

**CULTURAL RESOURCES COMMISSION
REGULAR MEETING
DECEMBER 2, 2004**

A. CALL TO ORDER

The regular meeting of the Cultural Resources Commission (Commission) was called to order by Chair Lori Sablas at 9:05 a.m., Thursday, December 2, 2004, Planning Conference Room, Kalana Pakui Building, 1st Floor, 250 South High Street, Wailuku, Maui, Hawai'i.

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

Ms. Lori Sablas: Good morning everyone. Aloha kakahiaka. Welcome to our December Cultural Resources Commission meeting. So, at this time, I would like to -- the meeting having called the meeting to order, I'd like to open up the public hearing for those in the audience who would like to speak on any item on today's agenda to do it. You're welcome to do it either now or wait at a later time when it comes -- when the agenda comes up. So if anyone of you here have some pressing time, you need to testify on any agenda item, you're welcome to do so now. I would like to have you, please, identify your name and agenda item you're speaking on, sir.

Mr. Kenji Oyama: Yes, my name is Kenji Oyama. I am the Reverend at the Mantokuji Mission of Paia. I'm speaking on the item about putting the Mantokuji Mission of Paia asking for the technical assistance from the Department of Planning in preparing an application in our efforts to have our property included in the Hawaii Register of Historic Places and the National Register of Historic Places.

Ms. Sablas: Excuse me, Mr. Oyama?

Mr. Oyama: Yes?

Ms. Sablas: You are on the agenda as a, you know, so is this a -- this is public testimony at this time.

Mr. Oyama: Yes.

Ms. Sablas: So are you going to be -- is it a public testimony? Because you are coming up --

Mr. Oyama: Yes, I --

Ms. Sablas: Are you going to be the applicant? Your name is here.

Mr. Oyama: Yes. Yes.

Ms. Sablas: So but you prefer to do it now then?

Mr. Oyama: Yes, I will do it right now. Or, no, should I do it later? I don't know.

Ms. Sablas: So that you understand, we will have you do a full presentation when your item comes up.

Mr. Oyama: Oh, okay.

Ms. Sablas: So -- yeah, this is only for public testimony for those who would like to testify on anything on the agenda, but you are one of the applicants here so you'll have full time when it comes up on the agenda. So are you going to be able to wait?

Mr. Oyama: Yes, I'll wait.

Ms. Sablas: Okay, thank you very much. Okay, so if we don't have any public wanting to testify, we'll move on the agenda and Item B.

B. PUBLIC HEARING

HAWAII HISTORIC PLACES REVIEW BOARD Request for Comments on the Nomination of Naniloa Drive Overpass to the Hawaii and National Register of Historic Places, Wailuku, Maui, Hawaii.

The CRC will review the nomination and provide the Hawaii Historic Places Review Board with comments regarding this nomination to the State and National Registers.

Ms. Dawn Duensing: Thank you, Madam Chair. This item is on the agenda, as you know, a few of the new members may not know, but the CRC did make a motion earlier this year that we take action to nominate the Naniloa Drive Overpass to the National Register of Historic Places. You're aware that that is the bridge that you drive under when you come into Wailuku. And I did do the research and compiled the nomination. And part of the duties of this Commission, because it is a Certified Local Government by the Federal Government, is to review the National Register Nominations, Hawaii Register Nominations and provide comments to the State Review Board. The State Review Board is the agency that will review this nomination and decide whether to list this on the Hawaii Register of

Historic Places and, at the same time, in their consideration they will also recommend whether or not they think it's appropriate to be on the National Register of Historic Places. So, at the local level here, Maui County is the CLG is the first board to review this. This is a public hearing item. It was announced in the *Maui News* so that the public did know that this -- had the opportunity to come in and speak should they so desire. And I'll just very briefly go over a few things in the National Register Nomination to point out why we are nominating this.

First of all, for the National Register, there are four criteria, and if you turn to Page 3, under the Statement of Significance, you see that I've checked A and C. These are the two criteria that this bridge meets for listing on the State and National Registers. A: The property is associated with events that have made a significant contribution to the broad patterns of our history. In the research it showed that this bridge was part of the Public Works programs that, not only built this bridge, it also built Waiale Drive Bridge, which is also listed already on the National Register, and it built the road that connected Kahului to Wailuku; it was during the Great Depression and it was a significant Public Works project.

More importantly, however, is Item C: The property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction. And this is really where this bridge becomes important.

This is a rigid-frame arch bridge so the construction type is one of a kind on Maui. In fact, there's probably only a handful of this construction type that was built here in Hawaii during the 1930's. It's a very early use of this type of construction and the construction type was developed by engineer Arthur Hayden in New York in the 1920's.

Architecturally, it's also very important because it has art deco elements that were very important from the 1930's as well. And I also felt that, socially, it's very important to the community of Wailuku because it does serve as a prominent entrance and gateway into the community and it is listed as such in the Wailuku-Kahului Community Plan.

So those were the reason why it is nominated. You have the historical significance of it, as well as the architectural significance, and you also have pictures in the back of your nomination papers here. The bridge was built in 1936 so that it meets the date significance as well as it's over 50 years old.

Ms. Barbara Long: Your usual great job. I do have a comment. I agree with you about 8.A. that it's associated with the events but, as I read through your narrative, those events didn't jump out at me as a cohesive thing and I'm thinking that, for the review people that

are going to be looking at this, it might be helpful to have a paragraph in your narrative that specifies.

Ms. Duensing: Okay, so noted.

Ms. Long: And the other thing is I'd love a little more attention or sentence or two to those basalt block retaining walls, which kind of intersect with the Waiale Bridge and the -- I mean those are so beautiful and so impressive and, if you could, a little more history on who built them. Didn't -- wasn't that done with the Waiale Bridge that there was a lot more background on that?

Ms. Duensing: It was done about concurrently with the Waiale Bridge but, as far as research, there were a lot of mistakes in that nomination so I was hesitant to use it without finding the original source documentation.

Ms. Long: Yeah.

Ms. Duensing: For instance, Waiale Bridge had the wrong type of bridge construction in it so, after that, I was a little bit leery as to what to trust in the documentation.

Ms. Long: Okay, but wasn't -- oh, good, wasn't there something someone sought out an actual person who was involved in building those retaining walls?

Ms. Duensing: I've never seen any documentation on that.

Ms. Long: Really?

Ms. Duensing: Yeah. I've only heard it. Yeah. That's why I'm saying, there's no original source.

Ms. Long: Cause I'd really love to know about that.

Ms. Duensing: Yeah.

Ms. Long: Yeah, and you're saying there's nothing in the --

Ms. Duensing: No, cause I talked to Val Monson about it too cause she supposedly interviewed the guy that said that --

Ms. Long: Yeah. Yeah.

Ms. Duensing: But he's no longer around. He's passed on.

Ms. Long: Shucks.

Ms. Duensing: Yeah, so --

Ms. Long: Okay, well, you did what you could.

Ms. Duensing: I think the best we can say is that it's artistically valuable as an example of local methods of construction.

Ms. Long: Yeah.

Ms. Duensing: And we couldn't -- I don't think I can attribute it to any one individual, or ethnic group, or anything.

Ms. Long: Okay, thanks.

Mr. Samuel Kalalau: I have a question. You know on Page 11, when I was reading, and then I, you know, after No. 7, you have you again, 3, 4, 5, 6, and then you again, 3, 4, 5, 6, and I was trying to figure out if those numbers were the photos, related to the photos or not because then I tried going -- there's no 5 and 6 on there.

Ms. Duensing: Yeah, there's a big instruction manual for how to do this and I did follow instructions and that's why it looks very strange. What the instruction say is because of the type of photo paper, and they want you to write with pencil, not with ink because ink bleeds and it can ruin the picture, right? And they wanna keep these in the Library of Congress once they get transmitted to Washington, so they have you list the pictures with Nos. 1 through 7, the information that should go on the pictures. The photograph numbers are No. 7, and it just follows the instructions. It's kinda confusing without it though.

Ms. Long: Yeah, but you don't have photo --

Ms. Duensing: I don't have No. 7.

Ms. Long: Two, or three, or --

Ms. Duensing: Yeah, the last 3, yeah, okay, gotcha.

Mr. Kalalau: Yeah, I got it, but I was trying to relate the numbers to the photos and I go, they no match up.

Ms. Duensing: Okay. I got it.

Ms. Long: Yeah, that would help.

Ms. Duensing: It still is a very strange way to do things though, yeah.

Mr. Kalalau: Right. Right. I would think the number is the item and then --

Ms. Duensing: Yeah, right.

Ms. Long: Yeah.

Mr. Kalalau: And then the photo is the --

Ms. Long: It was confusing.

Ms. Duensing: Yeah. The photos were done in order though as they are --

Mr. Kalalau: Right. Right.

Ms. Duensing: Yeah. Okay.

Mr. Kalalau: But that's why I was looking at the photos, then I looked at the numbers next to each one, and I go --

Ms. Duensing: Okay, thank you for pointing that out to me.

Ms. Long: Question too on the accent paint. Is that a recent addition?

Ms. Duensing: I don't know and you can't tell from old photographs either.

Ms. Long: How about scraping? Anybody do --

Ms. Duensing: I'm not going to go out and scrape it.

Ms. Long: Anybody did a paint sample? There's gotta be flake up there somewhere. So we don't know if that was --

Mr. Kalalau: Recently?

Ms. Long: Recent or original.

Mr. Kalalau: I know the State did some ...(inaudible)...

Ms. Long: It was painted.

Mr. Kalalau: Yeah, it was painted.

Ms. Duensing: Yeah.

Ms. Long: But whether it was that way before with that darker color.

Mr. Kalalau: Oh, I see, right.

Ms. Long: We don't know. Too bad.

Ms. Duensing: It's supposed to be a National Register Nomination, not the be all end all bridge authority research on this structure.

Ms. Long: We expect that of you, yeah.

Mr. Lon Whelchel: Were the earth retention blocks a part of the bridge design? Or was it an after-thought?

Ms. Duensing: The retaining walls?

Mr. Whelchel: Yes.

Ms. Duensing: It appears to be just part of the design, yeah, and I think that's why this bridge is so unique because they used the most modern structural type for the bridge itself, but then it used traditional cut blocks for the retaining walls instead of poured concrete.

Mr. Whelchel: They were very effective.

Ms. Duensing: Yeah. Yeah, and the other unusual thing is is that, except for a few cars hitting it occasionally, it's pretty much in original condition except for maybe that paint job.

Mr. Whelchel: This whole bridge was hardy.

Ms. Duensing: But the basalt blocks are in very good condition.

Mr. Whelchel: It's a piece of work. It was the proportions, energy, rhythm, everything is -- it was just beautiful.

Ms. Duensing: Yeah, it is.

Ms. Long: Proportions? Energy?

Mr. Whelchel: Proportions and the energy that rhythms create. These little guardrail squares --

Ms. Long: Should be noted.

Mr. Kalalau: Just one more time now. Once it gets to the State, the State will review --

Ms. Duensing: Right, the State Review Board reviews it, and the State Review Board is ten individuals; they've got two sociologists, two historians, two architects, two Hawaiian cultural experts, and two archeologists, and they review it, and then they will either list it or not list it on the Hawaii Register, and if it's listed on the Hawaii Register, they will likely recommend it for the National Register as well, and then it goes to the Feds.

Mr. Kalalau: Oh, I see. It has to be recognized as a State historical thing first?

Ms. Duensing: It has to be reviewed by the State Review Board, yeah, that's the way the National Historic Preservation Act says that these things need to be done if we have local review boards.

Mr. Kalalau: And what's the time frame of something like this, you know, with the State reviewing and --

Ms. Duensing: The State Review Board is not meeting very frequently. For instance, last year, they're supposed to meet three times a year; last year, they held their last two meetings the last two Saturdays before the end of the fiscal year. So I'm pushing them to get the 60-day notice out so that they can get it done, and the Feds take anywhere from three to six months for their review. It took about -- it took nearly a year when the Hana Highway was listed.

Mr. Kalalau: Right. They probably would have taken longer but they had some influential people that kinda pushed it along too that's why.

Ms. Duensing: Well, they have me calling them every week and bugging them.

Ms. Long: There is specific language in the Wailuku-Kahului Community Plan?

Ms. Duensing: Yeah.

Ms. Long: Is it appropriate to put that in here? Or is it in here?

Ms. Duensing: The language?

Ms. Long: Yeah. Did I miss it?

Ms. Duensing: Yeah, it's in here.

Ms. Long: I just wondered what it said. What kind of protection was in there beyond it being --

Ms. Duensing: I don't recall but I did mention it in the narrative as a --

Ms. Long: Yeah, it is mentioned.

Ms. Duensing: Just because it demonstrates that it's important to the community and I think that's the point that needs to be made. I don't think we need to go beyond that.

Ms. Long: Yeah, okay. I'll just check it when I have a minute. Okay.

Ms. Sablas: So are you saying, Barbara, that you felt that you wanted a -- just a short part here in the narrative that it does conform with the community plan?

Ms. Long: That is in there. It's in there. Somewhere in there. I remember reading it.

Ms. Sablas: Yeah, I know you said it, yeah, verbally, but I --

Ms. Long: Yeah. No, that's fine.

Ms. Sablas: Okay.

Ms. Long: I was just curious what --

Ms. Sablas: Okay. So are we ready for public testimony on this item? Okay, at this time, if there's any members in the public who would like to testify on the item on the agenda now, and that is the nomination of the Naniiloa Overpass to the Hawaii and National Register of Historic Places, you're welcome to come up. Okay, hearing none, then the public testimony is closed on this agenda item. So should we wrap up your review of the recommendations then?

Ms. Duensing: Okay, at this point, what generally happens is the CRC is the reviewing authority and you are to recommend whether you believe this should go on the register or not, and you make those recommendations to the Mayor, and the Mayor will then submit

it to the Hawaii Historic Places Review Board. So your job is to give those comments to the Mayor and recommendations.

Mr. Kalalau: So that would be a motion that we would have to make, right?

Ms. Duensing: Right.

Mr. Kalalau: I so move that we put our recommendations and support this application to the State Historic Preservation Committee for approval of a historical site as presented here on this application.

Mr. James Giroux: And to transmit it to the Mayor.

Mr. Kalalau: Right.

Ms. Long: Second.

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

It has been moved by Mr. Kalalau, seconded by Ms. Long, then unanimously

VOTED: to transmit to the Mayor the CRC's recommendations and support of the application, as presented, of the nomination of the Naniloa Drive Overpass to the National Register of Historic Places.

Ms. Long: Good job, Dawn.

Ms. Sablas: Okay, motion carried.

Ms. Duensing: Thank you.

Ms. Sablas: Thank you. Our next item on the agenda is Permit Review, Item 1., Historic District Applications, a.

C. PERMIT REVIEW

1. HISTORIC DISTRICT APPLICATIONS

- a. LAHAINA LIBRARY ADA IMPROVEMENTS AND SIGNAGE. Mr. Robert Freeburg requesting Historic District Approval for ADA**

alterations and public signs at 680 Wharf Street, TMK 4-6-001:007, in Lahaina. Commissioners will review the proposed alterations with SHPD and staff recommendations. The CRC will approve or deny this application. Public testimony will be accepted. (D. Duensing)

Ms. Sablas: Public testimony will be accepted at this time on this agenda item. Hearing none, then I'd like to have staff, Dawn, to go over the application.

Ms. Duensing: Okay, thank you, Madam Chair. I will be presenting to the commissioners this application. This is done by DAGS, the State of Hawaii, and because they're architect is in Honolulu, and in the interest of saving the State time and money, I'll just tell you a little bit about the project and answer any questions should you have them. We do have an agent for the applicant here should I not be able to answer any of the questions.

Okay, this matter is simply one that will add ADA compliance and improve the signage at the Lahaina Public Library. In reviewing this application, along with the architects at the State Historic Preservation Division, we felt that it met all the design guidelines for the Lahaina Historic Districts. But in the CRC rules, it says that if the project is valued at more than 25 percent of the building's assessed value, it needs approval by this Commission, so this is why it's being brought to your attention because it is more than 25 percent. Sometimes the building values are very low too; keep that in mind, Barbara.

Okay, so the project, basically, is going to provide ADA accessibility for the Lahaina Library through an existing doorway. The replacement door will match the existing original door. The hardware will be replaced with new ADA compliant lockset and closer. Secondly, the additional improvements include the replacement of a cracked sidewalk with a new concrete walkway. Repairs will be made to the existing parking to provide smooth transitions, the slopes will meet ADA accessibility compliance, the pavement will be striped and painted "Library patrons only." There will be a new directional sign with the international library graphic, and I believe I included that with your packet in the back. The sign will be constructed of plywood with redwood trim, the lettering will be painted on the sign. Interior improvements include upgrading the existing lavatory to make it ADA accessible as well, along with light fixtures, and a fire alarm system.

In my analysis, I noted that the plans for ADA improvements were reviewed and approved by the State Historic Preservation Division. They approved this because a new door will be reproduced to match the original door. They recommended that the existing hardware remain since the door is left in the open position during business hours. If it must be replaced, SHPD requested that the new lockset and closer be a reproduction of the original. The SHPD also reviewed this for archeological concerns. As you know, this is located right

on the waterfront in an area that was very significant to native Hawaiians. They did recommend a monitoring plan. It was reviewed and accepted by the SHPD in October.

In reviewing Sign Design Guidelines, it requires that all public signs shall be approved by the MCCRC. As such, the CRC must approve this project's signage. I noted that the library sign is constructed of painted plywood with redwood trim. Plywood signs are not allowed in the Lahaina Historic Districts. I also went out and made a site visit and provided you with some pictures showing the existing signage, which the applicant says will be replaced. These signs should be replaced with a sign similar to those in Exhibit D, which conform to the Design Guidelines for Front Street Improvements.

And the subject property is located in the SMA and they have filed the appropriate applications for that.

Ms. Sablas: Okay, questions?

Ms. Long: How many bathrooms are being modified?

Ms. Duensing: I think it's just one.

Ms. Sablas: Just come up and identify yourself.

Ms. Maria Isotov Chang: My name is Maria Isotov Chang and I'm just a point person here on the island for Robert Freeburg cause he's on Oahu, and, basically, what they're doing is they're taking the toilet bowl portion of the toilet and replacing it with a handle that's on the opposite side so it's accessible.

Ms. Long: Is there only one lavatory in the building?

Ms. Chang: No, this is, I think, just in their -- there's men's and women's rooms.

Ms. Long: Okay, so they're only changing --

Ms. Chang: One toilet.

Ms. Long: Which one?

Ms. Sablas: The ADA, right?

Ms. Chang: The ADA.

Ms. Long: The men's one or the women's one?

