MAUI PLANNING COMMISSION
REGULAR MINUTES
DECEMBER 11, 2012

A. CALL TO ORDER

The regular meeting of the Maui Planning Commission was called to order by Chairperson Kent Hiranaga at approximately 9:06 a.m., Tuesday, December 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: I'd like to call the meeting to order. This is the Maui Planning Commission. Today is December 11, 2012. At this time, I'd like to open the floor to public testimony regarding any agenda item. Is there anyone here that wishes to provide public testimony at this time, please come forward. Please come forward. Please identify yourself.

Mr. Paul Hanada: My name is Paul Hanada. I'm from Aloha Shell Service. I'm one of the--

Chair Hiranaga: Applicants.

Mr. Hanada: Applicants on the agenda, but I also have...I wanna make comments on the third applicant.

Chair Hiranaga: You can do that.

Mr. Hanada: Right now or?

Chair Hiranaga: You can wait till the agenda item comes up or you can do it now, but you only have one opportunity to do so.

Mr. Hanada: I'll do it when the...

Chair Hiranaga: During the agenda item.

Mr. Hanada: Yes.

Chair Hiranaga: Okay, thank you. Anyone else that wishes to speak at this time regarding any agenda item, please come forward. Seeing none, public testimony is now closed. We're moving onto Item B, Public Hearing. Director?

Mr. Spence: Thank you, Mr. Chairman. This is Mr. Robert Halverson, Department of Parks and Recreation requesting to amend/extend a Conditional Permit and a State Land Use Commission Special Use Permit for the West Maui Boys and Girls Club and our Staff Planner this morning is Ms. Kathleen Aoki.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: I would like to disclose at this time that my granddaughter is a member of this particular Boys and Girls Club, but I won't be recusing myself.

Chair Hiranaga: Thank you. Commissioner Ball?

Mr. Ball: I'd like to disclose as a past president of the Maui Boys and Girls Club and I will also not be recusing myself from voting.

Chair Hiranaga: Thank you for that. Anybody else wishes to come forward to disclose something?

Mr. Spence: Mr. Chairman, once upon a time I was a member of the Boys Club when I was growing up.

Chair Hiranaga: Okay, great. Moving on, Director, oh, I'm sorry, Kathleen.

B. PUBLIC HEARING (Action to be taken after public hearing)

1. MR. ROBERT HALVERSON of the DEPARTMENT OF PARKS AND RECREATION requesting to amend/extend a Conditional Permit and a State Land Use Commission Special Use Permit for the West Maui Boys and Girls Club to continue to allow for recreational and educational youth uses in an existing building in the State Agricultural District at the Lahaina Recreation Center Complex, TMK: 4-6-012: 005 (por.), Lahaina, Island of Maui. (CP 2006/0011) (SUP2 2006/0004) (K. Aoki)

The applicant is requesting a 35-year time extension of the State Land Use Commission Special Use Permit and the Conditional Permit as the Boys and Girls Club of Maui, Inc., has a 35-year lease agreement with the applicant for the operation of the West Maui Boys and Girls Club. The applicant is also seeking an amendment to delete Condition No. 10 of the Conditional Permit requiring them to submit applications for a State Land Use District Boundary Amendment and Change in Zoning for consistency with the West Maui Community Plan.

Ms. Kathleen Aoki: Good morning, Commissioners. This morning you have before you as Director Spence stated an amendment to a Conditional Permit and State Special Use Permit as well as a deletion of a condition on the Conditional Permit. The Planning Commission is the authority on the State Special Use Permit. You are a recommending body to the County Council on the Conditional Permit. I have here today Robert Halverson from the Department of Parking and Recreation. He'll be doing a short power point for you. It should only take about five minutes or so, and then after that we can get into the merits of the application. So here's Robert.

Mr. Robert Halverson: Good morning, my name is Robert Halverson of the Parks Department. I'm here to present the power point for the Special Use Permit and Conditional Permit amendment and time extension application for the West Maui Boys and Girls Club. The property overview, the location is at 280 Shaw Street in Lahaina. The area of lease is approximately two acres. The State Land Use Classification is Agriculture. The community plan designation is Park and the County Zoning is Agriculture. The vicinity map and an area map showing the parcel between Honoapiilani Highway and Mill Street. The surrounding land uses to the north is Shaw Street, Lahaina Aquatic

Center, West Maui Skate Park. To the south is Lahaina Rec Center, Komohana Subdivision. To the west is Lahaina Recreation Center, Honoapiilani Highway and single-family housing across the highway and to the east is the Lahaina Rec Center expansion. The aerial map to show you. The current site plan, this is...the yellow area is the footprint of the Boys and Girls Club.

Brief history, in 2009, construction expanded the existing building from approximately 3,000 square feet to 7,500 square feet of floor area. The enlarged building included construction of a new lanai, lobby, learning center, game room, cooking classroom, fitness room, and lounge area. Associated improvements included expanded onsite storage, renovated fully ADA compliant restrooms, additional parking, and a bus stop area.

Today we're requesting approval of State Land Use Commission Use Permit. The property State Land Use Designation is Agriculture. The property request is less than 15 acres, therefore the Maui Planning Commission is the approving authority. Condition 1 of the Special Use Permit states, "that the Land Use Commission Special Use Permit shall be valid until December 31, 2009 or the expiration date of the Conditional Permit whichever occurs later subject to further extension by the Maui Planning Commission upon a timely request for extension filed at least 90 days prior the expiration". Department of Parks and Recreation requests a 35-year extension to condition which will modify Condition 1 of the Special Use Permit to state, "that the Land Use Commission Special Use Permit shall be valid until October 8, 2047 or the expiration date of Conditional Permit which ever occurs later."

We're also requesting recommendation to the Maui County Council to extend and amend the Conditional Permit. The Conditional Permit became effective October 8, 2007. The property is zoned Agriculture and this project is not permissible under the code. Therefore a Conditional Permit is required. Condition 2 states, "that the Conditional Permit shall be valid for a period of five years from the effective date of the ordinance provided that an extension of the Conditional Permit beyond this five-year period may be granted pursuant to Section 19.40.090 of the Maui County Code." The Department of Parks and Recreation requests a 40-year time extension to the Conditional Permit which will modify Condition 2 to state, "that the Conditional Permit shall be valid until October 8, 2047 provided that an extension of the permit beyond this period may be granted pursuant to Section 19.40.090, Maui County Code."

Additionally, Condition 10 states, "the Department of Parks and Recreation shall submit applications for State Land Use Boundary District Amendment and a Change in Zoning for the property for consistency of the West Maui County Community Plan prior to the expiration of the Conditional Permit." The department requests that Condition 10 be deleted in its entirety.

The West Maui Boys and Girls Club has approximately 500 youth members. The hours of operation are Monday through Friday from after school until 7:00 p.m. Programs offered include College Bound, drama class, computer classes, chess club, arts and crafts, culinary, leadership clubs, junior staff, film club, music and choir, Hawaiiana culture club, Power Hour, that's mandatory study and homework, and Project Learn. Prevention programs such as SMART Girls, Passport 2 Manhood and Positive Action are also offered. The youth of West Maui Boys and Girls Club participate in many service projects, the Maui Marathon, the Maui Canoe and Kayak Association, Second Friday, Adopt a Highway, West Maui Lions and Leilani's Animal Shelter in Haiku to name a few. The West Maui Boys and Girls Club also offers daily access to their technology lab as well

as outdoor and sports and recreational activities. The offer peer education and mentorship opportunities on eating healthy and maintaining nutritional diet choices provided in partnership with the Lahainaluna student body and the Lahainaluna Health Occupations Students of America. This is the only facility dedicated to serving all of Maui's youth of West Maui. Students from Kamehameha III Elementary, Sacred Hearts K-8, Princess Nahienaena Elementary, Lahaina Intermediate, Lahainaluna High School and Maui Preparatory Academy make up the membership of the West Maui Boys and Girls Club. Thank you.

Chair Hiranaga: At this time, I'll open the public hearing. Is there anyone here that wishes to provide public testimony regarding this agenda item, please come forward? Please identify yourself and limit your testimony to three minutes.

a) Public Hearing

Mr. Colin Hanlon: I will. Yes, my name is Colin Hanlon. I'm the Chief Professional Officer with the Boys and Girls Clubs of Maui, and I will try to keep my comments to three minutes. We are here to ask for your support in the extension of our Special Use Permit and just wanted to make sure...Mr. Halverson did a great job as a spokesperson for the Boys and Girls Club this morning and I know that a few of you are intimately aware of what we do, but for those who are not, I wanna make to sure that you have an idea of what the Boys and Girls Clubs is and does.

We're a youth development organization facility based in the community. We serve children 6 through 17 at most clubs and at the West Maui Club House we serve kids 9 through 17. We have over 500 members in the West Maui Club House and we are averaging about 90 kids a day right now at that facility.

A little history to the club. It started back in 1990, as the West Maui Youth Center. We got involved in a merger in 2000 with the Upcountry, the Haiku, and Central Maui Youth Center and West Maui to merge and become the Boys and Girls Clubs of Maui. At that time, the facility was inadequate to serve the amount of kids in West Maui as well as the design was a little bit unsafe. The bathrooms opened to the outside and anybody using the park--and they locked from the inside, so anybody using the park could trap our kids inside. There were also roll up gates and anybody...we couldn't control access to the building. We are very fortunate that we do business here in Maui County. The Parks Department has been a real key to our success in serving kids as well as Housing and Human Concerns. So working with the Parks Department to make sure that the building was adequate, had the right program space, and was safe was a key for us back then. It was a priority back in 2000, and we are able to get that done I believe in 2009 was the date there.

This is one of our most successful clubs in West Maui being a partner with that community and having a real impact on the kids of the community. You heard some of the things that we're doing. Our focus right now is fitness. Making sure our kids are getting well educated on nutrition and making sure that we're exercising everyday. We're trying to combat youth obesity and early onset diabetes. We are also working on, another key was you heard Power Hour, mandatory homework help and a program called College Bound. It is our commitment that every one of the Boys and Girls Club members graduate onto the next class, graduate highschool with a plan for the future. So education is a real mainstay force as well. And finally, character development. We are making sure that our kids that we are producing the absolute best kids and citizens in the community. So

that is our commitment to the community and we wanna make sure you're aware that this facility is definitely a benefit to the community.

Chair Hiranaga: Thank you very much. Questions, Commissioners? Seeing none, thank you. Anyone else wishes to provide public testimony regarding this agenda item, please come forward. Seeing none, public testimony is now closed or the public hearing is now closed. Kathleen do you have a recommendation?

Ms. Aoki: Recommendations I can do them both at the same time.

Chair Hiranaga: Oh, questions. Sorry.

Ms. Aoki: ...I was thinking oh, that's fast.

Chair Hiranaga: Questions from Commissioners? Commissioner Wakida?

Ms. Wakida: There was a slide in the power point presentation that referred to 40 years?

Ms. Aoki: I can explain that.

Ms. Wakida: Thank you.

Ms. Aoki: Sure. It gets kind of complicated because you have the SUP and the CP. But when you're looking at the original permit date it was granted for five years. So when you add on the 35-year extension it comes out to a total of 40 years. So it's a 35-year extension but they're adding it from the original date of the ordinance.

Ms. Wakida: Okay, thanks.

Chair Hiranaga: Any other questions, Commissioners? Commissioner Shibuya?

Mr. Shibuya: I am not familiar with the Boys and Girls Clubs and their activities and so if you can start with background information would be helpful for me such as is this a outsourced activity that is grant funded by the County or is this a private firm that is occupying or renting public land?

Ms. Aoki: I'll try to answer that and then I'll have the applicant come up. They are a private nonprofit entity. They do have a lease with the County for about 35 years from the time the lease started. So it expires in 2045. I believe it's for a dollar a year. It's a nominal lease that they pay to the County of Maui.

Mr. Shibuya: And the services they provide is not provided in terms of grant funds to them?

Ms. Aoki: I believe they do they get grant monies. I know they got some grant monies to do the expansion of the building.

Chair Hiranaga: Kathleen, why don't you just have the applicant answer versus guessing.

Ms. Aoki: Okay.

Mr. Colin Hanlon: Yeah, our operating budget is $2 million a year. We have six clubhouses here on the...throughout Maui County and we are funded. We have a very diverse funding sources. Individual donors, Federal Grants, State Grants, County Grants, corporate sponsorships and foundations, so we're pretty diverse in where our funding comes from. We do get about 40 percent of our operating funding from the County of Maui, Housing and Human Concerns, grants.

Mr. Shibuya: In terms of your productions metrics. What kind of metrics do you have in terms of just total number of members and is that for one year or is that for a period of five years?

Mr. Hanlon: No...we definitely have a funding cycle of year and we measure everything off of our fiscal year, July through June. Some of them...we measure everything we do. And we do test scores of kids from school. We collect report cards. We have hours of community service that each kid, each one of our members performs. We have five core areas of the program. Character and Leadership Development, Health and Life Skills, the Arts, Sports Recreation and Fitness, and Education and we have not just outputs that we measure but outcomes. So...and we do extensive reporting to Boys and Girls Clubs of America, Office of Juvenile Justice Delinquency Prevention, Housing and Human Concerns and those reports are all quarterly and annual. So you can take a look at anything you like.

Chair Hiranaga: Any other questions, Commissioners? Commissioner Shibuya?

Mr. Shibuya: Do you have paid staff because you there's a privacy information involved here and are these part-time or full-time employees?

Mr. Hanlon: We have both full and part-time employees. We have casual employees. We have volunteers. So yes, we have all.

Mr. Shibuya: So how do you protect the information of your students?

Mr. Hanlon: Meaning?

Mr. Shibuya: You're getting grades, you're getting students scores.

Mr. Hanlon: Yeah, we're actually not. We are prevention dollars. Treatment dollars are held to the HEPA standards, but we also...we have locked filing cabinets, everybody's intake form. We have a database that we protect very well. Yeah, we don't really have a lot of people searching out the identities of our kids and when they do, we're very cognizant of privacy.

