



**MINUTES
FOR THE MEETING OF THE
HAWAI'I BOARD ON GEOGRAPHIC NAMES**

DATE: March 25, 2015
TIME: 1:00 p.m.
PLACE: Leiopapa A. Kamehameha Building
Office of Planning, 6th Floor Conference Room
235 S. Beretania Street
Honolulu, Hawai'i 96813

AGENDA ITEM 1: Call to Order

Mr. Kamañao Mills, Chairperson of the Hawai'i Board on Geographic Names (HBGN or Board), called the meeting to order at 1:05 a.m.

The following were in attendance:

MEMBERS: Kalani Akana (Office of Hawaiian Affairs), Joan Delos Santos (Office of Planning), Marques Marzan (Bernice P. Bishop Museum), Holly McEldowney (Department of Land and Natural Resources), Kamañao Mills (Department of Hawaiian Home Lands), and Ryan Morales (Land Survey Division)

ABSENT: Noenoe Silva (University of Hawai'i)

ADVISORS: Renee Louis, PhD and Naomi Losch (University of Hawai'i at Mānoa—retired)

GUESTS: Leo Asuncion and Debra Mendes (Office of Planning), Bryan Yee (Department of the Attorney General)

AGENDA ITEM 2: Approval of Meeting Minutes of January 30, 2015 and February 18, 2015

Ms. Joan Delos Santos moved to approve the minutes of January 30, 2015. The motion was seconded by Mr. Marques Marzan and unanimously approved by the Board.

Approval of the February 18, 2015 minutes was deferred to the next meeting. Ms. Holly McEldowney explained that the minutes were still in draft form and not ready for review.

AGENDA ITEM 3: DISCUSSION OF NAME CHANGE OF SEVEN POOLS TO 'OHE'O

Ms. Delos Santos said she received an email from the National Park Service this morning saying that staff could not attend today's meeting. It had requested that the previous name

change of Seven Pool to 'Ohe' to be placed on the meeting agenda. She moved that this agenda item be deferred. The motion was seconded by Ms. McEldowney and unanimously approved by the Board.

AGENDA ITEM 4: Discussion on Name Change Request - 'Īao Stream to Wailuku River

Mr. Mills stated that he and Ms. Delos Santos had email discussions on how the Board might approach making the decision on changing the name 'Īao Stream to Wailuku River. Ms. Delos Santos said she was contacted today by KITV concerning this decision and by *Maui News* last month. They primarily wanted to understand the process by which the Board decides name changes. The proposed change was covered by KITV which included an online poll and Facebook comments. She posted copies of these and other materials in a case file on the HBGN website.

Ms. Mills provided an overview of the name change request. The official name change request was submitted by Mr. John Duey. He also submitted a resolution to the Maui County Council (Council) asking that it support this change. The Council voted to pass the resolution on to the appropriate committee which, in turn, approved it for final consideration by the full Council sometime in April. The issue caught the attention of the media and the community is asking when the HBGN will make its decision. When the Board last discussed this decision, there was consensus that some form of community outreach was appropriate to allow the broader population of Maui to comment.

Ms. Delos Santos introduced Mr. Bryan Yee, a Deputy Attorney General assigned to advise the Office of Planning (OP). He was invited to advise the Board on ways it can conduct community outreach and comply with laws governing state boards. Mr. Yee explained that there are three basic ways the Board can approach the community. The first is to hold a Board meeting on Maui. Anyone from the community can attend and provide testimony on the proposed change and the Board can question testifiers. Second, staff from OP could be sent out to do the public outreach and then analyze the issues encountered. The problem with this approach is that Board members would not have face-to-face interaction with the community. The Board would not see how community members express their opinions or present information. The advantage is that staff would be freer to conduct outreach because the Sunshine Law requirements applying to Boards do not apply to them.

The third way is for the Board to appoint an investigative committee. The committee has to be less than the majority to which the Board is entitled. In this case, it would be three or less members. The Board must give the committee a specific purpose such as gathering information on the name change from 'Īao Stream to Wailuku River. Board members appointed to the committee can go out and meet with the community without regard to the Sunshine Law. The investigative committee can decide how it wants to approach groups and individuals. It may want to meet with groups individually or with everyone present at the same time. The investigative committee must report its findings to the Board at a publicly noticed meeting. It has to tell the Board what it did, who it talked to, and present the results of the investigation. The public must be given the opportunity to know what the

committee did and its conclusions. The Board cannot take action on the issue at that meeting. It must wait for a subsequent meeting to make the decision. The idea is that selected Board members are allowed to work outside the Sunshine Law restrictions, but this work must eventually be brought back into the meeting process governed by the Sunshine Law. Everyone then has an opportunity to understand the investigation results before the full Board makes a decision. Specific approaches taken can vary, but these are the three major approaches used to gain public input.

