

**CULTURAL RESOURCES COMMISSION
REGULAR MEETING
JUNE 7, 2012**

** 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, Raymond Hutaff, at approximately 10:10 a.m., Thursday, May 3, 2012, 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).

Chair Ray Hutaff: Calling to order the June 7, 2012 Maui County Cultural Resources Commission meeting. Welcome all. Welcome, Members, and welcome people in the audience, and ignore the TV. Okay. Any discussion on the meeting -- on the minutes rather?

B. APPROVAL OF MINUTES OF THE APRIL 5, 2012 MEETING

Mr. Warren Osako: Yeah, on page 16, I believe I said "employee," and it has "employer."

Chair Hutaff: That's kind of important. Page 16. Okay, anybody else?

Mr. Gaylord Kubota: I have one.

Chair Hutaff: Okay.

Mr. Kubota: Page 2, line 3, "I've actually done adaptive use," rather than "adapted use" ...(inaudible)... page 2, line 3, "adaptive use of an old building."

Chair Hutaff: Perfect. Anything else?

Mr. Kubota: One more someplace. Page 12, line 41, "I went and used my screwdriver" rather than "by screwdriver," M-Y rather than B-Y.

Chair Hutaff: Okay. Anything else? Anybody else? Rhiannon?

Ms. Rhiannon Chandler: Page 2, near the top, it mentions the name of "Community Workday Program," the nonprofit I work for, and "Work" and "Day" are two different words, it's like line 10 I believe.

Chair Hutaff: Right. Okay. Anything else? Anybody want to make a move to approve the minutes with changes?

Mr. Osako: I move that we approve the minutes with the changes indicated or corrections.

Chair Hutaff: Second?

Mr. Bruce U`u: Second.

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

It has been moved by Commissioner Osako, seconded by Commissioner U`u, then unanimously

VOTED: to approve the minutes with the corrections indicated.

Chair Hutaff: Motion is carried. Minutes are approved with changes. Stan?

Mr. Stanley Solamillo: Good morning. Before we begin, we welcome Ann Cua, from the Planning -- or Current Planning Division, sitting in for the Deputy Director McLean.

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

C. ADVISORY REVIEW

- 1. MS. LAURA MAU, on behalf of WILSON OKAMOTO CORPORATION AND MAUI COUNTY DEPARTMENT OF PUBLIC WORKS, requesting pre-consultation review and comment on the proposed replacement of Kahawaiokapi`a Bridge and related improvements to five adjacent parcels east and west of the bridge, located on the Hāna Highway at Milepost (MP) 48.6, approximately 3.5 miles south of Hāna Town, TMK (2) 1-4-010:013, (2) 1-4-11:055 and 056; (2) 1-4-010:12 and 014, Hāna, Island of Maui, Hawai`i. The CRC may provide comments and recommendations. Public testimony will be accepted. (S. Solamillo)**

Mr. Solamillo: Before we begin, I'm going to give you a brief background on the Hana Belt Road and the historic district in which this bridge is located.

Kahawaiokapi`a Bridge is also referred as "Kapi`a Stream Bridge," "Kawaiokapi`a Bridge," and "Kahawaiokapiha Bridge." It is a contributing structure to the Hana Belt Road Historic District, which is sometimes referred to as the "Hana Highway Historic District." Known as the vernacular as the Hana Highway, the Hana Belt Road was built from 1900 to 1926 in

pieces, and finally consolidated as one road in 1926, and there were replacement bridge spans that were being added as late as 1947. The road is 56 miles in length, has 620 curves, and 59 bridges. Kahawaiokapi`a Bridge was first built in 1915, then replaced in 1931, and is located in the Hana to Kipahulu section of the Hana Belt Road. Its initial construction coincided with two other spans as well as a number of concrete culverts in Hana.

The Hana Highway is one of the three major tourist destinations on Maui Island, and it follows Lahaina as well as Haleakala. Each year, it is traveled by some 1.7 million tourists and generates in excess of 365,000 vehicle trips and contributes in excess of 8.8 million dollars to the Maui economy. All of those rent-a-car logos at the bottom page, you know, also are part of the economy and they contribute the vehicles. And I can't forget the Chair's tour company as well.

Chair Hutaff: Based upon that last comment, there are more than 620 turns, and there are more than 50-something bridges.

Mr. Solamillo: Okay.

Chair Hutaff: Okay. If you take the whole Hana Road. The Hana Road, by my definition, will be from Hana Highway all the way up to the winery, even though it does change to Pi`ilani around Kalepa. The number of bridges and the number of turns are based on the road to Hana. After Hana, which this bridge is, okay, or it's not included in that number, so there's a lot more than that.

Mr. Solamillo: Okay. Thank you. The Hana Highway is known for its spectacular scenic vistas, the largest collection of intact early 20th century concrete bridges in Hawaii, lush vegetation, and numerous waterfalls, which cascade down V-shape valleys toward the ocean below and many of them being caught in ditches of EMI.

The other thing that's important is that cultural landscapes here have remained largely unchanged since 1900, and we got photographs that go back to 1905 that show that.

Our bridge is located, it's bridge number 45, and this comes from a Historic American Engineering Record documentation that occurred after the whole district was nominated, and it's shown with the red circle and the white arrow at the right-hand side of this slide. The predecessor roads were designed and constructed by native Hawaiians under the orders of Pi`ilani and his son, Kihapi`ilani, in the 1500s known as Alaloha, or the King's Highway. Small sections still exist in South Maui. The successor road was eventually designed by Anglo-American engineer, Hugh Howell, and completed by Chinese-American engineer, A.P. Low. This is a photograph taken in 1905 and it shows the road then as a horse trail, and that was the width, so the construction of the belt road increased the table width so that vehicles could actually use this road.

These are some photographs taken in the same year on the same trip, I'm assuming, and you can see how narrow the bridge is on the right slide. It's just really wide enough just for a horse or a mule.

By 1927, most of the bridges have been built and they were wide enough for a Model-A Ford, and this Makapipi Stream Bridge and it had just been completed.

Nomination to the National Register of Historic Places was completed in 2001. It was prepared by Historian Dawn Duensing on behalf of Maui County. In the same year, the Hana Bridges Preservation Plan was prepared by Wilson Okamoto and Associates for the County Department of Public Works and accepted by SHPD on December 3, 2001.

The bridge that we'll be looking in a few minutes was also recorded as a HAER project, which is Historic American Engineering Record. In fact, all the replacement bridges on the Hana Belt Road were recorded by Mason Architects in 2002. Following Mason Architect's documentation of this bridge, the Historic American Engineering record came in and did a documentation of the entire road that was contained within the historic district and created typologies so that we have definitions for every bridge type as well as culverts and road beds along the length of the Hana Belt Road. These are just a couple of drawings that were created from that project, and that was done in 2005. These are shots of the bridge that were taken in 2009 when the National Park Service asked Maui County to prepare condition assessments for all historic districts in Maui County, on the three islands, so the Hana Belt Road was recorded again in 2009, and that's where we got the other name, Kahawaiokapiha.

And now I'll ask Ms. Laura Mau, of Wilson Okamoto Corporation, to present the project to you.

Ms. Laura Mau: Good morning, Chair Hutaff, and Vice-Chair Osako, and the rest of the Members of the CRC. My name is Laura Mau and I'm a Planner with the firm Wilson Okamoto Corporation in Honolulu. We've been contracted by DPW for the planning and design of this project. With me today are Mr. Wendy Kobashigawa, the project engineer from Maui DPW, as well as Mr. Milton Arakawa, who is a familiar face to many of you as a former resident of Maui. Milton is one of our project managers at Wilson Okamoto now. Also present is Ms. Tanya Lee-Greig, who's with the firm Cultural Surveys Hawaii, and she's the lead archaeologist on this project. On behalf of the project team, I would like say thank you for your time and attention, and also for the opportunity to introduce this project to you.

This project is being proposed by Department of Public Works as part of their overall program to replace and rehabilitate bridges along the Hana Highway. The project will be funded in large part, 80%, by Federal Highway Administration, with a matching funds from Department of Public Works of 20%.

We're currently in the preliminary design stages of the project, and we're coming here today to receive early input on the direction of our project. The plans that were included in your summary packet as well as what I'm going to show here are draft and will be subject to change. We'll probably continue to refine the project as the process continues.

Today's presentation to you is part of the county's early consultation to reach out and get early input before the design progresses too far. The anticipated bidding date for this project is the fall of 2013, with a target construction date of early 2014, so we are very early in the process.

Since the project is being funded using federal dollars, it will be subject to consultation under Section 106 of the Native -- I'm sorry, National Historic Preservation Act, and many of you are probably familiar with the requirements of that act, it's not anything new, but recently has been getting more awareness with development projects.

As part of the county's early outreach for Section 106 consultation, we initiated a meeting on May 7, last month, with key agencies, including SHPD, OHA, Maui Planning Department, which was attended by Mr. Solamillo, and the Historic Hawaii Foundation. The purpose of the meeting was, again, to request early input on the direction of the project design. We will be conducting additional outreach under Section 106 with native Hawaiian organizations and lineal and cultural descendants that may have kuleana in this area or who may be able to offer mana`o regarding the project site. We'll also be publishing legal notices in the newspaper and coordinating with OHA on the *Ka Wai Ola* newsletter. I've also started to outreach to the Aha Kiole for the Maui District, but I have not gotten their direct contact information yet. And I also have an email in to Kahu Lyons Naone regarding his mana`o in the area. Kahu was able to help us on another bridge project that we did in the Hana area last year. And we also request and would appreciate any referrals or suggestions that you may have for us to contact people who may have concerns or kuleana again in the area.

Please feel free to mark your handouts too. I brought copies of the presentation in case you folks have any notes or questions you wanted to reserve for later.

So Kahawaiokapi`a Bridge is located along Hana Highway. It's at approximately mile post 48.6, which is about 3.5 miles south of Hana Town. The project is within the ahupua`a of Mokai and Kakio, within the districts of Hana and Kipahulu. As Stanley mentioned in his introduction, the bridge is also part of the Hana Highway Historic District, shown here in red. The project is indicated here in yellow. The district is quite long and it starts at Huelo and ends on the south side at Kipahulu. There are numerous bridges and culverts along the way. And the majority of the district is within the State DOT's jurisdiction, and that portion runs from Huelo to Hana Town, and then the balance of the district, from Hana Town to Kipahulu, lies within the county's jurisdiction. This is a close-up of the county's portion of the district, and you see here Kahawaiokapi`a, it's the second from Hana Town. It's located between Kaholopo`o Bridge, which is also referred to as "Make Man Bridge,"

and Waiohonu. Within the district, there are 16 bridges of which 14 are within the county's jurisdiction. Two bridges located here, Pualu`u and Ohe`o, are under the federal jurisdiction. They are not included as part of the county's preservation plan.

Chair Hutaff: Which one's known as the "Make Man Bridge?"

Ms. Mau: Kaholopo`o, which is the first bridge right after Hana Town. That one is actually out to bid and we'll be starting construction soon. So the preservation plan that was -- that we had prepared for the county back in 2001 inventoried all of the county's bridges within this area. They look -- we looked into all of the historic character defining features of the bridges as well as the structural and operational sufficiency of each bridge. The plan was vetted extensively with the community. We did numerous meetings with the public, including presentations to former members of the CRC. The plan included general and specific recommendations for the treatment of the various bridges, and I'll discuss the details of the recommendations for Kahawaiokapi`a Bridge later in the presentation.

The bridge is located completely within the county's right-of-way here, and it's not defined by a specific TMK 'cause it is part of the right-of-way, but there are five adjacent parcels that will be affected because of this project. On the mauka side, there are three parcels shown here, and on the makai side there are two parcels. Are five are privately owned.

The next series of slides are photographs of the existing bridge. This is a view of the bridge from the Kipahulu or western approach. And as mentioned in Stan's earlier presentation, the original construction date for the bridge was 1915. It is a concrete deck girder bridge. This is a view from the opposite approach, the Hana or norther approach. The overall width of the bridge is approximately 15 feet 8 inches wide, and the inside railing measurement is approximately 14 feet 2 inches wide. The railings are about 43 inches tall. They are solid concrete parapet railings with a peak cap feature. The posted load rating on this bridge is 8 tons.

This is a view of the makai elevation or the upstream -- excuse me, downstream elevation of the bridge. The overall dimension length is about 57.5 feet long, and the deck sits approximately 16.5 feet above the bottom of the stream. The abutments and adjacent wingwalls are made of CRM, or concrete rubble masonry, and there are two intermediate concrete piers that support the bridge structure.

This is the upstream or mauka view, and you can better see the position of the intermediate piers here, they're both about 18 inches wide, and they support a series of 4 parallel concrete girders up top and each of those girders measures about 14 inches wide by 22 inches deep.

This pair of photos shows the structural integrity beneath the bridge and it's mainly focusing on the makai girder but it's pretty representative of the overall condition of the

bridge. To the left is the Kipahului abutment, and to the right is the Hana abutment, and you can see here there's quite a lot of concrete falling, delamination or peeling of the side of the girder, and a lot of exposed and corroded rebar material.

