

CULTURAL RESOURCES COMMISSION
REGULAR MEETING
MAY 6, 2004

A. CALL TO ORDER

The regular meeting of the Cultural Resources Commission (Commission) was called to order by Chairperson Lori Sablas, at 9:10 a.m., Thursday, May 6, 2004, Planning Conference Room, Kalana Pakui Building, 1st Floor, 250 S. High Street, Wailuku, Maui, Hawaii.

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

Ms. Sablas: Let's call the meeting to order. Good morning everyone. Aloha kakahiaka. Pehea`oe? Maika`i. Okay, well I think we have a quorum, and we have everyone here, so I'd like to open the meeting and start off with any public testimony on agenda items. If there's anyone here who would like to speak before the Commission on any items that are on the agenda that need to leave early or whatever, this is your time. Okay, then let's move on. Meeting has been called to order. Approval of the minutes of April 1, 2004.

B. APPROVAL OF MINUTES OF THE APRIL 1, 2004 MEETING

Ms. Long: Madam Chair?

Ms. Sablas: Yes, ma'am?

Ms. Long: Couple of, nah, I wouldn't call them typos, Page 22, Mr. Akama's, second paragraph, and as far as "they're" protocol, should be "their."

Ms. Sablas: I'm sorry. Again, as far as they're --

Ms. Long: "Their."

Ms. Sablas: Oh, okay, yes.

Ms. Long: And on Page 29 -- on Page 25, up from the bottom about the third paragraph for Ms. Long, where it says, "no affect," and, "and affect," and then Ms. Cua, "affect," those should be "effect," with an "e." And the same on Page 29, up from the bottom, in my testimony, also, "no affect," should be "effect." Outside of that, good job.

Ms. Sablas: Thank you. Any other corrections, members? If not, do I hear a motion?

Ms. Long: I'll move to accept the minutes as corrected.

Mr. Whelchel: Second.

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

It has been moved by Ms. Barbara Long, seconded by Mr. Lon Whelchel, then unanimously

VOTED: to Accept the Minutes as Corrected.

Ms. Sablas: Motion carried. Thank you. Okay, Item C is the -- Item C, we have the Historic District Application from Ms. Theo Morrison, Executive Director of the Lahaina Town Action Committee. Good morning.

C. PERMIT REVIEW

1. HISTORIC DISTRICT APPLICATIONS:

- a. MS. THEO MORRISON, Executive Director of the LAHAINATOWN ACTION COMMITTEE requesting Historic District Approval for the 2004 International Festival of Canoes Event (May 15 - May 29) at Lahaina, Island of Maui. This year's event includes the addition of a slide show at Campbell Park and changes to the set up for the Hawaiian Music Concert on the makai library lawn. (S. Bosco)**

Ms. Bosco: Good morning. I'm going to pass out comments that I received, a couple of days ago actually, from the Department of Parks and Rec and the Arborist Committee on this event. Okay, before I get started, I just want to say that I didn't have nearly enough time to review this project like I normally do. The request came in a couple of days before I had to get the report done, so I transmitted the project out to Parks, Arborist, Police, Fire, I think that's it, to get their comments. I did get a call from Police. I did speak with them this morning regarding the event. There was no problem last year with it. They're going to be working with the applicant on the police permit for the street closure and so forth, and I did advise as much for them to work together so that the appropriate areas are coned off and security is provided.

Just to give you a little bit of an overview of this event, for some of the new members that don't know about it, it's a very popular event that takes place every year. It has been expanding over the years and, originally, it was only on one day, in 1998, and since then, the event has gone, basically, expanded to three different sites. This year, the applicant is proposing a fourth, but, basically, the sites change a little bit every year. The event

changes slightly every year. When there is a significant change, we like to bring it back to you for review. So, for the new members, this event has been approved for those portions of it that haven't changed, but the applicant is proposing an addition this year, which I'm bringing forward to you.

Basically, it's the -- it started out -- the event was called "In Celebration of Canoes," now it's called the "International Festival of Canoes." It commemorates the Hawaiian traditions of canoe sailing, voyaging, paddling, and racing. The festivities, typically, include a parade down Front Street where the canoes are brought down Front Street, however, the event starts out with, actually, the -- there's an opening ceremony and the -- they start out rough cutting very large logs and they begin to shape traditional canoes, and I'm going to have the applicant come up and explain the event better than I can cause it's -- she's much more familiar with it. Basically, though, over the course of two weeks, canoes are rough cut and -- with chainsaws, they start out in Kamehameha Iki Park, and then they move over to Banyan Tree Park for the final stages of the carving of these canoes, and then, basically, the event has different activities during the week, and then there's a parade where they bring the canoes back to Kamehameha Iki Park, and then there's a hoolaulea, and then they celebrate the launching of the canoes, and there's more to it than that, which I can review if you want, but I'm going to have the applicant explain that.

This year, the applicant would like to add a slide show in Campbell Park, and, in my report, I explained the set up, basically, it would be for approximately 75 people on Wednesday evening and that would occur from 7 to 9 p.m., and the slide show is an educational slide show on, I believe, the American Indians, and I'm going to have the applicant explain that further, but it will be -- it will include a 9 by 11-foot screen, chairs for about 75 people, tables for the slide projector, a canopy tent, 10 by 10 canopy tent, and also a table or tables for beverages for the audience. My understanding is it's free, open to the public, free, and that, okay, so that's the slide show, and then there are some minor changes to setup for the music concert component, which occurs at the library lawn, and this has happened in the past, they've had this event in the library lawn, it has changed from year to year, but they've had it, I think, two or three times in the library lawn, and the change to it, this year, is that they're going to have, I think, a food booth on the lawn, they're moving the food booth onto the lawn.

In the past, with regards to protection of the Brick Palace, we've recommended that the applicant take every precaution possible to mitigate any impacts to the remains of the Brick Palace; that was placed on one of our letters in 2000, one of our approval letters of the event in 2000. What else can I tell you? Let's see. Also, I think a more significant change is they are omitting the Front Street street closure this year. Last year, they had closed off a portion of Front Street on two days to have an arts and crafts festival. Well, they're moving that festival into Kamehameha Iki Park. In addition, they do have an arts and crafts festival that occurs in Banyan Tree Park, okay.

Getting to the comments, I just want to review the comments real briefly with you. The Parks Department commented that the applicant should obtain a parks permit, of course, and that, secondly, the recommendations of the Arborist Committee be adhered to, and I just want to review that. The Arborist Committee did not meet on this event, however, we did have a letter that came, it looks like from the staff, okay, and she summarized the minutes of a meeting of the Arborist Committee, which occurred on March 10 of this year, and the committee voted to recommend that the use under the Banyan Tree be limited to reduce long-term damaging impact to the tree. They specifically recommended to reduce the current usage to one-half the time with one-half of the number of vendors. They further advise to adhere to the existing restrictions, which are standard restrictions which the Arborist Committee imposes upon the area to protect the tree. These restrictions have been forwarded to the Lahaina Town Action Committee, specifically, no motorized vehicles will be allowed in the park, no nailing of objects or wires to the tree, no toxic materials should ever be applied under the canopy, which specifically would mean no refueling of the chainsaws under the tree in this, the chainsaws are used within the park so they're specifically saying do not refuel under the canopy, and the use of power tools, okay, I said that already, and then there should be no cooking under the canopy of the tree.

Now, I did speak with the applicant regarding this and she's indicated that the refueling will take place in a truck, I believe, which is parked in a designated stall on Canal Street, and then regarding no motorized vehicles, what happens is, apparently, the 35-foot canoe, the Maori canoe is too large to carry from -- without help of moving closer to the tree so what happens is they back up into -- as close as they can to the place where they need to be in the park, going actually partially into the park, and they unload the 35-foot Maori canoe and then they hand-carry it to its final destination, so I -- this is a point of discussion, okay, and we need to resolve that issue.

I think another issue that needs to be resolved is I've been told that the ownership of the library lawn, the makai portion of the library lawn, is going to the County; however, the finalization of that transfer has not occurred so, right now, the ownership is in the air, it's between the State and County, so, in the past, we've asked for the applicant to get approvals from both agencies and that happened last year; this year, we have an approval on file from the Public Works Department through June 2004 for this event, and the thing is is the Parks Department, I understand, will be taking over ownership or, actually, maintenance and management of this area, I should say, and they expressed some concerns about the use of this area for this event. This year they're not denying or recommending against the event, but I'm told that it could be that that happens in the future when they take management of that area. I did speak with them about this and their concern is mostly -- it's mostly about maintenance; it's about maintenance; the upkeep of this area and what impact this event could have on that area relative to maintenance. Well, I'd like to know more about that. I'd like to know what kind of maintenance this area requires and then I would like to see if the applicant can work with the Parks Department

over the coming year to see, you know, what requirements they may have if the ownership does take place, and if there are any other additional concerns, that if the applicant can work with them; otherwise, look at alternative sites for the concert in subsequent years.

Another issue is, which was brought to my attention this morning, is actually how the applicant proposes to mitigate impacts to the Brick Palace and that's another point of discussion, okay, so that's -- that would be our concern, okay. What else can I say? That's about it. Oh, and the applicant has a brief overview she will be presenting and that's it. I think that's it. Are there any questions?

Mr. Kapu: I get one question to Corporation Counsel. I'm also involved in the event. I'm the one that does all the awa ceremonies and the protocols for the event, so it's clarity as pertaining to my position as a commissioner on this matter, my voting capacity that I need to sustain myself.

Mr. Kalalau: You know on this diagram right here? This is the area you're talking about where the control is going to be State or the County?

Ms. Bosco: Actually, it's more than that. I think it includes a portion of Wharf Street. I don't have the map. Actually, I may have the map. I can get the map out and I can show you the area, if you'll let me.

Mr. Kalalau: And, you know, you're talking about the food booth, is it going to be on the library property or on this property?

Ms. Bosco: It's going to be on the library property and the food booth is actually, if you look at the exhibit for the library lawn, if you look at the further most makai edge of the diagram, you'll see food booths, and soda, and script.

Mr. Kalalau: Right.

Ms. Bosco: You'll see there's one food booth that is, you know, on the lower corner of this site and also there are -- well, see what's confusing is, last year, they had the same, they had mostly the same layout, okay, except for the addition of that one food booth, and since I know the extent of the ownership, I know that the ownership includes -- that the property actually goes beyond the line here and it includes the portion of the road, so I think what we need to just look at is the whole area and if this is appropriate for the whole area.

Ms. Duensing: Simone, may I make a comment? I think, in the future, when things like this come up that in addition to the activities that are located on the site map, the historic sites themselves, for instance the Brick Palace, should have been noted on here too so that the commissioners can get a better idea of the nature of the impact.

Ms. Bosco: Right, I agree. In the past, that has been, the Brick Palace has been called out, and I can pass that around, if you'd like, and show you where it is.

Ms. Long: Simone?

Ms. Sablas: Wait, he still has a question that hasn't been answered by counsel.

Mr. Kapu: Yeah.

Mr. Akama: Commissioner Kapu, in your participation, will you be deriving any financial gain from this?

Mr. Kapu: There's a workshop that I do that's paid for, I think the 26th, that involves --

Mr. Akama: Alright. And you charge for that workshop?

Mr. Kapu: Well, actually, there's a sponsor that is going to sponsor our group to do a demonstration, and it's an educational demonstration, so our group definitely is getting some kind of financial for that.

Mr. Akama: Your group. And are you an officer of the group or are you going to be doing the workshop yourself?

Mr. Kapu: I'm going to be doing the workshop myself.

Mr. Akama: Well, let me ask you this, you know, would that involvement, conducting the workshop, being a member of the group, impair your judgement in any way in the performance of your duty in voting on this matter?

Mr. Kapu: Well, as pertaining to the ordinance or the code, if I'm not allowed to, then I'm asking whether or not I should sustain my vote from -- I mean we have a quorum in despite, okay, whether or not it would matter. I would rather myself just pull out and sustain.

Mr. Akama: You would rather recuse?

Mr. Kapu: Yeah.

Mr. Akama: Alright. Well, that's your option although the prohibition, under Section 10-4c, 1.c., is that if you engage in any business transaction or activity, or have a financial interest direct or indirect that it's incompatible with the proper discharge of your duty; that's why I ask you, then you should recuse yourself, but if you've chosen to do so, yes, there is -- it's

a gray area so especially since this is a non-profit, this is not a for-profit matter. It's not like you're a commercial vendor in that group so that's --

Mr. Kapu: It's all educational based.

Mr. Akama: Alright, very good, but then it's proper to recuse yourself if you feel that way.

Mr. Kapu: Okay, I recuse.

Ms. Sablas: Well, just for the record, I work at the Kaanapali Beach Hotel and we are, the hotel is a sponsor, one of the major sponsors of this event. We support it because we believe in the cultural impact so -- but it's, in our case, it's not a financial gain, it's more a donation.

Mr. Akama: In that case, I don't think you need to recuse yourself, Commissioner Sablas. I think that what we need to do is to take the vote in any case and, normally, the chair does not vote unless there's a tie so let's see what the vote reveals, but then I think that it's, in your case, your employer is the one who is involved in this and it's for the promotion of cultural --

Ms. Sablas: Perpetuation.

Mr. Akama: Perpetuation rather than for for-profit or promoting the hotel. Is that your representation?

Ms. Sablas: Yes.

Mr. Akama: Alright, then that shouldn't be a conflict.

Ms. Long: Tricky matter. I have a question for Simone. You got this request on April 26. How much time did that give you to gather comments?

Ms. Bosco: Well, it gave me two days to draft the report and it gave me until today to gather comments, yeah.

Ms. Long: Is there some sort of rule on when these requests need to be submitted?

Ms. Bosco: Yeah, well --

Ms. Duensing: Can I answer that for you and help you out, Simone?

Ms. Bosco: I can answer it. It's alright. I've repeatedly asked for these events to be submitted at least two months in advance. At the minimum, a month in advance because what we need is time to transmit, and then we need to schedule, and then we need to write the report, and we need to address the issues, so there's -- we need the time to really gather information and then if there's any issues that come up, we need time to resolve them so that, as commissioners, you have a report that includes all of the resolutions, you might say, and all of the potential issues that aren't resolved and that way it comes to you in advance, you have time to think about it. And so, in the future, I would strongly urge, even -- I would even attach a condition that we please ask for these events in advance. I know that we've been talking about this in the department as, you know, it really -- it places a burden on us to try and scramble and do a good job for you folks, so does that answer your question?

Ms. Long: I appreciate that and, kind of tied to that, my only memory of the Brick Palace were, I think, the old displays, which were not all in one place, there were a number of them with the plastic covers over them that disintegrated, we don't have a photograph here of what it looks like now, how vulnerable it might be.

Ms. Bosco: I'd have to look the file a little. Let me see.

Ms. Long: Well, maybe Dawn could address that as far as vulnerability cause my memory of the way it used to be is people tromping around those things they could have hurt themselves.

Ms. Bosco: Yeah.

Ms. Long: Not to mention the Brick Palace.

Ms. Bosco: I think we need to discuss how that area can be protected during the event. You know, I do want to add another comment about the Arborist Committee letter. I didn't have a chance to speak with staff, and I don't know the scope of their comments and discussions, but I do know that we have visited this issue with regards to the arts and crafts events under the tree. Now, when we did discuss the limiting of the use or cutting the use in half, my understanding is here that this is pertaining to the ongoing events. We never, within the department, discussed the cutting back of the usage of the Banyan Tree for special events, so I don't know how to take this comment and I'm just -- I'm letting you know that, within our department, we've never discussed cutting the time frame for the special events, but if this is something that the Commission wishes to explore, this is the time to do it, okay. If not, then I would recommend that, you know, we, well, I don't know what to recommend. I'm not -- I did not expect this kind of a comment letter, however, you know, this is a discussion point.

Ms. Sablas: It's too bad we couldn't have had someone from the Arborist Committee here to address that specifically.

Ms. Bosco: Right.

Ms. Sablas: But I understand because of the time constraints that you had.

Ms. Bosco: Right.

Ms. Sablas: Cause that would, you know ...(inaudible)...

Ms. Bosco: I did, I'm sorry, I did ask for them to come to the meeting if they could not provide comments in time, but, you're right, maybe it would have been better to have them here, yeah. Okay.

Mr. Kapu: I don't know whether or not this is the right time to bring it up but there's -- what's happening right now, especially around that area where the library is, there's a cultural impact assessment that's being done by the State and it's funded by the Feds. They're going to put in another boat slip and I just did a cultural inventory assessment with somebody that was hired from Oahu, so I just want to bring this --

Ms. Sablas: I, okay, I would think that is a separate issue for what we're talking about now but --

Mr. Kapu: Yeah, well, I know but, at the same time, you know, we're making basic recommendations to try to protect something that is, basically, have an inventory to, basically, do the opposite, so what I'm saying is when we look at this matter, we also gotta understand that somebody else has other plans for that general area and it's being done right now.

Mr. Duensing: Commissioner Kapu, we will be putting that issue on our next month's agenda for discussion because I've already been involved in the talks with that and I do want to bring the Commission into this matter as soon as possible.

