

**CULTURAL RESOURCES COMMISSION
REGULAR MEETING
AUGUST 6, 2015**

*** All documents, including written testimony, that was submitted for or at this meeting are filed in the minutes file and are available for public viewing at the Maui County Department of Planning, One Main Plaza, 2200 Main Street, Suite 315, Wailuku, Maui, Hawai'i. ***

A. CALL TO ORDER

The regular meeting of the Cultural Resources Commission (Commission) was called to order by Chairperson Janet Six, at approximately 10:34 a.m., Thursday, August 6, 2015, in the Planning Department Conference Room, first floor, Kalana Pakui Building, 250 South High Street, Wailuku, Island of Maui.

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

Chair Janet Six: Okay, I call this meeting to order on August 6 of the Cultural Resources Commission for 2015.

B. PUBLIC TESTIMONY

C. INTRODUCTION OF NEW COMMISSION MEMBER - TIMOTHY BAILEY

Chair Six: At this time, we'd like to ask for any public testimony. Anyone in the public that would like to come forward and testify on any of the agenda items? Okay, we're going to move on to agenda item C, and that's the introduction of our new Commission member, Timothy Bailey. Would you like to introduce yourself to the group?

Mr. Timothy Bailey: Sure. My name is actually Timmy, everybody calls me "Timmy," so Timothy Paulokaleioku Bailey. I'm born and raised up in Kula as a farmer. I sat on some governor appointed committees before with the Aha Moku Committee, and I work for the National Park Service, put in 25 years in resource management, and honored to be here, see what I can do and to help out.

Chair Six: Should we have everyone go around and introduce themselves? Do you want to introduce yourself?

Ms. Mikala Enfield: I'm Mikala Enfield, from Lanai.

Mr. Frank Skowronski: Frank Skowronski, Territorial Architects, Wailuku.

Chair Six: Janet Six, archaeologist and currently working for the Park Service.

Ms. Bridget Mowat: I'm Bridget Mowat, I'm from Molokai.

Mr. Jarrett Wong: My name's Jarrett Wong, from Pukalani.

Ms. Arleen Ricalde-Garcia: I'm Arleen Ricalde-Garcia, I'm a physician, Maui Medical Group, internal medicine.

Mr. Bailey: Nice to meet you.

D. APPROVAL OF MINUTES OF THE MAY 6, 2015 MEETING

Chair Six: Okay, without further ado, we'll move on to agenda item D, and that's approval of the minutes for May 6, 2015. Do we have a motion to approve the minutes or any comments or discussion?

Mr. Skowronski: I move to approve.

Ms. Mowat: I send.

Chair Six: It's been moved to approve by Commissioner Skowronski, and seconded by Commissioner Mowat - did I say that right --

Ms. Mowat: Yep.

Chair Six: Before she hits me. Do we have any discussion?

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

It has been moved by Commissioner Skowronski, seconded by Commissioner Mowat, then unanimously

VOTED: to approve the minutes of the May 6, 2015 meeting.

Chair Six: It passes. Now we're going on to New Business.

Chair Six read the following agenda item into the record:

E. NEW BUSINESS

Lahaina Arts Association requesting approval of the amendment to the 2015 Lahaina Banyan Tree Event Schedule to conduct craft fairs as the permittee

at Banyan Court Park, in place of the current permittee, Lahaina Arts Society, County Historic District No. 1, Lāhainā, Maui, Hawai‘i, TMK (2) 4-6-001:009 (A. Kehler)

The Commission may approve or disapprove the amendment.

Chair Six: Would you like to introduce yourself?

Ms. Tara Sabado: Yes. Good morning. My name is Tara Sabado, I'm the temporarily assigned district supervisor for the west district for the Parks Department, and we come every year and get a calendar approved to have craft fairs under the Banyan Tree, so we're today to ask for two amendment approvals. So I gave you folks a copy of the currently approved calendar; if you look at August, that's where we're looking for amendment approval. Currently, we have Lahaina Arts Society as one of the craft fair vendors under the Banyan Tree. Through our permitting process, it was discovered that their nonprofit federal status had changed, so they were no longer considered a nonprofit federally approved, so they have a partner, Lahaina Arts Association, a Lahaina Arts Association nonprofit organization that partners with them usually receiving grants, and monies, and funds through their organization. Through our permitting process, we are able to identify a permit holder, which would be meeting the nonprofit status, and then an event coordinator, so with this amendment, Lahaina Arts Association would like to be now the permit holder for their craft fair under the Banyan Tree, and Lahaina Arts Society will continue to be involved as the craft coordinator and run the event, so that's approval of the amendment that we're requesting to add Lahaina Arts Association as the permit holder but the even coordinator will still remain Lahaina Arts Society, and all the funds generated and everything that was previously approved from this calendar will still be intact. Lahaina Arts Society is here if you have any direct questions regarding how they're going to operate now under the Lahaina Arts Association.

Chair Six: Does anyone have any questions?

Ms. Sabado: Yes?

Ms. Mowat: And this is just curiosity. Is that a normal practice that they take a permit and transfer it to another person? Or was there a cost involved to get the initial permit?

Ms. Sabado: Okay, so two questions. The first question, yes. It's pretty common to have organizations partner up on a permit for a special event, usually. Because of the requirements that the department has in place, a lot of organizations were not being able to be grand-fathered in to pulling a permit if they don't meet the specifications of the permit process. Does that answer your question? So that's a typical partnership. And then what was your second question?

Chair Six: Is there a charge or a fee for the permit usually?

Ms. Sabado: The permit fees have changed effective July 1st, but this particular transition didn't change any fees. They just didn't meet the nonprofit status that we required in order to pull the permit as a special event craft holder.

Chair Six: So, maybe I should address Lahaina Arts Society --

Ms. Sabado: Yes.

Chair Six: Did they change it, did they intentionally change it, or just lose their status? What was the cause for the permit being ...(inaudible)...

Ms. Sabado: Okay, so we can call up Lahaina Arts Society for that.

Mr. Jerry Fasick: Hello. I'm the Vice-President for Lahaina Arts Society.

Chair Six: State your name, please.

Mr. Fasick: Jerry Fasick. And the permit process, we were under -- we were a nonprofit in the State of Hawaii but the county rules requires that the nonprofit status be a bona fide 501(c)(3) and we've been a partner organization with Lahaina Arts Association since its creation, we actually created Lahaina Arts Association as the 501(c)(3) nonprofit leg of our organization. So when the rules were clarified under the permitting process through the county, it was brought to our attention that we were required to be a 501(c)(3), we couldn't just be a nonprofit in the eyes of the State of Hawaii, so what we did is we investigated to find out if we could use the 501(c)(3) status of Lahaina Arts Association as the permittee, and then Lahaina Arts Society would still handle the organization -- organizing of the event itself and found out that that was common practice with a lot of organizations that have permit requests through the county if it's on county property, so what we did is we just got the permit through Lahaina Arts Association, which is fine as far as the county is concerned, so what we want to do here though is make sure that it's in your records also that Lahaina Arts Association will be the permittee and Lahaina Arts Society will still continue to be the organizer.

Chair Six: And can I ask a quick question if you know this? Is Lahaina Arts Society going to try to become a national 501(c)(3)? Are they going to come back before us and try to move the permits back?

Mr. Fasick: No. I don't think ...(inaudible)... I don't think so. At this time, we're not going to try to do that. It actually works this way. It's -- it's a process that we have had with Lahaina Arts Association up to this point anyway, so we really don't have to change

anything other than putting the permit in the name of Lahaina Arts Association and that way we can keep everything exactly the way its been, and they receive grants and donations from us in this process anyway, even when it was Lahaina Arts Society with the permit; this way, we can keep everything intact, the same as it was.

Chair Six: Okay. Thank you. Any other questions?

Ms. Jennifer Oana: Ms. Sabado, does the Parks Department require any hold harmless agreements from these permittees and promoters?

Ms. Sabado: That would be a permit question, so I can take it back and we can respond back to you in writing from permit specialist.

Ms. Oana: I just note that I looked at the business registration website for the state, and with regard to officers for Lahaina Arts Association and Lahaina Arts Society, they're completely different, I mean nobody overlaps.

Ms. Sabado: So you're talking about the insurance policy then?

Ms. Oana: Or whatever Parks recommends ...(inaudible)...

Ms. Sabado: So all special event permit applicants are required to put in an insurance where they list the county as additionally insured. And in addition to this particular permit, LAA had to also include Lahaina Arts Society on their insurance as well. Is that good?

Mr. Skowronski: I have a question. I'm aware that qualifying for Federal 501(c)(3) is onerous, and the Arts Society, right now, has a state designation as a nonprofit?

Ms. Sabado: Yes.

Mr. Skowronski: Do they have any intentions of changing that status?

Ms. Sabado: I believe he just answered the question. Jerry just stated that they're going to continue their partnership with Lahaina Arts Association to carry the Federal nonprofit status, and they'll remain a nonprofit status in the eyes of the state. That's what I think he said.

Mr. Skowronski: So their intention is to keep the state designation but not apply for the Federal designation. Is that true?

Ms. Sabado: That's correct.

Mr. Skowronski: Okay.

Ms. Sabado: Thank you.

Chair Six: Any other questions from the Commission? Can I get a motion to amend this?

Ms. Sabado: Well, I have one more amendment.

Chair Six: Oh, sorry. I'm sorry.