The preservation plan had a number of preliminary recommendations for this bridge, and I've listed them here. The proposed design will incorporate the majority of these recommendations with the exception of the last bullet here, and I'll go into a little more detail later. The new bridge will be constructed largely at the same location as the existing. The overall width will be 16 feet. It will maintain the single-lane function and design and height of the bridge railing as well as the concrete girders and slab. The new abutment walls will incorporate the original CRM material from the existing abutments and wingwalls, and there will be a free standing rock guard wall along all of the approaches to the bridge. This recommendation vetted, again, with the community because under normal circumstances, we would be designing the approaches using metal tri-beams and as we consulted the community, many expressed concerns about having so much metal near the existing bridge, so we looked into alternatives to that metal railing to soften the approach but yet still be in compliance with the state's requirements to provide safety crash-tested railings, so the design we came up with was basically a concrete core with a rock facade overlaying on the concrete core, so this satisfied the community's concern to keep the visual effects soft as well as the state's responsibility to comply with safety requirements.

There will also be a temporary construction access road located mauka of the project to provide continual vehicular access through the construction period.

And then, finally, the last recommendation was to retain the existing intermediate piers as non-load bearing features, but after evaluating that a little bit closer, we found that that was not the optimal option for this replacement project.

This -- the next series of slides we'll show you on plan what the major components and sequencing of this project will include. So the existing bridge is shown here in green. The temporary construction bridge and approaches will be located on the mauka side shown here in the gray, and the existing bridge will remain in place until the temporary bridge is completed and then it will be removed thereafter. Once the temporary bridge is completed and operational, the construction on the new bridge will start and, again, it will follow, roughly, the same alignment as the existing bridge in keeping with the plan recommendations. Once the new bridge is operational, the temporary bridge will be removed and the area will be restored as much as possible.

And then, finally, there will be a new limited access maintenance road, it'll be gated, and it will provide maintenance -- I'm sorry, access to the maintenance crews.

This is the overall area or look at the project area, which would include all the major components. The overall disturbance area is estimated to be about 24,300 square feet, or about half-an-acre.

I just wanted to talk a little more detail about the deck and the foundation for the new bridge. The existing bridge is again shown in green, and I just wanted to illustrate that the new bridge will actually be longer than the existing bridge, shown here in the lighter yellow color. And in looking at the foundation plan, the existing pier supports and abutment walls are located here in the dark green. In the new configuration, the yellow areas are going to be where the new intermediate pier walls and abutments - where they're going to be located, and the rationale for this was, although we tried to retain the abutments in place, there -- by recommendation of the soils engineer, because of a rock outcrop located immediately beneath the bridge and the siting of the existing footing on that rock outcrop, the soils engineer recommended that we move the location of the footings farther back to provide a more solid foundation for the new bridge structure and so that lengthened the overall length of the bridge.

In looking at the deck of the bridge, these yellow highlights are where the intermediate piers and the abutments are going to be. On top of the pier walls will be two pier caps, which are indicated in blue. And the reason for putting the pier caps there is to provide a better support system for the girders. There's going to be a system of 4 girders going across the bridge, which is what's there now, and there will be 4 girders at each stand for a total of about 12 girders, and these are indicated gray. And on top the girders, there'll be a concrete slab cast in place, and then overlain by a blacktop. Along the approaches of the bridge will be these guard walls shown in the dark brown. And then, finally, we'll improve the slabs to match back to the new bridge.

On the section, you can better see the -- oh, I'm sorry, the railing. This is what the new railing is envisioned to look like, and it'll be very consistent and in keeping with the existing bridge. It'll be a solid concrete parapet. And the guard walls will be located adjacent to the railing. It'll sited at the same height as the railing and then tapered down to about 27 inches as it moves away from the bridge. Below the bridge, you can see the location of the abutments and the footings. This is the rock ledge or outcrop that the soils engineer was concerned about. So the recommendation was to move abutment farther back from the edge to provide a better foundation. And this is where the intermediate piers will be located. Shown in blue here are the pier caps that correspond to this blue area up here. And, basically, the pier caps provide a better surface area for the girders to be seated.

We looked at different rehabilitation alternative instead of replacement of the bridge, and the concept here was to retain the existing abutments and piers as non-load bearing features. We did this concept successfully on another bridge in Hana, you might be familiar with the Paihi Bridge, and it's located farther south from Kahawaiokapi`a. In this project, we drilled -- we used drilled caissons behind the existing abutment walls to carry

the load off of the original structure and that way we were able to keep the abutment walls as their character defining feature. This alternative, however, was eliminated because we had some feedback from the contractor that did the Paihi Bridge project and because of the length of the girders that were used for Paihi, they had some logistical issues trying to get around the curves and turns, the hundreds of curves and turns along Hana Highway, and in some cases, they had to kinda shimmy the girders around the bends just to get it to the project site. For Kahawaiokapi`a Bridge, we're going to be proposing longer girders than what was used to Paihi Bridge so we know that that's going to be a logistical issue for this bridge too. So being that Hana Highway is the main route to the project, we no longer have use of the Hana Harbor, it would be really cost prohibitive to use another alternative, which could be choppers or airlifting the girders into the site.

We also looked at a different bridge layout alternative that would retain the existing -- or the new piers at about the same location as the existing piers, but this alternative was also eliminated because it resulted in uneven spans beneath the bridge and in talking with the key agencies last month, they expressed favor in keeping the spans for all three spans even.

We also looked at different pier cap alternatives to reduce the visual impact from the side of the bridge. If you're traveling along the road, you probably would not see the pier caps, but in looking at the side view, you would see a difference. So we looked at two different alternatives to soften that visual impact, and this is the area I'd like to focus on. So if you look at the option number 1, which was actually the preferred one, the side view really shows the pier cap farther back and in line with the wall of the girder; whereas, in option 2, you see there's a bit more of a difference a greater visual impact from the side view.

I wanna talk a little bit about the archaeological survey that was prepared for the project back in 1999. The survey was conducted by Pacific Legacy and identified two sites within the project vicinity. Both sites are located on the makai side of the highway, and it's difficult to see from this photo -- from this map, but we believe that both projects are located outside of the county's right-of-way. Cultural Surveys Hawaii will be going out to update that survey to reconfirm the location of these sites as well as identify any other potential sites that might be within the area of potential impact.

This is a close-up of the first site. It's identified at 50-50-13-4684. It's approximately 26 meters south of the bridge, so on the Kipahulu side, and it measures about 50 by 30 meters. It consists of 4 major features including a rectangular platform shown on the bottom right corner of the graphic as well as multiple stone alignments in these nearby features.

The second site is identified as 50-50-13-4685, and it is located on the opposite side of the bridge, approximately 31 meters north. It consists of 3 features, including this enclosure labeled as "Feature A," rock wall, and a concrete cistern labeled as "Feature C." And

again, Cultural Surveys will be going out to reconfirm the location and characteristics of the site.

Because the project will be using county funds as well as federal funds, there are a number of permits and approvals that we'll need to pursue and obtain prior to obligation of the project by FHWA, and I've listed here many of the requirements that we'll need to meeting, it's not an exhaustive list, but it gives you an idea of all of the compliance needs that we'll need approve.

Several of these items, which I've highlighted here, including the NEPA, and state EA requirement, and Section 106 consultation, as well as the state's counterpart to that requirement, Chapter 6E, from Hawaii Revised Statutes, and finally the SMA permit will require us to come back and consult further with the CRC, so there will be future opportunities for your input.

To give you a status of the EA, we're preparing a state EA at this time and we're hoping to publish the draft EA sometime during the summer. We anticipate that the Federal Highway Administration will be issuing a categorical exclusion under NEPA.

So that concludes my presentation. Thank you for listening.

Chair Hutaff: Before she goes, does anybody have any questions from Commission?

Ms. Chandler: Mahalo, Chair. I wanted to compliment you first on your pronunciation of Hawaiian words. I thought you were awesome and I appreciate that. I have a couple questions, and actually something caught my attention, your very last statement about the categorical exclusion under NEPA for the EA, does that mean that it wouldn't be coming to us to review all or it's only going on a state level and it might not be necessary?

Ms. Mau: We'll be incorporating the state EA into the categ. so your input will be part of the state EA.

Ms. Chandler: Oh, okay. Great. Thank you. And then so my first question is: If you could flip back to your slide about the disturbance area - thank you - and you said that it was approximately 24,300 square feet?

Ms. Mau: Yes.

Ms. Chandler: Is that the square footage on the road or does that include the square footage under the bridge?

Ms. Mau: It's everything including the -- this is the new road here in kind of the mustard color --

Ms. Chandler: Okay.

Ms. Mau: The temporary road is this one, and here's the bridge, and this is the maintenance road, so we also included a bit of a buffer around the whole area and that's how we came up with the 24,300.

Ms. Chandler: Okay. So my question about access to working down below would be: Approximately how many people, you know, would be, I would assume, working on a job this large, there would be a lot of people in and around the bottom of the bridge, and their access points and things, my question is about the disturbance to like stream life underneath, I know that there's not a lot of water in this bridge but -- and possibly to the archaeological features, I know you had mentioned that the ones that are known are kind of farther away from this site, but I wanted to see how the area that Cultural Surveys is going to exam compares to the footprint to the disturbance area that you're mentioning.

Ms. Mau: Yeah, Cultural Surveys will be looking at this whole area and will probably survey a little beyond. They're quite thorough in their approach.

Ms. Chandler: Okay.

Ms. Mau: In terms of the number that go with the maintenance crew, I'm not really sure. We have Wendy here. Wendy, do you have any idea how many crew members go to the bridges for maintenance, maybe a couple, three? We don't have that information but we can get that.

Ms. Chandler: Okay. Is it an area that's highly traffic otherwise, like is there an access to down below that maybe either tourists or residents would be regularly using, or is it something that's kind of a restricted area?

Ms. Mau: Well, the area on both sides of the bridge, on the mauka and makai side, are privately owned, and there's cattle fencing around -- right up against the project site, so it's restricted as private property.

Ms. Chandler: Okay. Alright. So, usually, that means that they're probably not too disturbed on a regular basis. Cattle fencing scares me. That means cows might have been trampling things this whole time. But, irregardless, I think it's important to note like if there are plants or other things that you would want to unintentionally cause any destruction to if you have a lot of people working in that are. And then so you had mentioned that the two known sites are going to be surveyed and Cultural Surveys is going to take a look at the larger area and then their findings will come back at some point in time to us before we move forward in the process?

Ms. Mau: It'll be incorporated as part of the draft EA and that will go out for public review, it's a 30-day public review period.

Ms. Chandler: Okay.

Ms. Mau: We'll also be coming back to you when we submit the SMA application.

Ms. Chandler: What is the approximate timeline on that?

Ms. Mau: It'll be probably late summer or fall.

Ms. Chandler: Okay. Thank you.

Ms. Mau: Sure.

Chair Hutaff: Any other questions?

Mr. Kubota: I had a similar concern about -- it looks like there's a standing body of water under there, is there always this standing body of water?

Ms. Mau: Actually, no. That photo was taken after a pretty heavy rain event. Usually it's pretty dry there.

Mr. Kubota: Usually dry there.

Ms. Mau: Yeah.

Mr. Kubota: I was concerned about, you know, the aquatic life.

Ms. Mau: We are doing an update to a biological assessment on the stream to identify, not only the water quality characteristics, but any flora or fauna that might be of concern, and the findings of that will be included in the draft EA as well.

Mr. Kubota: I had another question. I think Stan's presentation indicated that the bridge was rebuilt in 1931, but your statement says the downstream parapet was added circa 1931? Was the bridge rebuilt or was the parapet added?

Ms. Mau: I think that feature was just added or rebuilt. I'm not sure. So not the complete overhaul of the bridge.

Mr. Kubota: Not a complete overhaul of the bridge. So it wasn't actually rebuilt?

Ms. Mau: I'm not sure.

Mr. Solamillo: That information came from the Historic American Engineering Record report, so all it said was rebuilt 1931 ...(inaudible)...

Chair Hutaff: Gaylord, move the mike a little closer.

Mr. Kubota: So it's not clear whether this whole bridge was rebuilt in 1931 or?

Mr. Solamillo: At this point, right now, it is not clear. No.

Mr. Kubota: Yeah. Okay.

Ms. Chandler: Chair, I have one more.

Chair Hutaff: Go ahead.

Mr. Kubota: I think somebody should know that.

Ms. Mau: We will look into that. Thank you.

Ms. Chandler: And then I have a question about the pier cap alternatives. You had option one is preferred and option two is an alternative. Is it preferred from a structural standpoint or preferred from the community's standpoint?

Ms. Mau: Just from a visual standpoint, and we had discussed that just with the key agencies in May. The feedback we got at that point was to go with option one.

Ms. Chandler: And how will you make that decision, ultimately?

