

**CULTURAL RESOURCES COMMISSION
REGULAR MEETING
APRIL 6, 2017**

*** 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.*
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A. CALL TO ORDER

The regular meeting of the Cultural Resources Commission (Commission) was called to order by Deputy Planning Director, Michele McLean, at approximately 11:06 a.m., Thursday, April 6, 2017, 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).

Ms. Michele McLean: Aloha, good morning, Commissioners and members of the public. My name is Michele McLean, I'm the Deputy Planning Director. Today our Commission Chair is no available to attend the meeting, and also our previous vice-chair is no longer on the Commission, so we don't have anyone to preside today; typically, what we do in those situations is we have a commissioner be elected chairman for the day, for the proceeding, so are there any nominations or volunteers to be chairperson for the day?

Ms. Christy Kajiwara-Gusman: I nominate ...(inaudible)...

Ms. McLean: Christy, you nominate Lori to be chair for the day?

Ms. Kajiwara-Gusman: Yeah, let's go with experience.

Mr. Frank Skowronski: Second.

Ms. McLean: And seconded by Frank.

There being no further nominations, a vote was taken.

It has been nominated by Commissioner Kajiwara-Gusman, and seconded by Commissioner Skowronski, then unanimously

VOTED: that Commissioner Lori Sablas serve as Chairperson for the day.

Ms. McLean: Motion carries. Chair for the day.

Ms. Kajiwara-Gusman: Thank you.

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.

Ms. Lori Sablas: Aloha kakahiaka. Well, good morning, everyone. So let's get the ball rolling. First on the agenda is Public Testimony, B., if we have anyone here who would like to come up and testify on agenda matter, please do so now. You'll be able to do it now or later on when the agenda item comes up for discussion. Don't see anyone? Okay, so public testimony is closed for now.

C. INTRODUCTION OF NEW COMMISSION MEMBER – LUANA KAWAA

Ms. Sablas: I'd like to move on to item C., of the agenda, introduction of our new Commission Member, Luana Kawaa. Tell us about you and why you decided to join this wonderful Commission.

Ms. Luana Kawaa: Well, okay, well, aloha kakou. My name is Luana Kawaa, and very excited to be here, very first meeting, so mahalo nui for the warm welcome. I am currently at the University of Hawaii Maui College, but I've been a kumu hula and educator here on the island my whole life so very interested in becoming involved in decision making and what is best for our Maui, and what is best for all things that are pertaining to Hawaiian culture and Hawaiian language and the preservation of those things, so mahalo.

Ms. Sablas: Mahalo. Thank you for your -- for volunteering, Luana. We need people like you on this Commission. Mahalo. If there's no objections, I'd like to move that agenda a little bit and go from -- oh, I'm sorry, we do need to have approval of the item E., approval of regular minutes.

D. ELECTION OF CHAIR AND VICE-CHAIR FOR THE 2017-2018 BOARD YEAR

Ms. Richele Thomson: Just for the record, I suggested that since there are just five Commission Members here today that we defer electing the chair and the vice-chair until the next meeting, so unless there's any problem with that, we'll just defer it to the next time.

E. APPROVAL OF REGULAR MINUTES OF THE JANUARY 5, 2017 and ACTION MINUTES OF THE MARCH 2, 2017 MEETINGS

Ms. Sablas: Okay, so item E., Approval of the Regular Minutes of the January 5, 2017 and Action Minutes of the March 2, 2017 Meetings. Do I have a motion to approve?

Ms. Kajiwar-Gusman: Motion to approve.

Ms. Sablas: Second?

Mr. Skowronski: Second.

It has been moved by Commissioner Kajiwar-Gusman, seconded by Commissioner Skowronski, then unanimously

VOTED: to approve the regular minutes of the January 5, 2017 and action minutes of the March 2, 2017 meetings.

Ms. Sablas: Motion is carried. Mahalo. Going on to our next item, on Unfinished Business, but I'd like to go ahead and go item G, New Business, and that's item 1.

Ms. Sablas read the following agenda item into the record:

G. NEW BUSINESS

- 1. LahainaTown Action Committee requesting approval of an amendment to the 2017 Lahaina Banyan Tree Event Schedule to change the date of the Mele Mei Festival from May 20th and 21st to May 13th and 14th at Banyan Court Park, County Historic District No. 1, Lahaina, Maui, Hawaii, TMK (2) 4-6-001:009 (A. Kehler)**

The Commission may approve or deny the amendment pursuant to Subsection 19.52.090.E, Maui County Code

Ms. Sablas: Annalise will present.

Ms. Annalise Kehler: It's a -- so there's a staff report in here, it just explains that Lahaina Town Action Committee needs to change the date of the proposed Mele Mei Festival, and I've attached the letter requesting the change as well as the schedule for May for the Banyan Tree that shows that there are no conflicts with the proposed date change, and so the department recommends approval.

Ms. Sablas: Comments from the Commissioners?

Ms. Kajiwar-Gusman: Motion to approve.

Ms. Sablas: Second?

Ms. Kawaa: Second.

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

VOTED: to approve the amendment to the 2017 Lahaina Banyan Tree Event Schedule to change the date of the Mele Mei Festival from May 20th and 21st to May 13th and 14th at Banyan Court Park.

Ms. Sablas: Motion is carried. Right on. Let's move on. I like this kind of meeting. Okay, okay, I think it's been recommended, and I'm looking for consensus from the rest of the Commission Members, to go to item no. 2.

Ms. Sablas read the following agenda item into the record:

- 2. Presentation by Maui County Department of Water Supply on the Ka Pa`akai process for the Maui Island Water Use and Development Plan (WUDP) and request for assistance in identifying (1) cultural/historic/natural resources or Native Hawaiian traditional and customary practices and (2) potential impacts that may occur if preliminarily identified strategies for the draft WUDP are implemented, and (3) mitigation measures to protect these resources and rights (A. Kehler)**

The Commission may advise the Department of Water Supply on cultural/historical matters as they relate to the draft WUDP's preliminary identified strategies pursuant to 2.88.060.A, Maui County Code

Ms. Sablas: Annalise?

Ms. Kehler: So we have Alex Buttaro, of the Department of Water Supply, here, and he will give a presentation on the strategies that have been recommended for the Water Use and Development Plan, and then explain the information that he is requesting from the Commission.

Mr. Alex Buttaro: Aloha awakea kakou. My name's Alex Buttaro. Again, we're trying to get input for the Water Use and Development Plan in assessing the resources that exist,

and if they are impacted, native Hawaiian resources that is, if they're impacted, what mitigations we can utilize to lessen the impacts or eliminate the impacts so --

Okay, the purpose of the today's meeting is to introduce you to the Maui Island Water Use and Development Plan and the plan's efforts toward protection of valued resources through the Ka Pa`akai process. We're also interested in your thoughts about how preliminary strategies fielded from community meetings and proposed for the Water Use and Development Plan might affect native Hawaiian cultural resources. Another goal is to receive your ideas regarding the range of ways and options available to mitigate impacts, like I said before. The county's required to prepare a water use and development plan to ensure water resources are available for all uses in a sustainable manner. The planning period is 20 years. Basically, this plan will address the management and use of water resources consistent with population growth and land uses in the Maui Island Plan.

The Water Use and Development Plan process is typical of planning processes, starting with data collection and analysis, and guidance from adopted plans, along with an intensive community input process. Background report of existing resources and projected demand is online for your reference. We talked to community and policy boards about strategies and are preparing the draft plan for further feedback.

Through this Ka Pa`akai process, we are obtaining input on how valued resources might be affected and how to mitigate those affects. Basically, the Hawaii Supreme Court stated there were three criteria for agencies to meet their due diligence to address native Hawaiian cultural resources and impacts upon them. The three tests are to identify valued cultural historical or natural resources, the second is to identify how those existing resources might be affected or impaired by the proposed actions, and the third step is to propose mitigations to help protect native Hawaiian rights, resources, and lessen any potential negative effects.

The affected areas, the entire island of Maui, we're focusing on that for now. Depending on the strategy, some affected areas may be more location specific, such as streams. Cultural practices can include a wide variety of practices. Pre-contact and contemporary resources and cultural practices are focused on the streams and near shore waters predominantly, however, these resources may be affected by moving water today to disburse population centers and uses far away from the source of the water, and there's no standard for sources or values -- or value resources pertaining to cultural and so we are consulting with knowledgeable resource persons and organizations in the most comprehensive way possible since there's no particular standard that we can go to. We have to, through a broad net, and consider the Hawaiian community to be very diverse and not comprised of this, that, or the other authority, but basically try to encourage everybody to participate in the process.

Okay, some of the organizations we consulted with a goal of identifying informed cultural kamaaina informants, so we were hoping these folks would either give us feedback directly or point us to people in the regions that we're interested in who can give us informed cultural perspectives. So that's kind of what we're focusing on by going to these organizations, this isn't a complete list of organizations, but this is what we so far who we've outreached to.

The Water Use and Development Plan focuses on general strategies. Doing the Ka Pa`akai analysis now allows identification in a comprehensive manner at the earliest time, that's what we're shooting, for example, coming up with the ways to mitigate impacts on watersheds, streams, or aquifers can be more effective when looking at these resources comprehensively, understanding their potential interrelatedness. Preliminary strategies might be modified before they are added to the plan and others may be added to reflect mitigation identified through the Ka Pa`akai process.

Once the Water Use and Development Plan is adopted, implementation will occur through many programs and actions, and some actions might require further Ka Pa`akai analysis.

Okay, the preliminary strategies. Basically, we had various community meetings and focused outreach, and we fielded feedback about existing resources, impacts, potential impacts upon them, and what some mitigation strategies might be to lessen the impacts of what the community perceived as concerns about resources. The next three slides summarize some of the proposed strategies in the Water Use and Development Plan, kind of broken down into categories that we think made sense. Some of these categories are overlapping, like just because it's not in native Hawaiian rights and resources, doesn't mean that the other strategies don't have some overlap impact and relationship to the category of native Hawaiian rights, but this was just a convenient way for us to break up what we thought were the categories according to the priorities. Okay, list of preliminary strategies are provided in a matrix provided with the agenda materials provided by the Planning Department, and, hopefully, you had a chance to look that over. If not, please feel free to look it over after the presentation and give us feedback on that.

