

(Approved: 07/05/07)

**CULTURAL RESOURCES COMMISSION
REGULAR MEETING
MAY 3, 2007**

A. CALL TO ORDER

The regular meeting of the Cultural Resources Commission (Commission) was called to order by Chairperson, Samuel Kalalau, III, at 9:10 a.m., Thursday, May 3, 2007, in the Planning Department Conference Room, first floor, Kalana Pakui Building, 250 South High Street, Wailuku, Island of Maui.

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

Mr. Samuel Kalalau: Okay, will this meeting of the Maui County Cultural Resources Commission, May 3, please come to order. First of all, we're going to do some agenda changing. We're going to move Item C, Communications to be the first item on the agenda. Will someone make a motion?

Ms. Dorothy Pyle: I so move.

Mr. Keeaumoku Kapu: Second.

Mr. Kalalau: Okay, it's been moved and second. Any discussion?

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

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

VOTED: to move Item C, Communications, as the first item on the agenda.

Mr. Stanley Solamillo: Before we do that, can I introduce Michael Hopper, Corp. Counsel. He's sitting in for James Giroux.

Mr. Kalalau: Okay, under Communications, we have Mr. Keoki Freeland.

C. COMMUNICATIONS

- 1. MR. KEOKI FREELAND, on behalf of LAHAINA RESTORATION FOUNDATION, presenting a communication on conditions of Lahaina Historic District Nos. 1 and 2.**

Mr. Keoki Freeland: Good morning, Commissioners. I have a little handout for you. I'll do that at the moment. Oh, I'm Keoki Freeland, Lahaina Restoration Foundation.

Ms. Pyle: Please note the date on here.

Mr. Kapu: Yeah, I remember this.

Mr. Freeland: Okay, I'm really going to be talking about the Lahaina Historic District. I first made a presentation to the Cultural Resources Commission on July 8, 2004. At that time, I had previously made a presentation to the Mayor, Councilman Riki Hokama, Dain Kane, Councilwoman Joanne Johnson. They all liked my presentation. And it was going to go in front of the Full Council. But I was not able to get on the agenda and I was sitting around one day, and the reason why I couldn't get on the agenda was budget time so it was all so busy, but then I said, you know, I gotta go in front the Cultural Resources Commission sometime so why don't I make a presentation, so I did, and that's what I'll be presenting to you today. I won't go through it in real detail. I think if we just flash through it, you'll grasp the concept of what I was trying to present.

So let's just open up the book at the present time and you'll see two maps. One is the Lahaina Historic District, which is shaded in gray, and then you'll see kind of a overlay of the National Historic Landmark, which is -- has that boundary line around it and, notice, it's considerably larger than the Historic District of Lahaina, which is shaded I guess it's in yellow in your colors. There is or has been a lot of talk about expanding the Lahaina Historic District to be -- coincide with the boundaries of the National Historic Landmark. And, from what I understand, Councilwoman Joanne Johnson is putting that in to the Council, and I don't know where it stands, but it's supposedly moving along.

There is problems. If you look at just the -- the Historic District of Lahaina, there are some spot zoning areas. Notice the small little squares, like the Prison, Hale Aloha Church, Seaman's Hospital, and whatnot, but things in between or adjacent to the National Historic Landmark are treated differently or can be treated differently because they're not within the Historic District. So there has been a lot of talk about expanding the Historic District to coincide with the National Historic Landmark.

Okay, what I'm going to be talking about was -- was the map. I'm going to give you some sample problems within the Historic District and explain why these problems exist, and I do have some suggested solutions as well as some suggested financial solutions. So let's turn to the page that says "Sample Problems." You're on that one? Okay. Okay, huli over to the next page and it's actually Page 4, and, at that time, when I took this picture that was the Four Winds Store. This store you just reviewed a couple of months ago and there's presently three stores there. To the right, you'll see kind of an open space. Well, a store has been built there since I've taken this picture. But I just wanted to say, at that time, this

Four Winds Store was a single store and the owner or the tenant actually changed it into two stores by removing the planters on the left-hand side and -- window and installed those doors that you see on the left-hand side there. This was never reviewed by CRC. I complained about it, and worked was stopped, but then it continued somewhere along the line, including building the next store. So, anyway, so now we got three stores over there and I don't think the CRC has ever reviewed that.

Let's go to Page 5. You see a before and after picture. Before is how the store really looked like. There was a tenant in there that wanted to change the windows, knock them out, and make it a sliding open window. This was denied by the CRC. That tenant left, a new tenant came in, and the new tenant made the changes without coming in front of the CRC, and what you see in the after is the changes. Notice how that window can slide open now. Notice they also have tables and chairs on the public sidewalk that they're utilizing, which is illegal as all hell. But, anyway, here's another case where the CRC reviewed it, was denied, new guy comes in, he doesn't bother to come in, he just does it, and it's there. Okay, I have another thing. We have a third thing happening on that building but I'll talk about that one later.

Now let's take a look at Page 6. But before I talk to Page 6, turn to Page 8. Page 8 is a letter that was sent out by the Planning Director, John Min, after this project of the old Matsumoto Service Station was reviewed by the Cultural Resources Commission and was approved with these conditions listed in this letter by John Min, okay. I'm going to refer to these conditions in the previous pages. So let's go back to Page 6. Okay, Page 6, Condition 18, it's from that letter 18: That the display of the rental equipment shall be confined to the 8 by 20-foot canopy area and the area immediately behind the open canopy. In other words, the rental equipment is supposed to be underneath that canopy. Notice Photo No. 1, it shows you where the canopy is. But notice, in that Photo No. 1, there's a rental car outside of the canopy and a motorcycle outside of the canopy. The vehicles are not there under the canopy. Notice in Photo No. 2, rental scooters are outside of the 8 by 20-foot canopy and business is being done on the sidewalk. This continues like this today. Go to Page 7, Condition 4: The brochure racks are to be set back a minimum 12 feet from the sidewalks. And Condition No. 2, again from that letter, allows free brochure racks, two racks to be part of the central counter contained within the 8 by 20-foot canopy, and one rack to be where the gas pumps were. Notice the brochure rack in the bottom right-hand side of the corner; it's on the sidewalk. This, again, continues today. So these are conditions that were made by the Cultural Resources Commission and the tenant is in violation but nothing's being done.

Go to Page 12. Outrageous Activity, 545 Front Street. Yeah, really outrageous. Anyway, this is commercial business being done in a residential park area, and this also continues today. I've complained about that and I was told about certain conditions that were supposed to have been met. For instance, the rental equipment, surfboards, swim fins,

etcetera, is in the yard facing the Front Street, and the vehicle with the rental sign painted on it is parked on Front Street side of the house. Now, I was told that these people were ordered to position all rental equipment on the ocean side of the house, and the vehicle with the painted sign was to be parked within the garage until proper permits were obtained. Now I don't know if proper permits were ever obtained, but all I know is that stuff is still out there.

Okay, let's move on to Page 13. Under the Historic District Ordinance, each store is allowed one 12 square-foot building sign and one 8-foot square foot hanging sign. However, as you can see from this ABC Store, the above store has installed four building signs and one hanging sign for a total of five, and that's still exist.

Go to Page 14, under the ordinance, framed menu boards are not to exceed three square feet and affixed to the building wall as permitted. Here you can see a menu board displayed above and it's 12 square-foot in size, it is affixed to the door, and part of the sign is protruding onto the sidewalk.

Go to Page 15, here we're looking at colors. Buildings are to be painted in earthtone colors. The store above is painted bright yellow with chartreuse doors.

Go to Page 16, again, colors. The store above is painted bright purple with chartreuse doors.

Now we go back to that store, the one I said where they changed things around. Take a look at what the store looks like today. So, I mean that color is unbelievable. Nowhere close to earthtones. And, what's happening, as you go down the street, you can see them also changing. There's a black store. And it's just unbelievable going down the street.

Lori Sablas and I talked to Colleen Suyama a few weeks ago about this, I showed her the picture and the whole bit, and Colleen told Lori and I that that was not an enforceable problem. She said to us that to paint the outside of your building you don't need a permit. If you don't need a permit, they can't enforce that rule. And you know, Jesus Christ, that's the first I ever heard of that. And Lori was shocked also. So, two weeks ago, we had our -- Lahaina Restoration had their annual meeting and the Mayor was there and I brought up, very briefly, about this problem and that we need an ordinance change so you can enforce this rule. Chris Hart happen to be in the meeting and then he spouted up some stuff about there is a rule. You can enforce it. And he goes in with the technical stuff and I, you know, can't understand it. So I got a hold of him afterwards and he faxed to me the details of which rules apply, and I have given that to the Planning Director. I gave him that yesterday to try and follow up on it. So he's going to review it and see. But, from what Chris Hart is saying, is that there is a rule that it is enforceable that you can't paint your building like that. So, hopefully, something will come out of that.

Mr. Kalalau: Keoki, I got a question on that.

Mr. Freeland: Yeah?

Mr. Kalalau: Michael, but isn't it underneath the historical preservation rules that it has some kind of ordinance that, you know, that buildings need to be within the -- within the designs and the paint of the natural colors?

Mr. Freeland: Essentially, yes. There is that ordinance about it's supposed to be earthtone colors, but what's shocking to us what Colleen said was to paint your building, you know, she's saying to paint your building you don't need a permit. If you don't have a permit, they cannot enforce the rule, even though the rules says it's supposed to be a different color. So that's when, you know, I said, well, we need an ordinance change. But then Chris Hart comes up with you have an ordinance and he's listing it all down.

Ms. Pyle: Well, actually, the -- we were just talking about this earlier, the Historic Districts are in the special management area and because they are, they require an SMA review, and the SMA review should but has to come to us because it's the Historic District, and painting your -- painting your building is still an SMA review, so there is where the glitch is. People don't know that. You know, how many people would really know, you know, someone who's moved here a year ago or something, and is leasing a building, they don't know anything about SMA permits, they don't know anything about these things.

Ms. Robyn Loudermilk: ...(inaudible - *speaking away from microphone*) ...

Ms. Pyle: You don't?

Ms. Loudermilk: ...(inaudible)...

Ms. Pyle: Even in the Historic District? See there's where the conflict is, apparently.

Mr. Freeland: Right. Yeah.

Mr. Kapu: What about under signage guidelines? Under the signs?

Ms. Loudermilk: ...(inaudible)...

Ms. Pyle: This is not a single-family structure. This is commercial.

Ms. Loudermilk: ...(inaudible)...

Ms. Pyle: Because this is actually a commercial building. It's not a single-family structure. So, apparently, there needs to be some kind of clarification from all kinds of people about what this rule means.

Mr. Freeland: Right. Right. And I've faxed what Chris Hart gave me to the Planning Director, so he's reviewing it. Okay, go to Page 17. Why do these problems exist? Forget Item A there, 1.A. and forget 1.B. Go to Item No. 2. You know, the permitting process is really time consuming. It's long and drawn out. Item No. 3, the Planning Department is vastly overworked. You know, the present staff is overloaded and whatnot. And, Item No. 4, money is not available for the Historic District Officer position. Now, what we talked about as far as a Historic District Officer is a Historic District Officer to work only in the Historic District. What we have or a position was filled last year really is a west side planner, which included the Historic District area, but that's not what we're looking for. We need somebody that's really versed in the specific -- you know, right now we're talking about a specific rule for the Historic District and a planner person is spread too thin to cover all the problems within the Historic District. And, of course, it always comes back from the County, there's no money for the Historic District Officer position. Well, I have a suggested solution for that. Other problem, No. 5, there's no long term plan to create more parking, and there is this buy off of the JDI -- payoff of the JDI buyout, but that's where this outfit was going to build a strip mall, where the lng property is, right next to Prison Street parking lot, and the County bought them out, and the justification of that buyout was the County was going to start charging for parking in the parking lot to pay off that debt. They have never implemented that.

Okay, suggested solutions, Page 18. Update the Lahaina Historic District Rules and Regulations. Some of them are outdated and little vague, so we need to update that but that cost some money to do it. We need to streamline the building renovations and sign permit process. And to solve some of those solutions is to create the position of Historic District Officer. Now, this person should provide information to the public, he should be stationed at the Lahaina Courthouse, this person can issue citations, and he should issue permits that meet regulations. In other words, somebody comes in with a sign to him, you know, a sample sign, and if it meets it, he can -- should have the power to stamp it and they can go make their sign, but then he should come in to you folks, in his monthly report, of these are signs I permitted and these are signs that I did not permit and need to be reviewed by you, you know. That kind of commission. That will speed up the permitting process like you wouldn't believe.

Now, he could also inform people of where to go. If they insisted they want their sign a different way, to get a variance, and they can go through the whole bloody process if they want to at that time. And, as I say, he should report to you folks on a monthly basis.

Another area in reporting to you folks, for instance, let's say somebody's doing something not quite right, maybe they wanna, like I say, punch a hole in the building or something, and so he says: No, you cannot do that. But the guy says: No, I'm going to do it. Well, so he can give him a verbal warning that you should not do this, but then he should report that to you folks, and then you folks can decide, with your corporation counsel person there, of what can I do if the guy continues to insist on doing this. He might say give him another warning. Okay, after that warning, what we going do? Again, you guys can decide with -- in other words, I'm not saying that this Historic District Officer is, you know, the big whip going down and making his own rules. He should report back to you guys and with the advice of corporation counsel can make decisions of, okay, maybe if you change your sign a little bit, it'll be okay. But if you insist on doing it this way, it's not okay. And this is a warning. And he can maybe give him a written warning, and then go make a penalty or whatever, or shut him down. But, anyway -- but, anyway, that's -- but what I'm saying is that it should be governed through you folks.

And, Item No. 4, we need to create a long-term plan for additional parking in Lahaina. Now, I have that combined in here. You're wondering what the hell -- why am I talking about the parking. Part of my solution, financial solution, you'll see involves parking. So let's move on. Suggested solutions, financial suggested solutions, Page 19, is to charge for parking in the Historic District parking lots, that's the Prison Street parking lot and also the Luakini Street parking lot, which is behind the old Lahaina Store, old Planet Hollywood, old -- at present, I can't remember their name, but there is a County lot back there. Redo the phantom parking to the County Historic District parking lots only. Right now, there is phantom parking. If you don't know what that is, as an example, there's a new restaurant coming up on Front Street right now, Tony Roma's, he is supposed to provide for parking because he's going to increase the density of his operation, but where he is located on Front Street, there is no parking for him to do it, so the way the County does this is that he's supposed to get off-site parking agreements with some parking lot. And what this does, or does not do, it doesn't create anymore parking space. It just makes it more inconvenient for the business to do business. He's paying money to a parking lot which is just pocketing it. And, in this case, it's Lahaina Restoration, and I am saying that we don't want that money. We want to see that money go into a parking fund to generate more parking, not just give it to us. Now, and also, the way this thing works is I don't guarantee him any parking space because I sell it to him at \$100 per stall per month, but if I don't sell it to him, forget him, I can sell that same stall for \$700 a month. So unless he wants to pay me \$700 a month, I'm not going to reserve that stall for him, and that's the way it works. So, you know, the money is flowing to all these places and it's not creating anymore parking. I'm saying that if this phantom parking concept is changed, we can generate more parking. And the one I've always talked about is the millyard -- millyard site with a shuttle system, and the primary users of that parking lot, the first people that should be able to use it is the employees of all these businesses that have to pay into this phantom parking. The restaurant, let's say, has to have 15 stalls, they should be given 15 stalls in that new

parking lot to use, primarily, for his employees first and to his customers second, and the employees can catch the shuttle come on down to work and go back, and this will -- okay, that's too simple.

So let's move on. This part here shows you, Page 20, the County plan on the JDI buyout and their plan was buy out the JDI lot, buy out the church lot, buy out the Richardson property, do a bunch of construction and some contingencies for a total of \$5,237,000 was the County plan, and this is what was approved and they were going to start charging for parking to pay off that 5 million dollars. I have a suggested alternate plan of staying out of the Richardson lot, that is, you know, rough terrain, kiawe trees, possible burial areas, cultural possibilities because it's so close to Moku`ula. Stay out of there, you know. Leave it alone. But just take in the Luakini Street lot instead. It's already there, paved. You don't have to pay five cents for that. So my alternate cost is roughly four million six.

