

**CULTURAL RESOURCES COMMISSION
REGULAR MEETING
SEPTEMBER 5, 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, One Main Plaza, 2200 Main Street, Suite 315, Wailuku, Maui, Hawai'i. ***

A. CALL TO ORDER

The regular meeting of the Cultural Resources Commission (Commission) was called to order by Chairperson, Warren Osako, at approximately 10:00 a.m., Thursday, September 5, 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 Warren Osako: The September 5th meeting of the Maui County Cultural Resources Commission is now called to order. At this time, I'd like to make a couple of announcements. First of all, for those of you doing public testimony, the purpose of the public testimony is to give the Commission Members your opinions. If you have questions for the presenter, you should do that at the public meeting. At this meeting, you're just to give your opinions to the Commission Members. And finally, for the Commission Members, to keep the meeting orderly, shall we go around the table at the end of each so we make it orderly? And please remember to use your microphone. Thank you.

B. APPROVAL OF MINUTES OF THE MAY 2, 2013 and JUNE 6, 2013 MEETINGS

Chair Osako: Okay. The first item on the agenda is approval of the minutes of the May 2, 2013 and June 6, 2013 meetings. Is there any discussion?

Dr. Janet Six: I move that we accept the minutes as recorded.

Chair Osako: ...(inaudible)...

Dr. Six: I make a movement that we accept the minutes.

Mr. Bruce U`u: Second.

Chair Osako: It has been moved that the minutes are -- you mean both?

Dr. Six: Oh, yes, both the minutes for the May and the June CRC meetings.

Chair Osako: A motion has been made to accept both minutes. Is there a second?

Mr. U'u: Second.

Chair Osako: Is there any discussion?

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

It was moved by Commissioner Six, seconded by Commissioner U'u, then unanimously

VOTED: to approve the minutes of May 2, 2013 and June 6, 2013 as presented.

Chair Osako: The motion is carried to accept the minutes. Next item -- oh, excuse me. At this time, are there any people in the audience that would like to make public comment on any agenda items? You may do so at this time. Okay. Nobody has stepped forward. At this time, the next agenda item is New Business: Ms. Athline Clark on behalf of the U. S. Army Corps of Engineers.

C. NEW BUSINESS

- 1. MS. ATHLINE CLARK, on behalf of the U.S. ARMY CORPS OF ENGINEERS, requesting comments on the Draft Environmental Assessment (DEA) and Feasibility Study prepared in support of the Mokuhinia Ecosystem Restoration Project, at TMK: (2) 4-6-007:001, 002, 036, 037 and 038, Lahaina, Hawai'i. (A. Kehler)**

Ms. Michele McLean: Mr. Chair, Commissioners, if I may? Before Athline does her presentation, I just wanted to remind the Commission that the process today is your discussion and comment on a draft EA. The Army Corps put together a combination document of the draft environmental assessment and the draft feasibility study. And the process for environmental assessments, right now, we're in the middle of a 30-day public comment period. So any member of the public can submit comments to the Army Corps as well as a variety of agencies. So today, the CRC will be commenting together as an agency. And we'll have our discussion and questions. And then at the end of that, Annalise, our staff person, will make notes of your comments, and then read them back to you, and you can vote together for those to be your formal comments to the Army Corps. And then we'll put those together in a letter and send them to the Corps. When they put together their final EA, those comments are supposed to be addressed in that document. If there are comments today that perhaps not everybody votes on that the Commission doesn't choose to support as a whole, individual Commissioners, just like any member of the public, can still go ahead and provide those comments as individuals. And so today,

again, we'll have discussion and questions, and then the Commission will vote together on what your comments to the Army Corps on the draft document will be. And should the project ultimately get approved for funding by the Army Corps, there will be a variety of permits to actually implement the project, and those would also come to you in more specific stages of design - the SMA and so forth. So this is an environmental assessment of the project. It's not permits for the project. So this is the first step in what could be many steps. So just wanted to lay out the process for you. Thank you, Chair.

Chair Osako: Yes?

Mr. U'u: Yeah, question for Michele. So the draft comment time is now, the 30-day period. What other agencies does the draft EA go to besides the CRC?

Ms. McLean: I would defer to the applicant to spell out which agencies directly received it.

Ms. Athline Clark: Do you want me to answer that first before we go on to the presentation? I can. It's good. Two things: aloha no kakou. My name is Athline Clark, Army Corps of Engineers. The first thing I would like to say is that this is not an Army Corps project. So let's be really clear about this. This is actually a project that the Army Corps is doing on behalf of the County of Maui. So our partner in this project is the County of Maui. We do not initiate projects like this without having a Federal sponsor who's asked us to be engaged, involved, and at the table. And what we provide to them is the technical assistance and the planning and design. And then at the end of the day, which I'll show you later, what happens is that we work collaboratively on trying to define what that end goal is because the project actually gets turned over to the sponsor at the end. We walk away. And so it is something where this has to be something that we do jointly across the board. So this is actually us developing this on behalf of the County of Maui, but with the authorities that are -- and incorporating the authorities of both the Army Corps of Engineers and the State of Hawaii because it's an integrated and joint process so it has to meet all of the Federal requirements as well as the State's requirements. Okay?

So answering that question, we have sent out letters to the Department of Health, most of the County agencies, most of the Federal agencies, and to all of the State agencies. So DLNR, DOH, DOT, PUC, whatever, whatever. I mean, just across the board. So we're in that agency and public comment period. We've already gotten comments back, for example, from the Fire Department from the County of Maui. So I mean it's kind of, you know, length and breadth. All of the different agencies have been sent copies. And then we sent out 190 of the CDs to both either individuals or agencies for comment. And it was also posted on the OEQC website and was announced in the OEQC Bulletin as part of the compliance under Chapter 343. So it meets -- it, you know, the goal is to meet the objectives of all of those. Does that help answer your question?

Mr. U`u: Yeah. So this is one other form of comment from different agencies, correct?

Ms. Clark: One of many.

Mr. U`u: Okay.

Ms. Clark: And then tonight, we have a public meeting for comments from the community as well. And then in addition to all of that, we also have an opportunity to get, as Michele already said, comments in writing at any time until -- throughout the public comment period, which is 30 days. So the 30 days ends at the 23rd of September.

Mr. U`u: This is just for my clarity. So after the 30 days, you go back, you get all your added information, you put it in a form of an EIS?

Ms. Clark: No, EA.

Mr. U`u: Oh, one EA. Final?

Ms. Clark: Final EA and feasibility study, both.

Mr. U`u: And then after you get the final EA, that goes to the different agencies again?

Ms. Clark: It would be -- at the point of which that it's final, then we would send copies of the final to all of the agencies. But as Michele said, this is only the first step, because then after that, if the County and the Federal government both, you know, approve it and we get the funding, then we start the process of getting all the permits to go into the next stage. So there's -- you know, this is just that first step in a long line of the process. So it'll come back to you again in the next phase. And I think that the other point here is during the feasibility phase, while we're doing also the environmental assessment, we're also at a 35 percent conceptual design. And so once we finish this phase, the next phase where the funding, you know, gets matched more, we actually do a 100 percent design. And so as part of the process of obtaining the permits, you would see copies of the full design, etcetera, etcetera. Okay?

Mr. U`u: Thank you.

Ms. Clark: Sure. Any other questions before I start?

Mr. Gaylord Kubota: One comment for Bruce. I was curious about the distribution so I checked. They have a table, 9-3. Table 36 gives the distribution.

Mr. U`u: Thank you.

Ms. Clark: Did I forget anybody? I'm sorry. It was a long list.

Dr. Six: I have one question. It says here on the executive summary that it's at the request of the County of Maui but you're in coordination with the Friends of Moku`ula. So are you still partnering with the Friends of Moku`ula as well?

Ms. Clark: The County is partnering with the Friends of Moku`ula. The Federal government has an agreement with the County of Maui. So this part of the project is with the County of Maui. The County and the Friends of Moku`ula has a separate agreement for separate parts of the project. And again, I'll get into that in more detail in a few minutes. Okay? May I go ahead?

So as I said, the purpose of this meeting is to continue the stakeholder engagement in our efforts to date to look at the feasibility and overall planning process for the development of -- or the restoration of Moku`uhinia. And this is part of the NEPA process, the Chapter 343 process, the Section 106 process, etcetera. So, you know, we're here today as part of this to inform stakeholders of the draft feasibility study and the EA, and to obtain stakeholder opinion and comments on what we put together to date. Again, this is draft. So, you know, if there are things that we need to incorporate and that, you know, we just didn't get in time, now is the time to let us know. There's also, associated with this, a -- you know, in compliance with Chapter 343, a Cultural Impact Assessment, again, that is draft. So there's still opportunity on all of these documents to provide comment. Okay?

We will be first presenting some information about the background. Many of you are familiar with this site. Probably have spent way more time in thinking about it than us have and, you know, I mean, have connections to it from your ohana. So, you know, I'm not going to spend a lot of time talking about it. I'm gonna talk about why we're involved; and go back a little bit and give you information about that; talk about the feasibility study process; development of the restoration plan; the draft findings; and the next steps.

So as you all know, Loko o Moku`uhinia was the home to Kihawahine, who was the guardian spirit of Maui's royal family. The Island of Moku`ula was the royal residence of King Kamehameha and was, you know, an important cultural and historic site from the 1500s under Piilani onward. The site was part of a historic network of coastal wetlands that used to be part of all of Lahaina and all of West Maui, most of which no longer exist. And I have a map that shows some of that. Lahaina used to be actually known as sort of a Venice of this side. It was filled in as part of a public project in 1914 partly due to concerns about public health. And it was EO'd to the County from the State as a public park site in 1918. So the -- it is part of the ceded lands and it was given, you know, by executive order from the State to the County. Okay?

It's part of the historic district of Lahaina. It's on the National Historic Landmark, National Historic Register of Places, Hawaii State Register of Historic Places, and it's part of the County's Historic District No. 1. So it has many overlays of protections from the historic perspective. And then it's part of a larger complex that includes Moku`ula, and Mokuhinia, and the park across the street, which is the Hale Piula. So again, both of those are on the State Historic Register of Places and the National Historic Register of Places.

This is a picture that shows the historic site and the boundaries of the site. If you'll notice a couple of things about it: one is that the brown line actually extends out into the ocean; the green area is the Lahaina Historic District site; the star in the middle is the site we are currently talking about, and is part of a larger complex that once existed as part of Kamehameha's complex.

How did we get involved? The County asked us to be part of this process in 2003. What the Corps has the ability to do or one of our purposes and missions - I know, kinda strange, yeah, but - is ecosystem restoration. And actually within the last ten years, more funding has gone from the Corps to ecosystem restoration than to almost any of our other purposes.

Our planning process involves looking at the feasibility and environmental review. And that is the basis for seeking additional Federal funding and justification for continuing this project. And also, eventually, this project will be cost-shared with the County. So they'll have to share in the cost of the development of the project. And like I said, at the end of the day, this gets turned over to the County for management.

We have, as also part of this process, been working very closely with stakeholders in this process. And I'll go into more detail on that. A couple of key things to understand about our process is that there are things that we can do as part of our authorities and things that we can't. And that while we acknowledge the cultural significance of this site, and how incredibly important that is, first and foremost as a part of the restoration, our authority is for ecosystem restoration. So we have only -- you know, there are only some things we can do and other things that we can't do. And if at the end of the day, the County and the stakeholders decide that what we have to offer isn't what you want, then there still is documents available to you to use to then tee off of to do what you actually feel is a better approach for you to move forward on because we are constrained by what we can do and what we can't do.

Specifically, for us, ecosystem restoration means that we have to be able to justify a project by having resources of national significance. So for us to restore an ecosystem, the resources of national significance that we can utilize or set up an ecosystem project for are the Hawaiian stilt and the Hawaiian coot, which are on the Federal endangered species list. So that is our authority and our process.

As I said, there are actually three components to the restoration of this site. The three components of the restoration of this site are the preservation of Moku`ula, which is something that the Friends of Moku`ula in partnership with the Native Hawaiian community needs to decide and discuss together. And that vision needs to be something that is agreed to holistically by the community. Our kuleana and where we are engaged or involvement in this process at all is in the restoration of the water or the aquatic ecosystem: bringing back the water to help define the moku. And our partner is the County of Maui on that part of the process. And then there is another site which has actually been leased by the Friends of Moku`ula, and which they will then determine what, you know, in concert with the County that they want do something about. And I have another map that shows that.

As you can see, this project and what we were discussing today is the area in blue. The other areas are the area in brown which is the area that is leased by the Friends of Moku`ula from the County. And the area in green is actually the moku and also adjacent fish ponds.

A couple of other key components of the thing that you want to focus on is that we have a 30-foot buffer that we have put around our restoration, the site. And we did that in combination with lots of input from many, many different meetings within the community. So the area around Moku`ula that potentially would be eventually restored is 30 feet beyond where the known area of the moku is. And it's also important to note -- sorry, I'll go back to that slide one more time, it's also important to note that the land that's closest to Waiola Church, where there may be iwi kupuna, is also not part of what we would be doing as part of this restoration. So, you know, as much as we possibly could, we looked at how to minimize any impacts to either culturally important or historically important sites by the way that we design and set up this proposed ecosystem restoration.

