

(APPROVED: 03/06/08)

**CULTURAL RESOURCES COMMISSION
REGULAR MEETING
JANUARY 3, 2008**

A. CALL TO ORDER

The regular meeting of the Cultural Resources Commission (Commission) was called to order by Chairperson, Samuel Kalalau, III, at approximately 10:15 a.m., Thursday, January 3, 2008, in the Social Hall, Lahaina Civic Center, 1840 Honoapiilani Highway, Lahaina, Maui, Hawaii.

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

Mr. Samuel Kalalau: Will the Maui County Cultural Resources Commission please come to order. First agenda item is approval of our minutes. Do we have a motion on there? This is the November 1st meeting minutes.

B. APPROVAL OF MINUTES OF THE NOVEMBER 1, 2007 MEETING

Mr. Lon Whelchel: I make a motion that we approve the minutes for November 1, 2007.

Mr. Erik Fredericksen: Second.

Mr. Kalalau: It has been moved and second. Any discussion? No discussion.

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

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

VOTED: to approve the minutes of the November 1, 2007 meeting.

Mr. Kalalau: Motion carried. First of all, we're going to have a agenda change. We're going to move the banyan tree item up. Stan, do we have anyone here for the banyan tree? When you come forward, please state your name.

H. BANYAN TREE PARK

Mr. Steve Ashfield: My name is Steve Ashfield. I work with Parks and Rec. Thank you for moving up the agenda item. The only reason why I'm here today is to hand you - sorry I missed the November meeting and the December meeting was cancelled because you probably couldn't get here or you couldn't leave if you did - is that the two groups met that you have allowed under the tree: the Na Kupuna and Lahaina Arts Society, and they divided up the dates of the banyan tree so all I wanted to give you was the list of the dates

who is going to be under the banyan tree and they that they decided that Lahaina Town Action Committee will have the special days of birthday and stuff like that and lighting the tree. So they met. Everything worked out fine. You guys did your job very well by saying they could do it and they had no problems working it. So I'll hand these out.

Mr. Kalalau: Questions, comments, Commissioners? If not, is there anyone in the public that wants to comment or say anything about this schedule? I see that we have none, the floor is now closed. Thank you very much. Stan, can we go on now?

C. PERMIT REVIEW - none

1. **HISTORIC DISTRICT APPLICATIONS - none**
2. **ADVISORY REVIEW - none**
3. **DEMOLITION PERMITS - none**

D. COMMUNICATIONS -

1. **CORRESPONDENCE - none**
2. **PRESENTATIONS - none**

Mr. Stanley Solamillo: My apologies to the public as well as to the Commission. Under Historic District Applications, none are being brought before you today. Under Advisory Review, no applications are being brought to this Commission as well as for Demolition Permits. Under Communications, no Correspondence is being presented to this Commission nor are there Presentations.

Under Unfinished Business:

E. UNFINISHED BUSINESS -

1. **LIVIT CALLENTINE, on behalf of MAUI COUNTY PLANNING DEPARTMENT requesting review, comment, and additional information on cultural impacts of the Halloween in Lahaina event which takes place within the Lahaina National Historic Landmark District and County Historic District No. 1 at Banyan Tree Park, the Library Lawn,**

Baldwin House, Campbell Park, and along Front Street from Baker to Prison Streets at Maui Tax Map Keys (2) 4-6-01: 07, 09, 10 & 999 (por.), 4-6-07: 999 (por.), 4-6-08: 06 & 07, and 4-6-02:10, Lahaina, Maui. (Commissioners: Please bring your reports from July 5, 2007, August 2, 2007 and December 6, 2007) The CRC may comment and provide recommendations. Public testimony will be accepted. (L. Callentine)

Ms. Livit Callentine: Good morning, Commissioners, and Happy New Year. Today's -- today's item about reviewing Halloween, the purpose of reviewing it is to provide you with additional information that was requested at your August 2nd meeting. The Commission requested that the department provide an assessment of the cultural impacts associated with Halloween in Lahaina and the review of the 2007 Halloween event.

This is just a slide of the -- of Front Street prior to the keiki parade beginning, and next slide. To date, there has not been a Historic District Application submitted for the 2008 event and as such, this matter will not be addressed.

So the annual Halloween in Lahaina Event, as Stan mentioned, takes place in the Lahaina National Historic Landmark District and the County Historic Districts and consist of a keiki parade, the closure of Front Street, from Baker to Prison, use of the Banyan Tree Park, the library lawn, the Baldwin House, and the Campbell Park. And next slide, please. And this is very difficult to read, I'm sorry, map of the National Landmark District just illustrating the -- some of the main features of the parade route and the keiki parade route.

So at the Commission meeting on August 2, 2007, after considerable discussion, the Commission voted to approve, with conditions, the Historic District Application for the 2007 Halloween in Lahaina Event. Condition No. 23 specifies that the applicant shall return to the Cultural Resources Commission for an overall review of the annual event on December 6, 2007. And, as you know, the December 6 meeting was cancelled due to inclement weather and so the item is rescheduled for today.

On August 31st, the 2007 Halloween event occurred. I, personally, monitored the event from 3 p.m. to 1 a.m. covering Front Street and the sides streets, from Baker to Prison, and also Banyan Tree Park, and I also returned to the area at 8 a.m. on the morning of November 1st to assess for any remaining visible impact. And after I'm finished with reviewing -- I'm going to be reviewing the 2007 event and then Stan will be presenting the preliminary cultural impact assessment after I complete my portion.

So just as a reminder, the regulations that are governing the CRC, next slide, please, are Maui County Code 2. -- Chapter 2.88, and Chapter 19.48.50 and 52, also Chapter 530, Rules and Practice and Procedure -- Rules of Practice and Procedure, excuse me, and Chapter 531, Duties and Authority.

As far as the keiki parade goes, there were no issues that arose because of that. I think there was one minor injury but that was -- the police said that was not -- did not require medical treatment.

And then, next slide, please, concerning the first six issues that are shown on this slide, it's a little hard to see but they have asterisks by them, and the line at the bottom reads that these issues were addressed at the August 2 Cultural Resources hearing and there were mitigation determined at that time for the first six issues. The last issue, Cultural Impact, that, as I say, will be -- will be addressed with a preliminary cultural impact assessment later on today.

Next slide, please. Okay, you got it. Okay, so nudity. Public nudity is just an overall abbreviation of what the category encompass. That was a concern to the community. Lahaina Town Action Committee agreed to promote the event, through advertising on the internet, through newspapers, and radio, as a safe, fun, family centered event. The department recommended that costume guidelines be adopted that promote wholesome creativity. On August 6 of 2007, the Commission approved the 2007 event subject to 24 conditions, and Condition 21 related to promotion of the event in the manner I just described.

On November 26 of 2007, a review of the Lahaina Action Commission website determined that the Halloween event was mentioned once on the website and it was described in the following way: "The legend of Halloween, celebrated since 1990, is more than just a night on the town in costume. Over 20,000 revelers come to Front Street on Halloween night, which is closed to vehicular traffic from 3:30 to 11:30 p.m. Annual children's costume parade down Front Street at 4:30 kicks off the evening. Other features include Halloween theme crafts and activities, and food and beverage booths under the banyan tree, which raise funds for non-profits. Live music is performed on two stages while revelers dance in the street. Lahaina Town represents the Maui Tacos Halloween --" oh, sorry, "presents the Maui Tacos Halloween Costume Contest in Banyan Tree Park beginning at 7 p.m. Restaurants and shopping centers offer costume contests throughout the evening. Free admission." So that was the only mention on the website that we could find.

The next day, on November 27th, Lahaina Town Action Committee did submit evidence to the department that sufficient attempts to communicate with the Lahaina merchants and with the community the desire that event goers wear creative and appropriate costumes. And in your report, as Exhibit B, which is towards the back of the report, you will find a copy of the Autumn 2007, *Lahaina Town's Action Update* newsletter and that included reminders of the law, for example, underage drinking is prohibited, public consumption of alcohol, and public nudity or displays of genital body parts will not be tolerated.

Further, staff observations at the Halloween event were carried out along Front Street and side streets and throughout the parks, as was mentioned previously. Although for the most part, costumes were creative and, excuse me -- if you could go to the next slide, please. For the most part, the costumes were creative and wholesome. Approximately one percent of the revelers wore over-revealing or provocative costumes. Although Lahaina Town Action Committee publicized the guidelines through the *Action Update* newsletter, some banned accessories, such as swords, knives, whips or clubs were observed by this Planner.

Next slide, please. And again. So I'm going to go through some slides, photos that I took that evening. Some of these were, you know, what -- I could make a subjective judgement about these but this is just what I saw so I recorded what I could. So, the next slide, please. And again. And again. Oh, just back up for a second. The slide on the right, says, there's a sign on the fellow's body that says, "A girl's best friend." I don't know what that means but, exactly, but anyway just so you can know what that said. Next slide. And this is actually a woman that I'm acquainted with who is in a wheelchair and I was surprised to find that there was quite a number of participants in wheelchairs. I didn't think Lahaina was particularly accessible but I was pleased to see there was -- there was a representation from the disabled community as well. Next slide, please. And again. And again. And again. And again. Again. Again. And this was the -- one of the winning entries was a depiction of the Last Supper and that actually was posted, they were stationary. They didn't march around. They just, obviously, had that table so they didn't -- they didn't move at all. So thank you.

Next slide, Stan. Consumption of alcohol and illegal drugs on public streets and parks. This year the Police Department established a command post at 900 Front Street in the Lahaina Center and six traffic posts throughout the area. Personnel were divided into areas and sectors, each with a formal command structure. The Police Department utilized two strike teams to provide proactive enforcement of all government ordinances and laws. Bicycle patrol was organized to patrol back streets and the parameter of the road closure. Bike officers targeted underage drinking, liquor law violations, and other violations of the law. Roving officers patrolled parking lots and parked cars in the area beginning at 3 p.m. on the 31st of October and throughout the evening. And in addition, the liquor commission stated, as they did at the August 2nd Commission hearing, that public drinking is against the law and those caught doing so are subject to arrest signs so the liquor commission stated that those signs are posted within business establishments and that the liquor commission didn't have any responsibility for posting signage on the public streets, however, we did -- I did observe signs posted. And if I could have the next slide please. This is just one of the little bands of police officers that was standing and observing. And the next slide. An officer issuing a warning to someone. And the next slide. So my observations were that the signs were posted. That as I roved throughout the crowd for three -- how many hours? Five hours it was, I observed, my estimate was approximately

five percent of the crowd was smoking marijuana and about ten percent appeared to be intoxicated. Certainly more than that were drinking but that's about the number that I -- percent that I thought were -- should be at home. So police did deliberately make more arrests this year; 33 as compared to 20 in 2006.

And if I could have the next slide, please. This is a little bit hard to see. The two circles that I have around the higher peaks are that this is a slide that was provided to me by the Police Department. The high number on the top chart indicates the -- the time at which the most number of arrests were made and this happens to be at 10 p.m. and it consisted of 6 arrests at 10 p.m. of the 33. And the lower chart shows you the -- the different types of arrests that were made and the most frequent arrest made was for disorderly conduct and that was 8 arrests were made for disorderly conduct.

And if I could have the next slide, please. This was one of the signs that I observed being posted out in the public. I don't know who posted these. It was obviously not the liquor commission cause it doesn't look like a very official sign but they were posted and -- and I wanted to make a note of that.

Next slide, please. So, another issue was the issue of County funding of this event and what staff was able to determine at the August 2nd hearing was that the police budgeted approximately 9,000, but they don't call it out as a line item so I really haven't had that number confirmed, that was a rough estimate for coverage. And the Lahaina Action Committee pointed out, as well as some of the merchants, that the event was not actually created by the committee and it was -- and that the merchants feel that since they pay property taxes already, those property taxes go to fund public services, and that is as much as we -- the department have to really present to you about that.

So if I could have the next slide, please. The restrooms was also one of the issues that came up and the adequacy of public restrooms. And so following the more stringent of two different formulas: one for the Taste of Lahaina event, which provides roughly 1 toilet for every 292 people; compared with the County Fair, which provides approximately 1 toilet for every 2500 attendees, so based on the more stringent of the two of those, which would be the Taste of Lahaina, the department estimated that the total number of toilets required for a crowd of 20,000 would be 69, and what was proposed by the applicant and provided throughout a combination was -- proposed was 70 but then what actually got provided was 77 as a combination of potable lua and existing restrooms within different businesses. If you have any questions about that, I have a full breakdown on that. The harbor improvements were completed by that time and the new restrooms were well used. And my observation was they were clean, well attended, and -- well attended to, and that I didn't even have any lines throughout the night. So we were pleased to see -- to see that that seemed to be adequate. However, the police and fire both suggested that more portable lua be provided especially towards the north-end of the parade route. And the police also

suggested that more lighting be provided, and they stated that the most frequently asked question received by the police officers was: "Where are the restrooms?" And Captain Chuck Hirada advised that in the future, there should be more restrooms and also lighting included, and the Department of Fire Control also believed that more public restrooms should be provided. They didn't have any number to recommend but they did recommend more.