Number of stalls under the County plan is 226. Under my plan, it's 279. Now, if you see some scratched numbers over there on your pamphlet, that was, till today, we still have problems of knocking down the Ing houses and removing it from that site. Stan knows all about it. And what I was suggesting, and my alternate numbers you'll see through here, is what would the financial picture look like if we left the Ing houses in place but started charging for parking for the area that we already have.

So let's look at Page 21. Anyway, under the County plan, you would have an income of \$891,000. Under my plan, there was going to be \$926,000. But if we leave the Ing houses in place, I'd have less stalls, but I'd still come out with \$736,000 of income. Bottom line, net cash flow under the County plan, where the Ing houses were already going to be let out, was going to be \$297,000 net; this included the construction cost, the operating cost, and so on and so forth. But if you started now, with the Ing houses in place, you'd still come out with \$191,000.

The bottom line is that there's going to be money leftover after paying for the construction, after paying for the four million dollar buy out, and you're going to have money leftover, and I'm suggesting that this money leftover should stay within the Historic District since the money is being generated in the Historic District, it should stay there, but you need an ordinance change in order for that to occur, and that's the one that Lori and I were going to the different departments and it never got done. So we've back to square one, making a presentation to you folks, and then I start going to the different departments including with the Mayor, gotta get her onboard as well.

Okay, so bottom line, this program generates its funds from the Lahaina Historic District and these funds should stay within the Historic District and update its rules and regulations as well as to properly enforce the rules and regulations fairly. These funds should also be used to fund the suggested financial solutions on Page 19. That's, you know, making

improvements in the Historic District, you need more benches, more planters, whatever. Now, I don't have a solution on who makes that decision. I'm just saying it should stay within the Historic District. Maybe you folks can come up with a solution of how, you know, people like Lahaina Town Action Committee, Lahaina Restoration can come forward and say maybe we need something else over here and you folks can decide from you folks or maybe appoint a committee or something, but I'm leaving that solution up to you folks for that. Any questions?

Mr. Kalalau: Yes, Keoki, specifically, you're speaking here only the parking revenues?

Mr. Freeland: That's correct. Right, the parking -- what I'm saying the parking revenues will generate enough money to pay for the Historic District Officer position, as well as having money left to pay off the JDI debt, as well as having money leftover that can be used in the Historic District.

Mr. Kalalau: Okay, question?

Ms. Pyle: Dumb question, I know: Do you have any idea why the County has not started to collect parking revenues?

Mr. Freeland: No. No, I don't. The project was being held up because of the Ing houses, and that's why I did that other calculation. If the Ing houses are still there, why don't we start charging for parking, and it never -- it never moved. I don't know why.

Ms. Pyle: Who -- who determines that? To do that? Does anybody have any idea?

Mr. Solamillo: I believe it was with the last administration and Don Couch was handling it.

Mr. Kalalau: Don Couch, yeah?

Mr. Solamillo: Right, so it kind of fell by the wayside during the transfer of administrations. Planning took it back up. I'm not moving forward with the demolition of the Ing houses but I've gotta do asbestos and led testing first.

Ms. Pyle: But who decides when to start collecting parking revenues?

Mr. Solamillo: I do not know.

Ms. Pyle: Yeah, see, there seems to be the hangup. Who makes that decision? Is it the Mayor or is it the Council, is it the Police Department? Who decides that?

Mr. Freeland: Like I said, the JDI buyout, the Council approved the buyout and the justification of that was to charge for parking. That's how I came up with this concept of using that figure because I used their figures of the buyout and then I, knowing, you know, we have a parking lot so I do have some knowledge about parking lots, so I used my stuff of what I know what it would cost to run it and just use the County figures for the buyout and the construction and did my calculation accordingly, and that's how I come up with all this money. But, like you say, you can start charging for parking now with the Ing houses still there.

Ms. Pyle: We're trying to figure out who sets that in motion and, also, it would seem from what you've said there isn't any clarity about where the revenues from the parking go.

Mr. Freeland. Right.

Ms. Pyle: It says, specifically, to pay the debt for that particular buyout --

Mr. Freeland: Right.

Ms. Pyle: But if there is excess, then what happens to excess? Does it go into a big dark hole someplace?

Mr. Freeland: From what I understand, it goes into the general fund.

Ms. Pyle: Right, and so there -- that's what my assumption would be, but there is where we would perhaps need to make some kind of a request that the Cultural Resources Commission can visit the County Council and ask for a change in -- I don't know how that works either. We'd have to ...(inaudible)... the process.

Mr. Freeland: Yeah, what I -- what I was requesting an ordinance change, that the money generated in the Historic District from these parking lots stay within the Historic District to be used for these items.

Ms. Pyle: One more thing.

Mr. Kalalau: Why don't we ask Mike what he think? Who does that?

Mr. Hopper: I actually do not have any background on the parking lot issue and where the revenue would go. It would be governed by, you know, current ordinances so I believe if the ordinances don't currently require the funds to stay within the Historic District, then they don't necessarily have to -- it would depend on the ordinance though and how the County would choose to use that money but, like I said, I do not have any specific background on this particular case so we'd have to review that.

Mr. Kapu: I get one question. Is any of this parking area in that vicinity being used for phantom?

Mr. Freeland: I don't think so. I don't think so, but I'm not -- no, cannot be. Cannot be because there's no new restaurants and stuff over there and I'm almost positive one hundred percent even though I don't run that lot that --

Ms. Pyle: It's not.

Mr. Freeland: It's not being for phantom.

Mr. Kapu: How is the money -- how is the County getting the money back from the JDI buyout?

Mr. Freeland: You and me.

Ms. Pyle: General fund.

Mr. Kalalau: Keeki?

Mr. Freeland: Yes, sir?

Mr. Kalalau: You know on the private parking lots down there, does the County collect any kind of fees from those guys?

Mr. Freeland: No, they don't. No, they don't. And then this phantom parking thing is really lousy. Okay, I have a parking lot, Tony Roma's is making a deal with me right now, and the agreement is five one-year agreement, okay? So we sign an agreement. He gets his stalls. He can open up his store. Nobody keeps track of that, okay.

Ms. Pyle: You can sell your spots many times?

Mr. Freeland: Well, usually when it comes up, they ask how many stalls are available but, in our case, we haven't sold that many times. We always make sure we have vacant stalls, so to speak. But what I'm saying is that you got give one-year agreements, after the fifth year what happens? Nobody knows and, in my experience, like Kobe Steakhouse, after five years, aloha. So he's not paying me five cents anymore and he's off and running. How many of these kind of expired five-year things there are? Nobody knows. It's because nobody keeps track of it.

Mr. Kalalau: Do they have any kind of validations?

Mr. Freeland: No. No. No, the validation doesn't work out either because, like I say, you know, we can sell it on the outside a lot more than what we're selling it to them for. We're selling it just so that they can -- they can do their business --

Mr. Kalalau: Right.

Mr. Freeland: Which is really lousy, you know, it's not creating more parking.

Mr. Kapu: What is Diamond Parking's role around there?

Mr. Freeland: Same thing.

Mr. Kapu: Subcontract?

Mr. Freeland: They -- they run parking lots for different businesses. They have more lots in -- or more stalls in Lahaina than anybody else. For instance, like Burger King is Diamond, you know, around there, and on Dickenson Street they have some stuff too, and also down Lahainaluna Street they have some stuff. We actually hired Diamond for one year and then we fire them.

Ms. Pyle: It seems like, from what you've presented to us and which, basically, I think we've all know all along, the Lahaina Historic Districts have serious issues: the signage issues, the painting issues, the infill issues, and so on and so on. There's all these really major issues. You've presented several different things. One is the possibility of expanding the County Historic Districts to meet the boundaries of the National Landmark and the other being that there are all these enforcement issues. I don't know whether it's what the Cultural Resources Commission would choose to do but perhaps we need, as a group, to have something like a "task force" that deals very specifically and, right now, with these issues in Lahaina that can then make recommendations to the entire Commission to go forward to the Council and that would include both of those areas, you know, the expansions of the Historic Districts and also -- because of these other issues that we all know about, and also the revenues and enforcement issues cause they are very connected and we could try to do them as a package deal, you know. I can't remember when, maybe you remember, Stan, and know the year that the Cultural Resources Commission was established. I don't even remember. It's '80 something I think. And, prior to that, the original Historic Districts were back in the '60's and how many times, in all those years, has there been any kind of a kind of a comprehensive overview of whether or not we are meeting the needs of the Landmark and the County districts. Maybe it's time.

Mr. Kapu: I get one question. I know that -- I'm trying to figure out on how the County was able to, basically, get the enforcement down on the surf schools but we get two enforcement officers that are hired to go to all the County park areas to make sure that

everybody is compliant, yeah, and that's only the surf schools. So I remember this issue when Keoki brought this to the CRC about couple years ago, maybe three years ago, and I think one of the problems was, basically, what type of conditions that was going to be set into place for the Historic District Officer and whether or not there were -- there were a budget so what Keoki presented it was exactly the same thing with the revenues was going to come from the parking and stuff like that. I think the main problem was, what I was understanding at that time, was what was going to be the criteria or the responsibilities of this Historic District Officer. Now if Keoki is only asking or Lahaina Restoration is only asking for maybe just one enforcement person to make sure that people are compliant to these types of violations, then I don't know, maybe the County should look into how was it possible for them to pick up two people for enforcement on the surf schools, yeah, and their job is real specific; go down there, if they're using the parks, they're not supposed to be on the parks, they're supposed to be on the beach; if they're in the parks, they get cited. Real simple. So by looking at that enforcement issue on the surf schools and how that can actually, you know, in the same way that the County provided for that to provide for the Historic District Officer with limited clarity on jurisdiction on how this thing may work to enforce these types of violations may be possible. I don't know. That's one question to the County to look in the areas pertaining to enforcement because they provided enforcement for ocean activities.

Mr. Kalalau: Anymore questions?

Mr. Freeland: You know, I'm sorry but I thought in here -- I do have a job description or the duties of the Historic District Officer and, obviously, it's not here.

Mr. Kapu: It's in the back.

Ms. Watanabe: Yeah, it's in the back.

Mr. Freeland: You found it? Okay. Not in mine. But, anyway --

Ms. Watanabe: It looks like it was stapled on. It was stapled on.

Mr. Freeland: Okay, that's why it's not in mine.

Ms. Pyle: Create position of Historic District Officer. It's on Page 18. Provide information to the public; stationed in Lahaina; issue citations; issue permits that meet regulations; direct people for variances; provide monthly reports to the CRC.

Ms. Watanabe: It's an attachment.

Ms. Pyle: Ah, okay, then it's beyond that.

Mr. Freeland: No, the one on the back is what I don't have.

Ms. Watanabe: It was in the back. It was stapled on.

Mr. Freeland: Yeah.

Ms. Pyle: I didn't get one of those either.

Mr. Freeland: Yeah. Okay.

Ms. Pyle: Only some of them have that.

Mr. Freeland: That's my fault. It looks like it didn't get through all of them. Some of you guys have them. Never mind. Keep it, Keeaumoku.

Ms. Pyle: No big deal.

Mr. Freeland: But that gives you an idea of what my thoughts of -- were for the Historic District Officer, what he should do, and you can review that. A major part of what he should do, what I'm suggesting, there is that issue, you know, get up and walk around and check out the place. A prime example of that is remember Mr. Suzuki? Remember that? You know, here's a poor old man that the architect told him it was fine and dandy on building this house and whatnot and nobody knew that it was in the special Historic District, so after he was done, they couldn't get his certificate of occupancy because the house didn't meet the requirements and this Historic District Officer, walking around, can stop this problem from happening in the very early stage for people that don't realize, like the architect.

Ms. Pyle: How could he not?

Mr. Freeland: Well, and that architect also took off, so there was old man Suzuki standing there, innocent as all hell, stuck with all of this. But this happens all the time. You get somebody coming in the store that's got a new store, he's paying big money for it, and he wants to get people in so he's trying to figure out how to get customers in and, you know, maybe he comes from some far away place, has no idea of a historic district, and he's going to get things out there, and like dancing girls in the Front Street, as an example, but nobody told him you can't do that, you know. That's easy stopping a dancing girl but what if he changes his building around, like old man Suzuki, boy that was the worse of the worse, but this person walking around can see these problems early and can inform the people, telling them: Hey, you can't do this. You need to do that. If the guy's hard head, fine. Then report back to you folks; then you can take proper action. But with that first information, you will avoid a lot of problems and everybody will be a lot happier, especially if everybody's on the same page. What's happening on the sign problems right now is that,

you know, a person comes in to get sign permit and takes forever, and me, I can't wait, so I put up my illegal sign. Nothing happens to me. So what's going to happen? The next guy is going to do the -- put out a illegal sign and just keeps on going down the line. Now, that's what's happened in Lahaina. Lahaina is in the worse shape than its ever been right now.

Mr. Kapu: I get one more question. You know in that signage I guess recommendation for signage in Lahaina, it has restrictions on certain types of colors, right, the sign has to be?

Mr. Freeland: That's correct.

Mr. Kalalau: And size.

Ms. Pyle: And size.

Mr. Kapu: And size and colors.

Ms. Pyle: And materials.

Mr. Freeland: Material too.

Mr. Kapu: So is there any way to, I don't know, maybe make one motion or something or look into the County based upon, you know, if the sign has to go through a certain criteria in order to be hanged in the Historic District, doesn't that also say that, you know, the building has to basically be of the same color or something? I don't know.

Mr. Freeland: Just for your information, in my opinion, the biggest violators of signs is the County themself. You look at the signs in Front Street. You know they were changed to wood and whatnot, but now they're putting up all the metal signs. Down the harbor, same thing.

Mr. Kalalau: You know, it's kind of difficult because we're trying to follow the guidelines for that Historic District when we make our recommendations and it's like nobody live by the recommendations or nothing get enforced, and it goes on and one, that is why, what Keoki was saying, the business people, if it's alright for him or I submitted my permit, you know, the County can take one whole year but, in the meantime, I'm going to use this big sign because nobody's going to come down here and tell me to remove my sign.

Mr. Freeland: Right.

Ms. Pyle: While I understand that, and Stan I know can speak to this and anybody who works for -- in the Planning Department that you don't have enough staff people, we totally

understand that, so this is not meant in anyway as a criticism along those lines, but essentially there is no priority placed on this particular issue and it seems to me that it is a very short-sighted failure because Lahaina really does -- it's a cash cow and it will cease to be so or be less and less of one as it becomes more ticky-tacky, and that I -- I've seen that happen in many, many places all around the country and in the world, and it's very, very short-sighted not to understand that you need to take special care of places that have special resources, and I don't know -- I don't know how to -- I don't know, whether we need to specially ask, as a Commission, to send Sam to visit the County Council, to just make a plea to them to pay more attention to this for -- and we can, as a Commission, make a whole long list of things, you know, that it is because of the economic parts of it, it is because of our heritage parts of it, it has a great deal to do with the open space issues, etcetera, environmental issues, and because we need to do something or it's going to be worse and worse and worse and not going to get better.

Mr. Kalalau: Well, Commissioners, we can -- I mean, you know, that's another thing that we could do, I mean whether it will be followed but at least we can say we put our comments in and our recommendations.

Ms. Pyle: Stan, is there anything in the general plan review that speaks to historic districts?

Mr. Solamillo: There is but I don't think it goes to the details of this Commission and we have -- this is really a problem with implementation, i.e. enforcement, and this is an ongoing problem that we have, and I don't have any fix it recommendations.

Ms. Pyle: We know.

Mr. Kapu: You know, the GPAC coming to Lahaina in June 2, huh?

Mr. Solamillo: I believe so, yes. That's what I heard. That would be an opportunity for you to voice your opinions about what's happening in the district.

Ms. Pyle: Perhaps that's also a time for where recommendations can be made about expanding the Historic District to meet the Landmark boundaries because that would be something that could be done in the GPAC, it would seem to me, that recommendation could be made.

Mr. Solamillo: That recommendation could be made.

