

**(APPROVED: 03/09/11)**

**MOLOKAI PLANNING COMMISSION  
REGULAR MEETING  
DECEMBER 8, 2010**

*\*\* 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, and at the Planning Commission Office at the Mitchell Pauole Center, Kaunakakai, Molokai. \*\**

The regular meeting of the Molokai Planning Commission was called to order by Chairperson Steve Chaikin at 12:18 p.m., Wednesday, December 8, 2010, at the Mitchell Pauole Center Conference Room, Kaunakakai, Molokai.

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

**1. CALL TO ORDER**

Mr. Steve Chaikin: All right. I'll go ahead and apologize for our late start today. But with that, let me call this – the December 8<sup>th</sup> meeting of the Molokai Planning Commission to order. Let me just start by acknowledging our Maui County Councilman Danny Mateo here, with us today. Thank you for coming. I'd also like to acknowledge all the Maui County Planning Department Staff that we have here. We have Clayton Yoshida, Danny Dias, Suzie Esmeralda over here. And also from Corporation Counsel, we have Jane Lovell here today, and also over here, Michael Hopper. And the Commissioners present today, we got Commissioner Buchanan, Pescaia, Kelly, Sprinzel, and myself, Steve Chaikin. Alright. With that, I think we can just carry on with the agenda. The first item on the agenda --

Ms. Lori Buchanan: Chair? Excuse me, Chair?

Mr. Chaikin: Yeah, go ahead.

Ms. Buchanan: I wanted to see if we could make an amendment, if there's no opposition, to this agenda today.

Mr. Chaikin: Okay, what's your proposal?

Ms. Buchanan: I'm proposing that we hear Item No. 2-C first, followed by Item No. 2-B.

Mr. Chaikin: 2-C and then 2-B?

Ms. Buchanan: Yeah, and then Item No. 1, then Item No. 2-A, and then Item No. 3.

Mr. Chaikin: Okay, just starting with C and B. And your rationale for that?

Ms. Buchanan: Our rationale is that I think it's gonna take a very short timeframe to get those permits out of the way. And I think Items 1, 2, and 3 will be quite lengthy.

Mr. Chaikin: Okay. Any of the Commissioners have any objections to switching the agenda around? Seeing none, then we'll go ahead and take your proposal, as stated. Okay, so carrying on with our agenda, Item No. B, we have public testimony on any planning or land use issue.

## **B. PUBLIC TESTIMONY ON ANY PLANNING OR LAND USE ISSUE**

Mr. Chaikin: So if there's any issue that you might have that you think that this Commission should be made aware of, or if there's testimony that you'd like to provide on any of the items on our agenda today and you don't wanna stick around until that agenda item comes up, you're welcome at this point in time to come up and provide testimony. Is there anybody that wants to provide testimony at this time? Alright, seeing none, we can go ahead and move on to Item C, which is announcements.

## **C. ANNOUNCEMENTS**

- 1. The Commission would welcome any testimony relating to proposed amendments to its existing rules for its Subcommittee on Rule Changes.**

Mr. Chaikin: And that's just saying that we, as the Commission, are looking to revise our rules. So we're just informing the public of that. So if there's any members of the public that want to make any comments or any proposed revisions to our rules, we're asking that you come forward to the Commission either in writing or in person, and present those proposed changes to us. Alright, with that, we can move on to Item D, which is the approval of the minutes from the July 14<sup>th</sup> and July 28<sup>th</sup> meeting.

## **D. APPROVAL OF MINUTES OF THE JULY 14, 2010 AND JULY 28, 2010 MEETINGS**

Mr. Chaikin: Commissioners, does anybody wanna make a motion or have any corrections?

Mr. John Sprinzel: I propose we accept the minutes of July 14<sup>th</sup>, July 28<sup>th</sup>.

Ms. Mikiala Pescaia: Second.

Mr. Chaikin: Okay, we have a motion, second. Any discussion?

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

***It has been moved by Mr. Sprinzel, seconded by Ms. Pescaia, then unanimously***

***VOTED: To approve the minutes of the July 14, 2010 and July 28, 2010 meetings.***

Mr. Chaikin: Okay, that passes unanimously. So as Commissioner Buchanan stated, we're gonna rearrange our agenda slightly and start with Item 2-C, which is the Wavecrest repair of the stairs. So, Danny, did you wanna make a short presentation on that request?

## **E. COMMUNICATIONS**

**2. MS. KATHLEEN AOKI, Planning Director, requesting concurrence from the Molokai Planning Commission pursuant to their Special Management Area Rules, as amended, that an Special Management Area (SMA) exemption can be issued for the following:**

**c. MR. MICHAEL C. NICHOLLS, President of the WAVECREST AOA requesting a Special Management Area Assessment for repair of existing stairs at the Wavecrest project to comply with building code at 7148 Kamehameha V Highway, TMK: 5-6-004: 055, Keawanui-Kahananui, Island of Molokai. (Valuation: \$5,000) (SMX 2010/0444) (P. Fasi)**

**The existing exterior stairs have been in place for over 30 years. According to the applicant, this is a safety issue for fire and emergency egress from the buildings.**

Mr. Danny Dias: Thank you, Mr. Chair. This project involves an exemption request for the Wavecrest Apartment Buildings. Basically, there are three buildings onsite. And one of those buildings has two sets of stairs with one set being exposed to the weather. The other two buildings have three sets of stairs, each with two sets of stairs exposed to the weather. And ultimately what happened, from what I understand, is because of their exposure to the weather, you have like warping and so forth. And basically, the existing stairs don't meet County Code. And so what the Wavecrest wants to do is basically, repair those stairs so that they can meet Maui County Code. And with us here today is Luigi Manera, if you folks have any more specific questions about this project.

Mr. Chaikin: Commissioners, do you guys have any questions or concerns you'd like to address? If not, why don't we just ask the public if anybody wanted to provide any input

or testimony on this? Anybody out there? Seeing none. Alright, any other last minute questions, Commissioners? I have no concerns about this particular project. So I'll go ahead and look for a motion from our Commissioners.

Ms. Buchanan: Chair, I move that we give the exemption to the Wavecrest Condominium for repairs to the staircase.

Mr. Chaikin: I'm sorry. I didn't get that. Was that a motion to --

Ms. Buchanan: I'm sorry. Yes, it was.

Mr. Chaikin: It was a motion to concur with their exemption?

Ms. Buchanan: Yes.

Mr. Chaikin: Okay, we have a motion on the floor. Any second on that? Okay, Sprinzel, Vice-Chair, seconded. Any further discussion?

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

***It has been moved by Ms. Buchanan, seconded by Mr. Sprinzel, then unanimously***

***VOTED: To concur with their exemption.***

Mr. Chaikin: The exemption passes, so thank you for that. So with that, we're gonna move on to Item 2-B, which is the State Department of Education. I guess they're doing an amendment to their original assessment and adding in that grease trap. Did you wanna provide some additional information on that?

- b. MS. ALYSSA SMITH of CH2M HILL on behalf to the STATE DEPARTMENT OF EDUCATION requesting an amendment to the Special Management Area Exemption for the Kaunakakai Elementary Cesspool Conversion project to include the installation of a grease interceptor for property located at 175 Kamehameha V Highway, TMK: 5-3-002: 052, Kaunakakai, Island of Molokai. (Valuation of amendment: \$169,000) (SMX 2007/0185) (SM5 2009/0061) (A. Benesovska)**

**The proposed action is being required by the State Department of Health.**

Mr. Dias: Sure. This project, you folks might be familiar with this. It came before you in 2009. Basically, the Kaunakakai Elementary School, they had to upgrade their existing cesspool. And part of that is to put in a grease trap. but basically, to get approval from the Department of Health for an individual wastewater system, the Department of Health said ultimately, we're not gonna approve it unless you include a grease trap. So what they're doing now is they're asking to amend their previous SMA to include just installing a grease trap so that they can get approval from the Department of Health.

Mr. Chaikin: Okay, Commissioners, any questions on this? Just for clarification, was that already completed, the installation of the grease trap?

Mr. Dias: Not the grease interceptor, everything else was.

Ms. Buchanan: So, Chair, what exactly are they asking us for? To concur with an amendment to the existing permit for the installation of a grease trap?

Mr. Chaikin: Yeah, I think it was originally exempted, and so I think what they're doing is revising the application. We gotta redo the exemption. Is that accurate?

Mr. Dias: Yeah, basically, taking the previous exemption that you folks granted, and saying, okay, can we now include installing this grease interceptor, and seeking your concurrence that even with installing the grease interceptor that it's still an exempt action.

Mr. Chaikin: Okay. Any other questions or concerns? Alright, does the public have any input on this particular item? Alright, seeing none. Does the County have a recommendation on this?

Mr. Dias: Yes, we do, Chair. The County Planning Department recommends that the Molokai Planning Commission exempt this project, and consider it as installation of underground utility lines and appurtenant aboveground fixtures less than four feet in height along existing corridors.

Mr. Chaikin: Alright. So, Commissioners, you've heard the recommendation. Is there any motion from any of you, or further questions, or anything?

Mr. Sprinzel: I propose we accept the recommendation from the Planning Department.

Mr. Chaikin: Okay, we have a motion on the floor. Any second on that? Commissioner Pescaia seconded it. Any further discussion?

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

***It has been moved by Mr. Sprinzel, seconded by Ms. Pescaia, then unanimously***

***VOTED: To accept the recommendation from the Planning Department.***

Mr. Chaikin: Passes unanimously. Thank you, Commissioners. Alright, with that, we can move on to our agenda as it was originally slated. That would be Item No. E-1, which is the DLNR coming for -- back to the Commission to review some of our comments that we made pertaining to the ferry improvements or at the wharf. So with that, I'm gonna-- Did you wanna go over that Danny?

## **E. COMMUNICATIONS**

- 1. MS. LAURA THIELEN, Director of the STATE DEPARTMENT OF LAND AND NATURAL RESOURCES by letter dated November 17, 2010 requesting on behalf of the STATE DEPARTMENT OF LAND AND NATURAL RESOURCES and THE STATE DEPARTMENT OF TRANSPORTATION, HARBORS DIVISION requesting to address the concerns of the Molokai Planning Commission as expressed in their August 12, 2010 comment letter on the Draft Environmental Assessment for the Kaunakakai Ferry System Improvements Project at TMK: 5-3-001: 011, Kaunakakai, Island of Maui. (D. Dias)**

Mr. Dias: I can go over it really briefly, just a quick intro. This Commission sent a letter to Mr. John Sakaguchi of Wilson Okamoto Corporation. The letter is dated August 12<sup>th</sup>, 2010. And it came from a meeting that took place here on July 14<sup>th</sup> 2010. And you folks had a number of comments and questions. And so the Planning Department, by letter received on November 18<sup>th</sup> from Laura Thielen of the Department of Land and Natural Resources asked that DLNR be placed on this agenda, so that they can address your concerns and answer your questions in person.

Mr. Chaikin: Alright, well, thank you, Danny. With that, let me just turn it over Carty Chang, right, from DLNR? Is that correct? Okay. And you can go over the project and give us a little update on the information that you've come up with as a result of the comments that we submitted to the DLNR.

Mr. Carty Chang: Yeah, I'm gonna bring up our consultant in a little while, but I just wanted to say good afternoon, Chair, and Members of the Commission, on behalf of Interim Chairperson William Aila. My name is Carty Chang. I'm the Chief Engineer for the Department of Land and Natural Resources. And I wanna thank the Commission for giving

us the opportunity to come before you to talk about the EA and some of the concerns you folks had regarding the draft environmental assessment.

Before I begin, I just wanna introduce some of the team members that are here as well, because this is a joint project between DLNR and DOT. Valerie Suzuki is the Project Engineer for DLNR. Davis Yogi, he's the Administrator for DOT Harbors. Randal Hiraki is the Project Engineer from DOT Harbors. Bernie Strehler is the Harbor Master for Kaunakakai. And from our design consultant here is Brian Lock, John Sakaguchi, and Evan Kawashima.

And I guess before I introduce Brian, I kinda wanted to preface this presentation with a couple of statements, and respectively ask for the Commission's understanding of the following: I think there's a lot of concerns about many of the issues at Kaunakakai Harbor. I think there's a lot of issues at Kaunakakai. This project is not gonna correct all the issues that exist at Kaunakakai Harbor. Because there's Federal funding involved, there's certain limitations on the amount and the types of improvements that can be done on this project. This is a ferry-related, transient-related grant, which is limited to really, transient improvements. However, I just wanna also recognize that this project is gonna correct many of the issues over there. And we're just looking at this as more of an opportunity to move forward. And it's not gonna only benefit the facilities that the ferry users use, but it's also gonna benefit the users of the harbor, as well as the greater Molokai community. There's gonna be some safety improvements in there. There's gonna be benefits to the environment. And also, there's gonna be protection of an asset. You know, it protects commerce. So looking at the big picture of this, it's not just a ferry project for ferry users, but it really has greater benefits. And with that, I just wanna introduce Brian Lock. He's from Wilson Okamoto and Associates. He's gonna go over the items that you folks commented on in the EA, item by item. Okay? Thank you.

Mr. Brian Lock: Hello. Good afternoon, Commission. Again my name is Brian Lock. I'm with Wilson Okamoto Corporation, consultant for DOT and DLNR on the Kaunakakai Ferry Project. I'd like to thank you guys also for the comments that we received I guess on August 12<sup>th</sup>. There were a good number of comments and a lot of very good comments that we'd like to address. And again, this was for the draft EA process. And we will be addressing all these comments when we turn in the final EA.