Ms. Chang: I think there's a -- that might be a unisex one.

Ms. Duensing: There's just a single one.

Ms. Long: Don't want any gender discrimination here.

Ms. Chang: Oh, no.

Ms. Long: No.

Ms. Chang: No.

Ms. Long: Okay, a single restroom for the facility.

Ms. Sablas: A unisex.

Ms. Long: Unisex.

Ms. Duensing: Yeah, there are separate men's and women's restrooms.

Ms. Long: There are separate men and women's restrooms but they're turning them into one?

Ms. Duensing: Yeah.

Ms. Long: I'm confused.

Ms. Duensing: No, it's quite common to have separate men and women's restrooms and a separate restroom for ADA accessibility.

Ms. Long: Okay. Okay. Okay. A little clarification. Okay, so there's -- there are actually --

Ms. Chang: Do you want to look at the plan?

Ms. Long: No, I just want clarification, so is this third restroom --

Ms. Chang: It's existing.

Ms. Long: It is existing so --

Ms. Duensing: They're all existing.

Ms. Long: So there are three of them in there?

Ms. Chang: They're just changing the toilet bowl.

Ms. Long: Okay. Okay, thank you. I have never encountered that so --

Ms. Sablas: Okay, any other questions, comments from commissioners on this item?

Mr. Kalalau: Is this the new signs it's going to be?

Ms. Duensing: And I have the color samples for those I can pass around.

Mr. Kalalau: And this ones are the ones that are going to be replaced, right?

Ms. Duensing: That's my recommendation, yes.

Mr. Kalalau: Yeah. And then what about this one? What is this one?

Ms. Duensing: That's an example of what was put up after the Front Street Improvement Project that meets the design guidelines and that's my recommendations for how the rest of the signs should be done.

Mr. Kalalau: Oh, okay.

Ms. Long: Okay, so, Dawn, when you say - where's your recommendation here - the directional library sign shall be constructed entirely of redwood there, I think maybe a little clarification cause you don't want them to use redwood plywood.

Ms. Duensing: Right.

Ms. Long: So maybe you should say --

Ms. Duensing: Well, I can say redwood vertical board or redwood stock or whatever, yeah. I spoke to the architect about this.

Ms. Long: Yeah.

Ms. Duensing: Yeah.

Ms. Long: Okay, I just wanted to make that clear cause --

Ms. Duensing: In the recommendations, it says, "The sign shall be constructed entirely of redwood." So I think that makes it very clear.

Mr. Lon Whelchel: Not to her.

Ms. Long: Not to me.

Mr. Kalalau: And these other colors is for the signs?

Ms. Duensing: Yeah, and if you --

Mr. Kalalau: This might be the solid base and this might be the wording or the other, you know, light on dark or --

Ms. Long: Can you tell once it's painted? Can you tell it's redwood? Can you tell if it's not plywood once it's painted? If you get up close. Ten feet away. I'm not going to fight that battle.

Mr. Whelchel: Stay out of there.

Ms. Long: Stay out of there. Move on.

Mr. Kalalau: You get hard redwood.

Ms. Long: I have a question for maybe the applicant. Frankly, and I've used the Lahaina Library when we lived over there, this door seems to be so precious and this historic door closer and stuff like that, now I can see the point of keeping it but I don't see the point of having signs in it, and I think that it's especially ugly as far as the signage around the book drops and whatever that thing is on the right-hand side on the rock wall, and I'm wondering if there isn't some way that that could all be made --

Ms. Duensing: We're working on it, Barbara.

Ms. Long: Good.

Ms. Duensing: Yeah, that's in the recommendations.

Mr. Whelchel: But they're recommending that we go to the original door?

Ms. Long: Well, this is the original door. Isn't it?

Ms. Duensing: Yeah.

Ms. Long: Yeah.

Ms. Duensing: It's a 1954 building, okay, so it's within months of being officially potentially historic and that --

Ms. Long: Yeah, but that -- excuse me, but when the door -- is this wire glass in the door with signs posted behind it and all that kinda thing?

Ms. Duensing: Well, regarding the signage, one of the recommendations is that all signage, including the signs in the parking lot and on the wall of the Lahaina Library, be built of wood and comply with the design guidelines, so I did include on the wall and that's what you're looking at. We wanna -- yeah.

Mr. Whelchel: Clean up.

Ms. Long: All of that?

Ms. Sablas: To consolidate everything.

Ms. Duensing: Yeah, and that's why I submitted these pictures to you.

Ms. Long: Okay. Okay, and, hopefully, you can cut down the quantity, size. It's a historic door closer.

Mr. Kalalau: Is this going to be replaced or removed?

Ms. Duensing: We're working on it.

Ms. Sablas: Okay, do we have any -- is there any public testimony on this item, that's the Lahaina Library ADA improvements and signage? Okay, hearing none, are we ready for recommendations from staff? Okay, move on. Recommendations.

Mr. Whelchel: I'd like to make a comment on that door. That door's function is to create an hour separation between the books and the people with a fire outside, if there is such a thing, and this door, with many openings, I don't see that to be a one-hour door. The code now requires that a door only have nine square inches of wire glass that's in a fire door and I would strongly recommend that we try to go to something like that with less glass cause you're only -- if it's closed, that's the only time that it's working, and if it burns in less than hour, it's of no good; it's of no value. Smaller opening if possible.

Ms. Duensing: Well, I'm assuming that whatever the architect said he was going to put in, you know, fire code standards.

Mr. Whelchel: If he goes back to this, it won't be a one-hour door.

Ms. Sablas: So would you like to recommend and that she add it in her recommendations then, Lon?

Mr. Whelchel: That it be a one-hour door, at least part, or equal to the required fire separation.

Ms. Duensing: I don't think he -- he can't get his permits unless he meets code.

Ms. Chang: Well, Fire will review this ...(inaudible)...

Mr. Whelchel: The Fire Department?

Ms. Change: The Fire Department, and they ...(inaudible)...

Mr. Whelchel: Okay.

Ms. Duensing: Yeah, and if it doesn't meet code, he doesn't get his building permit. For instance, one of the last projects you reviewed with the bi-fold doors, it didn't meet code so he didn't get his building permit, yeah.

Mr. Whelchel: Okay, that might work.

Ms. Duensing: So, I mean DSA takes care of that. We're just concerned with the looks, but they do, you know, Lahaina's not exempt from fire code or building code or anything else. Shall I read the recommendations then?

Ms. Sablas: Sure. Yes.

Ms. Duensing: Okay, we recommend that you approve the plans as submitted by the applicant on May 5, 2004; two, that the existing door hardware shall be reused or replaced by replica hardware; three, that directional library signs shall be constructed entirely of redwood stock with the graphics and colors as presented in the plans; four, that all signage including the signs in the parking lot and on the wall of the Lahaina Library, be built of wood and comply with the Design Guidelines for Front Street Improvements and Sign Design Guidelines for the Lahaina Historic Districts; five, that full compliance with all other applicable government regulations shall be rendered.

Ms. Sablas: Comments? Motion to approve recommendations by staff. Who would like to make it?

Mr. Perry Artates: I'll make a motion to approve to accept the recommendations by staff. Thank you Commissioner Artates. Any second?

Mr. Kalalau: Second.

Ms. Sablas: It's moved and seconded that we approve.

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

It has been moved by Mr. Artates, seconded by Mr. Kalalau, then unanimously

VOTED: to approve the recommendations by staff.

Ms. Sablas: Discussion?

Mr. Kalalau: Question.

Ms. Sablas: Questions?

Mr. Kalalau: When they remove the old door, what are their plans for the old door?

Ms. Duensing: It's not in very good condition so it'll probably go to the dump; that's why they have to replace it; one of the reasons.

Mr. Kalalau: Is it solid wood or is it, you know, like veneer?

Mr. Whelchel: It would have to be solid wood.

Mr. Kalalau: Because it's the original door, yeah? That's the original door, right?

Ms. Sablas: Can we add to Item 4 about signage that we make every effort to consolidate? There's a lot of duplicate messages.

Ms. Duensing: Do you have to amend the motion, James?

Mr. Giroux: You can just do a motion to amend.

Ms. Sablas: Okay, I'm suggesting that we address that, you know, amend the motion to address the consolidation of the signage. There's multiply messages that could be consolidated, so we -- so we amend Item 4 to specify that.

Ms. Long: Okay, is that a motion, Lori?

Ms. Sablas: Yeah, oh well, I mean I'm suggesting so somebody can make a motion.

Ms. Long: Okay, I'll so move that we amend Item 4 to consolidate signage.

Mr. Whelchel: Second.

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

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

VOTED: to amend Item to consolidate signage.

Ms. Sablas: Motion carried. Thank you. So are we okay with this item on the agenda?

Ms. Long: Back to the main motion.

Ms. Sablas: Back to the main motion. We already approved, this is just the amending, so we're all pau.

Ms. Long: We voted on the main motion?

Mr. Kalalau: Yeah.

Ms. Long: How did I miss that?

Ms. Sablas: We voted. He made it and then he seconded, so we're pau with this. Okay, thank you very much. Okay, let's move on to Item B.

- b. LAHAINATOWN ACTION COMMITTEE. Ms. Theo Morrison requesting after-the-fact Historic District Approval for orientation panels/hale at the Baldwin House parking lot, TMK 4-6-008:007. Commissioners will review the signage in relation to an interpretive plan approved by the CRC in February 2002. The CRC will approve or deny this application. Public testimony will be accepted. (D. Duensing)**

Ms. Sablas: And, at this time, I would like to open this agenda item to public testimony. Okay, hearing none, can I have -- let's see, Theo, would you like to come up and talk about your -- are you -- sir?

Mr. Kenny Hultquist: Is testimony supposed to be before the applicant speaks or after?
Public testimony?

Ms. Sablas: Either way. At this time, you know, or if you would like to speak afterward, we'll -- we didn't, yeah, I didn't close the public testimony so -- so, okay. So we'll have the applicant and later on you'd wanna testify after that? Okay, thank you.

Ms. Theo Morrison: Good morning, my name is Theo Morrison, Director of LahainaTown Action Committee, and this was all approved by the -- by you folks. This, I'll pass this around, this is a sample of the kiosk and the map, and this is a brochure that we pass out inside the visitor center that coordinates with that. And I -- I guess the problem was that we -- one of the maps was installed in not quite the right place or something. We were under the impression that it was okay so --

Ms. Duensing: Just to better explain it the commissioners, in looking at the records for this project that was approved by the Commission in early 2001 or February 2001, I think, I looked at the site map where the signage was supposed to go and there was indicated on that plan that there was supposed to be one of these orientation hales at the Baldwin House parking lot and it was supposed to be near the pay kiosk, and what is there now is one on the Dickinson side of the house, it is not near the kiosk, but it is adjacent to the house, and then the other one is on the Campbell Park side of house. So there's actually two rather than the one that was indicated in the original plans and that's why I wanted to bring it to the Commission. The Commission had allowed staff to do administrative approval except in cases where it deviates from the original plan and that's why it's coming before you.

Ms. Long: And they both face which way?

Ms. Duensing: Well, they face the public sidewalk.

Ms. Long: But Front Street, not Dickinson?

Ms. Morrison: No, it's on --

Ms. Duensing: No, it's back on Dickinson Street. It's close to the parking lot but not at it.

Ms. Long: Okay.

Ms. Morrison: It's actually on Lahaina Restoration's parking lot. We're just looking for, you know, the best visible access to the public, so it's -- it's not at the pay kiosk, it's at a better location in the parking lot, at the edge of the parking lot.

Ms. Long: Yeah, cause at the kiosk, it would have only faced into the parking lot, right?

Ms. Morrison: Correct and there was -- there's too much going on right there anyway with all the pay machines so --

Ms. Long: Okay, so it's on the Dickinson Street side but facing out.

Ms. Morrison: Yeah, it's kind of in the back of the stairs to the masters reading room, go up like this, and it's kinda like that. It's actually excellent. As you walk down Dickinson Street, it's just right there, right before.

Ms. Long: Cool.

Ms. Duensing: I'd like to ask one question, Theo. How many more of these signs have yet to be installed?

Ms. Morrison: We have a total of six. I think the one at -- at the Shaw, Moku`ula, I don't think that's one up yet. There's just a total of six.

Ms. Duensing: Cause you will be bringing all of these to the Planning Department prior to installation.

Ms. Morrison: They've all been approved.

Ms. Duensing: Okay.

Ms. Morrison: All the sites have been approved. We had one big map and then we had all the property --

Ms. Duensing: Weren't they supposed to individually come just --

Ms. Morrison: They're all the same. Each of the locations was approved by the landowners. We have all that.

Ms. Duensing: Okay.

Ms. Long: Dare I ask what the sign is made of?

Ms. Duensing: No. Don't go there.

Ms. Long: That's why I wanna change the sign ...(inaudible)...

Ms. Morrison: It's not a sign.

Ms. Duensing: That was discussed at the Commission meetings.

Ms. Long: I won't go there but I hope things ...(inaudible)...

Ms. Duensing: So, anyway, what we need is a decision from the commissioners to approve the new locations; that's what you're being asked to do.

Ms. Long: Works for me.

Ms. Sablas: Okay.

Mr. Kalalau: I got a question. I wanna ask Theo. Theo, you know, have you -- have you had any comments coming back from the -- at least from the tourist industry or visitors industry of how helpful these signs are, or anybody in the public?

Ms. Morrison: Oh, well I can tell you cause I work in Lahaina everyday. People are always around that and we passed out, on the brochures, we printed 20,000 of them, we distributed them probably around July, and they're almost all gone. People are reading those -- each of the sites, we created -- there's 63 sites, at 43 of them there's anodized metal plaques with photographs. They're phenomenally popular and what's different about this as opposed to the previous historic walking trail, the other one just had a number, so without a brochure, you didn't know what that number was; this one, day or night, with or without a brochure, with or without doing the entire trail, you can be at the banyan tree, you can be at the harbor, you can be a hauola stone, you can read about what that site is.

Mr. Kalalau: Right, and how about nighttime, is it -- there's enough light to read?

Ms. Morrison: There ambient light. Yeah, we did not install lights in there. We discussed it but we didn't.

Mr. Kalalau: Okay, thank you.

Ms. Sablas: Okay, so I'd like to just open it up to public testimony at this time.

Mr. Kenny Hultquist: Alright, commissioners, my name is Kenny Hultquist. I wanna address the issue of after-the-fact permission for things. I think the library thing was really a good example. They came in and they asked to change the toilet bowl so the handle could be on the other side. They just didn't do it, and then have somebody complain, and then come and ask you after it's done if they were able to do it. I mean I know a toilet bowl. Who would have said anything? Probably only disabled people would have seen it anyway.

The LahainaTown Action Committee has been in front of the Cultural Resources Commission a couple of times asking to change things after-the-fact. One of the things that's probably going to be coming before you is the fact that the courtroom got removed from the courthouse. They didn't go to the Planning Department. They didn't go to the -- to you guys, the Cultural Resources Commission, to ask permission to remove the courtroom from the courthouse, and they built a gift shop up there, which has a -- under the disguise of a heritage museum. So in order to get into this heritage museum, you have to go through the gift shop and out. But no permission was ever asked to remove the courtroom from the courthouse. So I imagine that will be something that would probably be coming up. It's not just the Cultural Resources Commission that's involved in giving permission for something like to happen, it's -- being it's how in the Historic District, it's also governed by the National Parks Service, Historic Landmarks Program, and the State Department of Natural Resources also has things to say about what happens in the Historic District, and I don't know if they even know or would care, probably would, that the courtroom was removed.

It just concerns me as a member of the community that things like this get done and then they usually after-the-fact get approved. I don't know if you guys remember a couple of months ago, LAC asked to have a car show, and during that hearing to find out if they can have permission to have the car show, they found out that there was -- you guys found that there was already a car show that hadn't been approved, and no permission was ever asked after-the-fact. I mean what are you gonna do? If something's already done, all you can do -- I don't think there's any kind of provisions, penalties, or anything in place for anything that happens, that's done, and then after-the-fact. I mean what -- is there anything that the CRC can do? I don't think so. You can just talk about it and maybe scold somebody and say, don't do it again, and they'll say, okay, we won't do it again.

So my point is is after-the-fact. I would like to see something with the problem with the removal of the courtroom out of the courthouse addressed at some future CRC meeting. I have informed some Planning officials that this room was removed. Basically, I'm citing examples of the topic of after-the-fact approvals. The toilet bowl was a good example of not doing something. I mean it was just a toilet bowl, we're not -- we're talking about the whole courtroom was removed. So that was, basically, my point, the after-the-fact.

Ms. Sablas: Thank you, Mr. Hultquist. Any questions? Okay, thank you.

Mr. Hultquist: Thank you.

Ms. Sablas: The analysis?

Ms. Duensing: The analysis for this project is that the interpretive sign panels and maps were approved and installed to enhance public awareness and knowledge of the Lahaina

historic sites and points of interest. The panel serves both visitors and local residents. The Lahaina interpretive plan was approved by the CRC on February 27, 2002. Thirdly, the Planning Department supports the interpretive sign program and the orientation panels as an important effort to educate the public and believes that this education is sorely needed in the Lahaina Historic Districts. Four, the orientation panel hales are consistent with the approved details relative to design, materials, configuration, and installation as approved by the CRC. And, five, the orientation panels, as installed, are in locations suitable for reaching visitors who have just entered Lahaina by foot on Dickinson Street or via the subject parking lot. The panel adjacent to the parking lot has the added benefit of nighttime lighting as it is near the lamppost. And I guess in looking at it in hindsight, the after-the-fact should have been stated in the analysis as well.

Ms. Sablas: You're gonna add that on then?

Ms. Duensing: Yeah, I would just add that the permit is after-the-fact.

Ms. Sablas: Okay, any other comments for additions to --

Ms. Long: I'd like to ask our counsel if there is any provision for penalty in after-the-fact applications.

Mr. Giroux: I think that would be in the realm of the Department of Planning if there's any kind of action that was taken. I guess we could probably ask the Director if there's any proposals to go forward with any kind of enforcement because the Planning Department, basically, has the enforcement arm of the agency, so any enforcement would go through the Department and probably have to be approved through Director Foley so --

Ms. Sablas: So could that be part of our recommendation then to make an informal, you know, to -- a letter to our Director to address this?

Ms. Long: Is that logically part of our recommendation or would that be separate?

Ms. Sablas: Or is it just -- it's more overall.

Mr. Giroux: That would probably be a separate --

Ms. Sablas: Yeah, okay.

Mr. Giroux: That would -- should probably be done through a separate agenda item probably too because --

Ms. Long: Can we ...(inaudible)...