Strategies are general protective of water and cultural resources, balancing the need to supply those resources with existing and future populations -- for existing and future populations. Strategies are protective of native Hawaiian rights by using ahupua`a management, protecting base and low stream flows, recognizing the connection between surface and groundwater sources, and protecting the watersheds.

Strategies for meeting new water demands will include development and better management of wells, maintaining use and storage of surface water after native Hawaiian and public trust resources are protected. Maximizing use of alternative resources, such as recycled water, conservation, and reducing leaks will reduce new demand on ground

and surface water resources, hopefully, and we also need to look at how solutions can be applied around the island and involve all water providers, not just the Department of Water Supply. One way to increase liability of water resources is redundancy, backup, and water storage after native Hawaiian and public trust needs are met.

Okay, okay, so the Ka Pa`akai analysis incorporates some various strategies, this one way we apply -- this is an example of how we apply the analysis to native Hawaiian resources and concerns. So, for instance, the strategy of expanding watershed protection to lower elevations brought up some issues. Some of the resources in the area and native Hawaiian rights are -- that could be affected by the expansion of watershed protection would be the removal of invasive non-native plant species that are sometimes used by cultural practitioners, the removal of introduced and native animals that are sometimes used for food and cultural practices, and the native Hawaiian trees, ferns, flowers, bark, branches, vines, and fruit may be present as resources and so we have to be conscientious about allowing native Hawaiian cultural practitioners access -- continued access to those resources if we start fencing them off or if the watershed partnerships start fencing them off.

Okay, so how these will be affected. So eradicating and reducing native, non-native plant species used by cultural practitioners is a concern because while they're not good native ecosystems, they are useful for various cultural practitioners, so we need to be careful about how we set that system up or how the partnerships basically strategize the structures of how they're going to protect the lower elevation watersheds. They want to eliminate or reduce introduced animals used for food and cultural practices. Fencing is going to prohibit a gathering, to some extent, and access, so we need to mitigate that, and native plant and tree reforestation is a positive benefit of watershed enhancement.

Mitigations would be to allow gathering and access rights where cultural resources exist, incorporate gathering access points into the watershed management strategy and areas, watershed programs and plan development should incorporate advisors with expertise and native Hawaiian -- okay, and another mitigation strategy would be to support conservation land trust and nonprofits that assist with land or conservation easement acquisition, and expanding watershed protection to lower elevations could also foster an enhanced production of cultural resources, ahupua`a management, if it creates connectivity and it includes native Hawaiian rights is also a mitigative strategy.

Okay, so we're looking for your folks' input on each strategy in the matrix if we have adequately identified existing resources, we've done our due diligence, but we anticipate and hope for more feedback and input on stuff that we don't have in there that we should, right. Comments on impacts, maybe we haven't adequately identified impacts. And mitigations or measures we can take to eliminate or reduce impacts on native Hawaiian cultural practitioners. So any ideas on how, if a strategy is implemented, how we can

make sure that it doesn't negatively affect the native Hawaiian cultural practitioners. So we're looking for all this input from your folks, maybe even to, you know, add to our list of organizations to help us identify kamaaina informed practitioners. So that's where we're at. Mahalo. Questions?

Ms. Sablas: Questions from the Commissioners at this time?

Ms. Kawaa: I just had a quick question about -- could you give us some examples about non-native or invasive plants that were identified that are currently used by cultural practitioners?

Mr. Buttarro: Hao, for instance. Major problem that one. A kukui, I mean, you can see it from airplanes in the valleys, I mean you can see the light greens, I mean I don't know how -- where that ranks on a priority for watershed management, but just as a non-native that's had plenty of time to fester for 2,000 years, these, you know, are, from my observation and my understanding, problems whether or not priority for watershed management now, they are -- they are forest problems in terms of their aggressive non-natives and just you can kinda see it without a whole lot of research, like hao, for instance, is just like everywhere along the road, right. So those would be two, kukui and hao, and probably could come up with the ginger, I mean is kind of pervasive and can be a little bit aggressive too, and there's probably more but --

Ms. Sablas: Thank you, Commissioner Kawaa. Any other question, comments from the Commissioners? Okay, and, you know, we can also take questions later as you kinda ponder with more discussion going on. At this time, I'd like to open up the meeting to testimony, public testimony on this subject item. Aloha. Aloha, Keeaumoku.

Mr. Keeaumoku Kapu: Hi. Aloha, Lori.

Ms. Sablas: Identify yourself.

Mr. Kapu: I getting flashbacks over here.

Ms. Sablas: I know.

Mr. Kapu: I used to sit right next to you. My name is Keeaumoku Kapu, and I'm the CO for Aha Moku O Maui, Inc., and I just wanna reaffirm our commitment in this that we met with the department many times, sometimes we kinda miss each other, just within the last round, but I think it's good that we go to, you know, this phase of the discussion to give us an opportunity to implement a lot more things that we missed from the last rounds tht we met, and I know that this has to go in front of the Full Council too, so just giving you a warning, we going be there too. But I wanted to kind of enforce some of the language

that came about in his discussion. Sorry about that people. And it had an area on the strategic -- one of your slides you had up, making sure that a lot of the information that you guys are, basically, looking at, yeah, the strategies, that, like for us, what we're all about, under the Aha Moku System is, we're always based on site-specific management. That's really important. And at the same time, looking at, you know, potential areas because areas in Maui is very different, so what our fear is, what every council man's plan is that is doesn't become a canvas kinda plan where, you know, what's good for one ...(inaudible)... going be basically good for the rest when you talk about the uses on traditional resource management of water. So there's a lot of information that I brought; one is a very big priority and I wanted to bring this up sooner but I felt that this would be the time because we're in a body of an arm of the government that the documents that I have, brought this morning, is from 1897 of the Kumulilii versus Horner case, and the Kumulilii versus Horner case was the residing constables was some infamous famous people, Joseph Nawahi, John Richardson, William White, and Alfred Magoon. So this case literally set precedence for Moku`ula in Lahaina that there was a system that was devised because of the plaintiffs in this case, which was the sugar companies, there was the fear that kuleanas was losing a lot of their rights to the water for taro cultivation and agricultural use and stuff like that. This case is still alive, and I don't know where it went, but when we went to a different system of government, there were you know like public utility companies that were formed, and my concern of this management plan that we need to really reflect upon, you know, the accomplishments of what our ancestors did yesterday because when I talk about that this case is still pending is because we, kuleana that live in Kauaula Valley, we have three families, Dizon, which is the Mahilona family below, we have Palekiko family, and we have ourselves, the Kapu family that live on the top. We get provided water from the public utility company for free, at no cost, yeah, which basically tells that there is a precedence that has still been ongoing that is still set that waters are provided for kuleana based on this case. So my reason why I'm here is to highly encourage this council to really look into other events that occurred roughly about that time because as soon as you got to about the '30s and a lot of our politics in land management basically changed; now you no longer had Pioneer Mill, all these other sugar companies back then because you had a lot of kuleanas was still using and continually using those waters in comparison to today, and then we had public utility companies popping up all over the place. My concern is a lot of the public utility companies that are formed now, especially on the west side, yeah, that they're providing water services for potential future developments and that these water companies are also tied to those development companies, so we gotta look at this in one microscopic lense on, you know, these PUCs that are being formed that is a part of the partnership of these developments on how you guys going to address those kinda concerns when it comes to the water use for the public trust doctrine and a lot of the people; at the same time, you need to separate that, you said you get public use, then you get kuleana use. I like what I see on the palapala that is before me. I don't know whether or not it's going to be final in the end, but we'll definitely be there every step of the way to make sure the concerns that we have

highly working with the County Water Department and Ka Pa`akai - what is this - plan really goes forward with the language that we want to see inside so I just wanna reaffirm and ask this council that if you give recommendations, give high recommendations that reflect upon past accomplishments that are still setting precedence today to make sure that those things are implemented in the long-range planning. So mahalo. Thank you.

Ms. Sablas: Mahalo, Keeaumoku. Wait, wait. Are there any questions? There's couple of questions.

Ms. Kajiwara-Gusman: Do you think that the involvement between the Aha Moku Council or any of the other agencies is enough involvement or is -- basically, does the department pretty much -- do you feel that they listen to you guys? Do you feel that you're allowed to be involved sufficiently?

Mr. Kapu: Well, when the Aha Moku Council was formed, basically, we went through seven, maybe eight years of politics with the state. So the Aha Moku Council, right now, and the Aha Moku advisory representative from Maui is Kyle Nakanelua, he was appointed by the Governor, we just went through our concurrent resolution on the bylaws and, you know, the whole logistics on how this is going to operate, so it's a direct doorway to the Department of Land and Natural Resources. What we need to do now, now that we have a foundations, is to draw more community in, so what the Aha Moku Council is all about is when we meet on periodic basis, we have 12 mokus, yeah, so 12 mokus we have 12 representatives, today we have 2, Clyde Kahalehau is the Moku Representative for Wailuku, Basil Oshiro is the Makai Moku Representative for Kula, and it's -- for us is trying to get the brain for a lot of the communities because anybody that comes to our meeting, they come a part of the Moku Council, everybody, anybody, this is not just Hawaiians we looking at. We looking at people who understand generational knowledge, who has been in based through the years of being taught by people of that moku, so I wouldn't consider that we should be the only entity that, you know, they are required to go to, there's other sources out there, but like for us, we're thriving to make sure there is a bottom to top management system when it comes to deliberations such as this, especially for water.

Ms. Kajiwara-Gusman: Yup.

