

(APPROVED: 02/04/16)

**CULTURAL RESOURCES COMMISSION  
REGULAR MEETING  
NOVEMBER 5, 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 10:45 a.m., Thursday, November 5, 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: I call the Cultural Resources Commission meeting to order.

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

**C. APPROVAL OF MINUTES OF THE AUGUST 6, 2015 MEETING**

Chair Six: At this time, is there anyone in the audience that would like to provide testimony on any of the agenda items? You will have a chance to do so later. Okay. So call to order, no public testimony. At this time, we'd like to get approval of the minutes of the August 6, 2015 meeting.

Ms. Bridget Mowat: I move to approve the minutes.

Ms. Christy Kajiwara-Gusman: Second.

***It has been moved by Commissioner Mowat, seconded by Commissioner Kajiwara-Gusman, then unanimously***

***VOTED: to approve the minutes of the August 6, 2015 meeting as distributed.***

Chair Six: Minutes approved. So we have some business. I love my gavel, I'm sorry.

Ms. Owana Salazar: Hit it, woman.

Chair Six: Yeah, I know. If I had a whistle and a clipboard, I'd be perfect.

*Chair Six read the following agenda item into the record:*

**D. NEW BUSINESS**

**MR. ALVIN KAMETANI, on behalf of Maui County Department of Parks and Recreation, West District, requesting approval of the 2016 Banyan Tree Event Schedule, Banyan Court Park, County Historic District No. 1, Lāhainā, Maui, Hawai'i, TMK (2) 4-6-001:009. The Commission may approve the schedule pursuant to Section 19.52.090E, Maui County Code (A. Kehler)**

*The Commission may approve or deny the event schedule.*

Mr. Alvin Kametani: Good morning. I'm Alvin Kametani. I'm representing the Parks Department for County of Maui, the West District. We're seeking approval for the 2016 event, arts fair and even calendar for the Banyan Tree.

Chair Six: Just for my clarification, the acronym "HEUI?"

Mr. Kametani: That would be Patty Nishiyama and the Aloha First group.

Chair Six: And then "LAA?"

Mr. Kametani: Lahaina Arts Association. And then Lahaina Town Action Committee.

Chair Six: Okay. Thank you.

Ms. Salazar: What does "HEUI" stand for? Do you know?

Mr. Kametani: What does -- yeah, we don't know what the actual acronym. I always thought it was just misspelling of the word "hui."

Chair Six: Does anyone have any comments on the calendar, concerns?

Ms. Salazar: Wait. I have -- I did get a -- Chair?

Chair Six: Yeah. Go ahead, Commissioner Salazar.

Ms. Salazar: Thank you. I received a call this morning from Patty Nishiyama, apparently, there was someone coming to the meeting, but came at 9, thinking that we started at 9 but we're starting at 10:30 as usual, that in March of 2016, she explained to me that the,

traditionally, Na Kapuna O Maui has always celebrated Kuhio Day on the day of his -- on the date, and this -- next year, it falls on the 25<sup>th</sup>, which is a Friday, and what they wanted to offer is that Lahaina Town Action Committee can have the Friday and they take the Saturday, and that's -- she asked me about that, and I asked her if they had discussed this with Lahaina Town Action Committee, and the answer was no, so I'm not sure where to go with this but I'm just relaying what I got this phone call about this morning because -- so I don't know where that --

Mr. Kametani: So the request is --

Ms. Salazar: They want to -- they would give the traditional day to Lahaina Town Action Committee, and then they would like to take the Saturday, Na Kupuna O Maui.

Chair Six: I'm getting some advice here from our legal counsel.

Ms. Salazar: Oaky.

Chair Six: As Commissioners, we can't change those dates but they can petition the Parks Department to change that date. Is that right?

Ms. Jennifer Oana: This Commission approves changes, but I think the first step would go to the Parks Department, talk to Lahaina Town Action Committee or the Parks Department.

Ms. Salazar: Okay, well that's good to know. I didn't know the procedure.

Ms. Oana: And then ...(inaudible)...

Ms. Salazar: What I can do is let her know that that's the procedure and then they can take it from there.

Chair Six: Because you remember recently we had to approve some changes, so once we approve this, it can come before us for changes.

Ms. Salazar: Okay.

Chair Six: So just make sure, if she's going to change it, to work with the Lahaina Town Action Committee, the Parks Department, and then put it on our agenda, at least a month before, so that we can approve the change. If we approve the calendar as is.

Ms. Salazar: Thank you. I'll advise her of that. Okay. Thank you.

Chair Six: Is there any other concerns on this calendar? Do we have a motion to approve it?

Ms. Kehler: Testimony.

Ms. Salazar: I move that we approve the calendar.

Ms. Mowat: And I'll second.

Chair Six: It's been moved and seconded that we approve the calendar for January 2016. Sorry.

Ms. Kehler: Are there public testimony?

Chair Six: Oh, I'm sorry. Is there any public testimony on this? Alright. So I'm sorry. I thought that I asked earlier so I figured they came up. I didn't see anybody else. Alright, so it's been motioned and seconded.

***It has been moved by Commissioner Salazar, seconded by Commissioner Mowat, then unanimously***

***VOTED: to approve the 2016 calendar as is.***

Chair Six: The calendar passes. Thank you so much.

Mr. Kametani: Thank you very much.

Chair Six: Now you know what to advise Aunty Patty guys.

Ms. Salazar: I will tell her. Thank you.

## **E. UNFINISHED BUSINESS**

**HAWAI'I STATE HISTORIC PRESERVATION DIVISION requesting recommendations on areas to conduct historic resources surveys to identify potential historic districts and single-family residences that may be eligible for listing in the Hawai'i Register of Historic Places in Maui County. The Commission may advise SHPD in carrying out its historic preservation responsibilities pursuant to Section 2.88.060.A, Maui County Code (A. Kehler) (Deferred from the October 1, 2015 meeting. Commissioners: Please bring your staff reports from the last meeting.)**

***The Commission may provide recommendations on areas to conduct historic resources surveys.***

Chair Six: Alright, so we have some Unfinished Business. Hawaii State Historic Preservation Division's requesting some recommendations. Remember they -- we talked about this. Annalise came forward and talked about this. I know that we have the Historic Architect from SHPD here with us and the State Historic Archaeologist for Maui County here. So are you going to give a little talk about this, Annalise? Do I turn it over to you or?

Ms. Kehler: Yeah, what I can do is just go over my recommendations for survey areas one more time, and then I'll let Anna Broverman, from the State Historic Preservation Division talk to you guys and answer some questions that you may have.

So again, one area was Wahikuli in Lahaina, and you can see it up on the board, and then the Old Sandhills in Wailuku, and you can see the bounding streets up on the board. And area in Wailuku that's bounded by Wells Street to the north, South Market Street to the east, Kaohu Street to the south, and High Street to the left. Another area in Wailuku bound by Kaohu Street to the north, Kalawi Place to the east, Kahookele Street to the south, and Honoapiilani Highway to the west. Another area in Wailuku bound by Malako Street to the north, Honoapiilani Highway to the east, Keanu Street to the south, and Pualani Street to the west. And the final suggested survey area is also in Wailuku, it's bound by Aupuni Street to the north, Honoapiilani Highway to the west, Malako Street to the south, and Koali Street to the east. And so those were just a couple of my suggestions and now I'm going to let Anna come up and talk to you folks.