Ms. Sablas: From what I understand, I think there's four issues that we, as commissioners, need to address and I think it's probably best to have the applicant come but, commissioners, help me, the issues that we need to address are identified as the food in the library lawn, the motorized vehicle under the Banyan Tree, again, the maintenance, ongoing maintenance of the library lawn, and the impact on the Brick Palace, so perhaps, you know, mostly it's on the library lawn. I think there's three. Was there something else that we -- I try to kinda address, you know, identify the specific issues that I want our applicant to address so we can -- isn't that what --

Ms. Long: The banners.

Ms. Sablas: Banners. Did you mention banners?

Ms. Bosco: No, banners are not an issue, but they do have approvals from the CRC in the past to place banners along all the light post on Front Street. The other issue is reducing the usage under the tree.

Ms. Sablas: Okay, right.

Ms. Bosco: By one-half --

Ms. Sablas: ...(inaudible)... long-term.

Ms. Bosco: Yeah, long-term, and slide show, did you mention that?

Ms. Sablas: Okay, yeah, okay.

Ms. Bosco: Slide show, motorized vehicles, the food booth, actually, general use of the library lawn area, and potential impacts to historic resources within the area, yeah, so --

Ms. Sablas: So if we could have the applicant come up and address these issues for discussion and then we can, you know, give our comments. I think we should just keep it moving.

Ms. Bosco: Yeah.

Ms. Sablas: Thank you.

Ms. Theo Morrison: Good morning. My name is Theo Morrison, Director of LahainaTown Action Committee. First, I'd like to make a correction on that. When we eliminated the street closure for the hoolaulea and the launch, we also eliminated the arts and crafts festival. We did not move it into the -- into Kamehameha Iki Park; that's why we eliminated the street closure. Okay --

Ms. Sablas: So why don't you address the issues on the library lawn, since there were more, and then we'll go into the Banyan --

Ms. Morrison: Okay. As far as the library lawn goes, we've used that park for six years. It's the culmination of the parade for the event. It's an absolute fantastic gathering of the community in Lahaina. It brings the local people and the visitors together in one place in a celebration of Hawaiian and Polynesian culture. There's been other events we've had

at that park, including Kamehameha Day Hoolaulea and the Kiho`alu Festival. You know, I respect the idea of, you know, preserving historic sites but we also have to remember about people, and people are culture too, and this is a tremendous opportunity. If we lose this site, we're losing a big part of this event and what it does in Lahaina. A big part of my job is bringing the local people back into town. Lahaina has lost its residents; its lost a lot of its culture. And one of the reasons we do these events, and why we keep them free, and why we work so hard to perpetuate the culture, is to bring the people back, and losing this library lawn as a site, we'd lose a big part of that. So as far as, you know, maintenance of the park, I believe Lahaina Restoration maintains that park right now. LahainaTown Action Committee maintains the park at Kamehameha Iki Park. We fix all the sprinklers. We do all the maintenance down there. I don't see Parks Department doing a lot of maintenance, and we've never broken a sprinkler at the library lawn; if we did, we'd fix it. There's never been any problem. It's a tremendous thing to bring people into town and utilize public parks for public purposes.

My office has been in Banyan Tree Park since 1995, I believe. I work a lot of hours. I'm there late in the night. I'm there weekends. Parks Department believes parks in Lahaina should be passive parks, and I can tell you what happens with passive parks in Lahaina, they fill up with drug dealers; they fill up with people that fight; people that yell at each other; alcoholics; people that sleep in the park; that's a passive park in Lahaina. And if we don't continue to bring good things into parks in Lahaina, bad things will be there. So the only change we're doing for library lawn is just -- we're just changing it around a little bit so the food booth is more accessible by the people at the concert. I mean as far as the impact, people are just coming, and they're sitting down, and they're watching a fantastic free cultural event with the whole background of Lahaina. If you haven't been there, it's really great.

Ms. Sablas: The issue on the food booth is that you want to relocate it now in the perimeters of the library lawn as oppose to previous years it was more on the street. Is that my understanding?

Ms. Morrison: Yeah, in the past, we were always told that the State owned the grass part and so the County owned the street part so we always had our foods booths just on the street part, but now that's all changing as to who owns what so -- but it's no big deal, I mean I can just move back. If it's an issue, I can just move it back. It's no big deal. We were just trying to change to open it up a little bit so the food wasn't so separated from the concert, but it's really a very insignificant --

Ms. Long: Question for Dawn, and forgive me cause it's been a long time since I've looked at the Brick Palace. Is it a specific historic site or is it within the Landmark?

Ms. Duensing: It is within the Lahaina National Historic Landmark District and I do believe it is designated as a specific site. Personally, I believe it's an important site by means of who it's connected to, to Kamehameha because that was the site of his Brick Palace.

Ms. Long: Right, and wasn't there a lighthouse there as well? I mean it --

Ms. Duensing: Yes, at one time. In the general -- I mean that whole general vicinity is very important.

Ms. Long: In the general vicinity, yeah; just seeing porta-potties there kind of upsets me.

Ms. Duensing: Yeah. If I might elaborate and give you guys notice that this is my personal opinion, but I would -- I kind of put that site, the whole area with the Brick Palace, the birthing stone, the former lighthouse, there's so much there, to me, that is, and the Hawaiians might disagree with me, but I see that as just as important as Moku`ula because it represents post-contact monarchy era in Lahaina as the historic capitol of the islands and, again, how we treat our historic sites is incredibly important and that's what the Cultural Resources Commission is here for. I just think it's a really important location and I don't think that, in the past, we've been giving it enough due as to its prominence, and I also know that, as I'm becoming more familiar with the job I do here, that the CRC in the past has been really hesitant to allow stuff in that general area prior to, you know, the five years that I served on the Commission.

Ms. Long: I'm comparing it a little with concerts at Iolani Palace or something, which is a more formal decorous sit down kind of thing as oppose to this, and it's something that I think we need to consider seriously.

Ms. Sablas: Or you have concerts in the national park in Washington D.C., Fourth of July where you see, you know, a lot of the citizens there in our --

Ms. Long: Hundreds of thousands.

Ms. Sablas: Hundreds of thousands.

Ms. Long: Right.

Ms. Sablas: And I kinda have to agree with what Theo is saying about bringing the community into Lahaina, I mean that is something we've been wanting to do, personally, for me, to see more of, you know, that's what makes the communities, you see community members, and events like this do bring people into the community that, otherwise, don't go. I think the discussion here more is the site and the preservation of the historic sites so if we could kinda, you know, keep --

Ms. Long: Can we talk about mitigation then?

Ms. Sablas: Yes.

Ms. Duensing: Can I just add one comment to yours about Washington D.C., and I don't know how many years you've been going to Washington, but because the mall itself is heavily used by hundreds of thousands of people for all the events, the maintenance of that place has become a disaster. I have friends that are landscape architects for the National Park Service that maintains the mall and it's nearly impossible to even keep grass growing there, and with Parks concerns over maintenance, yeah, it's nice to bring people out and everything but is the location appropriate and what will it do if we continue to allow these events to happen in the park to the overall condition of the area.

Mr. Kapu: I'd like to make a comment. I am sort of in charge of the biggest cultural group on the west side. I have 55 students, and they're all lineal descendants of Lahaina, so an opportunity like this for them to be the ones to represent Lahaina in its fullest as pertaining to -- it has a lot to do with their character and identity as the people of the place, they're allowed to do it in whatever provisions necessary -- necessarily for them that is placed for them, and getting to the cultural sensitivity of the area, I have to also coincide with what Theo is saying that we also gotta remember about the people because the people makes up these precious historical sites, and if it's just a historical site that is placed on a preservation, then we might as well box it up, and we might as well box our people up too, but it gives our families in Lahaina an opportunity to represent the fullestness of that cultural identity and character within what that place really represents. From the past when this event, basically, was struggling, a lot of the families didn't come out because they thought it was just another marketing commodity, but in the past maybe three years, now this is the biggest responsibility for them to reconnect themselves, their cultural abilities, everything that has to do with their criteria of what they were in the past in perpetuity for the future. So when we look at these kinds of things, we have to, I, myself, have to say that we have to be very cautious as pertaining to -- especially in this area, especially in Lahaina that we always talk about preservation, we never talk about perpetuation, and our people get lost in Front Street, on drugs, alcohol, so if this is a positive venue to bring them out from that hole, a positive venue to bring them back, then I support it.

Ms. Sablas: On the Brick Palace itself, I know it's cemented over. At one time they had that bubbles, and now it's, weren't there bubble top? I remember that. They're all gone, but that's because, you know, so it's even I notice that's where the kupuna, you have them in front of the stage, that's where the protocol is held, that's where the demonstration, the very cultural things are held right there, and, you know, I would think if King Kamehameha III was here and he had -- see what happened to -- in Hawaiian culture you honor your kupuna, you honor the perpetuation of what we're doing, I would think he would be proud of those activities. I am concerned about maintenance and -- but I've been, you know, I've

been there every time and I, honestly, don't see that that's, in my opinion, that they're damaging the Brick Palace cause it's well protected. The other thing I wanted to point out, I think this is just one event annually now that's held for the public there so it's not like we have more, you know, a lot of events there, and the significance of bringing back the Hawaiianess to this very place where King Kamehameha toiled, to actually have his kalo patches, and to have the labor, and what Keeaumoku is doing, again, you know it's for me when I'm in places where I feel connected to my kupuna, I feel they're happy if we bring back things of the past to the present that is sometimes lost, and I'm just speaking from my own, you know, knowledge of, my understanding of the culture.

Mr. Artates: Madam Chair?

Ms. Sablas: Yes, sir?

Mr. Aratates: Question for Theo. During the past practice of events that had occurred there in this particular area, do you recall any damages or issues that created to this specific area as the events occurred in the past?

Ms. Morrison: No, there's been no damage.

Ms. Sablas: And I can testify to that. I've been down at the park, close to sometimes midnight, where I see Theo, personally, making sure, cleaning up, picking up every opala and just because I'm involved in the event, and I've seen her with her, you know, just taking -- make sure, scouting the whole to leave it better actually than they found it so this is -- I think we've been involved from day one so I'm very, very familiar with what they're trying to do. And as the past King Kamehameha commissioner, by the way, I must say that I was one who actually brought in the festivities there because it was so appropriate to bring back the Celebration of King Kamehameha to the area that he, at one time, lived, so we, when I was a commissioner, utilized the lawn area to actually bring King Kamehameha by canoe in with the mo`olele and to have seen that site from the ocean, the Hawaiians have to have the connectivity to the ocean, and to have seen, coming on the mo`olele, you can almost see, wow, that's how it must have been back then when he had his warriors, you know, out there, and that area, I'm very familiar with the historical significance of it, and I think the intent here is what we're doing is really to honor the past and who's one who's lived there, so we do need to be stewards of that area to keep it and, again, in my humble opinion, because I've been involved and I've been there, I have watched them do it and cleaning and taking care of it so -- okay, so the food, you said, you can move it if it's an issue.

Ms. Morrison: I can move it back. No big deal. It's fine. We can just do it the way we did it last year so the food's all on the street, the paved part.

Ms. Sablas: It does make a difference. I know. I've been there. The long lines and whatever, but, you know, I know you make moves sometimes for improve, you know -- are you okay with the food not changing?

Ms. Morrison: That's fine.

Ms. Sablas: Okay. The, let me see, the maintenance we discussed that. Are we all okay with that? Any more comments? The impact on the Brick Palace. Okay, okay, so that's the library lawn issue. So let's move to the motorized vehicle under the Banyan Tree as it relates to the huge canoe, and, again, I remember cause we had sponsored the New Zealand canoe and I remember how difficult it was to have even 20 men lift it up so there must be, I mean, Hawaiians before could lift plenty things, yeah, Keeaumoku?

Mr. Kapu: Oh yeah.

Ms. Sablas: You know, I would like to see how we can resolve that, you know, but I don't know what the answer is.

Ms. Morrison: Well, we do drive it in on the sidewalk so, you know, there is very little impact on the park. They come, you know, those sidewalks that come in diagonally, and it's placed at the very, as soon as we get to the shade, it's placed right there so it's not like we're driving huge trucks through Banyan Tree Park at all.

Ms. Sablas: And I was witness to that.

Mr. Kapu: Yeah. I'd like to make one comment.

Ms. Sablas: Yes?

Mr. Kapu: It's not actually the vehicle that goes on.

Ms. Sablas: The trailer.

Mr. Kapu: It's the trailer. Yeah.

Mr. Whelchel: Oh, there's a trailer?

Ms. Sablas: There's a trailer with the tire so that they can just kinda like pull it out.

Mr. Kapu: It's sort of a long trailer, it's about, gee, almost pretty close to maybe 18 feet, but then there's, if anything, probably a little bit of the truck goes and -- but it's majority on the sidewalk.

Ms. Sablas: Yeah.

Mr. Kapu: And they always have to situate the bow of the canoe in a specific area so they can get it in and out, and it's not like they have to go around obstacles and stuff like that, it's just one time in, put it on the trailer, out.

Mr. Kalalau: So why don't we just put that restriction on them, it's only for the use of moving the log, any motorized vehicle.

Ms. Sablas: As a condition?

Mr. Kalalau: Right, as a condition.

Ms. Sablas: Okay.

Mr. Kalalau: And the other thing too because this is an annual --

Ms. Sablas: Wait, she -- Simone wanted you to repeat that recommendation.

Mr. Kalalau: Oh, my recommendation was that we restrict it to just for that kind of use, for the logs, for moving the logs --

Ms. Sablas: No, it's moving the completed canoe.

Mr. Kalalau: Right, the completed canoe.

Ms. Morrison: No, it's before it's completed. It's when it's moved --

Ms. Sablas: When it's brought in, that's right, yeah, I'm sorry. They have to bring in the log and then you have to get it out completed.

Ms. Morrison: Yeah.

Ms. Sablas: So Simone -- she has -- okay.

Ms. Bosco: I just wanted to clarify. Is that just for this canoe we're talking about? Because there are other canoes brought in, and I want to just clarify, we're going to -- cause that's what -- that's the only canoe that we really need this condition for, at this point, cause none of the others are brought in but we want to make sure and clarify that that's what it is.

Mr. Kalalau: Because I'm actually looking at weight limit too. Most canoes when they're finished, I mean these logs maybe going be about 800 pounds and stuff like that, but when

they're carried in there as logs, they might weigh couple tons, so, you know, it's alright to put restrictions and stuff, but then sometimes we gotta sit and think about it more because later on they might come in and say that, you know, they might -- the logs they might be using now is two times the length or --

Ms. Bosco: Right. Right, and that is exactly my point so --

Mr. Kalalau: So we gotta kind of more define that when we put the condition on.

Ms. Bosco: Right.

Mr. Kalalau: Because that's the concern about it, if they're claiming that the heavier vehicles might damage the tree roots and, you know, they're concerned about the tree, so we need to kind of preserve the tree too, but we also need some kind of motorized vehicle to help move those heavy logs, or maybe if only during that period or during that kind of activity that -- and we go try restrict the usage of a trailer or vehicle going on them, or maybe if they can come in the beginning and use them and set them up, and then don't come back until the thing is completed and stuff and, you know, maybe twice during the activity. And then also I think what we need to do is that does the Park or the County has anyone monitoring those events down there on impact, you know, whether -- not only this activity but other activities that because, you know, if we have somebody monitoring the thing, then for long-term protection, we get guidelines that we can follow to make decisions in protecting those areas down there?

Ms. Bosco: Yeah, thank you for that comment. There's two answers. We don't have any monitoring and, I'm just going to guess, the reason is because it takes overtime, overtime to have somebody there on the weekends and then during the week, there may be an opportunity for monitoring, we could have an inspector out there if the Commission would like to request that. And then the second part of my answer is if we can establish guidelines within the permit, then at least it's in writing and they can follow those guidelines too so --

Mr. Kalalau: I would think something like that would be very important for this Commission because we're looking at, you know, trying to protect these areas and preserve whatever that is historical and stuff. We need to have something in place so that we can base -- in case we gotta do changes in the future. I think, you know, like an inspector or something. It's like the before and after, you know, before when we go in there we know this and this is intact, this is how it looks, this is how it is, and then after the event, maybe we should have another follow-up in the area and, you know, just so that we can compile information for future uses also because Lahaina has a lot of annual events. You know, instead of every year they have to come through us to get okay for using certain stuff, I was thinking if, as a commissioner, we can -- as a Commission, we can put some of these annual

activities kind of set up like an line item cause a lot of the little problems here, I feel, that shouldn't even come through us, it should be taken cared from the Parks Department where the people who issue the permits, you know, I mean that's my opinion -- because we know on Maui we have a lot of annual events and I think we -- my feeling is we should have some kind of program set up to where we can evaluate the impact of the activities throughout Maui County, not only in Lahaina, but because specifically this is a historical area, we could use guidelines from area for other areas on Maui. You know, like talking about the mall at Washington D.C. I've been to Washington D.C. in the past five years and the mall, why it's getting worse, is because they're running out space. They keep building more museums. They keep building more monuments. They keep building, you know. Eventually, you ain't going get space to handle the half-a-million of people that go there for Fourth of July or for the big memorial activities on that mall. This is what's happening in Lahaina. You know if we keep building, we ain't going get space for holding this kind of activities that draw tens of thousands of people. I just want to stop there because it could go into other areas of concern.

