

**CULTURAL RESOURCES COMMISSION  
REGULAR MEETING  
MARCH 18, 2005**

**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, March 18, 2005, Waiola Church, Waiola Keopuolani Meeting Hall, 537 Wainee Street, Lahaina, Maui, Hawai'i.

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

Ms. Lori Sablas: Aloha kakahiaka. Aloha. Good morning everyone. If you could get seated, we'd like to -- well, those -- hey, the mayor of Lahaina is here. So all those who are there wanting to sign, you're welcome to come up and sign for agenda items today. So let's get started. Aloha again. It's wonderful for us, as the Cultural Resources Commission, to be here and having our meeting here and it's wonderful to see the wonderful turnout that we have. Thank you community members for coming to this meeting. So I would like to call the meeting to order at this time. Okay, first order of business, as most meetings like this, we'd like to open it up to public testimony. Those of you who are familiar with the agenda items that we have, it is now your time, if you have time constraints, to come up and to speak on any item on the agenda. If you don't have time constraints and willing to wait as it comes up in the agenda, you're also welcome to do that. But I'd like to open this meeting with public testimony for those members in the community who are on time constraints and would like to address any time on the agenda at this time. I see couple of hands. Okay. When you come up, if you could please identify yourself and what item on the agenda you'll be testifying on. Okay, who would be the first to testify?

Ms. Dawn Duensing: Robert Hartman.

Ms. Sablas: No, I mean this is for the one's who are on time constraints.

Ms. Duensing: Okay.

Ms. Sablas: So I see couple of hands back there.

Ms. Duensing: Okay, I believe that is Robert Hartman. Yes.

Mr. Robert Hartman: Good morning, commissioners. I'm going to read from some brief notes that I put together early this morning. It should be pointed out that Theo Morrison as Executive Director of the Lahaina Town Action Committee along with its board and many

talented individuals that assist is one of the most valuable assets Lahaina has to offer. A very large part of this community would agree with that statement. And in contrast, your group, is the most obstructionist Commission I have ever seen. A very large part of this community would also agree with that statement as well. You have an uncanny knack for making good ideas for Lahaina utterly nightmarish. This issue is one more example of your disregard for common sense and your unending lack of ability to work constructively with entities seeking a better and more viable community. I, personally, have given many years of service to boards and have at least five years of Maui County commission experience under my belt so I realize that commissions can be, at times, difficult for the public to navigate and realize their goals, or to put it more mildly, they can be a real pain in the rear. That being said, I have to say that since the inception of your Commission, by then Mayor Linda Lingle, this body has and continues to show a level of arrogance that has rarely exceeded in government. You have the worse reputation in the entire county. The courthouse located in Lahaina, that's the one you see so rarely since you don't feel the importance of having meetings that impact my community on this side of the island, with any meaningful frequency. As I was saying, this Lahaina Courthouse, it's a structure, it speaks for itself, it doesn't need a railing or whatever to be a wonderful and historic landmark or to have purpose and a spirit of its own. It doesn't lose its importance or charm if it is used as a commercial outlet for a bunch of cheap artist that don't want or don't know how to have a real taxpaying business in town. It's even okay to have a first-class museum, a gift shop, a not so historic elevator, and to house badly needed restrooms so our valued visitors can relieve themselves. Right now, the courtroom displays are far more viewable and interesting than it ever was. The U.S. Post displays and wonderful historic photos should be -- should also be mentioned. The LAC has done a wonderful job while keeping in tune with the history of Hawaii and Lahaina. You should be thanking them and encouraging them. You should be asking them if there is anything you can do to help them achieve their goals, and you need to collaborate regularly with them and others so that the adversarial atmosphere that is so pervasive can eventually evolve into something better. Thank you for coming to Lahaina and aloha.

Ms. Sablas: Thank you, Mr. Hartman, and we appreciate your comments, and we'll take it to heart. Any comments from the other commissioners on Mr. Hartman's testimony? Thank you. The other members of the community that would like to testify at this time, the floor is yours.

Mr. Mark DeColibus: My name is Mark DeColibus and I was past president of Lahaina Town Action Committee. I was president in 1995. As president, one of things we did was to work with the courthouse and we set up the Lahaina Visitors Center that was in -- that's there as of this day. One of things that I also did was serve as the task committee for putting the different things in the courthouse. We had decided, it was from the Mayor, that this committee got together and decided what would be the use, the most best use of the courthouse, and we decided, as a committee, we had met on a regular basis with Keoki,

being the head of that committee, what we were going to do with that, and so we had made recommendations, met many times, and it was in the committee and recommendations, even up to the last meeting, which I was in, Lori Sablas was in, and we had made recommendations to the Mayor at that time that the upstairs would be used as a museum, a hands-on museum that people can come in and enjoy, and enjoy the history of Lahaina. It's such a great thing to walk in there. It has -- I've been in the courthouse many, many times when it wasn't a museum; many times the people would not go upstairs. I understand the elevators and so forth, it was hard, that's why in the beginning it wasn't our idea to do that, but then we got the elevators and then we said when we get the elevators, yes, we should have a hands-on museum that people can enjoy the history of Lahaina and what it's all about. What a great opportunity for people to come to Lahaina and learn about what whaling is. I understand they're going to do the Pioneer Mill, which is going to be coming up soon. What a great history to be able to view and see the pictures and all the things that are in there, and what a great thing that Theo has done to make this a real thing and not getting any support from the county or not having people pay to go to a museum and appreciate all the history of what Lahaina's all about. Think about it. You know, courthouse, yeah, it's a courthouse, but it doesn't have to do with King Kamehameha and any of the history of what Hawaiian history is all about. It's a courthouse that nobody went in and walked in the room and saw this thing, didn't even know what it was or what it stood for, but here we have a great opportunity to have something valuable that not only the local people but also the people that come to Lahaina from all over the world could realize what our history is all about, and so that's why, on that committee, on the task force, we put together the recommendation to the Mayor at that time that we wanted this to happen. I was on the committee, we voted, and we did make a recommendation, and I understand that they're trying to say that the last meeting was not a valid meeting, and I was there. It was valid. We took notes. What happened to the notes? I don't know. But, anyway, it was approved and we had given that and that's why it became a museum. But, anyway, that's my opinion on what had happened. Thank you.

Ms. Sablas: Thank you, Mark. Thank you very much. And by the way, for this meeting, because it's rarely that we come in Lahaina and I know this is -- we have some items here that are very important to this community, I am going to waive the three minutes cause I'd like to hear say -- on one condition though that we have consideration for others that, you know, I'd like to have you finish, come up here, make your point, but have respect of everybody else. And if you could be your own police and I don't want to disrupt you because I think it's important but, on the other hand, I think if it's going to be a long dissertation that I might, so I'm not going to do the three minutes because I would like to have you have your opportunity to have your say while we're in Lahaina. Is that okay? But I'm going to hold you all to your own, you know, to keep your respect there for others cause we all have busy times today and I don't know about our -- any commissioners if we are in any time constraint, but I think we said we're going to dedicate ourselves to Lahaina issues

today for the day, so we are here to hear what the community has to say. Okay, next person up please. Mike?

Mr. Samuel Kalalau: Madam Chair?

Ms. Sablas: Yes?

Mr. Kalalau: I got a question. Can we question the speakers after they get through with their --

Ms. Sablas: Yes, by all means, yeah, I did -- I'm sorry. Did you have a question for the last speaker from --

Mr. Kalalau: Well, my question for the last two speakers because this is an application item and it's on our agenda, I wanted just to know whether they're in support of the application or not in support.

Ms. Sablas: Okay, for the record, Mr. Hartman, are you still here? Can you just -- I just need to state -- have you state are you support -- you're in support. I got it from, okay, application. Okay, we just wanted to clarify that. And, Mark, did Mark leave already? Yeah, you're still so -- on the record, you're in favor, right, that's all. Okay, does that answer your question, commissioner? Okay, thank you. Mike?

Mr. Mike Jones: My name is Mike Jones. I worked with LAC and I helped put together the museum so I'm a little bit prejudice. But my wife and I moved here about four years ago and fell in love with Lahaina Town because of what it is and was. It was the royal capital, it was the whaling center, the missionaries had a big part here, the Pioneer Inn, the mill had a lot to do here, and when I got the opportunity to work with them and express some of my artistic abilities in trying to help layout some of the stuff and my ideas about trying to do the history of Lahaina, it seemed like the courthouse was an absolute perfect place for it. I mean, like people said, it's a historic building. It has lots of history. And we're working to try and maintain the history of the courtroom also by having the exhibit with the witness stand and a book that's talking about different things that happened, people, you know, courtroom hearings and things of that sort so that there is a tie, and it's right there, right where it used to be, just a few feet away, and it's a very, oh, I don't know how to put it, but it's a small but very informative exhibit. Now, with all the things happening in Lahaina, we -- there are different things that can be done with the history of the Polynesians who came here, the history of just the canoe building, which is a part of it, the history of all the people, and that particular spot there is where everyone who comes to Lahaina, they come through there, the people in the boats, whether you like them or not, they come through there. They stop on the other side, the buses all drop off there. Everyone comes through there. And since the museum has been set up and the this last exhibit in particular, since I'm

taking care of it, I go in and I'm cleaning the plexiglass and taking care of things, I listen to the people talking, and especially the families, they love it because they can take their children through the history. And it's not just the whaling history, it's all of the history. We've got all of the other things out there and we could -- we have plans to change the exhibit every however many months we're able to but within a time frame and do each of the segments of history and let all of the people that come to visit from all over the world know what Lahaina was and what Lahaina still is. And that's about all I have.

Ms. Sablas: Thank you, Mike. Any questions of the speaker? No? Thank you, Mike, for caring for our town. Anybody else? Remember, this is going to come on the agenda. I'm just trying to entertain those who have time constraints. Mr. Kunitomo.

Mr. Jerry Kunitomo: Good morning, commissioners, and Lahaina Town people. I appreciate you folks coming out on our west side. I'm talking -- oh, I'm sorry, Jerry Kunitomo. I am the owner of a business in Lahaina Town. I also have served everything from hosting May's 35<sup>th</sup> Anniversary senior party yesterday, which was really nice, to board president of FOM, from Little League President to co-founder of Festival of Canoes. I only say that because it's a broad scope of the committees that I serve on and have the privilege to serve on because of this town. And oftentimes, one committee may differ in opinion than another, and it really saddens me because at the core, I think we all want the same thing and it's a sense of place and the preservation of this wonderful town. Today, I just wanna make clear that I'm speaking for myself, not on behalf of any particular organization, but being charged with overseeing such groups, this is just my perspective. Starting out initially, the concept of International Festival of Canoes originally met with a lot of resistance, the idea of canoes being on land was less than ideal, but after we executed it the first time and we saw the scope of impact and the educational opportunity that we would have in creating culture, cultural dulcet from the visitors that had come, it far outweighed some of the resistance and we actually grew into those same people, actually becoming supporters and then becoming sponsors. As the event grew and we had to carve vessels, we wanted obviously traditional koa but within the parameters, cost, so on and so forth, the committee had chosen albizzia wood, and then the international component, from all across the Pacific, insisted on albizzia wood, which is again less than ideal but it was a wood that would create the vessel and be able to achieve what we were intending to do.

Ms. Sablas: Excuse me, Jerry?

Mr. Kunitomo: Yeah?

Ms. Sablas: Are you speaking on an agenda item?

Mr. Kunitomo: Yeah, I'm going to get there.

Ms. Sablas: Okay, thank you.

Mr. Kunitomo: What I'm trying to do is trying to establish that cultural resources are not only laying fallow or dormant, but today they're being created and I hope that the Cultural Resources Commission recognizes that there are people taking chances but having the conviction and the courage to actually go out and create cultural resources, and I stand before you because I have been in those circles and a lot of you have too, see the value of the cultural resource that has come from a five year old Festival of Canoes. The same opportunity, the educational component, that comes from what once was a very dormant courtroom, I walked through it, I saw the value of the window sills and railing and that was it, but never been back, so I think the traffic was proportional to amount of education that you acquired. Today, you can't measure, you know, it's night and day, with the amount of education that's coming out of the museum and that then becomes a tremendous cultural resources because not the hundred of us are going out and telling the story, but that's multiplied by ten or a hundred of those that have done the same. Those people then become docins if the critical mass had that awareness, would the hauola stone be something that we would have to educate somebody about first and then to protect? Or would because the masses would understand that, that would become a nonissue and things like the harbor expansion would consider how sensitive an issue is like that. So forgive me for going wide and then coming in, you know, starting on the left field and then ending up at home base, but the whole idea is I think is a little bit out of the box, and this Commission is charged with something very difficult because I think traditional perspective says, and they were members of LRF back in the '60's that had come to me and said, "Jerry, you know, I know you're real active in this other stuff, forgive me, but I didn't know that building or that stone or that tree was important. It was the interpretation that didn't occur till later on." It wasn't Dave's fault or these other guys that came apologized to me. It wasn't their fault. It wasn't interpreted. And here we have an opportunity ongoing to have interpretation being done, from the students of Lahainaluna to, you know, the master carvers that come for Festival of Canoes. So I'm obviously in favor of Agenda Item A, but I hope that I helped to shed some light maybe in a broader perspective.

Ms. Sablas: Thank you, Jerry. And, again, thank you for all you do for the community and for being here, the busy man that you are. Okay, again, a reminder, these are only for those who -- cause we would like to move on with agenda items so if those of you who have time constraints -- I'm sorry. Okay. Again, state your name please and the agenda item that you're testifying on.

Ms. Veena Cahlander: Hello. My name is Veena Cahlander and I'm here to support Theo Morrison and her historical museum. I brought a letter so -- in case I didn't get a chance to speak so I'll give you a copy. I'll just read it. It's real brief. Have you all taken the opportunity to visit the museum? It's quite impeccable. The displays are informative and extremely well done. What struck me the most is the reaction of the people who visit the

museum. I've watched them come down the steps with smiling faces and glad comments on how interesting the exhibits were. The visitors at the museum are made to feel what Lahaina was in the past and now is in the present, thanks to Theo's outstanding museum. Please allow the museum to say. It's a great boom to Lahaina and all of Maui. Thank you.

Ms. Sablas: Okay, I see another hand in the audience, please.

Ms. Giana Mitchell: Hello. Good morning. My name is Giana Mitchell and I just want to say that I'm in support of keeping the courthouse the way it is. I just found out yesterday about this meeting and wanted to just come down and show my support. I'm a member of the Lahaina Arts Society, as an artist and, in the short time that I've lived on the island, I've just seen what a great thing the courthouse is for the community and just the amount of the joy that all the visitors and just different people that are residents of the island get through either just the different things going on there or just all the different educational things that are there through pictures of the past and the new things that are being created through museums or just the new artwork that we, as the arts society, produce and just everything that goes on in the courthouse. I just wanna say I'm in support of what's going on there and would like to see it stay. Thank you.

Ms. Sablas: Thank you. Appreciate you coming down. Any comments? Any questions? Okay. Michael.

Mr. Michael Moore: Good morning. My name is Michael Moore. Aloha, Chairman and members of the Commission and the community. I've been -- I'm an officer of Lahaina Restoration Foundation but I've also been a business owner and resident of Lahaina for over 20 years, so I am, basically, coming as citizen. I'd like to start my testimony by saying thank you to Lahaina Town Action Committee for creating this museum because, through the years, we've looked at this building in a very sad state, a long state of restoration, a complicated process of getting it occupied, and now is a vibrant place. There's so many important reasons to preserve and protect, and you have a huge task in that for the community. This building in its heyday was the center of civic life in Lahaina. It was full of people doing -- settling disputes and going about their business, interacting. This museum allows people to continue to do that, to come to Lahaina to interact, to see how important the town is, and, again, we preserve for many reasons, this isn't a religious or sacred site, but it is an important site to preserve and to preserve it, not just an empty room, but a place where you can also interpret, and everyone involved with preservation and museums these days and historical areas knows that it's interpretation, not just preservation. So I encourage you to -- I'm here to support the museum, I mean whatever the proposal, anyway, thank you for your time. I'm sorry.

Ms. Sablas: Thank you, Mike. Any questions? Thank you. Ruth? Joan? Good morning to you.

Ms. Joan McKelvey: I'm here to testify, not against, the museum, I think the museum is an excellent idea, but the removal of the courtroom furniture is a terrible idea. That is part of our heritage, you're talking about preservation, and yet that is the first thing that should be preserved. It's part of the -- it's the courtroom, remember. It should be the courtroom museum and that should be an integral part of the museum. It isn't a piece of moveable furniture, it was firmly in place and has been, as I understand it, from the 1920's. Now, I've heard people deny that and say that that isn't so. I talked with Edna Burkehart Farden, or Edna Farden Burkehart, excuse me, part of the old Farden family, and she remembers, as a child, going up to the courtroom and peeking in, she said it's never changed. It was exactly the same -- exactly the same as it was then when I returned to live in Lahaina, and I'm sure there are many of the old timers here that remember the courtroom as it was. It should be the courtroom museum or the courthouse museum and the furniture should be put back in place. Yes, keep the museum. It's an excellent museum. But that is my big beef, excuse me. Any questions?

Mr. Keeaumoku Kapu: I have a question. With the changes from the museum, is there any idealistic or realistic background that represents that museum represents that era, like the types of things that are in museum, what types of things are in the museum?

Ms. McKelvey: I wasn't hearing you correctly. I didn't hear you properly, Keeaumoku, so --

Mr. Kapu: What is the types of things that they have presented in the museum when you go in there? Does it represent the courthouse era or does it represent another era?

Ms. McKelvey: I think it probably would represent the courthouse era because the flag, remember, came back from the old post office, and the post office was downstairs. Now, I would assume that the courtroom would have been upstairs where it is or should have been, and I remember the post office, when I've been here for almost 40 years.

Mr. Kapu: What about the changes in the museum, does it represent the courthouse also? The new museum?

Ms. McKelvey: The new museum? The changes? Oh, you mean changing the exhibits?

Mr. Kapu: Yeah.

Ms. McKelvey: Oh, well, I don't have any thought about that one way or the other. I do feel, probably, it would be better if it was a site specific museum at that, a lot less work too, but I -- go ahead.

Ms. Barbara Long: There may be a little bit of a conflict here because I know you've been in the retail business in Lahaina for a number of years, but part of the concern here is the

commercialization of the courthouse area upstairs. Because you have such strong opinions about the museum, I wonder if you have other opinions about having a gift shop in the courtroom space.

Ms. McKelvey: Well, there already is a gift shop downstairs and if you want to go a little further, the Lahaina Arts Society has things for sale. I could not see the reason for another gift shop upstairs, but I'm not arguing that, I mean I am arguing the removal of the courthouse furniture to make room for the -- I have no objection to the gift shop, per se, although I do think it's a little heavy-handed. We've got enough gift shops as it is.

Mr. Kapu: Thank you, Joan. No further questions.

Ms. Sablas: Okay, thank you. We have Karee in the back.

Ms. Karee Carluci: Good morning, commissioners. Thank you for having us here today in Lahaina. My name is Karee Carluci and I have worked on a variety of projects off and on for the Lahaina Town Action Committee for several years, and I've also helped out a little bit with the Lahaina Restoration Foundation in creating the Lahaina Historic Trail. The reason why I'm here today is to give you a little bit more background about -- a little bit of history, I guess you would say, of the courthouse building itself, which the building was originally completed by 1859-1860. At that time, it was a very dynamic location. It was utilized for customs for governmental proceedings, for receiving mail for the ships captains and the people who lived and worked and had their businesses in Lahaina. It has always been a very dynamic busy place. When I first got here in the late '80's and in the early '90's, the courthouse was a very sad and almost not really usable space and I thought that that wasn't as it should be. The building itself, yes, it is a courthouse, it's a monument, it's a landmark, and it's a testimony to what Lahaina was, is, and will be. But inside, let us keep in mind, that the purpose of preserving our history and culture is to make it alive, to make people interested in it and actively pursue it, so I believe that even though the courtroom was the upstairs space where the museum now is, consider, if you will, in the '70's that the spaces were a post office, were land title offices, and now are you saying that maybe if the courtroom should just be a courtroom, then why not just make the other offices the way they were too and let's go back to it being a static building and that's it. So by keeping the museum, the art society, the visitor center, and all the displays inside the museum, I think that, consequently, we will preserve Lahaina's history and we will keep it alive for future generations, and that's how it should be. Thank you for your time.

Ms. Sablas: Thank you. Any comments, questions? Okay, I see another hand, sir, come.

Mr. Derek Baker: Aloha. Thank you for letting me be heard this time to consider this. Wonderful day. My name is Derek Baker. I think this museum should be the way how it is, basically. I found a brief history of my family that is in there. I'm trying to connect with

the past of what's been lost but I'm trying to recuperate what I'm trying to get form the museum. This museum is considered a educational tool for what I see as -- one should consider to reflect back. If you was to reflect back in the 1898's or even 1850's, you would have to bring back everything that is in our history if you would say, okay, this courtroom needs to be a courtroom from the 1850's, that's a purist, that's like putting on shades, you don't see the whole picture in regard to history. I'm glad that it's there because of the fact that I did find some things about my grandfather, my great-great-grandfather, which is Robert Hoopili Baker, he was a governor this aina, for this islands, yeah, back in that time, till the time of the overthrow of Liliuokalani. So in conclusion, I hope you consider the educational part of it as a tool and consider that somethings the Hawaiians had have been lost but given a position where you can recoup that, you know, and may you folks make the right decision in regards to what you folks have a big decision on, this issue.

Ms. Sablas: Mahalo. There is a question from Commissioner Kapu.

Mr. Kapu: Yeah, I get one question. Do you feel the courthouse should reflect the history or include other histories to be a part?

Mr. Baker: I would say to be open-minded to include other history. As time moves on, we have to diversify and this is one part of it of being -- being open.

Mr. Kapu: Yeah, okay, so the history of the courthouse being used as an educational tool to have people on the stand, basically, what had happen there, to keep that directive open to that education as well as include other cultures in the courthouse that has nothing to do with the history of the place?

Mr. Baker: Well, back in those times, it did include a part of history, so I think it should be diverse because, face it today, it's changing, so if I answered that question correctly or --

Mr. Kapu: Yeah, mahalo. No further questions.

Ms. Sablas: Thank you. Thank you. Okay, I see another hand raised.

Ms. Pat Inouye Endsley: Good morning, commissioners. My name is Pat Inouye Endsley and I represent May Fujiwara and the 250 Lahaina Honolulu Senior Citizens, and I'm speaking now because some of the members have to leave early. Could the club members please stand? Those of you who are here this morning? Thank you. I'm also representing myself because I am an educator and I am currently the Administrative Assistant to the four principles in our wonderful Lahaina schools, and many -- 70 members of our community have volunteered, for no pay, as tutors to help our Lahaina students improve in the academics. Before I -- I have written a speech, but I'd like to just refer to one question. As an educator, this museum is an absolute treasure. Do you know that, until last year, our

eighth grade curriculum, which is the study of the culture and history of Hawaii, was something that the teachers put together. Now, we have a textbook and our tutor program supports the standards that the DOE has established for all students in the state in grade eight. The textbook alone is not sufficient. At present, we are studying about the whaling days and this museum is absolutely the most perfect place for our youngsters to come to learn about Lahaina. I come from the Big Island and I will tell you that I grew up not knowing anything because we were living in a segregated time. I moved to Lahaina with my husband 13 years ago and become a volunteer at the Lahaina Visitors Center because I was so intrigued and fascinated by Lahaina's culture and history, and I volunteered for ten years and I have seen everything that's happened in that courthouse. I have seen the hours of dedicated unpaid service that volunteers have given to make that courthouse museum one of the finest first class museums anywhere. My parents, while they were living, came here and said, "Hilo is junk. Hilo is junk. Look at Lahaina. Look at the businesses. Look at the museum." And they were astounded to see what the people of Lahaina have done to make this one of the most unique places. Now, as a volunteer, for ten years, I have observed people going in and out. In the earlier days, the original museum was dusty, boring, and hardly anyone went in, and I would see them peeking their heads in the door and not entering. Now, with this new museum, thanks to Keoki and his board, and Theo and her board, this museum is alive. It is attractive. It is educational. And we need it. We do not want to limit this museum to just one time era because Lahaina has such a rich history and culture. We want to know about the voyagers, and the early Hawaiians and how they lived. The tourists ask us hundreds of questions and this museum, with its changing exhibits, constantly, will provide not only our locals, we want to know too because I'm going to tell you, when we took our afterschool program students to the Lahaina area to visit, to learn about the history of Lahaina, some of our own Lahaina children have never stepped into the courthouse. They don't know the history of Lahaina. And so please support Keoki and Theo and help them make this museum even better. We have so much to share in Lahaina that we need to keep the present museum the way it is and make it even better. So thank you for your time today.

Ms. Sablas: Thank you, Pat. I see Ms. Long has a question for you, comment.

Ms. Long: Very impressive testimony and thank you for your volunteerism. Where else do you take the students? Do they go to Baldwin Home?

Ms. Endsley: When we took the students on the Lahaina tour, we took them everywhere. The bus first took them to the church cemetery so they could review about, you know, Princess Nahienaena, and then we went to the Pioneer Inn because that's a business and one of the first structures, we went all the way from the birthing to the Baldwin House, and I must say, at that time, three years ago, the old museum, we took them upstairs and they were really bored because it wasn't interactive, it wasn't attractive. I mean there wasn't much to look at and they just walked around even though we sort of forced them to take

notes and the only notes they took were about the prisoners going to jail for drinking and getting drunk and violating curfew hours. And so now, this -- I wish we had the funds to take every eighth grader to the new museum because that would just enhance their education, but we don't have the funds to take all of them so we have to ask their parents to take them to the museum. Thank you very much.

Ms. Sablas: Excuse me, what do you mean by funds ...(inaudible)...

Ms. Endsley: Well, in order -- well, you know, in order for us to bring the children down, we have to hire a bus.

Ms. Sablas: Immobilization, okay.

Ms. Endsley: Right, and the people at Mokuula helped us also and we had George be one of our tour guides and thanks to the Lahaina Inn, thanks to Lennons, they let us use their courthouse patio, so the children all met there, and we gave them some water and some snacks, and the children had to take their notes and organize their notes to write a paper about what they learned about Lahaina. So, you know, this is a whole community effort. Everyone's helping us. The businesses, the service clubs. They want to educate our children but today I'm speaking not only for our children, but also for all the citizens in Lahaina. Many seniors don't know, and I know Andrew Kutsunai and the restoration foundation, they are giving all of these special neighborhood tours to educate teachers, new people, and so we're all in this together, and we are so proud of this first class museum. Please, please don't change it. We need it. It's an educational experience to appreciate and understand the culture and the riches of Lahaina Town.

Ms. Sablas: Thank you very much, Pat, and thank you for all of our senior citizens who came here today. Okay, you guys don't wanna wait until it comes on the agenda? Okay, sir, you raised your hand first. Identify yourself, please, and the agenda item you'll be speaking on.

Mr. Earl Essiq: Good morning, commissioners. Madam Chairman, my name is Earl Essiq. Some people call me a "snowbird" because I come in December and I leave in April, but I do not consider myself a snowbird. I'm very active and with the Lahaina Honolulu Senior Citizen Club. And in this very room, a number of years ago, we sat and planned the West Maui Senior Center. I sketched out on a napkin a floor plan; that floor plan is now a reality in the West Maui Senior Center. Some people might say that that senior center is in the wrong place because it's on the site of the Pioneer Mill office building, but that's not true. It was needed now and will be needed in the future as is this museum. Earlier this week, I went upstairs and I walked around, I sat and I listened, and people would come in and they would be there 15, 30, 45 minutes looking at the displays, reading the displays. I read the comments. And like the comments on the comment cards, the testimony here today

is, by my account, 11 to 1 in favor of the museum. The museum is needed to educate, entertain both the visitors and new residents of Lahaina to save the rich heritage of beautiful Lahaina. So I ask the Commission to please continue the wonderful museum. Mahalo.

Ms. Sablas: Mahalo to you. Aloha, Moana.

Mr. Moana Swan: Aloha, Madam Chair, commissioners. My name is Moana Swan. I'm a event coordinator and a businessman. I visited a lot of museums, nationally and internationally, and I gotta write the museum here in the courthouse as being amongst the best. These better museums have a certain vibrancy to them. They're inviting. One of the things that makes this museum inviting is the interactive ambiance in there. It is -- it's a welcoming thing. I've been up there many times, I've seen tourists come down, come down the stairs, local people come down the stairs beaming, very appreciative of the experience, what they've learned, and I have to say that I'm adamantly opposed to any tinkering, any tampering with the way it is now. I wanna see it remain. And the museum, as it is, portrays, delivers a really rounded perspective of the culture and the heritage of this part of the island of Lahaina. It's an interesting thing. And the way that everything is presented there is -- everything is presented in an accessible way where people can go in there, things are open out there in front of them, they can -- it's easy to assimilate, easy to absorb. It's history, the culture, the people come here can go up there to learn about. I wanna, like I say and I can't say this often enough, that I want to see the museum remain as it is. I've had some personal input in there. I'm the event coordinator with the canoe festival and there's been a canoe exhibit and display up there that I believe portrays a pretty accurate picture of the canoe culture here on Maui. So that's my -- I guess I'm speaking from a personal perspective and also from my perspective as a event coordinator. But, again, commissioners, I'd like to see the museum remain as it is. Mahalo.

