

**ECONOMIC DEVELOPMENT, ENERGY,
AGRICULTURE, AND RECREATION COMMITTEE**
Council of the County of Maui

M I N U T E S

Council Chamber

August 4, 2015

CONVENE: 1:42 p.m.

PRESENT: VOTING MEMBERS:

Councilmember Don S. Guzman, Chair
Councilmember Elle Cochran, Vice-Chair
Councilmember Don Couch
Councilmember Stacy Crivello
Councilmember Mike White (arrived at 1:52 p.m.; and excused
from 2:25 p.m. - 2:51 p.m.)

NON-VOTING MEMBERS

Councilmember Robert Carroll

EXCUSED: Councilmember Riki Hokama
Councilmember Michael P. Victorino

STAFF: Sharon Brooks, Legislative Attorney
Greg Garneau, Legislative Attorney
Pauline Martins, Committee Secretary

Ella Alcon, Council Aide, Molokai Council Office (via telephone
conference bridge)

Denise Fernandez, Council Aide, Lanai Council Office (via
telephone conference bridge)

Dawn Lono, Council Aide, Hana Council Office (via telephone
conference bridge)

ADMIN.: Gary Murai, Deputy Corporation Counsel, Department of the
Corporation Counsel
Jerrie L. Sheppard, Deputy Corporation Counsel, Department of
the Corporation Counsel
John Buck, Executive Assistant, Office of the Mayor
Danilo F. Agsalog, Director, Department of Finance
Kaala Buenconsejo, Director, Department of Parks and Recreation
Jhun-Lee Casio, Kahului Community Police Officer, Department of
Police

OTHERS: Fred Fisher
Robert Kindrachuk
Mia Louis

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Elaine Malina, President, Maui Green & Beautiful
Barbara Fernandez, Vice President, Maui Green & Beautiful
Patti Cadiz
Scott Crawford, Secretary, Na Mamo O Mu`olea
Plus (4) other people

PRESS: Akaku Maui Community Television, Inc.

CHAIR GUZMAN: . . . *(gavel)* . . . Today's date is August 4, 2014 [sic]. The time is 1:40. Welcome to the EAR Committee, Economic Development, Energy, Agriculture, and Recreation Committee. I'm Don Guzman, the Chair of the Committee. Prior to beginning the Committee, I would like to inform or caution everyone to please silence your cell phones. I'd like to introduce our Members for today's meeting. We have our Vice-Chair of the Committee Elle Cochran.

VICE-CHAIR COCHRAN: Aloha, Chair.

CHAIR GUZMAN: Good afternoon. Mr. Carroll.

CHAIR CARROLL: Good afternoon, Chair.

CHAIR GUZMAN: Good afternoon. Mr. Couch.

COUNCILMEMBER COUCH: Good afternoon, Chair.

CHAIR GUZMAN: And Ms. Crivello.

COUNCILMEMBER CRIVELLO: Good afternoon, Chair.

CHAIR GUZMAN: Good afternoon. Also for the Administration we have John Buck from the Mayor's Office. We have also the Director of Finance, the Director of Parks and Recreation, and from Corporation Counsel Gary Murai. From our Staff we have Legislative Attorney Sharon Brooks as well as Committee Secretary Pauline Martins. I'm going to check in with the District Offices. Prior to doing so, I'd like to remind everyone to please, if you are going to testify, sign up at the lobby. When you do come up to the podium please state your name and/or organization in which you represent. You'll have about three minutes to testify. You'll have a warning prior to the third minute to conclude your statement. I'm going to go ahead and check in with our District Offices. In Hana Office, Ms. Lono, are you there?

MS. LONO: Yes. Good afternoon, Chair. This is Dawn Lono at the Hana Office.

CHAIR GUZMAN: Good afternoon. In the Lanai Office, Ms. Fernandez, are you there?

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MS. FERNANDEZ: Good afternoon, Chair. This is Denise Fernandez on Lanai.

CHAIR GUZMAN: And on Molokai Office, Ms. Alcon, are you there?

MS. ALCON: Good afternoon, Chair. This is Ella Alcon on Molokai.

CHAIR GUZMAN: Thank you, ladies. I'm going to turn back to the Chambers. Please call the first testifier.

MS. BROOKS: The first testifier is Fred Fisher, and the second testifier will be Robert Kindrachuk.

. . . BEGIN PUBLIC TESTIMONY . . .

MR. FISHER: Good afternoon, Chair and everyone else. We were hoping for a PowerPoint presentation I believe from Parks and Recreation. And...

CHAIR GUZMAN: Can you please state your name?

MR. FISHER: I'm sorry. I'm Fred Fisher and I'm representing Friends of Upcountry Dog Park, a little nervous. Anyway, I was interested in knowing what the plans are for completing the park. I have to say that in the last year or so, quite a bit of work has been done. The fencing is up, the handicapped parking is done, the parking lot. There is temporary irrigation set up which is something that we were hoping for the last time we testified here. And we're hoping to get an opening date either today or sometime very soon. There's not much work to be done, and I have to say that Parks and Rec has been great to work with for the last year. I think of it as a really great example of community-government cooperation. Our Friends' committee has been accorded all due respect, and our efforts have been respected. And Parks and Recreation has been very forthcoming with information and their plans. So we're very excited about the park opening up very soon. That's about all I have.

CHAIR GUZMAN: Thank you. Members, have any follow-up questions for Mr. Fisher? Seeing none, Mr. Fisher, do you, are you available this afternoon for, to serve as a resource person if the Members have questions?

MR. FISHER: I'm not sure what that involves.

CHAIR GUZMAN: If we have questions regarding the park and what was --

MR. FISHER: Yeah.

CHAIR GUZMAN: --the dog park, and...

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MR. FISHER: For sure, I'll stick around.

CHAIR GUZMAN: Okay. Thank you very much.

MR. FISHER: Thank you, sir. Thanks, everyone.

MS. BROOKS: The next testifier is Robert Kindrachuk, followed by Mia Louis.

MR. KINDRACHUK: Good afternoon, Council and guests. My name is Robert Kindrachuk. I'm here with my wife Paula. We're both representing ourselves. We are commenting on the Kanaha Beach Park renovations, item EAR-19. We have both been part-time residents of Maui since 2002 and are now both full-time residents. We're both avid ocean enthusiasts for nearly 30 years and are excited by the County's upcoming renovations at Kanaha Beach Park. I think this park is truly a gem but it clearly needs a little bit of re-polishing. Our primary use of the park has been as windsurfers, kitesurfers, or picnickers. I hope the Council understands that Maui is the windsurfing capital of the world and 90 percent of all those windsurfers spend time at Kanaha. This beach park is known worldwide. I use the park at least 100 days a year and in my observation, the vast of the ocean users, be them windsurfers, kitesurfers, standup paddlers, fishermen, or divers, tread lightly on this valuable resource. I just hope that the Council recognizes the value of this park to those ocean users and makes reasonable access a continuing priority during the renovations and analysis, EAR, et cetera. Thank you. Oh, one last comment too. As a person using it right now, it'd be great if we could turn the water on for the lawns now and not wait 'til the renovations are all completed.

CHAIR GUZMAN: Thank you, Mr. Kindrachuk.

MR. KINDRACHUK: Thank you.

CHAIR GUZMAN: One moment. Members, do you have any follow-up questions for Mr. Kindrachuk? Seeing none, oh, thank you very much.

MR. KINDRACHUK: Thank you.

MS. BROOKS: The next testifier is Mia Louis, followed by Elaine Malina.

MS. LOUIS: Thank you. My name is Mia Louis. My husband David...

COUNCILMEMBER COUCH: Mr. Chair, can you have her use the microphone?

CHAIR GUZMAN: Yes. Can you get closer to the mic?

