

(APPROVED: 01/22/09)

**HANA ADVISORY COMMITTEE TO THE
MAUI PLANNING COMMISSION
MEETING OF DECEMBER 15, 2008**

*** All documents, including written testimony, that was submitted for or at this meeting are filed in the minutes file and are available for public viewing at the Maui County Department of Planning, 250 S. High St., Wailuku, Maui, Hawaii. ***

A. CALL TO ORDER

The meeting of the Hana Advisory Committee (Committee) was called to order by Chairperson Dawn Lono at 4:20 p.m., Monday, December 15, 2008, Helene Hall, Hana Bay, Hana, Island of Maui.

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

Chairperson Dawn Lono: Aloha. Good evening, everyone. I'd like to call the meeting of the Hana Advisory Committee to the Maui Planning Commission to order. We're going to have a little huli maka flip on the agenda and we're going to begin with Mr. Jon Sakamoto regarding the hangar at the airport so, Clayton Yoshida, take it away.

E. COMMUNICATIONS

- 1. MR. JON A. SAKAMOTO on behalf of MR. ARMIN ENGERT, President of HANG GLIDING MAUI requesting scoping phase comments in the preparation of a Draft Environmental Assessment for the construction of a 2,500 square foot hangar building for the storage of an aircraft and related equipment at Hana Airport, TMK: 1-3-003: 022 (por.), Kaeleku, Hana, Island of Maui. (P. Fasi)**

The Committee may provide comments on the project during this scoping phase.

Mr. Clayton Yoshida: Good evening, Madam Chair and members of the Hana Advisory Committee. You have before you -- this comments at the scoping stage to prepare a draft environmental assessment for the action of construction of a hang gliding hangar at the Hana Airport, and the consultant is Jon Sakamoto. Jon is a retired airports manager at the Kahului Airport. So with that, I'll turn it over to Jon and maybe he can describe the project.

Mr. Jon Sakamoto: Thank you, Clayton. Mrs. Lono, members of the Committee, I'm Jon Sakamoto representing Armin Engert, to my left, and my assistant, Jeannie Akiyama, who will be helping me this evening. Again, I'm representing Mr. Engert on his project to secure

a permit to construct a hangar at the Hana Airport. I wanted to go over the location of the hangar, which is pictured on the easel to my right, and maybe answer some questions or have him answer some questions for you this evening.

The location of this structure is going to be at the Hana Airport and it is located on the side where the maintenance facility is located now. I had to pull, and I apologize, I had to pull some information from your handouts at the last moment because on Friday, the division made some adjustments to the lease, which eliminated approximately 1800 square feet of the requested property at the airport. So instead of 1,692 square feet -- 6,192 square feet, we're ending up with 4,392 square feet, which is a reduction. And I'd like to just pass this to show you the section that was eliminated by the division so you'll have a better understanding of what it will look like now. I'm sorry. I had no time to make another, excuse me, another exhibit for the handout, but if you'll pass that down, you'll see the red portion is being eliminated.

For most of the audience, I apologize. The terminal is located right here. As you come in from the access road, the terminal is located in this position, the maintenance structure is located next to it, and the proposed location of the hangar is located here to the left or to the west of the maintenance facility. A draft environmental assessment is being prepared but because of this last minute change of adjusting the lot size, we're going to have to go back for approval, submit plans again to the DOT Airports Division and get approval so that the lease will reflect, instead of the 6,192 square feet, the 4300 plus square feet.

Mr. Engert is a hang gliding, motorized hang gliding operator at the airport and he's been there for ten years. I can only say this, when I was manager of the district that has was an ideal tenant. We had no problems with -- I mean he cooperated with us fully and we appreciated that. And I understand from the present manager of the airport, Mr. Marvin Moniz, who I spoke to recently, that he is totally in favor and so are the district people responsible for tenancy and properties to have this project go forward. Are there any questions, clarifications that's going to be required? If not --

Ms. Lono: Do any of the Committee members have questions? Lehua?

Ms. Lehua Cosma: I have a question. Now what are you using for hang glider before this thing?

Mr. Armin Engert: Right now -- first, I wanna thank you all for coming and, you know, spending your valuable time and coming out to the Hana Committee meeting. For right now, I'm using a hangar, which is on the east side of the terminal and it's about a 20 foot by 40 foot vinyl hangar. The reason why I wanna get a steel hangar because my equipment, right now with the vinyl hangar, I get a lot of condensation inside that hangar and my equipment just corrodes a lot; besides it's pretty much on the east side, it's

protected by the winds right there and I don't get any breeze but I get a lot of mosquitos. So when I do maintenance on my aircraft, they're swarming into my ear and it's just -- it's just horrible sometimes. And then the people that fly with me and wait in my hangar, they just get attacked, especially between October and March. So if I would get this hangar this side over here, then I have a little bit more breeze and then we eliminate the mosquito problem and, of course, also the condensation problem on my equipment.

Ms. Cosma: Thank you. And another question I have is I guess one of the concerns is with an expansion of that size, would it be inviting for more hang gliders or just that one you have now?

Mr. Engert: No, absolutely not. No, I like my easy lifestyle. I don't want to hire any other hang gliders to fly around here, you know, and it's just going to be more and it's actually when -- also for my aircraft, I got a Cessna 172, so I could park that in the hangar too and the hang glider. And then, every two years, I have to buy a new hang glider and there's a period where I have two in my hangar and it takes me about two or three, four months before I can get rid of it, you know, and I seel it usually back to the Mainland. But, definitely, I'm not going to hire any other instructors.

Ms. Cosma: Thank you.

Ms. Lono: Any other questions from the Committee? Kauai?

Ms. Kauai Kanakaole: I have one. Is that what it's going to look like?

Mr. Sakamoto: Yes it is. Approximately the right size. The color is the same. It's a sand color with a green roof and the only difference is this building is ten feet longer than what Mr. Engert plans, so this is 60 feet, his is 50 feet, so it's a little smaller than this in length.

Mr. Engert: And it's a little lower.

Mr. Sakamoto: And it's a little lower as well.

Ms. Kanakaole: Yeah, that's the only thing I was concerned about because there's really no other structure down there that looks quite like that and it'll stick out like a sore thumb if it's that big and it just looks like that.

Mr. Sakamoto: You're correct. The total height, from the rooftop to the ground is 23 feet. There's one thing that we'd like to add, and it's going to be reflected in the environmental assessment, is that Mr. Engert has agreed to have this structure used for emergency purpose in case of catastrophic events at the airport, so it could be used for a rescue facility, shelter for people that are stranded there for odd reasons. It's not going to be

powered by any electricity. It's not going to have plumbing. And it's not going to have any communications equipment. But, the structure is going to be a sound structure that can be used for, and I see the firefighters are here, for emergency purposes and it's going to be part of the emergency plan for the airport. And also, the aircraft, Armin has generously said that that aircraft, of course in case of any major emergencies, can be used as well. And it's going to be in the hangar only for the day. He's not going to leave that overnight. He flies in/flyes out every day so -- is that correct?

Mr. Engert: Four days a week.

Mr. Sakamoto: Four days a week. Thank you very much.

Mr. Kawika Kaina: I got one.

Mr. Sakamoto: Oh, I'm sorry.

Mr. Kaina: One more question. Just from looking at the location of where this hangar is going to be, I notice that that's where a lot of the helicopters that come in land, is this going to have some kind of -- an affect on that or is there a plan in place for that?

Mr. Sakamoto: That's a very good question. The helicopters are presently landing on the west side of the maintenance facility. They'll go away. They'll be relocated to the east side and, yeah, right in this grassy area will be the primary location of the helicopters. Once the construction starts, they won't be permitted to land in this area anymore.

Mr. Kaina: Okay.

Mr. Sakamoto: And so that's the plan and the FAA and the DOT have approved this.

Mr. Kaina: Thank you.

Mr. Sakamoto: Yeah.

Ms. Lono: Are there any other changes required to the operation at the airport as the result of this building being installs down there besides the helicopters?

Mr. Sakamoto: Not to my knowledge.

Mr. Shane Sinenci: So is Armin leasing this property from the airport, the State?

Mr. Engert: Yeah, I'm leasing it right now from the DOT. Yeah.

Mr. Sinenci: DOT. And it's like a monthly lease, a yearly lease?

Mr. Engert: Well, I'm working to what's a 20-year lease.

Mr. Sinenci: A 20-year lease.

Mr. Engert: A 20-year lease, yeah.

Mr. Sakamoto: We're working towards the lease. In other words, Armin doesn't have the lease yet. We have to go through the EA process and we'll have to have the altered site location approved by the DOT. In other words, downsizing it from the 6,192 square feet to the 4,392, and then that has to go through the AG's office for approval, and then to the Land Board for final approval, and then the lease is okay. Then we have to go for building permit, SMA. So it goes through the entire process and we'll be working very closely with Clayton on the permit.

Mr. Engert: Yeah, the actual size of the hangar is actually 50 feet by 52 feet, you know, so it's like 2700 square feet but we just need a bigger lot because of access and all that.

Ms. Kanakaole: What happens to the structure just, you know, in the far future, you know when you're -- if you choose to stop your business or end the lease or if something happens? What happens to that structure?

Mr. Engert: Well, if I can sell it to a private airplane owner, then I have to take it down and sell the structure to somebody else. It's a metal building. It usually takes about two weeks to set it up and probably two weeks to tear it down.

Ms. Lono: Is it slab on grade construction? Is it going to be on concrete?

Mr. Engert: Yeah, it's going to be on concrete. It's a concrete slab.

Ms. Lono: Okay, I'd like to open the meeting up for public testimony. If there is anyone who would like to address this issue, please let us know. Suzette. Please state your name and who you're testifying on behalf of if it's other than just yourself.

Ms. Suzette Cossey: Hi. I'm Suzette Cossey, testifying on behalf of myself. In proximity to the proposed project, our home is probably the closest in relation to this and we have no problem. We haven't had any issues in the past and I can't foresee anything in the future and, in fact, he's been very, very gracious in donating his time and his services to us, personally, and I know for the community as well. Thank you.

Mr. Engert: Thank you, Suzette.

Ms. Lono: Bill Sides.

