

**CULTURAL RESOURCES COMMISSION
REGULAR MEETING
MARCH 7, 2013**

*** 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 10:09 a.m., Thursday, March 7, 2013, 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 Raymond Hutaff: We're gonna start the Maui County Cultural Resource Commission meeting for March 7th.

**B. RESOLUTIONS THANKING OUTGOING COMMISSIONERS RAYMOND HUTAFF
and BRANDIS SARICH**

Mr. Stanley Solamillo: Aloha, Commissioners. The first items this morning are two resolutions thanking outgoing Commissioners Raymond Chair Hutaff and Brandis Sarich, which I'll read for you now:

Resolution of the Cultural Resources Commission:

Whereas, Raymond Hutaff has served the County of Maui since July 2008 as a member of the Cultural Resources Commission; and

Whereas, Mr. Hutaff has served as the Maui County Cultural Resources Commission's Vice-Chairperson from April 2009 to March 2012; and

Whereas, Mr. Hutaff has served as the Maui County Cultural Resources Commission's Chairperson from April 2012 to March 2013; and

Whereas, Mr. Hutaff has served with distinction and has performed his duties in the highest professional manner with the Cultural Resources Commission; and

Whereas, Mr. Hutaff's term of office expires on March 31, 2013; now therefore

Be it resolved that the Maui County Cultural Resources Commission hereby commends Mr. Hutaff for his dedication and untiring public service to the people of Maui County; and

Furthermore, be it resolved that the Cultural Resources Commission expresses their sincere appreciation for Mr. Hutaff's services and extends their best wishes in his future endeavors; and

Furthermore, be it resolved that copies of this Resolution be transmitted to the Honorable Alan M. Arakawa, Mayor of the County of Maui; and the Honorable Gladys Coelho Baisa, Council Chair of the Maui County Council.

The second resolution of the Maui Cultural Resources Commission is Brandis Sarich, and it reads:

Whereas, Brandis Sarich has served the County of Maui since October 2010 as a member of the Cultural Resources Commission; and

Whereas, Ms. Sarich has served with distinction and has performed her duties in the highest professional manner with the Cultural Resources Commission and

Whereas, Ms. Sarich's term of office expires on March 31, 2013; now therefore

Be it resolved that the Maui County Cultural Resources Commission hereby commends Ms. Sarich for her dedication and untiring public service to the people of Maui County; and

Furthermore, be it resolved that the Cultural Resources Commission expresses their sincere appreciation for Ms. Sarich's services and extends their best wishes in her future endeavors; and

Furthermore, be it resolved that copies of this Resolution be transmitted to the Honorable Alan M. Arakawa, Mayor of the County of Maui; and the Honorable Gladys Coelho Baisa, Council Chair of the Maui County Council.

Chair Hutaff: You must have had a really hard time with the appreciative part. (Laughter) Thank you. I have something to say much later, as always. Two-way street here.

C. APPROVAL OF MINUTES OF THE NOVEMBER 1, 2012 MEETING

Chair Hutaff: Okay. Let's move on to the approval of minutes for the November 1st, 2012 meeting.

It was moved by Commissioner. Bruce U`u, seconded by Commissioner, Makalapua Kanuha, then unanimously

VOTED: To approve the November 1, 2012 meeting as presented.

D. HISTORIC DISTRICT APPLICATIONS

1. **MS. BARBARA LONG, on behalf of MAUI JEWELERS and WEST MAUI GIFTS, requesting Approval for a Deviation from the Sign Design Guidelines for the Lahaina Historic Districts, located in Maui County Historic District No. 2, at 834 and 834B Front Street, TMK: (2) 4-5-001:028, Lahaina, Hawai'i. The CRC may approve, approve with conditions, or deny the subject request. Public testimony will be accepted. (HDX 2013/0009) & (HDX 2012/0036) (E. Wade)**

Mr. Solamillo then read the agenda item into the record.

Ms. Erin Wade: Good morning, Commissioners. We did provide you folks with a memo regarding this application. It's actually two applications for two separate signs on Front Street. And the request is to deviate from the Sign Design Guidelines for Lahaina Historic Districts. So I have just a couple of slides I wanted to show you in advance of the applicant explaining to you her request.

So essentially, this is a request to deviate. This is one of the signs in question. And the applicant was notified that their sign was noncompliant. This particular sign is noncompliant because of the amount of text on the sign. So normally we allow only the name of the business and a tag line, if the business has a tag line, and that's it on the sign. So they were notified that they would need to amend their sign. And there's a second one: Maui Jewelers, the exact same kind of a condition.

In the Sign Design Guidelines, it says that -- oh, and then I should state that what the applicant is requesting now that they come back. They're more than happy to have just the name of the business, but they want to do it just painted on wood, not to have the letters incised, or carved, or anything. What the Sign Design Guidelines say on page 9 is that, "Letters shall be painted, carved, raised, incised or crafted." And then it also says:

The sign lettering, logo, symbols, art objects, and decorative embellishments shall be carved by hand or sandblasted. Painted signs on true tongue and groove or solid wood plants are also permitted. Plywood and T1-11 are not permitted.

In the past, we have always interpreted this to mean that dimensional lettering was required unless it was going to be done on essentially, a raw piece of -- raw like a piece of drift wood or something like that to be painted on that.

So these are examples of signs that are approvable within the Lahaina Historic District. They are -- do all contain dimensional lettering, as well as their logos have been carved or

incised into the sign wood itself. And you can see up close, thank you to Kathleen for these photos, for what this looks like up close on the majority of these.

These are signs that are flat wood plants and are just painted letters. So this is something similar to what the applicant is requesting. Several of these signs were cited also for noncompliance with the code, and we have actually asked them to change their signs as a result because we have required the carved or incised lettering up to this point.

And then these are more examples of signs without the dimensional lettering on Front Street that have also received citations for noncompliance.

So I will tell you also, you know, it says in the memo that we sent out, we basically had a mass complaint for all of Front Street for excessive signage. And then the majority of the businesses on Front Street, in fact, all of the businesses on Front Street that didn't have the sign permit decal on the sign received notice that they needed to apply for a sign permit. And we've been going through one-by-one and permitting them.

And our entire sign team from the Planning Department is here today. Kathleen Aoki and I do the majority of the sign permit reviews. Kai Wright is here in the back. He's our Enforcement Officer. And Ann Cua has been -- she's our supervisor, and has been helping us with this because she's been doing historic district review for quite some time, and knows the history of this as well, very well. So if you have questions for any of us, we're happy to answer them, but I know the applicant also has a presentation for you.

Chair Hutaff: Anybody has any questions for her at this point?

Brandis Sarich: No, it seems very straightforward.

Chair Hutaff: Okay. Cool. Thank you. Is the applicant actually here?

Ms. Barbara Long: Good morning, Commissioners. I am indeed Barbara Long. I am owner and manager of the 834 Front Street Building otherwise known as the Kidani Building. I hope you have received the exhibits that I brought in today, and I hope you'll have a chance to look through them as I talk. I do wanna thank the outgoing Commissioners as well. I know what it's like to volunteer to serve on a Commission. And I sincerely thank you both for your service and the important work that all of you do as volunteers to protect and preserve Maui's historic sites.

I do appreciate this opportunity to present my unusual request. I don't know if you've ever had a request for a deviation before. And I hope to show you that it's not a deviation. Sign enforcement in Lahaina as you know has been a long time coming. And I applaud the Department for its current efforts. I'm here on behalf of two retail tenants at 834Front

Street, although the request is mine and not theirs. I have a personal interest in preservation and in Lahaina that has brought me here. Our tenants, however, will comply with your decision and the Planning Department's decision about whatever it is after you've considered all the facts and the exhibits here today.

I first saw Lahaina about a half century ago in 1965 and soon moved there with my family. In 1972, my husband and I became lessees of the building at 834 Front Street known then and now as the Kidani Building. The elderly couple who owned it had operated a candy and ice cream shop there since before World War II, and lived upstairs where they also rented rooms by the week to young surfers. Times have changed.

The Kidani Building was built in the 1920s, and it remains an example of the plantation era architecture, an original contributing historic structure in the Lahaina Historic Landmark. Since 1972 as lessees and later as owners, we have made great and expensive efforts to rehabilitate the now nearly one hundred-year-old building according to historic district criteria, and to maintain its authentic false front, 1920s' character.

The exhibit you have shows the building now in color, and the tenant signs in color, and also how it looked in the 1970s. There's a photograph of Mr. and Mrs. Kidani at their storefront with their Kidani Store sign above. That sign was made -- is made of painted letters on a white painted sheet metal surface. Other black and white photos show many Front Street buildings and signs in the early 1970s: the Okazuya, Barbershop, Yamamoto's Fishing Gear and Shave Ice Store, Grocery, Laundry, Lahaina Bakery, the Midnite Inn, and Hop Wo. All of them built in the 1920s and '30s to serve Lahaina's plantation community.

In the late 1950s, as you probably know, sleepy Lahaina became part of the grand scheme to create a destination for all the visitors who were going to flock to the hotels, and resorts, and golf courses that was being planned for Kaanapali Beach. And at that time, a more romantic vision of Front Street was created. I can imagine that back in the late 1950s, those buildings and shops on Front Street looked pretty old, and dilapidated, and contemporary to the folks who were creating a major resort at Kaanapali. And the street's character began to change thanks to architectural guidelines and other documents.

Early 20th Century plantation era buildings soon began to rub shoulders with mid-19th Century Victorian whaling port structures complete with tiny muntins in their windows. The revised vision was incorporated into the 1969 Architectural Style Book for Lahaina. And that was used as a basis for the 2001 Sign Design Guidelines for Lahaina that the Department has been referring to. You will see, and the Department acknowledges, that this has resulted in guidelines which are both contradictory and confusing. I don't know if you folks have all read thoroughly your Lahaina Sign Design Guidelines, but there are a number of confusing items in there.

And that's why I am here today asking for your help. As owners, we received a notice of nonconformity in November. And when our tenants, Maui Jewelers and West Maui Gifts, sent in their request for approval, they were received an e-mail, and you have copies of that stating the Department's requirements for those hanging signs, which said, "The sign must be constructed of sandblasted redwood and use dimensional letter with a background of transparent or heavy-bodied stain."

First of all, why redwood? It's not required in the Sign Design Guidelines. Redwood trees are being chopped down at an alarming rate. I don't know if it's an endangered species, but the wood is certainly costly and environmentally unsustainable.

Second, as you have seen in your exhibit, signs in plantation era Lahaina were just painted letters on a simple painted background. And then the Sign Design Guidelines contradicts itself on pages 9 and 10. And it says, "Painted signs on true tongue and groove or solid wood plants are also permitted." That's what we're asking for. The Sign Design Guidelines also recognizes the need for architectural context when it states on page 3, "The sign form and graphics should relate to the historic period." It also states in Appendix C, "Signs should compliment the architectural design of the storefront." There are more contradictions and confusion in the guidelines. Suffice it to say that I believe our request for painted signs with painted letters is consistent with the guidelines' recommendation that signs should compliment and relate to the architectural design and historic period of the building.

And I have another very personal concern that I hope you share, and that is the diminished integrity and sense of place on Front Street. The authenticity of its plantation town origin is being lost, and with it, the impact and contributions of the sugar and pineapple plantation immigrant families whose hard work and determination shaped our community's culture, history, politics, commerce, and diversity. It is my hope that you will recommend a thoughtful revision of the Sign Design Guidelines to enable a strategy the Department will use to protect and preserve the integrity of the historic districts and Front Street, and strengthen the status of the Lahaina National Historic Landmark.

So I ask for your approval of a deviation, or modification, or appreciation of the two hanging signs at 834 Front Street by allowing painted letters on a painted wood background with colors to be approved by the Department. And the Department says in its handout that they will be happy to go along with your wishes. Thank you very much for your consideration. You have any questions?

Chair Hutaff: Anybody has any questions? Okay. Why don't we open this to public testimony first? And then maybe they'll help answer my questions. Anybody has any -- ? Anybody from the public wanna come up? I don't see them rushing to the podium. Okay.

I do have a question for you, my dear. I'm sorry, could you come back again? You know, I get everything that you say, and I appreciate really, the fact that you're here, and that the pictures that you brought to us point out that somehow the Design Guidelines were made without considering what was there before, and I'm gonna have to say, thankfully, because one thing that I noticed is that a lot of these buildings in these pictures either are not occupied, or they're not signed when the pictures were taken, because there's really not too many signs out there, not like we have today. If you look at your own picture with say here, page 34, I can see only two signs visible from this photograph. So I can kinda see where your statement saying that these where you -- the pictures where you got an old Coca-Cola, which was -- doesn't look like it was the porcelain type; and the Midnite Inn, you know, definitely hand-painted; and pies and meals, coffee, sandwiches on the inside window, I kinda get it. And I don't really know -- does anybody know why these guidelines were -- you know, what prompted these guidelines? My assumption, and it's a question that I'm looking for an answer from somebody else afterwards, but giving you an opportunity to answer them, but why, you know, was Lahaina Town, when they were making these sign guidelines, did they have input?

Ms. Long: Oh, they had considerable input.

Chair Hutaff: And this was the result of their input or in spite of their input? Go ahead.

Ms. Ann Cua: I can comment. The Sign Design Guidelines which were revised March 31st, 2001, on the first page under Introduction, it talks about -- or it says that:

Between July 24th to December 11th 1996, a task force was appointed by Mayor Linda Lingle to research and resolve three major problems in Lahaina historic districts.

First was parking, second was site design, and third was enforcement of historic district regulations. It said, "Each problem had its own committee. This report will deal with the sign design issue as addressed in the final report of the Lahaina Task Force."

And they identified several problems for signs. They felt that "The existing ordinance was too limiting and does not include designs and opportunities found in the Architectural Style Book for Lahaina." They said "Many signs were in use without permits. And the permitting processing office often seen as punitive or unfair." And then finally, they said, "Many signs now in use would not be permitted even with an improved design guidelines and that enforcement was lacking."

So they made recommendations. And the recommendations was to revise the criteria for historic district signs in the County Code in order to clearly define and allow greater variety of sign construction and locations; to prohibit certain materials, styles, and temporary signs

which have a negative effect on the overall historic character. They wanted to improve the application forms for signs in historic districts and make those applications available to the public. And another recommendation that came out from them was to mark each approved sign with a sticker or a seal which has a number so that it could be easily identified. And then, they wanted to provide an office in the Lahaina Courthouse to make it easy for people.

So about -- gosh, I think it's been 15 years maybe, we set up -- or maybe 12 or 13 years ago, we set up an office in the Lahaina Courthouse. And we would go out there once a week and it was not only to deal with signs. It was to have a presence in Lahaina so that people wouldn't have to drive all the way to Wailuku to get information on the historic district. So we would go there for pretty much the entire day. We'd sit in the courthouse. And I think it was lucky if we got one or two questions a month about the historic district, but we got questions every single day about where was the restrooms. Every single day, where is the restrooms? And so we stayed there for, oh, I don't know, maybe was a year or even over a year. And then found that it just really wasn't useful. I mean, we would take work so that we wouldn't just be sitting there. We'd take work and we'd get work done, but we found that we weren't really serving -- the public wasn't really coming. And so that was one thing that happened.

