

(APPROVED: 04/03/08)

**CULTURAL RESOURCES COMMISSION
REGULAR MEETING
FEBRUARY 7, 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 9:11 a.m., Thursday, February 7, 2008, in the Planning Department Conference Room, first floor, Kalana Pakui Building, 250 South High Street, Wailuku, Island of Maui.

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

Mr. Samuel Kalalau: Will this Maui County Cultural Resources Commission meeting of February 7, 2008 please come to order. First of all, we'd like to apologize for starting a little bit late, but I came in from Hana. We having a lot of rain down there. There's some major mud slides And had to jump out and use my cane knife to cut the trees across the road so -- we're gonna have some changes on our agenda this morning. We're gonna change -- we're gonna review Items C first. Okay, Stan?

C. COMMUNICATIONS -

a. CORRESPONDENCE -

1. Notice from the Maui County Cultural Resources Commission to the public regarding 2008 Halloween events in the Lahaina Historic District.

Mr. Stanley Solamillo: Good morning, Commissioners. Under Item C, Communication, first is Correspondence, which consists of a notice from the Maui County Cultural Resources Commission as you've instructed to the public, regarding 2008 Halloween events in the Lahaina Historic District. The Planner, as you may recall, is Livit Callentine.

Ms. Livit Callentine: Good morning, Commissioners. We wanted to let you know that per your last meeting in December, you made a request that the Planning Department inform the applicants for -- previous applicants for Halloween that we would -- you would be considering applications, and you were requesting applications to be submitted by March 31st. Also, you were -- I -- staff consulted with our attorney and determined that making a public notice in the newspaper would be appropriate. So this is -- this communication item has to do with that public notice. And that public notice - I'm not sure if you saw it or got a copy of it. Do you folks have it? You do? So there's no need for me to read that to you. You got'em. Okay. Just to let you know, then, as an update, I spoke with Ruth McKay from the Soroptimist Organization who coordinates the Keiki Parade on Halloween.

And she is right now preparing a -- an application on her own. I'm working with her on that. And she anticipates that that will be submitted by March 31st. Furthermore, I have spoken with Rina Sampson who's here today. And if you have any questions for her, she can answer. The Lahaina Town Action Committee Board has not yet -- well, the board has met about this, but they haven't completely achieved consensus about whether they are going to actually apply for a Halloween event. However, if they do decide to, they will apply by March 31st. And I wanted to just give you that update. And Rina is here, and I'm not sure if it would be appropriate at this time for her to say a few words, or if that's -- if you have any questions for her.

Mr. Kalalau: Yeah, it's okay. It's on the agenda.

Ms. Callentine: For today?

Mr. Kalalau: Yeah, it's a Communication item.

Ms. Callentine: Oh, I thought we were -- okay, so -- oh, so no discussion then?

Mr. Kalalau: Yeah, she can come forward and --

Ms. Callentine: Oh, okay.

Mr. James Giroux: You're not gonna make any decisions.

Mr. Kalalau: Right. Right.

Ms. Callentine: Yeah, this is just a time for her to say something, if she needed to say something? Alright.

Mr. Kalalau: Okay, we'll now open this portion for anyone in the public who wants to also come forward and testify on this Communication item, but first we'll have Rina?

Ms. Callentine: Rina has just informed me that she is comfortable with the way that I explained the Lahaina Town Action Committee's position, and she does not need to come forward.

Mr. Kalalau: Question?

Ms. Dorothy Pyle: This is just a question of clarification. It says in this notice that the Planning Department is notifying Lahaina Town Action Committee that they would need to apply by March 31st.

Ms. Callentine: Yes.

Ms. Pyle: If they choose not to apply, can some other organization come in after March 31st?

Ms. Ann Cua: I can answer that.

Ms. Pyle: Okay.

Ms. Cua: There's three pieces of correspondence that we were instructed to do on your behalf. And, Livit, you can correct me if I'm wrong. One was a letter to the Lahaina Town Action Committee who was the applicant--has been the applicant for years--was the applicant last year--just notifying them your desire to -- if they're gonna apply again to do it by March 31st. The second thing was a letter to the Soroptimists and -- what's the other group?

Ms. Callentine: Just to the Soroptimists.

Ms. Cua: Okay. Who --

Ms. Pyle: Same thing?

Ms. Callentine: Right. Yeah.

Ms. Pyle: Same thing.

Ms. Cua: Has done the Keiki Parade informing them that we would like you to separate, you know, bifurcate the application, if you will, and come in for the application on your own for the Keiki Parade, and that we would also like that in by March 31st. At your last meeting, the discussion came up where, you know, we don't know if the Lahaina Town Action Committee is going to choose to be the applicant.

Ms. Pyle: I wasn't at that meeting, so I don't know what --

Ms. Cua: And that's why this is important. We recognize -- the Commission recognized that there could be another applicant. And that is why the third piece of information based on discussions with our Corporation Counsel and just to get the word out, a notice was done in the paper. And maybe, Livit, you could hold that up. I didn't see -- okay, that was published in the paper basically to anyone - anyone wanting to hold an activity, a Halloween activity, in the historic district this year, the Cultural Resources Commission, by that notice in the paper, which was published twice, was asking anyone to apply by March 31st. So hopefully, we've covered everything. And today was basically a forum to

allow anyone from the public to come forward to say if they saw any issues with what the Commission had requested in terms of submitting by March 31st. And then the testimony you would be taking, if anybody wants to testify, would be on that very issue. Is that clear? Okay.

Mr. Kalalau: Thank you. Is there anyone else in the public that wants to testify on this agenda item? See that we have none, the floor is now closed. And I think we're just supposed to --

Ms. Cua: So, Mr. Chair, if I could maybe help you out a little bit? I don't really think there's much more you need to do today. The purpose of putting it on the agenda today was again to see if there was anybody from the public that wanted to come forward. We're giving due notice, based on your wishes and the recommendation of our attorneys, to have people come here and be able to respond to what you've set forth. Now we basically sit and wait to see if we receive -- if we receive any applications by the March 31st date. And if we do, we will bring them before you, and you will have to act accordingly. So with that, I think we can move forward on the agenda.

Mr. Kalalau: Thank you, Ann. Okay, Stan, the next?

b. PRESENTATIONS -

2. Hale Ho'okipa Bed and Breakfast, 32 Pakani Place, Makawao.

Mr. Solamillo: Alright. The next item is a presentation on Hale Ho'okipa Bed and Breakfast located at 32 Pakani Place in Makawao. The presenter is the owner, Cherie Attix.

Ms. Cherie Attix: Okay. Aloha, Commissioners. Good morning. My name is Cherie Attix, and I own and operate the Hale Ho'okipa Inn. I first came before the CRC in March of 2001 requesting a nomination to the State and National Historic Registers. My project was greeted with an enthusiasm by the Commissioners at the time. Today, I would like to give you an updated look at the property along with more historical insights that I've gained.

Francisco Gomes was born in 1868 in Pontani, Madeira. He and his family moved to Hawaii when Frank was 11. After a journey of 123 days, the British Ship, Ravenscrag, arrived in Hawaii in 1879 carrying 428 Portuguese immigrants. The Ravenscrag is reported to be the ship that first brought to Hawaii a musical instrument known in Madeira as the braguinha finally known today as the ukulele. This shows the ship's path and also the ship's manifest for Francis -- for Frank Gomes and his wife Teresa. Frank's wife Teresa da Costa Vasconcellos was born in the Island of San Miguel in the Azores in 1874. Teresa arrived in Hawaii during the rule of King Kalaukua in 1883. Traveling with her mother, and aunt, two brothers, two sisters, and a cousin, they arrived on the S.S. Bellrock, a British

ship carrying 1,405 Portuguese immigrants. Frank and Theresa were married June 24, 1894, in the original St. Joseph's Church in Makawao. In 1944, they celebrated their 50th wedding anniversary with a high mass at the present church built in 1911, and a luau at their home in Makawao. Their strong faith and commitment to St. Joseph's Church is evident by a beautiful stained glass window displayed in the church. Thirteen of their 18 children survived and were raised in Makawao and Kaupakalua homes.

Upcountry Maui is well suited for agriculture. Farming enterprises dating to the mid-1800s including -- included wheat, sugarcane, pineapple, dairy, and cattle. Ranching became one of the predominant land uses by the turn of century. After 1900, many of the Portuguese immigrants left the plantation seeking landownership. The availability of small parcels in fertile soil made Upcountry an attractive place to settle. The Makawao area was considered the land's -- prime pasture land.

The early settlers of the small ranches have written -- have little written evidence of their hard work. The majority of the Portuguese immigrants listed their occupations as ranching and farming. The Chinese immigrants concentrated on building the commercial core of Makawao. Frank Gomes alias Frank Morganho owned and operated a dairy business on his 18 acres in Kaupakalua while also raising cattle on his 92 acres in Peahi. Haiku Plantation Company leased a portion of the Peahi lands from Mr. Gomes. In 1916, Frank acquired land in Makawao from Antone F. Tavares. An acre of 21.5 acres more or less was purchased for \$3,000 from the famous territorial legislator. Sometime between 1916 and 1924, the Tavares homestead was torn down to make way for building the Gomes home. The story I've been told was that the purchase of this property helped Mr. Tavares recover from a financial loss when his sugarcane machinery was swept overboard. I've yet to find any written or photographic documentation of the Tavares Family during the ownership of the Makawao property. This is a discovery I do look forward to. The house was located in an area inhabited by prosperous citizens, including Fred Hardy, the principal of Makawao School. And a few other prominent families nearby was the Kalamas and Tams. Besides raising cattle on all of his properties and his dairy business, Frank and his sons made a comfortable living as woodcutters for the plantation in Paia. Taking horse and wagon into the Upcountry forest, the men would cut firewood and haul it down to the sugar mill in Paia. In Kaupakalua and Makawao, the Gomes Family planted and tended Isabelle grapes brought from Portugal. A wine and liquor established in 1905 in Kaupakalua sold spirits exclusively to the Portuguese community.

Frank and Teresa built the early 20th Century vernacular Hawaiian-style home in 1924. We're a little bit off here, but this is the cook house. This is when I purchased the cook house or the property in 1996, and this is the cook house now. Architectural features include double-wall construction with shingle-clad exterior walls, multiple gables over the hipped roof. The decorative eaves' details, a triangular-shaped soffit were built in each corner of the east and west wings under the ridge rafters. The kitchen, living room, and

one bath have built-in cabinets, and the parlor has two square columns on top of each of those cabinets. The two lanais have jigsaw-cut balustrades. There's the lanais. This is the front of the house now. Well, this is the old back of the house, but I now I use it as the front, and you'll see it - the house when I purchased it. The house has many similarities to the Pacific, ready-cut, kit homes that came from the West Coast. I'm still researching this possibility and may not be able to confirm it unless I can locate a scamp beam. I'm trying. I haven't found it yet.

This is the kitchen. Set upon the hill, some of the old-time residents called the Pu`u Hale - this house. And it sited to capture morning and evening light. The morning light comes in up over Haleakala into the kitchen. And the evening light you can see into the West Maui's from the porch and the west-facing lanais. So this is the Gomes Family. I don't know when this date is, and this is the kitchen now.

This is the bread oven. The bread oven, the water tower cistern, and vineyards are ties to the past that will remain evident in years to come. The bread ovens were places where the Portuguese women of the community to gather, socialize, and back bread. This particular bread oven is lava stone, and mortar on the outside, and then it's lined with bricks. I've only cleaned the debris and vegetation, and I have done no restoration work to the oven.

This is the water tower, and there's also a deep cistern which collected roof water. And they're both in need of restoration. I hope one day to be able to restore both of these to hold water for my garden.

The majestic Norfolk Pine reminds us to be steadfast in honoring the past. Some folks have speculated that this tree was planted during the Tavares era of the property. This makes it pretty old. Through the preservation of the Gomes home and historical landmarks, the toil and success of the early Portuguese settlers is recognized by the community. This tree is estimated to be around 200 feet high. I put a Christmas star in it this year, and the guy went up like 150 feet to put the star up there, so it's a pretty big tree.

One of the goals of the Makawao-Pukalani-Kula Community Plan is to encourage the identification, preservation, restoration, and promotion of cultural resources and practices, which reflect the rich heritage found in the Upcountry Region. The General Plan also encourages recordation and preservation of cultural sites, rehabilitation, and adaptive reuse of historic sites. Now that the home is in public use and available for viewing by residents and nonresidents alike, the property will contribute greatly towards the educational and recreational value of the historic property.

In the 1950's, Frank divided land for his children. These are some of my guests enjoying the property. In the 1960's, the land was passed onto his heirs. Mary Gomes received her portion of the property - 2.96 acres and the family home in 1952. This is Mary Gomes in

the house towards the end of her life. And this is the parlor now. In 1994, the parcel with the house was sold and subdivided into eight lots. A new cul-de-sac, Pakani Place, was built to service the subdivision. I purchased the home and the 21,000 square foot lot in 1996. I simultaneously restored the house and created Hale Ho`okipa Inn. When I bought the house, the vines were pretty much up to the peak of the roof. There was no driveway. There were broken windows, peeling paint, collapsed lanais, and the inside was dark as a cave along with many layers of old linoleum. This is the house when I purchased it. I think I only took one picture because I was so overwhelmed. I honestly didn't know a joist from a stud, but I felt the bones of the house were good. The love and care that went into the building of this gracious home were apparent to me. During the restoration work, I often mused about the original family, who they were, where they were, why the house had fallen into such disrepair. I met with the closest Gomes family members to find out what I could and to share my plans for their old homestead.

Oh, okay, I kinda -- anyway, the -- the grandchildren of Frank and Teresa Gomes make frequent visits to their home. In September of 2004, Cookie Tam Sing and her sister Terry organized a family reunion. Twenty-seven of the 47 cousins, the grandchildren of Frank and Teresa Gomes gathered at the Makawao house. This is an article in *The Maui News* about that event. Priceless old photos and a home video were shared over traditional Portuguese food of homemade bean soup, and pandaluce. A rosary was said in the honor of their parents and grandparents: Bubu and Bobo. Members of the Gomes Family presented me with a beautiful koa-framed collage of family history and a photo of Frank and Teresa Gomes to display for my guests. I unveiled the National Historic Register plaque naming Frank and Teresa's house to the delight of the gathered family. Many of the cousins spent a memorable night at the Inn staying up and chatting 'til the early morning hours. Coffee and malasadas were served on Sunday morning as fast as the children arrived. Cameras clicked, warm hugs, and lingering alohas were changed -- exchanged. Hale Ho`okipa Inn offers the local community, outer island residents, an worldwide visitors an opportunity to peek into Maui's past. Most of my guests have an interest in Hawaii's unique history. I'm able to share the knowledge I have gleaned through my years of living in Hawaii. Hale Ho`okipa is sponsored by Global Responsible Tourism Programs and is also listed in Green Vacation Hub. I have a page on my site dedicated to voluntourism where guests who wanna voluntour who are visiting are allowed to encourage -- and encouraged to take place in programs of restoration and reforestation here on Maui, as well as the reclamation of the archaeological sites.

I display old bottles, leather shoes that I found, marbles and other remnants of a bygone era found on the property. A pictorial history of the Gomes Family is also available. I am dedicated to maintain the property's historic integrity and character. Historic structures are used as guest houses worldwide. Adaptive reuse of historic dwellings in the community is in the best interest and education.

Today, I am asking for the support from the Cultural Resources Commission. I'm in the process of renewing my conditional use permit for Hale Ho`okipa Inn. I no longer live in the old house with my guests. I now reside on the indistinguishable adjacent lot. Because of where I live, I'm required to have and maintain a conditional use permit. I was granted a conditional use permit by Council last year while living in my home on the adjacent lot. The Planning Department has recently made recommendations to the Planning Commission which will be passed onto County Council. Historic homes that serve as bed and breakfasts are now given special considerations with a lesser degree of requirements. Even though I am a bed and breakfast, I'm now classified as a TVR instead of a bed and breakfast. In these considerations, to my knowledge, there were no mentions or considerations made for historic TVRs, only B&Bs. In reality, there are no historic B&Bs on Maui for Maui County's definition, at least nothing that's listed on the registers. There are two historic registered TVR's, however: the Old Wailuku Inn and myself. The Shipman House in Hilo is on the State and National Historic Registers and I think by Hawaii -- I mean, Hawaii County standards, it's considered a bed and breakfast. That would make Hale Ho`okipa Inn, my place, the only State and National Historic Registered TVR in the whole State of Hawaii. I feel a bit like a Pioneer and I'm asking today for the CRC to write a letter of recommendation for the renewal of my conditional use permit to use my historic property as Hale Ho`okipa Inn, a transient vacation rental, citing the benefits of adaptive reuse. I have the full support of the Makawao merchants, and provide lodging for the Upcountry community, outer island visitors, national and international guests, mostly retired folks. The Haleakala National Park, and the Universities of Hawaii, California and Michigan, and other national labs and international labs have all written letters of support for my business to continue. I also have letters of recommendation from the Upcountry schools. I've worked hand-in-hand with the Maui Visitors Bureau in the support of their Malama Maui Focus - the campaign that's supporting the local agribusinesses. It's also my hope that at my hearing with the Land Use Committee this coming summer, I will have the support of the CRC. When Tom from Old Wailuku Inn came in last time before you guys, one of the considerations I think he brought up, but is interesting to me that I'd like to bring up, is to maybe grant us longer permits. The upkeep of historical property used as a business is very time-consuming and all encompassing. This will be my eighth year of dealing with getting my permit granted and renewed, and this obviously takes a lot of time. I am in favor of maintaining the conditional use permit process as checks and balances. I'm hoping there will be some initiatives created on local and State levels that may prompt more Hawaii residents to consider historic preservation and restoration when faced with an option. I was honored by the Historic Hawaii Foundation for my preservation work in 2006. I am really excited by this award, and it's my sincere hope that the County of Maui could get on board and support those of us who really put out the extra effort to restore and preserve a bit of Maui's history. Many thanks for your attention today. And I'm open for any questions.

Mr. Kalalau: Thank you. Commissioners, questions? Go ahead, Dorothy.

