

**CULTURAL RESOURCES COMMISSION
REGULAR MEETING
MARCH 6, 2003**

A. CALL TO ORDER

The regular meeting of the Cultural Resources Commission (Commission) was called to order by Chairman James "Kimo" Falconer at 9:10 a.m., Thursday, March 6, 2003, Planning Conference Room, Kalana Pakui Building, 250 South High Street, Wailuku, Island of Maui.

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

B. RESOLUTIONS THANKING OUTGOING MEMBERS - JAMES KIMO FALCONER and HANS RIECKE

Ms. Dawn Duensing read the resolutions into the record. (See attached.)

Mr. Falconer: Thank you, everybody. That was nice. Hans and I have had a very enjoyable five years. We've enjoyed it very much. You folks have been very cooperative. I want to thank our colleagues ingoing and outgoing, and Tremaine, for your support. Thank you very much. You've been a very big help.

C. APPROVAL OF THE MINUTES OF THE FEBRUARY 6, 2003 MEETING

Mr. Riecke asked for the following correction to page 12:

I think you can afford to buy a 1x12 or something instead of plywood.

It was moved by Mr. Riecke, seconded by Mr. Erik Fredericksen, then unanimously

VOTED: to approve the minutes of the February 6, 2003, meeting as corrected.

D. PERMIT REVIEW

1. HISTORIC DISTRICT APPLICATIONS - None

2. ADVISORY REVIEW

a. MR. GILBERT COLOMA-AGARAN, Director of the DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL MANAGEMENT requesting comments on the Environmental Assessment, Special Management Area Use Permit plans, and the draft Memorandum of Agreement for the Waiohonu Bridge Replacement Project in order to retain the single lane design,

the vertical balustrade-type railings and the concrete railing caps in the vicinity of Waiohonu Stream approximately 3.5 miles south of Hana Town at TMK: 1-4-012: 019, 1-4-012: 002, and 1-4-012: 016, Hana, Island of Maui. (SM1 2002/0025) (R. Loudermilk)

Ms. Robyn Loudermilk: Good morning, Commissioners, as indicated in the agenda item, we are discussing the Waiohonu Bridge replacement. I would just like to make one correction. The review this morning will be focused on the special management area review and the Section 106 review. The Chapter 343 process is nearing completion as a FONSI will be published for the project this Saturday in the Office of Environmental Quality Control Bulletin. So we would be limiting our comments to just the special management area review and the Section 106.

I'd also like you to note that additional handouts were provided this morning regarding the colored photos, and the various plants, and road profiles.

I'd like to call Mike Munekiyo to provide an overview of the project. And then after that, we can go into the comments regarding the special management area review and then the Section 106. And at this time I'd like to note that we will be having some revisions to the draft MOA that has been provided to you. That was brought to my attention from the Federal Highway Administration Honolulu office, but we'll discuss that at a later time. So I'd like to call on Mike Munekiyo.

(An overview of the proposed project was then presented by Mike Munekiyo, project planning consultant; and Richard Sato, project design consultant.)

Mr. Fredericksen: Excuse me, Richard. Regarding the altered openings that are now going to be six inches wide rather than 12 inches, is there a reason why the openings are peaked instead of—?

Mr. Sato: The reason that it was peaked was that we followed the example noted in the preservation plan. We are allowed to modify the standard crash-tested railing to a certain extent as long as we can show that we do not impair the strength of it. So we kind of looked at squaring it up: the top. And this is what it looks like. So we wanted to get your opinion on the shape of the opening. Are there any other questions?

Mr. Riecke: I have a question on the existing bridge. How wide is that?

Mr. Sato: The existing bridge is 15.4 feet wide. It doesn't show the width, but it's 15.4 feet wide.

Mr. Riecke: So the new bridge is about eight inches wider?

Mr. Sato: Basically, yes.

Ms. Lisa Rotunno-Hazuka: Does the current bridge have a date, a nameplate on it already with the 1915?

Mr. Sato: No.

Mr. Riecke: The railing of the existing bridge, how high is that?

Mr. Sato: About the same height.

Ms. Duensing: With or without the asphalt?

Mr. David Yamamoto: (Inaudible)

Ms. Duensing: After the asphalt there's only two feet high left?

Mr. Yamamoto: (Inaudible)

Ms. Duensing: How thick is the asphalt there?

Mr. Falconer: I'm going to need him to come up to the front if he's going to answer questions.

Mr. Sato: This is David Yamamoto. He is our structural engineer.

Mr. Falconer: Okay, he can state his name for the record, please.

Mr. Yamamoto: David Yamamoto with Sato and Associates.

Mr. Sato: The railing is above the asphalt: 32 inches high.

Mr. Fredericksen: So the existing height of the railing, including the asphalt capping, if you will, or repavings that have been laid down is two feet eight inches? About the existing surface of the asphalt?

Mr. Sato: About, yes.

Mr. Fredericksen: I have a question regarding the column supports? Pier, excuse me, pier supports. As the bridge sits down, is it four?

Mr. Sato: There's four.

Mr. Fredericksen: So the thought is that these supports are spaced too closely in the stream? And when floods occur, material piles up there?

Mr. Sato: We suspect that because of the fact that there is reported overtopping of it that any additional obstruction would make matters worse. What we wanted to do was widen the openings to prevent accumulation of debris. And that was one of the concerns of the residents immediately adjacent to the bridge that we give high priority to the flooding condition. This is our new pier and those are the existing.

Mr. Lloyd Lee: Mr. Chair? Lloyd Lee from Public Works. To further answer Erik's question as far as the piers, we have some problems as far as overtopping during not really heavy rains, but it does create problems as far as the existing piers. So I kind of directed my consultant to look at hydraulic analyses in the stance of...(inaudible)...capacity under the existing bridge versus the new bridge.

In reviewing the analyses, we found that basically the existing bridge as it's built today has capacity to handle the hundred-year flows. But the existing piers does create some problems as far as obstructions to debris and we do have a lot of those. So we kind of directed the consultant to look as an added safety factor as far as – when the river flows, we can't just get in there and try to remove the debris. We have to do something to prevent that. So basically we eliminated some of the piers. We actually removed two piers. We're also increasing the vertical clearance under the new bridge to the invert of the channel or the streamway now. In other words, the size of the girders and stuff that we're going to put in is smaller than the ones we have today to give us the actual increased volume under the bridge to mitigate some of the overflows. Now, this design does not handle anything over hundred-year flows. So we do expect some flows to overtop. So it's not going to prevent overtopping, but it will increase the volume capacity than we have now. The new design enhances the...(inaudible)...

Mr. Falconer: So essentially what you're saying is that the two replacement piers are going to be narrower and it's going to be higher?

Mr. Lee: No.

Mr. Sato: What we are doing is reducing the depth. There's beams under here under the present bridge. What we are proposing is to do a flat slab, so to say, that reduces the depth thereby increases the clear height opening.

Mr. Lee: See, the other option that we had to raise the road and raise the bridge to get the volume that we needed to pass the water through. But based on the analyses of the existing and the proposed, we found we didn't have to do that.

Mr. Sato: Well, not only that, but we do have driveways just adjacent that would be impacted if we raised the road.

Ms. Rotunno-Hazuka: What about the temporary bridge?

Mr. Sato: The temporary bridge that we're proposing would be a bailey bridge. That would be a reusable bridge for other bridge construction in the area.

Ms. Rotunno-Hazuka: Is there a lot of ground disturbance when you construct the temporary bridge?

Mr. Sato: It would be stable, yeah.

Ms. Rotunno-Hazuka: No, I mean is there a lot of digging involved to construct this?

Mr. Sato: No.

Mr. Lee: The landing areas, yes. You would have to provide some kind of footing to tie back. And then of course, you're going to put in a temporary detour road to get to that.

Mr. Sato: It would stand completely across the opening. There will be no columns on the bridge.

Ms. Rotunno-Hazuka: Was that area covered in the inventory survey, the temporary bridge, the areas it would effect?

Mr. Lee: Yes. The site that exists now is above the streamway about 200 yards mountain side of the existing bridge. We did discuss this with Melissa. We also discussed it with Kathy Daegher from Honolulu as far as the site. They were kind of concerned about the site, but then when we showed them where the site was as far as on the plan, they said, "Okay, fine, the bridge is not a problem."

Ms. Rotunno-Hazuka: So Melissa's visually inspected it?

Mr. Lee: My understanding is they looked at it, yes.

Mr. Munekiyo: Patty Conte from the State Historic Preservation Division did do a site inspection. And together in consultation with Kathy Daegher in the Honolulu office, they determined that the limits of the project would not have any adverse impacts on historic resources. So we did get a letter from that office to that effect.

Mr. Sato: We would like to have some guidance, I think, on that item that Erik had pointed out: the top of the opening.

Mr. Riecke: You are saying that it can a rectangular opening rather than having—?

Mr. Sato: Yes, we believe so.

Mr. Riecke: From my standpoint, I would prefer the rectangular opening. The peak openings introduces another design.

Mr. Sato: Yes, we certainly realized that. The only reason we have that peak was because what was contained in that preservation plan.

Mr. Riecke: At each end there are existing rock retaining walls that are noted to remain. And after you construct the concrete piers and you veneer them with rock, are you planning to use the same type of rock that is existing there on the new pilasters?

Mr. Sato: Right.

Ms. Rotunno-Hazuka: Do you know why they used in the preservation plan for the railing that arch versus just a rectangular, Dawn?

Ms. Duensing: I attended a lot of those meetings. They came up with the thing and they said we could use this design. And I said, well, you know, all the bridges are different so we should also include some balustraded walls as well solid concrete walls. And I think what they were doing was just coming up with ideas, and also the idea that it could be done and modified to suit individually bridge needs, and make the patterns different, and replicate patterns if we wanted to do so. So the idea was the potential of possibilities I think. Is that correct, Mr. Lee?

Mr. Lee: That is correct.

Mr. Sato: Well, basically I think it was patterned after a rail that had been tested. And it so happened that you have the peak. So by scoring the top off, it certainly will not weaken the structure.

Ms. Duensing: And the idea was to use something as he indicated, it was already crash-tested and FHWA-approved, and then modified for Maui's needs if we wanted to do something in the future.

Ms. Rotunno-Hazuka: So the rectangular would more mimic what we have today?

Ms. Duensing: Yeah, that would be more of a replication based on the original.

Mr. Falconer: And to add to that on the rectangular, I'm looking at the drawings of this peak-style, and it looks like the rectangular would allow for more water to flow through

rather than—

Mr. Sato: Well, if it does overtops.

Mr. Falconer: If it overtops, but he did mention that there would be potential for it to overtop still.

Mr. Fredericksen: What's there right now are rectangular openings, and introducing, as Hans said a little earlier, introducing a different element is inappropriate.

Mr. Riecke: You have guard walls on each end of the bridge, and you don't show any steel guard rails. Are there going to be some that connect to these guard walls?

Mr. Lee: No. We already went through that with my consultant in the stance of what was previously reviewed on the other bridges. Originally, on the design we felt when it was first submitted as far as conceptual, we had metal guard rails. And I already informed my consultant that would not be acceptable. So we went to the previous approved design of your guard rails. Not guard rails, but your covered up concrete wall, per se. It was previously approved by this Commission and the Planning Commission.

Mr. Riecke: Thank you.

Mr. Fredericksen: In the plan of the bridge, it shows the existing CRM wall. So does that mean that the existing concrete and rock buttresses, I guess you would call them, those will be retained?

Mr. Lee: Are you talking about the existing abutments?

Mr. Fredericksen: Yeah, abutments.

Mr. Lee: The existing abutments on both sides, there were some concerns by the adjacent residents, especially the downstream residents, as far as overtopping and damaging their homes. One of them is Earl Medeiros from Hana, a very good friend of mine. But basically we assured him that we will actually put something better as far as height and tying to whatever wall it is now because we're not really – we didn't go downstream and extend the walls out. So basically whatever is there we're going to replace but structurally more sound. So the CRM wall, the veneer covering, per se, is just what it is. It's just an aesthetic thing. But the structural thing is actually the concrete and reinforcing steel. So it's going to be much better as far as service life and everything else as far as impact loadings and every sort that we have out there.