MS. LOUIS: Sorry.

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CHAIR GUZMAN: Thank you.

MS. LOUIS: I'm short. My name is Mia Louis. My husband David and I have been surface beach users of Kanaha for 27 years. We are here to support and participate in a positive manner in the future of Kanaha for all users. We look forward to being involved in the process and move forward for a successful future for Kanaha. Thank you very much.

CHAIR GUZMAN: Thank you. Miss...Members, do you have any questions for Ms. Louis? Seeing none, thank you very much.

MS. LOUIS: Thank you.

MS. BROOKS: The next testifier is Elaine Malina, followed by Barbara Fernandez.

MS. MALINA: Hello. Thank you for having me. I'm Elaine Malina, president of Maui Green and Beautiful. We used to be Maui Outdoor Circle. We're speaking on the conservation side more for Kanaha, the voice that doesn't get heard all the time. How we...I'll try to sum this all up. About three years ago one of our board members, Jan Dapitan, is our director on our board, she introduced me to Mike Perry who's a long-time volunteer there. He spends every day there taking care of that place and he told me...I walked with him for three hours one day and it just blew me away of the natural resources that we have there, the beautiful native plants that are coming up, the ocean, the wetlands, the native birds. I mean they don't just stay at the pond across the street, they don't know fences and roads, they just come over and it's just great. There needs to be better protection there, and I know there's a renovation going on and that's great for the park area of it but there's also a conservation area. Kim and Forest Starr, well known biologists and environmentalists had spent about five years there. Yes, I understand there's ocean users and fishermen and kitesurfers, but there's also gotta be respect for the natural wonders there. We just don't know what we have there and it's being abused. We're here also, the recent parking along the roadside, overnight parking that has been allowed that's illegal. Mike has been reporting to us, as of this morning, there were 16 cars, and what they're doing is they're not only parking there, they're going over the fence and they're camping and they're destroying native plants. And so something needs to be done. I don't understand why there isn't enforcement there. The gates were left open for 11 nights in July. I mean that's, I mean why isn't it taken care of? That's what our concerns are. And I really appreciate Councilmember Guzman really caring for this place. We've talked to him last year and we're back on it again and we're tired of being reactive to the problems. There's gotta be some kind of framework to protect this place and still allow the ocean users and the beachgoers and all that. I appreciate all your time on this. Thank you so much.

CHAIR GUZMAN: Thank you, Ms. Malina. Is, Members, do you have any questions? Mr. Couch?

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COUNCILMEMBER COUCH: Thank you, Mr. Chair. Thank you, Ms. Malina, for being here. You mentioned that there should be some sort of framework. Do you...you guys are in that kind of business of doing that, so do you have any draft or outline of anything that you'd like to be looked at?

MS. MALINA: What I was thinking of and I mentioned this to Mike Perry and some of our board members is to have a partnership like you have Hawaii Island Land Trust, you have Nature Conservancy on this island. You got so many good environmental people that something needs to be built. The County does a great job on parks and recreation, but they're not equipped to take care of an environment like that. I mean you have native plants and wetlands and all that, and they're maintaining the park area and the ocean, you know, users and that, but you need a partnership and a committed partnership, a long-term forever partnership. Not just oh, come and volunteer, it's gotta be...and I would love to sit down and do a framework. I would love to do this with our organization and help, and get other, another solid organization that has the backing, that has the history like Hawaii Island Land Trust or something in the works and see what happens. See if we could protect this area and not discourage ocean users. That's none of, that's not what we're doing, we just want to protect this place. Does that kind of...

COUNCILMEMBER COUCH: Okay. Yeah.

MS. MALINA: And I would be glad to help out.

COUNCILMEMBER COUCH: Okay. Thank you, Chair.

CHAIR GUZMAN: Thank you. I would also like to welcome our Council Chair Mike White.

COUNCILMEMBER WHITE: Good morning, Chair. Good afternoon.

CHAIR GUZMAN: Oh, Ms. Malina, can you serve as a resource person when --

MS. MALINA: Yes.

CHAIR GUZMAN: --the topic comes up?

MS. MALINA: Yes.

CHAIR GUZMAN: Okay, thank you.

MS. MALINA: Thank you.

MS. BROOKS: The next testifier is Barbara Fernandez, followed by Patti Cadiz.

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MS. FERNANDEZ: If I have stuff to disperse, shall I give it to you? [NOTE: Handouts were provided and Staff distributed it.] Aloha, Chair Guzman, Vice-Chair, and Councilmembers. I'm Barbara Halai Fernandez, and I am here to talk on behalf of EAR-19. Kanaha or Kanaha, whatever you think you want to call it is fine, but the main thing is that it's come to the point where we need to take care of this gem and have everyone know exactly where they stand in using it as far as all the activities that go on there and also the local community. I've been down there the last couple Sundays and usually about 3:30 or 4:30, there are families at most of the areas, and that makes me, you know, feel good because when we were younger we wouldn't go down there that much. Then it got cleaned up, then it got un-cleaned, and as public health nurses, there were communities that we went down. The first area, Kaa Point, I did see fishermen, kids, guys just sitting around, talking story, probably drinking a beer, so I thought that was the good. The mid place is the campground area and that's where the lifeguard station is and the office and so on. The Parks Department has done a wonderful job to go in there and do some cleanup, but it becomes obvious that the people that are parked there majority are all-day folks and then they move to the outside of the park. So, you know, trying to deal with the homeless situation is a huge job and that's, you know, not a bag that I'm here to open on. But the people were still using then the volleyball nets and things like that, so that made me feel good. The last two lots with the actual Kanaha Beach Park signs on 'em, again, families were loading up and into their cars, having a good time, entry and so on. When I went by this morning, there were still approximately 12 vehicles that are pretty obvious that they're living in the cars. So my main thing is I wanted to share my manao and what I remember of Kanaha, and I feel it needs to be put back in place. The first picture is the area with the green bunkers on the left and then the cat lady on the right. That's the only way I can describe it. They call it Keyhole now, I understand.

MS. BROOKS: Thirty seconds.

MS. FERNANDEZ: When we were younger, this area was good. But however, we need to remember this area was a footpath, it was always a footpath, now it's a mess. Every time I've been there there's been cars and trucks parked on both sides, and you can't get in, you can't get out, sometimes you're treated rudely. I've actually been there where you see the second page where the dunes area are, there's a clear path which I think folks can explain.

MS. BROOKS: Three minutes.

MS. FERNANDEZ: And that's the area that I'd like you to be able to look at. So let's look at the whole park and get people together. Mahalo for your time.

CHAIR GUZMAN: Thank you, Ms. Fernandez. Any questions? Mr. Couch?

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COUNCILMEMBER COUCH: Thank you, Mr. Chair. And thank you, Ms. Fernandez, for being here. In picture number two, you talk, you show breaking down dune and walking over, totally killing native plants at the little X spot. Is that people going...it looks like there was post and rail there and there's no more?

MS. FERNANDEZ: Well, we seem to have a little disagreement with some of the windsurfers or kitesurfers. That's where we saw trucks going up also to the base of the dunes.

COUNCILMEMBER COUCH: Oh.

MS. FERNANDEZ: And there is now just a path, maybe about this wide, and so it's gone over the native plants and now it's just sand.

COUNCILMEMBER COUCH: On the, where that X is?

MS. FERNANDEZ: The far left of that --

COUNCILMEMBER COUCH: Yeah.

MS. FERNANDEZ: --picture.

COUNCILMEMBER COUCH: Also, I see there's at least posts, are there rails across to prevent, people have to actually walk over to get over to the dune or?

MS. FERNANDEZ: Correct.

COUNCILMEMBER COUCH: The rails are still there? 'Cause it doesn't look like it.