Mr. Shibuya: Thank you.

Chair Hiranaga: Any other questions, Commissioners? Commissioner Wakida?

Ms. Wakida: Just a little housekeeping question here. Did you get your Certificate of Occupancy? There was a request here for it and...

Mr. Hanlon: Yeah, through this process I think the Planning Commission has identified something

with the Certificate of Occupancy and I think that's better answered by Kathleen.

Ms. Aoki: As you can see in the report, there was a condition to get it, but then at the time of building permit, Public Works said a C.O. was not required. The applicant has now filed for C.O. Everybody has signed off on it except the Department of Water Supply. So they're in the process of getting it.

Ms. Wakida: Good. Okay.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: And one more question. I'm not...I don't really understand why you want to eliminate Condition 10. Can you explain that a little bit why you want to delete that condition?

Ms. Aoki: There's several reasons. Right now under Maui County Code for Park designation. There actually is no permitted use listed in the code that would allow this particular facility. So even if they wanted to change their zoning to Park, it wouldn't matter because the use isn't allowed. So they would still need a Conditional Permit. So right now there's no point in changing the zoning to make it consistent with the community plan which is what our ultimate goal is.

Mr. Spence: Mr. Chairman?

Chair Hiranaga: Director?

Mr. Spence: Perhaps to expand a little bit on that answer for Commissioner Wakida. After the community plan's done we intend to follow up with comprehensive zoning. One will take care of this community plan designation when we do the West Maui Community Plan. But also, we have any number of situations like this within the County where we have very popular uses and things that have historic uses, et cetera, et cetera. We could go down a very long list of things that need to be taken care in our zoning. So we will take this up at some point and rezone it to something that will fit the particular use.

Chair Hiranaga: Any other questions, Commissioners? Commissioner Shibuya?

Mr. Shibuya: This is relating with our Planning Director. I just want clarification. So on Item 10, then you really...that they're trying to remove, we could do nothing about it and it will be taken care of by the community amendment, right?

Mr. Spence: Yeah, that would be a part of our...that would be a part of just the planning process. This would take care of this.

Mr. Shibuya: Right. So we don't have to do anything?

Mr. Spence: No, you don't have to do anything. I don't think.

Ms. Aoki: The applicant wouldn't have to do anything because it would be done comprehensively by the Council.

Mr. Shibuya: Right.

Mr. Spence: And I would also add, I'd like to think that we could get through a comprehensive zoning process before 35 years lapses.

Chair Hiranaga: Any other questions, Commissioners? Commissioner Hedani?

Mr. Hedani: I'm not sure if this is for Kathleen or for Mr. Halverson, probably for Mr. Halverson. When you look at the building, the reason you can see the rafters through the building itself was they cut the building in half when they first proposed it because they didn't have funding to finish the building. The rafters are still exposed and the extension I guess of the building to the original designed facility that was supposed to have three wings apparently has not been done. And the question is, is there an effort to complete the building and is there a need for additional space for the operator?

Mr. Halverson: This is Robert Halverson again. I wasn't aware of the three wing. The building to my understanding is built out now and the exposed rafters is just architectural design. It's not unfinished.

Mr. Hanlon: My name is Colin Hanlon. I have a little insight into that one. The original Arisumi design was three separate, I believe, stand alone building in a shape of a Y almost. And I think they stopped at the original youth center building. And I don't think they ever got to complete those other two wings. That wasn't really a part of our design. And when we came, we basically cut the side off the building and a little bit more than doubled the square footage out sideways as a renovation project rather than a full demolish and build out. So our building right now, although my director of operations wouldn't want me to say this is comprehensive for our needs right now and her job is to...is bringing enough kids to make it obsolete. So right now, it's a comprehensive building and it's ready to grow.

Chair Hiranaga: Commissioner Hedani?

Mr. Hedani: Do you anticipate a need for future space over the next 35 years?

Mr. Hanlon: Absolutely. Youth development is not one of those sort of things that we look to solve. Hopefully we continue to grow as a community and people continue to have youth. And youth will always need a place that they feel they belong that gives them a sense of belonging. That teaches them a sense of influence, a sense of usefulness. So in youth development at the Boys and Girls Clubs we're always gonna need a place for kids and if our communities continue to grow and as I see it, we've always played catch up with the infrastructure of facility space to serve our kids. It's one of the last places we look back at a community and go, oh, that kinda grew fast and where are the kids gonna be after school? So absolutely. Here it's less useful to build a large facility and get kids to come to it 'cause the little isolated pockets won't travel even when you break down transportation for them. So it's almost more beneficial to start thinking in a planning way to have smaller satellites of youth development for kids. We've learned this with the central site and we have another club in Hawaiian Homelands in Paukukalo and we really tried to get those kids to come to us and they won't leave their community. So Lahaina is a very linear community and if we're gonna be looking into the future, we're probably gonna be looking at satellites that we can

help support from the main club.

Chair Hiranaga: Any other questions, Commissioners? Commissioner Shibuya?

Mr. Shibuya: I notice from the...well, another picture that it is raised or a higher level that the playground area and I noticed that this area is a flood zone. How...during a storm how long is it inundated or has it been inundated?

Ms. Aoki: Well, speaking from living in Lahaina for 20 years, I've never seen that place inundated. So...and I've seen it pour in Lahaina. I mean, that's my honest answer. I've just never heard of there ever being any kind of problem. I don't think...maybe Public Works could expand if they've ever had any kind of complaints?

Chair Hiranaga: You need to identify yourself once again for the recording.

Mr. Hanlon: Sorry. Colin Hanlon, Boys and Girls Club of Maui. It hasn't gotten up to our building but real close to that. It gets pretty high, but there's that sump area just on the other side of the Aquatic Center that it gets pretty full.

Mr. Shibuya: Okay, thank you. I was aware of that.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: Question for our Director. There was one objection to the life of the time extension from the Department of Transportation. From a Planning Department's point of view, what...how do you feel about this being 35 years? I mean, it's a long time to have a permit.

Mr. Spence: It's not our preference to have...I mean there might as well be no time specified for this kind of permit if you're gonna be saying 35 years. There's any number of Special Use Permits around the County that don't have time limits like Kula Fire Station or the Lahaina Civic Center. A good portion of it is on Ag land and it has a perpetual Special Use Permit. You know, you would think government would get around just rezoning these things since the intent is to make them permanent. So...because we will go in and rezone this at some point, I don't mind the 35-year time limit if you wanna call it a limit. I don't think we'll be bumping up against that deadline. ...(inaudible)... Public Works has a comment.

Chair Hiranaga: Yes, Deputy?

Ms. Dagdag-Andaya: Could I just add something? I think part of it too may be the fact that they like... "they" meaning the State, would like an opportunity to review the project in the event that there's any improvements made on Shaw Street. And you know, speaking from Public Works and if there are any improvements that need to be made, we'll need to coordinate with the State especially as it relates to any bypass, future bypass or on Honoapiilani Highway. So I think that might be one of their concerns too, that they won't be able to comment or participate in some kind of review.

Chair Hiranaga: So does Public Works have a concern regarding the 35-year?

Ms. Dagdag-Andaya: No, we don't have a concern on that right now. You know, we do have a project on the makai side of Shaw Street, the sidewalk project that's happening right now and that definitely is something that we've had to work with on the State on as it relates to the Honoapiilani Highway. So yeah, and like I said earlier in the event that any other improvements need to be done, we'll work with them.

Chair Hiranaga: Any other questions, Commissioners? Commissioner Shibuya?

Mr. Shibuya: I just wanna take care of this one question I have. Exhibit 2, Paragraph 7, "that the applicant shall develop the property in substantial compliance with the representations made to the Commission in obtaining the Special Use Permit. Failure to do so develop the property may result in revocation of the permit". Has this been remedied? Has this been accomplished? If not, what's happening here?

Ms. Aoki: I'm sorry, you said, Exhibit 2?

Mr. Shibuya: Yes. Exhibit 2, this is Planning Department to Munekiyo and Hiraga.

Ms. Aoki: And what number?

Mr. Shibuya: No. 7.

Ms. Aoki: Seven.

Mr. Shibuya: Yes, on the third page.

Ms. Aoki: This was one of the original conditions so they have...they have developed the property in substantial compliance. So they've provided us with a compliance report which we've approved. So everything's been done.

Mr. Shibuya: Oh, so that's taken care of.

Ms. Aoki: Yes.

Mr. Shibuya: Thank you.

Chair Hiranaga: Any other questions, Commissioners? I have a question. Regarding 35-year lease term is that something that the Parks Department or is it from a County perspective something that is relatively new or they have offered 35-year leases to other lessees? I'm just curious.

Mr. Patrick Matsui: I'm Patrick Matsui. I'm the Deputy Director of Parks and Recreation. Yeah, 35 years is pretty much what has been given out for various County facilities. You know for this project because it's not being leased at market value, they have to go through the Grants Review Committee which is under Department of Human Concerns. So you know a dollar a year lease or $100, you know, the nominal leases, they're considered a grant. So they gotta go through the grants review process and, you know, there's other properties that have been granted this 35-year

leases.

Chair Hiranaga: Okay, thank you. I have a question for the Director. You said 35...oh, I'm sorry, Planning Director. You said 35 years is not your preference but you're recommending to the Commission a 35-year term.

Mr. Spence: Well, I think if we say, I mean, I would like to think we're gonna get to some kind of comprehensive zoning within the next five years, but you know, we've had interim zoning now for about 50. At some point, you know, the intent is to get there a lot sooner. I mean, it's not hurting anything just to leave it 35. At least it runs to the end of the lease.

Chair Hiranaga: Okay, thank you. Any other questions, Commissioners? Commissioner Shibuya?

Mr. Shibuya: To the Planning Director, I hope that, of course your term of serving may or may not last for 35 years, but I would want your assurance that at least we have some comprehensive zoning efforts being initiated while you're planning director.

Mr. Spence: Thank you, Commissioner. Yes, we're...that definitely to be one of the things we're working on.

Mr. Shibuya: Thank you very much. That's wonderful.

Chair Hiranaga: Any other questions, Commissioners? Seeing none, now may we have the staff recommendation?

b) Action

Ms. Aoki: Go through the State Land Use Commission Special Permit recommendation first. Maui Planning Department recommends approval of the State Land Use Commission Special Use Permit subject to the following conditions: All of the conditions remain the same except for No. 1 which has been amended to read, "until October 8, 2047."

For the Conditional Permit, the Maui Planning Department recommends approval of the Conditional Permit subject to the following conditions: These conditions are the same as they are in the ordinance that was approved by County Council with the exception that No. 2 has been amended, "that it shall be valid until October 8, 2047," and Condition No. 10 has been deleted in its entirety. So you now have 10 conditions instead of 11.

In consideration of the foregoing, the Planning Department recommends that the Maui Planning Commission adopt the Planning Department's report and recommendation prepared for the December 11, 2012 meeting as its finding of fact, conclusions of law and decision and order and to authorize the Director of Planning to transmit said written decision and order on behalf of the Planning Commission.

Chair Hiranaga: Okay I guess we'll take these one at a time. So the floor is open to a motion. Commissioner Tsai.

Mr. Tsai: So moved.

Chair Hiranaga: So moved. Could you elaborate on that?

Mr. Tsai: That we accept the Planning Commission's recommendation.

Chair Hiranaga: Department, Planning Department recommendation.

Mr. Freitas: Second.

Chair Hiranaga: Moved by Commissioner Tsai, seconded by Commissioner Freitas, any discussion? Seeing none, have the Director restate the motion.

Mr. Spence: The motion is to approve as recommended by Staff for both the Special Use Permit and the Conditional Permit.

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

Mr. Spence: That's seven ayes.

Chair Hiranaga: The motion carries.

It was moved by Mr. Tsai, seconded by Mr. Freitas, then

VOTED: To Accept the Recommendation for Approval of the State Land Use Commission Special Use Permit and Conditional Permit by the Department.
(Assenting - M. Tsai, J. Freitas, I. Lay, W. Hedani, K. Ball, P. Wakida, W. Shibuya)
(Excused - D. Domingo)

Chair Hiranaga: We'll take a five-minute recess.

Ms. Aoki: Thank you, Commissioners.

A recess was called at 9:44 a.m., and the meeting was reconvened at 9:51 a.m.

Chair Hiranaga: Just a administrative oversight. We forgot to address the Conditional Permit on the previous application so let's go back to that. Director?

Mr. Spence: Thank you, and this was pointed out at the break. The Commission does not have the authority to approve the Conditional Permit. The Commission is making a recommendation to the Council. I mean, the intent was there to make that affirmative recommendation, but probably formally we should make the...the Commission should make that motion.

Chair Hiranaga: Will do. Commissioner Shibuya?

Mr. Shibuya: I'll make a formal--

Chair Hiranaga: Well, we should have the recommendation first. We should have the staff provide the recommendation.

Mr. Shibuya: Okay.

Ms. Aoki: The Department of Planning recommends that the Maui Planning Commission recommend to the Maui County Council approval of the Conditional Permit with the conditions that were stated and given to you in the report.

Chair Hiranaga: The floor is open to a motion. Commissioner Shibuya?

Mr. Shibuya: Move to accept the County's recommendation.

Mr. Lay: Second.

Chair Hiranaga: Moved by Commissioner Shibuya, seconded by Commissioner Lay. Any discussion? Commissioner Lay?

Mr. Lay: I'd like to make a comment at this time. Applauding the services that you guys provide with the Boys and Girls Club. Rarely do we find areas where our keikis can go and have a positive influence here in the island and you have a very controlled, a very educational, and physical development there and I applaud you on those services.

Chair Hiranaga: Any other discussion? Seeing none, Director if you could restate the motion?

Mr. Spence: The motion was to, well, to approve staff's recommendation which is to recommend approval to the County Council.

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

Mr. Spence: That's seven ayes.

Chair Hiranaga: The motion carries.