Mr. Mills asked if the number of members on the investigative committee is below the number of members allowed interact under the Sunshine Law or the number below the majority of the Board. Ms. Yee confirmed that it is below the majority. The Sunshine Law requirement limits interaction to only two Board members and that discussion cannot then be communicated to any other Board member outside of a regular meeting. In this case, the investigative committee would be three or less.

Mr. Leo Asuncion offered some thoughts on how the Board might run a meeting with the public. He suggests that the Board goes out and gets the input. Face-to-face interaction is very important. Staff could go but then the Board would be receiving the information second or third hand. Staff would, at a minimum, be getting input for Board deliberations. There would be no opportunity for Board questions and answers. This could create an impression that questions are being asked and relayed in a biased way, and that impression can play out numerous ways in the public and media. He sees the Board's efforts being more like a listening session. The mana'o will be taken back and use in decision making. These are his thoughts on how the Board can get the best available information.

Mr. Mills asked if there were any notice requirements for an investigative committee. Mr. Yee answered that there were no specific requirements. The minutes of the Board meeting reflect the creation of the investigative committee and the committee's subsequent report of its findings to the Board. As the committee is not subject to the Sunshine Law, just three people could meet with the public, with just a group, or with just individuals. It is depends on the best way to gather the needed information.

Mr. Mills raised some of ideas the Board had on public outreach. Conducting an online poll was discussed as was conducting a meeting on Maui through video conferencing or another type of virtual meeting. A big constraint for the Board is not having a budget for travel to Maui. Mr. Yee answered that provisions in the law allow for holding audio meetings on multiple island so that is a possibility. If state facilities are used, a state employee must be present at the meeting on the other island. If there is online outreach, one staff member or one individual must oversee the online outreach. Individual Board members must remember not to communicate using that online forum in a way that allows other Board members to see the comments. A poll would be fine but if the Board wants a forum or chatroom where people are posting messages and responding to other messages, Board members must remember that they can not participate. Mr. Mills pointed out that this approach makes it possible for people from all over to comment when it is the people from Maui the Board wants to reach. Mr. Asuncion asked if an investigative committee could conduct a poll. Mr. Yee replied that the poll is fine in either circumstance.

Mr. Mills asked if the Board should wait to take action until after the full Maui Council has voted on the County resolution regarding the name change. He did not want to preempt the Maui Council. Ms. Delos Santos said she did not believe this would be an issue because the Board will probably not make a decision before the Maui Council acts in April.

Mr. Mills asked if Board members had any questions. Ms. Delos Santos said she did not think a poll was appropriate because it was not consistent with the way the Board makes its decisions. Board decisions are based on arguments and reason. A poll does not capture that content. It would just be a yes or no and the Board would not know the rationale behind the response.

Ms. Naomi Losch asked what stance the community was taking. Mr. Mills said his understanding was that there is not much opposition. Ms. Delos Santos clarified that one group heavily favors the change and, according to Mr. John Duey, at least one person or group opposes it. A couple of comments posted on the KITV website were by those not wanting the name changed. KITV poll showed many on Maui favoring the change. It is a big change. Mr. Mills said he appreciates Ms. Delos Santos emphasizing the need for due diligence and pursuing public outreach despite some pressure for the Board to decide quickly.

Ms. Delos Santos asked if the Board opted for staff conducting the public outreach and analyzing the issues, would it need to be staff from OP. Mr. Yee reply that technically it could be any staff as long as staff did not include several Board members. A single Board member could be included.

Mr. Mills said that he liked the idea of the investigative committee. He asked if it would be possible for Department of Business, Economic Development and Tourism (EBEDT) to cover the committee's travel costs. Mr. Asuncion replied that it was possible if the Board felt strongly that this was necessary to obtain public input. He believes public input is important and wants to support whatever approach the Board chooses. Mr. Mills added that some agencies could probably fund the travel of their designees.

