the tax credits, so there's all sorts of things, but can, in fact, be done. Once you complete the work, then you have to go through the same process as far as photo documentation, so you have to take the photographs that you took; if there were 300, you take 300 in the exact place looking at the exact same thing and exact same direction, and you send those off to the National Park Service and they'll approve your work if you did what you said you were going to do, or disapprove. But ultimately, NPS communicates their decision to the IRS and then that allows that to take place.

Mr. Fredericksen: Okay. And so at this stage of the process, SHPD has -- has SHPD --

Mr. Solamillo: Signed off.

Mr. Fredericksen: They've signed off but when we say "signed off," that means concurring that this likely qualifies for certification but, ultimately, NPS has gotta provide --

Mr. Solamillo: Ultimately, it's NPS decision. So in doing the recommendation for an action, I would say recommend approval and, obviously, it's still subject to NPS.

Mr. Fredericksen: Right, but from the --

Mr. Solamillo: From the County's perspective, it's -- we recommend approval.

Mr. Fredericksen: County, recommend approval?

Mr. Solamillo: Right. Any other questions?

Ms. Marquez: I have one.

Mr. Solamillo: Yes?

Ms. Marquez: So this Soul Space Ranch, LLC, is seeking a permit to do what they already did. However, what if they don't get it? Do they undo what they did?

Mr. Solamillo: Probably just --

Ms. Marquez: No?

Mr. Solamillo: I mean they were shoring-up a building --

Ms. Marquez: Yeah.

Mr. Solamillo: I don't think they could.

Ms. Marquez: So I mean so --

Mr. Solamillo: But I mean, technically, they still -- they still have to get it. They still have to get that permit. So there's a fine associated with it. They have to pay the fine. But it's listed as an after-the-fact permit. So I mean if I go over and I say, "I'm tired of waiting. I'm going to tear down my building." I tear it down. I gotta do an after-the-fact permit for my demolition. And I pay a fine.

Mr. Fredericksen: But in this instance, that's not what's occurring.

Mr. Solamillo: Right.

Mr. Fredericksen: The building is being rehabilitated. That's the goal. That's the --

Mr. Solamillo: That's the key difference.

Mr. Hutaff: Yeah, it seems like if you're standing there and your building starts to fall down, you gotta be able to put a piece of wood up to stop it and not get fined.

Mr. Fredericksen: I think it's, you know, maybe it's not the most ideal way of proceeding, but the fact that this complex is being rehabilitated is -- I think that's good, instead of letting it just go demolition by neglect ultimately.

Mr. Hutaff: Yeah, I agree.

Mr. Solamillo: We have to do public comments.

Mr. Fredericksen: Yes. Okay, if there's anyone who wants to provide public comment, please come forward, state your name.

Ms. Lucienne deNaie: Aloha. My name is Lucienne deNaie, and I'm just a Maui resident, and driven by this place before, and I have some friends that like live in that neighborhood, and I think it's very exciting that, you know, someone's interested in rehabilitating a building, and I live near a yoga center in Huelo, one of my neighbors kinda made a yoga center there and, you know, if it's considerately done, it's a good thing. If folks take into account the, you know, traffic and the other sorts of constraints in the neighborhood. I know there's a lot of complaints about Baldwin Avenue being kind of a death trap with the bike tours, and the tourists going up to Makawao, and folks coming down to work, and so forth and so on from Upcountry. So I know that's not your folks' purview, but I think it would be good to know if people in the neighborhood are aware of the plans, you know, not that I think people would be against the building being rehabilitated and it's very exciting what's happening there, but just, you know, that's kind of common courtesy here in Maui, so that

would just be my mana`o that, you know, if you can find out more about how that is being planned and also I do concur, I'm on the board of the Haiku Living Legacy Project, which is the Historical Society in Haiku, and, you know, we're trying to encourage buildings, like even the old cannery and stuff, to put up photo displays so that that sense of place goes with your everyday commercial activity and it's not just sort of buried and then one generation later, we don't know anything about, you know, what the past was. So I think, you know, all those directions that you folks have brought out are really good and glad you're here. Thank you. Aloha.

Mr. Kaniloa Kamaunu: My name is Kaniloa Kamaunu. I'm from Waihe`e. It's hard to sit there and listen to this and being kanaka. What you see here, for me, is the demise of the culture...(inaudible)... culture that took advantage of people, and now they want us to look at them as if they created all this. We're looking at historical culture as being this? We forget who these people are and what they're real background is. So we get the National Historical Society --

Mr. Fredericksen: Park Service.

Mr. Kamaunu: Park Service, whatever, who's taking my tax dollars to preserve something they already recognized and that these people are a part of that? And we're supposed to sit here happily and be excited that the continuance and promotion of these people in the eyes of those that don't know exactly who they are and we're supposed to sit here and take this? I think it's wrong. You have to notify who these people are and actually how they circum or how they acquired what they have, and who suffered, and not only who suffered, but who continues to suffer. And this arrogance of telling me or anybody of my culture that this is okay is horrific. You know, we might not be as horrified as what happened to the Jews, but let's not take these guys out of their place. This is a -- these people are on a destruction of another people and we want to honor them? A`ole. Too much pilikia. It's not fair that our people's displaced and yet we make room for the ones who went displace us, and you guys ask us to malama aloha keiki o ka aina ika pono, sit here and say nothing. All these things you're saying, yeah, good. But for my past, you no belong. It hurts to sit here and listen to this, and it's not only in this, in so many other things. What is the culture? Yes, we diversified, but what is the culture? Did we ask these people to come? Or did they come on their own free will? So who is the culture? So I say you cannot support this.

Mr. Fredericksen: And you're entitled to your opinion.

Mr Kamaunu: Yeah. That's what I'm saying.

Mr. Fredericksen: And I hear what you're saying and we, as a Commission, hear what you're saying. We are also trying to encourage old buildings that have some merit and it's not honoring necessarily the, you know, the folks that had ties and the sugar industry or

whatever, which did do a lot of things that were not -- were not good. We can't change all of that but we'll --

Mr. Kamaunu: But, you know, the thing is if you're going to say that, then don't disguise it. Don't disguise and change who these people are. You have to -- if you going show, then show everything because not everything pono. Am I correct? So Hawaiians always believe to be transparent. It's not transparent. You're trying to create something that actually is not true. So that's my mana`o.

Mr. Fredericksen: Question. Question for you. Couple questions or comments.

Ms. Marquez: You wanna go first?

Mr. Hutaff: If I can, okay, first of all, personally, I'm looking at this as a building, okay, not judging it any other way. When I first read it, and I saw the name of it, I was like what? Kinda like what you said.

Mr. Fredericksen: But the context ...(inaudible)...

Mr. Hutaff: What I realize what our role is here, okay, which is sometimes not in line with what we would like to do - well, actually I would like the fact that the building was never put there, but there's kinda a good reason that that building's put there, okay. It doesn't matter who put it up; to me, it was the reason it has been put up. The issues that you brought up are more than substantial, and I think it's really good that you bring to the Commission that thought about it because even though we can only think about the building, okay, there are other issues that may come up that your words are very important to us. I'm not going to disagree with one single thing you said. Make sense?