Ms. Anna Broverman: Hi, everyone. I'm Anna Broverman, SHPD Architectural Historian. This year, the leg. gave us \$100,000 to find residential historic districts throughout the state, so we're planning on surveying about, I would say, four to six neighborhoods per island. We are looking for residential historic districts, but if there's commercial buildings within those areas that we could survey, we're planning on doing those too. We were trying to get our survey started earlier than now, but we're waiting on funding, and we almost have the money now so we think that the surveys will start at the beginning of next year.

Chair Six: And surveys, you're not going to have to ask permission, you're just going to take pictures of the exteriors of houses. That's what I understand?

Ms. Broverman: Right. So we're going to be doing a reconnaissance level survey, so all of our surveyors will be on the public right-of-ways, we'll do a basic information, just like materials, design characteristics, and take pictures. We wanted to talk to community boards and other people who'd be interested in a community before we go out there so that people are aware. We don't want to just scare them and bombard them with -- like people

don't like pictures of their houses being taken without permission, so we wanted to talk to the people beforehand.

Chair Six: Yeah.

Ms. Salazar: So what we are looking at here is just strictly places in Maui County and then you'll be going to other neighbor islands. Do they have commissions on -- I know there's one in Big Island. Is there a commission on Oahu or just you have SHPD, right, only?

Ms. Broverman: Oahu's the only one that doesn't have a commission. Kauai does.

Ms. Salazar: Kauai does. Yeah. We met them at our training on the Big Island. Okay.

Ms. Broverman: Yeah, so we've already talked to Kauai, and we're working with Big Island right now as well to firm up survey areas.

Chair Six: So you said it's going to be several neighborhoods for each county, and so have we looked at Lanai and Molokai? Have we identified any of them on Molokai?

Ms. Broverman: So far, I haven't looked at Lanai just because there's the historic district nomination for it so I presumed that most of the areas had already been surveyed, at least in Lanai City. We did do a test run on Molokai earlier this year and we surveyed parts of Hoolehua and also I think Kamakani.

Ms. Mowat: Kalamaula? Or Kaunakakai?

Ms. Broverman: Kaunakakai. Sorry.

Chair Six: So we're really focusing on Maui Island for these?

Ms. Kehler: It doesn't have to be.

Chair Six: Yeah, but it seems to be logical.

Ms. Kehler: Yeah.

Chair Six: Well, I mean I'm just saying --

Ms. Kehler: But if you have suggestions.

Chair Six: If Molokai and Lanai doesn't have any that needs to be surveyed, if its been surveyed, then that's what I mean, Lanai and Molokai, I'm sure there's other things ...(inaudible)...

Ms. Broverman: Yeah, really, at this point, we'd love any information you could give us because this survey is for this year but we might get funding next year as well for more survey, so we'll take any information you guys have up front.

Ms. Salazar: Now are these -- oh, these are actual residence, not stone wall fixtures or -- only residence, yeah, residential?

Ms. Broverman: Yes. Right now, it's supposed to be for residences; like I said, a lot of these towns, the commercial's mixed in with the residences, so in that cases, I think you can go ahead and suggest those and we'll try and survey them, because if we're already at an area, we should go ahead and get all the information we can.

Ms. Arleen Ricalde-Garcia: How do you determine which ...(inaudible - not speaking into the microphone)...

Ms. Broverman: We had a couple factors that we look at whenever we're initially planning, and we thought some type of threat, be it natural or development, that type of thing, if it is over 50 years old, so if they're historic or they're about to be. We also thought if they fit into some larger historical theme, that we could do a contact study later. Those were some of things we thought of.

Chair Six: I think everything you showed us is pretty much related to plantation.

Ms. Broverman: Yeah, and, you know, really I'd like to have a better array of history.

Chair Six: Yeah, because I was thinking like if Keokea and the history of Keokea, growing potatoes, and Chinese, and all that, and then Upcountry areas, the ranching, and go ahead. I'm sorry, Annalise.

Ms. Kehler: If you look at your staff report from last time, it list out the characteristics that SHPD is looking for when surveying, so that should help you understand a little bit more about how they're choosing areas.

Ms Ricalde-Garcia: And also, you referred to funding. Do you have certain limits that you can say, okay, we can do ample surveys with this amount of money?

Ms. Broverman: So we got the \$100,000, and that's a lot for us to try and do surveys in-house, so we're using interns and our in-house staff to do these things, but it's not very

much whenever we'd ask an outside firm to contract and do it, so we -- the money will be enough for us to do a couple of neighborhoods on each island, but it's not very much to do an extensive survey statewide, which is the ultimate goal for this.

Chair Six: But this is kind of a starting point, correct, from what I understand --

Ms. Broverman: Yes.

Chair Six: From some of the phone meetings we've been having with the SHPD and the other heads of CRC and it seems to be something they want to go forward with and this is kind of a starting --

Ms. Broverman: Yes. We haven't had a statewide survey for I think decades in architecture, so we just need to get started.

Ms. Salazar: Just a quick note. Everyone, speak into your microphone because Suzie needs us to do that for the minutes.

Ms. Mowat: I don't know if I'm going to see you again, I mean on this, but I would suggest Kualapuu.

Ms. Broverman: Okay.

Ms. Mowat: Because Kualapuu is plantation, and they have a lot of older plantation managers and, you know, the lunas, so their homes were big and, you know, and they're still standing.

Ms. Broverman: Right. They also have a coffee place right there.

Ms. Mowat: Yes. No, that's -- that's what it is now. Yeah, but prior to that was all plantation. So there's some homes there that kinda look like these, you know, with the cement walkways and very large homes. Just a suggestion. 'Cause I don't know if I'm going to see you after this.

Ms. Broverman: Okay.

Chair Six: I think, as an anthropologist and archaeologist, it would be important to get kind of a spectrum, if possible at all, because we have a lot of the bigger houses, the Baldwin House, the Bailey House, we often do preserve the larger luna style houses, but we do, as we saw on Lanai, tend to lose some of the smaller houses tied to the plantation often because of just simply demolition by neglect, termites, weather, age. I like the idea of Sandhills, which has some of those kind of luna style homes, the people that were -- and

then I also would like, if we can, identify places that have more like what I kinda go to, the Rice Camps, and places we've lost a lot in Lahaina.

Ms. Mowat: I just wanna comment that a lot of them, of those homes, the plantation homes have been remodeled already or they're wiped out, so, you know, that takes away the integrity, yeah.

Ms. Broverman: Aha.

*(Commissioner Enfield entered the meeting at 11:00 a.m.)*

Chair Six: But there's some pockets, you know. I just think depending -- I mean Hana had a lot of change but I think Keokea, a lots been gone, but there's some places that have some integrity, maybe not plantation or sugar or pineapple.

Ms. Mowat: I was talking about Molokai.

Chair Six: Yeah. On Molokai. I agree. Okay. Any other thoughts, Commissioners?

Ms. Broverman: This is just another note, but we're planning to work with our archaeologist on every island as well, so if there are archaeological sites within these historic areas, then we'll also have them take note 'cause we're really looking for that array of history.

Chair Six: Yes?

Ms. Salazar: Are there locations in Hana and Keanae that would possibly also be included? Do you know of any places?

