

**MAUI PLANNING COMMISSION
REGULAR MINUTES
SEPTEMBER 11, 2012**

A. CALL TO ORDER

The regular meeting of the Maui Planning Commission was called to order by Chairperson Kent Hiranaga at approximately 9:02 a.m., Tuesday, September 11, 2012, Planning Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Maui.

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

Chair Hiranaga: Good morning. This is the Maui Planning Commission. Today is September 11, 2012, and we do have a quorum. The first agenda item...oh, actually I'll open the floor to public testimony on any agenda item at this time. Is there anyone here that wishes to provide public testimony on any agenda item, please come forward. Seeing none, public testimony is now closed. First agenda item is B-1, New Business. Deputy Director?

Ms. McLean: Thank you, Chair. Good morning. Under New Business, we have a Draft Environmental Assessment prepared in support of the proposed Hololani Resort Condominium shore protection project and this for property located at 4401 Lower Honoapiilani Road, parcel 4-3-010: 009 in Lahaina. Again, the action today is the Commission offering comments on the Draft EA. The accepting authority of the Final EA will be the State Department of Land and Natural Resources, Office of Conservation and Coastal Lands. The Staff Planner is Jim Buika.

B. NEW BUSINESS

1. **ASSOCIATION OF THE APARTMENT OWNERS OF THE HOLOLANI RESORT CONDOMINIUMS** requesting comments on the Draft Environmental Assessment prepared in support of the proposed Hololani Resort Condominiums Shore Protection Project at the shoreline and partially makai of the shoreline for property located at 4401 Lower Honoapiilani Road, TMK: 4-3-010: 009, Lahaina, Island of Maui. (RFC 2012/0097) (J. Buika)

The accepting authority of the Final Environmental Assessment will be the State Department of Land and Natural Resources, Office of Conservation and Coastal Lands.

The project also requires a Special Management Area Use Permit and Shoreline Setback Variance from the Maui Planning Commission. The public hearing on the Special Management Area Use Permit and Shoreline Setback Variance will be scheduled after the Chapter 343, HRS process has been completed.

Mr. Jim Buika: Good morning, Chair, Commissioners, Deputy Director, Corporation Counsel. My name is Jim Buika with the Planning Department and I'd like to just acknowledge all of your contributions and efforts to the people of Maui County. We appreciate it very much. What we will do is do a short presentation on the Hololani Shoreline protection project. I'll introduce...I have just two slides on the procedural part of it and then I'll turn it over to Mr. Jim Berry of Sea Engineering,

who is representing the applicant. So this is Hololani Resort Condominiums and I'll let Jim, again, introduce it to you more. Procedurally, I'd like to frame it for you. It is a review of the Draft Environmental Assessment only today. It was distributed at the last meeting. Hopefully you have it and were able to review it. Today, we'll have a...following a brief presentation, you'll be able to ask questions as a commenting agency today about the Draft EA focusing on potential impacts to the environment and to ask the applicant to include any information in the Final Environmental Assessment. Note that the Draft EA is an informational document only. It is not a permit at this stage. The Final EA will answer all of the Maui Planning Commission and other agency comments to the satisfaction of the Maui Planning Commission and other commenting agents.

Again, as the Deputy Director noted, the State of Hawaii, Department of Land and Natural Resources, Land Division, Office of Conservation and Coastal Lands in Honolulu is the approving agency on the anticipated Finding of No Significant Impact for this applicant action. At a future date, the Maui Planning Commission will hear a Special Management Area Major Use Permit and a Shoreline Setback Variance. The Final EA will be transmitted by the Planning Department to you with these permit applications. So we will not bring the Final EA back here for concurrence with you. So this is just your opportunity here to comment on the EA, Draft EA.

Just some other notes here, in addition to the Maui Planning Commission comments today, the Planning Department has provided formal comments on the Draft EA. I do believe those were transmitted to you in your mailout package this past week. Two additional agency comments to date have been handed out as part of the transmittal letter to the Maui Planning Commission that was from the UH Sea Grant and from the Planning Department and applicant responses to these questions or comments will be included in the Final Environmental Assessment. The Draft EA is published in the Office of Environmental Quality Control's, Environmental Notice. It's online. The public comments were due by July 23, 2012, but we will obviously add your comments in at this time. And the Department's role today in today's proceedings is to ensure that all of your questions get recorded and transmitted to the applicant for response as part of the written record. Are there any questions on that? I'll turn it over to Mr. Jim Berry representing the applicant. And we also have two representatives from Hololani AOA here today to answer any additional questions as required of the Commission. So let me switch this and I'll introduce Jim Berry.

Mr. Jim Berry: Thank you, good morning. Thanks for being here today and letting me represent the Hololani AOA. I'd like to acknowledge as Jim did two members of AOA, Stuart Allen who's present, the board president of Hololani and Paul Johnson who is from Hawaiiana Management. Can you guys hear me okay? I'm Jim Berry. I'm from Sea Engineering. I'm a coastal engineer with Sea Engineering. We have designed a new structure to protect the Hololani property. I've done that in conjunction with Arnold Okubo and Associates, structural engineers. What you see here is a rendering of the proposed project. I'll have another slide of that later on. This is the project location. It's on the basically the north, northwest coast, the Kahana area. I'm sure all of you are familiar with it. Do we have a pointer? No pointer? No, that's okay. Just wanna illustrate it is an economically vital area. There's a, you know, number of quite large condominiums, resort properties, vacation rentals. It's quite a beautiful beach when it's there.

Our location, Hololani it's...is on the north end of the Kahana Beach proper. Royal Kahana is just to the south, Valley Isle is the next, the third one down. Our reach...we have an approximately 400-foot long reach along the shoreline. There's a drainage easement between the Hololani and the

Pohailani Condominiums that we'll talk about a little bit later.

This is a 1949 aerial photograph of the area and like to point out that there's a fairly continuous beach strand all the way off the side from S-Turns all the way up to Kahana Stream. And I would say this is the entire littoral cell for this area. Any sand you put on the beach anywhere along here is eventually going to get distributed from one end of the cell to the other. The point is probably what we call, it's a leaky...it's a leaky cell. There's probably a little bit of sand transport around that point as well, but the major littoral cell is as I say from the Kahana Stream to S-Turn.

We've been working with the Hololani since 1988. They put in over the years mostly jute sandbags, they would construct walls mainly on the northern end of their property that was under attack. The type of erosion that we get here it's seasonal. North swells tend to take the sand push it south in front of the other properties and take it away from Hololani. And the South swells tend to bring it, bring it to the north. Let me go back to the previous slide for a second. What I think is happening here, the underlying property is essentially we're losing sand. We do not have this kind of volume of sand here at present. Over the years, the sand has gradually been leaving. I don't think anybody knows exactly why, where it's going, what's, what's happening but we no longer have the volume of sand there that is sufficient to cover this entire littoral cell. So as a result, you know, the northern part of it is almost completely denuded of sand and Hololani is at present is sort of on the edge. It gets sand sometimes and then it's quite eroded. Going back to here this slide, the 2006-2007 winter we encountered it was a extremely dire situation. All of a sudden the shoreline just started taking off. The sand disappeared. We had huge divots appearing in the shoreline virtually overnight. It became a very scary, critical situation. Hololani responded by just dumping boulders on the shoreline which really didn't do a whole lot. You can see the remnants of them. They became scattered. Of course, DLNR and the County Planning got pretty angry about that. But they had to get through the winter. We worked with them. They put the boulders back with some geotextile behind them and managed to get through the episode. As I say, this divot, this is like a 10-foot excursion happened virtually overnight. You could just see the shoreline caving into the sea. The way this shoreline erodes, it erodes kind of from the-- it caves in along the vertical escarpment so what you get is a...along here is a vertical basically a face of it's red clay, you know, it's...and when it erodes it generates a tremendous amount of turbidity. I'm sure you've all seen the red waters around the island. This is one area where that use happened. As a response, we put in a temporary shore protection structure. You know, we did the best we could, we designed it. The only thing that we were allowed to use are the bulk lift sea bags at that time. We managed to convince DLNR to let us put in Tensar rock mattresses as a scour apron underneath the bags to prevent them, prevent scour from...you know, scouring under the bags and then typically they will roll over and become unstable. This is, this temporary structure was put in between October and December 2007. It was a \$400,000 project. It...this is pretty much right after it was put in. This was at its, looking its best. Right after it was put in like the day after they finished, we had a major Kona storm December 2007 that actually pushed a tremendous amount of sand and completely buried much of the structure. At this point in January a lot of the sand has actually started to move out but a lot of this was completely buried at that time.

The conditions of the temporary permit, you know, we talked to DLNR about the permit. There was one determination that the buildings were eminently threatened, and too at that time it was understood by everybody that we would be designing a rock rubble mound revetment as protection.

Those were essentially our marching orders as coastal engineers to protect this property, protect these buildings, keep them from falling into the ocean and I really wanna stress that's what's going to happen here if we do nothing. So it's really a critical--we view it as a critical situation and we've responded as such with our designs. Over the years, we've watched the shoreline response, the structure, the temporary structure has been in there for five years. We typically get, you know, if you get a Kona situation, south winds, not necessarily big waves, but just waves from the south, pushes the sand from the southern areas of Kahana Beach and fills in up to the Pohailani and back. But when you get strong northeast conditions, northeast swells, strong trades the opposite happens and you can see just in a matter of a few months, all this sand was transported back around to the southern part of Kahana Beach. Southern swells summer time brings the sand back again. So in September typically we have, we again have a beach in front of the Hololani.

In the winters of 2009, 2010, we basically got hammered. We had a very strong, very energetic north swell season. By north swell I mean, most of our big swells are from the west to northwest, but sometimes we get conditions where they come from the north and northeast and that's what really gets into this, the channel here and affects the high angle of the waves and everything transports the sand very quickly and the shoreline's exposed and our temporary structure was just hammered. We put in repairs in 2011, a \$140,000 worth. It's really hard to repair these temporary structures. They're really not suited for it and I'll say as a coastal engineer, we don't like them, we don't like putting them in, we don't like designing them because they're not--we have to do it but they're not really satisfactory engineering response to the problem. But you know, this thing is still here, but it's definitely at the end of its design life. We'll be lucky to get through another winter. Looking at this over the last five years, as I say, we don't think that this structure has noticeably affected the coastal processes in this area. The sand comes, the sand goes as it has been doing as long as we know. I mean, it's...sand comes from the south, it moves back to the south and I don't think anything we have done here has impeded that flow.

This is a cross section of the structure we've come up with. We call it a hybrid revetment and seawall. The revetment part is a very standard coastal engineering, engineered revetment. The armored stone 2,700 pounds, two-layer, sits on an under layer of stone about one-tenth the size. We put a Tensar mattress underneath that in some areas because the soil properties in this area are very weak and that's one thing they do now and roads and a lot of construction, they put in these mats to help strengthen the soils. Behind the revetment and actually the toe of the revetment we put it on the existing property line. So at the time we designed it, we wanted it all on Hololani property as it's shown in the TMK. I think things have changed a little bit, I think in terms of what the State views as its property, it's a complicated issue. I don't wanna say more about it because I don't know that much about it, but at the time...as of now we are on the property line of the Hololani.

Let's see, so we've put behind...our revetment goes up to the plus six elevation and then there will be six feet of sheet pile exposed. I brought a section of the sheet pile we're gonna use. It's a vinyl product. It's very thick. It's very sturdy. I was quite skeptical about it until I was convinced by our structural engineer that it would be an appropriate solution. It won't corrode. We could put in steel sheet pile which is much stronger but you'll always have a corrosion problem. It'll be ugly. This material looks okay and will look like that basically forever, I hope, as long as we, you know, has its design life...design life of the structure. It's anchored back with deadmen. They're placed every

six feet right now to strengthen, you need that to strengthen the sheet pile for strength of the structure. One concern we had was lateral shoreline access. This structure, one it minimizes the footprint of the entire structure. Two, we've been able to, you know, during conditions of low sand, people will be able to walk on that revetment crest and have lateral shoreline access. It won't be great. It's not a boardwalk, but you can do it and it will be better than what is there now and essentially what was there previously.

We will eliminate the non point source turbidity that we saw in the previous...one of the previous slides. Again, that's an environmental concern. Talk to DOH if you don't think turbidity is a problem. So it will clean up, clean up the shoreline waters.

This is a plan view of the revetment. It's almost 400 feet in length. On the south end we've stopped it short of their property line because you wanna have some area there for the shoreline to kind of adjust to the new structure. There's always what we call end effects at the end of...when you put a structure in waves kinda tend of wrap around it and it hits the shoreline. We are trying our best to keep the structure from affecting the neighboring property of the Royal Kahana and then we've extended the sheet pile wall, you know, in and out a little bit to help protect the south building of the Hololani.

Let's see, we have other methods to try and keep from influencing or affecting the Royal Kahana property I'll show you in a minute. On the north end, this is the drainage easement area. This is our current design where we bringing in the sheet pile in along the drainage easement. I wanna step back a second and say, the rock revetment, you know, at the end of this reach here, it actually wraps in and butts up against the sheet pile wall and that's a way to kind of have a seamless, have a seamless structure and we do the same thing on the north end and then again extend the seawall portion inland on the drainage easement. We have...we can just as easily extend the revetment to the neighboring property, the Pohailani and form a headwall for new drainage improvements which I understand Public Works is contemplating.

This is the drainage easement area at present. It's been severely eroded. The pipe has been pinched out. They've made some improvements recently, but it does get clogged. And on the south end, when we put in the temporary structure, again we were concerned about the Royal Kahana...effect on Royal Kahana and we draped, these are Tensar mattresses. They're made out of high...a web of high density polyethylene filled with cobbles so they're very heavy and we draped them over the shoreline and anchored them, anchored them back and you can grow things in them. You know, you can grow naupaka, you can vegetate them. Again, they do not seem to interfere with coastal processes. They're kinda transparent to the sand, the sand will move through them. The wave uprush will percolate through them and deposit, help deposit sand. They've been quite effective in protecting the Royal Kahana property and we would like to continue that process and put these in place near the Royal Kahana when we put in our new structure to help prevent any impacts on their property.

Again, this is a rendering of what we think the new structure will look like. It's engineered but it's a whole lot nicer than what we have there now. It cleans it up. We think it...all evidence shows that it will not interfere with the coastal processes as they are today. The sand will continue to move in and out or up and down the shoreline. We can put in vegetation, you know, spill it over and kind of make it a more pleasing...we can landscape it essentially. It's conducive to that.

Alternatives, this is a rock rubble mound revetment. This is an excellent engineering alternative. The reason that we went with the other structure is mainly it takes up an extra nine feet of space. It's got a wider footprint. But this is another acceptable engineering alternative. Seawall, we could put in a seawall, but we don't like them. You have...they're highly reflective and that will interfere with the coastal processes. We're trying to minimize the wave reflection. That's why we're putting in the rock rubble mound structure. If you...in a condition of low sand you'll have an imposing vertical drop there which is basically kinda ugly and potentially dangerous. Beach nourishment, you know everybody, the State and the County encourages beach nourishment and we do beach nourishment design. We did the Waikiki project. Problem is here as I say, if you put sand on the beach, any amount of sand that you put on to protect the Hololani will last a matter of days. It's gonna spread north and south and will not protect the Hololani.

So you need to have structures. So you need to have a T-groin, L-groin, you have a system to contain the sand. This structures are problematical. They're difficult to permit. There's another level of permitting that we have to go through on the federal level and the agency, the Fish and Wildlife, other agencies who are...deal with the impacts in the water are not particularly in favor of these kinds of structures at the moment and we tried to do this at Gray's Beach project in Waikiki and we're basically shut out. They could not agree on something called the compensatory mitigation. I don't wanna go in too much into that but it's a difficult process. We don't see that we can, you know, effectively get these permitted for the Hololani in any reasonable amount of time.

Sand, sand is really hard to find. Appropriate beach sand needs to be a certain grain size characteristics. We don't have on-land sources. The Maui dune sand is not adequate. It's way too fine. It's wind blown. We have found sand offshore. We found some off Kaanapali. There may be sand offshore here down at S-Turns. We don't know. We need to go prospecting essentially. We need to go find it, need to sample it, see if it's appropriate. As of now we do not have a source of sand to put here.

Structures if you put 'em on the shoreline will have an impact. They'll have a much greater impact than our hybrid wall revetment structure. It will impede the flow of sand. So, one way or the other, you know, sand isn't gonna go north past Pohailani if you put these in. You may have effects here. The sand will continue to go south and in a storm situation, we think in terms of 50-year events, there's no--this may easily turn into a washing machine. Sand could get washed away and you will have no protection here. Talked to other coastal engineers there is...to protect a 63-unit, eight-story, two eight-story buildings, you need a backstop structure. Nobody, no coastal engineer would recommend beach nourishment on its own as protection for this...something of this high value. A single-family home you can maybe move back, you know, something of lesser value maybe. But what we're doing the value is simply too great to trust it to something like to just beach nourishment on its own and it's difficult to engineer. I mean, we can engineer rocks sizes in a structure to a 50-year event. It's really difficult to anticipate sand transport. What will happen to the sand in a 50-year time frame, 50-year type of event. We've tried to be cognizant of the CZM guidelines. There's a lot of things about this project that we think fit in with CZM, Coastal Zone Management. We're not only protecting the Hololani, we're protecting the Lower Honoapiilani Road which is very close to the ocean at that point. We've got, you know, the drainline, the drainage there. We're trying to improve that as well. I mean, that's regional local issue.

Foreseeable hazards due to uncontrolled erosion. I mean, if you have a, you know, a bank that's caving off onto the beach it's a dangerous situation and a building, you know, falling onto the beach, that again, that's a foreseeable hazard that we are doing our best to prevent. We're trying to be...public access, again we've got the revetment crest that will allow lateral access. Again, it's not a boardwalk, but people will be able to traverse the shoreline in a low sand situation. Access by the highway again, that highway whether you realize it or not, that highway is threatened at the moment. This structure it's long lasting. It's been engineered. It's...we think it's visually okay, aesthetically we compare it to T-groins going out into the water and that is something that I would like to avoid in terms of putting structures on that shoreline. Once you do that, there's no going back. You're only going to put more on there. I think it be better to, you know, do what we're doing.

I need to go back a second and talk about beach nourishment again. Hang on. We do think beach nourishment is viable, is a good thing for this, this area, but it needs to be a regional project. It needs to go from S-Turns to Kahana Stream. You're talking about 20 to 40,000 cubic yards of sand. It's a \$3, \$4-million dollar project. It would not...we would not use that in lieu of what we're doing for Hololani, but it could have...it could solve a lot of the other problems on the shoreline. Every other property at one time or another is threatened on this shoreline. They put in sandbags. They're losing property. We think it will help Royal Kahana, Valley Isle, Sands of Kahana, you know, that whole shoreline would benefit enormously from a regional beach nourishment program. What we're doing at Hololani will not fix the underlying problem here which is a lack of sand. So if you do a regional beach nourishment, 40,000 cubic yards you are addressing the fundamental underlying problem. It's probably not going to stay on the beach forever. You'll slowly lose it. You may have to repeat the project 10, 15, 20 years, but that's what we're faced with basically statewide at this, at this point and that's assuming we can find the sand.

I want to reiterate we're minimizing the footprint of this structure, you know, by using this hybrid system and that's implicit in Army Corp., in CZM guidelines is to minimize your excursion from the shoreline and we've really tried to do that with this, on this project. This is just to show, this is the temporary protection in its better days. And we use that slide to generate our rendering. As you can see, we're really not changing the shoreline from what's there at the moment. We're basically just taking it out putting in something better that has pretty close the same footprint and you know, fairly similar effects on coastal processes. That's all I have. I'm open to any questions.

Chair Hiranaga: Thank you. At this time, I'll open the floor to public testimony regarding this agenda item. So is there anyone here that wishes to provide public testimony regarding this agenda item, please come forward. Seeing none, public testimony is closed, and I'll open the floor to questions from Commissioners? Commissioner Freitas?

Mr. Freitas: Have you done any of this hybrid system or is this a new venture as far as this system going in?

Mr. Berry: This is new. We've never done, we've done many, many rock rubble mound revetments. We've never done...and our, our company, our firm doesn't really design walls. We do rock rubble mound, we get a structural engineer for walls as we did here, but we've never put...this is the first time we've actually put the two together.

Mr. Freitas: You have stated that there's other condominiums in the area in trouble down the shoreline. Would you estimate how many condominiums or structures that is in trouble even after you put this revetment in?