In terms of this document, which was another task, it was developed, it was brought to the Commission, there was lots of testimony. The main thing about this was to allow more flexibility because if you look in the ordinance, it just says you can have a 12 square foot wall sign and an 8 square foot hanging sign. That's pretty much it. So if you look at this, it allows signage in addition to that. We came back to the Commission and there's a memo that was done December 2001 to deal with awning signs and to deal with sun shades. I think sun shades is another memo. But for example, on the sun shades, one thing that happened is that we found that there are businesses that have to have that sun shade for the afternoon sun. But what happens when they put that sun shade down, it blocks their sign. So you met, you convened, and the Commission decided, okay, we can allow signs on these sun shades because it covers the signage that they're permitted, but it had to be a certain square footage and things like that. We identified colors. So there was a lot of discussion, but when we look at it today, and we're trying to interpret it, we see that there is some confusion. And we've consistently -- at least we can say we have consistently interpreted it, and to the point where we've asked people to change their signs. I know at least one of the signs you saw that we said was part of the enforcement, and we told them they needed to change their sign, they've changed it. So we're here and we will do obviously, whatever the Commission says, but that's how we've interpreted it, and that's how we've been enforcing it.

Ms. Long: Mr. Chair? Mr. Chair?

Chair Hutaff: Go ahead.

Ms. Long: May I please? As Ann just read to you the recommendations in the sign book, it says "A greater variety --," "To allow a greater variety of sign construction." And the Department for whatever its reasons are has pretty much mandated the one type of sign even though the Sign Design Guidelines wants to allow a greater variety of sign construction and does allow painted wood signs.

Chair Hutaff: Could I get back to my question which was happy that she put it into perspective because that's how I felt when I read this whole thing is that Lahaina started to become important? And looking backwards at the 1996 realizing that the signs were starting to evolve to where it could've become very problematic for the historic district. So having old style signs in the '20s had evolved away from that style or look to where it was becoming very complex and complicated. And they wanted to come up, I'm assuming, that with the -- at least with the community of Lahaina on Front Street going, yeah, we definitely need to have something because we're evolving incorrectly. Today, we're evolving incorrectly, but not about the signs. So they came up with these design guidelines, and I know -- you know, I've been on the Commission for five years that things are written that made so much sense back then, and then when you go, what were we thinking? Because you forget the thought process. But in trying to interpret the thought process which was clearly set out in these recommendations, and the history of it, introduction to it, it's really trying to make it a sign-friendly place instead of a sign loud, or rude, or mismatched. You have all these different styles of buildings, but then your signs give some credence to it, like I said, reflective of Front Street, not necessarily the time period, because it evolved into that. And with that being said, understanding that, why is it so important to you that it be painted? What's the argument?

Ms. Long: Because one of the principles of historic preservation is context. And that feeds into the creation of the boundaries of the National Historic Landmark and the historic district. And if you read those documents and the nomination form for the National Historic Register, historic district thing, it says that there's outer views, Views 1 and Views 2, that have diminished importance historically, but that they contribute to the historic context of the important sites that we are protecting in the center. And so just as you wouldn't put a modern glass office building next to the Alamo, the Sign Design Guidelines recognizes that by saying that the sign form and graphics should relate to the historic period, which technically, is the 1920s and not the 1860s. And that signs should compliment the architectural design of the storefront. Now, I'm not saying that every sign in Lahaina should be painted wood. My suggestion would be that if a building is original, has not been modified to an enormous extent, and the Department can make its own percentage, if it still has integrity as an early 20th Century plantation era, false front, wood-framed building that it should have a sign in that context, which is not sandblasted redwood but is painted letters on painted wood. It's possible for all of that to coexist just as the missionaries and the

whalers coexisted in a certain way. But the fact that Lahaina is what it is is what the Department is forced to deal with. I am just saying, please don't ignore its plantation era history. Please recognize that there are buildings there that are still authentic, that still have integrity, that still reflect the people who operated those stores for the most part, Japanese and Chinese. And visitors will appreciate that. Why ignore it?

Chair Hutaff: I have to kind of agree with you on that. Part -- Unfortunately, we have these peoples here and hands waving. Why don't we start with -- ? And I'll get to you. Brandis next. Go ahead.

Ms. Kathleen Aoki: Commissioners, hi. I just wanted to clarify for the record although Erin stated in her e-mail that redwood was required, we don't actually absolutely require redwood. It's one of the woods that we highly recommend because of its durability. Apparently, termites don't really care of it as much as other woods. We do require redwood in the guidelines for certain framings of public signs. So again, it's just kind of one of those things that we got mixed up on. I have approved signs that have been made out of cedar. They've come back and as long as it's solid wood, knock yourself out. So I just want to clarify that. So that was our error to Barbara.

Chair Hutaff: No problem on that. I was wondering why koa wasn't in there. Go ahead.

Ms. Sarich: Thank you. Barbara, I really appreciate what you're saying and I think that what you're saying is very appropriate. It just seems to me that we're talking about how to codify taste in Lahaina, which is almost impossible. And it's one of those things that when I look at the examples that we were given of painted signs, there's some that are definitely not okay, and other ones that kind of are funky but go somehow. And I just feel like these drawings don't allow us to make a decision. When I look at the historic signs, they have frames around them, they have really nice lettering that's appropriate, and I think these look great, but I don't know what that is. So that's more my issue is that it's hard to see that this is gonna be that. But I just really like your idea that a building from the '20s, from the plantation era, should not have a whaling sign on it, and that should somehow be added into the sign ordinance.

Ms. Long: Thank you. And our tenants' sign maker will do whatever the Department requires them to do as far as color, shape, size, lettering style, whatever so that when their submittal is given to the Department, it'll contain all of that.

Ms. Sarich: Right. And we can't -- I don't think that they can tell you what to do. It's more we have to respond to what you want to do. And I think that's why we require more drawings to see it.

Ms. Long: That wasn't the Department's requirement. The Department said, no, you cannot have the signs that are existing or --

Ms. Sarich: I'm sorry. Not the Department. I mean, for me, to be able to comment on this, I would need more drawings.

Ms. Long: Oh, well, they're not going to give you a drawing of what they want until we find out what you folks would be happy with.

Chair Hutaff: Go ahead, Michele.

Ms. Michele McLean: Are the photographs the existing signs that you're requesting approval of?

Ms. Long: No, no, no, we are not requesting -- no, we are not requesting approval of the existing signs even though to my mind, they do meet the criteria of the Sign Design Guidelines. However, because I feel they are inappropriate for a 1920s building style, our tenants are gonna be happy to do painted signs with appropriate lettering and wording which the Department can have its way with.

Ms. McLean: Thank you, Chair. I just wanted to make one more reference to the sign guidelines. It actually ties into something that you said earlier when trying to understand the thinking when some of these were adopted, and sometimes we just don't know what they were talking about. There is one particular statement that I think could be useful. The Sign Design Guidelines were revised in 2001. One of the exhibits or Appendix B are select pages from the Architectural Style Book for Lahaina which was adopted in 1969. And if you look at the bottom of page 8 of that Appendix B, the last paragraph says:

It is recognized that exact criteria for signing may be unnecessarily restrictive, and the Commission shall use its discretion in granting variances for designs which are appropriate and characteristic to the historic periods.

And that's probably what Brandis was saying is saying a painted sign -- such a broad statement might not be appropriate, but it's the Commission having its discretion for case-by-case examples, but may be appropriate given the building, for example.

Ms. Long: Thank you, Michele.

Chair Hutaff: That kind of opens the door. Before, it was kind of closed. Any comments from any other Commissioners? Questions?

Mr. Warren Osako: In looking at her submitted photographs, historical photographs, a lot of things that are prohibited actually existed, historically. And I think that I would grant the variation; however, I would also strongly suggest that the Department then revise the guidelines. And but however, if they revise the guidelines and the signs then become also noncompliant, then they would have to change 'em, so that would be my suggestion.

Chair Hutaff: Anybody else? I still have words. (Laughter) My feeling right now is a little bit kind of back and forth. I really hear what you're saying and I really like what you're saying about how you identify the buildings by sign based upon their completeness and their age. I also agree with what Mayor Lingle did, probably two things I agree with her on, in trying to gain control before it got out of control. I think that's a very, very important -- Based upon that last statement that Michele made where it is realized that it is restrictive or that it doesn't fit, I would ask two things before we take it even to a vote. Two things regardless of the outcome of the vote: one is that you do work -- help work on this because I really do like your idea about having a different sign for a different era, but having guidelines for those signs. I really -- that would be really cool to actually walk and go -- do you see the shape of that sign? Or you see the way that sign's built? And you could actually promote that as just come down and look at our signs, and we can determine the age of the building. So I would ask you to work with them. And again, we're here today. And everybody realizes that they knew exactly what they were doing back then, unfortunately. A couple of words here, a couple of words there, kind of make it a little undetermined. So that's the first thing that you'll continue --

Ms. Long: I'd be happy to, if they'll have me.

Chair Hutaff: To do that. I don't care. (Laughter) They don't like me sometimes, too, but I think they all get it. They're really good people.

Ms. Long: I think it's a plus.

Chair Hutaff: Yeah, and I think that they kind of understood what you were staying. Eh, it makes sense. Now, from the other standpoint, you are gonna change those signs no matter what comes up. So where it doesn't have the tanzanite, opal, diamonds, pearls, color --

Ms. Long: The text will be limited to what the Department will permit.

Chair Hutaff: So really all you're asking for is I don't wanna carve it, I don't wanna use redwood, I would like to paint it. Now, the problem with that is, is that when you paint the background of something, you can actually make it stand out and be gaudy.

Ms. Long: But they have color guides.

Chair Hutaff: You do?

Ms. Cua: We do.

Chair Hutaff: Oh, scratch that. (Laughter)

Ms. Long: Yeah. Under control.

Chair Hutaff: It was just a concern. That was gonna be the second part. Because I don't know how the Commission -- everybody gets a vote here, and not everybody votes the way I do, or I don't vote the way they do sometimes. But for me personally, based upon that last sentence, I think a responsible painted sign would be something that for you and only you would I consider as far as my vote goes except I don't get a vote.

Ms. Long: For me, meaning -- ?

Chair Hutaff: For your signs.

Ms. Long: For our building?

Chair Hutaff: The problem we have, too, is we have to look at it is now, does this start another evolutionary process? You know what I mean?

Ms. Long: Well, the Department -- it's my understanding that the Department has criteria when a building is remodeled. And there have been a number of what were authentic 1920s, '30s' buildings that now are sort of quasi-mid-19th Century, whaling port-ish-looking buildings. It's my hope that that will be modified in the future, that approach, in order to recognize the real heritage of Lahaina's plantation town. But until then, on a case-by-case basis, if other people that have contributing buildings come to you for a deviation, then it's up to you to make that determination, but I would be very happy if you would allow us to do that.

Chair Hutaff: Yeah, my issue is always but they just did it last week. And it's like somebody getting a ticket for doing 55 in a 35 and they've been speeding for ten years. You're still kind of messed up the law a little bit even though your neighbor's doing it. Here, we're actually giving credence. You see what I'm saying? It's saying, no, you can go 54 and you'll be all right. Richelle, you wanted to say something?

Ms. Richelle Thomson: I just wanted to add just what Deputy Director McLean pointed out. Page 3 in your design guidelines, the last paragraph:

It is intended that signs will be presented most often in a two-dimensional format applied to building surfaces and on occasion, three-dimensionally when installing in ground signs.

The way that I read the design guidelines currently is that it does allow for context -- for this Body to approve deviations based on context, so historical context and ...(inaudible)... text.

Chair Hutaff: Okay. I heard what you said but I need a picture example to understand what you said. Sorry.

Ms. Thomson: I think that you can -- the CRC can either agree with the Department's current interpretation which require -- you know, in the requirements. And either approve with conditions, or deny the request for a deviation, or it can have the opinion that the Design Guidelines already allow painted signs on painted backgrounds. You could see it that way as well. I'm sorry I can't be more clear.

Chair Hutaff: I get it now, finally. Thank you. Any comments? Questions? Go ahead.

Mr. U`u: Just a comment. I like the pictures that you gave here of the old signs. However, in saying that, the signs that's been presented to us doesn't match the signs that I like the most. And then again, it goes against the Design Guidelines. It's not wood. It's something else. So I'm stuck in a dilemma where for me the coolest signs are these signs, the old plantation store signs. That's the coolest signs you could have. And what has been offered, it may be is restricted by the Design Guidelines, but I prefer this. So I'm looking for help.

Ms. Long: There's nothing that's been offered, Bruce. The -- you're referring to the color photos in there of the West Maui Gifts and -- ? What do you mean, what's being offered?

Chair Hutaff: Let's let the Planning Department chime in here.

Ms. Wade: Just for clarification purposes, the memo that was submitted with you folks has the two applications that the stores submitted for their signs, because those are the two signs in question. There is no revised drawing for the applications at this time. However, there has been conversation about a willingness to not have the additional text on the signs, but a desire to have it just painted flat on wood. So that, while we don't have a revised drawing in the application which it said in the e-mail to request a revised drawing, they wanted to go ahead and ask you if that would be okay first.

Chair Hutaff: Go ahead, Michele.

Ms. McLean: If Erin or Kathleen could explain if the Commission were to grant approval today, what would the next steps be for this given that the Commission only has these very basic sketches.

Ms. Wade: For this particular property, if you were to grant a deviation, what we would do would be to wait and accept revised drawings for the signs likely from their sign-maker. And then we would begin the process again of reviewing the signs but with the understanding that you would be allowing them to just painted on wood, if a deviation was the route. If the different interpretation is the route, then we have -- then it opens it up for a lot more.

Ms. McLean: So the other aspects of the design guidelines like the font, and the colors, and things like that?

Ms. Wade: We still have to review those.

Chair Hutaff: And you'd be okay with painting the letters so that it had that two-dimensional look?

Ms. Long: That's not what we would like to do. Just the plain, simple letters with no shadowing or anything. That's more of a modern.

Chair Hutaff: No problem. That's why I asked, just to get a yes or no answer out of that.
Ms. Long: No, no, no, no, no dimensional.

Chair Hutaff: Okay. Because it does say intended the signs be presented most often in two-dimensional format.

Ms. Long: Well, that's two dimension.

Chair Hutaff: That's what I interpret as being a shadow effect or -- Like as a matter of fact, even if you look at the picture of your sign --

Ms. Long: Oh, that's definitely carved.

Chair Hutaff: The color sign, you know, Maui Jewelers, my look at this is is that there's a shadow.

Ms. Long: No, it's sandblasted. It's a raised letter.