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

VOTED: To Recommend Approval of the Conditional Permit to the County Council as Recommended by the Planning Department.
(Assenting - W. Shibuya, I. Lay, J. Freitas, M. Tsai, W. Hedani, K. Ball, P. Wakida)
(Excused - D. Domingo)

Chair Hiranaga: Thank you. Now moving on. Agenda Item C-1, Director?

Mr. Spence: Thank you, Mr. Chairman. Communication Item, this is Mr. Paul Hanada of Aloha Shell Service requesting an amendment to a prior use determination for Aloha Shell Gas Station to be able to collect non-ferrous metals. Our Staff Planner this morning is Mr. Paul Fasi.

C. COMMUNICATIONS

1. MR. PAUL HANADA of ALOHA SHELL SERVICE requesting an amendment to his prior Use Determination to include for the collection of non-ferrous metals at the Hi5 Redemption Center located at the Aloha Shell Service Station property in the B-2 Community Business District at 110 South Puunene Avenue, TMK: 3-7-013: 010, Kahului, Island of Maui. (ACC 2008/0002) (P. Fasi)

Mr. Paul Fasi: Good morning, Commissioners. This matter arises from a request to amend a prior use determination approved by the Planning Commission on November 10, 2009. The applicant's requesting to amend its prior use determination to include the collection only of non-ferrous metals. Non-ferrous metals are metals which do not include iron such as aluminum, brass, copper, tin, lead, et cetera. The applicant is proposing collection of materials only. They will not process the materials on site. They already have an agreement with another business to transport the materials to another location for processing.

The land use districts are accordingly, State Land Use District is Urban. It's in the Kahului-Wailuku Community Plan as Business-Commercial. County Zoning is B-2, Business-Commercial. As far as the department's analysis is concerned, the department analysis conclude that small scale non-ferrous metal collection ...(inaudible)... at this location in central Kahului provides a very valuable service for the community and it is small enough in size to not be associated with an industrial district. So therefore, the Department supports this use determination and in the audience today we do have the owner and applicant, Paul Hanada. Are there any questions for the Department?

Chair Hiranaga: Questions, Commissioners? Oh, I'm sorry. Let me open the floor to public testimony. Is there anyone here that wishes to provide public testimony regarding this agenda item, please come forward. Seeing none, public testimony is now closed. Questions, Commissioners? Commissioner Ball?

Mr. Ball: When you say, lead, you don't mean lead batteries though, right?

Mr. Fasi: That is correct. No batteries.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: Maybe you could explain to me a little bit about how this collection process works? An example of, you said in here you would be buying this non-ferrous metals from people. So Mr. Harada [sic} could enlighten me on it.

Mr. Paul Hanada: Hi, my name is Paul Hanada.

Ms. Wakida: Sorry.

Mr. Hanada: I'm the owner of Aloha Shell Service. The process begins with the consumer bringing in scrap, non-ferrous metals, and I'll pay him based on the value of that product at that time and by the amount that he brings in. I don't anticipate vast quantities of this 'cause there's not that much out there. And what I do is I collect it and then I'll take it an end user. My end user is Hammerhead Metals on Mokulele Highway. And we have the trucks and storage bins to transport the material to them.

Ms. Wakida: So, give me an example of what someone might possibly bring in.

Mr. Hanada: Copper pipes, aluminum sheets.

Ms. Wakida: Okay, and you weigh this? How do you determine the value?

Mr. Hanada: We have a scale. We already do HI 5 beverage containers and that's mostly beverage plastic, plastic bottles, aluminum cans, glass and ...(inaudible)...metal. So what we do is if they bring in larger quantities and they want to scale it. We'll it scale it and then pay them according to a rate that the State determines legal and then we pay them out. We pay the nickels back accordingly. We take that product and we take it to a recycling company and my end user. The same would happen with the non-ferrous metals. You know, instead of...and for the non-ferrous metals I have a different company set up. An agreement with them to receive our metals. And they'll pay me...it's like a wholesale retail price. They'll pay me a little bit higher price than what I pay the consumer.

Ms. Wakida: So...let's say someone comes in with copper. Do you weigh this and then is there a fixed price? You set your own prices?

Mr. Hanada: Yes, I'll determine what the price is 'cause I cannot really sell it for more than what I'm gonna get paid for it. And what Hammerhead Metals does is they send me a weekly update on what the prices are for that week, and I'll pay according to that rate scale. So the prices will fluctuate a little.

Ms. Wakida: Okay, so my understanding is that the customer comes in with a brass object and you weigh it and you pay out money based on your fixed...your rates that you predetermined, correct?

Mr. Hanada: ...(inaudible)...yes.

Ms. Wakida: Okay, thank you.

Chair Hiranaga: I'd like to go back to Keone, what was your question to Paul Fasi about lead?

Mr. Ball: Batteries. Whether they take in lead batteries or not? The answer was no.

Chair Hiranaga: You do not collect dead batteries?

Mr. Hanada: Well,--

Chair Hiranaga: If you're changing a battery out...

Mr. Hanada: We're also an automotive repair facility and we sell a lot of batteries, but recently the stores that sell batteries they want the batteries back because it has a lot of scrap value. And I think they charge us--

Mr. Freitas: Nine dollars.

Mr. Hanada: The last time was ten bucks per battery. There's a core charge because they want that battery back so you don't find very many batteries out there, very few now. Like before you would find them all over the place. There's hardly any now and that's because of this, they want that battery back.

Chair Hiranaga: But you do accept batteries?

Mr. Hanada: Well, we keep it in a storage area, and we don't make it available to the public because we know that it's gonna disappear. So we keep it in a secure area and whenever we exchange a battery, they want that old battery back so we just...we give 'em that bunch of batteries back. So they give us credit at the end of the month. So we do take batteries as a repair facility

Chair Hiranaga: Commissioner Ball?

Mr. Ball: I know Hammerhead takes like old barbeques and everything. Is that something that that you're taking on also? Is that part of that thing or it's just pure...

Mr. Hanada: No. That is ferrous metal. That is steel, iron. No, we're not gonna take that.

Mr. Ball: Oh, okay.

Chair Hiranaga: So ferrous is anything that's magnetic?

Mr. Hanada: Correct.

Chair Hiranaga: See I was paying attention in science class. Commissioner Freitas?

Mr. Freitas: Yeah, I'd like to disclose that I am in the same business as Mr. Hanada, and Mr. Hanada actually pioneered HI 5 operation on Maui and I think he's done one heck of a job. Being as a competitor, I have absolutely no problem with this man going into the non-ferrous 'cause he does an excellent job.

Chair Hiranaga: Are you planning to recuse yourself?

Mr. Freitas: No.

Chair Hiranaga: Just for clarity. Thank you. Commissioner Shibuya?

Mr. Shibuya: I'd like to disclose that I do go to Mr. Hanada's service station to get my car inspected and ...(inaudible)...I'll not be recusing myself, but it leads to the next question that I have 'cause I've seen this happen, the people are supposed to weigh their plastic containers, sometimes they have

in bulk, but they have to empty it. So they empty it right on the parking lot. So guess what, when I walk in, I park my car in the stall for inspection, my shoes is very sticky. I was just wondering about is that actually hosed down or how is this mitigated or how is this taken cared of?

Mr. Hanada: You know, I apologize for that. We try to keep it as clean as we can. And every once in a while we will hose it down because it's just soda or you know, some kind of residue that has sugar in it. There's nothing toxic in that and we try to present as much as possible a clean facility. Sometimes it's difficult because it is a little busy, but that's not an excuse. I'll bring it up to my employees and make sure that they try and keep it cleaner.

Mr. Shibuya: Thank you. I was more concerned in terms of if you hose it down it goes into the street gutter.

Mr. Hanada: Yes.

Mr. Shibuya: And it goes into the drain and the drain goes to the ocean. That's where my concerns are. It's not hazardous, but it is full of nitrogen.

Mr. Hanada: I think it's more sugar, so it's more carbon and oxygen...I don't think there's as much nitrogen as...maybe there's some in the beer, but I don't think there's a lot of it.

Mr. Shibuya: 'Cause I've seen they take the cap off and there's a little bin and they throw the caps in there or do you have to remove caps at this time?

Mr. Hanada: Well, the only reason we take the caps off is to remove...and most of the caps are on plastic containers and most plastic containers are just water.

Mr. Shibuya: I understand.

Mr. Hanada: The majority of the products we collect is plastic containers. I think it's more than of the products ...(inaudible)... I think more than 50 percent, individual containers is made of plastic and most of the plastic containers are filled with water. That's the reason why we just put it on the side.

Chair Hiranaga: Any other questions, Commissioners? I have a couple of questions. Expanding on Commissioner Shibuya's concern about drainage. As far as the service station area you have a drainage collection system so that your petroleum products do not flow into the County sewer system?

Mr. Hanada: You know, we have a system to collect anything that drips off of vehicles when we do repair. It's composed mostly of drip pans.

Chair Hiranaga: Could you pull the microphone a little closer to you please? How about the actual gasing areas because you have petroleum spilling there?

Mr. Hanada: The gasoline area is of concrete. It's made out of concrete and you know, there is spillage, but it will evaporate. Most of it will evaporate. If there's a lot, then we use kitty litter to

absorb it and then we just let the gas vaporize.

Chair Hiranaga: So you don't have a drainage containment system. My other concern is your service station appears very busy and I'm just wondering as you continue to add these services to your location, you have a car wash, a gas station, recycling, you know, area, and sometimes, and it's not your fault, but I see people coming down Kamehameha Avenue headed towards east and there's a red light on Puunene and they make a right turn and cut through your service station 'cause I guess they're in a hurry. Is there a...I mean, is there any concern about too much activity occurring on your where you're located? 'Cause sometime you're...occasionally your carwash line kinda comes out into Puunene and people are trying to make a right-turn into the Kahului Post Office and it just kinda turns into a big...

Mr. Hanada: Well, recently the car wash line is not that long. Maybe it will get two or three deep and that's about it. I've never seen it go out on the road. When it went out on the road that was when I was giving a free carwash and I shut that down because I really couldn't afford to do it anymore.

Chair Hiranaga: And if you put in so much--

Mr. Hanada: Yeah, and when I did away with that, the line went down. The traffic cutting across, you know, I've contacted the Police on what we can do. Aside from putting up speed bumps or something...you know, I cannot do anything with that people cutting across. I have no control over what they do. I lot of times I don't know if they're gonna turn in to put gas or just cut right across to get onto Puunene Avenue. I did think about putting up an offering to make it even more busy so that they wouldn't cut across. I was thinking of that. That's something else.

Chair Hiranaga: Perhaps you may consider putting a speed hump not bump, but a hump. 'Cause a lot of people don't like to go over humps, so they might discourage them from cutting across.

Mr. Hanada: You know, I thought about that, but then I was thinking okay, what if it discourages the consumer from coming into the property period. So that's the thing that I have to weigh. And the reason why I try to do a lot is because the cost of doing business is constantly going up. I mean, it's...and I have to in order to stay above that cost I have to always reinvent or be creative and try to do a lot of different things. And it does seem a little busy and it is hectic but you know, it's because if I don't do that, I won't be here. I wouldn't be here asking.

Chair Hiranaga: Thank you. Commissioner Freitas?

Mr. Freitas: Paul, how long you've been in the HI 5 business 'cause I know you were probably one of the first to?

Mr. Hanada: 2005.

Mr. Freitas: 2005.

Mr. Hanada: That's when the program started.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: In defense of Mr. Hanada's efforts to create a special so that you have cars in queue he has a self-service lane. You still have it yet. And it helps in a sense that you sort of queue at that point and it avoids or mitigates that cars coming across. And now that I know that that's the intent I'll make sure that I won't stay too close to the car in front so that I can block the way. How's that?

Mr. Hanada: That's a good idea.

Mr. Shibuya: Okay.

Mr. Hanada: Thank you.

Chair Hiranaga: Any other questions, Commissioners? Seeing none, I guess we're ready for the staff recommendation.

Mr. Fasi: Thank you, Commissioners. The Department concludes that the non-ferrous metal collection service is a compatible use in the B-2, Community Business District and that the proposed use complies with Maui County Code, 19.18.020 which is the B-2, Community Business District. The department recommends approval of the applicant's request to amend its existing use determination to include non-ferrous metal collection.

Chair Hiranaga: Floor is open. Oh, go ahead.

Mr. Fasi: In consideration of the foregoing based on the representations made by the applicant, the Planning Department recommends that the Maui Planning Commission grant the requested amendment to its prior use determination to allow for the collection of non-ferrous metals. Thank you.

Chair Hiranaga: Floor is open to a motion. Commissioner Lay?

Mr. Lay: I make the motion to follow the Department's recommendation.

Mr. Hedani: Second.

Chair Hiranaga: Seconded by Commissioner Hedani. Any discussion? No discussion. I'll have the Director restate the motion.

Mr. Spence: The motion is to approve the use determination for this property to collect non-ferrous metals.

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

Mr. Spence: That's seven ayes.

Chair Hiranaga: Motion carries.

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

VOTED: To Accept the Recommendation of Approval of the Amendment to the Use Determination to Include Non-Ferrous Metal by the Planning Department.
(Assenting - I. Lay, W. Hedani, J. Freitas, M. Tsai, K. Ball, P. Wakida, W. Shibuya)
(Excused - D. Domingo)

Mr. Spence: Thanks Paul.

Mr. Fasi: Thank you.

Chair Hiranaga: Next agenda item is D, Acceptance of Minutes.

D. ACCEPTANCE OF THE ACTION MINUTES OF THE NOVEMBER 27, 2012 MEETING

Mr. Ball: Move to approve.

Mr. Tsai: Second.

Chair Hiranaga: Move to accept by Commissioner Ball, seconded by Commissioner Tsai. Any discussion? Seeing none, all in favor say, aye.

Commission Members: Aye.

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

VOTED: To Accept the Action Minutes of the November 27, 2012 Meeting.
(Assenting - K. Ball, M. Tsai, J. Freitas, I. Lay, W. Hedani, P. Wakida, W. Shibuya)
(Excused - D. Domingo)

Chair Hiranaga: Next agenda item, E, Director's Report. Director?