Again, to talk a little bit more about our process, we are where the arrow is now, which is in the feasibility stage where we do the NEPA analysis and we also look at does this project have additional Federal interest? Would we be able to justify expending Federal funds? The project is initiated when the sponsor sends us a letter or a request and says we would like you to be engaged or help us in this process. That again, happened in 2003. And I know, long time, yeah, but there's fits and starts with Federal money, etcetera. So the initial request came from the County. We did a reconnaissance phase, which basically looks at is this is justifiable? You know, preliminary justifiable? Can we do that? And then it goes on to a feasibility stage, which is what we're in now. We've got a draft report and NEPA document. We're not done yet. And if at the end of the day we have both the approval from the community in concert with the County, and approval and funding from the Federal government, then we move into the design and construction phase. And like I said, at the end of the day, the operations and maintenance of this site is a 100 percent kuleana of the County. So it's important that as we go forward in the design phase, in particular, that there's continued dialogue with the community in this process. And what

we do do is depending upon the way that the funding breaks down, we do actually assist in a monitoring regime to make sure that what we're designing works for up to ten years at the end of the process. So we would actually be working with the County on, you know, what we set up. Is it working? Are the thresholds that we identified consistent? You know, are we meeting the objectives we set up, etcetera?

Again, like I said, the purpose of us is to assess the feasibility of a range of alternative plans and to integrate within that process both the Federal and State review processes.

So what do I mean by is there a Federal interest? Well, first and foremost, the Federal interest is, is there resources of national significance? And the answer is yes. We know that there are no habitats for stilts or coots in this area anymore. We also know that the stilts -- they fly, sorry, the word went away, from Molokai to Kihei, and that they would stop if there was areas for them to stop in. And we also look at is it economically justifiable for the expenditures? Do we think that at the end of the day what we're going to develop is actually going to provide additional habitats for the critters? And is there a willing sponsor? And in this case, this is a project that we've heard from the Mayor on several occasions is a priority for the County of Maui.

So when we go forward, and in our planning process, we base it on historical information and technical studies. We also incorporate a lot of input from stakeholders. To date, in addition to - I don't really know how many actual interviews were done for the CIA, but there are several published in its drafts, and we know that are more coming in between draft and final - we also did over 25 small group and community meetings. And then we also held a public scoping meeting about a year ago, a little over a year ago.

And then we looked at considerations for habitat restoration. So our priority is for the habitat restoration or what are the needs of the coots and the stilts. And then like I said, if at the end of the day our conceptual design is something that the community and the County decides they don't want because they want something different in terms of the design, you still have all the work we did, but we would not have the authority to continue on with the project. But that still doesn't mean that the community and the County can't then take what we've done and move forward with it.

As I said, if you look at the historic conditions of the site, you will see that there was this whole string of wetland areas within Lahaina, you know, that there was just a lot of water in the area previously, most of which is not there anymore. In the upper right-hand corner is probably the first, that I'm aware of, artist rendition of what the site may have originally looked like. And that was done in about 1851. In addition, you'll see, you know, the hand sketches that were done by Monsarrat in about the 1840s that shows kind of what the site looked like before it was filled in, but after it was no longer the residence of Kamehameha. So what we did was we tried to, as we were moving forward in doing our conceptual

designs, looked at what the site looked like in that point in time, and lined up what we were going to do for the restoration, what existed, you know, within that record.

We also have, which we don't have on the slide, we've got some really neat survey maps that were done in about at exactly the same time as the site was filled in. And there are components of those in your appendixes that show actually the layers, and where the moku was, and what the site looked like in terms of the topography just at the time it was being filled in.

We also looked at a series of technical studies. There has been archaeological work done along major portions of the site. Janet pointed out to me today that we don't have her work here, so we do need to add that in. And -- but there has been a significant amount of archaeological evidence done or archaeological research done at this site in the past. In addition, if you look on the side, on the right-hand corner, you can see that they actually did even analysis of what the different layers that have been filled in over the years looked like, and what was in those previous layers.

Dr. Six: Are mine in there?

Ms. Clark: I said we didn't have you in there. We would need to add you in. And then we also looked at the State Historic Register information. We did a buffer zone based on what we saw was the boundaries of the moku from previous work. And we did a cultural impact assessment.

Additional technical studies, we did a hydrologic assessment. So we put five monitoring wells in because, you know, part of the question of is it feasible, can we do this is, get water? And the answer is there is water there. And so, you know, it shows the average depth of the water during the summer and the average depth of the water during the winter. So we knew what the ground water conditions were over the site in terms of being able to, you know, put in a wetland restoration.

We also did two hazard waste assessments on the soils because eventually the soils have to be disposed of. And in the first set of testing we did, we found arsenic. So we went back and we did significant additional testing. And at the second time around, we did not find any arsenic in the site. And arsenic is in fact part of the range of background concentrations of stuff you find in Hawaii soils.

And, you know, the other reason we're not actually touching that far corner where the Friends of Moku`ula has an agreement with the County is because that was also an area that was used by the mill as a dump. And so if there's gonna be a site that's got hot stuff in it, it's gonna be over in that area more than in the rest.

And then before and after any of the work that the Army Corps has done on the site, there has been cultural protocols performed. Any time we did anything on that site, there's been someone there to open and close for us.

As part of what we were looking at from an ecosystem restoration perspective, we had to look at how much do we need to excavate. In other words, how much does the ground -- you know, do we have to pull out in order to be able to have ground water there? What would the grading of the slopes be? What are the requirements for the birds to grade those slopes? What kind of micro topography would exist? How much ground water is there? Do we need to supplement that ground water? And in this case, we determined that we probably do in the summer time, not so much in the winter time. What kind of an outlet will we put in because we don't want the site to become a flood hazard? So, you know, is there a place where if it starts to fill up, we can empty it? And then also, what kind of native vegetation will we plant there? So we have a whole series of plants listed that we would use that are all endemic Hawaiian plants. And then a perimeter fence would have to be built around it in order to be able to protect the endangered species from predators because one of the concerns that the Fish and Wildlife has expressed to us is that we don't want this -- if we, you know, if we build the habitat, they will come. So we wanna make sure the site doesn't become a sink for wetland, but instead is a place that is a source for them. So we looked at a range of combinations of these measures in our alternatives when we were designing the site. And we put our conceptual designs together based on the habitat target for the stilt and the coot.

So this is the conceptual restoration plan. In your documents, you'll see the 35 percent design. So this is easier to look at than the one that's in there but there is a 35 percent further conceptual design in there. Some features that I wanted to point out, we will have a groundwater pump. Where it actually gets located, we haven't determined yet. And before we do put the pump in, one of the many studies that we would do in the next phase is a ground water pump test to make sure again that we put the pump in the right area, and that we hit the availability of ground water as good as possible.

We would look at the boundaries of the site, and maybe further refine or define those during the next phase. If there's additional archaeological information that comes to light at that point, or if the community determines particularly at the site of the moku that a 35 percent buffer is too big, or if a 35 percent buffer isn't big enough, then we could, you know, also have that conversation.

We also are not touching, like I said, the wetland -- I mean, the two ponds that are associated with the moku. The contours will be refined but we're looking at an 18-to-1 slope for the stilt. The depth for the habitat of the coot is two feet. In further discussions with the community, there's a legend about a canoe corridor that went from the moku across to Waiola Church. So based on input from the community, we incorporated the

canoe corridor as part of the conceptual design. We would put a perimeter fence around and although this conceptual design shows the outlet, near Front Street actually in the final conceptual design, that outlet was moved to the back corner of the site. So the outlet would actually be on the other side of Mokuhinia way in the ditch that's there, but away from Front Street and the potential flooding there.

So what we looked at in terms of the design was wetland hydrology, ground water pump to supplement, a water outlet, a perimeter fence, preliminary cost estimates. And right now, the preliminary cost estimates - and this is for the entire project, so everything that's been spent to date, all the technical studies that have already been done, as well as the technical studies that are still needed, and the permitting that is still needed, the design that is needed, and the construction - the total estimated cost of the project is 11.5 million. It would be cost-shared Federally and non-Federally. So us and the County would cost share. A lot of that, the County has yet to define how much of that they could do in terms of in-kind match because there is in fact -- this doesn't all have to be cash, so there is in fact ways that the County could contribute that isn't all cash in-kind. The operations and maintenance, we will have to develop a full manual that we leave with the County. We don't just say, "Eh, here you go." And then it would incorporate adaptive management, which would be part of what we would be looking at as the monitoring strategy. And then, like I said, at the end of the day, it becomes the responsibility or the kuleana of the County to then maintain.

Our next step is the public comment period ends on September 23rd. We will respond to comments this fall. We will complete the Section 106 process consultation this fall. We will finalize the cultural impact assessment this fall, and then finalize the feasibility study and EA this fall. And, you know, the message here is if the community and the County decides that they want to have the continued Federal involvement based upon the design that we have the authority to do, then we would seek Federal approval for additional funding and move on to the next step, which would be the detailed designs and permitting.

Chair Osako: Are you done with your presentation?

Ms. Clark: I am done with my presentation.

Chair Osako: Let's go around. Makalapua, you have any comments or -- ?

Ms. Makalapua Kanuha: No, I actually don't have any comments at this time.

Chair Osako: Okay. We'll wait for Bruce. Janet?

Dr. Six: I do have some comments. And I wanna thank Athline and I wanna thank the U. S. Army Corps of Engineers for working on this project. And I totally understand they're bound by their constraints to consider this an environmental or natural wetlands.

I worked on this site for two and a half years, and the fact that the college, the students, the visiting faculty from NYU and my work is missing from this report really broke my heart. I provided a 43-page data recovery plan that's on -- placed with the SHPD. Held community meetings. And if they referred to the January 2nd meeting, I offered Colleen Medeiros, of the Cultural Surveys Hawaii, the DVDs I made of the community forums to show some of the community concerns. I had two interim reports on file. And I did a final report which changes the stratigraphic or the sequence as, you know, I interrupted Athline rudely and asked her if mine was in there, and I know you just said it wasn't.

But just for some quick things that I had problems with, it was not filled in 1914. It was filled in 1917 by the Howell Dredging Company after a campaign to get rid of mosquitoes and get a baseball field. So I call it "Bloodsuckers and Baseball" in my report, the twin campaigns that ...(inaudible)... Lahaina. But more importantly to me is that it's a cultural wetland. And I just wanted to just read from my final report so that I can do it slowly and not get too excited. But what's missing, and I found this in *The Polynesian Kinship System of Ka`u*, by Mary Kawena-Pukui. And I was gonna read just a few things about burials and ponds, in ponds, Okay?

In *The Polynesian Kinship System of Ka`u*, kupuna and historian Mary Kawena-Pukui, recounts how in pre-contact Hawai`i, if your `ohana's aumakua was a mo`o, after death, na iwi, or the bones, should be placed directly into the punawai, or the "heart of the spring," feeding the pond associated with your `ohana's `aumakua. This statement provides important, and perhaps previously overlooked clues as to what may lie in the pond and springs surrounding Moku`ula Island.

I can't separate Moku`ula Island out from Mokuhinia wetlands. According to Kamakau, he names a bunch of different mo`os but he specifically says:

Kihawahine, and the myriads of interchangeable body forms or kino lau of the mo`o used to be worshiped constantly. Persons would be transfigured to become such a strange being. It was not done merely by being buried along a stream or river or beside a spring, or to have their bones thrown in the water. If they were not related to the mo`o, they had no rightful place, or kuleana, in the kino lau of the mo`o.

Members of the Piilani ohana had the absolute kuleana or right to be interred at Mokuhinia. According to the Bishop Museum Phase I Final Report, there are conflicting stories as to the final resting place of Keopuolani herself.

"Traditionalists such as Inez Ashdown claim that Queen Mother was originally buried at Moku`ula, and then secreted away, her bones perhaps hidden in a cave in the calm of the lake."

This was told to her by Liliuokalani when she was ten years old.

Just to the north of Loko o Mokuhinia is another large loko known as Alamihi. Once fed by the Kahoma Stream, this area underwent extensive excavation in the 1970s in conjunction with the Kahoma Stream Flood Project. Hal Hammatt was one of the people.

In 1974, a large burial mound was noted in a Bishop Museum Survey. Subsequent investigations conducted in 1977-78, by Hal Hammatt, uncovered 90 previously unknown, pre-contact human internments immediately adjacent to the pond. Now, they did not excavate in the pond. According to the Bishop Museum Phase I Final Report:

This area at the mouth of a major stream of Kahoma in Lahaina is particularly interesting in that it is perhaps of similar origin and may be culturally analogous to the structure and function of the Mokuhinia wetlands. Kahoma Stream was accompanied by a less than 5 acres sand-banked loko. It is speculated that the larger Loko o Mokuhinia to the south maybe of a similar type.

That's page 123 of their final report. And here's what I came across in my work: On July 2000, Xamanek Researches undertook a monitoring program at Kamehameha III Elementary School grounds, situated just south of the courthouse on the coast and adjacent to Loko o Mokuhinia. According to the Bishop Museum Phase I Final Report:

"Beach front acreage of Pakala, in Kalua`ehu, Lahaina, was a choice neighborhood inhabited by the royal court or kaukau ali`i in the early days of the nineteenth century."

During the remodeling of a bathrooms at the school in 2000, they found ten intact, pre-contact burials along with numerous disturbed graves and a habitation sites. These burials were preserved in place, and radiometric carbon dates puts them in at 16th century. So we have people being buried all around the pond, in the pond, long before Keopuolani is interred in the royal mausoleum, and later her daughter and her ...(inaudible)...

And in conclusion, based on previous archaeology on and around the site, we hypothesize the solutional caves of the West Maui karst system, still feeding the now buried Lahaina wetlands, are likely full of pre-contact burials. In 2011, Erik Fredericksen of Xamanek Researches covered three burials in a solutional cave in fresh water at Olowalu.

And so it's likely, as she said, it was all one big wetlands. This was the piko to a lot of things and a lot of people -- depending on -- if you look at Kleiger's book, he shows it concentric where the piko is Kalua`okiha. You have Kalua`ehu. You have Ka`ehu. And you keep going until you have Lahaina. So it's done concentrically.