Chair Hutaff: That's raised letters?

Ms. Long: That's raised letters. That's -- yeah.

Chair Hutaff: So that's where the shadow came from?

Ms. Long: Uh-huh. Yep.

Chair Hutaff: It's a real shadow. Not effect.

Ms. McLean: Kathleen, maybe you could explain the status of the existing signs and how we led to being here with the request today?

Ms. Aoki: As Erin explained, we had gotten a lot of complaints about the signs in Lahaina not meeting the design guidelines. So I think we've gotten over 80 applications in the last two months. So we're kind of getting bombarded. So I went down the last few times to try to take pictures of all kinds of signs. All of these pretty much have applied for some kind of permit. Some have. Some haven't. But I think what I wanted to share with the Commission is -- I mean, I haven't been here as long as Ann, but I have been here since 2002. And I remember when these design guidelines had just been adopted. And Dawn Duensing, I believe was the Chair at the time. Erik Fredericksen was on the Commission. And I ran into Erik about two, three weeks ago over here. And I asked him -- I said, you know, "I know this is a difficult question, but do you happen to remember the mindset of the CRC when you folks went through the design guidelines because we're going through this enforcement right now and people want to do painted signs?" He couldn't remember exactly but he said, "What stands out to me is they wanted everything to have that," and this is where it gets confusing, "that two-dimensional look." And I said, "Two-dimensional or three-dimensional?" He's like, "No, like they pop out at you. The letters pop out at you." So that's where the whole sandblasted came in. That's where the carved came in. So whether you wanted to carve it or sandblast it, it still had that sort of dimensional look. Whether we wanna call it two or three, that seems to lend to confusion. So I said okay. And he was going to try to get me Dawn Duensing's e-mail, but I never got it. So one of -- And it is difficult. It's not an easy thing to go out there and enforce on these things because a perfect example to me is Sir Wilfred's because they did have a really nice, painted sign. That's a beautiful sign but it's all flat. The wood around the borders is carved. I told them that that didn't pass. And they have made now -- I went down there the other day and it just popped out at me. I went, oh, my God, that's such a beautiful sign. The other one was beautiful, too, but they went, and they did this, and now it's permitted, and they're gonna get a decal. Funny enough about this sign, though, because I get anal and I get really close, I start looking at it, and I went, oh, my God, that's a terrible picture. You can't really see it here -- oh, you can. You see how that mustard-colored border is using vinyl stripping. And I went, oh, God, you can't use plastics, synthetic material, vinyl, etc. So I had to call them back up. I said, "Did you guys use vinyl?" And I talked to the sign-maker too. And he goes, "Yeah." And I go, "You can't use plastic, metal, it's all in there

what you can't use." "Oh, not a problem, I'll take it back, and I'm gonna paint it mustard." And I said, "Okay, great. Thank you." Because that -- you know, you laugh, but that's the kinda stuff that we see starts to peel off, starts to fall apart, and I have great pictures of that too. And so that's why we don't allow -- I think why we don't allow that kind of stuff is because the sign just starts to look dilapidated and everything. Granted, paint fades too. I'm not saying that paint lasts forever, but it's something that can go in and it can be touched up. And back in the day, we didn't have vinyl stripping to do these kinds of signs.

So on my own personal opinion is that you can make painted signs look nice, but you can also make them look horrible. And it's not as easy to make a sandblasted or carved sign look horrible as it is a painted sign look horrible. And granted, you pay for that. You're paying for that look, you know, the sandblast and everything. So I understand that. I think it would be granted -- If you allow for a deviation, we will be able to look at it, and we will come up with some kind of standard, but it comes to me even more vague on how we're gonna approve it. I guarantee you, because we have it now, and Kai can attest to this, we're gonna have people go, "Well, how come him? How come her?" We're gonna say, "Oh, they had a deviation. They went to the CRC." "Well, I want to go too," which is fine. They can, but then the district could become less consistent or conforming in a way. I don't know if you want that or you don't want that. I think the flexibility that the design guidelines give do allow for flexibility but not to the point that you're gonna get airbrushed kind of signs, which exist down there too. So, I mean, I have tons and tons of -- here's an airbrushed sample for you. That's a painted sign. It is. It's airbrushed but it's all flat, and it's covered with like a plasticky kind of vinyl stuff.

Ms. McLean: Kathleen, the question was the photographs that were in the packet, are they existing signs? And what led to the request coming today was we told them these existing signs are in violation because of -- ?

Ms. Aoki: Technically, the only thing that is not in conformance are the actual letterings because you're only allowed one tag line. So the wood is okay. Everything that's made up of the sign, those two signs are fine except that they have too many tag lines to them. So that's what would have to be removed or sandblasted off. The jeweler one, I think is a sandblasted sign. The sailing one looks like it's got the wooden lettering attached to it somehow. So that would have to -- you know, whatever they decided to take off, that could just be removed.

Ms. McLean: So in terms of what we're talking about today, these are not painted signs? These are sandblasted or carved signs. It's just there's too much on them.

Ms. Aoki: Yeah.

Ms. McLean: And so when they were told that they needed to be replaced or corrected, the request came in for painted signs in their place?

Ms. Aoki: That's what I understand, yeah.

Ms. Long: They did not request painted signs. What they sent in, I believe, with their application was a rendition of what they currently have. So the Department has not received a revised application which is what we're working on here.

Ms. Sarich: May I speak?

Chair Hutaff: Sure, please.

Ms. Sarich: I kind of feel like what she's asking for is not necessarily a deviation, but it's the interpretation that we were looking at in here, and that we can't render that without drawings of the sign. Unless you're gonna follow exactly what it says in here, if you wanna do something different, which would be good, we need to actually to see what it is to be able to approve it.

Mr. U`u: But that's where the part where maybe the staff could take a look at it--the part where they can propose a sign. Maybe they can look at it. Then again, it's out of our hands. Sorry for intruding, but is it existing and conforming currently? Because when you say you want it to be consistent, what you're saying, then conform, is it right now?

Ms. Aoki: That's what we're trying to get to. That's why all these notices of violation and warnings have gone out. Nobody's gotten a violation yet because we're trying to work with the applicants. And finally, after 10, 12, 15 years, we're actually getting these applications in. And Erin went down -- I mean, I go down to Front Street, three, five, seven days a week literally, walking my dog with my husband, so I see these signs every day. And we see the portable signs. We see all kinds of stuff. And I really think Kai's enforcement, and being down there, and walking down there has really made a difference. Erin says she's noticed it. Donna Soares of the Wharf mentioned to me a couple of weeks ago that it's not looking as trashy, or she came up with some kind of term, not as trashy, because we're trying to clean it up. You don't have these signs on the sidewalk anymore.

Mr. U`u: So the question is, if they just take off certain letters off the sign, it is now conforming? Certain wording?

Ms. Aoki: Yeah. An example, for the West Maui Gifts, either -- I mean, I think this is the only sign in Lahaina that I've ever seen with telephone numbers on it. I would probably wanna -- if I were to make a suggestion, I would say to remove the telephone numbers.

They could keep the address. They could remove all that. Put a tag line, "Best Gifts in Maui." I mean, you can come up with something if you want to.

Mr. U`u: That would be my proposal, if I had one, was to get rid of the certain wording on the signage, and we can be more consistent with everyone else. I think it would be for me, easy to take off. And if people come in, you can take it off, and set the example today, and wait for the rest of the people to come in, because I love the sign. This is a nice sign.

Ms. Thomson: In which case, you would probably make a motion to deny the request for deviation. The deviation request is for painted letters on a painted sign. If you grant that deviation request as it's submitted right now, the Department would follow up with the new sign design to make sure that it met the other criteria like font, and colors, and things like that.

Mr. U`u: So the motion would be to deny the deviation?

Ms. Thomson: If you want the Department to continue on its current path, which is it's issued a notice of warning or violation for the signs as they are, they would probably work with those businesses to remove the offending -- you know, tag lines is really what it is. It's got an extra line of text.

Chair Hutaff: Any other comment? Go ahead?

Mr. Osako: I actually have a question for the Department. What is the reasoning behind the design guidelines? Just so that all the signs are more or less similar, or is it because of historical concerns? Because I'm looking at the photo she submitted and some of the signs, they even have an internally-lighted sign, and some of the signs have extra wording. It says--what? Services, or food, or drinks they offer? So what was the purpose?

Chair Hutaff: I think what we probably don't see is how it was beginning to evolve into something horrendous. And so they came up with a guidelines which was probably a compromise, I'm guessing.

Mr. Osako: And what I also notice is some of the newer signs, even though they follow the design guidelines, the bright colors and stuff were not there historically. Although they had added stuff on the signs, it wasn't like that bright blue. It was more subtle colors. And so it's kind of -- if we're looking at historically, that's what we wanna do is follow up what was there historically, you know, some of the things that are prohibited were there historically.

Chair Hutaff: Anybody else?

Ms. Wade: I just wanted to note, Mr. Chair, you know the singular sentence I think that really solidifies for us in our review of the signs is on page 3 right under Sign Design Guidelines: "Historically, signs in Lahaina have been simple designs fabricated with traditional materials." And so, as they get more complicated, when signs come in when there's not a great deal of text about what do we do about this logo, it's gotten 18 different things going on inside of it, you know, we go back to that statement where it needs to be simple and it needs to be of traditional material.

Mr. Osako: Yeah, for instance, the sign that's up there, you don't see colors like that in the old historical sign.

Ms. Aoki: And this sign is not approved. And I'm assigned to it, and I told them you guys need to take that pink -- I mean, that sign glows in the dark. And their "Candy" and "Toy" lettering is vinyl, but the actual flowers is sandblasted. It's a beautiful sign. And I told the guy that. He's from the Mainland. Just opened a store up a year and a half ago. And I said, you know, it's a beautiful sign. I'm sure you paid a lot of money. It's all sandblasted. All those letters are either sandblasted or carved in, but I said, the pink. I said the blue is a bit bright, too, and there goes our kind of quagmire do you just go by the six or seven colors in the back of the book, and that says "Guidelines," so we tried to be a little bit flexible with that but not to the point that I'm gonna have hot pink down on the Pioneer Inn Hotel. So he's working on that. And I'm not approving it until he comes back with something that's a little bit more consistent and conforms with the district.

Chair Hutaff: I would be inclined, personally, to deny only so we have consistency in an inconsistent document. But I really like so much of what you said that even the denial process has its benefit. And that benefit being that you work with the Planning Department on tidying this up and make adjustments for time for historical value. If we said we can deviate from this, it opens up everything with no consistency. And there'll always be people always be doing that, and you don't have a chance to go and say, well, we should have this building like this way to represent that time period. So personally, I think the not granting the deviation is actually a positive for you in ten years, not tomorrow, not today, but I want to make that comment on how much I appreciate and got what you said. It's probably one of those things that got lost when they trying to make up these documents. Things happen. I've seen it since I've been here. But if you can continue that process, you'd certainly make me feel better about saying no. Go ahead.

Ms. Sarich: I would like to see her withdraw and bring back drawings of what she's planning to do in order to make this discussion more valuable, and show how these would be appropriate to the building.

Chair Hutaff: Anybody got a comment on that? Anybody want to make a motion one way or the other? We'd kind of like, I think, talked out. Okay, Bruce, you wanna make a motion? Well, I would like to see the Commission entertain a motion of --

Mr. U`u: Okay, Ray, I'll make a motion. Motion to deny the deviation. And what I mean by that, you know, I gotta show some respect to the Task Force. And whatever they was thinking at that time is whatever it is. We're not there. So I'm not one to backtrack and go back, eh, they should've done this, they should've done this, but to keep it consistent in Lahaina, I think is real important. I think the sign is beautiful. Maybe some things they gotta take off to make it conform which shouldn't be too cost effective. But what it is is we're setting precedence, and we finally get something moving forward to be consistent and to conform which is huge and we're on that path. But I also want staff to clean up some of the guidelines in this document, if possible, in-house, or maybe I'm interpreting it wrong, but it is a little tough to decipher. And I'm sure they're capable of doing it, but my motion would be to deny the deviation.

Chair Hutaff: Anybody wanna second that one?

Ms. Kanuha: I'll second.

Chair Hutaff: Any comments? Discussion?

Mr. U`u: That was my comment earlier, sorry.

Chair Hutaff: That's okay. You did really good. Before we take a -- go ahead.

Ms. Rhiannon Chandler: I appreciate, Barbara, all the history that you shared in your presentation. And I think that I know that had there been a rendering of a painted sign that looked much like the signs that you showed us in the original photographs of Lahaina that that probably would have a different impact on the Commission overall. I will not personally vote to not approve your -- a variance because I think that there's a lot of merit to what you said. I think in time probably you will get your painted sign. That's my belief. I think there's changes that need to be made to the design guidelines that at this moment it's not appropriate without more information or more things to look at. I can see where the Commission is coming from. I personally will not support not granting it, though. That's all.

Chair Hutaff: Cool. Well, we still have a motion and it's still been seconded. And you made a wonderful comment. Why don't we put it to a vote and see how she flies?

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

It was moved by Commissioner U`u, seconded by Commissioner Kanuha, then

VOTED: To deny the sign deviation.

(Assenting: B. U`u, M. Kanuha, K. Maluo.)

(Dissenting: B. Sarich, R. Chandler, W. Osako.)

Chair Hutaff: Basically, the motion has failed. We have to come up with something. Anybody wanna change that? I do. I recommend that we consider the ideas that we deny this particular motion, allow her 90 days to resubmit with pictures and things like that for the next Cultural Resources Commission's --

Ms. Thomson: Is that a motion to defer the item to another date?

Chair Hutaff: No, because if we're deferring to -- Okay, maybe I am making that suggestion, because I'm saying that to deny this one, but to give them time to come up with a sign that we can see or a rendering that we can see --

Mr. U`u: Second.

Chair Hutaff: To reevaluate it.

Ms. Thomson: Can I interject something? The applicant would need to agree unless -- If the applicant wants a decision today, that's her right.

Ms. Long: I'm happy to have you defer, and I will also be happy to come back with renderings of the signs that we hope we can use.

Chair Hutaff: Okay. My proposed motion is to give you time, not to defer, but to give you time to reapply, but to deny this particular application. Ninety days okay?

Ms. Long: Yeah.

Ms. Thomson: There needs to be a deferral otherwise, she has to resubmit the entire application again, and it's more paperwork and more hassle for both the Department and for the applicant.

Chair Hutaff: I'm gonna be gone. You guys can get mad at me all you want. (Laughter) Okay. I will change that to my suggestion to a deferral, but I can't make that motion. So --

Mr. U`u: Motion to defer.

Ms. Kanuha: Second.

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

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

VOTED: To defer.

Ms. Long: Thank you, Commissioners. I will see you again.

Chair Hutaff: That's the first time anybody's thanked us for a deferral. Thank you, my dear. Okay. Want to take about a ten-minute break and then we'll move to the next one? Is that okay? So let's come back here at 11:32.