Ms. Pyle: I -- okay. I am completely flummoxed by this whole situation a little bit. I mean, you and I have communicated a little bit already. Currently there is -- and thank you, Stan, for getting us this proposed ordinance change that would deal with B&Bs and transient vacation rentals. And I understand that this is in process right now. And so I -- it just is amazing to me that you are being required to renew an application for a permit for something that may not actually be applicable when this is passed. And I -- I can't understand that. And so that's my frustration. And I know you have no solution to that and neither do I, but I just had to voice that because I find it just ridiculous that everybody is wasting so much time requiring you to do all these things when in truth, this ordinance could actually change everything. So --

Ms. Attix: And it might not even be passed too.

Ms. Pyle: And it might not even be passed. So in looking through this very quickly, and I don't know if you had a chance to see this or not --

Ms. Attix: No.

Ms. Pyle: And just very quickly looking through this, there is a change that will be placed in the B&B part of these ordinances that will actually say that there will be bed and breakfast operations that are - these are permits - located in registered historic sites listed on the State or National Registers. That's in the B&B part. When you get to the other ordinance that is relating to transient vacation rentals, which is on Page 2 of that particular one, those things are not listed.

Ms. Attix: Right.

Ms. Pyle: So I would -- and I asked Stan if we were going to have a chance to review these ordinances, and he sorta said, well, maybe or maybe not, but I asked that we possibly should be able to do this efficiently. But it seems to me that where it says "The purpose of this Chapter is to allow transient vacation rentals only in the following instances," and then it says "A, B, C," there is no D, which I think we should add which says, "in registered historic sites listed on the State and -- or National Register." And that would make the TVR ordinance in line with the B&B ordinance.

Ms. Attix: Right, that's my point, yeah.

Ms. Pyle: And it just -- I don't get it.

Ms. Attix: Me neither.

Ms. Pyle: I don't get it.

Ms. Attix: There's -- I think there -- my understanding through all the hearings that I listened to was that TVRs were hoping were gonna sort of go away. And they actually wanted to eliminate the conditional use permit process, which didn't fly.

Ms. Pyle: But that's an entirely different thing.

Ms. Attix: Well, I have a conditional use permit process because I don't fall within their criteria as a bed and breakfast because I no longer live in the same house.

Ms. Pyle: But they're creating a TVR ordinance --

Ms. Attix: I know.

Ms. Pyle: Which if they do that, the conditional use permits will no longer be necessary.

Ms. Attix: But the County Council wants to keep the conditional use permit process cause they wanna use it as a checks and balances for the Planning Department. They don't want it to be arbitrary for the Planning Department to just say, oh, well, yeah, you got it, you don't, at least from my understanding with the Council members I've spoken to thus far. I don't -- it's all confusing to me. And this -- like I said, this is eight years of dealing with this for me, which is a lot for a small business owner who is doing it alone. Anyway, I'm hoping to get support from you folks to have my conditional use permit renewed for longer than one year, since I went through this last year already. The Commission did -- I mean, the Council did grant it to me last year living on the property that I do live on still. But then in my Planning Commission hearing in this room couple months ago, they recommended an entirely different thing: that I move out of my house, back up to the property, and have it for another year, which was just beyond for me to even hear that. But anyway, I'm hoping you guys can be supportive of my situation.

Mr. Kalalau: Question, Erik?

Mr. Erik Fredericksen: I don't have a question. I'm in support of whatever you wanna call it - adaptive reuse of historic structures. It's again, it seems like there's -- there's all these other issues floating around that aren't directly in our purview, but I certainly support, if it's possible, to add adaptive reuse of historic structures. I don't know how we can help the presenter out other than say that, you know, we support adaptive reuse of historic structures. And I think one of the few ways to probably make a go of it is to have whatever you wanna call it--a bed and breakfast, or tran -- a TVR or -- setup. It's certainly one of the viable ways.

Ms. Pyle: So are you saying that perhaps we, as a Commission, can write some kind of a letter to the --

Mr. Fredericksen: Yeah, I --

Ms. Pyle: Where would it go now? The Planning Commission?

Ms. Attix: No. No, cause it's already left the Planning Commission, and it's on its way up to Council with their recommendations. It would've been nice to have gotten it in there, but it's gonna have to go to the Land Use Committee first, then --

Ms. Pyle: Can we write to the Land Use Committee?

Ms. Giroux: Yeah, I don't see it as a problem as an advisory letter to say that you've reviewed the project, and as far as looked at its cultural and preservation aspects, and, you know, as far as the language.

Ms. Pyle: And that we would recommend that the conditional use permit be granted and, if possible, for a longer period of time so that the maintenance and upkeep of this building can be done in a timely and efficient manner.

Ms. Attix: I can focus on that instead of this all the time, as well as running a business.

Ms. Pyle: And I think it's also important, as Erik pointed out, that adaptive reuse of buildings is really a very important thing. We can also comment on the fact that the effort and attention has been done to place this on the State and National Register, which indicates that the owner is serious. That it's a commitment. And the owner is very serious about maintaining the building in its historic condition. And that this is a, from my perspective, it's a bright spot in the landscape of the Upcountry area. We can only recommend that other people pursue the same objectives.

Mr. Fredericksen: Yeah, and also, I might add, if it would be a little less formidable because that's -- I mean, frankly, that's a disincentive to -- I mean, why bother with it?

Ms. Pyle: We might ask then that the Council consider that registered historic sites be given a pass? I don't know how to put it. That they be given a special consideration. And that perhaps the Land Use Committee of the County Council could review their proposed ordinances to include permits for registered sites.

Ms. Attix: Thank you.

Ms. Pyle: You can put all that in one letter and then we'd get everything.

Mr. Fredericksen: Yeah, because it's a -- it's just a -- it's a situation that's just untenable, or almost untenable for someone. If you go through the process to get -- get it on the

register, and then all this other stuff, you know, constant, you know, repeatedly, it's not -- it's not fair.

Ms. Attix: One of the comments I heard was that, well, it doesn't take that much to restore a house. You were here, I mean. And I was like, come on, man. You don't have any idea what it takes for a 1924 house that, you know.

Mr. Kalalau: Okay, Lee, you got a question?

Mr. Kalei Moikeha: I got -- I'm supportive of whatever you're trying to do. I guess I'm just curious as far as what we have as far as going in with a letter versus what the Planning Commission. Why were they against?

Ms. Attix: It was a really ugly hearing. Do you wanna hear this?

Mr. Moikeha: Well, I'm kind of curious as to why they --

Ms. Attix: It was pretty hardcore. There is a person who is - I don't know if it's appropriate to say, but who's kinda gunning for me. And the agenda, I can only guess is political who tends to keep showing up at my hearings now and raises a lot of rants and issues that are not particular to my project whatsoever. And I even asked, do you -- can we talk story? And he said, it's not personal. This person has property on my street even though he doesn't live on my street. So when he gives testimony, it's kind of -- catches people attention, and it did during that hearing. Another issue came up with a neighbor during that hearing that completely unbeknownst to me, but we're working it out. It was inappropriate, I think, to bring it up at the hearing, but it was being fueled by this other person. So then the Planning Commission just made this wild recommendation for me to move back out of my house up to the -- you know, next door and give me another year at which it's just overwhelming to me. And the reason I'm having to renew the permit to begin with Charmaine Tavares had said, let's give her five years, and this person came and gave testimony, and after another emotional outburst, Bob Carroll said, okay, we'll give her one year. So that's why I'm back again a year later. That's--- I mean, I'm just saying this from my heart. I don't know if I should be saying this or not, but that's the reality of the situation.

Mr. Moikeha: And then so at that particular meeting, was your property the only agended item, or was all TVR's being --

Ms. Attix: No, it was -- it was my -- I got smacked in the middle of all the TVR outpouring of public outcry and all that. Mine was the only agended item, but a couple -- one Commissioner, in particular, called my testimony a sob story, and said that she was tired of hearing all the sob stories. And so I just got lumped into this whole emotional mess that was happening with the TVR's. Yeah.

Mr. Kalalau: Any more questions? If not, we're opening the floor to anyone in the public who wants to comment or testify on this agenda item. The floor is now open. I see that we have none from the public. The floor is now closed. Commissioners, do you folks have any questions, or you guys wanna put it into a motion that we write a letter to the Land Use Commission? I just -- I just -- I got -- I just got another question for you because, you know, you were saying that people were saying that you should move back on the property. Are you living adjacent to the property or --

Ms. Attix: Yeah, I'm 20 steps. I can throw a rock from one house to the next. Literally, 20 steps from my house to the B&B.

Mr. Kalalau: And you are a registered historical site since 2001?

Ms. Attix: 2001.

Mr. Kalalau: Okay, so this is where we gotta make the clarification is because -- because this is a registered historical site.

Ms. Pyle: A nationally registered site.

Ms. Attix: Yeah, national too.

Mr. Kalalau: Right, right, it's not just some --

Mr. Fredericksen: It's not like six months or something. It's been a long time.

Ms. Attix: No. And I -- all I got out of it so far besides being able to protect the property is really high insurance.

Mr. Kalalau: And you know on those conditional use permit, is it only year-to-year?

Ms. Attix: It's not. It's arbitrary. It was set up for five years, but then it got knocked down to one year. And now I don't -- I'm asking for ten years, frankly, so I don't have to keep doing this.

Mr. Kalalau: Corporate Counsel, is there a -- is there a, you know, a set limit on years of, you know, conditions for the permit?

Mr. Giroux: Yeah, this is something that I guess everybody's been grappling with, but the conditional permit within the ordinance itself does not say years, how many years. It just says that within the ordinance, there has to be some type of indication when the permit's gonna end. And the idea that a conditional permit is -- the purpose of it is to have some

kind of use that people aren't used to, and then try to test it out, and see how it's doing, and then, you know, move it along. And the idea is to really move it out of this permitting process into more of a zoning process. It's kind of a -- it's like the tester case of zoning because we're trying to separate uses, trying to find out what's appropriate uses. And so that's kind of like the nutshell of a conditional use permit. And, you know, it gets itself into crazy situations. And we're seeing how, you know, when it gets into different levels of, you know, how long are you gonna have your permit, who's gonna be -- who's gonna be -- you know, who's gonna receive this type of -- you know, because now it's almost become a TVR conditional permit that it's created its own name, you know. So that's the -- that's the history behind that. But the idea that at a certain time when people are comfortable with the use that the property would get into more of a zoning situation. So the person would never have to come back. You know, you get into a stage where --

Ms. Pyle: Not in your lifetime.

Mr. Giroux: You get into a stage where it's an outright -- you know, you could actually work into a situation where it's an outright permitted use where the codes go into flux, and the zoning goes into flux, and then, you know, in a perfect world, it all works well. And we know how long it takes just to get a simple zoning change on this island. Sometimes, you know, it gets very cumbersome. So that's kind of the situation. I think the -- what the Historic Preservation or this Committee really is focused on is that this may need special looking at because I don't see it in the ordinance, and I really haven't seen a lot of discussion in the sense that distinguishing, you know, a regular -- whatever a regular TVR is as opposed to a historic TVR. So --

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

Ms. Pyle: I move that we write a letter to the Land Use Committee of the Maui County Council in support of the -- is it a conditional use permit? A conditional use permit for the Hale Ho`okipa in Makawao, and that this letter should include many of the statements previously made that perhaps Stan can reiterate for us. And I would also like this letter to indicate - this is part of my motion - that the Land Use Committee examine the proposed ordinances to assure that historically registered -- historic registered sites are included in the permitted uses for both B&B's and TVR's.

Mr. Giroux: Stan, just for clarification, does this have a LU number yet? Land Use Committee number?

Mr. Solamillo: It may, but I don't ...(inaudible)...

Ms. Attix: I don't know if it has it yet.

Mr. Giroux: Okay, because I think it's important that -- that you have that connected -- this letter connected to the LU number because otherwise, yeah, it - as far -- because what I'm hearing is that there may be another issue of actually wanting to comment on the proposed ordinance. And that's gonna go to a different committee. So you need to -- and actually, we may wanna just re-agenda this to make it clear that we may wanna just make a separate comment on the ordinance itself.

Ms. Pyle: But what is the timeframe for that because we won't meet again for a month. And, you know --

Ms. Attix: Oh, it's way down the road before they get to this.

Ms. Pyle: To get to these ordinances?

Ms. Attix: Yeah, I mean, the Planning Department, they said -- I mean, the County Council said they were gonna hear mine - the Land Use - in June. So that's why I wanna have my letter. And they didn't think they were gonna even get to those ordinances until some time after -- within that time as well.

Ms. Pyle: So everything goes much slower ...(inaudible)...

Ms. Attix: So I think they're dealing with budget stuff now.

Ms. Pyle: So your recommendation would be that we write a letter of support now. And that we re-agenda this ordinance for -- so that we can actually then write a specific letter of recommendation about this ...(inaudible)...

Mr. Giroux: And I'm not saying you don't comment about, you know, future legislation in the letter, you know, you can comment, but to make it clear that you're doing a review on each and making a cultural comment on each.

Mr. Kalalau: Kalei?

Mr. Fredericksen: I'll second or --

Mr. Moikeha: I was just gonna second.

Mr. Kalalau: Okay, it has been moved and second. And I'll open for discussion. See that we have no discussions --

Mr. Fredericksen: The only -- I just have a comment again, I mean, this is, I mean, there aren't a whole lot of homes on the Historic -- the National Register at all. And -- and to be

able to have any of them, you know, if they can be some form of adaptive reuse to encourage it, and encourage it in, if it's possible, to encourage in the ordinance or at least so it's recognized, okay, this is a -- it's kind of a special situation. It's not like somebody who's trying to have their TVR, or whoever, wherever, in a one-year-old home. That this is something that's very, you know, it's a way of encouraging. And the -- and the way the economy is here, everything cost an awful lot and, I mean, this is, I would imagine, one of the few ways that you can carry out some adaptive reuse and make, you know, make it work for a building that's on the Register.

Ms. Attix: Can I make one more comment too? In the City of Honolulu, they give property tax breaks for historic registered buildings that are in adaptive reuse, commercially. And I pay full property taxes. I mean, Honolulu's like a couple steps ahead of us. I talked to the Historic Hawaii Foundation about that, and they said, boy, we'd like to see -- get Maui on board to encourage historic restoration - something. And that is my hope, too, through you folks and this meeting, that if there's any way to encourage people to do historic restoration. It's not cheap and it's not easy. And -- but it's very rewarding, but I feel like I'm getting absolutely no -- nothing for it, so I really appreciate this today. Thanks for the time.

Mr. Kalalau: Okay, thank you. Erik? Dorothy?

Ms. Pyle: I was just gonna ask Stan if he needs us to -- if you need to go through the comments that we made or you're comfortable writing a letter that states the things that we've said. Thank you, Cherie.

Ms. Attix: Thank you.

Mr. Solamillo: I think what I'll probably do is write a letter and bring it back to you since we have time. So at the next meeting? I'll listen on the tape and pick up the verbatim comments. I've got them scrolled down, but I don't know if they're as accurate as they could be.

Ms. Pyle: And so it could be sent out with the agenda.

Mr. Solamillo: Yeah. And that way if you wanna make corrections, maybe you can make them at that time. And probably since the long and the short of Old Wailuku Inn was the same kind of letter, right, I will also do one along the same veins for that project. Okay.

Mr. Fredericksen: And that going out in April is not gonna jam up the presenter?

Ms. Pyle: Go out in March.

Mr. Fredericksen: I think our meeting's at the end of the -- oh, no, at the end of the month, yeah.

Mr. Solamillo: Yeah, I mean, we're planning to go to Lana'i, but again, it'll be a communication item.

Mr. Fredericksen: Okay.

Mr. Solamillo: So --

Mr. Kalalau: Okay, thank you, Stan. Okay. Commissioners, you understand Dorothy's long motion?

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

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

VOTED: To write a letter to the Land Use Committee of the Maui County Council in support of the conditional use permit for the Hale Ho`okipa in Makawao as discussed.

Mr. Kalalau: Motion is passed. Next item, Stan?

B. PERMIT REVIEW

1. HISTORIC DISTRICT APPLICATIONS - none

2. ADVISORY REVIEW -

a. MR. BRETT DAVIS on behalf of FRIENDS OF OLD MAUI HIGH SCHOOL requesting review and comment on Old Maui High School Preliminary Draft Master Plan. The CRC may provide comment and provide recommendations. Public testimony will be accepted. (S. Solamillo)

Mr. Solamillo: Okay, the next item is Mr. Brett Davis and Mr. Mike Summers on behalf of Friends of Old Maui High School requesting review and comment on the Old Maui High School Preliminary Draft Master Plan. This is located at 1000 Holomua Road in Paia, Maui, at TMK: 2-5-004:14, 53, and 54. The CRC may provide comment, and provide recommendations, and public testimony will be accepted.

Ms. Barbara Long: Good morning, Commissioners. I'm happy to be here again. My name is Barbara Long. I'm here in my capacity as president of Friends of Old Maui High School. And four years ago exactly, I was here to present the preliminary project that in our crazed minds, we had taken on. I'm here with board member and actually a partner in this endeavor, Jan Dapitan, who is the Executive Director of Community Workday Project, and our hardworking board vice-president. And also here is Jill Engledow who wrote the book that I gave you that I hope you'll all read because it's a really great book.

We're here today because we've done an enormous amount of work in four years. I wanted to bring you up-to-date, and to get your input so that this project will be the very best that it can be. It's a very unusual project, and encompasses some rather unique ideas as the future will hold. And wanted to just make sure that you folks were on board and that we had your support.

