MEETING OF THE
KAUA'I COUNTY HISTORIC PRESERVATION REVIEW COMMISSION
THURSDAY, JULY 28, 2016
3:00 p.m. (or soon thereafter)
Līhu'e Civic Center, Moikeha Building
Meeting Room 2A/2B
4444 Rice Street, Līhu'e, Kaua'i

AGENDA

A. CALL TO ORDER

B. APPROVAL OF THE AGENDA

C. APPROVAL OF THE JUNE 23, 2016 MEETING MINUTES

D. PUBLIC COMMENT - Individuals may orally testify on items on this agenda during the Public Comment Period. Please call the Planning Department prior to the meeting or notify Commission Staff at the meeting site. Testimony shall also be accepted when the agenda item is taken up by the Commission. However if an individual has already testified during this period, additional testimony at the agenda item testimony may be allowed at the discretion of the Chair. Testifiers shall limit their testimony to three (3) minutes, but may be extended longer at the discretion of the Chair. Written testimony is also accepted. An original and twelve (12) copies of written testimony can be hand delivered to the Planning Department or submitted to Commission Staff at the meeting site.

E. ANNOUNCEMENTS AND GENERAL BUSINESS MATTERS

F. COMMUNICATIONS

G. UNFINISHED BUSINESS

1. Letter (6/10/16) from Saundra F. Jacobs, Regulatory Compliance, Eukon Group Requesting to Make a Presentation on the Cultural Resource Aspects and Processes to the KHPRC on the Proposed AT&T Cell Site Located at the Kilauea Japanese Cemetery, TMK: 5-2-4:49, Kilauea, Kauai.

    a. Revised photo simulation provided by Saundra F. Jacobs, Regulatory Compliance, Eukon Group.

2. Discussion on the status of the Certified Local Government.

H. NEW BUSINESS

1. Proposed draft Rules of Practice and Procedure of the County of Kauai Historic Preservation Review Commission.

I. COMMISSION EDUCATION COMMITTEE

1. Deliberation and decision-making on the findings and recommendations of the investigation that were presented to the board regarding the educational opportunities for the Kauai Historic Preservation Review Commission:

   a. Full training on the basics of being a Historic Commissioner, including but not limited to: the NAPC Commission Assistance and Mentoring Program attended in Kona in 2014; Secretary of Interior Standards; how to judge and respond to permit requests of historic properties; reviewing Section 106 of the National Historic Preservation Act, and Hawai'i Revised Statutes Chapter 6E.

   b. Training on how to run and prepare for a meeting on Kaua'i.

   c. Two (2) in-state or national conferences a year for training and networking that would be in addition to the Hawai'i Congress of Planning Officials.

   d. Two (2) Kaua'i trainings; one of which may be the NAPC CAMP Conference.

   e. Attendance at a Maui or Hilo HPRC meeting to see how they are run, and that may count as one (1) of the in-state conferences mentioned in Item No. 2.

2. National Alliance of Preservation Commissions Membership.

3. Historic Preservation Standards Seminar Invitation, Friday, August 12, 2016.

J. KAUAI HISTORIC RESOURCE INVENTORY UPDATE COMMITTEE

K. HISTORIC PRESERVATION PUBLICITY COMMITTEE

1. Update on the permitted interaction group (PIG) for publicizing historic preservation efforts.

L. DATE AND AGENDA TOPICS (August 25, 2016)

M. ADJOURNMENT

EXECUTIVE SESSION: The Commission may go into an executive session on an agenda item for one of the permitted purposes listed in Section 92-5(a) Hawaii Revised Statutes ("H.R.S."), without noticing the executive session on the agenda where the executive session was not anticipated in advance. HRS Section 92-7(a). The executive session may only be held, however, upon an affirmative vote of two-thirds of the members present, which must also be the majority of the members to which the board is entitled. HRS Section 92-4. The reason for holding the executive session shall be publicly announced.

Note: Special accommodations and sign language interpreters are available upon request five (5) days prior to the meeting date, to the County Planning Department, 4444 Rice Street, Suite 473, Lihue, Hawaii 96766. Telephone: 241-4050.

KAUA'I COUNTY HISTORIC PRESERVATION REVIEW COMMISSION
Līhu'e Civic Center, Mo'ikeha Building, Meeting Room 2A/2B

MINUTES

A regular meeting of the Kaua'i County Historic Preservation Commission (KHPRC) was held on June 23, 2016 in the Līhu'e Civic Center, Mo'ikeha Building, Meeting Room 2A/2B.

The following Commissioners were present: Chairperson Anne Schneider, Victoria Wichman, Charlotte Hoomanawanui, Deatri Nakea, Stephen Long, Pat Griffin, Althea Arinaga, and Larry Chaffin Jr. *(entered at 3:09 p.m.)*.

The following Commissioner was absent: David Helder.

The following staff members were present: Planning Department – Kaaina Hull, Leslie Takasaki, Myles Hironaka; Deputy County Attorney Jodi Higuchi Sayegusa; Office of Boards and Commissions – Administrator Jay Furfaro *(left at 4:26 p.m.)*, Commission Support Clerk Darcie Agaran.

CALL TO ORDER

The meeting was called to order at 3:03 p.m.

Deputy Planning Director Kaaina Hull: Good morning, Chair and members of the Commission. Roll call. (Laughter)

Ms. Schneider: Roll call.

Mr. Hull: Commissioner Arinaga?

Ms. Arinaga: Here.

Mr. Hull: Commissioner Chaffin? Commissioner Griffin?

Ms. Griffin: Here.

Mr. Hull: Commissioner Helder? Commissioner Hoomanawanui?

Ms. Hoomanawanui: Here.

Mr. Hull: Commissioner Long?

Mr. Long: Here.

Mr. Hull: Commissioner Nakea?

Ms. Nakea: Here.

Mr. Hull: Commissioner Schneider?

Ms. Schneider: Here.

Mr. Hull: Commissioner Wichman?

Ms. Wichman: Here.

Mr. Hull: We have a quorum, Chair.

APPROVAL OF THE AGENDA

Mr. Hull: Next agenda item is Approval of the Agenda.

Ms. Schneider: Are there any additions or changes?

Mr. Hull: The Department doesn't have any recommendations.

Ms. Griffin: I move to approve.

Ms. Arinaga: I second.

Ms. Schneider: All in favor? (Unanimous voice vote) Motion carries 7:0.

APPROVAL OF THE MAY 26, 2016 MEETING MINUTES

Mr. Hull: Next is Approval of the May 26, 2016 Meeting Minutes.

Ms. Nakea: I move that we approve the minutes for May 26th.

Ms. Griffin: Second.

Ms. Schneider: All in favor? (Unanimous voice vote) Motion carries 7:0.

PUBLIC COMMENT

Mr. Hull: Agenda Item D. This is Public Comment. For the public's notification, at this time, public testimony can be taken for any agenda item in the beginning of the meeting or you can wait for your turn during the specific agenda item. Is there any member of the public that would like to testify on any of the agenda items at this point? Seeing none.

COMMUNICATIONS

Mr. Hull: There are no communications.

UNFINISHED BUSINESS

Re: Discussion on the status of the Certified Local Government.
Status of the National and State Register Nomination of the Hanapēpē Bridge.

Mr. Hull: Moving on to Unfinished Business. Discussion on the status of the Certified Local Government, status of the National and State Register nomination of the Hanapēpē Bridge. The drafted Certified Local Government FY16 grant application for the nomination of the Hanapēpē Bridge to the State of Hawai'i and National Register of Historic Places.

So after last Commission meeting, the Commission made a request that the Department draft up an application for CLG funds to hire a consultant to draft the nomination form and papers for the Hanapēpē Bridge, which is attached to the agenda for your review and comment.

Ms. Schneider: Is the applicant here?

Mr. Hull: Well, no, there is no applicant for the nomination. Essentially, there was a desire by the Commission to apply for CLG funds for the Hanapēpē Bridge to be nominated to the State or National Registry. So you have, in your receipt, the application form, which the Department drafted up, and if you have any discussion or would like to take action on that CLG... The Department wouldn't send the application form up on its own. It would wait for your approval, if that's the wishes of this Commission, to submit the application for CLG funds to hire a consultant for nomination.

Ms. Schneider: Commissioners? Pat.

Ms. Griffin: I think that the application, which has a total project cost of $3,200 is minimal. We ask...the grant amount is for $2,000 and it speaks directly to what the Commission has been discussing about encouraging and assisting sites on the National Register, which is particularly important for public sites. So I think it looks great, and thanks to the Staff who put it together.

Ms. Schneider: Do we have a recommendation?

Ms. Griffin: I move that we accept it as written and request that the grant application be sent on to SHPD.

Ms. Schneider: Do we have a second?

Ms. Arinaga: I second.

Ms. Schneider: Any discussion?

Mr. Hull: At this point, you may also want to see if there are any members of the public before…

Ms. Schneider: Is there anybody from the public that would like to speak on this application? Seeing no one.

Mr. Hull: Okay.

Ms. Schneider: Can we vote?

Mr. Hull: Yeah. If you have no further discussion, you can take the vote.

Ms. Schneider: All in favor? (Unanimous voice vote) Anybody opposed? (None) Motion passes 7:0.

Mr. Hull: So for the Commission's clarification, too, so the way that the County of Kaua'i has to deal with grant applications is it has to be reviewed and approved by the County Council first. So it will be submitted to the County Council and, pending their approval, we'll forward it on to SHPD.

Ms. Griffin: Do you know the timeframe for forwarding it to the State?

Mr. Hull: Essentially, we could do it concurrently. I'll have to double-check with the Council Services, but…

Mr. Chaffin Jr. entered the meeting at 3:09 p.m.

Ms. Griffin: I'm asking about the grant deadline.

Mr. Hull: I believe we have enough time, but I'll have to double-check.

Re: Discussion on the status of the Certified Local Government.
Certified Local Government FY2016 Grant Application for the nomination of the Kaua'i War Memorial Convention Hall to the State of Hawai'i and National Registers of Historic Places.

Mr. Hull: The next agenda item is Certified Local Government…oh, excuse me…G.1.b. Certified Local Government FY2016 grant application for the nomination of the Kaua'i War Memorial Convention Hall to the State of Hawai'i and National Registers of Historic Places. A letter from Lenny Rapozo, Director of Department of Parks and Recreation, County of Kaua'i, requesting that the KHPRC delay submission of this application to allow the Department of Parks and Recreation to amend its current Exemption List for the Hawai'i Revised Statutes (HRS) Section 343.

So to give some background on what that essentially is, is two (2) months ago, the KHPRC took action to apply for CLG funds, or Certified Local Government funds, to hire a consultant to draft up the nomination papers for the Kaua'i War Memorial Convention Hall to be put on the State and/or National Registry. The way that was approved was for the Department to work with the various agencies and do the necessary, essentially, footwork to get the application over. In discussing and working out with Department of Parks and Recreation, we became aware of an issue.

To somewhat step back, there is a lot of concern in the public that going on the National or State Registry creates all types of barriers or bureaucratic loopholes or obstacles for maintaining or for...maintaining the site or doing other changes, and most of that, quite frankly, is untrue. Under preservation law, there are ways in which they can be maintained. With the exception, I'll say, of Hawai'i and not because of preservation law, per se, but because if you're on the National or State Registry, you are automatically...any change in use or use automatically requires, what's referred to as, an environmental review, and that will entail either an Environmental Assessment or an Environmental Impact Statement. An Environmental Assessment can cost anywhere from $10,000 to $30,000 to $50,000 and take up to six (6) months to complete that assessment. An Environmental Impact Statement can cost anywhere from $75,000 to $0.25 million and can take, you know, one (1) or two (2) years to complete these things, so that is fairly laborious and, to a certain degree, a barrier or an obstacle when maintaining a site like the Convention Hall. So what the Department of Parks and Rec is asking for...and the State has recognized that these can be barriers for small changes because it's just any use, any change on something that's on the list has to go through this process. So the State has an exemption list for various agencies for things like minimal improvements or changes of use in order...where they can exempt out of having to do the environmental review process for these minimal or nominal changes.

So what the Department of Parks and Rec is asking for is just to be able to amend their exemption list to incorporate some management of the site to ensure that if it's on the Registry, any type of, say, interior or small modifications won't bump them or push them into having to do that fairly lengthy environmental review. The Department is looking at it as it's a reasonable request. The letter states that they are in support of ultimate nomination, but they just want to clear this one (1) procedural issue.

Ms. Schneider: Commissioners? Pat.

Ms. Griffin: How long is he proposing that that will take?

Mr. Hull: There's no timeline in the letter. Yeah, there's no timeline in the letter. Well, see, they would have to get the language drafted, if they are going to have language, and then that language ultimately has to get vetted and reviewed and approved by the Office of Environmental Quality Control and the Environmental Board, which is a public hearing of sorts. I imagine it would take anywhere...quite honestly, in my own estimation, it would be six (6) to eight (8) months before they could get any amended language. Could it take longer? Yes. But on average, I would imagine six (6) to eight (8) months. Our County Attorney is familiar with it, so...

Deputy County Attorney Jodi Higuchi Sayegusa: Yeah, and so it'd have to go through OEQC review, and go to the Environmental Council and, specifically, the subcommittee to review the exemption list, and then it has to go back to the full Council for approval. So the drafting, the review process, the Environmental Council, and then coming back and…if there's any questions or any issues that needs to be dealt with, you know, they'd have to go back again to the Council. So, I mean, it's really…it just depends on the process. I helped Public Works with their…amending their list and we had to go back at least twice or three (3) times to the subcommittee before it got approved to the Environmental Commission. Yeah.

Ms. Griffin: We talked about this some months ago when we were discussing putting…recommending things to be nominated for the State or National Register. There is that process once the exemptions are submitted, but I am wondering about asking that the letter be submitted within a fairly quick timeframe because it's not like writing the letter and having, you know, a self-addressed stamped envelope that comes back with the okay, you know? So in terms of a response to this letter, it seems appropriate for us to ask about when that exemption is going to be submitted.

Ms. Schneider: Can we make a recommendation to receive it and ask for a timeline?

Ms. Higuchi Sayegusa: Or an update be forwarded on to the Commission once the Parks…Department of Parks and Recreation has a timeline. But, you know, there is a letter here before the Commission on the agenda that you folks could receive because it's just…you already took action previously, and so now it's just a letter after submitted. So, you know, the action would be just to receive it, and then, you know, you could also ask the Department to follow-up or maybe update you folks at a future date.

Ms. Griffin: Yes, it seems like simply receiving it doesn't ask the question.

Ms. Higuchi Sayegusa: Right.

Ms. Griffin: That being able to ask that they return next month with the letter requesting exemption, or whatever; if it's a form, I'm not sure.

Ms. Higuchi Sayegusa: Or at least the language, perhaps, of the amendment to the exemption list. Or a couple months. I'm not sure.

Mr. Chaffin Jr.: I would suggest that in that framework we put in a number of days or weeks, or a time limit like two (2) weeks or a month or something, so it just doesn't go on and on.

Ms. Schneider: Is that within the purview…?

Ms. Higuchi Sayegusa: I mean at this point, though, you folks already took action on the grant application proposal, right?

Ms. Schneider: A couple of meetings ago.

Ms. Higuchi Sayegusa: Right. And it's just…I'm just trying to think of what further action, or what would be the hook, you know, at this point, other than, you know, just asking the courtesy of the Department to keep you folks in the loop.

Mr. Hull: I think the request can be made that an update be given, as far as when the…or the language is anticipated to be sent over to OEQC because ultimately, the language is going to be sent over, so I don't see that necessarily being a problem for Lenny. And I think if…yeah, if…there's two (2) ways you guys can do it; you guys can receive it and also additionally request that an update be given, or you can defer it until further information can be provided.

Ms. Schneider: What's the Commission's pleasure?

Ms. Wichman: I'm just wondering why the County is doing this. Is it just to save money? Or…I'm not really sure why they're requesting to be on the exemption.

Mr. Hull: Say it's on the nomination…excuse me, it's on the registry and the Department of Parks and Recreation wants to put a water fountain, the trigger under 343 is a carte blanche trigger; any proposal. So he would say I want to put a water fountain and to the tune of, I don't know, $1,000. The Environmental Review would say, before you put that water fountain, you have to do an Environmental Assessment to determine that that water fountain will not have any impacts on the surrounding area, and so he'll do the $50,000, 6-month or 2-year review to determine whether or not the water fountain is going to have any impacts. Because the trigger for a registered site is carte blanche on everything, they need exemptions to ensure that they can just maintain the site as a gathering place in its day-to-day operations, essentially.

Ms. Wichman: But would the exemption give them carte blanche to do what they want?

Ms. Higuchi Sayegusa: No.

Mr. Hull: No.

Ms. Wichman: No? So where is the oversight?