Ms. Sablas: Mahalo. Thank you for your testimony. Okay, I'd like to move on. I have one more in the back. J. J.? Was there --

Mr. J. J. Elkin: Madam Chairman, first of all, I'd like to echo the comments of others. We are grateful that you came here to Lahaina. Your task of being involved with the culture in Maui and, as you know, a good part of it is right here in Lahaina, so I think it's appropriate you've come here and thank you and I hope this will not be the last time. Sorry. My name is J. J. Elkin from 505 Front Street here in Lahaina. I have three points I'd like to raise. First of all, the way it works here in the government committees, there isn't a great deal of longevity, sometimes two years, four years. I would like to point out, as has been pointed out by a prior speaker, that agreements were already made concerning the courthouse, and people don't always understand that when you make an agreement, a verbal agreement or an agreement such as that which is not necessarily written down, it's still an agreement, and an agreement has been made. So if you decide to do something against

the prior agreement, you are breaking an agreement that a body of the county has made right from the Mayor's office, so I would point that out. Secondly, county funds have not been used for this particular renovation, by and large. It's been private donations through the LRF and other supporters. If you were to make a change, it seems to me that you have to go to the county and ask them to refund to these people, these private people, the money that has already been expended. They did it in good faith on the idea that an agreement had been reached. So I don't think you can willy-nilly, just throw over a prior agreement, and the money that private people, not county, private people have donated. That's the first point. Secondly, you've heard the testimony in terms of common sense. How valuable an asset this particular museum is in terms of education and, of course, it should be dynamic and reflect different cultures. But I want to address one subsidiary point and that has to do with the gift shop. Look, as those of us who are involved with non-profits know, one of the most difficult things is to get money to run organizations; that's really hard. Sometimes you can go and you can get a specific donation for a specific item, but ongoing is very, very hard, and I'll give a couple of examples. Mokuula. Akoni Akana and my daughter, who came here to Maui four years ago, we got together and we faced this particular problem for Mokuula and one of the results of our discussion was we created Maui Nei, and you're aware of what Maui Nei is, it's basically reinforcing the cultural aspects of educating our visitors let alone our people here. But, at the same time, the idea is also to generate some income so that we can help Mokuula with its ongoing expenses. LRF, which does wonderful work, has parking lots, and the whole idea is to be able to generate some income in order to help the community with these cultural aspects and not always have to go to the county and beg every year for money. Now the idea of this particular gift shop is to be able, not only to give the -- an opportunity for the visitor to obtain some gifts, which hopefully have some relationship to the history of Lahaina, but also to generate some income so that we don't have to go for the museum and other items and go begging every year for the county and taxpayers. It's volunteer. So I think it's very important that one look in this particular regard at the whole issue of having that particular shop up there. Lastly, I understand that there is some objection to perhaps the way things have been done with reference to the museum, the whole procedure, I think, is under some question. I would like to point out that the responsibility for the lack of proper procedure, this is the government's mistake, it's not the private citizenry and the private organizations here in Maui, and I would encourage you to look forward, not to look backward. If you think that procedure should be different, if you think that there should be proper agreements properly noted down, absolutely, great, but please focus on the future. Remember who the good guys are, LRF and LAC and the museum, these are the good guys. And in that respect, I would love to see this particular Commission to pay attention to some of its own edicts. Look, you spend a lot of money just to take one example, a lot money and a lot of time on signs. My own daughter who is on the Lahaina action committee for a couple of years, one of her task, volunteers, was to go and ask the various merchants to change their sign in conformity. And when you have a merchant say, "I'm not going to do it." And you say, "Well, it's the law." And they say, "Well, I don't care. Sue me." What are you

supposed to do? There's no enforcement. You walk out with your head between your legs. It's terrible. So what I'm saying is that please, as a Commission, let's not dwell on the mistakes of the past if there's been some procedural mistakes, but you know that this is something that's good for the community, this museum, and let's focus on how we can not only improve that museum, but have your own existing rules and decisions, have some particular force in our community. Thank you.

Ms. Sablas: Thank you very much, J. J., for your -- for sharing your wisdom. Any comments, questions from commissioners?

Mr. Kapu: Yeah, I get several comments that I wanna make. Okay, I like what you said about the voluntary because that's the reason why we're here. We're commissioners that, basically, volunteer our time and efforts to try to make something that'll be for the benefit of everybody. At the same time, we're forced with the rhetoric and logistics of the county, the state, and the government. But I just wanna read off a letter that we got from December 10 just to create some kind of clarity out there as pertaining to why this agenda item is so, you know, as we can see present, huge to a point, and it says, and it was written by Mike Foley, addressed to Ms. Theo Morrison, Lahaina Town Action Committee, December 10: "It has come to our attention that the courthouse in the Lahaina Courthouse was recently altered and is now used as a museum. Work included the removal of the courthouse furnishings, installation of an exhibit and a new gift shop. Although this museum was supported by the Lahaina Courthouse Task Force, this work was done without the review or approval of the Planning Department, Maui County Cultural Resources Commission, and the State Historic Preservation Division. This work should have been reviewed for the following reasons . . ." and it's numbered. That's the reason why we're here looking at this item. It has nothing to do with based upon, well, it has a bunch of issues that it's based upon, the educational issue, the historical issue, and all those things, yeah, but, at the same time, I wanna point out to you the reason why this is serious is because, well, serious to a point, is because politics makes things this serious for us, and remember now, we're just here as a voluntary Commission. Mahalo. Thank you.

Mr. Elkin: May I just respond to that?

Mr. Kapu: Sure.

Mr. Elkin: And that's precisely the point that I'm making in the third point, namely, there has been a lot of sloppiness which, frankly, goes back to the county. It's not your fault. You're trying to clean this up. But may I suggest that you clean it up, do the proper thing for the future so that everything is properly done, and then focus, rather than on the past and these errors of the past, go towards building for the future.

Mr. Kapu: So in despite of the approval from the Planning Department, State Historic Preservation, and also Cultural Resources Commission, you have any recommendations?

Mr. Elkin: Yes, my recommendation is that you take all these particular items, bundle them up, make the proper -- make the proper presentation to the appropriate body, and get their approval because I don't think there's -- there may be some people who disagree, but you heard the testimony, people basically think this is a good thing, so it's time, and you're absolutely right, let's clean it up, let's do it, so go through Mike Foley's items, go through and say we've gotta do this, this, this, and this, get the approvals, and go on from there. So that would be my suggestion.

Mr. Kapu: Just as long as everybody understands that we are not just the key people in the matter. Mahalo. Thank you.

Ms. Sablas: Commissioner Long?

Ms. Long: J. J., you're a landlord. I've been a landlord for a long time. I would assume that in the leases that you give to your tenants at 505 there's a paragraph about compliance with building codes, laws of county, state, and etcetera, and when you have a tenant who tries to do end-run around that, who's fault is that? You're comments here seem to blame this on the county, and we certainly agree with you that enforcement in Lahaina is virtually none existent and for the last year that I've been on the Commission, we have been working really hard to try to fix that, but to hear you say that the responsibility is the county's, and not the tenant's, upsets me. When my tenants try to do something like that, I'm on them immediately and make them jump through the hoops that are necessary so that leave us be appropriate here in assigning where the blame should go and to saying that people who are lucky enough to have their businesses and offices in a national, a building that's on the National Historic Register need to set an example and need to lead by that example.

Mr. Elkin: I absolutely agree with you but as I -- there are several differences. First of all, I agree with you, we almost adhere to the regulations, etcetera, etcetera, but let's, as I say, I think the key here is let's not -- let's not go and assign blame and the object of what I was saying was not to say the Mayor, the past Mayor was to blame, the past Planning Commission was to blame, the non-profits were to blame, there's plenty of blame to go all the way around. The fact is, why don't we start, turn the page, do it properly, make sure that everything is correct. Just to take the analogy, if I have somebody, one of my tenants who doesn't adhere to certain things, I don't go in with a machine gun, what I do is I go in, I have a discussion, we say, "Look, we've gotta do this, we've gotta do this," and we solve the problem, and I think it's the same thing here. That's what we've gotta do. You're doing the right thing to make sure that everything is properly done, properly papered over, but

please don't -- let's not dwell on the past, let's clean it up, make sure it's correct, as you say, and go on.

Ms. Sablas: Okay, thank you very much. I see two more hands. I'll take the young lady first.

Ms. Ally Solare: Good morning everyone. Thank you so much for having us all here. My name is Ally Solare and I am testifying in support of the museum at the courthouse. I was formally an employee of Lahaina Town Action Committee and I worked really closely with Theo and her staff in making sure that the museum is the way it is today. You know, I've been a resident of Maui for six years and I come from a historic town myself on the Mainland, which is why I found this place to be just as it is back home and I find that there's a lot of charm here, and I've seen people come into the museum prior to it being the way it is and, just like some of the testimony here, have stuck their head in and just, you know, they weren't really sure what it was, but now that it is the way it is today, there are a lot of people that come in, visitors and residents alike, who are completely amazed with what they have done and especially with the fact that it changes a few times a year. They're ecstatic. They're happy to learn about the history of Lahaina and it's free, which is what a lot of people like. I've seen the time and dedication that she and her staff have put into the museum and you can't even put it down on paper how much passion they have for this. I just feel that we should all support them and keep it the way it is and that's basically all I have to say. Thank you.

Ms. Sablas: Thank you very much. Okay, there's one other person in the back.

Ms. Margery Daghert: Hello, my name is Margery Daghert and I am the founder of the West Maui Carden Academy School that sits just to the north of part of us. When we found the Lahaina Hongwanji Building, I guess it was four years ago, it was very important to me to go in and to restore the building back to its natural state as much as possible. We didn't want to go in and modernize it, we didn't want to go in and change, you know, the integral part of what it was, and that was very, very important to me because, again, it was about the history of this community. When we went in and brought in the school and, equally important, we continue to teach Japanese to all the students in the school, because that's what it was when it started was a Japanese language school. Last year, I was very fortunate and I was able to take a year off, I went back to the East Coast and I went to school in Harvard and I earned my Masters Degree in Education. During my year away, what I found is there is -- there was an amazing amount of museums all through that city and it was an incredible experience. I had my five year old daughter with me to be able to go and visit them on a regular basis and in all the ...(inaudible)... they had rotating exhibits that came in and out and it was a really wonderful thing to be able to do. Every single one of those museums has a retail shop and, as it was mentioned earlier, it's a big part of supporting it. It's really hard to raise enough money to keep this school open and to keep

it open. It's very difficult. And sometimes, you know, there's a good side and there's a bad side to everything, but the good thing that is happening is that there is a museum here and there are very few and it's very hard to find things to be able to bring the children to that are in close proximity that we can actually show them. Two weeks ago, Lahaina Restoration Committee had a tour of the history of Lahaina, and I went on it as -- even though I've lived here seven years, and my eyes are wide open, I mean it was amazing. We went down and saw the canoe project that they're doing outside their back door. I didn't know anything about it and I now I do, and they're doing such beautiful things, and I think, you know, sometimes things happen that maybe, you know, I don't know everything behind this, but the point being is we've got a really good thing here. We gotta find a way to figure out a way to work together and to make it an even better thing because it is a wonderful asset for the community. I looked in Boston, a wonderful example is Faneuil Hall, it's obviously a very, very famous, famous national treasure for them to have there, but what they did here, down at the courthouse in comparison to that, this is very tasteful, I mean that's essentially -- it's a new shopping center and they have, I don't know, 200 restaurants inside the building and I think it's a tragedy what they did; what they've done here at the courthouse is not that, it's not that at all. It's a very, very tasteful representation of the history here in Lahaina. I think they've done a very fine job and I think they should be commended for what they've done rather than reprimanded, so I'm in support of it staying the way it is.

Ms. Sablas: Mahalo. Any questions for Marty? Okay, okay, now if I can close this part of the public testimony and go on to our agenda item. And thank you very much all those who've been here and I think it's been very enlightening for members of the Commission to be here and to hear the sentiments of this Lahaina community, so thank you again for sharing your manao with all of us today. The agenda is Resolutions Thanking Members Lori Sablas, Solomon Kaopuiki, and Barabara Long. Dawn, you're going to do that.

**B. RESOLUTIONS THANKING MEMBERS LORI SABLAS, SOLOMON KAOPUIKI, AND BARBARA LONG**

Ms. Duensing: Thank you, Madam Chair, I would like to do that, it would give me great pleasure. We have three outgoing commissioners this month: Commissioner Sablas served as our Chairwoman for the last year, and this is the end of her fifth year on the Commission, she also served on -- one term when the Maui Cultural Resources Commission began, so we owe her a great debt of gratitude for what she does for this community; and I would like to thank Uncle Sol Kaopuiki, he served his five years; and also Mrs. Barbara Long who has served us diligently for the past year. And what I would like to do is just read into the record one these Resolutions and it is the same for all three of our commissioners.

Ms. Duensing read the Resolution into the record.

Ms. Sablas: Thank you very much and, you know, I've always identified myself as a Lahaina girl, though I live in Kihei, and it's really nice and appropriate, I think, that I have my final meeting here, and this ends my ten years of community service in the CRC, and I do take to heart all what the community has to say and it ain't easy sometimes sitting up here trying to make it happen, and so I encourage all of you who have wonderful manao out there to volunteer, to volunteer and go in, you know, sign up for -- to become a member of this Commission because you can make a difference, so thank you very much actually for the opportunity of serving our community.

Mr. Solomon Kaopuiki: You know, you heard this phrase I'm sure, you go back in school, they say, oh the Brigs didn't know it, so when I got there, I wasn't so sure, but then as I settled down with this group, that different things come out, it showed me that there is a challenge and that challenge must be presented to people of the County of Maui that there are people on the street, on the corners, in the businesses that are concerned with how the island goes, so I decided to get involved and see how I could help along the way, and I am fortunate that I was able to be among people that have given me a lot help in going to the back history and I went to the Lahaina Library and I used to come from Lanai on that small boat and I see the library ...(inaudible)... to look at the library. Today, I wanna go back in that library and find a spot in the corner of the building and just read the old records. So I'm proud to be a part of this Commission. Thank you.

Ms. Sablas: Mahalo and just, you know, I mean, you know, Uncle Sol had to travel from sometimes from Lanai, not the easiest way, he had to fly to Oahu sometimes to come to meetings so it's a lot of time and effort that we put in on behalf of the community especially our neighbor islands and people who come in from Hana and drive in and spend the time here, so thank you for all of your service. Barbara, you have some words?

Ms. Long: Yeah, sure I have some words, you know that. It really has been a pleasure serving on the Commission for this past year and I'm sorry I won't be continuing but maybe I'll get a chance again. I admire the diversity of opinion here, I admire the diligence that my fellow commissioner show in doing their homework and responding to the issues, and even though there are some members of the public who think that this Commission is obstructionist, I'd like to remind you here and everyone that the Cultural Resources Commission is the only voice that speaks for Maui's cultural and historic past. Our artifacts, our stones, our buildings don't have a voice and they need one. You cannot interpret history unless the history is there to be interpreted and the Cultural Resources Commission's purpose is to ensure that our past is here and visible so that for the next hundreds of years people will understand why Maui is the way it is, what made it, and what will influence it in the future. So I'm sorry if at sometimes people are unhappy with the decisions that are made here, but I think in seeing for the last 10, 15, 20 years, on both side of the table, as an applicant and as a commissioner, there are many things left in Lahaina, many historic and cultural sites still here that would not have been here if the Cultural

Resources Commission was not doing its job, and I would invite you too, if you care enough about this, be a volunteer, put your application in to the Mayor's office, and join the commissioners, joint other commissions, we need your help. Thank you.

Ms. Sablas: Thank you very much. Thank you very much. Moving on, Item C, approval of minutes of the January 6 and February 3 meetings. So if I may have the commissioners review January 6 meeting first. Any comments, corrections, additions? Any motion?

**C. APPROVAL OF THE MINUTES OF THE JANUARY 6, 2005 AND FEBRUARY 3, 2005 MEETINGS**

Ms. Long: I move.

Ms. Sablas: Okay, it's been moved by Commissioner Long. Second?

Mr. Kalalau: Second.

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

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

**VOTED: to approve the minutes of the January 6, 2005 meeting.**

Ms. Sablas: Motion pass. The minutes for our February meeting.

Ms. Long: Move to approve, Lori.

Ms. Sablas: Do I hear a second?

Mr. Kalalau: Second.

Ms. Sablas: It's been moved and seconded that we approve our minutes of February 3.

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

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

**VOTED: to approve the minutes of the February 3, 2005 meeting.**

Ms. Sablas: Motion carried. Discussion? None. Thank you very much. Let's move on then to Permit Review, No. 1, Historic District Applications, Item a.

**D. PERMIT REVIEW**

**1. HISTORIC DISTRICT APPLICATIONS**

- a. MR. KEOKI FREELAND, LAHAINA RESTORATION FOUNDATION, requesting CRC consideration and approval to use the Old Lahaina Courthouse Courtroom as a museum and gift shop. Public testimony will be accepted. The CRC will approve or deny the use of this area as a gift shop/museum. (D. Duensing)**

Ms. Sablas: And Staff Planner Dawn will carry on or -- will carry on and after these presentations, we'll be opening it up to testimony again, so how would we like to start on this?

Ms. Duensing: Thank you, Madam Chair. I'd just like to clarify what this item is on the agenda for and further explain it. The matter arises from alterations to the old Lahaina Courthouse. The courthouse courtroom was partitioned and modified to serve as a gift shop and a museum. The subject property is in the urban district at 648 Wharf Street, there's a typo in your report, and the applicant is requesting that the Cultural Resources Commission approval of this and what we're talking with this agenda item is the use, okay. The second agenda item is for the permit itself. So what we're considering with this is only the use and the way the Planning Department is posing this is that the CRC needs to approve this use for the old Lahaina Courthouse Courtroom because it was not specified in the terms of the applicant's lease.

Ms. Sablas: Keoki, would you like to present your --

Mr. Keoki Freeland: Good morning, Madam Chair and commissioners. I have some handouts for you, it will help you to follow along in my testimony. I'm going to explain why certain things were done the way they are in the courthouse. I'm going to go back in history how this thing all started. First of all on Page 1 there you see a copy of the front page of the lease, and, as you see, the Maui County is a lessor and Lahaina Restoration Foundation is the lessee. This lease expired on February 15, 2002. We have been on a month-to-month basis ever since. Maui County Council granted an extension until February 15, 2009 last November, however, we have yet to receive a signed copy of the new lease because of the backlog in Corporation Counsel. Now Lahaina Town Action Committee and Lahaina Arts Society are sub-lessees to this lease in the courthouse. Turning to Page 2, under Item 11 there, you'll see Character of Use, that the lessee shall use or allow to be used the premises hereby demised solely for the purpose as set forth in a task force November 28, 1995 use committee recommendations.

Now old Lahaina -- let me tell you what this task force was about. The Old Lahaina Courthouse Task Force was formed in 1995 by Mayor Linda Lingle. The purpose was to determine the renovation and the use of the courthouse. Now the facility, the courthouse, is owned by the State of Hawaii, through Executive Order No. 16-2, Maui County was granted use of the facility for county purposes. At that time, the building contained the post office, sheriff's office, the jail, the waterworks department, the courtroom, and other county offices.

Now Mayor Lingle appointed to the task force government officials, members of associations and committees in Lahaina, and members of the public as well as the private sector. There were four committees as part of the task force: there was renovation, use, finance, and management.

Turn to Page 3. Here you see the recommendations of the use committee dated November 28, 1995. Going down to Section 3, considerations for recommendation use options, Item No. 1, museum/gift gallery. That the museum be focused on information, education, and public exhibits versus a collection of exhibits and artifacts. In other words, the museum was to be more of a demonstrated versus a collection type museum with displays being changed periodically. Jumping down to Item D, that the museum be representative of Lahaina's history, pre-contact to present.

Turn to Page 4. Here we have a letter from the Department of Land and Natural Resources dated December 12, 1997. This is a resubmittal of the County of Maui request to lease the old Lahaina Courthouse. Now on September 12, 1997, under agenda Item D.15., the Board of Land and Natural Resources reviewed the request by the County of Maui to lease the old Lahaina Courthouse under Executive Order No. 16-2 for uses other than county purposes. The old Lahaina task force was organized to determine future uses and renovation of the building. The task force was formulated through the Mayor's office in 1995. The force's mission statement was to provide a place for residents and visitors to participate in cultural, educational, and community services.

Turn to Page 5, and these are the recommendations from the Department of Land and Natural Resources. That the board authorize the County of Maui to pursue uses of the Old Lahaina Courthouse other than public purposes of the County of Maui as required under Executive Order No. 16-2, subject to the following terms and conditions: Term No. 1, that the Division of Boating and Ocean Recreation be provided with approximately 400 square-foot storage area; Item No. 2, that the uses shall be limited to the following: museum, art gallery, visitor center of Lahaina town, community center, which would be a meeting room, classroom, and office administrative space, essentially, this was the same recommendations by the task force use committee.

Turn to Page 5. On April 14, 1999, the use committee was reconvened and, as we see there, renovations caused some changes to the building and these were outline by Keoki. The changes included an addition of an elevator, ADA restrooms, limited use of basement space for harbors division, mechanical room in the basement, and reduced vehicle parking.

What you see behind me here is the actual charts that were put up for when this use committee was reconvened and these were the renovation changes that had taken place. As you can see, this was four years after the recommendations of the task force, the building was then worked on, and changes were made. I don't know if you can see it, but on the different floors, the orange areas were areas that were actually made unavailable to the use of the building, for instance, an elevator was put in which goes from the ground floor to the top floor, an electrical mechanical room was put in here, ADA restrooms were put in here, and down in the basement, besides the elevator foundation, we had a sump pump and mechanical -- and air conditioning room. So that's the reason why the use committee was reconvened to try and determine where the different uses should be placed.

Looking at the bottom of Page 6, the recommendations of the original task force was to give preference to a museum, an art gallery, a visitor center, a meeting room, and office space, in that order.

Turn to Page 7. The task before this committee is to make recommendations on where each of the aforementioned priorities was to go and to further make recommendations the on office space available. It was explained that although this committee's recommendations were important to the final decision regarding space allocation, the final decision rest with the county. Lori said that the museum will be limited to what can be brought in and that the basic intent was that it be used for the historic of Lahaina. John Lowson commented that the museum should be located in the old courtroom upstairs, and all agreed. Jumping down a little bit here, this is separate from the courtroom, but this was a change that requested. Now Kenny Hultquist commented that if the art society obtains a space in the basement, would they be allowed to build walls and close off the office space. Keoki said they would provide prior approval was given by the county.

Going on to Page 8. These were the recommendations of this reconvened use committee of the courthouse task force. That the museum should be located in the courtroom upstairs and the old waterworks office, now being used by Lahaina Town Action Committee, should be used as a meeting room and the museum video room. So here's the courtroom, it would be used as a museum, and down on the main floor, over here, would be the museum meeting classroom. What you see in red there is what was decided at that meeting was written on these charts at that time.

Going on to Page 9. Now, I'd like to, at this time, go back and review the chronology of events because we ran into a problem and you'll see how we worked that problem out and how it was mitigated. Going back, in December 1995, the Old Lahaina Courthouse Task Force report was completed. For those of you who have never seen it, this is the task force report. From 1996 to December 1997, Keoki worked with Travis Thompson, Finance Director for Linda Lingle's administration, and what we were talking was how we're going to move in, how we're going to follow the task force recommendations and whatnot. In January 1998, Linda Lingle is no longer the Mayor. Kimo Apana is now the new Mayor. Keoki continues talks with the new Finance Director, Pat Nitta. Talks seem to go nowhere because neither was very non-committal. In 1999, the County Council approves the two-year lease for the Lahaina Courthouse to Lahaina Restoration Foundation. Renovation of the courthouse nears completion and the reconvene of the courthouse use committee to discuss renovation changes. In 2000, we are informed that the courthouse will be occupied by the liquor commission, immigration, and other county agencies versus following the courthouse task force recommendations. Keoki contacted Brian Miskae, then the Administration Assistant to Mayor Apana, Brian was part of Lingle's administration and was familiar with the courthouse task force project. Miskae handles the problem and Lahaina Restoration Foundation continues to communicate with him.

Now, Lahaina Restoration Foundation then received the signed lease with the courthouse task force recommendations. But upon moving into the courthouse, the following problems were encountered: sewage lines were running uphill, you couldn't flush a toilet without it overflowing; several doors would not lock; several windows would not open or lock; framing of several doors and windows have termite damage but were repaired with putty; holes were in the floors and not repaired; the fire alarm system was not working; there was no ventilation in the main floor toilets; the new flood control system for the basement was not working; flood waters re-circulate back into the basement, I must say that even continues till today even though we spent a lot of money and effort to try and improve on that. Now the irrigation system to the park was removed from the exterior of the building when it was renovated, however, the system was not reinstalled, as a result, seven coconut trees died, the grass not only died, it disappeared, it turned to dirt, and the banyan tree was on the verge of dying. Now the Lahaina Restoration paid for the reinstallation of this irrigation system and we put the controllers within the building in the courthouse. What happened here was the contractor on this specifications was required to remove the irrigation controllers from the exterior of the building but somebody inadvertently left the requirement to reinstall it in his specifications. As a result, when the county went back to the contractor to ask him to reinstall it, he gave him a price of \$25,000, and the county, of course, came back to us and said, "They don't have the money." Lahaina Restoration, through the foresightedness of their board, ordered me to reinstall the irrigation system and we funded the project, and then I was to try and get my money back later on through the county, two years later, we finally did, and it didn't cost us \$25,000 either. It cost us a little more than 7,000 so, you know, so much for that.

But what I wanna say here is what you see here is a short list of the problems that we've encountered in the courthouse. It's much more than this. But the county was short of money, but the Lahaina Town Action Committee, Lahaina Restoration, Lahaina Art Society, we have shared in the cost and labor to make these repairs and these, before we did those, I communicated all this stuff to Brian Miskae, and, of course, all the time he always came back to me and said, "We don't have the money. You want to fix it, go ahead and fix it, but make sure you don't change the look of the building." And that's the ...(inaudible)... "and make sure you do it in such a way that you're not going to affect the recommendations of the courthouse task force committee." And that's what we did.

Let's move to Page 10. Here you see a sketch of the courtroom. The pink line you see in there is the partition that was installed to separate the museum from the gift gallery, but if you take that pink line out and you look at that courtroom, that's the way it was when we moved in. There was no furnishings in that courtroom. All there was there is what you see is those two sets of railings on the bottom portion of the courtroom. So all the furnishings were removed during the renovation, so we didn't remove anything. The only thing that was done to that courtroom is the partition that's put in there.

Go on to Page 11. Page 11 here you'll see partitions that were put in by the art society and the harbors department. Now in the harbor's area, they have permanent walls and permanent doorways that were installed. Again, this was all okay'd by the county and the -- the thing about this is that this was not part of the courthouse task force recommendations, however, they were approved. I am slightly confused that the changes made in the courtroom, which are in accordance with the task force recommendations are being questioned, that the changes made in the basement, which were not part of the task force recommendations are not being questioned. As you can see, we have tried to follow the task force recommendations to the best of our ability even though we have had and continue to encounter challenges along the way. Remember, that the task force recommendations were approved by the county administration, the Maui County Council, and the land owner, the State of Hawaii. It is our intention to continue to follow the task force recommendations to the best of our ability. Thank you.

Ms. Sablas: Thank you, Keoki. Questions, commissioners, of Mr. Freeland?

Mr. Kalalau: Yes, Madam Chair, I have a question for Keoki. Keoki, you know, just based on this information you just gave us, now what is your guys present lease agreement, you know, how long is it for and --

Mr. Freeland: As I mentioned earlier, our present lease that we have in hand, it expired in February 15, 2002, the council has approved the lease extension to February 15, 2009 and -- but I have yet to receive a signed copy.

Mr. Kalalau: Okay, thank you.

Ms. Long: The diagrams do not show the retail space. Can you give us an idea of that, hopefully, graphically?

Mr. Freeland: Well, if you're looking at the museum, like on that Page 10, I think it is, I have a pink line over here, which is the partition that was put in and this so-called mauka section is the gift gallery and the makai portion is the museum. Roger, that's the one. I would say it's even less than a quarter. Twenty percent. You're talking about down here. In the visitors center, Theo, you know the area of your gift gallery in the visitors center? Relative to your whole visitors centers, how much is that? Actually, after, well, she's saying the whole thing is the gift gallery at 590 square feet.

Ms. Sablas: Keoki, I have question. As you know, I co-chaired the use committee along with you and the uses were specifically said museum, art gallery, visitors center, community center, and office administrative space, but no gift shop.

Mr. Freeland: Well, the -- you're talking about the gift gallery?

Ms. Sablas: The use. Yeah.

Mr. Freeland: I guess the term of gift shop/gift gallery maybe is what we're talking about there.

Ms. Sablas: Yeah, I understand the need but I needed to point that out that, you know, because I was part of the use committee and I don't remember we talked about a gift shop being there.

Mr. Freeland: Well, the way we look at is that the term gift gallery is the gift shop, is the way we're looking at it, so it's -- I mean we interpret it as the same thing.

Ms. Sablas: Okay. Would we want to move on with staff recommendations and discussion on that, Dawn, at this point?

Ms. Duensing: Thank you, Madam Chair. In working with other staff members from the Planning Department that go much farther back than I do, I would just like to go through the analysis that we came up with.

Ms. Sablas: Right, and then hold off on the recommendations until we have public testimony.

Ms. Duensing: I'll hold off on the recommendations, yes.

Ms. Sablas: Okay.

Ms. Duensing: Would you like to do public testimony first or just the analysis?

Ms. Sablas: Okay, why don't I entertain the public testimony before you do the analysis. So, at this point, I would like to open up again public testimony on this particular agenda item. Those of you who have not testified earlier and heard the -- Keoki's testimony and others, this is your time to come up and take a stand, please. Okay, I had Kent Stewart. Now this is on this subject matter. The testimony sign up sheet I had, I wasn't clear on who they're signing up on what part of the agenda, so what I'm taking testimony on is on Item a., okay.

