

(APPROVED: 08/02/07)

**CULTURAL RESOURCES COMMISSION
SPECIAL MEETING
JUNE 25, 2007**

A. CALL TO ORDER

The special meeting of the Cultural Resources Commission (Commission) was called to order by Chairperson, Samuel Kalalau, III, at approximately 9:07 a.m., Monday, June 25, 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, III: Will this Cultural Resources Commission meeting please come to order? I'd like to apologize for the change. It was scheduled for earlier this month, and we just rescheduled it for today. First of all, we need to approve our minutes.

B. APPROVAL OF MINUTES OF THE APRIL 5, 2007 MEETING

Mr. Lon Whelchel: I'll make a motion that we approve the minutes as read.

Mr. Kalei Moikeha: I will second it.

Mr. Kalalau: Okay. Do we have any discussions? I do, on these minutes. I've gone through the minutes and, like Dorothy was saying, I think it's important that when we schedule our next meeting, which is scheduled to be in Lahaina, that we have some kind of get together with the Parks Department, because there's a lot of stuff in these minutes that relate to who has the power: whether the CRC or whether the Parks Department has the power. I think we need to clear all that up. And I believe there was some other things in these minutes that we covered that needs to also be addressed. But mainly my concern was who is really in control of this area, and who really does make the final decisions, because a lot of the parties are being sent to us for approval. And after we give them the approval and the recommendations, it somehow seems that the Parks override our decisions, or other organizations become -- somehow control of the parks down there. So I would just like to add that we do invite the Parks Department or have them put on the agenda for our next meeting too.

Mr. Stanley Solamillo: You want the month of July 5?

Mr. Kalalau: Yes, because since the meeting is going to be in Lahaina, and there's a lot of concerns on the Lahaina Park, the Banyan Tree Park, I think it's very important that this Commission and the Parks Department try to clear up --

Ms. Dorothy Pyle: I have no idea of the propriety of any of this. Would it make sense for someone to try to meet with the Parks Department before then?

Mr. Solamillo: It would.

Ms. Pyle: Because it just seems like to just go there, and invite them to come, and not really -- we don't understand where they're at. They don't understand where we're at. We just need to put our heads together a little bit before we have them come. How do we go about doing that?

Mr. Solamillo: Form a committee.

Ms. Pyle: Okay.

Ms. Kalalau: Okay. Do we do that now or --?

Ms. Pyle: That's by next week, right?

Mr. Solamillo: We defer to Corp. Counsel.

Ms. Cindy Young: Mr. Chairman, if you wish to do an investigatory group, there would be three minutes that would be required. The first meeting would be to scope out this group and what their functions are. So that would include obviously, the membership of the subgroup. This would be -- it would have to be for your group. You have nine members, correct? So between two and four because it has to be less than a quorum, but obviously, at least two.

Then, you would also in the scoping of this group and its functions, you would also need to state what the function of the group is, and what each of the members is tasked with doing. And then, once that is established at the first meeting, then that group would then go ahead and collect the information for the group, or in this case, meet with the Parks Department, and then, that group would come back, and report back to the entire CRC at the second meeting. There couldn't be a discussion or decision-making. That would have to occur at the third duly noticed meeting, if any decision came out of that.

I think if you wanted to just appoint a member or several members to just talk to the Parks Department to give the Parks Department the CRC's positions -- well, that would have to obviously, if that hasn't been established in prior meetings, that would have to be established on exactly what that one member or several members is going to relay to the Parks Department, but that could be done also. That person just needs to be authorized by the entire CRC in order to speak on behalf of the CRC, and specify what the subject matter is, and what the position of the CRC is.

Mr. Solamillo: Given that we only have a short amount of time between now and July 5, which is the next scheduled meeting in the Lahaina, probably -- you have to make a decision on what you'd like to do.

Ms. Pyle: Perhaps, we should vote on the motion on the floor.

Mr. Kalalau: Right.

Ms. Pyle: And then we come back and do this.

Mr. Kalalau: Okay, Commissioners. Okay, it has been moved and second that the minutes be approved.

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

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

VOTED: To approve the meeting minutes of April 5, 2007.

Ms. Pyle: Now, I don't know where on the agenda we can decide to send somebody to --

Mr. Kalalau: Okay. Yeah. We need to -- maybe Stan can clarify our agenda.

C. PERMIT REVIEW

2. ADVISORY REVIEW

- a. **MR. DON HIBBARD** on behalf of Peter and Luana McKenney requesting advisory review and comment on a nomination to the National Register of Historic Places of the Lucy Kaiewe Searle House located at 239 Front Street, TMK (2) 4-6-003: 002, Lahaina, Maui. The CRC will review the draft nomination and may provide comments and recommendations. Public testimony will be accepted. (S. Solamillo).
- b. **MR. STANLEY SOLAMILLO** on behalf of the MAUI COUNTY PLANNING DEPARTMENT requesting advisory review and comment on a nomination to the National Register of Historic Places of the former Pioneer Mill Company Office, located at 380 Lahainaluna Road, TMK (2) 4-6-026: 057, Lahaina, Maui. The CRC will review the draft nomination and may provide comments and

recommendations. Public testimony will be accepted. (S. Solamillo).

Mr. Solamillo: All right. There are several things that happened, as everyone was arriving this morning. I was handed Title 12, Chapter 531, Subchapter 2 of the Cultural Resources Commission's duties and authorities, standards and criteria relating to the Commission. Under Section 12-531-10, with regards to National Register nominations, I have to give at least ten days prior notice to the date, time, place, and purpose of a hearing, and publish it in the newspaper pursuant to Section 128.5.

We had applicants here representing the Searle House. An applicant is on their way representing Pioneer Mill Company Office. Because of the noticing requirement which was not met, I was advised by Corp. Counsel that we cannot even discuss those two items. There's a short time frame because the State Board of Review is hearing the nomination for the Searle House this Saturday. I had already sent in comments, which I'll distribute to the members this morning for you to take home with you. And I will probably, on behalf of the department, support the nomination in writing to the State Board of Review. They already have copies of the comments that were sent to us 60 days ago, actually. So I apologize for that oversight. It will not happen again. Given that condition, we must strike Items 1A -- or excuse me, 2A and 2B.