Mr. Spence: Commissioners, your next item is No. 1a, the agency comments on the Draft Environmental Assessment for the proposed Stable Road Beach Groin Replacement Project at Spreckelsville. We have Anna Benesovska with us who wants to make a presentation to the Commission. And this is just for...this isn't for decision making. It's just for your information. I guess you requested this at one of the many past meetings that I was not attending. So, we also have Jim Buika and Tara Owens with us.

E. DIRECTOR'S REPORT

1. Planning Commission Projects/Issues

a. Agency comments on the Draft Environmental Assessment for the proposed Stable Road Beach Groin Replacement Project at Spreckelsville, Island of Maui. (J. Buika and A. Benesovska)

1) November 1, 2012 comment letter from the Department of Planning
2) November 5, 2012 comment letter from the Maui Sea Grant Agent Tara Owens

Ms. Anna Benesovska: Thank you, Director. Good morning, Commissioners. My name is Anna Benesovska. I am the staff planner who prepared the Planning Department's comments on the Draft Environmental Assessment and the Conservation District Use application for the proposed groins. As Director mentioned, we also have Tara Owens, Coastal Hazards Specialist and our Maui Sea Grant agent who also reviewed the Draft Environmental Assessment and the CDUA, the Conservation District Use application and responded in her letter, her November 5th letter and copied you on her response. And finally, you have Jim Buika, he's here to provide more context and potentially broaden our discussion beyond this particular project site and talk about how the appropriate use of groins can be a healthy alternative to seawalls.

I do wanna reemphasize again at this point that the Commission does not have a formal role in this time, formal decision making because the project is in the State jurisdiction and that the reason this item is on the agenda because we transmitted our comments on the Draft EA and the CDUA to the Commission and it's, you know, providing information to you as a courtesy to the Commission. But we did prepare roughly a 25-minute presentation with the following agenda: With me giving five-minute brief overview of basics of the project, then Tara providing more specific, you know, context for environmental setting, and then Jim wrapping it up with, you know, our planning strategy. So we would propose to present this and then wait if you could save your questions to the very end. We can answer them all or alternately if you wish we do not have to present it, we can simply just your questions at this time. So it is up to you and I do understand there are also some potential testimonies in the room. So I'll just let you kind of plan it out. But...

Chair Hiranaga: You may go as you had originally suggested. You may proceed.

Ms. Benesovska: Thank you so much. Okay, so the project location is on the north shore in the Spreckelsville area and the project spans four TMKs off of Stable Road and I can point it out here. This is the four TMKs. The Stable Road groins project is proposed to be located here in this area. And then this area in general is an erosion hot spot and we do see erosion of about 1.3 feet per year in this area. And as you can see to the west of the project towards the airport, there are already numerous manmade groins and to the immediate west of the project there is three seawalls and then here is that project area. I'll show you on the next slide the area to the east. Here's the shoreline to the east. Again, here is our project. The project area spanning four TMKs and then here are the TMKs to the east and the environmental setting here is more natural. There are in this area no groins or seawalls, but there is remnants here of the old shoreline that currently functioning as somewhat of a breakwater.

So the project scope very briefly is to replace four existing temporary geotextile groins that were

installed in this area in 2010 as a test project, as a temporary test project. So these current groins would be replaced with four rock groins in the same general location and/or same scale as the existing groins. The applicant is the Stable Road Beach Restoration Foundation and the project valuation is estimated at $150,000.

I do wanna mention a couple points on jurisdiction. The groins replacement is in the State's jurisdiction so the Draft EA and CDUA are being reviewed by DLNR, OCCL and they routed them to us for comments. Some of aspects of the proposed project such as equipment staging may end up being in the County jurisdiction as will be determined by the process called certified shoreline. So prior to the Final EA the shoreline will be certified and the jurisdictions will be clearly determined, but we do anticipate most, if not all of the project to take place in the State's jurisdiction. The Planning Department is a commenting agency and we did make our comments. I'll review those in the next slide and as part of our comment letter we did require DLNR, OCCL to require the applicant to come in for an Special Management Area Permit for the scope of work that is going to be in our jurisdiction. So the permits and approvals that are involved with this type of a project is, of course, Environmental Assessment. So at this point we're in the Draft EA stages. The Draft EA was published. A public meeting was held on Maui on November 14th, and DLNR, OCCL is anticipating a FONSI, Findings of No Significant Impact. Additional permits in addition to the Environmental Assessment include federal permits from Army Corp of Engineers, state permits from DLNR, OCCL as well as Department of Health. And then county permits for the portion of the project that is in the County jurisdiction so including the Special Management Area and the Shoreline Setback Approval.

We did comment on the Draft EA and CDUA to DLNR, OCCL through a November 1, 2012 letter and I'm just going to summarize a couple of points here that we did make in the letter. You have a copy of it. We feel, the Department feels that groins are an important erosion control option for threatened properties. That groins are preferable to seawalls or revetments because they tend to trap sand and preserve the beaches unlike seawall structures. Beaches are a public resource and must be protected. Of course, also beaches offer protection to property owners from coastal hazards. So generally the Planning Departments supports this solution but we did recommend that the applicant supplement the groins with a regular beach nourishment program using offshore sand to ensure that enough sediment is available for the fronting and adjacent beaches after the groins become permanent.

I am going to hand it over to Tara and she can expand on some of the environmental impacts and settings.

Ms. Tara Owens: Good morning. Thank you, Chairperson and thank you, Commissioners. I just wanna clarify I think what...clarify one of Anna's comments there and I think that groins can be a preferable alternative to seawalls in certain circumstances not unilaterally, and maybe that's something that we can discuss a little bit more. Anna and Jim asked me just to contribute a little bit more detail about the erosion history in the area and to talk specifically about the differences between seawalls and groins how they function. They do function differently and they can have different impacts. So just really briefly on erosion history and some of this you probably have been familiar with and heard a lot about before. You know there was a lot of mining on the north shore from the early 1900's onward. It ended in the 70's. So that sand mining contributes today to what we partially to what we see as a high erosion signal along all of the north shore including the project

area.

In response to some of that erosion as early as 1925, the first seawall was erected along an area just to the west of the project area and you can see that it's a very thin concrete wall. You can see exposed sometimes along the beach there on the west, west of the project area. Some time before 1940 there were about 14 rock groins that were deployed. Many of which are still existing and some in better condition than others so if you go and walk along the shoreline in this area, you'll find those rock groins. So the shoreline in this area is already very highly altered. Somewhere along the line there were few additional seawalls added and Anna pointed those out just immediately west of the project area and we don't wanna get into the exact history of those, but overall from 1912 to 2002, that's the time period that is studied in the erosion maps that we have available to us from UH. The average erosion rate for this area including the project area is about 1.3 feet per year. That's a moderate erosion rate. It's not low, it's not super high. But we have some evidence and the applicants report that there has been recent accelerated erosion especially since 2006. That hasn't be measured directly by UH in those recent time scales. In 2009, prior to any of the work that's been done...prior to the deployment of the temporary groins and prior to the beach renourishment there was a beach survey done and at that time some of the homes in the project area were as close as 15 feet to the erosion scarp that existed at the time. So what the State or and/or this body might consider eminently threatened if there was an inquiry about seawall protection or something like that.

You've probably seen this slide from me before when I've talked to you in general about coastal hazards and how we respond to erosion. There are a range of response options from doing nothing to the other end of the spectrum which includes permanent structures and a lot of things in between. So do nothing an example of that is what we ultimately did at Baldwin Beach Park. You know, last...well it was in August of 2011 when the erosion became so severe that restroom was threatened and fell into the water. You know, that was the situation that was in the making for many years. And so in that case the response was to do nothing and at the time we had to respond the facility was removed. So that's the do nothing option.

Somewhere in there is managed retreat which we do to some degree in this county by having shoreline development setbacks based on erosion. So we try to keep our development as far away from the shoreline as possible and that's good for new development. Doesn't help us so much with existing development.

Another response option is to do beach renourishment. That has been done to some degree on Maui. The examples include Sugar Cove and of course, the Stable Road project had a component of beach renourishment as well. So building the beach trying to expand the distance between structures and the shoreline and creating, you know, a natural setting that buffers wave energy. We can also do that with dune restoration by managing our dunes, keeping them healthy, restoring them when necessary as another line of defense against waves.

Temporary erosion control. The example that you've seen most recently where that has been an application was Hololani resort condominiums on the west side where we have a temporary revetment built out of geotextile sandbags and then of course, the last option is permanent structures. So that would include groins, rock revetments and seawalls. So groins and seawalls are in the same category of permanent structures, but like I said, there are some differences in their

function and impacts.

So just a little bit of background on that. Next slide please. You've probably seen this graphic as well from me before. Normal beaches like on in the profiles on the left side of this graphic, they can retreat. We have rising sea levels. As long as there's sand available the shoreline will retreat, but the beach will remain the same, and the beach will be healthy. When you build a seawall as in the graphic on the right side, a couple of things that happen, you impound the sand behind that wall so the sand is no longer available to naturally renourish the beach. The second part of that equation is the seawall creates a situation where you have the waves interacting directly with the hard structure and they reflect off of that structure. So there's a lot of energy that's being reflected off of the wall and that carries sand away from the beach. So ultimately, you end up losing the beach in front of the structure. Another impact of seawalls that isn't depicted here is what's called the end scour so along the adjacent properties that are next to the seawall, the ones that aren't protected, you usually see increased erosion because the waves refract around the structure and you get focused wave energy right in the area adjacent to the wall. So that's another impact. Okay, next slide please.

Groins function a little bit differently. They're rather than being parallel to the shoreline, they are perpendicular to the shoreline. And so, they function by essentially trapping sand. It only works if you have a situation where the sand is moving along the shoreline. So what we call long shore transport as opposed to situations, some situations where you have sand mostly moving on and off the shoreline. It's very common in Hawaii to have sand moving back and forth along the shoreline and that's dependent on the seasonal wave regime and that's what happens here near the project area and especially on the north shore. So you have waves coming in at an angle a lot of times. So in the summer, it's tradewind waves and of course in the winter, it's waves coming from North Pacific swell that can come from a variety of directions, north, northwest, sometimes northeast even and so as those waves come in at an angle they refract. Once they get to the shoreline they're almost parallel to the shoreline, but the fact that they come in at an angle like that with the part of the wave near the shoreline moving slower and the part of the wave away from the shoreline moving faster it sets up a current along the shoreline. And that current moves along the shoreline. You can see the red arrow in this case shows the average direction of long shore drift and that carries sediment with it. And so you have...you have sand accumulating on the up drift side of the groins. If the groins are designed correctly, the sediment that they hold will be limited and the excess sediment will be free to move beyond the groins. If the groins are too long, you can create a situation where they're trapping too much sand and you will have down drift impacts in the form of potentially accelerated erosion. So design is important. Next slide please.

So just a quick side by side comparison. Groins, shore perpendicular structures that trap sand. Seawalls are shore parallel structures that prevent land loss. The pros of both groins and seawalls are that they're relatively inexpensive in comparison to for example, beach renourishment or buying a property because we don't wanna let the home or the structure fall in the water. One of the pros of groins are that they have a greater ability than seawalls particularly for retaining a beach. Seawalls on the other hand hold the line, so they tend to be focused more on protecting the mauka development rather than protecting the natural resource like the beach in front of it. Cons on the side of groin you have possible down drift erosion that's the situation I just described. If you have...your groins are too long, if you're trapping too much sand you may have down drift erosion. There may be aesthetic impacts. That's a sort of a subjective qualitative measure but certainly

there's something on the beach that wasn't there before. The cons of seawalls we sort of discussed this already. They impound sand which starves the beach ultimately. They reflect wave energy which causes sand loss in front of the structure and then the end scour effect.

And we have a perfect sort of field test site just to observe the successes and flaws of both of these types of structures just in the area of the project. So, I don't have a pointer, but over on the left side of the screen where you see the open beach. This is the project area here. Those existing groins and the previous renourishment project, this photo was taken prior to any of the work done in that area. In the adjacent properties right next to it where there are existing seawall structures and then moving west toward Kanaha the existing groins that have been there since, you know, before the 40's. For me, this is kind of a telling image because in the areas where we have existing groins there is beach. In the areas where there are seawalls there is no longer beach.

And some of you may have visited the project site, others may have not. So I just wanted to show you a few photographs since we can't go to the site together, it helps to have a visual image. This photo was from May 2010. This kinda gives you an idea of what the existing temporary groins look like. This does not look like this today. This is right after the deployment of the groins, but this kinda gives you the cross section of what they look like the existing temporary groins. It's a series of geotextile tubes that are filled with sand and they're filled with sand from the beach. They have an under layer here you see this blanket that's meant to help create a little bit of a frictional surface and help to keep the sandbags that are top in place, the filled sandbags. So there is a sandbag here on the seaward end of the groin. There are I believe two sandbags as the under layer here on the mauka portion. You can't see the two and then they're covered by one additional sandbag on top. This is what they look like when they were initially deployed. This is the third groin from the east so you have...we had to start at the east end that's down there if you know the area where the tennis court is, that's the first groin, then there's a second groin. This is the third one moving toward the west and then there's one, another fourth groin toward the west end. So this is, this is what they look like today they're mostly buried. You can see the top portions of this groin and you can, you know, you can see the seaward end of the groins and depending on the tide there's different amounts of exposure.