At this time, I don't plan on going over every single comment line by line, but I'd like to go over some comments that DOT and DLNR feel were very important, and how we're addressing them. So, I guess, Comment No. 1 was regarding the 12-inch waterline. Again, this 12-inch waterline is being put in for fire protection purposes on the wharf. And the question was, "Why couldn't a saltwater pump fire suppression system be utilized?" And a fire saltwater system could be utilized; however, at this time, we feel that it's not a feasible solution, and not as a reliable solution as an underground potable water system

that's being proposed for this project. There are maintenance concerns with a saltwater system. A saltwater system previously installed on the harbor has corroded beyond repair. A saltwater system would also need multiple units to be installed in order to provide the same flexibility that's being provided by the current proposed system. So what we're gonna note in there is that due to maintenance costs, liability risks, to the State, an underground potable water firefighting system is much better than a saltwater system.

Moving on to Question No. -- or Item No. 3, it states -- the question was, "If the 12-inch waterline must be built, why couldn't it be placed on top or alongside the petroleum lines that run down the east side of the wharf?" It was considered that we place the waterline on pedestals; however, I guess when the size of the waterline increased to a 12-inch, the weight of the 12-inch cannot be supported by pedestals without major renovations to the revetment. In addition, there are portions of the revetment along the west side. We wouldn't want the waterline placed next to the fuel lines, but on the opposite side, there are areas that are used like the boat ramp and the recreational area where the waterline would be buried anyways. So it was -- so to us, it's better to place the waterline underground in the causeway on the shoulder of the causeway so it doesn't impact traffic on the causeway.

Continuing with water issues, we'll move on to no. 24. The question was, "Since the waterline is proposed to be on a long dead-end line, how will it be maintained? Will chlorine be used, and if so, how will it be controlled?" The waterline is separated into two parts between the main highway and the causeway. The waterline will be dedicated back to the Department of Water Supply after construction is complete. So the Department of Water Supply will maintain that line. That portion of line will be potable water. Once the line reaches the causeway, we're installing a check valve to prevent backflow into the line. And the line from the causeway to the harbor will be considered non potable for fire use only. And that will be maintained by DOT or DLNR by the State. And that portion of the waterline will not need to be chlorinated.

For question -- for Item no. 25, "One of the proposed fire hydrants on the causeway will eliminate a fisherman's parking space." The fire hydrant on the causeway is placed in an area in relative proximity to the boat ramp. That area has been designated as a no parking zone by signage on the causeway, so we will not be eliminating a parking space. There is available parking I guess closer -- or not closer, but I guess in the middle of the causeway that is available for use and will not be impacted after construction.

Sorry for all the flipping around, but we wanted to categorize.

Ms. Buchanan: Brian, would you like us to ask you questions as you go along, or would you like to go through your whole presentation and then we ask you questions?

Mr. Lock: Can I finish first, and then maybe we can ask questions after?



Ms. Buchanan: Okay, that's ...(inaudible)...

Mr. Lock: Moving on to questions related to the shelter building and the comfort station, I'd like to jump to no. 6. The question was, "Who would maintain the restrooms? The ferry operator has expressed no interest in doing so." And that is correct. And I think we acknowledged that in the EA. The State of Hawaii will maintain the restrooms as they've done with their existing restrooms.

I'd like to go to no. 10 which the question was, "A kitchen should be included even if it needs to be funded by non Federal monies." The State's response to that is as stated in the draft EA, the ferry system improvements are being partially funded by a grant from the Federal Transient Authority Administration, which limits the improvements to transient-related improvements. At this time, we do not intend to provide a kitchen as part of this project.

Okay, kinda related to the ferry shelter building is no. 9, which states:

The core problem with the current ferry facility is the lack of space for vehicles to safely maneuver when picking up or dropping off passengers. It should be noted that the addition of another building will further limit the space and make congestion worse. Consideration should be given to moving the fence ten feet into Young Brothers' yard to better accommodate vehicle circulation.

In the handout given to you today by Valerie, if you look at Figure No. 2 is a revised parking layout that we have discussed with DOT, with DLNR, and also with Young Brothers, which shows a realignment of the fence into YB area to help vehicle circulation in and out of the ferry area. What we've done is we've realigned the fence to allow two-way traffic, and we will stripe the two-way traffic, and provide two full 12-foot lanes for one lane in each direction. The parking area will be designated as active loading and unloading only. And we'll be providing marked loading stalls, I guess, adjacent to the ferry building. This is a plan that was negotiated with Young Brothers, and we thank them for their cooperation on behalf of DOT and DLNR.

And I think from there, we will move on to some environmental comments. Near the end, I guess, Comment No. 27 states that, "Since potential Molokai Cauliflower Coral was noted and is a rare endemic species, this should be addressed." As most of you know, there was coral found to be growing on piers and piles in the wharf. And part of the project, we'll reconstruct a portion of the wharf to harden it for the Young Brothers' operation. What we're doing is we're gonna leave those piles in place. The coral that is growing there will also remain in place. We will cut the piles off at the top at the water line; however, that may

cause the coral to break or crack. So we will have a plan together to transplant that coral back to the piles so that we will not lose any coral.

Moving on to no. 29, "During the cultural assessment, 14 people discussed the area. Several noted past leaking oil in the area. This will naturally create problems." We have confirmed that there are cases or areas where there may be petroleum-contaminated soils. What we're doing in the plan and in the EA is we will have the contractor test the areas of trenching prior to trenching, and get the results back. And if soil needs to be mitigated, then we will have a plan there that he will be able to do so, and he will know exactly what areas have been contaminated and how to take care of that.

Keeping with the environmental, I guess, no. 39, "The subsurface hazardous waste is clearly noted in the Department of Health study, but how to deal with them is not addressed in the draft EA." As I just mentioned, we will be addressing that in the draft EA with the contractor being responsible for testing and monitoring, as well as mitigating.

I think I did miss one, going back to the Water Supply. I apologize for that. No. 34, "The area along Kaunakakai Place has inadequate fire protection infrastructure. Please coordinate fire hydrants and improvements to remedy this." The ferry system improvements is installing a fire protection line for the harbor. We will be providing fire protection in -- fire hydrants in three separate areas on the wharf to protect the shelter, to protect the boat, and to protect in case there's a fire at the tanks and that the firefighters cannot get to the shelter to protect it. Portions of the Young Brothers' yard will also be coincidentally protected as well by this. These plans have been submitted to the County Department of Water Supply, and we have addressed many of their comments as well.

At this time, we -- the 12-inch line will be installed, but the domestic four-inch line will remain in Kaunakakai Place, and we will not be touching that line.

I think that concludes the ones that we wanted to talk about. I'd like to ask the Commission right now if there's any other items on the list that they'd like to discuss, or any other comments that they had to our responses.

Mr. Chaikin: Okay. Thank you for that, Brian. I'd like to recognize Trustee Machado from the Office of Hawaiian Affairs who has joined us. So thank you for coming. So, Commissioners, do you have any followup questions to any of that?

Mr. Sprinzel: Item No. 4, you didn't consider a water tower?

Mr. Lock: Yes, we did consider a water tower, but found that the water tower was not feasible. We did some preliminary calculations, and in order to meet the County's requirement, firefighting requirement, the tank would be rather large, suspended in the air

about 50 feet, and probably take about 70 or 80-foot of space away from the harbor. In addition, we would need to provide pumps and a fire supply line to fill the tank. It could fill at a trickle at night; however, once the tank is depleted, it would take a very long time to refill, and it wouldn't be ready for the next event, if something were to happen. So we considered a water tower, but found the water tower to not be feasible for this project.

Mr. Chaikin: Any other Commissioners, any questions?

Ms. Buchanan: Brian, just one correction for no. -- when you answered to 25. You said that that was a no parking zone where the fire hydrant was gonna go. I believe the entire causeway is a no parking zone, if I'm not mistaken. So I guess it really doesn't matter, but they don't police that action right now, which is a good thing because we like to park along the causeway.

You said the State of Hawaii will assume the maintenance of the improvements. Can you tell me exactly what division under the State of Hawaii, and if under DLNR, exactly what division will have that maintenance responsibility?

Mr. Chang: Well, there's only -- Bernie Strehler is the only person at the harbor. I believe the funding for his position is joint between the Department of Land and Natural Resources and the DOT. Correct me if I'm wrong, Davis. Yeah. Because there's multiple uses at the harbor, small boat recreational harbor, as well as commercial harbor, his position is funded through both Departments. So he would be the one to maintain it.

Ms. Buchanan: I'm sure Bernie will be the one, but I'm not sure what part of Bernie will be the one to do the maintenance, if it's his Boating arm, or his Harbor's arm, or his DOT legs. But in the event that I have an issue, and Bernie is not there, who would I contact? I guess that's what I trying to get to. Would who want to have my phone call?

Mr. Chang: Will it go to the district? Is it just maintenance in general or --

Ms. Buchanan: Maintenance of any of the improvements made, which would be the ferry or any of these improvements that we're talking about today to the ferry shelter.

Mr. Chang: Maybe someone from DOT ...(inaudible)...

Mr. Chaikin: Yeah, if you can come up to the mike and state your name because we need to get it on the record.

Mr. Chang: I don't know the hierarchy as far as -- you know.

Ms. Buchanan: That's why I like know now because I no like call ten divisions to get to one division.

Mr. Randy Hiraki: Hello, Commission. My name is Randy Hiraki with DOT Harbors Division. All I wanted to add to that was that right now, the DLNR and the DOT Harbors Division are working out a maintenance agreement. So nothing is finalized yet. I think your contact will still be Bernie. There is going to be a cost shared between the two Departments. The percentages are what we're still working out. So the maintenance agreement hasn't been finalized yet, but it's in the process. That's what I wanted to add. Thank you.

Mr. Chang: Davis, did you wanna add something?

Mr. Davis Yogi: Yeah, they can call me: 587-1927. ...(inaudible)...

Mr. Chaikin: Okay. Any other questions?

Ms. Buchanan: Thank you. That's what I like. I like one person that give me their number. In you trying to mitigate Concern No. 29 about the cultural assessment and the soil testing, we only doing one EA now. We not actually -- because we only have purview over an SMA, but I would hope that the results of the soil testing would be made available to the Department of Health because this Commission has authorized several core bearing soil samples within Kaunakakai all with the caveat that all the results be made to the Department of Health. And that's to help our community in the bigger picture for Kaunakakai Town.

Mr. Lock: Okay. Thank you, Lori. We will take that into consideration and see if we can do that.

Ms. Buchanan: Some concerns because our -- this short list was generated quite quickly by our Planner, and then it had to go out because we thought we weren't meeting the deadline. I know I called the Department on my own with my own concerns. Some of them had to do with initiating the work because the pilings would also generate a lot of noise, and because right outside Kaunakakai Harbor is a protected whale sanctuary, marine sanctuary. So knowing that there is harm to whales for noises and that's how come all this thing with the Army was going on, we had hoped that you guys would take into consideration that when you guys are doing drilling, pilings, at the harbor, you would take that into consideration, and try to do it during a time that was not whale season. I don't know if that going work into your plans with the contractor.

Mr. Lock: Yes, I believe we are trying to work out something.

Ms. Buchanan: On the waterline issue, I wanted to know if your Department had gone into any discussions with the County of Maui over the installation of the 12-inch main, and maybe offering to give them some help in installing an eight-inch main, which they've been discussing for some time now. And it's actually on the agenda for today. I know it's two separate items, but at any time did your office contact the Department of Water Supply in Maui County?

Mr. Lock: Yes, we have been in contact with Maui County and are familiar with the issues surrounding the eight-inch waterline. And I believe on -- not our office, but DLNR has also contacted Water Supply. And I'll let DLNR go ahead and expand.

Mr. Chang: Yes, I guess when we found out that the County was proposing to put in this eight-inch line, the first thing we had to do was look at the conflict or the redundancy that would have with our 12-inch line. So we did make contact with the Department of Public Works, I believe. And I guess our question to them was basically, you know, if we're gonna do work within the same area, let's coordinate the work especially, if it's gonna be a waterline because we're putting in a 12-inch line, and although that 12-inch line is gonna be servicing the ferry facilities, it would be a little bit redundant to put in the eight-inch line almost in the same area. And I know Maui had -- Maui County had different intended use of the eight-inch line; however, I guess our offer was to see if we could somehow coordinate that effort. And I believe we also were looking at actually some type of possible cost sharing. For example, if they only had money for an eight-inch and we wanted a 12-inch, let's kinda get together and maybe we could upgrade it and just have one line within that causeway. Ultimately, the County is gonna -- I guess eventually, that line will be turned over to the County, or the portion that's gonna be not in the DOT harbor area. So the County can use that line for future uses as well. But, yes, to answer you, the short answer is yes. We did offer the County to coordinate. And I guess at the time their response was they had other time constraints as well for other -- so they respectfully declined at that time. I think that was somewhere around October. So we're proceeding with our projects separately, and I guess the Maui County is proceeding with theirs as well. Thanks.

Ms. Buchanan: I have just couple more questions. In your EA, it didn't mention anything about DLNR coming for that portion of the 12-inch main from Kamehameha Highway to the causeway, and getting an SMA permit for that. You guys are gonna come to this Commission for an SMA permit for the trenching and installation of the 12-inch main?

Mr. Lock: Yes, we will come for an SMA assessment.

Ms. Buchanan: I did relay to DLNR that it's been this purview of this Commission to have an archaeological monitor onsite for any digging especially, next to a very significant cultural site as Malama Park. And that's just giving you a heads-up that that's what we would be expecting that as part of your folks' proposal to have an archaeological monitor.