Mr. Berry: The only one I'm really familiar with is the Royal Kahana. They're the neighbors and we've been working with them. They're losing. They've been losing property just south of the Hololani. They put in the draped Tensar mattresses and that protected about 30 feet of their property. They wanted to put in more but were not allowed to, and they've been losing I don't know how...five, ten feet or so in the last few years. That property is not near a habitable structure so they are not being allowed to protect that shoreline and they have been losing it. Further south, I'm not really familiar, but I've walked the shoreline. I've seen sandbags in place. I just heard that they get concerned. In these type of seasonal situations it's kinda similar to Kaanapali. It's the ends of the littoral cell...active littoral cell that are most affected, affected by the seasonal transport. So the middle of the beach isn't quite as effected as the like, here's it's mostly the northern part. The Hololani and the Royal Kahana.

Mr. Hiranaga: Commissioner Lay?

Mr. Lay: Okay, your two renditions that you have up here on the screen. You show what it's gonna look like when they're completed. You were saying that's there's a walkway that will be usable if the sand gets washed away in your photos of your seasonal sand movement, right? How big is that walkway by that vinyl...your wall?

Mr. Berry: We're not building a walkway, it's the crest of the revetment so that's, it's right here, this flat area. It's five feet wide. It's basically two stones in width. What we would do...I mean, it's difficult to--when you think why don't you just put a sidewalk or something on top of this? These rubble mound revetments actually the stone moves so any type of concrete structure you put on top of it will start to crack and be unstable. What we would do is put in the construction notes to the contractor to fit the stones. Put the flat...a flat side, you know, on top and fit the stones to minimize the kinda gaps just to make the access so people can walk on it easier.

Chair Hiranaga: Commissioner Lay?

Mr. Lay: Okay, your two renditions that you have up here on the screen, your bottom one you show what it's gonna look like when it's completed. You were saying that there's a walkway that will be usable if the sand gets washed away...your photos of the seasonal sand movement, right. How big is that walkway by that vinyl, that vinyl...your wall?

Mr. Berry: We're not building a walkway. It's actually the crest of the revetment. So that's right here, this flat area. It's five feet wide, it's two stone...basically two stones in width. What we would do, I mean, it's difficult to...you think why don't just put a sidewalk or something on top of this. These rubble mound revetments, actually the stone moves. So any type of concrete structure you put on top of it will start to crack and be unstable. What we would do is put in the construction notes to the contractor to fit the stones, put a flat side, you know, on top and fit the stones to minimize the kinda gaps just to make the access so people can walk on it easier.

Chair Hiranaga: Commissioner Lay?

Mr. Lay: I'm also worried about the domino effect. Once you put in this system, I know you touched on it where you have a whirlpool effect, the hotel, you know, when you pass here, I guess your spot where you're helping to capture the sand and to stop the wave movement, but you most likely create a divot after that depending the season, during...northshore will be on your south side and during southshore season it will be on your north side. What precautions do we have for these other hotels, you know, if this does happen?

Mr. Berry: One, I don't think we're affecting things on a regional basis, so...and we're not solving the regional problems. So you're gonna still have all those condominiums, all the structures south are still gonna have their problems, you know. The immediate effects of this will be right next to the structure, end effects. So it's basically, you know on the order of a wave length or something, so...or less than that. So we don't expect it to be more say 50 feet or something will be immediate changes in the processes due to wave interaction with the structure. So we're mostly concerned with the Royal Kahana and that's how we would...we'd like to be able to you know, protect them as we are doing now and allow them to put in drape mattresses or something to that effect so that we do not affect them. But you know, it's easy to say well, you're gonna affect...once you get, you know, 100, 200 feet down, I mean, there's no way that we're actually affecting them. But however, if we put in something like, you know, a groin system, T-groins, anything that would impede the flow of sand or sequester the sand, one thing to remember here, there's a finite amount of sand on this shoreline. So anytime that you're taking that sand and keeping it in front of your property, you're depriving a property somewhere else. So that's one of the reasons we're not in favor of putting structures out that would change the existing flow of sand on this beach. The properties to the north mostly have seawalls. Pohailani has a seawall. They just received a emergency permit to reconstruct it. So we're not so worried about them and I think, you know, there's 600 feet of seawall to the north of the Hololani.

Mr. Lay: Okay, thank you.

Chair Hiranaga: Commissioner Hedani?

Mr. Hedani: Just for the Commission's disclosure...for disclosure purposes, I've been working with Sea Engineering for the past six years on research basically for erosion problems in Kaanapali. In Kaanapali we've located about 900,000 cubic yards of sand offshore which we wouldn't wanna share with these guys at actually at this point. But we've also experienced the same type of erosion that you're seeing in these photographs at the Sheraton and at the Kaanapali Alii projects and I think at some point in the future, you know, they will probably be coming up with something similar to this project in terms of permanent shore protection supplemented by beach nourishment which we will pursue. The question that I have on this project and personally I like it because as a fisherman I can access laterally over the boulders. You know, I jump over boulders from the breakwater all the time. And you have lateral access that's five-feet wide that will always be available which is nice. I think natural boulders are more attractive than your plastic tubes basically.

Mr. Berry: Oh, the geotextile tubes you're talking about.

Mr. Hedani: The geotextile tubes which I will flip out on if I'm trying to run across that and it's covered with algae and whatever. So I think it's an improvement over what's there now personally. The one thing that I'm uncertain of is the slope that you're picking for the wall, are you trying to match the historical slope of the beach that exists at that location?

Mr. Berry: No. Rubble mound revetments are usually put in at one vertical to two horizontal, one vertical to one and a half horizontal. One and a half horizontal is steep as you go by, you know, design standards. It doesn't match the beach. I mean it's, it's...

Mr. Hedani: Yeah, from my perspective the flatter that you get the revetment, probably the better because it kinda mimics nature is that true?

Mr. Berry: Not really. I mean it's more stable. I mean, we like it flatter. I mean as engineers we like...but you know, then you get into it's the footprint, you know, the size of the structure, it's economics. So and in terms of wave reflection one on two has a little bit less but not a whole lot. You know, it's not in terms of, they're both around 50 percent. You may get about, you know, a few percentage points of reflection less with a one on two than a one point five.

Mr. Hedani: In this particular case were you constrained by property boundaries?

Mr. Berry: You always kinda...that was our constraint. That was our design constraint that we went into was to keep it out of...at that time was viewed as State land, but now the State is saying everything is their land. Everything makai of the certified shoreline is owned. I mean, if you're not aware of this it's something that we're kind of scratching our heads about what to do about it.

Mr. Hedani: From a personal perspective, I would prefer a flatter wall further out into State land which will eventually get buried by the sand anyway like you guys did at the Mahana. I thought the solution that you had at the Mahana was the best.

Mr. Berry: I'm not sure that they had some kind of a flatter toe I think. I'm not sure exactly how that final design went. But appreciate your comments.

Chair Hiranaga: Commissioner Ball?

Mr. Ball: The sheetpile wall, there seems to be some concern in your voice when that product was mentioned. Is it used anywhere else in the island, State? How new is the product?

Mr. Berry: This is a sample of it. I was concerned when it was suggested to me, so we spoke a lot to the manufacturers about the product. It has not been used much in the islands here. I guess a couple of projects. One that our structural is putting in Kaneohe Bay. We're using it here in a more energetic environment than it typically is which is why we've chosen their thickest product and when we received it, I felt a lot better about it. I mean, it's going to be a very strong...I feel very good about it, about this particular product.

Mr. Ball: And so that's the typical structure and then you interlock to whatever length?

Mr. Berry: Yeah, it interlocks. That's a Z, when you interlock it, it forms these, you know, rectangular kind of...

Mr. Ball: And then what's the height if you will on it?

Mr. Berry: You'll see that from plus 6 to plus 12 that's embedded down to minus 10. So there's 22 feet. So you'll have a 22-foot pile. There's one pile and then you just...you put 'em in adjacent to each other and then they get tied back to anchors to help keep it in place. They don't have the structural rigidity to resist the soil pressures on their own. So you have to tie them, tie them back.

Mr. Ball: Follow up. So you know, in this letter that we got from the Planning Department to Sam Lemmo. In there it says the Department is trying to get away from seawalls. But in your description you weren't really calling this a seawall. You had an alternative seawall slide that was up there. So if there is a difference, what's the difference between the proposed design and a seawall?

Mr. Berry: A seawall basically is a straight vertical structure and so it's highly reflective and it's basically, you walk along the shoreline you'll have this really high, high wall. A revetment with the, you know, rock has porosity, has voids in it, it's rock, and it's much less reflective when the waves come up against it they tend to dissipate. As I say, around 50 percent. I mean, it's not...and it depends on the wave parameters, qualities. It'll help deposit sand so, it basically helps the shoreline processes helps to form a beach in front it. It's much...it's less destructive than a seawall. OCCL is, they're basically very skeptical. They see it as a one of their charters to keep the shorelines from being hardened and that includes the structure we're proposing. So you know, they're properly skeptical. They've proposed alternatives that we are...do not think are appropriate from an engineering standpoint and I will be responding to OCCL comments and at length and explaining why we don't think what they're proposing is adequate for this project.

Chair Hiranaga: Commissioner Ball?

Mr. Ball: And kinda going onto that, there's also a comment in here about these geotubes out to, to calm down some of the wave action.

Mr. Berry: They've been proposing groins made from geotubes and groins essentially interrupt again, in terms of impacts, I think they have a much greater impact on the coastal processes than the structure we are proposing. They impede... they're designed...properly designed they slow down the flow of sand. But they're a structure going out into the ocean. I would say they're quite ugly especially a place like, you know, northwest coast of Maui which if you ever get up and have a cup of coffee and look out there in the morning, the place is beautiful and putting structures out into the water to me is not compatible with, you know, essentially CZM guidelines. I don't think it would be effective there, and again, your sequestering the sand, you are taking sand from where it should be going and where you have, don't have enough sand, I mean, it's just basically keeping it in front of the Hololani instead of taking it down to the Royal Kahana. So it will affect, you know, drown drift properties.

Mr. Ball: Do you think that they work at all? I mean, there's a project that they used in--

Mr. Berry: Stable Road.

Mr. Ball: --Kanaha, yeah. That I don't see them working at all. I mean, the sand comes, the sand goes, the bags breaks, you know...

Mr. Berry: As a coastal engineer, I just don't like geotubes, geotextile bags. You know, we have to use them in certain situations, but in terms of a permanent structure they're not permanent. They're going to get holes, pukas in them, the sand's gonna go away. They get covered with algae. They're slippery. You can't climb over them. I mean, when I went to Stable Road, I thought it was a mess. You walk on the beach, all of a sudden you come up with thing. You can't get over it, you gotta climb up onto shoreline escarpment and go around it. You know, there's no such thing as a walk on the beach.

Mr. Ball: Yeah.

Mr. Berry: You know, you walk on the beach, you hit a wall. I think they're awful. And I'm gonna go to Stable Road after this meeting and take a look and see what's going on there now. But I...you know, you don't have twin, eight-story buildings at Stable Road. You don't have the type of erosion that we...I'm not particularly familiar with that area but you know, I don't see the urgency. I don't see the eminent threat that we have at Hololani and there wouldn't be a coastal engineer in the world who would suggest that putting groins out in front of the Hololani is sufficient protection at this point.

Chair Hiranaga: The Deputy wants to make an announcement.

Ms. McLean: Thank you, Chair. I just wanted the Commissioners to be aware that we do have a resource person in the audience. Tara Owens Miller who's with UH Sea Grant. She's the Maui County Sea Grant Extension Agent. So if during this discussion you have questions for her, she's available.

Chair Hiranaga: Which she may either agree or disagree with some of the opinions and statements the applicant is making so she's a independent resource.

Mr. Berry: As I say, both the County Planners and OCCL are properly skeptical of shoreline hardening and it's our job to convince them that what we're doing is the right thing.

Chair Hiranaga: Commissioner Lay?

Mr. Lay: I gonna pose this question on Jim, the Planning. You've been educating us on these different shoreline protections that are available at different areas on Maui. And I'm wondering do you feel comfortable with what they're proposing today as you see as one of the better measures for this type of preventive shoreline erosion?

Mr. Buika: My main concern I think and Jim Berry will agree is what are the impacts, what are the long-term impacts of this seawall on the properties to the south? Will this become a domino effect where the Kahana Sunset which is eroding in a similar fashion which is the next property to the

south it's eroding in a similar fashion to Hololani and they will end up needing some sort of permanent shore protection for that property and then the Isle Vista? Valley Isle is the one after that. Some of those...again, they're all large condominiums down there similar to Hololani. Some even bigger and some are at angles. We can flip through and look at those. There's a potential for a domino effect. I don't feel comfortable with the seawall out here and the Planning Department comments reflect the requirement to explore alternatives whether it takes a long time to permit them or not some offshore. The County feels that it's important to explore the alternatives to get the best protection for the regional, the regional beach. It's about almost a half-mile long and I am a geologist and I think most coastal engineers will agree that there's a potential for losing, losing shoreline at other places. So exploring all of our options I think for Hololani I think is an important step forward for Maui island to understand those. Not that we should put the burden on Hololani but it is, there is a potential impact and I think they should properly explore these other options.

Mr. Lay: Okay, at this point I have to disclose that I have interest in the Valley Isle Resort. My grandparents actually owned that whole area.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: Probably this question is for, I'm sorry, I came in late because there was an accident on the Pali, so if the questions have been answered just give me the short answer. First of all, the seawall to the north at Pohailani has a study been done on what effect that seawall has had on the property to the south?

Mr. Berry: Not specifically. I mean, that was put in a long time ago and so when we came into the project that was already there. So I don't know that anything has really been studied there.

Ms. Wakida: Could I ask Tara if she's got any information along those lines?

Ms. Tara Owens: Thank you. There probably have been no formal studies other than the erosion maps.

Chair Hiranaga: Please identify yourself.

Ms. Owens: Thank you. I'm Tara Owens with University of Hawaii, Sea Grant. There probably have been no formal studies of how that particular structure may have impacted others. But it's been there for many, many years and probably part of the erosion problem that we're seeing at Hololani is related to it being adjacent to that structure which has end effects like were described earlier with respect to the proposed structure. So the drainage area there, the county easement has a lot of issues associated with erosion that are probably exacerbated by the presence of that wall there at Pohailani.

Ms. Wakida: Thank you.

Ms. Owens: And also lateral transport of sand, sorry to add this on but this area is dominated by long shore transport and the entire littoral cell which Jim referred to earlier goes from the Kahana Stream down to S-Turns so historically sand would move up and down the beach and probably

some that sand transport has been affected by the existence of a structure there at the Pohailani too. So the distribution of sand over time may be affected.

Ms. Wakida: Could you please define for me that term, "littoral cell?"

Ms. Owens: Littoral cell it's basically a compartment of sand. So we have compartments of sand all around the islands. Sometimes they're bounded by headlands, sometimes they're bounded by manmade structures. And so within that compartment of sand you'll have...within that compartment you may have transport of sand up and down the beach that's a littoral cell.

Ms. Wakida: Thank you.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: I want to make a disclosure of my ignorance. I don't understand...however I understand forces and energy. I'm not too good at ocean engineering, but at least I can understand some of the concept that you mentioned and I like 'em. I like 'em very much. Like you, I believe it's a regional effort that we need to address ourselves too. However, at this point the emergency is right here at Hololani, but we need to take a big picture view. We need to look at in terms of how this improvement can impact other surrounding areas, but you're not here to solve world hunger. I realize that. So, I'd like to make a comment in terms of energy. The ocean energy are we growing coral in this area, this whole region? The answer probably is no, we no care. Perhaps the community can start growing coral and producing what is called a sea level rise. When you do that, you now have that revetment effect so the energy is now dissipated as the water comes in. It can be 30 feet, come back up to 20 feet, come back up to 10 feet, you're growing the coral now all of a sudden your sea floor comes up, voilà guys, we already have a natural barrier. And then when the ocean water hits the shore, no more that much power. So no more this much erosion. Okay, that's one item.

In the meantime, because the coral take too long to grow what about if we put in these large geodomes that Planner Buika mentioned in one of his earlier statements here. Not in this particular case, but I like this idea where you have these concrete domes or however these domes are made of, got pukas in 'em, the fish go inside and they use that as a home, the algae goes on top, seaweed goes on top, the coral grows on top, voilà now you get a home. What does that do? It changes the dynamics of the energy coming in because now you get instead of a wall, a revetment, you get these humps here and there, it busts up the energy, less energy it's the shore. Okay, but that's immediate. Whereas the growing coral we can continue that effort, grow the coral folks just like you can grow ogo and seaweed. You have honu as one of the one of the endangered species but nobody grow the ogo for the honu. What kind style is this? Okay, so we need to take the big picture and look at everything. Another one, in Japan, I was studying this and I said, you know, this is really not a small case, it is a regional effort so I start looking the internet and I find one case here, in 1973 to 1977, in Japan, they wanted to have a resort beach. They put in 180,000 cubic meters of sand and then they started building this T-groins you mentioned and they put in a breakwater after that, but they left 2,500 cubic meters of this sand that they put in. But later on, it stopped it because now you have these T-groins and it actually puts the sands on one side as the current moves and then it puts the sand on the other side when the season changes and you know

that and that's exactly what you said. So, you know, it's very simple solution for me.

Mr. Berry: Well, there's a lot to respond to what you said.

Mr. Shibuya: Go ahead.

Mr. Berry: First of all, coral growth, it's I mean, you know, you're going back to the Darwin theory of atoll formation as when you have...and this how atolls form when you have a sea mound that approaches or it's eroded and you have coral formed on top of it. Sea level rises, the coral grows as the sea level grows. If the sea level growth is too fast then the coral can't keep up with it and it dies. So in the long-term geologic time we would expect the shorelines around here to respond in a similar way, the coral gardens will tend to...will tend to grow up and keep, hopefully keep up with sea level. But in terms of...it's difficult to project that in terms of changing the, you know, the wave breaking characteristics, you know of, say at Hololani.

In terms of putting out artificial reefs I mean for shore protection. I have a disclosure of my own to make. When I first got into Ocean Engineering that's what I wanted to do. I talked to a guy at...(inaudible)... about it and he said you're nuts, it doesn't work. And I said, well, okay, I'm gonna show you. So I went to school and learned my craft. He's right. The thing is, all the structures that we put in the water that we design they're reflective. They're meant to reflect the waves. They're built on what we call on the order, the length order of a wave height. So, you know, a big structure may be 20 feet high or 30 feet high if you take out the biggest waves because you're dealing with a wave height. When you're talking about an artificial reef type of situation that is meant to change the wave approach to focus the wave energy, affect the wave breaking and actually change the energy characteristics of the wave at the shoreline, you're dealing on the order of a wave length. So you're talking 200, 300 feet, 400 feet and you need...an effective structure will be two, maybe three wave lengths. So you're talking about a huge horizontal area. If you look at the all the surfing reefs, you know, they cover a broad area. So one, you're talking about and how do you build these things, you know, sand bags, whatever, you're talking about a lot of material to put in the water on top of whatever is there. Two, it's a shallow water effect. So you're working in shallow water. How do you do that? What kind of platform do you, do you use? I mean, you know, you basically either work off a barge. Nobody is going to take a barge into 10 feet of water, you know, it's just you're crazy. Or sometimes they can drag 'em off the beach, but then you're dragging stuff across at reef, and then what are you gonna use to drag it with? I mean it's... or you can fill 'em onsite too, but still you need a platform to work off of. It's really difficult and real expensive to build these type of things. Their effect, again, is not going to be enough to protect something like the Hololani. You know, you may be able to build a surfing reef, you may be able to shape the beach a little bit, but you pay a lot of money for that and to date, I've been following artificial reefs. I mean, there isn't a single one that has really proven effective. I mean, they have 'em, they talk a lot about 'em, they make a lot of claims, but when you really look at 'em carefully, they really haven't worked very well.

Chair Hiranaga: Commissioner Hedani?

Mr. Hedani: I actually had a question for Tara.

Ms. Owens: Thank you, Commissioner Hedani. This is Tara Owens, UH Sea Grant.

Mr. Hedani: Tara, do you have an opinion on the proposed rock revetment as far as its design?