Ms. Mau: I think, ultimately, the county will make that decision but it will be with input from the community as well. We're also looking at other options to possibly reduce even the visual impact of option one. The structural engineers are doing some homework on that.

Ms. Chandler: Thank you.

Chair Hutaff: Go ahead, Bruce.

Mr. U`u: Just a question. It says, "a rating of 3 out of a scale of 100." Can you elaborate?

Ms. Mau: Yeah. Normally, are you familiar with the county's bridge inspection program?

Mr. U`u: Not really.

Ms. Mau: Normally, they go out on a I think it's a biannual basis to assess the integrity of each of the bridges, and there's a whole rating system that for each bridge would total up to 100 points, so the more structurally or functionally deficient bridges get lower ratings, and in this case, because the bridge's -- the integrity is quite low, the rating was 3 out of 100.

Mr. U`u: Question. Just curious. When was the inspection done?

Ms. Mau: It was March 2011.

Mr. U`u: One other question. You know that standing rock guard wall approach, is it going to be similar to the one in Lahaina, that rock wall, that -- I just curious of how -- 'cause you know the old rock wall types and the new veneer type, it doesn't kinda match of the old rock wall of Hawaii and I don't know if it would, you know, give a negative impact on that look going in Hana, so do you have a visual on that?

Ms. Mau: We don't. Just what we showed in the presentation. We can come with maybe some better examples for you next time. Does the one in Lahaina a good example or --?

Mr. U`u: I think it would be a bad example.

Ms. Mau: Ah. Okay. Oh, is that right? Okay.

Mr. U`u: As what not to do, you can use that as an example.

Ms. Mau: You're not alone. That concern was expressed, not only by Stanley, but others when we had the meeting last month to try and just give a more genuine look and feel to the rock wall rather than sometimes the look of it might actually detract from the bridge, so we're aware of that.

Mr. U`u: Yeah, and maybe the residents should have a say also in that look, you know. I don't live in Hana. Also, the girders. What you guys doing with the girders again? You guys, potentially, the girders for the bridge, you guys are going to drive it in?

Ms. Mau: Yeah. They're going to be precast and prestressed from the Kahului manufacturing plant, so they'll be trucked in.

Mr. U`u: You guys cannot do them in place onsite? Just curious.

Ms. Mau: The recommendation from the structural engineer was to have them prefabricated ahead of time rather than doing the post tensioning onsite.

Mr. U`u: Okay.

Chair Hutaff: Okay, I have a question. Is the overall width 16 feet - was that outside to outside, or inside to inside?

Ms. Mau: Of the new bridge?

Chair Hutaff: Yes.

Ms. Mau: Inside. So it would be the overall outside to outside railing -- I'm sorry, width will be 18 feet.

Chair Hutaff: Okay. Why is there a need for two-foot?

Ms. Mau: Why is there a need for?

Chair Hutaff: Right now it's at 14.2 feet, and if it goes to 16 feet, so that's 22 inches wider.

Ms. Mau: Okay, I see. That was one of the recommendations that came through the preservation plan and, normally, the state and Federal Highway Administration would require widening a bridge to accommodate two lanes of traffic.

Chair Hutaff: Right.

Ms. Mau: But in this case, because of the -- everyone knows the rural character of this area, to retain that, they were willing to go down to 16 feet to allow -- to maintain the one-lane operation but still provide enough leeway for I believe it was 2 feet shoulders on each side plus a 12-foot travel lane. And so to do that, we actually had to go out for a design exception to get approval.

Chair Hutaff: Suggestion.

Ms. Mau: Yes?

Chair Hutaff: Okay. Try to maintain that 14 feet. Reason. Even though 2 feet may not seem like a lot, the fact that you're going to have in the -- on each side of the approach of the bridge a little wider, okay, because of the -- what's it called?

Mr. U`u: Apron.

Chair Hutaff: Because of the apron, the appearance to a driver will make it appear wider than it really is and the smaller the bridge, the less accidents we have. The larger the bridge, unless it's two lanes, the more problems we have with people saying: I can make it, or it doesn't look too bad, or I don't need to slow down.

Ms. Mau: I see.

Chair Hutaff: So it's more of a safety aspect on a visual idea of what you're approaching that the smaller actual better, plus if you're going to make it look like a funnel, yeah?

Ms. Mau: Yeah. You know, part of the reason for maintaining the 16 feet is, again, for safety concerns and design -- minimum design standards from DOT and FHWA.

Chair Hutaff: Sure.

Ms. Mau: So it would --

Chair Hutaff: I totally understand your concept in what you're trying to do and I'm not going to disagree with that concept, but I think if somebody were to mention: Hey, you know, the Chair mentioned that there might be a visual issue that would cause more of a safety issue just by that two feet 'cause you're not really going to -- you know, you're looking at the bridge like this, okay, let's look at it like this, and you're going to go two feet, not much, but now you're going to have that apron, okay, so when people come around that turn, that's a shady area, the trees always provide shade there, it's going to really, really blend in and look more dangerous than it is. Having gone over that bridge at least 2,000 times and having cars approach from the other side, I can tell you that that will become an issue, and so if somebody could just look at that aspect of it 'cause nobody's looking at it now, right? They're looking at other issues as far as safety. Look at that and make a decision, or whatever you guys decide is a lot smarter than me.

Ms. Mau: Okay.

Chair Hutaff: Yes?

Mr. U`u: Having said that, would you be able to secure the funding if you were to go to the 14 feet because it's mandated by the state?

Ms. Mau: I think that's something we'll need to discuss with them.

Mr. U`u: Maybe not.

Chair Hutaff: Yeah. You know, part of the ...(inaudible)... highway and the other things that have gone on is to try to maintain the visual and character of the bridge, right, and so the two feet may or may not be an issue. I just going from a really actually kind of a personal thing is I actually like everybody in Hana, and I like our drivers too, and I don't want to see them have to deal with an accident like we do when some of the bridges were -- you know, we are more cautious now as a result of that, and this one's actually very easy to be cautious because of the straight line before and the straight line after, we can see

what's happening, but somebody else may not, a visitor, somebody else may not realize that that -- it's not as -- it's wider, it looks wider than it really is because you're putting aprons on. So again, it's just a safety concern that I think needs to be at least looked at.

Ms. Mau: Okay.

Chair Hutaff: Okay. Anybody else?

Mr. U`u: Just a question. My vision is bad or the wording is very small. How -- what's the depth of the footings and from where it comes on down, you know, the slope, is it from the high part of the streambed or the low part that you would take your footing height to go down, and what would be the depth of the footing, just to be curious?

Ms. Mau: We haven't determined that yet. The drawings that we showed are conceptual at this time. After we tie down the rest of the design, the structural engineers will be able to determine the depth.

Mr. U`u: I'm no engineer. Okay. Thank you.

Ms. Ann Cua: I have a couple of comments and then a question. From some of the comments I heard from the Commission, I think that would be very appropriate comments to put forth to the applicant in terms of, you know, possibly maybe wanting some photos, if available, of the rock wall; even the as long as the EA addresses trying to maintain the 14-foot width, I think, you know, a paragraph addressing that, whether you can or cannot, it would take care of the comment; and then even your depth of the footings, you know, that could be a comment addressed in the EA. My question is procedural on the EA and the SMA permit application. So are you -- are you running those together? Is the accepting going to be Public Works? The accepting authority on the EA, is that going to be Public Works?

Ms. Mau: Thank you for mentioning that. It's very timely. We have a meeting with Clayton Yoshida today to kind of go over that, how we will dovetail the two documents.

Ms. Cua: Oh, okay.

Ms. Mau: The accepting authority on the EA will be Public Works.

Ms. Cua: Okay. And I know you said both would be in the summer. See, normally, if the planning commission would be the accepting, then I know exactly how it's going to work and -- but I thought, in this case, it would be Public Works that would be accepting as an agency action, so okay. I'll followup with the Clayton later.

Ms. Mau: Yeah.

Mr. U`u: Question. This probably is for Ann. Ann, would the Hana planning commission have a say in this bridge?

Ms. Cua: I believe they would -- the Hana Advisory Committee would be holding the public hearing. I think that's the normal procedure.

Ms. Mau: Yeah.

Ms. Cua: And then they make a recommendation to the planning commission.

Mr. U`u: That'll be good.

Ms. Mau: I think prior to going to Hana Advisory though we would go to planning commission first so they would defer to Hana Advisory, and then somewhere in there, we would come back to CRC?

Ms. Cua: I'm not sure. Well, in terms of the EA, I believe you're going to make comments today, the Commission will make comments today, it's pre-consultation comments, that would be put in the draft EA, and then you're going to have to address the draft EA, I mean address the comments for the final EA, but then you're the accepting. So it's not like if the planning commission, I think, Bruce, you're familiar, if the planning commission is accepting, they see it two times before the permit. That's not going to be the case. You may have one more review of it. I'm not exactly sure. Maybe as part of the SMA permit, you may have an additional review of it. But I don't think, in terms of the EA, you would have another review of it.

Ms. Makalapua Kanuha: I have one.

Chair Hutaff: Go ahead.

Ms. Kanuha: First of all, I, myself too, would like to say thank you for your proper pronunciation of places in Hana, and ensuring that the bridges between Kaupo and Hana is safe because, today, I still have a lot of family members that travel every day to take the babies to school from Kaupo to Hana, so mahalo for that. And Section 106 consultation, referrals, because I have a lot of family in Hana, I'm just wondering if you had the opportunity to speak to the Kanaka`ole `ohana, the Konahia `ohana, the Kalalau `ohana, Kawaiaia. I have some more but I just thought --

Ms. Mau: I've not contacted any of the `ohana directly yet. When we -- hopefully, we'll hear back from Kahu about who to speak to, and when I get a hold of the Aha Kiole for Hana, hopefully, I'll get some more names, but would you have contact information that I can contact the direct -- contact them directly? If they're comfortable with me calling, then I will do so. Do they have kuleana in the two ahupua`a?

Ms. Kanuha: Yeah. They're actually in that area. I believe.

Ms. Mau: How could I get that information?

Ms. Kanuha: I don't have their phone numbers right on myself at this time, however, I could contact some family members who probably could get those numbers.

Ms. Mau: Sure.

Ms. Kanuha: All the main contact. I only have one person.

Ms. Mau: So that was the Kanohe family, the Kalalau family --

Ms. Kanuha: Kanaka`ole.

Ms. Mau: Kanaka`ole.

Ms. Kanuha: Cousin Eric. And the Konohia `ohana. The Kalalau, Kawaiaia. I know the Nelson-Smiths. The list just goes on but I don't have everybody's number. I just know what `ohana is still in Hana. And were you able to -- I know Kalani lives right in --

Ms. Mau: Actually Kalani's Trust, I believe, owns one of the mauka properties.

Ms. Kanuha: Okay. Yeah. I was going say get a hold of him too 'cause he's the coconut wireless that probably got everybody's number. Yeah. Okay, mahalo nui.

Ms. Mau: Thank you.

Chair Hutaff: Any other --

Ms. Kahulu Maluo: So is it safe to say that you've contacted all five surrounding owners?

Ms. Mau: Not yet, but the county will be initiating that contact. They'll need to acquire some easements for construction and for the maintenance road.

Mr. U`u: Just one personal opinion. I always think bridges are cool when the names are kinda embedded in the concrete, the name of the bridge, instead of kinda like painted on. I don't know if you could incorporate ...(inaudible)...

Ms. Mau: Like engraved?

Mr. U`u: Engraved or embedded or like, you know, out of concrete. I always thought that was one cool bridge when you see one bridge like that instead of just kinda painted on or --

Chair Hutaff: Actually, all the bridges actually had the names of the stream embedded on the outside of the bridge.

Mr. U`u: I like that. And the dates.

Chair Hutaff: One was even backwards.

Mr. U`u: Depends, huh, how you drive? Kidding. That's for the drunk guys going out.

Ms. Mau: Actually, we did incorporate that engraved look to the names on a couple of the bridges: Papahawahawa and Kaholopo`o.

Mr. U`u: If you could continue that, you know, that tradition so it doesn't -- you get the same visual effect.

Chair Hutaff: That would be nice even though that particular bridge has it on the outside, not on the inside, but that would be nice.

Mr. U`u: Right. That would be cool.

Chair Hutaff: Okay, anybody else before we turn it over to public testimony? Okay, we're not open for public testimony. Does anybody wanna come up that have anything to say? I don't see anybody rushing up here. He's not saying anything, the master speaker back there? Okay. Public testimony then, with nobody coming up, let's close public testimony. What would the Commission like to do as far as comments and recommendations? Go ahead.

Mr. U`u: I was wondering if Ann wrote down anything of what we said?

Ms. Cua: You know how I work.

Mr. U`u: I know how she works.

Chair Hutaff: If I could openly ask her a question, okay, can we just move that all the comments and recommendations that we've already spoken about be taken into account and leave it as that motion?

