KAUAI COUNTY HISTORIC PRESERVATION REVIEW COMMISSION
Lihue Civic Center, Moikeha Building, Meeting Room 2A/2B

MINUTES

A meeting of the Kaua'i County Historic Preservation Commission (KHPRC) was held on February 5, 2015 in the Lihue Civic Center, Moikeha Building, Meeting Room 2A/2B.

The following Commissioners were present: Danita Aiu, Althea Arinaga, Pat Griffin, Anne Schneider, Patsy Sheehan, Stephen Long, and Victoria Wichman.

The following Commissioner(s) were absent: Kuuleialoha Santos.

CALL TO ORDER

The meeting was called to order at 3:00 pm.

SELECTION OF 2015 CHAIRPERSON AND VICE CHAIRPERSON

Pat Griffin and Anne Schneider were selected to serve as the 2015 Chairperson and Vice Chairperson, respectively.

APPROVAL OF THE AGENDA

Ms. Griffin: Moving on to the approval of the agenda with your acceptance we'd like to take D.1. New Business before C.1. the Unfinished Business. Are there any objections? (None.) Thank you.

APPROVAL OF THE MINUTES

On motion by Ms. Schneider, second by Ms. Aiu the January 6, 2015 Field Trip Meeting Minutes; January 6, 2015 Regular Meeting Minutes; January 22, 2015 Field Trip Meeting Minutes; January 22, 2015 Regular Meeting Minutes were approved.

ANNOUNCEMENTS AND GENERAL BUSINESS MATTERS

Ms. Griffin: Announcements. I have an announcement. Some of you know that I have been writing a book for the Kauai Historical Society and its now out in print on Līhu'e and it's mostly about the central blocks of Līhu'e but also talks about the rise and fall of the Līhu'e Plantation and AMFAC. There is a chapter on roads and there is a chapter on the planning process. And I have to say that Mr. Ron Agor is mentioned in the book for his work with St. Michael and All Angels. So if you see it I am happy to get a critic from you. Other announcements?

Mr. Hull: Staff has one quick announcement. The Department has been in discussions with the people over at SHPD and Anna might be able to speak more to this when she is here but I am not sure I will be here when they are here. So I just wanted to quickly announce that the Department is looking at possible educational opportunities for Commission Members at the CLG conferences in Oregon, Washington, and California. And those all happen towards the end of April or beginning of May. So if any of you folks are interested contact me. It's not a guarantee yet but we are in discussion with SHPD on that. Thank you.

Ms. Griffin: Thank you Kaaina. Any other general business matters? (None).

COMMUNICATION

Ms. Griffin: Communications. We have received the staff's always capable correspondence that has happened and each of us should have one.

UNFINISHED BUSINESS

Re: Class IV Zoning Permit Z-IV-2015-8, Project Development Use Permit PDU-2015-7, Variance Permit V-2015-1 and Special Management Area Use Permit SMA(U)-2015-6 to permit repair and reconstruction of the former Coco Palms Resort including but not limited to: 350 hotel units, Lotus Restaurant and Flame Room Bar, the Lobby Building, the Commercial Building, three swimming pools, Queen's Audience Hall, the Palms Lanai, the Utility and Maintenance Building, Sea Shell Restaurant, Chapel in the Palms, 2 of 4 Bridge Crossings, and the construction of a new Queen Lagoon Building into a spa and gym facility on the site of the previously demolished structure. The project is situated in Wailua and located at 04-241 Kūhi'ō Highway, further identified as Tax Map Keys 4-1-003: 004 (por.), 005, 007, 011, and 017 and 4-1-005: 014 and 017.

Ms. Griffin: We are now moving on to Unfinished Business, Item C.1., Class IV Zoning Permit, Project Development Use Permit, Variance Permit, and Special Management Area Use Permit to permit repair and reconstruction of the former Coco Palms Resort. Mr. Agor? Ron are you going to be?

Mr. Agor: Yes as soon as Chad figures this out for me. This is some photographs, published photographs of the King Cottages. The roof was covered with thatched roofing and it's a low profile, one story building and within the King Cottages we had this outdoor shower that is made out of stone. These are some, it was really hard to get some photographs because of the growth but this is a photograph of basically what it looks like on the outside and from the outside looking in at the shower this is kind of what it looks like.

This is the existing structure for the King Cottage. The proposed new cottages will follow this format here. We are building pretty much the same footprint. And this is where that shower is

made out of rock and what we are going to do is raise this up 8 feet and there is going to be foundation columns but we are going to keep the shower in place. Yes at grade and we are going to put a trellis over it. So that element of the structure, existing structure, really is the only element that is going to remain, but at least we are going to save something.

The structure as it is right now has a roof with a very steep peak and flat roofs on both sides and in talking with the managers the last three general managers with the thatched roof on it they had frequent leaks because the roof was so flat so the proposed structures we intend to put a roof on the entire building, a sloped roof on the entire building and get away from the flat roof. Anybody wants to comment on that?

Mr. Long: I have 2 questions. How are you going to get to the shower from inside?

Mr. Agor: That's an outdoor shower.

Mr. Long: Outdoor so the stairs go from the inside down?

Mr. Agor: No, no it's just you know you come in from the beach and you wash down from the shower if you want to and then you go up the stairs to the unit.

Mr. Long: And so what's the new roof form going to look like?

Mr. Agor: Ok can I continue and I will get there. It's a slide. These are some photographs of the interior now. Well actually it was like 2 years ago.

Ms. Schneider: Ron which cottage du Elvis Presley stay in?

Mr. Agor: King's Cottages. Yes. You can see how dilapidated it is. This is the Queen Cottage similar outline. Now the Queen Cottages doesn't have the shower on the outside. So basically we are taking this basic footprint and we are raising it up 8 feet to meet FEMA Compliance Law. Here is some photographs of the Queen Cottages, pretty messed up. View from the outside.

Ok now I am jumping onto the Prince Cottage. This is the Prince Cottage. The Prince Cottage also has an outdoor shower as it exists and we intend to do the same as we are doing with the King's Cottage. We are going to raise it up 8 feet and maintain the existing shower on the ground floor.

Ms. Griffin: My husband and I stayed in those several times and I just want to say it's actually a whole Jacuzzi and spa. It's really something much more special than a shower. Just a small comment.

Mr. Agor: These photographs of the interior a couple of years ago. Ok this is the King Cottage and basically the new will be following the same outline as this and then there is going to be a raised up high and then we are going to have trellis running over the shower and basically we are putting a slope on the entire unit. Can I get any comments on that?

Ms. Sheehan: Where is the shower in the picture on your right?

Mr. Agor: Ok we are not showing the shower.

Ms. Sheehan: Where is it though?

Mr. Agor: Right in this area right here. No this area right here. This view is looking at it from this way and it will be right here in this area here with a trellis over it.

Ms. Sheehan: And where are the steps that take you up?

Mr. Agor: The steps are going to be, these units are anywhere from 10 feet to 14 foot apart and there is going to be a common stairway that's going to come up and there is going to be a porch like going to each unit on each side.

Mr. Long: What's the existing roof pitch?

Mr. Agor: The existing roof pitch is almost 1 to 1.

Mr. Long: And the new?

Mr. Agor: Six, Seven, twelve.

Ms. Schneider: What is the exterior cladding on the structures?

Mr. Agor: Board and bat and the roof will be, the underlayment we are not too sure yet but it's going to be thatched. The Queen Cottages following the same footprint as it exists and again we have a roof over the entire structure with no flat roofs.

Ms. Sheehan: They will be connected as the King's Cottages with the walkway?

Mr. Agor: No there is 5 King Cottages and there is like a hundred feet distances between the Queen Cottages and the King Cottages.

Ms. Sheehan: But the Queen Cottages will be connected?

Mr. Agor: With stairwells.

Ms. Sheehan: With stairwells?

Mr. Agor: Yes.

Ms. Sheehan: But not the King? The King will be individual?

Mr. Agor: No same thing. We have one common stair for 2 buildings. Two units I should say on each side. In other words you are going to come up here, I should've shown the stair, come up a stair here. You go left to this unit. You go right to the other duplex that's here and then same

thing on this side. You get the idea. The Prince Cottage, again, same format we are going to keep the shower/Jacuzzi and put a trellis over it and the Jacuzzi will be in this area right here. So that pretty much summarizes the cottages and basically the base flood elevation is about 7 ½ feet above the grade and we have to raise the structure you know.

Ms. Sheehan: Ron how many square feet per cottage exists now? Each cottage is 500 square feet?

Mr. Agor: No anywhere from 800 to a thousand square feet.

Ms. Sheehan: And these are going to be the same?

Mr. Agor: The same yes, each unit yes. So any more questions on the, ok let me show you the site plan again. Ok we covered the cottages back here. These structures there are two restaurants and bars existing and they basically made up of a flat roof with posts all exposed on the exterior with the bar in the middle and these buildings are going to be rebuilt in the same manner.

Ms. Schneider: I wanted to ask about the Queen's Lagoon Building.

Ms. Arinaga: Will the building serve as the same function as it used to?

Mr. Agor: The small one for sure will remain as a bar. The large one might be a multi-purpose. It might be an area where people can go and sit and look at the lagoons and have access to their computer. You know it might be a children's center. We haven't decided yet really.

The Queen's Lagoon is here and basically we are going to be repairing that building and the structure is in pretty good shape. Its metal columns and steel beams with some wood fill in and it's been pretty water tight through the duration of the years. It's a mess in there right now of course but we intend to just repair it and save it as is. I don't know how successful we are going to be to repeat the Koa doors that were hauled away one night. But basically that's what we are doing. So now I'd like to show you guys some photographs of some of the existing buildings.

Mr. Long: Ron you just made a comment about the existing door to the chapel.

Mr. Agor: Not the chapel the Queen Audience Hall. There was, Commissioner, there was some huge Koa carved doors that were hauled away by some thieves one night. Very valuable doors, maybe somebody is going to build a house one day and I am going to visit and there it is going to be.

Mr. Schneider: So Ron the building at the very end on the bottom, that building.

Mr. Agor: Ok this building is a new building.

Mr. Schneider: What was the old building, how big was the old building?

Mr. Agor: The old building was a 3 story structure with I think twenty one units but that was before Iniki. I think it was destroyed by Hurricane Iwa.

Ms. Schneider: The building how far is it set back from the lagoon?

Mr. Agor: This one?

Ms. Schneider: Yes.

Mr. Agor: It's within 10 feet.

Ms. Schneider: And how far will the shadow go onto the lagoon from that building?

Mr. Agor: In the afternoon sun, probably the height of the building. So you may comment on that.

Ms. Wichman: May I ask you something, the building that you are going to put back onto the foundation that was pre Iwa that's dramatically going to change the view planes again along Kuamoo Road. So people driving along there, there is going to be blocking off the lagoon from the visual planes yes?

Mr. Agor: Yes.

Ms. Schneider: And that's the one that you need the Class IV Zoning Permit for right? The new building?

Mr. Agor: Yes.

Mr. Wichman: But its still, the plan is on the existing footprint of what was there pre Iwa?

