

**CULTURAL RESOURCES COMMISSION
REGULAR MEETING
JUNE 2, 2005**

A. CALL TO ORDER

The regular meeting of the Cultural Resources Commission (Commission) was called to order by Chairperson Samuel Kalalau, III, at 9:02 a.m., Thursday, June 2, 2005, Planning Department Conference Room, Kalana Pakui Building, 250 South High Street, Wailuku, Maui, Hawaii.

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

Mr. Sam Kalalau: ...(inaudible)... and I'd like to welcome our new commissioners on board, Kalei and Nani and Kai. This morning's agenda is -- do all of you have a copy of the agenda? We're gonna -- being that in the last meeting that we had on, I think, April 7 was the minutes -- the minutes of April 7, there was an election done and I was elected the Chair but today -- today I am to make it official that I will be accepting the Chairmanship and so -- and so this morning we will be making nominations, opening up elections for Vice-Chair.

B. ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON FOR 2005-2006 BOARD YEAR

Mr. Lon Whelchel: Mr. Chairman, we've notoriously nominated those that are absent from the meetings, so why stop now. I move -- I make a motion that we -- that I nominate Dorothy Pyle as Co-Chairman.

Mr. Perry Aratates: Second.

Mr. Kalalau: Yeah, for Vice-Chair. Is there anymore nominations? If not, the nominations is closed. Okay, we're open for discussions now.

Mr. Whelchel: I think Dorothy Pyle will make a great co-chairman, she's not here today, but that's going to be unusual, we'll see that ...(inaudible)... here after.

Ms. Cindy Young: I'm sorry, Mr. Chairman, just for clarification, is that vice -- the agenda is for elections for Vice-Chairman so --

Mr. Kalalau: Yes.

Mr. Whelchel: Vice-Chairman.

Ms. Young: That's just to clarify.

Mr. Whelchel: Yes.

Ms. Young: Okay.

Mr. Kalalau: Are there anymore discussions?

Mr. Perry Artates: Mr. Chair, I think, in the last minutes of April 7, there was a statement made by Mrs. Pyle that she would be able to serve as the Vice-Chair, but not the Chair.

Mr. Kalalau: Okay, anymore discussions? If not, the discussions are closed and we will have a show of hand election.

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

It has been nominated by Mr. Whelchel, seconded by Mr. Artates, then unanimously

VOTED: that Commissioner Dorothy Pyle serve as the Vice-Chairperson for the 2005-2006 board year.

Mr. Kalalau: Okay, we have a unanimous decision here so Dorothy Pyle will be our Vice-Chair. Thank you very much, commissioners. Okay, commissioners, we will go into approving the minutes of our last meeting.

C. APPROVAL OF MINUTES OF THE MARCH 18, 2005 (previously circulated to the Commission), AND APRIL 7, 2005 MEETINGS

Mr. Whelchel: I make a motion that we approve the minutes of the last meeting.

Mr. Kalalau: A motion has been made. Do I hear a second?

Mr. Artates: Second.

Mr. Kalalau: It has been moved and seconded that we accept the minutes as presented to the Commission.

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

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

VOTED: to accept the minutes as presented to the Commission.

Mr. Wayne Boteilho: Mr. Chair, Wayne Boteilho, Deputy Planning Director. Today I am a sit-in lead staff for the CRC, although I did staff the CRC quite a while ago. Yeah, both were approved, for the record. So being the temporary lead staff, I'd like introduce Mr. Stan Solamillo, the handsome guy with the dark blue shirt over there. What -- how we're organized is that, for our boards and commissions, each Division Head or their representative are assigned to be the lead staff for one commission, and the Planning Director and Deputy Planning Director handle the Planning Commissions. But, in the case of the CRC, they are assigned to the Long Range Division, and it kind of makes sense, you know, long range and cultural issues should be tied together for the General and Community Plans and so forth. So Stan is here because, starting next month, he, in fact, Stan, I'd like to announce, he just became the Supervisor for the Long Range Division as a Planner VI, so he will be supervising our new cultural planner, when that person is hired. Having said that housing keeping things, under Unfinished Business, Mr. Chair, we have before you Hana Belt Road Bridge Preservation, an update on the progress of flexible highway design legislation and bridge preservation. So, after her esteem service to this Commission, I'd like to welcome back Ms. Dawn Duensing.

D. UNFINISHED BUSINESS

- 1. HANA BELT ROAD BRIDGE PRESERVATION: Dawn Duensing will provide an update on progress of flexible highway design legislation and bridge preservation.**

Ms. Dawn Duensing: Thank you, Wayne, and good morning, commissioners, Mr. Chairman. This has been a topic on the Cultural Resources agenda for more than six years. Some of you know that I've been very involved with trying to preserve the Hana bridges and the Hana Road. We got the road and its bridges listed on the National Register of Historic Places in June 2001, so it's been 4 years ago, and many things continue to happen to the Hana Belt Road, including plans to replace 4 of the County's 11 bridges, we continue to add massive guardrails, inappropriate jersey concrete barriers, so this Commission has been trying to do 2 things since early January, and one of them is to try to convince our Department of Public Works and State Department of Transportation that they should reconsider replacing bridges, and instead of replacing them, they should talk about rehabilitating them. We had, from the Oregon Department of Transportation, which leads the nation in bridge preservation, Frank Nelson here in January and he did a presentation to the Cultural Resources Commission as well as engineers throughout the State. And one of the good things that I have to report, as a follow-up to that presentation

in January, is that two of our engineers, Mike Dean and Joe Krueger, from our Department of Public Works, went to Oregon to see hands-on what Oregon is doing with zinc cathodic protection and other things that Mr. Nelson spoke about in his presentation, and they came back with the good news that they are going to rehabilitate rather than poorly rehabilitate Koukouai Bridge, which is the last of our major bridges out on the Hana Road past Kipahulu. So they have let out a contract for structural analysis to be done of Koukouai Bridge in Kipahulu and, after that, they will let out contracts for doing an appropriate repair. They had planned to repair it all along but it wasn't necessarily going to be in the best interest of the bridge because it's a concrete arch bridge, as we learned from the presentation, and they wanted to drop in steel girders, which significantly impacts a historic bridge, so that's good news number one.

Bad news, secondly, you have in your packets, I believe, a letter from Milton Arakawa, of the DPW, saying that they reconsidered the plans to replace two of the four bridges out past Hana and decided that rehabilitation would not work. I don't necessarily agree with it. They said that you would have to wrap the bridges and there's just not enough room to work, and the Commission may wish to ask Department of Public Works to come in here and explain what does this really mean and explain why we could not do bridge rehabilitation as Mr. Nelson presented to this Commission in January.

The other half of the work that I've been doing since January was trying to lead a Statewide group of interested individuals in getting legislation passed for flexible design on our rural roads, scenic roads, and historic roads. We wrote a lot of letters to the Legislature and the good news is is that they passed the bill. It includes protection from liability issues for our Department of Public Works and State DOT, which is what their concerned about all along is if we keep these old bridges, you know, we need protection so somebody doesn't hit them, get injured, and sue us, and they wrote that into the legislation, and they also, specifically, mentioned the roads that would be covered in this and one of them is the Hana Belt Road. So I think it's a tremendous victory. People throughout the State worked really hard at this, going to public hearings, writing letters. It has Statewide support. Now it's at the Governor's desk. So one of my last duties as your Cultural Resources Planner was to write this nice letter to the Governor urging her to sign this piece of legislation cause it is so important for Maui as well as Hanalei and other rural areas, and I would like to ask all of the commissioners to individually write a letter to the Governor. This is Senate Bill No. 1876 relating to DOT Highway Design Alternative Standards. Some of the things you can mention is that this legislation has Statewide support, this has been an important issue in Maui for more than six years as we try to preserve our Hana Highway, this provides what the Department of Transportation needs for protection from liability, and it's a good bill for preserving, not only our cultural resources and treasures, but preserving the cultural nature of our rural communities and I think that should be very emphasized along with it has Statewide support.

So I urge this Commission to, you know, continue leading the charge to protect our Hana bridges and our Hana Belt Road. It's very important -- 73 contributing structures. Right now there's a Water Department project underway that is -- has actually impacted the foundation of two of the bridges out there. So keep an eye on what's going on and I will always be happy to provide any advice, some of it's probably going to continue come to you unsolicited, whether you like it or not, on how we preserve this road. So I hope that we can get the Governor to sign this bill cause it was a lot of work and it's really important for our roads and bridges throughout the State. So, any questions?

Mr. Kalalau: Yes, I have a question. Dawn, thank you so much for being real supportive to the Cultural Resources Commission and also for the preservation of the Hana Belt Road and stuff. My question is is this bill a joint House and Senate Bill put together underneath just a Senate Bill now or --

Ms. Duensing: Actually, it flopped in the House and it continued in the Senate, and then it had several revisions, and, you know, they basically hammered it out so that it was passed on both sides, and now it's ready for the Governor to sign. Does that answer your question?

Mr. Kalalau: And so it's S --

Ms. Duensing: It's a Senate Bill.

Mr. Kalalau: Bill?

Ms. Duensing: Right cause it failed in the House --

Mr. Kalalau: Right.

Ms. Duensing: So with revisions in the Senate Committee, working with the House Committee, they were able to come to an agreement. The big issue was the liability because I guess there were a lot of consumer lawyers that did not want to see this legislation passed.

Mr. Kalalau: Okay, thank you.

Mr. Boteilho: Yeah, Mr. Chair, if I may add, usually, yeah, I guess Senate Bill 1876 is a short name. If you wanna get into the technical name, since it was hashed out in Conference Committee, it would be something like Senate Bill 1876, Conference Committee Version No. 2, or something --

Ms. Duensing: It's, I think it's -- I don't know what it is but --

Mr. Boteilho: CC whatever.

Ms. Duensing: I tried to shorten it cause it was really long, but if you go to the Senate web page, you can look at the bill status and in there you type SB 1876 and check the three boxes below, and that'll give you the committee reports, how they hammered it out, and it'll also give you what the final wording was for the legislation, yeah, but Wayne's right, it was SB 1876 and then I think after that it was HC or HD 2 or whatever.

Mr. Boteilho: So all we need is for the Governor to sign for it to become law.

Ms. Duensing: Yeah. Yeah. It's ready to go and I know that the National Trust for Historic Preservation, I contacted them, and they will be writing a letter of support for this as well. They've been following us as we've worked with, you know, the Legislature to see this through, and we're trying to get letters from Historic Hawaii Foundation, and anybody else I can think of. Just about all my personal friends are writing letters too. It's easier to write a letter than listening to me continue to ask them. Okay, anything else? Alright, and, just before I leave, I do want to thank all of you for your willingness to serve. It's been a pleasure to work with all of you and I look forward to working with you in the future as I become just a citizen.

Mr. Boteilho: Civilian. Thank you, Dawn. Mr. Chair, at your request, is there any member that has to leave by a certain time today? Yes?

Ms. Deldrine Kapuni: Yeah.

Mr. Boteilho: What time do you --

Ms. Kapuni: Well, I talked to ...(inaudible)...

Mr. Boteilho: Oh okay, okay. Yeah, we're just wondering if we didn't have quorum a certain time we'd move up the items that had applicants. Along that line, Mr. Chair, is there anybody that cannot be here later that would like to testify on any agenda item now? Okay, seeing none. Mr. Chair, under Permit Review, we have Historic District Applications.

E. PERMIT REVIEW

1. HISTORIC DISTRICT APPLICATIONS

- a. **MS. THEO MORRISON, LAHAINATOWN ACTION COMMITTEE, requesting Historic District Approval for the July 4th Celebration in Lahaina. The CRC will approve or deny this application. Public testimony will be accepted. (D. Dias)**

Mr. Danny Dias: Thanks, Wayne. Good morning, Chairman Kalalau and members of the Commission. My name is Danny Dias, Staff Planner. The item before you is a request for a Historic District Approval for the 4th of July Celebration. The event will take place on Front Street, between Baker and Hotel Street. The event will start at 4:00 and will end at 8:45 in the evening. Events will include a children's carnival at Campbell Park, soda, water, and t-shirt booths, a concert on the library lawn, and a fireworks display.

The Planning Department decided to bring this event before you today because some changes have been made since the Commission last reviewed this event in year 2002. One of the conditions placed on the 2002 approval was, "Any substantial additions or changes to the scope or intensity of the event and project sites shall require an amendment to the permit." There were changes in 2003 and in 2004. In 2003, the Department approved this event administratively because I believe the application was filed on June 14 and that just wasn't enough time to bring it back for CRC review. It was also administratively approved in 2004 because the event was scaled down from what was approved in 2002.

This year, the major changes, from what the CRC approved in 2002, are the children's carnival. I was told by the applicant a few minutes ago that the children's carnival will start at 2:00 p.m., I believe I put 6 or 5 in my report. Another major change is the concert will be -- the concert will take place on the library lawn instead of the 700 and 900 Block. And, lastly, this year, the Kaanapali Resorts aren't provided shuttle services to and from the event; in 2002 they did.

The Planning Department requested comments from the Department of Public Works, Police Department, Fire Department, and State Department of Health. None of these agencies had any significant comments.

That concludes my presentation. In addition to myself, Ms. Theo Morrison from the LahainaTown Action Committee is here for any questions that you may have.

Mr. Kalalau: Commissioners, do you folks have any questions or comments for Mr. Dias? If not, maybe we can have Theo --

Ms. Theo Morrison: Good morning. My name is Theo Morrison, I'm the Director of LahainaTown Action Committee, and I'm here to talk about the 4th of July. For years, the 4th of July was held in Kaanapali and it was in 2001, I believe, that they -- or 2002 -- 2002 they decided not to do it anymore and it was at that point that we felt a huge need in the community so we took it over. It's been very successful, the last four years. We bill it as a old fashion 4th of July. It's a total -- like a family oriented event. It's been, basically, very simple. In the past, we just basically had the fireworks, but this year we're partnering with two other non-profits to do a few more things. I should mention also that the funds for this

event, which cost \$35,000, are entirely raised by the community. There's no other source of funds for this event, so it's a real grassroots community thing, and it's really one of those wonderful type of events.

The concert, I mean it sounds like -- the concert in the library lawn is, actually, we're partnering with Arts Education for Children's group and so the -- there's a couple bands, these are student musicians, and they're all part of the 2005 Maui Invitational Band Festival, which is going on from June 27 to July 8. And the other band that's playing is going to be one of the world beat band that's being brought in to this band festival and they're going around to all the Summer PAL programs and giving free educational workshops for the kids. So this isn't like a rock band, that's not like a band band; these are like student performers and we're giving them an opportunity, it's totally free, giving them an opportunity to perform in front of the public.

The little carnival that we're doing is, again, this is a partnership with a group in Lahaina called "Wednesday is Tutoring Day," and this is, I don't know if you've read about it in the paper, this is a phenomenal project that's been going for about four years where, every Wednesday, sixty-something volunteers work for two hours with selected students in the public schools, after school on the tutoring program. The funds that they will be raising at this little carnival would go to pay for things like snacks for the kids, and books, or any other things. Again, it's a totally, basically, a non-funded program, it's all volunteer, and they just need funds to do a few other little things. The type of games that they're doing, these are just like old fashioned type of carnival games. There's no bouncies and all that kinda stuff. We'll probably be doing like three-legged races and those kinds of games in addition to the little games where you throw the ring around the Coke bottle and that kinda thing.

So we really wanna keep the whole theme -- and there's no food booths at any of this stuff with the idea being that people will go into the restaurants and support the local businesses who are supporting the whole event. So, like I said, it's something we took on because Kaanapali dropped it. It's something that's been very well received by the community, and by the town, and is entirely supported by the West Maui community. Any questions?

Mr. Whelchel: Mr. Chairman?

Mr. Kalalau: Yes, Lon?

