

**CULTURAL RESOURCES COMMISSION  
REGULAR MEETING  
MARCH 6, 2014**

*\*\* All documents, including written testimony, that was submitted for or at this site inspection 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 10:17 a.m., Thursday, March 6, 2014, 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).

**A. CALL TO ORDER**

Chair Warren Osako: The March 6, 2014 meeting of the Cultural Resources Commission is now called to order.

**B. PUBLIC TESTIMONY** - At the discretion of the Chair, public testimony may also be taken when each agenda item is discussed, except for contested cases under Chapter 91, HRS. Individuals who cannot be present when the agenda item is discussed may testify at the beginning of the meeting instead and will not be allowed to testify again when the agenda item is discussed unless new or additional information will be offered. Maximum time limits of at least three minutes may be established on individual testimony by the Commission. More information on oral and written testimony can be found below.

Chair Osako: At this time, if there is anybody that would like to testify on any of the agenda items, if you do so at this point, you will not be able to do it when the item comes up. Anyone need to testify now? If not, we'll go to item C, Resolution Thanking Outgoing Commission Member, Makalapua Kanuha.

**C. RESOLUTION THANKING OUTGOING COMMISSION MEMBER –  
MAKALAPUA KANUHA**

Ms. Michele McLean: Thank you, Chair. I'd like to read the Resolution, Resolution of the Cultural Resources Commission:

Whereas, Makalapua Kanuha has served the County of Maui since July 2009 as a member of the Cultural Resources Commission; and

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

Whereas, Ms. Kanuha's term of office expires on March 31, 2014; now therefore

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

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

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

And we also will be circulating this for signature of all the Commissioners as well as the Planning Director, and we also do have a letter from the Mayor congratulating you on a well job well done as well as a certificate of appreciation from the Mayor.

Ms. Makalapua Kanuha: Aloha. Well, my journey here, as a Cultural Resources Commissioner, I just wanted to thank all the great minds and passionate voices around this table because it take laulima, it takes lokahi, it takes many voices, many people to make things work for the better of our county, of our island, of our nation, and as a people. So as I sent a thank you letter out to each and every one of you, I truly appreciate the past and the current Commissioners. Today, I become a better person as I leave the Cultural Resources Commission, and it's because of you that I am a better person today. So mahalo nui loa . . . to all of you and aloha, Ke Akua.

Chair Osako: At this time, we'd like to observe a moment of silence for our Planning Department colleagues who passed away and were injured in the plane crash on Lana'i.

Okay, we'll move on to the next item. It has been agreed by the parties that we'll move item D.2., concerning the, yeah, the resolution containing a proposed bill to amend Chapter 19.52 relating to the protection of the trees within the historic districts. Is there a presentation?

2. **MR. WILLIAM SPENCE, Planning Director, referring to the Cultural Resources Commission and Maui Planning Commission Council Resolution No. 13-139, containing a proposed bill to amend Chapter 19.52, Maui County Code, relating to the protection of trees within Historic Districts 1, 2, and 3 (J. Alueta). (NOTE: This item was deferred from the February 6, 2014 Cultural Resources Commission meeting. Commissioners: Please bring your documents.)**

*The Commission may provide its comments on the proposed bill.*

Ms. McLean: Thank you, Chair. Joe Alueta is the staff planner who's handling this. I'll just make a comment. This is a proposed bill that originated with the County Council, and because it amends our zoning code, Title 19, it needs to be reviewed by our planning commissions. We also wanted to bring it to Cultural Resources Commission because it deals specifically with the historic districts, and we have a certain amount of time by which we need to send comments back to the County Council. So you folks are the first ones we're bringing it to because we'd like to have your comments available for the planning commissions as well because we know that they'll -- they'll ask us for your input. And Joe is the one in our department responsible for moving these bills through the process.

Mr. Joseph Alueta: Thank you, Michele. Aloha, my name is Joe Alueta. I'm your Administrative Planning Officer for the Planning Department. I pretty much just shepherd through either rules -- rule amendments, board rule amendments, as well as ordinances dealing primarily with Title 19 or Title 16, dealing with signage.

There's two basic ways in which you can amend the County Code. One is by director initiated where the department will draft the bill and then bring them to the three commissions for their review and comment prior to transmitting to the County Council. The other methodology is through the resolution process initiated by the County Council, so they will then do a resolution and, by charter, it requires that the -- as well as 19.510, it requires that the commissions review prior to them taking action, but there is a clause that says if we don't get back comments to the council by a certain date, time frame, they can take action without receiving comments from the commissions. We try to get it back to them, and for the most part, council will wait for us to get comments back. For us, we do have a date of, for this bill, particular bill, is April 19 for the commissions. In this case, it'll only go to the Maui Planning Commission to get it back to the County Council.

The bill itself, I think the intent is good. I think, as indicated in our staff report, we -- I mean, obviously, we want to support the protection of trees, basically all trees, but particularly those that have cultural or historic significance within the historic districts of Maui County. The concern from the department's standpoint is: How do you administer this, and how do you get around it? We feel that, right now, the current ordinance is too vague. It needs to be reworked. It's difficult for the Planning Department to redo it for the County Council because we've had trouble in the past where we'll send back our bill with changes and, I hate to say this, but it can become an ego thing, and, basically, they'll say, "No. We're going to adopt ours." And we're stuck with a bill that is not well put-together and becomes difficult for the administration to administer, basically. We'd rather -- so that's why you have the department coming out and saying we just don't support the bill as it is. Don't get me wrong, we support trees, we just don't like the current form because it's too vague. It doesn't help us administer what they want. Our goal here today is, if it comes from you as

well as the Planning Commission, is what do you want to see as a criteria for the protection of these -- for trees? What are the criteria?

Again, during the discussion at the Land Use Committee, which sent the bill down to the Planning Department and to the, ultimately, to the Commission is that, you know, where do you measure it? Or 36 inches circumference, you know, it comes out to an 11-inch diameter. Again, that may be big for certain species of trees, but it may not be for, say, a monkeypod tree. And then as well as, again, measuring where we -- pretty much, industry standard is four-and-a-half feet above the trunk -- above the ground. I think that was reiterated by Ernie Rezens in the letter that you received also, his comments. You also have -- it does not provide a method in which you can remove a tree. I think that's one of the issues, you know. How do you identify the tree? What's your criteria for identifying that tree? And then how do you remove the tree, if need be? I mean is there criteria? Does it become an application, you know? When I started my job as the Administrative Planning Officer, my mantra was no new permits. No new permits, okay, so I don't like to create new permits for something if we already have an existing process, okay. And so there has to be a mechanism that is not so onerous, or it take about three months to get, or has to call a committee together to determine if a tree is -- secondly, it's like does department, from our past experience, is the knowledge-base for the determination of whether a tree is significant held within the Planning Department? We have a lot of skilled people, a lot of talented people, but in reality, there's an existing committee called the "Arborist Committee" that has vast more knowledge than the Planning Department, or any staff, and, potentially, you know, the Cultural Resources Commission to determine whether a tree is of significance. And so you kind of -- are you sending this process to the wrong body to make that determination? And so I believe that there is -- I mean there is other processes that maybe the council should consider in their drafting of this bill whether -- and then look at what exist out there within the county's system as far as a knowledge-base to get this there.

And so again, that's -- the department's provided you, again, with a memo report. We kind of -- I kind of expounded upon it, you know, kind of expanded where our thought process was when we drafted this memo report to you. We have provided you with the committee report. It gives you an understanding of what the council was thinking or maybe what they weren't thinking in some of this process, and then try to get you to give me back your feedback. Again, our department, we had to take the position that we can't support it in its form because we don't think it's well crafted. I think it needs to go back to council. But this is the opportunity. This is a free for all. Like do you think you want to have it? What role do you want to play? How should that role play out as far as permitting, the administration of it? And should the administration of the trees be this body or should it be another body, you know? Again, those are the kind of things I want you to think about. Because you're a commenting group, I think that, as long as there's consensus, and it's up to the Chair how he wants to run it as far as your discussion, I'll try to hear what you're

saying and what your comments are, and then you can maybe just move on with your comments by consensus because you're making these comments to the Maui Planning Commission, basically. And that's pretty much all I have on it right now.

Mr. Bruce U`u: Question, Joe. So I haven't had time to read this, we just got it this morning, but this is from you, the county, or is this from the council?

Mr. Alueta: That letter?

Mr. U`u: Yes.

Mr. Alueta: That letter is from, I believe, Public Works. Doesn't it say?

Mr. U`u: Public Works.

Mr. Alueta: Yeah, yeah.

Mr. U`u: But it's a resolution.

Mr. Alueta: The resolution is from council.

Mr. U`u: Okay.

Mr. Alueta: Yeah. The resolution is from council. It went to committee. My memo report that says -- it kind of talks about --

Mr. U`u: Review the subject application --

Mr. Alueta: Yeah.

Mr. U`u: But this is a comment. Just comment for me. If my car is broken, I don't call a carpenter. I take it to a mechanic so --

Dr. Janet Six: Well --

Mr. U`u: So I would like to see if it goes through an arborist and maybe they can give us a detailed listing and break it down for a tree, but if it happens to be in the historic district, I think that's when we would come into play. Just mana`o. Short and sweet. Hopefully, sweet, I should say, and short.

Chair Osako: Before we continue, I think we should consider all the testimony, including public testimony, before we make our comments. Is there anyone from the public that would like to testify on this matter?

Ms. Barbara Long: Good morning, Commissioners. And thank you for taking me before the scheduled first item. I appreciate that. I'm Barbara Long. I'm owner and manager of the old Kidani Building, a commercial building on Front Street, since 1972. And I'm speaking in support of Resolution 13-139 to amend the historic districts law. I want to address the reasons this law needs to amendments as well as address the concerns that you just heard, the ones raised in the department's memo, and by the Highways Division. First, and you've got a couple of handouts there, which I'll be referring to, and some other things too.

Passing this amendment, and I agree, it does need to be tightened up, I agree it's vague, and I'm going to address that, but passing this amendment will ensure that the Cultural Resources Commission fulfills its lawful duties to preserve and protect historic properties in Maui County. Chapter 19.52, the historic districts law, and Chapter 2.88, which you probably got in your original orientation, that created and empowered the Maui Cultural Resources Commission, were enacted in response to and in compliance with federal and state historic preservation laws, which sets standards and procedures for the county and this Commission to follow. So you have the historic district law; you have the cultural resources establishment law. If you look at the handout where I've placed Section 2.88.060, marked in green, it lists some of your powers and duties. Section F reads: "The commission should consider the cultural significance of the site, the historic district, and its surroundings along with the Secretary of the Interior Standards." That is this. This deals mostly with rehabilitation of historic buildings, but if you turn to page 76 of the standards, you'll see that the Secretary of the Interior considers the setting, which they define as the natural landscape, views, and street trees, that together create the character of a district. Now that's why we have the historic districts because they have unique character, so that the trees and the landscape and the setting are part of that. In other words, you are to consider all the parts of a historic district as cultural resources, not just historic structures and archaeological sites. But if you look at page 77, in the standards, it says, "All the features that are important in defining the historic character of Maui's three historic districts." So trees are part of your job in considering historic districts. What could be clearer? And, yet, you guys have been out of the loop. Maui's landscape and trees provide a record of the layers of history contained in our districts. They are living evidence of the culture and diversity of our community. People planted those trees for reasons: for food, coconuts, breadfruit, mangoes, for flowers for lei, wood for implements, woven materials for clothing and shelter, and, of course, for trade from the tropical sun.