C. 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. This case was deferred from the May 3, 2007 meeting. The CRC may approve or deny the request and provide recommendations. Public testimony will be accepted.**

Mr. Solamillo: Item 1, which is Mr. Kerry Ringrose on behalf of Pacific Sign & Design, Inc., we had already looked at this case but deferred acting on it because the applicant was not present, or the applicant's representative. He is not present this morning. So we will have to strike that from the agenda as well, unless he shows up later in the meeting.

Ms. Pyle: Stan, can I ask a question?

Mr. Solamillo: Yes.

Ms. Pyle: Do we know whether they've gone ahead and done this sign?

Mr. Solamillo: The sign has been done, yes, it has. It's after-the-fact. It was done before they came.

Ms. Pyle: Okay.

D. COMMUNICATIONS

Mr. Solamillo: So that would take us down to D, Communications.

Mr. Kalalau: Stan, one more question. You know on the advisory review, because it's going to go in for its hearing and stuff, do they come back on our agenda?

Mr. Solamillo: If the Commission wants it to formally come back on the agenda, it can, if the Commission wishes to make comments on the nomination. Or you can provide them to me and write them -- in writing, and I could transmit electronically before the hearing date this Saturday.

Mr. Kalalau: Okay, Dorothy?

Ms. Pyle: Stan, is the Pioneer Mill Company Office also there on --?

Mr. Solamillo: No, August 18th.

Ms. Pyle: Okay. Perhaps, what we could ask is that we be notified, obviously by you, when the State Historic Places Review Board approves this and places it on the State Register, the Searle House. And if they have any further questions or don't approve it for some reason, then perhaps we can put it on our agenda again so we can strengthen the comments. Okay?

Mr. Solamillo: Thank you.

Mr. Kalalau: Very good.

Ms. Pyle: Okay.

Mr. Solamillo: Okay. I have a question for Corp. Counsel: where would you suggest that we entertain the authorization of a member of the Commission to talk to the Parks Department?

Ms. Young: Looking at your agenda, there's no item that talks about the Banyan Tree. So actually, according to the Sunshine Law, you can only amend your agenda to include an addition item, if that item is not of significant importance and doesn't -- or not of reasonable importance, and doesn't affect a significant number of persons. And, in this case, it wouldn't meet that. So, unfortunately, that would have to be at another duly noticed meeting.

What I would suggest in the future, if these types of things come up say unexpectedly, I guess, or where you want to discuss it at whatever meeting this item may come up, some boards and commissions have standing items that they just leave on the agenda. In the event that it comes up, then at least you would have it on the agenda, so it would notify the public that you may be discussing it. And if there's nothing that you wish to discuss, then obviously, you can just, you know, you don't have to -- the agenda is not what you have to discuss, right? The agenda is telling the members of the public what you may be discussing. So nothing precludes you, obviously, from agendaing it, and then just deferring it, or going over it saying we have nothing to discuss, and then moving on. So that would be my suggestion to the board is that if you want to take this up in the future, to have that option available to you to just have a standing item on your agenda that's clear enough to the members of the public on what you want to discuss, but yet broad enough to allow you to have that discussion.

Mr. Moikeha: So, as a taxpayer, as a citizen of this County, who just happens to be on the CRC, who just wants to inquire with the Parks Department who has jurisdiction over the banyan tree, can a call be made just personally, just to inquire? I just want to know.

Ms. Young: Yeah, if you're not meeting with them in your capacity as a member, that's your -- that's fine. If you're just gathering information as a citizen, I don't see any problem with that.

As far as clarifying the issue of who has jurisdiction over what, of course, you can always contact your attorney for the CRC, as well as if you need a clarification on the code, or that clarification can be made by your staff.

Ms. Pyle: He apparently doesn't know, though.

Mr. Moikeha: Can you do that?

Ms. Pyle: He didn't know.

Ms. Young: Well, it is -- my understanding of this issue, you know, and I haven't spent a lot of time, obviously, dealing with this issue, but from what I understand, this is a complicated issue that has multiple jurisdictions, and that's not -- I mean, this is not a

unique situation, by any means, where a certain activity needs multiple approvals. And I think my understanding from speaking to both the Parks' attorney and the CRC attorney is that that's the situation here is that there's multiple jurisdictions. So it's not that the Parks Department is the only approval you need, but it's that you need multiple approvals in order to use the banyan tree site.

Ms. Pyle: I think that really -- the issue is really, really complicated. Yes, there's the multiple jurisdictions, but it also has a great deal to do with Native Hawaiians. It has to do with the County's rules or non-rules about the collection of cash in various places. It also has a great deal to do with tradition, fairness. These are issues that are much more nebulous than the actual County Code, because if the Lahaina Arts Society can do this, well, then why can't these people do that? If LahainaTown Action Committee can do this, why can't the kupuna do that? And to just put it into saying it follows the code is not going to work. There's no way that it can follow the code.

So the actual opportunity for someone from the CRC, or as a citizen--thank you, Kalei--to visit with the Parks Department to just simply say when we go to a public meeting together, let's not fight, that's the thing that we really need to be careful of is that both sides get reactive to each other in a public situation. That's really why I brought up the idea that it would be a good idea for us to meet with them, or to discuss something with them. And I, you know, I'm going to defer to you on this, but I just simply cannot understand the idea that as a Commission meeting today, we cannot appoint someone to simply have a conversation with the Parks Department before that meeting. We are the ones it affects, and I don't understand why we can't do that.