Chair Six: You know, Keanae, there's a lot of places that have been remodeled, there's like the old Chinese church is gone, there's the stairs, so a lot of my students did surveys on different parts of Keanae so I don't know how much integrity for the Keanae Peninsula, and Hamoa, they were both impacted by tsunami in '46, so I think a lot of those houses were rebuilt or put back on foundation. I see more Hana Town. And the other one, because I go through all the time going backside, is Keokea residence maybe because unique history, unique building styles, you have Sun Yat-Sen's house there, I mean we have the -- we have the Chinatown, which is mostly gone, but you do have some of the missions and then the Fung Store, Ching Store, some of those, which represent a different group, immigrant group, and I also like something with ranching whether it's in Hana, Upcountry, Makawao because there's another kind of style of housing, a little bit different that we're losing, so that's kinda my feeling is right now we focus a lot on sugar plantation, houses that would be tied to sugar plantations in these, and they're all very worthy, I think

Wahikuli is a good one because it's not been changed too much, I like the idea of Old Sandhills and some of these here that haven't been impacted and still have the integrity.

Ms. Kehler: These, just the ones in Wailuku, they are plantation style but they were -- a lot of them, especially over by the civic center, were associated with the development as Wailuku -- of Wailuku as the county seat, so there's a --

Chair Six: Yeah, there's some interesting --

Ms. Kehler: Yeah.

Chair Six: I know Sandhills has got like some really unique styles, which is very -- I always loved that area. Is there any public testimony? I didn't say that in the beginning. Anyone have any public testimony about this? We keep talking about it. We were just talking about Lanai before you got here and she said that most of Lanai has been under a historic survey, doing a survey, or been surveyed so that's why we're not really talking a lot about Lanai. Bridget had some ideas for Molokai and, basically, we're just looking for recommendations so they can go forward. And again, this is they get a small amount of money to begin this survey with the idea that they would go continue and expand and build on it, so, hopefully, it's not a one shot.

Ms. Kehler: I just had a question for Bridget. For Kualapuu, are you talking about like up the road connecting, not in the town, but that area where the -- I think that's where all the managers' houses were? Yeah.

Ms. Mowat: Yeah, the managers's houses.

Ms. Kehler: Yeah.

Ms. Mowat: I'm -- it's on the way up to Kalae.

Ms. Kehler: Right.

Ms. Mowat: That road. But these homes are on the right-hand side. On the left is Coffees --

Ms. Kehler: Yeah.

Ms. Mowat: Kualapuu, the smaller plantation homes. I'm trying to think. Either a lot of them have been remodeled, but you should look inside. I mean there, you know, there might be some homes, but, you know, it's been so long, they're either really had it, and

people are still living in it, or they remodeled so -- but it's a good -- you know, historically, I think the plantation really played a role in our history. Just a thought.

Chair Six: No. I mean I didn't mean to put down plantation. I said like I was just thinking of some diversity amongst the survey because the plantations, obviously, played a huge role. What about Kaupo? Not enough out in Kaupo?

Ms. Broverman: I'm not sure. That's why I'm asking you.

Chair Six: ...(inaudible)... all the time, there's the church, there's the school, there's, you know, there's some infrastructure but then there's some buildings that are pretty untouched, but there's really not a core or community.

Ms. Kehler: There's, yeah, there is some really great buildings out there, there's some really great homes, and -- but I don't know if there's enough there.

Chair Six: Yeah. That's what I was thinking.

Ms. Kehler: I mean, you know, it might be worth having SHPD to take a look.

Chair Six: Because it's definitely is something that's had low impact compared to some of the ...(inaudible)...

Ms. Kehler: Yeah.

Chair Six: Islands as far as to the housing ...(inaudible)...

Ms. Kehler: Yeah.

Ms. Christy Kajiwara-Gusman: You mentioned earlier about meeting with some of the people in the communities and the community associations and, honestly, I think that that would probably be a better place to start. I mean, you know, you're talking about going into these communities and, basically, taking pictures and putting, eventually putting these areas into our historic preservation or historic districts, and, you know, there's, like where I live for example, it was brought up years -- several years ago, I believe back in 2009, and I know our community association really did not want it to be done. And, you know, I think, besides coming to us, that that would be a better place for you guys to start looking for these areas because there's nobody else that knows there community like the people who live there.

Ms. Broverman: Thanks. That's a really good idea.

Chair Six: Where do you live?

Ms. Kajiwara-Gusman: Waihee Valley.

Chair Six: I was just going to -- think out there. I was thinking there would be some in that area out there too. I was just thinking, you know, that's an area ...(inaudible)...

Ms. Kajiwara-Gusman: Yeah, we had a lot -- when it came up, we had a lot of controversy, you know, whether to make just the sand dunes area or do the whole town.

Chair Six: Yeah.

Ms. Kajiwara-Gusman: And there was a lot of controversy because a lot of people didn't want the whole town because there was still, you know, new homes coming up and Hawaiian homes and they didn't want it to be all of Waihee, just wanted certain -- certain parcels or certain places.

Chair Six: I think that's a really good idea because we could decide on an area and then they could say no, or we don't want you in this area, so perhaps given the work you've done already, we could find out if these areas are doable, if these communities are amenable to us, the SHPD, or whoever's ...(inaudible)...

Ms. Salazar: But she said they do speak with the residents there so --

Chair Six: Yeah. But like Commissioner Kajiwara-Gusman said, you know, you might pick a neighborhood and they go talk to the community and they say no.

Ms. Salazar: Yeah.

Chair Six: So maybe, you know, after they've identified communities, the next step is to find out if the communities are amenable and then come back and we say, shoot, that sounds good, or they say we don't want it and then we've gotta go back to square one. Have you done any of that outreach?

Ms. Broverman: We haven't done the outreach yet because we wanted to make sure we identified communities first, but maybe that was kind of a chicken and the egg scenario --

Chair Six: ...(inaudible)... she said is how sensitive ...(inaudible)... we have, you know, Hawaiian Homes going in, there's known burials out in this area, very important sacred whatever, or Sandhills where, obviously, there's a lot going on, but we have homes, they're not current being developed in that area there, homes that have integrity, so -- and they may not have the same kind of a community push back to that. They may embrace it.

Ms. Broverman: And I'll just clarify that this is just going to be survey; it doesn't automatically lead into a nomination, so we would just use this information at least for reviews or these areas, and then if they are in favor, we would go forward with a nomination. But we -- that wouldn't be an automatic thing.

Chair Six: Yeah, I did it in Ka`u doing my PhD, I was in Pohala, and I sent all my students out, and I actually told the SHPD this when I was on the phone with them, and we did a complete survey of the town of Pohala, we photographed every home, we asked, and basically people had no problem, we photographed every home, but nothing happened with it. We just did it because the town was changing so rapidly, people were moving in, gentrifying it, so sometimes it's good to baseline data, how they look today, it doesn't like always seem important, but in the future, it would be very important.

Ms. Salazar: I do remember that some months ago, maybe last year, I think after we had come back from our training time in Kona, we discussed something about Paia. I didn't see anything about Paia in here yet. Yeah, we did bring that up, so I'd like to mention that at this time. We were looking at bringing Paia into a possible nomination as a historic town.

Ms. Broverman: Yeah, we can definitely look at Paia. One thing I was wondering is if some of these areas are safe for people to survey. I know -- do, in Paia, do they have sidewalks in the residential areas? They do? Okay. Yeah. Then we can definitely be looking --

Chair Six: Yeah, there's, you know, Skill Village. There's a few places ...(inaudible)...

Ms. Salazar: While the subject is at hand, gotta make sure I mention it. We had a big discussion for that and our Paia guy was -- remember Bruce? He was all for it too so -- okay. Thank you.