Ms. Sabado: No, it's okay. Since I'm here, so then we did receive an email and a fax from the Lahaina Town Action Committee, on July 15th, and they are requesting to move their event in the month of September. If you look at the September calendar, they are asking to move the event of the Emma Sharp Aloha Festivals to the 19th, which was a designated rest day, and then give up their September 27th date and make that the rest date.

Chair Six: It's been pointed out to me that this is not the Lahaina Arts Association or Lahaina Arts Society, that this is a different group and it's not on our agenda.

Ms. Sabado: But the agenda is asking about an amendment to the calendar.

Chair Six: Okay, I'm just --

Ms. Sabado: Oh, it's not? Oh, okay. Alright. Okay. That's fine.

Chair Six: I'm just listening to my legal counsel.

Ms. Sabado: So I guess I'll be back in September.

Chair Six: Yeah, sorry about that.

Ms. Sabado: Okay.

Chair Six: So just on the initial moving of the permit to be held by Lahaina Arts Association with Lahaina Arts Society acting as the coordinator of the events. Is there anyone here from the Lahaina Arts Association?

Ms. Sabado: No.

Ms. Mowat: I just need to clarify, they're asking that we allow the permit to be transferred to another -- do we do that?

Ms. Sabado: No.

Chair Six: We'll see -- so we understand ...(inaudible)...

Ms. Sabado: I can clarify that. We're -- the Parks Department has already approved of the partnership for the permit applicant. We need to make sure that this Commission here approves of the calendar amendment where we add Lahaina Arts Association, or as a formality.

Chair Six: So do we have a motion to do this amendment to the calendar where we add Lahaina Arts Association to the calendar?

Ms. Linden Joesting: ...(inaudible)...

Chair Six: Pardon?

Ms. Joesting: The agenda describes the request for approval of the vendors and craft fairs, so it's just really substituting one party for the other ...(inaudible)...

Chair Six: We're just ...(inaudible)... how to word it. Sorry. Okay. Okay. Okay, pardon me. Excuse me for that. So I'd like to request -- see if I can get an approval of the amendment to the 2015 Lahaina Banyan Tree event schedule. I'd like to entertain a motion.

Ms. Mowat: I -- I --

Ms. Sabado: Correct. To amend, yeah, who's listed on the calendar I guess. Yes.

Ms. Mowat: Okay, I would like to make a motion to approve the amendment to the 2015 Lahaina Banyan Tree event schedule.

Chair Six: Do we have a second?

Ms. Ricalde-Garcia: Second.

Chair Six: It's been moved by Commissioner Mowat, and seconded by Commissioner Ricalde-Garcia. Do we have any discussion?

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

It has been moved by Commissioner Mowat, seconded by Commissioner Ricalde-Garcia, then unanimously

VOTED: *to approve the amendment to the 2015 Lahaina Banyan Tree event schedule.*

Chair Six: To the Commissioners, we would like to make a slight change to our agenda, and we'd like to move the Director's Report, the Cultural Resources Commission orientation workshop to follow a report on the Hana bridges. Does anyone have a problem with that? We need to vote on it? No. Okay. At this time, we'd like to ask Munekiyo Hiraga to come up and give an overview.

F. DIRECTOR'S REPORT

2. Munekiyo Hiraga on behalf of Hawai'i Department of Transportation presenting proposed final revisions to the Preservation Plan for Bridges within the Hana Belt Road Historic District, Federal Aid Project No. BR-360(012), for state-owned bridges along Route 360 (Hāna Highway), Hamakualoa, Ko'olau, and Hāna moku, Maui, Hawai'i

Ms. Charlene Shibuya: Thank you, Chair and Commissioners, for allowing us to move up first. We were a little bit worried 'cause the last time we were in Lahaina and everybody was worried about catching their flights, so I really appreciate it. Anyway, my name is Charlene Shibuya, I'm from Munekiyo Hiraga's office, and we're the planners that was handling all the community outreach for our team, and today, you know, this is the third time we're before you guys, and we really appreciate the first and second rounds where, you know, you guys gave a lot of good questions and input and, you know, hopefully, we can -- we have incorporated it into the pre-final proposed plan. What you see before you, I handed out a thick handout, and whatever CDs we distributed before, this is an update to the archaeological literature review, a further update, so we felt it was important because you guys are cultural resources, and then there's a handout of the slide presentation that the team is going to do, and this third handout is really to supplement -- we did responses for some questions and concerns that came out in the second round and we just needed to supplement a few of the answers we did, and so I think it's noted in red so -- but without further delay, I'll turn the floor over to our team, and our team, we have Tonia Moy, Alison Chiu, Virginia Murison, who's the architectural historian specialist, and then we also have Cody Aihara, she's the structural engineer, and we apologize that the Department of Transportation couldn't be here partly because they were preparing for this storm that, fortunately, didn't come over, and so they felt that the team could kinda handle it, so, hopefully, we can. So I'll turn it over.

Ms. Tonia Moy: Thank you. I'm Tonia Moy, I'm with Fung Associates, and we're part of the team, a rather large team that worked on this project. So to start off, Charlene already introduced the team so that's great. And I recognize some of the faces so I know some --

for some people, I'm sorry, it's kind of a repeat. We'll try and summarize instead of going through the little nitty-gritty that you guys heard partially last time we were here. But, basically, so the team consist of -- so the State Department of Transportation's, of course, the client, and because Hana is a historic district, every time they have to do something, every time they do something with their -- with that road, they have to go through the whole Section 106 review, they have to come to you guys for Chapter 6e review, so this is to help them streamline a little bit their review so, hopefully, if people kind of agree to how they're going to be treated with this preservation plan, then they can -- every time they have a project, that's like one less step they have to do. They still will out to the community. This is not a construction project. This is a preservation plan. So they will still go out to the community every single time they have an actual construction plan. The other thing that they always want to note is that this is like a long-term plan, so not sure when it's all going to be done, maybe 50 years from now before the entire roadway get rehabilitated. So, anyway, so that's our client.

The structural engineer is -- was a prime consultant on this and, of course, they were responsible for making sure that the bridges are safe, you know, that they're strong enough, and that everything meets certain kind of crash testing, so they had quite a task with us on, yeah? Anyway 'cause we're the architectural historians so -- and historic architect so we were kinda charged with identifying what makes the whole road historic, and what are the key features that really have to be maintained, and so, you know, sometimes, of course, there was some conflict so we had to work through all that to make sure it was both safe and maintained its historic character.

And then we had traffic and civil engineers, Austin Tsutsumi, onboard, and they -- they were able to get us like bypasses because that was one of the community's concerns, right. They don't want to be trapped in there. So they were able to find ways to get us bypasses on all of them, you know, like -- in our concept, of course, you know when it gets down to construction so -- but right now, it looks like they'll be able to get a bypass on every single one, so that was good news, right?

And then we had an electrical engineer onboard to make sure that there was no problem, and he didn't find any problems. There's a couple of bridges where the designers will have to be careful because there are electrical lines going over so they'll have to do some little tricky things with making it bypass, but it's so noted in our report, the designers should know about it. It's not a stopper at all.

And then, of course, we had Charlene and Munekiyo, to help us setup all our community meetings. We'll talk about how many community meetings we went to. They were very, very helpful being from Maui. And then we had Cultural Surveys Hawaii as our archaeological and they did the updated report for you. So, mainly, they did a literature search to make sure that, you know, there was nothing along the way, the right-of-way that

would be like really, you know, like impacted if they did any of the work on these bridges. And I don't -- they didn't find anything, like really show-stoppers, but, you know, so the report does recommend though an intensive level survey whenever they do a construction project.

So that's our project team. So the overall purpose, of course, again is to do a preservation plan, and like we said earlier, it's a historic road so, you know, it was important that we try and preserve the character as much as possible, so we, you know, we did a lot of research with context, sensitive design, and, you know, this is just a -- and so we did look at the whole area, all bridges together so that we could get a more holistic approach instead of, you know, every time they come with one project, it's hard to imagine what impact that's going to do on the whole road, and it is -- it is a district, you have to look at it holistically, so that's what we tried to do.

And then we have -- so the purpose of today's meeting is to go over, you know, how much we've progressed. Basically, what you guys saw for the recommendations last time, has pretty much remained the same, it's just gone further, like we'll show you what things will look like, basically, at this point. And then, of course, you know we want your feedback. We're kind of trying to get into the last stages here.

So this was our schedule, so last year, we came in front of you guys, and we went to about five different communities, and we discussed -- we didn't bring anything, we didn't have any plans, so we just tried to get feedback, and the overwhelming feedback, of course, was keep it -- keep it country, keep it rural, keep it one lane, we don't want to go straighter, we don't want to go wider, so that -- I mean I don't think we heard anything different. So that was our aim for our second round of meetings, which we did come back and we brought like our -- kind of our initial recommendation, and so this one is like a development of those recommendations so, you know, 'cause sometimes you think you can do something, but you can't really, but so I think we found that we have not changed any of our initial recommendations so they're just -- it's kind of more like of a progression now.

So, as a reminder, it's the Hana Belt Road, and I'm sure everybody's pretty much familiar with it here, so I kinda won't go through all this stuff, but it's -- it is the state portion, just to make sure everybody knows that, it's not the county, the county has their own preservation plan, so this one is only dealing with the state bridges. And so the next couple of slides are really just for you guys to look at later if you want to review exactly which bridges we'll be discussing and what milepost they are. So -- and then so like our project objectives was really to document the bridges, make sure that whatever we do is kind of keeping in the historic context, and then to conduct community meetings and make sure we got a lot of community feedback. So the next one is the result, so the result is the report, I don't know if anybody's actually read all 1700 pages of it, but so --

Ms. Mowat: We tried.