Ms. Sablas: Thank you. Okay, can we address the long-term usage then that we had comments from commissioners on? The issue here is that Parks -- Arborist is recommending that we cut the time to one-half the time of -- and it's a two-week event so, if I recall from staff, you know, that was not what their understanding was at the meeting and is just something that we can advise that it would be, you know, what's our role here?

Ms. Bosco: You know, and I do want to point out that, again, this is a -- we have not explored the cutting back of time on annual events and I would encourage the Commission to allow us time to review all of the annual events because this is -- this, in particular, is a very popular event.

Ms. Sablas: Yes.

Ms. Bosco: So I would really exercise some caution here in trying to pull together maybe the whole annual calendar and, perhaps, there might be a more appropriate way to handle all of the events, and look at each one of them, instead of looking like a, you know, only one event; that's my recommendation.

Ms. Sablas: Okay.

Ms. Long: Sounds good.

Ms. Sablas: Sounds good, but, for now, we're okay with this, you know, it's happening in couple of days. Okay. Okay. So that's pau. The slide show really is the new addition. Any comments from commissioners on that.

Ms. Long: I love it.

Ms. Sablas: You love it? Okay, that's good.

Mr. Kalalau: We were going to ask what the slide show was going to be on.

Ms. Morrison: I'm sorry, I didn't bring that information but we -- we do have a photographer that -- you know the names of those? That American Indian Tribes? She's from -- we're bringing her in from Vancouver Island and she works with the American Indian Tribes up there, and she's very into the canoeing part of what they do, so that's what that slide show will be about, and we did have those tribes come a couple years ago to participate in the event, so it's very, very interesting for the -- all the carvers from all the South Pacific and, this year, I should mention in case you don't know, we do have carvers coming in from Hokkaido, Japan this year. What this event does for the perpetuation of culture on a international scale is phenomenal cause they have a chance, one-on-one, to talk with each other, see each other. When we had the American Indians here, they told us, at the last minute, they needed to steam their canoe and so we kind of went, "okay," and we took the canoe back, half-made or three-quarters made, down to Kamehameha Iki Park, we had -- we built -- we did a --

Mr. Kapu: The umu on the beach, on the sand.

Ms. Morrison: Yeah. Yeah, and got -- filled the -- got some hoses from the restaurant, filled the canoe with water, put all the rocks underneath, put the rocks in the water, wrap the whole thing up with tarp, and it was just in the evening when this was happening, at sunset, and Keeaumoku was doing his class, just happened to be doing his class with his warriors, and I turned around and all the master carvers from all the countries were standing there watching this. This wasn't a public event. It was just like we had to go do this, and, you know, I could have been in *National Geographic* magazine, that's how I felt. It was unbelievable, and that's what this event does, I mean it's the people, it's the bringing together of cultures and the people, and the phenomenal exchange, and the perpetuation of this ancient knowledge. And while we were watching this, Stephen, from Tonga goes, "Wow, I remember my granddad doing this." He never would have remembered that unless we just happened to have this thing happen. So those are the things that this event, of and by itself, I mean my job is just to go through all this stuff, the permits and all this stuff and create the venue for this to happen, and it happens, and it's phenomenal what goes on. I guess I got off the track.

Ms. Sablas: So are we ready for staff recommendation?

Ms. Long: I have two questions for Theo.

Ms. Sablas: Oh, okay, sorry.

Ms. Long: Theo, is, okay, you've got eight canoes this year, is that what you have every year?

Ms. Morrison: No, we have one more this year than we did.

Ms. Long: Okay, so it's --

Ms. Morrison: We usually have seven to eight.

Ms. Long: A little more than last year.

Ms. Morrison: And one of those is the canoe from Lahainaluna High School, I should say. We've incorporated that --

Ms. Long: That's neat.

Ms. Morrison: The last three years and that came about because, and also Stephen from Tonga also brings his ten year old son who builds the canoe, we brought about the integration of the high schools, Baldwin High School also comes over, they're not doing a canoe this year, they're going to help, because the carvers said that. We always have a little wrap-up meeting with the carvers after the event and they said, "If we're not teaching the youth how to build canoes and how to perpetuate the culture, this is pointless, absolutely pointless." That's what they -- that was their overriding thing, so that's why we've now made that an integral part of what we do.

Mr. Kalalau: Have the, I mean, excuse me, have there, you know, when you guys have your guys meeting after the event with all the canoe builders and stuff, have they given you guys feedback, say, comments about how the thing could improve or what areas maybe we should use next year or, you know, do they give feedback about the whole thing?

Ms. Morrison: Oh, yeah. Yeah.

Mr. Kalalau: Because I'm thinking about what if next year a crew from South America and a crew from Central America wants to come here and do canoes too, can that park handle it? You know, we're going now from seven, eight, and then if we have ...(inaudible)...

Ms. Morrison: Well, no, no, we draw the limit. I mean there was a -- there was a Samoan canoe that was possibly coming in and we said, "No, we can't handle it." I mean it's not as much the park as much as the management of the people. There is -- we have 50 people we're managing this year from six different countries; that's a lot of people. There's the

builders including, you know, the hale builder, the surfboard, and all these other things we have, so we have said we want to keep a good event, a quality event, a good -- so, no, we wouldn't do 20 canoes. It wouldn't be good.

Ms. Sablas: And my understanding also, Theo, help me along, is that for many of these master carvers, you know, when you had mentioned about the feedback, is that they feel that here they have their sense pride that they can share something that they're good at and share it with other cultures because in their own home island, it doesn't happen, that they're not, you know, sometimes recognized for these talents that they have, and it's a showcasing of master carvers from all of the Polynesian Islands and it's a, I think, a wonderful sharing of mastering the art of canoes, making, you know, the art of making canoes.

Mr. Kalalau: Right. No, I'm just thinking if, you know, other countries, other master carvers want to come here and, you know, because now it's called the "International Festival of Canoe."

Ms. Morrison: Well, they're all, yeah, they're all invited and they're all sponsored. I mean if we, you know, it cost a lot of money. We fly them all in; we feed them; we house them, and it all has to be done by sponsors. So if we don't have sponsors for them, they don't come, but we also limit it so, you know, we want to keep it special, we don't want to have -- we can't -- there's no room. I don't think that's a problem. Our, you know, our goal is to have a really great event for the participants and the people that come to see it.

Ms. Sablas: Commissioner Long or --

Mr. Kapu: The thing is not just the canoes, but it's the artisans that come. You know, canoes is one thing, but when they bring their -- what they're worth, yeah, like making the kaula, the songs and the chants that they bring, and stuff like that, that's, I think, that's the most important thing about the International Festival of Canoes is the sharing, is the inter-sharing. Like how Theo mentioned about the steaming of the canoe, even Ray Bumatay from the Big Island remembered that his parents also steamed canoes, and Hector Busby also made a comment saying that in New Zealand they also remember steaming the canoe. So it brings back -- it brings back a lot in that sense, yeah. As pertaining to later on down the future if we're thinking about allowing, say, maybe at a maximum of about ten, I think ten is way too much already. I think, if anything, eight is kind of like maxing it already; maybe six would be good, yeah; seven, six, but the bottom line, I think, is just the intermingling of the cultures is what --

Mr. Kalalau: Right, right, because that's the kind of stuff we need to know because these Arborist people, they're trying to cut the traffic and the vendors on the thing --

Mr. Kapu: Yeah.

Mr. Kalalau: So, you know, I mean --

Ms. Sablas: Commissioner Long, you had some comments?

Ms. Long: Thanks. A little logistical question, Theo, the parade of canoes, no parking on Front Street, is that all of Front Street?

Ms. Morrison: From Longhi's to the 505.

Ms. Long: Okay, and then when you say, "Front Street closed from Papalaua to Shaw," starts at five till when?

Ms. Morrison: It's like 45 minutes. Well the --

Ms. Long: It's just the duration of the parade?

Ms. Morrison: The parade is like -- the parade starts at six. We usually get the cars off first; the parade starts at six; as soon as the parade's over, it opens back up.

Ms. Long: Okay, so you take the finished canoes from the Banyan Tree somehow down to Lahaina Center?

Ms. Morrison: Correct.

Ms. Long: Do they go down Front Street? Do they -- I mean I'm just thinking about --

Ms. Morrison: Well, it's just --

Ms. Long: And I know you've done this before but --

Ms. Sablas: Usually on Wainee.

Ms. Morrison: It's a --

Ms. Long: Just for curiosity, how it affects the town.

Ms. Morrison: Oh, it's fine. It's just a truck, pickup truck with a finished canoe on a trailer. They probably don't go down Front Street, they probably go up to Wainee Street and over to Lahaina Center.

Ms. Long: They go down the back.

Ms. Morrison: And then they're decorated at Lahaina Center underneath the parking lot thing.

Ms. Long: Right, okay, so they actually leave the Banyan Tree earlier and head down there to be decorated.

Ms. Morrison: Correct.

Ms. Long: Okay, thanks. I just wanted to understand.

Mr. Artates: Madam Chair?

Ms. Sablas: Yes?

Mr. Artates: Theo, being that we're having these master carvers coming in, I know one particular master carver ...(inaudible)... just to clear my well being, these logs that are being carved are logs that are being trimmed or cut from Maui?

Ms. Morrison: No, they're coming from the Big Island.

Mr. Artates: They're coming from the Big Island. And those logs consist of what type of trees?

Ms. Morrison: They're Albizia trees, which is a non-native -- considered a weed tree, very fast growing soft wood most people are happy to get rid of, which is why we choose that tree, and they can be carved green.

Mr. Artates: And after they're carved and they're blessed and they're launched, are they within the community as a display or donated to a particular school or --

Ms. Morrison: Absolutely. The canoe belongs to the sponsors so that's a whole other aspect of the event that we really don't promote as much as we should but we're actually creating this incredible landscape throughout West Maui. There's -- so every year there's, you know, six, seven, eight canoes produced which are on display throughout the resorts, throughout Lahaina, and it's pretty amazing. We need to map that actually.

Ms. Long: Is there -- do you have any kind of printed material that people can take with them that explains some of this?

Ms. Morrison: Yes, we're doing a 30,000 program this year that's sponsored by Old Lahaina Luau and Feast at Lele, so there's no ads except the two back ads, and it's like this size, it's 28 pages, each page has a picture of a master carver and a whole -- and a picture of his canoe, a whole description of his philosophy and about the canoe, says the name of the country, and at the bottom it has a little thing about the sponsor and why they are perpetuating the culture.

Ms. Long: Could we have copies for us, please?

Ms. Morrison: Sure. It's not printed yet. As soon as it is.

Ms. Long: When.

Ms. Sablas: So are we ready for recommendation by staff? Before you leave, Theo, I mean I just wanted to say on behalf, as a Chair, that what you're doing is a wonderful event that is far reaching, that encompasses cultures from all Pacific Islands and now Japan, and we, you know, this is something that I know takes a lot of labor of love and organization, and, you know, we wanna be able to support you in putting on this annual event because it's a big thing, it's good for Maui, but it's especially good for the culture.

Ms. Morrison: Thank you.

Ms. Long: I want to see the banner.

Ms. Morrison: Oh, the banner.

Ms. Long: It says we're supposed to see the banner.

Ms. Sablas: Oh, we're supposed to see the banner, I'm sorry.

Ms. Long: She left it over here.

Ms. Morrison: They're not on every lamppost either. There's -- we don't have that many. And it looks real big right here, but it looks nice in town, but it's --

Ms. Long: It's on a thing that goes out?

Ms. Morrison: Correct, yeah, which clamps to the lamppost, it doesn't affect -- and we also have them in Kaanapali and, hopefully, this year I might get some in Kapalua.

Ms. Long: Is it two-sided?

Mr. Kapu: Two-sided, yeah.

Ms. Long: Very nice.

Ms. Bosco: Thank you, Theo. Thank you for the presentation and responding to the questions. Okay, my recommendation is for approval of the addition of the slide show and there are standard conditions attached to this event, which I will be repeating, and they are listed under the Recommendation section of the report, and I would also recommend several additions. We haven't quite worked on the language for the unloading of the canoe but I have something that I could just present, and maybe Theo can help me with this too because I don't know how it actually occurs, but I have that no motorized vehicles shall be permitted within Banyan Tree Park; however, the trailers used to unload the rough cut canoe log shall be permitted to unload up to the perimeter of the Banyan Tree canopy, and I just need to know if actually the motorized vehicles go into the park.

Ms. Morrison: I think that sounds -- I mean we're very aware you're not supposed to drive in the park so we minimize it as much as we can, and the only canoe we have the major problem with is the New Zealand canoe cause it's the biggest log so -- and, like I said, they back in on the pavement so -- the truck actually go -- maybe a little bit is backing in so the trailer, as soon as the trailer, the back of the trailer gets to the edge of the canopy of the tree where there's some shade for the carvers, the canoe is lifted off the trailer so the truck part is -- but, again, it's on the pavement.

Ms. Sablas: So, Simone, my question would be would that be added to No. 9 or you're going to add another --

Ms. Bosco: Well, there's actually 17 -- 9 --

Ms. Sablas: The No. 9 --

Ms. Bosco: Oh, right, okay.

Ms. Sablas: That's says no parking or driving shall be allowed, so you want to amend that?

Ms. Bosco: Yeah, I need to amend that. How -- maybe we should say, "however," maybe we should say, "...however, the unloading of the rough cut canoe log shall be permitted up to the perimeter of the Banyan Tree canopy," after what's written for Condition No. 9. How's that?

Ms. Sablas: What about if you just had that no parking or driving shall be allowed within the perimeter of the Banyan Tree Park except during the initial loading and then final reloading of the canoes.

Ms. Bosco: During the initial unloading and final reloading of the canoe, I should say, "...rough cut canoe logs and final" --

Ms. Sablas: Completed, yes.

Ms. Bosco: Completed canoes.

Mr. Akama: Excuse me, that's quite different from what you said.

Ms. Bosco: I know.

Mr. Akama: So, according to Chairman Sablas's suggestion, the driving will be allowed within the perimeter, if that's your intention; that should be made clear cause you are -- in your suggestion, you're not allowing driving at all except up to the perimeter, so there is a difference.

Ms. Bosco: Yes, there is, so Condition No. 9 reads that no parking or driving shall be allowed within the perimeter of Banyan Tree Park except during the initial unloading of the rough cut logs and the final reloading of the completed canoes. Does that --

Mr. Akama: That sounds like you're going to allow them to drive within the perimeter to load and unload. Is that your intention?

Ms. Bosco: I could specify that it's only up to the edge of the canopy of the tree.

Mr. Akama: That would be more consistent with your initial suggestion.

Ms. Bosco: Okay, I'll make sure that language is included. And the addition of that no refueling of power equipment shall occur under the tree canopy. And there was also a recommendation, it's a standard condition, that no nailing of objects or wires to the tree shall occur. I think that might be in my recommendation already but if it's not, I'll add it.

Mr. Akama: Excuse me, I'm not aware of the way these canoes are carved but, maybe Commissioner Kapu can clarify, they never use chainsaws to carve out the inside? Is it all -
-

Mr. Kapu: Yeah, they do, but they do all the rough cuts at Kamehameha Iki Park.

Mr. Akama: Oh, I see, so all the chainsaws will be used outside of the Banyan Tree?

Mr. Kapu: Yeah, the majority. There's certain areas where they have to sort of cut saddles for them but they try to do the saddles at Kamehameha Iki Park and bring them over to the

Banyan Tree and place the canoes on the saddles. I think, you know, as pertaining to chainsaws being operated under the Banyan Tree, only if they fall into some kind of problem or something, but majority of what's done under the Banyan Tree is the carving, is the fine carving.

Mr. Akama: Okay, cause I know I was at this Arborist meeting, and this is an exceptional tree, and they were especially concerned with chainsaws being around that tree and maybe by accident, you know, severing a branch or something, so I think that their intention is to ban chainsaw use period, I mean this is from the letter, under the tree, so I don't know whether that should be made clear or not in your conditions.

Mr. Kalalau: I think what they're thinking about is when you gotta refuel and fuel where you leak oil and gas onto to the ground; that would cause some -- to the tree.

Ms. Long: That was made ...(inaudible)...

Mr. Kalalau: Yeah, I think that was the main concern; that is why they try to tell them to do their refueling on the street or in a contained area, this was the concern about the oil and gas leaking onto the ground while you're refueling.

Ms. Bosco: Right, the second paragraph from Arborist Committee, they're expressly prohibiting refueling of power equipment under the tree and --

Mr. Akama: And the use of power tools. I remember the comment being made that operating chainsaws under that tree, something about the proximity of the tree, and its, you know --

Ms. Bosco: Okay, and this occurred at the meeting?

Mr. Akama: Yes.

Ms. Bosco: Okay, that's not called out in this letter, so I wasn't aware of that. Yeah, I think we really need to consult with the Arborist Committee on this matter further.

Mr. Akama: Well if you just call Sue Kiang, she's a good resource, and she'll remember, and she'll have the minutes. I think you should do that in terms of the use of the power tools and in terms of -- and I think my recollection as regards to one-half time, I think this is for recurring events, so just to confirm that, this is not for annual events.