Mr. Bill Sides: Bill Sides, testifying for myself. I just wanna bring up, I didn't mean to come down here to listen to this, but I -- but I'm picking up on the fact that when Kalani English was over, he was discussing the pier project and mentioned at the time that the State was really considering closing down the airport and he kinda fought to keep it open. He said the reason why they're considering that was because the Federal Government now requires so much security. You have to have a full-time employee down there, put up fences, and all that and it was beginning to be quite a capital expense for the airport and the State. And my thinking is that I guess if you -- the more people you get using that, the less chance there would be for that to happen cause to lose the airport would be to lose our main emergency access to the community. So that's just one consideration for it that came to my mind. Thank you.

Ms. Lono: Thank you, Bill. Anyone else would like to speak to this issue? Okay, does the Committee have any recommendations for the applicant at this point? Okay, thank you very much.

Mr. Engert: Thank you again.

Ms. Lono: I appreciate your time and coming to us at this point in the project rather than later.

Mr. Engert: Thank you, Ms. Lono.

Ms. Lono: Mahalo.

B. INTRODUCTION OF NEW COMMITTEE MEMBER - MARILYN TAU'A

C. APPROVAL OF MINUTES OF THE MAY 5, 2008 MEETING

Ms. Lono: We have on the agenda the introduction of a new Committee member, Marilyn Tau'a, but I don't see Marilyn here so I guess we can't introduce her. We will move to, yeah, thank you, approval of the minutes from our May 5, 2008 meeting. If everyone has reviewed those, I will entertain a motion to accept the minutes as submitted.

Ms. Kanakaole: I move to accept the minutes as submitted.

Ms. Lono: Okay, Kauai Kanakaole moved to accept the minutes. Is there a second?

Ms. Cosma: I second.

Ms. Lono: Lehua Cosma seconds that motion. Any discussion on the minutes at all?

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

It has been moved by Ms. Kanakaole, seconded by Ms. Cosma, then unanimously

VOTED: to accept the minutes as submitted.

Ms. Lono: Okay, minutes are adopted or approved. Okay, the next item on the agenda is Mr. James H. Barry of Sea Engineering, Inc., on behalf of the State Department of Land and Natural Resources, Division of Boating and Ocean Recreation requesting a Special Management Area Use Permit and a Shoreline Setback Variance for the improvements to the rock revetment and boat loading docks at the Hana Wharf.

D. PUBLIC HEARING (Action to be taken after each public hearing item.)

- 1. MR. JAMES H. BARRY of SEA ENGINEERING, INC. on behalf of the STATE DEPARTMENT OF LAND AND NATURAL RESOURCES, DIVISION OF BOATING AND OCEAN RECREATION requesting a Special Management Area Use Permit and a Shoreline Setback Variance for the improvements to the rock revetment and boat loading docks at the Hana Wharf, TMK: 1-4-004: 036, Hana, Island of Maui. (SM1 2007/0007) (SSV 2007/0003) (T. Abbott)**

Mr. Thorne Abbott: Hello, Madam Chair. Thank you for -- we had a few technical difficulties. They do have a powerpoint presentation. It seems our computer's not cooperating. Anyhow, my name is Thorne Abbott. I'm the Coastal Planner. This is for TMK 2-1-4-004:036, and as you know Jim Barry's here to talk about the project. Fortunately, we're down here at the hall so we can just point out the window and he can point things out to you. Thank you.

Mr. James Barry: Good evening and thank you for being here. I'm Jim Barry and I'm really -- I'm not going to be the one to talk about the project. We are a consultant on the project. We designed part of it, part of the design team. The reason I'm on the -- listed here is we did the application for the permits and the environmental assessment. With me here today is Al Satogata from DLNR and Wayne Higuchi from -- the prime structural engineers on the project, and they will be discussing the, you know, the overview of the project so I'd like to ask them to make the presentation. Thank you.

Mr. Al Satogata: Hi. I'm Al Satogata from the DLNR Engineering Division. I'm actually the project design manager for the -- for the project and Wayne Higuchi is my prime consultant

that designed the project. So I'm going to turn it over to Wayne first. He's got some handouts. It's going to be a little hard to read compared to what we're going to do on the powerpoint slide, but, basically, it'll talk about the project and give you a rough idea of where we are in the process, and then we'll open it for questions, okay.

Mr. Wayne Higuchi: Thank you for giving us the opportunity to present our project. We may have a powerpoint going. Anyway, the name of the project is "Hana Boat Ramp Improvements to Boat Revetment and Boat Ramp Loading Dock." The project started a couple of years ago. The way the project is organized: The owner is the State of Hawaii, Department of Land and Natural Resources, Division of Boating and Ocean Recreation; the design agent is the DLNR's Engineering Division, and I'm with Shigemura, Lau, Sakanashi, Higuchi. Again, my name is Wayne Higuchi.

The slides that we have are all in your handout. Okay, this is a location map of our project. On the upper right is the revetment area, which includes the revetment pavement, the boat loading dock, the boat ramp, and the one in the lower middle is -- is a wash down area that is actually it's an add alternate to this project. The next couple of slides are existing conditions that -- that we observed several years ago when we first started this project.

The pavement area was pretty beat up from one of the storms that you had and so was the rock revetment. There were loose rocks. Rocks were falling in the water. This is a picture of repairs done to cover up the holes that were there, and I think these repairs were done maybe two years ago. This was the condition before those temporary repairs were done. I guess one big storm had cause severe erosion so part of the revetment was undermined, rocks fell in, and we believe there were basically hallow voids underneath the pavement where the water was basically rushing in and out and removing material from underneath the pavement.

These are other photos of what we saw when we initially started this project. The one on the right -- the one on the right is just a revetment that had collapsed. So we had started this project as a study to find out what will be best for this site, and we did a -- I guess a study on the existing revetment, which is the rock work, and we found that there were several deficiencies, and one was that the revetment face was too steep, and there were inadequate rock sizes, and at the base of the rock work was, we felt, was inadequate, and there were, as I said, there were voids under the pavement and the pavement sections we thought were too thin. Another thing that I guess was desired was a accessible boat ramp, which there isn't any right now. And I guess as all of you know, the existing boat dock has deteriorating cleats, railings, the security fencing on the old pier is I guess non-existent right now. Our project will propose to change out the light fixtures. We're not proposing to improve the lighting to any I guess significant amount but we just wanna replace the lighting fixtures that are there. Right now there's no boat wash down area and in one of our prior meetings, that was one of things that some people were interested in having. And another

thing that we found was that there was a -- there are deteriorating panels at the boat launch or at the base of the boat launch. I guess when there are big waves, it lifts up and I understand that it was displaced in one storm and had to be reinstalled so our proposal is to change out some of those.

So after our study, we recommended the following: Reconstruct the rock revetment; construct the new accessible loading dock; replace the AC pavement; replace the mooring cleats, fenders and railings at the existing dock; replace the security fencing between the end of the wharf and pier; replace the area lightings at the boat docks; replace the boat launch ramp; construct the new wash down area.

This is just a graphic showing where the various pieces are. Essentially we have a seawall surrounding the boat dock area and extends through the existing wharf. On the lower right, we have a rock revetment, large rocks, that extend into the water. We're going to provide an accessible ramp that goes down to our new boat dock. And we're going to refurbish the existing dock. And this is a -- this just shows the new wash down area, which is right outside -- right outside here, across the parking area. And these are typical sections of what our new work will look like. Generally, we have a big seawall on the -- on the dock side, a big concrete mass with a rock -- a CRM type of rock wall that leads up to the pavement area. This is just another -- this is another section showing the big concrete base and a retaining wall up to the parking area. This is a cross-section through the rock revetment, which is on the opposite side from the boat -- boat dock.

So this is our -- well, we don't have a current construction schedule right now. We started the project back in 2005. We submitted schematic designs in 2006. We had our first public meeting in 2006. The project has been bid but not awarded yet. The bid was in July of 2008. We're hopeful that the permitting process will be completed by March of '09. And right now, construction and completion are pending. Do you have any questions for us just the scope of the project?

Ms. Lono: Actually, what I would like to do is walk out there and take a look at this on the site so we have a very clear understanding of what we're talking about: the seawall and the wash down area and where all of those things are going to be. So if that's okay, I'd like to take a walk out there. Since we're right here, we have the opportunity to do that so we're all very clear on exactly what we're talking about, okay? Okay, so we'll recess to the site.

(A recess was called at 4:48 p.m. and the Committee members and members of the public walked out to the proposed project sites. Mr. Satogata and Mr. Higuchi pointed out to the Committee members and members of public where the proposed project areas were and gave brief descriptions and dimensions of the proposed projects. The meeting then reconvened at 5:15 p.m.)

Ms. Lono: We're back. So, at this time, do you wanna say some things? Okay. So we'll get a little update of information here.

Mr. Abbott: Thank you everyone for coming today and also I thought that was good to go out to the site. To summarize, we talked about the wash down area located on the revetment that's towards Helene Hall. We talked about the size of that and that the pad is ten-foot, the shoulder's five-foot, and the length is about a hundred foot, and how that relates to the trees at that location. And then we went to the actual boat ramp and the applicant pointed out various items within their project, that it will have a walkway, accessible ramp that zig-zags so that it would be ADA compliant, that is American Disabilities Act compliant, and it will be a revetment, which is large rocks set on top of each other and designed for each other so it's not just -- it's ungrouted. There will concrete at the end, at large concrete block by the pier. They're not doing anything with the pier. That's a separate entity and project. And, finally, they will put a chainlink fence up on the pier. With that, I'll turn it back over to the Chairperson. Thank you.

Ms. Lono: Mahalo. At this time, I'd like to take public testimony. So if anybody wants to come up and make comments or suggestions or express concern, this is time to do that. Suzie, do we have a sign-up form. Okay, so nobody wants to say anything? Okay, Mark Collins.

a. Public Hearing

Mr. Mark Collins: Hi. Mark Collins. Member of the Hana Offshore Fishermen's Association, representing about 90 percent of the boat owners out here in Hana. And, to the best of my knowledge, most us, on this wash down area, are not requiring or don't really want it, I'm not sure where that originally came from, but we've always washed the boats, I don't -- you know, I'm not a trailer boater, but everybody else in the association is, and so at least people that I've talked to and just now, the people that are hear, say that we don't really, you know, need -- need that and I think that it's costing, not only costing a lot, but takes up valuable space when the park is crowded. You know, it's going to encroach on parking and cause more problems than maybe it's worth. So that's my comment.