Mr. Whelchel: Sound like this would be a wonderful event. I wonder where they get these three-legged participants for that race. What if we had parking, just as a -- out of curiosity, this is something I would lean toward, and that is no parking from Baker to Hotel forever. What affect do that have on Lahaina? Would that kill Lahaina? No parking?

Ms. Morrison: No parking on Front Street you're saying?

Mr. Whelchel: Right.

Ms. Morrison: Forever? That would have a big affect. It wouldn't have a good affect. Parking is we're about 900 stalls short right now overall in the parking in Lahaina. So if you erased all the parking on Front Street, that would further --

Mr. Whelchel: No, if you had additional parking, as they've done in Denver and other areas, they eliminate parking, maybe a trolley, but no parking on the main road. Would that --

Ms. Morrison: Well, parking is a huge subject. It's a huge problem in Lahaina. It's a huge subject, and lots of ideas have been tossed around, but, yeah, eventually something's gonna have to happen with -- the other problem with parking in Lahaina is the cost of parking in Lahaina. It's now -- it makes more sense to tear down a building and put in a parking lot than to retain a building. That's a problem. So it's a huge problem.

Mr. Whelchel: Okay.

Ms. Morrison: Any other questions?

Mr. Kalalau: Have you been working with the Parks Department in setting up these areas for, you know, as far as the things that you guys need to comply with with the Parks regulations?

Ms. Morrison: Yeah, actually, Campbell Park is privately owned so it's with Waiola Church, and we just got their permission, and the other park, the Library Lawn Park, that park, and I do have a letter here that we used before, I'll have to renew this letter, that park is in dispute between the County and the State. However, the County, a couple years ago, wrote me a letter giving me permission. That's the only one problem is the permission to use it. But, yeah, we're in compliance with the Parks Department.

Mr. Kalalau: Okay, you know, my concern was just that if we, you know, if we support this project full on and then the department comes in and tell you guys, you guys, you know, cannot be doing this, cannot do that, and --

Ms. Morrison: Well, actually, Lahaina Restoration maintains the park at -- the Parks Department isn't actually very involved with definitely not involved at all with Waiola Church because they don't own it, and the Library Lawn Park is maintained by Lahaina Restoration so --

Mr. Kalalau: Okay, just to so that I know that, you know, the block numbers, they run from -
- how does the numbers run along Front Street?

Ms. Morrison: It starts from the south and it goes up. The 700 Block is the block with -- where the seawall is.

Mr. Kalalau: And then it goes up towards the banyan tree?

Ms. Morrison: It's goes down towards the banyan tree.

Mr. Kalalau: Oh, the other way?

Ms. Morrison: Yeah.

Mr. Kalalau: Oh, okay.

Ms. Morrison: The 600 Block is where the -- 600 Block is the banyan tree block.

Mr. Kalalau: Okay, thank you.

Ms. Morrison: Okay.

Mr. Kalalau: Alright, is there any more questions?

Ms. Nani Watanabe: I just wanna say good luck on this. I'm in charge of a festival on Lanai and I guess with no food booths, that makes it even easier to make this happen. So it sounds like fun.

Ms. Morrison: Okay, thank you.

Mr. Kalalau: Is there anymore -- is there anyone that wants to -- it's now open for testimonies.

Ms. Duensing: Dawn Duensing. As long as I'm here. The use of the library lawn, I would just like to say that I think the County needs to, once and for all, decide who has the jurisdiction and the authority on that. They shouldn't just be letting everything go. I'm not necessarily against public events. What I'm saying is that the County should take responsibility for this and not just say, oh, it's a Public Works thing or it belongs -- I mean nobody's taking authority over it and somebody should do that once and for all.

Mr. Kalalau: Is there anymore testimony on this agenda item? Commissioners? If not, will someone make a motion to --

Mr. Whelchel: I make a motion that we approve this request for Ms. Theo Morrison, LahainaTown Action Committee.

Mr. Kalalau: There's a motion on the floor. Any second?

Ms. Watanabe: Second.

Mr. Kalalau: Okay, it's been moved and seconded.

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

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

VOTED: to approve the request of Ms. Theo Morrison, LahainaTown Action Committee.

Mr. Kalalau: Motion is --

Mr. Boteilho: Mr. Chair, next on Permit Review we have Ms. Crystal Alboro, Na Kamehameha Commemoration Committee, LahainaTown Action Committee.

- b. MS. CRYSTAL ALBORO, NA KAMEHAMEHA COMMEMORATION COMMITTEE, LAHAINATOWN ACTION COMMITTEE, requesting Historic District Approval for Na Kamehameha Commemoration, June 18, 2005, at Banyan Tree Park, TMK 4-6-001:009, Lahaina, Maui, Hawaii. The CRC will approve or deny this application. Public testimony will be accepted. (D. Dias)**

Mr. Dias: Okay, the item before you has to do with, as Wayne mentioned, the Na Kamehameha Commemoration event that will occur in Banyan Tree Park on Saturday, June 18 of this year. Just to clarify, this request isn't for the event in its entirety, it's just specifically has to do with the Policy No. 2 of the Revised Banyan Tree Policy. The CRC approved this revised policy on August 5 of 2004, and it took effect on September 4 of 2004. Policy No. 2 states, "That art fairs in Banyan Tree Park be limited to 25 booths." On May 11, 2005, the Na Kamehameha Commemoration Committee submitted an application for the 2005 event and they requested to put up about 38 booths, I think in my report I have 35, but it's for 38 booths. They were advised of the new Banyan Tree Policy but because the Na Kamehameha Commemoration event is not a "art fair" the Kamehameha Commemoration Committee feels that the 25 booth restriction shouldn't apply to them; therefore, the applicant and the Department seeks clarification as to whether or not the 25 booth restriction is all encompassing and for all events, or can certain events be given special consideration. And if certain events should be given special consideration, should the Department have the CRC review these requests on a case-by-case basis. Earlier, I handed out some testimony. One is from the Director of Department of Parks and

Recreation. Their position is that they wanna uphold the 25 booth restriction rule regardless of the scope of the event. There was also some testimony in support of keeping -- of having no restrictions on the amount of booths from Carolee Aricayos and another -- there's an email in support of not restricting the amount of booths from Toddy Lilikoi. That concludes the Department's presentation. And Crystal Alboro is here, along with myself, for any questions that you folks may have.

Mr. Kalalau: Commissioners, do you folks have any questions for Diaz?

Ms. Kapuni: Sam?

Mr. Kalalau: Yes?

Ms. Kapuni: Mr. Chair, I come from Molokai and a couple times I've been in Lahaina Town and there's a lot of vendors under the banyan tree. What is the max? I mean I cannot really count, but what is the max? What do you guys --

Mr. Boteilho: Well, first of all, there's two types of events allowed on a monthly basis under the banyan tree: one is the Arts Society, supposed to be arts, and the second one is like this craft fair but it's restricted to be like local made crafts. I'm not sure how much -- what is the maximum amount of vendors. I don't know if anybody here involved could answer that, but, oh, okay, we have the applicant coming.

Ms. Crystal Alboro: Aloha o Crystal Alboro koi noa. Thank you again. As mentioned in the agenda, the rules that were implemented in September restricts the 10-by-10 booths to 25; 25 10-by-10 booth areas for art fairs.

Ms. Kapuni: Okay.

Ms. Alboro: And I'm -- can I speak? I haven't seen the Director of Parks letter, I heard it was coming down, but, just for the record, Parks doesn't maintain the park. Lahaina Restoration Foundation maintains Keawe Iki and, again for the record, we'd like to use the proper ancient names of these facilities. Keawe Iki is the first name of Lahaina Banyan Tree Park. County doesn't man it, they don't care for it, they are never down there, so why they, you know, are allowed to govern with rules, it's still at a loss to us.

Ms. Kapuni: I'm sorry. Who takes care of the place? Who --

Ms. Alboro: Lahaina Restoration Foundation. They maintain the grounds.

Mr. Kalalau: Okay, Kalei?

Mr. Kalei Moikeha: So what you're saying is you wanna go as planned? You wanna go over the 25?

Ms. Alboro: Our event has been ongoing for over 20 years. We've never changed. We've never asked for more. And what we're asking is that you don't restrict us to less because of other pilikia on other people not being able to malama the park. The Hawaiian cultural event shouldn't be punished because the other non-cultural events don't malama the park is what we're asking.

Mr. Moikeha: So how did we come up -- who came up with the 25?

Ms. Alboro: Parks.

Mr. Moikeha: The Parks did? No?

Mr. Kalalau: No, this was negotiated with some of the Lahaina guys who use the park for arts and crafts programs and other kinda booth projects that they had down there, and there was reasons of -- there was some safety factors and also the arborist people thought it was impacting the banyan tree to go over 25 booths in the area, and also it was parking and traffic. There was a bunch of criteria that we used to come up with this figure ...(inaudible)...

Mr. Moikeha: And that was in particularly for the arts thing though?

Mr. Kalalau: No, it was for --

Mr. Moikeha: For everything?

Mr. Kalalau: Yeah.

Mr. Moikeha: But the wording is, as stated, for arts.

Ms. Alboro: Arts fairs.

Mr. Moikeha: Yeah, and that's what we're here to discuss today, right, to see if we can go on a case-by-case basis? My thoughts are I'm for the host culture. I mean, even as you look in Honolulu when the Kamehameha Parade itself is fading and there were, you know, if it wasn't for people stepping forward to participate, that would be dead. And if we're strong here and we're trying to hold to what the host culture is trying to do, my thoughts are, if planned and done well and correctly, it's safe, I have no problem with going as planned. That's what my thoughts are.

Mr. Kalalau: And what Crystal is saying that you're comfortable with the 25 number, right?

Mr. Moikeha: No.

Ms. Alboro: No, sir. I'm here today because, in the past, we've been allowed administrative approval --

Mr. Kalalau: Oh, I see.

Ms. Alboro: With no substantial changes and we are not changing our event in any way, so I'd like to have it approved as previous, maintaining our event, and rather than reducing it pursuant to the County Park Rules.

Ms. Kapuni: I have a question. How many -- what was the maximum booths you folks had in the past?

Ms. Alboro: Fifty.

Ms. Kapuni: Double the number.

Ms. Alboro: I do two cultural events at Keawe Iki. One is Kamehameha and the other one is Aloha Festivals, previously known as Aloha Week. Those are the two hoolauleas I take care of or assist with or volunteer for through LahainaTown Action and Aloha Festivals Committee. In the past, we've had up to 50 and that includes food booths, crafters, and artists, and what I do is, artists are people who sell their wares; crafters are people who demonstrate. I have poi pounding; kapa makers; lauhala weavers; lei makers. Those are considered crafters. They don't sell anything. They're just there for exhibit hands-on for people. They don't exchange any kala. Artists, we consider money is exchanged. There is a revenue generating there. The food booths, again, are limited to non-profit organizations only and they keep whatever they make. We don't take a percentage to fund future parades or future hoolauleas.

Ms. Watanabe: I have a question. Are these food booths under the -- where are they located?

Ms. Alboro: They're limited to the tree, under the banyan tree, and all the booths are limited to ten-by-ten, so if we are limited -- my application requests for three ten-by-ten booths. There might be one with water and soda and shave ice; one with a, you know, normally we do a Hawaiian plate, and then, you know, one is another food item whether it's a salad or what have you. And we do recognize the rules, there's absolute no cooking in banyan tree or under the banyan tree.

Mr. Boteilho: Mr. Chair?

Mr. Kalalau: Yes?

Mr. Boteilho: Yeah, you know, this is a -- maybe it's an unfortunate situation because the policy was changed, I guess, last year sometime, and I guess the Parks Department originally had proposed nothing, don't have nothing under the banyan tree, but, after a while, I guess it was compromised that the 25 booth limit. In this particular case, we recommend that you go along with the 25 booth limit. If you were to vote to approve 30, that is your prerogative, but I am fairly certain that they need not only a Historic District Permit from you, but they also need a Parks Use Permit from the Parks Department, so I believe the Parks Department can still enforce their 25 booth rule. So, perhaps, maybe the recommendation could be something like you recommend 30 booths and I could place a call into Parks and maybe we can work something out, but I think they are able to enforce 25 booths. Thank you.

Ms. Kapuni: I have a question. Why are we, maybe that's a totally different meeting, but she's saying that the Parks Department of County does not take care of this property.

Mr. Boteilho: Yes, but --

Ms. Kapuni: So why are we dealing with them?

Mr. Boteilho: Because it's, basically, under their jurisdiction. They, basically, own the property.

Ms. Kapuni: The County owns the property?

Mr. Boteilho: Yeah, it's under their jurisdiction. They --

Ms. Alboro: Correction.

Mr. Boteilho: Well, okay, no, well they issue permits for that property. They have the authority to say yes or no whether you can do something on that property. It's not unusual to have private groups maintaining County facilities. But, no, go ahead, you know --

Ms. Alboro: No, just the County doesn't own the property. That's all. It's ceded land under the State of Hawaii.

Mr. Boteilho: Yeah, sometimes you have executive orders, yeah.

Mr. Kalalau: Nani, you had a question?

Ms. Watanabe: No, thank you.

Mr. Whelchel: Mr. Chairman, Wayne is exactly right. A year ago, we did have a propaganda come through here, the items that could be used under the banyan tree, and there were fewer than 25 opposed, I think we brought the number up to 25, but we limited it to 25 due to the wear and tear on the grounds, I believe that's what the issue was, and we fought that for many, many hours and days, and finally determined that 25, that that's the number, was what we should enforce, and I'm in favor of sticking with our rules.

Mr. Kalalau: Okay, Kalei?

Mr. Moikeha: Mr. Chair, then I would say either an amendment needs to be done because the wording is wrong, which is why I guess Mr. Diaz clarified cause it states, you know, as it states here, because the event is not an art fair and it's worded as such for the 25 booths as an art fair. And I think for over 20 years, once again, this event has been held and because others may have, you know, I wasn't privy to all things you folks discussed, I'm just looking at this right now, but as far as other activities that may have been there and have destroyed things, I don't think we need to look at this festival as one that we can say or should say we're going to limit you after precedence has been set for over 20 years, and if nothing else, we can even go even farther than that, as far as I'm concerned.

Mr. Kalalau: Okay, Crystal.

Ms. Alboro: I was there. I gave testimony when they were going through the negotiations to limit the booths. Of course, I was against it because I was -- knowing that every June and every October, the two festivals that I coordinate were coming up, I did come before the Commission and testify. At that time, the Chairwoman, Lori Sablas, told me I needed to come back and ask for your blessing to get me outside the purview of the art fair and that is why I'm here at the, you know, recommendation of the previous chair that if this is a cultural event that is not considered an art fair, that I would have to come back before you and ask for your so-called blessing, is how she quoted it. So that's why I'm here today is just to ask, again, that you reconsider the cultural event, the host cultural event, and to keep it status quo, we don't have any changes at all, whatsoever, from previous years, taking into consideration Parks rules, recognizing and acknowledging the purposes for those rules, again, those art fairs are there four weekends a year, I mean, four weekends a month, they should be restricted; Kamehameha is there one day a year and I don't feel like it should be restricted as an art fair, and that is what the gist of the application is for to clarify and, again, get the administrative approval as we have always had in the past.

Mr. Kalalau: Yes, Lisa?

Ms. Lisa Rotunno-Hazuka: I might have missed this since I was late so sorry. On the additional -- so we we're talking an additional 10 booths or 13? We wanna to 35 or 38?

Ms. Alboro: We're at 38 including crafters --

Ms. Rotunno-Hazuka: Okay.

Ms. Alboro: Which would be, you know, 18 over or 13 over what the park rules are set at.

Ms. Rotunno-Hazuka: And then when you were saying ten-by-ten booths, were you emphasizing that because you're trying to do a smaller booth?

Ms. Alboro: No, that's park rule guidelines also.

Ms. Rotunno-Hazuka: That's what usually the 25 are.

Ms. Alboro: Park guidelines.