Mr. Kapu: I always say this, liquor is for drinking and water is for fighting, and I no drink. So the system we operate under is kinda like a community-based management plan, yeah, from the bottom up, and I'm glad that a lot of the agencies with the state and the counties are now finally coming to us, and our job is to recommend or require like when somebody doing one EIS or one CIA and stuff like that, they call up the Aha Moku Council of that moku, and that moku refers them to the knowledgeable people of that moku. We had problems in the past, and one of the problems was when they doing one CIA or one

EIS, they go to the prominent ones that they know of, yeah, but those prominent ones don't live in those mokus, so now it gives us an opportunity to get the right kupuna, the right people at the table and going through the environmental impact statement, or cultural inventory assessments, things like that. So we wanna be the sole proprietor and who know, time will come that it's all about partnership, yeah. It's all about working with the county government, it's all about working the state as well as the federal government 'cause the only way we going fix our problems that we dealing with, and we have a lot of problems --

Ms. Kajiwara-Gusman: Oh yeah.

Mr. Kapu: Because we even end up into litigations about water and land and all these kinds of things, we need to create that dual partnership ...(inaudible)...

Ms. Sablas: Thank you very much.

Mr. Kapu: And that time is coming.

Ms. Sablas: I think there's another question from Commissioner Kawaa.

Ms. Kawaa: Aloha kua. Mahalo. I have two questions. So the first is: Is there a comprehensive list of current ohana that have kuleana water rights or are just like the families in Kauaula who currently have kuleana water, is there a comprehensive list for our island of Maui with those families listed?

Mr. Kapu: We have -- we have a website ahamokuomaui.org, yeah, and that all list the representatives of each moku, they become the contact person. Now, a lot of the people that were recognized were working on a process with the Office of Hawaiian Affairs to identify and recognize the people, give 'em the emails, contact numbers, so that's -- that's like one long process you looking at trying to find practitioners of specific areas, especially we focus on the kupuna with that generational knowledge, yeah, because it's about infusing on how we consider what is good management, contemporary management versus traditional resource management, how we can infuse the two together by using that mana`o coming from a lot of kupuna, so it's being worked upon right now, the comprehensive list of people identified in all the different mokus.

Ms. Kawaa: Great 'cause I think that would be important for the department to have some kind of a list so that contact can be made and those rights, you know, continue. And then my second question is just a little bit on the Aha Moku process: In other experiences that I've had, sometimes it takes a while for decisions to be made, is there a way that decisions can be expedited or maybe I don't understand the process clear enough, but I think

sometimes, in communication with Aha Moku, there's that -- the follow-up where sometimes it takes quite a while, and is there a way to rectify that?

Mr. Kapu: Yeah, everyone from the community, there's two websites: ahamokuomai.org, and ahamoku.org, that's like the statewide website, and can also go on the Aha Moku Advisory Committee website, that's under DLNR, and what we recommend, every moku community out there that they have issues that are pending, there's an application, it's a complaint application, and it was -- it has Aha Moku Advisory Committee on it, when you go on the website, and what it's about is you put down your complaint and your resolve to those complaints, so it's kind of a step one, two, and three. So the general community fills out the complaint on the infractions that are happening to their environment, what is a possible solution to remedy those issues, then it goes from the community to the moku representative for him to sign.

Ms. Kawaa: And that would be Kyle?

Mr. Kapu: No.

Ms. Kawaa: No, the moku --

Mr. Kapu: The moku representative, like Clyde or Basil, we have -- well, there's 12 of them if you go on the website. Once he signs -- but before they sign, they go into a full council, which means whoever comes to the meeting, they have a discussion on the issue and try to add information to that issue of what people feel that would be a, you know, like a community resolve to the issue. Then once the moku representative signs it, it goes to Kyle Nakanelua. He -- Kyle is just the mailman, so with his signature, because him being appointed by the Governor, it goes right directly to Kekoa Kaluhiwa, which is the Deputy Director, and on to Suzanne Case, and they also review it in the Aha Moku Advisory Commission, which is made up of seven, eight -- eight representatives statewide, but if it's a Maui issue, can be kind of complicated when you dealing with -- when islands are looking at or issues and trying to make determination, so we rather it go directly to the Department of Land and Natural Resources through the deputy director.

Ms. Kawaa: And so the Water Department has been active in that process in communicating with the Aha Moku?

Mr. Kapu: Yes. Yes. I would say yes. Definitely.

Ms. Kawaa: Mahalo.

Mr. Kapu: Oh yeah.

Ms. Sablas: Thank you. Timothy?

Mr. Timothy Bailey: Kanaka, I get couple clarifying questions, I was looking at strategies, and, you know, the -- you were talking about concerns under the mitigations, so looking at this, primary thing it says the kuleana farmers, yeah, dependent on auwais, and I notice in the language in this document, there's some controversy on it, so understand that the water can flow under the kuleana farmers, under the traditional auwais, which is totally different from diversion ditches, you know what I mean? So just for clarification, we want to ensure that the kuleana farmers, kulleana caretakers, konohikis, whatever we want, are not lumped into those under the same definition of those practitioners, right? 'Cause that's the controversy that we see in these strategies and mitigations, so I just wanted to make sure that that was kinda what you were looking at.

Mr. Kapu: Yeah, and that's why I brought up the issue about the Supreme Court ruling because our water comes from a ditch, but it goes through the Piilani Auwai, yeah, which is a traditional ditch, then it's diverted from there from a ditch that was provided by the mill companies, but still --

Mr. Bailey: Yeah, to me, just when I look through this thing, you have here kuleana farmers traditional auwais, and then you have cultural practitioners in the Kula Agricultural Park, it's a contradictions, and I believe that's what you were trying to address, right?

Mr. Kapu: Yeah. Well, that's why I kind of put out there under adaptive management, yeah, on these different mokus, what is the system of those different mokus, how many people are practitioners within those areas are being supplied with those resources from those different mokus, so kinda canvassing.

Mr. Bailey: No concern of modern day using the water pipes to get it to where it needs to go? You know how we have -- we got water pipes now instead of auwai. There's no concerns on that, that progress, right?

Mr. Kapu: Well, let me give you one perfect example. My water comes from their pump house.

Mr. Bailey: Okay.

Mr. Kapu: But it goes through a traditional means, yeah, that goes to a forebay, that goes diverted into their pump house, yeah, that goes to my taro patch.

Mr. Bailey: Okay.

Mr. Kapu: So it's the management company I think that needs to realize how important it is and if it's reflective in the plan, then it's defined, yeah, on how -- no look at the -- you know, because that's always a controversy there, we looking at past and present on whether or not they even have weight, we know that the past has weight, but how is it going to apply to the changes of our life today? We didn't want that to change, but it changed. So if the companies or the ones that is managing the resources just bypass those things and know that there was a few things that mentioned, Article 12, Section 7, of the Hawaii State Constitution, yeah, 7-1, Native Hawaiian Traditional Gathering Rights, 1-1, that the state and the government agencies has to assure that those kuleana rights are not being impacted or infringed upon, so because of that, I think the broader question is: How do we supplement those rights to those native Hawaiians in despite and the laws that have prevailed in the past is still down on palapala today, so when I talk about adaptive management, I also wanna make sure that when we -- this is created, it's not a canvas kinda thing where now I going be projected by, you know, east side, and I live on the west side. I hope you know where I coming from.

Ms. Sablas: So mahalo, Keeaumoku, for your very valuable input. You know, Hawaiians are smart, yeah? The definition of "wealth" is what?

Mr. Kapu: Waiwai.

Ms. Sablas: Right. Water twice. So, you know, I mean what this issue is so important and your input is very valuable to this Commission. We would appreciate if you could provide us with a copy of the document that you had referred to for our records to be part of our recommendation because it's -- I think it's very valuable to look back --

Mr. Kapu: Okay.

Ms. Sablas: As we look to the future.

Mr. Kapu: You know, took me about five years to dig all this up, and the translation part, if the county can, you can make the copies right now, get somebody on it. I'll release this right now. But before I leave, I want it back.

Ms. Sablas: I understand how valuable that document is, so, you know, let's work out with staff on how to get a copy of that. And I would really urge you to continue with your group because it's so important and thank goodness that a group like you is part of our Maui as we develop. I heard something on the radio that I thought is worth sharing and that is when you come to Maui, don't change Maui, let Maui change you, and I would like us to kinda keep that in mind as we think about our island, and water is so important as we move forward, so thank you very much for your efforts, Keeaumoku. Mahalo. Any other questions?

Mr. Bailey: I get one more for Keeaumoku.

Ms. Sablas: Okay, and I would like to move along because I know others are there, but I mean I don't want to short-change this important subject so if we can make it kinda like, you know -- quick but important.

Mr. Bailey: Keeaumoku, one other thing, I know we talked about, just throughout our whole process of know each other, I notice that they didn't put the realms in here, any wahi pana, or the realms about hua, wao kele, wao kanaka. You think that would be worth implementing?

Ms. Kapu: I guess that's why it's in front of you today.

Mr. Bailey: Okay. I just wanted to see what ...(inaudible)...

Mr. Kapu: That is very important because, like for me, plenty people they tell, eh, we go Haleakala. I never been to Haleakala. Never. Why? That's the place of the Gods. And my father always tell me no go mahaoe someplace you no belong. So I never been Haleakala. I live in the wao kele, yeah, the productive area, and the wao kanaka, I work over there, but understanding that concept, oh yeah, most definitely. The realms are very important. I make sure that when people go up to the wao akua, there was either kahu or a halau that, you know, need to go up there and pule and do serious kinds of business with akua, but for me, I'm a taro farmer.

Ms. Sablas: Mahalo.

Mr. Kapu: I stay in the wao kele where I belong. Mahalo for that question. Thank you.

Ms. Sablas: Thank you very much. Any other testimony from the public? Please. How are you, Foster?

Mr. Foster Ampong: Mai kai.

Ms. Sablas: Mai kai.