Chair Six: Any further discussion? So what are we -- we have a motion to what? We have a motion you're going to put forward? She's writing it down for me. I'm making a -- can I get a motion or recommend to SHPD, identify locations -- wait. Motion to recommend to SHPD that the locations identified by Annalise, you talk to the community, if there's a known community association to conduct the historic resource surveys. Do we have a motion for that?

Ms. Mowat: I move that Commission provide recommendations on areas to conduct historic resource survey by SHPD, or I so move what she just said.

Chair Six: Okay, let me restate that. We're looking for a motion to recommend to the SHPD that the locations identified by Annalise for the historic resource survey -- she has to write it out for me so I get it down. A motion to recommend to SHPD that the locations

identified by Annalise shall be surveyed. Do we have that motion or are we ready -- or do we still want to discuss this.

Ms. Mowat: I so move.

Ms. Kajiwara-Gusman: Oh. I'd like to include Kualapuu and the possibility of researching Paia Town as well with everything that she said and have the community associations approached and talked to before coming back. Is that --

Ms. Oana: There wasn't a second so that can --

Chair Six: Okay, so the motion is that the SHPD take a look at our recommendations for Paia and for perhaps Keokea and other areas that we mentioned, and also that to take a look at the areas identified that we don't really have a problem with them but we want to make sure that the community associations are okay with the survey and are aware that a survey -- so we don't waste a lot of time. So I need a motion to say something like that.

Ms. Kajiwara-Gusman: So moved.

Ms. Mowat: Second.

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

***It has been moved by Commissioner Kajiwara-Gusman, seconded by Commissioner Mowat, then unanimously***

***VOTED: to recommend to SHPD that the locations recommended by staff shall be surveyed, that SHPD consider other locations identified by the Commission for the survey, and that SHPD meet with the community and/or community associations of these locations regarding the survey.***

Chair Six: Motion carried.

Ms. Broverman: Thank you all very much.

Chair Six: Thank you. Thanks so much. Okay, moving on. I have on the agenda the Director's Report, an update on hawking and enforcement, Michelle is at a planning meeting right now and can't make it, so I'd like to as if we could defer that to the next agenda, next meeting?

Mr. Frank Skowronski: I have a question about Unfinished Business, which is going backward. Are we going to bring up or will we be seeing again the proposal for the County of Maui parking lot?

Chair Six: Yes.

Ms. Oana: It's not on this agenda so --

Mr. Skowronski: But it will be coming back to this board?

Ms. Oana: It was deferred ...(inaudible - not speaking into the microphone)...

Mr. Skowronski: Well, it was deferred with the intention that Corp. Counsel was going to review whether or not the board had any legal standing to review it. Has that determination been made?

Ms. Oana: No. I still have to prepare an opinion for this Commission to take a look at. That's probably my fault that it's not on the agenda.

Mr. Skowronski: What was your recommendation?

Ms. Oana: I would have to defer that because it's not on the agenda.

Chair Six: Because of Sunshine Law. So, yeah, actually Owana contacted me also and was wondering about that and so we reviewed emails and the minutes that we asked for the engineer and the architect, the engineers to come forward and that was to talk about issues with drainage, issues about variances for the trees, and I just wanna say I was sent a photograph from the '70s by someone in the audience, Wallet Pelligrino sent me an email with an attachment showing the tomb they talked about that's downslope, but it's not on the agenda. That'll be on next time.

Ms. Salazar: Will it be on next month then?

Chair Six: We're going to put it on?

Ms. Oana: I'm not sure. Maybe.

Ms. Kehler: Well, it was deferred until SHPD comments on the revised AIS, so it's dependent on when that's done.

Ms. Oana: Because there was going to be a revised AIS that we're waiting for, and then they'll bring it to this Commission.

Ms. Salazar: The revised AIS is completed and so it's like that thick, but I just wanted to ask if we could restate the reasons why. When we were in that last month's meeting, what I recalled were the reasons why we were -- why it got deferred was, one, was because we were needing to get clarification on what this body, what our prerogatives are with regard to approving, disapproving, commenting, strongly commenting, recommend, and another reason was the actual building integrity, the drainage and those things, but I somehow don't remember it being that we were going to have SHPD's comments first 'cause we don't know how long that's going to take and, meanwhile, they're moving to get a variance on landscaping, you know, which would probably have to come in front of us anyway because it involves the historic district and trees, so that's -- that's the third reason then.

Ms. Oana: All I can say, at this point, is it will probably be prepared by the next meeting --

Ms. Salazar: Okay.

Ms. Oana: To have an opinion for you folks in regards to the question on the Commission's authority to approve that. But at this point I, you know, ask for the -- to move on to the agenda items ...(inaudible)...

Ms. Salazar: I just wanted to clear up why we deferred.

Ms. Oana: Is not on the agenda so we really can't be discussing and deliberating on that issue.

Ms. Salazar: Yep.

Mr. Skowronski: But as a point of information, if Corp. Counsel makes a determination that the Cultural Resources Commission has no impact or has no say or has no standing on the development, the proposed development there, is it possible that this will never come up on the agenda again?

Ms. Oana: The CRC has the authority to review the archaeological survey, so there is going to be a revised one that will come to you folks, the Commission.

Ms. Salazar: Aren't we looking at those today though when our meeting's done? We have a session to go over? Isn't it part of our agenda?

Ms. Oana: No. Not -- not ...(inaudible)...

Ms. Salazar: Then why were we asked to bring our folders.

Ms. Oana: Not anything with regards to the county parking lot.

Ms. Salazar: No. No. I know. But just our decision making thing. Aren't we having a session on that and executive session?

Ms. Oana: There's an orientation ...(inaudible)...

Ms. Salazar: Yeah. At the end of our -- when we're done, right? That's what I was asking. Thank you.

## **F. DIRECTOR'S REPORT**

- 1. Update on hawking and enforcement in County Historic Districts 1 and 2, Lāhainā, Maui, Hawai'i**
- 2. Discussion of potential site visit to Moku'ula, Mokuhunia, Waiola Church, and Waine'e Cemetery, County Historic District 1, Lāhainā, Maui, Hawai'i**

Chair Six: Okay, so we've gone ahead and decided to defer the hawking enforcement to the next meeting, and we'll probably have the parking lot, something about -- you're going to talk to us about what Corporate Counsel decided about the parking lot even if they don't come before us, will you have some findings for us?

Ms. Oana: Yeah, we can go ahead and ...(inaudible)...

Chair Six: Okay, so we'll get that on the agenda. So even if SHPD hasn't reviewed the AIS, we can at least get Corporate Counsel's findings on our authority.

Ms. Salazar: Thank you.

Chair Six: And then next on the agenda is discussion of potential site visit to Moku'ula, Mokuhunia, Waiola Church, and Waine'e Cemetery in the Historic District 1 in Lahaina, and that's why we were running a little bit late starting because we were discussing how best to go forward with this, discussing with Corporate Counsel, you just to -- how do we include this on the agenda, and so what -- we had Friends of Moku'ula come in about the temporary fencing that was going to go around to help secure the archaeological sites, we also had testimony from community members and members of Waiola Church who had some concerns about the fencing, and we also had the archaeologist, Tanya Lee-Greig in here talking about some of the subsurface anomalies and findings in the ground penetrating radar that she wasn't comfortable commenting on at that time. I would like to ask that we get the Friends of Moku'ula and the archaeologist back in here to discuss their findings of the ground penetrating radar as well as to discuss issues regarding this access road that's

come to light, which is some of this documentation here about some disagreements with the exact boundary lines there. And another concern, which was expressed by the community and the patrons of Waiola Church and members of that organization, is they believe the cemetery extends out into where originally was proposed parking lot. When I did my work that I recommend ground penetrating radar, and they did follow through on that, and there does seem to be some interesting anomalies, and so I would like to see if we can get Friends of Moku`ula and the archaeologist at least to come forward and to discuss their findings as they pertain to the temporary fence that's going to be going up and the proposed boundaries between Mokuhunia and Waiola Church.

