

1 MAUI PLANNING COMMISSION

2 REGULAR MINUTES

3 April 26, 2016

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5 A. CALL TO ORDER

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The regular meeting of the Maui Planning Commission was called to order by Chairperson Max Tsai at approximately 9:00 a.m., Tuesday, April 26, 2016, Planning Conference Room, First Floor, Kalana Pakui Building, 250 High Street, Wailuku, Maui.

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

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Chair Tsai: Today is April 26, 2016. So we're going to open the floor for public testimony at this point. If you signed up for public testimony, you have a chance to either testify now, you have three minutes, or you can wait until the agenda item comes up, but you can't do both. So you have a choice, you either do it now or later.

19

Do we have any?

20

(Inaudible.)

21

22

Chair Tsai: Whoa. I'm going to have Leigh Jones. Okay. Leigh -- oh, you going to wait?

23

Mr. Jones: I'm going to wait.

24

Chair Tsai: Okay. Ian Horswill.

25

Mr. Horswill: I'll wait as well.

1 Chair Tsai: What's that?
2 Adell Sievers.
3 Ms. Sievers: I'll wait.
4 Chair Tsai: Jay Wright.
5 Mr. Wright: I'll wait.
6 Chair Tsai: Liz May.
7 Ms. May: I'll wait.
8 Chair Tsai: Robert Sloop.
9 Mr. Sloop: Wait.
10 Chair Tsai: Ray Sievers.
11 Mr. Sievers: I will wait.
12 Chair Tsai: Walt Jennings.
13 Mr. Jennings: I'll wait.
14 Chair Tsai: Ty -- Emeru? Emerel?
15 Mr. Emanuel: Emanuel.
16 Chair Tsai: Emanuel, sorry. You'll wait too?
17 Mr. Emanuel: Yes, I'll wait.
18 Chair Tsai: Okay. Larry Michaels.
19 Unidentified Speaker: Excuse me, sir. (Inaudible
20 comments.)
21 Chair Tsai: I'm having a hard time -- sorry. I'm
22 having a hard time hearing you. So you have two people you
23 want --
24 I'm speaking one on behalf of myself and
25 (inaudible). The other are comments by Paul Johnson,

1 Hawaiian Property Management, who's asked me to speak on his
2 behalf.

3 (Inaudible comments.)

4 Chair Tsai: Can you please come to the podium so we
5 can hear you and also for the record?

6 Mr. Michaels: How do you do?

7 Chair Tsai: Yeah. Good morning.

8 Mr. Michaels: My name's Larry Michaels and I have
9 two separate agenda items that I would like to speak on today.
10 The first I would like to wait upon, which has to do with an
11 objection to a petition to intervene.

12 The second item is on behalf of Mr. Paul Johnson of
13 Hawaiian, who would like to speak on the general state of
14 affairs of Kahana Beach.

15 Mr. Murai: Mr. Michaels, so in order words, you'll
16 be speaking as to item D-1, the motion to intervene?

17 Mr. Michaels: That's correct, sir.

18 Mr. Murai: You want to present different testimony
19 on behalf of -- I'm sorry, I forget his name, but --

20 Mr. Michaels: Paul Johnson.

21 Mr. Murai: On behalf of Paul Johnson on item C-2?

22 Mr. Michaels: If C-2 pertains to a generic
23 discussion of Kahana Bay and Kahana Beach, the answer's yes.

24 Chair Tsai: Okay. That's fine. We'll allow it.

25 Mr. Michaels: Thank you.

1 Chairman, Members of the Council, Paul Johnson is
2 the vice president of Hawaiiana Property Management and I met
3 Paul because I am a volunteer for the Army Corps of Engineers
4 and have been so since November. It was my collection of the
5 data that I transmitted to the Army Corps of Engineers that
6 provided them with the necessary material for them to do a
7 report, that report eventually lead to a study. And Jim Buika
8 just today informed me that in the Mayor's budget proposal the
9 County is coming up with \$750,000 and the Army Corps of
10 Engineers has now committed \$5,750,000 to the study of Kahana
11 Beach.

12 Paul in his, if you will, representation from
13 Hawaiiana and the properties he represents, Wayne Cober from
14 Solei in representing the three properties, unnamed owners in
15 addition to myself of the Royal Kahana, we are a group now
16 that has property value worth \$600 million, we pay \$10 million
17 of property tax. The GET and the accommodation tax that we
18 pay approximates 7 to \$10 million a year to the council. We
19 feel that what we are enduring, all of us sitting here who
20 live on Kahana Beach, we're fighting a fight and we feel that
21 the Council can more actively engage itself in assisting us.
22 We have been expending monies, at least -- I will speak for
23 the Royal Kahana, of possibly \$600,000 in the course of a
24 year's time and we are simply in a protective mode. There's
25 no permanent solution that we have to date.

1 Mr. Buika, Mr. Scott, they're almost neighbors.
2 We're thinking about buying them a condominium at the Royal
3 Kahana, they're there so often.

4 We can make light of it, but, very frankly, if you
5 look at the Hololani, who has probably a million and a half
6 dollars or more just in sandbagging and protecting their
7 property interest. Valley Isle was destroyed in a matter of
8 four days. I am not sure, and I leave the question to you,
9 whether or not the Council has visited the site, whether the
10 Council is fully aware of the decimation that is transpiring
11 right now in Kahana Beach and how close we are to losing
12 property and buildings. And, very frankly, we are now going
13 to be speaking with a single voice as between Hawaiiana,
14 Solei, and the remaining properties. You'll be hearing from
15 us, but I wanted to at least introduce myself and as I
16 promised Paul I would voice our concern. Thank you.

17 Chair Tsai: Thank you.

18 Questions from commission?

19 Mr. Michaels: Whoops. Excuse me.

20 Chair Tsai: Commissioner Hedani.

21 Commissioner Hedani: Sorry. Were you for or
22 against the proposed project?

23 Mr. Michaels: The -- (microphone feedback.) Is
24 that you or me? (Microphone feedback.)

25 Commissioner Hedani: It's probably me.

1 Mr. Michaels: I'm sorry. I'm talking about Kahana
2 Beach and what is transpiring in Kahana Beach as a total.
3 With what is going on with regard to the Hololani, is that
4 what you're asking me, sir? I would have to tell you that
5 there is a neutral to favorable feeling amongst most of us
6 because right now Hololani is probably the most decimated
7 property and the property that is in greatest need of
8 assistance. What that assistance should be we'll leave to
9 (microphone feedback) -- we'll leave to the engineers.

10 What I'm objecting to and am embarrassed by is the
11 Royal Kahana's participation in the Hololani issue in filing
12 the petition to intervene, which I believe is simply a delay
13 tactic, I think it's politically motivated, and I think it
14 should fail as a matter of law, but I'd like to withhold my
15 comments until that issue comes up.

16 Commissioner Hedani: Thank you.

17 Chair Tsai: Any other questions?

18 Thank you.

19 Mr. Michaels: Thank you.

20 Chair Tsai: Okay. Going back to the list -- the
21 reason why we're doing the public testimony now is because for
22 those individuals who can't stay till their agenda item comes
23 up, you have an opportunity to testify. So where was I?

24 Larry Michaels.

25 Mr. Michaels: Yes, sir.

1 Chair Tsai: Oh, I'm sorry. I missed you.
2 (Laughter.)
3 Chair Tsai: Okay. Larry -- (microphone feedback.)
4 Mr. Michaels: Is this an encore presentation?
5 (Laughter.)
6 Mr. Michaels: 'Cause I have another three minutes.
7 Chair Tsai: So that must be the one --
8 Director Spence: Amber.
9 Chair Tsai: Amber Stribling.
10 Ms. Stribling: I'll wait.
11 Chair Tsai: Fine. Okay. Michelle Stafford.
12 Ms. Stafford: I'll wait.
13 Chair Tsai: I'm -- right there.
14 Mr. Murai: Someone who lives at 52 Kameeui Place,
15 Lahaina.
16 Unidentified Speaker: Really pretty handwriting.
17 Ms. Paoa: Cothilda Pua Paoa. And I am going to
18 give my statement now.
19 Chair Tsai: Would you please step up and speak to
20 the mic for the record. Thank you, ma'am.
21 Ms. Paoa: Is this loud enough for you?
22 Unidentified Speaker: Pull it down.
23 Chair Tsai: Yeah. Pull it down.
24 Ms. Paoa: Okay.
25 Chair Tsai: Thank you.

1 Ms. Paoa: Good morning.

2 Chair Tsai: Can you please repeat your name again
3 for the record?

4 Ms. Paoa: Okay. Cothilda Pua Paoa.

5 Chair Tsai: Thank you.

6 Ms. Paoa: We're okay on that; right?

7 Chair Tsai: Yes.

8 Ms. Paoa: Good morning, Commissioners.

9 Commissioners: Good morning.

10 Ms. Paoa: My home is at 52 Kameeui Place in
11 Honokowai adjacent to the vacant property which -- which Mr.
12 Knuppe is acquiring for his supposed proposed storage
13 business.

14 Now, 50 years ago my late husband and I, George,
15 purchased this property to raise our children and there wasn't
16 much development in that area, as you probably know. Today my
17 property is squeezed in by several rental apartments, a
18 small -- a small strip mall -- which I've gotta admit, it's a
19 very nice one -- an ABC Store and a gas station down the road.
20 Starting from Kaanapali, Honokowai, and all the way to Kapalua
21 there are hundreds of timeshares and condominium units. Okay.
22 I've been living on Lanai and I'm back home again, so a
23 little -- it's a little different lifestyle.

24 Because of this explosion growth in my area, I
25 understand the need for more storage units. I want to point

1 out that the greater perimeter of my property borders the back
2 of Mr. Knuppe's proposed storage facility. Many of my
3 neighbors, like myself -- and I'm 85 years old and I'll be 86
4 in June. I look pretty good, don't I?

5 (Laughter.)

6 Ms. Paoa: A little -- a little old.

7 Due to the close proximity of this development, I
8 feel -- and I love Mr. Knuppe. He knew my husband and my
9 husband was lucky enough to (inaudible) and he's done well.
10 And so this --

11 I feel my safety, security, and privacy has been
12 encumbered. Now, the facility which will accommodate stored
13 vehicles/boats creates an environmental excess noise, noxious
14 fumes, intrusive (inaudible). So I propose -- and I'm for
15 this, by the way. I'm not against. I propose that a solid
16 wall at the highest legal height be constructed between the
17 proposed facility and my property to ensure my safety,
18 security, and privacy. And also reasonable hours of business
19 to eliminate any environmental noise, fumes, and like.

20 Thank you. I appreciate it.

21 Chair Tsai: Questions from commission?

22 Thank you.

23 Richard Copley.

24 Mr. Copley: I'll wait.

25 Chair Tsai: Bill Gresham.

1 Mr. Gresham: Later.

2 Chair Tsai: Donna Karnofsky.

3 Ms. Karnofsky. I'll wait as well.

4 Chair Tsai: Stuart Allen.

5 Mr. Allen: I'll wait.

6 Chair Tsai: You'll wait?

7 Mr. Allen: Yes.

8 Chair Tsai: Okay.

9 Art Ford.

10 Mr. Ford: That's me.

11 Chair Tsai: Please identify yourself. You have
12 three minutes. Thank you.

13 Mr. Ford: My name is -- my name is Arthur Ford and
14 I reside in Honokawai at Maui Sands directly across from this
15 proposed project of the storage.

16 I'd like to point out also that there are hundreds
17 of condo projects along the Lower Road. This is a very
18 heavily trafficked -- traveled corridor. There's a strip mall
19 directly next door to this proposed project; as a matter of
20 fact, the driveway is only about 10 feet away from the -- the
21 driveway for the proposed project. The strip mall that's next
22 to this proposed project services a number of businesses,
23 including several restaurants. It's very -- it's utilized a
24 great deal.

25 And I am at Maui Sands, my driveway is directly

1 across from the driveway of the proposed project. It's often
2 very difficult for us to get out of our driveway and make a
3 turn out of the driveway with the traffic and congestion from
4 the strip mall. It's very difficult in order to make a left
5 turn because they're also making a left turn as we're making a
6 left turn. But in addition to this, now I'm going to have a
7 driveway directly across from us.

8 There's a number of issues that I'm concerned with,
9 but the first of them is being a boat storage. If boats are
10 to be stored there, they will most likely have to be backed up
11 from the Lower Road. I've owned several boats and trailers
12 and it's a skill, backing up a trailer. I know you laugh, it
13 is. As a matter of fact, my wife actually has to back up our
14 boat, I -- I never could figure it out, but --

15 (Laughter.)

16 Mr. Ford: I'm very concerned with -- with boats
17 being able to be backed up there because I don't see -- the
18 property is not that big that you can actually pull a boat
19 directly up in there and be able to back it up. If the boats
20 are to be stopped there on the highway, it's going to block
21 our access. It will directly block our access from being able
22 to get out of our driveway.

23 There are 76 units at our particular condo complex.
24 I feel that this blockage is going to halt traffic and as you
25 know here, we have a number of guests that are at these condo

1 units and many of them from California, they're used to their
2 passing people, I feel that what will happen is when those
3 boats and those trailers back up there to go in -- (microphone
4 feedback) -- that those motorists that are going to be behind
5 are going to attempt to pass and when they do, they're going
6 to find the strip mall driveway coming out. I'm afraid that
7 that's going to create a very hazardous condition.

8 In addition to that --

9 Staff: Three minutes.

10 Mr. Ford: I would also like to point out -- and I
11 think the previous speaker mentioned that -- I'm concerned
12 with when -- when you have boat storage, a lot of times the
13 owners want to get in there and work on their boats, firing up
14 their engines, changing their oil, those types of things. I
15 don't really know how that's going to be monitored, that's
16 another concern that I have, so I'd like for you to -- I would
17 definitely like to look at this project and -- I don't know if
18 there's any other access other than the Lower Road, but that
19 is a very heavily traveled corridor and I just don't see this
20 project working in -- in terms of any kind of a -- a storage
21 particularly for boats. I thank you very much.

22 Chair Tsai: Thank you.

23 Questions?

24 Robert Luce.

25 Mr. Luce: I'll wait.

1 Chair Tsai: Public testimony is now closed. We're
2 going to our first public hearing item.

3 Director.

4 Director Spence: Commissioners, excuse me, We're on
5 item C-1, Mr. James Knuppe of AAAAA Rent-A-Space requesting a
6 Conditional Permit for a self-storage facility. Our staff
7 planner this morning is Tara Furukawa.

8 Ms. Furukawa: Good morning, Commissioners.

9 Commissioners: Good morning.

10 Ms. Furukawa: First item's under your review
11 because the applicant is requesting a conditional permit for
12 AAAAA Rent-A-Space to construct a 29,900-square-foot paved
13 parking lot for off-street parking and additional self-storage
14 and related improvements. In this case the Conditional Permit
15 is required because the underlying zoning is R-3 Residential
16 and the proposed use is not permitted, nor will it -- would it
17 qualify for a Special Use Permit. The Planning Commission
18 must make a recommendation to the Maui County Council to
19 either approve or deny the Conditional Permit for the proposed
20 project.

21 At this point the applicant's consultant, Jordan
22 Hart from Chris Hart & Partners, will present you with the
23 scope and details of the proposed project. After Jordan's
24 presentation, I'll return to the podium for the department's
25 analysis and recommendation.

1 Mr. Hart: Good morning, Chair and Commissioners.
2 My name is Jordan Hart of Chris Hart & Partners, here to
3 present the Conditional Use Permit request for the AAAAA
4 Rent-A-Space project. I'll go through a series of information
5 for the project.

6 First I'd like to introduce the project team. Mr.
7 Jim Knuppe is the applicant, who is here today. Myself and
8 Raymond Cabebe are the planners for the project. David Sereda
9 is the landscape architect for the project. Phillip Rowe is
10 our traffic engineer. Phillip could not attend today, his
11 family has a family illness issue that prevented him from
12 being here. And Reed Unemori -- or, sorry, Reed Ariyoshi of
13 Warren S. Unemori Engineering is our civil engineer.

14 We're here to request a Conditional Use Permit
15 because the project is zoned R-3 and we have filed a Special
16 Management Area assessment application. We're anticipating a
17 minor permit for that based on the limited construction value
18 because this consists of essentially a parking lot with pods
19 placed on top of it.

20 For some orientation, the project is located in
21 Honokowai in red here on Lower Honoapiilani Road. This is the
22 tax map key, it shows the configuration of the parcel. The
23 parcel is 0.9 acres in size. It's owned by Hawaii Housing and
24 Finance Development Corporation, HHFDC, it's under a 55-year
25 lease from the applicant.

1 At this time I would like to invite Mr. Jim Knuppe
2 to talk a little bit about his process of communicating with
3 the State to obtain this property as well as a little bit
4 about his history as an operator of self-storage facilities.

5 Mr. Knuppe: Good morning. My name is Jim Knuppe.
6 (Microphone feedback.) And I reside at 1864 Aina Mahiai
7 Street in Lahaina. It's at the Lahaina coffee farms.

8 I have been a licensed general contractor since 1960
9 in construction and development from my strong building
10 foundation. My company pioneered the introduction of the
11 self-service storage concept in the San Francisco Bay Area in
12 1970. I was instrumental in the writing of the Self-Service
13 Storage Act in California and Hawaii. And I am a lifetime
14 member of the Building Industry Association and I was inducted
15 into the Housing Hall of Fame in Washington, D.C. (microphone
16 feedback) in 1986 for founding a new industry and introducing
17 the first one to the state of Hawaii in West Maui. I am also
18 a member of the National Association of Home Builders. I have
19 served on the NAHB board of directors for over 40 years.

20 My AAAAA Rent-A-Space is a family-owned company and
21 has been in business for 45 years. AAAAA Rent-A-Space has
22 been honored by many of the communities it serves, receiving
23 award for its design and superior community service.
24 Advancing from fine homes and multi-residential units, I
25 engineered and built the same quality into the self-service

1 storage business.

2 Growth in the self-service storage industry
3 throughout the world has come as a result of the desire and
4 need of the public to save and store items they value. During
5 the last 40 years the more affluent Americans have tended to
6 acquire more possessions while higher construction costs have
7 caused residential housing to downsize.

8 I am the owner of AAAAA Rent-A-Space in Lahaina,
9 which I built in 1987. My property is located next to the
10 vacant lot owned by the State of Hawaii. The process of
11 acquiring the adjacent lot next to AAAAA Rent-A-Space started
12 in 1904 -- 2004. It seems -- it seems like 1904 to me.

13 (Laughter.)

14 Mr. Knuppe: Boy, I'll tell you, dealing with the
15 State is something. You wouldn't know that, I know.

16 (Laughter.)

17 Mr. Knuppe: And so we have recently entered into a
18 55-year lease agreement from the State of Hawaii.

19 And I invested three years ago in solar panels and I
20 used a local solar company here and I provide over 200
21 single-family houses electricity in West Maui. I have a
22 permanent residence at Kaanapali, as I said, in Kaanapali
23 Coffee Farms. We are benefactors to the community. We go
24 green, we keep our island clean. Our clubs, we -- the Chamber
25 of Commerce, the Lahainaluna High School, the Rotary Club of

1 Lahaina Sunset, the Women Helping Women, Maui Food Bank, and
2 many other organizations. Hey, I give back to the community.
3 Okay? I'm a Christian businessman and I've been a member of
4 the Lahaina Baptist Church for over 40 years.

5 And I thank you for hearing our use permit and I
6 return to the completion of presentation of Mr. Jordan Hart,
7 whose father, Chris Hart, was the planning director of Maui
8 County and approved our original project and -- 36 years ago.
9 And Randy Piltz was our local electrical contractor and I only
10 hire locals.

11 So back to Jordan.

12 Mr. Hart: Continuing on with the land use
13 presentation, this is an aerial photograph. This is the
14 project site here. As Mr. Knuppe noted, here's AAAAA
15 Rent-A-Space's existing location immediately north on Lower
16 Honoapiilani Road, Honoapiilani Highway mauka.

17 This is the community plan map. The community plan
18 designates the parcel as multifamily and the parcel's in the
19 Urban Build -- State Urban District.

20 This is the Maui County zoning map. The parcel is
21 R-3, which is why we're here for the Conditional Use Permit.

22 This -- these are photographs of the project site.
23 This is the subject parcel. This is the abutting AAAAA
24 Rent-A-Space and there's a commercial component on that. This
25 is Lower Honoapiilani Road. Looking northeast over the

1 project site. Looking southeast over the project site. This
2 is Kameeui Place here. This would be looking north. Behind
3 these residences is the project site here, it's photo 6.

4 Some information about the infrastructure of the
5 project. It's going to be approximately 29,900 square feet
6 paved which these storage pods will be placed on.
7 Approximately 18,900 square feet will be fenced in for the
8 self-storage area. It's going to include 16 parking stalls,
9 there will be 31 standard pods and 18 mini pods. The storage
10 space for boats and autos, it'll be eight -- space for eight
11 boats and space for ten autos. The mix will vary based on
12 current and future demand.

13 This is the site plan for the project site. These
14 are mini pods back here, standard size, boat storage in blue,
15 auto storage in green. As discussed earlier during testimony,
16 this area here is used for orientation for vehicles and boats
17 entering the storage area. The driveway access is actually
18 going to be moved from the current north side of the project
19 site to the south side of the project site. I believe that
20 would eliminate some of the conflicts that were mentioned
21 earlier.

22 Some information on the scale of the pods. The
23 standard size is 8 feet by 19 feet and the mini size is 8 feet
24 by 10 feet. They're made of powder-coated steel. They'll be
25 able to be (microphone feedback) moved with a forklift and

1 they are temporary in nature. It takes approximately 15
2 minutes to erect or disassemble the pods.

3 Some information on these structures that are being
4 discussed. This is an example of them stacked.

5 Here's the project site. In preparation for the
6 project we did make considerations of screening for the
7 neighborhood. We've specified Areca palms in a 4-foot planter
8 around the full frontage of the project site as it abuts
9 residential uses. These are going to be specified to be a
10 minimum of 6 feet in height from their planting. There's also
11 going to be a chain link fence with vinyl slats in it,
12 anticipated to be green, so basically we're going to be
13 reducing visibility from the south properties into the project
14 site. Street tree -- or, sorry, parking lots trees for our
15 parking lot area.

16 There will be an access gate located here. Hours of
17 operation, standard hours of operation for AAAAA Rent-A-Space
18 is 7 a.m. to 7 p.m. and on Sundays it's 7 a.m. to 3 p.m.

19 These are examples of the plant material. The fern
20 trees are going to be our parking lot trees along with Ice
21 Plant, common Gardenia, Queen Emma Lily, and then Joannis
22 palms will be on the east end of the project site.

23 These are the Areca palms. As I noted, they're
24 going to be 6 feet minimum height when they're planted and
25 they work well for screening material. This is another

1 example of how Areca palms function for screening.

2 This is a rendering of the project site: vehicles,
3 boats, standard-size pods, mini pods, parking. As noted, the
4 driveway access is going to be moved south. Currently it's
5 approximately in this location.

6 Another rendering from a street view. This doesn't
7 exactly represent the landscape planting plan.

8 An archaeological inventory survey was conducted and
9 accepted by SHPD in December of 2015. A preliminary drainage
10 and engineering report was prepared for the project. The
11 initial recommendation that the drainage engineering --
12 engineering report provided was to relocate the project access
13 driveway. It also specified appropriate sizing of catch
14 basins for collection of storm water runoff.

15 The traffic impact assess -- well, a traffic
16 assessment report was conducted. This doesn't meet the
17 threshold for a traffic impact assessment report. Two trips
18 are anticipated to be generated during the a.m. peak hour and
19 three trips during the p.m. peak hour. The use that was used
20 to calculate these trips is self-storage use. This results in
21 no impact to level of service and, therefore, no mitigation
22 was recommended by the traffic report. The traffic report was
23 reviewed by the Department of Public Works without negative
24 comment.

25 Drip irrigation for the project site will consist of

1 1,000 gallons of water per day. There's no domestic uses on
2 site. There is an existing AAAAA Rent-A-Space facility
3 immediately abutting, our facilities are there, office spaces
4 are there. This is simply a lot that will have pods. No
5 sewer. Drainage will be accommodated on site. Roadway access
6 is from Lower Honoapiilani Road.

7 In summary, a Conditional Use Permit would authorize
8 this use. This is the appropriate application process for the
9 proposed use. And we've included measures for screening
10 landscape design in order to make the project site visibly
11 appealing and limit the impact to neighboring property owners.

12 One thing I would like to add that I forgot to
13 address is that the -- the pods are all oriented inward, so
14 these will all be backs of pods up against the back of the
15 fence on both sides, so no users would be on the resident's
16 side of the property when they're accessing their pods at any
17 time. I think that that's the final point I wanted to add
18 there.

19 Thank you very much.

20 Ms. Furukawa: The department offers the following
21 comments and analysis: As of today, April 26, 2016, the
22 department had not received any protests on the proposed
23 project. The department received 17 letters of support and
24 one email from the lesser of the land, the Hawaii Finance and
25 Development Corporation, the Maui Chamber of Commerce, and

1 members of the community including condominium residents who
2 live across from the lot. A petition of support signed by 22
3 Maui residents has also been received. And one email was
4 received from a condominium resident who is neither in support
5 for or against the project.

6 In summation, the letter said that AAAAA
7 Rent-A-Space has been a good neighbor, there has been a need
8 for more storage, and it would be an improvement over the
9 weeds. It was requested that the view impact to views off of
10 Lower Honoapiilani Road be mitigated with landscaping, which
11 the applicant is providing. Another request was to stage the
12 items contained within the lot so that it wouldn't be visible
13 off of Lower Honoapiilani Road. And one resident asked that
14 the proposed landscaping off of the road be maintained at a
15 height so that drivers can see them -- see over them when
16 exiting the lot to ensure the safety of passing pedestrians.

17 If there are no questions, I will move into the
18 department's recommendation.

19 Chair Tsai: Thank you.

20 At this point we're going to open the floor for
21 public testimony, so anyone who wishes to testify on this
22 subject matter who hasn't testified before, please come
23 forward and identify yourself. You've got three minutes.

24 Mr. Wright: Hi. Good morning. My name's Jay
25 Wright. I'm a resident of Lahaina and senior pastor of

1 Lahaina Baptist Church.

2 I'm here to speak in approval of the project. Both
3 AAAAA as well as the Knuppe family have been incredible
4 beneficiaries to the community of West Maui. I see evidence
5 of their help with -- I know of three cases of families that
6 have been just in transition, residential transition, that
7 AAAAA has accommodated them in using their space to store home
8 items while they're experiencing a bit of a -- of a personal
9 transition, that's been incredibly helpful. Additionally,
10 they have made a wonderful, refreshing impact in the community
11 through their support of both youth and children's programs.
12 They do much to support our church and our mission to reach
13 and impact our community. We really see AAAAA as well as the
14 Knuppe family as tremendous friends to our community and
15 that's why we stand behind and support this. Thank you.

16 Chair Tsai: Thank you.

17 Questions?

18 Ms. May: Good morning. My name is Liz May. I am
19 the general manager for AAAAA Rent-A-Space.

20 I've worked for Mr. Knuppe and the Knuppe family for
21 32 years. I was in California for 15 years and have been in
22 Hawaii for 17 years. When Mr. Knuppe asked me to come here, I
23 was asked to help him oversee the building of a construction
24 site in Kapolei. When I went there, it was a community that
25 had nothing, there was no chambers, there was no -- it was --

1 it was a new area. It was in 1999. He told me, "You'll" --
2 "You'll be here for six months and I'll bring you back to
3 Hawaii" -- or "bring you back to California." And the site
4 developed --

5 I just have to say, the Knuppe family, they --
6 they -- (microphone feedback.) They do what's right for the
7 community. We've built our business based on the needs of the
8 community. I've been in Lahaina now for six years and our
9 business is not just self-storage, but to serve our community.
10 We have a dropoff center for Women Helping Women, which the
11 community drops off clothes, household, and those items then
12 get brought over to the Revive Center which supports the Women
13 Helping Women. We also have a dropoff for the Maui Food Bank.
14 And I am the past president for the Rotary Club of Lahaina
15 Sunset. Our project is "Go Green, Keep Our Island Clean."
16 We've partnered with the Maui County, also Lahaina Cannery
17 Mall, Malama Maui Nui, and we do a monthly recycling program.
18 AAAAA is responsible for all the -- collecting all the
19 electronic items and we then take them over to the recycling
20 center here in Wailuku. I just speak on behalf of AAAAA
21 Rent-A-Space because we serve our community, that's what we're
22 doing.

23 The area next door is right next door to us and we
24 have a need, every day someone comes up and says, "Do you have
25 auto storage?" It's not -- they don't want to be in and out

1 of there, they want long-term parking because they own places
2 across the way and they can't park their -- their vehicles
3 there. Boat storage, we have one boat that is parked right
4 now currently in our area. They park it, they take it, and
5 they come back. We don't allow people to work in their units.
6 We don't allow people to mechanically fix their cars or do any
7 kind of that, that would be a different type of storage.

8 And so for those reasons -- and like someone said,
9 it's -- it's weeds right now. We're maintaining it, but it's
10 weeds. It's been that way -- we have worked on this project
11 since 2004 so to be here today in front of you asking for your
12 approvals is -- is a big step for us. So I thank you for your
13 time.

14 Chair Tsai: Thank you.

15 Mr. Stebbins: Hi. I'm Ronald Stebbins, the past
16 president of the Rotary of Lahaina Sunrise, a lifetime member
17 of Lahaina Yacht Club, and I'm totally for this project to go
18 forward.

19 I'm a boater and the State of Hawaii doesn't allow
20 any boating kind of stuff over here on these islands. All the
21 islands, the DLNR is lacking in their positions on taking care
22 of us boaters, so anything to do with boat storage. And
23 anything to do with Liz May, she's a great person, the rotary
24 helps out and she helps out the rotary islandwide. So I'm 100
25 percent for this project.

1 Chair Tsai: Thank you.

2 Mr. Gresham: Max, Commission, my name is Bill
3 Gresham. I've been a Maui resident since 1978 and I have
4 known the Knuppes since 1984.

5 A couple things I think are important, I want to
6 speak to three different things. Number one, most importantly
7 and you've heard been repeated more than once, and that is
8 that the involvement that AAAAA Rent-A-Space and the Knuppe
9 family project here on Maui is unsurpassed. What they do for
10 the community, for the people is beyond reproach.

11 What they're attempting to do primarily is create a
12 parking lot so that the residents of primarily West Maui can
13 be accommodated in areas that there's not enough supply at
14 this point. The boats and car issue, Liz had commented before
15 that there will not be any working on anything either in the
16 parking lot or in the parking stall, they just don't allow it.
17 And they are hands on, they have their office right next door
18 and believe me, you don't want to be violating any of Liz's
19 rules, promise you that.

20 And with that, the other issue I think was traffic.
21 You have a traffic study, the traffic study says little or no
22 impact. Self-storage, by and large, nationwide and even here
23 is maybe one to two cars an hour. The retail that they have
24 adjacent to their property, it's not going to increase any
25 more than it is now. So if there's any issue about that, I

1 believe that that probably has been mitigated.

2 The other thing that I think is important besides
3 the fact that it's been an eyesore since I've been here, is
4 it's going to improve the community in terms of what it looks
5 like.

6 Then I want to mention one more thing and I don't
7 know what the term is that's been suggested at this point, I
8 know that the type of permit is usually one that is to be
9 continued five, ten years, 15 years review, and I would
10 suggest that it be a ten-year initial period, because it would
11 take almost that long to recoup the dollars that the Knuppe
12 family -- which is considerable -- is putting into this
13 facility.

14 Those are my issues, my comments, and if there's
15 anybody that has anything they want to question me about, I'd
16 be more than happy to give you my opinion.

17 Chair Tsai: Thank you, Bill.

18 Mr. Gresham: Thank you.

19 Chair Tsai: Questions?

20 Okay. Anyone else wish to testify on this agenda
21 item?

22 Okay. Public testimony is now closed.

23 We're going to open the floor from the commission
24 for questions. Commissioner Robinson.

25 Commissioner Robinson: Jordan, at the end of your

1 testimony, I apologize, but I missed the last couple sentences
2 where you said something about the neighbors will not have an
3 impact --

4 Mr. Hart: Oh, what I --

5 Commissioner Robinson: -- from this area.

6 Mr. Hart: What I -- what I meant to say, I hope I
7 did say, is that -- is that the -- what I intended to say is
8 that the pods open towards the in -- inner area, so there will
9 not be users or customers between the pods and the residential
10 properties to the south. They would have no reason or access
11 to go back there, so all of the use would be further buffered
12 between the pods as well as the Areca palms and then the
13 fence.

14 Commissioner Robinson: Thank you.

15 I have some questions, but I'll wait.

16 Chair Tsai: Commissioner Hedani.

17 Commissioner Hedani: Jordan, you have prior
18 testimony from a neighbor about the ability to -- or the
19 recommendation to put a wall in between their property and the
20 project. Is that something that you're considering?