The Friends of Old Maui High School is a nonprofit organization that -- a 501C3 tax exempt organization, and our mission - we have three of them. The first is to preserve the campus, the site, and the structures at the Old Maui High School at Hamakuapoko. The second is to rehabilitate the historic administration building of the school. That's on the cover of the book. It was built in 1921 and designed by Charles W. Dickey, who I'm sure you're all familiar with. And because of neglect and the fact that the school left there in 1972, that building was in deplorable condition four years ago when we first began this process. And now as you can see on the cover, it's been cleaned up and it's ready for the next step. And the next step is the third part of our mission, which is the creation of the Patsy Takemoto Mink Center at the school. Patsy Mink was a 1944 graduate of Maui High. Went on to break through the glass ceiling, as it were, that existed in those days, and become a nationally important figure, someone whose legacy I am just now beginning to understand. But the main thing that they're emphasizing lately is her commitment to gender equality and her championship of the Equity and Education Act, Title 9, which brought equal funding for women not only in athletics, but in academics, and Federally-funded education.

So since 2004, with the help of the County and a great deal of help from Senator Dan Inouye about, oh, half a million dollars has been spent on cleaning up the site, cleaning up the administration building. We've communicated -- we've compiled a data base and communicated with more than 4,000 Maui High alumni. And if you read the papers in September, about 1,200 of those came back to the school for a reunion. And I can tell you, I have never seen such love and support for a school from its alumni anywhere especially, in Hawaii where people are crazed about their school. Maui High is really special.

We used funds from the Environmental Protection Agency to do an engineering survey. Actually, we contracted with Glen Mason, who's a preservation architect you're probably familiar with. And I'll pass around later, after the Chris Hart team has made its presentation, so that you can see the engineering results and the construction drawings to

begin the rehabilitation of the administration building. We also used County funds to do an environmental investigation because over the years of the school, it was 60 years, there was a big agricultural program. And then in 1972, for about 30 years, the University of Hawaii conducted agricultural experiments and programs up there. We needed to be sure that that site was not impacted by any contaminants. And I'm happy to say that the result of that very expensive environmental investigation - and they surveyed the old ag fields and around the buildings, they went underground and aboveground - they found nothing in their testing that would be harmful to human beings, which was very gratifying and a big step in moving along in the process. In addition to the alumni reunion, we produced the history book, which has sold very, very well. And with strong support from the County, we've done many programs and many different things to bring the community, the alumni, businesses, volunteers together at the site. And then what you're going to hear today is the result of our contract with Chris Hart and Partners to draft a master plan. And it was about a year in the making. This is what the plan looks like. It's got all kinds of wonderful foldouts. And I'm sure they're gonna show it to you. So let me introduce Mike Summers who led the Chris Hart team for the master plan. He'll tell you how we did it, why we did it, and what it hopes to do. So, Mike?

Mr. Michael Summers: Thank you very much. I wanna thank you for allowing me to be here today. And I am here with Brett Davis. Where's Brett? Brett's a land use planner in our firm and he's been very helpful on this project. This has been a great project to work on. I think everybody at our firm feels grateful that we were able to participate with the Friends of Old Maui High School, and their focus group, and everybody else that kind of help participate in the making of this master plan. And today I'll just give you a brief overview of the master plan. I -- from what I understand, you received pieces of the document, and we may have some additional copies. So if you'd like a copy to review, I'm sure we can make one available to you. And with that, we'll just kick off the power point presentation.

We had a pretty diverse project team, a lot of different talents which helped put this together beginning with Friends of Old Maui High School. They were our client and they put together a really great focus group which comprised of 14 dedicated individuals that were alumni of the school, as well as County officials, community members, and members of Friends. And we met with them over probably about a six-month period to scope this project and come up with the plan that we're gonna be presenting today. And of course, our firm, Chris Hart and Partners was the landscape architect and land planning firm on this project. We worked very closely with Eric Taniguchi who was the project architect. Tanaka Engineering did the surveying. CRM Solutions was our archaeologist. Jill Engledow is here. She prepared our cultural study. And Stacy Otomo was our engineer.

As you can see from this project location map, the aerial photograph just gives you a pretty good feeling of the kind of the regional character out there. And this area has transitioned

from through just multiple phases of development, but, you know, initially when this community was developed, Hamakuapoko, it was a really vibrant community. Basically providing support to the sugar mill. It was a plantation camp and there was a really robust community there. But with the centralization of population on Maui moving from some of the small plantation camps to Kahului, this town, like many of the plantation camp towns, has basically experienced depopulation. In this case, there is no more population. The camp is essentially, gone. The school was a very important part of the camp. And its last year in operation was 1972. So basically we don't have a lot there right now. And as a result, it's a very kind of isolated, remote setting. We're approximately 3.2 miles from Paia, 13 miles from Wailuku Town. That's about a 25-minute drive. About 1.3 miles from Hana Highway. And we're surrounded by sugarcane fields.

What makes the Hamakuapoko Campus unique? Well, it's just a truly, truly, special place. Obviously, it's located in a very, very beautiful setting. You've got dramatic Pacific Ocean views. Great views of Haleakala. It's just surrounded by verdant, green sugarcane fields, the mature landscaping on the site, the drive up Holomua Road. All those factors make this site just truly special from a -- from a -- from a, you know, environmental and setting perspective. But more importantly, you know, the site is extremely significant in the context of Maui's social evolution. You know, the project site hosted Old Maui High School which was the first -- first public coed high school on Maui. It brought together a lot of kids from many of the different plantation camps. Many of those kids were second generation. And so you had quite a -- quite a melting pot at the -- at the school. And these kids were able to learn about American, you know, American democracy and government, and education, and come together, and speak a common language. So from that perspective, it's a really special place. In addition, you know, many of the school's graduates were really very, very prominent people: a lot of the mayors; Mayor Arakawa; Charmaine Tavares attended Old Maui High School; Elmer Carvalho; numerous government leaders; civic leaders; and of course, Patsy T. Mink. So the site, you know, and the school has a very, very important historical place in Maui's history. And as Barbara mentioned, the architecture on the property is very special. The administration building was designed by C. W. Dickey. He was actually born in Haiku. A very prominent Hawaii architect, renown throughout the country, and he's a -- you know, the renovation of that building will truly make it a special place again.

We conducted, as I mentioned, a number of focus group meetings with the Old Maui High School focus group. And these meetings took place from February through September 2007. And the real focus of the meetings was to look at the site, talk about the unique opportunities and constraints of the site, talk about the history and the memories, and all of that that kind of -- these people felt strongly about. And to define, you know, a vision statement, and guiding principles, and land use goals, and policies to really drive the master planning process. And so from that work, we were able to develop a conceptual site scenario and plan with that group that they felt comfortable about that respected the

history of the site, respected the ideals of Patsy T. Mink stood for, and really would be in place with the unique location that we have.

Now, the vision statement for this master plan and the site, the future use of the site, is that the Old Maui High School will be a model of economics, social, architectural, and environmental sustainability incorporating public/private partnerships and innovative energy-efficient design. And it will serve a community as a fiscally viable public resource. The future uses will reflect the site's history as a rural high school campus, including education, agriculture, as well as uses that continue the legacy of Patsy T. Mink. The site will retain its rural ambience, serenity, and scenic beauty.

And looking at the site, you know, the really important part of this is the Patsy T. Mink's Center. And within that center, you know, the uses will focus on personal and environmental sustainability. And what really is envisioned, at least at this point, of course, this is early on in the process so things might change, but that the -- basically, you'll have the revitalization and reuse of the Old Maui High School with the Patsy Takemoto Mink Center and the uses that will kind of revolve around that center will be an education camp and retreat center for children and adults promoting personal and environmental sustainability, and there will be an education component and a private entity component.

And so within the education component, which is really the 14 acres of campus, I don't know if I've mentioned this, about 24 acres. The historic portion of the campus is 14, roughly 14 acres - the existing historic footprint. And that footprint will basically, accommodate many of the facilities that are being proposed. And we'll go through the entire master plan shortly. But essentially, the education component will have the administration building and conference center - we're talking about the Dickey Building - cafeteria with seating for 150 people, and that existing dining hall or cafeteria currently exists. We've got four classrooms onsite, functional classrooms, with 13,600 square feet of space. We're proposing to have an overnight camp with accommodations for approximately 120 children, teachers, and chaperones. We'll have a swimming pool. The swimming pool will also be used for fireflow requirements. We'll have recreation facilities: basketball, softball, jogging trails, etc.; an amphitheater; and outdoor pavilion; approximately five acres of agricultural fields, these will be demonstration fields that the kids at the camp would go to and learn about sustainable agriculture, organic agriculture, work in the fields, etc.; a demonstration site for sustainable energy technologies: wind, solar, biodiesel, etc.; and demonstration sites for sustainable building materials, wastewater treatment, and water catchment. And our audience is all ages.

Now, to make this a fiscally viable project, of course the education part of the project targeted towards public and private school children, these will be revenue-generating activities, but it's likely that those activities may not necessarily make the campus self-sustaining so we will be proposing to have a private entity component. That component

will involve some new construction. It will be separate from the historic campus, but they will have access to the historic campus and its programs. It will provide accommodations for approximately, 50 to 60 people. They will have a retreat center. And they will have, like I mentioned, they'll have access to the historic campus facilities.

Now, this is an aerial photograph looking at the kind of the core of the historic campus with the administration building, the dining hall - let me just get my pointer here real quick, but basically, this is the C. W. Dickey Building that will be renovated. We've got some great photographs that show some of the architectural details on this photo board here, if you'd like to take a look at that. The pavilion will be located in this area here making use of the existing pad; the dining hall; and we have four classroom buildings; and some accessory structures, which we'll talk about a little bit later, which also add a lot of value to this campus.

This is the existing meeting room and the existing wood shop. Both of those buildings we plan to reuse. There are currently 16 structures on the property. And right now, we're looking at reusing at least 12 of those buildings. This is the boys and girls locker rooms.

And I'm just gonna quickly go through the master plan just looking at where different uses will take place. We're essentially talking about use zones. And of course, we're not really talking about zones in the context of you don't have access within the zones, but it gives you an understanding of where different things will take place. This light kind of beige color represents the historic campus right here with all the existing historic facilities, and that's about 14 acres. And that's where we'll have our classrooms and the administration. It's really the heart of the campus where the programs will be conducted. And then, these light green areas indicate the -- well, the proposed agricultural areas which will comprise about five acres. And within those areas, we plan on having demonstration, as I mentioned, for sustainable and organic agriculture, as well as growing possibly biodiesel crops and other types of activities. And then within this portion of the campus here, this would be the kids' camp zone. So this is where we'd have the swimming pool. We'd have the dormitories for the kids. We'd have a small pavilion. This is where they would be spending, of course, you know, most of their evening time, etc. And then in this area here, removed from the campus, but with access to it, we'd have the private entity component. And the idea there is that either in partnership with a private organization or perhaps the organization would be managed and run by the Patsy T. Mink Center to bring in revenues. We're not sure how that will evolve over time, but this would be the private entity component.

And so this is the master plan as you see on our concept land use master plan. And basically the historic campus is here - that would be the northern portion of the property, the ag fields, the student camp zone, ag demonstration sites, etc. Now, I don't think we're showing -- we're not showing all of our exhibits, but I can tell you a little bit about circulation. Basically, the site bounds Holomua Road, and we have two ingresses into the

site. And the road, the primary roadway, which is going -- obviously going to be required is gonna have to accommodate fire trucks, etc., will be a looped roadway that will enter from Holomua Road and come through the campus like this. And there will be parking. We have parking kinda spread throughout the site so that we don't have too much surface parking kind of aggregated in one area. We're gonna break that up a little bit. And then we have ag roads. These are basically ag roads. These will be unpaved roadways. And we have walking paths, existing walking pads, and we'll have a perimeter walking path/jogging path around the property site.

Now, we have an action plan and we're actually right now kind of trying to flush this action plan out a little bit more to provide a little bit more detail. But essentially, we're looking at a phased implementation of this plan with a short term program for 2008 through 2013. And essentially what we're looking at during the short term phase is to one, hire a -- hopefully, hire an executive director, and establish a board of directors. We would like to proceed through the entitlement process. We're actually preparing land use applications right now so that this project can come to fruition. And we'd like to begin the renovations of the administration building, the re-roofing, and Barbara talked about that. We're looking at developing some non-potable and potable water sources, developing short term programs, basically developing some new facilities, including the pavilion and the amphitheater. Now in the mid-term phase, we're looking at basically, the youth camp. And that will be a pretty heavy lifting phase where we'll have to generate some funding for the overnight accommodations, further define and develop the programs to allow for multi day camps, etc. And then of course, the long term phase would be the establishment of the private entity component. I'd just like to say that this, you know, we're really looking at adhering to sustaining -- principles of sustainability. We'll be using, of course, best management practices during the construction of this project. And there will be a lot of very innovative sustainable technologies that will be used, including, of course, photo voltaic, using wind and energy catchment systems, different means to treat wastewater to minimize our impacts, etc. And with that, Barbara, do you have any additional comments you'd like to make?

Ms. Long: ...(inaudible)...

Mr. Summers: So if you have any questions, Barbara and myself and Brett -- yeah. Yes?

Ms. Veronica Marquez: Regarding the educational segments, let's say we brought our Molokai na haumana, our students over. What would be the topics of your education in relationship to what the Department of Education has all these standards and the State education? I'm just curious to know what type of educational topics would we have.

Mr. Summers: Right. Well, I mean, right now, we have some general themes. We haven't developed the specific programs, but that would be one of our short term tasks. And

basically, the topics are gonna focus around personal -- well, in a very, very broad context, personal and environmental sustainability. Now, within that, we'll talk about leadership skills. There would be classes on, you know, history, looking at Patsy Takemoto Mink and her legacy. There would be topics on environmental sustainability looking at, you know, different means to become more sustainable from an environmental perspective. There would be topics on agriculture. So you might envision kids coming to this camp. They would spend some time in the fields actually working in the fields planting crops. They'd harvest crops. They'd learn about how you do sustainable and organic agriculture. They would go to classes where they'd learn about Patsy Takemoto Mink and the other inspirational leaders. And they'd learn about the history of the school. They'd take classes in leadership, good governance. I mean, so it would be kind of a diversion from the strict standards approach, but it would be something that the kids and the teachers could get involved in. It would be more of a kind of a leadership awareness type of programs. And right now, we're looking at possibly having, you know, during the short term kind of action phase, having the opportunity for field trips so kids from Wailuku Elementary School, for example, might go there for the day. But I think as this evolves, the idea is to have kids come for three days, or five days, and stay there, participate in these programs. Maybe the teachers would be involved in teaching some of the programs, as well as onsite staff, etc. So that's kind of the -- and it would be open to everybody. I mean, it'll be open to public schools, private schools, Oahu schools, Big Island schools, you know, even Mainland schools, if they wanted to participate in this program.

Ms. Marquez: Mahalo.

Mr. Kalalau: Thank you, Mike.

Ms. Long: Thank you. That was a good question. Actually, we investigated models for the type of student environmental camps. And there are many of them across the country, one especially wonderful one in Livermore, California, but we would not be inventing the wheel. It's out there. And the other thing I wanted to say is that the inspirational component, Maui High, and especially the Dickey Building, were inspirational to thousands of students. And we hope that it will be again. And the thing that inspires me most in Patsy Mink's legacy and in all the other amazing graduates is that they, like you, have given of themselves to public service. That they have been out there doing civic service work, volunteerism, teaching, sharing with their community and we hope that we can keep future generations excited about that. I'm gonna pass this around and I'll bet Lon will hold it up for a few minutes. We will -- excuse me. We're looking for money, a little bit less than a million dollars, to stabilize the administration building by replacing the roof, the original design, and the cupola adding the floor which was burned out in the makai wing, and then mothballing, according to the Secretary of Interior Standards, so that the building will not deteriorate further. We're seeing the rebar rusting, and the concrete is falling, and we're trying to forestall that until, well, 2013 or whenever it is that we can get the infrastructure

going, get possible users involved, and figure out how we're going to complete the building, and rehabilitate the whole thing. So we've gone to the State legislator for a grant and aid for \$400,000. And Senator Inouye, bless his heart, met with us in June and totally supports this project, and is trying to find another \$400,000 in Federal funds. And then, of course, we've been receiving donations from alumni and the community. And Mayor Tavares is totally behind this whole project and has offered her help as well. So we hope that it will be a green building. Whether it will be a LEED certified building, I don't know at this point, but we are certainly going to do our best when we rehabilitate it. And any help that you can give us, suggestions, whatever, when we do need a permit for the roof, I would assume that would just be Planning Department approval, but if you folks can provide any guidance to the department in that manner, I would appreciate it. So if you have any questions so far, I can try to answer them. And then I kind of have a request that motivated my coming here today. So any questions?

Mr. Kalalau: Not right now, Barbara.

Ms. Long: Perry?

Mr. Kalalau: Oh, Perry?

Mr. Perry Artates: I think we were one of the last that went to this school.

Mr. Kalalau: The last class.

Ms. Long: When you'd graduate?

Mr. Artates: Well, even Kalei's Auntie, Ms. Moikeha, was my home room teacher.

Ms. Long: Okay.

Mr. Artates: This is where my home room is. I really appreciate what's being done to this because during our period, we were transitioning into leaving the Old High School and living in one dust bowl down here in Kahului. We -- earlier part, I think we did do a visit. And I'm glad you cleared that there were some chemicals left in the support area, and I'm so happy to hear that it's all done and over with. But seeing this broad scope of work, is there any problems of having adequate water to do this project? Do you see anything coming up forward that might --

Ms. Long: It's -- it's going to be complicated. It's going to be time-consuming. There's water underground. There's catchment water, which we already have a 2,500-gallon catchment system that serves a building that's a dormitory for AmeriCorp when they come there with showers, kitchen water, all that kinda thing. That's part of what Chris Hart team

is investigating now. There's a well that could be -- there are various ways. We could hook up to County water. It has to do with money. It has do with ordinances. But we are pursuing that probably as one of the top priorities in getting infrastructure there. So, yeah, it can happen. There's water out there.

Mr. Artates: ...(inaudible)...

Ms. Long: Thank you. And I didn't realize you were an alumnus. That's neat.

Mr. Artates: Got initiated really bad from the upperclassmen.