Ms. Owens: Let me stress that this is a very challenging scenario for everyone. And I work very closely with Sea Engineering on lots of projects. We have very friendly conversation and respectful dialogue. Myself, and I think I'm gonna group the County into this opinion is that we would prefer to see further explanation, exploration of alternatives that think a little bit outside of the box. The seawall issue keeps coming up. You've may or may not notice there are lots of permits, emergency or otherwise that are facing the planners and you, the Planning Commission regularly now. So we'd like to see further exploration of these alternatives. I personally am favoring the exploration of the deployment of groins which have been discussed a little bit here. Where it have been used fairly successfully at Stable Road on the north shore. I may even join Jim for his site visit if he lets me after this meeting. And can be temporary. So they could be deployed temporarily on a test case basis. If they don't work, they can be replaced by something else like the structure that's proposed here or replaced by something else permanent. Not that this outcome, this solution that's proposed here isn't the...maybe ultimately it is the final outcome and maybe it's the right solution. I'm not opposed to revetments and sea walls generally just that I would like to see them be used as a last resort and any structure that gets placed along the shoreline will have a impact.

Chair Hiranaga: Commissioner Hedani?

Mr. Hedani: Just as a follow up question. The one project that I've seen that to me has been successful and I thought was a brilliant solution was what Sea Engineering had come up with for the Mahana at north end of Kaanapali Beach and you can't even tell that there's a groin...you know, that's there a revetment there because 99.9 percent of the time it's buried and you just can't see it. It's on State land probably under their definition right now, but it works and they haven't spent a dime in 30 years after they put it in. Whereas we get erosion on a seasonal basis and we're spending hundreds of thousands of dollars each season just trying to address the temporary effects of this thing. So I know that there are successful solutions. I think they're close to what can be a successful solution in this case. But I was wondering like you know, my question was on the slope of the revetment, you know, whether it should be more...whether it should be flatter than what it is.

Ms. Owens: I think the slope of the revetment could be flatter than what it is. The proposed design was intended to minimize horizontal footprint. There may be accommodation space on Hololani's private property for expanding the horizontal footprint of any proposed design. So perhaps that's a possibility. I am not familiar with the details of the construction design of the Mahana. I know it's been discussed in all the...in the discussions we've had with the Kaanapali Operators Association so I'd like to maybe have further discussion about that design with Sea Engineering and whether is there is any perspective on if that worked well or didn't work, it's just a situational thing there.

Chair Hiranaga: Just for clarity is that a groin or a rock revetment?

Mr. Hedani: It's a slanted rock revetment very similar to what they're proposing here except I don't think the slope was what was...what is being proposed here.

Ms. Owens: This one vertical to one and a half horizontal here in this proposed.

Mr. Hedani: Jim, do you know what the slope was on the Mahana?

Mr. Berry: I think it's...the major, the major part of the--

Chair Hiranaga: Please speak into the microphone.

Mr. Berry: The revetment I believe was designed at one and a half to one, but my understanding is that when they went...before they went to construction it was altered I think by the--can't remember the guy's name.

Mr. Hedani: Ralph Hayashi.

Mr. Berry: Hayashi, right. To extend the toe of the structure to have a very flat...we usually have a toe that goes out. In this case, it's actually flat. And that's mainly a scour apron, scour protection. In this case, I think he had a very wide and not flat, but a low angle toe and I'm not sure exactly how wide it is or what the angle was. We don't think that actually is, you know, going to do that much but you can't argue with success. I mean, probably from our standpoint the revetment would be doing the same thing with or without that toe, but you know, it was built that way. It's working very well and in terms of toe, the longer, the better as far as we're concerned, but we do--would need to go out into State, further into State land to do that.

Mr. Hedani: But the slope is the same as what you're proposing?

Mr. Berry: I believe the actual of what you see when you walk on the beach is the same one and a half to one, but underneath the beach they have a pretty wide low angle toe. That's my understanding.

Chair Hiranaga: Tara, before you leave, you're familiar with the Paia lime kiln rock revetment and there's a end effect I guess on the west end of it which has created a nice little cove, but that's really scouring. And right now there's a lot of erosion fronting the public restrooms and that one house that the County owns and is trying to sell or get rid of. So that's one of my concerns is the effect on neighboring properties because if this improvement is successful, it will stop the erosion for that property but the neighboring properties will continue to erode at that point eight feet per year and eventually you're gonna have end effects on both sides.

Ms. Owens: That is the, probably the primary concern associated with any kind of construction that happens here along the shoreline is effects to the neighboring properties and it becomes, as somebody mentioned earlier, as sort of the domino effect. Now Sea Engineering, you heard Jim say, is trying to mitigate that by terminating the wall on the Hololani property a substantial distance before the adjacent Royal Kahana property with the thought of trying to minimize those end effects. It may help I think it's somewhat unpredictable what the impact is ultimately going to be.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: Do you have a copy of the EA?

Ms. Owens: I do.

Ms. Wakida: On Page 17, I wanna question a statement made in here. I want your opinion on this.

Chair Hiranaga: Penny, could you pull the mic up?

Ms. Wakida: Thank you. No. 4, on Page 17, under discussion, the comment in here is that, "no adverse impacts due to the proposed project have been identified." Well, it says, identified. And then it goes on in that same paragraph to say, "the project will therefore will not have a negative impact on the native beach but will actually help beach stabilization." I question that that's a true statement or correct. I mean, I realize I came in late, but in light of the discussion that I've heard so far and personal experience in this area, I'd like your thoughts on that.

Ms. Owens: The project by using rock rubble mound revetment is seeking to minimize the impact on the native beach. I don't think it's conclusive to say that I don't think you can conclude there will be no impact on the fronting beach.

Ms. Wakida: Thank you, I'd like that...if this comes back to be revisited.

Chair Hiranaga: Commissioner Ball?

Mr. Ball: Back to the...those drawings that jut out from the beach. The one in Stable Road has been highly documented by some of the people that live there. And the purpose of that groin to stabilize a beach year round or what's its purpose because I know that that beach is not stable year round. It's still doing its same holding sand on one side and throwing it down the other side and then for different parts of the year it's reversed like any other shoreline on this island. So I guess I don't know what the--is working or not working, what's it's supposed to do?

Ms. Owens: The purpose is erosion control. It's not going to keep the beach from retreating entirely and that's the same for any beach in the Hawaiian Islands. They're all retreating landward. That process will continue to occur and may accelerate. So the groin, they're sand retention structures same on the north shore as here the dominant process is long shore transport. Sand moves up and down the beach according to the season. So what the groins are meant to do is during the season when this beach recovers it supposed to help trap some of that sand so that when during the season when the beach erodes maybe there'll be more retention of sand than there would be without those structures. And in theory they were designed to still allow some long shore transport of sand from that portion of the coast to the downstream portions of the coast. So as to minimize impacts downstream but yet retain some sand as an erosion control measure. I think there probably is still some debate on the effectiveness of the structures though there has been a lot of monitoring and the beach generally seems to be in a better condition than it was prior to the deployment of those groins.

Chair Hiranaga: Well, it's definitely benefitting that one house that's ready to fall into the ocean.

Ms. Owens: Oh, the one right, right at the basically the west end of the ...(inaudible)...

Chair Hiranaga: Yeah, before the seawall.

Ms. Owens: Where the foundation--

Chair Hiranaga: Where the seawall fronts it.

Mr. Ball: Depends on what time of year you'll see that.

Chair Hiranaga: Commissioner Lay?

Mr. Lay: I have a question on the groins too. Do they have to be above the water or can they be subsurface where you're taking the ...(inaudible)... of the wave, you know, when it comes in. Can you still be able to capture the sand?

Ms. Owens: Typically groins are above grade. Although during the season of beach accretion sometimes they'll be covered by sand if the beach accretes--inflates and accretes.

Mr. Lay: Follow up. So would it...I mean, just an option that is there no way--if it's under the surface we don't see it. It's not eyesore. If it does create that same resistance and captures the sand, has that ever been an option or has anybody looked into that?

Ms. Owens: I don't know if I can answer that question.

Mr. Berry: They're not effective. You need to be--

Chair Hiranaga: If you're gonna speak, you need to speak into the microphone.

Mr. Berry: Generally you know, if the groins are too low they're ineffective and the sand will just wash over them. In order to be effective and capture the sand, they need to be above the beach level and the beach slopes so they up at the top of the beach they need to be basically at the high beach level and then you know, they can kinda slope the groin down, but they're typically above water along their entire extent.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: Is there a possibility of these groins or these material, construction material being of a different color such as tan or gray rather than black?

Ms. Owens: The temporary groins that were used at Stable Road on the north shore are actually--they're temporary so they're made out of geotextile fabric similar to the sand bags that were deployed at Hololani, so they're tan. They actually almost fade into the beach sand, color of the sand at that location. Now if they are eventually replaced by permanent groins, they would be replaced probably by a rock rubble mound type structure and I don't know what, what materials would be used for that, but would have a different coloring than the color of the beach.

Mr. Shibuya: Okay, thank you.

Chair Hiranaga: Looks like a good time for a recess. We'll take a ten-minute recess and reconvene at 10:40.

A recess was called at 10:28 a.m., and the meeting was reconvened at 10:42 a.m.

Chair Hiranaga: Commissioner Hedani?

Mr. Hedani: This would be for Jim, I guess. Jim, what is the purpose of the sheet piling?

Mr. Berry: The sheet piling essentially to reduce the footprint. By using the sheet pile wall behind the revetment...the revetment's going up at plus six and we're reducing the footprint of the entire structure about nine feet and it's basically to keep the structure behind the property line and not go far into their property. I mean, the nine feet--

Mr. Hedani: So if you didn't have the sheet piling you would have to make the revetment nine feet wider?

Mr. Berry: Yes, the revetment would...now it stops at plus six it would go up to plus twelve at one and half to one.

Mr. Hedani: Why couldn't you just stop at plus six and just do a slope?

Mr. Berry: Do a slope. You mean, just have a bare, bare earth bank?

Mr. Hedani: Or a landscaped bank.

Mr. Berry: It would be at risk. You know, it would in a high wave situation--

Mr. Hedani: It would go over the six feet?

Mr. Berry: Yes, oh definitely.

Mr. Hedani: I see.

Mr. Berry: It's gonna over..at plus 12 feet it will overtop in a design situation, in a high wave situation.

Mr. Hedani: Really.

Mr. Berry: You're gonna have splash up over the--

Mr. Hedani: Twelve feet?

Mr. Berry: Yes. No, they'll get wet. You know their patio or pool area is gonna get wet, you know, not significantly but you know, there will be wave overtopping.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: While we're talking about the vinyl sheet, you say it's gonna be six feet high. What do you mean by six plus?

Mr. Berry: It's a...well, in this case we're measuring, our zero is mean sea level, that's a zero. So when we say that the revetment will go up to plus six, that's six feet above mean sea level and that's when the sheet pile--you'll see the sheet pile. The sheet pile--

Ms. Wakida: Yes, you'll see six feet of it, right?

Mr. Berry: Yes, if you look there you can see the sheet pile actually extends to ten feet below mean sea level which we call minus ten.

Ms. Wakida: Okay.

Mr. Berry: Go ahead.

Ms. Wakida: Well, one of my concerns for this 'cause I think it's very unattractive. It has a real industrial look I think from the water, in the pictures that you showed us I think it's very, very unattractive and to me that's a priority among other things that we maintain a beauty of our coastlines. So I would like to see some exploration of a way to this project is gonna go forward with this. It seems to be structurally very good, but visually I think it's hideous and I would like to see some exploration of something to mitigate that.

Mr. Berry: Okay, well beauty is in the eye of the beholder. From an engineering standpoint it's quite attractive.

Ms. Wakida: So's an overpass.

Mr. Berry: But if you look, I mean, on the January 2009 photo, I mean, you can't see...there's you know, eight feet of plus of sandbags and lots of stuff that are completely hidden by vegetation at that point. It doesn't necessarily last as you can see from the April, but there are ways to try and beautify and one of the things...I mean, we can use vegetation to try and mitigate, you know, that sort of structural aspect to it. You know, I can't...you know, it's engineered, there's no way around that, but you can landscape and that's probably the best we can do.

Chair Hiranaga: Perhaps coloring the fiberglass. Does that come in different colors besides industrial gray?

Mr. Berry: It does. I'm not sure exactly what. We actually looked at 'em a little bit. It seemed to me this is actually the best of the...you know, one of the nicest. I'd say it's visually neutral. It's not...it doesn't leap out at you. It kind of hopefully will blend into the background and we can explore options. I don't really know exactly what we can do to make it beautiful, but as I say, it is, it will be an engineered shoreline. Another thing on this line I'd like to...it kinda goes back to previous questions. The natural shoreline, January 2007, that's your natural shoreline. It doesn't

get...that's about as ugly as you can get. The natural shoreline here, you know, in eroding situation when the sand is gone, you've got a vertical clay bank, red clay bank. You've got, you know, it goes down to there's actually a layer of red clay below that that extends out a bit. And then you have, this...you've got this beach rock. I think these are plates of very hard beach rock. It's...normal beach rock is kind of pliable, you can break it apart. I think this is breaking off of outcrops off shore and then moving in. So without sand, the natural shoreline here is really unattractive and it's highly reflective. And when I think earlier you were commenting on the statement in the EA that we will help accrete sand, that we will improve the sand accretion abilities of the shoreline. You know, I wrote that. What I meant by it is that the natural shoreline is highly reflective. Again, it's not particularly attractive. We put rocks, and you know, a sloping rock revetment. I think the reflection coefficient is less than the natural shoreline. That's a arguable point but that's why I think we'll actually improve the accretion characteristics of the shoreline. Again, it's arguable. DLNR doesn't agree with me, the coastal...I mean, the planners here...Tara doesn't agree with me, but I think it's an arguable point.

Chair Hiranaga: Like you said, the beauty is in the eye of the beholder and personally I prefer natural rocks covered with limu over a rock revetment, but that's just a personal opinion. Commissioner Ball?

Mr. Ball: I have two questions. One, how is this structure going to affect the access from, access to the shoreline from let's say the lower road?

Mr. Berry: Let's see...Right now the closest coastal access to the beach is at, is it Sands of Kahana? You guys know? Sands of Kahana which is pretty far down at the south end of the beach. You know, there is no existing public beach access. You can't access the beach from this drainage easement. I mean, it's not particularly attractive or anything. There's not really any supposedly any public parking. You can pull off. So right now essentially there is no public access. We're not changing this. As far as what we're doing, we're stopping as of now at the easement. The easement is up to the Public Works what they do with it.

Mr. Ball: Maybe there can be some consideration for that. I know the Department was trying to work with things of this nature to create public access to the shore. Maybe it can just be looked at. Like you said, it may not be able to done because there's nowhere to park. I mean, on the roadside why would we walk down there, but you might, so I don't know if that could be a consideration.

My other question is more of a broad question, maybe it's departmental and to everybody on that shoreline there was testimony about fixing that whole section from S-Turn all the way up to the river, and I don't know if, you know, I've heard figures of three or four million dollars, if you get all the condo associations together with the County and try to fix this thing once and for all because otherwise, you're here and then the next condo is gonna be here and then the next condo is gonna be, and then the next condo is gonna be, and then next condo being here, instead of getting the big picture now and doing it all as a hui and try and fix it and keep that sand flowing back and forth between its natural path.

Mr. Berry: I wholeheartedly need to expand on that a little bit. Going back to the concept of the zipper, you know, going...when we fix Hololani and then it's Royal Kahana and then on down, down,

you know, the problem with Royal Kahana beyond the immediate area of what we're proposing to do will not be caused by our structure. I mean, what's going on there now we do have a structure in place, you know, we're not affecting Royal Kahana, but Royal Kahana has problems and it's part of the underlying fundamental problem on this beach and we are not addressing that. You know, what we do at Hololani will fix Hololani but it will not solve the problems on this beach. So in order to solve the problems I, at this point, I believe the best way is for a comprehensive beach nourishment project for the whole cell. This is a State beach. We will look to the State for leadership. We had a meeting, outreach meeting last night at Hololani. We invited the community. I mean, not very many people showed up, but we made the effort. One of the guys from Royal Kahana I've been working for him, he has tried in the past to get the community together to solve their problems and it's essentially just, it's like herding cats, you cannot do it. These are timeshares. Most people live there. They don't care. So compared with for example Kaanapali where we have the Operations Association, we have an entity to deal with. They're structured. They're organized. You know, there's nothing like that at Kahana. So in my opinion we need leadership from the government, probably the State government to get this together.

Chair Hiranaga: Just as a reminder, this is a Draft Environmental Assessment. So one of the requests the Commissioners could make is that the EA address a regional study and a regional solution because we're not here to decide on any type of permits. This is just commenting on the Draft Environmental Assessment. The drainage easement that is an easement on Hololani's private property or is that an independent parcel because you call it a County drainage easement. Does the County own the land or is it a easement over private property?

Mr. Berry: My understanding is that Hololani owns the land and there's a 15-foot easement and then I've just found this out last night, there's two feet between the Hololani property and the Pohailani property that's owned by the County.

Chair Hiranaga: So in the EA it says that the drainage improvements are sort of the catalyst for creating this situation. So I'm wondering if the Public Works Department has been looking at this situation?

Ms. Dagdag-Andaya: We haven't...well, we just started to read the EA not too long ago, and we are gonna comment on that one sentence regarding the drainage...the outlet structure, that drainage being a catalyst. So we'll comment on that. At the same time, I do concur with the applicant in that the easement is situated on the Hololani property and we've been monitoring the situation through our Highways Division and with Engineering Division. We actually came in back in 2002, with a EA for the Lower Honoapiilani Road improvement project, the Phase IV project and part of that project involved improvements to our drainage facilities along that portion one of which is this 24-inch pipe that runs along the--between the two properties. I wanted to thank Jim Buika for getting us together with the property owners, with the Hololani and Pohailani property owners and we are in discussions right now as to what both properties intend to do with their improvements so that we can move forward with our plans for our lower road. So right now we're still in consultation with them and intend to comment on the Draft EA.

Chair Hiranaga: Thank you for that. Commissioner Freitas?

Mr. Freitas: This property if this project does not go through, how long would you say before it erodes the building as far as like years because you know how long it will take before you guys can actually start this project. It's a long lengthy process.

Mr. Berry: Well, we hope to get it under construction next summer. I mean, it's getting...time is getting short for that. I don't...I think if we hadn't had the temporary protection, the those buildings would be abandoned today. It's hard to say, you know, it depends seasonally what happens. Like right now, we've had a very small south swell season so there's not a lot of sand up at the north end by the Hololani. So it depends what kind of winter we get, what...you're not, you know, one-year, two-year, five-year max I think.

Mr. Freitas: Thank you.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: Jim, I was trying to locate a figure in here maybe you can help me. You refer to it in your EA on Page 49, along the topic of beach nourishment. At the bottom of Page 49, you refer to a Pohailani seawall that functions like a groin, see Figure 4.13. Is that supposed to be the figure on Page 73? Are you on Page 49 yet?

Mr. Berry: Yes it is. I guess it doesn't really...

Ms. Wakida: But that's not really what you're referring to though?

Mr. Berry: It is actually, but it's not very clear and I...it's something I could have responded to in one of your earlier questions about the effect of the Pohailani. What's happened, the Pohailani built their walls and basically their shoreline is now fixed. Since that time there's been a retreat of the Hololani property up at that, you know, especially up at the north end. So now there's a in a effect, the Pohailani juts out and it forms a barrier to the littoral transport, the sand transport. So the sand basically butts up against the Pohailani walls much like a groin and it kind of actually defines the beach here. So you can think of it as of now the effective littoral cell in this area goes from S-Turn to Pohailani. I think some sand gets around that but it doesn't accrete. There's not enough sand to make a difference up on the northern...the properties north of Pohailani.

Ms. Wakida: Do you...one more...do you have any more recent pictures of this area that it seems like the latest I saw I believe were '09. Do you have anything taken this year?

Mr. Berry: Not with me. I mean, we do. We have taken photos. I've got lots of photos. It...well, not like that though. There's sand there now quite similar to September 2009, but right now the sand, you know, basically stops where see in that photo and there's no sand probably the northern one-third of the property. You know, where we're talking about Pohailani, there's no sand there right now. That's because it's been a very, very light south swell season. We haven't had...we've had very, very few south swells, small south swells so it hasn't transported the sand north like it would normally do on a typical season. You know, in one photograph, it you know, it changes all the time.

Chair Hiranaga: Commissioner Hedani?

Mr. Hedani: If you look at the photograph for January of 2009 that you have up on the screen.

Mr. Berry: Right.

Mr. Hedani: What's the slope of the beach on that, in that photograph?

Mr. Berry: I would just say one on ten.

Mr. Hedani: One on ten?

Mr. Berry: Our beaches vary from about usually one on fifteen to one on nine. I don't know, does that sound right, do you know? This is a relatively steep beach. Approximately one on ten I think.