So these are the things that I recommended in my report. And the reason I'm a little chagrined is I met with their archaeologist, Kanalei Shun, in February. Told him of my concerns. I could not give him this final report because it was the property of the Friends of Moku`ula. It was submitted to them in the fall of 2012 for comment review. I did not get any back. I talked to Theresa Donham. Theresa Donham has a copy of this report, as does Blossom, the new executive director, because in a meeting with Blossom, she told me, "We don't have any of your stuff." So I sent her my data recovery plan, the two interim reports, and this final report which it's not public. I couldn't give it to Kanalei, but I did tell him.

The other thing we found out is we sifted all of our dirt. Well, Bishop Museum was really looking for Moku`ula Island. We were looking to find out -- just to find the surface of the island. And by sifting all of our fill, we found out that in 1954, they refilled the park again. They wanted a baseball field. They almost built War Memorial Stadium on top of Moku`ula in 1954. It's the *Maui News*. But they dredged the Lahaina Harbor channel, and they threw all that coral backfill on top of there, and we were able to determine it couldn't have been deposited in the 1914 or even in the 1917 reported fill of it by Howell Dredging funded by Pioneer Mill because of the 1936 bottle in it. It had beer bottles. So we have really good stratigraphic dates for the fill. And I told Kanalei this changes the depth you need to excavate because you need to add on a good 18 inches of fill that was put in 1954. So these are the quick recommendations. And then I'll stop if you have any questions, you know, we can direct them.

So one thing Kleiger wrote in his book is he said, "Oh, prior to the 19th century, we don't have any evidence that anyone was ever interred here." Well, he wrote that in 1995 based on 1993 excavations. In 2000, we find ten individuals dating to the 16th century. So we have a record of people being interred there. The work done in 1977 to the north with 90 pre-contact burials around the Puupiha does it mean really full? That cemetery there by Judo Mission? Yeah, it means really full. Puupiha. Anyway. It means "really full" which is another clue.

So prior to the creation of the Kamehameha III's personal cult of the dead in the 19th century, members of the Pi`ilani `ohana and other important personages would have had the right or kuleana to be interred in Mokuhinia, the watery grotto of their `aumakua, Kihawahine.

2. Lahaina was a cosmic as well as phenomenal point of arrival and departure for the Pi'ilani family and subsequently, the Kamehameha line.
3. Moku`ula became a piko or umbilicus for the Hawaiian Kingdom.
4. Adjacent "neighborhoods" such as Pakala - home to the lesser chiefs and chiefesses of the Maui and Hawai'i dynasties united and amplified through the marriage of Keopuolani and Kamehameha.

They came and wanted to be around this energy center, right?

And lastly, well over one hundred unrecorded, pre-contact human internments have been identified in the Kalua`ehu area since the 1970s mostly immediately adjacent or in a loko – some dating to as early as the 16th century.

At present, what remains of Loko o Mokuhinia is slated to be restored under the direction of the Army Corps of Engineers. Given the large number of unrecorded and previously unknown human internments discovered in the larger area known as Kalua`ehu, we strongly recommend prior to any future restoration of the wetland and/or the island that extensive use of state-of-the-art remote sensing, not GPR, but whatever we could do to find the springs because if you've been on the site, you can see the salt patches. So what I recommended to Kanalei is that's a good place to start. With GPS and the salt patches, we have -- there's many hearts to Moku`ula, Mokuhinia. There's a main punawai. But as I'm sure Athline and other engineers and hydrologists tell you that the soft calcium carbonate that forms what we call the karst system is kind of a natural plumbing or drainage. People are familiar with the term "sinkhole." Mayas called them "cenote." Many native people see these as a way to enter into the body of. In this case, it's going into their kino lau, the mo`o, Kihawahine.

So I would like prior to having any heavy excavation equipment on this most sacred site, non-invasive techniques should be rigorously employed in an attempt to identify all possible openings or solutional caves feeding the wetlands and that these areas having a high statistical probability of containing unrecorded, pre-contact burials. Once identified, these areas should be hand excavated and/or be slated for preservation and avoidance.

And again, this is a draft that was submitted to the Friends of Moku`ula. Originally, Kimo Falconer, Shirley Kahai, via the mail. Blossom said she never could find it. So I sent it as a PDF attachment to Blossom and cc'd Theresa Donham, who's the State Archaeologist with the State. And Theresa took it as an informal submission because until I get review and comment from the people who paid me, I can't give it to anybody. So I was hoping Blossom would be here.

And I'm sorry, I just got so -- but I just wanted to let you know that given some of the problems here like you have the 1914 fill date, but you show a 1916 blueprint of the site, which means they mapped it, unless it still had water in it when they mapped it in 1916. And that goes with the archival research all my students did in my heritage class. And they did a wonderful work, Jean Becker. It's all cited in here, but basically, we know it's filled by the Howell Dredging Company. We even know they started in the fall of 1917. So we know we have different sequences of fill, and we have a subsequent fill that Bishop Museum was unaware of because their mission was find the island, determine the boundaries.

My other concern is, again, there's infrastructure. We have the two loko ia in the front and the punawai. I changed my entire research design based on input from the community especially, Keeaumoku Kapu, and people telling me you don't dig in the punawai. So I moved to the back side where we uncovered what they are calling a pier which is now over eight feet wide, and it looks more like a barn door someone might've thrown in when they filled it, but all the representations show this pier and all these things, but I would've loved to have been consulted. I'm not listed in here as being consulted. I did meet with the archaeologist at Koho's for like two hours. So I just was really -- I couldn't believe we weren't even mentioned and to me --

So I read the whole document. I'm not a hydrological expert and other things, but I lost confidence in the document when they left out some key new evidence that is on file at the SHPD. I know the interim reports are on file which we knew about the stratigraphy. And then this is my final report. So thank you very much for listening. And I can't believe 109 agencies got this.

Chair Osako: Gaylord?

Ms. Clark: Can I ask a question? Sorry. Can I just -- ? Janet, I know that -- I mean, that's part of the problem is that we have to get it. And we will go back to Friends of Moku`ula and ask them again for it.

Dr. Six: You could've still said, you know, the college ran a field school for two-and-a-half years. We're not mentioned. And I consulted with him. I'm not in there. My hairdresser's in there. You know, Janet Baustic is a good friend but she basically cuts my hair and worked with a student of mine. She's consulted. It's just to me was like Sixth Sense Archaeology wasn't consulted. What happened was I got blackballed. Rumors were made up about me. I got locked off the site. And to me, it's like they're trying to wipe me away, but I don't go quietly. And so I have new information and I am totally in support of restoring the site. I don't think it should be for the birds. I think it should be for the Hawaiian culture, but I understand that when they get the money like this, take it where you can get it, catch what you can. So I totally support this project, but I would love to see my work referenced

and my students' work, not just mine because a lot of this archival stuff was done by students, and Kamehameha School students, and other volunteers.

Ms. Clark: So tomorrow morning we have a meeting with the board from the Friends of Moku`ula and we will again, formally request for it, but that's part of the problem. We can only cite it if we get it.

Dr. Six: And I can't give it to you 'cause -- so anyway. I just wanted to say -- I just wanted to thank you for your presentation.

Ms. Clark: So we'll collect it, and if we can get it, we'll -- but you know, obviously --

Dr. Six: I will write testimony.

Ms. Clark: Sorry.

Dr. Six: No, I will write testimony and give it to you based on this, but again, because they paid my company for the report, until I get their comment -- it's been informally submitted to the SHPD. I'm sure Theresa might be able to do something of that because of the changeover that went on there. But I would really like -- if you ever wanna consult with me, please, just, you know --

Ms. Clark: Absolutely. And we'll -- I mean --

Dr. Six: I'm totally for the project. So I just wanna make sure everyone understands that. I'm not here to cause problems for the project. I just want it to not be a big nightmare for you and the community when what I think is bodies are gonna pop out.

Ms. Clark: Right. And so again, we have a meeting tomorrow morning with them. We'll formally ask for it. And we'll see if we can obtain it. But it's hard to cite it when we haven't gotten it.

Dr. Six: Exactly.

Ms. Clark: And there was absolutely no intent on our part to not have you a component of it 'cause we've been actively for --

Dr. Six: I just kept looking. I just kept looking like --

Ms. Clark: I know but we've been talking to you for two and a half years so --

Dr. Six: Exactly. So --

Ms. Clark: Okay. Sorry.

Chair Osako: Gaylord, any comments?

Mr. Kubota: No, it's quite a surprise. I think I'm in favor of the project but it has to be done carefully and with due respect for Hawaiian values, the sacredness of the site, which means a lot of community consultation along every step of the way. And I'm not sure whether they've really fully consulted all those that should be consulted.

I noticed that they missed mentioning the stakeholder agency consultation. We had a meeting which I wasn't at on March 7th. They appeared before this Commission. And it's not even listed in their stakeholder agency consultation on Page 9-2.

Ms. Clark: Is it March 7th of this year or March 7th of -- ?

Mr. Kubota: March 7th of this year, 2013.

Unidentified Speaker: Oh, March?

Mr. Kubota: Yeah, March. I missed it. I was off-island so I missed the meeting. That's why I noticed it wasn't there. It's not even on there. I bring that to your attention.

Ms. Clark: Okay. Okay.

Mr. Kubota: Because I wasn't sure what the feedback was at that meeting 'cause I wasn't there. The rest of you would know. If there was negative feedback, I'd be very interested in that. They should respond to that.

Chair Osako: Right. That should be all in the minutes of that meeting. Owana, you have anything to say?

Ms. Owana Salazar: Yeah. Well, I really got a lot of the report. It's amazing, the amount of work that's gone in here. One of my first concerns was, okay, well, there's this 30-day review. Because how many people can really go through this and understand? How many years this took to put together? I mean, I heard years: 2003, 2000, and it's 2013 now. So is there any way or does anybody have this -- share this concern of mine? Should there be a little more time that the community and public can review this? I'm not against it, for it, but I think in the harmony and the peace of everyone who wants to, you know, be a part of it in any way that they can, perhaps a little more time because people have full-time jobs and maybe they couldn't get this all - 'cause this is ream of paper. And so that was one of my concerns. And I just don't know if that's at all possible to -- and if the people, tonight, there's a meeting, if they would like that. If it's something that the community would like to

see altered, you know, just so that they could feel more at ease and not such a, oh, hurry, hurry, and get the dictionary out, look up some words, or, you know, understand, and get a better breath and feel, and have time to comment. A lot of people are holding down two jobs and I don't know when they'd have time to write. They're trying to sleep so they can wake up and feed their families in the morning. I mean, you know, just down home stuff like that. That was one of my concerns.

Janet mentioned something about the equipment. I forgot what it was called but I know there's a page in here, I can't find it right now, I didn't mark it, where you wrote -- there was written out all this really supposed to be very excellent equipment that would be used. Is there any concern for the weight of that equipment when it goes on site? How much it weighs? I don't know. So that's a question that can --

Let's see. Oh, it's a personal thing. My name is misspelled. I don't know how that happened. I signed it many times. So maybe we can correct it for the final whenever it comes, what have you, but I was -- it's -- I noticed the -- I guess as a person who writes Hawaiian songs out, and, you know, communicates, and helps a lot of people with pronunciation, in these days, we have these okina and kahako. We have the diacritical markers. And when they first were being introduced to the writing of the Hawaiian language today, I was -- I didn't like 'em because I thought if we know what the sentence was saying, we don't need them. But as time went by, I realized someone who needs to have help pronouncing it, it's helpful. Then I came upon, what I call "diacritical happy" people. And there was okinas where they never belonged before in consonant instead of ...(inaudible)... people, this is where it belongs, you know. So -- but things like that. And I see it in names and even in one of the names of Kihawahine herself. I see because Kala`aiheana is now gonna be pronounced Kalaaieana. And I don't think -- I think it is Kala`a which means sacred and consecrated which is what she is. And one of the things I said in my testimony because I did give testimony to Cultural Surveys is because of what I was privileged and blessed to see that -- to have the word "was" and used to be "she is" and presence is there. And I wanna make that really clear where I stand with this. And I know a lot of people probably would agree.

So anyway, but with her name, Kala`a. And there's two ways the "e" can -- of iheana can be viewed. And I would defer to Makalapua, too, if she has any comment or thoughts of what I mean. "Ihe" is a spear, but the "e" is a lineage, the mahi's and the e's. And the correlation between the Big Island genealogies and Maui's genealogies is a very high ranking and sacred lineages, and how they went to Kauai as well. I don't wanna leave any island out. So in my estimation, Kala`aiheana. So that's the way I look at that time name because as the name was given to us from our ancestors, there were no diacritical markers. So we had to know our genealogy in order to look into a name and interpret and feel what the meaning is. So that was one area I thought was important to note and present tense was important.

For now that's -- you know, I haven't submitted anything in writing, but my testimony is in there. Oh, and one more question: Did you -- I saw -- this is really great, but did you folks also receive the copy of the crown and surveys that was done in the late 1800s to the beginning of the 1900s? I gave it out in one of the community meetings, one of the only -- said it was part of the vision group. No one in there knew it was a vision group, but it was called that. And at that meeting, I was present and I did give the map. I sent it out to Zeke and to -- I think it was the -- yeah, the Chair of the Board of Friends of Moku`ula. I shared it with Councilmember Elle Cochran 'cause she was at the meeting was well. I was depending on them to get it over to the A.C. So if you still need it, I'd be glad to send it to you.

Ms. Clark: Just to complete the circle, it's probably best to go ahead and send it to us.

Ms. Salazar: Yeah, Okay. I will hanahou that. But mahalo, and that's my comments for now.

Ms. Clark: Mahalo.

Chair Osako: Okay. At this time, are there any members of the public that may wish to comment?