Ms. Sablas: Yeah, cause this --

Mr. Giroux: Yeah, because that would be outside of the recommendation of the --

Ms. Sablas: Okay.

Ms. Long: Yeah, let's get it on the agenda.

Ms. Sablas: Okay. So we could recommend that we put this on the agenda in the future.

Ms. Long: The issue.

Mr. Giroux: That would be through staff.

Ms. Sablas: Okay.

Ms. Long: Yeah, I'll move to approve the Department's recommendation, staff's recommendation.

Ms. Sablas: Second? Do I hear a second?

Mr. Whelchel: Second.

Ms. Long: Okay, seconded by Commissioner Lon.

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

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

VOTED: to approve Department Staff's recommendation.
(Assenting: L. Whelchel; B. Long; P. Artates; S. Kalalau;
S. Kaopuiki)
(Dissenting: K. Kapu)

Ms. Sablas: Okay, so let the record show that we have one opposition and five approve. Discussion?

Ms. Long: Why do you oppose?

Mr. Keeaumoku Kapu: Yeah, I get -- how many pending after-the-fact permits we basically got going in Lahaina right now? Cause I know there's quite a few.

Ms. Duensing: How many do I have? Pretty much everything, I would say, most of the stuff sitting in my box is after-the-fact at this point. The library isn't but I have two very thick applications that I'm working on with entire buildings where nothing has approvals.

Mr. Kapu: So these kind of things all of sudden get just, basically, the way I see it it gets swept under the carpet a lot of times so if we don't make -- solidify recommendations to these kind of things so it doesn't happen in the future, we going get stuck with the damn if we do-damn if we don't. Every time an application comes in that is after-the-fact, then we have to deal with it based upon the recommendation that we get from the County and I'm having a hard time dealing with those kinda things especially when people do things first then try to get an after-the-fact permit after, so that's my reasons as pertaining to why I voted the way I did.

Ms. Sablas: Thank you, Commissioner Kapu.

Mr. Kapu: And I'd like to also, if may, look into the matters as pertaining to what had happened based upon Mr. Hultquist's request as pertaining to what had happened to the courthouse.

Ms. Duensing: Would you like to make that an agenda item then?

Mr. Kapu: Yes.

Ms. Duensing: Okay.

Ms. Sablas: So we have two recommendations for added agenda items so that we are clear and that is to address penalties for after-the-fact applications and also, specifically, the courthouse --

Mr. Kapu: Alterations.

Ms. Sablas: Alterations, and that's for future agenda items.

Ms. Long: And just to interject, this is not just a Historic District issue, it's after-the-fact stuff that comes through Planning all the time. I remember talking about it five, six, seven years ago and the Director saying, "We need to do something about this." So I don't know if they ever did, but maybe this would raise that whole issue again. They talked about penalties. It's really hard to make somebody tear something down that comes in for an after-the-fact approval.

Mr. Whelchel: And it was good to have two of those distribution boxes, I feel, but it was illegal, and if you have the penalties, it would slow that down.

Ms. Duensing: The only penalties that I know of for these kind of, I think they're looked at as minor infractions, really, is that the application fee is doubled and when you're talking about, you know, a 25 or 50 dollar application fee, it's not really much of a penalty.

Ms. Long: So that's all they did?

Ms. Duensing: Yeah. That's what it is in most cases, you know, when an applicant comes in and it says "after-the-fact" on his application, he usually gets charged double. I would imagine that there are penalties other than, you know, additional penalties that I don't know about because I'm not in enforcement but, yeah. Yeah, I will put it on the next agenda, or a future agenda I meant to say.

Ms. Sablas: Okay, very good. Okay, thank you very much commissioners and community, thank you. Okay, let's move on to the next item on the agenda and that's Item c.

- c. LAHAINATOWN ACTION COMMITTEE. Ms. Theo Morrison requesting CRC review and approval of barrier to be erected around remains of old fort at Banyan Tree Park, TMK 4-6-001:009. The CRC will approve or deny this application. Public testimony will be accepted. (S. Bosco)**

Ms. Simone Bosco: Good morning, commissioners. Basically, I have distributed the report. If you'd like me to give you a brief summary, basically, the applicant would like to install a very unintrusive chain and pole fence around the old fort in Lahaina, in Banyan Tree Park. Allegedly, there's been a lot of people climbing all over the fort. I wanna remind the commissioners that this is not a historic structure, it's a replica of a historic structure, but even so, it deserves appropriate protection because it's an interpretation of something that was original. There's some pictures in the application which show some the activities that's been taking place: people climbing over it; partying on top of the structure at night; there's some other signage that have been -- that has been seen going up around it, and also with that happening, it can present kind of a safety hazard for certain types of people. So, basically, when the application came in, I was in support and the Department was in support of the proposal. When we transmitted the application to Parks, they were opposed and they countered with proposing or actually requiring a chainlink fence and the Department didn't support that. And so what I intended to do is to go back to Parks and talk to them and explain that, you know, the chainlink fence would be very intrusive and inconsistent, incompatible with the landscape. So I've been delaying that conversation as I really haven't relished the idea of kinda getting in between agencies and so forth, so I wanted to bring this to the Commission for their input before I go back to Parks with your support or your input or your comments.

Basically, we're not looking for something intrusive there; we're just looking for something that keeps people from climbing on the structure and that's what is proposed. You can see an example of it on Exhibit 9, what's around the old prison, very -- just a reminder, hey, you know, let's not -- let's try and keep out of this area, it's, you know, a deterrent, and so we ask for the Commission's support and also I wanna discuss the comments from SHPD a little bit. They're recommending that a monitoring plan be prepared prior to initiation of construction. However, we also have an archeologist that's willing to simply be there during the digging of each hole to monitor for any potential finds, and the Department believes that that would be adequate, and to follow up with a report on if there -- whatever, if there were no find, the archeologist that will be volunteering her time will follow up with a report on if -- well, first off, that there were no finds, and if there are any finds, what will happen is work will stop in the immediate area and then SHPD will be consulted, so that will be done as opposed to having a monitoring plan prepared in advance, which is more work and more time, but we feel that it would be enough to have an archeologist out there monitoring for finds and then following up with a -- either monitoring and stopping work if there's a find, or monitoring, in the event of no find, having a report, in either case, prepared after the project is completed. Okay, so that's something, if you'd like to discuss, we can discuss it; otherwise, the recommendation is that the project be supported with wood poles and a chainlink fence as it indicates in the report. Okay, any questions?

Ms. Sablas: Questions?

Ms. Long: I'm assuming Parks is going to pay for this?

Ms. Bosco: No, actually, my understanding is Parks has been giving grant money to Lahaina Restoration Foundation for various projects so the money is actually coming from the Lahaina Restoration Foundation.

Ms. Long: Through the funding from Parks?

Ms. Bosco: I don't know how they handle their budget. All I know is that Lahaina Restoration Foundation is providing the funding and the labor for the project so, you know, I don't -- I'm not intimately familiar with how the money flows but I do know it's coming from Lahaina Restoration Foundation and Parks does help support maintenance of the park.

Ms. Long: The plaque that's there, the interpretive plaque, I assume, does that state that this is a replica?

Ms. Bosco: Yes, it does.

Ms. Long: It's certainly an attractive nuisance.

Ms. Bosco: It's certainly an attractive nuisance?

Ms. Long: Yeah, that's a thing whereby if you've got something that's attractive to people misusing it --

Ms. Bosco: Yeah. Yeah.

Ms. Long: And you don't protect it from that, you're liable so, and I can understand why Parks would recommend a chainlink fence but what idiot, in the Parks Department, doesn't get it? Do you have a name of someone?

Ms. Bosco: Well, we can gently remind them that it's not consistent with the design guidelines.

Ms. Long: It's kind of amazing.

Ms. Bosco: So I'd like to see it happen as soon as possible.

Ms. Long: Yeah. Do you actually think that it will deter people? If they're willing to climb up those rickety rocks, do you think they'll be willing to climb over a 30-inch high chain? That's my only concern. Is it enough?

Ms. Bosco: Is it enough? I think it -- I think it's a step in the right direction, let's put it that way.

Ms. Long: No pun intended.

Ms. Duensing: I spoke to Director Foley about this and I mean Mike made a good point is that you can put a chainlink fence up and people are still going to jump over that too so --

Mr. Whelchel: Probably 90 percent of them.

Ms. Duensing: Yeah, that's exactly what Mike said, yeah.

Ms. Long: Yeah.

Ms. Bosco: If the Commission feels that an alternative design would be better, then that could be discussed. I just don't want --

Ms. Long: No, I think what you're proposing makes a great deal of sense. Are there signs there now that say, "Do not climb on this thing?"

Ms. Bosco: Nothing. Nothing.

Ms. Long: Nothing. Are there going to be?

Ms. Bosco: Yes. Yes. On Page 2 of the staff report, I have laid out what's going to be put in, 11 wood posts or actually they originally recommended steel post, 4 metal 2-inch by 8-inch "keep out" signs that will be attached.

Ms. Duensing: Metal signs?

Ms. Long: Okay, well, what about metal? Yeah, metal signs?

Ms. Duensing: We just told the library to replace the metal signs.

Ms. Bosco: Pardon me?

Ms. Long: Can't have metal signs.

Ms. Bosco: Four metal signs attached to a 2-inch by 8-inch -- wait. Four metal signs that is the size of 2 by 8 mounted to a half-inch wood panel attached to the chain.

Ms. Long: Why don't you just paint it on the wood panel?

Ms. Kalalau: You know, we can make that as a recommendation.

Ms. Long: Two inches? That's tiny.

Ms. Bosco: You know, I'm only -- we can bring the applicant up for the reason why these types of materials were selected. I can only imagine it's because of weather or -- I don't know but we can bring the applicant up. The other proposed improvements would be the -- each pole will go in at a depth of 18 inches and they'll be mounted in place with concrete fill, so that's what's triggering the monitoring and the -- the actual layout is on Exhibit 2 and you'll see that the fence kinda goes partially around the back or along the street, partially, not completely, but this is the high point of the structure, and then it wraps around, it kinda goes at a diagonal, and then it allows for access to the interpretative panel, it swings back around the part of the fort where people are actually climbing up it, and then it kinda jogs back so -- and it's about, apparently, it's about, what? Six inches from the, let's see, six inches, it's not very far from the actual structure when you're looking at the distance between the street and the fort, so probably one of things we need to do is make sure that there's no problem with doing that with Public Works.

Ms. Long: I do have a suggestion and that is that the absence or inadequacy of signage has played a part in liability lawsuits, like at the blow hole and various other places. I would suggest that before you stick any signs or even consider the height of this thing that you talk to someone like Attorney James Krueger or someone who's accustomed to bringing lawsuits on people who fall off these things and injure themselves and say what is the best signage that we can put here.

Ms. Bosco: Does Corporation Counsel have any comments towards that?

Mr. Giroux: That's a hard one because, you know that, you know, you put up a sign and then they're going to argue that the sign wasn't big enough and then -- I mean it goes on and on. You can only do what is reasonable.

Ms. Long: Yeah.

Mr. Giroux: That, you know, I mean and, as far as within the guidelines of this body also, you know, you don't wanna go and put a 30 by 40 sign saying "don't walk on the wall," so you guys have to come up with something that you can understandably agree upon yourselves that is reasonable and that would do the job that is to effect, you know, your intentions.

Ms. Duensing: The Director's recommendation was for one sign to be mounted in the, I guess there's one side where they typically go up, so I think four is probably overkill.

Ms. Bosco: Can I -- I'd like to ask Corporation Counsel, does the inclusion of the signs decrease the County's liability or increase it?

Mr. Giroux: Another difficult one. Yeah, if you look at the history of these types of lawsuits, I mean you're going to find them all over the place, you know, oh, they only had one sign so they should have had two signs; they didn't have any sign so they should have had one sign; or they had five signs, they should have had ten signs. So whether it reduces or increases, like I said, all we can do is to look at what we believe is reasonable to deter people from climbing and do the best we can without degrading the historical area.

Ms. Bosco: Okay, thank you.

Mr. Artates: You know, at this point in time, is there any type of safety officer or security within the jurisdiction of the area?

Ms. Bosco: I don't think there's, well, what I can answer to that is there's Police beats out in Lahaina Town. I don't know the specifics but there's definitely Police Officers assigned to the district.

Mr. Solomon Kaopuiki: I also think you have the school right there too and the kids are energized. I come over on the boat, all the time I see kids running up and all over the place there. If you put a sign, I see them duck all under there and climbing up, so those are the only individuals that probably like climbing on that and you don't see any adults, but then the teachers are all on the corner some place having a session and these kids all climbing all on there so --

Ms. Bosco: So this would be a good thing, I think, if you would --

Mr. Kaopuiki: But there's the guys with the spear ...(inaudible)...

Mr. Kapu: One thing comes to mind, it's this word that I guess the powers that they love to use is called "County compliance to ratio," yeah, so when you -- you know there was an incident that went happen in Lahaina based upon one crosswalk that should have been put in but, you know, County compliance to ratio was one of the topics based upon, you know, traffic conditions and all that until, all of a sudden, one kid got run over and got killed, so instead of spending so much money putting in the infrastructure of a crosswalk, County compliance to ratio, but what had happen was that was the biggest multi-million dollar lawsuit that this family's ever had based upon what had happen but then, at the same time, the crosswalk still isn't there. You know, these kinds of things, yeah. And one of my concerns is based upon, okay, who is responsible of this in case anybody does get hurt? We get half of the -- this so-called area is going to be financed by somebody else; at the same time, the County is going to help support in every way that we can because I don't know whether or not we're under-budgeted or we're over-budgeted and, you know, all those kinds of things come into play based upon what's going to happen in the future. So, I don't know, every time I come to these meetings, it sort of surprises the hell out of me based upon, you know, I'm still trying to find out what is our responsibilities, basically. Is our responsibility to give somebody else another responsibility that has nothing to do with the compliance of what we're supposed to be mandated to do? You know? So we approve this and, all of a sudden, somebody takes it from our jurisdiction just because they get the money just to put in the infrastructure and all these kinds of things, but County compliance to ratio comes to play based upon who's going to get sued if somebody gets hurt. Who was the one that was allowed to put in the infrastructure?

Ms. Duensing: It's State property that has been deeded to the County for public use. What this Commission's responsibilities are is to consider and approve or deny the application to put the posts and chains and signs up.

Mr. Kapu: Yeah, I'm just making those -- I'm just making those comments based upon how I see, in our future basically, so I'm just making a comment that's all.

Ms. Bosco: What I can say is that, if I can try and understand what you're saying, is this is a County managed property and we should do our best to take care of it, and, yet, we've got non-profits in there that are doing that for us. That's what I'm hearing.

Mr. Kapu: Yeah.

Ms. Bosco: And what I can answer to that is I actually think it's a good thing that we have private-public partnerships and we try and cooperate and work with them to try and reach the same goals, and, in this case, it's a good thing because, you know, it's just a good thing. They're willing to do it, it's not a lot of work, and not a lot of -- I don't believe it's a lot of money, and they've -- actually, it's not after-the-fact either, so we actually appreciate it. I appreciate it so --

Ms. Sablas: Personally, I think this is a step in the right direction to protect an interpretive site that's important to Lahaina's history, and, yes, we could probably do it flawless but at least we're moving in the right direction. I notice a letter dated October 22, 2003, from Theo Morrison to Mr. Foley, and the last paragraph it says, "Lahaina Restoration Foundation supports this request and has agreed to install the posts and chain and that Jeff Anderson, Supervisor of West Maui Parks, also concurs." This is not what you -- we learned today. I learned that LahainaTown Action instead will be funding the expense for that and that the Parks does not -- do not --

Ms. Bosco: No, no. What it is is, okay, let me explain. When this application came in, the letter of authorization was actually from Jeff Anderson cause we needed -- we always require a letter of authorization, okay. I later learned that the letter has to come from the Director of Parks, not Jeff. So, in transmitting this out to the agencies, they're comments were really limited to what they felt about the proposal. And then now what we have to do is say, okay, this is what we would like, we would prefer to see in there, and can you please grant authorization for the project from the Director, okay. Now, Lahaina Restoration Foundation supports the project and is funding it. LahainaTown Action Committee is the applicant. We are still not -- we still don't have a letter of authorization from the Director of Parks although we have a letter of support from the Supervisor out there -- a letter of authorization from the Supervisor out there, which isn't enough. You understand that? It has to come through the Director.

Ms. Duensing: One comment I would like to make and, you know, I don't know when this letter is dated but this has gone around and around and around the block, you know. There was problems with the archeological monitoring plan, you know, I came up with a solution for that, I hope. We have the problem with Parks. I think what we need to do is we need a strongly worded approval, if the Commission desires to approve this, telling Parks, not that this is what we recommend, but we have design authority in this district and this is what we have approved. Please work with the applicant to see that this is done. You

know, I don't think the design aspect is to be negotiated with Parks because this Commission has that authority, not Parks.

Ms. Bosco: Right. We need a strong a letter of what the CRC is going to approve.

Ms. Long: I don't understand in what capacity LahainaTown Action Committee is the applicant.

Ms. Bosco: In what capacity?

Ms. Long: Yeah. What's their connection?

Ms. Bosco: They're the applicant; that they thought of the idea and --

Ms. Long: Yeah, but you've gotta either have ownership, or responsibility, or something, right? You can't just -- I can't just come in -- you're saying that I could have come in and applied for this?

Ms. Bosco: Anybody can apply for anything in the County but they need the approval and the authorization of the owner.

Ms. Long: But how can you apply?

Ms. Bosco: You just need the money and approval in this County.

Ms. Duensing: Well, Barbara, look at it this way.

Ms. Long: Is that true?

Ms. Bosco: Well, basically.

Ms. Duensing: LahainaTown Action Committee and the -- the whole courthouse, Banyan Tree Park are nearly taking -- I mean is taken care in many ways by LahainaTown Action --

Ms. Long: That's LRF.

Ms. Duensing: Either the Restoration Foundation, Lahaina Arts Society, everybody that uses that property. It's in the public good to do it and that's why they applied.

Ms. Long: I agree with you.

Ms. Duensing: They have the right to do that and I agree with Simone that they're doing the County a favor.

Ms. Long: I agree with you there. I'm thinking through maybe legal ramifications of this or -- I don't know. I may be getting too complicated. It just seems improper.

Ms. Duensing: I think some of the consideration is going outside the scope of what the CRC's authority is and that is design approval; that should be the primary consideration here is to approve this design for this permit.

Ms. Bosco: Yes.

Ms. Duensing: You either approve it or deny it.

Ms. Long: Okay.

Ms. Duensing: And you are kind of reaching -- over-reaching into other areas and that -- those are things for the Director of Parks and the Director of Planning to take care of.