Ms. Lono: Could I see a show of hands from the fishermen here if they do not really want the wash down area? Any fishermen? Are there any fishermen that do want the wash down area? Okay. Oh, you want a hand count? Okay. Would you raised your hands again please? So one, two, three, four, five, six, seven, eight, nine, ten. I have ten. Okay, and no one said that they wanted it. Okay. Any other public testimony from -- Okay, Carl Bertlemann, and then Bill Sides.

Mr. Carl Bertlemann: I just had a question about the width of the -- I had a question about the width of the handicap area. It seems like it would infringe on our turning around the trailers up there cause it's really tight and my trailer, in particular, there's no way I can do it one swoop right now as it is, so you have to turn, basically facing back towards us here, back the boat into that little slot there, and then proceed forward to be able to launch. So with the ten-foot and the length of the proposed handicap area or whatever, that might be something to consider cause I can't really see it working out and we need a place to turn around, otherwise, it doesn't matter what condition the ramps in if we can't get the boat in the water, yeah? So that's it.

Ms. Lono: Would you like to address that?

Mr. Higuchi: Whatever we do ...(inaudible)...

Ms. Lono: Well, like he said, if whatever you do doesn't allow the boats to get in there, then it doesn't make any difference if you can't get the boats in there if there's not a appropriate turnaround area so that needs to be addressed.

Mr. Abbott: May I ask -- could you estimate how much room you do need to turn your trailer around?

Mr. Bertlemann: For myself, now everybody's boat's different in length, in whatever, and tongue length is a key issue there, the length between the tip of your boat and the back of your truck, I have kind of a long one because of the conditions of the ramp, I don't -- the higher I can keep my truck out of the water, the longer it'll last and all that stuff, so anyway, for me, I use all the space that's there right now. If there's any cars there at all, I can't even launch. It's go knock on windows and find the owner of the vehicle. And I'm talking about this side of the -- against the where new catwalk would be or handicap area as well as that slot in the back to back into. So it's a trip. I wish I had my boat here so I could show you guys but that would be probably a good thing to do would be to observe people and then you can really see cause I can't tell you in foot or inches how much I need, but I know that I use it all that's there now so that would be -- that's kind of my biggest concern really at the whole thing.

Mr. Abbott: Thank you. That was very, very informational and very appreciated. If you'd like to make another comment. And you mentioned that it relates to the length of the boat so what would be the largest boat that usually uses this area?

Mr. Bertlemann: I think in our town the largest is probably a 28-foot or there might be a 29-footer that gets trailered out here. And, again, them compensate. They're able to turn around because they have a short tongue length but, you know --

Unidentified Speaker: ...(inaudible)...

Mr. Bertlemann: Yeah.

Ms. Lono: We need to hear also ...(inaudible)... talk into the mike.

Mr. Abbott: We appreciate your testimony. The reason we need to use the microphone is Suzie there has to type all this as minutes and if we don't use the microphone, it's really hard for her to understand what was said and then it's also hard for us, as planners, to remember everything you said, exactly the way you said, so we can research that, so thank you.

Mr. Collins: Well, I was just speaking with Carl that the area that may be critical to help solve this is at the background area where we back into and a lot of times people park there, the signage is sort of gone away, but if we had a few more feet there to back the trailers into, then it would decrease the amount of area that we may need to turnaround, so that could solve the problem.

Mr. Abbott: And is that directly across from the boat ramp itself at the same angle or is it perpendicular makai?

Mr. Collins: Yeah, it's on the outside. There's a sign there and it's, you know, as you come out, we use that to back in and then swing around, you know, there's a big rock there but I think there's more area that could be used, you know, to get another eight to ten feet.

Mr. Abbott: Thank you.

Mr. Bertlemann: That could be a solution. That could be a good solution if they did work on that. Again, I'm not -- we're not really opposed to the project; it's just that I wanna make sure it can work for all of us. I'm kinda going to go off on a tangent a little bit but there was a meeting that I attended maybe couple years ago and one of the things they talked about was the length of time that the ramp was going to be closed, and they also mentioned a potential complete closure and that's -- that's a big issue for a lot of us out here that depend on the fish for, you know, for income as well as livelihood and for the community, so do you guys know anything about that, like that the --

Mr. Abbott: The question, if I understand it, is how long would the ramp be closed during this construction period, and I know the -- I'll let the applicant answer that, although, at this time, it's only been bid out but I don't think they've actually contracted so that might not be set in stone as it were.

Ms. Lono: Or has there been any consideration to any kind of a temporary boat ramp or situation where boats would be able to get in and out of the water?

Mr. Satogata: What we're looking at is, if you look at the revetment work that's on the ocean side of the revetment, where you can still launch from the inside, but once we start doing all that work with the new loading dock and the accessible ramp wall, we're pretty much going to have to close the ramp cause we gotta repair the ramp also.

Ms. Lono: How long are you looking at?

Mr. Satogata: It's going to take a while.

Ms. Lono: Are we talking about months, years, weeks?

Mr. Satogata: It's going to take a couple of months. Yeah, I mean --

Ms. Lono: So has there been any consideration to any kind of a temporary situation where the boaters would be able to get in and out of the water because I know that there has been some research done on some potential solutions to that? Has anyone discussed any of that with you?

Mr. Satogata: No.

Ms. Lono: Okay.

Mr. Abbott: Madam Chair, I think at the last public meeting that was held up on the hill, there was some discussion about the temporary smaller access area and, at that time, if I recall, there was an expression that that's too small for most of your trailered vessels. Is that correct? The small location out here by the shower.

Ms. Cosma: That was the beach access over here.

Mr. Bertlemann: I wasn't at that meeting but, personally, I'm not sure if you would have enough angle to float your boat off off of the beach and that would probably be the concern with that. However, if, you know, I just wish there was a way that we could work together and you could maybe give a window, say look launch your boat before six, come home after six, something like that, you know what I mean? But a complete closure, now Hana's a special place, we all know that, and part of it being special is that it's so remote. We cannot pack-up our boats and go drive to another ramp. We just can't. It's not feasible. I'm not going to drive my - I won't tell you how much it cost - but I'm not going to drive my boat down the road everyday to go fishing. So to be able to take that away from people, you know, that's a problem. I think we should -- there should be a solution somewhere.

Mr. Collins: I talked to Robert and it's global -- Mark Collins, and I talked to Robert and I guess if Global Contracting gets the contract, he talked to Jeff, who's the manager, and they're going to work with us and Jeff assured Robert, I talked to him earlier today, that they do their best to work with us and keep it open as long as, you know, as a window as they can and they understand so that was encouraging, so that was, you know, if they do get the bid, they're going to work with us.

Ms. Lono: So perhaps what we could do is encourage a meeting between the contractor and the Hana fishermen and the boaters when that contract is let to please ask the contractor to schedule a meeting with the boating community in Hana to try to coordinate that. Could we do that? Okay.

Mr. Abbott: That could be after this --

Ms. Lono: So that's one of -- that's going to be one of our recommendations or something, whoever's helping us track this stuff.

Mr. Abbott: Is there a time period during the year that's particularly better or worse, you know, if there was a closure, per se, a month or two, is there any period of year that's better or worse? Between -- okay. The answer was "no."

Mr. Collins: The answer is we fish 12 months a year.

Mr. Abbott: Okay. Ma'am? State your name.

Ms. Lono: Wait. Bill Sides and then Suzette. Okay, Suzette Cossey then.

Mr. Abbott: Please state your name also.

Ms. Suzette Cossey: Suzette Cossey. If you're talking about meeting with the awarded bid contractor for after-the-fact, I would imagine that you're then placing this issue on the contractor himself where this issue should be ironed out now with DLNR and all of the officials here beforehand and not put it on the shoulders and the burden of this gentleman when it's -- this -- the responsibility lies here. All of these answers should already -- the question should already be addressed as to how you're going to do it and the contractor works -- works along those lines, but not after-the-fact and then you're dealing -- then they have to deal with any kind of tension or issues that arise because it has to be shut down. They need to come back with the answers or have some kind of remedy to -- to address the problems. Thank you.

Mr. Satogata: This is Al Satogata, DLNR. Let me just clarify something. We've already open bids on this project so what we're going to end up doing is bringing the contractor

here, have a meeting, talk about keeping the boat ramp open for certain times during the construction period, and if it's a cost issue between DLNR and the contractor, I'm going to have to end up paying more, okay. Everybody kinda understand that? Cause we've already bid the project, okay, so it's going to be probably -- probably be a cost issue, increase in cost.

Ms. Lono: Okay, if we were to eliminate the wash down area, how much money will we be saving and could some of that be applied to --

Mr. Satogata: Right now -- right now I don't have the total funding for everything yet. I'm trying to find alternative funding so I don't have everything to fund the entire revetment. If we can delete the wash down, that helps.

Ms. Lono: Okay.

Mr. Satogata: But just take a look at the boat ramp. We didn't bid the project thinking that we'd have to keep the ramp open everyday during construction because, you know, even replacing the slab on the boat ramp, come on we gotta -- we gotta close the ramp. I mean there's no if and buts about that part of the work.

Mr. Sinenci: I was thinking some alternatives maybe some extra buoys out there. I don't know if you guys like leave during those times when going be completely closed I don't know if fishermen wanna keep their -- their boats on buoys but maybe we can set some extra buoys out in the bay, maybe open up this smaller one. I don't know how access to the reef in low tide but just thinking of some alternatives while they're laying that -- that flat concrete at the bottom of the ramp.

Mr. Satogata: Yeah. Exactly.

Mr. Sinenci: That would have to be closed but just think of other solutions in that short window.

Ms. Lono: Okay, Carl Bertlemann.

Mr. Bertlemann: Carl Bertlemann again. Now, I just wanna make it clear now, I think all the fishermen understand that this is to -- is going to benefit us, okay, however, there is a big difference between the slab work that you're going to lay down, so say the ramp being closed for two weeks and two months open-ended, big difference. So two weeks, hey, couple of moorings out there, whatever, we could work around that, you know, but the two month -- in fact, the number that sticks out to me, which this might have changed along the way, but one of the first meetings I came to was six months, which is -- I mean that's -- that's bad. There's gotta be a better way so --

Mr. Abbott: Would the applicant like to respond beyond -- okay.

Mr. Satogata: No, again, I gotta sit down with the contractor.

Mr. Abbott: You have another --

Ms. Lono: Suzette Cossey.