Ms. Richelle Thomson: You can but it's probably clearer, if staff has taken notes, to have staff reflect the notes and see if there's anything that she might have missed, then you can add it, and then adopt it by motion.

Chair Hutaff: Okay. You want to -- why don't we -- Stan, you have any -- he's deferring. Stan is deferring.

Ms. Cua: Okay, yeah, we would -- staff would also prefer to read through to make -- 'cause I would like to see nods because these came from, you know, different Commissioners so, as I read, I need to see that it's all your comments before we put it down. And if you're okay, I can just give you general areas of comments and we can -- I trust Stan to expand the language.

The first comment that I heard was that I think you would appreciate some kind of photos or rendering of the proposed rock wall as you enter and exit the bridge. Also, to look into the possibility of maintaining the 14-foot width of the road, to see if that's possible; if it's not, why; if that, in any way, jeopardizes any funding, so just look into that. Also, a little bit more discussion on the depths of the footings. Also, additional consultation with some of the families that live in the area - I didn't list all those names. I'm sorry. So I think we can just maybe generalize it in that way - just additional consultation. And then consideration for continuing with the name being embedded into the bridge construction itself, the name of the bridge or the stream. That's all I got, so I have five comments.

Mr. Kubota: And there's one more, which I made earlier, and that is the question of whether the bridge was rebuilt in 1931, which they couldn't answer. I think that's pretty important.

Ms. Cua: Okay.

Chair Hutaff: I would also like to see a rendering of the area where you're going to have it gated for the work crew to go. We're spending a lot of nice time on making sure the bridge stays within the character of the Hana Road itself; I'd also kinda like to make sure that the visual aspects of that access point to work on the bridge doesn't negate that. I'd like to add that to the recommendations.

Ms. Chandler: Chair, and then also when Cultural Surveys goes down, to take into account also somehow the flora and fauna of the area under the stream and to not cause any further disturbance while the construction project is taking place.

Chair Hutaff: Anybody else? Stanley would like to say something.

Mr. Solamillo: Commissioner Kanuha mentioned that there a number of families who needed to be contacted. That should be included in the comments.

Ms. Cua: Yeah. I think that's comment number 4.

Mr. Solamillo: Okay.

Ms. Cua: I just didn't have all the family names, but, Stan, you might be able to add that. And there's different ways of doing that, I mean contacting them directly, or I know there's going to be public hearing out there, the families always able to go there as well.

Ms. Kanuha: I could give it to you maybe right now if that would help.

Ms. Cua: Yeah, maybe if you could just jot it on a piece of paper or, if possible, if that's easier, especially for spelling purposes and then just hand it to Stan.

Ms. Kanuha: Okay. I can do that.

Ms. Cua: One other thing I just wanted to mention real quickly in terms of public notification, just in case you're not aware, that the special management area permit process, there is a requirement for notification, written notification of people within a 500-foot radius of where the project is taking place, so that is a procedural requirement as well.

Chair Hutaff: Okay, any discussion on the items that we've -- brought to our attention as a possible motion? Anybody wanna add anything more to it? Discuss what's on there? Would someone like to move to make a motion regarding the list?

Ms. Cua: The 8 comments.

Ms. Kanuha: Okay, I make a motion to accept the 8 items of comments from out Planning Staff, Ann.

Mr. U`u: Second.

Chair Hutaff: Any discussion?

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

It has been moved by Commissioner Kanuha, seconded by Commissioner U`u, then unanimously

VOTED: to accept the 8 items of comments presented by Planning Staff.

Chair Hutaff: Motion has carried. Thank you so much. Stan? Yes?

Mr. Solamillo: Five-minute break.

Chair Hutaff: A five-minute break? Okay. Fine. I guess I get overruled.

(A recess was called at 11:15 a.m., and the meeting was reconvened at 11:23 a.m.)

Chair Hutaff: I want to reconvene the meeting, and I would like to entertain a motion that we discuss or add to today's agenda discussing the state's correspondence about the road repairs, emergency road repairs. There have been indication that there might be some concerns about that. I think we have limitations at what we can do because we haven't notified the general public but I think we could discuss it among ourselves but I need a motion.

Ms. Thomson: If you wanted to take that matter up and add it to today's agenda, it would be by motion, and it would need a two-thirds affirmative vote to add it to today's agenda, and then you could discuss it and provide your recommendations on that item as a regular agenda item, so there wouldn't be a limitation on that part.

Chair Hutaff: Okay.

Mr. U`u: Question. It's not one violation of the Sunshine Law if not posted notice prior to having a meeting?

Ms. Thomson: Yeah. You're not -- it's not the normal practice to add items to the agenda. They have to be -- they can't be of significant importance and they can't affect a great number of people, and that's a bit subjective, so if this is the kind of matter that doesn't, you know, doesn't significantly affect -- doesn't have a significant affect or doesn't affect a large number of people, you could add it to the agenda with a two-thirds affirmative vote.

Chair Hutaff: And then we need to be cautious if we're going to get to an area where we need to -- we feel we need to bring it up. The problem is this emergency repair is going to come about before so to have any kind of discussion, then we can always address the Department of Transportation as: Try wait. Try wait. And then put it on the agenda. So does anybody want to make a motion or should we --

Mr. U`u: So what about what we get on the scheduled agenda now? So we'll do that after this agenda item?

Chair Hutaff: Right after. Yeah. Hopefully, this doesn't take too long.

Mr. U`u: Okay.

Chair Hutaff: Gaylord, you want to make a motion to discuss it?

Mr. Kubota: Yeah, I move that we discuss it.

Chair Hutaff: Okay. We need a second?

Mr. Osako: I second.

Chair Hutaff: Okay, we need a two-thirds vote to proceed.

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

It has been moved by Commissioner Kubota, seconded by Commission Osako, then unanimously

VOTED: to discuss the May 17, 2012 letter from the State Department of Transportation to the Cultural Resources Commission, Subject: National Historic Preservation Act Section 106 Notification, Hana Highway Emergency Repairs due to Storm Damage, Multiple Locations, Island of Maui, Hawaii.

Chair Hutaff: Okay, motion is carried. Gaylord, would you please express your concerns?

Mr. Kubota: Yeah, I had a question looking at the attachments, the figures. Let's see, A-1, Mile Post 14, I don't know who can answer this, but it says, "Repairs proposed at Mile Post 14 will entail a concrete tie-back wall with rock fascia." And I'm assuming that's going to be on the makai side and it's going to match the wall that's across the mauka side, and that was my question. I don't know who can answer that.

Chair Hutaff: Do we all have the picture?

Mr. Solamillo: It's just a picture that's a page of the letter. Can you tell me what page it's on?

Mr. Kubota: A-1

Chair Hutaff: Oh, right. Okay.

Mr. Solamillo: A-1

Chair Hutaff: Okay, I can give a little bit of information prior to -- maybe about at least up to 20 years ago. This is not the first time that that area has actually kinda slid off, alright. Originally, which you can't see, is that section that shows on page A-1, the top one, had steel girders running down it till about 15 years ago, and that was washed away, and dirt was brought in to kind of cover it up and no other girders were put in. There was no rock wall on that side in the last 20 years that I know about, okay, and I think your question about the rock wall that's going to be put in, okay, is a good one. My understanding is,

prior to the girder being put up, there was about a foot-and-a-half wall there, okay, that kinda matched the other side, that went away with one landslide, and then they put up the girders, and then the other landslide took the girders away; they did not replace anything. So I don't know how to answer your question except to see if we could ask state that question.

Mr. Osako: ...(inaudible)...

Chair Hutaff: Could we put that on the mike?

Mr. Osako: I think he's looking at the photo and what he's looking at is those temporary barriers that keeping the traffic away from that eroded away edge.

Chair Hutaff: Yes.

Mr. Osako: Those look like concrete barriers 'cause you can see the forklift holes underneath.

Chair Hutaff: That's is exactly what it is. It is a concrete barrier.

Mr. Osako: Yeah. Temporary ones that they're keeping the traffic away from the edge there.

Chair Hutaff: They've made that from a one-and-a-half lane road to almost one lane.

Mr. U`u: Ray? I just curious. So what we doing right now?

Mr. Solamillo: You are doing comments that'll be sent --

Mr. U`u: Comments on the emergency repair?

Mr. Solamillo: Right. That'll be sent to Hawaii DOT.

Mr. U`u: Okay.

Mr. Solamillo: Because they're asking for comments by the 16th. So perhaps the comment that we had earlier, which was dealing with the appearance of a rock wall, is that the essence of the question?

Chair Hutaff: Yes. You want to make that a motion that we ask that question of the state?

Mr. Kubota: Yeah. I would like to know what it's going to look like.

Mr. Solamillo: Right.

Ms. Thomson: You could provide the same comment that I think Stan's suggesting, provide the same comment that you did to the prior applicant that you want the rock to look authentic and not fake.

Chair Hutaff: And to match the other one. Would you like --

Mr. Solamillo: 'Cause I think the concern is you don't want the Lahaina look.

Mr. U`u: Yeah. Well, I think it's --

Chair Hutaff: Go ahead.

Mr. U`u: Maybe you can ask: Does this go before the community of Hana? It probably doesn't because it's an emergency.

Mr. Solamillo: It's emergency.

Ms. Chandler: Chair?

Chair Hutaff: Go ahead.

Ms. Chandler: I have a question. So as far as the last bridge repair coming to the CRC because it's part of the historic district, this is also part of the historic district, correct, but the reason why it did not come to the CRC is because it falls under some other --

Mr. Solamillo: Emergency repair.

Ms. Chandler: And how -- what are the parameters of that, do you know?

Mr. Solamillo: I couldn't tell you.

Mr. U`u: Exempt.

Mr. Solamillo: It's an exemption. So after the 2006 earthquake, remember, we have rock slides all over the place, so we had wire mesh that went up, you know, and they did not -- so, you know, going down the pali to Lahaina, you know, all that stuff went up and there was no coming to the Commission even though that was the historic pali road, which was covered up by the mesh, and that was covered under a similar emergency situation.

Mr. U`u: Question. So they eligible for that certain funds, like this bridge was? Are they utilizing the same funds that would trigger or are they still exempt?

Mr. Solamillo: I do not know what their funding source is 'cause I just got the letter like you did.

Chair Hutaff: It was stated in the newspaper that it would be county funded, under their emergency.

Mr. U`u: A partial or full?

Chair Hutaff: Funding would be by the county. They didn't mentioned anything else. So I have to assume. When they put it in the newspaper, they notified us that they were going to be working on that -- that area.

Mr. Osako: It says right here, "Hawaii Department of Transportation may utilize Federal Highway funds for the restoration and repair of these storm damaged areas."

Chair Hutaff: May.

Mr. Osako: Yeah. So that brings in the 106 because if they do use federal funds.

Chair Hutaff: Okay. So where do we go from here?

Mr. Solamillo: Are there any other comments?

Chair Hutaff: Are there any other comments on that? Would anybody like to make a motion or recommendations, concerns? Stan, you want to read the comments first?

Mr. Solamillo: The only comment I have would be there's mention that a rock wall will be constructed and the Commission's concerned about the appearance of it in a precast --

Chair Hutaff: Within the character of the road.

Mr. Solamillo: Yeah. So what we're asking the applicant to do is --

Mr. U`u: Give us visual images.

Mr. Solamillo: Provide visual images on how the rock wall will look and that it must look authentic.

Ms. Maluo: And, additionally, the drain pipes, they're talking about at Mile Post 16, installed into the cut slope. What does that look like?

Mr. Solamillo: Do you want photographs of that too or what? What would you like?

Ms. Maluo: Just how it would affect the look, if at all.

Mr. U`u: I guess the concern will be, what you said, Stan, is that it's virtually unchanged from the 1900s, so the goal is to keep it, you know, visually similar and not intrusive...(inaudible)...

Chair Hutaff: You know, based upon what I see out there on the road, maybe you can be sure that what they mean by "drain pipes" is, along side of the road, they used to have a corrugated drain and they put the drain pipes underneath, it'll keep the water from undermining the ground from this slide point here on the other side of the road, the large one...(inaudible)... on page A-2, on the bottom, that slide area here, water will come down, okay, and run across, and if it gets under here, it'll undermine, so I'm assuming they're going to -- the drain pipes she's talking about should be in character with what they've done at Keanae and the rest of the places where it's underground, not above ground, the drain pipes, but I think that would be nice to have clarification.

Ms. Maluo: Thank you.

Chair Hutaff: Any comments from staff? Okay.

Mr. Kubota: Actually, on Mile Post 16, it says will include soil nailing of the mauka slope with a high strength steel mesh cover. Is that what we're going to be seeing, the steel mesh cover?

Chair Hutaff: Yeah.

Mr. Kubota: Just like on the way to Lahaina.

Chair Hutaff: Yeah.

Mr. Kubota: Can't we do better than that? I mean that's terrible.

