

**MAUI COUNTY CULTURAL RESOURCES COMMISSION  
REGULAR MINUTES  
JULY 6, 2017**

**A. CALL TO ORDER**

The regular meeting of the Cultural Resources Commission was called to order by Chairperson Lori Sablas at approximately 11:04 a.m., Thursday, July 6, 2017, Planning Conference Room, 250 S. High Street, Wailuku, Island of Maui 96793.

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

Chair Sablas: . . . of June -- what is today? July. July 6, 2017 of the -- '17 of the Maui County Cultural Resource Commission to order. I see we have a quorum. Mahalo, Commissioners, for being here, and, staff, thank you. So we'll begin with public testimony at this time. If there's anyone in the audience who would like to make comments on any of the items on the agenda, you are welcome to do so now and please state your name and the item of the agenda you'll be talking on. Thank you. Aloha, Keeaumoku.

**B. PUBLIC TESTIMONY** - At the discretion of the Chair, public testimony may also be taken when each agenda item is discussed, except for contested cases under Chapter 91, HRS. Individuals who cannot be present when the agenda item is discussed may testify at the beginning of the meeting instead and will not be allowed to testify again when the agenda item is discussed unless new or additional information will be offered. Maximum time limits of at least three minutes may be established on individual testimony by the Commission. More information on oral and written testimony can be found below.

Mr. Keeaumoku Kapu: Hi. Good morning, Commission. Keeaumoku Kapu, from Lahaina. Give me some time to get my stuff together. I just came from upstairs, on the 8<sup>th</sup> floor, some topics on kuleana lands were being discussed, but I'd like to take the time to hand these out to everybody but then I'm waiting for staff from upstairs to bring more copies so I might fall short. Sorry about that. I guess my topic that I wanna talk about has a lot to do with the -- the discussion at the forefront on the Preservation Philosophy of the County of Maui General Design Guidelines for the historic properties or district of Lahaina. I think that's the first agenda item that you have in front of you.

My issue has always been about our historic properties in Lahaina. This book that I have, I'm pretty sure that the County has it, was done by the Historic Restoration and Preservation back in 1961, if all of you remember this, and my whole issue had a lot to do with, you know, the County spending a lot of money from 1960 all the way till today, I don't know how many, maybe four times, spend money looking at how we going beautify the Historic District of Lahaina, and it's always been my issue to -- to set into some kind of precedence on what are doing in Lahaina? What kind of preservation efforts that are being done to preserve a lot of the pristine areas that are still in existence in our town, and it's to a point as to where it's getting very frustrating for us that it's good that you have the Lahaina Restoration Foundation, but all -- all their efforts is based on commerce. My whole reasons as to why I'm coming forward has a lot to do with the Historic District 1

application. I know that Lahaina Restoration down the harbor is considered Historic District 2, and so on, you have Historic District 3. This area is being neglected. We have a canal right in front of our building. I manage Na Aikane O Maui Cultural Center, once used to be the Malu Ulu Olele Senior Center, and there's a canal right in the front, and the County, for some reason, put ply boards over the whole canal, literally hiding the historic character of that canal. If you look at the canal, it has post-contact setting stones as well pre-contact stones. Because of liability reasons, the County has covered that up. I think there was an issue that happened back in 2004 where one car actually drove inside, so what a better way to alleviate the issues on liabilities by covering it up with ply board. So if this is a route that the County is going to take by covering these things up, then what are we actually trying to protect? I know that one of the topics on the agenda is trying to beautify the Front Street area of Lahaina Town. What area are we talking about? Are we talking about from 505 to Prison Street, which is actually the historic district, or are we talking about the commerce area of the Banyan Tree all the way to the library? So there's a lot of clarifications for me. I've been very adamant on this from the time when I sat on the CRC with you, Chairperson Lori, and I'm still clueless as pertaining to where the route we going, what kind of recommendations or ordinances that we going to implement in this that'll better my understanding on where we actually going in the long run, and I hope and I really encourage the council to really look at, not just the implementation of things, but actually getting the County -- because I know that now the County got 3.6 million dollars in the Parks budget for the Lahaina District, the West Maui District under Parks, so 3.6 million dollars, help us beautify our part of the town. I mean Mokuula, I don't know what route they're going, but if there is some surface stuff that can be done alongside the Front Street area to help, you know, with the ambiance of the place so my building becomes -- well, actually, my building is -- is -- was built in 1947. It's not registered as a historic property. Why is that? I don't know. Maybe I gotta -- I gotta do something to forward that through the advisory council and historic preservations or wherever I need to go, but it would be really, really good to get some support -- support from the Cultural Resources Commission as well as the County to start helping us do something. Like I said before, this book was put together back in 1961. Four times the County spent money, yeah, and looking at ways on how we can beautify the historic district. Nothing is accounted for. Monies were spent. Let's put that money to action. Let's make some strong recommendations from this body and start doing things positive for the host culture at least. I think it's about time. Thank you.

Chair Sablas: Thank you. Any comments, questions from Commissioners? Thank you very much Keeaumoku. Are there any other persons wishing to testify on any of the agenda items? Okay, if not for -- the public testimony is closed for now.

### **C. APPROVAL OF MINUTES OF THE APRIL 6, 2017 MEETING**

Chair Sablas: So we'll go to item C, on the agenda, approval of minutes of the April 6, 2017 meeting. And before we approve it, I really would like to acknowledge Suzette, Michele, if you notice the minutes, they now have all the numbers on the side. It's just easier if we have to make reference to any corrections on the page, it's a simple thing but I think it helps, and so thank you very much for doing that. So everybody read the 58 -- 98 pages or whatever it was? Comments? Corrections? If not, can I have a motion to approve?

Dr. Six: I move that we approve the minutes for the April meeting.

Ms. Kawaa: Second.

Chair Sablas: ...(inaudible)... oh, second. It's been approved by Commissioner Six, second by Commissioner Kawaa, so all in favor of the motion, say aye? Opposed? Hearing none, the motion is carried. Thank you.

**It was moved by Commissioner Six, seconded by Commissioner Kawaa, then**

**VOTED: to approve the minutes of the April 6, 2017 meeting.**

**(Assenting - T. Bailey; L. Kawaa; M. Ropa; J. Six; F. Skowronski)  
(Excused - C. Kajiwara-Gusman; I. Lay)**

Chair Sablas: So let's move on to New Business, item D.1.

*Chair Sablas read the following item description into the record:*

**D. NEW BUSINESS**

- 1. Review and comment on the proposed "County of Maui Historic Preservation Philosophy" and "County of Maui General Design Guidelines for Historic Properties" (A. Kehler) (Commissioners: Please bring your documents from the June 1, 2017 CRC Meeting.)**

***The Commission may recommend the adoption of new official guidance documents to the Maui County Council pursuant to Subsection 2.88.060.M.2 of the Maui County Code***

Chair Sablas: Annalise?

Ms. Kehler: So at our last meeting, we took a look at these two documents and a recommendation was made to hold off on making any sort of recommendation to adopt because there was a desire to develop guidelines for the treatment of archaeological and

cultural properties, and I did some research, and I recommend separating guidelines for the treatment of architectural resources and the treatment of archaeological and cultural properties, and the reason is they're different resources and they have -- they require separate standards of treatment, and so they should be separate documents. And we, at the -- at item E.1., we will discuss in greater detail developing guidelines for the treatment of cultural and archaeological properties. I have a couple of ideas to discuss with the Commission and then also some review of other county and state department rules related to these properties. So we're recommending that these -- that the documents in item D.1. are adopted and they replace the items discussed in item D.2., and the reason for that is that these new guidelines meet current preservation practice and law, they meet Secretary of the Interior Standards, and they provide clear instruction on the rehabilitation of historic properties, additions to historic buildings, additions to historic buildings, and new construction of -- of buildings in historic districts or adjacent to historic properties.

And so the County -- the proposed County of Maui Preservation Philosophy is essentially just a reworded version of the Secretary of the Interior Standards, it's a little bit simple, it's a little simplified, a little bit plainer English, and then the General Design Guidelines for Historic Properties, that's the other document in item D.1., is, again, sort of a simple document intended for use by the Commission in their review of permits affecting buildings within the County Historic Districts, and, again, these were developed to meet current preservation law and practice. And so moving into item D.2. --

Chair Sablas: Sorry. Commissioners, are you following what she's referencing to? Yeah?

Ms. Kehler: Yeah.

Chair Sablas: Everybody? Okay.

Ms. Kehler: Yeah.

Chair Sablas: We're on the same page. Okay.

Ms. Kehler: So if -- so I'm not sure, I guess we could take a vote or a recommendation on whether you agree that these -- that item D.1. should be adopted, and then we'll move on to item D.2. and I'll explain why these items in D.2. should be removed and replaced with D.1.

Chair Sablas: I think it's ...(inaudible - technical difficulty)... Comments from Commissioners on the recommendation? No? Oh, we have a quiet this morning. Would

you like the -- I mean are you ready? You feel comfortable in voting? I mean you know enough about what's the proposal?

Ms. Kawaa: Commissioner --

Chair Sablas: Yes?

Ms. Kawaa: Or Chair, excuse me. So, you know, as I was reading through the different documents, really the documents that they -- that are being recommended that we replace are outdated, very bias, it doesn't talk much about pre-western contact Lahaina, Hawaii, those kinds of things, so, you know, I -- I would -- I am in favor of replacing those documents. I also wanted to know, Annalise, if you could clarify what it is that you wanted to separate --

Ms. Kehler: Oh --

Ms. Kawaa: At the beginning? Sorry.

Ms. Kehler: Oh, so, yes, just taking each item in -- in -- under New Business and we'll say, okay, item D.1., we recommend adoption of these guidelines, and then we'll go through -- once we've recommended adoption of the D.1. items, and we'll go through D.2., and I'll talk about why these items should be removed.

Ms. Kawaa: Right, before that though, you wanted to separate --

Ms. Kehler: Oh.

Ms. Kawaa: Yeah.

Ms. Kehler: Okay. Oh, the treatment -- the guidelines for the treatment of architectural properties versus archaeological and cultural. You know, it's -- it's very common, like at the State Historic Preservation Division, there are separate branches that -- that handle separate properties, so there's an architectural branch, an archaeological branch, and a cultural and history branch, and so each resource require separate standards of treatment and so they should -- I feel they should be separate documents.

Ms. Kawaa: Okay.

Ms. Kehler: Yeah.

Ms. Kawaa: Thank you.

Dr. Six: It just seems that there's a lot of overlap between an archaeological site and a cultural site --

Ms. Kehler: Sure.

Dr. Six: Where it's like I understand what you're ...(inaudible)...

Ms. Kehler: Right.

Dr. Six: In the branches ...(inaudible)...

Ms. Kehler: Yeah.

Dr. Six: It just seems to be some --

Ms. Kehler: Right. Well, the -- the archaeological and the cultural would probably be one review together.

Dr. Six: And architecture is cultural. You know just -- I'm not trying to be ...(inaudible)...

Ms. Kehler: Well, let's -- let's -- okay, so what I mean -- architectural, I mean buildings. That's what I mean. And I know there are indigenous Hawaiian buildings too, and we're going to talk about that as well, but that's, again, a whole other separate issue that's regulated by separate set of code in a separate department, and we'll talk about that.

Dr. Six: So I guess these -- these are what -- these are what you were talking about in this letter?

Ms. Kehler: Yes.

Dr. Six: You wanna replace ...(inaudible)...

Ms. Kehler: The ones that I've -- yeah, I wanna get rid of those, yeah.

Ms. Kawaa: And then one more -- one more clarification, please. So -- and these are -- the documents, I'm sorry ...(inaudible)... wanna say. The documents that we're replacing were the documents given at our previous meeting, correct?

Ms. Kehler: Yeah. The -- this one. The Preservation Philosophy, and then the General Design Guidelines for Historic Properties.

Ms. Kawaa: Okay. Thank you.

Ms. McLean: Chair, may I make a comment?

Chair Sablas: Sure.

Ms. McLean: Thank you, Chair. To formally replace the older documents with the new ones that Annalise has put together would require both an amendment to your rules and to the County Code because the existing documents are listed on the back of the memo is the section from the code that list all of the guidance documents that the CRC currently uses, and the same list is included in the CRC's rules, and so, today, if you do take action to replace the older documents with the newer ones, that action wouldn't become formalized until we bring to you the rule amendments and the code amendments, and then the code amendments would then have to go to the County Council for adoption. So there's still a few steps to go, and so you would see these proposals at least one more time with the code and rule amendments, and then the code would also have to go to the Council, so this is the first of two -- two steps for the Commission to take, and then there's the one additional step with the Council.

Ms. Kehler: Yeah. I just wanted to make sure that I give the Commission an opportunity to -- to vet the documents before we jump through code amendments and rule amendments 'cause I don't -- I don't want us to ...(inaudible)...

Chair Sablas: Yes, Frank?

Mr. Skowronski: The replacement by ordinance by the County Council is going to take into consideration what our recommendations are today, is that not true?

Ms. McLean: Yes, of course. We wouldn't -- it would be very unlikely that the Department would send something to the Council that was not something that the CRC approved and supported, but as Annalise said, this is more of a - I don't wanna say "informal discussion" - but this is more of where the -- the dialogue should happen on these documents, and then when we come back with actual amendments, you know, you'll have already seen what those mean and -- and what that information reflects, so this isn't the only time we'll be asking you to look at this if we do go ahead today.

Dr. Six: I support replacing some of these older documents especially since some of these outdated terms and -- so I'm in support of it especially if we get another chance to take a look --

Chair Sablas: Yes.

Dr. Six: Because it's always kind of a lot of information but I, I mean just looking here, I'm in support of it. Some of them are from 1961, as Keeaumoku pointed out. Some of this stuff is from back when we celebrated whaling.

Chair Sablas: Any other comments? If not, are we ready for someone to take the motion that we approve the recommendation by staff?

Mr. Skowronski: I move that we adopt the recommendations by staff to replace the old guidelines with the new set.

Chair Sablas: Thank you. I like the word "adopt" better. Second?

Mr. Ropa: Second.

Chair Sablas: Kaleo second. Yay, you're on record, Kaleo. Okay, it's been moved and seconded that we adopt the recommendations as stated in New Business, D.1. Any further discussion? We're ready for the vote? All in favor say aye? Second -- I mean opposed? None. Okay, motion carried. Thank you.

**It was moved by Commissioner Skowronski, seconded by Commissioner Ropa, then**

**VOTED: to adopt the recommendations by staff to replace the old guidelines with the new set.**

**(Assenting - T. Bailey; L. Kawaa; M. Ropa; J. Six; F. Skowronski)  
(Excused - C. Kajiwara-Gusman; I. Lay)**

Chair Sablas: Thank you, Annalise. We'll go on to item no. 2. Okay, before we do -- go to item no. 2 then, I'd like to ask if there's anyone in the audience who would like to give comments on this item D.2. at this time? Okay, come.

- 2. Review of "Proposal for Historical Restoration and Preservation of Lahaina," dated 1961; "Design Guidelines for Front Street Improvements," dated 1992; "The Architectural Style Book for Lahaina," dated 1969; and "Lahaina Environmental Design Manual," dated 1975, which are presently listed as the Commission's official guidance documents under Section 2.88.080 of the Maui County Code (A. Kehler)**

***The Commission may discuss, and possibly take action, on whether to recommend to the Maui County Council that these official guidance***

***documents be replaced with the guidelines proposed in item C.1, pursuant to 2.88.060.M.2 of the Maui County Code***

Mr. Foster Ampong: Aloha, Committee Members. My name is Foster Ampong. I am testifying on behalf of Aha Moku O Wailuku and as a kanaka who grew up and was raised in Lahaina. My question and my clarification that I seek is that whatever is decided related to -- to item D.2. by the CRC will then be forwarded to the County Council for possible amendments? Okay. Good. So my thing is that I would like to see the CRC maybe put together a committee or a group to include members from the community, like Lahaina, the Aha Moku O Maui Council to have a further and more in-depth discussion on the subject matter. I think there's a lot more information and a lot more folks in the community that should be included in the discussion before, you know, any suggestions or recommendations are forwarded to the County Council, and I realize that it's at the County Council where we really need to, you know, line up our ducks and -- and present our, you know, our concerns because then, from there, then, you know, I can see it going through the -- the bureaucratic, you know, political process, and that's all I wanted to say is make the recommendation to put together and go. Thank you.

Chair Sablas: Thank you for the recommendation.

Dr. Six: Thank you.

Chair Sablas: Any further testimony on item D.2.? Okay, public testimony is closed at this time and I'd like to open it for discussion for Commission Members.

Ms. Kehler: Chair?

Chair Sablas: Comments? Oh yeah, I'm sorry, Annalise. Sorry.

Ms. Kehler: Can I -- can I go through my --

Chair Sablas: Yeah, I'm so sorry.

Ms. Kehler: That's okay.

Chair Sablas: E kala mai.

Ms. Kehler: That's okay. Okay, so what I did was I reviewed each document that's listed in item D.2., and so with -- beginning with the proposal for Historical Restoration and Preservation of Lahaina, dated 1961, that's this document here, just a little bit of background on it. It is a plan and the historical basis for the plan was the redevelopment of Lahaina for the, you know, emerging tourism trade in the 1960s, okay. And so the other thing about a plan is that it -- it's different than design guidelines that the

Commission would use to determine whether or not a proposal within a historic district is appropriate, and plans are crucial components of, you know historic preservation plans are a big part of the County's preservation program, but they should be adopted in a separate manner than guidelines that are used for reviewing projects. And so some of - - some of the issues that make this document sort of unusable are inaccuracies in the historical narrative, so the historical narrative is pages 13 to 23. It's missing substantive discussion on pre-contact history of Lahaina. We all know that Lahaina's history did not begin with western contact, it was inhabited long before that, and there's a very rich history associated with that, and, actually, there's a really good history, if anybody's interested, it was done by Kepa Maly, Kumu Pono Associates, and it uses a lot of primary resources that are very important and that -- that sort of paints a little bit more of an accurate and clear picture of Lahaina's very long history. Another problem with this document is that it disproportionately focuses on missionary and whaling history. You know, there's way more to Lahaina than whaling. And it also uses some inappropriate language, and it contains bias opinions, you know, there's a statement that says, I'm just going to read it, "Heavy in the favor of the missionaries was the fact that they were far from a weak breed of man. They were strong and stalwart pioneers in a strange land that needed them." So, you know, so that's not really good. We don't wanna have that in an official County document. And then also the plan recommends reconstructing a number of archaeological and historical sites, which either no longer exist or exist as subsurface remains. And so there are separate standards for reconstructing archaeological resources, and so in the Secretary of the Interior Standards for Reconstruction, it says, "Reconstruction may be considered an appropriate treatment only when a contemporary depiction is required to understand or interpret the property's historic value including the recreation of missing components of a historic district or site when no other property with the same associative value has survived and when sufficient historical documentation exist to ensure an accurate reproduction." And then another concerning thing in this plan is that it doesn't provide any provisions for the protection or avoidance of existing archaeological remains, and that's something that should be -- it should be noted in a plan when you're talking about reconstructing archaeological resources that you don't want to do more damage to what's left. Oh, and then page 42 uses the term "Oriental" and that's really a really dated term that shouldn't be used in government documents anymore.

So that's the summary of issues in this document, there are more, but those I just pulled out examples just to show, you know, little things or big things that are wrong.

The next document -- also, if you have any questions for me about that one, I can -- we can go through it that way if there's any questions about the one I just went through.

Chair Sablas: If you guys like to go and question about the first document before we go onto the second.

Dr. Six: I just wanna ask a question.

Chair Sablas: Sure.

Dr. Six: Is there any value to that document? I mean 'cause I know we want to just remove it, but is there some takeaway value or is it -- 'cause I've not reviewed the whole thing?

Ms. Kehler: There's some old maps in there that are helpful. That's about it. Yeah. The maps though are really good and they can certainly be used to help develop a --

Ms. McLean: And -- and the documents will still exist as resources.

Dr. Six: Yeah, but I know you're picking out of it the negative 'cause I know that this was written in 1961 probably a lot of racist and stuff going on, I just -- it's been changed a lot, I just wasn't sure if there's any redeeming value in there.

Ms. Kehler: Yeah, I mean there -- there are certainly pieces that we could use to inform other projects or documents.

Dr. Six: Or even I was just thinking to hold accountable what people -- I know it's just a plan, but what people said they were going to do back in the '60s and then what actually happened; that's what I'm thinking of how we -- but I understand what you're saying. Thank you.

Ms. Kehler: Yeah.

Dr. Six: That answered my question.

Chair Sablas: But even with the maps, I'm not sure if it's the time to make this comment, but, you know, I've always wondered why we couldn't go back and use the ancient names for our streets, and I had -- I brought it up and I think at the County level was that it was too long or they cannot it or something like that came back. I think I proposed it as a member of the -- I'm a board member of the Lahaina Restoration Foundation, and I thought that, you know, being what Lahaina is and the history of Hawaii, that we bring back the old street names, you know, and it becomes more historical in that manner, so I, again, I think that's a valuable part of that document is the names that were there prior to -- well, yeah, the original names. Any other comments on that document? And I'm glad we're moving on this because, you know, I think like Keeaumoku, we've been, and I was born and raised in Lahaina and I'm familiar with a lot of things that are being discussed, and, you know, for me, you know, I think I have copies, the original copies of

this document too. I think it is time that we look at it again, and bring it up to date, and you made some really good -- good points there, Annalise.

Ms. Kehler: Thank you. Anymore comments or questions about this document? Okay.

Chair Sablas: Okay.

Ms. Kehler: Let's move on to the Design Guidelines for Front Street Improvements, that's the document dated 1992. It's this one here. So, again, this -- this document is labeled as design guidelines but really it's -- it's more like a plan, it functions more like the -- the previous document that we discussed, and, again, something like this should not be formally adopted as guidelines in Section 2.88.080, of the County Code, to assist in the design review function of the Commission. It's -- the plan focuses primarily on very, very technical aspects of parking, roadway, sidewalk, and utility improvements along Front Street and, you know, there might be some points in this plan that would be better addressed in the urban design chapter of the West Maui Community Plan, which we'll be starting up sometime in the future, and, you know, if might be a good opportunity to go over some of these recommendations with Public Works, again, to make sure that the -- and with business owners too because it's 1992 and we don't know if some of these recommendations would still hold any water as far as the street stuff and the parking stuff. There's also a few recommendations in this document that are conflicting with the Secretary of Interior Standards for Rehabilitation, and implementing them would negatively affect the historic integrity of the districts, so on pages -- page ii-18, it identifies two different types of street lights that should be used along Front Street, one from 1860, and one from 1908. The problem with this is that many of the buildings along Front Street date between 1950 and 1940, so the buildings that would have been associated with the street lights from the earlier period aren't there anymore and using architectural elements or design elements from a different period that's represented in the district is inappropriate and it conflicts with Standard 3 of the Standards for Rehabilitation, which states, "Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings shall not be undertaken." Okay, and then the sidewalk recommendations, on page ii-8, they also conflict with Standard 3 -- with Standard 3. They recommend -- one of the recommendations for the sidewalks is to use wood boardwalks, and then another is concrete. Concrete is acceptable because it -- by the time that most of these buildings on Front Street were built, they had concrete sidewalks. There are photographs of wood boardwalks along Front Street from the early 20<sup>th</sup> Century and late 19<sup>th</sup> Century, but most of those buildings that were associated with those wood boardwalks are gone, and so putting wood boardwalks in front of a building from the 1920s that never had a wood boardwalk doesn't -- that creates a false sense of history and that's an inappropriate recommendation.

And that's -- that's, you know, a summary of some of the issues in this document if anyone has any questions about the review of this document.

Chair Sablas: Comments? Okay.

Ms. Kehler: Okay, the next document is the Architectural Style Book for Lahaina, dated 1969, that's this one here. There's several problems with this document. It does not adhere to the Secretary of the Interior Standards for Rehabilitation, and it also fails to provide clear direction on the requirements for rehabilitation of historic buildings, additions to historic buildings, and construction of new historic buildings, and for that reason, this document is kind of not very helpful and it shouldn't be used in the review of projects in the Historic Districts. There's also some other problems with the document that make it unusable. It's misleading. On page 2, it identifies the following historic styles as being -- as characterizing the Lahaina National Historic District or the -- sorry, excuse me -- the County Historic Districts within Lahaina, it identifies them as Native Hawaiian, missionary, and Victorian, and it -- you know, it's true that, at one point, Lahaina had an abundance of these buildings from this historic period, however, very little, if any, of these architectural styles remain in the -- that was true even in the 1960s when this document was prepared, the historic buildings that we see in Lahaina today come from styles including missionary, plantation commercial, plantation residential, neo-classical, and mid-century modern. It also -- the document also provides illustrations of a number of architectural features and details without providing any context or information about which styles these details belong to, and so it's -- it's inappropriate to suggest that any of the balcony details on Sheet F-3 would be appropriate on any building in Lahaina. And then, you know, for another example, there's a - let's see - yeah, so going back to Sheet F-3, it shows balconies with turned columns; you wouldn't wanna put that on a plantation commercial building because they weren't built with turned columns, that's not a -- that's not a detail that characterizes that style. And then there are several drawings of buildings specifically on Sheet C-10, C-11, D-8, and D-9 that are completely conjectural. There's no evidence, photographic or otherwise, to prove that buildings of these styles ever existed in Lahaina. They actually look more like colonial styles found on the East Coast. And then also some of the plantation commercial and residential buildings that are depicted in this document are not accurate. Sheet F-5, for example, shows a plantation residence with turned wood spindles, a four-panel double door, and a fanlight transom, these features are not typical of Lahaina residential buildings. Buildings in this style typically had inset front porch with simple wood railings and single a five-panel wood door without a transom, and plantation residential buildings rarely had transoms above the front door and if they did, then they would never be a fanlight, fanlights are from a totally different era and from a totally different style of building.

And so that's just a few of the issues with this document if there are any other questions.

Chair Sablas: Okay, let's move forward.

Ms. Kehler: The -- I think this is the last -- last one. It is the Lahaina Environmental Design Manual, dated 1975. This document is based a lot on the styles identified in the Architectural Style Book for Lahaina, and it does provide direction for rehabilitation of historic buildings and construction of new buildings, but it doesn't adhere to the preservation principles of the Secretary of the Interior Standards for Rehabilitation. There's a couple of other problems that make it sort of unusable by the CRC in their review of permits. There's a section on storefronts that suggest altering original commercial entryways to make the shopping experience better for tourists; that's problematic for a number of reasons, you don't want to alter an original store front of a commercial building that's a character-defining feature of the building that would affect its historic integrity. The other issue with that is that many of these buildings were built with display windows and merchandise was displayed in these windows, and the idea behind display windows was that people on the outside could observe what was going on on the inside. Let's see. Yeah, so doing something like that, it conflicts with Standard 2, which state, of the Secretary of the Interior Standards, which states, "The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided." And then there's another problem in the window section, it states, "The use of small panes of glass traditionally has been an outgrowth of the fact that large sheets of glass were hard to transport and are, therefore, expensive. Consideration should be given to the use of small panes of glass in today's construction for the very same reason." So this conflicts with Standard 3, the creating false sense of history. Using colonial style windows with lots of tiny little panes of glass to make a new building look old creates a false sense of history. It also, the document also fails to recognize that, again, many of the commercial buildings along Front Street built -- were built between 1915 and 1940 and tiny panes of glass are really a product of the colonial period, not the 20<sup>th</sup> Century.

So that is, you know, just a snippet of some of the problems with this document if there's any questions.

Dr. Six: I know this is -- this is all having to do with historic buildings, but what about when you take it and you build a artificial historic building in the historic district, such as the Plantation Inn? Does that impact it? Do these guidelines cover new -- new construction or is it just renovating?

Ms. Kehler: So in the general design -- in the proposed General Design Guidelines for Historic Properties, on - let's see - page 13, it talks about new construction, and it talks about new construction need to be clearly discernable as new, and it also talks about being respectful and compatible with the historic setting, so there are ways to make buildings fit in with surrounding districts without making them feel phony historic. That

building uses a lot of design elements that aren't native to Lahaina's architecture, so that -- that is something that in modern, you know, that was acceptable in 1969, when this document was adopted, but, you know, with the Secretary of the Interior Standards, we now know that that's not something that we wanna do.

Dr. Six: Thank you.

Chair Sablas: Any other comments on staff report? Good job, Annalise.

Ms. Kehler: Thank you.

Chair Sablas: It's been a long time coming to do this.

Ms. Kehler: Thank you.

Ms. McLean: This item goes hand-in-hand with the previous item, and so the recommendation again is to replace these older documents, so the motion that you made last time kind of covered both but just, you know, we can just clarify by consensus that that was the intent was to no longer use these older documents and to use the newer ones instead.

Chair Sablas: We all in agreement with what she just said?

Dr. Six: Yeah.

Mr. Bailey: Chair, I have a clarifying question?

Chair Sablas: Sure.

Mr. Bailey: So when I look at the first section, Annalise, the 1961 proposal, we have things in there talking about that plan fails to provide provisions for protection or avoidance of the archaeological remains, etcetera, on that bottom, when I look over at the Preservation Philosophy, that doesn't have anything covering that either, so I'm just kinda confused on we're proposing to change something that doesn't have it, but then what we're going to change with doesn't have it either.

Ms. Kehler: That's good question and that's something that we're going to discuss in item --

Mr. Bailey: I saw on the --

Ms. Kehler: Where's my agenda.

Mr. Bailey: On E.

Ms. Kehler: On the discussion item about treatment of cultural and archaeological properties.

Mr. Bailey: Okay, so that's --

Ms. Kehler: Yeah.

Mr. Bailey: That's on item E that discussion?

Ms. Kehler: Yeah. Yeah.

Mr. Bailey: So that's where we would look at as testimony --

Ms. Kehler: Correct.

Mr. Bailey: Just to get all that inserts and that knowledge 'cause I just worry about, you know, in today's world, we're far out of touch from 1960 and we'd hate to lose -- you know, we gotta make sure we get a lot of that information put into this to preserve that aspect of it as well so --

Ms. Kehler: Correct.

Mr. Bailey: Okay.

Ms. Kehler: Yeah.

Mr. Bailey: That's all I just needed.

Chair Sablas: So I guess I have question for staff. We heard an early testifier recommend that we meet with community members, group to further discuss because before we make a recommendation is that something that's a possibility?

Ms. Kehler: Chair, if I may?

Chair Sablas: Oh yes.

Ms. Kehler: I -- I have a suggestion for discussion on item E, and that would be to form an investigative committee to discuss the development of guidelines for the treatment of archaeological and cultural properties and -- and that would be the item where we would

bring in comments from the community because I think that's where we need it the most, and also we need help with -- from the State Historic Preservation Division as well because a lot these items related to archaeological and cultural are regulated by the State Historic Preservation Division.

Chair Sablas: Okay. Good point.

Ms. Kehler: Yeah.

Chair Sablas: Thank you. Okay, very good, so we're moving on in that direction then. Under Item E, Director's Report.

## **E. DIRECTOR'S REPORT**

- 1. Discussion on developing guidelines for the treatment of archaeological and cultural properties; and state and county laws pertaining to Indigenous Hawaiian architecture, including Section 46-1.55 of the Hawaii Revised Statutes, and Section 16.26B.3800 of the Maui County Code, and Chapter 15-110 Rules Pertaining to Indigenous Hawaii Architecture Structures (A. Kehler)**

Ms. Kehler: So I just wanted to point out the fact that existing archaeological and cultural properties are regulated by State law. There's Chapter 6E, of the Hawaii Revised Statutes, that provides for protection of historic archaeological and architectural properties, and then there's a number of Hawaii Administrative Rules specifically for archaeological and cultural properties, and so the Department that's in charge of a lot of preservation plans and archaeological monitoring and burial treatment plans, that's the State Historic Preservation Division. And then for new indigenous Hawaiian architectural structures, those are regulated by -- they're regulated in the County's Building Code and the Department that's responsible for administering that is Public Works. And so I'm going to discuss, because there was a -- an interest expressed at the last meeting about Senator English's work with indigenous Hawaiian -- with new indigenous Hawaiian architectural structures, and so I'm going to go through the history of the legislation and some of the requirements related to those structures.

So this discussion is about new indigenous Hawaiian structures, and some of the legislative history. So back in 2000, the County Council approved Ordinance No. 2887, and that added a chapter or a section to the County's Building Code for indigenous architecture, and the purpose was to kind of establish respect for the principles of indigenous architecture, encourage the preservation of existing structures of indigenous architecture, and then also to encourage the development of new structures that incorporate indigenous architecture, and so what this amendment did was it ordered the

Department of Public Works, which at -- at that time it was the Public Works and Environmental Management, I believe, it ordered them to come up with a bill within 12 months to -- ordered the bill to identify predominant architectural practices, customs, styles, and techniques historically employed by native residents of the Hawaiian Islands and their descendants. Okay, and then so it also ordered this bill to be reviewed by a number of boards, and departments, and commissions, and of those commissions, the Cultural Resources was included, Cultural Resources Commission was included, and then it also amended the material section of the Building Code to sort of allow for alternate materials that are used in indigenous Hawaiian architecture. And then in 2001, there was an amendment to that new section of the Building Code, and it gave the Department of Public Works a longer period of time to develop the new bill related to indigenous architecture. And then in 2002, that chapter was amended again and it was changed from indigenous architecture to indigenous Hawaiian architecture, and then it also changed the wording of the code to state that instead of Department of Public Works having to develop a bill, they could develop administrative rules related to indigenous architecture, and then it added a couple of other amendments relating to housing code, and responsibility, indemnification of the County from any indigenous structures that were to be built.

In 2004, that was when the -- the rules relating to indigenous Hawaiian architecture were finally approved, and it was really groundbreaking. It really established four different types of hale that would be permitted to be built under the County's Building Code, it established hale noa, hale kuai, hale halawai, and hale waa, those were the four typologies that were allowed under the rules. It established allowable materials to be used for different members or parts of the buildings, so for wood-framing members, the permitted materials included ironwood, kiawe, eucalyptus, strawberry quava, ohia, mangrove, and inkberry, but inkberry can only be used for the wooded purlins. It established allowable materials for thatching, and that includes any grass or leaf material grown or harvested in the State of Hawaii, and examples they give include pili, kualohia, pueo, kawelu, sugarcane leaves, and ti leaves. It also established requirements for lashing materials and, in this case, they allow the use of synthetic cord, however, it had to be a specific color and that's still the case in the County Code, but it established the pound test for different parts of, so if you're lashing structural members, it needs to be 400 pound test, and if you're lashing purlin and thatch materials, it's a 100 pound test. And then rocks for the foundations. It also permitted the use of a cement mixture in the middle to hold the post in, so that was a new -- a new thing that was allowed to be used, new technology in these buildings. And then it -- the rules also explained the structural elements that are required for each type of hale that you would be building, and it required these buildings to be built by certified hale builders, and that was like the instead of an architect designing a building for the building code, it's a certified hale builder that builds your hale, and I'm not sure if this is a case now but, at one point, there was a certification class offered at UH-Maui, and there -- there's gotta be, I'm not really sure, but there's

gotta be more options for certification on Maui. I'll have to look into that. But after 2004, the State, their Act 310 was passed in 2006 and that established Section 45-1.55, of the Hawaii Revised Statutes, and what that did was it required each county to adopt ordinances allowing indigenous architecture practices in the -- in each county's building code. And then in 2007, Act 222 amended Hawaii Revised Statutes, Section 46-155, and it required all the counties to adopt or amend its building ordinance to implement the requirements by March of 20 -- 2008, and it stated that Maui County's ordinance would serve as the model. And then in 2012, I think it's in 2012, we amended our Building Code at the County level and we adopted the -- the Administrative Rules into the Building Code, and so now everything that was in the Administrative Rules, it now lives in Section 16.26B.3800 of the Maui County Code, and it explains all of the requirements for building hale in the County of Maui.

And so that's just a summary of what -- what exist out there today for indigenous Hawaiian architecture, and so this code is administered by the Department of Public Works, and then the existing archaeological and cultural properties, the protection and treatment of those is regulated by the State Historic Preservation Division.

Chair Sablas: Thank you, Annalise. You know, I think I failed to ask for our public testimony on this item before your presentation so is it -- would it be appropriate at this time to have public testimony on item E? If not, you know there's no public testimony but I see Keeaumoku here. Keeaumoku, could you come, please, and take the stand? On this subject of the indigenous Native Hawaiian culture, we do have -- we do have a structure in Lahaina, so what's your opinion about it? I mean I was part of the CRC when we came up with this whole idea of, you know, just kind of retaining the sense of place for Hawaii and part of it was architecture, but, realistically, how feasible is it with the rules and -- and then, you know, having seen the structure there, my impression that it is high maintenance, could you kinda elaborate a little bit about that?

Mr. Kapu: I think this when originally when it came out was totally separate was trying to incorporate some kind of architecture design guidelines a part of the County so, you know, today, that's why Kamehameha Iki Park, Pakala, we have the traditional hale, yeah, that's in place so it was because of this. Now everything else, I think would be a separate issue. It kinda helps to identify that there is some kind of structure in place, but when you start talking about revitalization and restoration and all those kinds of things, it doesn't clarify that inside here. This only talks about additions or new things that wanna be implemented in the County policies; it doesn't have anything, you know, where it would benefit the historic properties on how we can go forward towards restoration and revitalization. I mean you get Mokuula, but Mokuula has been a docket for I don't know, past 20 something years already and now it's going up to the Federal level and the Corps of Engineers, which is another different animal, but what we hoping for in adoption of new policies on you know like the simplest thing like the taro patch, the library taro patch, when

we talked about bringing back those remnants of those areas the -- if you look at the existing wall today, I sat down for hours with the Lahaina Restoration Foundation, with Theo Morrison, on how we can restore the wall but not trigger certain things, like under the State Historic Preservation Division you gotta have a monitor and stuff like that, so we looked at, you know, the wall, in essence, if you look at the wall, it's a hazard, so what's the possibility of not restoring the wall but more using kind of the different language so you don't trigger those kinda things, like for safety reasons that the wall needs to be repaired in certain areas to bring that historic property kinda up, but not being hindered by a lot of the -- the policies that come from Historic Preservation that you gotta have one monitor, you cannot touch the stone, you cannot move this, you know, there's a whole bunch of things that you cannot do, yeah, in trying to make sure that we bring back, you know, the quality of the historic properties in the area. So I don't know. I really don't know what this whole discussion, basically, is about on whether or not we're forwarding ourselves tomorrow to make sure that we protecting or whether or not it's protection or preservation or revitalization because I know working back then with the Cultural Resources Commission they always talked about how we can protect the integrity of the Historic District because we losing its character. So if we losing the character, that may trigger something in the Federal level where we may even lose that historic listing as being under the National Historic Register, and I think that's where the effort should go towards the Cultural Resources Commission on ways on how we can, not just look at indigenous architecture design guidelines, but all the indigenous characters that are in this town. She made mention before saying that there's no existing sites or hardly any existing buildings. Yeah, no more buildings and all that, but that doesn't account for why that area is placed on the Historic District 1 application because everything is subsurface, even the canal. There's a rich historical -- you know, you can see it, yeah, and the canal, it goes all the way up to Luakini Street all the way down past my building, goes underneath the road, and comes out towards the elementary school, that you can see. The taro patch. You can see those kinda things. There's a lot of things in there that you can see, but we cannot touch 'em because hindered by all these kinds of ordinances and rules, so I think maybe if the Cultural Resources Commission was to focus on what is existing and we can build upon that, then we going in the right direction. This only gives us a guideline to make sure that we follow this so-called specific guidelines that have to do with indigenous architecture designs.

Chair Sablas: Thank you. Thank you.

Dr. Six: May I?

Chair Sablas: Yes.

Dr. Six: Just because you weren't here at the last meeting and what triggered us to talk about this was Theo was here and they were talking about improvements at the harbor

and talking about putting a building for the tourists to be out of the sun, and Chair Sablas talked about -- voiced her interest in seeing more indigenous architecture even if it's new and it's not tied to an existing archaeological site to make -- to remember that Lahaina is the Kingdom of Hawaii, not necessarily a whaling town or a plantation town, so I think what you're talking about, if I could speak to this, out in Hana at the Hana Cultural Center, Francis Sinenci built that O Kauhale, and it fell apart within about 30 years because I think that's what maybe you were getting at is the maintenance about how expensive it is for materials and there's only a few people that can build this kind of thing and I think -- was that what you were trying to --

Chair Sablas: Yes. Yes.

Dr. Six: Yeah, because if you could speak to the importance of the building and, you know, the maintenance and --

Chair Sablas: 'Cause how -- how -- how old is that structure at Pakala? Is it about 15 years?

Mr. Kapu: Well, the stage was built there I would say probably in the '80s, the platform.

Chair Sablas: Yes. Yeah.

Mr. Kapu: So when we were in front of the County to request for the -- that hale to be built on top, I think what triggered that was when Lao Valley, when that structure burned down yeah --

Chair Sablas: Right.

Mr. Kapu: Yeah, so my comment was e mai ka la hiki a ka la kau, in the rising we have a hale. Where the sun sets, we don't have a hale. So just by that comment, Mayor Alan Arakawa, at the same time, said, well, how much is it going to cost, so being that we had this set in place already, it was easy to bring back, and if you look at your map on that specific area where the hale is built, there was a historic property that was built there.

Chair Sablas: Yes. Yeah.

Mr. Kapu: So it kind of replaces, yeah, you know, an ambiance from the past by bringing a structure that went through the indigenous design guidelines and it's -- it's almost set exactly directly in place, so I think that's the area where they considered the hale pula, yeah.

Dr. Six: That was --

Mr. Kapu: Yeah, so that's -- that's almost exact where the traditional hale is built so maybe there is a way, you know, where we can --

Chair Sablas: Again, my thought was more on the maintenance and the idea of the thatching. I bring that up because, you know, when you have -- we've had ceremonial occasions on Maui and, you know, it was hard-pressed to find a place that was appropriate, and now we have that structure, but in reality, it is, maintenance-wise, it -- it does cost a lot, so at the last meeting, I asked what is your thought about using maybe, you know, maybe synthetic material, now had that discussion, and I say that because I've seen it used, that material, in other places, that has more durability, and it has the authentic look, I mean I guess I vision when you come into -- you know, we're losing a lot of the uniqueness of Maui, so my really bringing this up was how can we transition that, you know, and architecturally, and a lot of them, really, I mean I've done a lot of travel in Polynesia, is the thatching that kinda have you wow, you know, you're -- you're in a Polynesian area as opposed to the modern type of buildings we have, so my question was more about, you know, what's you're manao, I mean is it really not good to -- to use thatching, I mean, you know, synthetic, and now I know Commissioner Frank had mentioned something about that, and I respect that, you know, and you, as a Native Hawaiian, what's your thoughts? My comment was that, you know, like again, if the Hawaiians could use the chainsaw, would they still be using the adz? And then, again, we mentioned cement being used as -- and that's, you know, a post-contact material also.

Mr. Kapu: I think it would definitely be beneficial. You look at the Old Lahaina Luau because all their thatching is synthetic, yeah, but they use a lot of the old pillars, like the ohia log for like da kine the pouhana, and the pouomanu, all those kind of things. Just so we not running away from the traditional technology of the structure, you know, because, you know, you get pouomanu, pouhana, you know, all the different names, even the lashings get names. Yeah, I see no problem using synthetic kinda things, but the methodology and all those things needs to -- needs to stay in place.

Chair Sablas: Well, thank you for bring up the Old Lahaina Luau area because I think that is an example of what I've been talking about for those of us who are familiar, I mean you go into that area, the way they had built it, you know, it kind of brings you back to a sense of time and -- and this is the kinda thing, you know, I would like to see us trying to push forward as the CRC members to bring back, you know, that -- that look of -- Polynesia and -- and wherever we can, and especially, especially at areas like Pakala that's used for ceremonial -- I think about the Hokulea come back, and I watched the whole arrival, and you see all that buildings in the back, what a difference from when they arrived in Tahiti with all just the natural, I mean I -- we can't bring back time, but it was kind of like my sadness when I seen Hokulea coming back to that concrete jungle.

Mr. Kapu: I just wanted to add maybe one more thing on the harbor area when we were in discussion on how they wanted to beautify the harbor, me, Foster, and a lot of us sat down with the Lahaina Restoration Foundation, you know, they wanted for put up one chalice so the tourists get shade and I kinda looked at that as a negative thing that, you know, we have existing sites in the area, what's the possibility of building those sites up so we can use that because they call that the "Brick House," the one on the shoreline, that was a Cromwell house, that had nothing to do with Kauikeaouli or Kamehameha's residence. It was the Cromwell house is what the story I was told. Slaves built that, and that was one holding area for like a lot of the gunpowder and stuff that came off of the ships, but I don't know where it changed in history, but I also made recommendations maybe if we stay off the footing, like say 20 feet off the footing, and we build like one covered area so we get like places for like the residents going to Molokai and Lanai, they can sit under the shade right in the most important area in that place, you can put up one kiosk and share about the history of that place. I mean beautify that area, turn it into what it actually is, but then we get nailed with another one because of the harbor lights stay shining in the harbor, yeah, so it's going to obstruct that and, well, why don't we move the light in front of, you know, where the wall is so it's not obstructing or the building not going obstruct that so we always get one maze any time we try to figure out how we can bring the -- the traditional historical ambiance back to that town so at least a lot of our kupuna will feel a little bit more pride when they walking around in Lahaina and looking around and seeing that we are going in the right direction. Right now, clueless.

Chair Sablas: Thank you very much.

Mr. Kapu: Mahalo.

Chair Sablas: I appreciate the input. Again, I apologize if I'm taking time but this is kind of -- subject is close to my heart. I serve on the Commission and I believe, you know, if we can make a difference in -- in maintaining what is so culturally important to us, then, you know, I would like us to have that kind of open discussion. You know, I -- and --

Dr. Six: I think it's a win-win because you would like to see that but I also think if tourists seem to be a large focus in Lahaina, then I think the tourists would also enjoy that. It's not something that is just being done for kanaka maole, it's something that would be beneficial to the whole community if we had it, and I like that you mention Old Lahaina Luau because these are great -- that they have the indigenous hale, but fire's an issue, they talk about it, that's why they have sprinkler systems in them, but if you can have that feel and integrity but also use more modern materials, like they do with the Hokulea, but still have that --

Chair Sablas: Right.

Dr. Six: Feeling that that's really a win-win for the community.

Chair Sablas: Are the other Commissioners in line of what we're, you know, moving forward into that -- this is why -- I mean, you know, the time is now, the opportunity for us is to share our mana'o on this important topic. Yes?

Ms. Kawaa: So I think couple of things came to my mind, one is that I was looking up when was the last graduating class at UH-MC for certified hale builders and the article I pulled up was 2004, so, and I'll do more research since I'm at the college on what has happened with that program, so I think maybe we also need to look at the bigger picture of why aren't there certified hale builders or the continuance of that. I know Sinenci has done a lot of work with that. And then the second part would be, you know, the resources to support this type of architecture 'cause I think what happened was it was a great idea that was proposed, but, like many of the things that you mentioned, maintenance, you know, the --you know, up-keeping it, the expense, you know, cost that comes along with that, so if there's a way for us to maybe do more research on how some of those things can be remedied or what options are available, then maybe the CRC can take more of a stance in encouraging this type of architecture, but I think we're kind of missing this whole component of how come, what happen to the certified builders; what happen to the program; you know, where are the resources; how do we kinda get this back up and going again.

Chair Sablas: Very good --

Ms. Kehler: Chair?

Chair Sablas: Suggestions.

Ms. Kehler: If I may?

Chair Sablas: Yes, Annalise?

Ms. Kehler: So I just wanna make sure that I got Commissioner Kawaa's statement correct. Is it sort of like a desire to take a look at the existing provisions that allow hale building and see how we can make suggestions to improve or make it easier for folks to do this type of building?

Ms. Kawaa: Yes. So I think it was two-part.

Ms. Kehler: Yeah.

Ms. Kawaa: I think one is if we can do some research on what has happened since 2004, around that period of time, when the last graduating class, and I think Commissioner Six might have some information on that, but so that was one part was kind of understanding that has happened since this legislation was enacted, and how come we don't see more of this type of architecture so that when we are advising and encouraging people, we're not setting ourselves up for failure. We have resources and information available to them on how they can incorporate this type of architecture. Does that make sense?

Ms. Kehler: Yes.

Chair Sablas: Yes. It makes sense. And I would think really businesses would want to, to have that opportunity to have, like Humuhumu, I mean that's another example of thatching that is on Maui, but I think if we -- if we improve that process, I think we'll have more businesses, and if we have more businesses interested, then there'll be jobs for those students because if they go to school and then there's no interest from the businesses or whoever, public entities, then, you know, they cannot practice what they learned. Yes, sir?

Mr. Skowronski: A point of clarification. The -- the ordinance, I understand the ordinance has gotten very specific and particular about materials, construction technique, structural components, labor certification, all that kind of stuff, what -- what I don't understand or I'm somewhat confused about is that there's not a lot of attention being paid to occupancy. What's the hale going to be used for?

Ms. Kehler: So --

Mr. Skowronski: It -- it appears, from what I can understand from just a quick perusal is that you're not going to allow residences to be constructed under these guidelines?

Ms. Kehler: That's a good -- good point. So, one, the hale noa is allowed sleeping, and then it goes -- the code goes on to state that construction of hale noa is only permitted on a property where a separate residence exist.

Mr. Skowronski: Well, again, I may be misreading this or not being comprehensive in reading all the details, but it appears that you're not allowing any electricity in any of the hale; you're not allowing any plumbing in the hale --

Ms. Kehler: Correct.

Mr. Skowronski: You're not allowing any cooking facilities in the hale.

Ms. Kehler: Correct.

Mr. Skowronski: Okay, so, again, this is just from a practical standpoint with unfortunate experience in the permitting process, you're allowed eating in the hale but you're not allowing cooking in the hale. Okay, where's that line? Where is -- where is that line? And exactly what's the hale going to be used for? Eating-wise, does it have to be associated with a cooking facility? Can you -- can you eat in the hale, but you can't eat at night in the hale because you're not allowing any electricity? Are you not allowing any washing or hygiene in the hale because you're not allowing any waterlines, waste lines, etcetera? What -- there's -- there's a lot of attention being paid, as I said, to materials, and technique, and who can build it, but there's a lot of muddled inconsistencies and contradictions with what are you going to do with these hale. I mean are they -- are they just for tourist industry so -- so people can get their food someplace else but they can eat it in the hale? I mean I understand that the hale were setup in a situation from ancient Polynesia where eating and bathing and hygiene were in separate structures, and sleeping and assembly were in structures, and the occupancy in those structures were severely kapu as to what you could do in certain structures and what you could not do in other structures. I understand that. I'm trying to understand how those restrictions and that kapu translates to this ordinance because I don't see it.

Ms. Kehler: I know that there was a working group who worked to develop the rules that eventually became this part of the County Code. I can do some legislative research and find out what their intent was behind these specific rules. I'm sure there was some sort of reason at the time, but we can -- we can examine that if you want.

Ms. McLean: Chair, if you did want to have this kind of detailed discussion, we could have the Public Works Department, who administers this code, come in and answer some of those, those questions. My understanding at the time is because this is part of the Building Code, compliance with these standards is needed in order for the County to issue a building permit, and for the County to issue a building permit, the County have to be confident that health and safety will be protected by those standards, and I think mixing those kinds of uses, the materials used for the construction and what the structures can be used for, had to be limited in that way for the County to feel that it could issue building permits. So to not have plumbing, and to not have electricity, other than for fire sprinklers, were ways to restrict the use so that the County felt confident that health and safety would be protected, and it was, I recall at the time, it was a big compromise between the traditional building code and the County being able to issue permits for certain construction as long as the uses were restricted to do the kinds of things you were asking about, you know, you could cook outside of the hale, cook on an open fire outside of the hale and then eat inside of the hale, but you wouldn't cook inside the hale. So there are ways to -- to still do a number of uses on a property that have hale, but just what's done inside them is limited.

Mr. Skowronski: Well, to that point, you could sleep in the hale, but you can't live in the hale?

Ms. McLean: I don't -- I don't know if the code refers to living, what you would call "living."

Dr. Six: Well, I think you would have a kauhale, and you would have a sleeping area, and you would have a cooking area, and you would have, you know, traditionally --

Mr. Skowronski: Right.

Dr. Six: You didn't live, you slept in this -- I mean I'm speaking, I'm not Hawaiian, but, you know, I'm thinking, so we take it like you're going to build one and you're going to move into it and it's your kitchen, you bathroom, it's not that way. I'm thinking they're trying to allow for modern interpretations of ...(inaudible)...

Mr. Skowronski: Well, keep in mind that, and again, the architecture follows the culture, it's not the other way around. So -- so the canals, the water sources, the taro patches develop first, and once that demand is there, then the architecture comes in to provide the labor, or to provide the occupancy, or to provide the use with the cultural institution, or the cultural effect, so the -- the architecture, traditional architecture reflects how ancient Polynesians lived, and they didn't live in their kitchen, and they didn't -- they had specific structures set aside for specific functions and they kept those separate, so now you're passing an ordinance or you're providing a permitting process or an ordinance that is rooted in a separate way of building and living that reflects how ancient Polynesians lived that modern Polynesians do not live that way. The idea that you're going to have a sleeping structure or you're going to have a usable structure and then somehow restrict the plumbing and restrict the electrical and restrict the 21<sup>st</sup> Century is -- is an inherent contradiction that needs to be rectified and not be held up by a permitting or Department of Public Works compromise. I'm not suggesting that you have to go back to the 11<sup>th</sup> Century, but one of the reasons you're not having people graduate in the science of local Polynesian building is that you don't have the demand for it, there's no reason for it, you know, I mean other than -- other than a hale for the boat or a hale for a commercial tourist extraction, why -- why would you build it if you can't use it?

Chair Sablas: Good -- good comments. Excellent. Commissioner Bailey?

Mr. Bailey: So just -- just to get back kinda on this focus, when we look at D.1. that we went over, we're talking about County of Maui Historic Preservation Philosophy, and all that, like we talked about, talks about modern and historic properties, 50 years plus, etcetera, then we have the proposal of historic or restoration and preservation in Lahaina, and we all agree that the whale industry is exemplified there and not the pre-contact and all these things, and I think in the concept of what Keeaumoku guys were talking about

with these hale, and I understand the ordinance behind it, is you're trying to make a wao kanaka. If the whole point is you're -- we don't fit in these categories, our culturally, our traditional things don't fit in any of these categories, so you have to consolidate something that allow a wao kanaka sense, a value of why we have apprenticeship program. No sense teach people how to throw net if there's not going to be fish in the sea. That concept. And I know that these things aren't cheap either. You know, we're helping Ahuhena Heiau of Kamehameha, in the Big Island, it's like the end of this month, the Royal Order is coming over and we're helping them gather cane because, as you know, Maui is the only island that still has remnant cane, to coincide with Luana's testimony about resources, so the concepts of this is exactly the Maui Historic Preservation Philosophy has to include that traditional hale and if the ordinances allow us to build these to continue the value so that we still have that for our youth and to understand that the resources, we need natural resource lands in order to provide for these things, it's just going to benefit the whole Aha Moku system, which is what this whole preservation is, but it's one-sided under the County laws and revisions and we have to try to step in somehow, and I applaud Annalise for -- for taking the lead and understanding this because if we don't throw this in, it's going to be gone, and then there will be no rules pertaining to indigenous Hawaiian architecture. So I don't think our kanaka people, yeah, we're hurting for lands and homes and modern living, but I don't think this is the intent. The intent is to have a wao kanaka within a historic preservation to exemplify all the auwai and everything that was still there, and I think if we can get that into the ordinance deeper than just the indigenous hale, Hawaiian architect form, we'll be better off, and this is just the footprint.

Chair Sablas: Good. Thank you. Commissioner Six?

Dr. Six: I just wanted to address a couple points. I work with Frank a lot, Francis Sinenci a lot because our kauhale at the Hana Cultural Center, where I'm the Executive Director, is in disrepair, and the cost is insane, \$250,000.00 to restore it because you have to gather all those materials so you can't go to Lowe's, you can't order them from China, you gotta get the ohia here and the inkberry there, and so it's very costly. He is teaching, I don't know if he's certified through the college, but he has haumana all the time, he travels throughout the islands; there seems to be a huge demand for his services. So he's super busy. We're always trying to get him to work on our kauhale and he's in Oahu, and he's here, so I think there is a demand for this. That's all I wanted to say.

Chair Sablas: Well, Aulani, I know, used him, and then that's a modern day, again, you know, example of a business like -- especially like Aulani Disney, they went to him to see what -- I mean the thatching is very kinda, you know, if you look at the hotel there, so I think we're going in kinda the right direction with this discussion, it was, you know, done several ago, but it does it make sense, you know. A lot of sometimes, I'm sorry, government rules don't make sense, the common sense, so I think this is part of the process is that, you know, how can we make it work because the reason why it's not being

built is because of the restrictions and the cost, so if our group can somehow kinda come up with some recommendations that would make sense, culturally, I think we would have accomplished our service here in that respect.

Dr. Six: And this is where I think it's important, as you mentioned, and I think Keeaumoku is out of the room, and Foster, that get that panel together to work with the idea and maybe revamping these so we can add synthetic materials when appropriate and, you know, talk -- keep the good stuff but maybe make it so it's a little bit -- and I hear Frank, what you're saying too, because it can be like, oh, what can you use it for, but I think, like the one that they have out in Hana, the Sinencis have, they use it, they cook outside, they have all kinds of, you know, it's just a hale halawai, it's just a place, and it does -- it's beautiful to look at, you know, when you're on the ili stones and it's just -- it's just a lovely structure, and so the more that we can have, even if you don't have the plumbing, if you have to go to the main house and use the modern amenities and you can't have -- now you have solar lights, you don't have to have electricity, I think the big thing was worrying about fire, obviously, was some of the concerns of cooking, but again, if you have fire retardant materials used for your thatching as opposed to kindling, essentially, you might, you know, we might be able to tweak these. So that's all.

Chair Sablas: I mean I'd like to see the County going in that direction. I also serve on the board with the National Parks, and if they had sort of like a structure like that at Kipahulu instead of the modern, and these are ways, to me, that we can, you know, we can make a difference for Maui County that we really appreciate our heritage, our sense of place, and have evidence of these things, so moving forward, I really would like to encourage, Annalise, that we do move ahead and have this group meeting as was testified, also if we can get Sinenci involved because he, to me, was the architect of this whole, you know, that started this.

Dr. Six: And I'd also like to somehow maybe talk about getting your -- maybe we can have names, you know, because I think what -- I didn't realize all the different names of the streets, obviously, I didn't think it was originally always Front Street, you know, but the idea, like they're now putting the signs for the ahupuaa, as you go around the island, which I think is, you know, you know, going in the right direction, so maybe even if you have Front Street and the original name somehow, just like Lele versus Lahaina, just kinda of -- it just gives a -- it gives more power to the place.

Chair Sablas: Wonderful. I mean are we all in agreement? I'd like to have that as part of our staff recommendation that we really go back to using the original names.

Ms. Kawaa: Chair, I wanted to just make a comment. So what one comment I think is really important is the intent of this particular - what is it? - code, I don't know, was because they were going to build a hale in Hana and they weren't allowed to because there was

nothing, you know, to support that, so it wouldn't -- it wouldn't need code, so the intent was not to build dwellings in -- with this traditional architecture, it was that they wanted to make this kauhale, they have this kauhale restoration, so that's where this legislation came about, so I think that's important to remember that. And what was the second point I wanted to make. Yeah, so just knowing the intent and why this was proposed, I think is important so we don't get off track in thinking about, you know, these hale as actual dwelling. That wasn't the intent.

Ms. Kehler: That's a -- Chair?

Chair Sablas: Yes?

Ms. Kehler: That's a -- that's a really good point. I printed it out, like all of the historic stuff from Kalani English's website about why they were doing this and that's very a good point. You are right. And it was to reinforce the State Constitution and the practice of traditional cultural practices and that building hale was one of them and that was -- that was the intent. That's a good point.