Mr. Kent Stewart: Aloha, commissioners, and thank you very much for coming -- for bringing this meeting to Lahaina. It makes a big difference to us to be able to have the community be able to be in contact with you and hear the discussions, so I thank you for taking your time to come before us here in town. I also am a member of Waiola Church and welcome you to the church and hope that you feel free and are welcome to come here again and use the facilities for public uses such as this. I am here to speak in favor of the -- of Item a. and have two parts to what I wish to say. The first is, well, first off, I should introduce myself. My name is Kent Stewart and I do serve on the board of Lahaina Town Action Committee but -- so I will speak both as a individual citizen, a resident of Lahaina for four years, and, additionally, as in one official function from the board. Under my board function, I would like to read to you and to the group here a letter that was sent to the Cultural Resources Commission by the Office of Economic Development by Economic Development Coordinator Lynn Araki-Regan that is the following: "Dear Cultural Resources Commissioners, I'm writing in support of the Lahaina Heritage Museum housed in the old Lahaina Courthouse. In 2004, the County of Maui Office of Economic Development, in partnership with the Hawaii Tourism Authority, awarded Lahaina Town Action Committee a Product Enrichment Program Grant of \$25,000 to assist with the development of this museum. These funds were provided so that the historic courthouse could also become a vibrant community resource to educate and enrich the public. Since it's opening one year ago, in April 2004, the museum has presented two find exhibitions that have provided thousands of our visitors as well as our residents with authentic cultural and historical information. The current show titled "Lahaina's Whaling Days and Whales Today" has drawn upon the collections of community partners and excellent documentary photographs to tell the story of humpback whales in Maui over the last two centuries. Presently, the Lahaina Heritage Museum has begun planning for their next exhibition covering plantation life in West Maui. Once again, the exhibit will draw upon the living resources within the community along with archives in the Alexander & Baldwin Sugar Museum to make our history come alive. My office endorses the purposes and programs of the Lahaina Heritage Museum which has, in a short time, proven to be a valuable addition to the Old Lahaina Courthouse. It also serves as a cultural asset to Maui County

and a worthwhile visitor attraction. Sincerely yours, Lynn Regan.” That’s my official portion. Personally though, I would like to say to you the following, and that is that the courthouse, as an active member of Lahaina Town Action Committee and as a concerned public citizen, the courthouse is a central landmark of Lahaina. The courtroom was previously only barely identifiable as a courtroom. It was, as was stated by Keoki, it had very few fixtures when Lahaina Town Action Committee began working with it and when LRF began working with it. But it was missing most of the fixtures that identified it as a courtroom. Those were already gone. As a courtroom, it had been abandoned by the community and it looked it. Semi-permanent but sparse display was in place, when I first came upon it, generally displaying old photos and some historic items, but not focused on the courthouse or the courtroom’s history. Today, as one reaches the top of the stairs in the courthouse building, any visitor, and I in particular as a resident, have had the opportunity to inspect the fixture artifacts from, not only the courthouse, but the post office and other things that had been in the building viewing the construction and the details of the -- of how those things were built and actually feeling by getting up close to them what it might have been like to be on either side of those fixtures, either in the courthouse, courtroom, or the post office for example. Accompanying the courtroom artifacts now are a very nice arrangement of historic photos showing scenes of the courthouse and of historic Lahaina. So interpretation at the top of th stairs invites you to consider what the courthouse had been within the context of historic Lahaina and it draws one in to the exhibits that are available inside of the courtroom. In it’s day, the courthouse was a living, breathing center of official Maui business. That official business has moved to the civic center and to central Maui now, leaving us today with the dilemma of what to make of this very important building that is really the cornerstone of people arriving to Lahaina and of the central portions of Lahaina. Today, right now, without the museum even, the courthouse continues to be a living, breathing place that is an important and vibrant center for Lahaina. And I speak particularly to the work of Lahaina Town Action Committee as a pure cultural resource. This organization delivers important -- continues to seek out to find important cultural assets, historic resources, as well as current resources, such as reaching historically back through the canoe festival, the Kamehameha Day Parade that is put on by Lahaina Town Action Committee, the many activities that occur around the courthouse, and it is a vibrant symbol of all that Lahaina can be, has been, and is doing. It is a resource, Lahaina Town Action Committee, and I hope you will consider it as such. In addition, the museum was a -- was a wonderful concept that was created and invisioned by our Executive Director Theo Morrison. She said, “Let’s make this thing live and breath. Let’s make this entire building live and breath for West Maui and for the people who come to visit West Maui.” There is great respect for what is and has been in the courthouse and there is great respect for all that West Maui has been through the museums that are -- the museum exhibits that are both -- that have been there, the one on canoes, the one currently on whaling, and for the ones that are planned. And I hope that the Cultural Resources Commission will seriously consider the tremendous cultural value of, not only allowing, but encouraging Lahaina Town Action Committee and Lahaina Restoration

Foundation to work together to maintain the courthouse and to make it and continue to be the vibrant center that it is. Thank you for your time and thank you for serious consideration.

Ms. Sablas: Thank you, Mr. Stewart. I think we have a question. Commissioner Long?

Ms. Long: Thank you. Thanks for coming. I believe you are treasurer?

Mr. Stewart: I am.

Ms. Long: Okay, so to clarify some things that we heard this morning that -- first of all, let me say, I'm a member of Lahaina Town Action Committee, I support Theo in a great many of the things that she does, she's a whirlwind, she's effective, and she has done some extremely positive and good things for Lahaina. That said, and you all obviously agree, that said, what I said before about being an example holds true, and I heard some comments earlier today, some testimony that there hasn't been any county money involved in the development of the museum, but you have just said that there was a \$25,000 grant from the county. First question is I'd like to know what other county funding goes to Lahaina Town Action Committee because we're dealing here with retail use of a historic building justifiable, perhaps, in order to support the educational and the economic work of LAC so that I'd like to have a clearer picture, plus the fact that my calculations, at \$15 a square foot, which to me is pretty conservative given the location, the value of the space used by LAC in the courthouse building for the retail downstairs and the retail upstairs comes to something like \$240,000 year, that's based on about 800 square feet, so that the county is participating to a great deal that we know right now and I'm just curious to know what other participating with taxpayers funds is involved here.

Mr. Stewart: Commissioner Long, I don't have all of that information before me right now, but certainly can obtain it. But off the top of my head, the county's support of the efforts of Lahaina Town Action Committee has largely been devoted to event related activities that LAC puts on and so applications for, and it comes from a variety of sources, in particular, the visitors -- the Hawaii Tourism Authority and the Maui Visitors Bureau assisting significantly in supporting the canoe festival, that and activity, and other funding coming for a variety of other activities, but not operations. The special funding that came for the museum, and, Theo, correct me if I'm -- wherever I'm departing from my recollections as far as the truth is concerned, but the special funding that came for the museum was to enable the -- enable the very careful construction of items that were put in to make the museum possible, and I know from watching what was done that great effort was made to put any of the partitions in such a way that they are not heavily affixed nor do they modify substantially the original architecture of the room or of the building. Those things, for example the partitions in the area now used as the museum, are specifically assisted in funding to be able to be modifiable and that they did not, in any way, interrupt the

architecture of the flooring or of the walls so that they -- so they're only anchored in order to be safe but not cutting out, for example, pieces of wall or floor. The -- but, again, I would say to you that the funding that comes from the state and funding that comes from the county is to -- has, basically, always been to support the efforts that LAC is making on behalf of the community in the form of events and activities, program related. Other questions?

Ms. Sablas: Thank you very much. Next we have to testify is Flip Nicklin.

Mr. Flip Nicklin: Thank you and thank you for having me here. I'm testifying in favor of the museum. I am -- when I heard about it, through Theo Morrison, I donated the pictures that are in the museum and the video in the museum. We subsidized their framing and have since replaced them or I did the printing and bought the frames. The whole idea for me was it opened the door to combine with the history of whaling, the new history of research, which largely started in Lahaina, and the pioneers doing that are still here, Mark and Debbie Ferrari, Jim Darling, those people that come back every year and work out front, and that this was a way of acknowledging that in the community. The immediate effect is in park talks, we started last year with just me, this year all the major researches offered to come and talk and they're working and incorporating their information, their history, and these are the pioneers in the community and in the new era of looking at the natural history here and a new culture because you have to admit, our look at whales have changed dramatically. For those reasons, I'm in favor of the museum. Thank you.

Ms. Sablas: Thank you very much. Questions? Okay, next to testify is Pat Endsley. Sorry? She already did, I'm sorry, okay. Connie Sutherland?

Ms. Connie Sutherland: My name is Connie Sutherland and I'm a citizen of Lahaina. I just wanna say I support what Theo's done, one of the early founders of LAC, and I think without Theo, the town of Lahaina would be in pretty bad disarray and I don't think a lot of issues that come to you would have been brought to your attention if we hadn't had someone to phone and say, hey, what are we going to do now? Thus and so is going on, pink buildings, green buildings, you name it, bad signs, stuff hanging on the sidewalk, anything that you could think of that was not historic, so although there may be some miscommunication or something that's not properly typed in from the standpoint of the legal language, I think that what has gone on and what is going to continue to go forward is very positive, and I fully support the museum. Thank you.

Ms. Sablas: Thank you, Connie. Any questions? Next to testify is Theo Morrison. And, by the way, thanks to the Lahaina Town Action and Lahaina Restoration Foundation, we have the use of the building and thank you very much for taking care of the ...(inaudible)...

Ms. Theo Morrison: Well, actually, in regard to that, we just got reimbursed, they thought it would be a conflict of interest so --

Ms. Sablas: Oh, okay, thanks for the correction.

Ms. Morrison: Good morning. My name is Theo Morrison, I'm the Director of Lahaina Town Action Committee, which currently operates the Lahaina Heritage Museum in the Old Lahaina Courthouse. I have been employed by Lahaina Town Action Committee for 15 years. I consider the Lahaina Heritage Museum one of my best projects. Everyday hundreds of people are exposed to Lahaina's rich history, culture, and environment. Everyday the community of Lahaina is able to tell their story through the displays in the museum. LAC has had an office in the Old Lahaina Courthouse for over 10 years. I was a member of the Mayor's Old Lahaina Courthouse Task Force in 1995 and the Chairperson of the Renovation and Restoration Committee. I would like to clear up some of the misinformation presented in the Planning Department Report, which I believe you have.

I'm just going to go through this point by point cause I think it's very important that you receive the correct information. On Page 3, description of the development, No. 3, the exhibits you received, Exhibit B and C, are exhibits of the gift store in the courtroom, these are not exhibits of the museum. There is no photo of the museum. I don't quite know why that is, however, I didn't bring photos cause I certainly hope, especially after today, that you take the time to go down and see what we have done in the courtroom.

No. 4, this is Page 3, No. 4, the old -- this is what your Planning Report says, "The Old Lahaina Courthouse Task Force final report does not recommend that the courtroom be used as a museum, rather the courtroom -- the document states the second floor should not be designated for public use, see Exhibit D." If you look at Exhibit D, that report was written by me. I was the head of this committee and what it states is that the second floor should not be designated for public use because the second floor would then require a second exit and ADA access. This report was written before the building was renovated. If we had known before the building was renovated that a second exit and ADA access were going to be on the second floor, then I can guarantee you we would have recommended that the courtroom be used for a museum or public use.

Okay, moving on. In addition, this was something that was omitted from the Planning Department Report, on Page 2 of this was of the actual task force, and I quote, "Marion noted that the issue regarding impact of an elevator in the building is no longer vital as it apparently will not affect the historic designation of the building. An elevator can be installed in the building and, therefore, a museum or other public access type of activity does not have to be on the first floor only." This was omitted from the county report.

Page 4, No. 6, this has several items here, A, B, and C, and again, A and B are referring to that the second floor should not be designated for public use as stated in the task force, and again, I would like to remind you that that was only because of the point of time when that committee met there was no, and we did expect to see, an elevator in there, ADA access, and a second exit. And then No. C, at the end of No. C, it talks about being able to adaptive reuse and these suggestions for the courtroom, and again, this was my committee, this was assuming that there would be no public use of the second floor, but, again, this was just a committee of people getting together and so they came up with some ideas, and the idea was that the jury box, etcetera left in place, another suggestion was that the court system could use the courtroom for children's advocacy, etcetera. That sounds great. We never called the court and asked them if they'd like to come down there and try to find a place to park or anything. But I'd also like to point out to you that was selected by the Planning Department to be put in your report. Other suggestions for the -- directly out of the task force book by the community and, again, these are people coming together and just coming up, brainstorming, if you will, other suggestions were a restaurant, Page 3, August 8, police substation with night lights, bike station for cops, Page 2, minutes of August 22, fishing store, post office boxes, art classes, Page 3, minutes, August 22, and here come my favorites, computer classes, bar, nightclub, casino, survey summary, November 28, Page 2, these were also ideas, these were not included in your report.

On the next, let's see, where am I. Okay, on No. 19, in regards -- I did cut out some this while I was sitting back there, on No. 19 in regards to the courtroom furnishings, now, this is not included in your packet, but there is a photo of the museum before the renovations that include some furnishings that were destroyed by the County of Maui, destroyed, eliminated, and gone. There was a whole another bench kind of rail thing in front of the judges bench rail thing, that was gone and destroyed, nothing's been said about that. In addition, other furnishings, such as the court benches, were taken by other county departments, such as the Police Department, I was there the day they came and took them. The two benches that remain, which are in the hallway, I saved when the renovation was taking place by putting them in storage. In addition, Lahaina Town Action Committee saved the metal court record cabinets, two oak chairs, an oak desk, the Police Department record cabinet, and an oak table, and restored them and put them in public use. In addition, Lahaina Town Action Committee did a full interpretation of the courthouse, courtroom proceedings, etcetera, in a much looked at public display in the hallway of the second floor of that Old Lahaina Courthouse.

Okay, No. 22, and, again, we're going back to that task -- the recommendation that having the courtroom furnishings as part of the museum would help maintain the historic integrity and significance of the courtroom. Well, if that's our theory, then we should put back the mailboxes, we should put back the holding cell, we should put back the police officers. I see no reason why we're singling out the courtroom as the one place that should be restored when there's all these other things. If we wanna make this into a completely

empty building that's historically correct, then all that stuff should go back, and there would be absolutely no public interest in the place.

Number 23 and number 24, are basically really bashing the retail aspects of Lahaina Town Action Committee and Lahaina Art Society. I would like to make it totally clear that Lahaina Town Action Committee is far from rich, far, far, far from it. To imply we get some funding for the events we do from the Hawaii Tourism Authority, for example the International Festival of Canoes cost of \$200,000 to produce, simply to produce. We have a grant from the HTA for \$45,000, another grant from the Maui Visitors Bureau for \$10,000, the rest of that money I raise, I raise through sponsorships, I've raised through donations, and we also raise it through the sale of items, such as event t-shirts in our visitors center. I have a huge problem with saying that these sale of these, you know, the use of sale -- the sale of things in that store by the non-profits that are doing it is wrong. This is how we fund our programs. There is not enough grants. There is not enough sponsorships to make it all happen. In fact, we've been doing this for over ten years, and now this is the trend in non-profits, if you get any of the literature, is self-funded events. I'm very proud of what we've been able to do and how well we've been able to self-support. We do ten annual events. It's unbelievable what we're doing with a very small amount of cash we have. If you take away these sale points, we will be taking away our events. And I'd also like to know, I mean I'd like to emphasize that the gift store at the museum has one purpose and one purpose only, and it is to support the museum. Our insurance for the museum just came in at \$6,000 to protect the wonderful and phenomenal artifacts that the community has rent to us. Now, I can't pay that unless I was able to have a funding source. I can't get a grant for that. There's other costs too that I would never ever -- I mean I'd love it if somebody could support this museum and I didn't have to run another gift store, I would love, it's a whole lot of work. Why would I do it? There's only one purpose. All the funds from that gift store go to the museum. And the other thing I'll point out because you probably haven't read that task force, but not only have I read it again last night, but I lived it, and over, and over, and over again, and Lori probably remembers this, in that task force, it came up that having a museum was really, really expensive; having a museum was going to be really, really hard; having a museum was going to be really impossible, but we all really want this but, boy, this is going to be hard. Over and over. Well, we've accomplished that, and I just find it amazing that we're even here discussing this.

Okay, No. 25, oh, again, this is -- I feel this is very biased on the part of the planner who wrote this report talking about the two -- that the visitors center is too commercial with all the items for sale. That was one comment taken out of the task force. There was many positive comments about the visitors center in the task force, but this is her bias and that's why it's included in your report today.

Number 26, okay this one, and this Keoki briefly brought on this and I have a huge problem with this, as you know, the book he showed you, the task force book, was completed before

the renovation, which is why I explained my report in that book, why we said what we said about the second floor not having public things, the renovation took, when the renovation took place, they put in an elevator and they put an ADA access. The use committee, of which I was not a member, reconvened. Mark DeColibus was here earlier this morning, he was on that committee; Lori Sablas was on that committee; Keoki was on that committee; that committee reconvened, they looked at the new layout of the building and they sat there, and they appointed to the different -- they assigned the uses of the different area. This was not a made up committee. This was the same people that met for months and created the old Lahaina task force, this is the same people that came together after the renovations and because the building had changed, and designated the spaces. Now, currently, the County of Maui Planning Department is refusing to acknowledge the existence of that meeting. They're saying it was unofficial cause they don't have minutes. It does not make it unofficial. This community came together. This community designated those spaces for the way they're supposed to be. I'm insulted, beyond belief, that the department would take that stand. This committee worked really, really hard. Anybody that sat on this committee knows how long and contentious all those meetings were.

And then last, No. 28, the last part of this report, again, talks about the gift store and how it does not demonstrate public benefit or significant educational component. Let me remind you, again, erase the gift store, you erase the museum. There is no way I can support a museum without that gift store. That gift store does nothing but support that museum. There's not one penny left over, in fact, there's a lot of pennies not paid for by that gift store.

Okay, one -- I had one more thing here. And, again, I'd like to remind you that in the task force time and time and time again the highest recommended use was a museum gift store. They did a survey of the community and it was museum gift store. And now, for some -- whatever reason, that one use, the highest use recommended by this committee, the use that Lahaina Town Action Committee and Lahaina Restoration have fulfilled is being questioned. We put some little petitions in the museum the last couple weeks to get some comments back from visitors all of which, with the exception of one, were very positive, and I would like to just read this one cause I thought this really sums it up pretty good. "We would not waste two seconds of our precious vacation here on Maui in an empty room. Please keep this display as it is. Some day we would like our children to enjoy it as we have today. David Grove from Bel Air, Maryland." Thank you.

Ms. Sablas: Thank you very much, Theo. Comments?

Mr. Kalalau: Yes, Madam Chair, I got a question for Theo.

Ms. Sablas: Theo, before you leave, please.

Mr. Kalalau: Theo, being that the gift store has been some peoples concerns and your main point about it is that it's a income generating venture for the courthouse museum project over there, you know, what percentage of the income from the gift store goes to the total operation or to cover your expenses in that building?

Ms. Morrison: Hundred percent of the museum gift store goes to cover the cost of the museum. We change the museum twice, the show, twice a year; that's a cost. We have cleaning; that's a cost. We have insurance; that's a cost. The rent on the space is over a thousand dollars a month; that's a cost. All the income from the gift store in the museum goes to cover the cost of the museum. There's nothing left over. I wish there was.

Mr. Kalalau: Okay, is the items donated or does your organization buy the gifts and stuff?

Ms. Morrison: Some are on consignment and some we buy.

Mr. Kalalau: Cause, I don't know, everybody seems in support of the whole project and stuff but there's these concerns about the gift shop so that's why I asked you the questions and stuff.

Ms. Morrison: Right, well, and I want to make it really clear. Erase the gift shop, you will erase the museum. Look at the Bailey House, they have a gift shop. Look at the Puunene Sugar Museum, they have a gift shop. Look at Lahaina Restoration Foundation, they have a store. I mean it's not a crime. We are supporting a positive public project. I should also mention, and this is just to -- for perspective, Lahaina Art Society has 1,812 square feet in retail in that building. Lahaina Town Action Committee has 800 square feet. The museum gift store is 200 square feet. And, yet, and, yet, it's like a major crime. I don't get it. We're taking a hundred percent of that money and creating this museum. It wouldn't happen without that. I simply would not happen.

Mr. Kalalau: I think there's some misunderstanding and clarification with the courthouse or the courtroom and the gift shop here. Just being here at this meeting and listening to everybody, I think some of the concerns was that people are feeling that the gift store is in conjunction with the courtroom as where today's presentation is showing that it's a total separate room from the courtroom.

Ms. Morrison: Well, no, it's part of the original courtroom and we put a partition, which is part of the problem today.

Mr. Kalalau: Oh, so the gift store is on the other side of that partition that --

Ms. Morrison: Correct. Correct.

Mr. Kalalau: Okay, okay, yeah, this is why I think some of the people's concerns about the gift store is, you know ...(inaudible)...

Ms. Morrison: Well, I strongly encourage you to come down and see what we've done. I strongly encourage you to do that. I'll even stay open late if you can't make it by five.

Mr. Kalalau: Yeah, I understand. Thank you. You know, I'm on a lot of non-profit organizations too and there's a lot of people always trying to turn down the revenue source that we need to supply our non-profit organizations so I hope people will have a clear idea with what you presented here today. Thank you.

Ms. Morrison: Thank you.

Ms. Sablas: Barbara?

Ms. Long: I too understand the need to have the revenue source. Couple of questions. Is there a sales desk on the second floor or do people go to the first floor to pay for what they've bought? It's on so they're -- it's full on. And my understanding is that to get to the museum people need to walk through.

Ms. Morrison: No, that isn't correct. When we first opened the museum, it was -- you had to walk through the gift store to get to the museum, however, we saw that people weren't seeing as much as the museum as we wanted them to see so there are two doors in the courtroom which shows on there. There's two doors. There's both of those doors are open. You can simply go into the museum; if you don't wanna go into the gift store, that's fine. The museum, again, is free.

Ms. Long: Okay, and are you constrained as the Maui Historical Society and the Sugar Museum are to the kinds of items that you sell in the gift shop that they have to be specifically related to the site or to your mission?

Ms. Morrison: You're talking from a non-profit standpoint or from a -- constrained by who?

Ms. Long: What I recall at Bailey House, and I was on their board for a while, was that there was some sort of -- because of their 501(c)(3) status and the whatever --

Ms. Morrison: And, exactly, we are 501(c)(4), it's not as strict, but we -- but, in essence, yes, as a non-profit you should be selling products that support your overall purpose. But the actual -- our actual percentage of earned income is very small compared all our other aspects. We've had our accountant look at that.

Ms. Long: Okay, so that by law, you can and do sell items that are not specifically related to the museum or the history of Lahaina or the courthouse?

Ms. Morrison: Well, we're just changing over, we're refining our stores a little bit right now, and we make a huge effort, we're expanding our book section up in the museum with Hawaiian history books and we're making a huge effort with that, but there's no particular law with exception to the one I told you about which we already conform to.

Ms. Sablas: Theo, you know, yeah, I was a part of that long drawn out task force with all of you and I remember, and this is why I'm trying to recall when we had that second meeting that Keoki brought the minutes of April 14, 1999 when we met, and that was specifically, I know you said you weren't there, but we had a use committee to meet and we needed to address the use then and I remember us going through the whole actually what would belong where and our strong support for the museum; however, I don't remember us, and Keoki, you know, clarified that too, I don't remember us talking about a gift shop. I guess because there's two issues here. I think there's no question the community supports the museum and all the wonderful things it does for education, that's -- and all the wonderful work you do, Theo, I know the sentiments are supporting you. I think the issues that we have, basically, too is the use and was the gift shop part of it, and I understand very much the need of it to support it, times change, and the issue was to change, to alter, you know, with the railing and to take it out, and your point is well taken, that why pick at just that area because the mailboxes was so much a part of the courthouse were all removed. I remember by box number, P. O. Box 122, from there. You know, so I spent many, many years in that courthouse and I have strong sentiments for that building but, again, times change, and I think just so that we have a clarification, there's just two things in my mind and that's the alteration of the railing and the use of the gift shop, I think that's, basically, is really at issue and that's what tugging me right now and how we were able to move forward with that under the conditions, and the CRC really tries hard, you know, I mean we don't want to be looked upon as the ones to detract you from all the wonderful things you do. I think we are charged with the responsibility of maintaining that and sometimes maybe it might have taken more time to talk, you know, to -- Dawn is a new planner, she's been there just less than a year, and you know there's not so much history that goes with her and she's dedicated to do her job, and I think perhaps if the two of you had dialogued more, and I think she could have understood, you know, what happened, the history that went beyond that came before with the task force and all that. So that's, basically, the two things I have in clarification is, one, is the use of the -- when it went to change from the museum to -- museum was no question, but the gift shop.

Ms. Morrison: Well, if you look at the task force, every time, and I wasn't on the use committee, you were on the use committee, but every minutes, every time the word "museum" is listed it's slash gift store and as I -- and I said there's all this testimony, I just reread it last night, there's all this testimony in there about how difficult it will be to fund a

museum if there's no funding source. So when I took the museum over from Keoki, that's the only reason why I was able to even conceive of doing it, otherwise, I couldn't have don't it with the possibility that it could be funded through that gift store, otherwise, it just would not be there. Plain and simple.

Ms. Sablas: Keoki, is that how you remember it?

Mr. Freeland: Yeah, Theo is entirely correct. The real key is go back to the what is stated in the lease that we're supposed to follow recommendations of the use committee dated November 28, 1995, and look at those recommendations.

Ms. Sablas: Gift gallery.

Mr. Freeland: Right. It's museum/gift gallery and that's what it's really based on. That is written into the lease that we're supposed to follow that recommendation and that's what we've done.

Ms. Sablas: Okay, I just needed to make that as a point of clarification for our commissioners, so thank you. Any comments, questions for Theo. Thank you, Theo. Okay, moving along. Next we have to testify is Derek, no, I think you did already, okay, Yolanda Dizon. Is she still here? Yolanda? She's still here? Where? Huh? Okay, while she is being located, Mary Helen, you're up next to testify.

Ms. Mary Helen Lindsey: Aloha. It's almost midday, lunchtime, and I know you must be getting hungry. Too bad we didn't bring some food for you folks so we could coerced you into voting our way. Anyway, my name is Mary Helen Lindsey, I'm with Theo on her no action committee and that's just between she and I cause she's always asking me for things to do and I say, "You're a bunch of no action." That's a funny thing. And I'm also the President for the Lahaina Restoration Foundation. But the biggest, biggest thing here, I'm keiki o kaaina and I see different families here, that means born, raised in Lahaina. The Sablas family, the Lindsey family, the Kadotani family, Williamas family, and, oh, Keoki of course. I saw that leg kick up so Keoki too and May Kutsuda. I mean her father and my father were policemen in the courthouse. We played in the courthouse. I don't know about you, May, but I did. You did too? Lori did too, okay. So we had -- we're historical too. We're old already. Makule. Now the courthouse, I'm going to have to read this because I changed my whole thing after listening to all the different people. The time has come to move on to big and better usage for all, underscore, all. The bad guys, that was the drunks, the fornicators, and everybody else coming off the whaling ship has had that courthouse for a long, long time. Now the changing tide has left multi-purposes, and I hope you hear that well, multi-purposes, so that includes selling things out of there and making money so you can do it. ...(inaudible)... lots of full circle, we have come full circle now. These wild whaling fleet of men out for a good time, drunks, female companion, they

created the need for the courthouse. We all understand that. It was for those that needed to be in the calaboose and just those who needed to go and pay a fine to uncle, at that time it wasn't Uncle Sam, it was to the King, I think so anyway. Thanks to the elevator that was put in by LRF, is that right, Keoki, LRF? County did it. Thank you county or taxpayer. My mother, at that time, 88 years old was able to go upstairs, even though she hated elevators with her dog, Russell, her famous companion, and go and see what is up there to look at the whaling, to look at the canoes, which had Mo`olele Hui O Wa`a Kaulua and also of the sailing canoe with Kamehameha Schools and she enjoyed it thoroughly and she said, "This old lady can still see and enjoy what she used to see before." We thanked for the usage of the elevator because it made it possible for those who couldn't walk up those stairs. Pretty soon we're going to be in that stage. The museum is no doubt a learning, educational, well accepted piece of art, piece of nature, piece of our history. Kamehameha III, Carden, Sacred Hearts, the pre-school, we have two pre-schools over here, they all walk to it and they all go and see it, and they're well controlled. Not including -- I mean including all the other schools that come and that is the place where they see history done. I would see pictures of the whaling fleets outside. I lived on the beach so I'm a beach person, I'm a canoe person, and so I appreciate this. Seeing all these pictures but it came alive when you visit the museum and that's what really is important, important to really our history and what it's all about, and I say to you, if it's all possible, I'm cutting it short, if it's all possible, to vote positive in for allowing what's happening because, otherwise, you can't get funding to do it. Thank you. Questions?

Ms. Sablas: Thank you, Mary Helen. Next to testify, did Yolanda come back? Okay.

Ms. Yolanda Dizon: Aloha, my name is Yolanda Dizon. Mahalo again for serving on the board and, you know, being part of the committee and dedicating all that you have. And, you're right, without the CRC, who's out there to watch and make sure that our history is not altered or for our future generation and for ourselves. Thank you very much for that cause you are the watchdogs, you know, for our cultural -- anyway, mahalo again. You know, thanks again for the county and our government agencies for screwing up again and that's why we're here. If you had all the information that was given to you today, then maybe the job would have been a little bit easier before today. It sounds like there was a lot of information that Mr. Freeland and that Theo had just turned in that you didn't know about. And like J.J. said, yeah, a lot of the blame can be put out there but what's the point now, from now, I think what, you know, and he said is right, correct the wrong, go forward so that we don't go back and make mistakes like this again. Get the information, or try to anyway, so people don't come in here and get angry at your guys, it's not your fault that you didn't have it, or am I wrong? Or did you have the information that they shared with you guys today? From the county and all that. Oh it is. Oh so you already knew then. Okay, yeah, my first thing here was that, okay, you broke the rule, so what do you get a slap on the wrist and walk away? Now I'm, you know, I was kinda confused. What's going on? There is not doubt, and everybody in this room agrees, that we need the museum.