Mr. Hopper: And, yes, just as a note that the GPAC is currently reviewing the Countywide Policy Plan, I know, cause I advise the Molokai GPAC, and that's where for all the islands so I'm not sure how specific they're going to get as far as the Historic District versus what they would be doing when the Maui Island Plan and the West Maui Community Plan review

comes up, which are slated to happen later. Right now, they're probably, you know, just FYI, looking at the big picture because whatever that plan would affect Maui, Molokai, and Lanai, and so just FYI when they come, yeah.

Ms. Pyle: I understand that. Perhaps, though the way to look at it is that attention needs to be paid to expanding historic and cultural districts throughout the County so that there will be continued protection for the future and, to me, that seems like something that could be brought up in this more -- this broader area and then the specifics can be narrowed in on for each area.

Mr. Hopper: Yes, that certainly would be the appropriate language for the Countywide Policy Plan.

Ms. Pyle: Thanks. So, I won't be here, I'll be on the Mainland on June 2, but certainly that kind of -- people need to go to that meeting and testify along those lines. Gee, how depressing.

Mr. Kapu: I get sort of a crazy question. In despite of the County providing enforcement, is there another entity would probably qualify for providing enforcement in those areas because it's a Historic District, let's say maybe, I don't know, some type of --

Mr. Kalalau: Park rangers.

Mr. Kapu: No, I mean something really needs to be done and, you know, I looking at, okay, if this is the Historic District and, you know, you get all these ordinances and codes and it basically boils down to, you know, rights of tenants within the area so is this -- what I talking about is like something really huge pertaining to like deprivity, you know, who's being deprived in this area, basically, for business being conducted in the Historic District. If it was me, I would say: Bottom line, the native Hawaiians, you know, because if this one cash cow, then how much percentage we losing out on, yeah, as a separate entity to this, and if the County cannot enforce, is there another solution where another entity can come in? I mean I would like to explore that little area myself because, you know, these merchants in town, the bottom line, they don't give any percentage to any, how would you say? For the betterment of our islands. All they basically is is just bringing in the cash, putting them in their Swiss account, and none of the revenues, the total cap revenues go back into the economy.

Ms. Pyle: Maybe there needs to be a Historic District tax.

Mr. Kapu: Yeah.

Ms. Pyle: You do business in the Historic District and you get taxed.

Mr. Kapu: Yeah, and a percentage goes to --

Ms. Pyle: Oh, I know this is just my ...(inaudible)...

Mr. Kapu: Also non-profits.

Mr. Freeland: Another suggestion on enforcement, I've heard this done elsewhere, you know, you're worried about the painting and redoing of a building and stuff, and the penalty went to the contractor, so all the contractors know the rules and regulations and if they did it wrong, they're the ones that are penalized, so they either gotta fix them or they lose their license, and that's what is being done in other historic districts.

Ms. Pyle: Very interesting.

Mr. Kalalau: Yeah. Yeah.

Ms. Pyle: Well?

Mr. Freeland: Mahalo.

Ms. Pyle: Thank you, Keoki.

Mr. Kalalau: Okay, thank you, Keoki. Commissioners, any -- this is actually a Communication item but I believe we could make some comments and comment on the Communication item. Maybe what we should do is somehow get the minutes of what we discussed and put them in writing and we can present them to the GPAC when they do go to Lahaina on June 2.

Ms. Pyle: I think that, from what you were saying, that any recommendation, we could word a recommendation from ourselves right now, perhaps, to go to the GPAC would have to be couched in a fairly general term for this particular meeting that they're going to have but with the emphasis placed on here you are in Lahaina, you know, and this is why we are bringing this up now and even though the -- this part of the plan is a -- a more overview plan for the entire County, there needs to be a recognition of the preservation of historic districts in the General Plan, and we will come back at a later time with more specifics for particular areas. I think we can easily do that. I still am somewhat, my opinion anyway, is that I think that our County Councilmembers are very busy people and they deal with a wide variety of things and many of them -- some of them my guess is don't go to Lahaina very often and they perhaps need a little wake up call as to what may be happening and I would really recommend that we send a delegation and ask for to be on their agenda and to ask the public to come also and testify about this or talk about it if they would like to. I just -- we sit in this room and look at how many people are here, and we can talk till we're

blue in the face and it doesn't get any publicity, it doesn't get any -- it doesn't get anything, but if it was brought to a much broader perspective, perhaps there would be more attention paid and we might get something done.

Mr. Kalalau: And that attention would be?

Ms. Pyle: That the County Council might recognize that there needs to be enforcement; that they need to think about expanding the Historic District to the Landmark size; that these are issues that not going to go away; and that we need to help.

Mr. Kapu: In the general plan action committee, being that they're going to Lahaina, there's a request form, yeah, for like if people wanted to go in front and propose something? Is there like an application?

Mr. Hopper: From what I know of, well, there's testimony open to the public available. Typically, in the past, I have advised commissions that if you're there testifying on commission business, then it would be proper to authorize, in most cases, the chair to speak for the CRC because you are a body and you would act for a body. If you're a -- an individual testifying, just as an interested individual, that may be different although the lines can get a bit blurred if, as individual, you happen to have the same interest of the business that's coming before the CRC. So, as far as that though, I think that, as far as the CRC is concerned, the prudent course would be to authorize the chair to speak on behalf of the GPAC, outline sort of basically what the matters would be that they would speak and then the best way of doing that would have the chair and appear and say: I am here authorized by the Cultural Resources Commission to testify. Here's what I had. And then they could ask -- would, hopefully, want to ask follow-up questions and get more information. You could also provide a written communication to them as authorized, a letter, perhaps a resolution, but either of those two courses could be possible, yes.

Mr. Kapu: So, basically, what we're asking for is to be placed on the agenda?

Mr. Hopper: Oh, if they're going to Lahaina, they're agenda should already have a description of what they're going to talk about. It's usually pretty broad cause they've got a large document in front of them and I think that, just to be sure, you would want to have that particular item on the agenda. But since you're coming to Lahaina, I believe that they would be pretty broad in terms of what they would allow you to comment on. It wouldn't have to be as specific as the Chair of the Cultural Resources Commission to speak, although it could be. The main thing is that -- see, what they're looking at is that Countywide Policy Plan, which is a huge document that goes, you know, far more than the Historic District; education, planning, things like that, so typically it talks about the sections in the agenda what it's going to talk about. I'm not sure about your particular meeting. It may very well be pretty broad. I think it would since that's the one visit to Lahaina that they

would allow you to speak on everything. But, you know, it doesn't have to be posted until six days prior to the meeting, and if it's on June 2, that's going to be a while. But if you could get -- if you could get that as a specific agenda item to have the chair speak, maybe you could coordinate that with the Planning Department and the Chair of the GPAC, and I think generally the chair sets the agenda for that group, so if they wanted to have you on the agenda, and you were properly authorized here to speak, then I think that could be -- especially in the interest of getting other members of the public out, when they look at the agenda and see that they're going to talk about it, that could be a good idea I think.

Mr. Kapu: Okay. Well, I guess -- I guess that's one area we can look into but what's to happen from now because the General Plan is, what, due when? And the problems exist now, yeah, so I really feel that the Cultural Resources Commission can really implement something to expedite something within the Planning Department to look into the matter now. I mean the GPAC is one area that maybe we can change some CC&R's inside, you know, the Historic District code but that's -- that's like longevity that, but what we going do about the problems that are now? I mean this picture right here, I see these guy soliciting out the window.

Mr. Kalalau: Okay, Dorothy?

Ms. Pyle: Perhaps what, I don't know how possible this is, is it possible for the CRC, our Commission, to have a workshop? And, at this workshop, to invite Chris Hart or one of his representatives, Keoki, perhaps someone like Colleen Suyama from the Planning Department to come and hash out with us what exactly, and we need somebody from Corp. Counsel, what exactly does the ordinances say, what exactly are the rules, what is enforceable and what is not enforceable, and we need to do that because it's just a big huge loophole it seems right now, and that needs to be done and then we need to find out, okay, if it's not enforceable, then we need to ask for an ordinance change. So that meeting would include people from all sides that have differing opinions needs to come together and it needs to be, to me, that would be -- can we have an executive session type of meeting? We're not really doing any business; we're just trying to get information.

Mr. Hopper: Yeah, that would not be proper for an executive session. Executive sessions are very limited exceptions to the Sunshine Law. What you're talking about would generally have to be an open session, it can be conducted as you're talking with the different people expressing their opinions, it would have to be an open session, or one alternative is the investigative committee exception to the Sunshine Law, which is very precise and you can -- you have to appoint the members specifically, it can be no more -- it can be no more than four because you can't have enough to constitute a quorum, and it does take three meetings. There has to be one meeting to assign the specific duties, one meeting to report back to the CRC, and then another meeting, separately agendaed, to take action on any

of those findings. I think I would recommend to you that it be agendaed as a workshop at a proper meeting, see if you could coordinate those people, and just do it that way.

Ms. Pyle: Right. Okay. Can we do that, Stan, do you think?

Mr. Solamillo: Yeah.

Ms. Pyle: Sooner rather than later.

Mr. Solamillo: Well, I mean we had tried to get SHPD to give us a workshop and --

Ms. Pyle: Oh, I know.

Mr. Solamillo: And it's been like a year.

Ms. Pyle: But they don't -- but they don't really live here.

Mr. Solamillo: Right, so --

Ms. Pyle: This is --

Mr. Solamillo: As long as everyone is here on island, then we should be able to do it.

Ms. Pyle: And it seems like Chris Hart seemed interested in trying to resolve this issue as well, so perhaps there is a possibility of getting -- cause Colleen is here, Keoki's here, Chris Hart's on island or some of his representative from him is on island, we should have a Corp. Counsel representative at any meeting we have, so that it should be possible to do that. It seems to me that we're kind of stalled without really knowing -- without really knowing.

Mr. Solamillo: Our powers.

Ms. Pyle: Yes.

Mr. Solamillo: Yes.

Ms. Pyle: And so we need to support that.

Mr. Kapu: Yeah, maybe Chris Hart can help us figure out how we going -- the County going get the four million dollars back.

Mr. Solamillo: Do you have a date? Do you have a date in mind?

Ms. Pyle: I'm leaving May 15 and I'll be back June 15, and so I -- you know, you can do this without me. I don't need to be here.

Mr. Solamillo: No, because you have institutional knowledge.

Ms. Pyle: Do we wanna have this as a special meeting?

Mr. Solamillo: It's really at the deference of the Commission.

Ms. Pyle: What was that?

Mr. Solamillo: That's at the deference of the Commission.

Ms. Pyle: Right, as far as I'm concerned, that's fine with me but I just don't know what everybody else's schedules are like. We did that for La`au Point. What do you think? Come on guys.

Mr. Lon Whelchel: Sound like a good idea. I just need to know what day. I have specific days taken, some open, so pick a date.

Mr. Hopper: And, as a note, there would have to still be a six days notice to post the agenda.

Ms. Pyle: Right, it would be after June 15 so -- and we also know that there are many room issues, trying to find a room. Yes, location. Where can we possibly have it. So --

Mr. Solamillo: Lahaina Restoration Foundation.

Ms. Pyle: We could have it there.

Mr. Solamillo: Do you have -- isn't there lunchroom?

Ms. Pyle: We can have it in Lahaina.

Mr. Solamillo: Isn't there a lunchroom downstairs, first floor, tables?

Mr. Freeland: What are you talking about?

Mr. Solamillo: In the courthouse?

Mr. Freeland: Oh, in the courthouse there's a meeting room, yes.

Mr. Solamillo: I mean it would be appropriate to have it there.

Ms. Pyle: Yes.

Mr. Solamillo: And would it be appropriate to have everybody take a long walk along Front Street?

Ms. Pyle: Yes.

Mr. Solamillo: And look at other areas within the district that has specific importance?

Ms. Pyle: Yes.

Mr. Solamillo: Would you be able to arrange that?

Mr. Freeland: For me, it's no problem. The only thing is Chris Hart, that guy's, you know, really busy, I'd say little later as then sooner as far as scheduling. Give him time to --

Ms. Pyle: After June 15.

Mr. Solamillo: I think it would be after June 15.

Mr. Freeland: After June 15 would be preferable.

Ms. Pyle: Alright.

Mr. Solamillo: Okay. I guess we're going to need blackout dates from people that you can't attend. So between June 15 and July 1.

Mr. Freeland: Yeah, that's good for me. I think Chris could make it. I need to confirm it, but I'll check with him.

Mr. Whelchel: After hearing all the verbiage, all this discussion, it sounds like the County is hung up on not being able to enforce anything or take action because the code doesn't require a permit for painting or renovations.

Ms. Pyle: We don't know that.

Mr. Whelchel: And Chris Hart has some little rules that he's savoring. I'd like to share those. If we could just have part of the rules he's going by that says, yes, this can be enforced. If we just had that, that would be a good starting point.

Mr. Freeland: I can supply that to Stan.

Mr. Kalalau: Okay, we need a date.

Ms. Pyle: Yeah, I'm --

Mr. Solamillo: You guys wanna suggest a series of dates or do we want to go to Chris Hart first and then get back to you? What's your preference?

Ms. Pyle: I just know that June 29 I'm, that's a Friday, and I -- that's not an available date.

Mr. Solamillo: A blackout date. Anyone else?

Mr. Kalalau: I'm pretty open from the 16th to the 29th.

Mr. Solamillo: Suzie also administers Molokai Planning Commission. What are blackout dates for you? 27th? Those are the two blackout dates. Any other blackout dates? Opposition to a Saturday meeting - open or no?

Ms. Pyle: Well, it couldn't be the 30th.

Mr. Solamillo: Right.

Ms. Watanabe: No.

Mr. Solamillo: No. Okay.

Mr. Kapu: If this going involve walking through hell town, any day is open for me.

Mr. Solamillo: Hell town? You call it hell town?

Ms. Watanabe: Not the 28th.

Mr. Solamillo: Okay, 28th, 29th, and 27th are now blackout dates. Okay, so we have the 15th through the 26th.

Ms. Pyle: And we shouldn't then have as much of a conflict with a room if we're going to have it in -- at the meeting room in Lahaina.

Mr. Freeland: No problem.

Mr. Solamillo: It would be awesome.

Ms. Pyle: Yeah. Perfect.

Ms. Watanabe: But you come back on 15th, huh, Dorothy?

Ms. Pyle: Yeah, I actually come back on the 14th so --

Mr. Kapu: The traditional hale down Kamehameha Iki Park going be finish, we can have the meeting over there too. If no more room in the courthouse.

Mr. Kalalau: If no more room.

Mr. Solamillo: Okay, we're going to blackout also the Maui Planning Commission date, which is the 26th, which gives us a 10-day window, the 15th through the 25th. So we'll work on that.

Ms. Pyle: Okay.

Mr. Freeland: There is an advantage for a weekend meeting. You get to see what happens under the Banyan Tree.

Ms. Pyle: Oh yeah.

Mr. Kapu: I can bring my ukulele.

Mr. Kalalau: We never approve you.

B. PERMIT REVIEW

1. HISTORIC DISTRICT APPLICATIONS

- a. MR. KERRY RINGROSE, on behalf of PACIFIC SIGN & DESIGN, INC., requesting review and approval of signage for a storefront located at 701 Front Street, TMK (2) 4-6-001:005, in Historic District No. 1, Lahaina, Maui. The CRC may approve the request and provide recommendations. Public testimony will be accepted. (S. Solamillo).**

Mr. Solamillo: Alright, Commissioners, I've -- we have an applicant to, actually, we have two applicants who are no-shows today. The first one is Mr. Kerry Ringrose on behalf of Pacific Sign and Design, Inc., requesting review and approval of a sign for a storefront located at 701 Front Street, and that building was shown in part by Mr. Freeland and given

to you as a handout. Corp. Counsel has advised me that it might be more prudent to defer until another meeting.

Mr. Kalalau: So Item 1, we're going to defer?

Mr. Solamillo: I'm asking the Commission.

Mr. Kalalau: So we need to make a motion, Commissioners, on Item 1, Mr. Kerry Ringrose.

Mr. Kapu: I make a motion to defer.

Ms. Watanabe: Second.

Mr. Kalalau: Okay, it has been moved and second.

Ms. Pyle: Can I ask a question?

Mr. Kalalau: Discussion.

Ms. Pyle: How long has this sign been there?

Mr. Solamillo: I do not know. When I shot the photographs for the presentation, the sign was already there so I'm presuming it might have been there as long as 30 days. The date on the application, this is for the first item, it's a sign permit.