21 Mr. Hart: Yes. Yes. Mr. Knuppe is favorable --

22 Mr. Knuppe: I've known her for years. We will meet
23 her needs.

24 Commissioner Hedani: Thank you.

25 Mr. Murai: Jordan, that probably didn't get on the

1 record.

2 Mr. Hart: Mr. Knuppe said that they're old family
3 friends and they intend to meet her need in the context of the
4 wall.

5 Chair Tsai: Commissioner Robinson.

6 Commissioner Robinson: Jordan, I have a question on
7 the -- on the history of this property and I don't know if you
8 or Mr. Knuppe could answer it. The question is: When did the
9 lease start?

10 Mr. Hart: Oh.

11 Commissioner Robinson: And -- and if he -- and if
12 Mr. Knuppe knows how the State acquired the property.

13 Chair Tsai: Can you please re-identify yourself for
14 the record?

15 Mr. Knuppe: Yeah. Jim Knuppe.

16 The answer to your question is that the -- when I
17 started building there in 1986, that property was vacant and
18 they use -- they -- (microphone feedback.) They put an old
19 dredging machine on there and so on and -- and at that time,
20 you know, we were busy building and I really didn't think
21 about it. But now in 2004, due to the overflow parking and
22 due to the needs that were brought to our attention, we tried
23 to acquire a leasehold from the State. And frankly, she says
24 it started 2004, maybe that's her records, but I started way
25 back in the '90s with the State and -- and so on. And I'll

1 tell you, that's a hassle. My, I mean -- I mean, they went
2 through me like a --

3 Yes.

4 Chair Tsai: Commissioner Robinson.

5 Commissioner Robinson: Is the -- is the -- the
6 person who's giving you the lease, it's the State, but it's
7 a --

8 Mr. Knuppe: Yes.

9 Commissioner Robinson: It's the -- it's the
10 housing --

11 Mr. Knuppe: Yes.

12 Commissioner Robinson: -- and finance.

13 Mr. Knuppe: Yeah. They own that property.

14 Commissioner Robinson: Yeah. So -- so they've only
15 been in existence since 2004.

16 Mr. Knuppe: Oh, is that it?

17 Commissioner Robinson: So -- and so somebody -- you
18 know, it's --

19 Mr. Knuppe: They handed it off.

20 Commissioner Robinson: They just sent it over from
21 another -- another entity, but I know that they -- you know,
22 that's what the records I have, is that they've only been in
23 it --

24 Mr. Knuppe: Thank you.

25 Commissioner Robinson: -- so long.

1 Mr. Knuppe: That's right.

2 Commissioner Robinson: And I just don't know how --
3 how they got the land. It's a residential area, you know, did
4 somebody, you know, gift it to them? Do you know how
5 property -- a lot of property got gifted to the stuff --

6 Mr. Knuppe: Yeah.

7 Commissioner Robinson: -- and I was just trying to
8 get a descent from it.

9 Mr. Knuppe: I don't know.

10 Commissioner Robinson: Okay. And I -- and Mr.
11 Knuppe, I've actually -- I've actually talked with you a
12 couple times. I've had a property next to yours and you've
13 always been a very, very nice, cordial, and very accommodating
14 when I asked you to do something that -- to help my property,
15 so I just want you to know that.

16 Mr. Knuppe: Thank you.

17 Commissioner Robinson: But I do have a comment to
18 you.

19 Mr. Knuppe: Yes, sir.

20 Commissioner Robinson: I'm a -- I'm a Joni Mitchell
21 fan.

22 Mr. Knuppe: I'm a Warrior fan.

23 Commissioner Robinson: Okay. Good.

24 (Laughter.)

25 Mr. Knuppe: Go Warriors.

1 Commissioner Robinson: Well, back to Joni
2 Mitchell --

3 (Laughter.)

4 Commissioner Robinson: -- she has a -- she has a
5 song, *Big Yellow Taxi*, and in that song it says, "They paved
6 paradise and they put up a parking lot."

7 Mr. Knuppe: That's before my time.

8 (Laughter.)

9 Commissioner Robinson: I believe it's -- it's --
10 it's --

11 Mr. Knuppe: Or after my time.

12 Commissioner Robinson: And, again, is -- is I have
13 no question that you're -- you're great for the community,
14 you're a great individual person. My thing is I'm trying to
15 make sure that when -- when your employee said the number one
16 need is -- you know, is -- you know, is parking and storage, I
17 have a different opinion. I think the number one need -- and
18 you being a contractor -- is housing and have you ever looked
19 at this property as a way to put up -- you got all that
20 parking, you got all that length, don't you think that could
21 be a -- a nice long length of housing going all the way down
22 to that deep area? Just an opinion.

23 Mr. Knuppe: I'm in the storage business, that's
24 what I know best.

25 Commissioner Robinson: Okay. And you've done very

1 well and you're very good at that. Thank you.

2 Mr. Hart: Commissioner Robinson, if I could add a
3 couple of items. There is a fee conveyance, I believe it's in
4 '91 on the real property tax, it doesn't say who it came from
5 or what the amount was, but that's the only transfer that --
6 that we could see in the records from the County.

7 Commissioner Robinson: Yeah. I tried to look. I
8 just --

9 Mr. Hart: Okay. And then the other thing regarding
10 the pavement, I recognize where you're going with that and I
11 know the lights are low, but this has been the condition of
12 the project site for -- for some time and it's -- while
13 pavement is pervious surface, it's not maintained as anything,
14 you know, similar to paradise in that context. It's basically
15 a gravel lot with a -- with a collection of weeds and a chain
16 link fence. So the Knuppes will be adding nice fencing, they
17 will be adding landscape planting, material landscape
18 planting, and now they're proposing as well a solid fence
19 around for their neighbors.

20 Commissioner Robinson: I disagree with it not being
21 paradise. I'm pretty sure if you had older pictures,
22 Jordan -- but it's a good line, but I -- and -- and --

23 (Laughter.)

24 Commissioner Robinson: And the Knuppes have been in
25 charge of this property for a while and so that weeds there is

1 I think their weeds.

2 Mr. Hart: I took these photos right after they
3 acquired -- they secured their lease.

4 Commissioner Robinson: Yeah.

5 Mr. Hart: And the lease coincides with their
6 Conditional Use Permit.

7 Commissioner Robinson: I gotcha.

8 Mr. Hart: Okay.

9 Commissioner Robinson: Yeah. Thank you.

10 Chair Tsai: Commissioner Duvauchelle.

11 Commissioner Duvauchelle: Jordan, I don't see
12 anything in here that tells me that there's gonna be any
13 drainage improvements in the lot. I'm sorry, I couldn't find
14 it.

15 Mr. Hart: There's certain --

16 Commissioner Duvauchelle: Is there a storm drain
17 system being put in?

18 Mr. Hart: There's going to be a subsurface
19 retention system on site and it's -- it's included in the
20 drainage and engineering report which is part of our submittal
21 to the planning department, but may not have been included in
22 your staff report.

23 Commissioner Duvauchelle: Or maybe I missed it. So
24 they are doing the drainage improvements. And then is --
25 there will be a restroom?

1 Mr. Hart: No. There will be no facilities on this
2 site. They do have a complete office and facilities abutting,
3 but this is just going to be for storage, it's not going to be
4 to receive and -- and deal with customers or anything like
5 that.

6 Commissioner Duvauchelle: Okay. Thank you.

7 Chair Tsai: Commissioner Hedani.

8 Commissioner Hedani: Jordan, is the paved area
9 going to be pervious?

10 Mr. Hart: It's currently proposed to be concrete.

11 Commissioner Hedani: Sorry?

12 Mr. Hart: It's currently proposed as -- as standard
13 concrete.

14 Commissioner Hedani: Okay. Follow up?

15 Chair Tsai: Yeah.

16 Commissioner Hedani: So from the site itself,
17 because so much area is being paved, is it 100 percent
18 retention on site?

19 Mr. Hart: One -- one hundred percent of the post-
20 development increase. So everything that results --

21 Commissioner Hedani: So there's -- flow is coming
22 off of the site onto the street?

23 Mr. Hart: So any drainage that may be passing
24 through under existing conditions would be unchanged, but any
25 increase in runoff based on adding impervious surface to the

1 project site will be retained.

2 Commissioner Hedani: Okay. I got where you're
3 coming from. It's just that on other projects we've requested
4 that they retain a hundred percent of flows on site and I was
5 wondering, is that possible in this particular case with the
6 retention basins that you're talking about?

7 Mr. Hart: They're currently not sized in that
8 context, but I would like to bring up Reed Arioshi, our civil
9 engineer, to discuss drainage with you a little further.

10 Mr. Arioshi: Good morning, Commissioners. My name
11 is Reed Arioshi, I'm with Warren Unemori Engineering and I'm
12 the civil engineer for the project.

13 Commissioners: Good morning.

14 Mr. Arioshi: Good morning. With regards to your
15 question, sir.

16 Chair Tsai: Can you please speak up a little bit?

17 Mr. Arioshi: Oh, excuse me. With regards to your
18 question, you're referring to retaining a hundred percent of
19 the runoff generated from the site?

20 Commissioner Hedani: Right.

21 Mr. Arioshi: It is -- it is -- it is feas- -- I
22 mean, I shouldn't say feasible, but it is possible to do that.
23 Cost-wise, yeah, it -- it may significantly increase the cost
24 to -- to try to retain something on site, on a site that
25 small. We're faced with the property being at a lower

1 elevation so it kind of limits our ability to put bigger storm
2 retention facilities on the property because of the lower
3 elevation of it. We're close to the watertable.

4 Commissioner Hedani: But it is possible?

5 Mr. Arioshi: Engineering-wise, it is possible, just
6 it might be a cost factor, though.

7 Chair Tsai: Commissioner Robinson.

8 Commissioner Robinson: Reed, adding to what
9 Commissioner Hedani was saying, was there a study done on
10 off-site water coming on to the property? Because I noticed
11 with the pictures there's elevation above it.

12 Mr. Arioshi: We were just going to allow the
13 off-site runoff to pass through the site. I mean, off-site
14 runoff does come through from adjoining -- that multifamily
15 residential project, the State -- the State's project, so it
16 was -- water that passes through the site is still going to be
17 allowed to pass through the site.

18 Commissioner Robinson: Is it -- is it calculated on
19 top of your -- of how much water actually passes through?

20 Mr. Arioshi: It wasn't put into the drainage
21 report, no.

22 Commissioner Robinson: With -- with your expertise,
23 is -- do you believe that a paved surface compared to a -- a
24 natural surface or even a gravel surface, that water would
25 pass faster and quicker and maybe puddle at the end compared

1 to going through a natural area?

2 Mr. Arioshi: Yeah. It would pass through a little
3 faster, yeah.

4 Commissioner Robinson: Because -- because you just
5 said you guys are not -- planning on not -- on not adapting
6 that flow and so, therefore, we're going to add that water
7 onto the normal rainwater and so we're actually -- you know,
8 in a heavy rain that water will actually be a little bit
9 stronger. So with that question, since we're not catching a
10 hundred percent, how is the -- how is the drainage on the
11 street? Is -- is that adequate to -- to handle that amount of
12 water coming through?

13 Mr. Arioshi: It -- it will -- excuse me. Let me go
14 back. We're not increasing any water that's going on to the
15 street, so whatever's going on there now will -- volume-wise
16 will still be the same. We will have catch basins and
17 facilities on site to intercept and collect water that the
18 project generates and more than likely some of the off-site
19 runoff will also be collected as well. But what's leaving the
20 site won't be any more than what's currently going through the
21 site volume-wise.

22 Chair Tsai: Commissioner Robinson.

23 Commissioner Robinson: I apologize, Reed, 'cause I
24 understand what you're saying, but if water from off site the
25 property is going over the current conditions now, some of

1 that is seeping into the ground; correct?

2 Mr. Arioshi: Yeah. Probably, yes.

3 Commissioner Robinson: Right? We have the 0.13,
4 the 0.7, right, all this kind of stuff --

5 Mr. Arioshi: Yes.

6 Commissioner Robinson: -- so, therefore, there
7 is -- we do have to account for some increase if we're
8 gonna -- if we're gonna switch from the off-site runoff on
9 that property compared to it going concrete. Isn't that
10 correct?

11 Mr. Arioshi: Yes. We have a -- we will account for
12 that, yes.

13 Commissioner Robinson: Do you -- did you -- is
14 there any study done on -- any estimate on that? I guess what
15 I'm saying is, is -- is I'm wondering about the water puddling
16 up on the street. And I'm not sure what the -- what the
17 drainage is on the street, so if you know what the drainage is
18 on the street. Because we're going to have an increase of
19 flow of where that natural slope is now.

20 Mr. Arioshi: Right.

21 Commissioner Robinson: And since we're not catching
22 a hundred percent, I don't want it to end up have a big puddle
23 because if we have a puddle inside the road, cars are normally
24 going to drive around puddles and then we're going to have
25 a -- a traffic problem.

1 Mr. Arioshi: There is an existing County drainage
2 system along Lower Honoapiilani Road, so...

3 Commissioner Robinson: Do you have any idea of
4 where it is?

5 Mr. Arioshi: I don't have the plans with me, but
6 there is a drain. The County did Lower Honoapiilani Road
7 improvements several years ago.

8 Chair Tsai: A comment from deputy -- sorry, deputy
9 public works.

10 Ms. Dagdag-Andaya: So at this stage, you know,
11 they're not going in for a building permit yet. Those kinds
12 of things get reviewed in detail, so all the questions that
13 you're asking, Commissioner Robinson, those are things that
14 get reviewed by our staff engineers at the time they go to
15 building permit.

16 What they have right now is just their -- you know,
17 their conceptual engineering report including drainage,
18 topography, soils. So what -- you know, the drainage rules --
19 I think you had a question about off-site flows, so in the
20 drainage rules -- and you're going to be learning a little bit
21 more about this later this afternoon when you have the -- the
22 presentation by one of my staff members who reviews drainage
23 reports for both the drainage rules here and storm water
24 quality, but our drainage rules do state that off-site flows
25 may be passed safely through a development provided there are

1 no additional adverse effects resulting from the new
2 development to adjacent and downstream properties.

3 So what they're required to do, according to the
4 drainage rules, is to retain the net, meaning their --
5 whatever they generate from their project, that's according to
6 these rules. And then we'll also review for storm water
7 quality. And then at the time of building permit, the
8 consultant will need to prepare a more detailed report as to
9 the -- the impacts and how they intend to mitigate those
10 impacts.

11 Commissioner Robinson: We're here for a
12 recommendation, so without that -- without the information
13 about impacts to the water -- we understand the water flowing
14 and I understand that, I guess our question is: Where is that
15 water -- is there a basin on the street provided currently
16 now? Nothing that they're building has to do with the
17 difference and I understand the rules. So we're not choosing
18 the permit here, we're passing up the recommendation. So do
19 you have any insight on how you think we should proceed?

20 Ms. Dagdag-Andaya: I -- yeah, unless -- I mean,
21 I -- I think -- do you want -- so your question is you want to
22 know if there are drainage improvements along this section of
23 Lower Honoapiilani Road? Is that your question?

24 Commissioner Robinson: My question was: Can the --
25 can the current conditions on Honoapiilani Road handle the

1 increased amount of water at a faster rate than it currently
2 has? Because if it's -- if it's on a flat street, my -- my --
3 my concern is the traffic and the safety and -- and water
4 puddling at a certain area and that's the only report I was
5 asking if they had. So if -- if they're not entitled to have
6 that now because it is early stage, then -- then I just don't
7 have the information with what I have.

8 Ms. Furukawa: I -- you want to --

9 Chair Tsai: Go ahead.

10 Ms. Furukawa: I think -- you know, at this -- I --
11 I'm not prepared to answer that right now, but what our staff
12 looks for when we provide our recommendation to planning
13 department -- I mean, we're looking at the conceptual and
14 we're looking at this as well, the drainage rules, and what
15 we're looking for is whether or not they can retain their
16 drainage. I mean, we're looking at the project itself, so --
17 I think that's --

18 Chair Tsai: Director.

19 Director Spence: Thank you.

20 I think the concern is: Will this project make
21 drainage conditions worse than what they are now? According
22 to their rules, they cannot. When they come in for a building
23 permit, that's specifically what their public works engineers
24 are going to look for: Will it make conditions worsen? And
25 their ratings will say, no, you cannot make it worse.

1 Whatever currently runs off the site, that amount of water can
2 currently run off the site. Their increase because they're
3 creating additional paved surfaces that would increase the
4 amount, that increase cannot run off the site, they have to
5 retain that. So if there will be puddling or something like
6 that, that's going to be covered in their engineering reports,
7 their final engineering reports at the time of construction.
8 They cannot make (inaudible) than currently is, that's what
9 they're going to be looking for and that's the way they're
10 going to have to construct it, so --

11 Commissioner Robinson: Thank you.

12 Mr. Hart: Could I add a piece of information, if
13 possible? These site photographs were taken on a rainy day,
14 so I -- I took this Lower Honoapiilani Road and then I went
15 straight to Kameeui and you can see that there's standing
16 water on Kameeui cul-de-sac there, but there's no standing
17 water on the -- the Lower Road, so in the context of whether
18 or not there's going to be water accumulating on Lower Road.

19 Chair Tsai: Commissioner Hedani.

20 Commissioner Hedani: I'll try to -- this is on
21 landscape. The Areca palms that you're proposing on the
22 neighborhood side, is that going to be inside or outside of
23 the chain link fence that was proposed?

24 Mr. Hart: That's an excellent question, especially
25 in the context of a solid wall. Prior it had been on the

1 inside of a chain link fence. In the context of a proposed
2 solid wall, I don't necessarily think they would do as much
3 good on the inside of a solid wall for the neighbors.

4 Commissioner Hedani: So you would -- you would
5 eliminate the Areca's if a solid wall were built?

6 Mr. Hart: Or consult with the client on whether or
7 not it would be more appropriate to have them on the outside
8 of the wall.

9 Commissioner Hedani: I -- so you could still
10 maintain it on the outside of the wall --

11 Mr. Hart: It would still be their property.

12 Commissioner Hedani: -- because it would still be
13 your property?

14 Mr. Hart: That's right, yeah.

15 Commissioner Hedani: Okay.

16 Chair Tsai: Commissioner Hedani.

17 Commissioner Hedani: Is the -- is the applicant
18 open to considering the possibility of at least portions of
19 the property being pervious concrete?

20 Mr. Knuppe: You're putting me on the spot.

21 (Laughter.)

22 Chair Tsai: Please to identify yourself first.

23 Mr. Knuppe: And my answer is no.

24 Commissioner Hedani: Okay.

25 Chair Tsai: Commissioner Robinson.

1 Commissioner Robinson: Jordan, we had a testifier
2 here being concerned about boats reversing into the parking
3 lot. Is there a way that they can drive into the parking lot
4 and turn around without having to reverse on the street? Do
5 you know if that's been looked at?

6 Mr. Hart: Yes, it has been looked at. One other
7 feature I should add that is -- is incorporated into the
8 project site is an access to the abutting parcel which is
9 owned by Mr. Knuppe, so there's going to be ample room to
10 maneuver around whether or not they need to access the
11 abutting parcel to the north or whether or not there's
12 adequate space to turn around the boat, as an example, drive
13 in here and reverse backwards or reorient in this area here.

14 Commissioner Robinson: Would your applicant be
15 agreeable to put that in the rules that there be no --

16 Mr. Hart: Reversing on to the --

17 Commissioner Robinson: -- reversing -- reversing
18 from the main road on to the property?

19 Mr. Hart: Yeah.

20 Mr. Knuppe: No. No. I don't know what the -- I'm
21 going to --

22 Chair Tsai: Sir, can you not speak --

23 Mr. Knuppe: I don't know how many boats are
24 gonna (inaudible) --

25 Chair Tsai: -- from the audience.

1 Mr. Knuppe: -- have as one.

2 Mr. Hart: Maybe I could help try and -- I think I
3 understand what Mr. Knuppe's saying is that he's concerned
4 that if somebody, you know, pulls in -- what is his position
5 if somebody that's first time or entering does that? I
6 understand where you're coming from and obviously you guys
7 have the ability to create and propose conditions and Mr.
8 Knuppe's expressed his opinion and so I don't -- I don't know.

9 Commissioner Robinson: He doesn't want to be -- is
10 Mr. Knuppe's position that he doesn't want to be responsible
11 for the people using his property, is that what I just heard?

12 Mr. Hart: No, no. I think that what he claimed is
13 that reversing --

14 Mr. Knuppe: (Inaudible.)

15 Commissioner Robinson: Okay.

16 Mr. Knuppe: Reversers would be (inaudible).

17 Chair Tsai: Mr. Knuppe, please do not speak from
18 the audience. We need to keep everything on record, so you
19 either come up and speak or you --

20 Mr. Hart: I guess what I would say is I think it's
21 appropriate for the commission to make the recommendations to
22 the council that they think are right for the community and
23 we're fine to proceed with council based on that.

24 Commissioner Robinson: Thank you, Jordan.

25 Chair Tsai: Commissioner Carnicelli.

1 Commissioner Carnicelli: Jordan, a couple of the
2 testifiers have spoken to working on and/or running boats. As
3 someone that lives next door to a boat owner and has fumes
4 spew into my house when they do that, it's obviously something
5 that I'm very aware of. You haven't necessarily spoken to
6 that, but testifiers have. Is that something that is --
7 you're willing to make as a condition of this as well? It's
8 because we suddenly go to then more of an industrial use if
9 people are going to be working on boats or even starting the
10 motor, it's more of an industrial use.

11 Mr. Hart: I think that what you're saying is
12 correct, that it would be a different use than what we're
13 asking for. We're asking for storage and not boat repair or
14 any kind of a boat repair yard. And as Ms. May, who is the
15 general manager of the facility abutting, stated, it's already
16 in their rules that that's not permitted and so I don't see
17 any problem with extending it to the permit.

18 Commissioner Carnicelli: Thank you.

19 Chair Tsai: Commissioner Medeiros.

20 Commissioner Medeiros: Oh, sorry I'm late, but
21 parking.

22 Okay. I had a request over here that the owner
23 would maintain the hedges at the height where drivers can see
24 over when they're exiting the parking lot, you know, it's a
25 safety thing. You guys would be open to that?

1 Mr. Hart: Yeah. We're definitely open to complying
2 with sight distance requirements.

3 Commissioner Medeiros: Okay. I also am a boatsman,
4 so he got me when he said that.

5 (Laughter.)

6 Chair Tsai: Any other questions?

7 I have a question. With regards to traffic, Exhibit
8 3 is showing that you've got one, two, three, four, five, six
9 spots for a food truck along the inside perimeter of the
10 parking lot.

11 Mr. Hart: Oh, yeah. We needed to clarify that.
12 That was an earlier portion of the project proposal at the
13 time that the traffic study was done, but that's not in our
14 request.

15 Chair Tsai: So you're no longer going to have food
16 trucks?

17 Mr. Hart: That's -- yeah. That's not in our
18 Special Use Permit -- or Conditional Use Permit request.

19 Chair Tsai: Okay.

20 Okay. Can I have department's recommendation,
21 please?

22 Ms. Furukawa: The application complies with the
23 applicable standards for our Conditional Permit and as such
24 the department recommends approval. Approval is based upon
25 five standard conditions:

1 The permit shall be valid for a period of five years
2 provided that an extension of the permit beyond five -- a
3 five-year period may be granted.

4 The Conditional Permit shall be nontransferable
5 unless approved by the planning director or Maui Planning
6 Commission.

7 That AAAAA Rent-A-Space shall maintain during the
8 entire period of the Conditional Permit a comprehensive
9 liability insurance policy in the amount of \$1 million and
10 naming the County of Maui as an additional insured.

11 That AAAAA Rent-A-Space shall develop the property
12 in substantial compliance with the representations made to the
13 Maui County Council in obtaining the Conditional Permit.

14 And that full compliance with all applicable
15 governmental requirements shall be rendered.

16 In consideration of the foregoing, the Maui County
17 Planning Department recommends to the Planning Commission that
18 it recommend approval of the Conditional Permit to the Maui
19 County Council. Further, the -- that the commission authorize
20 the planning director to transmit said recommendations and
21 record to the Maui County Council for further action.

22 Chair Tsai: Do I hear a motion? Commissioner
23 Medeiros.

24 Commissioner Medeiros: I move to approve the
25 recommendation of the planning department.

1 Commissioner Carnicelli: I'll second it.

2 Chair Tsai: Moved by Commissioner Medeiros,
3 seconded by Commissioner Carnicelli.

4 Discussion? Commissioner Medeiros.

5 Commissioner Medeiros: Okay. It's a good plan.
6 There is a need for boat storage and -- and I know that there
7 have been a lot of questions about the details of it and I
8 know that they can be addressed later, you know, the drainage
9 and, you know, the reversing from off street, all of those can
10 be addressed at a later time. Right now they are in
11 compliance and there is a need and I wish I had a boat to park
12 in there.

13 (Laughter.)

14 Commissioner Medeiros: But I don't. Okay. And --
15 and, you know, the guy's been around for a long time, you
16 know. There's a need, he's trying to fill it, and he's trying
17 to not only comply, but, you know, make it better than just
18 compliance. And I have faith in him to do the right thing,
19 but, as I said, it's going to come up again and we can make
20 sure that he does comply. Thank you.

21 Chair Tsai: Thanks.

22 Director, I guess we have three things to add.

23 Director Spence: Oh. What I heard from the
24 discussion, and Eric can correct me, I heard three things: I
25 heard there was a solid -- be a solid wall between the

1 adjoining neighbor's property line, no backing into the
2 property, and no boat repair. So I don't know -- we -- you
3 can leave us to draft those conditions or you can make
4 motions.

5 Chair Tsai: Commissioner Medeiros, you okay with
6 that?

7 Commissioner Medeiros: I'll leave that to the
8 planning director. I believe he -- the owner was against
9 the -- being responsible for people reversing into it, so
10 whatever the planning department and the owner can come up
11 with, I'll be good with. I sort of agree with the owner on
12 that one because, you know, it's a storage facility, it's not
13 something that's gonna happen daily, you know. If it was
14 gonna happen daily, I would be dead set against it. You know,
15 most of the boat owners on my street go out on weekends.
16 There's three or four boats on my street and the only time you
17 see any boat action is on the weekends.

18 Chair Tsai: Commissioner Carnicelli, do you have
19 any input about that -- those three?

20 Commissioner Carnicelli: I think that the director
21 is right that, you know, he did agree to add the wall. He did
22 agree to not have any sort of running of, you know, or working
23 on boats. He didn't necessarily agree with the reversing in
24 and out, you know, ingress/egress, but -- so, I mean, the
25 question for us then is: Do we want to go ahead and do we

1 want to put that as a condition or not? There is -- I mean,
2 it looks like there's room to turn a boat around. It doesn't
3 look like, you know, it's like, Okay, it's -- you know, it's
4 the only way people are gonna get in and out of there. And as
5 one of the testifiers said, if you've ever backed up a boat, I
6 don't see -- if I'm going from one of those stalls and trying
7 to reverse out of that all the way out, that's -- that's not
8 something I could do. I would turn around in there. Or his
9 wife would turn around in there.

10 (Laughter.)

11 Chair Tsai: So how's the rest of the commission
12 feel about this, backing up? Commissioner Robinson.

13 Commissioner Robinson: Well, the recommendation, I
14 think, is -- is a safety issue and not necessarily that AAAAA
15 is responsible, if somebody doesn't follow the rules, that
16 we're going to pull the permit. But I think if they -- if
17 they police it and if they recommend it to their people that,
18 you know, "Our rules are you're not supposed to do that," I
19 think that's what we're asking like any other safety law. You
20 know, if they're -- if they're parked on the street for five
21 minutes, that's not in the permit, but I would assume that
22 AAAAA would say, "Hey, man, you can't park on the street for
23 five minutes, you're blocking traffic." You know, it's a
24 two-lane highway, you know, it's heavy traffic, we have a lot
25 of people that don't live there, they don't know the turns, it

1 is a tourist area, so, you know, just a -- as a safety issue,
2 not as much as a "we're going to pull the permit."

3 Chair Tsai: Commissioner Carnicelli.

4 Commissioner Carnicelli: Well, the other part, too,
5 is just in knowing that stretch of road, you wouldn't be able
6 to reverse out of there without a spotter anyways.

7 Chair Tsai: Right.

8 Commissioner Carnicelli: You just wouldn't, really.
9 I mean, it's -- it's not exactly like it's a, you know, wide
10 stretch of road right there.

11 Chair Tsai: Okay. So we're okay with that?
12 Commissioner Hedani.

13 Commissioner Hedani: Actually, I have a question
14 for the director. What experience do we have on pervious
15 concrete? Is it more expensive to install than regular
16 concrete and does it work?

17 Director Spence: I see Jordan Hart has an answer to
18 that, but --

19 (Laughter.)

20 Director Spence: I'm sure it's more expensive and,
21 again, they're -- they're already doing some surface drainage,
22 so... I don't know if Jordan wants to add --

23 Mr. Hart: Yes. I could -- I could explain to you
24 why our clients normally do not want to do it. The first
25 thing is that it's not as solid as normal concrete, so you'll

1 start to have particles breaking off. And the second thing is
2 that eventually the voids will begin to fill up with particles
3 so that it becomes less effective in what it's intending to do
4 to begin with. So the only ones that I'm really aware of that
5 I've seen are Bank of Hawaii in Kahului and Fabiani's in
6 Kihei. But in general, our clients don't want to use it for
7 that maintenance concern and which is the same reason Mr.
8 Knuppe wants to use concrete, it -- over asphalt, it's a
9 maintenance issue.

10 And since I'm up here, I do want to say that I
11 neglected to request that the permit be considered for ten
12 years as opposed to five and that's in the context of the
13 amount of time that it's taken to negotiate for this agreement
14 with the State of Hawaii and the improvements that are
15 necessary. Thank you.

16 Chair Tsai: Thank you, Jordan. Jordan, a question
17 on that pervious concrete.

18 Mr. Hart: Yes.

19 Chair Tsai: In your experience, then, what is
20 roughly the cost differential between solid and --

21 Mr. Hart: I could bring our civil engineer, who may
22 know the cost differential.

23 (Inaudible.)

24 Mr. Hart: Oh, he does -- he does not know.

25 Normally it's not even -- the maintenance issue rules it out

1 for our projects, so I've never actually seen a cost analysis.
2 It's been the future costs that's the issue.

3 Chair Tsai: Okay. Thank you.

4 Deputy director of public works.

5 Ms. Dagdag-Andaya: This afternoon I'll send a
6 message to my staff and maybe he can provide that, but, I
7 mean, we won't be ready for this one, but -- 'cause we
8 understand at public works that there is a slight increase in
9 cost, but we also have to factor in the maintenance, the
10 long-term maintenance of the pervious concrete as well and
11 that can add to a project.

12 Chair Tsai: Okay. Is department okay to add that
13 to the ten year?

14 Ms. Furukawa: Yes.

15 Chair Tsai: Okay. The maker of the motion,
16 Commissioner Medeiros, are you okay with the ten year instead
17 of five year?

18 Commissioner Medeiros: Yeah, I'm okay with that.
19 I'd also --

20 Chair Tsai: Okay.

21 Commissioner Medeiros: I'd also like to add
22 something.

23 Chair Tsai: Yeah. Go ahead.

24 Commissioner Medeiros: You know, Commissioner
25 Robinson's, you know, position that the reversing and

1 everything be discouraged and everything, I'll fully support
2 that. Pulling the permit, like I said, you know, it's not
3 something that, you know, pulling the permit would be
4 considered, but asking the owner to discourage things like
5 that when they're breaking the rules, yeah, that's more than a
6 reasonable request.

7 Chair Tsai: Commissioner Carnicelli.

8 Commissioner Carnicelli: I just want to add one
9 other thing, Chair, and that is -- it's -- it's already been
10 brought up, but just for the sake of putting it out there
11 'cause I want it on the record is this is zoned R-3 and
12 we're -- you know, we're facing a housing crisis on Maui and
13 what potentially could be there -- and I get Mr. Knuppe, he
14 does -- you know, he does -- this is what he does, you know,
15 so -- and the merits of this particular project, as I read
16 through it and I hear all the testimony and everything like
17 that, is -- is -- it seems like a good project, but there is a
18 little bit of a miss on what it could be other than storage
19 space, you know, as far as, you know, an R-3 lot of, you know,
20 X amount of square feet. So that's just something that I want
21 to add to the discussion -- in fact, you added it to the
22 discussion, but I just want to also have it out there as what
23 the opportunity cost of making this a storage facility is.