Ms. Delos Santos suggested a facilitator might be useful but this requires hiring one and adds to overall costs. Mr. Asuncion pointed out that hiring a facilitator is exempt from procurement other than obtaining three quotes based on a scope of services. Selection is not always based on the lowest bid. It includes consideration of who would be most effective in that circumstance. Ms. Delos Santos asked if a Deputy Attorney General should be at the meeting. Mr. Asuncion replied that this depends on the approach taken by the Board. If the Board holds a meeting on Maui, a Deputy Attorney General should be present to advise the Board on how to proceed or stop it if its actions are procedurally incorrect. If staff members did outreach, they would proceed as if it were just a project designed to seek information. The investigative committee is similar because it is also seeking information and its actions are not directly covered by the Sunshine Law. Mr. Yee said he is inclined to say that a Deputy Attorney General is not necessary unless they anticipated particular legal questions. If staff or an investigative committee were to split up to meet with different groups or individuals, more than one Deputy Attorney General would be needed which is not feasible.

Ms. Delos Santos asked if the investigative committee could hold a public meeting. Mr. Yee said that staff or an investigative committee is free to hold a public meeting. They would just announce the time, place, and subject to be discussed. There is no legal notice requirement for public meetings but some form of notification is needed so people show up. Mr. Mills added that many public meetings are set up so that information is presented and agency representatives just listen and do not engage in lengthy discussions with the public. Ms. Delos Santos asked if the committee could seek out particular groups such as those with ancestral ties to that area. One person claimed that Wailuku River is a more modern name and that it had another name before that. This is why it is important to talk to those with ties to the area. Mr. Yee pointed out this shows the value of an investigative committee. It can talk to groups or individuals who may not want to speak out at public meeting. The investigative committee can do this while the Board cannot.

Mr. Kalani Akana said he worries that an investigative committee might only talk to certain people and not others. Information could be missed. Ms. Delos Santos suggested that a notice be issued on the investigative committee's efforts. It should state that those wanting to participate should contact the committee. Mr. Akana said he favors the Board holding a meeting on Maui. Mr. Mills asked if an investigative committee could be formed and a Board meeting held on Maui. Mr. Marques Marzan pointed out that all information presented at a Board meeting needs to be recorded. This is not true of information gathered by staff or an investigative committee. Sources could remain anonymous. Mr. Yee confirmed that this was correct. Mr. Mills asked if the Board would need to make the decision at that meeting. Mr. Yee responded that a Board is never required to make a decision at a meeting. It can always defer decision making. Mr. Asuncion pointed out that the agenda could clearly state that the Board is there only to gather information and will not to make a decision. Mr. Yee added that if some Board members were on Maui, then having a video conference meeting might be feasible. Those who are state employees could take responsibility for the facility.

Mr. McEldowney said she really appreciates the comments of those who are shy or reluctant to speak in public. Their information can be very important. An investigative committee could accomplish both by having a public meeting and also talking to those reluctant to participate in a public meeting. Ms. Renee Louis asked if the investigative committee could meet with individuals or groups during the day and then join the full Board for a meeting that evening using teleconferencing. The investigative committee could present its report at the evening Board meeting. Mr. Yee clarified that the State has video conferencing capability on all islands and some individual agencies have their own video conferencing setups. Ms. Louis questioned whether state facilities would open after state working hours. Mr. Asuncion that any venue used with video conferencing capabilities needs to be open to the public because it is a Board meeting. The public on O'ahu must be given the opportunity to comment just like someone on Maui. Video conferencing becomes complicated because multiple sites become a single public Board meeting.

Mr. Mills asked if the investigative committee could gather its information followed by a full Board meeting. The Board meeting would be the opportunity for those willing to speak

in public. Ms. McEldowney thought it might be unreasonable to expect the investigative committee to do its work in one day. People could be encouraged to contact members of the investigative committee ahead of time. This process could occur over a two-week period and be done by phone. Interested individuals could be told when the committee will be on Maui if they wanted to talk to them directly. All of this would create more opportunities to discuss the issue with the committee. Mr. Yee concurred that it would be challenging for a committee to report to the Board in a coherent way quickly. Committees are generally created when there is a lot of information to be gathered and they need time to compile and analyze all that material. He encourages committees to prepare a report because this forces them to truly examine what they gathered. This is difficult to do in one day but is possible if the committee and Board believe it is appropriate.

Mr. Mills attempted to find some consensus among Board members on how to conduct this public outreach. There was consensus on the value of holding a Board meeting on Maui and creating an investigative committee. Mr. Marzan asked what the difference was between the Board and the investigative committee holding a public meeting. Mr. Mills sees the main advantage of having an investigative committee is encouraging participation by those uncomfortable speaking in public meetings. It is possible for the investigative committee to hold private meetings with individuals and groups and then have a meeting open to anyone. Mr. Yee noted that the major disadvantage of having the committee hold a public meeting is that Board would not hear the information first hand. He confirmed that those talking to the investigative committee can remain anonymous.