Ms. Moy: Thank you. But I'll kinda let you go -- I'll tell you how to use it to be most efficient for your purposes. I think everybody has a different purpose on how to read it. So, basically, the beginning part, the Section A, is what we call "the report part," and in that is kind of like the why. So the Chapter 1 is, you know, your introduction, and so if you read nothing else, if you read Chapter 1, it kinda has a summary of every single bridge, how we recommend the treatment. So you can kinda look at that one, and that's kind of a good starting -- I mean that's a good point to really read because you probably don't need the kinda detail the rest of the report goes into. So then Chapter 3 is the, you know, kinda the guidelines that we follow, so this is sort of they whys, you know, like the federal laws, what kind of guidelines we had to follow, and then Chapter 4 and 5 is more of the actual design guidelines that's applicable to the Hana bridges, so, you know, you can kind of look at those things if you're wondering why we recommend certain things, you can go back and look in there and see what we're talking about, and it kind of gives a general guidelines of each bridge, like pickets we're treating this way, solids we're treating this way, so it's more overall. So then Chapter 6, we kind of -- it says, "Related Issues," and that's because when we first went out, the community was almost all about non-bridge issues. I mean I shouldn't say "all," but, you know, like the biggest concern I traffic, road etiquette, rock fall mitigation, you know, that was what the community was mostly concerned about, so we kind of gathered everybody's concerns and put it in this chapter so that we wouldn't forget about them, and DOT wouldn't forget about them. DOT's been pretty good, actually, about going back and doing rock fall mitigation stuff from even if it's not this project, you know, they've been trying to keep up with the other concerns. And one of the other concerns, of course, is like people wanted the Hawaiian names on it, you know, they wanted the bridge -- the stream name on each bridge instead of milepost whatever, so, you know, we are going to include that in our -- you'll see later, I mean everybody else will go over what the actual designs are. And then -- so then Chapter 7 is, actually for you guys, it might be the fun chapter because it's like it tells you the history of when things were built and kind of -- it was built in little groups, so that, you know, it's the kind of the historic nerd part of the project, so you may really find that one really interesting. And then Sections B and C are going to be individual chapters for each bridge and each culvert, so it was designed that way so that a designer, structural engineer, or whoever is going to be in charge of a construction project, can take each chapter of their specific bridge, and it'll have all the recommendations where the sidewalls, abutments, the structure, what kind of railings they should have on that bridge.

So, the future though, we are trying to get, and you guys will be involved in this, once this preservation plan is, you know, accepted, we would like to -- DOT would like to work on having a programmatic agreement, and so you guys would get involved in that, so the programmatic agreement will, hopefully, like say that, you know, that the recommendations in here, we agree with these recommendations, as long as we follow these

recommendations, you know, then we'll proceed this X-ways with the project, like this one might require an MOA, this one might require documentation, you know, like something like that, anyway so, they want to work with that while it's kind of fresh in everybody's mind, so we think that's really good that DOT wants to do that.

So next, Virginia's going to describe like how we picked out certain bridges that we thought were more exceptional than others, some of the character defining features.

Ms. Virginia Murison: So as we started to evaluate the bridges and take a closer look at each one, we realized that there are a number of bridges that are exceptional bridges, and so we created an exceptional category. All the bridges are contributing to the historic district, the 43 bridges and 12 culverts. But of those bridges, we designated 17 exception bridges, and I'll go through the categories of exception, and then the others are we just left as a contributing bridge. They, again, have contributing characteristics, but as a package, they're not as exceptional as some of the others.

When we started to then evaluate what the recommendations were going to be, we had some key guidelines that we needed to stick to; one was that a single-lane bridge should be no narrower than 16 feet, and we do have a few bridges that are narrower, this is to allow for two cars to squeeze by each other in the case of an extreme incident, but it's never intended to be a two-way bridge; the minimum height of the parapets and the approach walls is 27 inches by Federal Highways. In the case of what we're doing with the bridges, if we are replacing a parapet, we're replacing with the same proportion so we are not just going to 27 inches as the minimum; and the railings will need to have to meet what is called "a test level 2" for crashes, which is for fairly slow traffic, less than 45 miles an hour, which is what's posted on the Hana Highway. And that takes care of that.

Of the open picket bridges, 31 of the 43 bridges and 5 of culverts have what we call "open picket railings." Of these, 11 bridges and 1 culvert are exceptional, and I'll go through the exceptional categories. We start with there are 4 curved bridges, and these all exceed 16 feet by at least 3 feet, so there's no question on the curved bridges of any need for widening or replacing of the railings, which is a good thing.

The next category, there are 3 arched bridges, which you're obviously aware. The single -- the Waikani Stream Bridge, the single long span bridge, is just - let me see - it's just 16.5 feet wide, so it -- what we are proposing for exception bridges, where possible, is we would like to keep the existing railing but provide a protective barrier in front of the railing to provide for safety, and Alison and Cody will go into greater detail about that protective barrier. The Waikani Stream Bridge is the only one where, if we were to put the protective barrier in, which we intend to do, we would then reduce the width of the bridge to less than 16 feet, so this is the only open picket bridge of the 31 where we're requesting an exemption from the 16-foot width.

Then the next category of exception are there are two with amazingly distinctive piers; one is the lava rock pier, and the other is the oldest reinforced concrete pier. A distinctive Greek cross railing. These bridges were originally solid parapet bridges. In the 1930s, when they widened significant portions of the highway, this particular bridge, the Greek key design, or Greek Cross design, I'm sorry, was something that was actually used elsewhere in the state, but this is the only example of it. This is the bridge on the left, and then the companion culvert on the right, and those are the only Greek Cross railing on the Hana Highway.

And then final, this exceptional bridge is the last bridge going into Hana, which is a post World War II bridge, and it's the only post World War II bridge on the Hana Highway.

As mentioned before, 20 of the 31 open picket bridges are what we call "contributing bridges." They all have very similar characteristics, but perhaps as distinct of a pier or as distinct of a shape, and these are then summarized on the next pages. The -- again, of the exceptional open picket, we're only requesting one exemption; of the contributing bridges, we are not requesting any exemption. And these charts, there's a lot of information in them, but it summarizes the treatment of the bridges by category.

Then the second category of parapets are the solid parapets. There are 12 bridges and 7 culverts with the solid parapet railing. Of the 12 bridges, 6 of them are exceptional for the reasons -- the categories we're going to go through. Three of them have a historic date panel that is intact, and you've obviously seen them as you drive the highway. Some of the date panels, particularly the bridge on the left, a little subtle, a little hard to read; hopefully when the bridge is cleaned up, it'll be easier to read the date on that bridge. But the three date panel bridges, now they will require widening, so they will be widened to the upstream side, which is the non-visible side as you travel the highway.

The one-of-a-kind what we call the "EMI Bridge," the East Maui Irrigation Bridge, is, again, a completely unique design. In this case, for example, the railing is actually the beam that's holding up the bridge and integrated with the Maui Irrigation system with the cranks for the sluice gate to allow the water to either go down stream or be diverted into the dam, so this bridge is very unique. It is also only 14.5 feet wide. So this is the only solid parapet bridge where, again, an exemption is being requested. It would stay unaltered at 14.5 feet wide, so there would be an exemption on the width, and then the speed will be reduced to 5 miles an hour, which gives an exemption on the -- on the crash testing. Yes. Sorry about that. Sorry about that.

This bridge is the oldest bridge on the Hana Highway. It's the third -- it's one of three oldest bridges in the entire state, and it's the oldest one on Maui. You can see from the rounded corners of the piers that, originally, there was a deeper wooden truss over that bridge, so the piers actually predate this bridge, but the bridge was built in 1908 and is the oldest

bridge. Again, we are going to widen -- we are going to need to widen it but we will widen to the non-visible side.

There's one bridge of solid parapet that has a distinctive pier again. This is next to the small state park. The bottom -- the downstream railing has already been altered. This is the upstream photograph with the pier and the panelized parapet, so that would stay intact, and in this case, which is kind of a rare case, we would actually widen to the downstream side since that's already been compromised.

Then there are, again, there are 6 typical solid parapet bridges; 4 of them will require widening, they are again non-exceptional. The one on the right, you see is the date panel bridge but it has been so badly obliterated that the date panel is no longer evident. There is a fifth bridge, which is what we call a "hybrid bridge." We don't have a photograph of it. It is Nuaailua Bridge, and it has a solid parapet on the upstream side, and an open parapet on the downstream side, again, that was part of the widening in the 1930s, and it's just kind of a hybrid. There's nothing exceptional about that bridge. So both of those parapets would be replaced.

The final bridge in this category is Honomanu Bridge, and that bridge will require replacement. This would be the only bridge covered in the report where it's actually recommended to replace the bridge; that is because, and Cody can answer it in more detail, it is because it has been altered structurally, but it's been done in such a way, and there are no records, and it's been covered over with asphalt, but there's no way of evaluating the strength of that bridge.

And that brings us to a conclusion. Again, there's a summary of the recommendations on the solid parapets of the exceptional, there's only exemption, which is the EMI Bridge, the contributing bridges, and a master chart that shows you about the remaining bridges. Now Alison will go into more detail about specific treatments that we propose in order to achieve these results.