Ms. Long: You must've left your mark somewhere. Okay, couple things I'd like to ask you today. If you could write another letter, since the one I have is four years old, that would be addressed to the Mayor and cc'd to maybe the Council Chair and to the Planning Director, if that's appropriate, spelling out your support for what you've heard today, and the fact that this is an amazing historic site that after being long neglected, looks like it's gonna come to life again. I'd really appreciate that. I'd like you to either write me a letter, Friends of Old Maui High School, or talk a little bit today about preservation policy for the buildings. As Mike mentioned, there are what? Fourteen or 16 buildings left from school days. One of those I've been having an argument with the project architect about, and that is the large Quonset Hut. And in your history book, there's an interior photograph of that building from, I guess, the 1950s. That building is a Quonset Hut that used to be up at the 1st Marine's Camp. And after World War II, the boys from Maui High went up and dismantled the Quonset, and it's a big one, and brought it down in sections to the campus, and put it back together. And Hannibal Tavares, who is was a history teacher at the school and also a football coach, drew up with Nali Smith, who was another football coach, the floor plan for the boys locker room using that Quonset Hut. It's in pretty bad shape. I'm hoping that in the spring when AmeriCorp comes back out again, we have a lot of young, healthy volunteers, we can go in and clean out the inside. Our project architect thinks it needs to be torn down. I don't wanna tear it down. I'd like to have some sort of policy from you folks that says if you can possibly save these historic buildings, do this, this, and this just so that the powers at be won't be as eager to bulldoze buildings as they were about, oh, 20 years ago when we lost all the teachers' cottages and a number of ag buildings, including one with a stone fireplace. For some reason, the University of Hawaii doesn't like to maintain stuff, and they didn't maintain those buildings and they wrote to the Mayor and got permission to bulldoze them. And I'd, personally, hate to see that happen with anything that's left there. So some sort of -- you don't have to do it today. It would be, you know, nice if you would evolve that over a while and come up with something in writing. And as the project moves forward, either contact me, have your planner contact me, or we'll come to you. I wanna make sure that you folks who are here today, you're not gonna be here in 2013 on this Commission, you're all gonna be doing something else, so I wanna keep them updated so that this is the very best that it possibly can be. So a letter from you and some

sort of preservation policy.

A specific question: The gymnasium burned down. It was known as the barn. It was used for P.E., and used for assemblies, and speakers, and all that. Got a picture. It was makai of the administration building. It shows as a dirt patch there. And on the left are -- what's left of it are the concrete steps and foundation. Do we need to save that? Should it be incorporated into what goes up there? That's where a pavilion is going to go to provide for the public's use of the property again. They used that, the gym, very, very heavily probably, seven days a week. So I'd like some guidance from you on that, not necessarily today, I know you've got a big agenda, but we would like to know just to avoid mistakes. In one of the buildings, the hollow tile room, classroom closest to the ocean, that was the science classroom. That was the last classroom built, I think in about 1959, that still has all the beautiful maple and whatever those black plastic countertops are where the kids used to dissect frogs and things. Do we save that? What if somebody comes along and says we wanna tear that out and use this building for something totally different? How scared are those things? If you could provide us with some guidelines, it would be helpful. So any further questions? And I'll sit down.

Mr. Kalalau: I just have a comment, Barbara. You know on the -- where the old gymnasium was, maybe if you guys can have your guys' architect to -- when he makes the design of the pavilion, if he could design them with using -- using that cement, you know, the steps, the stairway and stuff into the design of the pavilion, or whatever structure you guys gonna put there?

Ms. Long: Yeah, it would -- I guess it would depend on whether it's a true pavilion right on the ground with no floor, or whether it's post and pier like the old gym was. But, yeah, just some sort of philosophical policy about Old Maui High and what's worth saving. We know we can't save it all.

Mr. Kalalau: Right.

Ms. Long: It's impossible. But maybe a way to prioritize what you folks think is important would be good guidance for us. So thanks for listening, and if you could write a letter in support of the master plan, the ideas that we have, we'd appreciate it.

Mr. Kalalau: Okay. Thank you very much, Barbara. Now, I'll open this portion of the floor for anyone in the public who wants to come forward and comment on the Maui -- Old Maui High School preservation. The floor is now open. See that we have none, the floor is now closed. I just wanna thank you, Barbara, very much, and I wanna commend your organizations for all the hard work you guys have already done. And I'd like to wish you guys good luck in the future because you guys have a big project ahead. Commissioners, we need to decide on some letters that we need to support, and also some preservation

policies that -- do we have time or -- Veronica?

Ms. Marquez: So could we -- could I make a motion at this time?

Mr. Kalalau: Yes.

Ms. Marquez: Yes? Help me out now. I move that this Commission writes a letter to the Mayor, cc the appropriate people, spelling out support of the master plan within the realm of this historical site. Is this a national historical site?

Mr. Kalalau: Not yet. Not yet. They're working on it.

Ms. Marquez: Coupled with writing a letter to -- I have FOMA, I guess Friends of Old Maui High letter with a preservation policy. So two different letters?

Mr. Kalalau: Yes.

Ms. Marquez: And if you wanna chime in with other details, that's fine. That's my motion.

Ms. Pyle: I'll second the motion.

Mr. Kalalau: Okay. So the motion is now open for discussion.

Ms. Pyle: I absolutely think we should write a letter of support and as you say commendation for all the work that they have done to the Mayor. And -- but I think that at this point, given that we still have to deal with La`au Point today, we're gonna need a little longer than the time we might have for preservation policies, and I think Barbara recognized that when she said, when we have -- so I would recommend that we split this motion and the second part of it go to putting -- re-putting this on our agenda at another meeting that we can talk about and perhaps invite Old Maui High come again and talk about the specific issues that they would like some attention. Does that make sense?

Mr. Kalalau: Okay. When you say "splitting," we're gonna take the -- cover the letter to the Mayor first, and then we'll do the second letter?

Ms. Pyle: Well, I guess what I'm asking is for a friendly amendment to the motion that we will only be writing a letter to the Mayor today.

Ms. Marquez: Right, so it would send for -- at this time, one letter in support with this mana'o, and on hold for the second letter regarding the preservation policy.

Ms. Pyle: Very clearly requesting that it be replaced on our agenda.

Ms. Marquez: I can live with that.

Mr. Kalalau: Erik?

Mr. Fredericksen: Would it be a good idea to maybe put a motion together to get this onto an agenda, a future agenda, not, you know, not too far out? Maybe in a -- not next month because we're gonna be off-island, but maybe the following month or the month after that?

Mr. Kalalau: Or April.

Mr. Fredericksen: Yeah, I'm just tossing it out to the Commission members. I think it'd be good to kind of -- just so -- because they've got -- this process is gonna be so lengthy that they're dealing with anyway try to get some input kind of --

Ms. Pyle: At the beginning ...(inaudible)...

Mr. Fredericksen: Yeah, earlier into this now that they're at the -- at the point where they're at.

Mr. Kalalau: Commissioners? No more comments? Do you have a --

Mr. Lon Whelchel: How do we determine this policy of restoration? Is it gonna be as a group effort, or we're gonna have a special meeting? We're gonna make this determination during a regular meeting, or just how do we handle it?

Mr. Kalalau: Stan?

Mr. Solamillo: As a matter of clarification, my schedule last year did not permit me to go into an in-depth site visit. I did cursory site visits I think on two occasions. What should happen in trying to address Barbara's request is probably I need to go and photograph or get photographs of every building, and essentially do determinations of eligibility. The site of this nature is of special importance because it just doesn't represent, and I keep going back to this, just -- does not represent a singular work of a renown architect. It represents the work of all sorts of people who contributed to this place, and that's where we get into the discussion of a Quonset Hut. And, yes, it's important because -- because it's part of this -- this group effort over time and generations of students and professors all building together accretionally to create this place of importance. And given that fact, then we look at the site within that kind of a context and that gives us, when we preserve sites, and give everyone their due and everyone their credit, everyone can buy into that, and it becomes something that truly we all, you know, who appreciate Maui's history or learn about it can celebrate it.

Mr. Fredericksen: Could we -- could we have a -- one of the future Commission meetings actually onsite?

Mr. Kalalau: Oh, onsite. Yeah.

Mr. Solamillo: If you'd like. We could do a site visit.

Mr. Fredericksen: Or would it be possible to have the meeting there?

Mr. Solamillo: We could have a meeting there? Okay. That would be even better.

Mr. Fredericksen: Yeah, that'll be -- that'll be really -- yeah.

Mr. Solamillo: So we can do that. So in the meantime, we're trying to get to Lana`i next month. We're trying to get to Molokai, and then we'll see how it works in with the new applications for Halloween and Lahaina. That's the only time it'll flip it. So within two meetings.

Mr. Kalalau: Yeah. Okay, there's a motion now.

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

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

VOTED: To approve sending a letter in support with this mana'o to be sent to the Mayor, and on hold for the second letter regarding the preservation policy as discussed.

Mr. Kalalau: Motion passed. Thank you.

Ms. Pyle: Stan, do you need any assistance in writing this letter or perhaps you can work with Old Maui High for some of the content ...(inaudible)...

Mr. Solamillo: Yeah, we can do it via fax. Suzie, you wanna do a lunch order now or -- do you wanna do one now or -- you already did. Okay. Do you wanna do a break or we go into the next item?

Mr. Kalalau: Why don't we do a short -- short five minutes, and then we'll go to the next agenda item.

(A recess was called at 10:45 a.m., and the meeting reconvened at 10:56 a.m.)

- b. MOLOKAI PROPERTIES, LIMITED requesting review and comment on its second Draft Environmental Impact Statement (DEIS) prepared for the La'au Point Project located at TMK: 5-1-002: 030 (portion), Kaluakoi, Island of Moloka'i. The deadline to receive comments on the DEIS is February 22, 2008. The CRC may comment and provide recommendations. Public testimony will be accepted. (S. Solamillo)**

Mr. Solamillo: The next item for consideration is Mr. Daniel Orodener representing Molokai Properties, Limited. And they're requesting review and comment on the second draft environmental impact statement or DEIS that has been prepared for the La'au Point Project located at TMK: 5-1-002: portion of parcel 030 at Kaluakoi, Island of Molokai. The trigger for this is a deadline to receive comments which is February 22nd, 2008. The CRC may comment and provide recommendations. And this comes after the CRC held a special meeting on this project last February 2007. And public testimony will also be accepted. We're very grateful to the Molokai Planner, who is Nancy McPherson, who has come here today to kind of give you background from the County's perspective on the new DEIS. So I guess without further ado, if it's okay with the applicant, we'll let Nancy McPherson do a short intro.

Ms. Nancy McPherson: Greetings. Aloha kakou.

Mr. Kalalau: Aloha.

Ms. McPherson: It's nice to be here and meet you all, finally. I know Veronica a little bit, but -- and it's also privileged to be the planner for Molokai. This project has come -- an environmental review of this project has come before you before, once before. You made comments at that time. Those comments were responded to by Molokai Properties, Limited. And I believe you all received a CD with the original draft EIS, comments, responses to comments, and then the new draft EIS. There is some new information that has been put into the narrative in Volume I. I have not gone through it line-by-line and compared it with the previous addition because I haven't had time to do that. But I guess just the point I wanna make is that this is -- and Stan has informed me that you folks are very experienced with reviewing and making comments on environmental documents. This -- we are not looking at the merits of the project at this point. What we're doing is we're analyzing the adequacy of the information and the environmental document which is an information disclosure document defined in Chapter 343. So I think it's important to keep the CRC in the loop for this project because there are so many cultural aspects to the project. There -- and also because of the cultural and spiritual significance of La'au Point and Molokai, in general, to Native Hawaiians both in the State and, you know, Hawaiians everywhere. Molokai is known as the most Hawaiian island. It is a place that holds

strongly onto its traditions and culture. It has the highest percentage of Native Hawaiians in the population of any island in the State. And there are a lot of issues related to development on Molokai. There are a lot of issues that came up in the comments to the first EIS regarding sacred sites, spiritual relationships to place, subsistence practices, and access. It does mention in the document that cultural impacts -- there are cultural impacts that are unavoidable. So the question I'd like to get comments from you on are is there enough information provided in the document to base an evaluation or determination on cultural impacts and mitigation measures? There are -- there are trails, access plans, coastal scenic resource protection. There is, you know, a lot of things happening with this project. There are thousands of acres that are being proposed to come under different kinds of easements and protections. There's an archaeological reserve involved with the project. It covers a large area of the southwestern corner of the island. So there's a lot of material to go over. I know it's challenging, but I would defer to this Commission to make comments on issues of cultural impacts especially, for Native Hawaiian cultural values which are very closely tied to the protection of natural resources and access to those resources. So thank you. And I would just -- I would hope that some of you were -- had time to prepare written comments. No? Okay.

Ms. Pyle: Can I ask you something?

Ms. McPherson: Yes.

Ms. Pyle: I -- I'm -- this is -- maybe this is me, but I think for the rest of us, we got a packet in the mail in time for the meeting, you know, there's no criticism about that whatsoever, with the CD. And I have a full-time job. And this CD is a formidable piece of information that I would then have had to print out because I am not gonna sit and read this on my computer screen, and I didn't have a chance to do that. I e-mailed Stan and Suzie and asked if we could get this material at our meeting today because there's no way they could've mailed it to us. So my guess is, I don't know, the rest of you, has anybody seen this before right now? And so we are really in a bind as you are too. I was going to suggest that we ask for an extension because we can't do it today.

Ms. McPherson: Yeah, the Molokai Planning Commission has already requested a time extension as well, and we do have a representative from MPL here today. So that definitely would be something you could consider.

Mr. Kalalau: Okay, Verna.

Ms. Marquez: Even preface to your mana'o, help me understand. And I am Molokai. Or help us all understand. What was the reason why the first DEIS was not acceptable? Can you summarize that, please?

Ms. McPherson: I attended the two days of Land Use Commission hearings in November. There was a lot of public testimony. There was a lot of written comments that were received by the Commission, and a lot of responses that were made by Molokai Properties Limited to, you know, the comments that they had received. At the time that the -- a motion was made by one of the Commission members to basically decide that the document was inadequate. There were -- I think one of the issues was water, information on water. And I'm sorry. I'm not prepared. I don't have all those issues, but at that time, the Molokai Properties Limited was given the option to withdraw the document, and they chose to do that. So that -- there were, you know, several issues that came up about -- now, to be fair, the department, and agencies, the State was there, Office of Planning, none of them got to make -- got the opportunity to make comments, and the applicant themselves did not get a chance to make a presentation. So it was my first Land Use Commission hearing, and it was kind of a learning experience, but I think it was for a lot of people who were there, actually. There were -- there was a lot of testimony given on cultural impacts and questions about, you know, cultural information.

Mr. Solamillo: In all fairness, I think it's appropriate since the company representative is here that if you have outstanding questions related to the company's action on the old DEIS that the company rep should address those.

Mr. Daniel Orodener: Good morning, Commissioners.

Mr. Kalalau: Good morning.

Mr. Orodener: Daniel Orodener, General Counsel and General Manager for Land and Entitlements for Molokai Properties. To answer the first question on the reason for withdrawal is that after a significant amount of testimony, a member of the Land Use Commission made a motion for -- to deny the DEIS, approval of the DEIS, for four reasons. One of them was because there were -- there -- he believed there was an inadequate discussion of the Kaluakoi Hotel, which is a -- he felt was an outgrowth of the project. Another reason was because there was some confusion over the electrical capacity on the island, and whether or not that hadn't been thoroughly examined. Another issue was whether or not the monk seal issues had been thoroughly examined. Once again, I think there was -- in that case, there was misreading of the NOAA letters and submittal. And the final reason, I believe, and I'm sorry, I don't have my notes with me was whether or not there was a good enough discussion of the alternative transmission -- alternative to the transmission of water to the West End. I believe those were the four reasons, but the last one I'm not a hundred percent positive on. I know it has something to do with water and the transmission, but I'm not a hundred percent sure on that. Those four issues, we felt, were adequately covered and if we had had a chance to make a presentation, we probably would have been able to clarify that. On the other hand, we recognize that the community was significantly concerned about those issues, and significantly concerned about the EIS,

so we chose rather than moving forward and becoming involved in a contentious situation that we would withdraw the EIS, and fix these things that the community wanted to see fixed and resubmit it.

Ms. Marquez: Mahalo.

Mr. Orodenker: Thank you. If I can answer any other questions, I'd be more than happy to. I would also like to point out, by the way, that there has been no change in the substance of the EIS with regard to the cultural elements. The attachment from Dr. Davianna McGregor is the same attachment as was contained in the original EIS. There has been a rewriting of a portion of the archaeological report because -- for clarification reasons, but there's no new information involved. It's just -- most of the rewriting was done for clarification. The only additional sections are the section on Kaluakoi, and some further clarification on the monk seal situation, and the addition of the alternatives to transmission for the water.

Ms. Pyle: Okay, I guess, it was -- we were informed that somewhere on this CD there is an answer to all of these comments and questions that we had?

Mr. Orodenker: That's correct.

Ms. Pyle: Okay. We're back to the same old thing again. It would've been really great if that had been printed out so we could actually have seen that. When -- do you have any idea when those answers were submitted back to the Planning Department?

Mr. Orodenker: They were submitted back when the original DEIS was finalized. So that was last October.

Ms. Pyle: Because we haven't seen those either. And I -- all I can say is we haven't seen them. And so it makes it very, very difficult for us today to make any kind of informed judgements about whether we think they've been adequately responded to or not. And we're kind of in a bind.

Mr. Kalalau: Erik, you got --

Mr. Fredericksen: Yeah, I don't feel comfortable making any sort of a determination today. I think as a Commission, unless I'm, you know, in a minority, I think it would be a good idea that we request that this, you know, the deadline to receive comments on the DEIS be extended because, you know, in my case, I got my packet a couple days ago. And I was gonna go through things as best I could last, you know, late yesterday afternoon. My CD reader didn't work. It decided to die. So I haven't even looked, been able to look at the CD other than just look at the exterior of it.

Mr. Kalalau: How does the other Commissioners feel? Veronica?

Ms. Marquez: Okay. Nancy, you mentioned that there is an extended deadline? What was that date? There is a date, yes?