Mr. Lock: Yes, thank you. We already have made provisions in the contract to provide a monitor during construction.

Ms. Buchanan: I did also inquire about the current use of the Molokai ice house. Has anybody looked into my question about the leasing of the ice house because you did list under -- in your EA, an alternative site for the ferry, and that would've been near the ice house, and the reasoning why that alternative was not looked at?

Mr. Lock: Yes, and DLNR has more information.

Mr. Chang: Yeah, we did -- Lori, we did check into the disposition of that ice house and our Boating Division does not have a lease, but it's a revocable permit on that Molokai ice house. So a revocable permit is on a month to month basis. And they don't have any intentions of pulling that revocable permit at this time.

To answer the other question about feasibility of the ferry docking on that side of the wharf, we did look at that area. And we did an assessment, and we believe it would not be cost effective for a number of reasons. One, the area between the revetment and where the small boats start to dock is very short. And there's certain safety buffers that are needed for the ferry. So looking at purely a space constraint, there's not enough room over there for the ferry. No. 2, the way the channel is dredged in that area, maneuverability would cripple the problem. And lastly, the draft, that area would potentially need to be dredged. So it really became not feasible to move the ferry operation on that side. Also, support facilities for the ferry like restroom or waiting areas would have to be moved in that area as well, which would actually cause a conflict with the current use. I believe there's a crane there and there's some dry docks. So it would actually cause a negative impact to the current uses that are out there. So we felt that it wasn't a viable option to move that -- move the ferry to that side. Thank you.

Ms. Buchanan: Chair, I have, sorry, Carty, maybe two more questions for you. The reason why I asked about the ice house is because a number of canoe paddlers had bought up -- was really pushing the issue about the kitchen. And it mainly came out of that section of the community. And the reason is because when they have regattas, they go and set up makeshift easy-ups and whatever might have you. And that's why I asked DLNR about the permit and use of the ice house because at this time, I still don't know who that month to month revocable permit is with. I don't know if that's public information or not. And then, I was actually getting to the point where if the canoe paddlers and they're looking to increase the usage would have an option to use that also.

Mr. Chang: I think -- well, I don't believe that's information that is not public. Unfortunately, Ed Underwood, our Boating Administrator's not here. So we're just kinda relaying information that he had. You know, we can always pose that to him, but that's gonna be

a politic call from our Boating Division. Did you have any information on the specifics of that when you talked to him? Okay. This is Valerie. She can maybe shed some light.

Ms. Valerie Suzuki: Hi. My name is Valerie Suzuki. I'm the Project Manager for DLNR, Engineering Division. I spoke with the leasing agent for the wharf. And he said that the ice house was built mainly for the co-op, the fisherman's co-op, the co-op. And the original people who leased it are not the current lessees, but the current lessees are fishermen. And generally what he said was, the lease, it's for the fishermen. It was basically built for the fishermen, so he wants to leave it that way for now. And the ice house does not have a kitchen in there. It's just stainless steel tables and sinks. So there's no kitchen in there. He did mention that the -- when there is a canoe regatta, they do come out and they do help assist in cooking. That's what I was told by him. They do come out and help, the fishermen, or the people that lease that area. So right now, there's no kitchen in there. There's no kitchen in there right now. You have to install a kitchen. And I think a kitchen would require a grease trap when you do install one. Is that correct? Yeah. So I don't think there's plans to do a kitchen in there with the fishermen. So, any more questions?

Ms. Buchanan: No, that question was just because right now, the canoe people are setting up at the ferry. So they're trying to use the ferry site before the ferry uses it in the evening on weekends. And so I'm a kinda common sense thinker. And it just seems to me that when space is not utilized, it could be utilized. And I just wanted to know what was the protocol for using that, but I see now where that's coming from. And I can ask Ed, but I did see Ed on the news this morning. He was at the Ala Moana Beach Park with the standup paddlers. So that's where it's at -- trying to mitigate that. Okay. I really wanted one break down on that. Thank you. No, that's it, Val. Thanks. And anyway, you guys have one hearing, public hearing, tonight. Is that correct?

Mr. Chang: Yes, it's a public informational meeting. It's gonna be right here, same place at 5:00 p.m. So we sent a lot of notices, so I encourage anybody to come. We're gonna talk more about the specifics of the project, the details, and we're gonna have a slide show presentation. So anybody available, please come tonight.

Mr. Chaikin: Any other Commissioners have any other questions? Carty, let me ask you, going back to the waterlines. We've got an existing four-inch waterline. The County's proposing an eight-inch waterline. You guys are proposing a 12-inch waterline. The County seems to think that an eight-inch waterline is sufficient for fire flow. Is that -- did your engineers come up with something different? Is that why you came up with a 12-inch?

Mr. Chang: You wanna talk on the -- we did the calculations for the protective fire system, so maybe Brian can help ...(inaudible)...

Mr. Lock: Yes, hi. I guess the eight-inch would not be adequate for the ferry system, to protect the ferry shelter, because it's quite a distance further than the causeway, than the fire protection on -- before the causeway. I'm sorry. So an eight-inch may be adequate for the land side fire protection prior to the causeway. That is not something that we've looked at. Our primary concern is fire protection for the ferry shelter and for the ferry itself. And in order to get the adequate pressure and flow from Kam Highway, Kam V Highway, all the way to the ferry shelter, we need a 12-inch.

Mr. Chaikin: Okay, well, let me just bring up something that we've heard quite a few times from the public, and also we have written testimony in front of each of the Commissioners here today of residents asking about why can't we put culverts underneath the wharf because there's a lot of erosion, and that wharf goes out there and it blocks the flow? So I think at least we need to ask the question. You know, if we put this pipeline in there, how much more difficult would it be at a later date, or is it even feasible at this date to consider putting in culverts.

Mr. Lock: Okay. This is a question that we've discussed a lot. It's a question that we know is a concern and we also concur that something does need to be done. However at this time, DLNR has been discussing with Corps of Engineers about the possibilities. At this time, we don't know what their plan is. And without knowing where they would place culverts or what type of structure they would put in, we cannot design a waterline to avoid impact. The waterline is needed for this project. And for this project to move forward, the waterline is needed now. The culverts are a plan in process, and there is a lot of study that needs to be done. And maybe at this point, I'll turn it over Carty and he can expand.

Mr. Chang: We understand that's a concern from the community. And what I did was I did talk to the Corps of Engineers just yesterday to understand that, yes, there is a 2001 study that identifies that potentially, culverts could be a solution. However, I asked them, "Okay, so what's the next step? We have this study out there." And I guess the Corps is saying that I guess whenever you get a Federal entity involved, there's certain Federal regulations or protocols you need to -- and I've worked with the Corps many times before, and whenever there's Federal involvement, you need to meet certain benefit cost ratios. And the Corps did mention that they don't get involved unless they do like an ecosystem or a watershed type of study. So what that means is that it's not just a matter of going out there and just putting two culverts in there and moving away. They need to do an assessment of the whole land side area as well because a lot of the sediment that enters the ocean originates from the land. So potentially, maybe one of the solutions they need to look at is maybe some type of detention basins upland. So we're working with the Corps on a number of issues. And before they can even justify Federal participation, they need to look at the whole ahupuaa and come up with solutions. And the process to do that, you still local sponsorship. You still need to meet benefit cost ratios. And ultimately, culverts may not be the ultimate solution. It could be a combination of dredging, as well as maybe some



upland detention basins to capture it earlier before it comes in the water. The Corps of Engineers was very concerned that any time you -- if you were to put the culverts in, you could create another issue that may impact the channel as well, or create other issues where the regattas are because now you allow the sediment to flow through. So I think what Brian said about it still is premature to say if that's the ultimate solution. And there's many studies, and there's gonna be a lot more cost involved before we just can come up with a solution.

Mr. Chaikin: Well, I suppose that could be a topic for a whole other meeting. But from a clearly planning perspective, when we first took at this project, we looked at what you're doing out there. You're building bathrooms. Well, there are already public bathrooms right across the street from where you're planning to build these public bathrooms. I'm just wondering, is it normal and ordinary for DLNR to propose public bathrooms in such close proximity to existing public bathrooms? And was consideration given to just improving the facilities that are already there to ease and facilitate maintenance for the long run?

Mr. Chang: Yes, we recognize there's a bathroom in pretty close proximity. I believe in that bathroom there's only like one toilet in the men's and one toilet in the women's. So we're looking at a capacity issue now. When we start looking at ferry improvements, we're really focusing on accommodating the ferry users. And Bernie's here today. He can kinda talk about the lines that he's experienced, and people waiting in line for the restroom. So although there is close proximity, there's still a need for additional capacity. I guess your second question was, can this money be used for other improvements?

Mr. Chaikin: Well, the thought was, maybe why not have one really nice bathroom facility rather than two right next to each other?

Mr. Chang: Bernie, did you wanna talk about the operations of that or if you had any more comments on -- I think we understand that capacity's an issue. There's not enough stalls to accommodate.

Mr. Chaikin: Yeah, if you can just come up to the mike. Thank you.

Mr. Bernie Strehler: Hi. I'm Bernie Strehler, the Harbor Agent at the pier. There are some advantages of having the two side by side. The existing bathrooms, we keep them open 24 hours a day for people that might be coming at occasional times, or vessels arriving late in the evening, that kinda thing, and there are showers in there. So they're kind of a utility. We wanna try and keep those open for the public so they're available. The other bathrooms that are gonna be by the -- the new ones to be installed will be kept in a slightly more pristine condition for the public use during the day. And so we're gonna try and lock those at night, and keep those especially nice for the general public during the day.

Mr. Chang: Maybe I could just add? I had a discussion with our consultant and, yes, that is a possibility to just build one. However, the impacts of that area, there's some space constraints as well where the existing restroom is. So we believe that if you start to make that larger, there's gonna be impacts to parking, loss of parking, which is something that we didn't really wanna do. So, yes, it sounds kinda why we building two, but there's some constraints to expanding that building as well, the existing.

Mr. Chaikin: Okay, well, I'd like to really thank you guys for taking the time to come back to address our concerns. and especially, applaud your effort to get Young Brothers to move that fence because that's a major, major improvement. You know, we have all these meetings here at the Planning Commission. We're always making these recommendations. And I never hear of anyone ever listening to us. And the fact that you came and took one of our recommendations, and went and fixed it, made it a little bit better, I think that's great. So thank you. But we're gonna give the public an opportunity. If anybody has any comments and wants to say anything regarding this project, now would be your opportunity. Did you wanna say something? Step up to the mike.

Mr. Art Parr: Commission Chair, Commissioners, my name is Art Parr, and I'm an architect for Molokai Veterans Caring for Veterans, also a member of that organization. As you know our project is being held up because we only have a four-inch water main in front of our property for fire protection. According to the Department of Water Supply, we need an eight-inch main. I'm confused about whether we're getting an eight-inch line, or a 12-inch line, or both, or none at this point. All I know is that we need a new fire hydrant within 125 feet of our property line. And it seems like in this mix of waterlines, we should end up with that. The 39 points of concern and question I'm sure are all valid. It seems to me that the overriding issue out there is fire protection. I think that part of our community is woefully under served with regard to water for fire protection. And I think it needs to be upgraded. Thank you.

Mr. Chaikin: Thank you. Commissioners, any questions? None. Okay, thank you, Art. Is there any other member of the public that would like to provide testimony? Go ahead.

Ms. Gayla Mowat: Hi. I'm Gayla Mowat from Kapaakea. As far as the culverts go, the Corps of Engineers made a very in-depth study. I took them to my home. We have lost more than one acre of property on our beachfront. Our pasture is in the ocean. Okay? So I know that they --

Mr. Sprinzel: Excuse me. Could you talk into the mike because I don't think this is recording at all?

Ms. Mowat: I'm sorry. Okay. As far as the culverts go, the Corps of Engineers did make a very in-depth study. And they were taken to my home as well as to many other homes

to notice the loss in land. Our beachfront is down at the wharf. Whenever you put a jetty out, it collects everything prior to that. So our sand is down there. There's a beautiful beach now.

Also, as far as the restroom goes, I never could understand why they took out multiple toilets and replaced them with one toilet. So I can't understand that. So just to let you folks know that some things are done and some monies are spent for stupid reasons. Why you replace three toilets with one toilet, I can't figure that out. And there was also a shower in there. So I just wanted to voice my opinion on that. There's a whole lot of money being spent, a whole lot of tax money being spent on things that aren't needed, and then have to be replaced many years down the line. So a lot more study has to go into things before this passed. Thank you.

Mr. Chaikin: Okay, thank you for your testimony. Any questions, Commissioners?

Ms. Buchanan: I didn't have so much a question for the testifier as some information for the testifier. Gayla, I did read the technical study put out by the Corps of Engineers, which I saw as just reporting another scenario that they had done, and not really coming out at the end with one recommendation. In lieu of that, I've been working with Dr. Chip Fletcher from the University of Hawaii. He was here on Saturday with his graduate students. I pointed out a number of sites for him and his students to take a look at just to give me an off the record type of recommendation on several areas from Kalamaula all the way to East Molokai. He's returning in January. I plan to bring him to your parcel, and then to have him and his graduate students take a look at all the coastal type of improvements, and erosions, and recommendations, which will be off the record because nobody giving him a cent for this, okay? But because he's a colleague of mine, he's gonna do it anyway. And then we're gonna be working with Maui County's coastal -- yeah, and then we'll be informing Sam as well. So that's just on the site kind stuff for your information.