I know Lahaina Town Action Committee also funded an attendant for the harbor restrooms that evening and so they were kept cleaned and well stocked.

Next slide, please. Traffic on the side streets, and traffic to and from Lahaina that night. There was a bus system set up, as you probably know. They had 3,259 -- actually, I believe that's supposed to be boardings - excuse me. The -- if you look at your -- if you look at your report, Exhibit G and then H through J, you will see details of the shuttle bus system. But there were over 3,000 boardings, which meant that there were approximately 1600 people that used the bus that night and they came from all over Central Maui and South Maui and West Maui to reduce traffic. And part of Luakini Street was closed. One of the mitigation that was suggested was that an additional light tower be placed at -- on Luakini, and that was not observed by myself, and I did speak with the police about it and the Police Department said that the -- that Lahaina only has one light tower and that it was probably placed at Baker -- on Baker Street at Front Street, and I am actually not sure about the lighting. I think that should be discussed and clarified with the applicant - well, there isn't an applicant today - but with Lahaina Town Action Committee. So Luakini was closed to parking, as I said, and there was supposed to be an additional light tower but there -- but it -- and police confirmed that one section of Luakini was closed to parking. Yeah, the Mayor's office confirmed the number of boardings was 3259 boardings that day.

So if you could go to the next slide, please. The duration of the event. Although the Lahaina Action Committee maintained that the event should not end before 11:30, this year the entertainment and the food booths were ended at approximately 11 p.m. We didn't receive any comments from agencies regarding the duration of the event, however, I observed that once the entertainment and food booths shut down, there did appear to be a marked increase in public intoxication. So I do think that the booths and the entertainment provides a focus for the crowd that keeps them -- keeps them from just milling around, drinking, and other things.

So, next slide, please. This is just one of the slides where people are just kinda standing around. Next slide, please. One of the things that I observed that was -- was most objectionable to me was on the second floor of a number of the -- of a number of the restaurants and bars, towards the end of the night, there was a lot of people out on the railings like this and they were yelling down at the young women and stuff, and I found that

to be really objectionable, but I didn't see that it was being monitored in any way and it was on private property so I'm not quite sure how we could address that.

So, the next slide, please. Regarding the last item on the list of community concerns, the cultural inappropriateness and insensitivity to the Hawaiian culture. Our Cultural Resources Planner, Stan Solamillo, will present a report of his findings in just a moment.

I will just close with this portion of -- my portion to say that despite having reached agreement on some mitigation measures to the first six issues, disagreement and dissatisfaction among the community members seems to be persisting. Lahaina Town Action Committee maintains that Halloween is not an American event -- I'm sorry, is an American event. It is not meant to be a symbol of Hawaiian culture. Last year Lahaina Town Action Committee did agree to discontinue referring to the event as "The Mardi Gras of the Pacific" and they also seem to be paying more attention to the appropriateness of the official logo. As you can see, the current logo was shown for you in Exhibit L of your report. And I'll turn the floor over to Stan.

Mr. Stan Solamillo: Good morning, Commissioners, and good morning, citizens. I'm going to apologize to the public this morning because, normally, I take a lot of report graphics and put them into slide shows. Unfortunately, on this instance, I was unable to do so. I'm also going to ask Commissioners to reference your report documents as we kind of go through the basic high points.

At the last meeting when a decision was made to approve the application for the Halloween in Lahaina event, there was a request or an actual -- an instruction from this Commission that we begin looking at the cultural impact of this event, namely, the bringing in of 30,000 people to Lahaina to participate in a festival that was located in Maui County Historic Districts as well as the National Historic Landmark District. I will remind both the Commission and the public that the National Historic Landmark District is the highest tier of cultural resource that you can find in the United States, which means it's equivalent to Colonial Williamsburg and other places like that.

Basically, there's a protocol that has been established at the University of Hawaii, and it's been done in consultation with the Federal Government and the State Government, and it outlines the complete methodology on how to -- to do something called a "cultural impact assessment." What we're attempting to do by doing a cultural impact assessment is to find out from a series of facts, such as the history of Lahaina and public testimony combined with oral history interviews and archival research, what has happened over time that prompted members of the public to come out very verbally in opposition to this event.

I'm going to remind everyone that Lahaina was made a National Historic Landmark on December 29, 1962. In addition to becoming a National Historic Landmark, Lahaina is

identified as a traditional cultural property. A traditional cultural property is a property that is eligible for inclusion in the National Register because of its association with cultural practices or beliefs of a living community that: a) are rooted in that community's history, or b) are important in maintaining the continuing cultural identity of that community. Now this comes from guidelines towards evaluating and documenting traditional cultural properties, which has been written and issued by the National Park Service.

When the NHL was established in the '60's, it wasn't just Lahaina Town. It included a large area of the ocean in front of it, and this was to provide protection for views from the sea as well views from the port out to the sea towards Lanai.

In looking at a cultural impact assessment for this area, one needs to access or have a knowledge of a broad geographical area, a knowledge of potentially affected area, and that knowledge needs to be ...(inaudible)... by conducting interviews and oral histories by conducting document research by trying to go and issue some sort of descriptive narrative about cultural resources that are provided within a district as well as associated practices and beliefs. And only after doing that, then you assess the impact of a proposed action.

The report that was issued or prepared by the Planning Department for the Cultural Resources Commission is a preliminary cultural impact assessment. It's preliminary because the sampling is fairly small. Given the amount of time between the hearings for the approval of this event and the meetings to review the event in Lahaina, we only had time really to look at the transcribed testimony that was provided by the public and in addition to that, go and collect additional oral history interviews that's ancillary in the trail to the testimony.

The definitions of cultural impacts on Native Hawaiians. There's some extensive documentation and you can go through a series of reports that were issued in the '90's by Minerbi, McGregor and Matsuoka, who are affiliated with the University of Hawaii, in a document that was prepared for the Energy Research Group in 1997. All cultural impact assessments or CIA's issued after that document usually comprised seven issues that need to be looked at.

The first one is community life and this refers to the cohesion and integrity of cultural kipuka; the continuity of life cycle events; community services; and any displacement of people.

The second issue is family. This refers to the extended family and includes conjugal support systems; sharing; exchange; and child-rearing networks.

The third issue is human well-being and spirituality. This refers to physical health in relation to cultural loss or stress. The impact of changes on mental and cultural health; as well as identity and cultural pride.

The fourth issue is the natural environment including cultural and ecological resources, and this refers to areas that are associated with gathering, a sense of place, wahi pana, legendary and sacred places, where spiritual ties to ancestors, deities, life forces are experienced. It is associated with healing places, and hunting areas, such as fishing zones and access. The differential impacts upon resources within an area are also included under natural environment.

The fifth issue is customs and practices. This refers to subsistence activities; the exercise of spiritual beliefs of customs and practices of an intergenerational linkage to ancestral lands and to cultural and historic sites.

Issue six is identified as rights and this refers to the impacts on the exercise of rights as defined in the Hawaii State Constitution, the Hawaii Revised Statutes, and the American Indian Religious Freedom Act, and common law, which was incorporated into the Hawaii legal system in 1892.

The seventh issue is economics. This refers to employment, wages, purchasing power, socio-economic status, and cost of living; value of subsistence activities; and benefit to community-based and culturally appropriate economic development initiatives.

These seven issues, when reviewed in the context of the transcriptions from oral testimony that was provided, are actually mentioned and they are addressed.

As on the side, I've worked on communities on the Mainland that suffered from environmental pollution and we see similar feelings kind of coming to the surface when you deal with a lot of the testimony that came out, and that's, hopefully, brought out. I did a selection of transcribed testimony from both supporters as well as persons who were in opposition to the event, to kind of pair them up, and I think what became really evident was that we had two world views and one was the indigenous view. The view that Lahaina is a sacred place. It is connected to a 1,000 year history. It's connected to kings, to royalty, to ali'i. And in the other view, it is a place that -- that is conquered. It is a place that has economic interest. And it is a place where history really begins from western contact.

When the historic context was prepared for the National Park Service documents, the context narrative actually addressed, in short, some of the Hawaiian history but it didn't go too much into the legendary Hawaiian history. It emphasized the whaling history, which is a point that seem to become a vehicle that overtime was used to promote the commercial interest and viability of Lahaina Town. I think, looking back in hindsight, that might have

been fine when Lahaina was a sleepy little town but it's no longer a sleepy little town. Still to this day however, and we can't forget that this event brings at least three million dollars to West Maui, there is this emphasis of Lahaina as a place to come and party; that comes from that history of whaling; it's kind of reinforced during the 1940's by the U.S. Navy who dumps their sailors here, when they're anchored, at Lahaina roads and over time, we have other events, such as whaling spree and things like that, that occur and that kind of use, something that continues through time, at least in the minds of visitors of what Lahaina is.

From the testimony that was offered by the kupuna and from indigenous people here, they want Lahaina remembered as something else and not a place to just come and party. And I think it's the conflict between the two world views that really needs to be addressed and I don't think it can be addressed today in just one simple meeting. I think it needs to be addressed over time because, on the one hand, we need economic development, but on the other end, we need to preserve something which is entirely unique. After spending 30 days in the Philippines with my wife and our son, I can tell you that Hawaii and Maui is some place that is very unique, and we have a history that's entirely unique, and something that absolutely should be preserved.

The cultural impacts that appeared in the testimony, I'm going to repeat one more time, Lahaina is the home of the royals and the ali'i, and there's a place, a sacred place, called Moku'ula, which is kind of the locus or the center of a world which is both ...(inaudible)... and real for the Hawaiian community. Lahaina is a former capital of the Hawaiian Kingdom, and I can't overstress this, before Honolulu established itself as the capital, Lahaina was the capital. Hawaiian history is something which spans at least a thousand years. To people who are connected with that history, it appears today that it is minimized in favor of a whalers Lahaina, and that it is only 50 years in duration.

Whalers Lahaina has served as a great vehicle to promote commercialism of the NHL but I think that when we start looking at it in hindsight, and we are going to be re-surveying Lahaina Town, the National Historic Landmark as well as Historic Districts 1 and 2, I think the total will span with some impacts of the whalers Lahaina as it has occurred over 30 years will become plain.

What has happened here is happening all over the world. This is not an isolated place. Commercial interest, whether they're being utilized by nonprofit to raise money or whether they're being utilized by retailers, are often promulgated as being the most important thing. And what we see is that there are a lot of buildings that were built during the plantation period. In the early years of the NHL, their facades were changed to look -- to make them look older, to make them look like they were built during the whaling period, so what you have is essentially the theme park, right, which is taking real history and kind of bending it or making it fit into this -- this idea, which is Lahaina as a whaling port or Lahaina as early 19th Century, a place where missionaries come and all history kind of begins there. So

Lahaina Town Action's credit, they've been involved in promoting Hawaiian history through the fabrication of exhibits and walking tours and little pamphlets that they distribute to the -- the public. But outside of that sign, when you enter Lahaina Town and it says, "Royal Capital of the Hawaiian Kingdom," you are really challenged when you walk through Lahaina Town to see this connection to its indigenous past.

A lot of things that revelers do or people that come here and have a good time do are innocuous to them. There are things they do on the Mainland; they just get to do it a little harder here and have a good time. But to many people who are Hawaiian, these things that they do, have a good time, are insulting or degrading to the culture that exist. Some of those, and this was mentioned in the transcription, were revelers degrading themselves on or near traditional cultural properties. Because a lot of the cultural properties in Lahaina really aren't identified, and I'll say this in defense of revelers, they don't know where these sacred places are oftentimes. But in doing what they do, there is a conceived lack of respect for the Hawaiian culture, which is the host culture. Over time, and you can see this happening today in a way that a lot of improvements are being made within the district, there's this lack of conservation or lack of respect with existing codes or rules. There's kind of this interpretation or lack of interpretation of preservation of traditional cultural properties, which does seem to be there so much to the effect that even in a recent brochure by Hawaiian Airlines was mentioned: "Lahaina is a jolly busy resort town resembling Main Street, Disneyland." That's a direct quote. That comes out of Hawaiian Airlines. And that's kind of this -- this world view that's already out there. If the airlines are picking it up, then it's picked up on the internet, and this kind of a pervasive thing, and this was something that was also brought out in the testimony when people just said, "We don't want Lahaina remembered this way." So that's really important. People that are just involved as promoters they don't care because it's the bottom line: How much money can we bring in? But for people who are connected to this place, spiritually and by blood, then it is important. And I think along with all the activities that we have seen affecting the NHL, there's this kind of underlying presumption that Hawaiian history begins with western times and I -- and that's wrong and it's incorrect, and anyone can tell you, who's connected to this place, how important and how old that history is, as I said, at least a thousand years prior to western contact.

Now I need to thank Kepa Maly, who is now on Lanai, who provided Appendix A, which is going back into the ancient history and back into the mythological history of Lahaina, and that's provided as Appendix A. I wanted to thank Sam Ka`ai, who sat with me and provided me background information. I wanna thank a lot of the kupuna, who also provided me ancillary information. I also wanna thank a member of own Commission, who is not hear today, Dorothy Pyle, who's been kind of the drum or the chime in the background saying what is happening in Lahaina, and she's kind of been -- since she has been involved with Lahaina since she was a college student, she has a long memory on the fight to get it to the NHL and has been watching the transition over time of what has -- what has happened.