Ms. Long: Yeah, I was at a great deal of that meeting as well and that's my recollection. I'm a little concerned in No. 8, chainsaws be refueled outside the canopy of the tree, my understanding is that the roots extend beyond the canopy of this tree.

Ms. Bosco: And also if we want to amend that, the applicant has indicated that the refueling occurs on Canal Street.

Ms. Long: Off-site, yeah.

Ms. Bosco: On, you know, off-site.

Ms. Long: Totally out of there so, yes, I think that would be --

Ms. Bosco: So I'll just change the very end of Condition No. 8, after refuel, to say, "...off-site."

Mr. Kalalau: You being at the meeting, when they talked about power tools, was it electric tools too?

Ms. Long: It was chainsaws.

Mr. Kalaulau: Chainsaws mainly.

Ms. Long: I don't know if they know that other electric tools are used, and maybe Dudley remembers whether they had a concern about sawdust and stuff being on the ground. I don't think they did; that was just kind of mulch, but they were concerned because if a chainsaw were to drop on a root or something like that, they were concerned.

Ms. Bosco: I think I need to speak with staff and clarify that --

Ms. Long: Yeah.

Ms. Bosco: And work with the applicant on how we can protect the tree, meet their needs, and then I think -- I think Theo would be willing to work with the Arborist Committee staff on this matter.

Ms. Duensing: Madam Chair, may I interject a comment into this discussion?

Ms. Sablas: Sure.

Ms. Duensing: When this was first brought before the Cultural Resources Commission, what six years ago or something and I was on the Commission, I know that this use of power tools for a native Hawaiian event was discussed and some of the commissioners felt that, you know, it should be done elsewhere so that the -- my point is that the use of power tools in Banyan Tree Park has been discussed before and, I agree with Simone, it's never

been decided, it's just been allowed and never significantly discussed so that it gets laid to rest and it keeps coming up in discussions.

Ms. Bosco: And, again, my understanding is most of it occurs at Kamehameha Iki Park and if you'd like to know how much more it goes on in Banyan Tree Park, the applicant is here so -- and I don't have the answer. I don't know.

Mr. Kapu: Well let's not also forget the fact that when the County does cleanup they use power tools under the tree too, yeah, like weed-eaters, blowers, and that's a continuous time for them. Now this is an annual event, that only happens once. Sanding and stuff like that is done under the tree. If there's chainsaws, if they need to use a chainsaw, I remember them using electric chainsaws also. But majority, all the rough cut, all the major work is done at Kamehameha Iki Park.

Ms. Long: It brings up another issue. If they're using electric, they have generators?

Mr. Kapu: No. They're hooked up, yeah?

Ms. Bosco: No?

Ms. Long: No generators?

Mr. Kapu: No, power.

Ms. Long: Okay, cause I was concerned about refueling of other things.

Ms. Bosco: I'm going to change the word "chainsaws" on Condition 8 to "power equipment." Okay.

Ms. Sablas: And if any of you want to see the use of the adz in making canoes, that's the place to do it, yeah. It's a neat thing to actually see them do the canoes with the adz.

Ms. Long: Does Akaku do a live broadcast?

Ms. Morrison: We have different people coming and videoing it. We have lots of video from it actually.

Ms. Long: Yeah, I just wondered if the extended community has an opportunity to see it going on live.

Ms. Morrison: I'm pretty sure they do, yeah. And one comment about the power tools, Mike Tavioni is our master carver from the Cooke Islands and when someone asked him

about power tools he said, "My ancestors used the best tools that they had. Too bad for them they didn't have chainsaws." I think that's something to keep in mind.

Ms. Sablas: And Dr. Betty Tatar from the Bishop Museum also told us that if the Hawaiians were here at this time, you know they'd be using modern things in the museum and that's something we remembered as we were trying to replicate museums and things like that that times change, and this is part of history for tomorrow's generation.

Mr. Kapu: But there's also a comment about the tourist when they come and they say, "Oh, you're building a traditional canoe with the chainsaw?" So the comment from the native would say, "I didn't see you come riding in on a horse, did I?"

Ms. Bosco: And, yeah, this event is very well publicized, I just want to let you know, just very -- on media coverage.

Ms. Long: Do you think any kind of condition about how long the banners are up needs to be in here?

Ms. Bosco: I think they're up during the entire two weeks.

Ms. Long: They're up during the event only, yeah. Do we need a condition on that? Your choice.

Ms. Bosco: We can. We can add it if you'd like that the banner shall be installed at the beginning of the event and be removed by the close of the event.

Ms. Long: That's pretty ...(inaudible)...

Mr. Akama: Why not just add it to Condition 2, all structures including -- and banners.

Ms. Long: Yeah.

Ms. Bosco: Okay.

Ms. Long: Good, that works. We talked about monitoring.

Ms. Bosco: Oh, yes, and if you'd like, we can either make it a condition or we could have a comment from the CRC that the CRC request, as much as is possible, that staff monitor the event during the week or --

Ms. Sablas: During the event.

Ms. Bosco: Throughout the event.

Ms. Long: Monitor for what?

Ms. Sablas: Just do random inspections to see that they're in conformance.

Ms. Bosco: Just for compliance.

Ms. Long: For compliance with --

Ms. Bosco: With the conditions.

Ms. Long: The conditions.

Ms. Bosco: If you would like that. I can add it either as a condition or as a closing comment, whichever you prefer.

Mr. Kalalau: Maybe we can say monitor too but monitor -- what I was trying to say is that impact, you know, what kind of impact it creates or what kind of impact will other stuffs impact the event, or the event gonna impact, you know, just vice-versa. Right, monitoring and impact and study is so different but --

Ms. Sablas: Random inspections to comply with conditions.

Ms. Long: Impacts on what, Sam? Just the grass or --

Mr. Kalalau: I'm looking at about everything, you know, streets, I mean crowds, parking, I mean that kind of public impact.

Ms. Long: An evaluation --

Mr. Kalalau: Right, and not only public impact but also, again, towards the park and towards whatever archeological sites, or whatever historical sites, or significant sites in the area, you know, what the -- what kind of impact. I mean we've been doing this now for several years now; we haven't done any kind of impact study on the events.

Ms. Long: Hard to quantify or qualify.

Ms. Bosco: Well I have something like that the CRC request that staff monitor the event as is possible and report back relative to what potential impacts to cultural resources the event may have.

Ms. Long: Let's say positive and negative.

Ms. Bosco: Positive and negative. What positive and -- or negative impacts the event may --

Ms. Sablas: It's good. I'd like them to look at positive impact too --

Ms. Bosco: Yeah, and I like that idea.

Ms. Sablas: For the community and look at the big picture of what they're trying to achieve and sometimes we get to nit-picky and then we forget what we're trying to achieve in the big picture.

Ms. Bosco: And I would encourage the applicant to report back too --

Ms. Sablas: Yes.

Ms. Bosco: Because that could be included in the file for future reference.

Ms. Sablas: Okay, so are we ready for --

Ms. Long: One more.

Ms. Sablas: Yes?

Ms. Long: One more which was brought up. This was a late submittal. Should we add a condition that says that when 2005 comes along, the department needs to have the request 60 days ahead?

Ms. Bosco: Yes.

Ms. Long: Is that okay with the applicant?

Ms. Bosco: Okay, I can work on that language.

Ms. Sablas: So what do we have? Twenty-five conditions? No, I'm just kidding.

Ms. Bosco: Maybe I can try and combine a few of these. Okay.

Ms. Sablas: So are we ready for the vote?

Ms. Bosco: We covered everything, and I'll be speaking with the Arborist Committee too.

Ms. Long: I'm a little confused in No. 16. You're talking about the short-term impact of the project relative to rain. What does that mean?

Ms. Bosco: Yeah, that -- that came from a previous approval. Well that comes from, because it's in the SMA area, that's a standard condition --

Ms. Long: Runoff?

Ms. Bosco: And it's not necessarily --

Ms. Long: I don't quite get that unless sawdust would be running into the ocean.

Ms. Bosco: Yeah. Well, noise levels would apply but --

Ms. Long: Noise, yeah. Noise levels for sure and --

Ms. Duensing: Except that you addressed noise levels in one of the other conditions.

Ms. Bosco: Yeah. We can eliminate -- we can delete that condition, it's not necessary.

Ms. Long: Isn't there a standard, okay, something about soil compaction? I was thinking about when we did the weekend events and there were conditions talked about there as far as the impact on the Banyan Tree Park as far as soil erosion, soil pounding, the --

Ms. Bosco: I don't think so.

Ms. Duensing: No, there were no conditions.

Ms. Long: No conditions; that was --

Ms. Duensing: It was brought to the Commission's attention as possible impacts to the tree but it was not in conditions explicitly.

Ms. Long: Okay, and what about during those art festivals when they pound the whoozy-whatsys into --

Ms. Duensing: There's no staking allowed.

Ms. Long: There's no -- okay. Is that --

Ms. Duensing: No, and then the other thing we tried to get them to do is use one-half of the park one weekend and use the other half of the park the other weekend, and those were the mitigation measures.

Ms. Long: Okay, but I'm thinking of things from that that might be transferred to here and I don't know if they do any staking during this event but if they do, it should be addressed here.

Ms. Bosco: I don't, okay, well we can --

Ms. Morrison: The Parks Department has standard rules for the use Banyan Tree Park and they include --

Ms. Long: That includes all that?

Ms. Morrison: No staking, no cooking, no tying to the tree.

Ms. Long: Okay.

Ms. Morrison: All that stuff.

Ms. Long: You can't tie anyone to the tree.

Mr. Kalalau: Or nail or wire.

Ms. Long: Okay. Okay, that covers that so that that's the full compliance.

Ms. Duensing: May I make a comment here on the use of staking, since I've been employed with the County, I've been putting that into my conditions in a lot of areas in Lahaina because it's inappropriate and that should not be just for Banyan Tree Park, it should be for any tents at Kamehameha Iki Park as well as the library lawn.

Ms. Bosco: Yeah, that is a standard condition for all of the areas within the Historic District. We can add that if it's not there.

Ms. Long: Well, don't be redundant. Okay, No. 10, is the intent to clear the trash after the 10 or 16 days or whatever, or daily, or what?

Ms. Bosco: I think at the end of the event we request that the area be returned back to its original state so that any trash or any debris that's caused by the event, the applicant be responsible for --

Ms. Long: Okay.

Ms. Bosco: And I could work on that. I think there's other versions of this condition that make it more specific to --

Ms. Long: I mean I don't know. I'm sure they have daily cleanup and things like that, but what you're talking about here is not necessarily just cleaned of all trash but if a shrub has been harmed or something, you want that fixed?

Ms. Bosco: Yeah, I think there's a condition, if it's not in here already, let me see, but basically request that, or not even request, requires that the area be brought back to its original condition.

Ms. Long: Put it back the way it was.

Ms. Bosco: Yeah.

Ms. Long: Okay.

Mr. Akama: Excuse me, I believe that's covered under Chapter 13.04 where Parks issues a permit. There are, I wish I had it, I don't have it with me, but there's specific requirements regarding cleanup and restoration to the natural -- and if you want to be more specific, you can say, well, I think let's just leave it as is. It should be sufficient.

Ms. Long: Yeah, if it's covered.

Mr. Akama: Right. Well, between the permit and this, it should be sufficient.

Ms. Bosco: Okay, thank you.

Ms. Duensing: Just one final comment is I think that the staking condition should be inserted. I don't think that's redundant. I think we need to make it a matter of condition for nearly all of these events in Lahaina.

Ms. Long: Yeah, that does raise a point that if someone is going to monitor this or look at impacts, it'd be way easier to have it all in here then to have them go look at the permit and the Parks ordinances and all that stuff. It will make that simpler.

Ms. Sablas: Okay, we deliberated on this issue for over an hour and so, it is important, but, you know, are we ready for the vote?

Ms. Long: And this is with the understanding that you and the applicant will work with the Arborist Committee staff?

Ms. Bosco: Yes. Yes.

Ms. Sablas: So are you going to make the motion, Commissioner Long?

Ms. Long: I'll make a motion then to accept the recommendations, what would it be? As amended and -- as amended.

Mr. Kalalau: Second.

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

It has been moved by Ms. Barbara Long, seconded by Mr. Samuel Kalalau, III, then

VOTED: to Accept the Recommendations as Amended.
(Assenting: B. Long; S. Kalalau, III; S. Kaopuiki; L. Whelchel;
P. Artates)
(Excused: L. Rotunno-Hazuka)
(Abstain: K. Kapu)

Ms. Sablas: Motion carried. Congratulations and thank you for your hard work. Okay, do we need a short break or we're ready to move on?

Mr. Kaopuiki: Short break.

Ms. Sablas: Short break uncle says, okay, take five.

A recess was called at 10:35 a.m., reconvened at 10:45 a.m.

- 2. ADVISORY REVIEW - None**
- 3. DEMOLITION PERMITS - None**

Ms. Sablas: Okay, we'd like to reconvene the meeting, please. Let's move on to Item No. C.2. Advisory Review. None? Demolition Permits none. So we're under Item D, under New Business.

D. NEW BUSINESS

Ms. Long: Madam Chair, I'm not quite sure what is appropriate to talk about under New Business. Is there another -- there's a thing under Announcements so I'll save this for Announcements, but because the New Business relates to what happened at our last meeting, and Dudley's already gotten a copy of the memo, I discovered after I read the minutes of our last meeting that I had a number of questions, and so I've outlined them, so my hope is that this matter can be addressed, yeah, and I'll request that it be placed on either our next agenda or the one following that so that I and, hopefully, some of you will have a better understanding of some of the questions that I had.

Ms. Sablas: Counsel, your recommendation?

Mr. Akama: That's fine, but I don't think we should discuss it now because it's not on the agenda.

Ms. Long: No, we're done.

Mr. Akama: If we want to -- if the pleasure of the Commission is to amend the agenda, then there's a procedure for doing so.

Ms. Long: No.

Mr. Akama: Thank you, Commissioner Long.

Ms. Duensing: And also usually when we get to the Director's Report, we talk about items for upcoming meetings so --

Ms. Long: Oh, okay.

Ms. Duensing: You can bring this to our attention then and you can decide, as a Commission, if you want this to be on your agenda.

Ms. Long: Okay, thank you, that helps me understand that.

Ms. Sablas: Under New Business then it's my understanding that we do have a letter of resignation from one of our commissioners. Is that the time for you to bring it up?

Ms. Duensing: Sure. Milton Pa, due to health reasons, has submitted his resignation from this Commission. I spoke to Milton this morning, he called me, and he wanted me to relay a few things to you as commissioners. First of all, he wanted to convey his aloha, his warmest aloha for the commissioners and express that he was very honored to have served on this Commission for I think it was five years because he started when I did, and he was also very honored to learn that you had elected him to the position of vice-

chairman. It was a difficult decision for him to make but, due to health reasons, his doctor told him he had to slow down and this was one of the activities that he, regretfully, had to give up, and I also kind of jumped in for you guys and told him that he would be sorely missed and we had appreciated all his years on the Commission. He was a wonderful member, always articulate in helping us out on many things.

Ms. Sablas: Thank you, Dawn. So do I add -- amend the agenda now to have an election? Could I do that?

Ms. Long: May I make a suggestion that we can sign something and send it over to Milton? A card, a letter, or something like that?

Ms. Duensing: Yeah, typically, I thought a card would be appropriate too, but we'll also have a resolution prepared for our next meeting that you can all sign, yeah.

Mr. Akama: Madam Chair, it is up to this Commission whether they want to amend the agenda now for the specific purpose of electing a vice-chair but it would take a motion and a two-thirds vote to amend the agenda. The motion would be to amend the agenda to elect a vice-chairman.

Ms. Sablas: Anybody want to make a motion to that effect?

Ms. Long: So two-thirds vote of who's present or of the ...(inaudible)...

Mr. Akama: Of the membership, so we need six votes to pass that.

Ms. Sablas: And the question is if we, you know, because he's resigned, we don't have a vice-president, at least we have a vice-president going into the next meeting rather than waiting till the next meeting; it's an internal thing, I mean, you know, so we need to -- if we agree, at least two-thirds of us agree to amend the agenda to put on the nomination of a vice-president, that's all we need. So anyone wants to make a motion to that effect?

Ms. Long: I'll make that motion. As a practical matter, I think it's a wise thing to do.

Ms. Sablas: Okay, so we have a motion on the floor to amend the agenda to add the election of a vice-chair at this point. Any second.

Mr. Whelchel: I'll second.

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

It has been moved by Ms. Barbara Long, seconded by Mr. Lon Whelchel, then

**VOTED: to Amend the Agenda to Add the Election of a Vice-Chair.
(Assenting: B. Long; L. Whelchel; K. Kapu; P. Artates;
S. Kaopuiki; S. Kalalau, III)
(Excused: L. Rotunno-Hazuka)**

Ms. Sablas: Motion carried. So do I, sorry, do I do it now? Okay, so the nominations are open for the office of vice-chair of the CRC.

Mr. Kalalau: I have one question.

Ms. Sablas: Sir, yes?

Mr. Kalalau: Dawn?