Mr. Mills asked the Board for its thoughts on a feasible timeframe for this outreach. Members responded that April was too soon. Mr. Mills suggested that the Board could make its decision in June if the investigative committee was formed in April and the committee report heard in May. He wants an answer for those asking when a decision will be made. The Board agreed that this schedule could be feasible.

Ms. Delos Santos moved to create an investigative committee to go to Maui and solicit community input for the name change request of 'Āao Stream to Wailuku River. Mr. Marzan seconded the motion and the Board approved the motion unanimously.

Mr. Mills suggested that the Board wait until the April meeting to appoint the investigative committee because Ms. Noenoe Silva was not at today's meeting. This gives Board members time to decide if they want to volunteer for the committee or are available. Mr. Yee pointed out that it is up to the investigative committee to determine how to proceed with the investigation subject to available resources. Mr. Mills asked if there is consensus that the full Board hold a meeting on Maui in May after the investigative committee has done its research that day. Ms. McEldowney thought it might be confusing if the investigative committee held meetings all day and then the Board met. If the investigative committee held the public meeting, it could combine what it learned from the private and public meetings in a single report. Ms. Delos Santos said the investigative committee might do its research from O'ahu through email or phone calls. Based on this outreach, the committee could determine if additional meetings were needed on Maui. It is probably premature to decide if the committee would meet with people the day of a full Board meeting in May. Mr. Mills said that all private comments gathered between the

committee's appointment in April and the date of the full Board's meeting in May could be compiled by the committee and presented in the committee's report at that meeting. Ms. Losch suggested that the investigative committee encourage those contacted to tell other interested individuals about the public meeting and the opportunity to contact the committee directly. Ms. Louis pointed out that contacting the investigative committee also gives people who cannot attend the public meeting a chance to express their opinions.

Mr. Mills summarized the tentative approach to be taken. The Board will appoint an investigative committee in April and then hold its meeting on Maui in May. This is subject to available funding. He asked Board members to see if their agencies could pay their travel costs. If not, other funds would be sought.

AGENDA ITEM 5: Update on Status of Proposed Bills Affecting State Boards and Commissions

Ms. Delos Santos distributed the updated spreadsheet of bills still being considered by the legislature that could affect Boards and Commission. She noted that only three of the bills listed on the original spreadsheet are still alive. One is Senate Bill 475 which allows meeting notices to be emailed and requires meeting notices to be posting on state or county electronic calendars. It also makes emergency meetings subject to public notice requirements. This does not affect the Board's current practices because it is doing this already or it could be done easily.

Ms. Delos Santos brought attention to Senate Bill 476 although it is considered dead. The bill required designees serving on task forces to file financial disclosure documents. It was this bill that prompted the Board's discussion on whether designees are required to file financial disclosure documents with the Ethics Commission. Mr. Yee provided the Board with background on financial disclosure requirements. He clarified that all members of boards and commissions are required to file financial disclosure statements with the Ethics Commission. Some administrative positions automatically serve on Boards by virtue the law creating those boards. Most individuals in these administrative positions have already filed financial statements because it is a requirement of their appointed position. In many cases, these appointees assign designees to serve on particular boards on their behalf. The Ethics Commission now views such designees as being subject to disclosure requirements although it did not do so previously. Designees appear to have escaped the commission's attention. The recent law requiring members of specific boards to make their financial statements open to the public promoted a greater analysis of whether designees had to file public statements also. The Ethics Commission decided that they do. This decision is now filtering down to all boards with designees. He believes a distinction can be made between those who appear routinely as designees and those appearing only once as a temporary designee. An argument can be made that a temporary designee does not need to file. It is not a clear legal issue, but the Ethics Commission has asked designees on other boards to file. If asked, the Ethics Commission would probably tell designees of the HBGN to file. The disclosure forms are available on the Ethics Commission's website. Mr. Yee noted that his office has not prepared a definitive position on this issue. Mr. Asuncion clarified that HBGN is not on the list of boards required to file public disclosure statements.