Ms. McPherson: The deadline for comments is February 22nd. The Molokai Planning Commission has requested an extension. I believe that Danny Mateo has as well. So there we are. We -- those requests have not yet been responded to by Molokai Properties Limited.

Ms. Marquez: Oh. So what date were they talking about in those extensions?

Ms. McPherson: I think 30 days. It may -- it may have been 45. I forget now, 30 or 45.

Mr. Kalalau: Lee?

Mr. Moikeha: So is that gonna be granted? Do we know if the extension is granted? I mean --

Ms. Pyle: She said she doesn't know. They haven't been ...(inaudible)...

Mr. Moikeha: So then, well, I mean, if the deadline -- if it's not granted, it's dead. I mean, we -- we gotta do something.

Mr. Fredericksen: Okay, but I think -- Can I?

Mr. Kalalau: Okay, Erik.

Mr. Fredericksen: What I was gonna say is, okay, this is how I feel. As a Commission member, you know, I can't in good conscience go, oh, yeah, well, hey, you know, this is probably okay, because I, you know, I -- I have not seen anything other than what I just looked at very briefly this morning. My feeling is that, you know, if the Commission decides if it's appropriate to -- I think it would be appropriate to say, hey, we request an extension of this deadline because we have not -- you know, there's insufficient time to make a, you know, an informed, not decision, but consensus or whatever on what we feel is or isn't -- needs to be added to this EIS, this DEIS. And if the, you know, the landowner chooses to ignore that, well, that I'm sure wouldn't really reflect very positively on the landowner in that -- I mean, that's part of the process. And as a Commission, we have not -- I mean, this is coming before us the month of the deadline. And, you know, I, like I said, I haven't seen anything except the outside of the CD.

Mr. Kalalau: Veronica?

Ms. Marquez: And keep in mind, people, in the past, we did call a special -- was it a special meeting to share our comments to that mana'o. So we need to think of the future and see what can be done without pursuing something like that. I see Molokai Properties Limited person here. Sir, could you -- is it your -- in your court that you folks are thinking about the extension?

Mr. Orodener: We have received the request that Nancy mentioned. At this time, we haven't made a decision. I understand this Commission's concern; however, if things are handled properly, if I can say that without stepping on anybody's toes, you know, we feel that the original time period is adequate. This is also the second time around for this. I mean, you know, and I -- once again, I sympathize and I apologize if you haven't seen the responses to our original, but we sent them to everybody. You know, that should've been-- this should've been a very limited process. I mean, you know, we really didn't make that many changes, especially to the cultural section, almost none. So, you know, I mean --

Ms. Marquez: I'm sorry. Can you define "handling things properly?"

Mr. Orodener: Well, I mean, if things had gotten to you immediately. I mean, we have -- we followed OEQC procedures to the letter. We got everything out ahead of time, actually, before the OEQC Bulletin was filed. We sent them out when we sent the stuff to OEQC rather than waiting until the notice was put out. So it was actually an extra ten days in there.

Mr. Fredericksen: I've got a question for you. Is there any particular reason you chose the, you know, the month of the deadline to come before the Commission? Because if there'd been a lot of -- I'm just throwing this out, if there had been a whole bunch of different requests or suggestions to be incorporated in the draft environmental impact statement, wouldn't it have been better to get them a little sooner than then or --

Mr. Orodener: We -- we didn't choose to come before the Commission. I mean, from our standpoint, OEQC requirements, they have a list of agencies and organizations that we have to mail the EIS to. We do that, and like I said, we did it ahead of time. And then when it comes before those individual agencies, the Commissions, is not anything that we had -- can plan, or request, or have any influence over.

Ms. Pyle: I have a question.

Mr. Kalalau: Okay, Dorothy?

Ms. Pyle: As far as I can see on this letter that went out in February of last year, we had 59 comments about the -- Stan, are you saying something?

Mr. Solamillo: After you're done ...(inaudible)...

Ms. Pyle: Okay. There is 59 comments that we made, and then there were an additional nine from the public testimony. And without having had a chance to look at it, and I say I haven't had a chance to look at the responses, you were telling us that essentially, this part of the EIS has not changed very much. And so, if we had 59 comments to make, and you didn't make very many changes in here, I'm having a hard time seeing that we should, you know --

Mr. Orodenker: With that -- I -- let me -- let me be very precise about that. Not -- almost nothing has changed from the final EIS. The draft EIS that you commented on, we incorporated all of your comments and questions into the final document. So it's the final document that has not changed.

Ms. Pyle: Which, of course, we haven't seen.

Mr. Orodenker: It was mailed out to everybody. We were supposed to mail it out to -- I can't, you know, I can't --

Ms. Pyle: Okay. Stan wants --

Mr. Solamillo: On December 6, there was an agenda sent -- an agenda sent to all Commissioners, correct? I was not here. In that agenda packet was a response from Molokai Properties Limited dated November 1, 2007. There are 22 pages of responses to the original CRC comments from the February meeting. So because it was the holidays, and we had to postpone the meeting in December, we had a meeting in January with the December agenda on it, and that meeting was on Halloween in Lahaina.

Ms. Pyle: And I wasn't at ...(inaudible)...

Mr. Solamillo: Okay, so the next available meeting is this time and that's why -- because we slipped December. We didn't get La`au Point in January. We're now getting to it days before the deadline. So hopefully, that addresses it. If you would like, we have the opportunity, if you would like, I will go and print these out. We have lunch. We could go over them. See if the comments have been addressed. It's an option, if you want. If you don't, and you want more time for the entire documentation, which you should, because, I mean, we're -- in viewing the documentation, the reason why hard copies weren't produced is that it's over a thousand pages and I'm sorry. So I would have to do some hefty explanations to management.

Mr. Kalalau: The information you have in your hands right now is the responses to this?

Mr. Solamillo: Responses to the letter.

Mr. Kalalau: Okay, I would like to have a copy.

Mr. Solamillo: Then I will make copies now.

Mr. Kalalau: Okay. Then we'll have Daniel come up, and if he has anything else to wrap up before we open this hearing to the public.

Mr. Orodenker: I actually don't have much to add. Nancy was quite accurate in her assessment of, you know, what the allegations are of this Commission at this point in time. The question is whether or not, as it was last year, whether there's enough information in the document. And we -- as we did the first time around, if we missed something, we would like to know. It's not that we don't wanna know. We appreciate your comments.

Mr. Kalalau: Okay, just for my clarification, I think now the environmental draft has the answers to these concerns too?

Mr. Orodenker: Yes, that's correct. What we did was -- this was actually a very strange situation, and one that OEQC really didn't know how to handle. There had been EIS's that have been withdrawn before, but never ones that were this voluminous. What we did was, even though we didn't have to, is we resubmitted the document with the changes that came as a result of your last comments, everyone's last comments, to the EIS, which was essentially the final we submitted as the new draft EIS with some of the changes that I mentioned, and they included, as I said we didn't have to, all of the letters from the prior document so that everybody could see what had happened, and that it was a matter of record.

Mr. Kalalau: Okay. Thank you. Any more questions for Daniel? Okay, thank you, Daniel. We will now open the floor to anyone in the public who wants to testify on this agenda item. Please come forward and state your name.

Mr. DeGray Vanderbilt: Good morning, Commissioners. I got this Maui cold like everybody else seems to be getting. Good morning, Veronica.

Ms. Marquez: Aloha.

Mr. Vanderbilt: Yeah. My name is DeGray Vanderbilt. I'm currently Chairman of the Molokai Planning Commission. And I'm also a member of the Molokai General Plan Advisory Review Committee. And I'm here today speaking as an individual who, as a member of the Planning Commission, is very frustrated with the lack of time that our Commission has. We have a meeting scheduled for February 13th in the evening so people

can share their comments with us, but we're gonna have to stay late after that meeting, and get our comments, and vote on them because we can't just send them out without approving them. So we had asked for -- we sent a letter out January 24th asking for an -- three things: a 30-day extension; that two more copies of the -- hard copies of the document be in the library because they only had one and they couldn't check it out, people couldn't check it out; and the third one was to make a more user-friendly DVD. Right now, it has, and I'm no computer expert, but it has that goofy little hand that comes up, and you can't cut, and you can't paste, and you can't do anything else with it. The Ranch -- and we offered -- I can make copies of that letter, and we offered considerations for the Ranch to consider that because in the first draft EIS, they extended the comment period. They made the draft EIS available. Some people that requested in Word form so it was easy to review it, and then make your comments on the computer screen, and print it out. So we were hopeful that they would cooperate with our Commission. I believe, I have not seen it, but I believe Councilman Danny Mateo did send a letter supporting our Commission's request. And I think the idea behind it is this is an informational document, which our Planning Commission, the County Council, the Land Use Commissioners are gonna have to rely on in making decisions. So it's very important that it's complete and accurate. And so I think this 30-day extension will make it a better informational document for all concern.

I would like to correct a few things. I was at those hearings. But before I do that, I wanted to say one other thing that I just heard about this meeting late yesterday afternoon when I was talking to Nancy about another matter, and she said she'd be over here. I think that if we'd known in advance, we would've had some of the cultural specialists on Molokai that have been involved with the process, and who testified before the Land Use Commission, over here to share their mana'o with you also, which I think would've helped, but it was just too late for doing any of that.

But getting to the Land Use Commission, why it was withdrawn, Molokai Ranch chose not to make a presentation. They could've made a presentation. They withdrew, but they could've made a presentation that day, but they elected not to. It was very disturbing for our Molokai community and it was reported in last week's paper that, as you heard Nancy say, there was a lot of testimony on the cultural aspects of the project. It was two days of testimony before the Land Use Commission - many, many people. All of the Molokai testimony was purged from the Land Use Commission verbatim records. Just wiped out. We didn't know about this until a few weeks later when we got the official court reporter transcripts of the meeting. And at the bottom was a disclaimer that the Executive Director of the Land Use Commission had ordered her not to transcribe the public comments. We're looking into that, but it was -- that would've been good information for you to have here today. I mean, it's astonishing. It's never happened before. So there's a lot of things going down. The Ranch is rushing this thing through. I -- I basically looked at this document. I'm not a cultural specialist. I've not studied it. I do not know much about the

Hawaiian culture. There's -- I know about other things, but there's plenty of people on Molokai that has great awareness of culture on Molokai. But just looking at this document, there's erroneous information in this. Just looking on Page 91, for instance, the last paragraph, "The intended location of the lots and protection of cultural sites will also serve to create a sense of respect for the area. For example, it is important to note that the 200 homes --" In the new draft EIS, they talked about 300 homes, but I think they can have 400. These are two-acre lots that they can have up to two homes on. Under the County zoning out there, if it's Rural-1, they can have three houses, but they've said that they're not gonna have any more than two on the lot. But the Ranch is saying, well, maybe some people will -- some people will buy two lots and only put one house on each lot. But I think they're gonna allow a main house and ohana on each of the 200 lots.

The other thing is the water. It sort of skips over that. And on Page 91 on the second paragraph regarding concerns of water. The Ranch just withdrew from our Water Working Group, which includes the County, which includes DHHL, which includes the USGS, and many of the Molokai irrigation system, the commercial farmers, homesteaders. And they withdrew at our last meeting saying that they -- well, I have a copy of that letter withdrawing, but there was -- cause they're a big player. And it would've been helpful. They were supposed to make a presentation on the water to the Water Working Group at our next meeting coming up. So that was a -- that was a concern. And just to -- there was a situation where I was testifying at the Legislature on two bills: House Bill 2808 and 2820 that had to do with serious water considerations. A&B, Maui Land and Pine, who are members of the LURF Foundation, LURF, or Land Use Research Foundation, along with Molokai Properties testified in support of these bills which in effect would gut the meaning of the public trust document which was designed originally to protect and conserve important natural resources. And what they did was try to include commercial agricultural act -- water for -- commercial act -- agricultural activities in the public trust document, in the public trust doctrine under the Water Code. And so there's a lot of concerns about the water. And it was -- the Land Use Commissioners had a -- it wasn't just transmission, they had a concern about the availability of water and how it was all gonna play out. And there's a lot of new information there.

And I would have to agree with Commissioner Pyle that you had 59 comments. Our Planning Commission had -- we got -- we had a lot of comments too. And this is -- this is the response back. It's 57 pages long. And we're trying to scramble to see if they were answered. Many, in my opinion, there's a lot of these that weren't responded to. They were responded to under the letter of the law. They have to provide a response. That response can say that we don't think a response is warranted, or we don't think it's any of your business, or whatever. But they did answer -- they did make an effort to answer quite a few, but there's still some gaps. And I would -- I would just hope that they would grant this 30-day extension. I think, as Commissioner Fredericksen said, if they don't grant it, it's just gonna make an already flawed process look even worse. And when they come back

before the Land Use Commission to see if it's adequate or not, they're gonna face some serious things. So I think it's about time. On Molokai, there's people on both sides of the issue. This process has not been pono. John Kaimikawa, in this document that's up in the Planning Department Office, he wrote all this, and he talks about the need to be pono. And he -- I think both sides need to come together and I would look at that 30-day extension as a step in the right direction. And with Molokai taking that next step to try to make things pono because right now, they're very heated on both sides. And there's a lot of politics and behind-the-scene stuff going on, but we -- our Commission granted the extension to -- asked for the extension so our community and everybody else could get in and make this a better informational document that future decision-makers could rely on. So with that, that's about all I have to say. But I will make copies of our -- what do you call it? Our extension letter for this Commission.

And by the way, the closing ceremonies at Makahiki were held Saturday at La`au Point because in ancient times, that was where the closing of Makahiki ceremonies were at La`au. So it's a very sacred and spiritual place and it deserves full attention of this Commission and other cultural specialists on Molokai. So thank you.

Mr. Kalalau: Thank you. Questions for -- okay, Veronica.

Ms. Marquez: Just a tad confused here, so help me understand. So is it Mr. Vanderbilt or Commissioner Vanderbilt? Who do you represent today? Do you represent --

Mr. Vanderbilt: I represent myself.

Ms. Marquez: Yourself and not part of the Molokai Planning Commission?

Mr. Vanderbilt: Right. Right.

Ms. Marquez: That's where I got a totally -- now, I'm totally confused. So you represent yourself?

Mr. Vanderbilt: Yeah. I mean, if I'm -- yeah, I'm representing myself today.

Ms. Marquez: None of these other hats? You're not from the Molokai Planning Commission and the chief hat? A`ole?

Mr. Vanderbilt: No.

Ms. Marquez: You're you?

Mr. Vanderbilt: Right.

Ms. Marquez: Mahalo.

Mr. Vanderbilt: And my I add one thing? As far as the hard copies, our Commission has requested hard copies. Some of the Councilmen have requested hard copies because it's very difficult to review and have staff review DVD's. The -- Mr. Orodener mentioned that he followed the letter of the law with OEQC. OEQ -- they went and asked OEQC about hard copies especially, on the people that are on the distribution list. I don't know if you're on the distribution list. But actually OEQC's counsel to the Ranch was that they should ask people if they're okay with a draft EIS in electronic form because a lot of people aren't. They don't have -- so anyway -- but the Ranch did not take that advice. So I know some Councilmen have requested hard copies, our Planning Commissioners have requested hard copies, and we've not heard back from the Ranch on that request either. So thank you very much.

Mr. Kalalau: Kalei?

Mr. Moikeha: I guess my question, I don't know if it's fair, but you can answer it. It's up to you. Then what's your general feelings of the whole project just you, yourself?

Mr. Vanderbilt: Well, if you read the whole draft EIS, the Ranch claims that I'm against the project probably setting it up so I'll have to recuse myself from the Commission, but I'm off the Commission by March 31, but -- does that mean I'm not telling the truth? Oh, my -- you guys got -- but I was on a member of the group, the 25-member group, that spent two and a half years developing this master plan. When it came down to a vote on the master plan to move it on to the next -- I voted against it. I was one of six that vote against it. And this meeting was videotaped. And my reasons for voting against it was they never moved off of the La`au issue. And I felt that that was gonna split the community so badly that it would end up tanking all the good work that went in on the master plan. And we provided alternatives. The Ranch says they've looked at the alternatives. I personally don't believe -- I sat on that Land Use Commission. We didn't get into the alternatives in that much detail. So I think the master plan was a good effort. I think it's getting rushed along right now. And the main thing that's concerning a lot in the community and me as an individual is we've never heard anything from the parent company, this four billion-dollar Malaysian company. They say that if they don't get La`au, they're gonna sell out. It's my personal opinion that if they do get La`au, they'll sell out because they'll have something to sell. So there's a lot of unanswered questions beside the cultural issues. And we'd just have to see how it plays out. But I think this environmental review process and the tremendous effort that the public made, the Molokai residents, is just a testament to Molokai and the environmental review process. And I'm certainly proud of our community in that aspect.

Mr. Fredericksen: I have a comment. A little earlier in your presentation or your testimony,

excuse me, you indicated that minutes from the Land Use Commission hearing or meeting had been -- yeah, purged was I think the term that you used. I mean, if that really is the case, that was I'm assuming testimony, a lot of it would've been on cultural -- the cultural significance, cultural importance of that area. And I'm - you know, I don't know, but you were there, was that -- was at least some of it must've been along those lines?

Mr. Vanderbilt: Well, as our Staff Planner Nancy McPherson, who was there the full two days, she mentioned that it was a lot. I heard some. I was in and out. And I will make copies of the recent news articles on this action because it's just -- I mean, it's part of the environmental review process. And to just throw one thing out, under the Sunshine Law, an agency is not required to keep verbatim minutes, but they are required to keep minutes that give a truthful or a full -- I have the wording right here, but it was -- it's supposed to give a full overview of the views of all the participants. Well, all that's left in the minutes now is, I think, I'm No. 74, and I was against accepting. Our Planning Commission, along with Hawaiian Homes and others suggested not accepting the draft EIS. So there was a lot of -- some State Senators requested that it not be accepted cause it was inadequate. So it wasn't just, oh well, we're gonna withdraw. We're gonna go back and we're gonna do something. And they came back very fast. So hopefully -- I don't know. I'm hopeful for the extension so at least our community is given the courtesy to do as good a job as they did before. Thank you.

Mr. Kalalau: Thank you.