Mr. Chaikin: Thank you, Commissioner Buchanan. Okay, Larry, you'd like to provide testimony?

Mr. Larry Helm: Good afternoon. I'm Larry Helm of the Molokai Veterans Caring for Veterans, and also a kamaaina, Molokai. One of the questions I get, there's a four-inch waterline existing now that is used for fire protection. And I guess for 40 years, that's what the wharf had for fire protection. Was that legal? Has that been a legal matter as far as enough water flow for fire protection for all those buildings down there?

Mr. Chaikin: Yeah, Larry, I don't know. I don't have the answer to that. I suppose that's something that we could find out or get more information on. But the fact is that whatever the case has been, the proposal is to fix the situation. So they are moving forward with two

agenda items today: one for an eight-inch line, and one for a 12-inch line. So it's really a good day for you today because there's two chances to get your problem solved.

Mr. Helm: Yeah, my deal is, if four-inch was good enough for 40 years, maybe you gonna have some improvement, maybe eight-inch. I mean, Waikiki got a 12-inch waterline. He got a ferry, place for a couple of bathrooms. Is there something that maybe the public don't know down the road that may need a 12-inch line for whatever? That's number one. And then number two, is it gonna interfere with the wharf, the water, the reef, the digging up and all of that? How much impact is that gonna get?

The U. S. Geological Survey been here on Molokai for about the ten past years doing studies on the reef out there, all the way up and down. And you can go online, and the sediment that settled there has in their opinion, or their scientific analysis says cause -- a lot of it on the wharf is caused from the backup of the sediment and killing the reef. And the question is, is there a Federal law that says that anybody responsible for killing the reef or damaging the reef have to answer to that, legally?

Mr. Chaikin: Thank you, Larry. And I think your first point is well taken. There has been a four-inch line for years, and years, and years. And if there's any place that we needed adequate fire protection was really in front of the field storage area because that's a huge potential hazard. So I think that your project has raised awareness of the situation down there and it now looks like it's moving to a situation where it's getting upgraded.

So with that, as far as your other point goes, I think why don't we bring up the consultants, or the DLNR, or whoever you feel. Larry raised a question about potential impact of what? Maybe digging up all that trench line. We have tremendous winds sometimes out on that wharf, and how are you gonna protect all that dirt from perhaps, getting into the ocean?

Mr. Lock: Okay, the construction plans do have an erosion control plan to prevent sediment during construction from entering the ocean. We will be applying for a Department of Health NPDES permit that we have yet to apply for that, but we will be applying and complying with their recommendations.

As far as future use of the 12-inch line, as stated before, the portion of line that will remain on Kaunakakai Place will be dedicated to the County. The portion of line that is on the causeway servicing the wharf will be a fire protection line only and for non potable uses. Thank you.

Mr. Chaikin: Thank you. Commissioner Sprinzel?

Mr. Sprinzel: I'm very puzzled. You're going to dedicate that 12-inch line to the County, right? And yet, they're still gonna build an eight-inch line alongside yours serving virtually

the same people who you intend to dedicate it to in the future. This just does not make sense. I cannot see how you couldn't wait in time until you say, build the 12-inch line and dedicate to them now. Wouldn't that shortcut all sorts of problems that would save the eight-inch being built? You would be halfway to where you're going. You're gonna donate it to them anyway. I just do not understand how we can, on Molokai, where we don't have any money anyway, how we can have three lines all alongside each other: a four-inch, and eight-inch, and a 12-inch. I mean, what's the rush? Why the hurry? Why can't you -- if it was only October where they couldn't agree with you, why not wait until you do agree? I mean, they must accept that not building an eight-inch line would be a huge bonus.

Mr. Lock: We're following our project schedule, and we're moving as fast as we can to try to get the environmental process done, and to try to put our plans out to bid. I cannot comment on the other project.

Mr. Sprinzel: I'm not blaming you. I mean, you're doing your best, but it seems totally ridiculous to build two pipelines side by side. It just doesn't make sense.

Mr. Chang: I think we tend to agree, and I think that's why we did reach out and tried to coordinate the effort. And we didn't really find out about the County's plans until fairly recently. And our project was in the works and we're still willing to work with any entity to coordinate. It doesn't really make sense to taxpayers or anybody to be putting in something that is either redundant or potentially could be pulled out. So I think we wanna try to chug along with our project. We have our schedule. We have our obligations to meet. And I think maybe the Maui County can comment on their project as well.

Mr. Chaikin: Thank you. And Commissioner Sprinzel, we do have that on our agenda as the next item so we will get additional information forthcoming. So does any other member of the community would like to provide testimony on this particular item? Alright, seeing none, I'm gonna close the public testimony portion. And at that, I think we've come to a close, unless there's any other last minute questions by the Commissioners.

Ms. Buchanan: I just wanted to get one more thing on the record since the boss man was here too. In my discussions with DLNR, we also talked about NOAA mitigating some existing invasive algae at the wharf before any hardening to the pier was done that was concerning the ...(inaudible)... that was currently growing there. And that was just one side issue. And I wanted to get that on the record because I know they supposed to work with NOAA to mitigate that before any work is done.

Mr. Chaikin: Alright, that is duly noted. And then I guess we can conclude with that, and just say that you are coming back at, what, five o'clock today to give a public presentation? I believe a little more thorough presentation than what was done here today on your

project. So if there's anybody that is interested and wants further information, be back here at five o'clock. Is there any last thing you'd like to say?

Mr. Chang: No. We just want to say that, yeah, we wanna have the public meeting tonight. But we're also gonna be coming back to the Commission as well for the SMA. So we're on schedule, so we hopefully will see you folks early next year sometime. Thank you.

Mr. Chaikin: Okay, well, thank you very much.

Mr. Chang: Thank you.

Mr. Chaikin: Alright. So, Commissioners, what's your pleasure? Do you wanna go right through this or you wanna take a break? With that, let's just move forward then. Okay, let's move on to Item 2.a., I believe, yeah. This is where Mr. Jeffrey Eng, the Director of the Department of Water Supply is submitting a special management area assessment for the Kaunakakai waterline replacement project to replace an existing four-inch waterline with an eight-inch wide waterline for a 770-foot stretch. So, Danny, I'm gonna turn it over to you and you can give us a presentation on this.

**2. MS. KATHLEEN AOKI, Planning Director, requesting concurrence from the Molokai Planning Commission pursuant to their Special Management Area Rules, as amended, that an Special Management Area (SMA) exemption can be issued for the following:**

- a. MR. JEFFREY ENG, Director, DEPARTMENT OF WATER SUPPLY submitting a Special Management Area Assessment for the Kaunakakai Waterline Replacement project to replace an existing 4-inch waterline with an 8-inch wide waterline for a 770 foot stretch along Kaunakakai Place at TMK: 5-3-001: 999, Kaunakakai, Island of Molokai. (Valuation: \$100,000) (SMX 2010/0465) ( D. Dias)**

*The Commission may take action on this request to concur or not concur with the recommendation for SMA exemption.*

Mr. Dias: Thank you, Mr. Chair. You're correct. The Department of Water Supply is applying for a -- an SMX exemption to replace an existing 4-inch waterline along Kaunakakai Place. Just to clarify, you know, we had the same questions that some people were asking here, you know, why is there, you know, two lines being proposed at the same time. It's my understanding that, you know, DLNR, their concern is basically wharf improvements, whereas, the County, our concern is having adequate fire protection along

Kaunakakai Place. And if for whatever reason that 12-inch line doesn't get put in place, this is an alternative, you know, our goal is to provide fire protection. So it's not like, you know, we're planning on putting in a 12-inch and an 8-inch line. It's just two alternatives.

So with that, we have Mel Meleka, who is a planner for the Department of Water Supply, and he can comment further on this project.

Mr. Chaikin: Danny, can I just -- just part of that, can we just, for clarification, this is agendaed as an exemption request, is that correct?

Mr. Dias: Correct.

Mr. Chaikin: And then, in the write-up, just prior to the recommendation --

Mr. Dias: Okay, yeah. Sorry about that.

Mr. Chaikin: On page --

Mr. Dias: On the last page.

Mr. Chaikin: Yeah.

Mr. Dias: Yeah, under no. 8, or below that. Yeah, it says, you know, "In consideration of the above determination, an SMA minor permit is required." That's a typo.

Mr. Chaikin: Okay, typo.

Mr. Dias: So that should be --

Mr. Chaikin: So scratch that, Commissioners.

Mr. Dias: Yeah, that and then in the following sentence it says, "SMA minor permit."

Ms. Buchanan: Okay, where are we? I'm lost.

Mr. Chaikin: Yeah, just prior to the recommendation, he'd stated that they need an SMA minor permit, which was incorrect.

Mr. Dias: That is incorrect, yeah.

Ms. Buchanan: Chair, can I also ask Danny for one other correction or explanation?

Mr. Chaikin: Yeah, go ahead.

Ms. Buchanan: It would be good, yeah, to number the pages. This says under Public Services, on the - I don't know - fourth page.

Mr. Dias: Okay. Item I. Okay.

Ms. Buchanan: On the second paragraph, under Fire Prevention. Oh yeah, there it says page 4. Thank you, Mikiala. You're so helpful. It says, about the fourth sentence down, "Fire protection is currently provided to the property from the existing Kaunakakai Fire Station at Alama Street -- Ala Malama. There is a fire hydrant fronting the property that will be within 40 feet of the structure."

Mr. Dias: Oh, okay.

Ms. Buchanan: Are you alluding to something in that sentence or --

Mr. Dias: Actually, no. To be honest with you, I took this paragraph from another project and I didn't delete that but just for consistency ...(inaudible)...

Ms. Buchanan: So we should strike that sentence?

Mr. Dias: Yeah, you can strike that sentence. Yeah.

Mr. Chaikin: Okay, thank you.

Ms. Jane Lovell: Good afternoon, Chair and Members. My name is Jane Lovell. As you know, I think, I'm a Deputy Corporation Counsel and I'm here today representing the Director of the Department of Water Supply. Mel Meleka, who's a planner with the Department of Water Supply, is also here on this project. But I stepped up to the microphone because I think maybe I can address some of your concerns and, particularly, some of the concerns that Commissioner Sprinzel has expressed as well as some of the comments of Chair Chaikin.

My understanding is that what the project is that's before you today is requesting your approval of an exemption for a project to replace a piece of underground utility pipe, which is the type of project that ordinarily is deemed exempted under your regulations. And my understanding is that the Mayor is proposing this project in the first instance precisely because of all the issues that have arisen in connection with trying to get the Molokai Veterans Center built. When the issues came up with respect to the 4-inch line and the inadequate fire protection, a number of alternatives were considered and are still under consideration. If the DLNR project can go through on its time schedule and in a timely



fashion, then I think that would be the preferable approach is they put in their line, their 12-inch line, the County ties into it, the portion that runs along Kaunakakai Place is dedicated to the County, and that will solve the Molokai Veterans fire protection issue. However, if there are delays, and I believe some members of the community have expressed to the current administration concerns that there may be delays or there may be controversy over the DLNR project, if that is the case, and the 12-inch line is held up and that, in turn, is going to cause further delays with the Molokai Veterans project, then at least this project, which is to replace a stretch of 4-inch pipe with 8-inch pipe, would have its regulatory approvals and then could be put into effect relatively quickly.

Mr. Chaikin: Thank you, Jane. Commissioners, any questions?

Mr. Sprinzel: Does that mean the Mayor doesn't intend to go ahead with it as long as the 12-inch main project is going ahead?

Ms. Lovell: Well, you know, as you know, our current Mayor is only in office for another three weeks so I think what she's trying to do is everything in her power to try to move the Molokai Veterans project along but as a practical matter, you know, the 12-inch line isn't going to go in the next three weeks. The 8-inch line isn't going to go in in the next three weeks. She wants to leave office, I think, I'm not trying to read her mind here, but I expect that she wants to be able to tell the Molokai Veterans organization: I'm trying to move your project forward. I'm offering an alternative. This may speed things up if the DLNR line runs into snags.

Mr. Sprinzel: Well, why don't they propose to put in a 12-inch line straight away and then do some deal with the harbor folks? I mean I'm not going to vote for this unless it's a 12-inch line. I make that clear now.

Ms. Lovell: I really can't answer that question, Commissioner Sprinzel. For that stretch of Kaunakakai Place, an 8-inch line is the standard for fire protection. The 12-inch line is to, as was explained by DLNR, is because you're running it a further distance out to the wharf. As I said, if we can get that DLNR project through on time, on schedule, and so forth, then we're fine. It's just if for some reason that doesn't go through or there's delays or whatever, this is an alternative.

Mr. Sprinzel: I mean this country has a multi-trillion deficit because people build 8-inch lines alongside 12-inch lines, and both parties are too stubborn to come to an agreement. I mean this is -- this is the core of what's going wrong with this place.

Ms. Lovell: Well, I certainly share those concerns about the cost, but I do want to emphasize that I don't believe that anyone in the County administration is trying to be stubborn. We're actually trying to move this Molokai Veterans project along as best we can.

Obviously, if the DLNR project is able to go through on time, quickly, the County will certainly support whatever they can do. However, if for some reason that falls out of the picture, we have other regulatory approvals and can go forward with this other one, which is replacing one section of pipe with another section of pipe, which under your rules should be deemed exempt.

Mr. Chaikin: Commissioner Pescaia?

Ms. Pescaia: So in exploring the options, you're saying that the County has looked at both pursuing this project by themselves and what a partnership with the harbor project would look like?

Ms. Lovell: Yes.