Ms. Rotunno-Hazuka: Erik, you guys did the biological survey? Do you see any reason to have monitoring during the construction or reconstruction?

Mr. Fredericksen: We didn't find any— I inspected the area, but in terms of the archaeological potential, it certainly didn't look like there was anything in the immediate area to makai. That would ultimately, I think, be an SHPD call. I don't know if they did.

Mr. Lee: We did have in-depth discussions with DLNR as far as that is concerned. And at first, they said monitoring. But when we physically showed all the existing features as far as all the blue rock and everything else, they removed that requirement.

Mr. Fredericksen: Yeah, as I recall, there was rock just makai of the road. In terms of the access in and out, if you will, or around, the temporary bridge, is there going to be fill brought in? Or how are you folks envisioning because I think – doesn't it drop off a little bit from the road on the makai side a little bit?

Mr. Lee: Yeah, it does.

Mr. Sato: It drops off a little, yes.

Mr. Fredericksen: So would you be cutting on grade? Or would you bring in fill to put down the temporary road?

Mr. Lee: Most likely on the makai side. As far as the elevation of the bridge, we almost have the same elevation tying back to the road. So there won't be any vertical curb, per se, going down to the lower bridge.

Mr. Fredericksen: So there would be most likely a fill situation?

Mr. Lee: Most likely there would be some fill on the makai side, Hana side, yeah. There would be some fill. But with soil erosion control requirements, there will be silt fences and everything else on the makai side of the whole project during construction.

Mr. Sato: It won't be too much.

Mr. Fredericksen: I think if you can avoid cutting while it doesn't appear to be a high probability that there are significant subsurface deposits, there's still a possibility. It is quite rocky on the makai side. But still, if you can keep that in mind.

Mr. Lee: That's one of the investigations we did in relation to the invert of the streamway because we felt that instead of raising the road, we'd make a deeper channel, per se. But looking at existing conditions on the rock layers that we have there, we didn't want to disturb that feature primarily because any time you do that, then you've got to reinforce it with concrete again. Aesthetically, you don't want to put a concrete channel, per se. So we kind of left that design as-is, and tried to look at others, like I said, raising the bridge, but then we did the hydraulic survey analysis, and came out that we didn't

have to raise the bridge.

Mr. Sato: We'll certainly not do anything that would permanently scar the area that cannot be restored.

Mr. Lee: For your information, the meeting that we had in Hana that we invited the adjacent residents to come to the meeting, it was a great meeting in the sense that they know what they face existing today as far as overtopping and stuff. And structurally, when we showed them the pictures of the existing bridge, they were kind of perturbed that we're not really moving this project fast enough. So they're kind of happy that we're moving forward. But it's been like over a year now since we've been in the process of design and review. So we're asking your considerations and your help as far as the special features: the railing itself, the square railings. That's fine. And the other concern we had last time with the other bridges was the top of the railing. You wanted to slope it instead of leaving it flat and things of this sort. So these are the kinds of things that we want your input so we can complete the final design and move forward.

Mr. Riecke: How long will it take to demolish the existing bridge and build a new one?

Mr. Lee: We're looking at the overall project about eight to 12 months. The problem in the Hana area is there's no concrete batching plant. It's a hard area as how we schedule the construction, how we get the manpower out there. If you use girders and stuff, it's going to be a problem because the State doesn't want us to put the girders over their bridges. So we've got to prefab. And how are we going to bring it to Hana is another story. So there's some challenges for Public Works and the contractor on how we're going to actually build the bridge even though it's designed. So even on the design aspect, we're looking at post tension instead of pre tension, all different kinds of systems, so we can try to address the construction phase. Design to me is easy. It's the construction phase that's going to be challenging.

Mr. Riecke: Is the concrete going to be coated or left just concrete? The existing bridge, is that now painted?

Mr. Lee: I think the rail is painted white, but I don't think we'd want to paint the rail white unless you want us to paint the rail white.

Mr. Riecke: So you weren't planning at all to seal the concrete?

Mr. Lee: No, basically, the sealing on the bridge as far as the concrete is basically the protection of rebar is like the total minimum cover on the rebar based on service life. Normally, it's like an inch and a half. And if we go two inches, then you increase the service life of the bridge. So we're looking at that as an aspect because as you know, if you're going to start putting seal coatings on the concrete, we'd have to do this

continuously. And if you expect the County to do it every year as far as maintenance of the bridge, that, to me, is wishful, in a sense, because we don't have a regular bridge crew like the State has.

Ms. Duensing: Isn't the painting of the bridges now just for sealing purposes, correct?

Mr. Lee: The white paint of the bridge?

Ms. Duensing: Yeah.

Mr. Lee: No, that wasn't the intent. That was just to highlight the rail because we had some accidents.

Ms. Duensing: Because when I talked to one of the State DOT engineers, he said it was for sealing because historically, they wouldn't have been painted. And some of the State bridges, especially, nearer the Haiku area, are just hideous because of the thick layers of paint. And they keep going up and they keep putting more on.

Mr. Lee: Well, it serves two purposes: delineation at night—

Ms. Duensing: Delineation, but they could be using reflectors on the end.

Mr. Lee: Yeah, but if you look at the reflectors – I worked for the State for 16 years – they put the type object markers on the bridge, and the edges, and stuff. It gets knocked down. And we still get damage to the railings. But you look now when they painted the rail white on State bridges, as far as impacts, there's hardly any impacts now because it's more visible. It's not aesthetically pleasing, but it's more visible.

Ms. Rotunno-Hazuka: But they're not planning on doing that anyway.

Mr. Falconer: Any more questions for staff or the administration at this time? If not, I'm going to go ahead and ask for public testimony on this. Okay, note that there's no public testimony today. What I'd like to do from the Commission's standpoint is to take a five-minute recess. I want to point out to just remember to look through the final EA. There's several letters in the back. Since we don't have public testimony, it could be represented. Try to refresh your memory on those and we'll get back together here at 10 o'clock, if that's okay.

(A recess was taken at 9:50 a.m. and reconvened at 10:07 a.m.)

(Ms. Ku`ulei Haina then entered the meeting during recess.)

Mr. Falconer: At this time, ladies and gentlemen, I'd like to open up discussion. We did

have our public testimony and we did not have any testifiers. Are there any other questions from the Commissioners for either the consultants or our staff?

Mr. Riecke: I just have a question on what the other Commissioners feel about, and wasn't discussed up 'til now, the possibility of repair versus replacement. And I don't know whether – I mean, this has been talked about now for over a year. And maybe enough has been said about it. But I'm just curious whether that is still an issue with some of the Commissioners.

Ms. Duensing: It's a definite issue with me. And having gone over the EA and reviewed it at home when I had time to look at it rather than just giving it a quick glance, on page 50 it talks about bridge rehabilitation alternative. It makes assumptions. And on page 51, it lists the disadvantages. And a couple of the comments and questions I have is, number one, I know that the statement that Maui's cost would be higher for rehabilitation because Federal participation would be limited. There are some Federal funds and I do realize it would be a significant amount less than for new construction. But the question I have on the alternative is the County does not seem – and correct me and answer this – I really wonder if the County and the consultants have ever really done a study and looked at possible ways to rehabilitate bridges. Figure out options as to how to rehabilitate bridges. And actually cost these out to see what it would be instead of making assumptions about the current bridge and a conclusion that rehabilitation will still come to an obsolete bridge. And I think that's the fundamental problem is we are concerned with cultural resources. We see this bridge as a historic structure, not an obsolete structure. And there's other States that rehabilitate bridges, and it just doesn't seem like we've even explored the possibilities of rehabilitation on any of our Hana structures.

Mr. Falconer: And just because we had a little time to look through some of the letters in the back of the EA–

Mr. Sato: I'm sorry. Could I comment on that?

Ms. Duensing: Could you please restate your name?

Mr. Sato: Richard Sato from Sato and Associates. We did look at rehabilitating the bridge. By the way, we have done a number of seismic retrofit, and restoring buildings and bridges. We did look at trying to restore the bridge. The problems that we have faced, first the railing, the railing as it's presently constructed is quite a bit under strength. And the size of the vertical elements are too small to meet today's strength requirements. Now, over the year, the railing design and the strength of it had been upgraded like most other elements of buildings and bridges. The railing as it stands both no where meet today's standards and must be reconstructed. And once you do that, it must be a crash-tested system and so on. That was the first thing.

Now, the beams underneath there, you can see in the photos. The bars are rusted and the concrete...(inaudible)... So the bars must be replaced, and the concrete also chipped and replaced.

Now, the decking also is under strength. So it must be reinforced and additional concrete added.

Now, the piers that you see here has been built without reinforcing and does not meet today's standards. So we need to somehow reinforce that.

We did do a plan of repair and an estimate. Then again, by restoring it, we have all that elements that restrict the flow of water going under the bridge. So we did conclude that building a new bridge would be the right thing to do for the County, for the people, and for the community.

Ms. Rotunno-Hazuka: Under your assumptions you said that the existing piers and unreinforced. So do we know? I mean, is that based on like other structures?

Mr. Sato: Yeah, based on observation and the photo.

Ms. Rotunno-Hazuka: You can tell that they're not reinforced?

Mr. Sato: Yeah, some of them like the piers. Now, it's reinforced in here as you can see in the photos.

Ms. Rotunno-Hazuka: Now, the beam, couldn't you reinforce that without reconstructing it?

Mr. Sato: You mean externally applying it?

Ms. Rotunno-Hazuka: Or put something adjacent to it?

Mr. Sato: The gentleman from the Park Service had indicated use of fiber wrap. And for your information, we have used fiber wraps in some of our other projects. Now, that is an externally-applied system. And its intent is to enhance and make the structure a little stronger, but it is not intended to replace the main reinforcing. And it is externally-applied . . . and so on.

Ms. Rotunno-Hazuka: We were talking about the flow and that there's the four piers. Can you take a pier out and reinforce the other ones?

Mr. Sato: Not under the present. You would have to make these supporting elements that go between the piers – if you take this one out, then you've got to make this slab

stronger. So you'd have to add an element underneath here to carry the load.

Ms. Rotunno-Hazuka: So you couldn't make one larger and take out one?

Mr. Sato: By putting a beam under, reduces your height, and then reduces the opening.

Ms. Rotunno-Hazuka: And then, if you're going to rehabilitate, you have to make the railing crash-tested?

Mr. Sato: The railing as it stands today is very under strength.

Ms. Duensing: The fundamental problem we're looking at here, Lisa, is from an engineering standpoint, they want to meet 2003 standards. And an historic resource like this is never going to be able to rehabilitate it to that standard. It can be rehabilitated to keep it functional, or it can be rehabilitated to get it safe, if you want to spend the money on it. But the decision – you understand that there's standards for 2003. And this meets 1915 standards after almost 90-some years of abuse.

Mr. Sato: We're saddled with the fact that we need to meet today's standards is what it is.

Mr. Lee: Mr. Chair, if I could clarify? Previous standards, there's no standards for loading requirements. Say in 1915, the loading requirements might've been five-ton loading. In other words, a horse and buggy goes across. Now, you've got cattle trucks. You've got vendor trucks that brings in food and servicing to Hana. You've got your school buses that goes over the bridges. So basically when we upgrade our bridge, we need to meet current standards. The current standards right now is 20-ton minimum loading. The bridge is supposed to be five tons, eight tons. It does meet current standards. So if we had to rehabilitate this bridge, we'd have to add additional girders under the existing bride. We'd have to remove the existing decking and put new decking to meet the 20-ton loadings. So what becomes is that you're going to construct or rehabilitate a bridge with a new bridge. It's not going to look as it is today. So instead of doing all these other things– And the other criteria is this, when you start rehabilitating, your funding on the Federal funds is an issue. It becomes the cost of all the removal of the existing bridge. So if it costs us \$50,000 to remove the existing bridge, that's the only money the Feds are going to give you to rehabilitate that bridge. So there's a big difference when you look at costs. In other words, if the bridge costs one million dollars to rehabilitate, and a million dollars to replace, the Feds will pick up \$800,000 of that versus \$200,000 of the County. To rehabilitate, the Feds will pick up \$50,000 and we have to pick up \$950,000. So cost is a factor, yes. Rehabilitating the bridge, yes. But then again, we're looking at public safety.