Mr. Ampong: Aloha, Commissioners. Aloha, Pam, Alex. My name is Foster Ampong. I grew up in Lahaina. I live now in Na Wai Eha. Interesting listening to the discussion between Keeaumoku, and the Commissioners, and the department. First, I am a moku rep for Wailuku, for the Wailuku Moku. I assist Uncle Clyde, who is the po`o. The one thing I noticed about the discussion, the presentation, the draft is the narrative, and I have several concerns that are related, and I think very important. In beginning this process to

bring everybody together to come up with healthy, productive, constructive recommendations to possibly mitigate or address concerns, there are two terms that really I find offensive, but yet I understand where they come from, and those terms are "the host culture" and "native Hawaiian practitioners." The reason for that is I'm Hawaiian. I grew up Hawaiian. I live Hawaiian. My genealogy, my family's story is Hawaiian. It goes back all the way to -- I can recite my genealogy up to the 1100s. Point being is that I see a lot of the semantics in this presentation. It's something that I think we need to really be clear about, and, yes, I agree with almost everything that was said about including the ahupua`a, the families, the Aha Moku, and what have you. As a lot of you know, in our culture, in our society, in our history, the families are the ones that live the life. They don't practice it. That's a modern term. That's a colonial term. Hawaiians are not the host culture. That, I think, came out of HTA, the Hawaii Tourism Authority. The reason being is that nobody invited Captain Cook, and he's the first foreigner that got here, and so to say that Hawaiians are the host culture is inaccurate, to be polite. So what I'd like to do and what I'd like the Commission to seriously consider, along with the department, is to -- let's look at the terminology, let's look at the semantics. For instance, when we talk about native Hawaiian, please define "native Hawaiian," because not everybody has the same understanding of it. I homeschool my son, and the one thing I really impress upon him, on a daily basis, is to understand words, understand the meaning on how to use the word. Context is very important. And so, for us here, dealing with, for instance, this water use draft plan that is being presented or being worked on to be given to the council, I heard the term "kuleana" mentioned numerous times, and I like the Commission and the Water Department to define, for me, when you say "kuleana," what is the definition. And I think that's a fair question to ask. I know a lot of you and I think the same way because we are kanaka, we're not native Hawaiian practitioners. We kanaka whether we are currently growing taro or have kuleana rights to the lands because of the Mahele times, or because of our genealogy. So when the department refers to kuleana and possible impacts to the rights, and the mitigation, these are things that I know may seem very -- I'm being very complicated, but you know what? I've been thrust and I've been thrown into a complicated world, and for me to just simply survive and provide for my family, I would like some clear context so I can come up with the best possible solution to issues that may arise that may be problematic, not only for me and my family, but for our community at large. I wanna bring up an example to really bring home my point. Timmy, e kala mai ia u, I need to talk about this. March 15, up on Haleakala, that was a very unfortunate incident, and basically what happened was you had kanakas from Oahu that had planned and worked so hard to bring their kumu and their teachers to a wao akua, and basically they were discriminated against by the Park Service personnel for being Hawaiian. Now we can play semantic games, we can look at the videos that had gone viral Facebook and on YouTube, can look at all the news clippings, you wanna argue with me that it wasn't racial discrimination? Bring it on. Bottom line is that these kids and these kumus were targeted because they're kanaka, they were not native Hawaiian practitioners. And so, with that said, I think wherever this process go,

whatever's involved, I would like to see it take its time, not be rushed, not just, you know, we need to get a hold of people and say, okay, is this okay and rubberstamp it. If we need to go to the County Council and say, hey, we need a couple more years so we can really work this out, by all means, please do that. But the most important thing I think everybody involved, everyone involved need to undergo a comprehensive and a sincere, genuine, culturally -- cultural sensitivity training. Period. And not by -- not by the usual organizations, but seek out the families from the different ahupua`a and the different moku because they know the protocols. They know the do's and don'ts. They know what is mahaoe and what is kuleana and --

Ms. Sablas: So mahalo. So moving forward, you made some recommendations, would you be okay to just put it in writing, like you said, you --

Mr. Ampong: Very much so.

Ms. Sablas: Terms. You know, just to kinda help as a guide, what would you recommend? I'm guilty of using the terms "host culture" and "native practitioner." So why don't you give us your mana`o on that and also your mana`o on kuleana, but again, in the interest of time, if you would go back and just write it, and if you could just, you know, submit it to the chair, at least we could incorporate that into our deliberation because you made some good recommendations and I'd like us to be able to discuss it further, so thank you very much for your time. Any questions from the Commissioners? If not, mahalo. Oh, you have a question?

Ms. Kajiwara-Gusman: Yeah, that's okay. I'll make comments--

Ms. Sablas: Later on?

Ms. Kajiwara-Gusman: At the end. Yeah. I agree with a lot with what he saying.

Ms. Sablas: Thank you very much. Are there anymore testifiers, public testimony on this subject agenda? And I would like to ask you again to please be mindful of time and also keep on the agenda matter please. Okay, seeing none, can I just close public testimony on this item, and now it's open for discussion from -- further deliberation from Commissioners.

Ms. Kajiwara-Gusman: Are we just making recommendations on this subject or what are -- whats the --

Ms. McLean: Yes, thank you, Chair. As the agenda notes, the Commission may advise the Department of Water Supply on cultural historical matters as they relate to the draft preliminary strategies that they reviewed with you, so you can offer those comments

today, it seems like perhaps you wanted to review other information, so you can offer comments today, and I'm not sure what the department's time line is, but the Commission could meet on the item again to propose additional comments if time would allow for that. So it's, ultimately, the Water Department is looking for this Commission's comments and recommendations.

Ms. Kawaa: So what is the time line?

Ms. Pam Townsend: Commissioners, Pam Townsend, Water Supply. Yeah, comments at your next meeting would be acceptable, so we're hoping to get the draft done in the next couple of months, and then go to the Board of Water Supply, and then onto County Council, so I think if you wanted to take another meeting, that would be within our timeframe.

Ms. Sablas: Thank you very much. Commissioners, your mana`o? You wanna discuss it further? You wanna defer it to the next meeting and take time because this is such an important subject for all concerned? I mean the floor is open now if you wanted to add any more discussion and, you know, and also if you'd like to defer it to the next meeting.

Ms. Kajiwar-Gusman: I'd just like to make a few comments based on the testimony, and I agree a lot with what the Aha Moku Council Representatives are saying. I, myself, am a kuleana water user and in something, in a document like this, I would very much like to see the definition of the word "kuleana" in their terms because of something that happened to us, personally, where I live. We were trying to repair a kuleana waterline that runs beneath the state and county road, and when we contacted both departments, because I was not -- we were not getting water for our taro patches, both departments told me that that's not their problem. If they don't own the waterlines, that's not -- you know, it wasn't their jurisdiction basically to have I fixed. And so what my family and I did was we took it upon ourselves to basically dig up the side of the road and fix the problem. We were lucky that it wasn't a very long stretch of pipe and it was affordable for us to do, however, there are still families across the street, across the state highway, and what happened was the state actually was the one who, I believe, cut off the water, so the families across the street from me still don't have water. They still -- they never gotten, and this has been probably 20 years ongoing, that they've never got -- so I go talk to you later. But I know, Keeaumoku, I think I know you probably know about the family already. I don't know if they still live there. They may have been forced to move for various reasons, one is because they couldn't farm anymore because they just didn't have water. And then also the removal of the words "host culture" because if you look at it in a dictionary, a host culture is someone who invites, receives, and entertains guests, and exactly what Uncle said, that is not what the Hawaiian people did and I really, myself, do not like the use of those words. So, for now, that's the only comments I have. I do need to study this more, and I will, and I'd like to get with some of them and basically learn a

little bit more about -- I'm from Kauai so my -- my husband is the one who has ties to the land where we live now, but on Kauai, we are going through similar things with our -- with water back there and I've been kept up to date with that because that, you know, that's my home, that's my family. What they dealing with, it's really similar, and they're going through the same things, and, you know, I've been asked, actually, to speak at several of the high schools back home because we're trying to teach the kids about this kind of stuff too so that's my recommendations.

Ms. Sablas: Mahalo. Other Commissioners? Commissioner Bailey?

Mr. Bailey: So just for clarification on our next meeting and also so you guys aren't hung and dry, I think some of things we want to incorporate, obviously, are the definitions that we're talking about, maybe possibly instituting the realms of these areas, they're different, yeah, in ahupua`a, not all ahupua`a hit the mauka and not all hit makai. I think also separating, from what I gather, separating the difference between ag use and traditional -- traditional use, and part of that definition, after testimony from Foster, you know, in the beginning, it says Article 12, it talks about ahupua`a tenants, yeahs, in our Constitution Preamble, that the descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778, so back in the day, there's two U.S. Codes, there's the U.S. Code 42C that talks about no blood quantum and it states that exact language that defines what kanaka is, basically, and you have U.S. Code 369B that came about with the Hawaiian Homes Act. I think it's important that you guys already have the framework here that says who the descendants of native Hawaiians are prior to 1778, so that's your start in probably segregating a lot of the language in here so it's not contradictory versus practitioners and actually kuleana and ahupua`a tenant, and if you can define that in the proposed measures, that'll probably clarify some of the mitigations. So that would be some of the recommendations that ...(inaudible)...

Ms. Sablas: Mahalo. Very good.

Ms. Kawaa: That was the same recommendation I was going to make as far as I see in what has been submitted that it's clear on what the gathering rights are and ahupua`a, the rights of the ahupua`a residents, but I don't see anything specific to water and maybe that is a point of clarification, so kuleana water in specific would help us define that and then also, when the public is viewing this, have an understanding of what is meant when that term is used, so I don't know if we necessarily have to change the term, but define what that means.

Mr. Buttarro: It's complicated.

Ms. Kawaa: It is.

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

Mr. Bailey: If you can find a balance for both sides because you don't want to X-out ...(inaudible)...

Mr. Buttarro: Right. Okay.

Ms. Sablas: Mahalo. Any other comments, questions? Well, we really appreciate the Water Department coming before this Commission for our mana`o, and if it's okay, again, I think I'd like to hear a motion for the Commission to defer this and then we'll make our final recommendations at the next meeting. Is that okay?

Ms. Kajiwara-Gusman: Motion to defer.

Ms. Kawaa: Second.