Mr. Vanderbilt: One other thing. I would hope, and maybe your Commission can ask that the minutes from this portion of the meeting be made available. I mean, maybe they could type them up quickly so they'd be available for our February 13th Planning Commission meeting.

Mr. Kalalau: On Molokai.

Mr. Vanderbilt: Yeah. Well, I mean, we've had a real difficult time with this, but it's very important. We're on a short timeframe and hopefully, the Planning Department staff can cooperate and do that. But it would be nice if the request would come from you guys, but -- anyway, thank you.

Mr. Kalalau: Thank you. Is there anyone else in the public that wants to testify on this agenda item? See that we have none, the floor is now closed. Commissioners? Stan?

Mr. Solamillo: We can, I guess, do this one of two ways. We can read them all verbally one-by-one, make them really painful. Or the Commissioners could identify which ones they think are important for discussion, to revisit the original comments to the EIS of last year, or indicate whether the Commission feels that what has been provided is adequate,

adequately addresses their concerns of that time. It still doesn't address the larger issue. And if you instruct me to do so, I will, you know, send a letter on behalf of the Commission asking for an extension. But it's important to credit the company for responding to the CRC's comments of February 23, 2007.

Mr. Kalalau: Erik, do you have --

Mr. Fredericksen: Well, I was just gonna say, you know, it's unfortunate. I don't remember seeing this but I -- it might've been out-of-sight, out-of-mind if it wasn't an agenda item that was discussed. But I again go back to the fact that I haven't seen any of this. And I can't in good conscience go, oh, yeah, hey, well, you know, if their representative says it's been addressed, well, that's fine with me. I mean, I can't do that. And if the -- the EIS process is a long, long process. And this is a huge project. And if -- is it Molokai Properties Limited -- you know, if we, as a Commission, say that we'd like to have an extension to provide comments, if we do decide to do that, and if they choose to, you know, deny that request, then I think that's a reflection on the company. I don't know if the other Commission members feel that there's been -- you know, that you folks have an adequate time to provide some meaningful comments on this DEIS. I personally do not. I have not had enough time.

Mr. Kalalau: Okay.

Mr. Moikeha: I'm not ready to recommend or entertain any ...(inaudible)... There's some issues that I'm looking in here that I can see myself as being a Hawaiian Homestead Commissioner need to really investigate also. ...(inaudible)...

Mr. Kalalau: Yes, Verna?

Ms. Marquez: In this mana`o, because I asked this the last time, this mana`o, is there any text or information in here that takes this mana`o and relates it to this master plan we keep hearing about? I mean, I know. I'm on Molokai. The last time I said the same thing is because people didn't understand that there was this entity called the Master Plan -- I wanna say EC, but then I might not be right. Here's my question: so, is there any relationship to how -- to the specifics of the master plan in relationship to the -- to this mana`o? That was quite confusing in the past. And maybe those sitting here don't know. Whoever can answer?

Mr. Orodenker: Good question.

Ms. Marquez: Thank you.

Mr. Orodenker: There's a -- there's a hybrid answer to that. Let me explain that. At the

time we answered the questions that you had submitted to us, we had been advised that discussion of the master plan was not warranted in the EIS. So we -- although when questions were directed at the master plan, we responded to them, we didn't expand the mitigation measures to the cultural aspects to encompass the master plan. If I can -- if that's confusing, I can try and clarify it further. In this draft, we have taken our own counsel, so to speak, and realized that the master plan -- since most of the mitigation measures for the impacts of the project are actually contained in the master plan, and in particular, the cultural aspects, for instance, you know, the 26,000 acres that's going to the Land Trust, which contain the Makahiki grounds and Hula Piko and all the rest of that, the grant of the North Shore to the Land Trust from Ilio Point to Mo`omomi, which contains some significant areas as well, which was part of the actual mitigation measures of the whole thing have been included in this document, in this latest document.

Ms. Marquez: Mahalo. That makes sense.

Mr. Kalalau: Questions? You got a question, Nancy?

Ms. McPherson: Thank you, Chair. Nancy McPherson, Staff Planner. I would just like to point out a point of clarification that the master plan is not part of the proposed action that is covered by the EIS. That's a separate document. That was done via a community process. There is a lot of controversy about that process at this point. That process also was not done as a part of the Molokai Community Plan. So we do have a Molokai Community Plan Update coming. And so the master plan, you know, that -- those processes need to be integrated somehow. So there are a lot things that are still up in the air because if you read the master plan, it does identify a lot of different kinds of land use changes and different things that need to happen: affordable housing and etc. And all of that still needs to be worked out. So, yes, a fuller discussion of the master plan is now in this EIS2, I call it, but yet, the master plan itself is not being covered by the EIS. So I just wanted to clarify that.

Ms. Marquez: However, I truly believe that if people knew of or tried to comprehend or understand what we're talking about the master plan, it is totally linked to the efforts of -- well, that's my opinion, to this whole mana`o. So I commend the Molokai Properties Limited for, I guess, including it in your No. 2 DEIS. It should be for the understanding of what's going on, how do we link the -- how do we link what the MPL is proposing to do to what MPL is proposing to do. People need to understand this.

Mr. Kalalau: The master plan and the La`au Point?

Ms. Marquez: Yeah, to me, they go hand-in-hand. It was kind of -- I don't know mana`o that it didn't in the past. And I did question this in the beginning, and mahalo, MPL.

Mr. Kalalau: Thank you, Veronica. I was kind of confused, too, because you're talking about the Molokai Plan, then the Molokai Master Plan, then the La`au Point Plan. It's like how you separate these things or define each specific plan, but I know that EIS that we have before us is specifically for the MPL Plans, right? La`au Point Plan, yeah.

Ms. Marquez: Yes, I'm not debating either. I'm just saying they connect. They have a relationship. That's what I'm saying.

Mr. Kalalau: Okay, Lee?

Mr. Moikeha: So just a quick question on that: What is -- what is the number one plan? What does Molokai follow? Is there like a General Plan like the County of Maui has? I mean, is that --

Mr. Kalalau: Let's have DeGray or Nancy first.

Ms. McPherson: Yes, the Molokai Community Plan, the last version was adopted in 2001 by the Council, County Council. That was kind of a long process. I believe it was started in the late '90s or mid-'96 maybe? DeGray probably knows more about that. But that is actually -- we are starting to enter -- we're at the preliminary stage of data collection for the next update. So the update is gonna be starting -- we're going to start public participation in I would wanna say May, May, June. And that's gonna start the process. We're doing the background and technical studies now. And then that's going to move into the community -- let's see, the CPAC, Community Plan Advisory Committee, is going to start holding hearings and there's gonna be plenty of -- you know, there's gonna be events just tailored towards collecting information from the public collecting mana`o, and different kinds of activities. And then they're gonna move into the CPAC hearings after that. So those are public hearings, basically. And the CPAC Committee is going to be working on looking at what -- reviewing the draft of the updated community plan.

Mr. Kalalau: And these plans and stuff is eventually gonna go into the Maui County General Plan?

Ms. McPherson: Right, well, the community plans fall under the umbrella of the General Plan, which includes the policy plan, all the community plans, and a bunch of other stuff. And so what the idea is, is that all major proposals for activities on Molokai involving land use changes, community plan amendments, that sort of thing all need to be analyzed as part of that update process. And there actually is a policy memo out. I don't know if the CRC has gotten a copy of that, but there is a policy statement from the department, you know, that we would like folks to hang on and let their proposals for community plan amendments be a part of that process. So that's kind of the department's position.

Mr. Kalalau: Yes, I know the floor is closed but, DeGray, we're gonna call you up because I think you're a member of one of the Molokai Planning Committee.

Mr. Vanderbilt: Yeah, and I was a member of the other group that developed the master plan. And I think what really needs -- the General Plan, which our Molokai Community Plan, and all your Maui community plans are part of, both of those documents are law. This master plan is nothing. It has no effect of law. As a matter of fact, it -- the Land Use Committee that I sat on voted 17 to 6 to move it on to the Enterprise Board. They voted 10 to 2 with a lot of the people voting yes with reservations on La`au, but they liked the master plan. And then when you take the duplicate people that voted yes on the Land Use Committee and on the EC Board, you come to less than 20 people that approve this master plan. So there's a lot of work that needs to go. And this policy statement which we -- thanks to a member of the Maui GPAC, they sent us a copy of this policy statement from the Planning Department before we even got it. And I was able to bring it up at a meeting, but that basically says the Planning Department is not gonna support projects that try to move forward outside the community plan review process. So it would be great if this whole thing went through the community plan process. I think it would be helpful to everybody, but it's on a course that it's on now, and anyway, so I hope that tidbit of information was helpful.

Mr. Kalalau: Okay, thank you.

Mr. Vanderbilt: Thank you.

Mr. Kalalau: Okay, Daniel? Oh, Okay.

Mr. Orodener: I'm sorry. Just a couple points of clarification. First of all, we submitted our applications before the community plan process began. So it wasn't something that we -- the review process began. It wasn't something that we anticipated. Second of all, DeGray is right to a certain extent. You know, the community plan is -- has the auspices of law. Whether it's actually law or not is debatable, but it is something that is supposed to be followed by various agencies. But I would like to point out a couple things. First of all, you know, there has been this fiction that has been attempted to be maintained that there wasn't community involvement with this plan, and that only a few people approved it. That wasn't true. Four years of meetings, hundreds of people, there was a lot of involvement. Yeah, it wasn't four years of meetings, but it's four years of preparation. The other thing that I'd like to point out is that although this is kind of irrelevant to what's going on with this Committee that this was an attempt by a landowner, a large landowner, to get the community involved in planning for its entire parcel. And we recognize that it does -- it doesn't hold the weight of law, but it was a good faith attempt to figure out how the entire West End of Molokai was going to be managed in the best interest of the community. That plan contains, as I mentioned, the granting of large portions of land to a Land Trust for

preservation, for cultural, and social reasons. The remainder, another 25,000 acres, we put under agricultural easements so it remains open space forever. And that's better than any County plan because it's gonna be on the deed. It won't be able to use for anything else. The same with the Land Trust grant is gonna be -- part of the grant is gonna be conditioned that it remain open space forever. Now, you know, La`au is gonna be asking for reclassification for residential, but the rest of the area is gonna be maintained as it is. If the County decided, for instance, that part of the area that we were gonna zone or we were gonna keep in ag, they wanted to zone residential, that's a decision they make. We don't have to adhere to it. And whether or not we would be a matter of whether we felt it was in the best interest of the Ranch and the community. So, I mean, you gotta view the master plan in that light. That it was a good faith effort to bring the community in and figure out how we're gonna handle the entire West End of Molokai.

Mr. Kalalau: Okay. Kalei?

Mr. Moikeha: So I guess -- well, it's just a -- I'm just trying -- it's a point of clarification for me. So the master plan we're talking about is your master -- it's La`au Point Master Plan?

Mr. Orodenker: It's the community-based master plan, yeah. That's what we call it. It's not -- it's not -- it's not a --

Mr. Moikeha: Yeah, I mean, I got lost. First you said master plan, and you know, so I wasn't following, but I understand. As long as that's clear, I can --

Mr. Orodenker: Yeah, it was a planning exercise done as a private landowner with the community. It wasn't done as an official government planning process. So --

Ms. Pyle: I have just another question. It's probably a really -- it's another one of these confusion questions. Throughout this -- all the documents that I've had a chance to look at so far, there's always these references made to the Land Trust. And I think I know what the Land Trust is supposed to be. Does the Land Trust exist?

Mr. Orodenker: Yes, it does.

Ms. Pyle: Does it have any land?

Mr. Orodenker: At the moment, it's -- you know, they're purchasing some property that is not ours. I don't know whether that sale is ongoing, but --

Ms. Pyle: Who is the Land Trust?

Mr. Orodenker: The Land Trust is -- that's part of the additions to the document. It's

community-based. It's -- it was developed by the EC. The members include -- are listed in there. They include Dr. Davianna McGregor, Collette Machado, Stacy Helm --

Ms. Pyle: So there is actually an entity which would be a nonprofit organization that's all incorporated however they would be that's called -- what's the exact title?

Mr. Orodenker: The Molokai Land Trust. The Molokai Land Trust.

Ms. Pyle: The Molokai Land Trust.

Mr. Orodenker: The Molokai Community Land --

Ms. Pyle: So -- but this is an entity that is not Molokai Land Properties?

Mr. Orodenker: No, it's not in any way connected to MLP.

Ms. Pyle: And so, I'm just trying to get this straight. So in this document that you are preparing here, there's all these references to the Land Trust becoming the recipients of length. So my understanding is that when and if all this approved, this large portion of land will then be put into the control of this Land Trust which is a separate entity.

Mr. Orodenker: Actually, ownership would be put in.

Ms. Pyle: The owner. Okay. It will be -- and it's a separate entity?

Mr. Orodenker: Yes, it is.

Ms. Pyle: But then it appears to me that there's so many things in here that the Land Trust is supposed to be responsible for doing. And I don't really quite understand how the Land Trust is a separate entity that's not part of Molokai Land can actually have an influence over what happens at La`au Point. I don't get it.

Mr. Orodenker: The -- I'm sorry, but I'm not sure exactly what it is you're talking about. If you're talking about the management of the open space at La`au Point, there is a mechanism for that. It's called the Shoreline Access Management Plan. That's well laid out in the document. It was well laid out in the first document. When the Land Trust is given an easement, and there is an agreement with the Land Trust and the homeowners association to jointly manage those lands.

Ms. Pyle: It just seems like -- it's like the cart before the horse, in my mind, somehow. And I'm having a hard time with that so I have to think through that some more.

Mr. Orodenker: I would refer you to the Shoreline Access Management Plan, if you're concerned about the management of the property inside the La`au Project.

Mr. Kalalau: Yeah, I can see your concern on that because one of our concerns was the homeowners association, and who would --

Ms. Pyle: How does that relate to the Land Trust.

Mr. Kalalau: Yeah, we've -- you know, what's the Land Trust membership is on that -- on the homeowners association I can see because they'll be one of the big landowners bordering or neighboring the homeowners association. So is it set up that way that it's --

Mr. Orodenker: Yeah, the Land Trust has an ex-officio member on the homeowners association. Once again, I refer you to the Shoreline Access Management Plan. The CC&Rs and the Shoreline Access Management Plan are both designed so that the homeowners association cannot take control of the sensitive areas within the project. That they're jointly managed by the homeowners association and the Land Trust. And that certain provisions which require that property be managed for the benefit of the cultural practitioners, subsistence users, endangered species, and the rest cannot ever be changed.

Mr. Kalalau: Okay. Any more questions? Comments? Okay, Stan?

Mr. Solamillo: I guess since your food has arrived, if you'd like to break for lunch, and we'll continue afterwards or what?

Ms. Marquez: It depends. So now what is our charge at this point? What is our next step?

Mr. Kalalau: Comments and recommendation.

Ms. Marquez: That's why we're here for: comments and recommendations.

Ms. Pyle: Or -- or our asking for an extension.

Ms. Marquez: That's a request.

Mr. Kalalau: Correct.

Ms. Marquez: Okay.

Mr. Kalalau: I feel like Erik, too, because I didn't have sufficient amount of time to go over the DVD. And just given this packet today, it's hard to make a recommendation or -- on this

agenda item.

Mr. Fredericksen: This is a huge project. I mean, it's huge. And it's -- and you know, I will say I don't know a lot about it, but I've followed it along off and on. And, you know, the landowner has made some positive attempts to try to involve the community, etc., but it's I think from my perspective of just not -- you know, I don't have enough -- have not had enough time. And it seems like there are some issues that need to be, if you will, fine-tuned in the overall process. And, you know, having some -- having an extension so we could have a little -- I mean, a better grasp of what's going on because I wasn't on the Commission in 2007 or whenever -- you know, when it came. But, you know, I will say that the landowner, you know, has made some positive attempts to get folks involved. And it hasn't been a hundred percent successful, obviously, but, you know, there have been some positive attempts, but I certainly feel that I need some more time to look stuff over.

Mr. Kalalau: I myself feel that way too. I need more time to go over this thing too. And I think maybe on the next time we should have somebody from the Land Trust to be here, and tell us their role.

Mr. Moikeha: Just a quick comment. I mean, I don't even know how I wanna phrase it, but in the event we're not given the time, that the extension is not given, somehow we should go on record that some note be made that these -- the comments and questions that were made on behalf of the CRC.

Ms. Pyle: ...(inaudible)... be answered, though. And we are at fault for not having kept these in our little packets and looked at them, but we didn't know ...(inaudible)... today.

Mr. Moikeha: But that would be the recommendation that at least, you know, that this would be recognized, because like I said, if it's not extended, we gain -- I mean, nothing is gained. It certainly is lost. But perhaps, you know, at least if the statement is made or the comment is made as such then this would be at least recognized that things were said.

Mr. Kalalau: Or addressed from our previous meeting.

Mr. Moikeha: I don't know how else to put it. I don't know.

Mr. Fredericksen: But, I mean, as a Commission member, I haven't gone through each response and -- you know, oh, does that make sense, or does it not make sense, or -- cause I noticed there are a couple in here that just said, oh, we disagree, and that was it. Most of them it looks like they're, you know, there's some substance in the answers and everything which is good, but I again, haven't looked.

Ms. Pyle: Well, actually what we haven't been able to do, and even if we had behaved

ourselves like we should have and read these when they came in, what we haven't been able to do is to look to see if the responses that they have made to the questions we asked have actually been integrated into the document. And there's no way we could have done that before we got this, which we got on a CD a few days ago. So I agree with Erik completely. And I think that if we were to write a letter requesting an extension, we would also hope that that letter would be sent forward to the Land Use Commission or anyplace else where this is going to be further reviewed explaining that, yes, in good faith, the Molokai Land did respond to our questions, but in the short turnaround time that has happened, it has not been possible for the Commissioners, of which someone on the Commission is a new person have been able to integrate the answers that were given to the actual document that has been produced. And because of those reasons, we need more time to review this. Does that make sense to people?

Mr. Solamillo: Alright, staff can prepare such a letter and send it out.