Ms. Rotunno-Hazuka: So at what point of our bridges – are we going to have any that

can be rehabilitated? Can't we take the ones that are the worst? And is that what we're doing?

Mr. Lee: I think when you look at our preservation plan, I think there's 14 bridges in the preservation plan for the Hana District. Out of the 14 I think under the preservation plan I think ten is beyond rehabilitation. And there's four that is real significant that we need to rehabilitate and not meet current standards like Koukouai Bridge. If you look at the preservation plan, that one there is still under design yet because even that one with the arches and everything else is real deteriorated. To meet even some acceptable loading, we've still got to put additional girders and abutments to try and help the existing bridge. So when you're talking about rehabilitating, that's a little bit more in-depth as far as design.

Ms. Rotunno-Hazuka: So if we were to make it more safe like he was suggesting, does that change the character like the additional beams?

Mr. Riecke: It definitely would change the character. No question about that.

Ms. Duensing: It depends on how the rehabilitation is handled, too. Because some of the rehabilitation would go underneath in areas that will not be publically viewed. And that's perfectly acceptable. For places like the balustrades, the walls, that would have to be meticulously repaired to preserve the original design. And that's how you protect the historic resource.

Ms. Rotunno-Hazuka: And is there any other additional funding? If they're going to lose funding, is there any other funding that they can receive or try to apply for?

Ms. Duensing: Probably not. As I understand it, the funding on rehabilitation projects is usually from Federal government limited to what it would've cost to destroy the bridge, correct?

Mr. Lee: Yeah, to demolish the bridge.

Ms. Duensing: Right. So that if you spend \$50,000 demolishing the bridge, that's what the Feds would give you to fix it.

Ms. Rotunno-Hazuka: So we get a bunch of high bids to demolish it.

Ms. Duensing: Federal law works against this.

Ms. Rotunno-Hazuka: Right. That's what I'm saying.

Ms. Duensing: They have Section 106. But if you're using Federal funding, it works

against preservation of historic resources as far as the road goes. It's very unfair.

Mr. Fredericksen: Well, it's very unfortunate because talk about a limited resource, these bridges are— And I understand. It's really unfortunate, but I do now understand some of the safety and engineering concerns. I don't agree with all of them, necessarily. And I wish there was a way to get around some of them.

Ms. Duensing: Well, there is though, and we haven't tried any of these ways. For instance, why do we continue to hold a road that was opened in 1926? A lot of the bridges were built in the 1910s and we hold that to 2003 standards. What other states have done is made special laws to cover these roads for liability and other issues. And we haven't tried any of that.

Mr. Fredericksen: Now we're stuck. The quandary is here we are. The State hasn't had the foresight to pass any of those laws which like it or not we really do rely on tourism. And it's just something that puzzles me why we don't have laws that are oriented towards trying to preserve points of interest, or bridges of interest, or other architecturally unique structures.

Ms. Duensing: And on the other hand, you say we rely on tourism, well, part of the reason that people go to Kipahulu is to enjoy Oheo Gulch. But don't they enjoy all these historic resources along the way, too? The road is an experience. It's not just a way to get there.

Mr. Falconer: Can I redirect everybody on the Commission back to the letters received, responses, substantive comments in the final EA? Basically we didn't have any public testimony, but I do want to – if our comments are going to the Hana Advisory Committee and then the Planning Commission, there are several letters in here. Dawn Duensing has a letter in here. They're all substantive in the sense that they do voice concerns, as well as they do contain responses back from either the consultant or whatever party is responding back. But there are a lot of comments in here that do bring up the issue, if you will, of rehabilitation over replacement. Specifically, I would again mention Dawn Duensing's letter. Another one would be the Kipahulu Community Association. This is Lisa Hamilton. She also voiced similar testimony in her letter. I believe Donald Reeser from the Department of the Interior National Park Service commenting on pages 50 and 51 on their analysis of rehabilitation alternatives. Anyway, I guess I'm bringing this up because I see that in the final EA there is a lot of other voicing of this same concern about the rehabilitation alternative versus the replacement, if you will. And what we have on our agenda is to provide comments. Two things we need to do: provide comments for the meeting that they're going to have in Hana, as well as comments that will be also forwarded to the Planning Commission. And then we're also asked to be an invited signatory to an MOA. And that's kind of where we're at right now.

We've talked a little bit about the design, the project itself. We've kind of gone through this many times before. This isn't new with all the other bridges. And personally my feeling is the design, what they're trying to do, everything that's been presented today is fine. I guess the real problem is, and where we always return to this is, can it be rehabilitated over replaced? And that's the issue that we're going to be grappling with. And this Commission is going to grapple with that going forward until this vast distance is closed on how to get over the issue of what we talked about before: the Federal funding issue. Certainly, the money involved is a very key component of this. But what I see missing is, maybe some Hana residents' testimony. I don't feel like I'm or maybe this Commission, with the exception of the Auntie Ku'ulei, I don't feel like I am a good person to speak on their behalf. And there are some testimonies in here, but I really feel like there's a lot of testimony that's absent and I would like to know what that is. Do the Hana residents want to replace this? If safety is a big thing, they should be able to say those kinds of things. It's time for them to come out and speak. And not just on Waiohono. I'm talking about all of the bridges we're talking about. So, Auntie, do you have anything to add on this particular bridge?

Ms. Haina: Yeah, the rehabilitation for me is really, for me, if it can be worked around it as a resident of Hana— I was born and raised in Hana 60 years ago. And I have swam at this beautiful pond. And I have played on this beautiful, beautiful bridge. I really, really love this bridge. To demolish it— And the kupunas that lives around that area, it means a lot to them. It's like you're having an animal. And they'll go there. And they'll hang on to the bridge. It's culture. To break it down, I don't know. But if something can be done to rehabilitate that and work it so that it will be safe. And safety is a factor for us in Hana. We know that. That is true. But to break the bridge down, I don't know. But for me and for my kupunas, I know it would be devastating for them. But if something can be done to preserve it and leave a little part of the bridge there, that would be nice. This is the way it is for me and for my kupunas.

Mr. Falconer: Thank you. Again, mentioning going back to the design, and what they're trying to do, it's pretty much just to replicate what's there as much as they can based on the 2003 standards allowing more water to pass through underneath, increasing some of the clearance, replicating the railings to a sense that what they do have, the strength that's needed based on today's standards. That's a good attempt to try and replicate what it is. But basically we all know that it's going to be a 2003 bridge.

Ms. Haina: I understand what's going on. It's just demolishing the bridge for me is a no-no. If a part of it can be saved or something, that would be nice. And I know progress is going to move ahead. But if something can be done to preserve a little bit of it, that would be nice.

Mr. Falconer: Yeah, and I would also continue in saying that certainly there's been a lot of work in this. They're very admirable. But what it comes down to is basically there's

been a identification that this bridge is not safe. Up to the 2003 standards, it is not there. And taking that in mind, that's a criteria that's one side of it.

Now, from a cultural standpoint, which is our duty to try and preserve – somehow we have to kind of put all of these things together and come up with a happy medium. And I just don't know if we're to the point where we've gotten there just based on the scientific or engineering side of it. That's my comment. I don't know if there's other members that would like to put in their feeling on what we should do here.

Ms. Haina: My blessings is with the people who feels that the right thing is to be done. And I do give my blessings to whatever the decision is.

Mr. Riecke: I would like to also say that the design they have come up with is certainly a good design. The bridge is not much wider. The railings are about the same height. It's not going to change the character drastically. On the other hand, if there were a way to rehabilitate the bridge, certainly I would prefer that. But like Dawn said, they're working with different standards now. We can't change those standards here. It has to come from somewhere else. I would like to ask maybe that they study the rehabilitation a little more in detail to see what it does to the bridge. But my fear is that if you have to comply with current standards that it will change the character of the bridge so drastically that it will not be the same anymore anyway.

Ms. Duensing: And the key is the standards. Are we going to try to maintain historic roads and bridges to 2003 standards? It's not going to work. That is the thing that we've got to figure out how to work with our State legislature and our Attorney General to get around just like other states. New Jersey has done it. I believe Kansas has done it.

Mr. Falconer: Maybe you can make a comment on the status of the National Register and what this may do to – I mean, if we continue to do this.

Ms. Duensing: Well, basically the situation we find ourselves in is we have already got SMA approvals for three bridge replacements. The Department of Public Works would like to replace or significantly alter ten or 14 bridges. Well, there's actually 16 bridges in the Hana to Kipahulu section. There's still the debate over who's got two of them, which should be decided, by the way. I'll address that later. But if we get rid of ten of 16 bridges in a 10.1-mile area or something about that length, it's a significant impact on the National Register status of the Hana Belt Road. We're making progress. It's a nice bridge design. There's nothing wrong with the bridge design: 16-foot wide. We preserve the character of the Hana Belt Road, but we do not preserve the historic integrity of this road. We're knocking down one structure, the next one, the next one until we get to ten. And we have lost of the entire historic integrity of that road. We're only left with a handful of bridges. And I think that that would be significant enough to get that section

of road probably de-listed from the National Register. And then what we would probably be left with is trying to rehabilitate Koukouai Bridge in Kipahulu and Oheo Bridge probably would qualify on their own as National Register structures. But they would be individual structures, not the road. So by marching along like we have been, we're really threatening the historic integrity of the road even if we're not threatening the historic character of the road.

And in the EA, page 57, no. 1, and I'm quoting from Mr. Reeser's letter, and he's exactly right, "No irrevocable commitment to a loss or destruction of any natural or cultural resource would occur as a result of the proposed project." And he goes on to write, "No where does it say that a cultural resource listed on the National Register of Historic Places will be destroyed." And, "You must state that a significant cultural resource will be irrevocably lost as a result of the project." And that is really the crux of this argument. You can rehabilitate that bridge. There are ways to do it. It cannot be rehabilitated to 2003 standards. And it's going to cost a significant chunk of money to do that. There's no way around that, but we have to make some kind of decision. Do we want a historic road or not? And that's really what it boils down to. The EA mentions the Hana Belt Road Historic District, but it doesn't seem to get that this is a significant part of it that would be lost.

Mr. Falconer: Any other comments from the Commission?

Mr. Fredericksen: I just go back to it's a quandary. Again, we've got significant historic resources and then we've got the reality of 2003. And like Dawn pointed out before, the unfortunate quirks of the Federal funding that's available. If you rehabilitate, the funding almost drops to nothing. And I don't know if it's possible for the County to pay for it all. And that's something that – if that's even a consideration. It's an unfortunate situation because what can in reality be done? I certainly don't want to see the bridges all go, or the bulk of them, but what can really be done in terms of trying to creatively find funding for some of these potential rehabilitation projects?

Ms. Duensing: And remember, that was the context of our letter that we sent to Councilmember Carroll requesting that we try to figure out some options as to what we can do to rehabilitate these bridges rather than just tear them down and assume that the only proper alternative is reconstruction. I personally feel that we've already got three bridges scheduled to go and be replaced. Let's put the brakes on now and see what happens with those. See what else we can figure out and move ahead after that.

Mr. Falconer: So from our staff or maybe Mike, I'm not sure, to guide me on this, we're looking for comments on the EA. And we're also commenting on the special management area use permit plans and the draft MOA. And I need to know if we're going to be providing comments, certainly this is going to be in a form of a letter. Is that right?

Ms. Loudermilk: Correct. And I'd just like to make one clarification. We will not be providing comments on the EA. A FONSI is going to be issued by the OEQC bulletin this Saturday.

Mr. Falconer: Okay, but at the same time we need to—

Ms. Loudermilk: Whatever comments would be in a letter form. It would go to the Hana Advisory Committee and whomever else this Commission feels need to be cc'd.

Ms. Rotunno-Hazuka: Robyn, I know there's a difference between an invited signatory on an MOA and a concurring party. It looks like we're a concurring party?