Ms. Pyle: After-the-fact permit.

Mr. Solamillo: It's an after-the-fact permit.

Ms. Pyle: Or after-the-fact request.

Mr. Solamillo: Because I didn't even know. When they came in it wasn't labeled as an after-the-fact so I just went out and photographed the building and then it was there, and the paint color was -- was already applied.

Ms. Pyle: Just my perspective. It's on our agenda; the guy knows it's on our agenda; he's not here; why defer and let him keep his sign up there longer?

Mr. Solamillo: It's up to the Commission.

Mr. Kapu: Yeah, I rescind my motion.

Mr. Kalalau: It has been -- the motion had been second. Do we need to ask who second if you going to rescind your second too?

Ms. Watanabe: Rescind my second.

Mr. Kalalau: Okay, so we still have -- we still need to make a recommendation on that Item 1, I mean a.

Mr. Solamillo: I have a presentation.

Mr. Kalalau: Oh you have a presentation? Oh, okay.

Mr. Kapu: I get one question. Is he in for a -- what is he in for, for --

Mr. Solamillo: Signage permit.

Mr. Kapu: Signage permit? So but he got it up already, yeah?

Mr. Solamillo: He's got it up, yeah.

Mr. Kapu: So he should be in here for an after-the-fact permit too.

Mr. Solamillo: Alright, good morning, Commissioners. Alright, this is for a signage permit. It is after-the-fact for 701 Front Street, Lahaina, Maui, TMK is 2-4-6-001:005. The building is located as the arrow indicates. It's located in Lahaina Historic District No. 1. It faces Front Street. This was a proposal that came in for the signage but then there are actually two signs; one is a hanging sign and one is posted on the building. This is a photograph of the front elevation.

This is an interesting block because this is one of the few buildings that date from the teens. In 1914, we had a mixture of businesses that were located here and we had fishmongers located here; in fact, the whole block tended to be that as well as a Japanese hotel. In 1919, it was replaced by a concrete building, which ran along the 700 block and the reason why it was replaced was because we had the fire in 1916, which took out all the wooden buildings on this block. So, finally, we could locate these photographs and plan from doing the research for this.

This is one of the few buildings in Lahaina that actually has a sequence of photographs. This one was taken in the 1970's by Chris Hart. This is how the building looks today. The next series of photographs that I'm going to show you are actual photographs that were taken by Chris Hart in 1970. The things I'm going to call your attention to are the detailing of the building, doors, windows, transoms, we have a -- an awning which projects right

beneath an upper transom and above a lower transom. There's actually two sets of transoms and they're divided differently. Also note that we have capitals at the corner, at the corner storefront, which are featured on those ending pilasters. And then, although the real estate office in the corner has changed their doors at this time, the storefront next to it that has in the display window "Sale" that actually are original doors there. So they are paneled and they are glazed. The other thing to note is that we've got divided lights in almost all the storefronts except for the real estate office who has been changed.

I'm going to compare now because Chris did the full coverage of the building, every storefront, so we can actually look at every storefront and compare it between 1970 and 2007. This is what it looks like today. If you look at the former real estate office, it's now an ice cream parlor, we have multiple signs, multiple divided lights, and kind of going with a colonial character, and then, although I am a fan of Carribean colors, Carribean colors don't belong here. Storefront number two has been changed. We had originally asked this is the applicant, this was done administratively, please do a glazed two-door entry but that the glazed doors must have the lower panels. He'd originally suggested, on his application, that he just wanted to do single light in each leaf and that's what he went with. The transoms have been blocked out in both of the two storefronts and then that's both lower as well as upper. The next storefront over has been changed, muntins have been thickened by adding additional wood members but it still, in part, conveys some sense of what the original was. This is 699 to 703 Front Street, continuing down this block. In this case, the original windows are intact, the original transoms are intact, both the lower and the upper with the covered awning. Here we start getting more changes, although we still, with the exception of the middle one who is 701, who is our current applicant, and the way he treats the doors, we have, on the left of that storefront, we still have an original door. To the right of 701 and 703, we've got multiple divided lights, ala French door, but the windows appear to be passable and appear to carry the same muntin configurations that were present in 1970. What begins to jar us again, however, is looking -- when we compare the photographs, we've got a very monochromatic facade appearance in 1970, and then now we've got polychrome. Looking at 703 to 707, in the middle storefront, we get some changes that are happening to the window. The next storefront over from that we've got more changes with the transom above the door but the original storefront window is there. Today, 707 is nothing compared to its original self and, actually, the one that had first changed out the window, because that happened so far back, it might be allowed to stay, but his doors have definitely changed the character of that storefront. Similarly with 703, the French door concept doesn't work here.

I guess, at this point, since we were going for the applicant's testimony at this point, I'm going to leave it up to questions from Commission members. Feel free if you wanna go back to any slide.

Mr. Kalalau: Okay, the sign that is in question is that sign now?

Mr. Solamillo: Volcom, yes. There's two. One is perpendicular to the view plain right now so you don't see it. You would see it when you walk the sidewalk.

Mr. Kalalau: Is it right between the door and lamppost? The perpendicular --

Mr. Solamillo: Yeah, the perpendicular sign is, yes.

Mr. Kalalau: And they're authorized just one sign, right?

Mr. Solamillo: I believe it's two.

Mr. Kalalau: Two?

Mr. Solamillo: One hanging and one on the building.

Ms. Pyle: The signs meet the size requirements?

Mr. Solamillo: I believe so.

Ms. Pyle: That's what I thought also. And the sign is made -- they're made out of redwood, is that what I noted it said?

Mr. Solamillo: I believe so but I would have to look at the application again.

Mr. Whelchel: So far the sign is in compliance.

Ms. Pyle: That's right. That's why I was asking those; make sure it's made out of wood; there's only the two signs; they are in the proper size. It's the black building that's not in compliance.

Mr. Solamillo: It is the black building. That's correct.

Ms. Pyle: If my memory serves me, Kerry Ringrose has done a lot signs in Lahaina.

Mr. Solamillo: I believe he has, yes.

Ms. Pyle: And so I think he probably is pretty clear about what the restrictions are and so it doesn't appear that -- this says sandblasted redwood painted.

Mr. Solamillo: I'm glad you can read that because I can't.

Ms. Pyle: You can't read that?

Mr. Solamillo: I cannot read that.

Ms. Pyle: It says down here.

Mr. Whelchel: On the photograph.

Ms. Pyle: It says it right here on the form.

Mr. Solamillo: I can't read it though. Oh, on the form? Okay.

Ms. Pyle: Yeah.

Mr. Solamillo: I was looking at the drawing and I was going: I can't read it.

Mr. Whelchel: I noticed the specifications on the form and the picture.

Ms. Watanabe: Yeah.

Ms. Pyle: The description down here on the -- it says: One blade sign; one fascia sign; both signs sandblasted redwood; painted; raised cope and border.

Mr. Solamillo: Correct.

Ms. Pyle: And if he has complied with that, then it seems to meet the standards that -- and we have allowed signs that, essentially, have -- what's the word that I want? The symbol for the company to be on them and Volcom writes in that way so I don't think we can object to that either because everybody else does it.

Mr. Solamillo: Correct.

Ms. Pyle: My recommendation would be is that we send him a letter scolding him for putting the sign up before we approved it but, actually, go ahead and approve the sign.

Mr. Kalalau: We can do that.

Ms. Pyle: Anybody have any other comments?

Mr. Kapu: So an after-the-fact permit, what, he pays the fine? There's a fine, right?

Mr. Solamillo: There is a fine, yes.

Mr. Kapu: How much is the fine?

Mr. Solamillo: I do not know how much the fine is.

Mr. Kalalau: Again, is it -- can we make a recommendation on making sure that, because it's after-the-fact, that this person get fined and -- and now that we're approving this sign because it is in compliance with the signage laws, do we have ...(inaudible)...

Mr. Hopper: I think that -- well, the Planning Department would determine which fine would be appropriate in terms of the dollar amount based on the statute and the ordinances that define the fine. What you could do is approve -- potentially approve the sign on the condition that the appropriate fine be paid as determined by the Planning Department and that the -- and that all communication from the Planning Department be provided to reprimand the -- do you want to reprimand the contractor or the owner of the property? In this case, it's the --

Mr. Kalalau: It's the owner I think on the application.

Mr. Hopper: The owner?

Mr. Solamillo: The contractor. The sign is the contractor.

Mr. Hopper: The contractor?

Mr. Solamillo: Yeah.

Ms. Pyle: Actually, the owner's on here too ...(inaudible)...

Mr. Kalalau: Yeah, right here, the applicant.

Mr. Hopper: And that would -- that would tend to be a recommendation to the Planning Department to send -- well, you do have the authority to order a letter be sent, it would have to be typed by the Planning Department staff, cause you, obviously, I mean -- yeah, but you could -- I'm not sure how that would work as a condition of the approval. You could just take action on that issue as well, say that a letter be sent, but you could have an approval and that the approval would have to be granting the after-the-fact permit. I believe there is an after-the-fact permit fee and part of that fee, as defined in the ordinance, is a payment of, I'm not sure how it works with signs, but with buildings, the payment of the percentage of the value of the -- of the project, and I'm not sure how that works with signs or if that's even in the sign procedure, but there should be a after-the-fact permit fee provided in the budget that the individual would have to pay and that, of course, I mean once you would give your recommendation or approval, I believe they would have to pay that fee anyway. As far as any penalties, I'm not sure if they would -- they would apply. They may be in the -- it may say "fee" and the fee may be 10 to 50 percent of the value of

the project, which would be, in this case, the value of the sign; however, I don't wanna -- I don't want to commit to that because I know that's what happens with, for example, SMA permits. I'm not sure if it's like that for the building permit in this case.

Ms. Pyle: Thank you.

Mr. Kapu: I get one question. You know, I brought this up before, yeah, pertaining to how many after-the-fact permits the County basically has, yeah, and whether or not there was a solution to it. The bottom line is this guys can pay off the after-the-fact permits so they really don't give a damn. So, previously before, I made, you know, just a straight out comment to say that we shouldn't allow anymore after-the-fact permits because these guys just going put up the sign, they know they going have to pay the after-the-fact fine, or whatever it is, yeah, and they're not worried about that because this store going turn over thousands of dollars in a day and what's one sign or one after-the-fact permit? That's nothing. So I think this has a lot to do with the problems that arise pertaining to our presentation this morning on how we going fix these so-called little problems over here especially for this. Everybody in Lahaina Town thinks exactly the same because the people that building these signs do everybody's sign in the area. So if we just going give this guy one after-the-fact permit, then you know what? We not fixing nothing.

Ms. Pyle: The problem. I hear exactly what you're having to say. If we don't give him the after-the-fact permit, who is going to go over and enforce him taking the sign down? There lies the ...(inaudible)...

Mr. Kapu: Well --

Mr. Kalalau: Yeah, I hear you guys too. I hear you guys too. You know, these guy's signs are in compliance with the signs regulations, and like I feel for Keeaumoku that, you know, we should really go after the guys that have the illegal signs, you know, this sign is not illegal but it's after-the-fact but there's the guys with the illegal signs that's been after-the-fact, after-the-fact, after-the-fact.

Ms. Pyle: Yeah, they're still illegal.

Mr. Kapu: Well, one solution is no give them the after-the-fact and have him come in to present what he has to present, yeah, he can come in in front of us and say, you know, explain his so-called plan instead of the Planning Department having to come over here in his place to explain what's going on over here, at the same time, we're looking at, okay, we get one permit application for one sign but then it's in a form of an after-the-fact permit. You know what I getting to? I mean these guys, they ain't going come in. Nobody going come in.

Ms. Pyle: I hear that. And he isn't going to come in. He might come in if we tell him he has to, again, but he might not and his sign will still be up. That's --

Mr. Kapu: Well then that's where enforcement comes in and we don't know when actually enforcement going be.

Ms. Pyle: Exactly, and we don't have that right now.

Mr. Kapu: So if we allow this guy, then everybody else going say: You guys allowed him. So I'm really head-strong on this. I mean and despite he's in compliance, he should have been here in front of us but he wasn't; at the same time, he put his sign up for an after-the-fact permit, so that's where I stand.

Ms. Pyle: Make the motion.

Mr. Kalalau: So then --

Ms. Pyle: Is there, and we're back to the fine again, is there a fine for or some kind of a monetary fee for every day that you have a noncompliance sign up?

Mr. Solamillo: I do not know.

Ms. Pyle: I don't know either.

Mr. Hopper: There is a Historic District provision, 19.48.060, that says, "Any person from a corporation violating the provisions of this article whether in connection therewith a penalty referred is to or not for which the violation or penalty is specifically prescribed shall be fined in a sum not exceeding \$500." In addition to that, there could potentially be just violations of the -- of Chapter 19, which is a, you know, the zoning ordinance in general, that generally carries with it an initial fine, and, again, this is on a -- the issuance of a notice of violation of a \$1000 and a fine of \$100 per days after that, for the first 30 days; second 30 days is \$200 a day. However, with this particular sign, I don't believe any notice -- the Hawaii State Law requires the County to cite, to issue two notices of warning before they issue a notice of violation, and then once the notice of violation is issued, that's when the fines are specified, that's when you get your fine, your \$1000 fine; you have right to appeal that within 30 days and go to the BVA; that's how zoning enforcement is typically done. The problem being, as you referenced in the past, there are three inspectors for the entire County of Maui. But the -- to this date, I don't believe that there have been any notices of violation issued.

Ms. Pyle: No.

Mr. Hopper: That's correct, right? So there would need to be --

Mr. Solamillo: A notice of violation.

Mr. Hopper: There would need to be a notice of violation; however, there are after-the-fact permit fees, and I believe they are generally 10 to 50 percent of the value of the project, up to that, plus a, and I'm not sure what the after-the-fact sign permit fee would be, like I said, I'm not familiar with that in particular, but I believe there would be a specific after-the-fact fee, just like when you go in before-the-fact to get a permit. The issue you're talking about is whether or not an after-the-fact permit should be granted and that's -- that's in your discretion based on the -- the zoning code, the zoning ordinance right now.

Mr. Kalalau: Okay, Stan?

Mr. Solamillo: If I may, part of the reason why I showed you the entire block this morning was that, yes, this is an after-the-fact application. When I first went out there, yes, I did have a cow. It was at six in the morning and I was on my way to the ferry. But, if you look at some of the other buildings and some of the other signage that are much more outrageously violating than this applicant, I would tend to recommend not throwing the book at this particular person because I think we've got people who are in the block who are really outrageous, and I think singling this person out without going through this paper trail where you're going to establish, yes, for everybody in Lahaina, it's a new day, you know, and I've told that this was tried before and that the merchants went ballistic because the County went out there in mass and did the whole ticket thing, and they went ballistic, and they got called off and it's, again, we're back to a political will, that kind of thing.

Ms. Pyle: That's right.

Mr. Solamillo: So I mean Lahaina is a money machine. This is the final statement, it's in Hawaiian Airlines brochures, what does it say? "The jolly busy resort town of Lahaina resembles Main Street Disneyland." Okay, that's --

Ms. Pyle: They've said that for years.

Mr. Solamillo: That's in the tourist literature and, as I said, if we look at the rest of the block, this guy is kinda tame. So my recommendation or from the department's recommendation was to approve the sign, we would go after the after-the-fact fees, and we would want to deal with the paint color issue because the black facade is --

Ms. Pyle: Really out of place.

Mr. Solamillo: Really out of place.

Ms. Pyle: That's what --

Mr. Whelchel: I agree with Stanley.

Ms. Pyle: That was going to be my next suggestion was we also, aside from scolding him for coming in late with the sign --

Mr. Solamillo: But he was here at the last meeting that went on for four hours.

Ms. Pyle: Oh, yeah, see I didn't remember that so -- so we can't really scold him for that.

Mr. Kalalau: Yeah. Yeah. Right.

Ms. Pyle: But we could very strongly suggest that he take a look at the Lahaina Design Guidelines and realize that the paint color is inappropriate.

Mr. Solamillo: Yeah.

Ms. Pyle: For the building. This letter goes to the property owner, Waikiki Trader, or whatever it is in Honolulu.