Ms. Bosco: Yeah, we just need to know if this project is supported and specifically how.

Ms. Long: Okay, so we can comment on the number of signs, the type of signs --

Ms. Duensing: Archeological monitoring.

Ms. Bosco: Material.

Ms. Duensing: Whatever, materials, right.

Ms. Long: I just think it's weird.

Mr. Kalalau: Maybe it's for Corporation Counsel, I think, is getting back on what Barbara was saying. We approve and we make recommendations on a piece of property or a piece of structure that is not owned by the applicant and --

Ms. Long: She's not even going to do the work.

Mr. Kalalau: And the liability is not on them, and we're here, we're supposed to make decisions for the County who is the active owner, the legal owner of the structure?

Mr. Giroux: What's going to happen is, as this body, what they're doing is they're coming before you, they say, we got a project and we wanna know, hypothetically, if this thing goes

up, is this going to be consistent with the historical district? Okay, now, they have authority from the County to -- they have to then take this and go back to the County and say, are you guys actually going to let us do this? Now that's when the County is really going to make the decision, okay, are we going to let this go forward or not? And then they say, you know what, we really want the chainlink fence or we're not going to let you guys build anything. Nothing gets built. It dies.

Ms. Duensing: Right, because in that case they come back with the chainlink fence and you guys say, no way, and then that's the end of it.

Mr. Giroux: Yeah, then they may go and build their chainlink fence and come for an after-the-fact in front of us, and then you're going say, well, tearing it down, you guys didn't come in front of us to get the thing up. So, I mean, it goes round and round, so this body really, you're saying, if something goes up, this is what we want it to look like.

Ms. Long: Okay.

Ms. Bosco: That's right.

Ms. Duensing: And, you know, you guys do this with other projects too. Look at the Lahaina stuff that you reviewed for the new comfort station and that stuff, you guys aren't concerned with the liability, you're looking at the design and that's why you're here, you have design authority in the Historic District.

Ms. Bosco: Exactly.

Ms. Duensing: It's the County, you know, there's other agencies in the County that are worried about liability and, you know, water, or whatever. It gets passed around everywhere for review before anything gets done on County property.

Mr. Kapu: Well in the recommendations, in No. 4, it says the applicant should carry liability insurance for the event of a minimum of a million dollars and shall name the County of Maui as an additional insured so -- that's one of our issues.

Ms. Bosco: Yeah, that's -- they carry -- they can carry liability so -- it's actually a project, not an event, but yeah, they carry liability insurance.

Mr. Kapu: Well that's, getting back to the --

Ms. Bosco: A good question would be -- pardon me?

Mr. Kapu: Getting back to Dawn's point based upon saying that one of our responsibilities are just to look at the applicant's -- everything in the recommendations from the County and this is one of the recommendations that we are looking at now based upon liability, so what you're saying is we're going out of the box but, in actuality, no everything's included, I say.

Ms. Duensing: But, Keeaumoku, look at all the things that you guys approve whether it's to hang a banner, or to have an event in Banyan Tree Park, you know, the liability with the insurance is standard language in all of these things.

Ms. Bosco: I think --

Mr. Giroux: This happens in the BVA too, I mean somebody comes and say they wanna a variance to have their door a little bigger, well, the County says, well, you know, then they got the discussion and then they say, well, I guess, you know, we'll let you get the door but, you know, put the insurance clause in there anyway because if the concern is liability, the lawsuit is generated through what's called a complaint and that complaint looks, basically, at every conceivable aspect that they could ever possibly think of getting somebody involved in their lawsuit; that's, you know, the shotgun effect of a complaint, which could be, you know, 30, 40 pages long. But the thing is is that the County has attorneys and they file motions to dismiss, and they file things like that, and then, in the end, maybe one or two things are left on a complaint that originally had 30 or 40, you know, points on it. So this body really, we throw it on, you know, they gotta have insurance or, you know, but, ultimately, there's other departments within the County, I mean when we say "County" we're kind of an amorphous body of, you know, hundreds of departments and hundreds of employees or thousands of employees, so as this body, you are reviewing a design and the concern is to make sure that it's consistent with the historical district and, as a standard, you know, clause, we put that in there so I mean -- I mean I think it's a safe discussion if you really think this is not safe, you know, then, you know, that's a point for the body that you could -- but, as far as the aesthetics, I think that, at this point, it's probably one of the more priority of concerns.

Ms. Bosco: In my recommendation, I'd like to add a condition, and the condition would be that a coordinated meeting between the archeologist and the construction crew shall be scheduled and conducted to advise the construction crew of the kinds of remains that are likely to be found and how the work will cease in the event of a find.

Ms. Duensing: Did you run that by Lisa?

Ms. Bosco: Pardon me?

Ms. Duensing: Did you run that by Lisa since she's volunteering her time?

Ms. Bosco: Did I run that by her? No, but I think that that would be probably a very important thing to do.

Ms. Long: Prior to beginning?

Ms. Bosco: That would be not difficult since she's going to be out there with the crew when they do the work.

Ms. Duensing: I think it could be concurrent with the work but --

Ms. Bosco: It could be concurrent.

Ms. Duensing: I mean part of the reason for changing the archeological stuff here to begin with was to minimize the time that somebody is required to give as a volunteer because she offered to do this.

Ms. Long: Voluntarily?

Ms. Duensing: Yeah.

Ms. Long: Great.

Ms. Bosco: Would the Commission like me to read all the conditions or recommendations or --

Ms. Sablas: Yeah, you're ready for that or are there any other discussions?

Ms. Bosco: Or would you like the applicant to come forward? That's up to you.

Ms. Sablas: And then we need to have our public testimony too before recommendations. You know, I have a comment on the proposed application of putting the posts and chain that -- your report one time for the banyan tree, Commissioner Kapu, you had, I think, I remember recommended that you put some type of barrier and the only reason why I would bring this up is that if we do something like that, is that something that we're thinking in the future so that everything is in conformance or you're going to have different type of protective -- do you remember when we were doing the -- you did the banyan tree analysis? I think, if I recall, one of your recommendations was that we consider putting up some type of protective --

Mr. Kapu: Well, something in foliage around the tree just to deter people from climbing up on the tree, yeah.

Ms. Sablas: Foliage?

Mr. Kapu: Yeah.

Ms. Sablas: Okay. Okay, I just wanted to be able to, you know, like just like have a master plan of protecting these areas so you don't -- we don't discuss one and then another comes up that doesn't have any bearing on --

Mr. Kapu: I think that came up based upon something that is totally different from this case and it had a lot of do with the use of the banyan tree itself, yeah, because of the craft vendors and all those kinds of things, so I never got into the scope of looking outside of the banyan tree area. My focus was totally responsible to trying to alleviate certain things that was happening under the banyan tree by the different artisans and associations that utilize the banyan tree, so this is totally different to me.

Ms. Sablas: Yeah. Okay then can we hear from the applicant on items that were discussed and then we'll go into public testimony.

Ms. Morrison: My name is Theo Morrison, Director of LahainaTown Action Committee. This was just a goodwill gesture on the part of LahainaTown Action Committee. We saw this, the fort being degraded, we saw people on it constantly, people at night drinking, so that's why we suggested this fence. I do though, after this discussion, not to make this thing more complicated, but this was from the design guidelines and it has two rows of chain, actually, what someone was telling about the kids that that might be better, and the thing, you know, as far as the chain, will that deter people, the majority of people on that, on the site are actually tourists, and I'm sure the chain will deter them. And if they're, you know, if they're not going to be deterred, nothing's going to deter them so --

Ms. Long: So you're recommending two --

Ms. Morrison: Yeah, I think that's a better idea, yeah, for the kids cause the kids won't read the sign.

Ms. Long: I agree.

Ms. Morrison: And as far as making those signs wood, that's not a problem. They can be all wood; that's not a --

Ms. Duensing: And I think the two chain thing is nice too; it's got that nice little replication of what you would see on a ship or a boat; fits in the with the Lahaina theme; that's a good idea.

Ms. Morrison: Okay, but I don't understand the insurance policy. Is that just while it's being -- I don't understand that. Is that like a --

Ms. Long: I don't understand it either.

Ms. Morrison: Typo? From an event?

Ms. Bosco: ...(inaudible)...

Ms. Morrison: The work? Well -- okay. That's all.

Ms. Sablas: Thank you. Any questions of the applicant? Can we open it up to public testimony on this agenda item please. Okay, hearing none, staff recommendation.

Ms. Bosco: Thank you, commissioners. Nine conditions. First one, that the construction of placement of the pole and chain barricade shall be in accordance with plans submitted on October 30 except that the poles shall be constructed of wood and painted a natural stain, and then we can add and that there be two -- two, what do you call it? Strings of chain. I don't know how I'll word that but I'll add it. Number two, that condition will be the one referring to a coordinated meeting taking place between the archeologist and the construction crew. And the one that's there now will be deleted because I repeat it later on. Number three, that any changes to the project shall require an amendment. Number four is the insurance policy condition, which I need to discuss further with the applicant to see if their policy covers this kind of work. Number five, that the applicant shall have an archeologist present during the excavation of each post hole to monitor the work for any potential subsurface artifacts or archeological finds. Number six, in the event of a find, the onsite archeologist will halt all work in the vicinity of the find and immediately report the find to SHPD and consultation with SHPD will occur relative to the appropriate preservation measures to be taken. Seven, following the project, a follow-up archeological report on the findings of the excavations will be provided to SHPD and Planning by the archeologist. Eight, written authorization from the Director's office of Parks shall be obtained prior to proceeding with the project. And, nine, that's the all compliance clause.

Ms. Duensing: Can I make two suggestions? First of all, on number seven, it should -- please state a follow-up archeological letter, so that Lisa's not in for doing more work than she's promised to do already, rather than report. And the sign is not in the recommendations either.

Ms. Bosco: The sign?

Ms. Long: One or eight or whatever.

Ms. Bosco: You mean as far where that one sign goes?

Ms. Duensing: Shouldn't the signs be in the recommendations?

Ms. Long: There's no height of the poles either. There's nothing that says how tall -- I think --

Ms. Bosco: The poles -- the poles will be consistent -- will be consistent with what's around the prison, it's two-and-a-half, three feet high.

Ms. Long: But they're iron, yeah.

Ms. Bosco: Pardon me?

Ms. Long: They're iron poles, yeah?

Ms. Bosco: No, they'll be wood posts.

Ms. Long: Yeah, but I mean the prison is iron. Yeah, I'm just a little concerned where it says it'll be in accordance with plans. The only actual plan we have is where it's going to go. It doesn't talk about the height or the location of the sign, or signs, and I would certainly leave that up to staff, but could we have some wording in there that says --

Ms. Bosco: Well, what I envision, just so you know and we all know, is that the poles would not be any higher than what's around the prison, and we can measure that and get that in writing, and that the four signs will be evenly dispersed, balanced along the chains and one of them will be placed where most people are traveling up the structure. I don't have an objection to the signs being metal on a wood back whatever mount plaque but if you would like, we can require that those signs be wood painted, if the applicant doesn't have any objection to that, and what else? The posts are proposed, there's 11 of them proposed -- there's 11 posts proposed and we know where it's going to be, and the size of the signs that will be mounted is 2 by 8.

Ms. Sablas: I count 12 if it's the little dots.

Ms. Bosco: You count 12 on the site plan?

Ms. Long: Yep.

Ms. Sablas: Yep.

Ms. Bosco: Okay, well, I have 11 so what is it, 11 or 12? Okay, it's 12 then.

Ms. Sablas: Okay, so we'll just make that correction then.

Ms. Duensing: Can I make a suggestion on the height too is there are standard safety for fences and rails on boats and bridges and stuff like that, it's like 34 inches, I think, double check what it is.

Mr. Whelchel: Forty-two for commercial.

Ms. Long: Forty-two for commercial.

Ms. Duensing: Yeah, and that's what it should be.

Ms. Bosco: Okay, so we'll -- it's 34 inches you think?

Ms. Duensing: He says it's 42.

Ms. Bosco: Forty-two?

Mr. Kapu: For commercial?

Ms. Bosco: Forty-two?

Ms. Long: But that would be to the chain.

Mr. Whelchel: Forty-two at the post ...(inaudible)...

Ms. Bosco: Four, like four, what was that? Four feet and four inches or something? Forty-two --

Ms. Long: Forty-two is up here.

Ms. Bosco: Forty-two inches. Isn't that like four feet four inches or something?

Ms. Long: No.

Ms. Bosco: How many feet is that?

Ms. Long: Three feet is thirty six. This table is probably thirty so it's another -- up here.

Ms. Bosco: About right here?

Ms. Sablas: About the size of the podium?

Ms. Long: And that would be not the post height, but the chain height.

Ms. Bosco: Right.

Ms. Long: If you're going by actual horizontal --

Ms. Bosco: Is that something --

Ms. Long: But that's --

Mr. Whelchel: They're going to duplicate what they have at the prison. If it works there, it'll work here.

Ms. Duensing: Yep ...(inaudible)...

Ms. Bosco: I think, you know, I think I can get those details and, you know, not make it something aesthetically --

Ms. Long: Aesthetically --

Ms. Bosco: Incorrect.

Ms. Long: Yeah, and a little difficult to climb over.

Ms. Bosco: And there's two rows of chain, so you have to remember that. What's that gonna look like?

Ms. Long: Well, how high would you climb to get over a chain?

Ms. Bosco: Well, you know, that's a good question. I mean how -- what would make it difficult for a six-foot five man to climb over?

Ms. Long: There you go.

Ms. Bosco: And a three-foot young child?

Ms. Sablas: Okay, ready for a motion? We understand the changes that we made, right? Or do you need to have that reviewed?

Mr. Kalalau: Eleven or twelve.

Ms. Bosco: And what I'll do for the Commission is get a few of these details on the height and so forth and I'll add it to condition no. -- where is it -- one of the conditions. I'll just -- I'll add it somewhere in there. Oh, No. 1. I'll add it to No. 1 or something.

Ms. Long: Okay.

Ms. Sablas: And what about the signs? Are we okay on the four signs? We want to have it --

Ms. Long: Made of wood.

Ms. Sablas: Rather than --

Ms. Bosco: Wood painted?

Ms. Sablas: Yeah. And then --

Ms. Bosco: She's fine with that, yeah.

Ms. Sablas: Okay, but also the four so it's part of that recommendation too.

Ms. Long: Yep.

Ms. Bosco: So the signs, what I would recommend is that they be painted a natural stain, the background be a natural stain. Is that okay or would you like a solid color? Whatever works? Okay.

Ms. Sablas: Okay.

Mr. Kapu: Is the sign big enough?

Ms. Long: I don't think. Two inches is tiny. We'll take the signs under advisement. Dawn, didn't you say the Director recommended one sign?

Ms. Duensing: Yeah, just at the point where people usually climb up the wall.

Ms. Long: Yeah, let's say any sign should be made of wood.

Ms. Bosco: Okay, but we're going to have four total.

Ms. Long: Maybe.

Ms. Bosco: It's a long area, I mean if you think about it, there's a lot to go around so one isn't enough. I don't think.

Ms. Long: Okay, whatever.

Ms. Sablas: Okay, so we're ready for the motion? Who would like to make the motion to -
-

Mr. Welchel: I make a motion that we approve the wood post chain and barricade project with staff recommendations as amended.

Ms. Sablas: Do I hear a second?

Mr. Artates: Second.

Ms. Sablas: Thank you.

Ms. Bosco: And, point of clarification, does the Commission have any objection towards me drafting a letter, which is strong? I'd like to make a strong --

Ms. Long: To Parks?

Ms. Sablas: To Parks?

Ms. Bosco: A strong letter to them saying they strongly support or something to the effect that they would prefer that something along these lines be put in, or something like that so that --

Ms. Long: You might say that's all we'll approve.

Ms. Sablas: Okay, that's strong enough. Okay, that goes with that. So we got a motion and it's seconded.

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

It has been moved by Mr. Welchel, seconded by Mr. Artates, then unanimously

VOTED: to approve the wood posts and chain barricade project with staff recommendations as amended.

Ms. Sablas: So motion carried. Thank you very much, Simone.

2. ADVISORY REVIEW - NONE

3. DEMOLITION PERMITS - NONE

Ms. Sablas: Okay, our poor folks have been waiting for so long but, anyway, we're on Item No. 2, Advisory Review, none; Demolition Permits, none. Are we ready to go into Communications or you wanna take a short break?

Ms. Long: Can we have a short break, please?

Ms. Sablas: Okay, can we be back in five minutes? Okay, thank you.

(A recess was called at 10:45 a.m, and reconvened at 10:52 a.m.)

Ms. Sablas: Okay, I'd like to reconvene our meeting, please, and we are now on Item C. under Communications, Item 1.

C. COMMUNICATIONS

1. REV. KENJI OYAMA, MANTOKUJI SOTO MISSION OF PAIA, letter of October 25, 2004, requesting the CRC's support of its efforts to list the property on the National Register of Historic Places.

Ms. Sablas: Thank you very much for your patience to wait and I'm sorry we loss some of your supporters.

Mr. Kenji Oyama: Okay, good morning, my name is Kenji Oyama. I'm the Reverend at the Mantokuji Soto Mission in Paia. It is located in lower Paia, across the Paia Community Center, a little way off of the Paia Town and Baldwin Avenue. I have sent a letter requesting for technical assistance of the Department of Planning in preparing an application in Mantokuji's efforts to have our property included in the Hawaii Register of Historic Places and National Register of Historic Places.

Mantokuji was founded in 1906 by Reverend Sokyō Ueoka, and it has been, from the founding of this mission to the present day, an important and cultural institution ministering to the needs of many residents and visitors. The mission has had countless memorial services; funeral services; wedding ceremonies; prayer sessions; Zen meditation sessions; O-Bon festivals; classes in culture and religion; bazaar sales; ladies club activities; gatherings for cooking and sewing; also it has been a site where there is numerous tourists who visit daily. The mission has survived a number of severe challenges such as a tidal wave of April 1946 and also the internment of its minister during the World War II.

Today, it's grounds include the main temple and it's social hall; a shoro, the bell tower with a large bronze bell; a columbarium and cemetery; a memorial monument for the war dead; a sanmon, the main gate; the minister's residence and office, and now we have a new Japanese garden.

In the year 2006, the Paia Mantokuji Mission will celebrate the centennial of its founding and planning for this occasion has led the congregation to reflect upon its past and think seriously about the preservation of this, the historical character of the mission, it's structures, and the grounds. We would like to do all that we can do to preserve this historical Maui landmark and ensure its future.

The Paia Mantokuji Mission respectfully and humbly requests assistance and support of the Department of Planning and the Cultural Resources Commission in the nomination process. Thank you very much.