Ms. Loudermilk: If I can, I'd like to take an opportunity to discuss the proposed MOA. Last week I was contacted by Kainani Crouch. She is with the Federal Highways Administration Honolulu office. And the Federal Highways Administration is the party that determines what status different individuals or groups have in relation to that MOA for the 106. If you look at your draft MOA on page one, and we go to the fourth paragraph where it consults with us as an invited signatory, it's been indicated to me that that is not correct. FHWA, for this type of review, an invited signatory would only be recognized Federal tribes. And in this case, for the State of Hawaii, it would be the Office of Hawaiian Affairs. We would then be asked to be a consulted party. Now, the difference between an invited and a consulted party is significant. An invited party gives us the same status as the Federal Highways Administration. And the consulted party status is thank you for your comments and they'll take it from there. So that is one change regarding the MOA.

Mr. Falconer: Would you repeat that again? They're asking us to be a consulted party rather than an invited party?

Ms. Loudermilk: Yes, a consulted party is the term that's used. That may or may not change the contents of the MOA before us. I would suggest that we still continue to discuss what's in the MOA. And for the next meeting, we either can have Kainani come here herself or some additional documentation to clarify this MOA status. Because if I remember correctly, just within the last six months for the Mokulele Highway-Pu'unene area, we were also invited as an MOA. And I do not recall whether we were an invited or a consulted party, but she's also reviewing that. And on one hand from a procedural standpoint, we just want to make sure that the documents are correct, and reflect the intent of us being part of this document, and that we clearly understand what role we play.

Mr. Lee: I've discussed this issue with Kainani Crouch already. Basically, the CRC would be a consulted party and not an invited party on all MOAs in general.

Ms. Loudermilk: That is correct. And I just wanted to bring to your attention as the draft MOA that came before us indicated that we were to be an invited party, but in the future, we would be a consulted party.

Mr. Falconer: Consulted, but at the same time, signatory? We did sign the MOA for the Mokulele Highway.

Ms. Loudermilk: Yeah, that would be need to be clarified.

Mr. Fredericksen: Yeah, because to me, it would be somewhat odd if there was Federal presence and then the State Historic Preservation Division. And this is a County Commission and these are County bridges, but we would be not acting as a signatory party. That, to me, would seem odd. I don't know if that's the case.

Ms. Loudermilk: I think that's part of the discussion we need to have with Kainani and SHPD because a lot of SHPD indicates Section 106 review needs to be done. The CRC should be a part of this. And to really get clarified the different roles.

Mr. Falconer: Okay. Thank you. Can I move away from the MOA a little while? And then we'll treat that separately because it sounds like this is probably not something we're going to handle right at this time: the MOA. It sounds like there's fine-tuning left.

Ms. Loudermilk: There is some fine tuning, but if you have comments in terms of what you've read so far, and would like to provide those comments at this time, I would recommend that.

Mr. Falconer: Let's go back to the discussion on the bridge itself. I think we can actually get the business done on the bridge fairly quickly. I think it's unanimous. We went around listening to our Commissioners that we do have a problem with the structure of the system, as it were, on how it comes to be that we have to replace a bridge rather than rehabilitate it. It's funding. It's all kinds. It's a myriad of things that we, the staff, and the administration, and Public Works has to go through.

And I would ask the Commissioners because we have to formulate a letter here. And the letter is going to have something in it that is going to be pointing out to the Hana Advisory Committee, Planning Commission, citizens of Hana what our feelings are towards this bridge. And I would say, first of all, that we should talk about the design. Any specific things in the letter. We want to talk about design. We mentioned earlier that we wanted the rectangular openings rather than the peaked openings. We like that. I mentioned myself that I don't have a problem with the design. I think that was said by a couple of other Commissioners. The concept, the reasoning why we need to put two versus four, the height increase, all that stuff I believe has been spoken in favor of. The strengthening of the railing, the efforts that they put forward to try and make it

look like as if it's a replacement, these are all admirable things. It doesn't supercede the fact that the importance here is that the Commission, being the Cultural Resources Commission, does not want to lose the cultural value of this bridge.

Mr. Fredericksen: Nor the integrity.

Mr. Falconer: The integrity. We worked very hard. We didn't work as hard as Dawn did, but Dawn worked very hard in getting this thing listed on the National Register. And we wanted to make sure that that was step one. We want to continue this thing going forward in years and years to come long after our time that this place does become, the Hana Belt Road, is what it is what we say it is. We're not taking away from it. So are there any things on the design of the bridge that we want to mention in this letter that we should talk about?

Mr. Riecke: I've been thinking about this issue of sealing the concrete. I think there are materials available that will preserve the steel under the concrete even though they say they will have two inches of coverage. Let's say replacement is the only way to go. I would like to see this bridge last a long time without too much maintenance. And there are sealers available: cement-based sealers that can be used. That would be my recommendation.

Mr. Falconer: Okay, so we're talking about sealers. We've got the railings showing rectangular versus peaked. There was a question whether or not the Commission has a problem with the painting of it. This is a question that we may want to defer to the Hana residents. Any comments on the approaching walls? It's different from what it is now. Instead of guard railing, we're talking about having a concrete barrier with rock facing.

Mr. Fredericksen: If there has to be something, that's certainly preferable.

Mr. Falconer: Okay, so we would concur that the rock facing approach walls are preferable.

Mr. Riecke: The rock facing on the columns and the wall should match the existing rocks that are there. That's what I'd like to add.

Mr. Falconer: Did you get that Robyn?

Ms. Loudermilk: Can you please repeat that, Hans?

Mr. Riecke: The rock veneer that is on the pilasters and the approach walls should match the existing rock.

Ms. Loudermilk: Okay. Thank you.

Mr. Falconer: And we also mentioned the rock used on the—

Mr. Fredericksen: Yeah, recycle, if you will.

Mr. Falconer: Recycle the rock that's used currently for the structural supports.

Ms. Loudermilk: So, if possible, recycle the existing rocks?

Mr. Fredericksen: The existing rocks from the existing bridge, if that's the route that is taken.

Mr. Falconer: Any other thing on the design or the components of the bridge itself? How about the temporary bridge that's going to be used while the thing is being worked on? Anything on that? Anything from the archaeologists on monitoring or anything?

Mr. Fredericksen: I think SHPD has already been there and indicated that there won't need to be any followup work.

Mr. Falconer: So I would just go ahead and say in terms of the comments on the design, those are the things that should be included in the letter. I believe that the first paragraph of our letter, from what I hear, is going to say something like we think that the design is good subject to the things listed here under, but we prefer rehabilitation over replacement of the bridge. And we would state the issues that we brought up regarding National Register de-listing, our duty is to preserve the cultural aspects of the Hana Belt Road, etc., etc.

Ms. Duensing: Can I just make one comment to what you said about the organization of the letter? I think that we should stress rehabilitation first. And then if this cannot be done, then we say what we say about the design rather than putting—

Mr. Falconer: No, that's what I'm saying. The rehabilitation is in the first paragraph.

Ms. Duensing: Okay. I just want to make sure. Sorry about that.

Mr. Falconer: Well, that's good that we brought it up twice so we know that we're not wrong on it.

Ms. Duensing: And can we put something in that letter when we talk about the National Register of Historic Places? I cited Mr. Reeser's comment here and I think this is really important. They're issuing a FONSI and we don't see that there is no significant impact that should be assessed for this environmental assessment. And the second page of

his letter here pretty much says it all and I would like to see that in the letter, too. Because it is a significant impact when you're destroying a contributing structure that is – you're destroying a structure that is listed as contributing in a National Register District. That is a significant impact. That is not a FONSI.

Mr. Falconer: Okay, in terms of the comments to the Hana Advisory, and Maui Planning Commission, or any other bodies that this may go to, are there any other additional comments from the Commission on this letter? On the MOA then, moving to that, it sounds to me like we need to – I believe there needs to be more finding on this.

Ms. Loudermilk: There needs to be more finding; however, if you just want to take a look through, and see the contents, and have any comments on that. Because the contents may or may not be revised reflecting the status. But it's also an opportunity to provide comments on what's being proposed now whether that remains or not, and provide an indication where this Commission is coming from.

Ms. Duensing: On the stipulations, no. 1C, "Photographic documentation in accordance with the standards of the Historic American Engineering Record and the Historic American Building Survey shall be undertaken," I think that if this bridge is demolished, and I want to emphasize "if" because that's not what we want, I think an HAER report should be done, not just HAER photographs. And an HAER report would be done by a qualified architectural historian or historical architect. And I believe that HAER reports – I know at least one was done on one of the previous bridges because I have a copy of it. A qualified historian or architect knows how to do an HAER report and it should be more than just photographs.

Mr. Falconer: I don't have any additional comments to the MOA. So on the MOA then, I believe that the Chair would recommend that we defer that item until these other things are—

Ms. Rotunno-Hazuka: So we can research the invited signatory.

Mr. Falconer: So if there's no objections to that from the Commission? Hearing none. So do you have anything you need to repeat?

Ms. Loudermilk: I just want to double-check on the structure of the letter. I think the first paragraph would indicate that we prefer the rehabilitation over reconstruction and pretty much state why in terms of what this body represents and does. We talk about the National Register component as well as preserving the cultural integrity.

Ms. Duensing: Historic integrity.

Ms. Loudermilk: Historic integrity. And then the remaining part of the letter would go

into the design components of how we commend the effort. It's an appropriate type of design for the location. And that more specifically regarding maintaining the rectangular openings. That there are low maintenance sealers that may be appropriate or used for the concrete. At this point in time we have – I have down, “No resolution on the painting of the rails.” You may want to assist me in rephrasing it. Is that basically we want to get some additional feedback?

Mr. Falconer: How about you maybe defer that to the Hana residents?

Ms. Loudermilk: Okay. Going on that we concur with the rock facing approach walls. Recycle the existing rocks as much as possible. And the rock veneer on the balustrades and walls should match the rock wall.

Ms. Duensing: Not a rock veneer on the balustrade.

Ms. Loudermilk: Not a rock veneer on the balustrade.

Mr. Riecke: Pilaster, the support columns.

Ms. Duensing: The piers.

Mr. Riecke: The piers, right.

Mr. Lee: Piers and abutments.

Ms. Duensing: Right.

Ms. Loudermilk: Abutments, okay.

Mr. Lee: Just to assist you in that, what Hans was talking about is actually a concrete sealer to prevent further erosion of the steel. It's a concrete sealer, actually.

Mr. Falconer: Robyn, in writing that letter, perhaps if you would return it to Dawn for approval and review.

Ms. Loudermilk: Okay. Anything else?

Mr. Falconer: Anything else on this? Okay. Thank you very much. I'd like to take a five-minute break, then we'll come back to the next item.

(A recess was then taken at 10:58 a.m. and reconvened at 11:07 a.m.)

b. MR. DONALD REESER, Superintendent at the Haleakala

National Park requesting review and comments on the Environmental Assessment (EA) for the Kipahulu Recreational Fee Demonstration Projects, National Park Service, Haleakala National Park, Kipahulu District, Island of Maui. (K. Caigoy)

Ms. Kivette Caigoy: Good morning. The National Park Service is here requesting comments from this Commission on their environmental assessment filed in accordance with the National Environmental Policy Act for the Kipahulu Recreational Fee Demonstration Project. This project involves improvements to the visitor facilities of the Kipahulu coastal area. And Mr. Don Reeser with the National Park Service is here to give you an overview of the environmental assessment. So I'll turn it over to him.

Mr. Falconer: Thank you.

An overview of the proposed project was then presented by Mr. Donald Reeser.

Mr. Fredericksen: Excuse me, Don. You know on these wetlands settling ponds, or holding ponds, whatever you want to call them where the effluent is being processed and made progressively cleaner, are you folks looking at using some native plants in some of those?

Mr. Reeser: Yeah, we would like to. We talked about that would be our preferred way to go. But there aren't many wetland plants that are going to grow in there. And I don't know if you've been there, but there's cane grass and a lot of aliens that'll come up. So I think we're going to have mostly alien things growing in there, but that's true for that lower section. We concentrate most of our efforts from invasives, and animals, and things to protect the pristine areas like Kipahulu Valley. We would like to replace some of the java palms, and Christmas berries, and things which we are little by little down there, but as far as a wholesale getting ridding of the aliens, we're kind of realistic in that area. We would like to, if we could, put some natives in there in the wetlands.

Mr. Fredericksen: It might end up creating some new habitat, too.

Mr. Reeser: Yeah, for some birds or something.

Ms. Rotunno-Hazuka: Do you think that increasing the flow for people to come in could diminish the value of the experience? If you reconstruct to accommodate all these visitors now, can you see the potential of more coming, and it adversely affecting your landscape?