Ms. Sablas: Second. Okay. Any --

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

VOTED: to defer the item to the next meeting.

Ms. Sablas: Motion carried. So mahalo. Thank you all for your participation, valuable appreciation -- I mean time. Mahalo everybody. Thank you. Does anybody need a five-minute -- couple-minutes break? Nobody? Okay. A short -- short break before our next agenda item.

(A recess was called at 12:08 p.m., and the meeting reconvened at 12:12 p.m.)

Ms. Sablas: Now we're into Unfinished Business, item F.1.

Ms. Sablas read the following agenda item into the record:

F. UNFINISHED BUSINESS

- 1. Jordan Hart of Chris Hart and Partners on behalf of KBHL, LLC requesting approval of plans to demolish a former office building located at 180 Lahainaluna Road, TMK (2) 4-6-009:044; and a former dwelling and located at 165 Panaewa Street, TMK (2) 4-6-009:038, Lahaina National Historic Landmark district, Lahaina, Hawaii; SM1 2013/0008; EA 2013/0002 (A. Kehler)**

The Commission may approve or deny the demolition plans pursuant to Subsection 19.52.020.a, Maui County Code

Ms. Sablas: Annalise? But before you do, I need to make a disclosure that I was -- I am a former employee of the Kaanapali Beach Hotel, I resigned, resigned -- I retired four years ago so I can ask counsel if there's going to be any conflict, but again, I have no financial interest from the company. I had just worked there as a former employee.

Ms. Richele Thomson: I think you, just for the record, since there's no current financial interest, there shouldn't be a problem with continuing on as normal. Thank you.

Ms. Sablas: Thank you. So, Annalise, if you could do your presentation?

Ms. Kehler: Sure. So this item was deferred - I'm going to read from the staff report - this item was deferred from January 5th Cultural Resources Commission meeting. At its January 5th meeting, the Commission received presentations from the Planning Department Staff and the applicant's consultant, Chris Hart and Partners, in support of the demolition of a former office building located at 180 Lahainaluna Road and a former dwelling located at 165 Panaewa Street, both are located in within the Lahaina National Historic Landmark District. A staff report recommending approval of the plans to demolish the subject buildings was also presented to the Commission. Please refer to the January 5th staff report for additional background information. So I'm just going to give a little bit of background about the overall redevelopment project.

So the demolition of these buildings is part of a larger project for the Plantation Inn and that involves the consolidation of several parcels, construction of a two-story guest building it 14 rooms, creation of a separate 9-stall and 14-stall parking lots with driveways, construction of accessory hotel improvements, and the installation of landscaping, required infrastructure and utility systems. And I would also like to point out that the planning and permitting process for this project began many years ago, and it began before a code amendment occurred, which gave the Cultural Resources Commission approval authority of demolitions in the National Historic Landmark District.

And so this matter is before the Commission for approval because the proposed demolitions are for two properties located within the Lahaina NHL, and these properties have been determined by the State Historic Preservation Division to be eligible for the National Register of Historic Places. The Commission deferred the item pending further clarification of a letter issued by the State Historic Preservation Division on November 17, 2016. A copy of that correspondence is included in the January 5th staff report. The letter states that both 165 Panaewa Street and 180 Lahainaluna Road are eligible for listing in

the National Register of Historic Places thus satisfying the demolition of historically significant buildings as established in Subsection 19.52.020.H, of the Maui County Code.

Pursuant to Subsection 19.52.050.A, of the County Code, the Cultural Resources Commission may not approve the demolition of historically significant buildings in the Lahaina National Historic Landmark unless the buildings are: one, determined by the Director of Public Works or the State Department of Health to be a public safety or health threat; two, deterrents to a major historic restoration or preservation program; or, three, low priority in their retention would not materially contribute to the integrity of the Lahaina National Historic Landmark. The State Historic Preservation Division correspondence of November 17, 2016 further explain that although the two buildings are historically significant, they are low priority and their retention would not materially contribute to the integrity of Lahaina National Historic Landmark thus meeting the third instance established in Subsection 19.52.050.A, of the County Code, where demolitions may be approved.

In response to the State Historic Preservation Division letter, the Commission requested clarification on how and why these historically significant buildings do not materially contribute to the Lahaina NHL.

So a response, a written response was not received in time for this letter to go out from the State Historic Preservation Division, and we had planned on, Kaiwi Yoon, the SHPD Architectural Branch Chief, attending this meeting, he's not able to come because he's ill, so I provided analysis in the staff report trying to explain the question that came out of that correspondence, so I'll get into that now.

So in advance of the April -- okay, I'll just skip that part. So this analysis attempts to explain how 180 Lahainaluna Road and 165 Panaewa Street, while being historically significant buildings, are nonetheless low priority and do not materially contribute to the integrity of the Lahaina NHL. So while examining the individual building -- individual buildings within the context of larger historic districts, the National Register recognizes that some properties, while being eligible for listing, may have varying degrees of historical and/or architectural significance with which do materially contribute to the integrity of a district. Architectural significance is based upon seven aspects of integrity, which include location, design, setting, materials, workmanship, feeling, and association. While 180 Lahainaluna Road and 165 Panaewa Street are historically significant buildings, their architectural significance has been compromised on at least two of the seven aspects of integrity, materials and workmanship, and that is because of alterations that have been made to the buildings over time. Consequently, when compared with other historically significant buildings in the Lahaina NHL, such as the William Kaluakini house at 450 Front Street, the alterations made to 180 Lahainaluna Road and 165

Panaewa Street have rendered it low priority in their current conditions and reduce their ability to materially contribute to the Lahaina NHL unless those conditions were reversed.

And so in consideration of the extensive documentation that has been prepared and submitted by the applicant to mitigate the loss of these two significant buildings and their low priority assessment, the department's recommendation remains the same as stated in the January 5th staff report and the recommended motion is to approve the plans to demolish the buildings at 180 Lahainaluna Road and 165 Panaewa Street.

Ms. Sablas: Thank you, Annalise. That concludes your presentation?

Ms. Kehler: Yup, and the applicants ...(inaudible)...

Ms. Sablas: Anything from the applicant?

Ms. Kehler: Yeah.

Mr. Jordan Hart: Good afternoon, Chair and Members. Good to see you again. So we did present this project previously to the CRC during our draft environmental assessment, as mentioned, and then in January, and so I'm going to kinda do an abbreviated review of the information and go from there.

My name is Jordan Hart, I'm a planner with Chris Hart and Partners. I'm here today with Dee Coyle, who's the General Manager of the Plantation Inn and the project manager for this project. We did have an Intensive Level Survey and HABS Level III study done for residences by Brenda Sirach. This is the general project area within the Lahaina National Historic Landmark District, not within any of the Maui County Historic Districts, so the larger parcel in the middle is the existing Plantation Inn, there's a parking parcel abutting to the south, and then the Agena and Ishikawa-Agena residences. So Lahainaluna Road is on this side, this is the Agena residence, and this is the Ishikawa-Agena residence. The Agena residence has functioned as the Trilogy office, the boat tours company, for many years before the Kaanapali Beach Hotel purchased the property, so the Kaanapali Beach Hotel is the sister property to this Plantation Inn, so KBHL, LLC is the property owner and the applicant, The Ishikawa-Agena residence is also abutting the hotel property, it's on Panaewa Street. This is aerial photographs of the two properties. Agena, which is the former Trilogy office. Ishikawa-Agena, which was a residence.

So I think that the critical components of the decision -- the decision here today is a review of the demolition permits for these structures. We did an environmental assessment. During the environmental assessment process, we came to the CRC, we received comments from the CRC, and a series of mitigation actions that we needed to take for the demolition, and I do want to make a point of clarification. It was understood that we

were coming back to the CRC for these demolition permits at the end of the CRC meeting. That was discussed, I believe Gaylord was acting as Chair the day that meeting happened, and there was a direct discussion about how we would be back here again at this time. So the -- there was a series of recommendations, the most critical with regard to the demolition of the residences, was to do Intensive Level Survey and HABS Level 3 for both properties. That was in March of 2014. In November of 2015, those reports were completed and submitted to SHPD. And in May of 2016, SHPD accepted those reports as complete and as mitigation for the demolition of those residences.

So the Agena house, this is a -- I gotta apologize, there's a lamp notice, apparently the bulb is going to burn out, but it's in the middle of my diagram so it'll block some of the view but I think you get overall pictures. Anyway, this is a site plan of the building, so this is the main dwelling. At previous time, there was a barbershop run in this building here. That's a floor plan of the building. As mentioned during the presentation by staff, there was alterations that were done to both residences that's documented in the HABS Level 3 study. This is a photograph of residence from Panewa Street. You can see the edge of the barbershop is here. This is the barbershop itself. This is the Ishikawa-Agena residence, which functioned as the Trilogy office for many years. You can see these additional buildings that are in the back were add-ons, commercial type buildings. This is the floor plan. Photographs of the residence itself.

After our last meeting, there was a request that we do some additional community outreach. There was a question from one of the Commissioners on the level of community outreach that we did conduct during our EA process, and so I do want to revisit that with you just to clarify how intensive the environmental assessment process is, and I think it's important to mention that we did receive a finding of no significant impact with intent of demolishing these houses in the Lahaina National Historic Landmark District, we received a finding of no significant impact, and we also received an SMA major permit. But the parties that we consulted with were Department of Health, Department of Land and Natural Resources Land Division, Office of Hawaiian Affairs, State Historic Preservation Division, Department of Environmental Management, County of Maui, Fire Department, Housing and Human Concerns, Parks and Recreation, Planning Department, Zoning, Police Department, Public Works, Department of Transportation, Department of Water Supply, the utility companies, Lahaina Restoration Foundation, the Lahaina Action Committee, and then we also consulted with each of the neighbors, in writing, each of the neighbors that are abutting or across the street to the project site. And then in addition to that, we had a public hearing -- well, it was a meeting with the CRC but they take public testimony. We had a meeting with the Urban Design Review Board, which also takes public testimony. We presented the draft environmental assessment to the planning commission in a public hearing. And we presented the draft -- or the final environmental assessment to the planning commission in a public hearing where they accepted the final EA and issued a finding of no significant impact. So I do

feel that although there was some elapse in time because the HABS Level 3 study needed to be prepared and so on, that you didn't see that public outreach happen immediately prior to our January meeting, but it did happen at the time that our SMA major permit was granted and our EA was completed.