Ms. Sablas: Thank you, Reverend. Discussion from members, please? Do you want to add anything to that?

Ms. Duensing: Oh, the only thing I would add is I know the Ueko family, some members, and it must have been about six or seven years ago, I remember having this conversation with them so I was please to see that the mission is taking the initiative to seek assistance in getting this listed and I think doing it on their centennial anniversary is a most appropriate occasion and this is what the Commission as one of your big duties to do is get things on the Register, and I, personally, would be happy to help in any manner that I can.

Ms. Sablas: Thank you.

Ms. Duensing: I know that they have a lot of history already compiled and I think that it would be a matter of just, you know, getting it written in the right format and getting the nomination underway. I'm sure the congregation can assist with having the appropriate photos and maps secured and we can do that if it's the Commission's desire.

Ms. Long: You're saying you're willing to do the narrative? Great.

Ms. Sablas: Yeah, this is wonderful. I love the mission there.

Ms. Duensing: That's a beautiful place.

Ms. Sablas: Yeah.

Ms. Long: Yeah.

Ms. Sablas: Yeah.

Ms. Long: Support this? Absolutely.

Ms. Sablas: So we're ready to take a vote?

Ms. Long: Yeah.

Mr. Kalalau: One question. In asking for the CRC's requesting for technical help, what does that cover?

Ms. Duensing: That's me.

Ms. Sablas: That's her.

Mr. Kalalau: Right. Right. No, but in, you know, doing all that help, do we -- are you going to do all this too?

Ms. Duensing: Yeah, what I would help them with and I would request the assistance of the mission in providing the research and the knowledge that they have. I already have a number of materials because I've interviewed Mrs. Sodetani and Mr. Ueoka for other projects I worked on six or seven years ago, so they would help me with providing these resources and I could help them with doing the paperwork, and I would expect that the mission could help with, you know, the small cost of, for instance, the photos that are required and the map, and I think it could be relatively straightforward in that.

Ms. Long: Dawn, in the architectural part of the narrative, the actual description of the building and all that sort of thing, would that require some sort of specialist in that field?

Ms. Duensing: I don't think so. You know, I have some --

Ms. Long: Yeah.

Ms. Duensing: I can do a good portion of it and we also have a new planner with several years of architectural school behind him, and he mentioned this to me the other day, and he's willing to work on the architectural narrative with me.

Ms. Long: Oh great.

Ms. Duensing: And I have resources with other architects here and in Honolulu that would be willing to, you know, double check and make sure I was describing everything, and then there's always our resident architect, Lon.

Ms. Long: They're such Japanese architectural features that --

Mr. Kalalau: All the inside, yeah, with all the ...(inaudible)...

Ms. Duensing: Yeah.

Ms. Long: Yeah, it's a little unique.

Mr. Kalalau: For each piece of wood in there.

Ms. Duensing: Right, but there are other, for instance, there's other buildings that have already been described in pretty good detail that we can use for reference as to appropriate ways to describe this building, yeah.

Ms. Long: Oh great. Good. Wonderful. Well, 2006, is it doable?

Ms. Duensing: Get going on it.

Mr. Kaopuiki: Are we supposed to make a motion for that? In my case, I'm familiar with this organization because my wife is somehow -- she's from the Big Island and she came to Lanai and she met me and everything went wrong, but, anyway, she is too a member of this and she had taken me to the Big Island to look at and it's -- when you look at these people, the pride they put into what they have built and all the history and the story, that goes terrific ways way back, so I move that we accept what the Reverend said with all the details written out.

Ms. Long: I second that motion.

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

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

VOTED: to support the request of Reverend Kenji Oyama, Mantokuji Soto Mission of Paia, for technical assistance from the Department of Planning in the nomination of the Mission being placed on the National Register of Historic Places.

Mr. Oyama: Thank you very much.

Ms. Sablas: Thank you. That was our quickest discussion, see, thank you very much. Good luck.

Mr. Kalalau: ...(inaudible)... the longest and you're the shortest.

Ms. Sablas: Yes. Yeah, we should have had him up front. Thank you. Okay, Item No.2.

- 2. COMMISSIONER KAPU REQUESTING CRC CONSIDERATION OF SHPD LETTER DATED JUNE 10, 2004. This item has been deferred since the August 5, 2004 meeting. The SHPD letter was included with your August agenda; and significance evaluation sheets were included with this agenda. The CRC will discuss the letter and determine an appropriate course of action. The Commission may provide advisory review on this matter. Public testimony will be accepted.**

Ms. Sablas: Any members from the public would like to testify on this?

Ms. Uilani Kapu: Aloha. My name is Uilani Kapu. This has been a concern of ours for a long time. I went to State Historic Preservation and DOCARE on this matter. State Historic Preservation has told me that they fenced off archeological sites. The County has given them a grading permit which they have graded through the ravine, the river, right now with a road. DOCARE went out and our concern was there was a wall that this road will go through, a historical wall. DOCARE reported back to me and said that they have not damaged the wall. We went up and took pictures of the damage of the wall because you can't say that they didn't damage it because one side of the road has the wall, the other side has the road -- the wall I mean, and the road goes right through. I don't know how this project got through, and I wanna know what State Historic Preservation has to say about it because Melissa doesn't have much to say, and I'm disappointed because that whole site, that whole area has a lot of sites and for Launiupoko Association to be given the right to say what stays and what doesn't, I feel is wrong, especially not going to the community with it. Just because it's a private land doesn't mean that they have control of our historical sites, and that's what saddens me, that State Historic Preservation just goes with them and says, okay, you know. Who gives them the determination to say that one association can determine what is right and what is wrong? That's why all of our sites are being destroyed. We put State Historic Preservation to protect all that should be protected and I just want clarification on why they're telling me, you know, I -- these people go out, they look at it, and they say, oh, there's not problem. But when we go out, we see the problem. And for two State entities to tell me that there's nothing wrong, I need clarification on it. I wish Melissa was here because I spoke to her several times on the issues and she sends me to Kathy Dagher who doesn't return my calls, and then DOCARE got back with me one week later. I mean their concern was just two pegs removed because State Historic Preservation has flagged off the road for them and he said when he went up there, the flags were all there but two were taken down, so that was his only concern. And you folks have a lot of power to say what should be happening with this. This has been on your

agenda for a while. And I just want clarification on it because there's too much happening in that valley that they're getting away with. Mahalo.

Ms. Duensing: Thank you, Madam Chair, and thank you, Uilani. I did speak with Melissa over the course of several months since this has been on our agenda, and I am very sympathetic to what Uilani said, and I am in no way making excuses for the State or the way the State law is written and this is not the way I, personally, would like to see anything done either because it doesn't matter, to me, if it's a Hawaiian archeological affect property or a historical wall that was used by ranching or whatever, the sad fact of it is is that we don't have very strong preservation laws in this State. And, in my conversations with Melissa, which were generally pretty brief because I think, at this point, we're very limited on what we can do, and that is not to, you know, encourage -- that's not to be telling the Kapu family that, well, you know, just give up and let them do what they want to do, that's not what I'm saying at all, and I hope you understand that. She faxed me pages from this Launiupoko Preservation Plan, and I was hoping Lisa would be here today because she's an archeologist, I'm not; I'm just trying to understand how archeologists work, and, basically, what it points -- what is boils down to here is, on Page 37 of this report, which is the first page that I provided with you, it says, "Based on the above criteria, 39 of the 47 sites identified during the current project are assessed as significant . . . These sites have yielded, or have the potential to yield, important information," and then she writes in the margin, "We do not say "no longer significant," just "adequately document"." Basically what she's saying is with the number of these sites is that they either went out and they did surface testing, or they took pictures, or they wrote a document, and the State considers that as adequate preservation. Okay, do you see what I'm saying? Is that's the way they're preserving it. You know, it's kinda like our Hana bridges, when we preserve them on photograph and then we go out and we demolish them. That's, basically, one type of preservation according to what she said.

She also pointed out to me that more of the sites have actually been preserved under them then they said they were going to preserve. Even though there's 47 sites, it says 16 of the historic sites have been slated for preservation and, originally, the total was 13, and the State sees this as positive. And, again, this is not me making excuses for the State, this is just me trying to convey to you the information that she provided me in the best way that I can.

Ms. Kapu: In that document, does it include also a stream channel alteration because they're in Launiupoko Streambed?

Ms. Duensing: That question I cannot answer, and I think part of the other problem with this is that, the document that Keeaumoku provided to me that I cited to Melissa when I was trying to get information from her, all of this predates when she came onboard, and I'm sure she probably told you this too is, you know, this all happened before me and kind of

out of my control is, basically, the way I interpret this. And, at this point, I'm not really sure what to recommend to the Commission or advise you because the way I see it is, you know, this is an ongoing thing, it's been going on for, my gosh, I've been involved with this Commission now for six years and I can remember when you folks first came to us. And I know this Commission, in this past, has made recommendations for 300-foot buffers, I was on the Commission when we did that, and it's not happening and, apparently, the preservation that this Commission and the families hoped for is not happening either, and I'm at a lost for what to recommend or what to say.

Ms. Kapu: And that's another question, what happened to the outcome of 2001 minutes, in December, on Kauaula Land Company? That all of a sudden has disappeared. There was no finalization on the 300-yard buffer that was presented in those December minutes in 2001. Can someone research that for me to find out where that went cause Kauaula Land Company all of a sudden had not finalized with the Commission on what they were going to do or ...(inaudible)...

Ms. Duensing: Well part of the problem with that is that this Commission is only advisory in this case; it can't tell Kauaula Land Company that they have to do that, and my recollection is that's what we strongly urged them to do, and I remember Peter Martin standing up here saying, "No," was it 40-foot or, you know, 35-foot or whatever he started with is what he wanted. And, again, when it comes down to the end of it, the only thing this Commission can do is to strongly recommend and advise because we cannot require that 300-foot buffer, I shouldn't say "we," you, as a Commission, do not have the authority to require that.

Ms. Kapu: Did they bring any finals back to this Commission on that procedure?

Ms. Duensing: I don't think so.

Ms. Kapu: Can that -- because all of sudden Puunoa came up, so I don't know. I'm just trying to figure out because these are two separate sides: one is Kauaula Land Company and then Mahana, what's in front of you now is the other side of the river in which they're digging, right, I mean they have a grading permit to go right into the stream and, from what I understand, stream channel alterations were not put together and --

Mr. Kapu: Let me make one clarification first. What had happen in the agenda in 2001, I'm assuming has to do with Kauaula Land Company, so that's one totally different area.

Ms. Duensing: Right.

Mr. Kapu: This area is Launiupoki River bed, yeah, so it's totally --

Ms. Duensing: Different parcels.

Mr. Kapu: Way on the other side of a development. She brought up one concern that had to do with an archeological inventory survey that is incomplete under the Cultural Resources Commission's Agenda under Unfinished Items --

Ms. Duensing: That was in December?

Mr. Kapu: That was 2001. Now, what we have in discussion right now is based upon a memorandum that State Historic Preservation bureau sent, which I wanted some clarity, clarification.

Ms. Duensing: Yeah.

Mr. Kapu: We were invited yesterday to go up to a property and that's where Site 2665 is, and on the preservation that was put together by Launiupoko Association, LLC, in their archeological preservation plan, under the -- this so-called diagram it says, "preserve archeological sites," in orange, yeah, 2665 was an area where they altered where DOCARE was sent up and said that he's trying to find out how come there was two pins lying on the ground, but still they didn't get back, but, at the same time, that's that little skinny road that comes down right in this -- right where the cul de sac is now, they went into the river and they're starting to subdivide properties across the other side, but they altered the river, at the same time, destroyed a site that they said they were going to preserve so -- and this just happened. This just happened about maybe a week ago where we've been trying to get some information from State Historic Preservation based upon this archeological preservation plan and despite, they put together a preservation plan but then, at the same time, once this goes through an approval with the State Historic Preservation, doesn't this thing supposed to stick as pertaining to what should be protected? Because if it is, then they ruined the site that they said, in this, that they were going to protect.

Ms. Long: What's it say in the plan about monitoring?

Mr. Kapu: Well, you know, monitoring areas sort of --

Ms. Long: No, monitoring the -- who is involved in oversight? And when there's a preservation plan, I wish Lisa was here, put together, I'm assuming that there is information on there on how compliance with the plan is going to be monitored and who does that. Is that in the plan? And I don't know if it should be required.

Ms. Duensing: Generally, they have the monitoring and when the project is finished, they've got 180 days to submit their report to the State Historic Preservation.

Ms. Long: Okay, but they themselves monitor? They hire their own archeologist to monitor whether they're complying with a plan?

Ms. Duensing: Right.

Ms. Long: Well that, obviously, doesn't work. Is that the only way that it can be done?

Ms. Duensing: Who is the -- I mean is Paul Rosendahl still working with these folks?

Mr. Kapu: No.

Ms. Long: So who is there --

Mr. Kapu: P.H. Rosendahl did the original archeological inventory assessment or plans back in 1997.

Ms. Long: Okay, but who's --

Mr. Kapu: Yeah?

Ms. Duensing: Right, and then who are they working now?

Ms. Long: Who's doing it now?

Ms. Duensing: Have you found out?

Mr. Kapu: I don't know.

Ms. Kapu: Rosendahl or anyone -- the last person that they had was from Oahu.

Mr. Kapu: Allen Hon.

Ms. Kapu: Only if there is a concern, then they call an archeologist. From what I understand from some of the people that live up there, it's just their workers.

Mr. Kapu: There wasn't a monitor onsite when they were doing the road in and across the river. So when DOCARE when up, he found two pins on the ground, now it's all about, okay, what happened?

Ms. Kapu: Who and why?

Mr. Kapu: And who, basically, does the monitoring, what I got from that archeological preservation plan, is Launiupoko Association does the monitoring for the area.

Ms. Duensing: Yeah, but they're still supposed to have a qualified archeologist onsite to do it. They're responsible.

Mr. Kapu: And that's what we've been -- that's what, for myself, has been stressing with State Historic Preservation from the time I pulled this memorandum.

Ms. Duensing: Okay, one suggestion, possibly, and you said you called Cathy Dagher, she doesn't return your phone calls; welcome to the club, there is a new State Historic Preservation Division Administrator and it may be worthwhile to write Melanie Chinen a letter and ask her to check into this. I don't know whether or not you will get a response but maybe with the change in administration, something might happen. I don't think that you'll be able to change the preservation plan and the number of sites slated to be preserved, but if they are out there working without a monitor, the administrator should be able to do something about that. Whether or not she'll, you know, she may just not answer it; she may not request enforcement; I'm not sure. But that's one possible avenue for action.

Ms. Long: Damage to this site is punishable under Chapter 6E-11, HRS. That's that streambed park.

Ms. Duensing: Did you talk anybody in Public Works about, I don't know, we shouldn't go into the grading thing cause that's a different issue, but you might go up there and ask them what they're doing granting those permits.

Ms. Long: There is nothing in here that says who's going to monitor it. All it says, if this is the whole thing, is that Launiupoko Associates will retain control until a homeowners association is established and they will be -- they will be responsible for the preservation commitments. It doesn't say how or why and, frankly, this thing never should have been approved without a better --

Mr. Kalalau: Clarification.

Mr. Kapu: Yep.

Ms. Long: Better monitoring dust, that's specifics, on a thing this big and this -- yeah, it's significant.

Ms. Sablas: What can we do because it is a significant, I mean that whole area is very significant? I remember driving Dr. Sonoto from the Bishop Museum one -- a long time

ago, probably in the '80's, and he said he looked at all of those rock piles and he said, "You know, when you think about it, that would be the first time you had disturbance since contact," and he's just looking at it and, you know, I mean Dr. Sonoto, I mean I was -- he told me, "There may be a lot artifacts in that area if they graded and piled it all in that stone, so he said, way back then, "This needs to be protected." And I remember that just from him saying that to me driving him to the airport, and it stuck in my mind about all of those rock piles, and it makes sense because that is the first grading that they had since contact and they piled it in there, so I think what Keeaumoku is saying, I mean I'm not sure what our -- what we can do but if we are responsible for cultural resources of Maui County, that definitely qualifies. And if it's been destroyed and there's no enforcement, there's no monitoring, I mean are we gonna just, as the CRC of Maui County, just sit and watch by and watch it happen? I don't think we'd be, you know, doing our responsibility then and I'm sure I have to go to counsel, to staff, I mean, what can we do --

Ms. Long: What could we do?

Ms. Sablas: That would make any sense for us?

Ms. Duensing: And if you read through this whole report, there's, you know, there's all kinds of places in here.

Mr. Kapu: Holes.

Ms. Duensing: Yeah, holes. I mean there's another area on additional sites that says, and, you know, I've been through it and highlighted it, homeowners will be allowed to remove these sites, and it's under review of the homeowners association, but, you know, it's -- I just don't know what the course of action can be because it was approved.

Ms. Long: What does that section -- may I have that back again?

Ms. Kapu: I just wanna let you know that I called Lance and Lance got back to me. This development was approved October 26, 2004, and then the grading was approved November 1. So it was a back-to-back thing that happened and this has been in place, on your folks agenda since --

Mr. Kapu: August.

Ms. Kapu: You know, for a while so just to give you that information that I spoke to him already and --

Mr. Artates: Ui, can you repeat that again? It was -- grading was a --

Ms. Kapu: The approval of the subdivision was approved in October 26 of this year, and then the grading permit, they went right after for it, and approved November 1.

Ms. Long: Would that give us any recourse?

Ms. Kapu: But there was no in-stream, you know, all those other requirements are not in there.

Mr. Kapu: In order to do any alterations, you would have to apply for an in-stream alteration permit.

Mr. Kalalau: Right, and you gotta go through Corps' engineers.

Ms. Kapu: Yeah.

Mr. Kapu: Yeah.

Ms. Kapu: Cause they're in a streambed.

Ms. Duensing: But this -- the streambed is a separate issue from this letter, right?

Mr. Kapu: Yeah. Yeah. Yeah. Yeah, that's totally separate.

Ms. Duensing: So we can't do anything about that right now. It's not on the agenda.

Mr. Kapu: But, to get into the streambed, the wall was the retainer for that area, yeah, so the wall that got demolished is now lying in the streambed.

Mr. Kalalau: And that was archeological sites?

Mr. Kapu: Yeah.

Mr. Kalalau: That was 2665?

Ms. Sablas: That was part of the preservation plan; that's why you're bringing it up now.

Mr. Kapu: Yeah.