24 Chair Tsai: Well noted. Thank you.

25 Commissioner Carnicelli: Yeah.

1 Chair Tsai: Commissioner Robinson.

2 Commissioner Robinson: Before we vote, I'd just
3 like to make a comment. I'm still trying to figure out why
4 Hawaii Housing Finance and Development is leasing out a
5 parking lot, you know, when there could be -- if they're going
6 to go business or commercial, there could be something that
7 could make a lot more revenue, you know. I mean, people --
8 government agencies rent out places to make revenue, I get
9 that, I understand that, I just -- I just personally feel
10 it's -- like my fellow commissioner says, it's an R-3, we're
11 in need of so many things. This is not a bad project, this is
12 not a bad company, this is not a bad need, I just don't think
13 it's the best use that we could've used this property for.
14 And it's hard for me to support changing something from R-3
15 with a lot that I think can easily be filled with affordable
16 housing going to a parking lot to park cars and boats. Thank
17 you.

18 Chair Tsai: Commissioner Robinson, thank you.

19 Commissioner Hedani.

20 Commissioner Hedani: R-3 I believe is -- is not
21 necessarily the housing category that would provide affordable
22 housing. I think affordable housing would be something that
23 you would pursue in a more densely developed -- developed
24 zoning category. I get where you're coming from, you know, in
25 terms of converting R-3 to a commercial use, but I don't think

1 you can push a string, I don't think you can force somebody to
2 do something that he has no business doing because he has no
3 experience doing. It is what it is and he wants to pursue
4 what he understands and he knows how to pursue.

5 I think this commission, in terms of the community
6 plan process, in terms of the general plan process can pursue
7 the creation of adequate areas of zoning for affordable
8 housing, truly affordable housing. And that would be our
9 kuleana to do that and not force somebody like -- like a
10 private sector person to get into the affordable housing
11 business when he doesn't want to.

12 Well, that being said, I was concerned about the
13 question of -- because there's so much pavement on the site,
14 "pave paradise and put up a parking lot," it's a -- it's a
15 hundred percent paved, essentially, from one corner of the lot
16 to the other, but my experience, I think, with self-storage
17 facilities has been that they're very clean facilities.
18 Especially if they're concrete, they're very clean facilities.

19 And I know the commission in the past has had
20 positions about a hundred percent retention on site and I
21 would recommend that they consider expanding their retention
22 system, but -- because our position in the past has been
23 inconsistent on that, we've forced some people to go to a
24 hundred percent retention and we've let other people not even
25 consider whether or not -- a hundred percent retention wasn't

1 even part of the discussion. So from our standpoint, until we
2 develop a more consistent policy on it, I think -- from my
3 perspective, I think this is something that we can let pass
4 with some consideration for expanding retention on site if
5 it's feasible, would be my recommendation. And I'm supportive
6 of the project.

7 Chair Tsai: Commissioner Hedani, are you saying you
8 would like to add that as the -- part of the approval?

9 Commissioner Hedani: No. I'm suggesting that the
10 applicant consider it as a consideration as they take it
11 forward to the council.

12 Chair Tsai: Thank you.

13 Commissioner Medeiros.

14 Commissioner Medeiros: I guess I'm in an agreeable
15 mood today: I agree with the owner, I agree with the County,
16 I agree with Robinson.

17 (Laughter.)

18 Commissioner Medeiros: You know, and while there is
19 a need for affordable housing, I -- I have been a big
20 proponent of affordable housing, you know, but Wayne is right,
21 we cannot force somebody to do something that he's not
22 experienced at, you know. And this is what is in front of us,
23 we either approve or disapprove. We cannot -- well, I cannot
24 in good conscience disapprove it because I want something
25 else, you know. Has he met the conditions, you know? Has he

1 done everything he needs to do to get this project off? And
2 that's what I'm basing my support of this project with, he has
3 complied. And hopefully, you know, maybe he'll consider
4 Commissioner Hedani's recommendation, you know, for 100
5 percent retention. But, again, it's going to come back.

6 Chair Tsai: Commissioner Hedani.

7 Commissioner Hedani: I don't want to force them to
8 do something that -- that, you know, they don't want to do if
9 it's not part of the law.

10 I'd like to explain for Mr. Knuppe for his
11 consideration why I'm concerned about it, and for the
12 commission. I went diving off of St. Theresa's the other day,
13 our family has always gathered limu from the ocean out there
14 and it's always been plentiful. I jumped into the water, I
15 was willing to stay with one pound, which is the limit of what
16 you can take for limu, oho, and what I found outside of St.
17 Theresa's is that there's not one piece of algae or oho
18 growing in that entire area. I did a circumference of about
19 300 yards in the area that I knew contained limu in the past
20 and it was like a bomb went off and all the algae in the ocean
21 was dead, not even green limu was growing.

22 I don't know what the reason is, I don't know if
23 it's the temperature of the water rising to the point where it
24 kills it, or if runoff coming from the shore is causing it.
25 I'm not positive as to what's causing it. It may be something

1 that's not even within our control to control something like
2 that, but something is changing.

3 I heard the DLNR aquatics person say that the water
4 temperature on the back side of Molokini, which is where the
5 wall is, goes down 300 feet, was 85 degrees -- he didn't need
6 a wet suit to dive -- and that I think is killing off a lot of
7 stuff, yeah. But I'm just not sure as to whether or not the
8 cause can be linked to land-based pollution sources at this
9 point and I'm not certain enough to the point where I think --
10 I think this project gets a pass from my perspective.

11 Chair Tsai: Commissioner Robinson.

12 Commissioner Robinson: Sorry to delay this. I just
13 wanted to reply to Commissioner Hedani. If I wasn't clear in
14 my thoughts, I definitely didn't want to attack the applicant
15 for him wanting to put up a storage, I know that's what he
16 does and he does it very well. My comment was more to the
17 State and the person coming to give him a 55-year lease,
18 knowing full well that that's what he's going to apply for
19 here and the State is supposed to use -- look for best use.

20 And that's all I was saying, is I don't think this
21 is the best use. Nothing to do with AAAAA, the project, they
22 do everything right, you know, they're -- they're a reputable
23 business, so it's not anything against AAAAA. It's I just
24 don't think that the State gave us something that -- that they
25 could have done a better job at.

1 And I disagree, I think you can do affordable
2 housing in R-3. I don't think it's only affordable housing,
3 but you can do affordable housing anywhere, you know, and
4 that's all my comment. I'm only one vote. Thank you.

5 Chair Tsai: Okay. Any other comments?

6 Can I have department repeat the motion, please?

7 Director Spence: The motion is to approve as
8 recommended by staff with the -- I think --

9 Ms. Furukawa: The three conditions are adding the
10 specific conditions adding the retaining wall -- no backing in
11 still one? And then --

12 Director Spence: It's not a retaining wall. It's
13 just a --

14 Ms. Furukawa: Adding a wall, sorry, no backing in
15 and no boat repairs on site.

16 (Inaudible.)

17 Ms. Furukawa: Okay. Oh, and then the ten years,
18 the Conditional Permit be valid for ten years.

19 Chair Tsai: Did the commission hear everything?

20 So I call for a vote. All in favor raise your hand
21 by saying aye.

22 Commissioners: Aye.

23 Chair Tsai: That's four ayes.

24 Director Spence: Any nays?

25 Chair Tsai: One nay.

1 Okay. Now I'm being put on the spot.

2 Director Spence: Right.

3 Chair Tsai: Yeah, it's a tough job, but I'm going
4 to vote yes because I believe it -- hearing everybody's saying
5 they did everything they can to put this project forward and
6 we can't penalize the applicant for certain deficiencies in
7 our process for lack of affording housing or anything such, so
8 my vote is yes.

9 Motion's passed. Congratulations.

10 (Applause.)

11 Chair Tsai: We're going to take a ten-minute break.
12 Thank you. Readjourn at 10:05.

13 (Pause in Proceedings.)

14 Chair Tsai: The commission will come back to order.
15 Next agenda item.

16 Director Spence: Commissioners, this is your second
17 public hearing item of today. This is Mr. James H. Barry of
18 Sea Engineering, Inc., on behalf of Hololani AOA requesting
19 an SMA Permit and Shoreline Setback Variance for the Hololani
20 Shoreline Protection Permit for a seawall and rock revetment.

21 Our staff planner this morning is Mr. Jim Buika.
22 Now, what -- the way that we want to go ahead with this is
23 have a -- have a presentation, conduct the -- the public
24 hearing, and then we'll deal with intervention.

25 Mr. Buika: Okay, fine. Thank you.

1 Good morning, Chair and Commissioners. My name is
2 Jim Buika, shoreline planner --

3 Chair Tsai: Good morning, Jim.

4 Mr. Buika: -- for the County of Maui. Thank you
5 for all of your service and hard work for the people of Maui.

6 What I -- what I will do is I will allow the
7 applicant, Mr. James Barry, to present the project to you, he
8 has a slide presentation, and then defer back to the -- the
9 chair for public hearing and I can provide the department
10 analysis for your deliberation and then the intervention, is
11 what I understand.

12 So I'll -- I'd like to invite Mr. Jim Barry, James
13 Barry from Sea Engineering to present the project right now.
14 Thank you.

15 Director Spence: And just for clarity, we will --
16 we will deal with the intervention prior to making any
17 recommendation to the commission.

18 Mr. Buika: Okay, great. Thank you.

19 Mr. Beckett: I will be the initial person. My name
20 is Riley Beckett and I am president of the Hololani AOA
21 board. And I'd just like to introduce the commissioners that
22 present: We have Sue Allen, who is our treasurer; Rob Luce;
23 Amber, who is here; Ray Sievers; Michelle right there; and
24 Andrew, Andrew here; and, of course, myself.

25 And Jim Barry on behalf of Sea Engineering. He also

1 has Scott Sullivan, who is the senior coastal engineer, and
2 Arnold Hokubu, who -- who is a structural engineer.

3 So with no further ados, I'll have Jim start out.

4 Mr. Barry: Good morning. My name's Jim Barry, I
5 work for Sea Engineering. Thanks for hearing our project here
6 today. It's been a long time coming. Thanks to the planning
7 department for -- they've worked hard on this, as -- as have
8 we. Again, we've got our full team here today: Arnold Hokubu
9 is the structural engineer, Scott Sullivan is the senior
10 coastal engineer with Sea Engineering.

11 I need to get started. While we're -- Jim's going
12 to get our program up.

13 This is gonna be a little different presentation
14 because we are coastal engineers. I'm going to dwell a lot on
15 the coastal engineering and the coastal process. It's -- it's
16 my firm belief that you really need to understand what's going
17 on on this shoreline in order to make an informed decision and
18 it's -- it's -- you know, it's not rocket science, but it's
19 very -- pretty much common sense, but I think we all need to
20 be on the same page in understanding what's going on.

21 Pardon me.

22 (Inaudible.)

23 Mr. Barry: That's a preview of our -- what we're
24 trying to do there. Again, it's just an outline. I'm going
25 to talk a little bit about us, how the project got started.

1 I've got a lot on the coastal processes and please forgive me
2 for that, it's what we do. I'll show you what's going on on
3 the shoreline right now, which is pretty awful, the
4 alternatives we considered for this project, and then get into
5 the actual design details.

6 First about us, I mean, we're -- we work worldwide,
7 we -- we prefer to work in the -- we work mostly in the
8 Pacific Basin and -- and the islands. We do a lot of
9 different things. Our company was started by graduate
10 students in 1973. Scott Sullivan was one of those students
11 and he's here today and will be concluding, actually, this
12 presentation.

13 A couple projects of note we've done recently.
14 Iroquois Point Beach restoration received a national award in
15 2014 for the best restored beach from the -- from the ASBPA.
16 It's a big project: 95,000 cubic yards of sand, 33,000 tons
17 of stone. It took nine years to get the Federal permits and
18 this is apropos of we understand what the -- what the
19 department is trying to do at -- at the Kahana Beach. This is
20 very similar to what -- to our project here.

21 We also did the Waikiki Beach restoration. Again,
22 another fairly large project, we accessed 24,000 cubic yards
23 of sand just offshore of Waikiki. We found the sand, Healy
24 Tibbits was our contractor who pumped it up. You can see
25 it's -- even though it's a small -- relatively small amount of

1 sand, it's a big project. These -- both of these were --
2 Scott Sullivan was the lead designer in both of them.

3 The project location, I think we all know where it
4 is. Just real, real quick, it's -- it's -- I'm going to be
5 talking about essentially the beach cell, the Kahana Beach
6 cell which goes from S-Turns up to the -- the mouth of the
7 Kahana Stream, which is a -- a delta formation. But the
8 effective beach cell now stops at the Hololani, Hololani-
9 Pohailani. That's because of the recession of the shoreline,
10 the Pohailani now sticks out and it stops the flow of sand, so
11 that's an important point. But if you do a big beach
12 nourishment project, you do want to go all the way up to
13 Kahana Stream. We're a 400-foot reach and very important, we
14 have a -- a drainage easement on the north side which drains
15 the -- you know, a lot of that area.

16 Whoops. I'll skip a slide and go back to it.

17 On the left is the UH coastal geology group's
18 analysis of the coastal erosion. It's -- it's historically
19 almost a foot a year, 0.7, 0.8 feet per -- per year of erosion
20 of the shoreline. It's not the beach, it's the shoreline.
21 When you look at a 1949 photograph, it looks like there's more
22 sand there and one of -- compared to later, like 2007.
23 Although there's still quite a bit of sand, but one of the
24 models that is -- we've sort of accepted is that there's been
25 a gradual attrition or loss of sand along this -- this entire

1 reach and that -- that does explain sort of the acceleration
2 of the erosion that we've been seeing or it's one -- one
3 possible explanation. There's no real data that -- that
4 really tells us this is what's happening, but it's a -- it's a
5 good theory anyway.

6 Now, actually (inaudible).

7 This is where the project started. 2006-2007 all of
8 a sudden we had this -- there was a -- a whole lot of erosion
9 of the shoreline. The sand went away, there was erosion.
10 This huge divot appeared. It was, you know, within 15 feet of
11 the corner of the building and everybody was scared, you know:
12 the Hololani guys were scared, the County guys were scared,
13 the State guys were scared. We met on the shoreline, you
14 know, "What do we do with this? This looks really serious."
15 And, you know, everybody figured out we -- we had to do
16 something, an emergency situation, and so they -- they threw
17 big boulders on the beach, we told them to put some geotextile
18 behind them, and -- and that got them through the winter.

19 So then we designed a temporary protection made out
20 of, you know, geotextile -- large geotextile sandbags and
21 Tensar mattresses. And these were the only bags we were
22 allowed to use at that -- at that time. And this -- this
23 lasted very -- pretty well, it -- a couple years with no
24 problems. The third or the fourth year it started showing --
25 showing wear and -- again and then the Hololani contractor

1 that's to do the design of a permanent fix for this, this
2 shoreline.

3 There's not much left of that initial temporary
4 protection, but we've been putting additional sandbags for the
5 last three or four years. One thing to note, how this
6 shoreline erodes, it's vertical, there's a lot of turbidity
7 and these are the things that -- they have implications in
8 terms of -- of our design and the effects of our design.

9 So coastal processes, what -- what drives sand
10 transport and what's -- what's going on on this beach is -- is
11 a wave climate. And because of the way -- or the geography
12 and geometry here, waves come from the north and the waves
13 come from the south at very high angles to the shoreline.
14 We're blocked by Molokai, the waves have to get -- the -- the
15 upper -- upper diagram on the right is a -- is a numerical
16 wave model. The waves are coming from 340-345. They still
17 get around Molokai.

18 So that's kind of where it starts, where the north
19 swell starts to -- to hit hard on this shoreline. And when
20 the north swell comes in, it pushes the sand to the south.
21 The lower figure is a -- is a computer model of south swell.
22 When that comes in, it pushes the sand to the north. And so
23 we -- we set up this dynamic of very strong longshore
24 transport one way during the winter and the other way during
25 the summer.

1 A couple more computer models showing the wave --
2 how the waves transform as they get closer to the shoreline
3 and a photograph. You can see the high angle that the waves
4 approach the beach with. You know, this is the problem, this
5 is what's -- what's happening here, the sand is moving because
6 of that angle.

7 And this is not Kahana, this is Kaanapali, and
8 I'm -- and I'm showing this because it behaves in a similar
9 way. All the sort of west-facing beaches on the West Side
10 come under the -- the same kind of forces. And the forces are
11 tremendous, you know, a lot of sand gets moved every single
12 year. And you can see at Hanakao'o Point in the winter you've
13 got 200 feet of sand, but that's not enough. In two -- the
14 figure on the right is from 2003 when we had an elevated sea
15 level and a very robust south swell season and they lost all
16 their sand and they put in thousands -- tens of thousands of
17 sandbags to try to protect their shoreline. I'm sure some of
18 you guys remember that.

19 The opposite happens at Keka'a Point, the other side
20 of the beach. During the winter the -- the sand moves down to
21 Hanaka- -- Hanakao'o and in the summer -- this is a fall
22 picture, but summertime they get the sand from -- from the
23 other end of the beach.

24 So this dynamic -- and this was studied by Dolan
25 Eversol, whose people -- is a member of the coastal community,

1 for his master's thesis. And you can see the sort of
2 sinusoidal wave form diagraph in the middle. Those are beach
3 profiles at one location at Hanakao'o Point and you can see
4 the change in the profile length and it -- you know, from
5 summer to winter to summer. The important thing is it's
6 cyclical, it comes back. It -- and it -- this is a periodic
7 thing that happens every single year.

8 Kahana, same thing, you know. Here's end of the
9 summer at Hololani, come January the sand's gone. January
10 2009 was a late season that was -- that was still full of
11 sand, but by April it was gone. And one -- one point I
12 should've made is that this happens on the ends of the -- of
13 the beach cell. So it's the ends of the beach cell, it's
14 Hololani, it's -- it's Kaanapali Alii, it's Keka'a Point where
15 you get the most effect from -- from the sand movement.
16 There's no sand coming from the other direction, so when the
17 sand moves, there's nothing to take its place and you have
18 your shoreline exposed.

19 This is -- this is July 2006 before we started the
20 project, you know. There's no sand, you know. Last year was
21 a -- was another very bad winter that -- the next-door
22 neighbor for the Hololani, they lost like 6 feet, 6 feet of
23 sand -- of, excuse me, of shoreline that year, but by
24 September the sand was back. That's the most sand I've ever
25 seen there and it's come back so that it's actually -- you can

1 see the toe of the beach is out past the Pohailani and it's
2 starting to move -- move north. Again, it's a cycle, you
3 know, it's every year the same thing happens.

4 The shoreline here, it erodes in a vertical scarp.
5 And this again, it's the same photo; there's no sand, no
6 beach. Now, the effect of that is when waves hit that,
7 there's a high reflection, they reflect off of it. It's much
8 like a wall. So if you build a wall here, it's not a -- the
9 waves see pretty much the same thing, you know, they -- it's a
10 highly reflective shoreline. It does erode, but -- but it
11 erodes slow enough so that, you know, in a wave-by-wave thing,
12 it's -- it's -- acts in the same -- same way.

13 You can also see here the -- the beach rock, there's
14 all these -- when the sand goes away, it leaves this beach
15 rock formation which just reeks havoc with all of our shore
16 protection. It slices open the sandbags, the Coir protection
17 that they put in next door is -- is decimated this year.
18 These things get -- get moved around by the waves and -- and
19 are extremely damaged.

20 Another point, this shoreline is not a beach. This
21 shoreline is fast land. It's not sand, it's -- it's clay,
22 it's silt, sandy silt, sandy silty -- silty sand. It's -- you
23 know, it doesn't contribute sand to the beach. This is --
24 this is your aina, this is your land, it's -- it's not -- it's
25 not the beach. So when it erodes, you're losing your land.

1 Existing conditions. This year the Hololani's done
2 pretty well. We've had it -- had it very -- a robust sandbag
3 protection. It's -- you know, it is damaged, it go -- it has
4 to be reinforced every year, but compared to our neighbors,
5 it's fared pretty well this year.

6 The Royal Kahana, not so good. And this is -- this
7 just happened in the last few weeks and it's just -- just
8 awful, you know. I don't know -- I don't know what more you
9 can say about it. They've lost a lot of property, they've
10 sustained a lot of damage. It shows the -- really, the folly
11 of trying to use Coir biodegradable materials on this
12 shoreline. They just -- they won't last. As Larry Michaels
13 said, they spent over half a million dollars putting this
14 stuff in and trying to keep it in repair and it didn't even
15 last a year and they lost -- you know, look, look at the
16 damage they have.

17 Valley Isle, just in a -- in a few weeks all that
18 they've lost, a good 8 feet of shoreline. The -- and we had
19 to put in a -- temporary emergency measures to keep the
20 building from falling in.

21 The important point that I really want to make here
22 is this is your island falling into the sea. The sand's
23 gonna -- the beach is gonna come back, the beach comes back
24 every year, but you're not going to get this shoreline back,
25 it's gone.

1 I did have a video. I don't know if (pause) --
2 A couple other -- my -- these are sort of asides
3 that I want to show. The color photograph is something
4 that -- it's -- we refer to as end effects and it's in the --
5 I think Jim will probably be talking about that and I just
6 wanted to show what it is. So when you have a structure or
7 something that kind of sticks out a little bit into the ocean
8 and the waves come in, they reflect off of that and they
9 reflect to the sides and they reflect up the beach. But the
10 important point I want to make is it's what we call a near
11 field effect. It -- and it happens very close to the site of
12 the reflection. It doesn't extend a hundred feet, you know,
13 but it -- it -- so it's -- and this has implications to our
14 design later on when we talk about trying to mitigate things
15 for Royal Kahana. Most of the effect occurs very close to
16 the -- to where it starts.

17 The second graph is a -- is a tide chart, basically,
18 a NOAA tides. The blue line is the predicted tides, the red
19 line are the actual measured tides. This was just last week
20 or two week -- or a week and a half ago. It shows that the --
21 the actual tides are half a foot above the predicted tides.
22 These are called -- these are what we refer to as mesoscale
23 eddies. When that happens, the -- when you get a high tide,
24 the -- the wave heights at the shoreline are higher, the waves
25 run up higher, they have a lot -- pack a lot more punch and we

1 see a lot more damage. This is what happened to the Kaanapali
2 Alii in 2003. And this is very significant from a coastal
3 engineering standpoint, a half a foot of extra tide. This is
4 why there was such damage so fast the last couple weeks at --
5 on this shoreline.

6 So now the alternatives, I -- you know, we've -- we
7 spent a lot of time in the EA and the SMA application talking
8 about alternatives. I'm just going to go through -- the first
9 one is our -- is our design and then the -- I don't want to
10 talk about artificial reefs or breakwaters, but we'll go into
11 the revetment, seawall, and -- and beach nourishment.

12 A revetment is our go-to structure for shoreline
13 protection. The trouble is it takes up a lot -- has a long --
14 a large footprint, it takes up a lot of space. One of the
15 problems with, you know, the permitting here is the State does
16 not want anything on their land and their land these days
17 starts at the shoreline, so we had to do everything we could
18 to minimize the footprint of our -- of our structure and this
19 was not -- we were not able to use, you know, the preferred
20 coastal engineering approach.

21 A seawall, you know, there's places where seawalls
22 are -- are very effective. We didn't want to use one here
23 because we wanted to minimize the reflection and seawalls have
24 a tendency to scour right in front of them, scour a deep, deep
25 pocket and you end up with sort of a pit and, again, it's bad

1 for essentially coastal processes. We wanted to minimize any
2 damage to the beach.

3 So beach nourishment, we like beach nourishment, all
4 coastal engineers like it, they do it all over the place. It
5 has a lot of benefits. I mean, if we're losing sand, as we
6 talked about, one way to gain it back is to -- to nourish the
7 beach with -- with sand from -- from somewhere else. So one
8 of the problems in Hawaii in general is it's hard to find good
9 sand. I mean, good sand is, you know -- and a lot of the
10 offshore -- we've done a lot of offshore sand prospecting. It
11 tends to not be very good. It's gray, it's smelly, it's very
12 fine grain. I understand they did find a source very close to
13 shore here at Kahana Bay, so that may or may not be a -- an
14 issue with this -- with this particular area.

15 But looking at beach nourishment as a protection for
16 something like an eight-story condominium, as a coastal
17 engineer, I think about Hanakao'o Point, you've got 200 feet
18 of sand in front of the condominium and that's not enough sand
19 to protect, so how much sand is enough? And, you know -- and
20 when we -- we were hired to protect the Hololani and to do so
21 we have to generate plans and we submit them and we stamp them
22 and we say, "This is going to protect the Hololani." We're --
23 we design it to a -- like a 50-year wave, a very large,
24 robust, you know, storm environment, and we say, "This is
25 going to work." There -- I can't do that with beach

1 nourishment. I can't say, "Well, just put a hundred feet of
2 beach here and everything's going to be fine," 'cause I know
3 the sand's gonna move, it's going to disappear, so it's not an
4 option.

5 Groins, there's been a lot of talk about groins,
6 groins have a lot of problems associated with them. Every --
7 talk to a lifeguard and ask him about groins. They'll tell
8 you how many people they've rescued. You -- you do -- they
9 will block sand from moving downdrift, so you get an updrift
10 accretion, but on the other side, you still have all these
11 wave forces, all these transport forces are in effect and
12 you're going to scour the shoreline. No matter where you put
13 it, the other side is going to point to -- especially in a
14 place like Kahana where the -- the longshore transport is --
15 is very strong. And in most cases they end up armoring the
16 shoreline anyway, you know, so they're -- they're really not
17 meant to -- for protection. They're meant to widen the beach
18 for recreational purposes.

19 T-groins are -- are enough. They work really well,
20 you know. It's -- it's a modification of a groin system.
21 They help eliminate the currents, they -- there's a refraction
22 and defraction process that occurs around the T-heads that
23 makes a nice embayment. And this is what we used at Iroquo
24 Point -- Iroquois Point, excuse me, and they're pretty strong
25 protection. I mean, if we used this at Kahana, I would want

1 to put in, say, a -- some kind of backstop wall just -- just
2 as assurance, but it is a -- a good strong coastal engineering
3 design. The problem is you have to do the entire beach and it
4 becomes a huge project.

5 And just to show you what we did at Iroquois Point,
6 you know, on the upper left is the -- is the sand stockpile.
7 This sand was easy to get, the -- the dredge just sat there
8 and took it from one side and placed it on the other. So it
9 was the easiest dredging operation ever, but it's a huge
10 stockpile, it's 95,000 cubic yards. That's what it looks
11 like. 33,000 tons of stone, you've got to find someplace to
12 put that, stockpile it, and get it to your -- to your groin
13 system. The groin system is a lot of groins over a long
14 expansive beach -- expanse of beach. You need -- you need to
15 get there, you need access, you need to have heavy equipment
16 on the shoreline.

17 And the final point, you change your beach forever.
18 You wake up in the morning and you've got a groin in front of
19 your -- your door and it's -- it's not necessarily a bad thing
20 and -- and in terms of what's happening with sea-level rise, a
21 lot of our beaches, we're probably going to have to start
22 thinking about this. But, I mean, that's -- that's the
23 decision: Do you want this? Is this appropriate? You know,
24 look at the -- the effects, the -- you know, the -- the
25 stockpiling, the access, you know. This is a very industrial

1 operation and it's a -- on a huge scale.

2 And so compared with what we're doing at Hololani, I
3 mean, we've got permits, we've got a State permit to use State
4 land, we've got the Army permit to go to use -- to go into the
5 navigable waters, and we -- we have a final environmental
6 assessment with a finding of no significant impact, you know.
7 So the State, the Army have all determined that, Okay, this
8 project's okay.

9 With a -- you know, a T-groin project over the
10 expanse of Kahana Beach, you're going to need an environmental
11 impact assessment -- statement, excuse me. You know, it has
12 significant environmental effects. You're covering up a whole
13 lot of acreage nearshore, which is -- you've got to deal with
14 the NOA fisheries, fish and wildlife. The environmental
15 impacts are much, much greater than -- than what we have
16 designed at the Hololani. So, again, this was not an option
17 for us, for our -- our project.

18 So what -- what we've come up with is, you know, a
19 hybrid seawall-revetment. And we use the hybrid system to --
20 just to get to -- to decrease the footprint. We wanted a -- a
21 rock revetment to face the ocean, to face the waves, to
22 minimize wave reflection and -- and any amount of scour.

23 We're using steel sheet pile. We originally were
24 going to use vinyl, but -- but, you know, there's an
25 application they used -- tried it on Oahu and had trouble

1 driving it, driving it through the hard sediment, and so we
2 decided we'd better stick with -- with steel. We're using
3 sheet pile because in some places on the shoreline the
4 geotechnical boring showed there's very weak soils down --
5 down at -- at depth and wouldn't support a -- a gravity wall.
6 Plus this minimizes the excavation that we need to -- to put
7 in the wall.

8 Our -- you can see we've got this crazy sort of wavy
9 alignment and this was what we had to do to satisfy the State.
10 We -- the State wanted to minimize excursion on the State land
11 and we felt -- and, you know, we gave them a very good
12 alignment, but they weren't satisfied and we had to pull it
13 back as far as we could and that's what you see. As a result,
14 there's about 2,500 square feet of land that -- of actual
15 property that has to be excavated, that's \$155,000 worth of --
16 of land that is --

17 Shall we wake this guy up? (Laughter.) I'm sorry.

18 In any event, \$155,000 --

19 Unidentified speaker: I apologize.

20 Mr. Barry: Yeah. It's all right. Sorry about
21 that, you know.

22 But that land is going to the State, it's now State
23 land. So we -- we've minimized the footprint, we've pulled
24 this thing in as far as we can.

25 And I'm going to -- next thing are the -- the ends,

1 'cause the ends are always a problem, how you -- how you deal
2 with, you know, the interface on each -- each side. And this
3 is on the -- on the north side abutting the drainage outlet.
4 And we -- we've talked a little bit with the -- with public
5 works about it, not recently, but I got a set of their old
6 plan -- they -- they have plans for improvements there and so
7 what we're doing is --

8 Just point it out. This is our wall here and it's,
9 you know, coming back and it'll form a revetment against right
10 here so what they can do is butt their improvements. And I
11 have to say -- I have to say their -- they need improvements
12 here. This is a real -- really a bad drainage outlet, it --
13 it clogs up all the time, but they can't build anything unless
14 we do this. Anything they build is going to start having
15 those end effects and start to erode the Hololani property.
16 By -- by sealing the shoreline, they can butt up -- butt
17 their -- their design up against it and we don't -- they can
18 do whatever they want. We have alternatives that are
19 possibilities if they want to work with us, we can -- we can
20 extend our revetment all the way across. But that's -- you
21 know, we'll cross that bridge when we get to it.

22 The other side has been very important because the
23 Royal Kahana has -- has submitted a petition to intervene.
24 The Royal Kahana used to support this project and I don't know
25 what happened. You know, their vice president was very

1 supportive, I had a good line of communication with him, and
2 we came up with this -- this plan. What we're doing is -- is
3 stopping our structure 30 feet from the property line and in
4 that 30 feet we're putting these Tensar mattresses that drape
5 over the shoreline and protect it from end effects. And as I
6 showed you, the end effects are near field, a near field
7 effect, and -- and we also had -- they put in these -- you can
8 see the Tensar mattresses in the -- in the photograph. They
9 extend at present into the Holo- -- into the Royal Kahana
10 property. They put those in at the same time we put in the
11 temporary protection. They haven't lost an inch of property
12 where those are and they haven't done a single bit of
13 maintenance, Hololani or Royal Kahana. These have been
14 very -- extremely effective shore protection. This is the
15 only part of the Royal Kahana that has not eroded.

16 So, you know, we're going to put them on that 30
17 feet. We initially had -- had plans to try and get the Royal
18 Kahana to come in under this permit and have -- have these
19 mattresses go for -- right now they're 45 feet, we were going
20 to take it to a hundred just to, you know, make everybody feel
21 good. They've declined to be under this permit at this time,
22 so we can only go to 30 feet, but I think that will be very --
23 that's -- that's -- I consider this an effective mitigation to
24 the problem.

25 One more thing, we -- we have promised a shoreline

1 access in this same area that will double the amount of
2 shoreline -- public access on the Kahana -- over the entire
3 Kahana Bay area.

4 And we hope this is what it'll look like. You know,
5 it's engineered, but it sure looks better than what's there
6 now and it looks better than what's at Royal Kahana, it looks
7 better than what's coming down the line if -- if we don't do
8 anything. It's just the -- all this --

9 We don't -- we don't agree with the deferral. I
10 mean, we know the department wants to defer this project. We
11 think it'll continue to place the property at risk. One thing
12 to point out, that putting sandbags on the shoreline is not
13 engineered shore protection. We don't know what -- how long
14 it will last, we don't know what conditions it will fail. We
15 know that it fails sort of on a continual basis and has to be
16 fixed every year to the tune of, you know, tens -- I think
17 about a -- we've spent about a hundred thousand dollars per
18 year just keeping it in -- in shape. One fifty.

19 The project has a FONSI. You know, the State has
20 found that there's no significant impact to our project. We
21 have both Federal and State permits.