The amendment proposed bill recognizes the value of trees in Maui's history and will give them the protection they deserve, which they are not getting now. Tree's not only

contribute to the character of the historic districts, they enhance the economic benefits the county receives through their beauty and uniqueness to visitors. We have trees here that people can't see in California, or East Coast, or anywhere else. And by making the walking tours that are promoted by Lahaina Restoration Foundation, and in Wailuku, much more comfortable and shady, though not enough, and by emphasizing Maui's special culture, history, and environment. In a perfect world, you would have, as the Department of Public Works' handout says, you would have a map and an inventory of landscape features and significant trees in all three of the historic districts, but you don't, so there are ways to get it ...(inaudible)...

I don't own a computer but I knew that Google would have this available. Yeah, I live in cave. And so I had an aerial view of Lahaina, which I marked to show Historic Districts 1 and 2, and an aerial view of Wailuku Historic District, which is quite small, and then I drove around the Wailuku Historic District, and was horrified, and you will see the photographs. I wish that I could have afforded to make more copies for you. Maybe your staff would be nice and do that for you some day. In any rate, take the time to look at them carefully, and you will see that there are not hundreds of trees, as your department estimated and as in your memo. There are very few, and they are getting fewer and fewer. Some of the trees that are there are old but they are not in very good shape. And the county parking lot, at Front and Prison Streets, in the historic district, doesn't even have the shade trees that are mandated by law. If you look at a street view, a Google street view, down Front Street, you will see those two monkeypod trees and that's about it all the way down to the banyan tree.

Some of you who were here in October 2012 will recognize that orange barricaded monkeypod that you'll see in the streetscape on Front Street. The CRC heard about it a year-and-a-half ago when the county arborist came here and told you that tree needed to be removed because its roots were lifting the sidewalk. Maybe you wondered why you never heard anymore about this tree even though you voted unanimously to have the Maui Arborist Committee recommend ways to save the tree and send those solutions back to you, and that is a problem as well. You didn't get these letters written in February and April 2013 sent to you by the Arborist Committee with their recommendations to save the monkeypod. And you didn't get the evaluation and report by Maui's senior arborist, Ernie Rezens, that also evaluated this mature healthy tree, proposed preservation methods, which are commonly used successfully in many and liken communities to preserve their trees. And because the department was reluctant to send that back to you, dozens of people got involved in trying to save that tree in the historic district, I was one of them, worked with the Maui Outdoor Circle, and lots of others, Councilman Bob Carroll and his staff helped, and the result of that is this draft bill to amend Chapter 19.52.

We called upon a Honolulu arborist, an urban tree specialist, whose name is Steve Nimz, who very graciously came to Maui, examined the tree, along with Ernie, and along with the engineer from the Department of Public Works, responsible for repaving around it, and his

report and Ernie's report were very helpful in inspiring David Goode, the Director of Department of Public Works, to think outside the box. It's real tough, as you know, to get engineers to be created. But Dave Goode, bless his heart, was willing to ask his engineer, Shane Agawa, to come up with a plan that would be ADA compliant, because that's an issue, and save the tree, and repave the sidewalk, and I am happy to report to you that with the help of many people, and a good sidewalk replacement plan, that plan has been okayed and the monkeypod has been save, and I am thrilled. Yay. Thank you.

The bad news is it took 15 months, it shouldn't have. And the ridiculous news is why isn't tree preservation the standard response in our historic districts and throughout Maui? Why not?

So we have a couple of problems. And what we did too for information was reach out to the International Society of Arborists western office, and we obtained copies of two tree preservation laws that have been in existence in Santa Barbara and Pasadena, both very lovely communities with big historic trees, and we have copies of these laws. I've made a copy for Joe because he said he would like to have one, and I have another spare copy that I can either give to you guys or whoever you designate. Those are for you. And using those bills, and talking with Ernie and with Outdoor Circle people, and with staff in Bob Carroll's office, we came up with this piece of paper, which you have received, title, very impressively, "Addressing Concerns in the Department's Memo Report." And the suggestions that we have can be passed along to the Planning Commission, I'm sure they will have more, and these concerns can be discussed and added when the County Council receives your comments and the Planning Commission's comments by April 19. It will most likely go into the Parks Committee, Councilmember Guzman's committee, because of the county arborist is in the Parks Committee, and, hopefully, in that committee, they will see fit to work with Joe and with other people in Planning, try hard, to make the amendments to Chapter 19.52 workable, relevant, and successful. So what I've given you is the page that has suggestions that respond to concerns about where to measure the circumference, the use of ISA and ANSI, standards of care, which our arborist should be doing anyhow but I understand the monkeypod on Front Street hasn't been pruned in eight years, how to deal with the removal of hazardous trees, which is pretty straightforward, and criteria for significant trees utilizing what's already in law in the law that deals with exceptional trees. So we've given you a start to build your comments on to pass along to the Planning Commission and as you know, time is of the essence. And I will not even open this can of worms, which is the West Maui Community Plan, that has at least eight mentions of preserving trees, developing streetscapes in the historic district, encouraging the planting of trees. This document is also a county law and it should be paid attention to along with this proposed bill.

Please review our suggested revisions and make sure your support and your comments are transmitted to the Planning Commission in a timely manner so they can hear it and get

it to the council before the deadline. Thank you all for your attention and your support. Mature significant trees in Maui's historic districts are a valuable cultural resource and deserve the protection this bill will provide. Let's work on it, and get it right, and get it passed. Thank you.

Chair Osako: Commission Members, does anybody have a question or questions?

Ms. Bridget Mowat: I'd like to say something. What was your name again? I'm sorry.

Ms. Long: I'm Barbara Long.

Ms. Mowat: Hi, Barbara.

Ms. Long: I served on the Cultural Resources Commission so I have the greatest respect for what you do.

Ms. Mowat: Well, I'm kinda new at this so -- I just wanted to comment. I wanted to say thank you for all your research. Thank you for my job description. I appreciate everything you did. And your anxiety has got me going also. So I am supportive.

Ms. Long: Thank you. Thank you. And I know you're not called upon to do it, but when this thing goes up for hearings at the County Council, it would be nice if some of you could be there to give your support and explain to them the reasons why you support it. Thank you.

Dr. Six: I also got a feeling like you were really kind of almost combative, which I understand you're going to fight for the trees, I get it. I'm onboard because, from what I understand about Hawaiian culture, correct me if I'm wrong, my Hawaiian friends, that nature's your older brother. So nature and culture aren't separate in that cosmogony and cosmology, so, to me, it is a purview of the cultural resources ...(inaudible)...

Ms. Richelle Thomson: Excuse me. I just want to interrupt a little -- a brief minute. Because we're in the public testimony period --

Dr. Six: Oh, I'm sorry.

Ms. Thomson: If you have questions for the testifier, you can address them to the testifier, but wait for your general comments.

Dr. Six: Okay. No questions.

Mr. U`u: Question. Question about that tree on Front Street that the engineers came up with the design that hopefully work. What did they do?

Ms. Long: You mean how did they make a design?

Mr. U`u: How did they mitigate and make it work?

Ms. Long: Okay. The arborist determined that a little bit of root shaving would not make the tree unbalanced, would not endanger the tree and it would fall over. Ernie Rezens volunteered to be there during the repaving when they do that work to make sure it's going to be okay. And the engineer used a fairly common design where they used not so much underlayment on the concrete sidewalk, and they do it individual slabs so that if the roots do raise a slab, it can be removed, mitigated, and replaced again. There are even rubber pavement sections that are used elsewhere. But that's how this one is going to work. And it's going to extend out into that one parking stall. It'll go around the tree.

Mr. U`u: I'll take a look at it when I'm there. Thank you.

Ms. Long: Yeah.

Chair Osako: Anyone else have a question?

Mr. Jodan Hart: Hello, Commissioners. My name is Jordan Hart. I'm testifying in support of the amended ordinance. I served on the Arborist Committee for five years. I was chair for four years. My term ended about two years ago. I'm very familiar with this discussion that's going on right now. There's, basically, a built-in conflict between trees in the urban area and infrastructure, so it's a continuous battle that goes on, and a lot of times there are simple engineering solutions to the conflict between sidewalks, pipes, and the trees. The trees can be regularly root pruned. And so I think that this is important and a worthwhile consideration, and I think that it does apply directly to the historic districts, which are the concern of this Committee, and so I think that it's worth supporting and considering. I also agree with there do need to be some additional details, but there's often a real rush to remove mature trees in order to make repair of sidewalks, and sidewalks are good and very important, but the time that is required for a tree to become mature is not equal to the time it takes to replace a sidewalk, and so for those reasons, I really think that the trees should get a little bit additional consideration and the planning around. That kinda is all the comments I had to make on this subject.

Mr. U`u: Jordan, just from your expertise, you're land -- you're a?

Mr. Hart: Well, I'm a land use planner, and I was a member of the Arborist Committee, but I'm not a landscape architect.

Mr. U`u: So you would -- is there any foreseen problems with administering what is here, what was given to us?

Mr. Hart: Well --

Mr. U`u: You said certain things might have to be added. Can you comment on that?

Mr. Hart: There was -- I kind of gave my comments to Barbara separately, so some of the things I commented about is that trees can be removed for emergency purposes, health, safety, and welfare concerns, and I think that that's appropriate, but I also think that it's important to document the health, safety, and welfare concerns, and then at least present them to the Arborist Committee or if they're in a historic district, the Cultural Resources Commission so that everybody can understand why it was an emergency and why the tree needed to be removed because, in my experience on the committee, there was a lot of inter-department communication, which is absolutely fine and business needs to be taken cared of, but these volunteer committees are created so that the community can have input on these decisions and I just think that there should be a participation on the discussion on the part of the committees.

Mr. U`u: So as far as administering what is written, you feel it's doable?