Ms. Long: In, question, in the rules of the State Historic Preservation Division or whoever established criteria for preservation plans, is there any wording, is there any way that if there are transgressions, if there is damage to a site, are there any remedies to that? I'm just wondering if, you know, we gotta --

Ms. Duensing: Well, in one other case that I know of this past year where somebody didn't do monitoring and he wound up with a bunch of bones in his backyard, they sent out, I think it was DOCARE probably or, no, who's the enforcement division for -- it would have been some DLNR enforcement person, right, and then it was -- I think that case was also referred to the State Attorney General's office and I don't know what happened in the end if any penalties --

Mr. Kalalau: That's what happens, it goes to the Attorney General's office. There was incidents on Kauai; there was incidents on Maui, right here when they did Sandhills stuff, and that company had to hire archeologists to screen everything and put them back.

Ms. Long: Yeah, I'm -- no, my -- I think my question is is there something in the criteria for preservation plan that lets -- that makes it essential for the applicant to have monitoring even though it's not specifically mentioned in this preservation plan? There's nothing that says a preservation plan includes, has to include this, whether you mention it or not, and, apparently, there isn't that you know of some sort of procedure. Well, darn it, there should be.

Mr. Kalalau: There is. There is. There is Federal guidelines on --

Ms. Long: Federal?

Mr. Kalalau: Yeah, because when they put the Burial Council through, a lot of their protection, their enforcements came up for the National Park, the ...(inaudible)... laws.

Ms. Long: It's like when we say it has to comply with all Federal, State, and County laws. Is there --

Ms. Duensing: But it's -- these are sites and such, these aren't necessarily burials and there's a difference there.

Mr. Kalalau: Yeah but when you classify them, like how she's classifying --

Mr. Kapu: Criteria.

Mr. Kalalau: Right. Right. It's significant. I mean it's -- so they're gonna base on, you know, the significance --

Ms. Duensing: Because NAGPRA is graves.

Mr. Kalalau: Yeah, yeah, right, but there's other Federal guidelines also for other historical sites that ...(inaudible)...

Ms. Long: Yeah.

Mr. Kapu: See the criteria is to determine based upon the significance of pre-contract, prehistorical sites. Now if it's a, like say maybe a spiritual upright, that would be considered Criteria A, yeah, but then if it was -- if so-called Criteria A was demolished and they turned it into a Criteria E, now destroyed, but then all of sudden later find burials in there, then it kicks the NAGPRA ruling inside here automatically, so if we're looking only at the site pertaining to the criteria of the site, then they're allowed to alter these sites, what is found after that will fall under a different criteria and what -- I don't know who did the notation over here, but that sort of clarifies a lot for me where it says that we do not say "no longer significant," just "adequately documented."

Ms. Duensing: Well that's what I was saying, it's like taking a picture of something, then that's enough in some cases and SHPD doesn't feel they need to do anything.

Mr. Kapu: But my major concern was based on -- based upon the archeological preservation plan that was done by Launiupoko, yeah, and who gives that authority to Launiupoko Association to put a preservation plan together and whether or not this preservation plan went through the right process to be approved. Did it get approved or we're just looking at something that's, you know, a simple guideline? It has to be approved by State Historic Preservation or not, right? To make sure that everything is protected.

Ms. Duensing: I think so, yeah.

Mr. Kalalau: Yeah, they need approval.

Ms. Long: So assuming it was --

Ms. Duensing: But, I mean that's what I'm saying, I don't know what recourse there is because, to my understanding, the document was approved.

Ms. Long: Yeah.

Ms. Duensing: If you wanna see something changed in the document, you got your 30-day comment period, and I'm sure you had your comments in there, and, you know, but once they approve it, I don't know what you can do unless there's, you know, just flagrant violations because, in many cases, I mean -- and it doesn't just happen here, it's worse on the Mainland what they do to native sites. But, you know, short of catching them red-handed doing something horrible, most of the time it does go unpunished.

Mr. Kapu: Isn't there some kind of recommended letter or something that we can send to somebody out there to look into this?

Ms. Duensing: As I said, you have the option of writing a letter to the new administrator.

Ms. Long: To -- yeah.

Mr. Kapu: Oh, okay.

Ms. Duensing: But whether or not she's going to do anything, is another thing. Right now she's got her hands full with Wal-Mart.

Ms. Kapu: So can the Cultural Resources Commission put something together? And at the same time I will, and we'll see who gets answered first.

Ms. Long: My concern is that the preservation plan seems to be inadequate unless it is backed up by some State or Federal law that's just not even mentioned, and I think it might be appropriate for us to write and say we'd like to see a stronger requirement in future preservation plans that would involve monitoring, not only by an onsite archeologist paid for by the applicant, but also by any concerned community whatever, how you designate yourselves. Isn't that what Everett Dowling is doing more or those guys down in Makena where they have a group of folks who --

Mr. Kapu: Yeah.

Ms. Long: Yeah, and at least he's attempting to do that and these guys are not, and what was in his preservation plan that's not in this one that should be in all of them.

Ms. Duensing: But part of this too is, I mean, these guys have done the same thing that Dowling did. There's a park there but the problem is is that the other sites are on the individual lots --

Ms. Long: Yeah.

Ms. Duensing: And I don't care whether you're in Makena or in Launiupoki, you're probably not going to get access to people snooping around in the individual lots, open-ended like you'd like it to.

Ms. Long: Yeah. Yeah.

Ms. Duensing: I mean they do have their six-acre park and that's what they see as their commitment to preservation.

Ms. Long: Yeah, but what --

Ms. Duensing: And, again, I'm not making any excuses for the way things are done because --

Ms. Long: Could you ask Melissa, point blank, you know, what --

Ms. Duensing: Ask her what?

Ms. Long: What recourse is there?

Ms. Duensing: I did.

Ms. Long: And she says forget it?

Ms. Duensing: I don't think there is any. I mean, like I said, this is -- this is what I got from her, she did not have time to come to the meetings, especially in some cases where they had to be deferred due to lack of quorum or, you know, deferral for one reason or another.

Ms. Kapu: So the only way something can happen is if a resident there or a community member goes up there and cites them, takes pictures, video tape, or whatever, and then they get a slap on the wrist for a fine and the site is damaged? Is that what I'm understanding? I mean --

Ms. Duensing: I think, in many cases, that's true, yeah.

Ms. Long: Can you, this is --

Ms. Duensing: And, again, you know, I'm not an archeologist, I don't do enforcements, but --

Ms. Long: I would sue them for like ten million dollars for damages to cultural whatever.

Ms. Kapu: Well, see, I thought that was -- the streambed was considered conservation and there was no --

Ms. Long: It's supposed to be.

Ms. Kapu: No, nothing to be done in them and --

Mr. Kalalau: You get setbacks.

Ms. Long: You're not supposed to ...(inaudible)... streams.

Ms. Kapu: And then they have this project that came forward and was just approved, I mean, who do you sue? County? Because they approved it? I just thought it was conservation.

Mr. Giroux: I haven't researched the issue, but I am looking at this archeological preservation plan that, I guess, it was revised in 1998. Now, without seeing the metes and bounds of this area, it'd be hard for us to make an evaluation, but I do wanna point out that, on Page 16, it has a streambed park and that might be what you're referring to?

Mr. Kapu: Yeah.

Mr. Giroux: So in that section it has the Launiupoko Streambed as a wilderness area of approximately 20 acres contained in the streambed, and then it lists what are some of the sites within that area. Now I'm not sure how they put this together but, just from reading, you know, if you go to the end of Page 16 and then on the top of Page 17, it says, "Damage to this site is punishable under Chapter 6E-11, Hawaii Revised Statutes." Now, plain reading, some people might disagree, but this site --

Ms. Kapu: It's just specifying to one.

Mr. Giroux: It's either undefined or it pertains to the whole streambed park, I mean I think that's one thing that lawyers can argue about, but that is something that, you know, you have a punishment clause there and now it's just -- the fight is what does that punishment pertain to, how are you going to go about documenting that, but if you go from Chapter 6E-11, you go into the HRS, and in there it sets out, you know, it shall be unlawful for any person natural or corporate to take appropriate -- excavate, injure, destroy, or alter any historic properties or aviation artifact located upon the private lands of any owner thereof without the owner's written permission, so there's a catch-22 there again with this enforcement. If you go back then again to Page 17, let's see, I think it specifically, under -- about two paragraphs under where it says, "Punishable under 6E-11," it says that it is recognized that any other land altering impacts within the preserved must be approved by the State Historic Preservation Division before it may be implemented. So if your question is was there work being done in this area and did the State Historic Preservation do a review before it was done? That might be a legitimate point of inquest because that -- I mean it would be hard -- they would be hard press to say, well, we didn't and it doesn't mean anything. So, you know, without giving you a legal opinion, just by reading the documents in front of me, I think that that may be a direction that you can start with and you can go back to the document and say, it's in the document, it goes back to HRS, so you've tracked it back to their statutes, and then the final piece of the puzzle is collecting the evidence to say that, you know, that wasn't done, so that, without being your attorney but being a public attorney, I can say that, you know, as a member of the public that that would be the path that you would take. So, as far as you asking is there enforcement? You

know, those kinds of questions, that might be the dialogue that needs to go between, you know, either you or the State, or if the -- if we come up a plan to write a letter or something like that, I think that's about the extent that we could go because, like I said, I don't, in front of me, I don't have the metes and bounds; I don't know where that exact boundaries of the park are; I don't know the exact -- what has gone on; I don't know if there's been a destruction of the site, and whether the site is marked, that we're talking about. So that's all something that's pieced together through investigation. So if that helps.

Ms. Kapu: And that was HRS Chapter 6E-11?

Mr. Giroux: 6E-11 is the penalty section that's referred to.

Ms. Duensing: But was the work done on the stream done in the park that was part of the preserve or not?

Ms. Kapu: It was.

Mr. Kalalau: It was in the preservation plan.

Mr. Kapu: Yeah.

Ms. Kapu: That's why I wish I had a polaroid instead of one you have to drop off and develop, then I would have had the pictures for you but --

Mr. Kapu: The reason why I brought this forward was based upon the 47 sites, yeah, that originally they were only going to protect, I don't know, 11 sites and the rest was going to be, basically, to the Launiupoko Association's discretion. And when I originally requested this to come out, it was based upon whether or not the State Historic Preservation had done the right thing to make sure that this so-called archeological preservation plan, you know, was basically in compliance; that's the reason why I brought it up. But then when I had a call by a resident that was living there, he told me that if I could come up and look at this site that was adjoining to his property. So trying to get some kind of feedback from Melissa Kirkendall was kind of unsuccessful on my part, or on our part. But then now we're dealing with an after-the-fact kinda thing, yeah, as pertaining to trying to find out whether or not what's going on here pertaining to what's going on with the 47 sites; out of all that time, November, I don't know, the beginning of November, the Planning Department gives them the permission to put in an adjoining road which, basically, now this kicks back inside, yeah, where they ruined the site. So my whole thing was to bring this on the table, not because now all of a sudden we're dealing with now there's a site that was ruined, but to gain clarity whether or not this thing was adequate enough for anybody to deal with.

Ms. Long: Apparently not.

Mr. Kapu: So that's --

Ms. Duensing: But Melissa did address your original question, what happened to all these sites.

Mr. Kapu: Yeah. Yeah, criteria --

Ms. Duensing: That's the answer to here is she said that more sites were actually preserved than originally noted were going to be preserved and that some of the sites were preserved by this other kind of alternate preservation with documentation. Okay, so what you originally asked for, this letter to be put on the agenda, those questions were answered.

Mr. Kapu: Yeah.

Ms. Duensing: Maybe not to your satisfaction, but they were answered.

Ms. Kapu: But in the meantime ...(inaudible)... it went through and got final approval from the subdivision and the grading permit.

Ms. Long: It's the grading permit.

Ms. Duensing: Grading permits are always a problem; that's what I learned in my last year here.

Ms. Sablas: So, again, I ask what can we do? We have recommendations to write a letter to, you know, is it from CRC to --

Mr. Kapu: Well, as pertaining to my request to bring this on the agenda as basically have been, it's concluded already.

Ms. Sablas: Well the other question about -- that was brought up about the December 1, 2001 minutes of our CRC, was -- did I understand it's -- can you address that?

Ms. Duensing: My recollection of that is, and again don't be offended, but the way I remember it is that the last time this issue was before the CRC, when I was on the Commission, was that the Commission stated that we supported a 300-foot buffer, not the minimal buffer that Peter Martin was supported, and we, basically, asked the families to work it out with the land developers as well as SHPD; that's the way I remember it ending.

Ms. Sablas: But we have the minutes on record?

Ms. Duensing: I can check the minutes to -- I mean that's --

Mr. Kapu: Clarification, 300 yards.

Ms. Duensing: Did I say feet? Yeah, 300 being the important figure anyway.

Mr. Kapu: Yeah. And it was --

Ms. Duensing: I remember we strongly supported that and we urged the landowner to comply with SHPD recommendations and again --

Mr. Kapu: Yeah, backed up by the Cultural Resources Commission at that time --

Ms. Duensing: Right.

Mr. Kapu: And that the inventory, the cultural inventory survey was incomplete and it needed to incorporate oral history from the families that actually lived in the valley to be a part of the cultural inventory survey. But that was never done also. And that there was two adjoining sites, even if it was outside of the property, that I remember Erik Fredericksen saying that you can't say that the site isn't a part of the larger project, to put something in the cultural inventory survey, Kauaula Land Company's inventory survey that says that the site is a part of the greater project. That's like yesterday to me.

Ms. Duensing: They said they hired Hokulani Hope Padilla right?

Mr. Kapu: Yeah.

Ms. Duensing: But that she never did the work.

Mr. Kapu: Yeah.

Ms. Duensing: Right? That's what I remember too, yeah.

Mr. Kalalau: So you guys did do effort, you guys did try to make effort.

Ms. Duensing: Yeah, and I think even on the oral histories with the families, at that time, I don't think that was part of the State rules so that, again, they weren't -- they weren't required to do that because I think that was prior to them doing the cultural impact analysis as part of SHPD rules, so that one's going to be hard to require too.

Ms. Long: Dawn, what is the procedure? Does the applicant submit a preservation plan to SHPD and then it comes to the CRC? Or does it --

Ms. Duensing: The applicant doesn't even need to go to the CRC. I mean it's kind of a courtesy. It's not written in anybody's rules that they have to come and get CRC input.

Ms. Long: Can we change that?

Ms. Duensing: With the rules probably. But if you read, I think it's in --

Ms. Long: So at what point did the CRC look at this --

Ms. Duensing: It says, under 2.88-060, Powers and duties, letter K, the Commission may review and comment on archeological reports submitted as part of development proposals to various County agencies. So they don't have to even come here. They can just skip us altogether and do what the State requires them.

Ms. Long: So if it had come here, we wouldn't have been sitting here today, hopefully, going through all this cause we would have insisted on --

Ms. Duensing: But the whole thing is it's always back to you're an advisory body; you cannot require them to do anything.

Ms. Long: That's true. That is true.

Ms. Duensing: And that's why they may come to you for --

Ms. Long: But SHPD can? SHPD has the power to require?

Ms. Duensing: That's subject to some interpretations too --

Ms. Long: Oh yeah?

Ms. Duensing: Because a lot of times -- SHPD can require them to do these preservation plans and everything, but, in some cases, it's only a recommendation too. For instance, in the fort thing that you guys just did with the rope and chain, they wanted us to require an archeological monitoring plan, and I asked Cathy Dagher can you, you know, that seems kind of silly for 12 holes in the ground. She says, "No, you're not going to drop that." But in talking to somebody else in SHPD, she says, "It's your permit, you can put what you want in there. These are our recommendations."

Ms. Long: Local should trump State, as far as I'm concerned.

Ms. Duensing: Well, that's -- that's beside the point.

Ms. Long: Yeah.

Ms. Duensing: You know, in some cases, and so what I did in the case of your posts and chain was I went to Director Mike Foley and I said, "Look, they told me that we could do this as part of our permit, and my proposal is to go ahead and do the monitoring but not require her to do a monitoring plan, which takes 60 days to approve and, you know, is a lot of extra work for her," and he says, "Yeah, okay." So what we did, in that case, is we picked and choose what we wanted to require on that project. And, in some other cases, you know, the State does have, you know, they can require that you do the preservation plan, but they can't necessarily require the developer to do it the way we might like to see it to preserve everything that's out there. So preservation plans, all these monitoring plans are going to be kind of subject to who thinks what's important to preserve and that's what happened in this case because they look at taking pictures and doing documentation as preservation.

Ms. Long: Yeah.

Ms. Duensing: So I think that if this is the plan they have, the best recourse is the one James found that is if they have impacted the sites in the preserve itself, which say you need our -- you need our review before you do this, that's what you need to take to the administrator and ask her for investigation and, if needed, enforcement. But, again, you're just making a request, you're giving advice, and they're the ones that can do the enforcement action.

Ms. Long: Yeah, it's just that if it comes here and there's public testimony, it becomes a community issue and there is pressure put on a developer if it's in the newspaper and that sort of thing to do the right thing, so, you know, the more scrutiny, and of course it takes longer, and of course developers are going to fight anything that's going to take them another three months and all that, but it's a balancing act and there's so much stuff in State law, Federal law, County law about preserving our cultural heritage.

Ms. Duensing: But it all comes down to interpretation and enforcement. Not everybody agrees on what needs to be preserved.

Ms. Long: True. But if we could review preservation plans on things that are more than 20 acres or whatever in Maui County and have public hearings on them with testimony that is, hopefully, reported by the media, developers would pay a little more attention, or landowners would to --

Ms. Duensing: But I'm not sure that's going to help, Barbara, because there was a lot -- there was a lot going on five years ago with this and the community did come and, look, we're right back to where we started and, you know, they're still disagreeing with the developer on what needs to be done.

Ms. Kapu: I'm really disagreeing about State Historic Preservation putting Launiupoko Association to be in control of it. Who gives them the right to allow that to happen ...(inaudible)...

Ms. Long: It's the way it is.

Ms. Duensing: Private property, right.

Ms. Sablas: Could we, as a body, recommend legislature, you know, to change the laws? Is that something ...(inaudible)... with you?

Ms. Duensing: You can recommend anything you want.

Ms. Sablas: I mean we need to get to the source, otherwise we --

Ms. Long: Could we invite the new SHPD director to come and meet with us and --

Ms. Duensing: Good luck. She doesn't even return my --

Ms. Long: Well, let's extend an invitation.

Ms. Duensing: Sure. I haven't had my phone calls returned so far.

Ms. Long: Well, she's only been there a couple of months.

Ms. Duensing: Yeah, and she's, like I said, you know, she's really busy with Wal-Mart and a couple things going on out at Waianae.

Ms. Long: Sure. But if we --

Ms. Sablas: But it's the squeaky wheel again, I mean so --

Ms. Duensing; Yeah.

Ms. Long: Yeah. If we could invite her here, she's going to have to come over to Maui eventually anyhow.