22 And one thing I didn't touch on, I mean, there's
23 significant public benefits here. One, there's -- we are
24 protecting the -- this portion of Lower Honoapiilani Road
25 where it comes very close to the shoreline. If you do

1 nothing, that road's going to go right there, you're going to
2 have problems.

3 The drainage improvements, it will allow DPW to --
4 to put in their -- their outlet in a -- you know, a robust CRM
5 form or concrete. Right now it's just a ditch.

6 Turbidity, this -- when this shoreline erodes, it
7 generates turbidity. There's beautiful coral offshore, you
8 know, we want to prevent that.

9 And it's compatible with beach nourishment. Do you
10 want to come in and put 20, 30 thousand cubic yards -- if you
11 want to do the whole T-groin project, I mean, that's fine,
12 this will not effect that at all, it just means we don't have
13 to rely on it.

14 I think we've looked at all the options. We have
15 the -- this is the most reasonable and the -- and a
16 responsible approach to the problem. And, again, it's the
17 alternative we found that has the least environmental impact.

18 And with that, I -- I would like Scott Sullivan
19 to -- he's going to come up and just make some closing remarks
20 based on his experience working for I don't know how many
21 years. So thank you very much.

22 (Applause.)

23 Mr. Sullivan: Okay. Thank you. Thank you, Jim. I
24 think Jim did an excellent job giving you an overview of the
25 project.

1 I think I'm here 'cause somebody thought gray hair
2 looks -- looks experienced. And actually, I've worked
3 continuously as a coastal engineer for the past 44 years here
4 in the state of Hawaii and throughout the Pacific Basin. Got
5 a master's degree at UH in 1970 -- I'm sorry, '71, worked
6 eight years for the Army Corps of Engineers as a coastal
7 engineer. Left government service in 1980 and cofounded Sea
8 Engineering, which has been an ocean engineering consulting
9 firm here in the state for the past 36 years.

10 I've been responsible for dozens and dozens of shore
11 protection and beach projects throughout the Pacific. Two
12 recent award-winning projects that Jim mentioned were Waikiki
13 Beach nourishment and Iroquois Point Beach nourishment and
14 stabilization, both pretty big projects, complex projects.
15 Iroquois Point took nine years to plan and permit and nine
16 months to construct, so these are hard projects to move along.
17 There are a lot of concerns nowadays with shoreline issues and
18 shoreline projects, so it's a -- it's a formidable task.
19 Jim's been working for the Hololani for six years trying to
20 get them some protection.

21 A couple things to remember: I think the objective
22 of the project is to protect the Hololani building from damage
23 during high waves and during periods of beach -- when the
24 beach isn't there and the shoreline is actively receding. You
25 know, it's gotten to within 15 feet of the building, at this

1 point something needs to be done. We've had temporary
2 protection in for six years, we can't just keep doing
3 sandbags, that's -- that's just not a long-term, permanent
4 solution for a multimillion dollar building.

5 Sand transport in Kahana area, as Jim said, it's
6 lateral along the shore, very dynamic, very dependent on
7 seasonal changes in wave climate. This is going to continue,
8 it's just the way that coastline works. There'll be periods
9 when there's a beach in front of the Hololani and periods when
10 there's not and that's not going to change with or without our
11 project.

12 This presently ongoing shoreline -- well, you can
13 just see the past few weeks at Hololani, Royal Kahana, and
14 Valley Isle, dramatic shoreline changes, dramatic damage.
15 This is not going to change, it's not going to go away. My
16 estimate as an engineer is that winters are going to continue
17 to get worse in Hawaii, this seems to be the trend, so I don't
18 think it was just a one-off deal this year.

19 If we don't do something for Hololani, there's a
20 very good likelihood that they will eventually loss -- lose
21 reasonable use of this property. If the building gets
22 damaged, then it's going to have to be evacuated and there's a
23 very real possibility of -- of serious damage to that
24 building. So given the project objective of protecting the
25 Hololani, I can unequivocally state that our proposed project

1 is the most effective and practical solution for that
2 objective. We've looked at a broad range of alternatives and
3 for a single condo association, this is a reasonable and
4 practical and implementable solution and it can be done in a
5 reasonably short time. We've got every permit except what
6 we're here today before you for and that's the SMA, but we've
7 got all the required Federal and State permits.

8 We are also very interested in the State's desire to
9 pursue a regional beach nourishment project for Kahana. We
10 think that's a -- a fine idea and the Hololani project will in
11 no way impede that. It's -- they're -- it's not -- does not
12 adversely impact the options for a regional beach nourishment
13 project. But a regional project is a big, large, complex
14 thing to do. Believe me, I've done it, it takes a while, it's
15 a lot of work, there are a lot of issues to work through.
16 It's a five- to ten-year sort of project and it requires all
17 the property owners, all the Federal and State and County
18 agencies to get together. It can be done, but not easy and
19 certainly nothing in the short term.

20 So having said that, if there are any questions, Jim
21 and I'll be very happy to answer them, but otherwise we've
22 pretty much made our presentation. Thank you very much.

23 Chair Tsai: Thank you.

24 (Inaudible comments.)

25 Chair Tsai: All right. So before we go to public

1 testimony, we're gonna like to break for lunch, so we'll be
2 back by 12:55. Thank you.

3 (Pause in Proceedings)

4 Chair Tsai: The Maui Planning Commission is back to
5 order. At this point we're going to open the floor for public
6 testimony. If you haven't testified already on the agenda
7 item, please come forward and you have three minutes. Please
8 identify yourself.

9 Oh. Yeah. So I have Leigh Jones. Okay.

10 Mr. Jones: I'm -- my wife and I are owners at
11 Hololani and Royal Kahana. And the same reason that we love
12 the island is what you love about it, and that's what we would
13 like to preserve, is that environment where we can come out
14 and enjoy the water, not having to worry about every night
15 getting an email about what else has fallen into the sea.
16 Now, I'm -- don't have heart problems yet, but every time I
17 get an email, it gets closer. It's a true issue there.

18 We want to have -- we're hoping that you would do
19 for us what we would do for you, is solve this problem. And
20 the problem really right now is that we've spent so much time,
21 it's no longer down the road, it's critical right now, one bad
22 event and our building could be unusable. And let me tell
23 you, that's scary when you're in my position where we can just
24 barely afford to own the place, you know. So you wake up, you
25 get an email, you see more is gone, it's a frightening thing,

1 a very frightening thing. And we're asking for your help to
2 solve this problem and that help would be to allow the plan as
3 presented to go through. Now we don't have time for another
4 three or four year study, you know, it's just not there.

5 How many of you have actually been up there and seen
6 that shoreline in the last couple of weeks, any of you?

7 And I think you can attest to that it's -- it's
8 just -- it's frightening, wouldn't you say? No comment?

9 Commissioner Carnicelli: I can't take questions.

10 Mr. Jones: Yeah. What?

11 Commissioner Carnicelli: I can't take questions.

12 Mr. Jones: Oh, you can't take questions. Okay.

13 Well, then -- (microphone feedback) -- you're probably very
14 well aware of how bad it is. I think the rest of you would
15 want to take a look, because you don't want this happening to
16 your island. Now, it's a lot of units, a lot of tax revenue,
17 a lot of good will with the island is resting on a solution to
18 this problem and we need help now.

19 Now, being also an owner at RK, I hope that seeing
20 what's going on, RK will take a different view and remove the
21 intervention. I certainly will work towards that as -- as an
22 owner there.

23 So, anyway, mahalo. Thank you.

24 Chair Tsai: Thank you.

25 Ian Horswill.

1 Mr. Horswill: Horswill.

2 Chair Tsai: Yes.

3 Mr. Horswill: Good afternoon, Mr. Chairman and
4 Commissioners. I'm Ian Horswill with Rising Tide Engineering.
5 I'm a civil engineer in beach restoration in Maui working for
6 the Royal Kahana.

7 Firstly, seawalls and seawall revetments create
8 armoring which reduces or eliminates beaches, increases the
9 rate of coastal erosion nearby, resulting in the loss of
10 valuable public beaches, ecosystem functions, biodiversity,
11 and lateral beach access. This has been shown in many studies
12 and is in evidence here in Maui. Maui's important tourism
13 business will be negatively impacted if more seawalls are
14 allowed to be built. Tourists come to Maui to enjoy the
15 beaches. If there are fewer beaches because of seawalls,
16 there will be diminished hotel revenues and taxes.

17 The DLNR adopted COEMAP, COEMAP or Hawaiian Coastal
18 Erosion Management Plan states, "Sand nourishment is the
19 strongest technical option presently available to protect
20 eroding coast lands and sustain and restoring public dunes and
21 beaches." Likewise, the Maui Beach Management Plan reinforces
22 this perspective by stating, "Beach nourishment is the only
23 management tool that serves the dual purpose of protecting
24 coastal lands and preserving beach resources." Maui County is
25 in the middle of a critical study to show that -- or to

1 question whether or not regional beach nourishment will work
2 in the Kahana Bay region.

3 Hololani has not adequately demonstrated that their
4 seawall design will mitigate damages to the downdrift
5 neighbors, specifically Royal Kahana. Flanking and end
6 effects of the seawall will cause erosion of the Royal
7 Kahana's beach and land. As you can understand, on a normal
8 beach, the wave energy is dissipated as it goes up the slope
9 and is allowed to settle; whereas with a seawall, the energy
10 is reflected and keeps the sand suspended, which allows the
11 sand to be transported away.

12 If there is a regional beach nourishment solution,
13 then Hololani will benefit from this approach. Considering
14 the success of their current temporary shoreline protection,
15 why wouldn't they wait for the study and the beach
16 nourishment? If Hololani are allowed to build a seawall now,
17 this will set a dangerous precedent in Hawaii, allowing any
18 other hotel, condo, or private residence to request and get a
19 seawall built.

20 Do I have time to talk about some of the technical
21 aspects?

22 Staff: (Inaudible.)

23 Mr. Horswill: Okay. Kahana is -- is not a cyclic
24 system, as was suggested earlier, it's a one-way system to the
25 offshore fields, particularly field 22 and 19, that's where

1 all the sand is going. It does come back year over year, but
2 not all of it, so it's a diminishing resource.

3 The reason why the Royal Kahana pushed forward with
4 a Coir-based protection system was because the State requested
5 it. We've become a stocking horse for new and better designs
6 and we're --

7 Staff: Three minutes.

8 Mr. Horswill: -- obviously going to hybridize those
9 and make them better, but the Royal Kahana have gone out of
10 their way to follow the process with permitting and with
11 evolving designs that will help the environment.

12 That's all I have. Thank you for listening. Any
13 questions?

14 Chair Tsai: Commissioner Robinson.

15 Commissioner Robinson: Jim, you've brought up a
16 couple points, are you going to go over those points regarding
17 the different sand fields before I -- or should I just address
18 it to him?

19 Mr. Buika: To him.

20 Commissioner Robinson: Okay. I know I can't go
21 back to him later, that's why, so I'll go to you.

22 (Inaudible.)

23 Commissioner Robinson: Yeah, thanks.

24 You mentioned there is -- Royal Kahana gets their
25 sand from a different location than from the shoreline; is

1 that correct what you're stating?

2 Mr. Horswill: No, no. The sand is from the
3 shoreline.

4 Commissioner Robinson: Okay. So you -- so you said
5 from the fields and I'm --

6 Mr. Horswill: Oh, I'm sorry. Let me explain. The
7 County is in the middle of an offshore sand source study and
8 there'll be more -- there'll be a whole presentation on that
9 coming up, but those sand fields exist offshore, nearshore to
10 the Royal Kahana and all of the other condos within the Kahana
11 Bay area.

12 Commissioner Robinson: So you're in agreement with
13 the -- with the earlier applicant that the -- all the sand is
14 generally from the same source or are you saying it's from a
15 different source? That's what I'm trying to ascertain.

16 Mr. Horswill: I'm --

17 Commissioner Robinson: Well, there's only -- the
18 sand goes north, the sand goes south, is --

19 Mr. Horswill: Yes.

20 Commissioner Robinson: -- Royal Kahana sand -- it's
21 a part of that? It's not --

22 Mr. Horswill: Yes.

23 Commissioner Robinson: It doesn't come from a
24 different type of a --

25 Mr. Horswill: No.

1 Commissioner Robinson: You said the wave is a
2 different angle than what the --

3 Mr. Horswill: No.

4 Commissioner Robinson: It's all the same, then?

5 Mr. Horswill: Right. Yes.

6 Commissioner Robinson: Okay. Thank you.

7 Chair Tsai: Thank you.

8 Mr. Horswill: Thank you.

9 Chair Tsai: Robert Sloop?

10 Mr. Sloop: I'll pass.

11 Chair Tsai: Ray Sievers.

12 Mr. Sievers: My name is Ray Sievers, I live at the
13 Hololani and I also have a studio apartment at the Valley Isle
14 that's been hit drastically this year.

15 I agree on sand nourishment, but we also are
16 endangering our property and I don't see why -- we know from
17 this -- the outcome that they performed in Stable Beach that
18 when they removed the big geotech bags and replaced it with
19 boulders, that it was far better on absorbing the energy from
20 the waves. So I think our idea and the engineer's report
21 showing to drive steel sheathing back on our property and by
22 replacing the sea bags that are acting as a hard revetment and
23 with boulders that would absorb the energy would be more
24 beneficial to the area.

25 So it's important to me to also address protecting

1 our property and beach nourishment, because we know -- I live
2 here all year round, so I don't rent my unit. I have one I
3 rent. As a matter of fact, our last quarter at Valley Isle,
4 we've paid almost \$2,000 in GET and TAT tax to the State. All
5 that tax money that all you gentlemen are aware of, they --
6 we've -- I -- there was an article a couple years ago in the
7 newspaper where County of Maui contributed 121 million plus
8 and they only returned 19 million. If you and I were
9 investing our personal money and we got a return like that,
10 we'd be broke, we'd be out on the street.

11 And what's happening with all our shorelines, I know
12 that hardening may have effect, but I know that the boulders
13 in the place of the sea bags would be less offensive to the
14 shorelines. Thank you.

15 Chair Tsai: Thank you.

16 Adele Sievers.

17 Ms. Sievers: My name Adele Sievers and I too live
18 at the Hololani and have a studio at the Valley Isle Resort.

19 My plea is that I know that Jim Buika and Tara Owens
20 have been very helpful to all of us owners on the shoreline of
21 the Kahana Bay area, they wanted to do a study headed by --
22 and spearheaded by Mayor Alan Arakawa and I think until that
23 study is done, we need to really be aware and really look at
24 what is the best interests.

25 I like a beach, I wouldn't want to have a property

1 without a beach. When we bought our properties, that was a
2 big deal, it meant a very important, significant issue to us.
3 And, besides, what if -- I live at Hololani permanently as a
4 full-time resident. What if I have to move to Oahu for
5 various reasons? And if I do and have to rent my building
6 out, my apartment out? Who wants a beach? The tourists want
7 a beach. People -- (microphone feedback.) People who live
8 here want a beach.

9 And we want to do the best thing for our neighbors,
10 for the Royal Kahana, for the Valley Isle, and all the way
11 down the line. We don't want a domino effect to place a
12 hardening source in and create a lot of problems to all of our
13 neighbors, I think it's important that we realize that. Thank
14 you.

15 Chair Tsai: Thank you.

16 I have Walt Jennings, followed by Ty Emanuel.

17 Mr. Jennings: Good afternoon, everybody. I'm Walt
18 Jennings. I have a place at the Hololani. I'm from Los
19 Angeles originally. My wife and I came over here over 17
20 years ago and purchased our place at the Hololani.

21 And I haven't been here for the last three years
22 because of my wife's health and, unfortunately, when I came
23 here yesterday and looked at that shoreline, it's terrible,
24 guys, let me tell you. It is absolutely horrible. We're in
25 an emergency situation, whether everybody knows it or not. We

1 are in deep trouble. We don't have time for any more
2 planning. Okay?

3 We would like to ask you, please, only one person
4 has seen where we live, it would be nice if you all would go
5 take a look what we're facing right now. It's going to be
6 disastrous in short order. We have a couple of big storms
7 come in and, guess what, we're going to be in big trouble.
8 Okay? I live right on the water, okay, and last night, my
9 first night here, I listened to those heavy waves crash with
10 high tides this morning and it's just eating up our soil.
11 Okay?

12 And I disagree with the gentleman who spoke from the
13 Royal Kahana because nourishment right now is not going to do
14 anything but bring the water level up and take out our soil.
15 Okay? And the erosion is gonna get us in no time. What we
16 need, we need to get a wall in there for all the cove and then
17 replenish the area after we get the seawall there so we can
18 stay in our building. Okay? So please reconsider, we need
19 the permit, we need to go forward. We've done engineering,
20 we've spent a lot of money, but we need to go out right now
21 and get bids and get a job done so we don't lose our places.
22 I hope that's clear to everyone. Thank you very much and have
23 a good day.

24 Chair Tsai: Thank you.

25 (Applause.)

1 Chair Tsai: Now we have Larry Michaels after.

2 Mr. Emanuel: Good afternoon. My name is Ty Emanuel
3 and I'm the president of the board of the Royal Kahana.

4 I'm here on behalf of the Royal Kahana AOA0 to speak
5 in opposition to Hololani's proposed seawall project.

6 Seawalls often create end effect erosion. This can be seen at
7 the Hololani where their beach and property has been eroded
8 due to the effect of the seawall to their north.

9 To quote from an Army Corps of Engineer review of
10 potential projects in West Maui, "The draft environmental
11 assessment for the Hololani Shoreline Protection Project was
12 presented to the County of Maui Planning Commission in
13 September 2012. One concern that was voiced at this meeting
14 was the effect it would have on the neighboring properties.
15 This structure could affect other properties, which would
16 experience the same erosion problem as the Hololani."

17 One of those other properties is the Royal Kahana
18 and we would be adversely affected if this project is
19 approved. A seawall to our north will accelerate erosion on
20 our shoreline. We have spent hundreds of thousands of dollars
21 to control -- in an attempt to control erosion. Those
22 measures were designed to comply with the County's beach
23 management plan recommendations. Allowing a seawall at
24 Hololani would make that money and effort all for naught and
25 we would be forced to apply for a seawall for our own

1 protection from their seawall. It is reasonable to assume
2 that our neighbor to the south, Valley Isle, would be
3 compelled to do the same, moving the problem south, but not
4 solving it.

5 Part of the value of our property is dependent on
6 the presence of a sandy beach. Seawalls all but ensure
7 beaches would be a thing of the past. Quoting from the
8 Maui -- from the beach management plan, "Since conventional
9 coastal protection structures such as seawalls and revetments
10 have been shown to cause beach narrowing and loss on
11 retreating shorelines, Maui County should identify and
12 recommend more environmentally compatible alternatives where
13 possible." It goes on to state, "In the case of a chronically
14 retreating shoreline, building a seawall or revetment will
15 result in beach loss."

16 The loss of the beach from a seawall is a loss for
17 the general public, not just our owners and guests. The
18 public's best interest must be considered when determining the
19 best practical solution and eradicating beaches is not in
20 anyone's best interests.

21 The Royal Kahana is a strong supporter of the study
22 currently underway to identify nearshore sand sources. We
23 have contributed data collected in pursuit of our own beach
24 nourishment projects and seconded our coastal engineer to the
25 effort. We are in favor of the proposed Army Corps study to

1 investigate options for controlling erosion and preserving and
2 restoring beaches along the entire Kahana Bay.

3 The Hololani seawall, if approved, and any
4 subsequent seawalls will foreclose the possibility of healthy
5 beaches in Kahana. While we are certainly sympathetic to
6 their situation and, in fact, our situation at the moment is
7 far worse, for the protection of our own property and for the
8 preservation of beaches for the public trust we ask that this
9 project be deferred for further study and exploration of other
10 options. Thank you.

11 Chair Tsai: Thank you.

12 Tyrell --

13 (Inaudible.)

14 Chair Tsai: Oh, sorry. Question, Commissioner
15 Hedani?

16 Commissioner Hedani: Sorry.

17 Ty?

18 Mr. Emanuel: Yes.

19 Commissioner Hedani: You said that the Royal Kahana
20 is having a -- worse of a problem than the Hololani at this
21 point?

22 Mr. Emanuel: At this moment, yeah.

23 Commissioner Hedani: Are you folks looking to
24 protect your property?

25 Mr. Emanuel: Yes. Yes, we are. We -- we had a

1 system in place, it was designed with the -- in conjunction
2 with the input from Tara Owens from Sea Grant, and in
3 compliance with the -- what the State requested, which was 100
4 percent biodegradable system. This winter has been especially
5 brutal, the surf has been very high, and the 100 percent
6 degradable solution has proved to be just that, too
7 biodegradable, and we've had significant failures of the
8 system that we've been continuing -- continuously repairing.
9 It eventually came to a point where we were overrun,
10 essentially, we could not repair fast enough. There was a
11 stretch of about two weeks where we had continuous high surf
12 at our location and we've got an undermined wall and pool deck
13 that we're dealing with.

14 And we're -- do have a permit for essentially
15 emergency measures which we've started to take. There's two
16 parts of that, but we also are pursuing a hybridized or an
17 evolution of our design. We have a temporary permit for
18 switching to synthetic bags, which should hold up much better,
19 and so far they have, and that is -- I think we've got about
20 three months on that permit. So we are continuously working
21 to try and solve this problem in the best way that we can and
22 stay --

23 We philosophically believe in the value of beaches
24 and the public good and that may not -- you know, it may sound
25 self-serving, but I truly believe that. So we went this route

1 with the biobags and these -- the softer solution in pursuit
2 of that as part of the first phase before we start our beach
3 nourishment and our rock groin project. It hasn't worked out
4 well enough, so we are looking at other solutions, but at this
5 point we're not looking at a seawall or revetment by itself.

6 Chair Tsai: Continue.

7 Commissioner Hedani: Do you -- you combined seawall
8 and revetment at the -- as -- into one term. Do you know the
9 difference between the two?

10 Mr. Emanuel: Basically, but that's not really my
11 area of expertise. I believe the revetment is a more sloping
12 structure and a seawall is more vertical, that's the -- that's
13 about the extent of my expertise in that.

14 Commissioner Hedani: Okay. Thank you.

15 Chair Tsai: Oh. Commissioner Robinson.

16 Commissioner Robinson: Tom, has the applicant
17 offered you to join their project and to -- to have this
18 hybrid revetment slash seawall to go all the way through your
19 property as well?

20 Mr. Emanuel: I think that was mentioned at the time
21 and I think at the moment that's not a solution by itself that
22 we're all that excited about. It may be ultimately what we
23 need to do, but we would prefer something that would give us a
24 chance at a persistent sandy beach, that's our preference.

25 Commissioner Robinson: Thank you, Ty.

1 Mr. Emanuel: But we -- but we do acknowledge that
2 ultimately that may not be possible.

3 Commissioner Robinson: Thank you.

4 Chair Tsai: Commissioner Carnicelli.

5 Commissioner Carnicelli: So I guess along that same
6 line of questioning, have you offered any other solutions to
7 the Hololani other than just trying to intervene?

8 (Applause.)

9 Mr. Emanuel: Yes, we have. When we started our
10 project with the soft, a hundred percent biodegradable bag
11 solution as the first step before beach nourishment and rock
12 groins, we approached Hololani and Valley Isle to see if they
13 were interested in participating with us, and they declined.

14 Commissioner Carnicelli: Thank you.

15 Chair Tsai: Okay. Thank you.

16 Mr. Emanuel: Thank you.

17 Chair Tsai: Larry Michaels, then we have Amber
18 Stribling.

19 Unidentified Speaker: Larry is gone.

20 Chair Tsai: Okay. And then we have Michelle
21 Stafford after.

22 Ms. Stribling: Good afternoon. I'm Amber
23 Stribling. I'm an owner at Hololani and a member of the board
24 of directors over there.

25 My communication to you I think will be a little

1 different from the previous people you've heard from in that
2 this is emotional. It -- I first visited Maui 19 years ago, I
3 fell in love with it. I fell in love with the people, the
4 beauty of the island, the aloha spirit, and, of course, the
5 whales. Four years ago my dream came true of owning a home
6 here and although my primary residence is still in Colorado,
7 I'm here about four months out of the year. I'm more involved
8 in the community of Maui than I am in my community in Denver.
9 I have more friends and personal relationships on the island
10 of Maui than I do in Denver because that's how strongly I feel
11 about making this my permanent home.

12 To me, Maui is heaven on earth. It soothes my soul.
13 And I can tell you up until recently one of the most soothing
14 things was when I went to bed at night and I heard those waves
15 crashing, it was like rocking a baby to sleep, and it no
16 longer does that for me now. The shoreline's the first thing
17 I look at when I get up in the morning, it's the last thing I
18 look at in the evenings, and it breaks my heart.

19 We have spent hundreds of thousands of dollars just
20 in the four years that I've been an owner in temporary
21 protection. We spend a thousand dollars a sea bag and we put
22 in a hundred or more of them on average per year, having to
23 repair and replace the damaged ones from the waves and the
24 rocks that you saw in Mr. Barry's presentation. As a member
25 of the board, that's a responsibility that I take very

1 seriously and, candidly, I feel like as a member of our board,
2 I've let our owners down because every one of us is spending
3 hundreds of thousands of dollars collectively on temporary
4 measures that are getting us nowhere. We want to spend our
5 money on a permanent solution and our homes are in imminent
6 danger.

7 The gentleman from Royal Kahana talked about that
8 they're in worse condition than we are, it's not their
9 residential buildings that are in imminent danger at this
10 point. And I hope they don't get to that point, but it is our
11 residential buildings.

12 It's -- it's hard to sleep at night, it's -- it's
13 hard to look forward to coming to Maui like I have for the
14 last 19 years when I feel like every time I come back, I'm
15 that much closer to my home falling in the ocean, to my future
16 forever home falling in the ocean.

17 If we can't obtain the needed permits from Maui
18 County to protect our homes, I feel like I'm not doing right
19 by the owners that trusted and elected me to the board of
20 directors. Personally, I don't want the liability on my
21 shoulders, I don't want it on my conscience. It's not fair to
22 put that kind of liability on our seven board members. We've
23 done everything we know to do and we've followed the
24 procedures. We have a constitutional right to protect our
25 homes and it's unconscionable that we're at this point to

1 where we still don't have approval for permanent protection.

2 So in closing, I'm pleading for your immediate
3 support to provide us the needed permits to permanently
4 protect our homes before it's too late. And I don't think you
5 guys want the responsibility of us losing our homes on you.
6 So thank you for your time.

7 Chair Tsai: Thank you.

8 Okay. Michelle, then we have Richard Copley next.

9 Ms. Stafford: Michelle Stafford, Hololani board
10 member, real estate agent, family owner for about 28 years in
11 Hololani.

12 Our family minister here came to Idaho and married
13 my husband and I. Man, I know this is gonna be emotional. We
14 even had our minister -- Whoa, this is -- sorry. We even had
15 our minister, our Hawaiian minister baptize our kids here.

16 It must be the progesterone. Sorry.

17 We're well-intended citizens at Hololani who
18 respected and abided by County rules and processes for
19 nine long, fiscally crippling and emotionally taxing years.
20 We hope the County's intentions for us are as good as ours are
21 for you. It appears as though -- thank you -- it appears as
22 though -- and I hope I'm wrong, but it appears as though the
23 County continues to find loopholes to defer and deny us
24 because our needs do not align with your shoreline agenda.
25 And we get it. If this is the case, shame on you.

1 Last we were informed, Royal Kahana was granted a
2 permit for their seawall and yet they filed a petition to
3 intervene with ours. I hope this was not negotiated
4 simultaneously.

5 You may defer us yet again by saying, Your shoreline
6 is stable. Stable for who? It is stable enough for your
7 agenda, but not to our pockets -- pocketbooks and our homes or
8 our emotional well-being. Obviously, I just lost my cookies.
9 It's cost approximately \$150,000 a year in sandbags alone.

10 We have countless meetings, we have a barrage -- as
11 you all know, you do too -- of emails. Many of us flew over
12 here today in hopes of being heard and in hopes that you would
13 pay attention to Sea Engineering's scientific presentation. I
14 hope you did. We have endured loss of property values, we've
15 become stigmatized with shoreline issues by real estate agents
16 which in itself cripples us financially. That also makes it
17 so that should someone want to try to refinance their home,
18 they can't, because their values have gone down so much banks
19 won't underwrite a loan.

20 All that we have done and all that we have endured
21 disrupts our lives. We're being steered into fiscal and
22 emotional distress which robs us of the quiet enjoyment we are
23 entitled to when we take title to a property in your county.
24 After all the County issues -- issued permits and certificates
25 of occupancy -- I'm sorry. After all, the County issued

1 permits and a certificate of occupancy for Hololani years
2 ago --

3 Staff: Three minutes.

4 Ms. Stafford: -- and now you won't let us protect
5 it in an efficient way for even half its useful life.

6 It's an adversarial situation and it calls for
7 concessions on both sides. We are happy to support your beach
8 nourishment plan, even if it doesn't help us, because we have
9 a -- a -- because you grant us a permit, but we are in
10 immediate danger and we need your support. And if you walk
11 the shoreline, you'll see that there isn't time for us to just
12 wait and continue to let sandbags go out to sea and our
13 building become in further danger and continue to just open up
14 our wallets and kiss 150 grand a year away. Please, it's been
15 nine years, fix it for us, please. Thank you.

16 Chair Tsai: Thank you.

17 Ms. Stafford: Yeah.

18 Chair Tsai: Donna Karnofsky next.

19 Richard, you're up first. Richard, you're up first.

20 Mr. Copley: Good afternoon. My name is Richard
21 Copley, I am the vice president of the Royal Kahana
22 Association of Apartment Owners. More importantly, I am here
23 this afternoon as simply a resident of the Royal Kahana, a
24 236-unit condominium property immediately downdrift from the
25 Hololani Resort.

1 And as it relates to the subject matter being
2 discussed here today, being downdrift from the Hololani could
3 become an unfortunate place to live. While the idyllic
4 rendering of a nice white beach and a couple strolling down
5 the sandy beach may be the case in front of the Hololani, we
6 fear that that wouldn't be the case in front of the Royal
7 Kahana.

8 I'm not a coastal hazards specialist, I'm not a
9 geologist, nor am I educated in the science behind the issue
10 before us today, but I read and I've read a lot about the
11 studies, the research, and the history that relates to the
12 hazards of the increased erosion we are faced with living
13 downdrift of an armored beach. The scientists all agree that
14 beaches have narrowed and shorelines have retreated for as
15 long as they've been keeping records. But while we can wall
16 up the entire island, we have to ask, What will we be left
17 with?

18 So I want to express that I am deeply concerned
19 about the potential for the Royal Kahana to experience
20 increased erosion along our shoreline due to the armoring of
21 the Hololani beach and that if the armoring is allowed to
22 continue in Kahana Bay, we will eventually eliminate all of
23 our remaining beach, which will have a major negative impact
24 on our local tourism-based economy.

25 Today I am asking that the commission take

1 careful -- into careful consideration the recommendations of
2 the Maui Planning Department, whom we've been working with to
3 develop an alternative to coastal armoring that includes
4 structures such as groins that have been discussed earlier
5 today, coupled with a robust beach nourishment program. I
6 think it's important for all of us to remember that our
7 beaches are a major tourist attraction throughout Maui County,
8 but our beaches, if we continue armoring, will soon disappear.
9 Thank you.

10 Chair Tsai: Thank you.

11 Mr. Copley: Thank you.

12 Chair Tsai: Okay. We have Donna Karnofsky and then
13 Stuart Allen, you're next after that.

14 Ms. Karnofsky: Good afternoon. My name is Donna
15 Karnofsky.

16 I've been an owner at the Hololani for ten years now
17 and ever since I've been there, there's been this -- the
18 shoreline issue. I am simply here as an owner, I am not an
19 engineer, but I have -- I know the kind of hard work that our
20 board has put into this project and thousands and thousands of
21 dollars we've spent. And I'm here today to beg you to approve
22 the proposal that Sea Engineering has submitted.

23 I can only picture what will happen if we -- if we
24 continue to delay, delay, delay this project. It can no
25 longer be delayed. We are -- we as owners want to work

1 together with everybody, but we need your support and we need
2 it now. Thank you.

3 Chair Tsai: Thank you.

4 And the last one on the list is Robert Luce after
5 Stuart.

6 Mr. Allen: Hi. Good afternoon. I'm Stuart Allen.
7 I am general manager of a company called Vacation
8 International. We own nine units at Hololani and 21 units at
9 Valley Isle. I'm on the AOA board at both projects.

10 I've been personally involved in this issue to plan
11 and permit protection for the Hololani building since 2007.
12 I've met on multiple occasions with the department staff, I
13 respect what each of them are trying to do. But I have five
14 points to make to you in three minutes, so forgive me if I
15 talk a little quickly.