Ms. Salazar: And this is from the specific referencing to the GPR that the archaeologist, that Tanya Lee-Greig's already been doing, right?

Chair Six: They did the GPR. When she was here last time, she said that they had -- it was very interesting but, at that time, they hadn't done the analysis and it wouldn't have been prudent for her to comment. I saw her when she was here at the last meeting for the AIS, and I talked to her in the hall, and she said that they have done the analysis now, and so I think it would be very germane to this boundary issue to see the results, to see if that cemetery does appear to extend into this area, which would then, you know, allow us to have a better idea of where this fence -- where these boundary lines.

Ms. Salazar: And also, I'd like to add that there -- because this -- as you see in this sheet here that we got, I received this from Ron Williams, he's a historiographer -- no, was that right?

Chair Six: Historiographer.

Ms. Salazar: Historiographer, thank you. And since this, he's gone and searched out for the actual court case. Tanya found something, and then he found some more. Apparently, it was hard to find because it turned out to be in the First District, which is Honolulu, instead of Maui. So he's got it. He said it was over a hundred pages long. He's transcribing it, you know, from handwriting to typing so we can all -- he's going to be sending that over to me, which I will send to Annalise, and we'll all get to have that. I think that's another reason for us to kinda, you know, just hang tight on this 'cause we'll really see where the road was, this Waianae Road or the King's Road, you know.

Chair Six: Yeah, I can here where it talks about the path through the Ho`opili premise, yeah.

Ms. Salazar: And we gotta remember too that, in those days, people that came to church were by the thousands, so they had to really make this clear, you can use this road, no you cannot, and only you can come through it for church. I mean that's the kind of discussion.

They were in church two or three thousand people were coming to church 'cause it was the new heiau ...(inaudible)... you know. And so it was a big issue. And, ultimately, King Kamehameha V said no. I get emails from Ron telling me, oh, this is what I found, and another sentence I texting already, but he's really excited, and he's transcribing it all, so I'll be really happy when I get to share that with all of you.

Chair Six: Sure. She's going to help me.

Ms. Oana: So, basically, the last time Moku`ula was here it was for your comments --

Ms. Salazar: Friends of Moku`ula.

Ms. Oana: Friends of Moku`ula was here it was for your comments on the proposed fencing to go around the island or the area.

Ms. Salazar: The area.

Ms. Oana: And you, I believe, you folks gave your comments, and now we're hearing from Tama and other members of the community that there may be some problems with regard to where the fencing is going to go.

Ms. Salazar: Tama did comment. He was here last month and he -- it's on record that he that expressed. Yeah. So it's continuing the more information that's coming out because Tamalani was aware of the research that was going on with Ron Williams and asked him to -- he actually had this a year ago, but, you know, your notes, they just -- where'd it go, you know, so I got a hold of Ron and he provided this. Now he found the actual ...(inaudible)...

Ms. Oana: So, basically, the county code give this Commission the authority to do certain things, so what I would suggest is that if this Commission feels like it would like to further comment on the proposed fence issue that was brought to you folks by the Department of Planning, we could put that as an agenda item for further comments on the fencing and if you would want to invite someone to present to the Commission --

Chair Six: Yeah, I think we'd like to see the results from the ground penetrating radar because it could be very --

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

Chair Six: Very important to identify in the cemetery boundaries, for example, if you find a rectangular anomaly, that's often a coffin. That whole area is a karst so we expect to see puka or sinkholes ...(inaudible)... but if we start to see rectangular signatures, and so I'm

not going to say what they found, I don't know, but I would like -- I think it would be germane for us if they came before us and told us what they found as it pertains to this fence going in and as it pertains to the larger restoration project, but it's with our authority as to advising, commenting on the -- putting the fence. And what I do remember from the meeting is that Blossom Feiteira was here and she said she would actually work with Tamalani, so we want to hear if that's been going on, if there's been communication, we don't have them here so we can't comment, but let's find out if that's going on. I did -- she, on record, she said that no parking lot was going to go there. I know that Commissioner Skowronski said, you know, you're still using it to park for church events; if this is indeed is an extenuation of the cemetery, we need to maybe revise where the gate openings are if this does turn out to be -- and that would have to come from the archaeological -- that ground penetrating radar and their findings as well as the findings of Ron and Tamalani and other people that are finding information, but I think that would be really important for us to understand.

Ms. Oana: For the purpose of further comments on --

Chair Six: Yeah, for the purpose of further comments on the fencing issue and openings to the fence and traffic across an area, you know, that may have been identified now ...(inaudible)...

Ms. Mowat: I can hear you saying that you're calling them back but are we talking about a site visit?

Chair Six: No, not yet. I think what we just talked about when we were up here talking to Corporate Counsel was we're not ready for the site visit yet. We'd want to have more information, then if we can, you know, have the archaeologist for Friends of Moku`ula come forward and talk about the findings of the ground penetrating radar, Tamalani can come and present his new information so the board will have more information, and at that time, if we think it's necessary for a site visit, we will go forward then. Because right now, we have to have a reason for the site visit, and we don't. We can just go, hey, we want to go to Moku`ula. That would be fun. We have to say we're going because of new findings that indicate we need to rethink or maybe say -- or maybe the findings don't show a cemetery, so we need to -- we can't really go forward without that piece of information and, at that time, they did not have it. They couldn't give it to us at that time. Although she did say they found interesting subsurface anomalies, which means there's puka, there's stuff there she needs -- wasn't solid where she could say, hey ...(inaudible)... the parking lot.

Ms. Salazar: Okay, that said, and thank you for saying that because although we cannot, at this time, arrange for a site visit for the Commission, you are all welcome to go and visit the area on your own. Tamalani is usually at the graveyard cleaning, he's usually there, an if you ever want to reach him, I can give you his phone number and you are more than

welcome, as individuals, to go to the site and visit yourselves, you know, which is outside 'cause then we won't be breaking an Sunshine Laws and those kinda things, so we all have to be very cognizant.

Chair Six: I think that we could do a site visit if it's warranted.

Ms. Salazar: Yeah, and at that point, yes.

Chair Six: Our authority right now is to provide comment on temporary fencing so what I think we're asking for is to get this new information before us as well as information from the archaeological ground penetrating radar to make a -- and then if we see that it's warranted, we'll go for a -- we could do a site visit. We're just not ready to jump to that just yet.

Ms. Salazar: I was just extending the invitation. Okay, so may I move -- can I make a motion? Okay, so I move that we defer the decision on no. 2, the item regarding the site visit to see Moku`ula and Mokuhunia, and Waiola Church, and the Waine`e Cemetery, for the purpose of further comment from the Friends of Moku`ula and from the Cultural Surveys Hawaii, and cultural experts of the area, and other members of the community in order that we may, at that time, come to a decision whether we need a site visit or not.

Chair Six: Or about the fencing too.

Ms. Salazar: About the fencing.

Chair Six: 'Cause I think this information would help us make decisions about what gates are going to be --

Ms. Salazar: You want to make the motion then?