MS. FERNANDEZ: When you see, yeah, when you see the end, there are rails as you're going in, but then to the far left there's no rails there.

COUNCILMEMBER COUCH: Okay, so the rails are missing?

MS. FERNANDEZ: Right.

COUNCILMEMBER COUCH: Okay. So that would be one deterrent. Now there were rails before and they just got removed or...

MS. FERNANDEZ: I don't know what's happened to the rails because all I remember is the rails later being put in after it was established as a footpath.

COUNCILMEMBER COUCH: Okay. And lastly, are there, it looks like there's a sign there that says hey, you know, dune restoration. I recognize that this work might be...

MS. FERNANDEZ: That's Tara Owens.

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COUNCILMEMBER COUCH: Yeah, Tara Owens.

MS. FERNANDEZ: Yeah, and them. We run a panel together.

COUNCILMEMBER COUCH: Right. So there's a, looks like a sign that says, it might be a dune restoration sign, is that right?

MS. FERNANDEZ: It does say that.

COUNCILMEMBER COUCH: And people are still walking by that and...

MS. FERNANDEZ: They are.

COUNCILMEMBER COUCH: Okay. So we need some sort of more restrictions going through there, because they're not paying attention to the sign.

MS. FERNANDEZ: There's a lot of signs down there, Councilman Couch. I mean there's signs don't take the trees because we lost about 30 Milo last year, somebody cut 'em. So I don't know about all the different kinds of signs, you know, maybe that could be something to be looked in also.

COUNCILMEMBER COUCH: Okay. Thank you.

MS. FERNANDEZ: Thanks.

CHAIR GUZMAN: Thank you. Members, any other further questions? Seeing none --

MS. FERNANDEZ: Thanks for your time.

CHAIR GUZMAN: --see you shortly.

MS. BROOKS: The last testifier is Patti Cadiz.

MS. CADIZ: Hi again. I'm Patti Cadiz. My husband and I have HST, windsurfing/kitesurfing lessons. I've [sic] seen me here before I'm sure. I'm here today to talk about the recreational interests at Kanaha Beach Park. We've been participating in those sports for 30-some years down there and active recreator in windsurfing, kitesurfing, standup paddle, and surfing with the kids, and picnicking. And last weekend the Larry Libres Fishing and Diving Tournament. I mean there's just so much going on down there. I've been a part of the process of various things going on at Kanaha for many years, starting with way back in the beginning when my husband helped with the initial working groups that created the ____ rules like 11 o'clock rule and then more recently with the CORA study, and then also with the dune restoration project that they're...my avocation is I have a dune and beach restoration business that's

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helped facilitate some permits up and down the north coast. And I helped Tara with the planning and the maintenance of that dune project. And it needs some more maintenance, we need some materials and things, just minor stuff. But for the most part, that dune restoration has been a model of success in the park, and I'd love to see some more beach and dune improvements there. So I think this is probably a good venue for working on that too. So I'm just here to say I think it's a wonderful thing that there's Kanaha Park improvements on the horizon and I would love to be a part of the process. Any questions?

CHAIR GUZMAN: Any questions, Members? Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And thank you, Ms. Cadiz, for being here. I don't know if you're aware of the pictures that were given to us, but it sounds like you know there area by where she's talking about, Keyhole, and then to the left of the dune path that you put in there, apparently there's post and rails missing and people are going up over the dune that's trying to be restored there with the native plants. Are you aware of that activity going on?

MS. CADIZ: I'm aware of the area and I think when we schedule the walkabout, it'd be lovely to sort of go there together and see what there really is. But the area to the left...

COUNCILMEMBER COUCH: It's number two, picture two.

MS. CADIZ: Yeah, picture two. That path that goes up there is a footpath. There's no vehicular access there, so the vehicles that she's seen, all I can think of is that maybe they found a way at Kaa Point to . . .(inaudible). . .

COUNCILMEMBER COUCH: Well I'm talking about where that little X is.

MS. CADIZ: Yeah, there's no vehicular access near there.

COUNCILMEMBER COUCH: No, footpath, it talks about people walking over the native...

MS. CADIZ: Well, see the mound that's on the left side of the picture there?

COUNCILMEMBER COUCH: Uh-huh.

MS. CADIZ: That mound sort of drops away, that's sort of a dune that's sort of perpendicular to the wind, created by that fencing that you see there.

COUNCILMEMBER COUCH: Right.

MS. CADIZ: And so the back of that dune is sort of a low area and the footpath sort of goes up behind the dune, which is actually environmentally correct, because it's

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perpendicular and wind-sheltered so it doesn't create any sort of venting. It's just an access path.

COUNCILMEMBER COUCH: Right.

MS. CADIZ: And then it actually meanders through the dune which is an also environmentally correct way to do a path. What you don't want is a path that's aligned with the wind direction --

COUNCILMEMBER COUCH: Right.

MS. CADIZ: --because it creates a vent and then the sand blows back off of the active beach and dune area.

COUNCILMEMBER COUCH: Okay. 'Cause normally Ms. Owens would mark the path, so --

MS. CADIZ: Yes.

COUNCILMEMBER COUCH: --is that a... 'cause to me in the picture it looks like the path is that big sandy area right there --

MS. CADIZ: Yeah. So that is --

COUNCILMEMBER COUCH: --to the right of that fence.

MS. CADIZ: --the main entrance/exit and that's what most people use, and it's also sort of parallel. It needs a little maintenance on what, some of the post and rope area, that's all come down, so we should probably reestablish that to protect the plants. . . .(inaudible). . . there's actually a little naupaka tree coming up there and the akiaki grass is coming in pretty well. But the other path, it's on the back of the dune, it was there before this dune restoration was done, and it's, I don't see it as a problem actually.

COUNCILMEMBER COUCH: Okay.

MS. CADIZ: But when we do the walkabout, everybody can see for themselves.

COUNCILMEMBER COUCH: Okay. Thank you, Chair.

CHAIR GUZMAN: Thank you. Any further questions? Seeing none, I would like to ask if you're available this afternoon? When we, the subject matter comes up, we could --

MS. CADIZ: Okay. Sure, happy.

CHAIR GUZMAN: --get a different perspective in terms of the commercial uses.

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MS. CADIZ: Okay, sure.

CHAIR GUZMAN: Thank you.

MS. CADIZ: Okay, thank you.

MS. BROOKS: There are no more testifiers in the Chamber.

CHAIR GUZMAN: Okay. Thank you. I'll turn to our District Offices. In Hana Office, is there anyone wishing to testify?

MS. LONO: Yes, Chair. I have Mr. Scott Crawford here testifying on EAR-8 on behalf of Na Mamo O Mu`olea.

MR. CRAWFORD: Aloha, Chair. Good afternoon.

CHAIR GUZMAN: Good afternoon.

MR. CRAWFORD: . . . *(inaudible)* . . . This is Scott Crawford. I am the secretary of Na Mamo O Mu`olea, and I've been designated by the organization as the point of contact for our lease application. So I'm here to just express our support for this agenda item and to make myself available as a resource person for you as you have any question, if you have any questions as you discuss this item. I also wanted to just mention that because the lease document that was originally presented to us and reviewed and approved by our board was then revised subsequently, and we were just notified of that last week, and our board hasn't had a chance to review and approve the changes to the lease document. So we are okay with proceeding for the sake of being able to move forward on this, but would ask that we, you know, have a chance at our next regular board meeting which will be on August 12th, to review the changes that were made and make a decision if we approve those changes prior to the item being agendized before the full Council, assuming that it does pass today. Other than that, so that's just a procedural matter to keep things moving along. But other than that, we appreciate the efforts of the Administration, Mr. Buck in particular for being diligent in keeping this process moving forward, and of course Chair Guzman for bringing it before the Committee. And we look forward to formalizing the relationship that this community organization has with the County to manage this precious, historically important, culturally important, and ecologically important property, to manage it for the best interests of the community and in a way that the, you know, the families who have a connection with this land for generations and feel that it's a kuleana for them to help to take care of it, have a way to be able to do that. And we feel like we can have a good partnership between the community and the families --

MS. BROOKS: Thirty seconds.