Ms. Young: Mr. Chair, let me first caution the members about talking about the substance of the Lahaina Banyan Tree. The other clarification is that when I'm saying that someone can get information, what I'm saying is that if they just have a curiosity about something, their membership on the CRC doesn't necessarily preclude that. But if they're speaking on behalf of the CRC, then that is an issue that really they should be authorized by the CRC in order to have that discussion. Based on what you've mentioned at this meeting, what I would suggest since authorizing the member is not going to work time-wise, what I would suggest is perhaps, having -- inviting the Parks Department official or officials to your meeting on July 5th in order to have that discussion. And that actually would -- that would not need to have any authorization. That's purely an administrative matter that your staff can work with the Parks Department to accomplish.

Mr. Solamillo: Without violating the Sunshine Law?

Mr. Kalalau: Right. And then it becomes an administrative . . . (inaudible) . . .

Mr. Solamillo: No, that's my preface: without my violating the Sunshine Law.

Ms. Young: Well, it's the Commission that's bound by the Sunshine Law. Things that are administrative in nature, in other words that are not Board business like what personnel you wish to have at your next meeting, I think that doesn't need to be acted on by the board. That can actually be determined by staff. Obviously, staff knows your concerns, so I think you can, you know, your Chair can work with staff in order to let your staff know which personnel you wish to have at your next meeting. And that's totally fine. That happens actually, quite a bit.

Mr. Solamillo: Okay. That was my preface. That's my lead line. Without violating the Sunshine Law, certain changes have occurred with regards to that situation. At this point, we're no longer looking at the way things were coming out of our last meeting. And everything has been -- supposedly been resolved accordingly to the wishes of this Commission. So, in other words, although you have correspondence in front of you which is fairly intense, the word that came to me was that things have been resolved.

Ms. Pyle: Okay. Another question, and this is a question for you. If word had come to you that things have been resolved in this way, is there anything that precludes you sending us a letter saying such?

Mr. Solamillo: I don't know.

Ms. Pyle: It's not for discussion. It's just information.

Mr. Solamillo: Probably not.

Ms. Pyle: Couldn't he just send us a letter that gives us the information about how this has been resolved?

Ms. Young: Yes, he can. And if you wish to discuss it, then you can put it on your next agenda. But for him just to correspond with you, that's not a Sunshine Law issue, because Sunshine Law is really the membership with each other, not staff and membership, yeah, typically. So for Stan to send you correspondence as members of the Commission doesn't need to be on the agenda unless you wish to discuss that correspondence, correct.

Mr. Solamillo: Okay. Then you will receive correspondence indicating that.

Ms. Pyle: Thank you.

Mr. Moikeha: Mr. Chair, just a quick question as far as -- this is to Corp. Counsel. As you talked about the Sunshine Law, what is the liability if there is a violation of a Sunshine Law? Ten days or --?

Ms. Young: Well, typically, we'd note that it's typically the Attorney General that enforces Chapter 92, which is the Sunshine Law. And a lot of you are familiar with the Office of Information Practices. They don't -- they're not the ones that would file suit if there were a violation. They do interpret the Sunshine Law, and they do provide guidance as far as the Sunshine Law is concerned.

Several things could happen. If you take a final action in violation of these Sections: 92-3 and 92-7, which are open meetings, and this is also -- and 92-7, which 92-7 is a notice requirement, which is what we're talking about here today, then your action may be voidable upon proof of violation. And that's provided in 92-11 of the Sunshine Law.

And then also -- and that suit, I believe, can be made by a member of the public. A member of the public can always challenge a decision. And there may be standing issues and whatnot, but -- and then there's also a provision that -- here: any person may commence a suit, and the court may order payment of reasonable attorneys' fees to the prevailing party in a suit brought under this section, and then there's criteria.

And then, finally, and this is probably the most severe penalty: 92-13 provides that any person who willfully violates any provision of this part shall be guilty of a misdemeanor, and upon conviction, may be summarily removed from the board unless otherwise provided by law. Of course, that's the most severe of punishments provided under 92.

Ms. Pyle: It's not a criminal code.

Mr. Kalalau: I just want to say something about that. I think it really depends on the infraction. I was on other commissions where we were sued. So I really believe it depends on what the infraction was. And hopefully, you will have legal counsel to where you don't have to have out-of-pocket payments for get your own attorney and stuff. That's why it's kind of important, where when you go through your orientation, they always tell you watch what you're talking about. And if you're with two or three Commissioners, you're not to discuss anything in the office, or anything that we have in here. So it's kind of real important, but it's real important what Cindy has said about as a taxpayer where you just want to get information for --

Ms. Pyle: But actually I wanted to just mention that, and you would remember this because it was the Planning Commission, there was a person on the Planning Commission who went to a public meeting to testify as an individual person. And the opposite group decided that they thought that she was so publically known as a Planning Commissioner that she was actually -- that her testimony was then strong enough to have had the backing of the Planning Commission, and they wanted her removed from the Planning Commission. And it got to be a huge brouha in the County about that whole thing. You remember that?

Mr. Kalalau: Yeah.

Ms. Pyle: Yes, I remember that very well. And actually, she didn't get removed, but it was an argument about -- and it had to do with all these exact same things.

Mr. Kalalau: And then you have to go to the Ethics Commission.

Ms. Pyle: Yeah, and all that stuff. It was amazing. Anyway --

Mr. Kalalau: So getting back to that subject, so the best way that we're looking at is to have them invited?

Ms. Pyle: Yes. If possible, can we truly ask that Tamara Horcajo come? She's the Director of Parks Department, and actually, I think, personally able to really -- she's a very good public person, very communicative, and so on.

Mr. Moikeha: Can I just make a comment? So I guess the last meeting that we had this one was heavily televised. So people approached me, things like that. Even the last Park Director approached me, and kind of mentioned some things about it. So it's kind of interesting. I didn't really want to say -- I didn't say nothing, but it's interesting, though, about who has jurisdiction.

Mr. Kalalau: Anymore comments? Okay, Stan?

Mr. Solamillo: Suzie reminded me to make mention to you since there has been or appears to have been acrimonious resolution of the banyan tree issue, and since there is a really hot agenda item, which is for the next meeting, which is the whole issue of the Halloween Parade, do you still want to have Parks' people present, is my question?