Ms. Cossey: Suzette Cossey again. You know, we -- we run into these circumstances before whether it's road work done on the Hana Highway way out at Keanae. There's always room for compromise as long as we realize that. There's a common goal here and the willingness has to be there. I'm sure that whoever the contractor ends up being, time -- you know, timeframes scheduled subject to, you know, a few fluctuations, modifying it due to weather or delays what have you, but as long as there's open communication within the community from every aspect - from the boaters to the general to the County and State - because we all want the same end result but it has to be compromised from everyone and, you know, it can't be, you know, just one side, we all have to do our part too because we're finally getting funding for them to come in here and repair the ramp and we've been in construction too so we understand what it's like where you need a curing period for the concrete, you need -- and anytime you have any kind of work done, it's really tricky, especially now when you're dealing with underwater issues, so that's where understanding has to come from from everyone concerned. And I see what Carl is saying -- Shane regarding the buoys and -- and I think if there's enough advance notice, the community can come together and see that there's a viable solution to that during that time frame where it does shut down. Thank you.

Ms. Lono: Well, one of the issues too is you can park your boat out there for so long but then you gotta get gas and, you know, get it out to your boat and you don't really have any way to do that, but it sounds like everybody's willing to sit down and work together and see if we can find the best possible solution with everyone involved and everybody giving and taking as much as they can so that people can make a living that depend on this, and some people do depend on this for their livelihood, so it's really hard just to cut those people off completely from their livelihood for six months. And if that's done, then perhaps some sort of restitution or something needs to be considered. So I guess what we need to also find out is who in the community would be the point person on behalf of the boating community and make sure that we have that information available to you so that you guys can be in direct contact with them. I had a list faxed to me today and I'm assuming that I could share that with the powers at be and let you know who those people are so you have that list, but having a clear channel of communication with the Hana boaters throughout this process I think is going to be very important.

And one of the other issues that was brought up during our walk through and it was actually brought up to me a few months ago was all of this relative to the property that Hana Ranch owns and where those property lines actually are and potential encroachments and, you know, when you're looking at that turnaround area, you're kind of getting into an area where there may be a conflict there as well as where the parking is, you know, on the mauka side of the road where that property line is and how we may be encroaching or not encroaching on their property and if those property lines are clear. So do you guys have that information? I mean has it been surveyed and do we know exactly where the Ranch property is? Okay, so that's all been taken into consideration and there's no potential conflict there at all?

Mr. Abbott: To answer the question, it has been -- there was an older survey, Hana Ranch, one of their representatives, did call the Planning Department and we discussed that. There are some uncertainties about ownership and that small little area and out towards the wall there so that wasn't quite clear to them but they are supportive of the project.

Ms. Lono: That small little area out towards the wall?

Mr. Abbott: I'm sorry. The small area out by the showers, where the current show is, and the smaller ramp could be used to access the ocean. So it's not clear all the ownership issues there either for the Ranch or DLNR.

Ms. Lono: Okay. Bill, did you have something?

Mr. Bill Sides: I had looked into this before and I talked to Carl about it, it might not be a workable solution, but there might be something that would work for smaller boats was to, I've seen it on the lakes, where they would lay a mat out over the sand, steel mat, that would be about ten feet wide, and you could back a trailer over the mat and get into the water. Carl's point out that the water wouldn't be deep enough. When your boat was out there, you'd have to extend it into the water a bit, and there are some issues about the coral reef, but it's something to maybe consider as an alternate cause there an area right between the rocks down here, halfway down, where there's a driveway that you can go to the beach through, so could back a boat down to the beach, you know, off onto the sand if there was a mat there that would carry the weight of the boat down to the water, then it would give an alternate spot, but it's a question of whether it's feasible. You may have to dredge out a bit of sand at the waterline or something to make it workable. I'm not saying it would work but you might wanna look at it.

And the other thing that hasn't been mentioned before was about the wash down area that Sam mentioned this that they do have problems with the sharks and kids swimming around here and then the blood would get from the drywell possibly through the sand, out to the

water, and be an attraction for sharks and so most people take their boats home for that reason and wash them at home and so that -- that's another issue to consider. Thank you.

Ms. Lono: Mark, did you raise your hand?

Mr. Collins: Yeah, Mark Collins. Yeah, originally, I was at the first meeting and I think that we were talking about, you know, having to close the boat ramp through the whole scope of the project and I -- we've come a long way so what we're looking for is just, you know, working together like we've been talking about and really, the boaters, what we need is only a short window in a day, you know, there's going to be times when you can't use it obviously when we do that ramp but leading up to that, you know, our guys are so good at getting in and out, we're talking about an hour in the morning at 6:00, and maybe at noon, and then the evening, you know, to -- that we can time it to come in and out and still be able to use the ramp as much as possible, you know, and close that window where we can't use it down to the minimum, you know, if we work together that way, you know, I think that that's the best we can do and that's what we're looking for.

Ms. Lono: Lehua Cosma.

Ms. Cosma: I think one of the concerns is I know the boaters they pay big ramp fees, registration fees, and without ramp -- access to the ramp, there needs to be an alternative for that. And I know in the '60's, the early '70's, when we used to go out on the boat, we used that beach access here because we didn't have a ramp at that time, but I believe it could go up to 20-footers, not bigger than that, and it all depends on the tide too, but that's where -- that was our beach access in the past before the boat ramp, but I support all the boaters and I do feel we need to find another alternative.

Ms. Lono: Okay, is there any other public testimony from the community? Any other questions? Concerns? Now is the time. Okay, if not, we will close the public testimony portion of the meeting and, Committee members, any other questions regarding this project?

b. Action

Ms. Cosma: Hi. I think we should -- I'd like to make a recommendation about the wash down facility that, yeah, I'd like to make a motion that we do not accept the wash down facility for Hana because the safety issue to the children swimming in the ocean and the limited space that we already have here at Hana Bay. It will be more congested as it already is.

Ms. Lono: Okay, so your motion is to eliminate the wash down area?

Ms. Cosma: Correct.

Ms. Lono: Okay, is there a second to that motion?

Mr. Kaina: I second that motion.

Ms. Lono: Seconded by Kawika. Is there any other discussion about that?

Ms. Cosma: Yes. I feel that amount of funding that could have gone to the wash down area can go to something more important, you know, cause we don't need that in Hana. People, they don't live that far, they can easily go home and wash it down, and I know too that there are concern about the safety of the ocean, what goes in there, so thank you.

Ms. Lono: Thank you.

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

It has been moved by Ms. Cosma, seconded by Mr. Kaina, then

VOTED: to not accept the wash down facility for Hana because the safety issue to the children swimming in the ocean and the limited space that we already have here at Hana Bay. It will be more congested as it already is.

***(Assenting: L. Cosma; K. Kaina; K. Kanakaole; S. Sinenci)
(Excused: T. Kahula; M. Tau`a)***

Ms. Lono: Okay, the motion is carried unanimously. Any other questions or discussion? Okay, I have --

Mr. Collins: ...(inaudible)... just one more thing?

Ms. Lono: Okay. No.

Mr. Collins: Yeah, Mark Collins. And one of the things we haven't discussed but it's important for the whole vision is the parking, you know, for the trailers. Right now, when it gets very congested and it's not, I don't know that is or isn't part of this, but, you know, as far as the Ranch land or who has the parking areas along there, what would be good if we had a little more designated parking for the Hana boaters because we actually need it. There's times when, you know, the bay gets filled up and the people that need to fish and, you know, depend on that don't have a place to park their boats so it's something in

this whole vision that where, you know, spending the time and consideration on is to maybe look at that too and that's increasing the designated parking for boats and trailers. Thank you.

Ms. Lono: Any other questions from the Committee members? I did notice in here - I'm trying to find it, don't know where I read it - but one of the things that -- one of the comments that came back was about getting the equipment in here that's going to be needed for his project, and it was -- oh yeah, okay, here it is. Department of Public Works. Recommend materials and heavy equipment come by water, especially large stones for revetment repairs, given the winding highway, aged one-lane bridges, and potential for Hana to become landlocked by an accident or damage to a bridge. So if that's going to be necessary, we don't really have -- I mean this area's condemned right now, yeah, as far as the wharf and stuff, and with what we have right now, would that be adequate to bring in this kind of equipment that we're talking about?

Mr. Higuchi: ...(inaudible)...

Ms. Lono: I can't hear you.

Mr. Abbott: I'll speak for the department first and then the applicant -- that letter was provided when the road on the backside through Kaupo was closed and the concern of Public Works, as I understand, is that if a large truck with a rock on it, you know, flipped over or had an accident or something like that, it would -- it would block any access for emergency vehicles in response to the whole Hana region. That isn't the case now that the road's open all the way through. So that was the fundamental -- one of the genesis of that and I think the Police Department also wrote a comment similar to that. As to the equipment that's going to come in, whether it's going to come by land or sea, I'll let the applicant respond to that, but I think until it's contracted out, that may not be something they can answer. Would that be correct?

Ms. Lono: Okay, well I guess --

Mr. Abbott: I believe that's true.

Ms. Lono: I guess the concern that I'm bringing up is we are -- we have one road that is our lifeline in and out of Hana, and those bridges in and out of Hana are very old and many of them are in such a state of disrepair that they have been recommended to be replaced, and if you're going to be hauling tonnage, which most of those trucks are over the weight limit and they get special permits to be over the weight limit and travel to Hana, you know that's a very serious situation and this looks like there's a lot of material and equipment that needs to be hauled into Hana, so it's something that we really need to consider as we

evaluate this project is how we are going to get that amount of material and equipment in for this project.

Mr. Abbott: Yes, I do know one thing they, at least the department suggested they consider and they did consider, was looking into when they were doing the response in Kaupo and Kipahulu and, you know, shaving off the cliffs, taking some of that material and perhaps using it for this project but that didn't work out. The material wasn't the correct size and there's other issues about whether you could get heavy equipment in during the different tide events, but I'll let the applicant say more.

Mr. Higuchi: Hi. I'm Wayne Higuchi. I don't have a good answer for you. Basically, the equipment that the contractor uses will be his means and methods. We know that the Department of Transportation has weight limits and they strictly enforce them as far as we understand so as far as overweight vehicles, they're not going to be allowed to travel from Kahului into Hana. The contractor will have to figure out a way to get his material here. I guess the weight of equipment and the size of the rocks was always a concern to us so we talked to some people in the area, contractors, and basically our understanding is they, if they got the job, they would have a source for the materials that they would need to construct this project. I guess that's basically all I can tell you, you know. We don't know what kind of equipment is available but we tried our best to talk to people and to understand what the logistics are that would be involved in doing this project and -- and that was the biggest concern that we had that the project was not biddable because of the type of equipment that we need but, as Al said, the project was bid, just not awarded right now.