Ms. Alison Chiu: Thank you. I'd like to share with you an overview of the team's development of the treatment recommendations detailed in the report. So wherever possible, our goal was to retain the existing historic parapets. The bridges are an important part of Hana Highway's character and the historic parapets, which is what the most evidently recognizable as people are driving along the road to Hana, those are an important character-defining feature.

Since the existing parapets are not crash tested, keeping them requires adding an interior crash-tested rail that meets code in many cases. The idea is that this will protect the historic railings so they will not be damaged in the event of a crash or if they got scraped

up from impact, and by adding crash-tested rails to the interior, the intent is also to keep the same view plain of the historic parapets.

So the team has research a number of appropriate interior rails that would meet code, but we also want them to be as compatible as possible within the historic district, so we have identified a few key options, which can be viewed in the reports. And the team has consulted with the State Historic Preservation Division, as well as Tonia mentioned, several community meetings over the course of the past year in order to request feedback on the plan and the proposed options. So this image that you see here is one of the examples of the recommended options, the horizontal railings are very thin so we felt that this would provide the most open feeling and be the less obtrusive to keep the historic railings visible, and this would be used in a couple of scenarios. With the addition of an interior rail for protection, on the top right, there's a deflection space between the original railing and the crash-tested railing on each side. This would be the deflection of the railing in the event of a crash. And so we were working within the parameters of the 16-foot minimum width criteria, that Virginia mentioned, for a one-lane bridge, which means that some of these narrow bridges, which were originally designed as a wagon road bridge, may need to be widened slightly by a couple feet and we would try to do that on the least visible side. So the top-right diagram illustrates our recommendation for solid parapet bridges, the ones with the original dates inset into the concrete panels. So from left to right, we have the original makai parapet, which would remain in place with the date panel. There is a required deflection space according to code, and this drawing is not scale so it is not a walkway. Then we have the interior crash-tested rail for safety, and the one-lane road portion, which would measure 16 feet wide. And then at the very right, you see the new crash-tested mauka parapet, which would be replaced in-kind with a solid crash-tested similar profile parapet. On the bottom-right example shows both historic railings kept and the interior rails added with a slight widening to accommodate the cars, which is the proposed options for many of the historic culverts.

Where the railings need to be replaced to meet code, we are recommending replacement in-kind using a similar design compatible with the rest of the bridges within the historic district. And again, we looked at several different options that met code, but which also had the repeating open-windows design; this type shown here is know as the type C-411 railings, which has a similar profile, it has a slightly more rounded top instead of the square-topped post, but it is the most similar to our open picket historic rails in both size and proportion. Some of the railings, currently, appear short, as you're driving along the road, because over the years, there has been some build up of the asphalt on the bridge deck, so occasionally you'll see the base of the railing, which has a curb, which may be obscured, and we're also recommending that the excessive asphalt be removed during future repaving work. And we also looked at these railings, in particular, to try to be in keeping with the original proportions and the original height of the railings.

Another reason why, in some cases, we have recommended replacement in-kind is that it eliminates the need for widening the road, and we had feedback from earlier community meetings, as Tonia mentioned, that many people preferred not to widen bridges and also preferred not to see the metal guardrails. So because some of the bridges are currently right near the minimum 16-foot width, if we add interior crash-tested rails, the lanes will become even narrower, so this is an option, this is a proposed option where there would be no widening, and the recommendations are tailored to each individual bridge depending on the existing conditions and our historic research. This is an example of what this would look like with the new open picket railings replaced in-kind.

And, similarly, for the solid parapet bridges, some of them have evidence of scrape marks or evidence that one side has been replaced, and so this recommendation, the section shown here, would be a recommendation for replacement in-kind with a solid vertical railing to match the existing for paneled bridges, and a straight profile for others where they currently exist. And another example of what this bridge would look like with an example that was referred to earlier, see the date of construction inscribed in the original makai parapet, and an interior crash-tested rail, shown here with that darker line right behind the 1911, which would provide the necessary protection for vehicles but would be relatively hidden from view on the approach while the new mauka parapet will essentially not be changed in appearance but it will be safer and still maintain the character of these historic district. And I will turn this over to Cody, who will provide an overview of our structural recommendations.

Ms. Code Aihara: In the images that we have portrayed here, we are proposing to replace the current CRM approach walls or to construct them where they are missing. The CRM approach walls currently do not meet crash standards - someone was nice enough to test one for us so there's a bridge that currently does not have CRM. So what we have done was, looking through the database of approved approach walls, we have recommended this stone masonry guard wall to be used as an example, and it allows us to put interior concrete core inside of the railing and clad it with the existing stones, so we are proposing to have the contractor reconstruct the existing CRM walls, build it with this stone masonry guard wall interior, reinforce concrete, and then clad it with the existing stones.

Chair Six: What does "CRM" stand for?

Ms. Aihara: Oh, concrete rubble masonry. Another issues, as Tonia has mentioned, was the communities have asked if we could put the name on the bridges somewhere; to avoid damaging the existing historic railings, we are proposing to have it constructed on the CRM walls on the mauka Kahului approach. Right now, we just show some examples of two bridges. The past meeting we went to with you we had one person mention that she would prefer not see diacritical marks on these bridges. There was one person in our last meeting, last week with the Hana Community Association, that also agreed that she does

not want to see diacritical marks. But on the flip side, we also had some community members who wanted the diacritical marks because they did not want the mispronunciation of these bridges, so in our report, we have a list of bridges and I believe, if you attended the last meeting, we gave a list handout of the names and the diacritical mark spellings that we wanted feedback from the community as well as your committee so we can make sure that the future design team, when they are designing the new bridge, this is an issue that they can, again, approach the communities and ask, okay, how are we going to go about the spelling and the meaning of this, because right now, this is currently not part of our scope, but it's something that we feel is important that needs to be addressed by the future team, and since they're already going to be reconstructing the CRM walls, this will also provide a permanent fixture in the walls. The idea is to make the name out of concrete. We had ideas of maybe a brass plate or something like that, but we were worried that tourist might steal it, or, you know, the maintenance of trying to clean it and everything, so in terms of something that's durable, long lasting, we are proposing to also have it created out of concrete.

As Virginia had mentioned, one criteria was to also strengthen the bridges, so a lot of the highway bridges are right now rated for a 10-ton carrying capacity, which, unfortunately, for larger emergency vehicles, that does not allow them to travel over it, so current code is to have the bridges at 40 tons, so DOT has requested that all of these bridges, while it's being rehab'd, to also meet this criteria. One thing though, the communities had voiced that they do not want it to be posted, they want it to stay at 10 tons, so people don't, you know, carry these large vehicles over damaging the bridges but still have it known to, you know, the fire and emergency vehicles, and Paul Santos, who is the DOT rep on this job, has also stated that they will not require the higher posting with a permit in terms of travel, so if a vehicle wants to go over that is over the 10 ton that's currently posted, they will still be required to get a permit before traveling over, but at least the DOT knows that anything that is less than 40 tons will be able to travel.

So one way, in terms of trying to strengthen the bridges for that, is to reconstruct reinforced concrete girders between the existing girders on the bridges. And on the bridges where are adding new railings the current deck is unable to support the additional weight and the forces required to prevent the crash test, so we are also having recommendations to construct exterior girders with the condition that the contractor does not build the beams to be flushed with the exterior face since we want to keep that cantilevered look on the exterior side of the bridges, and also, we know that a lot of the bridges have excessive asphalt overlaid throughout the years so we are also recommending that to be removed. Another thing pertaining to this is, at our last community meeting, the community wanted to remove asphalt, period, from all the bridges and put concrete topping, so I guess as you drive Hana, and they put this in effect, it would be asphalted on the road, concrete on the deck, asphalt, and the reason for this recommendation was because they were worried that the oil and the slick from the asphalt was getting into the streams, which then gets into the

water and their aquifers, so, in a long term, that's something that they wanted the -- you, the CRC, and we're also going to meet with the HAC later, to see if this is an option that could be considered without, I guess, damaging the feel and the characteristic of the historic district.

Ms. Moy: ...(inaudible - not speaking into the microphone)...

Ms. Aihara: Yeah, we can color the concrete as well, but it was something that was brought up during the last meeting; since this meeting is now coming after the communities, we would like to bring it up to your attention.

Chair Six: Some of the bridges, like the 1901 or the early bridge, there must not have been any asphalt, it was dirt, and then a concrete bridge, and dirt, so it's kind of going back to its original form perhaps in some of the earlier bridges, some of the post World War II.

Ms. Aihara: Yes.

Chair Six: They probably didn't have asphalt.

Ms. Aihara: They probably did not have asphalt. It was probably dirt or fill, as you mentioned.

Ms. Murison: ...(inaudible - not speaking into the microphone)...

Chair Six: Yeah, that's why I was thinking the asphalt is a more modern characteristic, if you go back to this kind of -- trying to keep the historic --

Unidentified Speaker: ...(inaudible - not speaking into the microphone)...

Chair Six: Yeah, macadam. Exactly. Thank you.

Ms. Aihara: Another thing that we are recommending is that the bridges with the CRM rock faces be reconstructed so with the intention of rebuilding the facade to match the original historic characteristics. So what the contractor will be required to do is to document and record how they're disassembling the current face of the abutments, reconstruct with a new concrete abutment which will now be the actual structural element holding the bridges, and then rebuild the facade of the abutments with the historic -- using the original historic rocks to match the original historic character of these bridges.