Ms. Duensing: Yes?

Mr. Kalalau: Did Milton Pa give any name as somebody to replace him from Molokai?

Ms. Duensing: Oh, yes, he did and maybe after you finish the election of your new vice-chair, thank you for reminding me, Commissioner Kalalau, I'll address that.

Ms. Sablas: Okay.

Ms. Duensing: I don't want to interrupt what you have going on right now.

Mr. Kalalau: Okay, thank you.

Ms. Sablas: Okay, so we have -- so I open the floor for nominations.

Mr. Whelchel: I nominate Keeaumoku Kapu as vice-president.

Ms. Sablas: Is the funny face means okay?

Ms. Long: I'll second that.

Ms. Sablas: Okay, it's been moved and seconded, so do I -- but we're still -- okay, I ask for discussion?

Mr. Kalalau: I move that we close the nomination.

Ms. Sablas: Okay, then that's the --

Mr. Whelchel: I second.

Ms. Sablas: Okay, so it's been moved and seconded that we nominate Commissioner Kapu as the -- to the office of vice-chair, all in favor --

Mr. Akama: Excuse me, Madam Chairman?

Ms. Sablas: Oh, I'm sorry.

Mr. Akama: You should take a vote on the -- Commissioner Kalalau's motion first, and then take a vote on the nomination of Commissioner Kapu.

Mr. Kalalau: So we gotta close it.

Ms. Sablas: Okay, thank you. Okay, we need to close the nomination.

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

It has been moved by Mr. Samuel Kalalau, III, seconded by Mr. Lon Whelchel, then unanimously

VOTED: to Close the Nomination.

Ms. Sablas: Okay, now that we've gotten that, so it's pau already, right?

Mr. Akama: Now you can take a vote on the -- on Commissioner Whelchel's motion to nominate Commissioner Kapu as Vice-Chairman.

It has been moved by Mr. Lon Whelchel, seconded by Ms. Barbara Long, then unanimously

VOTED: to Nominate Keeaumoku Kapu as Vice-Chair.

Ms. Sablas: Okay.

Ms. Long: Congratulations.

Ms. Sablas: Congratulations, thank you. Item E, Unfinished Business.

Ms. Duensing: Can we go back to Commissioner Kalalau's --

Mr. Kalalau: Right. Right.

Ms. Sablas: Oh, I'm sorry, thank you, yes, about a replacement for Commissioner Pa.

Ms. Duensing: Yes, I did mention that to Milton this morning when I talked to him, and he suggested that the cultural resources person/historian at the Molokai Ranch, a man by the name of Lawrence Aki, would be an appropriate member to replace him, and that was the only name that he gave me, and I asked him whether he would be calling Councilmember Mateo, as their representative from Molokai, to inform him of this suggestion, and he said he would. Now whether the commissioners would like to take further action would be up to you.

Ms. Sablas: I know Lawrence Aki, I've worked with him on several different things, and he's very akamai of his island, he's very passionate about all things cultural, and I have no problem really supporting Commissioner Pa's recommendation for Lawrence also --

Ms. Duensing: Would you then want to make that support known to the Mayor and or the Council members?

Ms. Sablas: If it's the desire of the Commission unless anybody else know of anybody else on Molokai but --

Ms. Long: I think to expedite this so that we do have a member here from Molokai I think, yeah, unless there's someone else.

Ms. Sablas: I've known Lawrence Aki for probably 15 years, you know, directly working with him on various Hawaiian cultural projects and know him to be very dedicated. I don't know if other commissioners know him. You know Lawrence?

Mr. Kapu: A bit.

Ms. Sablas: Yeah, you know, yeah?

Mr. Kapu: It's been a while.

Ms. Sablas: So you guys are all okay with him as a recommendation or --

Mr. Kalalau: I'm okay with him but I think that it should be discussed with the other parties that are involved in trying to get applicants to become commissioners.

Ms. Sablas: I think what the question on the floor was this is Commissioner Pa's recommendation, would we like to send a letter of support to the Mayor supporting Commissioner Pa's recommendation of Lawrence Aki?

Mr. Kalalau: Okay, right now, we didn't get any confirmation from Lawrence Aki, you know --

Ms. Sablas: If he's interested.

Mr. Kalalau: They're just talking over it but I believe that --

Ms. Long: Maybe others submitted --

Mr. Kalalau: No, no, no, I believe that this motion that we're trying to make right now is not legal.

Ms. Sablas: Because it's not on the agenda?

Mr. Kalalau: And it's not only not on the agenda, I don't think it's for us to pick commissioners, I think it should go through the application process, and I don't know if it's legal for us to make a recommendation, you know what I mean?

Ms. Sablas: Counsel?

Mr. Akama: Ultimately, the Mayor makes the selection, but I think, in this case, we can probably send a letter to the Mayor saying that Mr. Aki was recommended by the resigning commissioner and that the board agrees with the recommendation, if that is what the board feels. You're not choosing, it's still up to the Mayor legally, and also, I guess, a copy of that should be sent to, out of deference, to Mr. Mateo, a letter should be sent to him if that is the feeling of this Commission; however, if the Commission's contention is that they wish to stay out of any comments, that's also your right, but it's not illegal to voice a recommendation based on your personal knowledge of Mr. Aki, as a Commission.

Ms. Long: My interest or concern would be that there may have been people from Molokai who submitted applications and that they need to be considered as well, but the fact that Milton did recommend someone and, you know, if any of you were to have to resign, you would probably be interested in having your seat filled by somebody that you thought would do a really great job and that carries some weight.

Mr. Akama: And then it's up to Mr. Mateo and the Mayor as to who, of the candidates who expressed interest, would be selected anyhow, so giving a recommendation from this Commission is perfectly fine.

Mr. Kalalau: My other concern was that because we might have personal connections with this individual and bringing him on board is like a total conflict of interest, I mean a really conflict of interest because now if we gotta vote on important issues, I mean, I feel that it's not, well, maybe it's not appropriate to have the public thinking that, oh, these guys all knew this guy so that's why they brought him on board, I mean, you know, probably they -- the fairness of making decisions by us picking who we want it's like, you know, it's like now, it's like the democratic party picking a democrat and the republicans picking a republican, so, I mean this is my concern now, this is so I feel I think it should go through the regular application process and -- but if we do want to make a recommendation, which I feel would be alright, but it's still like -- it's like we're picking all the people we want to pick to sit on here instead of the public or instead of being on a more fair appointment.

Mr. Akama: Commissioner Kalalau, in that event then if it comes to just a letter going to the Mayor with the Council's blessing, perhaps you should just vote against that, from what you're saying, but the Charter does say that a member shall be appointed by the Mayor with the approval of the Council, and then it gives criteria and I think, if anyone, the Commission has probably, or staff, certainly has the keenest knowledge of what kind of qualification go into a -- or needed in a commissioner.

Mr. Kalalau: Or I feel because it's a conflict of interest for me. I know Lawrence because Lawrence did some campaigning for me when I ran for County Council so it's, you know, I think maybe I should just remove myself from the letter or from --

Mr. Akama: It can be, specifically, noted that you are abstaining from voting on this, if there is a motion.

Ms. Duensing: I'd like to interject to comment I guess reflecting what Corp. Counsel just advised and that is because, in the past, the CRC nominees haven't necessarily met the qualification standard established by County Ordinance, if the Commission has knowledge of a person who has "a demonstrated interest in cultural resources," which is one of the main criteria we have for selecting members, it should be stated because, you know, Milton just volunteered this thing, you know, without hesitancy, you know, he might not even have any interest in serving, but I think it is important for us to keep our eyes open for people who have a demonstrated interest or professional interest in cultural resources, for instance, me, personally, I was recruited by two former commissioners when they needed an historian, you know, people called me up and said, "Hey, would you apply?" You know, I wasn't necessarily recruited by the Mayor's office, but recruited by other commissioners who wanted me to at least put in my application and, you know, this is really -- this should really be an apolitical board that we are serving on because we're supposed to not be so concerned with whether it's democratic or republican or whatever, but whether we're doing the best for the cultural resources of Maui County and that's what we're all -- what you are all appointed to do.

Mr. Akama: I'll just read the section of the Charter to reinforce what Dawn had said, it says here that the commission member should have a demonstrated interest, competence, and knowledge in historic preservation. The majority of the commission members shall be professionals in the disciplines of archeology, planning, architecture or architectural history, Hawaiian culture or history, each having professional representation on the commission to the extent such professionals are available in the community. That's what the Charter says.

Ms. Long: Your point is well taken, Dawn, and I think if the letter also states that anyone else who has applied with the appropriate qualifications needs to be considered and, as you say, we don't even know if this gentleman is willing to do it. But I would support a letter because it might move things along a little faster.

Ms. Sablas: And in due respect to Commissioner Pa who has served this Commission, and that's his island, and I would think that he -- he's active in the community, he's familiar with these people, it's only a recommendation, the final decision is really not up to us, and we understand that so --

Ms. Michelle Anderson: ...(inaudible)...

Ms. Sablas: I'm sorry but public testimony is not appropriate at this time. We're doing -- taking -- doing an internal matter is what I've been advised on this issue.

Ms. Anderson: Well, I would disagree with that. I think if you're discussing taking an action of any kind and you have a member of the public here who wishes to testify on it, I think you have to allow that testimony.

Ms. Sablas: Per counsel.

Mr. Akama: The matter being considered is just the Commission would be drafting a letter based on Mr. Pa's recommendation for a replacement and it is up to this Commission whether or not, first of all, such a letter would be appropriate, there's really no motion on the floor, it's right in the stage of a discussion right now, and it is the considered opinion of counsel that public testimony is not appropriate.

Ms. Anderson: I will be writing a letter to the Office of Information Practices on this because I think you are violating the Sunshine Law by not allowing a member of the public to testify in front of this board on any matter, whether it's on your agenda, whether it's an internal, whether it's a motion or not, you're taking an action, an official action by the board.

Mr. Artates: Madam Chairman?

Ms. Sablas: Yes, sir?

Mr. Artates: Ask for a five-minute recess?

Ms. Sablas: Okay, I call for a five-minute recess.

A recess was called at 11:05 a.m., and reconvened at 11:08 a.m.

Ms. Sablas: ...(inaudible)... caucus for an executive session, okay, so I'm --

Ms. Long: Is that appropriate in this?

Ms. Sablas: We can take an --

Ms. Long: Well the reasons for executive sessions are -- it should be on here; it's not.

Mr. Artates: So your question, Commissioner Long, is if it's appropriate to have an executive --

Ms. Long: Whether an executive session for what you wish to discuss whether that's an appropriate reason to request an executive session, and I don't know enough to comment on that. It has to do with legal liabilities of commissioners, I believe.

Mr. Artates: My thing is we just got --

Mr. Akama: Excuse me, under 92-5, "a board may hold a meeting closed to the public pursuant to 92-4," and one of the reasons given is here, "to consult with the board's attorney on questions and issues pertaining to board's powers, duties, privileges, immunities, and liabilities." So if it -- the matter has anything to do with our powers, duties -- your powers, duties, privileges, immunities, and liabilities, then it would be appropriate to ask for an executive session.

Ms. Long: So we need to know what Commissioner Artates wanted to ask about in order to know.

Mr. Artates: Well, my question is I don't really understand that we're opening public testimony on what particular issue. What particular issue are we opening public testimony?

Mr. Akama: And that's the question you want to ask counsel?

Mr. Artates: That's correct.

Mr. Akama: Put that in a form of a motion. You want to move?

Mr. Artates: Yeah, so I move that we go into executive session so that I may understand what the issue is about opening this particular public testimony.

Ms. Sablas: Do I hear a second?

Ms. Long: Does that meet criteria?

Mr. Artates: I'm asking the duties so --

Mr. Akama: Yes. Yes.

Ms. Long: Duties, yeah, okay. I'll second that.

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

It has been moved by Mr. Perry Artates, seconded by Ms. Barbara Long, then unanimously

VOTED: to go into executive session.

Ms. Sablas: Motion carried, so we're in executive session, thank you.

An executive session was called at 11:10 a.m. The meeting was reconvened at 11:30 a.m.

Ms. Sablas: Thank you for being patient with us and please understand that I'm a new chairperson, we have new commissioners, three new commissioners, so we did need to kind of understand what our perimeters are and so what we've, you know, after discussion, we would like to know what you wanted to testify on, and I should have asked you that to begin with. What, in particular, did you want to talk on?

Ms. Anderson: Well I understand you're under Unfinished Business on your agenda and this matter of a recommendation to the Mayor to replace Milton Pa was being discussed under Unfinished Business.

Ms. Sablas: We were under New Business.

Ms. Anderson: Well, okay, New Business.

Ms. Sablas: Yes.

Ms. Anderson: You're still on your agenda, you're under an agenda item, and that's what I want to speak to.

Ms. Sablas: Yes.

Ms. Anderson: What you were just discussing.

Ms. Sablas: On -- we were discussing Milton Pa's recommendation for a replacement. Is that what you wanted to speak on?

Ms. Anderson: Yes, ma'am.

Ms. Sablas: Okay.

Ms. Anderson: Are you giving me that opportunity now?

Ms. Sablas: Yes. Yes, ma'am.

Ms. Anderson: Okay, first I'd like say, you know, this is a public body. You guys are here serving the public. Public testimony should never be curtailed. Anything you discuss is a public matter; it's not an internal matter at all; it's a public matter, and the reason I was concerned about testifying on this is because I felt you were about to make an action to recommend to the Mayor a replacement for Milton Pa. Number one, it's not on your agenda, that does not notify the public that you were intending to make this action, number one. Number two, commission appointments are a public issue. The public should be aware that there's a vacancy on this Commission. There may be somebody else on Molokai who wants to serve and they should have equal opportunity, and your recommendation carries extreme weight with the Mayor and with the Council, and if you were to make a recommendation today without giving the rest of the public an opportunity to have that same recommendation, I mean what if somebody comes forward and is not attached to Molokai Ranch and, you know, is equally qualified, then you would have the option to say, "Well, I think we should recommend this person." I'm not even sure that a recommendation is something this board should be doing. You should be looking at your rules to see if that's something you should be doing. This is a public body and you're here to serve the public and the public should have equal opportunity at this table. Thank you.

Ms. Sablas: Thank you very much. Okay, recommendations from members on our --

Ms. Long: I think that what we had talked about as far as either staff or Milton acknowledging that this was commissioner, leaving, ex-Commissioner Pa's recommendation is a valid thing to do and I would support that.

Ms. Sablas: So what are you -- are you recommending that we --

Ms. Long: Not so much that we, I don't know whether, you know, chair should write a letter. I do know that as someone who has served on a board and knowing, feeling that if I had to leave, I would like my peers support, my colleagues' support in what I suggest or who I suggested to replace me, whether it's appropriate for us to do that or not, I don't know, but I agree with our counsel that we are one voice, there are people who have already applied, there may be others who will apply, and whether our opinion would carry extreme weight, I don't know, but I think because of the uniqueness of the Commission and the requirements that commissioners do have that kind of interest --

Ms. Sablas: Well I think we started this, actually going here, it's because of the question about did Commissioner Pa have any recommendation and that's what -- this is what actually got us on this trail here so, in light of what been, you know, said, I mean how would the commissioners feel about just having Commissioner Pa write the letter, as an individual, as a resigning member, and it comes from him as he's recommending, and then we don't take any action, but I just wanted to note that this was his request as a departing commissioner? Could staff communicate to Commissioner Pa that we would like him to send in the recommendation?

Ms. Duensing: Sure, I can do that and --

Ms. Sablas: If that's okay with --

Mr. Welchel: It's to agree to do what we agreed earlier to not follow up on this recommendation that it go from Pa --

Ms. Sablas: Yes.

Mr. Welchel: And go through the process as it should.

Ms. Sablas: And the letter of recommendation will be coming from him.

Mr. Welchel: Correct.

Ms. Sablas: So --

Mr. Artates: Madam Chair, I think that's what Commissioner Kalalau was trying to say in all fairness.

Ms. Sablas: Yes.

Mr. Artates: I mean, basically, that's what I heard, in all fairness to the public --

Ms. Sablas: To the -- so that we don't have -- we don't put any weight on this commissioner.

Mr. Artates: To all the applicants who has applied for the position, from Molokai, to have that opportunity, and then, once selected or nominated or sent down to Full Council, then they have an opportunity to testify in against or support of that one --

Ms. Sablas: At that time, and the public --

Mr. Kalalau: Yeah, and then the public would have --

Ms. Sablas: Yeah, so that we can really be open. Are we all okay with this?

Ms. Long: Yep.

Ms. Sablas: So, this is really just a consensus, I mean I don't think we need to take action on it so -- okay.

Mr. Kaopuiki: What about, excuse me, but if we do that, are we going to start something new because I wasn't put up -- Mr. Hokama told me to come, so if we do this, what about -- who's going to serve? Take somebody else -- is this -- are we going to go through a voting process?

Ms. Sablas: That's not part of our responsibility as a Commission to do that it --

Mr. Kaopuiki: I want to be sure because this -- we gotta protect him too.

Ms. Long: Protect themselves.

Mr. Kaopuiki: If we do something and it didn't ask for it in these rules, then we're going to jeopardize his position.