Okay, so in addition to the deployment of the groins there was a small scale beach nourishment done at the time in 2010 where sand was collected from offshore ...(inaudible)... sites and pumped onto the shoreline in what's called a slurry. So it's pumped in the form of water and sand. It's called a slurry onto the beach. So there was dredge and barge sitting offshore doing the work. This is what the work looked like from under the water. I don't know who to give this photo credit for. I stole this from I think the applicant. I'm not sure who took the photo, but this was the work underwater. There was actually...there were actually divers that were guiding the vacuum for the sand and so then the sand gets sucked up onto the dredge and into the pipeline and transported to the shoreline. The anticipation or the proposed quantity at the time was about 10,000 cubic yards. The applicants ended up being able to collect somewhere around 3,000 cubic yards give or take. And there was some concern about that initially because one way to mitigate the impact of the groins was to fill them up with sand. If they're full of sand you have less opportunity for the long shore transport to be disrupted and causing down drift impacts. Another benefit of having the groin filled full of sand is that there's less disruption to lateral access. The more sand, you know, the less disruption you have walking along the shoreline. So DLNR had some concerns initially about the issue of the applicants not being able to collect the full quantity of sand. So one of the

alterations that were made was the top layer of the groins were removed at the time to help to still create a situation where lateral access was ...(inaudible)...

Okay, and so moving onto today's condition. I go out there to the project area fairly regularly and just observe the condition of the beach. So just so you guys know what it looks like here, some recent pictures from October. This is October 24th and November 16th. So this is standing near groin three, the one we were just looking at and looking east toward Paia. So the first groin you see was down here, second groin, third groin and same here, there's the first groin and the second groin. So you can see that what's exposed on the beach today is pretty minimal. They're mostly, mostly buried and the beach is in fairly good condition.

This is standing down drift of the project area just, just down drift of those seawalls that we were looking at adjacent to the project area. So standing down drift and looking east toward Kanaha. This is the existing 1925 seawall, so the oldest one in the area. It's so old that it really actually probably doesn't even inhibit coastal processes very much any more and it probably also doesn't provide any protection for the property behind it.

Sorry for the blurry images. I stole these from the public hearing documents that the applicant provided and secondhand out of a PDF document, but you can, you can see this is what they provided at the public hearing. All these photos were taken in August. Some of them, the pre condition and some of them the post condition. August is during...is the season of the highest erosion in this area. So you usually see the beach in the most degraded condition in like August and September. So this is at the west end of the project area in August of 2009 and this is August of 2012. So prior to the project and now after the project. And this is at the east end of the project area you can see in 2009, pretty substantial erosion scarp, the pipes that you see here are part of a septic system, part of the septic leach field. And then this is looking in that same direction in August of 2012.

The proposed groins will be created out of rock armor stone. I think if I recall correctly two feet or larger in diameter. So if you compare that to what's in the existing groins, the stones will be larger than the existing groins that are west of the area today. They have two designs that are in consideration. The first design is just replace the existing geotubes one for one with rock groins. So we'll have these armor stones. Here's a cross section of what the groin would look like. Rock armor stones covering an under layer of smaller stones. And they would follow the footprint to a large degree of the existing geotube groins with the exception that they will go slightly more landward especially the westernmost groin which will extend I think 40 feet more landward to protect the foundation of the home that is currently exposed you saw in some of those photos and so that the permanent groins don't have a greater chance of being flanked if erosion continues in the future.

Okay, I have one more slide. So just a summary of the comments on the Draft EA from the letter that I provided. Maui's north shore is experiencing moderate to high rates of erosion. This site may be a good candidate for this proposed groins because it's already a highly altered shoreline and it appears that the test groins over the past two and a half years have been successfully retaining sand without having any down drift impact. Now one thing to consider though is that we've had some unique environmental conditions during the test period. One thing of note was the Japan tsunami. It's interesting, I have no empirical evidence to support this, but just based on observation

alone, some of the beaches on the north shore are in a better condition that they have ever been in a long time especially some areas of Kanaha Beach Park and I have a theory, hypothesis, that the tsunami actually may have contributed some sand to the system by dredging up sand from offshore during the event which later was able to kind of renourish the beaches. There were certainly erosion and erosion scarps on, along the north shore, everywhere along the north shore after the tsunami, but then some of the beaches filled in after the event. So something to consider. Other technical considerations, results from the test period may not exactly predict the future. I mean, that's always gonna be the case. Potential down drift impacts could be mitigated with beach renourishment if there could be a beach renourishment requirement wouldn't necessarily be something that would have to be done immediately but maybe there would be triggers for that in the future if erosion continues even after the groins are deployed.

There are still designs with the groins, the replacement groins being considered. Three groins and four groins. So there are still some inquiries we have about the groin count and spacing. There weren't...there wasn't a lot of cost benefit comparison provided in the EA so that may be something to look at in terms of what is the cost of future beach renourishment and what are the costs, itemized cost of just the proposed groin replacement. Ownership maintenance could be an issue. This project is privately sponsored. Seven, I think, seven homeowners form the Stable Road Beach Restoration Foundation and it's possible that some of those people may not be owners of these properties in the future. So I just wanna make sure that any maintenance that may have to occur is somehow taken care of in this process if the groins are approved. Those are the end of my comments. Thank you very much.

Mr. Jim Buika: Thank you, Tara. My name is Jim Buika, Planner with the Planning Department, and at this holiday season I would like to thank all of you, Maui Planning Commissioners for all the hard work you put in on a volunteer basis. I know it is a lot of work and on behalf of our Director, everyone in the room, we thank you very much for all your efforts especially the repeat commissioners going for the second five-year round. I don't know what the reason for that is, but we can speculate. Anyway, I'll conclude with just a couple of observations and comments about the project and some next steps as a final slide.

As far as protecting the shoreline, our current tool kit is limited as Tara has said which I think we can begin to see is leading to a cumulative impact to the Maui shoreline. We only have really three cost effective protection methods for threatened structures. First is emergency protection with temporary sand bags, such as the geotubes. The first picture is Lanikai on north shore of Oahu with the geotubes. Second is a rock revetment which can be allowed by the Maui Planning Commission under a variance to the shoreline rules and also requires state permits, and third are seawalls which also require the same variance under shoreline rules and also state permits. Here you can see off in the distance from the seawall, where the seawall ends there is a beach and also off shore there whether that's natural or a manmade groin type of structure you can see it does help break some of the oncoming waves and maintain the beach in that area.

Second observation is that manmade breakwaters that mimic natural breakwaters are other options that we are not adequately exploring at this point. This here is a beautiful beach on Kauai north shore, it's called Lumahai. That's a natural rock formation you can see and it kinda goes around. It's circular in shape. It protects that beach, keeps all of the high wave energy off shore and limits the onshore waves to very gentle waves maintaining that beach behind that structure.

Next is something very similar but this is a manmade structure on Oahu, west side, this is Ko Olina, and even though the beach was manmade the structure off shore maintains that beach there very nicely, minimizing the wave, the impact energy on the shoreline. Keeps the beach and keeps the high energy off shore. So these are kind of a hybrid between a groin and a off shore breakwater and it shows examples here.

Here is this is an example of a parallel breakwaters help build the shoreline and natural reef barrier acts as a parallel breakwater. Anna showed this. You can see up to the north is the end of the runway underneath the airport our project area to the right and in the circle area there, there's a off shore ancient shoreline reef that actually is building that beach right in front. You can see the width of the beach there unimpeded that parallel breakwater helps build the beach compared to the rest of the beach in the profile here.

Other observation, seawall structures impact the shoreline. Seawall structures have eliminated the beach in our project area here. Again, you can look from left to middle to right, you can see beach, no beach at the seawall and area and beach is maintained since the 1940's with the parallel groins. That's...and then there are 14 of these groins has been moved to the west along the shoreline down to the harbor area. We had discussed this earlier this year, Maui has lost more than four miles of sandy beach in the past century. Right now we have undergone on the west side a 1,200-foot revetment was completed in this area here to protect the threatened coastal highway. So besides homes, besides...we also have threatened roads. And then another 1,200-foot revetment is planned for completion along the same road farther north along Launiupoko area. And over the next several years, besides that four miles of beach we've lost, we will see another mile's worth approximately of shoreline that will be protected by seawalls along our shoreline over the next several years. This is a project before you, Hololani in Napili. This is protected by emergency protection here. There's a proposal for a seawall, 400-foot seawall in front of this project. So besides the roads, besides condos, other threatened buildings we also have our critical infrastructure, we have the wastewater treatment plant, other 1,200-foot seawall going in potentially.

So in conclusion, as strategic next steps we would like to expand our current tool kit with potentially additional laws and policies to create these additional cost effective options in the future. So for this project the County feels that testing the groins...we have tested the groins created from the geotubes filled with sand and it's the first step replacing these geotubes with rock groin is the next step and we can monitor the situation. You know, it does have a permanency to it but there's no reason why we can't take those rocks out if it is detrimental to the coastline. And how we can do that is potentially the State can condition the project where the rocks may be removed under certain circumstances.

And then finally, to look at expanding our tool kit. In the future we can continue discussions with the Administration, Corporation Counsel, our Planning Commission, and County Council to address potential laws and policies to create additional cost effective options for protecting, maintaining our beaches and protecting threatened shoreline So with that, I'll conclude. Thank you, and I'll turn it back to the Chair. Thank you for your time on the presentation.

Chair Hiranaga: Thank you, Jim. At this time, I'll open the floor to public testimony. Is there anyone here that wishes to provide public testimony please come forward and identify yourself and please limit your comments to three minutes.

Mr. Eric Pung: Eric Pung, third generation property owner on Stable Road. Could we go back to that first picture? So in this photo, Tara said that this is a hot, erosion hot spot. In this photo, the tennis court has a seawall in front of it with a revetment. And the house to the west which she didn't really want to elaborate directly west of the project has a seawall with revetment and that is the reason why this beach is eroding. It's not because of any seawalls that were built further down the way. It's this...these two illegal, nonconforming seawalls and revetment that's causing this erosion.

I have a problem with this project because it was supposed to go on till 2014. We're here 2012, project hasn't even completed yet. They didn't pump the 10,000 cubic yards that the State wanted. This is...this project proposed is exactly what they wanted to do in the beginning. The State said no, we want sand. We want you to nourish the beach. So it was either that temporary groins, nourish the beach or no project. So now we've landed back at the beginning, put in rock groins, permanent groins and I'm not sure how it ended up here again. But I live down drift, down wind of the project, I'm very concerned about my property. The properties down the way, Kanaha Beach Park, NASKA, Kite Beach, you know, those two illegal walls are definitely blocking passive erosion. Passive erosion is that tennis court which is dilapidated, if that wasn't there, that sand would be nourishing that beach. So instead of adding more revetment, more walls, why don't we remove that tennis court and that dilapidated whatever it is, and let the passive erosion up drift nourish the beaches down drift? Those are my primary concerns.

Also, the had talked about using inland sand in the beginning and they've switched to offshore sand and you know, they're just jumping through the hoops. You know, they didn't the offshore sand in the beginning, so why are they going to do the second time around? They know how to do it, it's just expensive. They wanna go the cheapest route. They wanna put in groins. Once the groins are in, then what? We're stuck with it. You know, they're putting a privately funded structure on a public beach, no public access. So, what is the public getting out of this? You know, why doesn't the public have...why aren't they offering public access to this beach, you know, if we're trying to save this beach? So those are my main points and main concerns about this project. Thank you.

Chair Hiranaga: Questions, Commissioners? Commissioner Wakida?

Ms. Wakida: Thank you, Eric. I see the tennis court. Can you walk up to the map and point the other one out?

Mr. Pang: Right here. I have photos of it too.

Chair Hiranaga: We can't hear you if you're not speaking into the mic.

Ms. Wakida: So you're referring to that and then I assume the tennis court is that square?

Mr. Pang: Yeah, and it is dilapidated. I mean, it's unusable. You know, it's in the shoreline setback area. They wouldn't be able to get a permit to rebuild it, you know, or repair it or anything. So you can see where the house is on that property. It's all the way against their property line mauka. You know, it's in the best interest of these homeowners to talk to that homeowner and whatchamacall get it removed.

Chair Hiranaga: Any other questions? Commissioner Hedani?

Mr. Hedani: Is it Eric?

Mr. Pang: Yes.

Mr. Hedani: Could you point out your property and its location in relation to the proposed groin?

Mr. Pang: Sure. (Went to plan and pointed out his property) We've had that property for 50 years, and when that wall, illegal wall and revetment went in, believe or not there was sand in front of that seawall and there was sand on that revetment. When we bought that, when my grandpa bought that property there was no wall and revetment. We didn't even it existed until that seawall and revetment went in, you know, in the 90's, is that when it went in, Tara?

Ms. Owens: I actually don't know--

Chair Hiranaga: You can't speak from the audience, please.

Mr. Pang: Approximately the 90's.

Chair Hiranaga: Thank you. Your frontage is that sand or--

Mr. Pang: My property is condoed. Half of it sand and half of it is revetment now. Although there is sand in front of the wall, that wall area the wall that Tara had talked about that was built in the 20's, when the migration of sand is not blocked. This summer, that last groin that is adjacent to the house with the illegal wall and revetment when that sandbag went flat, it released all the trapped sand and I have photos of that wall and my property all the revetments covered with sand. So it definitely is blocking the transport of sand down, down coast, down wind.

Chair Hiranaga: Commissioner Ball?

Mr. Ball: When sand, it went flat, what do you mean?

Mr. Pang: Those bags, that's what they are they're bags made of like a polypropylene, you know, a large--a stick or rocks or the abrasion from the sand could flatten it. You know, once it gets a hole all the sand will run out of it so it will go flat.

Mr. Ball: And so it's done that?

Mr. Pang: It's done. You have to put a new one in, pump it full of sand for it to reinflate. So essentially, you know, it went from groin to no groin releasing the sand down current, down drift, down wind to the houses to the west and then on down to NASKA Beach and Kanaha, Kite Beach and so on. That's the natural flow of sand to the west.

Chair Hiranaga: Commissioner Ball?

Mr. Ball: So, I'm sure you didn't live there for 50 years.

Mr. Pang: Thirty-six, coming up on 50, 2014 50 years. Come for the party.

Mr. Ball: You live there full-time?

Mr. Pang: I was born and raised and lived there my whole life, yeah.

Mr. Ball: And so you see this area on a daily basis.

Mr. Pang: Yes, I do.

Mr. Ball: And I'm getting that where we've seen the presentation in a snapshot of time in those photos.

Mr. Pang: Correct.