Ms. Lono: Yes, Shane?

Mr. Sinenci: Would any of this construction involve barges? I mean would the contractor look at using barges to bring in equipment?

Mr. Higuchi: Again --

Mr. Sinenci: Is that a possibility?

Mr. Higuchi: We talked to several contractors, who we know have barges, and they were saying that their concern is the shallowness of the area, so they're saying their big -- big equipment, the big barges, won't be able to come in here. As far as the low bidder, I don't know how he's planning on bringing equipment in. But, yeah, we did talk to several contractors back in Honolulu who would basically do work out here and they had concerns about I guess the draft that they would have to deal with.

Ms. Lono: Could we talk a little bit about this chainlink fence that you're going to put, the security fencing along the wharf? Chainlink fencing in Hana is just like totally inadequate

and totally inappropriate. It doesn't last. It doesn't work. It ends up being a totally rusted falling down eyesore in a very short amount of time. And there must be some other option that can be considered for that. Could you address that?

Mr. Satogata: We'll take a look into that. I'll just -- I guess in the original scope, the chainlink fence was part of the scope. If you guys prefer something else, you can bring it up to my attention so we can take a look at it as a change order to the project right now. I mean all I see is welded rebar right now.

Ms. Lono: Do you have any idea what the cost of the chainlink fence option is?

Mr. Satogata: I'd have to go look back in the bid.

Ms. Lono: Okay. Okay.

Mr. Satogata: It's not that expensive because it's --

Ms. Lono: Yeah.

Mr. Satogata: It's only like 60 feet, I think, roughly.

Ms. Lono: Yeah, well I mean we know what's there and we didn't choose that either but, you know, to put a chainlink fence there is -- you might as well not put anything at all and save the money --

Mr. Satogata: Okay.

Ms. Lono: You know, so something -- something needs to be looked at with reference to the chainlink fence option.

Mr. Satogata: Okay, we'll take a look at that.

Ms. Lono: Okay.

Mr. Sinenci: I had a question about the ramp. I know Carl mentioned about he already uses the majority of the space for the turnaround, so if we took out ten feet from that turnaround, he wouldn't be able to backup the trailer over there, and I was wondering if there was some way to -- I know that ramp looks kind of, you know, large, I don't know if that, the ramp, could maybe circle in front this way and then come down, or if the ramp has to be a concrete, if it can suspend on metal or I don't know, but maybe another alternative so we don't lose at least ten feet in that turnaround while we can still change it on paper?

Mr. Higuchi: Well, we looked at, our civil engineer looked at different schemes and this was the -- the least affect on the pavement. Basically, we need to have a elevation -- a grade change and we need to incorporate this ramp. So I guess the constraints are the existing ramp and, on the back side, it's the big revetment edge of pavement, so he tried to retain as much as he could but you still need a certain run to get down to that new loading dock. So he tried different ways, switchbacks to make it smaller, but that basically encroached into the pavement more although it was shorter. I don't think you wanna go any kind of steel, exposed steel, structure in this environment. But, yeah, we did try different schemes, locating the ramp different places, and basically without going into the ocean side, we're kinda constrained. But the answer is, yes, we tried to look at it in-depth.

Ms. Lono: One of the other concerns that I have, and I really couldn't get a clear picture when I was out there, but on the Kauiki Hill side of the pier, you're talking about building a new revetment that's going to go out about 22 feet from finished grade right now and it has to slope, you know, at a one point something slope out into the ocean, so we're talking about going out into that little bay area where we -- everybody snorkels and, you know, the kids fish and stuff like that, like 22 feet out from the existing where it is right now, and I don't know if, you know, everybody was aware of that when we went out there, but that was a little bit disconcerting to me cause that's a extremely, extremely special area and I just wondered if there is any other option to having to go out that far into that little bay area there for that revetment. What our options might be if any.

Mr. James Barry: This is Jim Barry, with Sea Engineering. The one-and-a-half to one -- actually it's more like 33 feet. I looked at the plans.

Ms. Lono: Thirty-three feet?

Mr. Barry: Yeah, it's pretty far out there and there's, you know, given the design constraints, I mean that's pretty much what you have to do. You can't go -- you can't go any steeper and have a rubble mound, uncemented rock revetment. The only thing you can do is what -- is something that like what is there but it, you know, doesn't have the design life, you know, it'll eventually -- do a seawall or cemented type structure won't last the way a rubble mound structure will. So to have any kind of design life, that's pretty much what you have to do and there's really no -- no way around that.

Ms. Lono: Okay, so just so that I'm clear about where you're building, if it's a revetment, then you're saying it doesn't use concrete, it's built to like the pressure holds it into place?

Mr. Barry: It's uncemented and it's just the stability is given by, you know, the weight of the stones, you know, nestled on top of each other.

Ms. Lono: So would it -- could it be constructed differently if we actually did cement it? Would you -- could you give it strength by cementing it rather than having to go out so far into the ocean?

Mr. Barry: You could build a wall. You could build a -- you know, it would have to be a fairly formidable structure and would have -- it would reflect, you know, waves would -- pretty much like what's happening --

Ms. Lono: What's there now?

Mr. Barry: What's there now. Right. And to have something lasts, you'd have to, you know, it'd be fairly expensive and, you know, you'd have to have a pretty solid major structure.

Ms. Lono: Well, it sounds like what's going to be there now is pretty extensive anyway if you're going out, you know, 33 feet that, you know, if you built something that was more straight up and down and stabilize it with concrete, you know, you might be giving and taking a little bit, you know, material wise using more concrete and less stone that has to all be hauled in here and all of that. There might be something else we could look at there that may seem a little more practical because that, I didn't realize when I looked at these plans until we walked out there, how big that revetment is and what a huge impact that's going to have on that bay right there.

Mr. Barry: Right.

Ms. Lono: And I don't know if you all realized it either, but they're talking about you know on the Kauiki side of the, you know, where you drive up to the wharf, they're going to be building a revetment out from the top of there going out 33 feet from there out into that, you know, little bay area toward Kauiki. So I just feel like that's a big concern and if there's something that can be looked at -- I mean I realize you've already gone to bid on this and I know that you came here to meet with us before, and we didn't have a quorum, and we're coming in a little bit on the backside of this thing, but I think that's something that really needs to be looked at. And if you look at what's out there, and I know you don't live here in Hana and I know there's a lot you probably don't know about the area, but that's a pretty serious encroachment.

Mr. Barry: Well it's -- part of it is -- I mean a lot of it was just to keep the footprint, you know, the turnaround area, right, so we have to start on the edge of that, then we have to go out, have an apron, it's going to be an overtopping structure, you know, I'm sure you guys have seen it when you get the big waves, you know, they'll come right across, so you need a what they call an "apron," you know, on the top and then that'll be 11 feet wide and then you start your one-and-a-half to one so -- and it pretty much it goes to the, I don't

know if you know the big rock that's out there, it kind of -- once it hits that, it'll start to come in and then, you know, merge into the existing turnaround area.

Ms. Kanakaole: What kind of rock is supposed to be used for that? What kind of rock?

Mr. Barry: Basalt, you know, lava. Lava rock.

Ms. Lono: We had a question and we were looking at the -- at the drawing over here, what exactly we were talking about with that revetment, so it's going to come out 11 feet, and then it's going to drop down.

Mr. Barry: And it's --

Ms. Lono: And it's 22 plus 11, is 33-1/2 feet.

Mr. Barry: Wayne had a good point. I mean the -- when you say 33 feet, that's actually at the minus 6 level, so that's at the very bottom of the revetment. That's not what you're really going to be seeing the whole --

Ms. Lono: Well, it doesn't matter what you see, I mean whether it's below sea level or not. If you go and look what's out there, I mean that's coral, that's rocks, that's, you know, that's an environment --

Mr. Barry: Yeah.

Ms. Lono: And it's a very important environment --

Mr. Barry: Well --

Ms. Lono: And it's an environment that, you know, we need to be careful about how we --

Mr. Barry: Right.

Ms. Lono: How we treat that.

Mr. Barry: The footprint of the revetment, in terms of coral, there is little or no coral in this area --

Ms. Lono: In that area?

Mr. Barry: Because it's scoured, it's scoured by waves and sediment, so coral can't, you know, they have no way to get a foothold there.

Ms. Lono: Okay.

Mr. Barry: And it's all basically rock now.

Ms. Lono: Right.

Mr. Barry: The other thing, I mean a revetment is a -- is an environment. It will have, you know --

Ms. Lono: Yes, it will.

Mr. Barry: You know, it'll provide an environment for various forms of -- of sea life.

Ms. Lono: Right. I just have one more question about that. When I, and this is -- you know, I don't have a scientific background but I'm thinking the way -- the way the waves come in now, and it hits that area, you know it's hitting up on a flat surface, if you have an angled revetment, isn't that water just going to like come up, you know, tend to slide up and on and over the road more with that rather than what we have now?

Mr. Barry: Probably it would be more porous so there'll be actually less runup and it'll have a -- more of an angle so there's more distance for the waves to runup and dissipate their energy, so you will actually have less runup --

Ms. Lono: Okay.

Mr. Barry: Than you have now.

Ms. Lono: Okay.

Mr. Barry: And more dissipation due to the porosity of the -- of the stone. That's one of -- that's some of the advantages of having a loosely uncemented rubble mound structure.

Ms. Lono: Okay.

Unidentified Speaker: ...(inaudible)...

Mr. Barry: Yes, yeah. It's a balance between the weight of the rock and angle of the revetment.

Mr. Sinenci: We had a -- we had a question. Can you build on top the revetment? We're just trying to extend if you -- to get more space for the turnaround, can you actually extend

the road turnaround a little bit over the revetment to make -- to take into account that ramp that's taking up the turnaround space?

Mr. Barry: Well, the trouble is that that rock is in a very -- what you've got three, you know, almost four-foot diameter stone sitting there and it's not a very good surface to try and pave -- pave over so you don't normally pave over the, you know, the armor stone. I'm not -- you know, you could try to do something but, again, it's not going to last. You've got all these voids, you know, between the stones and there's no real easy way to fill that and -- yeah.

Ms. Lono: Try to create solutions anyway. I want to entertain a motion that would request them to, just for the record, to consider an alternative to the chainlink fence.