Mr. Reeser: We had a meeting out with the Kipahulu Community Association just this last Saturday. That question came up. You know, if you leave it really bad, maybe not

as many people will come. I'm not sure. I think that road out there and the people that travel to Kipahulu are traveling all the way around. That's kind of midpoint stop and it's a National Park area. And then the pools are spectacular so they do stop there. Whether or not having a new parking lot and good restrooms are really going to attract more people, I don't know.

Some other things we're doing I think are going to attract more people with an organization called Kipahulu Ohana. We're trying to make it more than just a swimming pool. We're trying to make it more culturally significant by restoring some of the arc. sites. And trying to put Hawaiian influence back in the land with taro, and farming, and demonstrations of traditional Hawaiian culture. And I think that, once people get to know, hey, this is a neat place to really see a little glimpse of what Hawaiian culture was back when, maybe that's going to attract more people than these good facilities.

Ms. Rotunno-Hazuka: That brings up another question. I notice that there were sites found although I don't know where the sites are in relationship to proposed development. But I did notice that it said there would be at least a 30-foot buffer for most sites that would be effected. Now, 30 feet is okay for some structures, but like if it's a burial, we usually allow a larger buffer. And then a buffer also is the visual impact as well. So is there a map that shows the relationship of the proposed development with the archaeological sites? Do you know?

Mr. Reeser: I think there is. I haven't examined it closely, but I'm sure our archaeologist, Liz Gordon, could speak to that. I'll check on that. I think that's the minimum, but I think most – I think there are a few structures there between the parking lot and another project, which I didn't mention we already did an EA for. It was moving the Charles Lindbergh house. And between there and the parking lot, there are a few rock walls and a few things like that. I don't know about burials. But yeah, we could look at a further setback.

Mr. Fredericksen: It depends what the sites are.

Ms. Rotunno-Hazuka: Right. If it's a wall, then sometimes it's a ten-foot buffer. But we try to look at the significance of the site, and then decide the larger the buffer, the more significance, generally.

Mr. Reeser: Okay.

Mr. Falconer: Are there any questions for Mr. Reeser from the Commissioners?

Mr. Fredericksen: I'd just like to make a comment. There are an awful lot of people that visit that portion of the National Park. And I think we making things more accessible in some ways is a two-edged sword. But I think it's ultimately more beneficial because it

is, after all, a National Park. And its purpose is to be available for people to readily be able to access it, given there. I mean, there's other portions of the National Park that you've got to really hike to and that's fine. But this is a visitor center, so to speak.

Mr. Falconer: Do you have any questions?

Mr. Fredericksen: No, this is just a comment.

Mr. Falconer: Did you conclude your presentation at this time, Mr. Reeser?

Mr. Reeser: This is our preferred alternative and we'd like any recommendations you may have.

Mr. Fredericksen: How big are the ponds?

Mr. Reeser: You can kind of get an idea by looking on page ten. See the scale there? It's showing about 40 or 50 feet across there and you can see the contours. You see the three? They're not really ponds. They're going to just look like – if you go out there now, it's just going to look like grass. We're going to have a fence around it.

Ms. Rotunno-Hazuka: I know you've had an inventory survey. Would there be a preservation plan yet? Because that would address those buffers that I was thinking about. Has your archaeologist developed that yet with SHPD? It's a preservation plan.

Mr. Reeser: I don't think we have a specific preservation or restoration plan for specific sites. Our main concern about archaeological structures out there are alien plants that are growing in the structures. And we do have proposals and are doing some work on those things.

Mr. Falconer: Okay, I'll ask for public testimony on this item. Noting none, we can go ahead and move into if staff has anything to add, Kivette. If not, we can go ahead and go into our discussion phase here. Hans, do you have any comments on the design?

Mr. Riecke: No. I was trying to figure out what roof material is being proposed. I can't read the notes. It looks like a metal roof.

Mr. Falconer: Is that correct? Is that a metal roof?

Mr. Reeser: Yeah.

Ms. Rotunno-Hazuka: I guess the only comment I would have is, again, the way these structures and improvements are related to the archaeological sites because there were tombs or ceremonial sites recorded. And I think with the development of a preservation

plan, those issues will be addressed. I can understand the need for this and I think that it should go forward. But they need to make sure that it's – how it relates to the landscape right now.

Mr. Fredericksen: And if there are any culturally significant sites, then there should be some compatibility issues addressed. They should be addressed.

Mr. Falconer: They have a number of them cited in this.

Mr. Fredericksen: There were three I think.

Mr. Falconer: Well, more than that.

Ms. Rotunno-Hazuka: There's a lot of sites.

Mr. Fredericksen: No, but the ones in here.

Ms. Rotunno-Hazuka: Oh, that were close?

Mr. Fredericksen: Yeah. Oh, yeah, there's lots of sites out there.

Ms. Rotunno-Hazuka: Yeah, the ones were 1088, which was a multi component ceremonial site. It had a pretty early date. 3580 was a habitation feature. And then there was one more site, Erik, 3766 that was enclosures with unknown site function. So I would be concerned about the—

Mr. Fredericksen: Which ones are close?

Ms. Rotunno-Hazuka: 1088 and 3580 are within 30 feet. And is ceremonial function based on they tested it and found that out or is it just proposed?

Mr. Fredericksen: I'm just looking at their significance criteria and it's A, C, and D. No E if it's ceremonial.

Ms. Rotunno-Hazuka: So A must be related to a person?

Mr. Fredericksen: It should also be an E if it's a ceremonial site.

Ms. Rotunno-Hazuka: Right. Yeah, I mean, if we can understand the relationship of this to the historic sites, I think we'll be okay with it.

Mr. Falconer: You mentioned distance. Where did you see that?

Ms. Rotunno-Hazuka: On page 36, they list what a minor impact is. And that says it's located with 30 feet of the area of potential effect (APE). And then archaeological resources, that last paragraph, alternative one, Kipahulu Historic District are located within 30 feet of those three archaeological sites. They're located within 30 feet of the APE.

Mr. Fredericksen: I think it would be important to have the archaeological sites located on the conceptual plan. So if like 1088 is located near the restroom or something, that probably wouldn't be a good spot for the restroom depending on what that site is. If it's ceremonially significant, that might not be appropriate. And it probably would be a good idea to have a preservation plan put together.

Ms. Rotunno-Hazuka: And the only reason they address buffer zones it seems in this instance is it says, "If buffer zones were established around these sites to ensure that construction activities avoid them." And that's a true point, but also the buffer zone is for long term where you have your visual impacts. So 30 feet would be fine during construction, but it's the long term that we look at.

Mr. Fredericksen: The APE is probably – those are usually quite a bit more generous than what ends up occurring. Still, I think a preservation plan probably is a good idea. Don, do you know if this has been completely reviewed by the State Historic Preservation Division?

Mr. Reeser: Yes.

Mr. Fredericksen: Maybe in their comment letter might indicate that there needs to be a preservation plan put together.

Mr. Reeser: I'm not sure what you mean by a preservation plan. We're basically a preservation organization. That's why we're there. We have our general plan. We have planning for specific projects, but I don't know what a preservation plan is.

Mr. Fredericksen: Who's your staff archaeologist?

Mr. Reeser: Liz Gordon.

Mr. Fredericksen: Has she been in contact with Melissa Kirkendall?

Mr. Reeser: Oh, yes. In fact, Melissa was out there looking over the project initially.

Ms. Duensing: Since it's Federal property, is it really subject to SHPD review? I don't think so.

Ms. Rotunno-Hazuka: It's to the State Historic Preservation Division, Melissa's review.

Mr. Reeser: Yeah, they do, right.

Ms. Duensing: But do you do it as a courtesy or is it because it's required?

Mr. Reeser: It's required by us even though we have exclusive jurisdiction. It's required that we get review from them. It's not necessarily required that we do what they say, but—

Ms. Caigoy: If you refer to page 47 under item C, compliance with Federal and/or State laws and regulations, it's the second paragraph down. It talks about the State Historic Preservation Officer and the NPS enter into a formal Section 106 consultation with the Hawaii State Historic Preservation Officer. And if you continue, that might answer your questions.

Ms. Rotunno-Hazuka: But with a preservation plan, Don, what happens is you generally go into an area and they do that survey. And they identify all the sites. And then the archaeologist will say, okay, these sites can be tested. And if they're tested and they're no longer significant, then they can be demolished or taken away. If the sites are going to be preserved, which it seems like all of your sites will be preserved, then that goes into a preservation plan. And each site is looked at as a whole or part of contiguous features. And you decide, okay, what can happen? What kind of vegetation is going to go near the site? What type of structures can go near how close? So it's very definitive on your short term during construction and your long term how the area will be used 30, 50, 100 years. So I think that's something that once that's developed, that gives us some type—

Mr. Reeser: I understand. Actually, the archaeological resources aren't that noticeable in the area because of the alien vegetation that covers them. And we don't have a plan to restore those resources at this time. We have a lot of archaeological resources throughout the park and we don't have the funds to restore all of those. So these, I think, by this project won't be effected. And I think there's — well, I'm not sure. I'm not that familiar with the archaeological sites.

Ms. Rotunno-Hazuka: If you have sites in the area, then when you do your construction, you should have construction monitoring, which means the archaeologist stands out there while you do the construction.

Mr. Reeser: Right, we will do that.

Mr. Riecke: I do have a comment on the building. I would like to suggest to paint the roof green. And the wood siding, just stain it, and leave it fairly natural because it will

blend in more into the landscape than what is presented right now with the gray roof.

Mr. Reeser: We'll take that into consideration. Will you be submitting comments? We'll respond to all those.

Mr. Falconer: We'll also make a note that because it's a National Park, in terms of a preservation plan, we've got to look at it differently compared to like if this was a housing development or something. This is a different little thing here. So with that, I'm on page 47. SHPO or SHPD, their concurrence with no adverse effect, our comments can mention things in terms of keep in mind, there needs to be monitoring for the construction, noting the sites that are on the conceptual plan, show them on the detail. But normally in this kind of an EA, there is a section in the back that will show the letters from SHPD. But that's fine. It says here in the text that we have that. So I guess we're basically saying that we know there's sites there. We want them to keep in mind that they're there although we don't necessarily think that there's an ongoing preservation plan unless there's something that you would say to consider putting one together.

Ms. Rotunno-Hazuka: Yeah, you really need to because, again, if you have a really significant site that's next to a bathroom, or it's in the area of the parking lot where it could be traversed by people, that's not desirable. And I know right now a lot of the sites are covered with vegetation. That's great. That's protecting them, probably, but-

Mr. Fredericksen: You said Melissa Kirkendall's been out there, right? That she has been out there and she's the one that issued the no adverse effect. And the location of the sites in relationship to the proposed project is such that it's not going to be a problem.

Mr. Falconer: And so she's been there and she's seen the sites. She knows. Your comment about putting it on a map or showing the sites on there might be a good suggestion.

Mr. Fredericksen: Yes, especially that site 1088.

Mr. Reeser: We do take very seriously what they have to say even though technically we are maybe not completely under the jurisdiction of the SHPO.

Ms. Caigoy: And one other thing I might be able to add to this discussion is that the project site is located within the special management area. Now, although this is a Federal agency, they're not subject. They're not under the State or the County jurisdiction for the Coastal Zone Management Act or our Special Management Area Rules. However, I spoke with the Office of State Planning, the Coastal Zone Management Program this morning. And what they request and recommend is that the Federal agency still come into the State Office of Planning and go through a review: the

CZM Federal Consistency Review. And this is where the State office reviews this project with its relevance to the Coastal Zone Management Act as well as the Special Management Area Rules. And then they would start coordinating with those agencies like the Planning Department or the State Historic Preservation Division. And they would solicit comments from them and add that into their review. So it would give the State Historic Preservation Division another opportunity to comment on the project.

Mr. Fredericksen: Then, I'd like to suggest that the plan indicate the sites that are relatively close to the APE, the archaeological sites that are relatively close to the APE, those three that were mentioned.

Mr. Falconer: A list or show them on the conceptual plan.

Mr. Fredericksen: Yeah, on the conceptual plan. Just mark them. Here's site 1088, site whatever the other two are.