Chair Hutaff: Actually, what they did at Honomanu, before they got that idea on that mesh, it looked very similar to A-2 on the bottom, before they started, is they actually dug out the ground, okay, dug it all down, and they put up a retaining wall, which they then covered with mesh so that if the slide were to occur again, it wouldn't, you know, take the road out, or take cars out, or anything else like that. That's been pretty...(inaudible)... really damaged because of this one storm, it's still intact until the growth of the trees and plant life goes inside there. Just as a point of information, the person who was in charge of digging that down said two things: I'm never going to do it again, and I retire. Because he was standing there digging and you don't know if you're going to get behind water. There's a lot of water behind here about, so he was very concerned for his life at Honomanu. But

you can make, you know, if you want to make a recommendation or comment, it's certainly something that we can do.

Mr. Solamillo: So you would like more information on the ultimate design of that as well?

Ms. Kanuha: Yes.

Mr. Solamillo: Any other comments?

Chair Hutaff: Anybody else have any other comments?

Mr. Osako: Well, they gotta do something and I think what we should be concerned about is if it visually affects, you know, the character of the Hana Road. But I think what we come faced with is a lot of times, in the case of landslides and stuff, you know, it's kind of hard to fight mother nature and once you make the cut for a road, you know, what you're doing is opening it up for it to have landslides and stuff because now you've changed the natural flow of the land.

Chair Hutaff: This is probably not a -- well, yeah. What I tell our visitors, and I think it's apparent here, is mother nature evolves, okay, and the mountain will always head towards the ocean. It's a constant, okay. We can't interrupt that. And we can slow it down, if we so desire, and I think keeping the landscape, the visual landscape of the Hana Road is important. So maybe any consideration to keeping it visually --

Mr. U`u: It's also a balance of safety. Yeah, so we're balancing the two of, you know, we like 'em blend in with the features but, at the same time, it's a liability issue with the county or the state, and they get certain guidelines they going have to factor in, so gotta best case, you know, it's a liability issue at times and that's why you get these safety, you know, that's why you get the emergency funding because it's a safety hazard and we all face one potential lawsuit if something happen.

Chair Hutaff: The nice thing about the Commission is that we can make recommendations and they have to kinda, hopefully, they look at it, and how do they balance it, not us, do think asking is appropriate because of our Commission 'cause I had the same thought, trust me. My wife drives the road.

Ms. Kanuha: Yeah, and I have to agree because we all know, as a Commission, that, you know, safety is always at the forefront.

Chair Hutaff: It's our trump card.

Ms. Kanuha: Yes. And -- but, you know, even as our kama`aina who live over there in Hana, as well as our visitors, just so that we ensure that it keeps the sense of place. When

they are driving on the Hana Road, they know they're driving on the Hana Road, not that they -- it changes the whole look of Hana, yeah, so that would be my recommendation is to keep -- you know, they get that sticker, right, "Keep Hana Hana?"

Chair Hutaff: Yes.

Ms. Kanuha: `Ae maika`i loa. Keep Hana Hana.

Chair Hutaff: I agree. Otherwise, we'd be recommending a four-lane highway cut through the mountain.

Ms. Kanuha: A`ole maika`i.

Chair Hutaff: Okay. Anymore comments? Alright, anybody in the public want to make any comments or speak? Awe, come on. We don't bite. We welcome all comments whether we like them or not. Okay, no public testimony. We close that off. Anymore discussion or would someone like to make a motion? You can make the motion to accept the comments.

Mr. U`u: I make the motion. Motion to accept comments made by the CRC.

Ms. Chandler: Second.

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

It has been moved by Commissioner U`u, seconded by Commissioner Chandler, then unanimously

VOTED: to accept the comments made by the CRC.

Chair Hutaff: Okay, we're closed. The motion has been carried. Thank you. That was almost painless. Thanks for the comments, everybody. I really appreciate that. Okay, you wanna begin?

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

D. WORKSHOP - CULTURAL RESOURCES COMMISSION ORIENTATION

- 1. Maui County Code, Chapter 2.88, "Cultural Resources Commission"; Maui County Code, Chapter 19.48-52, "Maui County Historic Districts"; Maui County, Department of Planning, Administrative Rules, Chapter 530, "Rules of Practice and Procedure for the Maui County Cultural**

Resources Commission”; and Maui County, Department of Planning, Administrative Rules, Chapter 531, “Standards and Criteria Relating to the Duties and Authority of the Maui County Cultural Resources Commission.” The CRC may provide comments and recommendations. Public testimony will be accepted. (S. Solamillo)

Mr. Solamillo: This morning we’re going to only do 50% of that ‘cause I didn’t know how long this other item might take, so I apologize that we’re only going to do part of it.

The last time these -- that this item or subject material was discussed was on July 1, 2010, and we have a number of new members who have joined the Cultural Resources Commission.

Under Maui County Code, Chapter 2.88, Purpose and intent, Section 010.A: The council finds that preservation of historic properties enhances the educational, cultural, economic and general welfare of the county. It is deemed essential that the qualities relating to the history of the culture of Maui County be preserved through comprehensive historic preservation planning. Implementation of chapter 6E, historic preservation, Hawaii Revised Statutes, Maui County general plan and the adopted community plans provide a means to perpetuate the value of various cultures of which our community is comprised.

Under B: It is the intent of this chapter to provide for protecting and preserving historic properties and artifacts in the county and encouraging, where appropriate, their adoption for appropriate and feasible use; also, encouraging the restoration, rehabilitation, and continued functional use of historic properties; three, encouraging the identification, preservation, promotion, and enhancement of those historic properties which represent or reflect distinctive elements of cultural, social, economic, political and architectural history, and to encourage the designation of historic properties, thereby ensuring that our cultural and historic heritage will be imparted to present and future generations of residents and visitors, and, four, formulating county-wide, comprehensive, historic preservation policies, programs and plans.

Does anybody have any questions about what I’ve read thus far?

Ms. Chandler: Chair?

Mr. Solamillo: Okay. Go.

Ms. Chandler: Stan, this is actually the code as it exists or this is the code that was changed a little bit and sent up to council?

Mr. Solamillo: This is actually what exist currently.

Ms. Chandler: Okay. Mahalo.

Mr. Solamillo: I'm going to go back to -- I think it's important because we deal with a lot of people coming in and we deal a lot with demolitions and we have to remember that, you know, the basic core objectives of the Commission is to preserve and to protect and that has to remain central to our reasoning, and, yes, we do get a lot of challenges to that, but, essentially, that's why we're here.

Under 2.88.0303, Commission is established, A: There is established a commission to be known as the "Maui County Cultural Resources Commission," hereafter referred to as the "Commission." This appears to reflect the changes.

B: The Commission shall consist of the nine appointed members. The members shall be appointed by the mayor, with the approval of the council, and shall be chosen from professions and persons with special interests in the following disciplines: architecture, history, archaeology, planning, architectural history, Hawaiian culture, and ethnic history and the culture of the county. The mayor shall solicit lists of two or more persons recommended by community and professional organizations, such as the Maui Historical Society, and the Maui chapter of the American Institute of Architects, as well as the state Office of Hawaiian Affairs, for consideration in making Commission appointments. Commission members should have a demonstrated interest, competence and knowledge in historic preservation.

Under C: The majority of the Commission members shall be professionals in the disciplines of archaeology, planning, architecture or architectural history, Hawaiian culture or history, each having professional representation on the commission to the extent such professionals are available in the community. The Commission shall also include members from different areas of the county, with at least one representative from each island, who possess a knowledge and interest in local area history. When one of the aforementioned disciplines is not professionally represented, the Commission shall seek, through appropriate means, the expertise in the disciplines when considering national register nominations and other actions that will impact properties which are normally evaluated by a professional in such a discipline.

Under D: Section 13-2 of the Maui County Charter shall apply to the Commission in the same manner as said provisions apply to boards and commissions recognized by the charter.

Under E: All future appointments to the Commission shall be made in such a manner as will ensure that the terms of the members of the Commission shall conform to subsections C and D of this section. No provision of this section shall be deemed to extend or shorten the term of any current member of the Commission. Any questions on that section?

Next section, 2.88.050, under Meetings and voting, A: The Commission shall hold meetings at least bi-monthly. All meetings shall be open to the public, except as may be provided by law; and any person or a representative thereof shall be entitled to appear and be heard on any matter before the Commission.

B: Special meetings may be called by the chairman, director, or by any three members of the Commission.

Under Powers and duties, 2.88.060.A: The commission shall advise and assist federal, state, and county government agencies in carrying out their historic preservation responsibilities.

B: The Commission shall provide public information, education, training, and technical assistance relating to the national, state, and county historic preservation programs.

C: The Commission shall initiate, accept, review, and recommend to the State Historic Preservation Officer historic properties nominations for inclusion on the Hawaii and national registers.

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

E: The Commission shall administer the certified local government program of federal assistance for historic preservation within the county.

F: The Commission shall provide design review for projects affecting any building or structure, site or district eligible for listing on the nation or Hawaii register of historic places and shall request and consider the State Historic Preservation Officer's review and comment on all county undertakings, including the granting of permits. In its review, the Commission shall consider the cultural significance of the site and its surroundings along with the Secretary of the United States Department of the Interior's standards for rehabilitation, as amended.

Any questions?

Chair Hutaff: Let me know, Stan, when you want to break for lunch, if you have a point that makes more sense.

Mr. Solamillo: Okay. Under Powers and duties, continued, G: The Commission shall develop and implement a comprehensive countywide historic preservation planning process, consistent with the State Historical Preservation Plan, which includes the

submitting of information pertaining to the State Inventory of Historic Places to the State Historic Preservation Officer.

Does everyone know what the words that I'm reading off of the slides? Is there any questions about State Historic Preservation Officer, the definitions, state inventory, Hawaii Register of Historic Places, National Register of Historic Places? Okay.

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

I: The Commission shall, upon dissolution of the Maui Historic Commission, which is the old term for this body, shall administer the provisions of the historic districts established in Title 19, of this code, and shall advise the mayor, the council, and the county planning commissions on the establishment of historic districts and regulations thereof.

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

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

L: The Commission may undertake any other action or activity necessary or appropriate towards the implementation of its powers or duties or towards the implementation of the purpose of this chapter. More specifically, these may include, but not be limited to, the following: 1. Recommend new ordinances establishing special treatment districts and archaeological districts; 2. Review and recommend amendments to current policies and laws on the enforcement of existing codes relating to historic sites; 3. Continually reevaluate building code requirements and enact amendments that are more sympathetic to preservation or provide exemptions for historic properties; 4. Encourage the county, state, and federal governments, and the private sector to implement appropriate management strategies, curatorships and meaningful interpretive programs at significant historical and archaeological structures, sites, and districts; and, lastly, assist in programs of historic preservation including presentations, films, exhibits, conferences, publications, and other educational means which increase public awareness and participation in preserving the past.

Any comments or questions? Okay, under 2.88.070, Nominations to the Hawaii or National Register of Historic Places, oftentimes, in public, I hear it most often the "Historical Registry," or the "National Registry," and that happens a lot both here and on other islands. It is the National Register of Historic Places or the Hawaii Register of Historic Places.

Under this section, A: Any person or organization including the Commission may submit nominations to the Hawaii or national register by submitting a completed nomination form to the State Historic Preservation Officer. And, in essence, it means they can go completely around this body and just file a nomination.

B: The Commission shall hold a public hearing after receiving notification from the State Historic Preservation Officer of nominated historic properties with the county. At least ten days prior to the hearing, notice of the date, time, place, and purpose of such hearing shall be published in a newspaper of general circulation in the county. Oral or written testimony concerning the significance of the proposed nomination shall be taken at the public hearing from any person.

The Commission shall forward its report to the mayor within forty-five days after receiving notice from the State Historic Preservation Officer. The report shall include findings on whether the property meets the criteria for nomination and a recommendation that the State Historic Preservation Officer either nominate or reject the proposed nomination.

The mayor shall have 15 days after receiving the report of the Commission to send this report and a recommendation to the State Historic Preservation Officer. The mayor's recommendation may, but need not, concur with the recommendation contained in the Commission's report. The only time when this actually took place was for the Lana'i City nomination, so this whole protocol was followed to the "T." Normally, because of the timing, because of the public noticing, when a nomination is prepared, oftentimes, it just goes directly to the state and those nominations always have the owner's support; it's only when we get into situations where the owners would contest, such in a multi-property district. And most of the time, a nomination is filed on behalf of an owner who had request that it be prepared, so it goes through slightly different processes. It goes directly to the State Historic Preservation Officer, who then forwards it to the State Board of Review for a public hearing. So it rarely, if ever, comes here.

Ms. Chandler: Chair? Stan, so if somebody from the community were to nominate a property in Maui County, it wouldn't necessarily come here, it would go through its own channel?

Mr. Solamillo: You can file directly with the State Historic Preservation Office.

Ms. Chandler: But then being that it's under our purview, and we've talked about this a couple times, that we don't do this but we can do this, one of the reasons why we don't do this is because we never have time. It's never on the agenda. We don't really discuss it. And so being that this is one of the more important things under our kuleana, I was wondering if we could set aside every three months or something, some time on our agenda, to talk about this kind of thing and create a local registry.