Mr. Hart: I do. I do. So these pertain to the historic district, as I understand them, and the Arborist Committee kind of administers all other urban trees outside of the -- not outside of the historic district, just all other urban trees and the exceptional trees that are outside the urban district, but I don't see a direct conflict. This could be a co-review process. And Joe Alueta made some reference to significant trees. The Arborist Committee identifies exceptional trees, and those are really trees that have special status and owners can get tax breaks for the preservation of those trees and maintenance, and so I don't think this is the same thing, these are different discussions, and I think the discussion, as it pertains to this ordinance, is just whether or not the tree, you know, should be removed at this time, and that's not the same thing as designating it as an exceptional tree in the County of Maui. So they're kind of separate situations, but I think that this is a location where there is overlap in the historic districts and that the Arborist Committee does need support in preserving trees, and the tree by Kamehameha Iki Park is a perfect example where it was up for removal but there really is a design resolution to it, and it can be saved, and now it is going to be saved, but it took a lot of battling by people like Barbara and people like Ernie to make sure that that gets done and that's not really going to be possible all the time, you know, somebody doesn't always know or somebody doesn't always contribute that amount of time, and so just having a mechanism to call up the review I think is appropriate.

Chair Osako: Does anybody else have a question?

Mr. U`u: One last question. So you're saying that there could possible -- if we don't accept what was given to us today, and we wait for a while, would that have a potential adverse effect, potentially?

Mr. Hart: I think that goes back to the process that Joe was talking about. I think there would be no comment for or against on the part of the Cultural Resources Commission if there wasn't a decision made and a resolution to write a letter to council, so then the council doesn't have input from this body, and they're silent on it, maybe it's not seen as a priority or a matter of interest to you, and then, you know, it's just up to the council and the public process there and whether or not it has the momentum to go through. So I think a letter of support is very helpful and, obviously, you'll be commenting, and then they'll be hashing it out and making final decisions on what is what as far as the ordinance is concerned, but I think support is important just for the concept of it because, obviously, nobody knows what the final ordinance will be until it's voted on.

Mr. U`u: That's all I have.

Chair Osako: Questions?

Mr. Gaylord Kubota: I have a question. As a former member of the Arborist Committee, do you think that maybe this issue belongs more properly under the Arborist Committee, I mean the significance and the maintenance?

Mr. Hart: As I said, I think that it's kind of an overlap. As it pertains to the historic districts, I really think that the Arborist Committee would be very happy to get any support they can because, like I was saying before, there is a move to remove trees that conflict with infrastructure and, a lot of time, there isn't adequate discussion or review that the Arborist Committee gets to take part in, and so a lot of times there will be a reporting where, well, when I was a member, we were just notified that trees had been removed and it wasn't really a discussion and a analysis for solutions and so on, and so an additional check is just helpful just if there's another agency or organization that can remind one of the departments to check with, you know, this body or this body refers the advice back to the Arborist Committee just to get the dialogue going. And again, I recognize that there's emergencies, and if there's an emergency, if it could just be documented, that's fine.

Ms. Owana Salazar: I have a question. Okay, this proposed amendment, is it also about trees that are not in the historic district as well?

Mr. Hart: My understanding --

Ms. Salazar: Overall?

Mr. Hart: My understanding is that it was pertaining to historic districts.

Ms. Salazar: Only?

Mr. Hart: Now, I did suggest to Barbara that, when she may testify at council, that maybe the National Historic Landmark District should be considered. And my personal feeling is that this is most appropriate for publicly owned trees; you know, trees on government property. But, yeah, it's my understanding that this is historic district natured.

Ms. Salazar: Okay.

Chair Osako: Anymore questions?

Mr. Hart: Thank you.

Chair Osako: Do we have anybody else that would like to testify on this matter? Okay, Commissioners, comments, discussion?

Dr. Six: I'd just like to build on my comment. Just so that I do think it belongs under our purview because, you know, you can't separate nature from culture. I think the arborists are the specialists, but I think that it falls under our purview in the historic district, and as Barbara pointed out, mandated by law that we consider landscapes and things within that district, and it does change it. It is complicated by the fact that, obviously, some of the `ulu trees on Luakini Street have a different kind of a cultural importance as they were indigenous plants important to the Hawaiian culture, whereas, the banyan tree is an interesting anomaly that's clearly an invasive species, which brings a lot of people in, but it's part of that quality of Lahaina, so I think that I also would like to say that I support, within the larger historic district as well, not just Historic Districts 1 and 2, but in the National Historic District because mango trees, yes, they were planted by plantation workers, but they have an important legacy as well in Lahaina. Monkeypods and other invasive species we would see as invasive have become part of the cultural landscape. So I would like to see us comment on these kinds of things. I am in support of the bill. I understand David Goode's concerns, you're going to need some criteria; you're going to need perhaps a permitting process to take out a tree. I also understand Jordan Hart's comments on an emergency. You got a monkeypod tree that cracks a sewage line and you got a sewage spill, or natural gas lines, that becomes a different mitigating factor. So those are my comments, and I am very much in support of us having purview over the removal of trees within at least Historic District 1 and 2, and if not, the larger National Historic District. Thank you.

Ms. Mowat: May I? I'm also in agreement. I think the Cultural Resources Commission has a responsibility for these areas, and the trees are part of -- yeah, that's all part of our -- that

environment that we're trying to protect. If you start removing trees, then you're going to lose that whole thing. Some of the pictures was kind of disturbing how the tree trimmers, they don't take pride in how they trim the trees anymore. I mean they just slaughter the trees. And my husband was a tree trimmer for years, with Davey Trees and Trees of Hawaii, and he took pride in what the tree looked like after. I mean it's a mess. And on top of that, it's winter time so we're losing all the leaves, and so poor trees. When I think people come to see our islands, trees and the greens and the colors are part of what we're known for. So thanks again for the enlightenment.

Chair Osako: Anymore comments or discussion?

Ms. Salazar: I support that there needs to be more clarity or, you know, system on how these changes can be brought about that will take care of the protection of our trees. They're living beings, maybe they don't walk and talk like we do, but they are alive, and it is known that when you love a tree, it blooms more, and all that. But some of my other comments also is can we like, you know, I've seen -- okay, historic district, I'm supportive of the wider area definitely. Every time I drive past the mango tree that used to be at the corner of Lahainaluna and Waine`e, I just cringe, part of my little na`au just go - well, I don't know if it's still little - just ...(inaudible)... it, you know, where's that mango tree? It was a beautiful big mango tree and it just got cut down. So I'm just concerned of perhaps if this language could include some kind of a process for owners of private property to also come and, you know, say something so that we don't just wake-up one day and the tree's gone. I'm also thinking of another tree that was -- it is in the historic district. You know where that Ululani Shave Ice is down on the little boutique shopping area at the corner of Front Street and Lahainaluna? There was a big tree right in the middle of this, everybody's shade, you know. And one day I went to get shave ice and it was gone. And I asked about why was it gone or some visitor got hurt. I never was able to get the whole story, but that kinda thing. So I'm really in support of when something like that happens that's not breaking a waterline or a gas line, that it needs to come before the Arborist Committee and I would like the responsibility or kuleana to be shared by our Commission as well because for these reasons that I've just said. And, yeah, so before a tree is destroyed, that it must come before the Commission so that we have an opportunity to know what's going on and the community will know. I mean all those businesses in the area where that tree used to be, have been impacted. People aren't going there because it's hot, you know, but I felt for the person who got hurt, but I never knew anything about it. All I knew is one day I went there to buy shave ice and the tree was gone, the entire tree. So those are the three things mainly, can we -- oh, back to my first point about private property owners. Can something be included in here that maybe offer some tax incentives or something that the owner of the tree, that's a significant tree in the historic district or the wider area, you know, be somehow encouraged or even required to bring this before us and the Arborist before destroying a tree, or just say cutting it down? Let's just tell it what it is, it's destroying it. Okay, thank you.

Chair Osako: Anymore? Sure.

Ms. McLean: Thank you, Chair. I want to first make clear that the Planning Department likes trees. We are not -- and we want trees to be protected. Our concern is that this bill, and the way it's drafted, isn't the best way for trees to be protected. It would make it difficult, as a few of you have said. There aren't any criteria for approval or disapproval. That makes it difficult. And the bill applies to the historic district's private and public property. So someone who lives on private property, who has a tree that they think, oh, I need to remove it, they don't know what criteria you would be looking for to justify the removal. So that's one of things. We said you can't just, right now, for historic structures and everything, you have your criteria in the code. We don't have criteria for the trees.

In terms of maintenance, there has been dispute, even among arborists, of what maintenance standards should apply. And as everyone I think agrees, that's more of an Arborist Committee's specialization rather than the CRC or the Planning Department, but then what if someone isn't maintaining the tree? What is the penalty for that? How do we enforce that? How do you make somebody take better care of a tree? That's a problematic thing. Again, as administering this bill, we're not saying people shouldn't properly maintain their trees. This just makes it difficult for us to be responsible for that. What if someone removes a tree that isn't -- that doesn't get your approval? What is the penalty for that? There was talk about immediate threats. Okay, you can go ahead and remove the tree, just document it, and present that. Well, what if the documentation and the evidence aren't presented at all? Or what if they present it and you guys are like that tree looks totally healthy. Why was it taken down? Then what do we do? You know, we're responsible for enforcing a lot of things and we're often criticized for not effectively enforcing and that's because some of our laws are difficult to enforce, so we're looking at this new process going: How are we going to do this? How are we going to enforce it? So again, it's not that we don't want the protection and it's not that you don't have a role with trees in the historic districts, it's there might be a better way than the way this is prepared. That's what our concern is about.

One suggestion that we had ties into some of the -- and, actually, Barbara, in here testimony, said you need a bill that's workable, relevant, and successful. In our opinion, this won't achieve that. One thing that has been talked about is for the department and the Arborist Committee to do an inventory of significant trees in the historic districts, and then establish protections for those whether it's, you know, adding them to the exceptional tree list where there is tax benefits and so forth. There are only like 30-something trees in the entire county on that list. I mean each of us could probably think of 30 trees --

Dr. Six: Ulupalakua.

Ms. McLean: You know, no problem. So that might be an underutilized thing. So I think maybe, for today, that we can take your comments, you know, as you've said them, to the commissions and to the council, I mean I don't want to put words in your mouths, I don't want to, you know, counter what you've said that, you know, these are the goals, you want to see these goals accomplished, and maybe, maybe not, this bill is the best way to do it. We don't really know. So that's just where our concerns are coming from and we're happy to work on other options because we don't think that this is -- that this will achieve what everyone wants it to achieve. Thank you, Chair.

Chair Osako: Anybody else?

Ms. Salazar: I do. Perhaps another incentive, other than tax incentives, for a private landowner, because there are some things that can run with the land in a deed and become part of what the owner is buying into in purchasing a property that may have these kind of trees, I definitely think taking an inventory is an excellent idea, and the sooner we can all walk Lahaina, and Wailuku, and the other districts that are historic in Maui County, then we can not only take, you know -- I like the idea of inventory. So I'm thinking that -- because how is an owner to know, you know, their own responsibility to the tree, and we have to communicate it somehow, and if it's written into the deed, per se, or a law, perhaps, then that would become known to the new owner as they sign the documents that it's part of the agreement when they purchase the property. An idea of how we can encourage them.

Ms. McLean: The establishment of an exception tree is approved by the County Council and notice is filed with the Bureau of Conveyances on the property, and the owner is notified of the designation so -- you got it. You got it. That was on there.

Mr. U`u: Question. Just a quick question. Say we defer the item. How much time is needed for the county to come up with something, 'cause you can see some of our concerns, some of the concerns brought up here, what is the timeline needed to get something that's workable from the county's standpoint?

Ms. McLean: Well, we're -- we have a timeline to give comments back to the council, then it's up to them for when they schedule it again, so --

Mr. U`u: Is that enough time for you guys?

Ms. McLean: Well, we can get comments back to council and we can let them know, you know, can you wait on scheduling this? We want to continue working on things. That's possible. And, you know, we have that particular timeline but that doesn't mean the CRC can't continue working on things as well.

Mr. U`u: So another question. The ones they adopted from Santa Barbara wouldn't be efficient here. It seems like they did some of the research, and it worked, and adopted some of them. They were existing elsewhere.

Ms. McLean: I'm not familiar with those or --

Mr. Alueta: Yeah. I went through some of them and they're actually -- some of them are pretty good. I wish some of these were actually given to the initiator of the bill and then maybe they could have drawn upon that to do it. Again, as Michele said, we love trees but we didn't draft this bill. Like I said, as I said in the beginning, there's two ways; we draft it, or they draft it. And so we got no problem with council drafting bills, except when they draft it, we're under a time frame to comment on what they have, and often, they don't want us to take their bill and then just rewrite it altogether and send it back. They would rather, for them, they want our comments and then they rewrite it to the way they want it, and so it's -- that's how it's always worked and that's how we've done it in the past. We've had bad experiences where we went and rewrite the whole thing, spent months and months of effort, only to have it - thank you very much for your time, and adopt what they want. So we'd rather work with the council to do that. We'd rather have comments come back from the CRC board to the commission to have really specific changes to the bill, if possible. And then again, the Maui Planning Commission will probably have their own very specific changes, especially now, I mean, a lot of this documentation, I'll make sure there's copies of it sent to the Planning Commission, such as that was remitted by Ms. Long. I think that will be helpful in trying to formulate. And before we get to the Planning Commission, the department will have a little more time to digest some of these documents that were presented today. If we had them a little bit earlier, maybe we could have tried to come up with some language. Right now, I'm hearing, you know, from a few of the members right now, I'm like, you know, you want to expand -- potentially, you want the tree -- this tree bill to expand to the National Landmark District, you want a mechanism for significant trees or make it a historic -- or make the trees that in the historic district that meet the criteria an exceptional tree, and somehow register that. I'm also hearing about you want an inventory. Again, I think some of the other comments, like from Ernie Rezens regarding, more specific to the bill, when you look at it, is where do you measure it. So he's saying four-and-a-half feet, using a criteria that's already out there for arborists, that's great. And then, you know, maybe the comments about have the council develop a process for what is the -- what should be the removal. If there is need for removal, try to establish something in the bill and then look at some other ordinance and the examples that were presented to draw inspiration from, and I think those are the kind of comments that we're going to look forward to take to the Planning Commission.

Mr. U`u: Just another question. Joe, and I'm with you, I want it to work. I don't want to do it twice. I really wanted -- if we get one task at hand, I rather do it correctly and -- but I want it also expedited. You know how that goes? I guess everybody does. And I know you're

stuck with a time frame to do that. Yeah, workable and doable would be nice, and I lost my train of thought of what I was going to ask you and, hopefully, she hasn't.

Ms. Salazar: Well, I just wanted to add -- may I? Thank you for summing up really the summary of what we said, but also that -- one more point that didn't get summarized was that before any tree is removed or destroyed that we are -- that it comes before the Arborist Committee and the Cultural Resources Commission as well.

Mr. Alueta: So maintain CRC authority over the removal of a tree?

Ms. Salazar: Yes.

Mr. Alueta: Okay.

Ms. Salazar: Removal and maintenance, I mean the shared authority for the cultural significance.

Mr. Alueta: Okay.

Dr. Six: My comment too would be to allow the public to know that there might be benefits that run with this, so if we're going to do an inventory in Lahaina or potentially expanded it outside, that maybe there's some kind of way to let people know that this isn't pejorative; that, you know, if we find out that you have an exceptional tree on your property, there are some way to maybe get some information out to community members so people don't see it as another layer of permitting and ...(inaudible)... why it's important, and, you know, as some people might see a mango tree as less valuable than an `ulu tree given the cultural, you know, significance that we understand. Also, I know it's standard this four-and-a-half feet above, 36-inch circumference, but as we know, some trees are smaller, some grow faster, some trees have 36-inch circumference that have been 20, 30 years, some take 50 or 60, so I don't know if an age criteria could be attached if we know when a tree was planted or we know about that species growth rate so we can get an idea what the average mango of 50 plus years would be or the average. So something within that district that could maybe help would be less -- I know it's very much the standard but just the way that we can ...(inaudible)... find shade between some of the trees.

Mr. Alueta: And I appreciate that. You basically reiterated exactly what we said to the same thing to the council at the time, if you look at our staff report -- the memo report, it says like not every tree is the same so what -- so hearing it from you is good, that way we can just pass the same comments on. Have a different standard for one tree, one species of tree or another, and to be a little more flexible.

Dr. Six: Get rid of the mesquite. I mean kiawe.

Mr. Alueta: If you look at some of these bill or ordinances, one of the funny things I saw was like when you don't need a permit, and one of them was you don't need a permit if it's less than four inches. I was like --

Ms. Salazar: It'll never have a chance to grow.

Dr. Six: That's a tree?

Mr. Alueta: I was like, wow, I'm going to be busy as a tree removal consultant.

Dr. Six: Job security.

Mr. Alueta: Yeah, exactly. So again, so different criteria for different species of tree as well as maintaining CRC authority along with the ability to have arborist involved.

Ms. Kanuha: And even the removal, and I appreciate that, we're talking about the kumula`au, that some of the trees are older brother or plants, so in the case of removing kumula`au, is there a cultural process? Do we have around the tree and do we have pule and oli because it's a living, you know, it's a living thing. So that's my question is: Do we have these processes? I mean when we did ka`ilila`au for Ka`anapali Beach Hotel, we had this whole cultural process because we are asking the life of this kumula`au for us, permission to take this kumula`au however its needed to turn it into a wa`a, yeah, so it's like we take it, do we throw it away and waste it? Or do we turn that kumula`au into something that is living, that the life of the tree continues on to live. So that is my comment. You know, maybe there's a process.

Mr. Alueta: Assessment of keiki trees that'll ...(inaudible)... significant tree.

Ms. Kanuha: Yeah, so if it gets to that point that it has to be removed, you know, what is the cultural process? We don't just go over there and just say, you know, cut it down or -- or is in place already? If it's not, then that's something that we can work towards to put something in place. Plenty cultural advisors around.

Ms. Mowat: I agree with that. That's, you know, and you do it right, you do it pono, it's going to go easy, you know, so it is of the `aina. That is -- I agree with that.

Dr. Six: Up in Loiloa, I was working with Kawehi Pundyke, and he removed a large mature mango tree that was growing in one of the lo`i, and he made poi boards out of that, we got an Alaskan planer and he had kids, so the idea of the value added, turning it and let the life live, if it's that kind of tree that if it has to come down, if it has hardwood, what's going to be done. Maybe some value.

Mr. Alueta: So I've got about six different comments from what I heard and so -- but --

Ms. Kanuha: No forget mine.

Mr. Alueta: Yeah. No, I got yours. I got yours as no. 6, as the sixth one, but again, I mean just basically to try to stir some discussion I guess is like what do you envision as the process of somebody coming in and saying, "I got a tree. It's uprooting my foundation." Private property, okay. It's a significant tree but it was -- I mean it's a large tree, significant, but on private property. It's uprooting my foundation. How would they come about? They're in dire need because their sewer line just cracked, okay. So they need to get in there and get sewer back to their family. I mean I'm just -- because, you know, I'm in the real world, I mean I've done a lot of these things, and they need to know. I need to move this tree or get rid of this tree. What is the process and what are they going to provide you? I mean this is, as we always like to say, Joe and Mary Souza living down somewhere but whose -- so write a letter, permit, assessment? What documentation are you going to want for that besides -- okay, so I mean this is something separate. These are going to be your comments, but also I just want to take this step forward when we do move forward.

Ms. Salazar: Very good.

Chair Osako: Frank?

Mr. Frank Skowronski: That's not our job. That's your job.

Mr. Alueta: You want me to come up with it?

Mr. Skowronski: To come up with that.

Mr. Alueta: Okay.

Mr. Skowronski: I think that the intent here is for us to give comments on the resolution. I think that we've all said that we have very overall strong support of the intent, but that the proposed resolution doesn't go far enough to adequately legislate that intent, and I think it's impacted on you to go back to the people who are doing this resolution and tell them that it has lack of criteria, we want it expanded into other districts, we want to include the Arborist Committee in the process, it needs more effective enforcement, and we would like an inventory, and kick it back to the people who make a living writing laws and have them come back and we'll review it again.

Mr. Alueta: So I'm adding 7, effective enforcement on there.

Ms. Salazar: Absolutely.

Mr. Alueta: Yeah, okay. That was another one. I caught the rest, it was already mentioned, but I just want to make sure. Okay.

Ms. Thomson: Can I add something? If you have specific criteria though that if you think a significant tree includes these qualities, that might be helpful to pass on that comment too, you know, not just that it needs more enforcement or it needs better criteria, but what those criteria, in your opinion, might be. Just for your information, an exceptional tree is based on a few different things: age, rarity, location, size, aesthetic quality, and endemic status. So it's not necessarily if it's this big, it's automatically an exceptional tree or automatically a significant tree. So if you can -- if you have specific things on your mind that you want to pass on as far as criteria for designating, that might help lead you down to, you know, if you need to remove a tree, you know, which trees do you have to come and get permission for.

Dr. Six: You know, as an anthropologist and archaeologist, you know, we see -- I see trees as eco-facts, so they're an artifact, they're a living artifact. So, to me, one criteria might be a group was associated with, obviously, mangoes are not associated with pre-contact Hawaii, but `ulu and coconut, things that came on canoes, canoes plants, obviously, and indigenous, not endemic status, per se. Many of our trees that I think are some of the most interesting are not necessarily native species. We have a lot of interesting trees, like the banyan tree and other trees. I think of what Makee did up at Ulupalakua, and I always look at those trees. So perhaps cultural group associated with the trees: Is it native Hawaiian? Is it more the plantation culture with the bringing of the mango and different trees maybe? So, to me, you have to give it that cultural layer. We identify the species of tree. Who may have planted it? If it's in a camp, we might have known it was planted during this time of the plantation. That idea, you know, kind of come up with some ideas of which cultural groups identifies or maybe multiple, not mutually exclusive, and start with that as one form of criteria to look at that cultural group that associated or benefitted, and how that tree got here, and what it might have meant to the community at that time even if that meaning may have been lost over time to the larger residence now.

Ms. Mowat: Were you going to include Barbara's comments also on addressing concerns in the department's memo report? There's some good recommendations in there. So please include this.

Mr. Alueta: Yeah, yeah. We'll -- all the material that was passed out will be forwarded on to the --

Ms. Mowat: Okay. Great.

Mr. Alueta: To the Planning Commission along with your comments. So I mean, basically, we'll do a --

Chair Osako: I have a comment. You know, for buildings and structures, it's very easy for us, you know, there's the age, right? In Hawaii, it's 50 years; in other places, it varies. I was in Ireland one time, in an antique shop, and I was looking at an item and the woman says, "Oh, it's not very old. It's only about a hundred years old." You know, so it's relative. In Hawaii, the law for structures and buildings is 50 years. You know, trees are quite difficult. I think it's very important to involve the Arborist Committee. There are some trees that live for over a thousand years. A lot of trees have a lot shorter life span. You know, I was born and raised on Lana`i, we're known for the Cook Pines, and we're starting to have trouble with them, and, you know, some arborists have said, well, a lot of them are reaching the average age span where they're going to start deteriorating. So it's a hard call, right? You don't want to take them all out, but then they're going to fall over and fall on a building or a person, then it becomes a problem. So I think the Arborist Committee is one of the key factors, and also the Planning Department and the arms of the Planning Department having to enforce laws, you know, they have to be a little bit more specific, and I don't like this 36-inches because, like you said, some trees will reach that in a short period of time and other trees will take decades and decades to reach that size, so, you know, things are quite more difficult with trees rather than our usual buildings and structures.

Dr. Six: And I was thinking we can look at some of the criteria that we have for historical and archaeological significance that are on the books with the State Historic Preservation that talk about was this tree associated with famous persons or acts or things, like I think of the `ulu on Luakini were planted with very specific time frame, you know, so kind of look at some of those criteria as eco-facts, the way we look at artifacts that, obviously, have cultural patrimony and sites because there is some language, and because, like I said, in Hawaii, we can't necessarily break culture from nature; it's intertwined. I think it's important to have those cultural protocols in place, especially dealing with certain trees and certain types of trees. So I think that's important too. And maybe we could a little bit of that, it's a little overlap there with some of the criteria.

Ms. Salazar: Would that be something that would be included in the inventory? We should have that as part of the inventory, not just the name and location, but that significance as well.

Dr. Six: Whenever it's known, you know. If things are known about tree, it needs to be recorded as the historic of the tree.

Ms. Mowat: You know, I think too is that we gotta make sure we're clear as far as the maintenance of these trees. I'm thinking of our Coconut Grove, on Molokai, that is deteriorating, and this is a Coconut Grove that was planted by Kamehameha V, and it's a mess, and that's because there isn't any maintenance. So I think that's important too that it really has to be established that we have a responsibility to care for the trees before they deteriorate.

Mr. Kubota: The letter from the Department of Public Works has an interesting point on no. 5, in the back of this letter: From a historical standpoint, significant trees are being said to contribute to the historic character and environment in the historic district. That might be true if the trees existed during the period of the historic district. Trees that are of modern lineage should not be considered contributing to the historic character and environment in the historic district if such species were not noted during the time of the historic period. In other words, it's like they're not plantation era. They weren't here at that time. They're excluded from being significant. That's one criteria for excluding them from our standpoint.

Dr. Six: Well even the trees that are on the break wall, I mean I remember when those went in, I was like 19 years old and I thought: When are they going to give any shade? And now I'm 54, you see those trees and they add character to the historic district of the break wall. They're not necessarily, you know, I understand what they're saying, but we should -- we can't necessarily have any tree that's now contributing to a lot of people, that's what they know of in the historic district and -- so I think this is a little bit broad. You think this excludes plantation trees is what you're saying? You think this would --

Mr. Kubota: No, no, no.

Dr. Six: Include?

Ms. Salazar: Including others.

Dr. Six: Yeah.

Mr. Kubota: It would exclude the more recent ones.

Dr. Six: Yeah, the more recent ones.

Mr. Kubota: That way at least some of it will be excluded. We're looking for some criteria.

Dr. Six: But I'm just thinking that ones that contribute to the view shed and the view plain of what the historic walking district is in Lahaina and still some of those trees are 30, 40 years old. They would be considered juvenile outside this but were put in with careful work with the Planning Commission when they did decide to redo that break wall, take the old break wall out, put what the new one is, and so I was just wondering if those trees, with this, be excluded being more juvenile; more recently added would be excluded with this.

Mr. Skowronski: Does Joe have enough comments so that we can move on?

Ms. McLean: I think, Joe, maybe read through the comments one more time.

Mr. Alueta: Okay.

Ms. McLean: And if the Commission wants to change any of those --

Mr. Alueta: Alright.

Ms. McLean: Or add them -- add to them.

Mr. Alueta: Okay. So I got, as far as general comments back regarding the bill, you know, look to expansion for the National Landmark District; mechanism for significant trees or make a tree in the historic district considered to be an exceptional tree; inventory the trees; CRC -- maintain CRC authority along with the Arborist; different criteria for different types of trees; assessment of the keiki trees in the cultural assessment of where they come into place; seven, affective enforcement; and then we talked about, you know, like on moreso on when you're assessing or the removal, we had cultural group associated, planted by either a famous person or as part of a significant event, I had down; we talked about maintenance, you know, the concern over maintenance of the trees, how do you properly enforce that; another one I think, I know it was touched on by maybe some of the testifiers or even, generally, was that I guess think tree first and infrastructure second, I guess, might be a general -- if you're comfortable with that, is that when you have a tree that needs to be removed, try to think first that that has a conflict with something, whether it would be a public infrastructure or private, think tree first, what can you do to work around it, and I think maybe that can be something that can be put forward when we develop the criteria eventually, but I will have council help draft some criteria. Is that something that you guys are also on --

Ms. McLean: So, Commissioners, would those comments -- typically, what we do is we write a letter back to council, in this case it'll also go to Planning Commissions, just outlining your comments. Does that cover it or do you have anything else?

Ms. Kanuha: The cultural process.

Ms. McLean: A cultural process for removal, if removal is --

Mr. Alueta: Was that the cultural grouping assessment part that I had with the -- oh. Oh, okay, okay. Cultural -- okay.

Ms. Mowat: Protocol.

Mr. Alueta: Okay. Oh, that's a good one. Okay.

Ms. Salazar: Did we address Commissioner's question about no. 5? We're looking for the criteria. This would not include other trees that weren't existing during the period of the historic district because the rest of this is saying isn't it? No. 5?

Chair Osako: Well, I mean trees are modern lineage. I mean what is considered "modern lineage?"

Ms. Salazar: Yeah. How would they know? They weren't there. Some trees may not have it, so I'm a little concerned -- I am concerned for no. 5 because it's going to exclude trees that we need.

Mr. Alueta: Would you preserve an African tulip tree?

Ms. Salazar: Oh, no.

Mr. Alueta: Okay. Well, then see --

Mr. Salazar: Oh, but I didn't see African tulip over here.

Mr. Alueta: But I'm just thinking like --

Chair Osako: Well, the wording, right, "modern lineage?"

Mr. Alueta: Modern -- yeah, the modern lineage, like, you know, would you consider like something that came in, basically, not necessarily from the Hawaiian aspect, but even from that was -- maybe something that was brought in during the plantation era would count, but in more modern times, since the '70s, I guess, I'll cut them off 'cause, you know, I'm a rock-n-roll guy and '70s disco was not my era, so anything that came in during the disco era is not -- is not of --

Dr. Six: But what I would say the thing is I think Gaylord's right, when he looks at that, it does kind of give a breakdown like, okay, trees that are associated with the historic district; well, a lot of those were cut down. A lot of them are gone. There are some that are left. But I would advocate that to take it almost on a case-by-case basis. When they're doing the inventory, maybe identify certain trees, like the ones along the break wall that are tulip trees, and were planted with idea to add and enhance the historic walking district, and maybe those trees because they're on public -- county properties, but not every tree that anybody ever planted in the yard. I agree with Gaylord's saying that it gets to be a little bit much, but this might be a little too --

Ms. Mowat: I think so too, it does say something about was there any kind of value, like President Bush planted this tree or, you know --

Dr. Six: Cut it down.

Ms. Mowat: Okay. Okay. Okay. You're at the wrong meeting. So I think I agree with checking it out first, going through the whole --

Ms. Salazar: Case-by-case.

Ms. Mowat: Yeah, case-by-case.

Mr. Alueta: Okay. So it sounds like, again, once again, I'll highlight the most important part, which is let's get back to an inventory, and then a lot of your comments, like I said, like your cultural group associated, planted by who, you know, if you're going to exclude it, it's really going to come down to -- that's going to funnel into your inventory, during the inventory criteria, okay. So I'll leave that as that. Okay?

Dr. Six: Good.

Mr. Alueta: Is there a general motion for those comments to the Maui Planning Commission for that?

Dr. Six: I would like to make a motion that we submit the comments as read to the Maui County Council and the Planning Commission.

Mr. U`u: Second.

Chair Osako: Okay, it has been moved and seconded that we forward our comments to the Maui County Council as taken down.

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

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

***VOTED: to submit the comments of the Cultural Resources Commission, as discussed and read, to the Maui County Council and the Maui Planning Commission.***

Mr. Alueta: Thank you very much.

Dr. Six: Thank you.

Chair Osako: Okay, we can move on to item D, Ms. Dee Coyle, on behalf of KBHL.

#### **D. UNFINISHED BUSINESS**

- 1. MS. DEE COYLE, on behalf of KBHL, LLC, requesting comments on the Draft Environmental Assessment (DEA) for the proposed redevelopment of the Plantation Inn; project includes demolition of existing structures, consolidation of parcels 36, 38, and 44, construction of a two (2) story guest building with fourteen (14) rooms, creation of separate nine (9) stall and fourteen (14) stall parking lots with driveways, construction of accessory hotel improvements, installation of landscaping, required infrastructure and utility systems, located at 174 Lahainaluna Road, Lahaina, Maui, Hawaii, TMK (2) 4-6-009:036, 038, and 044 (EA 2013/0002) (C. Thackerson). (NOTE: This item was deferred from the February 6, 2014 Cultural Resources Commission meeting. *Commissioners: Please bring your documents.*)**

***The Commission may provide its comments on the Draft Environmental Assessment.***

Ms. Candace Thackerson: Aloha, Commissioners. We're picking-up from the last meeting and, to save time, I would like to ask the Commissioners if it's okay if we don't do the entire presentation as last time. I know there were few Commissioners who were not here, but you do have the packets from last time with the photos and the draft environmental assessment, which was the missing puzzle piece from last time. Annalise is not with us today. She's out on site. But she did email me, just a note of clarification on the SHPD letter. She just wanted to say that the 1975 barbershop is not contributing. The letter wasn't clear because they kind of clumped them together and then went on to say which ones were contributing. So she just wanted to say that 1975 barbershop is not contributing, but the two plantation dwellings are, so mitigation will only be required for the two residential structures, the one parcel 038, and the other on parcel 044. And the department still stands with its previous recommendation of a HABS Level 3 mitigation, which is the same mitigation proposed by SHPD on the bottom here. They didn't call it out as HABS Level 3, but it's verbatim taken from the criteria. I just wanted to clarify that. Thank you.

Dr. Six: Candace, is HABS Level 3 what we just saw happen on Lana`i, the houses that were going to be demolished, Larry Ellison's, HABS 3?

Ms. Thackerson: I was not working on that project so I couldn't speak to that exactly.

Chair Osako: I believe we recommended that they okay the permit with the mitigation.

Mr. U`u: It's not on the agenda.

Ms. Thackerson: That was the other --

Chair Osako: Okay.

Ms. Thackerson: That was the other point Annalise also wanted me to make was also that these are your comments on the draft EA, but that when the demolition permits actually come up for the parcels, they will come before this body again, you know, for your approval of the demolition.

Chair Osako: Okay, at this time, is there anyone in the audience that would like to make any comments about this agenda item? No? Okay, Commissioners, comments?

Mr. U`u: Question. Have we got any comments from SHPD?

Ms. Thackerson: We have the Architecture Branch letter from SHPD, which I put -- did you get one?

Mr. U`u: Oh, okay, okay.

Ms. Thackerson: Yeah. Yeah.

Mr. U`u: It's not in the EA? It's not in the EA booklet?

Ms. Thackerson: No. No, because we routed it out. They just got -- it's dated March 3, as you can see, so --

Mr. U`u: Thank you.

Ms. Thackerson: Yeah.

Mr. Skowronski: The environmental assessment was reviewed by the Maui Planning Commission?

Ms. Thackerson: Yes.

Mr. Skowronski: In January?

Ms. Thackerson: Yes.

Mr. Skowronski: And what action was recommended or taken by the Planning Commission?

Ms. Thackerson: On demolition of the structures? They had no comments. No significant comments. There were various other comments on the draft EA, you know, to look at complete streets, to look at parking and bike paths, but they didn't have any comments on the demolition of the structures. They had a few at first, and then the applicant showed pictures and things like that, and they withdrew their comments.

Ms. Salazar: That can be found in here, this section right here ...(inaudible)...

Ms. Thackerson: I don't --

Ms. Salazar: ...(inaudible)... she's talking about.

Ms. Thackerson: Oh, the photographs you mean?

Ms. Salazar: Yeah. You were reading parcels and -- are these the comments you're speaking of here?

Ms. Thackerson: No. I don't think you have the comment letter from the commission.

Ms. Salazar: Okay.

Ms. Thomson: Yeah, the comment letter --

Ms. Salazar: ...(inaudible)... find it.

Ms. Thomson: The comment letter from the commission is going to be included in the final EA, but it would not be in --

Ms. Salazar: The Planning Commission?

Ms. Thomson: Right. But it wouldn't be included in the draft EA because everyone's commenting on the draft itself.

Ms. Thackerson: Yeah.

Mr. Skowronski: But my question actually is: Was there ever a finding of no significant impact?

Ms. Thackerson: That's the process we're doing right now. That's the process that's taking place. We're all commenting so we can move it --

Mr. Skowronski: Right. Then that -- these comments will then go to the Planning Commission?

Ms. Thackerson: Yes. Yes. And they will be included in the final EA and that will -- all the comments will go to them because we'll have to take the final EA back to the Planning Commission to look at again. They only commented on the draft.

Mr. Skowronski: Alright.

Ms. Salazar: Candace?

Mr. U`u: Just a quick question. During the building of the project, you going have one monitoring person in place at all times, even for the other two properties, correct?

Ms. Thackerson; I believe that is -- yeah. The applicant can answer that.

Mr. Hart: Jordan Hart. That is corret.

Mr. U`u: Okay.

Chair Osako: Being we're speaking about trees during this process, is there any plan concerning the trees on the property?

Mr. Hart: Part of the EA includes aerial site photos.

Chair Osako: Just a minute.

Mr. Hart: Oh, excuse me. As well as our preliminary landscape plan, and so, in summary, some of the trees that are existing are proposed to be removed on the site.

Chair Osako: Some of the trees are proposed to be removed. Are any of those -- would they fit the criterion that we've been discussing?

Mr. Hart: Potentially. We didn't -- we weren't accounting for the draft ordinance in preparing the draft EA so I couldn't tell you what the status of those are. I know that if you look at the site photos, there are some that are -- they're larger. There's a mango tree, as an example. But as far as an analysis based on the draft ordinance, there was nothing like that done.

Ms. Dee Coyle: Aloha, Commissioners. Dee Coyle, representing KBH, LLC. There are two mango trees that are part of the property in which we will have to remove in order to proceed with the project. One tree is a common mango tree. The other tree is a Haden mango tree. Just this week, I was trying to locate some grafters because the Haden mango tree is a good mango tree, and so were exploring whether we should be making seedling from even the mango itself but, as I'm told, even if you make seedlings from the seed, that doesn't mean you're going to get the same mango, so grafting really would be a way in which we could perpetuate the tree. So, so far, we made a call to Lahainaluna High School to see if maybe someone at the agricultural department might be able to help us in grafting the trees, and what we'd like to do is -- I mean we just started this process as a means of trying to save this tree, so to speak, that we're willing to work with the community and anybody that would like to come and, you know, do the grafting that once that becomes successful, then we would like to donate whatever they do, whoever comes to do it actually, come to do it and then you can take the tree. So that would be one of our means of trying to, you know, perpetuate the life of that tree.

Dr. Six: Is there -- why can't the tree be there? I mean ...(inaudible)... buildings going to be?

Ms. Coyle: It's right in the middle of our driveway right now.

Dr. Six: And you can't move your driveway around to accommodate the tree?

Ms. Coyle: The property space is limited so it would be right in the center of that driveway.

Dr. Six: So you designed your driveway knowing there was a big tree right in the middle of it?

Ms. Coyle: We designed the driveway based on what would be what the building would accommodate.

Dr. Six: Is it this Lahainaluna Road frontage existing structure, parcel 38, is it that tree that we're talking about or is that the common mango?

Ms. Coyle: There's one on the side of the building of the existing Phase 1 building, that's the common mango tree. That is right up against the building of the inn. There's also one in the back of the property of Parcel 38, and that is the Haden mango tree.

Dr. Six: Yeah, I'm looking at Parcel 38. I'm looking at the Haden.

Ms. Salazar: Figure 4 ...(inaudible)...

Ms. Coyle: There's, not to be mistaken, there's also one that you see in the back of where the truck is parked, that is the neighbor's tree, so that belongs to the adjacent property.

Ms. Salazar: The Panaewa Street one?

Ms. Coyle: No. We're on Lahainaluna Road.

Dr. Six: Figure 4 says, "Lahainaluna Road frontage of the existing structures beneath the tree on Parcel 38."

Ms. Coyle: Yeah. That's the one. That's the picture we're looking at.

Dr. Six: And that's the neighbor's tree?

Ms. Coyle: There's one that's the neighbor's tree, which I'm not sure if you can see it but it looks like a pole in the back of that -- where the truck is parked, then you see the building, and there's a pole, there's a tree right there. That's a Haden mango tree, I believe, and that belongs to the neighbor. There's also one in the back of the structure. And then if you look to the right where the fence is or the existing Plantation Inn, there's a common mango tree that is growing right up against the building, which, at this point, is kind of impacting the structure of the building right now.

Chair Osako: Okay. My comment would be, you know, when they're talking about more modern, the Haden would be more modern, and the common mango would be more culturally because it was planted by the early settlers there. So, you know, under our purview, that becomes more historic would be the common mango, not the Haden. And I had relatives that lived on Lahainaluna Road and they had the common mango tree. And because people kind of devalue it because of the fruit, the eating of the fruit, they think the Haden is more important, but the common mango trees are disappearing. So that would be my comment.

Ms. Mowat: May I? I don't know if anybody else have any kind problems, but I -- it's very hard for me to picture everything. I'm really having a hard time looking at this mounds of paperwork and stuff and I would really like to go and see it myself and where the -- what the houses look like. I mean I cannot really see how -- what shape the homes are in. I don't know where the parking -- I'm not familiar with Lahaina, so I don't even know, and I'm really having a hard time. I cannot read all of this. So it's going to be hard for me to be really honest on -- to make any comments 'cause I'm actually confused and frustrated because I cannot help so --

Dr. Six: And, also, when I was reading the cultural impact assessment, you know, when we saw the overview, and it was two primary informants, but I realize these are the only

informants that were spoken to at all, and I know that there was an advertisement put in the newspaper, but I mean I know, personally, I don't spend a lot of time because I don't even get *The Maui News*, but I can think of several native Hawaiians very active in Lahaina, and I'm sure there's people that grew-up could think of more -- that could have been consulted, Keeaumoku Kapu, comes to mind, Bridget, excuse me, not Bridget, Blossom Feiteira, Friends of Moku`ula, now Wilmont Kahaialii, Foster Ampong. These are some people I worked with when I was working at Moku`ula. So I'm just interested in, you know, the cultural sense that we're talking about, taking buildings out that have historic value. I understand, you know, that we have to make way for progress. I get that. But I would have -- I would like to advocate for a more comprehensive biography of these buildings and maybe the trees because I was really looking forward to reading more about Store Camp, and there's a little mention that these people worked in the store, but I didn't get a sense of the community and the history of these building from two people that moved there in '47, and you asked a couple of people, who are not of native Hawaiian ancestry, and they say, "No. No cultural practices went on on these properties that we're aware of." And as we know, Lahaina had so many things happen to it in the late part of the 19<sup>th</sup>, the early part of the 20<sup>th</sup> century that a lot of places were -- practices were lost. And because this was a pu`uhonua that was given to, you know, a very important ali`i, this must have had some cultural value at the time of the Mahele when they decided to give this. So I would like to see a little bit more information to help me to make determinations on the cultural significance of the area before plantations, the area once the plantations come in, and then, obviously, some history, you know, including maybe the common mango and things that were planted by these members of the camp. I do understand that we have to make way for development, but at what cost? And so, for me, I'd like to see a little more detail. There's a lot about prehistory, it talks about -- the archaeological assessment is very well done, and they didn't find any objects of cultural significance in their trenches, but they're going forward with the monitoring plan, that's very admirable and I'm really glad to see that you guys are going to do this given the nature of Lahaina and the nature that things pop out, but as a plantation person, I would like to see a little bit more information about the heritage of those buildings because if we do approve the demolition, they're gone, and just, you know, I know it's sometimes very hard to get people, and I know Jill and her coworker did a very good job of trying, but maybe if there's any way that we could just exhaust it a little bit further and maybe get some information on pre-contact aspects as well as the post-contact.

Ms. Coyle: Just as a FYI, Uilani Kapu did have a, not that we gave it to her, but we did give her the link to where the DEA was located, and as she said to me in a phone conversation, I do not have it in writing, but she had no problem with it. Just as passing on what my conversation --

Dr. Six: To say this wasn't included, so what I see from --

Ms. Coyle: That was just because I had a phone conversation with her on the phone.

Dr. Six: Well, that makes me feel better already just because the idea is, you know, before we sign off on no cultural significance or no real cultural impact, I just wanted, and not to discredit the work done by the authors, just really to hold, you know, our board accountable for getting as much information as we can, especially when you're talking about demolishing, you know. Thank you.

Mr. Hart: If I can go ahead and add, so the department's recommendation, as we're aware of it, is for HABS Level 3 preservation, which includes a historic analysis of the structures and their setting, and so we're -- we acknowledge that and accept that recommendation, so we would be including that information in our final EA.

Dr. Six: Okay. Because when we did see the HABS 3 on Lana'i, they failed to leave out the kind of the biography, and when we went there on a site visit, as Bridget mentioned, sometimes it's very compelling because you really see it, someone came out and said, "Eleven babies were born in this house," and there was all this history that hadn't been included. They detailed the architectural details and the history when the house was built, but the kind of biography of the house. Now, in the case of the Agena house, pretty much they lived there, so that's one aspect, but the other places we don't kind of have the sense of the camp or what might have -- a little bit more information before we make the decision that impacts the cultural resources of Lahaina. So maybe if that could be in the HABS 3, just as much as we can, find out information about who lived in those houses, if we can. Obviously, I know it's not always possible.

Mr. Hart: So some consideration for the Commission in regard to that is that after the final EA is completed, so we'll include these things in the final EA, then we'll go for our SMA permit and that'll include a request for demolition approval, and the demolition permits will be reviewed by this body and so that would be a second opportunity to analyze the completeness of our HABS Level 3 mitigation, and so, you know, our intent would be to have it in the final EA and in our SMA presentation to the Planning Commission, but also there would be a second opportunity to comment with you here.

Dr. Six: And, you know, I know we got one of the archaeologist here in the audience, but I was looking at the trenches, and it's obviously gravel and fill, and then there's this really chocolate brown organic rich soil, so I just wonder was this an ag area? Was this an area that had, you know -- I know there's no cultural, you know, implements coming out of the soil, per se, but it seemed to be very rich, full of what look like organic materials so maybe indicating that one time it was under cultivation. I'm just wondering if you have any indication of that? Just looking at that chocolate soil, you know.

Mr. David Princinsky: I'm David Princinsky, from SCS Archaeology. Yeah, the stratum, there was about five stratums we found as we dug those trenches. We had pretty good coverage over the property. Only the existing parking lot could be tested, however. Everything under Trilogy and that neighbor's house, obviously, we couldn't get a backhoe in there. But the top to strata were both fill imported. It didn't look to me like anything, but I'm not a hundred percent sure, but it didn't look like they would have removed anything, like those two fill events. What Janet was talking about, the agricultural soils, they didn't look like lo`i sediment to me.

Dr. Six: Okay.

Mr. Princinsky: They looked liked what ...(inaudible)... had all describes in his soils, the silty clay, silt, which is typical in Lahaina. And I've seen those clay sediments and lo`i that are closer to Moku`ula. They're clear that they were agricultural soils. But these, I didn't, personally, feel like there was any kind of decomposing organic material or anything like that that would indicate.

Dr. Six: Thank you. Because, you know, when you're there, you can take it and you can smell it and you get a feel, but it just looked, in the picture, so dark. I was just wondering.

Mr. Princinsky: Yeah.

Dr. Six: Thank you for that.

Mr. Princinsky: No problem.

Dr. Six: I really appreciate that input.

Mr. Princinsky: Okay.

Mr. Skowronski: Chair?

Chair Osako: Yes, Frank?

Mr. Skowronski: Mr. Chair. Thank you, Chair. I have a question for the applicant. Is the applicant in receipt of the March 3<sup>rd</sup> letter from DLNR, State of Hawaii?

Mr. Hart: We are. Yeah, as of the 4th.

Mr. Skowronski: And the SHPD proposed mitigations at the bottom of the page, is it the applicant's intention to abide by that mitigation scenario?

Mr. Hart: It is. It's our understanding that that's consistent with HABS Level 3, which is what we're -- the department is recommending and we're supportive of.

Mr. Skowronski: You're supportive of meeting those, that mitigation?

Mr. Hart: That's correct. If I could step back and, well, go ahead. Go ahead.

Mr. Skowronski: No. No. I just wanted that in the record.

Mr. Hart: That's fine. One thing I'd like to clarify in discussing the process for HABS Level 3, that may or may not be able to be completed before the final EA is concluded, but it will absolutely be completed before we're here to see you for the review of the demolition permit.

Mr. Skowronski: It will be -- it will be completed before the demolition is initiated?

Mr. Hart: Before -- absolutely. Because the initiation of demolition requires your approval and so it would be available for your review prior to your comment and potential approval of a demolition permit.

Mr. Skowronski: Okay. Thank you.

Ms. Salazar: Well, it sounds to me like it's going to roll on no matter what we may say. I mean all this is presupposing that it's done. It's going to happen. That it is done. Am I -- I mean ...(inaudible)...

Dr. Six: You weren't at the last meeting, yeah, but, basically, when they brought the properties and with the idea, I believe, correct me if I'm wrong, Mr. Hart, was basically the intention that these buildings would have to go for the expansion. And it's zoned hotel, correct? You got it zoned --

Mr. Hart: Yeah. That is correct that the applicant did go through a change in zoning process for the purpose of doing this. And, you know, obviously, we don't hope for this but you do approve the demolition permit, so, you know, it is your decision, ultimately.

Chair Osako: Go ahead.

Dr. Six: But the plans, as drawn, were obviously, considering this tree being gone because you have the driveway going through the tree, the building's being removed, so the plans, and I think we went over this at the last meeting because Owana wasn't here, just to reiterate, that there was an assumption that these buildings would be leaving, this tree

would be taken down because the way the thing is designed, the pool is going to be reoriented so --

Mr. Hart: Sure, the property owner is making plans with their property and this is the plan that they're proposing. You know, with regard to the trees, one thing I would like to say about that is that there is going to be a net increase in total trees after the replanting of the project with the landscape plan that we presented. So, you know, that is included in the project.

Dr. Six: It would be nice if they could take one of the graphs from the Haden and maybe replant it on the property or even from the common mango and that way give that tree a life, continued life --

Mr. Hart: Okay.

Dr. Six: If the parent tree has to be taken out to make way for the structure.

Ms. Salazar: Is there a certain a length of time that a graph to be assured that it will take or maybe several graphs to make sure that some -- one keiki or two would survive? There must be something.

Mr. Hart: I'm not able to answer that for you but I'm sure that we could work with an arborist to, you know, have something like that taken cared of.

Ms. Mowat: I'm just wondering if there was any -- or any other thoughts when the property was purchased, we talked about the last time how you folks just -- I mean how they just let the houses go because they knew they were going to tear it down anyway, but I always think of, you know, you tear down a structure, and then you try to build up something that looks like or gives the visitors a feeling of what was torn down, and I couldn't help but think why couldn't they have thought of using these structures, renovating, and using these structures as for families who come, larger families, or family -- and have them stay in that kind of a, you know, in a house like that instead of just always thinking about just tearing down and rebuilding something totally -- and then really I think about the people that are in that community, how much of their lifestyle is going to be impacted because I know, I live next to Molokai Shores, and there's a lot of -- I live right on the ocean so there's a lot of tourists going along the beaches, and my dogs follow them, and they miss the dogs, and then my dogs get in trouble because they're over there, and, you know, it changes my lifestyle, so here you're expanding in an, you know, rural area, and so how does that impact the people there too? So --

Mr. Hart: If I could clarify. So this is the urban district, and we did go through the change in zoning process a number of years ago, we did actually -- we were actually issued

demolition permits for the Agena property, but the ownership put the whole project on whole while they were trying to acquire the Trilogy parcel. We did publish the draft EA. We did go to a noticed public hearing with the Maui Planning Commission and we did mail notice of application to all of the neighbors, and we haven't received negative comment on the project and so --

Ms. Mowat: How old, in that area, what are the ages of the tenants or the --

Mr. Hart: Oh, that's a difficult question for me to answer right now.

Ms. Mowat: Okay.

Ms. Salazar: Well, you said you didn't receive any negative comments from the neighbors, like along Panaewa?

Mr. Hart: Yeah. That's my --

Ms. Salazar: What comments did come in?

Mr. Hart: Let me -- so no comments.

Ms. Salazar: No comments at all? Well that's very typical of Hawaiians that make no comments that's -- or if they --

Dr. Six: That's the comment.

Ms. Salazar: That's a comment right there. It isn't that they don't care; they feel like maybe they -- whatever they say not going to matter. I mean that is -- that's how I recognize that.

Mr. U`u: It is already one existing inn, correct?

Ms. Salazar: I'm sorry?

Mr. U`u: It's already an existing inn?

Chair Osako: Yeah, except for the two properties that they acquired.

Mr. U`u: Except for the two properties.

Ms. Salazar: Yeah.

Dr. Six: I do think it's interesting what Bridget said though because they tear down the plantation structures, I know why, they're not up to code, they don't have the same building standards, they want to put more rooms, and then they make plantatia, so I always think that it's sort of an interesting dichotomy that we tear down the heritage and then we make a simulacra, something similar because people want to have that feeling of, oh, I'm on the lanai of the plantation, but we tend to celebrate the overseers, we tend to celebrate the big house, and so we have lot a lot of the workers' houses, as saw on Lana`i and as we see, and I lived in a lot of those Rice Camps in Lahaina and the Haole Ghetto, they called them, so, for me, one of the reasons I went into plantation archaeology is because there's so much of that culture that's been lost, such is my comment. I mean I understand the ownerships wanting to have a safe place for guests to stay, but it is an interesting phenomenon that you tear down authentic plantation buildings to put in something that harkens to that time. That's just my comment.

Chair Osako: My comment is the sentence, "The demolition of the historic building will negatively affect the National Historic Landmark." So what that means is the National Park Service has criterion, you know, just to be in that category, and if you do not meet the criterion of having so many contributing structures or buildings, then you lose that designation. So, at some point, I can see where Lahaina will lose the designation.

Ms. Salazar: I'd like to add something. When I think of Waikiki that once was made up of a lot of homes, and how we see it now, happened one building, one parcel at a time. It didn't happen all at once. So each little seemingly -- just a small part and then it passes, and then the next one, and then the other one becomes a -- it happens a little at a time. It is a creeping incorporation of the existing to become the new existing, and next thing you know, everything gets a little taller, a little wider, more concrete gets poured, and this is a very good point to bring up, Chair, that we run the risk of losing our historic status. Thank you. One building at a time. One handful of sand at a time, or a bucketful. No more the beach, etcetera. So that's the, you know, my real big concern here. And 'cause when you go along Lahainaluna Road, now those homes that were once lived in, I mean I sat on the front porches with, the porch there, with Aunty Ulu and Aunty Thelma Kahaialii, and now it's a business, you know, because it's commercial, but they didn't tear it down to build a new building, they refurbished the home and it came a business, and I -- that was okay. At least that much was preserved, but it became a commercial area, so that was the change, you know, but building-wise, it didn't change.

Chair Osako: Any other comments? We'll have a rundown of the comments.

Ms. Thackerson: Let me just make sure I have them all. There was actually few, but they're generally, so if you'd like to add anymore, please just let me know. So we have that to make sure that the applicant puts a comprehensive history of the buildings, and that will be included in the HABS Level 3 survey, I just wanted to reiterate that though even though

it's listed on the SHPD letter; looking into the collecting the graphs from the Haden mango and the possibility of the applicant utilizing those in the proposed landscaping plan where they can; and then also that the -- to quote the Chair about SHPD's letter with the negatively affecting the National Historic Landmark District and that the CRC is concerned with the possibility of Lahaina losing its National Historic Landmark District designation piece-by-piece, one building at a time, and I will definitely convey that in the letter to the Planning Commission; and then I had the possible preservation of the common mango, but I didn't -- that wasn't really -- I wasn't sure how the CRC wanted to proceed with that.

Chair Osako: Well, it's just a concern that, you know, historically, that would be the more valuable tree because it was brought in a lot further back than the Haden ...(inaudible)... you know, if we're talking about historic and cultural significance, that that would be more significant ...(inaudible)...

Dr. Six: And it might be something that comes up when they come forward with the demolition permit, if this bill were to go through and they were to identify these types of trees, it might be something that the applicant needs to consider if that tree does get a designation, the common mango, or perhaps treat it the same way as the Haden by doing some graphs and then trying to keep the spirit of the tree alive.

Ms. Thackerson: I'd like to offer as well, not only keeping graphs from it possibly, but if it has to go and it's not in a condition to keep, there are people who would want the wood from that tree and it could be used in native Hawaiian cultural practices. I know Kainoa, my fiancé, he is a cultural practitioner and he has a permit to gather, and go and get the trees, and he uses them to make, you know, poi boards and things like that, and pretty much that's my entire garage right now, so he just got a ...(inaudible)... he's very excited. So I would just like to comment that possibly if it has to go, then that the tree is utilized for something like that with the proper protocol.

Ms. Kanuha: Yeah, I would recommend that the Kaanapali Beach Hotel utilize the tree for Makahiki, and then maybe they can make na mea makamae.

Ms. Thackerson: Add that if it has to go, that we'll have the Kaanapali Beach Hotel use it in their cultural practices. Yeah, Makahiki.

Mr. Kubota: When they document the history or the buildings, we'd like to know who lived in that 1940, it became an office afterwards, but they said it was a residence. I'm curious who lived in it whether it possibly would have been the manager of the store, which would connect with the other three houses.

Ms. Thackerson: You're speaking of the one on Parcel 038 or 044?

Mr. Kubota: The one that's on -- it was considered -- it's been called "an office building" built in 1940.

Dr. Six: I think the Trilogy Building, yeah? Because Agena was a family residence, correct? One was built in '40; one was built in '31.

Mr. Kubota: Right. They said that it was -- when asked what the office was used for, they said it was a residence originally. Do you know?

Mr. Hart: A portion of the Agena family lived in there previously. That was part of the cultural impact assessment report. But we can expand on that in the HABS Level 3 discussion.

Dr. Six: But what about the Trilogy, Jordan, was that -- the Trilogy building was a private home as well?

Mr. Hart: It's our understanding that that was also a portion of the Agena family, a different like separate branches, a brother.

Dr. Six: So on either side over here so --

Mr. Hart: Correct.

Chair Osako: Okay, do we have a motion to accept the comments to -- comments that were taken down?

Mr. U`u: Motion to accept the comments.

Ms. Kanuha: I second.

Chair Osako: Okay, it's been moved and seconded to accept the comments as recorded.

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

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

***VOTED: to accept the comments as recorded.***

Chair Osako: Motion passed.

Ms. Thackerson: Thank you.

Mr. Hart: Thank you.

**E. NEXT MEETING DATE: April 3, 2014**

Chair Osako: Okay, next scheduled meeting date is April 3. Yes?

Ms. Salazar: I'd like to ask if I could make a proposal or something to be on a future agenda. I don't know how that process works. Can I please be advised?

Ms. Thomson: You can suggest it to the Chair.

Ms. Salazar: Can I do that at this time? Okay. Okay, three things. Three things. One is that we had talked about doing a walk through on some of these historic area and, specifically, I'm thinking of Lahaina because of our past concerns that we've addressed -- been addressing regarding signage, you know, the signage and the -- so if we could have that on our agenda somewhere to discuss, whatever the process is, so we can actually do it. The number two, I was wondering, and this is probably a question, is there a commission or some body that handle street names?

Mr. U`u: Get one commission. Yeah.

Ms. Salazar: There is a commission? Boy, because I mean, okay. What's the name of that commission, the Street Naming Commission?

Mr. U`u: Yeah.

Ms. Salazar: I think we better consider interfacing with them as well because Hukuli'i is a street name in Kihei, and I think it really was intended to be Hokuli'i. Pukuli'i is -- well, huku is like to be detached or not connected, you know, but Hokuli'i and Hokuloa that is the North Star and, you know, that is more appropriate, I'm sure they were going for that, but somebody on the commission, maybe that Street Naming Commission, didn't want to get a Hawaiian dictionary or Pukui dictionary. You know what I mean? We have to -- those little things count big time, so I'm concerned about that. And number three, being that I do know that our body has the authority to recommend that certain areas become included in the historic district in Maui County, first I have a question: Is that Coconut Grove planted by King Kamehameha V a historic -- it is a historic district? Okay. Thank you then. Otherwise, I was going to recommend that it needed to be.

Chair Osako: ...(inaudible)... to what is the average life span of a coconut palm? How long is it going to be ...(inaudible)...

Ms. Kanuha: Coconut trees but no more coconuts inside.

Ms. Salazar: Yeah.

Ms. Mowat: Yeah, but ours says no more the palms, only the -- they stay make already. No more the top.

Ms. Salazar: Yeah, so -- so in preserving it, we should be doing things like cleaning it up, replanting.

Dr. Six: Yeah, planting, yeah.

Ms. Salazar: That is preserving the --

Dr. Six: Well, I think too, this can be off the record but, you know, when we were talking about the tree thing that maybe if someone takes a tree out, they put another tree in, if it's appropriate, like so it's not, you know, if the tree is like breaking the roots of the thing, that we don't lose all the trees.

Ms. Kanuha: Culturally, if you take one, you plant one.

Dr. Six: Yeah. And another thing, I know Oahu --

Chair Osako: The other thing too now because liability, right, coconut ...(inaudible)...

Dr. Six: Fall on your head, rats get in there.

Ms. Kanuha: ...(inaudible)... coconuts ...(inaudible)...

Ms. Salazar: Well, that's why they have to have a new one because then they grow so tall and then you can still reach, yeah.

Dr. Six: Well, and also, just on the sign thing, you know, I know when I was on Oahu, they have all the ahupua`a marked, as you drive around, and it would be nice to see some different kinds of names, like Baldwin Beach have its Hawaiian name, it's on the sign as well, and have a place that you know you're entering the ahupua`a ...(inaudible)... to give it --

Ms. Salazar: Which brings to mind, they don't get the spelling right either, and they're diacritical mark happy. It drives me crazy. So anyway, could we make a plan for our walk through to specifically examine the signage in Lahaina, maybe one block at a time, or two blocks?

Mr. U`u: Or all things relevant to the Commission.

Ms. Salazar: Absolutely. Yeah. Thank you. Yes.

Dr. Six: You know trees, we can get mana`o on trees, maybe all about trees.

Ms. Salazar: Yeah, we could do that all things, yeah. That's well said. Thank you.

Dr. Six: Then we could -- we could take a look at giant mangos and figure out what ...(inaudible)...

Mr. U`u: So a slow walk.

Ms. Salazar: Yeah. We stop for shave ice at the Ululani's. But yeah.

Chair Osako: Okay. Anything else here?

Dr. Six: Nope.

Ms. Salazar: Well, just those two things, the Street Naming Commission and the walking through Lahaina.

## **F. ADJOURNMENT**

Chair Osako: Okay, in that case, meeting is adjourned. Next meeting is April 3.

There being no further business brought before the Commission, the meeting was adjourned at 12:22 p.m.

Respectfully submitted by,

SUZETTE L. ESMERALDA  
Secretary to Boards & Commissions

## **RECORD OF ATTENDANCE**

### **Present**

Warren Osako, Chairperson  
Makalapua Kanuha

Gaylord Kubota  
Bridget Mowat  
Owana Salazar  
Dr. Janet Six  
Frank Skowronski  
Bruce U`u

**Excused**

Kahulu Maluo

**Others**

Michele McLean, Deputy Planning Director  
Joseph Alueta, Administrative Planning Officer  
Candace Thackerson, Staff Planner  
Richelle Thomson, Deputy Corporation Counsel