Mr. Agor: Yes. Iwa I don't think the Iniki rules apply to that particular building. So that's something that Commission should deliberate. The King's Lagoon building here, we walked by it. It's a wooden structure that's about ready to fall over. So we are going to take that down. Rebuild 3 stories raised up so the appearance would be like a 4 story building. And its relationship you can pretty much see it. You can see the form in relationship to the 3 story existing building. The Queen Audience Hall is here you know with mostly a flat roof with some high peak roof in the ballroom areas where it's exposed and we are going to keep that format. Any more comments before I move on?

Ok this area is where the restaurant and bars are alongside the lagoon and above them are twenty four rooms. In this area are two-story offices and this is the lobby. Now this area here was burnt down in July, the upper floor anyway. So the units in this area are going to be rebuilt in the same form. The two-story offices will be rebuilt in the same form as well as the lobby. We are going to bring it back to the same form.

There is an existing walkway here that is raised and you can drive underneath that takes you from the lobby to the retail building over here. And the retail building we are going to be repairing it on the exterior. We are going to modify the front to make it look better. We are going to incorporate an arch in the middle here that simulates the lobby building and then we intend to have a green wall on this side and a green wall on this side perhaps green wall spaced apart about 8 feet and have a feature in the middle maybe a water feature or mosaic tile. So it is going to look really good.

Ms. Arinaga: I have a question. It's not about the buildings but about the landscape. Is this how it will be?

Mr. Agor: No, no it's just a representation.

Ms. Arinaga: And are you folks making an attempt to save the native plants that are on…

Mr. Agor: Yes, yes the whole landscape program is to use what's alive there if it's not in the way. Ok now this is the Shell Building three-story hotel building. This is the Alii Kai I and Alii Kai II. So let me move on to the photographs that I presented the Commission the last time. Again this is a rendering of the entire site. This is the Shell Building as it exists right now and this is a simulation of what we intend to do. Basically we are, instead of having a T-111 wall meaning a wood siding wall with a little puka in it for windows we are going to be recessing the wall approximately four foot six inches and putting a sliding glass door from demising wall to demising wall and then have a railing on the outside creating a small balcony. So basically the entire front is going to be lined with balconies.

Ms. Schneider: And what are you going to fascia the building with?

Mr. Agor: What was that?

Ms. Schneider: What's the fascia of the building going to be? The exterior cladding of the building?

Mr. Agor: Right now as it exists it's concrete. So we are just going to be patching the concrete and painting it. On this building we have a mansard, wood shaved mansard, and we are going to be replacing that. This is another view of the shell building. See how the existing mansard is dilapidated here and this is the new. This is an existing photograph of the lobby and the walkway to the retail building and this is this is the proposed lobby following the same format. Keeping the same architectural details that exists now. So the walkway would just be repaired/painted and put a new roof on it. Here is a closer view of the balconies, railing, the walls set back with windows I mean sliding glass doors.

Ms. Sheehan: Ron the walkway and that exterior commercial building was added on later though. It was not with the original Coco Palms right? It was added on 10 years later or however? Was it added on? Am I right?

Mr. Agor: I don't know the history.

Ms. Sheehan: Ok I don't remember it originally.

Mr. Agor: This is the back view of the lobby. No, no it's not it's the front view of the lobby with Alii Kai on this side and the retail building on this side. So this kind of gives you the idea of the extent of our renovation for our existing buildings. And then this is the Alii Kai building. These are the cottages again, existing photographs of the cottages. This is the view from the Alii Kai building from the swimming pool. And this is where the restaurant is existing now with the rooms above and basically we are just doing a facelift of it. This area again the shell had burnt down in July. The roof is gone. This area is gone so they are going to be rebuilt the same way. And here is the existing bridge now and then this is the view of the proposed bridge. Here is the back view of the Queen Audience Hall from the pool looking at the Queen Audience Hall. Same here this is the pool area. This is photographs of the bridge that we visited. Can I have comments now? I am just about done with my presentation. I thank you all for being patient and looking at the slides with me.

Mr. Long: I have two questions Ron. Has there been any thought given to using any of the existing foundations? I know you were going to be rebuilding some of the buildings but in the general interest of not disturbing the soil are you keeping any of the foundations or slabs?

Mr. Agor: What we are looking at is, like the cottages, is to put the building on a floating slab. For example we might do a twelve inch thick slab that encompasses the entire area of the building and compact the earth and just sit it on top of the earth. Floating slab is like for example if you take a stick and you poke it in the ground it will go down 3 or 4 inches. If you take a tile that's twelve by twelve wide and you take that same stick and poke it in the middle of the tile it goes nowhere. So the tile would act like a floating slab so that we don't penetrate the ground. That's what we intend for any of the structures that we are going to build.

Mr. Long: On the lagoon at our last meeting you mentioned that it would be cleaned by hand and you also talked about raising the elevation of the bridge so that the canoes could go under it. Is that going to recreational lagoon with canoes and kids jumping in and out of it?

Mr. Agor: I think it's going to be a function of the hotel. Taking guests to their cottages and taking the guests to the restaurant.

Mr. Long: But not recreational.

Ms. Wichman: I have a question please. In regards to what Mr. Long just brought up about the lagoon. That is another concern that I have because when we did do the site visit it was mentioned that it was to be cleaned by hand but yet I have a preservation plan here that was approved and it says that it's bringing machinery into the lagoon to excavate or to dredge out and that's not what was told to us last time we were in a meeting. So as this was dated just last year.

So has this been updated since then and I don't know but there is a whole section on the maintenance.

Mr. Agor: Yes in terms of, we don't really know what's at the bottom of it but we do know that there is trash. We do know that there is coconut leaves, coconuts and those items will probably be taken out by hand. Now if we discover certain areas where mud is like two feet off the surface then probably to remove the mud it might take machinery to do it under the supervision of Cultural Survey.

Ms. Wichman: The archeologist?

Mr. Agor: Yes.

Ms. Wichman: Ok but since this preservation plan is written and has maintenance on here that actually does quote that there is going to be machinery in the lagoon and it will be taken out by crane or by a ramp that's a lot of impact to the lagoon and I would hate to see that happen and I think that would be detrimental to the lagoon especially because we don't fully understand. I know at one time years and years ago before it was even a hotel that place has been dredged before. There has been a lot of different modification but yet there is a lot of things we don't understand about the lagoon as well and looking through the literature there is a lot of back and forth on we don't know. It could be what we think is this but we don't know for sure. But because it's in this preservation plan, if this is the latest preservation plan that is going to be followed then I think if you are going to do cleaning by hand, I mean that needs a addressed, the sensitivity. This paragraph, it's like 2 little paragraphs.

Mr. Agor: We are going to make every effort not to use machinery like I said. The plan is to cover all conditions that may come up and the last thing we want to do is put equipment in there.

Ms. Wichman: But the plan doesn't really say that. It just says that you are going to do that. So it's not clear. It would be nice if it was clarified.

Mr. Agor: Ok maybe I can defer that to.

Mr. David Shideler: Aloha kakou. David Shideler, Cultural Surveys Hawai'i archeologist addressing the specific question relating to the preservation plan dated December 2013. Indeed this is the operative plan. A question came up specific to maintenance and the issue of excavating machinery. Certainly the intent of the plan is to address the prospect of any excavating machinery as it does say in the first paragraph that should excavating machinery be used the primary concern was to avoid adverse impact to the walls of the fishpond to govern how that machinery would ingress or egress.

As Councilmember Wichman correctly noted the pond has a long history of modification including mechanical chain dragging for a month circa 1931 when we did quarrying of the pond.

I was disappointed that the lowest depth of one core we came up with a pop top indicated no grade antiquity due to settlements.

So I certainly share the concern indeed the aggressing maintenance of what's precisely to try and limit adverse impact to the walls of the lagoon feature should it be the case that any machinery would be used within the pond. I would certainly support all the work being done by hand although I am not sure that what we know about the sediments of the pond prohibits use of the machinery if it's done judiciously. The main concern was just the egress, going in and out of the pond over the fish pond over the walls of feature not to damage it. So it may be in an abundance of caution.

Ms. Wichman: Thank you.

Ms. Griffin: Do you have other questions for Mr. Shideler? Does anyone else have questions? Yes.

Mr. Long: I don't have a question. I just have a comment. In a previous meeting we were told that 2 bridges were not going to be rebuilt because you didn't want to disturb the lagoon. It appears that there is going to be a lot of disturbing of the lagoon. It was probably created with a lot of disturbance being dredged over hundreds of years so I think that properly maintain the lagoons you would want to keep it clear of debris but to use that reason as a reason not to rebuild two bridges seems a little contradictory to me.

You are going to be cleaning the lagoons. You are going to be putting machinery in there. You are going to be walking around in it. You are going to be taking out all of the debris so why couldn't you rebuild two bridges and put a couple of pilings into that? I am not saying that replacing the bridge is or taking them is a good or bad idea. It's just that the reason seems to not make sense.

Mr. Shideler: I am not sure I have a clear answer for you. There is a concern about the margins of the pond while the lagoon feature, I personally believe has been compromised, the Lagoon feature conforms to what we show in our earliest maps of Debra Kapule Fish Ponds to about 90 % but part of the former fish ponds were outside of the present day lagoon feature. And that's of greater archeological interest in my opinion than the portion that is within the existing lagoon feature.

In terms of the bridges that there was a concern to keep the abutments minimizing their impact to the sediments of the former fishpond on the margins of the lagoon feature. There has been perception that the lagoon feature is an expanse of water but I am in a pretty neutral position personally about the bridges other than mitigating any adverse impact to the margins of the former fish pond outside of the lagoon feature.

Mr. Jung: Stephen I think I can answer part of that question because one of the concerns the Department had at the time was if there is going to be any structural improvements to the lagoons because it's on the registry they wanted to limit the impact to the lagoons in terms of structural improvements. So I think that is one of the reasons why the developer came up with the concept of the abutment just so there is not putting anything in the lagoon so there is no adverse effect to the lagoon.

Mr. Long: Thank you. I have one follow up question. We received a SHPD staff report that in the application it was written that there was no adverse effects archeologically by rebuilding the structures. In the SHPD staff report I see that they do not concur with that opinion and I am curious who wrote that initial opinion.

Ms. Griffin: Thank you. We have some representatives from the State Historic Preservation Division and I will ask them to come up in just a moment and so if we can save that question that would be great. Are there other questions of Mr. Shideler or Mr. Agor on what we have seen and heard?

Ms. Wichman: I have one more question please about the lagoon. It's mentioned that there is going to be a twenty foot buffer around the lagoon except for places that are already existing connected to it like some of the existing buildings built right along the edge.

Mr. Shideler: Yes correct.

Ms. Schneider: That new building that's going to be built (inaudible).

Ms. Wichman: Yes the Kuamoo Road building as you mentioned is 10 feet away from the lagoon. So that's not included in the twenty foot buffer. So there is like all these variances with this twenty foot buffer so it's just I don't know can you explain that?

Mr. Shideler: The twenty foot buffer does have exemptions for the existing infrastructure and slabs and such things and the purpose of that was to minimize adverse impact to the margins of the lagoon feature. There are portions of the former fish pond now on the State Register.

Ms. Wichman: The new building that's going over the Iwa footprint so you don't see that as impacting the lagoon?