Chair Six: No, I just want to make sure we always tie it back to what we're really talking about is our authority to make comments on the fencing.

Ms. Salazar: Alright. Would you like me to reword that?

Chair Six: Nope.

Ms. Salazar: Okay. I could -- Suzie, was that okay? Did you get that?

Chair Six: Anyone second?

Ms. Salazar: Okay. I can restate it if you wish.

Chair Six: Okay, it's been motioned and seconded that we ask for further information from the Friends of Moku`ula, their archaeologist, Cultural Surveys Hawaii, and other cultural experts so that we can better make comments and review this proposed temporary fencing that's going around.

Ms. Salazar: And the site visit.

Chair Six: And then if needed -- if needed, if warranted, a potential -- possible site visit based on the new data.

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

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

***VOTED: that the Commission request for further information from the Friends of Moku`ula, their archaeologist, Cultural Surveys Hawaii, and other cultural experts so that they can better review and make comments on the proposed temporary fencing and whether a site visit is warranted.***

Chair Six: Motion carries.

Ms. Oana: Commissioner Salazar, would you be the one who would be inviting these people? Could you do that?

Chair Six: Like Tamalani, let him know we're going to get them on the agenda?

Ms. Salazar: Yes. Absolutely.

Chair Six: ...(inaudible)... anybody that gives --

Ms. Salazar: Yeah. Yes, I don't know that Ron would come because he's on Oahu, but whatever he sends over, we'll give it to the Commission. I'll send it to Annalise, of course.

Chair Six: We want to let anyone know that's associated with Waiola Church, that has interest, Elle Cochran, and anyone like that that has been tied to that.

Ms. Oana: And then if you can confirm that they could, you know, be there at the next meeting, then --

Ms. Salazar: Right. Well, as soon as I know -- will it be on the agenda next month?

Ms. Oana: Why don't you make contact with them see if they can make it to that meeting.

Ms. Salazar: Alright. Okay. Thank you.

Chair Six: But, yeah, I'm very interested in finding out about the archaeological survey ...(inaudible)... alright, so next thing, item on the agenda, get out your binders.

*Chair Six read the following agenda item into the record:*

**3. Cultural Resources Commissioner orientation workshop (part 1): Chapters 2.88, 19.48, 19.50, and 19.52, Maui County Code; and Chapters 530 and 531, Rules and Standards relating to the Cultural Resources Commission (Commissioners: please bring your Cultural Resources Commission new member binders.)**

Chair Six: We're going to do all this before we set the next meeting date we'll do this? Okay. Alright. What do we do now? Help.

Ms. Kehler: Okay. So I asked you to bring your binders because I wanted everyone to go through the parts of the code that relate to the business of this board. Everybody should read it. Reading it is really important. It really helps you understand what you guys do, and you can also following along when I go through the different sections of it as well 'cause I abbreviated some it, so that'll give you a better idea of the total, you know, list of duties that you folks have and things like that.

So, just real quick, the Maui County Code consist of ordinances and regulations of a permanent nature, and it's organized by subject matter under a three factor decimal numbering system, so each section number designates the title, the chapter, and the section. So for example, Section 2.88.010, is section 010, and it's located in Chapter 2.88 of Title 2. All sections are numbered by tenths. And then just so you folks know, titles are broad categories where ordinances on a related subject are compiled. Chapters deal with more specific subjects, and all chapters on a related subject are group into a single title. And then sections are just -- those are things that contain the ordinance material.

The two titles that relate to the CRC are Title 2, Administration and Personnel, and Title 19, Zoning. The chapters related to CRC, Chapter 2.88, which is the Cultural Resources Commission, and I'm going to go over these in more detail. Chapter 19.48, and that's the general provisions of the Maui County Historic Districts. Chapter 19.50, it establishes the three County Historic Districts. And then Chapter 19.52 talks about the regulations and building uses within the three county historic districts.

So Chapter 2.88, it relates to the establishment composition, purpose, duties and powers, and other administrative items for the CRC. There's a number of sections, including the purpose and intent of the CRC, it talks about the officers, and experiences of the CRC, meeting and voting, and then a number of other things, powers and duties, and guidelines, nominations to the National Registers, and things like that. So Section 2.88.060 discusses the Commission's powers and duties, and they range from advising government agencies on historic -- on their historic preservation responsibilities, providing education and training and federal, state, and county historic preservation programs, reviewing and recommending nominations to the National Register of Historic Places and the Hawaii Register of Historic Places, providing design review for significant historic properties, administering the provisions of Title 19, reviewing and commenting on archaeological reports and cultural impact assessments, and adopting rules of procedure and conduct, and those rules are the Chapter 530 and 531. And this is just an abbreviated list. Again, if you look in your binders, you'll see like a complete list in 2.88.060 of all the duties.

So in Title 19, we have Chapter 19.48, and this just gives the CRC the authority to establish new historic districts and modify existing --

Ms. Salazar: Can you slow down a little bit, please, dear?

Ms. Kehler: Yeah.

Ms. Salazar: Since we have ...(inaudible)... I see 50 but I don't see 48. Sorry.

Chair Six: I don't have it either. I just have 50.

Ms. Salazar: I don't have 48. Thank you.

Ms. Kehler: Okay. Did you find it?

Ms. Salazar: No. It's not in my book here. It goes right to 50.

Chair Six: Yeah, 19.50. I don't have 52 either, 48 or 52.

Ms. Salazar: I have 52 here but not 48.

Ms. Kehler: Okay. I will make sure to email everyone a complete set of all of the ordinances that relate to this Commission. 19.48, it just -- it gives -- this is where the CRC has the authority to establish new county historic districts and modify existing county historic districts, and it also explains the process for doing so.

Okay, 19.50 establishes the three county historic districts, and it gives verbal boundary descriptions for each of the three districts. So this is Historic District No. 1 and 2. The gold on the map on the board is Historic District 2, and the green is Historic District 1. Okay, so these are examples of some sites and buildings that are in Historic District No. 1 - the Courthouse, the Baldwin House, Moku`ula, Waiola Church. And then Historic District 2, these are more plantation style buildings along Front Street, so the commercial core is Historic District 2. Historic District 3 is in Wailuku, and it includes sites like Kaahumanu Church, the Alexander House, the Bailey House, and, let's see -- so those are just some photos of buildings in District 3.

And then Chapter 19.52, it elaborates on the CRC's authority within the three county historic districts, and it establishes regulations and processes for projects affecting properties within the county historic districts. So Section 19.52.020 lays out the CRC's procedures for reviewing plans within county historic districts, and it also discusses -- I'm sorry?

Ms. Salazar: That's huge right there. That's an approval, not recommend.

Ms. Kehler: Yeah, for plans for buildings and structures. And then it just kinda discusses how like, you know, when a decision is made by the CRC, the Planning Department issues a letter, and in the letter, we state the reasons for approval or denial. But as if -- you know, 19.52 is pretty extensive, it also goes into approved building uses in all three districts, the rest is rather long, so I'm not going to go over it.

Chair Six: ...(inaudible - not speaking in the microphone)...

Ms. Kehler: Yeah, and then in 19.52, we also cover signs in historic districts as well as demolition of structures in historic districts. Also, variances are heard pursuant to 19.520, so variances aren't heard by this Commission, they're heard by the Board of Variances and Appeals.

Ms. Salazar: But it just says here the Commission may grant a variance?

Ms. Kehler: I'm sorry, where?