So since our January meeting with the CRC, the property -- we met with the Aha Moku O Maui, Lahaina Moku, and received a letter of support for the demolition of the residences, and that was submitted to staff, that letter is here. They also received letters of support from neighbors on Panaewa Street, and so, basically, Mrs. Tanaka, Mr. Scanlon, who is at the top of Panaewa Street, and then Ms. Doan, who's at the lower-end of Panaewa.

And so, in general, you know the conclusion is that we were asked for mitigation, Intensive Level Survey, HABS Level 3, we did that; we submitted it; it was accepted. The Department of Planning recommends approval of the demolition permits, State Historic Preservation Division identifies the structures as of low priority and, basically, identifies the HABS Level 3 mitigation as being adequate mitigation for the demolition of those structures, and so we do feel that we have, you know, gone through the public process and we've done the documentation and mitigation that's necessary to account for the removal of residences like this, so we're here for -- for your consideration in that request. Thank you.

Ms. Sablas: Thank you very much, Mr. Hart. Is there anyone from the public wanting to testify on this item on the agenda, if you can come -- please come forward and identify yourself.

Mr. Kapu: Aloha again, Commission. Keeaumoku Kapu. The area, Panaewa, where we're talking about, I guess I get kinda little bit confused on what is the historic district in that area because I know there are specific buildings that play an important part to the histories of the town, one is Maria Lanakila Church, across from Maria Lanakila Church there's buildings that were plantation era buildings, so the subject area we're looking at, I've been there twice and prior, when they met with the Aha Moku representative for Lahaina, we drove over there again to specifically look at the, you know, how the whole façade of the place is, and it's kinda confusing saying that this falls under the National Historic Register because that whole block is not in compliance, even in signs, so you have the store on the front, you have some kiosks on the side, and the hotel is right in the middle, and I'm always placed in a wonder of what is the criteria for that designation on the National Historic Register. I've always been an advocate to make sure that whatever we create, we don't lose that criteria, especially for the Historic District 1 area, and, to me, the Historic District 1 area is like from Prison Street to Shaw Street because you get Moku`ula, then you get the harbor, which has some notable sites that is pre-contact sites, but when you get into the upper regions and you get into another criteria of the plantation era, but I know that the criteria under historic preservation gotta be like anything 50 years

old or older fits that criteria for anything of over 50 years old, there's a high priority to those kinda things. I also went to the building and looked at the structure of the building and feel that, you know, that's the whole problem if you live in the historic district, especially Historic District 1, and in Lahaina, the biggest problem is termites, and when people try to go for an application for demolition and get bombarded because they was in the historic district, that's why a lot of families sell their homes and get out because they cannot afford to restore a building ...(inaudible - technical difficulty)... put the criteria together to designate certain ...(inaudible)... but I know that within this area, it's kind of a complex issue. Adjoining those properties ...(inaudible)... those structures would be affected for preservation. So I know that Uilani Kapu, she's my wife, she's the Moku Representative for Lahaina, and with the last meeting was in support of the demolition. When we look at things as in Aha Moku perspective, we not only looking at the environmental impact through changes, but we look at how a community within itself is going to benefit from these types of changes, yeah, so if the hotel is saying that they want to provide 14 more homes, you know, we look at, okay, employment, the employment rate for our locals, we look at how these hotels have basically operated in the past and whether or not they benefitted and they added to the cultural renaissance of those areas, and, most heavily, we look at, you know, the population growth within Waianai because that's Waianai, yeah, that place is getting bombarded by traffic every day. The subject area we looking at is, you know, the alleyway is -- it's kind of complex issue when you looking at criteria on the historic preservation, so that's why the Moku Representatives of Lahaina says, you know what? They would support the demolition and just to make sure that the residents surrounding the area is not heavily impacted upon.

Ms. Sablas: Mahalo.

Mr. Kapu: So if the residents within that area feels that, you know, things gotta change and it has to change because we dealing with homeless situations too now, so every unoccupied building in Lahaina is a potential dwelling for homeless people, and if they cannot refurbish or try to fix their homes, then the only thing they do -- they can do is sell the property, the bank takes it over, you don't know how this thing goes in through some kind of a market, but at the same time, we get people moving in to those places. So if this is what it's going to be, where they going add additional things and possibly even tighten up the area from the situation that we dealing with is a good thing for us.

Ms. Sablas: Thank you very much. Any questions? Mahalo. Any other testifier?

Ms. Kajiwara-Gusman: I have a question for ...(inaudible)...

Ms. Sablas: Oh, there's a question?

Ms. Kajiwar-Gusman: You folks did a HABS Survey, which is a Historical Building Survey, and I'm assuming -- I don't really -- I'm not really familiar with the permitting process, but I'm assuming that once permitting is done - I guess it's more of a comment than a question maybe - but I am in agreement with the demolition, however, I'm a little bit confused as to the types of assessments or reports that you folks had done on the property, and the only reason is is I'm a building -- environmental building inspector and I've done several homes on Lahainaluna Road, and I notice that the dates of the original buildings, one is 1932, the one on Panaewa, and the other one is in 1940, and in regards to the safety of the neighbors and stuff, those homes that I've done in that area have been tested positive for asbestos, lead paints, and arsenic in the ceilings, and I know they've been redone, you can tell by the pictures that they've been redone over the years, but is that something that you guys are considering, I mean there's different construction standards and protective measures when you demo a home that has those things in it, basically, so --

Mr. Hart: So I believe, in this context, that would be addressed by the contractor in their pulling their building permits through Public Works and what we were helping the property with is the land use planning component of it, which is basically had to be all resolved before we get -- they get to the building permit process.

Ms. Kajiwar-Gusman: Before you get to -- okay. Okay.

Ms. Sablas: Thank you very much. Comments? Commissioner Skowronski.

Mr. Frank Skowronski: For the -- questions for the applicant. This motion for the demolition is tied in to the expansion of the existing facilities?

Mr. Hart: That's correct.

Mr. Skowronski: If the motion is not approved, is here any way for the construction of the improvement to continue without the demolition of these buildings?

Mr. Hart: Not the project that received the final EA, finding of no significant impact and the SMA major permit.

Mr. Skowronski: So it's absolutely critical that these buildings be demolished in order for the project to proceed?

Mr. Hart: Yeah, this was the plan. This is the plan that was approved.

Mr. Skowronski: Okay. With the intention of the issue being brought up about homelessness and "abandoned buildings," if the motion is defeated, what is to be done

with these buildings? Well, let me rephrase that. What is the ownership status of the two structures now?

Mr. Hart: They're both owned by the applicant, KBHL, LLC, which is the owner of the Plantation Inn.

Mr. Skowronski: Okay, so it's not an agreement of sale --

Mr. Hart: No.

Mr. Skowronski: Or it's not pending. There's outright ownership. Okay. So if the motion's not approved, what's the owner's intention of doing -- what's the owner's intention for the buildings if they're not to be approved for demolition?

Mr. Hart: As a professional land use planner, I think that they would consider whether or not they got fair treatment in this process. I mean I don't know if they're talking about changing a plan, like they -- we went through a process, we went before the CRC, we got recommendations for mitigation, we got a finding of no significant impact, we got an SMA major permit, and so it's only now that we're here actually calling for the demo permits to be pulled that things are changing, like not that they're changing direction, but we're -- like there's an additional layer of scrutiny that is happening right now where we were going down this path for several years, so in the question of whether or not there's a whole redesign plan, I don't think that they're going there.

Mr. Skowronski: Well, assuming that option A is the motion is approved, and option B is the motion's not approved and, therefore, you are going to take it to further processes. Option 3 is that you lose on all the cases. I'm interested in knowing what is going to be done or what could possibly be done with these structures if they're not demolished.

Mr. Hart: Well, I don't know -- there is -- they haven't gotten to the point, to my knowledge, of preparing contingency plans just based on the direction that they received through the EA process, so I think that, you know, I guess I would have to -- and I can defer to the project manager to respond to issue like that.

Ms. Dee Coyle: Aloha. My name is Dee Coyle, and I am employed by Kaanapali Beach Hotel and the project manager for this TPI redevelopment project. Commissioner Frank, I -- you know, we've not gotten to that point. We've been working on this project for so long that -- and throughout the years of our progress, we've been hopeful that it would continue. If the motion was denied, that would definitely put a halt to the project. What we would do thereafter with the homes, we've not even discussed that at this point.

Mr. Skowronski: During the research for this project, have you gone through the permit history of these two structures?

Ms. Coyle: Yes, we have.

Mr. Skowronski: Are the structures permitted? Do they have permits?

Ms. Kajiwara-Gusman: Yeah, I was just looking at -- that's how I got the years of ... (inaudible)...

Mr. Hart: My recollection is that they are prior to building permit criteria.

Mr. Skowronski: Are the addition to the building been permitted?

Mr. Hart: I couldn't rattle off all the permit periods for you.

Mr. Skowronski: As the buildings stand now, as say stand alone, are they legal? Can they receive a certificate of occupancy for each?

Mr. Hart: Oh, CofO, I mean so a certificate of occupancy requires inspection by all the major agencies looking out for health, safety, and welfare, and so you're going to be like building -- building plans -- or, sorry, building inspectors, electrical inspectors, plumbing inspector, fire, Department of Health, so whether or not these are residences and their current condition would pass a commercial CO inspection, I don't think that that's the case at all.

Mr. Skowronski: Well, what about residential?

Mr. Hart: Well, there's no CO for a residential -- there's no CO for a single-family residence, so I think they could be considered something to the effect of existing nonconforming.

Mr. Skowronski: Okay.

Ms. Sablas: Comments, Commissioner?

Ms. Kawaa: I just have a question for clarity. Aren't -- am I mistaken in thinking that these homes are currently rentals?

