

**MOLOKAI PLANNING COMMISSION  
REGULAR MINUTES  
OCTOBER 25, 2017**

**A. CALL TO ORDER**

The regular meeting of the Molokai Planning Commission was called to order by Chairperson Lawrence Lasua on Wednesday, October 25, 2017, at approximately 11:08 a.m., at Mitchell Pauole Center, 90 Ainoa Street, Kaunakakai, Island of Molokai 96748

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

Chair Lasua: I'd like to call our meeting to order. One -- I'd like to make an announcement first. If everybody can be on time, it's almost 10 after 11 right now, and our agenda says 11, so I'd appreciate if we get here on prompt so we can start right away. Okay, is that a deal, Commissioners? Okay. Thank you.

**B. PUBLIC TESTIMONY** - At the discretion of the Chair, public testimony may also be taken when each agenda item is discussed, except for contested cases under Chapter 91, HRS. Individuals who cannot be present when the agenda item is discussed may testify at the beginning of the meeting instead and will not be allowed to testify again when the agenda item is discussed unless new or additional information will be offered. **Testimony will be limited to a maximum of three (3) minutes, with 30 seconds to conclude.**

Chair Lasua: First on the agenda, Public Testimony. Any public testimony at this time? Seeing none, we'll go to item C, Public Hearings.

*Chair Lasua read the following agenda item description into the record:*

**C. PUBLIC HEARINGS (Action to be taken after each public hearing.)**

1. **DAVID GOODE, Director, DEPARTMENT OF PUBLIC WORKS, requesting a Special Management Area Use Permit for the Kaunakakai System Phase IB Drainage Improvements, which includes connecting an existing culvert to a new underground eight foot by three foot (8 ft. x 3 ft.) concrete box culvert and constructing a three foot (3 ft.) high flood wall, outlet, earth berm, and related improvements, located in the vicinity of the Maunaloa/Kamehameha V Highway and Kaunakakai Place intersection, TMK Nos. (2) 5-3-001:003 (por.), (2) 5-3-001:008 (por.), (2) 5-3-005:006 (por.), (2) 5-3-005:007 (por.), and (2) 5-3-001:999 (por.), Kaunakakai, Island of Molokai. (SM1 2016/0006) (S. Lopez)**

Chair Lasua: Go ahead, Sybil.

Ms. Lopez: Thank you, Chair. Thank you, Commissioners. I'm Sybil Lopez, the Staff Planner on the project that you have here today. It is in the matter of the application of Department of Public Works to obtain a special management area use permit for the proposed modified Kaunakakai Drainage System Improvements to construct a larger

culvert outlet basin, flood wall, and earthen berm on parcels located at such, and -- in Kaunakakai Town, the island of Molokai, and we have here today representing the Department of Public Works, Ms. Kristi Ono. I will turn the time over and she can go further with their presentation and introduce the team to the Commission and those that are present. Thank you.

Ms. Ono: Hi. Good morning. My name is Kristi Ono. I am an engineer with the Department of Public Works. I'm managing this project and I'd just like to say thank you to the Commission, and the Planning Department, and Corporation Counsel for coming out to the site visit this morning. We really appreciate it and we wanted to do the site visit to show, you know, exactly where everything is going and, you know, it's easier to see everything in person versus, you know, just on a map or finding it in the Final EA, so we're grateful that you came out to -- to see the project.

I'd also like to thank our project team. I'm going to quickly introduce everybody. We have Aaron Holloway, from Moffatt & Nichol, he's our civil engineering consultant, came in from California yesterday. We have Charlene Shibuya and Mark Roy, from Munekiyo Hiraga, our planners. We have Trevor Yucha and Hal Hammatt, from Cultural Surveys, they did the archaeological inventor survey and will be doing the archaeological monitoring plan for the project. And we have Susan Burr, of AECOS, they did the wetland delineation report and the water quality and biological survey. So I'll turn it over to Charlene who's going to be doing the presentation. Thank you.

Ms. Shibuya: Oh, I wanted to get out the way. Yeah, good -- good morning, Chair Lasua and Members. I think I gotta make this shorter though. Yes, as -- as you can see, we're here today to present the special management area use permit for the Kaunakakai Drainage System Improvements, Phase 1B, and I'm going to kinda run through a fast, maybe less than 20-minute presentation, you know, from the planner's perspective, but and if you can hold your questions till the end 'cause we have a whole panel of experts that, you know, they would be better to field the questions than, you know, myself. I, myself, just take -- took care most of the community outreach so that's kinda where I can pickup on the questions.

And, again, the project team is Kristi Ono, who's the engineer that came up earlier, and the design engineer is Aaron, archaeologist Hal Hammatt and Trevor Yucha, biologist Susan Burr, and the planning consultants are myself and Mark, from Munekiyo & Hiraga. And, again, the purpose of today's meeting is to request, respectfully request the Commission's review of the SMA use permit. And just to kinda give you a rough overview, the presentation overview, I'll start off with, you know, project location, project need, alternatives analysis, technical studies, project background, community outreach, project description and plans, mitigation, permits, and SMA criteria, so that's kind of the fast run down.

And so here's the project location map. As this morning, you know, we started off over here, so this is Kaunakakai Town, and then as Aaron was explaining, the project location is starting at the corner running down -- running down Parcel 8, then along Parcel 3 with the outlet, and then the berm that stays in Parcel 3. So the affected parcels are pretty much parcel, sorry, Parcel 3, which is the County-owned long narrow parcel with the Molokai Yacht Club at the end, they lease the property, and Parcel 6 is a large parcel but the only part that gets affected is where the culvert outlets, which you saw today, this morning, and then Parcel 7 is the pump station itself, but the only -- only part of the project is really putting the flood wall, that three-foot flood wall that was described here earlier, and Parcel 8 is the Makua Trucking parcel, and then the State's right-of-way, the State Highway right-of-way, which is where the culvert will cross.

And you already saw it today, but the -- the first photograph is pretty much in front of Molokai Burger looking west down that shoulder where, you know, we had -- we saw that water that was ponded, and then it was too wet this morning to actually walk, you know, up this way because of the big ponds but that's looking mauka at the pump station, and then, of course, the line goes this way, the proposed culvert.

And this third picture is actually from where pretty much we were congregating looking back out Hio Place eastward, and then, of course, from the place that we were congregating this morning and looking out towards the ocean, towards the -- across the Molokai Yacht Club gate towards the ocean, but you cannot see their facility, which is back here, yeah?

And then, again, the description of the affect properties was Parcel 3 was the long skinny parcel, it's owned by County of Maui, and that's the one that the Molokai Yacht Club leases, and then Parcel 8 is that one that's right alongside the highway, and that's owned by New Horizon Enterprises but they do business as Makua Trucking, and that large parcel to the west of the County's skinny parcel is the Leonard Kimokeo Kapahulehua Revocable Living Trust parcel, and, of course, as I -- you know, the parcel is large but only a very small piece is affected by the proposed project, and Parcel 7 was the County sewer lift station, and, of course, the last, it's not a parcel, it's just the State Highway right-of-way in that in that intersection of Maunaloa Highway, Kamehameha V Highway, and Ala Malama Place, and Kaunakakai Place.

And the project need is, basically, the construction of the Kaunakakai Drainage System B, it had to get stopped because of the discovery of contaminate soil, and Aaron kinda touched upon it at the morning site review, and the storm water continues to overflow from the catch basin in front of Molokai Burger and then it ends up, you know, flooding out the downstream properties.

This map, if you look at this map, this is just a map to show you like the elevations in color, so, you know, all the red colors, this is the main intersection, so the red colors are

the higher ground down to the blue colors, which is the lower grounds, and then this is pretty much how the water behaves, the storm water behaves, it overtops when it gets all full, the system that ends at this portion, it overflows, and it starts to flow in the downstream properties and kind of ponds in the clouded areas, and everybody kinda saw that firsthand this morning, you know, so down here, we didn't -- we couldn't see this area, but it's also a low spot.

And following the evaluation of, you know, alternative designs that Aaron kinda described this morning, now the Public Works Department is proposing this alignment, this new alignment.

And kinda running over the alternative alignments again, you know, Aaron touched upon it, Alternative 1 was the original one, and because of the soil contamination that was found along Kaunakakai Place and the prohibitive cost, you know, the 20 million, that that wasn't, you know, that was ruled out as a preferred alternative, and, also, this alternative, you know, it basically just outlets all the water into the harbor without any kind of filtration or settlement. Alternative 2 is the preferred alternative, which is what was walked through and described this morning. It's much shorter. And it actually has the benefit of recharging the -- the wetland in this area and then offers that filtration before the water gets into the harbor. And then third -- there was a third alternative looked at too to take -- to take the run all the way down to the third river, but, again, there's some challenges because you would need a floodgate 'cause of the elevation to kinda keep the water -- well, once the water goes this way, and not much of an elevation difference, so then you would have to close the floodgates so the water doesn't go backwards, so -- and there were also a lot of permitting challenges with, you know, punching through the levy and affecting this Kaunakakai Stream.

And there were a lot of technical studies completed, you know, as you can see, and, basically, our consultants can answer to specific questions to any of those areas, but all these alternatives was -- was studied based on a lot of these supplemental technical reports.

And the project, basically, well, before 2016, of course when the group came before the Molokai Planning Commission last year, you know, it started from trying to get this System B completed from -- that was envisioned from the 1998 Master Plan, and so the, you know, because the project was halted, then they had to come up with alternatives, and now we're here, you know, we brought it to the Commission last year by presenting the Draft EA for comment, and then there was a lot of comments in the -- if you look, I think couple weeks ago, you guys had the volume -- two volumes of the Final EA provided to you so you could kinda look at a lot of the detailed stuff in it, and if you look in Volume I, the Final EA document, if you refer to pages 268 through 301, I don't know if you have it, all of you have it in front of you, that we have the full minutes of that Planning Commission meeting, and then from those minutes, we extracted 53 comments and concerns, and

then the pages following that, which is pages 302 and 332, that actually responds to all 53 of those comments and questions. And then one of -- one of the things that came out from that last year's meeting was that the Commission desired more community outreach, so that we did, we came back out March through May of 2017, and we did an extensive community outreach effort, and as a result of that, the proposed earthen berm was refined to the satisfaction of the Molokai Yacht Club and the Meyer Property Board and a two-phase traffic control plan that was described by Aaron this morning was developed to address Makua Trucking's concern of, you know, having continuous access during the construction. So, you know, we thank the Commission for that because, actually, the community outreach effort really was successful in helping to pretty much refine, yeah, the project, and, of course, all the excellent feedback, and then I'll cover a little bit more about the community outreach.

So what we did was we looked at the project, this is the map that you were looking at this morning without the labels. We kinda identified, well, obviously, we had the primary property -- properties that are affected, which was Makua Trucking's property, Kimokea's property, and then alongside the Meyer Building and the Molokai Yacht Club so -- but we also identified, you know, other entities around the area and, essentially, we had 18 individuals or entities or businesses that we -- you know, I actually tried to contact by phone first, get an email, and send project information so that we could get feedback. And so I don't wanna go through the list, but if you look at the Volume II of your Final EA, pages, yes, yes, sorry, I don't have these pages off the top of my head, it covers - where did my page go, bear with me - okay, it's covered in -- oh-oh, where did I put it? Appendix -- oh, Mark, can you help me? I kinda lost it. Yeah, sorry, it's in one of the Appendices. It covers all -- it's in Appendix B, of Volume II, and it covers all the correspondence, meeting summaries, and, essentially, who we touched bases with and you can see it listed 1 through 18, yeah?

And to describe the project again, it connects to the existing culvert that ends at that Molokai Burger corner, and it's proposed to be an underground eight-by-ten-foot wide by three-foot deep reinforced concrete box culverts along you know that existing drainage path that you had saw standing water on the makai side of Maunaloa Highway and it goes to the south of the County lift station, and then at the end, as Aaron explained, you know, there's going to be this energy dissipation basin with rock riprap approximately 30 feet upland and from the wetland area. And I guess you saw the box culverts, the Commissioners saw the box culverts that was stored from before so you can have an idea of the -- the size of these underground box culverts. And then also was described was the three-foot high flood wall around the County sewer lift station to afford a little bit more flood protection. And then there's going to be that earthen berm that runs alongside the wetlands, outside of the wetlands that extends from the County sewer lift station down to the west of the Molokai Yacht Club, so about to the end of the Meyer property.

So here's the site plan, the more detailed site plan. So here's the main intersection, here's Molokai Burger, so there's that existing catch basin that sits here, and then underground, you couldn't see it today, but underground there's the existing box culvert that is proposed to be extended and a short leg to connect to the -- the -- you know where the drop and take comes in, and then it runs along the makai side of Maunaloa Highway, makes a turn, then runs down just past the sewer pump station with that -- and this is that dissipation basin. And then to provide protection from this property and then as well as the other adjacent properties, adding this earthen berm just to the end, this is the Meyer Building property, so just about to the end of that property.

And one of the key things that came out of the community reach is if -- I know maybe only a couple of you were here at the last meeting, but that earthen berm was pretty wide, you know, was proposed pretty wide, and then so there were concerns for like the Molokai Yacht Club had concerns with loss of parking and impacts to site drainage and they felt that this turning intersection was kinda tight, so since the community outreach, well you cannot see the green, but basically you can see it's a much narrowed footprint that makes this area more open for turning for larger trucks and emergency vehicles, and then the earthen berm was actually shortened, it was further out to here, and then there was a construction staging area proposed here which has now been removed. So with -- with that plan, the Molokai Yacht Club was satisfied when we presented it to the board, and then also I also talked to Paul Meyer, of the Meyer property board, and they were okay with this design.

