

**INFRASTRUCTURE AND ENVIRONMENTAL  
MANAGEMENT COMMITTEE**  
Council of the County of Maui

**M I N U T E S**

**Council Chamber**

**July 2, 2018**

**RECONVENE: 2:40 p.m.**

**PRESENT:** VOTING MEMBERS:

Councilmember Elle Cochran, Chair  
Councilmember Don S. Guzman, Vice-Chair  
Councilmember Alike Atay  
Councilmember Yuki Lei K. Sugimura

**EXCUSED:** VOTING MEMBERS:

Councilmember Robert Carroll  
Councilmember Riki Hokama  
Councilmember Mike White

**STAFF:**

Traci Fujita, Legislative Attorney  
Stacey Vinoray, Committee Secretary

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

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

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

**ADMIN.:**

Richelle Thomson, Deputy Corporation Counsel, Department of the Corporation Counsel  
David Goode, Director, Department of Public Works  
Edward Kushi, First Deputy Corporation Counsel, Department of the Corporation Counsel

**OTHERS:**

Janet Six  
Carmen Hulu Lindsey, Maui Trustee, Office of Hawaiian Affairs  
Noelani Ahia  
Mililani Ganivet  
Iwalouise Bryan  
Kahelelani Alipio  
Ashten Yagi  
Cyrus Kaeo  
Ezra Kanaha  
Leilani Maui  
Kahokuonalani Catan-Lono

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Eliana Halas  
Amy Halas  
Kaniloa Kamaunu  
Adriane Raff Corwin, Coordinator, Sierra Club Maui  
Daniel Kanahahele  
Clare Apana  
Lucienne de Naie  
Johanna Kamaunu  
Plus (5) other people

**PRESS:**     *Akaku Maui Community Television, Inc.*  
              *Melissa Tanji, The Maui News*

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CHAIR COCHRAN:     ... *(gavel)* ... Aloha. Will the Infrastructure, Environmental Management Committee please reconvene? It is 1:40 p.m. on the dot. Oh sorry, 2:40 on the dot and it's still July 2<sup>nd</sup>, Monday. And I'd like to explain that we do, we have bare quorum and we are gonna convene our public testimony.

MS. FUJITA: The next testifier is Adriane Raff Corwin testifying on IEM-33 and 58, followed by Daniel Kanahahele.

MS. CORWIN: Aloha, Council. Thank you for having me speak. My name is Adriane Raff Corwin. I am coordinator for Sierra Club Maui. I'm testifying on behalf of Sierra Club Maui Group. I want to just start my testimony for IEM-33. Just to recount how we got to where we currently are and why we're listening to testimony today. If you all remember, I believe, the idea of the moratorium was first brought up in this Committee in May 2017. So, it is now July 2018. We're more than a year away. That moratorium didn't get passed until January 2018. It took us about seven months to get that moratorium passed and the first iteration of that moratorium was much stronger than the one that was actually passed into law. It did not have the loophole for instance for anyone that had a permit already granted before the moratorium was passed that they would be grandfathered in and be allowed to continue mining. It also didn't have this six-month time limit. And as we could have predicted, all of us that were very much for this moratorium, here we are six months later, the moratorium is about to expire, we have not had any new laws passed. The situation that we were in back in May 2017 is the same except that we have had very little mining done in the last six months and the community has breathed a gigantic sigh of relief. This moratorium should have been passed for an indefinite extension until the proper laws were passed to make sure that the iwi kupuna were protected; instead we were left with the six-month. Now, I was part of an action to make sure that about 90 people e-mailed in testimony to this Committee. I don't like flooding the Council with e-mails and, you know, doing actions and trying to get people to come out and we get a lot of people to come out. This is an issue that really strikes the community. But we have to do that because we didn't pass the right law at the beginning. If we had passed the

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right law at the beginning that was a much longer moratorium, we wouldn't have had to come here today. So, I ask that you extend this moratorium and we look at it. I would love an indefinite moratorium, but if we're not gonna do indefinite, why don't we do at least a year extension? That brings us, if it was passed in July, that brings us to July 2019. That gives current Council time to discuss new laws and future Council coming in in January 2019, again, time to review that...well, I guess it starts new but it gives us time, right to really think about what's needed? Gives us time to research and gives us time to pass those laws because as we see, nothing has happened in the last six months to bring us to a point where the iwi kupuna is any safer than they were before. There's no new laws. So, this moratorium really needs to stand in place and we hope that you will do a quick and swift extension; hopefully with getting rid of the loophole for permits that were renewed before the moratorium went into place. And that brings me to my second issue of IEM-58, is it? The 29-minute permit renewal. I am worried personally, and it is connected to the moratorium, let's say we don't have the moratorium extended right away and it lapses and then lots of people flood in to get permits and those permits are approved in the same haphazard, shoddy manner where, you know, things are just rubberstamped. And then we finally, eight months later from now, we pass another moratorium, but all those people are grandfathered in now to the moratorium. Well, then the moratorium means less and less, right? The more people you grandfather clause into it, the moratorium has no meat. And the point of a moratorium like this is to ensure the mining stops until we get the proper laws and protection. So, I think these two issues, IEM-33 and IEM-58, are extremely connected. We need to look at this permitting process; that's one of the things that we need to pass laws on and really change the system and we need to make sure this moratorium stays completely in place, get rid of those loopholes while we're figuring out these new laws. Mahalo for your time.

CHAIR COCHRAN: Thank you, Ms. Corwin. Members, any need for clarification? Seeing none...

MS. FUJITA: The next testifier is Daniel Kanahele testifying on IEM-33, followed by Clare Apana.

MR. KANAHELE: Aloha kakou, Chair Elle Cochran, Alika, Yuki Lei, Don, David, and Staff. I am testifying as an individual on agenda item 33. Oh my name is Daniel Kanahele, by the way. I hope you recognize that this meeting, at least the one where we didn't have a quorum, but still this meeting is a "e ala e" moment because we have the rising generation here, testified, adding their voices to their concerns about what's happening with the sand mining and the iwi kupuna. And I, along with many, support an extension of the moratorium. I support the testimony that was offered by the Office of Hawaiian Affairs. There are two...there's a saying that says there's two lasting bequests that we can give our children. One is roots and the other is wings. Roots is that we can give our children a sense of security and belonging and the second is that we can empower our youth to be autonomous to teach them correct principles and hopefully, when they're old enough, you know, they'll learn how to