Ms. Cosma: Okay, I'd like to make a motion that you eliminate the chainlink fence and consider an alternative instead.

Ms. Lono: Okay, so Lehua made a motion to consider an alternative to the chainlink fence, and do we have a second? Anyone?

Mr. Kaina: I second that motion.

Ms. Lono: Kawika seconds the motion. Anymore discussion on that?

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

It has been moved by Ms. Cosma, seconded by Mr. Kaina, then

VOTED: to consider an alternative to the chainlink fence.

(Assenting: L. Cosma; K. Kaina; K. Kanakaole; S. Sinenci)

(Excused: T. Kahula; M. Tau`a)

Ms. Lono: Okay, the motion carries unanimously.

Mr. Sinenci: I'd like to make a motion on the -- whenever a contractor is hired that an environmental impact of the construction including the equipment and the -- be made before the before construction begins. Like what kind of environmental impact will all these big machinery and materials --

Ms. Lono: Is that included in our environmental assessment that we got? Does it address the transfer of the equipment from the other side of the island and materials and stuff like

that? Does it address that? I didn't get to read the whole 221-page document before I came here tonight so -- there is an environmental assessment but there isn't an EIS. Is that correct? There is not.

Mr. Barry: No. The EIS wasn't -- just the environmental assessment but we --

Ms. Lono: Could you talk more closer to the mike cause she's gotta get this down.

Mr. Barry: Okay. No, you know, it's up to, basically, the contractor to get -- to get his equipment here and so that wasn't really part of the environmental assessment.

Ms. Lono: Okay, so we have a motion that the contractor be requested to produce an environmental impact or an environmental assessment on the impact of hauling the equipment and all of those rocks and whatever is needed for this project across the Hana Highway to accomplish this project.

Mr. Sinenci: Prior to construction.

Ms. Lono: Prior to the construction of the project. Is that correct?

Mr. Abbott: May I --

Ms. Lono: Hold on a second. Do we have a second to that motion so we can even discuss it?

Ms. Cosma: Second that motion.

Ms. Lono: Okay, Lehua seconds the motion. Did you have something you wanted to say?

Mr. Abbott: Yes, Thorne Abbott, Staff Planner. An environmental assessment is usually triggered when the County -- when County funds or lands, or State funds or lands are used, and the environmental assessment considers very specific environmental or ecological criteria. Things like traffic mitigation would not be considered under a construction project of this size. What would be considered, when they go to get, for example, their building permits, they would have to adhere to Public Works's regulations and Public Works has limitations on things like, you know, how -- how much tonnage can be on a bridge, or how much tonnage can be on the pier, or how high those vehicles can be. Also when those -- that equipment comes in, they have to use what's called "best management practices" to make sure, for example, oil doesn't spill out of, you know, a Caterpillar or something like that and run into the ocean. So I would -- it might put the applicant in a difficult position if you were recommending a full environmental assessment because there's not a nexus

between the law, the special management area rules, and, for example, traffic mitigation in this particular circumstances.

Mr. Sinenci: Okay, let me rephrase my motion.

Mr. Abbott: Yeah, so there -- there might be another way to achieve what you want. Yeah, thank you.

Ms. Kanakaole: Before you do, Shane, I think what we should do is look at the recommendations that were made already by our Planning Department, and if we look on the last page under Project Specific Conditions, No. 14, it says that they recommend that best management practices shall be implemented to ensure water quality and marine resources are protected. We can probably add something in there. Make a recommendation to add something under there having to do with the way they transport their materials here. You know, it should probably go under that best management practices.

Mr. Sinenci: Yeah, it sounds like --

Ms. Lono: We can't necessarily reword their recommendations --

Ms. Kanakaole: No, we can add to it.

Ms. Lono: But we can add to it our own recommendations.

Ms. Kanakaole: That's what I'm saying. That's what I'm saying.

Ms. Lono: Okay. So he's trying to make a recommendation that addresses that.

Ms. Kanakaole: Right, and I'm saying that we could add to No. 14 cause that's probably the best place for it to go.

Ms. Lono: Well, it would become like No. 15, right? It wouldn't -- we wouldn't change their recommendation. We would add our own.

Ms. Kanakaole: What do you think mister --

Mr. Abbott: Yes, you can add recommendations, Madam Chair and Committee members. You can.

Ms. Kanakaole: We can. I'm pretty sure we did something like this before.

Mr. Abbott: You can also --

Ms. Kanakaole: I remember doing this.

Mr. Abbott: You can also change the language. Those are just recommendations from the department.

Ms. Kanakaole: And it would just reflect that we did it, right?

Mr. Abbott: Yes you can. You can recommend that.

Ms. Kanakaole: It'll just reflect that we changed it.

Mr. Abbott: Right. So something, for example, work to mitigate adverse impacts from traffic for getting the equipment here.

Ms. Lono: Okay, so perhaps what we should do then is go through and look at these because we didn't -- we didn't do that yet. So, Committee, excuse me, could we go through this document that does have the recommendations from the planning committee -- I mean the Planning Department? Standard Conditions are standard conditions and I don't think we need to go through that. What is the discussion?

Mr. Kaina: We're trying to figure out what is the outcome we're actually trying to get to and so I guess --

Ms. Lono: Okay, we can take a recess in a minute to deal with that but let's go through these right now and get this out of the way. So let's look at the Project Specific Conditions ...(inaudible)... recommendations.

Okay, so No. 11: That in the event cultural resources, including human remains, are identified all work shall cease.

No. 12: That in consultation with the Police Department, the applicant shall use best practices in crime prevention through environmental design.

That low-level lighting shall be used on buildings, landscaped areas, loading and unloading areas, parking lots and docks and shall be fully shielded and/or shaded subject to applicable guidelines in crime prevention through environmental design, CPTED. That appropriate filtration measures to separate petroleum products and other potential contaminants shall be incorporated into the project's drainage plan and shall be maintained regularly and, at a minimum, annually. Such filtration measures may include biological and/or natural means of separation and remediation where applicable.

And then No. 14: That best management practices shall be implemented to ensure water quality and marine resources are protected. No construction materials should be stockpiled in the aquatic environment. All construction related materials should be free of pollutants and placed or stored in ways to avoid or minimize disturbance. No debris, petroleum products, or deleterious materials or waste should be allowed to fall, flow, leach, or otherwise enter into near shore waters. Any turbidity and situation generated from activities proposed at the site should be minimized and contained in the immediate vicinity of construction through the use of effective silt containment devices. Construction during adverse weather conditions should be curtailed to minimize the potential for adverse water quality impacts.

So, do we want to add -- we did add one, I think two -- two conditions already. Okay, so I would entertain a motion to adopt these conditions as they are.

Ms. Kanakaole: I wanna -- I'll make a motion to adopt the --

Mr. Sinenci: Project Specific Conditions.

Ms. Kanakaole: We can add. We add to it. So we adopt these and then we add.

Ms. Lono: Okay, alright, and with the -- in addition the two amendments that we already added.

Mr. Sinenci: Are we, okay, but are we okaying this entire thing?

Ms. Lono: We are accepting the Project Specific Conditions, 11 through 14, in addition to our two amendments.

Mr. Sinenci: Not the Standard Conditions? Okay.

Ms. Lono: We could do the whole package if you want.

Mr. Sinenci: I was just saying some of it has like a five-year construction period.

Ms. Lono: Yes. Those were some of the questions that the --

Mr. Sinenci: Three-year construction period.

Ms. Lono: Yeah, that I had in there so I didn't -- we didn't entertain a motion to accept those - just the Project Specific Conditions. So Kauai made the motion to accept the Project Specific Conditions?

Ms. Kanakaole: Yes, I make a motion to accept the Project Specific Conditions, 11 through 14, adding 15 and 16 would be the two that we made. Do I have to restate those?

Ms. Lono: As amended.

Ms. Kanakaole: As amended earlier.

Ms. Lono: Okay, do we have a second?

Mr. Kaina: I second that motion.

Ms. Lono: Kawika seconded. Any further discussion on that?

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

It has been moved by Ms. Kanakaole, seconded by Mr. Kaina, then

VOTED: to accept the Project Specific Conditions, 11 through 14, as amended adding 15 and 16.

***(Assenting: L. Cosma; K. Kaina; K. Kanakaole; S. Sinenci)
(Excused: T. Kahula; M. Tau`a)***

Ms. Lono: Motion carried unanimously. Okay, so let's look back at those Standard Conditions. Okay, let's go ahead and do the other one. Do we need to -- do we need to recess a moment to formulate that, those additional amendments? Okay, we'll take a ten-minute recess -- five-minute recess -- two-minute recess -- a five-minute recess. Okay, mahalo.

(A recess was called at 6:21 p.m., and the meeting reconvened at 6:30 p.m.)

Ms. Lono: I'll call this meeting back to order. And let's see, we adopted the Project Specific Conditions with amendments. Are there additional amendments that we want to consider at this point in time? If there are, I will entertain those motions now if Kawika will come back to the table.

Ms. Kanakaole: I think I wanna add -- I don't think we made this recommendation that they take into consideration what Carl said earlier about the turnaround area and how -- you're going to make that?

Ms. Lono: Yeah, we have --

Ms. Kanakaole: Okay.

Ms. Lono: We have one formulated for that.

Ms. Kanakaole: Great.

Ms. Lono: Okay, shoots.

Mr. Sinenci: I would like to make the motion that maximum consideration be given to maximize the turning radius for the trailers on the revetment and that improved signage and/or alternative parking stalls be designed, considered which would assist in vehicle trailer turnaround and trailer parking.

Ms. Lono: Okay, is there a second?

Ms. Kanakaole: I'll second that motion.

Ms. Lono: Kauai seconds the motion. Any further discussion on that?

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

It has been moved by Mr. Sinenci, seconded by Ms. Kanakaole, then

VOTED: that maximum consideration be given to maximize the turning radius for the trailers on the revetment and that improved signage and/or alternative parking stalls be designed, considered which would assist in vehicle trailer turnaround and trailer parking.

(Assenting: L. Cosma; K. Kaina; K. Kanakaole; S. Sinenci)

(Excused: T. Kahula; M. Tau`a)

Ms. Lono: Okay, motion is unanimous. Any additional? Okay, Kawika?

Mr. Kaina: I'd like to make a recommendation that the applicant require the contractor to hold a minimum of one additional public hearing to outline their mobilization and staging plan for equipment and materials and for it to be provided prior to construction.