Ms. Higuchi Sayegusa: I think what's…so through the exemption list process, the Department is given the opportunity to name certain projects that are, kind of, within the certain…the threshold and it's still governed under HRS 343, which requires reviews for when its triggered, and so things like historic sites typically triggers it. It's just now carving out those types of renovations or, you know, that really shouldn't be subject to the whole process. For example, like minor interior alterations that's not going to really affect the historic nature of the site or the building, and those types of things. So it's just…and when we went through the previous process with Public Works to carve out those types of things, we went through each and every listed item to ensure it was…there was some means to have oversight over any construction and anything like that, so in this context for historical sites, I mean, we have the general guidelines that it's not meant to take out, you know, things that would…it's not going to go around HRS 343. It's really meant to take

off those that are not going to have any impact to the historic nature of the site. I mean, it's like a catch-all and then just carving it out; those appropriate things.

Mr. Hull: Yeah, and if I could dovetail on it, to be clear, being put on the exemption list doesn't mean it's therefore exempt from the review. It's just…they come in and say what specific type of projects are exempt within this site; say, a water fountain or, say, interior repair. And if it's a type of project that isn't on that exemption, then it bumps it up to that environmental review.

Ms. Wichman: Oh okay.

Mr. Hull: So you can imagine, especially with architectural context of the Convention Hall, if they're going to go and, say, change the dome or something, like, that would definitely not be on the exemption list, so they would have to, therefore, go through that 343 environmental review.

Ms. Wichman: Alright.

Mr. Hull: Yeah.

Ms. Wichman: I understand better now. Thank you.

Ms. Schneider: So what's the Commission's pleasure?

Ms. Higuchi Sayegusa: I guess to re-summarize the options at this point, it's to receive and maybe, you know, if you folks want to ask the Department to give updates in the future, or you can defer it until an…to allow the Department to update you, but still have it on the agenda.

Ms. Griffin: I move that the KHPRC receive this letter from Department of Parks and Recreation, and request that they update us next month about the request for an exemption.

Ms. Schneider: Is there a second?

Ms. Arinaga: I second.

Ms. Schneider: Any discussion?

Mr. Chaffin: I question whether this, really, is a historic building. Does it have any great architectural significance?

Ms. Higuchi Sayegusa: Sorry, just to bring it back, we already acted upon that, you know, whether or not to submit the grant application for the designation of it, so at this point, it's just more the letter; the action on the letter.

Mr. Chaffin: Okay.

Ms. Schneider: Any further discussion? All in favor? (Unanimous voice vote) Anyone opposed? (None) Motion passes 8:0.

NEW BUSINESS

Re: Department of Parks & Recreation
County of Kaua'i
Construction of a Recreational Fence for Safety and Per Lease Agreement at Waioli Park, TMK: 5-5-06:008, Hanalei, Kaua'i.

Mr. Hull: Next agenda item is Agenda Item H, New Business. No. 1, Department of Parks and Recreation, County of Kaua'i, construction of a recreational fence for safety and per lease agreement at Wai'oli Park, TMK: 5-5-006:008, Hanalei, Kaua'i. The applicant is the Department of Parks and Rec, and I believe Nancy has a presentation.

Nancy McMahon: Good afternoon, Commissioners. I'm Nancy McMahon. I'm the Park Planner. I also have with me Wai'oli Corporation, some of the board members are here today; their Director and two (2) of the board members are here. We are going to be talking about Wai'oli Town Park in just a minute while I kind of get set up here. Sorry I'm sitting so far away. It may be a little big.

So I kind of wanted to give you…you got in your packet, I think, the application that we had in there, and what I wanted to do was kind of give you an idea of where this is at. We are actually in the center of Hanalei; right there in the middle area. That green highlighted area is Wai'oli Town Park. It is leased to the County on a new current lease 'til 2032 from Wai'oli Corporation. It's about 5 acres in that park side there, so I wanted to let you know that.

And what we're proposing…so that kind of gives you the area up there at the top corner. You can sort of see it up here, and this area here is the acres. It's currently a soccer field. We also have a lighted basketball area that's there. We're looking at putting in some vinyl fencing to match the existing fencing that is in front of the Wai'oli Hui'ia Church that's there, and I'll show you some pictures of that, but I just wanted to let you see. This is Kūhiō Highway here. The fence will also run down along Malolo Road, so I just wanted to, kind of, show you that area, too; and that's right here. We are going to have a service gate that we are going to propose. It's going to be about…right…actually across from the opening here, so that there's actually a couple restrooms that are over there, and going from there, so…

So this is a picture looking towards Kūhiō Highway. You can see that the court house there is in the front area. This is the existing basketball court. There's some telephone poles already there that we've had in. There's the fence that's there, with that area there. So that's what we are going to try to match the fencing. Here's a better picture of it. A little closer up so you can see what it looks like right in front of the church. It's a 2-rung split rail. They have a wood fence. We are going to try to put in vinyl because we just think the easier maintenance on it, easy to replace, and something that we can keep clean a little bit better.

So this is the soccer field and this is the area right now. Cars are parking in here. We also have some other events and there's no organization to that. And there has been a child hit, so a little bit of a safety issue for that.

So this is sort of the schematic for the proposal for the construction. There will be 8-foot sections. These are going to be fairly minimum; 5 inches by 5 inches, not quite as big as the existing one, with 2 feet in the ground with a rebar and cement to hold that in, and then the section in between there with a cap on the post. We'll probably cement the post just to fill that in a little bit better. Just to give you the idea of that split rail. So they'll be 3 feet above ground and then these rails that will go across there on that vinyl fencing. So it's about 440 feet along Kūhiō Highway and about 395 feet along Malolo Road with that service gate in there.

I kind of wanted to give you a little…that's a little bit better of an aerial view of that location, so here's… So we're going to probably try to keep in line with the palm…try to follow that same… There's their fence over there. We're going to try to keep in line and go down here. Here's that service gate, which we're going to try to match the opening here; essentially where the porta potties are at and going down to right about there.

It's been in the lease agreement since, I believe, 1982 to fence this park and we have not done it, so we are trying to now fence it. We are trying to match it aesthetically to the existing fencing that's already on the church property, and take care of that, sort of, issue. So I kind of wanted to just give you that, sort of, overview on it. We have…and the way that I'm looking at the construction plans, it's sort of to give a, sort of, minimum impact by 5 inches by 5 inches on the vinyl fencing. I initially talked to Mary Jane about…we'll have to do some archaeology, but what I want to do is…my own experience, I drove out there when I was measuring this off and got stuck. It's mostly lo'i. The County of Kaua'i doesn't have 4-wheel drive vehicles. I forgot because the State of Hawai'i does. (Laughter) And I got stuck about 2 feet in the mud and had to get pulled out by one of our custodians' friends that had a 4-wheel drive truck to pull me out, so it's mostly lo'i soils. So I thought our area of impact is really going to be the fence line, but we go…if we do some archaeological testing, it will be in between. We are going to go…have to go out for construction bids and the contractor will then hire an archaeologist to work with the scope of work on the archaeology there, so that's what the plan is right now.

Because…this property is on the register that's why we're coming to see you. I did send, about a year ago, to the Architecture Branch for SHPD and they seem to not have a lot of concerns. I also submitted it through their submittal process just to make sure. I haven't received any comments back, but this will be an SMA Minor Permit to do that. And I know that the Board will really be happy that we're trying to work on this project and get this done. So I would address any questions you have, if you have anything.

Ms. Schneider: Any questions for the applicant? Commissioners? Is there anybody from…

Ms. Arinaga: I do. I do.

Ms. Schneider: Okay.

Ms. Arinaga: Just a quick question, Nancy. So with the fencing…and I know there's a lot of soccer families out there. Will the fencing keep the cars out?

Ms. McMahon: That's the intent, and keep them parked along that side.

Ms. Arinaga: Okay.

Ms. McMahon: I did talk to Highways, just so you know. The right-of-way is 40 feet from the centerline on that mauka side of the highway there; Kūhiō Highway. So the idea was to keep it in line with those palm trees, which is actually still in line, and that still gives you room to either do parallel or angled parking in there, and that should keep people to park right there.

Ms. Arinaga: Okay, great. Thanks.

Ms. Schneider: Because the field turns to mud when people park on it; having parked on it. Anybody from the public that would like…?

Bob Schleck: Good afternoon, Commissioners. I'm Bob Schleck. I'm the Director of the Wai'oli Mission House at Hanalei, and I want to thank you for your consideration of this. As Nancy has said, we wished for this to be done for some time. The park was always…or that area was made available when the Mission House was restored in 1921, and then a formal agreement came into works with the County in the 1950s, so it has always been a congenial arrangement, but it has always been intended as a recreational area/a playground, and not for traffic or vehicles. So we appreciate this consideration and the effort. I think it also replaces a fence that had existed there in the 50s and 60s, so it's putting back what once was there.

Ms. Higuchi Sayegusa: Sorry, Nancy. Sorry to just interject. If we could just have the witness…I'm sorry, not the witness…but the testifier, and if you can...just for now and then you can come back when recognized. Thank you.

Mr. Long: Thank you. Thank you. I have a question. Will you be replacing the existing wooden fence when you put in this new plastic fence?

Mr. Schleck: The wooden fence is in front of the Wai'oli Hui'ia Church, and that is a separate property. This is the Wai'oli Mission property, so it would…there isn't a fence there right now. It's mostly rocks or palm trees.

Mr. Long: Right.

Ms. Wichman: I have a question. Mr. Schleck, the new fence that will be going up, will it be on the same footprint as the previous one that was up in the 50s?

Mr. Schleck: I believe it is very similar to that location, yes. As a matter of fact, I think the palm trees were planted where the old fence had been, so it kind of is the old arrangement, the old alignment.

Ms. Wichman: Thank you.

Mr. Chaffin Jr.: I've heard discussion that there is soccer on the other side of the fence, and my question is, with the soccer, is the fence going to prevent the balls from going into the street?

Mr. Schleck: I don't think we can guarantee that, okay? Ideally, it would. And, you know, the park is intended for all recreation, not just soccer. I know baseballs or whatever can also be there, but I don't know that it would have that much of a deterrent. Hopefully it would.

Mr. Chaffin Jr.: Thank you.

Ms. Schneider: Any further questions? Any recommendations?

Ms. Higuchi Sayegusa: Perhaps we can…if there's more testimony.

Ms. Schneider: Is there anybody else from the public that would like to speak on this application?

Mr. Schleck: Thank you.

Ms. Nakea: Thank you.

Ms. Schneider: Do we have a motion? Commissioners?

Ms. Wichman: I have a question for Nancy.

Ms. McMahon: Commissioner Wichman.

Ms. Wichman: So I'm just curious why there isn't an AIS? Because you have found other things at the Mission House as well, right? And you mentioned that these are possible lo'i.

Ms. McMahon: We're going to put it with the construction plan, so that contractor will have to do that. Yeah, we've kind of talked and I did talk to Susan Lebo about the…we were looking at the footprint. The area of impact is really the fence line.

Ms. Wichman: Right.

Ms. McMahon: And trying to stay in there, and maybe doing a couple…my thoughts were doing a couple trenches or test units, really, in between the rungs where we think the posts are going to go. It'll be lo'i; (inaudible) lo'i, basically, soils that I can tell. Maybe we can do some pollen or something like that in it.

Ms. Wichman: Okay, that would be great.

Ms. McMahon: Yeah. So our construction contractor will have to have that in their proposal.

Ms. Wichman: Okay, great. Thank you.

Ms. Nakea: Well, I just have a question. What…if we were to…if I were to make a movement, what would…we're just receiving, in a sense, right, at this point? What…

Mr. Hull: I think if the Commission as a whole is okay with what's being presented, you would just receive it. If you want to take, say, a more proactive role, you could take a motion to recommend some type of approval. If there are concerns in the application that you have, that is also a motion that could be made, and those concerns would essentially go in an advisory capacity to the Planning Department because we are reviewing their Special Management Area Minor Permit. So we do give conditions of approval and have, say, final authority on that. Your motion, if you have concerns, would serve in an advisory capacity to us whether or not we would incorporate that motion or that action by this body to make it a condition of approval.

Ms. Nakea: Okay.

Ms. Schneider: Commissioners?

Ms. Griffin: And this is exempted from an EA?

Ms. McMahon: I put in a request to be exempt from the EA process because it is a park and there was a former fence there before, so we are replacing that a fence. It's a repair and replacement type of project. So I have submitted that letter to the Planning Department and waiting for their response with the packet that I submitted with the SMA Minor.

Ms. Nakea: I move that we receive the report and…

Mr. Chaffin Jr.: Second.

Ms. Schneider: Any discussion? All in favor? (Unanimous voice vote) Anybody opposed? (None) Passes.

Mr. Hull: Motion passes 8:0.

Re: Letter (6/10/16) from Saundra F. Jacobs, Regulatory Compliance, Eukon Group Requesting to Make a Presentation on the Cultural Resource Aspects and Processes to the KHPRC on the Proposed AT&T Cell Site Located at the Kīlauea Japanese Cemetery, TMK: 5-2-4:49, Kīlauea, Kaua'i.

Mr. Hull: The next agenda item is H.2., New Business. Letter from Saundra Jacobs, Regulatory Compliance, Eukon Group, requesting to make a presentation on the cultural resource aspects and processes to the KHPRC on the proposed AT&T cell site located at the Kīlauea Japanese Cemetery, TMK: 5-2-4:049.

Saundra Jacobs: Good afternoon, Chairwoman Schneider and members of the Commission. I'm Saundra Jacobs. I'm the Environmental Resource Specialist with Eukon Group. We are the environmental consultant to AT&T, and with me here today is also Dr. Alex Hazlett. He's the Senior Archaeologist with Scientific Consultant Services, and I'll ask him to speak in a few moments, way back there.

We're here today, at the request of the Planning Department, to review with you the cultural resource processes that we went through to comply with the National Environmental Protection Act and the National Historic Preservation Act, Section 106, for the new monopine at the Kīlauea Japanese Cemetery on Mihi Road in Kīlauea. So what you have before you...and I'm glad I printed out some paper copies...is just a real brief presentation to take you through the steps that we go through when we're reviewing a cell site for any carrier.

One of the first pages, the second page on your presentation, is a map of the Kīlauea Japanese Cemetery on Mihi Road. The next page is...this would really be better as a PowerPoint, wouldn't it? Chairman Schneider, if you don't mind, I think this would be better as a PowerPoint. Would you mind if I pull my computer up and put it on my computer?

Ms. Schneider: We can take a 5-minute recess and (inaudible).

Ms. Jacobs: Thank you. I appreciate that.

Ms. Schneider: We'll recess for five (5) minutes so she can set up.

The Commission recessed this portion of the meeting at 3:43 p.m.
The Commission reconvened this portion of the meeting at 3:46 p.m.

Ms. Schneider: Call back to order.

Ms. Jacobs: Thank you. Shall we try that again?

Mr. Chaffin Jr.: Where in California?

Ms. Jacobs: Southern California in Irvine in Orange County, and in Ewa Beach in O'ahu. I am the Environmental Resource Specialist myself. I've been doing environmental assessments for NEPA and CEQA for the last 25 years, and I've been working in the telecom industry for the last 20 years doing specifically for NEPA.

Thank you, again, Chairwoman, for indulging me. Makes it a little bit easier here.

Ms. Jacobs presented a PowerPoint Presentation on the AT&T site at the Kīlauea Japanese Cemetery for the record (on file with the Planning Department).

Dr. Alex Hazlett: I'm Dr. Alex Hazlett. I've been working for SCS for the last 4 ½ years, almost 5 years. I worked for Cultural Surveys Hawai'i previous to that since 2007 in the offices on O'ahu.

I've worked on projects here. I worked on monitoring for the bike path in Wailua, but most of my work has been on O'ahu and on Army Corps projects on O'ahu and the Big Island. I helped to write the plans and do some of the revisions that were sent back and forth to SHPD until the AMP was approved, so I've seen this language a few times.

Dr. Alex Hazlett continued the PowerPoint Presentation on the AT&T site at the Kīlauea Japanese Cemetery for the record (on file with the Planning Department).

Dr. Alex Hazlett: That's all I have.

Ms. Jacobs: Thank you so much. So you have a paper copy of exactly what we went through, and those are for you to keep, as well as the larger documents. As an advisory to the Planning Commission, we are hoping that you would support this project and have the old, ugly pole go away and the taller monopine stay.

Ms. Schneider: Any questions for the applicant, Commissioners?

Ms. Arinaga: I do.

Ms. Schneider: Go ahead, Kalei.

Ms. Arinaga: I have a couple of questions on your timeline, please. September 2014, you mentioned that there was consultation with Gary Smith.

Ms. Jacobs: Correct.

Ms. Arinaga: And what happened? I mean, it just seems like a statement that you met with Gary Smith. Were families identified that are in the Kīlauea Japanese Cemetery?

Ms. Jacobs: Actually, there were. If you indulge me, I would be happy to read the email from Mr. Smith concerning just that item.

Ms. Arinaga: I would. Thank you.