The conclusions of this preliminary document are that there is a growing interest, and this has been happening since the 1970's among native Hawaiians to reclaim their history and their culture. This is here. It's not just kupuna. It's their children and grandchildren and great grandchildren. I think because we are dealing with two different world views: we're dealing with an economic interest view, and we're also dealing with an indigenous culture view, so got actually two culture worlds, a merchant culture and we have an indigenous culture, and they're right now in conflict. If the conflict continues to be -- to be not acknowledged or not addressed, I think it only breaths contempt from both sides and I think that in order to -- to have any success here, we have to have a united west town or community and united Lahaina community. So I think that this is the beginning of -- a beginning point to address these issues.

One thing, especially, for me and I'm related to a Lahaina family and my family is part Hawaiian as well, there's a history here I don't even know about, and I read and research a lot. There's a history of all the immigrant people who have come to Lahaina to work for Pioneer Mill and they have died and are buried in cemeteries scattered up and down the West Maui coast, and they've been remembered as Hawaiian. There's a history of the courthouse, which has been kind of changed over time too and it's also along the whaling theme. And even LRF will tell you that it's a very popular exhibit. People go there and they wanna know about the whaling. But what we don't get there is that the courthouse is the seat of the Anglo government, the Anglo American government. It was a place where Hawaiians first lost their rights, and where immigrant people first lost their rights. And there's a whole history there because even in the strikes that occurred at Pioneer Mill, the sheriff, the National Guard in 1905 came and camped out at the courthouse. And what is the courthouse? The courthouse is royal lo'i, right? And there's a banyan tree planted there and the banyan tree's planting there is -- is something which was probably done not in time way to the Hawaiian people. I found a photograph, and it's included in the report and it's done in 1898, and it's called the "Annexation Luau." And the banyan tree was a very -- it was a popular place where Pioneer Mill and the local Anglo community, the local ... (inaudible) ... and celebrate underneath the banyan tree and there's this photograph and has all these children, school children, that were let out of the school and brought to sit underneath the banyan tree for a photographer for an "Annexation Luau." Now if you speak to any Hawaiian today, they will cringe at that thought. And probably that's one of these things that has happened among many things that we don't even know about and that's why we need to ask members of our community, you know, both the Hawaiian as well as the old kama`aina families here, let's sit down and talk this thing out and see what has happened in Lahaina cause we've got lots of years here and a lot of stories and there's a lot of pain here and that's why it only resurfaces the way it has up to now. So I'm asking, and I think, and this is not an action item, but this is just a thought, a conclusion that there should be some ongoing dialogue from this point on.

The last point, and this is something that is happening, is Moku`ula is going to be restored. It's a National Park Service project as well as a Maui County project and probably involve the State of Hawaii. When it is restored, it will be the largest site in all of Lahaina Town so really if you could imagine, at some point, when you want to dedicate this place, you can imagine bringing 30,000, you know, South Sea Islanders and Hawaiians from -- and Polynesians from all over the South Pacific here and what are you going to do to address that, you know, that influx of people coming to this place of mythological legendary historical importance, you know, to celebrate that? And that's an economic opportunity and I'll tell everyone involved that that is what that is but that is also a restoration of Lahaina as a sacred place and as an important place. That's what it will look like. That's an artist conception sometime in the late future and I will leave you with that. I will return it now to Livit Callentine.

Ms. Callentine: Thank you, Stan. We did transmit out a copy of -- well, we requested comments from the Police Department, the Fire Department, and the Parks Department regarding the 2007 event, and the Police Department, as I mentioned, made 33 arrests. There was no incidents regarding the keiki parade. So compared with last year at 20 percent, that was a 65 percent increase in the number of arrests but when you look at the numbers, it's really not that -- that great a difference. And that was by design because the police intended to send a clear message to the community that alcohol related offenses and violence would not be tolerated. A copy of the Police Department's comments is found in your report under Exhibit M.

The Police Department made four recommendations. One was to increase lighting to enhance pedestrian safety and to deter illegal activity at the intersections of Papalaua and Front Street, Lahainaluna and Front Street, Hotel and Front Street, and Prison and Front Street. So that would be a -- it's an additional four light towers. They also recommended consider that the Commission and the applicant, when they appear again with an application, consider increasing the number of public restrooms and to provide lighting at those restrooms. Third, they intend to increase and coordinate their manpower next year in a more -- in a different way than they did, and I don't have any details on how they would do that, but that's one of the things they mentioned in their comment. And, finally, they wanted to make sure that next year that the merchants are reminded to turn off loud music at the time when the road is being scheduled to be reopened because they found that to be difficult. They had to go around and tell people to turn off the music so they could hear the sirens, and I was there watching them clear the street and it was a little bit difficult.

The Department of Fire and Public Safety stated, via an email, that their department had not experienced any real problems. They thought the event ran pretty smoothly aside from one fight that broke out towards the end of the event -- towards the end of the night, and they did recommend as -- again, that more restrooms be provided and they recommended especially near Lahainaluna Road. Their comment letter is in Exhibit E.

And Department of Parks and Recreation had no comments. They did reply that they didn't have any -- anything to comment but they didn't submit a comment letter at all.

As far as testimony, since August 2, the Commission hearing, and as of January 2, yesterday, we had received no additional letters either in support of or against the Halloween event.

And next slide, please. So from the department's perspective, the analysis that we have made so far is that the most recent Halloween in Lahaina Event took place on Wednesday, October 31. Changes were made to the format this year, most notably the road closure was shortened, from Baker to Prison Street rather than from Baker to Shaw Street; the music and entertainment ended earlier this year at 11 p.m.; signs were posted in the Historic District stating that no public alcohol would be permitted; the Police Department provided more roving coverage and made more arrests; Lahaina Town Action Committee made an effort to promote the event as family centered; a well utilized shuttle bus service was provided; portions of Luakini Street were closed to parking, and additional restrooms were provided. In addition, we feel that impacts to the National Historic Landmark District were reduced by the -- the measures I just mentioned. Also, there were a number of nonprofit that benefitted from the event. And that it's most likely that with or without a permit, somehow or other the event is going to continue because it's a public area and people are going to come, so I don't know, you know, where we could from there. I don't know how we would change that.

If I could have the next slide, please. A comparably scoped event was operated successfully and without major incidence for more than 15 years. The department has records of Halloween events with a similar scope dating back to 1989 and, as was stated by Stan, the event is a major attraction to residents and visitors alike, and many plan years in advance to -- to attend and the business owners have claimed that the event brings a very, very large significant portion of their annual revenue come in on that night. We find that it -- it's almost impossible, if not impossible, to really separate the impacts of the Halloween event itself on the Historic District and the National Historic Landmark District from all of the other things that go on on a day-to-day basis in the -- in the districts. We recommend that a final -- a final cultural impact assessment should be conducted and that, as Stan made a point, of dialogue with the -- the whole entire community should really continue.

Let's see. If the Commission were to deny any future Historic District Applications for the Halloween in Lahaina Event, it is highly likely that hopeful participants would go ahead and arrive in Lahaina and carry on the celebration anyway regardless of permit status. Previously, the Police Department had indicated that if the event were not permitted, they might be unable to justify allocation of the approximately 80 officers who have been assigned to monitor the event in years past.

So while it is difficult to determine exactly which impacts to the districts were caused by the Halloween event, it can be concluded that the districts have certainly been impacted by multiple events which occur -- which have occurred since approximately 1819 and the end of the kapu system, and this was stated by Stan Solamillo in 2007.

Lahaina today has been heavily influenced by the focus on commercialism and associated objectification of the Hawaiian culture. Several of the testifiers at the July 5 and the August 2, 2007 hearing asked the same question: How does this event Halloween perpetuate respect for the host culture?

And if I could have the next slide, please. The department identified several alternative directions the Commission might wish to explore. Number one would be to continue to approve the Halloween in Lahaina Event sort of as is while continuing to improve provision of services, such as lighting, restrooms, traffic control, advertising of costume guidelines, and warnings about public alcohol and drug consumption. This option would be easier for the County to manage, however, portions of the native Hawaiian community will likely be dissatisfied with this option. If this option is chosen, ongoing dialogue between the Cultural Resources Commission, the Lahaina community, merchants, native Hawaiians, and other interested parties about the future of the National Historic Landmark District should be carried out. Option Number Two, would be to make -- continue to permit the Halloween in Lahaina Event but make it a closed event. In other words, surround the perimeter, have the police surround the perimeter and have -- and maybe entry -- maybe two entry points. This would allow for greater control over costumes, weapons, and alcohol and drugs. The Police Department stated that this option would require cooperation between the public and private sectors as there are many entry and exit points that would have to be controlled. If this option is chosen, again, the department recommends that ongoing dialogue between all interested parties is carried out. The third option might be to move the adult portion of the event out of the national -- out of the Historic District and the Landmark District all together. This option would likely reduce impacts to the Historic District, however, it might create a greater crowd control problem and the Police Department, when I spoke with them about this option, they said, "Well, but the revelers will probably still arrive in Lahaina and go to Front Street by the thousands." And the Police Department would then have to cover wherever the event was moved to and the center of town. So that was a consideration -- it should be a consideration of how that would happen. And the last event -- the last item alternative was to separate the children and the adult portion of the event and to deny any application, future applications, for the adult portion of the event. This option, as the police pointed out, would not solve the crowd control problem because people would still come to the center of Lahaina by the thousands on Halloween and the Police Department and other protective services would have to try to control a larger less distinct area. And, also, if this option were chosen, the Commission needs to be cautioned that you would really need to look at all other applications that come to you within the Historic District under the

same criteria used to make this determination if you should make this determination about Halloween.

Next slide, please. Oh, that's the end. And that concludes the staff's report. I think we'd like to now -- I know we have a number of people that have signed up to testify so I'll -- I'll get the list for you.

Unidentified Speaker: I can ask one question?

Mr. Kalalau: Wait. Try wait. Try wait right now.

Ms. Callentine: Yeah, he'll all you up.

Mr. Kalalau: Do we have that list? Oh, okay. Commissioners, before we open the floor to the public, do you folks have any comments and questions?

Mr. Perry Artates: I get one comment.

Mr. Kalalau: Okay.

Mr. Artates: I just have one comment for Stan. I think you did one very excellent job on this piece of paperwork and I really appreciate you giving us a kinda sort of full background of the history as well as what you identified as the historical landmark, which is Lahaina Town, and brought that to our attention to kind of pay attention to that item too. Thanks.

Mr. Kalalau: Okay, anymore, Commissioners? If not, we'll now open the floor for public testimonies. The first person we have on our list is Steve Ashfield? Oh, that's you? Okay, you're finished. Rina Sampson? Followed by Kamakawiwo`ole, Francis, and then followed by Richard Dancil.

Ms. Rina Sampson: Aloha. Rina Sampson, Executive Director for Lahaina Town Action Committee. Happy New Year. I just wanted to say, on behalf of Lahaina Town Action Committee and its membership, thank you for granting the necessary permits for us to produce Halloween in Lahaina in 2007, and we feel that it was a successful event and we worked really hard to address the concerns that were brought to the table. Coming into the organization new, it was important for me as well to support and perpetuate the culture of Lahaina because I grew up in Lahaina. I went to school at King Kamehameha III School. I graduated from Lahainaluna High School. My family is from Lahaina, a little bit up north Kahana area, and so it's important, and we worked really, really hard to address the cultural issues that were brought to us and we will continue to address issues and work with our community to support events that will -- that are benefitted by a lot of our community nonprofit organizations as well. A lot of our events are attended by schools here in

Lahaina, clubs, church organizations so our community depends on a lot of these events for vitality and to be able to make the necessary funds for their groups to participate in whatever they need to. We are very proud to have been a part of Lahainaluna High School's Band that went to the Mainland to play in one of the bowl games. We also support many other schools here in Lahaina.

So in your consideration, we would like for you to take to heart that we are an organization that will commit to working together with our community and to make sure that we address the issues and we take care of the place that we call home. Thank you.

Mr. Kalalau: Next person is Francis. Oh, okay. Maybe we'll have Richard, and then Francis can go after you.

Mr. Richard Dancil: Yeah, aloha. Aloha, everybody. Yeah, good morning. Happy New Year. Good to be here. God bless everybody. So, yeah, I just wanted to -- yeah --

Mr. Kalalau: Excuse me.

Mr. Dancil: Okay, I'm sorry. My name is Richard Dancil. I'm the makua for Na Kupuna O Maui, their helper. I help them out best I can and then I also learn a lot from them, which is a humbling experience and a humbling road.

The thing is that what I was concerned about is the impact of thousands and thousands and thousands of people coming over here. Did we have like any impact -- safety impact statement with, you know, County or State on this, especially under the American Disabilities Law? Did we have any impact on that, especially, you know, fire lanes being blocked with people, you know, getting drunk and everything and then blocking the areas? That's the thing that we have to look at. Through experience, I've been the supervisor up at Kula Hospital, Building Grounds Supervisor, so I familiar with the ADA laws. And what about with our safety with the police officers? Are they ready for thousands and thousands and thousands of people? That's one of my concerns too in this area of Lahaina Town. So just something for think about - the life safety of everybody that I just wanted for bring up. I know we talked about cultural and everything, and that is good. It's big part in me about cultural. I'm constantly learning, humbly learning.