Ms. Pyle: Well, here we are with the questions that I don't know the answers to: does the Parks Department have anything to do with the Halloween Parade?

Mr. Solamillo: I don't know.

Ms. Pyle: I would certainly think that the banyan tree is very heavily used during Halloween. So I can't imagine that they are not --

Mr. Solamillo: In fact, they're linked. They are linked because --

Ms. Pyle: I can't imagine they're not involved in that, so they ought to be there for that, if nothing else. And perhaps, we could also just put on the agenda in case we want to discuss other Banyan Park issues.

Mr. Solamillo: Okay.

Mr. Kalalau: I think we should keep it confined because it might get out of hand if the people of Lahaina shows up and really start attacking people. You know, I think if we can keep it just to -- you know.

Ms. Pyle: Stan, could you possibly e-mail us the proposed agenda with a turnaround day or something that we could comment back, and say, could you add this, could you add that, or something?

Mr. Solamillo: Okay.

Ms. Pyle: That would be really good. It would help us a lot.

Mr. Solamillo: It's like tomorrow. Do we have everyone's e-mails? Okay, if Suzie can send me that list today, and we'll get the agenda. The two items that were scheduled were the in-fill house, Taketa-Gomez, which you had requested. There was finally some approach following a meeting with the Director, Planning Director, on an approach that was acceptable to them, to Ms. Taketa-Gomez, as well as her architect. So since we've gotten to that point, that will be coming to you.

The other issue will be the issue of -- there were four barracks on Lahainaluna Road. They constitute the last plantation houses with the exception of a Luna's house across the street on Lahainaluna Road inside the NHL. Through a series of unplanned events, two of the houses were given permission by the Planning Department to remove original windows and replace them with vinyl. The contractor who did at least one of those two houses has a third house and he wishes to do the same thing. I found out about this other house in advance. I've been doing that, which is why it's coming, because my recommendation is no, which is consistent with NPS as well as SHPD guidelines. His right to appeal is being upheld.

And then the third issue was the whole issue of the Halloween Parade, and its scope and affect on Lahaina.

So those are the three scheduled agenda items. And then we will add a new heading for Banyan Tree Park that will remain on our agenda so that you can pull it at any time.

Mr. Kalalau: Okay, Stan?

Mr. Solamillo: Yes?

Mr. Kalalau: On the barracks and on the plantation buildings, is it possible for us to have a quick site visit?

Mr. Solamillo: I'm actually going to -- the intent was to tour hot spots, if you will, of Lahaina on the way. So we'll take you in a van, and then do a quick drive tour, part of getting you to the site.

Mr. Kalalau: Very good.

Ms. Pyle: Can I ask something? Would it be useful -- I'm assuming that the position for the Planning staff person has not been filled?

Mr. Solamillo: That is correct.

Ms. Pyle: Would it be useful to put on the agenda a discussion about this, and ask for any testimony from the people of Lahaina? Because I think that most of the people that would come to a CRC meeting would understand the necessity of having something like this and we might actually get some really good public comment, which might put a little bit more pressure on filling that position.

Mr. Solamillo: Okay.

Ms. Pyle: Anybody else got any ideas about something? I could probably think of a whole lot of things to do with Lahaina. They really don't want anymore.

Mr. Solamillo: Which you'll have a crowd there.

Mr. Kalalau: I know.

Mr. Perry Artates: If I can just make a comment?

Mr. Kalalau: Okay.

Mr. Artates: Being that this is kind of under ...(inaudible)... situation, my one concern is that I've been approached by Native Hawaiian groups too ...(inaudible)... I don't know if it would be maybe such a wise thing -- it would be a wise thing that we have some control, some type of enforcement up there, too, because I just feel that tempers going be rising to some degree where it's going to be us against them attitude. So maybe we gotta entertain some type of reinforcement if something gets out of control ...(inaudible)... you going get people screaming, yelling, swearing. We going be just there watching this ...(inaudible)... have some kind of support for our own safety.

Mr. Kalalau: I understand where you're coming from. Just the meeting that we had here was kind of little bit -- yeah, little heated and stuff. This is why when I told you about the Parks Department, if we can keep the subject, you know, little. Don't try to let people spread out and get an opportunity to attack from all angles. Just cover that specific grounds and that's it. We can never tell but, basically, I guess, as a Commissioner on here, you know, we only can tell the public to respect each other. We're here for a better cause. We're not here to go to war. You know, just tell them to behave normally.

Ms. Pyle: Whatever that might be.

Mr. Kalalau: Or else we just cancel the meeting, and then we'll move it here.

Ms. Veronica Marquez: I watched because I away for the past two meetings. And I watched the mana'o. And I think a big factor why these kukakuka and all these things coming up is because there's no answers. So when the people out there are saying, okay, who can answer this? And the people in here go, well, we can't answer that, so we need to bring somebody else. So we need to do partnerships with Parks and all. And when the mana'o and people out there say, okay, who has jurisdiction, and people say, we do, and this is what we take care of, they do, and this is what they take care of, I think that would really help people understand that a lot of stuff, this body doesn't have control over. That's what it alludes to.

Ms. Pyle: Sometimes it's just the runaround. They feel like they're getting the runaround.

Ms. Marquez: Yeah, so if they get the answers, then they can pursue the next step. But that was just from watching all of you at the last two meetings.

Mr. Moikeha: Mr. Chair, this is either to Stan or to Corp. Counsel, so at a meeting as such a meeting as this, when we talk about jurisdiction, can an organization or a department that has jurisdiction over something relinquish at that moment or does it have to go through committees and things before it's passed on to someone, to another -- ?

Mr. Solamillo: I'll defer to Cindy.