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govern themselves right? As adults we want to see that happen. Roots, all of our keiki o ka aina are rooted in this aina in more ways than one. And not only are they born and raised here, but their iwi kupuna is here. It's...they're in the soil, aren't they? Their bones in the sand dunes. My grandparents are buried in the sand. My grandfather Clinton Joshua Vestal Kanahale is from Hana and my grandmother Mary Kawaiaea Stewart is from Kaupo and they're both buried in the sand. Not in the Maui Lani sand, but they're buried in Laie Cemetery. It's a sand cemetery. And when my grandfather was buried, his children, his sons, and his grandsons dug the grave and put his coffin into the grave and then covered it with sand. So, I think how would I feel if my grandfather was, as one of the younger folks said, were dug up 100 years from now, my grandfather and my grandmother were dug up and removed because of a proposed housing development or something else? I think a lot of us look at our iwi kupuna that way. We are all connected. We are all connected to the iwi kupuna. We are all descendants of a very small number of Hawaiians who survived the 19<sup>th</sup> Century; something like 40,000 Hawaiians. We all come from a very small group. So, we are all connected and it's highly likely that we're related to the folks that are buried in the Sandhills, highly likely. So, you know, this touches home to us. This touches very, in a very deep spot in the core of our being. And so many of us have been testifying before commissions, committees for years, but now we have new voices, a new generation. And so, you know, this is gonna go on. There gonna be new voices and they're gonna be testifying. It's gonna go on until it's resolved, until it's solved to our satisfaction 'cause we're talking about our families. This means something to us. These are our ancestral bones. This is not gonna go away. I'm gonna keep coming until I go away. Until I join my ancestors, but there will be others to take my place. And I'm here to support the rising generation. And I feel honored and privileged to be here today to be with them. And I thank you for this opportunity to testify. Mahalo.

CHAIR COCHRAN: Thank you, Mr. Kanahale. Next testifier.

MS. FUJITA: The next testifier is Clare Apana testifying on IEM-33 and 58, followed by Lucienne de Naie.

MS. APANA: Hi. Good afternoon, Councilmembers, Chair. I'm so grateful that we have quorum now. It feels somehow like perhaps the Council cares just a little bit to show up for this meeting which is so important to us, so important to me. I've been preparing for it for a long time. I didn't sleep last night knowing that young people were coming today and thinking what was I gonna say to them? I've been speaking to this Council for over 10 years and we stand here in the same place as our families did 30 years ago at Honokahua. We're still in the same place using the same words. I think about things that I never seen like Puu Hele that was taken down during the war to make roads, but there's no war now so why would we want to continue to take down the beauty of the land which has our ancestors in them? A known burial ground, why would we want to do that? And it gave me a sleepless night wondering what could I say to these young people 'cause they are the future? And maybe they wouldn't be as crazy as I am to stand here after ten years saying the same thing

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looking for that solution to protect our kupuna, our iwi kupuna. I would like to start with the permit issue, the 29-minute permit. I actually discovered that I was very sick at the end of the year, in the beginning of the year and I was woken rudely out of my sleep and it was like someone shaking me saying get up, get up, you gotta get up to that permitting office. And I'm going oh, just let me sleep a little bit longer. I'm so tired. Well, I went up to the permitting office and, to my shock and disbelief, I found that they had renewed the sand mining permit for the 213,000 cubic yards. I wrote a letter to ask them to the Public Works Department to take that back. I gave that letter to Catherine Hasfurther, the person who signed the permit in 29 minutes. And I asked her some questions and I was even more shocked by what I learned. I learned that she didn't have to consider the burials that had been found since the beginning of the permit when the permit was clean after three iterations of changing the land so that it would not have burials in it. She did not have to consider that. SHPD, she said oh, I know that something's been going on with the Burial Council and with the court case, but I don't have to consider that. Imagine how I felt knowing that this Department is supposed to be protecting our iwi kupuna? And then in the conversation I found out that the day that the sand was being moved and was filmed without having the archaeological monitors, I believe it was June 29<sup>th</sup>, they were actually putting sand back up on the hill because too much sand had been taken. They had already violated their grading plan. And if you look at it to see where they put the sand back on, they put the sand all the way around underneath the puu where the burials are. There is no more sand to mine there. There's no more sand to grade, only at the top of the puu. So when this renewal was given, pretty much it's given to sand mine to grade at the puu where the burials are. So, I asked her why she would even consider giving a permit when there had already been a violation such as this? And she said well, they put, they measured, the engineer measured the sand and where to put it and they replaced it. And I said so now with the 213,000 cubic yard permit, how much are you gonna let them take out? Do they get to start again at 213,000? And she said well, probably less than that because they've already taken some out. I said well, how do you know how much they took? And she said, I have no idea how many truckloads of sand have left there. I have no way of knowing how much sand has been taken. We would have to do a survey and we don't do that. So, I said you don't know how much sand has been taken. You're gonna let them just take sand and hope that it's 213,000? We asked so is it an honor system? And she said well yeah, they just tell you when they're finished. Oh, now we've done 213,000 cubic yards, we're done? No answer. I would say that there is something very flawed about this permitting process because OHA asked the Director to consider the 6E laws. I asked him to consider the violations that had been already occurred on this permit. I hope that one of you will ask him too because I want to know how come a controversial permit like this can be renewed in 29 minutes when they've already violated how much sand they were supposed to take, how much they were supposed to grade? And the other thing that I noticed was that they were given a notice of possible violation of zoning from the Planning Department and I'm glad Ms. Chouteau's here today. So, maybe you could ask her is it true that extraction of sand cannot be done unless there is proper zoning, unless you have a special use permit?

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OHA wrote them a letter one year ago and asked them that. OHA got nothing as an answer, nothing. Maybe you could ask Ms. Chouteau that. It would be nice to know. I think one of our young testifiers said they treat us like we're nothing and I would have to agree that letters written by the legal department of OHA have gone unanswered from the Public Works Department and the Planning Department. About the sand study, there aren't too many people who are more interested in the result of that study than me and I consider myself a member of the public and someone who helped pay for that study and worked really hard to see that that study got done. I want to know why there is not even an interim report here for us to see so we know how the study is going? Are we not important enough to share that with? I believe the young testifier is right. They treat us like we're nothing. And I'd like to know what happened to the person who works, the engineer who signed off on that permit for the Phase 9 and the engineer who signed off on the permit for MECO; just four days before the signing of the moratorium bill and after the bill had been passed. The same person signed off on that permit. What happened to her? Was she reprimanded? Is she still working for our County? Does it matter? Does it matter? Do we matter? And that's what I'd like to know. I ask you please to extend this moratorium. I believe the Planning...Public Works Director has asked to extend the sand study until the end of the year, December 31<sup>st</sup>. I believe that the moratorium should be extended until at least February so when the results of the sand study are given to yourselves and maybe the public that appropriate measures can be taken after the results are given. So, I ask for an extension. It would only make logical sense to do this. There is no law that has protected our iwi kupuna from the permitting practices of Maui County. There is no law that has been made to make it so that SHPD and the Public Works Department, the Planning Department had worked more seamlessly together to protect our iwi kupuna. And I will remind you, Council, that the iwi kupuna do not belong to the private developer. The iwi kupuna are a public trust. They belong to the public and I believe you need to protect them. Thank you very much for your time. Thank you, Chair.

CHAIR COCHRAN: Thank you, Ms. Apana.

MS. FUJITA: The next testifier is Lucienne de Naie testifying on IEM-33, followed by Johanna Kamaunu.