Mr. Shideler: That would depend on the nature of the foundation and I am sorry I don't know enough at this point in time about the nature of the foundation to give you a straight answer but we can get back to you in detail on that.

Ms. Griffin: Thank you.

Ms. Sheehan: I just had one little question. I am not sure if it should be directed to you but the swimming pool area and the new building those areas were they formally just grass because now you are actually going to excavate to put in a swimming pool or do the building. I am just

concerned about bones or iwi or anything that is found cause you can't float the concrete. You are really going to have to get down there. Have you done coring in the area where the swimming pool is going to be.

Ms. Griffin: Come on back.

Ms. Sheehan: Who do I direct that too?

Mr. Agor: The swimming pool area and its deck area will remain as is. We are just going to do patch work, sandblast it, and resurface the pool and the deck area. We are not building any new swimming pool.

Ms. Griffin: Thank you and that was Mr. Agor again for the record. Other questions?

Ms. Schneider: I have a question if Dee has his staff report or has he made a recommendation yet?

Mr. Crowell: Yes we did and the Commission heard it on January 27th and it's continued till next week.

Mr. Jung: Dee speak a little louder into the mic.

Mr. Crowell: Staff report is out. You guys didn't get the copy.

Ms. Schneider: If you can give us a quick…

Mr. Crowell: Well as I said they applied under the Iniki Ordinance exemption as it turns out maybe only about 1/3 of the buildings qualify for the exemptions but they also applied for Project Development Use Permit to cover the rest of the stuff in case it didn't. So we are going on that basis but as it turns out the presentation made at the last meeting I learned more about the project than the application cause the application was kind of thin. So I learn more and more about this project. All of that will be incorporated in additional findings.

Ms. Schneider: And Dee will these permits run with the land or will they run with the applicant if they are approved?

Mr. Crowell: They run with the land.

Ms. Schneider: That sort of leaves everybody in the lurch when they run with the land. We have learned up in Princeville. I have concerns because when they run with the land twenty years later conditions could have changed. The applicants can fold.

Mr. Jung: I think this question does pop up before the Planning Commission quite often and pretty solid common law is law that is formed through courts over time. It is very clear that the permits do run with the land and the idea is you want to focus on what the proposed use is rather than the person who is appearing before you to apply for the permits themselves. So you want to

evaluate the use right. So the use remains unless there is some kind of timeframe attached to the project. Right so the permits for example the LUC wanted to put for special permits a 5 year time limit on each permit but I think what's loss in that discussion is what happens if they put in a hundred million dollars of infrastructure but it's only good for 5 years right. So the reality is that for conditions that are imposed on the project mitigate the impact that the project will have over the duration of the structure right. So in general the permits run with the land just so you can focus on what the proposed use is rather than the person that is before you.

Ms. Schneider: Right bur so many times the applicant sells the project and (inaudible).

Mr. Jung: Exactly but just as the permits run with the land so do the conductions. So to (inaudible) on the Planning Department and Commission that those conditions are enforced.

Ms. Griffin: Other questions of our staff? Patsy.

Ms. Sheehan: Not of staff, just a comment. Ron I know that you can only do kind of visual things for us but landscape is very important to me and I think that as much as it is really hard to see what was there, what exists now those buildings have really kind of weathered into the landscape and the coconut tree grove is really important. People have planted trees there. There have been plaques on it and those are significant landscape issues that you should try and keep those trees but I think now that you are 8 feet up those buildings really need to be landscaped appropriately.

Mr. Agor: Yes.

Ms. Sheehan: And you really can't do it all in a presentation but I just want to reiterate that the landscape is really important.

Mr. Agor: Appropriate landscaping could be planted.

Ms. Sheehan: And the trees that have been planted there. This year they are ok and next year they are rubbish but I mean I think those trees that have been plaqued or you can document that somebody planted them. It's really important to keep them and yes definitely native trees but also the fact that you are so far off the ground now that needs to be taken into consideration as how you landscape. Just a comment.

Mr. Agor: Yes Commissioner.

Ms. Griffin: Other questions? I have a couple of questions and the first is for Dee, Mr. Crowell one of the things that you heard come up a few minutes ago in the presentation was the building that's being proposed to go parallel to Kuamoo Road that didn't exist at the time of Iniki and I heard some of the other Commissioners discuss you know questioning whether that would in fact have an adverse impact on the lagoon that is on the State Register and I am wondering what the staff has commented about with that.

Mr. Crowell: Well that's why we want to hear from the KHPRC or SHPD because Planning Commission and the Planning Department does not have that expertise at this point as to what to consider when new buildings get built next to a historic structure.

Ms. Griffin: And you know most, many of the buildings that you described for us are really not what we would typically consider historic. I think there may be an argument that the site itself is historic as its grown but from our meeting notes last month we were looking at a specific number of structures that were over 50 years and one that said is being repaired, is the chapel but we are not hearing anything about the important parts of rehabilitation or restoration in historic preservation. So I am still in the dark about the materials being used. The changes being made, all of the things, Our Secretary of Interior Standards talks specifically about keeping everything that you possibly can and replacing with like materials when you can't and so forth and I am still really in the dark about the chapel.

Mr. Agor: Ok I thought I explained the last time. The chapel will... the structure is pretty good. All we are going to do is put hurricane clips on it and we are going to be sanding and painting the main structure. The roofing will have to be replaced and re-thatched but basically it's going to look exactly the way it is. It's sort of a half way open structure and we are going to leave it that way.

Ms. Griffin: Ok any final questions?

Ms. Schneider: I do have concern about that new building. You know the shadow that it's going to place on the lagoon. Dee can we in some way could we approve the rest of the project and hold off on the building of that new building> Can they come back for the new building?

Mr. Jung: I think, Dee before you answer that question I think we need to train our focus in on what the roll is here. The new building isn't an historic structure so it is sort of outside the purview of the Commission but what I think you are getting at is what are the visual impacts from Kuamoo Road to the historic lagoon right? And I think you know I would understand if there is a walkway along Kuamoo Road that you would want to maintain the visual impact from the roadway but maybe a better question would be whether the hotel is going to be open for the public to traverse through because that's how maybe you can mitigate the impact of not being able to view it as you drive but if you want to park and view it and walk through it and see it.

Ms. Schneider: Actually that is not, my concern is the shadow that it's going to place on the lagoon.

Ms. Griffin: I am wondering if at this point we can have the State Historic Preservation Division cause I suspect that they will be able to explain to us what their thinking is and edify some of our questions. Thank you.

Ms. Aiu: May I just ask Anne a question, I don't understand you concern about the shadow. They like to go in the shadow. That's why you fish in the morning and then you fish in the evening cause that's when they come out.

Ms. Schneider: I just know that when we were there it was beautiful and the shadow went to one side when you have that big building there blocking the sunlight it's going to change whole ecology of the area that's all.

Ms. Griffin: May I have our SHPD folks up. Thank you for coming.

Ms. Jessica Puff: I am Jessica Puff. I am architectural historian with the State Historic Preservation Division. I focus solely, mostly on the Federal Regulatory side projects.

Ms. Anna Broverman: I am Anna Broverman I do 6E and the Certified Local Government Program.

Ms. Mary Jane Naone: And I am Mary Jane Naone the archaeologist and also Kauanoe Hoomanawanui is here from the Burial Site History and Culture Branch.

Ms. Griffin: Thank you. We have gotten 2 letters from the department and I would like to have you all explain them and if there has been any kind of changes since they were written or any additions. Now is the time.

Ms. Broverman: Do you have a copy of the 1st letter?

Mr. Jung: That's the October 15, 2014 letter.

Ms. Broverman: Ok so for the first letter that's dated October 15, 2014 we were approached by Ron and David Shideler about removing the bridges that are currently on the property and I think they were concerned because if you have any type of effect of historic property that's listed on the State Registry you have to do an environmental assessment so they wanted to consult with us to see if we had a concern about these bridges and we had a couple meetings. I talked with Ron and I think we decided, the way they explained it the new bridges were going to be constructed outside of the walls and the banks of the lagoon. So whenever they did construction they were not going to impact the existing walls or any type of, they weren't going to have any type of pillars into the bottom of the lagoon. But Mary Jane and Susan Lebo our other archeologist didn't have enough time to really review the application and in this letter we ask for more time. The second letter?

Ms. Naone: The second letter, so meanwhile, and I apologize I feel hopeful on the part of SHPD in that trying to coordinate between the different branches in review of the project has been a little bit challenging and coming in as I did Mike Gushard had done some consultation with Ron before about Coco Palms project but I wasn't aware of how much or some of the meetings that took place over email or in person. But what I have learned is that the plans have changed a few

times and so when I wrote this letter it was actually, it says archeology and architecture it should be archaeology and history and culture. I had the impression that Ron was working with SHPD on the development of the construction plans based on my conversations with Mike and Anna. You know subsequently I realized no wait they haven't had the opportunity to comment and I contacted the County and said we need to make another comment. We need to issue another letter because architecture needs to weight in. So then we wrote the next letter, the January 26th letter.

So the January 8th letter was written from two branches of SHPD then I consulted with the architecture branch and requested a little bit more time and issued the 3rd letter. And so the third letter reflects the comments from the 3 branches and what we would see is the next step towards a review and you know I apologize that it has taken some time and I know that there is a 30 day review for these permits but this is a major project and there is some really significant historic properties here and I think that doing the proper planning now at this point is going save so much trouble down the road rather than just bulldozing the permit through and then having to deal with the consequences of impacting a burial ground, or the lagoons. We don't want to make any regrettable decisions.

Ms. Schneider: So Mary Ellen in this letter have these conditions been met that are stated in here?

Ms. Griffin: Just for the record can you review what's in your letter and the hesitation or recommendation approvals that you are identifying.

Ms. Naone: Well first because there has been some various incarnations of the plans we have asked for a revised scope of work for the project. For instance how can we assess what kind of effects are going to happen on the lagoon if we don't know what the buildings next to the lagoon is going to be like? So more details about the construction of the new bridges; filling in areas near the lagoon; dredging of course.

We also had some questions about whether Federal permitting was involved in this at all. We have been told no but that changes it considerably as you know Section 106 would be applicable and Jessica can speak to that a little bit.

Ms. Puff: So it appears that this project, there is a potential that an Army Corp permit may be involved with this project due to any activity happening in the lagoon. As I understand the Federal Clean Waters Act any lagoon that's constructed that isn't, that doesn't meet the Clean Water Act requirements could be subject to Army Corp Permitting Regulations and Clean Water Act compliance. It's not clear at this point in time if the lagoon for Coco Palms does meet those requirements if it's ever gone through a Clean Water Act/Army Corp Section 106 Review in the past or if this was constructed prior to the National Environmental Protection Act, the Clean Water Act, or the National Historic Preservation Act which could all be possible. That would not

exempt current construction projects from having to go through this review. They wouldn't be grandfathered in because they have been constructed before these laws were passed.

So that is something that we need to clear up and whether or not the Army Corp does get involved if there is dredging involved we need to know whether or not the water source for this lagoon participates in any way to the natural water system. If it's attached to an underground aquafer, stream, anything that the water could be considered navigable. So really need that kind of cleared up to determine whether or not this needs to follow 106 or not. If it does we would have to go through the full 106 consultation process with SHPD separate from the Chapter 6E Review Process. So if that is not confusing let me know.