Ms. Rotunno-Hazuka: Okay, and is it possible for the additional booths to be set up maybe somewhat away from the banyan tree to, you know, be along the courthouse?

Ms. Alboro: Well, quite frankly, not many of the booths actually take up a ten-by-ten space, you know, some of the crafters are just a little table, a poi pounder.

Ms. Rotunno-Hazuka: Right.

Ms. Alboro: So, again, it's a County Department of -- County Parks, ten-by-ten, and many of them don't even take up a ten-by-ten.

Ms. Rotunno-Hazuka: Right, I mean I remember --

Ms. Alboro: But that's the guideline.

Ms. Rotunno-Hazuka: I remember when we went through, we did this in Lahaina, right, this was -- we had this discussion in Lahaina on this when it was the 25 or was it here?

Mr. Kalalau: No, we actually had a big meeting right here when the kupunas came. I remember I just came on board too.

Ms. Alboro: And also it was discussed in Lahaina as well.

Mr. Kalalau: Right. Right.

Ms. Rotunno-Hazuka: Yeah, I thought I remembered it in Lahaina.

Mr. Kalalau: Yeah, we had a Lahaina meeting and then one right here.

Ms. Rotunno-Hazuka: Right. And I know, again, one of the concerns was, you know, the banyan tree; what's appropriate there. I'm wondering if it's possible to try the 38 for this next event and, you know, see how it goes.

Mr. Kalalau: Well, as commissioners, we need to decide that or --

Ms. Rotunno-Hazuka: Right.

Mr. Kalalau: Stay with the --

Ms. Alboro: Lisa used a good word as far as what's appropriate, you know. If we're talking about Keawe Iki, what's appropriate is host cultural events. It is a little inappropriate to have Lahaina Arts Society and He Ui Crafters there week end/week out, that is inappropriate, but the Commission has allowed it to happen, okay, so what is appropriate is, on these specific sacred grounds are, host cultural events; that's all we're asking.

Ms. Kapuni: Mr. Chair?

Mr. Kalalau: Yes?

Ms. Kapuni: I think -- I think that because there's the craft fairs or the craft activity every weekend, you're saying, they're there every weekend?

Ms. Alboro: They have been. Yes.

Ms. Kapuni: I have to be careful, at Keawe Iki, and you're asking to do this one time a year with Kamehameha, the celebration for Kamehameha, I have to agree with her that they should be given, you know, that amount that she's requesting of booths. And while we're at the subject, how are we impacting the banyan tree? I'm very curious. How are we impacting that banyan tree when you have the vendors? Is the environment -- what? What's going on with the banyan tree? Somebody help me.

Mr. Kalalau: Basically, we had people from the arborist department here, the guys who goes and check on those trees every year whether it's healthy or it's not doing well and stuff. They're reports came back that a lot of times that is why they stopped cooking food on the site because --

Ms. Kapuni: Oh, the heat.

Mr. Kalalau: The hot coals were thrown on the roots on the ground and they were destroying -- impacting the tree and also the lawn.

Ms. Kapuni: Well the rules should be stringent then that you cannot be trashing the place, burning the roots ...(inaudible)...

Mr. Kalalau: Well, it is -- it is, like Crystal is saying, and the policies are, you know, the requirements is by the Parks and Recreation and they have strict rules on there but whether the rules really --

Ms. Kapuni: Who's enforcing it?

Mr. Kalalau: Parks Department -- that justifies the host culture event, this is where the problem is and whether it can handle 50 booths underneath there, but, I mean, well, it's, you know, people, that's why we're here today.

Ms. Kapuni: It's been done before, right?

Ms. Alboro: I've done it at least three times.

Mr. Kalalau: Okay, Kalei, you got a --

Mr. Moikeha: So what is the Lahaina historical society say? Are they in support of you or -
-

Ms. Alboro: The historical society?

Mr. Moikeha: Yeah, as far as --

Ms. Alboro: So as Lahaina Restoration and --

Mr. Moikeha: Or anybody down there, merchants as far as --

Ms. Alboro: Oh, yeah, everyone supports the parade. No one's here to say they don't want that event you notice.

Mr. Moikeha: Right. And then the booths itself, I mean, do you have other people supporting you on the numbers that you would ...(inaudible)...

Ms. Alboro: Well, Toddy Lilikoi is one of the written testimonies that was sent over, you know, what she's been able to produce as far as champion youth teams just by being able to have a nonprofit booth there. She's been able to send children to Las Vegas, California,

and come home national champions here on Maui, so that speaks for itself, the results of these events. It's not just about the culture, but it's all encompassing; youth, community, you know, island status. We're bringing these children across the ocean and the result of that, because they did so well, two years now they've held national champions here in Lahaina, at the civic center, Parks Department.

Mr. Kalalau: Okay, commissioners, anymore questions?

Ms. Watanabe: I have a question, Mr. Chair. Is the -- Crystal, I know that -- I think the vendors that are there on a weekly basis I think they should be monitored because of the impact of they're there, you know, on a weekly basis or is it what? Is it every --

Ms. Alboro: Three weekends a month.

Ms. Watanabe: Three weekends a month. So I would think --

Ms. Alboro: It used to be four, the County restricted, they're down to three weekends a month.

Ms. Watanabe: That, you know, and that could be the cause of the impact but as the cultural host and having a celebration such as Kamehameha Day once a year is a very, very wonderful celebration, so I agree with you in giving this opportunity, this time, the opportunity to increase the booths at this event and just go from there and see how it works there. I mean I think it makes a lot of effort to enhance our culture, which is Kamehameha Day, and we don't want it to be lost and we'd like -- I'd like to see that honored and I understand what you're saying.

Ms. Alboro: Thank you. I appreciate it.

Mr. Kalalau: Okay, Kalei?

Mr. Moikeha: Then the question goes to Corp. Counsel. Do we have the right, this morning, to make a change, or is it a change, or is it just a clarification, or -- it says here that we'll be deciding on this but if not, we're discussing something for nothing?

Ms. Young: I think in the past, this Commission has gone with the 25 vendor rule because that would be consistent with the Parks policy. I don't think anything restrains you to that but the vendor, this application would need to also go to Parks because this would be considered selling in a public place, which by Section 19.52.100 of the Maui County Code, would require not only CRC's approval but also the responsible government agency having administrative authority over the park and, in that case, that's the Parks Department. So they would still need to abide by whatever Parks require.

Mr. Kalalau: Okay, Crystal, we're going to -- thank you.

Ms. Alboro: Thank you.

Mr. Kalalau: We're going to see if there's anyone in the public that wants to testify on this agenda item.

Ms. Morrison: Good morning again. My name is Theo Morrison, Director of LahainaTown Action Committee. We totally agree with Crystal and what she is doing is not an art fair. Those rules were made, specifically, for the numbers, the huge numbers of weekly vendors that were appearing in that -- in the regular craft fairs. So that was, in those huge meetings we had, that was limited to 25 and what was also initiated was a rest weekend, so it's not four weekends a year, it's three weekends a year with a regular -- the regular arts and crafts fairs. So there's been a huge reduction in -- in that use so, therefore, an event such as Crystal's or the Kamehameha Day event and Aloha Festivals should not fall into that category. It's so integral to Lahaina to honor the host culture, it's so integral. This parade is like 35 years old and we've umbrellaed it underneath us to support it but it's actually a volunteer group headed by Crystal and other people that have kept it going and it's really been a struggle, so it's integral that we keep this little funding source that -- cause a percentage of that money goes to the, 25 percent of those sales which were all conducted inside through the visitors center, goes right back to the event. I mean, years ago, the State of Hawaii, this was a State of Hawaii event, they dropped it. They took away all the money, and that the year when we had, you know, like a month to put this parade on, there was zero money, so this little festival with the funds from that helps us perpetuate this and it is not an art festival, it's not an ongoing event. It is a once a year, you know, cultural event that's been happening for 35 years. We -- this is your job. This is a cultural resource and without this, you know, without these little booths, with this little bit of money, this thing could possibly go away and that would be tragic.

Mr. Kalalau: Thank you, Theo. Anybody got questions for her? Okay, anybody else in the public would like to testify on this agenda?

Ms. Duensing: Dawn Duensing, again, cause I probably have the longest institutional memory in this room anyway. I don't really have any -- I don't want to get into the support or against it, but I just wanna clarify a few things. In the early 1900's, this was given over by executive order to the County so that it is State land, ceded land, that is correct, but the County has authority on it. I don't think it's quite fair to say that the County doesn't take care of the property because, you know, the County, as being the legal owners of the courthouse and Banyan Tree Park, the Lahaina Restoration Foundation, that's kind of, you know, the work they do to maintain these properties is the rent they pay, you know, that's part of the agreement with the County and the lease. As for the word "art fairs," you know, maybe we shouldn't use that in the rules when we re-did them last September, but I know

that we were looking at these as events because He Ui considers themselves a cultural event too and not necessarily an art fair. So that, you know, one of the reasons why this was taken under consideration is to -- there's actually been events that had up to 60 vendors under the tree and nobody wanted to see that. The Arborist Committee is worried about, not just the cooking under the tree, but how does all the traffic impact the tree's roots. I know that was part of the discussion. So there's a lot of things to consider and one of the things that, as a Commission, and, you know, I sat on the Commission for five years myself too, is -- was the issue of fairness and how do you draw the lines and, you know, I worked with Parks personally on trying to, you know, cut that back and, you know, the Deputy Director and the Director last year told me, point blank, well, if everybody's going to fight over how many it's going to be, we're just going to boot everybody out, and that's how we came up with the 25, as Commissioner Kalalau said. So that, you know, it was really trying to be fair to everybody, not trying to play off the host culture versus an artist society or whatever because, you know, this was the kind of discussion because He Ui and the Lahaina Arts Society too. So I just wanted to clarify a couple of the issues, as I remember hearing the Commission talked about the, not just last year, but in 1999 when this went before the Commission too. Thank you.

Mr. Kalalau: Thank you, Dawn. Commissioners?

Ms. Rotunno-Hazuka: Do we know of any other yearly events that may come to us now to ask for an increase based on if we allowed this to happen for this event? Do we know?

Mr. Kalalau: Yeah, well, you heard Dawn. The Hui was in here in both meetings and they too wanted more booths.

Ms. Rotunno-Hazuka: But they're the ones that go every week, right?

Mr. Kalalau: I think they go once a month or twice a month.

Ms. Rotunno-Hazuka: They're the ones that share, right, with the -- that's the group that shares the weekends with Lahaina Arts Society, that's right. Okay.

Mr. Kalalau: Okay, Kalei?

Mr. Moikeha: Realizing part of the purpose for the Cultural Resources Commission is that we discuss, protect, perpetuate whether we can for all cultures that are here and, well, my thoughts still are, I believe in fairness, but, to me, there's a lot of things that is really just not fair, however, there's a right and there's a wrong, and there's a difference in being fair and there's a difference between right and wrong, and, to me, I will always look, maybe because I am Hawaiian, that the host culture should have in some way, form, or another preference. I mean you know when people wanted to come and change Maui, we call it

Gilligan's Island, I mean, to me, that was absurd, and when people talk about calling this the magic island, you know, this is Maui, and if we're going to protect things and/or perpetuate, even the tree, hey, I grew up playing on that tree, can we still do that? I don't know. I really don't know. You know, we could touch, we could feel and, to me, that's what we're talking about. That's my purpose on being on the Commission that we can be able to participate in these things. We can actually touch, you can actually touch the aina, you know, you can feel and, to me, it has preference, the host culture should have preference, and this is an activity that, and if nothing else, then the wording is wrong, this is not an art fest, and that I will discuss till whenever and that has to be changed. But if Corp. Counsel is also telling me that it falls in the jurisdiction of the Parks, we got 16 days, if possible, then to make a change. And if it's possible, make a change. Let's go see Mr. Correa or whatever it takes. But I, personally, I think the host culture and even this activity once a year, we can discuss it case-by-case, as stated on the agenda.

Mr. Kalalau: Thank you, Kalei. Ann, did you have a --

Ms. Ann Cua: My only comment, from the Department's standpoint, is I was involved, I guess, many years ago when this discussion first started about the increase in use of the park, and I was aware of the concerns by the Arborist Committee on the issues of the tree, and I do recall that because there were so many or there were different groups wanting to use the park and so we got to the point where, you know, there had to be shared use and fairness was involved and, you know, I think it's really important for the Commission, if they're going to -- if you're going to re-look at the parameters whereby you want people to be under the tree, I think fairness needs to play a part because you need to legally establish, you know, why you feel you're going to allow one group to do something and then you're not let another group to do something else. So, you know, I think if you're going to get to that point, then you need to establish a mechanism by which you're going to allow maybe additional booths but, you know, I remember years ago that, you know, we had that very discussion because we may not have a group right now that may come in and ask but there may be another event that could also have cultural ties and once you decide that you're going to allow one group to have more than another group, I think you just need to be careful when you make that step and I think that should be something that maybe you, at some point in time, get more information from Corp. Counsel because I think that's a concern.

Mr. Kalalau: Thank you, Ann.

Ms. Young: Thank you, Mr. Chairman. I believe your regular Deputy Corporation Counsel, James Giroux, is in the process of drafting rules on this issue of use on the banyan tree so that will be upcoming in and that will provide clarity as to the policy that the Commission wishes to take, so that would provide the appropriate guidance to people who wish to use the banyan tree area.

Mr. Kalalau: Commissioners, anymore questions? If not, Crystal, can you come back up? You know, just listening to our Corporation Counsel and some of the members or the staff people that's been working with this issue for many years, I feel, right now, commissioners, our, not only one thing, but I think what we can do today without -- within our powers is a recommendation or a recommendation with amendments to whatever exist today, but my question, Crystal, is, you know, if the commissioners do come up with a recommendation, you know, we talked about extending the 25 to 13 more --

Ms. Alboro: Well, let me just add, I've known Ann for a long time too, my mom was a commissioner also, I've been to many meetings for my grandmother, all the way, we've been fighting as Hawaiians to keep our culture in the forefront and as the identifiable culture. What I'm asking, again, for your consideration and recommendation is perpetuating, grandfathering in this specific event. Granted, I can come back for Aloha Festivals, but what I'm hearing today, I would waste my time, but I'm not going to give it up for Kamehameha. Aloha Festivals came from a haole man. Kamehameha festivals did not. I'm not going to step down on this. But I just ask that you consider a perpetual or grandfathered in, however Corp. Counsel wants to word it, this specific event in Keawe Iki wants to be perpetual and grandfathered as to how our event has taken place over the last twenty odd years.

Mr. Kalalau: Thank you. Commissioners, you guys have anymore questions for Crystal?

Ms. Rotunno-Hazuka: You know, what we are trying to do is protect the banyan tree. We're the caretakers of the banyan tree. Now --

Ms. Alboro: As we all are. As we all are.

Ms. Rotunno-Hazuka: Right, right. As you have pointed out, you guys are out there and you're taking care. Would you be opposed or if we added booths, about putting some booths on the lawn area where it's away from the roots and, I mean I know people want the shade from the banyan tree, but is it possible to try that as a compromise?

Ms. Alboro: When we do our site plan, we work closely with LRF because they're the ones who maintain the park. They tell us where to put our booths. They tell us where we can and cannot park items, etcetera.

Ms. Rotunno-Hazuka: Okay.

Mr. Kalalau: Okay, so anymore questions?

Mr. Whelchel: Is there a chance of redoing the bylaws, the criteria with options that would accept additional booths?

Mr. Kalalau: There is possibilities but, like what Ann was saying, we need to take this whole thing back into review and we should also wait until James comes up with the new I guess rules that he's trying to put together for this Commission.

Mr. Boteilho: And I would add, Mr. Chair, that since their event is on June 18, there would not be enough time for their particular permit. You should vote up or down today.

Ms. Kapuni: Sam? Excuse me.

Mr. Kalalau: Yes?