16 When Jim Barry and I appeared in front of the land
17 board in Oahu to get the State permit, the CDUP, the Maui
18 County Director of Public Works was on the board and voted in
19 favor of granting us the State permit. Why did he do that? I
20 think he did it for two principal reasons: One, as you heard
21 from Jim Barry, it gives the County an opportunity to address
22 the drainage issue at the north boundary of the Hololani land.
23 Two, if you grant this permit, Hololani at its expense is
24 going to build protection for the county road, Lower Road,
25 which runs along the entire length of the Hololani property,

1 that's going to be a considerable savings for the County. We
2 know that the County does and is prepared to in the future
3 build shoreline hardening to protect its roads, that's a smart
4 thing to do, but at this opportunity you have the chance to
5 have us do it at our expense to protect the county road.

6 Number two, this hasn't been brought out yet today,
7 the proposal in front of you will create beach access in the
8 Kahana area. And the only other beach access in Kahana Bay is
9 all the way down at the S-Curves. But as a result of when I
10 last appeared before the Planning Commission in regard to the
11 environmental assessment scope of this project and a
12 suggestion was made from one of the commissioners that we
13 include beach access, and then later we went to the land
14 board, as I mentioned, and the land board agreed to make it a
15 condition of our CDUP. We will design into our project beach
16 access across our land to the beach and that will be a
17 significant improvement for the entire public for the whole
18 Kahana Bay area.

19 Three, there is a -- there are two significant
20 errors in the department recommendations that you have. The
21 first of them is that beach nourishment has not been studied
22 by the Hololani or that it's only the lack of sand which would
23 be an issue with beach nourishment. But as you heard Jim
24 Barry say, we have studied it. There are extensive -- there's
25 an extensive discussion of it in the environmental impact

1 statement and the FONSI was issued by the State and the County
2 did not appeal that FONSI. And we're before you today telling
3 you that beach nourishment is a wonderful thing, it's good,
4 let's all do it, but it's not going to protect the Hololani
5 buildings, not alone, not by itself.

6 The second big mistake in the department materials
7 in front of you is at one point the department --

8 Staff: Three minutes.

9 Mr. Allen: -- says that the project that's proposed
10 to you is on -- is on the beach, that it's makai of the
11 certified shoreline. This was a big issue with the land
12 board. The land board finally said, "Okay, we will give you
13 your CDUP, but only after you move your project back mauka of
14 the certified shoreline as much as possible." And so we went
15 back and reengineering things and pulled it as close to the
16 buildings as we can and still have sufficient room for the
17 tiebacks in order to keep the thing upright. And then we went
18 back to DLNR, to Sam Lemo, with our proposal and said, "Okay,
19 we have done the most we can." And after considering the --

20 Chair Tsai: Stuart, Stuart, would you please
21 conclude.

22 Mr. Allen: I can conclude.

23 The Royal Kahana is simply mistaken what they're
24 telling you today. Yesterday they went out and sprayed
25 concrete over their entire shoreline. They have gunite

1 concrete. Shoreline hardening is bad for everybody else, but
2 good for Royal Kahana. Royal Kahana has an exemption from the
3 SMA for pool deck repair granted by the department earlier
4 this month and they have no other protection that I can find
5 on the department's website which allows them to go out and
6 spray concrete over their entire shoreline.

7 So in conclusion I would just tell you, coastal
8 buildings matter.

9 Chair Tsai: Thank you.

10 Any questions? Commissioner Hedani.

11 Commissioner Hedani: Can you finish that last point
12 that you were addressing?

13 Mr. Allen: Thank you so much, Commissioner.

14 The material you have in front of you says that the
15 project as proposed to you is -- is makai of the certified
16 shoreline and I was simply saying that as a result of the
17 discussions with the land board, we redesigned it and the --
18 and DLNR approved it and gave us the CDUP based on their
19 finding that it was the least intrusive on the shoreline, on
20 the -- you know, the makai area as possible.

21 Thank you.

22 Chair Tsai: Thank you, Stuart.

23 Mr. Luce: Good afternoon, Mr. Director, Mr.
24 Chairman, Members of the Commission. My name is Robert Luce.
25 I'm the owner along with my wife of A4- -- 402 at the

1 Hololani. We have been owners and part-time residents here
2 for more than a decade.

3 And it seems to me it's been a very, very long day
4 and I appreciate the patience that you all have had, the
5 attention that you've given us, and most of all, the trust
6 that the public places in you to make decisions on things like
7 this.

8 I think it's pretty clear from some of our residents
9 how passionately, how deeply they feel about Maui, the
10 Hololani, living here, and most of all, we're not bad people
11 at Hololani. We actually do like the beach too.

12 (Laughter.)

13 Mr. Luce: We're not out to ruin beaches. And the
14 biggest take-away for me, it seems, is the question in front
15 of you is not if, it's not if, it's but when and who will pay
16 for this rock revetment. At some point in time the ocean is
17 going to encroach on the Lower Road. It's going to. If
18 Hololani falls into the ocean, it may happen sooner. At its
19 narrowest point I believe the ocean -- and Jim can correct
20 me -- is about 10 feet from the Lower Road, maybe 20 feet. If
21 we learned anything from this past winter, you could lose as
22 much as 8 feet, maybe 10 feet of dirt in the space of two or
23 three weeks or a month, that means that that encroachment,
24 that danger to the Lower Road is imminent. So once again, I
25 believe the question is not if, but when.

1 And you have a partner in front of you today with an
2 application, with permits approved by the State, by the Army
3 Corps, and endorsed by public works here on Maui, as Stuart
4 explained, that will build that revetment and save the
5 taxpayers the money. So when you balance public trust versus
6 private property rights -- this isn't just a private property
7 issue with Hololani, we have the public trust in mind as well
8 and we will fund that project, protect that road, and at some
9 point in time it's going to happen.

10 So I would urge you to reject the planning
11 commission's recommendation -- or the planning department's
12 recommendation, approve our permit, and allow us to go forward
13 and then do the beach nourishment.

14 Staff: Three minutes.

15 Mr. Luce: Thank you.

16 Chair Tsai: Thank you.

17 (Applause.)

18 Chair Tsai: Anyone else wish to testify? Please
19 come forward, identify yourself, you've got three minutes.
20 Thank you.

21 Mr. Resnick: My name is Mike Resnick. I developed
22 the Kahana Beach Resort, the Valley Isle Resort, I was
23 responsible for the Sands at Kahana, and I'm going to keep it
24 short.

25 You have a proposal from a very good engineering

1 firm here in Hawaii to resolve a problem that needs to be
2 resolved. For you to deny them the responsibility of getting
3 this resolved is going to hurt everybody else on that -- on
4 that beach, including the people from the Royal Kahana and the
5 Valley Isle where I have lived for 40 years. So I just urge
6 you to use some common sense and listen to all these people
7 that have come up that are being affected by what is going on
8 there. I'm being affected as well. So it's your job to do,
9 it's ours to -- I guess, to take the benefit or nonbenefit of
10 what you decide. Thank you.

11 (Applause.)

12 Chair Tsai: Thank you.

13 Anyone else wish to testify at this point?

14 Seeing none, testimony is closed.

15 (Inaudible comments.)

16 Chair Tsai: Commissioner Duvauchelle.

17 Commissioner Duvauchelle: I'd like to move that we
18 go into an executive session.

19 Commissioner Hedani: Second.

20 Mr. Murai: Commissioner Duvauchelle, would that be
21 for the purpose of consulting with the --

22 Commissioner Duvauchelle: With corporation counsel.

23 Mr. Murai: -- the commission's counsel regarding --

24 Commissioner Duvauchelle: Regarding the
25 intervention.

1 Mr. Murai: -- regarding the powers, duties, and
2 liabilities of the commission?

3 Commissioner Duvauchelle: Yes, sir.

4 Chair Tsai: Okay. We have a motion by Commissioner
5 Duvauchelle, second by Commissioner Hedani to go to executive
6 session. All in favor of going into executive session, raise
7 your hand.

8 Commissioners: Aye.

9 Chair Tsai: Five ayes.

10 Director Spence: Five ayes.

11 Chair Tsai: We're in executive session.

12 (Pause in Proceedings)

13 Chair Tsai: Maui Planning Commission is called back
14 to order. We'd like to hear from our department, information
15 from Mr. Buika.

16 Mr. Buika: Thank you, Chair. My name is Jim Buika,
17 shoreline planner.

18 I know time is of the essence here. I do want to
19 present the -- some of the rules that -- Maui Planning
20 Commission has shoreline rules to follow and there is -- the
21 department's role is to evaluate the -- you know, the
22 project's environmental impacts with respect to both
23 significant as well as cumulative impacts to the shoreline as
24 well as to the neighbors, and Kahana Bay must be represented
25 in this equation also.

1 Some of the key questions for you is: Is this the
2 best practicable alternative to protecting Hololani that is
3 clearly in the public's interests? Obviously, hardening the
4 shoreline will protect one parcel in Kahana Bay. What are the
5 consequences of protecting this one parcel to the neighbors,
6 especially Royal Kahana? And then what are Royal Kahana's
7 options after that? What are the cumulative impacts of this
8 shoreline hardening?

9 Our shoreline rules do not allow shoreline
10 hardening, especially on an active beach. There are rules
11 against it, that's why it's a variance. I sympathize totally
12 with all of the Hololani residents, the Royal Kahana, Valley
13 Isle, I have -- I have spent an exhausting number of years
14 working with them to find the proper solution.

15 The County does believe that regional beach
16 nourishment has not been investigated. The County has asked
17 the applicant for the last five years in writing over and over
18 to investigate regional beach nourishment, they have not. In
19 2007 they were required to come in within 60 days of putting
20 those bags out there with a long-term solution, they have --
21 they did not. One winter went by, the next winter went by,
22 the third winter went by, the bags started getting dislodged,
23 they wanted to repair them. They were -- they were required
24 to do that and they -- finally, the County -- the department
25 refused to repair the bags until they provided a long-term

1 solution, that was due in 2007. Effectively Hololani lost
2 approximately four years of time, of planning to solve their
3 own problem.

4 I understand it's a dire situation out there. They
5 remain protected with the sandbags. I know it is expensive,
6 sandbags are expensive. And I've talked to many of the
7 residents and we've talked -- had community meetings there.

8 So since the applicant has not followed through with
9 the requests from the County to look at regional beach
10 nourishment as the best practicable alternative out there, we
11 took it on our own hands. The mayor requested the department,
12 the planning department to take this on. We went to the
13 County Council, we asked for \$360,000, we got \$160,000. We
14 hired Moffatt & Nichol here to look at a T-groin structure,
15 potentially, for the bay, look at sand. There is so much sand
16 offshore that we can report today, big -- big -- or beautiful
17 beach sand for all of the Hololani residents to know that
18 we -- we do have the potential to rebuild the beach four times
19 over, from what I understand from the data. So we have
20 preliminary concept drawings, we have lots of sand in a
21 shallow shoreline area that can be brought back up.

22 So, yes, we have lost time, it's a tough situation
23 right now. What the County has been doing is attempting to
24 especially protect Royal Kahana right now and Valley Isle, who
25 have been impacted. There is another condo down the line,

1 Kahana -- Kahana Sands -- the Sands of Kahana that will be
2 impacted, potentially be impacted also, so we have to look at
3 this project within the --

4 The consultant only showed you Hololani isolated as
5 one parcel and we could harden that, yes, that is a solution
6 and it may be the best practicable solution, but we have not
7 investigated regional beach nourishment. We have also
8 requested from the -- the Corps of Engineers for the last year
9 and a half technical assistance. They have come out here,
10 they have completed a feasibility study of the Federal
11 interests in this. They are committing over \$5 million to the
12 final cost of a beach renourishment and a groin structure off
13 here, which brings the cost down for Hololani residents, all
14 the others, to a very reasonable cost.

15 So -- and from what I understand, the County
16 Council -- we requested another \$750,000 to match the Corps of
17 Engineers \$750,000 to look at all final environmental studies
18 that would need to be done to renourish all of Kahana Bay from
19 S-Turns all the way up to Kahana Village, nine condos, and --
20 and put in a groin structure.

21 Yes, we have lost time. Is it the most practicable
22 solution? The County feels it is. We would like to not
23 foreclose on our planning options, which is in your rules, and
24 we cannot -- we should not be foreclosing on planning options
25 by hardening the shoreline, because if we harden the Hololani

1 shoreline rather than continuing to temporarily protect it
2 until our study is done, potentially Royal Kahana will have no
3 choice but to wall in their property and it will continue the
4 domino effect. That's just an over -- that's an overall look.
5 It may not happen, it -- and we don't want that to happen.
6 The end effect could be we have a walled-in Kahana Bay with no
7 Kahana Bay left. I mean, that's kind of an overview of where
8 the County -- I don't think anybody in this audience wants it
9 to go down that direction.

10 The hardened shorelines and the revetments are
11 expensive, doing regional beach nourishment on top of that, as
12 they said they would do, that's expensive also. We're trying
13 to cut down on the expense. A hundred foot wide beach
14 everywhere would protect Hololani, Royal Kahana, Valley Isle,
15 as it has for the last 40 or 50 years. Beaches protect
16 properties. So that's the direction that has not been fully
17 explored, the County doesn't feel that. It is viable.

18 I do have Rob Sloop here, who has just been out from
19 Moffatt & Nichol, who has been investigating the sand and they
20 have -- they found -- as Jim Barry, the consultant, alluded
21 to, we would need at least 20,000 cubic yards of sand. They
22 have found over 225,000 cubic yards of clean beach sand in
23 very close, right at S-Turns. That information just came out
24 this past week and if you want to hear from him, we can hear
25 from him.

1 I do have some comments. According to the rules,
2 you know, findings regarding the preferred alternative and
3 looking at the SMA criteria and the shoreline setback variance
4 criteria that they -- regarding hardship -- I won't show the
5 recommendation.

6 You want me to go through all this, Bill?

7 Director Spence: Just comment right now.

8 Mr. Buika: Okay.

9 Director Spence: I think -- I think if -- maybe the
10 department's position.

11 Mr. Buika: Right, right. Okay. This could be held
12 for later.

13 Director Spence: Right.

14 Mr. Buika: Beyond the intervention.

15 Director Spence: Yeah.

16 Mr. Buika: Okay. So are there any questions?

17 Chair Tsai: Yeah. Thank you, Jim. I just want to
18 know if -- does the commission have questions for Jim?

19 Commissioner Robinson: Can I reserve questions for
20 after the presentation?

21 Chair Tsai: Commissioner Hedani.

22 Commissioner Hedani: Jim, you had one point that
23 you mentioned that I kind of disagree with, you mentioned that
24 the County has positioned against shoreline hardening, but I
25 think the position that's in -- that's in our rules is that

1 we're against hardening unless it's the option of last
2 resort --

3 Mr. Buika: Yes, true.

4 Commissioner Hedani: -- and if the threat of
5 imminent destruction comes within 20 feet of a habitable
6 structure. And in this case it's come within 15 feet of a
7 habitable structure.

8 Mr. Buika: That's actually for emergency
9 protection.

10 Commissioner Hedani: Emergency.

11 Mr. Buika: Yeah, emergency protection, that's when
12 we can protect a structure. It has nothing to do with a final
13 discretionary outcome if it comes that close.

14 Commissioner Hedani: I see.

15 Mr. Buika: Yeah. So that's just for allowing --
16 allowing us to protect the structure, most likely with
17 sandbags. Valley Isle used the jersey barriers and -- and
18 other things. Sometimes, you know, rocks are used, plain
19 rocks, etc., different -- different schemes.

20 Commissioner Hedani: In the current situation, it
21 seems -- it seems like an emergency situation and the
22 permanent proposal that they're -- that they're presenting is
23 the option that they're requesting, a variance.

24 Mr. Buika: Yes, they are. They're -- it is a
25 variance from our rules. It is -- they're not allowed. I

1 mean, we fight tooth and nail to keep 'veks, to keep concrete,
2 to keep anything out of the shoreline setback area. This
3 entire structure would be in the shoreline setback area. And
4 not only that, it would be more than half in the water than on
5 their own property, so that's another -- that's another part
6 of the rules is that when you move into State Conservation
7 District, it clearly has to be the -- the best practicable
8 alternative available, because we are in the public trust, we
9 are in the Conservation District. This will be built 65
10 percent, approximately, beyond the -- the shoreline, 35
11 percent on their property, so it is beyond the shoreline.

12 Chair Tsai: Thank you, Jim.

13 Mr. Buika: Okay. Thank you.

14 Chair Tsai: So at this point we want to hear from
15 the intervenors, so we're going to jump to D-1.

16 Mr. Wright: Thank you, Members of the Commission.
17 My name is Doug Wright and I've been asked by the Royal Kahana
18 to assist them with the intervention in this matter.

19 As it's been clear to you today, there have been
20 lots of people who have been willing to say what is good for
21 the Royal Kahana, what the Royal Kahana should do, or giving
22 their own opinion about the Royal Kahana. I think that in and
23 of itself provides information as to why the Royal Kahana
24 needs to have its own voice here today.

25 Quickly, I need to address some things that have

1 been stated by other members. There is no permit for a
2 hardening of the shoreline in front of the Royal Kahana. As
3 Ty got up and testified earlier, part of their existing
4 structure has collapsed because of the erosion based on
5 efforts that the association was trying to do to work with the
6 County to do the right thing. It's not always the easiest
7 thing, but they were trying to do the right thing. The --
8 part of the hardening that you've heard comments maybe about
9 has to do with a permit that was for a very limited area to
10 harden the structure underneath the pool deck that collapsed.
11 It's not the entire shoreline, there's no permanent seawall
12 permit that's been requested. As you can tell from the
13 intervention, it's not something that we're interested in, at
14 least not at this time.

15 The Royal Kahana comes to you today with a heavy
16 heart. Erosion is a significant and it's a big concern, we
17 fully recognize that; however, a hardening of a seawall with a
18 lasting permit likely effects -- and these are not my words,
19 these are the people who have been studying this for the past
20 nine years, this is what they've said -- that is a real
21 concern that will affect the Royal Kahana, it's the next-door
22 neighbor.

23 The flanking issue, for example, that was discussed
24 that would happen if the County were to plow forward with the
25 drainage on the north side of its property, Mr. Barry said,

1 "You can't do the drainage because it'll end up in flanking,
2 it'll cause erosion to Hololani's property," but let us go
3 forward with our hardened seawall. So that's going to cause
4 flanking to the Royal Kahana. The Royal Kahana needs to have
5 a voice in the room and needs to challenge the assumptions and
6 the presentation, because right now they're speaking for the
7 Royal Kahana, it's certainly not the Royal Kahana's voice
8 still.

9 The Royal Kahana did participate with Hololani's
10 engineer several years ago and that was before alternatives
11 were provided such as the beach nourishment and the groin
12 construction. When those were realized as better alternatives
13 that Hololani was not willing to fully explore, Royal Kahana
14 went out on its own and it is working with the County to try
15 to go that route. And it's suffering the consequences in the
16 short term, but in the long term, it is the right answer, at
17 least it should be explored. The time needs to be given to
18 explore it.

19 As far as the intervention and the rules themselves,
20 the Planning Commission Rules at 12.201.41 give three
21 scenarios where intervention could be considered by
22 yourselves. First of all, is Royal Kahana already represented
23 by a party? No, that's pretty clear. As I've stated, Royal
24 Kahana -- people are willing to speak on their behalf, but
25 it's got its own permit that is -- its trying to work through

1 the process to find its own erosion control management and
2 it's clearly not in the same interests as Hololani.

3 The second item for when an intervention can be
4 considered is: Will Royal Kahana's admission impair the
5 efficient and manageable proceeding? No. Royal Kahana's
6 participation is going to help you come to a meaningful
7 decision, having the information from its neighbors as far as
8 what the alternatives mean. We've heard that the beach
9 nourishment is not feasible and that's been a conclusory
10 statement. I don't know what that means, it sounds to me like
11 that means it's too expensive. I go back to the shoreline
12 setback variance rules and I look at a hardship for doing a
13 significant permanent construction within the shoreline and
14 economic expense is not a hardship. That's the conclusion
15 that the -- the conclusory statement Hololani has given is
16 that it's not feasible, they haven't elaborated, but it sounds
17 to me like it's too expensive.

18 The ability to intervene could give meaning to that,
19 say, "Well, let's challenge that, let's discuss that."
20 Because there may be experts out there that can say, "Hey,
21 there are sand fields that will make it work." There may be
22 funding that will help us offset the costs. If we do a
23 regional solution, we get all of these parties involved, maybe
24 it'll be less. We don't know the answers to that right now,
25 but we should, because this is a permanent solution that's

1 being proposed by Hololani that is not good for everyone, it's
2 good for Hololani.

3 The third item to consider for intervention is:
4 Will our participation help develop a complete record without
5 overly broadening the issues? Well, the issues as put forward
6 by Jim earlier were this is a Royal -- I mean, a Kahana Beach
7 or a Kahana Bay issue, that's -- that's what Royal Kahana's
8 concerned with. And we start talking about the domino effect
9 of hardening starting with Pohailani and then going down the
10 line to Hololani and then hitting Royal Kahana, you know, it's
11 a self-contained issue and within Kahana Bay. We're not going
12 to broaden the issue, but we sure hope to help explore the
13 issues and be able to come to the best solution that's out
14 there. And Royal Kahana, being on the front lines of the
15 Hololani seawall project, certainly will have knowledge as far
16 as what they can expect and they should be able to have input
17 in this matter.

18 There's other cases that discuss intervention that
19 helped provide some kind of insight on this. I'm only going
20 to give you one, it's the Dairy Road Partners case. Some of
21 you may be familiar with this, this came out just over a year
22 ago and it discusses three factors concerning an injury
23 impact. The first one is whether the person suffered an
24 actual or threatened injury as a result of the decision, the
25 second one is whether the injury is fairly traceable to the

1 agency decision, and the third is whether a favorable decision
2 would likely provide relief for the person's injury. So in
3 considering whether a person is aggrieved of an agency
4 decision, have they suffered an injury, those are the three
5 items to consider.

6 I neglected to tell you that's Dairy Road Partners
7 against the Maui Planning Commission, 2015 Haw. App., Lexis
8 26, decided January 23rd, 2015. It's a memorandum decision.
9 I have copies here if counsel or anybody needs to see it.

10 With respect to the first factor that the court
11 considered, whether the person suffered an actual or
12 threatened injury as a result of the decision, aside from the
13 broader Maui County community, which the County Planning
14 Department is looking at as well as looking at its neighbors,
15 the Royal Kahana suffers from this hardened seawall. I mean,
16 this is not the Royal Kahana inventing these claims. These
17 are claims that the DLNR has provided, you'll see that in your
18 reports; it's claims that the County department -- they've
19 identified Royal Kahana by name as being a party that will
20 feel the effects.

21 You know, they -- they say "may" as far as the
22 possible outcomes because there's no guarantees with different
23 properties, but they sure do point to the Pohailani as a
24 hardened seawall as being the likely culprit for the
25 Hololani's beach erosion that we're looking at right now,

1 which is extending to the Royal Kahana. It's some pretty
2 reliable information that this seawall will cause the further
3 erosion down the seashore, starting with Royal Kahana.

4 The second one is whether the injury is traceable to
5 the agency's decision. Well, but for the decision, we
6 wouldn't be worrying about the project, that's a cause-and-
7 effect, kind of a one-for-one argument that the State's
8 adopted there and that's -- I think that's met because, you
9 know, without the project, we wouldn't have to worry about it.

10 The third item was whether a favorable decision
11 would likely provide relief for the person's injury. I don't
12 know what the ultimate outcome for Kahana Bay is, but the
13 beach nourishment and the groins being looked at as an
14 alternative merits discussion and merits time. The fact that
15 Royal Kahana, if it were allowed to participate, could get its
16 issues presented to this commission, have the opportunity to
17 explore it, that in and of itself is relief from the injury.
18 You know, there's going to be a difference of opinion and
19 we're going to be dealing with certain unknowns, but having
20 the ability to bring the issues to your attention, have you --
21 having you the opportunity to consider them, that is the
22 relief from the injury. And, again, I'm not saying this, this
23 is what the court says, that is relief from the injury, just
24 being allowed to give you folks the opportunity to address
25 these issues, mitigate them, possibly resolve them.

1 I have a couple of concerns with the applicant's
2 objection. First off, as a personal matter, there was a
3 footnote that apparently was done to undermine my own
4 credibility by saying that I filed it -- or I filed my mailing
5 a day late, is what the objection says. I want to let you
6 know and reassure each one of you, I personally went up to the
7 sixth floor and I filed it at One Main Plaza. Upon doing
8 that, I personally put it in an envelope and I personally
9 mailed it the same day, that's what the rules call for. I
10 signed a statement saying I did that and I did.

11 What counsel from Oahu may not realize is that when
12 it reaches the post office, I lose control over it, it goes to
13 Honolulu and it receives its first stamp in Honolulu. Maui
14 doesn't stamp their mail. Okay? So the first date you see is
15 April 13th, I don't have any control over that. Okay? But if
16 you use the Planning Commission Rules that Hololani has used
17 to refuse our intervention, then by using those rules, you
18 should also take a hard look at the fact that it was filed and
19 mailed on that day, the consequences are that the post office
20 does its thing and the objection that the intervention is,
21 therefore, filed untimely and late should not be considered.

22 We've heard some other comments and it's in the
23 objection and you received it today, this FONSI letter, the
24 finding of no significant impact letter, as though it were a
25 blessing of the project. The DLNR gave a FONSI letter, it

1 found no significant impact. Did it find no negative impacts?
2 No. It found some pretty significant impacts. Does the FONSI
3 letter, is that the be all and end all of the conversation?
4 No. We have a Planning Commission that's got to look at the
5 shoreline setback variance rules. Did the FONSI consider the
6 beach nourishment as a better acceptable alternative? I
7 didn't see it in the FONSI letter. The FONSI letter looked at
8 the options that were presented by Hololani for what it was
9 going to do. The FONSI letter actually said that beach
10 nourishment --

11 Mr. Murai: Excuse me, Doug.

12 Mr. Wright: Sure.

13 Mr. Murai: Can you stick to the reason why you're
14 intervening? I'm not --

15 Mr. Wright: We're intervening on behalf of Royal
16 Kahana because Royal Kahana needs to have a participation in
17 this -- a participation in review of the seawall construction.
18 All of these things that are being represented to the
19 commission by Hololani affect directly Royal Kahana. Okay?
20 Royal Kahana has experience with the effects, Royal Kahana is
21 submitting its own plans, going for its own project. Perhaps
22 more significantly is Royal Kahana is currently working with
23 the County Planning Department to put forth a project that is
24 supported by the State Coastal Management Area and it is
25 working with the County to do beach nourishment and groins, a

1 responsible way of managing the coastline. A decision on this
2 issue --

3 Mr. Murai: Excuse me, Mr. Wright. You seem to be
4 arguing against the application as opposed to your client's
5 right to intervene.

6 Mr. Wright: Thank you. I appreciate that. If you
7 will allow me just one second, I'll get to the point that I
8 was about to finish.

9 The permit that is pending, the decision that you're
10 going to make, if you were to approve of that, that would
11 essentially nullify Royal Kahana's process and the permit that
12 it is seeking from the County as well, that is a direct and
13 unique impact warranting intervention.

14 The Hololani has attempted to address its neighbor's
15 concerns, the Royal Kahana, which is why I want to have a
16 voice in the room on behalf of the Royal Kahana, because it
17 has put forth other information that we would attend to
18 challenge at any hearing or challenge at a further stage with
19 testimony in front of you such as the rosy pictures of sand
20 accretion.

21 I understand I'm on -- short on time.

22 Chair Tsai: Can I ask you another question?

23 Mr. Wright: Certainly.

24 Chair Tsai: You keep bringing this up. Are you
25 authorized by the Royal Kahana AOA to represent them?

1 Mr. Wright: Yes, I am.

2 Chair Tsai: Can you prove that?

3 Mr. Wright: The board of directors contacted me and
4 asked me to represent them.

5 Chair Tsai: Okay. Thank you.

6 Mr. Wright: I think you're probably speaking to
7 perhaps that objection by -- oh, shoot -- Michaels, Mr.
8 Michaels, I think.

9 Chair Tsai: Right.

10 Mr. Wright: Okay. The association has 236 units
11 with common elements fronting the shoreline, including certain
12 structures such as the pool, the board of directors is
13 empowered to manage the association's common elements. The
14 board of directors has met and they have retained my services
15 to assist them with an intervention.

16 Is that your -- do you accept that?

17 I'm going to -- I'm not going to -- you understand
18 that I've got lots of reasons to -- that the Royal Kahana
19 needs to have a voice in the room and I'll spare you the rest
20 of the argument.

21 I would like to just conclude that the Royal Kahana
22 has been diligently working with the County to do what is best
23 and a decision to allow the project to go forward would be a
24 decision against allowing the Royal Kahana's project to go
25 forward, for all practical purposes. It's not said to put you

1 on the spot, make you feel guilty, that's not my job, I'm not
2 worried about that. I'm saying it just to let you know that
3 that decision will impact the Royal Kahana. It's important.

4 This is something that we've heard the other
5 engineers say, they've had nine years since 2007 to start that
6 sandbagging. Remember that picture, okay? We've been seeing
7 it too. It's that one picture where part of it fell down.
8 They also said that it takes nine years to do the beach
9 nourishment, to work through that process. Had they been
10 diligent in this process, perhaps the solution would have been
11 achieved by now. Thank you.

12 Chair Tsai: Thank you. Any questions from the
13 commission?

14 Commissioner Robinson: I do.

15 Chair Tsai: Commissioner Robinson.

16 Commissioner Robinson: Corporation Counsel, I have
17 a question. When a person has an agenda item, is there a
18 limit of -- to what they can testify or is there -- it seems
19 to me with this -- this agenda item, he had to stay at a
20 certain course where other people can kind of vary. Am I not
21 understanding the process of it?

22 Mr. Murai: Well, certainly it's -- it's up to
23 counsel to present, you know, how he wants to present his
24 case, but, then again too, the -- the Commission Chair may
25 find certain areas more helpful or certain areas unhelpful

1 and it's really the call of the Chair as to the -- you know,
2 what -- how the Chair may want to solicit information that may
3 be more helpful to the -- to the commission. Certainly you're
4 not limited in your questions, you can ask him whatever you
5 feel is relevant. If I -- I'm not sure what -- if I'm
6 understanding the question.

7 Commissioner Robinson: I just want to make sure
8 that there's -- I'm just trying to follow if there's a time
9 limit or some kind of structure before -- I feel like we kind
10 of curtailed him to focus and stay on a certain thing, which
11 I'm not agreeing or disagreeing, I just want to make sure that
12 I'm not -- you know, I'm understanding the course of this
13 item. Because it seems to me where he kind of cut some of his
14 testimony short based on our -- our wanting him to.

15 Mr. Murai: Well, we have to remember, it is a
16 motion to intervene.

17 Commissioner Robinson: Right.

18 Mr. Murai: So what is more helpful for the
19 commission might be a focus on the -- hitting the elements of
20 what entitles a party to intervene rather than arguing the
21 merits or demerits of the application.

22 Commissioner Robinson: Okay.

23 Mr. Murai: And I agree we're compartmentalizing
24 these issues.

25 Commissioner Robinson: I understand, sir. I

1 just --

2 Chair, I just -- I just -- some of the stuff that he
3 was saying, I agree with and disagree with, and the more he
4 talked about, the more it was kind of helping me decide or not
5 decide if they should be involved. And it -- and that's all
6 it was --

7 Chair Tsai: Well, if you have any questions, feel
8 free to ask, 'cause we're here to make a decision whether to
9 allow the intervening or not.

10 Commissioner Robinson: I guess my question is: You
11 spoke a lot and -- and good for you. How much more did you
12 have to -- to testify or did you -- or were you able to
13 summarize it all up at the end?

14 Mr. Wright: I was not able to summarize it all up,
15 but, to be honest, I appreciate corp. counsel's comments. The
16 elements I did go through and a lot of the items that I did,
17 while I think that they are related to the Royal Kahana, they
18 do address the merits as well and so they were examples of why
19 it would be necessary for us to intervene.

20 I'd be happy to entertain questions. My -- my
21 summary was going to be that the Royal Kahana will feel the
22 effects of the decision that you make. Its particular
23 location provides it the fortunate or unfortunate position of
24 participating in the hardened seashore decision. No interest
25 whatsoever in delaying or extending the proceedings at all,

1 but we're very interested in doing what's right. That's not
2 always easy and it puts us clearly in an unenviable position,
3 but we think it's important.

4 (Inaudible comments.)