Another type of bridges that were added to the inventory were these hillside bridges. There are a total of seven hillside bridges along this highway, so DOT has asked that we include them and also look at the bridges and their conditions. So there are a total of seven built

between 2001 and 2014, thus being recently built, they all meet the current codes and standards that were addressed in Virginia's earlier slides, so, therefore, these seven bridges will not be recommended for any rehab work. And the reason they're called "hillside bridges" is because the slab cantilevers off the mountain side, so these bridges were probably built to widen those areas 'cause these are usually near turns on the highway.

Found culverts. The term "found" came about because --

Ms. Mowat: Did you say the total of seven bridges built between 2001 and 2004 or 2014?

Ms. Aihara: Four. Oh sorry, four - 2001 and 2004. So also, DOT provided us with an inventory of as-built drawings for this Hana Belt area and had located these culverts that were along the way, and they requested that we also look at the condition of the culverts to see if they also needed to be strengthened or brought up to code. Of the many culverts that were identified on the as-builts, we were only able to find 45 of them, hence, we just called the "found culverts." Most of these are functioning as just drainage structures between the mauka to the makai, especially around areas where there's the taro patches on the mauka side, so the recommendations for these structures will also be similar to how we are handling the hair bridges and culverts for vehicular safety and the low-carrying criteria.

The pre-final draft is what was issued to everyone I believe on a CD from Charlene's office. If you wanted to see a hard copy of it, we have distributed them at these four locations. And also, if you have internet access, we have an FTP site that you can download the report from with the user name and the password on the handouts, and it also has that new archaeological review that you guys have today.

Chair Six: Real quick question.

Ms. Aihara: Yes?

Chair Six: What is "found culvert" mean?

Ms. Aihara: Oh that, as I mentioned --

Chair Six: Sorry ...(inaudible)...

Ms. Aihara: The DOT gave us a bunch as-builts of the highway where they knew culverts existed but they never verified, so we --

Chair Six: Oh, so you guys found them?

Ms. Aihara: We found -- yeah. Unfortunately, we didn't find all of them, but we found -- we were able to find 45 and we were able to document them, so at least the DOT is aware of these structures existing, and we'll go and upgrade them when they do this project. Contacts. As mentioned, we would like your feedback on the report, the naming, if you have any recommendations of your own suggestions for how to go about doing the asphalt or the concrete topping, and the diacritical marks, Paul Santos, his address is there as well as Charlene's, and Charlene has also provided her phone number if you'd like to leave her a voice message, and we'll document everything and, of course, all documentation will be provided the report in the appendix -- or Section G section part of the report. We would like your comments by August 21, if possible, because we need to wrap this up by the end of September for the final, so as much as possible, we'd like to make sure that we incorporate your comments and suggestions in this write up and have it addressed now and brought to, you know, the attention of everyone, so if you could provide the comments to Charlene or Paul by the 21st, it'd be very much appreciated. And with that, any comments?

Chair Six: Thank you very much. Before we get into our discussion and comments, I would like to ask, open up the floor to public testimony. Is there anyone here that would like to come up and --

Mr. Ray Hutaff: Thank you, Chair, Commission Members. Ray Hutaff. I'd like to state that today I'm representing the Valley Isle Excursions, a Hana tour company. I say that because we have knowledge. We do approximately 3,000 vehicle tours a year, so we have seen things, and we know things, and we understand things that come from our standpoint. I've also been involved with this bridge mitigation back in the beginning when there was the earthquake and we had to fix stuff real fast. Okay.

It was determined, at that time, the 16-foot area opening to allow two cars to squeeze by is false, okay. Most cars are about 7.5 feet, our vans are about 8.5 feet. What it does to the viewing public or for the people driving the road, it gives them a sense that you can make this turn with two cars so the avoidance of slowing down is not something that's at everybody's top of their head. If you look at a curve, okay, and a car, you cannot go straight up against the bridge. If the bridge is straight, naturally you can. Okay. So we have found, and have been involved with, and seen many accidents on the bridges that appear to be wide enough for two cars; that appearance is a danger. It is better to make a bridge, in my opinion, and I'm exaggerating here a little bit, a ten-foot bridge rather than a 16-foot bridge 'cause at least everybody who approaches it knows only one car can come. But that can be problematic. Okay.

The 42-inch high -- I know that the bridges were probably -- the rails were probably that high in the beginning. And like it was stated, we've seen asphalt go up to a point where some of those bridges are actually about 31.5 inches now. The problem with the rent-a-car people that come out there is they want to take pictures of every single bridge, okay. I

wonder why. Good idea. Okay. We are here for our visitors as well as for the historic value of these bridges. If we can accommodate both, we kinda win. If we can't, we're going to have to ...(inaudible)... in our vans, our visual heights are much greater than the bridge, okay, so we can see over. It's actually one of our selling points. In the rent-a-cars, what happens is they're going across the bridge, they see a little bit of a water stream, they stop on the bridge while all the passengers open the door, hence, the 16-foot is now negated because you have a car in the middle of the road, and you have somebody trying to get out to go over and take a picture. If you look at the size of a rent-a-car and where the windows are, it's actually a little better because we see people do this, if they can actually take some pictures, they drive by, okay, which means the 42 inches is a bit high. It's something to state, I have no recommendation on that other than if you keep them a little bit lower, it'll actually be safer, okay.

Also to make a comment that some of the first bridges that were built did not have gravel, it did not have concrete, they had wooden planks, okay. Manawainui, the first, Manawainui, the smaller bridge coming from Hana, we know, 25 years ago, when we used to go out with the Dodge vans, we would actually go to the hardware store and pickup 12-foot two-by-sixes and drivers, with the people, the visitor, would actually lay them down there so we could cross on a regular basis, so we know that they wooden over concrete. Okay.

As far the okina and all that kind of stuff, my personal feeling, this is from me, personally, from trying to give historic and cultural tours, and based upon the input that we had back when they first did the bridge mitigation after the earthquake, where there was a bridge that actually had the name of the bridge and the year of the bridge backwards, and there was the argument: Shall we fix it? Or should we leave it? The consensus on that part is, historically, problems are good, okay. So why change it? Because what was done, it definitely a mistake, but it actually gave value to the bridge as being the only one, okay, in probably the whole world that was embossed backwards. It gave value to that bridge. Hence, whatever the bridge says now, because some have the okina and all that, and some do not, okay, if we're going to do things from a historic thing, we should not try to improve upon that but to try to mimic the historic value of that particular bridge. As far as the mispronunciations go, sorry, but all the malihini, they name it "Three Bears," okay, they name it "Venus Pond." They do not use the Hawaiian words because they enunciate or pronounce it. So as far as somebody who wants to teach somebody, we will look up the correct enunciation and pass that on to the visitor. Five years ago when I was on this Commission, we tried to get people who made the maps to identify the maps correctly and give the okina on it because part of the words of the bridges is not just what the stream meant, there's a kauna, a hidden meaning, a proper meaning on why the bridge was named that way. So my recommendation is what you got, keep. That's historic. I'm done. Pretty short, huh?

Ms. Moy: Can I just make a couple of comments on that?

Mr. Hutaff: ...(inaudible - not speaking into the microphone)...

Ms. Moy: No, thank you. Thank you for your comments. I appreciate it. One thing, the 16-foot will be still be a one-lane bridge, it's not going to be striped as a two-lane bridge so people will still -- they'll still be treated as a one-lane bridge so it's -- and most of them are 16 feet now, the picket ones are all 16 and over now, so it'll be kinda what it is now. The only ones that we'll widen are like the 12-foot ones, you know, the ones -- and you can actually see the spacings on all the sides of those, right, so those will be the ones that will be bigger than what they are now, which is 12 feet. So other than that, they're kinda going to be the same, or the ones that the curved ones that are -- that are bigger than 16, like they're like 20, almost 20 feet, those will actually be skinnier because we're going to put the railings, crash-tested railings on the inside, so those will actually be skinnier. So it, you know, they should not suddenly think that there are two lanes ...(inaudible)... so they'll still be treated as one lane. You know, I don't know if people think differently, but, yes?

Mr. Hutaff: I totally understand what you're saying, and I've seen the scrapes on the road too, and by the way, those scrapes were made by big trucks, okay, that were ...(inaudible)... DHX actually know the employees scrape most of those bridges, okay. I won't mention his name here in this forum, okay. But what we have on our vans, we actually has a camera on the front of our rearview mirrors. It's to protect us and, unfortunately, we've never kept a record of it, I'm going to start doing that, but we see what happens when a bridge appears, okay, it's an appearance of being wide enough for two vehicles, right. Okay. And I must comment that most of the things we have on record, the cameras, the visitor is not the problem. It is what it is, okay. It is a very strong recommendation in order to keep things safe because had I kept the videos here, I'd have given you three hours worth of examples and you would have seen that yourself.

Ms. Moy: So are you saying the current bridges look like a two lane?

Mr. Hutaff: Some of them are too wide; those are the ones we actually see the accidents on. We actually had one ourselves, okay. We were at fault, okay, because we couldn't see the car coming around but it looked like it was wide enough for two, okay, and so if the people are approaching, they believe it's wide enough, have a tendency not to slow down in time to avoid fender-benders and accidents and scrapes to the bridge or the cars. So again, I'm just strongly recommending that you kinda look at that, okay. Obviously, I have no real say other than to make comments.