Ms. Young: Well, it has to follow the code, right? Whoever is asking for the approval, in order to do something, has to get all of the approvals that they need in order to do that activity. So your question as far as "relinquishing control," if in fact you need both the approvals of the CRC and the Parks Department, then basically, Parks Department or CRC couldn't just say, oh, we don't want to review this. By code, you would have to review it, right? That's your charge by code. Then what you'd be seeking, I guess, is a code amendment, actually, in order to amend the duties of either -- of the two entities: Parks and/or CRC.

Ms. Pyle: See, and I'm not sure because I haven't read what this particular code thing is right here, but one of the issues that keeps coming up is the calendar: how many weekends, how many days, and who does that? And I don't think that's in the code.

And consequently, this is that very, very slippery area that's very -- it's the thing that's most important to everybody and yet there is, you know, so can we -- I think Kalei's question might be to -- at a meeting or sometime defer to Parks, and say, Parks, you now have the responsibility for the calendar. Or they may say, CRC, you now have the responsibility for the calendar. So I don't think that's in the code. And those are the kinds of issues that keep coming up, and how do we solve them?

Mr. Kalalau: I think Parks have the authority on the calendar.

Mr. Solamillo: They do.

Mr. Kalalau: Because you know when the guys in Lahaina has a permit, they go to the Lahaina Civic Center for --

Ms. Pyle: But years ago, didn't they work the calendar out with the CRC, and they gave us input or permission because there was a --

Mr. Kalalau: For approval?

Ms. Pyle: For approval. And so how confusing is that? And how did they do that? Did they decide to do it?

Mr. Moikeha: And that's the comment that I got: it's still the same that Parks has jurisdiction; however, they always come to us for approval. And that was the remark.

Ms. Pyle: And it puts us in a position where we just simply can't figure out the answer.

Mr. Moikeha: You know, and that's part of the code, I guess ...(inaudible)...

Mr. Kalalau: he question.

Ms. Pyle: he code says they have to come to us?

Mr. Moikeha: don't know. I suspect that's what it is. I don't know.

Ms. Young: These are all good questions, and they should be discussed further at your July 5 meeting.

Mr. Solamillo: Thank you.

Mr. Moikeha: That's why I asked the question of the violation of the Sunshine Law, because I wanted to discuss it now, but anyway --

D. COMMUNICATIONS

Mr. Solamillo: Returning to our agenda, we've concluded Communications.

E. UNFINISHED BUSINESS - none

Mr. Solamillo: Under Unfinished Business, we have nothing to describe further.

F. NEW BUSINESS - none

Mr. Solamillo: Under New Business, there is nothing being brought before the Commission at this time.

G. SIGN ENFORCEMENT PROGRAM IN THE LAHAINA HISTORIC DISTRICTS

Mr. Solamillo: Under Sign Enforcement Program in the Lahaina Historic Districts, there is nothing to be brought before the Commission at this time.

H. DIRECTOR'S REPORT

1. Lahaina CRC Meeting Agenda

Mr. Solamillo: Under Director's Report, we have essentially, flushed out the agenda for the upcoming July 5 CRC meeting in Lahaina.

2. Lahaina CRC Workshop dates and agenda

Mr. Solamillo: Under the CRC Workshop dates and agenda, I'm probably going to defer to Suzie. Do we have any dates? We have no dates. Okay.

Ms. Pyle: Can we go back to the meeting? The July 5th meeting?

Mr. Solamillo: If you wish, yes.

Ms. Pyle: Just so we all know, what time is the meeting going to start?

Mr. Solamillo: We were scheduling it for 9:00.

Ms. Pyle: And you wanted us to be there earlier than that so we can go wander around?

Mr. Solamillo: Yeah, or we can meet here. It's kind of a logistics issue. If you want to meet here --

Ms. Pyle: Right, this is what I wanted to talk about.

Mr. Solamillo: And we'll take a van, and take everyone in a single van, if you'd like. It's up to you.

Mr. Kalalau: But the time issue, be here at what? 8:00?

Mr. Solamillo: It'd be 8:00, at the latest.

Ms. Pyle: At the latest, because the traffic's going to be terrible getting there and --

Mr. Solamillo: So 7:30 would be optimum.

Ms. Pyle: 7:30 would be optimal. Can you get here?

Ms. Marquez: Oh, yeah.

Mr. Kalalau: 7:30.

Ms. Pyle: And the same thing is true for Nani: if she can get here also by that time?

Mr. Solamillo: Who's going to have to set up?

Ms. Suzette Esmeralda: ...(inaudible)...

Mr. Solamillo: Right. So you can go ahead. You want to go ahead? Or do you want me there to help you set up too? Probably, yes. I'm not doing it myself. Okay.

Ms. Pyle: Actually, how can you do that, though, if you have to take us around?

Mr. Solamillo: Well, that's the deal: if we do that, then --

Ms. Pyle: And it really would be useful for us to have the opportunity to -- I was actually was hoping that the meeting wouldn't start 'til 10:00.

Mr. Solamillo: Then we schedule it for 10:00. The notice has not gone out yet. If you prefer to have it at 10:00 --

Ms. Pyle: Because that would give us all a little bit more time. And even you could drive us around a little bit. Go to set up. We can walk around on our own a little bit also. Just --

Ms. Esmeralda: ...(inaudible)...

Mr. Solamillo: Just drive by site visits. Pardon?

Ms. Esmeralda: As a Commission?

Ms. Pyle: It's not really a site visit. It's just a drive-by.

Mr. Solamillo: I mean, it's just to familiarize the Commission members who haven't been to Lahaina recently about -- just look at what's around you.

Ms. Esmeralda: Can they do that, Cindy, . . . (inaudible) . . . as a Commission?

Ms. Young: Well, I guess, what I would suggest is that once you kind of firm up what route you're going to take and why, you may want to talk to James about whether or not that has to be scheduled as a site inspection, once it gets more firmed up as far as the intention of this. I mean, obviously, to just drive in a certain route doesn't necessarily need to have a site inspection agenda, but I think it depends on if you're going to be walking around. I think it gets closer to being a site inspection, if you're --

Mr. Solamillo: I was just going to drive people -- come in, approach Lahaina, drive, take a left on Lahainaluna. Those are the houses that we'll be discussing today. Take a left on Front Street, and continue back.