Ms. Jacobs: This is March 23, 2015 from Gary Smith to Carrie Willoughby with Ace Environmental. Aloha Carrie, I've not been successful over the many years and several inquiries to ascertain the presence of Chinese burials within the combines of the Kīlauea Japanese Cemetery. We do know that it was originally used to bury the Chinese, as well as the Koreans, and that there was a segregation of these burials by race. The Chinese site, as close as I can tell you, is on the southeast corner of the 2-acre property. For the most part, these burials were single men with no family as it was the practice of the plantation to recruit only single Chinese and Korean men, and later Filipino men. Today, its only evidence is a comparative difference in the topography. It's a little more bumpy as would be the case if the burial sites had been formally dug up and the soil left in heaps and depressions to gradually level over time.

For the sake of time, all of the emails and all of the outreach that was done, I'd be happy to continue to read. If it's the privilege of the Chair, I can continue.

Ms. Schneider: Kalei, were your questions answered?

Ms. Arinaga: Or can it be provided to the Commission?

Ms. Schneider: Do you have a copy of it?

Ms. Jacobs: Certainly. Yes. This is definitely a public document that is also in the SHPD's hands as well.

Ms. Arinaga: Great. I thank you, and I have another question. October 31, 2014, consultation attempts with Mr. Wayne Harada. Was there any follow-up?

Ms. Jacobs: There was. Mr. Harada was contacted again on behalf of AT&T. There was a subsequent follow-up approximately a week later, but there is no documentation that he was able to correspond back to the consultant at the time.

Ms. Arinaga: Thank you. One more question. April 2015, the attempt to reach out to descendants. Can you explain what happened? Were you successful? Were you…?

Ms. Jacobs: Well, part of that outreach to the descendants included Mr. Gary Smith, and there was an outreach to the SHPD Office for a list of potential descendants. They did not have one, so they went with talking to Mr. Gary Smith, who goes on to mention a few people by last name as initials to keep their privacy. So there were several…just as an example here, Mr. W.G. who along with his father went to help clean up the Chinese section annually in April for Ching Ming in the 1950s. The graves, what few remain, would have been marked with a wooden post long decomposed, as was the case with the current Japanese section where they were only known based on the cemetery plot plan created in the 1930s. So it was an ongoing process of emails and phone calls and inquiries, and then reporting back to the SHPD Office as well.

Ms. Arinaga: It seems that this started in 2014, but I only see one (1) neighborhood association meeting and an attempt to reach out to the people who live there. Can you explain why?

Ms. Jacobs: Well, the Site Acquisition Manager…I'm just the Environmental Consultant, so if there are neighborhood meetings, they would be held by AT&T's representative. So the one I'm most familiar with is the most recent 2015 meeting.

Ms. Arinaga: Thank you.

Mr. Hull: I can also speak a bit to this, Commissioner. The application you are reviewing is actually a consequence of several years of trying to find a site out there. Actually, this was not the original proposed site for AT&T. AT&T proposed to go somewhat closer to Kīlauea Town in the vicinity of Titcomb Road and was met with overwhelming response from the community that did

not want it there. And I attended some…at least one of those neighborhood community meetings, and there was robust discussion about moving the proposed site to an alternate site, and the Japanese Cemetery ultimately had a site, and so they are looking at it as an alternative to what you're seeing here now today.

Ms. Schneider: And this will still have to go to Planning Commission?

Mr. Hull: This ultimately goes to the Planning Commission. Correct.

Ms. Arinaga: Thank you.

Ms. Jacobs: You're welcome. It was difficult to pare down two (2) years of consultation into a 5-minute presentation, so I apologize if it sounds abbreviated in the presentation, but it was quite in-depth.

Ms. Schneider: Thank you. Are there any other questions from the Commission? Is there anybody from the audience that would like to speak on this application? Do we have a motion?

Ms. Jacobs: Thank you.

Ms. Wichman: I have a question, please. I know that back in…was it 2001 that this came first before…or the original cell tower came before this Commission? I'm just kind of curious if…this is going to just replace that cell tower that's there now, right?

Ms. Schneider: Yes.

Ms. Wichman: So back in 2001, was there opposition to putting this originally there?

Mr. Hull: I would have to research the file. I'm not too sure at this point in which I would have to research the file.

Ms. Griffin: And I believe that it actually came before this Commission in the late 90s. I became a Commissioner in 2001. I did go up to the site at the time, to Kīlauea with a Commissioner to see it, and I know there was a lot of discussion, at the time, about it.

Ms. Wichman: I remember that.

Ms. Griffin: Yeah. But ultimately accepted, obviously.

Mr. Hull: Yeah, and I can say, for this site, when it was originally sited, it was kind of in the burgeoning era…not the burgeoning…but it was as more and more telecom was coming online. But this was kind of in the beginning. I mean, now, you know, the Commission will review…Planning Commission will review four (4) or five (5) sites like these a year. When it was originally…or as telecom began to establish itself here in the Country, and as well as here on Kaua'i, there was not much of a move to, somewhat, stealth these sites. So since that time, the

County and the Planning Commission have adopted a policy pretty much where any new site outside of the Industrial District needs to be stealthed to some manner. So virtually, almost all the sites that have been reviewed in the past decade have had some stealthing mechanism; whether it be to look like a tree if it's in the agricultural area, or if it's on a building to have some type of façade covering the antennas. You folks received one which they looked at turning into a tower. (Laughter) So this is a site that…one of the few remaining sites that hasn't been stealthed, which is why the Department preliminarily can say we are supporting this in the sense that when you do visit the site, it is a sacred area, but it has this very industrial structure within it. Now, it's going to be there and what the applicant is proposing now is…the facility will still be there, but they are, in an attempt, trying to stealth it to blend in a bit more with the environment.

Ms. Wichman: So the tower itself isn't going to move at all? It's just going to be extended upward, right?

Ms. Schneider: That's my understanding.

Ms. Wichman: Is that right?

Ms. Schneider: No?

Mr. Hull: No.

Ms. Wichman: Because it looks like in this plan that it's actually moved, but (inaudible).

Ms. Jacobs: They are going to move it on to the other side of the shelter that's there. Expand the lease area, so that it can have room for two (2) carriers, now, on one (1) pole rather than two (2) separate poles, and the old pole will come down.

Ms. Wichman: So that's where SCS comes into play with the archaeology monitoring, right?

Dr. Hazlett: We came into it primarily because the ground disturbance with digging for a new pole, laying a slab for the new cabinets, and also for the tree that was originally going to be extracted entirely. And that was of great interest to the State because of the chance for burials coming up with the roots, so we were happy to hear when they said they'd rather stump it and leave the roots in place.

Ms. Schneider: So do we have a recommendation?

Mr. Chaffin Jr.: I would like to make a comment on these elevations. They are supposed to look like a tree and I have…was aware of it, and as I drive by these places that have these "tree-looking structures", they don't look anything like a tree. They are just a sore thumb. I'd either like to see it changed or just accepted.

Ms. Higuchi Sayegusa: So perhaps the best thing to do at this point is to generate a motion and then you guys can have a discussion on any proposed action that you folks want to take.

Mr. Chaffin Jr.: Well, I would like to propose a motion to examine these elevations of the "tree-like structure" and make it more like a tree, or just accept it as it is.

Ms. Higuchi Sayegusa: I guess there's, kind of, two (2) actions that were proposed within the same motion, so maybe you could distill it to, maybe, one (1) and then see where that goes, and then possibly if, you know, if that motion fails, then we can discuss a second motion.

Administrator Furfaro: You have a motion on the floor. You need a second.

Mr. Hull: I think, Jay, what the attorney is getting at is the motion is conflicting.

Ms. Higuchi Sayegusa: So perhaps the best at this point is to retract it and if you could just clarify one (1) proposed action and then we can go from there.

Mr. Chaffin Jr.: Alright. I will retract my initial motion/conversation, and just state that I feel that these elevated tree-like structures don't look like a tree at all. They are just a sore thumb, and I'd like to see it modified.

Administrator Furfaro: The rest of my piece is if you don't get a second, the motion dies.

Mr. Chaffin Jr.: Right.

Administrator Furfaro: Okay.

Ms. Schneider: Do we have a second?

Ms. Higuchi Sayegusa: Yeah, I think that was not really a motion, but sort of a comment. Okay.

Mr. Long: I have a comment. I'm looking at both of the elevations; one is a drawing and one is a photographic overlay, and those two (2) towers are very different. I mean, the one on the photographic overlay looks pretty much, to me, like a Norfolk pine. On the elevations, the drawn ones look less like a tree, so maybe you could, you know, clarify exactly how much like a tree it looks and what kind of tree.

Ms. Jacobs: Pleasure of the Chairwoman. Well, it's not a real tree. The old version, back in 2001, was very industrial looking. It's difficult to make these look like real trees, and one of the biggest problems…and, in fact, I even have a construction person with me here today if you really wanted to get into that type of discussion…but structurally, these things need to be very, very strong. There are winds and rain that it needs to stand very, very straight. It can't be crooked like a real tree because it wouldn't stand the wind shear that it would be taking from any type of hurricane. And these are structures that you're going to be using in an emergency, in addition to any time that the police or safety personnel need to locate their antennas, they're going to come to these types of facilities. So yes, I personally think they're beautiful, but I'm biased. But the idea here was to take what could potentially be two (2) poles, turn it into one (1) taller pole, try and make it look as

much as a tree as possible, and be able to provide coverage in this area, so that's how I will answer that.

Ms. Schneider: So do we have a motion by anyone?

Mr. Long: Well, could you clarify for us which of the renderings you gave us is most like what you're going to install?

Ms. Jacobs: This is still going through review with the Planning Department. Is that correct, Director Hull? And so I would have to say…I think the photo simulation is a little sparse myself. I probably would have had them try for a more bushier tree. When the planners are processing this application, one of the things they can do is specify the number of branches per foot. And there's a certain…and I don't want to quote what it is because I don't have it off the top of my head, but...or a certain number of branches per 10 feet, I think, is how it's calculated. And if you want it to look bushier, it's a little more expensive, but they can do that. They also put on the antennas what are called socks, and those kind of hide those big flat panels with more piney looking socks.

Ms. Schneider: Would you be able to come back to the Commission next month with a more illustrative picture of what it actually will look like?

Ms. Jacobs: Well, I'd be happy to ask them to prepare a new photo simulation, if that's what you would like, with something that would look a little bit more about…because I think the drawings are very recent and…I'm really not quite sure how long ago these were done; at least a year ago or so. And they do look different, and I apologize for that, but I can certainly ask AT&T to prepare a revised photo simulation and I can send that to Director Hull, and perhaps he can pass that out to you at that time.

Mr. Hull: Yeah, and if that's the pleasure of the Commission, that's…ultimately, you can request that. And I'll also say that it is common for applications of this nature that are…if approved by the Planning Commission, it's standard to have a condition that the tree structure maintain a tree appearance and the Department reserves the right to further engage the applicant to alter or amend the tree to make it look more like a tree, essentially.

Ms. Griffin: Chair?

Ms. Schneider: Yes.

Ms. Griffin: I have a question for clarification. Is there time to wait a month? Or when is this supposed to go before the Planning Commission?

Mr. Hull: I'm not familiar myself. For the applicant, do you guys know when your…have you guys been set for a hearing date for the Planning Commission at this point?

Ms. Jacobs: Not that I'm aware of, no. And remember, we're here as the Environmental Consultant to show you what type of NEPA and Preservation Act processes we went on. Keoni Fox is the Site Acquisition Manager that is processing this through the City…County, excuse me…and you know, he was the one…I would just be reporting back to him. We are getting into some other realms beyond my expertise. I just happen to know a lot of things because I've been in the industry for a long time.

Ms. Schneider: Stephen.

Mr. Long: How high is the tower? The new tower?

Ms. Jacobs: They are proposing 60 feet; 60 feet to the top of the branches.

Mr. Long: Okay, so addressing the aesthetics of the final tower that is going to be proposed, in Kīlauea, there are a lot of examples of 60- to 80-foot Norfolk pines, so perhaps your engineer could take a look at those examples. And since they're going to have to come up with some kind of a shop drawing on this amount of branches at "x" amount of feet on center, now's the time to do that, so that would be a great exercise for them to use an actual tree to model their installation after.

Ms. Jacobs: Thank you. I will take that back to the Site Acquisition person.

Ms. Schneider: Do we need a vote?

Mr. Hull: You can defer the item, or you can make a motion.

Ms. Higuchi Sayegusa: Right.

Mr. Hull: And it sounds like there might be an opportunity to defer if they can resubmit…

Ms. Schneider: Can we get a motion?

Mr. Long: I'll make a motion that we defer this application and submittal until our next meeting or whenever they are prepared to present to us shop drawings for the proposed pole installation overlaid with a photographic image.

Mr. Chaffin Jr.: I'll second that.

Ms. Schneider: Any discussion? All those in favor? (Unanimous voice vote) Anybody opposed? (None) Motion passes 8:0. Thank you, Stephen.

Mr. Hull: Motion passes.

Re: Puuopae Bridge Replacement
TMK: 4-4-02, Kawaihau, Kaua'i

Mr. Hull: The next agenda item is New Business H.3., Pu'u'opae Bridge, TMK: 4-4-02, Kawaihau, Kaua'i. Letter from Michael Moule, Chief, Engineering Division, Department of Public Works, County of Kaua'i, requesting to be placed on the agenda to present additional information about the design for the rehabilitation of Pu'u'opae Bridge.

Michael Moule: Good afternoon, Chair Schneider and members of the Commission. My name is Michael Moule. I'm the Chief of Engineering Division here with the Department of Public Works at the County. I was here last month presenting...we talked both about this bridge, Pu'u'opae Bridge, as well as Hanapēpē Bridge. I heard your earlier conversation about having Hanapēpē Bridge listed. Good luck with that. (Laughter in background) No further comment on my part on that at this point. (Laughter in background)

We wanted to present back to you again because we've received some comments from Hawai'i Department of Transportation on this, and these are comments that have been received in the past that we've responded to and we thought were resolved, but it turns out they weren't. So I'll try to give a little bit of a brief timeline so that the...the main comment, the change that you'll see that's going to be presented to you is...compared to what you saw last time, this new drawing shows guardrail, typical w-beam guardrail...actually thrie beam guardrail that comes off the other bridge and wraps around the corners, and that's to protect the...two (2) things. One is to protect the bridge rail itself, the end of the rail that would stick out towards oncoming traffic is, in and of itself, a hazard, and so you'd attach the guardrail with that and wrap it around so that it's protected from a blunt end hit by a motor vehicle. And then also, just by wrapping it around somewhat, you reduce the likelihood a vehicle will go down into the stream itself actually. It's a good...I don't know...a 6- to 8-foot drop or something or more down into the stream in this case.

So back when we did 60% plan submittal in 2014, actually, HDOT came back and said that they made a comment about the bridge rail back then. We replied saying this has been through many reviews with historic resources folks and HDOT has seen this in the past. We want to leave it without bridge rails since it was made a long time ago. We subsequently received no response from HDOT saying no, no, no, you really must put in the bridge rail until which time we submitted 90% plans this year, and about May, we received comments back from them saying oh no, you really must have this bridge rail in and we made that comment before. Why didn't you change it? And we told them why we didn't change it, but they didn't reply to that with the statement that they were not okay with that. So we went around in circles with them a little bit, trying to say okay, is this really necessary? What's the situation on this? And we've come to a conclusion that from Federal Highway Administration and Hawai'i Department of Transportation's point of view, they're not going to let some (inaudible) using Federal funds on this bridge without guardrails, he said, effectively.

So we knew about this comment when we were here last month. I didn't bring it up because at that time, we were hopeful that we'd be able to get through leaving the bridge as designed and wouldn't have to present that to you, so that's why we're back. And I apologize for that, but I didn't want to bring it up back then thinking...at that point, we thought we had a good chance of getting through because of what had happened in the past with the previous...you know, what we

thought were approvals, but they weren't approvals. They just weren't…they just never followed up; let's put it that way. So that's the best way that I can explain it at this time.

But since a month ago, we are now to the point where okay, this has got to happen. There's no compromise on this, and we are coming to you, showing you a new plan view with the guardrails wrapping around the ends of…attached to the bridge rail and wrapping around the end, and a new elevation view that also shows how that works. A few other minor adjustments were made. The waterline, which is going to be largely out of sight at this point, has to wrap around where the guardrail post would go; that'll be buried at that point so you won't see that (inaudible). And I think that's really about it. We did adjust the location of the placement of the historic end posts, although those can be moved back and forth sort of linearly along the bridge; honestly to wherever people want them. They're not attached to the bridge. They are sort of separate. It was proposed for that in there. There'll be a small (inaudible) footing detached, so those can be moved to wherever, really, we, and potentially in consultation with you all, think they will be best placed to represent, you know, the original structure as best as possible.

So our goal at this point is to get any comments we have from you and then we are going to move forward with working with Federal Highway Administration and State Historic Preservation Division to, sort of, redo the concurrence of no adverse effect for this bridge. The determination has been made already, and we had a conference call with HDOT and SHPD on this about two (2) weeks ago, and they said, you know, based on other similar bridges and projects like this that at first blush it didn't seem like there would be an adverse effect with this, but we thought it was important to bring it back to you all and get your comments so they have those comments when they're making that determination, so that's why we're here.