Ms. Broverman: Sure I have requested intensive level survey of the structures on site because we need to be able to see if these structures are eligible for the State Register as well as the lagoon before we make any type of determination on the proposed project. At this point I don't have the knowledge to know if they are still eligible or not. So we need to see a determination and then once reviewing the information we will make a concurrence or not concurrence with that determination.

Ms. Naone: And then the fourth item, I don't know Kauanoe did you want to talk about the Burial Treatment Plan. It's the one we had originally had asked for a discovery…

Ms. Griffin: And Kauanoe can you please begin by...

Ms. Hoomanawanui: Sure. Kauanoe Hoomanawanui of the State Historic Preservation Division, History and Culture Branch. Previously the Burial Program. I am not sure if the preservation plans have been approved or any of the older EISs have been approved. And as far as their existing Burial Treatment Plans from the past and if they should be revamped again as far as after her conclusion and then I can see if they will ask for a general burial treatment plan addressing all of the burials again and as far as an existing reinternment sites that are in those plans, if they are not in the EIS as far as stating or if the EIS doesn't push out an of the reinternment sites which I am sure it will in all our inventory solutions the burial treatment plans would have to be brought up again to our Burial Council as far as being previously identified. However, during the fencing monitoring project that they recently had they had inadvertently discovered burials again. Currently I haven't received any plans or any type of mitigation from CSH which is the acting archeologist right now. I am not sure if they are secured permanently as far as being liable for these plans that are coming forth.

So the Burial Treatment Plans for inadvertent and previously identified we have yet/await to see. And prior to the old EISs I am not sure how far back they go. We do have a time span of maybe 10 years before we have to revisit that aging due to conditions again with your landscaping suggestions making sure that none of these areas are impacted cause generally through the History and Culture we understand that Coco Palms is a burial site itself and the community had agreed originally to allowing Coco Palms because that's what we were doing. We were sharing

aloha through different ways and that was one of the ways we decided to share aloha. And unfortunately natural disasters, and that place will hit every natural disaster that you can think of. So you would have to come up with something that can withstand that cause forever we will be challenged with the burials fact.

And I am not sure if we can preserve the coconut trees but they are definitely part of the National Historic Register right they still have to do. And the light impacts that they have on the site I am sure the architecture folks will analyze because it is impacting it if it is registered as a landmark. I am not sure exactly what it is. And the whole lobby is an internment as well. It's been known through myth on Kauai that the rock walls are also inclusive of having burials being constructed with the sediment that was to construct the walls.

So these are all concerns that you might come up as they go only because it's heavily sensitive to burials. And how they, I am guessing construction has changed as far as limited impacts because of the type of architectural style that they chose to use which was viable to them for having this resort. Cause every, that I can see in consultation throughout the years they have mitigated ways to work around Coco Palms because of its cultural sensitivity and its cultural nature that I am sure it's trying to perpetuate.

So hopefully you know the burials can be addressed and the monitoring plan, if there is one, needs to be very secure as far as what they are going to do. Who they are going to call and if they have a reinternment sites, existing reinternment sites if they are possible to use again. So I mean any recommendations that can get them back in the Burial Council back live again acknowledging these burials that would be my suggestion.

Ms. Naone: Have they contacted you to get on the agenda for the Burial Council?

Ms. Hoomanawanui: No I don't think they have any plan to submit until archeology kicks out something. Unfortunately the burials are kicked out of the EIS even though the CIA, which is the Cultural Impact Assessment you do have the chance to acknowledge burials or anything cultural that's relevant to that. But unfortunately that's oral traditions so it's not paper that's legible to attach to the plans. So until the plan pops up you won't know that the oral traditions have stated that these are culturally sensitive.

Ms. Naone: So we are still waiting for them to put it on the agenda.

Ms. Wichman: So Cultural Surveys would be the one to write the burial plan.

Ms. Hoomanawanui: I am hoping so as far as how they are going to approach with the archeological part because I can't mandate to have a burial treatment plan unless they are addressed through the archeological process.

Ms. Wichman: So you are saying that is usually done through the monitoring.

Ms. Hoomanawanui: It depends how they kick out the permits. If it is going generally through an overall EIS that evaluates everything in present conditions and the laws impacted again as far as regulations and then keeping up with that and then coming forward to decide what the next step they are going to take if that encompasses a monitoring plan. If they address, if the EIS or whatever recommendations archeology says usually they tell them at that point come see me we are going to do a burial treatment plan. Until she says that for the previously identified burials I won't be able to access the burials.

Ms. Naone: We did. We said in the letter in September about the inadvertent discover and then we asked for it in this letter.

Ms. Hoomanawanui: The inadvertent discovery is separate though. It's a separate process than previously identified through the EIS. So if we get it inadvertently it doesn't go to the Burial Council generally it's a department jurisdiction. So unfortunately unless the Burial Treatment Plan that address the whole APA that would have to be kicked out of archaeology. We won't be able to anticipate until it is inadvertently discovered. So that's a different process too and we don't want that, for it to be impacted for us to be notified. So that's something where we have to make this part strength as far as coming forward for them to address the burials and make sure that we are ok with asking for that.

Ms. Griffin: I am going to ask for any response from the applicant but are there other questions of our State Historic Preservation Division people?

Ms. Arinaga: Thank you. I have a couple of questions. When the most recent iwi was found was there a treatment plan or was there a plan for that?

Ms. Hoomanawanui: No we are waiting for, that's why I am letting her know this is an inadvertent discovery plan that we are anticipating. Not a burial treatment plan for previously identified.

Ms. Arinaga: So where is the iwi right now?

Ms. Hoomanawanui: The iwi is still in the ground.

Ms. Arinaga: It's still in the ground and so was the job stopped?

Ms. Hoomanawanui: The job was stopped but unfortunately the contract was stopped with the monitor on hand. So that's where I am saying I am not too sure if CSH is locked on as the responsible archeologist or consultant. So I anticipate to find out if they are locked on to be responsible for addressing this plan. I am guessing the last time we went through this it was a different landowner that came forward when the actual iwi was discovered in 2012 I believe.

Ms Arinaga: Ok so my next question is this proposed building that will be on Kuamoo Road, what do you folks you know what is your thinking on this? Obviously an iwi has been found. It will be found throughout the property right. So the construction of a new addition…

Ms. Hoomanawanui: My light recommendation to that is that it impacts the original footprint, most definitely. It impacts the visual that we have had forever. It impacts the coconut trees that is demarcated already as far as what's marsh, what vegetation is necessary to keep that coconut grove intact. I am not going to recommend it in paper but I will state that I disagree with anything new other than the original footprint because of the sensitivity of having burials everywhere. Not to mention a little bit older oral history a lot of the burials are the trees in that has been perpetuated long before we could have documented or even the common myths of the early 1900s. That's further on even the plaques. You can pull em out disintegrated in the roots you wouldn't even identify the burials at this point in time thousands of years.

Ms. Wichman: With all of the impact going with the posts for the new cottages because of the FEMA requirements, I mean there is a lot of digging going on. Those post holes are not going to be…

Ms. Hoomanawanui: Well if he's stating those concrete stabilizers I'd like to see a simulation you know of how you are going to take the impact, how it's going to impact the ground if you can come up with a digital thing like that. Give me something that's a video where we can press play and see the impact, but no digging whatsoever. Not to mention when the take down of the reconstruction that's more architectural a lot of stuff is in that walls. A lot of stuff is known you know its prior laws you know this construction you. So you know it's very sensitive. As far as even accomplishing the restoration or reconstruction I mean it's a long shot. I believe it's worth it you know as far as the community meeting it's known as a community area and too bad it's not a big recreational community park you know for the community cause they definitely need something.

Ms. Griffin: Mr. Deputy County Planning Director having heard from SHPD and that sense of time and so forth how does the next Planning Commission hearing scheduled impact the questions that you are hearing from them and in their letters?

Mr. Crowell: I don't know exactly what you mean by that but you know I believe the Planning Commission is having the same issue of wrapping their arms around this project as you guys are. A lot of questions in their mind and some they don't even know what their questions are at this point because it's as I said there is a lot of moving parts to this project but that being said there is a deadline.

Ms. Schneider: And when is that?

Mr. Crowell: March 10th.

Ms. Schneider: Was the applicant (inaudible).

Mr. Crowell: Right.

Ms. Griffin: So if after the fact it's determined that Section 106, Army Corp of Engineer should be part of the process what happens?

Mr. Crowell: If it happens after Commission action, say well if it's denied then it's moot but if it's after Commission action they still have to comply with Federal Regulations if it applies.

Mr. Jung: There is a general condition that's always imposed that if there is anything that pops up relative to any additional comments or requirements from any State, County, or Federal agency then they have to do work within those requests and comply with them.

Ms. Puff: One thing to add if this does trigger 106 this could also trigger NAGPRA the Native Burials in Repatriation Act for the Federal Government. So it would have to go through that process as well and clear both Section 106, NAGPRA, and potentially go through some NEPA which is the National Environmental Act as well. So there is 3 Federal triggers that could be triggered by an Army Corp permit.

One other thing that I wanted to bring up in terms of your question about the new building in terms of the its look, feel, size, scale, how it fits on to the whether or not it will fit on the existing foundation or the I can't remember if the foundation was still there from the previous building but under 6E and 106 both you can use the Secretary of Interior's Standards that you were saying earlier to kind guide you into potential recommendations, stipulations, or conditions in terms of making sure that the new building is compatible with historic properties. That is one of the Secretary of the Interior's Standards for Rehabilitation of historic properties. So that would be in compliance with SOI standards and it would be possibly appropriate here. So just to let you know there is that sort of segment to review.

Ms. Griffin: Thank you. Are there questions of our SHPD folks? If not, yes Stephen.

Mr. Long: I had a question that wasn't answered and that was in the January 26 letter it says while the permit application states that no archeological or historic properties will be affected by the project SHPD does not concur with this assessment and I asked who is the author of the statement that no archeological or historic properties will be affected by the application.

Ms. Hoomanawanui: What date was the letter?

Mr. Long: Who is the author of the statement that no archeological or historic properties will be affected by the project? Who is the author of that statement?

Ms. Naone: Well it wasn't our…

Mr. Dee: It was in the application.

Ms. Griffin: Maybe the applicant can answer that. So perhaps would the applicant like to respond? Do you have responses to anything? You have heard thus far for explanation. Thank you so much. Come up and we appreciate it and while Mike is coming up I just want to give our appreciation to our Deputy County Attorney cause we did take a field trip and I know those things are not easy to coordinate especially when it's on private property and we were grateful to Ron and the others of you who managed to pull that together for us.

Mr. Michael Belles: Good afternoon Madame Chair, for the record my name is Michael Belles representing the applicant Coco Palms Hui, LLC. My signature appears on the application so I am responsible for the application. It's not a case of (inaudible) I have reviewed the entire application and before it was submitted and I agreed with the language in the application but I think in fairness to myself you have to look at the entire application to appreciate the phrase no adverse impacts. It did talk about the entire application. It talked about historical sites, cultural sites, as well as archeological sites and we do recognize that with the type of improvements that were being proposed largely repair and renovation with the exception of a few new structures that had to be elevated as a result of FEMA as well as the one that's being proposed to be located closest to Kuamoo Road.