Mr. Fredericksen: Veronica.

Ms. Marquez: Oh my turn? Young man, throughout your mana`o, and I know you spoke from the na`au as well as the pu`uwai, you keep saying "these people," "these people." Help me, and I'm from Hawaii, understand who are you referring to "these people?"

Mr. Kamaunu: You know, my mother used to always do that too. She'd always do that to me. Because that's the way we all speak, yeah?

Ms. Marquez: Okay.

Mr. Kamaunu: So we know the mana`o. We know what we saying without being direct because sometimes, being direct, is not always appropriate because it hurts feelings. So if you want me to say -- right? You understand, right? That's the mana`o, right? Because

we not like that. We don't refer like that. It's not proper for us to do it that way because it brings out more pilikia. If I start to say "the haole," that's a negativity. I'm not trying to be racist. I'm trying to point out what had happen. And when I talk about -- you know what I talking about. I no have to say that because it's not going to be any better. You understand what I'm saying? You want me to be direct. I'm being as direct as I can and as polite as I can without injuring anyone's feelings. I'm trying to make a specific point of what these people did and we know who they are without specifically saying.

Ms. Marquez: So it doesn't matter if another culturally people were doing the same mana`o, you'd still be against it? It's what they're doing that you don't like?

Mr. Kamaunu: It's what has been done.

Ms. Marquez: Okay, what has been done and will be done furthermore than you are opposed to no matter these people are?

Mr. Kamaunu: Yeah...(inaudible)...

Ms. Marquez: See, I just had to ask because, you know, I know, I local too, but still yet, when I see you standing there, and I know you speak from down, I gotta understand too.

Mr. Kamaunu: It's just that we not like that though.

Mr. Fredericksen: Bruce.

Mr. U`u: Yeah, I get one question, or I heard some comments made, some Commissioners that it was -- this was a good thing prior and, you know, what's funny is I heard stories. My mom's Hawaiian. You heard stories growing up where -- where they're allowed and not allowed to go, which is very interesting. I know this place was built 30,000 in costs. The railroad company built it. They took the material from Kahului, took it to Paia, and they muled it up to this area. And what gives me some gratification is when I read this and my mom would tell the stories. You know, this is confirmation. And I'll read this. This home -- this is coming from the Hawaiian Civic Convention, "*This home takes white men from all over the islands.*" This is coming out from here. And I'll turn the page. And then it's going to state, very interesting reading, and I'm reading this and -- "*The Fred Baldwin Memorial Home was open for inmates in August 1911. It's purpose is to provide for aging white men, the home for which would not otherwise would not have they have in their declining years.*" So it's really segregating. It's really what you said when you said, "those people." Who is racists. Who was racists. Right here it says, "white."

Mr. Fredericksen: Yeah, at the time.

Mr. U`u: My mom is not white. So what she says growing up, "Bruce, this is how it was." And here is evidence of how was and that's why I asked if the local people can go there cause we can make it right, or we can take a step in the right direction. And I agree with you. I totally agree with you. I understand the history. And, possibly, we can make it a step in the right direction. A small step. But we cannot be segregating to this is the elite of Maui, the upperclass of Maui, and we are not invited into this area, which I think I have the right to be there - in fact, without invitation, and that's why I asked you guys if this going be open for the Maui residents cause we cannot live like this anymore, you know.

Mr. Fredericksen: Yeah.

Mr. U`u: And that's why I disagree with you when I say this wasn't right. It wasn't a good --

Mr. Hutaff: That's not quite what I meant. I meant that the -- you know, if you take the building and it's going to be for elderly people, okay? I'm probably really racially blind, okay.

Mr. U`u: Great.

Mr. Hutaff: Yeah, but it's also a problem sometimes because I don't see white or black, or black or white, okay, and I'm glad that you pointed that out because that does actually change it. Now I'm actually a little bit more in favor of it because if there is something that's done wrong, okay, anytime you make a mistake, what's the first thing you try to do once you realize you make a mistake? Correct it, okay? It doesn't really matter what the mistake was, it matters what the solution is. So my comment was racially blind. I didn't realize that that was "white only." I thought it was war heroes and stuff like that that were there. And again, you know, I don't see black or white whatsoever, and so it takes someone, like the two of you, to correct me. Thank you.

Mr. Kamaunu: Mahalo.

Mr. Fredericksen: Hinano?

Mr. Hinano Rodrigues: Hinano Rodrigues speaking as a private individual and not a rep. of SHPD. It's hard for me to say what I'm going to say because if there's anybody on this island who lacks artistic talent, anybody on this island who lacks creativity, it's me. My only problem with what I'm seeing on the screen is that, that conceptual depiction of what that place might look like when it's done, and I'm in favor of it being done because I agree with Bruce, we need to now make it better cause we cannot change what had happened in the past. It doesn't look like Maui. It doesn't look like what I, as a lifelong resident, remember Upcountry to look like. That second picture looks like Southern California. And so maybe,

and I don't know if this is the proper venue or the proper time to bring it up, so maybe the applicant can go back to his architects and say --

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

Mr. Rodrigues: Let's rework that conceptual picture. That's it.

Mr. Fredericksen: Thank you, Hinano.

Mr. Hutaff: Actually perfect. Could I invite? Can you -- could I talk to you, specifically?

Mr. Fredericksen: Come on back, Hinano.

Mr. Balbes: Can I just say one thing about that landscape? That is only conceptual. We haven't even started the landscape plan yet.

Mr. Fredericksen: Okay, well, thank you. Thank you for that because it is --

Mr. Hutaff: Yeah, I'm still going to say what I'm going to say about it, okay, and -- in ancient times, when you placed standing water outside of your building or your habitat, you were telling everyone there, "I am wealthy." Cause water was the biggest commodity there is, okay. In the Hawaiian culture, standing water is thievery, okay. Water in motion, moving from mountain to ocean, is proper, okay. So I was going to make the suggestion that maybe before you put the standing water there, which in Hawaii is inappropriate as far as the culture goes, okay, and also based upon the fact that ancient times it really was a sign of wealth, a kind of wealth that you slap in somebody else's face - I have. You do not. Water was the strongest commodity, okay. Hawaii, it's the land and the water. So maybe that would be something that, you know, it's going to be your property but if you're really trying to do some things historically, there is that place which has a beginning and will have an end sometime after you depart, okay, but also in respecting by not doing something what standing water would mean to the Hawaiian culture as being offensive. Knowing that, is important.

Mr. Balbes: Okay, I've never known that, so thank you for that.

Mr. Hutaff: Did I get it? Okay, I got one today. That's good. That's all. I wanted to make a comment.

Mr. Balbes: Okay.