Our apologies for what is very much a last minute change, and we apologize for that. We could've probably had done a better job of asking HDOT, are you really okay with this? Honestly. But we didn't get the response from them saying oh no, that response is not sufficient for us. So that's where we are. I've got Mike Hunneman here with Kai Hawai'i. He's with the design engineers for this project, and we can answer additional questions about this. I'll add one last thing is that Mike and I were talking about this, and he can give his personal experience, but in my experience, it's very unusual if not…if it ever happens that a Federal-aid bridge is rebuilt or built new without these kinds of guardrails on the end. It's been a long time, but I actually worked as a Bridge Engineer for the Oregon Department of Transportation years ago and it was always a big no-no to leave a blunt end of a guardrail…a bridge rail facing traffic, and so we always wrapped bridges with guardrails. So that's…in some ways, I was surprised since we didn't have it, but we…my understanding was that it had gone through all the approval processes and we're moving forward with it. But it turns out there had been some miscommunication on that in the past, and we're now at a point where we do need to add that, and we're here to get your comments. So that was longer than I planned, but hopefully that's a pretty good explanation.

Ms. Schneider: Any questions for the applicant? Pat? (Laughter) Our resident bridge person. (Laughter in background)

Ms. Wichman: I have a quick question, please.

Ms. Schneider: Sure.

Ms. Wichman: So by wrapping around these guardrails, does that, in any way, change the historical integrity?

Mr. Moule: I think that would be a better question for someone besides me. I'm not a historic integrity expert, but I will say there were no guardrails wrapped off the original bridge.

Ms. Wichman: Right, right.

Mr. Moule: What's out there today…the bridge rail that's out there today is not the original bridge rail. But my understanding…our understanding is that there were not those types of guardrails wrapping around, and that's fairly common. Bridges built a hundred years ago, that often wasn't the case. You put a bridge rail right along the bridge itself and that was it. That's changed in the last hundred years, and probably fifty years ago since we've always been doing that, but it didn't happen a hundred years ago.

Ms. Wichman: But it will change the way the bridge looks without…

Mr. Moule: Absolutely.

Ms. Wichman: I mean because…I mean, it would change quite a bit actually.

Mr. Moule: There's no doubt that it would change the way the bridge looks.

Ms. Wichman: And I'm curious what the community feels about that.

Mr. Moule: You know, we…I don't have an answer to that at this point. We haven't gone back to public meetings on this at this time. You know, we…you know, our effort at this point is to work through the groups that understand the historic nature of this as best as we can, and get to preferably the "No Adverse Effect" finding. If we don't get the "No Adverse Effect", we'll keep moving forward with this project, but we are going to have to rethink a lot of things, including the timing of when this bridge gets rebuilt. We understand that may be a result at this point, but we're trying to avoid that if we can.

Ms. Wichman: Okay. I understand that, but I do know that there's a very…the community is very concerned about this bridge, and so I would like…I mean, I would think that you'd want to consult with them or have another public meeting in Hanapēpē to let them know about this.

Mr. Moule: This is the Pu'u'opae Bridge.

Ms. Schneider: Pu'u'opae.

Ms. Wichman: Oh, Pu'u'opae. Sorry, sorry, sorry.

Mr. Moule: Yeah. That's alright.

Ms. Wichman: Okay. (Laughter in background)

Mr. Moule: I will say that, I mean, our timeline is really tight right now. We recognize that we may not get there at this point. We've had a lot of conversation about what happens if we don't get there and we're prepared to move in that direction, but we have to, essentially, get through the process of getting the "No Adverse Effect" determination letter within the next month, roughly speaking, maybe five (5) weeks, and get our other final documents in place by early August; otherwise, this project will not be funded in this Federal fiscal year. It's not a threat or anything. It's just a statement saying we want to get it done in this timeframe. We recognize that we're…with this change, this may result in us having to punt into a future year, and we've already had discussions on how we would do that if we needed to do that because we recognize that…what we think is a route to get this done this fiscal year, we recognize that it may not happen because of the reality of this process.

Ms. Wichman: Okay. I'd just like to apologize and retract some of my statements because I was…I got a little confused and getting the two (2) bridges…

Mr. Moule: Sorry I mentioned Hanapēpē Bridge.

Ms. Wichman: Yeah, I know. I'm getting the two (2) bridges confused, so I would like to retract what I said. Thank you.

Mr. Moule: Okay.

Ms. Schneider: And Pat…

Mr. Moule: The community's much smaller in this case with the Pu'u'opae Bridge.

Ms. Wichman: Yes, I understand that. Yes, yes.

Mr. Moule: Okay.

Ms. Wichman: It's a lot different.

Ms. Schneider: Did you want to speak, Pat?

Ms. Griffin: Thank you, Madam Chair. First, Mr. Hunneman, it's always a pleasure to see you. I am aware that under other circumstances, you could've built the Taj Mahal in the time that you've spent on this, and you probably did not expect this to be your life's work when you first opened the letter about this project.

I would like to…I guess this has been one (1) of three (3) bridges that have been worked on simultaneously; the 'Opaeka'a and the one that's about to start work on…

Mr. Moule: Demolition has started. Kapahi Bridge.

Ms. Griffin: What will happen to those in relationship to this guardrail discussion?

Mr. Moule: So Kapahi Bridge has a guardrail on it already; the old bridge had a guardrail on it.

Ms. Griffin: Okay.

Mr. Moule: So it has a guardrail in the plans, and it will have a guardrail very similar to this in how that looks. 'Opaeka'a Bridge, we will likely be looking to do the same thing on that bridge. We're in a similar situation. We're likely in a situation where we have to either do that, and go through the process, whatever that means, with respect to that bridge, and…to rehabilitate that, or somehow come up with enough County funds to rebuild the entire thing without Federal-aid funds. That's really where we're going to have to be on that. So I think our move forward right now will be to move forward as a Federal-aid bridge and go through all the necessary steps, and probably given that bridge's design, it's even more of an issue, honestly, I would imagine, from how the guardrail might affect that bridge's look. So we know that that can be more challenging in that case, but we know we're going to have to have a similar conversation about that bridge before we move forward on that one.

Ms. Griffin: And with a longer timeframe.

Mr. Moule: Yes.

Ms. Griffin: Because that is a nationally historic bridge, you know, of importance. This one is a…it was a modest transport across a stream, and it's always been a work-a-day kind of structure. What is this guardrail going to be made of and look like?

Mr. Moule: It'll be steel guardrail; typically galvanized steel, right? A typical galvanized steel guardrail. The very typical metal guardrail that you'd see on the side of a highway or attached from any normal bridge. I mean, all the bridges that are looking to be replaced in the near future on Kaua'i, including the State's bridges, like the Wainiha bridges are going be proposed to include similar guardrail, that's unfortunately a safety issue that is very important to the…

Ms. Schneider: The Wainiha Bridge, they did show us like a white kind of…

Ms. Griffin: Right, but…

Mr. Moule: Oh for that, for the guardrail that attaches to the bridge rail? They showed a white guardrail for that, too?

Ms. Schneider: Yes.

Ms. Griffin: Before your time, when Mr. Hunneman and Commissioners were up at the Kapahi Bridge, the talk was of a separate railing, and you mentioned at the time that the metal-backed

wood would actually look more obtrusive because it was thicker than the old wood-style. But two (2) men from Kaua'i just went to the Blue Ridge Mountains for a bicycle ride and one (1) of them brought me back this…these railings. And I just wanted to show it because I keep hearing that for safety reasons, it has to be metal, but it seems that there are alternatives at this point, and to have that metal railing, I…nobody wants to sacrifice safety for history. The question is how can there be something that's less obtrusive than that kind of metal railing that compromises the entire look and feel of the bridge?

Mr. Moule: I'll start, as far as…I see the picture. I'm quite familiar with those railings. I've been to North Carolina for several years and biked hundreds of miles along those rails, and I think those are steel-backed, actually, in that case. They are a roadside guardrail, which is the equivalent to a w-beam, 2-beam which is the "w" shape, and it's one (1) beam, right? As you can see in that picture. The bridge rail itself…not talking about the guardrail approaching it…the bridge rail itself, from a bridge standard point of view, will require putting railings in a way that you can't pass a 6-inch or an 8-inch sphere through anywhere, so you couldn't just have one (1) railing like that because then you go underneath it, right? You can have one (1) railing, but it would have to be this thick. You have to get up to 42 inches, right? Yeah, 42 inches for pedestrian safety. So, you know, you have to go up to 42 inches, and between your different railings that you have, whether they're horizontal or vertical, you have to have…you can't pass a 6-inch sphere. So any gap vertical or horizontal can't be more than 6 inches. You need three (3), essentially, railings to do that; unless you have two (2) really big ones, right? And so that makes it more challenging to do it than a simple single, wooden guardrail like that. I'll let Mike…he has probably more experience than I do on what there might be, as far as crash-tested bridge rails that are wooden. There may be some. I don't know what those are. I don't know if those are applicable here. I don't know if you have any sense of those, Mike.

Ms. Griffin: My suggestion was not a single…it was just saying I know other materials are being used around the Country for bridges, and my own personal opinion is that the County and lots of other people, including community, have worked long and hard on this. And it's not my intention to propose something that will delay the procedure at this point, but I do think that given this rather dramatic change that if there are alternatives to that metal w-style material would be advantageous.

Ms. Schneider: Do we have a motion?

Ms. Griffin: Oh, I think he was going to tell us if there were other possibilities.

Mike Hunneman: I don't think there is, and the reason for that is you've got the bridge railing that Michael described which is a very rigid structure, and then you've got a w-beam leading up through the approached roadway, which is fairly elastic, so if you hit it, you kind of just…like a rubber band; you don't go through it, but you deflect it quite a bit. In between that elastic railing and the rigid bridge railing, you've got to have something that's somewhere in between according to Federal Highways, and that's what this railing accomplishes, really. The wooden railing does not provide that stiffness.

Ms. Schneider: Thank you. Commissioners, do we have a motion?

Ms. Higuchi Sayegusa: So I guess…I mean, this is similar to the previous action, so at this point, you know, you folks could receive the proposal or you can approve it; move to support/approve, you know. I'm not…examples of the options that may be available for you folks. (Laughter)

Ms. Schneider: No recommendations? (Laughter in background)

Ms. Griffin: I move that we receive this new plan with regret.

Ms. Nakea: I second.

Ms. Schneider: Any discussion?

Ms. Griffin: I have a little discussion, which is to say that I think it's very unusual and slightly questionable to have a draft EA that has been approved, and then have something come again. And I very much hope that we don't see other alterations to this particular bridge in the future, as nice as it is to see you`gentlemen. (Laughter in background)

Ms. Schneider: Is there a vote on this? All those in favor? (Unanimous voice vote) Anybody opposed? (None) Passes 8:0. Thank you.

Mr. Hull: Motion passes.

COMMISSION EDUCATION COMMITTEE

Re: Report from of investigative committee members (Permitted Interaction Group) to discuss and explore educational opportunities for the Kaua'i Historic Preservation Review Commission. Once formed and the task completed, the investigative committee will present its findings to the Commission in a duly noticed meeting for decision-making.

Mr. Hull: Next agenda item is Agenda Item I, Commission Education Committee. Report from the investigative committee members (Permitted Interaction Group) to discuss and explore educational opportunities for the Kaua'i Historic Preservation Review Commission. Once formed and the task completed, the investigative committee will present its findings to the Commission in a duly noticed meeting for decision-making.

Ms. Nakea: Madam Chair, I will be giving this report. The KHPR Commission Education PIG met on Thursday, June 16th at 2:00 p.m. at Island School with the goal of determining our training needs and finding resources to help fulfill those needs. Here are our requests: the first one, full training on the basics of being a Historic Commissioner; like the NAPC Commission Assistance and Mentoring Program attended in Kona in 2014. Specifically, we would like to receive training in Secretary of Interior Standards, how to judge and respond to permit requests of historic properties. Also, reviewing Section 106 of the National Historic Preservation Act, and Hawai'i Revised Statutes Chapter 6E. In addition to that, we would like to be trained on how to run a

meeting; not necessarily parliamentary procedures, but best practices and preparation strategies for before, during, and after a public hearing. And ideally, we would like this basic training to be on Kaua'i. The second big request, or...anyway, No. 2, two (2) in-state or national conferences a year for training and networking that would be in addition to the Hawai'i Congress of Planning Officials. No. 3, two (2) Kaua'i trainings; one of which may be the NAPC CAMP Conference. No. 4, attendance at a Maui or Hilo HPRC meeting to see how they are run, and that may count as one (1) of the in-state conferences mentioned in Item No. 2. In addition to these requests...oh, does any of my other PIG members have anything to chime in at that point? Okay.

And then in addition to our requests, we also have some questions. When do current CLG funds expire? And will funds be available for training in the upcoming year as Commissioners turnover and as new Commissioners join us? Okay, that's the first question.

Mr. Hull: Forgive me for not knowing that off the top of my head, I believe there are, given the last presentation that was given by Anna Broverman here, so I believe there still are. Anna was supposed to have been here today, but some of their funding issues fell through so she was unable to attend today.

Ms. Schneider: And Jodi's going to give us a training session next meeting.

Ms. Higuchi Sayegusa: Yes.

Mr. Hull: Yeah, and concerning just one of those issues that we have actually been in discussions with the County Attorney's Office to provide...how to run a meeting, essentially/parliamentary procedure review for this body. We were looking at doing it this Commission meeting, but they weren't available to lend the resources for this meeting, but we are looking at agendizing that for the next one.

Ms. Griffin: What the...we piglets were talking about in that meeting, in terms of how to run a meeting, as Deatri suggested, is not parliamentary procedures, but, you know, before a meeting. I know in the original training I had with Jack Williamson, who was also in Kona, but back in 2001, he stressed how important it was to go to the site, see it, because a map is not a landscape. And in a meeting, when, you know, what kinds of questions, how do you approach the people that are bringing permit requests, and that sort of thing; not parliamentary procedure, which would be standard operating procedures across the Boards and Commissions.

Mr. Hull: Understanding that, then, that would definitely be one that we would run more through the CLG program and the training that could essentially be done with those funds from...say like the Kona training that happened.

Ms. Schneider: Thank you, Deatri.

Ms. Nakea: Okay. I have more questions. Are we currently members of the NAPC? And if we are not, may we be?

Ms. Griffin: The National Alliance of Preservation…

Mr. Hull: Yeah, no, I know, I know that. I was trying to figure out if we're actually…we don't have a membership, no. So we can look into how we can establish membership within that organization.

Ms. Nakea: Okay. And then, also, the list that Shan sent us was great and very helpful. A lot of those conferences have already happened, though, so if we could get, maybe, a more current, updated list.

Mr. Hull: Yeah, and that's what we've been working with SHPD…that actually came from SHPD.

Ms. Nakea: Okay.

Mr. Hull: So, they're the ones that kind of have the fingers on the post of the National Conventions or State Conventions, so yeah, we'll work with Anna to get an updated list again.

Ms. Nakea: Okay. Do any of my other piglets…that's such a great word…okay. Sorry.

Ms. Griffin: I just wanted to thank you for that presentation. It was…

Ms. Schneider: Very good. Thank you.

Ms. Nakea: Oh, absolutely. You're very welcome.

Ms. Griffin: It was very good.

Ms. Nakea: Thank you.

Ms. Arinaga: I think your first question was not answered about funding.

Ms. Schneider: We're waiting for Anna.

Ms. Arinaga: Oh, we're waiting. Okay.

Mr. Hull: And I was just saying, Commissioner, that with the discussion that Anna gave at the last meeting concerning funding for training, it appears that there is still available, but I don't want to say that with any officialdom unless Anna folks are sitting at the table. (Laughter)

Ms. Schneider: And we need a date (inaudible)?

Mr. Hull: Well, concerning the…there's two (2) courses of action that can happen after Deatri's report. The Department can begin…can initiate and look at these very things and report back to the Commission on these.

Ms. Schneider: Yes, that would be great.

Mr. Hull: Or, the second course of action is if you want to take official action in recommending that the Department look into these; that's at the…

Ms. Higuchi Sayegusa: So that will have to be put on the subsequent agenda. So this is just the report back phase, unless you folks want to continue on any investigation or study or, you know, looking into educational opportunities, and then make a decision at some other point, but we're right now in the report…discuss and report back and still study phase. But subsequent to this is you guys have to figure out what the action is going to be.

Ms. Schneider: I think after we speak to Anna and see how much money there is.

Ms. Higuchi Sayegusa: Okay.

Mr. Hull: Yeah, so I can say the Department will begin looking at these very specific requests right now, but also it might be prudent and we can go through the minutes, Deatri, to kind of draft up the specific proposals that were stated so that it can be agendized, and whether or not the Commission wants to take specific action as a body on those at the next meeting. But I can say with that…with what Deatri's already given, we can begin, already, looking into these options.