MS. de NAIE: Hello, Chair Cochran. Good afternoon, Members. Thank you for coming for this important hearing. My name is Lucienne de Naie. I will be just testifying as a private individual today. But I'd like to bring to the attention on the number 33 talking about relating to sand mining that our community plan for the Wailuku-Kahului area says on Page 16 and 17 it discusses cultural resources. And the purpose of the provisions in the plan are to provide a sense of history and define a sense of place for the Wailuku-Kahului region. And then the means, the kind of implementing policies, for that are the definition of significant Wailuku-Kahului region sites and areas and the report, the community plan, says that that includes the following: the wahi pana or significant, traditional places and then there's a long list.

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One of these in the list is the Puuone sand dune formation from Kahului Harbor to Waikapu. So in our wisdom when we adopted this community plan in 2000, it was 2002, so it was 16 years ago, but it's the newest community plan we have. We recognize that these are wahi pana, these sand dunes. They're not a pile of sand waiting to be put to better use. They are a significant part of the natural and cultural landscape. And they are part of what would help us meet our objective in the community plan for cultural resources which is provide a sense of history and define a sense of place. You know, a graded sand dune does not provide any sense of place. An intact sand dune is a magnificent area. It creates a quiet space in the midst of our urban rush towards development, and the dunes themselves, of course, are recognized for the burials that they contain and other cultural sites are often found there as well. So, it seems that our intention here of the moratorium was to take a look at all the factors having to do with sand mining and try to resolve them. We have the sand quantification study; ain't here yet. We have some changes in laws to improve our process and make sure we don't have things slipping through the crack; not done yet. We have getting more information that we may need about what sand is, you know, better to mine or worse to mine. We don't know any of that yet. So, it really seems as logical people and people who want to follow the laws in our community plans and listen to the voice of our community that we should extend the moratorium so we can get the information we need and follow through on the intentions and promises that were made when this matter was discussed pretty much in depth over the last seven months. So, please see within your heart to make a motion and extend that moratorium. Mahalo.

CHAIR COCHRAN: Thank you, Ms. de Naie.

MS. FUJITA: The last person signed up to testify is Johanna Kamaunu.

MS. KAMAUNU: Good afternoon. My name is Johanna Kamaunu and I come from Waihee and I was contemplating should I testify as an individual or as some of the representative of an organization. Decided I would do it as an individual because first and foremost the situation affects me. A few days ago I was looking through some documents. They were the burial treatment plans for various places in Maui Lani and I came away after the second day of reviewing those things very disheartened and unhappy. In one of the plans that I looked at, there were over 77 remains articulated and not to mention the burial pits and other scatterings. When I looked at the drawings that were made of the items that were found, there was one in particular, of a person seemingly just laid on the side to rest in full tack of all his bones and I could just imagine him being laid there. And I was really unhappy to see that. And in other areas where they call it scatters, a scattering, it actually looked like something rolled over it and moved the pieces into pieces. And I was looking at this for three days and I can't tell you how unhappy it makes me to realize that in just a matter of 20, 30 years we're losing all of that history that comes with the Central area. And yet it took at least hundreds of years for that history to be created. Coming back to a more personal nature, I always wonder how my grandchildren will come to remember my

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parents; the kind of people that they were and how they helped us become the people we are today. And I realized that the only way they'll ever learn that is if we keep their memory alive, if we show them where they were buried, if we talk about them. We can't do that with what's being left to us now of the remains that are there now. But fortunately, we've had some time with them that some history is brought forth and so now we have as if they were our family. As a member of the Burial Council, it becomes very hard to work within the parameters that the laws have set for us. We cannot claim these remains as our own. We cannot treat them as if they were our family. The law does not allow us to recognize them that way, but the kuleana for them doesn't change. It's still the same. There are many who feel this way and would like to be here to testify, but they can't. As a member of the Burial Council, sometimes that's the charge I'm left with; to be the voice for them. And what I've come to recognize or realize on the Burial Council is that some of the laws, I shouldn't say some, the laws that were created were created by the State to help them protect and preserve the remains, sacred sites. Six E, when it was created, was touted as a something very instrumental, very productive, very renowned. But today, we find that it does very little to protect. It does very little to help us and to help those who have been asking for protection of them. Why is it that we have two bodies of law, two bodies, actually agencies, governance dealing with one issue? Do we need a third body to oversee the two of them? Somehow that situation, being County and the State, has to change. Our job as the Burial Council is more or less to deal with what is found after it has been disturbed. That is not a good time for us to be involved. That does not help with protection. That does not go very far for preservation. So, if you must, I appreciate that you tried to do something with the moratorium. But it does very little to help the iwi be preserved, be protected for our future. I cannot be the person I am without the people who came before me. And these are those people embodied with aloha that we will never really fully understand today because it was developed so extremely with them. Mana, we will never understand. That's all created beyond our means to understand. But if we should ever, if you should ever find a way to come to what that means, then maybe you'll find a way to help us protect and preserve like we should. Thank you.

CHAIR COCHRAN: Thank you, Ms. Kamaunu. And, at this time, anyone else in the gallery who has not testified care to testify? If so, please come down to the podium at this time. If not, then and, ladies, any word from...okay, no outside testimony from our District Offices? Okay.

**. . . END OF PUBLIC TESTIMONY . . .**

CHAIR COCHRAN: So, Members, with that then I shall now close public testimony without objections.

COUNCILMEMBERS VOICED NO OBJECTIONS.



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CHAIR COCHRAN: Thank you very much. And okay, let's jump in. Where time's, time's a ticking. Thank you very much folks for your testimony.

**IEM-33 CHAPTER 20.40, MAUI COUNTY CODE, RELATING TO SAND MINING OF  
CENTRAL MAUI INLAND SAND (MISC)**

CHAIR COCHRAN: So IEM-33, which most of our testimony was on, is Chapter 20.40, Maui County Code, Relating to Sand Mining of Central Maui Inland Sand. Members, the Committee is in receipt of a Miscellaneous Communication which is dated April 20, 2018, from County Clerk, transmitting Contract 6...C6477 between County of Maui and SSFM International, Inc., for the Maui Inland Sand Resource Quantification Study Update. And this Contract C6477 updates the original Maui Inland Sand Resource Quantification Study which was conducted in 2006. The updating of the study is required by Ordinance 4804, declaring a moratorium on sand mining of Central Maui inland sand, which became effective on January 19, 2018. And the term of the moratorium is six months or until the conditions set forth in the bill are satisfied, which include an ordinance regulating the mining, extracting, or removing of inland sand and an update of the Sand Resource Quantification Study. A copy of the original 2006 study is included in the Committee item record and available for review. According to Contract C6477, the study was to be completed by June 29, 2018. At this time, we will receive an update from Department of Public Works on the status of this study, the scope of the update, and any preliminary study update information that can be shared. So, at this time, Director Goode, the floor is yours.