Ms. Elle Cochran: Hi. Aloha. Nice to be here, Cultural Resources Commission Members. I'm Elle Cochran, West Maui County Council Representative. I came to pretty much observe, but have been very intimate, and following this project more closely recently, I guess, and learning of the past, where we are today, and where we hope to go in the future. And so, yes, I've been part of the supposed visioning meetings and been in dialogue with Athline Clark, and Friends of Moku`ula, and so on and so forth. You know, I just wanna put it on the record that very, very highly supportive of the vision of this entire project. And in any way, you know, I may be of assistance, great. I think there's a lot of need for accuracy, clarity, and what have you to go into the document, you know, and having it be feasible is of utmost important, and also the perpetuity -- the maintenance and perpetuity of this project and of the sacred area is so key. And I know it's a tall order and I know it's not gonna come easy. And obviously, there's even within our own, you know, Hawaiian community, we have the visions, and then we have the opposition. And it's sad, but that's just life. And that's what comes with the territory here. So I just wanna say that however this Body can assist in creating more of a unified voice to move this project in a positive forward manner, I am so supportive. And I see a lot of great minds here, a lot of great passion and heart and knowledge. A lot of ike that is brought forward here to better this community to move this project forward. So I just wanna quickly comment and thank you for your time. And I did see the document of a thousand pages. It's quite voluminous, but again, I believe that there's things that can be added, believe it or not, to the thousand

pages. So I just wanna say thank you, all, and here for questions, if anyone ...(inaudible)... Mahalo.

Chair Osako: Thank you. Anyone else? Annalise? Excuse me. I'm sorry, Bruce, you were gone, so do you have anything to say?

Mr. U'u: You know, I think Elle brought up some good ones at the accuracy part. And I think Owana brought up one about the timing of the 30-day period I think would be critical. And I think we need to be -- granted, this is a perfect time to bring it out because it is a draft. So I think we're at the right part of the right stage in the right game where this is just a draft. And to get the updated information like what they found in 2000, I haven't read. So there's new and always new. There'll continue to be new discoveries on this project. And not only to keep this but update this as you continually update the accuracy I think would be better information given. I think history is good history if it's right history. And I think that's the goal that needs to be here. If we going be talking about the history, it needs to be accurate history, and we can't miss important accuracies during a certain period of time, like in 2000, 'cause that would sway and change the whole vision of what happened. So I had a vision in mind when reading this, and with the new information that I got today, it changed part of that vision. So I wanna give the accurate vision to the people who pass this through. So that's my mana`o.

Dr. Six: Could I add one thing?

Chair Osako: Sure.

Dr. Six: Just because not everyone's an archaeologist, Athline knows this, but this site is considered important under all criteria by the State Historic Preservation Division, which is why Akoni Akana and Friends of Moku`ula came to the college to defray the cost to hand-excavate because they knew they couldn't bring in backhoes. And that's just on the island. So that's what we were doing. We were actually excavating right on the edge of the island. And so I just want people to understand it's a place for important personages. It's a place where important things happened in the past, clearly, the Mahele, and other things. It's a place that's alive in the future -- I mean, live and present and will be alive in the future. And we saw that working on the site--cultural practitioners coming there, making offerings, no cameras, no one watching. It's a living culture, so I just want to emphasize that.

And there was a reason that we went so slow. The community made us sift every bucket. We could not have more than three people excavating per one archaeologist present with a license. So we were constrained. It took us two and a half years to move 70 cubic meters, but we never disturbed any iwi kupuna. And I hope our knowledge that we have in our document, and I give my students a lot of credit for the work and discovery, will help

inform this restoration project, not stop it, but better inform it so that we don't have broken hearts from, you know, disturbing people that are at rest. Mahalo.

Mr. U`u: Just one another quick comment. I know certain things about the Hawaiian culture at times shouldn't be said for fear of people with mischief going in there and disturbing certain areas. So at what point do we cut off the camera? You know, it's just my -- because certain things doesn't need to be said or shouldn't be said but within -- without the world to know. And certain things, that's how you keep it sacred. It's sacred. It's not for everyone to know at times. So at what point do we say it's sacred and certain things on burials, so forth, where they're located, where they buried, where they are now, and what is made to be public? So I have a hard time delineating both when we on camera. And I just don't want someone watching to go niele someplace they no belong. And that's the fear I get when you bringing up, digging up. So at what point do we as a Commission say, eh, you know what? That's not pono, that part. We can say it or we can talk about it, but granted, we gotta respect it. But, you know, for the general public, because I don't know where we crossing that line because I heard some stuff you said, Janet, that maybe shouldn't have been said.

Dr. Six: I was reading from the Bishop Museum report.

Mr. U`u: No, I agree, and that's fine, but not the world to know. For me, it stays within you. You can tell us, but when you on T.V. or on camera, if it's being recorded, some things was never meant to be said to the general public. And please chime in on that because I'm a little lost.

Chair Osako: I believe that because this is a meeting that's open to the public, and that's the reason they have the cameras on now, but I'll defer to the Corporation Counsel to clarify that.

Mr. Gary Murai: I'm not sure what Commissioner U`u's saying whether we should not have said it, but it is a public meeting. By law, it must be open to the public.

Ms. McLean: If I could add, though? The requirement is that the meeting be open to the public and that minutes be taken. There isn't a requirement that the meeting be filmed. That's a separate contract the County has with AKAKU to film board and commission and Council meetings. So if there is -- if you know in advance that there is a sensitive topic, we can certainly coordinate with AKAKU not to film that particular meeting, but minutes would still have to be taken of the meeting, and it would still have to be open to the public.

Ms. Kanuha: And if I may? I was not gonna make a comment or say anything because I know we, in the past, spoke about Moku`ula and Moku -- Loko o Mokuhinia and the sacredness. And I understand what Commissioner U`u is saying is that some things are

huna culturally, but I also understand that documentation, data is educational. We need to keep those things on file and -- because sometimes when we -- or when we have information, then we can actually submit this information so that there's financial support so that we can create this, or recreate, or help to restore this project.

And I wanted to reach out. Mahalo for the diacritical marks. It's very important because you can totally be writing something in here that has a total different meaning to what the communication of the language is. However, I'd like to believe that the Corps of Engineers that they do have someone that is watching over or a support system that, you know, the olelo Hawaii and all the diacritical marks are in the right places so that the communication is correct. And that brings dignity to our kupuna, our kupuna iwi, and the continued blessings that follow every step of this project because as Commissioner U`u was saying that we want to do things that is pono. Pono is very important. It's not just a word but it's a lifestyle. And thank you to Commissioner Kubota is to constantly reach out to our makaainana and our people of that moku of that ahupuaa because some of the information that is not documented is then again is withheld within the people of that aina. So I just wanted to make that comment, which I wasn't gonna say, which I didn't have in the beginning, but I appreciate the passion that is around in this room, around the circle of people, and the support that we're getting from the County as Councilmember Elle Cochran was sharing is that, yes, after this is done, then what? The kuleana doesn't stop. And that is very -- like she said, that is the key is that we can create a house, build a house, but you gotta clean your house, and you gotta maintain your house, and make sure everything is pono. So mahalo for letting me speak.

Chair Osako: Are we done with this item, Annalise? Oh, just a minute.

Ms. Salazar: I just wanna revisit. And thank you for the comment from you, Commissioner U`u, because -- about the time, the time span for public comment and reviewing and comment. Can it possibly be lengthened to 60 days or something that would allow this Body to meet again so that we would feel -- I know I would feel more fulfilled in whatever vote would come forth from my chair when I know that the public has had ample time? So is there any way we can -- ? Is that allowable? I don't have that answer.

Dr. Six: Well, to me, to have this document continued to be reviewed with some pretty, this is my opinion, pretty glaring omissions wouldn't really be -- serve the community 'cause they're gonna have to then reread the new draft if you do indeed decide to include some of the work that my students and myself did. So I'm wondering if it might be better spent on a -- if they do decide to do a second draft based on community comment to have people -- 'cause there will be another draft, I believe, correct? Unless everyone likes this one? No?

Ms. Clark: There won't be another draft.

Dr. Six: There'll be a final?

Ms. Clark: Yes.

Dr. Six: Okay.

Ms. Salazar: The final she said would be with everyone's comment.

Dr. Six: Okay. Got it.

Ms. Clark: So the answer to that question can't come from me. I apologize, but the answer to that question has to come in dialogue with the County. That's not a question --

Ms. Salazar: The 60-day or the extension of the -- ?

Ms. Clark: Right, right. This is not something, you know, I mean, again, we're not -- you know, we're --

Mr. Murai: Why don't we address the Chair? Get the floor first, and then -- because we need to make sure we keep good minutes.

Ms. Clark: So there are some State 343 constraints to this process by law, but there are other ways that we can address that. And so -- but I am gonna tell you that there's the State 343 compliance constraint. But if the public comment period wants to be extended, it would have to be something that we would need to dialogue with our non-Federal partners on. We don't -- like I keep saying, none of this is made without them first. And so this is a joint process. And so we would have to have that conversation with them. I can't, I'm sorry, I can't say yes or no without reaching out to them.

Ms. Salazar: Understood. Thank you.

Ms. Clark: Yeah, no, I hope you understand, sorry.

Dr. Six: My problem is if I was a lay person, and I was reading this, and I didn't know about the burials and things that my research and archaeological reports have found, I might think this is a great project because all you're gonna do is disturb some pond sediments. That's the big concern here. You might disturb some pond sediments. And I might say yeah, this is great because I don't know about the other things that Bruce was concerned of and things that have come to light since the 1993 excavation in the 2009 to 2011 field work. So for me, my problem is, people are commenting on something that has glaring errors and omissions that would inform me because I think a lot of people might be interested and

think that that loko is a sacred portal and that there may be numerous kupuna there. So that's my problem with people commenting on this.

And I did feel like I was left out because my comments said that you guys needed to -- not you, but that it needed to be done differently. So I really, when I first saw that I was left out I said, well, it's because I didn't tell them what they wanted to hear when I met with their archaeologist. None of my concerns or comments were addressed in here at all, nor am I listed as a consultant. So for me, for this 109 agencies, I am horrified. I was shaking with rage when I first got here. I had to calm down because it's a slap in the face professionally, a slap in the face for the students and the college. And people are looking at stuff, and they're going, oh, this sounds pretty good without the subsequent additional information done by \$174,000 of in-kind donation from the Friends of Moku`ula. So that's my problem with this document.

Ms. Clark: E kala mai, Janet. Like I said, we haven't been able to get that yet so when we --

Dr. Six: Nobody -- I mean why didn't Kanalei -- Kanalei met with me. I told him specifically the concerns. I told him I could not give him the document because it was proprietary in the Friends of Moku`ula. And none of my concerns nor his meeting with me are in this document. And he is listed as your archaeologist. You didn't do anything. You didn't meet with me. You asked me for -- I mean, the ...(inaudible)... data a long time ago, and I never had the software to model it. But you haven't asked me for anything. No one's contacted me. I've never been invited to a community forum or meetings. I hear about them all the time and I'm just amazed that I'm just not invited. Because I'm not a stakeholder. I didn't spend two and a half years in the hot sun. It's not about me, but it's about me learning about that site in two and a half years from people who have lineal descendants there. I changed my ideas about that site. I just thought it was cool in 2009. I got a real education down there. And I really appreciated it. And I thank all the people that schooled me, and kept me, and held me accountable. So for me, I just wanna have the same thing. I wanna see good work being done. If your archaeologist meets with me, calls me, meets with me, ask me my concerns, and they're not in this report, I have zero confidence in the report. And the fact it went to all these agencies like it's a done deal and Hawaiian 206 is natural resources, and 106 is cultural resources, I can't separate the natural from the cultural here. If kane can be kou, how do you separate a plant from a god? How do you separate nature and culture if your older brother is nature? You can't separate it out in the -- I'm not Hawaiian. I'm Native American, but I don't understand how we can -- and I know the Federal government is, of course, isn't gonna get into the touchy feely aspects, but in Hawaii, we have different burial councils. We have different ways of dealing with these kinds of sacred -- these wahi pana and wahi kapu. So for me, I just -- to have this going and everybody reading it, it sounds great. It's just some pond sediments will be disturbed. And forget my report, what about Erik Fredericksen's 2000 report about the burials?

There's a lot of stuff missing. It's like 1993 is the last time anybody did any research at that site or '99 when Tracy Tam Sing did a little bit of research. So, I'm sorry, that's my comments. Mahalo.

Chair Osako: Okay. I guess the problem is, is that Friends of Moku`ula is not sharing your report. So if you say they have the proprietary rights, you know --

Dr. Six: What about Kanalei, their archaeologist, consulting with me for two hours and not even listing me as someone they consulted with, nor my company, nor list any of my concerns. My problem -- I get it. Friends of Moku`ula had a whole shakeup. Things got lost, or thrown out, or burned, or I don't know, right? I don't know. But I did meet with the Army Corps archaeologist in February and this report had been in September 2012. So I read from it to him. And I told him about my concerns. So when I got to the part of the consultation, I just figure I'd seen my name or Sixth Sense Archaeology. I'm not in there, none of my concerns. So my thing is I get the Friends of Moku`ula didn't provide them with the document. Blossom could not find it so I sent it to her, cc'd Theresa Donham to make sure that the State Historic -- I could lose my license for not being in compliance by not filing reports. So for me, my problem with the Army Corps, not Athline, is that Kanalei met with me, invited me to a meeting, asked me about it, and then nothing's in there. And I think that's a legitimate problem.

Chair Osako: Okay. Well, it sounds like it is a problem, but legally, I don't know, personally, about the information becoming public. I would have to refer to the Corporation Counsel, and he would have to make a suggestion there.

Mr. Murai: I don't understand your question.

Chair Osako: Well, she's saying that this report was proprietary to Friends of Moku`ula because they hired her. And for some reason, this report is not being --

Mr. Murai: That's not the Commission's beef. That's between the Commissioner and her private, you know, professional thing and her client. Nothing to do with us.

Dr. Six: What I would say is if you cannot get it from the Friends of Moku`ula, if they are unwilling to relinquish it, I would speak directly to Theresa Donham who's the State archaeologist for Hawaii at the moment who's very familiar with what happened.