Ms. Young: And I also think that if the Commission wishes to have a discussion about those houses, then that would need to be agended as a site inspection. But just driving to Lahaina by in and of itself doesn't need to be agended as a site inspection.

Ms. Pyle: And if you say that between 9:00 and 10:00 in Lahaina -- it doesn't even have to be on the agenda. The meeting starts at 10:00. We leave here at 7:30 or whatever. We have the opportunity, as individuals, not as a group, not as -- to walk around in Lahaina. There's -- that doesn't need to be on the agenda. I can walk up and down Front Street, and I can make a list of all the signs that I think are in violation by myself. That doesn't need to be on an agenda.

Mr. Solamillo: Would you prefer to do it that way?

Ms. Pyle: Well, we can drive with you, and then have -- you would have time to set up. And we would have time to have a little look-see in Lahaina. Does that make sense?

Mr. Solamillo: Is that all right with you, Suzie?

Mr. Kalalau: Isn't -- the site area, it is an agenda item?

Mr. Solamillo: But you can't have any discussions about an agenda item until you're in the meeting.

Mr. Kalalau: Right. Right. Right, but as far as just a drive-by, and then we going discuss it at the meeting.

Ms. Pyle: Yeah, that's fine.

Mr. Solamillo: How long do you think set up will take?

Mr. Moikeha: Where is it going to be held?

Mr. Kalalau: Kamehameha III Elementary.

Ms. Pyle: Is there an auditorium or a cafeteria?

Mr. Solamillo: Cafeteria.

Ms. Pyle: Do we have to move chairs?

Mr. Kalalau: Have the Parks Department set them up.

Mr. Solamillo: Suzie went out and actually scouted locations for this meeting.

Ms. Pyle: Okay. So what have we decided?

Mr. Moikeha: I think I'll meet you folks down there. It's easier for me. Only because I'll be in the water about six o'clock. And I'll come up. You tell me when. I'll observe from the water.

Mr. Solamillo: Anybody else? We just meet here? Or you want to go over by yourselves?

Mr. Artates: I'm going to be driving up there by myself.

Mr. Solamillo: That's two.

Ms. Pyle: Yeah, I'll just come here.

Mr. Kalalau: Yeah, I'll come here, too.

Ms. Marquez: I'll be catching a ride here with Suzie, so I'll have a way in.

Mr. Solamillo: Okay.

Ms. Pyle: Is she coming with us? Separately?

Mr. Solamillo: She'll go separate.

Mr. Kalalau: She gotta go separate. She gotta go set up.

Ms. Marquez: She picks me up in the morning, and then we ...(inaudible)... So you folks are going collectively, in a van? Is that what's going to happen?

Mr. Solamillo: Just get a little jeep, yeah.

Ms. Marquez: A little jeep?

Mr. Solamillo: Yeah, because I don't need a big van for only one, two, three members, plus myself.

Ms. Pyle: What about Nani? Does she get in about the same time that you get in? So she could -- well, she could jump on the ferry that morning and meet us in Lahaina. Okay. Who else is missing? Ke`eaumoku. He's already in Lahaina. Okay.

Mr. Solamillo: What time would you like to leave? Meet here?

Mr. Kalalau: 7:30.

Ms. Pyle: You have to drive from Hana.

Mr. Kalalau: I'll be here 7:30.

Mr. Solamillo: 7:30? Okay. So 7:45 leave time?

Ms. Pyle: Yeah, no later.

Mr. Solamillo: Okay, giving us an hour, 8:45, our arrival in Lahaina, if it's an hour, and then you have the balance of the time to walk around and look at the district.

Ms. Pyle: Is 10 o'clock okay to start the meeting? Is that reasonable or unreasonable?

3. **Administrative Permit Reports - none**
 - a. **Demolition Permits - none**
 - b. **Historic District Approvals Report - none**

Mr. Solamillo: Okay. Under Administrative Permit Reports, there is nothing to be brought before the Commission this morning.

4. **CRC member, archaeologist**

Mr. Solamillo: However, under the next item: CRC member, archaeologist, given the fact that we've just received the notice from the DLNR Archaeologist, Melissa Kirkendall, which she will no longer be functioning in that capacity, we are left without any kind of archaeological coverage for Maui County.

Ms. Pyle: Is she moving?

Mr. Solamillo: No, but she's not -- she's concluding her duties with SHPD.

Ms. Pyle: She doesn't want to be on the Commission?

Mr. Solamillo: I don't know, but, I mean, the real issue which I wanted to ask the Commission members since Vice-Chair Pyle had actually suggested names to the Mayor's Office, and we've had no response from the Mayor's Office regarding our archaeological position, which is required by CLG, among other mandates, and that we still don't have someone here, so that's something to let you, as members of the Commission, know and probably needs to have some prodding. Because, otherwise, we're left pretty well exposed without having anyone with the expertise at least at the CRC level to address archaeological concerns.

Mr. Kalalau: Did Lisa give some recommendations, too?

Mr. Solamillo: Yeah, she provided the name of one person. We have another person who is also a Native Hawaiian and an archaeologist. That was submitted probably when? In January? February? And half a year's gone by, and you don't have an appointment.

Mr. Artates: Is that something we would know ...(inaudible)...

Mr. Kalalau: I don't know about the names, but public information is that they're looking for commissioners for each commission. But as far as names, I don't think the names are public information, but they always put that there's openings in the different commissions.

Ms. Pyle: I don't know what to do about this at this point in time. I agree completely that we really lack the -- we're not fulfilling our mandate when we don't have someone with an archaeology background. Can the Commission write a letter to the Mayor? You know, I know we've spoken orally. I don't think we've ever written a letter explaining that we are failing our mandate as a CLG. We are failing the County in not having this done. And also, in view of the fact that the State Archaeologist has recently resigned, we have no recourse. We have no help. And that, perhaps, a much more concerted effort needs to be made by the Mayor's Office to find someone to fill this position. You know, I think we can write a letter like that just to say, please, help us.