Ms. Sablas: No, what we're saying is that we are going to -- staff, in response to Commissioner Pa's request to, he submitted a name, so rather than us, as a Commission,

take action, we're asking staff to communicate to Commissioner Pa that we would like him to submit his recommendation to the Mayor.

Mr. Kaopuiki: Okay, then okay. If we let ...(inaudible)... to Milton, is that what you're going to say?

Ms. Sablas: I'm sorry?

Mr. Kaopuiki: Milton Pa? Are we going to write a letter?

Ms. Sablas: No, no, no.

Ms. Duensing: I'm just going to suggest to former Commissioner Pa that he submit some names to the Mayor's office for consideration, and I'd like to make a clarification because Milton didn't just say, "Oh and, by the way, I'd like so and so to replace me." I asked him for some names because, in my past experience with this Commission, on the neighbor islands, being Lanai and Molokai, as I said before, we missed somebody from Lanai for the whole first year I was on the Commission, we've had lack of submissions from Hana as well, and that's why I asked for the names so that either he could, you know, somehow get the word out to those on Molokai that there's this vacancy on the Commission; it was not intended to get his preference or anything else, it's just intended to gather information.

Ms. Sablas: Understood.

Mr. Kaopuiki: Okay.

Ms. Long: So it's up to Milton.

Ms. Sablas: Okay, why don't we go back to, commissioners, this took us a long time to go around all of, you know, but I think it's important that we all understand the direction we're going and I especially, you know, out of due respect to Commissioner Pa, former Commissioner Pa who has served, you know, I just need to know in the communication that we have discussed it at length, we appreciate his recommendation, but we would like to have him do his personal recommendation, and that's just on your part to respond to his call, basically.

Ms. Duensing: I will relay that information to him; that request.

Ms. Sablas: Okay, thank you very much. So now we're moving on. Lon?

Mr. Whelchel: I'd like to make example --

Ms. Sablas: Yes?

Mr. Whelchel: Of what we were talking about. Last year, I was the President of the American society of architects, AIA, American Institute of Architects.

Ms. Sablas: Yes.

Mr. Whelchel: And the County called me, as the President, asked me for a recommendation of an architect that would be willing to and be qualified for the CRC, and I asked a few people, and I decided I'm the best qualified so I volunteered, so they processed me, it wasn't that someone that the Council recommended me or anything, it's a process, the County asked for recommendations, so the County would get in touch with Pa or Pa with the County; that's where it will be processed, not through us.

Ms. Sablas: Yes, I think we understand that, the process, but, you know, we just needed to be careful that we don't add extra weight, that's not under our purview for any of the nominees, which is -- which was the issue. Okay, can we move on to the next item on the agenda? Are we all okay with that? Okay, moving on to Unfinished Business.

E. UNFINISHED BUSINESS

1. Procedures for demolition of potentially historic structures

Ms. Duensing: Yes, Madam Chair, I just wanted to bring you up to date on something that was on our agenda a few months ago and this was with the demolition procedures for building older than 50 years. I think we're about ready to finish that up and, hopefully, you know, I talked to the, well they used to be called Land Use guys, I don't know what they're called now, DSA, is that it? Anyway, I think we've got everybody on the same page as to how we're going to do this, how we're going to start with review here on Maui and then move it over to SHPD, and, hopefully, make our review more meaningful and, at the same time, expedite matters for the permitting process, so we're just about done with that and I just wanted to report back to you on that.

Ms. Sablas: Thank you. Next item on the agenda, Item F, Nominations to the National and State Registers of Historic Places, Update on Naniloa Drive Overpass.

F. NOMINATIONS TO THE NATIONAL AND STATE REGISTERS OF HISTORIC PLACES

1. Update on Naniloa Drive Overpass

Ms. Duensing: Thank you, Madam Chair. I also wanted to update you on this, which was on our agenda just a few months ago. I am proceeding with research, I've gathered just about everything I need to begin writing the nomination papers for this, and I also wanted to inform the Commission that I got a call from the Department of Transportation, probably three weeks ago, and talked to Charlene Shibuya, and they are also interested in expediting this procedure, and this kind of shocked me cause DOT doesn't like to get anything on the register in general, but, apparently, there is some question as to whether this bridge needs to be made handicap accessible, so we're looking to getting it designated as eligible even before we finish up the paperwork for the nomination so that it would be treated appropriately. Apparently, the handicap accessibility is because the sidewalks aren't too good and if they repair the sidewalks, they would need to take down the nice timber guardrails and put up steel guardrails, blah, blah, blah, blah, yeah, so I've been working closely with DOT on how we can best protect the interest of this historic bridge, and that's moving along, and I'm trying to get it done faster than originally planned.

Ms. Long: Question regarding nominations to the national and state register. The Old Maui High School nomination is ready. What is the procedure? Does it -- our rules say it goes to the SHPD first?

Ms. Duensing: No. Well, actually, it goes to SHPD and then they give it back to us because the public hearing is first done at the local level so, yeah, I guess it does go to SHPD because then they notify us that there's a nomination ready for CRC consideration, and it goes back to them.

Ms. Long: Okay, then we better get the signature of the certifying official first, and I thought that we might have better luck getting that if this body was behind it.

Ms. Duensing: I, no, I think you're misunderstanding this. The certifying official is the guy that, okay, it goes -- it comes here, okay, you take the nomination to the SHPD who reviews it all and make sure everything's in place, then they call and they ask whoever administers CRC, which in this case would be me now, to put it on your agenda as a public hearing item; at that time, it would be discussed by the CRC, public testimony would be taken in favor of this nomination or objecting to it, and, at that time, the CRC takes the initiative to say, "Yes, we support this nomination to the register," or, "No, we don't." And, at that time, the Mayor then steps in and it goes back to the State, because there's a State Review Board, and the Mayor says, "Yes, I support this." Then it's considered by the State and that would be the time when we get the certifying official's signature, which I believe would be the State Historic Preservation Officer, who would be Peter Young, I think his name is, right? DLNR Chair? And then, at that time, it would be passed on to the national and then you would get one last signature if they agree with the nomination, okay?

Ms. Long: May I ask you to take a look at it before it goes any further just to --

Ms. Duensing: sure.

Ms. Long: Okay, great, I'll drop you off a copy. Thank you.

Ms. Duensing: And, just for clarification for our new members, as one of the duties we have as CRC, I should say you have as CRC, is to review these National Register nominations and make recommendations for the register.

Ms. Sablas: Question?

Mr. Kalalau: Yeah, you know, are there copies of future sites or historical places that we can have the documents on them so we can look at them and, you know, where do we acquire information on these projects that are going to be future historical sites or sites that needs to be preserved?

Ms. Long: You're saying ones that haven't -- that are not in the process of having a nomination written? You're saying --

Mr. Kalalau: Or the ones that are, you know, going to be put into the process, the future process.

Ms. Long: There's not a lot of them.

Ms. Duensing: No, one of the things that Hawaii does not do very well as a state is nominate places to the National Register of Historic Places and that's one of things that I'd like to improve on being your staff person for your Certified Local Government commission, which is one of our duties, and when, for instance, the Naniloa Drive Overpass nomination is ready, you guys will all receive that so that you have an appropriate time to review it before the public hearing, same thing with Old Maui High School, and I remembered when I brought this to your attention, I think it was at your Lahaina meeting, the acting chair at that time was Erik Fredericksen, and he says, "Well, make sure you keep in mind other places." So when we have this, you know, the commissioners are welcome to suggest other places that we can research or explore as getting on the register, but I think in answer to Mr. Kalalau's question is you'll get the documentation of this when it comes before the Commission.

Mr. Kalalau: Okay. Okay, there's one more question. On this Naniloa Drive Overpass, is it written as an overpass or as a bridge?

Ms. Duensing: Technically, what it is a grade separation and a grade separation is a structure that separates one roadway from the intersecting roadway. Historically, it's been called the, I think, Naniloa Drive-Kaahumanu Avenue Overpass, and part of the research

into this nomination is discussing, you know, figuring out what the historic name for it is, but, technically, it's a grade separation structure, and it is an overpass because it, you know, carries traffic over Kaahuman Avenue.

Ms. Sablas: But it's not a bridge?

Ms. Duensing: Yeah, it's a bridge.

Ms. Sablas: So it's all of the above?

Ms. Duensing: It's all of the above, right.

Ms. Sablas: Okay.

Ms. Long: Why do you want to know, Sam?

Mr. Kalalau: Well, I think -- I think bridge is more historic than overpass.

Ms. Long: No?

Ms. Duensing: Yeah, but again in this --

Ms. Sablas: It's terminology.

Ms. Duensing: It's a nicer word but, you know, again, part of my research is to determine what the historic name of the structure is, and when I find out, you'll be the first to know.

Ms. Long: Okay. Do we have a method of prioritizing sites that we would like to see on the national, state and national register? There were a bunch of them taken off. Are we in any -- remember there was this whole house cleaning done a number of years ago --

Ms. Duensing: No.

Ms. Long: Because it wasn't done appropriately?

Ms. Duensing: Well, yeah, yeah.

Ms. Long: And sites were removed?

Ms. Duensing: That was mostly for the island of Lanai. I guess what we could do is put it on as a future agenda item, suggestions, I mean cause I have a whole bunch in my head, obviously, but --

Ms. Long: I would -- I'd love to have some discussion on that because the community plans have these lists of important sites under the cultural stuff, yeah.

Ms. Duensing: Sure. Yeah. The obvious problem is, you know, how to get it accomplished.

Ms. Long: Well, yeah, but if we prioritize some things and have some good reasons and rationale for doing it, we can come up with that.

Ms. Duensing: I mean cause really next on my list would probably be Maunaolu College is probably eligible --

Ms. Long: Yeah, oh yeah.

Ms. Duensing: That's one place and, you know, my head's full of a whole bunch of other places, so we could just discuss, have a future discussion on that.

Ms. Long: These are architectural and I know there are cultural sites that I'm sure are worthy and deserving --

Ms. Duensing: Yeah.

Ms. Long: So, yeah, let's do that, please.

Ms. Sablas: Okay, thank you, Dawn. Can we move on to Item G, Discussion on Preservation Planning, Item 1, CLG Funding and Work Plan for Upcoming Year.

G. DISCUSSION ON PRESERVATION PLANNING

1. CLG Funding and Work Plan for Upcoming Year

Ms. Duensing: Okay, thank you, Madam Chair. I have a handout, and I'm going to come up here and speak to you because I don't like always looking at Commissioner Kalalau's back because --

Ms. Sablas: Yeah, we prefer you being there anyway.

Ms. Duensing: They have much more handsome faces then they have backs --

Ms. Sablas: Yeah, thank you.

Ms. Duensing: And I'm talking about Uncle Sol also. Okay, referring back to the orientation that you had last month, you might recall that I mentioned that Maui County is a Certified Local Government and what that means is that the Federal Government provides Historic Preservation Grants and Maui is one of two counties in Hawaii, the other one being the County of Kauai, that gets these funds from the Federal Government. We do have restrictions on how we use these funds, what they can be spent for, and they are administered through the State Historic Preservation, that should be Division, not office, but anyway, I hope everybody knows by now that when we call it SHPD that's who we're referring to. I did get a request from SHPD that we need to prepare some information sheets regarding how we will spend the \$47,000 plus that will be available to us in the Fiscal Year 2004-2005, and I have another typo there, it says "2," but Federal Government Fiscal Year begins in October, so it'll begin October 1 of this year and go through September 30 of 2005. In addition to this, we are required to match these funds with \$31,569, which is primarily contributed through in-kind services, staff time from Suzie, myself, Corp. Counsel, whatever, and that's usually how we meet our portion of this share.

So they wanted us to submit this by, I think it was April 30, but I wanted to have an opportunity to run these suggestions by you and, in preparation of this, I consulted with your Chairperson, Lori Sablas, and we came up with a list of items, number one is going to be a surprise to Lori and I'll explain this in just a couple minutes, and these are just some suggestions of what we can achieve and what we hope to accomplish in the upcoming year.

Number one, and I've kind of prioritized this by how I see it should be handled, number one is Frank Nelson is a P.E. Preservation Managing Engineer for the Oregon Department of Transportation, and I have met him on and off at preservation conferences for the last four years. I went to the Preserving the Historic Road in America conference two weeks ago and presented a paper on Hawaii's historic roads, including the Hana Belt Road and the north-shore segment of the Kauai Belt Road, and I also attended a presentation that ODOT made and they had these nice concrete arch bridges just like we have in Hana, and I was putting two and two together, and I came up with we should really be using our CLG funding to get Frank here to make a personal visit to Waikani Bridge and, possibly, to Koukou`ai Bridge on the other side in Hana because they have similar construction, and what the ODOT presentation was is how they made these meet Federal standards, and over our last five years in dealing with our own DOT here, that's always the question is how do we meet Federal standards to get money for rehabilitation, blah, blah, blah, and Oregon has such a successful program. Couple years ago, our -- we had a couple of people from, not only historic preservation, but from DOT with their engineers go to Oregon and also to Vermont to look at their programs and, in the meantime, nothing's been done. Well Waikani Bridge is in dire need of repair, I don't know, it's the one above Wailua, there's a lot of damage to the bridge walls, and I spoke to Frank and said, "You know, we have some money. Would you be willing to come out to Maui and meet with us and talk to our DOT

engineers?" First of all, he said he would but there would be two conditions: Number one, you know, I'm kind of putting the horse before cart because we need to get this paperwork into the State, but I also do need to meet with the Hawaii Department of Transportation and make sure that they're not going to be so offended by Mr. Nelson coming out here, that they're just not going to let us do anything and make any progress, so I do need to present this to DOT, and, secondly, he made me promise that he would get a tour of the entire Hana Belt Road and I said, "Sure, whenever you wanna go." So I think we are improving our relationship with our Maui District Office of the DOT and that's why I'd like to start talking to our district engineer and also to the FHWA Engineer in Honolulu who has come to our meetings in the last couple years talking to us about our bridges, and, I don't know, maybe I get overly optimistic, but when I look at the possibilities of Mr. Nelson coming here and looking at what is going on with Waikani and Koukou'ai, you know, we might really have a way to repair these bridges instead of, ultimately, looking down the road for inappropriate replacements or inappropriate repairs. So I'd like to really make this a priority, and I guess you all know that the road is my passion, but I really think of a lot of possibilities for this and I think if we can do this and set an example here on Maui, you know, we can move this statewide because there's a lot of other bridges that are worth preserving in the islands too.

Ms. Long: Dawn, excuse me, is that his only expertise or does he deal with the scenic byways issue as well?

Ms. Duensing: Scenic byways is a different issue and I'd like to keep that separate because scenic byways is -- I think we can tie it in later down the road but what I'm looking for right now is for his advice as to what he thinks we can do to repair these bridges before they're so far gone we have to knock them down.

Ms. Long: Okay, do you have cost estimates for these suggestions?

Ms. Duensing: I'm working on all that, I got this about five days before I left for the Mainland, and it seems to me that it would be appropriate to establish what the priorities are and then get cost estimates figured out after we do that.

Ms. Long: Well that -- it would help to have both.

Ms. Duensing: Well, I mean, like for the first one, I would guess that \$3,000 would cover his transportation and costs for having him here, just a rough guess.

Ms. Long: Okay, let's --

Ms. Duensing: Okay?

Ms. Long: Let's keep it ballpark, but it'll help.

Ms. Duensing: Okay, moving on to number two. This, again, is -- this is a leftover agenda item that we had for the Hana Belt Road for, I would guess, the last two years or maybe three years and that is getting a sign on both ends of the road that list -- that points out to people driving the road that the road is listed on the National Register of Historic Places and gives it, you know, it's appropriate status; that might also include an informational or interpretive brochure, and, again, one of the things I wanted to do is I need to call around and find out how much that has cost, but this has been on our work plan for at least two or three years and not been acted on.

Number three, the National Trust for Historic Preservation has a National Preservation Conference every year. This year it's in Louisville, Kentucky, it's in October, and Lon and I were fortunate enough to be chosen by the CRC to attend that last year, and I'd like to put in the budget for travel and conference registration for the chair, vice-chair, and cultural resources planner to attend that, and, again, that'll generally run around \$2500 per person, maybe \$3,000. I believe the -- the registration cost is about \$300 per person and then we would have airfare and per diem added to that, and this has been something that has been funded with CLG funds in the past. I know when Elizabeth Anderson and Dorothy Pyle were doing Commission things, they had attended these conferences, and I'd like to get this type of training back onto our work plan because, in years past, we haven't really made full use of the money available.

Number four, in September it was, the Commission went to Lanai and we had a presentation on the Secretary of the Interior's Standards for Historic Preservation. It was presented by Tonia Moy who was, at that time, working for the State Historic Preservation Division. Many of our members were not present for this presentation and we talked about bringing Tonia or somebody else back to Maui, now we've got new member, we'd also like to make it available for the staff at the Planning Department, and, again, this is very important training. It was a really good presentation, and it's leftover from a previous work plan and I'd like to follow through on that.

Ms. Long: That's not very expensive.

Ms. Duensing: No, that won't be very expensive; at worst, we're talking per diem --

Ms. Long: Five hundred bucks.