I just wanted to share this thing that I experienced yesterday that I feel that's being lost about culture, about what we put out there to the world as Hawaiians. I went to Kihei, and then I watched a movie, and then I went over to Alexander's. I had something for eat over there. So went over to this place called "The Tiki Lounge." Kicked back. I wanted for hear music. The musician never come in so I was asking the people over there, "Eh, you guys know what is like slack key?" And then I was offering them, you know, for play for free. The people, the haole people, they don't know. They don't know what is slack key. So I

was sad when I heard that. So I called up my cousin Pekelo. I told him, "Eh, cuz, da kine, these people they don't know what is slack key. They come over here and then they say the word "aloha" but they don't know what is slack key." That's the thing that I feel. I feel the spirit going. The spirit dying. That's one other part that I concerned about too. From life safety and then culture. But the spirit, I feel, is being lost in how things coming in, you know, big influx and then killing our identity, killing our culture that way, making us angry. The opio, they don't know what they angry about, the kids. Makua, they don't know what they angry about but they just angry. I tired. That's the thing. I tired. I just wanted to share that to you. And then to the kupuna, aloha. Thank you. Thank you for having me as one makua. Aloha. Aloha Ke Akua. God bless everybody. We gotta work things out over here. Mahalo.

Mr. Kalalau: Thank you. Next is Francis.

Mr. Francis Kamakawiwo`ole: Aloha mai. Hau`oli makahiki hou. The last time I testified, one of my main concerns was to keep to the law. So what I had done is put together a document called "A Verified Notice of Acceptance of Oath," and what I'll do is I'll just -- I'll just read it. I only made three copies that were signed. I figured I would give one to the panel and one to the County, okay.

This notice by myself, Francis Kealoha, Junior, family of Kamakawiwo`ole, a sovereign without the United States, respondent, a lineal decent and of Kaua`ula Valley. This notice is for Charmaine Tavares, doing business as Charmaine Tavares, Mayor, Chief Executive Officer, public servant of the corporate County of Maui. This is also for the Cultural Resources Committee members, public servants, corporate County of Maui.

And then if -- I don't know if the Corporation Counsel is here but I'm putting them on notice also.

The following notice of acceptance of oath of office is made explicitly under reserve and without recourse.

Furthermore, I hereby duly notice, Charmaine Tavares, dba Charmaine Tavares, Mayor, Chief Executive Officer, public servant, Cultural Resources Committee members, public servants, and the Corporation Counsel, public servant, with my instrument entitled, "Notice of Acceptance of Oath of Office" concerning the Lahaina Town Action Committee, Halloween Project.

Furthermore, I hereby and herein accept your oath of office as your open and binding offer of contract to form a firm and binding, private, bilateral contract between you and me in which you agree to perform all of your promises and uphold all of my rights.

Furthermore, I accept all the laws in its entirety, top to bottom and front to back, set forth to protect the areas that part of the historic designation.

I hereby and herein notice that you all swore an oath of office to support and defend the Constitution of the United States and the State of Hawaii.

The foregoing is an instrument under contract law and I hereby and herein explicitly reserve all of my rights without recourse.

You have been noticed.

And it's signed and I'll give it to you. The crux of it all is that we share a lot of stuff about how we going ho`oponopono this thing and the last time we had the meeting, the approval was made by personal views, not by the law. And at that time ...(inaudible)... wasn't ready with the laws. And we sat there, the first case came up with Mike Whitehead about one window that never match on what's supposed to be done in the historic area. But then it was because, oh, my family going be down there so I like make sure they safe. Oh, get plenty people coming from outside, we no like them waste their money. That's not the law. You took an oath to uphold the law. So all I ask -- and, you know, it was kind of -- it was hard for me to do something like this but it's -- it came down to the only thing I knew I could do legally is to put you all on notice to uphold your oath of office and as the laws to the Constitution of the United States and the Constitution of the State of Hawaii. Those six million laws out there. Remember the designation is like Pearl Harbor. Try go ask somebody. Maybe the Lahaina Town Action Committee like go make one in Pearl Harbor, Halloween. What is the difference? What is the difference? Same designation but the Hawaiians no matter? Somebody else talking more because three million dollars come in? For us for sit on the committee that is kanaka maoli, and you no back this up, shame. Hilahila. Hilahila. So I put that out to you as my plea. Uphold the law. You took an oath. You swore an oath to uphold the law. Heed the law. Defend it. Support it. That's the oath you took.

In closing, I would like to say that if I have offended anyone, I ask for your forgiveness. Mahalo.

Mr. Kalalau: Thank you, Francis. Questions, Commissioners? Comments? Okay, our next speaker will be Richard McCarty, followed by Sam Ka`ai.

Mr. Richard McCarty: Aloha. I'm Richard McCarty. I think we can go through these kind of analysis because we like that kind of thing from our western point of view and our western way of dealing with things that we've somehow been indoctrinated with. What we're missing here is that these good citizens, na kupuna and their ohana, are being pushed out of their place of being in many respects. And this Halloween issue is one where they've come to the front and asked our society to recognize and be humble and stand up and say, "Wait. You shouldn't be pushed out of Lahaina. You should feel comfortable there. That is your home. That's your -- where you should be. The rest of us have come later." And now we're driving the machine. That's wrong. And for us to stand here and talk about next year already, before these issues are addressed, is totally incomprehensible to me.

Last year we let terrorists drive this machine and say, "We're going to come anyway. Make it safe for us or we're going to cause some problems." And I was here when this Commission said, "Well, we don't feel good about it but we're going to be a safety committee." And in history, we know what happened when safety committees took charge of the Hawaiian people, and I hope that doesn't happen again.

New Years Eve occurs, people come get drunk. We don't need to endorse it as a community effort. For some reason we've chosen to make Halloween different and we, as good citizens, by endorsing this, first of all make it our party, we invite people that we know are going to misbehave, we all recognize that there's things that happen that should not, and those -- all those things that happened add to the detriment of these good people, and we can't let that happen. Lahaina belongs to the Hawaiian people and that is there home and they should feel comfortable there.

The places where people used to be able to congregate and have their society and feel their aloha and talk with each other and talk about how their ohana are doing, where the ohana come to and are comfortable, that's gone from Lahaina. You can't find that anywhere and we should not make these good people be the policemen. It's not their problem. They're being shoved out of where they belong. And this Halloween event is just a perfect example of how we'll look the other way and say, "Oh well, that's nice. You got some historic sites but we're going to run rampant and do what we think the greater community wants to do." We can't continue with that frame of mind or Lahaina is not going to be Lahaina anymore.

At the last meeting, Stan told you there were 60 recognized sites in Lahaina that must be protected and do we even know where they are? We let this event occur without anybody even looking at each one of those sites and saying, well, how will it be affected? What's going to happen there? All of this should come first, not last. You are like the parents and we're all like your kids, and we say, "Dad, Mom, I've got an idea. I'd like to throw a big party in here so I'm going to do it." Society has appointed all of you to be the parents who

say, "Well, that isn't a good idea. Don't do it." But instead of saying that, you're saying, "Well, your friends are going to show up and break a bunch of stuff so we'd better let you do it so we can involve the police." And that's exactly what happened last year and I think we should all be ashamed of the fact that that's how this was allowed to occur.

I brought to your attention one site, the library, and all of sudden, well, you said, "Well, since that's come up, the Lahaina Town Action Committee should move the toilets out of there." But what about the other 59 sites? Nobody even looked at those to see how they would be affected. Right now is the time to say, "If anybody's going to apply, they ought to apply early enough that this can be discussed rationally." And secondly, society should know you don't invite a bunch of people to a party before you know it's going to occur. And what has happened two years in row that I've seen is the permit comes in, the application's so late that nobody can deal with it in a rational business-like manner, so the party goes on. And I think that through this process, whatever it may be, there should be some requirement that if there is an application, it should come in early enough that it can be addressed in a business-like fashion. And secondly, that the law should be followed and if there is to be an environmental assessment, an EIS, ahead of time, it should come in ahead of time so the public can comment on all of that.

I know last year that the -- the EA process was not correct and, legally, it could have been challenged and the -- the whole -- the whole event could have been shut down most likely with an injunction, but the County sidestepped one of the major steps and that is to put together information for you so that you can make a rational business decision about whether this is appropriate under the laws of the State of Hawaii and the County of Maui, but they didn't even allow you do that. They just said, "Well, we're going to give an exemption because these buildings will be put up and taken down overnight." They didn't address the fact that there would be three 30,000 extra people brought into the community. This isn't about setting up a food booth. It's about bringing all these people into the community that don't know how to act and won't behave. The only way that the -- we, as human beings, for some reason act right is if we're made to act right, for instance, seat belts, fireworks. Everybody was afraid fireworks couldn't be shutdown; well, you just require the proper permits and people will quit using them. People will quit coming to party in Lahaina if the event isn't there.

But I'd ask you, first of all, to start at the front-end and look at these good people and say, "You don't have to be the policemen in our community. We respect you. We respect you. And we're going to look after your interest without making you be the police. We're going to make this a good safe place for you where you'll feel welcome in your hometown again." And this is a perfect way for all of us to get together as a community and start that process because Lahaina is just getting to be another old town, and Stan did a great job of showing to you what the history is here and if that -- if we allow that to escape, shame on us. Thank you.

Mr. Kalalau: Thank you. Next is Sam Ka`ai, followed by Patty.

Mr. Sam Ka`ai: Aloha kou. I guess everyone should identify himself. I'm Kanapa Mahaoi from the other side of the island. I haven't lived here for a while. But some of the qualifications might be that one-half of me descends from a whaler, who jumped ship in Honolulu in 1872, because they were gonna -- anybody who paid two dollars for re-arresting him and throwing him back on a whaling boat, so he ran away to Lahaina and find out that their laws here afforded the same privilege that anybody could put him in a bag and deliver him to a boat for two bucks, so he went over to Kaupo that only had some wild cows and hid there, and there he married a kanaka wahine, yeah.

The other portion is Hawaiian. So it's not that I lived here or present, but at one time, I was the chairman for the Maui Historical Commission, and it set an idea of values at a time when 90 percent of Lahaina's Front Street was closed down because they were a fire hazard. They needed to do something to wake it up. Lahaina has gone through that kind of surges.

In 1860's, 500 whaling vessels, all having crews from 38 to 40, came ashore and that's the first capital mining operation for Lahaina. Nothing mattered in the sacred lands, only the hea ka kala? Where is the dollar? These kind of swings keep happening. We went through our own thing with having a thing called "The Whaling Spree" where ideas had nothing to do with Hawaiian; it had to do with the European value and what it considered valuable, including the Constitution you're talking about. That first peoples, just the first people, we're here now, and these are our disciplines or meanings.

Lahaina had a period when they wanted to get rid of native or what they call "nigger-jibber" which, by the way, was the Hawaiian language, and some Hawaiians participated on that. One of my kupuna used to make -- make your knuckles like that and paikalima if you talked Hawaiian because you had to be modern and world and now we have world trade and all kinds of things and somehow, at home, you start to get rashes and pupu`u and lumps and a disaffection. When you loose any spiritual orientation to some place, you can do exactly what you want. Try to remember that Halloween, or the sacred night of the spirit, was for treat or trick. In other words, you hijack the community for that night. You're going to give me something or I'm gonna do something to you. Interestingly, Kaupo School, when I was a kid, had this story where four kanaka went put inside their school four cows and they did their thing and so there was no school the next day. That was the trick. Now, mischiefness is what Halloween is all about but it used to be the sacred night when you readdress your kupuna in Europe, under Wickham, and so Lahaina, if you're of the Hebrew persuasion or the songs of Paul, this was the none thing to do, you know, the way of the gentile or the Christian. Again, this codes, we're talking about law and firemen and policemen, and yet some kind of cultural code or spiritual code is being ignored.

We gave a lot of information and it's heavy reading and if you are not part of that culture, you are not going to find it too interesting. But you know there's a family here in Lahaina called Upunui. When did they come? They had sway here in the 8th Century. They were the ali`i nui, and they still here. Some kinds of things when we talk Kamehameha but he was named after a Maui Chief named Kamehameha Nui. His uncles, two mahaoi that went to the Big Island, were Kahekili's half brothers from Maui and from Lahaina. Lahaina has had a lot of adverse things. The mosquito was introduced here by the good ship Wellington, 170 days from England in 1822, and that and the Rhode Island Chicken brought in by the missionary managed to quench all the songs of the low lands. Seventy-two kinds of Hawaiian birds could not sing anymore. Fowl fever knocked everything out to the 2,000 foot level. By the way, that's as high as the mosquito goes.