And, as far as mitigation, even if there weren't any threatened or endangered species on the project site, you know, they're still going to do, you know, pretty much inspecting the site before work starts to make sure that no endangered species are encountered, and then during construction, the contractors will be required to put, you know, BMPs to make sure that, you know, have -- you have dust control, erosion control, and storm water pollution controls, and stabilizing at the end of the project. And no significant historic or cultural deposits are anticipated to be impacted by the project but monitoring will still be conducted. And construction activity will be restricted to daylight to minimize noise. And then work at the main intersection, as Aaron was describing this morning, has been now proposed under two phase so you can work on half at a time of the approach so to allow two-way traffic flow to be maintained at all times. And then here's a little schematic of what Aaron was describing. So, basically, he talked about, you know, you work on one side at a time so you have this side open for two-way traffic, and then second phase you work on this side, and then other side becomes available for two-way traffic, so under phase one, you know, while they're working here, then this side remains open so traffic can continue to flow. And we did present these plan to the Police Department as well as the Fire Department to make sure that, you know, they could -- they feel they can get through the intersection, and they were okay, and then the Police Department just asked, you know, that at the beginning of each of the construction, you know like I guess the first few days they would rather have a police officer facilitating some of the movement until

people learn that they can reroute other areas to like Beach Place or Mohala Place, and then, of course, when they're working on phase two, this side, then they have this side maintained.

And then when we met with the Molokai Yacht Club, we found out that they have scheduled events throughout the year so the contractor will be required to coordinate with them any time that they're working nearby their facility.

And this SMA is not the only permit now. We got a lot -- we got a bunch of State permits that's still needed, and then, of course, County of Maui permits, so, you know, there's a lot more to go yet even after the SMA, if we can get the SMA approved.

And we looked at the project and, basically, we looked at the laws, you know, the guidelines and the rules of the Molokai Planning Commission and the project is consistent with -- with all of those.

So, in summary, you know, I think we all know that the project is -- is really needed. We gotta finish the project, you know, this -- this System B, and the localized flooding in the town, you know, can finally be addressed, and I think Aaron probably explained a lot more in detail as to, you know, how the project would function and what it would do, and we did do a lot of community outreach and, you know, we had -- we had support, we didn't have objections, and we feel if you read that appendix, you know, it's -- we felt we did as much as we could to make sure we get enough input to refine the project to what it's now shaped to be, and because the project meets SMA criteria, we respectfully request that the Molokai Planning Commission approve the SMA permit. And with that, as I said, we have all our experts back here and feel free to ask detailed questions.

Chair Lasua: Thank you. Any questions, Commissioners? Any questions? Any public testimony for -- or public hearing? Oh, we got one.

Ms. Poepoe: Hello. I'm Mahina Poepoe. So I did have some concerns about the project. I have some notes I took from the walk. The first thing I was concerned about, which I talked about a little bit down there, was the collection of trash and how rubbish and like toxins and chemicals would be dealt with, so I -- from what I gathered was that the trash would flow out and then the County would come and pick it up and clean it up after the floods. I don't think that's enough of a mitigation for trash and just there's already a lot of trash already down there and there's little pieces of trash, rubbish, like cigarette butts, that I don't think they're going to go and pickup every single cigarette butt out of the wetlands and stuff like that. So and also I guess about the chemicals and whatever toxic stuff is going to runoff, and Chevron is right there too where the water is going to be collected from, and there's a lot of like gas and oil, they wash a lot of cars there, and even if, you know, the birds enjoy more water, less water, more salinity sometimes, I don't think they enjoy having motor oil, gasoline, soap, cleaning chemicals in their habitat. What

else do I have here? So that's something I'm concerned about. I don't think that this is really a project that is like really urgent to finish. I think it could go back and maybe find a more innovative approach to the distribution of water rather than just dumping it into a wetland, which is going to go into the ocean, which is in a recreational area of I think probably the highest ocean recreation area on the island with the canoe paddling, the kids that swim over there, the boats, so I don't think that it's something that's really urgent that needs to be finished, it's not a life and death situation, I think it's more about just human convenience and comfort, but when trying to create that convenience and comfort for ourselves, we shouldn't really -- we shouldn't be, you know, negatively impacting the, you know, the comforts for the whatever species, other species are going to be affected, like what other problems are going to be created by fixing this one problem for us, so I guess that's all. That's all I have in my notes so -- wait. Wait. Okay, thank you.

Chair Lasua: Thank you, Mahina. Anymore public testimony? Okay, if there is none, public testimony is closed. Public hearing is closed. So, Commissioners, any questions for the presenters?

Ms. Buchanan: Mr. Chair, I have question. John, you had a question?

Mr. Pele: No, go ahead.

Ms. Buchanan: No? Okay. During the site visit, my understanding was we was going to have an overview of the larger project that was inclusive of the other components of the Kaunakakai Drainage Plan, not just the Drainage B, but how the other components so kind of like a holistic overview of the entire project, not just this section. Is that possible?

Ms. Ono: Hi. So in the Final EA, Appendix A, we included the Master Plan, which was prepared in the early '90s, so there is several phases, A through E I think, and so Phase A is done, that's the system that goes kind of by the hospital to Kaunakakai Stream, and then B is partially completed, as we've been discussing this morning. It's on Ala Malama Avenue, and we're -- this project proposes to just complete Phase B. Phase C -- I'm sorry, yes, it's just C and D is remaining, C and D are not designed yet. They're not planned yet. We are just focusing on trying to finish B, but if you look at the Appendix, it has an overall view of the entire A through D system.

Ms. Buchanan: Would you know which exhibit that is? I mean I see the flood plain. In Appendix A I see --

Ms. Ono: I've been told it's Figure 11. I don't have it in front of me.

Ms. Buchanan: Figure 11, ah? Figure it out. Nah, hang on.

Mr. Pele: I just wanna understand this a little bit better, so correct me if I'm wrong. In 1998, this plan was approved and had it not been for contaminated soil, we would have a drainage system that runs down that road and empties out at the wharf right now? Right now, in place of 1998, if you hadn't found contaminated soil, this would have been completed, approved in the plan, and we'd be draining into the ocean right now?

Ms. Ono: Yeah, that's correct. And actually, if you look at the other phases, that is, you know, what was planned out for Phase C and D, so I mean that, yeah, that was what was originally planned.

Mr. Pele: And approved in your guys -- in our Molokai Community Plan or just the Master Plan for the drainage?

Ms. Ono: The, yeah, the Kihei -- I mean, not Kihei, excuse me, Kaunakakai Drainage Master Plan. Yep.

Mr. Pele: Drainage Master Plan. Okay. So had it not been for contaminated soil, we wouldn't even -- you guys wouldn't even be here today?

Ms. Ono: Yeah, actually that's correct.

Mr. Pele: Alright. Okay. Thank you.

Ms. Buchanan: Okay, I'm -- I -- you get question? Go ahead. I let you.

Mr. Poepoe: Anybody get -- you guys was able for draw up one schematic for that dissipation thing?

Ms. Ono: You mean the drawings? The construction plan drawings for the basin?

Mr. Poepoe: Yes.

Ms. Ono: I believe the -- the plans are in the Final EA. Okay, it's Exhibit 3 of the packets, but it's also in the Final EA. So it's Exhibit 3, and the sheet, if you look at the bottom right corner, the Sheet is XX-01, and this is a section showing the wetland and the basin, and keep in the mind that when you look at this -- this particular plan, it's drawn at a engineering scale such that it's different scales vertically and horizontally, so it's exaggerated vertically so that you can see, you know, the difference in elevation but that would be probably your best reference for the basin design.

Ms. Lopez: Chairman Lasua, I have a question for the Commission.

Chair Lasua: Go ahead.

Ms. Lopez: We do have one public testifier that would wanna testify. Would you be willing to hear her testimony or is it closed? She just walked in.

Chair Lasua: Go ahead. Let her speak.

Ms. Lopez: Okay, thank you. We'll open it up just you, Penny.

Ms. Martin: ...(inaudible - not speaking into the microphone)...

Chair Lasua: Come up and state your name and --

Ms. Martin: Ke aloha to all the Planning committee and mahalo for letting me speak today. Sorry, I was at Kaunakakai School teaching and I have a -- they at lunch now, I gotta be back at 12:20, so in fact we were just learning about different zones and plants and wetlands - how's that for today? So I have a concern about this plan and I -- I tried to read about it when it first came out and then kinda put it on the backburner, and then realized that this was going on today.

Chair Lasua: Penny, can you state your name again?

Ms. Martin: Oh, I'm sorry. My name is Penny Martin. Yeah.

Chair Lasua: Thank you.

Ms. Martin: And I'm a Molokaian forever. So I believe that this drainage is going to come on the west side of the Yacht Club. Is that correct? It's going to -- is that correct?

Ms. Buchanan: Yes.

Ms. Martin: Yeah. So -- so the Yacht Club is here and then the drainage all -- is this from all of Kaunakakai is going to drain out into this area right on the west side of the Yacht Club?

Ms. Lopez: Only Ala Malama. We can show slide.

Ms. Martin: Okay, if this the Yacht Club, is this where the drainage is going to go?

Ms. Lopez: That's the berm.

Ms. Martin: This is a berm. This is the drainage. And what, all the water empties out here?

Ms. Lopez: Correct. The dissipation basin.

Ms. Martin: And there's a basin?

Ms. Lopez: Yes.

Ms. Martin: And this basin is supposed to be large enough to hold all of the water that drains on Kaunakakai?

Ms. Lopez: Ala Malama only. This is just phase one of B -- of four phases.

Ms. Martin: Oh, just Ala Malama.

Ms. Lopez: Yeah.

Ms. Martin: What's to stop all the other water coming from ...(inaudible)...

Chair Lasua: Penny, can you restrict yourself to a testimony, please?

Ms. Martin: Okay. No, I just trying to understand because my concern is --

Chair Lasua: I understand. I understand.

Ms. Martin: My testimony is that that area, if it drains into there, you thinking it's going to drain into a wetland. Is that correct?

Ms. Lopez: Correct.

Ms. Martin: 'Cause that area is all designated wetland where the drainage - what do you call it? The basin is and that area around it is -- is a wetland identified area, but my concern is that it's not a healthy wetland. It doesn't have the correct plants growing in there. It's not functioning as a healthy wetland. If it were a healthy wetland, then it'd be a great idea because the wetland could do its job, which is to clean out all the toxins and get that water nice and clean before it dumps into our ocean. Right now, it's a dustbowl area, a lot of dirt, and this water is coming from Ala Malama, which is going to collect oil, gas, who knows what else they dump on the street. It's going to carry into this basin, which could overflow, and, hopefully, the wetland is supposed to absorb all of that, but the wetland cannot act properly because it's not a healthy wetland, so I would suggest to make that wetland healthy again before you ask it to function like a wetland, I mean it cannot do its job if its not healthy, and you just going to have more problems if it's not a healthy wetland functioning. It's malfunctioning. And so I'm afraid of what's going to end up entering into Kaunakakai Harbor, which now is really a beach for the people of Kaunakakai. It's Kaunakakai's beach. They go there to swim. They go there to paddle,

to fish. The kids in Kaunakakai, they cannot get to the East End to go beach, or West End, they go to Kaunakakai for recreation, for activity. This is their beach. And already, you know, we made it a small boat harbor, the barge comes in, so there's already these pollutants in the water from that. I'm afraid that if this drainage gets there so close to that beach, it's going to be even worse. There's going to be even more pollutants in the water just from -- just from everyday stuff, like -- like the gas on the road, and the oil on the road, and all of that. That's going to come from Ala Malama Avenue, straight into this receiving area that could possibly more than likely will overflow 'cause if it's -- that's the wetland, the ground is all saturated already, so you have saturated ground, it's not going to take in that much more water, it's going to overflow. It's going to overflow into our Kaunakakai beach. But if we had a healthy wetland, it could -- it could do its job, but it cannot, even though you say it's a wetland area, it's not a healthy wetland. There's no native plants growing in it. It's not functioning as a healthy wetland. Right now, it's a damaged wetland. It cannot do its job. If it could, I can see this, but I think you need to improve the wetland area first before you build something like this and expect the wetland to do its job. So that's my manao on this.

Chair Lasua: Thank you, Penny.

Mr. Pele: I have a question.

Chair Lasua: Go ahead.

Mr. Pele: Thanks. Thanks for that testimony. That's awesome. So in your opinion, and I'm just asking you this as a -- for your testimony, if that wetland was functioning, you'd rather see this plan over the original plan where they brought right down the wharf road and dump it straight into the ocean?

Ms. Martin: Well, anytime you have a plan that brings something right from an -- an urban situation straight down, coming at full speed, emptying out into the ocean, that can't be a good idea.

Mr. Pele: Okay.

Ms. Martin: You know, that cannot be a good idea 'cause it's just going straight from point A to point B, and it's going quickly, and it's going to carry all kinds of stuff with it coming down full speed straight into the ocean; at least this way, if it's diverted, it's caught, it has a chance to settle in a healthy wetland, then the wetland can do its job.

Mr. Pele: Awesome. Thank you.