Mr. Ball: And so what is this...why don't you give us your, you know, a year in the life of this beach as it pertains to, you know, after these bags have gone in and what, what you see, you know, the year of process of the whole...

Mr. Pang: The bags have not cured seasonal erosion. You know, it's the same seasonal erosion that happens at Baldwin Beach. That happens in front of my property and everywhere else on the north shore. You know, you lose sand in August and September. It's pretty much the tail end of your sand that you've accumulated all winter. You know, so during the winter months you're gonna stack sand. You know, you're gonna have swells come in, it's gonna stack sand and everybody has sand during the winter, right? So then as soon as the swells stop, maybe May would be your last swell, you have a large supply of sand that you have to go through that Mother Nature takes down the coast, you know. So it starts at Baldwin Beach and works its way down. So you're gonna see erosion first at Baldwin Beach, then you'll see it start moving down the coast. So, you know, you're disrupting the natural flow of sand by putting more hardened shoreline out there. You know, we didn't build our wall, it came with the property. So August and September seasonal erosion. October, you see the beach starting to come back and it starts building naturally without any groins or anything all the way till the end of winter, spring, winter.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: Eric, in your estimation that retaining wall there that's on your property, right, half of it? And so I was wondering if you relocated it 90 degrees to where it's facing and make it a groin, do you think that would be a possible solution?

Mr. Pang: If I took the wall fronting my property and turned it in?

Mr. Shibuya: Yes.

Mr. Pang: So that wall--

Mr. Shibuya: Into the ocean?

Mr. Pang: Oh, turned it out?

Mr. Shibuya: Yes, to the ocean?

Mr. Pang: Absolutely not.

Mr. Shibuya: Because it would become a groin.

Mr. Pang: That's correct.

Mr. Shibuya: And you're saying it would not help?

Mr. Pang: It would not help.

Mr. Shibuya: See the question I have is because previous briefing says the groins provide a means to capture the sand.

Mr. Pang: Well, we could...we can look at her photo, the ones with the groins. The illustration we can go over that. Okay, so you can see down...okay, so we're just gonna use this example as the example of what they're proposing, right? So lets just say that last groin is adjacent to that property with the illegal wall and revetment, look what's happening. I mean, it's blocking the flow of sand to the next pocket or cell or I'm not sure what the term is that they use. So you need to imagine the beaches down the way how it's gonna starve the beaches down the way. It'll build the beach up wind and starve it down wind.

Mr. Shibuya: Okay, thank you.

Chair Hiranaga: Any other questions? Seeing none, thank you very much. Anyone else that wishes to provide testimony at this time, please come forward and identify yourself?

Mr. Paul Hanada: Hi, my name is Paul Hanada. I've been using this resource for almost 50 years, and as a diver, and I see what happens under the water most people don't see that. And I've been following this project since the beginning, and I was recording the changes in the coastline from Kanaha Beach Park all the way up to this project over time. And I'm not against beach replenishment. I'm not against that at all. I understand why they wanna do it, but my purpose is to protect the natural resource that I've used all these years not only for myself but for my family. And I'm concerned about the methods that they propose and one of them is using inland sand to replenish the beach. This project was unique because they used sand from outside. It was clean, same grain, and now what they're proposing is using inland sand to renourish the beach and that...it doesn't make sense because the pilot project was to use that outside sand and prove to everybody that, hey, you know what it's possible and I wanted them to succeed so bad because Sugar Cove uses this sand. This is an actual sample from Sugar Cove and this is supposed to be clean inland sand and this is what it is. (Mr. Hanada added water to the container of sand and shook it) This is what happens when the ocean meets this type of sand and I'm trying to tell them that you cannot use this sand because this is what it does to the ocean.

Now there's a lot of stuff that live in the ocean. There's a lot of animals, plants that most people don't see, but we do. The people that use the resource knows what's in there and now this is what they're gonna have to drink, they're gonna have to breathe, and this is where they're gonna have

to live and is this what...you don't wanna allow using inland sand. Use something else 'cause you're destroying the very thing that creates the sand. And it's not just this, to me it's everything that is above the water that impacts the ocean, you know, from the very top of the mountain all the way down to the ocean. To me, you should be protecting that instead of putting sand back on the beach.

Chair Hiranaga: All right, thank you very much. Questions, Commissioners? Commissioner Freitas?

Mr. Freitas: Paul, did I hear you right that came from Sugar Cove that sand?

Mr. Hanada: That's an actual sample.

Mr. Freitas: That was the inland sand?

Mr. Hanada: Yeah, I have more.

Mr. Freitas: Okay, thank you.

Chair Hiranaga: Commissioner Ball?

Mr. Ball: Sir, in your documentation of this area from the beginning of the project until today what have you seen as far as the shoreline goes as it pertains to this remedy? Both on land and under the ocean.

Mr. Hanada: It was a gradual erosion or encroachment of the shoreline inland. And it's seasonal, 'cause during the winter the sand will come back. During the summer, the sand will move out. And you know, I'm not sure exactly where that sand comes from, but where it's going because there's so many different forces involved that...and nobody did a study to track and find out exactly where that grain of sand of moves or how it moves. You know, the ocean is so dynamic that I don't think anybody can unless they do a really comprehensive study on it, but there is a gradual loss of sand.

Chair Hiranaga: Commissioner Lay?

Mr. Lay: So as an avid diver in this area, they've shown us before where sediment can land on the reef and actually help to kill the reef. And you know, reef is all life there. The fishes all feed off the reef, fish eats fish, so have you seen a reduction in that area of fish life or coral life with this using that inland sand.

Mr. Hanada: Yes, definitely. But that sand that Sugar Cove was putting on their beach year after year after year and there's a reason for them doing that is because it left. But they just kept putting sand back. Now you have to ask yourself, where did this sand go? What is it doing? And for the people that use the resource, there's no resource anymore. All there is is sand. The reef is just covered with sand and I'll let you in on a secret. We used to create what is known as lobster hales. There's a coral head, we put stone around 'em so that the lobster would go in and then when we want you just open up, take the stones away grab the lobster and go. You cannot do that anymore 'cause there's no coral heads. I mean, it's all sand. The lobsters they live in stone, coral. They

don't live in sand.

Chair Hiranaga: Any other questions, Commissioners? Seeing none, thank you very much. Anyone else that wishes to provide testimony, please come forward?

Ms. Irene Bowie: Irene Bowie, executive director of Maui Tomorrow Foundation and I'd like to first of all, agree with everything that Mr. Hanada and Mr. Pung said. We've all been looking at this project since its inception. I have a couple of concerns about the process for the Draft Environmental Assessment on this project. Comments were due on the Draft Environmental Assessment about a week before the public meeting and I think that's really reverse of the process. It could have been a much more robust conversation if the public had had the presentation and then be allowed to comment on it.

And number two, when the public meeting was held, this was an OCCL meeting. Mr. Lundahl, the project's coordinator lead the meeting. He was the presenter of the meeting rather than OCCL and I don't think that that was a really appropriate way to hold that meeting. We're learning today that there's two different designs for the rock groins. That's the first I've heard of that and I would just read the U.S. Army Corp of Engineers, Coastal Engineering Manual describes groins as "probably the most misused and improperly designed of all coastal structures. Over the course of some time interval accretion causes a positive increase in the beach width up drift of the groin conservation of sand mass therefore produces erosion and a decrease in beach width from the down drift side of the groin". So it's really important to figure out which type of groin, which design is gonna be used on this.

Also, as was stated absolutely we have a concern, alternative three in the Environmental Assessment was the use of inland sand and we are very concerned as was already stated that no inland sand be allowed to be used on this. We're concerned because the foundation's consultant was also the consultant for Sugar Cove and Sugar Cove continued to use inland sand until OCCL finally ordered them about a year ago to decease with that process. So no inland sand on this if it moves forward.

We are concerned about what parties will be responsible for the maintenance of these structures in order that safe lateral access be maintained at all times. Will the State and/or the County monitor and inspect the groins on a regular basis? We'd like to see a condition to post a bond for groin removal as needed. And also as was stated, this area, Stable Road is full of no trespassing, no parking, no public access, so we'd like to see a greater effort for public access. There used to be a parking area on State land and that was fenced off a couple of years ago. So better on that. And I think that is really about it. Again, I would just echo the statements you've already heard. We all have a lot of concern on this. It's a privately funded project, but it's somehow being pushed through by the State and we just really would like eyes watching this. Thank you.

Chair Hiranaga: Questions, Commissioners? Seeing none, thank you. Anyone else that wishes to provide public testimony, please come forward?

Mr. Jeff Lundahl: Good morning, my name is Jeff Lundahl. I represent the hui that is the applicant for this project and I've been with this project since its inception in 2009. So I'd like to at least respond to some of the comments and be glad to answer any questions you may have. The Corp

of Engineers also states that a groin field is very effective as Tara described and when there's a long shore sand transport and erosion on a beach from that. And what it does, the groin field does is it traps the sand between the groins in a groin field and the groin field fills full of sand to its capacity and its capacity is determined by the height of the groins and the length of the groins. There's a point at which if the groins are designed properly the capacity is set and is established by those physics. And at that point in time, that groin field allows sand to come from the groin field and the groin field naturally erodes as well as sand from other up drift beaches bypassing the groin field.

If you look at the aerial photos over the last two years in the winter season, this groin field has been full of sand and the groins have been buried on the beach. You saw that. That means the groin fields full of sand at the beginning of the erosion season is doing its job. It has definitely prevented, it slowed down the rate of erosion on the project beach. It has definitely functioned on that beach. It has stopped the land loss and the pollution from the land that was coming from the beach project and it is still allowing sand to bypass the project beach to down drift beaches. The most recent sand survey shows there's more sand on the down drift beaches than there was prior to the beginning of this project.

I did not run the meeting for the OCCL as stated. I was asked to make a presentation of the project which they provided .ten minutes. The State ran that meeting. They have their own chairperson represented running the meeting.

And the use of inland sand is only proposed as an alternative to what we see as our preferred action. Our preferred action does not use inland sand. The EA process required identification of alternatives and so that's listed as one and in conjunction with the temporary--or the rock groins. It is not our preferred alternative. It's up to the State to decide which course of action they would prefer. And if the testimony is such that you heard today and other people, they...you know, the use of inland sand will not occur. That's not our proposed and preferred action. I want to make it very clear. I would be glad to answer any questions you may have.

And one last comment though, the two different designs, we studied the use of the...we had one of the groin bags go flat as Mr. Pung described at the late winter season and we then decided to look at what happens on the beach with only three groins, two internal groins, one intermediate groin. It was determined by very visually obvious that we needed two internal groins to make that beach, preserve the sand and preserve the land that would have eroded otherwise. So the preferred action right now is only one course action that's being proposed is four groins where they are located presently on the project beach.

Chair Hiranaga: Thank you. Questions, Commissioners? Commissioner Wakida?

Ms. Wakida: Good morning.

Mr. Lundahl: Good morning.

Ms. Wakida: You made a statement and you gave so much information I didn't quite get the whole statement correct. You said that some survey--and help me with this--showed that there was more sand down drift. What was the statement again?

Mr. Lundahl: Well, the statement is there's more sand down drift of the project beach than there was prior to the installation of the groin field.

Ms. Wakida: And that was...can you clarify what survey that was? Who did the survey?

Mr. Lundahl: Yes, our group has hired Tanaka, R.T. Tanaka Surveyors to periodically measure the beach by looking at developing transect lines or profile lines down the beach and surveying those lines and based on those profiles and we're able to calculate how much beach sand is at different parts of up drift of the beach, on the project beach, as well as down drift. We've been doing this for two and a half years.

Ms. Wakida: But how far down drift do ...

Mr. Lundahl: It goes approximately 500 to 600, 550 to 600 feet down drift of the project beach. There are five monitoring profile locations at the down drift beaches.

Ms. Wakida: Thank you.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: I just wanted to get your opinion. One of the landowners along the Stable Road property has a retaining wall and I just asked if we turn that retaining wall 90 degrees seaward would that help and he says no, it would probably erode more. What's your thoughts?

Mr. Lundahl: Well, the beach is lost in front of that...most of that seawall. If you look at photos over time starting from the windward side, there was a beach and it's slowly got moving and it's moving...the loss of beach is moving westerly and the idea of putting a groin, a perpendicular seawall in front of that would trap sand, it would build a beach in front of his property but that trapped sand would be interrupted at least until that groin filled with sand, it would interrupt the flow of long shore transport temporarily. It would build the beach and it would resume the beach that was there initially. And in fact, the old photos which are interesting, the old aerials if you want to go back to see them, show the remnants of old groins at those locations. Somehow those groins have been dislodged and so maybe there was a beach there that was retained at one time.

Mr. Shibuya: Okay, thank you.

Chair Hiranaga: Commissioner Freitas?

Mr. Freitas: Going back to the beach replenishment issue, would you folks consider doing a slurry versus inland sand as an alternative if you needed--if you used beach replenishment?

Mr. Lundahl: I think it's a, it's a viable alternative to be considered. It would have to be...our preference is to use no nourishment because we feel that with the groin field that it's been able to preserve sand throughout the year on that project beach where the beach is self sustaining. Mr. Hanada may even agree with that. So our preference is not to nourish the beach. If we had to nourish the beach, the use of offshore sand is a very expensive proposition. It's very difficult with the weather conditions we have. It's disruptive to the environment. And so, that was ruled out as

an alternative that was financially viable on a long-term. It's not sustainable financially. It's about a $1 million to nourish that beach, that 600 feet of beach with offshore sand. So that did not meet the project objective as trying to preserve the project beach in a long period of time.

Mr. Freitas: I understand, but if it would not harm the environment, what is the alternative? They did it down...they did beach replenish off beach with a slurry, with a barge, with a dredge and it worked very well. The idea is to maintain the environment and if it's gonna harm the environment, and beach replenishment is needed, I suggest you go offshore.

Mr. Lundahl: We would not rule out that consideration for the reasons you mentioned. And there may be better ways of doing it than what was done before at our project.

Chair Hiranaga: Any other questions? Commissioner Wakida?