Ms. Salazar: I'm reading it, 19.52.070, Variances.

Ms. Kehler: Request for variances shall be heard pursuant to 19.52.020.

Ms. Oana: So that would be in front of the Board of Variances and Appeals. It's not in front of this Commission.

Ms. Salazar: Where are you reading? I'm sorry. So 19.52?

Ms. Kehler: 070

Ms. Salazar: 070. In any particular, I'm reading here, "In any particular case where the strict compliance with the provision of this article would cause practical difficulty or unnecessary hardship, the Commission may grant a variance from the restrictions set forth on this article provided that a variance is approved by the County Council."

Ms. Oana: Wait. What you reading?

Ms. Salazar: Are we reading the same thing?

Ms. Oana: 19.52.070?

Ms. Salazar: Yep.

Ms. Oana: It might be an older version.

Ms. Salazar: Oh yeah.

Ms. Oana: Now 19.52.070, Variances. Request for variances shall be heard pursuant to Chapter 19.52.020 of this title. And that refers to the Board of Variances and Appeals, which is a board similar to your board who's appointed by the mayor.

Ms. Salazar: When did that rule come in? Yeah, when did that rule change that ...(inaudible)...

Ms. Oana: It looks like 2013.

Chair Six: Yeah, so I was a commissioner before then, so this is an older version.

Ms. Kehler: Okay, I'll definitely send everyone recent sets.

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

Ms. Salazar: What we are seeing here is what used to be authoritative power of this Commission slowly gets, you know, taken away, and then all we can do is comment, and that's what see is, systematically, these authorities that, you know, a commission, such as ours, had is a thing of the past, little -- one by one, and this is one of them. Because variances are a huge deal when it comes to a historic district and now we have nothing but

a comment. So if the variance guys say okay, historic district takes a backseat to development.

Ms. Kajiwara-Gusman: But we gotta approve the plans first.

Ms. Salazar: What approve? We comment. We don't get to do -- I'm just pointing out that what I'm seeing here and what is evident right in this one paragraph that I have, that got changed 2013, which I probably came on the Commission 2012 --

Chair Six: Well, we'd have to know -- we'd have to have more context, like does it really -- I mean are they taking it from us and there's another board that it's going before, I just want to see, you know, is it really -- before we make comments that we're losing all this power, because of our powers proceed, mostly we are here to advise, you know, and that's why people go before different boards and have different approvals.

Ms. Salazar: This was 2013. Okay.

Chair Six: But I mean I'd want to know, I'd want to understand the context before I --

Ms. Salazar: I mean there's a different context for this variance here?

Chair Six: Well, why did they move it? Why did they -- I would want to hear, understand why it was moved to a different board, you know, because we have this one example here, I just don't want to quickly evolve into this conspiracy theory that they're taking all our power away. I'd want to find out why they moved it. I'm just saying, it seems so that there's something going on --

Ms. Salazar: Conspiracy theory? Wait a minute. Don't go that far.

Chair Six: No. No. What you basically said is that they're taking all the power away ...(inaudible)... just a law ...(inaudible)...

Ms. Salazar: I didn't say all ...(inaudible)...

Chair Six: ...(inaudible)... statement you made based on this without any context. I'm not saying you're wrong. I'm just saying we'd want to have context to why they moved it. We don't know why they did it, so we'd have to find out, but I'm just saying that before we say that everything is being taken from us, and then it's all going towards to development, which may be absolutely true, you would want to have some other comments on why that, but maybe it's worth researching.

Ms. Salazar: You have a question from ...(inaudible)...

Ms. Ricalde-Garcia: Well, it seems like we don't have consistent paperwork. I think the question is arising in the conflict of the discussion is because we have -- some people have old documents, and others have the newer ones so --

Ms. Oana: And maybe because it just depends on when you all came on this board, some people may be here for five more years ...(inaudible)...

Ms. Ricalde-Garcia: Yeah, but still we should all have the same thing, right, especially if we're going to discuss what our responsibilities are?

Chair Six: Well, and we changed the sign stuff, we've done some revisions, so maybe we should definitely all get new books with the most updated. I think it's absolutely essential that we're all on the same page, literally, you know, because Owana's right, you read this and you have power, then she comes and then she has power, and she has a different one that says no, the power goes to this variance board, so we just want to know what we have -- what are our authority, so I think that's essential that we get the most recent version.

Ms. Salazar: Yeah, especially in light of the fact that we make our time to be here and we dedicate our minds and our persons and, you know, our energy and expertise to participate so in light of that, maybe we should just turn in all our binders, take all the guts out, you guys replace with what is up to date, and then we can take it from there, and then I guess if anything else changes as it goes along, please make sure we get an insert. Thank you.

Mr. Skowronski: Far be it for me to defend the County of Maui, but the county has an intention of getting all variances and exceptions concentrated under one board, so if you want a variance with Liquor Commission, if you want a variance with Planning Commission, those commissions can't grant the variances, they'd have to go through the Board of Variances. And the second comment is, unfortunately, I have a lot of experience with the Board of Variance and if in fact you were to make a case to the Board of Variances specifically to an archaeological or a historic district, they would take it very, very seriously. So it's not like the power has been completely cutoff, it's just been transposed to a centralized body that, believe me, their experiences that their very, very open to comments specifically to whatever is being brought in front of them.

Ms. Salazar: Thank you ...(inaudible)... clarity that helped a lot.

Chair Six: Yes, thank you. That's kind of the context that -- yeah, 'cause that makes sense, like why did they do it, you know, because you want to be careful and not assume. Yeah.

Ms. Salazar: Well, thank you for pointing out that they take it very seriously because I know we do. That's very reassuring. Thank you.

Chair Six: Alright, going forward from here.

Ms. Kehler: So moving into Chapters 530 and 531, these are administrative rules that were adopted by the Planning Department and they, basically, layout how this Commission conducts its business, and parts of it also repeat Chapter 2.88. So they explain meeting, intervention, contested case procedures, as well as the CRC rule-making process. So Chapter 530 really gets into that stuff about interventions and contested case procedures as well as the CRC's organization and the parliamentary rules.

So the Sub-Chapter 2 of 530, it talks about parliamentary rules and it says, basically, that all meetings shall be open to the public, the CRC shall conduct meetings in accordance with *Robert's Rules of Order*, which is a nationally recognized rules of conduct, rules of conducting meetings, also known as parliamentary procedure. Meetings shall be held at least once a month. All interested person shall have the opportunity to provide data or oral testimony on any agenda item. The chair may limit oral testimony to no less than three minutes. The CRC shall comply with Chapter 92, Hawaii Revised Statutes, also known as Sunshine Law, and this requires boards to conduct their business as openly as possible; this means no discussing board business privately, please don't reply all in board emails, and next month we're going to get into the Sunshine Law a little bit more in depth and talk about it in the part two of this orientation. And then a quorum, a minimum of five members. We require a minimum of five members to conduct, convene a meeting, and vote. And then the CRC may enter into a executive session, also known as meeting without the public present when it seeks advice from deputy corporation counsel on its powers, duties, privileges, and liabilities.

Chair Six: Owana?

Ms. Salazar: Yeah, thank you. Just when it says, "no discussing board business privately," if we could ...(inaudible)... what I'm understanding privately is between ourselves, like I was able to communicate directly with Annalise and with Jen, but as long as I'm not --

Ms. Kehler: Amongst board members.

Ms. Salazar: Yeah.

Ms. Kehler: Yeah.