Ms. Martin: But -- but the wetland is not healthy, that's my point, and so I don't know how good a job it's going to do. And you say it's just the Ala Malama Avenue, but all water

goes downhill, and what's to stop all the other waters from all around to join Ala Malama and come down? Coming all the way from Ranch Camp. I see what people throw in their drainage ditch, the -- on the side of road. Going to have all kinds of crap going down into the Kaunakakai Wharf. And -- and the idea of it coming straight down at rapid speed is - is like the worse idea. At least, the other way, there's a chance to slow it down, have it caught, hopefully, in a healthy wetland that can do its job, maybe clean out some toxins before it gets into the ocean.

Chair Lasua: Okay. Thank you, Penny.

Ms. Martin: Thank you.

Chair Lasua: Anymore public hearing testimony? Okay, Mahina, you've already testified once.

Ms. Poepoe: Don't I get to wrap up after for a minute?

Chair Lasua: Your wrap up. Okay. Go ahead.

Ms. Poepoe: It's different and it's really quick. I was just thinking about what Aunty Penny said and the dog pound is in the drainage area, I don't know if they keep cats there, but there is a feral cat problem and cats carry toxoplasmosis, which is a parasite in their feces and then if that enters the ocean, it can affect large marine mammals and it can kill whales, dolphins, seals, so I know that's further on in the ocean, but the impacts do go further than just the wetland, just the little ocean area around there, so just something to think about. Thank you.

Chair Lasua: Thank you, Mahina. Any other public hearing testimony? If none, hearing testimony is closed again.

Ms. Lopez: Thank you.

Chair Lasua: Commissioners?

Ms. Buchanan: Mr. Chair --

Chair Lasua: Go ahead.

Ms. Buchanan: Can I continue --

Chair Lasua: Yes. Please.

Ms. Buchanan: On the first question? So if somebody can come up here and make sure that I went color code my map okay for the different components of the project, I think it really helps to color code it, like I was back in kindergarten, which -- which I am, that that's all correct.

Ms. Ono: So this -- this is not part of the current project, B is going like this, this way. It's going along the highway. See, we changed this so it's -- it's not drawn here but --

Ms. Buchanan: Right.

Ms. Ono: ...(inaudible - not speaking into the microphone)...

Ms. Buchanan: Okay. Is there an update to the Environmental Assessment concerning the proposed changes to System B? Is there anything that was filed with OEQC on the proposed changes since the changes and since -- since the alternative that we discussing today was not an alternative offered up in the Environmental Assessment, has there such been a submission to OEQC with the new alternatives for review?

Ms. Ono: Not an amendment to the original EA or plan that was done back in the '90s for the overall Master Plan, just the documentation that's been submitted with this project, which is what you have today, the Final EA.

Ms. Buchanan: Okay, so there's no supplemental information to specifically address that this -- this is now the preferred alternative 'cause this preferred alternative, as you can see even in this map, you had to correct me, yeah, it's not a current map, it depicts the old alternatives, and so I'm -- I'm concerned about that --

Ms. Ono: Okay.

Ms. Buchanan: Because significant changes to the project should be in a supplemental offering to OEQC so the public has a chance to participate, I'm not saying that during the early presentation that you quoted on outreach was significant, I -- I just went through it, there's a whole page with my name on it, and so guess what? I was at that meeting. I was probably the only one that raised concerns right away at that meeting a year ago, and that was me that petitioned for you to do more outreach and -- and I raised the same concern then that this was a significant change to the project. So the regular review that would have occurred had you did a supplemental -- a supplement to this on the alternatives would have been helpful because I think more people would have participated and other agencies because as we heard from -- we only have two testifiers but guess what? They the two smartest testifiers we get on Molokai so I'm really happy they came because the testimony by Penny Martin was valid. The wetland, we call it a "wetland" because the water ponds there, it's not been there historically like that, I don't know if the project team is aware that that was a storage for industrial waste and that the landowner

had pushed things into that way that so now you see it but under there is all industrial waste that I'm assuming might come to the top some day now that we're channeling water that way. I agree, I'm not an expert, I'm not a wetland expert, I am -- I do participate and am part of the coastal conversation and wetlands and I agree, the wetland, the wetland is not large enough in scale to mitigate that potential runoff from System B, and I didn't look over the engineering of the water flow for System B, but through observation currently, I have to agree, and I think that -- I didn't think about it, but her suggestion was a really good one, like let's make the wetland healthy first, let's make it bigger, if that's the only alternative we have, yeah going cost money; right now, I see that alternative as the easy way out, and I see it as an alternative that wasn't vetted under Chapter 343, plain and simple. Had it been a supplemental review by Chapter 343, probably multiple mitigation would have arisen instead of just going down to the Vet Center talking to Uncle Makaiwi and Uncle Black, I also notice in the DHHL homestead testimony that there was homesteaders that were asking for other mitigation measures for the road and that the County came back and said no that that wasn't part of the project.

So I know we can give conditions to the SMA permit today, right now, with this alternative, I really not pleased at all at the alternative and that's how come I asked about the rest of the project, so I wish I could give my colored copy to all my Commissioners because System A, you said, is complete, right? So out of all of this plan that started in 1998, 19 years, only System A is complete, and if you guys look, System A is very short system that is -- you guys, you see System A? You get your book? Hang on. Can I pass -- Mr. Chair, can I pass that exhibit?

Chair Lasua: Go ahead.

Ms. Buchanan: Okay. So only A is complete. It's that little pink thing in the left-hand corner way up there. We on System B and -- and System B is already not correct to -- to that drawing right there. Okay.

Mr. Pele: But we're talking about System B not being completed because of contamination, right, that they found?

Ms. Buchanan: Yes.

Mr. Pele: So it -- it sounds kinda sick to me but imagine if they hadn't found contamination, we'd have runoff dumping straight into our ocean because they approved it in 1998. So that's just what I'm trying to process right now. I would be sitting here going, wow, this runoff, somebody in 1998 approved this system to be dumped straight into the ocean, but it sounds kinda sick to say that having contaminated soil was kinda like a Godsend to stop the project 'cause I think this is a better solution myself. I believe exactly what Penny said, that wetland, well, that's what -- it will filter if it's properly -- and it's better than anything I've seen. I'd rather have it go into that wetland and filter. If you do aquaponics

or anything like that, you understand that plants do catch toxins; that's what -- that's whole process now, it's a pretty elaborate process, but it's better than having it go into Third River, in my opinion, and it's way better than taking it straight down and dumping it in the ocean, but maybe we're getting off subject. Sorry.

Ms. Buchanan: Okay, Mr. Chair, I have one question for staff. Since this project is a long standing project, at any point in time has there been a reassessment of engineering that is now 20 years old and -- and any feedback to the Planning Department, County of Maui on this plan if it's -- if it's still a viable plan? It's been 20 years. We know things a lot more. There's technology that exist now that did not exist then. Does this -- does this project need to be taken up and reviewed again? That's what I asked a year ago because we felt like we was beating this dead horse. This is my third stint on this Planning Commission. I heard this at my first two so, to me, all of these changes are arbitrary, they are subject to Chapter 343, and that -- that is my -- my sticking point, so I just like know, within the engineering department at the County of Maui, what kinda discussions have transpired or do we think that this 1998 A, B, C, D, and E drainage of Kaunakakai is still an awesome project?

Ms. Ono: So I don't want to misspeak for the entire Department of Public Works as to whether we're going to update or reassess the Master Plan as I've just been tasked with trying to complete this phase, Phase B, and so, you know, I don't wanna get into, you know, the details of whether we're going to revise the plan or not because, honestly, I'm not sure. I'm not involved with that. And I can only speak to this phase of the project, which we're really trying to just focus on completing B, and then we can look at, you know, future phases, how we can improve it so it doesn't dump straight to the ocean, what can be updated, what newer technology or best management practices, or post construction B&Bs can be implemented, but, you know, I can really only speak to Phase B and the specific terminus of Phase B.

Ms. Buchanan: Thank you. I -- I just wanted to point out to my fellow Commissioners that the rest of the entire -- the System C, D, and E all have direct outlets to the water in the ocean, so they all had direct outlets to the ocean, and we just decided to change this because we ran into issues, and the issues are all money, it's a money issue, so I -- I really just don't know what to do at this point, like, I sorry, I just don't know what to do other than to suggest that the Planning Department convene a working group to make a reassessment of all the systems through A through E to see if they still viable and what technologies exist now that never exist 20 years ago before we spend millions of dollars in concrete to complete something because we not -- we may be a quarter of the way through this project so, to me, that's more of a money saver than saying I not going spend 20 million dollars to mitigate toxic soil. Thank you.

Chair Lasua: Anymore questions? Commissioners, anymore questions? I have a question regarding the wetland. Can you tell me exactly, the wetland as it sits now, how

much of that drain that's being proposed would that handle right now? Can anybody tell me that?

Ms. Ono: I'm going to defer to either Aaron or Susan.

Chair Lasua: Okay.

Ms. Ono: They would be better to answer that.

Chair Lasua: Only because, from what Penny was saying, it's not a healthy wetland, but with the existing plant that's there, will that help it or not?

Mr. Holloway: Let me just make sure I understand your question. You were asking what area can the existing wetland handle as far as --

Chair Lasua: How will the existing wetland, currently, the way it sits right now, because you heard what Penny was saying that it's not a healthy wetland, so say you don't do anything to it and leave it the way it is, how much of that will help what we're trying to do here?

Mr. Holloway: So my understanding of her concerns was that there's not -- the plant species aren't native, which I think -- I think we're in agreement and I think Susan spoke to that earlier, but the wetland, it filters pollutants by slowing the water down, allowing the sediment to drop out, it also -- the plants uptake nutrients and whether it's a native plant or non-native plant, that plant is still going to uptake nutrients, so it's still going to provide some water quality benefits. I'm not disagreeing that, I'm not going to argue that wetland's in perfect health 'cause I don't think it is, and a healthier wetland would function better probably and -- but I think that the focus of this project is on flood control, and I mean we're looking at trying to alleviate flood problems and I think that it's really and maybe lucky that over the last 20 years that there hasn't been a really -- a real whole lot of flood damage, I know there's -- there's ponding and sort of nuisance flooding through town, but I mean if there was a 50-year flood, the existing system couldn't handle it and there'd be a whole lot of flood damage. I think the main goal of the project is just to provide flood control first, but also provide building blocks so that the water quality concerns expressed here can be added to this drainage system throughout 'cause water quality is not a simple build the energy dissipation or a wetland big enough to treat it, it's more of a -- it's a holistic, you need source control, you need all these other -- it's like a watershed wide, watershed scale management needs to be implemented to really tackle and improve water quality, but with this project, we're building a project that drains to the wetland, takes advantage of the natural topography, the wetland system there, and it's going to be the best -- the best solution we can arrive at to achieve the flood control objectives of the project.

Chair Lasua: Okay, thank you, Aaron.

Mr. Holloway: Sure.

Chair Lasua: Anymore questions from the Commission?

Ms. Buchanan: I have a question for staff, Mr. Chair.

Chair Lasua: Go ahead.

Ms. Buchanan: Planner Lopez, the -- what's being asked of us is SMA permits for multiple actions, multiple actions, is it a all or nothing? So what if we approve some actions and we don't approve other actions? Can we piecemeal that out?

Ms. Lopez: Okay, I have to try and dissect your question so I know that you're -- I'm answering it correctly. So you wanna know the SMA process if what you are looking at I'm guessing the recommendations if you wanna take some out or leave some in or add stuff in?

Ms. Buchanan: Yeah.

Ms. Lopez: It's actually under your purview and your discretion. The Commission does have that authority to do so. So however you want to do the recommendations, if you want to approve it with -- with additional conditions, that's up to the Commission.

Ms. Buchanan: Okay.

Ms. Lopez: Upon a vote. If you want to take out conditions, that's up to the Commission by the vote. So the final authority is you, the Commission as a whole. So I hope I answered your question.

Ms. Buchanan: Yes. You did. Thank you. Go ahead.

Ms. Lopez: Okay, we want -- Munekiyo wants to question.

Ms. Buchanan: Okay.

Ms. Lopez: Okay. Thank you.

Mr. Roy: Thank you for the opportunity to respond to that question, and maybe we'll have Aaron come up and give a couple more comments, but to the question as to if this is -- this project that we walked today, and I'm Mark Roy, by the way, with Munekiyo Hiraga, sorry if I didn't state my name. The project that we walked today that's outlined in yellow

and we've got the riprap basin and the berm and the flood protection wall round the sewer pump station, those are all one action. They cannot stand alone. In speaking to Aaron, the analysis has been completed that supports the need for all of these components that we walked through today to need to be installed to have the project efficiently meet the project need essentially. Thank you.

Ms. Buchanan: Mr. Chair, then I have question for one of the team members for the project.

Chair Lasua: Okay, go ahead.

Ms. Buchanan: Can I have the wetland expert? I have questions. What is your expertise?

Ms. Burr: My name is Susan. I'm with AECOS. We're an environmental consulting company. We do wetland delineations and assessment, water quality, biology, botany, aquatic flora and fauna.

Ms. Buchanan: What is your personal expertise?

Ms. Burr: Oh, I've been doing wetland surveys in Hawaii for the past 17 years. I have a Masters in Marine Resources Management --

Ms. Buchanan: You have a Masters in?

Ms. Burr: Marine Resources Management.