Lahaina has a lot of first. Lahainaluna is a mahaoi name because the street Dickenson was Lahainaluna. It went up to Lunaville and that's the way you went up to the school. But when Pioneer Mill built -- or Hackfield and Company built a better road going up the hill, that became Lahainaluna. And Mary Nanakila . . . ceased to be, you know, Mary the Victory of Heaven. That's only Hawaiian church named by a Hawaiian name and not reversed name but that's because the people here spoke Hawaiian at that time. And then it was called Malo Street because David Malo was there. Dickenson is the last name along a roadway, waterway, and that waterway fed what now is Lahaina straights, that's the harbor going out, that's the fresh water run, that's before the mill took all the water up at pump camp. All of these kind of history things make no difference if you just arrived. But for the kanaka, the water that came down that stream, fed three lo`i. As a historical commissioner, we planned to remove the library attended to the school, and put that what? Some people say park. Other people said the first western building. But someone remembered us that there was a lo`i there and the most humbling thing of the year that made it sacred is the ali`i would take off his battle robes over . . . his red malo of his chieftain and go into that lo`i and tend the taro, and that is the library, Pioneer Inn, and the banyan tree square. That was the sacred place where a high chief humbled himself before his older brother to put back the staple of the land, renew that which is planting and a`e.

So back -- there are other things that went on in Lahaina. They came in the 8th Century but had sway only in the late 15th and 16th Century, they're called the Piilani or the pinnacles of heaven, and their sway was very large. It started over there on Molokai where there is two stones in the Coconut Grove or Kukui Grove, and that's the back riding through the Alanui Kahiki all the way to Tahiti, the first 17 days of a voyage down the sea trail in obedience. Now what is Molokai? Well, Molokai means molo or make flat, or the flattened seas of Hina. Well, where is Hina? Well, we call it Pu`ukolii Camp nowadays. These mountains are called "Ka Hale Mahina" as that is called Hale Holokala, where the sun was released, or Kahikinui and Kahiki`ike. Well why don't we use those terms? Well because we had this great plantation attitude that we had to become American and several

misnomers were affixed in Hawaii. One was we had a Lahaina Town. You realize that the township was never incorporated and that all the governments that were in power never allowed the incorporation of a government? We go from village to county ...(inaudible)... Lahaina Town never was. It always was the village.

So some other things that were tapu and tapu now, that street you call "Front Street, U.S.A.," is really called "Alanui O Ali'i," the King's Way or the Sacred Way. And then there's this other street called "Alanui O Mamo," now called "Shaw," that's from, you know, Lunaville, that's how the servants came down to service this sacred are. The People's Way. And we haven't changed it yet, we have Luakini, the Sacred Way. And everything in between that was tapu. It was discussed by the Historic Commission that slowly you would remove those business functions, non-compatible functions, if you ever were going to have Williamsburg here. Williamsburg is only 400 years old. Hawaii goes back, Lahaina as a town, goes back to the 8th Century. A place sacred.

Other kind of misnomers here, you know, that every Hawaiian Island has a favorite lei or flower, but Lahaina's one or Maui is the Wild Rose of Rhode Island. That mahailani rose is the Polonaise flower. We have made it just as here constantly. The Sacred Way was supposed to also include Kam III School, which came into the power by ceased lands under the Hawaiian government and because since the land was free, when the republic took over, eventually it became school property to be restored. That is also part of that legion, not just the sacred part, but all of Kam III School, that six lots that go -- eight lots that you see, plantation land, that's the queen's house, and hale pula, the first palace, the house of the iron roof, that's where the canoes are now.

There is more here that is kind of not spoken of. The question is, I am told that in 2025, there won't be a pure Hawaiian around. I find it interesting that as we go towards this nonexistence, language, the native language is become powerful again. I even notice some people's names who were palani names now going back to kanaka names. As something is taken away, it becomes minamina, and we go back and take care of those things. You have chance to correct. Now if you're going to talk business, you already have spread business all the way Kaanapali out to Keka`a, those financial basis are larger than you're ever going to produce on Front Street. If you're practical. Just like if you really believe that you were going to handle the Hawaiian Islands in a fashion, the Island of Maui, on that so-called "Northshore," you know another names that's changing, up there about Pauwela and, you know, Paia, water comes from there, not down the stream. Everybody used to have a water tank but they different now, and that place you call "Kihei," Kihei is not that village. Kihei, that place, is called Kula Makai. It means less than 15 inches of rain. Kihei is a shawl worn by the mountain Haleakala and it goes across that area. We keep on taking names and making them up. One of the really funny thing about Hawaii is that in that place where nobody could live because had only 15 inches of rain, we point out a thing called "Kamaole One." Why did you name -- well, this is a good children's beach.

How do you say "happy children?" Well, children is kama and ole is happy. Oh that's good for the children. Let's -- or what is the beach down here? We don't know. Well call it "Kamaole Two." You know, that's pupu ka`ina one and pupu ka`ina two and pupu ka`ina lolo. There is something funny about how we do things quickly to serve so-called this generation, yet there is a rhythm so ancient. Lahaina is tapu. The whole pond that you're trying to restore is tapu. It was buried because of mosquitos. We didn't bring that here.

This place will be your last whisper. Your children will write songs about what was lost. About the waters of Moku`ula. About the mo`okiha. Does anyone realize what kiha means? It means clear voice from the heaven. That's kiha. And kiha-wahine, you know, the Pi`ilani's was supposed to have a divine statement from heaven. I think in the western they call it a place in Greece where clairvoyance told the future. That's what Lahaina is. It's never going to go away cause you know that code of arms that is in Hawaii? You see that central place where there are two crosses? Those are not spears. They're special clubs for splitting ulu because the chiefs were called the nanaulu and the uluokalani, the fruits of heaven, and presumed fruits, and that was in the sign that even those kind of fruits can be picked if madness takes over cause they represented the government. And above it is a little fan thing. That is called a kahai, a Lahaina thing. You had to lower your sail in honor of the hai when you sail across these coastal lands. They're old stories. Whaling stories are much more exciting.

The idea is that if you don't tell your stories, then you become yesterday's whispers. If you don't speak Hawaiian, then you start telling the story in hapa haole. Now we have children say, "You know this song. I went write 'em already, yeah. Can you interpret that in Hawaiian?" The reason is that the embarrassment that Hawaiian are talking about, on Maui we have two words, we said, well, kuloho or kunoho, means *to* gaze down because that is hilahila. So it's not about just pain but it's about the appearance that sacred things don't happen there anymore. Giving a permit for a park thing down there in Moku`ula is saying, "Come on. Bring your opala over here. It's okay. We'll have the police to watch, and the firemen." That's the nakoa. It's about: Did you pray this morning at seven? And will you pray at 7:00 this evening? That's what sacred sites are. Or do you remand the portray of civilization? I am called a Polynesian in most books that I read about. Any of you Hawaiians think you're Polynesian? It's a Latin name I'm called by people who do not want to assimilate. They call me the person from the many islands. It's about somebody talking about you without talking to you. So here's the problem see. We're talking about this as a business venture and then we say "cultural." You know if you -- we get this thing called protocol. If you gotta use the word "protocol," you're on the outside looking in because a person on the inside is going: What comes first? What is the ki`aina or the tikana in the program of celebration and prayer? Don't get used to to these abstract words. Get in front and ...(inaudible)... there's a sacred stone that was there long before the taro patch was built and when that river fed it. It was a place where the opala came off the land

and so we said take out ailments, our ma`i with you. It's still is a place that people pray at in great crisis. Perhaps we're too well. We don't know what the crisis is.

We had three whacks at this. The whalers did that and they could not apply police or anything to it so Kawikiouli moved the government to Oahu and Lahaina became a foreign place. We had a sleeping community and we waked it up with whaling spree, and whaling spree I saw people throw nets, called it Hawaiian but it's really pake . . . you know, the net, and then there was people who they put a tire out there and they threw a reel for casting. It was ... (inaudible)... contest, this all kind of stuff. But Sunday, there was a church service underneath there, under that banyan tree. By the way, the banyan tree was planted in 1872 to celebrate the missionaries coming to Hawaii. So this kind of things began and for two years we're all excited about it, and then we had a kupuna, Emma Sharp, and she said, "No, I don't live in Lahaina. I live in Kahana. Hilahila this place. I don't know when we should clean our opu." That's the proper way of getting rid of it. The other way is lua`i. And people heard that, and Jimmy Greg and couple other guys over here all got together and started to turn the whaling spree off.

You talk about the police being a hundred percent but we can't afford to continue that if the numbers get larger, so press in the question about why are you policing it and why is it needed. Aloha mai nui ka Hawaii.

If you love Hawaii, then these things have meaning. If you love just the sunshine, I can suggest several other places where the sun shines. The thing about it that they try to incorporate things here see, and if you're really going to have a Halloween, I would suggest strongly that you bring a kabuki, I mean, you know, the dancing because that celebrates the dancing with their ancestors. It is a foreign concept and yet it is been a richly accepted by all kanaka. The idea that you're going to have a kolohe or a trouble making thing and celebrate in let's be rascal, ask us if we pertain common sense, wo we'll have to have a prayer for common sense. Mahalo.

Mr. Kalalau: Thank you, Sam. Commissioners, questions? Comments? Thank you, Sam. Our next speaker is Vicky McCarty.

Ms. Vicky McCarty. Aloha. My name is Vicky McCarty. I'm humbled that I would follow Sam Ka`ai. I am not of this place. These people are of this place. Na kupuna are of this place. The Kapu mo`opuna is of this place. The words that I have to speak here today are to acknowledge their presence and to acknowledge things that are important to them. Please listen to these words, not for me, but for them.

When the County made their presentation, they referred to the packets that you've all received. I have not seen those packets but I heard the words delivered by the representative from the County. The words were that the police had decided everything

was okay and the County has decided that everything is okay. And I wanna present another side.

I've brought with me today *The Maui News* from November 2nd. It was the article that was written on the events in Lahaina by *The Maui News*, and I'd like to point out some things to you, and when I read these, again, I'm reading these words to the Cultural Resources Commission so that you will have an idea of what went on in Lahaina on Halloween in spite of the report that you have received.

On the front page, under the title of "Arrest teams keep a lid on scariness," it says, "Another woman was so intoxicated she couldn't sit up without help was seen. The officers confiscated the woman's mixture of energy drink and liquor, stopped and questioned the men wearing similar colors, and called medics to check on the woman who was so drunk she eventually had to be carried off the street." On another page, "Most arrests were alcohol related, including six for underage drinking, four for driving under the influence, and three for drinking in a Historic District. For officers roving in the area near Banyan Tree Park, violations surfaced as the keiki parade was ending before five p.m. Seeing a woman carrying a water bottle filled with something else in front of a sign that said "No public alcohol consumption. A man with her had a cup filled with beer, which was also poured out. Before six p.m., the officers stopped a man carrying a chainsaw. His face and clothing splattered with streaks of red paint. "I thought I might have a problem but I was hoping," the man told the officers, "it makes my costume." Several minutes later, the officers confronted a long-haired man dressed in a robe who was carrying a bamboo pole attached to a bucket and a fire-dancing baton attached to a chain. Attendance seemed lighter, said a veteran who has worked on Front Street for nearly 20 Halloweens, but officers still," excuse me, "officers till found plenty of liquor being carried in soda cups and containers or water covered," excuse me, "and containers or bottles covered with paper bags. Later in the night, an 18 year old woman wearing a French maid costume was handcuffed and arrested for underage drinking when she was seen walking down Front Street. As the night wore on, the noise and arrests increased. Officers checked on a drunk woman being held up by a friend as she sat on the bench near the banyan tree. Later, the friend carried her across the street, police called medics, and had to arrest the man who tried to provoke a fight while the officers were attending to the drunk woman. About ten minutes before midnight, officers rushed to a fight involving four women at Front and Hotel Streets."

At the end of the article, it says, this is a long article, I've just read bits and pieces, this doesn't cover everything, "One officer suffered minor injuries when he fell against a glass window while chasing a subject." The representative from the County mentioned that there were 33 arrests. There's a picture in the paper of an officer writing a warning so we know that there could have been more than 33 arrests. These people were let go. Some young people in Lahaina weren't quite so lucky. They were dragged down to the courthouse and they were charged, but some tourists were warned and let go.

There are other reports in this paper about incidents not on Front Street that were just off of Front Street. Someone broke into a van. I can leave this article with you if you've not seen it and you're interested. My point is that with all of the mitigation measures that were put into place, with all of the things that were done to correct these problems that the kupuna brought forth time and time again, this is still the report that was in *The Maui News* the day after. These mitigation measures will not work. They are not enough. They cannot be enough.

I think the other issue that needs to be addressed and really considered here, although the County has talked about how safe they have made this event, and even Lahaina Town Action Committee has talked about how safe they have made the event, we should applaud the kupuna for bringing this to our attention. It is they who brought up the safety issues. It is they who are continuing to be concerned with the safety issues.

Every time I read in the paper or every time I hear on the news or every time I hear someone in a body, such as this, say, "They're coming anyway," it reaffirms the fear that the kupuna have that this is a safety issue. You cannot throw open the doors and say, "We can't stop you from coming. Go ahead and come and do whatever it is you'd like to do to us," without that being a serious safety issue. When I was here before, I mentioned the visit of the Dalai Lama. There were 11,000 people there. They searched every single person individually. They ran them through scanners. You were not allowed to carry anything in with you other than what you could carry. No bags. No costumes. No nothing. And they had four men with machine guns on the roof because they were concerned about security and safety. We've invited 30,000 people that we don't -- many of whom we don't know into this community with costumes. And although we had a police presence, I would suggest to you, each one of you on this Commission, that if this room were filled with people all the way to the back wall, those of you sitting right here could not see what was going on in the corner. You could not see through the crowd what was happening. That is not your fault. That's just the reality of it. So to say that they have a certain number of policemen and that mitigates the safety issues, that is not the case. That is not true.