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MR. CRAWFORD: --and the County for the management of this property. So we're looking forward to having the lease after, you know, we've been at this for about ten years now, and we're looking forward to finally being able to have the lease formalized and have a formal relationship between our organization and the County. So we thank you for hearing this matter and for your support. Mahalo.

CHAIR GUZMAN: Thank you. Thank you, Mr. Crawford. And also we would also like to extend our thankfulness for all your patience and your hard work in this process. Members, do we have any questions for Mr. Crawford? Seeing none, Mr. Crawford, can you stick around for any questions that may arise during the subject matter when it comes on the agenda?

MR. CRAWFORD: Yes. I will be available as a resource person when, during your discussion.

CHAIR GUZMAN: Okay, thank you very much. Members, seeing no other...wait, excuse me, I got a couple other District Offices I gotta go to. In Lanai Office, is there anyone wishing to testify?

MS. FERNANDEZ: There is no one waiting to testify on Lanai.

CHAIR GUZMAN: Thank you. And also on Molokai Office, is there anyone wishing to testify?

MS. ALCON: There's no one here on Molokai waiting to testify.

CHAIR GUZMAN: Okay, thank you. At this time, I'm going to excuse the Lanai Office as well as the Molokai Office. I believe Mr. Crawford will stay on as a resource in Hana Office. Without any objections, Members, I'm going to close testimony.

COUNCILMEMBERS: No objections.

CHAIR GUZMAN: Thank you. Public testimony is now closed.

. . . END OF PUBLIC TESTIMONY . . .

EAR-8 NA MAMO O MU`OLEA - GRANT OF LEASE OF COUNTY REAL PROPERTY
(HANA) (CC 13-219)

CHAIR GUZMAN: Moving to our first item on the agenda, EAR-8. Na Mamo O Mu`olea - Grant of Lease of the County Real Property, Hana. The Committee is in receipt of the following: County Communication 13-219, from the Acting Mayor, transmitting a proposed resolution to authorize the grant of lease of the County property in Hana to Na Mamo O Mu`olea; correspondence dated July 29, 2015, from the Mayor, transmitting a revised proposed resolution, entitled Authorizing the Grant of a Lease of

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the County Real Property known as Mu`olea Point, Hana, Maui, Hawaii to Na Mamo O Mu`olea, attaching as exhibits copies of the revised proposed lease and revised proposed grant agreement. The purpose of the revised proposed resolution is to authorize the grant of a 50-year lease, for \$50 per year, of approximately 73.25 acres, cumulatively identified as Tax Map Keys (2) 1-5-007:001 and (2) 1-5-007:012, in Hana, Maui, Hawaii, to Na Mamo O Mu`olea, a nonprofit organization, for the purposes of managing, restoring, and maintaining the natural, cultural, historic, and marine resources of the subject property. The Committee may consider whether to recommend adoption of the revised proposed resolution, with or without revisions. The Committee may also consider the filing of County Communication 13-219 and other related actions. Members, this matter came to our Committee two years ago, when the Acting Mayor transmitted a request that the Council approve a proposed resolution authorizing the grant of a 50-year lease of the 73.259 acres of the County property in Hana, Maui, Hawaii, to the nonprofit Na Mamo O Mu`olea. Most, almost a decade earlier in 2004, by Resolution 04-134, the Council authorized the acceptance of funds from the United States Department of Commerce, National Oceanic and Atmospheric Administration, NOAA, in the amount of 2,011,800 to the County for acquiring the acreage at Mu`olea Point, Hana. The effort to acquire the land was spearheaded by the Trust for Public Lands, a national nonprofit specializing in conserving important community land assets. The trust assisted in obtaining the NOAA funding. The NOAA funding, the NOAA Financial Assistance Award attached to Resolution 04-134 incorporated by reference the County's proposed entitled land acquisition, Mu`olea Point, Hana, Maui, Hawaii, dated June 6, 2003, and NOAA Administrative Special Award conditions. By Resolution 04-135 adopted the same day, the Council authorized the acquisition of the subject property for a purchase price of 3,008,000 so. The County purchased the property from the Trust for Public Land in January 2005. Upon authorizing the acquisition of the property, the Council required that an advisory committee be established to oversee management of the property. As a result, the Mu`olea Point Advisory Committee was formed to develop a management plan and identify a qualified organization to carry out the management plan and comply with the covenants, conditions, and restrictions. In July 2006, these responsibilities were passed to Na Mamo O Mu`olea, a nonprofit formed to manage the property. In November 2007, the nonprofit submitted an application for a grant to NOAA. Following the referral of this matter to this Committee, in August 2013, I requested that the Mayor provide information regarding the scope of work described in the County's proposal to NOAA, NOAA's conditions, the purchase agreement for the property, and a description of any informal agreement with Na Mamo O Mu`olea and the work it had been performed or has been doing. Due to the lack of the response, the item was deferred on October 15, 2013, by this Committee. In January 2014, the Mayor advised that his office was unable to locate the requested documents but provided a copy of a document entitled Restrictions Imposed by the Acceptance of Federal Funding Required by NOAA and incorporated into the deed that conveyed title to the subject property to the County. The Mayor further stated that the nonprofit was in compliance with the conditions imposed by the NOAA award and the Trust for the Public Lands. However, in March 2014, I requested that Corporation Counsel

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revise the proposed resolution to incorporate the proposed grant, integrate the warranty deed, and make other corrections. I also requested that the warranty deed be revised to incorporate certain revisions required by NOAA under the special award conditions to reflect the property was acquired with Federal funds, and that any sale, lease, or encumbrance of the property is subject to the approval of NOAA, by NOAA. In May 2014, Corporation Counsel advised that NOAA had, would need the deed to be corrected and recorded together with a notice of grant of lease and NOAA would need to review and approve the proposed lease agreement. Further, additional NOAA special award conditions needed to be fulfilled by the Mayor's Office to obtain NOAA approval. Subsequently, NOAA requested amendments to the lease agreement. The recorded notice of grant was received by this Committee on March 30, 2014. In June 2015, the Mayor transmitted a revised proposed lease which included changes made at the request of NOAA but did not include the correction revisions requested the prior year. In July 2015, I requested that Corporation Counsel transmit the revised proposed resolution requested a year earlier. On July 29th, the Mayor transmitted the revised proposed resolution, revised proposed lease, and grant agreement which we have before us now. So that is the history. It's been about ten-plus years, and it took this Committee about two-and-a-half years. And so we are at this point of finally seeing the end of the trail, end of this journey. I'd like to thank Corporation Counsel Gary Murai for all his due diligence and his efforts. So at this point, I'm going to have him present, and then after Mr. Murai presents, then we will have John Buck who's worked very hard on this as well present on behalf of the Administration. Mr. Murai?