Ms. Buchanan: Marine resources. Okay.

Ms. Burr: And I'm a biologist.

Ms. Buchanan: Biologist. Okay. In your opinion, because others don't have the expertise, and I realize that, and I don't, you know, do you think what you saw is a viable wetland? Do you think it's large enough to mitigate the storm runoff by the proposed project, or do you think you cannot make -- give feedback on that?

Ms. Burr: Aaron and I talked about this and I think we -- he had said that the -- the wetland can accommodate a five-year storm before it overtops and discharges into the near shore waters. So anything smaller than a storm that's expected to occur once every five years will be detained in the wetland and with the water staying in the wetland, it will give the sediments a chance to settle out, it will give the plants that are there in the wetland a chance to take up nutrients.

Ms. Buchanan: If the mass area of the wetland was larger, do you think you would accommodate more than a five-year storm?

Ms. Burr: Yes.

Ms. Buchanan: So we walked all the way down today and what I saw was not more than two feet before the water would be overflowing into the Yacht Club, and I saw that the berm only goes up to the fence line of the Yacht Club, and then the rest is open and -- and I saw that it was about two feet, so by that testimony, I'm assuming that the five-year elevation would then spill over into the Yacht Club and so that's why -- that's why I'm kinda leaning -- I agree that it's not sufficient to handle the -- what the engineering states in the storm water flow, and you just said it's five years, so most calculations are done to a hundred-year flood or fifty-year flood, and so that was my concern too so, in your opinion, in a vague way, is it a healthy, is it a habitat, is it a functioning ecosystem as you would think a wetland would be?

Ms. Burr: The specific area parcel with the long skinny -- Parcel 3, it seems to -- it's a brackish wetland so it -- it accepts groundwater or the groundwater level is high there. It -- as you were saying I think earlier, there is freshwater springs in there and so the water, it's not completely saltwater, but it's brackish water. It -- it is tidal, so it goes up and down with the tides. It's nearly 100% vegetated with akulikuli kai, which is a non-native plant, but it's a plant that you see almost all across the wetlands along the south shore of Molokai. It's -- it's a plant that has sort of taken over this unoccupied niche before it was introduced to the islands. You'd see a lot of those bare areas, just the bare mudflats, and so this plant likes to grow in -- in places that used to be bare that didn't have plants growing. It can grow in freshwater and salt water. And although it is not native to here, it does -- it is an effective plant in taking up nutrients and taking nutrients out of the water so even though it's not native, it is having that -- it's functioning as an effective improver of water quality.

Ms. Buchanan: I have a question. If the nitrogen levels increase as a direct correlation of the overflow of storm water with nutrients into the near shore waters, we've seen introductions of upside-down mangrove jellyfish that now lay their eggs in the mangroves of where that water is coming out, and the fishponds in East Molokai now are absolutely infested with that cassiopea andromeda, and so the -- the academic breeding or research studies have shown that nitrogen spikes increase the production of that types of jellyfish. Would you agree with that since you're a marine person?

Ms. Burr: I -- I don't specifically know what conditions are good for -- for that.

Ms. Buchanan: Okay, 'cause right now Keawanui Fishpond is so infested by nutrients coming up from the fishpond, shrimp farm that they cannot even do work anymore. In 2010, the invasive species committee, which I'm a coordinator of, started removing

because there's a designated swimming area so -- so the testimony from Penny, it has heavy public use, that's an area of very heavy public use, and that's why I think I'm -- I'm overly precautious as at adding more into that direct near shore waters because we don't have -- it does not circulate, and it doesn't circulate out until you reach out, so paddlers and swimmers and -- and then, on top of that, the harbor use, I think it's -- it's a cumulative affect, and -- and I think I don't have enough information to be really happy about letting that -- that influx of storm water go there and -- and she's right, I don't think the area is large enough, and you just said it's a five-year flood and we do everything by fifty-year flood. The engineer can come up give his --

Mr. Holloway: Can I add? Yes.

Ms. Buchanan: Sure.

Mr. Holloway: Hi. I'm Aaron Holloway again. I just wanted to clarify a couple things about when we talk about five-year, fifty-year, or a hundred-year flood. There's two things usually that control the design criteria, the amount of water is how big your system needs to be, how big the culvert needs to be, how big the channel needs to be, and that's off, in like you said, that's a fifty-year, hundred-year event, but the water quality criteria is often a much smaller event because the most pollution happens during what's called the "first flush" often, it's the -- some of the first big rains, that's when all the -- the sediments and all the stuff from the road is washed into the system, so a lot of times, when you're designing for water quality benefits, like a wetland system, you're looking at a much smaller volume of water, you're looking at the first flush event, which is even less than a five-year event, it's even less than a one-year event. So I just wanted to clarify that it's not practical to treat for such a big event, like a hundred-year event, because there's just too much water.

Chair Lasua: Question, Aaron. So, in that case, when these -- these waters would go down there, wouldn't that improve the existing wetland now?

Mr. Holloway: Yeah, Susan would be more qualified to speak, but, yeah, I think introducing more freshwater supply would -- would benefit that, the existing wetland.

Chair Lasua: Okay. Thank you. Go ahead, John.

Mr. Pele: I have question that's -- again, I'm a little slow today. If you went -- if you -- sorry. If you guys flew back and somebody left you a briefcase with 20 million dollars to mitigate the soil, you guys could continue with the project as approved in 1998?

Mr. Holloway: I don't think we could continue with that project, no, I think.

Mr. Pele: Oh, alright, I just wanted -- 'cause you said it was cost prohibited, it would cost like 20 million dollars, so now we're looking for alternatives, right?

Mr. Holloway: Well, 'cause -- well, I think it's just the amount of time that's passed since those approvals I think.

Mr. Pele: Right. Right.

Mr. Holloway: That's why we went through this whole other effort to do a whole new environmental document for this alternative because of the time that's passed and the --

Mr. Pele: Yeah, I'm just trying, forgive me, Commissioners, I'm just trying to weigh what was approved in 1998, I don't know if we're catching the fact that they approved, somebody, I don't know who approved it, for storm drainage to be dumped into our ocean, like that's crazy to me, that's more crazy than having it filter through a -- and, I'm sorry, I'm just trying to grasp, in 1998, I was kind of still in my party phase, so I wasn't really paying attention, but I'm just trying to piece -- piecemeal this together.

Chair Lasua: If you was to take the clean up now, the cost wouldn't be 20 million, right? That was back in 1998 when that 20 million was --

Mr. Holloway: Oh no. The cost was actually based on a more recent project.

Chair Lasua: Oh, okay.

Mr. Holloway: I think there was -- was that project in 2010, Kristi? Do you know the --

Ms. Ono: So last year when we came, one of the Commissioners had ask: What is the cost to actually do the soil mitigation if you were to take the route going down Kaunakakai Place or Wharf Road? So we contacted DLNR, who did the waterline project in that same alignment, and I knew that they had encountered that contaminated soil and they decided to just go forward and deal with the soil, contaminated soil, so I asked if they could provide us the change order that the contractor proposed or what they paid to deal with the soil and to, basically, excavate it out and ship it off, so when they sent it to me, I had Aaron actually look and see, you know, how much did they have to take out and how does that compare to what we would have to do, so that's how we got that 20 million dollars, it's based on actual numbers from a contractor doing that work; of course, their, like Aaron said this morning, the waterline was only ten inches in diameter pipe, and ours is a box culvert, so it'd be much greater. Frankly, the department doesn't -- doesn't support that option and it's not something we can, you know, see as a viable option, so this really is the best alternative, it's the most feasible, and, as pointed out by multiple Commissioners, it's better that it doesn't outlet directly to the ocean.

Chair Lasua: Thank you.

Ms. Ono: Okay.

Chair Lasua: Anymore questions?

Ms. Buchanan: Mr. Chair, I just curious, if you know, when the subdivision was built, was this contingent upon the Kaunakakai drainage plan because it's -- because this subdivision was built in Ranch Camp? Is that the reason why all of this drainage stuff had to happen was a part of the condition of that development?

Ms. Ono: I'm sorry, I don't know if it was a condition of the development of the residential area.

Ms. Buchanan: So, Aaron, if -- if you was born and raised Molokai girl, and you went school, you came back, you one engineer, you know, is this -- is this -- in 2017, is this how drainage projects look like if you had to start from scratch?

Mr. Holloway: Yeah, I think the graphics would look better. Our mapping capabilities have improved drastically, so we would map it on the aerial photo, we would have it, you know --

Ms. Buchanan: Yeah.

Mr. Holloway: You could have topography shown, but, essentially, you're looking at, you know, what are your areas and where the lines go, so unless there is -- there's better information --

Ms. Buchanan: Okay.

Mr. Holloway: The lines would look a lot -- they would look the same. They would just be more presentable in a better graphic.

Ms. Buchanan: So Oahu, Mufi Hanneman, Ala Wai, sewage, disaster, took 'em out, put 'em in one 26-inch pipeline aboveground to mitigate the sewage problems, Mapunapuna, driving your car underwater every time flood, so all of the same type of mitigation measures that was taken to mitigate other storm areas, low-lying areas at mean level, right, because we at the same level as the ocean water, why are those alternatives not considered? What about above-ground pumping and then dispersing into other types of sediment or holding areas to be treated and mitigated?

Mr. Holloway: The -- it's -- it's awfully expensive to pump storm water just because of the -- you're requiring on a mechanical -- something mechanical to do something that would

happen with gravity, you know, rather than just letting the water flow downhill to your wetland, you would be having to put in a pump station and all this piping to then put it into other areas, and you'd be left with the same situation, it's the same water, you're just taking it to a different area, so if it doesn't go to the existing wetland, if it goes to the wetland next door or some other space, it's the same situation, so it's just a whole lot of infrastructure that doesn't add a lot of value to the system, and then the aboveground pipes, there's also all these other, you know, dirt access, access is an issue, and if you go above or below the ground, and if you go below the ground, then we're back into the -- if it's going down the Wharf Road, then you have the soil issues to deal with, so I think, just off the top of my head, those are some of the reasons why we don't -- that's not a first option, yeah.

Ms. Buchanan: Well, and that's why the Oahu or Honolulu County Council went right down the middle of the road, the big ugly thing that everybody was grumbling about 'cause was ugly, so they went and spent millions and millions of dollars to hide the ugly pipe, but went work. So I think you can tell that I felt like alternatives to this plan wasn't clearly vetted, wasn't fully considered that, oh, just -- just dump 'em into the ocean, easy over there because no more one house, so all of the other areas are all built out except for Molokai Ranch's parcel, and then, again, it's straight into the ocean, so I think that's just my dissatisfaction with the entire project from A through E is that it's been so long and there's no -- been no reassessment that I know of to find out if there's better ways to -- to deal with storm water runoff. Thank you.

Mr. Roy: Mark Roy, with Munekiyo Hiraga. Just to comment in terms of some of the policy directions of the previous years for the design of drainage systems and I think it kind of speaks to where the County has ended up with the project that's before the Commission today, which is this Phase 1B project, yeah, the original alignment hit those contaminated soils and, you know, the County's committed to wanting to get this Phase 1B project completed and when those contaminated soils were encountered, they really had to take a step back and say, okay, well, you know, what alternatives could we evaluate for this specific project component and those we went through today in terms of the alternatives that were evaluated, but the -- the culvert and the conveyance utilizing the wetland as a filtration mechanism, as a primary filtration mechanism for the first flush, as Aaron mentions, is, in terms of the question about how -- how have these kind of projects changed, I would say there is a lot of policy support these days for utilizing low impact development techniques to receive drainage flow versus, you know, the original alternative, which was directly down Kaunakakai Place into the ocean, so I just wanted to add that comment just in response to the Commissioner's question.

Chair Lasua: Thank you. Anymore questions from the Commission?

Mr. Bicoy: Can somebody answer if we take no action and we let it stand as is, what kinda -- what kinda impacts does it have as far as like water quality that's being seeped

into properties aligned with Ala Malama Street as far as, you know, not doing anything as removing the flood waters, what kind of -- what kind of affects will be have if we let it stand as is?

Mr. Holloway: I think, for the most part, you'd see what you saw just this week with -- with the rainfall and flooding you got on Monday, you'd have a lot of ponds in different areas of town and you'd have a County truck that goes around and vacuums up those ponds, and that's the best case. I think the worse case is that if there's an extreme rainfall event, something that it goes even beyond what an engineering -- what the County standards require, then that's just -- it's so much water it could overwhelm properties and you're looking at property damage, there's safety hazards, possibly road damage, and then long-term impacts with, you know, restricting access, so I think -- I think if the -- to do nothing, I think the biggest risk is just what happens in a extreme event because the drainage is not controlled, it would be the existing system would back up, and then it's really hard to predict which way it's going to go. Thank you.

Chair Lasua: Anymore, Commissioners? Hearing none. What's the pleasure of this Commission? Department recommendation.

Ms. Lopez: Thank you, Chair. So this application complies with the applicable standards for a special management use permit as listed in the accompanying Department report for this project. Standards for reviewing a special management area application are found under HRS Chapter 205A-26, and Section 12-302-10 and 11, of Chapter 302 of the Special Management Area Rules of the Molokai Planning Commission, and fully listed in the applicable regulations section of the Planning Department's report to the Molokai Planning Commission for the Commission's October 25, 2017 meeting regarding this Docket No. SM1-2016/0006. The Maui County Planning Department recommends approval of the applicant's request for a special management area use permit subject to the following standard conditions from 1 through 5, with additional project specific conditions listed from 6 to 11 in your recommendations report, that the conditions of the special management area use permit shall be enforced pursuant to Section 12-302-23 and 24, of the SMA Rules for the Molokai Planning Commission.