Ms. Duensing: She's been here already.

Ms. Long: Yeah?

Ms. Duensing: Yeah, she did visit the Burial Council for Maui.

Ms. Long: Oh, well, then she should visit us.

Mr. Kapu: It's sort of a bigger requirement for the Burial Council because it's under the State, huh?

Ms. Long: And is there nothing in the Public Works Department that gives grading permits that flags TMK's that are sensitive? Nothing?

Ms. Duensing: Not to my knowledge.

Ms. Long: I know that's something that's been talked about for a million years.

Mr. Kalalau: I think when you register stuff, they might have a flag on them other than this kind of -- the way they're doing it right now, it's ...(inaudible)...

Ms. Sablas: There's a lot of flaws.

Ms. Duensing: There's huge gaps in the system, yeah, otherwise we wouldn't be sitting here like this.

Ms. Long: Yeah. Well they're not about to --

Ms. Duensing: I mean, you know, if Launiupoko was in the Special Management Area, we wouldn't be having this conversation either, you know.

Ms. Long: Yeah, but it isn't. That's true.

Ms. Sablas: This Commission seems to want to take on more than our responsibility but it's because we're concerned though because it's, you know, we're trying to do our best but it seems like we're just hemmed in.

Ms. Duensing: And it is and that's why my point about the SMA is very appropriate because why do we protect our shoreline but we don't take the time to protect our historical resources? It's like your plan review waiver that I took to Council; well, that's been another year and we still can't get three dumb little words in the ordinance to protect historic resources, but the shoreline is protected.

Ms. Long: Yeah, cause that's Federal.

Ms. Duensing: So is ...(inaudible)...

Ms. Long: Well, okay, so we can write and invite and express concerns about preservation plan content with regard to follow through on what the plan is supposed to --

Ms. Duensing: I mean the other thing that Melanie has to do is as an administrator, and this is part of the SHPD problem and she does realize it cause she told me, is she needs more bodies in there to do the work.

Ms. Long: Oh yeah. Yeah.

Ms. Duensing: She's terribly understaffed.

Ms. Long: But, you know, Perry knows, that when you get a building permit to build something, the inspectors come out from the County on a regular schedule and they look at the foundations, and they look at the electrical, and the framing, and the whole blooming thing; some sort of procedure, similar to that, should be implemented on anything that affects --

Ms. Duensing: And we've tried that. It's the same thing with the signs. When I ask for enforcement, it's we've gotta worry -- this is not a structural matter, you know, we are too busy going out and inspecting foundations and structures and stuff like that, we can't --

Ms. Long: Yeah, doesn't involve health and safety.

Ms. Duensing: Yeah. I mean I -- we -- yeah.

Ms. Sablas: So how do we put closure to this item?

Mr. Artates: I think what Barbara suggested earlier is get an attorney and sue them is probably the right direction and, you know, it's -- there are good developers and there are very bad developers, and by seeing this example happen, I think this developed by Mr. Martin, he acquired that land back in the '70's, and to see that he has a legacy that's been here that long, to let something like this slip through doesn't stand good with me regarding the development in Launiupoko, you know, after hearing the discussions. Does SHPD or any consultant to do archeological study they do database as inventory for preservation. An inventory can be just a number like what's here cause there's no monumental significant historical site name. So they preserve those that they have significant database on it; that's why it remains when they do their excavations. I don't know how much excavation was done regarding all these sites to determine the charcoal deposits and whatnot.

Mr. Kalalau: Corps testing; trench testing.

Mr. Artates: Yeah. But the way I see it this is -- it's just going to slip through the cracks and we need people who can interpret language as like an attorney to go after this type of massive development. I don't know how much we can do as a body, that's what we're here to discuss, but are we going to stay within the guidelines as our duties and responsibilities, and I really feel for what's happening with ...(inaudible)... Keeaumoku and his family because they're desecrating our legacy and past history of native Hawaiian people too.

Ms. Long: Would it possible, if this Commission were given photographs and testimony by another archeologist who's gone up there to see it, is familiar with this, who says, yes, they have done this, this, and this, to send letters of reprimand? I know it wouldn't have an enormous thing, but if it became publicly known through something like that, I mean that may be stronger than our powers and duties include, I don't know.

Ms. Sablas: Well, it's interesting, I mean I don't know how many of you are aware of what's happening at the project on the Big Island with Hokulia. I was on a presentation last week, I think, when Hokulia presented and they're whole thing was when is an approval -- an approved project, not approved because the County of Hawaii had approved everything and then this group actually sued and now the Circuit Judge had gone against that and it's put that project on hold now and they had gotten all the approval process, through all the government process, but yet --

Ms. Long: Yeah, but that's -- that's a little different because they're not being accused of violating their own preservation plan. That's a situation where somebody said, oops, we weren't there at the right time so now we're coming in to say you shouldn't be doing this. But, you know, it would require us to have more than just what we've heard today in order to get official. But is that something that would be appropriate for this Commission to do?

Mr. Giroux: As far as getting, I guess, testimony from the public?

Ms. Sablas: No, from government.

Ms. Long: From hearing -- from hearing from an archeologist on whether this preservation plan has been complied with or not, I guess, basically, someone, either the State archeologist or someone, like Theresa Donham or Lisa or somebody who's not conflicted.

Mr. Giroux: I guess what would happen, again, we'd still be in the same situation, we'd be sending out a letter saying that we've gotten somebody who says that they disagree with the validity of this plan --

Ms. Long: No, no. That the plan has been violated.

Mr. Giroux: Oh, that it's been violated.

Ms. Long: That the --

Ms. Sablas: That the preservation plan has not been --

Ms. Long: Preservation plan has been --

Mr. Giroux: Has not been enforced or followed?

Ms. Long: Yeah. Yeah.

Ms. Sablas: It's been violated, basically, and they have, yeah, you know.

Mr. Giroux: Yeah, and then -- and then with that transmitting then to the director with comment that's saying, you know, we would appreciate that this be taken care of in the appropriate fashion.

Ms. Long: It might get more attention than just the family writing the letter. But in order for us to come out so strongly, we would need to have credible evidence.

Mr. Giroux: Yeah, it has to be based on fact.

Ms. Long: Yeah.

Mr. Whelchel: In the construction industry, in the past and in the future, whenever a neighbor or a passerby sees that someone has built in violation, they report them to the County; the County then goes out and investigates and if it's in violation, they will give them a stop work order, red tag, and they'll fine them a hundred dollars a day or five hundred dollars a day starting a week or ten days after that if they don't comply. So if they're just reported by someone --

Ms. Long: That's true.

Mr. Whelchel: And they need to be --

Ms. Sablas: Documented and --

Mr. Whelchel: Make sure that it's correct.

Mr. Giroux: Yeah, and I think under 6E-11.5 kind of has that in mind that there's a five hundred, but no more than \$10,000, fine for each separate offense, if it can be verified and connected back to --

Mr. Whelchel: The County won't do anything unless someone reports them.

Ms. Long: Right.

Mr. Artates: You folks went through that already, right? I mean this is just --

Ms. Long: Yeah, they tried to do that.

Mr. Kapu: Yeah.

Mr. Aratates: Yeah, but there's no justice still yet being done according to my understanding.

Mr. Kapu: Well, what Melissa Kirkendall sent back based upon the criteria significant evaluations criteria that she sent, I just get some small little concerns based upon the mitigation recommendations from State Historic Preservation, yeah, and it's everything in the mitigation recommendations of State Historic Preservation that you can put down mitigation recommendations but when you're dealing with something -- I don't know whether or not this -- if this thing has been approved through State Historic Preservation for them to even mitigate on anything, and what she, I guess this is the recommendations, is data recovery work must be guided as an approved data recovery plan. What's a recovery plan? Is this the data recovery plan? Second, they have a whole list of sites here. A portion of these sites not recommended for preservation has been adequately documented and no data recovery is recommended if the preservation is not feasible. You know, these kinds of thing, what is this? A mitigation recommendation from State Historic Preservation? This doesn't give any, yeah, it doesn't -- it's like this so-called famous guy I know says that this document is a no-brainer, basically, so, okay, I asked for this, the memorandum to be placed on the agenda and I get this back, so I'm just gonna have to accept this the way it is based upon their mitigation recommendations and just call it a -- that's it. So I'm just going to have to deal with it just the way it is.

Ms. Long: I'd like to go further if we can, but do we wanna?

Ms. Duensing: Well, the preservation plan was accepted, right, it's not an if and that's what it says in the letter that you asked to be placed on the agenda, and, you know, I did call up SHPD and get a copy of the preservation plan, and I think because of -- I mean their final plat review and acceptance of all of this is why they got their grading permit too.

Ms. Long: In other words, SHPD said their complying?

Ms. Duensing: Well, yeah, that's what the letter said. We believe that any affect that the proposed undertaking may have on known historic sites will be mitigated through

adherence through the approved preservation plan. The question is are they adhering to it?

Ms. Long: Are they adhering?

Ms. Duensing: I mean cause this is for the final plat review but, taking it one step further, what do you do after you get the plat review, you go after the grading permit, right? And this is probably the same letter they got for that too. You guys probably know that better than I do.

Mr. Artates: And then have to sit and wait for it ...(inaudible)...

Ms. Duensing: Well, yeah, the suspense is ...(inaudible)...

Mr. Kapu: I get one more little question. You know these memorandums that are sent from the State Historic Preservation to be reviewed by the Cultural Resources Commission? All these memorandums and, if I recall, that if there was anything inside there that we felt, basically, needed to be addressed, to pull these memorandums, yeah, and address these memorandums. Every month, I don't know how many memorandums is this, but every month we get a whole stack of these to look through, for what? To give small little recommendations? I mean what's the sense of having State Historic Preservation give us a whole bunch of stack-full of recommendations when we don't even have any authority to do anything with them? I pull a memorandum out, request for it to go on the agenda, then what I get back is something that doesn't hold any water, so what's the sense of having these memorandums sent out there for the Cultural Resources Commission to even review? I gotta look at another hundred and something more memorandums over here when I go home and, you know, but what does it do? It doesn't do anything.

Ms. Duensing: It's really not a review, it's for your information. I think if you want to review things more closely, you need to get on the website and look at which monitoring plans are in progress that they're reviewing and you've got your 30-day comment period to tell them what you think.

Mr. Kapu: I think what needs to be done is --

Ms. Duensing: Yeah, if get on their website, it's all on there.

Mr. Kapu: If this is just a paper trail, then maybe the County should stop copying memorandums and start saving money because this is a lot of paper their wasting.

Ms. Duensing: That's why I asked for not everybody to get it.

Mr. Kapu: Okay.

Ms. Duensing: Remember? Remember, we had this conversation?

Mr. Kapu: Well, that's I get it but what's the sense of having it if I can't even assert anything, you know, that I see that creates a flag to me?

Ms. Duensing: Well, because when I was reviewing it, you guys said that you wanted a couple of you to review it, not just me to review it, and you designated two members, and that's the way you requested I do it.

Ms. Long: You don't want to do it anymore?

Ms. Sablas: Well, it's an FYI, yeah.

Mr. Kapu: No, I love it but then, at the same time, what does it do?

Ms. Long: What's the point? Yeah, it's too late already by the time you get that, right?

Mr. Kapu: Yeah.

Ms. Long: So --

Ms. Sablas: Anyway, I'm still trying to put closure to this item --

Ms. Long: Okay, closure.

Ms. Sablas: Yeah, and --

Ms. Long: So far we have a letter to the new director --

Ms. Sablas: That would be?

Ms. Long: Congratulating her, inviting her, and --

Ms. Sablas: You don't want to congratulate her.

Ms. Long: Alright. Inviting her and calling her attention to deficiencies in the preservation plan format maybe.

Ms. Sablas: Is that action that's recommended from this body? Is that a form of a motion, Barbara, that we send out a letter from this body?

Ms. Long: I guess, yeah. Yeah.

Ms. Sablas: Is there a second?

Mr. Kapu: Second.

Ms. Long: Anything anybody wants to add to that letter?

Ms. Sablas: Okay, moved and seconded that we, as a body, send out a letter to Melanie Chinen to invite her to come to the meeting for a future agenda to discuss some of the infractions of preservation plans.

Ms. Long: Yeah, maybe talk about how we can affect the grading permit process too.

Ms. Duensing: That's a County thing. The County hands out grading permits.

Ms. Sablas: I think let's just stick to the infractions, you know, at least that's –

Ms. Duensing: And, you know, what else comes to mind is, you know, this preservation plan was probably done before the SHPD rules were officially adopted so things may be different now than they were in 1998.

Ms. Long: It'd be nice to know that.

Ms. Duensing: But she should be able to tell you that.

Ms. Sablas: We could be more enlightened, I think, and then it's good that she hears our concerns direct of what we are being challenged with.

Ms. Duensing: Right.

Ms. Sablas: So, okay, a motion has been, it's been seconded.

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

It has been moved by Ms. Long, seconded by Mr. Kapu, then unanimously

VOTED: that the CRC write a letter to Melanie Chinen, Administrator, State Historic Preservation Division, inviting her to attend a CRC meeting to discuss some of the infractions of preservation plans.

Ms. Sablas: Motion passed. Any discussion? Okay, wow, Item D, Unfinished Business.

D. UNFINISHED BUSINESS

- 1. Discussion of Corporation Counsel's memo regarding Banyan Tree Park use. The CRC may wish to go into executive session for this agenda item.**

Ms. Duensing: Okay, I put this back on the agenda because when you were discussing this with Corp. Counsel at the last time, you did not have a quorum which means you could not go into executive session. As I understand it, executive session might be appropriate because it is a policy issue and I -- let James explain that.

Mr. Giroux: Yeah, my concern is that we did go into discussion when we were talking about this and it kind of started opening the door to discussing liabilities and that kind of thing, and if the board isn't comfortable talking about those kinds of things in an open -- cause this is public hearing and everything, that we are allowed to talk about those things off the record and it just -- it means that the public has to have notice of why we're going into executive session and then a two-thirds vote needs to be taken or in order to go into it, so two-thirds of the members, all of the members --

Ms. Long: Six.

Mr. Giroux: So, yeah, that -- in order to go into executive session because the law really doesn't like things being talked about in private but there are exceptions that are very narrow that allow the board to talk about things in private so that's one of the things.

Ms. Long: I would suggest we do that.

Mr. Giroux: So there just has to be a motion.

Ms. Sablas: Okay, would you like to put that in a motion?

Ms. Long: Yeah, I'd like to move that we go into executive session to discuss our legal responsibilities and liabilities regarding Banyan Tree Park.

Ms. Sablas: Second?

Mr. Kalalau: Second.

Ms. Sablas: Okay.

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

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

VOTED: for the Commission to go into executive session to discuss the Commission's responsibilities and liabilities regarding Banyan Tree Park.
(Assenting: K. Kapu; L. Whelchel; B. Long; S. Kaopuiki; P. Artates; S. Kalalau)
(Excused: L. Rotunno-Hazuka)

Mr. Giroux: You wanna have your break and then we'll --

Ms. Sablas: We're going to have a break and then we are going to reconvene and go into executive session as the Commission, CRC.

(A recess was called at 12:10 p.m., and reconvened at 12:22 p.m.)

Ms. Sablas: We're going to reconvene and then we're going to accept public testimony on the item that's on the agenda on the Banyan Tree Park use, so, Kenny?

Mr. Hultquist: I'm Kenny Hultquist. I've been a member of the Lahaina community for about ten years. I live about a block and a half, well, not even that, a little less than a block off Front Street in an old historical community. It was built in 1922 for Chinese field workers. It's really a cute little community and I'm always walking around and riding my bike around Lahaina. I spend almost all my time there and I see a lot of things that are going on; a lot of good things, and some not so good things. This little booklet is something that I've had for a couple of years. I don't remember where I got it. This was put out by the Lahaina Restoration Foundation, the Lahaina Town Action Committee in cooperation with the Planning Department. I was going to read something out of here real quick.

The official government agency established by the ordinances, the Historic District Ordinances was, used to be the Maui Historic Commission is now, as of 1991, was the Cultural Resources Commission, you guys, you know, it consists of nine members appointed by the mayor and so on. Page 2, the Commission is advised and supported by the staff of the Planning Department of the County of Maui. Through the years, they've given a certain degree of authority to grant permission to approve plans for routine changes without submitting every little detail to the Commission. Bear in mind, when you undertake any physical change of your building, either inside or outside, if the total value of the change is over \$500, and what isn't, it says right there, bold letters, you must have a building permit. And if you're in the Historic District, when you apply for a building permit,

you'll be required to get compliance with this Historic Districts Ordinances. In addition, other types of permits might apply, for example, all of Lahaina Town is within the Special Management Area established by the Coastal Zone Management Law. Commercial construction requires an SMA permit, bold letters. If you are makai of Front Street, you will probably also need a Shoreline Setback Approval. The Planning Department staff will help you.

Now the reason I read this is because of, what I mentioned earlier, about the LahainaTown Action Committee taking the courtroom out of the courthouse. Here's a book that they were involved in printing, yet, they totally chose to ignore everything in there and go ahead and remove the courtroom without your guys' permission, without notifying the Planning Department. There's other people that are concerned about what happened in the courthouse. This is --

Ms. Sablas: Is this the agenda item, Kenny, cause you brought this up earlier and now we are going to be going into Banyan Tree Park use?

Mr. Hultquist: Okay, Banyan Tree Park use. Right now, as we speak, the banyan tree is being equipped with some nice fat electrical cables and some plywood boards that are about two-foot by two-foot with electrical boxes that are bolted on to them. This is so that the exceptional tree, known as the banyan tree, can become the exceptional Christmas tree. I'm sure you guys are familiar with the fact that the banyan tree turns into a Christmas tree once a year. The problem that I have with that is that for only six hours a day, from sunset to about midnight, the lights are on. The rest of the time, when you walk around under the tree in the park, all you see is these cables and the big boxes and it's kinda ugly. But at night it looks fine if you're driving by and the lights are on; it looks great. But if you're under the tree, there's all that. Now considering all the controversy that we're currently engaged in in the banyan tree, I was just thinking that maybe you guys might want to rethink the fact that the banyan tree gets equipped with all this electrical equipment for a month every year.