MR. GOODE: Thank you, Chair. Members, David Goode here, Department of Public Works. We've been tasked with updating the 2006 Maui Inland Sand Resource Quantification Study. So, as Chair mentioned, the contract with SSFM call for them to finish the report by June 29<sup>th</sup> and it also called for, you know, various drafts to be submitted much prior to that. Unfortunately, due to time constraints with their staffing and other priorities, we did not get an initial draft until late Thursday, Friday last week. I reviewed it over the weekend. We've had a number of reviewers looking at it, but it's an initial draft. So, besides typos, our staff already has a lot of questions regarding some of the methodology that they used. It appears one of the deliverables has not yet been included. So, it's...so we had to extend the time. So, staff chose a six-month extension to the end of the year to give us ample time to fully understand, you know, what they've found so far, address any questions we may have, OED may have, and I thank OED for funding the study, and we can get to a point where we have a really complete report. And that complete report will basically mirror the original report by telling us how much sand they think is available. I mean that's really what this is, it's a sand quantification study. It doesn't get into policy of how to handle say burials. It doesn't get into...it tries to stay focused, I'd say, on the quantification of how much sand is available. It does talk about, you know, why certain types of sand likely wouldn't be mined, the likelihood of burials and affecting quantifies of sand that could

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be mined. So, essentially, it's gonna be a number just like it was last time. It'll say we think there's this many tons. We think the cement companies use X amount locally. We think there's a need for beach nourishment of so much locally per year. And it'll give us an idea of what we think how much is left and how long will it take. So, it's, in that sense it's mirroring the 2006 study and just updating it for 2018. So, I'm sorry, Chair, that we didn't get it. No one probably, I wouldn't say no one, I wanted it as bad as you folks, put it that way. But we didn't get it and we were pushing SSFM to try to get it. They were apologetic and, anyway, we didn't get an initial draft until like I said, Thursday or Friday last week. So, our goal is to get it back, all the questions back to them, get it, you know, back as soon as possible. We want to get it done way before December 31<sup>st</sup>, but it will be contingent on how quickly this iteration process goes. So, that's the status, Chair.

CHAIR COCHRAN: Okay. Thank you, Director. So, Members, the floor is open for discussion, questions, comments for Department, Director, Corporation Counsel, anybody right now. So, how's about an extension then on this moratorium since the study is still going through the motions? I'm asking Department if, I mean, what do you think that's a reasonable thing? I mean, 'cause it, I think you're eluding to the fact that you would like this to be extended to the end of the year now.

MR. GOODE: Well, we've extended the, Chair, we've extended the contract. That's obviously up to you folks to extend the moratorium if you wish. But, in the moratorium it talks about a few things. One is the update of the study. It also talks about various other bills that are pending before this Council, right? So, there's one I know I think Mr. Guzman authored having to do with the interaction between SHPD and how they're, they're part of our process already, but how he can refine that. The second bill had to do with resource extraction, right, the definition of resource extraction? I think one of the testifiers mentioned that, you know, the Planning Department had issued a notice of warning I think it was to Maui Lani because the Planning Department's position is that the extraction of sand was a resource extraction which requires a special use permit. That bill was referred to the commissions and the commissions have all looked at it; Molokai, Lanai, Maui. It's back here. I'm understanding it's in Land Use Committee. So, there's three items really. There's the sand mining study which our Department is responsible for, then there's the other two bills, which quite frankly is the Council's responsibility. I can tell you that I did check with DSA prior to this meeting and the, I think there's like 60 properties that are something like that that are part of the moratorium. There was one grading permit issued for the, roughly say 60 properties and that was issued, I think, in March and it was exempt from the ordinance because they didn't export sand, right? 'Cause the moratorium says you can't mine and take off the property. So, in that case, they left it on the property. We're not aware of any other pending applications for any of the other remaining 60 or so properties. So, there's nobody in the process, you know, trying to get a grading permit, at this time, that we're aware of. So, and then the one case that Ms. Apana brought up regarding Maui Electric's work, that's in a road right-of-way. It's not one of the listed 60 or so properties that are part of the

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ordinance and that particular permit was reviewed by SHPD. So, I just want to give you folks an idea of since the moratorium's been in effect, for almost six months, that's the listed properties are subject to a moratorium, that's the action we've had so far on those properties.

CHAIR COCHRAN: Okay. Thank you. Before the rest of the Members chime in, my simple question is because, Director, I'm really, really tired, tired, I think Ms. Corwin mentioned how long it took for us to even to get to this point. How much we gave in? How much we watered this whole thing down? And so, I'm just tossing that out there to, for an extension and wondering if I'm gonna get continuous fighting and backlash from the Department on this when supposedly this study still needs to continue on and it's already been extended to the end of the year, I'd like to extend the moratorium. Because in the meantime without all that stuff that you just rattled off about, nothing is being protected out there. All our testifiers, all our kupuna, all...nothing has been done yet. And this is the futile attempt for all of us to try and find something. And now here we are, it's gonna expire in a few days and I'm just flabbergasted that this report isn't done or some resemblance or some kind of something has materialized for any of us, this public, this Committee to look at. So, yeah, I'm like really at wits end with this whole thing. So that was my simple question. You know, if Department can see it in their heart, find it in their something to support this Committee in getting an extension on this at this time. Director?

MR. GOODE: Chair, as far as the Department supporting an extension, you need an ordinance right? 'Cause this is passed by ordinance. So, that action can start with the Administration or start with the Council. If you folks want to make a new ordinance, you can. I mean, we're not necessarily, you know, against or for it. And remember we are one of the three things that need to get done in this current ordinance, the sand mining study. The other two items are with you folks. So, we're here, like I said, I apologize for not getting it done by the 29<sup>th</sup>. We'll get it done as soon as we can. There's two other items that are Council items. So, we will enforce the law as you folks see fit to pass it. We're enforcing the one that's on the books.

CHAIR COCHRAN: Okay.

MR. GOODE: Okay?

CHAIR COCHRAN: Alright. No, thank you. Thank you for your response. And, yes, Mr. Guzman?

VICE-CHAIR GUZMAN: Yeah, thank you, Chair. I just wanted to give you an update on those two ordinances. One of them was the extraction bill that would clarify and actually redefine extraction and the use and permitting of it. That came back from the Land...Land...Land...what's the...commissions, the Planning Commissions. Sorry. And that came after, I believe it came back in March prior to Budget. I think the other one that dealt with the relationship between the Public Works Department and

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HSPD [sic] in the review process of the permitting that one came in earlier from the Planning Commissions and both, both bills are under Mr. Carroll's Committee which is the Land Use. Initially when I proposed those bills I wanted this Committee to take it, but you as Chair didn't want it. But as Mr. Carroll has picked up this, picked up those two items, we've had three meetings with the initial bill which was the relationship between the Public Works Department and HSPD [sic]. We had three meetings on those, had draft amendments to it. I believe Mr. Carroll had one committee meeting or it may have been two committee meetings on that bill. There was a missing component in terms of how HSPD [sic] processes it so we waited another two weeks for them to send a representative and we did have a meeting with them as well with the Public Works Department and a lot of clarification was really spelled out. And I believe there was a lot of positive and different components that could've been changed. But then we ran into Budget and at that point all the Committee work had been ceased. But up to that point, I believe that there was a working document that we had been working with HSPD [sic] and there was this one component with this 45-days review which in once it was clarified, we may have been working in two different silos from each other. And just to have them the Public Works, the County, and HSPD [sic] in the same room and talking it through, I believe that we had some positive movement on it. It's just I don't know where, if Mr. Carroll is gonna repost those or agendize it. I'm not sure, but there was a lot of good changes in the original bill. So, I honestly don't know where it's at right now in Land Use Committee. Mr. Carroll's not here so we might want to double-check where that bill is at. But both bills are back from Commission and they just need to be vetted through the Land Use with Mr. Carroll. Just an update for you, Chair. Thank you.