In consideration of the foregoing, the Planning Department recommends that the Molokai Planning Commission adopt the Planning Department's report and recommendations prepared for the October 25<sup>th</sup> meeting as the findings of facts, conclusions of law, and decisions and order, and authorize the Director of Planning to transmit said written decisions and order on behalf of the Planning Commission. Thank you, Chair.

Chair Lasua: Thank you, Sybil. Hearing that, what's the pleasure of the Commission?

Mr. Pele: Chairman, I move we approve the special management area use permit for the proposed modified Kaunakakai Drainage System Improvements Phase 1B to construct a

larger culvert outlet basin, flood wall, and earthen berm on parcels located on land at Maui Tax Map Keys (2) 5-3-001:003, 008, and 999, and (2) 5-3-005:006 and 007 in Kaunakakai, island of Molokai, Hawaii.

Chair Lasua: Thank you. Second?

Mr. Bicoy: I second that motion.

Chair Lasua: Second to the motion. Any discussion?

Ms. Buchanan: Mr. Chair, discussion.

Chair Lasua: Go ahead.

Ms. Buchanan: Mr. Chair, I not going be -- I'm not going to be voting in the affirmative on the motion because I would -- I think I wanted to move for more precaution. I think the request at one year ago was to have more of a discussion with the engineers and more of a type of a working group to -- to try to work through the issues, and I understand -- I understand the position that the County is in, but I hope the County realizes and appreciates the Molokai Planning Commission's responsibility to Chapter 205A, and almost every -- almost every section of 205A speaks directly that this project is not in compliance or meets the objectives of 205A, and that's the reason why I cannot vote in the affirmative today. I would consider deferring the matter to -- to look at conditions that might be acceptable to mitigate the issues I find that are not compatible with 205A, which is environmental protection law for the coastline, so I disagree with the conclusions and the findings of facts, and I would be open to that, you know, if we could come up with -- with other mitigating conditions even if it was to improve the outlet area, if it was to improve potential safety, if it was to look at how the right -- the energy dissipation basin would look, how big, how wide, you know, is my dog going to fall in there, all that kinda stuff, the lines of where the issue we have now is right here, this building, all the water from up there goes right through our police station; that's not captured by this project, by the improvements. So the people of this community not going see one -- one -- one big change from this project other than status quo because the natural waters that going -- that you see at Makoa now and you see at the Yacht Club is going to remain there, it's not captured by this project, maybe the little bit overflow by the -- by the da kine, fine, so that, taking that, the current existing situation that I not, in my opinion, I not going see one big change versus my obligation to Chapter 205A, as a Commissioner, to protect my near shore waters and the coastline. I not going be voting to approve this SMA at this time but I would consider deferring with conditions, I mean and -- and giving some direction to the planning team as to how we could possibly mitigate to make this project more amenable from the environmental perspective. Thank you, Chair.

Chair Lasua: Thank you, Lori. Any more discussion? Go ahead, Corp Counsel.

Ms. Oana: I just wanted to ask if Mr. Pele and Mr. Bicoy, if you wanted to just amend your motion because I believe the motion was to approve the SMA permit but I didn't hear subject to the 11 conditions from the Department's recommendation. Did you wanna add the conditions as well?

Mr. Pele: Do I have to read it again or you want me to just add the 11 conditions as written by the -- by staff?

Ms. Oana: Yeah. If --

Mr. Pele: Okay.

Ms. Oana: If you wanted to change your motion to that and if Mr. Bicoy is -- is okay with that.

Mr. Pele: I move to amend my motion to include the 11 conditions stated in the application. Is that good enough?

Mr. Bicoy: I second the motion.

Chair Lasua: Thank you.

Ms. Buchanan: Mr. Chair, can I have one more discussion?

Chair Lasua: Go ahead.

Ms. Buchanan: So, for the record, I wanted to point out the cultural impact assessment that was done in appendix, whatever this appendix is, on the modified improvement in Phase 1B, I felt that the assessment was not adequate. It quoted one, two, it quoted, I believe, three people in its assessment, and I thought that that was not, being that the Malama Cultural Park, which we're having a meeting tonight, by the way, is of significance and historical importance to Molokai, that I would have had more feedback and more remediation, the -- the actual remediation plan, and that was missing, so I wanted just to point that out for the record because on item 10, with the acceptance, is the basic DLNR SHPD Maui Office shall be notified, and then the same in item 11, that the Maui section going be contacted, but really what I want to see is I want somebody's number, so when we did the drainage wharf improvements, which was a multi-million dollar project, the conditions and -- were that -- that we have one number to call for somebody on island if we saw that something was occurring with historical significance and archaeology, and wasn't one number in Maui, it wasn't somebody that I had to leave one message, wasn't one office, I wanted the project manager, so I wanted the onsite project manager's number to speed dial him and say why aren't your guys men aren't here because they

digging, so that's the kind of conditions and mitigation I talking about if we was to defer and work out all the kinks, and I would still like that to be part of approval if this approval goes through. Thank you.

Chair Lasua: Thank you, Commissioner. Anymore discussion?

Ms. Lopez: So, Chair, I have a question for Commissioner Buchanan. Are you looking to amend one of those conditions to include what you just stated or are you just still discussing? I don't -- I don't know if that was a directive --

Ms. Buchanan: I discussing.

Ms. Lopez: Or just a discussion.

Ms. Buchanan: I discussing --

Ms. Lopez: Okay.

Ms. Buchanan: 'Cause I never make the motion and I already stated that I not going vote in favor of granting -- vote in favor of the motion, but I'm pointing out, for the record, that for past projects, that's the kinda problems we have on Molokai is that I like -- I like somebody for be accountable. If I have a problem, and it's usually the site manager that has to mitigate all of the issues if -- if somebody's truck is -- is speeding, I wanna call the site manager. If somebody tell me, Auntie, they digging up bones and nobody saying nothing, I wanna call somebody. I like some kind of stop-work action. I want immediate remediation. That's what I was looking for.

Chair Lasua: Thank you, Lori.

Ms. Lopez: Okay, thank you.

Chair Lasua: Okay, anymore questions at this time? Anymore discussion? Hearing none. You guys ready for the question? All in favor, raise your right hand? And we have one negative, Lori. Two. All in favor? All oppose? Two. So motion fails.

**It was moved by Commissioner Pele, seconded by Commissioner Bicoy, then:**

**VOTED:** to approve the Special Management Area Use Permit, with the 11 conditions stated, for the proposed modified Kaunakakai Drainage System Improvements, Phase IB, to construct a larger culvert, outlet basin, flood wall, and earth berm on parcels located on land at Maui Tax Map Keys: (2) 5-3-001:003 (por.), (2) 5-3-001:008 (por.), (2) 5-3-005:006 (por.), (2) 5-3-005:007 (por.),

**and (2) 5-3-001:999 (por.), in Kaunakakai, Island of Molokai, Hawaii.**

(Assenting - X. Bicoy; W. Buchanan; L. Lasua; J. Pele)  
(Dissenting - L. Buchanan; L. Poepoe)

**The motion FAILED.**

Chair Lasua: Can I entertain any other motion? Commissioners, can I entertain any other motion? You have a question?

Mr. Roy: This is Mark Roy, with Munekiyo Hiraga. We've got a lot of people here today. We're certainly happy to spend as long as it takes to address any outstanding questions or concerns that there are about the project. This has been a multi-year project. The EA itself has taken three, four years to get through the process where it's been a comprehensive evaluation process, but we do hear the remaining concerns that have come up during today's meeting. Like I said, we have the full team here today and if there's any possibility of addressing some of those concerns, we'd certainly like to explore that, so whether or not we can take a short recess and just have some time to speak with the applicant regarding some of the concerns that had been raised, and then we can come back with a response from the County in terms of maybe what we could propose, if anything, at this point versus having to come back to a -- to a second meeting, so it's just a -- a comment from the applicant's side.

Chair Lasua: Thank you. Commissioners, entertain another motion? Seeing none. We'll take a short recess, ten minutes recess.

*(A recess was called at approximately 12:42 p.m., and the meeting reconvened at approximately 12:51 p.m.)*

Chair Lasua: Okay, I'd like to call the meeting back to order and reconvene. First of all, for the applicant, is there anything you'd like to add? Go ahead.

Mr. Roy: Thank you. Mark Roy, with Munekiyo Hiraga. First, I'd like to just convey our appreciation again to the Commission for your time today and including the site visit. We certainly hope that the Commission Members found the -- the inspection useful in terms of just seeing the proposed scope of the improvements and we certainly hope we -- we addressed most, if not all, of the questions during the inspection. It does seem that there were a few outstanding concerns during the discussion portion of today's meeting and we certainly wanna do what is practically feasible at this point. You know recognizing this is a County project and it's been in the process for quite some time now, we hit the contaminated soils back in 2012, the County had to pull back and completely kind of redesign the project and move forward with the appropriate permitting for the project at

that point, so one of those requirements is, I think you all received these copies, was this Environmental Assessment document that has taken a long time to put together, a lot of process, and we also engaged in the community outreach process with the community as a result of the feedback that was provided by the Commission during review of the Draft Environmental Assessment. We certainly think that that community outreach process was really helpful for the project particularly the re -- redesign or refinements that were made to the berm. And so, you know, we're hopeful that this project is the project that can be moved forward at this point to a point of implementation so it can provide the necessary drainage function to -- to the community. We have convened with the Department of Public Works during the short recess; obviously, it was a short time but we are able to propose a couple of additional conditions for the Commission's consideration that respond to concerns that were raised during the discussion portion. The first one goes to the -- the heart of water quality and the need to try and remove some of the debris coming down through the drainage system. So in speaking to the Department of Public Works and also the design engineer, they feel that they could commit to, and I'll just read it in terms of proposed language, if that's okay for the Chair and the Commission.

Chair Lasua: Yes. Go ahead.

Mr. Roy: So this would be a new condition, number 12: The applicant shall install catch basin inserts/filters as part of the proposed project at the Ala Malama Avenue/Kamehameha V Highway intersection and project sites as appropriate.

The next condition, which would be a new condition number 13, this goes to Commissioner Buchanan's concern about an appropriate point of contact during construction, and I'll just read the condition if that's okay as well: The applicant shall setup a hotline that can be used by members of the public during project construction to communicate questions and/or concerns to the County and its contractor.

So those two conditions would be two additional conditions, a condition 12 and also a condition 13. The first going to the water quality concerns that we've heard today in discussion, and the second one relating to there needing to be a point of contact for anyone that has any concerns or questions about the project during construction. Those are the two conditions that we're hoping could address the remaining concerns that the Commission may have in regards to approving the SMA use permit for the project, and I'll -- I'll leave that with the Commission. Thank you very much.

Chair Lasua: Thank you. Commissioners, you heard the proposed condition.

Ms. Buchanan: Yeah, Mr. Chair, if I may, I wanted to thank the project team for trying to take the ten minutes and -- and try to meet some of our concerns, and so I'm happy to -- to hear that. So anywhere in these conditions, Planner Lopez, does it hold the County's feet to the fire for maintenance of this system B, so if we have one issue, is there

somewhere, like he said the applicant should do the catch -- catch basin, the features, or whatever, and that that will be properly maintained, or not properly, but will be maintained by the County?

Ms. Lopez: So condition number 5, I'll just state -- read condition number 5: That to the satisfaction of the Department, appropriate filtration measured to separate petroleum products and other potential contaminants shall be incorporated into the project's final drainage plan and shall be regularly maintained per manufacturer's specifications or other best management practices, with the contaminant residuals from storm water treatment to be disposed of properly. Records of the inspection, maintenance, and disposal shall be kept by the applicant and made available for inspection by County and State agencies upon request. Plans for the filtration measures, and a program, and recordkeeping for inspection, maintenance, and disposal of contaminated residuals shall be submitted to the Department prior to or along with the preliminary compliance report. And number 6 refers to to ensure the water quality and marine resources are protected so that they do best management practices. So that would be during construction. All construction related materials. And that a BMP plan shall be prepared and reviewed by the Planning Department and the Department of Public Works, and that will be submitted to the Planning Department with the preliminary compliance report. So that's condition 6. Did -- did that answer your question, Commissioner?

Ms. Buchanan: Yes, Planner Lopez. I thinking about the longer -- I trying to get to where Aunty Penny was bringing up the issue of restoration and mitigation because we know when the County started dumping rubbish in Kalamaula in the wetland, the Environmental Protection Agency came, sued them, they loss, and they had to mitigate that and, low and behold, Ohiapilo Wetland was formed as a mitigation for that taking of the wetland for -- so on a very small scale, I'm kinda thinking of the same -- the same kinda mitigation and restoration as to how far we could push the County within this one project phase to at least work to improve the site where the discharge is coming out and to -- I think what I wanted is -- is some type of monitoring that could be intermittent or once or twice a year by somebody to -- to say that whether there's being an improvement in the wetland, or the wetland is declining, to work on expanding the wetland, and all that takes money, I know, but I don't think it takes a lot of money, and I would like to hear one report on the long-range type of, you know, it's just that that somebody is checking on it. But thank you. I appreciate the team efforts to add more conditions.