Ms. Pescaia: Because they -- I thought they expressed that in approaching the County, they seemed like they weren't interested in -- in exploring that option.

Ms. Lovell: That's not what I heard DLNR saying but --

Ms. Pescaia: No, they did explore the option. They just didn't want to -- they declined the offer to coordinate.

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

Ms. Lovell: Yeah. Exactly.

Ms. Pescaia: So that's on the Public Works side, not on the --

Ms. Lovell: Yeah, there's also a Public Works project that I understand they need to do some work in this general area also, and I understand that they have run into some permitting issues that, apparently, they had a permit to do a particular project that has expired and so they aren't able to go forward. I don't think, frankly, that there have been discussions concerning -- between the Water Department and DLNR with respect -- I mean, actually, there have been discussions, right, of the Water Department tying into the 12-inch line.

Ms. Pescaia: So has the County sort of -- have they mapped it out, like, okay, if we do it by -- if their project is held up, this is our timeline, this is what it's going to cost us; these are the resources we're going to need; this is what the outcome is going to be; this is how they could later on, when they're ready, tie it into the project? And an alternative -- okay, if they're ready to go now, this is what it would look like; this is what -- have you folks done that kind of calculation as far as the cost, and the time, and the benefits to the veterans and

the community by having one construction project instead of two separate construction projects at the wharf?

Ms. Lovell: I think, clearly, one construction project would be the better alternative. I think there's no question about that. But I think this 8-inch line proposal came up when certain members of the community came to the Mayor expressing the concern that the DLNR project would not go forward. I don't think that the Mayor is hoping that it won't. I think everyone is hoping that -- that we'll be able to resolve these issues. But there's another possibility from moving the Molokai Veterans project forward that would be to sprinkle the building. That would cut down on their particular fire flow calculations. That would be another way to do it. But one way or the other, I think as Chair Chaikin mentioned, this is an area that needs increased fire protection, and so this is an alternative and we're proposing it at this time. We're proposing at least that we get past the exemption process because if we can't get past that, then we can't even, you know, move forward at all. Just having an exemption doesn't mean that it gets built, but at least it allows for the possibility.

Ms. Pescaia: Does the County have a timeline as far as - or like a deadline that they will wait to hear from the other project? Like if they don't hit this certain mark by February, then we will proceed. Or is there some sort of deadline or timeline?

Ms. Lovell: Not that I know of. I think it's more of if this can proceed on the timeline that they have proposed with no significant snag, you know, whether it's, you know, a delay of a year would throw it off or two years or five years or whatever, that I can't say at this time. That would be more of a policy consideration.

Ms. Pescaia: Did they say what their standing timeline -- 'cause they're looking to come back sometime by February, hopefully, with their SMA application. If they stick to that timeline, you're thinking that the -- it would be in the County's best interest to then partner with them.

Ms. Lovell: Oh, I think it's in our best interest to partner with them no matter what.

Ms. Pescaia: Right, but if you gotta wait, but --

Ms. Lovell: Right.

Ms. Pescaia: But I'm talking about the timeline.

Ms. Lovell: Yeah. Yeah.

Ms. Pescaia: If they're not ready to go in February, at what point do you think the County would then want to -- if the exemption is granted today and everything is ...(inaudible)...

Ms. Lovell: Yeah, that I cannot respond to real specifically. It's more of a, you know, if we can get that project going relatively quickly, then great. If it's going to be delayed, then how long of a delay will the people of this community stand before the veterans get their center. I think that's really the answer to the question.

Mr. Sprinzel: So your rush to get an 8-inch pipe in or permission to get an 8-inch pipe in is to get the veterans buildings built, which we all want done?

Ms. Lovell: In part, yes.

Mr. Sprinzel: So why not give an exemption for the 4-inch pipe until the 8 or the 12 come in, which is going to happen anyway? I mean that could have been done a year ago. I'm sorry, I'm not --

Ms. Lovell: Because the rules -- the rules that the Water Department have to follow do not allow the Water Director to give them an exemption.

Mr. Sprinzel: But it was -- the Fire Department accepted it before.

Ms. Lovell: Yes. Yes. Yes. I mean this is -- this is a very --

Mr. Sprinzel: This is -- we spend all the time here, we got a series of different departments. You don't give really much of -- about the other people's opinion.

Ms. Lovell: Right. Right. The problem is that the Fire Department operates under a certain series of rules that they are required to follow on how they do measurements and where they measure and so forth. The Water Department has a different set of rules. There has been an attempt, a couple of attempts to legislatively solve that problem by giving either the Fire Department or the Water Department the exclusive authority to, you know, iron out the differences between their rules. That has not proceeded very quickly. It's been the subject of a number of hearings before the Water Resources Committee of the Maui County Council. That was one thought that people thought, well, we can do it that way. We'll just fix this -- this conflict in the regulations that govern our two different departments because, frankly, it's not only the Molokai Veterans project that's been held up. There have been other developments, other people who have had similar issues where the Fire Department and the Water Department don't agree. That is yet another possibility. The sprinkling of the building is a possibility. The veterans have in front of the Board of Water Supply an appeal, which will be heard in January, depending on how the Board of Water Supply decides that appeal, it's also possible that their project will be able to go forward. But this request to you today is in the event that an 8-inch line is needed and that that's our only alternative and that is the best and quickest way to help get Kaunakakai

Place the fire protection that it needs, then at least we would have that determination in place.

Mr. Sprinzel: I'm sorry, I disagree. I think if you put in a 12-inch pipe or an application for a 12-inch pipe right now, that would be the quickest and would solve everything. It would solve the DLNR stuff for the harbor, it would solve the veterans, and it would solve your problem by having a 12-inch pipe there.

Ms. Lovell: Anymore questions?

Mr. Chaikin: Corp. Counsel would like to make a comment.

Mr. Michael Hopper: Just for the benefit of the Commission in going forward, I just wanted to go over the standard in what we're looking at today as a Commission. Basically, you're looking to determine whether or not this project is exempt from getting an SMA permit, as recommended by the Planning Department. It's been exempted based on it being installation of underground utility lines and appurtenant above-ground fixtures less than four feet in height along existing corridors. The issue before the Commission is whether or not -- even though that this is something that is exempted under your rules whether or not this has a -- this may a cumulative impact or a significant environmental or ecological effect on a special management area, that's basically what your decision-making is based on today. Based on this project, do you find that it might have that significant adverse environmental or ecological effect. The issues, you know, the Department of Water Supply's, you know, decision whether or not, you know, how to structure the project, it would be your decision on whether or not this is something that might have that adverse environmental effect or if it needs to get an SMA permit or not. So I just wanted to clarify that as a legal standard, I know there's a lot of other issues being discussed, but that's what the Commission would be voting on today based on your rules and I wanted to have that kind of restated for the benefit of the Commissioners, I think it's covered in the staff report, but I just wanted to have that on the record again.

Mr. Chaikin: Thank you, Michael. Did you have a comment?

Ms. Buchanan: Well, I would have then a comment to Corp. Counsel that by the testifier's own disclosure that this project is part of a larger project or has ties to a larger project, I could -- I could argue the point that this is part of larger project thus being deemed that it is a development and not exempted under non-development because that was my question in the beginning to Jane, I know you looking confused, Jane, but let's just -- let's let it lie where it lies, and the Department -- County funds are being triggered, which triggers a 343, Chapter 343. The Department exempted itself out of that trigger so they exempted themselves out of the Chapter 343, and they are using County funds. However, I think, Jane, you can see that this Commission is not happy with the vets center being used as

a pawn in this ongoing discussion between the Department of Water Supply and the Fire Department, and I think what we want is just disclosure and transparency in what had transpired because, like Commissioner Sprinzel, I have the same question, the same question for this project, and my question was: Why? Why am I replacing a perfectly good 4-inch pipe with an 8-inch pipe? And the answer is: For a development. To service a development. That's the answer. And so going on that answer, I wanted you to go over Exhibit No. 7 because us simple people need to get this straight in our brain, and that goes with not only Sprinzel's concerns but my concerns also about this whole discussion of why the vets were targeted for an installation of an 8-inch and why a 4-inch was not okay. And so I was looking at Exhibit 7 and according to Exhibit 7, off of Kam Highway, you have an existing 4-inch, on Beach Place, 3 inches, and some other places, on Hio you have a 2-inch, all with excessive use more than what would be used by the vets center, and so I was wondering, you know, at what point and what point of discussions between DWS and Fire, what was the threshold that was crossed to make the vets have to put in an 8-inch main instead of the fire -- the fire flow calculations came out that it was okay with a 4-inch main. So I think this Commission is still trying to understand that, is the point of the threshold that made this project go that way, that stalled this project for over a year, that made this project contingent upon another project from DLNR, which I thought was outrageous to even go there, that's what I needed an explanation for 'cause I wanna know. I, personally, wanna know.

Ms. Lovell: Okay, thank you, Commissioner. You've raised a number of questions. Let me see if I can try to answer at least some of them. In terms of this particular replacement of an underground pipe, all we are asking for is an exemption for replacing an existing underground utility pipe, which I think is pretty clearly exempt under your rules. In terms of it supporting a larger development, it's my understanding that this Commission determined that the veterans center was not a development, and so, therefore, this pipeline to the extent that it would provide increased fire protection to the veterans center is not supporting a development. Perhaps I've misunderstood your question in that respect, but that's -- that's all that I can say about that.

Ms. Buchanan: What was -- what made the whole project have to go from moving the fire flow calculations -- I cannot understand, internally, what happened between the Fire Department and DWS to -- to make this 4-inch main have to be an 8-inch main. Can you explain that?

Ms. Lovell: Yeah, my understanding is that the current fire flow standards require an 8-inch main. That 4-inch main, at a different point in time, when there were, you know, different standards in place, or even the 2-inch line at a time in the past, may very well have been acceptable, but now the standard is, if we were going to replace this pipe at all for any reason, it would have to be replaced with an 8-inch. My understanding of the difficulty between the Fire Department and the Water Department is that they each have their set

of regulations, they each have their statutory way of measuring fire flow, and that when you have two different ways of measuring and two different sets of standards to be complied with, they didn't reach the same the conclusion, and that the Water Department, despite its best will and intent, cannot ignore its own regulation. Now, we have a Board of Water Supply that can give, in essence, a variance, and that process is going to be heard in January. We have the possibility of just upgrading this line to an 8-inch. We have the possibility of tying into DLNR's project. We have the possibility that perhaps the veterans would consider sprinkling their building. This is just to give us another possibility of solving this problem as quickly as we can.

Ms. Buchanan: Okay, so besides all of this, the project is the - and I'm referring to the vet center - they currently have asked for a variance and an amendment using sprinkling and those have been docketed to be heard from the County?

Ms. Lovell: Not the sprinkling. That was something that I think the County has proposed back to the veterans that you need less fire flow for a sprinklered building than you do for a non-sprinklered building, so that would be one way to get the vet center built more quickly would be if the design could be changed and sprinklers could be installed. But the other part of it, whether they -- whether they can get their building permit with the existing 4-inch line is up for consideration by the Board of Water Supply, and the hearing is set for January, I think, 18<sup>th</sup>.

Ms. Buchanan: Jane, can you tell me the year and the date that the placement of the 4-inch main was done?

Ms. Lovell: No, I cannot.

Ms. Buchanan: The reason why I'm asking is that -- and who is Morgan? I'm assuming she's from SHPD. Is that a correct assumption? 'Cause we got a email statement from a Morgan or Morgan Davis.

Ms. Lovell: That, I don't know. I haven't received a copy of that.

Ms. Buchanan: Okay, well, I'm just making that assumption because it seems like they're commenting on a recommendation for an archaeological monitor, which will not be part of a condition of an exemption.

Ms. Lovell: Yes, I see their recommendation. I think that's pretty standard, actually.

Ms. Buchanan: The reason why I ask is because this Commission has regularly now and consistently required archaeological monitoring for any excavations of more than 2 feet, your plan calls for 36 inches, 3 feet, and then that would be something that we'd like to do

because I'm not sure, I have no plans. We weren't submitted any plans of the existing pipeline except for a line drawn. So I don't know if you're going exactly into the same trench or not, or beyond the site of the trench, my concern would be to Malama Cultural Park, and I would be more comfortable with an archaeological monitor; that cannot be a part of a condition of an exemption.

Ms. Lovell: Well, I don't know about the legal niceties of making exemptions conditions on archaeological monitoring, but I do know that that is a pretty standard practice. I don't think that that would be any problem and, certainly, if the State Historic Preservation Division feels that that's important, the County tries to, you know, go along with what they recommend, that's their job, and it's an important one.

Mr. Chaikin: I think what Commissioner Buchanan was alluding to in that is that if we provide you an exemption, we can't put that condition on, and so you stated that you may try if, and you didn't exactly say yes, we will have an archaeological monitor to go on the record, so we can't, you know, rely on, you know, if we put a condition, we can mandate it.

Ms. Lovell: Right.

Mr. Chaikin: Are you willing to have an archaeological monitor present if this exemption is approved?

Ms. Lovell: I'm sorry, this is Mel Meleka, who's the project guy from the Water Department, who's in the planning department. Mel, do you want to -- or, Danny, do you want to address that? I mean I really think this is pretty standard and that we -- we just do it, but let me just be clear on that.

Mr. Dias: Thank you, Chair. What Mel told me was that they are planning on doing archaeological monitoring whether it's a minor with a -- you know, whether it's exempt, they're planning on do that.