The representative from the County mentioned her assessment of the event, and I respect her opinion, that is her opinion of the event, but she mentioned some very interesting numbers and I'm afraid they may have sounded a little an antiseptic so I'd like to break them down. She said ten percent of the people were intoxicated and should have stayed home. Ten percent of 30,000 people is 3000. Three thousand people, in her opinion, were so intoxicated they should have stayed home. This is in Lahaina. This is their place. She said five percent, she believed, were using marijuana. Five percent of 30,000 people is 1500 people that should have stayed home because they were using marijuana. She said one percent of the costumes were inappropriate. That's 300 people in Lahaina. As the kupuna have come to you and told you they are unhappy and -- and hurting over what is going on here. Three hundred people have inappropriate costumes on. Those are the 300

people that were seen. How many people were not seen? In this article, there's a gentleman from California that was quoted, "He seems to have noticed something that we're having a difficult time getting anyone else to notice, he says. Although he wondered whether some costumes were appropriate for the eyes of children. He wondered if they advertised it as adults only, he would understand, then a lot of these children wouldn't be here. A lot of these people wouldn't mind much." He's not of this place. He saw things that were inappropriate after the keiki parade and it concerned him enough to say so in the paper. Why are we not concerned enough? Why does that concern not reach each of us in this room; each of us in Lahaina; each of us on Maui? This is not an antiseptic report; this is really what's happening here.

The dialogue that has gone on between the parties involved has been driven by the County; it has been guided by the County; it has been overshadowed by the County's willingness to let this event go on and on and on. So to simply say that more dialogue needs to happen, although dialogue is a good thing, that won't solve the problem.

The other thing that I brought here to you today is a copy of a letter from Ruth McKay. She sent it to the newspaper. The three times that I have appeared before you on this issue, it has been brought up that this is one event. That it is a keiki parade and an adult parade. I've brought copies of this letter for you. In it she says, and I quote, "Since 1978, the West Maui Sorooptimist and the Lahaina Rotary have funded, organized, and executed the parade for the children and their families of Lahaina. The Lahaina Town Action Committee has never been a part of our parade. Please give credit where credit is due and quit associating our community service project with the merchants of the Lahaina Town Action Committee." I think at the very least, you should require the two events be separated. The keiki parade is one thing; the adult party is another. I'd like to leave this with all of you.

And the last thing that I will address is this notion that we're going to let all of the people who have a say in this issue vote. First and foremost, the people of this place should get to vote first, if there's any voting. Their opinion should be taken into consideration. Their thoughts and their ideas and, more importantly, their needs should be taken into consideration.

As so many things in Hawaii have been reduced to how many people are for it and how many against it, I should not have to remind anyone in this room that there will always be more non-kanaka than kanaka, so it should not be a numbers thing. It should be what is right and what is not right. The events that I have described to you from the newspaper: Is that appropriate in the cultural district? Is it appropriate in Lahaina? If only ten percent of the people were intoxicated, how many people are too many and who sets the number? There was a statement made by the representative from the County that all other events in Lahaina should come -- or would have to come under the same scrutiny and it was -- it was mentioned as if it was a bad thing. I would suggest that any event held in Lahaina that

offers up ten percent of the people too drunk to be there, or five percent of the people on marijuana that shouldn't have been there, I would suggest that they should go under the same scrutiny. And if 30,000 people come for the celebration of Moku`ula, I would suggest that you won't have that same problem. They probably won't be drunk and they probably won't be on marijuana because they will respect the event, they will respect the place, and they will respect why they are there. Please act upon this now. Thank you.

Mr. Kalalau: Thank you. Is there anyone else in the public that wants to come forward and testify on this agenda item? That was -- Vicky was the last person on the list.

Ms. Uilani Kapu: Aloha. My name is Uilani Kapu. Kuleana Kui Kahi. I told myself I wasn't going to come up but I need to say this, just to remind you folks. The issue was brought up in 2005 and we're here in 2008. You folks need to make a decision or else litigation will be forthcoming. Kuleana Kui Kahi will not stand for this anymore. Kuleana Kui Kahi is backed by a lot of Hawaiians and non-Hawaiians that have enough to say about what is happening in Lahaina Town because this is their place. This is their only place. We are not being pushed out anymore. We are not being dictated by other people. We are standing firm by who we believe we are guided by kupuna iwi that are still resided in this area and that we protect and believe in. OHA is ready to back us also. We have talked with them and we have asked them, if we need, will they? They said, "Yes." You folks have heard from Joanne Johnson, who has stressed the historical districts and wants to expand on it. You folks, as the Cultural Resources Commission, are here to protect and preserve our natural history and culture; that's why you folks are put in this position. So I just wanted to remind you folks, 2004 we confronted Lahaina Town Action Committee on something that they have posted and has offended the Hawaiian community, which made us go to the streets. So we are here, in 2008, and we will take it to the streets again if we have to but you folks need to start taking your position and who you folks are and who you folks need to represent. Mahalo.

Mr. Kalalau: Thank you. Commissioners, any questions? Comments? Oh, wait, Kalei has something.

Mr. Kalei Moikeha: So are we taking action on this today or what is it? We're just -- what's the point of business?

Ms. Ann Cua: I think, as was presented by staff, the focus of today's meeting was to provide you a summary of what occurred at the 2007 event; also, as you requested, to give you a cultural assessment of the Halloween event on Lahaina Town, and that was the two items of business at today's meeting. We do not have an application that has been submitted by to the department for an event in 2008 and so that is not on the agenda. So there's no action to be taken today. It's, basically, to give you the information that you

requested, both on the event that occurred in 2007 and the cultural impact assessment that Stan provided, and so that was the order of business for today.

Mr. Moikeha: Okay, thank you. And I think I -- I requested that that we review immediately after what happened last year. So what do we do next then, as far as this item is concerned? When can we take action? Do we have to wait for an application?

Ms. Cua: You need to have -- well, if you're going to be acting on a future event, you need to have an application. Right now, there's no application. An event cannot occur unless there is an application that you approve.

Mr. Moikeha: So can we take action on something that we think is going to occur maybe for the next meeting or something?

Mr. James Giroux: I think an appropriate action may be that if you, on your next agenda, request the person who did request the permit from last year to be present, and at that time, notify them that there is a deadline certain that you want their application in so that it can be reviewed. I think the issue is one of notice that the person should be allowed, you know, adequate preparation and notice in time and in fairness for this board to have adequate time to review such an application.

Mr. Kalalau: Okay, Keeaumoku?

Mr. Keeaumoku Kapu: Yeah, I guess the last applicant's application was sent in what? July? So what, in our next agenda meeting, we're going to set -- set maybe a timeline way before July so we can appropriate ourselves to make recommendations from the Cultural Resources Commission? But then at the same time, I'm hearing that, you know, the Fire Department, the Police Station, everybody is saying that we need to increase, in despite of what went happen this past year, we need to increase toilets, we need to increase enforcement. So I think the analysis was based upon whether or not there was a -- a major impact or some sort of impact based upon our duties as the Cultural Resources Commission to look at the evaluation that was set forth whether or not it as adequate enough based upon our responsibilities, and I say it wasn't adequate. So what do we do from here? We have to wait for them to file another permit? I think that's ludicrous.

Ms. Cua: Excuse me, just for the Commission's information. In looking back at the record, an application for Historic District Approval was filed on June 7, 2007 for the 2007 event, and it went -- a report was prepared by the department on July 5, 2007.

Mr. Kapu: Okay, let me point out something over here in - what is this? November 28, 2007, Item E, "On August 14, 2007, Department of Planning issued a Special Management Area (SMA) Exemption," and that was after the August 2 meeting, "After considerable

discussion on the Commission to vote to approve the conditions of the Historic District Application.” So, what I get over here is, once we’re at the meeting, the Cultural Resources Commission granted the application and the County exempts it in August 14, 2007. What’s going on? SMA wasn’t even done. Nothing was done. There was no EA. Looking for clarity. Permit, you was saying, that was set forth in June, July, August, Commission approves, County exempts.

Ms. Cua: The -- if I could comment on that. The Historic District Application is one part of the process. The property involved in the application is within the Historic District and the National Historic Landmark District Boundary. The property is also within the Special Management Area. Two permits need to be granted: Special Management Area, either assessment, a permit, a exemption needs to be granted. In addition to that, a Historic District Approval needs to be granted or not granted. It needs to be acted on. Because the property in question is within the National Historic Landmark District Boundary, that is a trigger, and the Historic District, it is a trigger for the environmental assessment process. The County has an environmental exemption list for projects and every event that takes place in the Historic District, whether it’s the taste -- well, the Taste of Lahaina is not there anymore, but whether it’s the annual runs that occur through Lahaina, the Festival of Canoes that occurs under the banyan tree, all those events trigger compliance with Chapter 343. And so as part of the approval that the department grants, we look at that exemption list and all of these events have qualified for an exempt class of action under the Chapter 343 process. This event received a similar exemption as all other events have -- have received.

Ms. Kapu: ...(inaudible)...

Ms. Cua: No, that’s an EA exemption.

Ms. Kapu: But they’re -- you’re exemption SMA’s, not EA’s. That’s all they’re applying is for an SMA.

Ms. Cua: Right. What I was trying to explain was that for any event that occurs, whether they apply for a Special Management Area or just sometimes people just apply for the Historic District Application, we not only review Historic District criteria, we review for SMA because we know it’s in the SMA, and because we know there’s a trigger, a Chapter 343 trigger, we are required to review for Chapter 343. If you look at the Historic District Ordinance, the building permit application can be the application. They don’t have to, technically, even file a Historic District Application. The building permit can be the application and we’ve used that, in some instances, because even if, on Front Street, not only for these events, even if businesses on Front Street want to renovate their buildings, because of where it’s located, within the National Historic Landmark District Boundary, it triggers compliance with Chapter 343, which is the Environmental Assessment Law. If the

proposed action can be found to be exempt, whether it's just maybe repair and maintenance of doors and windows, the department exempts that Chapter 343 compliant, but we have to issue that separate exemption. And I think I mentioned this before, like a parking lot, if somebody wants to do a brand new parking lot within the Historic District and they file for a building permit or a Special Management Area Permit, and let's say they're within the Historic District, not only do we have to -- not only do they have to receive Historic District approval and SMA approval, they have to comply with Chapter 343. I mentioned this before. A parking lot does not fall, construction of a brand new parking lot, does not fall under an exempt class of action. So in the cases of a brand new parking lot, we would -- they would have to go through the whole environmental assessment process, and that has occurred, and that has to occur before we grant Historic District Approval or an SMA Permit, and I don't know if that makes sense, but that's kind of the two scenarios where we deal with environmental assessments.

Ms. Kapu: I'd just like to state our application went in when Mike Foley was here, okay. We are going through with Jeff Hunt now. We are not going for another one. We want this solved now. We're not waiting till September, was the first one, when the application went through, when we first put it in in 2006. When we filed it, it was September 12, the application wasn't even in until -- when we checked on it at September 21. So we're in 2007. We got delayed again. We're in 2008. We are not getting pushed -- pushed back. I am just so tired of having to come here and deal with this over and over again. It should have been cleared on our last one that --

Mr. Kalalau: So what -- what application is this?

Ms. Kapu: This is for the Halloween. Like I said, it's been going on since Mike Foley. We're in Jeff Hunt. I'm not going to go through another director. So we need to get a rush on this. I don't care if we have to wait for the -- oh, you know what? I'm not waiting for the applicant because we have waited a month before. Last year was May is when we came forward to you guys, didn't even get it finished until what? August? September? And then their Halloween went on again. This is not happening. I'm sorry. If I have to take you folks to litigation or the County, State, or whatever, it needs to be finished.

Ms. Cua: I think what everybody needs to realize is that there's a permit process that people have to go through. If you want to --

Ms. Kapu: It's been three years already.

Ms. Cua: And I guess my question is: You're talking about an application that you submitted? Did you submit --

Ms. Kapu: ...(inaudible)... we've been fighting it all this time from Jeff Hunt.

Ms. Cua: They submitted an application in 2007, which you opposed, which came --

Ms. Kapu: From 2006 we opposed it.

Ms. Cua: Well, the most recent one. These events get dealt with one year at a time. An application gets filed. The Commission has to deal with the application every single year. Last year, an application was filed, there was opposition, it came to the Commission, we held the meeting in Lahaina, the Commission decided to grant the activity and review it again this year, and that's where we're at.

Mr. Kalalau: Okay. Kalei?