There has been some comment that no buildings has ever been there before. That's not true there has been a building there. It was taken down during the AMFAC time. We don't know exactly when. We are guessing between '75 and '85 at some point there was a large building there that had residential units in it. It was not spa or fitness center as being proposed now but there was indeed a building located on that site. And throughout the entire application process we know it was clear from our client that the intent was to have as minimum amount of disturbance of the ground as possible and for those reasons we came to the conclusion that no adverse impact but again in the context of what we proposing to do and what was being proposed on the site and what was being representing to us on the plans that we reviewed.

So I stand by my statement and my belief is that there will not be adverse impacts with the monitoring that's in place, with the studies that are required, and the other conditions that are proposed to be placed on any application should it be ultimately approved by the Planning Commission. So with those safeguards in place it was my belief that this project could be rebuilt/renovated without having adverse impacts on historical, cultural, or archeological sites. That was my intention. If the understanding by some people was that it was a cavalier statement on my part that oh don't worry about we are just putting paint on the buildings or put lipstick on a pig and that was going to be the end of the story. That was not my intention and I apologize if there was a misunderstanding in terms of what the understanding was cause the application spoke for itself with the level of the exhibits, the luminous report, and it talks about mitigation as well as the actual process of rebuilding and renovating this project and in consideration of what was being proposed and approved back in 2005 it was my belief that this proposal was largely a rebuild and renovation as opposed to a tear down and rebuild or largely the entire project on the

2005 application in contrast I felt this was a much better proposal with the building and the entire project looking for the most part like it did prior to Hurricane Iniki.

Ms. Griffin: Thank you Mr. Green did you want to add anything?

Mr. Green: Yes thank you. Just a couple of comments in addressing the bridges you know our hope was to do this the most least impactful thing possible and when we looked at the 2 wooden bridges on the north side of the lagoon there it didn't seem from a guest experience it didn't seem like they enhance the guest experience and then for us to go in and have to shore those up again it would require some heavy machinery in there and so we figure it like a road if you don't need another road why have another road. So it was that same approach we took to the lagoons we believe it opens up the lagoon more and offers some better view plains and we didn't feel that those bridges on the north side would get used very often and so that was the decision to take those 2 out because the two that are cement bridges that exist today seem to offer plenty of area for people to be able to travel back and forth across the lagoon.

In reference to the queens lagoon building you know in my opinion any kind of view plane of the lagoon is going to be at grade and so in one way we are fortunate that FEMA is asking us to elevate those buildings because you have got an 8 foot space there between the grade and where the building actually starts it still opens up and keeps that view plane there. And I think the comment was made that you know in really getting a sense of the lagoon it is our hope that everybody comes and visits those lagoon and not just hotel guests it is a community project and Coco Palms is about the community and it is about Kauai. So hopefully instead of driving in your car as you are in traffic and should be paying attention to the road and not looking at other things you come and you park the car and you come and fish for tilapia with us at Coco Palms and that's what Coco Palms from my understanding was always about. It's about getting the community there to be able to enjoy those special and sacred lands.

The other thought from the cultural side was we understand the sensitively of this property and we understand it is a delicate balance and so to that end we will have the cultural component of the property we are actually deeding four acres of the land to a cultural advisory committee that will help us perpetuate all of these things that we are talking about. So it isn't just specific to the development. It is specific to hoping that Coco Palms we can bring back what Mrs. Guslander was so successful in doing and that was just bringing the essence of Coco Palms back.

Mr. Belles: And one finale comment I would like to make and that is that I don't want to give the appearance either that we are resisting or pushing back or opposed to the comments or the recommendations of SHPD in their letter and the 5 conditions that they are imposing. The intent all along was to comply with the requirements. The one issue that we took to them and asked if there was any flexibility or discretion on their part was when they made the comment which preceded the 5 conditions which is that SHPD respectfully requests the completion of the following prior to issuance of any permits which would include the SMA permit. Our belief and

precedent and historically significant projects is that its prior to the time of building permits because we know we have to comply with all Federal, applicable Federal, State, County laws and if we don't do that we go to jail. We get fined and it's not a fun experience for anyone so we appreciate that but with the deadline looming of mid-March we didn't feel it was fair or appropriate to hold up the SMA permit and the other reality is if you look at this and take it to its extreme logical conclusion conditions can be imposed by the Planning Commission which we have no knowledge of now which could change the appearance and the design of the entire project or a portions of the project. So for us to make representations today about how something is going to be, this is simply our proposal how the Commission will ultimately react to our proposal and act upon it, what conditions they may impose could clearly change what we are going to be reporting on and that's why we felt it would be more appropriate to have the thresholder of cutoff be of time of building permit to give us the opportunity to work with SHPD, work with Public Works, work with any other agency that would be reviewing this. Government agency and do I the appropriate way. We felt it was premature now to be going through a lot of these studies which may be affected by the ultimate decision of the Planning Commission. Thank you.

Mr. Long: Thank you Mike. I would like to thank you for coming out and clarifying the application. Also we all appreciate the complexity and sophistication of this project over decades. My comment is that it is just a little disconcerting as a Commissioner and a member of the public when you see a letter from SHPD and in all we do not concur with the applicant's statement and then someone went in and put in a dust fence and dug a hole in the ground without a permit and you know found human remains. So it is concerting.

My personal follow up comment is in our last meeting you requested that we consider making comments to the application and yet supporting SHPD's recommendations as the project moves forward. We don't have all of the studies and recommendations from SHPD. We have a time constraint with the Planning. I am sure the developer/owner has their concerns. So it appears to me personally that there is a lot of attention and focus from the right parties on this project. Now SHPD is involved they are doing their studies and personally I would endorse that request that we make comments at the meeting and defer to SHPD's recommendations as the project moves forward.

Ms. Griffin: Does anyone else comments or questions of the applicant or SHPD at this point? Yes thank you all very much. Mary Jane come on back up and then I will ask if there is someone from the public who would like to testify.

Ms. Naone: I would like to just clarify one point and that's regarding permits and conditions. My understanding of 6E and the reason why we review things before the permit is issued is because that is our power. If we issue permits with conditions attached we have no way to follow up. In fact there is plenty of examples of how this has happened. We just don't have the capacity and often times when people get a permit they are gone. They don't follow up and we already have

made a request for you know the inadvertent discovery that wasn't followed up in our review letter for that after the fact dust permit. So it's not that we are trying to be inflexible but that's actually the way legislation works. That's the way 6E works. There was another thing I was going to say now I forgot. Give me a second.

Mr. Jung: I think just to dovetail on that the legislation does work 2 ways and that's why there was a pretty interesting manual that was put on automatic approval issue. Just as there is time constraints on the County there is also time restraints on SHPD. So if there is a situation where things come up and things are submitted and the government agency take too long to review it then the other agencies are put in a situation where ok what do we do know cause we didn't get timely comments from one agency. So that's the thing that has to balance out here and I think that's why it's good if we can work with the applicant to get more time to get these things done. So there is a balancing task. The legislature requires one thing but the legislature also balances out another thing but get it done timely right.

Ms. Naone: Well I will also add that we are I mean all these things, none of these things are incredibly cumbersome to achieve. I mean they could be done right now. They could be being worked on while we are arguing whether or not they should be because you know if, I would ask this of the County if you do issue the permit would be conditioned that these are after that we could engaged in some sort of written agreement with a timeline.

Ms. Griffin: Thank you. Is there anyone in the public who would like to come up and testify? Seeing no one at this state Commissioners any further discussion?

Mr. Jung: I think just so the Commission understands where this is at. This is before the Planning Commission coming back up Tuesday so the option of the Commission is you can take action but it seems like you don't know what to take action on so you could either defer or make recommendation consistent to what SHPD will request as requested by the applicant.

Ms. Griffin: Thank you. As we have talked we did, there was several questions about the lagoon and the relationship of the new building to the lagoon and the State Historic Preservation Division's concerns, requests, and recommendations just to get things going. Mike come on up, excuse me.

Mr. Belles: Again for the record Michael Belles representing the Applicant. I do welcome the last comments made by the representative from SHPD and I do think that offer is a possibility of a compromise or some way of helping to resolve this to the satisfaction of the reviewing State agency SHPD and the applicant in talking to the archeologist our consultant representative David Shideler between now and Tuesday for the Planning Commission meeting.

I know it doesn't help you here today but the offer was made that if we could sit down and work out some sort of a timeline or stipulation as to a schedule for satisfying each of this five items to me that's reasonable to sit down and sit down with some meeting of the minds because some

things clearly can be done and just so you know as we speak a lot of these items are being worked on. Consultants being engaged in one item that is entirely new to use but we have consultants on board that can deal with at least 4 of the five matters.

So if we can get a time frame that both sides can agree with and live by and have again the final safety net be the building permits and the building permits aren't issued until both sides sign off on this that seems to be to have leg so to speak and would be a viable and reasonable compromise that if it satisfies SHPD I think the applicant is willing to pursue that as soon as we can come to some again meeting of the minds.

Ms. Schneider: And this would again include a burial plan?

Mr. Belles: All 5 conditions.

Ms. Griffin: And do any of the 4 of you have a response to that? Or have you heard about that?

Ms. Naone: We would definitely have to run it through our Administration about that.

Mr. Jung: I am sorry we actually have to record this so if someone could come speak to the mic.

Ms. Griffin: And the first was Mary Jane saying that they would have to defer to.

Ms. Puff: Yes I don't think any of us are in the position where we can definitely confirm that we can definitely have to defer it to our Deputy SHPD Director Dr. Alan Downer for his opinion first. Additionally, I don't think that any of wouldn't be agreeable to trying to work something like that out but we do have to take into consideration that all of this deliverable documents should be complete and true and go through the appropriate review process to make sure that all of the information was properly you know represented within the documents and they meet our standards. So we would have to work that out and everybody would have to be open to working out a timeline so we have a real and true complete document and one of the many reasons for that is because they inform future projects. So we can't cut corners on this one because it could potentially affect projects every after.

Ms. Griffin: Thank you. And that was Jessica talking for the record. Does our Planning Department have any response to the offer and the concept?

Mr. Crowell: Whatever the Commission will do is fine. You know you could say prior to building permit approval that they submit for review and approval whatever they need to address all 5.

Mr. Jung: I think because SHPD is the experts here right so normally the idea is to defer to the expertise of the agency providing the comment.

Mr. Crowell: So before building permit approval you want a letter from SHPD stating they complied with all 5 conditions.

Ms. Griffin: Thank you. Discussion within the Commission? Yes go ahead.

Mr. Crowell: The flip side of that if complied with these conditions the project substantially changes the project would have to come back to the KHPRC.

Ms. Griffin: Ok so a couple of you have talked about wanting to follow/concur with the recommendations from the State Historic Preservation Division and their issues. There just for starts. If there isn't discussion is there a motion that we can bang around?

Ms. Aiu: Madame Chair if you will entertain that motion I will try it and people can help me out here. I was here went the Pakis bought Coco Palms and I was there at the meeting, went with the Mayor. I was on this commission when the other people came in and wanted to fill up the lagoon. So I am really happy to see that the present developers are trying their best to keep as much as they can but the essence of Coco Palms, so many in the community want the Coco Palms to come aboard. On my street alone there is 5 people who either worked for the Coco Palms or had something to do with the Coco Palms.