Mr. Fredericksen: Thanks, Ray. Any other comments from the public? Okay, anymore comments from --

Mr. Balbes: Can I just one last thing --

Mr. Fredericksen: Yes.

Mr. Balbes: To just address his comments? I totally, totally understand where he was coming from, and I feel like, on a certain level, that what we're doing here is really just honoring the architecture and the history of it, but it's not in any way, shape, or form for me honoring how anybody got it or anybody got that land. And so I'm just grateful that there are people, like him, that are still standing for the Hawaiian culture. I just wanted to say that.

Mr. Fredericksen: Stanley?

Mr. Solamillo: I'll extend my apologies to anyone that I have offended today especially if they're kanaka maoli. The intent of this nomination, and given my particular background, is not to glorify the family that built it. In fact, I was curious about the "white man only" when I located it repeatedly in various books, but it did happen. So again, I apologize. The reason why you'll notice that I'm the author of that document, I'm the author of the National Registry document as well as the Part Two document, the reason why it was done is to demonstrate to our people as well as the development community on Maui that there was another way besides demolishing everything that we possibly can. At the rate that we are going, your landscape will not look the same. So I would love to see, there's a Filipino church on Molokai, right, that I think is, and the last time I saw it was three years ago and it's probably ready to drop, I would love to see some of these buildings saved because it's no longer a church property, but the way that things are going now, the vast majority of all the applications we get are to take down. There's no preservation. The architecture that has developed here, and probably the thing I hesitated to say here, if you look at the detailing on this particular building, you probably had Japanese guys working on it too, right? You had a lot of things going on. Who would put an arch in the middle of a gable, right? That's not -- that's not -- you just -- when you do a gable for an angle carpenter, there is round anything, right? Look at the end elevation or the end facade, you can see the way that the lanai porch meets the roof plate, it's curved - that's Japanese. So you have these wonderful things that did happen here despite the suffering, and I apologize again cause it is not my intent to glorify people who took lands and other things. Anyway --

Ms. Marquez: Oh, fine. That's good. So I need to understand this. So when you do this application, and you authored this whole thing, it's really to bring the buildings back to life, but how it's used is -- I mean the purpose of - cause I saw the word "utility" in there - the way it's used after its rehab and all really has no criteria as to how it's used?

Mr. Solamillo: Not really. As long as it is income producing is the only differentiation made, and it's a sensitive use, alright?

Ms. Marquez: So when you relate that to defining "culture," how do you do that?

Mr. Solamillo: The National Park Service doesn't relate to those issues, neither does the Internal Revenue, you know, Service. What those two agencies are doing is they have a set of rules, those are called "The Secretary of the Interior Standards," you all have copies of those, and they tell you how to use a building - what you can, essentially, can and cannot do, and you follow those rules in order to get, you know, the maximum economic benefit, so I could take a church and turn it into a movie theater, or hotel, or restaurant. As long as it's income producing, I keep the exterior shell, right? I keep the trusses and all those great things, and then I just turn it into a restaurant, but no one will tell you, no, that is not right to do that use in that building given that history so --

Ms. Marquez: Okay, thank you.

Mr. Solamillo: Sorry.

Mr. Fredericksen: Bruce.

Mr. U`u: Yeah, I'd just like to add I'm all for the renovation. I like the type of style that they have. I also like Dickey. The Dickey styles that they have. Just curious, what is the zoning and how does it -- does the affect what he's building? Are you required to notify neighbors within 500 feet?

Mr. Solamillo: Yeah, I'll let Xorin address that one as well.

Mr. Balbes: So, before I actually went into escrow on the building, I went and talked to the neighbors to tell them what my intention was, and they were all very happy that it was going to become that because there were, up until the end of October, there were 120 people living in these buildings. They were Maui Land & Pine workers. So everybody's really happy that it's going to be like 30 or 40 people at the most, as opposed to 120 people living there.

Mr. U`u: What's the zoning of the property? Just out of curiosity.

Mr. Balbes: Well it's --

Mr. U`u: And what's allowed within that zoning?

Mr. Balbes: What my intent -- what my plan is is allowed within the zoning and it's something like -- it's public/quasi-public and, you know, Chris Hart and Jordan are really better at this part, and something else. So it has to be open to the public too. So that's part of that.

Mr. Hutaff: What happened to the 140 Maui Land & Pine people?

Mr. Balbes: They -- I think the majority of them loss their jobs.

Mr. Fredericksen: Yeah, when Maui Land & Pine ...(inaudible)...

Mr. Hutaff: Well, loss their home too if they were living there.

Mr. Balbes: Yeah, I think they were all -- I think that a lot of people went back to Micronesia, I think. I don't know.

Mr. Hutaff: Well, that's sad.

Mr. Balbes: Yeah. I still have a few people living in the duplexes that were working for Maui Land & Pine.

Mr. Fredericksen: Any other questions? Just a couple points, we'll discuss this as a Commission too, but is, you know, the landscaping appropriate landscaping, culturally sensitive landscaping, an that's about it for at least this point. We can -- we'll discuss some more.

Mr. Hutaff: Yeah, and no tikis, yeah?

Mr. Fredericksen: Well, any other questions for the landowner?

Mr. U`u: No, not for you. Just a question. Who are we commenting to?

Mr. Fredericksen: Yeah, Stanley's going to --

Mr. U`u: Okay.

Mr. Fredericksen: I'm going to call him back up so we can get a little bit of guidance. Thank you.

Mr. Balbes: Oh, thank you.

Mr. Fredericksen: Stanley? So we're advisory on this for the -- for the supports or everything? It's everything?

Mr. Solamillo: It's everything, so it's after-the-fact permit --

Mr. Fredericksen: Proposed remodel.

Mr. Solamillo: And the proposed rehabilitation.

Mr. Fredericksen: Okay.

Mr. Solamillo: Because, and I'll be real honest, it didn't have to come here. I mean we've got SHPD and the feds involved.

Mr. Fredericksen: Right.

Mr. Solamillo: But this is going to be a high profile project and then everybody's going to be going, well, why the heck it didn't come to CRC, okay? The buildings are over 50 years of age, it's been determined eligible for listing in the National Register so --

Ms. Marquez: So if it didn't have to come here, what we share and do really can be overwritten and not even taken into effect?

Mr. Fredericksen: It's all advisory.

Mr. Hutaff: It's advisory.

Mr. Solamillo: I mean we're advisory.

Mr. Fredericksen: We're advisory on this.

Ms. Marquez: We can advise, however, they don't have to do.

Mr. Solamillo: Well, I think in this case, because it's -- it falls under NPS review, NPS rules because it's ultimately the heaviest regulatory body that reviews this project, and it'll be probably more conservative than anyone here. You can and should address cultural issues that the designers as well as myself are not aware of cause it does have to come out. So if you wanna list those as conditions, then I will write them down as conditions.

Mr. Fredericksen: Well, Ray, why don't you reiterate your --

Mr. Hutaff: Concern?

Mr. Fredericksen: Your concern on the landscaping.