Ms. Wakida: Is the public access to this beach area?

Mr. Lundahl: The public access is by airport...the airport property immediately to the west...to the east. And then the lateral access at the other end is through Kanaha Beach Park. Stable Road is about a 14-foot wide road that's essentially a single-lane road. There is no public parking on Stable Road. There's no room for it. There's fire and life safety issues with people parking on the road as it is. It's a long story I can go into, but there's no public land in this one residential subdivision. It's nothing we control as the group I represent. It's not the way that the subdivision was ...(inaudible)... and the road is privately owned as well as all of the property around the road with the exception of the airport and Kanaha Beach Park at each end.

Chair Hiranaga: Any other questions, Commissioners? Commissioner Hedani?

Mr. Hedani: At Kaanapali we're just about embarking on the process of studying beach replenishment. So when you talk about the cost of beach replenishment, we understand. We're looking at a 75,000 cubic yard project that will cost $7 million to accomplish. And part of that process is just going through what you're going through right now. The State, you should know, has passed a law that says they're not gonna accept Environmental Assessments anymore. You're gonna have to go through a full blown EIS, and so we're preparing a full blown EIS for our project just to renourish the beach.

The second question that I...well it's not a question, the second point that I wanted to make is that government in this case is using interchangeable terms seawall, revetment, rock revetment and groins and we're getting mixed up between what they are. I'm told that revetments are porous so that they dissipate wave energy when the waves hit them. Seawalls are usually vertical so when the waves hit them, they reflect and they transport things when they reflect that energy. I personally think that the solution to beach erosion is a slanted revetment which absorbs wave energy when the wave hits it and mimics the slope of the natural beach by being sloped so that it dissipates energy like a natural beach would dissipate energy and it does not prevent the lateral transport of sand along shore. Have you folks looked at that option?

Mr. Lundahl: We have. We did not want to create a sense of hardened shoreline where there was a continuous hard edge. We think that's our last line of defense if that were the case to protect the

properties. So we wanted to try the beach nourishment initially with the temporary drawings as a pilot project and then to see where that lead, and what the results were, and based on the results of what we found to be working at this particular beach, it seems like the next practical alternative is to look at the rock groins replacing the temporary groins because the beach is self-sustaining and the sand is bypassing. So we didn't feel that the rock revetment was necessary in that instance.

Chair Hiranaga: Commissioner Hedani?

Mr. Hedani: You know, I've said this before when others have come before us, but I think the solution is, is the Hayashi wall. It's the Ralph Hayashi wall when he was Public Works Director, you know. There is an example at the Mahana in West Maui where you walk along the beach, you'll walk right over the rock revetment and you won't know it's...and that it's even there. And it was put in place 30 years ago and they haven't spent a dime since.

Chair Hiranaga: Any other questions, Commissioners?

Ms. Wakida: No, not for this.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: I just have a concern here. It's a cooperative effort with the State monies as well as foundation monies, but yet I see access being denied. In my view point I say, eh, why this kind of stuff? If you're gonna have the spending of public monies and/or foundation monies and you don't have public access to it, why even do this? I mean, it seems you want to save the beaches but have the people enjoy it.

Mr. Lundahl: Well, there is no public money being spent on this project nor has there been in ...(inaudible)...past. This is totally privately funded, and the goal is to preserve the beach and the photos that you saw before, this beach was disappearing and there are times of the year that this beach could not even be utilized because of all the debris on this beach and this beach is extensively utilized. It's a well known windsurf beach, now it's becoming a kite beach. There are a lot of fishers and divers that still use this beach. They access this beach all the time, and they're not being restricted from coming onto my property. They are having to parking...you know, there's no room to park on Stable Road. The airport has posted signs to that effect because of fire danger. We have a fire last summer. So there's no community effort to restrict the public. The effort is to keep the public off of their...off of people's private property and there's adequate public access it seems to me at both ends of Stable Road, not just right near our project beaches, the airport parking lot which is a five-minute walk. So people do walk down there all the time.

Mr. Shibuya: It's just problematic that you have this dichotomy, this type of opposing type of conditions that don't really foster good community relations.

Mr. Lundahl: You know, I--

Mr. Shibuya: I'd like to protect the --

Chair Hiranaga: Okay, let's ask specific questions instead of making comments to testifiers. Any

other questions for the testifier? Commissioner Ball?

Mr. Ball: Do you live in the area?

Mr. Lundahl: I do.

Chair Hiranaga: Any other questions, Commissioners? Seeing none, thank you very much. Anyone else wishes to provide public testimony at this time, please come forward? Seeing none, public testimony is now closed. I guess it would be appropriate at this time for the Director to kinda guide us as to what our involvement is regarding this agenda item?

Mr. Spence: Thank you, Mr. Chairman. There's really nothing before the Commission on this agenda item right now. It was just for your information at your request. As we explained what the process was and where we're at with it. You know, it's an ongoing if you will on the job education for to keep you up to date on what's going on with shoreline processes. So if something does come before the Commission on this it will be whatever work takes place, you know, on the landward side of this project, but otherwise, it's within DLNR's hands. Any conditions, and all that stuff, that's all within their jurisdiction.

Chair Hiranaga: Commissioner Ball?

Mr. Ball: So are we still allowed to ask questions then for the staff that we have, Chair?

Chair Hiranaga: You could.

Mr. Spence: You can ask questions, but there's no decision making authority for the Commission. There's nothing before the Commission to decide on here.

Mr. Ball: Right. Just to be more educated on this project and...

Chair Hiranaga: Question for the Director. So the Draft EA comment period is over?

Ms. Benesovska: This is Anna Benesovska, Staff Planner. Yes, the Draft EA public comment period concluded I believe...let's see, November 7. So yes, it is over at this point. So the next step would be the Final EA preparation which is happening at this point.

Chair Hiranaga: So if it is the will of the Commission can we be provided a copy of the Final EA and possibly submit written comments on the Final EA?

Mr. Spence: The Final EA is supposed to be address the comments that you get during the Draft. I mean, if the Commission really thinks the Final EA is inadequate that's fine, but you know, there's no statutory responsibility on DLNR to consider those comments.

Chair Hiranaga: But the Final EA is then distributed to?

Mr. Spence: The Final EA is just the Final EA.

Chair Hiranaga: And who uses that document? What is the purpose of that document?

Mr. Spence: To make the determination that the...the purpose of an EA is supposed to be a disclosure document. It's supposed to be informational and it's supposed to be objective. It's not supposed to take a position one way or another. It supposed to say okay, this is a proposed project, these are the possible impacts and it's supposed to provide all the studies and all that stuff and give alternatives. We considered well, we could do this or this or the other thing. But I mean in the end, it says, okay, this is the particular project that either has the least impact or may have an impact but it's justified for whatever reasons. It's more informational. It's not to decide whether a project should go forward or not. It's just an informational document. At least that's the intent of the law. Final EAs are subject...the law provides that EAs can be challenged as to adequacy. I don't particularly think the Commission would probably take that route but...

Chair Hiranaga: So once the Final EA is adopted, it goes before the Department of Land and Natural Resource for action?

Mr. Spence: Yes, and they'll make a decision on the Conservation District Use Permit.

Chair Hiranaga: So is there a comment opportunity before the Department of Land and Natural Resources?

Mr. Spence: I'm not sure on that.

Ms. Benesovska: For the Final EA or for the CDUA? There is a...the CDUA has been routed to the Planning Department along with the Draft EA. And so we have already, the Planning Department already provided comments on the CDUA, and I believe the comment period on the CDUA is also over at this point. However, if I would...I would propose if you...if the Commission has comments to submit them to OCCL on this project, and let OCCL, you know, consider these comments even outside of the comment period because the project is ongoing. They are assessing it as we speak. So...

Chair Hiranaga: But it still requires action by the Department of Land and Natural--

Ms. Benesovska: DLNR, OCCL has to issue a CDUP, they have not yet.

Chair Hiranaga: And is there a public hearing prior to that determination?

Mr. Spence: I'm sure they will. I mean, for the purposes of the EA which is what we're discussing. They will...

Ms. Benesovska: Tara is suggesting it goes to the Board and then in this form it would be a public hearing.

Mr. Spence: The EA is like a tool for decision making before the Board. But they will hold a public hearing. It's just like, you know, items that come before this Commission.

Chair Hiranaga: Or Land Use Commission.

Mr. Spence: Correct.

Chair Hiranaga: Yeah. So, I guess if it's the will of the Commission they would want maybe a copy of the Final EA and then if it's the will of the Commission they could provide formal comments to the Department of Land and Natural Resources prior to the board making a determination?

Mr. Spence: Yeah, I'm just not familiar what the timing is. Whether they would...if that whatever meeting they issue a FONSI would also happen to be the meeting that they take up the CDUP. I'm not familiar with their...

Chair Hiranaga: Could you possibly get back to us at the next meeting?

Ms. Benesovska: Yes, we can research more on the process that DLNR, OCCL and you know, ask them about what alternatives they see and for your comments to be included and get back to you. We can research that.

Chair Hiranaga: Thank you. Commissioner Ball?

Mr. Ball: I guess I have a couple of more questions if we're going to do that?

Chair Hiranaga: Sure.

Mr. Ball: And one may be for Will on why this doesn't come to us, and I understand that there's part State and part County, but the County seems like there's gonna be a big staging area for rock groins.

Mr. Spence: Right, and that's what...I mean, like so many things within the State there's a multi-layered approval process. So if...there probably will be some kind of SMA permit at least an Assessment or Minor permit for perhaps staging, perhaps other things, I'm not sure yet, but the big approval would be the CDUP that you could even place the stones in the ocean first. And there'll probably be something with the Army Corp of Engineers, but the minor part for the County would be okay, how are you going to conduct this activity?

Mr. Ball: And that's what concerns me is that they're already saying that they're probably gonna issue a FONSI, Finding of No Significant Impact when you're impacting, majorly impacting this area with four, not one, but four groins. Seems a bit premature to say that.

Mr. Spence: I'm not on the Board. You know, that's not my determination, that's theirs to make, and then again, as we've seen in so many cases, that's subject to challenge if property owners or community groups or whatever feel that strongly about it that, you know, the decision is incorrect or the determination on that Environmental Assessment is incorrect, you know, that's subject to action.

Mr. Ball: And now would--sorry, the staging will that come to the Commission? The staging permit?

Mr. Spence: I'm not sure because I don't, I don't know all what needs to take place with that as yet.

Chair Hiranaga: Well, I think they do a SMA Assessment and the Director determines if it's a Exempt, Minor or Major.

Mr. Ball: And my last question is back to some of the testimony is why are we...why are they doing this now when the study is till 2014, and we're just hitting 2013? Are they trying to get ahead of the game to...when the geotube study is done then they have the permit or why? Are you following what I'm?

Mr. Spence: Not really.

Chair Hiranaga: You're asking the wrong government official.

Mr. Ball: Oh, let me turn this way. That's why he had that puzzled look on his face.

Ms. Benesovska: I think this best...this is Anna, Planning Department. I think this question is best directed at the applicant if he's willing to answer why at this time and not later on.

Mr. Lundahl: Jeff Lundahl representing the applicant. The permit for the current project has a expiration date of four years at the end of the construction, initial construction of the groins which will be June of 2014. That's the...by that point in time the temporary groins need to be removed. The document indicates that the applicant has three years of study time, up to three years of study time, not four years to look at the environmental effects by monitoring of the existing project. The State process, review process takes well over a year to get their review and approval. So the idea was to get this process rolling and started so that the review would be done approximately the three-year period of time that's stated in the application for the approval.

Chair Hiranaga: Commissioner Ball?

Mr. Ball: I don't know who this is for but it seems that the study has a couple of big flaws. One a major event of a tsunami that happened and two, the deflating I guess if you will of one of the bags here. I think the study has two major things that happened during this time period that leaves me with concern on, you know, did it work let's say or did it not? So I would hope that they would take those into account in looking at the study and make sure that that...and Tara's own testimony she mentioned that that event did possibly replenish the sand so we don't know if this thing, these geotubes actually worked if it was that event or it was the event of one of them deflating that did this so, I don't know who that's for, but...

Chair Hiranaga: Commissioner Lay?

Mr. Lay: Are we...questions?

Mr. Ball: Or statements.

Mr. Lay: I'd like to ask a question for Tara. If we could get back to that--your groin photograph that shows the top overview? That one, okay. On this photograph that you have here, what is your baseline of your shoreline before these groins are put in so we know what happens after they're put in?

Mr. Owens: Well, this is a cartoon.

Mr. Lay: Right.

Ms. Owens: So you might assume that...you could assume that you would have had a consistently chronically eroding shoreline that was probably linear, if that's the question you're asking.

Mr. Lay: Well, we're looking at the groin. At this point, we're gonna have build up of sand, we're gonna have the disappearance of the sand behind the groin, but when this groin is put into place, where is your water line so we can see how much built up and how much was taken away. Just an example, I know it's can't be exact, but it will give us an illustration of what's actually going on.

Ms. Owens: So you're asking where is the water-sand interface relative to the groins when they're installed?

Mr. Lay: Yes, right when they're put inside.

Ms. Owens: It could totally depend on the design and it also would depend on whether you renourish the beach at the same time or not, whether you fill the groin, fill it up with sand, but certainly there will be some portion of the groin that extends beyond the sand-water interface in almost all cases. If they don't extend into the water that way, they're probably not long enough to trap sand and they probably wouldn't be effective at all. So you have to find this balance between on the length of the groins, between how far to extend. They have to extend into the water to some degree without extending them too far that they're retaining so much sand that they're having down drift impacts.

Chair Hiranaga: Commissioner Lay?

Mr. Lay: Follow up on that. Okay, with our groin what we're doing is trying to catch sand to a point where this is how much sand we can hold, this is the capacity, it moves onto the next one, fills up to next groin, fills that up to its capacity and our overall goal is to have this natural protection in the sand on our shorelines but still retaining the sand movement across the shoreline because it will fill up, go to the next one, fill up and have that circle of movement of sand still going on?