Ms. Kapuni: My question is with Corporation Counsel. What is the possibility of grandfathering in Kamehameha since this has been an activity that's been alive on Maui for the past -- forever? I'm from Molokai and I am part of the Kamehameha --

Ms. Alboro: Hoolaulea.

Ms. Kapuni: Right, and so I understand the allegiance that I feel to this ali'i, and I'm quite sure Maui, poe from Maui feel the same. What chances are that they -- that this can be done for Kamehameha celebration?

Mr. Boteilho: Maybe I can take a shot at that, Mr. Chair. It is possible. However, it's going to take more than before June 18. You would have to amend the rules that's coming from Corp. Counsel and the Parks Policy, and if there's any other legislation that has to be done, I'm not sure, but those are the main two.

Ms. Kapuni: So we can make a recommendation to do something like that?

Mr. Boteilho: Oh, yes.

Ms. Kapuni: And we can also recommend that she be allowed this, that she be allowed her request be granted with attached conditions, with attached -- what's the word? Conditions? Recommend -- yeah. Well, with attached, you know, you have a certain criteria, you need to abide by this, you need to do this, you cannot do this, you cannot do that, you're responsible for this, blah, blah, blah, and that kind of verbiage?

Mr. Boteilho: Yes, you can. Basically, it would be we would approve the permit and we recommend this, that, and that, and we would send a letter to Parks. But, again, I gotta note that the official recommendation is that it be 25 and no matter what you recommend, they're going to have to work with Parks on this.

Ms. Kapuni: And there's a specific size for the booth? Ten feet? Is that the --

Ms. Alboro: Again, under the guides of the Department of Parks. They set the dimensions. Parks did.

Mr. Kalalau: Perry, you got a --

Mr. Artates: Yeah, Mr Chair, I will support this event and for its approval and within the guidelines of what has been submitted; yet, then the applicant still has to go before the Parks and Recreation for approval or denial also, right?

Ms. Alboro: That's correct. I have an appointment with Mr. Correa.

Mr. Artates: Okay, so I will support it and that the Parks and Recreation decide which way they will go. It's just that so that we can move it out of making a hard core decision until the amendments are made by Corp. Counsel.

Mr. Kalalau: Thank you, Perry. Cindy, you had a question?

Ms. Young: Just a brief comment. Just a reminder that this is -- this is a request for a Historic District Approval so they would need, not a recommendation, but actually an approval and so because you're approving their Historic District application, you could place conditions on that, not recommendations, you could recommend things also, but you could also place conditions which would be mandatory.

Mr. Kalalau: Okay, Lisa?

Ms. Rotunno-Hazuka: Well, I'd like to make a motion. I don't know if anybody's ready.

Mr. Kalalau: Okay, before we do that, Crystal, anything else you care to say?

Ms. Alboro: No, just thank you very much for your time.

Mr. Kalalau: Okay, thank you, Crystal. Okay, commissioners. Lisa, you have the floor.

Ms. Rotunno-Hazuka: I would like to make a motion that we allow the 38 booths for this event with the condition that it be looked at moving some of those booths away from the banyan -- underneath the banyan tree, and a condition that we can observe the area, or I don't even know who would look at the impacts after the festival, and that we would have the chance to re-review next year. But I think that a motion should be made or moved forward that they should be allowed to have the 38 booths with those two conditions.

Mr. Kalalau: Okay, Lisa has a motion on the floor. Is there a second? There's no second. Do we need more discussion on that motion? Okay, Kalei.

Mr. Moikeha: Maybe if Lisa would amend it, I mean, I think, my thoughts are, under the direction of the -- is it the Lahaina historical society that --

Ms. Rotunno-Hazuka: Restoration Foundation.

Mr. Moikeha: Restoration -- under their direction where the booths should go then I would go -- if Lisa would amend it to say that rather than, well, rather than say that it's away -- it might be better right where they want it to be, but under their direction because Crystal says they tell them where the booths should go, they don't just put it up, so I mean if it's worded that way, maybe I would second it.

Ms. Rotunno-Hazuka: Well, the only thing is that placement has been -- that was the whole thing, 25 continuously underneath the tree impacts the tree so -- but that was also week after week after week. If we're going to do an annual event, and of course if the Restoration Foundation tells them where the booths go, they're not an arborist, I mean they don't -- they don't know and that was my compromise that that be looked at, the grass lawn area be looked at.

Ms. Kapuni: If we had the Arborist Committee's list of what's bothering our banyan tree, maybe, you know, we could be more specific.

Mr. Kalalau: This is why the Parks Department, the Arborist Committee it's like connected direct to the Parks Department and --

Ms. Kapuni: We should have had that information.

Mr. Kalalau: I know they do, I don't know how often though they go down there and do the testing on the trees, but I know the concerns are to satisfy the booth need and also to protect the banyan tree, but some of the issues that were discussed there were emergency issues too, escape plans, parking was a major problem too, how the vendors are going to get to their booths and, you know, are there a unloading area for the vendors, I mean for the booth people to unload and move their cars out or, I mean, you know, this -- there were a lot of concerns in the number that they came up with 25 people, I mean 25 booths, it wasn't just 25 was it, you know, all these criteria were inputted in the decision. It was also, you know, safety factors too, not only protecting the banyan tree, but parking was a major thing, pedestrian traffic was a major thing, there was -- and also some of the business people, you know, had their input on them too because you're going to have massive people on the sidewalks and around their shops and stuff like that too, so there wasn't only a few people involved in this decision making, it was a major decision making. But, today, we need to move on, like Wayne was saying, that we need to make a recommendation, I mean we need to move on to approve or deny or approval with recommendations and then, like Kalei was saying too, we can leave it to Corporation Counsel and when James comes

back with the new guidelines and procedures on this article before us, then we could, you know, just revisit the whole --

Mr. Boteilho: Yeah, just to add briefly, Mr. Chair, yeah, this 25 booth policy is not just Parks policy, it was discussed, basically, Countywide. The discussions lasted a few months. Community groups were involved; the Mayor was involved; Parks was involved; Planning was involved. So this was a policy that wasn't just set by Parks alone.

Ms. Rotunno-Hazuka: Right, and I think that the emphasis though was week after week how to accommodate what's going on and I think a very important annual event, as this is, should be allowed some leniency or, I can't think of what the word is, but, again, my concern would be let's have a little compromise here, the whole -- one of the big issues for us is the tree that's a cultural resource, I mean, obviously the host culture came way before the tree and that's important too, so how about a compromise? I mean, yeah, let's do 38 booths but can some of them be moved away from the area of impact that we have been told about? And think, you know, this sets a precedence. There will be people that'll come to us now again and say, "Hey, you let them do it, why can't we do it?"

Mr. Kalalau: Okay, I understand that too but I think the issue here is it's Kamehameha Day.

Ms. Rotunno-Hazuka: Right.

Mr. Kalalau: Okay, and it's a State holiday and it's a State, you know --

Ms. Rotunno-Hazuka: It is what it --

Mr. Kalalau: You know it's not -- it's not like no other holidays so --

Ms. Rotunno-Hazuka: I know.

Mr. Kalalau: You know I understand the host, you know, it's a cultural, the host people, but because of what has been set up prior to this decision here, we, as the commissioners today, need to make some kind of recommendation and address these concerns in a later date so, you know, we kinda get our hands tied --

Ms. Rotunno-Hazuka: Yeah.

Mr. Kalalau: Because what we can work with is only what we can work with until we have new sets of codes and regulations and -- Kalei?

Mr. Moikeha: Then based on what Lisa said, I'll second her motion, which is on the floor, right?

Mr. Kalalau: Yes. Yes. Lon?

Mr. Whelchel: Mr. Chairman, is a table sitting out in the middle nowhere considered as a booth?

Ms. Rotunno-Hazuka: Yes. It's a vendor. I think so.

Mr. Whelchel: It is a booth?

Mr. Kalalau: This is why, you know, it needs to be more organized as far as booths because you don't want a few individuals just out of line with everybody else, "oh, I going take this sidewalk right here," you know, "that's my booth this small table right here."

Mr. Whelchel: I could see 25 booths with 18 tables, but that's 38, it defies that.

Mr. Kalalau: Okay, so but there's a motion on the floor yet and Lisa made the motion and Kalei second. Can you read the motion back again?

Mr. Boteilho: Well, okay, Mr. Chair, that the Historic District Approval be approved that 38 booths as proposed shall be allowed but that there shall be consideration at moving booths away from the Banyan Tree Park; two, that there shall be a tree impact analysis right after the festival and that analysis will be forwarded to the Cultural Resources Commission for their review for next year's approval.

Mr. Kalalau: Discussion?

Mr. Boteilho: Mr. Chair, I guess, just for the record, I wanted to read the Parks and Recreation's policy on this. It says, "For the upcoming King Kamehameha event to take place under the banyan tree, the Department of Parks and Recreation will continue to uphold the 25 booth rule. This is consistent with other activities which are held under the banyan tree." Thank you.

Mr. Kalalau: Thank you. Okay, if there's no discussion, may we call for a vote?

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

It has been moved by Ms. Rotunno-Hazuka, seconded by Mr. Moikeha, then

VOTED: that the Historic District Approval be approved that 38 booths as proposed shall be allowed but that there shall be consideration at moving booths away from the Banyan Tree Park; two, that

there shall be a tree impact analysis right after the festival and that analysis will be forwarded to the Cultural Resources Commission for their review for next year's approval.

(Assenting: L. Rotunno-Hazuka; K. Moikeha; D. Kapuni; N. Watanabe; P. Artates)

(Dissenting: L. Whelchel)

(Excused/Absent: D. Pyle; K. Kapu)

Mr. Boteilho: Mr. Chairman, under Advisory Review, we have Mr. Randy Endo, Maui Land and Pineapple Company.

(A recess was called at 10:30 a.m., and reconvened at 10:35 a.m.)

2. ADVISORY REVIEW

- a. **MR. RANDY ENDO, ESQ., MAUI LAND & PINEAPPLE COMPANY, requesting CRC review of the Archaeological Inventory Survey Report and Cultural Impact Study Assessment for Pulelehua, a Mixed Use Community with Traditional Neighborhood Design at TMK 4-3-1:31, Lahaina, Maui, Hawaii. The CRC may advise and make recommendations on the proposed project. Public testimony will be accepted. (A. Cua.)**

Ms. Rotunno-Hazuka: Mr. Chairman, I would -- I'm going to need to recuse myself because this is a project that we did work for, my firm did.

Mr. Kalalau: Okay, thank you.

Mr. Boteilho: Okay, Ann?

Ms. Cua: Mr. Chair and members of the Commission, this project is coming to you inasmuch as it is seeking to obtain land use entitlements through the County and has recently filed a Draft Environmental Impact Statement and two documents were submitted to you as part of your last agenda: the first being, actually, it's entitled "The Archeological Inventory Survey Report," and the second document is the Cultural Impact Study Assessment, and both of those documents were submitted to you a part of your last agenda, at which time we didn't have a quorum, and did all of you bring your documents cause I think if you don't have them, the applicant does have some extra copies so maybe if you do need those, yeah, those are the ones. Good job. Does anybody any extra copies. If you do, just raise your hand and we can get that to you. Also, there were three other documents passed out. One was the illustrative master plan for Pulelehua, it's an 11-

by-17 sheet which I passed out earlier. Another is the -- a site map locating some of the historic sites on the property and that you might have a couple copies of cause as I was passing it around, I saw that some of you already had it. And then the last thing that you got is a letter from the Office of Hawaiian Affairs, dated May 4, 2005, and this is their comment letter on the Draft Environmental Impact Statement that we thought was important for you to have. So, with that, I would introduce Tom Schnell and he'll take you through the project, and the intent of today's meeting is to get some comments from you on the archaeological and cultural issues on this project that can be put in in the form of a letter in the Environmental Impact Statement and have the applicant respond to any concerns or questions that you may have in that Environment Impact Statement. Tom?

Mr. Tom Schnell: Hi. Good morning. My name is Tom Schnell. I'm with PBR Hawaii. We're the firm that prepared the Draft Environmental Impact Statement for this project. With me today are representatives from Maui Land and Pine, Warren Suzuki, Karl Bossert, Leilani Pulmano, and we've also brought along our cultural expert that did our cultural report, and we have Steve Dollar who's our marine resources expert. You might have heard a little bit about Pulelehua but I'll give you a brief introduction.

Pulelehua is a project in West Maui. It's by the Kapalua West Maui Airport. It's mauka of the highway. It's targeted for housing for Maui's working families. It's an affordable community. At least 51 percent of the homes in Pulelehua will be affordable. There'll be total of 882 homes. Some ohanas will be allowed on some lots. The location of Pulelehua was chosen strategically to be between employment centers of Kaanapali and Kapalua. It's also next to existing urban uses of the airport and the Kahana Ridge Subdivision, which is also mauka of the highway. It's also close to existing infrastructure facilities and connections. The goal of Pulelehua, besides providing affordable housing, is to reduce commuting by providing housing for working people near their jobs, so that's why it was located in between Kaanapali and Kapalua.

Pulelehua implements a traditional neighborhood design and by that I mean that it's patterned after traditional towns, such as Makawao, Paia, Lanai City. There's a mix of uses in Pulelehua, it's not just housing, it's a community with parks, schools, neighborhood businesses, and the goal is to allow people to walk to many of the things that they'll need day-to-day, thereby, reducing some car trips. It's also a compact design. Although we are on about 312 acres, it's contained near existing, already existing urban lands and the idea is to create a community that's small, walkable, and preserves the existing agricultural land around it in open space by compacting the uses in one area. About 31 percent of the land is used for homes and other buildings. At least 34 percent is going to be open spaces and parks and gulch areas; nothing is planned to be built in the gulches, and landscaping is proposed to include native Hawaiian plants.

Getting into some of the two studies that you have before you. There was an Archaeological Inventory Survey conducted by Archaeological Services Hawaii, Lisa's firm. There were no significant surface or subsurface sites found during the inventory. There were couple surface sites that were found. One was is a plantation era flume that's in the Mahinahina Gulch, right about here, over there. There's nothing that'll be built in the gulch and flume will not be impacted. There was a hammer stone found on the ground and there were two glass medicine bottles found. Subsurface trenching was conducted and over 20 trenches were dug, and that's one of the exhibits I provided to you to show you where the trenches were. There were no cultural remains found in any of the trenches. The report recommends no further inventor level work. Historic Preservation has reviewed and accepted the report, and an Archaeological Monitoring Plan will be prepared, and if anything is found on the site during construction, Maui Land and Pine will comply with all rules regarding sites.

With the -- oh, I'm sorry, the cultural report, people who were interviewed are familiar with the area. Impacts to cultural resources are not expected as none were identified on the site except there were maybe a few kukui trees in some of the gulches. Concerns of people interviewed were impacts to marine resources possibly due to runoff of silt from the community and seepage of pesticides into the ground water. We did do a near shore water quality study to analyze what impacts may be from these drainage and chemicals. The near shore water quality study concludes that Pulelehua will most likely improve conditions; this is because runoff will be less with the established residential uses than there would be with pineapple fields. Pineapple fields, as you can see in the aerial photo, sometimes subject to being fallow or being plowed. If a rain comes during that time, it's more a likelihood that there's going to be more runoff into the gulches from the bare soil, but the residential uses established will provide a permanent ground cover. Also, there's less chemicals used for residential lawns, parks than there would be for commercial agricultural uses. There are no trails going to the site that we know of, traditional trails. Right now, because of the ongoing agricultural uses, the site is gated, but Pulelehua will not be a gated community; it'll be open to everybody; all the trails and parks will be available to everybody on Maui.

As far as OHA's comments on the Draft EIS, they actually commended the good design and planning of the community, and they did recommend the use of native plants and we will do that.

So I'm available for questions and we also have some of our experts here if we need further information.

Mr. Kalalau: Commissioners, you get questions?

Mr. Whelchel: Mr. Chairman?

Mr. Kalalau: Yes?