Mr. Hutaff: I can comment to the picture.

Mr. Fredericksen: The proposed or the conceptual.

Mr. Hutaff: The conceptual picture there as being culturally offensive, and I would advise the architect and the owner to revisit that and maybe come up with some ways of -- well, definitely not put that. I just going say not put that. I don't have a solution other than take it away.

Mr. Solamillo: Can you tell me why it is offensive?

Mr. Hutaff: My understanding is in Europe, in France, Portugal, Spain, Iran, Iraq, every place, including the Washington, the Potomac, is placing standing water in front of your home is a sign of wealth and in disregard for what water is to us as a culture and as human beings. It's a total disregard.

Mr. Solamillo: Okay.

Mr. Hutaff: In fact, I guess we can leave it right there and not get lengthy, huh?

Mr. Fredericksen: Yeah.

Mr. Solamillo: Thank you.

Ms. Marquez: And "to us," you mean?

Mr. Hutaff: Human beings.

Ms. Marquez: Human beings. Thank you.

Mr. Hutaff: Human beings.

Ms. Marquez: To human beings?

Mr. Hutaff: Yeah.

Ms. Marquez: Thank you.

Mr. Hutaff: Or racial stuffs.

Ms. Marquez: Thank you.

Mr. Fredericksen: Any other --

Mr. Solamillo: But this is a --

Mr. Fredericksen: Comments? Yeah.

Mr. Solamillo: This is a kanaka maoli value.

Mr. Hutaff: I beg your pardon?

Mr. Solamillo: It's a kanaka maoli value.

Mr. Hutaff: It is. It is. Hawaiian culture, the water --

Mr. Solamillo: Must move.

Mr. Hutaff: You know, can't just stand. It has so many wonderful properties that it needs to be used without being stolen. I mean the word "used" is consistent and constant. When water flows, which means it's good at the top as well as it's good at the bottom. It's complete flow in movement, okay, perpetuates life and activity all along its path. Standing there is an evaporation process and to the Hawaiian culture, as my understand, okay, is not something that can be done - even storing water --

Mr. Solamillo: Okay.

Mr. Hutaff: Is not good.

Ms. Marquez: So, Ray?

Mr. Hutaff: Yes?

Ms. Marquez: Help, maybe it's me, but the water at the State Capitol, is that standing or flowing?

Mr. Hutaff: That's standing.

Ms. Marquez: Okay. The State ...(inaudible)...

Mr. Hutaff: And the Potomac. I mentioned that one too.

Ms. Marquez: I know the Potomac. The State Capitol. Okay.

Mr. Fredericksen: Any other comments? I think there was a -- was there a comment about -- now I can't remember. I'm getting hungry.

Ms. Marquez: You hungry?

Mr. Fredericksen: Yeah, I don't remember.

Mr. Balbes: Maybe one other comment I think is it being open to the public.

Mr. U`u: Open to residents or the public.

Mr. Fredericksen: Rhiannon.

Ms. Chandler: Okay, yes, actually I just would like to say that I appreciate what everybody said today, and I think that in addressing the specific ability of both native Hawaiian people and anyone, members of the public to go up to that site and feel welcome there, I think it would be nice in terms of the landscaping to include native plants that would have existed there prior to this property being built and signage maybe to indicate their uses and their names so that it can be a learning experience both for people that visit the site for your business and people that visit the site because they feel welcome there again.

Mr. Fredericksen: Anything else? Nothing? Okay, so we got three recommendations.

Mr. Solamillo: Water shall not be standing. So, let me rephrase this. The three conditions are that water shall not be used in standing pools. If water is used, it shall be in movement. Or do you want water out?

Mr. Hutaff: I just think that that's inappropriate what I'm looking at. I don't how to ...(inaudible)...

Mr. Solamillo: We'll just ask for a redesign?

Mr. Hutaff: I think he's heard us.

Mr. Solamillo: Yeah.

Mr. Fredericksen: Yeah, the thing with the water right in front there, just to me, that makes it not -- that's not Hawaii to me, just looking at something like that. I mean it looks nice in some perspective, but I mean it just doesn't match Hawaii like --

Ms. Marquez: So an example of moving water, for Ray, is what if it was fountain - it moves? Still inappropriate?

Mr. Hutaff: No. I tell you, if you go through all the things you know about Hawaiian culture and water, you would never walk outside your door and see standing water. If you walked outside your door and you saw standing water, it was in a lo'i or loko at that particular moment in time. The water was doing something. Okay, water is utilized. It's, you know,

it's so valuable to human life that - I don't know how to really explain it well - but knowing what this means in Europe and what it means across the countries and Asia and all that countries too, it is really a sign of opulence. Opulence, to me, define opulence is I got a whole bunch and you ain't got blank, blank, blank. That's wrong. It's a shared thing. And so moving, it goes from one person to the other.

Ms. Kanuha: And, you know, as we are taught, as children, that uwe ka lani, ola ka honua, when the heavens cry or when the heavens weep, the earth shall live, yeah, cause the . . . when the earth live, then we live. So when the water is standing still, then it's like waste, yeah. So I just wanted to make a comment on that and I just wanted to kinda tag on to what Rhiannon said about the native plants that was there before the building was even -- or maybe you might wanna take it maybe a step further to find out about the kanaka maoli Hawaii, the people in that ahupua`a, or some kinda historical significant of that area, like, you know, we talk about Kahekili, they call 'em "Airport Beach" today. They call "Black Rock," which is Pu`u Keka`a. Every area on this island has a mo`olelo, has a story, so maybe it might be great that it would help you in your business and for the people that will come and visit you to understand this pu`u honua, or this area, yeah, and I'm saying that because the pu`u honua would be a place of refuge, yeah, time to replenish. Okay, so that's my mana`o for today.

Mr. Fredericksen: I mean I'm just thinking outside the box here. I mean there could be a water feature but it could incorporate some lo`i there. I mean some -- and then have native plants that would have been in the area and if water's available, have something like that that actually has time tie-in with the land.

Mr. U`u: I just wanna make a comment. I don't think Four Seasons belongs Upcountry, and that is as simple as it is.

Mr. Fredericksen: Yeah.

Mr. U`u: You know, it doesn't blend with the environment, it clashes with the environment, so something that flows and that ain't flowing for me.

Mr. Solamillo: Condition No. 2, that the complex be open to local residents. Condition No. 3, that landscaping with native plants and signage showing their Hawaiian uses as well as their Hawaiian names be incorporated into the design. Anything else more?

Ms. Marquez: Comment on No. 2.

Mr. Solamillo: Yeah?

Ms. Marquez: Open to local residents. Define "local residents."

Mr. Fredericksen: Maui residents.

Ms. Marquez: Maui residents.

Mr. Fredericksen: Whatever.

Ms. Marquez: No, not whatever, but that's what I'm saying, just going from mana`o, so who said it?

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

Ms. Marquez: No, I want the person who suggested that to define for me "local residents."

Mr. Solamillo: Commissioner U`u.