Mr. Chaikin: Alright, well, thank you for that. Commissioners, anything else? Jane, could I just ask you, while we're talking about making -- well, I guess what I'm saying is that, it's the same thing Lori was saying, when we provide exemptions, we can't require you to do anything, you know, unless you presented that to us here and on the record saying you will do something, so the other concern that I have was something that I read in the other project which was that you're going to be doing digging, potentially maybe doing digging in close proximity to the fuel storage area. When the barge is in, the fuel barge, they pump fuel down there and when the hatchets are open, all these flammable vapors come out of there, and it's not a particularly good time to be doing working with a backhoe right there, so I'm just asking if you will go on the record to coordinate with the fuel storage, with Island



Petroleum so that you're not working at the same time that they have their vents, their fuel vents open?

Ms. Lovell: Yes, the Maui Police Department has some of the same concerns expressed and, obviously, we would do that. We -- it would be part of -- I'm sure it would be part of the safety plan.

Mr. Chaikin: Okay, thank you. Well, let me just say that I, you know, I applaud the County for coming forward with another viable solution to try to help the veterans get their project solved, and I understand that you would only do this as an absolute worse case scenario. You really want the State to pay for this and to put in the whole line, and you're, you know, you're not going to go and do this unless you absolutely have to and, you know, at least I understand that. So at least that's my mana`o. But let me turn it over to the public and see if there's anybody out there that wants to provide any comments on this. Yeah, you're welcome to come up.

Mr. Helm: Again, Larry Helm. Thank you, Commissioners, for all this information. The question I got: The new Mayor that will be here on the 3<sup>rd</sup>, can he change -- change the whole rules?

Mr. Chaikin: Well, I don't ...inaudible)...

Mr. Helm: The new Mayor, if he decides to say to the Water Department give the Molokai Veterans the permit, executive order?

Ms. Lovell: Thank you, Mr. Helm. Legislation in the County of Maui, ordinances, are adopted by the County Council, and the Mayor cannot change an ordinance by executive decision. So the Mayor -- the incoming Mayor can certainly decide not to proceed with this project. He can make all kinds of policy decisions. But the Mayor cannot change essential laws that are on the books. That's the job of the Maui County Council.

Mr. Chaikin: Thank you, Jane. Is there anybody else that's wants to provide public testimony? You're welcome to come up.

Mr. Mac Poepoe: Good afternoon. My name is Mac Poepoe. I'm a veteran. I've been waiting for a long time to get our project rolling, and, you know, I get sick and tired listening to all this crap that mostly the County that I talking about. And if we no more enough water for protect our place down there, you know, I confused about this because they get the big fuel depot right next to us, they get enough water for protect themselves? Tell me the truth. They no more. So why allow all these projects to go on if things are not adequate. And we also have, in our plan, a sprinkler system in our building, okay. So no make people think that we no more sprinkler system. We do have. And if you guys look at our plans carefully,

you going see that we do. And, you know, I'm retired from the Fire Department. I understand that there's couple things required, yeah. One is the National Fire Code that I think most of us follow. Then we have the County Code, the Water Supply Code, and that I think is a big bunch of crap, you know. Why have two codes when we only need one? All our lives we live on Molokai ...(inaudible)... really have any kind of code. Everything that was done in the past, and maybe not everything, but a lot of things that I know of, you know, never pass. A lot of the projects -- Maunaloa Town is a good example, yeah. No more enough water up there. But what they did? They went develop anyway, and the County went allow them that. And guess where that allowance came from? From the Mayor. The Fire Department tested all their hydrants up there - never had enough water to protect the place. So I don't know. I think get too much crap going around and we need to fix 'em up. Yeah. Thanks.

Mr. Chaikin: Alright, thank you, Mac. Does anybody else wanna provide testimony? Alright, seeing none. I'm going to close the public testimony portion. Alright, Commissioners, it's back to us. Commissioners, there are five Commissioners here present today, so we all have to unanimously agree in order to -- for this exemption to get passed. Do any other Commissioners still have reservations about certain aspects of this project? Go ahead.

Ms. Buchanan: And some discussion, then I guess Jane will have to answer this question. You alluded to it, but what would it take -- in some emails I saw that the County would let the vet center be built if they had a letter -- letter generated from DLNR or DOT stating that they were moving ahead with their project. Is that correct?

Ms. Lovell: Again, Commissioner Buchanan, I don't have that email so I don't know.

Ms. Buchanan: Maybe it's not an email as a clarification of statements made that if the -- if the DLNR is going to stay on their timeline, their projected timeline, and it looks like their project is a go, then what does the County intend to do?

Ms. Lovell: There was a proposal last summer sometime that the -- the County administration asked the veterans if they would be willing to go forward and start building because on theory that it's -- that the, you know, the center isn't going to be built and finished in a day, on the understanding that it would not be occupied until one of these, you know, fire protection systems were in place, whether it was the DLNR or whether it was some alternative to get fire protection, my understanding is that the attorney for the veterans group advised against that and that it, therefore, that that proposal died. I'm sure the County would still be willing to propose something along those lines, but my understanding was that the attorney for the veterans didn't like that idea for whatever his reasons.

Ms. Buchanan: Oh, so actually, basically, that they could build their vet center tomorrow and they're just not going to get it issued a certificate of occupancy by the County?

Ms. Lovell: Yes, until there's adequate fire protection of some kind or another.

Mr. Chaikin: Well, I think you said that the administration might be willing to revisit that because the last time that that was presented, there was only the DLNR project, and I think the veterans might have felt that if for some reason that project failed, they would be stuck with a building and no water, and that's not a very good position to be in. But if the County has a line that's proposed, and then for some reason that line doesn't go in, you guys are held accountable because it's your project that didn't go in that was supposed to go in. So I don't know.

Ms. Lovell: Yes, that's true.

Mr. Chaikin: I would like to at least revisit that and at least give them another opportunity to look at that --

Ms. Lovell: Sure.

Mr. Chaikin: So they can get moving.

Ms. Lovell: Sure.

Mr. Chaikin: Did you wanna say something? Come on up. Yeah, I closed the public testimony but go ahead.

Mr. Helm: Yeah, the County the proposed that we could build tomorrow but we couldn't occupy. We -- they had a legal agreement that we had to sign that if we agree, we go along with this. So we had a lawyer look at this and he said that it is open to lawsuits from outside because we're using grant money from the State to build a veteran center to be used and if somebody, Joe Blow says, eh, you misusing taxpayers' money, that was one of the issue. You know, the other issue is if somebody went over there and got hurt, we're responsible. We asked the County if you guys take all the responsibility, the liability, they said no. You guys are responsible. So we said, no, that's not a win for us.

Mr. Chaikin: Okay, thank you, Larry. Alright, Commissioners, just to keep the train on the track here, basically, we had an exemption request in front of us, exemption request specifically mandates that we look at the environmental and cumulative impacts of this proposed project, and that's what we're supposed to be looking at. I know we kinda get way off on all these tangents, but, you know, I bring it back as, you know, we do have to

have unanimous consent so is there additional reservations that you feel though they need to be addressed?

Mr. Sprinzel: Well, having been the one who made the most objections, I've listened to what everybody said and I'm prepared to go along with the rest of the Commissioners but, if you build an 8-inch line and 12-inch line there, you're going to have so much egg on your face it's unbelievable. Thank you.

Mr. Chaikin: Okay, with that, unless there's any other further comments, I'll look for a motion from the floor.

Ms. Buchanan: No, I do have an additional comment. The proposed valuation of the project is \$100,000; that is a \$100,000 of taxpayer money and so I am compassionate to Commissioner Sprinzel's argument, and unless somebody else can see another win-win situation, I don't know what that we have proposed besides perhaps not concurring with the exemption and asking then the County would have to come in with an SMA minor permit because of the valuation and that is another -- and then you could condition those permits to also include concerns by testifiers on adequate water flow for adjacent properties because we know, on our KIVA printout, that there are two more proposed projects across the street, which is the canoe hale and I forget what the other one was, and I also wanted to know if that had any mitigation to do with turnover of ownership from Malama Park to other entities, which I'm not aware of, but heard that -- that might have already transpired.

Mr. Chaikin: Alright, well, you know, the way I feel about this is the County is not going to put in that 8-inch line unless they absolutely have to, and they're only going to do that when DLNR has absolutely pulled the plug on the project and they're not going to do that. That's the way that I see the project going. And at that point, we don't need a 12-inch line. We only need an 8-inch line. So I think that, you know, it's a good backup plan that the County has come forward with so, you know, I pretty much support towards the exemption. Any other comments? If not, I'll look for a motion from the floor.

Ms. Buchanan: Chair, I move that we concur with the exemption for the Maui County Water Supply, Board of Water Supply, for the installation of a replacement, emergency replacement of a 8-inch main with a 4-inch main -- I mean the 4-inch main to the 8-inch main.

Mr. Chaikin: Commissioner Buchanan, can I make a friendly amendment to that? That that's predicated on the representations that have been made here today before us. Okay, so we have a motion on the floor. Is there any second to that? Second by Commissioner Kelly.

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

***It has been moved by Ms. Buchanan, seconded by Ms. Kelly, then unanimously***

***VOTED: to concur with the exemption for the Maui County Department of Water Supply for the installation of a replacement, emergency replacement of a 4-inch main to the 8-inch main, predicated on the representations that have been made here today before the Commission.***

Mr. Chaikin: I think that's a yes, unanimous yes, so alright, so we did get an exemption on that so thank you, Water Department and Jane Lovell, for your assistance with that. Okay.

Ms. Buchanan: Two-minute break and then the last.

Mr. Chaikin: Okay, we'll take a short break, and let's not make it too long, and then we'll reconvene.

*(A recess was called at 2:14 p.m., and the meeting was reconvened at 2:28 p.m.)*

Mr. Chaikin: Okay. At this time, I'd like to bring this meeting of the Molokai Planning Commission back to order. And we're gonna continue on with our agenda. We're on Item E-3. And this is a request for an SMA minor permit for a meter relocation. I'm gonna turn this over to Danny, and he can give us a brief description of this project.

**3. MR. CHARLES SEVILLE requesting a Special Management Area Minor Permit for the meter relocation off of Maui Electric Company (MECO)'s power pole for property situated at 1790 Kamehameha V Highway, TMK: 5-4-005:065, Kamiloloa, Island of Molokai. (SM3 2010/004) (A. Benesovska)**

Mr. Dias: Thank you, Chair. This matter arises from an application for an SMA emergency permit. The applicant originally came in for an emergency permit. And basically, if you look at Exhibit No. 3, that large picture on the back of your little report here, you can see that there's a Maui Electric pole and there's an electrical box on there. And from what I understand, what happened was half of the circuits or something in that box got fried or something of that sort occurred, and essentially, half of the home did not have electricity. And so the owners had to replace that box, but for whatever reason, Maui Electric Company said, "We don't want you to put it back on our pole. You need to put it on a post that's on your property." And so, that's what the applicant went ahead and did. In reviewing this project, the Planner that worked on this discovered that this didn't meet the

criteria for an SMA emergency permit. Emergency permits are more for like natural causes or something. There's a huge storm, and the river next to your house is overflowing, and you have to -- you know, whatever, to keep water flowing in or something like that. So it doesn't meet the criteria for an emergency permit, but it does for an SMA minor permit. So that's what they're requesting. And the applicant is here to answer questions that you folks may have. Thank you.

Mr. Chaikin: Just for clarification, Danny, how come you can build a 20,000 square foot house, you can also have a pool house next to it, you can have a 1,000 square foot farm machinery building, you can do all that, and all of them can be exempted? And then you have a house, and all you wanna do is move your power pole and put a little four-by-four on the ground, you gotta get a permit for that?

Mr. Dias: Yeah, it is kinda -- it is kinda strange in that way, but with this particular project, the exemption category for something like this is sort of similar to the exemption category for the waterline, which is utility lines and aboveground structures less than four feet in height. So technically, something like this doesn't meet that criteria. Why the State legislature chose four feet versus ten feet versus 20, I don't know. But because this new pole that they're putting up is six feet, it just doesn't meet the criteria. Technically, it doesn't meet it.

Mr. Chaikin: Alright. Commissioners, any questions, concerns, about this application?

Ms. Buchanan: Clarification, is this an after-the-fact permit or not?

Mr. Dias: Correct. It is an after-the-fact permit.

Ms. Buchanan: So it's an after-the-fact SMA minor permit? That's correct?

Mr. Dias: That is correct.

Ms. Buchanan: Danny, I just totally don't get this at all because my question is, where was MECO in all of this? And it just doesn't sound right to me why -- I don't know. It just doesn't sound right to me. I guess maybe the applicant could shine more light on it, but --

Mr. Dias: Yeah, I'd prefer that the applicant answer your question.

Ms. Peni Morateur Seville: My name is Peni Morateur Seville, and we were the applicants. And I agree, none of this made any sense to us either because what happened is 30 years ago when our house was built by Nobu Miyazaki, he put the meter on the pole. And so that temporary, which we were never told, meter has been there for 30 years. So in August, it broke. And there was only half the amount of -- actually, it took a little while to break, a few

days, one of which it turned on my oven in the house. But when it finally broke, I called an electrician. I didn't know what to do. He told me it was broken and I needed to go to MECO. I went to MECO. And they said that we needed to go through the County. So that began the process. And in that process, took two months with only half the electricity.

