

MAUI COUNTY CULTURAL RESOURCES COMMISSION  
**SPECIAL MEETING**  
REGULAR MINUTES - AUGUST 26, 2019

**A. CALL TO ORDER**

The special meeting of the Cultural Resources Commission (Commission) was called to order by Chairperson Tanya Lee-Greig at 11:00 a.m., Monday, August 26, 2019, in the Planning Department Conference Room, First floor, Kalana Pakui Building, 250 South High Street, Wailuku, Island of Maui.

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

Chair Lee-Greig: Good morning everyone. We are going to call today's special meeting of the Maui County Cultural Resources Commission to order at 11:00. We have a very high profile and sensitive issue that we will be talking today, and I just wanna go over some of the rules for public testimony before opening public testimony, yeah. Everyone who testifies now as for at the opening, we are going to request that now is the time to -- if you testify before we hear agenda items, you will not be allowed to testify after unless you have new information to present as a part of your testimony, yeah, so we are only going to be hearing public testimony from each individual one time, yeah, so you can decide if you are going to testify at the beginning of the meeting or when your agenda item comes up, okay? We are going, today, we are going to limit testimony to three minutes, so Annalise will be keeping the time for us, we just wanna be respectful of everyone's time, yeah. So with that being said, do we have anybody wanting to sign up for public testimony at this time? Yeah? And we have the sign-up sheet right in the front here, so please step forward. Okay, so we're going to open the floor to public testimony, and then Annalise will be calling up the testifiers.

**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. Maximum time limits of at least three minutes may be established on individual testimony by the Commission. More information on oral and written testimony can be found below.

Ms. Kehler: The first testifier is Kihe.

Chair Lee-Greig: Hi. Can you go to the mike, please, and state your name and the item that you are testifying on.

Mr. Kihe: Aloha kakou.

Chair Lee-Greig: Aloha.

Mr. Kihe: Good morning board, and good morning committee, and good morning to my fellow workers and friends that we all come together at this place to pretty much talk

about the issues at hand, but I'm here on behalf of myself, also on behalf of John Browne, Lolo Aquintes, Maui Beach Boys, and, again, all the people that are affiliated with the surf schools. We have been running or we have been operating and doing surf lessons for quite a while, for a very long time, and it gives me great gratitude, and respect, and responsibility to share a lot about the `aina and the aloha, and, of course, the moana because we're always in the ocean. Why are we here? And what is the purpose? We are here to perpetuate the Hawaiian culture and educate visitors and local -- locals of origin surfer -- origin of surfing. Why is it important to Hawaiian culture and this place at Kamehameha Iki Park is because it's the birthplace of surfing. What is our mission? Our mission is to honor our kupunas and ancestors and carry on our kuleana to educate visitors of the rich history and culture of the Hawaiian people. We teach visitors how to honor the ocean by sharing oli just like those that who come before us. We share the olelo Hawaii, the language, and the iki, the knowledge and history, for this is our culture to attract the visitors and so they can understand and honor what we have here in Hawaii. Honoring the land and the culture is very important to the Hawaiian people, and not just Hawaiians so -- but to all that live here. What is our goal for the future of the park and the community? Our goal is to continue to educate not only the -- to visitors, but to the community and to future -- to the future of our keiki to ensure proper education in the Hawaiian culture. By sharing the authentic and rich experience, we can bring back the love and aloha to Kamehameha Iki Park. Why should we have permits? It is our kuleana to honor our ancestors by properly educating visitors on the history of Hawaii and how to respect our home. We have countless reviews from customers all over the world. Most visitors have knowledge about Hawaiian culture but not really doing Hawaiian things, so that's why we, here as Hawaiian, we share with them in the water, on the land, and all over, so they can go home and feel like they -- they're a part of Hawaii. How does this benefit our community? The Hawaiian culture is rooted in deep aloha, kapu aloha. When we show the love to our visitors, we are the model of Hawaiian people. Kapu aloha is based on the Hawaiian culture by teaching the kapu aloha ...(inaudible)...

Ms. Kehler: Three minutes.

Mr. Kihe: The Hawaiian culture. So there's so much more to -- to say, but I know the three minutes is up so --

Chair Lee-Greig: Thank you.

Mr. Kihe: I respect that. And, again, mahalo you guys for having us here today and like I always do my best to perpetuate this culture to the fullest, not just to the community, but to the visitors that come to Hawaii so they understand how we live our life. So mahalo.

Chair Lee-Greig: Okay, wait. Just a minute. Do we have any questions from the Commissioner for the testifier?

Ms. Albino: I do.

Chair Lee-Greig: Aunty.

Ms. Albino: Aloha. I'm from Molokai.

Mr. Kihe: Aloha, Aunty.

Ms. Albino: Aloha. Opuulani Albino. I am wondering if you have any plan for -- Earth Justice mentioned that there were dead coral right in front of that place, so do you have any plan for that in part -- as part of your education or work there?

Mr. Kihe: Yes, Aunty. Before -- before I started in Lahaina with the surf school industry, I really noticed that the reef was dying in Lahaina, and so I learned a lot from some kupunas from all over that work with lo`i, and one thing we did before I started working in Lahaina is we took some of the taro of the roots and we fed the reef, and we fed the reef with the roots of the kalo, and, today, we can see a little bit adjustment, this was five years ago when I -- when I was up in Lahaina, and, yes, we -- we wanna bring that back to share, but we also explain to our guests before they come try to wear reef-friendly sunscreen or no even wear sunscreen, just wear long-sleeve shirt, hat, or something, but, yeah, we do share that.

Ms. Albino: Okay. Another question I had was there are a lot of people applying for the permit, a lot of names on the permits, how do you plan to regulate the overpopulation sometimes of tourists included in this historically important district?

Mr. Kihe: Sometimes, you know, if we can limit access, meaning limit people from doing lessons in a certain way, not just by taking it away, but in a certain way, like maybe we do have counts on the permits, yeah, you only allowed 14 I think, 14 people per -- per class, and if we can limit that to the -- to actually instruct the rules of that, you should be fine. But, yeah, just teaching people, you know, we're out there in the water and we teach people that the most important thing is safety, so if we can teach them the safety part before going into the water, then everything can be pono, they can come in safer, they can go out easier, going in and out of the water very fast, but if we all work together as -- as not just our surf school, but all the surf schools work together and figure out something together where we can operate in and out the water would be helpful for all of us.

Ms. Albino: The question I asked was because I didn't want to see that place turn to another Waikiki.

Mr. Kihe: Yeah.

Ms. Albino: And did you have community meetings to -- to get input from the community as to your plans?

Mr. Kihe: Oh yes, Aunty. Yeah.

Ms. Albino: What was -- what was the outcome?

Mr. Kihe: The outcome is still the same today, like I said, we gotta -- we, as not just the community, but as the surf school industry, we need to come together, meaning all the owners of the properties, all the owners of the surf schools; that's where it comes from. It comes down to us, and if we can talk together and kukakuka and make everything pono, make things right, we can get in and out of the water and the safety of the people going be pono as well.

Ms. Albino: So the community approves --

Mr. Kihe: Yah.

Ms. Albino: Of what you're doing?

Mr. Kihe: Yes. Even till today, I see people come up to me, even when we're not in the park, they're asking us how come we're not in the park today. I say we just following rules. People have to follow rules, yeah? So --

Ms. Albino: Mahalo.

Chair Lee-Greig: Can you, I'm so sorry, can you state your name into the microphone for the record again, please?

Mr. Kihe: My name is Kelson Kealii Kihe.

Chair Lee-Greig: Mahalo.

Mr. Kihe: And Kihe is K-I-H-E.

Chair Lee-Greig: Any other questions from the Commissioners?

Mr. Lay: And you're an --

Chair Lee-Greig: Commissioner Lay.

Mr. Lay: And you're an instructor?

Mr. Kihe: Yes.

Mr. Lay: Okay. The foot -- footwear is required as far as everybody who participates in the surfing lessons?

Mr. Kihe: Yes.

Mr. Lay: And one more. Is there a designated place where you go in all the time, you know, that way you're not ...(inaudible)... you're keeping it to one area where, of course, there's going to be -- the reef's going to have a hard time recovering wherever you're walking in, but if you spread it out, you're actually creating more mess because like you're, you know, actually killing a larger area of the reef, do you guys do that as far as one area to go in?

Mr. Kihe: Yes. There's an -- we use the park really well. We enter through the, of course, the sand, we make our way down towards the break wall, and in the water there's -- there's these buoys where it's a safety issue for a lot of people that can swim, but on the inside, it's pretty much -- it's just mostly rocks, sand, of course, the reef is dead on the inside, but we're trying, like I said, we're trying to bring this back and -- but we -- we teach people the safety, and the shoes, it's just more important for just in case they fall, they hit the bottom of the floor and we no like their feet cut open even if it's from rocks or even from reef or from anything.

Mr. Lay: Okay.

Chair Lee-Greig: Commissioner Celiz.

Ms. Celiz: Hi. Thanks for sharing. Yeah, I think it's important that -- I'm really grateful that you guys are all sharing that cultural knowledge throughout, but I was just wondering if you also have any special educational programs for the community or kind of plans for stewardship of the park.

Mr. Kihe: Yeah, so everyday there's a school, of course, right there, Kamehameha Iki School - or Kamehameha III, and we get kids in the afternoon that come down and I teach them how to, you know, fix boards, show them how to, you know, malama `aina, clean the parks, but there's so much going on with parents as well, the parents reach out to us a lot and, you know, it's not just our surf school, but it's mostly everybody here that has a surf school. I know Lahaina -- Lahaina Surf Schools, she has a afterschool program with all the kids, yeah, so we, as -- as leaders that's in the park, we try to teach them the responsibility of how to take care of the park, how to clean the park, how to,

you know, take care of each other, fix the boards; I mean all kinds of stuff, clean up the beaches a lot though, but we're always down there trying to malama the place as much as we can because it's a -- ever since the homeless got kicked out of the Banyan Tree, they're all moving down there now, so now that we're not in the park, I mean there's a lot of drugs, there's a lot of alcohol, there's a lot of crime that's happening now, and so we wanna get down there and, you know, take care of our stuff even when we're not even working, yeah, so we're down there. We're just trying to, you know, be a good example for the community that's right there especially for those kids, yeah. A handful of kids always come up to us and always have questions, oh, uncle, how we do this, how we do that, so it's important that we're down there.

Ms. Celiz: Thank you.

Chair Lee-Greig: Any other questions from the Commissioners for the testifier? No? Thank you so much --

Mr. Kihe: Mahalo nui.

Chair Lee-Greig: For you testimony.

Ms. Kehler: Next testifier is Scott Kirby, item C.6., Outrageous Surf.

Mr. Kirby: Good morning council. Thank you very much for your time. My name is Scott Kirby, I'm representing Outrageous Surf. It is my belief we're all here to meet on a common ground to come to a resolution where both parties come together to bring Kamehameha Iki Park to its best possible state. It is my understanding that this park was once land to Hawaiian royalty so it's sacred and should be honored. The question being is can surf schools maintain this respect and responsibility to keep this land at a state of purity, honor, grace, and respect. For most of us, we see this park every day. We see rubbish, drug use, and a homeless population that is grown daily. Then there's us, the surf schools teaching people to surf. We can make a difference by educating. We can educate people about the park, the history behind it, the hale, the royalty who once walked this land. For thousands of years, it has been documented that Tahitians and Hawaiians have been enjoying the sport of surfing. Then in 1914, Duke Kahanamoku introduced the outside world to the sport of surfing. People ...(inaudible)... as the king of modern surfing rode the waves on a wooden plank. Duke would later go on to win multiple metals for swimming in multiple Olympics. One hundred years later, the same sport that is known as the sport for Hawaiian kings is now, for the first time ever, is going to be part of the 2020 Olympics. Wouldn't Duke be proud? It is an honor to share the sport of surfing with various visitors from around the world; amazingly in the exact -- exact same place where it originated. This area that we speak of was once the genesis of a cultural renaissance. A perfect opportunity to share with others that a historic traditional hale still exist. Sadly -- sadly, this beautiful park is

in demise. Since the County of Maui has made it a priority to remove the homeless presence, which you guys just heard, from the Banyan Tree Park, those seeking refuge have now moved a few blocks south to Kamehameha Iki Park. In my opinion, the same initiative they used for the Banyan Tree Park should be implemented at Kamehameha Iki Park. Unfortunately, there's little or no enforcement of laws or rules in the park, which puts the public in situations where they have very little protection. The presence of instructors has only helped in buffering the public from unfavorable situations. For what we do at surf schools, we too can be part of this beautification process. If the committee feels that the surf schools are negatively affecting the integrity of the park, maybe we can come to a resolution where there's a path where we can just access the ocean. Outrageous Surf wants to be a part of this park's future. We want to help, not hurt. With the blessing and support of the CRC, we can spread your message and be your soldiers. What an opportunity to do all of this together to restore Kamehameha Iki Park back to a place fit for a king. Thank you.

Chair Lee-Greig: Thank you. Do we have any questions for the testifier from the Commission?

Ms. Albino: I have a question.

Mr. Kirby: Yes, ma`am.

Ms. Albino: Aloha.

Mr. Kirby: Hi.

Ms. Albino: What is your plan to control the overpopulation because it's a small place --

Mr. Kirby: Yes, ma`am.

Ms. Albino: And you have these issues to deal with, what's your plan for controlling the population that's -- it's an issue in Hawaii --

Mr. Kirby: Yes, ma`am.

Ms. Albino: Over -- over populated beaches especially, what plan do you have?

Mr. Kirby: By the surf schools themselves or by the general public?

Ms. Albino: Well, you're going to have to open it to the general public so --

Mr. Kirby: Yes, ma`am. So --

Ms. Albino: There's only some control you have over tourism and --

Mr. Kirby: Right.

Ms. Albino: Stuff like that so --

Mr. Kirby: The control that the surf schools have is that we limit our number of participants per class, like Kihe said, it's 14 I think, and so that's the way that we can at least limit the number of participants or number of people that are going through the park, accessing the ocean, and then surfing at Lahaina Break Wall. So we're very good about that.

Ms. Albino: And the other question is what if other people come who are not part of your -- your club?

Mr. Kirby: The CORA -- CORA permit process? They're, by law, not supposed to walk through the park, so, just recently, that -- they had been -- they had been tracking down on that but -- so it's pretty much up to the Parks and Recreation Department to -- to enforce those rules.

Ms. Albino: Thank you.

Mr. Kirby: Yes, ma'am.

Chair Lee-Greig: Any other questions for the testifier? Seeing none, thank you.

Mr. Kirby: Thank you very much.

Ms. Kehler: Next testifier is Kyle Juk testifying for Maui Wave Riders.

Mr. Juk: Hello everybody. I'd like to thank the cultural resource council for having us, the Parks Department, the surf school community at-large, and, most of all, the community here in Maui County. Our school started in 1997, Maui Wave Riders is the school, Thomas Castleton --

Chair Lee-Greig: Can you, sorry, can you state your name for the record?

Mr. Juk: My name is Kyle Juk.

Chair Lee-Greig: Thank you.

Mr. Juk: We've been in the park 20 years. We've seen a lot of good changes, and we've seen some changes for the worse. We know a regulation is one of the things that

can help us clean up the park and use it for community, for activities, and a lot of cultural. There's so much cultural resources around there, it's a shame if we don't tie it in so I'd like to believe we've been doing that. When I look at the park, I see people surfing, I see people stand up, I see outrigger canoes on the reef, and it reminds me of what it might have been back in the day, and it's a -- it's a beautiful site. The fact that we can bring people out there, keep it safe, keep it organized, keep it legal, and we have a lot of resources at us just to make sure everybody's out there in a safe manner. We have insurances. 'Cause we really wanna do things the right way. We feel like we've been trying to follow the letter of law, the spirit of the law, and here, today, I mean this is what it's all about, meeting with the community, meeting with the councils and making sure we're all on the same page. I'd like to say we also are a part of the community at-large. We sponsor cancer patients, Camp Imua, Wounded Warrior, Make-a-Wish, Hope Chapel. I just had a guy from Lahainaluna come in. The counselor said he hasn't been going to school. We don't know what to do. We put him in our shop couple days a week. He was working there instead of going to school, instead of dropping out. I feel like there's a real good place in our community for our shops, for local people, these are all local people who work here, I mean 20, 30 years in this community. So I just really wanna say thank you so much. We look forward to -- to sharing the responsibility of creating a safe vibrant space to share the knowledge of the historical significance of where we are, and thank you very much.

Chair Lee-Greig: Thank you. Do we have any questions for the testifier?  
Commissioner Lay.

Mr. Lay: Okay, you said you -- the Parks themselves, there's been changes that have helped out and there's been changes that haven't helped out. What hasn't helped out?

Mr. Juk: Well, it's just the park at-large. Having the canoe hale there, we had the big canoe that was launched about five years ago, and just seeing all the community that came around in that, and then after having lost that really vibrant canoe thing, it's like -- it seems like there wasn't as much interest in the park and some nefarious aspects came around, there's quite a big homeless population in the town, and if you don't have a strong presence in the park, and I noticed after they left, and, you know, not having that daily presence there, and same thing with us in the last couple weeks.

Mr. Lay: One more question.

Chair Lee-Greig: Yes, one more question.

Mr. Lay: So is anyone -- do they let anyone sleep in the park?

Mr. Juk: You know, I don't really get there till six in the morning, but I have seen people when I come in, nefariously sleeping there for years.

Mr. Lay: Okay. Thank you.

Chair Lee-Greig: Anymore questions for the testifier from the Commission? No? Thank you so much.

Mr. Kirby: Thank you guys.

Ms. Kehler: The next testifier is Ekolu Lindsey, testifying on all CORA permits.

Mr. Lindsey: Aloha, Commissioners. My name is Ekolu Lindsey, and I'm here to speak about all those CORA permits. First of all, I'd like to say mahalo to all the surf school instructors and businesses who have been doing a fine job keeping security on the place, keep the park clean, keeping the humbug out of that space, so it's been very important having them there, and their activities along break wall, as far as surf instructors go, are pretty amazing. I've witnessed first hand the system they have in place and what they do in their instructions, and I really support their efforts.

Having said that, there are some challenges that you need to be aware of. It's a huge challenge for me being a kupa`aina place, we live right down at 393 Front Street, make note that it is at 505, there's a destruction of cultural resources. That destruction specifically refers to corals. Time and time and time again, for the last nine years, I've had to go down with my loud speaker and I'm the guy on the speaker telling you guys get off the reef. There's somewhat of a high turnover rate a lot times. Some people don't know the -- the path to get down to the place known as Shark Pit. The other thing that's in destruction in that area is running up onto the sharks 'cause everybody knows where the sharks hangout. But running right up into their backyard and getting that close encounter, to me, it's just not right. And I've had to -- and I've spoken to some of the instructors and some of them are good, and some of them need a little bit more help and convincing recognizing the economic benefit that these guys have as instructors -- instructors; sometimes that close benefit turns out to a money sign. But there's also a way to do it from a distance. Enjoy that opportunity. Share with their guests how important the sharks are to that area. A predator, apex predator friendly reef ecosystem is a healthy one. We have a lot of black tip sharks in this space, yeah.

I represent Polanui Hiu community management makai area at our family home. Our family is the last local family on this beach. My great-grandfather used to use this place as you use your refrigerator. I've watched grandfather catch food for everybody everyday. The destruction of coral resources hurts my heart. We've done a -- what's called a "creel survey," C-R-E-E-L, for -- it's a one-year survey, and we found, there are many different impacts, but this is specifically looking at extraction off the reef but also the human impacts that we have on the near reef ecosystems, and I do have some handouts for you to look at what we found, and most noticeably was that, in our one-

year survey, we found over 900 strikes on that reef, and this is eight days a month, and normally your strikes occur during low tide. Some instructors are really good. Now surfing side, they go stay down break wall, cool. That place is buss-up already. The coral reef got trampled. I going wear shoes --

Ms. Kehler: Three minutes.

Mr. Lindsey: I going wear shoes. I going jump. I not going fall. I learned to fall properly. I no need shoes. When I was learning, alright. So I do have some of this if you'd like to discuss this a little bit more. I'd like to hand this out to you. Three minutes are up. I'll respect that time.

Chair Lee-Greig: Do we have any questions for the testifier, Commission? Commissioner Bassford.

Mr. Bassford: I'd very much like to hear about that.

Mr. Lindsey: Okay, can I pass this out?

Ms. Kehler: Yes. Please.

Ms. Albino: I think we'd like to hear --

Chair Lee-Greig: Do you have some for the public as well?

Mr. Lindsey: No. I just got nine for the Commissioners.

Chair Lee-Greig: Okay. Yeah.

Mr. Lindsey: This is all on our website. It's free for everybody to take a look at. For those of you who want to take a look at our website, it's polanuihiu.com, Polanui Hiu, H-I-U. Yeah. And, also, that's a community two-pager, but I do have the full report here and I do want to leave this with the Chair.

Ms. Desjardins: Actually, leave it over with Annalise over there.

Mr. Lindsey: Okay.

Ms. Desjardins: Are those extras?

Mr. Lindsey: Recognizing that the full report is kinda heavy, we came up with a two-pager that's more palatable because not everybody going read. I do also have some visual clues, visual aids to help with that, but I will first talk about the creel survey. So

eight days a month, from six in the morning to six in the evening, is eight random days, we -- you seen 'em? Take a look on the back. We put three different sections, yeah. Every twenty minutes, we write down what was happening, how many SUPs, how many surfs, how many swim, how many divers, how many fishers, what they caught, what size they caught, where the fish is going 'cause it was meant to look at extraction, but what we found was the commercialized recreational use had a heavier impact than fishers do, okay. So then we started counting how many times you guys are stuck on the reef, how many SUPs are stuck on the reef, how many time they hit 'em, how many swimmers are walking on the reef, how many beach walkers are walking on the reef, these are all activities in the water, so we had three different zones. Zone One is close to Puamana pool side, not too much activity 'cause you gotta go through a lot of heavy coral coverage. Zone Two, which comes off to just around where these guys start leaving from with their instructions, down towards my house is Zone Two, and Zone Three is everything outside. So Zone Two had the heaviest use of -- and heaviest concentration of coral strikes. And mind you, this is just eight days a week, from six to six, random. This doesn't include the days that get more hits because of low tide. Minus tides, you should be walking. Some of the instructors do a good job when they see them, I applaud them. Good job. Thank you very much. The other guys, eh, charge straight through. They don't know. I try to inform you. I going inform you once. I going inform twice. Then I get -- then I going start going a little bit stronger on that and still no work, so it's a big problem for us.

We, as Polanui Hiu, we attempted to get a community-based subsistence fishing area designation for this area, and we were denied. Why? The lack of cultural use. Why? Lack of fish. What happens with lack of fish? You no more food. You no more fish. You no more fishers. Cannot get a CBSFA designation without all that in play. So it's been my kuleana to maintain the integrity of this reef system, and it is their kuleana as well to help maintain that integrity because making money is important, but we there because people are there because of those resources. If we do not malama these resources properly, in our generation, we not going see the demise, next two will. I hope that answers your question.

Ms. Albino: I have a question for you. On Molokai, we have a CBSFA program where we're hoping the Governor allows us to -- to continue, so resource and adaptive management practices are very important to maintain an area, and I want to thank you because a lot of the resources, once they're gone, like you said, generations cannot bring it back, and I believe that we need to consider this -- this issue of commercial activity a little more, study it a little more. You brought important facts to the table. Thank you.

Mr. Lindsey: So in case you wanted to see one picture --

Chair Lee-Greig: I do.

Mr. Lay: Yeah.

Mr. Lindsey: So this is the channel, they call it “Shark Pit,” everybody going surf out there, yeah. We made these, and I gave it to some of the surf schools and some of the surf schools paid me some money, it cost us a hundred bucks for a set of four, and I’d like to get reimbursed ‘cause we don’t really have a lot of money, this is where the sharks hang out, so we get guys running straight through, so in an attempt to get everybody onboard, we came up with this. We call it the “Pono Pathways.” To make it more visible, sometimes you rent out boards and you not guided, sometimes this helps. I don’t expect a 100% compliance, but if I can get 50, I’m happy, right. This is what look like when they leave. They normally leave from this side. So this tells them to come in and then stay on the inside path, yeah. You guys like see? So this is an attempt for me to help maintain the integrity of these resources. So, now that everybody’s here, I kinda wanna put them on notice that this is super important to take care of this place. If the tide is too low, eh, no go out. Stay home. Do something else. If I can navigate one six-man canoe through this, you guys can navigate one SUP. Yes?

Ms. Celiz: Thank you for sharing the Pono Pathway. Do you have any recommendations on how we can regulate and mandate compliance for that, and if you have any other recommendations to maintain the integrity of the coral reefs?

Mr. Lindsey: I think there is definitely an educational aspect that needs to be done; they need to start with the schools; I’ve offered our services. Only Maui Surf Clinic was the only guys that took me up on it, alright. So we come down to the house, spend three hours with me, learn about corals, the coral reef ecology, coral reef systems; once I impart that knowledge and skill sets to these surf instructors, SUP instructors mainly, but this is good general overall information that everybody should know too, then they can pass it on to their clients, and I think it’ll elevate the game. Everybody can understand corals. What’s important of corals, or ko`a, the foundation of life. According to our kumulipo, the first life is the coral polyp, that’s why important, it’s not one rock. Many people calling them rocks, oh, we just hit the rock. No, it’s not. That’s the foundation of who we are. That’s how important these corals are. It’s not just one rock. So education, very important. I do -- I have worked on a how-to program that I can share with this body, I worked on it for a bed and breakfast that came up within our neighborhood to maintain the integrity of the reef systems filled with links and maintain to keep people safe as well. I’m also working on a general one for all of these guys, they don’t know about it yet, I was trying to malama that one little bit to make more sense for the surf schools ‘cause what’s happened in our area too is we have huge STRH, bed and breakfast, so it’s not just -- it’s everybody, yeah, everybody’s gotta work together on this. So I do have these handouts filled with links for people to look at and educate themselves. I think tourists, visitors wanna do what’s right, they just need to know how and where to look. I’ve also established, the one that I’m ready to start

sending out, I just finished it, I haven't sent out the emails yet, but I'm more than happy to send one to you guys as far as general that can be used throughout Maui County, a code of conduct, what is pono, what is not, where to go, what to look for in beaches, and that kinds of stuff. Where you should swim. What happen when the mountain look dark. Simple stuff that we know about, that people don't. It's a way to keep everybody safe. So I do have all of these available. That's the only thing I can suggest. But, you know, really, these guys do an awesome job out there, they just need -- we can always do better.

Chair Lee-Greig: Commissioner Lay.

Mr. Lay: What are your thoughts about having colored buoys to indicate where to go out, that, you know, keep them in that area, and what buoys, you got waves, it's going to be difficult to always have them out there, but I think that would be a good guideline 'cause they can always just say stay in the buoy area?

Mr. Lindsey: I guess I'll go on record and respond to that one. We've talked about that for a long time. We've looked into the legality of putting up colored buoys, but they have, according to DOBAR and Paul Sensano, there is a huge process you gotta go through to make those legals -- legal, make the buoys legal. It cost a lot of money. It takes a lot of time. You gotta do one EIS. But get couple buoys floating around out there from someplace to keep people on track. Get orange buoys that's very visible that says, "Come in here," marks the channel, and it has helped. So there are buoys out there.

Mr. Lay: So you see that as a way to help save and preserve the reef?

Mr. Lindsey: Definitely. It's like a sidewalk, if you will. It helps if people, you know, some people like walking across the grass; in this case, the coral instead of take the inside route, and, to me, that route should be taken irregardless of tide. During high tides, it doesn't really pose a threat but you do have paddles that are going underneath that water and banging, right, but if they take the same path all the time, then it wouldn't be an issue. Then when you get new guides come up, eh, here's the path. Stay away from the sharks. Enjoy them from a distance. That's our family aumakua. What is that? That's a family god. That's our protectors. It's okay to look from a distance and enjoy them.

Mr. Lay: Thanks.

Chair Lee-Greig: Any other questions for the testifier? I have a question. So in your observations of the activities fronting your hale and -- and your onehanau, with respect to interaction with the sharks in the area, the black tips, did you see it as an intentional curiosity to intentionally go into these areas where the sharks were?

Mr. Lindsey: Yes.

Chair Lee-Greig: Or was it a little bit more accidental and ended up there?

Mr. Lindsey: Nah, it's intentional. Anybody that goes straight inside there, see the fins pop up, and they're going to go straight for 'em. You know, it kinda make me mad every time I see that so I gotta hold back, wait till I settle down little bit, before I go and educate them. Yeah. It is an intentional act because it's exciting to see a shark swim underneath your SUP.

Chair Lee-Greig: And then are these -- these individuals, does it look like they're associated with a guided surf school or is it --

Mr. Lindsey: Yeah. Definitely.

Chair Lee-Greig: Okay. Okay. A question from Commissioner Celiz.

Ms. Celiz: This related to what you were saying, but I don't know if it's more directed towards Corp Counsel, but is it in our purview that when we're considering these CORA permits that we can make that a requirement that they have to have that kind of cultural awareness, training, and to follow things like the Pono Pathway?

Ms. Desjardins: Chair?

Chair Lee-Greig: Yes, Corp Counsel.

Ms. Desjardins: So we're going to go over, after the public testimony, kind of the difference between sort of a dual jurisdiction between Parks and CRC, but your, to give you the short answer now, you're here to determine only whether to allow selling or not without recommendations, and then it goes back to the Park and, ultimately, they have to decide whether to issue the permits, so you're not issuing the permit, you're just determining whether to allow selling in a historic district.

Ms. Celiz: Okay, thank you for the clarification.

Ms. Albino: I had one more question, if I may?

Chair Lee-Greig: Commissioner Albino.

Ms. Albino: Wouldn't there be buy-in with these surf commercial outfits to have this kind of education because I know the -- the first testifier said that there's going to be cultural

and historical education happening, do they have access to this? Has there been buy-in? Is there a curriculum that's been created for this or -- or it's just --

Mr. Lindsey: We have the curriculum.

Ms. Albino: Yes, okay.

Mr. Lindsey: So we have the opportunity to engage, and we've engaged, and I think in 2018, we had at least 800 students come through our system from all over the world to learn our cultural education, our near shore ecosystem management, what's important, and best practices. So we already have that in play.

Ms. Albino: Okay.

Mr. Lindsey: I hope that answers your question. Is there buy-in from them?

Ms. Albino: Buy-in.

Mr. Lindsey: I don't know. That's a question for them. But when you increase someone's cultural knowledge and awareness, only good things can happen.

Ms. Albino: Yeah.

Mr. Lindsey: Because now you got a hold yourself accountable, you know better, and if you choose not to listen to yourself, that's on you.

Ms. Albino: Thank you.

Mr. Lindsey: Okay.

Chair Lee-Greig: Thank you. Any other questions for the testifier? None? Mahalo. Thank you.

Mr. Lindsey: Mahalo.

Ms. Kehler: Next testifier is Kimo James Kinimaka, testifying on all CORA permits.

Mr. Kinimaka: Good morning. Kimo Kinimaka. Thank you for having me. I've been teaching surfing and I was introduced to this world of surf by Tommy Castleton here. Believe it or not, it's 21 years ago, I was a flight attendant for Hawaiian Airlines, and, today, I feel a lot safer at sea level than you go at 30,000 feet, and I think what it all comes down to here is we're trying to be pono amongst everybody, you know, and -- and make sure that we continue those of us who have been here for years, 20-plus

years, that we're continuing to operate and teach people how to surf. Everybody here that I see, 21 years ago when we did this, there were no curbs, there were no mandates, people just went out and did whatever they wanted to do. The surf population and the amount of surfers that we're allowed to teach to surf has been impacted and changed by Saturdays and Sundays, and the time slots that you guys have changed to allow the people from here to be able to enjoy the ocean. All of us here, no more pilikia. Everybody all gets along really well in the water. We have a really good thing. And I ask for you guys to continue to help us in our venture, in our lives, in what we depend on for our mainstay. You know the problems that we've having more than anything have been with the, for me, the policing, and not to get away from Ekolu because I really firmly believe in what Ekolu's talking about here, and it's funny, if there was like a little great white shark floating around in there, I don't think anybody would go in there, but I think like with that what Ekolu talked about, we can all come together collectively as a group, we don't need buoys, we need to see that pathway and we need to abide by it. We need all work together so we don't cause any further harm to the reef. I really don't know what else to say other than thank you for having us here and please help us to continue in a good thing. Look at TripAdvisor, look at all the different review companies that say what we do as a really good thing. We, honestly, change people's lives. Thank you.

Chair Lee-Greig: Oh, hang on. Do we have any questions from the Commission for the testifier? No? Alright, thank you so much for your testimony.

Mr. Kinimaka: Thank you.

Ms. Kehler: Next testifier is Aina Kohler testifying on all CORA permits.

Ms. Kohler: Hello. Oh, sorry. Thank you for being here. I know you guys get paid tons and tons to do this. But so to touch up before I start, it's awesome having Ekolu around. He's helped with our kids' programs. We use his signs in our shop. My partner --

Chair Lee-Greig: I'm sorry. I'm sorry to interrupt. Can you state your name?

Ms. Kohler: My name is Aina Kohler.

Chair Lee-Greig: Thank you.

Ms. Kohler: My partner, my business partner, she has a behavioral science degree in natural resource policy and we opened the surf school because of how important keeping Lahaina and our reefs and educating the keiki in Lahaina, like nobody has. So I'm currently a firefighter for Maui County, I'm a member of the West Maui CPAC, and I own Lahaina Surf Shack. We do not have a CORA permit. We do have a State commercial permit that allows us to teach lessons on the beach. In getting this permit,

we were told that we could access the beach, we just could not teach in the park, get paid in the park, do anything in park, and we followed that. We don't teach in the park. We teach on the beach where we are allowed to, and I think, going to what you guys are asking on how we limit people in the water or all at one time, we do have ...(inaudible)... on the beach overcrowding the beach, we do a really good job of our time slots where each surf school has a different time. We're not all out there at one time. There's 7, there's 8:30, 8, 8:15, 9, so that we're not inundated over there with tons and tons of people. So coming -- I'm coming from a different angle in that I started the surf school because I believe that our kids need a program that teaches them the culture of surfing. I bought my surf school year-and-a-half ago with the vision of creating a community-focused business that provides sports, educational, and cultural enrichment programs for our keiki. I currently run the only afterschool program on -- afterschool surf program on Maui for local kids. I'm able to supplement fees, provide scholarships for afterschool program and summer surf camps through funding that we get through teaching tourists how to surf. Like canoe paddling, surfing is an integral part of the Hawaiian culture. I grew up in Kamehameha Iki Park, that the beach we went to every day, and it's not as welcoming as it used to be with the homeless population especially in this last month. We've been finding needles. We've been finding all sorts of trash. We're not regulating that park anymore and -- not regulating, we're talking walking through a small pathway to the beach. In that, I teach the kids every time we walk through, go pick up trash. Every time before we go surf, let's go pick up trash, and they do. I get emails from parents grateful that their kid is finding all those rubbish on the ground and bringing it to them grateful, and I'm grateful, now we have to bring our three trash bags to the beach and they're picking up all this; we teach them what to pick up; we teach them what not to pick up, But for our afterschool program, we pick up the kids from kam third, Sacred Hearts School, which helps with traffic; that's 24 less parents that have to pick up their kids from school if they have to. And we clean as we go. We walk them to the park. Our mission is to provide a safe fun environment for them to explore and learn about the ocean and teach lessons regarding moon and tides, current and wind, recognitions of hazards and extreme conditions, and how to recognize when others are in danger or if they're in danger. There's not any other services provided to our keiki. I don't know if anyone can come up with any, but -- and, honestly, like when all the other surf schools are out there in water with us, they love it. They all come help with the kids, the guys, Kihe and them, when I'm in the park, they help us in the park; the kids go talk to them; they talk. We have a very friendly community. I didn't know it was going to be this friendly when I got the surf school last year. So ...(inaudible)... on staff we do have a program advisor that has -- that gave us, sorry, the bachelors degree in natural resource policy, we've organized beach cleanup days, we've organized community surf days where we just bring boards down, get the word out, hey, come use a board, we'll teach you how to surf. Any kids. We've taught numerous kids who grew up in Hawaii, Hawaiian kids that are ten years old, never surfed in their life. Seeing stuff like that is like why we started this program.

Chair Lee-Greig: I'm so sorry to interrupt, but can you summarize? We have the three-minute mark. I have to keep everyone --

Ms. Kohler: Okay. Yes. Sorry. So one of the biggest, I'm going to summarize this, is that I'm actually honored that you -- not honored, but that you're taking a look at this because this park deserves a historic monument, it deserves to be preserved, but I hope that there are some responsibilities that come along with this coveted CORA permit. I don't want to be the only one teaching our keiki how to surf, the local kids. I know some of other schools have reached out to -- one other school has reached out to a fellow surf school to teach their kids how, and they've done it. But I feel like a way to provide culturally and educationally is that we're required, if you have a CORA permit, to give back to the community somehow to organize cleanup days, which we already do, but if that's a way that you guys can kinda regulate us a little more on what we can do, and I totally agree with preserving outside Shark Pit, that's like our playground, so I mean I grew up over there. So with that, it's, yeah, it's totally dying out there so I hope we can uphold of that and just take a good look at the permits and see, you know, to what -- that we are doing good and that we are making money for the County, making money for the State, you know, we're doing more good than bad out there especially right now with who we have.

Chair Lee-Greig: Alright, thank you. Do we have any questions for the testifier from the Commission?

Mr. Bassford: Yeah, I'd like to let miss -- Mrs. Kohler continue on to the last paragraph of your written testimony.

Ms. Kohler: Okay. Is that CORA permits?

Mr. Bassford: Yes.

Ms. Kohler: Okay. So looking over, it was interesting to see because there hasn't been an allowed permit sign up for, I don't know, 20 years maybe. I don't think any permits have been changed over in that time. You can see that there's one person that holds two permits. There's people with permits that don't operate in the park at all. There's people that aren't in business right now. And these are just facts. I'm not trying to blow anybody up. I'm not -- but I am trying to make a business to better our community and also a business to make money as well with the surf school. I'm just trying to -- the community part is one of the good that I'm trying to do with it. There's businesses that don't need access to the park. They have -- they have their own access to the beach, to teach on the beach, and none of us actually teach in the park. That's what's crazy. We teach on the beach. So all I think we need is a access way, small access way to get our guests, our people to and from the road to the -- it's shoreline access, that's all

we really need. So, yeah. There's -- I don't know. Did you want me to like read it out or?

Mr. Bassford: No. I just wanted you to elaborate a little bit so I could get a little bit of ...*(inaudible)*...

Ms. Kohler: Okay. Sorry. Yeah, that's what I mean by that, and there's multiple surf schools that are operating in that area, not all that have CORA permits, but we're still following the rules that we've been told with the State permits, so it would be nice to see, you know, if we -- I mean there's a potential that you guys aren't going to okay the CORA permit anymore and that we're all going to be out of luck going through the park, but if that's the case, if we could just be provided with ten feet, maybe less, there's already a road leading to the beach that we could have so that we could teach on the beach, and so that park can be designated right there, and we can do picnic tables, do something that makes it, you know, more inviting to local families and more inviting to people that want to come and hang out down there and maybe regulate it a little more with the homeless besides us 'cause, honestly, like Kihe and ...*(inaudible)*... be in the park and -- and multiple other community members that are aware of it have come and really have started to regulate that park and without -- without us, without all of us, I think it -- it's just going to get worse.

Mr. Bassford: Thank you.

Ms. Kohler: Yeah.

Chair Lee-Greig: Any more questions for the testifier from the Commission?

Ms. Kohler: Can I say one more thing? Sorry. Our afterschool program is supposed to start tomorrow, and what we do is I pick up, like I said, pick up the kids from school, we go every Tuesday, Thursday, we don't teach in the park, we clean the park, we clean the beach, and I'm just afraid to tell -- I don't know what I'm going to tell parents now if we -- if I say our kids can't walk through the park, I'm wondering if there's anything we can do. Can I have the parents walk the kids through the park? I don't know what you would recommend as far as that goes. Because it's a community program, am I allowed to do that?

Chair Lee-Greig: We can't make that recommendation ...*(inaudible)*...

Ms. Kohler: Okay. Okay.

Chair Lee-Greig: Yeah. Any other questions? No? Thank you so much for your testimony.

Ms. Kohler: Yeah. Thank you.

Ms. Kehler: Next testifier is Abner Nakihei, Jr., testifying on all CORA permits.

Mr. Nakihei: Aloha, Commission. My name is Abner Nakihei, Jr. My family is from Molokai, Auntie, but I was born and raised here. I own a surf school too. I don't have a CORA permit. Actually, I started this business because I have a younger brother that wanted to own his own business so I looked into it, I had a different business before, and lo and behold, there's a moratorium on the CORA permits, so I told my brother, you know, I don't know if you can do this, you know. As a Native Hawaiian, or Hawaiians, me and my brother, you know, we live in the only Hawaiian Home Lands in Lahaina, which is the Villages of Leialii, I felt that it was our right to teach surfing if we wanted to, so I looked into it, and I said maybe we can do it this way. Maybe by just walking through the park, not doing any commercial activities, just carrying it, we'll have a private property where we do all commercial activities, we do the selling, we do the suiting up, we do the lessons, and then we'll rent a space across the street in the parking lot, which is on private property, and we'll carry the boards to the park. I've been doing that -- well, we've been doing that, me and brother, we've been doing that for about seven years until one month we said, oh, you guys can't walk through the park, no longer you can. You know, so that's why I'm here today. I also wanna say that we all get along in the water. We all help people. You know, it's really safe. Since we've all left the park, there's been more homeless in there, and a lot of people drinking, and I feel like when all the surf schools, all the surf instructors, we clean up the park, you know, we also deter everybody from coming in 'cause they see all of us around, so the surf schools do help, you know, so growing up as a Hawaiian, that's what I share with people. They're like, oh my God, you're Hawaiian? You live where? I say I live on like a Indian reservation, but it's a Hawaiian reservation. They're like I had no idea. And I share, you know, with certain people. I also share, where our van is parked, the Mokuula Island, that's a really, really cool place, so I tell them I used to walk, maybe a couple years ago, and it was the perimeter, it was basically the -- the stone rock wall, the guys was like, hey young boy, come here, and I could see the stonewall of the Mokuula, and I would show my students every time I pass, it's -- it's cleared up, but I share, you know, growing up as a Hawaiian, you know, still living as a Hawaiian, where I live, and I just share, you know, our culture when they want to, some people don't care, but if they do, oh yeah, I'll -- I'll talk their ears off about being Hawaiian. But all I'm asking for, I know you can't make a recommendation, but just maybe a small pathway so I can do my surf lessons and provide for my daughter and my family to eat, you know, so, yeah, thank you.

Chair Lee-Greig: Is there any questions for the testifier? I have a quick question.

Mr. Nakihei: Yes.

Chair Lee-Greig: So your -- your van or your -- where you do business out of is at Malu Ulu O Lele Park or nearby?

Mr. Nakihei: It's a -- there's a public park run -- a private parking lot -- Malu Ulu O Lele yes, yes, but there's a parking lot across 505 Front Street that's now run by Diamond Parking, so I pay a monthly fee, my truck is there with the boards, but I also have a shop across the street from the Banyan Tree where I check everybody in, you know, I sell t-shirts and stuff like that, but we do everything there. We do the instructions there. I don't even do it on the beach even though I have the permit to do it on the beach, I have the State permit. I don't do any commercial activities. All I do is walk through, one board each, you know, sometimes I'll carry two or three if I have kids, but I, basically, just walk through the beach -- through Kamehameha Iki Park. Yeah. And I found that it's illegal to do that so -- which is, you know, yeah.

Chair Lee-Greig: And what's -- can I ask you the name of your operation?

Mr. Nakihei: Hang Loose Surf Club.

Chair Lee-Greig: Hang Loose Surf Club.

Mr. Nakihei: Yeah.

Chair Lee-Greig: And I have one more question.

Mr. Nakihei: Yes.

Chair Lee-Greig: The -- the stone walls of Mokuula.

Mr. Nakihei: Yes.

Chair Lee-Greig: When were you able to see those and did you share with your --

Mr. Nakihei: Oh yeah. Yeah. Every time I walk, I share about Mokuula, you know. There's a plaque that's there. And then -- so if they -- if they wanna know about it, I'll share. I'll say, hey, let's just stop here. I know I going get you guys up. I know you guys going surf. But, you know, let me share about this important place that nobody knows of. So I share with them. And then I also -- it's covered by - what do you call it? Gravel. But I say this is over here, this is where I saw the stone wall, and I show them on the picture, and they say oh my God, this is so great. You know, kinda just adding, maybe I get tipped more, you know, so I add anything I can, but -- but it's really cool too, you know. It's really cool to share, and for me to see, I pass there everyday when I grab my boards so -- so, yeah, I share.

Chair Lee-Greig: Okay, and so you were able to see the --

Mr. Nakihei: The rock wall.

Chair Lee-Greig: The rock wall.

Mr. Nakihei: Yeah, yeah, yeah. I was lucky. I don't know if anybody saw, but the -- the person that dug it up, you know, he was there every day, I talk story with him or her, and then one day, they was open, they said, hey, we found it. It's over here. It's like the corner of the -- the island, which I thought was really cool --

Chair Lee-Greig: Okay.

Mr. Nakihei: You know, as a Hawaiian, so --

Chair Lee-Greig: Sure.

Mr. Nakihei: Yeah.

Chair Lee-Greig: Okay, thank you. Any other questions from the testifiers -- or for the testifier? None? Alright, thank you.

Mr. Nakihei: Okay, thank you.

Ms. Kehler: Chair, there are no other testifier signed up on the sheet.

Chair Lee-Greig: Okay. So -- so can I make just one last call? So I'm just going to make one last call for anyone wanting to share public testimony on any of the agenda items that are on the list, please come forward. Sure. Come on up and state your name and the agenda item that you would -- you're testifying on.

Mr. Brown: I'm John Brown, Maui Beach Boys, and I -- I wanted to see if you guys might recommend another park close by 'cause we used to teach at -- we used to teach at Launiupoko, Puamana. They wonder why it's crowded. Got one spot for all Lahaina. That's it. Same with Kihei. One spot. Why don't they work with us? You know, we've been really, you know, this is our livelihood for most of us, and my lifetime. My lifetime ... (inaudible) ... so could you maybe make a recommendation to the CORA people to open another park possibly? That would -- that would help quite a bit. Thank you.

Chair Lee-Greig: Hang on. Sorry, sir, can you just hang on just for a minute. Any questions from the Commission for the testifier? None? Thank you so much. Anyone else to testify?

Ms. Paltin: Aloha. Thank you for having the testimony. I'd like to testify on the CORA permits, testifying on behalf of myself, my name is Tamara Paltin, and, you know, we do have more than one place in Lahaina teaching surf lessons, just the County only offers one place, and I just ask that you guys really take your time and sort through all the evidence. You know, the State does offer permits for folks to teach lessons and, you know, not all of the folks that had County permits are using the park because they can enter from the location where they rent at, like whether it be 505 or someplace else, so I -- I don't -- I don't know what the answer is, but like just because you guys are the Cultural Resources Commission and just, you know, Kamehameha Iki is more than about surf, you know, it's like just, if you can, take the time to look into it, it's crown and government lands, executive ordered, and what does that even really mean. What is -- what is Kamehameha Iki and -- and who are the families from that place? They're still in Lahaina. They're not -- majority not the ones running the show, you know, and if -- if there is going to be selling in Kamehameha Iki Park, then the people that are -- are given the right to do the selling needs to care about the park, you know. If something happens before 6:00, is it still your responsibility? You know, this place is -- it's like a tragedy of the comings or something, it's a very historical place, it's a very treasured place in the history of Lahaina and it's not being taken cared of despite some people having permits for 20 years and -- and I don't wanna blame them because it's not their fault, nobody told them what to do or what not to do, but it's all our faults and -- and I think with this pause from the Planning -- parking -- Parks Department, it's an opportunity to reevaluate the situation and do what's best. If they all get along in the water, that's great, you know, and that's the State's jurisdiction anyway; what we're really looking at is Kamehameha Iki Park. So I don't know how you guys can do that and I don't envy your job, but I just am asking that you guys take a look at the big picture, the real history, and all the details in between because it doesn't seem it's necessary for a CORA permit to operate on the beach, but that's something for you guys to decide.

Chair Lee-Greig: Thank you. We have any questions for the testifier from the Commission? Commissioner Lay.

Mr. Lay: Two questions actually. So do you -- do you think we should limit the amount of classes or schools that are at this area or in other areas too? Should there be a limit or should, whoever applies, can go?

Ms. Paltin: I, to me, I think it has been limited by the State permit process, not saying that's a great process or anything, but, to some extent, and the County as well. You know, like the previous gentleman was saying, not only the surf schools are getting squeezed, the local residents as well, you know. Couple weeks ago, I surfed Kaanapali before I came inside over here, and at 8:00, there were like six surf instructors with two people each and -- and, at first, I was kinda bummed out, you know, and -- but, yeah, majority of them, all except one, had good handles on their people, you know, and it

was turned out better that they had an instructor in there 'cause had one guy inside with a rental board and no instructor and he was all in the way, you know, and then, maybe half-an-hour later, a kid paddles super deep and I guess cutting in line and the surf instructor pushed his guy off in front of him and then there was small kine squabbles on the inside and then, you know, big drama and stuff, but I think that break wall is a little bit more controlled than Kaanapali, yet, sometimes, Kaanapali is more like, you know, in the season and it gets super busy and then like everybody goes, and then it's slower, but I don't work in the surf school industry so I'm -- I'm not an expert, I just like to be in the water if I can be sometimes.

Mr. Lay: A second question. So everyone has been talking about having a pathway to the park. Do you think that would be a good idea as far as for the surf schools to go through, I mean one area they walk through, giving them access to the beach?

Ms. Paltin: I don't think -- I mean I don't have a problem with that. I don't think it would be called -- it should be a CORA permit if that's the case and I think that there should be heavy responsibility that comes with that right as far as, you know, doing the things that give back to our community whether it's, you know, working with Ekolu or working with the kids afterschool program and stuff like that, it's -- it's -- it's nice to hear the surf schools giving back to all these programs but I feel like if you're going to give back to those programs, that's great, but take care of your area, you know. If you're using Kamehameha Iki Park, if you're in the Malu Ulu O Lele area, like have pride in it that, you know, not just because you have a CORA permit that you're keeping it clean or like, oh, I don't have the permit right now so one month later it's all needles and homeless, you know. If you wanna take care of that area, take care of that area. And if you wanna have the right to traverse through the property, traverse through the property. If you wanna say that you're proud of the culture, be proud of the culture beyond just the surfing, you know. Know the names, Hale Waa O Kaulua or, you know, whatever it is, not the canoe thing, you know, that's -- I mean it's -- if that's the way that we're educating our guests about how we respect the culture, then we need to step it up a little bit.

Chair Lee-Greig: Any other questions for the testifier from the Commission? Thank you so much.

Ms. Paltin: Thank you.

Chair Lee-Greig: Anyone else from the public? Okay, I'll be closing public testimony at this time. Moving to agenda item C.1., under New Business:

*Chair Lee-Greig read the following agenda item description into the record:*

## **C. NEW BUSINESS**

1. **George Keahi, Jr. of Opele Surf School Inc. requesting approval to conduct surf lessons at Kamehameha Iki Park, Lāhainā, County Historic District No. 1, TMK (2) 4-6-002:010**

***The Commission may approve or deny carrying on or soliciting business in public parks located in County Historic Districts Nos. 1 and 2, pursuant to Subsection 19.52.090.E, Maui County Code***

Chair Lee-Greig: Do we have any public testimony for this specific item? Seeing that there's none, Department of Parks and Rec, do you have a report for this particular item?

Ms. Kehler: Chair, if it's okay, we're going to have Mimi kind of explain how there's two agencies at work for this park, for managing this park.

Ms. Desjardins: Okay, Chair?

Chair Lee-Greig: Yes.

Ms. Desjardins: So when we're talking about a CORA permit, we're talking about the use Kamehameha Iki Park to the beach, up to the -- above the high water wash, that is all considered County park land of which you need a CORA permit to conduct a commercial activity. Below the high water wash, you need a permit from the State to conduct a commercial activity. So there's really two permits that are necessary. What we're doing today is focusing on the permits for that park and the -- the CORA permits for that park of which, under the rules and regulations, there are slots surf schools at Kamehameha Iki Park. I don't know if you need me to fill it anymore at this point. I know Annalise some additional information to provide.

Ms. Kehler: Do you wanna explain how the CRC kind of -- yes.

Ms. Desjardins: Oh. Okay. Okay, fine. Sorry. So once you folks make your decisions today as to each of these permits, and the decision's going to be are you going to allow the permit-holder to sell or not sell, which means conduct a commercial activity within this area, if the Commission determines to go ahead and say we are not going to allow this commercial activity under this permit, we're not going to allow this, that's going to end the process for the applicant although the Parks Department actually issues the permit, so the Parks Department would have to take that information and would actually deny the permit, you're not denying the permit, so it just goes back to Parks and then they will issue a letter, they can't override your decision to not allow commercial activity. However, on the other hand, if you allow commercial activity under any of these specific permits, then the Parks Department needs to then continue the analysis of whether to

allow the permit or not. There are, as you can see, currently, eight permit requests, there are two slots, the Parks Department can determine not to grant any permits, the Parks Department can grant up to two permits, the Parks Department can grant one permit, but not more than two because that's what's provided for under the law. At that point, the Parks Department has to advise the applicant what their decision is based on the record of what has occurred today; at that point, the person who is the applicant will receive the either approval or denial from the Parks Department and then, at that point, they have the right to appeal the Parks Department's decision to deny the permit, which is through the Board of Variances and Appeals process, pursuant to Parks' rules. So we have sort of a concurrent jurisdiction issue that you folks are here to just address the issue of sell or not sell, whether you're going to allow that or not. I know a lot of the testifiers asked, well, can you make recommendations, you can certainly put things on the record that you -- you want to put things on the record that -- that justify your decision today, that's important, but in terms of formal recommendations, the Parks Department will take anything and everything into consideration that's placed on the record today, but in terms of actually putting out recommendations and voting on those, that's not part of this process just -- but certainly put your thoughts out there for them to be able to consider when they make the decision what to do.

Unidentified Speaker: Can I ask a question?

Ms. Desjardins: No. No.

Unidentified Speaker: For clarification? No?

Ms. Desjardins: No.

Chair Lee-Greig: Okay, so --

Ms. Kehler: So really quickly, I, from the Department of Planning's perspective, I'm going to give the Commission some background, and then Lisa Almeida, with Parks, will describe some of the Parks rules and regulations. Okay, so as it indicates on the agenda, Subsection 19.52.090.E, of the Maui County Code, prohibits commercial activity on public lands in County Historic District -- in the County Historic Districts without your approval, so without this body's approval, people cannot conduct commercial activity on public property in Historic Districts.

So the property is located in County Historic District No. 1, and this is a zoning district established in the Maui County Code. The property is also within a National Historic Landmark District, and it is part of Kamehameha III's Royal Residential Complex, which is individually listed in the National Register of Historic Places. So we have several layers of official historic designation at this property. Okay, so to help you in your decision-making process, I wanna share relevant information with you about your

purpose as a Commission, the purpose of the County Historic District No. 1, as well as historical background about this park and the neighboring Malu Ulu O Lele Park.

Okay, so the first thing I wanna do is read an excerpt from Section 2.88.010, of the Maui County Code, which speaks to the purpose of this Commission. It states, "It is the intent of this chapter to provide for," the first item listed says, "Protecting and preserving historic properties and artifacts in the county and encouraging, where appropriate, their adoption for appropriate and feasible use," okay. So there's several other purposes listed but that's the first purpose. And as indicated by what I just read, the main function of this body is to protect and preserve historic properties, okay. So you accomplish this goal by performing the different duties afforded to you in Chapter 2.88, in 19.52, of the Maui County Code, this includes approving or denying commercial activities on public lands in Historic Districts, which is what you're doing today, okay.

So the next thing I wanna read you is an excerpt from Chapter 19.50.010, of the Maui County Code, which speaks to the purpose of County Historic District No. 1, so it -- it says, "There is created within Lahaina, Maui, Historic District No. 1. The purpose of creating this district is to preserve historic structures and sites within the district and to enable the state and county to makes plans for the restoration of historic structures and sites." Okay, so as indicated, there's a few more sentences, but this is the most relevant. As indicated in what I just read, the main purpose of the district is to preserve structures and sites within the district, this includes historic sites at this park.

Okay, so Kamehameha Iki Park is no ordinary park. It is culturally and historically significant land. And the next thing I wanna read to you is an excerpt from the National Register Nomination for Kamehameha III's Royal Residential Complex. I think this will help put the historic significance of this place in perspective, okay, so this is the park where a Hale Piula, a coral block structure, built as the "Palace for Kamehameha III" once stood. It is also historically linked with the park across the street, Malu Ulu O Lele. Okay, so the opening paragraph of the National Register Nomination states, "King Kamehameha III's Royal Residential Complex in Lahaina, Maui, is the site of the home of the King of the Hawaiian Islands from 1837 to 1845, when the town was the Capitol of the Kingdom. The site is a traditional home for a Maui royalty noted as being the site of King Piilani's residence in the 16<sup>th</sup> century. Almost the entire site, which includes both park properties, consisted of fishponds, freshwater springs, islands, causeways, retaining walls, beach berms, residential and mortuary buildings is buried by coral and soil fill and is presently used as county park. Extensive architectural and artifactual remains exist underground. Although most widely associated with the period of Kamehameha III, the site appears to be the place of traditional Native Hawaiian cultural significance." It doesn't appear to be, it is, just a little piece of information there. The Register Nomination further states, "The royal complex established by Kamehameha III in the early 19<sup>th</sup> century consisted of a large two-story western-style coral-block palace, Hale Piula, on the beachfront site," which is the park that we're speaking of now. It also

says, “Located immediately to the east of this coral-block building was the large fishpond, Mokuhinia, containing a one-acre island linked by a short causeway from Hale Piula.” Okay, so that’s stating, basically, that these two sites, these two parks were culturally and historically linked. The nomination states, “Kamehameha III’s royal residence in Lahaina is important as a focus of the Kingdom during the first half of the 19<sup>th</sup> century. Although the King had many residences throughout the island, this was his primary residence and the seat of the court from 1837 to 1845. The first Hawaiian Legislature met here.” And it goes on to say, “As such, many national Hawaiian events symptomatic of broad patterns of change affecting the Hawaiian people since western contact occurred here.” It also states, “The surface remains of Kamehameha III’s Royal Residential Complex of Hale Piula, Mokuula, and Mokuhinia are also significant for their historical and pre-historical archaeological research potential.” It says, “While much is preserved in Lahaina that recalls the lifestyles and culture of the Christian missionaries and whalers of the 19<sup>th</sup> century, very little is demonstrative of the Native Hawaiian Monarchy and the reign of Kamehameha III, Hawaii’s longest ruling King. The fishpond and its freshwater springs were a source of irrigation and nutrients for substance since production. The reef and pelagic ocean regions adjacent to Mokuhinia were also an important resource for the human settlement of Lahaina. The origin of the chiefly residence at this site is perhaps related to political and economic control over this important area of production.” It goes on to say, “When the wars of inter-island unification between the 18<sup>th</sup> century -- began in the 18<sup>th</sup> century, Lahaina became more important as a convenient port and strategic area along the sea lanes between Hawaiian Island, Maui, Lanai, Molokai, Oahu, and beyond.” The last thing that I’ll read you states, “The Kamehameha III Royal Residential Complex during the times of the King -- of this King is the third and most important historic component. From 1837 to 1845, the compound at Mokuhinia consisting of the island of Mokuula with its tombs -- tomb and residences and the formal palace at Hale Piula was the seat of the Royal Court. It was the place where the first Hawaiian Constitution was drafted, and the first Legislature was convened.”

And with that, you know, this is just information that I wanted to share with you to help give you things to think about when you are making decisions today. And with that, I’ll turn it over to -- to the Parks Department to kind of share with you a little bit about the -- their regulatory stuff.

Ms. Almeida: Hi. My name is Lisa Almeida, and I’m with the Department of Parks of Recreation, and also here today is Karla Peters, with the Department of Parks and Recreation, and so in light of everything Annalise just went over, I’ll keep it really short. We are here today to help answer any questions you may have that are specific to the CORA permit process and what happens every year. As was covered earlier, there was a CORA study done in the year 2005 that kind of analyzed the 17 beach parks that were designated for CORA. Currently, there are now 10 prohibited beach parks for CORA, Hanakao was just added to that list. Of the 17 permitted beach parks, maybe 16 with

the change over of Hanakaoo, there was a CORA study done so it was not an environmental assessment or an environmental impact statement due to funding, but it was a study, and in that study, they made recommendations for each of the beach park locations based off of infrastructure, impacts, cultural significance, a number of different items, and this particular beach park, as was mentioned earlier, the allocation was two CORA permits. When we inherited the CORA permits from the Department of Finance, which is where they first originated, there were no capacities at that time, so this CORA study was the first step in actually heading towards reasonable limits of different natural resource, you know, impacts to these resources. So we were -- the goal or the acceptable policy at that time was to move towards these capacities through attrition. At the time the CORA study was done, there were 11 businesses operating at Kamehameha Iki Park. As you see now, there's, on your agenda, eight, so the attrition has been somewhat minimal. We did have one company pull out prior to this process so that would have just been a change in the last year. But that kinda gives you an idea of what the change has been from 2005 until now from an attrition perspective. And then if there's any other more specific questions, we're happy answer them.

Chair Lee-Greig: Any questions from the Commission? Commissioner Celiz.

Ms. Celiz: So the allocation of only having two slots, that's just in effect this year?

Ms. Almeida: No, no, no. That was put in effect when the study was completed. It was a recommendation and most of the beach parks were over that capacity because there were no limits when the Finance Department first started issuing the permits, so the goal was to reach those capacities through attrition, so you may have heard people saying there's a moratorium, that's not the word we use because there are permits in place, it's just that we're not issuing any new ones for this location because we're still six permits over what was deemed the acceptable capacity of two permits.

Ms. Celiz: And so those eight permit requests that we have now, they've already had their permits, so it's more like a renewal or were ...(inaudible)...

Ms. Almeida: These are all renewals. These are all renewals.

Ms. Celiz: Okay, so there's no new applications within ...(inaudible)...

Ms. Almeida: We don't open up for new applications unless there's a slot that is vacant.

Ms. Celiz: Okay. And then I just, for clarification I guess to help kinda make the decision, so, hypothetically, if we do approve all of these, then Parks and Recs will then decide with the information you have and your criteria who gets, if any, those two slots, but, hypothetically, if we deny it all, that's just -- that's the process there but earlier there -- we heard mention that are they still allowed to walk through based on like their State

permits through that park and like would they be upheld to the State's standards versus -- I'm not too familiar with what the State standards are versus the County standards?

Ms. Almeida: So I'll let -- I'll let Mimi speak to the State standards, but as far as any action through a County beach park that is commercial in nature regardless of where, so just so you know, our code prohibits any transactions from occurring for even permitted companies in our park regardless, so that's already part of the law, the only thing that's allowed to happen in the park is the instruction, the lesson, so use of the beach park in any way, if you're a commercial business, is considered commercial activity.

Ms. Celiz: So the beach rights of way and that access above the State line, so does the County CORA prohibit that, like that above the shoreline?

Ms. Almeida: I'm not sure I understand.

Ms. Celiz: Oh, sorry. I'm trying to ask like does the CORA permit restrict people who are just accessing the shoreline or just trying to walk through to the beach?

Ms. Almeida: The requirement to have a CORA permit and not having one would most definitely restrict someone from trying to run a business that accesses the ocean through a County beach park. You must have a CORA permit to do so.

Chair Lee-Greig: Commissioner Bassford.

Mr. Bassford: So you just can't go through the park if you're conducting any type of commercial activity that did not occur within the park?

Ms. Almeida: Correct, and that's not just for CORA, this is for widespread commercial activity - food trucks - I mean any kind of like bus tours, all of those things, they need to have commercial permits to be in a County park because the impact to the park is being driven by that commercial activity.

Mr. Bassford: Okay. Understood. Thank you.

Ms. Almeida: Yeah.

Chair Lee-Greig: Commissioner Lay.

Mr. Lay: Just for clarification. In other words, if they do get a commercial permit, they can walk through, the surf schools?

Ms. Almeida: Are you referring to the State permit?

Mr. Lay: I guess the County. The County.

Ms. Almeida: So if they get -- receive a CORA permit, so we have CORA permits that they're I guess wanting to have -- so if they receive a CORA permit, then they have permission so long as they're within the guidelines and the CORA -- there's CORA administrative rules and then there's actual CORA ordinances as well, so long as they follow those guidelines, which all the permit holders are very familiar with, then they're allowed to use the park for access, yes.

Mr. Lay: Thank you.

Ms. Desjardins: One more small clarification.

Chair Lee-Greig: Yes.

Ms. Desjardins: Thank you. So just to clarify, and Lisa correct me if I'm wrong, but my understanding is is that if you have a CORA permit, you still have to conduct all your commercial activity outside of the park, so you have to have a physical address, we have like really detailed rules, CORA rules, so for folks who say, well, I don't have a permit so I'm just walking through the park, that's not allowed because even a CORA holder would have to do the same thing. You can't access the beach through the public -- the County park without a CORA permit for commercial activity. Now if you're taking - - if this is a free group, you know, volunteers, there's no commercial activity, defined under the law, then it's -- we don't regulate that.

Ms. Celiz: So for only two slots that is being allowed so the rest of the applicants, they would not just be allowed to just walk through the park at all that's just --

Ms. Desjardins: If they're conducting commercial activity off premises, yes. That's correct. So although they're parked across the street or down the road or whatever, they're -- they are conducting a commercial activity if it is a commercial transaction where then their prohibited from using the park access to get to the beach to conduct that activity.

Ms. Celiz: Okay.

Chair Lee-Greig: Any other questions for staff from the Commission? No questions? Alright. Well, I am so sorry, but I'm going to have us take a little break now that we've gotten through all the background and then reconvene in - just one moment. We'll reconvene in 20 minutes to hear the agenda items or 10 of 11, or 12:50, okay? Mahalo.

*(A recess was called at approximately 12:35 p.m., and the meeting reconvened at approximately 12:55 p.m.)*

Chair Lee-Greig: Aloha. My apologies for the delay. We're going to call the meeting back to order. It is 12:55 p.m. I understand that we have some additional clarifications from Parks regarding their permitting system.

Ms. Almeida: Sorry. Yes. We had a -- a few more questions so we thought we'd provide a little bit more clarification. So for all people who are issued CORA permits, one of the requirements of the law in the Maui County Code is that all transactions necessary to entitle a patron to engage in a -- in an ocean recreational activity, such as the selection of that to be engaged in, the selection of equipment, execution of rental agreements, payment for services, distribution or posting of commercial notices, advertising signage or tents shall all be accomplished at the permit-holder's business location. No such transaction shall be permitted or performed in or on County property. We're bringing this up as a point of clarification just so that you're aware that current permit -- CORA permit holders are really just accessing the water through the park and maybe teaching lessons in the grass, but all of these other things are already required to occur off-site and out of the park so as not to impact community use of the County beach parks. And then also just to say that when -- we don't want to speak to the State's rules, requirements, and guidelines for DOBOR, but we do know that commercial use permits, CUPs, is the referred to that are issued by DOBOR, are not tied to an access point, they're issued by ORMAs, right, ocean recreation management areas, but they're not -- they're not issued and tied to Kamehameha Iki Park, so that's another point of clarification. And, lastly, just to state that the number of instructors per lesson, it's one instructor to a maximum of six surfing students, with no more than two instructors and twelve students out at one time per permit.

Unidentified Speaker: ...(inaudible - not speaking into the microphone)...

Ms. Almeida: Well, the parking is limited right so --

Unidentified Speaker: ...(inaudible)...

Chair Lee-Greig: Sorry can --

Ms. Almeida: Sorry.

Chair Lee-Greig: One moment.

Ms. Almeida: Sorry ...(inaudible)... Robert's Rules. Sorry about that, Chair.

Chair Lee-Greig: So we have to, for the staff, questions from the public should be addressed --

Ms. Desjardins: Not at all. They're done. Just the -- just the Commission.

Chair Lee-Greig: So the Commission is to address the staff and -- and no questions from the public regarding the details at this time. Thank you.

Unidentified Speaker: It's just that she mentioned about the parking --

Chair Lee-Greig: Sorry. Yeah, yeah, so bumbye when it comes time for permitting, then -- then you ask those questions. I did have a question with regard to the permit and operation. So two instructors per twelve people or students maximum. Are there limits on -- or what is the regulation on how many times they can go out? Is there specific timeframes? Is there a limit to how many lessons throughout the day?

Ms. Almeida: Chair, so to answer that question, currently, the hours that are allowed for CORA at the specific location of Kamehameha Iki Park are Monday through Friday, from 7 a.m. to 3:30 p.m. only, and on Saturdays from 7 a.m. to 12 noon. Sundays are prohibited. And, currently, there is a proposed amendment to the CORA administrative rules looking to prohibit holidays; that is pending a public hearing.

Chair Lee-Greig: Thank you.

Mr. Lay: I have a question.

Chair Lee-Greig: Commissioner Lay.

Mr. Lay: Okay, the applications that we're looking at right now, on the very bottom, it says, "In order for an application to be deemed complete and to be accepted, the following documentation must be submitted with the application except item H." So the ones that aren't checked off, they're no good if they didn't check it all off?

Ms. Almeida: Chair, so thank you, Commissioner Lay. No. That's just our kind of our tick mark thing that we use to help as a guide, but the applications that were transmitted to the CRC were deemed complete enough to be transmitted to the CRC.

Mr. Lay: Thank you.

Chair Lee-Greig: Any other questions for staff from the Commission? Okay, no more questions, so we are going to move to the first item on our agenda, under new -- or, no, I already called that, sorry. So, Parks, do you have a report for Mr. Keahi's CORA permit request?

Ms. Almeida: Thank you, Chair. For each item, we would just like to share a little bit about the annual report, the use report that's required to be submitted to the Department. For Mr. Keahi, for Opelu Surf School, you'll see that there isn't a report. Mr. Keahi had some personal dealings in regards to his business and did not utilize the park this year. We had a meeting with him regarding that. It's not necessarily appropriate for the floor, but that would be why there was no use report for this last fiscal year.

Chair Lee-Greig: Is Mr. Keahi here?

Mr. Felicilda: This is -- oh, my name is Kaena Felicilda. We're from Lahaina. Uncle Opelu's nephew. We was just wondering about the --

Mr. Keahi: Additional for like put him on mine --

Mr. Felicilda: 'Cause his name is on the permit --

Chair Lee-Greig: Oh, so for --

Mr. Felicilda: And seeing like Uncle is --

Mr. Keahi: I put my nephew on my permit.

Chair Lee-Greig: Is he on the permit now?

Mr. Keahi: Oh no.

Mr. Felicilda: No.

Chair Lee-Greig: Oh, so this is submitted as is at the -- at this time so any amendments would have to go --

Ms. Desjardins: Yeah, sorry. So we're just here to determine the -- the permit, but if you have specific questions or any of you have specific questions about the permit, you can talk to Parks about that 'cause these folks only have jurisdiction to determine to sell or not sell.

Mr. Keahi: Alright.

Ms. Desjardins: Okay.

Chair Lee-Greig: So I wanted to bring you up to talk about your permit and see if the Commissioners had any questions for Mr. Keahi regarding his CORA application. No questions from the Commission?

Ms. Celiz: I just had a question that, and I don't know how much you can go into detail, but they mentioned that you did not have the annual permit report this year 'cause there was no fiscal report for this fiscal year, so since you didn't utilize it, you know, this past year, how urgent is it for you moving forward that you want to have this permit?

Mr. Felicilda: We was planning on making something happen but I being from Lahaina, for me, my whole ohana is from Lahaina, just really -- just really teaching people like the safety of the ocean 'cause I -- I teach out of Kaanapali, that's where I started with Uncle Kimo, but when I go out, I always teach 'em about the reef safety, not to walk on the reef, using safe lotions and really just making them aware to their surroundings, and I think it's really a good thing to -- to educate them in that, and me being a proud kanaka, I like to educate the people on our history and on what we do and how we do it is really important to me and to Uncle, of course, but, yeah, we always wanted to - how do I say - yeah, mostly just educate everybody, yeah, the safety, and I like helping the community too. I have -- I had many Make-a-Wish Foundations where their parents wanna see their -- their kids, they have cancer, the parents have cancer and they wanna see their kids surf, and it makes me happy too that they wanna do that with us, they wanna learn our culture, they wanna see them surf. Also, even with some kids that had no arms, no legs, we teach them how to surf and making it happen for them, you know what I mean. But, yeah.

Ms. Celiz: Alright, thank you. So, yeah, I think that's really important that you do share the ocean, reef safety, and that's one of the cultural resources is the coral reef, but I also was wondering what other cultural and historic knowledge do you have specifically of Kamehameha Iki Park and the cultural resources within that park?

Mr. Felicilda: Well, our -- his grandpa, my great-grandfather, they were fishermen out in Mala, Kamehameha Iki, out in the ocean out there, they used to raise opelu mama, barracuda, to sort of like sheepdogs to -- to corral the opelu, and now days, we have to go out to Lanai or we cannot really fish out there, that's the most important thing, but I always educate them on that, on how the reef has been dying and now our families have to go out of the -- out of our areas to go and fish, and like we have to go all the way to Lanai, or they used to use the opelu mama and that's how we used to eat, they used to get 500 at a time, lure them into their fishnets, and knowing that, just makes me, you know, wanna have that back, at least try anyway.

Mr. Keahi: Well, we lost our land when the jet ski came in ...(inaudible)...

Mr. Felicilda: Yeah.

Mr. Keahi: All came in, they kill all our fishing ground.

Mr. Felicilda: So, yeah, all our fishing grounds all -- all gone just because of the parasailing and jet skis, and we -- Uncle guys, I mean I was only a small kid, but my grandparents and Uncle guys all fought for that same thing.

Mr. Keahi: But we loss.

Mr. Felicilda: But we loss so --

Mr. Keahi: So we get no fishing ground.

Mr. Felicilda: Yeah. And now me, my father --

Mr. Keahi: His grandfather --

Mr. Felicilda: Grandfather, we all have to go out far away from our home, hour drive out to backside Lanai to fish.

Mr. Keahi: ...(inaudible)...

Ms. Desjardins: So they gotta speak one at a time for the record, yeah ...(inaudible)...

Chair Lee-Greig: Yeah, okay.

Ms. Celiz: And do you have any plans for park stewardships or commitment to give back to the park itself?

Mr. Felicilda: Um --

Mr. Keahi: What she said?

Mr. Felicilda: Do we have any plans.

Mr. Keahi: The park, what about the park?

Ms. Celiz: For stewardship to the parks since, you know, you were doing business within the park, how are you giving back, specifically, to that park and protecting the resources there?

Mr. Keahi: The parks?

Mr. Felicilda: By just --

Mr. