

**MAUI COUNTY CULTURAL RESOURCES COMMISSION
REGULAR MINUTES
AUGUST 3, 2017**

A. CALL TO ORDER

The regular meeting of the Cultural Resources Commission was called to order by Chairperson Lori Sablas at approximately 11:06 a.m., Thursday, August 3, 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: . . . Commissioners for being here, we have a quorum, so I'd like to open up this morning's meeting, calling to order, and starting with public testimony, so if there's anyone in the public who would like to testify at this time on any of the agenda items, you may do so now or you may do so later, and I would, you know, caution you to at least try to stay within the three minutes, please. Thank you.

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.

Ms. Smith: Thank you. Aloha, Commission. Thank you for having me up here. My name is Aloha Lani Smith, and I am the Aha Moku of Kaupo representative, and I have served as a representative for seven years now. I am here to testify before you that I support the new temporary investigative group and highly recommend that this Commission and the TIG group establish in adding to seek or seeking guidance and consultation by utilizing the 12 mokus that we have here on Maui, and the po`o, the representative of the island, which is our Aha Moku Advisory Committee po'o for the present and the future issues within your timeline, and that's all I have to say, so thank you very much.

Chair Sablas: Thank you. Any questions, comments?

Dr. Six: Mahalo.

Mr. Ampong: Aloha. Good morning, Commissioners. My name is Foster Ampong. I'm here on behalf as one of the representatives for Aha Moku O Wailuku as well as Aha Moku Inc. or Aha Moku O Maui Inc., and I, too, support agenda item D, under New Business, in the formation of the investigative committee, and, again, I -- I ask that the committee, during the course of their work, reach out and consult with the -- the representatives and the community within the 12 mokus. Thank you.

Chair Sablas: Thank you. Comments, questions? I have one then, Foster, for staff. Do we have the contacts for all of the Aha Moku that they mentioned?

Ms. Kehler: Is the information on Aha Moku's website current?

Mr. Ampong: Well, I know that the information on that website needs to be updated in some areas but no, not in its entirety.

Ms. Kehler: Okay. If I -- and is Mr. Kapu is he the person that I should get in touch with to get everybody's contact information or who should I get in touch to get the full list of current moku reps?

Mr. Ampong: Yes. That's correct. Mr. Keeaumoku Kapu.

Ms. Kehler: Okay.

Chair Sablas: Okay, thank you very much.

Mr. Ampong: Thank you.

Chair Sablas: Any other public testimony? Okay, at this time, public testimony is closed.

C. APPROVAL OF MINUTES OF THE MAY 4, 2017 MEETING

Chair Sablas: Let's move on to item C, Approval of the Minutes of May 4th. Corrections? Discussion?

Dr. Six: I move we approve the minutes of the May 4th meeting.

Chair Sablas: Okay, it's been moved and seconded to approve the minutes of May 4th. I do have just one small manini correction. Where did I make my note? On -- thank you for noting the new format, Suzie. On page 11, line 4, there's a sentence that says, "The other think," T-H-I-N-K, I think it should be T-H-I-N-G. Just small. Minor. Okay, so can I see -- all in favor, say aye? Opposed? None. So minutes approved. Thank you.

It was moved by Commissioner Six, seconded by Commissioner Lay, then

VOTED: to approve the Minutes of May 4, 2017, as corrected.

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

Chair Sablas: On to New Business, item D:

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

D. NEW BUSINESS

- 1. Creation of a Temporary Investigative Group (TIG) focusing on Indigenous Hawaiian Architecture as established in Section 46-1.55 of the Hawaii Revised Statutes, Section 16.26B.3800 of the Maui County Code, and Maui County Chapter 15-110 Rules Pertaining to Indigenous Hawaii Architecture Structures (A. Kehler)**
 - a. Designation of members to the TIG, and designation of the chair of the TIG**
 - b. Establishment of investigation scope: identifying the topic area, relevant stakeholders to consult with, relevant staff people to meet with, and relevant documents to review**
 - c. Establishment of estimated investigation timeline**

The Commission may form Temporary Investigative Groups pursuant to Section 92.2.5 of the Hawaii Revised Statutes

Chair Sablas: Annalise?

Ms. Kehler: Sure, so the format of the agenda item, under D.1., is based off of the State's checklist for a temporary investigative group, under Hawaii Revised Statutes 19.2.25(B), and so it begins with item a, which is designation of members to the TIG, and designation of the chair of the TIG, and TIG stands for temporary investigative group, and so at the last meeting, we had three Commissioners indicate that they were interested in being members, and that was Janet Six, Luana Kawaa, and Lori Sablas, and so do we have any -- I think the maximum was four, is that correct? Four? So is there an additional commissioner that's interested or are we good with three?

Mr. Lay: ...(inaudible)...

Ms. Kehler: You wanna be? Okay. Okay, and Ivan Lay. And now we need to designate a chair of this temporary investigative group.

Dr. Six: I would like to designate Lori Sablas because it was one of her passions and ideas.

Chair Sablas: Yeah.

Dr. Six: Otherwise, I would do Luana just because she's not here. I don't know if you're up for it but --

Chair Sablas: Okay. Sure.

Dr. Six: Does that work for you, Ivan?

Mr. Lay: Yeah.

Mr. Skowronski: I have a question.

Chair Sablas: Yes?

Mr. Skowronski: Is -- what are the membership restrictions on this temporary investigative group, is membership restricted to the Commission?

Ms. Kehler: As I --

Ms. Thomson: Yes. The membership is restricted to the Commission but the members of the TIG can reach out to other community organizations or individuals to, you know, get their expertise on the topics that you're going to be looking into. So they're -- they're not members of the TIG but they would be resources for the TIG.

Ms. Kehler: So, Chair, under item c, that's where we would talk about stakeholders that we would like to invite to interview or meet with regarding the investigation.

Mr. Skowronski: Well, the reason I'm asking is that it would appear to me that -- that a large amount of the information that the group is going to be gathering is going to be coming from County agencies, DSA, Fire Prevention, a lot of the permitting process, and if there were a member from the Planning Department that was on this TIG request for meetings or request for information would be more likely to be responded to in a timely fashion or with an amount of information if the request were made from somebody from the Planning Department as opposed to a separate member of the Commission. Is -- is that your reading of it or do you think that that's redundant?

Ms. Kehler: So I -- I would be the staff person that would be facilitating these meetings and facilitating the contacting and all of that, so if that's what you're asking, I will -- I will be assisting the group, you won't just be on your own.

Mr. Skowronski: Okay, so -- so you would be attached to the group as a staff member, not necessarily a --

Ms. Kehler: As a staff person, not as a committee member. I think that's correct. Right? Okay.

Mr. Skowronski: Does that work?

Ms. Kehler: And so do we have a chair? Chair is Lori Sablas.

Ms. Kehler: So moving on to item b, investigative scope, and that involves identifying the topic area, relevant stakeholders to consult with -- oh, I'm sorry. I misspoke when I earlier said that investigating stakeholders was under item c, it's under b, so I'll just correct that. Relevant staff people to meet with, and relevant documents to review. So I -- I've come up with some proposed topics for the Commission to consider investigating in this group and that would be to research the original intent of the County's indigenous Hawaiian architecture ordinance; determine how successful or determining how successful it has been in accomplishing the encouraging of building more indigenous Hawaiian hale; identifying any potential -- any problems or roadblocks in the existing code that are hindering the construction of additional hale; and then developing recommendations to facilitate the construction of more hale in Maui County.

Chair Sablas: Any additions, comments on what's the proposal by staff? If not, I made some comments, pretty much what you made, Annalise, and that is to review the application since the process started. You know, it would be good for the committee to know, have advance information as to how many really applied during that duration time.

Ms. Kehler: Yeah, and that's a good -- that's a good point and I, under documents that - - so I separated it out into scope and then interviews or stakeholders, and then documents, and I had hale permit records, we would obtain from Public Works the number of hale permits that have been issued by the County since the passing of the Hawaiian architecture ordinance, but it's a good -- it's a good suggestion to include a review of the actual permit itself.

Dr. Six: Is this legislature only for Maui or is it for all of a Hawaii, the ordinance? Is that just a Maui County ordinance or all over the State?

Ms. Kehler: So the State law just is very small and it just says, it's Hawaii Revised Statutes 46-1.55, it just orders all of the counties to establish a code that allows for indigenous Hawaiian architecture, and the County of Maui actually already had that in place before that State law came into play. So the State law doesn't specify everything that the County's laws do.

Dr. Six: The only reason I was asking is I know that Francis Sinenci is one of the lead hale builders that works on Oahu and other places so I wasn't sure if we should just look

at the permits in Maui County or if it would behoove us to look at how many indigenous structures have been built Statewide. I just wasn't sure if it would be just a Maui County issue. That was my question.

Chair Sablas: I think Maui County was the leader in this respect, and then the other State kinda followed our lead, and I would still consider us really taking the lead role and paving the way, and then, you know --

Dr. Six: No, but I was just thinking like for volume like if we look at just the permits pulled for Maui and then we see that Francis built more in his --

Chair Sablas: Oh, I see what you're saying.

Dr. Six: On Oahu. That's what I mean like just 'cause I know that he does travel inter-island with his haumana and so I wasn't sure.

Ms. Kehler: So, just to clarify, maybe looking to see if there's different provisions in different county's indigenous Hawaiian architecture codes that are making it easier to build hale.

Chair Sablas: I mean, because along that line, you know, again, I'd like us to really investigate the use of non-native materials, like we discussed earlier about synthetic, and I think probably I'd really like to have input from those who have already been certified and have actually, you know, produced some of these hale throughout the State and what their opinion is from a cultural perspective, you know. I'd be really curious to know because they live it, I mean we may have come up with some rules and regulations, but they are the ones who really are doing the work. I think one other item is on enforcement.

Ms. Kehler: Enforcement?

Chair Sablas: I mean from staff. It would be a staff report. I mean are there challenges in, you know, enforcing the rules and regulations and how can we improve.

Ms. Kehler: Okay. Does that capture the scope accurately?

Mr. Skowronski: Can I ask, under the concept of facilitating construction, can we add something or can we concentrate on perhaps investigating the possibility of a special streamlined building permit to bring these -- this construction to a quicker fruition? I mean the only -- the real -- the real nexus of the success of this is the ability to get a building permit and if we could somehow either streamline that or specialize the building permit process or make the building permit provisional or conditional or whatever so that we don't have to go through 11 signatures to get these constructions actually built.

Ms. Kehler: Sure. We can look into that.

Dr. Six: Especially since there's no electrical and there's no plumbing and there's no ... (inaudible)...

Mr. Skowronski: Exactly. Exactly. And -- and, you know, is it possible -- is it possible to actually do the indigenous construction and have it permitted for infrastructure.

Chair Sablas: Good point.

Mr. Skowronski: Right now, infrastructure is sort of outside the realm or restricted which severely narrows the marketability or the usage of the indigenous architecture. Is there any way to get electricity, fire prevention, water, sewer, etcetera included in this?

Dr. Six: I do think fire prevention is included in the sense that these hales do have fire extinguishers, I mean sprinkler systems in them, the ones that I've seen in Hana so -- and I think it's kind of interesting that, you know, that you're not allowed to have plumbing but you can have --

Mr. Skowronski: Well, our experience is that we -- we've done additions or outside hales for some of the larger hotels in which they've allowed the indigenous architecture and materials as long as you retrofit in a sprinkler system both under and over the -- the "thatched roof," so if there's already a precedent for infrastructure to be included, why can't you provide lighting, why can't you provide waste, why can't you provide water, etcetera. I'm particularly disappointed, is the only word that I can come up with, that -- that infrastructure is purposely excluded from the architecture.

Ms. Kehler: Chair, if I may? In reading the committee meeting minutes when they first -- when the Public Works Committee and County Council first started talking about this bill to amend the building code, the original intent was to allow the traditional cultural practice of hale building to happen under -- under a County, under a permitted system because, previously, folks were having trouble building hale because they wouldn't -- they couldn't get permitted in the County, I -- and the other side of it is, so that's a traditional cultural practice, right, building hale, and then I think -- I think it's sort of two separate issues where are we -- are we facilitating the traditional cultural practice of building hale and then there's another issue where like Kalani English and another Senator from Waianae are proposing to allow hale structures or forms to be used or retrofitted for housing, and I think those are two distinctions, so when you're building a hale for housing, you might not build it in the way that you would traditionally and you would include things like plumbing and electricity and maybe you wouldn't build it in the method, using the same construction methods that you would traditionally, and that's -- that's a topic that's been discussed, it's

discussed in the Maui Island Plan where it was suggested that a policy in the County Code be developed that would allow hale type structures to be used for housing. And so if we want to look at using hale type structures for other things besides traditional cultural practices, then maybe we could look at developing a separate code that would permit that.

Mr. Skowronski: Well, to -- to that end, a couple of observations. The first observation is that the inclusion of updated infrastructure should not be equated with housing. So I mean you might want to add the word "non-residential" to -- to the indigenous architecture for the purposes of this TIG, so that takes housing out, out of the play. But -- but keep in mind that there's plenty of uses that are not residential uses that hailes can be ascribed to or used for that would need water, sewer, electricity, etcetera because traditional hale -- traditional hailes, residential or not, were used at night. They -- they used -- they used water farms, they used irrigations, so the idea that traditional architecture, traditional indigenous architecture did not use infrastructure in some way, shape, or form is a misreading of the original architecture, so all I'm suggesting is that the end game of having the indigenous architecture have access to modern infrastructure increases the capabilities of that -- of that -- of that final product being used in a much wider range of activities than just protecting outrigger canoes.

Ms. Kehler: Sure.

Dr. Six: Just -- what I remember from reading the -- the bill, there were four types of hailes identified and because we all know kau hale compound, there was never a sleeping hale, I believe, identified into the hale halawai --

Chair Sablas: There was one.

Dr. Six: There was?

Mr. Skowronski: There was. One of the four was.

Dr. Six: Okay I was -- okay. So we -- 'cause I did a residential hale, there doesn't really seem to be that, from what I understanding of pre-contact, there was a cooking hale, a sleeping hale, hale you ate sometimes separately so that's why I was -- I misspoke. I didn't realize there was one that was for sleeping. I was just trying to remember the four that I knew but --

Ms. Kehler: So I think we can certainly, when we're getting into our investigation, we can certainly consult with, you know, Francis Sinenci and others who were involved in the original bill and see how they feel about that, or see if they have any suggestions, and we'll talk with Public Works. I have a whole list that we'll get into in a little bit about who

we'd -- who we'd want to talk to, and I think we can come -- we can put this list together of issues and go through everybody that we want to talk to and ask them and see what they have to say.

Chair Sablas: Could the topic, I just wrote, maybe the topic area could be identify adaptive changes since inception.

Ms. Kehler: Sure.

Dr. Six: I think a big one, you mentioned in the last meeting, the issue what Frank has brought up is that the use of synthetic materials because one of the big setbacks from any local family and anyone is the cost of the materials having to be hand-gathered, so if we could look, as we talked about at Old Lahaina Luau and Humuhumunukunukuapuaa, and see, you know, maybe see if we can talk to Francis and get a feed on -- feel on how people would feel about using materials that would be less labor-intensive in the gathering.

Chair Sablas: So we're clear with the identifying the topic area pretty much? Okay. What about the stakeholders?

Ms. Kehler: So, for the stakeholders, I have the -- Francis Sinenci, and then the other members of the original indigenous Hawaiian task force, that included a mechanical engineer, his name was Doug Gomes, Earl Kono, an architect, Hans Riecke, architect, and then Walter Vorfeld, a structural engineer, and then David Goode or a representative from Public Works. David Goode was involved in the original development of this code when he was the Director of Public Works. And then we -- I feel like we should probably talk to the faculty at U.H. to find out if they are still offering the certification for hale building. I know that one of the requirements in the code is that the hale is built by a person who has received a certificate of completion from U.H. for hale building, and so we need to find out if U.H. is still offering a course or any of the U.H. campuses are offering a course in this. If they're not, then -- then we maybe wanna suggest broadening the requirement for what we consider as certified hale builder and then taking into consideration, I originally just had Foster Ampong and Mr. Kapu, but the 12 moku representatives from Aha Moku O Maui, oh, and possibly Kalani English since he was involved in the original. He really put this in motion for the County and then he put in motion for State.

Chair Sablas: I'm sorry. Who is that?

Ms. Kehler: Kalani English.

Chair Sablas: Okay. Yeah.

Dr. Six: And I already spoke to him about Lori's discussing wanting to update the -- and so I'm thinking he'll probably be amenable to meet or talk or whatever.

Mr. Lay: Do we have a list of the people who completed the certification class of U.H. and possibly if they went a step further and build any hailes?

Ms. Kehler: That's a good --

Dr. Six: And I also know that Francis continues to work with students so he -- I don't know if he's got-- obviously, it would not be as in this bill which says it required by U.H. Maui College but I can check with Francis and see if he's doing some kind of hale certification perhaps through another institution or if he's just doing it through his nonprofit 'cause I know he does have haumana all the time so I just don't know how he's getting them I mean if it's through -- it could be through Manoa, I don't know.

Mr. Lay: And apologies for not showing up the last meeting but do we have availability of any blueprints or anything of previous hailes that were built?

Ms. Kehler: Do we have availability of what?

Mr. Lay: Blueprints of the hailes that were built?

Ms. Kehler: That's a good question. We can ask Public Works that.

Mr. Lay: And with our two testifiers, if you have any people that passed the certification class too if they can forward that information, it'd be great too so we can work with them. And then another question of this group that we're -- that's been made, the four of us, are we going to be breaking up into separate groups 'cause I know we can do investigative work with two people at a minimum, right, breakup ...(inaudible)... have several meetings, we can actually split it up and then we come back and report on those findings.

Ms. Thomson: Right, so the -- these temporary investigative groups don't -- they're not subject to the same kind of formalities as Sunshine Law meetings so, yeah, you can divide up the tasks amongst the members and, you know, in essence, at the end of the day, you're acting as a group but the individual members can have different tasks along the way.

Mr. Lay: And it speaks of a time frame. What's that? I mean what is the time frame if there is a time frame for all this?

Ms. Kehler: We can establish one. We -- but just the State guideline is there is no time limit for a TIG, but it is expected to be a shorter duration than a standing committee, so we wouldn't wanna make it longer than anybody's term or anything, yeah.

Chair Sablas: Yeah.

Dr. Six: I'm outta here in eight months -- seven months. I just emailed Francis, just asked him if he's still doing certification and if he's doing it through what institution and that the CRC is looking at updating the hale permitting process so, 'cause I'm in Hana, maybe I could -- 'cause if anybody wants to come to Hana or maybe I could either talk to Francis and see if we can, when he's out here, if we could get with the task force or the investigative whatever it is.

Chair Sablas: Well, as he I think is a key stakeholder, it would be nice if we can talk him into coming to one of our initial TIG meetings.

Dr. Six: Yeah, I'm sure he would. He comes out all the time.

Chair Sablas: Yeah.

Dr. Six: I just was figuring, you know, I mean I just -- I know he's in Hana at the moment but, you know, he goes all over the place but, yeah, that'd be great.

Chair Sablas: Yeah, I think that would be c, but I'd like us to continue on with, you know, we have -- we're still talking about stakeholders, right?

Ms. Kehler: And that's what I have identified. If there's other folks that the Commission would like to speak to.

Dr. Six: What about Lahaina Restoration Foundation because they do so much work in Lahaina and what kind of brought this all on was when they were talking about that plantation era style building at the end of the harbor and we talked about how much nicer it would be for the Kingdom of Hawaii, the seat, which Lahaina or Lele was to have more of a feel, so would they be a stakeholder?

Chair Sablas: Again, you know, I am a board member and I kinda think that whatever we come up with, they would be happy going in that direction because that's part of our mission is really to identify the post-contact history.

Dr. Six: I didn't know you were on board so that's ...(inaudible)...

Chair Sablas: Yeah, so --

Dr. Six: What about the hotel industry?

Chair Sablas: That's a thought but, yeah, maybe -- maybe one of the meetings we could put it out to potential users and that would be whoever in the industry, restaurants, maybe hotels, I wouldn't see them coming at any -- all of the meetings but maybe if we could just make one meeting that is really, after we kinda go through some of the -- the other topic areas, and then invite some of those potential users to the meeting and get their input because, basically, that's what we're doing it for is hopefully we have users.

Dr. Six: And Timmy's not here, Commissioner Bailey is not here, but I'm thinking of the hales at Kipahulu, at Oheo, like I wonder if the National Park would be a stakeholder because I know that they have a hale that's falling down that Fafa built in Kipahulu and I just don't know if they use much indigenous architecture at other places

Chair Sablas: I think it's worthy to put them as a stakeholder, and I sit on the board with the National Parks too.

Dr. Six: Oh, you rock ...(inaudible)...

Chair Sablas: ...(inaudible)... my passion.

Dr. Six: Kamehameha Schools.

Chair Sablas: Okay, I mean we wanna be inclusive but, you know, we need to get work done. The more people we get involved sometimes, the more, you know, da kine, so anyway I think it's good that we have a good group to start with, huh? Are you okay with that, Annalise? Okay, now, I think staff people is -- should we -- I think we talked about some of them but are there any ones that we left out for staff?

Ms. Kehler: You know, I can ask David Goode if he has someone from Fire or the other people, there's -- Public Works is really big and there's all of these different people --

Chair Sablas: Yeah.

Ms. Kehler: So I'll ask David Goode or someone in Public Works and they can guide me to, you know, people that can help us as far as the infrastructure issue. And again, it is the code, ultimately, is administered through Public Works so --

Chair Sablas: So would that cover permitting -- I mean anybody from would be David?

Ms. Kehler: Yeah.

Chair Sablas: Okay. Enforcement would be under David as well?

Ms. Kehler: I believe, yes, because if it is under Title 16, then Public Works is responsible for enforcing it, yup, so it would be, yeah.

Chair Sablas: Okay. So do we -- I mean the relevant documents, I think we really identified quite a few of the documents. Any other suggestions from the committee members as to other relevant documents? Pretty much, yeah, we covered?

Ms. Kehler: Yeah, I --

Chair Sablas: You had -- did you have any addition?

Ms. Kehler: I don't think so. I can read them off again and --

Chair Sablas: Okay.

Ms. Kehler: Okay, so we have Public Works and Transportation Committee meeting minutes, hale permit records, number of permits issued since the ordinance was passed in the early 2000s, review of the actual hale permit application, review of other county's indigenous Hawaiian architecture codes, and a request for a list of students that have been certified through the U.H. Maui program, and then a request for any blueprints that were submitted to the County for permitted hale structures.

Chair Sablas: I think you covered everything thoroughly. Thank you. So are we ready to move to item c then, the timeline, we talked a little bit about it, but now we gotta get serious about how committed we're going to be to this process and time-wise? Comments? Any suggestions, recommendations, Annalise?

Ms. Thomson: One of the things you might consider is, you know, you don't have to complete all of your work and then come back with just one giant, you know, compilation of information, so you could have, you know, maybe in three months or four months or something, come back with a -- an update to the -- the larger Commission, if you wanted to so you don't have to think about it, it's how long your whole project is going to take to get wrapped up.

Chair Sablas: We'll go in phases.

Ms. Kehler: I think, yeah, I think the three-month progress report sounds good. I don't -- I just don't wanna limit us. If we don't get everything answered within that time frame, I

just -- I think it would be good to take it chunk by chunk and say, okay, well let's find out what the original intent was, and then let's find out -- just chronologically go through it.

Dr. Six: No, I think it's important, like Ivan made a good point, 'cause see how many were actually certified 'cause if we had 30 or 40 certified, there may be that -- it may be that people are building hale all under their certification, but until we know how many certified builders are out there and the amount of permits that are being applied for, we don't -- and then -- and then also talk to the people that are actually building it about their challenges and, you know, maybe working with synthetic materials and how they feel about that, varying from the original intent, then we have some idea what we're up against, and like Frank suggested, you know, streamlining the permitting process and getting some infrastructure, so I think maybe a first thing will be finding how many hales are out there and how many certified hale builders, and then --

Chair Sablas: Sounds like a plan.

Dr. Six: And maybe talking to them about some of their challenges and then coming up with how we can help streamline the process and ...(inaudible)... have ideas 'cause they're actually the ones, like you said, on the ground doing it.

Ms. Kehler: So first task, number of certified hale builders out there and finding out the number of hales that have been built, and that we can come back in three months and talk about that or if we set a three-month timeline but we accomplish it before three months, can we come back before three months and talk about it?

Ms. Thomson: Yeah, the timeline, you know, like those guidelines says, it's not a hard and fast. The timeline, basically, they just don't want these investigative groups to just exist forever and be doing work outside of the public view, so it's -- it's really just reasonable, you know, so I wouldn't -- I wouldn't even say that it's a mandatory thing to set a timeline, you know, but it's probably a good idea to just come back and -- and report regularly. It might help you inform the direction you're going to too to just get input from the rest of the Commissioners.

Ms. Kehler: Okay. And, also, if -- so I can take care of County staff, but if there's any folks that we identified that are beyond the County that Commissioners have connections to that they would like to contact, that would be -- I would support that for sure because sometimes I don't -- I mean, like Commissioner Six has information for Kalani English as well as Francis.

Dr. Six: I'll see Kalani tonight so --

Ms. Kehler: Yeah.

Dr. Six: I rent from him. Don't laugh so --

Ms. Kehler: But, you know, as far as if anyone doesn't know anybody from the -- from the stakeholder group, then I'm happy to take care of that, but I think we have Kalani and Francis.

Dr. Six: Well, and Lori was on the commission with Kalani so she knows Kalani very well too, but, you know, I'm going to see him tonight, he's coming in from Oahu, and then he's going out to Hana, but I can see, 'cause he's at -- the legislature's out right now, see if he can come and meet with us or --

Chair Sablas: I think probably we need to look at a calendar and see possible, you know, time, place, etcetera.

Ms. Kehler: Yeah. So --

Chair Sablas: And I think it would be helpful if -- if, Annalise, you could probably, you know, in phases, identify the topics we've talked about and what reasonably -- I mean what makes sense, phase one, phase two, phase three, so when we have a meeting, you kinda like go to the meeting knowing we're going to be focusing on certain topics to make the best use of time --

Ms. Kehler: Yeah.

Chair Sablas: And put that out and then, ideally, timeframe, how much -- how -- what are you talking about, a two-hour meeting or one-hour meeting, or what's your recommendation?

Ms. Kehler: Well, I think some topics may take -- take longer than others. I think it's -- it will be fairly straightforward to discuss, you know, statistics, like how many building permits have been issued, and things like that, but then when we get into discussions about including infrastructure in hale, that might be a little bit more of a longer conversation, and then also hashing out all of the issues that hale builders encounter in the County's permitting issue that -- in the County's permitting process that might take a little bit longer so -- and we can always establish, you know, we're not going to go longer than two hours or something like that.

Chair Sablas: Okay, yeah, I think that's important so people know ahead of time --

Ms. Kehler: Yeah.

Chair Sablas: You know, so we can --

Dr. Six: What I can do to the group if we wanna -- can we communicate, disclose email between the four of us, like if I hear from Francis when he would be available, can I just - - or do we have to the whole group or do you have to be included?

Ms. Thomson: You can communicate by email within the group, so the caveat is just kind of remember you're part of this TIG but also remember you're a commissioner so kinda keep your communication on this one just to the assignment that ...(inaudible)...

Dr. Six: Yeah, I know, it would be like, you know, I spoke Francis, he's available next week, are you guys available, you know, like that kind of -- include Annalise on that, but I just was wondering once I talk to Kalani this evening, when he's availability might be. Okay, thank you.

Mr. Lay: One more thing. That three-month thing, if we get some prints, I would like to see what -- what's out there, you know, not all the prints, whatever has been, you know, went through the Planning Department ...(inaudible)...

Ms. Kehler: Okay.

Chair Sablas: So what's next, Annalise? Should we really try to set a time at this meeting about when to meet or do we want to wait until we hear from Francis? I think he's a key stakeholder.

Dr. Six: And Ivan's mention of the college, I wonder if Luana would have -- be able to access that information easily, she's on the -- she's on the committee, she's just not here today, so perhaps we could send an email asking if she has access to find out since she works in the university when they stopped the program ...(inaudible)...

Chair Sablas: At the last meeting, she did say she was going to find out but I think the communication can come from staff to Commissioner Luana to clarify if she has that information, and then would you like to go through email as far as setting up the meeting time or are you comfortable with, you know, discussing possible dates at this time?

Dr. Six: Until we know when, for me, until we know when Francis is available, he might be on Oahu for ...(inaudible)...

Chair Sablas: Okay, so I guess we'll wait -- we'll wait to hear from you, to staff, and then staff would inform the committee members by email.

Dr. Six: Same with Kalani 'cause if we can get him soon --

Chair Sablas: If we can get them both at the first meeting --

Dr. Six: Yeah, that's the best.

Chair Sablas: Yeah.

Dr. Six: Yeah, 'cause they obviously know each other so --

Chair Sablas: Yeah. And where would we meet - here?

Ms. Kehler: We can meet anywhere, anywhere that is convenient for everybody, we can decide on that and then --

Chair Sablas: Okay.

Ms. Kehler: I think one of the first things that I'd like to do is get as much data as possible and then distribute it to the TIG so that everybody has that information, and then we can -- if everybody's read it and we're ready to go over things, and I think if opportunities like meeting with Kalani come up, because they're not always here, then -- then we should take those and ask him the questions that we need to ask him, and we'll figure it out. We'll figure it out. I'll send out emails and I'll keep everybody in -- informed and up to date.

Chair Sablas: Thank you.

Ms. Kehler: Yeah.

Dr. Six: And I'll let you know as soon I hear back from Francis, or whoever I hear from, and then when I speak to Kalani.

Chair Sablas: Okay. So, Annalise, have we worked this okay, this item?

Ms. Kehler: I think so. I think we're ready to move on to the next.

Ms. Thomson: So, just for the formality of it though, so as a Commission, somebody needs to make a motion to adopt the TIG as discussed, so you don't have to get into great detail, just as discussed.

Chair Sablas: Do I hear a motion?

Mr. Lay: Motion to accept as discussed.

Chair Sablas: Second?

Mr. Skowronski: Second.

Chair Sablas: Okay, it's been moved and seconded. All in favor say aye? Opposed? None. This motion pass. Thank you very much everyone involved.

It was moved by Commissioner Lay, seconded by Commissioner Skowronski, then

VOTED: to accept the Temporary Investigative Group as discussed.

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

Chair Sablas: Next item on the agenda, Director's Report:

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

E. DIRECTOR'S REPORT

- 1. Discussion on the requirements and process for establishing local historic and archaeological districts. Note: the Cultural Resources Commission is authorized to recommend new ordinances establishing historic and archaeological districts pursuant to 2.88.060.M.1 and 19.48 of the Maui County Code**

Ms. Kehler: So this agenda item came up as a request from Commissioner Kawa last meeting, and so -- in your mailouts, I've just included some of the laws that provide a legal framework for the establishment of these districts, so I've included 19.48.020 and that just says that if -- if the Commission wants to recommend the establishment of a district, then we must hold a public hearing, and public hearing is a process where it has to be notified in the newspaper of so many days in advance, okay, so that's one aspect of it. And then there's additional processes, so the Planning Commission, whatever island that we would be proposing the historic district on, it would be that respective Planning Commission that would also have to have a public hearing because it -- establishing the County historic districts involves an amendment of the zoning code, and so it's established in the County Charter that Planning Commissions are responsible for reviewing amendments to the zoning code. And then, finally, we would take it to County Council and they would review the proposed amendment to the zoning code and they would ultimately decide whether or not the district should be established. And so in preparing for this agenda item, I realized that we have a legal process, but we don't have -- we don't have eligibility criteria established and we also don't have a process for identifying historic districts, and so that means that we get to do that in our administrative rules, and I have some suggestions

and what I will do is I will draft up these criteria and the process, and we will review it, and we will discuss it, and then eventually, at a public hearing, we'll adopt it into our administrative rules, and so for eligibility criteria, we would use the Federal standards, so for significance, you know, we would use the National Register Criteria A, B, C, D, and then we would probably wanna include E, which is the cultural significance component at the State level, and then we have an age criteria, the properties in the district need to be at least 50 years old, and then integrity, the properties would have to have the characteristics of, you know, that make them significant so they would still need to look historic. And then for process, we need to explain to the public how you would go about identifying a historic district, so that entails either an architectural or an archaeological survey, it could also entail using a previously established state or national register district and that way we don't have to do a survey, we already know that it's significant, it's been listed, and we just take the boundaries of that existing district and we adopt it into the local district, so an example, on Lanai, there's a lot of -- there's a lot of archaeological properties that have been identified, and they're really, really neat, and a potential, you know, County district could be made using a previous identified district.

So that's pretty much it for that. We really need to just establish that criteria and the process, and then -- then it'll be a little bit more clear for the public and for us about how we establish local districts.

Mr. Skowronski: Is there a legal or administrative difference between establishing a historic district and expanding an existing historic district? Do you have to go through the same hoops?

Ms. Kehler: Expanding an existing historic district, yes, essentially because it -- it would involve an amendment to the zoning code so you would have to go through the same legal processes and then you would also need to identify those additional properties that you want to include in that existing district.

Mr. Skowronski: But you would still have to have public hearings, you would still have --

Ms. Kehler: Correct.

Mr. Skowronski: So essentially everything that's under the term "establish" would also include expansion?

Ms. Thomson: Are you -- are you thinking about doing this by way of adopting new administrative rules? I guess just from a kind of how you would go about it, we would probably look at drafts admin rules in the Commission, and then, you know, once we were satisfied as a Commission that these rules are, you know, ready for public hearing, then you'd have a public hearing, you know, notify the public that here's the draft rules that

we're going to be considering, and then adopt them, you know, either with or without changes. So, basically, from the Commission's standpoint, if that's -- if that sounds like something that you're interested in doing, you know, this term either now or at a future date, what you need to do is, you know, request that staff start working on the admin rules and continue with these rough draft.

Dr. Six: This is just, you know, we always talk about Lahaina how arbitrarily it stops at the Seaman's Hospital --

Chair Sablas: Chair -- I mean --

Dr. Six: I'm so sorry. I know. I know I wanna talk -- she's behind me. You know how it arbitrarily stops at the Seaman's Hospital and we always talk about how Jodo Mission and the Puupihā Cemetery and what used to be the Alamihi Fishpond are not included in any of the historic zones or districts, where David Malo's house was, is there a certain percentage of homes that need to be historically intact or is it enough to have like the Jodo Mission, is it -- to change a boundary, is there a certain percentage 'cause I know a lot of that area, Baby Beach was completely rebuilt and there's not a lot of the plantation or missionary stuff after Seaman's Hospital, but I was thinking it's so weird that it just arbitrarily stops there.

Ms. Kehler: Jodo is about to be 50.

Dr. Six: It's only --

Ms. Kehler: Yeah, it's '68 -- it was built '68.

Dr. Six: I was thinking more of the Alamihi Fishpond but it was backfilled and --

Ms. Kehler: You -- so, archaeological, you would need a survey just like you would need for architectural to determine -- yeah.

Dr. Six: They did -- yeah, I know they did when they put the Kahoma Stream, they concretized the Kahoma Stream and they found over 70 pre-contact burials and a bunch of post-contact burials, and in and around what used to be Alamihi Fishpond, it was built by Kamehameha for the civil war, and David Malo's house was right there and his famous ulu, but that was all plowed under by the plantation and that pond was backfilled, so there has been work done there in the '70s and --

Ms. Kehler: Yeah.

Dr. Six: I just wasn't sure like if, you know -- but I didn't know Jodo Mission was built in '68. That's funny. I thought it was earlier than that. But you have Mala Wharf, that's I guess historic.

Ms. Kehler: Yeah, so, yes, it would -- any district, archaeological or architectural, would need to have sufficient integrity to be --

Dr. Six: Yeah. Yeah. It's probably just not there. I just was wondering.

Ms. Kelher: To be designated.

Dr. Six: Thank you.

Ms. Kehler: Yeah.

Chair Sablas: So is there a sense of urgency in this -- on this topic I mean to move it forward? I mean we've got other things on the agenda. What's your take on it? I mean --

Ms. Kehler: I mean it is -- it is an important thing to have this process laid out for the public to understand but we do have a couple of other things going on and this could be something that we work on a little bit later. It's really up to the Commission. I'm happy to work on it. If we wanna get it done now, that's fine.

Chair Sablas: Okay. Comments from Commissioners?

Dr. Six: I'm thinking that maybe this is coming out of some of the recent huhu over the Sandhills and people claiming cultural landscapes and not understanding 'cause I've had people ask well why don't you make that a cultural -- why isn't the CRC involved and like it's not -- we're really over the cultural -- I mean the historic districts and so I've had people ask, you know, why -- can we make that, so I wasn't sure if it came out of some of that, people's not understanding like where the boundaries of historic districts end and why, so I'm not sure if it's --

Chair Sablas: So what would you recommend that we move on it right away?

Dr. Six: I think we should move on it because if people have clear process and they can understand, you know, maybe there's a lack of integrity that's why it's not a cultural, you know, historic, you know, historic district, so maybe having guidelines in place that really spell it out for people I think that feel increasingly frustrated by not understanding our role and/or how you make historic districts.

Chair Sablas: Okay, any other comments? So you got direction from the Commission that, yes, let's move on it.

Dr. Six: Thank you, Annalise.

F. NEXT MEETING DATE: September 7, 2017

G. ADJOURNMENT

Chair Sablas: Wow, so is that it? Okay, meeting is officially adjourn. Mahalo.

The meeting was adjourned at approximately 12:05 p.m.

Submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards & Commissions II

RECORD OF ATTENDANCE:

Present:

Lori Sablas, Chairperson
Ivan Lay, Vice-Chairperson
Michael "Kaleo" Ropa
Dr. Janet Six
Frank Skowronski

Absent(A)/Excused(E):

Timothy Bailey (E)
Christy Kajiwara-Gusman
Luana Kawaa

Others:

Annalise Kehler, Cultural Resources Planners
Richelle Thomson, Deputy Corporation Counsel
Suzette L. Esmeralda, Secretary to Boards & Commissions II