I gave a little talk with these high school kids about the Coco Palms; I was thinking what am I going to say to these kids and I realized that you know they are like 18 years old maybe, they never ever saw the Coco Palms. They know nothing about the Coco Palms. They don't know that your handsome husband in his white clothes was the manager. They don't know that Mrs. Guslander in her goodness she hired all these Hawaiians and some of them didn't have education and you know she did so much.

As I go into the community I was talking to the Sheldon girl and she is so anxious to apply and so I want to see this come aboard. I respect everything that is there. I have all of Kalani's work. He worked so much on this I called him on the phone. We talked about this feeling comfortable about what is going to be there. I definitely don't want to see a park. I don't want to see this any kind stuff going on. I think we should worry more about what's going on in places like 'Anini where they are going to close the gets.

Ms. Griffin: Danita stick to Coco Palms girl.

Ms. Aiu: No but just in what's going to happen. So Coco Palms is open. We are able to come there. So I move that we accept the plans as presented with the caveat that the SHPD requirements must be met and that's how you said about before, could you help me with that?

Mr. Crowell: Prior to building permit submittal that the applicant obtain, well the applicant submit for review and approval by well…

Mr. Jung: I think you there is the opportunity for the applicant to work with SHPD right? So if they are going to take that angle that it will have to go back to administration on it then you may want to, you could couch it as comply with the requirements set forth by SHPD. Because they are going set forth requirements as a part of the 6E process right? How those requirements have

been met will be conditioned on the project that they are going to have to comply with. So I think if you just have it conditions of they are going to meet the requirements of SHPD would be…

Ms. Aiu: So could you help put it in…

Ms. Griffin: I think I from what you said. Let me see if I can repeat what you said. That you move that the KHPRC accepts the plans as presented with the caveat that the applicant comply with the requirements set forth by the State Historic Preservation Division prior to being given building permits.

Ms. Aiu: Is that strong enough Ian? Does that sound good?

Mr. Jung: I mean it's your motion (laughter in the background).

Ms. Aiu: I said I need help.

Mr. Long: Reviewed and approved prior to issuance of the building permit.

Mr. Jung: Yes and that's one thing but what SHPD is saying is they want it complete before the Planning Commission issues the permits but there are elements of mitigation commitments and plans that become in play that are now requirements that will be conditioned out of the Planning Commission permits. So it's up to you. It's your motion. It's a recommendation to the Planning Commission and then in the matter of what we are looking at. In 5 days something could happen and they could work something out before the Planning Commission hearing. But the Planning Commission still has a number of questions. So it's set for February 10th and then they still have another meeting before we hit the deadline before asking for consent to defer for more information. Right so it's your decision. It's the body's decision how you want to approach it. But the key is in compliance with recommendations from SHPD.

Ms. Aiu: Right that would be the key.

Ms. Sheehan: In compliance though with SHPD's recommendations or any obligations that come out of the Planning Commission? What else would be based on SHPD's recommendations?

Mr. Jung: Yes more or less. It depends on how the Commission acts on it.

Ms. Sheehan: We want to include all of it. We want to include the what if after the Planning Commission is finished, whatever they imposed too.

Mr. Jung: Yes but those will be tied in. Other conditions such as traffic impacts and things like that will be tied in to the Planning Commission permit as well but I think the focus her is as they weighed their review through the historic preservation review process that the documents have been reviewed and ultimately approved and then the commitments that are made as a part of preservation will be generated through SHPD.

Ms. Griffin: Now I heard 2 words and I am not sure whether you want one or both and that is comply with and complete the requirements set forth by SHPD?

Mr. Long: And reviewed and approved by the department prior?

Ms. Griffin: I really write slowly.

Ms. Aiu: That's alright we think slow is better.

Mr. Jung: I think just for formality sack you should restate the motion just so we are clear and make sure we got a second before we get discussion.

Ms. Griffin: Thank you. Ok it's my understanding that Ms. Aiu has moved to accept the plans as presented with the caveat that the applicant comply with and complete the requirements set forth by the State Historic Preservation Division and reviewed and approved by the Planning Department prior to the issuance of the building permits.

Mr. Crowell: Well I don't think the Planning Department would approve the plans. What we would want is a letter from SHPD saying that they met all of the requirements, all of SHPD's requirements rather than have the Department or the Commission imposed their own kind of requirements.

Ms. Griffin: So the applicant comply with and complete requirements set forth by SHPD with a letter to the Planning Department stating that completion prior to issuance of building permits.

Ms. Arinaga: Second.

Ms. Griffin: It's been moved and seconded. Further discussion?

Mr. Jung: It's up to you but you can suspend the rules if you would like.

Ms. Griffin: Ok I want to start by the Commission. Questions? Comments?

Ms. Schneider: Could we add something about the setback about the Queens Lagoon?

Ms. Griffin: You can amend the motion. Can we have do different motions rather than amend this one and have two memoranda come out?

Mr. Jung: It would probably better to have one and then amend the motion.

Ms. Griffin: Ok.

Ms. Schneider: I would just go with the motion.

Ms. Griffin: Other discussion?

Ms. Sheehan: We would be in the loop of what comes out of SHPD that is required that the applicant will be required. We would just in the loop of understanding what the requirement is?

Mr. Jung: I think what would happen, Shan when is the next meeting?

Ms. Griffin: March 5th.

Mr. Jung: March 5th, ok so the next Planning Commission meeting I believe is we have February 10th, February 24th, and then there is March 10th right so there maybe if the Planning Commission takes time what you can do is we can schedule it for updates as to what's going on.

Ms. Griffin: Is it possible to request, it wouldn't be part of this motion but to get a formal request to SHPD that we be updated is that what you are asking Pasty?

Ms. Sheehan: Yes, yes. I mean we can't comment on it but it would be an update.

Ms. Griffin: Why don't we talk about that after this motion cause they are slightly different. Ok so other comments on the motion? And I will suspend the rules and ask for any last comments from the public and SHPD.

Ms. Hoomanawanui: Kauanoe again from SHPD. So not only do I take care of all the burials but I manage the Burial Council Commission. So depending on the track that the archeological side takes if it does come before the Council it's all a lengthy process as well. So I am wondering what are your existing timelines with the Planning Commission.

Mr. Jung: The Planning Commission issued to request for comments to the agencies in October right Dee. So since October and then the matter was reheard so we have 60 days to take action from the receipt of the Director's Report which occurred in January 13th. So March 10th would be the deadline unless the applicant give us more time or the Commission requests more information.

Ms. Hoomanawanui: Ok so if anything they have till what's the due date? March 10th to come forward again to the next meeting again with all the requirements filled?

Mr. Crowell: No, well I think the motion as stated was before building permits issued they get all their burial treatment plans, and all that stuff.

Ms. Hoomanawanui: And when does that occur after the recommendation or anything happening…

Mr. Jung: Ok so then what happens is if the, cause like Honolulu you got one permit right. On Kauai there is actually 2 permits. So you get the zoning permits and then you go in later for the building permit. So they are bifurcated because we have 1 Planning Department and one Building Division of the Department of Public Works. So once they get their discretionary permit reviews then the conditions get attached. So like if the commission tinkers with like the

building for example and it gets moved then they are going to have to readjust where they are going to have their construction plans set and bring the construction plans based on what Planning said to the Building Department. The Building Department would then route the building permits to the various agencies including the Planning Department to sign off and Planning usually will not sign off until they are all complete of the conditions as required of the zoning permit itself.

Ms. Hoomanawanui: Ok so regardless of the condition dates their deadline is pending on the review for the building permit.

Mr. Jung: They got to complete everything out of Planning Commission first.

Ms. Hoomanawanui: So the motion wouldn't go to any Planning permits? It would go just basically to the building permit of whatever they are coming forward? It's a building permit not any.

Mr. Crowell: No but Planning Department is part of that building permit process. So what happens is the building permit application comes into the Planning Department and then we look at it and see that they met all the conditions of Planning Commission approval.

Ms. Hoomanawanui: And that is prior to any other Planning type of permits that they would be coming forward for in the future after the building permit is.

Mr. Jung: They wouldn't be able to construct until they get all of these permit requirements.

Ms. Hoomanawanui: I am just trying to gather a good timeline knowing that we have a commission as well that will be within the loop of deadlines as far as our review process too that's times 3. I am not sure how their review board. I am just saying you know what is the deadline for all of us to get this together.

Mr. Jung: Well the deadline would be they got to complete what you folks would require before we would sign off on the building permit.

Ms. Hoomanawanui: And that duration is not limited?

Mr. Jung: Right.

Mr. Crowell: Whatever it takes.

Ms. Hoomanawanui: So we are not restricted to a timeline right now based on this motion?

Mr. Jung: No, not for construction building permits.

Ms. Griffin: Ok thank you. How do I get back from recess?

Mr. Jung: You are back on there is.

Mr. Huff: Your question about whether or not SHPD would give you updates about some of the deliverables. Were you asking about whether or not you folks could comment?

Ms. Griffin: Let's wait until this motion is finished and then we will get back to you. Ok anything else on this motion?

Mr. Jung: It has been moved and seconded. Sorry.

Ms. Griffin: It has been moved and seconded for the KHPRC to accept the applicant's plans as presented with the caveat that the applicant comply with and complete the requirements set forth by SHPD with a letter confirming that completion prior to the issuance of any building permits.

Ms. Aiu: Sounds like it.

Ms. Sheehan: Sounds good.

Ms. Griffin: If there is no further discussion I will call for the vote. All in favor? (Unanimous voice vote). Opposed? Hearing none the motion is carried.

Ms. Aiu: Thank you everybody cause that was hard. Thank you for all the helpers.

Ms. Griffin: And then the second part of it is how we stay in very intimate contact with the State Historic Preservation Division. So Jessica.

Ms. Huff: Cause Anna is a 6E expert. For 6E and for 106 if it's required for 106 you guy can be included on any documentation that we receive. Any deliverables that we receive if there is a reconnaissance level survey, burial treatment plan, anything like that you guys are able to review those documents and provide comments to us within our allotted period of time and those comments can be taken into consideration when we make our final determination and that could be conditions, stipulations, etc., etc. So if that clarifies issues. 106 you can be a little bit more involved if that process does happen you would be basically a consulting party on any determination that we make regarding the National Historic Preservation Act.

Ms. Griffin: We often get documentation at the beginning of our meeting or when the agenda and minutes go out but I am always grateful to our staff who is totally on top of things and I am wondering if there is any Sunshine issue or problem with as these things come into the Planning Department if they can be distributed to the Commission as we go along. Cause sometimes a month is an awful long time.

Mr. Jung: We can do that as long you don't collectively respond so that it a serial communication.

Ms. Griffin: Right and I am sure you all know this but it's not copacetic for us to be chatting on our own outside of these meetings. So that would be really, really helpful as we are getting this information and I would like to request that for the duration.

Ms. Huff: Do you want to limit what we present to you? Do you want to see all deliverable documents? All study reports, surveys, documentation, everything or do you want to limit it to any kind of reconnaissance level survey or intensive level survey of the site. Or burial treatment plans.