MR. MURAI: Thank you, Mr. Chair. Thank you for your kind words but I have to say the feeling is mutual. We would not be where we are without the help of you and your Staff. And I think what you've read is an accurate and long and, you know, tortured history of how this matter came before us. For the Members of the Committee, this is not something new, you've seen the basic, the framework of this grant come before you before. And I believe that we're at the point now where all of the parties are satisfied that we have an agreement and a grant agreement for the lease and a lease itself that complies with the terms and conditions that NOAA has imposed on us. And I can say that with some confidence, because NOAA has been cooperative in reviewing the several drafts that we've sent them. And they've been helpful at every step of the way, even when we ran into problems with things like, we ran into difficulty with getting the Hawaii Bureau of Conveyances to accept the correction deed. And NOAA worked with us in coming up with alternate format of recording the notice of grant so that it would meet their specifications and, you know, and get the job done. At this point, I can say with confidence that the terms and conditions have been thoroughly vetted. This is not to say that everything was done perfectly, but I think this about we are at a point now where we haven't been before. I would be remiss if I did not thank Na Mamo themselves for all of their patience and their cooperation in reaching this agreement. I know that they've been in limbo for a long time on this, but notwithstanding that, you know, they've been doing a good job on holding up their end of the deal. What will...now just because we...assuming that this lease is, this resolution is eventually passed through the Council as a whole, that doesn't necessarily, that won't end the

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Administration's and Na Mamo's obligation to continue to work together, because it is a grant agreement, it is a partnership. Na Mamo will be submitting periodic reports to the County on the progress of their work, and the County will be monitoring this grant of lease. So we do urge your favorable consideration. And before I turn it over to John Buck, I'll be glad to answer any questions you may have.

CHAIR GUZMAN: Members, do you have any questions for Corporation Counsel? Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And you heard the testifier from Hana, Mr. Crawford talk about that the board hasn't okayed the lease on their side. Is that, would that preclude us from moving forward on this, or can we move forward and say pretty much that, of course provided that the other side accepts, signs the agreement?

MR. MURAI: You know I don't see a problem with us moving forward, although I cannot speak for Na Mamo or their board. I understand Mr. Crawford's predicament in that he cannot speak for his entire board. I'm confident, I'm very hopeful that, you know, well the changes that were made were largely nonsubstantive and more technical based on this recent go-around, basically correcting errors in citation, errors in grammar, that kind of thing on the last go-around. I don't see an impediment to the Council passing this out provisionally subject to the Na Mamo board's full approval. Anyway, that, I hope that answers your question.

COUNCILMEMBER COUCH: Okay. And if...I'm assuming Mr. Crawford is okay with that. I think he's speaking on behalf of the organization.

CHAIR GUZMAN: Well, Mr. Couch, I would assume that August 12th which is their next board meeting --

COUNCILMEMBER COUCH: Okay.

CHAIR GUZMAN: --this won't even get to first reading by that time. I'll make sure I time it right where --

COUNCILMEMBER COUCH: Okay.

CHAIR GUZMAN: --it gets to the first reading after their board meeting. And so it should be at that point, you know, if they're not in approval of it at first reading, we can always send it back down to Committee. But at least we're gaining at least, you know, three weeks or, you know, instead of delaying it another three. And they've been waiting --

COUNCILMEMBER COUCH: Oh yeah.

CHAIR GUZMAN: --for more than a decade.

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COUNCILMEMBER COUCH: You bet.

CHAIR GUZMAN: So...

COUNCILMEMBER COUCH: Okay, thank you. I just wanted to make sure we don't have any hiccups on the way, any more hiccups.

CHAIR GUZMAN: I know. Mr. Buck...Members, any other questions for Mr. Murai? Seeing none, Mr. Buck? And I think we'll also need Mr. Agsalog as the Finance Director. If you can come down and make any statements.

MR. BUCK: Thank you, Chair. First of all I think I want to thank your Committee and your Staff for being very patient in working with us on this, and also Na Mamo, the organization for having the patience. Over ten years is a long time. I don't have an excuse for that, but I am glad we're moving forward. I'm kind of the new kid on the block, I was assigned this about the end of February to move this thing forward. The, one of the things, one of my first tasks was to start the...because we're required to have that report to NOAA, so that's where I started this whole process was drafting the report. But to finish that report we need to have some sort of management agreement on the property as NOAA's requiring and that would be the final approval of the lease. So the report's basically done except some pictures that I have to attach, but the main thing keeping me from finishing the report is the approval of the lease.

CHAIR GUZMAN: On...any questions for Mr. Buck, Members? I have a question and maybe Mr. Murai can answer that as well if you don't have the answer. I know that we have to abide by the conditions that are in place from NOAA. Is, what are the process of reporting to NOAA? Is that yearly reporting? Annually? After the lease is executed?

MR. MURAI: Mr. Chair, my understand...

CHAIR GUZMAN: Who reports? Does it...I'm sorry. Would it be the County that would report to NOAA or would it be now Na Mamo?

MR. BUCK: I think first off, it would be the report from the County in regards to...and then I think after that the organization. So I'll let Mr. Murai...

MR. MURAI: As for the County to fulfill its obligations under the grant, we just need to complete a final report, and that's what Mr. Buck is referring to. Thereafter, the reports that NOAA would be...I mean I'm sorry, that Na Mamo would be submitting would be submitted to the Administration. But my understanding is that subsequent to doing our final report to NOAA we don't have any further reporting obligations.

CHAIR GUZMAN: Okay. So just the final report? And what is the status of the final report?

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MR. BUCK: It's, I have, it's basically completed in draft form. The part of the report, it would be the final lease, because part of the reporting is what sort of management agreement that the County has with the group, and that's where the lease would come in. And once the lease is approved and signed off, then that'll be attached to the report.

CHAIR GUZMAN: Okay, very good. And then one more question. Would...in terms of making sure that historically this...to prevent any hiccups later on, is there going to be some type of, I don't know, archives or documentation of what's been, what has happened and what information that we could do to prevent or, you know, something like this from happening again? I'm just trying to make sure that other situations we don't get into this type of longevity of trying to comply with NOAA and the Feds and...

MR. MURAI: Mr. Chair, based on what, how I, my familiarity with how records are kept, certainly the lease agreement and the grant of lease would be kept on file with the Department of Finance. I...we don't know what happened when that first, you know, box of files was lost.

CHAIR GUZMAN: Right, right.

MR. MURAI: And I know the one thing that I'm going to do for damn sure is that I maintain a file in my office that says never throw away for 50 years. And that I'm sure that Mr. Buck may come up with a similar protocol for maintaining the file in his office. Again, you know, noting that this is a grant agreement that will endure for 50 years.

CHAIR GUZMAN: For 50 years, yeah.

MR. MURAI: So our probably discard date might be like in 2065, something like that.

CHAIR GUZMAN: So in 50 years, we would still have to comply with the conditions, NOAA's conditions after the 50 years?

MR. MURAI: Well, actually NOAA...

CHAIR GUZMAN: Is there a timeframe?

MR. MURAI: No, NOAA's conditions are perpetual.

CHAIR GUZMAN: Yeah, perpetual, okay.

MR. MURAI: It's just that our lease agreement would be 50 years.

CHAIR GUZMAN: Fifty years, okay.

MR. MURAI: Of course should we be fortunate to be around in 50 years and Na Mamo is willing to renew the lease, I suppose we'd revisit that at that time.

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CHAIR GUZMAN: Okay. And how do...are we monitoring whether we ourselves are going to be in compliance with the conditions?

MR. MURAI: I'm not sure who...well, the answer is yes, of course we have an obligation to monitor the lessee's --

CHAIR GUZMAN: Yes.

MR. MURAI: --use of the property. I, as we speak now, I don't know what that, how that would be done.

CHAIR GUZMAN: Okay.

MR. MURAI: I presume, you know, if this is going to be handled like the majority of our other lease agreements are, it would be the department who is administering the grant assigning a grant manager or someone like that to this grant of lease.

CHAIR GUZMAN: Okay. And so I guess that would lead into Mr. Agsalog, because this grant comes from your Department. Do you have any opening..

MR. MURAI: Actually if I may correct that? It's technically out of the Mayor's Office.

CHAIR GUZMAN: Oh, the Mayor's Office.

MR. MURAI: Yeah.