Mr. Hedani: So there's no way that you could have your wall mimic the slope of the beach buried?

Mr. Berry: You could, it just takes...it takes a long...it takes land, you know. And going back to the Hayashi that's kind of what they did I think, but they were able to take up a lot of...

Mr. Hedani: But is that something the State would block you on?

Mr. Berry: Hard to say. They don't like structures on State land.

Mr. Hedani: Well, my reason for the question is if you mimic the slope of the beach identically, if it's one on nine or one on ten and you bury it two feet down so you can't see it, when the waves come and they hit that revetment they gonna hit it at the same slope as they would be hitting the beach so the effect you would have on your neighboring properties would be essentially zero 'cause you're whatever it was then is whatever it is gonna occur in the future.

Mr. Berry: It's a difficult question to respond to. You know, beaches behave a lot differently than you know, rock embedded, embedded rock material. I'm not sure I can go much. You don't typically build revetments at one, one on ten. I'm not sure what the reflective properties would be. You would have a lot less reflection. I mean, actually I would love to build one at one on ten, but you know, it be difficult to construct. You'd need a lot more space. It would be a lot more expensive. So those are reasons why and I'm not sure it would be any more effective. I mean, when the sand goes away, the sand's gonna go away no matter what slope you have. So then you're faced with you know, a edifice, a rock edifice at one on ten. Whether or not that's more desirable, I don't know. It's not typically done. We wouldn't think of it as being an effective use of a client's money I guess is all I can say.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: Chairman, is it possible that we have Jim summarize some of our comments because I don't wanna make a comment and then perhaps he has it already written down? You've been taking notes, Jim?

Chair Hiranaga: Actually at the conclusion of your questions, Jim will be reciting questions the Commission has and wants to send forward. So it's not...premature at time if you're asking him to do that.

Mr. Shibuya: Oh, okay. Jim, would you mind sharing some of--

Chair Hiranaga: Not at this time, but he'll have an opportunity later.

Mr. Shibuya: Not at this time, okay. Okay, then I'll make a comment then.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: Okay, thank you. I see the effort here is to protect property, that's the mission. And unfortunately it has to come with an engineering solution and within the constraints of the DLNR property line as they determine the property line and so these engineering constraints actually dictate the actual size and the type of structure that is proposed. The color of it, if you want the artificial panels in the back, the revetment if you will, green to soften the color, I mean, that's fine but the revetment is what it is and it has to minimize the risk of the water overtopping it and pulling the soil from the properties into the ocean. All it is it's just mitigating, minimizing this effort here, am I correct so far?

Mr. Berry: I think so.

Mr. Shibuya: Okay. So, the constraints are such that it's...we have to work within this parameter and it's not a solution that fits all of the entire region whereas this is a regional problem. So we need to be able to and as the Chairman mentioned, that we need to have other parties unfortunately our government is very stoke pipe so we have DLNR, we have the Army Corp of Engineers, we have the County as well as the property owner all involved in this sorta effort. And so if we can somehow come out with a draft, and I'm not putting it on Hololani to come up with a draft, but perhaps maybe the County can come up with some kind of a outline as to this is a proposal in terms of how we can take care of this regionally and this is one small part of this regional solution. It's just a proposal. It doesn't have to be something that is locked in concrete. It's something that we have a discussion point on. Thank you.

Chair Hiranaga: Just for clarity, this proposed rock revetment sits on private property?

Mr. Berry: At the moment.

Chair Hiranaga: Well, it doesn't exist at the moment.

Mr. Berry: The design at the moment is on private property and the temporary structure is on private property, but recently, you know, as part of the shoreline certification process, we went to get the shoreline certified they would not certify it without an--they wanted an easement for the existing temporary structure because the State DLNR now considers all...all lands makai of the certified shoreline are now State property. That was a result of court action essentially. I think it was Maunaloa Bay Ohana v. the State going back to Sotomura v. the County of Hawaii I think. I

mean, this has been a...there's been a long, complicated legal process and suddenly the DLNR is being counseled by their legal people that all of the, you know, that they own all this property. So in times past it was considered all the land makai--as far as I know--makai of the certified shoreline was under State jurisdiction. But you know, the property lines as set in the TMK were actual ownership of the property owners. You know, this is a...I don't really know a whole lot about this beyond what I'm saying and I'm not sure it's entirely accurate but now we cannot, they will redraw essentially the property lines with a shoreline certification.

Chair Hiranaga: So you need a new certified shoreline?

Mr. Berry: Well, I don't know if we need one. I mean, that's...I would prefer to go through this process without one because, you know, in the eyes of the State now and this is a problem because who wants to get their shoreline certified if it means giving up your property rights. It now means every, every--before if you had like a walkway down to the beach for example and it was within your TMK metes and bounds, you know, that was fine. Now you're gonna have to pay an easement to the State for that walkway. The same as these sandbags they were put in permitted no easement required because it was all within the property of the Hololani. Now they're asking for an easement,...(inaudible)...want money for. You know, they want to lease the land.

Chair Hiranaga: So the State is requiring a certified shoreline in order to--

Mr. Berry: We have not to my...the reason for a certified shoreline is to demark the County versus State jurisdiction, okay and for permitting. We're going for a State permit, an Army Corp permit, a County permit, so you know, where the line is drawn doesn't necessarily matter as far as we're concerned, but in terms of procedure we were going through with it and all of sudden, you know, we were stopped because now we...before we can get one, we have to have...you know, get an easement for this existing structure. And it means, again, for everybody who gets a certified shoreline now, you know, it's a huge incentive not to get one and we would prefer not to get one at this point. Whether or not...I don't really know the legalities of whether we can go through the entire process without getting one or not.

Chair Hiranaga: I guess my concern is you were talking about lateral access along the five-foot wide section of the revetment and if it's sitting on private property, that means you would allow public access over private property and you expose yourself to liability if someone should injury themselves on that structure. Now if it was sitting on State land that may not be an issue. So when you say it's gonna provide lateral access, is it lateral access for the Hololani private property owners or for public?

Mr. Berry: It's meant to be for the public. I mean, it's part of the beach is basically what...how I--

Chair Hiranaga: Do we have a statement that Hololani will back up that they will allow public access across the proposed structure if it sits on private property?

Mr. Berry: I think so.

Chair Hiranaga: Maybe you should ask them?

Mr. Berry: Stuart?

Mr. Stuart Allen: Good morning. I'm Stuart Allen of the President of the AOA at the Hololani. The answer to your question Mr. Chair is yes, we will allow public access across the top of the revetment structure. And in response to an earlier question, yes, we will include in the proposal as it comes back to you and the permitting agencies some appropriate shoreline access although we're not in a position to provide parking for it, we will allow some, some walkway down to the beach.

Chair Hiranaga: Thank you. Commissioner Wakida?

Ms. Wakida: This really is a question for Deputy Planning Director. This is a huge problem for Hololani, but it's a bigger problem for this whole coastline area and this comes to the County and to us and County agencies and then they butt up against the State. It seems to me that the State, that the DLNR needs to be part of coming up with a solution for this rather than just standing back yea or nay. How does, how does, how do we work this so that the State is, you know, if they need to go out ten feet into State land, but if this is a condition that needs to happen for the entire coastline along there then we need the DLNR and the Conservation Coastal Land people to not just give permission but to help get solutions. Is there any way to work with the State?

Ms. McLean: Thanks for that. We actually do have a very positive and productive working relationship with DLNR's Land Division and with OCCL, the Office of Conservation and Coastal Lands. Jim is certainly free to jump in and add anything once I finish my answer to my question. And part of your concern is really the basis for the Department's comments. We absolutely support some type of activity to protect the Hololani, undoubtedly. There's no question we...we know that those buildings need to be protected so there's no doubt about that. What we are concerned about as, as has been discussed a few times is the domino effect. The possibility that part of Hololani's problems are due to Pohailani's seawall and that it will just get passed down. There isn't certainty as to what this particular design is going to do, what other options might do, so that's why in the Department's comments, we just encouraged further exploration of alternatives. And part of that can be, you know, addressing the entire cell. Is there something where we can get the State and the County and all of the property owners along the beach involved to participate in a beach nourishment project. So that's something at the moment the burden is on the applicant to do that exploration because they're the ones with the problem today. That's not necessarily fair to put all that burden on them but that's the process that we have at the moment.

In terms of longer term solutions, I don't know that OCCL is going to be difficult with the permitting. That would surprise me that they are. There might be some conditions on it to minimize some impacts that they might see, but I'd be very surprised if they, if they said no for some reason or said that there was only a particular type of solution that they would accept. That would, that would surprise me. So I think that we do, I think we do have a good working relationship with the State. The applicant does need to get the Conservation District Use Permit which under State law has its own criteria. So it's just a separate process and a separate permitting agency than ours and that's just, you know, there's State law and then there is, there is the laws that we have to administer. So I think we're, we are quite cooperative. And I don't, I don't know...maybe Jim can add something. I don't feel like the applicant's in a tug of war and that's really the purpose of the EA

document is to explore all of these things and OCCL will accept that Final EA and then they'll go through their permitting steps. So it's really...that's the purpose of the EA is to have all of this discussion and try to get all of these ideas addressed in one document.

Ms. Wakida: Well, I think...thank you for that. I just wish the State and the Office of Conservation Coastal Lands was a little more aggressive in pursuing options instead of waiting until we get these crisis situations because they really have the big picture and they, you know, the...(inaudible)...agency they have a great number of...a great amount of data. So I'm just wish they were more proactive and not waiting for like Hololani to come along.

Ms. McLean: I don't know if Jim or Tara have anything they want to add to that, either Jim, either one of the Jims or Tara in terms of being proactive on the State or County level.

Mr. Buika: Sure, for the record, this is Jim Buika. Yeah, I agree with what Deputy Director stated about our relationship with OCCL. We have a very good relationship with them. They're aware of this, obviously they're aware of the situation. Something that we can do through Tara Owens and all I can say is on record, thank God for Tara Owens. She...her role really is to work with the State. A lot of her function is to work through County, State jurisdiction on all these issues. She knows the people. She works with them on a daily basis around the island. So that's a lot of her function. Having said that, something that we could explore is having OCCL come out for site visit. We have had the Office of Planning, Coastal Zone Management people out for a site visit when we went to Pohailani, the one to the north that is...have an emergency seawall repair. They've had some sink holes, undermining so it's continuing up there also. So that is something that we can explore is have the State come out, the people from the OCCL have been out to the site so we can explore this regional option as you're suggesting and meet with them. So we can do that. You know, as short order as possible.

Chair Hiranaga: I guess I would like to comment. This is a private property issue. If the Hololani was not there a seawall or revetment would not be proposed if it was vacant land. So I don't believe it is the responsibility of the State to be going around the shoreline trying to protect private property interest. They're here to protect the public interest so the private property owners don't infringe on the public's rights. That's what they do. They control and monitor. But this is a private property issue. If Hololani was set back a hundred yards they wouldn't be coming for a rock revetment. Just so happens, it's built where it's built. The State agency, County agencies are here to provide guidance and monitoring to protect public interest, not to protect private interest. Tara wishes to comment?

Ms. Owens: Well, I would like to respond to Commissioner Wakida's question. One thing from a big picture perspective that's missing is a funding mechanism and a program for beach renourishment that probably would be lead by the State and potentially in cooperation with the County. I think there are all kinds of options for creating such a funding mechanism, but at some point there has to be some leadership on that aspect.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: Tara, maybe you can comment on this. Has the State taken more aggressive action

in terms of putting in groins, T-groins to mitigate or at least to have ocean...or to retain some of that sand?

Ms. Owens: Well, on Maui the only application of that that I know of is the project area we've discussed already at Stable Road on the north shore. I don't know of any other recent applications in the other islands although that doesn't necessarily mean that they don't exist. Jim, do you know of any others? Okay?

Mr. Berry: We are currently actually embarking on the construction, we did the design at Iroquois Point which is on the Ewa side of Pearl Harbor. In that area we've designed, I'm not sure how many, quite a lot of T-groins. It's a really broad, expansive beach. It's been eroding for many, many, many years. What used to happen the sand would go one way Ewa side into the channel. Before the channel was dredged, the sand would go back out to the reef and then the waves would bring it in again. Now with the...since the harbor, the channel's been dredged, it basically goes one way and that causes the erosion. So we're taking the sand that is...it's now piled around the corner in the channel, we're using that, putting that on the beach and stabilizing it with a series of T-groins. I don't know it's like, I don't know if it's 15, 20, there's definitely a lot of 'em. So that is actually...will be the first design and built T-groin system that I know. I think there's been a few other ones here and there, but this is the first system. We designed one for Gray's Beach project in Waikiki in front of the Sheraton and that became basically stopped by the permitting. I think I mentioned that earlier, the Federal permits stopped that, that project.

Mr. Shibuya: Okay, 'cause I was looking like I said through the internet and I did notice projects in Germany, projects in England, projects in Japan and they have mentioned that T-groins are effective in terms of retaining some of the sand movement but it doesn't stop it from disappearing, but it slows it down. I don't know whether the State has looked at other already done projects rather than trying to reinvent the wheel here. You know, that's my concern and I don't want us to be looking through a straw and saying we got a solution. I want them to look at the broad picture and say, yeah other countries are starting to do this and how do we address it. Can we borrow some of this and use it here?

Mr. Berry: Well, that's kind of our job as coastal engineers to be aware of what's being on in other places. What we find though, what's appropriate in other places isn't necessarily appropriate in Hawaii. And you know, things that work and for example, beach nourishment is done in the mainland on a completely different scale. Hundreds and hundreds of thousands of cubic yards, you know, which...but they have the sand offshore. Our sand is different. We don't, you know, we don't have a lot of it. T-groins, you know, to me, I mean we're talking about, how ugly our proposed project is, you know, you're essentially industrializing the beach and you have to be very careful where you do this and for example, I'd say that essentially T-groins at Kahana Beach are at this time are not appropriate. You know, we don't...it be appropriate to nourish the whole littoral cell to keep it natural. We'll essentially bury the structure that we're proposing. By putting, you know, offshore breakwaters, putting T-groins, now you've got a permanent thing out there that to me is...compromises the, the beauty of the place. So we're aware of that, place like Iroquois Point it is, we think it is appropriate. It's an appropriate solution to that particular problem. So it's all specific to the problem that you have at hand and what the use of the shoreline is.

Chair Hiranaga: Thank you. Are we done? Almost. Commissioner Hedani?

Mr. Hedani: Just a couple of comments. If your comment relative to State redefining property ownership along the shoreline as the certified shoreline in terms of legal obligations although the State's interest is to protect the public, if they own the beach in this case and they're the downslope owner of property, the downslope owner of property in real estate law holds the duty of lateral support to the upslope owner which is in this case, the condominium. So if they're not going to participate in the cost of stabilizing the beach, they should at least get out of the way and let the people that wanna do that is my comment.

And the second comment is that I appreciate the condominiums taking the position of allowing public lateral access along its property and to the beach where they cannot get to it right now from the highway except taking a chance in jumping into the drainage easement which I would do, but most people won't. But I think the County's goal was to create access to the beach every 1,500 feet and this would, in this particular case, provide access to several hundred feet of beach, you know, that wouldn't be there otherwise, so I appreciate that.

Mr. Berry: Thank you.

Chair Hiranaga: All done? Commissioner Hedani?

Mr. Hedani: One last comment. On liability for jumping over the rock revetment. If you allow the public access onto your property for recreational purpose and charge no fee, you're indemnified from injury by State law and that's to encourage public access to the beach.

Mr. Berry: It's good to know.

Mr. Hedani: I don't know if it'll still in court but that's what they said.

Chair Hiranaga: Going once, going twice. So at this point, we'll have Jim maybe summarize the important concerns the Commissioners have expressed. You have been taking notes haven't you?

Mr. Buika: I'm on Page 18.

Chair Hiranaga: Let's try to summarize it.

Mr. Buika: Sure, I have them circled and highlighted here. So I'll go back in time from now back towards the beginning of our conversation. First of all, thank you all for your comments, questions, concerns. I think it was a good, healthy discussion. Commissioner Hedani asked--and let me know if these are appropriate, I tried to frame them in the way I would write them up--explore options similar to a Hayashi wall, the flatter wall going off shore or not flatter but less sloped wall as a valid option. Commissioner Ball asked for exploration of beach nourishment via a condominium hui looking at the four or five condominiums, explore that option. Would you like that to be part of the EA?

Mr. Ball: Right.

Mr. Buika: Okay.

Mr. Ball: From the river down to S-Turns.

Chair Hiranaga: Could you please speak into the microphone?

Mr. Ball: That whole section.

Mr. Buika: The river to S-Turns.

Mr. Ball: That whole whatever they call it.

Mr. Buika: Okay. Kahana River. Again, Commissioner Ball, explore consideration to create public access to the shoreline. I think we had a good, healthy discussion but they can write that up also. Commissioner Wakida, explore--please provide an exploration to mitigate the unattractive visual impact of the vinyl wall.

Ms. Wakida: Beyond landscaping.

Mr. Buika: Beyond landscaping.

Ms. Wakida: Yeah.

Mr. Buika: Should landscaping be included?

Ms. Wakida: It can be, but I don't want that to be the only --

Mr. Buika: Okay, landscaping and beyond. Maybe that way.

Mr. Shibuya: Question. Would that allow for colors of that artificial revetment?

Mr. Buika: Colors? Sure.

Mr. Shibuya: Yeah.

Mr. Buika: And color options.

Mr. Shibuya: Yeah.

Mr. Buika: Commissioner Shibuya asked for further exploration of the T groin and breakwater options.

Mr. Shibuya: And planting of coral.

Mr. Buika: And planting of coral...coral off shore?

Mr. Shibuya: Yes.

Mr. Buika: Off shore. You had mentioned also Commissioner Shibuya, you had mentioned the large geodomes, are we covered enough by--

Mr. Shibuya: Yes.

Mr. Buika: --by the breakwaters or --

Mr. Shibuya: Breakwaters.

Mr. Buika: Okay.

Chair Hiranaga: How large a geodome are we speaking of?

Mr. Shibuya: It will be below the water level.

Chair Hiranaga: But if the water level out there is 30 feet?

Mr. Shibuya: If it's 30 feet probably I don't know to be effective probably maybe 20 feet or maybe 15 feet whatever the design requirements.

Mr. Buika: Also, Commissioner Shibuya talked about within the context of the emergency at Hololani explore the picture view how it can affect the coastal littoral cell? Commissioner Wakida, she asked the question has there been a study of the impact of the Pohailani seawall to the south? We had an answer, no there hasn't been. I don't know if...just leave it at that?

Ms. Wakida: Yeah.

Chair Hiranaga: I think that's kind of covered by Commissioner Ball's comment about the coordinated review.

Mr. Buika: Okay. Commissioner Ball was talking about what are the options for the geotube. So explore groins in terms of geotube groins, are they effective or not? Would they be effective for this area?

Chair Hiranaga: You could consolidate that with Commissioner Shibuya's concern and probably put the geodomes along with the tetrapods.

Mr. Buika: Off shore, off shore options. We had a discussion lead by Commissioner Ball on the vinyl wall, how is it constructed? Do we feel okay with that? I mean, it's interlinked and anchored back so, we could add that in, I mean, just more details on the construction of the vinyl wall?

Mr. Ball: Yeah, and if there's some history, if they were used in a similar setting I guess.

Mr. Buika: Okay. And then history of the use of this material? Some of these are repeats here.

Okay, so we're getting back to the beginning of our conversation here. Commissioner Lay had talked about what precautions do you have for the neighbors or what are the immediate impacts on the neighboring properties? Is that, was that the question? I'll include that one. Just explain that. And then, also Commissioner Lay had asked for definition of how big would the walkway be just kind of the specs on the walkway and a little better explanation of the walkway, the lateral access walkway along the, along the revetment. And then the opening question, that I think I just captured, already captured is Commissioner Freitas asked about explore what other properties will be impacted by this structure. So I'll combine all that into...any other outstanding burning questions from the Commission?

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: Only that I would I like their paragraph on Page 17 about the no adverse impacts revisited. And if they wanna say they'll be no negative impacts maybe provide some data. But I have a question Jim, for you. Does this EA come back to us?