And my husband put the four-by-four pole in the ground. He dug up enough for MECO to see the conduit because the electricity goes underground to our house, but MECO would not put the electricity -- connect the electricity to the old conduit. They wanted us to dig up our entire yard so they could examine the entire conduit. He said, "Absolutely, not." Thank goodness. He dug maybe two -- a distance about this far so we could look at everything that was down there. There's a waterline. There's the electric line. I think there's a cable/TV line all down in this one area. Well, MECO refused to connect it permanently. They had us then put in a 12-foot pole. I think it's two-by-four. And they would only connect it temporarily to the top of that pole because they want to go overhead to our house, which would be a power pole in the middle of our yard, and overhead through all the trees, and then they would put it on the house. So that's where we stand now.

We got an emergency permit because I was using half electricity for an entire month -- two months, actually. It really wasn't very convenient or safe. Every time I wanted to do laundry, I had to run an extension cord. Every time -- anyway, no outdoor lights, nothing. So we took the temporary permit, the emergency permit, that the County gave us. They communicated with the Planner at MECO who is ...(inaudible)... And he okayed for the line crew to come out and connect it temporarily. And that's where we are right now. Not only is it still temporary, but we need a permanent permit. And then I'm still not sure they will connect on the four-by-four pole. So it may be temporary forever. I don't know if that -- I don't wanna give too many details and mix --

Mr. Chaikin: For clarification, are you -- is this application just for the pole or are you planning to trench and put your --

Ms. Seville: No, we will not trench. And this is a -- like the four-by-four is put inside on our property that can be read from the outside. There's just a wire fence there. And no, we will not trench. We will not dig through the sprinkler system and through the middle of all of our --

Mr. Chaikin: Okay. So let me just get a visual on this. Basically, right now, the line is at 12 feet high?

Ms. Seville: It's 12 feet high and it comes down to the meter which is on the -- is it six feet high? I don't know how high. It comes down to that, but there's another pole there that goes up right alongside. And it had to have three -- like a tripod? Right. Well, when the

line crew came, they took out one of those braces. There are only two now because they said it was in the way.

Mr. Chaikin: How high is the -- when the whole project is said and done, how high is the electrical line gonna be?

Ms. Seville: We would like to connect it to this pole, to this pedestal.

Mr. Chaikin: So how many feet off the ground is the electrical line gonna be going up overheard towards the --

Ms. Seville: Well, it really should come down through a conduit down the pole.

Mr. Chaikin: So it stays high the whole time?

Ms. Seville: It's high right now.

Mr. Chaikin: Is it gonna stay that way or is it gonna come down?

Ms. Seville: Well, hopefully, it will come -- MECO will agree to bring it down the pole and come -- that conduit goes underground, and bring it underground to this meter, but we have no guarantee that they will agree to that.

Mr. Sprinzel: You've got it dug up at the moment -- that trench?

Ms. Seville: Pardon me?

Mr. Sprinzel: You've got a trench there between the --

Ms. Seville: Between the pole and our pole, but that trench is now filled in.

Mr. Sprinzel: Oh, yeah, but that's where they would put it if they --

Ms. Seville: Yeah, that would have to be just lifted out again and put through there. And in the recommendation from the County, we need a shoreline certification, and this is on the highway, so I don't understand that. And the other thing is the -- I have to look at my paper.

Mr. Chaikin: Yeah, maybe we can get our Planner to come and talk to us about that. That's one of the problems when somebody comes forward with a permit as opposed to an exemption -- it starts triggering all of these things. Typically what we get is some kind of a plot plan that shows us where the proposed action is in reference to the shoreline. And



sometimes it's so far away from the shoreline it doesn't make sense for a shoreline survey. And sometimes it does. On this case, we don't have that information in front of us.

Ms. Buchanan: And to be honest, I didn't even know where this person's house was. I have no landmark. I'm assuming it's in Kawela, but I really don't know.

Mr. Chaikin: Okay. Let's get to the location of the house first, and then Clayton can fill us in on the rest.

Ms. Seville: Our house is located two and three-quarter miles east of Kaunakakai right before Ona Alii Fishpond or Alii Fishpond. There are four houses in a row there. The one on the end on this side of us used to be Dr. Frank's, now is Gloria ...(inaudible)... That's a residence. On the other side is Dena ...(inaudible)... So we're the wooden fence.

The other question we have is that the County says that now we're zoned park. We've been residential for 30 -- I mean, since the house was built which was in the early '70s. And everyone around us is residential. So I'm not sure about that either.

Mr. Chaikin: Yeah, I noted that too. That's the community plan is stated as park in that area for whatever reason. I don't know. Clayton, did you wanna address some of Lori's concerns?

Mr. Yoshida: Yes, Mr. Chairman, Members of the Commission. Relative to the requirement for the certified shoreline survey, again, it is noted that the property does abut the shoreline. And based on your SMA rules, if a property abuts the shoreline that it needs a certified shoreline survey.

Mr. Chaikin: So in reviewing whether or not this is a development or not a development, I noticed that in the write-up, he put all the development, but he didn't list all the not development. Isn't there anything that would make this not a development?

Mr. Yoshida: Well, I guess we've considered it to be a development. But I guess there are certain conditions that are recommended. And basically, I guess we can condition -- as the Commission stated earlier, you can't condition an exemption.

Ms. Buchanan: Chair, I believe that when MECO comes in to erect the pole, they always come in as an SMA minor permit. Anybody can correct me if I'm wrong. So I'm assuming they do that because they know that they're not exempted from that. But we always turn that right around very quickly and authorize that.

My problem grasping this situation is I guess I haven't ever seen a private electric box on a MECO pole. And being that this developed 30 years ago, I can understand why. I guess

30 years ago, everybody kinda did whatever they wanted to do for whatever reason, but I'm surprised MECO did not alert the new tenant of this situation because we all have our meter boxes attached to our homes, or very closely to our homes, which is then connected to the power pole to an underlying conduit. And that's for safety purposes because MECO has to meet height restrictions whenever they do electricity to homes. So this pole is definitely too short for an overhead line. And I think they're just making it the applicant's problem at this time which is making it our problem at this time. So I really -- not being an engineer, other than MECO -- at some point, MECO has to have some liability because it's on their property right now. And a private electrician would have to come and remove her property from their property, and there might be some liability in that. Well, I still see it in the picture, but I don't think they did it. Can the testifier come up? The applicant? Is your box, electric box, still on the MECO power pole today?

Ms. Seville: No. We removed the box. That box -- let's see. Actually, MECO removed the box, removed the meter, and put it -- and we hired an electrician. We paid a thousand dollars to have the electrician come and connect with MECO on the new pole. It's on that right there.

Ms. Pescaia: So the meter sitting on this panel right here, and then attached to this is the taller pole that has the -- is carrying the line?

Ms. Seville: Attached to that is a taller pole.

Ms. Pescaia: The two-by-four, right?

Ms. Seville: Yeah. Actually, I have a picture of that. Would you like to see that?

Ms. Pescaia: Then from the two-by-four the line is coming down into the meter, right? Okay.

Ms. Buchanan: So what really needs to happen is that line needs to go down the MECO pole on the ground to the conduit, and then up to her meter box is that what should happen.

Mr. Sprinzel: The only time we see these overhead wires coming down to this sort of a meter from overhead is when somebody is building a house and it's just a temporary thing.

Ms. Buchanan: Does the applicant have anything in writing from MECO stating their position?

Ms. Seville: ...(inaudible)...

Ms. Buchanan: Yes, telling you how to mitigate your issue.

Ms. Seville: ...(inaudible)...

Ms. Buchanan: They gave her four options.

Ms. Seville: ...(inaudible)...

Ms. Buchanan: Suzie, any way somebody can run off copies of this for us now? Chair, maybe we can be in recess while we have the stuff so she no have to record.

Mr. Chaikin: Okay. I guess, Clayton, my concern is that when applicants like this come forward to us and wanna have to do some relatively minor thing, this is a four-by-four in the ground, relatively minor, that they actually have to go get a certified shoreline survey, which is a pretty expensive proposition. Is there any way that you can see that the applicant can avoid doing that? Or how do we deal with these types of situations?

Mr. Yoshida: I think the Commission and the Department, they're taking a look at your special management area rules, and probably will be to amend the rules as to -- well, required submittals under certain circumstances requiring the certified shoreline survey as required.

Mr. Chaikin: And, Danny, have you had an opportunity to have a physical look at this particular property?

Mr. Dias: No, I didn't get a chance.

Mr. Chaikin: Okay, while we're just going over that, could you come and give us -- I'm trying to figure out -- because what they're doing is they're asking you to get a shoreline survey. Okay? Is this by the road, or is this by the shoreline, or where is this proposed action planning to occur?

Ms. Buchanan: Chair, I think that question would be more appropriate to Corp. Counsel that if this Body has the authority to exempt such an action from this type of permitting along with the flood map.

Mr. Chaikin: Yeah, but we just got done reading the rules and it does seem that the Director has the discretion only in certain circumstances, and it seems like those certain circumstances didn't apply here. So it seems like, at least our reading, is that correct?

Mr. Hopper: I can read the rule for you to clarify. This is an applicant for an assessment, so this isn't an SMA minor permit. This is for any assessment anyone submits if their property abuts the shoreline. It states -- this is part of the application.

Mr. Chaikin: Can I just interrupt you? This is not an assessment. This is an SMA minor permit application.

Mr. Hopper: Yeah, so she would -- as part of anything, a proposed action or any application you'd submit would have these requirements to them. You'd submit for an assessment, I believe, and then you'd be told you need an SMA minor permit in part because of these requirements, and then you'd have to go get your SMA minor permit. Your rules say that:

A shoreline survey if a property abuts the shoreline; provided, if the proposed action will occur outside of the shoreline setback area, the Director may waive a survey if:

1. The shoreline is fixed by manmade structures, which have been approved by appropriate government agencies and for which engineering drawings exist to locate the interface between the shoreline and the structure;
2. The shoreline is fixed by a natural stabilized geographic features such as cliffs and rock formations; or
3. The parcel is not abutting the shoreline.

This is a rule that's similar to Maui and Lanai Planning Commissions. Again, we're looking at reviewing this rule because it's pretty restrictive or a pretty burdensome rule, I think, for some people, but it is part of your rules for an assessment.

Mr. Chaikin: Okay, can you read that Item No. 1, the first possibility to be exempted for the Director to possibly waive this? What was the first one?

Mr. Hopper: I'm also uncertain. This is an application before you. It's met all the application requirements, according to the Department at this point. As I understand it, you're prepared to grant this. I'm not sure why this is still an issue. If the Department can clarify, have they not met all application requirements? Because the Commission really shouldn't be reviewing this at this stage if there's application materials that they still need.

Mr. Chaikin: Well, what they're trying to do is make the permit conditioned upon her obtaining a shoreline setback survey, in addition, also a flood permit. So it would be conditioned on that. So I'm just trying to see if there's a way she doesn't have to spend a whole bunch of money getting a survey when the pole is not even anywhere near the ocean. It's near the road. Is that correct?

Ms. Seville: Correct.

Mr. Hopper: The first exception to this is:

1. The shoreline is fixed by manmade structures, which have been approved by appropriate government agencies and for which engineering drawings exist to locate the interface between the shoreline and the structure;
2. The shoreline is fixed by a natural stabilized geographic features such as cliffs and rock formations.

Mr. Sprinzel: Are you more than a hundred feet from the house?

Ms. Seville: ...(inaudible)...

Mr. Sprinzel: No, is your meter more than a hundred feet from the house?

Ms. Seville: I'm such a poor judge of distance that I do --

Mr. Sprinzel: Well, did they ask you to put in a pole in?

Ms. Seville: Yeah, that was one of our options. I think it's more like -- I don't think it's a hundred feet.

Mr. Chaikin: Commissioners, any other questions? We'd just ask that the public -- is there anybody out there that wants to comment on that? Okay, seeing none, we'll close that portion. So it's basically up to us. We have a recommendation from Danny. Danny, do you wanna put forth your recommendation?

Mr. Dias: Yes, Chair. The Department of Planning recommends that the Molokai Planning Commission approve an SMA minor permit subject to three conditions. The first being that the applicant obtain a State certified shoreline survey for the subject TMK within a year. That an after-the-fact flood development permit be obtained from the Department's Zoning Division. And that full compliance with all other applicable governmental requirements be rendered.

Mr. Chaikin: Thank you, Danny. Well, we have the recommendation. Commissioners, do you have any other further concerns, or any questions, or anything you'd like to get clarified?

Ms. Buchanan: Chair, I'm trying to read through the options from MECO.

Mr. Chaikin: Okay.

Ms. Buchanan: I going need another half a minute for that.

Mr. Sprinzel: You certainly have my sympathies.

Ms. Buchanan: Chair, I have a question for the applicant.

Mr. Chaikin: Okay.

Ms. Buchanan: On the correspondence from MECO, Option No. 3 would call for the installation of the meter socket on your house as an overhead set up. And then they say you need to clear the area where the service cable route. I'm assuming that's trees for the line. And that it must not be more than a 100 or 100 amp service. And I don't know if -- and then they go about amp service. And they say if that's not done, then that's when your service pole must be installed and an SMA is required. So Option 3 is opting out of the requirements that are putting before you today. I don't know if you understand the requirements. If we approve today what the Planner has submitted, you will be required to submit your flood zone. You will be required to submit shoreline certification and something else. What is it? So there is -- Option 3 does opt you out of all of those requirements.

Ms. Seville: We understand that, but that also puts a MECO pole in the middle of our front yard.

Ms. Pescaia: Because it's more than a hundred feet. That's what they're saying.

Ms. Buchanan: Okay, that's not clear.

Ms. Seville: The 200 amp came up because the temporary meter on the pole was a commercial meter, not a residential meter. That's how that even came up. We don't want a commercial meter. We want a residential meter. It's enough.