Mr. Whelchel: These homes up on the lower-left and right, is that going to be potential court cases to close the airport due to excessive noise of the aircrafts ...(inaudible)...

Mr. Schnell: That's a good question. We did extensive work on that for the EIS and we actually commissioned our own noise study that measures the noise from the airport because the State had not done that for this airport. There's very strict criteria on the noise, actually, they're called noise level contours that are measured by decibels. As a result of that study, we revised the plan so that there will be no residential uses in any of the restricted noise contours as recommended by the State, so everything will be below the noise contours. There will be some maybe shops or commercial uses that would be in the noise contours, but they would be mitigated with air conditioning or installation. But a main point of the airport is that it's not used frequently. There's a lot of restrictions on the airport, for example, no helicopters are allowed, no flights after sunrise -- I mean after sunset or before sunrise. Right now, there's about 9,000 what they call operations per year at the airport, which is a very low number of flights.

Mr. Whelchel: Thank you.

Mr. Artates: Mr. Chair?

Mr. Kalalau: Yes, Perry?

Mr. Artates: In conjunction with your project, where is an approximate of DHHL's property?

Mr. Schnell: DHHL's property is directly adjacent to the south.

Mr. Artates: And would be approximately consisting of how many acres? Would you know?

Mr. Schnell: DHHL's property? I'm not exactly sure. I think, it extends pretty far mauka, so --

Mr. Artates: So that would be the boundary line between your project and DHHL's project?

Mr. Schnell: Yeah, but actually Maui Land and Pine has had several discussions with DHHL to kind of join development ideas because I know they wanna do homesteads on that site and, actually, the Pulelehua plan, if you see over here, provides connection so if DHHL decides to go ahead, we can connect our neighborhoods right up.

Mr. Artates: As future road extensions then?

Mr. Schnell: Right. Right. The Pulelehua roads will just kind of end at the boundary so they can continue on to DHHL's land.

Mr. Artates: Thank you.

Ms. Kapuni: I have a question, Sam.

Mr. Kalalau: Okay, Kauai.

Ms. Kapuni: This probably doesn't have anything to do with anything, but I'm curious. What are the price ranges for your homes?

Mr. Schnell: Leilani might be able to, from Maui Land and Pine, might be able to explain that. It's based on the median income and it's going to be 50 to 120 percent of the median income. So there'll be a range of homes in different price ranges but, right now, the median income on Maui is about \$60,000, so that means if somebody was making about \$30,000, we're going to go down to 50 percent of median income, so there will be homes available in Pulelehua for people that are in the \$30,000 per year range.

Ms. Kapuni: Wow. I'm gonna move. Thank you.

Mr. Kalalau: You know on that poster right there?

Mr. Schnell: That one with the fields, yeah.

Mr. Kalalau: There's some structures in that little area right in the corner. Is it all the pineapple company? Yeah, right there.

Mr. Schnell: Oh, that's the Kahanahui Subdivision. It's actually large agricultural lots, but that's not part of Pulelehua, it's already established there. The photo, by the way, is a couple years old so where you're seeing some of the fallow fields, it's changed location somewhat.

Mr. Kalalau: Commissioners, anymore questions? Anyone? If not, Ann, do you have --

Mr. Stan Solamillo: This is just a question for the applicant. On another exhibit, I believe, there was a neighborhood called New Puukolii Village in this development or was there one?

Mr. Schnell: I'm not familiar with that. Say it again?

Mr. Solamillo: I had thought that I had seen an exhibit that showed a New Puukoolii Village adjacent --

Ms. Rotunno-Hazuka: Oh, Puukoolii?

Mr. Solamillo: Okay.

Mr. Schnell: Is that Kaanapali 2020? Part of their --

Mr. Solamillo: Oh, okay.

Mr. Schnell: Yeah.

Mr. Solamillo: Alright. That was my only question, so thank you.

Mr. Kalalau: Ann, did you have a question?

Ms. Cua: No, I don't.

Mr. Kalalau: Okay --

Ms. Cua: I'm just jotting down your notes as you ask questions.

Mr. Kalalau: Thank you. Commissioners, if we don't have any questions for Tom, we would like to open this portion now for anybody who wants to testify on the application before us. Do we have anyone? If not, we'll close the public testimony portion and I just had some questions. Did you bring your archaeologist?

Mr. Schnell: Lisa's here.

Mr. Kalalau: Okay, Lisa.

Ms. Rotunno-Hazuka: That's why I had to recuse myself, but I can answer your questions.

Mr. Kalalau: Yes, you know on Page 26, you guys did 20 trench testing. What made you guys decide to pick just these 20 areas?

Ms. Rotunno-Hazuka: Well, what happens in areas that are currently cultivated, we look at are there any LCA's, we walk the area, look for any surface -- lots of times you can go into a cane field or pineapple field and, in the past, they may have impacted a site so we look for it being spread in the area. We did not have any surface sites except for the one

hammer stone that was found, which was out of context, that's up in the eastern portion of the project, I think, or is that the north?

Mr. Schnell: South.

Ms. Rotunno-Hazuka: North -- south.

Mr. Kalalau: So that would be, what, T-16?

Ms. Rotunno-Hazuka: T-5.

Mr. Kalalau: T-5.

Ms. Rotunno-Hazuka: So we put a trench in there to see, okay, is there a deposit associated with this surface find, and then same with the bottles, there were some bottle eroding out on one of the sites and I believe that's where T-20 was put in. If we don't have ...(inaudible)... surface, that gives us an indication of where to put a trench then we just do a representative sample, and we also -- if we don't find anything in the trenching and because the trenching is spread out and a lot of the pineapple has obscured the visibility, we recommend monitoring because then when you start new construction and you can open up more of the property, we can see more. So when you do trenching, you try to get a representative sample of the project area, you also put in trenches where you see something on the site to try to help define what you're seeing. There's no -- SHPD will not, generally, doesn't require trenching or they cannot, they say that they cannot require a lot of trenching in these large ag lots, like you couldn't say, okay, go in and do 3300 trenches, unless there's something on the surface that would indicate that.

Mr. Kalalau: You know, just looking at this diagram, you know there's this lot that's on the left-hand corner, is it already a developing lot? It's not part of your guys project?

Ms. Rotunno-Hazuka: Right.

Mr. Schnell: Here?

Mr. Kalalau: Yeah.

Mr. Schnell: Yeah, that's already developed, that's Kahana Ridge.

Mr. Kalalau: Oh that's Kahana Ridge. And, Lisa, on your guys trenching, you guys went that different intervals?

Ms. Rotunno-Hazuka: You mean just place them apart?

Mr. Kalalau: No, the depth.

Ms. Rotunno-Hazuka: Depth. Usually, we try to go at least six feet, just depends, if you hit bad rock or, of course, we're not going to hit the water table here but --

Mr. Kalalau: Which is the highest point of that total area?

Mr. Schnell: Probably up towards the airport.

Mr. Kalalau: The airport? Is that the highest elevation?

Mr. Schnell: Yeah, it slopes up.

Mr. Artates: Mr. Chair?

Mr. Kalalau: Yes, Perry?

Mr. Artates: Where is the Mahinahina Water Treatment Plant located? Is it directly above ...(inaudible)...

Mr. Schnell: It is above, yeah. You're talking about the surface water treatment plant?

Mr. Artates: Yes.

Mr. Schnell: Yeah.

Mr. Artates: I remember, back in '94, I did that project above there and we went below surface, almost 40 feet, to create a 22 million gallon reservoir and, at that time, we did monitor with ...(inaudible)... as far as excavation and taking it down so that there were no archaeological findings.

Ms. Rotunno-Hazuka: And did you guys see anything?

Mr. Artates: No.

Ms. Rotunno-Hazuka: No.

Mr. Artates: And we took it outside, maybe five feet at a time --

Ms. Rotunno-Hazuka: Oh, okay.

Mr. Artates: The subsurface first and then worked our way down to elevation - just for information.

Mr. Kalalau: You know, Tom, in what area is the old water flumes running through?

Mr. Schnell: Yeah, it's in the Mahinahina Gulch. Actually, if you look on the report on Page 28, there's a photo, and it's over right about in this area right here.

Mr. Kalalau: Oh, okay.

Ms. Rotunno-Hazuka: It's Site 5333, Sam, on Page 27 to -- you can see it, it's right below that hammer stone.

Mr. Kalalau: Oh, okay.

Ms. Rotunno-Hazuka: Page 26 and 27.

Ms. Cua: Excuse me, Lisa, is that of the Archaeological Survey that you're looking at?

Mr. Schnell: Yeah.

Ms. Rotunno-Hazuka: Yes.

Mr. Schnell: Page 28.

Ms. Cua: Our Page 28 is something else in this book.

Ms. Rotunno-Hazuka: Oh, that's the photo.

Ms. Cua: Oh, you know why, I'm in the Cultural Impact Study.

Mr. Kalalau: Okay, commissioners, we got anymore questions for Tom? And being that nobody here came to testify on this application, it's now in our hands to make some kind of recommendation.

Ms. Cua: So, Mr. Chair, I guess what the Department is looking at is, you know, any comments that you would like to include in a letter that would be part of the Environmental Impact Statement dealing with issues, comments, concerns that you would like to have addressed.

Mr. Kalalau: Okay, thank you, Ann. Yeah, maybe one more question for Tom. You know, based on that project, your drainage systems are going to be dry well systems?

Mr. Schnell: No, not proposed to be dry wells, actually, there's a wide greenway system right here, yeah, there's a wide greenway system here that will be part of the retainage system -- retaining system, there will also be a retaining system up above the airport to prevent the runoff coming down into the site already, but we haven't done final engineering plans but we've done preliminary engineering but indicating that we're going to retain all drainage additional from the project on -- in the site.

Mr. Kalalau: And based on, you know, your design right there, where is the major access to the main highway.

Mr. Schnell: Actually there's four access points. This is the existing access street, this is Akahele Street that's existing and goes up to the airport, we're proposing connections at different locations and this is to divide up the traffic so if we just had one access point, everybody would be turning in and out of the project from one point, it would cause a backup, so by distributing it over several points, it'll keep the traffic smooth.

Mr. Kalalau: So in your impact statement, did you have a traffic study?

Mr. Schnell: Yes, we did, yeah. One of the primary considerations of the study was that this type of project will decrease car uses, of course, people are still going to use their cars, but if you provide them opportunities to walk to school, to walk to the store, it will cut down on some of the trips at least. They won't have to get out onto the highway for everything. Also, the thought was that locating close to resorts areas where there may be a majority of people working, it'll be a close commute, or they can catch a ride, or it will stop people from, you know, if they work at Kaanapali, hopefully, they could live here, they don't have to commute from Kahului or other areas.

Mr. Kalalau: Have you presented this designs, I mean your plans to the State DOT people?

Mr. Schnell: We've had several meetings with DOT and we're continuing to meet with DOT.

Mr. Kalalau: Yeah, because my concern is, you know, if there's going to be turning lanes, you know, so we don't have another Paia and -- created out there on West Maui.

Ms. Cua: Mr. Chair, I -- maybe you can elaborate a little bit, DOT has not yet approved all the connections, so that's an important note to make. They're putting it out there in the EIS because the EIS is a disclosure document. They've been meeting with Department of Transportation, continually, and -- but, to this date, at least I'm not aware that there's been full agreement on the number of access points on the highway.

Mr. Schnell: That's correct. We've been in several meetings with DOT but they -- we need to get their permission to have these additional access points and we haven't gotten their permission yet.

Mr. Kalalau: Okay, thank you, Tom. Okay, Kalei.

Mr. Moikeha: I know we had mentioned that too, but I like the comments of OHA and just recommend that those recommendations are considered all the way across. It talks about future findings; it talks about gathering rights; it talks about native flora, and, you know, those kinds of things so I like those recommendations.

Mr. Kalalau: Commissioners, we also had another letter here from, I guess, Foster Among, yeah, and he had some concerns too. Did you guys get a copy of his letter?

Mr. Schnell: I didn't. No.

Mr. Boteilho: The May 4.

Ms. Cua: I will give a copy to the applicant and I don't recall seeing this.

Mr. Kalalau: Okay, just for -- just to let you know, Ann, that, you know, now that you guys got a copy of it, I think Mr. Among here has some major concerns. Maybe in a later meeting or, you know, he wasn't here today to, I guess, address his letter, but we're just passing it on to you guys too so you guys have a copy of it. Commissioners, anymore questions or concerns?

Mr. Whelchel: Concerns.

Mr. Kalalau: Okay.

Mr. Whelchel: This is a wonderful project. It'll certainly eliminate a lot of traffic in Lahaina. I was wondering why it was never done years ago, but I'm concerned about the noise level, about the people living at the airport would move in and then contest the level of noise. I hope that's stabilized in their contracts. I don't know how else they could do that, but I think if they could put it in a contract, it'd be an improvement cause I would certainly hate to see the little airport close. It's very valuable.

Mr. Kalalau: Right.

Mr. Schnell: Actually, Maui Land and Pine is going to put that in their contracts.

Mr. Whelchel: Good.

Mr. Schnell: A full disclosure that you're next to an airport and you, you know -- actually, from our noise contour studies, it doesn't look like it's going to be an issue. It's not -- none of the homes will be in an area that are considered by the State to be in an inappropriate area for homes as far as homes near an airport.

Mr. Kalalau: Tom, one more question. Is that whole project there going to have its own separate sewer plant or is it going to be individual septic?

Mr. Schnell: No, we're planning to connect to the existing Lahaina Wastewater Treatment Plant and actually run a sewer line on the mauka side of Honoapiilani Highway to connect to the Plant. It's about 3,000 feet away.

Mr. Kalalau: You know, I'm just looking at that and, you know, I'm sure the plant is almost at capacity.

Mr. Schnell: Actually, the County is doing a capacity study for the plant right now, and it's not determined what the capacity is now, but Maui Land and Pine is willing to step up to provide the additional capacity as necessary.

Mr. Kalalau: Right, and because I'm just looking at the future because next door Hawaiian homes is going to put in all their houses too, you know, that's going to be a major concern over there too, but I'm hoping that, in the future, that you guys will be, you know, trying to work with the County on that issue too.

Mr. Schnell: There's been ongoing discussions with Department of Public Works on that also. We've actually -- when we started planning Pulelehua a year ago with a public event and design charrette and, since then, there's been many, many meetings with Maui Land and Pine, with our firm, PBR Hawaii, and with various County and State agencies.

Mr. Kalalau: You know your elementary school, what size are you looking at to house how many students?

Mr. Schnell: It's about a 13-acre site right now and we've actually talked to DOE, Department of Education, and they've said that that's an appropriate site. I don't recall offhand right now how many students are projected there, but one of the things about the school is that, you know, all the kids north of Kaanapali, elementary school kids, are currently bused into Lahaina. So I think there's an enough amount of kids that reside above Kaanapali that could utilize this school that will, basically, you know, won't have to go to Lahaina anymore and it will -- with the kids from this community and the neighboring communities, it'll be a complete school.

Mr. Kalalau: You know that section is colored kinda purple?

Mr. Schnell: Yeah.

Mr. Kalalau: And you don't have a purple -- what's the purple color for?

Mr. Schnell: The purple is the school site. These colors here represent the different types of neighborhoods that will be involved. So, for example, like the red area is the neighborhood core, and that's this area here, this is supposed to be the more main street kind of area so, for example, in this area there will be shops maybe on ground level with apartments on top, it'll be a little tighter area so when you get out to the edges, if you see the pink zones, this is general neighborhood, the houses will be a little bit -- on little bit bigger lots, and so these different colors denote kind of densities in different types of neighborhoods. The yellow lots on the edge will be even larger lots. The idea is to have a compact core with surrounding uses getting less dense allowing people to walk into the core.

Mr. Kalalau: You know the farm lands around them, how much of them is in farm, in full farming right now?

Mr. Schnell: You mean these fields up here?

Mr. Kalalau: Yeah.

Mr. Schnell: These fields are in cultivation, as far as I know.