Ms. Lono: Is there a second to that motion?

Mr. Sinenci: I'll second that motion.

Ms. Lono: Shane seconds the motion. Further discussion on that motion?

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

It has been moved by Mr. Kaina, seconded by Mr. Sinenci, then

VOTED: that the applicant require the contractor to hold a minimum of one additional public hearing to outline their mobilization and staging plan for equipment and materials and for it to be provided prior to construction.

***(Assenting: L. Cosma; K. Kaina; K. Kanakaole; S. Sinenci)
(Excused: T. Kahula; M. Tau`a)***

Ms. Lono: Okay, motion carries unanimously. Any other -- anything else at this point? Okay, cause if there's not, we will go through these other conditions.

Ms. Cosma: I just wanted to ...(inaudible)...

Ms. Lono: Okay, go ahead, Lehua.

Ms. Cosma: I wanted to go back to the chainlink fence thing real quick. You know, we spoke of an alternative to it but couldn't it just be left alone so that you have more monies to finish the ramp and stuff? Is that possible? Yeah, I think it's fine the way it is.

Ms. Lono: And we did make a -- we did make a recommendation on that already.

Ms. Cosma: Okay.

Ms. Lono: Yeah, but we're asking for them now to eliminate the fence, the chainlink fence all together.

Mr. Satogata: ...(inaudible)... to keep people from going on the pier and that's why they ...(inaudible)...

Ms. Lono: Yeah, it's not going to work anyway.

Mr. Satogata: When we originally came out, they told us to put the chainlink fence up so that the public cannot get onto the old pier. Yeah. If you want, I'll just delete the fence.

Ms. Cosma: Yes.

Mr. Satogata: Okay. Thank you.

Ms. Lono: So Lehua makes a motion that we -- that the chainlink fence be deleted all together. Is there a second to that motion?

Ms. Kanakaole: I'll second that motion.

Ms. Lono: Okay, we'll delete No. 16, which was the previous motion on the chainlink fence to look for an alternative and instead we are requesting that the chainlink fence be deleted. Is there a second to that motion?

Ms. Kanakaole: I'll second that.

Ms. Lono: Second by Kauai. Anyone --

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

It has been moved by Ms. Cosma, seconded by Ms. Kanakaole, then

VOTED: to delete Condition No. 16, which was the previous motion on the chainlink fence to look for an alternative, and instead request that the chainlink fence be deleted.

***(Assenting: L. Cosma; K. Kaina; K. Kanakaole; S. Sinenci)
(Excused: T. Kahula; M. Tau`a)***

Ms. Lono: Carried unanimously. Okay. Okay, so let's go through these Standard Conditions very quickly and see if we need to address anything there, so beginning on Page 5 of 8, Standard Conditions: That construction of the proposed project shall be initiated by February 27, 2012. Initiation of construction shall be determined as construction of onsite and/or offsite improvements, issuance of foundation permit, and initiation of construction of the foundation, or issuance of the building permit, initiation of building construction, whichever occurs first. Failure to comply with this three-year period will automatically terminate this SMA unless a time extension is requested no later than 90 days prior to the expiration. The Planning Director shall review and approve a time extension request but may forward said request to the Planning Commission for review and approval.

Mr. James Giroux: Thorne? Thorne, at another SMA hearing, I asked the department to review this standard condition because it's not completely accurate with the new rule that we have passed.

Mr. Abbott: Correct.

Mr. Giroux: It's not may. It's -- the process now is that time extensions are sent to the commission and they can decide whether or not they wanna waive review so -- so the -- I'm asking the department to universally --

Mr. Abbott: Yes, we will -- the Conditions No. 1 and 2 are amended to reflect that the time extension is approved by the Maui Planning Commission and not the director in the current SMA rules, 12-202. Correct.

Mr. Giroux: You can just say "pursuant to" and then cite the rule --

Mr. Abbott: Okay.

Mr. Giroux: The rule that --

Mr. Abbott: Pursuant to 12-202 as amended.

Ms. Lono: Okay. Thank you. Okay, No. 2: That the construction of the project shall be completed within five years after the date of its initiation. Failure to complete construction of this project will automatically terminate the subject SMA permit. A time extension shall be requested no later than 90 days prior to the completion deadline. The Planning Director shall review and approve a time extension request but may forward and request the Planning Commission to review and approve pursuant to 12-202-17 of SMA rules for the commission. And this is the one that you just addressed that is it will be by the Planning Commission. Okay.

So we had some questions regarding the five year construction period. Does anybody wanna address that?

Mr. Sinenci: Has it been extended beyond that five years of construction?

Mr. Abbott: The time frames provided are standard that we use so that applicants can have time to get a building permit, get any other permits, like a National Pollution Discharge Elimination System permit, which is a Federal permit administered by the Department of Health. It just provides them the -- we found that a number of applicants were having trouble getting all their other permits in the time frame provided so we extended that. That was the only purpose for it.

Ms. Lono: Well -- sorry. Shouldn't that -- shouldn't all of that be done prior to construction beginning? I mean they should have all of their permits in place prior to construction beginning, correct?

Mr. Abbott: They should but sometimes that takes a very long time.

Ms. Lono: So we're not talking about that though. We're talking about once construction begins here, correct?

Mr. Abbott: Right, but if let's say you approve this today and they did not get all their permits together in three years, which has happened in the past with other applicants, then this permit would be null and void. It would expire.

Ms. Lono: Well, the clock doesn't start ticking today though.

Mr. Abbott: Yes, it does. It's -- it starts ticking with the ten days from the date of your approval.

Ms. Lono: Well, we're not approving anything. We're just providing recommendations to the Maui Planning Commission. We are not approving anything, so it has to go to the Planning Commission from here, so this doesn't have anything to do with actually approving it. We're just making recommendations to the Planning Commission.

Mr. Abbott: I believe the commission will have the opportunity to adopt your recommendations.

Ms. Lono: Correct.

Mr. Abbott: And should they do so, then their date of approval would assumably be ten days after their meeting and that is the date this clock starts ticking. So it would be three years from the date the Maui Planning Commission approves it plus ten days.

Ms. Lono: Well, we're now talking about the five years. The three years is in the previous: The construction of the proposed project shall be initiated by February 2012. That's initiation of the construction. And then you have the actual construction time and I think our concern is that five years is an awfully long time to have construction ongoing at Hana Bay, so would we like to discuss that, Committee?

Mr. Sinenci: Probably the monies will run out before then.

Ms. Lono: Do we have any kind of an actual time frame that's been given by the contractor for completion of this project or what it will actually take to build this project? Normally, with a bid, a contractor usually submits a schedule. A year-and-a-half?

Mr. Abbott: I believe that your report also says that the anticipated construction time is 18 months. Again, this condition was designed this way to provide kind of the maximum ability to the applicant so the applicant doesn't have to come back to the commission ...(inaudible)...

Ms. Lono: But we don't -- we don't really -- you know, that may provide the applicant with the maximum ability but if you give them the maximum, then they could take the maximum, and what we would like to do is try to reduce the time that's it's going to take to do this.

Mr. Satogata: What we did was --

Ms. Lono: Okay, hold up. Hold up.

Mr. Satogata: When we bid the project, we put in 18 months as a calendar.

Ms. Lono: Okay.

Mr. Satogata: So they have to be -- they have to be done in 540 days.

Ms. Lono: Yeah, okay.

Mr. Satogata: Roughly about 540 calendar.

Ms. Lono: Okay, so why do we need to put five years in here? Can we -- can we change that, Corporation Counsel?

Mr. Abbott: It can be changed. It was just -- it's a standard condition with all of our SMA permits.

Mr. Satogata: I wanna side with Thorne here cause I think if we run into some kind of a problem with the contractor, at least the five year window is out there for us.

Ms. Lono: Well, perhaps that could be attached to that, you know, if we wanted to make a recommendation for a shorter amount of time, that it also includes something that says, you know if -- unless mitigating circumstances arise, or something like that.

Mr. Satogata: Yeah, but then that creates an action on our part to -- to extend to five.

Ms. Lono: Yeah.

Mr. Satogata: But if you leave it at five, you know --

Ms. Lono: Then you have five.

Mr. Satogata: Let me just be real straight, a contractor is not going to bid. He bid for 540 days. If he's going to be here for five years, he's going to go under. I mean that's --

Ms. Lono: Well, you know, a lot of times they do so much of the project, then they pull off for a while and go do some other project, and so on and so forth so --

Mr. Kaina: They would be in violation of their contract ...(inaudible)...

Ms. Lono: Yeah, as long as there's a condition -- as long as there's a condition in the contract for that then that would be -- so does anybody want to address that five-year period at all? Does anybody have concerns? Okay. Alright.

Okay, so let's go to No. 3: The permit holder or any aggrieved person may appeal to the Planning Commission any action taken by the Planning Director on the subject permit no later than ten days from the date of the director's action is reported to the commission.

That appropriate measures -- No. 4: That appropriate measures shall be taken during construction to mitigate the short-term impacts of the project relative the dust and soil erosion from wind and water, ambient noise levels, and traffic disruptions. This is a pretty important one. So we've got it all covered - dust, soil, wind, water, noise. Everybody good with that one?

Okay, No. 5: That the subject SMA use permit shall not be transferred without prior written approval - yada, yada, yada.

No. 6: That full compliance will all applicable government requirements shall be rendered.

No. 7: That the applicant shall submit plans regarding the location of any construction related structures, such as but not limited to trailers, sheds, equipment and storage areas, and fencing to be used during the construction phase to the Maui Planning Department for review and approval.

Mr. Sinenci: My concern is having all that stuff down here at Hana Bay.

Mr. Kaina: Yeah. Yeah. So we put in that motion -- we put in that motion that they'll hold -- we did make that recommendation that they hold one -- one public hearing in Hana with that plan prior to construction, so I think we got that covered.

Mr. Sinenci: Can we add to that one to say that --

Ms. Lono: ...(inaudible)...

Mr. Kaina: Yeah.

Mr. Sinenci: Okay.

Mr. Kaina: So I think when they come back in for that public hearing, what we would want to know is everything that's stated right here in these conditions.

Mr. Abbott: Right. And also, regarding Condition No. 7, again that's a standard condition that Public Works requires. Anytime you get a building permit, you have to tell them where your materials are going to be and then you have to implement best management practices so none of it runs off or, you know, ends up in the ocean.