Ms. Buchanan: That is something that should've been disclosed at the time of your purchase in the home, yeah, now that you look back?

Ms. Seville: Yeah, that was not disclosed.

Ms. Buchanan: That's what I mean.

Ms. Pescaia: Yeah, so for Option 3, because it's farther than -- it's greater than this distance, you would need a pole to support --

Ms. Seville: Right, we'd have to have a pole in the middle of the yard.

Ms. Pescaia: The run is too long. Right.

Ms. Seville: And they won't go underground unless we dig up the whole yard which would be --

Ms. Pescaia: More difficult because you have all these other lines. That's why they're leaving their meter.

Ms. Seville: Well, they wanna make sure that the conduit is still good. It looks good in the distance we did.

Ms. Buchanan: Then I guess the last question would be if you're only actually less now with the option that you're applying for today, that you fully understand that if we grant this permit today, it will be contingent upon the other conditions?

Ms. Seville: What are our other options? I guess I'm not informed as to our other options. Could we be asking for an exemption?

Ms. Buchanan: Well, your other option is digging up your yard. You don't wanna do that. You don't wanna cut your trees and you don't wanna install a pole in your yard. So by you choosing your own way, you have already been stuck with the option you have today. So I'm just -- wanted to know that if you're clear that's where you wanna go, then I think our -- we have the only option to approve it based on what we have in front of us today.

Ms. Seville: Well, I can tell you know that we really don't want to pay for a shoreline survey, and the other -- is our other option to have a temporary meter with a temporary permit?

Ms. Buchanan: And I have no idea how long a temporary pole can be erected serving permanent --

Ms. Seville: Well, the other one was there for 30 years, so I guess it could outlive us.

Ms. Buchanan: See, we don't know because we just don't have enough information on this application. And I would've said to check with Corp. Counsel if we could waive those conditions, not exempt them, but waive them, but we'd open up ourselves for liability already since on the record, MECO has stated to the applicant in writing that that is what

they're gonna be subjected to is the setback certification. So that's gonna be hard to get around.

Mr. Chaikin: Yeah, I mean, the rules are the rules. The only consolation I can tell you is we are in the process of revising our rules. Now whether or not that is one of the rules that ends up getting revised, we're certainly gonna take a look at it, but there's no guarantee that we will revise it. But if we did revise it before the year was up that you have to get your shoreline survey, then you might be able to get out of it. I don't know. Maybe you can't go after-the-fact. Maybe the timing wouldn't be right on that.

All I can tell you is that it's not a perfect system. And you're kind of caught in one of those little pukas that people find themselves in. But it does raise the question that it's on our radar screen right now that it's really something that we gotta take a look at in our rules, because it's kind of like a statute or a code. When it's written down, you have to comply with it. So that's all I can say is that you can still -- we can move forward and approve what we have here today, and you can still decide -- find out that it costs too much and you'd rather dig up your yard, or you'd rather wait and see, or get a temporary pole, or you could still look what your options are, but if we go ahead with what we got, at least you got one more option, if you wanna move forward with it.

Ms. Seville: So if we dig up our yard, don't we have that other like the antiquities type thing to comply with, if we dig up our entire yard? That was one of the reasons not to want to do that.

Mr. Chaikin: Well, the feeling was if she dug up her yard, she could put the meter on the house. And if it's on the house, then she can get exempted. It wouldn't be a freestanding pole.

Ms. Buchanan: She would need to submit another assessment.

Mr. Chaikin: Assessment, right.

Ms. Buchanan: In order to have that assessed by the County 'cause that would still trigger another SMA assessment because she's doing another type of action. This action today is only for one set action. And if she chose to do another option, she'd have to do another assessment. And Corp. Counsel can correct me if I'm wrong.

Mr. Chaikin: Alright. So we've pretty much discussed this item. Commissioners, is there anything else you'd like to get clarified before we move forward? We do have a recommendation from the Planning Department. And now it's our kuleana to figure out how we wanna move forward. So I'd be willing to hear any type of a motion that you may have.



Mr. Sprinzel: Well, I propose we accept the Department's recommendation.

Mr. Chaikin: Okay, we have a motion on the floor. We have a second by Commissioner Pescaia. Any further discussion?

Ms. Buchanan: Discussion. I would hope in the future, and we've said this in the past that the Planning Department or the Planner would take more time -- and maybe this is problematic because we don't have one right now, so for the record, this could've been mitigated better in favor of the applicant had we had an on-island Planner instead of them having to make long distance calls, spend for expensive outrageous airfares to talk to a Planner, because we don't have one Molokai. So this is a good case in where some mitigation could've taken place had we had a Planner on-island. And obviously, applicants do need the help to go through this maze of the permitting process.

Mr. Chaikin: Thank you, Commissioner Buchanan. I think maybe we'll try to get an update from Clayton if there's any new news in that area in our later agenda item. But with that, unless there's any further discussion, I'll call for a vote.

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

***It has been moved by Mr. Sprinzel, seconded by Ms. Pescaia, then unanimously***

***VOTED: To approve the Department's recommendation.***

Mr. Chaikin: Okay, motion passes. So you do have an SMA minor permit with the conditions attached to it. So if you choose to go that route, you're free to do that. So with that, we'll move on with our agenda here, and we'll move on to the Chairperson's report. Item No. 1, improvements to the Planning Commission's and Planning Department's service to the community.

## **F. CHAIRPERSON'S REPORT**

### **1. Improvements to the Planning Commission's and Planning Department's service to the community.**

Mr. Chaikin: One item that we -- an issue that we had today is that we're having trouble making quorum. Today we had four people here. We're lucky that Commissioner Kelly showed up or we would've all been sitting here with egg on our face with a whole room full of people and not enough Commissioners. I just was wondering. We have an official resignation from one of our Commissioners. So that makes it down to eight. Has any of the Commissioners heard anything from Commissioner Williams? Is he still on-island?

Okay, maybe we can do some checking on that 'cause I haven't seen him, or heard from him, and we have to make sure that we can get quorum, and get enough people here. So we do wanna make sure that the Mayor is gonna be moving forward in an expeditious manner replacing Napua. Do you think, Clayton, that you could make a personal contact with the Mayor to make sure that that's moving on in a timely manner?

Mr. Yoshida: I guess, Mr. Chairman, Members of the Commission, we are in a transition period between Administrations. However, I guess Mayor Tavares has on the County website -- put out a request that people wanna serve on boards and commissions to submit their application by December 15<sup>th</sup>. For the people that -- the Commissioners whose term expires on March 31<sup>st</sup>, the new Mayor probably would submit the names to the Council 60 days before that so that it would be like a seamless transition. But I guess they are accepting applications for potential board and commission members.

Mr. Chaikin: Well, we currently do have a Mayor, and they may have applications in their files of people that may be interested. So you might wanna see if somebody could be selected to that position.

Mr. Yoshida: I don't know what the transition is gonna be from this Administration to the next Administration. I guess the -- well, I think the Council, probably, their last regular meeting for the term is next week Friday. And then January is typically their organizational month. So they probably won't get to Committee meetings till maybe late January, early February, if the Mayor were to submit a name, either Mayor.

Mr. Chaikin: Okay. Just a good word for us, whatever you can do, Clayton, would certainly be appreciated.

## **2. Status of the project to study the Molokai SMA boundaries.**

Mr. Chaikin: I wanna thank you for the SMA map. It's been a long time coming, but --

Mr. Yoshida: Yeah, we have the full version.

Mr. Chaikin: You have what?

Mr. Yoshida: Well, it's the larger version for the island, the SMA maps.

Mr. Chaikin: Okay, it certainly is appreciated that we finally got a copy of the map in our hands. Did you get any further information on that presentation that Thorne Abbott was gonna give to us on the SMA boundary adjustments?

Mr. Yoshida: No, other than the power point that was intended to be presented at that January 2008 meeting.

Mr. Chaikin: You actually found that power point presentation?

Mr. Yoshida: Yeah.

Mr. Chaikin: So could you actually maybe plan to show that to us at some point so we could see --

Mr. Yoshida: Yeah, I think we did distribute it to the Commission previously. We can send it out again.

Mr. Chaikin: Okay. Alright. That's all I have. So I'm gonna turn it over to you for your Director's report.

## **G. DIRECTOR'S REPORT**

- 1. Pending Molokai Applications**
- 2. Closed Molokai Applications**

Mr. Yoshida: Yes. We have submitted our list of pending and closed Molokai applications. Do you have any questions on those? We dealt with four of the SMA assessment requests today, so it's reduced by that amount.

Ms. Buchanan: Chair, can I ask Clayton a question?

Mr. Chaikin: Yeah, go ahead.

Ms. Buchanan: Clayton, have you any knowledge of a transference of management of Malama Cultural Park to any entity other than from the State to anybody right now?

Mr. Yoshida: For the proposed canoe hale at Malama Cultural Park?

Ms. Buchanan: No, this is for the adjacent parcel, the actual park itself. Someone told me it was going to the County or the Department of Hawaiian Homelands.

Mr. Yoshida: Yeah, I haven't seen an application for that. All we have is for the canoe hale SMA and shoreline setback variance.

Mr. Sprinzel: Any ...(inaudible)... of a Planner for us?

Mr. Yoshida: The Planner?

Mr. Sprinzel: For Molokai?

Mr. Yoshida: Oh, okay, as reported at the last meeting on October 27<sup>th</sup> before the general election, now knowing the results of the general election, the current Director, Kathleen Aoki, will be -- intends to move back to her Planner position in Long Range, which Nancy McPherson temporarily occupied. So Nancy will move back on January 2<sup>nd</sup> to her regular position as the Molokai Planner. So she'll be taking some vacation time, but she'll be back in the office on the 10<sup>th</sup> of January. And at that time, we plan to do the transition of the applications that we are -- sort of more long term to Nancy. And then she'll be relocating here to the office trailer probably the week of January 17<sup>th</sup>. So as it stands now, Nancy will be the Molokai Planner.

Mr. Sprinzel: Thank you, sir.

Ms. Buchanan: So you going put Nancy in the office trailer in the back?

Mr. Yoshida: Yes.

Ms. Buchanan: I thought had asbestos in that trailer.

Mr. Yoshida: Well, Mikal was working out of that office trailer.

Ms. Buchanan: Did he knowingly sit in the asbestos-filled trailer, or did we find out after he left there was -- had asbestos in that trailer? I'm sure our Planner knows that there's asbestos in that trailer. Is the County okay with that?

Mr. Yoshida: Okay. Any other questions on pending or closed Molokai applications? Again, we are at the end of the current Administration's term, so as to who will be coming over come January from the Planning Department other than Nancy and Suzie, we don't know until the new Director comes on board, the new Director and Deputy come on board on January 3<sup>rd</sup>.

Mr. Chaikin: Have they been announced--the new Director and the new Deputy Director?

Mr. Yoshida: Yeah, the Director and Deputy come on board.

Mr. Chaikin: Have they been announced who that is?

Mr. Yoshida: Oh, yes. The Mayor Elect Arakawa has named Will Spence as the Director and Michele Chouteau McLean as the Deputy Planning Director. She currently works for

the Kahoolawe Island Reserve Commission as Deputy Director. So those will be the two -- the Director and Deputy as named by Mayor Elect Arakawa.

Ms. Buchanan: Can you relay a message to them that we would like to meet them sooner than later?

Mr. Yoshida: Yes. We went through this exercise four years ago. I believe that Jeff Hunt, the Planning Director, Jeff Hunt and Colleen Suyama did come to the first meeting in January. So they probably -- Will has some familiarity with the island. I think he worked on the Molokai Community Plan Update in 1993. So with that, we'd like to wish all of you a happy and safe holiday season, and we'll see you next year.

Mr. Chaikin: Clayton, did you wanna address the future agenda items?

### **3. Agenda Items for the January 12, 2011 meeting**

Mr. Yoshida: Oh, yeah, right now we don't have any set agenda items for the January 12<sup>th</sup> meeting. But probably it will just be SMA assessments at this point. We don't have any public hearing items.

Mr. Chaikin: In our information that was sent to us, we had all these bills for ordinances coming up. Do you know -- are they further down the line?

Mr. Yoshida: I know Joe Alueta has been working on some amendments to the public/quasi-public district and the industrial districts. And that may come before you sometime in February. But I think we kinda have to run it past the new Director and -- incoming Director and Deputy Director.

Mr. Chaikin: Okay. So with that, Commissioners, any last minute comments here?

Mr. Sprinzel: Can we wish you a very happy holiday as well and hope we see you in January?

Mr. Chaikin: Yeah, Clayton, you do a good job up there. You don't say too much or too little -- just enough.

Mr. Yoshida: So we thank Mr. Dias for filling in, in the interim between Molokai Planners.

Mr. Chaikin: Alright, so with that, our next regular scheduled meeting is January 12<sup>th</sup> 2011. This meeting is now adjourned.

**H. NEXT MEETING DATE: JANUARY 12, 2011**

**I. ADJOURNMENT**

There being no further business brought before the Commission, the meeting was adjourned at 3:15 p.m.

Submitted by,

SUZETTE L. ESMERALDA  
Secretary to Boards and Commissions

**RECORD OF ATTENDANCE**

**Present**

Steve Chaikin, Chairperson  
John Sprinzel, Vice-Chairperson  
Mikiala Pescaia  
Lori Buchanan  
Debra Kelly

**Excused**

Joseph Kalipi  
Nathaniel Bacon  
Don Williams

**Others**

Clayton Yoshida, Planning Program Administrator  
Danny Dias, Staff Planner  
Michael Hopper, Deputy Corporation Counsel