Mr. Kalalau: Okay.

Mr. Schnell: Of the site, we've got about 312 acres right now, about half of that is fallow, only about 150 acres in the site right now is in cultivation and the fallow fields have been fallow a couple years now.

Mr. Kalalau: Yeah, just one small concern about dust control and stuff from the surrounding ag fields and stuff around them if they do have any kind of impact in that area for that area.

Mr. Schnell: As far as I know, as far as I know, Maui Land and Pine's plan is to keep those surrounding fields in pineapple or other crops of some sort.

Mr. Kalalau: Nani?

Ms. Watanabe: When Hawaiian Homes Land start developing, you definitely would have an increase of family and so will the children there also be able to attend this elementary school?

Mr. Schnell: Yeah, it's going to be a public school. It's going to be -- the land will be donated to the Department of Education and the school will be a regular public school.

Ms. Watanabe: And with the increase of families moving in those areas, I can actually see Island Air increasing their flights because it'll be easy access to get out of Maui and onto the other islands versus the traffic going to Kahului.

Mr. Schnell: I agree. Yeah, I think that's probably a positive aspect...(inaudible)... as I was saying before, the airport, right now they call it operations, which is one take off and landing, so it's considered one operation, there's about 9,000 per year right now. The limits on the airport will allow up to 50,000 operations per year, which would be a huge increase in what we have now. When we did our noise contour study, we projected the noise contours as they are now and what they would be like if there were the maximum amount of operations, and everything is still within the allowable limits.

Ms. Watanabe: And I know that Island Air is, I'm not sure if they're going to have larger jet coming in. I was on the flight yesterday and there's a jet coming in that's going to be double the size of what they have now so I'm not sure if it'll be able to land there.

Mr. Schnell: It won't be able to land there unless something is amended. The way the airport came in, you know, the County had to change the zoning for the property for the airport several years ago, there were several restrictions and conditions imposed in that change in Zoning; one of them was no jets and one of them was specific type of aircraft that could land there, the maximum right now is the Dash-8, the prop plane, yeah, that's the maximum plane and there's noise levels established that could land at the airport too. Those conditions can't be changed unless they go back to the Council and get the Council to change it and I think it's unlikely that will happen.

Ms. Watanabe: Thank you.

Mr. Kalalau: Got a question?

Mr. Artates: No, Mr. Chair, I just wanted to see if we can -- if we can move and re-announce the recommendation for the applicant from Mr. Moikeha and take a vote.

Mr. Kalalau: Okay, there's no more questions? Mr. Moikeha, you have the floor.

Mr. Moikeha: My recommendation is that we follow the concerns as so stated on the letter from the Office of Hawaiian Affairs that an archaeological monitoring report be drafted in support of this project because there's a possibility of encountering buried human remains. All ground altering activities should be monitored by a professional archaeologist. It is also advisable that an -- shall I go through the whole thing?

Mr. Kalalau: Or just --

Mr. Moikeha: That and then that consideration be given to native Hawaiian gathering and access rights during and after construction activities. Gathering rights and access shall not be restricted except as necessary to ensure safety. If safety related restrictions are put in place, alternate public access routes must be provided. And that native flora should be incorporated into future landscaping plans for the Residences of Kapalua Bay.

Ms. Cua: I think you're reading the -- for the wrong project. I passed out two letters: one was for Pulelehua, and one was for the Residences at Kapalua Bay, and I think you're reading from the May 26 letter. The May 4 letter is on Pulelehua.

Mr. Kalalau: Right. Yeah.

Mr. Boteilho: Well, I had the wrong letter myself, Mr. Chair.

Ms. Cua: I have more copies if you need.

Mr. Moikeha: Anyway, I like these recommendations.

Mr. Schnell: Actually, they're very similar recommendations for both projects.

Mr. Moikeha: Very similar. So then these are my thoughts and that we further request your assurances that if the project goes forward should iwi or native Hawaiian cultural and traditional deposits be found during ground disturbances, work will cease and appropriate agencies will be contacted pursuant to applicable law.

Mr. Kalalau: Okay, Wayne, do the -- the staff has anything else to add?

Mr. Boteilho: No, if we have consensus, we can accept the recommendations.

Mr. Kalalau: And then we move them forward. So, we look like we do have full consensus.

Mr. Boteilho: Okay, thank you, Mr. Chair. Yeah, this -- when you get same letterhead, sometimes get kinda confusing.

Mr. Schnell: Okay, thank you very much.

Mr. Boteilho: Thank you.

Mr. Kalalau: Thank you.

Mr. Boteilho: Mr. Chair, under Advisory Review, we next have Mr. Brian Ige, Palauea Developers.

- b. MR. BRIAN IGE, PALAUEA DEVELOPERS LLC, requesting CRC review of the Palauea Cultural Preserve Preservation Plan - Phase I, TMK 2-1-23:002, Palauea, Maui, Hawaii. The CRC may advise and make recommendations on the proposed project. Public Testimony will be accepted. (A. Cua)**

Ms. Cua: Mr. Chair, on this matter, we wanted to just point out that the Cultural Resources Commission did actually approve the preservation, the Phase I Preservation Plan back in October of 2002. One of the conditions of the Commission's approval on the overall Cultural Preserve was that the applicant come back to the Commission periodically to give updates on the Cultural Preserve, and so maybe the applicant, at this point in time, can just give a little background on where they're at. But in terms of needing approval of the Preservation Plan, that actually was done so that does not need to be an item that you give your approval of today, but we did ask the applicant to be prepared to provide you just an update of where they're at with the Preserve.

Mr. Brian Ige: Good morning, commissioners. I have with me today Kiope Raymond and Janet Six from Maui Community College who will speak to the Preservation Plan. Just to give you an update since our meeting about two meetings ago with you folks on moving a facility over there to the site, the permit is still in process. We haven't set the facility in its permanent location yet, although we have moved it to the Preserve site until we get the permits in place. I apologize for Theresa Donham and Anna Palomino not being here to -- the writers of the plan to go over it with you today but Janet and Kiope will be able to speak to it if you had any questions. So that's where we are with the Preserve site. We plan to do the dedication, as we mentioned to you two meetings ago, as soon as the building is moved over to set in its permanent position and ready for occupancy by the University. Janet and Kiope?

Ms. Janet Six: Hi, my name is Janet Six. I'm special projects coordinator at Maui Community College but I am a registered professional archaeologist so that's background. I've not worked on the site. I know Lisa had done some work and Theresa Donham, but, basically, to the Preservation Plan, we're looking at Phase I, which is the eradication of some invasive species. We would like to follow Anna Palomino and Theresa Donham's recommendations that are in the Phase I report that you folks have. Basically, we would start eradicating kiawe and the Dowling Company has offered \$20,000 as start up funds for the kiawe eradication that will be done with cultural experts monitoring because we have lots of archaeological sites, both historic and prehistoric, on that property. Also following the recommendations for hand removal of a lot of the kiawe, which will be time consuming

because of the cultural deposits. Over 400 sites have been identified or features have been identified within the Preserve and, hearing from the archaeologists who have worked on it, they anticipate even more once the kiawe has started to be removed. They recommend a five phase structure. The first phase is Phase A, which is where the new building will be moved to or has been moved and will soon be hooked up with electricity and sewage. So, basically, we're just looking to go ahead and implement this plan as it's written. Is there any particular questions for me? And we also work with native Hawaiian communities. Any concerns, that's where Kiope will come in as far as Kiope is going to be in charge of it, it's going to be dedicated to UH System and give to MCC and it's up to us to start this Preservation Plan.

Mr. Kalalau: Janet, yes.

Ms. Six: Hi.

Mr. Kalalau: You know, on that diagram on the top right-hand corner?

Ms. Six: Uh huh.

Mr. Kalalau: You know where the building going to move, not right-hand, but left-hand corner, yeah, how is that relocation going to look like once you guys move the structure?

Ms. Six: From what I could understand from Theresa, it's going to be farther away from the existing cultural sites, such as the identified heiau, so it actually will be in an area that's already been impacted and so she, as the archaeologist or one of the archaeologist that worked on this project, felt that moving it to the new site would actually be better, it's a little bit farther away from some of the cultural sites in an area that has been, from what I understand, extensively tested. And it's also going to be, as we mentioned, post in pier so we're not going to be sinking things into the ground too much, and we will start, once the kiawe eradicated, using some of the students, we would like to use some of the native species and do our own landscaping around the building with some of the drought resistant species that have already been identified within the Preserve so as to have low impact. And, as far as I know, the Dowling Company, as soon as the property is conveyed, is ready to start working on the kiawe eradication in that immediate area and, once funds run out, I'm, as a grant writer, actively seeking funds for the preservation of this Cultural Preserve for MCC.

Mr. Kalalau: Lisa, you're not working on this project too, right?

Ms. Rotunno-Hazuka: Yeah, I did the original work so -- I would -- I wanna point out something ...(inaudible)... okay, this Feature 3 right here is a fishing shrine and, originally, the building was going to be placed in this area but it's been moved back over into this

triangle area, if you will, and this area is a very low spot and it appears so that it's a natural drainage way through here. We did a lot of testing. There was a lot of sand deposits in here, but Theresa actually did the testing, and there was no subsurface sites. There's also another site up here that was found during monitoring and Dowling Company preserved this site as well, it was one that we didn't -- we were actually going to data recover and it was going to be able to be removed but it was so extensive that they agreed to preserve it and it's part of this Preserve now.

Mr. Kalalau: Thank you.

Ms. Cua: I have a question. When the Cultural Resources Commission approved the Preservation Plan in 2002, they had a condition that the Preserve site be placed on the National Historic Register to give official recognition to this significant historic site. Can you update us on that?

Ms. Six: Basically, we've already started to look into that, but until it's officially transferred to the University, it kind of took a backseat to going forward with a lot of energy and time on our end and so, in fact, when I first started working on this project, Kiope wanted to know when exactly do we get this property, so one of the first things we'll do is to get that, hopefully, nominated for the Historic Register and also continue to develop kind of a steering committee or an advisory board, which was already formed within that proposal, but we may be adding some different flares to that as well, but we're looking to keep that continuity and start getting out talking to the different native Hawaiians in the area, people that may have affinities to that piece of the aina particularly, and see what they would like to do with it and let that informed the way, direction the college takes it.

Ms. Cua: So where are you in the process of actually -- or what needs to happen before you can actually acquire the site?

Ms. Six: Well, I'm just waiting -- let Brian address that.

Mr. Ige: Ann, we really wanted to have the building set and ready for the University before we do the dedication --

Ms. Cua: Okay.

Mr. Ige: Then we can convey the building and the land at the same time. So once we get our permit, get the building operational, then we'll do the conveyance to the University, but the document is already to go but, physically, we wanna make sure that they obtain the land and the building at the same time.

Ms. Cua: Thank you.

Mr. Kalalau: But in the meantime, what Ann is saying, as the paperwork to put this area into a historical -- is it in process already?

Ms. Six: I can start it. I just started pulling stuff up on, you know, just basically looking at the procedures for the nomination and we can actually start doing that this week. So it's basically sort of waiting for this hearing. We came the last time and you didn't have a quorum so we weren't able to address it so we're kind of on the -- I just kinda took the fallback position until we got the approval for the building and then it gets dedicated, but I, personally, can start doing that right away because that's the first priority.

Ms. Cua: Well, I think I'm totally fine with what they said. What I'm looking for is, you know, to -- I'll be doing a letter today updating our records on what has transpired, and I think another condition that is placed on the Cultural Preserve is that the Commission receive periodic updates, so this letter is going to serve as a periodic update, you know, as of today, where are we, and so I will be including information that was mentioned at today's meeting about the turning over of the property, where they're at with that, and their intent, the University's intent to pursue putting this site on the Register.

Mr. Kalalau: Okay, thank you. Commissioners, anymore questions? Perry?

Mr. Artates: Mr. Chair, it's not a matter of a question, it's just that I applaud the developer in how we are updated on a periodic basis of what's happening out there within this jurisdiction of projects and I think that's how it should be so that we are not surprised by any activity that is going on out there, so I really appreciate the time and effort that you guys take too.

Ms. Cua: And one last comment, I think along those same lines, they have a condition that requires them to come yearly. They did not come yearly because there really was not anything happening and now that things are moving, I think we can expect, again, to have that condition complied with of having yearly updates and I believe the updates will be from the University as opposed to the developer.

Mr. Kalalau: Okay, Raymond?

Mr. Kiope Raymond: Aloha. Chairperson Kalalau, members, aloha. I did just wanna come forward and say to the Commission that I'm very grateful that you folks have approved of this and we do commit to updates from the University, it's been in a kind of a stalemate situation as the developer has been trying to move forward and I think it's been good faith on the part of the developer, as Perry was just noting. These kinds of situations are difficult sometimes because it is a very sacred site and so we -- we, the University, find ourselves in a situation having been gifted the land and now it will become official, compelled to do something, compelled to malama, not just because it's in the law, but because it's there,

it's what we have to do. So thank you to the Commission. We will be giving you updates because we will be now on site and trying to effect change. Mahalo.

Mr. Kalalau: Thank you.

Mr. Boteilho: Okay, Mr. Chair, the comments have been noted by the Planning Department. So, if we could move on, under -- thank you, Brian.

Mr. Ige: Thank you, commissioners.

Mr. Boteilho: Under Advisory Review, next we have Mr. Rory Frampton, Chris Hart & Partners, relating to the Ukumehame Subdivision Phase 1 and Phase 2 at Lahaina, Maui. Follow-up discussion and comments to the CRC's April site visit at the proposed project location, and is this yours, Ann?

Ms. Cua: No. That one's not me.

Mr. Boteilho: I shall turn it over to the applicant.

Ms. Cua: I'll go get the planner.

Mr. Rory Frampton: Could we ask for a five-minute recess while we wait for the planner, please? Thank you.

Mr. Kalalau: Okay, the Chair would like to have a five-minute recess.

(A recess was called at 11:30 a.m., and reconvened at 11:35 a.m.)

Mr. Kalalau: Okay, commissioners, we're going to reconvene the meeting and what we're going to do is, on our agenda, we're going to defer Item c. and go on to Item d. right now.

Mr. Boteilho: Okay, Mr. Chair, Item d., Mr. Tom Schnell, Kapalua Bay LLC.

- d. **TOM SCHNELL, KAPALUA BAY LLC, requesting CRC advisory review of the Draft Environmental Impact Assessment for The Residences at Kapalua. The CRC may advise and make recommendations on the proposed project. Public testimony will be accepted. (K. Caigoy)**

Ms. Cua: Before I pass out some handouts that the applicant just gave me, just very briefly, this request is coming before you in the context of an Environmental Impact

Statement that is -- excuse me, Environmental Impact Assessment that has been prepared for the project and is being reviewed by the Planning Department at this time. So the intent here is to get comments from the Cultural Resources Commission, you were given a little packet which included, basically, that rendering that you see that the applicant put up, also some facts on the project, you know, who the applicant is, you know, what the project is, and then the Archaeological Inventory Survey. I also passed out a May 26, 2005 letter from OHA, which you've heard about a little bit, and, at this point in time, I have three additional handouts I'm going pass to you, and I'll turn it over to Tom Schnell.

Mr. Schnell: Okay, I guess while Ann is passing out handouts, I can introduce you briefly to the project. Again, my name is Tom Schnell. I'm with PBR Hawaii. We also prepared the Environmental Impact Statement for this project, it's called the Residences at Kapalua Bay. With me today is Ryan Churchill from Maui Land and Pine, and Warren Suzuki, and we also have Chris Monahan from SCS Archaeology that did our archaeological report. But, briefly, let me just introduce you to the project. It's called the Residences at Kapalua Bay. It's a resort/residential community that's going to be on the site of the existing Kapalua Bay Hotel. The site right now is about 25 acres. It will replace the Kapalua Bay Hotel. As proposed, the Residences will include about 155 units. These will be about 90 condos and about 65 fractional units. The fractional units will be available for one-twelfth ownership, which means somebody could buy one-twelfth of a -- share of the unit. This is a little different than opposed to a typical time shares where somebody would like a one-week interval, where they lot 52 different owners for one unit. The Kapalua Bay Hotel right now is about, well, it is a 196 units, hotels rooms; Residences are going to be about 155 units.