Mr. U`u: I would suggest everybody on the island and the reason is, at one point in time, certain people were not allowed.

Mr. Fredericksen: Right.

Mr. U`u: Welcomed. How's that? They weren't welcomed. So we gotta give 'em that welcome feeling. And maybe you should put in parenthesis of the why we are implementing Condition No. 2 so we can change the past and, you know, if my mom like go, she can go.

Ms. Kanuha: Right.

Ms. Marquez: So why not say, instead of make it definitive "local residents," why not say, "and open to all."

Mr. Solamillo: That's fine.

Mr. Fredericksen: Yeah, there you go. That's fine.

Ms. Marquez: Then nobody's going to say, oh, you local; you not local.

Mr. Fredericksen: Open to all.

Mr. U`u: Yeah.

Ms. Marquez: Okay.

Mr. U`u: Good.

Ms. Marquez: Because we're going to have to explain about, you know, you not being racist and whatnot, but that eludes to something.

Mr. Fredericksen: Thank you, Veronica.

Mr. Hutaff: No, then you wouldn't have to say without prejudice.

Ms. Marquez: Okay.

Mr. Hutaff: That means the whole world. I think he likes that.

Ms. Marquez: Okay. I can sleep tonight.

Mr. Fredericksen: Go ahead, Rhiannon.

Ms. Chandler: Stan, I just wanted to see if you had incorporated into your list what Makalapua had added about traditional place names from that area if they could be referenced also along with traditional plants that would have been found there prior to the building being built.

Mr. Fredericksen: And that's all going to be very interesting information to whoever happens to go there. It's all educational.

Mr. Solamillo: It is now.

Mr. Hutaff: And it fits within your ...(inaudible)...

Ms. Kanuha: Yeah.

Mr. Hutaff: So it's all good.

Ms. Chandler: I agree, actually. I think this is a healing process. All of it.

Mr. Fredericksen: Yeah.

Mr. Solamillo: Okay, we had a condition that the complex be open to all.

Ms. Marquez: Thank you.

Mr. Solamillo: And you wanna go further and say, "in recognition that, at one point, it was a segregated institution," or no?

Mr. Hutaff: Let's don't give credence to it.

Mr. U`u: Yeah.

Mr. Solamillo: Okay.

Mr. Fredericksen: Yeah.

Ms. Marquez: Yes, thank you.

Mr. Fredericksen: It was a mistake then and that's done.

Mr. Solamillo: And that traditional place names and oral traditions and traditional plants be incorporated into the new use.

Mr. Fredericksen: Into the landscaping.

Mr. Solamillo: Any additions? You have to take a vote.

Mr. Fredericksen: Okay. Anybody wanna -- we need to a motion on this one? Okay. Anyone wanna put forth a motion?

Ms. Marquez: I'm going to try with Ray's help, hopefully. I move that we -- what are we doing? I move that we accept the --

Mr. Hutaff: Recommendations.

Ms. Marquez: Recommendations and mana`o with these three or what -- however --

Mr. Fredericksen: Four.

Ms. Marquez: Four --

Mr. Fredericksen: Conditions.

Ms. Marquez: Conditions as documented.

Mr. Hutaff: You got it. Second.

Mr. Fredericksen: Okay.

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

VOTED: to accept the recommendations and mana`o with the four conditions as documented.

Mr. Fredericksen: Okay, motion carried. Thank you, Stanley. And thank you to the owner for listening and being here.

Mr. Solamillo: Thank you, Xorin.

Mr. Balbes: Thank you.

Mr. Fredericksen: Best of luck.

Mr. Balbes: Can I say one last thing?

Mr. Fredericksen: Sure.

Mr. Balbes: So, you know, we've been playing with what the name is and I started looking up ancient Hawaiian symbols and terminology, and so I believe that it's going to end-up being called, "Ke au lani huli," which there's an ancient symbol that goes along with it and it means the light of the -- the light of the heavens to transform the conditions below. So I do want you to know that I feel honored that you're sharing with me this information. I will take it all into deep consideration because I do wanna respect the culture here as well as the architecture.

Mr. Fredericksen: Make sure that you -- you get the correct meaning with what you're trying say because sometimes just a little like leaving something out or something changes the meaning completely.

Ms. Kanuha: Ke au lani huli?

Mr. Balbes: Yes.

Ms. Kanuha: Lani huli?

Mr. Balbes: Yes.

Ms. Kanuha: I thought I heard you say, "lana huli."

Ms. Chandler: Yes.

Ms. Marquez: Isn't "au" also cloud?

Ms. Kanuha: Au. It is also cloud but it's --

Ms. Marquez: So be very careful. I mean, to me, I learned that --

Mr. Balbes: I might not be pronouncing it correctly but I do have --

Ms. Marquez: Spell it?

Mr. Balbes: I don't have it here.

Ms. Marquez: Okay. Well, be very ...(inaudible)...

Mr. Balbes: I will, but thank you.

Mr. Fredericksen: Check with Stanley make sure because there have been some interesting errors made in the past.

Mr. Hutaff: Yeah, I think maybe the warning that should come -- your little view here is whatever you name it, it will become, so be sure that it's the name you want it to become.

Mr. Balbes: Yes, thank you.

Mr. Hutaff: Cause it will.

Mr. Balbes: Thank you.

Mr. Hutaff: So cool. That's a -- your definition is good though. Make sure the words are right.

Mr. Balbes: Right. Thank you.

Mr. Fredericksen: Stanley?

Mr. Solamillo: Place names.

Ms. Kanuha: Place names. Sense of place.

Ms. Chandler: Diacritical markings.

Ms. Kanuha: Yes.

F. WORKSHOP

1. **Continuing Workshop for Cultural Resource Commission on “Regulations on Buildings and Uses” as outlined in Chapter 19.52 of the Maui County Code as well as applicable State and Federal laws. Public testimony will be accepted. (S. Solamillo)**

Mr. Solamillo: The workshop is being postponed till CRC 06/03/10. That's next month. You got a double whammy: Chapter 6E as well as the rest of the Maui County Code.

G. DIRECTOR'S REPORT

1. **June 3, 2010 CRC Meeting Agenda**

Mr. Solamillo: Director's Report, these two items will be on the June 3, 2010 CRC meeting agenda: The Friends of Moku`ula will return with the finalized version of the archaeological data recovery plan, and then as I told you, we will have the workshop.

Mr. Fredericksen: What, Veronica, you had a question?

Ms. Marquez: Question.

Mr. Solamillo: Yes?

Ms. Marquez: Will this Commission ever go to Molokai before I pau by next April?

Mr. Solamillo: I would love to. We tried, remember?

Ms. Marquez: We talked about it.

Mr. Solamillo: But now we're under this horrific thing about budget and not having enough money and so --

Ms. Marquez: So then in my brain we're saying it's very important to do this here, however, money is stopping us from helping Molokai --

Mr. Solamillo: Right.

Ms. Marquez: I mean what?