Mr. Solamillo: Okay. You would have to -- the local registry is separate from the state and the National Register of Historic Places, and in other instances, specifically with some properties, such as the Moyer house in Lahaina, which is a historical place, but unfortunately, it's been compromised, so the possibility was suggested at previous meetings that we actually consider the creation of a local register for properties such as that, that somehow failed to meet the threshold of the state and National Register of Historic Places. In order to do that, we would have to, you know, amend the code as it currently stands to create the local register, so you would have to, in essence, add to what current exist in the code.

Ms. Chandler: But we actually have an amended document that's on it's way up already. Is it possible to add -- make those changes before it's --

Mr. Solamillo: No. We would have to do it on another occasion and it would have to go through all the ...(inaudible)...

Ms. Chandler: It couldn't be an amendment either?

Mr. Solamillo: No.

Ms. Chandler: Okay.

Mr. Solamillo: I'm kind of digressing a little bit and, actually, I've got a place for this where we're going to discuss it a little under Director's Report, so we can discuss that item then. Are there any other comments on this part?

Under 2.88.070, you have item E: A determination by the Commission and mayor that the application for nomination does not meet nomination criteria is not a final administrative decision. Appeals must be filed with the State Historic Preservation Officer in writing, within 30 days after the nomination has been denied.

And I'm going to provide one additional piece of information. Because of the situation currently with the State Historic Preservation Division, namely that it's on probation from the National Park Service, in the code that you're being presented items from, you know, the State Historic Preservation is the ultimate decision maker, if SHPD fail to pass it's probation and it's status was changed and then that would change the whole procedure for everything and it would probably revert to NPS Oakland. So everything would go to the National Park Service in Oakland.

Ms. Chandler: Would that change our status as a certified local government?

Mr. Solamillo: No. That would not. Under 2.88.080, Guidelines: The following documents on file in the Planning Department shall be used as a guide in matters pertaining to the

review functions of the Commission: A. Cultural Resources Management Plan for Maui County, prepared by the Planning Department, dated May, 1984; B. Maui County General Plan and the adopted community plans; C. Proposal for the Historical Restoration and Preservation of Lahaina, prepared by Community Planning, Inc., dated May, 1961; D. The architectural Style Book for Lahaina, prepared by John T. Jacobson, A.I.A, dated October, 1969; E. State Historic Preservation Plan, prepared by the State of Hawaii Department of Land and Natural Resources; F. Historic Preservation Program Guidelines, prepared by the National Park Service; G. Office of Hawaiian Affairs Guidelines for the Consideration of Traditional Native Hawaiian Values in Historic Preservation Review, dated 1988; H. Design Guidelines for the Front Street Improvements, prepared by Belt Collins, et al., dated December, 1992; I. Lahaina Environmental Design Manual, prepared by Chapman, Phillips, Brandt, Reddick & Associates, dated October 1975; the last major document is The Secretary of the Interior's Standards for the Treatment of Historic Properties, as amended; and K. Other reports, plans, studies, issue papers and memos as may be adopted by the Commission.

Any questions?

Chair Hutaff: Are all these documents available?

Mr. Solamillo: Yes. They are.

Chair Hutaff: Thank you.

Mr. Solamillo: Under 2.88.090, Administration: The director shall appoint a professional from the disciplines of archaeology, architecture, architectural history, Hawaiian culture, history or historic preservation to serve as the liaison with the State Historic Preservation Office pertaining to matters which deal with the purpose and intent of this chapter. The liaison may be an employee of the Planning Department or a member of the Commission. The director shall provide technical, clerical, administrative functions, and any other duties delegated by the Commission.

Chair Hutaff: Who is the liaison?

Mr. Solamillo: I'm functioning as the liaison.

Mr. U'u: Non-functioning or functioning?

Mr. Solamillo: Functioning. Non-functioning.

Mr. U'u: It's humor. It's humor.

Mr. Solamillo: This is okay. Under 19.48.020, the Establishment or modification of districts - Report and hearing: Historic districts, we only have three; two in Lahaina, Historic Districts Nos. 1 and 2, and the third in Wailuku, Historic District No. 3., may be modified or extended and new historic districts established,, provided in all such cases there shall be a report from the historic commission, which will be reworded as "Cultural Resources Commission," and a public hearing held by the same commission.

Under 19.48.030, Applicability: In the event any provision of this article conflicts with the provisions of Article II of this title, the provisions of this article shall prevail.

Under 19.48.040, Administration: The Planning Director shall provide planning, architectural, engineering, secretarial, and other services as may be required by the Commission.

Under 19.48.050, Enforcement: It shall be the duty of the Department of Public Works, through its Director of Public Works, to enforce the provisions of this article. So that's no one in Planning.

Violation, 19.48.060, Penalty: Any person, firm, or corporation violating the provisions of this article, whether in connection therewith a penalty is referred to or not, for which violation no penalty is specifically prescribed, shall be fined in a sum not exceeding \$500.

Mr. Kubota: Has that ever happened?

Mr. Solamillo: I don't know. Ann has been here longer than I have. Not during my tenure. Do you remember any, Ann?

Mr. U'u: You could make a lot of money in Lahaina.

Ms. Cua: I mean I know that there has been -- I'm sure there's been, you know, citations or warnings given and, you know, people coming in for permits trying to come into compliance. I know that's occurred. I don't think anything's -- I don't think there's been any fines applied. I think, for the most part, people try to comply and we help people try to comply.

Chair Hutaff: It's also one of things that's discussed as far as the new rules to this is a higher fine, right? Penalty. Wasn't it in this section here?

Mr. Solamillo: I believe it was but I don't have that copy with me. I'm kind of seeing a trend now. The new trend is probably moving towards demolishing and coming in for a ATF. That's happening more. People just doing work and just coming in for ATF, or after-the-fact, fines and fees because it's as low as it is. So that's going to be a trend I think, so that may be something that the Commission may want to deal with at a later time.

Ms. Cua: Stan?

Mr. Solamillo: Yes?

Ms. Cua: When you're going through this next section, are you just summarizing the areas, you're not reading this whole --

Mr. Solamillo: No.

Ms. Cua: You're not going to read this whole thing, right?

Mr. Solamillo: I can do the summaries and I've got some maps.

Ms. Cua: You can just talk them through it. That's should be --

Mr. Solamillo: You want to talk them through it and not read --

Ms. Cua: Generally. Yeah. I think that's better.

Mr. Solamillo: Okay. Good. I don't like reading anyway. Okay, 19.50.010, Historic District No. 1. I'll just read the defining clause if you wouldn't mind: There is created within Lahaina, Maui, Hawaii, Historic District No. 1. The purpose of creating this district is to preserve historic structures and sites within the district and to enable the state and the county to make plans for the restoration of historic structures and sites. It is understood that no private land owner will be forced to restore any historic structure or site against his will. I think this was prepared in 1966.

This is the map of the NHL, with Historic Districts 1 and 2 indicated in blue, and I apologize that they're hard to read. The NHL was added later by the National Park Service. The NHL is the short form for "National Historic Landmark." It's the highest tier of cultural property in the nation, and that was designated for Lahaina, which was a very important designation to receive.

Historic District No. 2 has very different language from Historic District No. 1. Under 19.50.020: There is created within Lahaina, Maui, Hawaii, a district to be known as Historic District No. 2. The purpose of this district is to preserve the charm of Lahaina by preserving the architectural styles which are unique to Lahaina. The district differs from Historic District No. 1 in that there are no district structures or sites within this district to be preserved or restored. One of the recommendations from this Commission for a change to the code was that, when this was written, that was true and fact; today, it is different. Those buildings are over 50 so they have acquired their own significance since the code was first adopted.

This is Historic District No. 3, Wailuku, and it appears under 19.50.030: There is created within Wailuku Town, Wailuku, Maui, Hawaii, a district to be known as Historic District No. 3. The purpose of this district is to preserve and protect the several well preserved historic structures and sites now existing, which are deemed to be of great value because they are closely identified with the early history of Maui county. And a few of them include Maui County Courthouse, which are H.L. Kerr, an architect of some importance in Honolulu, who designed that building and it was erected in 1909. The A.P. Lowe, or A. Paul Lowe, who we saw involved in the Hana Road earlier in this meeting, he also was involved in the renovation of the courthouse in 1927, which changed it's neo-classical appearance to something more akin to the plantation period, but that is significant in its own right as well. And, of course, we all know Kaahumanu Church, as well as the government buildings, and the Bailey House.

There are regulations for the historic districts, specifically for Lahaina, under 19.52.010, Architectural style has gone into and what we're most concerned about is the exterior of buildings that are in the district, so anything that's visible from the public right-of-way is usually of our utmost concern. So even things such as signage, in the cases of educational institutions that are right on main thoroughfares located in historic districts changes that they might even make the playground equipment can affect how the corridor is viewed by the passerby's, so all of these things become issues. I'm -- a lot of people are sometimes concerned with historic interiors. I tend to be more concerned with what the appearance is, unless it's a museum building or a museum house, then you want a period interior to walk through, but in the case of the most buildings that we have in our districts, contributing buildings, we're mostly concerned with exterior and we want those buildings to have additional lives through adaptive reuse.

So the only thing that was highlighted in this section was that the exterior of all new buildings constructed within a historic district must be in keeping with the architectural style of the district so as not to impair the value of other buildings in the immediate vicinity in order that the general character of the district shall not be injured.

Under 19.52.020, Review of plans, any historic district established in this article, the Commission shall have the power to approve all plans, and the superintendent of building inspection of the county shall not issue a building permit until a certificate of approval has been issued by the historic commission.

19.52.030, and probably 040, are really important, and they're not so much as evident in Historic District No. 3, but they appear to be constantly under threat in Historic District No. 1, and possibly Historic District No. 2. When the code was enacted, it specifically said that within Historic Districts Nos. 1 and 2, no signs that blink, revolve, or contain lighting from within shall be allowed. Wall signs shall be no larger than 12 square feet. Marquee or hanging signs shall be no larger than 8 square feet. And all signs shall be rustic in design.

Signage in Lahaina still appears to be a challenge but that goes along with our enforcement.

Under Repairs: Nothing in this article shall be construed to prevent ordinary maintenance or repair of any structure within the historic districts. The new thing that I'm seeing that's happening to buildings over 50 years of age is vinyl windows. Windows, like doors, roofs, and walls, are character defining features of historic properties, and you can go around our island and you could see windows just being pulled left and right. That's something that I think would be good for the Commission to deal with at some point in time, but right now that's the biggest danger facing our historic properties. You can just drive down the street right here and you could see buildings designed by William Desmond now have vinyl windows, so it's a real challenge.

Under 19.52.050, Demolition or movement of structures. Demolitions probably comprise most of the work that I do, and it's probably the majority of the reviews of the architectural reviews that SHPD does for Maui County. Under A: The demolition or moving of structures of historic or architectural worth shall be discouraged. That was in the 1960s. Today, in order to save buildings, we encourage, unless they're within a historic district, we encourage that, if there's no alternative to demolition, that they be moved to be saved. So that's kind of a big change. It's really difficult to move a building. It takes an enormous amount of time to get the permits approved, and that was a lot of challenges we founded in trying to relocate a Japanese physician's house from Paia to Upcountry. It was really challenging.

Ms. Chandler: Chair? Stan, I think what you're saying applies to this letter that we got from DAGS about the two buildings at Kahului School and they had made a determination that one of them -- demolition of the building would not affect historic property, and then on the other one, they had made it the determination that it would affect historic resource and propose mitigation in the form of documentation. So this is a call that they made, which I'm confused about, was a separate issue. I don't know how one can be and one can't be and they're on the same property, but my question is: We have it under our purview to protect these structures, but then, of course, we have a body above us that can like issue a statement or something that could cancel what we're saying?

Mr. Solamilo: I guess, without being specific, you can have multiple properties on a parcel, in this specific case, you have a property, which was altered significantly, so that's where you get the decision that no historic properties will be affected. On the second one, it was intact. It was eligible for listing. But again, we're dealing with a state agency, and SHPD concurred with the state agency in the ultimate decision.

Ms. Chandler: So this is where we're like the little fish talking to the big fish and we're having a big problem because we get packets every month of like -- of SHPD approvals and, you know, demolitions and whatever that never even come to the CRC. They are for

our review and at that point, a lot of times, even when Warren has tried to write a letter, the process is over. So I'm trying to figure out what actually fits under our purview according to what you're saying, and what is coming through the side, like just happening on its own.