Mr. Falconer: Any other comments from the Commission? What I have here is we're talking in terms of design. Our recommendation would be to paint the roof green so that it blends in and keep the wood natural in color. Maybe just a stain or some kind of a stain.

Mr. Riecke: Stain rather than paint.

Mr. Falconer: Stain rather than paint. Also, in the letter, we would mention that what we would like to see on the conceptual plan the sites shown that are close to the APE. Note the fact that it does go through the coastal zone management review, which will also additionally add more opportunities for comment from whatever body that may be, which would again, have the opportunity for SHPD to say something.

Ms. Rotunno-Hazuka: Yeah, we hope that SHPD would require a preservation plan.

Mr. Falconer: My last thing would be is that for the SHPD to consider the need for a preservation plan as an addendum.

Mr. Fredericksen: Especially, site 1088. I mean, it doesn't say anything about it really except that there's three features in it and it's ceremonial. It's pretty old: A.D. 1164 to 1384. But I don't understand if it's a ceremonial site function why it's not culturally significant under criterion E of the Federal and State guidelines.

Mr. Falconer: Do you think that would cover just about everything we talked about?

Ms. Rotunno-Hazuka: You said just the sites that are located near, but I think if we just saw all the sites on the conceptual plan, that would be—

Mr. Fredericksen: Well, if they're on that. If not--

Ms. Rotunno-Hazuka: Yeah, that's what I'm saying, if they're on.

Ms. Caigoy: So all sites close to the development?

Ms. Rotunno-Hazuka: Whatever your area of potential effect.

Mr. Fredericksen: If there's two or three sites in this area, that's--

Ms. Rotunno-Hazuka: But if they're in the corner where the tack is, don't.

Mr. Falconer: If you're going to show a map, then have the site shown on it, whatever that is. Anything else? If there's no objections, we'll go ahead and send that letter. Maybe you could fax it to me and I'll review it.

Ms. Caigoy: Okay.

Mr. Falconer: Okay. Anything else from you? Thank you very much for coming in.

Mr. Reeser: One way we preserve these sites is we don't make maps readily available of where all these sites are. In fact, a lot of the studies we keep locked up. Our staff doesn't even see where they are.

Mr. Fredericksen: Could you just circulate it to SHPD for comment, then?

Mr. Falconer: I think they're going to have the opportunity to do that.

Mr. Fredericksen: Yeah, we're not asking for it to be public.

Mr. Reeser: They have, yeah.

Mr. Fredericksen: Okay.

Mr. Reeser: We have a whole study of that area. It was done by the Navy archaeologist that has maps and everything that we certainly can share with you.

Mr. Fredericksen: It would just be -- the one I'm concerned about, Don, is that 1088. And if it is near a restroom or something that really might -- it might be best just to screen it or something.

Mr. Reeser: Okay, if you could include that in your comments, we'll certainly address that. I can't answer that right now, unfortunately. Our archaeologist probably could.

Mr. Falconer: Okay, thank you. If there's no objections from the Commission, since we have some people from Sign Enforcement in Lahaina, if we could do that first before we do the Hana Belt Road. So we're moving on to item I, sign enforcement in Lahaina Historic District. We're jumping forward past item H1.

I. SIGN ENFORCEMENT PROGRAM IN THE LAHAINA HISTORIC DISTRICTS.

Ms. Theo Morrison: Good morning. My name is Theo Morrison, Lahaina Town Action Committee. And I was asked by Ann Cua to come and give an update on the sign design – or the sign inventory, I guess. I don't know if you've ever seen this, what we've done. I'll pass this out.

Mr. Falconer: I think all the Commissioners should've gotten some of this stuff in the mail. It's basically copied letters to specific vendors in the historic areas, Historic District 1 and 2, that are in the process of getting their signs approved or disapproved.

Ms. Morrison: So basically when we went through the whole sign design guidelines and got them approved in 2001, we saw a need as a community to help the Planning Department get this finished. So we offered to do a sign inventory of the entire town and bring it to the Planning Department. We figured it would be easier for them to look at the pictures, and the measurements, and the materials, and we could make this happen. That was like two years ago.

The first problem we ran into was when the building had all those problems and then the Planning Department was in a temporary space. They couldn't deal with it. And so, all the pictures and all the information we took became irrelevant because everything changed. So we had to start all over again. And then it became a time issue. Keoki and I were the ones that started it. And then it became a time issue. We didn't have the time it took to do that. So there was another delay there. Then I got some board members to start doing it. And then they got the brilliant idea of putting it into a digital file. And it turned out that the County couldn't use it in that format. So it's kind of been hard.

And the other thing that was hard was our original idea to facilitate the process was to take the pictures because we're in Lahaina. Take the pictures. Take the measurements. Note the kind of material, the address, the business, and then give it to the County. But the County wanted TMKs. They wanted legal owners. They wanted all this stuff which was huge research. And then it turned out that the TMK, there's three or four businesses in one TMK. And getting that information is hard and it's not something that we have time to do. So it sort of turned out where we made this big effort to assist the County and it hasn't worked that well.

And then, when we were out there on the street actually doing these photographs and

stuff, the feeling, the response we got from merchants was great. "This is great. It's about time someone did all the signs to get this all cleaned up." But as a result of all these delays and stuff, everybody goes, "Oh, yeah, same old thing. They said they're going to all this stuff and nothing ever happens." I did e-mail Ann Cua and I told her. I said if they would – you know, I will take all my staff. We'll go out there on the street, and do everything, and give it to them if they would be willing to spend a couple weeks, or whatever, a week, four days to sit down, and get it all done at one time. There's a problem with the lags. Right now they're just asking for – they won't take more than a block at a time. So right now, the letters that are going out are just one-half of the 800 block. This is over two years. It's just not acceptable.

Mr. Fredericksen: Excuse me, Theo. One, I'd like to thank you for biting off this task because as you indicated it's quite large. Two, how many blocks are there just for the Commission's information in Lahaina?

Ms. Morrison: There's the 900, 800, 700, 600, 500. Some of those are long, long blocks with many, many businesses, and many, many, many, many signs, many, too many signs. But I don't know if you have any suggestions on how to facilitate it even.

Ms. Rotunno-Hazuka: Do you guys have a tax map key book? If you have that book when you're walking out to the site, it's easy to get the TMK. Or is there a relationship like in a data base of an address to a TMK?

Ms. Morrison: When the Front Street project when through, they did an inventory, and the TMKs were on that. Maybe—

Mr. Falconer: Excuse me. My recollection of this is, is that the Lahaina Town Action Committee, Lahaina Restoration were going to take photos, and that was it.

Mr. Riecke: That's right. That was the discussion exactly.

Mr. Falconer: I don't remember all the other stuff being added on.

Mr. Riecke: It's not that easy even if you have a tax map key in front of you to relate that to the existing shop.

Ms. Rotunno-Hazuka: Well, it's a pain. It is. It's time-consuming. I can see how they don't have the time.

Mr. Falconer: It is an update process that we've asked for. We got the opportunity to talk about it. This is where we can really get an opportunity to draw a line right here, and say, okay, we've done our guidelines. We've begun to take the photos. We've also got some documentation in the mail. Talking about specific businesses that have been

received from the Planning Department— In other words, we're initiating the process here of getting to a point where we can enforce. And I think that's where we're at today. We want to hear from these guys. Not just Theo, but probably Keoki about what are the challenges. Certainly, they have challenges.

Ms. Morrison: And I'm not sure either. The letters are great, but like one of them here it's saying immediately some sign has to come down. And I'm not sure of the enforcement. It all goes back to lack of enforcement. And I understand there's no money. And I understand all that. But maybe if there's some other way, we should come up with a way because it's an ongoing problem in the historic district.

Mr. Falconer: The photos you passed around, of course, it stimulates thinking when you look at one particular one. Are these just examples? There's certainly ones in here that are noncompliant. Are most of them noncompliant? Because we could get into a week-long conversation about these photos alone.

Ms. Morrison: Are you saying overall are most signs compliant in Lahaina? Is that what you're asking me?

Mr. Falconer: No, I'm just saying these photos that you handed out, these are examples of—

Ms. Morrison: Those are examples. Those are some of the old ones. I mean, Hop Tomato is in there. It doesn't exist anymore, but they had great signs. It's just an example of the paperwork that we did.

Mr. Falconer: That you have initiated on your own?

Ms. Morrison: Correct. Well, with the guidance of the Planning Department. They asked for all that information. So we measured the signs. We said what kind of wood it was, how it was painted, or whatever.

Ms. Rotunno-Hazuka: So if you even had one full-time person assigned to this to take the photos, fill out the forms, send it to Planning, and then follow up that what Planning says happens like take the sign down, is that realistic if somebody was to take this on as a full-time job?

Ms. Morrison: Well, the other option is the Planning Department could come to Lahaina, and they could look, and they could measure, and they could say, you're approved or you're not approved. This was a way to facilitate it, like I said, but it's not facilitating it two years later. I could say this plan hasn't worked. It's much easier to have Planning Department just come.

Mr. Falconer: Well, we'll have everybody talk. What in your mind is the next biggest hurdle?

Ms. Morrison: Finishing it. Finishing it.

Mr. Falconer: Okay, I mean, that's comprehensive. I mean, you're the person out there taking the pictures. Do you feel that there is a need to send a letter to the Planning Director, and say, look, we've done all this work, we volunteered to do this particular amount of work, but now we need your help to get this thing finished? Now, the staffers are doing what they need to do, what they've been told to do. I know that enforcement, unless somebody says something to – not just base our enforcement efforts on complaints only, then nothing's going to take place. And we're going to reach that road real soon where we're going to have to fish or cut bait here. We're going to have to get on with this thing. So I would ask you, the next biggest hurdle, is it taking the photos? I mean, certainly, you're taking photos, but as you're out there taking photos, you're probably seeing like, this is just an insurmountable amount of work. You know, we've got signs in every window pane. We've got lights over here. How do we get through this task? If it's you guys taking the photos, is that acceptable or is there a particular thing that you would think would really help?

Ms. Morrison: I would eliminate the photos. I would bring the Planning Department down to Front Street like they used to. I mean, this whole photo idea was just our idea that we thought it would make it easier or faster. It hasn't. Have Planning Department come down to Front Street. Walk in front of the stores. Measure the signs. Here's your letter. You're approved. You're not approved.

Ms. Rotunno-Hazuka: Like a ticket or something.

Ms. Morrison: Well, just almost the same of what – I mean, they could fill it in by hand. That needs to happen. It just keeps getting put up even though we give the pictures. Then they're like – I mean, I know they're super busy. They don't get around to it. So, we call them, "Where's the status?" But if they were assigned to come down and just finish the whole thing because doing it in bits and pieces is not going to work. By the time you get to one end of the street, the other end of the street is all going to hell again.

Mr. Falconer: I really want to get maybe a letter off to the Director or something. This is our last meeting. We've spent most of our Commission working on these darn signs.

Ms. Morrison: I've spent most of my career on this project. It shouldn't be that way.

Mr. Falconer: So I want to leave here with the thought that maybe we're going to go ahead.

Mr. Riecke: One of the reasons we changed the sign ordinance was to make it easier to enforce the rules. And it doesn't seem to have happened.

Mr. Falconer: Well, I want to make it fair to everybody. If there's anything else? Do you have questions for Theo? I know that Ann has something. I would like to bring Ann up. We will have an opportunity for everybody to give a little talk. Thank you. Ann?

Ms. Ann Cua: Okay, in response to Theo's comments, yes, this project started a long time ago and we were trying to work out the details of who was going to do what. The Planning Department developed a form working with Theo. We also came up with a sample that we give every sign that we approved. We send that out to the store owner or operator, along with their decal of their approved sign in terms of how to attach the decal to your sign. We developed that form. We have been taking it a block at a time. And I explained to Theo that realistically, with our workload, that is the easiest way for us to do it. We take a block at a time. Several of us in the department get together. We split up. We go through each sign. The pictures are very helpful. I would not want to stop that.

We keep separate records of all these signs. They're not kept with our overall project files. We keep the historic district sign inventory separately and that's for reference in the future. We're not going to always be here. And if we're not here, anybody can go to those files, and see what exact signs were approved, which ones were not approved, because they're all documented.