Mr. Buika: No, it does not. It will come back to you as a Final accepted EA as part of the SMA. That's what the Department will do with the SMA Permit and the Shoreline Setback Variance once we get through this process of information collection and Finding of No Significant Impact by the Department of Land and Natural Resources, Office of Conservation, Coastal Lands. They're the accepting authority for the EA in this case because it will be partially on State land, Conservation land. So it will not come back in the typical way as when the Commission is the accepting authority, but you will see it again. I mean, if you would like I could have the applicant address a response comment back to you with the questions, the 10 or 12 we have here. If you would like, I could have the Department transmit to you when those comments are completed as a separate document as we've had done with other EAs when you've had numerous comments, we can respond to those specifically. They would be in the Final EA, but we could give you a separate document if the applicant's willing to do that, if they would.

Chair Hiranaga: Sounds good.

Mr. Buika: Is that good? Okay.

Mr. Ball: Quick question?

Chair Hiranaga: Commissioner Ball?

Mr. Ball: You mentioned that there's gonna be some State land because the project is on State land but I thought through all our discussion that it wasn't, it was all on private land.

Mr. Buika: The desire is to keep it on private land, but I don't know what the final solution will be. Anything within the high wash of the waves is considered State land. So, I mean, I can let Jim Barry respond to that. I just assume that there will be something or Deputy Director if that's okay with the Chair?

Ms. McLean: Even if it's private property the beach environment is likely situated in the State

Conservation District. So even if it's private, Conservation District Use Permit would be required.

Mr. Buika: So we will come back with a variance and a major permit, SMA Permit. Following that there will be Conservation District Use Permit and potentially the Department of Health or I guess the Department of Health, Clean Water Act Permit and Army Corp of Engineers Navigable Waterways, Nationwide Permit No. 10 would need to be cleared too. So there are permits and all of those are best management practices, the CDUP, everything is addressing best management practices for something like this.

Chair Hiranaga: Commissioner Hedani?

Mr. Hedani: One last comment that I would offer is to encourage the applicant as well as the State and County to investigate whether or not there are offshore sources of sand. If the beach is in a state of chronic erosion, the sand's going some place and if it's sitting offshore that's a resource that could be used potentially in the future to renourish the beaches for the this property as well as the adjoining properties jointly.

Mr. Buika: Thank you. I'll add that in. And as a matter of fact, next I guess it is Wednesday, maybe Tara has more information but we're meeting with the Army Corp of Engineers, the folks who clear the harbors. There's a program, Regional Sediment Management, Regional Sediment Management that have identified sand sources offshore of Maui off the harbor and Tom Smith from the Corp is excellent. He gave a training a couple days a year ago. He's coming back next week and Tara put on the agenda to explore looking at the Hololani, Hololani area I think we're gonna look at potentially look at the Hololani area for what information the Corp has as far as offshore sand.

Mr. Hedani: Just for your information and for the applicant's information, Sea Engineering has done work for us with side scan sonar where they identified sand sources and then they quantified those sources. So they're an excellent resource in terms of identifying where they exist.

Mr. Buika: So okay, so ask the applicant to explore known offshore sources of sand?

Mr. Hedani: We don't know if they're there, just to explore.

Mr. Buika: I can't hear you, sorry.

Mr. Hedani: It's not proven yet, so it's just consider whether or not, you know, they want to explore whether there are offshore sources of sand.

Mr. Buika: Okay.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: Jim, you may wanna consider having the Corp take a look at the sand dunes that blocking the waterways to Kanaha Pond. Right now you have the County pumping water back and forth in the Kanaha Pond but the pump is broken. So while we're doing that, when you just take

the sand away from the in and outlet and let the thing circulate naturally.

Chair Hiranaga: No, we're talking about Kahana not Kanaha.

Mr. Shibuya: I understand. But the sand, take the sand out there.

Mr. Buika: I think that's on our agenda.

Mr. Shibuya: Good.

Mr. Buika: The harbor area, huh, Kanaha?

Mr. Shibuya: Okay, good.

Chair Hiranaga: Commissioner Ball?

Mr. Ball: I have a question for the Staff I guess. On the Draft EA it comes for comment but yet we don't approve the Final, correct?

Ms. McLean: That's correct. A Draft EA is typically sent to a variety of agencies and interest groups and because you meet as a Commission and have to give your comments as a Commission, it's done in this public meeting. It would go to Public Works for example and they would submit their written comments just as the Planning Department did. So you're a consulting agency and that's the extent of the Commission's participation in the formulation of the EA.

Mr. Ball: And who gives the Final okay on that?

Ms. McLean: The State Department of --the DLNR, Office of Conservation Coastal Lands will be the accepting authority for the EA because they will administer the Conservation District Use Permit.

Mr. Buika: If I can just add one comment that the Hololani applicants agreed to do this meeting today as a courtesy to the Commission to gain your input on this. So I'd like to thank the Hololani for stepping forward and allowing you to see this with the intent that eventually you're going to see the Major SMA Permit and the Variance so it's good to familiarize yourself and understand and get those questions asked at this stage rather than later on when you're attempting to approve or evaluate that, those options.

Chair Hiranaga: Any more last comments? Just one last comment. When you're looking at the rock revetment just if you could focus on the end effects because the wall does end short of the property line, I believe on both sides.

Mr. Buika: Okay.

Chair Hiranaga: What the end effect might be on neighboring properties. That can be just consolidated into previous comments about coordinated effort.

Mr. Buika: Explore end effects on neighboring properties.

Chair Hiranaga: Or focus on the end effect of that proposed wall will have on neighboring properties.

Mr. Buika: Thank you.

Chair Hiranaga: You have another last comment?

Mr. Hedani: No, this is a question.

Chair Hiranaga: Oh, okay.

Mr. Hedani: Jim, does the applicant have an estimate of what the cost as proposed would be?

Mr. Buika: I'm sure they do. Hold on. Between \$2 and \$3 million. That's a significant effort.

Chair Hiranaga: All right, thank you very much.

Mr. Buika: Thank you.

Chair Hiranaga: Moving onto Agenda Item C. So moving onto agenda Item C, the Deputy Director wishes to state something.

C. COMMUNICATIONS

- 1. MS. LI LYNN STETTLER of CAFÉ CARMEN AT THE TECH PARK requesting a Special Accessory Use Approval pursuant to the provisions of Chapter 19.33 of the Maui County Code in order to operate a restaurant, Café Carmen at Premier Place in the Kihei Research and Technology Park at TMK: 2-2-024:007, Kihei, Island of Maui. (ACC 2012/0002) (P. Fasi)**

Ms. McLean: Thank you, Chair. This item was posted. It's a proposed restaurant at the Research and Technology Park in Kihei for a Accessory Use Approval. After the report and recommendation was put together and the agenda was posted, it was determined that a prior Maui Planning Commission action back in 1989, approved a number of additional uses at the Tech Park including restaurants so this application actually falls under that prior approval. So given that, we have informed the applicant that this Commission doesn't need to approve the request since it was already approved. The applicant will be withdrawing the application and we'll be notifying the applicant in writing that the use is permitted.

Mr. Hiranaga: Okay, since this is a agenda'd item, I will open the floor to public testimony regarding this Item C-1. Is there anyone here that wishes to provide testimony regarding this Item C-1. Is there anyone here that wishes to provide testimony regarding this agenda item, please come forward? Seeing none, public testimony is now closed. We'll go to Item D, is there a motion to

accept the minutes?

D. ACCEPTANCE OF THE ACTION MINUTES OF THE AUGUST 28, 2012 MEETING AND REGULAR MINUTES OF THE JULY 24, 2012 AND AUGUST 14, 2012 MEETINGS

Mr. Hedani: So move.

Mr. Ball: Second.

Chair Hiranaga: Moved by Commissioner Hedani, seconded by Commissioner Ball, any discussion? Seeing none, all in favor of the motion to accept the minutes of August 28th, July 24th and August 14th so indicate by saying, aye.

Commission Members: Aye.

Chair Hiranaga: Opposed? The motion carries.

It was moved by Mr. Hedani, seconded by Mr. Ball, then

**VOTED: To Accept the Action Minutes of the August 28, 2012 meeting and the Regular Minutes of the July 24, 2012 and August 14, 2012 Meetings.
(Assenting - W. Hedani, K. Ball, D. Domingo, J. Freitas, I. Lay, P. Wakida, W. Shibuya)
(Dissenting - M. Tsai)**

Chair Hiranaga: Moving onto Director's Report, E-1. We're gonna open this agenda item for public testimony and then recess for lunch. So Deputy Director?

Ms. McLean: Thank you, Chair. The first item under the Director's Report is from the Planning Director notifying the Commission of his intent to administratively approve time extension, two-year time extension for the SMA Use Permit for Friends of Mokuula to initiate construction of an 84 parking lot and other improvements on Shaw Street, TMK: 4-6-007: 001 and portion of parcel 002, and parcel 036 in Lahaina.

E. DIRECTOR'S REPORT

1. **MR. WILLIAM SPENCE, Planning Director notifying the Maui Planning Commission pursuant to Section 12-202-17(e) of the Maui Planning Commission's SMA Rules of his intent to process the following time extension requests administratively:**
 - a. **MS. SHIRLEY ANN KAHAI, Executive Director of FRIENDS OF MOKUULA, INC. requesting a two (2)-year time extension on the Special Management Area Use Permit condition to initiate construction of an 84 parking lot and ancillary improvements on Shaw Street at TMK: 4-6-007: 001, por. of 002, and 036, Lahaina, Island of Maui. (SM1 2003/0008) (E. Wade)**

Chair Hiranaga: Okay, so if there's no objection we'll start off with public testimony and then commence with the staff report and the applicant's presentation after lunch. So at this time, I'll open the floor to public testimony. Is there anyone here that wishes to testify regarding this agenda item, please come forward. First person we have signed up is Tama Kaleleiki. Please identify yourself and limit your testimony to three minutes.

Mr. Tama Kaleleiki: My name is Tama Kaleleiki. I am a kanaka maole of Lahaina. I come here before the Commissioner and the Planning Board in my concerns as my duty and as a kanaka maole. A family, my family has been in Lahaina since forever, but dating back from burials of 1830. I have done research. It's been three years but this year about a year and a half of documentation of our burials in Wainee Cemetery. And in doing so learning more of the significance of the coconut trees and things that belong in the area that has been used as burials giving rights to chiefs. Royal coconut groves and ulu trees significant.

In my work with doing the clean up of Wainee being that I have family there been buried from 1830 till now. My concern is of the Friends of Mokuula and where they have picked to build this parking lot and building and that is next to...that skirts Wainee Cemetery and the Shaw Street area. I've also doing the clean up of Wainee Cemetery I have come across artifacts that they had done work I guess about 15 years in grubbing and gridding the back of Wainee or I'm sorry, Mokuhinea. Knowing that this has been a burial ground I needed evidence, I can't show you the map because it's privately owned and I don't know these things but I've seen the map myself and it shows the cemetery going out into Mokuhinea veering off to the left to Shaw Street with the crypts of about maybe six...five to six crypts with one chiefess, known chiefess of King Kalakaua's family, grandmother, Keohokahiwa. With that there is an ancient or an old road easement known as Wainae or aka Tropical Road. Facts is that this area has been used for burials right up to Kamehameha III in bringing down his family to Mokuula, Princess Pauahi bringing her family to Wainee. I'm asking the board or commissioners and the boarding plan to revise or modify Mokuula's plans to build by our family cemetery and to flip their building to the existing areas that have infrastructure in already like the tennis court. There is parking. There's a bathroom there not used. Tennis court might be but it's not used heavily, but instead of scarring our aina what we call papahanaumoku and finding some kind of relief in no more desecration for the ones who are kanaka in here and ones who are kamaaina longtime families will agree of not going there.

Chair Hiranaga: Okay, thank you very much.

Mr. Kaleleiki: I thank you very much. Mahalo.

Chair Hiranaga: Questions, Commissioners? Commissioner Wakida?

Ms. Wakida: Thank you for coming this morning. I just wanna clarify this a little bit. You're talking about the Wainee Cemetery next to Waiola Church?

Mr. Kaleleiki: Ae pololoi. Correct.

Ms. Wakida: And you saying that...you are suggesting that their project that encroaching onto

some burials?

Mr. Kaleleiki: High probability. High probability of burials still existing that has...they've gridded and grubbed and filled in a wetland that I think pretty much...the ones who are from Lahaina still remember that existed behind the cemetery. Whoever is from Lahaina.

Ms. Wakida: I am. Follow up. So the area you're talking about, we have some tax key maps is property that is into that State land that's currently a part of the Mokuula Master Plan?

Mr. Kaleleiki: Correct.

Ms. Wakida: You have any documentations of these?

Mr. Kaleleiki: I have...there's a map...like I say, I'm learning that there's things attached to everything and if I do, if I'm allowed to show it being it's a private collection and I didn't know that I had to have all this going through permission. I did not know that this permit was going on because we did attend the Mokuula meeting August the 29th at Lahaina Civic Center and I have attended two others and this was never shared. It was under assumption that this was in a process of going...(inaudible)...we'll try to check this out, but never concrete saying it's a go with the permits, the building. So I'm glad that I was aware of it...someone had called us and we could make it because there was an accident. I'm glad that we made it in time to do this. I also have artifacts if I need, if I can show you later on.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: I wanna ask you about briefly, the meeting on August 29th. What was the purpose of that meeting?

Mr. Kaleleiki: When we came it was, for my understanding was to share more of the meeting of the process of the building or the vision of Mokuula. It turned out to be a meeting also to find a visionary committee and I'm not...(inaudible)..., I'm not accustomed to these words but I mean, I'm not too sure what the visionary is for other than having the community be on a committee and help Army of Corp of Engineer and Mokuula and that kind of stuff. That's how I understood it afterwards. Also with Zeke saying that they, they themselves will be helping or taking over the Mokuula site once it's in place, the County itself. So that's what I understood walking away. Being that it's only my third time being at this meetings. I know there's a lot of catch up, but it's my worry of the building in areas that find out that they did not have this area gridded, not gridded but surveyed by archaeologists. It had been just left after the gridding and grubbing of the property.

Ms. Wakida: So if I may just interject? So your primary concern is that there may be tombs or burials within this area.

Mr. Kaleleiki: Pololoi.

Ms. Wakida: There hasn't been archaeological team.

Mr. Kaleleiki: Pololoi.

Ms. Wakida: As far as you're concerned is adequate.

Mr. Kaleleiki: Pololoi.

Ms. Wakida: Is that what you're concerned?

Mr. Kaleleiki: Pololoi. Yes.

Ms. Wakida: Okay, thank you.

Mr. Kaleleiki: Correct.

Chair Hiranaga: Any other questions, Commissioners? Seeing none, thank you very much.

Mr. Kaleleiki: I do have a...I'll pass the bag around for you guys, the artifacts?

Chair Hiranaga: You wanna pass around?

Mr. Kaleleiki: Well, if you wanna see what I was talking about.

Chair Hiranaga: We'll gonna be recessing for lunch in a few minutes. If the Commissioners wanna look at they can do so at that time.

Mr. Kaleleiki: Okay, cool. Mahalo.

Chair Hiranaga: Next individual is Janet Bostick.

Ms. Janet Bostick: Aloha everybody. My name is Janet Bostick, long-time Lahaina resident, longtime Maui resident. I had the opportunity to be on both properties frequently due to a personal interest as well as an educational interest. I have long felt and recently discovered evidence of overlooked burials within the grounds that tend to skirt the area where I believe the parking lot is going to butt up against the edge of Wainee Cemetery. I, too, have access to those and I would like to show those at some time. My concern is that although there has been some type of archaeological work done in and around the Mokuula area and that my understanding it would be to great benefit to restore the wetlands of this area seems how there is quite a water flow underneath even Mokuula when we got down to the pier there was an ebb and flow of water as well as in the garage of 505 Street parking lot there are three wells which are constantly full of water pumping that water from the mountain out into the ocean in between Lahaina Shores and the Shops at 505. With all the equipment and peoples that we have available, my question is is it possible to go out with ground penetrating radar, survey this area in question looking for the easement of Tropical Road, Wainae Road to see if there are possibly any remains that family members would need to be contacted about and then secondly, what would be the procedure should things be found to remedy possibly keeping that in some type of preservation, looking at an estuary, outside classroom even for more people to learn sustainability and how Hawaii was used

back then, and then again, maybe looking at towards the tennis courts as far as putting that structures where there's already roads that go in as well as piping. So that's my concern is does this area still contain bones, headstones and funerary objects placed there in ancient times by family members and shouldn't those be taken in consideration prior to any type of building in this area? Thank you for your time. I appreciate it.

Chair Hiranaga: Questions, Commissioners? Commissioner Wakida?

Ms. Wakida: Just a quick question. The other gentleman mentioned Tropical Road. Could you clarify where that...is that Wainee Street?

Ms. Bostick: No that is not Wainee Street. That is actually a road that's behind and in between Mokuula and Mokuhinea and Wainee Cemetery which is the back of...so that would be probably right in between where the tennis courts is and the existing wall where the canoes were tied up and the steps that were once there which have been removed are now missing, so that would be in that area.

Ms. Wakida: Okay.

Chair Hiranaga: Any other questions, Commissioners? Seeing none, thank you.

Ms. Bostick: Thank you.

Chair Hiranaga: Next individual is Faith Chase.

Ms. Faith Chase: Aloha, Maui Planning Committee. My name is Faith Chase. I wanna share my thoughts on this very important problem I consider today. I kinda wanna bring everybody up to speed on why I'm here. My daughter took a class last year, last semester at UHMC. She was on the site of Mokuula and she came home one day and she said that they had gotten locked off the site, and I was like what you're talking about? And so she broke it down and I'm a east side girl so I don't really know much about west side, but of course, it intrigued me and I started getting niele and I nosey and I started asking questions and so trying to wrap my brain around what's going on out there. I have a vested interest on my child's behalf. And I'm kinda startled because I understand that the Friends of Mokuula, the organization has gone through a lot of turmoil, a lot of reorganizing, a lot of restructuring. I know that's still continuing today. I've met Akoni Akana in my lifetime. He's a great man. I know he was a founding member. May he rest in peace. But I know that when his health started to deteriorate and then since his passing that there's been a lot of tension within the organization and I have faith in the organization. You know, I have renewed interest in the whole site and what's going on, but I do really think that maybe this issue should just be tabled because I think they deserve some time to restructure as an organization. I don't think that Shirley Kahai is the appropriate representation for this organization. She's an acting director. I understand how she came to have this capacity just because of Akoni's passing. I know that the board members that I've come to understand that were on the Board of Friend's of Mokuula are highly respected members, those that I really trusted and I liked have left. So I find that kind of curious. I don't have enough time to dig into that, but I just wanted to let you know where my position was at. I don't know the nitty gritty about how many years ago they asked for the Special

Management Area Use Permit or anything like that but I would just strongly suggest that maybe you give the organization some time to restructure and have somebody more qualified come forward and move. 'Cause I don't really think that they're ho`opa`a on their plans like Kamalani had mentioned, the fellow before. I think that the visionary committee has great potential. I might get involved but I just wanted to let you know that's how I feel and my daughter probably would be here but she's a professional nanny and she's taking care of baby so I'm here speaking on my children's behalf. And I don't know if my time is up but I might want to mention that my youngest one goes to Kamehameha School and this church was directed under Bernice Pauahi Bishop. So might I mention her because if she were here today, hmmm what would she say? Thank you for your time.

Chair Hiranaga: Questions, Commissioners? Commissioner Wakida?

Ms. Wakida: Just a short one. At the beginning, you said your daughter was, it was...she was trespassing was that what you were told?

Ms. Chase: No, my daughter was not trespassing. Actually, she was--

Ms. Wakida: But she was told she was trespassing.

Ms. Chase: She's a six-year archaeology student. She started when she was 14 and she started because she went to Kanu O Ka Aina on the Big Island and she saw the lack of Hawaiian archaeologists and so she's had a personal interest in archaeology. So grown up, graduated Kamehameha School, she decides to take an archaeology field school. She goes out there, she's one of two Hawaiians in a big group of students might I just mention that 'cause it might lend itself to some importance. She was dedicated, interested, a lot of other projects spun off of this class and she was actually the one that was called on do a lot of the protocol which she had learned in her very rich cultural upbringing and they were accused of not doing proper protocol and so apparently from what I understand, I don't know his name, but she walked into the, you know, UHMC's Chancellor's Office and said, eh what you talking about? Yes, we did our protocol proper, would you like us to do it here now and you know, they were startled, they went out there. I mean, these are kids who come from all over the place, her, specifically, Keanae to Lahaina to get locked out. I mean, talk about a day's waste. So she was, she was a little irate and she went and she did what she could and I'm not sure what happened. I don't know what the Provost, I mean, the Chancellor's response was or anything like that, but that's the history. She was not trespassing.