Mr. Kalalau: Why don't -- yeah, why don't we make a motion?

Ms. Pyle: All right. I move that the Commission write a letter to the Mayor explaining our plight and asking for a stronger effort being made by the administration to fulfill this position and fulfill the mandate of the CRC.

Mr. Kalalau: Yeah, and based on the part that the State Archaeologist has --

Ms. Pyle: Has recently resigned as well.

Mr. Artates: Second.

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

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

VOTED: To write a letter to the Mayor as discussed by the Commission.

Mr. Solamillo: Thank you.

5. Maui County Policy Plan

Mr. Solamillo: Under Item 5, under the Director's Report, we have the Maui County Policy Plan. And Erin Wade, from Long Range Planning, who's been working closely with the General Plan Update will present the items that were sent to you first circulated on June 7th for that agenda. So we ask that you pull those out and she can go through the documents with you.

Ms. Erin Wade: Good morning. My name's Erin. I understand you've received this 11x17 matrix. Okay. Excellent. And I'm passing around now a summary of the most recent discussion related to this chapter. So I'll start out by explaining, first, the structure of the plan document.

The General Plan documents have changed in organization since the 1990 General Plan. Originally, there was one General Plan, and then the community plans below. Now, there is the Countywide Policy Plan, which is the plan we're working on right now, and then there will be the Maui Island Plan, and the community plans. So it allows us to do a regional plan of Maui Island which wasn't done before, and now the subsequent community plans. So it's an additional layer. And that island level will begin shortly, but the review process is similar in that there's a General Plan Advisory Committee on each of the three islands. And then from the General Plan Advisory Committees, the review goes to the Planning Commissions, and then to the County Council for approval.

So we've just completed our reviews with the General Plan Advisory Committees and this giant matrix illustrates all the comments related to this goal section. So it shows all three Advisory Committees' input on the statements.

From there what we've done is, on the sheet that got just passed around just now, we had them vote on each of the statements, and make their wording recommendations. And then the cover of that actually indicates what staff is planning to recommend on to the Planning Commissions.

So what we'd like for you is to take a look at those statements, and determine whether or not you agree, or disagree with them; whether they will assist you in your efforts; or if there's gaps that we've left that you think need to be filled. You can see some of the statements.

I've identified, and they're kind of highlighted in orange, that they're implementing actions. Those will be moved out of the goal section and into a section of tasks that will be assigned to different departments to actually complete those activities. So they're listed as goals, objectives, and policies. And then we've pulled out a third category now, or a fourth category of implementing actions. Those will be tasks to be assigned.

Are there any questions about the document or the process at this point?

Mr. Kalalau: You know on the implementing actions, you know, being that this Commission is faced with the problem that we don't have an archaeologist, is that when the County do implement these actions, are they going to contract an archaeological company, archaeology company, or they're going to try and get somebody in-house?

Ms. Wade: Well, at this time, there's no plans to have an on-staff archaeologist. If you had a representative on your board, they would be like you, a volunteer member. So, ultimately, and like most professional jobs associated with the County, we'd probably contract that service.

Mr. Kalalau: Okay. Thank you. Any more questions?

Ms. Wade: Just one more thing. I had -- I got called over here about a half hour earlier than anticipated, but I do have a cover sheet that I will give to Suzie, and this is the really clean sheet that will actually be the draft that is sent to the Planning Commission. So you've got like all the background information, but not the really clean cover sheet. So I'll have Stan e-mail it out to you when he e-mails the information, and I'll have Suzie put it in your packet as well so that you can redline this. It might be the easiest to redline this if you have comments or suggestions.

Ms. Pyle: These are recommendations that will be going to the Planning Commission.

Ms. Wade: That's correct.

Ms. Pyle: And since many of these things concern cultural and historical resources, when this is brought to the Planning Commission, does it make sense that someone or someones, and actually representing the CRC, go to the Planning Commission meeting to support this?

Ms. Wade: You're absolutely welcome to do that.

Ms. Pyle: Do we have a date when this might happen since we do need to set up these committees, or these subcommittees in order to be able to do this?

Ms. Wade: Yeah. We're required to send our comment to the Planning Commission by July 18th. So we have a month to incorporate any comments from agencies and within our department into the document to pass on to the Planning Commission. Once that has been accomplished, we're anticipating that the second Planning Commission meeting in August will be the time in which the public hearing will happen on each of those. So as I stated, we have to do the public hearing on Moloka'i, Lana'i, and Maui. So we'll have three opportunities for comment. It's a busy process.

Ms. Pyle: Yeah, but for us, since we would need to have several different meetings in order to establish who might represent the Commission, it would be a wise idea to start that process now, if that's what the Commission wants to do.

Ms. Wade: And, perhaps, I could suggest that on your next agenda, you outline an opportunity to give your comments back to staff, and perhaps, delegate a member of the Commission to represent you at the Planning Commission, if you'd be interested in doing that.

Ms. Pyle: Well, that would be the July meeting. And, certainly, I'm not sure that we're going to have an opportunity to be able to do that very well in July over in Lahaina, it would be nice, but it's going to be really difficult. Crazy, as it seems, we almost need to have another meeting in order to be able to accomplish this.

Now, Cindy, tell us again, if we want to have a representative from the CRC attend the Planning Commission meeting in the end of -- second half of August to represent the CRC and their comments on this document, you told us two different things. One is we have to have three meetings in advance to set up a subcommittee that has to scope out what we're going to do. Or is it possible for us just to appoint one person?

Ms. Young: I think, actually, you could do either depending on what your objective is. If you want somebody to just provide your comments to the Planning Commission, then you could just appoint somebody, but obviously, then you would also have to vote on your comments that the member that you appoint to represent you on behalf -- at the Planning Commission, you would have to provide your comments to them, and then appoint them, obviously.