We have reviewed the two blocks that Theo has submitted to us. Those are done. As I was saying, we get together as a staff once they come in, several of us. We split it up. We approve those that are able to be approved based on the design guidelines. We write letters, individual letters. And we issue decals for each of the approved signs. In the same letter, we indicate which signs are not able to be approved, and why.

And I would say for the most part in the two blocks that we've gotten, and we had felt this when we talked about it that the majority of the signs are in conformance. They're in conformance with the design guidelines. And that has been the reality of what we've seen thus far.

Ms. Rotunno-Hazuka: So, did you say, Ann, that if they are in conformance, you take a picture, and you say, fine?

Ms. Cua: No. All signs that come into us come in with the form that was developed with the photographs. So there are photographs of all the signs that come in. And for one particular business there may be five signs. Several may be able to be approved. And signs can range from wall signs, ground signs, hanging signs, menu boards, sun shades. They have a variety that we are able to approve. We approve those that we

can, and indicate which ones are not able to approve, but we still have documentation, photographs of all of the signs. And that is really important. If we just receive pictures of signs, it would be very difficult for us at that point to link it with address and TMK.

Ms. Rotunno-Hazuka: But would it be realistic if one of you guys that was your full-time job to go to Lahaina, and just do that, and get it done?

Ms. Cua: That'll be really nice, but the realities of that is that's a workload issue. And I don't think anybody in the Planning Department is able to do something like that for a full-time job. I'm sure you'd get some volunteers, but I don't think you'd get the support to have that done: just take one planner just to do that. But again, that's something for you to take with my Director.

Mr. Riecke: That's the only way it's going to work. I think it really needs a person assigned to this project to look at all the signs, and work with Theo when they take the pictures. Be there at the same time. To me, when it gets dragged out over years, it's not effective anymore.

Ms. Cua: Commenting on that, again, you have to realize that in the time that this happened, we moved office twice, and that was a big factor in this. Now, they're coming in and we're dealing with it as soon as they come in. But we were moving when they first started to come in. That was just the realities of what happened. And we moved again.

Mr. Falconer: I don't believe that it's the Commission's duty to slight the staff that's doing what they've got to do. I mean, you look at the statistics and the number of building permits and things that these guys are working on. I would ask you, Ann, in your mind, you were at every meeting, Theo was at every meeting, what would be the one thing that you—? You know what our goals are, what we want in terms of enforcement. So what would be – and hopefully, this doesn't put you in a position where – it would be a personal opinion, but a doable type of solution to say get us to the point of where we want to get? I mean, our idea is getting a hundred percent enforcement and not damaging the cultural end, the historic integrity of Lahaina Town, or any of the historic districts, for that matter. You feel what we have done so far is working? Or do you have any suggestions that you would like to pursue? Again, I'm not trying to put you in a position. If you're not comfortable with that, please say so, and I'll ask the Deputy Director.

Ms. Cua: I can answer that. Personally, I feel that with the time that we started receiving the first block of signs, and now we've received the second, we have it to a point where when it comes in, we meet as soon as we can. We disperse of it and we deal with it. So we have like three people right now committing part of their staff time to work on this. And the realities is what I told Theo a long time ago that to submit it all at

one time I think would really be difficult for the department. And I think if we just continue where she's submitting a block at a time, now that we're back in our offices, and all the forms are developed, the decals are in— I mean, we were waiting for decals. That was another thing. Part of the time ordering from the Mainland, all the decals to come in, and we had to order additional screws, all these things were still being worked out. That accounts for all the two-year period. It's not as though the first batch was submitted and it's been two years. That is not the case. So, personally, I feel that the way it's going, now it can go faster because yes, we are back in our offices. We have all the forms. We have all the supplies to issue approvals for these signs. We're ready for the next batch right now. We've gone through the second batch. All the letters have been distributed.

Mr. Falconer: Are you seeing any action on some of the things you've – the responses that you send back to the vendors, if they're not in compliance, are they doing something about it?

Ms. Cua: Yeah, I've had people call me. And you may be seeing, actually, some requests come in before you where people want to get some deviations for some of the signs that they have like, maybe their menu board exceeds the three square feet, or they have more than one sun shade, signage on their sun shade. You're going to start seeing some of those because we indicate in some of our letters that these signs are not able to be approved because they exceed in some way the requirements. And we inform them that they do have an option of coming before this body.

Ms. Duensing: I just want to interject two comments here. One, I think that it is going to be an ongoing Herculean task for two reasons. That is, businesses come and go in Lahaina all the time. This is going to be never-ending. And not only do businesses come and go, but businesses might just slap up another sign as soon as Keoki and Theo have come by and have taken the picture after she's gone. What do we do?

And then the second thing is that, and Kimo touched on this, is that there has to be a mechanism to go out there and visit the merchants by a public official of some kind to ensure that they are complying by either getting rid of their sign or bringing it into compliance. So until we decide those issues— Is it going to be done by volunteers? Is it going to be ongoing? I don't think the volunteers are going to continue to do this for years. And there's always going to be businesses and signs coming and going. So there has to be a mechanism by the County to do what is required in a historic district because that's its obligation.

Ms. Rotunno-Hazuka: Just like I was trying to say like a ticket or something. If you think about there's a certain police officer in Wailuku and he is on it. I mean, you get a ticket and that's it. Really, that person would have to know the block. They'd have to know that yeah, that sign's in violation. Here's your form and get on it.

Ms. Duensing: They think this is the opportunity to now that you've got this started, come up with a project deadline that we're going to try to get through everything by whenever. And also, as we understood it when we passed the design guidelines that there were going to be the enforcing people. And it's time to bring them in, and get their cooperation, and get them on the job, too. I understand that that's not you, but—

Ms. Cua: And you see on the letters that every approval that gets done by our office, every letter that goes out regarding these signs gets sent to our enforcement people. They get sent to the Zoning Enforcement Division in our department.

Ms. Duensing: But are they doing anything?

Ms. Cua: I'm assuming.

Ms. Duensing: Somebody's got to follow through to make sure they're doing something.

Mr. Falconer: I think this conversation has taken a good natural course here. Everybody's comments were forthcoming. I think that we all knew that this was going to get to a point where we're going to have to get somewhere with this. And ultimately, I believe that the Chair, me, would have to write a letter, because I don't think it's the staff's job. It's the Director. He's going to have to assess the priority with a project deadline. And then it would be his job or the Deputy's job to say, okay, these people have worked hard. Initially, we used to get – our agenda was just jammed with sign approvals and we never got to our agenda because we needed to fix it. And so we did fix it. We don't get these sign approvals coming through us anymore because for one thing, it's stuck somewhere else until it proceeds naturally. But I think we accomplished something there. But the end of the accomplishment hasn't been reached yet. So I would say at the very minimum, I will, without any objections from the Commission, draft a letter to the Director or the Deputy kind of outlining our concerns of the enforcement side of this. That way it doesn't put a conflict of interest on the staff. But I would also have to ask that – it was always the understanding that Lahaina Restoration, Lahaina Town Action Committee were going to cooperate in the sense that they were going to go out and take the photos to help your staff get through that kind of stuff. And I think for them to go out and have to research all the TMK numbers and all that stuff doesn't necessarily have to fall on them. So I would also put that inside the letter. So I would also put that inside the letter. Now, if you have any other suggestions, or any of the Commissioners have any suggestions, something like this, I'd be happy to throw that in there. I can clearly see that there are issues here that your job is one thing. But I think you need directives. The directives are going to come in the form of your superiors. You also have volunteers out there that are doing a certain amount of this. So what needs to happen is this all needs to come together. We want to see enforcement. This Commission wants to see enforcement. We want to see it get done. We understand how it works right now. We think the wheels are in motion to try and get there. But it

needs to be fine-tuned. We don't want to lose what we've done. We've spent countless hours getting here.

Ms. Cua: And I think the thing that you need to be aware of is that for the department, we have other special design districts. We have redevelopment areas that have active ongoing projects, especially, like the Wailuku Redevelopment Area. So I know there's been requests from the Lahaina Town Action Committee about having somebody pretty much full-time just be at Lahaina. And we explained to them at that time that the realities of fiscal issues as well as staffing problems were just not possible. And I don't see that as being able to change. And I think you just need to be aware that, yes, we do have this historic district, but we have many other special design districts, and a redevelopment area which has gotten larger. And there's a lot of things happening in that area that involves— It used to involve only one planner. Now we have four or five planners that work on redevelopment area projects. So there is a lot going on. And these are just special design districts. I'm not even talking about SMA areas, and zonings, and boundary amendments, and community plan amendments.

Ms. Duensing: The problem is I see that you're making progress, Ann, and I want to give you credit for that, and this is not directed at you, but perhaps, it's directed at the Planning Department in general, or the Director is that Maui County has taken on the obligation by having a National Historic Landmark District, and these design guidelines to do something. And I think, we, as Commissioners, worked really hard on putting all this stuff together to make it easier for Lahaina people to be in compliance or out of compliance. There is always this issue of enforcement and getting the job done. And the County is obligated to do that after so many people have volunteered their time to write design guidelines, to go out and look and see what's being done right or wrong in Lahaina. And excuses isn't the way to find a means to get the job done. And again, I'm not saying this to you as an individual, but to the Planning Department, or the Director, whoever needs to make sure that the County does its responsibilities.

Mr. Fredericksen: I think that what we've got is a situation where the ball started to roll, but we need to get some sort of a push on it. Because once everything's done, so to speak, the stickers are administered, and the enforcement – well, there's that word, but hopefully, things are enforced. Then it should be just a question of fine-tuning after that. But it's the getting to that point, for me, is very, very frustrating because we spent, as everyone recalls, a long time on this.

Mr. Falconer: Okay, so are there any more questions for Ann right now?

Mr. Riecke: I have a question. And that is, let's say for noncompliant signs, and they've been up there for a long time, and it's already public knowledge that they're not in compliance, is there a fine that could be imposed? Is that possible? Because the only way you can enforce things is if it hurts if you don't comply.

Ms. Cua: Yes, I believe there is a fine system. And we can at the next meeting have representatives from our Enforcement Division here to talk to you about that.

Mr. Riecke: I think that would be helpful.

Ms. Cua: Because I think they did before, actually. I think they did come in and they did talk about that.

Ms. Rotunno-Hazuka: That's a good point, though, if you're strict, and then you have all these fines, you have money coming in.

Mr. Riecke: Then you can hire somebody to enforce it.

Mr. Falconer: This is something to remind yourself going forward on this stuff, we're going to be gone, but there's a whole subject matter about this enforcement thing. What I mentioned earlier, a lot of things are based on complaints. Staffing isn't there. We listened to a lot of it when we had a side group that worked on this thing. A considerable amount of time was spent there. So there's all sorts of issues just getting that going. So if there aren't any more questions for Ann, I'd like to move on, and ask for any public testimony on this. And then we can finish up our discussion and talk about the action that we want to take.

Mr. Keoki Freeland: Keoki Freeland, Lahaina Restoration Foundation. I just want to say that I concur with what Kimo and Dawn have been saying. You folks have hit it right on the head. The reason why Theo and I volunteered to take some photos is we knew that Ann and them are vastly overloaded with work. So we thought maybe if we can do the photo part of it, that'll help things go along. But they need even more help than that. The whole historical atmosphere of Lahaina is in danger of falling apart. It's getting vastly commercialized. And unless the Planning Department gets more help in this area of enforcement, we're going to continue to go downhill. And that's a key factor. We've talked before or have suggested that what we really would like to see in Lahaina is what we call a historic district officer. A person that not only can enforce the rules and regulations, but he can be helpful. Explain to businesses what is proper, what is not, what you need to do to get your permits. He can even possibly administratively issue permits that are simple that meet the rules and regulations. Speed the whole process up. Get everybody in line and then we can preserve that culture like all you folks really want to do. It's just that everybody at the present time is vastly overloaded with what they have to do. Nobody is really at fault. We just need, in my opinion, another body that's out there.

Mr. Fredericksen: Regarding the photographic process that you folks have been undertaking, it's my understanding from what Theo was saying earlier is it's kind of grown way beyond what you folks originally thought it was going to entail. I mean, do

you realistically think that you folks can pull it off?