Mr. Moikeha: Therefore, Mr. Chair . . . so coming back to Corp. Counsel, my original statement or question once again, can we go with his request? Invite them to come, I mean the reason why I requested that we review this immediately, we're already back couple months because of rain or whatever, they said you couldn't do it in November, it's too quick, which is true; December we missed it; we're in January. So can we go back to what Corp. Counsel said and can we invite them to come, maybe at the next meeting, and let's take action on it? I mean is that a possibility?

Mr. Kalalau: Unless we make a motion today.

Mr. Moikeha: I make a motion that we do what I said.

Mr. Keeaumoku: Question. I guess the Planning, in the end of that presentation, had some alternatives.

Mr. Kalalau: Okay, now what we're discussing is we wanna know what is the time frame and the time limit from Planning to where we can -- yeah, reasonably expect a complete permit application?

Ms. Cua: We have no idea because we receive applications. We don't know when an application is going to be submitted but you can -- what Corporation Counsel is telling you is if you would like the applicant, if they're even going to submit at all this year, you would like to ask them to submit by a certain date, that is totally within your -- your power to ask. We never require any applicant -- well, okay, let me take that back. When we grant -- when the Commission, whether it's Cultural Resources Commission, Planning Commission, when they grant an application, there's sometimes where they put a condition that the permit is valid for one year subject to extensions upon favorable review. In some instances, in those conditions, we ask that the application be submitted 90 days in advance. And I'm not only talking about this Commission, I'm talking about practice of Maui County, the Planning Department, and its boards and commissions. We have -- there are conditions that request

that permit applications, if they want an extension, and in this case it's not really an extension, but they can -- they file 90 days in advance. So there is -- there is practice where that occurs. If you want the applicant to -- if they're going to submit an application, at this point, all you can do is ask them to submit by a certain date.

Mr. Fredericksen: I have a comment.

Mr. Kalalau: Okay.

Mr. Fredericksen: And a question. What if nobody applies? Then what?

Ms. Cua: That's -- you can't force somebody to apply.

Mr. Fredericksen: For Corp. Counsel, I mean what happens if noone officially applies? I mean cause what members of the public are talking about is, you know, it comes in at the last, you know, the last -- kind of last hour and what happens if nothing occurs before September?

Mr. Giroux: I think, as part of this report, I mean it's very important that you -- you look at the agenda and see that it's your prerogative to make comments and recommendations, and one of -- one of the ideas is that you need a permit application to come in early enough to get a thorough review and apply last year's analysis and everything to it in order to see whether or not that application is something you wanna approve. So in fairness, you -- there has to be notice that you are, whoever is going to apply, needs to apply by a date certain and -- and that -- and if nobody applies, then everybody is on notice that there may not be and they better -- they should not be advertising the event because they -- they have missed the deadline, they have missed the deadline in order to -- to go through CRC approval, but you have to be fair to anybody who wants to take on that responsibility but you also, as a board, have to be fair to yourselves to say, "this is a reasonable request because this is how much time it's going to take us to process it."

Mr. Fredericksen: But as a Commission, I again go back to the question, if nobody applies, then how can we, as a Commission, try to have some input into this activity that is -- that takes place in a Historic District?

Mr. Giroux: Right, if -- if nobody applies, basically, zoning and enforcement have to look at who are -- who are the actors. If there's somebody making a profit off of it; who's advertising it; who's pushing it. They -- that would be the body that zoning and enforcement would have to go after and say, "hey, you know, you haven't gotten the correct permits, you haven't gotten your approvals," and then that -- those people, if they are going to take responsibility for it, then would be the responsible party in a zoning and enforcement action.

Mr. Kapu: Question.

Mr. Fredericksen: Just one more, Keeaumoku. I was on the Commission, 1999 till 2004, and zoning or enforcement - out the door. I mean that was a problem then and still is. I mean that's not -- I mean it's -- that's not part -- that's not going to be a solution, in my opinion. What I -- again, is there anyway that we, as a Commission, can have input on something without there being a permit application coming forward? I get this stuff all the time. I'm an archaeologist. I mean there's -- that's why I'm just hammering on this because it seems to me like this is kind of, for lack of a better term, a loophole, an inadvertent loophole, and I mean, you know, us, as a Commission, I mean is there some way we can have input into this cause it's a big -- it's a big problem.

Mr. Moikeha: You can have all the input right now. We can talk about it right now. Make a decision right now. If they make the application, we already decided. You know, we can do all those -- we can take action, basically, right now if we really, really have a desire to do so. Well, we can just say and just talk about it cause when the time comes -- part of my reason that we -- I requested that we review this immediately cause I felt like we were being shoved into something last year, we just didn't have enough time to make a decision, you know, and there's so many people involved, you don't want to hurt -- it was so difficult at that time to make a decision and maybe my opinion sometimes was wrong at that point, but we have enough time, and I really thought we would decide now. My mistake. However, at this point, I think we can at least talk about it and make a decision. I going tell you now, if the application comes, I going vote no. You know, I mean I'll say it right now, if I don't drop dead.

Mr. Kalalau: Okay, Keeaumoku?

Mr. Kapu: Yeah, da kine, I reading off of November 29, 2007, and it's -- you know, I getting a hard time with this, "The cultural impact of the annual Halloween in Lahaina Event," and basically, you know, analysis, I'm checking this out, this analysis, police report, and alternatives, and all this, and what I get right here that always sticks to me, yeah, "If the Commission were to deny any future Historic District applications for the Halloween event, it is highly likely that," you know, hopefully, somebody going take up this kuleana but then, at the same time, they're saying that it's going to happen anyway in regardless what happens in this arena. So what is this? What we playing? The bargain with the devil here? Damn if we - dame if we don't. I reading this recommendations coming in from County and the bottom line I getting is even though if we allow it or we don't allow it, or if there's a permit or there isn't a permit, it's going to happen anyway and there ain't nothing we can do about it. There is something we can do about it.

Ms. Cua: I think the point that the County is -- is making, and you've heard that from the Police Department as well, if Halloween is not a permitted event and there's not a function

that you've approved to occur in that area with all these mitigation measures, what is being said is that you cannot stop the people from coming. That is all that's being said. You don't have to have a sanctioned or organized activity for people to come. And then, at that point, it would just become traffic management and it is the responsibility of the County to provide safety to its residents and so it's going to have to respond. And so what we're saying is that we would be in a response mode as oppose to a proactive mode, at that point.

Mr. Kapu: But -- but you can stop this. How many ads went out promoting this? I mean you talked about the airlines. They talked about the airlines doing a promotion. Internet. Today's society is all cyberspace. You can stop this kind of madness. What I'm hearing is: There ain't nothing we can do and there ain't nothing our kanaka can do either. We're finished.

Ms. Kapu: I have a fast one.

Mr. Kalalau: Okay, we're taking one more question from the floor and then we're going to close the floor because we might be asking for a short five-minute break and -- okay.

Ms. Kapu: You folks had the question if the applicant was going to come out and do the permit for next year. The applicant is here. Ask them.

Mr. Kalalau: They're last year's applicant but nobody filed.

Ms. Kapu: No, I know but ask Rina if Lahaina Town Action Committee, right now, she could tell you folks if she's going to put an application in or not for this year.

Ms. Patricia Nishiyama: I just wanna put this for documented from our kupuna. I'm sorry I didn't come up when -- but, anyway, one week later they came on AKAKU --

Mr. Kalalau: Patty, can you --

Ms. Nishiyama: Excuse me. My name is Patricia Nishiyama, aka Aunty Patty Nishiyama. One week later this came on AKAKU, the Halloween, and we saw it and we have a new name for it. It's called "Woodstock Lahaina Party of the Pacific." Woodstock. Because we saw all the belly dancers on T.V. plus all these local people here, not local, excuse me, tourists, white people, excuse me for using that language, haole, they were dancing all over the place like ferries, and that's what we have a new name for this Halloween. It's called "Woodstock Halloween Lahaina Party of the Pacific." Thank you. We want our town back. Excuse me. We want the rich culture. We want the King's Trail. We want the King's Way and all the culture that needs to be respected. Thank you.

Mr. Kalalau: Okay, thank you. We'll now close this portion of -- of the agenda item. We need to take a short break and reconvene. Okay, we're going to take a five-minutes break.

(A recess was called at 12:50 p.m., and the meeting reconvened at 1:05 p.m.)

Mr. Kalalau: Okay, Commissioners, we're going to reconvene this meeting. The Chair would like to ask that this Commission go into an executive session based on some of our -- to explain some of our liabilities on the issue and our duties. So we going need a motion.

Mr. Moikeha: I make a motion that we go into executive session.

Mr. Fredericksen: Second.

Mr. Kalalau: It has been moved and second. Any discussion before -- no discussion?

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

It has been moved by Mr. Moikeha, seconded by Mr. Fredericksen, then

VOTED: that the Commission go into executive session.
(Assenting: L. Whelchel; K. Moikeha; E. Fredericksen;
S. Kalalau; P. Artates; V. Marquez; N. Watanabe)
(Dissenting: K. Kapu)
(Excused: D. Pyle)

Mr. Kalalau: We need two-thirds so it's two-thirds of the votes, yeah. Okay.

(The Commission went into Executive Session from 1:09 p.m. to 2:15 p.m.)

Ms. Callentine: Are we back on the record?

Mr. Kalalau: Yes. We're out of executive session and we'll reconvene the regular portion of this meeting. Was there a motion?

Mr. Moikeha: Mr. Chair, I'd like to make a motion. I'd like to make a motion that the Planning Department send a letter to said applicant and amend the portion of the letter that says "at least 30 days to apply for an application --"

Mr. Kalalau: Ninety days.

Ms. Callentine: Ninety days.

Mr. Moikeha: Oh, 90 days for an application to read "by March 31, 2008."

Mr. Fredericksen: Second.

Mr. Kalalau: Do we have a second?

Mr. Fredericksen: Second.

Mr. Kalalau: Anymore discussion? Okay, Corporation Counsel.

Mr. Giroux: I was just kinda write, to help Kalei a little bit, that I wanna make it clear that the letter will read that the applicant is given notice that the CRC wishes to amend that portion of their permit from 90 days to the date certain, and that they will have an opportunity to address this body at the next meeting, and the department can fill in the date.

Ms. Callentine: Sorry, could you say -- could you say that last phrase again?

Ms. Cua: The applicant has an opportunity to address the CRC at the --

Ms. Callentine: At the following meeting.

Mr. Giroux: And that the applicant will have an opportunity to address --

Ms. Callentine: No, not February. The February meeting?

Mr. Giroux: Whichever is the next meeting.

Ms. Callentine: Okay.

Mr. Kalalau: Okay, just for get it clear, one more time, can we go over what that motion was?

Ms. Cua: I can --

Mr. Kalalau: Okay, go ahead, Ann.

Ms. Cua: Oh, is James -- okay, what I got: the letter would say something to the effect that the applicant is given notice that the CRC wishes to amend its Condition No. 3 of its August 14, 2007 approval letter, amending Condition No. 3 from 90 days to March 31, 2008, in terms of submittal of a future application. And then in addition to that, mention that the applicant will have an opportunity to address the Cultural Resources Commission at the

February -- February 7 meeting. Something to that effect and we'll make sure James, our attorney -- your attorney, takes a look at the language.

Mr. Kalalau: Okay, anymore discussion? Okay, everybody? Go ahead.

Ms. Callentine: Oh, I guess you have to vote on that first, yeah? No, did you --

Mr. Kalalau: Yeah, we got a second.

Ms. Callentine: Okay, so now you need to vote? Okay, I'll wait till you finish your vote and then I have another --

Mr. Kalalau: Okay.

Ms. Callentine: Item to address.

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

It has been moved by Mr. Moikeha, seconded by Mr. Fredericksen, then

**VOTED: I'd like to make a motion that the Planning Department send a letter to said applicant saying something to the effect that the applicant is given notice that the CRC wishes to amend its Condition No. 3 of its August 14, 2007 approval letter from 90 days to March 31, 2008 in terms of submittal of a future application. And in addition to that, mention that the applicant will have an opportunity to address the Cultural Resources Commission at the February 7, 2008 meeting. Something to that effect. Letter to be reviewed by Corporation Counsel.
(Assenting: L. Whelchel; K. Moikeha; E. Fredericksen;
P. Artates; V. Marquez; N. Watanabe)
(Recused: K. Kapu)
(Excused: D. Pyle)**

Mr. Kalalau: Motion carried.

Mr. Kapu: Mr. Chair, I recuse myself.

Mr. Kalalau: Oh, one recuse. Yeah. Okay.

Ms. Callentine: Then I was going to recommend that the Commission also direct staff to write a letter to the Soroptimist organization and request that they apply for a --

Mr. Kalalau: The keiki --

Ms. Callentine: The keiki parade separately.

Mr. Kalalau: Okay.

Ms. Callentine: And they have until -- as to my knowledge, they haven't applied before so this wouldn't be an amendment to any prior letter or approval.

Mr. Kalalau: Okay, Commissioners, we need to make a motion on that. Will someone make a motion that the children's portion of the parade file their application too?

Mr. Whelchel: So moved.

Mr. Kalalau: Okay, moved and second.