Ms. Nakea: And the minutes…going off of the minutes is fine?

Mr. Hull: Yeah, and we might give you a call for clarification, but we can…those were very specific and clear and precise. (Laughter in background) Thank you for that.

Ms. Nakea: You're welcome. (Laughter in background)

Ms. Schneider: The next one is J?

Mr. Hull: Jodi, do we need a motion to receive?

Ms. Higuchi Sayegusa: Yeah, maybe…I was just thinking about that. Perhaps we could have a motion to receive the report.

Ms. Arinaga: We're on the Committee, so does it matter?

Ms. Higuchi Sayegusa: I mean, it's technically, really, a report back, but yeah.

Ms. Schneider: Do we need a motion to receive it?

Ms. Higuchi Sayegusa: I guess to…

Mr. Chaffin Jr.: I'll make a motion to receive the report.

Ms. Higuchi Sayegusa: Thank you.

Ms. Schneider: Do we have a second?

Ms. Wichman: Second.

Ms. Schneider: Any discussion? All in favor? (Unanimous voice vote) Any opposed? No. Motion passes 8:0.

KAUAI HISTORIC RESOURCE INVENTORY UPDATE COMMITTEE

Re: Report from investigative committee (Permitted Interaction Group) to discuss and explore draft update of the Kaua'i Historic Resource Inventory. Once formed and the task completed, the investigative committee will present its findings to the Commission in a duly noticed meeting for decision-making.

Mr. Hull: The next agenda item is J, Kaua'i Historic Resource Inventory Update Committee. Report from investigative committee (Permitted Interaction Group) to discuss and explore draft update of the Kaua'i Historic Resource Inventory. Once formed and the task completed, the investigative committee will present its findings to the Commission in a duly noticed meeting for decision-making.

Ms. Schneider: Stephen.

Mr. Long: I'd like to make a report on our Interaction Group. Four (4) of us, plus Myles, our Planner, conducted our first site visit on Tuesday. Before I give you some of the statistics, I'd like to say that we have been really fortunate to have Myles working with us. We showed up on Tuesday and he had maps and TMK numbers and lists and was totally prepared and made our job really easy. He's also a pleasure to spend 3 ½ hours in a small car with. (Laughter in background)

Ms. Schneider: With snacks. (Laughter)

Mr. Long: And I also thank you for this summary that I'm going to read right here. Our consultant for the architectural survey identified 594 sites, and of those, we've reviewed the 340 in the Līhu'e District. We had about 50 buildings that we were unsure of because there wasn't enough information or the photographs were not accurate enough. So to date, we've identified 220 sites to keep and we removed 84 sites from the survey inventory, primarily by going out into the neighborhoods and looking at the actual structures, and we'll be continuing on the other 254 properties in the next month or two.

Ms. Schneider: Thank you, Stephen. And it was great to actually go out and see the buildings. (Inaudible) Thank you, Myles. Anything further? The next meeting is…

Ms. Wichman: Do we need to accept that?

Ms. Schneider: Do we need a motion for that? To receive that?

Ms. Wichman: I make a motion to receive the PIG report for the Resource Inventory update.

Ms. Schneider: Do we have a second?

Ms. Arinaga: Second.

Ms. Schneider: All in favor? (Unanimous voice vote)

Mr. Hull: Motion passes 8:0.

I'll also state, just for the Commission's edification, that there was some discussion at the previous meeting about having the reports and the PIGs maintained within the agenda, and so the way we set it up with the County Attorney's Office and the Chair is looking at having specific sections for any PIGs that are created, so you have two (2) PIGs right now; one on education and one on the inventory. So there will always be those sections, I and J, dedicated to those Interaction Groups until they disband. Now, if, for some situation, that PIG doesn't meet between now and the next Commission meeting and there would be no report, no report will be listed, but the section for the Committee will always have its placeholder on the agenda.

Ms. Griffin: Thank you.

DATE AND AGENDA TOPICS (July 28, 2016)

Mr. Hull: Moving on to the next agenda item. Date and Agenda Topics. The next upcoming agenda is July 28, 2016. Anna Broverman from SHPD had intended to come to this meeting to give a presentation and there's also discussions of her giving a…somewhat of a CLG training. She has conveyed to us that because of some funding issues, she was unable to attend this meeting and she will, more than likely, not be able to attend the July meeting, but she will be looking at doing the CLG training in August. In the meantime, she did submit over kind of a CLG grant application diagram that I can circulate to you guys that you guys can kind of look at and fiddle with until she gives her presentation. Thank you.

Ms. Schneider: Are we adjourned?

Ms. Griffin: Well, on the date and agenda topics, I would like to see an agenda topic on what we discussed last month and a couple months before, which is some, you know, media presence that is produced about the 50th Anniversary of the National Preservation Act and the 30th Anniversary of the Kaua'i Historic Preservation Review Commission, the first CLG in the State.

Mr. Hull: Definitely. And an update on that, Commissioner, is we have some of the information that you provided and we're very grateful for. In fact…and the rest we're waiting for from SHPD and Anna did just email me yesterday stating that she is still compiling that. She hasn't forgotten

about it, but she is still compiling that for us, so I'll send another email her way or give another call to make sure or hope that we can get additional information for that July meeting. And then also, as was discussed in the previous meeting, the Department would anticipate having the draft rules for you folks at the July meeting.

Ms. Schneider: Are we adjourned? Adjourned.

ADJOURNMENT

The meeting was adjourned at 5:01 p.m.

Respectfully Submitted,

Darcie Agaran
Commission Support Clerk

Date: 07/18/16

Eukon
www.eukongroup.com

June 10, 2016

Ms. Jody Galinato, Planner
County of Kauai
4444 Rice Street, Suite A-473
Lihue, HI 96766

Subject: **Request for Presentation before the Kauai Historic Preservation Commission on June 23, 2016**
AT&T site at the Kilauea Japanese Cemetery

Dear Ms. Galinato:

The Kauai Planning Department has asked AT&T (and/or their agent) to make a presentation to the Kauai Historic Preservation Commission (KHPC) on the proposed AT&T cell site located at the Kilauea Japanese Cemetery. The KHPC is an advisory committee for the Kauai Planning Department.

Eukon Group, on behalf of Caltrop and AT&T Mobility, request to be added to the June 23, 2016 agenda for the Kauai Historic Preservation Commission. We plan to make a presentation on the cultural resource aspects and processes for this project (see attached presentation).

Thank you,

Respectfully submitted,

Saundra F. Jacobs

Saundra F. Jacobs
Regulatory Compliance

EukonGroup
An SFC Communications, Inc. company – Certified DBE/WBE

EukonGroup
65 Post, Suite 1000; Irvine, CA 92618
949-55-EUKON Office

G.1.
JUL 28 2016

H.2.
JUN 23 2016

KAUAI HISTORIC PRESERVATION COMMISSION

AT&T site at Kilauea Japanese Cemetery

June 23, 2016

AT&T site at Kilauea Japanese Cemetery

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AT&T site at Kilauea Japanese Cemetery

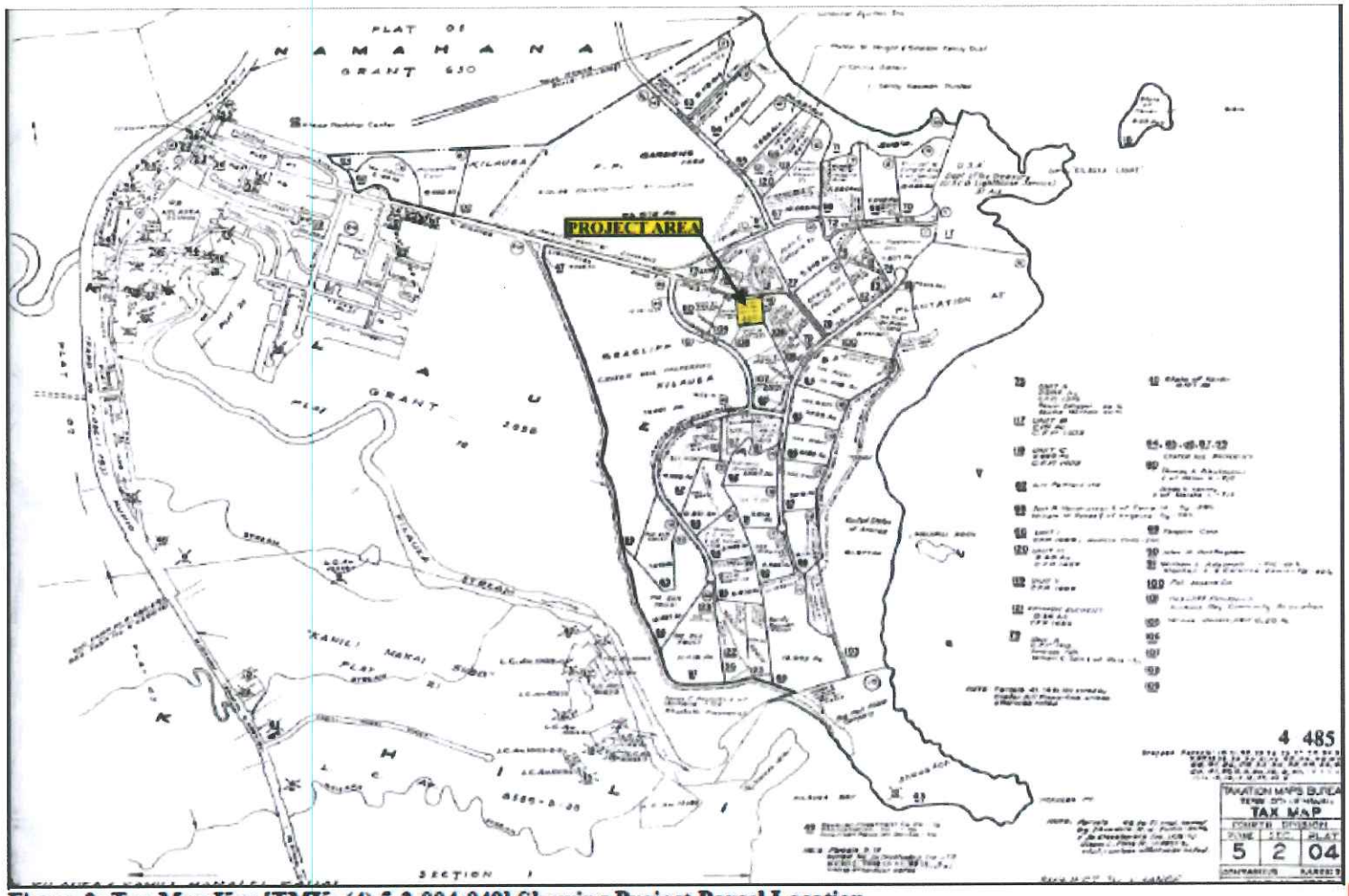

Figure 2: Tax Map Key [TMK: (4) 5-2-004:049] Showing Project Parcel Location.

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AT&T site at Kilauea Japanese Cemetery

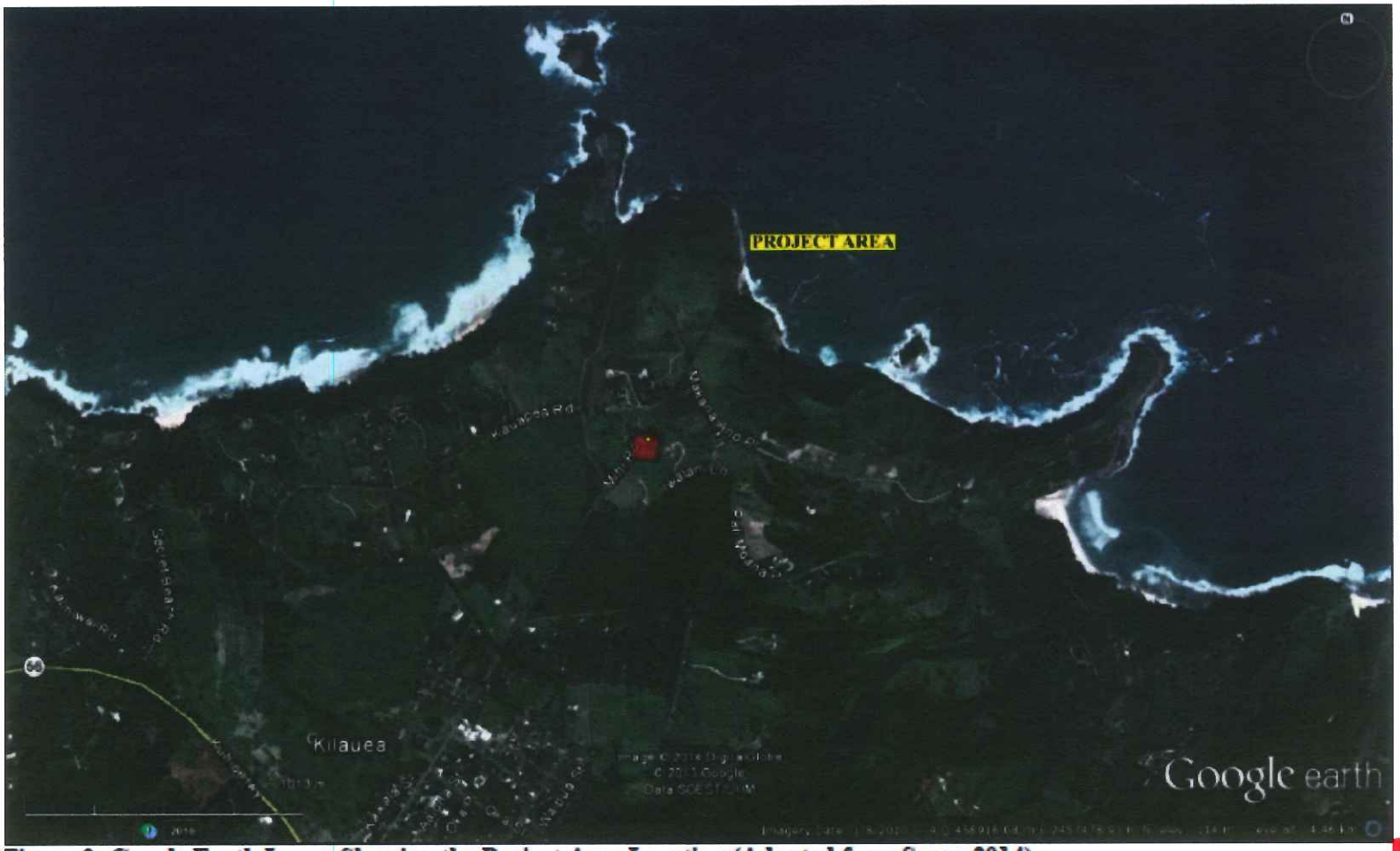

Figure 3: Google Earth Image Showing the Project Area Location (Adapted from Spear 2014).

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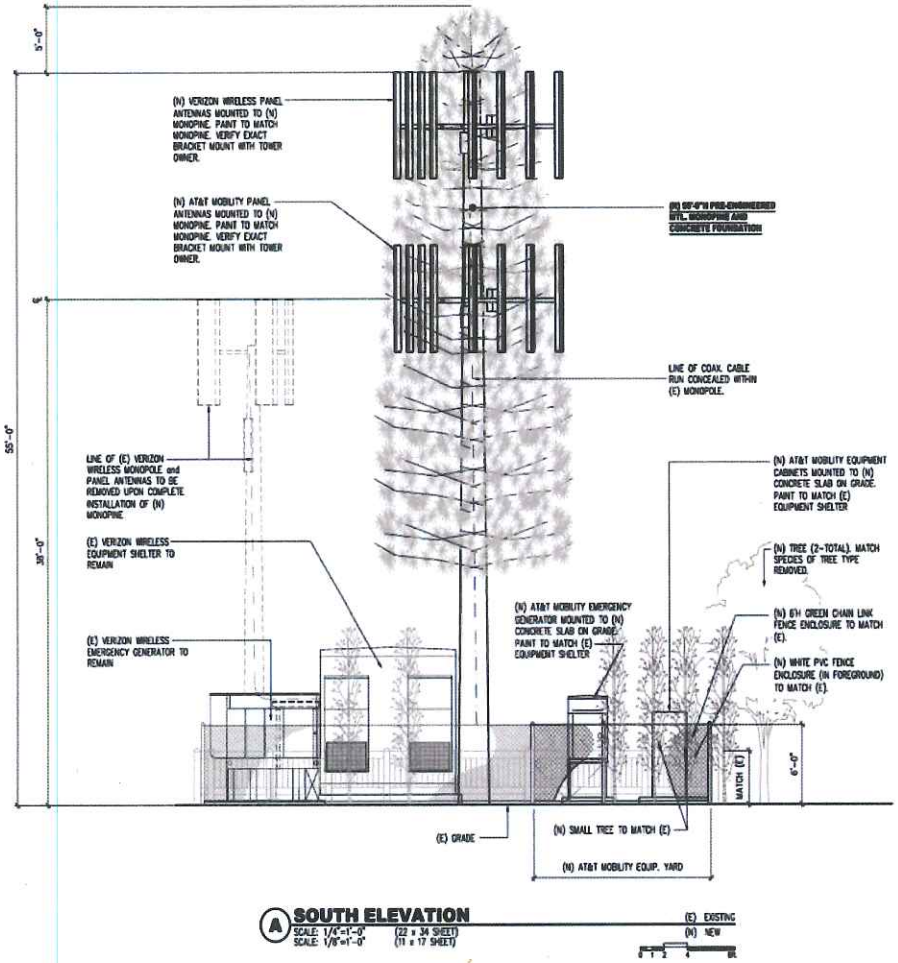
AT&T site at Kilauea Japanese Cemetery



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AT&T site at Kilauea Japanese Cemetery
HISTORY

February 2014

FCC's Tower Construction Notification System (TCNS) and Native Hawaiian Organization (NHO) consultation.
Office of Hawaiian Affairs response: No interest.