Mr. Freeland: As far as taking the photos, yeah, we can do that. But trying to fill in all the other blanks, no.

Mr. Fredericksen: That's what I'm asking: with all the back up information.

Mr. Freeland: No, that's way beyond our scope of what we can do.

Mr. Falconer: I don't think that they – I mean, they have their own rules.

Mr. Fredericksen: Yeah, volunteers has its definite limits. And so, we're in a bit of a quandary because it does need to get done. We can't rely or expect – "rely" is not a correct word, but we can't rely on–

Mr. Falconer: No, I understand. So it's a workload that also encompasses part of the problem we have.

Mr. Wayne Boteilho: If I may, Mr. Chair?

Mr. Falconer: I was going to call on you next, anyway.

Mr. Riecke: Keoki, if you had somebody like you suggested that is there pretty much full-time, would that be a person from the Planning Department, or could it be somebody else? I'm just thinking about how somebody like that could be funded? Because I'm convinced that that is the solution to the problem to have somebody there: a presence.

Ms. Duensing: They need a planner, or like he said, a historic district officer specifically assigned there.

Mr. Freeland: Hans, we talked about this for a long time now when the court house was being renovated, 1998, '99. There is a little office space that we had designated for the historic district officer in that building. We said that would be an ideal spot for that person to set up his office, people can find him, and he can walk around. Great example about him walking around. Remember Mr. Suzuki? That wouldn't have happened if you had a historic district officer.

Mr. Falconer: Wayne?

Mr. Boteilho: Thank you, Mr. Chair. I'd just like to reassure everyone that the new Planning management is fully aware of this problem. And it is a problem that we are working hard to resolve. In my mind, it boils down to we need more people. Right now, we have three zoning inspectors. We could use six. In the next budget session, we

hope to get one, if not more. So we are working on this problem.

Mr. Falconer: I mentioned a letter that I would draft. Do you think it would help? Particularly, people I make copy to? Maybe the Mayor for supporting the idea that we've done some work here, we need to complete the work, this is the problem. Kind of outlining those details, and then asking to assess the priority on this, and then forward it to the new Commission that's coming forward, and let it go at that? Or maybe work with you on drafting that letter? This would be something that would come to you or the Director himself. How would you foresee that?

Mr. Boteilho: That would be a great help and we can work together on that.

Mr. Falconer: Okay, so can we put it on the Planning Department letterhead or should it come from something else? It's no problem. I can do it either way.

Mr. Boteilho: We can look into that.

Mr. Falconer: Okay, we'll talk more about it. So if there's no objections from the Commission, I'll draft something, and we'll get that distributed to you guys.

Mr. Riecke: Could you put in the letter that maybe be more specific for Lahaina to have – I don't know what Keoki calls him, but a historic preservation officer or something?

Mr. Falconer: I have that written down.

Mr. Riecke: I'd like to have that very specific for Lahaina because it's a large area. It deserves that kind of attention.

Mr. Falconer: Is there anything else for Keoki? If not, thank you. Ann, anything you'd like to add in?

Ms. Cua: Yes, I suggest that you cc that letter to the Council because we can ask for all the positions, and we have been in the past, but again, with the fiscal realities, they're the final decision-makers as to how the budget gets distributed.

Mr. Falconer: Sure. Very good. Anything else on this item? If not, I would go ahead and ask us to jump back to item H1.

H. NOMINATIONS TO THE REGISTERS OF HISTORIC PLACES

1. Hana Belt Road

Mr. Falconer: Anything on the Hana Belt Road?

Ms. Duensing: Yeah, actually there are several things on the Hana Belt Road. First and foremost is the DOT has a rock fall mitigation investigation underway. And they had some public meetings. It's been some months ago to get comments and everything. They had one in Ke`anae, one in Haiku, and another in Hana. And I was the only one that showed up at the Haiku meeting, so I put my two cents' worth in. And really, I think what this project stems from is what happened at Waimea Falls, and what's now happening over at Makapu`u on O`ahu, and the need to make sure that that's not going to happen in Hana. And of course, if you look through the handouts that I'm giving you, has anyone been by what they did at Waimea Bay? It's absolutely hideous. They've got the screen over the cliff, plus chainlink fence, and steel barriers, and a concrete and rock wall. So these are some of the options. And you can see in this handout some of the design options that they are proposing. If you look on page five at the top, this is the rock catchment fencing. They put some of these up at Waimea Bay. This is completely inappropriate for our Hana Highway.

I talked to the engineers. And what they want to do is continue building – cantilever the road out, and shift the alignment of the road. Now, I told them being a National Historic Register District that the alignment is an integral part of the historic character and integrity of the road. And I just got the draft EA on this today. And I haven't had a chance to really look at this, but my recommendation was leave the alignment alone. Don't cut any more cliffs than you have to. And what you screen off should basically have stuff go grow over it so it'll eventually get hidden. And it doesn't look like that's where the engineers are leading.

So the draft EA is out. They want comments by March 15th which is going to be really hard to do since I haven't had a chance to review this. So number one I'd like to – we need to write a letter to Scot Urada. And I'd like to request an extension for comments until April 15th. And I'd also like to point out to him in this letter that when they made the announcement of the public meetings and stuff through the OEQC, they never even made mention that the Hana Highway was listed on the National Register of Historic Places, which to me is a significant omission. In fact, I got a call from Honolulu saying, "Hey, you know, did you see this?" from one of my friends.

And then I'd also like to point out now in the draft EA before we get to our comments regarding the draft EA that the SHPD letter at the back signed by Kathleen Daegher, who is an archaeologist, checks off, "We believe there are no historic properties because. . . ." I mean, this whole road, this whole district is listed on the National Register of Historic Places. And this form letter is going to basically give them carte blanche to issue another FONSI and that's not the case. She doesn't even acknowledge that it's in a historic district. What's going on over there? That really upsets me. I haven't looked at the whole thing, but just looking at that is enough to really step back and think about what we're doing here. So I guess those are the three points is to remind them that this road is in a National Register District.

The other thing is that I noticed in the beginning here we were not listed as a consultant on this project and we should be. And the anticipated determination again is the FONSI which it's not going to have no impact.

Ms. Loudermilk: I'd just like to add on to what Dawn was saying or respond because I am assigned to this EA and I did have a chance to review it. In terms of the agency comments, first of all, both projects will be located in the special management area so they would be coming in for special management area use permits. And then secondly, I was going to indicate to them that they did not mention that the Hana Highway was listed on the Register. And that needs to be taken into consideration regarding a final determination of a FONSI. And that our CRC has been actively monitoring activities in this region and that they should be consulted. They should be a consulted party. So those were the two main comments that I had. So we can make a decision in terms of letters. One, a separate letter from me just representing the department as the planner reviewing the draft EA. And then have a separate letter from the CRC requesting the time extensions, also reiterating that National Register, and that you folks should be consulted.

Ms. Duensing: And I think we really need to make a point of this DLNR letter. That is just amazing to me that somebody from SHPD didn't even acknowledge it was on the Register.

Ms. Loudermilk: Yeah, and part of the comments that I had noted down regarding the Hana Belt and so forth was that it was not only the archaeological, but the cultural, historical components of the roadway that did not appear to be taken into consideration.

Ms. Duensing: I mean, they don't even acknowledge that the corridor they're working on – I mean, we still have people thinking that the Hana Highway is only a bunch of bridges, but it's an engineering marvel as a road, too, and that was part of the nomination and acceptance to the National Register.

Ms. Rotunno-Hazuka: On page five, isn't that in Ke`anae right now anyway?

Ms. Duensing: Yes. And this is a good example, and this is why I want time to review this, because what they did at Honomanu Gulch in Ke`anae a couple of years ago was absolutely horrible. And that did a lot of damage to the historic integrity of the road. And we need to avoid that. And that's why we need time to review this document, discuss it as a Commission after review, and then make a decision with a letter to be included in the EA.

Mr. Falconer: Okay, so you're going to be drafting two letters?

Ms. Loudermilk: That would be my suggestion. One from myself representing the

department and sort of indicating the CRC. And then the second one—

Mr. Falconer: Then I would also suggest that you contact Dawn on the draft pending your review of the EA.

Ms. Duensing: Yeah, and what I'd like to do is I'd like to have time to review this and present my comments and suggestions to you guys regarding the project itself. Now we're talking about how they're handling the project—

Ms. Loudermilk: Yeah, versus the project itself.

Mr. Falconer: Right.

Ms. Duensing: I need time to review the document and we can do that at the next meeting.

Ms. Loudermilk: In our letter from the department, we'd also say that we will be forwarding it through the CRC for their review and comments to do a complete Section 6E review because they're not using Federal funds. It's strictly a State review. And I think it's important for us to make that point that just my comment as a representative of the department does not conclude the 6E review for this project.

Ms. Duensing: And the other thing that you might want to keep in mind, Robyn, as the planner of the department is, it might be appropriate to tell them that they should be dealing with Tonia or somebody over at SHPD, not just an archaeologist because this is a structural environment, not an archaeological— I mean, it's both, but they need to be they need to be reminded of that.

Ms. Loudermilk: But the emphasis on the responsive has always been under the archaeological side versus the cultural, or historical, or architectural side.

Ms. Duensing: Yeah. And I know the project engineer. I've met him and talked to him on numerous occasions. And he means to do the right thing. It's not even just his problem because this obviously went to the wrong person in SHPD because they're just looking at it as an archaeological district. But the main factor here right now is just the appropriate amount of time to review the document, have a chance as a Commission to discuss it, and give them our comments because the comment period isn't enough time to do it properly.

Mr. Falconer: Anything else on Hana?

Ms. Duensing: The only other thing in Hana is after our discussion this morning on Waiohonu Bridge is I think as part of next year's work plan, and we talked about this in

the past, but we really need to do something about working with the County attorneys, the State legislature to try to draft legislation to protect our historic roads and not call them obsolete as per 2003 standards. And so that should be our goal of our future sometime.

Mr. Riecke: As part of that, I think they were going to work on standards and that hasn't never happened, right?

Ms. Duensing: Again, the State DOT says all the time, "Oh, we're working on standards." But they've been saying that – I've been here what? Three or four years now? And nothing's happened.

Ms. Loudermilk: Would it be appropriate with the new administration and a new Director in place, DOT, to reiterate?

Ms. Duensing: No. I think we need to take the initiative on this. We can't wait for the DOT.

Mr. Falconer: Thank you, Dawn. Wayne, moving on to the Director's Report.

J. DIRECTOR'S REPORT

- 1. Cultural Resources Commission Meetings in other locations - Lahaina, Moloka'i, Hana, etc.**
- 2. Cultural Resources Commission Correspondence**

The following correspondences were requested at this meeting:

- a. Letter to the Planning Director regarding sign enforcement in the Lahaina Historic Districts. Copies to be sent to the Mayor and the County Council.**
- b. Letter to Scot Urada of the Department of Transportation regarding the draft environmental assessment of the Hana Belt Road's realignment project.**

The following are correspondences the Commission requested follow up on at previous meetings:

- a. Letter to Abe Wong regarding the demolition of Pohakea Bridge.**
- b. Letter to the Mayor and the Maui County Council requesting funding and maintenance for the bridges along Hana Highway.**

Mr. Falconer: Is there anything else?

Mr. Boteilho: I guess as a personal privilege, I'd like to take the opportunity to thank you and Mr. Riecke for your outstanding service to the County of Maui.

Mr. Falconer: Thank you very much.

There being no further business to come before the Commission, the meeting adjourned at 12:35 p.m.

Respectfully submitted by,

TREMAINE K. BALBERDI
Commission Support Clerk

RECORD OF ATTENDANCE

Members Present:

James "Kimo" Falconer, Chair
Dawn Duensing, Vice-Chair
Hans Riecke
Erik Fredericksen
Solomon Kaopuiki
Lisa Rotunno-Hazuka
Ku`ulei Haina (9:50 a.m. - 12:35 p.m.)

Members Excused:

Lori Sablas
Milton Pa

Others:

Wayne Boteilho, Planning Deputy Director
Kivette Caigoy, Planning Department
Robyn Loudermilk, Planning Department
Ann Cua, Planning Department
Blaine Kobayashi, Deputy Corporation Counsel