No doubt at all. A lot of, you know, everybody needs to get educated. There's people that's been living here all their lives and don't know what's going on in Lahaina. A lot of our young people, if the schools or teachers didn't take them down to the courthouse, wouldn't even know what's going on, and a lot of it is because it's all tourist related and that's what they see. They, our young people, don't wanna go down to the courthouse because all they see is tourists and they feel they don't belong. At the same time, I wanna say that I understand the different cultures that are here and you wanna share all of that, but do not forget or please try to share more of our host culture. Yes, the whales, you know, hey, yeah, I agree with that, share about the whales, but there's things that happened in the past, and without the past, we have no future. So if we're going to educate and share information of our history, then it should be done correctly. My first thing is that, you know, I thought in my head, oh yeah, the gift shop, another tourist trap just to get money, but then, yeah, you're right, Theo, without that you cannot run the museum, yeah, you need the money, and if a hundred percent of that monies from the gift shop is going to museum, well, right on. If it's going to shut the museum down without the gift shop, then have the gift shop, but also what I would like to see is that the gift shop would have or promote a lot of the history, true history, not made up history, not somebody coming over here ten years, you know, ago and say, "This is what I interpret history to be." You need the host to interpret our history, to tell you what Lahaina was all about, and it wasn't just only about the whaling days, and it, you know, there's more to it than that. There's the good things and there's the bad things, and all needs to be shared. Enough of the exploitation. Tell the, you know, let people know the truth, the good and the bad. Mahalo.

Ms. Sablas: Mahalo, Yolanda. Thank you very much. Thank you. We're almost there guys, we just have two more people on the list, and then we'll take a short break, so Mr. Kadotani, I saw him earlier, but I think he left. Sam's already gone. And the other person, Darsham Zenith.

Mr. Darsham Zenith: I thought I had a lot to say but after hearing all these testimonies, I feel much more educated, much more educated. I'm President of Lahaina Art Society and I have an interest in seeing the courthouse used in the best way possible and I really appreciate what Theo has done with the museum and if there's any problem in the courthouse, it's the two groups competing with each other to really serve the community and use the courthouse right and I just wanted to say, after hearing everybody's testimony, I can leave early and feel that it's going to be decided the right way. Thank you very much.

Ms. Sablas: So are you for the museum?

Mr. Zenith: Pardon me?

Ms. Sablas: Are you in support of the museum?

Mr. Zenith: A hundred and ten percent. Thank you.

Ms. Sablas: Thank you very much.

Mr. Zenith: Thank you. Bye.

Ms. Sablas: Earl Essiq? Oh, sorry, okay. Okay, I think that we went through the whole list and I don't think I -- I'm sorry, Kenny, did I miss you? Did you sign up? Okay, so I'll entertain, there's two more, and then we're going to be breaking. We've been going nonstop for almost three hours, so the two more I'll entertain now. Kenny, would you like to come up? Okay, how many we have? One, two, three, oops, one, two, three, four, okay.

Mr. Kenny Hultquist: Okay, I was -- my name's Kenny Hultquist. I live here in Lahaina since about 1994. I wasn't going to testify on this portion, on this agenda item, I was going to save mine for the last part, but I did hear my name mentioned about some meetings that we had. One of the things you guys have to understand is there was a lot of things going on back during the renovation and prior to the renovation, interactions between the Art Society and the Lahaina Town Action Committee and the Restoration Foundation. Just now, Keoki made reference to the fact that we had built a wall downstairs and made an office and that was likened to removing the courthouse, putting in the museum, putting in a wall, and a cash register, and a lot of gifts; that's no way near. When we went to that meeting, there was David Wissmar and myself representing the Art Society, I was on the board at that time, and the meeting was about where people were going to be inside the building. Now we were pretty scared already about what was going on. We were a little apprehensive about what was going on. I had gotten a call from Michelle Anderson, a couple of months earlier, who's now Wayne Nishiki's assistant, and she had told -- she told me that there were meetings going on between the Lahaina Town Action Committee and County Council members, and what they were asking was that the County Council disallow the Art Society to go back into the courthouse. And then -- and also since the Art Society had been in the building for 30 years, LAS was the sole caretaker of that building for 30 years, we felt we deserved one of the upstairs offices and we were being blocked from going in there, so all these things were happening at the county level, it was like, well, they got more friends than we do and we're getting bumped out of here. So when we went to that meeting, we were trying to do -- not only were we trying to say what we wanted to do in the building, but we were trying to figure out where we were going to fit in and we wanted to sort of smooth the ruffled feathers a little bit and that's why we agreed to let the Lahaina Town Action Committee use the upstairs offices if we could build offices downstairs, so we made a concession in that. And we were told, I don't remember ever being told that we had to get permission from the county to put up a wall and make an office. We were told go ahead and do it there. They said right there, in the room where we were sitting, ten feet away was where the liquor commission was going to go and you guys can build an office

over here is you want. We were never told, I don't remember ever being told we had to the county and now these guys are saying that we could do all that stuff up there because LAS built the wall downstairs.

Ms. Sablas: Kenny, there's -- and Keoki referred to that earlier in the report on the minutes that we had on the use and you were at that meeting. It says, "Kenny Hultquist commented that if the Art Society obtains offices in the basement, would they be allowed to build walls and close off their office space. Keoki said they would provided approval was given by the county." And that's part of the minutes here.

Mr. Hultquist: Somebody took that minutes from that meeting?

Ms. Sablas: Yeah, it was Jay Kalono who took the minutes and you were there.

Mr. Hultquist: Okay, I just remember being told that we could go ahead and do that. If that's a fact, then it's a fact. But it was very informal in the sense that we were told that if we gave up any of our rights to the upstairs offices, that we could put on there, and I don't remember us having being told that we were going to have to get permission. We just built the offices cause we were told we could.

Ms. Sablas: Okay. Questions?

Mr. Hultquist: Other things that were happening, at that point, the Lahaina Town Action Committee had already been allowed to move into the building before the building was even approved by the county inspectors. Brian Miskae bent the rules and used the Parks Department to allow Lahaina Town Action Committee to move in. Here the Art Society has been here for 30 something years and because of complaints by the Lahaina Town Action Committee, they were allowed to move back into the building before we were and, meanwhile, they were trying to petition the county to not allow us to move back in. So we were very apprehensive. Everybody on the board of the Art Society was pretty scared, all these people don't want us back, you know, they want the whole building for themselves. I was assigned to go get the keys to the building. The county had given the keys to Theo Morrison and she didn't want -- the Art Society didn't move back in. When I went to get the keys, she took each key off the ring, one at a time, slammed them down on the table, that was the way it was back then.

Ms. Sablas: We need to keep -- mister -- I don't want any -- just stick to our testimony and ...(inaudible)...

Mr. Hultquist: I'm just being truthful about the way things were.

Ms. Sablas: Okay, well, I'd like to wrap it up. We've been here a long time. There's others to testify so if you could make your point and conclude.

Mr. Hultquist: I think correlation between us building a wall downstairs in the old jail and likening it this -- all this extensive renovation is -- doesn't cut it, I don't think, so that's --

Ms. Sablas: Okay, point taken. Thank you very much. Okay, I would like to break for lunch but please make your point as succinct as you can and, you know, I don't wanna cut off anybody and I've been, I think, generous with allowing you to speak but we are getting on in time, so if you could just come up, make your point, please, identify yourself, and the topic you'll be talking on on the agenda.

Mr. Kaipo Kekona: Aloha, my name is Kaipo Kekona. Aloha, Cultural Resources Commission and Chairperson, Auntie Lori. May I sit down, please? I just wanted to get a few -- come here as a mutual person. I really don't -- not for or against anything. I just came to share my concerns and I wanted to clear up a few things as far as what I've heard going on today. From what I know that the courthouse and the harbor and the library and all of that area is all on ceded land, and if it's on ceded land, I'm to an understanding that you have a simple fee of a dollar a year or a month or something to the county and I heard Theo earlier say that she pays a thousand dollars rent a month or something. I wanted to know where does the rent go to?

Ms. Morrison: It's a maintenance fee ...(inaudible)...

Mr. Kekona: Okay, so --

Ms. Sablas: Yeah, this is just to testify and not to question, okay, you just need to make your point.

Mr. Kekona: I was trying to clear up something as I get further along. I also -- one of my questions or to clear things up as far as what I feel is if it's part of a historic site and it's -- their whole goal is to restore and keep our history, the courthouse now has a whaling thing in there and, in the museum, and I don't recall any history of the whalers going into the courthouse, a lot of it was mostly like if there was ever a whaler in there, it was probably because he got beat up from some Hawaiian or something, that was the only reason he was in there, and why would you tear apart something that is there and is in its state and you're going to put a picture of it on the wall instead to look at the picture instead of be able to come there and feel what is there and actually see it in its natural state. When my great grand-kids come over there, who's going to be there to show them this is where the judge sat and this is where all the people sat and this is where the guy that was being prosecuted sat, you know, if all you have to look at is a picture, it's not going to be there forever, pictures fade, pictures get taken off the wall, and everything, you know, so my concern is

that, you know, they go around and they tell people about the rules on the signs and all of that, but if you know the rules, follow the rules. You're not supposed to jump the gun and go and, you know, just do what you like and then come back and say, "Oh, you know, I messed up. Can I get a permit to fix it?" If you wanna do something, just do it right the first time and if you know the rules, oblige by them. That's what I was taught all my life so that's all I have to say.

Ms. Sablas: Mahalo, Kaipō, very much. Thank you.

Mr. Kekona: Thank you.

Ms. Sablas: Okay, moving along, we got two more I think. After this young lady, two more, okay.

Ms. Gretchen Myznering: Aloha. My name is Gretchen Myznering, I live in Lahaina Town, and I am a cultural representative of ...(inaudible)... look, all of the things that everybody has been saying about the use of this building, they all sound really good, they all sound great. The main concern is the integrity of the intentions why didn't you just come to the committee and ask for approval before you did it? It sounds like a great idea. It sounds like there wouldn't have been any problem, so why didn't you just come and get it? Why didn't you show that you respected the committee in charge of making the decisions for the cultural and historical preservation of Lahaina. They have the job of deciding what happens with all of the cultural buildings, not just the one, so why didn't you come and ask them first? And why did you call the gift shop a gift gallery if you weren't trying to hide something? That just doesn't make any sense. Nobody calls it a "gift gallery." I've never heard that term in my life. So it just really sounds fishy, honestly, as a resident of Lahaina and someone who's taxpayers dollars are, you know, maybe just a few of them or whatever, even though you need to have the gift gallery to keep it up, I'm just really concerned because this keeps happening over, and over, and over again, and I'm, frankly, sick of hearing adults talking like kids with their hands caught in the cookie jar. I'm really sick of hearing it because this is a historical place and the people who want to be in charge of showing tourists, basically, who come here about what Lahaina's about, you really need to take the initiative and start respecting the people that actually site here and make decisions for all of the historical buildings and historical sites. I just -- it's really disturbing cause this keeps happening over and over again. Please, just -- it seems like if you -- if you make a decision, personally, I'm against it just because of the integrity, I just think it's a -- it's a really bad call, you know, it's a bad call. You should have gotten the approval and now you have to deal with the consequences. But, for the future, you know, if it does go through, please just respect the reasons for and the way in which the approval for the alterations to historical sites are decided. The alterations for historical sites are decided. It's a really important thing. These people are -- they're volunteers, you know. It's not like anyone's getting paid to decide these things. It's really important, so thank you.

Ms. Sablas: Thank you very much.

Ms. Kay Gean: Commissioners, thank you for coming to the west side, I know it's a pleasure to see you here but we do appreciate the trip and since we make it with some regularity. I'm Kay Gean. I am a member of Lahaina Town Action Committee and I would like to probably testify based on what I've heard today. I won't go over everything because, certainly, many people have said more eloquently than I could and with the respect that Pat Endsley brings to this table, I couldn't ever hope to exceed that, so with her support and such, I guess I just wanna make a couple points. On the last testifier who is concerned about the integrity, like her, many times I get frustrated in what appears to be a, oh, excuse me, request from various commissions to get permits and such. But having seen the information that Keoki presented, I will tell you that this group has all along performed based on the history of how they have been performing for years and that is with respect to the -- with respect to the courthouse, with respect to the task force that I was glad to see that you were on, Lori, so it's not something that's come out of the blue. We can -- we know it's there. We have minutes. It's not something that someone made up after the fact. So I encourage you, one, to not be as concerned that this is an intentional whoops, I'm not sure why this happened this time, possibly we've got somebody with a keener eye, and I say, you know, good for you. Now I'd ask this Commission to help the community, help us figure out what we need to do, one, to document Keoki's meetings and your meetings, Lori, so that they are in the record so that when the planning people have to do all their background work, that information is available to them and they're not having to try and pick people's brains and those of us who may not be around when they need the information or they may not know who to ask, so if this committee could make sure that that information is documented and noted in the record for the future in the Planning Department. I think that would be a benefit a you could certainly bring. I can't speak to the museum any better, again, than anyone else already has. It's a fun interactive museum. I've gone to museums where they have courtrooms or bedrooms of famous people and these are nice to look at but without a tour guide or someone to say, "this is who slept here, this is the events that took place, these were the meetings, this is the historical document that was signed," they become pretty boring and once you walk through an empty house. I saw the courthouse when it was empty. When you walked up there and, frankly, I was sorry that I had made the trip up the steps. There wasn't anything to see. There was no story to be told. Now when I walk in there, I've been the canoe fest for the canoe display, very interesting, amazing things that the people have done. Now we see the whaling and you get a flavor of what it was like and how the hardships were. So I just say help, step forward, be part of making this the right thing and help us accomplish it the right way. There was certainly no intent ever to do this the wrong way. Thank you.

Ms. Sablas: Thank you very much, Kay. Kapali? Oh, I'm sorry, anybody have questions for Kay? Okay, next speaker is Kapali.

Mr. Kapali Keahi: Aloha, my name is Kapali Keahi . . . I would just like to say that, you know, I myself am very weary about how we present our culture to ourselves and to, you know, people who are not Hawaiian and I would just like to see that or I would just like to say that I'm not so sure the applicants are, you know, the proper representatives of our culture and there are many foreign innovations, you know, to our land and to our society that, you know, we're inundated, you know, by today like the plantations. I'm not so sure we should be even -- I'm not so sure we should try to speak about history unless we talk about the struggle of our people in the midst of all of this foreign innovation and I don't think the applicants are, you know, the proper representatives of that, you know, and this volunteer committee should be weary about, you know, about our struggles as Hawaiian people, you know, and whether or not this museum will be, you know, will help to effect such, you know, our proper representation of that. I would very much like to be, you know, consulted, you know. I would very much want to see that people in our community are talked to, you know, asked, you know, what would you want to see in this museum, you know, and just going ahead with it without even, you know, I don't even know of anybody, you know, in my family or any of my close friends that I grew up with in this community that even visits this museum. So, I mean, frankly, Auntie Lori, I don't know how you can say that this community supports it because I don't know anybody in our community who really even knows about it, you know. We have to be sure when we say those things, you know what I mean? Because you cannot be giving off this, you know, because all of your cultural, you know, resources in our community, you need to be aware of how or what you say, you know, and how you say it because people will take it, you know what I mean? And they will take it for face value and it may not be true, you know, and we have to be true to ourselves in this day in time because we're losing so much, we're losing too much, we losing, period.

Ms. Sablas: Thank you, Kapali. Okay.

Mr. Alike Ross: I'll jump on the bandwagon and make it fast as possible. Aloha, my name is Alike Ross, Alexander Ross, I'm a member of the Lahaina Restoration Foundation and I'm just on the bandwagon to say I'm supporting the museum, first of all. I support the LRF for what they have done and what they're about to do. We kinda have a little bit hila-hila or little bit huhu about the one word "art" in a part of the concession, you know, it's like a play of words, "art gallery," or the word "art" in the part of concession, "gallery" concession. It still boils down where people make money to support the building that in which is vital so let's not play with words, the purpose behind the concession. This body is very important to the Lahaina history and, first of all, very important to the courthouse. It is used to present to the county that we are all in favor of the courthouse being in the museum and the purpose if the renovation for the purpose of keeping it a museum and to hear all the testimony, which is mostly positive and supporting it, I, myself, I'm a kupuna o Lahaina, kupuna o aina. I walked in that courthouse many a times. Most of the time is to go to my box, which was 403, and the combination was 1-6-8-0, I still remember that, when I was keiki running around that place with my parents. My parents used to bring me with the my

old Jeep, they drop me off there to go get the mail, but I was in there for other purposes too. The purpose of the courthouse, whether it was good or bad, you know, so I have fond members. And, Kapali, I must tell you that my memories of the courthouse is when I was a keiki; your memories of the courthouse was when you was a keiki but the courthouse was not more in existence more so than what we were, so we have a lot of memories about that courthouse; you have a limited amount of memories of that courthouse, but it is up to you, you know. Come, come --

Ms. Sablas: Okay, come on, let's close it ...(inaudible)...

Mr. Ross: No, he's my nephew.

Ms. Sablas: I know that but let's just keep it civil, okay.

Mr. Ross: But I'm in favor of the courthouse, okay.

Ms. Sablas: Okay, thank you very much. Thank you. Okay, group, I think we've given, you know, three hours, and I've been in the Commission for ten years and I can tell you, this is one of the longest deliberations we've had on any issue, so if the message is that we're not concerned, I hope you know that we are concerned, that we had the patience to listen to each and everyone of you, so I am going to call for a break now and then we're going to be deliberating this issue later. Thank you very much. I'll be back -- back -- ten minutes or five minutes? What do you think? Okay, five-minute break? Okay, five-minutes. My watch says 12:00, so 12:06.

(A recess was called at 12:00 p.m., and reconvened at 12:20 p.m.)

Ms. Sablas: Okay, the Cultural Resources Commission meeting is reconvened. If I could have everybody seated and -- if you need conservation that, you know, so that we can keep order, either leave the room or else, you know, be in here so we can keep order in the room, so thank you. At this point, I'd like to have our Staff Planner talk about the -- you wanna do recommendations?

Ms. Duensing: Thank you, Madam Chair. I just would like to kind of give a little preamble to a few things that are going on here because I don't wanna feel like the big bad staff person that makes recommendations or doesn't fully analyze what's going on. In the letter that Keeaumoku referred to earlier, there are four issues that this really comes from and why we're discussing this, and this was the letter to Ms. Morrison on December 10, 2004. We're starting this from the premise that the Lahaina Courthouse is a significant historic structure in the Lahaina National Historic Landmark District and is listed as such in the 1974 update of the National Register Nomination. Secondly, CRC rules state that all request involving properties listed on the Hawaii or National Register shall be heard by the

Commission. Number 3, the courtroom furnishings are a significant feature of the historic courthouse, and if you want to amend that to say what was left of the courtroom furnishings, you could do that. And, fourth, is that exterior and interior alterations to buildings in the historic district and the special management area are always subject to review and must have a permit, every merchant up and down Front Street has to do that, whether it's inside or outside.

As you know, I have a history with this Commission. I served on it for nearly five years, so I do think I'm pretty familiar with what's going on with the history of the courthouse. So, again, just to refresh your memory, this agenda item is to discuss the use of the courthouse and the description of the development, number one, the second floor courtroom was divided by the installation of a wall/partition; number two, furnishings in the courtroom included the judge's stand or the judge's podium, any way you wanna put it; the witness box, and railings. The judge's stand is now being used to show a museum video, the railings were removed and stored in an offsite location, the witness box was moved into the second floor hallway and used as an interpretive exhibit, and you have that in your staff report under Exhibit A; number three, the gift shop and museum have been established in the renovated partitioned space, you don't have a better picture of the museum because I tried to fit something into the camera lense and didn't have much of a right angle, it didn't work; number four, the Old Lahaina Courthouse Task Force final report, which was dated 1995 and was referenced in the lease does not recommend that the second -- courtroom be used as a museum, rather the document states, "The second floor should not be designated for public use," and that's in Exhibit D, and just as a further point of clarification here is you have in your staff report the minutes of that task force use or the use committee meeting from post 1995, okay, and that is part of your report, but the thing is here is that based on the task force final report, which is referenced in the courthouse lease, this is the document and that's what it says, so it's also important to remember that the building and the use is governed more -- by more than just the CRC because the State of Hawaii Board of Land and Natural Resources has the overall authority on how this building gets used. So, marching through the analysis, and I'll try to summarize a few of these early ones, the courthouse was building 1859 to serve as the "Lahaina court and custom house and government houses. Within the courthouse, historically, were the custom house, post office, courtroom, jury room, judge's room, sheriff's office, island governor's office, and collector's office and a money vault.

Number two, this is very important, the land on which the Old Lahaina Courthouse and Banyan Tree are situated is state land leased to the County of Maui by Exhibit Order No. 16-2, on August 24, 1912, that was issued by the Territory of Hawaii. They set this land aside for "public purposes for the uses and purposes of the county."

Number three, I've already mentioned this in reference to the letter, the courthouse is a significant contributing structure to the Maui County Historic District No. 1 and the National

Landmark Historic District, and as such, the building is highlighted in the National Register Nomination Inventory Form.

Four, as late as 1974, the courthouse courtroom was being actively used for traffic court.

Number five, in 1995 the Maui County Mayor's Office organized the Old Lahaina Courthouse Task Force to determine the future uses of the building. This task force included various community residents, and state and county officials. There were no professionals with expertise in historic preservation on this committee, which was noted in the final report's cover letter.

Number six, and this is the document that's reference in the lease with the Lahaina Restoration Foundation, the Old Lahaina Courthouse Task Force issued its final report in December 1995. The task force recommended: a. the blending of the museum, gallery, and visitor center in the basement and on the first floor. Further, that office and community meeting center be limited to the second floor and that portions of the museum be reflected throughout the building; b. the final report also recommended that the second floor should not be designated for public use, and that is not my capitalization of the word, that's from the final report, it shouldn't be designated for public use, as a museum or assembly room, as it would require ADA access and an additional exit, and as Mr. Freeland indicated, that all changes with the elevator, which post dates the task force document; c. the building's interior should conform to "1925 standards as much as possible." The task force encouraged adaptive reuse of the building, suggested that the courtroom could be an office with the jury box, etcetera, left in place, and, as Mr. Morrison indicated, the other suggestion was the court system could use it for children's advocacy.

Number seven, on December 5, 1996, your predecessors on the CRC conducted a site visit and planning review of the proposed restoration of the courthouse. The CRC recommended, at that time, that the second floor courtroom be used as public meeting space, and that is in Exhibit E, No. 10, on Page 2 of Exhibit E.

The Department of Land and Natural Resources comments on the Old Lahaina Courthouse Task Force final report noted that the proposed uses identified by the task force required their approval by the BLNR. The DLNR noted that the county should "take the opportunity to correct the existing uses, such as the Lahaina Arts Society, Lahaina Town Action Committee that are not considered to be a county use and purpose and were allowed to occupy the building without prior BLNR approval." And just to clarify this, you know, for the 30 years that the Lahaina Arts Society was in there, the BLNR didn't really know what was going on and all of these uses, many of the uses, not all of them, were considered as after-the-fact considerations by the Board of Land and Natural Resources, and in going through the board minutes and letters, one of the concerns of the Planning Department is to be sure

that the BLNR knows what's going on and would approve of it, in fact, this probably should have been routed through them.

Okay, at the December 12, 1997 meeting, the BLNR did consider the county's request to use the old courthouse for uses other than county purposes. And if you read that letter, in its concerns, they regarded the use of the building, they questioned whether art galleries were a public purpose, but then the board notes that the proposed uses in the final task force report were not public and had been in existence for nearly 30 years without BLNR approval. The BLNR observed that the proposed uses were not commercial ventures for profit but benefitted the citizens of Maui County. They approved the request to allow the courthouse to be used by non-profit agencies with the condition that such organizations "provide a demonstrated public benefit to the community," and also quoting them, "have a significant educational component. And, at that time, the BLNR also recommended that the Division of Boating and Ocean Recreation, known as DOBAR, would be getting their 400 square feet.

Okay, number ten, the courthouse was renovated '97 and '99, and that's when the addition of the elevator was made along with ADA accessible restrooms, mechanical room, more limited use of the basement, and reduced parking, and that's when the allocated space also went to DOBAR.

Number 11, in 2000, the County of Maui, through its Director of Finance, leased the Old Lahaina Courthouse to the Lahaina Restoration Foundation. The Lahaina Town Action Committee and the Lahaina Arts Society are sub-lessees.

Number 12, under the terms of the lease for the historic Lahaina Courthouse, the Lahaina Restoration Foundation has "the right to maintain and operate the premises as a museum/gift gallery, art gallery, visitor center, community meeting center, and office/administrative space." The lease specified that the Old Lahaina Courthouse Task Force Use Committee recommendations shall be used as guidelines, and that's provided for you in Exhibit D.

Number 13, under the terms of that lease, Section 9 stipulates that the lessee shall not any time during the term hereof construct, place, maintain, and install on said premises any improvement or undertake any significant repairs without obtaining the prior approval of the lessor, acting through the Director of Finance, and the subleases also have this clause in them.

Number 14, Hawaii Revised Statutes Chapter 6E-42, states that the State Historic Preservation Division shall have an opportunity to review and comment on the effect of a proposed project on historic properties. When I get historic district applications, we will send it to SHPD for their comment.

Number 15, the Maui County Code, under 19.52.020A, requires that within any historic district, the Commission has the power to approve all plans and that a building permit may not be issued until the Commission approval is granted. Furthermore, Section B gives the CRC power to review permit applications for construction, alterations, and modifications in the historic district.

Sixteen, Chapter 531 of the CRC rules states that the CRC will provide design review for projects affecting any building eligible for listing on the National Register of Historic Places, and that would include the courthouse. Furthermore, the CRC is to review all projects that are determined to a significant change. Modifying the courthouse courtroom constitutes a significant change to the building's original integrity, purpose, and character.

Number 17, the alteration of the courtroom for use as a gift shop and museum was completed without the prior authorization of the County of Maui Finance Director, and, 18, points out that until recently, the Old Lahaina Courthouse and the Hana District Courthouse were the only court buildings on the island that were historic courtrooms on Maui, and with the renovations to the Lahaina Courtroom, only the Hana District Courthouse maintains a historic courtroom, and they still use that one one day a month, I believe.

Nineteen, the courtroom furnishings, again, what are left, are a significant contributing feature of the historic courthouse. Even though there were more furnishings in the room, the remaining judge's stand, witness stand, and rails contributed to the historic character and feeling of the Lahaina Courthouse. Most building interiors in the Lahaina Historic District have been gutted and modernized, and the Lahaina Courthouse is only one of the few buildings in the historic district with vestiges, that is remnants, of its past.

Number 20, the rules state that you have certain guidelines by which to abide and that's pointing out that as a Certified Local Government agency, the CRC follows the Secretary of the Interior Standards for the Treatment of Historic Properties, Standards for Preservation. And in that, number -- letter a. states, a property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces, and spacial relationships. Secondly, the historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features that characterize a property will be avoided. And it's important to point out that these are subject to interpretation as to how you do that.

Number 21, there's a technical services brief that's published by the National Park Service and I have a copy of it here if you wanna take a closer look, it is called "Rehabilitating Interiors in Historic Buildings." It's published by the Secretary of the Interior and it provides guidance in applying the appropriate standards for historic structures. It emphasizes that a historic building's interior is as important as its exterior. It's recommended approaches, again, recommendations, include retaining and preserving floor plans and interior spaces

that are important in defining the overall historic character of the building, that is the recommendation, and what has happened is the applicant has partitioned the courtroom to divide the space into separate areas for a gift shop and museum. The guidelines also recommend avoiding subdividing spaces that are directly associated with patterns of events, and that pattern of event would be the courtroom activities and that subdivided space has altered that use. And, thirdly, another standard that would apply would be the suggestion to retain and preserve interior features and finishes that are important in defining the overall historic character of the building. By the removal of some interior features, that is the railings and witness box and the reused judge's stand for an unrelated purpose, you could what the historic interior was.

Twenty-two, the Planning Department agrees with most of the public testimony here presented that a museum at the Lahaina Courthouse is a commendable public purpose that meets the recommendations of the task force. The task force final report did conclude there would be displays and/or photos showing building's important history, and the important history that happened here is this is where Kamehameha III delivered the bill of rights in the courtroom building and it was the original seat of justice for the kingdom and the State of Hawaii. The courtroom museum could have incorporated the physical objectives remaining in the room and focused on the interpretation of Hawaiian legal historic and Lahaina's importance in that legal history. Keeping the courtroom furnishings as part of the museum exhibit would help maintain the historic integrity and significance of the courtroom and courthouse.

Twenty-three, the first floor visitor center sells gifts and is maintained by the Lahaina Town Action Committee. The addition of the second floor gift shop in the historic courthouse will be the third space devoted to sales in the building. And I had requested some floor plans and square footage so I could give you specific figures on that but I did not receive them.

Twenty-four, a significant percentage of the Old Lahaina Courthouse floor space is devoted to selling, with three sales centers in operation: the Visitor Center and Lahaina Arts Society Gallery on the first floor, the gift shop is on the second floor in the former courtroom. Two of these sales centers are operated by the Lahaina Town Action Committee even though two of those may still be less than the overall space allotted to Lahaina Arts Society. And the concern is that this may be crossing the fine line established by the BLNR in their letter when they talked about "public benefit" as opposed to commercial venture.