Mr. Solamillo: So it's like no can.

Ms. Marquez: No can?

Mr. Solamillo: Yeah. Unless we find another way.

Ms. Marquez: Oh, so I find another way. I'm not being facetious. So you're saying that this is it? But they do Lana`i? We've done Lana`i.

Mr. Solamillo: Well, we've done Lana`i because we had a case over there, right, which was Lana`i BCT. We had demolitions. We had the nomination.

Ms. Marquez: But there's no -- nothing happening on Molokai that deserves attention?

Mr. Solamillo: There is plenty happening on Molokai that needs our attention, which is why I tried to take us there last year.

Ms. Marquez: Yeah, we know. But that didn't work?

Mr. Solamillo: But it didn't work.

Ms. Marquez: And so it stopped so pau?

Mr. Solamillo: Yep. So if you feel strongly --

Mr. Hutaff: What he's saying is that if we could get there free, we'd be able to go better. Seriously.

Mr. Solamillo: Who get one boat? I mean it's like that's the big issue. We're frozen.

Ms. Marquez: So then we're really not adhering to what we're supposed to be according to our Cultural Resources goal? You're saying yes? So we're in noncompliance in essence. You say yes?

Mr. Solamillo: I wouldn't go that far. I'd have to look at the -- I'd have to ask Corporation Counsel to make a statement.

Mr. Hutaff: He wasn't listening.

Mr. U`u: That's next month's meeting.

Mr. Solamillo: I'm not an expert. I really don't know how to address this issue. I really don't because I feel there are super huge issues on Molokai. We have fishponds. People from Honolulu who come here to visit Maui think I'm crazy when I say, "What are we going to do about our fishponds?" But it's a really serious issue, as well as the whole East End of that island, right?

Mr. Fredericksen: I have a request.

Mr. Solamillo: Yes?

Mr. Fredericksen: Why don't we have a Molokai discussion item here and we can evaluate what -- what looks like really needs to be attended to, and then we can pass a motion to say we need to get over there and see what happens.

Ms. Marquez: And you think by passing a motion this thing about budgetary constraints is going to be lifted?

Mr. Fredericksen: I don't know. But it's something we could try.

Mr. Hutaff: I don't know is a good answer.

Ms. Marquez: I don't know.

Mr. Hutaff: It's not a no; it's not a yes. The only thing I would try to do is could you find out what it would actually cost or what the cost are involved item by item as far as us getting over there and see if we can't -- if, you know, a independent businessman out there somehow couldn't go and see if he could get some donations or --

Ms. Marquez: The ferry still runs. There's something in the morning.

Mr. Hutaff: Yeah or some, you know, maybe we can get them to, you know, forget they had nine other people onboard, there and back, I don't know. I think the cost is the issue, am I correct?

Mr. Solamillo: Yeah, the cost is the issue.

Mr. Hutaff: If the cost could be defrayed and what other costs there are, you know, if we could look at it and what the meeting he's talking about and see if there's some way we can't diminish those costs or remove those costs as far as the excuse goes, cause it's a legitimate excuse but it's wrong.

Ms. Marquez: I think we're being noncompliant if you go and review and read this, our goal and mission.

Mr. Fredericksen: That's why we have it on the agenda and we can talk about it.

Mr. Hutaff: That's a smart move, Erik.

Ms. Marquez: Okay, that's a beginning step. Thank you.

Mr. Solamillo: Okay, it will be on the next agenda.

Mr. Fredericksen: Can we take public testimony on this?

Mr. Solamillo: On that item? It depends on how it's framed. I would you like to send me how you want put on the agenda and that's how we'll frame it.

Mr. Fredericksen: No, I mean right now? What we're talking about. I have an audience member with their hand up.

Mr. Solamillo: With their hand up? Yeah.

Ms. Lucienne deNaie: Aloha. Lucienne deNaie. In my other hat, I'm a grant writer, and Hawaii Community Foundation has funds for folks to attend, you know, biological conferences, and enrichment conferences, and things. I wonder if it might be possible for - I don't think the County could apply, but perhaps a nonprofit could apply if we could just find these costs and just set this up as a project to be funded by that, you know, your expenses for ferry and hotel and whatever would be necessarily would be seen by a grant. I mean, you know, I think the intent is a good one and, you know, your Chairperson Fredericksen is right that find out what it would take, find out what's at stake, and what needs to be discussed, and there will be a way found to get over there and you're all right, this is part of your kuleana and you should really pursue it. Thank you.

Mr. Fredericksen: Thanks.

Mr. Solamillo: Any other items for the June 3 CRC meeting? That should fill us up.

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

Okay, originally, Fred Baldwin Memorial Home was supposed to go to the Historical -- or, excuse me, the Hawaii Register of Historic Places Review Board on April 24. It was

deferred to go through the permitting process and then rescheduled for August. So it'll go back to the board in August.

3. Honua'ula Cultural Resource Preservation Plan

And now our last item on the Director's Report. In the near future, we're going to be receiving a Cultural Resource Preservation Plan for Honua'ula. It will come to you in two meetings. The first meeting it will come to you as an information item, and it will not be an action item at that meeting. The second time it does come to you it will come to you as an action item. The Cultural Resources Commission is a critical component to having that document approved.

Mr. Fredericksen: Rhiannon, did you wanna --

Mr. Solamillo: And I know that there are members of the public, including the developer, who probably would like to say something so --

Ms. Chandler: Actually, are we still talking about items for the next agenda or future agenda?

Mr. Solamillo: No, we moved on.

Ms. Chandler: We've moved on already?

Mr. Solamillo: We can go back.

Ms. Chandler: Okay, can we go back?

Mr. Solamillo: Yeah.

Ms. Chandler: Thank you. I appreciate it. Okay, we have a document in front of us that I -- is not part of what was in the mail, and so I'm thinking it came from somebody here, and it says, "*His Majesty Kamehameha III*," it looks like the front page of a constitution, and inside is highlighted information about laws, and the back part talks about disrupting burials, and so I wanted to find out if this was brought to us by somebody here who would like to maybe see it be on a future agenda item or something like that, or Hinano is here, it would be nice to find out if this goes to you or if it goes to us.

Mr. Kaniloa Kamaunu: Actually, it was --

Mr. Fredericksen: Please? State your name. Thank you.

Mr. Kamaunu: My name is Kaniloa Kamaunu, and I'm with the group Kui Pono Ike Kanewai, and our studies for the last two years and a half has been the statutes and how they relate to a lot of the issues, you know, coming up, especially with the burials. That's only one of the areas. But I preference that because I noticed in past meetings that that concern has come to this -- this Commission. And so the reason of the beginning part of the letter is basically just stating that the laws of the past only can be understood by the laws of the past and that they are still in effect especially when it deals with subjects of the kingdom, which actually the parties of the kupuna, so that's what this is for. I was actually looking forward to using that for the -- I guess the Honua'ula or 670, but I had -- so that she kinda just pass it out to you guys.