5 Chair Tsai: Yeah. Thank you, Doug.

6 Mr. Wright: Thank you.

7 Chair Tsai: I'd like to hear from the other party
8 opposing the intervention.

9 Ms. Bunn: Thank you.

10 Good afternoon, Commissioners.

11 Commissioners: Good afternoon.

12 Ms. Bunn: Director Spence. My name is Pam Bunn and
13 I represent Hololani.

14 I'm not going to speak for as long as Mr. Wright
15 did. I do want to say that, you know, Royal Kahana is talking
16 about having a voice in the room, Royal Kahana has had a voice
17 in every room at which this has been discussed for going on a
18 decade now. There have been other public hearings before this
19 commission, there were public hearings in connection with
20 the -- the environmental assessment, the CDUP, there have been
21 numerous public hearings. And it's only now that that -- when
22 we are ready for a decision that all of a sudden there needs
23 to be an intervention. I -- Royal Kahana has never been
24 silenced as far as saying what it wants to say and clearly the
25 County is working with them, the planning department is

1 hearing them.

2 The reason I think intervention is inappropriate in
3 this case is also under Section 12.201.41.D.3 of the
4 commission's rules of practice and procedure based on a
5 finding that the petitioner will not aid in the development of
6 a full record. There is already a very full record. The
7 things that Royal Kahana is saying were never considered, were
8 considered. Any one of you, I assume, has access to the
9 environmental assessments, all these things are included in
10 the application that Hololani filed.

11 The beach nourishment was considered, beach
12 nourishment with a groin was considered. You saw the list of
13 things that Mr. Barry went through this morning about what was
14 considered. It is just not the truth to say it wasn't
15 considered. And beach sand was never rejected. It was -- it
16 was rejected as the sole answer because the trained engineers
17 tell us that that is not going to be the sole answer, beach
18 replenishment alone is not going to protect the property
19 sufficiently. It has nothing to do with economics. I think
20 Mr. Wright was trying to tie it to the -- the variance rules,
21 which I would like to mention, but it has nothing to do with
22 the cost of sand.

23 I think you've heard several times this morning
24 that -- or -- and this afternoon that Hololani is perfectly
25 willing to participate in a beach replenishment project. It

1 likes sand as well. It does not want to rely on that as the
2 sole protection for its property when its engineers tell them
3 it's not going to be enough. So, yes, there is -- there is no
4 dispute that -- that Hololani will contribute to beach
5 replenishment, but that's not the be all and end all of the
6 answer. It has been considered, to say it hasn't been is --
7 is just inaccurate.

8 And so what else do we need in the record? What is
9 it that Royal Kahana wants to contribute and have part of the
10 record? I haven't heard anything else. They say they want a
11 voice, they say renourishment, renourishment with groins,
12 those things are in the record, they have been considered.
13 There is a study, that's fine, Hololani is more than willing
14 to participate in a regional project. I -- one does not
15 foreclose the other, that's also something we've heard and I
16 even saw it in Mr. Buika's report that there's a concern about
17 foreclosing the beach replenishment option. Building the
18 preferred alternative at Hololani does not foreclose anything.
19 You can still replenish as much sand as anybody wants to put
20 there, it -- it doesn't foreclose options.

21 Since there's nothing else that appears to be
22 missing from the record, at least that Royal Kahana was able
23 to identify, I have to conclude that the reason for the
24 intervention is -- is to delay. I mean, look what it causes,
25 it causes us to go into a contested case proceeding. People

1 talk about wanting to do this as -- as efficiently and
2 inexpensively as possible, well, if we go into a contested
3 case, I'll make some money, Mr. Wright will make some money,
4 it'll be a bunch of lawyers in a room fighting. I -- I
5 don't -- and fighting over what? We have a record in front of
6 us, there is plenty for the -- for the commission to look at
7 and make its decision.

8 I said that I wanted to go back to the variance rule
9 and I did want to address something because there was -- there
10 were some comments about the rules and I believe you,
11 Commissioner, had a question about the 20 foot and we keep
12 being told that, no, that's why we need a variance. And I --
13 I would like the commission to look closely at Section
14 12.203.15.F of the shoreline rules because that's a very
15 interesting rule. It says, "Notwithstanding any provision of
16 this section to the contrary," and it's the section that
17 determines -- that deals with what you have to find in order
18 to grant a variance. So notwithstanding any of that, "the
19 commission may consider granting a variance for the protection
20 of a legal, habitable structure or public infrastructure,
21 provided that the structure is at risk of damage from coastal
22 erosion" -- it clearly is at risk -- "or it poses a danger to
23 the health, safety, and welfare of the public and is the best
24 shoreline management option in accordance with relevant State
25 policy on shoreline hardening." Not County policy, State

1 policy.

2 Now, we've been before the State before. The State
3 granted us the FONSI on the environmental assessment. The
4 State granted us the Conditional Use Permit. We keep talking
5 about how much of this is going to be makai of the shoreline,
6 the State has already permitted it. They have looked at it
7 and Sam Lemo is no rollover, believe me. So we know what the
8 State policy is, the State policy is that we can do this. We
9 have the permit from the State, so I -- I didn't want that to
10 get lost.

11 We've also heard that there's no interest in
12 delaying the proceedings, well, that's -- that's the only
13 interest there is. The County -- the planning department's
14 own recommendation is to delay the proceedings, defer. You
15 know, delay is just something, as you've heard today, that
16 Hololani simply cannot afford.

17 I do believe that Section 12.201.41.D.3 is a
18 reasonable basis to deny the intervention because nothing
19 that -- that we've heard from Royal Kahana would suggest that
20 it will assist in the creation of an accurate record and we
21 have an accurate record.

22 So with that, do you have any questions?

23 Chair Tsai: Thank you, ma'am.

24 Ms. Bunn: Thank you.

25 (Applause.)

1 Chair Tsai: Questions from the commission?

2 (Inaudible comments.)

3 Chair Tsai: Mr. Michaels, Lawrence Michaels, do you
4 have anything to add to this, as you filed for an opposition
5 to the intervention?

6 Mr. Beckett: At this time the --

7 Chair Tsai: Could you please come forward?

8 (Inaudible.)

9 Chair Tsai: Yes. And identify yourself.

10 Mr. Beckett: My name is Riley Beckett. I am
11 president of the Hololani Homeowners Association and I -- just
12 so that you don't get a kind of -- reason why, he turned ill
13 and had to go. He very much wanted to speak on this issue and
14 I can represent to you that what he put in his opposition is
15 what he would -- would bring up, but, unfortunately, he had
16 to --

17 Chair Tsai: Yeah. That's fine. Thank you.

18 Mr. Beckett: I just want you to know that.

19 Chair Tsai: Thank you.

20 (Inaudible comments.)

21 Chair Tsai: Yeah. Mr. Wright, do you have a brief
22 rebuttal?

23 Mr. Wright: Thank you. I believe that I've tried
24 to give you examples of how the Royal Kahana will be affected
25 and have a direct and immediate impact to help the commission

1 explore the issues as far as the feasibility and the better
2 alternatives. I think that through the examples that I cited
3 to you I have given you a basis to understand that all of the
4 information that you've received from the applicant needs to
5 have a better exploration and Royal Kahana is -- is going to
6 be the only party that's come forward that's willing to help
7 the commission in doing that. And so I'd request the ability
8 to intervene to preserve its right as far as presenting the
9 correct information and challenging the information and
10 assumptions, as well as preserving the pending work that's
11 been done to work with the County for its own beach
12 nourishment plan. Thank you.

13 Commissioner Carnicelli: I have a question.

14 Chair Tsai: Yeah. Commissioner Carnicelli.

15 Commissioner Carnicelli: My question is -- I mean,
16 and this just may be tactical, but you had today to show up
17 with all of those people, those engineers, your studies, and
18 present in testimony today --

19 Mr. Wright: I don't believe that's the process that
20 I'd be afforded to do, is provide all of our experts here --

21 Commissioner Carnicelli: Okay.

22 Mr. Wright: -- today.

23 And just to speak to what was previously stated by
24 others, this is the process as far as intervention. I know
25 it -- no one likes it, but this is -- this is the -- these are

1 how we work under the rules and we've provided the notice and
2 the opportunity in accordance with those rules.

3 Commissioner Carnicelli: Okay. Thank you.

4 Mr. Wright: Thank you.

5 Chair Tsai: Do I hear a motion to --

6 Commissioner Robinson: I make a motion to deny
7 intervention.

8 Commissioner Hedani: Second.

9 Chair Tsai: We have a motion to deny made by
10 Commissioner Robinson, second by Commissioner Hedani.

11 (Inaudible comment.)

12 Chair Tsai: Yeah, you -- any discussion regarding
13 the motion?

14 Commissioner Robinson: Since I made the motion, Mr.
15 Wright, I thought you made a very compelling argument and it
16 was an argument, but I want to remind you that Royal Kahana is
17 not the only person speaking against this. You have a full
18 board, you have the Planning Commission, you have Mr. Buika,
19 there is more than just the Royal Kahana board making sure
20 that all of Hawaii's looked for, including the Kahana Bay
21 area, and hopefully you have the confidence in us to know that
22 we have everybody's best interests at heart.

23 Chair Tsai: Commissioner Hedani.

24 Commissioner Hedani: Yes. I believe that the
25 intervention will not contribute to increasing our knowledge

1 of the issues relative this -- to this, to this application.
2 And I also feel that it will broaden the issues to the point
3 where it's not manageable.

4 I feel that they have demonstrated a lack of
5 understanding of the difference between seawalls and
6 revetments and it does not help to broaden the issues by
7 presenting testimony like that before us in order to confuse
8 the issue. I've seen revetments that work, I've seen them
9 work for 40 years, and without flanking effects to the --
10 (microphone feedback.) I've seen cases which have been
11 designed by Sea Engineering that have proven themselves in
12 actual photographs that we have this morning over at Mahana
13 Point. And I feel that on that basis, they do have an
14 emergency situation, they do have a problem that needs to be
15 addressed quickly and it's not something that we have the
16 luxury of years to ponder.

17 Chair Tsai: Any other discussion regarding the
18 motion on the floor?

19 Seeing none, I'll take a vote. All in favor of the
20 motion to deny intervention, say aye or raise your hand.

21 Commissioners: Aye.

22 Director Spence: That's five ayes.

23 Chair Tsai: Motion carries. Intervention is
24 denied.

25 (Applause.)

1 Chair Tsai: Pam, would you prepare the order?

2 Ms. Bunn: I will. Thank you.

3 Chair Tsai: Thank you.

4 Are we going to take a five-minute recess, I
5 guess --

6 Unidentified Speaker: Yeah.

7 Chair Tsai: -- in order to regroup on the agenda
8 item C-2. Thank you.

9 (Pause in Proceedings)

10 Chair Tsai: Maui Planning Commission called back to
11 order. We're going back to public hearing item No. 2
12 regarding the SMA use permit.

13 Mr. Buika: Thank you, Chair. Again, Jim Buika with
14 the County of Maui.

15 I'd like to do two things first. I'd like to put
16 into exhibit some of the sand -- and I'll pass this around for
17 all of you -- that has been mined offshore and I'll pass that
18 around for you to all look at.

19 And I'd like to introduce Rob Sloop, who is from
20 Moffatt Nichol under contract with the County of Maui to
21 investigate sand sources offshore. I would like to give him
22 maybe five minutes at the podium, not right now, but at the
23 appropriate time once I go through my presentation here. So
24 I'll pass along the -- the sand that was mined from -- Rob can
25 you tell you the genesis of it when he presents.

1 So what I would like to do is do the department's
2 analysis, which will be our findings, conclusions of law, and
3 then I'll hold off on the recommendation for discussion and
4 turn it back to the -- the Chair for further discussion.

5 So I have five slides, short ones, on findings for
6 the project. And the first is that the department supports
7 full protection of the Hololani structure -- structures, we
8 always have, we always will. They have had a series of
9 permits both working with the State and County to protect the
10 structures. So Hololani at this point has weathered it
11 through this past March and April better than the neighbors
12 did, who did have no instruction -- no protection out front,
13 Royal Kahana and Valley Isle.

14 The proposed structure will fix the shoreline and
15 will be placed seaward of the existing shoreline, which will
16 reduce the size of any future beach because of the location of
17 the revetment.

18 The applicant really only investigated -- two
19 alternatives were considered as viable by the -- the
20 applicant, they were both shoreline hardening. There was a
21 rock revetment only that the applicant showed and then the
22 hybrid seawall-revetment, which is their preferred
23 alternative. However, a regional beach nourishment
24 alternative has not been adequately examined despite requests
25 from the department, as I said, over the past five years.

1 The applicant recognizes that regional beach
2 nourishment is a viable option and the applicant stated that
3 the sand source is a problem. In their Conservation District
4 Use Permit, the -- if you read the minutes, they're in the
5 record, they stated there was no -- as the lawyer just stated
6 for Royal Kahana, there -- they stated there is no sand source
7 offshore. So the -- the deliberations were for hardening of
8 structures, there was not any deliberation over regional beach
9 nourishment. And the fact of the matter is there is quite a
10 bit of sand that we have discovered now, so that's -- changes
11 the facts that there -- there could be additional sand.

12 There is a good -- there is a good protection out in
13 front of Hololani and there's a buffer of land.

14 (Inaudible comments.)

15 Chair Tsai: You're out of order.

16 Mr. Buika: The County of Maui is currently
17 contracted with coastal engineers from Moffatt & Nichol,
18 Honolulu and Long Beach, California, to conduct the regional
19 beach nourishment project and the study is underway with
20 positive early results demonstrating that the alternative is
21 still an option for Hololani that would be the least
22 environmentally impactful option and be the practical
23 alternative clearly in the public interest as opposed to
24 shoreline hardening.

25 To date, the sand search has positively --

1 positively identified adequate sand resources for beach
2 nourishment in Kahana Bay. There are over 200,000 cubic yards
3 of sand. Probably what would be needed, we have design
4 concepts of 50,000 cubic yards with some groins, so four times
5 the amount of sand, very clean beach sand. So all the beach
6 sand has gone offshore in these shallow pockets that Mr. Sloop
7 can -- can express a little more in a short presentation.

8 The County of Maui has engaged the U.S. Army Corps
9 of Engineers, Honolulu, to examine the Federal interest to
10 study Kahana Bay and to partially fund planning, design, and
11 implementation of a coastal erosion mitigation project for the
12 Kahana Bay beach cell for all 3,000-foot long region, so it
13 would be a solution for everyone. As you can see, the problem
14 is extending down the shoreline right now.

15 The department finds that there are four
16 environmental impacts from the preferred alternative that
17 require substantial mitigation. These are a placement loss,
18 which means the structure footprint will actually be --
19 encroach into the State Land District and there will be a loss
20 of public beach, reducing the beach size.

21 Passive erosion, if armoring is placed along the
22 chronically eroding coast as in this case, the beach is likely
23 to eventually disappear with the migration of the shoreline
24 towards the structure. So if we build the structure there,
25 there will be, over time, no beach fronting the parcel.

1 Wave reflection will occur from the -- the
2 revetment, which will, again, add to the passive erosion and
3 erase any beach fronting Hololani.

4 And then the end effects of flank erosion contribute
5 to the scour effect at the end of the seawall or revetment.
6 Flank erosion can lead to accelerated erosion of adjacent,
7 unarmored coastal lands. This accelerated erosion often leads
8 to the domino effect that instigates additional requests for
9 armoring, thereby leading to a cumulative loss of beach. This
10 domino effect is a major concern for Kahana Bay where Hololani
11 is sited since four out of nine properties already are armored
12 and without beach or very limited beach. These -- those
13 seawalls were permitted 30 to 35 years ago with the
14 properties.

15 If deemed feasible, the department finds that the
16 regional beach nourishment alternative would adequately
17 mitigate each of the four above environmental impacts more
18 than the proposed shoreline hardening and thus serve as the
19 best practicable alternative clearly in the public interest.
20 So it would solve two problems at once, it would provide
21 protection and provide a beach out front and revive Kahana
22 Bay.

23 If we have the domino effect, our fear is that it
24 will look like other areas of Maui such as Honokawai area
25 which was in the area where we were earlier this morning with

1 the other permit. When is the last time you went to the beach
2 at Honokowai Beach? Probably not, because you cannot access
3 it, it's full of seawalls, there's no shoreline. Keoni Nui
4 Bay is on its way at Kahana Sunset, it's all been walled in.
5 Halama Street down off of Kihei, similar, a seawall domino
6 effect in the 1980s after some 1980 storms. It's
7 inaccessible, there's -- there's no beach where those seawalls
8 are, so this most likely will be the fate of Kahana Bay if we
9 begin to wall in one by one.

10 In the environmental assessment the State Department
11 of Land and Natural Resources Office of Conservation Lands
12 issued a FONSI or the finding of no significant impact for the
13 preferred alternative, but noted three major concerns
14 associated with the project when they sent their letter in.

15 A) or 1) The structure footprint will encroach onto
16 the State Conservation District beach, resulting in loss of
17 that area of the public beach.

18 Coastal armoring has been shown to contribute to
19 beach narrowing and loss in Hawaii and elsewhere through
20 passive erosion and may contribute to further loss of public
21 beach fronting the subject property.

22 And the third, the structure may contribute to
23 temporary, episodic, or long-term accelerated erosion on
24 adjacent, unarmored portions of beach, which are the end
25 effects and flanking erosion which I've been speaking about.

1 And finally, the last slide on the findings, the
2 department has requested the applicant explore alternatives to
3 shoreline hardening, to work with their neighbors, and to
4 examine the problem for the larger Kahana Bay beginning in
5 2011, again in 2014 in writing and -- and during meetings.
6 Many other correspondences have happened. This has basically
7 not happened at the request of the County.

8 In compliance with our shoreline rules, the
9 department sent letters to the applicant that the department
10 can only accept shoreline hardening as the option of last
11 resort back in 2011 and 2012.

12 Comments from the Maui Planning Commission
13 transmitted on October 8th, 2012, to the applicant, comment
14 No. 15 directed the applicant to, quote/unquote, Please
15 document exploration of a regional beach nourishment option
16 that would involve all condominium associations within the
17 defined beach cell system from north at Kahana River area to
18 the south extending down to Pohaku Park, which is known as
19 S-Turns area.

20 Their response was basically one paragraph to the
21 Maui Planning Commission, so the department does not feel that
22 they adequately fulfilled the information that you had
23 requested during the environmental assessment review.

24 So those are my findings -- or the department's
25 findings in a nutshell here.

1 Okay. One more, that the State -- there was a State
2 letter with the Conservation District Use Permit that has
3 actually encouraged Hololani to pursue regional beach
4 nourishment.

5 Looking at the -- the guidelines and our rules, the
6 SMA guidelines at the State level require that no development
7 shall be approved unless the department has first found that
8 adverse environmental effects will be minimized, to include
9 minimizing potential cumulative impact of individual
10 developments as well as eliminating various planning options.
11 So cumulative, substantial adverse effects may occur if
12 Hololani shoreline is hardened and may necessitate other
13 parcels to armor their respective shorelines, resulting in
14 further loss of beach. The regional beach nourishment
15 alternative, however, most likely minimizes all four of those
16 environmental impacts more than the preferred shoreline
17 alternative would.

18 Also under these rules, the department shall seek to
19 minimize, where reasonable, any development that would reduce
20 the size of any beach. The preferred shoreline alternative
21 would most likely reduce the size of the beach and a regional
22 beach nourishment alternative would most likely enhance the
23 beach and also sustain the beach along the Kahana Bay
24 contiguous with Hololani.

25 As far as findings of the -- in the SMA rule

1 significance criteria, from those four environmental impacts
2 they would -- these are the criteria that you need to judge
3 this project on:

4 That there may be -- involve an irrevocable
5 placement -- or irrevocable commitments to loss or destruction
6 of any natural or cultural resource, that would be the
7 placement loss involved.

8 May significantly curtail the range of beneficial
9 uses of the environment. If we're -- if we had no beach, we
10 would have a curtailment of the use of the benefit.

11 It may conflict with the County's and State's long-
12 term environmental policies and goals.

13 It may have a cumulative significant impact effect
14 on the environment or involve commitment to larger actions
15 such as walling in Kahana Bay.

16 It may be contrary to the West Maui Community Plan
17 which prohibits seawalls and encourages beach nourishment.

18 It may affect an environmentally sensitive area,
19 such as the shoreline or coastal waters.

20 It may substantially alter natural land forms and
21 existing public views to and along the shoreline.

22 It may be contrary to the objectives and policies of
23 Chapter 205A HRS, the Coastal Zone Management Act.

24 There are three shoreline variance hardship criteria
25 that must be met. The first is the shoreline rules prohibit

1 structures sea -- seaward of the current shoreline unless the
2 structure is shown to be clearly in the public interest. The
3 applicant has stated it will facilitate the drainage, it will
4 protect the road, and it'll clean up the mess that's out there
5 right now. As far as the department's analysis, as long as
6 the regional beach nourishment or other beach nourishment
7 alternative remains viable, no shoreline hardening
8 preferred -- the shoreline hardening preferred alternative may
9 not be the best practical alternative clearly in the public
10 interest, so we should investigate that.

11 The second is the hardship for a private structure
12 may be granted if the proposal is the practical alternative
13 that best conforms to the purpose of the shoreline rules. I
14 don't have the purpose of the shoreline rules here, but they
15 are -- I'll read it to you.

16 "One of the most important and significant natural
17 resources of the County of Maui is its shoreline environment.
18 Due to competing demands for utilization and preservation of
19 the beach and ocean resources, it is imperative:

20 "That the use and enjoyment of the shoreline be
21 ensured for the public to the fullest extent possible;

22 "That the natural shoreline environment be
23 preserved;

24 "That man-made features in the shoreline area be
25 limited to features compatible with shoreline areas;

1 "That the natural movement of the shoreline be
2 protected from development;

3 "That the quality of scenic and open space resources
4 be protected, preserved, and where desirable, restored; and

5 "That adequate public access to and along the
6 shoreline be provided."

7 So as far as the department's analysis, as long as
8 the regional beach nourishment option is out there, the
9 preferred alternative of the applicant does not meet the
10 criteria of the best -- that best conforms to the purpose of
11 the shoreline rules.

12 And the third criteria for the variance is that
13 there's a requirement that the best shoreline management
14 option in accordance with relevant State policy and shoreline
15 hardening. Well, that State policy states that "Sand
16 nourishment is the strongest technical option presently
17 available to protect the eroding coastlines and sustain and
18 restore public views and beaches." State of Hawaii's standing
19 policy is to discourage seawalls, especially on active sandy
20 shorelines and beach cells. In this case, again, the regional
21 beach nourishment further conforms to the State shoreline
22 hardening policy.

23 And then in summary, four points:

24 The shoreline rules prohibit structures seaward of
25 the current shoreline unless the structure is shown to be

1 clearly in the public interests.

2 The department has determined that four potential
3 environmental impacts are not adequately mitigated, including
4 the end effects on the Royal Kahana.

5 SMA guidelines are not adequately addressed by the
6 project, and

7 That the shoreline setback variance criteria are not
8 adequately met, including full exploration of the regional
9 beach nourishment alternative that most closely meets the
10 purpose of the shoreline rules.

11 So I'll end it there. If the Chair would allow Rob
12 Sloop, who has already missed three flights back to the
13 mainland today because of the delay, if he could have five
14 minutes to explain what's going on offshore.

15 Chair Tsai: Yeah, I'll allow it.

16 Mr. Buika: Thank you.

17 Chair Tsai: Please come.

18 Mr. Sloop: Hi and thank you. My name is Rob Sloop.
19 I'm with Moffatt Nichol Engineers.

20 We've been retained by the County to investigate the
21 feasibility of the regional beach nourishment project and
22 primarily to do an offshore sand search, that's where we are
23 at the moment. We spent the last five days out offshore in --
24 actually, in the nearshore, running our equipment over the
25 nearshore area there. I think you can see Royal Kahana down

1 in this area. We've checked the tracks all the way from
2 Kaanapali to Kapalua in order to verify some existing sand
3 information and you can see the areas where all the spaghetti
4 is is -- are the areas that we focused. We're calling our
5 primary sand sources 22 and 19. That sample bag was taken
6 from the heart of the larger area there.

7 So what we did -- next, next slide. We did several
8 things. We were taking sub-bottom profiling, which is an
9 instrument that tells us how thick the sand deposit might be.
10 We're doing side scan sonar over here that shows us the
11 difference between hard bottom and sandy areas. We also had a
12 bathymetric survey and then we took Vibrocores, which is this
13 machine over at the side that actually takes a sample down
14 through the sand to check the quality and the quantity and the
15 depth.

16 The readout you see here is from our -- our main
17 proposed borrow area that shows the surface and then it shows
18 at least 5 feet average of sand over 1700 feet. What that
19 means to you, very succinctly -- next one -- is we have sand
20 and we have a lot of sand. We have Vibrocores that are 7 feet
21 long, we just ran out of tube in order to collect more, so we
22 know it's a deep deposit. The location that we found, these
23 are -- these are pictures of that actual sand field under
24 there, it's like the Kalahari Desert. There's -- there's no
25 coral. It's in shallow water. It's right by the site.

1 There's viable dredge pipe routes. It would be very
2 economical and very feasible to bring this sand on shore.
3 It's beautiful.

4 Go to the next one.

5 So this is a -- a blowup of our two primary areas.
6 We see over -- the blue area has about 170,000 cubic yards of
7 material in it, the red area has about 55,000, and those are
8 the areas we sampled extensively. There -- there are several
9 different, as I said, dredge pipeline routes that we could use
10 to get that sand into the beach and -- and start nourishing
11 the beach.

12 Next.

13 So this is -- I want to keep it super quick. We
14 have a large volume that's compatible with the beach sand. We
15 tested one of the samples very quickly over the weekend and it
16 fits exactly within the compatibility curve. There's no
17 coral, no other resources, it's in shallow water. The
18 dredging would be extremely economical, extremely easy to do,
19 very practical. We have pipeline routes.

20 So our initial conclusions is that there's no
21 technical restriction for a beach nourishment for -- for these
22 projects. We -- we will say that they would require
23 stabilization structures and it will require a regional
24 solution to go from one end of the cell to the other, all
25 things that Mr. Barry has -- has also indicated.

1 Now, as a part of our project we've moved into just
2 potential feasibility -- feasible projects just to show you
3 the range of what we're going to be looking at moving forward.
4 The first one is pretty simple, it's 50,000 cubic yards of
5 beach, it would extend the dry beach out an average of 50
6 feet. And in this one, this one demonstrates groins at every
7 property. Whether or not that's the right spacing, it's the
8 easiest political approach for the moment, so that's where we
9 started the study. A second look would be larger cells,
10 larger groins, and larger volume, so we could have as much as
11 a hundred feet of beach with groins at every -- at every other
12 property.

13 So these are the steps that we're moving forward
14 into. We only started in January, so we're -- we're not quite
15 as -- we're not nine years into the study like everybody else
16 is, so we're -- we're just getting into these concepts.

17 And I have a blowup on the 50 -- 50,000 yard concept
18 with a section that would show you kind of what the beach
19 would look like, it's just simply an advancement of the
20 existing beach approximately 50 feet seaward.

21 Any questions?

22 Chair Tsai: Thank you. We appreciate that.

23 Commissioner Hedani: I have one.

24 Chair Tsai: Commissioner Hedani.

25 Commissioner Hedani: The proposed project that

1 you're proposing for this area, would it work without the
2 T-head groins?

3 Mr. Sloop: No.

4 Commissioner Hedani: Okay. Are there aquatic
5 resources that are impacted by the T-head groins?

6 Mr. Sloop: We haven't done an extensive search in
7 that area, that would be part -- part of the project. From
8 what we all know in that area, the beach used to be out this
9 far. This is -- this is ex-beach land. We do know that
10 there's a lot of hard bottom in there, but from what we know
11 at the moment with a cursory overview, we don't think that
12 there's significant resources in those areas.

13 Chair Tsai: Commissioner Robinson.

14 Commissioner Robinson: How long would the sand last
15 if we didn't have the groins?

16 Mr. Sloop: Well, we know the historical rate, so at
17 least a foot a year, but I believe that those historical rates
18 are only a foot per year because you don't have enough sand to
19 make it any faster. I believe that if you had 50 -- 50 feet,
20 your erosion rates would probably be 2 or 3 feet per year. So
21 at 50 -- I -- as a professional coastal engineer, I wouldn't
22 recommend even considering a beach nourishment without
23 structures.

24 Commissioner Robinson: Say that recommendation --
25 and we thank you for your recommendation. Say we do it

1 without groins and we add the 100,000 yards, how long do you
2 think that would last before -- before we'd be back to our
3 same situation?

4 Mr. Sloop: That's awful speculative, I -- you know,
5 ten years, maybe, max.

6 Commissioner Robinson: Five minimum?

7 Mr. Sloop: I -- I think with a hundred grand and a
8 good season, no El Nino, no mesoscale eddies, light winds,
9 nobody carrying sand off in their pockets, those kinds of
10 things. I mean, there's a lot of variables that go into this
11 science, I'll have you know.

12 Commissioner Robinson: Of course.

13 Chair Tsai: Commissioner Carnicelli.

14 Commissioner Carnicelli: I've got another
15 speculative question for you and that is --

16 Mr. Sloop: Can I -- can I ask Jim to help out on
17 some of these?

18 Commissioner Carnicelli: What are the chances that
19 this sand that you found actually used to be on this beach?

20 Mr. Sloop: A hundred percent.

21 Commissioner Carnicelli: Okay. Thank you.

22 Mr. Sloop: Not only this beach, but Honokowai
23 and -- and the shape of this, it's a natural depression in
24 there. And I do have to say, while I'm up here lobbying for
25 regional beach nourishment, there's no reason we shouldn't be

1 looking at Honokowai in this sand source as well. We could --
2 we could do the entire West Coast of Maui.

3 Chair Tsai: Commissioner Hedani.

4 Commissioner Hedani: With the proposal that you're
5 making, would any of that project be not feasible if the
6 applicant proceeded with their project?

7 Mr. Sloop: There's no -- the applicant's project
8 would not prevent this from going forward from a technical
9 point of view.

10 Commissioner Hedani: Thank you.

11 Mr. Sloop: I do --

12 Chair Tsai: Go ahead.

13 Mr. Sloop: Thank you, Chair.

14 I -- I do believe that it would impact two areas
15 and -- and this is -- this -- I've ended my scientific
16 statement and this is an opinion statement based on being
17 involved in projects like this before. I do think it would
18 reduce the incentive for the subject property to participate
19 in future projects if they felt they were already protected.
20 And I do believe that there may be issues at the State level
21 by having this project go forward with them having made the
22 concessions they made to move landward, for us to come back
23 and then request to place material seaward, so I think it may
24 cause complications in that -- in that area.

25 Commissioner Carnicelli: I have another.

1 Chair Tsai: Commissioner Carnicelli.

2 Commissioner Carnicelli: Timeline to complete this,
3 roughly?

4 Mr. Sloop: I think we could be in and done in under
5 five years.

6 Commissioner Carnicelli: Thank you.

7 Mr. Sloop: Part of -- part of that is I -- with
8 all due respect, I understand Iroquois Point took nine years,
9 but that project has been very successful and I believe that
10 that laid the ground work for the -- for the regulatory
11 agencies that we'd now have to go through. We'd be -- we'd
12 be -- basically this is extremely similar to that, that
13 project in terms of scope and scale, and -- and Mr. Barry was
14 right in -- in his assessment, you know, that it is -- it is a
15 big job, but the engineering part of it can be taken care of
16 and with the right commitment from the County and the State
17 and particularly now having the Army Corps on board as a
18 participant, it should make it much less difficult than the --
19 those that have gone before us.

20 Chair Tsai: Commissioner Hedani.

21 Commissioner Hedani: You know, we have a similar
22 project that we're considering at Kaanapali and we considered
23 the idea of T-head groins and we rejected it because of visual
24 impact to the beach. Do you believe that any of the project
25 area's condominiums would object to the T-head groins?

1 Mr. Sloop: Again, that's a little bit speculative.
2 I think that they would object to the state of the sandbags
3 and the further reduction of the beach and the erosion and the
4 turbidity and all of the negative impacts of not doing a
5 project that involves adding sand much more than the -- than
6 the alternative.

7 And to be -- to be honest with you, T-head groins
8 and resulting beaches, you saw the pictures, they produce
9 wonderful beaches, calm swimming areas, safe places for people
10 to recreate, and they actually -- the rock tends to attract a
11 lot of bait fish and people love to fish on them and snorkel
12 along them because they -- they provide habitat for juvenile
13 species as well.

14 Commissioner Robinson: Chair.

15 Chair Tsai: Commissioner Robinson.

16 Commissioner Robinson: I'm not a big fan of groins
17 and changing our natural beauty of Maui. With that being
18 said, there's already a couple seawalls up there and this, of
19 course, is all speculative, nobody's, you know, holding your
20 hand to the fire, but would there be an opportunity for us
21 to -- to remove those seawalls and -- and -- and renourish
22 that sand from a -- from an engineering aspect, not as a "will
23 the property owners do it or not," but as -- is that a process
24 that we could help deter us losing more sand as it is now?
25 Because we -- because we know that walls, you know, have a

1 negative effect on sand erosion.