The impact associated with going down in units is that, basically, infrastructure requirements and other needs for the Residences is going to be substantially the same or less than the existing hotel. For example, it's projected that traffic entering in and out of this site is going to be about 48 percent less with this project than it would be with the existing hotel.

As far as the hotel on the site now, the hotel will be demolished. Maui Land and Pine went through or Kapalua Bay LLC also went through a complex analysis and it was determined that the hotel built in 1978 didn't meet current standards, it needed a lot of renovations, and it just wasn't economically feasible to renovate the hotel.

One of the significant features of the project that I think is -- there's an existing public access right here. This public access will be retained, it actually goes out to the point here, and you can go down to bay also. The way it's located is that we think that we're not going to even impact the public access because we can build the construction fences on the makai side of the access so that access will be maintained and opened during the entire construction. There's ten public parking spaces existing right now and those public parking

spaces will be maintained although, during construction, we might have to move them across Lower Honoapiilani Road for safety. But one of the most significant features of this project is that when the hotel was built in 1978, the Maui County Setback Rules specify the 40-foot setback. The rules have since changed in the last couple years, it's based on erosion rates, so for this project and this coastline, the setback is 150 feet, so everything will be 150 feet back from the shore. This is going to facilitate the Kapalua Resort's planned coastal trail, this will be one of the first legs going through, and it'll be a coastal trail providing lateral access along the shoreline within the resort. It's open to the public and it'll connect to existing access points. So there'll be continuous lateral access in the resort when all segments of the trail are finished.

We did do an Archaeological Report, and we do have Chris Monohan here to answer any questions, but I can just briefly summarize. There was a lot of consultation with Melissa Kirkendall from historic preservation because it's an existing site so we had to decide where we could look at and it was ongoing operations. There were trenches dug and there were no significant surface or subsurface finds. There was one site found down over here, and Chris can talk about that, but what was basically concluded is that since the hotel is on the site right now, once the hotel is cleared off, we're going to go back and do more additional work because we can't get to some of the areas that the hotel's existing on right now, and a monitoring plan will be done or prepared and there will be monitoring during the whole demolition and construction process. We also did a Cultural Impact Analysis and that was also done by SCS and the primary concern of people interviewed were that continued access to the shoreline should be provided.

As I stated, we're not going to impact the existing access here, but there are a lot of other public access points within the Kapalua Resort, and I passed out a handout showing where all those sites are. Immediately to the south of this site is the Kapalua Flemings Beach, and, below that, there's a parking lot that Kapalua Land Company maintains 39 public parking stalls there already, restrooms and showers, and you can see from the map that there are other well spaced access points along the coast. We're not going to change any of the access points and we don't -- this project won't have any impact on public access to the shoreline, as a matter of fact, we think it'll increase it with the lateral trail.

We did get comments from OHA on this project, this May 26 letter, that's similar concerns as Pulelehua. They recommended archaeological monitoring, which we will do; a data recovery plan will be done; native Hawaiian plants will be used in the landscaping, and all work will cease if anything is found in the area of the find and Maui Land and Pine will comply with all rules and regulations.

Ms. Rotunno-Hazuka: I just had a question for Chris.

Mr. Schnell: Yeah.

Ms. Rotunno-Hazuka: On that cultural deposit that was in the 17 and 17A, so you, obviously, you excavated 17, saw it in the profile, and then you put 17A away from there?

Mr. Chris Monahan: Sort of perpendicular coming off of it. Do you have the report out?

Ms. Rotunno-Hazuka: I have the report but I didn't see the trenches very well. Which page was that?

Mr. Monahan: Maybe you have a tiny little version of it. In our report, we have a nice big 11-by-17 so Page 25, Figure 7, we --

Ms. Rotunno-Hazuka: Yeah.

Mr. Monahan: We, basically, came, not perpendicular, but angled off of 17 so they intersected so we were able to follow it out, basically, and show where it pinched out in a couple places, and then it drops off into the water.

Ms. Rotunno-Hazuka: And so it looks like it's 40 feet like by 40 feet maybe?

Mr. Monahan: Yeah.

Ms. Rotunno-Hazuka: And but now there's not going to be more work done on that? That's enough?

Mr. Monahan: Well, what we had Melissa Kirkendall, I just had a meeting with Melissa this morning, and she actually gave me her acceptance letter to the State, it's kind of a draft letter going out today or yesterday or something, accepting the survey and suggesting that we do a passive preservation of that site, it's well within the setback, it's a place that's never going to be impacted.

Ms. Rotunno-Hazuka: Okay.

Mr. Monahan: But what she suggested was that we should do an official preservation plan for it, basically, it will be a fairly short thing and we just need to leave it alone. We've already marked it. We had the surveyors out there so we have some nice GPS information and we'll probably do something official that we will submit to SHPD for the records.

Ms. Rotunno-Hazuka: Did you think any of those boulders or anything that were found in that was an actual architecture or --

Mr. Monahan: No, these were randomly placed almost like they seemed to have been hauled up from the --

Ms. Rotunno-Hazuka: Shoreline?

Mr. Monahan: The shoreline, yeah, kind of -- kind of sittings stones. They weren't even necessarily burned, you know.

Ms. Rotunno-Hazuka: Okay.

Mr. Monahan: There were a couple large stones near the end of 17A and we had a lot of collapsing issues, so it was a little treacherous, but before we filled everything in, we wanted to make sure that there weren't marking some sort of burial actually and so we pulled them out at the last minute and there's nothing there really just --

Ms. Rotunno-Hazuka: Okay. Yeah, I mean I was just -- when they had mentioned data recovery in the OHA letter, then I was thinking maybe somebody had something about data recovering that site, but if it's going to be preserved, then --

Mr. Monahan: Yeah.

Ms. Rotunno-Hazuka: No need.

Mr. Monahan: We're also going to do another ...(inaudible)... inventory survey so --

Ms. Rotunno-Hazuka: Right, because you gotta wait till the --

Mr. Monahan: Yeah.

Ms. Rotunno-Hazuka: Hotel closes. Okay.

Mr. Monahan: Yeah. Okay.

Mr. Kalalau: Tom, you know on that plan right there, where would the older, the existing buildings be located in that?

Mr. Schnell: Yeah, well here's the entrance drive right now and this is going to be the existing entrance, the main hotel building is about right here, okay, then there's wings that go out on this side and down this way also, and the main pool, the butterfly pool, is right about here, which is actually in the setback area if you calculated it in the new rules.

Mr. Kalalau: Okay, okay. Yeah, thank you. What I was thinking about was a lot of these development is already going be developed on the whole footprint of the old footprint, right, of --

Mr. Schnell: Well, actually, the only thing that's going to remain, right about here is the Shops at Kapalua, which is up on a parking structure, so they're going to retain that parking structure but they're going to demolish the shops and then they're going to build a new building on top. But the rest of the main lobby building and the wings is all going to be taken out. They're not going to use the existing footprint.

Mr. Kalalau: I see, but the new building is going to be built, you know, in the area of the old -- of some of the old footprint, right, of the --

Mr. Schnell: Well, yeah, some of the new buildings will be on top of the, you know, existing buildings --

Mr. Kalalau: Right.

Mr. Schnell: But it's a much different configuration than what currently exist.

Ms. Rotunno-Hazuka: That's why they're going to do monitoring because there is going to be a lot of new areas affected.

Mr. Schnell: When they went in -- when Chris went in for the trenching, you know, there's a lot of the resort grounds that we can get to right now, so we could dig the trenches there, but, you know, underneath the main lobby building, obviously, we couldn't get underneath and do a trench there. We're going to have to wait till it goes out.

Mr. Kalalau: Okay, thank you. Anymore questions? If not, do we have anyone from the public who would want to testify on this application right now? If there's no one here to testify on this application, commissioners?

Mr. Artates: Mr. Chair?

Mr. Kalalau: Yes, Perry?

Mr. Artates: The CRC recommends that they -- that they duplicate what OHA has recommended which is that an archaeological monitoring report be drafted in support of this project. Because there is a possibility of encountering buried human remains, all ground altering activities, such as utility excavations, dewatering pits and building footings, should be monitored by a professional archaeologist. It is also advisable that the archaeological data recovery program be conducted to better appreciate the nature of possible adverse effects to cultural properties within the area of proposed development. This will also help mitigate the impact to the State site designated cultural layer located in the property. OHA also states that they request that consideration be given to native Hawaiian gathering and access rights during and after construction activities. Gathering rights and access shall not

be restricted except as necessary to ensure safety. The safety related restrictions are put in place, alternate public access routes must be provided. Native flora should be incorporated into future landscaping plans for the Residences at Kapalua Bay. This will give the developed area a sense of authenticity and will promote a native ecosystem. And it states OHA further requests your assurances that if the project goes forward, should iwi or native Hawaiian cultural or traditional deposits be found during ground disturbance, work will cease, and the appropriate agencies will be contacted pursuant to applicable law.

Mr. Kalalau: Thank you. Wayne, you get --

Mr. Boteilho: Yeah, Mr. Chair, if there's no objects, the Department will accept the recommendation.

Ms. Rotunno-Hazuka: I just wanted to make a clarification, Perry, because instead of doing data recovery on that, the site that they found, they're opting to preserve it, so I just wanted to make that clarification. At this point, there's really nothing to data recover. It's just they're going to preserve the site as it is.

Mr. Kalalau: Okay, thank you, Lisa. Lon, you get --

Mr. Whelchel: I was just looking at the original footprint and it's not much of building into the new setbacks, so this must have just been a better moneymaker. The only thing that's covered, looks like will match, is an existing circular driveway and that motor court's about the same place; otherwise, these little buildings are placed at random, in a fixed order, of course. But the original building doesn't take up any space that's affecting this new -- the new buildings. There's no match. But they did a good job.

Mr. Kalalau: Okay, thank you, Lon.

Mr. Boteilho: Mr. Chair, seeing no further comment, shall we move on to Item c.?

Mr. Kalalau: Okay, thank you, Tom.

Mr. Schnell: Thank you again. Thank you.

Mr. Boteilho: Okay, Mr. Chair, once again, Mr. Rory Frampton, Chris Hart & Partners, relating to the Ukumehama Subdivision Phase I and II and, Thorn. Thorn?

Mr. Kalalau: Rory, we're going to take a short recess.

Mr. Boteilho: Two minutes.

(A recess was called at 11:55 a.m., and reconvened at 11:58 a.m.)

Mr. Kalalau: ...(inaudible)... reconvene this meeting.

Mr. Boteilho: Mr. Chair, I'd like to turn it over to Planner Thorne Abbott. Please address the Commission.

- c. MR. RORY FRAMPTON, CHRIS HART & PARTNERS, Ukumehame Subdivision Phase I and II, TMK 4-8-002:009, 048, 052-056, 060, 061, 065, 066, 068, 070. Follow-up discussion and comments to the CRC's April site visit to the proposed project location.**

Mr. Thorne Abbott: Good day, Chairperson, thank you for your time. My voice is a little bit rusty today so -- and Rory is such a much better speaker than I. We'll let him speak to you about this project. There may be some comments that we'd like to add at the end of his presentation if we'd have the opportunity to do that. So, with that, I'll turn it over to Mr. Frampton. Thank you.

Mr. Rory Frampton: Rory Frampton here for the Ukumehame Subdivision Phase I and II, and I also have with me Donna Clayton, from Pacific Rim Land, and Glen Tadaki, from our firm. We've been here -- we were here, I guess, two meetings ago and did an orientation and discussion, and then, of course, went out on a site visit last month and -- in which the members were allowed to visit a majority of the site. I'm just going to refresh everybody's memory in terms of the extent of the project and I won't -- I'll just take a few minutes of going over some of this background information and then we'll just open it up for discussion.

Again, the project site is about 440 acres at Ukumehame Valley, covering the upper reaches of the stream as well as the former sugar lands that were farmed by Pioneer Mill. And, as you may recall, this project is part of a -- it's -- involved with this project, I should say, is a hundred acre purchase of land by the County of Maui along the coastline to allow for a future coastal park as well as relocation of Honoapiilani Highway. This just shows another aerial perspective of the property.

When we went to the site, we drove along the cane field roads and up along the boundary of the stream, passed the old -- the Lindsey family cemetery, further up to the Ukumehame Heiau, and then we went down into the valley, along the side of the reservoirs, and up to some of the old kuleana parcels or the exclusion parcels that we -- as we referenced them. After that, we went all the way back down, crossed the stream, and then came all the way back up to the area and that's where the group separated. Some of the group went up and looked at the petroglyph field; some of the other people had to leave. But, in a nutshell, that's the various areas that we looked at at the site visit. This just shows the entire

property is located in the agricultural land use designation. And here are some photos. This is the upper corner where we stopped at the first time at the Ukumehame Heiau, looking up into the valley, and then turning around and looking down towards Makena and across the stream. And, again, some various photos of the site. I'm not going to get into detail on those.

And this is a slide I wanna just kinda leave up there. This shows the layout of the subdivision with the two access roads providing the access to the 45 lots. This access road on the Lahaina side, or the east side, also has a what we call the tank access road. It'll go mauka up to a water tank site that we're going to have that's within our property. One of the changes that we discussed at the last two meetings and now is much more solidified, and we have a map of it, is the fact that this access road has been moved. There is a current third access road that goes right through the Ukumehame Heiau, and that's the road that we went to, and when we made our first stop, we were within the buffer zone of the Ukumehame Heiau. What we've done is relocated the -- and that access road was used by Maui Electric and the State of Hawaii to access the mauka lands. Maui Electric would access their power pole locations and do maintenance. What we wanna do now or what we're proposing is that we move that access road to be entirely outside of the Ukumehame Heiau. We would have to cross over State lands and then re-enter the project site right where the tank site is. And we've talked to the State, they're very supportive of that, I think everybody likes the idea of getting outside of the Ukumehame Heiau and having a little bit more room to work in a less sensitive area. So we are proceeding with that option for the tank access road. It will provide access to DLNR for fire fighting and wildlife management activities on the mauka lands that are all owned by the State of Hawaii. In addition, on the east side, right off the cul de sac, we will -- we're providing a connection to what we call the valley road, the valley road is the road that we used to go in and drive around the reservoirs, and so we will be connecting from the cul de sac to that valley access road and maintaining the access to the reservoirs and to the older kuleana parcels that are within the river corridor lot.

The -- and then let me see, on this side, is this is the access road on the Maalaea side and there is an access provided to the State lands for the State of Hawaii, again, for wildlife management as well as fire protection. The valley access road is gonna -- we are gonna allow for people to access the upper valley beyond the property to do traditional and customary native Hawaiian activities. At the request of the landowners within the valley, we're going to have gate on that access road right at the cul de sac. The people who are up there do not want to have -- they're not in favor of unrestricted public access. They want to have it controlled. But if people wanna go up there for traditional and customary activities, they can. They'll have to contact the homeowners association and get a key and go do their stuff and then come back and return the key. Anybody who has ownership rights in any of the exclusions, so anybody who own land in that area, will have a key and they'll have unrestricted access to that road as well as to the upper valley.

I think those are the main points but what I wanna do is pass out a handout, and, Glen, if we could have the lights. What we did is, and I'll go through these step by step, we've anticipated some of the conditions that the Planning Commission would wanna see on the SMA Permit so we actually drafted up some of those conditions and these are what we're offering as conditions that we're willing to accept on the project and, you know, they're draft conditions and, ultimately, the Planning Commission will have a say on exactly how this language is worded, but we wanted to have everybody take a look at these. And I'll just go through each one just so that we understand what the intent is.