Ms. Lono: Right, and our concern is a little bit outside of that saying where exactly are you going to be and all of that.

Mr. Abbott: Right.

Ms. Lono: So we've covered that in that other --

Mr. Abbott: But I think you've addressed that with your additional --

Mr. Kaina: But this requires them to tell you and then we're making the recommendation that requires them to tell us ...(inaudible)...

Mr. Abbott: Correct. Yeah.

Ms. Lono: Okay, No. 8: That the applicant shall submit to the Planning Department five copies of a detailed report addressing its compliance with the conditions established with the subject special management area use permit. A preliminary report shall be reviewed and approved by the Planning Department prior to issuance of the grading permit. A final compliance report shall be submitted to the Planning Department for review and approval prior to issuance of a certificate of occupancy. Questions? Anything on that?

No. 9: That the applicant shall develop the property in substantial compliance with the representations made to the commission in obtaining the special management area use permit. Failure to so development the property may result in the revocation of the permit.

No. 10: That a copy of the approved National Pollutant Discharge Elimination System, NPDES, shall be filed with the Planning Department and the Department of Public Works and Environmental Management prior to approval of the grading permit. Any -- yes, sir?

Mr. Barry: There shouldn't be an NPDES permit requirement for this project.

Mr. Abbott: I believe we could amend the -- actually two amendments the department would recommend. It's no longer the Department of Public Works and Environmental Management, so that should be revised to correct reference. And just say "if applicable." So the applicant would get an NPDES permit if applicable.

Ms. Lono: Okay. So we would need to make a motion to that affect to change this? So would somebody make that a motion -- make that emotion -- make that motion? Getting a little punchy here. Okay, that's really something the department needs to do anyway. They can -- or should we handle that? Should we make that? To the Planning Commission. He could do that at the Planning Commission level, right?

Mr. Abbott: Yes, we'll correct it when it goes to commission.

Ms. Lono: Yeah. So they can do that then. Okay. Any other discussion on this application? Okay, so we need to make a motion to adopt all of the recommendations that are included in the Planning Department's report as well as the amendments that we made. Will someone please make that motion? Please?

Ms. Kanakaole: I make a motion -- hello?

Ms. Lono: It's not working.

Ms. Kanakaole: Okay.

Ms. Lono: Kauai is making a motion to adopt all of the recommendations by the Planning Department as well as the amendments --

Ms. Kanakaole: We made tonight.

Ms. Lono: That we made this evening by the Committee. Second?

Ms. Cosma: I second.

Ms. Lono: Lehua seconds. Any further discussion?

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

It has been moved by Ms. Kanakaole, seconded by Ms. Cosma, then

VOTED: to adopt all of the recommendations by the Planning Department as well as the amendments made by the Committee.

***(Assenting: L. Cosma; K. Kaina; K. Kanakaole; S. Sinenci)
(Excused: T. Kahula; M. Tau`a)***

Ms. Lono: Okay. Thank you very much all of you for your patience and your time and your explanations and we really, really appreciate it. Thank you so much.

Mr. Abbott: The department very much appreciates your assistance as well and your input as well as the citizens because I think it improves the project a lot so mahalo.

Ms. Lono: Right on. Thank you. Thank you, community that's still here. Okay, now the next thing we have is the Director's Report by Clayton Yoshida.

F. DIRECTOR'S REPORT

1. Cost saving measures in the midst of the current economic downturn

Mr. Clayton Yoshida: Yes, Madam Chair and members of the Committee, again, I guess the Committee members have been reading about the Mayor's mandate for the departments to present a 16 percent cost savings at the end of the fiscal year because of the economic downturn in the current economy, so we just have to be more efficient in our expenditures, so we are driving out for these meetings and driving back for these meetings rather than chartering a plane and we just have to be more efficient. We're trying to consolidate applications as much as possible and we just want to make you aware of that.

Ms. Lono: I would just like to address the Committee and thank those of our members who have attended faithfully and been here for the meetings. It is extremely unproductive and costly when we do not have a quorum. So as we plan these meetings, and Suzie calls us and confirms that we're going to be here, we need to be here. So if you let us know you're going to be here and you make the quorum, and then you don't show up, it cost thousands of dollars in taxpayer money when that happens. So I would just like to ask all of you to please be aware of that. I know that Tina is going to resign from the Committee and I believe she did let me know that, I let Suzie know that. She hasn't formally done it yet, but

I think Suzie addressed that with her on the phone and she's going to fax something over, but she needs to do that so we can replace her because we need a full Committee and really took me a long time and a lot of tooth-pulling to get another person, you know, on the Committee. To get Marilyn, that took us almost six or seven months following -- getting her resignation. So we need to be efficient about this thing. If you can't serve and you can't be here at the meetings, then please let us know so we can replace you with somebody who's willing to be here. So we do need to replace Tina and we should get some applicants to put in their applications with the Mayor's office, I have those in my office at the County Council office, so if anybody needs one, please come and see me. Lehua, you wanted --

Ms. Cosma: Yeah, I'd just like to say thank you, Suzie, for always being on it, calling us ahead of time. I know it's so hard to get a hold of everybody at one time but when we hear from you, we try help out too because pretty much three of us work all in the same area so thank you again.

2. January 22, 2009 public hearing - Paani Mai Park Expansion Entitlements

Mr. Yoshida: Thank you, Madam Chair. Our next meeting is scheduled for January 22. We'll be having a public hearing on the Paani Mai Park expansion entitlement projects. Again, the Council has passed the resolution in November and we have 120 days to get the recommendation of the Planning Commission back to the Council. It was introduced by Councilmember Bill Medeiros for a community plan amendment, State land use district boundary reclassification, and zoning change. And the Parks Department has filed an SMA application. The question I have is: Does the Committee want to do a site inspection before, on the same day, but before the meeting?

Ms. Lono: We definitely need a site inspection.

Mr. Yoshida: Okay. So say at 3:00? Meeting at 4:00? Cause I guess it's right up here.

Ms. Lono: Okay, are you guys okay with 3:00? I guess my boss will let me off at 3, Councilman Medeiros.

Mr. Yoshida: Since he introduced the resolution, yes.

Ms. Lono: Okay.

3. Scheduling of other Hana Projects

Mr. Yoshida: Okay. Then moving on to the third item, the only item -- other items that we have are Mark Collins's request for rezoning to service business residential, which is still on hold until the Council adopts the service business residential, and I believe one TVR application on the Kipahulu side of town. But those are kind of in the off, you know, we haven't scheduled those yet. With that, you know, we're reaching the holiday season and we wish all of you a happy holiday season.

Mr. Sinenci: What came about of that TVR? I know I had read some things in the paper about the TVR. What had come about? What's the status on that?

Mr. Yoshida: I guess the Committee dealt several times last year, better half of last year, with the department's proposed bed and breakfast and TVR bills. Since the Council came out of the budget meetings in June, the Planning Committee, under the leadership of the Chair, Councilmember Gladys Baisa, they've spent the past six months on the bed and breakfast bills, and that's scheduled for second and final reading on Friday so, hopefully, before the end of the year, we'll have an ordinance relative to bed and breakfast. There are certain exceptions for Hana, Lanai, and Molokai that the rest of Maui doesn't have to follow, and there are these caps on the number of bed and breakfast permits which the department can issue for any community plan region on the Island of Maui. So once we get up to that number, we have to tell the next person, "Sorry, but we are at the cap."

Mr. Sinenci: But the transient vacation rentals --

Mr. Yoshida: That's the next --

Mr. Sinenci: Is it -- did that go through yet or they just said everybody need a permit now?

Mr. Yoshida: No, they didn't have enough time to deal with transient vacation rentals so -- well it's the wish of Councilmember Baisa to try to take it up next year if she becomes the Planning Committee Chair because she feels that we should have some kind of regulation, one way or the other, we spent enough time, certainly the commissions and the committee, had spent enough time in coming up with recommendations, but it's not an easy item to deal with, like one meeting and we're pau. It just takes a number of meetings and, hopefully, that's on the list of things to do for the Council for next year once they organize.

Ms. Lono: And I'd just like to say that the definition of bed and breakfast has now changed and it is no longer a room within a home that you live in - it is now encompassing you living in one house and the ohana being able to be considered a B&B. So they completely changed that definition and it kind of -- so that kind of covered a little bit of the -- what was before considered TVR. So just so you're aware that that happened. And now TVR is considered if you do not live on the property, if there's no resident manager or owner living

on the property, then that is considered a TVR. But, otherwise, they incorporated that -- they incorporated ohanas as now B&B's.

Mr. Yoshida: Yeah, there has to be a --

Ms. Lono: They changed it all. Yes.

Mr. Yoshida: Owner proprietor. No lessee proprietor.

Ms. Lono: Oh, on which?

Mr. Yoshida: On the B&B.

Ms. Lono: On the B&B? It has to be a owner proprietor?

Mr. Yoshida: It has to be a owner proprietor.

Ms. Lono: No lessee proprietor? Are you sure?

Mr. Yoshida: No. We will circulate copies of the ordinance --

Ms. Lono: I'm going to get it tomorrow.

Mr. Yoshida: Yeah, once it's adopted.

Ms. Lono: Yeah.

Mr. Yoshida: It is -- I think it might be online.

Ms. Lono: Okay. I will get a copy tomorrow of that so if anybody wants one, give me a call and I'll fax it to you or whatever. Okay. Thank you so much, Clayton, and, you know, thanks you guys. Thank you, Suzie. And happy holidays, Merry Christmas, Happy New Years. We look forward to seeing you in January. Have a wonder holiday season. We will close with Jingle Bells. Okay, good night, everybody. Oh, motion to adjourn.

G. ADJOURNMENT

Ms. Cosma: I make a motion to adjourn.

Ms. Lono: Lehua's motioning to adjourn. Kauai seconds.

There being no more business brought before the Committee, the motion was put to a vote.

It has been moved by Ms. Cosma, seconded by Ms. Kanakaole, then unanimously

VOTED: to adjourn the meeting at 7:00 p.m.

Respectfully submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards and Commissions

RECORD OF ATTENDANCE

Present

Dawn Lono, Chairperson
Kawika Kaina, Vice-Chairperson
Lehua Cosma
Kauai Kanakaole
Shane Sinenci

Excused

Tina-Maria Kahula
Marilyn Tau`a

Others

Clayton Yoshida, Planning Program Administrator
Thorne Abbott, Staff Planner
James Giroux, Deputy Corporation Counsel