CHAIR COCHRAN: Okay. Well, that's good. Do you know if, I know originally the proposal, OHA was vehemently opposed to it so do you know if those concerns were taken care of?

VICE-CHAIR GUZMAN: The one that was OHA was involved with the I believe the relationship of the review process between Public Works and HSPD [sic]. And I believe that they were involved in portions of it, but if you wanted their input we could also, I can ask Mr. Carroll to invite them to relook at the language that came out of HSPD [sic] and Public Works. We didn't have OHA there during the meetings so there was a component in there which basically we didn't know how they processed it on their end, but we knew how we processed it on our end and we just needed to make sure that the two connected. In the past, it hasn't been...I have to be very careful with the words. There haven't been properly connections going on in checks and balances. So, I think by putting in the language to have real checks and balances in there, it works better on both entities. So, I can ask Mr. Carroll if he's willing to have OHA review the draft language.

CHAIR COCHRAN: Yeah.

VICE-CHAIR GUZMAN: But it's not my committee, Chair.

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CHAIR COCHRAN: Okay.

VICE-CHAIR GUZMAN: So, I have really no --

CHAIR COCHRAN: I was --

VICE-CHAIR GUZMAN: --jurisdiction over it.

CHAIR COCHRAN: --looking for a reference to the resource extraction part 'cause I know that's one of the prongs with this.

VICE-CHAIR GUZMAN: Oh, yeah, that's...

CHAIR COCHRAN: And that was that OHA really had issues with that because it really allowed for more extraction per se out of very sensitive areas.

VICE-CHAIR GUZMAN: Okay.

CHAIR COCHRAN: And I know Ms. Apana is still here in the gallery who works extremely close with OHA and knows it front, backwards, and every which way. So, I mean she can probably explain more because she has worked very in depth with and alongside OHA in reference to that particular point.

VICE-CHAIR GUZMAN: So, Chair, the second bill which has to deal with the extraction permits, that has come back from the Commission, but we didn't really have that much time to...they had a lot of input on the Commission side about some of the changes so we were trying to figure out the first bill in working out with the relationship between the Public Works and HSPD [*sic*]. The second bill, yeah, although it does, it has come back from Commission, hasn't fully been, I guess, amended to the concerns of the Commissions. So, again, that is, those two bills are in Mr. Carroll's Committee. I wish I had had more jurisdiction over it so I could move on it, but as you know, Chair, when items are in your, in someone's Committee it's difficult to move unless that Chair is willing to move it, move on it. Yeah.

CHAIR COCHRAN: Right. Well, thank you for all that explanation and it, I think, enhances still the point even more so for an extension on this. So, Members, any...Mr. Atay or Ms. Sugimura, did you have any questions, comments, or anything to share? Yes, Mr. Atay?

COUNCILMEMBER ATAY: Thank you, Chair. Thinking along same lines like yourself, Chair, I would if the extension or request for an extension for the Inland Sand Quantification Study for another six months, I too would support the extension of the moratorium and even beyond the six months. I would go to nine months so that we would have the results of the study and that would give us a couple of months for us to push

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forward legislation to address where we're gonna go from there. So, if we need be, yeah, I'd be in support of an extension of this moratorium.

CHAIR COCHRAN: Thank you, Mr. Atay. Ms. Sugimura, did you have some comments?

COUNCILMEMBER SUGIMURA: So I just have a question --

CHAIR COCHRAN: Yes, questions??

COUNCILMEMBER SUGIMURA: --for Corp. Counsel. So, in order for the sand mining study to be or this moratorium to be continued, what has to happen? 'Cause this ordinance...

CHAIR COCHRAN: Yes, Ms. Thomson.

MS. THOMSON: Thank you for the question. To my knowledge, I haven't seen a draft, an ordinance or amended ordinance come through our office so like any other amendment to an ordinance it would need to be proposed and then typically sent down to our office for review and then amended. So, I have not seen a proposed amended ordinance.

COUNCILMEMBER SUGIMURA: So, basically it would be a brand new ordinance that has to be vetted through Committee and passed another brand new ordinance, right? Is what you're saying? Thank you.

CHAIR COCHRAN: Okay. And so, Director, is there, you said that there's a draft. There's a draft of some kind of the study? And, so, your Department has been vetting through it and have come up with, I guess, further questions for SSFM to address and to, I don't know, answer, clarify, and then put it final form? Is that kind of where it's at?

MR. GOODE: Yes.

CHAIR COCHRAN: And maybe if you can elaborate, if any, and share a little bit more about that since we don't actually have a written thing for us to look at?

MR. GOODE: Sure. Sure, Chair. Thank you. Yeah, so it's an initial draft and our Engineering Division who's managing the contract sent it out for review internally and I think she gave like a week or two for responses. So, we're trying to push along on our side and, in fact, as she's collecting responses I know she's already sent mine off for instance and I did over the weekend, so as we get them we're forwarding them on. And then it's really up to them to, you know, we'll keep pushing to get the next draft or a final draft. If it's final, it's final, you know. If they collect, you know, there's numbering mistakes, there's typos; typical kind of stuff you see in an initial report. Plus, we want to make sure everything that we ask for originally in the RFP, you know, the contract, is in there. So, we'll go as quickly as we can and, you know, I can

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certainly work with yourself, Council Staff to, you know, keep you informed of where we're going, how it's going.

CHAIR COCHRAN: Okay. Yeah, please. We'd really appreciate that. So, thank you. But, in the end, how do you feel the Department will utilize the data, you know, from all this update? What would be your next steps once that's completed, you know, and vetted through?