Ms. Duensing: Yeah, per diem, inter-island airfare, and probably a stipend or honorarium of some kind. Number five would be for the planner's travel to the National Trust for Historic Preservation advisor meetings, which will be held in Washington D.C., in March 2005.

Ms. Long: Don't they cover that?

Ms. Duensing: They don't cover all of it, yeah, so I would be requesting some funding to go to that and, basically, I just got back from their meetings in Port Townsend in the Olympic Peninsula area last weekend, and this is a really good opportunity for professionals to network, take advantage of, you know, other programs that might be out there that we don't know about, for instance tying it into number six, I was talking to the regional office advisors about possibly getting some funding to continue the restoration or stabilization of the Maui Jinsha Mission. CLG funds and a grant was paid for, was before I got on the Commission so I think it was in 1999, to do a historic structure assessment of this and the cost for that is like half-a-million dollars and, obviously, CLG money is not going to do that, but if we could try to do some grant writing to get funding for stabilization, maybe replace some of the termite eaten things, there's the Thousand Horses painting there that is in dire need of preservation, at least get it started, and I've been trying to contact the Arine family and they haven't called me back yet, but that's another big project that we should do and that would be good, we should have a site visit over there sometime so that I could familiarize our new members with that building.

Ms. Long: Does it -- does it matter that's in private ownership?

Ms. Duensing: No, it shouldn't.

Ms. Long: Cause --

Ms. Duensing: But one of the things I was looking at and talking about with the National Trust was the Save America's Treasures Grant, which has beaucoup money, I think it's supported by the White House and it's got all these patriotic themes behind it, and when Holly Fialla was here from the National Trust, I not only drove her around east Maui, but I took her over there to see that and she agreed that it's really a national treasure cause it's pretty much a one-of-a-kind thing and we have it right here on Maui in our own backyard. And when I saw her two weekends ago, I gave her the historic structures assessment and will continue to bug her until --

Ms. Long: Great.

Ms. Duensing: You know, we get some support on that because, at a minimum, if we cannot restore it, we should start stabilizing it.

Ms. Long: So that's -- it's for grant writing?

Ms. Duensing: It would be for grant writing and if we have leftover funding after all these other little things, we could throw in some money for that as well.

Ms. Long: What does grant writing run these days?

Ms. Duensing: Well, I don't know and I can, you know, I have a couple more weeks to work on this but I wanted to at least get your feedback on this plan for the next year before I went out and did a whole lot. Most of the grant writing, you know, I don't know what the Save America's Treasures thing would involve, but, you know, I could probably do a lot of that. I don't know. I don't think we would need a consultant, I have a lot of experience with grant writing, but the -- the big thing is to, again, follow through on these projects that were always on our work plans and never got done in the last seven or eight years.

Ms. Sablas: And it's good to be able to be proactive and plan because, in the past, I kinda -- it's like when the funds were running out, then we were brought in, you know, we need to make a decision cause funding was going to run out.

Ms. Duensing: Yeah. Yeah.

Ms. Sablas: And sometimes that's not the best way to spend funds, it's better to think, you know, about for that year that the grants are available and see what our priorities are so -- we talked about this, at least putting it on paper what we think the direction would be, but certainly we would welcome input from all of the Commission members at this time.

Ms. Duensing: And I think Commissioner Sablas's point here is extremely important to emphasize because she remembers, Lon remembers, Keeaumoku, Uncle Sol, is, last September, it was like we've got all this money and we had to spend it by, you know, September or it was in August and we had to spend it by September 30, and it was just rush, rush, rush to see how fast we could spend \$45,000 and, I mean as a taxpayer, you know, that's kind of offensive, but, you know, as a preservationist, is that really making the most use of our money so, right now, what I'd like to do is if we can establish a work plan, I can come up with some budgeting, and I'm sure that we can work with SHPD if we want to make any changes over the upcoming year, but at least let's get the work plan and, now that we have a staff member assigned to the Commission, let's see that we get it carried out and really do something for Maui County cause that's what we're all here for.

Ms. Long: Suggestion to add to it, I don't know what you would have to pay someone to write a nomination to the state and national register, but after we've had our discussions and prioritization, we could maybe say, "Yeah, we'd love to hire someone to write these nominations and do the whole thing," and that would accomplish -- I think we need to look to 288 to see what other mandates -- 2.88, excuse me, to see what the other -- education is one, advice is one, nominations to the registers is one --

Ms. Duensing: Yeah, and they're all in here in the letter I got from the State. Some of the other things that we're going to do and a lot of this stuff I'd like to kinda do in-house too because --

Ms. Long: Sure.

Ms. Duensing: I don't want to just do nothing but permit processing. I like working on national register nominations. Another thing on our work plan that I talked to John Summers about, as our new Long Range Division Director, is looking at our preservation ordinances because one of the things in 2.88 is making suggestions for appropriate revisions to ordinances and having reviewed what we got, I mean it's 30 years out of date --

Ms. Long: Oh, yes, yes.

Ms. Duensing: So that's on the work plan as well.

Ms. Long: Chapter 19 stuff under --

Ms. Duensing: Yeah, yeah, so, you know, and I asked John, you know, should we be looking for help outside, and he said, "No, I think we should be doing this in-house." We're supposedly going to get a couple new Long Range Planners too so -- but I hate to, you know, put, well, let's do 15 national register nominations out and then let Dawn do nothing but Historic District permits because I wanna have some fun too.

Ms. Long: I like that idea cause, yeah, that Historic District Ordinance --

Ms. Duensing: So this isn't necessarily the only thing we're doing.

Ms. Long: But if you're giving us an opportunity to participate in this --

Ms. Duensing: Yeah, and the national register nominations could be covered we could find a qualified person to do them.

Ms. Long: So you need to have this finalized when?

Ms. Duensing: I told --

Ms. Sablas: April 30, you said?

Ms. Duensing: Well, actually, I think they want it by mid-month.

Ms. Long: Mid-May, okay.

Ms. Duensing: So, basically, what I'm asking for is your input or your support of my suggestions and then I can come up with a budget and get it in.

Ms. Long: So ten days.

Ms. Duensing: Yeah, well, they wanted it two weeks ago and, like I said, you know, I got it on my desk three weeks -- three days before I was scheduled to go to the Mainland conferences so nothing happened, but they're being, you know, they're giving a certain amount of flexibility in this.

Ms. Long: Well, in the more bang for our buck situation, I think we need to look at these and say, "Okay, which ones are going to fulfill what we're supposed to be doing and be as effective as they possibly can?" When you say you're going to do something in-house, that means that part of this \$47,354 will be spent in-house?

Ms. Duensing: No. What it means is our matching contribution is my time.

Ms. Long: So that's part of the matching?

Ms. Duensing: Right.

Ms. Sablas: Part of the 31,569.

Ms. Duensing: Yeah.

Ms. Long: Yeah.

Ms. Duensing: Yeah, cause, yeah, you don't charge the government for what our employees do; it's our matching contribution.

Ms. Long: Right, okay, but if you need to spend money on a grant writer or a consultant or somebody like that?

Ms. Duensing: Yeah.

Ms. Long: Okay. But, on the other hand, if you're doing it in-house, is that going to take your time away from doing something that we might think you should be doing?

Ms. Duensing: Yeah, no, but I --

Ms. Long: Yeah, no?

Ms. Duensing: I mean, you know, my first six months here, which I haven't yet passed, is basically training and figuring out what to do, but I was hired with the idea that, you know, I would staff this Commission but there's also a lot of other preservation things to do, and, as a professional, you know, I have a very strong interest in not just processing permits, but also making long-term contributions to preservation on Maui by things like the national register nomination. Another thing that has been talked about is working on the Preservation Plan for Maui County, which is 1984, and that's way out of date too. So those are part of my job duties, and they're in my job description, and I just have to, you know, try to balance my time the best way I can.

Ms. Sablas: Commissioner Kalalau?

Mr. Kalalau: Yes, this is getting back to, you know, the grant and the Federal funds and the County matching the Federal funds, and where the County has only \$31,569. You know, I'm just reading the word match the funds, if we match the funds, we're still short \$15,785 someplace.

Ms. Duensing: I don't know how they figure that out cause usually a match is, like you said, one-to-one, but those are the numbers that they gave me, and, you know, I think the County probably contributes more than that in the end anyway when you, you know, figure what the staff salaries are.

Mr. Kalalau: Maybe, I don't know, I think I need some clarification on that because it's \$15,000 for match. If they're talking about one match that they're going to match the Federal money and they come up with only 31,000, I mean it's \$15,000 that this Commission could use or could be added to some of your projects over here.

Ms. Duensing: Well, the reason why I put that in, just to try to clarify that, okay, this is what the State says, they have \$47,354 available in Federal funds and the matching requirement of \$31,569 comes from the County, so that what they say is the total project cost is \$78,923, and the way the county will fund that \$31,000 is through staff time and those kind of contributions, what it cost to run the Commission.

Mr. Kalalau: Oh, I see. I see, okay so --

Ms. Long: If that's what the State says, that's what they want.

Ms. Duensing: Yeah. Okay, so we don't normally ask, you know, "Oh, you know, we want you to make up the extra \$15,000 too," and, I mean just to point out one thing, one of the things I've been asking the State Historic Preservation Division, since last May and I still

haven't gotten an answer and I'm going to go to somebody else now, is that Kauai gets this one year, we get it another year, and what I'd like to see is that we have an even amount of money all the time so that if we want to send people for training, we can't say, "Look, we got no money this year so we can't go."

Ms. Long: That's a good idea.

Ms. Duensing: And the Kauai commission was in support of that too so, you know, I'm going to follow through on that again so that we can --

Ms. Sablas: So it'll be a smaller amount then?

Ms. Duensing: It'll be a smaller amount --

Ms. Sablas: But it's more consistent.

Ms. Duensing: But it'll be more consistent.

Ms. Sablas: Yes, make sense.

Ms. Duensing: Yeah, because this way, for instance, the historic road conference, you know, that came when we didn't have any money so I bought my own plane ticket to go and give a presentation on the Hana Belt Road because we don't have CLG money and, you know, that's just the way it was, so it'd be nice to have money for staff training or, you know, whether we -- Commission training, whether we send you guys to the Trust conference or we bring people here to talk about the Secretary of Interior's Standards; it would be nice to have a certain pot of money every year so that we don't do it all and then we don't do anything for the next year, which is why things like the -- just the national register sign for our poor Hana Belt Road have never gotten put up, you know, cause it always falls to the bottom of the pile somewhere and then, "well, we don't have any money for it," or, "we didn't do it and, you know, now we gotta spend this money quick in four weeks."

Ms. Long: Madam Chair?

Ms. Sablas: Yes?

Ms. Long: This is great. I love seeing this. Are you going to finalize it with Lori?

Ms. Sablas: Yeah, we can do that cause like I said --

Ms. Long: And anybody else who wants to be involved?

Ms. Duensing: I don't know, Corp. Counsel, cause how do we do that?

Ms. Long: I really don't care. I'm just asking if it's -- if anybody wants to be involved.

Ms. Duensing: You know, we do this and we -- we do the final thing but then don't, I mean it's kind of like Sunshine Law on that too, right, if we --

Mr. Akama: If three of you meet?

Ms. Duensing: Yeah.

Mr. Akama: Well, you're not on the Commission.

Ms. Long: You're not on the Commission.

Ms. Duensing: Well, I mean, you know --

Ms. Long: Never mind, just do it with Lori.

Ms. Duensing: Ms. Long said, well, whoever else is interested, but don't you run the risk of now we need to open the meetings or --

Ms. Sablas: Well, again, you know this is on the agenda. If between now and whatever we need to get it out, you know, let us --

Ms. Long: You've got ten days to do it so the two of you will work on this and --

Ms. Sablas: Yeah. Yeah.

Ms. Long: Okay, what I'd like to ask is that, at our next meeting then, we get a copy of your final budget so we can comment on it.

Ms. Duensing: Oh, most definitely, yeah. And, again, like I said, if we have anything that becomes a higher priority as time goes along --

Ms. Long: We can shift it.

Ms. Duensing: You know, we can at least try to work with the State to make adjustments in it. I can't see that they'll be that inflexible that they say, "well, no, you said you were going to do this," and, I mean, you know, grants are, you know, they're a little bit flexible anyway.

Ms. Long: Okay.

Ms. Sablas: Okay, we just wanted to kinda get a path to follow.

Ms. Duensing: Yeah, and, again, Lori and I went through the second, third, fourth, fifth, and sixth points and, having gone to the road conference, you know, I put the visit by the engineer on the top of my list because this has been something we've been, you know, we've written letters to Councilmember Carroll and all kinds of other people asking them to look at these bridges and do something about them.

Ms. Sablas: So the final thing that -- what we hope to have is a professional report from him and that would really be helpful, yeah.

Ms. Duensing: Yeah, what I have in mind is you bring him out, if he can meet with our district engineer, and maybe the bridge engineer from Honolulu, maybe our local representatives.

Ms. Sablas: But then his recommendations would all be in writing and then we would have a copy of that too?

Ms. Duensing: Yeah. Yeah. I mean, basically, we want to know, "Can you do this? Can you do this bridge like you did that other bridge you told me about at the presentation two weekends ago."

Ms. Sablas: Benchmark works.

Ms. Duensing: Yeah.

Ms. Sablas: Okay, any other discussion on this item? Thank you. Can we move on to Item No. 2 then, which we kinda discussed?

2. Historic Hawaii Foundation Preservation Conference, May 14-15

Ms. Duensing: Yeah, the Historic Hawaii Foundation Preservation Conference, again, that's an annual conference done by the Historic Hawaii Foundation, it meets next week, May 14 and 15, and generally when we go to training and conferences, we offer the chairperson and the vice-chair first opportunity to attend. Chairman Sablas will be attending as will I, I kinda gotta go by default because they asked me to sit on a panel, and we can take another person but we need to have that decision today so that Suzie can get the registration in if anybody else is interested in going.

Ms. Sablas: We have a vice-chair.

Mr. Kapu: Where is this?

Ms. Sablas: On Oahu at the Hawaii Convention Center, but you know what? It's -- you have to be here, it's the opening, the awa ceremony. Yeah, I have to miss that too so it's, yeah, he has to -- he's the protocol person to open the in celebration of canoes, international festival --

Ms. Duensing: You're just too popular.

Ms. Sablas: So there is room for a third person. Anybody interested?

Ms. Duensing: Lon?

Mr. Whelchel: ...(inaudible)... but I -- I've got to find out my schedule. I don't know if I have something planned for --

Mr. Kapu: What day is this? What day?

Ms. Sablas: This is -- it would be Friday, Saturday, May 14-15.

Ms. Duensing: Basically, next week.

Ms. Sablas: Yeah.

Ms. Duensing: Yeah.

Ms. Long: Friday's the big one.

Ms. Duensing: Last year, I wound up going by myself because Erik couldn't go and, well, we didn't have a staff person there, but at least we'll have an additional person this year.

Ms. Long: I didn't think the program was all that thrilling to tell you -- except for your part.

Ms. Duensing: Roads.

Ms. Long: Except for your part.

Ms. Duensing: Historic roads and bridges isn't thrilling?

Ms. Long: Except for your part, yeah.

Ms. Duensing: Yeah, I mean last year I didn't go expecting much but it was actually better than expected, and, you know, the other nice thing is usually the State Historic Preservation sends people --

Ms. Long: It's good networking.

Ms. Duensing: And it's good to meet our fellow commissioners on Kauai and that's how I met them was through last year's meeting so --

Ms. Sablas: You wanna come?

Ms. Long: I can't. I got family coming.

Ms. Sablas: Uncle? Okay, Lon, then why don't you let Dawn know your schedule.

Mr. Whelchel: Okay.

Ms. Sablas: Otherwise, then it'll be the two of us.

Ms. Duensing: Yeah.

Ms. Sablas: Okay, thank you very much.

Ms. Duensing: We will be amply represented.

Ms. Sablas: Okay, let's move on to Item H.

H. SIGN ENFORCEMENT PROGRAM IN THE LAHAINA HISTORIC DISTRICT

Ms. Duensing: Nothing to report. You just wanted it as a standing item so it's on there.

Ms. Sablas: Right, but we do have -- we have hired two more --

Ms. Duensing: One more.

Ms. Sablas: One more.

Ms. Duensing: One more enforcement person and I don't know what she is doing.

Ms. Sablas: I'd like to have a status report that say, out of a hundred percent, we're at the whatever percent level as far as the -- so that we have an idea of how it's moving along,

you know, hundred percent being the ideal, everybody is in conformance but, at this point, we're at what part of that.

Ms. Duensing: We can try. I don't know how we would put that together, I mean just a guess would be -- there's just so many signs there and that would take an incredible amount of time for one of us to go out and do.

Ms. Sablas: Even a ballpark about -- do you know about what percentage are in conformance in Lahaina on signs?

Ms. Long: Two percent.

Ms. Duensing: I'd say less than ten if I really had to be honest.

Ms. Sablas: She says two, you said less than ten, it's that ...(inaudible)...

Ms. Duensing: Yeah, I mean I go out there and it's nothing but violations. It's awful. Yeah. And I think Keeaumoku --

Ms. Kapu: And they randomly change all the time.