Mr. Solamillo: When I first came here, we didn't really have -- you could take a photograph of a building and that was all that was required. What was problematic with that was that we were losing lots of buildings and we didn't know what we had. So in discussing with the state, SHPD concurred at the time that we should model documentation after HABS Levels of documentation, which are HABS Levels I, II, and III; HABS Level I being the most intense that you do full measure drawings; HABS II, if you have drawings, you include the drawings; HABS III, we just do a floor plan, and in all cases, we do large format photography plus some sort of written historical narrative. That's been really important because now we've assembled a body -- now we actually have typology and this Commission has been shown, on several occasions, we actually know what's the earliest house. We can go from a kauhale all the way up to, you know, a 1950s late plantation house or early modern house where before we could not do that. So it's been really important. Short of bringing every demolition case to this body, the cases that you do see involve those mitigation or cases specifically involving a body or an agency, such as DAGS, Department of Accounting and General Services, and they're caught in a bind because DOE transfers their property to them after they're done with them, essentially, and DAGS, you know, I can be sympathetic from the standpoint they're caught in having to liquidate assets, that's what their role is, and that's what they're doing. Unfortunately, and this is my frustration is that they're all, in the case of DLNR, we've got, you know, oftentimes an agency, under the purview of DLNR, which does things, and you have another agency that's called "SHPD" is there to preserve and protect, in much the same way as this Commission is, and we get these real challenging situations where we're, well, how can this department be doing it because it's, essentially, operating against itself, and that's just the nature of the beast. So I can -- I mean I can assure you that anything that might be controversial that is located within the Lahaina NHL and any of the historic districts that does involve mitigation, those come to this body. The normal rank and file plantation house, at the end of its life and hasn't been tented in 40 years and is falling down, unless it's significant, it does not come here.

Ms. Chandler: Mahalo.

Mr. Solamillo: Any other questions, comments?

Ms. Chandler: I have some questions that are general and I'll wait till the end of your presentation.

Mr. Solamillo: Okay. Under, on this slide, under 19.52.070, under Variances: In any particular case where strict compliance with the provisions of this article would cause practical difficulty or unnecessary hardship, the Commission may grant a variance from the

restrictions set forth in this article; provided, that such variance is approved by the County Council.

19.52.080: Any action of the Commission maybe be appealed to the County Council within a period of 15 days from the date of notice to the aggrieved party.

The other regulations that are enumerated deal with height, yard spacing, selling in public places, drinking in public, and something that we sometimes are challenged with or may be in the future, no off-street parking facility constructed in compliance with this section shall abut Front Street. That's for Historic District Nos. 1 and 2.

And then we have use regulations for all the historic districts; parking, front yard, side yard, and rear yard setbacks, protection of trees, signage, and selling in public places. And that's where we leave off for today. Any comments or questions?

Chair Hutaff: Do you want to eat lunch quick first or you wanna go through the comments and questions?

Ms. Chandler: So my general question is about the word "natural resources," and I don't see it in here, in this document, but I feel like it's one of the more important things that this Commission should be looking at, and I know that the document for our description of our duties can evolve over time and so I wanna just put out there that we're the Cultural Resources Commission and we are charged with preserving cultural resources and we cannot preserve a culture without environmental resources and so the natural elements that are used and practiced, we don't safeguard them. I see no other avenue in the county to safeguard them. I don't see where that actually happens, and I mean maybe the Planning Department can tell who speaks for the trees and the plants and the fish and all of that, but if no one else is, certainly this Commission needs to and how can we go about doing that?

Ms. Cua: There are other boards and commissions in the county that does deal with those matters, specifically, with regard to trees, the -- we have a very, very active Maui County Arborist Committee that does take a look at trees within county parks. They're expanding -- county property. They're expanding their Maui County Planting Plan, which basically governs, you know, what types of trees are best, and hedges and things like that, are best to be planted in certain areas; it deals with the protection of special trees, like the banyan tree; they're expanding to include parking lot landscaping, so they're pretty much the go to for, you know, any kind of landscaping. The natural resources, definitely, get addressed through the special management area permit process. We need to look at environmental impacts through that process, various resources, various natural resources, so you're not precluded from looking at that when you're reviewing a project, but there are other bodies that do take a look at those issues as well.

Ms. Chandler: Mahalo. And that Maui County Planting Plan had not been updated since 1993 and it did contain a whole lot of invasive species and things that were very detrimental, and so I know that we do have other bodies that refer, I'm specifically concerned with, for example, development projects. It seems to be hit or miss which development projects even come to this body, which I don't understand because, for example, Olowalu was here last meeting, I'm aware of other development projects that are happening right now, but they don't come to the Commission, so what is it that determines whether or not a development project will come through the Commission?

Ms. Cua: Well, for the most part, I guess we'll take it in layers, if a project is within the Lahaina Historic District and it does not qualify as -- qualify for an administrative review, then it would come to this body. Also, something may come to this body that's within the National Historic Landmark District boundary, that map that Stan showed, which is a much broader area. There may be a large project, a very large project that maybe has cultural or archaeological issues that may be -- may come to this body for recommendations, let's say, on an environmental assessment or an EIS, but just as a matter of practice, you know, let's say an SMA project, for example, may not come to you just because. There would need to be a reason that is within your purview to bring it before you.

Ms. Chandler: And so, basically, it's an administrative decision whether or not something will come to the Commission?

Ms. Cua: In those cases.

Ms. Chandler: Yeah.

Ms. Cua: In those cases. Something in the Lahaina Historic District that doesn't qualify for administrative review, we don't have the, you know, the choice. It has to come here if it doesn't fall under the category of administrative review, but other matters, yes. It would be based on the planner or the director's decision that, you know, we should probably get the CRC to take a look at this. And then sometimes, it's just the applicants decide, as part of their environmental assessment or environment impact statement, they decide that, you know they want it to come before this committee and, of course, the department would always agree in those cases to get comments from this body as part of the overall process.

Ms. Chandler: I, you know -- okay. So if the applicant gets to choose whether or not they want to come to the Commission, I don't know that that is us potentially safeguarding our cultural resources, and I don't even know, this is a monstrous thing to even have to talk about at a meeting, there's like a million things to -- that are related to it, but I guess my basic concern, and even if it's just my one comment that could be relayed back to the administration, is I strongly feel that if any project is going to affect the natural resources of an area, and a large enough area, and I don't even know what that means, but if it's more than an acre or if it's -- you know, we'd have to quantify it somehow and maybe we

could talk more about it as a Commission, I honestly believe that we should be taking a look at that project and the resources that are identified on that plan that might be lost because one of the things we see repeatedly with archaeological surveys is they're just talking about -- they're talking about the heiau, they're talking about whatever archeological features or bones they could find, but they're not talking about, you know, large areas of pili grass or of specific types of natural resources that may be only exist in one area and so when we develop that area, and we lose that resource, we've lost it now for the whole island, you know. So I feel like there's not enough attention paid in the archaeological surveys to those environmental resources, and the EISs certainly do go more in depth but often, we don't get that here, you know, and I understand the planning commission does. But I don't want to say anything inappropriate about the planning commission, I'm sure some people on the planning commission are there from a cultural standpoint, I know that there are some, you know, specific members, but if you look at that setup, that's not the majority, you know, there's -- so I just feel like that we have to take an opportunity, you know, wherever the opportunity is to speak about that. So I'm sorry but that's how I feel. Thank you.

Chair Hutaff: We -- anymore discussion? I'm surprised nobody was jumping in here. I was sitting back waiting for the back and forth on that. Any other questions or thoughts or --

Mr. Solamillo: Let me repeat. You could probably amend the definition of "culture" because culture is largely, as it's defined currently, is material culture, it does not refer to the Hawaiian world view. It's a very western world view. If you want to expand to include flora and fauna, you know, visa vie, the Hawaiian world view, the pohaku, everything --

Chair Hutaff: Yes.

Mr. Solamillo: Then you have to vote as a body to make that change. But that is a redefinition of "culture."

Ms. Cua: And that would -- excuse me, Chair. But that would have to come --

Mr. Solamillo: As a new bill.

Ms. Cua: Separately as -- you know how long it took to just have you review some of the changes, and they're up at council now, so that's something definitely that could happen at a later date. And I have question. Stan, when are you planning to complete the rest of the training? Probably at the next meeting?

Mr. Solamillo: Next meeting.

Ms. Cua: Okay.

Chair Hutaff: As Chair and as a thought process, we always look at the task of changing something as being daunting, and so I sometimes get the impression that we don't want to do or we wanna try to do all at one time. I think that we should, each time we have our item G, next meeting date, and what's going to be on the thing is that we allow some time to make a recommendation to the council on things that are important to us one at a time, okay. It kinda goes with the saying, "How do you eat an elephant? Well, one bite at a time." Okay. So we take the issue that we have, we determine which one's the strongest issue at that particular moment in time, and go ahead and go through the process of making the recommendation to give it to council to change the rules. And then, if you will, next meeting, that's my thoughts now, I'm not making the recommendation but that's my thoughts, that we do that again at the next meeting, we take something else. We take one bit at a time, and then continually follow through for the next 27,000 years. Because if we give up ahead of time, we loss already, yeah? Just as a thought. Just a point. Any other discussion about this? Any other questions?

Mr. Osako: Well, I think, you know along the lines of Rhiannon, I brought it up when we had the Auwahi Wind Farm project here and I asked the question about the botany because I've noticed, because I do archaeological survey, that the botanists sometimes they don't cover the ground. They drive around on the roads. And I see more of the plants than they do because I'm actually walking the ground. And when I asked about that, the consultants said, well, you're concerned with culture and this is, you know, plants. And I said, well, if there was a plant -- it goes to flora and fauna. If it was a plant or animal life that the Hawaiians used, then it's part of the culture.

Chair Hutaff: Then maybe we need to -- we should probably make that the first priority is to define, you know, "culture," and include the water, the land, the fauna, the streams, you know, as a minimum.

Ms. Kanuha: The la`au. The land, la`au.

Chair Hutaff: And then that way when it does come to us as a Commission, we can say: So what's the botanist report? Well, he went down the road and did this and that. Well, like, well, unfortunately, now it does apply to culture, you know, not to be -- to stop anything, but to make sure that things that are important to us as a culture, okay, are recognized and put into safekeeping at least. Does that make sense? I didn't get into trouble again today?

Mr. U`u: Still early.

Chair Hutaff: Okay. So, what would you like to do now? Go have a little break for lunch and then come back, or you want to just ...(inaudible)...

Mr. Solamillo: Is the food here?

Mr. U`u: Finish up.

Mr. Solamillo: You wanna finish up?

Chair Hutaff: Lunch is here so don't leave without yours.

E. DIRECTOR'S REPORT

Mr. Solamillo: Okay, Director's Report. June 18, 2012, Maui County Council hearing on the draft bill amending Chapter 2.88, Maui County Code, relating to the Cultural Resources Commission, and Title 19, Article III, relating to Maui County Historic Districts. I'm going to explain because I went to a recent meeting and I was surprised, but it's okay, this Commission had made some recommendations but we made recommendations on a bill that was drafted by a council person and their staff. Not all of our recommendations made it to this draft, which is now going from committee to council for vote. So in my queries to find out why this had happened, I was just informed that because it was a council action, we couldn't amend the council action and we would have to send our own amended bill up through, you know, the department and then the council, that way. So we will probably be looking at all of the, you know, these specific sections of the ordinance sooner than we think. In the meantime, the most important things that needed to be addressed, such as changing the name of the Maui Historic Commission to be the Maui Cultural Resources Commission, those changes have been incorporated. So we'll ask that, if possible, the Chair or any members of this Commission attend the council hearing on that date, which is June 18. I don't have a time yet but I'll make sure to find out what time it is.

Chair Hutaff: I won't be here.

Mr. Solamillo: You won't be here, so we have a Vice-Chair. You won't be here either?

Chair Hutaff: Would anybody like to volunteer to be there on behalf of the Commission, please?

Mr. U`u: Rae would be a very good representative.

Ms. Chandler: And I'm in meetings all day that day. I know exactly what I have on that day and I can't make it to the council but, Stanley, you just said that the review that we did and we changed lines and we said this and that, like can we change the job description -- the requirements for positions on the council -- on the Commission and everything --

Mr. Solamillo: Some of it made it in, some did not, and I did not know. I do not have an answer.

Ms. Chandler: And so but you have the notes that we made in that meeting?

Mr. Solamillo: Yep.

Ms. Chandler: So we would need to transmit them up independently you're saying?

Mr. Solamillo: Yes ...(inaudible)...

Ms. Chandler: And there's no way to do that before the meeting on the 18th?

Mr. Solamillo: No. I've tried.

Ms. Chandler: Can you tell me why that happened?

Ms. Cua: This is the first I'm hearing of that. I really don't know. Did you say we just have to submit separate notes to them or do we have to submit a separate bill?

Mr. Solamillo: Separate bill.

Ms. Cua: That's what I heard. And I know Joe was working with it. Joe Alueta is our legislative person and we made comments and forwarded them through him, so I would need to talk with Joe to see really what happened.

Mr. Solamillo: I mean that was what Joe told me this morning 'cause I asked him this morning.

Mr. U`u: We can give written testimony so we don't need to be present and make 9 copies or 11 copies of whatever's needed.

Ms. Cua: And I think the presence that's, I guess, being requested of the CRC is just more to be in the audience and support, and not necessarily preparing, you know, written testimony or anything like that. I mean your comments, in whatever form, went up to the council so I mean, you know, if you can't make, it's okay.