Mr. Fredericksen: Okay.

Mr. Kamaunu: It was more for that area.

Mr. Fredericksen: Okay. Thank you.

Ms. Chandler: Okay.

Mr. Kamaunu: Yeah, so --

Ms. Chandler: I just wanted to make sure we didn't leave here without understanding what that was, and I'm sorry. Thank you for your explanation. I'm sorry, Stanley, for also derailing what you were saying.

Mr. Solamillo: No apologies necessary. I can derail myself too.

Mr. Fredericksen: Back to Honua`ula.

Mr. Solamillo: Yeah. So I don't have a timetable for that. It has been submitted I believe to SHPD and OHA, and when it clears them, then it comes to us. I think we're final approving agency.

Mr. Fredericksen: So we will have comments from them. It's not going to be like an accepted item and then we just kinda get it after-the-fact, so to speak.

Mr. Solamillo: No but --

Mr. Fredericksen: This will ...(inaudible)...

Mr. Solamillo: The developer probably can -- Mr. Charlie Jencks, I believe, is here and he can probably tell you a little bit more how that works because it was part of the conditions, I believe, for approval for the ...(inaudible)...

Mr. Fredericksen: Yeah, I don't wanna get into a long thing but, yeah --

Mr. Solamillo: Right.

Mr. Fredericksen: If he's here, if he could just give us a quick one, and then we'll have that as an agenda item.

Mr. Solamillo: ...(inaudible)... goes in but there's no date, as I said.

Mr. Fredericksen: Okay, thank you, Stanley.

Mr. Charlie Jencks: Good morning. Good afternoon.

Mr. Fredericksen: Good afternoon.

Mr. Jencks: My name is Charlie Jencks. I'm the owner's representative for Honua`ula Partners. One of our conditions on our change of zoning approval that we received in April of 2008 was to do a cultural resource preservation plan, and that condition required public notice and required us to reach out to the community, and get input that we did do through publication, newspapers, and also using the OHA newsletter. We took the names that we received, maybe 30 names, individuals and entities that wanted to comment. We then took that list of names and then went out with a questionnaire soliciting information on the area that we could use in the development of the cultural resource preservation plan. That was in May -- excuse me, March of 2009. The plan was developed over about a years time using that input. We have then -- we were required to send that plan to SHPD and also OHA for review and comment. Once we get their comments back, we will then modify the plan with their comments, and then bring to you a compilation of everything for your review and approval.

Mr. Fredericksen: So, Charlie, just so I understand, this plan, when it comes back to us - the reason I'm asking this is because there's another project that we were involved with that is like -- the plan's been approved and we saw it once early on - now, for this project, so just so I'm real clear, you've sent out a draft, SHPD and OHA are going to send back comments, regardless of what the comments are, then you folks would come to the CRC to present that, and then there'd be still -- there would still be opportunity for public comment to that plan, the working plan as it were?

Mr. Jencks: That essentially how the conditions read.

Mr. Fredericksen: Okay.

Mr. Jencks: We have to compile all that information, bring it to you for final review and approval --

Mr. Fredericksen: Okay.

Mr. Jencks: And your comment.

Mr. Fredericksen: Okay. Thank you. Rhiannon?

Mr. Jencks: And the public comment.

Mr. Fredericksen: Okay. Thank you.

Ms. Chandler: I just have one more question. Is -- you said you sent out a survey to the 30 individuals and organizations. Is that also public record or --

Mr. Jencks: That will be in the report.

Mr. Fredericksen: In the draft.

Ms. Chandler: That will be in the report. Their comments or the completed surveys?

Mr. Jencks: Yes, the comments. The survey, the questionnaire that we sent out that we developed, which was -- it wasn't easy, it wasn't as easy as I thought it would be, we developed the survey or the questionnaire, sent it out, so all that is included in the CRPP document. Their responses.

Ms. Chandler: Okay, their individual responses.

Mr. Jencks: Yeah.

Ms. Chandler: Thank you so much.

Mr. Jencks: And how we -- how we then incorporated those responses are also -- the explanation's included in the document.

Ms. Chandler: Okay, thank you.

Mr. Fredericksen: Okay, so this will be an agendaed item once you folks have the initial comments from OHA and SHPD?

Mr. Jencks: That's correct.

Mr. Fredericksen: Okay. Any other questions, Commissioners? Okay.

Mr. Jencks: I would only add that the project EIS was sent to OEQC in April, it has been sent out for public review and comment as well, and that -- the cultural resource preservation document as well as the updated archaeological inventory survey is also included in that document so you're going to see it in a couple of different places.

Mr. Fredericksen: Okay. And so that draft EIS is going to be -- it will not be able to be finalized until the -- this end is completed, the public comment, etcetera?

Mr. Jencks: You're going to have to comment on it.

Mr. Fredericksen: Yeah. Okay. Thank you, Charlie.

Mr. Jencks: You're welcome.

Mr. Fredericksen: Let's see, Stanley's still here? Yes.

Mr. Solamillo: Yes, Mr. Chair?

Mr. Fredericksen: Okay, so we don't know when this is going to be an agenda item but it will be an agenda item.

Mr. Solamillo: I'm letting you know it's coming.

Mr. Fredericksen: Yes. Okay.

Mr. Solamillo: Yep.

Mr. Fredericksen: Thank you.

Mr. Solamillo: Okay. There may be presence in the public who might wish to speak on the item.

Mr. Fredericksen: Yeah, just briefly --

Mr. Solamillo: Just briefly.

Mr. Fredericksen: Because we don't have any new information or any information. If anybody wants to say something, that's -- go ahead. Give your name, but keep it brief

cause we've not gotten any information. Okay, and our teacher, retired teacher Commission Member's keeping tab so --

Ms. Johanna Kamaunu: Hi. I'm Johanna Kamaunu from Waihe'e, and my one comment is that the archaeological survey has not been completed for that area. It has also been requested of the developer, I believe, to do an addendum, an addendum was done, which showed significant finds, not finds, I guess features and sites. However, the part that I'm concerned about is that if on one-third or less than one-third on the property the addendum covers 40 sites and features. If on less than a third of that property you find 39 sites, and the other two-thirds has only one site, that tells me that something very, very strange is happening there. So my request, my interest would be to see that they do further study on that archaeological survey or at least not go to this next step of doing this cultural - what is it called? Preservation report. You wanna -- you want to come up with a preservation plan before the survey is completed? That's kind of backwards, yeah?

Mr. Fredericksen: And that's an excellent point. Unfortunately, we don't have all of the -- all the information, but that would -- when this is an agendaed item, that's a very, very important point to bring up.

Ms. Kamaunu: My one comment.

Mr. Fredericksen: Okay. And thank you. That's a very, very valid point.

Ms. Lucienne deNaie: Aloha. Lucienne deNaie. You know, I have some background information that I'd like you folks to have now, and I know you won't hear this maybe for several months, but what it includes is your original letter from 2000, the last time the Commission heard this. I just thought it might be very useful cause I'm not sure if that's going to be dug up and presented to you folks. Just what your comments were in 2000 about the project when -- when it was reviewed.