2 Mr. Sloop: Well, I guess there's a two-part answer:
3 If we were to place this beach the way that we're planning on
4 placing it, the seawalls would no longer impact the beach
5 processes because the water would be kept away from them,
6 basically. They would just serve as a backstop in a very,
7 very large emergency, so --

8 Commissioner Robinson: With the groins. But
9 without the groins?

10 Mr. Sloop: Well, without -- without the groins,
11 basically what we have is -- as Jim said, there's a -- you
12 have a cell where it's contained between two ends. What will
13 happen if -- without the groins is the sand will all slide to
14 one end and it'll slide to the other end, so you'll get the
15 north and south erosion that -- that he's pointed out. And
16 then as it does that, it'll spill out over each end and the
17 beach will just eventually work itself back to where it is.
18 The timing of that is -- I don't know. In that case, when the
19 beach does move, the narrow ends of the beach will still be
20 impacted by the seawalls. The areas in the middle, not -- not
21 quite as much.

22 Commissioner Robinson: Can I go ahead and ask?

23 Chair Tsai: Go ahead.

24 Commissioner Robinson: Back to the question about
25 timing. Without the groins, do you still -- do you still

1 think it would be a five-year process or do you think we could
2 be able to cut that timeline down?

3 Mr. Sloop: No. I think you're -- I think the --
4 one of the most difficult things is -- is the actual sand part
5 of this. Our experience with -- with permitting projects that
6 involve both rock and sand is that there is a -- well, it
7 depends on the agency, but each agency has their particular
8 interests. And our experience with the department of health
9 with sand has -- has proven to be our most difficult in terms
10 of time lines.

11 Commissioner Robinson: So time lines will stay the
12 same regardless of groins or not?

13 Mr. Sloop: I believe so, yes.

14 Commissioner Robinson: Thank you.

15 Chair Tsai: Commissioner Duvauchelle.

16 Commissioner Duvauchelle: I'm not sure if you're
17 the correct person to answer, but where would the funding come
18 from to do Kahana Bay in your perfect world, Jim, or whoever
19 wants to answer?

20 Mr. Buika: It would be a public-private
21 partnership. Right now the Corps of Engineers and the County
22 Council -- as of July 1 we still have it in Riki Hokama's
23 budget for erosion mitigation, the planning director asked for
24 \$750,000 to match the Corps of Engineers funding. That would
25 be for working with department of health, doing our

1 environmental studies in the short term right now. We -- I
2 think it won't cost that much because Royal Kahana has spent a
3 lot of money on offshore studies and monitoring, Hololani has
4 done their EA, we would just have -- we would just have to
5 expand the -- some of the coverage for all of Kahana Bay in
6 the short term.

7 Right now the -- the Corps of Engineers has
8 committed a second \$50,000 to develop a project management
9 plan with the County. We would both work it together to get
10 in line or to fund as of July 1 all of the studies, the
11 biological studies, any topo, any -- any additional studies,
12 any offshore studies.

13 I'm very hopeful that we would be able to do it in a
14 much shorter time frame than five years. The -- the County
15 can engage the department of health. The department of health
16 is really -- the problem with the department of health is --
17 you know, is personality-driven rather than -- rather than
18 actual permit-driven, but -- we won't go there right now, but
19 that's been part of the problem. But with the -- with the
20 County backing it, the Corps of Engineers fully involved,
21 and -- and the seriousness of the situation, I would hope we
22 could considerably cut that down.

23 All we have to do is do the environmental
24 assessment, EIS, all the studies, do the public hearings,
25 gain -- gain some contributions from the -- the condos, but

1 the Corps -- the key is the Corps of Engineers can commit \$5
2 million up front cash to planning, design, and implementation
3 of this, so we -- we have that commitment from the Corps of
4 Engineers under their continuing authorities program. So
5 beginning July 1 we could have in place -- we could set some
6 contracts in place to do the studies and accelerate this as
7 much as possible, especially with the -- the County and the
8 Corps of Engineers behind all of this.

9 Commissioner Duvauchelle: You're much more
10 optimistic than I am. I would figure that coordination of all
11 the funding and with the turnover at Corps of Engineers, you'd
12 probably add a few years, but thank you.

13 Chair Tsai: Jim, it -- what would it cost? Is that
14 within the 10 to 20 million that Mr. Barry brought up of doing
15 all the beach revetments and so forth?

16 Mr. Buika: I think those are costs that -- probably
17 10 to 20 million, that -- I think those are costs that under
18 contract with Moffatt Nichol throughout Rob Sloop, they're --
19 they're designing -- you saw some of the design that they're
20 looking at, I think they can give us a fairly back of the
21 envelope type of -- or, actually, a lot more than that -- some
22 cost estimates for this over the next couple months. But I
23 think that's a reasonable range. But then that would be cut
24 by \$5 million by the Corps of Engineers, so that could bring
25 it down to 5, 5 to 10 or 10 to 15 million range which over

1 nine condominiums would be very cost effective.

2 Chair Tsai: Commissioner Hedani.

3 Commissioner Hedani: Jim, S-Turns is a noted surf
4 spot, would the groins affect surfing conditions out there?

5 Mr. Buika: I don't know. I don't think so. The --
6 the surf spot is way offshore there and way farther. I mean,
7 I'm not totally familiar with that surf spot, but every time
8 I've been out there, the surfers are out on the -- the outer
9 reef. There's an outer reef out there where the surfers go.
10 So the groins --

11 Commissioner Hedani: Yeah.

12 Mr. Buika: The groins right here would be -- would
13 not even be at S-Turns. The surfers are quite a ways away. I
14 mean, we would engage the surfing community, for sure.

15 Commissioner Hedani: Yeah. But we discounted the
16 T-head groins because there's a surf spot in front of
17 Kaanapali and that would have definitely been impacted by --
18 by T-head groins.

19 Mr. Buika: Yeah. I think --

20 Commissioner Hedani: And the last thing we needed
21 was Safe Our Surf going out after us; right?

22 Mr. Buika: The surf, from what I'm aware of --
23 again, I'm not an expert -- is far off out on the -- the outer
24 reef quite a ways off.

25 Director Spence: That would be something that the

1 EIS --

2 Chair Tsai: Director.

3 Director Spence: That's something that an EIS would
4 look at.

5 Commissioner Hedani: Yeah.

6 Chair Tsai: Commissioner Carnicelli.

7 Commissioner Carnicelli: As somebody that's surfed
8 both those spots, it would -- it would impact it a little bit.
9 I think that the dredging would actually affect that surf spot
10 more so than the groins would, but it's -- that's more of a
11 reef break, where the Kaanapali Point is more of a beach
12 break.

13 Director Spence: That's right.

14 Commissioner Carnicelli: It's more dependent on the
15 sand.

16 Director Spence: Than on the reef.

17 Commissioner Carnicelli: Yeah. But I'm not an
18 engineer.

19 I do have a question, though, on your findings, Jim,
20 and the part that I'm curious about, you know, is when you sit
21 there and you talk about flank erosion, I can't help but as
22 part of this equation say that the Pohailani, which is just
23 north of the Hololani -- and then I forget the name of the one
24 that's just north of the Pohailani.

25 Mr. Buika: Kahana Reef.

1 Commissioner Carnicelli: Kahana Reef?

2 Mr. Buika: Kahana Reef, yeah.

3 Commissioner Carnicelli: They both have seawalls.

4 Mr. Buika: Yes.

5 Commissioner Carnicelli: So is the flank erosion
6 that's happening at the Hololani, is -- is it flank erosion
7 that's happening at the Hololani because of the seawalls that
8 are at the Pohailani, you know, and above?

9 Mr. Buika: I would -- I would assume so. Jim Barry
10 or Rob Sloop -- yes, I mean, it's a natural --

11 Commissioner Carnicelli: So, I mean, I guess then
12 my -- my thought process would be that if the Pohai- -- I'm
13 sorry, if the Hololani had a seawall, then it's just the next
14 in line.

15 Mr. Buika: Yes.

16 Chair Tsai: Mr. Barry.

17 Mr. Buika: It's quite obvious. It's quite obvious.

18 Commissioner Duvauchelle: I would like to hear what
19 Mr. Barry has to say.

20 Chair Tsai: Okay.

21 Mr. Buika: Would you mind if I let Jim Barry --

22 Chair Tsai: Yeah. That's fine. I'll allow that.

23 Mr. Buika: Okay.

24 Chair Tsai: Jim? Yeah, Jim.

25 Mr. Barry: I'm sorry I was out of order earlier.

1 The whole thing with -- say with flanking --

2 Chair Tsai: Would you identify yourself again for
3 the record.

4 Mr. Barry: Okay. I'm Jim Barry. I'm with the
5 Hololani, a coastal engineer from Sea Engineering.

6 Unidentified Speaker: Were you nodding off?

7 Mr. Barry: What's that? Not enough?

8 Unidentified Speaker: Were you nodding off there?

9 Mr. Barry: Not at all, you know.

10 The flanking erosion, as I said, is a -- is a near
11 field effect and at the Pohailani -- but it also depends on --
12 on how big the -- you know, the structure or whatever sticks
13 out and how big a reflection you get. So probably there is
14 some -- undoubtedly there's some effect from the Pohailani on
15 the north end of the Hololani. That north end has been
16 protected with sandbags for many years, years before we got
17 involved in the project, I think since around two thousand
18 something, something like that, that's what's prevented that
19 area from being eroded.

20 Now, the erosion -- this is a misconception that's
21 been -- a lot of people have. The erosion in front -- the
22 main erosion in front of the Hololani is not due to the
23 Pohailani. The effects at Royal Kahana are not due to the
24 Hololani. The effects at Valley Isle are not due to the Royal
25 Kahana. I -- I showed you earlier what's happening, it's a

1 much bigger thing. Any effect of -- of these walls and things
2 is due to -- it's just background noise, it's not the main
3 problem. The main problem is oceanic, it's a -- it's a much
4 bigger scale issue.

5 We have -- there are seawalls and revetments all
6 over the world that have a hundred feet of sand in front of
7 them almost continuously. Lanikai, the -- the widest part of
8 Lanikai Beach is in front of a vertical seawall that's
9 completely buried. So the idea that -- and I'm sorry, I'm
10 sort of taking your question and running with it a little bit.
11 The idea that -- that putting a -- a seawall revetment is
12 going to destroy the beach is completely unfounded. However,
13 I will say that -- that there are places, there are beaches
14 with a different morphology that -- where you put -- you do
15 not want a wall, it will completely change the beach, it will
16 erode it. For -- Sunset Beach, for example, on Oahu, you --
17 putting a wall there would be absolutely foolish.

18 So what we do when we look at these areas, we look
19 at a situation, we try to see the morphology, the climatology,
20 the wave climate of this particular area. There's no such
21 thing as a one size fits all model. So the COEMAP model, for
22 example, is -- is -- that people have talked about is
23 technically extremely weak, it -- you can't take one model and
24 apply it, you know, statewide. Every beach we have -- as you
25 drive 10 miles, things are completely different, the wave

1 climate's different, the beaches are different, the rocks are
2 different, the whole morphology is different.

3 So what I'm talking about today is -- is this
4 particular coastline and because of the morphology, because of
5 the wave climate, because of what's happening there, you know,
6 the idea that putting in a structure will eliminate the beach
7 is -- is completely unfounded. And you will notice there's no
8 data supporting that. We've -- we've provided you with cause
9 and effect, we gave you the -- the wave climate and showed
10 what -- what's happening. There's been no, you know, process
11 oriented, you know, data shown to you that will -- will
12 indicate that the beach will completely erode if -- if we put
13 in our structure.

14 I hope that answers your question.

15 Commissioner Duvauchelle: Thank you.

16 Chair Tsai: Commissioner Robinson.

17 Commissioner Robinson: I'm just gonna have to
18 disagree with you with Lanikai because I go there every week
19 and it is definitely not the biggest beach next to the wall,
20 that is definitely not a true statement. The wall there is
21 seasonal and the wall there has deteriorated at least half a
22 dozen of my friends' homes there. And the wall that started
23 at Castle Point and walked all the way down is not the biggest
24 part of the beach.

25 Second of all, there's also beaches that restored

1 over at Waikiki with a beach wall and I still work at
2 Halekulani and that beach wall that came up next to us at the
3 point was the reason why we need the nourishment. I'm not
4 stating that this certain thing is, but I know for a fact that
5 those other two places was the exact cause and effect of a
6 wall. I'm not stating that this one is the cause and effect,
7 but I know that that one is and it's still a topic and I was
8 just at a board meeting last month where they were talking
9 about trying to -- trying to take out the seawalls and trying
10 to do something else. That's all.

11 Mr. Barry: Can I respond to that?

12 Commissioner Robinson: Of course you can.

13 Mr. Barry: Yeah. I don't know about Halekulani,
14 but Lanikai, if you look at the -- at the -- the UH coastal,
15 their -- their erosion results, the hazard rates for that
16 area, there's one area that has, you know, extreme amount of
17 erosion, there's one area that has extreme amount of accretion
18 over a period of, you know, 30, 40 years, both areas have
19 seawalls. And I'm not sure where you're talking about, but
20 there's a -- you know, there's a very wide part of Lanikai
21 Beach. You don't see the wall, it's -- it's buried. I mean,
22 you -- there's a shoreline access and you --

23 Commissioner Robinson: And I hate to be talking
24 about Lanikai in Maui Planning, but what it is is both sides,
25 both sides have put up walls and then the sand has been taken

1 out in the middle and there's a -- and there's --

2 Mr. Barry: Yeah.

3 Commissioner Robinson: There's an erosion of beach
4 across the whole Lanikai.

5 Mr. Barry: Yeah, I -- okay, I -- you know, I don't
6 want to -- but my -- my point is there's something bigger --
7 when I look at Lanikai, I think there's something bigger going
8 on. It's not just a simple, you know, caused by erosion,
9 because, you know, went from one place, went to the other.
10 Both areas have walls, so I think there's something bigger in
11 terms of wave patterns, climate patterns, wind patterns,
12 that's what I --

13 Chair Tsai: Thank you, Jim.

14 Commissioner Robinson: I just disagree.

15 Chair Tsai: I have a question for Rob. What did
16 you -- these borrow areas, according to your map, how deep
17 water you're finding this sand?

18 Mr. Sloop: On the inside it was as shallow as -- as
19 10 feet, on the outside, maybe 20 to 25. It's -- I have never
20 seen a field of sand so close to a place that needs it, so
21 easy to access, of such high quality.

22 Chair Tsai: Thank you.

23 Commissioner Robinson: Chair.

24 Chair Tsai: Commissioner Robinson.

25 Commissioner Robinson: For you, Jim. It's a little

1 late, Jim, so I just want to cut to the chase here. I
2 actually think the County and Hololani is -- has wasted all
3 this time, you know, we have all these issues, we have sand
4 there, we -- we think we kind of know what we want to do with
5 it, but now we're under the gun, we have people that have
6 their -- their homes and their properties that are -- that I
7 think a few of us can agree is in despair. And if it's going
8 to take us five years to go ahead and replenish this, how do
9 we as a County allow these people's property to just, you
10 know, throw sandbags for five years and cross their fingers?

11 Mr. Buika: Well, the other alternative is to harden
12 the shoreline. I truly don't believe it'll take five years.
13 Hololani is the -- the sandbag structure has held through this
14 year. A lot of the pictures you saw were for the neighbors,
15 they need to get some structures in there. I don't have an
16 answer for that time gap right now, it would require
17 protection and the County and the State will continue to
18 protect. And I guess that's up to you whether this type of
19 hardening meets the hardship rules and we go forward with
20 regional beach nourishment.

21 If we start hardening the shoreline with Royal
22 Kahana, Valley Isle, and Hololani, which I believe will
23 probably happen, then there will be little incentive to do the
24 regional beach nourishment, nor will there be much money to do
25 it. So this is an important, precedent-setting project. I

1 understand Hololani's concerns and Royal Kahana's and Valley
2 Isle and I've been working tirelessly to try to come up with
3 answers here. Unfortunately, in the last couple weeks we've
4 just had a bad situation where we've had a lot of erosion. No
5 promises on that, we would need to -- we could put the
6 sandbags farther out in the ocean and further protect, we
7 could talk with the Corps of Engineers, we could talk with
8 FEMA, we could talk with the State to look at additional
9 funding to do this emergency protection as opposed to putting
10 the burden on the -- on the applicant at this point.

11 Chair Tsai: Commissioner Hedani.

12 Commissioner Hedani: Jim, I admire your -- your
13 dedication to the public preservation of beaches. I think
14 it's sincere, I think it's important. Based on your -- based
15 on your philosophy, you know, at Kaanapali we pursued a \$7
16 million project to do just that, to do beach nourishment, to
17 do beach nourishment without T-head groins, which you -- you
18 would never suggest doing it without T-head groins, is what I
19 just heard, but that's what we intend to do. No guarantees on
20 how long it would last, the sand could disappear overnight
21 after ten years of work and \$7.5 million it cost, is what it
22 was going to cost us at this point. The State is taking its
23 time, so it may cost more than that.

24 The question that I have is, you know, you have nine
25 properties, I've had to arrange financing from people that

1 were members of my association and even at that point it was
2 like herding chickens at one point to get them to agree to the
3 formula for funding \$3.5 million worth of beach nourishment,
4 yeah. Has anybody touched bases with the nine properties to
5 see about their willingness to participate?

6 Mr. Buika: Yes. Larry Michaels, who fell ill, has
7 coordinated with Hawaiiana, who is with three of them, and
8 Solei, which is with three others, and I think they have two
9 other of the condos. I think they're meeting either this week
10 or next week to talk about these issues and to address the
11 problem. Unfortunately, these problems are ignored, ignored,
12 ignored until they become emergencies.

13 Commissioner Hedani: Right.

14 Mr. Buika: And -- so I think there is a serious
15 effort amongst all the condominiums to coordinate with the
16 boards of directors. Larry Michaels, I've been talking with
17 him extensively about that, so he's leading that effort. Paul
18 Johnson with Hawaiiana and Wayne Cober with Solei are -- are
19 working those issues right now. So it's needed, I think Larry
20 Michaels, I have given him your name as far as maybe he did
21 call you as far as how is -- how has Kaanapali done it.

22 And --

23 Commissioner Hedani: What I told him was it was in
24 our CC&Rs, so we could ram it down their throats, see, if we
25 wanted to, but --

1 Mr. Buika: Right. There are -- there are different
2 ways of creating an improvement district --

3 Commissioner Hedani: Yeah.

4 Mr. Buika: -- etc., so these are things that would
5 need to be explored. Possibly if we can use some of the Army
6 Corps of Engineers' money and if the County Council is
7 actually funding \$750,000 --

8 Commissioner Hedani: Right.

9 Mr. Buika: -- as part of that we can use that money
10 to get a project manager who could specifically work with, you
11 know, someone like Hawaii -- you know, someone from Hawaiiana,
12 as an example, who could manage that type of -- part the
13 project, because that is the overall project management
14 planning, design, implementation. Planning has got to be
15 done, all the stakeholders need to come to the table. So I'm
16 familiar with most of the condos, I've been working at that.
17 That's not my full-time job, we need someone full time under
18 this money hopefully that the County Council would -- would
19 obligate and we could do those type of things. So all of
20 those conversations are going on.

21 Chair Tsai: Thank you. Thank you, Jim.

22 Director.

23 Director Spence: Just a -- just a comment on that
24 750 that that may or may not be in the budget that the council
25 is considering right now, so -- I checked earlier this morning

1 with the deputy director who has been attending those meetings
2 and she didn't see it. I'm not saying it's not in there, but
3 she didn't see it. So there's -- there's no guarantees and as
4 you know, this council is thrifty with --

5 (Laughter.)

6 Unidentified Speaker: Well chosen.

7 Director Spence: So --

8 Commissioner Duvauchelle: Very politically correct.

9 Director Spence: They would probably smile if they
10 could hear that. There's -- but they are, so no guarantees.
11 I mean, it would be ideal, but there's no guarantees that
12 it'll be there.

13 Chair Tsai: Yeah.

14 Commissioner Duvauchelle.

15 Commissioner Duvauchelle: You know, if I -- if I'm
16 understanding correctly, the wall is really badly needed right
17 now at Hololani and that is, I think, the one definite. I
18 think the beach nourishment is -- is a great project and I
19 pray that it happens, but I don't think by giving the SMA and
20 allowing the wall, you're taking away the beach nourishment.
21 I think that both can happen. And, I mean, you can correct me
22 if I'm wrong, but I think that the most -- you know, the
23 biggest decision right now is what is going to happen to
24 Hololani.

25 Chair Tsai: Commissioner Hedani.

1 Commissioner Hedani: Would it help your -- allay
2 some of your concerns, Jim, if we conditioned the approval of
3 the permit on their participation in beach nourishment down
4 the line?

5 Mr. Buika: Yeah, that -- I mean, that's a
6 no-brainer, we would have to, because there are -- there
7 are -- I mean, there are -- there are substantial and
8 cumulative environmental impacts from that wall that need to
9 be mitigated, full stop. And one of them would be however we
10 condition it, I'm not ready to make that -- you know, nor is
11 the department today to make that -- to come up with that, but
12 potentially all of you could do that, so...

13 Chair Tsai: Commissioner Carnicelli.

14 Commissioner Carnicelli: So, Jim, this is obviously
15 very personal for people, this is their homes, we saw some
16 very emotional testimony. Your recommendation of deferral and
17 Commissioner Robinson asked you like, Okay, well, then what?
18 It's like, Oh, we can talk to these people and we can talk to
19 these people and we can talk to these people, but what --
20 what's your -- let's say in the immediacy of this, because
21 there is an immediacy.

22 Mr. Buika: Sure.

23 Commissioner Carnicelli: So in the immediacy of it,
24 other than, you know, we're out there filling sandbags and
25 throwing them, maybe -- is -- I mean, what is the mitigation

1 that you want to do in the immediacy of this if it gets
2 deferred?

3 Director Spence: To -- to understand if regional
4 beach nourishment is feasible, to allow the -- the consultants
5 to fully construct, come up with an idea, present it to
6 Hololani, look at protection, look at time lines, and present
7 it as a preferred alternative --

8 Commissioner Carnicelli: No. What --

9 Mr. Buika: -- to Hololani.

10 Commissioner Carnicelli: Maybe you misunderstood my
11 question. Sorry.

12 Mr. Buika: A couple of months.

13 Commissioner Carnicelli: I misphrased -- misphrased
14 my question.

15 Mr. Buika: Yeah.

16 Commissioner Carnicelli: My question is: If I'm --
17 you know, if I -- like the one lady testified that it's the
18 last thing she looks at when she goes to bed at night, it's
19 the first thing she looks -- if I lived there, I'd do the same
20 thing, you know. Every time I heard a wave crash, I'd be
21 like, Oh, snap, you know. I mean, we had a record surf this
22 winter, I mean, it was epic. Physically on the property what
23 is it that you want to do in the time being while we're
24 looking at this?

25 Mr. Buika: Just to maintain the -- the sandbag

1 protection out front. They have 20 feet or so of a buffer of
2 land and the sandbags out front.

3 Audience: No, no, no.

4 Chair Tsai: Director.

5 Director Spence: Commissioners, just sort of
6 reading the direction that the commission is -- is wanting to
7 go -- or I'm guessing --

8 Commissioner Robinson: Don't guess. Don't guess.

9 Director Spence: I won't. I won't. Okay. I'm
10 just -- I'm going to just provide options and --

11 Commissioner Robinson: Too early.

12 Director Spence: I'm sorry?

13 Commissioner Robinson: Too early. Too early.

14 Director Spence: Okay.

15 Commissioner Robinson: Yeah, just -- we're getting
16 there. We're getting there. We're getting there. Give us a
17 couple minutes and then you can --

18 Director Spence: Okay.

19 Commissioner Robinson: I'm just saying, I know what
20 you want to say, but -- go ahead.

21 Director Spence: No. I'm --

22 Commissioner Robinson: Okay.

23 Director Spence: It's -- go ahead.

24 Chair Tsai: Commissioner Robinson, did you have
25 something to say?

1 Commissioner Robinson: I agree with Commissioner
2 Duvauchelle except for the fact that this wall will negatively
3 impact its immediate neighbors and like I just told the -- the
4 gentleman that was representing them that we're going to look
5 out for everybody and not just the people whose properties are
6 dissipating.

7 With that being said, besides sandbags, we have to
8 be realistic here, Jim, and I -- we're -- we're coming to you
9 to try to find something. If we can have, you know, rocks for
10 an intermediate groin that's going to be covered with sand --
11 we want to protect the land, we want to do it better than
12 sandbags, we want to do it so that these people can feel
13 comfortable and we can put conditions to that they'll help
14 with replenishment, you know. There's things that we can do,
15 but besides sandbags, Jim, is there something else you can
16 give us?

17 Mr. Buika: Sure. You can do rocks. I mean, we
18 can -- you can -- you can engineer the shoreline, temporarily
19 anyway. You can put in a steel plate, that's been done in
20 Kaanapali in the past, a steel plate. Those are two options
21 to -- if we know we're moving in the direction of regional
22 beach nourishment, we certainly can armor the shoreline
23 temporarily with the conditions that the temporary hardened
24 shoreline will -- will come out eventually. It's probably
25 what we need to look at for Valley Isle, Royal Kahana, and

1 Hololani all at once. But the consequences to Sands of
2 Kahana, the one around the corner, will be significant and
3 cumulative end effects, no doubt, so we're going to end up
4 armoring -- we're either going to end up armoring Kahana Bay
5 or bringing back a beach in the end. In ten years from now
6 there will either be a beach or walls because -- I mean, maybe
7 we can find something in between, but those are the -- those
8 -- maybe those are the two end members that we're looking at.

9 So I appreciate your suggestion. We have met with
10 the board of directors of Hololani and Jim Barry, the
11 engineer, about potentially putting in a sheet pile wall,
12 seawall out front that would stop the erosion. It would --
13 obviously it would have end effects on Royal Kahana, Valley
14 Isle, they would probably be interested in the same protection
15 of sorts, something more definitive. I don't know. I'm not
16 an engineer, so I don't know how definitive that would be, but
17 it would probably be some machination of rocks and a vertical
18 seawall temporarily probably would -- would manage the erosion
19 out there.

20 Chair Tsai: Thank you, Jim.

21 Commissioner Medeiros.

22 Commissioner Medeiros: I'd like to hear what the
23 planning director was gonna suggest.

24 Chair Tsai: Would you speak to the mic, please.

25 Commissioner Medeiros: I'd like to hear what the

1 planning director was going to suggest.

2 Chair Tsai: Director.

3 Director Spence: All I was gonna do -- all I was
4 gonna say is give the commission options on -- on what
5 direction you could go. That I'm hearing concerns about the
6 immediacy and also, you know, we haven't quite reached the
7 point where we're presenting our recommendation, but basically
8 we're -- the recommendation is for deferral in order to -- to
9 further, you know, do the regional beach nourishment project;
10 however, I understand the concerns about -- and the immediacy
11 of the -- of the need. If the commission were to recommend
12 approval or if you wanted to approve permits, we could
13 recommend standard conditions that we do on every SMA Permit
14 and shoreline setback variance approval and we could also
15 include the -- the participation in regional beach
16 nourishment. That's what I was gonna comment.

17 Chair Tsai: Commissioner Carnicelli.

18 Commissioner Carnicelli: Okay. So I have a -- a
19 question for you, Director. Just, you know, this is my first
20 go, so I -- I need a little -- I need a little bit of
21 direction here, being my first meeting. Is -- if -- if we
22 were to defer this, is -- you know, I know that it's budget
23 season and we never know what the budget's really going to
24 document about because as you said, the approval. What is it
25 that -- that we as the County can do to help the Hololani in

1 the short term if we do defer it?

2 Director Spence: Well, Jim just explained that.

3 Commissioner Carnicelli: Okay.

4 Director Spence: You can also approve temporary
5 sheet pile.

6 Commissioner Carnicelli: We can do that? We have
7 that power to do that?

8 Director Spence: You can make that recommendation.

9 Commissioner Carnicelli: Okay. Okay. I just -- so
10 we can -- whatever -- you know, that things that Jim named --

11 Director Spence: (Inaudible.)

12 Commissioner Carnicelli: -- we have that power?

13 Mr. Buika: It could probably be done by the
14 planning department; right? Well, it wouldn't need to be
15 by --

16 Unidentified Speaker: Emergency.

17 Mr. Buika: Yeah.

18 Unidentified Speaker: Emergency (inaudible).

19 Chair Tsai: Commissioner Robinson.

20 Commissioner Robinson: Jim, in the -- in the quest
21 for safety, it's -- what is the -- what is the cycle that
22 we're at right now as far as sand naturally coming back or is
23 it going? Where are we on that -- on that cycle?

24 Mr. Buika: I think we're at the edge of winter,
25 from what Tara Owens, our UH Sea Grant, who is not here today,

1 but I think this is the end of the El Nino winter event right
2 now. So the waves -- I mean, there can always be rogue
3 events, there can be Kona storms coming from the south, but
4 most likely the wave regime will diminish, from what I
5 understand.

6 Right?

7 Mr. Sloop: (Inaudible.)

8 Mr. Buika: Yeah. Yeah, pretty much.

9 Commissioner Robinson: And -- and -- go ahead.

10 Mr. Buika: Why don't you? Why don't you?

11 Mr. Sloop: So you have a -- you know, as -- as
12 we've seen --

13 Chair Tsai: Identify yourself again.

14 Mr. Sloop: Oh, sorry. Rob Sloop, Moffatt Nichol.
15 As you've seen there's a normal course of the -- of the beach
16 moving from the north to the south as the -- as the swell
17 switches direction, but oftentimes after you've had a year of
18 this size, the sand -- a certain amount of sand has been moved
19 into deposits that aren't normally accessed during your normal
20 yearly event, so, unfortunately, there's a certain percentage
21 of the sand after this winter that will never come back, so...
22 But -- but some will.

23 Commissioner Robinson: So in your opinion, Jim,
24 we've seen the worst of it for the next six months? Eight
25 months? Four months?

1 Mr. Buika: Generally that's been the pattern, the
2 summer.

3 Commissioner Robinson: Of the summer months?

4 Mr. Buika: Till December, November-December.

5 Commissioner Robinson: Thank you.

6 Chair Tsai: Recommendations? Motion?

7 Commissioner Hedani: Do we have only one
8 recommendation from the department at this point to work on?

9 Chair Tsai: We sure do.

10 Director Spence: Yes.

11 Chair Tsai: Or we can make our own call, of course.

12 Director Spence: That's right.

13 Mr. Chairman. Mr. Chairman.

14 Chair Tsai: Yes, Director.

15 Director Spence: As you know, we -- we make a
16 recommendation to the commission, that's -- I mean, that's --
17 that's our best judgment. The commission, of course, is free
18 to make a different motion and approval.

19 Chair Tsai: Commissioner Hedani.

20 Commissioner Hedani: Are we defining the permit
21 that they need at this point?

22 Director Spence: Yes. Yes.

23 Commissioner Hedani: And the commission is the
24 definitive -- deciding body, it's not a recommendation to the
25 council?

1 Director Spence: That's correct.

2 Mr. Buika: They need department of health permit,
3 they need the Corps of Engineers is a conditional approval,
4 and they need design review by the State, who has asked them
5 to move it back out of their district. They have conditions.
6 I mean, it was approved, but they have conditions to redesign
7 it out of the State waters, which it is not out of the State
8 waters, so... I mean, but it is -- it -- it doesn't have
9 final design approval, so there are other approvals that still
10 would be needed.

11 Director Spence: As far as -- but the question was:
12 Is -- is the commission the last stop?

13 Commissioner Hedani: Yes.

14 Director Spence: -- for the SMA --

15 Commissioner Hedani: Right.

16 Director Spence: -- and shoreline setback approval?

17 Unidentified Speaker: Yeah.

18 Commissioner Hedani: And that's correct.

19 Chair Tsai: Yes, we are.

20 Commissioner Robinson.

21 Commissioner Robinson: At this time I'd like to
22 make a motion to deferral for 90 days.

23 Commissioner Medeiros: Second.

24 Chair Tsai: Motion made by Commissioner Robinson
25 for 90 days, seconded by Commissioner Medeiros. Discussion?

1 Commissioner Robinson: I don't think we have the
2 votes either way to decide, we have a very small Planning
3 Commission here. I think there's still a lot of questions on
4 both sides. I think on the department's there are concerns
5 for the -- the applicant and for the -- for their safety. I
6 know that the County still believes that there is still
7 adequate land and, of course, you know, you're our source --
8 you're our source, Jim, and, you know, we tend to go with you,
9 but, you know, we still have to look at the other pictures
10 that we did see.