Mr. Solamillo: Yeah, I mean I --

Ms. Chandler: It took us hours to do that, like, literally, five or four hours of long time and maybe more than one meeting, so I want to know what if -- are they voting on this so it's done after that? Because why did we go through that then?

Ms. Cua: I think maybe at the next meeting, well, we're not going to have -- well, when is your next - July 5? I think you should ask Joe to be at the next meeting and maybe explain to the Commission, you know, what happened.

Mr. Solamillo: Yeah. I mean I wanted to make you aware of it. I don't want to get you all, you know ...(inaudible)...

Ms. Cua: And I think June 18 they start the process. I can't imagine it would be completed on June 18. So I think maybe on July 5, we could give you more information on, you know --

Chair Hutaff: So they're just going to start the process, right, on June 18? Because here's the thing is that, you know, we are, besides a Commission, we're also made up of individuals and that we could put anything we want in writing and give it to anybody as individuals. We can't email it to each other and go and correct this or check that out or what do you think, but as individuals, you can provide written testimony to the commission -- or to the council in relationship to ...(inaudible)...

Mr. Osako: But it's hard to do that ahead of time without knowing what --

Mr. U`u: What was given.

Mr. Osako: Yeah.

Mr. U`u: So it's hard to comment on something.

Chair Hutaff: Actually --

Mr. Osako: We don't know what they're proposing or anything.

Mr. Solamillo: No, I mean I didn't have time because I got it after the agenda had gone out.

Chair Hutaff: Are our meetings, our notes are posted on line? I mean we did discuss it.

Mr. Osako: No. No. I mean this thing.

Chair Hutaff: No. But that's --

Mr. Osako: It's relating to --

Mr. Solamillo: Yes. Everything is posted online so the meeting minutes, once Suzie completes it, and they're approved, they're posted.

Mr. Osako: So that's posted online.

Chair Hutaff: That's -- yeah, well, it's kind of sort of what we discussed.

Mr. Osako: Oh.

Chair Hutaff: Has been posted online. We don't know, specifically, what has been taken out or not relayed, but we do know what we spoke about and it can be reviewed by individuals online so if you have one thing that you were very concerned about and wanna be very specific about, you can write on that topic even though it may already be something they wanna go and say yes to or something that has been removed - that we don't know.

Mr. Solamillo: Actually, you can. I mean you can get a copy and you can compare, line by line, and see what has.

Chair Hutaff: Okay.

Mr. Solamillo: What has made it and what hasn't. I have not had time to do that and I will do that over the next -- over this weekend.

Chair Hutaff: And we had that meeting - do you remember when we had that meeting? It would be in the notes?

Mr. Solamillo: No. I'd have to go back and look at agendas.

Chair Hutaff: 'Cause if you wanted something specific, you could open up the PDF file and do a Control-F and find specific --

Mr. Solamillo: We did at least two meetings, if not, three.

Chair Hutaff: Yeah.

Mr. Solamillo: And that was in advance of going to all the other commissions because our comments had to go to the other commissions as well.

Chair Hutaff: Yeah, I think it was -- it was almost a year ago.

Mr. Solamillo: Yeah.

Ms. Chandler: Joanne Johnson came down. It was like one of the last things she did.

Mr. Solamillo: Yeah. So I just wanted to make you aware so that --

Ms. Thomson: Do you have a copy of the draft bill?

Mr. Solamillo: Got it right here.

Ms. Thomson: Do you have copies for everybody?

Mr. Solamillo: I didn't have time to make them. How would you suggest we disseminate?

Ms. Thomson: I guess it wouldn't hurt or perhaps it could be sent -- maybe Suzie can send it out.

Mr. Solamillo: Is that violating any protocol here?

Ms. Cua: No. It's public information.

Mr. Solamillo: Okay.

Chair Hutaff: Even the link to it.

Ms. Chandler: So the draft, I'm sorry, the draft that is transmitted up to the council and then also the one that we changed, the one that we -- the comments that we provided so we can do that comparison?

Mr. Solamillo: Yes.

Ms. Chandler: Okay.

Ms. Thomson: I think, just as Ray said though, if you're going to be offering testimony, just provide it as individuals because you're not going to have a chance to have a collective decision on it, yeah.

Chair Hutaff: Any -- it's time to move on.

Mr. Solamillo: Okay. A happier note. The Maalaea General Store, we were originally going to look forward to a date being posted for June to open, they've moved it back a month, but, hopefully, you know, we will know soon enough and then I'll let everyone know so they can be there.

Chair Hutaff: Hot dogs are on me. Let me know when you'll be there.

1. July 5, 2012 CRC Meeting Agenda

Mr. Solamillo: Okay. Second tax credit project for Maui County. July 5, 2012 is the next meeting of the Cultural Resources Commission. We will finish off with what's left for powers and duties, and then are there any specific items that you might want to see on the agenda?

Chair Hutaff: I have one is that we spend some time to try to define "culture" under definitions, which is of 2.88.020. There is no definition of "culture" in there for inclusion at a later date to go up to council. Yeah, what we discussed today, there is no definition of "culture," so maybe we can start there and that way we can begin the process of sending it up to council to put that in as a definition so we can define that. And, Rhiannon, you wanted to -- I forget.

Ms. Chandler: I don't know if that's here in this, like do we do that separately on -- okay. So we are, in the future, going to designate some time to talk about the relationship between natural resources and cultural resources maybe?

Mr. Solamillo: That should happen under his discussion of the definition.

Ms. Chandler: Under the definition.

Chair Hutaff: The first thing, I think, is we should at least establish and ask them to put in the definition of "culture."

Ms. Chandler: Okay.

Chair Hutaff: And then, from there, we can expand upon it, I believe.

Ms. Chandler: Yeah. No, that's a -- the definition of "culture," that would be really fun 'cause it's so broad. But, yes, I think that would be great. And then one of the other things I had written a note was to talk about future listing, registry talk, and things like that, so it doesn't have to be the next meeting, but maybe if we could say, you know, in August or something like that, in advance, then at least we'll get to it one time, but, yes, on the next meeting if we could define "culture" and then maybe the natural elements that relate to culture would be a part of that discussion.

Chair Hutaff: A beginning.

Ms. Chandler: Yes. Thank you.

Chair Hutaff: And, of course, we're going to finish the workshop. Here's my idea about the workshop, I've kinda pushed for this, okay, A lot -- most of you will be here longer than I -- all of you will be here longer than I am, okay, as far as the Commission goes, hopefully, I'm around a lot longer than you are on the earth, I don't pray for that, but I hope so, but the idea is is to perpetuate this information here through each meeting, that someone always is -- who is new, will get the information from somebody who's been here before because we've had this, you know, idea, and then when we get to the point where maybe it's getting lost, then whoever is chair at that point maybe can try to bring it up again so we're always reminded of our duties 'cause there's some things in here that we kind of

overlook and there's some things that gave us some power in here that we've never utilized. So just to keep that information up. That's the idea. So I'm asking that we finish the meeting, that we bring it up the next meeting, and that whoever is here on the board make sure that it continues to be perpetuated so we always know what our duties are and we always perpetuate it with the definition of "culture."

Ms. Kanuha: Okay. No, go ahead.

Ms. Chandler: Is it possible for new members to get a copy of the duties when they first arrive on the --

Chair Hutaff: It's in the black book.

Ms. Chandler: Oh, it's in the black book. That's right.

Chair Hutaff: Yeah. But I think that's maybe a good point is that I think we can suggest to the new members is here's the big book, let's start here, the small pages. Yeah. The big book is like --

Ms. Kanuha: You know, and if I could just make a suggestion 'cause I attended a workshop and it was like a weekend long workshop, and I know that we only review a lot of our kuleana, our responsibilities once a month, so I'm not sure if we're almost finished throughout the whole book of making all the revisions and all the changes in it, but it would be actually very nice to actually go to Hana for a weekend, or something, and just to review the whole binder so it's, you know, really clear of our kuleana so we can continue on to perpetuate to those new members who are coming in 'cause I know we get like bits and pieces, and I know it's our kuleana to kinda open up the book and while we're at home and going through it, but, you know, that's like, I mean I know we're all busy, and I just think that that would give us an opportunity to really kinda deep dive into what are kuleana is and just to review the whole book, and kinda bond, and, you know, that would be a great time to get creative and just to talk story like we do. I just think that three hours, four hours, and I know that some of us come from off-island, but what nice stay-cation or --

Ms. Chandler: Yeah. I agree because, honestly, we do a lot of things in pieces, and then sometimes we miss members --

Ms. Kanuha: Absolutely.

Ms. Chandler: Like somebody was here for the first half but they're not here for part two, you know, or three, and it's really choppy, and I don't know how the Sunshine Rules affect our ability to get together outside of a meeting, but if there's a possibility that we could work our way around that, you know, or even -- I don't know. There's gotta be someway. I'm not --

Ms. Kanuha: Just so that we can diligently continue on with our responsibilities.

Ms. Chandler: Because the council has the luxury of meeting until like midnight, if they have to. They're just going to stay until they finish that thing, you know, but we really -- and then we start again and we lose a lot of in the process.

Ms. Thomson: You can have off-site meetings and, you know, they can go for a lengthy duration of time, if you wanted to. Because it would be a meeting of all of you, it'd probably have to be a publicly noticed meeting, the public invited to attend if they so chose, you know, so that's just something to keep in mind logistically, but I don't think it's impossible if you want to do it.

Chair Hutaff: The other thing too is that, under 2.88.050, on page 50-4, section B there says, "Special meetings may be called by the chairman, director, or by any three members of the Commission." With that in mind, okay, anytime you guys wanna go to Hana and have a discussion about this kinda stuff, okay, I could make it as easy as possible even for those from the outer islands, okay, so that we can have a meeting. All we gotta do is make -- set a date and make a commitment and I can make it happen.

Mr. U`u: ...(inaudible)...

Chair Hutaff: Well, it says "Special meetings maybe called by the chairman, director, or by any three members of the Commission," so we can vote on having a special meeting at almost anytime as I read from this. Naturally, I'm in a whole bunch of trouble with her right now, and probably Stan, but I think that that's a really excellent idea to perpetuate the information we get to the new members and new Commission Members when they come in and also if we ever decide to speak on that side. So, yeah, so if we have time, we can kind of discuss what dates would be good and then we can bring it up within the meeting and have the -- do it the proper way and try to get me out of some trouble. Thank goodness it's not what's his name next to me now. He would be giving me looks like she is. But I think it's really excellent idea. I really do.

Mr. Solamillo: Commissioner's Announcements

F. COMMISSIONER'S ANNOUNCEMENTS

Mr. Kubota: I have one.

Mr. Osako: Go ahead.

Mr. Kubota: I noticed on the schedule for public television, there's going to be a program called "Kepa Maly: Lana`i and the Spirit of Place," and it's on June 12, next Tuesday, at 7:30, since we've been talking about Lana`i, it would be a great interest.

Mr. U`u: When is that again?

Mr. Kubota: June 12 at 7:30, on PBS, which is Channel 11.

Mr. U`u: June 12.

Mr. Kubota: 7:30, Public Television, Channel 11.

Mr. Osako: And they already did Part 1.

Mr. Kubota: They did Part 1 already?

Mr. Osako: Yeah. I have it on the computer so I can email it to anybody if you're interested. Make a list then I can put you on email ...(inaudible)... I have an announcement. I will be absent the next meeting. My wife spent some money and bought an Alaska cruise at the fundraiser for the Lana`i Culture and Heritage Center so I will be going to Alaska and doing the cruise.

Chair Hutaff: So that's where our special meeting is going to be at? I didn't qualify it, did I? Any other --

Mr. Osako: I will check on the council public hearing ...(inaudible)... before I leave.

Mr. Solamillo: Yeah. It would be good if someone attended.

Chair Hutaff: Okay. Any other Commissioner's announcements? Okay, before I guess we're up for the next meeting date, July 5, we got that done. We did buy lunch, okay, so make sure everybody eats it, otherwise, I'm in a whole bunch of trouble with Suzie. Okay. And anybody move for adjournment?

G. NEXT MEETING DATE: July 5, 2012

H. ADJOURNMENT

Mr. U`u: Motion to adjourn.

Mr. Osako: Second.

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

It has been moved by Commissioner U`u, seconded by Commissioner Osako, then unanimously

VOTED: to adjourn the meeting at 12:57 p.m.

Respectfully submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards & Commissions

RECORD OF ATTENDANCE

Present

Raymond Hutaff, Chairperson
Warren Osako, Vice-Chairperson
Rhiannon Chandler
Makalapua Kanuha
Gaylord Kubota
Kahulu Maluo
Bruce U`u

Excused

Irene Ka`ahanui
Brandis Sarich

Others

Ann Cua, Planner
Stanley Solamillo, Cultural Resources Planner
Richelle Thomson, Deputy Corporation Counsel