Ms. Duensing: Yeah, and I mean and that's part of the problem with the sign enforcement is that it's going to take a dedicated person to just keep after everything in Lahaina.

Ms. Long: And it's not just Front Street, I mean you drive along the highway, on the makai side, that's Historic District.

Ms. Duensing: No.

Ms. Long: Not all the way up there?

Ms. Duensing: It's the Landmark District, but it's not the Historic District.

Ms. Long: Landmark. Okay.

Ms. Duensing: The only thing in the Historic District, I think, that goes up to Honoapiilani Highway is the church. Yeah.

Mr. Kapu: There should be some kind of strict enforcement because, you know, as a commissioner, when you try to advise people as pertaining to violations, they get kinda little bit arrogant, yeah.

Ms. Long: Oh, yeah.

Ms. Kapu: I mean big time arrogant.

Ms. Duensing: Yeah, and I mean I go out there and I take pictures and, you know, I ask for enforcement and, you know, when I take the pictures, the shopkeeper just laugh at me because they know nobody's going to go out and do anything.

Ms. Long: You should just be able to take the signs away.

Ms. Duensing: Oh, I'd love to but --

Ms. Sablas: I've asked her to be, you know, to put this because I think this is such an important part of preservation planning is -- because that's, you know, your eye is gravitated to all those signs and if it's out of site, out of mind, and we've gotten a lot of work in the design guidelines, and now we've got enforcement, and if we're not on top of it, it's going to be another thing that it's okay.

Ms. Long: Can we use CLG money for that?

Ms. Duensing: We could possibly in the future but I'm not sure because of the nature of it being every other year, you know, you enforce it for a year, then you lay off, how much more effective that might be?

Ms. Long: Well, but you could use --

Ms. Duensing: And the other thing is I think, for this upcoming year, could we really get anything in place by October? I don't know.

Ms. Sablas: But we hired additional staff and I would just be curious to see what specific direction the additional staff have that's, you know --

Ms. Duensing: Yeah, well, I think --

Ms. Sablas: I would say the goal, that's why by percentage, if we had a hundred percent that needed to, and we're at the two percent level, so we hired staff so, by the end of the year, your goal is to at least impact about x-number percentage of a conformance. If we don't have those things, it's just going to -- nothing's going to happen.

Ms. Duensing: Yeah, I agree, and I think that one of the, well, there's two points I'd like to make is one of the points that Keoki Freeland makes is that there needs to be a dedicated individual officer in the Lahaina Historic District, not just for signs, but for all the building

code violations and everything else, the design violations, and that's an important point, and that would be something that I think this Commission would have to make a priority and it would have to go through Council, you guys gotta, you know, somebody needs to get that budgeted so there's a person out there cause you could full-time work out there on all this stuff, and I mean I just hear about going to Lahaina, I just want to pull my hair out because, you know, there's just so much going on there and there's so little cooperation with conformance and compliance, what do you do? I think the second point is is that the other idea I came up with is to work with the LahainaTown Action Committee and possibly the Restoration Foundation and maybe the County could fund some college students during the summer to go through and at least take the inventory of the signs that are out of compliance and then let the department take it from there; that's another idea, but, again, whether, you know, a three-month period of two people going out is going to be enough, I don't know.

Ms. Sablas: I think anything helps even if someone is assigned to go over and even if it's an interim to be able to just get some seed information that whoever we hire at least you know, if you turn it over to the enforcer, then you can say these are really the ones are bad but --

Ms. Duensing: Yeah, and I mean I have, you know, asked for enforcement on several and it wasn't done. You know I went out and took the pictures and --

Ms. Sablas: But, you know, as long as I've sat here, and others, it seems like nothing is moving and I just --

Ms. Duensing: It isn't. I agree.

Mr. Kapu: What happens during an enforcement? Does the inspector go down and inspect and make a judgement to tell them to take it down or I mean what does go on?

Ms. Duensing: I think the inspector is supposed to go out when a violation is reported and, you know, talk to the store owner about what the violation is and give them 30 days to comply, and then if they don't comply, they get fined, but you gotta get the County to do that. I mean we've been going --

Ms. Sablas: Okay, in one of our upcoming agendas, if you could just, maybe under that, bring in someone from that area, the enforcers, so we can get an update personally from whoever is doing the job so we know the status? And then we have an opportunity also to dialogue with that enforcer.

Ms. Duensing: Yeah, cause Aaron was here with Mike Foley the last time you requested their attendance --

Ms. Sablas: Yeah, that's why I said an upcoming.

Ms. Duensing: So do you want him to come back again?

Ms. Sablas: Well just so that they -- keep them on their toes that we, you know, we need -- we are on top of this and we would like to see some progress being made.

Ms. Duensing: Okay.

Ms. Long: Didn't Mike say he was going to come back to us in a year?

Ms. Sablas: A year, yeah, but, in the meantime, you know, a couple of months have passed by.

Ms. Long: We need an update from Aaron. I don't think Aaron spoke at that meeting.

Ms. Duensing: No. Nobody had any questions for him.

Ms. Long: Well, we will.

Ms. Duensing: Cause I asked, "Does anybody have questions for Aaron?" And nobody said anything.

Ms. Long: Well, okay.

Mr. Kapu: Does the sign enforcement also include, I mean these signs that are outside of the store, what about signs that are like mobile signs?

Ms. Duensing: There ain't supposed to be any mobile signs.

Ms. Long: No moveable signs.

Ms. Sablas: No sandwich boards.

Ms. Duensing: No sandwich boards.

Ms. Long: No moveable signs.

Ms. Duensing: Most of the menu boards in Lahaina are illegal. You've got people with neon, that's not, yeah, read through the guidelines, there's all kinds of --

Mr. Kapu: Well we've got, the one that strikes me is, there's couple actually, the plane that flies the for sale \$4.99 a t-shirt --

Ms. Duensing: Where's that?

Mr. Kapu: Flying across Lahaina skies. The plane.

Ms. Long: They're still doing that?

Mr. Kapu: Yeah.

Ms. Sablas: Yeah.

Mr. Kapu: And the second one is the --

Ms. Duensing: I don't think we can regulate air space though.

Mr. Kapu: The second one is the amphibious vehicle called "The Lahaina Honu." It's a big giant vehicle.

Ms. Duensing: Now there's -- is he running through town?

Mr. Kapu: Oh, yeah.

Ms. Duensing: Cause I was told he wasn't running through town because he knows he needs a Historic District Permit and I told him to put one in and he didn't. Okay.

Mr. Kapu: He's running right through town.

Ms. Long: Is that the duck?

Ms. Duensing: The duck. He's doing pono honu tours.

Ms. Long: But he's not quacking anymore is he?

Mr. Kapu: No.

Ms. Duensing: So I heard that was okay because he doesn't quack. Well, I disagree. But, no, he's been put on notice that he needs a Historic District Permit and then when I called him back --

Mr. Kapu: But they're still running.

Ms. Long: Flatten his tires.

Ms. Duensing: I was told he was only running in Kaanapali, not the Historic District. You've seen him downtown?

Mr. Kapu: Not only that, not only that, but he also goes to Mala and goes right straight into the ocean.

Ms. Long: Well that's his job.

Mr. Kapu: Well, from land to ocean, back on the land, and, you know --

Ms. Long: And the signs are visible in the ocean too?

Mr. Kapu: Oh, yeah.

Ms. Long: Oh, well.

Ms. Duensing: It's pretty gaudy, but he was told that he needed a permit so I will try to have somebody look into that cause when I asked why no permit was submitted, it was, "Oh, I decided not to go into the Historic District." But you've seen him down there?

Mr. Kapu: Well, let's say his route includes the library, from the library, the harbor --

Ms. Duensing: Then he's in the Historic District.

Mr. Kapu: Right straight past 505 Front Street, right around Moku`ula, and on the main Honoapiilani Highway going down towards Mala, and right back around, and it's a trip that they take about at least six to eight times a day.

Ms. Long: Oh good grief.

Ms. Duensing: Okay, we'll somehow notify him.

Ms. Long: Maybe he's not clear where the Historic District is.

Ms. Duensing: He's been told.

Ms. Long: He knows then.

Ms. Duensing: He got mad at me when I told him he needed a Historic District Permit cause, you know, he went to the Coast Guard and he got all those other permits, and then,

you know, he says, "Well, it doesn't say anywhere in County ordinance," so I said, "Well, but it's a Historic District." "You guys regulate every activity?" I said, "Well, basically, yes." So, yeah, he was told.

Mr. Kapu: Well, you can sit by Moku`ula and watch him pass by on a daily basis, I mean every hour they pass by.

Ms. Duensing: Okay, thank you.

Ms. Sablas: Okay, obviously, we have a lot work to do in ...(inaudible)...

Ms. Duensing: Yeah, it's a lot more work than one person can do.

Ms. Sablas: Okay, moving along to Item I, Director's Report.

I. DIRECTOR'S REPORT

- 1. Cultural Resources Commission Meetings in other locations - Lahaina, Moloka`i, Hana, etc.**
- 2. Cultural Resources Commission Correspondence**
- 3. Correspondence received from State Historic Preservation Division**
- 4. Administrative Permit Reports**
 - a. Demolition Permits**
 - b. Historic District Approvals Report**

Ms. Duensing: Okay, Cultural Resources Commission meetings in other locations, we're still looking at probably having to go out to Lahaina in a couple of months. Pioneer Mill is gonna have a number of demolition permits coming before us I expect. Items for future meetings, I said earlier, the Lahaina ferry pier project I wanted to bring that to everybody's attention so I will be putting that on next month's agenda, whether or not we meet there in Lahaina, I don't know, but I'd rather bring it to the Commission's attention now rather than at the end of the EIS process next year. We also have the Banyan Tree issue deferred; we haven't taken that back up again; maybe if I can get that put in order by June, you know, we can discuss that also but, at this point, I just don't know.

Cultural Resources Commission correspondence, you only had one letter for me to write this past month and that was the letter from Commissioner Sablas to the Council regarding Makena; that was sent out.

Ms. Long: May I interject just one thing. Commissioners, you got that in your packets. We are going to be referring kind of to that when our counsel gets back to us next time on my

memo and that was kind of an issue in my memo. I would just be curious to know if you would please read that letter and consider whether that letter reflects what you thought that that letter was going to be about for next time. I'm just curious.

Ms. Duensing: You mean the Makena letter?

Ms. Long: The Makena letter, yeah, cause, reading the minutes, there were several things mentioned, there seems to be a way the commissioners were feeling, and I'm just curious to know whether they think that letter did what they thought it was going to do.

Ms. Sablas: Any comments from other commissioners on the letter?

Ms. Duensing: Can I make one comment on the letter --

Ms. Long: Sure.

Ms. Duensing: Is that it was supposed to be from Commissioner Sablas too because it was not an agenda item.

Ms. Long: I understand that.

Ms. Duensing: Yeah.

Ms. Sablas: But I think discussion at -- in -- was input from Commission members of some of the contents of the letter were suggested that was not included I think is what you're referring too.

Ms. Duensing: Okay.

Ms. Long: I don't want to get into discussion of how letters are compiled right now. I appreciate it.

Ms. Duensing: But the chairperson did review it before it went out. And, actually, I do remember one thing that was brought to my attention and I'll have to think of the reason, for next month, as to why it was not discussed.

Ms. Long: Whatever.

Ms. Duensing: Okay, moving on for No. 3, Correspondence Received from the State Historic Preservation Division, mostly routine this month, and we don't have any administrative permit reports for demolitions or Historic District Approvals.

Ms. Long: I have a question then for our counsel and for you. Letters get -- stuff get distributed to us and we have two letters here that were cc'd to us, they don't call it a "cc" anymore cause nobody uses carbon --

Ms. Sablas: That's right.

Ms. Long: It's a "c," it was c'd to us. Are these meant to be discussed? Are these merely for our information? What are we supposed to do with this?

Ms. Duensing: Most of the time, it's for informational purposes because SHPD has requested that you guys get copies of these letters. In most cases, most of the SHPD letters are not going to all commissioners because, in August, I'm not making this up, I think they wasted a half-a-ream of paper per commissioner, which, you know, is a lot of our clerk's time in copying, it waste a lot of trees, and waste a lot of postage, so the feeling of the Commission, in September, was that the chair and vice-chair get all the letters and, for the most part, having been chair and vice-chair and reading all those letters, it's really routine correspondence; it, basically, refers to, in many cases, Special Management Area Permit Applications where archeological monitoring reports have been put in and, in past meetings, to answer your question, getting back to your point, I know we said, "well, you know, I just wanted to say something about this," and left the discussion at that. I know, in some cases when I was a commissioner, I asked the staff to get more information about certain letters because I didn't know what was going on.

Ms. Long: That's kinda where I'm coming from here in this one from Dana Hall that we've been copied, and I -- it's evidently on an SMA, I guess, hard to tell, but, at any rate, did the Cultural Resources Commission review archeological whatever in these TMK's? Why are we getting this? What can we do about it?

Ms. Duensing: In most cases, you know, Dana's monitoring these and she uses her right as a citizen to comment on these.

Ms. Long: Yeah.

Ms. Duensing: In some cases, SHPD addresses her concerns and things have changed. I would guess that in other cases where she is not satisfied with SHPD response, she would call us and ask us to have a hearing by this Commission, you know, put it on the agenda so she could bring it to our attention, and I think she knows that.

Ms. Long: Yeah, yeah, I'm sure she does, so this is just background information?

Ms. Duensing: Yeah.

Ms. Long: These people are apparently not complying and if she brings it to us --

Ms. Duensing: Yeah, and this happens all the time, I mean, you know, I send out things, you need to do this, this, or that for your SMA permit and, you know, I've had inspectors go out because people are digging a foundation with an archeological monitor, yeah, so that happens frequently. And, again, it's just for your information, informational purposes so you guys know what's going on out there too. Yep, nothing slips under her radar.

Ms. Long: Well, I'll read them when I get home.

Ms. Sablas: At our last meeting, Ann Cua, when she came and reported on, you know, when we were talking about Makena rezoning and it's recorded in the minutes that she said she was going to come back to our meeting and report to us and give us an update even though we would have read about it in the paper, as we all did, that they did get their rezoning request approved --

Ms. Duensing: Right.

Ms. Sablas: But what's happening to that?

Ms. Duensing: Okay, may I put this on the next month's agenda so that she can --

Ms. Sablas: At least ...(inaudible)... dialogue.

Ms. Duensing: Tell us what the conditions were regarding historic resources. Would that be okay? Yeah, I didn't make this agenda and I might have forgotten that.

Ms. Sablas: Well, I read the minutes and that's part of it that she --

Ms. Duensing: Yeah, you did ask, yeah.

Ms. Sablas: That she reported that she was going to get back. I'd just like us to keep on toes and follow up on things we say and take action as oppose to saying something and not following up and taking action.

Ms. Duensing: Okay, that will be on next month's agenda.

Ms. Sablas: Okay.

Ms. Long: Does anybody know, cause I don't, what conditions relative to the CRC reviewing all SMA development applications? We don't know whether they --

Ms. Duensing: I don't know how that was worded.

Ms. Long: We don't know.

Ms. Duensing: Corp. Counsel, were you at those when those final conditions came out?

Mr. Akama: I'd rather not comment right now. Let's wait --

Ms. Duensing: Okay, alright, let's wait till next month so Ann can report on issues.

Ms. Sablas: Then it would be part of the agenda and it would -- that the public would know that she was coming and report to us?

Ms. Duensing: Yeah.

Ms. Sablas: Announcements?

J. ANNOUNCEMENTS

Ms. Long: I have one.

Ms. Sablas: Yes?

Ms. Long: I would like to announce that our very own Dawn Duensing has been awarded the -- one of the Historic Preservation Honor Awards for this year, by Historic Hawaii Foundation, for her preparation and work on the nomination of the Hana Belt Road to the National Register of Historic Places, and she will be given her award presentation at the Historic Hawaii Foundation Conference on, what, May 14.

Ms. Sablas: Congratulations.

Ms. Duensing: Thank you. Thank you, I appreciate the recognition and I very much appreciated Commissioner Long's submission of my nomination cause she got that ball rolling. Thank you.

Ms. Long: My pleasure.

K. NEXT MEETING DATE: June 3, 2004

Ms. Sablas: Well deserved, thank you, that was a lot of work. Okay, moving along, wow, I think we're down at the home front guys. Next meeting date is June 3, so motion to adjourn?

It has been moved by Ms. Barbara Long, seconded by Mr. Solomon Kaopuiki, then unanimously

VOTED: to Adjourn.

L. ADJOURNMENT

There being no other business brought before the Commission, the meeting was adjourned at 12:40 p.m.

Respectfully submitted by,

SUZETTE L. ESMERALDA
Commission Support Clerk

RECORD OF ATTENDANCE

Present

Lori Sablas, Chairperson
Keeaumoku Kapu, Vice-Chairperson
Lon Whelchel
Barbara Long
Perry Artates
Solomon Kaopuiki
Samuel Kalalau, III

Excused

Lisa Rotunno-Hazuka

Others

Dawn Duensing, Planning Staff
Dudley Akama, Deputy Corporation Counsel
Simone Bosco, Planning Staff