Ms. Ono: May I please respond to -- to the discussion? Okay.

Chair Lasua: Sure. Go ahead.

Ms. Ono: So in terms of what the County can commit to in terms of improving the wetland or including that with this project, so we've gone through a number of permits already and consultation with various agencies, which did not include an work to the wetlands, it didn't

include any construction in the wetlands, so we, basically, have to start over and do the EA process, do the Corps of Engineers consultation, do the 404 permit and the water quality permit, it's within private property so we don't have the legal means to do that currently, and it's just not something that we can feasibly implement a regular maintenance, have the qualified personnel to be out there, you know, monitoring the condition of the wetlands, so that is my response your concerns.

Ms. Buchanan: Thank you.

Chair Lasua: Thank you. Commissioners, any other questions on the proposed conditions? So there's two added conditions. Okay, Commissioners, can I get a -- entertain another motion for the proposed conditions?

Ms. Buchanan: Since we were the -- since I was a declining vote, then I guess it's up to me to try and come up with another motion. The problem I having today, which might not be the same problem I have in a month from now, is that -- that the project presented to me today is -- is -- I'm having a hard time finding that it is in compliance with the environmental protection laws afforded us and -- and I know that the project can move forward if the benefits outweigh the negative, potential negative impacts, so I know that. Right now, this minute, I not willing to make that concession. I also know that with these types of million dollar projects and huge, huge projects, that if you do not get the mitigation at the time that the permits are approved, it never gets done. So that's how come I'm -- I'm still dragging my feet. I think that with a little bit more time we can come up with at least a few more best management practice or specific BMPs that would make this a much better project to swallow especially when users start being affected that -- by potential storm water runoff within that area and they find out who put that water there and then they going say, well, we approved it. And I don't even have any feedback from fishermen that that I saw. I saw the com station. I notice that the Aha Kiole was not consulted. I saw that they wrote a letter. I saw that there a response to the letter but in the following outreach that they were not contacted. So about four of the very important people to contact wasn't contacted. So I'm just -- I'm offering up to defer at this time, I not offering up to not approve the project, but just for now to defer. That's my motion.

Chair Lasua: Okay. Can I get a second?

Mr. Poepoe: I'll second.

Chair Lasua: Okay, second. Any discussion? Hearing none. All in favor, raise your right hand? All oppose, raise your right hand? All oppose again, raise your right hand? Got it? Okay.

**It was moved by Commissioner L. Buchanan, seconded by Commissioner Poepoe, then**

**VOTED: to defer item C.1.**

(Assenting - L. Buchanan; L. Poepoe)  
(Dissenting - X. Bicoy; W. Buchanan; L. Lasua; J. Pele)

**The motion FAILED.**

Chair Lasua: Is there another motion on the floor? Any other motion? Go ahead.

Mr. Roy: Mark Roy, with Munekiyo Hiraga. Thank you again. We appreciate all of the discussion that has occurred up until now and I certainly understand the motions that have been presented and where we currently stand. The one thing I can just propose from the applicant's side is, again, we've got the full team here with us today, we've got the archaeologist, we've got -- got the design engineer, we've got the wetland specialist, we've got the planning team. If there are any outstanding questions that we can assist with in terms of responding to the question of BMPs was raised by Commissioner Buchanan, there is a quite comprehensive BMP plan that has been put together for this project as part of the Environmental Assessment. I'd be happy to have Mr. Holloway come up and just share with the Commission what BMPs would be implemented as part of the project, I understand that the question may also go to permanent BMPs, but I think that also speaks to one of the two conditions that the County has proposed at the meeting today, but if there's anything that we can do to address those outstanding questions that Ms. Buchanan raised during her comments just now, we'd certainly be happy to do so.

Chair Lasua: Thank you. You wanna hear from them? Okay, since we don't have any other motion, we'll defer this item and move on to the next. Next item on here --

Ms. Buchanan: Mr. Chair, the applicant is wanting to say something but -- but, Mr. Chair, can I just offer up something? We only have two items on the agenda today. It's ten after one. We going hear -- the default is to -- to defer. I am willing to put a little bit more time into trying to discuss and do some mitigation, but I think in all fairness to the applicant, that we should hear the applicant that is scheduled for today, and then if we want to revisit, can we revisit the first action item, agenda item? That would be my hope that we could do that.

Chair Lasua: Okay, we'll -- we'll do that. So we'll come back and visit that. The next item on the agenda is:

*Chair Lasua read the following agenda item description into the record:*

- 2. CHERYL CORBIELL requesting a Bed and Breakfast Home Permit in order to operate the Kai Hale Mala B&B, a one-bedroom bed and**

**breakfast home located in the Interim District at 35 Kamakana Place,  
TMK No. (2) 5-4-013:029, Kawela, Island of Molokai. (BBMO  
T2017/0001) (S. Lopez)**

Chair Lasua: Sheryl Lopez, Planner.

Ms. Lopez: Sybil.

Chair Lasua: Go ahead, Sheryl.

Ms. Lopez: Okay. Hi. Thank you. Sybil Lopez, Molokai Planner, Staff Planner on this project. I passed out two support -- letters of support for Ms. Corbiell to each Commissioner, which was submitted to me today. So with that two, yes, in the matter of this application of Ms. Cheryl Corbiell to obtain a bed and breakfast home permit to operate the Kahakai -- Kai Hale Mala, sorry, Kai Hale Mala bed and breakfast, a one-bedroom, in the State urban district and County interim district, on approximately 7,021 square feet of land located at 35 Kamakana Place, that is located in Kawela Way Gardens. This would be -- we have one permitted bed and breakfast in -- on the island of Molokai and that permitted bed and breakfast is located outside of the 500 feet of this permitted -- this pending bed and breakfast that is before you. It is, that one permitted, it is within the Kawela area but outside of that 500 feet. Ms. Corbiell is not here today but we do have the consultant, Mr. Manera, Luigi Manera, if you wanna add any few words towards this project to the Commission, and I'll bring him up right now. Thank you.

Mr. Manera: Hi. Good afternoon. Luigi Manera for Cheryl Corbiell. Well, this is -- this lady, she operate this bed and breakfast according to the transient accommodation tax since 1996, and she's been paying taxes for almost 20 years. We never received any comments against this project. Then we received couple letter of support and phone call of support of the project. And this is going to be the only second bed and breakfast in the whole island of Molokai. We hope you guys consider -- consideration in approval of this project. Thank you very much.

Chair Lasua: Okay, at this time, we'd like to open up for public hearing testimony. Anyone? Step up to the mike and say your name.

Ms. Poepoe: Hi. Me again. My name is Mahina Poepoe. I have some papers that correlate with what I'm about to say if I could pass them out. I tried to -- I tried to organize it. Okay. Thanks. Okay, so I think the first -- first the positive things about bed and breakfast. I do see how having the owner on site management, they're 24 hours a day, is a big difference than when compared to short-term rentals and it does lessen or mitigate some of the impacts that we talk about with short-term rentals. I usually talk about lifestyle, quality of community, but I feel like this bed and breakfast has been open for so long and there's enough people in and within around that area that if they had issues with

that, they could come and talk about them. I wasn't really even planning on testifying for this until I went online and did some research. So the first thing I have, it should be in the pile, is the website advertisement that I found online on it, it has its own website, and under Section 19.64.030 and the restrictions of standards for bed and breakfast, it says that all advertisements in a residential district should include the number of permits granted to the owner. Because there's no legal status listed on it because it's not permitted yet but it does state open now as well as posting business hours that indicated to me that there's a current, a past, and an ongoing operability without regard for where it is in the permitting status. I kinda found that to be a little bit misleading, premature, and I can't say how long the website's been active or if it's current or if they're just taking reservations for the future assuming that they're going to get their permit, but I wanted to share that. Also, it might be a disservice to customers because I know there are travelers who wouldn't stay in an illegal rental if it were made aware to them that it were illegal. So I'm talking about it being illegal and I think it's kinda common knowledge, a lot of people know it's been there for a long time, over a decade. I tried to prove that span with the TripAdvisor, the second paper packet in there, with using reviews from customers throughout the years, the most recent review I found was April 2017, a month before the application came into the Planning Department, I think, and the furthest back was 2006, and I tried to highlight in there, in some of those, I think. That was -- that one was just to try and prove a span of illegality without me just being up here and saying it's illegal. And then the last thing I have in there is the tax card I pulled from the Maui County Tax website, under Section 19.64.030 restrictions -- restrictions and standards for bed and breakfast, item L, it says, "Single-family dwellings used as bed and breakfast homes should not qualify for real property tax exemptions, pursuant to Chapter 3.48 of this code." Because it's been illegal for -- operating illegally, it was able to claim an exemption and 2008 to 2011, \$300,000.00 exemption; 2012 to 2017, a \$200,000.00 exemption. So if it had been legal and permitted, that's almost \$6,000.00 more in real property taxes that would have been charged, that were avoided because it was kept illegally instead of being legal. So I think I'm just -- I'm not here to say approve or disapprove, but a lot of the times I hear a lot of, you know, thanking the applicant for finally coming in and doing the right thing, which is great, and I appreciate that too, but if you're going to reward that behavior, the past behavior, and if illegal things are made aware, brought to your awareness, then I think there should be consequences to kinda make up for that past illegal parts. So that's all. Thank you.

Chair Lasua: Thank you, Mahina. Anymore public hearing testimony? Go ahead, Luigi.

Mr. Manera: Hi. Luigi Manera. I cannot verify what she said. Cheryl, she's out today. What I know is that she's been paying taxes, transient taxes and all the other taxes since 1996. That's what I know.

Ms. Buchanan: Mr. Manera. Sorry, Chair, question for the testifier.

Chair Lasua: Go ahead. Go ahead.

Ms. Buchanan: And -- and it might be a question for the testifier as well as the Planner. Do we know if the applicant is still claiming a home exemption that is adverse to the B&B law?

Mr. Manera: You know, I -- I don't know. I no think she's -- you have to pay taxes before you can apply anyhow. You -- you cannot claim an exemption. I mean I no think -- normally, when you apply for this, if you have an exemption, the County let's you know right away.

Ms. Buchanan: Okay, thank you.

Ms. Lopez: I can answer. So as far as what is recorded at the time of the application was submitted, back in May 26, 2016, the -- as far as what -- what is recorded, yeah, the real property tax records does show that the, at that 2016, the owner has been paying under homeowner tax class exemption, not until they actually legally operate they have to take away that status, so as far you know now that she in the process of applying, once she gets permitted, the exemption has be got cut off. As far as anything prior to that, there's no -- there's no record or there's nothing in the application process that requires that to show any -- any past, so the idea is for them to come in to get an application, to follow the process, and if you get permitted, then you can proceed. Once you're permitted, and then they have to change that status, change that homeowner status to whatever the tax, I would say commercial-residential, so they would have to change that tax class. And that's all I know. I don't know.

Ms. Buchanan: Mr. Chair, I have a question for staff.

Chair Lasua: Go ahead.

Ms. Buchanan: Thank you, Sybil. So we heard testimony that a community member has done some research that there is records on the internet for feedback from renters of Kahala -- Kai Hale Mala, the last being from 2006 to April 2017. The applicant date of the application was May 26, 2016. The applicant contest that -- that until they get their homeowners exemption, the permit, maybe they no need give up their homeowners exemption, so that makes the applicant operating illegally at least from May 26, 2016 to April 2017. In your capacity as a Planner, do you have any knowledge of how the County of Maui gives out after-the-fact fees or some type of enforcement on these types of permits? What is the recourse when they find that somebody has been operating illegally, what is the fine system for that?

Ms. Lopez: So, first of all, I'd like to thank, thank you, Commissioner and the testifier to bringing that to the attention of the board as well as the -- the Department, and so I need

to kinda clarify what I stated earlier. So what was submitted was what was part of the application, which was, like I said, stated on May 2016, and so that was the start of when the applicant came in with the consultant throughout the application process. So until the Department had it filed and recorded, as part of what the report says in page 2 that the - the bed and breakfast permit hasn't been filed until May 11, 2017, so prior to May 11, 2017, it sat with the consultant and the applicant to do their due diligence to complete the application and to submit a full application to the Commission. So as far as the question that you're asking in regards to any type of enforcement, I know it's a little bit different from short-term rental, 19.65, but it -- but it's -- the enforcement is somewhat similar with bed and breakfast to 19.64 in comparison to 19.65. I just wanna compare it because you guys seen -- you guys seen a lot of short-term rentals and so this would be the second bed and breakfast project that is coming in front of you, so please bear with me while I'm looking, scrolling on my phone to find the compliance, and so the only thing I can see is 19.64.060, in regards to compliance and revocation, and just give me a few minutes to read over the --

Ms. Buchanan: Okay, Planner. In the meantime, can you share where the other bed and breakfast is?

Ms. Lopez: So the other permitted bed and breakfast exist right around -- right going east from Kaunakakai Town. I would say between four to six mile-marker. I'll just try to give you landscape. It's before the barn houses and the Door of Faith Church, so it's within that vicinity. It is outside of the 500 feet of the Kawela Way Gardens, which this -- this bed and breakfast is located.

Ms. Buchanan: Okay. Thank you.

Ms. Lopez: You're welcome.

Ms. Buchanan: Planner Lopez, you like Corp Counsel look for that too?

Ms. Lopez: Sure.