Chair Six: Okay, at this time, if there's any further public testimony about this matter, I'm going to close public testimony and you folks can take this off-line, but thank you for your input. At this time, do the Commissioners have any comments? I'd like to go around.

Ms. Mowat: I do. I just wanted to -- I did download the CD and it's very thorough, and I -- there's a lot of information there, I know you folks worked really, really hard, and there's still a lot of -- well, like whether the okina and the kahako and those, I still have to chew on that one. I mean there's so much good debate going, you know. For myself, I don't know if that was the practice. I mean when the Queen wrote her Hawaiian, did put all those punctuation or those marks? To me, that is not Hawaiian. If you want to learn the language, that's when you would use those things. But again, like there's still, you know, much thought and I surely would like to hear from others. But I just wanted to compliment you on the work, the hard work. And maybe there shouldn't be any two-way bridges and just all of them be one-way, I mean or one -- not one-way but, yeah, single vehicle crossing at a time. I think with all the turns and stuff, they should be traveling slow and be mindful of those who are also traveling on that road so --

Ms. Moy: So if it was a one-lane bridge, we left it a one-lane bridge. The ones that were two lanes -- actually, I think we changed a couple of the two-lane bridges down to one lane.

Ms. Mowat: To make it a one -- and that would --

Ms. Moy: So that we wouldn't have to get rid of the historic railings, we changed it to one lane, but there's one or two that are actually two lanes. Three?

Ms. Murison: But the others ...(inaudible - not speaking into the microphone)...

Chair Six: Can you come up to the -- can you come up to the podium?

Ms. Murison: There's a sequence that was pointed out to us by Paul that there's a sequence of three or four culverts, for example, so to -- and it's on a very long bend, so it's hard to get the cars to stop here, travel across three culverts and gap, and then turn there. There's only a couple of instances where that progression is the case, but that is one reason.

Ms. Moy: So if it's going to be striped as a two lane, it'll be 24 feet wide; other than that, it should always appear as a one lane, 16 feet will be a one lane, and if it's striped as two lanes, it'll be 24 feet now, so, you know, 24 feet should have ...(inaudible)...

Ms. Ricalde-Garcia: There are signs though to determine, so if the problem is perception, and there's a sign, we can't accommodate those people want to deter from following rules. How do you do that? If there's a sign that says just a one-lane bridge, but their perception is that it's two, what do you do?

Ms. Aihara: I believe on some of these bridges the issue is that the yield or that stop line with the little triangle, you may notice, that require them to stop here, some of them are not

there on the one-lane bridges, so like you mentioned, you'll see the sign like way back, oh, one-lane bridge ahead, but somehow the follow through on the striping never occurred at the bridges, so that is one thing we are putting in that Section B, C for each of the bridges is that bridges that area one land should have all the markings for a one lane, so the signs that, you know, you, eh, there's a one-lane bridge ahead, the yield sign at the bridge with the little stop line and the little triangle so you have visibility to see the person on the other side needs to also be addressed so that will always in the recommendations. And as she mentioned, one-lane bridges need to have that 16-foot criteria, and two-lane bridges need the 24.

Chair Six: I have some questions while you're here.

Ms. Aihara: Yes?

Chair Six: When you talked about that like the rubble masonry - what is it? Concrete --

Ms. Aihara: CRM. Yeah.

Chair Six: So you talked about replacing some of the pilings, you're not going to do that stamped rock stuff that's by Waioko, what they call "Venus Pond?" Okay, so it's going to be real rock, correct?

Ms. Aihara: We were told, from this half, so the engineering half and the archaeological half got together, and we understand that they do not like the stamped pressed rock line form liner, they don't like to see that little pattern repeated all the way across the bridge.

Chair Six: Painted solid gray.

Ms. Aihara: Right. Yep, they don't want to see any of that. They don't want to see the fresh white concrete look either. So we are saying that the contractor is to use the natural rock from what they're deconstructing at the bridges to clad.

Chair Six: And one other question, because I live in Hana so I call it "I survived the road to Costco," you know, because, for me, those railings, I can see tourists standing on them, they vertical -- they're horizontal, excuse me. I can see people standing on those things to get one better picture and falling. So I don't know how you would mitigate that, but I just -- I see them do the most idiotic things. I'm always, you know, saying, please, come on this side of railing. We've had people fall to their death. And so I just those and I just see them as an attractive nuisance to people that are not necessarily rule followers anyway. You know, so that's why I'm just wondering if there's any other style of crash resistance that doesn't allow someone to step up on to it easily like a ladder.

Ms. Aihara: I was going to -- that was one comment from our last meeting. Dawn Lono mentioned that. The existing railings have this little cap on it, this little pointy cap on it.

Chair Six: So they can't stand on it.

Ms. Aihara: Well, for aesthetics or -- so one thing is when we were looking for alternatives for these railings, Federal Highways said that we are not allowed to stray from the crash-tested design, so however the bridge railing was tested, we are to use that design, and if there was any deviations that needed to be made or wanted to be made, the future design team were to bring it up with the Federal Highways at that time for those bridges so --

Chair Six: 'Cause your example in Wyoming is nice and flat, so if someone stepped up on that, but I'm just thinking of the --

Ms. Aihara: The solid parapet.

Chair Six: The ...(inaudible)...

Ms. Aihara: Right.

Chair Six: Like when people get up there.

Ms. Aihara: So that railing right now does not have a straight or a tapered cap, it's a straight on the top with the lip on the exterior, so Dawn was mentioning, you know, if you just add a little concrete cap on the top, you know, it doesn't change the crash on it, but again, Federal Highways was kinda strict because I guess there's a lawsuit going on where somebody altered it and something happened, so their just trying to be protective right and stating that, for right now, just recommend that that is what we're using but, future design team, you can come in again when the process of the construction is done and propose that this little, you know, cap be put on to that railing and not change the rest of the design 'cause it's just adding this little measure on the top, but that was brought up as far as ...(inaudible)...

Chair Six: I have one last comment just on Ray Hutaff's comment about the historic charm of the misspellings or the backwards, and there's something to that historic charm, but there's also something about historic or prehistoric, pre-contact accuracy, so it's one of those things that I think needs to have a little bit more debate, but I do understand that there's something about having it embossed backwards or it's part of that, I guess, charm, but I think there's something for accuracy, so thank you. Anyone else?

Ms. Moy: And, currently, I don't think any of the bridges have the names on it 'cause some are painted on the top.

Chair Six: Or like Alelele, which is out of your thing, but it's 1983 and stamped in the cement, like some of them have the -- but without the diacritical marks, I'm not a native speaker, but you lose meaning, and even if it doesn't mean anything to the tourists, there's people that live on that road, and there's people that, you know, like he said, the ...(inaudible)... so I'm just thinking, you know again, back to the feedback from the community, you're already doing so thank you.

Ms. Mowat: Yeah, and for a comment, that's what my real main concern is to make sure everything is correct or the spelling correct 'cause I think we sat in a session where, for years, a street name was spelled wrong and people just lived with it, but it's incorrect so it should be corrected, and that is a real stickler for me so -- and then there are some unknown bridges, and so what do you -- it's just not going to have a name?

Ms. Aihara: Actually --

Unidentified Speaker: ...(inaudible - not speaking into the microphone)...

Ms. Mowat: They all have names now?

Ms. Murison: The historic drawings for those bridges actually had names, and so a suggestion would be to revive the original historic names.

Ms. Mowat: That's wonderful.

Ms. Murison: Yeah.

Chair Six: I like the idea of cement. Don't put a brass plaque. Someone will pop the thing off for a souvenir, so I like the idea of the way they have the embossed concrete, which seems to be kind of historically appropriate to having something like that. I like that idea. Mahalo for that.

Ms. Aihara: So again, if you guys have more comments or questions later, please, you know, contact Paul or Charlene, and they'll definitely get it to us.

Ms. Shibuya: ...(inaudible)... it's in Chapter A-6, it's those other related, you know on one hand, you know, they wanted -- the community really wanted to keep the bridges narrow, you know, like one lane, to slow down traffic and whatnot, but we heard many times that they were so irritated with the tourists, you know, going slow, you know, doing their thing, stop in the middle of the bridge, take pictures, or don't pull out as often enough so, you know, like had those other related issues was like, on one hand, you know, they want slow narrow, but then on the other hand, they -- oh, and they also complained about bicycles too, you know, that they hold them back, and stuff like that. So just another perspective

that, you know, it was kind of like it was a little bit confusing sometimes to understand, you know, where the balance was, yeah.

Ms. Aihara: One more thing that was brought up at the last community meeting, someone mentioned that they would like to post signs where turnouts are located along Hana so then people knew that a turnout was coming because, oftentimes, you end up driving by it, and then you are stuck again and slowing everyone down behind you. So that's another thing if we could feedback and comments from you as to, you know, your perspective on having turnout signs posted on the Hana Highway.

Dr. Six: And maybe some instructions like pullover. You know, slower traffic yield. I mean, you know, 'cause if you want to go every waterfall, that's fabulous, just not with me following you, milk's going back, you know, so that --

Ms. Aihara: So that was brought up at the community meeting. Thank you.

Mr. Bailey: So I actually have a couple questions to clarify if I can. So, excuse me, this came to my -- in my mail Monday so first looking at it and then listening to what you have to say, so I just had a couple clarifying questions and comments because I know the community as well out there, and I'll drive back the Kipahulu way for the last 25 years, so I remember those wooden bridges. Anyways, when I looked at your overlay, what ahupua`a map did you guys decide to look at?