Mr. Solamillo: And, actually, everybody ought to get the letter about paint color.

Mr. Kalalau: Yeah.

Ms. Pyle: So I move that we approve the after-the-fact permit for this sign -- signage recognizing that it is within the requirements of signage for the buildings in Lahaina but also noting that it is an after-the-fact permit, and also ask that the owner and perhaps the sign person be informed that they're paint scheme is inappropriate.

Mr. Whelchel: Second.

Mr. Kalalau: When you talking about the paint scheme, is it the building?

Ms. Pyle: Yeah.

Mr. Kalalau: Okay.

Ms. Pyle: The building paint scheme is inappropriate.

Mr. Kalalau: Right. Anymore discussions? We have a motion. It's been moved and second. Hearing none.

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

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

VOTED: to approve the after-the-fact permit for this signage recognizing that it is within the requirements of signage for the buildings in Lahaina but also noting that it is an after-the-fact permit, and also ask that the owner and perhaps the sign person be informed that they're building paint scheme is inappropriate.
(Assenting: D. Pyle; L. Whelchel; N. Watanabe; S. Kalalau)
(Dissenting: K. Kapu)
(Excused: V. Marquez; K. Moikeha; P. Artates)

Motion failed.

Mr. Kalalau: Okay, we have four and one, so it doesn't go because we need what? Five?

Mr. Hopper: It would be no action in fact because there wasn't a motion to -- to deny the permit so I think it would be a defacto deferral at this point because there's no action that has been taken.

Mr. Kalalau: Right.

Mr. Solamillo: So a defacto deferral to another meeting?

Mr. Hopper: Well, it would be no action. I mean a silence or refusal to vote is an affirmative vote but there was a vote against, so vote oppose, so there would be no action taken at this point; it's certainly not an approval. Unless there's an alternative motion to deny the permit, I would say that no action's been taken at this point. The problem is it's an after-the-fact permit so I don't believe that there's any time limits involved. Typically, the problem with no action was if there was a time limit, and the time limit ran, it would be deemed granted. However, in this case, since it's after-the-fact, I'm not sure if there is -- I've been informed that there's no time limit that there is here so this would be, I believe, appropriate addressed in the future. I mean, at this point, there's been no action taken so the permit's not approved.

Mr. Kalalau: So it's still after-the-fact. So that means do we reschedule him for our next meeting? Do we have to make a motion on the deferral now because since there's no action, no actions was made?

Mr. Hopper: I believe that would be prudent just to get it on your next agenda but, in either case, it's sort of in limbo right now because there's been no decision made on it, so if whether or not you made a motion to defer, there was no action taken on it so it's still, basically, out there.

Mr. Kalalau: Okay, and so we just can schedule him on our next meeting because no action has been taken on it?

Mr. Hopper: I believe you could but I'd still recommend a motion to defer if you could agree on that.

Mr. Kalalau: Commissioners, how you guys feel on that? If not, we're going to have to make a motion for what we first started off with. Yeah, so we got five here and if all of us agree that we defer this to be rescheduled on a future meeting, we need a motion then.

Mr. Whelchel: I make a motion that we defer the 701 Front Street sign project until the next meeting.

Mr. Kalalau: Moved and second. Anymore discussions?

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

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

VOTED: to defer the 701 Front Street sign project until the next meeting.

Mr. Kalalau: Motion carried.

Ms. Pyle: Stan? Stan?

Mr. Solamillo: Yes, ma'am?

Ms. Pyle: Can a letter be sent to them informing them that this was discussed? Can we do this? Discussed at this meeting but --

Mr. Solamillo: No action was taken.

Ms. Pyle: But no action was taken and that they're presence before the Commission is really required.

Mr. Hopper: I believe that you could. I, again, I would take a motion and vote to do that cause you're a body rather than an individual. But, I mean, was the motion passed?

Mr. Kalalau: Yes.

Mr. Hopper: To defer? Okay. That would be the next item then I think is to send, well, yeah, you can take the motion --

Mr. Kapu: ...(inaudible)... it's the color.

Mr. Hopper: That you can make. I would --

Mr. Kalalau: It's a recommendation ...(inaudible)...

Mr. Hopper: Yes.

Mr. Kalalau: Because, you know, it says, okay, the request and provide recommendations for --

Mr. Hopper: Yes, that could be in a letter informing him of what went on at the meeting and that your presence is required at the -- at the next meeting. Also, if you have more members at the next meeting, there could be action if there's more than five, obviously, so --

Ms. Pyle: Okay.

Mr. Kalalau: Okay, Commissioners, so --

Ms. Pyle: I make a motion like just what he said. Does that make sense to you? Do you guys understand?

Mr. Kalalau: So moved.

Ms. Pyle: So moved.

Mr. Kalalau: Do I hear a second?

Mr. Whelchel: Second.

Mr. Kalalau: Okay, moved and second. Any discussions?

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

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

VOTED: that a letter be sent to the applicant informing them of what went on at the meeting and that their presence is required at the next meeting.

Mr. Kalalau: Motion passed. Okay, Stan.

2. ADVISORY REVIEW

- a. **MR. EVAN ASATO, on behalf of MS. LORENA GOMEZ-TAKETA, requesting advisory review and comments on Proposed Single-Family Infill House located at 188 Prison Street, in the National Historic Landmark (NHL) District, TMK (2) 4-6-007:032, Lahaina, Maui. The CRC will review the architectural plans and provide comments and recommendations on the proposed design. Public testimony will be accepted. (S. Solamillo)**

Mr. Solamillo: Okay, under Advisory Review, the first item, Mr. Evan Asato, on behalf of Ms. Lorena Gomez-Taketa, requesting advisory review and comments on a Proposed Single-Family Infill House that is located at 188 Prison Street, in the National Historic Landmark District, TMK (2) 4-6-007:032, in Lahaina, Maui, has been, by the request of the director, deferred once more. I'm not trying to be sassy at all.

Ms. Pyle: Yes, you are.

Mr. Solamillo: No.

Ms. Pyle: You love it.

Mr. Solamillo: I was -- this has been, as you can see from some of the correspondence that have been included for your reading pleasure, it's become more testy. We're trying to resolve a basic in intention in a meeting that the vice-chair has requested her presence at. This is a meeting with the applicant, the applicant's architect, and the director of the department questioning CRC jurisdiction.

Ms. Pyle: I just wanted to speak to that a little bit because I think I really need everybody's permission to go --

Mr. Kalalau: Okay.

Ms. Pyle: To go to this. I think that the issues that of what is a National Landmark; what the Hawaii Register of Historic Places is, there's been numerous references in here to the

fact that the -- this site is not on the State Register of Historic Places and I, because of the background that I have from way back in the 1970's, have a lot of, what do you call it? Institutional --

Mr. Solamillo: Institutional memory.

Ms. Pyle: History or something, and so I think that I can really be of real assistance to Stan in going to this meeting and trying to explain, you know, the fact that Iolani Palace is not even on the State Register, it doesn't need to be because it is a National Landmark, and I think those kinds of issues really need to be presented, and so I would like to present if I can be.

Mr. Kalalau: So what's the difference between a landmark, a National Landmark and a national historical site?

Ms. Pyle: The, in the 1960's, the Congress in Washington decided that our national heritage was slipping away and they, being the Feds, went on a -- did a national program, the Feds did it, not the states, and they went to every state and, with a lot of input from the residents and a lot of research, determined the areas, and I'm not going to just say buildings, but sites that met their criteria as nationally important, and for the State of Hawaii, there are 22.

Mr. Kalalau: And back then they identify them as National Landmarks?

Ms. Pyle: They're National Historical Landmarks. There are also other types of landmarks, but these are National Historical Landmarks, and so they were all placed automatically on the National Register of Historic Places. They're the first things that were put on the National Register.

Mr. Kalalau: I see. I see. Okay. Okay.

Ms. Pyle: And then every state was required to do their own survey and to come up with things that they could -- thought should be on the National Register and they apply. And so now we have the bridges, the Hana bridges, we have a number of other things that are on the National Register, but that was at the State's request, but the Landmarks overarch everything and the -- because I was on the staff of the State Register, they're so valuable, the National Landmark status is so overwhelming, we didn't need to do anything with them. You know, it would be ridiculous to think that we could tear down a building or build something on the grounds at the Iolani Palace with the idea that, oh, we didn't ever place it on the State Register so, therefore, it's not valid, and that's what this guy is arguing or this person is arguing. So the Landmark is, you know, if you have a scale, it is the gold star or the platinum or whatever it would be and everything is after that.

Mr. Kalalau: Okay.

Ms. Pyle: Anyway, you need to make a motion, I think, perhaps to send me to go to this meeting.

Mr. Kalalau: And, Stan, are you guys taking care of the meeting in -- with the people and ...(inaudible)...

Mr. Solamillo: This is ...(inaudible)... actually it's being coordinated with Avis. Avis is doing the coordination.

Mr. Kalalau: Oh, okay. Okay.

Mr. Solamillo: On behalf of the director.

Mr. Kalalau: Okay, Commissioners, we need to make a recommendation that Dorothy sits with the Planning Department and these people on the Taketa-Gomez house project.

Ms. Pyle: I can't make it.

Mr. Kapu: I'll make the motion.

Mr. Welchel: Second.

Mr. Kalalau: Okay, it has been moved and second. Discussion?

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

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

VOTED: that Commissioner Pyle attend the meeting with the Planning Department and the applicant regarding the Gomez-Taketa house project.

Mr. Kalalau: Okay, motion carried.

Ms. Pyle: And you will just let me know the time and place?

Mr. Solamillo: Yes. I guess one, probably just a side item, it's not Gomes because she's a Mexicana so it's Gomez.

Ms. Pyle: Alright.

Mr. Kapu: You know, I get one question to this. Across the street is Historic District 1, in that area, there's no Historic District? Yeah, Prison Street, yeah, the Hale Pa`ahau, yeah. So right ...(inaudible)... to that is David Malo Square, okay, you haven't listed that as anything, like 3, 2?

Ms. Pyle: It's part of the National Landmark.

Mr. Kapu: Yeah.

Mr. Solamillo: But it's not -- I mean but it's not listed --

Ms. Pyle: That's why we need to enlarge the Historic Districts in Lahaina to reach the boundaries of the Landmark.

Mr. Kapu: So is this permit in? So nothing that can trigger view plains or anything to slow this guy down?

Ms. Pyle: That's what we're trying to do.

Mr. Kapu: Construction --

Ms. Pyle: That's what we're trying to do.

Mr. Kapu: Okay.

Mr. Solamillo read Item B.2.b. into the record.

- b. MS. LEANN McGERTY of SCIENTIFIC CONSULTANT SERVICES, INCL, on behalf of STATE OF HAWAII, DEPARTMENT OF TRANSPORTATION requesting comment as well as additional information on cultural practices and beliefs, including subsistence, commercial, residential, agricultural, access-related, recreational, religious, and spiritual customs as well as traditional cultural properties or any other types of historic sites as part of a Cultural Impact Assessment (CIA) for the Proposed Kahului Access Road located between Dairy Road and Hana Highway, Kahului, Maui. The CRC may provide comment and public testimony will be accepted. (R. Loudermilk)**

Ms. Robyn Loudermilk: Good morning, Commissioners. I'd like for you to look at, in your packet, for a letter dated January 25, 2007 from Scientific Consultant Services.

Ms. Pyle: It's on the back side of something so it's got a front page --

Ms. Loudermilk: Oh, okay.

Ms. Pyle: That says "Kahului Access Road" and --

Ms. Loudermilk: Okay, well, that would be the one, and attached are -- are two maps. The first map is a general map of the Kahului Airport Access Road. I am showing it. See if it's part of your packet.

Ms. Pyle: Yep. Yes, this is an almost incomprehensible map.

Ms. Loudermilk: And then there's a second map that shows the Kahului Access Road Phase One. The State DOT will be coming in to provide a new access road to the Kahului Airport. The most significant changes will occur along Dairy Road, so I'd like to turn to the map for the Phase One. It shows that it -- the road will terminate at Puunene Avenue by the First Assembly of God, go behind the Fire Station, back behind the existing industrial park, then hook up with Hana Highway, and then once -- then it'll cross Hana Highway and go to the airport area in the vicinity of where the new animal quarantine place is going to be, generally. The reason why the project is before you, it's in the special management area, portions of the project is in the special management area. It'll be coming before the Maui Planning Commission in the future for a special management area review. As State lands and monies are being utilized, it triggers Chapter 343 compliance and as part of that 343 compliance, the applicant's consultant is requesting any formal comments or consultations to advise them on, one, the Cultural Impact Statement and, secondly, any other information that can be provided on any additional cultural, historic resources.

Mr. Kalalau: Question?

Ms. Pyle: The 343 compliance, is that the same as the Highways 4-F where you can't use Federal funds to impact historical sites?

Ms. Loudermilk: No Federal funds are going to be used.

Ms. Pyle: This is State funds?

Ms. Loudermilk: This is all State funds.

Ms. Pyle: Okay. This is NASKA.

Ms. Loudermilk: This is old NASKA, yes.

Ms. Pyle: Yeah, okay. So I am -- that's -- what comes to my mind, I have no idea what the consultant is doing about that, there's a tremendous amount of military World War II history involved in this area and I think that there needs to be some reference, clear reference made to that.

Ms. Loudermilk: For the airport itself.

Ms. Pyle: And there, definitely, needs to be an understanding about what the map of this earlier area; what buildings were associated with NASKA or not; and I know, on this side, most of it's cane fields and has been cleared and so on and so forth, but, in the long run, this project is going to have -- pointless for them to build half the road and then be stalled because of the cultural impact on the other side and not be able to do it. So to do this piecemeal is really silly, and that's what I would like to tell the consultants that let's see the whole thing, not just a piece of it.

Ms. Loudermilk: No, this is --

Ms. Pyle: No, it's not the whole thing. It's not the other side.

Ms. Loudermilk: This was -- okay, this is the pre-consultation. Once documents are completed, we can come before the CRC for further comments. This is advisory that they want to know. So in terms of NASKA, okay, make sure that information on NASKA is included.

Ms. Pyle: But I guess what I'm saying is is that, from my perspective, from the Commission's perspective, let's see this piece and the other piece at the same time because it's pointless, from my point of view, to say: This is fine. You've done all the research. The road can go as far as Hana Highway. And then there's going to be a hangup on the other side of the road.

Ms. Loudermilk: On this particular paper, I will come and point out to each of you where it will be connecting to the airport. It is all one project.

Mr. Kapu: I have a comment. I think Scientific Consultant Services, they're hired to do -- they're hired to do like data recovery.

Ms. Pyle: Then why isn't it on this map?

Ms. Loudermilk: The alignment. I'm just showing the alignment.

Ms. Pyle: But we don't --

Mr. Kapu: But I guess -- I guess they're coming to us -- to us for some advice pertaining to a whole full scale of information based upon access rights, cultural, you know, all these kinds of things and, you know, it's hard to make any determination when you got a limited knowledge as pertaining to what SCS has already conducted in the area cause they're the consultants, they're a scientific consultant service, they're archaeologists, so if they've been working in the area, they know of some areas that might be possibly impacted upon, yeah?

Ms. Loudermilk: This is to assist them. If we need -- if we need new maps, I'll defer it and ask them to provide new maps. But it is one project from the airport to Dairy Road, and this is what was provided. If the Commission wants some new maps, I can do that. I can defer it and ask them that the Commission is requesting revised mapping for them to further provide the advisory -- to provide whatever comments they want to provide you to put into the Cultural Impact Assessment.

Ms. Pyle: The thing I think what you're getting at is that they're asking us to guide them in looking for the information that they need.

Ms. Loudermilk: Yes.

Ms. Pyle: And we are a body of, today, five people, some who don't live on Maui, and our expertise in this area is -- should not be their expertise. What I'm getting at is they're the researches and when they have come up with a report, we will review their report and, at that point in time, if we feel that they or believe that they are lacking in a particular area of their report, we can inform them of such. But, at this point in time, I can't sit here and say: You should reference this; you should go here; you should interview that person. That's their job. It's not my job.

Ms. Loudermilk: Okay, then this comes back to a larger policy question because, and I'm just going to bring it up here now because it's on this, is that if you do not want to be consulted while they're trying to get the information, please let us know. We will not put it on the agenda.