Ms. Buchanan: Okay.

Ms. Lopez: 19.64.060

Ms. Oana: Well, I believe Commissioner Buchanan's question was what about enforcement, so we look to 19.530.030, of the County Code for enforcement, and it says in 19.530.030.B, A and B, there -- there could be a notice of violation and the notice of violation can order the person to do a bunch of things, cease and desist from the violation, correct the violation at the person's own expense before a date specified, pay a civil fine not to exceed \$1,000.00 in the manner at the place and before the date specified in the

order, pay a civil fine not to exceed \$1,000.00 per day for each day in which the violation persist, and then one other thing that I don't think pertains to this, but there are the normal fines for Planning, and Public Works, and Water Supply kind of violations.

Ms. Buchanan: So, Mr. Chair, then I have a follow up question to the Planner. Are there any known request for service or complaints from this property of concern or illegal rental or anything of that sort?

Ms. Lopez: So as of October 5<sup>th</sup>, so as of October 5, 2017, when this report was submitted to -- to your review, there was one RFS, 16-0001111, which I -- I don't actually have it on hand with me so I cannot explain to you the specifics, but there was just one at that time and it deemed as during the time of review it deemed that it was closed, either closed or done by the Zoning and Enforcement Division, so when we usually see that during review, that means that the applicant did come in to remediate at some -- at some given point or time in regards to those RFSs, but I just -- I don't have the RFS or request for service with me to explain what that RFS was, but there was one for that property in 2016. Oh, can the consultant --

Ms. Buchanan: Yeah, please because I need to know that. Yeah, it would weigh on this decision.

Mr. Manera: Yeah, the request for service is, basically, a normal request we do to all the bed and breakfast and short-term rental to building, electrical, and plumbing. They have to come and verify that the house is in compliance. Everything is permitted. That's the RFS.

Ms. Buchanan: So who submitted the RFS?

Mr. Manera: We submit it --

Ms. Buchanan: You did.

Mr. Manera: To the County.

Ms. Buchanan: Okay.

Mr. Manera: And the County, they send three inspectors, and all three pass. And when you have the letter saying it's passed, then you can submit the final application.

Mr. Pele: I have a question. Sybil, you know when we were talking about the STRH permits, there was a penalty if you were caught operating as an STRH without approval, I think the language read something like you can't apply for is it a year? Five years? If

you're found -- wasn't there language in the ST -- but I know it's different, I'm just I mean I'm asking is the B&B --

Ms. Lopez: I don't see that in here that's why I needed a few minutes to read it but --

Mr. Pele: Is it in the STRH?

Ms. Lopez: It is.

Mr. Pele: Is it, right?

Ms. Lopez: It is in short-term rental --

Mr. Pele: Yeah. Okay.

Ms. Lopez: But I don't see that here in bed and breakfasts --

Mr. Pele: Alright and --

Ms. Lopez: So what Corp Counsel related to the 19.530 is the only enforcement that I've seen.

Mr. Pele: Okay, so fines. Only fines is the only thing they talk about if you're found as an illegal operation, and do we judge illegality based strictly on the findings of the Planning - the Planning Department? Who enforces it? Planning Department. You guys, right? So somebody brought this up to you, you guys would -- somebody gave this to the County and said, hey, look, they advertising in 2017, on October 24<sup>th</sup>, you guys would do an RFS?

Ms. Lopez: Our Zoning and Enforcement Administration Division, it would go to them and they would -- and they would be --

Mr. Pele: Alright.

Ms. Lopez: The one to follow through with that. I don't know if Clayton has anything that he wants to add.

Mr. Pele: No, no, I just was -- I know there was that language in the STRH. I was wondering if it's still in the B&B --

Ms. Lopez: I cannot --

Mr. Pele: Section.

Ms. Lopez: Find it in here.

Mr. Pele: Okay. Cool.

Chair Lasua: Anymore questions? Anymore public testimony or public hearing testimony?

Ms. Lopez: And I just wanted to add to that RFS, what Luigi stated, that he -- he is correct. There was a miscellaneous inspection 2016-0064 that had been done. It could be -- it could correlate with the RFS 16-0001111 in regards to that.

Chair Lasua: Okay. Again, if there's no other public hearing testimony, it's closed now, and, Commissioners, what's your pleasure?

Ms. Buchanan: Did the staff read the recommendation?

Ms. Lopez: Sure.

Ms. Buchanan: Okay.

Ms. Lopez: Chair?

Chair Lasua: Oh. Sorry. Planner's recommendation.

Ms. Lopez: So the application for the bed and breakfast home permit complies with the Maui County Code, Title 19.64.030, restrictions and standards, listed in the Maui County Planning Department's report to the Molokai Planning Commission, dated October 25, 2017, for Docket No. BBMO T2017-0001, for reasons stated in that report. The Maui County Department -- Planning Department recommends approval of the bed and breakfast home permit subject to the following conditions, conditions 1 through 17, being that number one that the B&B home permit shall be valid until October 31, 2020 subject to further time extensions by the Director pursuant to the provisions of Section 19.64.060.

In consideration of the foregoing, the Planning Department recommends that the Molokai Planning Commission adopt the Planning Department's report and recommendation prepared for the October 25, 2017 meeting as a findings of facts, conclusions of law, and decisions and order, and authorize the Department of Planning to transmit said written decision and order on behalf of the Planning Commission. Thank you.

Chair Lasua: Thank you, Sybil. Pleasure of the Commission? The motion? Any motion?

Mr. Pele: Chairman, I move that we approve this application for the bed and breakfast. I have a -- I have a strong feeling. I just move that we approve. I have a different feeling

between B&Bs and STRHs, personally, so that would be my motion. Okay, I move that we approve the bed and breakfast home permit to operate the Kai Hale -- oh sorry -- Kai Hale B&B one-bedroom bed and breakfast home in the State urban district, County interim district on approximately 7,000 square feet of land located at 35 Kamakana Place, Kaunakakai, Molokai, Hawaii, Tax Map Key (2) 5-4-013:029.

Ms. Lopez: With the Department's recommendations?

Mr. Pele: With the Department's recommendations.

Ms. Lopez: Thank you.

Chair Lasua: Okay.

Ms. Oana: And conditions?

Mr. Pele: And conditions.

Chair Lasua: Second?

Ms. Lopez: Thank you.

Mr. Bicoy: I second that motion.

Chair Lasua: Moved and second. Any discussion?

Ms. Buchanan: Mr. Chair, discussion. On the recommendations for approval, item number 1, that the B&B home permit shall be valid until October 31, 2020, which I feel is not unreasonable, subject to further time extensions by the Director pursuant to the provisions of Section 19.64. Can this Commission, through the approval of this application, say that the -- subject to further time extensions by the Molokai Planning Commission instead of by the Director? Is that allowable, Counsel?

Ms. Oana: You can put in whatever condition you would want.

Ms. Buchanan: Okay.

Ms. Lopez: So -- so we can strike "the Director" and put in "Molokai Planning Commission?"

Ms. Buchanan: Well, we in discussion. Yeah. Hang on. Hang on. I not done. Okay.

Ms. Lopez: Sorry. Sorry.

Ms. Buchanan: Now we cooking. Okay. Okay, so on the next page, under the continuing conditions, item number 6, that the B&B home shall not operate during any times that all owner proprietors are away overnight unless the owner proprietors have a designated on-island representative to serve as a contact person for the B&B. Okay. Applicant shall receive prior approval from the Current Division regarding the use and duration of this on-island representative unless the nature of the absent is due to emergency medical conditions. Applicant shall notify all owners and recorded lessees adjacent to and across the street from the B&B property of the duration of this absence. Okay. I like that. That's good. That's why this B&B law is much more amendable than a short-term rental.

So being that that is mentioned in item number 6, and that the applicant needs to get approval from Current Division if it's going to be an extended length of time, in item number 11, it says: That the owner proprietor shall include the number of the B&B home permit in all advertising. I would like to amend 11 to add "and the designated on-island representative if warranted," meaning if that person is going to be gone, I want that person's number to be added to the signage so people know because already we're saying you gotta apply -- you gotta tell your neighbors across the street, but I think helping to have that number outside on a sign is even more helpful.

And then item 10, I'm sorry, I skipped over that, that the B&B home permit is subject to revocation by the Director, can we please add "and Molokai Planning Commission?" Or "and/or" or just "and" or "by the Director or Molokai Planning Commission pursuant to provisions." And then I don't know what the provisions would be.

In number 17, for members of the public, the number 17 says: The owner proprietor shall provide written verification of tax payments when filing a renewal request. Written verification shall be the State of Hawaii, Department of Taxation Form A-6, Tax Clearance Application. So there's no -- nothing about the exemption instead it's in the law itself but these are additional that she need one tax clearance so I guess that's not in the B&B law.

And I think that would be all the conditions that I would add to the recommendation and that's I just throwing that out there for discussion.

Mr. Pele: Should I withdraw and let her move or?

Chair Lasua: No.

Mr. Pele: Okay. Yeah, I just have a little bit different -- just to share why I'm moving the way I did is that I think B&Bs are a lot more palatable to me, to me personally, on this island because of the fact that the resident has to live there. I've -- there were a couple that operated illegally for many years in Maunaloa and they actually weren't that impactful to me, the people who stayed actually -- yeah, a little bit different. It's a little bit different.

I'm not anti-tourists. I just think these kind of places hold the owners responsible so just kinda giving you some background on my feeling on why I made the motion. They're just a different animal if you ask me than the STRHs.

Ms. Buchanan: Mr. Chair, I did not make amendment to the motion but I can. I can do a friendly --

Mr. Pele: Yeah.

Ms. Buchanan: Amendment to the motion.

Mr. Pele: Or did you want me to -- to withdraw?

Chair Lasua: Okay.

Ms. Oana: No, before you do, your comment about number 10: That the B&B home permit is subject to revocation by the Director. You wanted to add "or Molokai Planning Commission pursuant to the provisions of Section 19.64.060.C and D.

Ms. Buchanan: No more provision?

Ms. Oana: I'm -- I'm having a problem with that --

Ms. Buchanan: Yeah. I know.

Ms. Oana: Only 'cause we don't have revocation procedures in our rules.

Ms. Buchanan: That's what I was --

Ms. Oana: So there's no standards for us --

Ms. Buchanan: Yeah.

Ms. Oana: To review, so I would not put that one in.

Ms. Buchanan: Okay.

Ms. Oana: I think -- and then so that's just my comment. And then number 11, with regard to advertising, I think the advertising is like online advertising, so is that what you wanted or just a sign? When the online representative is --

Ms. Buchanan: I thought they was required to have signage in front of the house?

Ms. Oana: Both, I think, but advertising also is online kind advertising, so did you just want a sign so the neighbors had a name to ...(inaudible)...

Ms. Buchanan: I just like them add the temporary number when they gone of who they can call.

Ms. Oana: So how about when the applicant is using the online -- on-island designated representative, the applicant shall put up a sign at that point, is that okay? Would that be okay instead of just online, just when the -- when the applicant is not there, shall put up a sign saying who is responsible? I -- I just think maybe it might be easier and more -- because I think if -- if added to the sign already existing, then it may confuse people who to call. Do I call Cheryl? Do I call Luigi? You know. I'm not sure. So just for discussion, I wanted to through that out that it may be a little confusing.

Ms. Buchanan: So on Exhibit number 4, there's a picture in Picture 1, of Exhibit number 4 that says: Notice. Bed and Breakfast in process. So that sign, once that thing is approved, it changes, and then you have the notification sign that says this is a bed and breakfast, and then it says, you know, Cheryl Corbiell, and then the contact number, if I not mistaken. Right, Planner Lopez?

Ms. Lopez: Yes. Yes.

Ms. Buchanan: Is there an issue to add something like why can't we have two numbers? Yeah.

Ms. Oana: In the notice?

Ms. Buchanan: Yeah. In the -- in the -- in the signage.

Ms. Oana: It's a notice of application.

Chair Lasua: But that's the notice of the application.

Ms. Buchanan: Yeah.

Ms. Oana: In the -- that's in the notice of application?

Ms. Buchanan: No.

Ms. Oana: Okay.

Ms. Buchanan: After the application is permitted, there's a sign that needs to go out, right?

Ms. Lopez: Yeah, where is that?

Ms. Buchanan: On top that sign. Okay, that's what I mean. So when I drive past and they having a party and I no like the idea, I going look who I going call, the designated person, I call Cheryl, she no answer, I calling the next person, okay. Plus too, I will -- I will state, for the record, that I've read that both of her neighbors both support her application. So am I doing a friendly amendment?

Ms. Oana: Did the -- you did a motion already?

Ms. Buchanan: He made the motion, and I'm doing a friendly amendment, motion as stated with the following added conditions -- oh, wait. Wrong paper. Yeah, item number 1, thank you, Mr. Chair, that we -- that the B&B home permit shall be valid until October 31, 2020, subject to further time extensions by the Molokai Planning Commission, period. And then moving on to item number 10 -- oh, 11. Oh, I still like that revocation. Okay, number 11: That the owner proprietor shall include the number of the B&B home permit in all advertising as well as the designated on-island representative serving as a contact person in their absence, period.

Chair Lasua: Okay, second?

Mr. Bicoy: Second that motion.

Chair Lasua: Okay.

Ms. Buchanan: Can I have one more discussion --

Chair Lasua: Go ahead.

Ms. Buchanan: That has nothing to do with the motion?