Number 25, the Old Lahaina Courthouse Task Force collected public comments regarding the future of the building, that was mentioned by Theo earlier, no need to go over it again. They had a lot of other public comments as well.

Twenty-six, the applicant submitted documentation to the Planning Department regarding the use committee meeting. The committee recommended, as Mr. Freeland indicated, that

the museum should be located in the second floor courtroom. The minutes make no mention of the gift shop being recommended for the courtroom. It is important to note that the County of Maui has no record of this meeting and that this meeting took place more than four years after the courthouse task force final report was issued. And the reason why this is important is because that task force is what the final report, dated 1995, is what's included in the lease, so the county has nothing else to go by when we look at how the lease should be enforced. The lease states that the task force final report shall serve as the guide but, again, that task force final report doesn't say what that -- where that gift shop should go, not in the courtroom or anywhere else. So we have no official documentation in our county records that supercede that final report.

And, 27, I put this in here because there was some concern about other modifications that have been done to the courthouse building and I did make a site inspection of the courthouse and there were several complaints that renovate -- alterations had gone on in the basement, and the basement door was locked, there was a note on the door saying that renovations were in progress, but I was not able to make a final site inspection and, again, the county has no notice of what kind of work is being done.

Finally, the Planning Department does support the concept of creating a museum to interpret the significance of the Old Lahaina Courthouse to Hawaii's legal history. The museum should incorporate the courtroom's historic features and use, however, the current renovations and the installation of a gift shop in the courtroom seem to be contrary to the department's stated intent and the Board of Land and Natural Resources requirement that users provide "demonstrated public benefit" and "have a significant educational component."

Mr. Kapu: I get one question. On the Number 28, Planning Department supports the concept of creating a museum to interpret the significance of the Old Lahaina Courthouse to Hawaii's legal history. Clarity?

Ms. Duensing: I am not a scholar on legal history, you guys all know I'm a historian, but that's not my number one thing, but in the Lahaina Courthouse Task Force, and the reason why I put this in here is that there was mention of how important this building was to the monarchy history as well. As I pulled out the quote that, it talked about the Kamehameha reading the bill of rights there, you know, that kind of thing, with the Hawaiian flag coming back and that's where that's coming from. And that would be, you know, that would be something for somebody to research as actually how important is that building to Hawaii's legal history, but I can't answer that question.

Ms. Sablas: Comments from any of the commissioners on Staff Planner's analysis? Nobody wants to say anything? Okay, are we -- yes, Commission Kalalau?

Mr. Kalalau: Madam Chair, yeah, I just wanted to share some of the things that we've done in Hana to the old courthouse. I was a board member for two terms and I understand the hardship of financing the, you know, the whole program and stuff. They do have a small gift shop in the museum, but I what I wanted to really put some respect out here to three of the speakers that came here today. Kaipō, Gretchen, and Kapali, those three are the future of Lahaina. I feel real honored for young people from Lahaina to come out and speak out on this important occasion. I believe their concerns was -- I believe they wanted some of the museum materials to be of maybe the Hawaii legal history or maybe the Hawaii native history because in that area where that courthouse is built on, it's a major complex of also Mokuula, and for these three young guys to come out here, these three young people to come out here and voice their concerns, especially Gretchen, a lot of the problems here is respect for the law, I mean it's adults just doing what they wanna do or doing what they believe is right for them, but it's not proper because procedures weren't -- wasn't followed. Mr. Kapali, even though he didn't experience the experience that his uncle had, but for someone to come out here and give his concerns about, you know, it doesn't really matter to me whether one has experienced a certain segment of our history and the other one is experience now the future of the past. It's real important that I think the organization, the applicant, try to work with some of the younger people in this community, at least give them a chance, maybe on a seat at your boards so that they can voice their concerns. I think it's important that both young and old work together for the future of this complex. And there's a lot of concerns on the recommendations that the county has because of past violations, I mean this thing's been going on for years and years and years, and we know it's very important that we support this museum and -- because it's going -- it's not only going to save but, like many other people said, it's the very educational part of history. Anyway, getting back to the Hana Courthouse, we've rehab the courthouse and left all the witness stand and all the rails in there. Most of the old chairs were renovated. Another key thing about preserving this old buildings is that the interior, people who set up the interior is, you know, you cannot have a courthouse with modern art hanging off the walls or art of landscaping or art of modern whale designs. I think, in our courthouse, we don't have those kinds of things. The only photos we have of is the old judges that was there before and then maybe some other old, old photos of the era of that courthouse, that courthouse was built in 1857 and it stopped in 1993, but we still have court there, once a month, every first Tuesday of the month, and it's like standing room only. I believe that concept of still having live court hearings there has -- make it even stronger for the people to support something like that. But for a lot of you over here, your guys concerns are different from Hana, but similar in history. This is why I think all of you guys should be taking part in making some of the decision for this museum. You know, I've had strong feelings coming here because I'm looking at the recommendations and the county, on No. 27, indicates that they could live with a support decision by this Commission with recommendations. If we vote today, I will be voting in support for this thing but with great reservations because I would like to hope that the organizations that are in there today be more concerned to the county government and be more concerned to the people of this

town; give them a chance to voice, don't build everything for them. It's kinda what I get down here, it's like, well, you're not involved of this association or you're not involved in this society, so we're going to do this anyway. I believe that we have a lot of intelligent people here and I really -- we can all respect each other and including the county government because, like many people say, we are here on a volunteer basis and it's very tough for us to make decisions whether for or against, and at this moment, right now, I would just like to turn it back over to our Chair and have more discussions on this item. Thank you very much.

Ms. Sablas: Thank you. Thank you very much, Commissioner Kalalau. I think you've put into perspective a lot of what we're going through and I really, because we've sat through, I'd like to really poll each commissioner and what you feel about this issue, so you're up next, Lon.

Mr. Lon Whelchel: Does Keoki or Theo know where the original fixtures from the courtroom are? Could they be retrieved if it got down to that?

Ms. Morrison: As I mentioned, during the renovation, the county's renovation, they destroyed the other boxed thing with rails, just destroyed, it's gone, it doesn't exist. As far as the things that we moved, that witness stand is completely intact, it moved, we just picked it up and moved it into the hallway, it's there; as far as the judge's stand, we have those rails, they were simple nailed on, we simply pried them off and I didn't destroy them, I have them intact; and those were the only two things, and the benches are in the hallway, but there was nothing in this courtroom. It's different then the Hana one. It's way different. I've been to the Hana one. It's nice. This is different.

Mr. Whelchel: Then for all practical purposes, all the equipment is there, you just moved it around?

Ms. Morrison: I moved one thing which is the witness box, which is about a -- it's about this high, it's about maybe six feet by six feet and it has a black railing around it, it's in the hallway, we simply moved it, and in that witness box, there is the old court records, which we saved, Lahaina Town Action Committee saved, the metal cabinet, and there's a binder there with as much information as we could find about the courthouse, and what went on there. What we did find out was a lot of the court records were stored in basement, which floods, so there's not as much information as one would hope. We did go to the State Archives and went everywhere to get as much information about the courthouse to do this very informative display and I welcome you to come down there today to see that, which tells you about the whole courthouse, so that is completely intact. The rails for the judge's stand are intact, and that's all there was. There was nothing else in that room.

Mr. Whelchel: I feel like that if there's going to be a penalty that the county has that authority for unpermitted construction; that's not our concern, I don't think. They take care of it. And I'm in favor of the museum and the gift shop.

Ms. Sablas: Thank you. Uncle Sol, your manao? Your manao on this topic?

Mr. Kaopuiki: I would support the installation of the -- yeah, I would support what we're working toward to get that museum going anyway, so I'm for supporting --

Ms. Sablas: What's been done?

Mr. Kaopuiki: Yes.

Ms. Sablas: Okay, thank you. Keeaumoku? Barbara, you go.

Ms. Long: James, the intensification of use of the second floor, this is a fairness issue and I speak as a landlord and I know that if any of my retail uses changed to a more intensified use, I would have to meet some criteria, specifically parking, and I just raised the issue here, the task force recommended "soft uses" for the building, and until the renovation, until the museum actually went up there with the gift shop, that second floor had pretty little impact and the -- our current Mayor Arakawa and his administration have really been sticklers to complying with the law and that is my question and I don't know whether you can -- can you answer that today or do we need a advisory opinion?

Mr. James Giroux: You know, I don't think I can answer that, however, it would probably be something that the Planning Department would look at as far as if there is -- if it meets the criteria of, you know, the increased use or intensification whether or not that would trigger a requirement for additional parking space, so that's something that they would be doing in part of their review once this -- if the permit goes forward it's probably when that would be taken up.

Ms. Long: Thank you. There are a bunch of fairness issues here. I support a museum. I think it is a valuable addition to Lahaina. There's not enough explanation in that town and I really appreciate the way that the schools are using the museum. But I really like Recommendation No. 1 and I'd like to see maybe a revived task force that involves some of the younger people who testified here today as well as historians and historic preservationists and specialists in historic buildings because my experience with the Maui Historical Society and Bailey House is that a museum is most effective when it is site specific, when it relates to the structure that it's in, so that at Bailey House, we had missionary rooms, the Baldwin Home does the same thing, Bailey House also has Hawaiian cultural artifacts in it so that there is flexibility in that. I would wonder if we were to say take a year, explore this with the appropriate bodies, with a trained museum person,

to see what the alternatives are in that space because losing the Hawaiian history, the monarchy history, and what that had to do with the courthouse is a big loss. If the same energy and money had been put into interpretive interactive monarchy, Hawaiian, courthouse, plantation, contemporary, it could have been just as interesting and just as exciting to the public, no don't shake your head because they've done it, yeah, I was in that courthouse, I was -- I know what it looked like, but if you do an interactive appropriate kind of display, it can be just as interesting as a whaling exhibit or plantation days exhibit or a canoes exhibit. It has to do with the will to do it because the means are out there. So that would be my recommendation as far as museums in there that the -- the thing is rethought. I'm finding it kind of offensive that the video is on top of the judge's stand, it seems to me inappropriate. Little by little stuff gets whittled away and you've heard today that there are voices in the community that don't want that to happen and I think that there are ways to make it compatible and ways to do it right.

With regard to Theo's comment that it's amazing that you're here, yeah, I'm amazed that things are still happening without the proper permits. I had to spend over \$300 to get permits to put a corrugated steel roof back on my building that looks exactly like the one I took off, and, yes, it was a hassle, and, yes, we had to go through hoops, and we had to get all kinds of review and permits to do that. This is what you do because this is a National Historic Landmark and a County Historic District. And if you don't do it, it gets whittled away. So please, please do the appropriate things and, in my year on the Commission, I have seen too many after-the-fact permits issued when things were done that had not gone through the proper channels. Your board should be holding your feet to the fire, Theo. I support what you do but you've got to, and Keoki too, you have a lease that says you gotta do, you gotta comply with the task force of 1995. If my tenants didn't comply with my leases, they would be in trouble or they would be out. You have legal documents, you have necessary things that you gotta do, so, please, in your zeal, in your enthusiasm, in your wanting to make it happen without going through all the crap you need to go through, please, please comply with what you're supposed to comply with. You guys need to set an example for everybody else who's ignoring the sign laws, and ignoring the permitting. You have to be holier than now; you gotta be better than everybody else. We need to hold to really high standards.

With regard to the recommendations and the allocation of space for a gift shop, I -- the commercialization of that block, which used to be known as "Fort Square," back in the old days, blurs the historic importance of what's there and I wish that I could come up today with a way to get you the kind of income you need without blurring the historic importance. At Bailey House, the gift shop is in a different building from Bailey House, it's in a historic building, yeah, but it's not in the museum building ...(inaudible)... way that you could separate the gift shop from the museum, that would lessen the impact. The nomination form for the National Register of Historic Places list the courthouse as one of the significant structures. It say, "It serves as a link with the days of the kingdom." I think it's important

to keep that in the context of what you do there. Lahaina Arts Society doesn't do it; gift shops don't do it. It's just the museum and what's on the walls and the remains of the courthouse that do it and I think that it's the responsibility of the landlord and the tenants to make sure that that stays the way it is. That's all I have to say for now.

Ms. Sablas: Thank you, Commissioner Long. Keeaumoku?

Mr. Kapu: Yeah. I support Long and Kalalau's position on their recommendation based upon including the younger generation to be part of a task force to be coincided with anything that happens here in the historic district of Lahaina Town. Another recommendation that the museum incorporate the true history of what the courthouse was meant for because there's a lot cataclysmic things that went happen over there. Everybody seen the movie "Hawaii?" They just had it couple days ago. Well, Lahaina, to me, I see Lahaina in a different perspective, in a different point of view because I live way up there in the mountains, yeah. I get one provincial view from ocean to mauka, not from makai, yeah, the view that you have, and when I come down here on the bottom, I'm not exposed to certain things like what you guys are exposed to. I'm exposed to weeds, I'm exposed to the changing of nature of the elements; every time it rains, I gotta pray whether or not I going make it home or not, yeah, so I live in an area that, basically, I have to adapt to, I'm forced to adapt to these areas because of nature, but then when I come into town, town, to me, I consider -- there's a new phrase they call it today it's called "bling-bling." Anybody heard that phrase before? Yeah, everybody get affected by the sparkling lights that all of a sudden that becomes a part of you which puts you in a small corporation box that we're so blind to see the true culture of this place, all these things just go over our head. Like for me, I live in town. I see the changes but something this kinda thing just go over my head, yeah, and I'm a commissioner. At the same time, we try to see the -- for the betterment of the community as well as the keikis as well as the community for educational purposes that is important too. For me, I say watch what we create. Watch what we create because one word, twenty years from now, going be misinterpreted totally different. And if Lahaina town is all about whales, I think we better think again. Watch what we create. Watch what we try to conjure people into being attracted to the bling-bling because it has nothing to do with our history of this place, yeah. There's a lot things that had happened in the past over here. I walk down Front Street and I see so many things and I get sick of seeing these things where we get tiki's, people selling in the stores. We don't sell our ancestors. We don't sell our kupuna or our tiki's or carvings, yeah, but it's alright for other people to. So another recommendation for, you know, as well as the banyan tree, they're limited to selling certain things that is made -- has to made Hawaiian, okay, maybe that should also be included to be a part of the gift store that these things because, like walking in an ABC Discount Store, what, I see crystals inside there. Hawaii is not a place for crystals. Candles, all these other kinds of things that takes away the integrity, the character, the history of this place and people only going remember this place for what? The Cultural Resources Commission is put together to make sure that this place doesn't turn into

another Disneyland; that's the way I feel the Cultural Resources Commission; that's the reason why I got involved, to make sure we don't create another Disneyland, another Mardi Gras. So my recommendations for this is, you know, incorporate younger ideas, like Kapali and Kaipō, form a task force made up of both old and young because if they start to understand the history, the education of what we're all about today where they're starting to understand the true history of what went happen here, then maybe their ideas are important. My memories are my dad's memories because I wasn't raised here, and every memory that my father tells me about is my pictorial understanding, so I'm limited to those resources of our kupuna of what they know because they've seen it. When my father told me what he saw, it's a part of me, so those things need to be respected also. There was one more thing. Okay, well, those two recommendations, basically. The types of things that we sell and to incorporate a task force made up of the younger generations as well to help incorporate an idea so it doesn't offend the host culture as well as the business part. That's all I got. Mahalo.

Ms. Sablas: Thank you, Keeaumoku. We are here charged with the responsibility to deny the use of this area as a gift shop museum that I would like to call a vote but, first, I'd like to hear, you know, the recommendations and then we'll call a vote, and then any additions.

Ms. Duensing: Thank you, Madam Chair. The Planning Department and the Planning Director's recommendations are: Number one, that the Lahaina Restoration Foundation work with this Cultural Resources Commission, the Planning Department, and the State Historic Preservation Division if it wishes to have the museum in the second-floor courtroom; two, that the Lahaina Restoration Foundation obtain a final approval for the museum from the Cultural Resources Commission; three, that any museum installed in the second-floor courtroom incorporate into its design and message the historic use and features of the courtroom and the Old Lahaina Courthouse, and based on what several of the commissioners have said, we may wanna add a phrase about the Hawaiian history, what Commissioner Kapu was just saying, we can work on that; number four, that the Lahaina Restoration Foundation obtain all necessary permits for all work done in the courthouse; five, that the Lahaina Restoration Foundation obtain the written permission of the County of Maui Director of Finance prior to the commencement of work; six, that the CRC consider the allocation of space for the museum and gift shop. The CRC should carefully consider the Board of Land and Natural Resources requirements for "demonstrated public benefit" and also quoting from the letter from the BLNR the "significant educational component;" seven, that the CRC apply the Secretary of the Interior Standards for the treatment of historic properties, and this is really a counterpart to the Recommendation No. 3 because we would be reflecting the original use of the room; and, finally, the wording that we use on all of our permitting and approval that full compliance with all other applicable governmental requirements be rendered. And the other, I guess, two more things brought up by Commissioner Kapu would be that what is sold in there, if you decide, you know, depending on what you decide about the gift shop, that it should be

selling Hawaiian made items, and he also and I think Commissioner Kalalau also recommended that maybe the task force needs to be reassembled in some fashion and that it be multi-generational and work with the younger generation.

Ms. Sablas: I think under No. 1 with the LRF and the, you know, I think they had wanted to have some -- I don't know if that would be area that we'd add that, but some representation from the host culture in the future museum direction that be part of it, I think. Was that something you talked about? So where -- is that going to be a separate recommendation? To have included on the task force whoever, if they do have it, I'm not sure how Theo goes about deciding, you know, what museum items are going to appear, but I think the recommendation was to have a representation on that decision-making committee that represents the host culture for future museum displays.

Ms. Duensing: Well, I guess the question is is whether the task force needs to be resurrected in some shape or form and how you're going to do that, and that, you know, how do you wanna treat that in your recommendations.

Ms. Sablas: Keoki, you have any comments to make on this recommendation?

Mr. Freeland: Yeah, I'm finding myself kinda caught between a rock and a hard place. You know we've been following the conditions of our lease as close as possible. Some of the recommendations, what I see, the lease needs to be changed, and I'm not against that, I'm just saying that if you folks do this without changing the lease, you know, which way am I supposed to jump. The -- now there was a very strong point made that the use was in accordance with the task force recommendations of 1995, but remember that the -- when those recommendations were made, the courthouse was not renovated, but when it was renovated and finished at the end of 1999, the renovations made it difficult, if not impossible, to follow those task force recommendations and that's I reconvened the use committee task force to see how we could fit in with that. Now, true, the -- another point that was made was that we should be acting through the Director of Finance, which I did through Travis Thompson and Pat Nitta, but when we hit Pat Nitta, we hit a rock wall there, I mean he wasn't even going to let us in the place, so that's why I started dealing with Brian Miskae and Brian said he'll take care of it, and he did. He got us our lease. Anytime we ran into problems, I worked with him. When the Arts Society wanted to put up a wall in the basement, I asked him about that, and he said fine, and that was done. Same thing all the way through, all the problems we ran through. What we tried to do as best as possible was follow the recommendations, especially the reconvened use committee recommendations because of the change that had taken place. One point that wasn't really talked about to much here was a major change had come about from the renovation. Prior to the renovation, the courthouse was not ADA compatible, but the renovation made the main floor and the top floor ADA compatible but the basement is not ADA compatible. Now how are you going to fit something down there in the basement that now, all of sudden, the

building is supposed to be ADA compatible but they didn't make the basement ADA compatible. Again, I worked this out with Brian Miskae and it's his recommendation that we could not put the museum downstairs in the bottom but we could put a similar facility downstairs that we had on a floor that was ADA compatible, and that was a gallery. Now that was already occupied by the Arts Society so that kinda worked out fine and that's why I went that way. But what I'm saying here is that we tried as best as we can to run the courthouse in accordance with the recommendations. Now I'm not against changing the task force recommendations, I'm just pointing out, and Corporation Counsel can correct me on this, that if you change the task force recommendations, then you have to change our lease, and I'm not against that, I'm just pointing out that I'm between a rock and a hard place.

Ms. Duensing: Madam Chair, if I may make one additional comment, and I think Mr. Freeland is right, and going one step beyond amending the lease is if that lease is amended with significant changes, it also has to be approved by the Board of Land and Natural Resources, and I don't think that that's necessarily a problem but, you know, that's, you know, that is the technical steps you have to go through to make sure that everything is done right if the Commission is concerned with, you know, doing everything the way the rules are written because that's the way it is.

Mr. Kapu: So the task force was, basically, put together as an advisory or --

Ms. Long: Excuse me. A new task force is not going to change the uses that are recommended by the initial task force. I think what they're going to do is amplify those so that the uses wouldn't change. There will still be the same uses in the courthouse.

Mr. Freeland: Well, in the museum, we've been talking about making some changes there. It was very clear, in my opinion, of what the museum was supposed to look like. We are talking about leaving the courtroom as is without changing it and that's not the task force recommendation at all. The task force recommendation was to tell the story of Lahaina with a changing demonstrative display.

Ms. Long: This is what we're talking about. That wouldn't change.

Mr. Freeland: This says that it should be representing Lahaina's history but it should be an informative education and public exhibit versus a collective exhibit, and what we're talking about here was not leaving it as a courtroom museum but having a changing story, which is what is going on at the present time. We can have a courtroom display, yes, but then we're supposed to change it to something else telling another story.

Ms. Long: Yeah, but I don't think that that will require a change in the lease because you can do both, and when we're saying put -- we're not saying put the courtroom back the way

it was, we're saying keep key components of it, utilize them, and then possibly use -- you took your things down, but if you could move that gift shop into one of the other upstairs rooms and utilize the whole space, you could do both, and that's what a task force would help you determine, better more appropriate use of the courtroom, the old courtroom, and possibly do something a little different with the gift shop. If at the end of nine months or a year, the task force says, "Well, this can't be done. We've involved a museum expert; we've involved local Hawaiian young people with their ideas; we've involved the State Historic Preservation Division, and there's no way we can do it," then you come back and say, "This is the way it is," but to satisfy this Commission, and I think the way it's going, let's try a new task force.

Ms. Duensing: I'd like to interject something. I would like to have Corporation Counsel address this because there is a clause in the lease that has the specific date with the task force, it's use committee recommendations, dated November 28, 1995, which is what you guys have in your final staff report, and I would just like to ask James to address how you can or can't use that.

Mr. Giroux: Okay, the concern is that if we create a task force, it's going to interfere with the lease. The thing is is that this task force, obviously, is not going to be the 1995 task force, it's going to be something totally new, so, basically, it's going to be something structured, possibly, within the conditions of using this as a gift shop/museum, and I'm looking at the document that it's referred to, the November 28, 1995 task force, on that where there is a mention of a museum/gift shop. If there is a new task force, I believe the intent would be that that task force be limited in it's scope only to be focused on possibly having input on the information, education, and public exhibits that would be incorporated into the already established mandate of the lease. Also, an area that the new task force could probably have input is in selective periods of Lahaina's history, all the way from pre-contact to present, so the task force would be possibly, if created, asked to look at these specific areas and say how could you enhance that or make a more rounded presentation because I believe that the action committee is already doing a rotation of exhibits, so a task force would only be able to limit their input into that -- those areas of what would be incorporated into the new exhibits.

Ms. Freeland: Yeah, as I said, I'm not against the new task force and whatnot, I was just concerned how we were going to be able to abide. Now you're pointing out that there is a possibility that we can work it that way and I just wanted to raise that flag because I saw myself caught between a rock and a hard place where I gotta follow 1995 and then I got another task force that's going to tell me what to do, but if you can incorporate it like the way you say and so that it's not contrary to that so we don't have to change the lease, I'm all for that. I'm all for what Barbara is suggesting, trying it, that's fine. I just -- we've had so much trouble trying to follow this task force recommendations all the way through and, like I said, but the reason why we switched to Brian Miskae, and like I said he took care it,

even though that's so-called not proper, that's the only reason why we're there today, otherwise, you wouldn't have that courthouse the way it looks today. It would have been something else, a government building, air conditioners in the windows, nobody allowed in there, nothing historical would have been saved. So that's, you know, why we tried to work as best as possible and, like I said, Brian helped us out a lot and we tried to follow as best we can. So if we wanna make some changes and it doesn't screw up the lease, that's fine with me. I just don't wanna -- we go off on a tangent and then I, you know, don't know which way to jump.

Mr. Kapu: Okay, I get one question. Now, I don't know whether or not this is the same or this might be separate, but out of your Lahaina Restoration Foundation versus Lahaina Action Committee, do you have committees? Broken down committees, like cultural committees, PR committees, and who basically does the recommendations to basically do something in these so-called associations? That's more what I'm looking at, trying to have something implemented in there, you know, just so when we start doing things -- my worry is about what we create; that's what my worry is. To be cautious of what we create and if Lahaina Action Committee has a cultural committee, then fine. Who is it made up of? That's where I think, well, I don't know whether or not I speak for myself, but trying to incorporate the younger and the newer in those types of areas just so that we don't turn into the bling-bling, what everybody might perceive this place to be. I don't know how it coincides with the task force. I know I did mention that but if it's so complex, then does these association have these cultural committees incorporated with their association to affix these kind of things just so we don't have to run into problems later.

Ms. Sablas: No, we have counsel to give us the proper verbiage. I think we discussed it, you know, I mean --

Mr. Giroux: You know, what would probably be good, I've been trying to encourage this on all my committees that I advise is, basically, take care of the first question first is are we going to approve or deny, then the second thing is are you going to accept the recommendations of the Planning Committee, and then during discussion, during that vote, what happens is is that members can debate the various recommendations, either to delete them, to include them, or to add new ones, and I think that is the proper time. If a member has a motion that he wants to present and is having a hard time formulating that, then I can try to help with, you know, trying to put it in a format that can be easily put into a condition.

Ms. Sablas: Okay, thank you for the clarification. So, members, are we ready to vote? Dawn?

Ms. Duensing: I just wanna make one comment and I think the real problem here is that that task force does not specify what the courtroom is to be used for. You know, it talks about a museum and what the museum should have, whether it's rotating the exhibits or

gift gallery, but nowhere in the document that refers -- is referred to in the lease does it say that the courtroom should be transferred into the museum/gift shop and that's the major problem that I have with all of this. It's the location, I guess.

Mr. Freeland: It does say in the character use that we're supposed to follow the task force recommendations, that second page that I gave you. Well, no, in that 1998 task force recommendations, yes, it is. I know. Next page. Right, see, we're supposed to follow the -- these task force committee recommendations which are these.

Ms. Duensing: Right, but it doesn't what the courtroom should be used for, and that doesn't come until 1988 -- 1998, which, 1999, which is after -- it's not the dated document that's mentioned in the lease. So if you look at the Planning Department's, the Planning Director's recommendations, it recommends that the applicant work with this Commission and others, and you guys aren't going to be able to figure that all out today, you're going to have to, you know, figure it out as you go. Are you going to be able to figure it out today what you want in that museum based on, you know, Commissioner Kapu is saying, "Well, we need more Hawaiian history in it, "or whatever.

Ms. Sablas: Well, I think here we're charged with approving or denying the use of this area as a gift shop/museum and it's been clarified that it was part of the use so that's the vote that I would wanna call now if members are ready.

Ms. Long: A question for counsel. The recommendations, which, through my experience, usually say approve or deny, don't say that. What are being asked to do here? Can we just address our attention to the recommendations and postpone -- do we make a formal motion to defer approval or denial until the recommendations, which would include a new task force, are complete?

Mr. Giroux: That's a possible motion, I guess, yeah, I mean Robert's Rules of Order, that is, but it still leaves the historic -- restoration society in a bit of a limbo there.

Ms. Long: So that deferring it -- wouldn't deferring it mean that it can continue as it is until the recommendations are met and it comes back to the CRC?

Mr. Giroux: That's one possible resolution.

Ms. Long: Yeah. Well that would be my motion cause I'm awfully hungry, and I'm hoping that we can either eat while we work or something, but I would like to move that we defer action on approval or denial until the terms mentioned in the recommendations are complied with and that we hope that that would be by the end of December of this year that we could set up the parts of the recommendations to be finished by that time and that it would come back then to the CRC for approval or denial.

Mr. Whelchel: I second.

Mr. Giroux: Okay, just one question. As far as, I'm looking at 19.52.020, have you guys submitted any applications for building permits or anything to the county?

Mr. Freeland: No.

Mr. Giroux: Okay, so that section wouldn't apply then.

Ms. Long: Well that's Recommendation No. 4 so that that would be completed within the time frame that we're specifying.

Ms. Sablas: Okay, we have a motion on the floor and a second.

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

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

**VOTED: to defer action on approval or denial until the terms mentioned in the recommendations are complied with and that we hope that that would be by the end of December of this year, that we could set up the parts of the recommendations to be finished by that time, and that it would come back then to the CRC for approval or denial.**

Ms. Sablas: Okay, discussion? Okay, so I guess the motion to defer this is passed.

Ms. Duensing: Excuse me, Madam Chair, can I make sure we have the right wording of what this motion is then?

Ms. Sablas: Yes.

Ms. Duensing: We are going for deferral --

Mr. Kapu: ...(inaudible)... until the recommendations are met.

Ms. Long: Until recommendations, which we were given to ...(inaudible)... are complied with.

Ms. Sablas: ...(inaudible)... with the legal --

Mr. Giroux: Yeah, it should be made clear that part -- that either these recommendations are part of that motion or not, I believe.

Ms. Long: ...(inaudible)... recommendations and --

Mr. Giroux: As presented or as modified ...(inaudible)...

Ms. Long: Yeah, till the recommendations in the staff report or analysis of such and such date as modified by the Commission at this meeting are complied with.

Mr. Giroux: We can take that as a motion to amend your original motion and then get a second and then a vote.

Ms. Sablas: Do I hear a second for the amendment?

Mr. Whelchel: Second.

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

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

**VOTED: that the original motion be amended as to defer action on approval or denial until the terms mentioned in the Planning Department's recommendations, as modified by the Commission, are complied with, and that we hope that that would be by the end of December of this year, that we could set up the parts of the recommendations to be finished by that time, and that it would come back then to the CRC for approval or denial.**

Ms. Sablas: Discussion? Motion carried to amend.

Ms. Long: May we have a brief recess, please?

Ms. Sablas: Yes, we shall have a brief recess. It's about 20 of 1, 2, my goodness gracious, and we do have other items on the agenda people have been waiting patiently there and I really apologize, everybody's hungry, so we'll take a break. We're saying 10 minutes and I know it's going to go 15 minutes, so 10-15 minutes, yeah, we'll have our lunches and eat right here so -- he had leave because he had to go have something to eat also but we do have ko`ie, yeah, then can -- so we'll reconvene in five or ten minutes, okay.

(A recess was called at 1:40 p.m., and reconvened at 2:05 p.m.)

Ms. Sablas: Item No. 2, the Advisory Review of Reconstruction of Ko`ie`ie Fishpond -- no, I'll just do it then, I thought we had done it with that last motion, but just for clarification purposes, then let's, Item B, which is Keoki Freeland requesting an after-the-fact Historic District permit for a gift shop and museum in the Old Lahaina Courthouse. This item was deferred from January 6, so do I hear a motion to this item?

- b. MR. KEOKI FREELAND, LAHAINA RESTORATION FOUNDATION, requesting an after-the-fact Historic District permit for a gift shop and museum in the Old Lahaina Courthouse courtroom. This item was deferred from the January 6, 2005 meeting. Public testimony will be accepted. (D. Duensing)**

Ms. Long: Madam Chair, I move to defer Item D.1.b. to be considered at the same time we consider D.1.a.

Ms. Sablas: Okay, do I hear a second?

Mr. Whelchel: Second.

Ms. Sablas: It's been moved and seconded that we defer Items a. and b.

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

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

**VOTED: to defer Item D.1.b. to be considered at the same time Item D.1.a. is considered.**

Ms. Sablas: Discussion? Motion carried. Thank you. Okay, so we are now on to Item 2, and that's the reconstruction of Ko`ie`ie Fishpond, Kimokeo.

Mr. Kimokeo: Madam Chair, thank you so much for having Ko`ie`ie Loko l`a before you this afternoon. Commissioners, we thank you so much. I know, papa, you come from Lanai, so that's much more of a privilege and honor for me to be before you to share what we're trying to do in South Maui and, Kalalau, and all of you who's come, I know, Commissioner Kalalau, you're coming from Hana, and every one of you traveling this morning and I know you had a long-winded morning, but it was really important, not only for you, but for our community in West Maui, and I wanna mahalo you for giving them the opportunity to share their mana`o and being here. With no further adieu, I'd like to

introduce myself, Kimokeo Kapahulehua, I'm the President of `Ao`ao O Na Loko I`a, better known as the Association of the Fishponds of Maui; our environmental planner, Mr. Joe Farber, who is in Oahu is not able to be here, I'm in representation of the association, and Dawn Duensing, County of Maui Planning Department, had request a few items for you in our Environmental Assessment, and that was Section 4.3, the archaeological part, the Appendix B, Appendix C, and Section 3.1, the summary work.

I'd like to first start off telling you that `Ao`ao O Na Loko I`a started as a non-profit organization with citizens from the community in South Maui to the revitalization of Ko`ie`ie Loko I`a. Before we get there, we're very young in what we're trying to do in South Maui. I'd first like to credit those people that assisted us in making this possible up to this point. First, on the island of Molokai, there's Project Loko I`a, which is handled by Walter Ritte, and they've been establishing and revitalizing and restoring walls for nearly 30 years on the island of Molokai, so we wanna credit them for their knowledge, their work, and they have shared this knowledge and worked with us and is part of our team here on Maui, so we wanna recognize that. Secondly, I would like to recognize the community in Hana, being one of the first people to restore a loko i`a in Hana, and that was more than 25 years ago, and I don't know exactly the date, but maybe Commissioner Kalalau can share that, but in Hana, we have two ponds that has been restored and revitalized on our island and we're so fortunate of that work, so it has been nearly more than 25 years before any other community had taken on this task to do what we're planning to do.

The revitalization of ko`ie`ie loko i`a is really important for you as the Cultural Resources Commission to know that in our permit process, the word revitalization and restoration plays a key part in permit process. First, let me explain to you restoration means that we can restore our pond by bringing in other pohaku and be able to use mechanical equipment with proper permits so we'd be able to use a lot of things that wouldn't entail the word called "revitalization." We have been in historic preservation since 1996 and so that makes it a little difficult in what we present to you today in reference of called "revitalization" meaning that we cannot, we cannot bring in no other additional pohaku to build the seawall. We must use what is out there until and through our findings, we have enough out there and be able to do what it was done before. Secondly, revitalization does not allow us using any mechanical equipment, such as like a backhoe or such like a dredging, portable dredging system, everything would have to be or closely related to what they call "ancient style," so that word "revitalization" is really a key thing for us to come before you and explain that as the Cultural Resources Commission.

Our mission is we value the importance of traditional Hawaiian fishponds. We believe in revitalizing and preserving Ko`ie`ie Loko I`a for future generations to enjoy in its historical, cultural, archaeological, educational, and recreational purposes. Our mission is kind of unilateral with all the loko i`a that is being restored or revitalized in the State of Hawaii or we better call it Hawaii Nei meaning that in the -- this past summer, we were -- our first fish

pond ...(inaudible)... in the island of Oahu was held and we had formed a group called Hui Malama Loko I`a in the State of Hawaii, which consist of the island of Kauai, Oahu, Molokai, Lanai, Kahoolawe, Maui, and the Island of Hawaii, meaning that there -- we have fishponds that are being restored or revitalized on all of these islands and so we felt, as an organization, that we would have much more autonomy in our permit process with the State of Hawaii and each county and each community. So we do share the same mission, almost synonymously of what we have for you today.

Ko`ie`ie is located in South Maui, and you have a map showing you exact location. It's adjacent to the County of Maui parks, better known as Kalepolepo, which is right in the front looking towards the ocean, on the lefthand side, there's a condominium called the Menehune Shores, on the right-hand side today is better known as NOAA, National Oceanic Atmospheric Administration. These are our neighbors that share the work that we have before you. The Moku O Maui . . . we have many districts in our ahupuaa. In our ahupuaa, Kaonoulu is where Ko`ie`ie is located in the Moku of Kula. It is important that for ancient map purposes and ancient way of teaching and work that the ahupuaa system plays a real important role being that if you had a loko i`a, it was the hoailona or the sign of your moku or your ahupuaa. As it is today, Ko`ie`ie is laying down under the waters and not been maintained for nearly 500 years. With that sign, it shows that the people of the Ahupuaa Kaonoulu and the Moku of Kula is weak, that their fishpond has never been taken cared of, that their ahupuaa, the plants, the animals, the hale, and everyone on that ahupuaa is not of a strong person because they haven't taken care of their loko i`a.

This is a map of Maui showing all the ahupuaa. The numbers that you see there is the -- I'm sorry, this is a map of Maui that shows you about all the ahupuaa that we have and the moku's, basically, the numbers you see there is about the number of fishponds that is located on our island and that with what had been restored in Hana and what we attempt to do and what is in the making right now, in the next couple years, we will have four to five loko i`a being reestablished because we are starting to help them out with their permit process. One here would be that we have volunteered with Mokuula to assist them in their permit process. Also ...(inaudible)... in the location and in the papers that we have issued out to you, shows that adjacent to Ko`ie`ie, we have three other ponds or loko i`a: one is called Waiohuli Kai, Keokea Kai, and a little one down further that we have no name of on our records. Waiohui Loko I`a, adjacent to Ko`ie`ie, is the largest of them all and at 33 acres; Ko`ie`ie is approximately about 3 acres, and the seawall is about 1100 feet in length.

In history we learn that Ko`ie`ie Loko I`a was built not a really original construction date but as early as the 1500 when Umi a Liloa was in reign and there were other people after that, Kekaulike in the mid-1700's, Kahekili in the late-1700's, and Kamehameha in 1800's. You should know that the Ko`ie`ie pohaku comes from the ahupuaa, on both sides we have streams that comes from Haleakala, and we know that the pohaku came from these streams. Also that, in your paperwork, it shows that we had taken ...(inaudible)... analysis

and to kinda give sort of like a date what has historically happened to our loko i`a that you should know that, in our environmental planning process, that we have nearly spent more than \$65,000 for all the work that is done in what you have in your packet.

The traditional life in Kalepolepo, in the 1500's to 1880, was a fairly large settlement dependent upon fishing and fishpond maintenance. Fishpond in the area were the main resource for the people. In the map that I had before you shows about that the west side and the south side had majority of the loko i`a on Maui. Later on, Ko`ie`ie was changed into Kalepolepo and this has been told or in history time when they were picking up the pohaku from shoreline to mauka that there were so many people in the line that they created such a great dust and so this is how the name changed from Ko`ie`ie to Kalepolepo.

Later history of Kalepolepo was also home of David Malo, who arrived in our area in the south Maui at 1843 and he has spent much time improving the local community and landscaping. And there is a church in the area that remains and still can be seen today, which he was responsible in building it. Also in the area, was built by John Halstead in 1850, the Koa House. It was a main trading post used by the whalers and the Kula farmers. Closed in 1860 due to the end of the whaling season, also in this area visited by Kamehameha III, the IV, and V, between 1850 and 1870. This Koa House was burned down in 1946, which was claimed at that time, known as the Kihei Yacht Club.

The building that we have standing today is -- was built in the 1930's, degaussing station built along Kalepolepo Fishpond later used by Bureau of Standards. In 1994, this area was presented to NOAA Hawaiian Island Humpback Whale National Marine Sanctuary. The Hawaiian Island Humpback is the landlord of our office, we have a what you call a MOA or a memorandum of agreement, so they have made a office for our staff. We have one staff, she's an assistant administrative, she works for us, she's a RSVP, which is a senior citizen volunteer person, but we do have a small token of money goes to her, at \$800 a month, for the work she does for us. She answers our call and does all our paperwork for our minutes and continue to do that for nearly almost six years. We have in existence, like I told you 1996, we now are moving on, and I'll explain to you what we're doing with that particular position shortly.

The cultural heritage of Kalepolepo shows importance to the ali`i, repairs conducted and at the command of the high chiefs of Umi a Lialoa, Kekaulike, Kamehameha I, and also was used by Kamehameha, Kahekili II, and visited by Kamehameha III, IV, and V. The cultural value of Ko`ie`ie Loko I`a was recently used by a . . . ceremony by Halau Hula Kamakani Kili Opu and also recently used for the curing of the precious Hawaiian woods for the hale practitioners and also, in 2004, that was for the curing of the lele that was built on Kahoolawe. In 2003, we had built haies with what we cured in that ocean.

The archaeological value of Ko`ie`ie Loko I`a had been studied many, many times by the State Historic Preservation, archaeological person was Theresa Donham in 2002. She is privately on her own and had been doing work for us and has been on our archaeological, I mean our environmental planning staff, which works directly with our environmental planner, Joe Farber. Joe Farber is also written the book of fishpond preservation and he has been directly involved in planning the fishpond and working in the fishpond with Project Loko I`a on Molokai for nearly ten years.

The educational value of our Ko`ie`ie Loko I`a is a designated fishpond for what we call kahealoko curriculum. Kahealoko is part of Pacific American Foundation in Honolulu that was -- received a grant to do curriculum for loko i`a. They received nearly 1.2 million dollars and in our Legislator, a resolution was passed giving them the right to Department of Education to have loko i`a from Grades 4 to 12. Come March 25, which is Good Friday, we will be having a trainer-to-trainer class at the Hawaiian Island Humpback Whale facility for nearly 25 teachers and community people who have shown an interest to assist in us in do trainer-to-trainer the educational process that we have for our children on Maui, Molokai, Lanai, and also the public's ...(inaudible)... from Maui. We annually have more than 8,000 to 10,000 visitors. We also have similar amount of students right now, in the last five years, that attend educational classes with us.

Recreational value of Ko`ie`ie, suitable for the people of all ages, at the present time we have fishing, swimming, snorkeling, and diving. One of our contingencies with the State of Hawaii that we allow this to happen so this wall would not be closed like a traditional pond, it will be left open between zero tide and high tide, halfway mark, our wall will end there so, in most cases, our wall will end in the water so people will continue to pass by as they did in the last 35 years. Snorkeling, diving, gathering of seaweed, everything is still allowed according to what the State of Hawaii laws acquired them to do.

We have a website, it's [www.mauifishpond.com](http://www.mauifishpond.com). This just gives you a brief history of what was loko i`a, Ko`ie`ie Loko I`a in the past and what it is today. I just wanna share with you that, as we speak here this morning, there were the Seabury Hall Students were in our pond GIS and GPS to study all the different type of ...(inaudible)... we have in the pond and to number them and also to study the seaweed, our coral, and all the different species we have to have an idea what is in the pond. Last week we had the Kihei Charter High School who was outside the pond and they will be sharing a collaborate deal to see who and what counted the difference between what we have. We have an ongoing educational program. Last summer we opened up a summer camp to what we call a digital bus which has digital computer, digital camera, digital microscope, and digital video. It's a two-week program that our students will go in and have a goal and finish their project by the end of two weeks. This summer we will be holding the same camp for the digital bus. We also have what they call ROV's that we had applied for a grant called a Be Wet Grant consist of six boats of the size of ...(inaudible)... board that has cameras that can view down to 50 feet because the

students are not allowed to go in the ocean during the school hours and it's a remote control, taken out there, and view the fishpond and also be able to take the quality of the water check, so those ROV's will be arriving here this summer for the camp and those ROV's will be taken to the island of Lanai and Molokai and sharing what knowledge that we have here with the students that we have on those islands, and it's available for everyone. So we feel that the most important part of a loko i`a will be strictly education. We have a partnership with many people. One of our partnership is with Maui Ocean Institute. For the reason of not having a wall in a closed position, Maui Institute is in corporation to build what we call fish pans and showing our students and the public how the fish is raised and we will be releasing that fish to enhance the fish on the south shores of Maui. That's about what I have to present for you today and I thank you so much for giving me this time.

Ms. Sablas: Mahalo, Kimokeo.

Mr. Kapu: You mentioned about -- about the fishpond, can you explain to me based upon why it cannot be completed?

Mr. Kapahulehua: This fishpond, Ko`ie`ie Loko I`a is owned by the State of Hawaii. In our permit process with the landlord, they had made some recommendations and became, not only recommendations, it became a contingency that the Corps of Engineer, our permit takes almost like 14 different levels, and one of the levels was that the Corps of Engineer has a red flag when they have a concerned citizen say, "You know, you're going to block me off from this beach." And in our original construction, that was so, and so the State of Hawaii had asked us if we was able to come up with some recommendations and solution so not to stop the community from not being able to walk on the beach that we had told the State of Hawaii, in working with the oceanography people out of University of Hawaii, they have taken our wall to the max where it would still be able to let the people pass on by. Plus the fishpond that we're going to be revitalizing is really our lease is only on the wall. We have no lease on the land, and we have no lease on the water, so we only have the lease on the wall. Because of the concerns that came up from the community, we had worked with those concerns and have addressed those concerns and that's what the agreement came out to be.

Mr. Kapu: So everything in the water but not on the land, so you're, basically, saying what, could it be up to the high tide mark?

Mr. Kapahulehua: Yeah, it could be -- it's going to be between the lowest tide of the year and the highest tide, in the middle section of that.

Mr. Kapu: Okay, I just wanted some clarity whether or not how the fishpond was going be operational for education if the fishpond, basically, isn't completed or a percentage completed cause I know that a lot of fishponds, when it gets to the high tide area, you

wanna contain the resources, yeah, so if it goes way up into the high tide, what is the high tide mark or what is the whole perception or based upon whether or not the fishpond is going to be utilized or used. Will it?

Mr. Kapahulehua: The loko i`a will not be used to raise for sustainable or cultural use. The loko i`a will be used to the enhancement of more fish by the corporation of Ocean Institute who has been in busy over 40 years in Oahu and having the children and the public to raise a little of the fish and release it when it's ready to go out just to enhance the area. It would not be fully built to a traditional fishpond as it was then.

Mr. Kapu: But will it suit its purpose?

Mr. Kapahulehua: Yes, it will. It suit its purpose definitely to all the marine life that is within the wall that is not vision, right now as we reconstruct the wall, the lolo, the starfish, the ena, the ayukiyuki, the wana, the pui, everything that we can see it still serves that purpose, so also that because of the way our ancestors built this pond, we would teach our children of yesterday, today, and tomorrow that our ancestors, the kanaka maole, which we tried to start it to be signs, there were signs, so they knew all of this, and today we're learning what they have left behind for us so they are the signs of the future.

Mr. Kapu: Mahalo.

Mr. Kapahulehua: Thank you.

Ms. Duensing: Just a quick question, out of curiosity, you mentioned the Hana fishpond as well as the Molokai fishponds, and this Commission --

Mr. Kapahulehua: What's that?

Ms. Duensing: You had mentioned references to Hana and Molokai fishponds and how the Molokai folks help you with your plans, I think that fishpond is fully functional traditionally.

Mr. Kapahulehua: In the island of Molokai --

Ms. Duensing: Yeah.

Mr. Kapahulehua: It's fully functional and it's used for sustainable use and also marketable use. In the area of Hana, I would ask Commissioner Kalalau to explain because they -- he can tell you because he's a neighbor of that area.

Mr. Kalalau: Thank you, Bully. I can understand your guys frustration, you know, on the people are talking about now, access in the front passing by your guys fishpond. The one

in Hana that is fully functional it's on private property and it's, basically, used for cultural activities and the fish that is harvested from those ponds is used for fundraising purposes for like the Taro Festival, the fishermen's group down there, and other organizations. You know, I really like what Bully them are doing with that fishpond down there and I think part of the thing is we -- I think we gotta visit the --their community plan too on shoreline access so that, you know, that little thing doesn't stop the progress of this fishpond. One of our concerns too was because the DLNR rules was that you cannot use modern mechanism to restore some of the rock wall portions, I was kinda -- I was one independent person on that thing because I believe that the Hawaiians have already proven themselves. For us to move ahead faster, we gotta use the old with the modern. I mean, at times, I would tell the guys, "Hey, go get the backhoe, move the stone, easier. We break our back over here carrying the stone all day long." You know, I mean our ancestors has proven it already. We shouldn't be telling people that we can build the fish walls like the old days because it's already been proven and what we're here for is just for restoration and to preserve and for education. As a Cultural Resources Commissioner, on a project like this, I think the community and the surrounding neighbors of this project should look into a project like this as, not only educational, as not only history, but that it's a proven thing and it can be very valuable to the community. You know, like Bully is saying, that there's a lot of hurdles that you gotta go through just to preserve something that was already there, you know, I mean it's, you know, it gets into a really, what they call it, you know, it really becomes a political thing which it shouldn't, but I understand where you guys coming from and your guys intentions, it's all good, and, you know, I hope in the future that you guys have better say in there. I understand it's going to be like, almost like a hatchery, you guys -- the institute is going to come and stock the ponds, just like the ponds in Hana, we had the university people come and stock the ponds with, you know, with awa, with aoleole, and some other fish that they let in the ponds go. As far as the community and that thing, it has benefit Hana because we've done a lot of cultural events with the fishponds. We have video tapes of what happens at the fishponds. They play it at the Cultural Center at the museum every time for people to -- when they come by, this is the kinda things that goes on in Hana. You know, I would like to wish this same kind of things upon you guys and the group for, you know, trying to revise, restore the fishponds through Maui County.

Mr. Kapahulehua: Mahalo, Commissioner Kalalau. I wanted to share with you that our partners in our programs is, one of our partners is Office of Hawaiian Affairs and they have commissioned us to, with their money, to do a video, so for those of you who recently seen the film called "Haleakala," those are the people that have been commissioned to do Ko'ie'ie Loko l'a, and we have been a partnership with Hawaiian Tourism Authority under the cultural grant in preserving more cultural development for our islands, so these are the people who are partnership with us in making sure that some of things -- I just wanna share with you that I'm just the coordinator, the worker, that in our ahupuaa, we have formed a community alliances of a dialogue more than ten years, everybody can come speak for or against it, our office was open for them to do what they wanted to do, so we came out with

product with having a community dialogue for more than ten years and everyone from mauka to makai, including all the farmers on top of the mountain, Haleakala Ranch, Kaonoulu, Ulupalakua because we got involved with them in doing re-forestation on the East Maui Watershed and so our association is affiliated knowing that what up in the mountain that we're directly relates to us and the ocean so we do have a partnership from mauka to makai. Also, just recently, studying the South Maui Watershed in working with them on retentions so that the lepo is minimized in the ravines to come out and that I want to tell that a lot of credit goes to our community in all of Maui and Lanai, Molokai, and Kahoolawe, it took that long for us to consolidate this information and to bring this product before our community.

Mr. Kapu: You know, I see how beneficial this can be for the younger generation as well as, you know, some of restoration of art ancient traditional sites here. The part I'm having a hard time with is the access factor that maybe I don't know whether or not you guys did any research in it but there is so-called clauses in our constitution and clauses in the Department of Land and Natural Resources that have to address Native Hawaiian tradition and customary rights. There's three issues that have been long pending and was very instrumental in revitalization of projects like this, 7-1 Native Tenant Rights, you have the Posh decision, you have Kapaakai case also. Those three cases was very instrumental in providing and addressing those access issues based upon how it construe with Native Hawaiian traditional rights also. So if having done the research, maybe you might wanna because if it's -- it's all based on what you can do in the ocean is limited to what you can do on the land, then there's a severance, yeah, and in the history of what you're trying to educate, in that severance of your decisions that have to be inclusive to everything, land and ocean, but they're not giving you any compliance to those areas, maybe this area you might want to look into especially the Kapaakai case and Posh case, also the 7-1 Native Tenant Rights that addresses traditional gathering rights, yeah, and it also addresses access issues as well.

Mr. Kapahulehua: Mahalo, Commissioner Keeaumoku. In Corps of Engineers address this rights so they wanted to make sure that our association, the State of Hawaii, the Cultural Reserve Commission to know that those rights still stand so we have moved up with our project to this far with a dialogue with the community, we are continuing to share a dialogue on those rights and we hope, in the near future, that we would gain some of the momentum as you discuss with us and Corps of Engineer made sure to the public that the Hawaiians have the gathered rights, the spiritual rights, and cultural rights so in this loko i`a revitalization in the State of Hawaii, it is made clear from them for the public and associations to know that, also called kuleana rights because the loko i`a is also have kuleana rights and was owned by family, so those are not closed doors, there's an open door and we're sharing dialogue with them.

Ms. Sablas: Any more comments?

Ms. Duensing: Thank you, Madam Chair. I'd like to tell you that I did request that this project be placed on our agenda today because we did get a letter from the Department of the Army, this requires an Army permit, Section 106, and all these other stuff is applicable, and the letter that I received is requesting your views and comments on the proposed determination of no adverse effect and they would like to receive a written reply to -- regarding this EA by April 1, 2005, so if we could put together a comment letter and I can get that drafted up for the Chair's signature and have the opportunity to participate in the EA review.

Mr. Keeaumoku: I'll work with you on it.

Ms. Sablas: Yeah, I think I've asked, I mean we had some comments noted from both our commissioners here but I've asked Commissioner Kapu to work with you, you know, because he's very knowledgeable of some of the things we're talking about it. Unless there's any other comments from the commissioners here that you already would like to add on to what's been said.

Mr. Kalalau: I'm assuming that Mr. Joe Farber is the Corps of Engineer guy.

Mr. Kapahulehua: Joe Farber is our planning -- environmental planner. Our Corps of Engineer is Farley, I think that sent the letter to you. Madam Chair, I just wanna describe that this letter was sent out to various people to share their concerns to making sure there's no adverse effect on what we're doing and part of the list recommendation was made through different members of our association making sure Sierra Club and everybody who is directly in concern of this would get the notice versus not getting the notice and so we would appreciate the Commission to look at that and give their opinion on this.

Ms. Duensing: Madam Chair, I'd like to make a suggestion. The way we usually handle these Environmental Assessment reviews is if the commissioners could just share what their comments are and we could make it a formal motion to accept these comments and then a letter can be drafted out and sent in a timely and official manner.

Ms. Long: I think that commissioners can agree that we completely support what we have heard and seen here today and I too express the hopes that the lateral access thing be resolved so that you can make it a sustainable fishpond the way that it was supposed to be and if we need a motion, I would move that -- okay --

Ms. Sablas: Again, I commend you and your organization for doing this since 1966, Bully, and I think it's much needed because it's an area that's very accessible. We talk about fishponds and in our community that specific fishpond is accessible to the major -- larger part of our community and I think you mentioned about the education uses, already we've had different groups there learning about it and I've been keeping touch -- keeping up with

what you've been doing from the papers and it takes a lot of hard work for -- and dedication to restore or to -- and to preserve something like that; that's really right in -- in the midst of a major growing community, so thank you for your efforts in doing that and you have my support. So, I guess, Lon, you're the only one we didn't hear from. You support it? Just wanna make sure we're all in --

Mr. Whelchel: As I fly over it...(inaudible)... looking at your fishponds, I'm amazed that they all haven't washed away, they have a lot of stability, they're works of art, and I...(inaudible)... I know it takes a lot of work to keep them in place and I'm certainly for them.

Ms. Sablas: Okay, thank you. So I think you have the support of our Commission and, Dawn, I think you have comments so anyone -- I'll entertain a motion now.

Mr. Kalalau: I would like to do the motion to support this project.

Ms. Sablas: Do I hear a second?

Mr. Kaopuiki: Second.

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

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

**VOTED: to support the reconstruction project of Ko`ie`ie Fishpond Wall.**

Ms. Sablas: Okay, motion passed, oh, I'm sorry, yes, and then also with the motion is the permission to have staff do a letter on our behalf with the comments that have been shared to day. Okay, thank you very much.

Mr. Kapahulehua: Madam Chair, commissioners, thank you very, very much.

Ms. Sablas: Okay, thank you, continued success to your group. Okay, next on the agenda is Demolition Permits, none; under Communications, Mr. Akoni Akana, Friends of Moku`ula providing a progress report on the organization's activities. Mr. Akana? And we do apologize for keeping you waiting for such a long, long time.

### **3. DEMOLITION PERMITS - none**

## **E. COMMUNICATIONS**

**1. MR. AKONI AKANA, FRIENDS OF MOKU'ULA, providing a progress report on the organization's activities.**

Mr. Akoni Akana: Kala mai. Thank you. Thanks, Barbara. Kala mai, I'm just getting over pneumonia. I'm still fighting it and it's very difficult for me to -- so I might have to take breaths in between all of this but, at the same time, like I said, thank God I'm alive so, okay. Thank you. My name is Akoni Akana and I'm the Executive Director of Friends of Moku'ula. I guess couples weeks ago Dawn called our office and asked that we come and do a progress report, I guess is what I'm here for, and I'd like to say, just right off to just kinda move through what you guys already went through was that we're really talking about the progress on -- so progress -- that's the picture that you guys all saw before and, basically, you required us to do a look of what the project is going to look like completed, the whole project in the context of the rest of Lahaina. So this is really what it would like according to our design team, which is Kauai, Kaoi, and Chun, out of Honolulu, and they're working with Munekiyo & Hiraga and several other companies on Maui to come up with this. We are in the process of having and completing the actual engineering drawings for the construction of Phase 1, which is only this and, basically, it's all required, except for one part of it, by the County. When we took over this project, they said, "If you're going to have to get rid of the parking lot, cause the island is under the existing parking lot, then you gotta go build us a parking lot because there's not enough parking in Lahaina." So they required us to build a parking lot. What we did was to say that we not going to make this parking lot look like any other parking in Lahaina; in other words, we're going to stay away from the black top idea and the white stripes and just curbs and all of that, so we spent a very long time going through, with the architects, to figure out how we can do that, how we can make a parking lot not look like a parking lot, which is not good for us in a sense because, you know, people going drive by thinking it's something else, they might not park over there, so -- but what you see is just initially this is all we wanna do along with two structures, and this is what was approved on the SMA for Phase 1, it doesn't even include the rest, and I'm going to come to that as soon as we get through this part.

Basically, this parking lot, again, required by the county, would be completely planted in. There's no cement curbings involved, it's all berms made with dirt and stonewalls, there's bridges, lots of planting, lots of open space, and lots of all, I should say, native plants, all Native Hawaiian indigenous or endemic plants. And some of the problems we had was that there is like a banyan tree, small banyan tree located back here that's on the property already and a couple of monkey pods on the street side, those are not native plants but they are older trees and so one side is saying we're required to keep them, the other side, which is the -- all, what is the tree commission or whatever, Arborist Commission is saying you can take those out because they are not native and, for one thing, the banyan tree is a home, condominium for homeless people who have several layers of apartments within the root system that goes down to the ground. The other thing is that banyan is one of the worst trees when it comes to sucking the water and the nutrients out of the ground, so your

other native plants that you try to grow over there die and it's evident in the palms that are there, for instance, that as they get closer to banyan, you see that they barely survive putting out new leaves one by one, so there, you know, some, you know, challenges that we're going to have to go through with that. And the other thing recently with liabilities on this idea of trees, those monkey pods are known for toppling over, especially in a place like that where they haven't really been taken care of, there's nobody doing work, the county has never done any inspection of the trees and all of that, we don't if that tree going fall over and cross somebody else's house or hurt somebody and the tree, so, you know, there's things we have weigh, so these are some of our challenges.