Chair Hiranaga: Any other questions, Commissioners? Seeing none, thank you. Anyone else here wishes to speak regarding this agenda item, please come forward? Seeing none, public testimony is now closed. And we shall recess for lunch and reconvene at 1:10.

A recess was called at 12:14 p.m., and the meeting was reconvened at 1:15 p.m.

Ms. Domingo was excused for the remainder of the meeting at 12:15 p.m.

Chair Hiranaga: We ended the morning session with public testimony so at this time, I'll just reopen public testimony to see if anyone else wishes to provide testimony that did not testify earlier today. Seeing none, public testimony is now closed. We'll have the Staff Planner come forward.

Ms. Erin Wade: Thank you. Good afternoon, my name's Erin Wade from the Current Planning Division. Before you today is just a request from the Department Director to determine whether or not we can do an administrative approval of the SMA time extension for the Mokuula project which is 84 parking stalls. At this time, you do have in front of you the request for the time extension, the current drainage report and some additional information. During the lunch break I also passed out the original approval letter as well as a letter from SHPD on the archaeological monitoring. We do have the applicant in the audience as well as the applicant's representative Mich Hirano, who can answer any further questions if you have about the application.

Chair Hiranaga: I believe in addition, you passed out the letter from DLNR, SHPD.

Ms. Wade: Correct, yes.

Chair Hiranaga: Does the applicant wishes to say anything at this time?

Mr. Mich Hirano: Good afternoon, Chair Hiranaga and Commissioners. My name is Mich Hirano with Munekiyo and Hiraga. Just that the Friends of Mokuula had recently got the grading plan for the project. It was approved in August of 2012. So they haven't picked up the permit yet, but they will be, you know, wanting to start on the grading of the project. So that's the update. And the applicant requests that Planning Commission waive its review and allow the administrative approval for the two-year time extension. Thank you.

Chair Hiranaga: Questions, Commissioners? Commissioner Wakida?

Ms. Wakida: Erin, question for you. According to the...I just need a little background here on the project because the tax key map shows the State of Hawaii owns the land. So what is the Friends of Mokuula's jurisdiction over this land?

Ms. Wade: At this time it's a lease agreement and if you want further explanation that I'd have to ask the applicant to expound on what that would entail.

Ms. Wakida: But it's a lease agreement to the organization from the State?

Ms. Wade: Correct.

Ms. Wakida: Okay. That's enough.

Chair Hiranaga: Commissioner Ball?

Mr. Ball: Understand Standard Condition No. 2, the construction of project shall be completed within five years of its initiation. It seems a little long for a parking lot.

Ms. Wade: You mean?

Chair Hiranaga: So your question is why is it taking so long?

Mr. Ball: Why does it take so long to build a parking lot?

Ms. Wade: Well, the five-year construction condition I think was from the time construction commences to the time it's complete and then there's also the time that the project itself commences. So in the original time extension request 'cause this is the third at this point, it was stated that...I'm sorry...the executive director at the time that the application was filed and approved in 2004 began, fell ill and was unable to continue with the facilitation of the project. So for several years there wasn't any movement on the project and he has since passed.

Mr. Ball: Well, I guess, my question is still why is does it take so long? Because I see that it needs to be initiated by the 31st of January 2006 which of course passed. But, five years to make a parking lot seems...

Ms. Wade: Perhaps, yeah, I should let the applicant answer.

Mr. Hirano: Yes, Commissioner Ball, Mich Hirano with Munekiyo and Hiraga. The five years is a standard condition in the SMA permit approval. The overall project involved the building of two haies as well and the parking lot and then the reconstruction of the fish pond, the royal fish pond. So it is phased and the first phase is the parking lot. But there are as well parts of this SMA application that involve the building of two buildings. So I think the five years is appropriate in the context of I guess the scope of work with the two haies that will be built.

Mr. Ball: Those are the ancillary improvements are the haies?

Mr. Hirano: The ancillary improvements I think would more or less be the...the haies are fairly main, major. If you look on the site plan that's in the drainage report, Exhibit 2, you will see that there are two buildings I guess to the north of the project site.

Mr. Ball: I don't want to belabor the point, but the condition in front of us for consideration is the Special Management Area Permit for 84 parking stalls and ancillary improvements not two haies additional haies, so I guess my point is is that gonna be...is that a separate permit or...permit?

Mr. Hirano: They were included in the SMA application. They were parts of the SMA application that was before the Commission.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: Mich, I know you don't wanna hear something like this when a testifier, Tama Kaleleiki mentioned that he's kanaka maole and the ancestors go back to 1830 and probably buried in the Wainee Cemetery They're saying that there's possibly more burials in the proposed parking area. I find that kinda interesting because you do have AIS that was conducted earlier and maybe you can help me ...(inaudible)... the differences here?

Mr. Hirano: Yes, Commissioner Shibuya. There was a Archaeological Inventory Survey carried out as part of the Environmental Assessment. This was done in 2003. The Environmental Assessment was finalized in November 2003. The Archaeological Inventory Survey was carried

out by Xamanek Researchers, well-known Hawaiian and Maui archaeological firm. There were no historic sites discovered during the Archaeological Inventory Survey of Parcel 1 which is the parking lot. But as you can see from the letter and from the SMA conditions there is a condition that archaeological monitoring will be carried out. So I think that archaeological resources will be protected. You know, the first level of protection was the inventory survey and then the second level would be monitoring during construction. I would also like to just point out that when you look at the grading plan for the site, most of the area will be fill. There'll be quite a bit of fill brought into the site, two to three feet in certain areas. So subsurface excavation will probably be limited to the water lines and trenches for the utilities.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: This is a follow up to that. Just wondering if it is a fill, then we will not discover anything unless there's some exploratory effort being done in terms of let's say locating the Tropical Road which was mentioned also and perhaps even looking for artifacts that would identify possible burials in the area. I'm not wanting to extend this, but I just wanted to be sure that we're not having the approving of the parking lot which possibly could be relocated as a testifier mentioned and that would satisfy some of the archaeological concerns that I have.

Mr. Hirano: I think the overall site plan for the Mokuula restoration does limit the, I guess, the relocation of the parking lot. And I think it was felt that this Parcel 1 was away from the primary site of Mokuula and so that's why they've chosen this site.

Mr. Shibuya: Okay, thank you.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: This is a follow up on this. I know that extensive archaeological exploration was done further towards Front Street but was any done up...did they do any up there near the...

Mr. Hirano: Where the parking lot is?

Ms. Wakida: Or next to the Wainee Cemetery.

Mr. Hirano: Well Parcel 1 is just to south and adjacent to Wainee Cemetery and there was a Archaeological Inventory Survey done on Parcel 1.

Ms. Wakida: But was it up close to the cemetery or down?

Mr. Hirano: I think they did it throughout the site, but I have to refresh my memory with the Archaeological Survey. But they will usually survey the areas that are heavily kind of impacted by construction. So they would look at the site plan and then do the Archaeological Inventory Survey based on the scope of work.

Ms. Wakida: Just to comment. I know this for information that a parking lot is not allowed adjacent to Front Street in a Historic District that would be one of the reasons--

Mr. Hirano: ...move it back.

Ms. Wakida: --for the parking lot being to more mauka.

Mr. Hirano: Thank you.

Chair Hiranaga: I'm sorry, you said parking lots are not allowed adjacent to Front Street?

Ms. Wakida: In the Historic District.

Chair Hiranaga: Isn't there a public parking lot there across from Kam School?

Ms. Wakida: There is. There's a little swale of grass. I don't know if that's a--that might be grandfathered in. It's very old, that parking right...but you can no longer...(inaudible)...

Chair Hiranaga: Commissioner Lay?

Mr. Lay: Stepping in a little late, but history wise what was this area? I mean, I was under the understanding that this was a lagoon area, where they brought in the canoes everything all the way up there. So I'm thinking it was covered with water at one time, right?

Mr. Hirano: It was a fish pond, royal fish pond. There were a series of ponds in that area. And I think in the...after the...maybe the 1920's it was filled in. It was a marshy area. And at one time, of course, it was the capitol of Hawaii, Lahaina, and King Kamehameha III had a retreat there. It was Mokuula, the Island of Mokuula and it was surrounded by fish ponds and lo'i.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: It was brought up by a testifier that there was a meeting on August 29th, that was held by the County with the purpose of how the area should be used and how they should move forward. So I'm a little confused about what's happening. If the County's holding meetings about the use of the area and then we've got an application for a permit extension or a waive review, I'm not, I'm not clear on...it seems to be a number of conflicting things going on.

Mr. Hirano: It really isn't in conflict with the public meeting that was held. The overall plan for Mokuula is to relocate the parking lot which is on Front Street and Shaw Street. There's a corner parking lot on that site, to relocate the parking lot mauka to this particular site. And by doing that, that allows the recovery of the archaeological inventory that will be carried out on the existing parking lot. And as well, part of the plan would be to recreate the fish pond, the royal fish pond that surrounded Mokuula, the sacred island of King Kamehameha III. So really I think relocating the parking lot is the first step in allowing the overall plan to unfold as the Friends of Mokuula had envisioned so that this parking lot, development of this particular parking lot mauka would free the site up, the current site so that it can be recovered. The meeting on the 29th was the Department of Army, Corp of Engineers was to look at the feasibility of reestablishing the wetlands or the pond in that area. So that's what the meeting was for.

Ms. Wakida: Well, according...understand the meeting was to create a vision for the area so that's a much more global...by taking a step back.

Mr. Hirano: The Friends of Mokuula have already established what they feel is the vision for the recovery of the fish pond and the Royal Island of Mokuula. This is maybe sharing that vision because it really...the Department of Army meeting that was called was part of Mokuula's plan. They are working in concert with Mokuula, the Friends of Mokuula on whether it's feasible to establish wetland...to reestablish the wetland in that area.

Ms. Wakida: It seems like there's just a lot of...if we're still working on whether or not it's feasible to establish the wetlands then wouldn't that mean that we don't need to build a parking and move it until we know if it's feasible that's going to become a wetland?

Mr. Hirano: I think the...I wouldn't quite agree with that statement in that there are many parts of Mokuula. One of them is the archaeological inventory and the recovery of the island and locating the features of the island and that is under the parking lot, the current parking lot. So moving the parking lot to the mauka site for this application which allows and permits would allow the inventory to carry on and to continue and to maybe move towards completion of recovering the site of the royals island. The reestablishment of the fish pond would also be a second part of that overall vision and plan. How that is done and how that will be done I think was the purpose of this meeting whether it is feasible to reestablish it as a wetland or maybe have to do it as a artificial pond. So, that's still not decided. I think they're still deliberating whether that can be established as a wetland. Although the intent would be to try and do that.

Ms. Wakida: Okay, thank you.

Chair Hiranaga: So Mich, do the Friends of Mokuula they're basically relying on monetary donations?

Mr. Hirano: That is correct, yes.

Chair Hiranaga: Right. So, it depends on the amount of donations?

Mr. Hirano: Yes.

Chair Hiranaga: So it dictates the pace of this project?

Mr. Hirano: Yes.

Chair Hiranaga: So it may take many years to accomplish.

Mr. Hirano: Yes.

Chair Hiranaga: So it is not like this is a private enterprise that goes out and gets funding and decides to do a project. It's gonna be a phased process as monies become available.

Mr. Hirano: That's correct, yes.

Chair Hiranaga: The other point, on the Archaeological Survey and I'm not sure if you can answer this question but typically it is not the purpose of an Archaeological Survey to locate and identify all potential archaeological sites. It's more to identify sites that may become impacted due to proposed construction. So it's not like you're trying to locate every site on a project site, historical site. You're just looking at where there may be impacts due to proposed activity is that correct?

Mr. Hirano: As I understand it that is correct.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: The current parking lot is that under the auspices of the Friends of Mokuula?

Mr. Hirano: The current one is, yes. It's being managed under contract by a parking management company.

Ms. Wakida: So that...where the does revenue go from that parking lot?

Mr. Hirano: I understand the revenue goes to support the programs that Friends of Mokuula is operating.

Ms. Wakida: So they have a regular source of income from the parking lot, the existing parking lot?

Mr. Hirano: Yes.

Ms. Wakida: And you know how long they've had that parking lot?

Mr. Hirano: Maybe around 2006, 2007.

Ms. Wakida: So they've had six years of revenue from the parking lot.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: I have to agree with Commissioner Ball about the permit request. It just says for the parking lot and ancillary improvements. It doesn't say anything about these two additional buildings on here. And in the list of conditions that we've received there really isn't anything that addresses the buildings like lighting and those kinds of projects, specific conditions that we usually see. So I'm wondering if maybe it's an add-on?

Mr. Hirano: It's not an add-on because the Environmental Assessment was, you know, looked at those buildings as well. And the SMA application included those buildings as part of the review 'cause it was the buildings that I guess they went in for the indigenous architecture and they got the approval for the indigenous architecture for the building. So they were very much a part of the permit.

Chair Hiranaga: So Erin, is there just one SMA permit for the entire project or is this on various stages?

Mr. Hirano: There was one SMA permit application that was made for the project.

Chair Hiranaga: For the entire project?

Mr. Hirano: Yes, but the first part of it was the parking lot and the two buildings. The pond was not included in the SMA...the reestablishment of the island and the wetland.

Chair Hiranaga: So there's other SMA permits that relate to this project?

Mr. Hirano: No, because that was a future phase. There will be I think when that becomes established as a, you know, development then it will come forward for a permit.

Chair Hiranaga: Oh, I see. So you're just doing Phase 1?

Mr. Hirano: We're just doing the Phase 1 of it, yes.

Chair Hiranaga: So why was this deemed to be a Major SMA permit? Did the cost exceed \$125,000 at that time?

Mr. Hirano: Yes.

Chair Hiranaga: So now that it--

Mr. Hirano: The two buildings.

Chair Hiranaga: --the new limit is \$500,000 what impact does that have?

Mr. Hirano: Probably be still very close. Probably be still SMA Major I would think with the two buildings and the parking lot.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: Once...assuming that this project is completed as it's shown on these maps, who maintains all of this?

Mr. Hirano: Friends of Mokuula.

Ms. Wakida: Is any of that spelled out in any of the conditions of the...

Mr. Hirano: The application, the SMA application was made by the Friends of Mokuula and as you can see the permit was issued to the Friends of Mokuula. So it was disclosed in the application that the Friends of Mokuula would be the applicant, undertake the project, and build and operate the facility.

Chair Hiranaga: Continue.

Ms. Wakida: Well, I don't know. Maybe we'd need to review the project instead of asking these questions, but Hale Halawai is that going to be a community...is that...what will the building be used for?

Mr. Hirano: I'd like to ask Shirley Kahai, the program manager.

Ms. Shirley Kahai: Aloha, my name is Shirley Kahai and I'm with the Friends of Mokuula. The building will be used for economic sustainability. We're looking at holding workshops there. We also have walking tours that go through historic Lahaina and we're using as a point where we can have our visitors that go on the tour convene there. We also have it...we're looking to offer the area as a place for luau and classes. So it's something that the community can rent out if they'd like to.

Ms. Wakida: So you're planning on making that your new office headquarters?

Ms. Kahai: We have talked about it. Right now we have Hale Pahaku which is like a service type building and that will be with the kitchen facilities and Hale Halawai will be an 1,800 square-foot traditional hale in compliance with code, Building Code.

Ms. Wakida: Okay. And the...that's where your office will be?

Ms. Kahai: We've talked about it. Right now we are housed at 505 Front Street and Trinity Consultants has been generous with us and we get office space there. So we haven't really figured out whether we're gonna be on the site. We haven't put any office space there.

Ms. Wakida: Okay, on our map it shows office in one little section but the rest of the area, the kitchen and so on, would be for?

Ms. Kahai: It's so when if anyone wants to rent out the hale, the traditional hale and they're having like as an example, luau, then they can use the kitchen facilities to warm up their food. It's not really for cooking. We'd like to have them just prepare the food and they can use it for heating up and using the refrigerator to chill the food.

Ms. Wakida: There was a commercial space actually, right?

Ms. Kahai: Right.

Ms. Wakida: And the hale next to it will be a commercial space as well, rented out space?

Ms. Kahai: Yes, yes. The Hawaiian hale, the traditional Hawaiian hale?

Ms. Wakida: Yes.

Ms. Kahai: Yes.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: Hi, thank you for answering some of our questions here. Were you aware of Tama Kaleleiki and his concerns?

Ms. Kahai: Not until we started having our public stakeholder meetings, and we've had other meetings prior to that when we were going through the SMA permit process. So I just found out about it at our last stakeholders meeting that we had a few weeks ago and he briefly touched upon it. I was not aware that there were any artifacts found. In fact, if I may ask him where he found them because when we had Xamanek do the Archaeology Inventory Survey there were no historic sites found or any artifacts, so...and that was done in our back area.

Mr. Shibuya: And of course, Xamanek did do some historical document research too, did they not?

Ms. Kahai: They did an Archaeological Survey, yes.

Mr. Shibuya: It's not only what you see on the ground, but in terms of historical documents. Did they examine documents too?

Ms. Kahai: No. You know, it was prior to my time. I've been there 11 years, and I did not really get involved with that portion of their work. It was done in 1999.

Chair Hiranaga: Perhaps the Deputy Director could comment, but I believe an Archaeological Inventory Survey includes research prior to doing field work.

Ms. McLean: We would rely on the State Historic Preservation Division's acceptance of the Inventory Survey as following their standards.

Chair Hiranaga: Part of the protocol I believe includes research prior to doing field work. They just don't go out in the field and look around. Any other questions? Commissioner Wakida?

Ms. Wakida: This is probably for Mich. I don't know, maybe Shirley can answer better too, I don't know. This is a question about trees.

Mr. Hirano: About the trees?

Ms. Wakida: About trees, yes. Along the Shaw Street are some beautiful huge monkey pod trees. There are quite a number of...these are really old growth, you've probably seen the site and there are quite a number of palms trees, I don't know how old those are, but what are the plans for the trees particularly the monkey pod trees?

Mr. Hirano: The plans were to retain all trees, the monkey pod trees. I spoke with Shirley about that in preparation for the, you know, this meeting today, and Shirley...do you mind if I ask Ms. Kahai to come up and talk about that because they did have the arborist come out to the site.

Ms. Kahai: Hi, I'm Shirley Kahai. We did have Dennis Enzo, he's a tree arborist, and there's no

written documentation. It was just a site or a visual visit. We had contacted him to trim some coconut trees that are on the berm of Shaw Street and because we were looking at the monkey pod trees on working out on our landscape plan, I had asked him about some of the monkey pod trees that are there. And he did comment that there is one tree on the berm of Shaw Street that is infested with bees.

Ms. Wakida: With bees?

Ms. Kahai: With bees.

Ms. Wakida: Well, a bee expert can move those bees.

Ms. Kahai: Yeah, so that's the only thing that he said and he said that and I could see it where there were big holes in the tree trunk and it's further up where the branches are, you know, where it's fuller. You could see that there's big holes in the tree. And that was his only comment and then he also talked about revitalizing the soil.

Ms. Wakida: Okay, but there was no talk about cutting any of those trees down, right?

Ms. Kahai: No, our intent is not to cut down trees.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: Mich, I'm looking for, but I saw something in here about retaining curbs.

Mr. Hirano: Yes.

Ms. Wakida: I am not aware that there are any curbs along Shaw Street.

Mr. Hirano: I think it's...there was in the Inventory Survey there was out on Shaw Street there was part of a historic sidewalk. It was a curbed patio stones that were part of a sidewalk and so those were I guess recommended to be restores or retained. So that's the kinda the curb portion of it and they will be retained in the plans.

Ms. Wakida: This is going along Shaw Street?

Mr. Hirano: I believe it's along Shaw Street that...

Ms. Wakida: There's always...there's cars parked along there constantly and dirt.

Mr. Hirano: It was along Shaw Street on that side of the street on the Mokuula side of the street.

Chair Hiranaga: Any more questions? Seeing...oh, you do?

Mr. Shibuya: Because you're not bringing up the drainage thing.

Chair Hiranaga: Oh.

Mr. Shibuya: Unless you're gonna--

Chair Hiranaga: I was going to after you said, I don't have any questions.

Mr. Shibuya: Okay, go ahead. I'll defer to you then.

Chair Hiranaga: But you may if you wish.

Mr. Shibuya: No, no, no, I'll comment later on.

Chair Hiranaga: Okay. Any more questions? Commissioner Wakida?