Mr. Hart: They have been used as rentals.

Ms. Kawaa: But, currently, they are not?

Mr. Hart: No, they are.

Ms. Kawaa: Okay, they are occupied.

Mr. Hart: And they have been. So, basically, the hotel purchased these properties for the purpose of their expansion project and while they were going through the process, rather than basically just leave them vacant, they did rent them. They are renting them.

Ms. Kawaa: Great. Thank you.

Mr. Skowronski: So the structures are being used and rented as we speak?

Mr. Hart: That's correct. So only the one on Lahainaluna.

Mr. Skowronski: As a residence or as a commercial?

Mr. Coyle: The house on Lahainaluna Road is rented to one of our employees and she stays there, she's our maintenance personnel, and she stays there especially to also safeguard that the property is secured. If it was to remain empty, we have, you know, to deal with homelessness because we have found people sleeping on the roof in the morning, you know, people without homes, so she's there as a safeguard measure to secure the property in the evenings. The other home that's on Panaewa Street is empty at the moment. It was being used by the magician that was part of our Kupanaha Show but that show has, at this point, has been canceled, has been stopped, so he has moved back to the Mainland, so that house is empty at the moment.

Mr. Skowronski: Okay.

Ms. Sablas: I would just like to say I was born and raised in Lahaina so I'm very familiar with these properties. I know the owners. We went to school together. I grew up at 450 Front Street, the Kuakini's house, and I know the historic different, I think they did a wonderful job in restoring that plantation house on 450 Front Street, and I'm also a board member of the Lahaina Restoration Foundation, for many, many years, and this foundation has been very dedicated to maintain the integrity of the historic resources of Lahaina, one of it was Agawa house, and they -- the family, again, faced, you know, whether they wanted to - they wanted to just sell it because they couldn't afford to upkeep the house, this is an old local Japanese family, so the foundation was approached if they would want to, you know, restore it at a tremendous cost, by the way, but that intent of the foundation was to be able to have a home in Lahaina representing the plantation era. So I think the foundation, although we haven't discussed it as, you know, I don't remember we discussing it as a member of the board, but I think the foundation has really done an

excellent job in maintaining a lot of the historic structures of Lahaina, and I serve proudly on that board because I'm very interested, as a Lahaina girl, to maintain a lot of the historic nature of the town. So just my comment about my -- being a Lahaina girl.

Ms. Coyle: If I might be able to add another comment here, when the Plantation Inn was first built, this was in the late 1980s I believe, the thing about the inn was we couldn't quite figure it out because when we got it, each room was decorated different. There was an oriental room, Asian room, there was a room with clouds, there was a -- all the walls were wallpapered with very floral prints, so it kind of looked southern colonial, this is what we thought, and so thus it was called the Plantation Inn. At the time that Kaanapali Beach Hotel had purchased the property, we had since renovated the rooms, and it was a time when my husband was the manager there, and I was very involved in the redecorating process, and what we did was we tried to unify the look of the rooms, basically, from an economical point of views but, secondly, if, we said, if it was to be called the "Plantation Inn," then why can't it represent the plantation of Lahaina Town. So I worked with Halepa`i, and what was his name that is the curator up there? Ken Kimura. And I worked with him and tried to get some historic photos of which we had then placed into the rooms so that the guests would have an idea of what kind of plantation town Lahaina was. And so all of our rooms have these photos that depict the plantation era of Lahaina and, you know, the feel -- the furniture was designed very simply, again to represent the plantation era, we have Hawaiian quilt design showing, for each room, again to show our Hawaiian culture that's present in the Lahaina area as well. So there was some -- some thought and some, you know, intent to preserve the Lahaina plantation era when we redecorated the rooms, and the intent is to continue that when we add the other 14 rooms that we're looking at as well, so we want to continue that -- that look so --

Mr. Skowronski: I have -- I have a couple of questions for Annalise. SHPD's "expert" was not available ...(inaudible)...

Ms. Kehler: He was planning to come today but he is ill. He was unable to make it.

Mr. Skowronski: I'm struck by the fact that, again, in previous presentations and previous items on the agenda, we're talking about the significance of what words mean, and since these -- this issue of retaining or demolishing plantations style homes is going to come up in the future to this board, I'm struck by how I am supposed rectify the concept of "historically significant" and having that be compatible with "low priority," so, automatically, when I see these two terms or these two idioms in the same sentence, I'm not quite sure which end is up. You're extremely familiar with the residences, the plantation residences in Lahaina, and when these two structures were listed as eligible for listing in the National Register, can you give us a sense of how many other structures in the historic district as "eligible for listing?" I mean --

Ms. Kehler: I have a survey that identifies that eligible, I can't rattle off that number off the top of my head, but I can give that you at a later date.

Mr. Skowronski: Are there a lot or a few or --

Ms. Kehler: There's like 50% of the buildings within the current boundaries of the NHL either contribute to or are individually eligible --

Mr. Skowronski: Right.

Ms. Kehler: To the district.

Mr. Skowronski: And just by being termed "eligible," they are automatically historically significant?

Ms. Kehler: That's correct because that is the way that we define "significant" in the code.

Mr. Skowronski: Okay.

Ms. Thomson: Just to add to that, so if you take a look at this county code definition, it's 19.52.020.H, and so to meet the definition of "historic significance" we need two things: the structure has to be 50 years or older, and it has to be deemed by SHPD to be eligible for listing, not based on federal criteria, so if you meet those two pretty basic threshold tests and then you're historically significant. What you need to move on from there though is given that they do, these two structures, meet that basic definition, to approve a demolition permit you need to find one of three things, so the first is that they're, you know, in such poor repair that they can't be rehabilitated, the second is the structures might be a deterrent to a major historic restoration or preservation program, the third, which is applicable to this scenario and this application request, is that the building or structure is of low priority and its retention would not materially contribute to the integrity of the historic district or the Lahaina historic district, and that's a determination that SHPD makes, so you do have that in your record that SHPD has determined these structures to be of low priority and that they do not materially contribute.

Mr. Skowronski: So the concept or the escape clause, as it were, of low priority gets us or gives us an opportunity to get out of the historic significance designation?

Ms. Kehler: It gives you the option to approve a building that is historically significant, right, and so --

Mr. Skowronski: Well, in your opinion, if in fact the applicant and the owner doesn't have any plans for the existing structure and -- the structures, and that existing structures are being used "illegally," does not the public health and safety issue come into play also?

Ms. Kehler: Well, the way that we define that topic in the code is that Director of Public Works or the Director of the State Department of Health can issue a letter determining whether or not these properties are public health and safety threats. We have, in the past, had the Director of Public Works issue a letter for a different property saying that it was a public health and safety issue.

Mr. Skowronski: Okay.

Ms. Thomson: I just want to clarify that we don't have any information in the record to say that these are illegal structures.

Ms. Kehler: Yeah.

Ms. Thomson: They probably are illegal nonconforming historic structures. They're just -- they're very old so at the time they were constructed the building code didn't exist I don't think or it was very rudimentary.

Mr. Skowronski: Okay.

Mr. Hart: Chair, I think that I have some information that's helpful to this conversation that's happening right now, I could go over it.

Ms. Sablas: Sure.

Mr. Hart: Thank you. So I ended up doing a lot of research because, you know, this ended up being a surprise for us going through the process, and so one of the things that I looked into was the adjustment of the legislation on how these structures are being assessed, and so I went back to the minutes of the council meeting and things like that, and the discussion of the Lahaina National Historic Landmark District being threatened, and so then I looked into that and, you know, why is it threatened, and so I corresponded with Annalise and I got information from her from the National Park Service about why the district is threatened, and so I received this from Annalise, and I went back and forth with her to confirm that there wasn't any additional assessments, reports done, and it was confirmed that this is the extent of the information that's provided. And the reason I'm bringing this up is because, you know, Annalise mentioned approximately 50% of the structures in the district are either contributing or are eligible, which means they're going to be here before you. Now, if, in my personal opinion, if a structure is directly contributing to the district, that's significant, but this is eligible for listing on the National Register but

it's, you know, whether or not it's contributing to the district, in my opinion, they do not, and the reason for that is because the district is, basically, the 19th century, which was geared towards the period at that time being a whaling era and also including the missionary era, and so, you know, for whatever -- whether or not that's the most appropriate, you know, periods to be recognizing, that's what the district was created around, and so in identifying the district as being threatened, first of all, this is the portion on their website where they identify their position on it, and this is the section that identifies as being threatened, it says, "There's a statement of significance as designated, December 29, 1962," so that's the application to the National Register that was accepted, "Along the residents of Maui kings and chiefs, Lahaina preserves the atmosphere of the mid-19th century Hawaiian seaport when it was a favorite port of call for American whalers, it was also the center of missionary activities." And so then it says, "The condition. A large number of improvements are made in the district without permits and often wood windows are routinely changed out for vinyl clad windows. There are not enough county inspectors to adequately monitor the district." So my interpretation of that is that the National Park Service is concerned with unregulated redevelopment of the -- of the district, not the demolition of plantation era homes. Now, if this was a missionary era home or a structure that was built in that period, I could understand that. And there was even correspondence with Annalise about a document that she found regarding tax credits and there was a case where the National Park Service denied the demolition of a home in the Lahaina National Historic Landmark District that was built after the significance period but they determined that it contributed, and so we're looking for that record, but my impression is that if you build a home that consistent with the -- the period and, as an example, it's consistent with the *Architectural Style Book for Lahaina*, and it's there for a long period of time, it can determine to be contributing to the theme of the district and in that point, it could be determined to not be eligible for demolition, but these are out of period, they're -- I also, personally, believe that they're plain structures, they not, you know, an example of exceptional craftsmanship or architectural design, and so those reasons, I think that this is one of the projects that's appropriate for approval of demolition permits. Another thing that I want to bring up, it's a little bit off -- it's not this project, but we have another project, it's Lahaina International Christian Fellowship, they're at the absolute mauka end of the Lahaina National Historic Landmark District. They're going to be here talking to you guys in a couple of months or weeks, and they're going to wanna basically demolish the existing residence that's there, and they're going to wanna build a church there, and that church complies with the Lahaina -- or the Lahaina -- *Architectural Style Book for Lahaina*, and so it's this same question of, you have a plantation era structure, you know, it's out period, there's somebody who wants to redevelop it, consistent with the rules, consistent with design character that's supposed to be enforced in this district, and I think that the CRC needs to be prepared to basically review and approve those appropriate renovation projects, and Keeaumoku was talking about that earlier, you know, he was talking about walking the block and seeing signs that are out of period and, you know, what's the -- what's the issue. And so I think that this is