Another thing that is related to what you're going to be talking about, for some reason, the LahainaTown Action Committee is very adverse to having people take pictures and shoot videos. I graduated from the Akaku classes to be a field production -- field producer and I took the editing classes so I can now shoot video with Akaku cameras and edit them. When I was shooting under the tree for the Canoes Festival, I was asked to not shoot video and I asked, there were a whole bunch of people shooting video around the tree, and I was asked to stop shooting, and the only reason I was given is because I had a tripod. Theo asked the canoe builders, the master canoe builders to ask me to quit shooting video, and then she also called Akaku to find out if she could stop me from shooting video and she went to the Lahaina Arts Society's Board of Directors to ask them if I could stop shooting video, and that makes me think, why do they not want me to shoot video? These are

things that are involved with, on a small scale, with what you're going to be discussing about the abuse of the banyan tree. Now I don't know what the memo was, but those are just things that concern me. There's a lot of other stuff about the Banyan Tree Park that would be good information. I don't know if I should write you guys a letter and you guys can address it. And I'm really happy that Keeaumoku was about it put on the agenda that you guys are going to discuss the removal of the courtroom from the courthouse. That was great. But as far as the tree, there's a lot of things going on under the tree. There's infractions all the time. Every time the Lahaina Arts Society sets up for Halloween --

Ms. Sablas: No, we really need to stick to the agenda item so.

Mr. Hultquist: Yeah, so things are happening under the tree, yeah.

Ms. Sablas: Thank you. Thank you very much, Kenny, we appreciate you. Merry Christmas.

Mr. Hultquist: Happy Holidays. I appreciate you letting me have the time.

Ms. Sablas: Sure. You keep on caring about Lahaina. Okay.

Mr. Hultquist: Aloha.

Ms. Sablas: Okay.

Mr. Giroux: So are we in executive session?

The Commission went into executive session from 12:30 p.m. to 1:48 p.m. to discuss the Commission's responsibilities and liabilities regarding Banyan Tree Park.

E. NEW BUSINESS - NONE

Ms. Sablas: Item E, New Business, none; F. Sign Enforcement Program in the Lahaina Historic Districts, for the record, could you give us an update.

F. SIGN ENFORCEMENT PROGRAM IN THE LAHAINA HISTORIC DISTRICTS

Ms. Duensing: Yeah, just to make a note of it, I did hear from somebody that the Planning Department did put in for its upcoming budget request a historic district officer position.

Ms. Sablas: Thank you. Thank you very much.

Mr. Kalalau: Just a question on that. So once they budget that position and they already have an officer, right, or --

Ms. Duensing: No, there is no historic district officer now. This would be a special position that would be a planner that would be the historic district officer, like my position is cultural resources planner designated five, and that's what this new position would be in. It was in the Planning Department budget for this next year.

Ms. Sablas: Just so you know, I think maybe you might have been absent a couple of past meetings, Commissioner Sam, but we have, Barbara and I have, along with Dawn, lobbied, we've been lobbying to get an enforcement officer specifically for Lahaina and we've always been told that we can't because they have too many they have to care of so we've been very persistent in wanting to be able to do it, so in meeting with the budget committee chair, which is Riki, and then with Mike Foley, that's what came out of that, and now they finally said, okay, we're going to be able to -- they found a way between finance and, you know, that there was -- there's a budget item, so this is a major step for us to be able to have budget for an enforcement officer in Lahaina.

Mr. Kalalau: Right. Will this -- will this Department or this Commission have some kind of input in putting the job description for this individual together because I believe --

Ms. Long: That would be a good idea.

Mr. Kalalau: If they put it under enforcement, it might be just a policeman kind experience?

Ms. Long: No. No. No. It's specifically, no, it's --

Mr. Kalalau: If they get somebody that sits here who knows everything and help put the job description together.

Ms. Long: You're right. No, it's not enforcement and that was understood at the meeting. We had a meeting with Foley, Hokama, Francis Cerizo, Dawn, Keoki Freeland, Lori, me, somebody else, I don't know, and they all understand that it's an education and a, you know, whole kind of communication plus enforcement thing. What we need to do is support this budget item with a letter and, not only that, but testimony once it gets up to wherever it's going to get, and I don't know what the proper letter would be right now, to whom it would be or what, but I certainly thank Riki for his support and Mike Foley for his support, but we need the Mayor to support this as well, and then when it gets up to the Council, when the budget gets to Council, we need to support it. And what's the timing on this? The Mayor's budget comes down the end of January and then it goes for hearings at the Council until May or something like that? So -- yeah, Dawn, could you do whatever is -- you think is timely right now.

Ms. Duensing: Well, I don't know what is. I mean I think they just put together the draft budget.

Ms. Long: How do we find out?

Ms. Duensing: I don't know cause somebody asked me about it. I have not seen that. I've only been asked about it so that --

Ms. Long: Okay.

Ms. Duensing: I mean I have no ...(inaudible)...

Ms. Long: Okay, well, maybe then if you follow-up and let us know at our next meeting so that we could then send the appropriate "we need" this letter.

Ms. Duensing: Because I know that when they got my position, I think what this Commission did was we sent letter while the Council was deliberating; that's my recollection. Don't you remember, Lori?

Ms. Sablas: Yeah.

Ms. Long: Yeah but we -- we want to be sure that the Mayor keeps it in his budget because even if the Director has put it in his budget, the Mayor may decide that he'd rather use that money -- I don't know. I don't know if it works that way. I don't know if it's our --

Ms. Sablas: Well we'll be meeting and following up with Don Couch and that was the Mayor's designated person to work with.

Ms. Long: Well, I don't know if he'll know about this particular item, but, yeah, just to assure the Mayor that we're thrilled that someone in his administration thinks it's important, we do too, and please keep it in your budget. If that's appropriate. I don't know. Mike would tell you.

Ms. Sablas: Yeah, check with Mike if he thinks that would be appropriate. But I would think we've talked about it, it's in there, that it should be, you know, so -- okay. Director's Report?

G. DIRECTOR'S REPORT

- 1. CLG funding, project status update**
- 2. January 6, 2005 meeting agenda**
- 3. Administrative Permit Reports**

- a. **Demolition Permits**
- b. **Historic District Approvals Report**

Ms. Duensing: Okay, first of all, CLG funding, a project status update, I've been trying to work with the new SHPD Administrator. I was told merely a month ago that our contract for our Certified Local Government Preservation Funding was going to be expedited and I still have no -- no word on where it is, and I know it takes a while for the State to do it, and then it's gotta come and have our attorney's review, and I already wanted to start setting up projects because, you know, we only have one year to spend these monies and they've already wasted a whole quarter for us, so I asked Wayne to follow-up with a phone call to her to see if maybe he could get any action that I can't get.

The big project that I wanted to start out with and was lucky to get scheduled is Frank Nelson is a Rehabilitation Bridge Specialist with the State of Oregon, Department of Transportation, and I've known him for nearly five years now. We've been going to the same preservation and historic road conferences and when I heard him speak in April, when I attended the Preserving the Historic Road in America Conference, he's doing a lot of projects that are very similar to what we need for Waikani Bridge and Koukukai Bridge on the Hana Belt Road, so I said, "Frank, would you come to Maui to talk to our engineers and give everybody on Maui this presentation?" So he managed to find in his time some time to come to Maui. He's going to be here January 3, 4, 5, and 6; that's why we need to get this money so that we can reimburse him for his expenses. Because the Federal Government pays for a good portion of his salary as a State of Oregon employee, he will be not charging us for his services, we're only going to pay his expenses, so he's doing us a big favor.

So I've got set up for him: The first day we will, he'll be here three full days, so the first day we will do a tour of the Hana Road, give him a tour, let him see the bridges and stuff; on day two, we're going to arrange for him to meet with our Department of Public Works engineers; we are also going to fit in a public presentation so that he can tell the community what he's doing in Oregon and, you know, hopefully, tie this in with how we can better take care of our historic bridges here on Maui; and then on the third day he's here we'll be going to Oahu and we're organizing a Statewide conference because road issues and bridges are important throughout so --

Ms. Long: Wonderful.

Ms. Sablas: So you're getting a lot from -- yeah.

Ms. Duensing: Yeah, he's really doing a lot and, you know, he's really happy to help. The FHWA Bridge Engineer, Domingo Galicinao, has been very helpful in organizing the Statewide conference as has Paul Santo who is the DOT Bridge Engineer. So, I guess,

one of the questions I would have for CRC is that we do want to do this public presentation. Your next meeting would be January 6. We might ask, Frank will leave like at noon that day, so I don't know if he could be first on our agenda and make a report, but one of the questions I had, and Sam can give his feedback on this, is if he does a public presentation, how do we get it to the people in Hana? Do we need to take him out to Hana and have him do two of them or, you know, I'd hate to ask him to do too much more than we're already asking of him.

Mr. Kalalau: Right. Right, but on your tour, you guys going to bring him down there, yeah?

Ms. Duensing: Yeah.

Mr. Kalalau: Maybe just can set up something small.

Ms. Duensing: Okay, maybe like a late-afternoon session or something?

Mr. Kalalau: Yeah, I mean don't have to be real long and stuff too. You know what I mean?

Ms. Duensing: Okay, do you think Hana people would come if it was late in the afternoon or --

Mr. Kalalau: Yeah, that's the best kinda time, after work, you know, maybe four o'clock, five -- between four and five.

Mr. Giroux: Just a suggestion, they have the Hana action committee, they don't meet very often, but if is there someway to coordinate that the Hana --

Ms. Duensing: Well, I was thinking about asking Carl Lundquist to help me because --

Mr. Kalalau: Yeah, he probably could get the action committee.

Ms. Long: You're talking about the Advisory Committee to the Planning Commission?

Mr. Giroux: Yeah, or just to notify the members if they wanted to show up to that meeting.

Ms. Long: Absolutely.

Mr. Kalalau: Yeah, that -- yeah.

Ms. Duensing: The Planning Commission guys.

Ms. Long: Yeah.

Ms. Duensing: Yeah.

Mr. Giroux: Yeah.

Ms. Duensing: But do you think that would probably be a good thing to do something in Hana as well as on this side?

Ms. Long: Oh yeah.

Ms. Duensing: Cause Hana people aren't gonna wanna come here for an evening presentation.

Mr. Kalalau: Yeah. Yeah.

Ms. Duensing: But, on the same hand, I'm kind of hesitant to ask him to do so much cause, you know, he's already got three really busy days.

Ms. Sablas: I have a concern, you know, it's so close to the holidays and, you know, the primary reason for him coming is to speak to our engineers, is it going to be like a mandatory meeting for them or if they're on holiday, are we going to be able to get a --

Ms. Duensing: That's why we're having it in January cause the first -- his first choice was to come the week of December 15 but they already got meetings, so --

Ms. Sablas: So, in other words, we are --

Ms. Duensing: Yeah, Domingo thought -- Domingo and Paul thought this would work.

Ms. Sablas: Okay.

Ms. Duensing: So it's going to be like January 5 so it'll be after the holidays and the other thing is that all engineers from across the State are invited and they're also going to open it up to the contractors who work on these bridges --

Ms. Sablas: Very good.

Ms. Duensing: And their engineers instead of just the public engineers.

Mr. Kalalau: Right.

Ms. Duensing: Yeah.

Ms. Sablas: So --

Ms. Long: Are you going to video?

Ms. Duensing: I don't -- it's going to be at the Kapolei State Office Building so --

Ms. Long: Over there, okay.

Ms. Sablas: On Oahu?

Ms. Duensing: Yeah.

Ms. Long: Is there anything here that you could get Akaku to video?

Ms. Sablas: Yeah, that would be a good idea.

Ms. Duensing: Yeah, I can see about it, I guess.

Ms. Long: They might like to do that.

Ms. Duensing: So far our Public Works, you know, I talked to Milton and he's been kinda lukewarm in it so --

Ms. Long: Sure.

Ms. Duensing: But, you know, the Federal and the State guys have been real gung-ho so --

Mr. Kalalau: Yeah. Yeah.

Ms. Duensing: I'm optimistic. But, yeah, maybe we could -- I'll talk to Milton again and see what he has to say. So that would be January 3, 4, and 5, so one of those we'll probably, the Tuesday evening, I guess that would be the 5th, or the 4th or the 5th, something like that we'll probably schedule the public presentation for this side, so I hope all the --

Ms. Sablas: And then the 6th he would be first on the agenda to just kinda give us an overview?

Ms. Duensing: Yeah, if we have time.

Ms. Sablas: Okay.

Ms. Long: That's okay. Yeah, if you can get media coverage, tv, newspaper, just get the word out there so people know that there is another way to stuff.

Ms. Duensing: Yeah. Oh, I will.

Ms. Sablas: Okay, great.

Ms. Duensing: I've been wanting this for many years.

Ms. Sablas: I know.

Ms. Long: Good.

Ms. Duensing: Yeah, so, okay, the evening of the 7th is the probably what I'm going to try to -- 5th, right.

Ms. Long: The 5th.

Ms. Sablas: Yeah, it should be Wednesday evening?

Ms. Duensing: No, the evening of the 4th is Tuesday evening cause the 5th we'll be on Oahu.

Ms. Sablas: Okay. Okay.

Ms. Duensing: So we'll probably try for the evening of the 4th, and when I have that, I'll try to get -- as soon as we get that set-up, I'll try to let all of you know so you can set that aside.

Ms. Sablas: Okay. Good.

Ms. Long: Okay.

Ms. Duensing: Alright, so at least that's one of our CLG projects to start it, and then the other one that I want to try to get going as soon as possible is Tonia Moi to come over and give the Secretary of the Interior's Standards presentation, so I'll work on that with her, but we need confirmation that we actually have the contract for the money first.

The January 6 meeting agenda, so far we've just got a couple things, maybe an update with Frank on what he saw while here on Maui, and then I know we'll have one historic

district sign approval. And, other than that, we'll see what we fill it up with between now and then. And we've also been given the Administrative Permit Reports for Historic District Approval and Demolitions.

Ms. Sablas: Thank you.

Ms. Long: And you will be following up with Theo about the snow?

Ms. Duensing: I'll do what I can. I'll have to find out who did that permit.

Ms. Long: Yeah, if it was included in the permit --

Ms. Duensing: That might not be a new thing either.

Ms. Long: It's not a new thing. I know --

Ms. Duensing: Then there's nothing you can do about it.

Ms. Long: Well, they've had snow there before. I don't know about the shave ice. I think that's a first.

Ms. Duensing: The shave ice, that might be new.

Ms. Long: That's a first, and that's going to have sugar in it, and it's gonna melt, and it's gonna be a horrible mess.

Ms. Sablas: I think it'd be good to just call her on it.

Ms. Duensing: Yeah, I'll find out.

Ms. Sablas: Yeah, to let her know that we're not -- you know, we are watching.

Ms. Long: Yeah, I mean if she's going for these things, they need to be specific and that if she is going to do things that she does not have specific approval for, she's in violation.

Mr. Kalalau: Yeah, because I'm sure that our people will get some concerns too because they're saying how many tons of snow they're going to have there?

Ms. Long: Well they have done it. It melts fast.

H. COMMISSIONER'S ANNOUNCEMENT

Ms. Sablas: Commissioner's Announcements? ...(inaudible)... I wanna be able to wrap this meeting up. No announcements. I did -- that's why I was reading, I had a letter, can I talk about this from Dave DeLeon and this is regarding the appointment of a Molokai member to the Commission and, in essence, what he was saying, because the last meeting we had asked that a letter be sent to the Mayor that we needed to have some action on this and he said that, I'm not going to read the whole thing, "May I suggest that rather than sending the Mayor letters that speak the obvious, perhaps the members of the Commission can join us in our efforts to locate an appropriate willing candidate." So I just bring that up because I remember at one meeting we talked at length about an appropriate candidate; Commissioner Pa had suggested a member from Molokai, we discussed that, and I think we were advised that we're not supposed to be talking about it, it's not on the agenda item, do you remember?

Ms. Long: Excuse me? This --

Ms. Duensing: No, no, no, no. You misunderstand her.

Ms. Long: No, no. Okay, what?

Mr. Kalalau: Okay what.

Ms. Duensing: Lori is telling about what happened when we did that.

Ms. Long: Oh, I know. I was here.

Ms. Duensing: We got all chewed out by a enthusiastic person in the audience and I told Dave about that.

Ms. Long: Yeah. No, I have spoken with Dave cause I talk with him periodically about a lot things and gave him two names of people that were given to me, I think by Dorothy Pyle, and it's not our job, I mean he's saying don't send -- the nerve of him. I'm sorry.

Ms. Duensing: Read the letter. It's not a very nice letter.

Ms. Sablas: I know. I mean I was -- that's why, I'm sorry, when I was distracted. I was reading. I said --

Ms. Long: The total nerve of him. Where does he get off? It's his job to get out there. He's being paid to do that. It's not our job. Good grief.

Ms. Duensing: I did ask that he call Lisa for her recommendation.

Ms. Long: I would ask that he call the Councilmember from Molokai who has way more responsibility than we do.

Ms. Sablas: They don't have a copy of this letter, yeah?

Ms. Duensing: No.

Ms. Long: Oh, don't give it to me.

Ms. Sablas: Well, yeah, that's why I was distracted. I was reading and I said, my gosh, what is -- anyway.

Ms. Long: Give me a break, Dave. Was he having a bad day?

Ms. Duensing: I don't know but I called him after our meeting and he was civil but --

Ms. Long: He's usually more mellow than that. Maybe the Mayor thought that he wasn't doing his job and chastised him or something. I don't know. That's unfortunate.

Ms. Sablas: Anyway, any -- anyway, I guess, and the bottom line is it's been -- when was Milton, when did we resign? Last May?

Ms. Duensing: This past April.

Ms. Sablas: April. Almost a year.

Ms. Duensing: He says it was May but we got word in April.

Mr. Artates: Who sent that letter?

Ms. Sablas: It was Dave DeLeon. So I just think he's taking offense to our, you know, suggesting that he gets --

Ms. Long: Get on the ball and do this?

Ms. Sablas: Yeah.

Ms. Long: Yeah, well why did you appoint someone who didn't show up in the first place and were you tracking it and did you at least find out and call her?

Ms. Sablas: But, anyway, I'm not going to respond to something like this cause it doesn't -- it's not worth the time, but I just wanted to share it with all of you.

Ms. Long: Thank you. I'm glad you did.

Mr. Whelchel: You're not going to dignify that letter with a response is that you're saying?

Ms. Sablas: With a response, no. Okay, oh boy.

I. NEXT MEETING DATE: JANUARY 6, 2005

J. ADJOURNMENT

There being no further business brought before the Commission, the meeting was adjourned at 2:05 p.m.

Respectfully submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards and Commissions I

RECORD OF ATTENDANCE

Present

Lori Sablas, Chairperson
Keeaumoku Kapu, Vice-Chairperson (Arrived at 9:15 a.m.)
Lon Whelchel
Barbara Long
Perry Artates
Samuel Kalalau, III
Solomon Kaopuiki (Arrived at 9:15 a.m.)

Excused

Lisa Rotunno-Hazuka

Others

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Dawn Duensing, Planning Staff
James Giroux, Deputy Corporation Counsel