Ms. Pyle: We need to make a motion to that effect.

Mr. Solamillo: If you decide to do that. In the meantime, the letter goes out and the clock is still ticking. So, I guess, my question really is, do you want a special meeting to have enough time to review this project but in advance of the deadline? So I think last time we did it -- was it seven days or something? Yeah, it was really tight to get the letter with all the comments off the tape and -- because that's where we were working from. We were working really tightly with Iwado Court Reporters in order to get it to the company. It went via fax. So --

Mr. Fredericksen: I have a comment. We've already heard from public testimony that the Molokai Planning Commission has requested to have --

Ms. Pyle: As so one of our Council members.

Mr. Fredericksen: Yeah, have requested additional time to review this. This thing's huge. I mean, it's a huge project. And, you know, like I said earlier, the landowner's made some good faith attempts on, you know, some aspects of the project and that's good, but I -- the community's not all, you know, happy, jolly with it. And I really am concerned about -- and I don't know if -- I'm not saying the landowner had anything to do with it. I don't know who made the decision to strike cultural, you know, testimony regarding cultural resources from a State -- you know, the document from the State Land Use Commission - those minutes. And that's something that's -- I mean, that's, you know, that's very -- it gives me a big pause about the whole thing. It's like, whoa. I mean, that's information that should I would think be looked at and included -- at least some of it included in the -- that's what the whole EIS process is about. And I would, as a Commission member, like to know who's the person that said, oh, we don't need to include that and why, or the entity, or whatever. I

mean, it's the State Land Use Commission is -- that's State.

Ms. Marquez: ...(inaudible)... information.

Mr. Fredericksen: Yeah, and that's --

Mr. Kalalau: Kalei?

Mr. Moikeha: I think MPL made it clear this morning also that they put it off before. You know, in good faith, they had met all the requirements, and they're trying to meet their deadline. So I'm still ...(inaudible)... that they're not gonna grant it. I mean, it seems like they're the ones that's gonna have to say yay or nay, unless you come across strong enough and the Molokai, you know, people come across strong enough to say that, you know, they need it. But if the MPL says no, they're gonna -- you know, we paid the price. This is what we're doing. We did all that we're supposed to be doing. You guys didn't do what you're supposed to be doing. We're gonna follow the deadline.

Mr. Fredericksen: And if the company chooses to behave that way, they can, but that doesn't -- that scenario doesn't speak very highly of whatever company it may be that ends up making a decision like that. That's just me, as a Commission member. I -- I'm not gonna say, oh, yeah, everything -- I can't in good conscience say, oh, yeah, this looks all great. I haven't had enough time, period. And that's how it's played out. You know, we -- you know, I certainly didn't intend to not have enough time or anything, but that's just how it is.

Mr. Moikeha: So I have a question to staff. What's staff's recommendation?

Mr. Solamillo: Okay, my question is to the Commission, what would you like? How many of you have not had enough time to review the documentation for this project? Okay. How many would like more time? Then you should probably make a motion, and I will write the letter, and send it tomorrow.

Ms. Pyle: Somebody make a motion.

Mr. Fredericksen: I'll try it. I mean, we, as a Commission, feel that we've not had enough time to review this very large digitally-produced draft environmental impact statement, along with other materials that we've just received this morning to enable us to make substantive comments and recommendations on this very large project, and request an extension of time, and that the DEIS review process of ...(inaudible)... of 30 days beyond, so February 22nd to -- what would that be? March whatever. Whatever 30 days from there is.

Mr. Whelchel: I'll second the motion.

Mr. Kalalau: Moved and second. Final comments and discussion? You wanna add anything else to the motion? You wanna make amendment to the motion?

Mr. Moikeha: I think my only comment that I would say is to MPL that you listened to our comments and our discussion that we said this morning and, hopefully, that they would allow an extension.

Mr. Kalalau: Okay, any more comments? Discussion?

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

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

VOTED: To request an extension of time of 30 days from February 22, 2008 as discussed.

Mr. Kalalau: Motion passed. Thank you, Commissioners.

Mr. Solamillo: Are you available -- this is my question to the Chair: Are you available for signature tomorrow?

Mr. Kalalau: Tomorrow?

Mr. Solamillo: Yeah. Can you be or --

Ms. Pyle: I'll sign it.

Mr. Solamillo: Oh, you want to sign?

Mr. Kalalau: Oh, yeah, she can sign it.

Mr. Solamillo: Yeah, you can sign. We'll do it. Okay.

Mr. Kalalau: It depends on the weather.

Mr. Solamillo: I can -- I'm gonna ask one more time: Do -- does this Commission want to have a special meeting?

Ms. Pyle: Can I just say something else? It seems like there's another topic that we may also need to have a special meeting for.

Mr. Solamillo: Okay.

Ms. Pyle: And -- can I say that? Should we talk about it? I don't know if I can. It's referring to the Lahaina Boat Harbor. And I -- you know, we could just decide to have a whole day, a special meeting, but I don't know when or whether we need to have two separate special meetings, or only one that we can combine the ...(inaudible)...

Mr. Solamillo: Okay, it looks like -- according to staff, the shoreline planner, in particular, Thorne Abbott, he indicated that the deadline for comment that was received was incorrect. That was posted in the newspaper.

Ms. Pyle: Okay. Incorrect. Good or bad?

Mr. Solamillo: That means there's much more time than was alluded to. So that kind of puts a --

Ms. Pyle: Relieves that.

Mr. Solamillo: Relieves that burning issue right at the moment. So --

Ms. Pyle: Alright, do we wanna have a special meeting? Sure, just depends on when it is.

Mr. Solamillo: Yeah. I mean, it's --

Mr. Fredericksen: What's the purpose of having a special meeting?

Ms. Pyle: Well, I think that if we do decide to have a special meeting, we can move forward on this particular issue, which is probably gonna take us a long time. And it will not impede the entire other agendas that we have for our meetings especially, since our next meeting --

Mr. Solamillo: We're supposed to be going -- we -- last year, and this is an aside, last year, half of our year was spent on Lahaina issues. I love Lahaina. My family is related, you know, we have a history there. But we can't do that. We have two other islands. And we did not go to those two other islands, and we have very pressing preservation and cultural issues on those other two islands. This also happens during a time when we're doing a cultural resource survey on all three islands. And our Commissioners must be knowledgeable at least, you know, to some degree and familiar with the land -- the cultural landscapes of these other islands. So this year I'm kind of being a bad boy. I'm just saying we can't. We gotta go, you know.

Ms. Pyle: So because this is, as you say, such a big issue, and it's such a big project, it's gonna take us a while to review the information. And so having a set aside special meeting for that would probably be useful for all of us. And also, it might give, if you have a special meeting that's a noticed meeting, it might give any of the residents of Molokai who haven't had a chance to come today because of short notice, to come and share some of their information with us especially, since it might be some of the information that got erased from the minutes of that other meeting. So that's something that we could --

Ms. Marquez: Okay, question: So this proposed special meeting, are looking at the February 22nd deadline, or our cultural extension deadline in relationship to --

Mr. Solamillo: It would be before, before the 22nd.

Ms. Pyle: We're gonna ask for the extension, anyway.

Ms. Marquez: I understand. I just needed to have that in my mind, clear.

Ms. Pyle: So then we have to figure out when it can be. That's not a lot of time. Do we need a motion to ask for a special meeting?

Mr. Solamillo: Well, I guess -- I don't know. Corp. Counsel?

Mr. Giroux: I think a motion would be useful just to get a quorum.

Ms. Marquez: Well, it depends on the day.

Mr. Giroux: We'll figure that out during discussion. If we get a motion on the table, at least we'll, during discussion, we'll see how many people could actually make the date.

Ms. Pyle: I move that the CRC hold a special meeting, date to be determined, to review, discuss, and develop comments for the La`au Point Project DEIS.

Mr. Giroux: Yeah, we should see what's available, what's the date available. That would help narrow it down.

Ms. Pyle: Well, why don't we -- we can do that --

Mr. Fredericksen: Can we do that in discussion?

Ms. Pyle: I made my motion. Somebody has to second it.

Mr. Fredericksen: I'll second it.

Mr. Kalalau: Okay. It's been moved and second.

Ms. Pyle: Now we can discuss.

Mr. Kalalau: Open for discussion.

Mr. Fredericksen: Who has a calendar?

Ms. Pyle: Well, next week is Valentine's Day on Thursday. Are we looking at a Thursday?

Mr. Solamillo: I don't know. It's up to Suzie because -- you need to get a calendar? Okay.

Ms. Pyle: Or another room. We can go somewhere else.

Ms. Marquez: Last time we went the other building, the HMS -- no, some union building.

Mr. Solamillo: We need to know your availability because she -- Suzie also administers Molokai Planning Commission. So we need to know about the availability of staff so -- can you get a calendar?

Ms. Pyle: Can we --

Mr. Solamillo: I can't hear. My hearing is --

Ms. Pyle: Can we take a break? Have lunch while she's figuring some of these things out? Is that okay?

Mr. Kalalau: Okay, yeah, we're gonna take a break and then reconvene for lunch.

(A recess was called at 12:24 p.m., and the meeting reconvened at 1:05 p.m.)

(Commissioner Artates left the meeting during the recess.)

Mr. Kalalau: Let's reconvene. And the first issue is we're gonna pick a time and date for our special meeting.

Ms. Marquez: Yes.

Mr. Kalalau: Okay. Dorothy, you decided the 14th?

Ms. Pyle: I can come on the 14th and 8 o'clock is fine with me.

Mr. Kalalau: Everybody okay with the 14th?

Mr. Moikeha: It might be hard for me. I mean, I always come Thursdays cause I usually work Thursday nights. I'm not -- you know, I don't know till like the day before.

Mr. Kalalau: Okay, Thursday is the 14th, yeah?

Ms. Pyle: But it's a Thursday.

Mr. Kalalau: It's a Thursday, yeah, the 14th, yeah.

Ms. Pyle: She's --

Ms. Marquez: For me -- from here I go Big Island, so I'll be there from now. If County flies me back or may I go via telephone conference, then that's a possibility.

Mr. Solamillo: Well, we'd fly you back.

Mr. Kalalau: We'll fly you back.

Ms. Pyle: But can she get here at 8 o'clock in the morning?

Mr. Kalalau: But can you get here at 8 o'clock in the morning?

Ms. Marquez: I have no idea.

Ms. Pyle: Island Air would be your best bet.

Ms. Marquez: You just fly me over. And I don't have to ...(inaudible)...

Ms. Pyle: Island Air would be your best bet

Mr. Marquez: To be here at 8:00 and leave at 12:00?

Ms. Pyle: Because they have Molokai -- they have Maui-Big Island flights.

Mr. Fredericksen: There's not -- there's not gonna be a lot of flights out in the morning.

Mr. Kalalau: Only one, yeah, only one.

Mr. Fredericksen: Which side?

Ms. Marquez: Puolele.

Mr. Fredericksen: Which side on the Big Island?

Ms. Marquez: I'll be in Kona.

Mr. Fredericksen: Oh, so there's more flights Hilo side.

Mr. Kalalau: Yeah, Hilo can get only one come to Maui - one in the morning and one in the afternoon.

Ms. Marquez: That's okay. If that's no go, I will be here if they get me here on time and get me out on time without me paying any difference.

Ms. Pyle: Erik, can you come on the 14th?

Mr. Fredericksen: I can. Yeah, I'm not ...(inaudible)...

Ms. Pyle: Lon, can you come on the 14th? You can't come on the 14th?

Mr. Whelchel: Be gone the 14th and 15th. Be on the Big Island over there with Veronica.

Ms. Pyle: So we may have a quorum problem.

Mr. Kalalau: One, two, three, four, and Erik or Nani.

Ms. Pyle: What about Nani?

Mr. Kalalau: You can have five. You can have five. Okay, right now depending on her flight if she can make it in time. If not, we will have five.

Mr. Fredericksen: Well, what's the next day? Sometime early next -- the following week?

Ms. Marquez: Like the 18th is a holiday.

Mr. Kalalau: The 21st.

Mr. Fredericksen: Well, I mean --

Ms. Marquez: I can live with that - the 21st ...(inaudible)...

Ms. Pyle: How impossible would it be --

Mr. Fredericksen: So are we still looking at trying to get a response out for these ...(inaudible)...

Mr. Kalalau: The 23rd.

Ms. Pyle: Well, just in case.

Mr. Kalalau: Because their meeting is the 23rd, right?

Mr. Solamillo: Their deadline.

Mr. Kalalau: Oh, their deadline is the 23rd?

Ms. Pyle: 22nd.

Mr. Solamillo: Twenty-four hours ...(inaudible)...

Mr. Kalalau: We are right now.

Mr. Fredericksen: If the -- if we're on -- you know, if we've put in our request for an extension as a Commission, and the developer chooses to ignore that, I mean, that's something that the Land Use Commission should look at very, I think, harshly. And also, if the Molokai Planning Commission has done the same thing, and that request is --

Ms. Pyle: And if Danny Mateo, actually, did the same thing.

Mr. Fredericksen: Yeah. I mean, I can't imagine the Land Commission going, oh, gee, well, that's okay. They just didn't want to, you know, grant any, you know, an extension so some substantive comments and recommendations could be put in. That's how I feel.

Mr. Moikeha: They're the one that purged the ...(inaudible)...

Mr. Fredericksen: You know what? Then that's the other thing --

Ms. Pyle: Well, let's try and meet on the 21st?

Ms. Marquez: 21st.

Mr. Fredericksen: I can -- yeah, I can do that more than the 14th.

Ms. Pyle: 21st? Maybe. 21st? 21st? 21st? 21st?

Mr. Whelchel: I'd have to look at my calendar. I don't have it with me.

Ms. Pyle: We'd have a better chance of getting a quorum on the 21st.

Mr. Solamillo: Suzie, do we have a whole day on the 21st?

Mr. Whelchel: Tuesday?

Mr. Solamillo: Okay, then that's what we'll do.

Mr. Kalalau: That's a Thursday?

Mr. Whelchel: Thursday?

Mr. Kalalau: Yeah.

Mr. Whelchel: Okay. I'll check my calendar. How do I let anybody know? Call Suzie.

Mr. Moikeha: If -- and if there's an extension before that, that they notify us?

Ms. Pyle: I think we should still meet.

Mr. Moikeha: Okay.

Ms. Pyle: Because I think we do really need to push this forward. And if we're going to Lana`i in March -- and how is -- are we going on the ferry? I, you know, I wasn't here at the last meeting when you guys --

Mr. Solamillo: Plane. I'm gonna probably get everybody on the plane. Right, Suzie? Do the exercise again. Try and get everyone on a plane.

Ms. Pyle: So that would be on a morning flight?

Mr. Solamillo: Morning flight.

Mr. Kalalau: Okay, so are we --

Mr. Moikeha: If that poses a problem, I'll go by ferry. I have no problem.

Mr. Solamillo: Where you live? Over in --

Mr. Moikeha: In Kihei.

Mr. Solamillo: Okay.

Mr. Fredericksen: Yeah, if we go on via ferry, what happens with parking and everything? My driver's not here. He's in college so --

Mr. Solamillo: Where do you live? Where do you live?

Ms. Pyle: Pukalani. He lives where I live. We could go together.

Mr. Fredericksen: Bill would be the designated driver. He'd be the drop-off --

Ms. Pyle: Don't count on it. Don't count on it.

Mr. Solamillo: Otherwise, I can get the County vehicle and we'll do a pickup run. Whatever we need to do.

Mr. Fredericksen: Well, what -- are we going overnight? Just one night and coming back the next day or --

Mr. Solamillo: No, we were planning to go early in the morning, and do the day as a tour, and then end with a meeting.

Mr. Kalalau: Site visit.

Mr. Solamillo: We need to do some site visits, familiarize yourself with the island, and then end with a meeting.

Mr. Fredericksen: Then so we come back the same day?

Mr. Solamillo: Yeah.

Mr. Fredericksen: Go and come back on the same day. That's okay.

Ms. Marquez: For the Molokai segment, I think the earliest we can get in is like after 9:00-ish, you know. It's like after 9:00-ish and then you have to leave right away. So --

Ms. Pyle: What? To go to Molokai?

Mr. Kalalau: Yeah, on the ferry, on the ferry.

Ms. Pyle: On the ferry?

Mr. Kalalau: Yeah.

Ms. Marquez: Oh, no, not on the ferry. I'm talking about on the plane.

Mr. Kalalau: Oh, yeah?

Ms. Pyle: There's an early morning flight.

Ms. Marquez: They have to go like Molokai, Honolulu, wait there forever, and then you reach Lana`i. And then after that --

Ms. Pyle: Isn't there Island Air? Because my husband's been going directly over there.

Ms. Marquez: Real early.

Mr. Kalalau: The early flight.

Ms. Marquez: You know what I'm saying?

Ms. Pyle: The afternoon flight is at 4:40.

Ms. Marquez: To where?

Ms. Pyle: To Maui.

Mr. Fredericksen: There's two direct flights, if there's space, if there's space--one in the morning--

Ms. Marquez: That's what I heard from DOE people.

Ms. Pyle: From Molokai, there's a -- the Island Air flight is 4:40.

Ms. Marquez: I -- it's some weird thing that they always tell me 'cause they fly all the time, unless I go from Kaunakakai ferry to Lahaina, Lahaina ferry to Lana`i, no problem.

Mr. Solamillo: How long does it take you? Three hours or four?

Ms. Marquez: Hour, hour half from Kaunakakai to Lahaina.

Mr. Solamillo: So it's three, three hours.

Ms. Marquez: It's 5:30 in the morning. And then what time is the ferry from there to Lana`i?

Mr. Solamillo: 7:00. There's a 7 o'clock.

Ms. Marquez: Oh, because I know we come in like 7:20-ish or something.

Mr. Solamillo: You missed it. So the next one is like 9:00.

Ms. Marquez: Either way, I'm not gonna get in 'til after 9:00-ish.

Mr. Solamillo: Yeah.

Mr. Kalalau: We gotta fly you in then.

Ms. Marquez: The night before. Oh, cool.