11 I'm hoping that in 90 days we can maybe during this
12 discussion work on some conditions that we want to look at as
13 far as the -- the association agreeing to the nourishment if
14 we were to grant them in 90 days. I would also have, you
15 know, other questions like the seawall, that if we do approve
16 it in 90 days, is that seawall removable when we start the
17 nourishment? You know, is it a slat in where it can be taken
18 out and then the sand is just cover the rocks and like the
19 seawall's never happened? And that's why I'm asking for a 90
20 day instead of a deferral all the way until the end of the
21 study for November, 'cause I think from the sounds of it,
22 yeah, County's, I think, is ahead of -- ahead of their
23 schedule for their -- for their -- their recommendations.
24 Thank you.

25 Chair Tsai: Just so we're clear, Commissioner

1 Robinson and Commissioner Medeiros, for any type of deferment
2 for any period of time we need to have proper reasons why for
3 deferment and exactly what we're looking for. If we have a
4 set timeline for 90 days, specific things that we're -- we
5 expect to see back once they come back.

6 Commissioner Medeiros.

7 Commissioner Medeiros: Yeah. Any hardening for me
8 should be the last resort. There's another idea of beach
9 replenishment and, you know, I would be asking for a better
10 plan as far as an emergency, you know, solution, you know,
11 rocks, whatever you want to do to help these people while the
12 decision is being made.

13 When Commissioner Robinson came up with a 90-day
14 deferment, my initial thought was, Oh, cool, now we're putting
15 the study under the gun. I like lighting a fire under
16 somebody's ass, you know, get it done or you'll face us again
17 and then another decision is gonna be made. If we wait until
18 November, they're going to take their time. If they have 90
19 days, they're going to work harder, you know. And we can
20 always extend it after 90 days again, we can always defer it
21 again after 90 days. But, you know, what's wrong with 90
22 days, see where they are, you know, and if there's more
23 commissioners on -- on then, a decision can be made one way or
24 another.

25 I'm -- I don't want to deny them the seawall, you

1 know, because to me, it's a last resort, let them have their
2 seawall if that's the last resort. As long as there are other
3 options, I would like to wait, but I would like the emergency
4 solutions to be beefed up to really protect these guys.

5 Chair Tsai: Commissioner Carnicelli.

6 Commissioner Carnicelli: I'm going to say that I'm
7 in agreement with both of the commissioners on this. Again,
8 I -- I think that there is an immediacy to this. I do have
9 concerns, as you do, Jim, with the things that haven't been
10 addressed, so that's what I would like to see in the next 90
11 days, is to see the Hololani come back and address the issues
12 that you've come back with. I don't know if they can do a
13 full, you know, beach study in the next 90 days and come back
14 with it or not, you know, but the professionals that did the
15 presentation made it very clear that they were here to protect
16 the Hololani. We have to -- to me, we have to pull back a
17 little bit further than just the Hololani and at the same time
18 still, you know, really understand that this -- this is
19 people's homes. I mean, so I don't want to mitigate that at
20 all and say, Oh, okay, you know, I have to look at the big
21 picture and if their building falls into the -- the ocean,
22 then so be it. I mean, it's -- it's not that. But we do have
23 a bigger picture to -- to look at.

24 So I think to put a little feet to the fire and say,
25 Okay, we've got some concerns. One of my biggest ones is the

1 fact that we are pushing out into the shoreline, beyond the
2 shoreline, that's -- that's one of my big ones. But at the
3 same time, I -- I do want to -- maybe one of the conditions
4 that we can put in here is that, you know, the County is kind
5 of at the ready if something comes, 'cause it's -- it's the
6 last thing we want to do is have an, Oh, expletive moment.
7 You know, that's the -- that's the worst-case scenario and I
8 don't want to -- I don't want to go towards the worst-case
9 scenario. So that -- that would be one of the conditions that
10 I would want to put in there is to -- that we somehow help let
11 people sleep a little better at night.

12 Chair Tsai: Commissioner Hedani.

13 Commissioner Hedani: I have a problem with deferral
14 because of the immediacy of the problem. I've seen -- at
15 Kaanapali I've seen 150, 200 yards of sand disappear in 24
16 hours with one storm. It was here in front of the Kaanapali
17 Alii on one day, you come back the next morning and it's gone,
18 that's the ocean right there. That's the situation that these
19 guys are up against right now. They have a very dynamic
20 shoreline like we have a very dynamic shoreline from the Alii
21 to Black Rock.

22 Unidentified Speaker: Right.

23 Commissioner Hedani: I've seen 6 inches of water
24 piled up in the rear parking lot of the Hyatt Regency Maui due
25 to a mesoscale eddy that swung by during that time when we had

1 a high tide and a strong wind and it topped the berm. I've
2 never seen 6 inches of water in the back parking lot of the
3 Hyatt Regency Maui until that happened this past year.
4 Conditions are changing, they're getting worse, they're not
5 going to get better.

6 We can condition the approval on mandating
7 participation in beach nourishment when the project comes
8 along. We can require that the entire seawall be taken out
9 once the beach nourishment project and the T-head groins -- if
10 they happen, because it's an if, it's not a when they happen.
11 If they happen, all of this gets pulled out. You can put all
12 of those conditions in an approval if we wanted to, that's
13 within our purview. That's how we can form it to the way that
14 Jim wants to see it happen and allow these people to not have
15 to worry about \$600 million worth of project falling into the
16 ocean, because that becomes our liability at that point, yeah.

17 Chair Tsai: Thank you, Commissioner Hedani.

18 Commissioner Duvauchelle.

19 Commissioner Duvauchelle: I am -- I am not going to
20 support the deferral either. I agree with Commissioner
21 Hedani. I think that it is already in a crisis mode. I don't
22 think that putting in the wall will stop the nourishment
23 program from happening, one does not offset the other. It is
24 my understanding that the wall is not in the shoreline
25 setback.

1 Is that correct, Mr. --

2 Can I ask him a question at this point?

3 Chair Tsai: Yeah.

4 Commissioner Duvauchelle: Mr. Barry, you were --

5 You asked about the wall being in the shoreline;
6 correct?

7 Is -- what -- can you answer that?

8 Mr. Barry: Jim Barry with Sea Engineering.

9 It's partially in the -- in the shoreline. As I --
10 as we talked about earlier, we -- we -- when we got the -- our
11 Conservation District Use Permit, they -- the condition was to
12 bring it back as far as we could. And at that time I wrote a
13 letter to Sam Lemo and gave him four options: one was a
14 vertical seawall that was entirely behind the shoreline, and
15 one was what we have today, and one was something that stopped
16 short of the -- you know, just protected the buildings. And I
17 asked him to coordinate with the DPW and the plan -- and the
18 planning department and they decide what option we would come
19 to you with. And the option that we have is what was decided
20 by -- by the department, the planning department and the DLNR
21 OCCL and I think DPW, I'm not sure about that, but -- but we
22 recessed as far as we can.

23 And so the part -- the portion that is in the
24 shoreline area is the actual rock revetment and the purpose of
25 the rock revetment is -- is to absorb -- to reduce reflection,

1 absorb wave energy, and to promote, basically, the health of
2 the beach, so -- and I don't know what the -- I think Jim's
3 percentages were right, although we have -- if you -- if you
4 consider the -- the tiebacks for the anchor -- the anchors for
5 the sheet pile, much more of the -- of the structure is in --
6 is behind the shoreline.

7 Commissioner Duvauchelle: Okay. Thank you.

8 Mr. Barry: Okay.

9 Chair Tsai: Commissioner Robinson.

10 Commissioner Robinson: Commissioners, I understand
11 and I think -- I think what I'm asking for is probably -- is
12 probably your -- gives you, I think, a good way to get what
13 you want. I think why we're asking for the 90 days is not a
14 90 day to see what happened, it's more of a 90 day for the
15 County to find a -- a contingency for emergency that we could
16 actually feel good about.

17 A plan to put up a wall still doesn't address what's
18 gonna happen down the line to the Royal Kahana. We can't
19 approve a wall, in my opinion, today and then stick it on
20 somebody else. We wish that they worked together, we wish all
21 three of them had the same idea and was, I'll put up this --
22 this wall and I'll agree to take the wall down once the
23 nourishment, but that's not the hands we've been dealt today.
24 The hands we've been dealt is the Hololani wants to put up a
25 wall, it is inside the -- the shore setback.

1 It is inside the shore setback not because they went
2 back as far as they could, because of the reluctance to listen
3 to the Maui Planning Commission's letters earlier to act
4 earlier and to look for different things earlier. They
5 would've been able to save more of their property and they
6 would've been able to have done like we had a client a few
7 months ago pull into their property to where they would've
8 needed and they would've taken care of themselves.

9 I'm -- I'm not in favor of the Hololani tenants
10 having to live by sandbags and by waves every night, I think
11 that's a -- that's not fair to them. I do think that the
12 cycle that we just discussed gives us 90 days at max -- you
13 know, I would go 60, but I'm thinking 90 is probably what it's
14 going to take. And my hope is that Jim comes back with some
15 engineers that says, We're gonna shore this up for -- for so
16 much and so long. And if they can do it, this board will
17 probably award a permit to save these people's lands because
18 we can't wait past 90 days for let them to build their
19 seawall.

20 And that's just my feeling. My feeling is, is not
21 to -- to put these people in -- in harm's way, which it might
22 if something happens in 90 days, but by the time they build
23 and do stuff, it's -- you know, this is the -- this is a good
24 time of year to do that. And mine is trying to get something
25 to mitigate it because I don't want to put a wall up and hurt

1 any other property, I don't want to set a precedent of putting
2 walls up, and I want to encourage nourishment and -- and
3 return Kahana Bay to its original. Thank you.

4 Chair Tsai: Okay. So we have a motion on the floor
5 to defer for 90 days, let's take a vote. All in favor, raise
6 your hand by saying aye.

7 Commissioners: Aye.

8 Chair Tsai: Three ayes.

9 Director Spence: Three ayes.

10 Chair Tsai: Opposed?

11 Director Spence: Two nays.

12 Chair Tsai: The motion fails. I need a new motion.

13 (Inaudible comments.)

14 Chair Tsai: Commissioner Hedani.

15 Commissioner Hedani: I move to defer the project
16 for a period of 30 days to allow the County time to come back
17 with a revised recommendation on approval of the seawall-
18 revetment combination with added conditions that they mandate
19 participation in beach nourishment on a regional scale if that
20 project moves forward and removal of the seawall if the beach
21 management or beach restoration project is approved and
22 progressing, once it's completed. And I'd like to get the
23 applicant's consent to those conditions if that were to be the
24 recommendation of the department.

25 Chair Tsai: Did you get that, Jim?

1 Mr. Buika: Yes, I got it.

2 Chair Tsai: Okay.

3 Mr. Buika: Want me to read it back or what or --
4 no?

5 Chair Tsai: Well, I need a second.

6 Commissioner Duvauchelle: Second.

7 Chair Tsai: Second by Commissioner Duvauchelle.

8 Can you -- can you repeat the motion, please?

9 Mr. Buika: I thought that was the director's job.

10 (Laughter.)

11 Mr. Buika: No. Basically it would be a 30-day --

12 Chair Tsai: Hold on. We've gotta have order here.

13 Can you repeat --

14 Mr. Buika: The condition is 30-day -- 30-day
15 deferral with approval -- with approval of the seawall-
16 revetment with various conditions on it including two
17 conditions which would be mandatory participation in the beach
18 nourishment project and with mandatory removal of the seawall
19 if the beach nourishment project went forward.

20 Commissioner Hedani: Once the beach nourishment
21 project is complete.

22 Mr. Buika: Once it goes forward.

23 Chair Tsai: Commissioner Hedani.

24 Commissioner Hedani: I'd like to ask the applicant
25 if that is acceptable to them at this point.

1 Chair Tsai: Okay. We shall.

2 Mr. Allen: This is Stuart Allen. I'm from the
3 Hololani AOA.

4 The applicant agrees to the conditions. The way the
5 motion was made and then the way it was read back were two
6 different wordings as to the second condition and the issue of
7 mandatory removal. In theory and philosophically, I don't
8 think the applicant has an objection. Well, let me restate
9 it. The applicant doesn't object to the idea of removing the
10 seawall should the beach nourishment program be instituted, be
11 effective, and be resulting in a permanent sustainable idea
12 that the waves are breaking away from the scarp which is
13 currently being protected. So if I understood the
14 commissioner's concept of that second condition correctly,
15 then, yes, the applicant agrees.

16 Commissioner Hedani: Right. My -- my perspective
17 on that was the project as proposed would include T-head
18 groins which eventually would supersede the need for the --
19 for the revetment-seawall to some degree. Not completely, but
20 to some degree.

21 Mr. Allen: Sure. I understand the comments from
22 the Moffatt and Nichol's gentleman that the sand -- beach
23 nourishment is not going to be successful without T-groins,
24 yeah.

25 Commissioner Hedani: Right.

1 Chair Tsai: Commissioner Robinson.

2 Commissioner Robinson: I think 30 days is not
3 enough time for -- they've just been trying to work together
4 for years and for them to first agree on something and then,
5 second of all, then to take into account Royal Kahana and --
6 and -- and VIP -- I mean Valley Isle, I -- you know, I'm -- I
7 think I want what you want, I just think we disagree on how to
8 get there. And -- and I just think, you know, I could jump on
9 board for 60 days.

10 I'm not trying to get 90 because I like the length
11 of it, it's I thought we could then -- 90 days would give them
12 time to get something more comprehensive and something that we
13 could actually vote on yea or nay. And I could go with 60, I
14 know, I could -- I would agree with that, but, you know, 30
15 days, 30 days just to having to put on to a notice and put on
16 and just the -- just the, you know, amount of it, I don't have
17 confidence in either applicant or the County to get something
18 in front of us in 30 days. No, to get something in 30 days
19 that we actually will change from today. I think we'd be at
20 the same situation.

21 Commissioner Hedani: If I could.

22 Chair Tsai: Commissioner Hedani.

23 Commissioner Hedani: Yeah. My deferral for 30 days
24 basically was to allow the department time to reconsider their
25 recommendation and to come to us with a recommendation as best

1 as they can formulated like a normal recommendation would come
2 to us, it adds whatever conditions they see will address the
3 concerns that they have. It's only for the County's
4 preparation.

5 Unidentified Speaker: Right.

6 Commissioner Hedani: You know, that I -- that I --

7 Chair Tsai: Director.

8 Commissioner Hedani: Thirty days from now, 60 days
9 from now, 90 days from now, nothing's going to change. The
10 T-head groins and the project itself, it's not going to happen
11 for five years. I've been working on beach nourishment since
12 2006. We're at the EIS stage right now, it'll take us two
13 more years to complete the EIS. That's -- that's --

14 Unidentified Speaker: Yeah.

15 Commissioner Hedani: -- twelve years by the time
16 the first the first grain of sand hits the beach.

17 Commissioner Robinson: But how long have you been
18 working on preventative measures in front of the Kaanapali
19 Alii and the Hyatt? It's longer than 30 days and that's what
20 I'm getting at.

21 Commissioner Hedani: Yeah, but what -- but what
22 these guys have been faced with in terms of the -- in terms of
23 the condominium is they've been doing emergency protection for
24 nine years to get to this point, 90 days is not going to solve
25 their problem.

1 Commissioner Robinson: Yeah. Neither is 30.

2 Commissioner Hedani: Yeah.

3 Commissioner Robinson: I mean, we're -- so we're
4 asking the County -- so the motion is to ask the County to
5 rethink their stance that they've gone through meetings and
6 researched for, hopefully in 30 days they -- they'll change
7 their mind after all their studies?

8 Commissioner Robinson: Is that what the motion is?

9 Commissioner Hedani: Right.

10 Chair Tsai: Director, please comment.

11 Director Spence: Okay.

12 (Laughter.)

13 Director Spence: Okay. Commissioners, we're --
14 we'll probably not change our recommendation, but what we
15 would come back with you -- for you is an alternative
16 recommendation that should you desire to grant a permit for
17 the seawall and revetment, it would contain a list of standard
18 conditions -- that's real easy to do, they're just standard
19 and they would have -- it would take probably, I don't know, a
20 couple hours to do -- and then we would have these two other
21 conditions on them and so that would be another document for
22 your consideration. I don't know why we couldn't come back
23 with that in 30 days or the -- the next commission meeting
24 after 30 days.

25 Chair Tsai: Right.

1 Commissioner Robinson: Okay. So 30 days we come
2 and we have a list of recommendations. How long does the
3 applicant have to look at those recommendations, to either
4 agree with it or say they're unable to do it?

5 Director Spence: We'd -- we'd show it to them. I
6 mean, it's coming back before the -- it would come back before
7 the commission, so they would have an opportunity to comment
8 on it or whatever.

9 Commissioner Robinson: I just -- I just think that
10 we'll back at this same point here 'cause there'll still be --
11 it's too short a time to get -- to get tangible answers.

12 Chair Tsai: Commissioner Robinson, I think we have
13 a difference in understanding --

14 Commissioner Robinson: Yeah.

15 Chair Tsai: -- what you're looking for and what
16 Commissioner Hedani had proposed.

17 Commissioner Robinson: Right.

18 Chair Tsai: I think that request for 30 days
19 deferment is actually for the County to come back to us, not
20 so much anything (inaudible).

21 Director Spence: That's correct. Maybe the sheet
22 wouldn't be green, maybe it would be pink.

23 Chair Tsai: Exactly.

24 Director Spence: But it would -- it would be an
25 alternative for the -- for the --

1 Chair Tsai: Right.

2 Director Spence: -- commission to consider.

3 Chair Tsai: Commissioner Medeiros.

4 Commissioner Medeiros: Yeah. Guess what? I
5 changed my mind again. I will support Commissioner Hedani on
6 this. My biggest problem was the hardening of the shoreline.
7 Now if they are willing to take it out, remove it once beach
8 restoration, if it's feasible, is done, then my issue with the
9 hardening is gone when they remove it and I can live with
10 that.

11 Thirty days? I like when people put -- light a fire
12 under -- under somebody's foot. I'm gonna enjoy this one.

13 Chair Tsai: Commissioner Carnicelli.

14 Commissioner Carnicelli: Okay. So I'll -- if I
15 understand it correctly, and hopefully someone will read the
16 motion back before we vote on it so we can get clear, but -- I
17 mean, I like the fact that what we'll do is just, okay, 30
18 days from now, there's no longer death by a thousand paper
19 cuts. We're just gonna give it a thumbs up or a thumbs down.

20 I mean, I get that, you know, what you said,
21 Director, that you're still going to recommend deferral, but
22 it's like, Okay, if we were to consider this and if we were to
23 approve it, okay, here's the conditions that the department is
24 recommending. And then we can consider that, we give it a
25 thumbs up or a thumbs down, and then everybody knows where

1 they're at. And so that to me is, Okay, yeah.

2 But so if I could ask a question of the director and
3 Jim, can you do that in 30 days?

4 Mr. Buika: I can. I just need to -- yes, I can. I
5 need to coordinate with Hololani, I need to coordinate with
6 Royal Kahana, I need to coordinate with Valley Isle, and
7 certainly Sands of Kahana, so get them involved.

8 Commissioner Carnicelli: Okay. And --

9 Director Spence: No. We just need to --

10 Mr. Buika: Just without coordination?

11 Director Spence: We --

12 Mr. Buika: I'm sorry.

13 Director Spence: I mean, we'll show the
14 recommendation to the -- we'll discuss it internally, we'll
15 show the recommendation to Hololani, but really it's just a
16 document for this commission. And so --

17 Commissioner Carnicelli: And --

18 Chair Tsai: Go ahead.

19 Commissioner Carnicelli: And if I could, then, it's
20 just for the sake of -- for them, get it to them as quick --
21 as soon as you can, you know, don't -- you know, like it is --
22 obviously don't give it to them two days before we show up or
23 something like that.

24 Mr. Buika: "Them" being who? Who are you referring
25 to?

1 Commissioner Carnicelli: Them being Hololani.

2 Mr. Buika: Hololani.

3 Commissioner Carnicelli: Yeah.

4 Mr. Buika: Okay.

5 Commissioner Carnicelli: I mean, even though I get
6 that it's our document and it's for us, if you could, you
7 know, at least educate them -- you know, as much time that you
8 can give them would be great.

9 Mr. Buika: Sure. Certainly.

10 Chair Tsai: Director.

11 Director Spence: And just for clarity, this would
12 be a public document, this is nothing where we would hide from
13 any of the other people on -- you know, in Kahana Bay. But --
14 but as far as coordinating and gaining their consent and all
15 of that, we don't have to do that. We're just -- we're -- the
16 document we're going to present to the commission.

17 Chair Tsai: Commissioner Robinson.

18 Commissioner Robinson: On the conditions, you guys
19 are -- the planning -- the planning department will go back
20 and think of conditions that you guys would be comfortable
21 with, is there input from the commission? Where do we stand
22 right now?

23 Director Spence: Okay. There's normally --
24 normally with an SMA major or a shoreline setback variance
25 there are standard conditions that are a part of every permit.

1 Those are really easy to come up with. What I hear right now
2 with Commissioner Hedani, you would like to see these two
3 other conditions to participate in regional beach nourishment
4 and should that beach nourishment, that regional beach
5 nourishment project with the T-groins, etc., takes place, that
6 Hololani take out the -- the seawall and revetment. Okay?
7 Those are the two special conditions that I hear. So we'll
8 just come back with that. Unless you want to add another one.

9 Commissioner Robinson: Well, I mean, can we just
10 add those conditions? I mean, we're coming back to just add
11 two conditions, isn't that -- we could do it today.

12 Commissioner Hedani: Right now.

13 Commissioner Robinson: I said we could do it today,
14 but it still won't address the fact of the -- of the effects
15 that's gonna happen to Royal Kahana. If part of our -- the
16 conditions is, you know --

17 Commissioner Hedani: Right.

18 Commissioner Robinson: And that's why I'm saying
19 this, I -- we all want to help the stuff, I'm just trying to
20 get to a quicker space than us spending another three hours
21 listening to everybody testify again.

22 Chair Tsai: Commissioner Hedani.

23 Commissioner Hedani: Yeah. I think we're stuck on
24 the semantics of the thing, you know, because the -- because
25 the application says seawall, we're stuck on that like it's a

1 seawall. What was -- what they're proposing is a slanted
2 revetment which is pervious like the revetment that we saw at
3 Kuau where it dissipates the energy of the wave by filtering
4 it through the rocks when it hits the rocks so it doesn't
5 reflect energy to surrounding properties. Moffatt & Nichols
6 could probably confirm this for you. And that's what they're
7 proposing.

8 The portion of the project which is vertical is
9 because the State is saying, Stay out of our beach. So in
10 order to move a project that's like this out of the way, they
11 have to move it upwards at the very tail end, which doesn't
12 affect the water in most normal storm situations except for
13 the big megastorm that comes by and hits it when it's about to
14 go through the front lobby of the Hololani, but at that point
15 everybody's in trouble anyway. So it's not a seawall, it's a
16 slanted permeable revetment, is what it is, and that's what
17 they're proposing to build.

18 And when we're -- when we're talking about shoreline
19 hardening, a T-head groin is shoreline hardening.

20 Unidentified Speaker: Yes.

21 Commissioner Hedani: And a slanted revetment is
22 shoreline hardening. You could take the slanted revetment
23 rocks and use it on the T-head groin if you wanted to, if the
24 project ever comes about. But what I'm saying is that the
25 project of a regional project including T-head groins is a

1 massive project with un- -- only one precedent and that's
2 Iroquois Point which Sea Engineering did for \$19 million.

3 Unidentified Speaker: Fifteen.

4 Commissioner Hedani: \$15 million. This one's
5 probably going to cost more.

6 And I thought it was unreasonable to ask the
7 applicant to try to herd nine other condominiums into agreeing
8 to a regional solution.

9 Unidentified Speaker: Right.

10 Commissioner Hedani: Because it's difficult to get
11 their own condominium to agree on a project where they have to
12 pay out huge bucks in order to preserve the beach. To get
13 them to get nine others that they have no business telling to
14 do one way or another to do something is -- is not reasonable.

15 Chair Tsai: Commissioner Robinson.

16 Commissioner Robinson: I guess I have to retract
17 what I said because I don't think we are on the same page now.
18 I don't, because --

19 Commissioner Hedani: I've gone backwards.

20 Commissioner Robinson: 'Cause -- no, it's --

21 (Laughter.)

22 Commissioner Robinson: It's because I think it is a
23 seawall, I think it's a hybrid. I think it doesn't take the
24 full effect of the water because it has to be at a shorter
25 distance and the preferred distance is not something that's

1 arbitrary, it's something that's -- that's engineered that
2 way. But since they don't have the distance of it, they then
3 had to put up a seawall, so that's why --

4 Commissioner Hedani: Ask them.

5 Commissioner Robinson: I read it. I read 36,000.
6 I heard it and that's what it was, was the difference of it.
7 They're saying it's not gonna be a significant difference,
8 like most applicants say things aren't gonna be a significant
9 difference, but it's still going to be an impact to their --
10 to their neighbor. And even though we wish their neighbor and
11 everybody else would be protected, that hasn't been addressed
12 yet and -- and that is my concern. My concern is everybody in
13 Kahana Bay including Hololani.

14 Chair Tsai: Commissioner Hedani.

15 Commissioner Hedani: Okay. Doing nothing,
16 deferring basically means doing nothing, allowing nature to
17 take its course, letting them fend for whatever they can fend
18 with based on existing conditions is not a -- not a good
19 solution. Without geotextile bags, which they've already
20 used, which the Royal Kahana is about to use -- these guys
21 have used geotextile bags for several years now and they're
22 getting ripped up on the rocks, is what they told us. The
23 Royal Kahana is behind the -- the learning curve in terms of
24 that experience and they're about to go that one step, yeah.

25 The existing situation that they have with exposed

1 shoreline and topsoil is essentially a vertical seawall and
2 it's essentially reflecting wave energy back out into the
3 water, taking topsoil with it, and potentially affecting the
4 Hololani based on their existing conditions. So I'm not
5 coming up with my own ideas about these things, these are --
6 these are concepts that the -- the experts are telling us is
7 what's happening. It's a fast shore, I think is what they
8 call it.

9 Mr. Barry: Fast land. It's the land (inaudible).

10 Commissioner Hedani: I'm sorry.

11 Chair Tsai: Yeah. We're in --

12 Mr. Barry: Jim Barry with Sea Engineering.

13 Chair Tsai: We -- it's okay. I think we don't --
14 we're in discussion here on a motion, so --

15 Commissioner Hedani: We have to figure out between
16 ourselves.

17 Chair Tsai: Yeah. Thank you, though. Thanks for
18 the offer. Thank you.

19 Commissioner Hedani: That's the kind, whatever he
20 said it was.

21 (Laughter.)

22 Chair Tsai: For the sake of time, Jim, if you could
23 please repeat the motion on the floor.

24 Mr. Buika: The motion on the floor is to come back
25 within 30 days -- or at least 30 days to the -- the next

1 commission meeting after 30 days with revised recommendations
2 for approval of the -- of the proposed project with
3 conditions. Two of those conditions are that Hololani
4 participate in the mandatory -- be mandated to participate in
5 the regional beach nourishment project if it moves forward in
6 time, and also that they would be required to remove the
7 revetment and seawall once the regional beach nourishment
8 project is implemented.

9 Chair Tsai: Anything else? Yeah. Commissioner
10 Hedani.

11 Commissioner Hedani: And that reference to the
12 beach restoration project should include the T-head groins.

13 Mr. Buika: Okay. T-head groins.

14 Chair Tsai: Yeah. Director.

15 Director Spence: And what we would be presenting is
16 not a revised recommendation, it would be an additional
17 alternative.

18 Mr. Buika: Correct, an additional alternative.

19 Chair Tsai: Okay. Everyone heard the motion?

20 Unidentified Speaker: Call for the question.

21 Chair Tsai: Call for question. All in favor of the
22 motion, raise your hand for aye.

23 Commissioners: Aye.

24 Director Spence: That's four ayes.

25 Chair Tsai: Opposed?

1 Director Spence: One nay.

2 Chair Tsai: My vote is yes.

3 Mr. Buika: Thank you.

4 Chair Tsai: Motion passed.

5 (Applause.)

6 Chair Tsai: Break, back by five o'clock.

7 (Pause in Proceedings.)

8 Chair Tsai: All right. Maui Planning Commission is
9 back to order.

10 Mr. Jordan: Okay, Commissioners, item G-1 -- if you
11 want to -- item G-1, we need to designate the Hana Advisory
12 Committee to the Maui Planning Commission requesting comments
13 on a draft environmental assessment for a 100 percent
14 affordable housing project in Hana.

15 Commissioner Duvauchelle: I'd like to say I'll move
16 to have the Hana Advisory Committee provide comments on the
17 draft EA.

18 Commissioner Robinson: Second.

19 Chair Tsai: Moved by Commissioner Duvauchelle,
20 second by Commissioner Robinson. All in favor?

21 Commissioners: Aye.

22 Chair Tsai: Any discussion? No discussion. All in
23 favor?

24 Commissioners: Aye.

25 Chair Tsai: Okay. Commissioner Medeiros, that's --

1 I hear three ayes.

2 Commissioner Medeiros: Four. Aye.

3 Chair Tsai: Okay. We're all aye. Aye. I'm the
4 fifth.

5 Director Spence: Acceptance of the action minutes
6 and regular -- action minutes of April 12th, 2016, and regular
7 minutes of January 12th, 2016.

8 Commissioner Duvauchelle: I move to accept the
9 minutes of --

10 Commissioner Robinson: Second.

11 Commissioner Duvauchelle: -- May 10th and -- what
12 was the other one?

13 Director Spence: April, April 12th, 2016.

14 Commissioner Duvauchelle: Oh, April 12th, 2016.

15 Director Spence: January 12th, 2016.

16 Commissioner Duvauchelle: And January 12th, 2016.

17 Commissioner: Aye.

18 Chair Tsai: No. All in favor?

19 Director Spence: No discussion?

20 Chair Tsai: No discussion?

21 Commissioners: Aye.

22 Director Spence: Commissioners, you also have your
23 SMA minor and your SMA exemption report.

24 Unidentified Speaker: About five minutes
25 (inaudible).

1 Chair Tsai: Seeing none --

2 Unidentified Speaker: One second.

3 (Inaudible comments.)

4 Chair Tsai: You good?

5 Commissioner Carnicelli: I'm good for the present.

6 Chair Tsai: Okay, all right.

7 Director Spence: Okay.

8 Commission Robinson: Move to accept.

9 Chair Tsai: Move to accept.

10 Commissioner Duvauchelle: Second.

11 Commissioner: Aye.

12 Chair Tsai: Opposed? None.

13 We have agenda --

14 Director Spence: Okay. Next meeting is May 10th.

15 You have two public hearings, one is Dr. Sujata Bhatia
16 requesting a change in zoning from R-3 to B-2 for the Kihei
17 Wellness Center on South Kihei Road. The second one is Mr.
18 Allen Yap of Kamaole Point Development requesting an SMA
19 Permit. And then we will have a Council Resolution No. 15-139
20 referring to the Lanai, Maui, Molokai Planning Commissions a
21 proposed bill related to transient vacation rentals in planned
22 developments. We had a public hearing, I'm not sure of the
23 status of that.

24 Commissioner Duvauchelle: That was in the pack.

25 Director Spence: Oh, okay. Oh, yes, that was

1 deferred for additional information, so the --

2 A request to waive review on two SMA time
3 extensions, one from Mr. Grant Chun, vice president of Wailea
4 MF-7 LLC and then Mr. Ford Fuchigami for a two-year time
5 extension for SMA Permit, shoreline setback variance for
6 Honoapiilani around Olowalu.

7 And then there will be another designation to the
8 Hana Advisory Committee for the National Tropical Gardens so
9 they can build a visitors center.

10 Chair Tsai: Okay. Next meeting is May 10th.
11 Thanks, everybody, for your --

12 Commissioner Medeiros: Oh, Mr. Chair.

13 Chair Tsai: Yes.

14 Commissioner Medeiros: I'd like to go on record to
15 express my disappointment that we don't have time today for
16 our training, so...

17 (Laughter.)

18 Director Spence: We can stay.

19 Commissioner Carnicelli: No, we can't, we're losing
20 quorum right now.

21 Chair Tsai: So that's going to be scheduled for
22 the --

23 Commissioner Robinson: Is -- can we schedule that
24 the same time we see -- we hear these motions again in 30
25 days?

1 Chair Tsai: There you go.

2 (Laughter.)

3 Chair Tsai: Any other comments?

4 Okay. We're on the record, so -- meeting adjourned.

5 Thanks.

6 (The proceedings were adjourned.)

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C E R T I F I C A T E

STATE OF HAWAII)
) SS.
CITY AND COUNTY OF MAUI)

I, SANDRA J. GRAN, do hereby certify:

That the Maui County Planning Commission meeting of April 26th, 2016, was taken down by me in machine shorthand from videotape and was thereafter reduced to typewritten form under my supervision; that the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings had in the foregoing matter.

I further certify that I am not an attorney for any of the parties hereto, nor in any way concerned with the cause.

DATED this 7th day of July, 2016, in Maui, Hawaii.



Sandra J. Gran, RPR
Hawaii CSR 424