March through July 2014

Cultural report prepared to identify historic sites: possible unmarked burials noted.
Draft Archaeological Monitoring Plan (AMP) prepared.
Native Hawaiian Organization Review – No comment.
Community Meeting outreach
Kauai Island Burial Council outreach
Cemetery caretaker

September 2014

Japanese Cemetery Association Consultation with Mr. Gary Smith

October 2014

Kauai Island Burial Council Meeting Consultation with Mr. Wayne Harada (great-grandparents buried at site).
Blessing requested prior to start of work.
Leave tree stump so no iwi is scattered.

January 2015

SHPD concurred that removal of tree would not be stumped so ground is not significantly impacted.

February 2015

SHPD request to try and contact descendants.

at&t

AT&T site at Kilauea Japanese Cemetery

HISTORY

April 2015
SHPD concurred with AT&T out reach to descendants.
Revisions to AMP.

May 2015
Kilauea Neighborhood Association Meeting.

July 2015
SHPD concurrence received for AMP.
NEPA Section 106 process complete.

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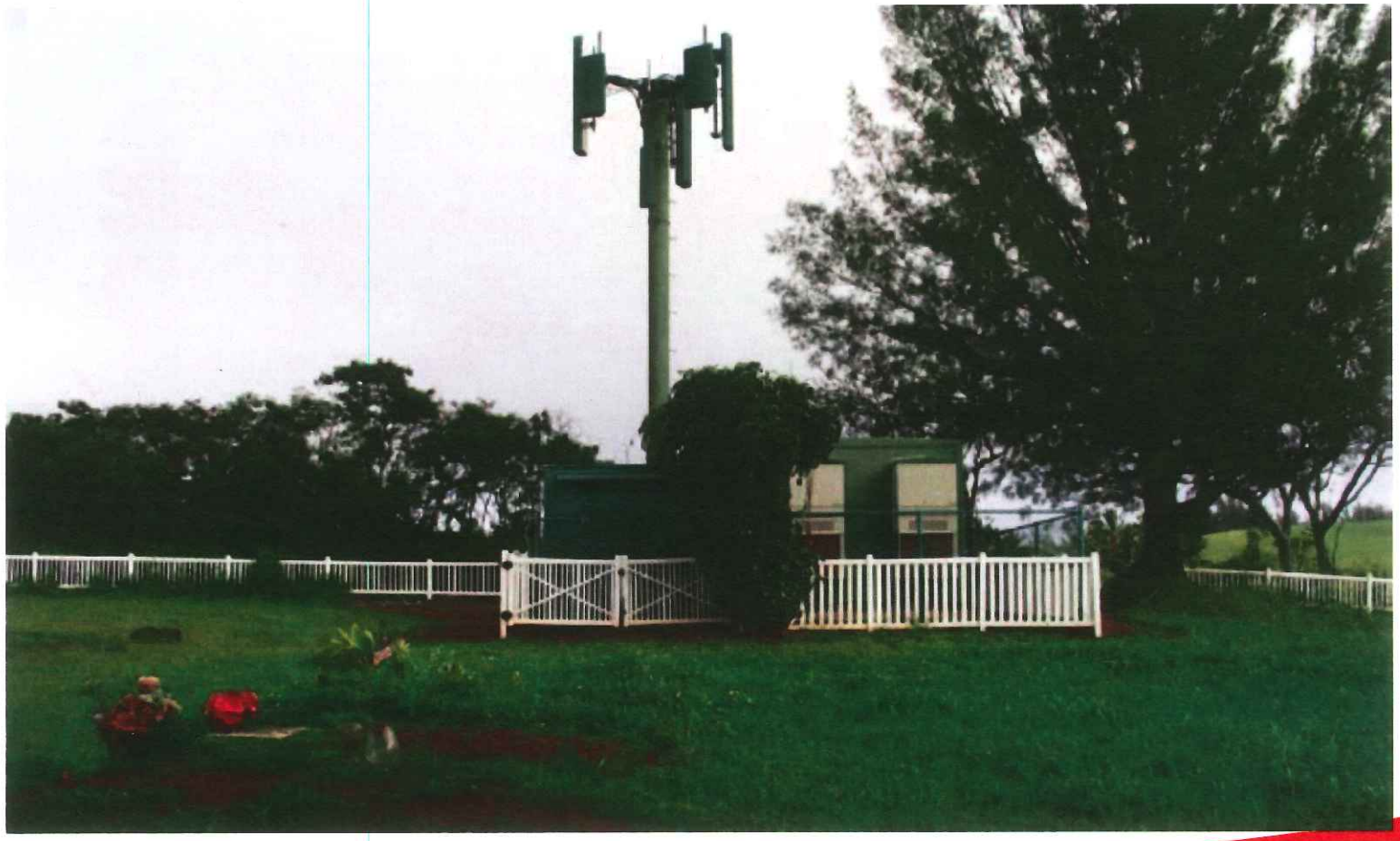
AT&T site at Kilauea Japanese Cemetery

Existing monopole constructed in 2001



AT&T site at Kilauea Japanese Cemetery
Existing monopole constructed in 2001

Cleghorn (2001) monitored the construction of the existing Verizon cellular facility cell facility that will be modified as part of the current project. Pacific Legacy prepared an archaeological monitoring plan along with a burial treatment plan for the proposed project. After consultations with the Kilauea Japanese Cemetery Association, County of Kauai Planning Department and the State Historic Preservation Division the Verizon project was approved. Due to the nature of the project, compliance with Section 106 of the National Historic Preservation Act and Chapter 6E of the Hawai`i Revised Statutes was required. Pacific Legacy conducted archaeological monitoring during all aspects of ground disturbing activities to ensure that any cultural resources that might be present would be protected, thus keeping the project in compliance. No cultural deposits, or burials, were encountered during the construction of the Verizon Wireless facility.

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AT&T site at Kilauea Japanese Cemetery

Previous Cultural studies

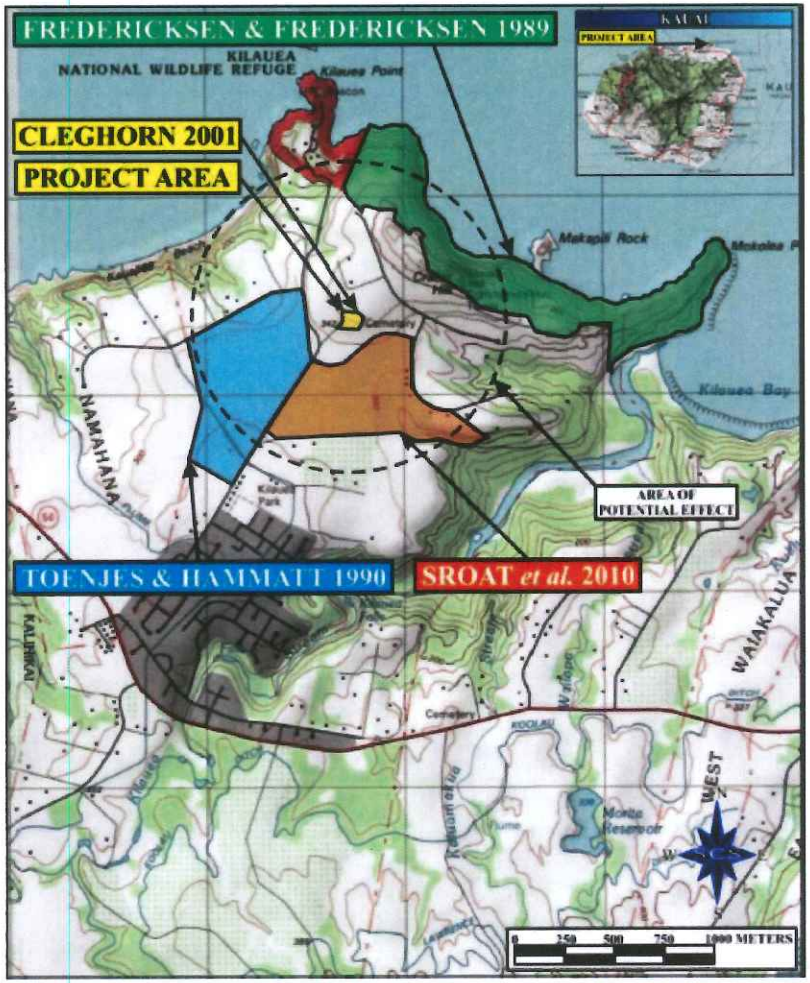


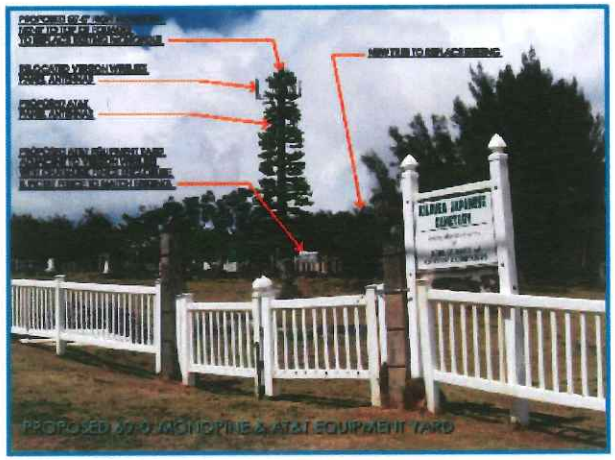
Figure 7: USGS Quadrangle (Anahola) Map Showing Previous Archaeological Studies in the Project's Visual Area of Potential Effect.

AT&T site at Kilauea Japanese Cemetery
Previous Cultural studies

1. Fredericksen and Fredericksen (1989)
2. Toenjes and Hammatt (1990)
3. Sroat et al. (2010)
4. Cleghorn (2001)

AT&T site at Kilauea Japanese Cemetery

Proposed monopine



SITE NUMBER: KAUIH0127 SITE NAME: KILAUEA RELO
SITE ADDRESS: MIHI ROAD, KILAUEA, KAUAI, HAWAII 96754

PHOTOSIMULATION OF PROPOSED MONOPINE, ANTENNAS & EQUIPMENT

AT&T site at Kilauea Japanese Cemetery
Mitigation Measures

1. A qualified archaeologist familiar with the project area and the results of previous archaeological work conducted in the area will monitor subsurface construction activities on the parcel. If significant deposits or features are identified and additional field personnel are required, the archaeologist will notify the contractor or representatives before additional personnel are brought to the site. Please note that one Monitor is required for each piece of ground altering machinery.
2. If features or cultural deposits are identified during Archaeological Monitoring, the on-site archaeologist will have the authority to temporarily suspend construction activities at the significant location so that the cultural feature(s) or deposit(s) may be fully evaluated and appropriate treatment of the cultural deposit(s) is conducted. SHPD will be consulted to establish feature significance and potential mitigation procedures. Treatment activities primarily include documenting the feature/deposit through plotting its location on an overall site map, illustrating a plan view map of the feature/deposit, profiling the deposit in three dimensions, photographing the finds (with the exception of human burials), artifact and soil sample collection, and triangulation of the finds. Construction work will only continue in the significant location when all documentation has been completed.

at&t

AT&T site at Kilauea Japanese Cemetery

Mitigation Measures

3. Control stratigraphy in association with subsurface cultural deposits will be documented (including stratigraphic profiles and Munsell soil descriptions) and photographed, particularly those containing significant quantities or qualities of cultural materials. If deemed significant by SHPD and the contracting archaeologist, these deposits will be sampled.
4. In the event that human remains are encountered, all work in the immediate area of the find will cease; the area will be secured from further activity until burial protocol has been completed. The SHPD island archaeologist and SHPD-Culture History Program(located in Kapolei, O`ahu) will both be immediately notified about the inadvertent discovery of human remains on the property. Notification of the inadvertent discovery will also be made to the Kaua`i/Ni`ihau Island Burial Council by either SHPD or by the archaeological firm. A determination of minimum number of individuals (MNI), age(s), and ethnicity of the burial(s) will be ascertained in the field by archaeologists, following standard osteological procedures (e.g., White 2000). Rules outlined in Chapter 6E, Section 43 shall be followed. Profiles, plan view maps, and illustrative documentation of skeletal parts will be recorded to document the burial(s).

at&t

AT&T site at Kilauea Japanese Cemetery

Mitigation Measures

4. cont. The burial location will be identified and marked. If a burial is disturbed, materials excavated from the vicinity of the burial(s) will be manually screened through 1/8-inch wire mesh screens in order to recover any displaced skeletal material. If the remains are to be removed, the work will be in compliance with HRS 6.E-43.6, Procedures Relating to Inadvertent Discoveries after approval from all parties (SHPD, Burial Council).

5. To ensure that contractors and the construction crew are aware of this AMP and possible site types to be encountered on the parcel, a brief coordination meeting will be held between the construction personnel and monitoring archaeologist prior to initiation of the project. The construction crew will also be informed as to the possibility that human burials could be encountered and how they should proceed if they observe such remains.

6. To ensure that contractors and the construction crew are aware of this AMP and possible site types to be encountered on the parcel, a brief coordination meeting will be held between the construction personnel and monitoring archaeologist prior to initiation of the project. The construction crew will also be informed as to the possibility that human burials could be encountered and how they should proceed if they observe such remains.

at&t

AT&T site at Kilauea Japanese Cemetery

Mitigation Measures

7. As necessary, verbal reports will be made to SHPD and any other agencies as requested.

In addition to the above mitigation measures:

a. Laboratory Analysis of any samples collection, if any, and dated if possible.

b. Stratigraphic profiles of samples.

c. Curation in Honolulu, except human remains which would remain on-island.

d. Reporting, final archaeological Monitoring report presented to SHPD.