The first condition reads that future property owners, that means future people who are going to buy these parcels, shall be informed of the presence of archaeological and cultural sites as well as the requirements for site preservation. And this notification will be included as part of their deeds, so anybody who buys a property, they're going to -- if there's an archaeological site on it, it's going to be recorded on their deed, the site, the buffer area, as well as all the requirements, so that's a given.

Secondly, that legal access to all exclusion parcels shall be provided. And we've referenced them as exclusion parcels, that's how they're labeled on the maps, they're also referred to as the old kuleana parcels, and some of those have multiple owners. But, as part of this subdivision process, rather than they kind of, right now, it's just a dirt road where they just let people go up, it'll be a formalized documented legal access to each one of these kuleana parcels.

Number three, that owners or partial owners of the exclusion parcels shall have unrestricted access rights to Ukumehame Stream and Valley, and that's, again, for the people who own it. They'll have a key and they'll have the opportunity to go to the upper valley or to the stream within that river corridor lot.

Number four, that access to Ukumehame Stream and Valley for traditional and customary native Hawaiian activities and practices by individuals other than owners or partial owners of the exclusion parcels shall be provided by appointment through the Ukumehame Homeowners Association, and that's what I explained earlier about contacting the homeowners association for a key. And some of you may be familiar with the term PASH, the PASH rights, this is guaranteeing PASH rights to the upper valley and to the stream itself.

And number five, this actually came out from a comment that Keeaumoku made at the last meeting regarding wanting to see more done in terms of further oral history, further research into the -- everything that happened in Ukumehame Valley and I'll just read the condition. The condition says that the applicant will prepare a report consisting of a collection of cultural and historical information, maps, documents, and kupuna recollections association with Ukumehame Valley. The final product will help to inform future

landowners, provide new content to educational initiatives, and build a more informed community regarding the role this area played in the history of Maui. Copies of the final product will be transmitted to future property owners, Maui Cultural Resources Commission, Maui Planning Department, University of Hawaii Library System, Maui Historical Society, and the State Historic Preservation Division by July 1, 2006. So the idea is we'll have a year to prepare that and it is a supplemental report that I think goes above and beyond what's normally required as part of the EA process, and, you know, it was suggested that there are additional people that know a lot about this valley that weren't contacted. We contacted several individuals who actually live there or previously resided there and there are people on outer islands and other information that could be gathered and put together so that the people who buy here understand, one, the historical significance of the area, and, two, the families that were there, and, three, kinda just get a better understanding of the reason why there's PASH access rights that are being guaranteed. So we kinda thought it was a good suggestion by Keeaumoku and we're willing to embrace that.

And those are the conditions that we see and we're, at this point, I'll just leave it up -- leave it open for discussion

Mr. Kalalau: Okay, Lisa?

Ms. Rotunno-Hazuka: I'd like there to be a condition on, you know, like any ground altering activities associated with the development be conditioned by monitoring, archaeological monitoring.

Mr. Frampton: That's already a condition and we have an accepted monitoring plan. These are like additional conditions that are above and beyond the normal.

Ms. Rotunno-Hazuka: Okay, I couldn't remember -- okay.

Mr. Frampton: Yeah, we have a monitoring plan that's been accepted --

Ms. Rotunno-Hazuka: Great.

Mr. Frampton: And there will be monitoring as part of the project.

Ms. Rotunno-Hazuka: Okay.

Mr. Frampton: But we could add that to this list.

Ms. Rotunno-Hazuka: I just -- you know, even like with the well and anything that's gonna, you know, have to do with this subdivision, I just wanted to make sure cause, you know,

installation of dust fences, lately, they've been cutting the whole corridor for the dust fence but then they don't call cause they're like it's just a dust fence, and well sites, you know, so --

Mr. Frampton: Yeah.

Ms. Rotunno-Hazuka: But as long as it's already conditioned, then I'm fine with that cause I just wanna make sure because I think, you know, there will be more things to know.

Mr. Frampton: Okay, I guess just looking to forward, in terms of this meeting, what we'd be asking for is you guys to endorse the list of conditions and I would suggest that we add that, a standard condition regarding monitoring as Condition No. 6 to this list of conditions that would be recommended by the CRC.

Ms. Rotunno-Hazuka: Okay.

Mr. Kalalau: Commissioners, do you hear Rory what he's trying to say is that the handout that he handed out to us that he wants us to make it part of our recommendation. If everybody's alright with that, we don't have to vote on them, we just pass them through.

Ms. Rotunno-Hazuka: Yeah, okay, but do we have more?

Mr. Frampton: If you have more, that's fine. If you wanna change them, that's fine. We're willing to discuss.

Mr. Kalalau: Kauai?

Ms. Kapuni: What is a standard buffer area? Is there a standard or does it depend on what is the site? How big? I think that's what I'm asking. What is the buffer area?

Mr. Boteilho: Yeah, you know, I'll, for this project, I'll yield to the applicant.

Ms. Kapuni: Oh, so he gets to determine that?

Mr. Frampton: No.

Mr. Boteilho: No. No, no.

Mr. Frampton: I can respond.

Mr. Boteilho: No, but he knows more about sites than --

Ms. Kapuni: Alright.

Mr. Frampton: Under State law and under the State Historic Preservation District rules, when you determine a buffer area or preservation area, it's a case by case determination and it really depends on the site, the significance of the site. A lot of times they look at the setting, the proposed development, the size of the parcel, and it really varies. And, in this case, we have site buffers ranging from ten feet up to a hundred feet, depending on the site. The Ukumehame Heiau has a hundred-foot buffer on it's makai and Lahaina sides, and a 50-foot buffer where the steep slope is. Yeah. And the other sites, most of them have -- they have 50 feet, but there are also some with 25, and the irrigation ditches have 10-foot buffers. So that's a generalized description, but it really varies. If you're interested in a particular site, I do have that documentation you could refer to.

Ms. Kapuni: Okay. Thank you.

Mr. Kalalau: Rory, you know on the petroglyphs?

Mr. Frampton: Yep.

Mr. Kalalau: On the right-hand corner, there's a lot, I mean there's a lot of petroglyphs that is outside your guys boundary. Who's the owner of that -- of the property that it's, you know, on the other side of you guys, on the Wailuku side?

Mr. Frampton: It's State owned lands.

Mr. Kalalau: State owned?

Mr. Frampton: Yeah, all State owned. And those -- that petroglyph field is actually located in the river corridor lot, so we have a large lot that's the river corridor lot that, you know, it's kind of set aside for passive preservation and so that petroglyph field, up here, is within that river corridor lot, it's not in a lot that's proposed for future sale.

Ms. Rotunno-Hazuka: Did you think it extended into -- when we were out there or what --

Mr. Kalalau: Yeah, it extends outside of their boundaries.

Ms. Rotunno-Hazuka: Their property boundaries?

Mr. Kalalau: Yes.

Ms. Rotunno-Hazuka: Cause a lot of times when we do a survey and if we find a site and we notice it goes into another parcel, we kinda dash the site boundaries and then SHPD notes that that, okay, on this TMK this site is intruding and then they need to be careful.

Mr. Kalalau: Right, I just wanted to know if that --

Ms. Rotunno-Hazuka: Buffers?

Mr. Kalalau: On the State side now you're talking about, if they would consider the same kind of conditions that we're recommending into this project in that area.

Ms. Rotunno-Hazuka: Right. A lot of times what we will do is say that, you know, we hope that SHPD will impose the same buffers that we're asking this client to do, but, ultimately, it depends on what's going to happen with the adjoining parcel. I'm sure not much is going to happen with this so I wouldn't see why they couldn't do that.

Mr. Kalalau: Anymore questions? If not, we wanna open this portion for public testimonies. If anyone in the crowd would like to testify on this item, please come forward. I see we have no one here from the public to testify, commissioners, you have the floor again. So we're here to make comments and --

Mr. Artates: Mr. Chair?

Mr. Kalalau: Yes, Perry?

Mr. Aratates: I think what was proposed here is that, what Mr. Frampton is saying, that we accept this to ...(inaudible)... to part of the conditions that's already in place. So this would be --

Mr. Kalalau: Additional.

Mr. Artates: Additional conditions?

Mr. Frampton: Yeah, there's no -- well, I guess there are conditions in place right now because of the Preservation Plan.

Mr. Kalalau: Right.

Mr. Artates: Right.

Mr. Frampton: And then we'll go to the Planning Commission and we're going to have a whole list of conditions as part of the SMA Permit from the Planning Commission, and we

thought, because we had discussed a lot of these things in the field and at our meeting the last time, we thought we just put in writing so that we have an understanding of what we've committed to and then if you guys are comfortable, you could just adopt those conditions as recommended, or adopt that, yeah, those conditions as recommended conditions to the Planning Commission for the SMA Permit.

Mr. Boteilho: Mr. Chair?

Mr. Kalalau: Yes?

Mr. Boteilho: Since this is going to the Planning Commission, I would recommend that you vote on this one and, basically, it would be that we accept the conditions as proposed under the 6/2/05 draft with a sixth condition which is the standard condition regarding archaeological monitoring or -- but the standard condition.

Mr. Kalalau: You have a question?

Mr. Abbott: It may be prudent for the Commission to make a vote on these recommendations; however, this is the first opportunity the Department has had to review these, that does not mean we necessarily concur these, and, therefore, you're empowered to impose or request that these conditions, as worded, be included. Alternatively, you may want to recommend that the Department consider these suggested recommendations strongly. I'm not sure that, as the planner dealing with the Special Management Area issues, that the Department would fully support all these conditions as they're written.

Mr. Boteilho: Yeah, either way will be fine. We would support or not either way.

Ms. Rotunno-Hazuka: What kind of changes is the Department looking at?

Mr. Abbott: Well, I'd want to make it clear that we received this, just as you have, right now. I don't -- so we haven't had a chance to review it, however, for example, number three, that owners or partial owners of a exclusionary parcel shall have unrestricted access rights. How are owners identified today and in the future? I think it would be prudent to make that explicitly clear. And it says a report, number five, will be prepared addressing a number of different issues, however, it doesn't say when the owners will get that report, what format that report will be in. It's those kinds of word smithing that I think the Department would want to have an opportunity to work with the applicant to make sure it meets all stakeholders needs. However, we're not necessarily empowered to require that. It's your call, basically.

Mr. Frampton: And if I may comment. I think, you know, we fully anticipate for there to be some word smithing and refinement of these conditions and the idea was, you know, we

wanted to show the intent of the what we were proposing and that, you know, ultimately, it's your -- this is a recommendation, the Planning Department's language will be a recommendation, but the Planning Commission will have the final authority and many times at those meetings, the language is tweaked and worked out. So, even if you had at it as a, you know, the strongly -- as strongly worded recommendation as possible, they could still change it at the hearing, so it is a recommendation and we appreciate and recognize staff's comment about the need to possibly tighten this up or play with some of the words in order to make it just right.

Mr. Abbott: And staff would also like to congratulate the applicant for, you know, forwarding these representations in their application because it is a good idea to try to promote ongoing conservation, preservation of cultural resources.

Mr. Boteilho: So, Mr. Chair, yeah, I guess it seems like the Commission is in favor, in general, of these conditions so I would say something like approve subject -- I mean, well, approve but the Planning Department is authorized to work with the applicant to come up with the final wording.

Mr. Kalalau: Is it all clear with everybody? Okay, so who initiated that motion?

Mr. Boteilho: Oh, there's no motion. I just was --

Mr. Kalalau: And then but because what Wayne was saying it's going to the Planning Commission so we need to make a motion on this.

Mr. Abbott: Perhaps, it might be a good motion to say the intent of these recommendations are, rather than these should literally be included as recommendations, the intent of these should be considered as recommended conditions, and voted upon.

Mr. Boteilho: Yeah, that would be a even better motion, I think.

Mr. Kalalau: Okay, Kalei.

Mr. Moikeha: I'd like to make a motion that we approve the conditions set upon here with all of its intentions with options to delete, add on whatever would be necessary --

Ms. Rotunno-Hazuka: Including Item No. 6 of the archaeological monitoring.

Mr. Moikeha: Including adding No. 6, archaeological monitoring.

Ms. Rotunno-Hazuka: Okay, I second.

Mr. Boteilho: Okay, Mr. Chair --

Mr. Kalalau: Discussion, yeah?

Mr. Boteilho: Clarification for staff. So, you know, subject to delete or insert wording that would be done by the Planning Department, not by the Commission itself. Thank you.

Mr. Kalalau: Okay, anymore discussion?

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

It has been moved by Mr. Moikeha, seconded by Ms. Rotunno-Hazuka, then unanimously

VOTED: to approve the conditions set upon here with all of its intentions with options to delete, add on whatever would be necessary by the Planning Department including a Condition No. 6 regarding archaeological monitoring.

Mr. Kalalau: Thank you, Rory.

Mr. Abbott: Thank you.

Mr. Frampton: Thank you very much.

3. DEMOLITION PERMITS - none

F. NEW BUSINESS

G. SIGN ENFORCEMENT PROGRAM IN THE LAHAINA HISTORIC DISTRICTS

Mr. Boteilho: Mr. Chair, next we have Demotion Permits, none; New Business, none. Sign Enforcement Program in the Lahaina Historic District. This one I can report that the Council has approved in our budget a Lahaina planner and the intent of this planner is to be -- work in Lahaina Town, primarily I would say, and this person -- we're already working with LahainaTown Action Committee, they're trying to get a -- some kind of desk in the courthouse, and this person would be there two-three days a week, you know, all day, educating the businesses about signs and reporting possible infractions. And, also, you know, just our presence there might deter people from not complying with the sign laws. So I can report that. This person, to be honest, we got six months funding. We're looking at this person coming on board about late this year.

Mr. Kalalau: Wayne, is this part of the enforcement officer program or --

Mr. Boteilho: Yes, in the sense that the Council wanted to have more eyes in that district. This person will not be a zoning inspector, they could not issue a citation, however, they could report to the zoning inspector. Now there's some possibility we could create a hybrid position, you know, but we gotta look at that.

Mr. Kalalau: Okay, thank you. Anymore questions? Discussions?

H. DIRECTOR'S REPORT

1. **Lahaina Comfort Station follow-up: Maui Arborist Committee letter regarding its landscaping comments for this project.**
2. **July 7, 2005 meeting agenda**
3. **Administrative Permit Report**
 - a. **Demolition Permits**
 - b. **Historic District Approvals Report**

Mr. Boteilho: Thank you. Under Director's Report, I'm going to start off by passing out this proposed agendas that Dawn did, this is for the next two meetings, so this is for your information. I'd like to note that in your letters that were sent for your information there was a, from Maui Surf & Sand Half Marathon, they had requested to be placed on the August agenda. If you look on the August agenda, it's already there. And the rest, Mr. Chair, were letters sent to you for your information. Also, Lahaina Comfort Station follow-up letters that were sent to you for your information as well as the Administrative Permit Reports, Demolition Reports, and Historic District Approvals Reports, so -- and that's all I have.

Mr. Kalalau: Okay, thank you, Wayne. As far as Commissioner's Announcements, I don't have any. Anybody got any? Okay, and our next meeting date is July 7. Will someone move to adjourn this meeting.

I. COMMISSIONER'S ANNOUNCEMENTS

J. NEXT MEETING DATE: July 7, 2005

K. ADJOURNMENT

There being no further business brought before the Commission, the meeting was adjourned at 12:30 p.m.

Respectfully submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards and Commissions I

RECORD OF ATTENDANCE

Present

Samuel Kalalau, III, Chairperson
Lisa Rotunno-Hazuka (Arrived at 9:35 a.m.)
Lon Whelchel
Nani Watanabe
Deldrine Kapuni
Kalei Moikeha
Perry Artates

Excused

Dorothy Pyle

Absent

Keeaumoku Kapu

Others

Wayne Boteilho, Deputy Planning Director
Stan Solamillo, Planning Staff
Cindy Young, Deputy Corporation Counsel