Mr. Murai: Commissioner, I believe Ms. Clark has heard your comments.

Dr. Six: Okay. Thank you. Okay. Thank you.

Mr. U'u: Just one clarification. We commenting on as the CRC. That's all we giving is comments. And we going outside of that boundary of comments. So what I would rephrase was on the comment. The comment would be if you can extend it. That would be one comment from Commissioner Salazar. And the other comment, I think if you re-quote your comment to specify what you wanna do in a shorter version so they can get the comment, here's the time. So you not left out. This is a draft. So pose your comments, which is what we suppose to do as Commissioners, hand it off, they're gonna write down the comments, and react from there, but that's what we do accordingly. So my comment is if you can extend the period. If not, fine, but that's a comment. There's no voting issue here. Your comment should be get some information from you and that's it.

Chair Osako: Anyone else?

Ms. Salazar: We understand -- I'm understanding that this has to be agreed to by a State -- did I hear State 20 -- what was it?

Ms. Clark: The public comment period under the State Chapter 343 is 30 days.

Ms. Salazar: So that has to be seeing if that's possibly flexible?

Ms. Clark: Well, the -- go 'head, Michele. So I'm not counsel, sorry.

Ms. Salazar: State 3 what?

Ms. Clark: Chapter 343.

Ms. Salazar: Thank you.

Ms. McLean: And Chapter 343 outlines the process for EA and EISs. And there is a mandatory 30-day public comment period meaning you cannot go less than that. We would have to check, the County and the Corps together, is it optional for that comment period to be extended. I am confident that that's a minimum for sure, but I don't think that we would be prohibited from receiving and addressing comments received on the 31st day or the 32nd day. And whether we want to formally publicize that we're gonna keep it open for another 30 days and continue to address those comments, procedurally, we would just need to check that that's something that doesn't somehow disrupt our compliance with the 343 requirements.

Ms. Clark: And that, again, that's something that we'll have to seek more legal advice on and talk among ourselves. I can't say today if that's a -- it's not my call.

Ms. Salazar: Understood. Understood.

Mr. U`u: It's our comment.

Ms. McLean: And if I could also just to address some of what Commissioner Six's comments were, an environmental assessment looks at a project and looks at its potential environmental effects. And it looks at alternatives to the proposal and it looks at mitigation. And ultimately when the final EA is done, a finding of no significant impact is issued. And so what that final EA has to do is take in all the comments and redo all of its analysis, and reexamine the alternatives, reexamine the mitigation so that what's finally being proposed is a project for which a finding of no significant impact can be issued. And so if there is this additional information that's incorporated, they would have to look at again at mitigation. They would have to look again at alternatives in order to ultimately reach that decision. There have been occasions where draft EAs have been redone when there is a significant amount of new information or the project changes and so forth, and I think that's what Commissioner Six is advocating. But again, it would be up to the applicant, which is the Corps and the County together, to receive all those comments and decide can we address all of these and proceed with the final EA, or should we reissue a draft. So we would just have to cross that bridge when we come to it when all that information is obtained.

Mr. U`u: So who has the final vote on the FONSI?

Ms. McLean: I believe the accepting authority for this document is the Mayor's Office.

Ms. Clark: On the County side.

Ms. McLean: On the County side.

Ms. Clark: And for us it is our division, so it's the General.

Ms. Salazar: Could someone please define for me what exactly is meant by findings of no significant impact? Would that be you?

Mr. Murai: Not me.

Chair Osako: But that sounds legalese.

Mr. Murai: I defer to the department.

Ms. McLean: It's an important judgement call. State and County agencies process environmental assessments and EISs on a regular basis. And so it's looking at the document, and looking at the comments that were received to see that potential impacts were adequately addressed and --

Ms. Clark: Thoroughly analyzed.

Ms. McLean: And that appropriate mitigation is being offered. And so that the mitigation addresses those impacts to the point that the impacts are not significant.

Ms. Salazar: Thank you. Mahalo.

Chair Osako: I have another sort of legal question. So if Commissioner Six wishes to file a comment as a member of the public on her own, not at this meeting, say a written comment, is she legally able to do that?

Ms. Clark: Absolutely. Yes. Absolutely.

Dr. Six: Yeah, I was planning on doing that because that way I can summarize what I found without giving the proprietary report, but then I can still let them know, point them in the direction of some of the information I uncovered, which is, you know, a *Maui News* article talking about the filling of the pond, and then, you know -- but all the artifacts were given back to the Friends of Moku`ula. So they have all the artifacts and we did not analyze everything other than just that top layer of fill and found the bottles, but I'd be glad to share, and I definitely will be providing comments. Thank you for asking.

Ms. Clark: We'll forward to those.

Ms. McLean: If I may, Chair? We also discussed briefly prior to the meeting that Commissioner Six, because she was involved in her professional capacity with the project albeit not this document, as she's made clear, she is able to participate in the discussion, but when the time comes for the Commission to vote on comments, she would recuse herself.

Mr. Murai: Actually, Michele, if I may? I just wanted to point out that what we took into consideration was Section 12 -- Chapter 12-530-21 of the Commission's rules, Disclosure of Conflict, and what it says is whenever there may be a potential conflict by any member of the Commission, the affected member shall promptly make a full disclosure of that potential conflict. The member -- if the member has a direct pecuniary interest, in other words a financial interest, or a personal interest in the matter, and it sounds like the Commissioner does, either way, that they should consider not voting. But there's no rule that prohibits them, but it's probably just better practice to not -- to abstain.

Mr. U`u: So you're saying abstain from voting or abstain from commenting?

Mr. Murai: No, no, no. You can participate in the discussion.

Mr. U`u: But not the commenting?

Chair Osako: No, not the voting.

Mr. U`u: Oh, not the voting. Okay.

Mr. Murai: Not the voting on -- from my understanding is that the Commission is going to be trying to come up with comments that the Commissioners can say that, yes, this is a comment that was issued by the Commission. So there may be voting on what the comments might be.

Chair Osako: Anything else? No. Okay. At this point, are we going to review the comments?

Ms. Annalise Kehler: Yeah, I'm gonna summarize your folks' comments, and make sure I got everything, and then you're gonna vote on it, right? Okay. So --

Chair Osako: In just a minute.

Mr. U`u: Just for clarity, should we group it as a whole or vote on it as she brings up the comment?

Mr. Murai: That's something that you folks can discuss. And maybe if you wanna talk about it now, you can, or maybe hear what they are, and then decide.

Mr. U`u: I'd rather do it one at a time.

Ms. Salazar: One at time. Yeah.

Ms. Kehler: Okay.

Ms. Salazar: One at time. I agree.

Ms. Kanuha: And before we do that, kala mai, I just need to make this clear that I was actually asked to be one of the board of directors for board members for Friends of Moku`ula, and I accepted. However, it's still in the process. And I actually worked in Friends of Moku`ula. I was a director for Maui Nei, which is their for profit arm. But I also was a previous board member for Friends of Moku`ula in the early '90s, so I just wanted to disclose that. So should I recuse myself as well?

Mr. Murai: Well, Commissioner Kanuha, what the *Robert's Rules of Order* say is that if you have a direct personal or pecuniary, in other words, financial interest in the matter, then you probably should abstain from voting. So that's kind of a --

Ms. Kanuha: I don't know how to define personal because I think some of us and the people are very connected personally.

Mr. Murai: Well, I would define that as -- in other words, is your other obligations or relationships or other associations, would they cloud your judgement, or influence your judgement so that you cannot be fair and objective in acting as a member of this Commission?

Ms. Kanuha: Okay, I understand.

Ms. Salazar: Just a question about the -- you know, 'cause that's a past financial. There's no financial in present. It was a long time. Board members do not get paid, etcetera, so that part is --

Mr. Murai: And that's why rules -- there's two parts to the rule: financial and personal. In other words, personal could be something like you're so close to the subject that you cannot separate that out, and set aside your personal feelings, and be objective.

Chair Osako: Okay, then at this point, if two Commissioners recuse themselves then we don't have a quorum.

Mr. U`u: But she didn't recuse herself.

Ms. Salazar: Yeah, she didn't and she can be fair.

Ms. Kanuha: I can make a fair --

Chair Osako: Yeah. Well, then I think --

Ms. Salazar: I support that.

Chair Osako: We should ask you if you are or if you are not going to recuse yourself.

Ms. Kanuha: I am not going to recuse myself. Thank you.

Chair Osako: Okay. So we do have a quorum. Janet, are you gonna recuse yourself?

Dr. Six: Yes, I'm going to recuse myself.

Chair Osako: Okay. So we do -- we still do have a quorum. So, Annalise, I guess you can do your summary.

Ms. Kehler: One thing I wanna clarify before extending the public comment period, is that something that we can incorporate into our comments? It is? Okay.

Chair Osako: I believe so.

Ms. Kehler: Okay. So the first comment would be that we would like to see an extended public commenting period.

Chair Osako: Would someone like to make a motion?

Ms. Salazar: I'd like to move that we --

Mr. U`u: Discussion?

Ms. Salazar: Oh, are we gonna discuss first?

Chair Osako: Are there any objections to submitting for an extension of the public comment period? Any objections?

Mr. U`u: No.

Ms. Salazar: No.

Chair Osako: Okay. So that would be one recommendation.

Mr. U`u: So about the discussion part, can we discuss it? The discussion would be to what time? Are we just saying open or are we giving a definite time because the minimum is 30 days?

Chair Osako: I think there has to be a time.

Ms. Salazar: Well, tonight is the public meeting, and it would be to the benefit of the public, right, in general, as well as, you know -- so perhaps we can -- do we need to say today or can we -- how about 60, I think, is ample.

Chair Osako: Are you meaning total 60? Because the original 30 days ends at the 23rd. Or is it 30 days from the meeting tonight?

Ms. Salazar: What's the pleasure of the board?

Mr. U`u: Second.

Ms. Salazar: Sixty days inclusive of the 30? Okay. I think that's livable.

Chair Osako: Okay. It has been -- a motion has been made to extend the public comment period for 60 days. Are there any objections from the Commission? No objections from myself so that's the five votes.

Ms. Kehler: Okay. Another comment I got was to keep in mind that some things are culturally sensitive. That was something that I got that should be incorporated into the final.

Chair Osako: Are we gonna do 'em one at a time?

Ms. Kehler: Yeah.

Chair Osako: Okay. Anymore discussion about that?

Dr. Six: It's not just culturally sensitive. It's just important to understand that you cannot separate what's natural from what's cultural in Hawaiian culture. So you can't go this is a natural wetlands and this is a cultural island in the middle of the natural wetlands. It's a sacred, cultural, personified, and deified wetland. It is not natural at all. So I just wanna make that clear. And I am not Native Hawaiian. And I would defer to Native Hawaiians on the panel if I am incorrect in that statement.

Mr. Murai: Commissioner Six, maybe if you could restate that in the form of a comment or recommendation?

Dr. Six: I recommend that the wetlands be considered for their cultural and sacred value and not just seen as a natural environment to be restored.

Chair Osako; I have one question for Annalise. Was that concerning Commissioner U`u's concern of mentioning --

Ms. Kehler: Yes. Yes.

Chair Osako: Yeah, so we're talking about his concern of mentioning certain things.

Ms. Salazar: When you said when do you turn the camera off, right? That was -- what should be viewed by the general public and what should not be -- what should be valued to this point where --

Mr. U`u: I think I just brought it up to bring it up, not necessarily as a comment because that will be the exact opposite of what I was intending to do.

Ms. McLean: And that was also a comment that Commissioner Kubota made -- not to forget Hawaiian values and all of the technical and scientific components, as well as the archaeological --

Mr. Kubota: Right, the sacredness of the place.

Mr. U`u: Commissioner, you looking at adding that as a comment?

Mr. Kubota: Well, they should keep in mind always the sacredness of the site.

Mr. U`u: Second. I agree. It's lost sometimes.

Chair Osako: So is -- we still haven't come around about the cameras. And then we still have to get by the Sunshine Law that anything -- yeah, okay, so that's a comment. We're not making a --

Ms. McLean: So the language that you wanna vote on is to keep in mind the sacredness of the site. That's the comment? Okay.

Ms. Salazar: Can I add something to that? Because I feel like what I was saying about the present tense as compared to the past tense would be right in line with what Commissioner Kubota is saying as well. I feel like that's very much in alignment with that. So I'd like to -- you know, in the sacredness in the present tense of the site, the location, the wahi pana, ...(inaudible)... and thank you for wording that, Michele, well, putting it together.

Ms. McLean: So keep in mind the sacredness of the site and regard it in the present tense rather than past tense.

Chair Osako: Okay. Are we ready for the next item?

Ms. Salazar: We all agree?

Chair Osako: I guess we are.

Ms. Kehler: The next comment is being mindful of diacritical marks, and possibly consulting somebody to help get those correct to make sure that we're not putting the wrong words or the wrong meaning into the word.

Ms. Salazar: Place names. People's names.

Chair Osako: Any other comments here? I believe that is correct. A wrong diacritical mark or absence of a diacritical mark can change the meaning of the word.

Ms. Salazar: And when you're not sure, just leave them out completely, you know. I really -- I feel strongly about that because they were never in there to begin with.

Ms. Kahuna: So my comment would be to ensure that they have someone that understands -- I know we have so many professors that understand olelo Hawaii. And so my comment would be to ensure that they have someone who is there to oversee and just look through it to see that it's correct, maika'i.

Mr. Kubota: I would second that. I think it's phrased very well.

Ms. Salazar: Someone that -- May I, please, add a little bit to that? Understands the olelo makuahine, but also mo'o ku'auhau, the genealogies as well because that comes into the play with the name. If I may add that? Mahalo.

Ms. Kehler: The next comment is to incorporate some of the most recent studies and to be mindful of accuracy especially, with dates.