Ms. Shibuya: Yeah, when we looked on the website, there was, you know, that source, yeah, on the map, and then it was pointed out that there's some inaccuracies on the map so we --

Mr. Bailey: Major. Yeah.

Ms. Shibuya: Yeah, so we inquired with, you know, OHA and whatnot, and the maps that they could provide, basically, the, you know, the Ko`olau, you know, the Hana one, it was kinda close but the Wailuku one was all off, but then we felt that because their maps were -- there was a kind of extensive map that had a lot of ahupua`a shown but it was so dark, we couldn't overlay this stuff, so we felt that we'll stick with this but we do understand that there are some inaccuracies in some of the, you know, the other ahupua`a. So it was more, you know, for like a --

Mr. Bailey: So it was just off the regular -- the website.

Ms. Shibuya: Yeah, and just so we could understand like, you know, the three districts that it spans so that they could, you know, communicate with the correct representatives.

Mr. Bailey: Okay. The other question I have is, so I know a lot of the guys, the county workers that have retired that worked in Hana and they actually repaired some of those bridges and built some of the retaining walls, and, you know, they put in the -- their rock design; in fact, they built the culvert, Sol Kaaumo put up the culvert at Lunaloa on the back side, out of this area; anyways, I was just wondering if you guys ever talked to them 'cause I know they have, you know, they've extensively been part of the community, raised out there, and they've actually done repair on these bridges, they know the structure. Some of their comments were ignored during the earthquake when they said that, you know, that crack was a former earthquake so those guys worked on the bridges for 30 years and knew that that crack was in the rock and it was a natural pier, so I'm just wondering if you guys ever consulted with these that have retired.

Ms. Aihara: In terms of reaching out, no. We have not. But, you know, we've had many general public meetings and no one with that background has ever stepped forward to --

Ms. Moy: And also, this is just the state owned ones, right, the county has their section of the ...(inaudible)...

Mr. Bailey: Yeah, I understand. There's the guys at the state baseyard in Keanae is where ...(inaudible)...

Ms. Aihara: But we invited anybody, you know, the general public to come even to, you know, the CRC or the HAC meetings.

Mr. Bailey: And the five community areas are where?

Ms. Aihara: Hana, Nahiku, even Kaupo, Kipahulu --

Mr. Bailey: Okay.

Ms. Moy: ...(inaudible - not speaking into the microphone)...

Ms. Shibuya: ...(inaudible - not speaking into the microphone)...

Mr. Bailey: That or they just -- they're not understanding the concepts behind it because I do see, in some areas, we are going to extending the bridges to put in those railings. So my last question then, and I guess the comment before that is, when I look at the bridges back there, what the initial intent was when they built the bridges versus what the use is now are two different things, yeah, and that has a lot to do with the integrity of the historic preservation, which I can commend, and the effort, and then having to follow modern day protocols and procedures, and all these specifications, but what caught my ear is this programmatic agreement. Who's going to be sitting in? What native Hawaiian, Section

106 consultation or programmatic agreements, can people come in? Because the programmatic agreement can address some of things that were brought up for the tours but also address the concerns that the community might have by, you know, once they find out that the bridges have been widened and more structurally sound, then larger tour companies can purchase larger buses and what the concern would be is the impacts to the facilities out there. We can't facilitate more people. And so the bridges get improved, but we don't update the facilities out there. So it's all blended. And I guess I was wondering who's involved with the programmatic agreement.

Ms. Moy: So a programmatic agreement will be between the Federal Highways, I mean so this will be part of the -- a federal mandate, right, a programmatic is a federal thing, so it'll have Federal Highways, it'll be Advisory Council on Historic Preservation, the State Historic Preservation Division, the CRC, you know, will be part of it, and of course, HDOT, Hawaii Department of Transportation, they'll be, what would be called like the "signatory" of this so they will have to agree or it just doesn't go anywhere. Then you have invited parties. And so what -- under the federal rules, they actually send out letters to just about everyone in the world to ask them to be a part of it, and then, you know, a lot of times people don't respond or whatever, so, you know, but the ones who respond are invited. They cannot like -- they sign, but they're not legally bound by it. The other ones are legally bound to follow the programmatic agreement.

Mr. Bailey: So this Federal Highways is funding this preservation project? The majority of it? Or is there --

Ms. Moy: No, I think it's state funded. The state --

Mr. Bailey: There's no federal funds for this project?

Ms. Moy: No. But most bridge projects are federally funded that's why, you know, and the programmatic agreement doesn't have to be for a single project so that's why this one -- you know, they want to cover all of Hana, get it all --

Mr. Bailey: That's all the questions I have.

Chair Six: Is there any further discussion? Okay because -- thank you very much. Because there's nothing on the agenda that we have to decide, we're not approving of anything, we just want to thank you, at this time, for your presentation, and if anyone would like to make any formal comments, we have contact information here in order to submit a written -- and we're going to have you come before us again, I'm assuming, we'll see you again, and again, and again.

Ms. Moy: Once the programmatic agreement comes out, yeah, or begin, then we will ...(inaudible - not speaking into the microphone)...

Chair Six: Well, thank you very much for your presentation. It was most informative. So at this time, we'll move forward under the Director's Report --

Chair Six read the following agenda item into the record:

**1. Cultural Resources Commissioner orientation workshop (part 2):
Chapter 92 (Sunshine Law), Hawai'i Revised Statutes (L. Joesting)**

Chair Six: Let's take a five-minute recess real quick while she gets setup. Is that okay?

(A recess was called at 12:04 p.m., and the meeting was reconvened at 12:10 p.m.)

Chair Six: I call the meeting back to order.

Ms. Linden Joesting: The Sunshine Law, really, I say originates back to the American Revolution. Patrick Henry said, "Liberties of the people never were nor ever will be secure when the transactions of their rulers may be concealed from them." So the Americans, before there were even Americans, they were English commerce, felt that the king was hiding their decisions made overseas, so, naturally, they become irritated and annoyed that someone else is making decisions that they have part and no understanding of. So it's a very human nature kind of thing that people who are governed want to know what those people, who govern them, are making their decisions, hence, the Sunshine Law.

The Sunshine Law is Hawaii's open meetings law. It imposes requirements and restrictions on how you conduct your business. I say it's not intuitive. It's something that just kind of have rules that you have to learn because much of our intuitive way of doing business is to talk to one and another and find out and ask questions. So the Sunshine Law requires that you conduct your questions and your business all in this open forum. There's very few, limited interactions that you can have outside of this setting, and I'll cover those.

...(inaudible)... open meetings versus efficiency, there's been some changes in the last few years that make for meetings to be more efficient. The spirit is to open up government process to public scrutiny. You have to conduct your business as open as possible. The preference in the law is always for an open meeting and not for a closed meeting. So unless there's a specific statutory section, board business cannot be discussed in private.

Why does it matter to you? There was a, now a couple years ago, a case called "Kanahele versus Maui County Council," where the Hawaii Supreme Court found that the Maui County Council violated the Sunshine Law. What also matters to you is that there is two ways that

people can void decisions and actions that you make that relates to the Sunshine Law, so if you don't properly describe something on your agenda that you do something about it or take action, that's an action for which the public did not have notice. If there's also a discussion outside of the room or between members that take place, someone can file suit, and they can void a decision made on that subject later on. We actually had a commission just have this come up recently, and so what they did in order to mitigate it, because there were some board members that had emailed one another, is they discussed the email at the open meeting, at the next open meeting, and talked about the content of the email. So in other words, the public would no longer be harmed by the outside of the meeting interaction but they knew, and it was now in the public realm, what the interaction had been. It doesn't take away the problem that there was an interaction, so you can't undo something that happened, so it's still possible that there final decision could be challenged and voided but, hopefully, that won't happen.

All interested people shall have an opportunity to submit data, views, arguments in writing or in testimony on any agenda item. If someone wants to come and not give their name but they just want to come and testify, you're required to receive their testimony. Board meetings are open. Anybody can attend. Everybody shall have the opportunity to testify, but you can also make, by rule, reasonable time limits for oral testimony. Problems that I've seen is that sometimes people -- boards or commissions require people to sign up in advance, that's not a requirement of the Sunshine Law. Sometimes meetings are not properly closed or you talk about business outside of the ...(inaudible)...

So what is actually technically a meeting? It's when the board convenes with a quorum in order to make a decision or to deliberate towards a decision upon a matter over which you have supervision, for example, nine members, five equals a quorum. And then, under the charter, all actions of a commission have to be take by a quorum of the members.

What is board business? Board business is not the soccer game that your kids went to so you can talk among each other if your kids are both on the same soccer team. Board business is matters over which you have supervision, control, jurisdiction, or advisory power on things that are presently before you or you can reasonably anticipate will come before you. So it's anything that you can reasonably anticipate will be coming before you, for example, now with the Hana bridges thing, you can anticipate there's going to be something that comes before you folks to look at about that performance agreement or, you know, what you folks are going to be expected to sign off on. So now you have notice that that's going to be an item of future board business.