MR. GOODE: Well, I think when we're done it'll just be like 2006. We're gonna have a number, right, that says here's how much sand that's really left and a lot of these what's left are really policy questions. You know, some for you folks and really some for the Legislature. I mean, at the core issue here as we see it are cultural and historical issues and we send our grading permits to SHPD. You know, they're responsible for that. It's tough for our Department, you know, we're not staffed to deal with that kind of stuff. We send it to SHPD, we rely on them, our staff takes, quite frankly, a lot of heat from all corners on this issue and it's, you know, my hat's off to them for trying to give, you know, clear information and being consistent. But I think, you know, I heard best from Ms. Kamaunu who's on the Burial Council it sounds like, these are, a lot of these are 6E issues. These are HRS issues, right? And if the system that's been in place for 25, 30 years doesn't seem to be working that well, you know, I feel like our Department's taking the brunt of it, but I push them back a bit. I mean, we'll take responsibility where we need to for sure, but clearly there's and I see it here are HRS issues. Alright, that affect beyond this County. And if that system's not working or needs to be amended, alright, there's a new generation that sees things differently? Fine. Let's take it where we can and we'll enforce, you know, our end of it for sure. So, you know, in a way I'm defending the Department here, you can hear that, but and we've been working closely with SHPD...this will be my final comment, Chair, in this portion of it. We've been working with SHPD really closely in the last year and it hasn't been easy, neither for them or for us. And not because we don't disagree, it's just because the procedures and how things are done and shifting personnel, but I can tell you in the last eight, nine months there's been three separate occasions where SHPD has informed us that certain projects are not following their archaeological monitoring plans or some aspect of that, but generally the monitoring plans. We've issued a stop work order that same day. The day we were notified, we issued a stop work order on the grading permit. Okay. So, one of those was in Central, one of those was in Paia-Haiku, and one was in South Maui. And every single time, we told the applicant or the contractor, whoever was doing the work, you work it out with SHPD. Fix it to their satisfaction and then we'll release the work. So far, three times, and three times they've satisfactorily worked it out with SHPD and SHPD has informed us it's okay to continue work. So, I think from that perspective, I want you folks to know that, I want the public to know that. We'll continue to do that, but we gotta rely on SHPD. They gotta tell us that something's not being followed. We don't have the expertise, we don't have the training, and it's working. That part's working. So, I think that's been...if there's one small success, Chair, I would point to that. Thank you.

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CHAIR COCHRAN: Thank you, Director. And so those three incidents are public record and we could like track those and see what had occurred and the steps that were taken, you know, from the time, the time clock of SHPD explaining and then you put the stop work order and how long did that go until they...would that all be available to, you know, this body and the public to --

MR. GOODE: Sure.

CHAIR COCHRAN: --see?

MR. GOODE: Not a problem.

CHAIR COCHRAN: Okay. And I'll get to you one sec, Mr. Guzman. And I recall during nine months of this, was it at least nine months, right? Deliberate...ten months. And SHPD was like pointing fingers at you guys, well, we're not allowed to go on the property. That has to come from the County. Then the County says no, that's SHPD and so there's this kind of finger pointing back and forth so, I guess, somehow SHPD figured out that they can go onsite and when someone, you know, gives them the alert no archaeological monitor onsite, you gotta go check it out, they checked it out, they alerted you, and then you did this stop work order. Is that kind of what had occurred?

MR. GOODE: Chair, that's correct. And you're right. I forgot about that point. We did modify our standard rules when we issue the grading permit that says, you know, if SHPD wants to come onsite, you gotta let them onsite.

CHAIR COCHRAN: Okay.

MR. GOODE: You don't have to...that way that got rid of their concern about whether they had access rights or not. So, yeah, we also did that to make sure that SHPD can get out there right away.

CHAIR COCHRAN: Okay. Well, excellent. Very good. And, Mr. Guzman, you had your hand up.

VICE-CHAIR GUZMAN: Yeah, I just wanted to follow up with Mr. Goode is that the bill that we're working on really does codify the relationships. Like before, it's was kind of unspoken and when you read the HRS', it's kind of vague in what their responsibilities are. And then you'd have to go into their Administrative Rules and vice-versa on ours so it was nice to sit down with them and say let's work this out on a mutual understanding that hey, you are responsible for this. Once you do this, we're responsible for this and let's codify this, this procedure and that's what we've been working on. So, hopefully this will work out. In fact, the language in there basically says yeah, HSPD [*sic*] can go on the property, can do the inspections, and there's



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triggering mechanisms on both sides so that we both know, you know, the State's side and the County, where are our responsibilities. It's not just out there in vagueness land, so it was a productive meeting. I think we learned a lot as well as they did, too on the State side on how we operate. So, I think I'm looking forward to seeing the end product of it and I think it will really clarify the roles of both and hold both and sees the County and the State on accountability-wise. 'Cause it clearly will state you're responsible for this, we're responsible for that so we definitely won't have that situation we had on the floor where we're pointing at each other. Yeah, so clearly defined. Thank you.

CHAIR COCHRAN: Okay. Very good. Thank you. And I think one of the points is I'm hearing that this draft report is not finalized type thing, is it written somewhere, I think this is for Corporation Counsel perhaps, that that document cannot be shown to us at this time? 'Cause I'm sort of equating it to our update of our community plans and things like that where we have a plan ongoing and we, you know, can look at it. So, is there something different about this one? This report?

MS. THOMSON: Thank you, Chair. So, the way that I would answer it is this, if a request from the public came in for a copy of the draft report, the Department most likely would not release the draft report and the purpose of that it's under the uniform records or at least Chapter 92. F13 is the section. Typically, you don't release draft documents. You release final documents so that the public can rely on them as being the statement of the agency. So, as far as this Committee's receiving the same document, once it would be received in open session, it would be made public. Obviously, we could go into executive session to, you know, take a look at the draft document, but my thinking on that is that the Director probably can disclose, you know, the summary of what's contained in the draft report and that might be a more productive way of addressing the information that you'd like to receive rather than, you know, having to go into executive session to look at the draft report at this time.

CHAIR COCHRAN: So, maybe I asked the wrong question or put it in the wrong words. So, I guess the actual contracted version is done and now the Department is, has this working document there, you know, it's like this working document of theirs. So, that contracted version, wouldn't that be for public viewing? Why is that not for public viewing?

MS. THOMSON: Thank you, Chair. So, again, draft documents typically are not released to the public.

CHAIR COCHRAN: That's not...sorry, but that's, it's not...the contracted version from SSFM is not a draft. Now, I think the Department has questions in reference to this report and so this, there's like this working-type document going on and Department wants time to get that questioning back and forth to be completed and then we'll get the, I guess, the final, you know, after their questions go to the company, they receive comments back, and all this stuff going back and forth. But right now, there is a

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completed report. So, I'm just like how come that can't be for the viewing of this Committee or this the public.

MS. THOMSON: Perhaps that's a comment or a question best for the Department, but my understanding is that it was a draft report that has been given to the Department. And that the Department and other internal County personnel are reviewing the report and then providing their comments back to Department of Public Works, which will communicate with the contractor, and then a final report or another draft, you know, hopefully it'll just be the final report after this go around, but there may be another draft report before the final.