Ms. Pyle: Anyway, you guys are just gonna make the arrangements. I really have to go. Make the arrangements for --

Mr. Solamillo: If you have to go the night before, are you okay with that?

Ms. Pyle: What?

Mr. Solamillo: If you have to go there the night before?

Ms. Pyle: Wednesday?

Mr. Solamillo: Yeah.

Ms. Pyle: I have a class Wednesday night.

Mr. Solamillo: Okay.

Ms. Pyle: So Thursday is good for me. And this is March.

Mr. Solamillo: March 6.

Ms. Pyle: March 6.

Mr. Whelchel: Molokai?

Ms. Pyle: No, we're going to Lana'i.

Mr. Kalalau: Lana'i.

Mr. Whelchel: Lana`i?

Mr. Kalalau: Yeah.

Mr. Whelchel: I haven't been over at -- go to Lana`i, I mean, a long time.

Mr. Solamillo: The good thing, Kepa on Maui, I think many of you know him?

Mr. Kalalau: Kepa, yeah.

Mr. Solamillo: Yeah, he's over there now. The Lana`i Company hired him for their museum. So it's a really good thing. I --

Mr. Fredericksen: He's staff. He's staff.

Mr. Solamillo: Yeah, he's ED, Executive Director.

Ms. Pyle: And Nani knows a lot about of stuff.

Mr. Solamillo: Yeah, so it's a real good thing. And we've had some issues with Lana`i City because of their 201E, affordable housing project, as the way it has played out over time. And so a letter probably will go to Lana`i Company prior to our going there. So we should have representatives there. But anyway -- Did you tell them? Totally uncool, but anyway --

Ms. Pyle: We were talking about who could possibly be people and I can't come up with any history people.

Mr. Solamillo: We have to have --

Ms. Pyle: I mean, we need a Lahaina person.

Mr. Solamillo: Yeah, I almost lost it, but anyway -- thank you.

Ms. Pyle: Take care.

(Commissioner Pyle left the meeting at 1:15 p.m.)

Mr. Solamillo: Thank you very much, Dorothy. Kepa actually put together a short itinerary. And I guess he was presuming we'd arrive by ferry so -- at Manele. He's got a couple of village sites that we need to go look at.

Mr. Fredericksen: If we're going over for the day, the ferry is probably the easiest way to do it.

Mr. Solamillo: Okay, the 7 o'clock ferry is the one that goes over. And then at least --

Mr. Fredericksen: They have a 4:00, 4:30, and then a 6:00 coming back.

Mr. Solamillo: Yeah.

Mr. Fredericksen: It's a lot more -- it's a lot -- you got a lot more options than like if you tried to use the ferry to go to Molokai. It's not as long as ...(inaudible)...

Mr. Solamillo: Does everyone prefer going by boat? I do, actually.

Mr. Fredericksen: Yeah, I mean, the airport's a hassle, but I -- whatever's easiest. Depends on how -- yeah -- for -- yeah --

Mr. Kalalau: When is the first one out from Lahaina?

Mr. Solamillo: I think it's 7:00.

Mr. Kalalau: 7:00? Okay.

Mr. Fredericksen: The Molokai ferry comes in after that.

Mr. Solamillo: Then it's reversed. Then it's reversed because Lana`i leaves first, and then Molokai -- so if Molokai comes in at 7:00, so it must go at 6:45.

Mr. Fredericksen: I think it's 6:45 is boarding, and 7:00 they're out the harbor.

Ms. Marquez: We're not gonna make it. I mean -- I can come the night before ...(inaudible)...

Mr. Solamillo: So anyway, we'll see how it works. If it's better to go boat --

Mr. Fredericksen: If we're not staying overnight, either way. Whatever is easiest for the County to put it together.

Mr. Solamillo: Okay. And then we'll end up with a meeting. We'll look at -- obviously, the Lana`i City B-CT. There's some historic sites around Lana`i City. What I was unaware of was that there's a lot of intact Hawaiian sites still on Lana`i.

Mr. Fredericksen: Oh, down the Manele Harbor area, there's a huge complex right next to the harbor.

Mr. Solamillo: Okay. So it's kind of in advance of -- in advance of the surveys that we'll be conducting. And then we're gonna deal with issues of redevelopment, historic accuracy or veracity, if you will.

Mr. Fredericksen: Are we gonna go out to the park? The archaeological park? I can't remember the name of it now, but it's got Kahekili's Leap?

Mr. Solamillo: I think so, but I'll make sure.

Mr. Kalalau: Oh, they turned them into a park, yeah, now, that area?

Mr. Fredericksen: Well, yeah, I mean it's -- I mean, park only. I mean, there's like a picnic table. There's not a lot of -- but there's trails, there's trails. I mean, that's a really nice site, but, oh, boy, it's a bumpy road getting there.

Mr. Solamillo: Is it the one with all the rocks or not?

Mr. Fredericksen: Well, there's several ...(inaudible)... rocks.

Mr. Solamillo: No, I mean, with all the --

Mr. Fredericksen: Oh, oh, incredible. I mean ...(inaudible)...

Mr. Solamillo: I mean, they look like rock formations.

Mr. Fredericksen: Yeah, a heiau and a lot -- there's a lot there. There's koa, just walls, and enclosures, habitation sites. It's a large -- very large complex. It's in pretty good shape.

Mr. Solamillo: Okay, I'll mention those. And then we might do a luncheon with cultural people there as well as some members from the Lana'i Planning Commission. So what I probably need to do is do the itinerary out as soon as we can hammer down the flight information. We'll get that to you in advance of the trip.

Mr. Fredericksen: Do you know if Sol's gonna be there?

Mr. Solamillo: Sol?

Mr. Fredericksen: Kaho`ohalaha.

Mr. Solamillo: He's trying to get Sol there.

Mr. Fredericksen: ...(inaudible)...

Mr. Solamillo: Yeah.

Mr. Fredericksen: Yeah, cause he's on -- he's the head of KIRK now. So I don't know.

Mr. Solamillo: No, I got a Kaopuiki. I've got a Sol --

Mr. Kalalau: Oh, maybe the old man. Yeah, right, right, right. He was here. Yeah, he was here, too, when I came.

Mr. Fredericksen: I was thinking -- I was thinking, oh, yeah, he's probably, you know, in his early '70s when he first came on. And then he was talking about, oh, yeah ...(inaudible)... I about fell over.

Mr. Kalalau: Yeah, he looked pretty good.

Mr. Solamillo: Yeah, I got Pearl Aho, Pam Alconcel, Martha Evans, Sol Kaopuiki, Ron McOmber, Sandra Kanipae-Ropa, Sam Shin, and representatives from Castle & Cooke. We don't have any indications of who yet because there's been a changeover.

Mr. Fredericksen: So we're looking at 9:00 a.m. on the 21st? Is that what we settled on? For -- for here?

Mr. Kalalau: Yeah, regular time, yeah, regular time, yeah.

Mr. Fredericksen: Yeah, cause we got the ...(inaudible)...

Mr. Solamillo: Are any of these sites what we were just talking about?

Mr. Whelchel: It's at 9 o'clock. Is that gonna be in this building?

Mr. Kalalau: Yes.

Mr. Solamillo: ...(inaudible)...

Mr. Fredericksen: I can't remember the name of it, but we're looking at stuff at Manele, right?

Mr. Solamillo: Yeah. Well, we come in Manele - right here - Boat Harbor. So we can go

directly, right?

Mr. Fredericksen: Yeah, I think -- I don't know what the site that's right next to it is. I can't remember, but there's a -- there are a lot of burials there, and he may not wanna -- tourists around. I don't know, but it's a big complex. But he -- I mean, he -- I mean, I know Sol was -- had some reservations about it, but --

Mr. Solamillo: Can you see it from ...(inaudible)...?

Mr. Fredericksen: Yeah.

Mr. Solamillo: ...(inaudible)...

Mr. Fredericksen: Yeah, when we come in, there's koa and all kinds of stuff in there. And I'm sure there's some burials there just looking --

Mr. Kalalau: Is it the one between the harbor and Manele out there on the point?

Mr. Fredericksen: Yeah, it's like you come in in the harbor. You know where the ferry is?

Mr. Moikeha: And you look - go east.

Mr. Fredericksen: Yeah. And it's right -- you looking makai and it's on the left side.

Mr. Kalalau: Right. Oh, yeah, yeah, yeah, right, right, right.

Mr. Fredericksen: Towards the stream. Well, it's not that much of a stream anymore, but there would've been a stream if there was more vegetation on the island. But it's a listed site. There's actually a -- they've got -- I think they had a plaque somewhere.

Mr. Solamillo: Let's see. I guess that's pretty much it.

Mr. Fredericksen: But if you could ask Kepa if that's -- if it's culturally --

Mr. Solamillo: Yeah, I've got it listed.

Mr. Fredericksen: You know, if that's something too significant. They may not want, you know, much traffic in there. ...(inaudible)...Lana`i community, Hawaiian community.

Mr. Solamillo: Okay. Any other thoughts, Commissioners?

Mr. Fredericksen: I'll try to get -- I'll research the name of that archaeological park, but it's

got Kahekili's Leap, but I can't remember what the name of it was. It's a big complex. But it is technically challenging to get there. You have to have three -- probably three jeeps to go down the trail. It's really rough. After that big rain -- after that big rain, I can just imagine. It's like canyons going down the road. So it might logistically, be too much.

Mr. Solamillo: Too much to be an all day -- it'll be an all day trip.

Mr. Fredericksen: Yeah, the last time I was there, I was flown in by a helicopter for a project that we were working on. And ...(inaudible)... I was back and forth several times. It's much preferable to going in with jeeps.

Mr. Solamillo: Okay. Okay, anything else? Alright.

D. UNFINISHED BUSINESS - none

E. NEW BUSINESS - none

Mr. Solamillo: I guess under -- I'm gonna go backwards because we missed Unfinished Business. There was nothing to discuss. New Business, is there anything that the Commissioners would like to discuss?

Mr. Kalalau: I don't know if it's new business, but the State -- you know, the Historical Foundation is having their open house in Honolulu at the State legislation. And that it's open to the public. They also wanted to know if we wanted to set up a booth or anything there. I went last year's one. Actually, it's Wednesday, March 5th at the State Capitol. They'll have people from the Historic Preservation Foundation and I guess other people from throughout the State of Hawaii. They'll have display, exhibitions, and flyers that they give out pertaining to historic preservation.

Mr. Fredericksen: Is that the day before Lana`i?

Mr. Kalalau: Yeah, yeah.

Mr. Fredericksen: I don't know logistically ...(inaudible)...

Mr. Kalalau: But anyway, just to let people know if you're in Honolulu at that day. It's March 5th at the State Capitol.

F. SIGN ENFORCEMENT PROGRAM IN THE LAHAINA HISTORIC DISTRICTS

G. BANYAN TREE PARK

Mr. Solamillo: Okay, under Sign Enforcement Program in the Lahaina Historic Districts, there is nothing being brought before the Commission at this time, nor is there anything for Banyan Tree Park.

H. DIRECTOR'S REPORT

1. March 6, CRC Meeting Agenda (Lana`i)

Mr. Solamillo: Under Director's Report, we've already discussed our meeting parameters for Lana`i on March 6 and a potential agenda.

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

Mr. Solamillo: For Administrative Permit Reports, including Demolition and Historic District Approvals, no projects are being brought before the Commission at this time.

I. COMMISSIONER'S ANNOUNCEMENTS

Mr. Solamillo: Are there any additional Commissioner's announcements?

Mr. Fredericksen: I just would have a comment again. This is about -- and I don't know if it's something -- I guess we can -- I guess it's okay. Just about the Lahaina -- that the proposed boat ramp or the new -- Cannot?

Mr. Solamillo: No.

Mr. Fredericksen: Okay.

Mr. Solamillo: No, I mean, you can --

Mr. Fredericksen: Not discuss it, per se, but I just would -- I -- you'd mentioned that there was a -- the date was different. When is that?

Mr. Solamillo: Right, the date -- originally the date was --

Mr. Fredericksen: It was almost like yesterday or --

Mr. Solamillo: It was like February-something or was March-something. And it was like March 24th. And it was announced in the news. So I took -- there was an e-mail contact

for the engineer. So I e-mailed him 'cause I got an e-mail from Dorothy at 6:56 in the morning. And I e-mailed the engineer by 7:15, and got this, oh, we'll be in touch with you, you know, because it -- I think part of the problem is because projects come to the Planning Department, and they get sent out to planners, but we don't get notice if they affect or have impacts on, you know, our schedule whether they're gonna meet -- because we usually find out about pending projects kinda like you do when we get an agenda deadline, and we get projects sent to us that way. But this one has like a longer fuse on it, so supposedly -- I don't have a final date, but it's not gonna be this March 24th.

Mr. Fredericksen: I mean is it like in June or --

Mr. Solamillo: He didn't -- the planner, Thorne Abbott, is the shoreline planner for Maui County, and he didn't tell me. I'm kinda disturbed by it because we've had discussions. We've all heard -- we've all had people standing here trying to push harbor improvements for Lahaina, and we've told them the same thing over and over again. So it kinda caught me completely off guard. Why would we be getting yet another expansion to the harbor when it impacts the very place that you, you know, tell us is so sensitive, and they wanna put more parking stalls, and all this stuff. So anyway, you know, it's just kinda like, wait a minute. We've done this before. So we gotta be the choir to recite the anthem again or the chant. So as soon as I can get a timing thing on that, then we'll bring it back in.

Mr. Fredericksen: Yeah, the other reason I'm asking is I think I saw a review letter that took -- kinda took me by surprise, but it was on -- it was something. It was an archaeological assessment for this project, and a no effect, you know, that's what kinda the gist I believe that's what I saw. I was like, what?

Mr. Solamillo: Who issued it?

Mr. Fredericksen: I think it was SHPD, but I don't remember. I don't know if it was in our packet, but I just remembered seeing something. I think it was an SHPD letter or it was under review, but I -- so I would like to know when -- where is it, specifically. And I think it's something that needs to be -- we need to have a -- it needs to be an agenda item or --

Mr. Solamillo: Okay.

Mr. Fredericksen: And just to -- and more importantly to find out when this is kind of, you know, envisioned to come to pass, this project, or the design phase, or the okay phase, or whatever.

Mr. Solamillo: This is the environmental --

Mr. Fredericksen: Yeah, it's the -- they had to an environmental impact assessment, right?

Mr. Solamillo: Right.

Mr. Fredericksen: And where is that process? Where is --

Mr. Solamillo: Well, according to Thome, he has it, and has just received it recently, so it could be 30, 60 days. So I just need to find out when the actual comment period ends.

Mr. Fredericksen: Yeah, it's in the Lahaina Historic Landmark District. I mean, it's --

Mr. Solamillo: No, but it's a very -- it's -- again, when you -- I'm starting to take a -- because the NHL goes out into the channel, right? I'm taking a very different look at the NHL because when you approach it from the sea, which is why it's really good to take -- whenever I can, I wanna take a ferry when I wanna go to Lana'i and Molokai because that's the way historically, everyone traveled. And when you come back to Lahaina, then you can actually look at Front Street. And you have those wonderful Japanese photographs done by the Japanese photographer. I forgot his -- Kutsunai. And he shoots, you know, from out -- because they used to have a little Japanese fishing -- group of fishermen, who would park their sampans out, you know, just beyond where the harbor is. So he'd take these shots, right? And you'd have these great shots so you could chart really, the changes that occur on Front Street, and historically what does those views have always looked like. So that's a unique view, and it's like, you know -- that's what I look -- And I when I was talking, I think, to all of you last year about historic view sheds, these are things we look at. If it's been here for a hundred years, you wanna preserve it for the next generations because the way development is now, it's really rapacious and that takes down everything. So -- but that's the way I wanna look at it. And Kutsunai -- that's one thing that we should watch what happens to that collection because it's an incredible collection of photographs all of, you know, West Maui, all the Pioneer Mill lands, you know. But anyway -- okay. Maybe what I may do is either change Sign Enforcement Program and just leave Lahaina Historic District as a standing agenda item so we can catch these kinds of fires that happen in that district from time-to-time. And I'll need -- that'll have to be an action item. To change a standing agenda item like Banyan Tree, you know, Item F is a standing agenda item, which says, and this is my question to Corp. Counsel, Sign Enforcement Program in the Lahaina Historic Districts, could I just say Lahaina Historic Districts in the same way that we have Banyan Tree Park?

Mr. Giroux: Yeah, Stan, we're trying to avoid having these things that are just on there. If you do have a sign enforcement issue, you might wanna say, you know, sign enforcement on such and such property. Or if it's just discussion, maybe a communication item that says, you know, discussing enforcement issues in Lahaina, and then separate it that way. But your question is, just to have a standing item?

Mr. Solamillo: Yeah.

Mr. Giroux: Yeah, you gotta try to --

Mr. Solamillo: And you don't wanna do that?

Mr. Giroux: You gotta try to avoid that.

Mr .Solamillo: Okay.

Mr. Giroux: You want the public to know what you're gonna talk about about that subject. You can't just have like --

Mr. Solamillo: Okay, would you like -- I guess my question then, do you want from now on is Corp. Counsel's recommendation to strike Agenda Items F and G, which both refer to the standing items for Sign Enforcement Program in the Lahaina Historic Districts and Banyan Tree Park based upon what you just said?

Mr. Giroux: Yeah, if there's nothing to specifically talk about, it probably shouldn't be on the agenda.

Mr. Solamillo: Okay. Okay. That wasn't what I wanted to do under Commissioner's Announcements.

Mr. Giroux: Sorry, Stan.

Mr. Solamillo: No, it's okay. It's a new year. It's 2008.

J. NEXT MEETING DATE: March 6, 2007 (Lana'i)

Mr. Solamillo: Alright, Item J, Next Meeting Date is again, March 6, 2007 on the Island of Lana'i.

K. ADJOURNMENT

There being no further business brought before the Commission, the meeting adjourned at 1:35 p.m.

Respectfully submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards and Commissions II

RECORD OF ATTENDANCE

Present

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

Excused

Keeaumoku Kapu
Nani Watanabe

Others

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