Ms. Kawaa: I remember the second comment was just that I think it's very important that the Cultural Resources Commission understand what is currently in existence, so, you know, even if we don't see it currently happening, I think we need to be aware of this particular code and that there is this opportunity to have this type of architecture, and then we can make recommendations.

Ms. McLean: If I could. If we could confirm with Corporation Counsel to set up a temporary investigative group, that would need to be posted on the next agenda in order for the Commission to vote on that or is that something that could be formed today?

Ms. Thomson: I would say that you could probably go ahead and form the temporary investigative group today. So the way that TIGs, the way that they work is you setup this group, it's at least two members, but not more than quorum, so it's two to four members, and you have a specific assignment from the whole Commission, so you go out and you do that assignment, you come back, you report to the whole group, you can't take action on anything that you investigated or reported back on until a following meeting, so it takes a minimum of three meetings, but I think that your agenda item is broad enough, you know, to cover that you would probably be doing something related to architecture or that particular code section. So what'd you really want to do is focus on what this group is assigned to go and do.

Chair Sablas: Very good. Thank you for that legal advice. So we can do it. Wow, gang. Just, you know, I mean, yeah, hey, let's give ourselves hand. I mean, you know, I hope we all understand why we come here and sit here, I mean we're not just sitting to, you

know, look pretty or whatever, we wanna make a difference for island Maui, right? And if we don't speak up, then, you know, who will, so thank you. Every one of you made really, really comments, and now at least I feel really great, you know, and thank you for public -- the community input, and I'm glad that we're going to have a next step, Annalise, with staff to set it up, and -- and let's see what we can, you know, come up that would really, years back, we say wow, you know, we did something good. Okay? Wow. So thank you.

Ms. Kehler: So, Chair, if I may ask Corporation Counsel, so we need to come up with the specific assignment today, correct? Or next meeting?

Ms. Thomson: If you -- if you feel like you have enough information to be able to come up with the assignment today, you could, or you can suggest that staff, you know, outline a framework for a TIG, you know, suggest some participants and some resources that you'd wanna call on, so that might be a better way of handling it just so that you have a pretty clear roadmap of where you want the group to go.

Chair Sablas: Thank you. So are we clear, Annalise?

Ms. Kehler: Yes.

Chair Sablas: Okay. Thank you. Is that it?

Dr. Six: So we talked about -- excuse me. We talked about the indigenous and the Hawaiian architecture, but discussion on developing guidelines for the treatment of archaeological and cultural properties, did we discuss that?

Ms. Kehler: So those are two separate things and I -- I wanted to include that in the discussion item because I wanted to make sure that it was clear that there are two separate sets of standards and separate departments that regulate both of those activities, that they are two different things according to law, and so I also put that in there so that we -- I would get a little bit more clarity on -- on which -- whether it's both of those aspects or if there's one aspect that the Commission is more interested in.

Dr. Six: Well, I'm interested in the archaeology. Surprise. Surprise. I was just thinking of some of the recent Sandhills or the Maui Lani stuff where people were talking about cultural landscapes and -- and I wasn't sure if we were talking about, you know, when we talk about cultural properties if we were talking about identifying guidelines for cultural landscapes or we're talking about specific events that occurred, you know, like Mokuula, I just wasn't sure.

Ms. Kehler: Yeah, so the reason why I thought about guidelines for the treatment of archaeological and cultural is because one of the powers of the CRC is to establish archaeological districts, and it would be a good idea to have guidelines on how you treat properties and archaeological districts.

Ms. Kawaa: Chair, I have a question.

Chair Sablas: Yes?

Ms. Kawaa: So there's a process in which the CRC could establish an archaeological district?

Ms. Kehler: Correct.

Ms. Kawaa: And how would we begin that process?

Ms. Kehler: Okay, let me get back to you on that. I'll give you some information on it.

Ms. Kawaa: Okay.

Ms. Kehler: Okay.

Ms. Kawaa: Yeah, like what, you know, what are those -- what are the requirements or the guidelines?

Ms. Kehler: Sure. I -- let me -- let me look. Let me see if we -- if we established how we do that in the County Code.

Ms. Kawaa: Okay. And the reason I bring that up is because, you know, the sand mining has come up several times whether it's on the agenda or not, and that might be an opportunity for us to address that.

Ms. Thomson: Chair, just a -- just a quick comment. It may be a similar route, like with our other -- with our historic districts, so it may be similar to that where you would look at a specific geographic area that's culturally or archaeologically sensitive for certain reasons, and you would outline that area, except for the uses, restrictions, it would be something that Council would have to approve though.

Ms. Kehler: Yeah.

Ms. Kawaa: Yeah. So that'll be on the, just for clarification, that would be on the next agenda? Yes?

Ms. Kehler: Yeah, we can have a discussion on -- on how archaeological districts are established.

Chair Sablas: Okay, very good. Well, that was the last item on our agenda, besides the next meeting, but if any of you, Commission Members, who would like to have an interest in serving on this committee, could you let Annalise know. I mean would there be a problem if they had more than four?

Ms. Thomson: You can -- you can only have up to four, so it has to be two to four.

Chair Sablas: Two to four. Okay, anybody? You?

Dr. Six: I would always defer my position to Native Hawaiians or kanaka maole if they prefer to work on it 'cause it's something that's -- but I was talking to Senator English about this this morning before I came here, so we could reach out to him as far as maybe how do we go and, you know, try to revisit this document, so I'm willing to help if my help is needed, but I don't wanna take a place from someone that may have more knowledge than I about this particular --

Chair Sablas: Luana?

Ms. Kawaa: Yes. I'm willing.

Chair Sablas: Okay. We need a fourth. I am -- naturally, I'm interested, yeah.

Ms. McLean: It can be two, three, or four.

Chair Sablas: Yeah. Okay. We have another volunteer? Three?

Mr. Ropa: So does it mean that -- if I do volunteer, do I have to come back here or can I do it on Lanai?

Ms. McLean: That would be up to the committee to determine how they have their meetings, if you could telephone in --

Dr. Six: You know, if we have to research synthetic thatching materials, you might be able to do that remotely without being on Maui. I'm just thinking like different aspects that we could maybe, as a group, break down so that he could participate without having to come ...(inaudible)...

Mr. Ropa: Like a lot of the resources, like Uncle Francis, is on Maui yeah so, like on Lanai, there's nothing really going on out there as far as hale.

Chair Sablas: But I mean to answer your question, Commissioner Ropa, I think, you know, probably on Maui the meetings would be, but we could, you know, remotely, I guess, get you involved if you're -- you're interested in --

Dr. Six: Or even as ...(inaudible)...

Chair Sablas: But you think about it. You think about it, yeah. So for now, we have Commissioner Six, Kawaa, and myself who would serve on the committee, Annalise, and then we'd like you to reach out to community members, you know, I think some of them are right here in the audience, and especially Uncle Francis, if we can get him involved because -- yeah?

Dr. Six: I saw ...(inaudible)... yesterday. I can -- so when I go back to Hana, I can see if he's on island, if he's available --

Chair Sablas: Okay.

Dr. Six: To meet.

Chair Sablas: Great. Okay, then -- yes?

Ms. Thomson: Thank you. Just for clarification, you're not setting up that group today, but you'll be bringing it back next time to discuss what -- what the group's going to go and do.

Chair Sablas: And the focus. Yes, but I just wanted to get a -- kinda idea of who would be interested.

Ms. Thomson: Yeah, the other thing, just to answer the question, it doesn't -- these temporary investigative groups don't have to comply with the normal Sunshine Law requirements, so you have a lot more flexibility in how you kinda carry out your tasks, and how you meet, and things like that so --

Chair Sablas: You call us "temporary investigative group?"

Ms. Thomson: Yep.

Chair Sablas: Oh.

Ms. McLean: TIG.

Chair Sablas: Okay.

**F. NEXT MEETING DATE: August 3, 2017**

**G. ADJOURNMENT**

Chair Sablas: Okay, if there's no other discussion items, the meeting is adjourn.  
Mahalo, everybody.

The meeting was adjourned at approximately 12:50 p.m.

Submitted by,

SUZETTE L. ESMERALDA  
Secretary to Boards & Commissions II

**RECORD OF ATTENDANCE**

**Present:**

Lori Sablas, Chairperson  
Timothy Bailey  
Luana Kawaa  
Michael "Kaleo" Ropa  
Dr. Janet Six  
Frank Skowronski

**Excused:**

Christy Kajiwara-Gusman  
Ivan Lay, Vice-Chairperson

**Others:**

Michele McLean, Deputy Planning Director  
Annalise Kehler, Cultural Resources Planner  
Richelle Thomson, Deputy Corporation Counsel  
Suzette L. Esmeralda, Secretary to Boards & Commissions II