CHAIR GUZMAN: Oh, okay.

MR. MURAI: Actually and Mr. Agsalog's involvement was that he had assigned one of his staff, Guy Hironaka to assist us in working through all of these things, and that's why he's here today because Mr. Hironaka was unable to attend.

CHAIR GUZMAN: Okay, very good. So it was really a joint effort --

MR. MURAI: Very much so, yes.

CHAIR GUZMAN: --from the Finance Department as well. Mr. Agsalog, would you like to, care to say any few comments or the work that was involved or any issues that may be pending still?

MR. AGSALOG: Thank you, Mr. Chairman. Again, Danny Agsalog, the Director of Finance. And I just want to echo what you already stated earlier in the effort that was, this particular grant agreement has been put into place today and ready for your guys' approval if that's what we're going to get today for the grant recipients. But I just

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want to thank my staff, Guy Hironaka working with Mr. Gary Murai. I remember way back two or three years ago when I first started that as you mentioned we were not able to get some of the documents and went back and forth with NOAA to get some records. And we had to comply with, example is putting a sign that requirements by the NOAA that this particular place is partly financed by them. And that was very, very important for the Mayor's Office as well as the Corporation Counsel. And Mr. John Buck just came onboard, what, about a year ago, and I really appreciate his taking the lead in getting it to your Committee today. So again, I really appreciate it. I know you mentioned it earlier. So again, I thank everybody's effort, Mr. Chair. And again, the grant agreement is with the Mayor's Office, but I think with the records we have now we'll be able to provide those documents. That's the work that we need to do.

CHAIR GUZMAN: Okay. Thank you very much, Mr. Aagsalog. Any further questions from the Members? Seeing none, at this time, the Chair will entertain a motion to recommend adoption of the revised proposed resolution entitled Authorizing the Grant of a Lease of the County Real Property known as Mu`olea Point, Hana, Maui, Hawaii to Na Mamo O Mu`olea; substituting the current revisions of the proposed lease and grant agreement with the signed versions received today, and incorporating any revisions made by the Committee and nonsubstantive revisions, and filing of County Communication 13-219.

VICE-CHAIR COCHRAN: Chair...

COUNCILMEMBER CRIVELLO: So moved, Chair.

CHAIR GUZMAN: Okay.

VICE-CHAIR COCHRAN: Second.

CHAIR GUZMAN: Okay. Moved by Ms. Crivello, seconded by Ms. Cochran. Any further discussion? Seeing none, all in favor, say "aye"?

COUNCILMEMBERS VOICED AYE.

CHAIR GUZMAN: Four "ayes", no "noes", three excused, and I believe Mr. Carroll is a non-voting Member. Motion carries.

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VOTE: AYES: Chair Guzman, Vice-Chair Cochran,
 Councilmembers Couch and Crivello.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Hokama, Victorino and White.

MOTION CARRIED.

**ACTION: ADOPTION OF REVISED RESOLUTION AND FILING OF
COMMUNICATION.**

CHAIR GUZMAN: So at least we've made it out of Committee. Thank you.

MR. BUCK: Thank you, Chair and Committee.

CHAIR GUZMAN: Thank you, Mr. Murai and Mr. Buck, Mr. Agsalog.

EAR-13 UPCOUNTRY DOG PARK (MAKAWAO) (CC 14-10)

CHAIR GUZMAN: Moving on to the next item, Members. I think we have EAR-13, Upcountry Dog Park (Makawao). The Committee is in receipt of County Communication 14-10, from Councilmember Mike White, relating to the Upcountry Dog Park in Makawao, Maui, Hawaii. The Upcountry Dog Park at the Eddie Tam Dog Park site in Makawao has been a work-in-progress for over a year. The Department of Parks and Recreation together with many volunteers, including the Friends of Upcountry Dog Park Committee--I think we have Mr. Fisher here to represent--have worked to make a reality. The dog park is nearing completion and will be open for the public very soon. We have here today our Director, Kaala Buenconsejo, the Director of Parks and Recreation who will update on the progress of the dog park and the plans for the opening ceremonies. We also have Jerrie Sheppard here as the Deputy Corporation Counsel. Mister, the Parks Director, can you please identify yourself? And go ahead and proceed with any opening comments.

MR. BUENCONSEJO: Chair, thank you, Chair. And, Councilmembers, good afternoon. As mentioned, we are definitely moving forward with the dog park. We are just about there. We are, you know, as mentioned, there has been about a year in the making, and happy to say that we are finally at a point where we can give a date. And right now we are scheduled. It is delayed by a few months that we were originally have

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supposed to have opened up in the past month or so, but we are shooting for an opening date of December 5th.

CHAIR GUZMAN: December 5th.

MR. BUENCONSEJO: December 5th.

CHAIR GUZMAN: Okay.

MR. BUENCONSEJO: Currently what our scale, our schedule, I should say, entails, we did have a, currently a little three-month delay with some contractual issues but we put that aside. We did move forward. August 5th we are doing our weed cutting with our work line that will be heading up to the dog park. On the next week or so from August 6th to the 15th, we'll be with the weed cutting doing some weed control. From the 15th to the 22nd of August, we'll be bringing in the topsoil to be delivered and spread. From the 22nd to the 29th, is the hydromulch. And the real delay, not delay, but the real long process from that hydromulch effort is from that point on, is the growing in of the turf from the hydromulch. And we have the growing in from the first phase from the 29th to November 13th. And our first cut of grass depending on of course our conditions and water and getting that to where we need to be, our first cut of that turf will be November 16th, second cut will be November 23rd, and after that we can open the park up. And we're going to give that a week and a half about, in case of delays. And we'll get that going up December 5th, just in time for the holidays.

CHAIR GUZMAN: Good. Mr. Fisher, do you have any comments that you wanted to come down and ask, any issues? And while you're doing that, Members, do you have any questions that we have for the Parks Director? Seeing none, I have one question. How did you guys resolve the water issue that I know the, when this item was in the Committee prior to you being the Director or I think you were the Director at the time, I'm not sure, but one of the issues was the accessibility of water for the grounds or the premises?

MR. BUENCONSEJO: Yeah. So, Chair, so we did get a waterline up there, we did tie into the Eddie Tam tie-in, if I'm not mistaken, where construction and maintenance tied into. So we do currently have an irrigation line, a portable irrigation line I would say, it's not an in-ground...portable irrigation, but we do have a water spigot along with our ADA, our parking. And so there is water accessible from there, but the park itself will rely heavily on the natural rainfall.

CHAIR GUZMAN: And what about the drainage? I know that there was a property that was on the lower side of the premises that was getting flooding or there was some drainage issues.

MR. BUENCONSEJO: Chair, actually it was just a basin.

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CHAIR GUZMAN: Yeah, a basin.

MR. BUENCONSEJO: So yeah, we did finish up that basin, we cleared that out, got that good to go, so that's not an issue or will not be an issue, but it has been done through construction and maintenance as well --

CHAIR GUZMAN: Okay.

MR. BUENCONSEJO: --through our contract.

CHAIR GUZMAN: And then do you have a partnership agreement for maintenance with the friends of the dog park? Or how does that, how are they going to maintain it? Are you going to, is the Department going to maintain it or are they asking for volunteers to maintain it?

MR. BUENCONSEJO: Chair, it'll be a collaboration. We haven't gotten to that stage yet. I think those as we move forward, as we get closer to that steps of opening the park up, we will get to that step.

CHAIR GUZMAN: Okay.

MR. BUENCONSEJO: Yeah.

CHAIR GUZMAN: Mr. Fisher, do you have any questions or comments?