Ms. Griffin: Everything.

Ms. Huff: Everything ok we can forward everything on to you and if you don't have comments about something then you just don't respond within 30 days and we can forward it on to you and bcc so you don't get tempted to accidently have that serial conversation and if you have a question about how you received it or that you can't open it that won't trigger that serial conversation.

Ms. Griffin: That's great and we will simply need to be in contact with our faithful County Attorney and staff to make sure we are up to speed and doing things with the protocol that's necessary and legal.

Ms. Huff: Cool and this will also, this also includes the final project drawings and plans. So anything that might happen to the lagoons. Anything that might happen to any of the buildings, raising them up, those things could also be forwarded on to you for additional comments.

Ms. Griffin: Great thank you. Yes Dee.

Mr. Crowell: This may involve a motion for reconsideration. Do you want to include beside prior to Building Permit approval prior to any earth disturbing activities and permits for earth disturbing activity like grading permit or grubbing permit.

Ms. Griffin: I think that's what Kauanoe was trying to get at. So how does that…

Mr. Jung: The grading permits are usually tied to the building permits for reconstruction right Dee? So I don't think they would apply for an independent grading or grubbing permit.

Mr. Crowell: Sometimes they do.

Mr. Jung: But ok so if they apply for a grading or grubbing permit independent that would trigger another review to go back to SHPD.

Mr. Crowell: Let's say they wanted to do the parking lot first to stage.

Mr. Jung: Yes and if they do it outside of this permit set they got to go re-review through SHPD. So I don't think they would want to do that.

Ms. Griffin: But wearing belts and suspenders as we sometimes have to do is there a motion to reconsider?

Ms.Schneider: Can we just amend the motion?

Ms. Griffin: No motion has carried so we can reconsider and add something if that is your pleasure.

Mr. Long: I believe then we should reconsider the motion to make it more detailed to reflect Dee's concerns and mention any permit.

Ms. Griffin: Are you moving to do so? Is that a motion?

Mr. Long: Yes that is a motion.

Ms. Schneider: I second the motion.

Ms. Griffin: Ok it's been moved and seconded to reconsider the motion and add condition of grubbing and grading.

Mr. Long: Any County permit.

Ms. Griffin: Make up your motion.

Mr. Long: Excuse me, before review and approval and issuance of building permit or any Governmental permits. I guess that's what your concern is.

Ms. Aiu: Well it has to reflect our Commission thought it's not our kuleana. It's just like burials. Burials doesn't belong to us and LaFrance put me straight on that a long time ago. She said don't mess with burials you guys take care your kuleana we will take care of ours.

Ms. Griffin: It has affect in the overall context I think and if burials are found it certainly does go right straight to them but the grubbing and grading could and I will get to you in a minute but we need a motion. So

Mr. Jung: All you need to do is make the motion to reconsider and then if the motion to reconsider is yes. Then you got to vote on the motion to reconsider and then what happens after that is you got to remake the motion because it's been reconsidered.

Ms. Griffin: Ok. It's been moved and seconded to reconsider. Discussion?

Ms. Sheehan: Are you voting?

Mr. Jung: You are voting to reconsider.

Ms. Griffin: We will.

Ms. Aiu: Anything else Dee before we...

Ms. Griffin: It was moved to reconsider by Stephen, seconded by Anne, any further discussion on the motion? Hearing none all in favor? Opposed? That motion carries now.

Mr. Jung: No there has been no motion.

Ms. Griffin: Is there a motion for this application?

Mr. Long: Yes I make a motion that the new motion follow the previous motion with the addition after issuance of building permits say or any other governmental permits. Building permit or any other governmental permits.

Ms. Schneider: To include grubbing, grading.

Mr. Jung: Well it's covered.

Ms. Griffin: Is there a second?

Ms. Sheehan: Second.

Ms. Griffin: Ok it was moved by Stephen, seconded by Patsy that we accept the plans as presented with the caveat that the applicant comply with and complete the requirements set forth by the State Historic Preservation Division and confirmed letter of completion prior to issuance of building permits and any other government permit. Discussion?

Mr. Jung: Was there a second?

Ms Griffin: Yes there was Patsy seconded it. I would like to suspend the rules. You are ok? So if there is no other discussion all in favor? Opposed? None, hearing no opposition the motion is carried. I am so glad my first hours as Chair you all have presented me with this. I would like to just tell you thank you sports fans.

Thank you for all of you for going through this. We look forward to the progress of our working together of having SHPD and us deliriously happy with the project as it continues and we appreciate your contributions and your patience.

Re: CLG Status

Ms. Griffin: Ms. Broverman come tell us about the status of our CLG and our inventory.

Ms. Broverman: Ok so status wise one thing I want you guys to know about is that this year for 2014 grant funds we still have about $25,000.00 left which you guys can use as an opportunity to go to training. Sometimes that can be somewhere on the mainland such as the Statewide conferences for CLGs or just statewide conferences in general or other things like the National Trust for Preservation Conference. If it applies to what you do here and it's a learning opportunity than I think we can consider it. Just you would have to provide me with the information.

Ms. Griffin: When do the funds expire Anna?

Ms. Broverman: The funds expire at the end of September of this year but as long as they are allocated by then than that is ok. I think the National Trust Conference is in November so it's after that but if we have allocated than that's ok.

And also I wanted to make you guys aware that the Historic Hawai'i Foundation is planning a National Register Nomination seminar for this Spring and they are going to be coming to Kauai, Maui, Molokai, Moloka'i is a maybe, and Big Island and so they will be speaking on all the islands and kind of giving guidance for how to nominate a property. They might be focusing on residences but you can kind of use that information to apply to many things. So Kauai is first on the list and I think that will be happening in April. And some of our CLG monies will be going for that training as well.

Mr. Jung: Once you get the date could you email us?

Ms. Broverman: Yes and I think they are trying to set up venues this coming week so we should know within the next 2 weeks when that's going to happen.

Ms. Sheehan: I had a question. We did use some funds for our inventory and that was almost 2 years ago. So I understood when we were talking about sort of rolling it over so that we could continue that inventory but I haven't seen the inventory. I am assuming it is finished. I am assuming you have paid for it or we have paid for it.

Ms. Aiu: We don't know.

Ms. Sheehan: Do you give us a report? Or is there a way that we could keep the momentum going so that we could rollover funds. It seems like it's been more than 2 years. If we had known that we could've put in for the funds. You know if we had to alternate with Maui at least we know what the process is and the ball got kind of dropped so could you bring us up to date and tell us how to do this.

Ms. Broverman: My understanding of how that is um copy was accepted by the County. So the County has accepted it. It's been paid for. We at SHPD have not accepted it. There is a draft out there now that I can provide to you guys. We just have, there are problems with the methodology. Some of the eligibility determinations that we didn't think were correct so we wanted to make sure that was cleared up before it was given to you guys. Now I can email that draft out to you and maybe we can work together to make sure that, that stuff is corrected. I know that it's hard for me to find time to do that kind of stuff in office. So if we work together maybe we can do that pretty quickly.

As far as rolling that into the future I emailed all the point of contacts in the planning divisions for the State a couple of weeks ago and we are trying to get our funding for the next couple of years sorted out and I have created a new timeline so that you guys will now know whenever applications are due. And so how it's going to work is for 2015 funding I have asked for projects

to be submitted to our office by I think the end of this month so that you will have plenty of time to contract with someone and do the project by the time the funds expire. So 2015 will again be a little bit rushed just because we have transitioned from CLG coordinators but starting with the 2016 funding which will be available starting this October. I am going to as for applications to be submitted by September I think I said. I will have to check the calendar but I can send the email out again so that everyone can know.

I will review the applications by next January or chosen projects and you guys don't have to alternate with Maui it's just on a competitive basis and so we have every year about $57,000 that is available and that can be split up into a lot of different projects.

Ms. Griffin: What about the Big Island?

Ms. Broverman: The Big Island they are a CLG now too. Yes so there is now 3 CLGs and they became a CLG in August. So once I choose project I would say pending funding you guys can go ahead with this so that you can line up all of the contracting and get started on the projects as soon as possible.

Ms. Griffin: Myles how does that work with does the application have to go through any Council review?

Mr. Hironaka: Yes. We would need to make a request to the County Council to apply for, receive, and expend the Federal grant. So that is something that we can do knowing their timing we can do it ahead of time and ask for that. That's what we did for the previous grant is we went before the Council and asked to apply for, expend, and utilize the funds.

Ms. Griffin: But by the end of this month it might be a little tight?

Mr. Hironaka: I had a question. So you are looking at the 2016 grant. What you were saying is that given you know the approval process that you need to go through internally with the State as well as the National Park Service also. I think looking at your email you were saying that the funding actually becomes available in January of 2017?

Ms. Broverman: Yes we have to wait for the budgets to be approved by the US Legislature yes.

Mr. Hironaka: So that would mean that, actually, and the project would then need to be completed by September of 2017?

Ms. Broverman: Yes.

Mr. Hironaka: So that's about 6 or seven months.

Ms. Broverman: Say the fiscal years they go for 2 years and so the 2016 grant will start in

Mr. Hironaka: 15?

Ms. Broverman: 2016 grant year will start in October 2015 and then run into the end of September 2017. Yes.

Ms. Griffin: Thank you. Other questions?

Ms. Aiu: I have a question. I just want to summarize cause I want to make sure I understand this right. You said that now the County is in possession of the inventory?

Ms. Broverman: The County is not in possession but we can give it to them. It's just in a draft form.

Ms. Aiu: Oh ok. You are going to be sending that draft out for us to look at and see if we approve of everything that's on the inventory? I am not quite clear.

Ms. Broverman: The County has already approved it and accepted it. That was done in 2013 I think.

Ms. Aiu: How can they approve it and accept it if they don't have it?

Ms. Broverman: They reviewed it beforehand. I think is that what happened?

Ms. Aiu: I don't know every time we ask Myles about it…

Mr. Hironaka: This was when Mike was pretty much in charge of that but we were in charge of the contract cause the funds are given to the County. So we are actually in charge of the contract and we have deadlines to issue payments and these types of things. So basically we were paying the consultant for services being rendered and before we issued final payment for the project I think the State indicated that there were some deficiencies and they needed to work with the applicant in which we thought they would be able to work with the consultant and resolve but I think in the meantime there were some turn over in your staffing and stuff like that and I think it just got the way it is now. So I think they have resolved it though?

Ms. Broverman: We are still working on it. I have been trying to get copies from the contractor and they have just been unwilling to give it to me. They want to resolve it beforehand.

Mr. Hironaka: That is kind of like where we left off on it.

Ms. Sheehan: So you have paid them completely though? The consultants have been paid completely even though there is an issue? Or does the County still have the money?

Mr. Hironaka: For the services rendered up on to that point we have paid that.

Ms. Sheehan: So you have spent all the money?

Mr. Hironaka: Yes.

Ms. Sheehan: Ok.

Ms. Arinaga: But we haven't seen the final report?

Mr. Hironaka: They have given us drafts which is what they are looking at to resolve. So we have drafts of the project but we don't have the final.

Ms. Griffin: Anyone else?

Ms. Aiu: And you are going to send us the draft am I understanding this right?

Ms. Broverman: I can but do you guys already have?