The other part of it is that the process that has been set up to do this is, like everybody else testified today starting with Theo them and down the line, is the biggest inhibitor to make this thing move. We started off with a simple plan with the architects to come in \$69,000 bid to just take us to through to get our permit, the SMA permit to start off. Well, then we had to think about, okay, how do we get it from that process, from that to engineering drawings and ready to go out to bid, and included with that was having an archaeologist on site, having to do soil samples to make sure that the weight of the parking lot could be held up underneath, you know, that we didn't have to do pile driving or whatever to make that work and it's just unbelievable. When we think about it, when we try to go out to preserve something or to make something that already existed come back, it's much harder. If I was to go out to put a shopping center over there, we would have been done with that center already, people would have been coming. It's the way that the laws and the regulations and rules are set up, they are set up for businesses and those kind of -- but not for preservation, and it's killing us. So from the \$69,000 bid that we had originally just to take it to there, now with all the requires things, we're at \$220,000 for just design and planning. Luckily, we had that money and --

Ms. Long: Of a parking lot?

Mr. Akana: Of a parking lot, well, the two structures too, which is the hale, and this is another thing, we had to wait, these two hailes were part of the programs stuff so we can initiate our programs onsite rather than trying to walk through bushes and trees and homeless people that are shooting up heroin in the bushes, and we constantly clear out that place. We go in there, we have the place cleared out, and by the time we get to the next phase, the bushes come back slowly and surely and so do the homeless and they move all back in. In fact, today I just walked though the dugout, we got four guys living in the dugouts so, over here, the old dugouts that's part of the county park. What happened when the county turned the lease of the area over to us, they just completely stopped everything else. There's no maintenance going on, we're responsible for everything, and we're also liable for all of that and it's a big, big undertaking for us to be stuck with that responsibility along with trying to make the project happen. And as you know, it's -- we're prone to flooding over there as it always has been and so with all the rains we had lately,

now we're also responsible when some of that flood water goes wandering off to the Salvation Army or across the street or whatever that is, so we're constantly putting out fires rather than trying -- it doesn't allow us to -- since, by the way, this is the Friends of Moku`ula, right here, me and her, okay. We're doing a 24 million dollar restoration project; this is all the staff we got because most of the funding we get does not support staff, okay, so me and her gotta do it. So if she's not over there running off the water hose and trying to crimp the line, I gotta go and talk to whoever. It's been a challenge all along, but, you know what? We're not giving up and we're going to move and so this finally is to the point where we can get those engineering drawings, and our date for that was April, end of April, it'll go out to bid for the construction contract, the actual contractors who would then have to go in for the permits, which are the actual building permits, individually -- right, yes, so ...(inaudible)... 14, something like that, we're there.

The other part of it is that what we're going, in the meantime too is what we really want to do and this is what happened today that you guys missed while you were sitting here worrying about, you know, what the courthouse was going look like, Nahienaena School had a celebration for Princess Nahienaena's birthday and came down today and went over the Waiola Church and to the grave site at Nahienaena and the kids from four years old, from five years old, kindergarten, all the way up, did things that I would never have seen over there. First of all, they did the genealogical change for Nahienaena, starting from back when, all the way through Kamehameha, down to her, at the grave site. They would never have done that. They performed a couple other chants and then did their story, each one of them, about what they knew about the Princess and her contribution to education, and I cried the whole time I was out there and I thought to myself, now that is what we're here for and we cannot lose focus of that, and what was in this building over here going on, I thought, never mind, this is what we're here for. And so, in conjunction with that, our thoughts on this is education, what we're doing on the program side, linking what Bully was talking about, but everybody was talking about what happens out there is going to adversely affect what happens down here. We see it everyday, when I drive in, they are building West Maui at an alarming rate and that's all going to happen and if we don't start looking at what the affect of that is on our ecosystem, you come in here now, you got red water all out here, never mind if you get fish, the fish going die if you don't fix that part of it. The reef is dying out there, I can tell you right now, and all of the different things that we seem to, and Keeaumoku knows about this, we gotta constantly be out fighting battles so that we protect what we're trying to do in one place over here because if they do the wrong thing with the water over here, we not going get the water down here. If they ruin -- if they don't keep the mountains planted and keep that from draining out, Launiuopoko now, Olowalu, when that red dirt gets in there after the rain, it stays for 10 days, 15 days, never used to be like that, if you know about Lahaina. It came it went. Now it's horrible. So we're working in partnership, Kamehameha Schools, we have a lease, we're going after a lease for their 50 acre parcel right underneath the "L" over here at Lahainaluna and we're working with the University of Hawaii, the Pili Project, Friends of Moku`ula, Lahainaluna

High School Ag Department, and their regular DOE and we created a curriculum, and the curriculum is based on Native Hawaii dryland forest restoration of the whole area below what ...(inaudible)... Pa`u Pa`u is the name, everything below that will be restored back into native plants, native dryland forest, which included pili grass, a`alii, and all the things, products that we need to help build out our haies and stuff over here, so we will be putting back what was there and also using that to actually build our -- build out our project down here. It's the most exciting thing cause the first time DOE ever let somebody else write curriculum for them, for one thing, but it's also is that every class that they go to has to do with the restoration project. So we had a 160 kids sign up, initially, from Lahainaluna to be a part of that, most of them Native Hawaiian kids, ended up we only could take 25, so according to -- we had to set a certain standard of what we wanted, kids had to reach a certain standard, and we only could take the 25 kids through that. So that program is really going to help the restoration project and probably save us a lot of money in the long run and create for us some caretakers for the long term caretaking.

The only other thing I have to say is another big setback just came recently, and it actually wasn't setback, if you read the Army Corps of Engineer put together a \$10,000 project management plan and their preliminary restoration plan for the wetlands, which is part of Phase 2, okay, and they did this for us and it was a wonderful plan, actually, and it does say that they're fully supportive of doing this, they think it needs to be done, the County of Maui, Mike Foley and even before that, wrote letters and said that they would be the fiscal sponsor cause we couldn't, as a nonprofit, be the sponsor with the government agency so it had to be the county, and their responsibility was to pay whatever cost to finish the project if it went over five million dollars. The quote from them, from the Army Corps was that they would pay the five million dollars and the county would be left with about a million dollar bill, so they would get one to five on this whole thing, and actually they were also being excused for a three million dollar cost that it's called the, I'm sorry, anyway, LEERD credit, is what they're saying. In other words, we're not making the 35 percent of the cost that they usually would require, they're taking that away so. In the total it says that the county would be responsible for one million sixty-four thousand dollars and the Army Corps would pick up five million dollars, and the total cost was six million; that's to do all the whole work over here. And for the time ever, they cite the cultural aspects of the environmental change, so that how important that is to the whole component, and so they, I think they wanna do this too as part of a challenge for them to see how well they can do with that, but they do mention a variety of native birds that were abundant in the area that rely on wetlands for their livelihood, of course, and that's part of that, and also sages, grasses, things like that that are important.

When we got this back from them, attached to it was a handwritten note from the Planning Department from one of the planners and it's funny because we haven't heard from the Army Corps of Engineers, but this may be an inside thing, and it says that I'm afraid that I've been told by the U.S. Army Corps of Engineers that no funding was appropriated or

approved for this project for the year 2005, and 2006 doesn't look much better. Well, when we went and applied for this, when we asked for this help from them, we were told by them that they had millions of dollars in funding appropriated while Clinton was in for wetland restoration throughout the country, and we know why they probably don't have that funding now, but another thing was that Senator Inouye, and you saw there's a letter attached in this preliminary plan too and maybe you should have a copy, from Senator Inouye who came here to Lahaina, announced to everybody here that he would make sure that this project, this pond would come to life, but it says that I understand that a project is currently in reconnaissance phase, whatever, you know how Inouye is, everything is tied to the military, anyway, upon completion of the preliminary -- don't write that in, I'm sorry -- restoration plan, I hope that, sorry, I hope that the PRP with -- will determine that the Federal participation is warranted, and it does. It does say that. They want to do it. He said, "I would like to take this opportunity to thank you and your staff for the outstanding work and assistance you have provided to the State of Hawaii over the years. If I may be of any assistance to you, please do not hesitate to contact me." One of the things that he says is also that Senator Baker knows about it, he knew about it, and if he needed anymore information, as soon as he got this report, he would then try and initiate, and he actually said he was going to initiate a \$200,000 specific line item in the Federal budget toward this. He, apparently, didn't because this report came in after the budget was, Federal budget was put together, so that means we're looking for next year.

So this what I'm here for cause I'm going to turn this around and have you help me on this. I think that with all the support that we've gotten over the years from the county, from the state, from feds, the Army Corps and everything, we cannot let one thing like this, and this is -- we're talking about Phase 2, so after Phase 1, we want this to roll right after, otherwise, we're going to have another years of delay before we can actually do what we need to do, we need you, as the Commission, to require the Planning Department or whoever from the county, on the county level, to go back and say, "We're not going accept this idea that you guys just going say we don't have the budget." Copy Senator Inouye's office and we will do the same. We'll work on the Federal side and hold him to what he said to us and try and have him push that so that money is appropriated to do the work, and we can start by pushing for 2006 and if it doesn't come till 2007, that's okay. The idea is that we don't have that kind of money to do that kind of work and it's a deal when somebody going give you five million dollars of work for one million dollars. It is -- it's something we cannot pass up and this means that they would work with DLNR and all of those other, what I call the wall that we're going to have to come up with, they would be the one that would deal with all of that and we wouldn't have to be fighting and we could continue our programs working with Lahainaluna, Kamehameha Schools, and do what we should be doing which is educating the public and let those that have the expertise in this kinda work take on this work. Does it mean that we're not going to interfere once in a while and say, "Hey, what you're doing?" But at the same time, we don't have that and it's the ones willing to give it to us I think we should jump on it.

So I'm asking of the Commission if they can initiate a letter also in response to that. The problem is is that this is only a statement that was polled to one of our planners and where there's no letter from them that says, "I'm sorry, you know, although plans is we wanna do this, it's a great thing for us, we should be doing this, we got the preliminary plans together over here, the money is not there." But nothing from them that, in a letter form, that says, "We don't have the money." So this might be hearsay. I think what we're trying to do is get the community to come out and push it and our fiscal sponsor should be the first. So I don't know how we would go about doing this. I leave that up to you. But I can tell you that my priority this year is not so much about Phase 1, which I know will be on its way, but Phase 2, which, to me, if that's not going to happen, why do the restoration work. It's not -- it's part of what should be. Look at the ...(inaudible)... again, if we can show them how much of that is water. That's what it's all about.

Ms. Long: Assuming the Corps is the only Federal group that's able to do this, and I'm sure you've been touch with our Congressional representatives and the Senators, how recently have you been in touch with them and how recently have you said, "Hey, is this coming through an appropriate in the Corps? What can you do for us?"

Mr. Akana: Well, we just got this so we haven't followed through yet but we -- I will is what I'm telling you. The other part is that we are told that that is the agency that would do this kind of work because we had to go through what is known as the Wetlands Restoration because that's really what this is. We know it as fishponds and taro farms and all of that, but on the Federal level, they're understanding is that that's what it is, a wetland, and they're only doing this for the habitat for those birds, not so much the history, except that they made it a big part of their report, the historical value of what they're doing and they say it's just, you know, a byproduct really of the wetland restoration but it will help Lahaina. And it's okay because if we have to call it whatever name it's called today, environment or whatever, we know it as malama aina, okay, period, just like the movie we saw the other night, that's our responsibility, we know that. If they wanna call it "wetlands," call it "wetlands" whatever, it has to be done, otherwise, we don't have a restoration project. So I'm thinking about proactive measures now rather than reacting in the future, and this is what I'm asking help from the Commission because, again, otherwise, why do it. We probably could go through a private company, or somebody like that to do that kind of work too, maybe there's somebody around, if they did, it would cost probably a prohibitive amount of money that we don't have and, again, we won't be able to. So, anyway, do you have any questions besides that before you talk about how you can help? Anybody?

Mr. Kalalau: I have a question, Akoni. If you had the finances for Phase 2 and -- what are the obstacles that would be holding you back from completing Phase 2?

Mr. Akana: ...(inaudible)... that was offered. I have to tell you that the Army Corps, because of their mandate on the wetland restoration thing, were the ones that came

forward and actually solicited a bunch of different projects statewide, Kauainui on Oahu was one of them, which is a mo`o place, by the way too, but anyway, that was another project of theirs that they solicited because monies had to be spent. The thing is that when we went in, they said, "You're still going to have to go up against other people that are applying for this," but they did have the funding so we wouldn't have wasted our time to go through all of that and get the county to come onboard and everybody else unless it was available and then now, all of a sudden, it's not, so, well, but let's take that back because, again, this is not an official, it's only a comment made by a staff planner.

Mr. Kalalau: Okay, thank you.

Ms. Long: I would try to find out, officially, and once you have an official letter, I would go to the Governor, who is a Republican and a Mauian, and say, "Where do we go from here? How do we make this happen?" That's one way. We certainly support this but whether, you know, if we send a letter now, it would get lost in the shuffle. You need to have a stream of support and then we write to them and say, "You know about this and we're supporting it." But, yeah, maybe you haven't been rejected. You really need to find out.

Mr. Akana: Well, when they say they don't have the funding, it doesn't mean we're rejected. It means that even if they approve it, which they really did in their letter, there's no money to do it is what they're saying so, you know, and there's money that has to be put into the budget, specific I guess, because maybe the wetlands budget was taken away for tanks and planes, I don't know, you know, or homeland security, it might have been.

Ms. Duensing: Just a comment that you did start this during the Clinton administration and you had the support and the reality is the Clinton administration is no longer. I just got back from a National Trust for Historic Preservation meetings in Washington D.C. and the truth as far preservation matters goes is that there's supposed to be a 150 million dollars, Federal monies from offshore oil leases that go to historic preservation, and that, in the President's budget, is now down to, I think it's 30.1 million dollars out of 150 million, and that's the budget realities with this administration. But I agree with Barbara, I think you need to get the letter from the Army telling you what your status is.

Mr. Akana: The other part is also Inouye's office, and for good and sometimes bad, has the ability to, you know, leverage sometimes monies even though they're not directly saying that it's for that specific project, so, you know, I don't mind pursuing that with, you know, on that end of it too along with the State of Hawaii and whoever else. I'm not sure if they'll work together right now, but let's try. I'm just saying that, in the long run, if we find this out, if we do find out and we get a letter officially from the Army Corps, I would like to forward it, I mean you'll get the letter anyway, the Planning Department will get the letter first, but at least then we know and then we can somehow follow up with that. I'd appreciate that support.

Ms. Sablas: Thank you very much, Akoni. Also, I think you're going to be following up directly with Senator Inouye cause he's been here, he's made a statement, so -- and, you know, he's -- you might as well take advantage of his leadership position now cause we, bless him, we don't know how long he's going to be here so -- comments?

Mr. Kalalau: Yes, Madam Chair, so do we make a motion that we're going to put a support letter together to support? No? Or --

Ms. Duensing: I agree with Commissioner Long, you need to wait and get the word from the Army Corps as to what's going on and at that point, Moku`ula, the Friends of Moku`ula can come back and request a letter.

Mr. Kalalau: But in the meantime, can't we have some kinda support in -- so when Akoni goes and do his further research or talk to our Federal legislators in Washington D.C. on this project and stuff that they he get some ammunition in his pocket to throw on them?

Ms. Duensing: There's already a letter on the record from the Cultural Resources Commission cause what was it about? Four years ago, probably, the Friends came to us when they were looking for the Army Corps of Engineers to do this project, and I think Lori and I were on the Commission at that time and I think we're probably the only ones that are here today that were at that time, but, you know, the CRC did write a letter of support for that and, you know, I guess that's still valid, we haven't changed our minds.

Mr. Akana: April 27, 2004 was the last letter that went from Mike Foley, actually, to Army Corps -- to the Army Corps saying that, again, reiterating the county would be fiscal sponsor, this letter from Mike Foley to Army Corps saying that and, basically, saying that we understand that the County of Maui will provide all land easements rights of way relocations, and disposal areas and will be responsible for all -- for annual operations and maintenance, and they figure that the maintenance about \$50,000 a year which we can pay. Thank you.

Mr. Kapu: How about the Cultural Resources Commission supporting the original intent of that letter that was send in 2004, reaffirming our support?

Ms. Duensing: Okay, I'd like to just make a suggestion. I'm looking at the planner's note, and I'm not sure who Lance is.

Mr. Akana: Lance is our project director.

Ms. Duensing: Your project director, okay. What you should do is this planner or whoever was the planner that wrote that letter needs to follow up with the Army Corps of Engineers and ask what the project status is and ask for a written response to what's going on, can

you expect any funding. That's what needs to be done. And that's a planning, you know, because the Planning Department has already agreed to be the sponsor, they need to do that, and the planner that was assigned to this project needs to do that, and I'm not that planner.

Ms. Sablas: So are you okay with that direction, Akoni?

Mr. Akana: Yeah. No, I was planning to do that anyway, but I just thought that maybe I can get another boost at the time, but we need to clarify that first and then I'll come back. Oh, don't worry, I'll be back many more times.

Ms. Sablas: Yeah, and thank you for giving us an update, Akoni, because we get asked a lot what's happening with Moku`ula and, again, as Akoni said, and has been expressed with Bully's project and even with Keoki and wanting to do right, someone once told me that we need a system that works for us and not we work for it. It seems like that's all we do is not have a system that works for us conversely, it's a system that we continually have to work for it and not getting things done and sometimes we're running out of patience so --

Mr. Akana: Doing good is not always the best thing, but I think that the thing is with Bully, and with Theo, and whoever else, they're doing something and it's community and it's people that want to do it and we know already that the county is not good at doing these things, so if somebody else wants to do it, help them to do it rather than make it harder for them to do it; that's all I suggest. Thank you.

Ms. Sablas: Thank you very much. And I didn't take any public testimony on the previous item but I apologize if anybody had wanted to talk on the Item 2.a., so, okay, no other questions, thank you. Okay, let's move on to Unfinished Business.

Ms. Long: Madam Chair, I need a legal opinion on what we do with these recommendations because we have not acted on them.

Ms. Sablas: You're going back to the --

Ms. Long: I'm going back to the courthouse. Do we need to -- okay, the minutes will reflect what our comments are regarding the recommendations and when we deferred, the deferral was to implement to the recommendations as commented on, so do we need to formally do anything here? Does Dawn have enough information because I didn't even get to one of things which was that, you know, there needs to be a cutoff date for this?

Mr. Giroux: I think the motion was to defer and incorporate those recommendations so that was the action that was taken.

Ms. Long: No, it was to incorporate the recommendations as changed and amended because Sam and Keeaumoku and we had suggestions for those and I'm perfectly willing to just let it go except that when push comes to shove, the task force is not going to have a great deal of direction as far as timing and inclusiveness and all that officially that's been voted on. So my question is do we need to --

Mr. Giroux: Barbara, I may be wrong on this, but my understanding was the motion was that we're going to defer it and incorporate the conditions as stated. I didn't hear any motions to amend those recommendations so, basically, those recommendations are also that it would be deferred. If that's different, then we're going to just have to look at the transcript.

Ms. Duensing: Didn't the recommendations include two additions? Is that what you mean by the amendment? There were a couple of other suggestions in there about the task force and how the gift shop should be selling --

Ms. Long: The kinds of things sold in the gift shop was one of the suggestions and --

Mr. Giroux: Something I need to make clear. When members make suggestions, if they're not voted on and adopted, the assumption is that they're not made part of the recommendations so --

Ms. Long: But my assumption was going to be that we were going to vote on this and when I asked you, okay, how do we deal with the accept or deny thing, and my motion was to defer a decision based on the recommendations as we will change them, and then I thought, well, now we'll go to the recommendations. So what you're saying is we should have changed the recommendations first or amended them?

Mr. Giroux: Right, and I think Dawn has written down I believe the motion was.

Ms. Long: Which was?

Ms. Duensing: Okay, this is what I wrote after I asked to have this restated: Deferral till recommendations and the Planning Department Report of 3-18-05 as presented and modified are complied with.

Mr. Giroux: Modified?

Ms. Duensing: Yeah, yeah, they did use that word and then Lori said to break and then we would take it up again after the break. Right.

Ms. Sablas: Okay, just for clarification purposes then because these are the things we already discussed, it's been discussed in this group here with the public in attendance, but we just needed to clarify it so we know exactly what the motion is and the motion, from my understanding, is that we did make a motion to defer, we needed to have modifications, with modifications, key word, and now we need to specify what those modifications area to be part of the record. Okay.

Ms. Duensing: Okay, so my notes on the modifications were the recommendation that the younger generation be involved in the courthouse interpretation so that the task force is multi-generational. And the other thing mentioned was that the gift shop should be selling Hawaiian made products.

Ms. Long: Right, and the only thing I wanted to add to that was that the work of the task force and that the No. 4, the LRF would obtain all necessary permits that everything in here, including the task force's recommendation would be, and I'm thinking December 31, 2005, give them to the end of the year. Is that long enough? Nine months. You can have a baby; you can have a recommendation.

Ms. Sablas: Barbara, I would, I mean without the group here, is that something you discussed prior to -- I'm comfortable with the other two because we had mentioned that.

Ms. Long: Okay.

Ms. Sablas: I'm not comfortable with another modification to add on that wasn't discussed with --

Ms. Long: Can we say no longer than a year but to be left up to --

Ms. Sablas: Corp. Counsel, what's your call?

Ms. Duensing: She did mention --

Ms. Sablas: She did mention the time?

Ms. Duensing: The December 2005 deadline.

Ms. Sablas: Okay.

Ms. Duensing: It wasn't discussed but Barbara did mention that and Commissioner Kalalau is nodding his head.

Ms. Sablas: Okay, so it is, again, part of that -- it's No. 3, is that we do --

Ms. Long: Let's put it this way that all of the recommendations be complied with by December 31, 2005 or with the majority vote of the task force extended. How's that? Is that too complicated?

Mr. Giroux: Yeah, you know, we're going to get into some real shaky ground there if you start adding stuff about this decision being based on the final decision of a task force. I think that's just going to be pushing it way too far into something that weren't -- I mean we're just going to create more controversy that needs to be settled through this deferral, so I wouldn't be comfortable advising you to allow this to be put into the hands of another group before this group is going to make a decision.

Ms. Duensing: I think that's how you got into this problem to being with begin with because somebody took the CRC out of the loop and that's why nothing was approved.

Ms. Long: Well, let's have them come back here in January 2005 and report on how they're doing. How's that? Better?

Mr. Kapu: Okay, clarity. Based upon the second recommendation, I was hearing the comment from Corporation Counsel based upon you can't make an assumption on something that wasn't, yeah, voted upon, so the second recommendation was the a gift shop should be selling Hawaiian products, right, so explain? Explain to me?

Mr. Giroux: I think what I was trying to explain earlier was that when we make these additions to the recommendations that if they're not voted on, then they're not made part of the recommendations, so what I've been trying to encourage my commissions is to really pick an item, vote on it, get a consensus from everybody before it is added on to as a recommendation because what I've noticed is people will say, you know, I like this, I like that, I like, you know, different flavors, and then when the order comes, everything just gets thrown in and all of the members aren't allowed to put their vote to each and every recommendation. I know it's cumbersome, but it also -- I think it's a better fairness to all of the members who might not like conditions no. 1 but had never had a chance to vote against it. So I think -- and that way when we're adding conditions, we should take them one at a time, you know, I move to add condition no. 1, second, discussion, I don't like it, I like it, call for the vote, motion carries, yeah, okay, it's condition no. 1 is a condition, and then, okay, condition no. 2, I move to put on condition no. 2, discussion, I like it, I don't like it, and so, you know, we can move on like that, even though it's a little more cumbersome, but at least all of the members get to put in their ideas as far as if they like the condition or they don't. Otherwise, if we just put a hodge-podge of five or six conditions on the table and then move to accept all of them, I don't think everybody's voice would be heard, so that's the only point I was trying to make.

Ms. Long: Okay, I can deal with that. Can we just sort of take these one at a time? Okay?

Mr. Giroux: ...(inaudible)...put it on the table as a motion, get a second. If you don't get a second, it doesn't get on, so it needs a motion.

Ms. Long: Okay, Recommendation No. 1 --

Ms. Sablas: But is it okay, wait, is it okay to do it with more of the interested parties not here?

Mr. Giroux: That's another question.

Ms. Long: Good question.

Mr. Giroux: I think it was discussed, you know, I don't have a photographic memory, but I think we did say that we were going to take this up and then the vote that we did take ended up just deferring it, so I'm not sure if they left because of we took that vote or not, but I guess we'll try to take action and then if we have huhu afterwards, we're going to have to deal with it by looking at the record and see if we followed the correct procedure on that.

Ms. Sablas: Okay, then, having said that, so we're going to move on to the recommendation by staff and we'll take it one by one. Recommendation No. 1.

Mr. Giroux: Or addition, actually we already ...(inaudible)...

Ms. Sablas: I'm sorry, just the addition, we're okay with every one?

Ms. Long: We're amending --

Mr. Giroux: Yeah, we already voted to adopt the recommendations.

Ms. Long: Right.

Mr. Giroux: Now we're the process of --

Ms. Long: Amendments.

Mr. Giroux: Just making amendments.

Ms. Long: Right.

Mr. Giroux: Or, actually at this point, it would be additions because we did adopt the recommendations.

Ms. Long: Okay. I'd like to add to Recommendation No. 1 Lahaina Restoration Foundation work with the CRC, Planning Department, SHPD, and a task force to be representative of the Lahaina community including the younger generation and a --

Ms. Sablas: We mentioned representative of the host culture.

Ms. Long: Representative of the host culture, okay, instead of -- I was going to ask for a specialist in museum exhibits.

Ms. Sablas: Museum -- you mentioned that too.

Ms. Long: Yeah.

Ms. Sablas: A museum interpretation.

Ms. Long: Which I think is important to make sure that it's done right. And preservation more important, and/or, okay. Go ahead.

Ms. Duensing: In this case, you know, the museum specialists are great but this is a historic building and a historic preservation specialist with historic interiors and buildings is appropriate even more so than a museum specialist. Some museum specialists don't know anything about history or culture but they can do -- what did you call it? The blinky-blink exhibits.

Ms. Long: Bling-bling.

Ms. Duensing: Bling-bling. Blinky, whatever.

Ms. Long: Bling. Okay, I will rephrase. A task force composed of community representatives, younger generation, a representative of the host culture, and a historic preservation specialist to meet with landlord and tenant and report back to the Cultural Resources Commission within nine months. How does that sound? Within nine months?

Ms. Sablas: Or by year end?

Ms. Long: By year end, okay. Yeah. Do we want to put anything in there that would indicate --

Ms. Sablas: If I may interject, okay, yeah, we have CRC in there so --

Mr. Giroux: ...(inaudible)... to amend Recommendation No. 1?

Ms. Long: To add to, yeah.

Mr. Giroux: So, yeah, so --

Ms. Long: So it's LRF working with everybody --

Mr. Giroux: Or do we wanna make it Recommendation No. 9 because it's --

Ms. Long: Nine is good. Okay.

Mr. Giroux: Okay, so we don't -- yeah, cause we already mention in Condition No. 1, Planning Department and State Historic Preservation are already mentioned as being the people that need to be consulted.

Ms. Long: Okay, so 9 --

Mr. Giroux: So if you wanna make No. 9 and then limit it to this -- whoever is not included in No. 1 would make it cleaner.

Ms. Long: Okay, and LRF then would be responsible for convening the members of the task force? Identifying and convening? See that's another thing when --

Mr. Giroux: You know, this is going to get into the situation of, okay, who creates the task force, who gets on the task force, you know, we're starting to micromanage here and that's not something that we're, you know -- you know, we should probably, like Condition No. 1 is is more of, you know, that there should be input from and then, you know, we're really going to be have to be left up to them telling us, okay, who were the members of this group and what group did they represent and, you know, if that's really where we're going because if we're -- if we have to govern over the creation of a whole other task force, I don't think it's a position we want this Commission to get into.

Ms. Long: No.

Mr. Giroux: Because that's creating work that's not going to be -- we're not going to be able to pick these people, we're not going to be able to monitor these people so --

Ms. Long: How did that task force that Lori was, who --

Ms. Sablas: It was by the then Mayor Linda Lingle because the courthouse needed to be attended to and she took -- picked community members, so it was an administration appointed task force and we had a mission to accomplish.

Ms. Long: You know, hang on, I would be perfectly satisfied if we added to No. 1 a, as I had started out to, and that group would include, don't call it a task force, say State Historic Preservation Division, members of the Lahaina community younger generation, host culture, they've already got the historic preservation specialist in there, right? No? Where they're going to find one?

Ms. Duensing: Can I make one suggestion? You guys have got No. 1 that's going to tell LRF to work with the CRC, Planning Department and SHPD. You've got the parameters regarding how the museum should be established by incorporating into its design and message the historic use and features of the courtroom and the Old Lahaina Courthouse. Perhaps in the No. 3, where you're establishing the parameters of what the exhibits will entail, here you can make your point to recommendation that the host culture and a multi-general -- generational input will be gather in conjunction with this because this is the part with the host culture because the historic use of that building involves the host culture cause it goes back to the monarchy.

Ms. Long: Good suggestion. I like that. That makes sense to me, yeah.

Ms. Duensing: Does that work for you, Keeaumoku?

Ms. Long: So we leave 1 and 2 the way they are, and add --

Ms. Sablas: Amend 3.

Ms. Long: Amend 3. Okay. After consultation with, cause that makes a segway. How do you wanna say that?

Ms. Duensing: I think I can figure out the language. I mean the big thing I heard from you guys before was the host culture needs to be involved so that it represents Hawaii, and, secondly, we need to get the younger generation involved and I'll use the term "multi-generational" and I'll figure out how to, if you guys trust me on that, I'll figure out how to work it in.