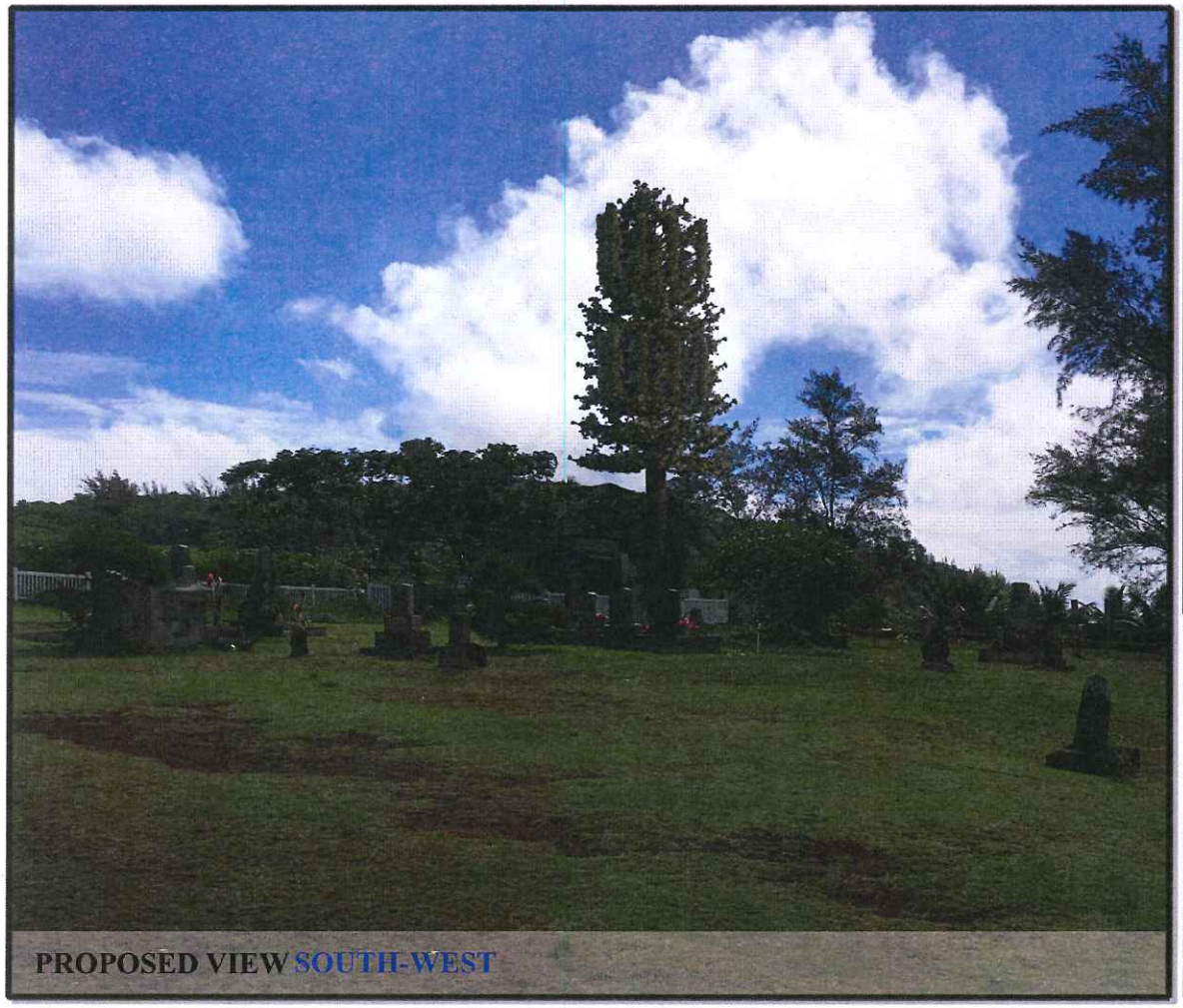
at&t

HIL04127

Kilauea Cemetery - Relo

Mihi Road, Kilawea, Kauai, Hawaii 96754

Eukon Group
65 Post, Suite 1000 - Irvine,
CA, 92618 - (949) 553-8566



PROPOSED VIEW SOUTH-WEST

EXISTING VIEW SOUTH-WEST

SITE LOCATION

SITE COORDINATES

Latitude: 22.221724°
Longitude: -159.400349°
TMK: (4) 5-2-004:049

SHEET NUMBER 1/1

G.1.a.
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Chapter I. General Provisions

1-1-1 Purpose. The intent and purpose of the rules of practice and procedure of the Kauai Historic Preservation Review Commission is to provide a systematic and democratic method of conducting meetings and hearings in order to insure that all persons and parties will have an opportunity to participate in an open, productive, and orderly manner.

1-1-2 Definitions. As used in these Rules, except as otherwise required by context:

(1) "Agency" means the Planning Department of the County of Kauai or its authorized representative.

(2) "Commission," "Chairperson" and the "Commissioner" means the Kauai Historic Preservation Review Commission of the County of Kauai, State of Hawaii, its Chairperson, and a member thereof, respectively.

(3) "Director" means the Planning Director of the County of Kauai.

(4) "Ex parte communication" means private communication or arguments with members of the commission or its hearing officer as to the merits of a proceeding with a view towards influencing the outcome of a proceeding.

(5) "HRS" means Hawaii Revised Statutes

(6) "Meetings" means the convening of the Commission for which a quorum is required in order to make a decision or to deliberate toward a decision upon a matter over which the Commission had advisory power.

(7) "Person" means when appropriate to the context, not only individuals, but corporations, firms, associations, societies, and federal, state and county departments of agencies.

(8) "Presiding Officer" means and shall include any member of the Commission or hearing a hearing officer duly designated as such. Unless otherwise designated, the Chairperson shall be the presiding officer.

(9) "Proceeding" means any matter that is brought before the Commission in which it has advisory authority.

(10) "Public Record" means the same as defined in Chapter 92, HRS, and shall include maps, rules and regulations, written statements of policy or interpretation formulated, adopted or used by the commission meetings and records of any docket on file with the Commission but shall not include records which invades the right of privacy of an individual.

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(11) "Rules" means the Rules of Practice and Procedure before the Commission.

Chapter II. Organization & Parliamentary Rules

1-2-1 Organization. At the regular September meeting of each year, the Commission shall elect a chairperson and Vice-Chairperson from among its members. They shall serve for a term of one year or until their successors are duly elected. No member shall succeed himself or herself as chairperson. In the event the Commission is not able to elect a regular Chairperson or Vice-Chairperson from among its members at its first September meeting, the incumbent chair may serve on a hold-over basis for a term not to exceed-ninety (90) days.

1-2-2 Meetings.

(a) Regular meetings of the Commission shall be held every fourth Thursday of the month or on such day as the Commission may designate. The Place of meeting shall be the Lihue Civic Center, or such other place as may be designated by the Commission.

(b) Subject to the conditions prescribed by these rules, special-meetings may be called at any time by the chairperson, director, or a majority of the commission, who shall state the subject thereof, and the acts and business of the commission at such special meeting shall be confined to such matters.

(c) Each member shall be given oral or written notice at least (5) working days prior to a special meeting, unless waived by such member.

(d) The Commission shall prepare and post an agenda for all meetings of the commission and its committee's identifying the date, time, place, and subjects to be considered in compliance with the provisions of Chapter 91 and 92, HRS.

1-2-3 Adjournment. Meetings may be adjourned at any time by vote, and unless otherwise specified in the motion, every adjournment shall be deemed to be the next meeting of the Commission.

1-2-4 Quorum and Number of Votes Necessary for a Decision. Unless otherwise provided by law, a majority of all the members to which the Commission is entitled shall constitute a quorum to transact business, and the concurrence of a majority of Commission members present shall be necessary to make a Commission decision valid, failing which there shall have been no valid action taken.

1-2-5 Continuation of Decision Making. Any matter which fails to be validated by majority concurrence of Commission members present may be continued to any subsequent regular meeting.

1-2-6 Effective Date of Commission Decision. Unless a specific effective date is set forth, the effective date of a decision rendered by the Commission shall be the date of the meeting at which such valid decision was made.

1-2-7 Minutes and Transcripts

(a) Meetings. In accordance to HRS 92-9, the commission shall keep written minutes of all meetings. Unless otherwise required by law, neither a full transcripts nor a recording of the meeting is required, but the written minutes shall give a true reflection of the matters discussed at the meeting and the views of the members.

(b) Copies of Recordings. In cases where copies of prerecorded tapes are requested, a fee $5.00 per hour (rounded off to the nearest half hour) of recording time shall be assessed in addition to the costs of the tapes used (rounded off to the nearest $.50). Charges may be waived or modified when the requesting person provides the recording equipment, tapes, and performs the recording subject to conditions and supervision by the planning department.

1-2-8 Officers and their Duties.

(a) Presiding Officer. The Chairperson shall be the presiding officer of the Commission and the Vice-Chairperson shall be the presiding officer in the absence of the chairperson. The presiding officer shall:

(1) Open all meeting of the Commission at the appointed hour by taking the chair and calling the meeting to order;

(2) Call for the approval of the minutes of any preceding meetings when a quorum is present;

(3) Maintain order and proper decorum;

(4) Announce the business before the Commission in the order prescribed by the rules;

(5) Review all matters properly brought before the Commission, call for votes upon the same and announce the results;

(6) Appoint all committees unless otherwise ordered by the Commission;

(7) Authenticate by signature all acts of the Commission as may be required by law, unless delegated to the Planning Director;

(8) Do and perform such other duties as may be required by law, or such as may be properly appertain to such office;

(9) Make known all rules of order when so requested, and to decide all questions or order, subject to an appeal to the Commission;

(10) Take into consideration such matters as shall not be within the scope of the duties of powers of any standing committee of the Commission; or as may be referred by the Commission, and to report thereon, together with such recommendations relative thereto as deemed advisable; and

(11) Represent the Commission in all functions, not otherwise directed by the Commission as the titular head of the Commission.

(b) Clerk. The Planning Director shall serve as Clerk of the Commission and shall be directly responsible, or through staff members, to provide the following services;

(1) To receive, submit, and coordinate all matters properly brought before the Commission in consultation with the chairperson;

(2) To provide the agenda support materials for all meetings.

(3) To read bills, resolutions, and other matters to the Commission, as so required;

(4) To forward at once to the proper parties all communications and other matters, either directly or through a committee, as the case may be;

(5) To deliver immediately to the chairperson of the appropriate committee all petitions, resolutions, bills or other matters as may be duly referred to such committee;

(6) To serve in all matters as ex-officio clerk of the Commission and to do and perform all clerical duties and services pertaining to such position as the Commission shall from time to time direct, and such as shall by law or the rules, or rules hereafter adopted, be assigned or such as properly pertain to such position;

(7) To have charge of all records of the Commission and be responsible for the same.

1-2-9 Committees. There shall be two kinds of committee:

(1) Standing Committees, which shall not exceed five members each.

(2) Select Communities, which shall not exceed five members each.

1-2-10 Committee Organization.

(a) All committees of the Commission, contemplated under these rules, shall be appointed by the Chairperson subject to confirmation by a majority vote of the members of the Commission.

(b) The first person named on a committee shall be the chairperson unless otherwise designated. The Committee Chairperson shall call and preside over committee meetings and may designate temporary alternate members in order to achieve a quorum and to take action in cases where members are absent.

(c) No member shall serve as chairperson of more than one Standing Committee of the Commission.

(d) No committee shall meet while the Commission is in session.

(e) Committees shall be under the control and subject to the orders and appropriate rules of the Commission, and shall faithfully carry out such orders.

(f) Vacancies on the standing committees shall be filled by the Chairperson of the Commission unless otherwise designated in subsection (b) above and no member of the standing committee shall resign therefrom without the consent and approval of the Commission.

(g) A majority of the entire membership to which the committee is entitled shall constitute a quorum and the majority vote of the membership present shall be necessary to take any action.

1-2-11 Standing Committees. The Commission may establish the necessary standing committees to further the responsibilities and functions of the Kauai Historic Preservation Review Commission.

1-2-12 Select Committees. A Select Committee shall consist of up to five (5) members, unless otherwise ordered by the Commission and shall be appointed from time to time as the occasion requires, serving until discharged after finally reporting on the special matter referred to it.

1-2-13 Committee Reports.

(a) Every committee shall be responsible for writing and submitting a meeting summary to include a list of attendees, topics covered, decisions and/or recommendations to the Commission as whole.

(b) Committee chairperson or other committee members shall report to the whole Commission at its meetings about the Committee's work on matters referred to them.

(c) Select Committees shall report as required by the Commission upon all matters referred to them, unless further time is allowed by vote of the Commission.

(d) Whenever any matter is referred to a committee, it shall be the duty of such committee to make diligent inquiry into all of the facts and circumstances connected with such matter. If necessary, the County Attorney may be consulted, documents and records searched, and everything done to bring all facts pertaining to such matter before the Commission.

(e) The report of the committee on any matter shall provide an evaluation and recommendation as to the disposal of such matter.

1-2-14 Voting.

(a) There shall be three methods of ascertaining the decision of the Commission upon any matter:

1st, by call of the members and a record made by the Clerk of the vote of each member;

2nd, by viva voca vote;

3rd, by unanimous consent.

(b) Whenever the Commission is ready to vote on any questions, the Chairperson after stating the question, shall put such question to a vote, then announce the result of the vote to the commission. Upon the request if any member of the Commission, the Clerk shall call the role. Unless a member is excused from voting, his silence shall be recorded as an affirmative vote.

(c) No member shall refrain from voting unless excused by the Commission.

(d) Whenever the ayes and noes are called, no one, without the unanimous consent, shall be permitted to explain his vote; and after the announcement of the result, no one shall be permitted to vote or to change his vote.

1-2-15 Standards of Conduct.

(a) Disclosure of interest. Whenever a possible direct personal financial interest on any matter pending before the Commission or any of its committees becomes apparent, the affected member shall promptly make a disclosure to the Commission. When a member had made a disclosure of interest and is deemed by the Commission to have as conflict of interest, such conflict shall apply to all subsequent actions relating to said matter. A member with conflict of interest shall refrain from voting except where the member's vote is required to constitute a quorum to act in which event he shall be permitted to vote.

(b) Code of Ethics. All Commission members and officers and employees of the Agency shall be subject and comply with the provision of Chapter 3, Article I, of the Kauai County Code, as amended.

1-2-16 Petitions and Submittals to the Commission. Any person may petition the Commission. Petitions and other submittals shall be in writing, signed by the petitioners or persons presenting them.

1-2-17 Motions and Amendments. Motions and amendments may be verbal, but shall be reduced to writing if requested by the chair, and shall be read from the Clerk's desk, if so desired.

1-2-18 Motions and Priorities.

(a) No motion shall be received and considered by the Commission until the same has been seconded.

(b) After a motion is stated or read by the chair, it shall be deemed in the possession of, and shall be disposed of by vote of the Commission. However, it may be withdrawn by the mover with the consent of the second at any time before a vote or amendment.

(c) Whenever any question shall be under discussion, the motions in order relative thereto prior to a vote shall be: first, to table; second, to previous question; third, to modify debate; forth, to postpone definitely; fifth, to commit or recommit; and sixth, to amend; which motions shall have precedence in the order named. The first four motions shall be decided without debate, and shall be put as soon as made.

(d) When any of said motions shall be decided in the negative, the same shall not be revived at the same meeting relative to the main question under discussion. If all are negative as aforementioned, the only remaining question shall be as to the passage or adoption of the application or any other main question.

(e) No member shall speak longer than five (5) minutes, nor more than twice on the same question without leave of the Commission, unless the member is the mover of the question pending, in which case the member shall be permitted to speak in reply, but not until every member choosing to speak shall have had the opportunity to speak.

1-2-19 Reconsideration. When a motion has been once made and carried in the affirmative or negative, only a member who voted with the prevailing side may move, at the same meeting, or at the next meeting, to reconsider it, and such motion shall take precedence over all other questions except a motion to adjourn.

1-2-20 Order and Decorum

(a) No person shall sit at the desk of the presiding officer or clerk except by permission of the Chairperson, or at the desk of any commissioner, except by permission of that commissioner.

(b) While the Chair is putting any question or addressing the Commission, no one shall walk out of the meeting room or across the floor; nor shall anyone entertain a private discourse, or pass between the member and Chair while the member is speaking.

(c) When member are about to speak, they shall address themselves to the Chair, and shall confine their comments to the question under discussion, avoiding personalities.

(d) If any member, in speaking or otherwise, transgresses these rules of procedure, the chair, or any member, may call him to order, and when so called to order, he shall immediately quiet down. The Chair shall then decide the question or order without debate, subject to an appeal to the Commission. In addition, the Chair may call for the sense of the Commission on any question of order.

(e) Whenever any person shall be called to order while speaking, the member shall be deemed to be in possession of the floor when the question of orders is decided, and may proceed with the matter under discussion within the ruling made on the question of order.

(f) No unauthorized person shall enter the floor of commission except by permission of the presiding officer. The term "floor of Commission" shall mean that portion of the meeting room general occupied by the Commission and as may be specifically designated by the presiding officer. The presiding officer shall determine, with concurrence of Commissioners, when members of the public may speak on topics being discussed and whether any time limitations per speaker will be set.

(g) Any person or persons who willfully disrupt a meeting or hearing to prevent and compromise the conduct of the meeting may be removed from the room.

1-2-21 Order of Business.

(a) After roll-call and the approval of the agenda and minutes, the Presiding Officer shall call for business in the following order:

1. General business matters before the commission and announcements

2. Communications

3. Committee Reports

4. Unfinished Business or Old Business

5. New Business

(b) The Commission may, by previous motion, direct that any matter be made a special order of business, which shall take precedence as indicated in the order.

(c) The unfinished business or old business in which the Commission was engaged at the time of the last adjournment shall have the preference in the order of the day except for general business and announcements, communications, and committee reports, and invited speakers, and no other business shall be received until such unfinished business is disposed of, unless by special leave of the Commission.

(d) All questions relating to priority of business to be acted upon by the Commission shall be decided without debate.

1-2-22 Question or Order. A question of order may be raised at any stage of the proceedings, except during a calling of the roll when the ayes and noes are called for. Such questions shall be decided by the Chair, without debate, subject to an appeal to the Commission.

1-2-23 Computation of Time. In computing any period of time under the rules herein, by notice, or by any order or regulation of the Commission, the time begins with the day following that act, event, or default, and includes the last say of the period unless it is a Saturday, Sunday, or legal holiday in which event the period runs until the close of the business of the next day which Is not a Saturday, Sunday, or holiday.

1-2-24 Attendance. No member shall be absent from the service of the Commission, unless the member has so advised the Chair prior to the meeting or be sick and unable to attend.

1-2-25 News Reporters. News reporters wishing to take notes of the business of the Commission may be assigned such places by the Chair without interfering with the convenience of the Commission.

1-2-26 New Rules and Amendments. No rule of the Commission shall be altered or rescinded, nor shall any new rules be adopted without the affirmative vote of at least five (5) members of the Commission.

1-2-27 When Rules are Silent. For good cause, the Commission may vote to suspend the rules.