Ms. Wakida: I guess I have one about...Mich, this is a question for you. The tax key map that we got shows a plot and then...various plots of course, but then the plot plan shows a parking and the hale and it sticks out, so it isn't clear looking at our cover tax key map the configuration. And how much of this property here is under lease to Friends of Mokuula. So that's two questions. One is how the site plan fits over this tax key 'cause it seems to take several parcels in its...(inaudible)... I don't see the all three. And the other question is how much of this property is under lease?

Mr. Hirano: Well, the area that is part of the proposed improvements that is a portion of Parcel 2, Parcel 36 is the existing parking lot which is the corner of Shaw Street and Front Street.

Ms. Wakida: Okay.

Mr. Hirano: There is a portion of that was in the application, Parcel 2 which is the larger park area, but there was just a portion of that. And then Parcel 1 which is the proposed parking lot where the improvements will be built. So those were the parcels that were approved and part of the Mokuula project. I have a site plan that I brought that shows the lease and license area to the Friends of Mokuula. And all the improvements, that are being proposed are within the lease and the lease and license area for the record I could get that. I'm sorry, I didn't make copies, but...So the darker, the darker shaded area is the license area, the lease area.

Ms. Wakida: And the light area is?

Mr. Hirano: Is, it's part of the...it's State land. It belongs to the State of Hawaii and it's by Executive Order, the management and control was transferred to the County of Maui for the park.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: Mich, you know, Commissioner Wakida mentioned something about...and now that she's mentioned that it doesn't fit the design I am looking at it again and I'm saying yeah, it doesn't...does not have the same profile. So, on this tax map key, can you outline for me because I'm dumber than dirt here trying to figure out where this Hale Halawai and Hale Pohaku are located?

Mr. Hirano: They're located on the eastern portion of Lot 36 and the northern portion of Lot 1. If you look at the...Commissioner Shibuya, if you look at the site plan that I put out?

Mr. Shibuya: I don't know. Lot 36 is down here.

Ms. Wakida: I know.

Mr. Shibuya: It's confusing.

Mr. Hirano: This is Front Street.

Mr. Shibuya: No, Prison Street.

Mr. Hirano: I'm sorry. So this is Parcel 1, 36. ...(inaudible-not talking into a microphone)...

Mr. Shibuya: Wait a minute, in this corner. Wait a minute, then that doesn't match here. So it is an encroachment, right?

Mr. Hirano: No, well, it's a licensed area and the application was for Parcel 2, Parcel 36, Parcel 1.

Mr. Shibuya: Yeah, that's where I'm getting messed up here. Maybe a dotted line or something can show how these things--

Chair Hiranaga: Okay, if you guys are gonna have a discussion you need to include us.

Mr. Shibuya: Still confused, still confused. Yeah, I would say, there's too much questions at this point. It's not very clear. I'd like to go ahead and bring this back for further review.

Chair Hiranaga: Any other questions? Commissioner Freitas?

Mr. Freitas: They spoke of the tennis court. Where is the tennis court on this map? One of testifiers spoke on flipping this to the tennis court.

Mr. Hirano: On which map Commissioner Freitas? Which map, on the TMK map?

Mr. Freitas: Any map. One of the testifiers said that a parking lot could be flipped on the tennis courts.

Mr. Hirano: This is an aerial photo of it. So the tennis court is on the, I guess, the northwestern corner of Lot 2, Parcel 2 along Front Street.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: I believe there's two tennis courts. There's another one. There's one there on Front Street.

Mr. Hirano: Oh, there's one on the other part.

Ms. Wakida: And then there is that--

Mr. Hirano: Thank you very much, yes. Stand corrected. There's tennis court in the back here as well right across from the church. So there is one on the eastern portion of Lot 2 as well, Parcel 2.

Chair Hiranaga: Commissioner Ball?

Mr. Ball: In a document that we received from Department of Land and Natural Resources, there's a couple of recommendations as far as the monitoring goes. Now, this was done in 1998, my first question is are these conditions still relevant 14 years later or, and or are there additional standards that the industry looks at today as far as monitoring sites?

Mr. Hirano: The letter you are referring to Commissioner Ball, is that the January 6, 2003 letter?

Mr. Ball: Yes.

Mr. Hirano: Those conditions are part of the SMA application right now. The monitoring is carried out. There is a monitoring plan that has been accepted for the Mokuula project.

Mr. Ball: I guess what I'm saying is, is at best it's from 2003, right?

Mr. Hirano: Yes.

Mr. Ball: I mean it says here that in...sorry, in 1998, this group conducted a Archaeological Inventory Survey.

Mr. Hirano: Yes.

Mr. Ball: And they recommend these things. Are they relevant and are there other additional ones that they do in present day as far as monitoring sites such as these that should be maybe added on to this?

Ms. Kahai: I know that we're required to have a Archaeological Monitoring Plan. Back in I think about 2004, we installed a water meter and because we had to go by the...we had to dig into the earth and were in the area where that sidewalk is, the historic sidewalk, we had to have an Archaeological Monitoring Plan prepared for this purpose. So I'm sure because this is in Historic District 1, we still would have to comply with the conditions. I would think that it would still be relevant. And I can check, check on that.

Chair Hiranaga: Deputy Director wishes to comment.

Ms. McLean: Thank you, Chair. The conditions of the State Historic Preservation Division letter are conditions of the permit application so those remain in effect and actually go into greater detail in Condition 15. Typically with approvals, I don't know, I'm not aware that standards are different

today than when this was reviewed, but hypothetically if the standards were different today, we would still honor the conditions that were established at that time. We don't change the, change the rules or the requirements on applicants unless there is something that rises to the level of having to change it.

Mr. Ball: Unless this was sent back and reprocessed I guess, if you will.

Ms. McLean: If it were sent back and reprocessed, but typically that's not something that we do because we know that applicants rely on these terms. So again--

Mr. Ball: I guess what I'm struggling with with that is that is the application was made a long time ago and I understand your point, but the part that I have a hard time with is yes, I would expect them to be able to rely on those. But if the application is too old, and the thing's changed then maybe it's not a good idea to keep extending permits.

Ms. McLean: I can tell you, I do know that their Administrative Rules have not changed since this time. So if standards were changed they weren't codified in their rules.

Chair Hiranaga: I think it's important to keep in mind that with the monitoring plan, so this Archaeological Inventory Survey is basically based upon research and observation best guess there are no historical sites there, but in the areas that are gonna have construction, but if a site is encountered then everything stops and then you start over again. So whether the AIS is adequate or not, I don't believe that, it's that relevant because if a site is encountered during construction then you stop and you would have to reassess. Commissioner Shibuya?

Mr. Shibuya: My concern is more in terms of I just heard the statement that they're gonna have fill over this area that they're gonna plan to construct the parking lot. Well, if you put a fill and there so happen to be some historical document which the testifier mentioned that the historical document exists that is troublesome for me now. Regardless of whether you put fill on top and you're not disturbing something down below, if it is with the regular type person, I guess, it would not be as concerning to me as if you tell me that it was some royalty and some alii there, holy mackerel. I don't wanna be part of this.

Chair Hiranaga: Commissioner Hedani?

Mr. Hedani: My personal perspective on this is that the restoration of Mokuula is something that the community supports. I think it's something that would be good for the town of Lahaina. It would be good for the Hawaiian community. It would be good for restoration of this historic authenticity of Lahaina. And it's not something that we would try to impede in terms of permitting and processes but support in terms of encouraging people to move it ahead. My personal perspective is that it's unfortunate that first thing that happens or the first shovel that hits the ground is for the purpose of building a parking lot on the site if it's a historic site especially if, you know, we've heard people testify that there may have been things that have been overlooked. Restoration of the site to me would be of the highest caliber when you can restore the original uses that were on that site at that particular time. So, although I'm distressed that a parking lot is what's being proposed on the site, if that is what the organization is pursuing, if that's the goal that they've jointly come up with

as the vision for this particular property then I think we should give them the time to do what's necessary in terms of additional research maybe to make sure that nothing has been overlooked, nothing has been...nothing will be slighted and that...and that the project proceed. I don't think it's anybody's intention to become a problem for Mokuula and from my perspective I think we should move this thing ahead at this point.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: This is a question for Michele. First of all, I want to be sure these are all the...this comes right to end, the bottom of the page, there aren't any more project specific conditions that we didn't inadvertently get?

Ms. McLean: You need to confirm with Erin. I think you have up to Page 4, and I think Page 5 is just the signature.

Ms. Wade: Yeah, I apologize. I ran upstairs too quickly, but this is actually the last page which all it has is, "that construction of the project shall be completed within five,"...oh this isn't the end.

Ms. Wakida: But that's fine, if it doesn't...I don't need the signature. I just wondered if there were others because my question is to Michele, I find these conditions compared to a lot of other parking lots we've seen quite skimpy. I mean, there's nothing about lighting, there's nothing about landscaping and I don't know what...I mean, this is the way it was approved apparently at one time. How does one proceed if one feels that there should be additional conditions? Those things are usually part of a parking lot with down shielded lighting, a landscaping plan...

Ms. McLean: Right, right.

Ms. Wakida: So I'm just...and that sort of thing with the building, it's a actual building. And that isn't even addressed. So I'm wondering, it's just a little thin.

Ms. McLean: If the Commission, for example, wanted to add conditions, I'm not quite sure what the process would be to do that. I'd need to confirm with our Staff as well as Corp. Counsel procedurally to make sure that we were doing that appropriately. I'm not quite sure. Certainly it isn't something that could be done today. Today, the only item is posted for your consideration of waiving review of the time extension, but beyond that I would have to look into it.

Chair Hiranaga: Perhaps Corporation Counsel would like to comment? Question is if the Commission wanted to add additional conditions, what is the procedure?

Mr. Giroux: Thank you, Chair. My understanding is that today the question is whether or not you're gonna waive the review or not. So in order to put conditions, you would have to basically vote not to waive review meaning that you want to review it. During the review process if it seemed that certain conditions are needed in order to accommodate changes in circumstances then at that time there would be a rational basis to modify conditions. The theory behind that is is that if you weren't able to do that then you would be forced to deny the extension and force somebody to go through the whole application process all over again in order to then renew certain conditions. So I don't

that--that's the nuclear option. So looking for an ...(inaudible)...way would be to be not waiving the review and reviewing it and then looking for a rational basis to include any other conditions that are deemed necessary.

Mr. Hirano: Chair Hiranaga?

Chair Hiranaga: Yes, Mich?

Mr. Hirano: Just to respond to Commissioner Wakida's comment about the conditions. When the application was originally reviewed, it did go to Urban Design Review Board where they did look at the architectural plans. They also looked at landscaping for the project. So those, although not as a condition, those have been reviewed by the Commission and by the appropriate bodies that advise the Commission.

Chair Hiranaga: Yeah, that's important to note that within the minutes of the previous meetings if certain representations were made by the applicant they will be held accountable to those. So if it's not specifically stated within the letter itself does not mean it was not addressed. So if you feel uncomfortable, you can defer this matter, ask for the minutes of the meeting, review it, and bring it back to another meeting. As we've done with some other extension requests. Commissioner Shibuya?

Mr. Shibuya: I just wanna disclose that I am a donor to Mokuula, so I have an interest in it being successful, but I also do not understand how this project, the way it's situated with the tax map key. I'm still not able to put the pieces together. Normally I have pretty good visual concept, but here I have no concept, absolutely none. So I need help. You gotta put dotted lines and where things are, overlay it on the tax map key, then it will be helpful for me. Looking at two different documents it's just...maybe three different documents does not help me at all.

Chair Hiranaga: Any other questions? Commissioner Ball?

Mr. Ball: It's more of a comment. My concern is that the letter...the signature letter that was passed around was from Planning Director about three or four removed. It shows the age of the project. Yes, it may have gone through all those other committees but it's here now so...and as much as I don't want it to go all the way through the process again either, if we can come up with something that gives us more information yet not having to reset this whole thing to start over, I think would be helpful and I think Corp. Counsel's suggested that solution, right? There is a solution?

Mr. Giroux: I said it was an option. I didn't suggest...(inaudible)... That was the process that I outlined that is possible. The reviewing...asking to review it and then seeing...going from there. So that it would just be put on a next agenda, it would be I guess posted on the agenda, and that there be would be further review and probably a report from the Department regarding any changes in either the surrounding circumstances or in the environment.

Mr. Ball: And also structure specific items?

Mr. Giroux: I guess if you requested that.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: Mich, I don't wanna beat a dead horse here, but I just want to get some clarification on the information that we were given. At the bottom of it, it said that they're requesting a two-year time extension, the request is made due to design changes to incorporate indigenous Hawaiian architecture into the project buildings. So if they're having revised drawings... is that true?

Mr. Hirano: I don't think that the design changes was substantive. It was more getting the Hawaiian indigenous architectural features into the plans. But the buildings themselves are still the same size, the same look.

Ms. Wakida: Okay, thank you.

Chair Hiranaga: Any other questions? Mich, on drainage this is two phases and you're proposing work on Phase 1, but the surface runoff is directed to the sump which is located in Phase 2?

Mr. Hirano: Phase 1. There is a drainage retention basin in Phase 1. There's a site...on one of the exhibits, Exhibit 2 you could see.

Chair Hiranaga: Exhibit 2?

Mr. Hirano: On the drainage report.

Chair Hiranaga: Yeah. There's a dotted. There's a dotted line says Phase 1, Phase 2.

Mr. Hirano: I'll ask Garret, the civil engineer. Garret Tokuoka from Austin Tsutsumi.

Mr. Garret Fukuoka: Thank you, Mr. Chair. My name is Garret Fukuoka, civil consultant for the project. Basically when we started the design for this project, you know, in itself it's one phase, you know, the parking lot with the two haies. As you can see on the general site plan, Exhibit 2, you'll notice that there's Phase 1 and Phase 2. So it's kinda like a sub...you know, we kind of split Phase 1 into two phases. And the reason for that was we wanted to mass grade everything one time so that's why you see a retention basin in Phase 2. Wanted to put all the, you know, the site work stuff into Phase 2 and the come in later with the buildings in Phase 2. So yeah, it's a little confusing on this exhibit, but the idea was to put retention, the retention basin in in the first phase of this project.

Chair Hiranaga: I notice you're meeting the minimum County requirement for post development. Is there any way you can increase the size of the retention pond to either retain or filter the predevelopment?

Mr. Fukuoka: Yes, the basically the basin itself is sized double the amount for the increase in runoff. So it's not a...there's no problem with the capacity it's how we routed the drainage into this basin. And looking on exhibit, let's see, I think you guys have it as Exhibit 7, you'll see drainage areas N-1 and N-4. Those two drainage areas retain more than the increase and when we calculated it, it's about 85 percent where we're holding the total runoff, 85 percent of the post

development. So you know, it's kind of hard to get that extra 15 percent. We did look at it. If you notice those other areas, N-2, N-3, 5, and 6, they're more of the ...(inaudible)... areas back to existing so it's...'cause the site is in a fill condition it kind of slopes out and we had to ...(inaudible)...it, so that's what you see.

Chair Hiranaga: Thank you.

Mr. Fukuoka: You're welcome.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: Yes, Mich or maybe you wanna answer me, have you got an estimate of what it's gonna cost to do Phase 1? It's not, it's not the drainage, the whole parking.

Ms. Kahai: The cost to do Phase 1 of our project we've estimated to be about 2.5 million, with the parking lot, the Hale Halawai and Hale Pohaku.

Ms. Wakida: Well you have the haies in Phase 2 on here. So do you have a...so it's 2.5 for the whole project?

Ms. Kahai: For the three, the parking lot and the two hale.

Ms. Wakida: And do you have the funds ready to go?

Ms. Kahai: No, we...yesterday we were talking about it and we have about \$5 million that have been submitted in grant proposals. And we do not have the funding right now. We're waiting on whether we get the grant funding through those proposals we've submitted.

Ms. Wakida: And the money from the existing parking lot, what does that fund?

Ms. Kahai: It funds part of the project that we're doing, the operational expenses. The wetland restoration with the Army Corp of Engineers they're funding. The County of Maui is a co-sponsor or a fiscal sponsor for our wetland restoration and that's for a certain portion of the funding.

Ms. Wakida: And how much does that parking lot bring in about a year?

Ms. Kahai: Hundred and forty-four thousand. We have a set amount.

Ms. Wakida: That's a year?

Ms. Kahai: Yes.

Chair Hiranaga: That's gross revenue though, right?

Ms. Kahai: Right.

Chair Hiranaga: So there are expenses, not net profit, gross revenue. Commissioner Shibuya?

Mr. Shibuya: I had my questions in terms of the drainage. If you can explain, somebody explain it to me, where does the water go from there, I mean, the parking lot and to these haies where...does it all seep towards the center part which is N-4?

Mr. Fukuoka: Thank you, Commissioner.

Mr. Shibuya: How does that work?

Mr. Fukuoka: Okay, basically the way our grading plan is, if we look at the parking lot first we kinda have it sloping from the south eastern corner towards the northwestern corner, kinda like a diagonal...

Mr. Shibuya: Shaw Street?

Mr. Fukuoka: Yeah, from the right side of Shaw Street, that corner.

Mr. Shibuya: Right side of Shaw Street goes to which side now?

Mr. Fukuoka: Goes towards let's see...

Mr. Shibuya: Where that it says N-3?

Mr. Fukuoka: Yes, correct. There's a catch basin there that we're draining everything into, and from there it goes into the retention basin. Now when you get to the haies, we're kinda also forcing the drainage from there back towards the retention basin and that's basically those two drainage areas, N-1 and N-4.

Mr. Shibuya: N-1 and N-4.

Mr. Hirano: Commissioner Shibuya, what figure are you looking at?

Mr. Shibuya: Figure 7, Exhibit 7. I'm trying to figure out where is the flow, you know, natural flow in case these things back flow. In case you're not able to take the capacity what happens to that? I mean where is the overflow gonna go, into the pond?

Mr. Fukuoka: Yes, basically the overflow will go into the pond. There's a emergency overflow weir near that basin as well. Northwest corner of the parcel.

Mr. Shibuya: See, my concern is that when it overflows you have petroleum products on that pavement area and somehow you have a berm, if you have some berm to separate it from that central part in N-4. Do you show it there and which I don't see.

Mr. Fukuoka: Yeah, between N-1, I'm not sure how good the quality is on the picture you're looking at but there's a catch basin that divides. It's kinda in between N-1 and N-4. Runoff from the

parking lot enters there. It drains underground through, we have three, 12-inch drain lines and then it enters the basin that way. Working with the client and I guess we had some...the landscape architects, we were devising some kinda, they were thinking about some kind of plant life to filter this runoff and you know, once it fills up then it will drain out and overflow. So we do have sort of like a natural filtration and cleaning mechanism for the parking lot runoff.

Mr. Shibuya: Any runoff going into Shaw Street?

Mr. Fukuoka: Yes, basically area N-2, we do have some of it going onto Shaw Street.

Mr. Shibuya: Thank you.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: As you know, the corner of Shaw and Front is a major flood area. We don't get that much rain down there. I live right near this area. But when it does rain, it floods terribly right down there. So any water that goes onto Shaw Street is gonna go right down there at that intersection and into the 505 parking lot, parking garage which is, which is underneath.

Mr. Fukuoka: Yeah, we had studied, you know, briefly the offsite runoff coming down Shaw Street and we did see that, you know, there's a drainage master plan for Lahaina. I'm not sure if you saw that or not, but they do address it in that report. It's a big drainage master plan for the entire town. So there is some concern and they do mention about that particular area and the proposed improvements looks like it addresses that, that concern. Thank you.

Chair Hiranaga: Commissioner Hedani?

Mr. Hedani: I think the only question that we're here to address today is whether not we're gonna waive review and it looks like we've already done a pretty thorough review of the project itself. I'd either like to move it ahead to the point where we decide on whether to waive review or not and then decide on whether or not we're gonna do a full review or just call for the question that's on the agenda.

Chair Hiranaga: Thank you for that. Any other questions? Seeing none, your request is appears to be granted. You can call for the question. So we'll open the floor to a motion.

Mr. Hedani: Move to waive review.

Chair Hiranaga: Is there a second? Move to waive review by Commissioner Hedani, seconded by Commissioner Lay. Discussion? Commissioner Shibuya?

Mr. Shibuya: I'm gonna have to vote against it even though I support the project. I think it has potential. It's not a problem that the project has. It's the problem of how this thing is situated. I really don't understand how the plans fit into the tax map key. I see a lot of drawings but how does this overlay into the existing tax map keys. It seems to overflow into other tax map keys and that's beyond my level of comprehension here. So I'm just gonna have to not approve this or allow it to

be sent over to the Planning Director. I would like to review the entire project with clear, better information.