CHAIR COCHRAN: Okay. Anyways, regardless, any questions or comments at this time? If not, Members, I will be, and community, I will be posting a new reso for an extension. And that should happen hopefully in the next couple of weeks, whenever my next meeting is and we can get the reso through Corporation Counsel and all that. So, that's why I was hoping to get a definitive yes from Mr. Goode, but at this time, you know, we'll just go through the motions that we need to do and hopefully we can do an extension on this moratorium because as stated by many of our testifiers and myself, you know, our iwi kupuna are at risk. Our iwi kupuna are still out there without, I think, full protection and that's unacceptable and I want to do as much as I can to take care of that. So, looking for this extension in a few weeks when we can bring the new resolution forward to this body for a vote. Yes, Mr. Atay?

COUNCILMEMBER ATAY: Thank you, Chair. So, point of clarification, the current moratorium runs out when?

CHAIR COCHRAN: What's the date on that, Staff? Mid-July somewhere, I don't know the exact date, though.

COUNCILMEMBER ATAY: Yeah, in a couple of weeks.

CHAIR COCHRAN: Yeah, but it's this month.

COUNCILMEMBER ATAY: Yeah.

CHAIR COCHRAN: Yeah.

COUNCILMEMBER ATAY: So, shouldn't we have the extension --

CHAIR COCHRAN: So...

COUNCILMEMBER ATAY: --or a motion for the extension now?

CHAIR COCHRAN: It's the 19<sup>th</sup> of this month. Yeah.

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COUNCILMEMBER ATAY: So, would we be out of order to have a motion to have the extension now?

CHAIR COCHRAN: Because it wasn't posted that way, I believe. Yeah. We cannot at this meeting.

COUNCILMEMBER ATAY: Okay.

CHAIR COCHRAN: So, we're gonna have to, yeah, hustle. Hustle and get this done. 'Cause my actual next scheduled meeting isn't 'til July 23<sup>rd</sup>.

COUNCILMEMBER ATAY: Okay.

CHAIR COCHRAN: So, obviously if I wait for that date --

COUNCILMEMBER ATAY: Yeah.

CHAIR COCHRAN: --the moratorium will have expired.

COUNCILMEMBER ATAY: Because my concern...I'm listening to the testifiers, and thank you for all those testimonies, I listen to this and there's a couple of other issues, you know. There's the issue that is about removing sand and mining sand, but the other issue is about protecting the removal of ancestral remains from their current resting place. And so, what laws do we have to follow whether it be State law or Federal law that will address that area? And so, you know, we're looking an item relating to sand mining of Central Maui's inland sand, but we, you know, we are not addressing the other side. And so, which...I don't know which committee or which area would address the removal of ancestral remains?

CHAIR COCHRAN: Maybe...

COUNCILMEMBER ATAY: And what law do we follow?

CHAIR COCHRAN: Maybe Corporation Counsel?

MS. THOMSON: Thank you, Councilmember Atay. I think that you've really hit this issue squarely. So, as has been mentioned by the testifiers and also, by Director Goode and also yourself, the State law is HRS Chapter 6E is a very robust statutory protection for these types of issues; for bones, for archaeological matters. And that's really where the enforcement should come from as well. So, the County has certain control over areas of it; so, obviously grading intersects with subsurface artifacts and remains. But, the real overarching law for this subject is at the State level and it's through 6E and through SHPD's enforcement. Maybe they're understaffed, you know, but that's not necessarily a County issue, but certainly the County can communicate with the State and with the State agencies to express how important this is to Maui County.

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COUNCILMEMBER ATAY: Thank you.

CHAIR COCHRAN: Thank you, Mr. Atay. I know I've been every budget, well, I gave up already, but another time. Trying to get an actual archaeologist in the Department to be, you know, the eyes and ears for this, for us, the County, but that's another day. And so, Members, any other further discussion? So, I will be bringing this up before that deadline though. It's going to come to the full Council and put it up for a vote and, you know, see where that goes. So, I'm going to defer this item and without objections.

**ACTION: DEFER pending further discussion.**

**IEM-58 DEVELOPMENT SERVICES ADMINISTRATION'S PERMIT PROCESSING MODEL (CC 18-32)**

CHAIR COCHRAN: Let's jump into this next IEM-58. This is Development Services Administration Permit Processing Model. And the Committee is in receipt of County Communication 18-32, from Councilmember Alika Atay, and it relates to exploring the Department's Services Administration's 29-minute permit processing model as a template. The Communication was transmitted following discussions on expedited permit extension approval from Maui Lani Partner's grading permit for its Phase 9 site. The Department, the Development Services Administration Division of Department of Public Works handles a number of responsibilities including administering the County's subdivision building, electrical, plumbing, grading, and other construction-related ordinances. The permitting process can be complex and is often known as a lengthy process. Given these concerns, I believe it is important for the Members of this Committee and members of the public to have a better understanding of the permitting process and potential for time-saving measures. At this time, I would like to ask Department of Public Works to give an overview of the permitting process and explain how the process can be expedited. And also, since Member Atay submitted this, I'll be wanting specifically some comments from you, too, sir. So, Mr. Goode, can open up the floor for discussion.

MR. GOODE: Okay.

CHAIR COCHRAN: Thank you.

MR. GOODE: Thank you, Chair. With that intro, I kind of extemporaneously try to answer what people have been trying to answer for 30 years; how to make the permitting process easier. You know, from our side, you know, we obviously administer the ordinances so there's building, plumbing, electrical codes, grading work in the right-of-way, subdivision, those are the general permit activities. So, we enforce the

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various codes and we've taken a number of steps over the years to, on our portion of it, our side of the fence if you will, you know, to expedite that as quickly as we can. So, we actually measure that as part of our performance measures; many of them, if you look at our performance measures, relate to the number of working days that we take on average to review various permits. There's building, plumbing, electrical for instance, and so you'll see those days are typically in the single digits. It doesn't take us that long to get through. We have adequate and we have well-trained staff. But when one submits a building permit we may review it, but so does Water, Planning, perhaps DEM if it's got sewer, could be DLNR, Department of Health. And so, we don't have full control over those agencies. So, we, and I mean we collectively, the Administration and the Council in 2012 amended the Building Code. We said these initial reviews should take 30 days or less. And so, we help monitor that, at least on the building permit side. Most departments meet it. Sometimes, departments from time to time don't meet it because they have staffing issues typically. So, trying to make a short answer to a long question. If there's obviously less laws then it'll take, you know, it'll go faster. If we're not adequately staffed and we can staff up, then that can make it go faster. And finally, we need good plans. If we don't have good plans, then, you know, we're gonna have lots of comments, it's gonna go back and forth a number of times. One of the reasons or tradeoffs we had with that 30-day review in 2012 was that we specifically asked the design community give us better plans. Look, we're gonna get answers in 30 days, but give us better plans. That's the deal. And I think that has worked in a large part; doesn't mean it's been perfect. But at least applicants know they're not just trying to get in a set of plans just to get in line, 'cause they know they're gonna get responses now in 30 days generally, you know, give us better plans. So, that's my short answer; short as I can make it to overall, you know, expediting permits on our side.

CHAIR COCHRAN: Okay.

MR. GOODE: Thank you.