Ms. Owens: You'll have...what you hope to have is they fill up and then some of the sand still is continued to be transported beyond the groins. That's the idea.

Mr. Lay: In effect, trying to retain that natural movement, right, but still retaining sand?

Chair Hiranaga: Impeded.

Ms. Owens: Both.

Chair Hiranaga: Impede the natural.

Ms. Owens: You hope to have both. You hope to have some retention and you hope to have some of the sand still bypassing the groins.

Mr. Lay: Okay, thank you.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: Tara, you were mentioning Lumahai Beach, it's a natural type of groin and it doesn't have the straightness of what is being proposed or at least when you depict the groin as something straight. Can we duplicate it more naturally, perhaps having rocks just like Lumahai Beach creating maybe a half a circle or a crescent or maybe a T? You know, what's the alternatives?

Ms. Owens: Okay, so that was the example in Jim's presentation the Lumahai Beach. That natural feature, you might call it a groin, you might call it a breakwater, you might call it a hybrid of those two. A breakwater is something that has some implementation offshore so it's breaking the wave energy. There engineering designs for breakwaters but it's not a solution that's being considered in this case and it hasn't been something that's been tested in Hawaii. So I think it's probably a little bit out of the scope of what's being proposed here.

Mr. Shibuya: Okay, because you do have this opportunity if you're doing a testing it seems like it's just testing to justify groins.

Ms. Owens: And potentially that's something that could be tested somewhere in the future. What was tested here was the classic definition of groin and it's been tested over this two and a half year period. And maybe, you know somebody mentioned time frame, why are we...why is the applicant applying for permanent structures at this time? It's entirely plausible that DLNR would ask the applicant to wait another year before a decision is made. I mean, that's up to the applicant, I mean, up the agency.

Mr. Shibuya: Because I sure would like to...yeah, I sure would like to hear considerations with the revetment type of design that was mentioned by Commissioner Hedani. I think that has merit, you know. That's all.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: You had one of your slides that showed a pipe coming out that have been exposed. You said it was septic pipe from a leach field. Was that in the area that's being considered for the groins?

Ms. Owens: Yes, that was one of the homes that is adjacent to the project beach. Several of the homes the leach fields were exposed. That's one of the concerns. I mean, if you go back in time and look at the situation, the shoreline is eroding. Potentially some of the homes were considered threatened that's why I mentioned that at least one of the homes was within 15 feet of the erosion scarp. So the natural progression there what we see around the island is once homes are threatened, you know, the infrastructure is threatened, the typical proposed solution is to ask for a seawall and ask to go through the variance process to get approved for a seawall. So, we assume that that could be one of...that could have been one of the trajectories here, instead this option was explored.

Ms. Wakida: Follow up.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: Well, my interest is more in the septic that's been exposed and I want to direct this to the Planning Director. Is this common to have homes on the shoreline with a pipe coming out and their leach field right into the ocean?

Chair Hiranaga: Wrong department.

Mr. Spence: I can't say how common it is, but I mean, with the retreating shoreline that's exactly the kind of thing that's gonna happen where at one time there was probably a perfectly installed system, but as the shoreline retreats and your yard disappears in front of you, those septic systems or things like that are gonna be exposed.

Ms. Wakida: Okay, so it wasn't originally designed so that it went out?

Mr. Spence: No, absolutely not.

Ms. Wakida: Okay.

Ms. Owens: It's certainly a water quality concern and health concern, and it's one of the benefits of slowing down the erosion is that we're mitigating some of the water quality issues as well.

Chair Hiranaga: Commissioner Tsai?

Mr. Tsai: Tara, can you please respond to concerns or actually comments brought up by Eric regarding to the two "illegal seawalls" that put up that caused further deterioration of the, I guess the beach?

Ms. Owens: I cannot comment on the legality of any of the structures that are existing. I didn't do any research on that.

Chair Hiranaga: I believe the homeowners are working with the Planning Department.

Ms. Owens: In terms of impact?

Mr. Tsai: Yes.

Ms. Owens: Any structure on a beach, you know, just like we've discussed seawalls have impacts. And certainly those have had an impact on the shoreline processes in that region therefore there's no beach in front of those walls and the end scour, the end scour impact that I talked about that is related to seawalls is probably happening there. This is the home that's at the western most end of the project beach that we're discussing. There's an existing wall and revetment in front, but in some of those photos I showed you could see that the foundation of that home was exposed. Partly that erosion there and the reason that the foundation of that home is exposed is because the front of the home is protected by the wall, and the way the waves interact with the wall you have scouring right in that immediate vicinity. So while part of the home is protected by the wall, the part just adjacent to that is experiencing scour is threatened and exposing the foundation of the home.

So you have actually a dichotomy right there at that site.

Chair Hiranaga: Okay, are we almost done? Commissioner Tsai?

Mr. Tsai: Just as follow up I guess, my question you know, hearing all the testimonials do you in your professional opinion is still groins the best solution for the areas we're talking about?

Ms. Owens: I think the reason that this proposal is on the table is that groins are an alternative. There are risks with any kind of human intervention into a natural system, and I'm glad that I don't have to make the decision.

Chair Hiranaga: Well said. Commissioner Wakida?

Ms. Wakida: But in your letter, you strongly recommended to the applicant that they do a program of beach nourishment with offshore sands and the applicant has said that that's not gonna be--

Chair Hiranaga: It's the Board's decision on placing conditions if they grant the permit.

Ms. Wakida: Right.

Chair Hiranaga: So the applicant won't have a say if that's a condition.

Ms. Owens: And renourishment is one way of mitigating some of the potential risks.

Ms. Wakida: Thank you. I'm done.

Chair Hiranaga: Commissioner Ball?

Mr. Ball: I have one question and it kinda going off a little bit, but you know that tennis court, at what point does Planning step in and say, well, this thing is gonna fall in so you need to get rid of it or how does that work?

Mr. Spence: At some point if that--Mr. Chairman?

Chair Hiranaga: Director, briefly.

Mr. Spence: I know we're approaching lunchtime. At some point if that tennis court is threatened and the owner goes, oh my God, I need to save my tennis court, he'll or she or whoever will come in and ask for some kind of additional protection and at that point that comes before this Commission and we start through the EA process with that and everything and at that point it is something within this Commission's purview.

Ms. Owens: I can tell you that the tennis court is no longer usable. It has been impacted by coastal processes. And presumably part of that tennis court would fall into the State's jurisdiction and be considered an encroachment.

Mr. Spence: If they wanna do some kind of save it or move it or something like that we would

consider that a structure within the shoreline setback area and they would need a variance and have to go through all that.

Chair Hiranaga: Commissioner Hedani?

Mr. Hedani: This is not for you, Tara.

Ms. Owens: Okay, not for me?

Chair Hiranaga: You're not gonna talk about the Hayashi wall are you?

Mr. Hedani: This is a question for Anna, if you can go back to the policy statements that you folks had up? I just kinda wanna make sure you guys don't throw the baby out with the bath water, yeah.

Ms. Benesovska: This is Anna Benesovska, Staff Planner. Commissioner, I'm not sure if this is the slide that you're referring to.

Mr. Hedani: If you look at the second statement it says, "groins are preferable to seawalls or revetments because," the problem I have is that in my head the solution is a slanted revetment. It's not a seawall, but it's probably superior to a groin in terms of doing what it's supposed to do, protect the property while not affecting the sand that moves back and forth. When the winter time comes the sand covers the whole thing up and you don't even know it's there. But I wanted to make sure we don't travel down a path that says we're gonna make revetments illegal at some point which is what this statement to me is saying.

Ms. Benesovska: I actually think that probably Tara would be more apt in responding to the technical details of differences between groins and revetments and seawalls. However, we do see on many places on our island we see revetments associated with a tremendous beach loss. One example would be Kalama Park in South Kihei after which that revetment was put in place, the whole Halama Street seawalled the entire street. All the residents followed. So the revetments are quite, you know, could be quite detrimental to beaches. Now I understand the one that you're suggesting is slightly modified design and potentially even coupled with beach renourishment, I don't know if that's what you're saying but it's a modified revetment design and there are some places on the island that it has been tested out as far as I understand. I think Sugar Cove may have that potential design, Hayashi seawall.

Mr. Hedani: The only location that I know of is the Mahana and it's a slanted buried revetment that is covered by sand.

Ms. Benesovska: So I think we are not saying that...we want...you know, make revetments illegal in the statement. What we are saying is that we do see groins to function nicely where appropriate and I think going back to Tara's statements it really depends on the design. It's critical that those structures are designed appropriately. They are the right length and so on and so forth. It depends whether we have this long shore transport that is feeding these groins. So it's very, you know, environmental specific. So I would say that there are different solutions for different locations, but when we look in general, we do see a tremendous loss of beach on Maui that's going to continue and we do want to preserve beaches for public use and we see groins as exemplified by our aerial

photography structures that prevent beaches versus seawalls structures that do not preserve beach.

Chair Hiranaga: Thank you. One last comment. If you could put that picture back up that you had, the photo you had up before? Can you enlarge that? Is that the largest it gets?

Ms. Benesovska: Yeah.

Chair Hiranaga: I just wanna say, if you look at those groins to the right not all groins are created equal and it is important that the height and also the length is...determines how much down drift there is because a lot of those older groins are barely above sea level and they've broken up so they do allow sand to pass through them although still providing some impediment. So seawalls like that, one seawall probably rises about five or six feet above sea level so nothing ever gets over it whereas those groins and lot of them further down are at high tide you can't almost see them, they get covered up. So my one final statement. Thank you. Thank you very much for this information. You know, I guess you'll get back to us at the next meeting regarding the process with the actual CD...Conservation Use District Permit, District Use Permit, CDUP.

Ms. Benesovska: CDUP. Thank you, Commissioners for the opportunity to present today. Thank you.

b. Amending the SMA Boundaries

The Department had no new information to offer.

Chair Hiranaga: Okay, we have some decisions to make right now. We are almost to lunch, we are not going to blast through Mr. Dack's presentation I've been informed. So, we can recess for lunch and come back at 1:00.

Mr. Ball: Can you make it 12:30?

Chair Hiranaga: Can you allow me to finish?

Mr. Ball: Yes, sir.

Chair Hiranaga: Is there a time sensitive issue regarding this Item No. E-2?

Mr. Spence: There's nothing particularly time sensitive about it except that, you know, courtesy to staff.

Chair Hiranaga: He's here.

Mr. Spence: That he walked all the way from One Main Plaza and spent months of time of drafting and redrafting and et cetera.

Chair Hiranaga: So the other option is we could defer this matter to the next meeting?

Mr. Spence: You could.

Chair Hiranaga: And complete the other housekeeping and not return and looks like the Deputy Director of Planning wishes to say something?

Ms. McLean: Thank you, Chair. I just wanted to comment I'm not certain how full your upcoming agendas are. So if the Commission wants to just move along to the other items and finish for the day, that's understandable. I'm not certain of when this item could come up again, when you'd have time on an agenda, but it is not time sensitive that's true.

Chair Hiranaga: I'm looking at the proposed agenda for January 8th, although I made a mistake today by not ordering lunch, it does look like there may be some time there and we'll definitely order lunch for that meeting. So if there's no objection, we can have a motion to defer Item E-2 to the next meeting.

2. Planning Department's Proposed Revisions to Special Management Area Use Permit Conditions (J. Dack)

Mr. Freitas: So move.

Mr. Tsai: Second.

Chair Hiranaga: Moved by Commissioner Freitas, seconded by Commissioner Tsai. Any discussion? No discussion. All in favor say, aye.

Commission Members: Aye.

Chair Hiranaga: Motion carries.

It was moved by Mr. Freitas, seconded by Mr. Tsai, then

VOTED: To Defer the Matter to the January 8, 2013 Agenda.
(Assenting - J. Freitas, M. Tsai, I. Lay, W. Hedani, K. Ball, P. Wakida, W. Shibuya)
(Excused - D. Domingo)

Chair Hiranaga: We'll move onto Items 3, 4, and 5 which is the SMA Minor Permits. Any discussion?

3. EA/EIS Report

4. SMA Minor Permit Report

5. SMA Exemptions Report

Chair Hiranaga: Seeing none, we'll move onto E-6. Director?

6. Discussion of Future Maui Planning Commission Agendas

a. January 8, 2013 meeting agenda items

Mr. Spence: Okay, Commissioners you have a memo from the Planning Program Administrator, Mr. Clayton Yoshida about January 8th meeting. There are three public hearing items and a workshop on short-term rental home ordinances. Are there any questions about it?

Chair Hiranaga: No questions. So next regular meeting is scheduled for January 8, 2013. Commissioner Shibuya?

Mr. Shibuya: I just wanted to say we're deferring this proposed Special Management Area Use Permit conditions by Jeffrey Dack. I'd like to have that presented before the workshop on short-term rental home ordinances so we don't defer it again.

Mr. Spence: Mr. Chairman?

Chair Hiranaga: Director?

Mr. Spence: I'm not sure if the short-term rental workshop is time sensitive either except you do have B&B applications.

Chair Hiranaga: Yeah, the note at the bottom says that we're gonna be receiving a lot of these applications in the second meeting of January so we probably don't want to reschedule or defer the workshop. So we'll leave it up to the Planning Program Administrator to schedule the agenda appropriately. So if there's no other objection, this meeting is adjourned and we'll all see you next year.

F. NEXT REGULAR MEETING DATE: JANUARY 8, 2013

G. ADJOURNMENT

The meeting was adjourned at 12:05 p.m.

Submitted by,

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

RECORD OF ATTENDANCE

Present
Keone Ball
Jack Freitas
Wayne Hedani
Kent Hiranaga, Chairperson
Ivan Lay, Vice-Chair
Warren Shibuya
Max Tsai
Penny Wakida

Excused
Donna Domingo

Others
Will Spence, Director, Planning Department
James Giroux, Deputy Corporation Counsel, Department of the Corporation Counsel
Rowena Dagdag-Andaya, Deputy Director, Department of Public Works