Ms. Salazar: But I thought it's as long as it's not a quorum, we can't do it one-on-one? We can communicate one to one can't we?

Ms. Oana: So the Sunshine Law ...(inaudible)...

Ms. Salazar: Is what?

Ms. Oana: It's an open meetings law in Hawaii.

Ms. Salazar: Yeah.

Ms. Oana: So, essentially, what that means is all of this Commission's meetings have to be done openly, the public is invited to come, participate, scrutinize what we're doing, testify, so all communications, all deliberations, all discussions have to be in a meeting like this so that everybody, all the public can see what you guys are talking about, how decisions are being made. What is prohibited is, for example, you and Commission Gusman, outside of meetings, talking about board business and discussing how you're going to vote or, you know, something like that, basically, because that's a discussion outside of the meeting where the public cannot participate in or know about, you know. So there are eight permitted exception the Sunshine Law. So the general rule is all board business, which I anything on the agenda or could foreseeably be on the agenda, all board business should be discussed right here in a meeting. Eight exceptions to that, and it's in the Chapter 92, and it lists out those eight exceptions, so there's things such as like a site inspection where two or more members of the board, but less than amount of members that would make up a quorum, can go out and do a site inspection. You can talk about the board business, you know, you guys can talk about it, and then come back, as the rules will tell you, when you come back, you have to present your findings to the rest of the board and things like that. So there are permitted exceptions that allow the members of the board to discuss board business outside a meeting like this, but it's really -- it's, to me, it's black and white. Board business should be discussed right here in the meeting. Eight exceptions that say you can talk about board members outside of a meeting. And I can give you copies of those eight exceptions either email before the next meeting or I'll have it for you next meeting where we're planning to discuss that.

Ms. Salazar: It's not in here?

Ms. Oana: It might be, actually, in your binder.

Ms. Ricalde-Garcia: Where would that be? Chapter 92?

Ms. Oana: Chapter 92. I know the guide to the Sunshine Law is in there. But it's really easy -- I can -- I can email that you to you as well.

Ms. Salazar: You said 530, right?

Ms. Oana: Okay, it's not in 530?

Ms. Salazar: I'm asking. Is that where you said it is?

Ms. Oana: No. No, no. It may be another part of your binder. I'm not sure. Okay. Anything that says "Sunshine Law?"

Mr. Timothy Bailey: Well, you had Linden -- Linden gave us a presentation.

Ms. Oana: Yeah, back in August, I think, she did, so she might have provided handouts.

Mr. Bailey: It's in the August notes.

Ms. Oana: Yeah, so Linden was here, she's from my department, and she's the Sunshine Law expert.

Ms. Salazar: Was it in the minutes? Oh, okay.

Ms. Ricalde-Garcia: So if we did it before, do we have to do it -- I mean --

Mr. Bailey: So right here is the --

Ms. Oana: It was requested by Commissioner Salazar so if the Commission doesn't want to do it as a group, we can also do it like in my office and I can talk to the members who need a refresher.

Ms. Ricalde-Garcia: It was rather extensive last time, even so I think we should get a refresher, but not to that extent.

Ms. Oana: Okay. Yeah. Sounds good.

Ms. Ricalde-Garcia: I think we should have a review.

Chair Six: Yes.

Mr. Skowronski: I have a point of clarification on the *Robert's Rules of Order*. We can convene a meeting with a quorum of five, in which case then you could vote.

Ms. Kehler: Yeah.

Mr. Skowronski: But the idea is that the vote is -- has no power unless it represents a majority of the board, not a majority of the quorum. Is that correct?

Ms. Kehler: Correct.

Mr. Skowronski: So if in fact we have a quorum of five and a vote comes up, if it goes four to one, it essentially has no meaning because we needed the five a majority of the nine. Is that correct?

Ms. Kehler: Correct. Okay, moving on to Chapter 531, standards and criteria related to duties and authority of CRC. Again, 531 elaborates on the duties, authorities, and guidelines established in Chapter 2.88 of the Maui County Code. So it discusses the process for reviewing nominations to the National Register, it discusses the CRC's advisory and review function, it discusses survey and inventory, and it discusses the Certified Local Government Program, county historic districts, and cultural resources policy and planning.

And that's all I have. If you guys have more questions, I'm happy to answer them.

Mr. Skowronski: I have a question. The historic district, does it extend out into the water?

Ms. Kehler: The national one does. Let's look at the county one. It looks like it kind of skirts --

Mr. Skowronski: What is that insert on the lower-left?

Ms. Kehler: Oh, that's the National Historic Landmark District. So within the National Historic Landmark District, which is very large, there are two county historic districts, which are much smaller.

Mr. Skowronski: Okay. So if there are structures in the bay or out in the water, is that part of our purview or not?

Ms. Kehler: It would be, I believe, it would be an advisory review.

Mr. Skowronski: Keep in mind that some of the older structures along Front Street had piers --

Ms. Kehler: Right.

Mr. Skowronski: That extended out to receive goods from the ships or service the ships, okay. Is that part of our Historic District No. 1 or? Keep in mind also that if there are flood events, and some of the shoreline does erode, or some of the shoreline accrues, are those subtractions, additions part of the historic district or not?

Ms. Kehler: If it's along Front Street on the ocean side and it's within County Historic District 2 or 1, then any plans that affect those buildings would come to the CRC.

Mr. Skowronski: I wasn't -- I wasn't thinking about plans coming for additions, I was thinking about plans coming for destruction or ...(inaudible)...

Ms. Kehler: Demolitions come before the CRC as well in the County Historic Districts.

Mr. Skowronski: So construction and demolition is treated along the same lines?

Ms. Kehler: They're both reviewed by the CRC under 19.52.

Mr. Bailey: ...(inaudible)...

Ms. Kehler: I'm sorry?

Mr. Bailey: The applicant's permits?

Ms. Kehler: Yeah.

Chair Six: Is there any other questions? Are you done with your presentation? I wasn't sure. It's interesting what you asked about the -- going out into the ocean because I was just, you know, thinking about rail, the railroad down at Olowalu and it was not in the historic district, and fishing koa and loko and different thing besides the piers. Interesting comment.

#### **G. NEXT MEETING DATE: December 3, 2015**

Chair Six: Alright, so the next thing on the agenda, at this point, would be our next meeting date for December 3. Does anyone have a problem with December? The SHPD, we have a standing meeting now for heads of CRC for Kauai, Big Island, and Maui, that, every three months, we have phone conferences, and SHPD was expressing wanting to come here but Kauai and Maui have their -- both have it on the first Thursday of the month, so they were asking if we may be able to move one of our meetings but first thing I was going to do was see if they could go to Kauai one month and come to see us a different month because I was talking -- that's why I was asking for --

Ms. Kajiwara-Gusman: We can go to Kauai.

Mr. Skowronski: We get a trip to Kauai?

Chair Six: I would love that. So let's just forget that right. So the next meeting is for December 3. Does anyone have a problem with that? Okay, so we'll have the meeting on December 3 and, meanwhile, I'll talk to the SHPD and see if they want to come to Maui one day.

## **H. ADJOURNMENT**

Chair Six: And adjournment. That's it. Meeting adjourned.

There being no further business brought before the Commission, the meeting was adjourned at 12:00 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  
Mikiala Enfield (Arrived at 11:00 a.m.)  
Christy Kajiwara-Gusman  
Arleen Ricalde-Garcia  
Owana Salazar  
Frank Skowronski

### **Others**

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