Ms. Long: Okay. So moved.

Mr. Kalalau: Second.

Ms. Sablas: Okay, we have gone through 1, 2, 3, number 4?

Ms. Long: No, no, gotta vote.

Ms. Sablas: Oh, I'm sorry, yes. See, I wanna fast forward already. All those in motion, I mean all those in -- we made a motion, it's been a long meeting, discussion? No discussion, okay.

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

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

**VOTED: to amend Condition No. 3, as discussed, with Ms. Duensing, Planning Staff, to work on the language incorporating what was discussed by the commissioners into Condition No. 3.**

Ms. Sablas: Motion passed. Where are we on now?

Ms. Long: We're down to 6 about the gift shop and our suggestion.

Ms. Sablas: Okay.

Ms. Long: James, it is appropriate for us to say that here or does that wait until they come back to us with all of this and we say, "No, no, you've gotta have only Hawaiian made objects?"

Mr. Giroux: Yeah, that's sounds like something we can take care of at the approval time, yeah, cause they really can't work on that so when we come with the approval, that might be a time to raise that as a condition.

Ms. Long: Yeah, cause it's a space thing.

Ms. Sablas: Just for clarification purposes, what we're talking is all after-the-fact cause they already have the museum and so this is after-the-fact and then Item No. 5, yeah, the LRF shall obtain the written permission of the County of Maui Director of Finance prior to the commencement of work, and we've heard testimony that he came across, you know, a stonewall there, and we, ourselves, Barbara, talked to different Director of Finance and we've come across a stonewall, so I mean are we -- I mean, seriously, are we putting up community members who are wanting to do good to just set up on not being able to get the answers from the county?

Ms. Long: It's in his lease.

Ms. Duensing: He has to do that. It's in the lease.

Ms. Long: He's gotta do it.

Ms. Duensing: And I met the Director of Finance and he is well aware of what's going on and he believes the county should be more involved in what goes on with county assets. I had a meeting with him several weeks ago in preparation for this.

Ms. Sablas: Okay.

Ms. Duensing: Yeah, so I don't think you can take that out of there because it's in the lease. He has the approval.

Ms. Sablas: Okay.

Ms. Duensing: You guys aren't even in the lease, which is an oversight, in my opinion, but that's the way the lease is.

Ms. Long: On No. 4, do we care if he obtains these permits next week or next year?

Mr. Giroux: Well, according to my recollection, I asked him if he had actually put in, you know, for these permits and my reading of the statute is it's not until he actually ask for a permit to build something, then it's sent to us for approval because then we have something to review, it's going to be plans to review, so --

Ms. Long: But wouldn't it be an after-the-fact permit because he's done it already?

Mr. Giroux: Well, I think the Planning Department's going to have to deal with that end of that.

Ms. Long: I just raise that because of the parking issue and that in the issue of fairness and that really bugs me.

Ms. Duensing: But the problem is you've deferred the after-the-fact permit consideration so that, you know, most of this is just -- I don't know what kind of exercise it is.

Ms. Long: Yeah.

Ms. Sablas: So are we on No. 6? Is that what we -- do I have to take a vote on every --

Mr. Giroux: No, because it was already adopted. Only if we're going to make an amendment.

Ms. Sablas: Okay. Okay.

Ms. Long: No. 7, as you said Dawn, if they apply those, that means everything is out of there?

Ms. Duensing: That means the partition would be out of there.

Ms. Long: The partition would be out.

Ms. Duensing: And, again, like I said when I was reading the analysis is this often subject to interpretation, you know, but, yeah, I don't -- you know if they're going to leave what's in there, I don't think they can apply the Secretary of the Interiors Standards, you know, that involves putting the things back and making it look like courtroom furniture that was there before they took it apart.

Ms. Sablas: And we've heard testimony that then you're setting up the museum to fail. You're heard testimony that if we do that, to put it back and, you know, I think that, this is what I understand, that you're setting up the museum to fail by putting in that standard.

Ms. Long: Oh, yeah, the museum, as it is, would not exist so -- and in deferring it, we, in effect, gave them permission to continue as they are so that --

Mr. Giroux: Can I just make a comment on 7, that's a strange recommendation because it's telling you what you need to go, which is something that you can either reject or -- it's saying that the CRC shall apply the -- so it's a strange condition if anything.

Ms. Duensing: Not really because if you look at the front of your report here, where it says applicable regulations, it goes through historic district, and then pursuant to Chapter 31 of the CRC general guidelines, the following documents are referenced in 2.88 and shall be used, and one of those, No. 6, is the Secretary of the Interiors Standards, we should be applying this for every project we review in Lahaina.

Ms. Long: Yeah, but these are all for -- all these are for LRF and the recommendations are for the applicant, and that would apply also to No. 6 that, not the CRC, but the LRF consider the allocation for space for the museum as the landlord.

Mr. Giroux: Okay, we can deal with 6 and 7 when we get to the approval stage, but what we're trying to do is give recommendations to the applicant, so we can deal with those two, I mean we can delete them for now but take them up for consideration when this comes up again.

Ms. Long: I would like to move that we delete No. 7 and change No. 8 into No. 7.

Ms. Sablas: Second?

Mr. Giroux: Barbara, did you want to take care of 6 also?

Ms. Long: Yeah, I'll get to that. Got a second?

Ms. Sablas: Do I hear a second?

Mr. Kalalau: So we're deleting No. 7?

Mr. Whelchel: Read No. 7. What is 7?

Ms. Long: Seven is applying the Secretary of the Interior Standards, which is kind of moot because we voted to defer so we can't do that right now so --

Ms. Sablas: Do I hear a second?

Mr. Kalalau: Second.

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

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

**VOTED: to delete Condition No. 7, and change Condition No. 8 to Condition No. 7.**

Ms. Sablas: Okay, motion carried. Discussion? Okay, No. 6?

Ms. Long: No. 6 needs to be modified to read that the Lahaina Restoration Foundation consider the allocation of the space.

Ms. Sablas: Instead of the --

Ms. Long: Maybe --

Ms. Sablas: The Board of Land and Natural Resources.

Ms. Duensing: Can I tell you why I put CRC in? Because you guys are the ones that are looking at the use of the room, not the Lahaina Restoration Foundation. You're the ones that are supposed to be considering whether this use is appropriate, and you've recommended deferral, but eventually somewhere down the line the CRC needs to decide whether you approve that gift shop in there, in the old courtroom or not, and that's why the CRC should think about how that space is being used and that's why it's worded that way because you're supposed to be directed by the BLNR's decision in that letter.

Mr. Giroux: Yeah, thanks, Dawn, but what we're trying to do is structure this so that when they get the letter that they can follow what the recommendation we're trying to get them to follow. I'm assuming that this board will follow the standards that they're supposed to do when they get to the approval stage, but we're not there yet, so we're just trying to clarify what we're going to send out to them so they know what to expect when they get back at the next hearing.

Ms. Long: Well, I understand, James.

Ms. Sablas: Okay.

Ms. Long: Any of you guys understand? Raise your hands if you understand. It's after four, we're getting a little silly. Yeah, so my amendment is to change both CRC references in that No. 6 to Lahaina Restoration Foundation, which puts the requirement on them as they're considering this, as the landlord for the building, that maybe they need to reconsider the allocation of the space.

Ms. Sablas: Do I hear a second?

Mr. Kapu: Second.

Ms. Sablas: It's been seconded by Commissioner Kapu. Discussion?

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

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

**VOTED: to amend Condition No. 6 changing the CRC references to Lahaina Restoration Foundation.**

Ms. Sablas: Motion is passed. Okay, so I think we have done it all and then did we add a 9? No, we didn't have to add a 9, so we're all okay with this. Okay, No. 8 is amended to 7.

Ms. Long: So moved.

Ms. Sablas: So moved. So, okay, thank you for taking us through this process.

Ms. Long: Sorry about that.

Ms. Sablas: Where am I? Okay, we go back to Item F, Unfinished Business, Hana Belt Road Bridge Preservation, Dawn?

**F. UNFINISHED BUSINESS**

**1. HANA BELT ROAD BRIDGE PRESERVATION. Dawn Duensing will provide a progress report.**

Ms. Duensing: Yeah, now we can get to some really important stuff but I hope everybody will listen up because we need the -- we need everybody on this Commission to act together as a Commission but also to act as individuals. In the Legislative update, the House Bill is dead. Next Tuesday, the House Judiciary Committee is hearing the Senate's recommendations for the Senate version of the bill, which is still alive.

Ms. Sablas: I'm sorry, did you say that the House version is dead?

Ms. Duensing: Right, Souki's committee held it so it's not going any further in House, okay, but what the Senate is doing is they're asking the House -- and, Sam, you can help me on this cause I think you understand better how the Legislature works than I do, he's got more experience, but it's referred to House Judiciary Committee, which is going to hear it on Tuesday, so, obviously, we, as a Commission, want to send a letter to them urging them to support this bill and keep it going for the same reasons, you all can use the same letter that we used before. But what I'd like to ask each of you, as individuals, is to also submit testimony because we need to really send in as many faxes and emails as we can so they hear our voice on Maui. Most of the friends I have on this island, you know, they're not historic preservationists but they're calling the offices and sending in letters and, you know, everybody should be trying to convince the Judiciary that there is significant public support for this bill and that's my point. One of the things that Mr. Souki said when I was at the committee hearing in January or February, whenever it was, I don't remember, was that he was impressed that so many community organizations and individuals had sent in testimony in favor of this bill and he was impressed that the community supported it, okay, so that's what we need to demonstrate, so I have the appropriate information if you guys can just write a one-letter, you know, one-page letter, I've the name of the chairman and the phone number that you can fax it to so --

Ms. Sablas: Isn't that Joe? Isn't he the chair of the --

Ms. Duensing: No. No. It goes to the Judiciary Committee. It gets heard by Judiciary and as well by Finance Committee.

Ms. Sablas: So Joe is Chair of the --

Ms. Duensing: Transportation Committee.

Ms. Sablas: Transportation.

Ms. Duensing: And that committee has held it so it's effectively dead, but when a bill gets passed, it crosses from one House to the other, cause its gotta passed by both Houses in the same form before it can get signed by the Governor.

Ms. Sablas: So do I understand you said that Joe was impressed with all community support but we still --

Ms. Duensing: Right, but the next time his Committee heard it, they didn't do anything about it. And my personal observation is that, you know, if we let down and we don't keep sending them letters and emails and phone calls, nobody's going to do anything about it. and this is really an important issue. I can't do everything on my own, basically, is what I'm saying. Okay? So, yeah.

Ms. Sablas: I've sent letters to both, the House and the Senate, so are you okay, members, to send support for this?

Ms. Duensing: You know, everybody's leaving, we don't have a quorum because everybody's up walking around and if we don't wanna hear about the Hana Belt Road --

Ms. Sablas: The question is, again, to make it easier for the members, Dawn, is to just give them the contact number so they could send a fax or an email.

Ms. Duensing: Okay, and the only thing that fax needs to say is this bill is really important to Maui and you support the bill, and I think, you know, we can do it as individuals and we can do it as a Commission, and I would like the Commission to vote to send the letter, you know, make it a motion, vote on it, I will have it ready Monday so that we can get it faxed in on Tuesday.

Ms. Sablas: So the two letters that I signed, one was to the State Senate Chair and that's Lorraine Inouye --

Ms. Duensing: Right.

Ms. Sablas: And then the other one was to Joe Souki, as the DOT, so now that was on behalf of CRC?

Ms. Duensing: Right.

Ms. Sablas: Okay, so now we gotta send to the Judiciary?

Ms. Duensing: Right, because everytime it goes to another committee hearing, you gotta resubmit that.

Ms. Sablas: It has to be. Okay, and pretty much the same letter?

Ms. Duensing: Yeah, pretty much.

Ms. Sablas: Okay, so do I hear a motion to send a letter fo support to the Judiciary Chair in support of the bill before them on the bridges and that's to amend the guidelines that are presently in place.

Mr. Kalalau: I so move that we send a, that this Commission send a letter of support, right now it's just to the Senate Committee that we is in support and in favor the Senate Bill.

Ms. Sablas: I think we already did to the Senate, this motion now is to the Judiciary, right?

Ms. Duensing: Okay, what Sam is saying is it's in support of Senate Bill and the number is --

Ms. Sablas: Oh, I see, okay.

Ms. Duensing: It's Senate Bill 1876, SD-2, it'll be heard by the Judiciary Committee, and it's going to be heard on Tuesday.

Ms. Long: ...(inaudible)...

Ms. Duensing: Yep, so try to get it in on Monday and Tuesday, March 22, and the Chairman is Blake Oshiro. You can fax testimony to the House Sergeant at Arms, and it's a toll free number, 1-800-535-3859, okay, so that's what Mr. Kalalau's motion is based on.

Ms. Sablas: Do I hear a second to --

Ms. Long: Second.

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

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

**VOTED: that the CRC send a letter to the Senate Judiciary Committee, Chair Blake Oshiro, in support of Senate Bill 1876, SD-2.**

Ms. Sablas: Motion is carried.

Ms. Duensing: Okay, it's 1-800-535-3859, and there's also email so I can give you that address if you prefer to do that.

Ms. Sablas: Yeah, I prefer emails cause I'd like to send a, you know, a written testimony.

Ms. Duensing: Yeah, it's --

Ms. Sablas: Can you give the name again so uncle can write it down.

Ms. Duensing: Okay, it's Blake Oshiro.

Ms. Sablas: And bill number? Senate.

Ms. Duensing: You know what? I'm just going to write it on a piece of paper and pass it down so everyone can copy it, yeah?

Ms. Sablas: Yeah, okay.

Ms. Duensing: Okay, so that's taken care of. And then what I wanna add to the report -- did you guys -- you voted on it, yeah?

Ms. Sablas: Yes, we all voted, motion carried.

Ms. Duensing: Yeah, okay, just checking. I don't remember anything anymore either. Okay, so you got in your packets a letter from Milton Arakawa, which I thought was a great step forward. He reports to the Commission, in response to your letter that they agree Koukouai Bridge is special, it is the only concrete arch bridge in the county's portion of the road, they started the planning process, and will be sharing with you more information soon, and he also said that Kaholopoo and Papaahawahwa Bridges are already funded and almost ready to go, but Paihi and Waiohonu Bridges are being reconsidered for rehabilitation. And I think, just getting him to say that, is pretty major. I also emailed him asking him about whether our engineers are going to go to Oregon, and he said it's in the works, and you know that's all the information I got so -- and then you also got a letter from the Mayor saying that he supports both the bills going through the Legislator so I'll be calling his office and reminding him that they need to submit testimony on Monday also. So that's basically -- oh, yeah, and then I went to the Governor's Advisory Commission yesterday and, should it get the Governor, I think they would be encouraging her to sign the bill.

Ms. Kalalau: Okay, also, we had a community meeting in Hana and I presented both bills before the -- before even the House Bill was shot down. I gave the community the information to send their emails or their letters in support. Also, yesterday, we had the county budget hearing in Hana and I also recommended to the County Council Members to support our enforcement, historic enforcement position here in Lahaina. It looked like they pretty much in agreement with that position. I also told them to send letters to the

Legislator to support the highway bills and is going through the Legislation right now. Hopefully, we will have that support too.

Ms. Duensing: And I'd just like to thank Commissioner Kalalau cause he's been really helpful in the last couple months. He's been really good about returning phone calls and explaining this Legislative stuff to me and giving me the assistance that I've asked him to and I really appreciate that.

Ms. Sablas: Okay, Dawn, thank you. Hopefully, I mean I have been, sorry I was gone the last week on the Mainland, but I've been tracking it because they have so it's news to me about that it was -- it died cause I know it passed the Senate.

Ms. Duensing: It died on the 16<sup>th</sup>, I think it was just Wednesday.

Ms. Sablas: Yeah.

Ms. Duensing: Yeah.

Ms. Sablas: Shucks.

Ms. Duensing: But it's not hopeless because it's still alive in the Senate and that's the important thing so that's why we need to make our voices heard and we got people on Kauai, the Big Island, and Oahu and everybody is sending in testimony.

Ms. Sablas: And the Mayor also sent a letter of support so --

Ms. Duensing: Yeah.

Mr. Kalalau: Yeah, and on the Senate Bill it was more defined on the design of our highways and also they had some better I guess information and wording on for preservation designs and stuff too. The House Bill, to me when I read it, wasn't, you know, it didn't really hold too much weight, whereas the Senate Bill they had more weight on it, so if the Senate Bill keeps going, I think most likely some of the things that were incorporated on the House Bill will be added on to the Senate Bill.

Ms. Duensing: Yeah, and that's basically what Mrs. Morita's office manager told me and then the other important thing is the reason why it's going to Judiciary is because liability is such a concern with this bill and State DOT really needs that and without the liability clauses in that bill, you might as well not even pass it cause it'll be ineffective, so you might wanna keep that in mind when you write up your one-page letter to fax in, it's very important, and that's why it's being heard by Judiciary.

Ms. Sablas: Okay. Are okay with that then, Dawn, moving on to Item G, New Business.

#### **G. NEW BUSINESS**

Ms. Duensing: Yeah, the only thing to -- no new business. No, I'll report this with the Director's Report.

#### **H. SIGN ENFORCEMENT PROGRAM IN THE LAHAINA HISTORIC DISTRICTS**

Ms. Sablas: Okay, Sign Enforcement Program in the Lahaina Historic Districts. I was really hoping that we would have something concrete by this time, our last meeting, and I'm very disappointed, very disappointed that cause we've sort of like, you know, Barbara and I have been meeting to try to get that historic district officer, and I understand the frustration of Keoki Freeland because we put in a lot of our own personal time and effort to try to get this going, and after everybody said, yes, the stumbling block still is the government, and I can see why sometimes citizens feel like "why bother" and I hate to say that but we've gone through that, spending a lot of our own personal time, and busy people as we are, and we haven't really had, I feel, the kind of support that I thought that we would get, after everything was said from all the officials, yes, we support it, and yet when it came to doing something and moving it, I found that they really weren't -- there was no sense of urgency and that is to get the district officer position in the Lahaina and we talked about budget and things like that, so I have to say this is one thing that I'm very, very, very disappointed about.

Ms. Duensing: Lori, in regards to that, I did find out from Wayne Boteilho that the Mayor did not accept the historic district officer in the budget and what they're doing is requesting a Planning Department employee that would work like half time in Lahaina and be assigned half time to the Wailuku Redevelopment Area, so if you wanna get that, basically, I guess that's what's in the Mayor's budget and you gotta lobby the Councilmembers to approve it.

Ms. Sablas: But you know, Dawn, what you say that with all of that we've done, I mean to hear from you, at least we should have had somebody from government reply to Keoki Freeland and our individual efforts because if that was the answer, then, you know, I'm sorry, but why did we spend all that time and then they didn't have the courtesy to address us who was trying to move it, and then to say, make a decision, without really informing the people who move, so the Mayor's says this, if you have community problems, he said, talk about it, come to me with a solution, and this is what we did, come to him with a solution and we've got really nil backup from the government, you know. I just think it's really sorry, it's not a good thing that's happening, and, personally, I was involved in this and I put a lot of time, and Barbara especially, so when I hear what Keoki is saying, that's where I was coming from, yes, there's laws and there's things, and I know I've worked with Moku`ula

from day one and here we have, I'm going off on my, you know, seeing the county, they were the very ones to break the rule by bringing back a backhoe in there, and this is the County Public Works, and we had to be public citizens say why you're doing that. So I think the common -- county needs to be held more accountable to for its actions and I wanna go on record in saying that because we serve on the Commission as to volunteer but I don't feel that -- I think the county can step up to the plate more and be more accountable, be more responsive to issues that are really dear and to the community.

Ms. Long: I'd like to share something with you. We got our tax assessments the other day on Front Street and I called the tax assessor. The assessments on the mauka side of Front Street went up just about 100 percent, which meant the assessments doubled, so they're figuring that the land value there is around \$570 a square foot and I said, well, yee Gods, what about the makai side of Front Street, when did you do that? And he said, "Oh, that was last year and that's a \$1000 a square foot." To my knowledge, real property taxes remain on Maui. So you tell me if there's any correlation between what Lahaina is bringing into the county coffers and the kind of respect that we get when we try to keep Lahaina historic and law abiding, and I don't get it.

Ms. Sablas: I don't think we deserve a half-time, I think we deserve a full-time, which has been our position from day one in this Commission.

Ms. Duensing: Lori, you know I agree with you. I sat on the Commission and fought with the design guidelines for those signs too, I mean I work full-time and more and I, you know, I see the projects that I permit and a week later, they tear out the window that you guys approve and put in a plate glass window, but I don't get any enforcement either. I mean agree with you but you take it -- I don't know, it falls on deaf ears, Mr. Foley or the Mayor, you know, the Mayor's the one that, you know, that's his budget. I'm just the messenger telling you guys what the budget is.

Ms. Long: But do you know whether Mr. Foley put it in his budget?

Ms. Duensing: Yeah, he did.

Ms. Long: He did?

Ms. Duensing: Yes, he did, and the way it came back was this half-time person for Lahaina and half-time person for MRA.

Ms. Long: Okay, so the Mayor --

Ms. Duensing: And I don't know how it got to be that way or what they twisted or, you know, who made that decision, but, you know, I asked before we came to this meeting and that's what I was told, okay.

Mr. Kalalau: I know it's in the Mayor's budget like that but our County Council members have some little bit weight to where they can put it on as a permanent position; this is what I'm hoping that my talk with the County Council members would make the change because I told them that we need that full-time position for the Lahaina Historic District enforcement officer. I did not tell them that for a part-time for Lahaina or in Wailuku; I specifically told them that it's for the Lahaina Historic District, and I'm hoping that the County Council could make that change on the Mayor's proposal, and that is why I think they're going around the island right now at the different communities with this, with the community budgets and stuff, this is what I feel that, you know, when they come to your specific communities and stuff, is to go out there and tell them, you know, that we need the position, not part-time or we need -- I told them that we need to start somewhere. Also, we talk about property assessments, Barbara, my property has increased \$600,000.

Ms. Long: Decreased?

Mr. Kalalau: Increased.

Ms. Long: Oh, increased.

Mr. Kalalau: From just 2004 to 2005 assessment, and the property tax on it has gone from a few years ago, from 700 to over to nearly \$2,000 a year on an ag property, you know, I guess it's happening all over.

Ms. Long: Yeah, the assessor did say residential is going up. Would it be appropriate to have the Cultural Resources Commission write a letter which then one of us could read at the County Council budget hearings? I would volunteer to do that even though I'm no longer a commissioner or maybe somebody else could, but if I could present something that said, please, we need this and we understand the Planning Department requested it in their budget and the Mayor thinks that half-time will do and let us tell you it won't.

Ms. Sablas: I'd love to have you do that, I mean it's coming up March 23 Upcountry.

Ms. Long: Well, I wouldn't do it Upcountry because that would be a distraction to the people with Upcountry issues but --

Ms. Sablas: Lahaina is the 22<sup>nd</sup>.

Ms. Long: No, but they have meetings at the Council Chambers and --

Mr. Kalalau: Yeah, they do.

Ms. Sablas: Okay.

Ms. Long: And I'll just go down there and do that and -- I'm outta here.

Ms. Sablas: But I think your Commission expires at the end of this month.

Mr. Kalalau: March 31.

Ms. Duensing: That's true.

Ms. Sablas: Yeah, so you're still okay.

Ms. Long: Yeah, okay.

Ms. Sablas: I'd really like -- because, Barb, you've been the champion with this and I really acknowledge you for doing it and a lot of work and personal time and effort have been put in and, you know, this is something, as you know, I'm very passionate about because --

Ms. Long: I'd very much like to do that and I know that we'd have support from some of the Council members, I believe, and I'll try to lobby them.

Ms. Sablas: We still have a quorum. Thank you for not leaving, guys, and sticking on. Why don't you make a motion.

Ms. Long: I'd like to make a motion that the Commission write a letter to the budget chair, who's Councilman Hokama, and budget committee --

Ms. Sablas: No, it's Dain Kane is the Council Chair -- yeah, Budget Chair.

Ms. Long: Oh, Dain's the Budget Chair, right, Riki's the Council Chair, oops. Last year that was true. To the effect that we have tried, as a Commission, and as individuals in discussions with the Planning Director, with the Finance Director, with the Managing Director, with the Mayor's assistant --

Ms. Sablas: Corp. Counsel.

Ms. Long: With Corporation Counsel and --

Ms. Sablas: About seven meetings we went to.

Ms. Long: Yeah. And this is not something new that this has been an ongoing request for many years, five years or more, because of the documented problems with enforcement in the Lahaina Historic District. Lahaina's an asset, not only historically and culturally, but economically, you don't wanna lose that.

Ms. Sablas: So the motion is -- you're still making that motion.

Ms. Long: I'm still making a motion.

Ms. Sablas: So are you going to -- you're going to be --

Ms. Long: This is the ingredients.

Ms. Sablas: Yes. Okay, are you going to be ...(inaudible)... you know, putting letter and then you'll be signing it on behalf of the -- I mean as a commissioner?

Ms. Long: No, I want the Commission to make this recommendation and then I'll read it into the record at the Council.

Ms. Sablas: Okay.

Ms. Long: But that --

Ms. Sablas: Is that legal, counsel? Okay.

Ms. Long: And the Commission sincerely request that the Council will provide for a full-time historic district enforcement planner in the budget as requested by the Planning Director.

Ms. Sablas: And I would also like to add about -- to talk about the price, the increase in -- I mean put that in the letter because that was my point is that Lahaina, as a community on Maui provides, it's a big economic engine for Maui County and it's really not fair that I think Lahaina is not getting its share, a small share of what it gives into the county's coffers, and that's what we've asking and to have this type of thing, after all our effort, to be half, I mean I really feel like it's been a slap in the face so thank you, Barbara for doing that. Do I hear a second?

Mr. Whelchel: Second.

Ms. Duensing: Okay, good, moved and seconded that Barbara Long will write a letter on behalf of the Commission, CRC, and to be working with Dawn also this type of letter and then so --

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

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

**VOTED: that a letter be written on behalf of the Cultural Resources Commission, by Commissioner Long and Dawn Duensing, Planning Staff, to County Council Budget Chair Dain Kane regarding their consideration of the Historic District Officer position for the Lahaina Historic District to be read at a Budget Committee hearing.**

Ms. Sablas: I'm really happy about this motion, passed, thank you. What else we have. Director's Report.

## **I. DIRECTOR'S REPORT**

- 1. Maui Surf & Sand Half Marathon follow up.**
- 2. April 7, 2005 meeting agenda**
- 3. Administrative Permit Reports**
  - a. Demolition Permits**
  - b. Historic District Approvals Report**

Ms. Duensing: Okay, the Director's Report. I put the Maui Surf & Sand Half Marathon follow up on this because one of your conditions, as part of their approval for the race, was that they come back to report to you and they let me know that they won't be around until, I think it was June or August or something and I told them that I would just let you guys know that they hadn't forget about it. If you wanted somebody to come in earlier, they'll ask a community member to come in to report, but if you wanted the race director to come in, you know, we can put it on the agenda on the month when they're in. Whatever is your choice. But they're very concerned and they, you know, wanna make sure if they defer it or, if not, they'll get somebody else in.

Ms. Sablas: I'm assuming they're going to plan and make this annual even, as I remember.

Ms. Duensing: Yeah, they've already put in the application for next year.

Ms. Sablas: Yeah, so they know they're going to have to come back if they want it to be an annual so I'm fine with that.

Ms. Duensing: Yeah, so they haven't forgotten about, it's just when they get here, they'd like to come in and see you.

Ms. Sablas: Okay, cause we do know that they were out of state.

Ms. Duensing: Yeah. Okay, on the April 7, 2005 meeting agenda, we will probably have the -- now they asked for the Lahaina Comfort Station Historic District application to be put in but I haven't seen any application so I don't know how they expect staff's going to get the work done in less than, what, three weeks so I don't know. And then for sure the other thing that will be on our agenda is the Ukumehame Draft EA is ready so we will be reviewing that. And those are the two items so far. Okay, and then Suzie included the administrative permit reports and they were attached with your packets and that's all I have to report.

## **J. COMMISSIONER'S ANNOUNCEMENTS**

Ms. Sablas: Commissioner's Announcements? I have one. I had -- I am a member of Friends of Moku`ula, as a board member, and we are on record as a board opposing the expansion of the ferry, I mean I'm sorry, the Lahaina Harbor, so that's on record.

Ms. Long: I'm going to pass out the Friends of Old Maui High School newsletter No. 2 for your edification, and say that I really have enjoyed this last year with all of you, I'm going to miss this, and keep the faith.

Ms. Sablas: Okay, so -- oh.

Mr. Kalalau: Just to add to what Barbara was saying, I, myself, has been privileged and honored to serve on this Commission with Barbara, with Lori, and with Mr. Kaopuiki here. I'm hoping that Barbara has put her name back in to serve another full term and I wish Lori and pops the best in your future and I really appreciate serving with you guys.

Ms. Sablas: Thank you everybody. Here-here, so motion to adjourn.

Ms. Long: So moved.

Ms. Sablas: Second, and everybody in favor, aloha. A hui hou.

**K. NEXT MEETING DATE: April 7, 2005**

**L. ADJOURNMENT**

There being no further brought before the Commission, the meeting was adjourned at 4:30 p.m.

Respectfully submitted by,

SUZETTE L. ESMERALDA  
Secretary to Boards and Commission I

**RECORD OF ATTENDANCE**

**Present**

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

**Excused**

Lisa Rotunno-Hazuka  
Perry Artates

**Others**

Dawn Duensing, Planning Staff  
James Giroux, Deputy Corporation Counsel  
Mark King, Planning Staff