1-2-28 Severability. If any provision of these Rules and Practice and Procedures or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of these Rules of Practice and Procedures which can be given effect without the invalid provision or application, and to this end the provisions of these Rules of Practice and Procedures are severable.

Chapter III. Public Records, Inspection and Availability

1-3-1 Inspection of Public Records. All public records shall be available for inspection and copying by any person during established office hours and within reasonable timelines unless public inspection of such records is in violation of any other state or federal law.

1-3-2 Where Available.

(a) The Public may obtain information on matters within the jurisdiction of the Planning Department and Commission for the County of Kauai, by inquiring at the principle place of business of the Planning Department. All rules, orders or opinions of the agency are on file and available for public inspection at this office during business 4444 Rice Street, Suite A473, Lihue, Kauai 96766-1326.

(b) Inquiry may be made in person at the agency during business hours or submitting a request for information in writing to the Planning Director, Planning Department, Kapule Building, 4444 Rice Street, Suite A473, Lihue, Hawaii 96766-1326

1-3-3 Copies of Public Records. Copies of public records printed or reproduced for persons other than governmental agencies shall be given to any person provided the applicable fees or costs for publication, research, and postage are paid.

1-3-4 Denial of Inspection. Any person aggrieved by the denial by the officer having custody of any public record of the right to inspect the record or to obtain copies of extracts thereof may seek enforcement action pursuant to HRS Chapter 92.

Chapter IV Rule Adoption, Amendment, or Repeal Procedures

1-4-1 Initiation of Rule-Making Proceedings.

(a) Motion by Commission. The Commission may, at time on its own motion, initiate proceeding for the adoption, amendment, or repeal of any rule or regulation of the Commission.

(b) Petition by person or Agency. Any interested person may petition the Commission for the adoption, amendment, or repeal of any rule or regulation of the Commission. Petitions for rule making filed with the Commission will become matters of public record.

1-4-2 Form and Contents. Petitions for rule making shall contain the name, address, and telephone number of each petitioner; the signature of each petitioner; a draft of the substance of the proposed rule or a designation of the provisions the repeal of which is desired; a statement of the petitioner's interest in the subject matter; a statement of the reasons in support of the proposed rule, amendment, or repeal and shall deposit with the County funds sufficient to cover appropriate meeting publication costs.

1-4-3 Action on Petition. The Commission shall, within thirty (30) days after the filing of a petition for rule making, either deny the petition in writing, stating its reasons for denial or initiate proceedings in accordance with Section 91-3 HRS.

(a) Denial of Petition. Any petition that fails in material respect to comply with the requirements herein of that fails to disclose sufficient reasons to justify the institution of public rule-making proceedings will not be considered by the Commission. The Commission shall notify the petitioner in writing of such denial, stating the reasons thereto. Denial of a petition shall not operate to prevent the Commission from acting, on its own motion, on any matter disclosed in the petition.

(b) Acceptance of Petition. If the Commission determines that the petition is in order and that it discloses sufficient reasons in support of the proposed rule-making to justify the institution of rule-making proceedings, the following procedure set forth and applicable statutes and law shall apply.

1-4-4 Notice of public Hearing to discuss Rule Adoption, Amendment, or Repeal.

(a) Publication and mailing. When, pursuant to a petition therefore or upon its own motion, the Commission proposes to adopt, amend, or repeal a rule or regulation, a notice or proposed rulemaking shall be published at least once in a newspaper of general circulation which is published and issued within the County of Kauai; and such notice shall also be mailed to all persons or agencies who have made timely written requests for advance notice of the Commission's rulemaking proceedings at their last recorded address. The notices shall be published at least thirty (30) days prior to the date set for public hearing.

(b) Form. A notice of the proposed adoption, amendment, or repeal of a rule or regulation shall include the requirements set forth in HRS Chapter 91-3.

1-4-5 Commission Action. The Commission shall consider all relevant testimony and documents of record before taking final action in a rule-making proceeding. Final action should be taken within forty-five (45) days after the end of period for submission of written comments or recommendations.

1-4-6 Effective Date. All rules shall be filed and take effect pursuant to HRS 91-4.

1-4-7 Emergency Rule Making. Notwithstanding the foregoing rules, the Commission may adopt emergency rules in accordance to the provision of HRS 91-3 and 4 if the Commission finds that an imminent peril to public health or safety requires adoption, amendment, or repeal of a rule or regulation upon less than thirty (30) days' notice of hearing, and states in writing its reasons for such finding, it may proceed without prior notice or hearing or upon such abbreviated notice and hearing as it finds practicable to adopt an emergency rule or regulation to be effective for a period not longer than one hundred twenty (120) days without renewal. The emergency rule shall become effective upon filing with the County Clerk.

NATIONAL ALLIANCE OF PRESERVATION COMMISSIONS

Building strong local preservation programs through education, advocacy and training.

About Us

Our Mission: To build strong local preservation programs through education, advocacy, and training.

Shop at AmazonSmile
and Amazon will make a donation to:
NAPC
Get started
amazonsmile

The National Alliance of Preservation Commissions was founded in 1983 in response to amendments to the National Historic Preservation Act of 1966. These amendments provided financial assistance to local governments that met requirements of the Certified Local Government program, including the establishment of a local preservation ordinance and commission.

NAPC was formed to provide a forum for commissions to discuss mutual problems and to serve as a national voice representing the particular needs of commissions.

NAPC provides technical support and manages an information network to help local commissions accomplish their preservation objectives. Our established **education and training programs**, including our biennial **FORUM** conference and **Commission Assistance and Mentoring Program** (CAMP®),

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have provided essential training to thousands of commission members and municipal staff.

NAPC also serves as an advocate at federal, state and local levels of government to promote policies and programs that support preservation commission efforts, thanks in part to collaboration with our **partner organizations** in Washington, D.C.

PAIGE POLLARD, EXECUTIVE DIRECTOR

Phone: 757-802-4141
Email: **director@napcommissions.org**

ADDRESS

National Alliance of Preservation Commissions
208 E Plume St, Suite 327
Norfolk, VA 23510

The National Alliance of Preservation Commissions is a private 501(c)(3) nonprofit organization. The NAPC's federal tax identification number is 52-1577640.

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CAMP® DEFINED

What is CAMP®?

The Commission Assistance and Mentoring Program (CAMP) is the signature training offered by National Alliance of Preservation Commissions (NAPC). CAMP ® is led by qualified preservation professionals in support of local preservation commissions and the NAPC's mission to *"build strong local preservation programs through education, advocacy, and training."*

The goal of CAMP® is to provide high-quality, engaging and informative training to preservation related boards and commissions of all types through presentations, hands-on exercises, group discussions and networking (mentoring) opportunities via live training. Trainers include commissioners, local, state and national staff members, attorneys and commission partners.

Who Attends CAMP®?

CAMP® is designed to provide continuing education and support to local design review commissions and Main Street organizations, their staff and partners, such as neighborhood organizations, local and statewide non-profits, community leaders and public officials. Sessions are customized for the state or local community, where applicable.

How to Plan a CAMP®

We highly recommend close interaction with NAPC's staff and CAMP® trainers to help plan the CAMP® that best fits your needs but are the basic formats and course offerings to help you get started.

CAMP® Formats

CAMPCore®: This is a daylong, or two consecutive half-days, event with three trainers who cover the basics that every commission needs to be effective. Topics may include Chair Training, Legal Basics, Meeting Procedures, Building Public Support, Reading Plans, Identifying and Designating Historic Resources, Standards & Guidelines, and Hands on Design Exercise.

CAMPCustom®: This is a daylong, or two consecutive half-days, event with three trainers who cover the sessions of your choice. This is for clients who either have already had CAMPCore® or receive

this training locally and need more "advanced" topics. Typically clients choose any 5 general sessions and 1 workshop from the CAMP® Menu with the guidance of the NAPC staff and trainers. If you don't see what you need on the menu, just ask. CAMPCustom® is a highly customizable product.

CAMPOne®: One Presenter, One Focus. This is a 1 to 3 hour session with one trainer. Choose any one topic from the CAMP Menu or request a specific topic and/or speaker. This is ideal for those looking for a conference speaker or for a community that has a burning issue that needs to be addressed quickly. If you don't see what you need on the menu, just ask. CAMPOne® is a highly customizable product.

CAMP ® for Real Estate Professionals: This is a daylong, or two consecutive half-days, event with three trainers who cover the basics for realtors, appraisers, and mortgage professionals. The purpose of CAMP® for Real Estate Professionals is to provide the basic information that anyone who is selling or working with older properties needs to know. Additional planning time may be needed to obtain state certification if this is important to the applicant. NAPC is currently certified in Tennessee and West Virginia. Topics include the basics of historic zoning, loans and tax incentives for historic properties, identifying local historic styles, skills for selling historic properties.

CAMP® for Legal Professionals: This is a daylong, or two consecutive half-days, event with three trainers who cover the basics for legal professionals. The purpose of CAMP® for Legal Professionals is to provide the core information for legal professionals who work with historic preservation in terms of design review commissions, Section 106 reviews, or real estate development. Additional planning time may be needed to obtain state certification if this is important to the applicant. It includes Introduction to Historic Preservation, National Historic Preservation Act, Effective Enforcement of Local Historic Preservation Ordinances, Covenants, Easements and Other Tools to Foster Successful Preservation, Public/Private Partnership, Innovative Financing Using Federal & State Historic Tax Credits and New Markets Tax Credits.

CAMP® MENU

General Session Descriptions and Learning Objectives

If you don't see what you need on the menu, just ask. CAMP® is a highly customizable product. NAPC recommends close interaction with NAPC staff and CAMP® trainers to help build the CAMP® that works best for your community.

Design Review Sessions

Reading Plans

One of the most important tools a commissioner needs for design review is the ability to interpret architectural drawings. For commission members with a limited background in architecture, construction, or design, analyzing plans and drawings can be intimidating. Using sample projects, participants will review a range of plans and understand how to interpret site and floor plans, elevations, sections and details –and identify when more information may be required. Workshop leaders will also offer some valuable online tools that can assist you to fully understand projects.

Learning Objectives

Participants will:

1. Acquire a basic architectural vocabulary and the skill to read an architectural scale.
2. Recognize and read a broad range of plans.
3. Identify when plans may be lacking information required for review.
4. Acquire additional online tools to assist in fully understanding project.

Standards and Guidelines

This workshop gives participants an understanding of the relationship between Federal Standards and local design guidelines. Workshop leaders will guide participants through the origin and development of a variety preservation-based review standards and guidelines. Through case studies, participants will distinguish between the four treatments under Secretary of the Interior's Standards and understand how the treatments work within the framework of local design guidelines. Participants will also compare the application and the inherent flexibility of the Secretary of the Interior's Guidelines for Rehabilitation.

Learning Objectives

Participants will:

1. Have a working knowledge of the evolution of design guidelines in preservation theory.
2. Understand the four treatments under Secretary of the Interior's Standards and how they can influence design guidelines.
3. Apply the inherent flexibility of the Rehabilitation Standards and understand where there is discretion.
4. Discover where to locate additional design guideline resources.

Procedure & Process Sessions

Legal Basics

The strongest defense commissions have against accusations of arbitrary and capricious decisions is to consistently follow established review procedures. Customized for each state, this workshop covers the legal basis for commission operation. Workshop leaders will provide an overview of procedural due process, takings, appeals, property rights, and economic hardship. Participants will examine common preservation legal issues and acquire tools to improve decision-making and build a defensible record.

Learning Objectives

Participants will:

1. Distinguish between how the law enables and how the law constrains.
2. Be familiar with common preservation legal issues.
3. Acquire tools to improve decision-making.
4. Acquire tools to build a defensible record.

Legal Ethics

Accountable for their actions in the communities they serve, commissioners are routinely faced with ethical dilemmas. Workshop leaders will address commissioner responsibilities to the community and to the profession, as well as standards of professional conduct. The discussion will focus on widely accepted standards and practices for accurate, honest and forthright interactions with other commissioners, elected officials, staff, applicants, and the general public.

Learning Objectives

Participants will:

1. Recognize a commissioner's role. Identify and discuss ethical issues encountered by commissions.
2. Identify and utilize widely accepted standards and practices for interactions with other commissioners, elected officials, staff, applicants, and the general public.
3. Acquire tools to improve decision-making.
4. Acquire tools to build a defensible record.

Meeting Procedures

How a local commission conducts its meetings is critical to maintaining its credibility and reputation. It is also critical to avoiding legal challenges. In this session, participants will learn to work within the legal

framework of state law and local statutes and how to establish clear rules of procedure to ensure a defensible decision-making process. Beyond legal considerations, participants will learn how professionalism, courtesy and consistency build support for the commission and its work.

Learning Objectives

Participants will:

1. Operate a meeting consistent with state and local statutes, ordinances and regulations which govern meeting procedures in their community.
2. Conduct meetings with professionalism, consistency and courtesy to all persons involved to maintain the reputation and credibility of their community's preservation program.
3. Adopt, adhere to and amend as needed rules of procedure to accomplish a clear and defensible decision-making process.
4. Recognize the need for regular reevaluation of their commission's meeting procedures.

Preservation Planning for Local Commissions

A preservation commission is most effective when its work is a part of the larger local planning process. Good planning can also strengthen grant applications and bring in money to the community. Using successful plans from around the country, this workshop covers the essential elements of preservation planning and how to integrate preservation as part of a broader planning effort -- not just an addition to it. The workshop will involve an overview of Certified Local Government benefits and responsibilities for preservation planning. Working with various types of plans and data requirements, participants will learn innovative techniques to involve the community and stakeholders; explore successful implementation techniques to assign responsibilities and to track performance measures.

Learning Objectives

Participants will:

1. Clarify programmatic agreement requirements for Certified Local Governments and relationship to National Park Service mandates.
2. Discern which types of plans are appropriate to address desired goals and outcomes, as well as common pitfalls to avoid.
3. Define data requirements for planning efforts and identify opportunities for data sharing.
4. Discover innovative techniques to involve the community and stakeholders.
5. Explore successful implementation techniques to assign responsibilities and track performance.

Identifying and Designating Historic Resources

Every preservation commission faces issues of determining what resources can and should be protected through local designation. This session deals with all aspects of identifying and designating resources. Topics include conducting historic resource surveys and using the information collected to determine eligibility for designation, drawing and defending district boundaries, and the legal aspects of the designation process.

Learning Objectives

Participants will:

1. Understand why documenting historic resources is the critical foundation for a successful local historic preservation program.
2. Understand how to conduct a historic resources survey and use the information to determine what resources should be protected through local designation.
3. Understand the process for designating a local historic district, including drawing defensible boundaries, assigning a preservation "value". to individual buildings within the district, and making the case for designation to various constituencies.
4. Understand that the designation process must follow the legal requirements set forth in the local ordinance.

Development Oriented Sessions

Preservation Incentives & Benefits

The days of grants are essentially gone, so how can commissions assist owners of historic properties? Zoning incentives can be a way to pair the "carrot" with the "stick" without sending cash out the door. Using examples of how other communities have used their ordinance to encourage historic preservation, learn how to analyze your community to create your own package of incentives.

Learning Objectives

Participants will:

1. Learn how zoning incentives can be as powerful as grants in directing appropriate development.
2. Explore how to analyze your community's ordinance and needs in order to define useful incentives.
3. Discover how other communities have used their ordinance to encourage preservation

Building Public Support

Historic preservation commissions tend to get bogged down in the day-to-day administration of its local ordinance and forget that one of its major responsibilities is to be effective spokesmen for historic preservation in its community. This session helps participants communicate effectively with a wide range of audiences, build support for designations, defend sometimes unpopular decisions and deal with reluctant elected officials. Workshop leaders will also offer creative suggestions for promoting historic preservation in the community.

Learning Objectives

Participants will:

1. Communicate effectively with various audiences, such as elected officials, property owners, tenants, business interests, etc.
2. Speak knowledgeably about their own preservation program, including the application review process, ordinance review standards, and benefits and responsibilities of designation.
3. Identify and capitalize on opportunities to promote historic preservation in their community.

Hands-on Workshops

Design Review Exercise

Working in small groups, participants will practice design review with a simplified application and set of design guidelines. Participants will determine what questions they would want to ask of the applicant and explore a potential motion. Appropriate for both seasoned professionals and new commissioners, this session provides opportunities to learn from each other in a lively and fun format.

Learning Objectives

Participants will:

1. Recognize the roles and objectives of the participants in the design review process: commissioner, property owner, staff, members of the public and design professional.
2. Articulate an appropriate design review response in conformance with established guidelines.
3. Recognize that a number of design solutions may be possible within the review standards.
4. Develop confidence in future decision-making and in building a defensible record.

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memberships receive multiple reduced registrations.
- Access to a resource library of technical information related to historic preservation commissions.
- A voice for your commission in Washington, DC, with our **national partners**.

PAIGE POLLARD, EXECUTIVE DIRECTOR

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- Reduced registration for **FORUM**, NAPC's biennial conference for local preservation commissions and staff. Community/organization memberships receive multiple reduced registrations.
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