CHAIR COCHRAN: Thank you, Director. And, Members, the floor is open for further discussion. But, Mr. Atay, if you had any points to make since this came originally from your submittal --

COUNCILMEMBER ATAY: Thank you, Chair.

CHAIR COCHRAN: --to the Committee.

COUNCILMEMBER ATAY: Yeah, initially, when I saw the request and a permit go through the process in 29 minutes, I was excited. I goes, oh so can. Yeah. So, my question then was what was it that aligned to make it so that permits can be processed in 29 minutes and what would be the template that we could follow so that we could get every permit people lined up? What would be that magical template and or why would people not make it? You have already expressed why; give you better plans. But, in

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this particular one, what made it so that it lined up? You mentioned 30 days. This was 29 minutes. How can we do this?

CHAIR COCHRAN: Thank you, Mr. Atay. I guess that's for you, Director Goode.

MR. GOODE: Okay. Thank you. Well, quite frankly, actually when I first saw the letter we had no idea what permit you were talking about here 'cause it just says, you know, relating to the Department's twenty-nine minute model. We had no idea what this was. It took a few weeks, quite frankly, to understand what this was. So, I think just to address the elephant in the room, this is regarding the extension of a grading permit, right? The request came in via e-mail after evidently some discussion prior to that and then an e-mail response. So that's actually been the subject of a lawsuit. Okay, which I understand we've, at least partially, prevailed. So, I think, I don't how much, I'll have to ask Corp. Counsel how much I can even talk about that one at this time. So, I...

CHAIR COCHRAN: Ms. Thomson?

MS. THOMSON: Thank you. I wanted to say that our Department was also a bit confused by the agenda item and I contacted the Public Works office, the Director's office, to ask what did it mean and could he send me a copy of the model so that I could take a look at it before the meeting. At any rate, that's an aside, there is ongoing litigation regarding Maui Lani and my understanding, although I'm not involved in that side of it, is that the court has dealt at least initially with the issues in that there's an appeal window currently open. But as far as discussing anything related to that lawsuit or the particulars of the lawsuit, that should be done in the proper Committee and in executive session. So, I'd stay away from any of the particulars involved in that lawsuit.

COUNCILMEMBER ATAY: Chair?

CHAIR COCHRAN: Mr. Atay?

COUNCILMEMBER ATAY: My line is more for it's not about a specific lawsuit or whatever, it was more about looking at can that permitting process of approval be duplicated, not only in your Department, but other departments? How do we take advantage of that?

CHAIR COCHRAN: Director?

MR. GOODE: Yeah, I have two ideas off the top of my head. One is...let's see if I can remember them. One is, you know, we're not supposed to talk about this instance, this was an extension. So, as long as, you know, the requirements for extensions, whatever it might be, it could be Planning Department, could be Water Department...I have no idea. As long as requirements for extensions are pretty straightforward then it could be done really simply. It's when the extension requirements, you know, I need

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this paper and this paper and this paper and this paper, then that tends to make things go longer. And I think the second would be is, you know, this is something we try to and I think we're fairly successful at is empower staff. Staff that knows that this is their kuleana and they have the responsibility, they should do it and not be afraid to do it and not have to go to their boss or their boss or up to the Director. And because we issue a lot of permits, I mean, thousands really, building, plumbing, electrical in particular, couple of hundred grading permits a year. Director, there's no way that I'm gonna be looking at all that stuff. So, we need to empower staff. So, I think in this case, you know, I'm not supposed to talk about it, you had empowered staff and a simple process. So, those are goals, I think, to work on in any permit in general.

CHAIR COCHRAN: Okay. Thank you, Director. Did you have a follow-up, Mr. Atay?

COUNCILMEMBER ATAY: Yes. My follow-up. Thank you.

CHAIR COCHRAN: Yes.

COUNCILMEMBER ATAY: I'm well-aware of the litigation in the State, but I do want to have duly noted that on March 7, 2018, I did have a series of questions pertaining to this permit process, but because it's in litigation and addresses litigation, I'll await responses. But I do want to let Director Goode know that on record there were set of questions asked, I've yet to receive response, and I await the response should it come out of after the litigation process, I guess.

CHAIR COCHRAN: Okay. Mr. Atay, are those questions, I guess, have bearing on this Committee item?

COUNCILMEMBER ATAY: It has bearing on this Committee item, but I guess it's aligned with the specific --

CHAIR COCHRAN: That case or whatever it is.

COUNCILMEMBER ATAY: --case. Yes.

CHAIR COCHRAN: Okay. Okay. Got it. Okay. Alrighty. Almost sounds like the things were lined up just so for this whatever, that twenty-nine minute thing and that's why it was able to become a 20-minute action and I think can't really duplicate that across the board on a constant, I guess, level. But, you know what I mean, I think that's maybe what the intent of this trying to do a processing model in 29 minutes, but I don't think we really can say if you do A, B, C, and D, boom, you can 29, under 30 minutes or we'll buy you a free taco, you know, or something. So, I don't...Mr. Goode, I don't...

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MR. GOODE: No, I think we're just looking to do our measurements in days. I think it'll be a little risky to go down, you know, again measuring our performance measure, you know, how long we take to review various permits. We measure in days. I'm a little hesitant to go to the hours or minutes now at this point. But, yeah, sometimes things line up; the person happens to be there, they're available at their computer, if they weren't out for two, three days. But again, we're talking about, you know, simple extensions with simple processes and empowered employees.

CHAIR COCHRAN: Right. And okay, I guess we can't talk more detail about that particular, but I have comments but I have to hold my tongue on that. So, Mr. Atay, did you have further discussion you wanted on the item?

COUNCILMEMBER ATAY: None.

CHAIR COCHRAN: At this time? No?

COUNCILMEMBER ATAY: I'm good.

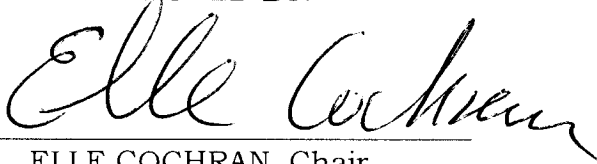
CHAIR COCHRAN: Anyone else have any further discussion? 'Cause if not, Members, I will defer the item. It's a good overall, good subject matter I see. And so, I'd like to keep it open and defer at this time without objections.

**ACTION: DEFER pending further discussion.**

CHAIR COCHRAN: Okay. And also, without any further business today, this meeting is adjourned. Thank you very much, Members. . . . *(gavel)* . . .

**ADJOURN: 4:05 p.m.**

APPROVED BY:



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ELLE COCHRAN, Chair  
Infrastructure and Environmental  
Management Committee



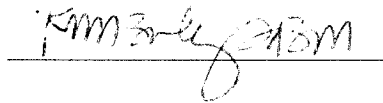
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I, Kimberly Tabon, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 25<sup>th</sup> day of July, 2018, in Kahului, Hawaii

A handwritten signature in black ink, appearing to read 'Kimberly Tabon', is written over a horizontal line.

Kimberly Tabon