Chair Hiranaga: Commissioner Lay?

Mr. Lay: Well, the reason that I'm waiving the review is basically there's a lot of ...(inaudible)... if the historical sites are found, everything stops right there. So you know, we are checking. We're not just moving forward here. And improvements to that area, this would enhance it if it's done right, if they follow through. I know they have a lot of monetary concerns about getting this project pushed forward but it could be a nice thing for the local folks and the people in this area and it is a very historical spot and if we do it the right way, this can be a monument in that area.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: I am going to vote against the motion because I'm concerned about there seems to be various groups weighing on this or not, I don't see a clear vision and goal where this is going and I'd like that to be at least cleared up before the Planning Commission and I have other questions about the conditions that weren't in this that I'd like to see brought forward to be cleared up.

Chair Hiranaga: Any other discussion? Okay, I'll call for the vote. All in favor of the motion to defer so indicate by raising your hand...I mean, waive review.

Ms. McLean: Two ayes.

Chair Hiranaga: Opposed?

Ms. McLean: Three noes.

Chair Hiranaga: Motion fails.

It was moved by Mr. Hedani, seconded by Mr. Lay, and

**The Motion to Waive Review of the Matter, FAILED.
(Assenting - W. Hedani, I. Lay)
(Dissenting - K. Ball, P. Wakida, W. Shibuya)
(Excused - M. Tsai, D. Domingo, J. Freitas)**

Chair Hiranaga: It's the preference of the Chair that we defer this agenda item, request that the full staff report for the SMA application along with the minutes which will give the Members an opportunity to know exactly what occurred during those meetings. It costs money to bring them back for a review. They're gonna have to have their consultants prepare presentations and you know, they're trying to generate funds for this project and I just don't for myself feel it appropriate just require them to come back for a full review. I think this would be a intermediary step is just defer the matter to a next meeting and allow the Commissioners to review the minutes so maybe perhaps many of your questions will be answered in those minutes and also the entire Staff report and also it will give the opportunity for the applicant to provide perhaps better exhibits to help some

people understand the map and placement 'cause we will be talking quite a bit of money for them to come back for a review. I would say that should be our last resort. Commissioner Shibuya?

Mr. Shibuya: I concur with your recommendation that we recess this matter and have the applicant an opportunity to come up with clearer maps and better explanations. I think it shouldn't take too long. I think an overlay over the tax map key is perfect. I mean, then I can see how it's rotated or it's shifted or however it is. I support many of the features in here. I like it. It shows the historical aspects of it and I'd be proud of something like this being constructed and completed.

Chair Hiranaga: Okay so the floor is open to a motion.

Mr. Shibuya: So move that we--

Chair Hiranaga: Move to defer.

Mr. Shibuya: --defer.

Chair Hiranaga: Is there a second?

Mr. Ball: Second.

Chair Hiranaga: Deputy Director would like to comment.

Ms. McLean: Just to clarify that if the Commission defers then the item would be posted in a similar way that it is today and that there will not be the opportunity to add conditions for example. What would be put on the agenda again would be to waive review. You'd have more information from the original approval, but you wouldn't have the opportunity to revisit the project just so it's clear what the deferral would be.

Chair Hiranaga: Right. And so we're requesting Staff provide us the entire SMA report as well as the minutes from those meetings. Commissioner Ball?

Mr. Ball: And also maybe a better explanation of the financial viability of the project.

Chair Hiranaga: Any other discussion? Seeing none, we'll call for the vote. All in favor of the motion to defer so indicate by raising your hand.

Ms. McLean: Five ayes.

Chair Hiranaga: The motion carries.

It was moved by Mr. Shibuya, seconded by Mr. Ball, then

VOTED: To Defer the Matter.
(Assenting - W. Shibuya, K. Ball, I. Lay, W. Hedani, P. Wakida)
(Excused - M. Tsai, D. Domingo, J. Freitas)

Mr. Hirano: Thank you, Commissioners.

Chair Hiranaga: Okay, you guys wanna press forward? Moving onto agenda item E-1. Deputy Director?

Ms. McLean: Thank you, Chair. This is also a request for the Commission to waive its review and allow the Planning Director administratively approve a two-year time extension on an SMA Use Permit for the SF-11 Planned Development project, 16-lot single-family condominium project on 6.779 acres of land at TMK: 2-1-008: portion of 118 in Wailea. Jim Buika is the Staff Planner.

- b. MR. JASON WEXLER requesting a two (2)-year time extension on the Special Management Area Use Permit condition to initiate construction of the SF-11 Planned Development project, a 16 lot single-family condominium and related improvements on 6.779 acres of land at TMK: 2-1-008: 118 (por.), Wailea, Island of Maui. (SM1 2008/0011) (J. Buika)**

Mr. Jim Buika: Good afternoon, Commissioners and Chair. My name is Jim Buika. I'm the Planner reviewing this SMA time extension for the SF-11 Planned Development in Wailea. Originally SM1-2008/0011. This is a straight forward, 16-unit single-family residence planned development on a vacant lot on land that was originally golf course in Wailea. With me here I have Mr. Chris Hart and Kirk Tanaka, planner and engineer, along with Brett Davis who are here representing the applicant and can answer any questions you may have.

You do have the packet in front of you with the request letter. The SM1 runs out in October 31st, they're requesting a two-year time extension. There is some site maps, planned development and there's a drainage report with additional detailed maps contained in there.

The reason for the time extension is that the owner is not prepared to initiate the project by October 31, 2012 which is a requirement of the SMA due to economic conditions. Through a department analysis there are no significant changes to the SMA in that area that would cause the project to have a substantial environmental impact, ecological effect or adversely impact the capacity or condition of any of the infrastructure in the area. So it's fairly straight forward.

However, in discussions with our Deputy Director yesterday, the Department would like to disclose that there is a one ancillary land use issue regarding the alignment of the 1998 community plan map for the parcel that is slightly different from the 1995 previous community plan map that was just recently discovered by our Zoning Division folks in a parallel process to do a subdivision for this project here. However, this apparent discrepancy may just be a map, a mapping error taken from the community plan at a very tiny, tiny scale blown up to a larger scale on an overlay. So at this time because it's just that discrepancy, it's not any environmental impact from the project itself. The Department recommends waiver of the time extension review allowing that the Planning Department work with the applicant behind the scenes to resolve this apparent discrepancy in the subdivision process like we would do under normal circumstances. If you require any additional details regarding this, I'm available to provide more information. However, we do recommend that the time extension review be waived by the Planning Commission.

And just as a final note, I'd like to remind you that as a part of this planned development here the applicant donated over five acres of prime Wailea real estate, land where the new fire station, the Wailea Fire Station is now located and then the Kilohana Soccer-Dog Park across the...across Kilohana Road also was donated by the applicants. So those were two very significant contributions that the applicant did make to...as part of the project. So at this point, I'll turn it back over to the Chair.

Chair Hiranaga: Questions, Commissioners? Commissioner Wakida?

Ms. Wakida: Jim, what is the difference in this application between a residential subdivision and 16-lot single-family condominium?

Mr. Buika: What happened--that's related to the water meters, right? I think...who would be willing? I can...yeah, they wanted to put in 16 individual meters and Water Department did not allow that so there will be one water line coming in and then it will be condominiumized and 16 lines will come off of that. Is that a correct representation of what was happening? So the letter in here was to...the Department responded back that that change to the SMA would not cause any physical environmental change. It was just how the water is distributed amongst the 16 residences.

Ms. Wakida: Okay, why wouldn't the...maybe you cannot answer this, but why wouldn't the County Water Department allow the 16 meters in the first place? In other words, they're still doing the same thing, so what was the...what's the rational?

Mr. Buika: Yeah, that I...that I cannot answer.

Chair Hiranaga: I could comment. There is no rational. That's the way they do things.

Ms. Wakida: It's just like saying we don't allow horses and they'll say, we'll just name it a pony and then we can allow it.

Chair Hiranaga: No. They have a policy that...they have a meter, I forget what size meter it is, but it's adequate enough to provide water for 16 single-family residences. Optimally, they would have preferred to have 16 meters so they could do 16 subdivided lots, but it's the Department of Water Supply's policy not to allow people to trade in larger meters for smaller meters. It's a policy. And they don't need to explain why they have that policy. That's their policy. So the alternative is to do a 16-unit condominium with one large meter which is what they're doing.

Ms. Wakida: Are you from the Water Department?

Mr. Kirk Tanaka: No, I'm not. Hi, good afternoon, Mr. Chair and Members of the Maui Planning Commission. My name is Kirk Tanaka. I'm the civil consultant for the project. What Chair Hiranaga explained is true. There is a three-inch, an existing three-inch water meter. The capacity of a three-inch water meter is 320 gallons per minute. Ideally, the County's policy is that, the Water Department's policy is that you cannot get additional meters if you're subdividing irrespective of the fact that there is a sufficient source to supply water for the 16 water meters and you cannot trade down also. So the only alternative that the developers had in order to perpetuate this project as

a 16-unit, single-family development was to condominiumize because we cannot subdivide it because of the fact that we cannot get 16 meters and you need one meter for each lot. So what--

Chair Hiranaga: Smaller meters, five-eighths-inch.

Mr. Tanaka: Yeah, right. Typically five-eighth-inch meters because when you look at it, the capacity of a five-eighth-inch meter is 20 gallons per minute so times 16 is 320 gallons per minute which is the equivalent of what the three-inch meter can provide.

Ms. Wakida: Okay. So it's not a, it's not a water supply issue, it's just a engineering issue then.

Mr. Tanaka: It's not a source issue.

Ms. Wakida: Yeah.

Mr. Tanaka: Yeah, it's a policy issue, I guess.

Ms. Wakida: Thank you.

Mr. Tanaka: Yeah, thank you.

Chair Hiranaga: I served five years on the Board of Water Supply so I have some history here. Commissioner Shibuya?

Mr. Shibuya: So with water being not allowed to be sub metered. Is electricity sub metered? That each of these 16 units has their own electrical meter, hopefully yes.

Mr. Buika: I'll defer to Kirk Tanaka.

Mr. Tanaka: Hi, Commissioner Shibuya. I'm not an electrical engineer, but my understanding is that there would be individual electric meters on each unit, on each single-family dwelling as a function of what is allowed for by Maui Electric. So it's a little bit different on the electrical.

Mr. Shibuya: That's correct. Even though they're condominium units, each one would have their own electrical meter.

Mr. Tanaka: Yeah, similar to any other vertical condominium for that matter where each unit has its own electric meter and it's read separately and billed separately.

Mr. Shibuya: Right. And that keeps peace in the family and everything else.

Mr. Tanaka: Exactly.

Mr. Shibuya: Thank you.

Chair Hiranaga: Commissioner Lay?

Mr. Lay: Okay, so my understanding was you weren't able to start your development this October. When are we looking at the start, getting it going?

Mr. Tanaka: Commissioner Lay, again, Kirk Tanaka. Currently we're processing the civil construction plans, grading, drainage, roadway installation, water distribution, fire protection. It's currently under review by the owners. Once we get the go ahead to submit to the County, we'll go ahead and submit to the various agencies for review and approval. Once the construction plans are reviewed and approved then we apply for grading permits and the construction could commence. I don't know exactly what the owner's timetable is but given the fact that they've given us the green light to move ahead with the construction plans and preparation of the construction plans it's my understanding that they are motivated to move forward. Thank you.

Chair Hiranaga: Commissioner Ball?

Mr. Ball: This is just a in general comment for these kind of applications. I remember one time, Jim, you gave us like one liners on these different agencies because we don't have their comments and you made like a spreadsheet basically and Fire has no comments, Police said look out for, you know, ingress, egress and stuff like that. Those would be very helpful and maybe this is to Michele, those would be very helpful and because then we can, you know, see that the agencies either didn't have a comment at all or had some concern then we can kind of go there so we can make a determination on these and that's kinda what happened in the last one is we just didn't have enough information, we were lost to that. So maybe that can change in a policy within the department where we can have the highlights of the departments that it got sent out.

Ms. McLean: Okay, understood.

Chair Hiranaga: Any other questions? Seeing none, I'll open the floor to a motion. Commissioner Shibuya.

Mr. Shibuya: Make a motion that we acknowledge receipt of the request and that we waive our review.

Chair Hiranaga: Is there a second?

Ms. Wakida: I second.

Chair Hiranaga: Seconded by Commissioner Wakida. Any discussion? No discussion. If the Deputy Director will repeat the motion?

Ms. McLean: The motion is to acknowledge receipt of the request and waive review of the time extension.

Chair Hiranaga: All in favor so indicate by raising your hand.

Ms. McLean: Five ayes.

Chair Hiranaga: Motion carries.

It was moved by Mr. Shibuya, seconded by Ms. Wakida, then

VOTED: To Acknowledge Receipt of the Request and Waive Review the Time Extension.
(Assenting - W. Shibuya, P. Wakida, I. Lay, W. Hedani, K. Ball)
(Excused - M. Tsai, D. Domingo, J. Freitas)

Chair Hiranaga: Thank you very much.

Mr. Buika: Thank you.

Chair Hiranaga: Moving onto Item E-2. Deputy Director?

Ms. McLean: Thank you, Chair. There are two applications where the Department is requesting the Commission to designate the Hana Advisory Committee to conduct the public hearing and this is Item 2a is for applicants, Robert and Erica Reynolds for a State Land Use Commission Special Use Permit and Short-Term Rental Permit to operate a five-bedroom, short-term rental home in this State Ag District at 110 Maia Road, TMK: 1-3-009: 076 in Hana.

And similarly for the second item, applicants, Robert and Wendy Horen requesting, also requesting a State Land Use Commission Special Use Permit to operate Hale Nanea, a two-bedroom, short-term rental home in the State Ag District at 5440 Hana Highway, TMK: 1-4-003: 051 in Hana.

- 2. Referral of the following applications to the Hana Advisory Committee to conduct the public hearing and its recommendations:**
 - a. ROBERT & ERICA REYNOLDS requesting a State Land Use Commission Special Use Permit and a Short-Term Rental Home Permit in order to operate the Hana Estate, a five bedroom short-term rental home in the State Agricultural District located at 110 Maia Road, TMK: 1-3-009: 076, Hana, Island of Maui. (SUP2 2012/0022) (STHA T2012/0003) (G. Flammer)**
 - b. ROBERT & WENDY HOREN requesting a State Land Use Commission Special Use Permit in order to operate the Hale Nanea, a two-bedroom short-term rental home in the State Agricultural District located at 5440 Hana Highway, TMK: 1-4-003: 051, Hana, Island of Maui. (SUP2 2012/0018) (STHA T2012/0002)(G. Flammer)**

Mr. Ball: So move.

Chair Hiranaga: Any questions?

Mr. Shibuya: Second.

Chair Hiranaga: No questions, I'll open the floor to a motion. Moved by Commissioner Ball, seconded by Commissioner Shibuya. Any discussion? No. discussion. Call for the vote. All in favor say, aye.

Commission Members: Aye.

Chair Hiranaga: Opposed. Motion carries.

It was moved by Mr. Ball, seconded by Mr. Shibuya, then

**VOTED: To Designate the Hana Advisory Committee to Conduct the Public Hearings and Make Its Recommendation on the Subject Applications.
(Assenting - K. Ball, W. Shibuya, I. Lay, W. Hedani, P. Wakida)
(Excused - M. Tsai, D. Domingo, J. Freitas)**

Chair Hiranaga: Moving onto Item E-3, 2013 Meeting Schedule.

3. 2013 Meeting Schedule

Chair Hiranaga: Any discussion?

Mr. Ball: There's a couple Mondays in there. Holiday? Holiday's on Tuesday. We'll need a lot of reminders on that.

Chair Hiranaga: Any other discussion? Seeing none, open the floor to a motion to adopt.

Mr. Ball: So move.

Chair Hiranaga: Seconded?

Mr. Lay: Second.

Chair Hiranaga: Moved by Commissioner Ball, seconded by Commissioner Lay. Any discussion? Seeing none, all in favor say, aye.

Commission Members: Aye.

It was moved by Mr. Ball, seconded by Mr. Lay, then

**VOTED: To Adopt the 2013 Meeting Schedule.
(Assenting - K. Ball, I. Lay, W. Hedani, P. Wakida, W. Shibuya)
(Excused - M. Tsai, D. Domingo, J. Freitas)**

Chair Hiranaga: Moving onto Item 4. Deputy Director?

4. Notification of the transfer of the following Special Management Area Use Permit per the Special Management Area Rules of the Maui Planning Commission:

Transfer of the Special Management Area Use Permit from HMC MAUI LLC to HOST MAUI VACATION OWNERSHIP, LLC for the proposed Hyatt Regency Timeshare Tower Additions at TMK: 4-4-013: 003, 004, and 008, Kaanapali, Lahaina, Island of Maui. (SM1 2006/0001) (A. Benesovska)

Ms. McLean: Thank you, Chair. This item is notifying the Commission of a transfer of an SMA Use Permit from HMC Maui LLC to Host Maui Vacation Ownership LLC for the proposed Hyatt Regency Timeshare Tower Additions at TMK: 4-4-013: 003, 004, and 008 in Kaanapali. This is just for information purposes only pursuant to your rules.

Chair Hiranaga: Any questions? Seeing none, Item E-5.

5. Planning Commission Projects/Issues

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: I would like to propose a future project. We've received a disc with our EA which was good and I looked at it but I would like to see the Planning Commission consider getting notebooks for all the Commissioners so that we can access these appendices and so on in the future when we're at the meeting.

Mr. Ball: Like a computer?

Ms. Wakida: Like a computer or computer notebook so we can stick the discs in and we can bring up something if we wanna reference it. So I'm just putting that out there.

Ms. McLean: Okay.

Mr. Shibuya: Have all documents put on cds then?

Ms. Wakida: Because...yeah I know it's a huge amount of money for some of this. I like paper, but some...or I guess they're going into disc.

Mr. Ball: Could I make a slight modification to that? I'm also in favor of making them electronic but they need to be on a relevant media. The cd is an old media and a lot of computers now don't even have cd drives. It should be flash drives. Just to let the other generation know.

Chair Hiranaga: Any other projects or issues? Seeing none, moving onto E-6, 7, and 8.

a. Amending the SMA Boundaries

Department had nothing to report.

6. **EA/EIS Report**
7. **SMA Minor Permit Report**
8. **SMA Exemptions Report**

Chair Hiranaga: No discussion, moving onto E-9.

Ms. Wakida: Just one commendation to Clayton, he's not here but he whittled this down from 15 to 12 pages in the last month or two, so I commend him on that. Although I think that on Page 1, they need to omit the request for a tent in 2008 probably.

Chair Hiranaga: Okay, E-9, HCPO. Deputy Director? Wonder why this is on the agenda.

9. **2012 Hawaii Congress of Planning Officials (HCPO) Conference - September 12-14, 2012, Ko Olina, Oahu.**

Ms. McLean: I don't know why it's on the agenda either. I think all of you are going who are able to go and want to go. I'll be staying behind so I hope you all have an enjoyable and enriching conference.

Chair Hiranaga: Moving onto Item E-10.

10. **Discussion of Future Maui Planning Commission Agendas**
 - a. **September 25, 2012 meeting agenda items**

Ms. McLean: You received a memo this morning from Clayton Yoshida listing two public hearing items and one new business item which is a Draft Environmental Impact Statement. You have hard copies of that. So at the next meeting you will be asked to comment on that document.

Chair Hiranaga: Okay, moving onto Item ...I guess the next meeting is scheduled for September 25, 2012 and if there is no objection, this meeting is adjourned.

F. NEXT REGULAR MEETING DATE: SEPTEMBER 25, 2012

G. ADJOURNMENT

The meeting was adjourned at 2:55 p.m.

Submitted by,

CAROLYN J. TAKAYAMA-CORDEN
Secretary to Boards and Commissions II

RECORD OF ATTENDANCE

Present

Keone Ball
Donna Domingo (excused at 12:14 p.m.)
Jack Freitas (excused at 2:00 p.m.)
Wayne Hedani
Kent Hiranaga, Chairperson
Ivan Lay, Vice-Chair
Warren Shibuya
Penny Wakida

Excused

Max Tsai

Others

Michele McLean, Deputy Director, Planning Department
James Giroux, Deputy Corporation Counsel, Department of the Corporation Counsel
Lance Nakamura, Department of Public Works