Dr. Six: Accuracy is important.

Mr. U`u: I think we should add a comment definitely that fits that. So anybody? To - I don't know - reach out to certain individuals with information about the area so we can be as accurate as possible. And also, update 'cause it seems like the studies end at this certain time but there's continued work on the site. So to update the -- this plan or this study. Or if you can rephrase it, fine.

Ms. McLean: Are you referring specifically to archaeological studies or were there other studies -- cultural?

Ms. Salazar: There's the Bishop Museum one that Janet mentioned in -- what year was that?

Dr. Six: Well, there was excavations in '93. Kleiger wrote the final report in '95 and published the book, *Sacred Island*, from that report in '99. The most recent archaeological stuff that I pulled up was the 2000-2001 excavations at Kam III School, which really turned the lightbulb on for me when I realized that these burials, the Bishop Museum could not have commented on because they weren't aware of them. So when I did my report, I looked at more recent work in Lahaina since that work and also looked at their comments. So I recommend that they take a look at anybody that's done studies there that might have new information to inform this draft.

Ms. Salazar: That sounds like the recommendation right there. Are you gonna list those in your comments that you're gonna submit – the ones that you're aware of at least?

Dr. Six: For sure public record is my data recovery plan and two interim reports. Those are public record. The only thing I can't really give out is the final draft, final report unless the Friends of Moku`ula, who we have a potential board member here, I'm sure, it can be disseminated.

Chair Osako: Next item?

Ms. Kehler: This one is about the consulting list. I believe it was mentioned that the meeting -- the Cultural Resources Commission meeting from March 7th is missing from the consultant's list and it should be included in the final.

Ms. Salazar: Here – page 9-2.

Mr. Kubota: Page 9-2.

Chair Osako: I remember us having that meeting and that should also become part of the record.

Mr. U`u: Yeah, we can put that as a comment.

Ms. Salazar: I have a question. I know there was a Vision Committee. I've learned that that's what the group was called. Are there minutes from those meetings? I know they were held at the Lahaina Center above the post office, but I just wonder if there's minutes from there, but that may not -- I don't see Vision Committee.

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

Ms. Salazar: Okay.

Ms. Kehler: The next one would be Janet's consulting firm is missing from the list of consultants as well and the field school.

Dr. Six: The college, you know, was part of the whole project. And then my company didn't -- my company was hired just to write the data recovery plan and the final report. And so I was involved in that way. And other than that, it was all through the college. And my little company is called Sixth Sense Archaeological Consultants and it's an LLC. So Friends of Moku`ula are very well aware of that. It's on the report.

Mr. Kubota: Actually, I think we covered that under asking them to get the most recent studies. 'Cause actually, you know, when you think about it, unless they incorporate the most recent studies, they can't possibly say that there's no significant impact, so they have to.

Dr. Six: That's my problem with getting even more time to review a document that's flawed. So I know I'm not voting, but I would like to see a second draft put out for 60 days with accurate information because as I said, if I read this and I didn't know, I might think this sounds good. And then if I -- Maybe not. Maybe I would have a problem with the new information, but other people might change their opinion of this based on some of that new information which is fairly compelling.

Mr. Kubota: What I'm saying is that when they do look at the information, I think they're almost gonna have to do a second draft because how can they possibly say there's no significant impact unless they adjust the mitigation, mitigation steps, like you were suggesting?

Chair Osako: From what I gathered from the conversation, there is no second draft. They do the final, but they're supposed to incorporate all the new comments and information into the final report.

Mr. Kubota: But Michele said in some cases there has been a second draft, right?

Ms. McLean: There can be, yeah.

Dr. Six: In this case for me, people will pay very good attention, read this, write a great comment based on this information. So for me, having comments on this, and then put it in a final report that's not available for public comment, then you're not gonna get the true public's feeling. I don't have a problem with this based on this new information or my opinion has changed given this. So I would like to advocate for a second draft. I know it's rare, but because there's two and a half years' worth of research missing, a 119-page final report with conclusions that have implications for the site, I would like -- that's my personal feeling.

Mr. Murai: Commissioners, I have a suggestion, if a Commissioner -- if the Commission feels that the comment should be that there should be a second draft, someone needs to make a motion, then we can discuss it. I know we're already kinda of launching into the discussion, but we should probably put the motion on the table first, and then have the discussion, and then a vote.

Mr. Kubota: I move that we strongly recommend that there be a second draft done.

Ms. Kanuha: And I second.

Mr. Murai: So that the additional information can be considered.

Mr. Kubota: Right, so that the additional information be considered.

Ms. Kanuha: And I second.

Mr. U`u: Now we can discuss.

Chair Osako: Are there any objections, Commissioners?

Ms. Salazar: No, not from me.

Mr. U`u: So are we discussing it now?

Chair Osako: Right.

Mr. U`u: My discussion would be that I could accept if they make one amendment to the draft, if they could amend the draft, not literally change the draft. But if you could add that new information into the existing draft, I'll be Okay with it. Is that what we talking about or --

Ms. McLean: Same thing.

Mr. U`u: Okay. Okay.

Ms. Salazar: Yeah, yeah, because I think this is really valid work here. It's excellent work. To bring in the other information, then we get to read another thousand pages.

Dr. Six: No, no, no, no.

Ms. Salazar: No, I'm just kidding.

Mr. U`u: Okay, I'm with that. Now we need a vote?

Mr. Murai: If the discussion is pau, you can vote. Mr. Chair?

Chair Osako: So don't we do all the recommendations first and then ...(inaudible)... ?

Ms. Salazar: No, we're voting on it one at a time.

Chair Osako: Okay, one by one, Okay.

Ms. Salazar: So this recommendation, did you write it up?

Chair Osako: I thought we did --

Ms. Salazar; No, not this one.

Chair Osako: Recommend -- or you mean change? That would be an amendment to the motion.

Mr. U`u: No, we keeping actually the original motion and the second, but we voted on the motion, because all we did is open up for discussion. So we just gotta vote on the --

Mr. Murai: My understanding is that what is presently on the floor right now that we've been discussing and is up for a vote is Commissioner Kubota's suggestion that a second draft be considered after all of the additional input is received. That's my understanding. That's my understanding of what we're voting on now. Is that correct?

Mr. U`u: Correct. Actually we supposed open up -- 'cause we open up to discussion.

Chair Osako: You're talking about an amendment now rather than ...(inaudible)...

Mr. U`u: No.

Mr. Murai: Well, I believe Commissioner U`u was saying -- his comment, well, he doesn't necessarily feel a second -- it has to only be a second draft. He'd like to also see that -- he could live with this draft being amended, but I don't think that's a formal motion. So unless Commissioner U`u wants to amend the main motion, we're voting on the main motion as stated by Commissioner Kubota. I hope I stated it ...(inaudible)...

Ms. Salazar: Yeah. Understood. Understood. Thank you.

Mr. U`u: Yeah, you did.

Chair Osako: Okay, then the motion was to extend the period to 60 days.

Mr. U`u: We did that one already. That was done.

Chair Osako: All done? So what are we voting on?

Ms. Salazar: The second draft. Amended draft.

Mr. Kubota: Based on the new information.

Chair Osako: Amended draft. Okay. So it has been moved and seconded that a second draft or an amended draft be done to include all the new pertinent information that is gathered during the extended public comment period.

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

It was moved by Commissioner Kubota, seconded by Commissioner Kanuha, then

VOTED: That a second draft or an amended draft be done to include all the new pertinent information that is gathered during the extended public comment period.

(Assenting: G. Kubota, M. Kanuha, O. Salazar, B. U`u, W. Osako.)

(Recused: J. Six.)

(Excused: K. Maluo.)

Chair Osako: Motion carried.

Ms. Salazar: Okay. I --

Chair Osako: Yes?

Ms. Salazar: In that event, then now if we're going to go 60 days from the release of this one from the 23rd of August, then we could run into potentially the same pilikea? No? Yes? Would it be upon the release of the new draft, can we go 60 days from there or 30?

Chair Osako: Well, they just said extend the period to 60 days so I think what that means is 30 days from the 23rd of this month.

Ms. Salazar: Alright. Okay.

Ms. Kehler: The next comment was that Commissioner Salazar's name is spelled incorrectly and that should be corrected.

Ms. Salazar: One of my middle names.

Mr. Murai: I don't think we need to vote on that. Probably spell her name for the --

Ms. Salazar: Yeah, just give them the spelling. That has to do with what we voted on as far as the consultations with mo`olelo and mo'o ku`auhau.

Ms. Kehler: Other than that, I think that was pretty much it unless any of the Commissioners have more comments they would like to add.

Chair Osako: Okay. Any further discussion?

Ms. McLean: So we reviewed a total of six comments? Okay.

Mr. U`u: Okay. Lunch.

Chair Osako: Sorry, Bruce, lunch isn't here yet.

Mr. U`u: Just checking.

Chair Osako: So shall we move on to the next item, the presentation, Item D with Erin and Annalise?

Ms. McLean: Annalise, do you think it would be better for you and Erin to do the presentation after lunch so it won't get interrupted? We can do some of these administrative tasks?

Ms. Kehler: Yeah. Yeah.

Chair Osako: Okay. We can do that.

Ms. McLean: Is that alright with you, Chair?

Chair Osako: Okay. Director's Report. First item, Status of Certified Local Government Projects.

E. DIRECTOR'S REPORT

1. Status of Certified Local Government Projects

Ms. Kehler: So currently, the County of Maui has two certified local government grants that are -- have been approved by SHPD. The first is the second phase of a translation project for Wo Hing Museum. The first phase was started by Stanley in 2009, I believe, and it involved an intense amount of research, and this phase is finalizing those translations into both English and Modern Chinese. The Chinese that are on the plaques -- that is on the plaques is apparently not easy to read and it's not used anymore. So it required a huge research team. And so they're gonna be finishing up that, and then finalizing the manuscript, which is a historic context for the museum as well as the Chinese immigrant population in Lahaina.

And then the second project is sort of the first phase for a larger project that will happen next year that involves the amendment of the National Historic Landmark nomination for Lahaina. And this project will basically be getting a comprehensive inventory of archaeological sites in Lahaina, of known sites, and that will help us bump up a number of significant sites in Lahaina so that we can keep our National Historic Landmark status.

- 2. October 3, 2013 CRC Meeting Agenda**
- 3. Lana`i and Molokai Meetings**

Ms. Kehler: And then the next item is the October 3rd CRC meeting agenda. And --

Ms. McLean: I'll jump in here if I can, Chair. We wanted to check the members' availability to go to Lana`i on October 3rd. And as the Chair has inquired a few times, we have not been to Lana`i for quite a while and we will have at least three applications. There was three houses on -- is it Fraser?

Ms. Kehler: Lana`i --

Ms. McLean: Or Lana`i --

Ms. Kehler: Lana`i Avenue.

Ms. McLean: Lana`i Avenue. The three houses that they've applied for a demolition permits, they've been presented to the Commission before. They had done all of the HABS mitigation reports. And I believe they're gonna propose reconstruction so they might have preliminary reconstruction plans for you take a look at. So we do have at least those three Lana`i items. So it's up to the Commission. We need to check your availability to go whether you wanted that to be a daytime meeting or an evening meeting. It really is up to your availability, and whether you wanted to do daytime or evening.

Chair Osako: Yes?

Mr. U`u: I'll check my calendar on that day just for sure, but I think for me, whatever will be better for Lana`i for the guys to comment or -- you know, I'm fine. I'm flexible.

Chair Osako: I'm glad this is coming up. Personally, I feel that an evening meeting would be better for the people of Lana`i. That way people that have a job can attend if they want to and comment if they want to. But if we have to do it as a day meeting, then a day meeting will have to be done. I just think that it gives more people an opportunity if it's an evening meeting. I'll be available.

Dr. Six: I'm available for either a day or evening.

Ms. McLean: Either way?

Ms. Kanuha: Either way.

Mr. Kubota: I guess either way. How we're going to arrange the transportation? Are we going by ferry or --

Mr. U`u: Canoe.

Ms. McLean: If it's daytime, we would go in and out by the ferry. If it's evening, we could go in by ferry and return by charter plane, or we could go both ways by charter plane. We just have to see how many people, how many staff, and figure out how we can get everybody there.

Ms. Salazar: What is ...(inaudible)...

Chair Osako: Oh, Lana`i. Lana`i. Will you be available on the 3rd?

Ms. Salazar: Third of October?

Chair Osako: Yeah.

Ms. Salazar: ...(inaudible)...

Ms. McLean: And we can also follow up by e-mail with members to get confirmation of -- 'cause daytime it would be really the entire day. It would take the entire day. The meeting itself probably wouldn't be all that long, but travel time and so forth.

Mr. U`u: That'll be including the site visits and any possible up and coming potential --

Ms. McLean: We are working with Pulama Lana`i on how we could appropriately put on the agenda discussion of future items, because if they're not applications yet, we're not really sure how we could post them, but we do wanna make the most of the time over there, so certainly site visits for upcoming applications, we'd need to try to see how we can get those on the agenda.

Mr. Kubota: If we go by air, it would be -- we'd have more time to do that rather than spending time transporting. Plus, also, by doing it by air, we can just leave our cars at the airport. We don't have to go all the way --

Ms. McLean: Understood.

Mr. Kubota: It'd be very awkward.

Ms. McLean: It's a lot more expensive for us, but oftentimes it's a better use of the time.

Mr. Kubota: Better use of our time.

Chair Osako: I think also depending on whether we hold the meeting during the day or in the evening, I think that we can arrange for some site visits. There's some archaeological sites that Pulama Lana`i has cleared in the immediate harbor area that are very visible, and I'm sure they're gonna be applying for some restoration permits at some point. And so that would be convenient, and I'm sure we can arrange for that. And then there's other places along the way or in town that you could visit, not that they're on the agenda, but the agenda items are right there, so we can see that.