Mr. Hironaka: Well I don't know if you folks have any…

Ms. Broverman: Any additional drafts after that?

Mr. Hironaka: Right.

Ms. Broverman: And then we will communicate on that.

Ms. Griffin: Stephen do you have something?

Mr. Long: I don't have a question about the report. Can I just get my own clarification on the timing and the money from CLG? So last tranche we got $58,000.00 to this inventory study. We'd like to continue doing that. When is the next tranche of money and how much is available?

Ms. Broverman: Well there is two grants going on simultaneously. Two federal grants go on simultaneously each year. It's complicated. So right now we have both 2014 and 2015 grant going on. The '14 grant started in October of 2014 and ends in September 2015.

Mr. Long: Yes but that's in the past right?

Ms. Broverman: Well we still have $25,000.00 of that available.

Ms. Griffin: And that's what you were talking about going training.

Ms. Broverman: Right.

Mr. Long: So you have $75,000.00 of 2014 left?

Ms. Broverman: Just $25,000.00.

Mr. Long: how much?

Ms. Broverman: Twenty five.

Mr. Long: Twenty five. Ok sorry. And that money is used for what?

Ms. Broverman: It's used for, we can do educational. National Register Nominations, basically anything except for bricks and mortar projects. The only issue about that is that you have to think about the contracting time. So you have to be able to contract through the State and the County and also have the time to get the project completed by the end of September. So that's why we are looking at sending you guys on travel and educational workshops instead cause that's something that can be done very easily through the contracting process.

Ms. Griffin: And we don't need to, do you have any constraints if for instance somebody went to HCPO or other training in the state or nation? Do you know what I am asking?

Mr. Hironaka: For the 2014 grant is what we are talking about?

Ms. Griffin: I think they would be pretty much doing the contracting so I think the money will be filtered through their office.

Ms. Griffin: Ok so that wouldn't delay.

Ms. Broverman: So that's the good thing about travel to conferences. For the 2015 grant that started in September and will go till the end of September 2016. We have a lot of that grant is allocated for. Maui applied to us a couple of months ago with a project. But we still have about $10,000. 00 of that grant available.

Mr. Long: Ten? How much did you give Maui?

Ms. Broverman: For the project I believe they are doing, it's about $45,000.

Mr. Long: Ok so every year it looks like you get about $50,000.00?

Ms. Broverman: About fifty-five to fifty-seven.

Mr. Long: Ok so then every year now we have 3 counties applying for that money. So it's a competitive situation. On what grounds do you grant one project over the other one?

Ms. Broverman: I am going to have start thinking about that and looking at what criteria I am going to be using because so far it's really only been Maui and Kauai and it looks like Maui was applying for a lot of project so Mike kind of just chose…

Mr. Long: When did Maui apply for the forty-five?

Ms. Broverman: They originally applied for it as a 2014 grant and so they applied for it this past summer I think they were planning on it but they misinterpreted how the Federal grants cycle works so we had to do a change which year they were applying for. So it went from 2014 to 2015.

Ms. Griffin: We had in our training in December that we did had little break outs towards the end just for brainstorming possibilities of projects for us and it would be helpful with our CLG status

to be able, I think, to talk about that now before we get to the deadline on the 2016 funding. Cause if it needs to be done by the fall it's not too soon to start talking about…

Ms. Broverman: Right and I really want you guys to use what was discussed in the breakout sessions to kind of expand what you guys want and then you can apply by this fall and so everything will be lined up to take action by the time the Federal grant becomes available that January or February. So it would be January/February 2017 for the '16 monies.

Mr. Long: So if we wanted to continue doing our inventory on Kauai when is the next time we need to apply and for how much can we apply?

Ms. Broverman: You should apply for the 2016 grant and you can really choose yourselves which, if you need to do a large area, a small area, whatever you would like to do.

Mr. Long: The largest possible for the most amount of money. You know we talked about this a few years ago and it was told to us that it was a gentlemen's agreement between Maui and Kauai. We alternated and now I am hearing it's competitive and we didn't apply for the $45,000.00.

Ms. Griffin: Right. Departments and things change as times goes on and so that's my understanding that's one of the things and we are probably lucky not to be Ohio where there were 41 CLGs.

Mr. Long: Thank you.

Ms. Broverman: No problem.

Ms. Sheehan: Just to go back to the $25,000 its outstanding and it is earmarked for Kauai? Is it earmarked for us?

Ms. Broverman: No it's for anyone who would like to apply. If you guys wrapped $25,000.00 of travel expenses that would be crazy.

Ms. Sheehan: So if we wanted to apply for that $25,000 it's in what cycle? 2014-2015?

Ms. Broverman: The twenty five is for '14.

Ms. Sheehan: So if we wanted to have somebody come and talk to us. Someone educational training right here so we bring people in we can apply to you for that? We don't have to go through the County? It took a long time for us to go through the County process and then our consultant really didn't have a whole lot of time doing this inventory but if we could understand what it entails for an inventory or get some professional to come we could apply for the $25,000.00?

Ms. Broverman: Got you so if you could apply for some kind of educational experience to tell you what it takes to set up a survey so you have a better idea of what timeline you need and that type of thing.

Ms. Sheehan: Yes we are doing it through you though. We are doing the application for the $25,000.00 to you. Not the County, to you.

Ms. Broverman: Whenever you do travel that's the one exception where you can get those monies through us. You don't have to contract through the County but any other time if you want to bring in any type of training to the County you will have to go through them. The contracting period can be prolonged or shortened in different circumstances but travel is just the one thing the Federal grant allows the State to take care of without going through the County. So that's why it's the shortest.

Ms. Sheehan: So that is the only thing that we could use to get that $25,000.00?

Ms. Broverman: I think if you had a small property for the National Register you could probably get one of those done and you can, the hiring process there is a thing called the 3rd party agreement if you do that then contracting is a little bit easier we just need the County to approve that. We don't have to go through a contract with them because the contract is with the non-profit. So that can be somewhat shorter but we still need County approval on those types of things.

Ms. Sheehan: Sorry one last question. If you are looking through our inventory and there is discrepancy or methodology or that you want to change or fix or correct the final copy is that going to come from the consultant? Or you? Are you going to do the corrections and give it back to the consultant who then writes it all over again and gives it to us or do you, how do we get the finished product? Do we get that from you?

Ms. Broverman: yes I think it comes from us. I would have to double check but I don't see why it would come straight from the consultant.

Ms. Sheehan: I was just wondered if the consultant was going to be asked to do anymore and if your kuleana is to correct it then you could spit it out a lot faster than we could get the finished product. It's been a long time.

Ms. Broverman: Yes I understand.

Ms. Sheehan: Thank you.

Ms. Griffin: Anybody else have questions?

Mr. Long: I do. This $25,000.00 in an account somewhere how can we access that and how can we use that?

Ms. Griffin: We can look for training National Trust their conference every year.

Ms. Broverman: There is also a lot of statewide conferences that have their own state CLGs where you guys could go and chat with other commissioners to see what they are doing, what types of projects they are thinking about.

Mr. Long: Why can't we apply that $25,000.00 to an additional inventory study?

Ms. Griffin: Because from what Anna and Myles are saying is if we want that for something it has to go through the whole contracting process and the County Council accepting it and then it goes to our Planning Department to hire the consultants essentially. The only thing that she can do directly, the only that she can give us free money is in training/travel and it's just the state of things.

Mr. Long: So why are we being informed now that there is $25,000.00 is too late to ask us for a real study other than travel to go chat with our colleagues in Oregon?

Ms. Broverman: That's just I think a problem on our office. We didn't schedule correctly because of the transition from new staff of people. It was something that got lost in a lot of the things we do. And that's our fault.

Mr. Long: Right thank you. That's fair. Could that not happen again?

Ms. Broverman: Yes that's why I am implementing this new schedule that will just stay that way forever.

Ms. Griffin: And something you can do for us with that Anna if you know of or have a good resource of lists of opportunities for training and travel I think a lot of us would be very interested because they are so helpful. So that would be really great for us to know. I mean I know there is the archeology that's once a year. You know so there is a lot of possibilities.

NEW BUSINESS

Re: Class IV Zoning Permit Z-IV-2015-11, Use Permit U-2015-10 To Operate a Communications Facility within the Existing Waimea Baptist Church, Tax Map Key: (4)1-6-9:1, Waimea, Kauai.

Ms. Griffin: Ok moving on the D.1. that is the Class IV Zoning Permit and Use Permit to operate a communications facility with the existing Waimea Baptist Church. Is someone here? Please come up and if you will state your name and tell us about the project.

Mr. Ron Oldman: Hi my name is Ron Oldman and what we want to do is put a 100 watt FM radio station in Waimea for the Westside. It will reach as far as Kekaha and maybe Hanapēpē Heights. We have the FCC permit and as far as it's going to be in the Waimea Baptist Church but

everything is internal. There will be absolutely nothing on the outside. The antenna will fit inside the steeple and so it's all self-enclosed within the church.

Mr. Hull: I will just add because the structure is over 50 years old technically it's on the County Historic Register List and in the preliminary discussions with the church they had actually planned on locating the antenna somewhere on the structure and we informed them of the historical significance of the building and they were very accommodating and said ok let's figure out a way to make sure that this can be kept of visual impacts which is how they came up with the plan to essentially insert the antenna within the steeple and then the radio station itself will be located within the existing church itself. So while it technically requires a review the department review was essentially that it was insignificant or would not have any effects on the historical relevance of the property. We still wanted to bring it forward to you folks in case you had any comments or review issues.

Ms. Griffin: So you are recommending that there isn't an adverse impact?

Mr. Hull: Yes.

Ms. Griffin: Are there questions? Hearing none may I have a motion?

Ms. Schneider: I make a motion that we accept staff's recommendations.

Ms. Wichman: Second.

Ms. Griffin: It's been moved and seconded that we accept the staff's recommendation and approve the project. Is there further discussions? Anybody from the audience, from the public that want to testify? Hearing none all in favor? (Unanimous voice vote). Opposed? (None). Thank you Mr. Oldman.

COMMISSION EDUCATION

Ms. Griffin: And moving right along we are on Commission Education which we do not have this month.

Mr. Jung: I think if there is any topics you would like to include we can sort of put em on now and set it up for the next meeting.

Ms. Griffin: And that's something that I heard in our training on Tuesday that some agendas do have as an item on topics to include in the next month's agenda and that would be great to be able to put on for the training. You know Danita and I, and Ian, and Kaaina Hull want to thank you very much Anna Broverman for a fabulous training in December and we learned so much and I think if there was an opportunity and forgive me and Victoria Wichman as well being able to share some of what we learned I think would be very helpful because they gave us the tools by which to judge and comment on applications that come before us.

Mr. Jung: So we could do like a, I guess what we could do is a panel discussion on the training and I still have all those power points so we can get those up for some of the important ones and kind of go through them and talk about them and have a joint between the 4 of us that was there or five with Kaaina.

SELECTION OF NEXT MEETING DATE AND AGENDA TOPICS

The next meeting date was scheduled on March 5, 2015

ADJOURNMENT

The meeting was adjourned at 3:51 p.m.

Respectfully Submitted,

Shanlee U. Jimenez
Secretary
Date: FEB 26 2015