Ms. Pyle: Would they be allowed to answer questions from the Planning Commission?

Ms. Young: Yes, they could answer questions based on the comments that were provided by the Commission. That's correct.

Ms. Wade: Alternatively, if you don't have the time to agenda an opportunity to send or to give your comments directly to staff, you're welcome to send them or e-mail them directly to Stan or myself, and we'll get those incorporated also. Okay? Thank you for the chance to talk to you.

Mr. Kalalau: One more question: you know this reference and the numbers, are these numbers going to be the numbers that represent the cultural and tradition section of the Maui Planning -- General Plan?

Ms. Wade: Actually, no. That's an excellent question. The reference line indicates the original outline number. So when we -- when the department delivered their original drafts to the GPAC, that shows it was E.1.b, essentially, in the outline. However, then it changed. And we, for this number section, we just needed some way to keep track during discussion of the listings. But we're going to go back to the outline. And this has been moved up to be the second. This was the fifth item listed in goals. It was E, and now it is B. So you'll see that when you get this cover sheet as well.

Mr. Kalalau: Okay.

Mr. Moikeha: So, Mr. Chair? So this agenda item, the purpose of it was just to distribute to us so we can have it in-hand?

Ms. Wade: Correct.

Mr. Moikeha: And go through it.

Ms. Wade: And an opportunity to ask questions about the process, if you had them.

Ms. Marquez: So do we focus in the most current? That's like a summary of this?

Ms. Wade: Exactly. And then if as you're reading it, you have questions in your mind, how did this statement get incorporated in here, you can go back to the larger matrix and see who commented and what did they say. So it's really all the background related to this section.

The other thing that I'll note is, of course, all issues related to Planning are interwoven. So there are issues in the cultural resource goal that suggest cultural issues. And there are issues in the economic section that suggests cultural related ties too. Almost every single section has something with nuances of tradition and culture incorporated. So I didn't want your task to be overwhelming. You certainly don't need all the work that the whole GPAC already had to go through, but given that this is the most focused related to your task, this is the section that we gave you. However, the Plan and all these documents are available on the Planning Department's web page, if you're interested. Or you can contact Stan, and we'll be happy to send them to you, too.

Mr. Kalalau: Questions?

Mr. Artates: Just a quick question: has the State Department of Hawaiian Homes given their goals and perspectives for regional plans and discussion with this body?

Ms. Wade: They have been a part of the original draft review. And they've also been a part of the housing study review that we completed for Maui Island. So we have had an ongoing conversation with them about their goals and priorities and incorporated some of that into this and into the housing section. But, like you, right now is really their opportunity to review and respond as well. So they will be getting the same copy that you got to send us comments back.

Mr. Kalalau: Any more questions? Thank you.

Ms. Wade: Thank you very much.

Mr. Kalalau: Okay, Dorothy?

Ms. Pyle: Stan, this is going to be a question for you: July, our meeting is going to be in Lahaina. I'm assuming that August, we are back here again.

Mr. Solamillo: Correct.

Ms. Pyle: And we're still down the road hoping to go to Moloka'i and Lana'i, somewhere. Since you just told us that Melissa has resigned, I wonder if it's possible to ask her to come to one of our meetings and give us an overview of issues that she sees -- since we won't have an archaeologist around, and just ask her to come to attend one of our meetings to give us an overview of where we are with some of the major archaeological issues on the island, since we're not going to have much help. And I think it would help us a lot in view of the fact -- I didn't even look at these this time -- that there's this stack that comes every single month and we just don't know what half of this stuff is about. And I'm back on the same old thing of needing to talk to the State Historic Preservation Office.

Mr. Solamillo: Okay. I'll schedule her for August, if she can come. I will also -- actually, I'm going to communicate the new occurrence to the Director, because I think Maui County needs to look at some alternatives besides leaning on the State, because we don't know, given the current political climate, what's going to happen.

Mr. Kalalau: Okay, Stan.

J. NEXT MEETING DATE: July 5, 2007

Mr. Solamillo: The next meeting date is July 5, 2007. Meet here between 7:30 and 7:45, and we'll go to Lahaina.

Ms. Pyle: We don't need to bring lunch?

Mr. Solamillo: Probably we'll have lunch provided, I guess, because this is going to be a long one.

Ms. Pyle: And so that's something that needs to be thought of. Is the Commission going to go out some place? Is lunch going to be brought in? Just logistics.

Mr. Solamillo: I'd have to ask Suzie on that. What is your preference? Would you like it brought in?

Ms. Pyle: It's probably easier.

Mr. Solamillo: Okay.

Ms. Pyle: If we go outside, somebody might yell at us.

Mr. Artates: I'll take one for the group. The only reason why I kind of entertained the suggestion for some type of safety is that I think this last letter here kind of ...(inaudible)...

Ms. Pyle: You can tell us what happened. You write to us and tell us what happened.

Mr. Solamillo: I can write to you and tell you. I want to thank Cindy Young for filling in for Corp. Counsel. She did an excellent job as always.

Mr. Kalalau: Any comments? Concerns? Are we all in favor of the next meeting date and time? Everybody clear? Okay, if we have no further things to discuss, that's it, Stan?

Mr. Solamillo: Yes.

K. ADJOURNMENT

Mr. Kalalau: Will someone move to adjourn this meeting?

Mr. Artates: Move to adjourn, Mr. Chair.

Mr. Moikeha: I second.

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

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

VOTED: To adjourn the meeting.

There being no further business to come before the Commission, the meeting adjourned at 10:18 a.m.

Respectfully submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards and Commissions II

RECORD OF ATTENDANCE

Samuel Kalalau, III - Chairperson
Dorothy Pyle - Vice-Chairperson
Perry Artates
Veronica Marquez
Lon Whelchel
Kalei Moikeha

Excused

Nani Watanabe
Ke`eaumoku Kapu

Others

Stanley Solamillo, Cultural Resources Planner
Erin Wade, Staff Planner
Cindy Young, Deputy Corporation Counsel