When can you not discuss board business? More than two members cannot gather to discuss board business. There's actually a case called "The Right to Know," where board member A talked to B, B talked to C, C talked to D, D talked to E, so they thought that would work because that's no more than two members at one time, but the supreme court,

in that, said no, that's a serial communication so that's a violation of the Sunshine Law. So you can talk with one other member of the board at one time, but you can't then go on and talk to other members, two at a time. You can't discuss board business by telephone, fax, email, not even in the social media as Facebook. Facebook is not tested in Hawaii yet, but if you have other friends who are also members of the same board or commission and you post something on your Facebook site, then you can anticipate that they're going to be receiving that communication and they, in turn, might post something on their Facebook site, so it's recommended that you not post either board business or that you not have friends who are also part of the board or commission.

Can you talk about it with non-board members? Absolutely. In fact, that's a lot of times why you're appointed to a board or commission because you bring certain perspectives from different communities, and that perspective is expected to be brought in as part of your participation on a board or commission.

There's a new provision about holding meetings by telephone or video conference. If you do want to do that for some reason, you know, at remote locations, like someone from Lanai wanted to do that one time, or another board or commission, a woman was on sabbatical in Pennsylvania, you can actually put on the agenda and notice it from that other location, but that person at that location has to have it a public area, and if someone from the public wants to come and attend that part of the meeting, then you're required to let them be there and require to let them testify in that location. There's also an exception for if there's a disabled board member, that they can attend a meeting from home. So this is a possibility for people from Molokai or Lanai. The downside to that is that if your video participation or telephonic participation goes down, then the whole meeting has to end. So while it provides a convenience and efficiency, it also has a flip side that it can cause a whole meeting to ...(inaudible)... terminate.

Permitted interaction groups. These are one of the specific areas in which you can have interactions outside of the board meeting, however, it's kind of a pro and con. You have some greater flexibility, but at the same time, then you have -- it requires more time and more meetings in order to implement a permitted interaction group. It requires three meetings. The first meeting you do, at a noticed meeting, designate or describe the scope of the investigation and the authority given to each of the board members, name the board members and what they're going to do. The board members then can go and meet outside of a noticed board meeting, gather the information, put together a report and recommendations, and then they bring it back to the board again. At that second meeting, that's when they present their report and recommendations. At the second meeting, there's no discussion, no deliberation because, if you can imagine, that's the first time the public would ever have heard what the report and recommendations would be. So it's at the third noticed meeting that then the full board can deliberate, discuss, and make decisions on that report.

So there's a fair amount of flexibility offered for a permitted interaction group. You can go out, gather information, bring it back, and present for the board, and that, I've seen used, fairly well for some different committees.

There's also another permitted interaction that allows you to discuss among yourself the selection of a board's officers, that can be two or more, but again, it has to be less than a quorum. Permitted interaction groups are only meant for short-term interactions; they're not meant to be standing committees. If you do create a standing committee, then it has to follow all the requirements of the Sunshine Law, post notice, have an agenda, all that other kinda stuff. Any questions?

If a meeting is cancelled or terminated, this is one of the new changes, the board can still receive testimony and presentations. So in other words, if there were almost a quorum here for the members, and you still had a lot of people in the audience who came to give information, cancelling the meeting used to mean that every had to go home, but now, whoever is present, can receive the testimony and presentations, but only if they do this: you can't deliberate at that meeting, you have to deliberate at the next one; you create a record of minutes and a summary of the testimony that's presented; and at the next meeting, there's a report on what happened, a summary of the testimony and presentations to those people who were absent by the members who were present at the cancelled meeting. So that's a good thing for the public, and good thing for you folks, because it keeps the flow of information going.

Mr. Skowronski: But that next meeting has to have a quorum.

Ms. Joesting: Yes. And if it doesn't, then there's a problem.

Ms. Kehler: When they receive testimony and there isn't a quorum, are they allowed to ask questions of the testifiers?

Ms. Joesting: If it's just like clarifying something, that kinda question would be okay, but any questions that are much more than that, it's probably not ...(inaudible - not speaking into the microphone)...

Ms. Kehler: Okay.

Ms. Joesting: Conferences is another permitted -- a fairly new permitted interaction where you can go and attend an informational meeting or presentation on matters relating to board business, including another board or county council, you can participate in those discussions, as long as you don't make a commitment to vote, and you report on it at the next meeting. Again, this is a permitted interaction and it has to be less than a quorum of the board. This is used fairly often actually by the county council.

There's also executive sessions when you close the meetings to public. A normal reason for that is to consult with your board's attorney on questions and issues about the board's powers, duties, privileges, immunities, and liabilities. If it's unanticipated, then there has to be a vote to add it on to the agenda and it requires a two-thirds affirmative vote of the members who are present.

The minutes. There's a fairly minimum for the minutes. The first and most important is that it is a true reflection of the matters discussed at the meeting. Verbatim minutes are not required, but you do have to have the date, time, and place of the meeting, who's present or absent, substance of all matters proposed, discussed, decided, and a record of vote. You can, of course, that it was a unanimous vote, and that's easy, but if there's any difference in votes, you have to say who was affirmative and who was negative. There's also an interesting little quirk to this that the Office of Information Practices has interpreted that if you're at a meeting and you want to include something in the minutes, that you can present that information at that time. So if you know that there's some contrary information or some supplemental information that you want to bring and insert into the minutes, you can do that at that meeting. You can't come back at the next meeting and say, "I'd like to add this extra report into the meetings from the prior months," because then the minutes would not longer be a true reflection of what happened at the prior meeting. So whatever you want to add, you need to add at the meeting that you're attending. The public record has to be available within 30 days of the meeting even if the minutes are not approved by the board.

Another area, the problem with meetings agendas and their descriptions, there's a way to add an item to the agenda, it just can't be of reasonably major importance or affect a significant number of people. So it has to be a very small change and approved.

I'm going to skim over some of this. There's a standard for what is described as a sufficient description in an agenda. There's minimums in the statute that require it. There wasn't any Hawaii case law until the recent Kanahole suit, and then there's some other OIP guidance on what's a sufficient description.

And just in summary, the effects of a Sunshine Law violation is that your final action can be voided, there can be injunction to prevent the implementation of a final action, if you unwillfully disregarded the Sunshine Law, they can be found of a misdemeanor and they're required, once they're found guilty, to be removed from a board or commission.

There had been some changes in 2014, some changes in 2015, an example was what's a significant privacy interest was added, that's really for judges who's home addresses they wanted to keep private because some of that information people could find off of real property tax records, so they're trying to change that so that judges don't get any threatening activity at home, which they have in the past. And another perspective change

is that OIP is now going to move from Lieutenant Governor's office into the Department of Accounting and General Services. Yes?

Mr. Skowronski: You mentioned earlier that testifiers --

Ms. Joesting: Yes.

Mr. Skowronski: Do not have to give their name?

Ms. Joesting: That's correct.

Mr. Skowronski: Well, if a testifier started quoting statistics or levels of expertise into the testimony, and we don't know who they are, how do we gauge the veracity or even the intent of their testimony if we don't know who they are or what their background is?

Ms. Joesting: You can ask them for ...(inaudible - not speaking into the microphone)...

Mr. Skowronski: But I mean a testifier could show up in a mask then or something, or I mean how -- you know, lots of people come in and tell us that their experiences are this, and this, and this, and this, if in fact we don't know who they are or what their background is or whether they're from the state or from someplace else, if we have no background, how do we judge the testimony or their opinions.

Ms. Joesting: ...(inaudible - not speaking into the microphone)...

Chair Six: You know what? I would think it's probably for, in some cases, for their protection. They feel like they don't want to be formally identified, you know, maybe their not just wearing a mask, maybe there's some reason that they feel they don't want to have their name on the record ...(inaudible)... that's great. Record time. Amazing. Thank you very much.

Ms. Joesting: Okay. Thank you.

Chair Six: This is -- I had a conversation with SHPD where they had that money set aside for the historic districts and they said they talked to you about it ...(inaudible)... they had all the cultural resources commission chairs on the phone to let us know. How do I get that on the agenda? Can we put on for the next time or? They said they spoke to you. I can give you their names, it was Alan and -- anyway --

Ms. Kehler: This is money for?

Chair Six: This is money for researching the historic districts. They wanted each island to identify a historic district to do initial --

Ms. Kehler: Oh, survey and inventory.

Chair Six: Survey, yeah. You're familiar with that?

Ms. Kehler: Yeah. Yes.

Chair Six: So I just wanted to let it be known that I was on a conference call with the cultural resources commission chair for the Big Island and Kauai and Oahu along with the historic architect and people from SHPD that there's some money, so I just don't know when we would discuss that. Next meeting?

Ms. Kehler: I can put that on the agenda.

Chair Six: Okay. Alright.

Ms. Kehler: It's just discussing areas that we would like to see surveyed, correct? Okay.

G. NEXT MEETING DATE: September 3, 2015

H. ADJOURNMENT

Chair Six: So I think we go on to the next meeting date, right now it's September 3rd.

Ms. Kehler: Correct.

Chair Six: So we're good with that? So at this time, I would like to adjourn this meeting.

There being no business brought before the Commission, the meeting was adjourned at 12:28 p.m.

Respectfully submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards & Commissions

RECORD OF ATTENDANCE

Present

Dr. Janet Six, Chairperson
Bridget Mowat, Vice-Chairperson
Timothy Bailey
Mikala Enfield
Arleen Ricalde-Garcia
Frank Skowronski
Jarrett Wong

Excused

Christy Kajiwara-Gusman
Owana Salazar

Others

Annalise Kehler, Cultural Resources Planner
Jennifer Oana, Deputy Corporation Counsel
Linden Joesting, Deputy Corporation Counsel