Ms. Salazar: Question? I'm sorry I missed some of that.

Chair Osako: Sure.

Ms. Salazar: So all this is gonna take place on the 3rd only or --

Ms. McLean: Well, that's what we were asking members availability. And we also have Kahulu is missing today. I don't know if she'll be available. But to determine if you're available during the daytime or the evening so we can figure out --

Ms. Salazar: Which evening, the 3rd?

Ms. McLean: All on the 3rd, yeah.

Ms. Salazar: Actually I, at this time, I am not.

Ms. McLean: In the evening of the 3rd?

Ms. Salazar: Yeah. I have to, you know, give up work.

Mr. U`u: So you're available during the day?

Ms. Salazar: Yeah, it could be in the day unless we went the day before and had site visits, and then meet the next morning. I mean, it makes more sense to have site visits before we meet, yeah?

Ms. McLean: What time would you need to be back on Maui?

Ms. Salazar: My work is on Oahu that night. I'm singing at the Royal Hawaiian.

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

Ms. Salazar: Actually it's an Oracle event at the Royal Hawaiian. So as far as airfare and flying over, we should just call up Mr. Ellison and ask him if he would -- I mean, we wouldn't -- He has an airline. He has a hotel too. He's got a couple of them, right?

Ms. McLean: Okay. Well, we'll follow up and check on availability, check on the charter to see if it's available. We can look and see maybe if we can do a charter from Maui to Lanai, then you might be able to fly commercially from Lanai to Oahu.

Ms. Salazar: Yeah, yeah, that would be fine.

Ms. McLean: You could have a couple of hours during the day. Okay. We can follow up.

Ms. Salazar: I can reschedule my gig for the second, but the 3rd would be very difficult, and I'd really like to go. It's incredible work.

Ms. McLean: And if the 3rd doesn't end up working, is there another day that --

Mr. U`u: What date is the 3rd?

Ms. McLean: Thursday. It's the same --

Chair Osako: That's the regular meeting day. So the only one that isn't present is Kahulu.

Ms. Salazar: Right. So right now we're considering if we went over on Tuesday and looked at all the sites ...(inaudible)...

Ms. McLean: No, we would just go for a full day on the 3rd.

Ms. Salazar: Full day.

Chair Osako: So I guess that would be dependant also if we can get a quorum, right?

Ms. McLean: Okay. Well, we'll pursue options for the 3rd and we also need a meeting space. There are a number of logistics that we need to follow up on. So we'll see if that works, and if it doesn't, then we'll propose some alternative dates just by e-mail.

Ms. Kanuha: And being that I live in Lahaina, I'll probably be catching the ferry over.

Ms. McLean: Okay.

Ms. Kanuha: I'm okay with that.

Mr. Murai: Mr. Chair, why don't we take a recess?

Chair Osako: Okay. We'll take a recess. When do we expect lunch or is it here? Okay. Well, we can take a recess from -- we'll see when lunch arrives. We'll do what? Yeah, we'll do a ten-minute break and see if lunch comes.

(A recess was taken at 12:20 p.m. and the meeting reconvened at 12:57 p.m.)

D. PRESENTATION

- 1. ERIN WADE and ANNALISE KEHLER, Small Town Planner and Cultural Resource Management Planner, Maui County Planning Department, presentation on the sign and design challenges and opportunities in the Lahaina Commercial District.**

Ms. Kehler: So today, Erin and I are gonna be presenting challenges and opportunities in historic Lahaina. And we're also gonna introduce our plan to revamp the design guidelines for the district over the next year.

So Lahaina is a National Historic Landmark District. And an NHL is the highest tier of cultural property designations in the U.S. Landmarks differ from properties listed in the national register in that they are nationally significant whereas national register properties are generally of state and local significance. And the benefits of being in an NHL District include national recognition of Lahaina's cultural and historic significance, opportunities for Federal historic preservation tax credits, and opportunities for heritage and tourism.

The boundaries of the Lahaina NHL are shown here in brown. And for the immediate future, our project will focus mainly on the commercial districts along Front Street, which lies in a smaller County District No. 2 shown here in green.

One of the major challenges in Lahaina is incompatible and un-permitted improvements to historic buildings and insensitive new construction. These changes are impacting Lahaina so much that the Park Service listed the NHL as threatened in 2008. These changes are severely impacting the integrity of historic buildings and the district as a whole.

Another challenge in Lahaina is the promotion of the town as a mid-19th century whaling town by the tourism industry. Although we did have a whaling period in Lahaina, none of the buildings on Front Street, on the Front Street commercial corridor, date in that period.

This issue is further complicated by the Architectural Style Book for Lahaina, which is one of the only guidance documents currently adopted by the County Code for new construction and improvements in Districts 1 and 2.

This document promotes the addition of historically inaccurate details to plantation era buildings and new construction. It also illustrates building heights which would've never existed in Lahaina, and were instead more likely to have existed somewhere on the East Coast.

Potential implications of losing NHL status include an increased loss of historic buildings stock, a loss of the local heritage and feeling, alienation of our local population, increased difficulty in obtaining historic preservation tax credits, and a loss of opportunities for authentic heritage tourism.

The following images are of windows and doors that have been inappropriately altered. Along Front Street, it is very common to see original single, double, or four light windows replaced by multi light, colonial-inspired windows. It is also common for original openings and fenestrations to be completely replaced by a solid mass of accordion doors. Transoms are often boarded up or replaced with period and style inappropriate colonial ...(inaudible)...

So this slide shows some more bad windows, many of them are vinyl, and, generally, in historic districts, synthetic materials should never be used. They impact integrity and they just -- they change the whole feeling of the building. And again, in this slide, you can see that there are more multi light windows. And there's also a pattern among jewelry stores where original windows are swapped out for these multi sided, display-type windows. And then the two images on the bottom right of the screen demonstrate the addition of inappropriate window surrounds. This angular detail at the corner is not something that would've been original to these buildings and they were most likely added between the '70s and '90s.

This slide demonstrates the application of period in-style inappropriate detailing. Although some decorative mill work was present on a select number of buildings in Lahaina in the early 20th century, it is not appropriate to apply it to a building that never had it originally. The Lahaina Inn is a prime example of this. The gingerbread molding and decorative brackets never existed on this building originally and they were added sometime in the '80s. This creates a false sense of history. Many buildings feature whaling-related figurines and statutes which create or perpetuate that Main Street Disneyland feeling. Nearly all lighting fixtures along Front Street are from the wrong historical period as well.

These images represent materials that are inappropriate for the historic district. Engineered or synthetic material like T1-11, aluminum, or vinyl siding should never be applied to historic buildings. This diminishes the integrity of the building and could

potentially harm the materials it is covering. Brick veneers or any other type of veneer is not appropriate for historic buildings. The historic building material should be visible whether it is wood, concrete, or CMU brick.

These images show incompatible in-fill along Front Street. It is generally inappropriate to imitate a historic building style. New construction should be distinguishable from historic yet fit the scale and pattern of the streetscape.

Here you see several imitations of historic building styles done on the East Coast as well as a few copies of plantation commercial styles. Both the Wharf Center and Mariner's Alley are way too monolithic when compared to the rest of the buildings on Front Street.

The following five slides demonstrate the evolution of historic buildings on Front Street over time. Many of the buildings have experienced window alterations, boarded up transoms, and the addition of period inappropriate detailing.

This slide shows 752 Front Street around 1960, 1970, and then in 2009.

This slide shows the evolution of 724 Front Street over time. By 1970, the top transoms have been boarded up, and the windows and doors were changed out. By 2009, the cladding material was changed to T1-11, the parapet had been altered, and the windows and doors were changed out again. The effect is a Disney-like version of the original.

This slide shows the transformation of 707 Front Street over time. This is the last retail space in a long concrete commercial structure across the street from the Baldwin House. This is a perfect example of extreme fenestration alteration. This is the most altered storefront in the whole building. And the top and bottom transoms have been boarded up. The entrance has been moved from the left corner to the center. The doorway has been widened and replaced with accordion doors. In the original, four light windows have been replaced by two multi light, double-hung windows.

This slide shows 711 Front Street in 1970 and then again in 2009. The parapet has been elongated, and the doors and windows have been widened and replaced with period, inappropriate, multi light windows and doors.

This is the Lahaina Inn on Lahainaluna Road. It was once known as the Lahaina Trading Company and used to operate as a general store. None of the original windows or doors exist on this building. Every single opening has been altered. And period inappropriate decorative wood work has been applied to the building including the brackets, and molding, and the vents.

This slide shows the evolution at 730 Front Street over time. Between 1920 and 1970, the bottom windows and doors were altered. Four and six light display windows have been swapped out for shorter plate glass windows. And by 2009, the building had been split in half, and the top and bottom windows and doors have been severely altered.

The next three slides are photos of buildings that have been demolished and replaced between 1970s and '80s.

The new design guidelines we will be working on will help direct new construction and improvement activities in the commercial section of the Lahaina NHL. The Architectural Style Book for Lahaina which is currently the only real form of guidance for construction activity in the district is outdated and further promote the whaling theme. The design guidelines that were contracted out to an architectural firm in 2003 were a good start and presented good ideas, but the document contains grammatical and factual errors. It is not user-friendly, and skips the discussion on sign design guidelines, which is an important issue in the commercial district. Erin and I will take the material from the 2003 guidelines, and correct it, and present it in a manner that is easier for the lay person to understand and use. We will be using the format from the recently completed New Orleans Design Guidelines as our organizational inspiration. And that's the end of the presentation.

Chair Osako: Is there anyone from the public that would like to make a comment?

Mr. Murai: The one public says no?

Chair Osako: Commissioners?

Dr. Six: I'd just like to say something. I know that we'd talked about getting together to redo the sign guidelines, so perhaps our working group -- we put you on that day, you weren't here ... (inaudible) ... with Stanley's and Erin's so maybe kind of -- so we're not going down, but I just wanna say I did a T-shirt in 1979 called "Lahainaland," with the Disneyland castle, and at a later dig going with another one with Mickey Mouse and the first sailor. So I like that you're on to the fact that they're turning us into a little bit of a Disneyfication. And so it's nice to see that there's some -- being held accountable. I also know that Park Service is giving the State Historic Preservation Division a very hard time and threatening to withhold funding because -- so it'd be nice to see us to get more in compliance. So I'm really -- if I can help at all with my training as an archaeologist or historian, please tap me as a resource. Thank you.

Chair Osako: Anyone else?

Ms. Salazar: Yeah, I do have. Yeah, I've been driving around Lahaina and feeling like I'm in Disneyland. And there's such an inconsistency. It's confusing. I do wanna commend

the -- or let you all know that Pioneer Inn has complied almost instantaneously. It's all done over there.

Oh, yeah, while I was listening to the presentation, I think -- well, I'd like to suggest that we consider, too, the people who own the property, because the storefronts, the stores, are -- somebody has to allow them to do this. And as a property manager myself, someone who rents or leases, there's probably stipulations in there that say you have to get permission from the landowner or your landlord in writing in order to make any changes to a building, let alone what is historic. So perhaps the landowners themselves need to be really apprized and held accountable for what, if anything, has been allowed to change, you know, as well.

And back when we used to come in the '70s, I never saw this many stores. So it was like the stores got so divided in half so that they could rent more spaces out. So again, commercialism and all that, that becomes part of the decision-making much to the dollars and cents. It don't always make sense. So I'm concerned about that part. Just to bring that up. I'm thinking property owners. And then did they not have to get permits? This is anything above three feet off the ground. Those are major renovations.

Ms. Kehler: A lot of things happened un-permitted especially, on Front Street. That's one of the major problems is that things happen overnight and we don't have control over what's going on.

Ms. McLean: I'll add to that. There are also some changes that don't require a building permit, for example, but they still are supposed to comply with design guidelines. So if there's not a building permit trigger, there might not be an opportunity for us to comment and explain what those design guidelines are. So we, from time to time, we'll go and do outreach, and not cite people, but give them an opportunity to correct it. But certainly, there are -- there have been a number of examples where permits should have been obtained and were not.

Ms. Salazar: I have one more question. I noticed about a couple of things here, but what kind of enforcement is available? What happens if someone doesn't comply? You don't know?

Ms. McLean: Countywide, our enforcement is complaint-based. And so if we receive a complaint or an inquiry, then we will go and inspect it, and issue a notice of warning giving the person the opportunity to correct it. And then if they don't, then we can issue violation which has fines associated with it.

Ms. Salazar: Okay. So the process is when they did the violation, they get a cite --

Ms. McLean: They get the notice first.

Ms. Salazar: Then they get to redesign and come to us like we did with Pioneer Inn?

Ms. McLean: Right. Exactly.

Ms. Salazar: Yeah, and they complied with us. We need to get those citations out there.

Ms. Kanuha: And, you know, as a -- If I may? As a community -- as a voice in my community, you know, I pick up my coffee, and I go to Starbucks, and walk down Front Street, and this is like 6:30 in the morning. And I generally take pictures with my telephone because if I don't -- I have questions like is this in violation or is this not? So I understand about the enforcement, but as community members, I not going wait till somebody comes down there because especially if I know and I understand, or if I have a question like I wonder if that is in -- you know, is it aligned or is it in violation? So then again, I go and take some more pictures because I have some more questions. So after we pau over here, I going sit with Anna. I like you tell me if this is Okay or not.

Ms. Kehler: Okay.

Ms. Kanuha: Yeah? So and if you need one extra body, I live Lahainaluna, so it doesn't take me much. I like taking my dog walking down Lahaina Town. But I think it's a community effort as well. As a Commissioner, it's our kuleana as community members. If we wanna continue on to see these things to continue on to perpetuate and do what our Commission is, is to protect, preserve historical places, districts, buildings, signs to make sure that everything looks that -- has that look so that we're able to get funding and be classified as a historical district. So I just wanted to make a comment. Kala mai. I feel better now. Now, I know why I took the picture.