Chair Lasua: We're in discussion now.

Ms. Buchanan: As part of the discussion? Can we wait? No. You no can wait. I want to make sure that the applicant is given a record of this meeting to show that we are concerned that even though she didn't have a request for service that we felt that she was operating illegally and benefitting tax-wise with home ownership exemption while operating an illegal B&B, but we cannot prove that, and no service, but that was testimony on the record. That's all. Okay.

Chair Lasua: Okay, any discussion? Yeah. The amendment. Yeah. Okay, hearing none, ready for the question? All in favor of the amendment, raise your right hand? All oppose, raise your left hand? Okay, one no.

Ms. Sybil: Five --

Chair Lasua: The amendment.

Ms. Sybil: To one.

**It was moved by Commissioner L. Buchanan, seconded by Commissioner Bicoy, then**

**VOTED: to amend the motion as stated to include additional conditions as discussed.**

(Assenting - X. Bicoy; L. Buchanan; W. Buchanan; L. Lasua; J. Pele)  
(Dissenting - L. Poepoe)

Chair Lasua: Okay, yeah, so now we --

Ms. Lopez: Oh, okay.

Chair Lasua: Voting on the amended motion, which was made by John, amended by Lori, and so, okay, ready for the question then for that. All in favor, raise your right hand? All oppose, raise your left hand? Okay. Motion carried.

**It was moved by Commissioner Pele, seconded by Commissioner Bicoy, then**

**VOTED: to approve the Bed and Breakfast Home Permit to operate the Kai Hale Mala B&B, a one-bedroom bed and breakfast home located in the Interim District at 35 Kamakana Place, TMK No. (2) 5-4-013:029, Kawela, Island of Molokai, as recommended by the department with conditions, as amended.**

(Assenting - X. Bicoy; L. Buchanan; W. Buchanan; L. Lasua; J. Pele)  
(Dissenting - L. Poepoe)

Ms. Lopez: Thank you. Thank you, Commission. Thank you, Chair. And I will go see with the next to see where they're at. Thank you.

**C.1. PUBLIC HEARING CONTINUED**

Ms. Lopez: Hi, Chair. So the request, Chairman, is to reconvene for the first public hearing item, which is regard to the application of the Department of the Public Works in regards to the Kaunakakai Drainage System. Chair, could we -- I would like to bring up Kristi Ono, on behalf of the Department of Public Works. Thank you.

Chair Lasua: Thank you, Sybil.

Ms. Ono: Okay, thank you for agreeing to hear us one more time. I just wanted to ask if there was any questions for our Cultural Surveys Hawaii, they have to catch a flight and I just wanted to make sure that no one had any questions that they could answer 'cause I don't want them to miss their flight?

Ms. Buchanan: Besides the cultural assessment, is there any other documents that I missing within the Appendices that may include the actual plan, remediation plan, except to follow the procedures set out by SHPD? No?

Mr. Hammatt: My name is Hal Hammatt, from Cultural Surveys Hawaii.

Ms. Buchanan: Hi, Hal. Thank you.

Mr. Hammatt: Hi. There is a requirement for a -- we -- we did get approval by SHPD for this inventory survey; in their letter, they ask for a monitoring plan for the project and we will be preparing a monitoring plan and get that also accepted by SHPD.

Ms. Buchanan: Okay, so -- so that monitoring plan, currently, is not within the Appendices, only the cultural assessment that I saw in here is the only document that's correct. Is that correct?

Mr. Hammatt: Yeah, well, actually it's called the "archaeological inventory survey," yeah. Yeah. That is correct. Yeah.

Ms. Buchanan: Okay, thank you.

Mr. Hammatt: Thank you.

Mr. Roy: Mark Roy, of Munekiyo Hiraga. Thank you for taking up this item again and thank you for your time today. Just a minor note, the archaeological inventory survey is Appendix L, in the Final EA, and that was, as Hal had mentioned, that was accepted by the State Historic Preservation Division.

Ms. Buchanan: The reason why I ask is because having participated with the Park Service on their monitoring plans, many times items are placed in a holding pattern, not necessarily iwi kupuna, but artifacts, and artifacts and pohaku deemed irrelevant by the

surveyor, so they held in place and I was hoping that there would be a process by which of a practitioner could request those items if found. I should have went bring that up to them but -- but I brought it up to you guys now so I'm just thinking because there was a bunch of stuff left in the Park Service with no process for beneficiaries to claim the items that they saw was irrelevant, so I just -- I just throwing that out there. I might wanna claim it because Molokai Burger was my home site since 1961, and I was born there, so that's where I lived right there. Okay, thank you.

Mr. Roy: Thank you. During the course of the previous session with the item before or just after us, but just before us now, we had convened with the Department of Public Works outside, and, again, you know, the intent from the County is to -- to move this project forward to a point of implementation and it's -- it's been an incredibly extensive process for the County on this Phase 1B component to get to a point where we are now, we do have additional permitting that we need to go through even following the SMA approval process, we do need to go the State for a conservation district use permit, so that takes us to the Board of Land and Natural Resources, so that's actually our next step after the SMA process. On behalf of the Department of Public Works, what we wanted to convey to the Commission this afternoon was consideration for an additional voluntary condition from the County's perspective, and this would be a new condition that would be attached at the end of the staff recommendation, I believe it would be a condition 14, and this is added to those two conditions that we proposed earlier during the discussion portion of the meeting on our item. And this -- this condition, again, speaks to the question that came up about the wetland that is receiving the discharge from the drainage system and is acting as a natural filtration mechanism to receive those -- those flows coming through the system. I would note, before I kind of read this condition, that there were two, in addition to the -- the full range of reports that were done as part of the Environmental Assessment, there was a biological and water quality survey completed for the project and also, as you can imagine, a delineation of the wetland so that we could understand exactly where the boundaries of the wetland were so that the project could ensure that all of the proposed improvements were remaining outside of the wetland. There was extensive coordination undertaken with the U.S. Army Corps of Engineers to verify Federal permitting requirements for the -- for the project and the determination that was issued from the U.S. Army Corps of Engineers was that the project is designed with the improvements falling outside of the wetland, it didn't require a Department of Army permit, but what I wanted to mention was that there was extensive coordination with the U.S. Army Corps on this project as a result of some of this -- this survey work. The impact on the -- well, the function of the wetland and the potential impact of the project on -- on the wetland resource itself was looked at as part of the Environmental Assessment, and so the County certainly does take the position that they're in compliance with the applicable environmental regulations and that they've satisfied the Chapter 343 requirements for the project, but in -- in consideration to the question about the potential impact from the flows on the wetland resource, the County has authorized me to propose this condition to the Commission this afternoon, and so it would be a new condition 14, and I'll just read it for

the record, if that would be okay: Within one year of completion of construction, the applicant shall retain a wetland specialist to conduct an assessment of the wetland on the County parcel to confirm there are no significant adverse impacts from the project's drainage flows. And again, that -- that condition is proposed in consideration to the question that was raised during discussion earlier today in relation to the request for the SMA permit for this project. Thank you again for your consideration today on this SMA use permit application.

Chair Lasua: Thank you. Any question from the --

Ms. Buchanan: Mister -- yeah, Mr. Chair, I would like the applicant to read the condition again, number 14, if you would. Thank you.

Mr. Roy: And this in addition to those two other conditions, so Sybil had just asked me to clarify, for the record, that conditions 12, 13, and 14 are still being proposed, and this would be the new condition 14: Within one year of completion of construction, the applicant shall retain a wetland specialist to conduct an assessment of the wetland on the County parcel to confirm there are no significant adverse impacts from the project's drainage flows. Thank you.

Ms. Buchanan: Thank you. I get one more question about the last da kine. So thank you very much. Now we cooking. So I really appreciate you folks taking the time to try and get that as a condition from the County, I know how difficult that is, so I'm going to assume that the baseline information from the AC will be used to compare the data that going be taken within that one -- one year after the assessment that we could use to see if, you know, we -- we -- I know that you said to confirm that there's no adverse impacts, I just happy that somebody going come a year later and take a look, and then have some type of data that I can compare, you know, so I appreciate that. I wish was the next year too, you know, 'cause somebody coming out -- I mean baseline data is awesome. So I'm happy with that and I wanted to thank you for -- for stretching that and adding the 12, 13, and 14 as conditions. Thank you very much.

Mr. Roy: Thank you.

Chair Lasua: Thank you. So, Commissioners, we have a new proposed -- proposal or condition. Can I get a motion or do you want the Planner to read it again? No need? Okay. Go ahead.

Ms. Buchanan: So thank you very much. I'd like to move, Mr. Chair, to approve application by Department of Public Works to obtain a special management area use permit for the proposed modified Kaunakakai Drainage System Improvements Phase 1B as written and as presented with all of the conditions and recommendations made before us by staff with the additions as stated on the record by the applicant of additional items

number 12, on water quality, number 13, the applicant hotline number during project construction, and the last number 14, as stated on the record, that the County will do, within one year of completion of the project, retain a wetland specialist, and all the other representations made. That's my motion.

Mr. Pele: Second.

Chair Lasua: A second?

Mr. Pele: Yeah, I second.

Chair Lasua: Second. Moved and second. Any discussion? Seeing none. Ready for the question? All in favor, raise your right hand?

Ms. Lopez: It's unanimous.

Chair Lasua: All oppose, raise your left hand?

Ms. Lopez: Good job.

Chair Lasua: Motion carried.

**It was moved by Commissioner L. Buchanan, seconded by Commissioner Pele, then**

**VOTED: to approve the application by the Department of Public Works to obtain a Special Management Area Use Permit for the proposed modified Kaunakakai Drainage System Improvements, Phase IB, as written and as presented, with all of the department's conditions and recommendations, and with the addition of conditions 12, 13, and 14, as stated on the record by the applicant.**

(Assenting - X. Bicoy; L. Buchanan; W. Buchanan; L. Lasua; J. Pele; L. Poepoe)

Ms. Lopez: Thank you, Chair. Thank you, Commission.

Chair Lasua: Thank you.

Ms. Lopez: Thank you, team.

Chair Lasua: Next item on business will be the Director's Report.

Mr. Roy: Thank you very much.

#### **D. DIRECTOR'S REPORT**

- 1. Pending Molokai Applications Report generated by the Planning Department with the October 25, 2017 Agenda Packet (Appendix A).**
- 2. Closed Molokai Applications Report generated by the Planning Department with the October 25, 2017 Agenda Packet (Appendix B).**
- 3. Agenda Items for the November 8, 2017 Molokai Planning Commission Meeting at the Mitchell Paule Center, Kaunakakai, Island of Molokai.**

Mr. Yoshida: Thank you, Mr. Chair. The Department has circulated its list of pending and closed Molokai applications if there are any questions. Okay, oh, we don't have any questions. Okay. Okay. The November meeting, the one meeting in November is scheduled for November 8, and we will do the agenda that we had for September 12 when one of the Commissioners resigned at the beginning of meeting and we lost quorum, so we couldn't do any of the rest of the agenda, so that is the agenda with the Hamamoto and Pillar State special permits for short-term rentals at Kaluakoi, the Commission had dealt with that back in June, July, August, and then the Kaluakoi improvements at the Kaluakoi Hotel, which we never got to because we lost quorum after one of the Commissioners resigned at the last -- at the September 12 meeting, and they were on the June 14 meeting but we took a lot of time of the Council Resolution on the caps and Sherrell and so they've been here about three times and they never got to say a word. So we have those three items.

Ms. Buchanan: Mr. Chair? Mr. Yoshida, can staff please send that out in an email to me, I couldn't write that fast, I need to plan ahead because I going be traveling during that time. It's helpful for me to know the agenda items for the November 8. And then my question is are we having a second meeting in November? No, right?

Mr. Yoshida: I think the Secretary does send you an agenda with the -- the link to the County Website and then it has a list of related reports, so say for this meeting, there was the Final EA for the drainage subsystem, there was a staff report, there was a recommendation memorandum, there was a report on the Corbiell B&B. So if they don't -- they don't get the hard copy, they still can refer to the link and call out the digital version, which they can read and download.

Ms. Buchanan: Yeah, if staff, please, Suzie or Sybil, please just email me that the November 8 going be the whatever, whatever date we had agenda 'cause I going forget. Thank you.

Chair Lasua: And then I think we can pull it off the website, the ones that were, yeah, you just let us know what dates we need to pull off. Okay, that was the item D.1, 2, and 3? Okay. Any questions for Clayton? None? Hearing none.

**E. NEXT SCHEDULED REGULAR MEETING DATE: November 8, 2017**

**F. ADJOURNMENT**

Chair Lasua: Next scheduled regular meeting November 8. Any questions on that? None? Okay, hearing none. Meeting adjourned.

**The meeting was adjourned at approximately 2:09 p.m.**

Submitted by,

SUZETTE L. ESMERALDA  
Secretary to Boards & Commissions II

**RECORD OF ATTENDANCE:**

**Present:**

Lawrence Lasua, Chairperson  
Lori Buchanan, Vice-Chairperson  
Xavier-Kaniaala Bicoy  
William Buchanan  
John Pele  
Laakea Poepoe

**OTHERS:**

Clayton Yoshida, Planning Program Administrator, Current Division  
Sybil Lopez, Staff Planner, Molokai  
Suzette Esmeralda, Secretary to Boards & Commissions II  
Jennifer Oana, Deputy Corporation Counsel