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

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

VOTED: that the Planning Department write a letter to the West Maui Soroptimist requesting that they apply for a separate permit for the Halloween keiki parade portion of event.
(Assenting: L. Whelchel; K. Moikeha; E. Fredericksen; P. Artates; V. Marquez; N. Watanabe)
(Recused: K. Kapu)
(Excused: D. Pyle)

Mr. Kalalau: Motion carried. Okay, Stan, do we have -- you're going to cover some other stuff on the agenda?

Mr. Fredericksen: I have a question. On the -- with the keiki Halloween parade, does that mean they're going to have to do the same thing, the March 31 deadline?

Ms. Callentine: We can include that in the letter if you want.

Mr. Fredericksen: Do we want to include that in the letter or do we want them to operate on the other, the 90-day or no?

Ms. Callentine: It can be a request.

Mr. Giroux: ...(inaudible)...

Mr. Kalalau: Yeah, yeah, if -- and --

Ms. Callentine: Yeah.

Mr. Kalalau: Yeah, because we need to have them publish and also if when we do our agenda, can we have the keiki portion first?

Ms. Cua: You're talking about the agenda in May, correct? Right, because the letter --

Mr. Kalalau: Yeah, yeah, yeah, yeah.

Ms. Cua: The second letter is just a letter of request, correct?

Mr. Kalalau: Right.

Ms. Cua: To the Soroptimist or the Rotary Club that, as they are the --

Mr. Kalalau: Applicant.

Ms. Cua: Well --

Mr. Fredericksen: The sponsors.

Ms. Cua: The sponsors, thank you.

Mr. Kalalau: Sponsor.

Ms. Cua: As they are the sponsors of the event, we -- the Commission encourages them to be the applicants and put in a separate application for this event by March 31, yeah?

Mr. Kalalau: Yes.

Ms. Cua: Okay, thank you.

Mr. Kalalau: And then number three would be publish in the paper. A publish deadline.

Ms. Cua: We'll have to work -- we'll work with James on that.

Mr. Kalalau: Okay.

Ms. Cua: This is for the department to publish something?

Mr. Giroux: I think the idea was to, because you're going to be requiring one person to apply by a deadline, that if anybody out there in the public is planning on an event on Halloween night at Front Street, that they need to apply by -- by the March 31 deadline that way --

Ms. Cua: To the CRC?

Mr. Giroux: Yeah. And that way there's a fair even field for everybody who --

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

F. NEW BUSINESS - none

G. SIGN ENFORCEMENT PROGRAM IN THE LAHAINA HISTORIC DISTRICTS

Mr. Solamillo: Okay, I'm going to mention that, in passing, the kupuna had to leave to go eat so -- under New Business, no new items are being brought to the Commission at this time. Under Sign Enforcement Program in the Lahaina Historic Districts, no applications are being brought forward at this time. We already had a Banyan Tree Park schedule, which was issued at the beginning of this meeting. No additional information is being brought to you from my Director's Report. Our next meeting is scheduled for February 7, 2008, and I'm going to ask if there's any specific items that the Commissioners might want on that agenda that they let us know today, if possible. Are there any items?

Mr. Kalalau: Okay, just, Commissioners, we need to vote on the -- the publishing deadlines, just make a motion, the publishing deadlines for anybody wishing to apply for the Halloween or any activity during Halloween. They gotta -- in a Historical District that they gotta apply by March 31, so someone make a motion.

Ms. Veronica Marquez: So moved.

Mr. Kalalau: Second?

Mr. Fredericksen: Second.

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

It has been moved by Ms. Marquez, seconded by Mr. Fredericksen, then

VOTED: that the Planning Department publish a notice in the newspaper requesting that anyone in the public planning on an event on Halloween night at Front Street needs to apply by the March 31, 2008 deadline.
(Assenting: L. Whelchel; K. Moikeha; E. Fredericksen; P. Artates; V. Marquez; N. Watanabe)
(Recused: K. Kapu)
(Excused: D. Pyle)

Mr. Kalalau: Okay, motion carried. You have anything else more?

I. DIRECTOR'S REPORT

- 1. February 7, 2008 CRC Meeting Agenda**
- 2. Administrative Permit Reports**
 - a. Demolition Permits**
 - b. Historic District Approvals Report - none**

Mr. Solamillo: Any specific items that the Commissioners may want on their February 7 agenda?

Mr. Kalalau: Okay, also I just wanted --

Mr. Solamillo: The meeting will be in Wailuku.

Mr. Kalalau: I just wanted to bring to attention that I think there's some of us might be our last meeting, I think, in February. March. March, I think. March. Lon and Keeaumoku and me and Perry, yeah?

Mr. Whelchel: Perry also?

Mr. Kalalau: Myself, yeah, because Perry and I came in together.

Mr. Fredericksen: In the paper it said two-year -- two -- two positions for the CRC. One of the few times I actually read the paper. It says there were two.

Mr. Kalalau: Oh next March?

Mr. Fredericksen: Five years.

Mr. Kalalau; We thought was five years already, yeah? Okay, so --

Mr. Solamillo: So no special agenda items?

Mr. Fredericksen: I don't know if it's appropriate for next -- for the next meeting but if -- I think, as a Commission member, and this was something that when I was on the Commission before, I tried to encourage the Commission to take it up, it's a difficult issue, I mean we're just kind of dealing with part of it, is Lahaina, you know, the Historic District, cause there's 1 and 2, that doesn't match the, you know, the NHL, and trying to see if there's some way to -- to bring things into some -- some sort of -- I don't know conformity is the right term, but just to make sure that cause the Lahaina Historic District was set up in sixty whatever --

Mr. Solamillo: Two.

Mr. Fredericksen: '62, and was it '62? Yeah, '62.

Mr. Solamillo: Oh, no. The NHL is '62.

Mr. Fredericksen: Oh, '62, but the Historic District --

Mr. Solamillo: And the HD's were '66.

Mr. Fredericksen: Sixty -- yeah. And when the Historic Districts, from the County's side, when that, all of that was -- all those stuff was setup, I mean there was a whole different set of criteria. It was all based on above-ground resources and the -- and this is something that I spoke with you before about, Stan, a little bit anyway, the Hawaiian component of what makes up Lahaina, a lot of the -- of the -- of those cultural resources are still extant but they're mostly underground and how to effectively recognize that because that I think is a -- it's part of the problem that we're kinda grappling with as a Commission is any place you go in Lahaina, I went to King Kamehameha III Elementary School and that whole -- I mean that school, at some point, I think gotta just go because the campus is, what's there is incredible, but how to effectively recognize the cultural resources from the -- the Hawaiian culture that are there but not just like, oh, yeah, there's the Seamen Hospital or whatever stuff that you can -- people can see that's above ground because the resources are there but how -- how can we, as a Commission, try to provide more, if you will, recognition, and that's something where the Fed's going, oh, well, you know, there's not enough contributing resources to downgrade the district or the NHL. I think that's -- that's something that we need to try to address, if we can, as a Commission because Lahaina is not only about buildings and stuff, I mean -- and trying to get the recognition to the -- to the cultural resources that are there. They've been overlaid by other stuff but that doesn't mean that they're -- they're gone.

Mr. Solamillo: Right. Councilwoman Johnson actually had put in a request to the Planning Department to reconfigure the districts, make HD 1 and 2 into one district, which whose boundaries match the NHL. Because of the building count issue, we have opted to resurvey the whole entire district and say exactly what we have because it's a moving target right now and we really don't know what we have. The other issue is just the issue that you raised, which is the amount of Hawaiian material, which is subsurface, or you know under quasi-public land, park land, and things like that, and when I had an opportunity to visit Moku`ula, it's just, you know, what is there? What are our long-term -- and this gets back to what do -- or what does this Commission vis-a-vie the Hawaiian community, you know, what do we see long-term for Lahaina? And this is the kind of thing we're -- well, this is what we're grappling with. What is the future of this place? And being true to the history of the place, and then deciding what does the Commission wish to recommend for the long-term.

I have forgotten something. There was a -- I want you to bear with me. This book was out of print. It is now in print and I had given my copies away, and I was really freaked out, but in it it has a really important piece. It goes through just the manipulations through time. But in there, it has 1920, and there's a newspaper article and it says, it's probably not a newspaper article, it's probably a census document, and it says, "Hawaiian's a dying race." This is 1920. Alright, so they go through the morbidity counts and -- and I think the issue that -- that also was part of this was, you know, they projected the demise of the culture, of the people, right. The people are not gone. They're still here. The language has, you know, resurfaced with a vengeance, happily. I came across, in doing research, Lahainaluna actually kicked out, on one occasion in 1905, kicked what 10, 15 students because they were speaking Hawaiian, right? You don't hear that now. You don't see it. But we have this history and it's -- it's like when I listen to Sam talk, I become a keiki and I just wanna sit down there and listen, you know, and it's -- it's wonderful and that's a, you know, a living treasure that we have and it's this whole history that really needs to come forward and it's something to celebrate, you know. Hawaiian culture has not died. The Hawaiian people have not died. You know, what is the future of this place, you know, given the aspirations of the community so --

So, as far as addressing long-term, we've gotta do a survey. We've already started it. So I can't really project, right now, because I haven't time lined the whole year, but that will come to this Commission sometime this year.

Mr. Fredericksen: Sometime this year?

Mr. Solamillo: Yeah, because we have to address the Council, the Council request. So we've gotta survey. And then do complete building counts. And then what I probably will want to work with you on is how much Hawaiian material is there. Where is it? What is the

long-term plan? Is there enough to reconstruct? Do we want to reconstruct? It's like, what is it, the steel house, you know, Kamehameha's hale.

Mr. Fredericksen: Hale ...

Mr. Solamillo: Yeah. I mean it's all of these -- these places that are there, you know so --

Mr. Kapu: I think Lahainaluna, when you're going up to the high school, you know, all those houses on the right? What they call that? Kilauea Mauka, yeah?

Mr. Solamillo: Yeah.

Mr. Kapu: Those old maps, you look at the old maps of the foundations, there's houses existing today that are still built on those exact foundations, those walls.

Mr. Solamillo: Wow.

Mr. Kapu: So my question is: On Joanne Johnson's expanding of the Historic District, are they looking at going mauka towards the school?

Mr. Solamillo: No, it was just making the Historic Districts 1 and 2 line up with the NHL. But part of the resurvey of Maui County is going to go mauka. I mean it's all three islands actually. But that information that you just provided, I wouldn't know that. So it's things like that that you have to make sure that we somehow find out.

Mr. Kapu: And as seeing your report, what you picked up on the mo`olelo wahipana of Kaua`ula, Launiupoko, and Kaumaheha done by Kepa Maly, I think that report sort of gives you an idea that, you know, those ali`i that was here in Lahaina also had kuleana mauka, like Nahienaena, Ulumaihehe, Kahehemalie, Kalaipahala, all those had kuleana up there. So not only down towards Moku`ula, but also mauka as well so I just curious about the expansion whether or not they going work their way up that side.

Mr. Solamillo: It really depends on who owns the land and what's the concentration of cultural resources in any given location cause property ownership's a really big deal. I mean it's, you know, if it's -- because we still -- I think when Pioneer Mill did the land sell off, I had asked somebody at the State, and there was State because Pioneer Mill leased lands from the State and leased lands from Bishop, and I was trying to ask, I asked SHPD, you know, at least send State survey crews to go stake the State lands because we don't really know where they are, right, and nothing ever happened but it's like there's all this -- there's a big question mark above Honoapiilani Highway, right, what's what when you go from Lahainaluna south to Lunaville.

Mr. Kapu: I no think they can find somebody to do one assessment like that because if you're looking at State lands, not only the mauka area, as well as the makai area, there's also lands that were known as poalima lands, which basically are public lands that went to the public trust and poalima properties can -- can average from an acre to 5 acres to 15 acres and they're all small little chunks and the State don't even know cause the private landowners think they own those properties but they don't.

Mr. Solamillo: Thank you. Also, at some point this year, we've gotta go road trip. We've gotta go Lanai and we have to go Molokai so let's consider the next meeting will be the last one in Wailuku and we'll try and get two -- two meetings on the other two islands unless -- that'll put us in May, and then we come back to meet the March 31 report submittal, okay.

As far as Administrative Permit Reports for Demolitions and Historic District Approvals, none are being brought before the Commission at this time.

J. COMMISSIONER'S ANNOUNCEMENTS

K. NEXT MEETING DATE: February 7, 2008

L. ADJOURNMENT

Mr. Solamillo: Are there any Commissioner's Announcements which anyone would like to make? There are none. Next meeting date is February 7, 2008. Sam, we can have someone motion for adjournment.

Mr. Artates: So moved.

Ms. Watanabe: Second.

L. ADJOURNMENT

There being no further business brought before the Commission, the meeting was adjourned at 2:41 p.m.

Respectfully submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards & Commissions II

RECORD OF ATTENDANCE

Present

Samuel Kalalau, Chairperson
Perry Artates
Erik Fredericksen
Keeaumoku Kapu
Veronica Marquez
Kalei Moikeha
Nani Watanabe
Lon Whelchel

Excused

Dorothy Pyle, Vice-Chairperson

Others

Ann Cua, Staff Planner
Livit Callentine, Staff Planner
Stanley Solamillo, Cultural Resources Planner
James Giroux, Deputy Corporation Counsel