(A recess was then taken at 11:21 a.m. and the meeting reconvened at 11:34 a.m.)

E. ADVISORY REVIEW

- 1. MR. ANTHONY PARESA, P.E., DEPUTY DISTRICT ENGINEER FOR PROGRAMS AND PROJECT MANAGEMENT, on behalf of the U.S. ARMY CORPS OF ENGINEERS, HONOLULU DISTRICT, requesting review and comment on the Proposed Area of Potential Effect (APE) under Section 106 of the National Historic Preservation Act (NHPA) of 1966 as amended (36 CFR 800) for the Mokuhinia Ecosystem Restoration Project, located in Maui County Historic District No. 1, as well as the Lahaina National Historic Landmark, TMK (2) 4-6-07:002, 036, 037, and 038, Lahaina, Hawai'i. The CRC may provide comments and recommendations. Public Testimony will be accepted. (S. Solamillo)**

Mr. Solamillo read the agenda item into the record.

Mr. Solamillo: You received a lot of material in your mailout, most of which was to provide background of all the work that has been done to date, and not a whole lot about the area of potential effects. So I'm gonna kind of boil it down to what we're gonna deal with today which is a real small task that's required under Section 106.

Lahaina is a sacred place because of Moku'ula, a royal compound established by Chief Pi'ilani. His reign was 1570 to 1600, sometime in the 1500s, from which he ruled a unified kingdom of Maui.

Lahaina was made the capital of the Hawaiian Kingdom by King Kamehameha I. 1795 to 1819 are his dates. It remained the capital of the kingdom during the reign of Kamehameha II, 1796 to 1823, through 1845, when it was moved to Honolulu on O'ahu by his successor, Kamehameha III, 1825 to 1854. Moku'ula is a wahi pana, and that is the Hawaiian name for the sacred place. It is also a story place.

Mokuhinia, or the pond, or the site, which is formerly known as Loko Mokuhinia, has been described as the axis mundi, or the point between heaven and earth of the Hawaiian world where political rule and religious ritual operated in concert from the days of the emergence of the Maui kingdom, through the unification of the islands and then the coming of Christianity into the modern age. It has shown up on official maps dating from the 1800s. And the two shown here are from 1918 and 1916.

Unfortunately, the views that we have of Mokuhinia are not very numerous. And all we have really are three or four views, but they show what the ecosystem was at the time when Mokuhinia was still functioning and water was still running through it. So it was a functioning wetland. Bear in mind that at this time, the majority of water in Lahaina had already been taken by Pioneer Mill through a series of ditches, and they literally transformed a well-watered area into something that was much drier. So this is in the ending phase of Mokuhinia as a wetland itself. These two shots, I believe, 1910, were taken by Jerome Baker. But it's these shots which form the basis for the environmental reconstruction of Mokuhinia.

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

And six years earlier, the photograph on the right was taken and we see that there are people living there. Sometimes poor people settled there. Sometimes when there are altercations with Pioneer Mill, the largest employer, Mokuhinia became the site for squatters' dwellings. What's interesting is if you look at the back of the photograph, and I just started doing this, which is really dumb, look at the back of the photograph and look at the mountains, and that may key you to your location in Lahaina. And I should've known this a long time ago. But a similar view looking across the ballfield today is what you may be seeing in the 1904 shot.

Some of the people that may have been living there, and this opens up to other history, we've got pretty good coverage on the ancient history of this place, and just up to following contact or the post-contact period, but we do have a serious gap around the turn of the century when Lahaina was also the site for a colony of Gilbert Islanders who arrived in 1880 and left promptly in 1900. In 1904, their houses were still scattered all around Lahaina, and they were photographed again by Baker, and he identified them as -- or the

photographs as Kilipaki Village. The importance for Gilbert Islanders to the sugar plantation was that they wove hats for head protection from the sun, and they also wove mats. So we had a colony of weavers, South Sea Islanders, who were there for 20 years and then left.

Loko Mokuhinia showed up in the modern period when the historical points of Lahaina was prepared by Community Planning Inc., in advance, I believe, of the designation of Lahaina as a National Historic Landmark. So it shows clearly, and is figured prominently in what a restored Lahaina, having those very special places that make it special would be identified. You'll also notice that if you look towards the ocean on the left-hand side that the taro patch which is now occupied by a library was actually proposed to be restored as well.

Now, the project or the undertaking which you have received documentation for is by the U. S. Army Corps of Engineer. The U. S. Army Corps of Engineer is a Federal agency, so anything it does with respect to cultural resources falls under Section 106 of the National Historic Preservation Act. It also falls under the purview of the Advisory Council, and the National Park Service. And if you wanna look up the entire NHPA of 1966, as amended, just Google 36 CFR 800 on the web and you will get lots of information.

Boiling it down, when we receive the documentation from the U. S. Army Corps, they are entering into consultation under Section 106. We're dealing with a property that is listed on the National Register of Historic Places, but it's also very important to native Hawaiians or native Hawaiian organizations because of its religious and cultural significance. So we have to consult with State Historic Preservation Officer and NHOs.

The historic property has been identified. It is Moku`ula or Loko Mokuhinia. We've gone through an assessment of adverse effects which is required under Federal statute. You can either have no adverse effect, adverse effect, or no effect, which no effect is the same as not adverse effect. For purposes of the adverse effects, we will have to assess what the impact will be for historic properties. And the recommendations go to National Park Service, the Advisory Council on Historic Preservation. At this point, we expand this definition when we talk about adverse effects to an area of potential effect of APE. The entire area that will be affected directly or indirectly by a proposed undertaking is referred to as the area of potential effect and/or APE.

It's described in the actual documentation for the regulations as the following:

Area of potential effects means the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential

effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.

So you have to remember that this is direct effects which is the restoration project itself, and indirect effects, which mean things that are related to it. When we further look at that, we need to look at all locations where the project will cause ground disturbance. We need to look at all locations from which the project may be visible or audible. We need to look at all locations where the project may result in changes to land use, public access, traffic patterns, etc. So instead of just impacting the earth, potentially impacting the island, potentially impacting the archaeological resources contained within the parcel, we have to look at a much broader range of effects.

This is an oblique aerial which shows the site covered with a ballfield, tennis courts, and part of it underneath a parking lot. It abuts Waiola Church and abuts a Japanese Temple, and it's probably one of the largest open spaces left in Lahaina Proper.

If were to look just at the impact of the parcel or the project to the parcel, we would show the parcel, and because the island is contained within the larger parcel, and also in an L-shape appendage to that parcel, that's how we get the current lot configuration. That's the immediate project area.

If we looked at adjacent parcels which might be impacted by this site or this undertaking, we would show it as this and that would be all the contiguous property owners. What the U. S. Army Corps of Engineers has instead said or recommended is that we look at the area potential effects as being the entire Lahaina NHL. So that includes Historic Districts Nos. 1 and 2, and also it includes the sea boundaries which go out for three miles.

If you look at the rendering on the left-hand side, you can see how large a fully restored Mokuhinia might be in comparison with the actual harbor itself. It is a large and significant parcel of land. And whether it is a place of pilgrimage or whether it has relegated tourism components to it, it will still impact traffic within the entire district. Are there any questions?

Ms. Chandler: Chair?

Chair Hutaff: Go ahead.

Ms. Chandler: Stanley, is that drawing under the belief that the Salvation Army would no longer be where it is right now? Because that building would be part of where the water is.

Mr. Solamillo: Yeah, I mean, this is a dated rendering that goes back probably over a decade.

Ms. Chandler: Okay. All right. I'm interested -- yeah.

Mr. Solamillo: The projects that have come forward have not shown and I have no knowledge to really comment on any acquisition of adjacent properties. From the standpoint of looking at Mokuhinia in a restored condition, I'm just trying to show that this is a significant parcel located within the Lahaina NHL with potential effects impacting the entire NHL.

Ms. Chandler: Because that would be a large body of water. I'm interested to see their comments. Thank you.

Chair Hutaff: Anybody else? Just got one comment before we open it up for public testimony. In the beginning you said that Lahaina was made sacred by Mokuhinia. My understanding is it was already sacred. That's why Moku`ula was built there, not the other way around.

Mr. Solamillo: Okay. I stand corrected. Thank you.

Chair Hutaff: Okay. Okay, open for public testimony. I believe Ke`eaumoku is the first one to sign up on the sign-up sheet.

Mr. Ke`eaumoku Kapu: Aloha kakou. Ke`eaumoku Kapu from Lahaina. I just wanted to remind the Cultural Resources Commission that this is a County project, Maui County project, and it's an ecological restoration revitalization wetland project. Okay? So I have a lot of objections to the County expediting this project because, well, first of all, I represent Aha Moku O Maui. And just to give everybody some small input on that is the Aha Moku Council of the State of Hawai'i go for final confirmation in front of the Governor tomorrow. So as a native Hawaiian organization, basically that fits the criteria of the Section 106. We are consultants under the Section 106 consultation with the Feds, with the Army Corps of Engineers. So a lot of recommendations basically has been forwarded on our part as to the plan or the project in its magnitude with the County. And our recommendations are very strong that the island should be untouched. That a preservation area -- If you looking at the picture where the island is, I know that the County already put together a visionary committee made up of families, community members, and a native Hawaiian organization that gave consideration to this project with the Corps of Engineers, which I feel is premature. That the County has been expeditiously working out ways of bringing back the wetland, but I think the key thing we missing out on is that this property, early in the 1900s, was executive ordered over to the County, but with that saying that we still have an interest. The native Hawaiian communities have a strong interest to these lands because these lands were ceded. So that's why there's a strong presence of the native Hawaiian organizations being involved in the Section 106 as consultants on how this project would go forward.

So our recommendations under Aha Moku is to protect the entire island from being turned back into the wetlands because years ago from 1997 when the Friends of Moku`ula had acquired the grant until up to 2000, they had acquired the lease from the County, and the whole mission was that was to have the Friends of Moku`ula expedite the process by how they can bring these traditions, these values, back into today's ambience or today's historic by bringing back the renaissance of this place. Now, that's two separate agendas we looking at. We get the Friends of Moku`ula, which has a mission, which has been a functional body, which gave recommendations, and had made many affiliations with the State, the County, as well as the Federal agencies. I don't know where they stand now, but as the last time I seen the project is in review with the applicant filing with the Corps of Engineers which is the County. And I'm totally against the County taking on this project because it opens it up to public review. That the sacred island would basically be given recommendations from people who don't understand the important significance of these islands. And I really feel that this island should be protected until an entity that can go forward whichever way that it needs to go forward because the mission from the beginning was small steps. Now we looking at total restoration, bringing back the waters in the wetland, and it's a County project. I really feel that the County should step on the side when it comes to something like this and have the people who understand the place be the decision-makers to make sure that things are done right.

Now if the application is already in front of the Corps of Engineers to expedite the process, I know it's in 30 percent, 38 percent, of the phase already, they not sure whether or not they getting the funding as of yet, but if they do, then the project is a done deal. The visionary committee that was put together by Zeke Kalua with the County is premature because we not addressing the native Hawaiian organizations' recommendations. The serious recommendations on how we going protect our makamae, how we going protect our historic properties, they talking about what kind plants, animals, and all these kinds of things needs to be considered in this project. To us, it's really premature. We need to talk about impact. How are all these historic properties are gonna be impacted upon? Who is gonna be the one that's gonna decide that fate? Yeah? So a lot of things that I think this Body, the Cultural Resources Commission, really, really needs to consider, highly consider, on what type of recommendation should be made and who those recommendations should come from.

So as I said before, where you see the island situated, I think there should be a buffer because the application is already in. And once the application starts with the Corps of Engineers, the bottom line is the County gave us two options: should we bring the wetlands back or shouldn't we. But then that's from the general communities' side. The County already has -- I would see a plan that doesn't involve ecological restoration. What I see is the County's plan that involves a sediment basin because those areas was always horrendous with flooding from Wainee. I mean, years and years you can go back of how that area gets impacted by the rains. So if it's the restoration that's coming back, or

bringing back the makamae or the history of our past, then fine. But if it's the County's way of expediting this project with the Corps of Engineers just to put in a wet -- not a wetland but a sediment basin because of the flooding, those kinda issues need to be considered in the discussion because right now, we getting kinda little bit overwhelmed by answers or questions that is coming to us that only deals with the historic properties. It doesn't deal with effects or adverse effects like the rains that comes on from the mountains and things like that. So I like general questions that comes from the County. Is this project being done as a sediment basin? Or is this project kinda piggybacks the Corps -- not the Corps of Engineers but the Friends of Moku`ula's mission to bring back the historic properties? So we get two separate agendas.

So my recommendation is to totally put a buffer from one end, from Shaw Street, all the way to Mokuhinia Place. The County already from the visionary committee had implemented a 30-foot buffer around the island when they start excavation to stay away from the original island. I want them to stay away totally from the original island from Front Street mauka, 30 feet from the mauka part of the island, 30 feet that way, and total protect that island from any impact, any impact. If they talking about a wetland restoration, and the process has already gone forward to be considered, then again, have the wetland restoration project but not by the island, nowhere near the island.

I hope you consider my recommendations. And I still ongoing with our consultation with the Corps of Engineers. We're in probably not even in the first step of the consultation through Section 106, but this Body would be an important facet to making recommendations at this point. So the County, as well as the Corps of Engineers knows that the native Hawaiian organizations, as well as Aha Moku O Maui, had given recommendations on how we can protect what is there. So mahalo. Thank you.

Chair Hutaff: Any questions for him? Okay. U`ilani?

Ms. U`ilani Kapu: Aloha. U`ilani Kapu. You heard the cultural side of it. I'm the -- how should I put it? The person that gets down to the nitty gritty just in case the proposal goes through. We have our backings in Aha Moku in supporting what we feel should happen.

There are -- because we spoke with Army Corps of Engineers, we had a meeting with them with our Aha Moku, we've had a meeting with Zeke Kalua, we have put this into two sections: one for our cultural representatives to plan culturally, and one for our administration side where we would plan on what would happen if this project goes forward.

Our recommendations on that behalf is that on Moku`ula's platform or sheet that they handed out in the County Council, P3 shows that it's their -- it's where their Moku`ula -- Friends of Moku`ula will be putting the hale wai and the hale pohaku. We feel that being that Salvation Army eventually will be relocated, instead of implementing a design where

it would impact either future burials or agricultural effects within that area, we feel that these haies should be put on the site where Salvation Army has already put their footing only because it will not impact anything. The footing is already there. The sewage lines, the water lines, and everything is already in place.

Two, P7 on that it shows the lift station. We are so do not want that sewage station there especially, when we're bringing back something so historical and pristine as Mokuhinia, Moku`ula.