Dr. Six: Could I?

Chair Osako: Yeah, go ahead.

Dr. Six: I just have a question. I know this isn't the purview of this board right now, but I noticed that they have historic districts, the brown line. It's gone. And it seems awfully arbitrary. It seems to start it -- you know, important haole buildings, and it stops, like the Seaman's Hospital. And what I was surprised to find is David Malo's homestead, Mala Wharf, and ...(inaudible)... Fish Pond, and all of that historic lies outside. So I just wonder, you know, maybe we should re-look at drawing the line at some point, not this Commission, but the County.

Ms. Salazar: No, we can. We can. That's part what this Commission recommends.

Dr. Six: 'Cause I could never understand. I was writing a response to some work they wanna do at Kahoma -- Well, it's outside this ...(inaudible)... And it just seems so arbitrary that they drew the line at Seaman's Hospital. And a place like Alamihi, the burials, David Malo's ...(inaudible)... is just not, and this is a leading historian in the State. The property is not considered historic. I know the building's not there, but many -- I think in Lahaina like Moku`ula you don't see them anymore, but they still have the significance. So that's just something I have a personal -- wondered if it's something we could do.

Ms. McLean: There are a couple of related things to that, as Annalise had mentioned earlier, doing the inventory of archaeological as well as architecture. And because the NHL was threatened because so many -- there are so many buildings that are not significant that are currently situated within that national designation, we wanna propose modifying the national boundary so that it really contains everything that it should and doesn't contain the things that it shouldn't. At the same time, we want to propose that that same new boundary also be the boundary for the County Lahaina historic district, and just have one County historic district instead of District 1 and District 2 when all the uses and restrictions are the same. Make it one district with the same boundaries so --

Ms. Kehler: Same enforcement, yeah.

Ms. McLean: And that would be obviously come before this Commission.

Chair Osako: And this morning I saw -- it really wasn't a sign. It was more like one of those banners that was on the front of a building on Front Street. It said "Space for Rent." So I guess if you don't have enforcement people around --

Dr. Six: And all those little folding signs, too, are out of control. Going down Front Street is like -- You know when we had this discussion a couple of meetings ago, it's pretty -- I don't recognize -- I've only been here since '78 and I don't recognize ...(inaudible)...

Ms. Salazar: It's like with the high rent over there it has to be treasures or trinkets. And that's how they -- you know, it's scary.

Dr. Six: But I think having a comprehensive new guidelines so any new tenants, or landlords, or people buying in there know what they're getting into like the Pioneer Inn. They won't come here and go, well, the Best Western will pull out. No, you won't. If you wanna operate in a historic district, these are the guidelines. And by having new clear ones, because I agree both are -- the signage one from the '60s need a revamp. This one from 2002, I was just flipping through it, we need to revamp. So I really wanna commend the work you guys are attempting to do to hold people accountable because I think a lot of us avoid Lahaina because it's lost so much of its charm.

Ms. Salazar: The process seems to be very slow. And I'm not complaining in any way. Everyone's working really hard to do their job. But can we help make a difference at how soon a citation can go out? How can we assist? If we know something is in, you know, and then try to get that process going. And then we'll have -- Because when we looked at this issue earlier on with the store, the shave ice place, and Pioneer Inn, boy, I could see the years coming ahead if we was only gonna get two in three months. So -- and I have been looking at Lahaina with different eyes since learning these things becoming more enlightened to them. So is there a way we can help that process?

Ms. McLean: Again, our enforcement is complaint-based. And so if you have -- Two ways that you can do it. There is an online system through the County website. It's called a "Request for Service." And if you have photos or anything like that, you can give an address, or description. And that goes into a central system and gets assigned to the appropriate department. So we could follow up that way. If it's more of a question, you're welcome to just e-mail your question and your photos to Annalise, and Erin, and me. And then we can follow up from there and answer the question. Then if we do believe there's a violation, then we can take it from there.

Ms. Salazar: Okay, so --

Ms. McLean: But we just don't have the manpower to go out and proactively do it. But let's say we do have a violation in Lahaina and an inspector goes out, typically if they see sandwich boards, they'll pick 'em up, walk inside the store, and say you can't do this. So it's not as if they just walk in the area like that.

Dr. Six: ...(inaudible)...

Ms. McLean: No, and our inspectors have intentionally gone back and done the same thing like, hey, I gave you one shot, you know, next time you're gonna get a violation.

Ms. Salazar: Okay, so make sure I understand it clearly and so that -- the camera's still facing over here, so everybody can go on the Maui County website, look for "Request for Service." And if you have a complaint about too many signs or -- Are the guidelines currently available on the website, Maui County website that people can refer to?

Ms. McLean: Yes, yes.

Ms. Salazar: They are? Okay. We will be refining the guidelines so that they're easily, more easily read and understood in unification, unified. So go online and check it out. Very good. Mahalo.

Mr. U`u: I know part of the complaints where it wasn't as clear, the design guidelines. So I know the process is in works. And maybe after we're done with the process of the guidelines, it should be mailed out to each of the property owners in Lahaina because people are saying it wasn't reflective of the true time period of Lahaina. So even though we going base on the design guidelines that's current, we might be switching the design guidelines as a whole to reflect the true Lahaina. So maybe it would make more sense to, you know, get out these design guidelines, the new upcoming, proposed guidelines, and mail it to the owners. And then at the time you send 'em out, potentially give 'em one timeline of you ...(inaudible)...

Ms. Salazar: Compliance?

Mr. U`u: Compliance, yeah.

Ms. Kanuha: I had a question. What is the specific timeline for the true Lahaina because we could go way back?

Ms. Salazar: Wouldn't that be when it got designated as the national?

Dr. Six: I think it's a legitimate question for ...(inaudible)... They did some nice designs. They were gonna try to make all Lahaina this walking district and this park of Moku`ula, parts of Mokuhinia. When I saw that, the 1963 document, I was -- I wished they would've done that at Lahaina. They were trying to have more of a Hawaiian feel.

I think what I got from Annalise and Erin is that what would be more authentic because it's very hard to go back ...(inaudible)... plantation as opposed to whaling. Whaling had about a 20-year window. It was the genocide of a species ...(inaudible)... drunks, debauchery. There's a lot of people here in this room may have just the plantation roots. We have native Hawaiians here, but we also have people that probably were here was tied to the plantation. So I think that's more reflective of a local culture. And if you need a blending, always you have layers and layers. You gotta have ...(inaudible)... for the native Hawaiians, Moku`ula, Mokuhinia, but you gotta make room for those that came after. But at the same time honing it to whaling -- in the 1970s, they got rid of whaling day. Get it out of there because it was a bad use of, you know, promoting something that really was not very --

Ms. Kanuha: I just wanted to -- you know, I mean, you get everything that's in order. If -- something that the Commission can think about is maybe we can just take a stroll down Lahaina Town.

Ms. Salazar: Together, yeah?

Ms. Kanuha: Together and just visit, you know, and get some -- to get the feedback. It's this or is this not? Site visit.

Dr. Six: Maybe before we go to Lanai on the ferry ...(inaudible)...

Ms. Salazar: ...(inaudible)...

Ms. Kanuha: I need ...(inaudible)... of what the next meeting going be like. Thank you.

Ms. Salazar: Also, there's -- well, we will find the new carvers of wooden images at a few locations on Front Street. So we have -- it's gonna be fun.

Chair Osako: ...(inaudible)...

Ms. Salazar: No, they're not -- definitely not in compliance.

Chair Osako: Just too many things.

Ms. McLean: It would depend on whether it's private property or public property.

Ms. Salazar: Yeah, right.

Ms. McLean: So private property, I believe ...(inaudible)...

Ms. Salazar: Yeah, if you're on the sidewalk or within the storefront.

Ms. McLean: And it's hard to say sometimes -- you would assume that sidewalks are all public, but not always. Sometimes they're still privately owned, just how the property boundaries were drawn.

Ms. Salazar: So again, it's complaint-based and -- understood.

Dr. Six: It's time for some new design guidelines. I think that's gonna be really good for the signage. And then I think it's easier to hold people accountable. It's very clear and hope everyone's on the same page.

Ms. Salazar: At the meeting, we were talking about who would be from this Commission to visit the guidelines. I do know that Commissioner Kubota and Commission Kanuha weren't here, but we -- I know that both of you were put on that. We requested -- you were volunteered 'cause you ...(inaudible)...

Dr. Six: Yeah, because Lahaina and historian, Lahaina and historian, and we thought it would be a good ...(inaudible)... plantation, obviously, background. I first met Gaylord, you know, when I got here in ...(inaudible)...

Ms. Salazar: And all the museum history.

Dr. Six: Plantation museum. We thought it would be a good blend and we could maybe come up with some recommendations.

Mr. Kubota: I know nothing about Lahaina signage, let me tell you, 'cause I lived on this side, and in those days, you went to Lahaina once a year maybe.

Dr. Six: But just some of the colors and things. You missed the meeting. I think you were on vacation, but the woman made a very good point that we see black and white photos, but they actually had blue and red lettering. And so even the memory of Pa`ia, Pu`unene, I mean, just anything to inform. And just historical photographs just to show they used to paint on the windows. We don't let them do that. So we thought about revisiting some of the traditional ways that they were and get rid of the sandblasted, whaling, '70s kinda -- and maybe make it more look like historical buildings. And I thought of you not so much of a Lahaina expert but more of a plantation person with perhaps knowledge about the archives and some of the -- the way the buildings might've looked.

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

Ms. Salazar: Is there a motion being made? Second.

Dr. Six: Thank you. It was very informative.

Ms. Kehler: Thank you.

Dr. Six: It's nice to see the timeline like that. You can see them like kinda real time.

Ms. Salazar: That was great. Can you forward that to our ...(inaudible)... ?

Dr. Six: It makes for a compelling argument for change. You can see the change in that. Thank you for putting that together.

Ms. Salazar: I'd like to share with you. One time I was walking through Lahaina and I ran into one of the property owners there. And one of the questions that was asked to me was, oh, if they would -- remember the side of the wall that got painted with the mural? Not mentioning any names.

Dr. Six: Wyland.

Ms. Salazar: Okay. And they asked, oh, when are you guys gonna allow that to happen? I said we're not. We're not. You're not? No. But they got -- So I was -- my -- I'm bringing forth is really weird. We're gonna be dealing with property owners, landowners that want to see Disneyland there. They don't quite understand, but can be educated.

Dr. Six: They have Fred Flintstone now. You seen Fred Flintstone in the ...(inaudible)... Have you seen that Fred Flintstone mobile with the ...(inaudible)... ?

Ms. Kehler: Well, I -- actually, the other day I was on Front Street and it's not there anymore.

Dr. Six: Totally appropriate ...(inaudible)... It's Bedrock. So, yeah, the Disney ...(inaudible)... gotten a little bit out of control. We thought it was bad in the '70s when we were making T-shirts, you know. Definitely a little bit of change.

Chair Osako: Is there a timeline for the sign committee to come up with something?

Ms. Salazar: The sign committee? You mean the guidelines committee?

Chair Osako: Yeah, sign guidelines committee.

Ms. Erin Wade: Hello?

Ms. Salazar: Yes, Erin?

Ms. Wade: Hi.

Chair Osako: Or a target at least?

Ms. Wade: I'm Erin Wade. We are hoping to get you a draft for the November meeting of the sign design guidelines, and meet with the committee prior to that. So if we can get -- oh, and this would be just for the sign section, but we wanted you to be aware at this meeting that we're thinking of this now as one set of design guidelines and not two separate things that don't work together, which is what we kind of have now. So the sign design guidelines would be a chapter essentially, and would be a first start, but it would also be a way for us to kind of test run the format for the next chapters to come in the design guidelines. So if we could have some time in October, pull the committee together to review and pre-draft kind of a thing, and then provide a draft to the committee in November I think that would be our goal.

Ms. McLean: And I would really like to recognize Erin and Annalise. We did have a consultant prepare proposed revisions. And it certainly would've been easy enough for them to make a few cosmetic changes and pass them along, but they looked at it and said, no, we really need to make some changes to this. They just couldn't work with it. And they were willing to take on the time and the work to make it what it needs to be. So hats off to both of them.

Dr. Six: Yes, thank you.

Ms. Salazar: Thank you.

Chair Osako: Okay. Anything else on the presentation or the signs?

F. COMMISSIONERS' ANNOUNCEMENTS

Chair Osako: Okay. In that case, Item F, on the agenda, Commissioners' Announcements. Any announcements, Commissioners?

Mr. Kubota: I have one comment. I noticed that in the code that was finally passed, the definition that we defined for "cultural resources" was added in word-for-word. So we succeeded in that.

Chair Osako: Okay. No announcements.

G. NEXT MEETING DATE: October 3, 2013

Chair Osako: Item G is the Next Meeting Date: October 3rd 2013. And I guess once we find out if we have a quorum, we'll decide whether it's going to be on Lana'i.

Dr. Six: ...(inaudible)...

Chair Osako: So anything else, anyone?

Ms. Salazar: Thank you so much.

H. ADJOURNMENT

Chair Osako: Do I have a motion?

Mr. U`u: Motion to adjourn.

Ms. Kanuha: I second.

Chair Osako: Any objections? Okay, meeting is adjourned.

There being no further business to come before the Commission, the meeting adjourned at 1:33 p.m.

Respectfully submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards & Commissions

RECORD OF ATTENDANCE

Present

Warren Osako, Chairperson
Makalapua Kanuha
Gaylord Kubota
Owana Salazar
Janet Six
Bruce U`u

Excused

Kahulu Maluo

Others

Michele McLean, Deputy Planning Director
Annalise Kehler, Cultural Resources Planner
Erin Wade, Small Town Planner
Gary Murai, Deputy Corporation Counsel