MR. FISHER: I can just briefly address that drainage issue that you're concerned about. That, originally there was about seven-and-a-half acres that the County said that the friends committee could use to build a dog park. After clearing the end closest to the recycling center, we realized that we didn't need seven-and-a-half acres. Your dog would be a half mile away, and we realized, at first we thought well, this will be phase one. And then once we realized the size of it, it's about three acres, it's the largest dog park on Maui for sure and maybe in Hawaii. So there's a side for large dogs, there's a side for small dogs. We have more than an adequate area. And the area that the neighbor was concerned about with drainage is still uncleared. There's no danger of any runoff from our park down to anywhere in the neighborhood. And Parks and Rec did a topographical survey. We had met out there in 2014 on March 31st, and it rained literally cats and dogs, it was the worst rain I've seen in ages. And so that's when Parks realized hey, there's some drainage issues within the park itself and those have been addressed. So drainage issues are taken care of. I'm hoping that a couple things, first of all, that we do have enough rain to maintain grass there. Most other parks have some kind of irrigation on a regular basis, and we hope as move forward, that we can maintain a nice grassy environment for the dogs and people. And the other thing is at one point we were told that we'd have to raise quite a bit of money to get a riding mower to maintain the grass there. There had been some talk of the friends committee having to come in and do the grass cutting, and then that led to

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some discussions regarding liability and all of that. If you've got people running around with lawnmowers and somebody gets hurt, you know, that would not be good for anybody. So when we testified before your Budget Committee in Pukalani a few months ago, my appeal was to the County Council to find funds so that a rider mower could be purchased and the County could do the maintenance of the grass. It seems like the proper way to go. But as far December 5th, that's great. It hasn't been a one-year process as you well know.

CHAIR GUZMAN: Yeah, yeah.

MR. FISHER: It's been nine years. And I'd wish it were sooner but at this point gosh, we're really happy to hear that we have a date, and we're really looking forward to having a very fun opening ceremony with tons of dogs and people. The community Upcountry are very, very much supportive of the dog park. There have been some people that have given their all for many years, kind of dropped out after a while. I've just come in at the last little bit here to drag the leash across the finish line, if you will. And we're really happy. Our coordination with Parks and Recreation has been tremendous for the last year so, and we're grateful to all of them for doing such a great job up there. It's going to be awesome.

CHAIR GUZMAN: That's great. Just a follow-up question for the Director, on the cutting of the grass up there, do you have a resolution for that or is it--

MR. BUENCONSEJO: Chair?

CHAIR GUZMAN: --we're going to come into issues later . . . *(inaudible)* . . .

MR. BUENCONSEJO: So we did put in for our Upcountry park a tractor mower for the dog park and specifically for that issue. It's not a regular, typical riding lawnmower, it is a tractor kind of like the State with a hedge trimmer for the tree branches. And, you know, the budget was cut. It was minimized, I should say. So we may be coming in if there is a need for that, to get that increase in what was cut to purchase that mower.

CHAIR GUZMAN: Okay. All right. Any further questions from the Members? Just wanted to add that when this Committee item was first placed in our Committee, it was a very emotionally charged item, and I think that we've worked hard to get it done. I know that in the past we can't do anything with things that have happened in the past, but we can certainly do our best efforts to get things done while we're still here. And I think this Council has done a good job as well as the new leadership in the Parks Department and working with the community. And I also would like to extend a thanks to Mr. White for bringing this to our attention and bringing this to our Committee as well. So thank you, Mr. Fisher. And, Members, without objections...it sounds like December 5th is the day we can all bring our dogs up there to celebrate. And without objections, I'd like to file County Communication 14-10.

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VICE-CHAIR COCHRAN: No objections.

COUNCILMEMBER COUCH: We gotta move. I think you have to move. We have to move.

CHAIR GUZMAN: Yeah.

VICE-CHAIR COCHRAN: So, oh, so move, Chair.

CHAIR GUZMAN: Thank you.

COUNCILMEMBER COUCH: Second.

CHAIR GUZMAN: Motion by Ms. Cochran, seconded by Mr. Couch. Any further discussion?
Seeing none, all those in favor, say "aye"?

COUNCILMEMBERS VOICED AYE.

CHAIR GUZMAN: All those opposed, say "no"? Four "ayes", no opposed, three excused.
Motion carries.

**VOTE: AYES: Chair Guzman, Vice-Chair Cochran,
 Councilmembers Couch and Crivello.**

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Hokama, Victorino and White.

MOTION CARRIED.

ACTION: FILING OF COMMUNICATION.

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CHAIR GUZMAN: Thank you. Members, moving on to the next item. Thank you, Ms. Sheppard. Thank you, Director. Are you still with us, right, for this next item? Yes, you are. And we also have from...excuse me? Oh, we need a break. We need a recess, and we will take a five-minute recess. . . .(gavel). . .

RECESS: 2:42 p.m.

RECONVENE: 2:49 p.m.

CHAIR GUZMAN: . . .(gavel). . . The EAR Committee shall now reconvene.

EAR-19 KANAHA BEACH PARK RENOVATIONS (KAHULUI) (CC 14-159)

CHAIR GUZMAN: Members, turning to the next item on the agenda, EAR-19, Kanaha Beach Park Renovations. The Committee is in receipt of the following: County Communication 14-159, from me, relating to the matter of the Kanaha Beach Park renovations; No. 2, the correspondence dated July 21, 2015, from Elaine Malina and Barbara Fernandez, Maui Green and Beautiful, relating to the problems arising from the Kanaha Beach Park renovations. Members, recently my office has received a number of communications from the public complaining of illegal overnight parking at the Kanaha Beach Park on Amala Place as a result of the park renovations, repairs, and campground closures. I have handed out an announcement, I believe it's a press release from the Mayor's Public Information Office, regarding the closure of the 12 campground areas at the beach park for repair beginning June 8 of 2015. As we heard from Elaine and Barbara testifying on behalf of Maui Green and Beautiful, up to 25 cars have been seen parking illegally each night, and the occupants of the cars are camping on the other side of the fence, damaging native plants and leaving rubbish. Ms. Malina and Ms. Fernandez are here today--if you would come down to the floor--as resource persons to give their experience and expertise in preserving the Kanaha Beach Park. I also called the Department of Parks and Recreation. Here today we have the, our Director as well as Jerrie Sheppard as our Corporation Counsel. And the Chief of Police has sent Officer Casio to be here on the floor. So at this time, I'm going to go ahead and call on the Department for an update in regarding these issues as they can present our Members.

MR. BUENCONSEJO: Chair, thank you. Regarding the closure of the campgrounds back in June, those have been already made and repaired and the campgrounds are back and open, so as far as the campgrounds and the construction work or repairs that were done there have been completed, let's see, maybe about two weeks or so now it has been up and running back to regular campgrounds. The need for the closure was, I mean as those who are aware of that area, there was pretty much a free-for-all on the campsites as far as what the space was, how much space they could take. So the Department took it upon themselves for now, and then in the interim of our master plan for Kanaha, is to kind of rezone the campsites and make it I think it is a 20x20

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area for where they are issued to be, and try and contain them into that one particular area of their camp permit. So regarding the issues of the Kanaha Campgrounds to closure for repairs, that has been completed.

CHAIR GUZMAN: Okay. Thank you.

MR. BUENCONSEJO: Thank you.

CHAIR GUZMAN: And then what about the illegal parking --

MR. BUENCONSEJO: Oh, sorry.

CHAIR GUZMAN: --that's going on? The overnight parking.

MR. BUENCONSEJO: Chair? So the overnight parking, again, it's a real big issue. For that particular moment, it basically was all of the campers who in a long story, you know, there are campers, they got permits to camp, but, you know, as those who are familiar with that area, it has become an area where it is the homeless. It's a homeless situation where they get the permit to camp, they stay there. Tuesday and Wednesdays everyone has to leave the park on the campsite, and they do exit the park; however, they don't leave the park. They do go on the side of the street on that roadway and they stay there from my understanding for those two nights that they're not allowed to go in the park. And we reopen the park and they go back into their designated area. So, you know, it is an enforcement issue. We're trying to watch that, but in a bigger picture, it's just, it is a deeper issue than just parking on the side of the street for sure.

CHAIR GUZMAN: Director, is there, have you formulated any type of response or solution, maybe temporary or something that is in the works for a long-term solution?

MR. BUENCONSEJO: Chair? So regarding that particular issue, you know, we do have our park rangers out there, we do have MPD out there. As far as citations from our park rangers, we are in the process of getting that done with, working with MPD. So we do have a full staff, it's been a while, but we have a full staff of park rangers now and they will be giving out citations after their class of August 12th. But again like I said, as far as what kind of specifics to where they will go, I think again that's a story that I think that's what we're here for to find a solution and where can we go. 'Cause it is a solution that's nationwide, you know, when it comes to homeless issues is where do we go and if we're going to displace them from there, where are we going to put them after that.

CHAIR GUZMAN: From the Police Department, before I ask our Members to ask questions, I would like to hear some input from the MPD. Mister, Officer Casio --

MR. CASIO: Good afternoon, Chair.

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CHAIR GUZMAN: --how are you handling the situations?

MR. CASIO: Good afternoon, Chair. Good afternoon, Members. My name is Officer Jhun Casio with the Maui Police Department. I am the Community Police Officer for the Kahului area. I am very familiar with the Kanaha Beach Park as well as the problem that's going on over there. Just to give you a background, we've conducted several operations in the past in regards to the homeless issue. Littering, we have littering over there, we have people living in their vehicles which are parked along Amala, and we have issued citations, we have arrested people in the past. And as I think Ms. Malina or Fernandez had mentioned, it's being, you know, so we, you do an operation, it's going to be good for about a week, but if you don't keep up with it, you know, they're going to come right back. It's just like a revolving door, yeah. But we're not making any excuses. If it's an issue, thank you for bringing it up to our attention that it is becoming an issue again. We will definitely look into that problem again and partner up with the Park Director Buenconsejo regarding partnering up with the park ranger and Maui Police Department joint operation to address this issue right now.

CHAIR GUZMAN: And I think that one of the bigger issues that the Director had mentioned was underlying is the homeless, and hopefully we'll be addressing those issues in Ms. Crivello's Committee. But Kanaha is one of those parks that are inundated with the, those type of issues. In terms of the conservation area, maybe we can get some information as, from Ms. Malina about the history. The Federal monies that we acquired for that area, correct me if I'm wrong, did, are we under a grant to take care of that area from the Federal government? Or is that, I know there was appropriations from the Federal government, that's why we were able to put those, the railing around the conservation area, that was all Federal money. So is there any possibility that if we don't maintain that area, the Federal government could come back and say okay, you owe us this and that, or we can even ask them for more additional help in enforcing that area to make sure that our, that conservation plants and trees are not being disturbed by the, you know, ancillary issues that are going on, the homeless, the commercial factors that are going on?

MS. MALINA: Okay. Can everyone hear me?

COUNCILMEMBER COUCH: No, you have to use the mic.

MS. MALINA: Oh, I have to. Okay, sorry. Okay. Now? Okay, thank you. Jan Dapitan is here but and she has the history of Kanaha.

CHAIR GUZMAN: Oh yeah, Jan, yeah.

MS. MALINA: Yeah. Unfortunately she has some hearing loss that comes and goes. I know the railing was a grant. The land belongs to the County as I understand. It's the County's responsibility to take care of it, and they can't. We don't, the County

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unfortunately, and I'm not, Parks and Rec is great and I'm not putting you down, but they're not equipped to take care of a conservation area. You really aren't.

CHAIR GUZMAN: I know that the friends are, the Friends of Kanaha Beach Park have continuously maintained the conservation area and they also have, I believe they bring in people to maintain it or clean it up and make sure that the plants and all the historical vegetation is maintained. So you're saying that the Parks is not going in there and maintaining it? Or are you, or is it just the friends that are doing it?

MS. MALINA: Actually it's only Mike Perry and his group of volunteers and sometimes, what is it, it's not Maui Community Work Day anymore, it's Malama Aina I believe. Is that their new name? They come in and will clean, but to maintain that area, no, it's Mike Perry and a group. Sometimes he gets volunteers and helps. Years over, the Friends of Kanaha there was, I know at one time there was a big group with Kim and Forest Starr. There are different groups coming in, trying to do really good, and they got frustrated and they leave, because you do something really good and then you'd step away and it goes back to what it was and it gets abused and there's more abuses. If you walk the beach, natural vegetation, you'll see the sand and I know Councilmember Don Couch has done a lot of volunteer work in Kihei, but you see the sand and then you have your morning glory or your beach grass and then you have your shrubs and your trees. Where commercial activities take place, you have your beach and there's trees. There's things that have been removed by people, commercial activities. And I'm not blaming everyone, that's not what we're here. But there's gotta be a better protection for that area. The police say they do it but yet...and I have nothing against the police, okay, but how long ago was the sweep? And I know it was cleaned up of the homeless during another Administration. And yes, when the campground closed, they started parking on the street and they stayed there. The campground has more restrictions now, so maybe they can't afford the ten dollars a night. Or I don't know all the things but something's changed. It wasn't good what was going on in the campground before the renovation, I understand that, it was, it's beautiful now. Homeless...would you allow homeless to take over areas or a street along Kihei Road? I mean, would you? I mean sometimes Kanaha is so forgotten because it's out of the way, it's a shame. And it's one of the most, it's the only giant beach park for the people of Kahului. So why aren't we taking care of it like we should? I live in Kihei and yes I go to Kihei beaches, but just, you know, I go to Haleakala only once in a while but I know it's, it needs to be protected. Why isn't Kanaha the same way? Why aren't we protecting it?

CHAIR GUZMAN: Is there...I know that you mentioned when you were testifying, an option of trying to find partnership with other organizations to help maintain or work with the Department. Maybe we can start that dialogue with the Department, if the Department was, is willing to, you know, entertain that type of discussion with you folks. Right now sadly, unfortunately, I have to conclude this meeting because I have another meeting that I chair which is the Committee of the Whole that's starting up at 3 o'clock. But what I'll do is, without objections, Members, I will defer this matter so

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that we can bring this back up. And in the meantime hopefully, Mr. Buenconsejo, the Director and the MPD can work with Ms. Fernandez and Malina to work out some type of solution. And I'll bring this back up to the, to this Committee once something has been, the first initial dialogue has come to pass and there's something more concrete we can work with. But I do apologize for the shortness of this discussion. But I do need to defer this matter and bring it back up. So without any objections, Members, I'd like to defer this matter.

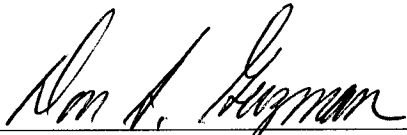
COUNCILMEMBERS: No objections.

ACTION: DEFER.

CHAIR GUZMAN: Thank you. Members, I would...this concludes our EAR Committee, the agenda items on EAR Committee, so the EAR Committee shall now adjourn.
...*(gavel)*...

ADJOURN: 3:03 p.m.

APPROVED BY:



DON S. GUZMAN, Chair
Economic Development, Energy,
Agriculture, and Recreation Committee

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Transcribed by: Daniel Schoenbeck

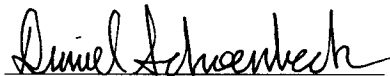
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CERTIFICATE

I, Daniel Schoenbeck, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 19th day of August, 2015, in Kula, Hawaii



Daniel Schoenbeck