Mr. Fredericksen: Yes, I'd like to receive that.

Ms. deNaie: So if I might just pass that to somebody. And the second thing is a timeline of the process by which this 670 acres, since 1971 when it was first separated out from Ulupalakua Ranch, has had archaeological review, what has been found at each point, and this is like a two-page version, I know it's the Cliff's Notes version, but -- and it's taken from a report that I worked on with Theresa Dunham, and it's taken from her analysis of all the archaeological surveys that were done for this area. I also have CDs of this, which I would be honored to have any of you, who would want them, may have one, and so there's plenty here. This CD covers an analysis of archaeological reviews in the Honua`ula moku area, basically, from Wailea to Keone`o`io, and it covers everything from the 1970s up until about 2006 when Theresa finished her research. So, you know, please use it when you have

other projects that come in that area, she's really made it easy to understand what happens. And then as for my just personal comment on this, I know we're not getting into it, but I kind of concur with what Johanna said that it looks like that even the sites that have been found, there have been like 60 sites found now on the -- mostly on the southern 190 acres of this property, it looks like the excavations that are done on those have been very, very minimal still, maybe 7 different little test units, and if you look at the reports for the surrounding lands, like there was an extensive report done in 1993 of the golf course right below this, the Gold Course of Wailea, there was extensive work done in the North Course of Makena, these are immediately adjoining properties, they had extensive excavations. So I'm a little concerned that we're getting to a -- an evaluation of significance without having much to base that significance on.

Mr. Fredericksen: Database.

Ms. deNaie: Yeah. Yeah. So I'm just going to leave it at that.

Mr. Fredericksen: Okay.

Ms. deNaie: Let's not skip steps on the process and if the Commission could, you know, just make sure when you do hear it, that there's a place for lineal descendants to be involved, many have been coming forward; that when the CRPP is actually presented to you, that it really includes very extensive site mapping, and the EIS does not include this now and I don't believe it's in the CRPP either from my review of it, and also please don't just settle for monitoring to find out what's really there. There's a way to find out what's there and the CRC should support that. Thank you.

Mr. Fredericksen: Thank you.

Mr. Daniel Kanahale: Good afternoon, Commission Members. My name is Daniel Kanahale. I'm a resident of the ahupua`a Paiahu in the moku of Honua`ula, and I'm here to share some comments on this cultural resource preservation plan for Honua`ula. I understand it's going to be agendized in the future so, basically, my comments are really to preface when you do have the opportunity to review -- to review the plan. My family has lived adjacent to the subject development for many decades. I'm intimately acquainted with those lands. I think, among your many tasks, your task with the responsibility to review and comment on archaeological reports that are submitted as part of a development or proposals to our County agencies, and I think in light of what's happening with State Historic Preservation Division, understaffed, underfunded, overworked, so on and so forth, and the National Park Service recent audit, which found SHPD dysfunctional, that your role in the preservation process for the County is more important and more critical than ever. And I thank you. I thank you for supporting the policies of Chapter 6E, HRS, to preserve and maintain historic properties for future generations. I just wanna say that you can't

count your chickens before they hatch. You have to have an archaeological inventory survey before -- a completed survey before you can have a preservation mitigation plan. You have to have that first, and the effort has to be honest, and I don't think that many people, including myself, and I dare say including the archaeologists for Honua`ula, believe that that survey is complete. I mean when you think about 480 acres on the northern section, finding only 1 site with 1 feature, that's a big huge red flag, and don't believe it. My understanding is that there is going to be submitted to SHPD today a site map with 13 potential archaeological features that have not been documented, and this map contains photographs and GPS's, and this is going to be submitted, so just for your information. That's a big problem. So thank you for your time. I hope that when it does come before you, that you folks will request a site visit. I understand that OHA had a site visit yesterday with the developer. You should have a site visit too. So I hope you plan on that soon. Thank you.

Mr. Fredericksen: Thank you.

Mr. Kaniloa Kamaunu: Well, you guys like doing it. My name is Kaniloa Kamaunu. I'd like to say I apologize if I made anyone feel uncomfortable, especially Stan. I know he works really hard, you know, and gives a lot of great information. I sat through a lot of the presentations that he's given and I'm grateful for all the work that he does. But just to comment, the highlighted area under the packet I gave you, basically, if you take a look at it, it's real brief, real concise. It says, "Many cases must necessarily arise that can only be measured by the old law. New laws or amendments of the old, cannot divest rights previously acquired, and, as in other countries, so in this, the repealed ordinances must be restored to in numerous cases accruing before the repeal or modification. Means and remedies may be altered, but the rights themselves, if vested cannot be constitutionally disturbed. This is one admitted doctrine of civilized jurisprudence. Another of its admitted doctrines, even in the exposition of new laws is that the old law must first be understood and to the mischief intended to be cured by it in order to apply the remedy." So it, basically, stating if you -- when we look at it, especially when it comes up to the burials, and that's what we talk a lot about, it's been talked about especially in this sensitive area and a lot of cultural area, and, you know, they provided protection for them. And being that these people were subjects of the kingdom, they had to be protected. And in 1860, very briefly, it says, "If any person, not having any legal right to do so, shall willfully dig up," it says right there, the main thing is, "If any person, not having . . ." We know that a lot of developers don't have because they not lineal descendants, so how can an action be taken to remove things that they have no legal jurisdiction over? Because even if the court of law says, well, the permitting process says they can, legall, they cannot because the question has to be answered, which is if any person not having any legal right. We talking about 1860. That already throws that jurisdiction out the door. So now the thing is why is it continually becoming an issue when these people are protected by the monarchy in 1860? There are

things that should be posed is if you cannot put 'em there, oh well. We gotta find -- do something else. Mahalo.

Mr. Fredericksen: Stanley?

Mr. Solamillo: Okay, we are pau.

Mr. Fredericksen: Okay. That's -- we're done for the day. Does anybody wanna make a motion to adjourn?

Ms. Kanuha: I make a motion that we adjourn this meeting.

Mr. Fredericksen: All those in favor? We're all good? Okay. Have a great month everybody. Be safe.

Mr. Solamillo: Aloha everyone.

Mr. Fredericksen: Thank you, Stanley.

I. NEXT MEETING DATE: June 3, 2010

J. ADJOURNMENT

There being no further business brought before the Commission, the meeting was adjourned at 1:18 p.m.

Respectfully submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards and Commissions

RECORD OF ATTENDANCE

Present

Erik Fredericksen, Chairperson
Raymond Hutaff, Vice-Chairperson
Rhiannon Chandler
Makalapua Kanuha
Veronica Marquez
Bruce U`u

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Excused

Jacey Laborte

Others

Stanley Solamillo, Cultural Resources Planner

Erin Wade, Staff Planner

James Giroux, Deputy Corporation Counsel