As a related issue, Ms. Delos Santos announced that OP will be sending out letters to the heads of agencies named in the HBGN statute asking if they or a designee will be attending meetings. If a designee, they are asked to officially assign that designee. This letter is sent out routinely when there is a change in administration. It will also note who the current designee is and informs them that the Board is currently addressing two pending cases and proceeding with its larger project to add diacritical marks to Hawaiian place names. If any Board member is uncomfortable filing a financial statement, this would be a good time to inform the director or department head.

Ms. Delos Santos continued her discussion of the other bills that are still alive at the legislature. Senate Bill 652 addresses reporting requirements for final actions taken by boards in executive sessions. This is unlikely to affect the HBGN because it has yet to go into executive session and, if it did, this would not be a problem. SB895 is the one requiring all state and county documents to have Hawaiian words, including Hawaiian place names, spelled correctly. The last committee hearing this bill changed the effective date to 2088 to encourage more discussion. It will likely be amended. Mr. Asuncion pointed out that SB895 is nothing new. The argument is never whether or not it is appropriate to use Hawaiian words or names, but more how much it will cost agencies to comply with the law. Language in the bill says that changes need to be made only when something is replaced or newly produced. He heard that the Governor's office supports the bill but anticipates push back from the larger departments. No penalty is included so compliance is only encouraged. There will probably be some conflict between this statute and that which establishes the HBGN. Although the proposed law and the HBGN use some of the same references, the HBGN digs deeper into other sources. New issues and concerns are likely to arise if the bill passes and is implemented. These could probably be resolved by amending the law in the future.

Mr. Mills announced he had to leave for another meeting. Ms. Delos Santos assumed the chair's duties for the remainder of the meeting.

AGENDA ITEM 6: Continued Review of Maui Island Place Names for Spelling and Diacritical Marks

The Board reviewed a total of 11 names on the Maui place name list. Being reviewed are names that are in the Geographic Names Information System (GNIS) but were not entered in the HBGN's working spreadsheets created when the HBGN began its review of all Hawai'i USGS Quads. The board's decisions are as follows:

Kaulu Stream: The Board decided more research was needed. Kaulu Stream in Ha'ikū Maui is not in *Place Names of Hawaii* or *Hawai'i Place Names* (Clark 2002). There are places named Kaulu spelled with and without an 'okina on Hawai'i Island and O'ahu. This makes it difficult to determine if the Maui stream should have an 'okina. An examination of the stream's location and characteristics on the USGS topographic map and Google Earth showed that the name is applied to a smaller stream which joins a larger stream. The larger stream has another name.

Kawili Channel: The board decided that the spelling of Kawili Channel should be changed to Kāwili Channel. It is spelled Kāwili in *Hawai'i Place Names*. The channel is not in

Place Names of Hawaii, but Kāwili is listed as a point, surfing area, and current on Hawai'i Island. Mr. Akana argued that the name should be changed because Kāwili makes more sense within the context of Hawaiian language usage.

KDLX-FM (Makawao): The Board determined that the name KDLX-FM (Makawao) is spelled correctly because it is associated with Makawao which is in *Place Names of Hawaii*.

Ke'anae, Ke'anae Hawaiian Home Land, Ke'anae Peninsula, Ke'anae Stream, and Ke'anae Valley Lookout Park: The Board determined that all five names are correct either because they appear in *Place Names of Hawaii* or by their association with the place Ke'anae which is in *Place Names of Hawaii*. *Place Names of Hawaii* lists a Ke'anae land section, homesteads, peninsula, and lookout. The stream is associated with the place Ke'anae.

Kealahou School: The Board decided that Kealahou School is spelled correctly because this is how it appears in *Place Names of Hawaii*.

Keālia Pond National Wildlife Refuge: The Board determined that this was spelled correctly because of its association with Keālia Pond on Maui which is in *Place Names of Hawaii*.

Keawaiki: The Board determined that the name Keawaiki is spelled correctly. John Clark's *The Beaches of Maui County* is listed as the source for this entry in the GNIS. The feature type is a locale and it is in Lahaina, Maui. In *Place Names of Hawaii*, Keawaiki is listed as a lighthouse in Lahaina which is in the same general area as the locale. The decision is based on this name's association with a name listed in *Place Names of Hawaii*.

Mr. Akana moved to approve all the spelling decisions made by the Board for the 11 place names reviewed at today's meeting. Mr. Marzan seconded the motion and the Board approved the motion unanimously.

AGENDA ITEM 7: Adjourn

Mr. Akana moved to adjourn the meeting, Mr. Morales seconded the motion, and the Board approved the motion unanimously. The meeting adjourned at 3:02 pm.

Respectfully Submitted,

Holly McEldowney