-- this is the issue that the Federal Government identifying is that redevelopment's occurring and it's not within the guidelines of the district. Now, this is a project, we went to the Urban Design Review Board, they confirmed that our redevelopment plan complies with the design character of the district, and we're talking about removing two structures that are outside the period of significance, and so, for those reasons, I think that you're going to see more of this, you know, if 51% -- or 50% of the structures in the Lahaina National Historic District fall into this criteria, it's going to be happening a lot, and some of them -- the Lahaina National -- or the Lahaina International Christian Fellowship doesn't have the resources that KBHL, LLC has to have me researching all this stuff and, you know, coming to the CRC multiple times, they're just, you know, a church for, basically, Filipinos who are new to the country and that's their ministry, they focus on that, and it's not -- you know, they're doing all their whole project by the Christian ministry, so I don't think that restudying and revisiting what the position on this district and how these structures are treated is really important because they're going to come, and a lot of these are old, so it's time to ...(inaudible - mechanical difficulty)... it's going to be revisited ...(inaudible)... but anyway I wanted to bring that up because I talked about it the last time and I have it here today.

Ms. Sablas: Thank you very much, Mr. Hart. Anymore comments from Commissioners?

Ms. Kawaa: I just have a comment. I've been trying to get my bearings on this since I got this information, but it seems as if there is an issue, a bigger issue, which is the Lahaina Historic District and the National Historic Landmark, and that it seems almost as if many of these homes, by default, fall into this category because they're over 50 years old and they're in this district, it doesn't necessarily mean that they're contributing to the intention, I think, of creating a historic district, such as this. So I just feel that there's a bigger issue that maybe the Commission needs to also address at a later time and that would be how this historic district is defined, and I would like a little bit more information about that as well so we can make decisions that are appropriate. But for these two particular structures, for me, it seems that they just fell into this by default because of their location and the age of the buildings, and so I don't see a reason to not move forward with approving the demolition of those buildings.

Ms. Sablas: Thank you very much.

Mr. Hart: Could I say one more much briefer ...(inaudible)...

Ms. Sablas: Okay.

Mr. Hart: In my research, Kaiwi Yoon, from SHPD Architecture, gave me the survey that Annalise is mentioning, and there is a study of plantation era homes in the district, and there is, based on that survey, it appears the intent is to adjust the size and the period of

significance for the district, and I think that that's appropriate, but if you've already applied and rules are this, you should be permitted to go through the process under the rules that you applied on, and let's say that you change the rules, then, you know, any people that I represent would be subject to those new rules whether that be incorporating the plantation era or changing the boundaries of the district, but I agree with you that as the rules are now and this subject at hand, I believe that this project ...(inaudible -- mechanical difficulty)...

Ms. Sablas: So is committee ready to make a motion? Commissioner Kawaa.

Ms. Kawaa: Help me make the motion. My first meeting.

Ms. Sablas: So it's stated. It's stated. It's stated there.

Ms. Kajiwar-Gusman: Motion to approve.

Ms. Kawaa: Okay, so motion to approve of the plans to demolish the buildings at 180 Lahainaluna Road, TMK: 2-4-6-009:044, and 165 Panaewa Street, TMK: 2-4-7-6-009:038, Lahaina, Hawaii.

Ms. Sablas: Do I hear a second?

Ms. Kajiwar-Gusman: Second.

Ms. Sablas: Do -- any further discussion? No further discussion. Call for the vote.

It has been moved by Commissioner Kawaa, seconded by Commissioner Kajiwar-Gusman, then unanimously

VOTED: to approve of the plans to demolish the buildings at 180 Lahainaluna Road, TMK: 2-4-6-009:044, and 165 Panaewa Street, TMK: 2-4-7-6-009:038, Lahaina, Hawaii.

Ms. Sablas: Motion carried. Congratulations. Move forward. Mahalo.

Mr. Hart: Thank you very much.

H. NEXT MEETING DATE: May 4, 2017

Ms. Sablas: Okie-dokie, next meeting date. The next meeting date is May 4.

Mr. Skowronski: Do we have an agenda set for that?

Ms. Sablas: Do we have any agenda, Annalise?

Ms. Kehler: I'm sorry?

Ms. McLean: Do we have any action items on the agenda yet for May 4th? We do have the continued Water Use and Development Plan.

Ms. Kehler: Yeah, I have a bunch of stuff. There'll be a lot of stuff. So it's a full --

Mr. Skowronski: Can we include discussion of Kaahumanu Church?

Ms. Kehler: So what, specifically, are you want to know about Kaahumanu Church because --

Mr. Skowronski: How do we stop it from not falling down?

Ms. Kehler: Well, that's a very, very, very complicated -- complicated issue. It takes a lot -- trust me, I'm working on it. I am working on it. I am trying to facilitate capacity within the church to raise money and to get things going and I'm -- I'm working on it. It takes introducing different people with different abilities and skills to run a project. It's a big project, right, so they need a grant person, they need an accountant, they need a project manager --

Ms. Sablas: They need money.

Ms. Kehler: Yes, but the biggest part of that is applying for the money, they need help with that, and then they need someone to manage the money so --

Mr. Skowronski: Well, I know that there are members -- there are members of the church and the building committee that are anxious to address this Commission and, not necessarily plead their case, but explain what their future is and how they see their future.

Ms. Kehler: Right. So the biggest hurdle to them accomplishing their goal is money, and so it's not as simple as just getting money, right, we have to -- we have to get them to the point where they're ready to accept the money.

Ms. Sablas: They need many angels.

Ms. Kehler: Yes. So I'm working on grabbing people from different experiences with different, you know, backgrounds and put them together to help facilitate moving forward.

Mr. Skowronski: Is there any history in this county of the county administration coming in and condemning an existing historic structure and taking it over and financing through county aspects if the county were to own the property?

Ms. McLean: My condemning you don't mean condemn as if to demolish. You mean condemn the land --

Mr. Skowronski: Condemn the land and take it over.

Ms. McLean: Take over the land.

Mr. Skowronski: And then having a long-term lease back to the parish but now that the county is the owner of the property, there are a lot more option to get grants and money through government agencies. Has that thought been ever approached?

Ms. Kehler: No. I mean not to my knowledge. I don't know. But there is also lots of opportunities, there's a lot of grants available to nonprofits as well, so there's --

Mr. Skowronski: But the issue with grants is that -- is of ownership and if in fact the parish --

Ms. McLean: Chair, this item isn't -- I think we're going farther than the agenda would allow to have this discussion in detail.

Mr. Skowronski: Well, that's why I'm asking if it could be put on the agenda then we can talk about it in the open.

Ms. Kehler: Yeah, I mean we can put it on the agenda to discuss how we can help them, I guess, or what needs to happen for them to get what they need.

Ms. Sablas: What about the other Commissioners, are you okay with putting this on the agenda? I'm in favor because it's a really prominent structure, historically, so I think it's worth our time to discuss it, so I'd like to support that idea of putting it on a future agenda.

Ms. Kehler: Yeah, and I can ask people who I have in mind to help come and talk about their experience with doing this with other buildings too so --

Ms. Sablas: Okay. Thank you. I mean, you know, we've been having challenges with our quorum, this is my third meeting, and I don't remember seeing this Michael Kaleo Ropa, so my question is: Is there a policy about attendance at our meetings that three strikes you're out or anything like that?

Ms. Thomson: I can answer that one. You know, generally, what we do is if there's someone who's repeatedly not able to make it, and they're not sick or otherwise, you know, incapable in that kind of temporary sense, we would ask the Mayor's office to reach out to that commission member and see if they wanted to voluntarily recuse themselves from the commission, resign from the commission, so if it's -- if it's kind of become a problem that you see with that commissioner, I can follow up.

Ms. Sablas: So when would that determination of a problem be? I mean, to me, three absence in a row is a problem because, you know, you've taken an oath to serve on this Commission, so I mean I'd like us to move along and be able to get dialogues going, but, you know, it concerns me that staff has to always worry about getting the quorum, otherwise, how can we function? So I think we should take some action and just not take a laid back or, you know, maybe he'll come or she'll come, but take some proactive measures, which is what I'm recommending.

Ms. Thomson: I can follow up on that.

Ms. McLean: What's more critical for us in organizing the meetings is hearing back from commissioners who intend to attend because if it's an excused absence, we know in advance, then we can determine whether or not there will be a quorum. Sometimes we believe we will have quorum, and then commissioners are absent without letting us know, and that's sort of a higher level of a problem, but I think Commissioner Ropa has been good with letting us know when he's unavailable, it's still a concern that he hasn't been able to make the last few meetings and we can work corp. counsel on following up on that.

I. ADJOURNMENT

Ms. Sablas: Okay, if no further discussion, this meeting is adjourned. Mahalo, everybody.

There being no further business brought before the Commission, the meeting was adjourned at 1:10 p.m.

Respectfully submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards & Commissions

RECORD OF ATTENDANCE

Present:

Lori Sablas, Chair Pro Tem
Timothy Bailey
Christy Kajiwara-Gusman
Luana Kawaa
Frank Skowronski

Excused:

Whitney Apo
Ivan Lay
Michael Kaleo Ropa
Dr. Janet Six

Others:

Michele McLean, Deputy Planning Director
Annalise Kehler, Cultural Resources Planner
Candace Thackerson, Staff Planner, Current Division
Richele Thomson, Deputy Corporation Counsel