Ms. Pyle: That's not what we're saying. I think it's great that we're consulted, but we need something more than -- then what's here to be consulted about. To simply say: Give us the information. What -- you know, that's just too vague.

Ms. Loudermilk: As part of the consulting party --

Ms. Pyle: Perhaps they could give us some things that they are working on, or give us a list of the references and interviewees that they are working with, and we may be able to

add to those things. But, at this point, we have nothing to go on. We don't know what they're doing.

Mr. Kapu: I guess I get one question. I think this is an -- what is this, like an expansion of the Kahului Airport Access Road?

Ms. Loudermilk: No, this would be the new roadway. The new roadway --

Ms. Pyle: The overpass.

Ms. Loudermilk: No, the the four-leaf clover. And I would request -- okay, we defer, but I would also request from this body, through -- I guess through Stan, that in future meetings that we get criteria from this Commission on what they wanna see for pre-consultation in relation to the CIA; that way it would minimize wasting my time, wasting your time, and -- cause we have four of these today.

Ms. Pyle: Right.

Mr. Kapu: Well, I can give one recommendation to SCS. That they look in the matters of, you know, I guess access issues pertaining to HRS 7-11-1, you know, in there or, basically, give them a guideline as pertaining to what they need to do, especially in the consultant area where possible cultural knowledge of the area that it would automatically point them to the areas of where they need to go, like doing one cultural impact assessment with people that is knowledgeable of the area, cause I know this back area, there used to be -- I mean way before, long time, before the airport was put in, used to have homes back there, yeah, so that's, you know, I guess if they're looking for that type of knowledge, how they going pursue this, you know, that's one area out of HRS 7-1, Article 12, Section 7, I can give them one whole spill of things pertaining to what they need to look into.

Mr. Kalalau: You know, this case is similar to the telescope on Haleakala where they sent their archaeologist down here and they were asking us the same questions that these guys want from us and, you know, they're paid -- they have paid consultants that do all their historical sites and cultural impact and stuff, you know, I don't think it's our responsibility but we can ask, like Dorothy was saying, that, you know, we can ask for certain materials that they already have done with the site areas or the recommended areas. Basically, that's what we told the archaeologist from the telescope people too, yeah, was to go do their part first, and then submit it to us, and then we can see where we can work with them from there on.

Mr. Kapu: You know, and this -- this also triggers some input from the PASH, public access shorelines, cause it's access related issues, recreation or religious, spiritual customs, traditional, cultural, you know, there's a lot of things ...(inaudible)...

Ms. Loudermilk: So I guess what I'm hearing from you and what I need guidance on and the rest of us in the Planning Department is in what part of the consultation for the CIA does the CRC wanna be involved with?

Ms. Pyle: I think one of the things that I'm just thinking about is that our Commission meetings are kind of like a open meeting for additional information to come forward because when things are noticed on our agenda, that agenda, I don't know how widely spread it is, but apparently people appear and they are the ones, it's the public that we really want to have have input, and so when these issues come up, they need to be on our agenda, but this seems a little premature because there's nothing for anybody to comment on. But what I see what our role is is to agenda these items, open them to public input, have the applicant present to hear the concerns, the additional information, to make additional contacts so that they're eventual reports can be more complete when they finally come back to us again for approval. But we can't do that if we don't have something for people to look at.

Ms. Loudermilk: Okay, again --

Ms. Pyle: Does that make sense?

Ms. Loudermilk: Yes, it does, and so staff would request that guidance be provided so that we can let the various consultants know when they're coming in, when they're doing the CIA process, at what portion in the CIA process does this body want to have them come in for review and approval. Cause the bottom line may be they only going to come in for the consultation. There will be nothing in the CIA or the archaeological inventory that warrants them coming back.

Ms. Pyle: But if they have written the material up, and we understand what the scope is that they have presented, and it is at a public forum, and it appears -- if many people come, I have no idea if this would ever happen, but if many people come and say this is lacking, this is lacking, this is lacking, then it should be quite clear that what they are doing is not appropriate for the permit they're looking for.

Ms. Loudermilk: Fine, I -- we just still need, again, when in the CIA process do we want these items to come before you? That's all I'm asking. And that's all I want from this body so we can let -- no, that's all I'm asking --

Ms. Pyle: I understand but I also think that it's very, very difficult because each one of these things is a different type of thing, and there may be an area that is a roadway that goes through an apartment building and the cultural and the resource impact is going to be pretty negligible because it's already been done, and so that could come at the very end and say this is what we're doing and we could just say: Bless you. But if it's going through

a very well-known rich archaeological area, then perhaps we would need to see it earlier. So trying to give you a cutoff time is not going to work very well because each permit is going to be different.

Ms. Loudermilk: Again, and based upon that, I don't think staff wants to be the one to make that determination of what is negligible and what is not negligible. That's all I'm saying.

Ms. Pyle: But we can't, I don't think, from my perspective, I can't tell you a thing based on this. I just simply can't.

Mr. Kapu: I get one question. You know, normally when Scientific Consultant Services do anything, that's why we get these memorandums from the State, yeah, so I don't know whether or not this is State money for County purpose, and why is SCS coming to us? Because, normally, they have a requirement that they need to do, basically, State law requirement that they need to do to do an assessment, cultural inventory assessment, data recovery, yeah, and everything is sent to State Historic Preservation through Department of Land and Natural Resources. These are the memorandums. Now, they're coming to us basically what the State requires them to do and what they're asking for from us. So, as a consultant --

Ms. Pyle: We're back to needing to meet with the State Preservation Office because we need to understand the time frame. Are they presenting something to SHPD? Will we get a letter of reference back from them saying what they require? We just are in limbo without understanding the timing, the requirements from -- we just need a much clearer understanding of who --

Ms. Loudermilk: When it comes to cultural impacts that doesn't go to -- the cultural impact assessment is not reviewed by SHPD, it's purely a 343 requirement, and the guidelines for assessing cultural impacts are part of the Office of Environmental Quality Control, so that's part of the dilemma. Yes, the archaeological and other historic stuff follows the 6E process that SHPD, CIA's do not follow 6E. They are a separate entity onto their own. So all -- all that these entities are doing, at this point in time, is that according to the guidelines for assessing cultural impact offices, they have been directed, at the earliest time practicable, to get the identification of the types of cultural practices and beliefs subject to assessment, yada, yada, yada, with what's in the letter. And, again, that's -- it's -- that's a major distinction.

Ms. Pyle: I can't separate archaeological, historical, and cultural, and so here -- are we looking to -- are we saying that there's two different processes here?

Ms. Loudermilk: Yes. Potentially, yes, because the CIA process was supposed to supplement the 6E process cause the 6E process did not cover everything that --

Ms. Pyle: I understand that.

Ms. Loudermilk: So it supplements it, there may be overlap, but what I have before you and what these letters are before you are strictly in relation to the CIA process. It doesn't mean it doesn't have overlapping with the 6E, but the -- the 343 process, this is part of the 343 process, not the 6E process.

Ms. Pyle: This whole thing is just insane.

Ms. Loudermilk: No, I agree but this is --

Ms. Pyle: I'm not blaming you.

Ms. Loudermilk: No, no, no, no, I understand. So all that they're doing is saying, you know, part of the 343 process, you're required to do the CIA and, as part of that, we're supposed to come -- we're supposed to identify a number of bodies, at the earliest time practicable, to help us get the information we need --

Ms. Pyle: ...(inaudible)...

Ms. Loudermilk: Yes, on one component it is the checklist. Now, whether this body -- how it wants to participate is up to this body and if you want to see these, fine. We'll bring it. If you do not want to see these, that's fine. We will not bring it. If it's somewhere in between, you know, maybe we have to check the guidelines under the 343 process and --

Ms. Pyle: I think that I think is my next question.

Ms. Loudermilk: Yeah.

Ms. Pyle: What role do we have in that process?

Ms. Loudermilk: Advisory.

Ms. Pyle: So --

Ms. Loudermilk: I mean as, no, it's a consultant -- you're a consulted --

Ms. Pyle: Agency.

Ms. Loudermilk: Not even an agency, an entity, I guess in the broader picture.

Ms. Pyle: Okay. So, in reality, they can consult us, we could send them pages of information, and they can ignore us completely? In reality.

Ms. Loudermilk: In reality.

Ms. Pyle: If this is real.

Ms. Loudermilk: No, in reality, they could, yeah. Or they could take the information --

Ms. Pyle: So we don't have an advisory power; we don't have really the authority to ask them to come back again because they were incomplete the first time; we don't have any of that kind of authority?

Ms. Loudermilk: For the CIA, yes, in the big picture.

Ms. Pyle: Okay.

Mr. Kalalau: Okay --

Ms. Loudermilk: In the context of the larger projects, if issues emerge and are not resolved, then that's where the body comes back in irregardless if it's CIA or the 6E process in that you folks are our experts in advising us if there are potential impacts in relation to 343 and the SMA law that these things really need to be resolved and it would have to be put onto the applicant to resolve them. So, yes, you're right. Legally, theoretically you have nothing. But, in the final picture, they need a permit. They have to listen.

Ms. Pyle: We're advising -- but, right now, they're asking us to give --

Mr. Kalalau: Comments.

Ms. Pyle: Through you, they are asking us to give them comments. But what you just said is that down the road, the Planning Department may be asking us to comment. That's two different things.

Ms. Loudermilk: Yes, that is.

Ms. Pyle: Right. And, to me, at this point, with the information given here, it's pretty nebulous to try to give them information but, definitely, at the point where you would be with questions, then, certainly, we should be consulted. There's two different steps there.

Ms. Loudermilk: Okay, so if there's preliminary inquiries like this, you folks need to decide what you want us to bring forth and not. That's all I'm asking.

Mr. Kalalau: This is why it's open for comments. We get to comment on this.

Mr. Welchel: I feel they are --

Ms. Pyle: We have nothing to comment on.

Ms. Loudermilk: Well, no, I would disagree with Dorothy in that NASKA --

Mr. Kalalau: Right. Right.

Ms. Loudermilk: Okay, that is something that should be in -- a part of the CIA, the role of NASKA in the larger history of things. That's very valid. That's part of, you know, one portion of the project. Now we may not --

Ms. Pyle: They may already be doing it.

Ms. Loudermilk: We hope so. That's all I say. We hope so.

Mr. Kapu: So they want from us pertaining to certain areas that we advise them to seek like --

Ms. Loudermilk: Should the body want to. That's all I'm saying. Should the body want to.

Mr. Welchel: They're giving us information so that we can understand the scope of the project and they will continue updating us as they make more progress?

Ms. Loudermilk: Not necessarily.

Ms. Pyle: Not necessarily.

Ms. Loudermilk: Not necessarily. So, again, it comes down to is it a matter of information. Do you want to see it up front but with a certain amount of information other than what's provided in terms of the mapping?

Mr. Kalalau: You know, because we don't have public testimony and because we only have the County Planner that's working on the project here, isn't -- and they're telling the Cultural Resources Commission to just comment on this matter --

Mr. Solamillo: Can I offer something to the Commission?

Mr. Kalalau: Okay, Stan.

Mr. Solamillo: The two items that have been posted after the two that Ms. Loudermilk is giving to you are sent to me. I don't know anything about these areas. This may be the only time that you get an opportunity to comment given the way that it works currently. When I first initially get these letters, my first reaction is this is a fishing expedition. You're not doing your work and you're getting paid a lot of money to do that, right? But because I get the letter, it's posted in the file, I have to respond to Current Planning, I don't know anything about this; I don't know anything about this particular case or its location; I have to come to you, and that's why these cases -- that's another reason why these form letters are being brought to you today. If you don't want to see them because, technically, I don't want to look at anything until it's in draft form, right, because I don't have anything to comment on, okay, so if that's what you would like, then you need to probably issue that as a comment.

Mr. Kalalau: Do you know if Leann McGerty has done some work in the field?

Ms. Pyle: You mean on these projects or just in general?

Mr. Kalalau: No, on these projects?

Mr. Solamillo: I don't know to what degree because I mean I had to call her and she had to look up TMK numbers because I didn't have all the information to even put together the formal agenda. It's the very early stages of these projects and it's part of the process. Robyn could probably give you more information.

Mr. Kalalau: Okay, you know, because the telescope process was the same thing too but they came before us with already studies done, you know, they did a impact study on the entire area on their entire project, you know, and then they came back to us, not long ago, saying that they wanted this same request here and we told them because they already did preliminary studies and stuff that what they needed to do was go to the different resources in the community to complete their -- what they're asking us here.

Ms. Loudermilk: May I say something about the telescope cause you're using that as a comparison to what we're doing here? Those are two totally separate projects. What they did were required under NEPA and NEPA doesn't require a lot of things but they were being sensitive so it -- that -- I understand what you're getting at but that's not the -- the process that they use is not the same process that these letters are being used for. They were not subject to Chapter 343 and the CIA process by the State. They were subject to whatever Federal requirements there are. The two projects that I have -- the projects that I have before you trigger the -- the 343, the State process, cause this item State lands and

funds and another item has to do with County land and funds so, you know, Stan provided you with how things are in terms of the letters and what -- and, again --

Mr. Kalalau: You know, I think we understand that but why -- why can't they supply us with the information that would help us make -- answer these questions, address this, you know, give your comments or address this -- this kind of --

Ms. Loudermilk: As Stan indicated, this is the beginning part of the process and, as he said, this is part of their fishing expedition in which the vice-chair has indicated, at least for CIA, it's a check off list item. Again, you know, maybe you can work with Stan, you know, work with Stan in terms of where in the CIA process you folks wanna fit in and just take it from there.

Mr. Kalalau: Okay, thank you. I see we have people in the audience. Do we have anyone in the audience that wanna testify on this agenda item?

Ms. Uilani Kapu: Aloha. Uilani Kapu. This is where it comes in. Planning Department is overwhelmed with things. You folks are the Cultural Resources Commission. They're asking for cultural advice. In a way I like this, but I agree with Dorothy. It's not enough information. You folks need to request a draft form. If it could be sent to you before you folks come here, that way you folks can just address it at that time and put it on the floor. I mean it makes it easier. It makes the process go by faster for you folks to receive it at home, ahead of time. It'll help the planners in their planning stages and it's a good opportunity for you folks right now cause they're asking you folks what do you folks want. And I agree, they're supposed to have the information already that the company -- you folks need to have a package also on what they're required to do so you folks understand it more and I would request for everything to be mailed to you folks when the planners get it and then you guys can work from there, from home it's easier, and it gives you folks a lot of say.

Ms. Pyle: Opportunity.

Ms. Kapu: Yes, a lot of say. And how can my organization be a part of this? We'd like to -- because cultural -- Kuleana Kuikahi is an organization in protecting the culture and preservation for its history, we'd like to be on the mailing list of any of these so I'm just throwing that out. Uilani Kapu, Kuleana Kuikahi, and I'll give you my address. Mahalo.

Mr. Kalalau: Anyone in the public wants to testify on this agenda item? Seeing that we have none, we'll close this testimony portion of this item.

Ms. Loudermilk: Based upon our discussion, I suspect we'd want a letter indicating that we'll decline to comment at this time; however, we would like -- we will decline comments until we have had an opportunity to review a draft CIA.

Ms. Pyle: Good job. Good job.

Mr. Kapu: The CRC would also wanna be a part of the CIA, right?

Ms. Pyle: I think that Uilani's comment was a good one. We're all kind of vaguely familiar with the CIA thing but perhaps you could -- is there some summary of the requirements of the CIA that you might be able to just mail out to all of us?

Ms. Loudermilk: The Current Division will work with Stan to see what information you folks need to be better prepared or understand what is --

Ms. Pyle: Yeah, just what are they looking for, you know?

Ms. Loudermilk: Yeah, we can do that. We can do that.

Ms. Pyle: That would be really helpful.

Ms. Loudermilk: And as soon as we -- I know it's on the OEQC website but we will -- we will download it and -- and get you folks that and, again, the Current Division in working with Stan can assist in identifying whatever process is set forth in there when it may be a more appropriate time for --

Ms. Pyle: Us to be looking at things.

Ms. Loudermilk: Yeah, and it could be -- yeah, and then in terms of the checklist, they know, yeah, they'll be -- they're not going to give preliminary cause they wanna see something type of deal.

Ms. Pyle: Okay.

Mr. Kalalau: Everybody agree with that?

Ms. Pyle: Do you need a motion from us to write that letter?

Mr. Kalalau: Comments?

Ms. Loudermilk: Yeah, can you please -- I'll state the motion or I'll make a recommendation.

Mr. Kalalau: Yeah, and then --

Ms. Loudermilk: Yeah, the recommendation would be for the Maui Planning Department, on behalf of the CRC, to respond to Ms. McGerty in that they will be deferring any comment on the CIA until a draft copy has been submitted to the Planning Department and has been reviewed by the CRC. End of the recommendation. And that you'll provide the department a little bit of leeway, so that's not the verbatim, it'll be more nice and tactful.

Ms. Pyle: We're not very tactful.

Ms. Loudermilk: We try.

Ms. Pyle: No, I'm not very tactful. I so move.

Mr. Whelchel: Second.

Mr. Kalalau: Discussion? No further discussions?

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

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

VOTED: that the Maui Planning Department, on behalf of the CRC, to respond to Ms. McGerty in that they will be deferring any comment on the CIA until a draft copy has been submitted to the Planning Department and has been reviewed by the CRC.

Mr. Kalalau: Motion carried.

Ms. Pyle: Please add Uilani's --

Ms. Loudermilk: Well, we'll find out how she can get on the OEQC list and, yeah, and in the future, yeah.

Ms. Pyle: Alright ...(inaudible)... take care of all kinds of stuff.

Mr. Kalalau: Thank you, Robyn.

Mr. Kapu: You know, just one more comment. I think Office of Hawaiian Affairs automatically becomes a consultant to these types of issues and they have a list of associations that they normally refer these consultant agencies to.

Mr. Kalalau: C.C.

Ms. Pyle: Yeah, there's a checklist. There's a whole list of ...(inaudible)...

Mr. Kapu: Yeah.

Mr. Kalalau: Protocol. Okay, Stan?

- c. **MS. LEANN McGERTY of SCIENTIFIC CONSULTANT SERVICES, INC., on behalf of the YMCA requesting comment as well as additional information on cultural practices and beliefs, including subsistence, commercial, residential, agricultural, access-related, recreational, religious, and spiritual customs as well as traditional cultural properties or any other types of historic sites as part of a Cultural Impact Assessment (CIA) for the Proposed Maui Family YMCA Building, Swimming Pool and 114-space Parking Lot located at 250 Kanaloa Avenue, TMK (2) 3-8-007: 127, Kahului, Maui. The CRC may provide comment and public testimony will be accepted. (R. Loudermilk).**
- d. **MS. LEANN McGERTY of SCIENTIFIC CONSULTANT SERVICES, INC, on behalf of the Mauian Hotel requesting comment as well as additional information on cultural practices and beliefs, including subsistence, commercial, residential, agricultural, access-related, recreational, religious, and spiritual customs as well as traditional cultural properties or any other types of historic sites as part of a Cultural Impact Assessment (CIA) for the Proposed Demolition and Redevelopment as 11 Condominiums with Surface Parking, Underground Parking, Office, Reception, Laundry, Housekeeping, Storage Facilities, and Swimming Pool located at 5441 Lower Honoapiilani Road, TMK (2) 4-3-002: 030, 058, Napili, Maui. The CRC may provide comment and public testimony will be accepted (S. Solamillo).**
- e. **MS. LEANN McGERTY of SCIENTIFIC CONSULTANT SERVICES, INC, on behalf of the Stanford Carr, requesting comment as well as additional information on cultural practices and beliefs, including subsistence, commercial, residential, agricultural, access-related, recreational, religious, and spiritual customs as well as traditional cultural properties or any other types of historic sites as part of a Cultural Impact Assessment (CIA) for a Proposed Single-Family Residential Subdivision on 150 acres**

located at TMK (2) 2-2-002: 016, Kihei, Maui. The CRC may provide comment and public testimony will be accepted (S. Solamillo).

Mr. Solamillo: In view of the motion that you have just made, seconded, and approved, can we take Items c, d, and e on the agenda and handle them under the same recommendation?

Ms. Pyle: So moved.

Mr. Kapu: Yeah.

Ms. Pyle: Second.

Mr. Kapu: Second.

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

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

VOTED: that Items B.2.c, d, and e on the agenda be handled under the same recommendation as Item B.2.b.

3. DEMOLITION PERMITS

D. UNFINISHED BUSINESS - none

Mr. Solamillo: Thank you. Under Demolition Permits, there are no items being brought before you today. Under C, Communications, Mr. Keoki Freeland has made his presentation to this body. Under D, Unfinished Business, there's none being brought before you but you may need to bring something else up that you might want to agenda.

Mr. Kalalau: Okay, at this time?

Ms. Pyle: It just seems like it's a whirlwind. I keep reading in the paper about various and suddenly things that come up and I'm -- and I don't know the exact places or the names for these things but Lipoa Point? What's going on out there? There's all these arguments about preserve Honolua Bay, etcetera, etcetera, and all the -- what is it? I would love to have that on our agenda.

Mr. Kapu: Oh yeah.

Ms. Pyle: What's happening at the Ritz-Carlton and the extension of their -- or the renovation of their hotel and is that going to have any impact on the burial areas at the Kapalua Resort area? I don't know, you know. Somebody else say something.

Mr. Whelchel: I agree with her comments.

Ms. Pyle: Do you have any others you want to be brought forward?

Mr. Kapu: Yeah, and I think it would be good to find out what's happening in the Honolua area because the County, basically, put a resolution to go into some kind of discussion with the private landowners on acquiring those properties.

Ms. Pyle: Can I bring up another one, and I don't know how it can be handled, necessarily? There's been things in the *Maui News*, particularly about moving the road, at Ukumehame and Olowalu, and I -- to me, I know that the landowners, I know the Ukumehame landowners changed hands not too long ago, I know the landowners at both of these, the previous ones and the Olowalu landowners, had done cultural resource inventories in the areas, but I don't think that those have ever been presented to the CRC, maybe they don't have to be, but if they are considering moving the road, I think they definitely need to, and we definitely need to have some -- some -- a forum for people at least to come and talk about the cultural resources, the archaeological resources in those areas.

Ms. Loudermilk: Just because I'm doing some departmental responses on Lahaina Bypass and all of that, right now the department, the State Department of Transportation, they just completed a series of community meetings out in Lahaina, I think that once we can -- what we can do is once documents start coming out and coming to the department, making sure that the different entities within this department, cause it may not go to Stan, but let them know that once these documents start coming out that they are being -- that they are already identified that they should come before this body for review and comment, just in general, cause there's a lot of things Stan doesn't see.

Ms. Pyle: I'm sure.

Ms. Loudermilk: That's why I'm here, in that sense, and actually with the bypass, there's somebody in Long Range who's in another division who's actually handling much of that work and has very little interaction with the other divisions. So that's just something that I wanna suggest, you know, in terms of that -- this is something that --

Ms. Pyle: This is slightly different than the Lahaina Bypass, which is seemingly another part of town.

Ms. Loudermilk: Not necessarily because they're talking of relocating the southern terminus around the old Olowalu Landfill.

Ms. Pyle: That's true.

Ms. Loudermilk: So that's when the discussion comes in of where does the bypass end and begin, and when is it the Honoapiilani Highway realignment.

Ms. Pyle: Okay. So thank you. That would be great.

Ms. Loudermilk: Yeah.

Mr. Kapu: So I get one question. So the Pali to Puamana and the Lahaina Bypass, is that separate?

Ms. Loudermilk: They are separate. One is a County vision. The Pali to Puamana is the County vision. The Lahaina Bypass is a State DOT, but they have been working with the County of Maui in terms of infrastructure as well as in consultation with Pali to Puamana, it doesn't mean they're all going to agree on everything because they have slightly different final outcomes, but they are -- they are -- we are commenting back and forth on each and whether one is consistent with the other or not.

Ms. Pyle: But isn't Honoapiilani Highway a State highway?

Ms. Loudermilk: It is a State --

Ms. Pyle: So the Pali to Puamana has to be a State highway thing, it can't just be a County concept.

Ms. Loudermilk: No, a State highway is -- but the plan is the concept plan and what the concept plan does is identify the different stakeholders and who will be in charge of doing what, so I think that's the major distinction that the bypass and these other things we hope are very similar to what's being proposed to Pali-Puamana, but the final decision are, like for Honoapiilani, will be DOT. They actually are being very proactive. We'll just -- we'll just hope, which is good and so we'll just -- we'll just have Stan, we'll stamp it on his head to, you know, when things come in that, you know, it comes -- it comes before you folks.

Ms. Pyle: Okay, thank you.

Mr. Solamillo: That'll translate into no cut down the trees at Olowalu, right?

Ms. Pyle: It translates into don't move the road.

Mr. Kalalau: Would that -- would that highway run in the back of those big trees or -- in Olowalu, or further on up inland?

Ms. Loudermilk: You know -- if we can fit it on the next few agendas, that would be very good.

Mr. Kalalau: Okay, thank you. Thank you. Okay, Stan?

Mr. Kapu: You know, I guess in this portion of the agenda, a lot of the things are happening on the West Side so I guess maybe do more -- little bit more discovery pertaining to what's happening on the West Side pertaining to, you know, changes and development and try to see which ones are pretty much important and see if we can get those things on our agenda. The Lipoa Point. What else? Bypass. Ritz-Carlton. Honolulu. What else?

Ms. Pyle: Can we have a meeting in Lahaina?

Mr. Kapu: Yeah, is it possible we have -- can we have a meeting once the agenda still get -- I mean everything in Lahaina have a meeting at Lahaina? We haven't been back to Lahaina I think, gee, within the past couple years, if I'm not mistaken. Two years.

Mr. Solamillo: This is in addition to the workshop? This is in addition to the workshop?

Mr. Kapu: Yeah, that'll be good. Or if that's going be one huge agenda item, then I would suggest that maybe the Planning Department might wanna look at the civic center because once people find out that Honolulu is going to be on the agenda, we going have about a hundred something people showing up.

E. NEW BUSINESS - none

F. SIGN ENFORCEMENT PROGRAM IN THE LAHAINA HISTORIC DISTRICTS

G. DIRECTOR'S REPORT

1. **June 7, 2007 meeting agenda**
2. **Administrative Permit Reports**
 - a. **Demolition Permits Approval Report**
 - b. **Demolition Permits - KT&S Scale House partial demolition**
 - c. **Pioneer Mill Company Office - Inventory**
 - d. **Historic District Approval Report - none**

Mr. Solamillo: Okay. Under New Business, the Planning Department is not bringing anything forward to you at this time. Under Sign Enforcement Program in the Lahaina Historic Districts. I think we dealt with that a little bit this morning. For items on the June 7, 2007 meeting agenda, I'm soliciting topics.

Ms. Pyle: Well, we just handed you a bunch.

Mr. Solamillo: Right. There was one that was still missing I think. It was -- it's been hot recently.

Ms. Pyle: Give us a clue.

Mr. Kalalau: In Lahaina.

Mr. Kapu: Oh. Oh. Yeah, I guess --

Ms. Pyle: The Banyan Tree.

Ms. Watanabe: Banyan Tree.

Mr. Kapu: Yeah, the Banyan Tree with the -- I guess the permitting process for the last agenda item we had with Na Kupuna.

Mr. Solamillo: Thank you, Commissioner Kapu.

Ms. Pyle: Perhaps if that is going to be on the agenda, I won't be here in June, but you could invite someone from the Parks Department.

Mr. Kalalau: Parks Department.

Mr. Solamillo: Yes.

Mr. Kapu: Not to get out of the subject but -- clarity?

Mr. Kalalau: There was I guess an article in the Lahaina newspaper. It states that some -- you know, I don't understand because somehow I think, I don't know if it's Lahaina Action Committee or if it's the new organization, Malu O Keawaiki, somehow they wrote that they're not recognizing the He U`i Festival anymore and that -- and that those dates that were set aside for the Na Kupuna O Maui is now being taken by I guess that Malu O Keawaiki organization that we don't know anything about, that we have not given them any kind of recommendation or, you know, they haven't come through us to clear whatever activity they're trying to do there, and I would think that the Parks Department, being that

they have a yearly activity calendar for Lahaina, that I would believe that, you know, those dates that were set aside on those calendars should be set aside for the organizations that is on the calendar now throughout the calendar year.

Ms. Pyle: It's a Lahaina Town Action Committee that's on the calendar and the Na Kupuna worked through them.

Mr. Kalalau: Right. Right. Right.

Ms. Pyle: So if the Lahaina Town Action Committee now has another group that they are working with, they're the ones that get on the calendar because it's the Lahaina Town Action Committee's dates.

Mr. Kalalau: Na Kupuna O Maui came through us. This other organization did not come through us.

Mr. Solamillo: We will -- we'll be able to address that at the next meeting when it is an agendaed item. Due to the political nature of it right now and everything could fly out, it's probably not a good idea to discuss it, but what we'll try and do is make sure that all the facts are available for you because of all these new developments, the new organization, all of a sudden showing up, that sort of thing, so we'll be a little investigative in the facts as we present them to you and then all parties will be invited to come; whether they show or not is obviously up to them.

Mr. Kapu: I have a lot to say and that we go over there but, you know, if we can get that on the agenda for that time, that would be maikai, and really good. I'll tie my tongue for now.

Mr. Solamillo: Under Administrative Permit Reports, we're actually bringing two things. One that involves a demolition, which was an emergency demolition request by HC&S and A&B for the partial demolition of the KT&S Scale House, and then I wanna walk you through the Pioneer Mill Company Office Building because it is going to be surfacing soon and the Planning Department has been actively working on it because it needed to get in compliance with Chapter 16E, and we will talk briefly about that so, if I can, I'll just roll through these fairly quickly.

As you remember, a year ago we came to you with a sugar shed, which was Sugar Shed No. 1 or Bulk Sugar Warehouse No. 1 at the Port of Kahului, and it is indicated to you with an arrow that is pointing from right to left, and then the scale house is a very small piece of a conveying system that runs from the sugar warehouse to the pier, to Pier 1, I believe, and the schematics on how the sugar went from the warehouse to the pier, there's an offloading point, which takes sugar from, at that time when it was built in 1941, to a

warehouse, which is Sugar Warehouse No. 1, and then that is conveyed through four below grade conveyance systems to a single conveyance system, which takes it to a scale, and then moves it over to the pier where it's then deposited and shipped. This was revolutionary for its time. It changed. Sugar transportation got out of the bag business, which they had to import bags, filled them with sugar and then sewed them up, and then got them into offloading directly into ships, and this happens right before World War II opens.

When we got the call, the call came in from people who were concerned because the corrugated metal had been flying off the building and they were concerned that it was going to injure someone below. We contacted SHPD, got concurrence from them via email to go ahead and do an emergency mitigation. A contractor was located who could do it and proceeded to do measured drawings. A second contractor was contacted and that person did the photography. So these are the series of overall shots that were taken.

This building had been changed since it was originally constructed. So although some of the conveyance systems was original and the hoppers at the top of it were original, a lot of the equipment at the base of it were not. It is a very cramped and awkward space. So your whole access system is a series of catwalks and stairways, and then one stairway that went to the top of the hoppers. And the mitigation has been in process to be submitted to SHPD.

The next item is the former Pioneer Mill Office. This is the most important, I think, one of the most important buildings that the County has acquired. This was acquired in 2001. It's located on the Sanborn map. On your left you can see where the original mill was adjacent to a series of railroad tracks that we refer in the business as a ladder north of the mill, across and mauka of a camp called Kahua Camp, which also served as housing for mill workers for the mill, and it is on Lahainaluna Road going towards Lahainaluna School.

This is called a pre-rehabilitation inventory. The first map that we found that located Pioneer Mill was actually drawn in 1884. The red arrow and the outline indicates where the office that was built in 1910 was. It's three years away from its centennial anniversary, which makes it an important time, and it is, as we know right now, the third board-form concrete building to have been constructed on Maui. At the next CRC meeting you'll get draft for a National Register Nomination, which the County has prepared.

The office is the only extant building on Maui associated with Hackfeld & Company, so it's built during that company's ownership of Pioneer Mill, which was from 1885-1918. This is directly associated with managers and their employees who were German nationals who worked in Lahaina prior to and during World War I. It appears to be a German design and that indication is -- it comes from when you compare it to all the other vernacular buildings on this island that were designed by American architects, the way that materials as well as

design elements were handled on this make it very different and they make it more closely aligned to buildings that are built in Germany during the pre-World War I period.

The local contractor, W.J. Moody, who actually started his business out of Kahului and then relocated to Honolulu, is the contractor who built this building. It was recorded in the *Maui News* while it was under construction. And after it was completed in 1910, it was recorded by the Sanborn Insurance Company and maps were produced in 1914 and 1919. The other interesting thing is that there are three photographs of the same view, which is this corner view, that were produced by R.J. Baker, the famous Honolulu photographer, and he did those in 1911 and 1915.

The office has been only slightly altered. Almost all of the changes occurred during the Period of Significance, which were ascertaining as 1910-1956, and one of the changes in particular, which was associated with an event of local and national significance is the 1946 great sugar strike. The addition, which was an annex built on the south side of the building, was built in 1947, and it is the first part of the building that actually provides meeting rooms for union members and for safety training.

The Pioneer Mill Co. Office was one of the first buildings on Maui that was photographed by the Historic American Building Survey photographer Boucher in 1966, and his photographs, there's three of them, this is one of three, were shot in that year.

Of all the buildings associated with Pioneer Mill, this office building is one of only two buildings and one structure, meaning the smoke stack, that remain from the company's 139-year sugar operation in Lahaina. The location of the office in relation to the mill as well as the harbor at Lahaina is shown above. It's adjacent to O-4, which is a field designation from Pioneer Mill. The office retains its architectural integrity as well the integrity of site and setting and is being nominated by Maui County to the NRHP, at least A and C, but it might be more criteria than that.

This is where we got into a glitch. The County had ownership of this property for, what is it, six years now. Up to this point, no inventory had been done. Earlier in this year, some local keiki started throwing rocks through the windows and there was a general kind of raid on the property. So under Chapter 6E, you know, the County is required to do a few things. The other major thing was that this was being considered at Council at the time for a lease to a nonprofit and then a series of nonprofit's under that lease. So all of these things were being considered; in fact, the lease was being drawn up and the County had not gone in and done it's, essentially, due diligence with the building, so we were in violation of 6E8, 6E15, and 6E42 before the Planning Department grabbed the keys in December and began the job. So if you wonder what has been occupying my time, this is part of it.

What I want to make sure is that the building is preserved according to the Secretary of the Interior Standards for Rehabilitation, and they are enumerated here, 1 to 10. The holder of the master lease and all sub-lessees will get a copy of a binder that indicates what materials are important and what features of the building are important and what criteria from the Secretary of the Interior Standards apply. And I will go into these in a little bit to give you a little bit more detail, but these are some of the features which are really interesting in this building. The end picture is a door that goes into the archives room or map room. The middle section is in the women's toilet, which is really interesting. And then we've got a stair hall with a stair banister that had been removed, the top rail as well as the vertical pieces, and someone had carted that one off.

What I've done and in the process of finishing up now is going room by room, every room we've shot from at least two views, and then we're identifying characters defining elements within every room. You're going to keep this, absolutely have to, that sort of thing. Graphic scales are included. There's a photo number on each one. And the Secretary of the Interior Standards for Rehabilitation, I'm calling them SISR codes, are indicated as well. Every room gets a little road map and the road map is a work plan. It gives you the overall dimensions, locations of photographs, finishes, features, things that are County property because, technically, this is a County owned building, all contents are property of the County, that includes your furnishings, your records, whatever is included, and there'll be a checklist for every room.

I'm going to walk you quickly through the building. You're in an annex. The annex was built in 1947. It was done after the great sugar strike in 1946.

This is a stair hall, which leads from the back of the building, which is across from the West Maui Senior Community Center now, and you're going up towards the 1910 building. The walls are wood and canek. They turned out negative for asbestos so we're in good shape for that.

This is a vernacular wood staircase, which is Photograph 3, Photograph 4 takes you back under the 1910 building into the basement. This is going -- these are two doors: one at the north and south ends, respectively, that go into the map room or archives, which was in the 1947 edition. This is the map room. They didn't have central air conditioning. Everything is kind of take a window, put in a unit, find a way to disburse the air. The things that are interesting, however, are the early light fixtures, they're fluorescent fixtures. Classic period.

Going across the hall to a meeting room there, we've got water damage and we've got wood paneling. I don't know the wood, in this case. It's not koa. We have koa upstairs. But it's had severe water damage. Continuing toward the front, there are wood

bookshelves. Windows had been broken out so we had leaf litter coming in the building and water penetration damaging the roof. Details of shelves.

You can go to the top of the stairs and that gives you the view of the stair hall. You would be looking toward the community center, which is outside. On shot 13, I'm actually looking back toward Lahainaluna Road through a little hallway that gives you access to the 1910 building and where there's storage for records.

This is going into the area right in the 1910 building, which was used for storage of records as well as reprographics, so we still have equipment there, and printing. That's a paper cutter. They took bulk paper and they cut it, so they're actually shear blades. This is a little storage unit. There's -- it's raised above the rest of the floor in that basement section. This is an old blueprint machine, I believe. Some water maps. That's a more modern blue print machine. And then a door on the right or the left of the railing would take you back outside. There's the men's toilets, which is adjacent to that area.

We've now gone upstairs into a room, which is in the corner located across from the community center, and this is where the manager's office was. All the wood here is koa. Lots of roof damage; lots of water damage to the ceiling. The vertical's from the stair are sitting on top of the koa desk on the right-hand of the photograph. Then there was a door at the back, which was used as a private toilet for the manager.

Looking back on -- into the hall, this hall goes to the front of the building in 35, in that shot, you are moving closer to the front entry at 36. There's a small safe on the right-hand side and various other things in the hallway that are being stored today. Close-up of the safe. There's also a walk-in safe in picture number 38, which is actually a vault, and these are interior shots of the vault, in the old traditions, where cash and deeds were kept.

This is in an alcove, which was a secondary entrance, which is on the west side of the building. It was enclosed sometime in the late '20's or early '30's and made into the comptroller's office. The mastic in this room is hot for asbestos. This was bookkeeping. Photograph 52 is back in the hall looking at a window. I'm assuming someone could pick up ...(inaudible)... this is the Herman Safe Company out of San Francisco. This is an old safe, probably late teens, early '20's.

This is in a set of offices, which are on the mauka side of the 1910 building. And then we go towards the women's toilets, which have -- which are the most intact. This is the most intact part of the building where a lot of original finishes still are located. Then we leave this section of offices.

There were changes made to this building's hallway because if you look up, you can see some of these transoms, which are located in Photograph 72, which meant there was some

way to get light from the hallway into the side offices. Same thing in 71, looking at how the ceiling is -- the treatment appears to have probably been changed because if you look down, although the door and the wainscot might be original on the outside of that door, what's been changed inside is we've got canek which had been applied; whether the wainscot is still intact underneath, we'll have to find out. This is obviously the replacement door, early '50's. So there's lots of change here.

This was a film room. The films were not there when we got there. And this gives you an extent of the water damage. The coffee alcove with a lot of original finishes still intact, and the transom that operates still intact. These pilasters that frame this doorway on shot 82, if you look to the left of the capitals of the pilasters, you can see this metal grate, which probably original function to take air out of the building, through the roof, and that would take your hot air out of the building.

Mr. Kalalau: Stan, so the basement was in the old building or the one ...(inaudible)...

Mr. Solamillo: Yeah, the basement is in the old building.

Mr. Kalalau: Was it ground level or below ground?

Mr. Solamillo: Part of it is below ground. You've got windows because there's windows located on the outside that allow light and they're at grade or partly on this west side of the building they're below grade, they're cut into the grade, and so it's partially underground, but not completely, so I would say up to this high, which is what, five feet.

Ms. Pyle: So the County is actually going to foot the bill for restoration of that building?

Mr. Solamillo: No.

Ms. Pyle: I didn't think so.

Mr. Solamillo: What has happened here is that this County is leasing it to a nonprofit for a long-term lease. The principal sub-lessee is Na Kupuna O Maui.

Ms. Pyle: Right, the preschool, that's what I thought I --

Mr. Solamillo: Yeah. And what this is trying to do is get everything in place so that you can be eligible, if you were private, to capture tax credits.

Ms. Pyle: Right.

Mr. Solamillo: Then you use this as a funding mechanism. Go out and sell the tax credits and at least bring in initial fund to begin financing your rehabilitation then it'll have to be done by matching grants.

Ms. Pyle: All of which will be overseen by the County, not the grants, the restoration?

Mr. Kapu: Depends on the lease.

Mr. Solamillo: Yeah. So, that's kind of where we stand. So next month you'll get -- yeah, it would be a great project. Next month you'll get the nomination and --

Ms. Pyle: Good.

Mr. Solamillo: It should shed some interesting things on the history of Lahaina. Any other questions?

Mr. Kalalau: No more questions? Anybody? You get anymore announcements?

Mr. Solamillo: No. Thank you for your patience today.

Mr. Kapu: Mahalo for that.

H. COMMISSIONER'S ANNOUNCEMENTS

I. NEXT MEETING DATE: June 7, 2007

Mr. Kalalau: Okay. I just get two announcements. May 22, they're having a preservation seminar for practitioners in Honolulu, it's a one-day thing, and it's I think you can have college credits for some of the seminars that you sit in, and it will cover preservation, I guess some cultural and other backgrounds. Also, just a reminder. The National Historical Preservation Foundation annual conference is in October 2-7 and this is going to be in Minnesota.

Ms. Pyle: Oh, is it? Can I go? October 2 to 7.

Mr. Kalalau: Yes.

Ms. Pyle: I lived in Minnesota for ten years. I have a lot of friends there.

Mr. Kalalau: Okay, I don't have anything else more. Do you have some more, Stan?

Mr. Solamillo: I've got one thing that I wanna ask the Commission members. I recently was involved in a Manae mapping project, which is in Molokai, and it's the eastern section. We only did, I think, five ahupua`a. I was flabbergasted at the amount of sites that are not recorded, historic as well as prehistoric. I was really disturbed by the amount of development pressure that that island is getting now, and I was also disturbed by the fact that my favorite church is being messed up. It's the mother church of all the Hawaiian churches on Molokai, which is the -- do you remember, anyone? Begins with a "K." It lost its roof a few years ago. Anyway, what had happened was they had lost the roof in a fire, they were meeting in a tent, and I've been talking to SHPD in saying that I wanna be able to get all our Hawaiian churches in Maui County, those that have active congregations, I want everybody to have a roof. So, in the meantime, they got money and started working, and there wasn't any kind of exchange between the department or SHPD, but there is so much. I'm -- you know, we talked about Lahaina this morning, the importance of, you know, our last Hawaiian Island, if you will, and the damage that can be incurred and is happening because even the fishponds, which are National Registered sites, are being impacted negatively now. You know, I don't know, short of getting a staff of five, you know, and we were talking about enforcement this morning and it is much bigger than that, but we really need to get looking at Molokai and, as soon as I can bring that forward, I'm going to bring it because we absolutely must ...(inaudible)...

Ms. Pyle: And can I just say this is why I keep harping on we need to deal with SHPD better than we do, and I know they're not being very cooperative.

Mr. Solamillo: It's not them. It's they're hands are tied. I talk to them every day, you know, or every other day, but it's what's coming out of the governor's office.

Ms. Pyle: Well, I understand that's where the work orders and the ordinances and stuff --

Mr. Solamillo: Yeah.

Ms. Pyle: But somehow the processes that we have with them, by just simply getting these letters, it's too late.

Mr. Solamillo: Yeah, but sometimes, if we didn't get the letters, it's --

Ms. Pyle: We wouldn't know anything.

Mr. Solamillo: We wouldn't know anything.

Ms. Pyle: But there's gotta be a way that we can participate.

Mr. Solamillo: I mean we've got a better system now where we do, at least, phone tag and letter tag, email tag.

Ms. Pyle: Yeah.

Mr. Solamillo: But we've gotta go, and I don't know how to do this, I mean I've gotten to the point where what I saw in Molokai, we gotta jump on that, and some of this other stuff we may have to -- you know what I mean? Because that's pristine still. That's, you know --

Ms. Pyle: Well, that was all brought forward when that guy, the billionaire guy bought the whole ahupua`a and then wanted to develop it and stuff, you know.

Mr. Solamillo: Yeah.

Ms. Pyle: I've forgotten what his name is now. John something.

Ms. Watanabe: McAfee.

Ms. Pyle: McAfee.

Mr. Solamillo: McAfee. Yep.

Mr. Kapu: Yeah, McAfee. You know, I can make one suggestion? That there's a bill, basically, passed in the Senate called the Aha Moku Bill, yeah, and that Aha Moku Bill basically talks about each island formulating a so-called advisory commission, and it's made up of each moku within each ahupua`a. Molokai has four moku. Maui has 12. Twelve moku in Maui. Hana alone get 30 ahupua`a within that moku, yeah. So maybe you might want to give some suggestions to the Planning Department as they look into this organization of the Aha Moku to try to see if they could provide some kind of presentation because this thing is -- went through the State -- I mean the Senate and the House, and it passed with flying colors, and they're on the floor right now and it was 23 aye's, 0 no's, and 2 absent. So all they're waiting for right now is a signature from the governor and that's it. Once this thing becomes a part of the -- the law binding process, the Aha Moku is going to be responsible of making determinations of what is traditional management versus what is contemporary management, and what the State is saying is the contemporary management, basically, is messing up our islands.

Ms. Pyle: Who's department is that going to be under?

Mr. Kapu: That selection process going through the Hawaiian Civic Clubs to determine who that eight representatives going sit on the Aha Kiole. See the reason why I know so much is because I'm part of the educational component for the Aha Moku.

Ms. Pyle: But if this is a State law, the State must have an administrative part of this and where is the administrative part going to be?

Mr. Kapu: The administrative part, basically, is going to be Aha Moku is going to -- the responsibilities of the Aha Moku Council is going to be to review County and State permitting --

Ms. Pyle: I know, but where -- is it going to be under the State Historic Preservation Office, the Office of Hawaiian Affairs?

Mr. Kapu: DLNR.

Ms. Pyle: It's going to be DLNR? Okay.

Mr. Kapu: Yeah.

Ms. Pyle: And so then we -- then we're in deep trouble.

Mr. Kalalau: Yeah. It's the same department.

Ms. Pyle: Then we're in deep trouble. I think it's a fabulous idea and we really ought to work for it, but, until they clean up the chaos in --

Mr. Kapu: Okay. Okay, wait. The process only is basically going to be determined under the Department of Land and Natural Resources for two years. Once the Aha Moku is formulated --

Mr. Solamillo: It's going to go separate?

Mr. Kapu: Yeah, it's totally separate. DLNR ain't going to have no -- nothing to say with this, and what it is is the representatives on each moku is going to be ones within each island to make determinations that are traditional.

Ms. Pyle: It's still part of the State. Sorry.

Mr. Kalalau: Okay, before you leave, Barbara -- Barbara, before you leave --

Ms. Pyle: Dorothy.

Mr. Kalalau: I mean Dorothy. Anymore questions? Anymore -- okay.

Mr. Kapu: One suggestion. You might wanna look in that as an educational component.

Mr. Kalalau: Maybe Dorothy can make a motion to adjourn this meeting.

Ms. Pyle: I move we adjourn the meeting.

Ms. Watanabe: Second.

Mr. Kalalau: Okay, it's been moved and second that this is now adjourned.

Mr. Solamillo: Thank you.

Mr. Kalalau: Thank you everybody.

J. ADJOURNMENT

There being no further business brought before the Commission, the meeting was adjourned at 12:35 p.m.

Respectfully submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards and Commissions

RECORD OF ATTENDANCE

Present

Samuel Kalalau, III, Chairperson
Dorothy Pyle, Vice-Chairperson
Lon Whelchel
Keeaumoku Kapu
Nani Watanabe

Excused

Perry Artates
Veronica Marquez
Kalei Moikeha

Others

Stanley Solamillo, Cultural Resources Planner
Michael Hopper, Deputy Corporation Counsel