We also have recommended that we work hand-in-hand for the community's sake that will be hugely impacted. That is 50 percent half-in-half on this project. Some don't want it. Some do want it. We have shared that it does take small steps, and a lot of time, and heart, and soul to be put into something that is so pristine as this. As a future executive director, voluntarily, for Hui O Wa`a Kaulua, I know how it is. You need to take small steps for something that is so pristine. And this is one project that is getting forced to do things that people don't understand. Things like this need time.

I think it's more of a visual that the community needs to come together and voice their opinions because it is something that needs to be brought back to a historical district like Lahaina. It needs to be rendered as number one. It shouldn't be put on the side for any which way no matter if there's monies or anything involved in it. It should be the people that love it to be instilled in it.

I know that Friends of Moku`ula is being very heavily impacted right now by certain things. And right now, Army Corps of Engineer and County of Maui is still going ahead in their -- I should say Section 106 process. And then the County has their own little community, people that are voicing out on what the island should look like. As our cultural specialist has said that the island shouldn't be touched because of its sacredness, because of the iwis on it, because of the finds that will be impacted. Where are we gonna put it? What are we gonna do with it? Why do people have to niele? That is not for us. But the reverence of it should be brought back.

It is a huge project. Our facilities is located on Mokuhinia Place which is envisioned of that surrounding areas. We do have kupuna that live on Shaw Street that do have concerns. We have Hui O Wa`a on Front Street that is in that vicinity. We did not want a transport or walking path that is visually there on that. We don't think that anybody should go on that island no matter what. The Corps of Engineers has stressed that they are only going to be digging two feet to allow the water to run through there. We don't feel that's appropriate because the currents are not going to be able to circulate enough, or it's just gonna sit, and then we're gonna have more impacts of mosquitoes and everything, and that's a concern of Lahaina. So we shared with them that it should be deeper so the circulation can rotate. They shared with us that there will be a water outage, an outlet, towards Front Street side

which will be going into the canal area on Mokuhinia side. We feel it should be set back in the back area instead of in the front.

So just things that we wanted to share because the Corps of Engineers is not here to present what they had presented with us. I wanted to share what we have learned so you folks have a better idea of what they're thinking and what they're going through. For vegetation and everything, we feel that should be set back a little bit until everything is finalized with the surrounding areas first. So that's just something we wanted to share. Mahalo.

Chair Hutaff: Any questions for U`i? Okay. Rose Marie Duey?

Ms. Rose Marie Duey: Good morning, Commissioners. Good morning, Mr. Chair. My name is Rose Marie Hau`ulu Lauhui Lindsey Duey. I'm a native of Lahaina. Born and raised there. Played in Moku`ula. Actually played in the remnants of Moku`ula. It was ditches that were about on the edges of Moku`ula which were about six to seven feet wide. And it carried the spring water because by that time, the plantation had removed the water mauka into their ditches and into their cane fields. So the plantation had covered it in, and what was left was ditches for the spring that was there, and of course, water that probably seeped from the mountains and the cane fields down to this area.

I'm against this project mainly because the rumor is it's a retention basin for the County of Maui, and we know that the County of Maui just doesn't come out and tell us the truth all the time. As a Hawaiian, this is a sacred area. And one of very few on the Lahaina side that needs to be protected from this kinda stuff. Retention areas for runoff can be held better in the developer's area where he plans to put his homes. He can put his retention area, the drainage, or the runoff from the mauka into those areas, not into this sacred area. I am adamantly against it.

When we played in those ditches when there was spring water -- spring-fed ditches, the mosquitoes grew. And at least once a week, the County of Maui Health Department came out with this mosquito truck, and it blew this blackish smoke out of the truck to kill the mosquitoes. And then they decided it was costing the County too much money. They should fill the ditches in. So they filled in on the side of Salvation Army in, the mauka side in, the lower part in, and then they left the one on this side where Ke`eaumoku Kapu and his wonderful partner, U`ilani, has their cultural center. There's still spring water in that ditch over there that comes up there. And 505 will tell you that there's spring water and other waters that comes up in their basement when the tides are high and they're flooding mauka. So to add to their misery and anybody else's misery in the area, and use that as a retention basin, I think is ridiculous. And I also think that for you, as cultural people, who is supposed to be out there protecting our culture, this is one of the most important places

in Lahaina Town. It is Lahaina Town. It is part of the historic of Lahaina Town. And I think you should do everything you can to protect it.

I will go back to what Ke`eaumoku Kapu said about the Friends of Moku`ula. God bless Akoni Akana, Lori Sablas, and all the beginners of that organization. We had this grand idea of returning Moku`ula to what it once was. The County of Maui gave them grants. The State, the Federal, they gave them grants to work on that, but they never gave them the Corps of Engineer to help -- engineers to help them do it. It's amazing that today, they're here to do it when the organization has worked all these years and could never get them to do it. No one. They gave them money, but they wouldn't come -- send the Corps of Engineers to come do the study and to do this. And now all of a sudden it is going to be redone, put water back in there, after all the begging that they've done. I think it's ridiculous. I think that this project should never go forward. And you, as the caretaker of our sacred places, because you are the Cultural Resource People, Commission, that's supposed to help us protect us should protect this place and say no.

To add it as an estuary or a place for the birds, where is the water gonna come from? That's my husband's favorite subject: water here on this island, because the plantation had it and then they gave it to development. And that water that used to seep down there is no longer there. So we have a really big problem with water here on the island, and I just thought I'd put that plug in. So thank you very much. That's where I stand. And I have to say I speak also for Charles Lindsey and Roselle Bailey.

Chair Hutaff: Thank you. Question?

Mr. U`u: Question. So -- just a quick question, short. What would you want me to do?

Ms. Duey: I would want you to say to the Corps of Engineers that if you could possibly have done this before, why didn't you do it before to restore Moku`ula? Why you now doing this for an estuary? And I agree with Ke`eaumoku Kapu that if you're going to do it because we're asking you not to, but if you decide you're gonna do it anyway that you protect our sacred island. I mean, we took our children off of the play field there because we wanted that site protected. That was their ballfield. We take our children off and then you going put on birds and probably mosquitoes, too, without the water? Thank you.

Chair Hutaff: Any questions?

Ms. Chandler: And maybe it's -- I don't know if it's for Michele or for Stan, but just so we know where this 106 process is going, or how we are gonna fit into all of this, and what the next steps are from here.

Mr. Solamillo: This is the beginning part of the Section 106 process so your comments will be sent directly to the Corps. And I apologize. I forgot to indicate that the Corps representative was unable to attend today and be subjected to the questions of yourselves as well as the public. We're at the beginning of the process. That's all I know. Exactly where we are in that, I'm not sure.

Ms. Chandler: Okay. So for Michele, is there any truth to that statement that this is intended to be a retention basin?

Ms. McLean: Not that I'm aware of, but if that were the case, I don't know that I would've been made aware of it. So I really can't say one way or the other.

Ms. Chandler: I have to say that that's -- as a Commission, you know, we've heard so many manifestations of this project just in my short time here, which I know represents only like one-tenth of the movement of trying to restore this area. So I'm very confused now by all the different things that I've seen. I was very much in support of the restoration of the island. And done well, you know, I think that that could be a testament to the Hawaiian culture for the entire State. I don't think that going about it in any way that it's going to diminish the property's -- I think it's better to leave it until a time that it's done well than to do it poorly, and to repeat some of the bad things that have happened towards the end of Moku`ula being Mokuhinia being present, because with the low water flow, and mosquitoes, and everything, that's a huge concern. And I can't see bringing that upon this community. So I have really strong, strong feelings at this point. I'm very disappointed that the Corps is not here, and there's so many questions that I have about who's gonna take over the area after the Corps moves out because they just build and move, right? So after that, that's a large area. I take care of a wetland in Kihei as a part of our environmental nonprofit. It's 1.5 acres. It's almost a full-time job to fight off the weeds. You can do landscaping plants all day long, but if you're not there daily to pull up invasive species, it's a huge undertaking. You're talking paid staff, you know, because you can't do it alone with volunteers. So it's a place that is so special that you don't want to create all this infrastructure that's gonna disintegrate and not have a strong system to back it up. So at this point, I personally am not in favor of supporting this project until they can come and alleviate a lot of the concerns that I know the community has, and I, in particular have.

Chair Hutaff: Go ahead, Michele.

Ms. McLean: Thank you, Chair. Just to follow up on the procedural part, and I think we might've touched upon this at a previous meeting, the point in the process right now is -- the point in the process is they're conducting a feasibility study. And what happens is that feasibility studies for projects in the region get turned in, and then the Army Corps evaluates those to determine which, if any of them, they will proceed within terms of funding and manpower. So this is very early on in the process. And certainly, your

comments can be that you do not support their work at all, period, and that's appropriate. You might also want to explain your reasons why, though, so that that can be part of the study that maybe they could make modifications or approach it in a different way just so that it's a fuller explanation. Because just looking at the consulted parties, I'm sure there's gonna be a lot of similar feedback. Just like you said, the restoration is largely supported, but it has to be done in the right way. So I think giving full comments would be beneficial to them because it is so early on. That could impact what direction they go in if they do proceed forward beyond the feasibility study phase.

Chair Hutaff: Wow.

Mr. Kapu: ...(inaudible)...

Chair Hutaff: Okay, if you can make it real short.

Mr. Kapu: Because this Body is in, I guess, to review the Section 106 consultation process, that includes our input. We're part of that consultation. Okay, so the feasibility study, the part I don't understand is why all of the sudden the County has now put together a group of individuals to look at what is gonna be implemented in the plan. They not talking about feasibility. They talking about actually bringing back the wetland. So that's why I say that's really premature. We gotta look at all the dynamics of this. And because it's under Section 106, your input, as well as ours, has to combine, not we just sit in the back listen to your recommendations without us giving our recommendations as well. You need to take into consideration what our recommendations are and however it's gonna be expedited with the Corps of Engineers. But our recommendations as a community, as a native Hawaiian organization, needs to be highly considered by this Body also. Thank you.

Chair Hutaff: Let me change my last statement to wow, wow. Go ahead. Come on.

Ms. Linda Nahina Magalianes: Aloha. My name is Linda Nahina Magalianes. I feel shame because I was part of that visionary committee and I no longer wanna be a part of that. I went to mahaoe, nose, on Moku`ula meetings. So I attended, my husband and I, one night. And total, till this day, only five meetings. The fourth meeting, the Corps of Engineers came in. So within that four meetings, they come to conclusion on this. That's not enough time. So I'm one of them who was part of that visionary committee, and that's why I felt that I had to come up here and speak, because I'm also now with the Aha Moku, and I see the vision more clearly. Being at the visionary committee, we hardly even spoke. That's the sad part. You had only one person who was running the meeting doing most of the talking telling us, oh, maybe we should have it. And you know, like naive as we are, for me, myself, I'm sorry, I don't know better. Oh, yeah, maybe we should have birds. Oh, maybe we should have this over there. But by learning after the first night, the second night, coming to Ke`eaumoku, talking to him about it, I don't know how they came all about

this within five, five meetings. So that's why I'm up here to speak because I'm the only one in here who was at that visionary committee that is in this room right now. So I just wanted to share that with you folks. Thank you.

Ms. Kanuha: Mahalo, Linda. And I wanted to make a comment, too.

Chair Hutaff: Go ahead.

Ms. Kanuha: I just wanted to say thank you, Linda, and Ke`eaumoku, Auntie Rose them. For myself, I actually worked in Friends of Moku`ula. I understand the mission. I've worked under the direction of Akoni Akana, as well as with the current director of the -- the project direct, Shirley Kaha'i. And thank you for -- in our busy lives, I was not aware that this intention of building a retention, water detention, or a desilting basin, or whatever they're gonna call it was a part of the plan. So as I'm sitting here, I'm like, Auntie, you're right. I've gone to meetings with Akoni. We've had many, many meetings. We get the grants, but no more the hammer and the nail to help us build it. And then all of a sudden like, wow, this is like a saving grace, like a miracle from our kupuna that's happening. And now this is turning kinda ugly. I don't know. I don't have a better word.

And working at Moku`ula, I used to take my morning walks and go walk around the property talk story. Because that's what we do, we talk story. We looking for direction. So we asking Ke Akua, we asking our kupuna, what is our direction? I don't think a water desilting basin, or a retention, whatever it is, is the intent.

And, yes, do we understand the sacredness of this place? And you're right. Thank you, Auntie, for -- this is kuleana as Cultural Resource Commissioners is to protect these things that are sacred. Do we understand who lived there, who walked those lands? So, I mean, right at this point is, I was so excited, and I was like I'm having a better understanding of where it's right now. And I wouldn't pass this either until it's done pono so that what has happened does not repeat itself. I getting small kind passionate right now, but for obvious reasons being in Moku`ula, knowing and understanding the hard work, getting our story out, educating people, educating people, educating people of the sacredness of this place, and why it's our kuleana to protect it. So I just wanted to say that. Mahalo.

Ms. Chandler: Also, Chair, thank you, I wanted to add that somebody had shared with me that the double hull sailing canoes used to be able to sail into Mokuhinia from the ocean. And that is -- I think that is our measure of success. If we can restore this place to what it was, and what it represented, and the connection that it was to all things, you know, it was a place, it was a gathering place among many things, we have to get back to that time. And if the Army Corps of Engineers is willing to dig a little deeper, and make a real pond, and not a shallow wetland, and to stay away from -- I'm sure they'll stay away from the island. They would just be in so much trouble if they got anywhere near it. I'm pretty sure

they're not going to get near the island. But besides that, there's a lot of other things involved in bringing the hydraulic factors back to the area. And I think if they can respect that process.

This may be, honestly, if we all look at ourselves, this may be one of the best possibilities of large scale restoration like this. I mean, unless there is a huge turn of events, and there's a new funder that's willing to put millions of dollars to this project, there's not a lot of people on the planet that have the kinda capacity that the Army Corps of Engineers have, but it would be a combination of all of this that's being said by the people offering testimony, and all of what we're offering as a Body to see if it's possible that they could meet in this assessment. You know, if they could raise their standards to what the community would like to see for the site, that's where I could see it continuing. And that's where I'd like to push it in that direction, if at all possible, because I don't wanna also lose the only chance that there could be, you know, of bringing back the area. So I'd like them to address some questions that we have maybe as a Commission rather than to just say flat out we don't support this project, because that wouldn't be accurate. I think we do support it done well.

Mr. Solamillo: Can I make a comment?

Chair Hutaff: Yeah. Okay.

Mr. Solamillo: You are being asked to confer with an APE.

Chair Hutaff: Stan, I gotta talk.

Mr. Solamillo: Talk.

Chair Hutaff: I gotta talk. First, I'm against the word "pono." Okay. You cannot do anything pono if it's already wrong. The true definition of "pono" is you're standing in one place, and you're looking to the future to make a decision, or to do something. You can't see the future. You can only see it where you stand today and where you stood in the past. Standing here today serves no purpose. So you have to look to the past to find out if the path you're going to take and that you've been on is correct and pono. If not, anything you do from that point on forward will be wrong. You have to go back to the point where it was no longer pono to continue and restore it back to that particular point. Not 99 percent, a hundred percent. Not 50 percent, a hundred percent. So in order to say that the path that we're trying to follow is pono, you can't, unless you go back, and you take everything when you started to do wrong, and you make it right from there. Then you can move forward. Then it becomes pono. Anything less than that is wrong and it will always be wrong. It would continue to be wrong. It'll get worse in wrong.

The sacredness of this place -- if you look at sacred places, there are many ways to show homage to it. If you go into a church, there's a building that represents something. If you go to a place that's sacred, sometimes you don't do anything but give your internal emotional respect to the place by not going there, by not touching it, by showing in your heart and your mind that this place is sacred. The best always is to promote the sacredness of something, or to show the culture, to show pono is to have a visual method of seeing these things. To me, that would be the goal. To show the Hawaiian culture in Lahaina above whaling, above the historic district, above Front Street can only be accomplished by showing the history of this park, this area. I don't see it happening any other way. I see us continuing to circumvent to dilute the culture because there is nothing for us to be tangible as human beings to touch, to feel, to smell, to see. So I personally think that it's imperative that we bring this back a hundred percent to life, but not disrespectfully, and not until we can go all the way back and make sure that what we do is how it was: the waters that flow through, not mosquito standing water, not a place of the birds. Where did that come from? If there is a potential that this is a method to begin making an area for runoff, then no way. No way. Do I believe that's possible? Nnah. Do I believe that's true? Nh. But that nh and ah is more scary. It's more scary. So recommend that this thing be put into a plan to restore it back to the point before it started to get wrong. That's complete. That's water. That's everything. In the meantime, we show it the respect that it deserves by corralling the place off, and making it known that that is a very sacred and special place, not a ballfield, not a place to have water go through, and not a place to do something haphazardly. A hundred percent or respect the way it is now. That's my outlook on this process here. My recommendation, if I had to make one as simply as possible, is one step at a time. Ten steps in advance, you come to this Commission. And the communities, you say that you need to have your recommendations in, and that you should have, I would recommend that you do that. Don't wait for us to say Okay. And I would recommend that the Corps of Engineers report back that they have listened to these different organizations even though they're on opposing sides. For me, I doubt very much that I'll see this in my lifetime. I'm hoping Saint Peter and I can make a deal so I can come back and watch. And no be surprised if I tap your grandchildren on the shoulder and say, that's what your parents -- your parents never -- what your parents wanted. This is so, so, so special that I cannot even fathom. I can understand God better than I can understand the importance of this place. And to me they're close. Those are my words. Go ahead.

Mr. Osako: I really have trouble with the word "restoration" referring to prehistoric sites. For instance, you look at that conceptual drawing, who knows what it looked like? I think -- you know, and then we -- yes, we do have a few photos. Some of them show the place in disrepair. Who knows what it looked like when it was a nice, living place? So how could you attempt a restoration when you didn't know what was there? So I think in the end, the best course is to protect the place. At some point, some of the native Hawaiian organizations might decide that they can come to some kind of agreement and do

something, but even then, who knows if that was what it was before? So I think especially for now in this time, yes, we should protect this place.

Chair Hutaff: Brandis, go ahead.

Ms. Sarich: Stan, as I understand all we're commenting that we're supposed to comment today is if we believe that Lahaina and the ocean three miles out from Lahaina will be affected by this project.

Mr. Solamillo: The boundaries of the APE.

Ms. Sarich: So that's all we're discussing. And I'm curious if Ke`eaumoku agrees with that, or if it's bigger than that, or if it's smaller than that, or what area of delineation you would want to see.

Chair Hutaff: Say that again?

Ms. Sarich: All that we're looking at is this boundary map of what the Corps of Engineers is gonna look at. And I'm very curious if culturally, it would be better to look at it on a smaller scale, or a bigger scale, or if what they've chosen is an appropriate scale.

Mr. Kapu: It's a bigger scale. It's the Cultural Properties' model.

Ms. Sarich: Okay.

Mr. Kapu: Yeah, so, yeah, it's way bigger than that. I mean, Pu`upehe is also related to Moku`ula. Moa`ula is also related to Moku`ula. So, yeah, I mean, it even extends the three-mile marker.

Ms. Sarich: So --

Mr. Kapu: The impact, the possible impact.

Ms. Sarich: Okay. That's -- that's what I'm very curious about.

Mr. Kapu: And I don't know whether or not they came in front of this Body before, the Corps of Engineers, but they came in front of the Burial Council because they were doing coring. And the coring that they did was they was trying to find the levels -- what is the level of arsenic. So I don't know if you guys went through a review from the Corps from the past. But when the recommendation was, they was only going two feet down, we already knew that's one facade. Yeah, this is one facade. So I think we gotta kinda look at everything in a bigger context, not just the smaller context. And the only reason why I made the

comment saying that because the application has already been submitted. So because of the feasibility study, eh, they might take parcel of the component of bringing back the wetlands. Just stay away from the island. Don't -- don't -- anything that would obstruct, anything within the historic district. And I also wanted to mention: who's gonna manage and malama? The County is because it's a County application.

Ms. Sarich: I only have one other question for you there. If it were looked at, at a very small scale, do you have power of that land right there so that you would then be able to direct the Corps of Engineers better? Whereas if the boundaries become huge, there's less control that you would have over that area.

Mr. Kapu: I would say so because the County was executive ordered over from the State. So OHA still has the recommendation they need to consider because it's an executive order. And through OHA, also us. So there's not only the 106, but it's also the consultation because that lands is -- some people say "ceded." I say it was seized.

Ms. Sarich: Yeah. So if we went back to the smaller boundary of the park itself, then you would have more control over the project?

Mr. Kapu: Yeah.

Ms. Sarich: Okay.

Ms. Duey: To your question, who knows about the restoration? We do. We have pictures of it. Moku`ula has been for years collecting pictures from archives. We know what Liliuokalani looks like because there's pictures of her. We know what Kamehameha I, II, and III looked like because there's pictures of them. We knew where the houses were because there's pictures of them. We have really good pictures of Moku`ula and Mokuhinia. So we know. We know when come time for restoration, of course, you know, you have to know how many feet, how many inches. That may be the problem, but we know exactly what the place looked like.

I have one question that I would like the Commissioners to try and find out for us. And that is, how many gallons of water are they expecting to be in that area every single moment of every single day? Are they gonna be expecting it at times to look like Kealia dust bowl? So if they are really intending to build an estuary, and hopefully not a two-foot estuary, how many gallons of water every day they expect to be in there or they can say will be in there? That would be a very important answer for us because we'd like to know where it's gonna come from. The springs are still running, some of them, but not enough to supply even two feet of water out there.

Chair Hutaff: Well, that was kinda why my statement of being pono is you have to have all the components back to the way it was before you can forward.

Ms. Duey: I appreciate your comment.

Chair Hutaff: It's gotta have that everything or half not good.

Ms. Duey: Yeah, I really do. I appreciate your comment. I often think of how Friends of Moku`ula -- Akoni would cry about it. The board was deeply involved in it. And all those years, no one, no. They've asked. It's not like they didn't ask and they didn't get the help. And now all of a sudden, it's important?

I can tell you one more thing: we went to the first meeting with Zeke Kalua. He was so upset with us, and I'll tell you why, because he came out, he presented this beautiful picture of how the County wanted to do this at Moku`ula. And we said we didn't want it uncovered. We wanted left like that. And he said, "I don't care what you folks think." You know? "Up to you. You wanna open it. You no like open it." And that's why my cousins, Roselle Bailey, and Charles Lindsey said, "No, that was not a good answer. Tell us what exactly are you gonna do there?" And they couldn't tell us. Just that they were gonna open up Moku`ula and give us water. Thank you. ...(inaudible)...

Chair Hutaff: Okay. Brandis, I know you gotta go. Thank you so much.

Ms. Chandler: Thank you.

(Ms. Sarich then left the meeting at approximately, 12:41 p.m.)

Chair Hutaff: Okay. I don't know where to go with this.

Ms. Chandler: Questions.

Chair Hutaff: Go ahead.

Mr. Osako: Are we making a decision?

Mr. U`u: That's what we going find out right now.

Chair Hutaff: Yeah. You wanna say something first?

Ms. Chandler: No. Stan?

Mr. Solamillo: Okay. I guess I'll paraphrase the Chair's statement earlier: wow. You were asked today to actually either concur or do not concur with the Army Corps' area of potential effects. Given the amount of concern, and given that this is a wahi pana, and given the importance that it has, and you have to vote from your na`au, right? And as the stewards of cultural resources for Maui County, you can not agree with what's been sent to you from the U. S. Army Corps of Engineers. I'll back one minute and just say that in order to involve the Corps, it had to be under an environmental restoration. That was the only way that they could do this project. And that's what's been presented to me for a number of years. Because of the importance of this place, I mean, this is it for Lahaina, right? This is like the haies have been taken down, the stones have been used and scattered above Lahaina. This is one of the few places that even though it was buried and placed under hundreds of tons of fill, that actually did preserve it. And I tend to agree with the Chair. You know, if it's best looks that way until another time rather than enter into a destructive period. But these are the concerns that you've aired and they need to be transmitted to the Corps. So if you do not agree, and you have the concerns which were voiced, then you should make a motion to that, and your statements will be transmitted to the Corps.

Mr. U`u: One question, Stan. What would be the best case scenario that we could present, or propose, or make recommendations and comments that will be best situated for take 'em to the air what we looking at taking? That's what I'm asking you. We heard the comments. I like the comments. I like put that all into play, but I want it with a best action that we can take here to make it pono, to make it right. And I going look at your leadership because you've been involved. And we talking on the County side. We talking maybe on the Federal side to get here, yeah, which is here maybe different for everybody, here to make it right. To make it where it's done in the proper protocol, the proper way, what the channel we gotta take? That's what I asking you for. And I like you tell me so we can put 'em down. That's what I like.

Chair Hutaff: I have a suggestion that we make that the recommendation that the Corps of Engineers give us the stages of what -- how they plan to do things, and what -- each day, how do we monitor that they're doing what they're supposed to do, and what are the guarantees that they're gonna get from beginning to end. And then when they have their end, what's the guarantees that it's gonna be taken over. And all that presented to the public.

Mr. U`u: And where we can get the right people to make the proper decisions as it moves forward from the beginning to the end. And that's the concern.

Mr. Solamillo: I can't speak for the U. S. Army Corps of Engineers. I can't speak for the Federal government. We're all suffering, right? We're beginning this thing tied to budget and lack of agreement. So --

Mr. U`u: Just point and we going. Tell me that. (Laughter)

Mr. Solamillo: I mean, what you as a Commission need to do is to instruct me what you want heard by the Corps, and that's what will be transmitted. If given the current situation of budgets and everything that we cannot guarantee the outcome that you wish to have, which the public has in fact said today, all right, if we can't do it right, if it's gonna be something less than, then it continues to degrade the place.

Mr. U`u: Disrespectful. We don't want it to be disrespectful.

Mr. Solamillo: So if that's what you feel you want to say, then we need to say it.

Mr. U`u: Ray is really good at that. I back you up.

Ms. Kanuha: Yeah, my concern is that I know that the Corps of Engineers are involved, but are they driving it? We need like our Hawaiian organizations to have an input to be their -- my recommendation would be that they are the guiding light. They would know culturally, how to and what to do. And if we can collaborate and work together to make this work, then it could work. But like Ray said, it's got to be pono. You cannot drive something -- And we still have our sense of place. We still have our mo`olelo. We still have our mo`okuhauhau. We still have everything and the people who are here. But we don't want to lose the opportunity to -- or a possibility of losing the opportunity to move forward with this. So my recommendation would be that the Corps of Engineers are being driven with the guidance of our Hawaiian organizations here. That they can collaborate, work side-by-side so in the process it's done pono.

Chair Huttuff: Yeah, I agree with that, what you said as far as the concept goes. The problem -- the only thing that I see is that there are so many people involved with this, and we need every piece of information and opinion by them. I know that sometimes it appears that people are disagreeable, or disagreeing, or are actually on opposite sides. I don't necessarily agree that that's really the process. The process is to speak, be heard, and then listen. And then come back and see where your thoughts were, and see if you still have the same strong thoughts because you've listened to somebody else. I think all these concerns are really good and I think that we need everybody's input into this. We need everybody. Those who disagree with me, let's go for it. Let's get those words out there. Those who agree with me, fine. Let's get those words out. Those who have a different opinion, a third, a fourth, a fifth, let's get these things out and get it to the Corps of Engineers. Then have somebody like this Body take in all the information and all the input from all the public, and pray real hard our ancestors are guiding our decisions.

Mr. U`u: I just wish for one, they was here. How about we start on that? That will be nice to have them here. The Army Corps of Engineers should've been here today. We'll request that, one, so there's clarity in what we doing or what they doing.

Chair Hutaff: I'm all in favor of making that, you know --

Mr. U`u: And also that they get together with the people from Lahaina in that area who has the knowledge. And they themselves get educated as I get educated at the same time.

Chair Hutaff: I would certainly be --

Mr. U`u: I looking at putting stuff on paper already, writing, guiding, direction.

Chair Hutaff: Go ahead.

Mr. Osako: And I have a question. Here on the back of the page of their handout is a list of interested parties. You mean there's only this many interested parties? Are we leaving people out?

Ms. Kanuha: Ke`eaumoku, maybe you can answer that, Ke`eaumoku?

Mr. Kapu: I know this is a complex issue for this Body. I've made recommendations at our last meeting in front our Aha Moku Council as well as the County. And -- but the Corps of Engineers wasn't there. The best thing to do is in a situation like this being that the County -- See, the County is the applicant. Okay? So if the County isn't the applicant, this thing dies. It goes bye-bye. But if the County wants to steward the property over to the Friends of Moku`ula and still be the applicant, then at least you get the Friends of Moku`ula doing the slow process of what needs to be done. And I know the County can steward these properties over because I've seen stewardships being transferred over to 501C3 nonprofit organizations before on properties that is similar to this on other islands. That way, you get that opportunity for the Friends of Moku`ula who has always been the mission for the past -- going on 20 years now, pretty much. To really, really get with the communities, and native Hawaiian organizations, and the agencies of looking at ways of the restoration in its hundred percent capacity about you talked about. I feel really adamant that the County shouldn't take on this project because it's gonna open it up for the general populace review, which I feel that's where the battle going start: Hawaiian values, no values. So it can be a recommendation from this Body that maybe the Corps of Engineers should expedite some way of involving the Friends of Moku`ula to be stewards over these properties to make sure things are done at its best, hundred percent best. And if that fails, the County -- See, that's the whole thing because the County is the applicant, they're stuck with that. The County is stuck with this. The County can steward 'em over.

Mr. U`u: Took the words right out of my mouth. I use that one. You know what would help us, Ke`eaumoku? Thank you, guys, for testifying. But it'll be easier at times to just hand us the palapala, the paperwork, and we can just -- You know what I mean, eh? Give us the paperwork and then --

Mr. Kapu: We just learned of the review a couple days ago, three days ago. We would've been well prepared.

Mr. U`u: Thank you, guys, for coming up today.

Chair Hutaff: To reiterate what he said, yeah, the palapala would be good, but the voice has the emotion.

Mr. U`u: Come with 'em, though.

Chair Hutaff: So gotta come with 'em, yeah.

Mr. U`u: Yeah, come with 'em so we can make the ...(inaudible)...

Chair Hutaff: Yeah, the voice is priority, but the paperwork like along with 'em, so, you know, no more ...(inaudible)... Any other comments? Questions?

Mr. U`u: I think what Ke`eaumoku said needs to be stated whether if we just said it's simple, it's to the point, it's an understanding, it's sit down, ho`oponono, and move forward from there. That would be my recommendation or my comments.

Mr. Kapu: I don't know whether or not I answered Warren's question. What basically did they identify associations or organizations of people involved. Once a Section 106 goes out, then basically, I don't know. It's the County's responsibility to figure out who the stakeholders or interested parties are? Like for us, as a native Hawaiian organization, if we're not on the list under NAGPRA, or under the Secretary of Interior, or the Federal government, then we're not aware of it. But -- and see, and that's why it's a complex issue that not very many people have an opportunity to know what's going on especially, in the course of how it's driven from the County as well as the Feds. The Feds, they just put out one notice on the website through NAGPRA, through agencies for public review and public comment, but not everybody gets that. On the County level, all we get is they go out, find interested parties. They go to the church. They go to some Hawaiian organizations, but I think they missing the key element is a lot of the kupuna that has believed in the process from the beginning on the Friends of Moku`ula's mission long, long years, and long commitments, and long affiliations from other organizations Statewide, they don't know nothing of what's going on in this. We -- we're like ground zero, so that's why we the

minority all the time, but there's other people that basically needs to be considered. I hope I answered your question.

Mr. Osako: Yeah, kinda also, you know, I mean, they get what they call "legal notice," right? They put the thing in the ad section of the paper. A lot of people don't read that. Even if you read the paper, you not going read all these little things in the back. And then you come out later, oh, I never know. So it's a long process.

Chair Hutaff: Why did the Army Corps of Engineers say he couldn't make it again?

Mr. Solamillo: There was a conflict. They had another meeting scheduled for today.

Chair Hutaff: Okay. How about if we defer this thing until they can actually be here and all the interested parties here too?

Mr. Solamillo: That'd be good.

Ms. Chandler: My only concern is that in the meantime, maybe they could get some of the questions that we have answered so that when they come, they could have answers for them.

Mr. Solamillo: I can send the questions out.

Ms. Chandler: I have some questions from our meeting today if we could transmit that in a letter to them.

Mr. Solamillo: Can you send them to me?

Ms. Chandler: I can. Should I -- can I just say -- ?

Mr. Solamillo: You can read them now.

Ms. Chandler: Should I say them? Okay. So Rose Marie had a question about how many gallons of water were gonna be in the pond. And I think that's gallons of water in the pond as well as how many gallons of water are entering and exiting the pond, flow through, yeah.

Chair Hutaff: What's the flow rate?

Ms. Chandler: Yeah, what's the flow rate and what -- yeah. And then -- so that's an everyday question. And then there's also a storm event question for like extreme rain scenarios where we wanna know what the flood retention capacity is, unfortunately. It's a big item of concern. So that's where I feel like the area of intended impact does

transcend beyond the immediate area because flooding does impact everybody. I understood the idea about limiting the impact area just for the sake of control, but I don't know how ...(inaudible)...

Chair Hutaff: It went through storms for hundreds of years. Getting back to where it was, can.

Ms. Chandler: Yeah, it can, but it's so developed now. Like Salvation Army is next door. And 505 is right there where it would've drained out in that direction. So there's a lot of change. Not that it's not possible. I actually am a believer that we could see what we wanna see if we all -- all of our concerns are out on the table for both sides to hear.

So my next question is, who will manage the site after the Army Corps of Engineers is done? And the County of Maui I don't think is an answer to that question unless the County of Maui already knows who is gonna manage the site. You know, so not a vague answer, but a specific answer about who will manage it. And if it is intended to be an ecosystem restoration, who will manage the plants that are there because it's hard to do, I can say, for sure.

And then my next question is, would they be willing to dig deeper than the two feet? And if there is a cost associated with digging deeper than they had planned, is there any kind of, you know, other organizations can try to match. Maybe the government will say we'll dig two feet because that's all the money we have. And then, if there would be groups willing to go two feet further or four feet further to get six feet, what is that the native Hawaiian organizations want to see, or the Friends of Moku`ula wanna see for this area, but I think we should be telling the Army Corps of Engineers what the expectations are before we just say, oh, two feet's not enough. We have to say what is enough. And if they're only willing to go two feet, would they go further if somebody was willing to pay for them to dig deeper? But then that amasses a huge issue about where does all that water come from. You know, if you are gonna restore to the depth that is pono, we don't have water flowing the way that it used to, so is that even possible? And if that's not possible, that's kind of like the end of the discussion. And then I think that's it.

Chair Hutaff: Before on the question about how deep, understand that the two feet was a limitation because of kupuna iwi being a potential there. And the purpose of drilling at that time was only to see the arsenic levels. Having them dig deeper was limited because of what -- nobody really knows where everything is exactly like the inches and the feet. So I think that they're okay with going deeper. Just that the people who are interested weren't okay with them going deeper if they went in the wrong place because they have to do these samples all over.

Ms. Chandler: Oh, I completely understand about the iwi, but I feel like there's a strong sentiment that if they don't go deep enough, this is gonna be a huge disaster because of dry periods, mosquitoes. This is gonna be worse than not doing anything at all.

Chair Hutaff: That's where Ke`eaumoku mentioned the buffer zone. So like 30 feet around that potential area so that we wouldn't be worried about the ...(inaudible)... But at the same, time, do exactly what you say is like, okay, what was, what is, and what can be. But I think taking that into consideration, too, though. We've got -- Let's get the quiet one in the back there to speak up.

Mr. Hinano Rodrigues: Hinano Rodrigues, cultural historian, with State Historic Preservation Division. I really wasn't gonna say anything either, but I kinda sense that listening to the questions that were gonna around, maybe you guys have a little difficulty understanding the 106 process. And so what I'm gonna do is just give you a short synopsis of what the 106 process is so that when the Army Corps of Engineers come back the next time, you guys can kind of focus in on what exactly they're trying to do.

106 is Federal law. And basically, 106 is nothing but you gotta consult with native Hawaiian organizations, which includes individuals. The ACHP has agreed that because our cultural -- because of the way our society was organized, we don't have NHOs. And therefore, everybody was an individual so you need to listen to the individual. The closest organization in our ancient Hawaiian society was ...(inaudible)... `ohana. But unfortunately, Federal law does not understand that. And so ACHP has decided that, oh, we're gonna listen to individuals, too, not just organizations. And again, that's in keeping with the tone of 106, and that is, you gotta involve as many people as possible.

That said, based on what I'm reading on this agenda, and if my interpretation is correct, they wanna come here to ask you what you think of the APE. And the APE is a defined area. Now, this is extremely important because how can you consult if you don't know what your APE is? Because you gotta go to the people and say, oh, we're talking about this. What do you have to say about this area? So I think that's what they're trying to do. Looking at your agenda, maybe it would've been worded better if it was worded a little bit different. And maybe it would've said something "seeking review and comments on defining the APE," and then we would've caught what they're trying to do. All this other stuff you guys are talking about, very good, maikai. That's a little bit further on down the road because we cannot start talking about something and we don't even know where that something is yet. And I think that's what they're trying to do.

And the last thing, I was really dismayed to hear that maybe they're building a silt basin. Rest assured, when I go back to my office, I'm sending an e-mail to Oahu, and I'm gonna ask that question point blank: is that what you're trying to do?

Chair Hutaff: Well, I certainly have been reeled in. (Laughter) Good job. Still think we need to have the Corps of Engineers here. And I think his statement, the last statement, is something we should part with so that when it comes up the next time, you guys, you know, can stay within that, and at the same time, encourage them to do what we've all talked about. So you wanna defer till they can show up?

Mr. U`u: Motion to defer.

Chair Hutaff: The motion has been made and seconded. Any discussion?

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

It was moved by Commissioner U`u, seconded by Commissioner Maluo, then unanimously

VOTED: To defer pending the Army Corps of Engineers being present at a meeting.

Chair Hutaff: Motion is carried to defer until a time as the Corps of Engineers can be positive they can be here to answer your questions. And why don't we -- want to take a short break for lunch? We got lunch around? That okay with you? Okay, we're gonna break for lunch.

(A lunch recess was then taken at 1:06 p.m. and the meeting reconvened at 1:37 p.m.)

Chair Hutaff: We are reconvened, but I'm gonna change something up a little bit. I was gonna wait for my comments till the end, but because Bruce has got to go, and I really want Bruce to hear my comments, and it's about serving on this Commission.

It has been, for me, one of the highlights of my life -- well, fifth down, my grandkids, you know, they come first. But I came here thinking that I was gonna have a role in something, and I'm walking away highly -- much more educated than I was when I came. I've always believed that you speak to teach, and listen to learn. Sometimes you speak to teach, and then someone tells you didn't learn it right, so they gotta go again. That's happened a few times here. And it's been one of the greatest experiences working with all the Commission Members, with Stan, with Suzie, with Michele, with Richelle, with James that I've ever, ever, ever experienced in my life. And I know I'm accused of speaking too much, but still not buying into that one. But I must say that everything that I've said, I've said, and I really don't have much more. You guys have allowed me that privilege and I will remember you forever. And whenever I see you, I'll remember the whole five years, or three years, or two years, or one year, or whatever it was because again, I've learned so much. And even

though we haven't agreed, it's been eye-opening. I've come here sometimes in meetings, happened to read the agenda, and I already say, well, I already kind of think this, and by the end of the meeting, I've been totally turned around because of your intelligence, your expertise, your emotions, everything. And so I just wanted that to be said before you left, Bruce. Michele will have to read about it. And everything, too, having two beautiful women on either side of me, and three, and four, and five, sorry, has been so wonderful. You guys always have a brightness about you. I know that I've gotten a couple of bruises in the ribs from a few sides, and a couple of mean faces, and corrected a lot, and that's only added to one of the most wondrous experiences I have ever had. So, Stan, we can go. Thank you, guys, big time.

F. DIRECTOR'S REPORT

1. Demolition by Neglect, Alternatives from Other Jurisdictions

Mr. Solamillo: Let's see, the last time we were talking, we were gonna revisit the conference that the Chair had been to on the East Coast. And they were going through a case study that was done out of North Carolina. And the house type, just as an aside, is called a Prairie Four Square. And most of these projects were done in concert with what was known in the vernacular as the Branch, which I was blessed to have an opportunity to know people there.

Anyway, they had constructed a rather elaborate means for code enforcement where we had a local body working in tandem with the City of Raleigh, I believe, some of the case study reading where private citizens at a local body working in tandem with inspectors to try and get people to -- who were doing demo, essentially demo by neglect, to find ways where they could bring buildings back.

And the two successes that we're gonna look at are Oakwood. The first one, which was converted to rental apartments, it was an investment property for children's inheritance. There's also a major tax credit, rehabilitation project, and it repositioned the property in the market price. And we have a lot of cases here on Maui where old people die, and young people get the house, and oftentimes, the house just goes south from there. So there's always a different way of looking at possibilities for properties even if the inheritors at the time are in a bad state from doing any of these things, or any projects which involve rehabilitations. You have to have working partnerships with neighborhoods. In the case of what's been developed in Raleigh, North Carolina, there's been greater assistance with the local inspection department. And I think that was actually showcased a little bit today just dealing with the signage problem in Lahaina. This is the first time in a very, very long time that we have had successful code enforcement on signage. In fact, it may be the only time. So it was really quite amazing. And then the end goal here was for more timely assessments so that properties don't run years going in further and further deterioration.

For the future role clarity, removing the Commission from doing hardship determinations or creating -- I think they created a hardship review panel to assist low and moderate income property owners in dealing with properties. It was also a way to determine hardship, to provide an opportunity to assist low and moderate income homeowners. And of course, there was reporting. And that there was an improved list that shows financial evidence that the property owner wasn't indeed in a hardship.

Preservation plan budgets for this type of work is always kind of attached with what amount of investment can the property support. In this case, it's less of a government or a local government actually developing things, but more citizen-driven. In this case, a hardship review panel that provides estimates and things of that nature, and scopes of work. And then the Commission prioritizes the work based on the budget.

I think the final say for this particular presentation was we don't have to take it anymore as far as demolition by neglect. But what you should do is probably go to the municode, which is Raleigh's online code, and look through Sections 10-6180 through 6186 to get a little more detail, and see if it actually could work here, because we're kind of in a time where everyone wants to streamline government as opposed to expanding it.

Chair Hutaff: Could we go back four slides? And I'll talk about this real quick here.

Mr. Solamillo: This one?

Chair Hutaff: Yeah. The successes, you know, if you can remember what we went through the last time when we talked about this, it didn't really fit our needs and our ways. And being there having discussions with others, and people from Kauai, and one of the Mayor's staff was there, we kinda came to the conclusion that the most important thing that we can have as a Commission is our enforcement officer attend, because then he gets an idea of these things. And if they're walking around, they can go and see houses that are maybe being neglected, and try to get in ahead of time because we've had a few here that were by neglect, and were either so far gone, or the people that were living there or own the property were financially unable to do anything about it. We also have had people that the reason the house became neglected was when their parents were living there, and their parents passed away, and the family really didn't know what to do with it. And then all of a sudden, it became an issue of trespassers, and homeless, and fires, and liability.

What I saw that would work for us because it's worked in places where it says here that brokered major tax credit rehab, and repositioned property in the marketplace, they actually had bankers who realized that this property had a low value today, and have a higher value if it was restored or up kept. And the people who were living in there couldn't afford to rehab it and then make the monthly payments on this new value. So the tax credits actually came into play that there were many, many, many bankers who were willing to

approach these places, and go to the owners, and go, "Your mom's in there. And you're not only neglecting the house, but you're really neglecting mom. Maybe out of respect for her, you don't wanna change anything and stuff like that. How about if we enter into an agreement that when mom no longer needs the house that we can do something with it, finance it, and all this kinda stuff, and help you invest in the property, or even buy it out from under you? In the meantime, before mom no longer needs it, maintain the place so it's a little more livable for mom." So that was one of their concepts.

And it worked so well that the banks got behind it to finance it because there were so many "investors" that would stand in line. So if one investor couldn't make the payment, or the family couldn't make the payments on it, there was somebody that'll take it over just like that, so the house wasn't lost, and the people that lived there got something. So that's an avenue to kind of look at. And the tax break naturally went to the investor or to the bank. So they were given a tax check at the end of the year, or claimed it off, and it went to the bank as part of the payment, so it would lower the payments and the needs of the owner.

Ms. Chandler: Mahalo. Stanley, I have a question because, Chair, you mentioned that last time about the brokers having a stake in sort of rehabilitating communities through this process. And I'm thinking that the laws as it relates to this -- our Federal laws, which would apply here in Hawaii. And so what is it that maybe initiated them to start doing this that we could start initiating here in Hawaii?

Chair Hutaff: Well, according to them, that's where going to the municipal code, if you look for that question, or that answer for that question, you'll find it. If you read the whole thing, you might even get discouraged because it doesn't even look like it applied. But it started from the fact that there were so many old homes in an area. We're talking about neighborhoods. And if one went to waste, then they all were subject to not being kept. We don't really have that here as far as a community of homes that are that old. So you kinda gotta take it in the context that maybe the neighborhood side of that municipal code wouldn't work. That's the Federal side is actually the -- they call it the neighborhood side. So it would be a matter of going through the State and going through the Council to recognize how to put these things into place based upon your desires. Kind of what this is, is really an eye-opener that there's a way for us not have to say "I'm sorry, you can't tear it down," and then it'll either burn down. Or say, "Gee, whiz," you know?

Ms. Chandler: It's our biggest issue.

Chair Hutaff: Yeah, or the other end is like people can't afford to do anything with it. You know what I mean? So this is a process that you can look into as a Commission, and the Planning Department can look into as a thing, and see how you can make it fit. I only saw visions of it, you know, how it would work. It would definitely need some discussion. And see what laws are already on the books. I already looked on the books as far as the State.

And the only neglect part I could find is if you don't clean your empty property, you can be fined. There's nothing about a home or anything else like that. As a matter of fact, they actually support tearing down a place, which goes against some of the things that we'd like to protect. Had we had these things in place on Lanai, then that would've been a neighborhood, and we'd be having different conversations five years ago. The idea is not to worry about what's already happened, but what we can do, and what we should do, and start off in small segments.

The first thing is, is having your enforcement guy in the historic districts look at the houses, and see which ones are getting to this point, and make a recommendation that it be investigated in. Have a process where the Planning Department, they call the Commission here, actually their Planning Department, they don't have like a CRC, that would actually go out there, and when they were given these notices, and go to the people and talk to them, and see where they're at, see how they could help, see if the people could be convinced through the tax breaks or the reposition of the marketplace, which means that we're gonna make your house more valuable if you invest it and won't have to sell it in five years to an investor or to somebody once the value has gone up. You know, do these tax credits and things like that in order to salvage the houses, because demolition by neglect, one of their rules was they could say no for one year. But at the end of one year, if the people still wanted to cut it down, they could. They gave them one year to get with the people. This was a home that came up suddenly, all of a sudden, they were permit -- nobody knew about it. The fact that the enforcement agent or officer would go around, he would be way ahead of the game. And people would not know they had these tax breaks so -- when they could still afford it, or maybe when the repairs were so small that the tax break would actually pay for it. Maybe even make them a little bit of money. It turned a lot of the homes in Raleigh, North Carolina, into rental apartments. Again, I didn't see that work in here because most of those homes they were talking were ten bedrooms. That's a home. Then they turned it into a rental. We don't have huge -- that many huge homes come to us other than the one in -- what's your friend?

Mr. Solamillo: Makawao.

Chair Hutaff: Yeah, up there. So the idea was -- is to share this information with you guys. And the next meetings or whoever Chairs wants to start the process of -- you know, just get an inventory of what's coming about, what could be coming about, and have the Planning Department maybe come up with some kinda legislation so we can legally go and knock on someone's door, and say, "Do you need help? You know this place is in a historic district?" you know, those things. So that was the purpose of this -- you know, what I learned over there, and I saw how it could be applied here, but it can't be applied today. It needs some work.

Ms. Chandler: Chair, thank you. So my question is on our end, is it us sending a letter of engagement to some kind of brokers' union or something just to let them know that this is what's being done in North Carolina, and we, as a Commission, are facing issues where the majority of the people who come to us can't afford to fix their houses, but if they could, their houses would be worth more money. And this has been successful, would you consider this, or something, because I don't know that they even know that the brokers here in Hawai'i even know that there is this big tax credit thing. And that it is such a huge issue because like Bruce says all the time, you know, it's the local people that get chased out of their houses because they can't afford to stay. So this is hugely valuable, but we have to be able to translate it to Hawaii. And if the brokers aren't at the heart of it, how can we take action to let them know that there's a lot of people that could benefit from this?

Chair Hutaff: I think having it as an agenda item for discussion, you know, and then that way, Michele can have their input on how that would take place, and if it's appropriate, because that's actually -- you know, actually what you're kinda looking at is you're looking at a bunch of realtors that sorta could be the non enforcement officers that could knock on their door and say, "Hey, maybe we have a deal for you, and we can help you out," because what they determined in restoring these neighborhoods is that a home -- This is in Raleigh, North Carolina, so I'm gonna use Hawaii's prices. These aren't the prices that I was told. But in a neighborhood where a house is worth \$500,000, when they started to restore some of these old houses, the values of those restored houses went up to a million dollars. It doubled. And they had the tax credit. And because it was a neighborhood, by having the owners of the other homes sign a letter of intent to maintain and keep the property, they were able to keep their property value taxes down as a \$500,000 original. You see what I mean? So it was like this is a way to get the whole neighborhood community involved, because once you lost one house, that was the face of the neighborhood. And we walked through the faces of neighborhoods over there. I mean, I was like -- you know, you had homes that were 150 years old that looked like they've just been put up. And then their renters in -- you know that these renters can't afford more than \$500 a month, but because of the tax breaks and all these things, it wasn't the renters' money that came to maintain the place. It was the tax break. And they were all held accountable because everybody wanted good, quality families. Families, now, wanted to move to that place because it was a really good neighborhood. So the people who moved in were very responsible. You didn't see wrecked cars. You didn't see rubbish on the lawn. So everybody won that one. And whole streets, you look at the next street, who cares? You went to another street, like, whoa, wow. And they ...(inaudible)... when you're walking down, and they found out who you were, I mean ...(inaudible)... "Eh, you wanna come in and look?" "Yeah, yeah, we do." They were proud. Pride and ownership. Anyway, that's all I could come up with, and wanted to make sure that it was brought up that something that you guys had knowledge of so you could try to work on something in the future, if you so decide. Actually, when you were gone, I made good comments about you.

Mr. Solamillo: Along those same lines, the conference sponsors also sent out this little article ...(inaudible)... similar things that happened with commercial buildings. And then kind of a point-by-point list of things to do when historic properties are threatened. All I can say is, we thought this was a goner. All right? And it really comes down to someone who's got a commitment, who's gotta do that. He wants that building and he wants to save it. And all the occasions where we've had tax credit projects, the estimates coming in low, the actual costs were coming in higher, and it takes a certain type of person with that kind of commitment. I'm glad because I had my first Maui red hot dog here in 2001. And when they closed up, I was super depressed. And I thought, "Oh, my God, we're gonna lose this," but that's what it looks like today. It ...(inaudible)... no, it's doing well. So that's what you gotta always remember: houses can be saved. We've seen Kaluakini House, right, in Lahaina looking like absolute -- the roof gone, the walls gone, and somebody said, "No, I'm gonna save it," and it takes that kind of commitment.

Okay. HP tax credits, this is just a news item. Fees have gone up. So Google, if you've got somebody that's interested. The fees have increased just a tad, but it's still the best program in town. And we've got two more cooking: one for Honolua General Store, and one for Pioneer Mill Company Office. So those are two potential tax credit projects coming down the pike. I think the final numbers for Fred Baldwin is -- the tax credits for that were over \$870,000. Total rehab was \$4.3 million. Maalaea General Store, \$400,000. On the rehab total was \$80,000 HP tax credit return.

So now, our favorite subject. I went back to this church after the meeting because something really intrigued me looking at the interior, and there was the painting behind the crucifix. And then I remembered I had seen some photographs from Haleakala that were taken by the USGS in the first quarter of the 20th Century. And I kinda -- that's where I started looking at you gotta look at land ...(inaudible)... So I looked at the land in front of it, and I said, that mountain looks familiar, right? So it turns out that that's inside Haleakala Crater looking down Kaupo Gap. Okay? So that's the view of Ke Akua looking down ...(inaudible)... So it's very awesome. Whenever you find those opportunities, you know.

2. Lana'i and Moloka'i CRC Meetings for 2013

Mr. Solamillo: The only item that we have that's kind of outstanding because we have no more cases coming from these two islands at present are meetings that we should have annually on Lana'i and Moloka'i. So you wanna address that? We will when we have them?

Ms. McLean: Yeah, we absolutely will when we have them. If we don't have them, and we can come up with enough justification to go for site visits for other reasons, then we can also do that. We should be going annually. We're expecting that we'll have items to go and discuss, but when items don't come in --

Mr. Solamillo: We can't go.

Ms. McLean: As long as it's a responsible use of everyone's time and the County's money, then we'll go.

Ms. Chandler: Question, along those lines, is our Moloka'i Commissioner okay? Like is she well and do we hear from her because it's been a while?

Unidentified Speaker: Didn't hear from her this time, but the last --

Ms. Chandler: Because she was sick, yeah?

Chair Hutaff: Oh, she was?

Ms. Chandler: Yeah.

Unidentified Speaker: ...(inaudible)...

Ms. Chandler: Yeah, okay, just checking. Mahalo.

Chair Hutaff: Maybe we should send her a letter of a well wish. Before we move on, I think the final item then is what?

Mr. Solamillo: April 3, 2013 meeting agenda.

Chair Hutaff: Before we do that, PC-10. Okay? The trees. Okay? It was kind of funny because before I couldn't -- before I went to them, like, I said, "What did we agree upon now? What was supposed to say?" And Rhiannon reminded me. So I went in there all hog wild and, you know, any tree. And the first statement that came out of Molina's mouth is, "I can't support any tree. That bothers me." And Mike White had some comments. So you were saying if we have a dead coconut tree in our backyard, we're gonna get fined a thousand dollars? And believe it or not, I agreed with them instantly. The problem was is that you guys -- basically, I had to represent what you guys had said as a Commission. So I really, really, really, really tried my best to argue what we had agreed on, and why we wanted a chance at these trees, and blah, blah, blah. And I did have to go afterwards and say, you know, I actually do agree with you, but I think "any" is probably the most inappropriate word we could've used, but it certainly made so much sense when we said it, because it's like, yeah, blanket, that's it, we don't have to define each tree. So they took that part out of PC-10 and passed the rest of it as far as the committee goes. It still gotta go to full Council. And what's her name? Our Councilwoman? Elle has vowed to make it an issue. And Council Chair Couch sort of passed it to Guzman ...(inaudible)...

Ms. McLean: It wasn't clear what committee it was going to get referred to.

Chair Hutaff: Yeah, but they kinda pointed the finger at the new -- so they're probably gonna give it to your committee, you know. So just to kind of give you a heads up that the rest of it has passed the committee. ...(inaudible)... Council. The tree issue was sort of taken out which I really think was good that they decided that 'cause then we can at least move forward with the rest of it. And Elle and the rest of them have made a commitment to look at the tree issue. Would just try to word it a little bit better in order to have some good protection.

Ms. Chandler: Mahalo, Chair. Actually, I watched that meeting and you defended us really well. It was -- their major concern also was the use of the word "exceptional" tree triggered a whole like series of qualities of what an exceptional tree is. There's a legal definition 'cause it's used in another part, and we didn't really need to define it per that process of exceptional trees, only that if it's in the historic district that it should be regarded as a special tree. That word really tanked a lot because then it started Corp. Counsel working on, no, we can't do that.

Chair Hutaff: I did try. The only thing I didn't do was get on my hands and knees and say, "Just give us a chance." I did say it. I didn't get on my hands and knees, though.

Ms. Chandler: Yeah. So thank you, because I think they understand that there's an extreme concern for the historic nature of the trees.

Chair Hutaff: I think so. I was very happy with everybody in the Council. And she supported the Arborist in doing that -- the termination. And I saw value when it was explained to me. And we got a letter. All of you got a letter, I think, from the Arborist Commission, which means they did sort of support what we had said. So it's not -- I don't believe it's lost. I just think it's moved in a little different direction, if you wanna keep an eye on it, and make sure it still goes forward. That's it for the PC-10.

3. April 4, 2013 CRC Meeting Agenda

Mr. Solamillo: Any special items for the upcoming meeting's agenda? Okay.

G. COMMISSIONERS' ANNOUNCEMENTS

Mr. Solamillo: Commissioners' announcements.

Chair Hutaff: Rhiannon, don't you wanna have the -- you know, bring up the neglect portion?

Ms. Chandler: I want to do that whole tax credit education thing, you know, but -- for the brokers, but I don't know if we can -- I don't even know how to go about that. So I'm just --

Ms. Thomson: You could schedule it as an agenda item on a meeting maybe where you don't have a lot of other agenda items, and send advance notice out specifically, to the audience you wanna reach. But it would require probably quite a bit of staff time, and then Commissioner time, too, if you wanted to be responsible for different areas of that education.

(Mr. U'u then left the meeting at approximately, 2:08 p.m.)

Ms. Chandler: I don't know. There's that. We also talked about local registry questions, you know, about how we could gain attention for some things that don't meet the State requirements. We also talked about having a way to notify the people who live in the historic district that they live in the historic district, and they're subject to all these things. I mean, there's a lot of issues I feel like we have that we could discuss that would take up a meeting to the point where, you know, we never really have no items on the agenda. We have a lot of back burner items. I just don't even know how to bring them forward. And sometimes, they do require a lot of work.

Chair Hutaff: Like demolition by neglect, it took us physically, six months to get through it. But the thing is, is we began. So if you at least have it as an agenda item, it can always be shelved for the next one, or at least bring up a component of it, and say, no, no, we can't go through the whole thing. Let's just try to get pass this one, and then we can bring up the next one next meeting, if we have time, just so it perpetuates itself, if that's what you guys wanna do, because the nice thing is, I can set your agenda, but I ain't gonna be here. So I think it's better up here. (Laughter) You know what I mean? I don't wanna be the bad guy again.

H. NEXT MEETING DATE: April 4, 2013

I. ADJOURNMENT

There being no further discussion to come before the Board, it was moved and seconded to adjourn the meeting at 2:10 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
Kahulu Maluo
Brandis Sarich
Bruce U`u

Excused

Irene Kaahanui
Gaylord Kubota

Others

Michele McLean, Deputy Planning Director
Stanley Solamillo, Cultural Resources Planner
Ann Cua, Staff Planner
Kathleen Aoki, Staff Planner
Erin Wade, Staff Planner
Richelle Thomson, Deputy Corporation Counsel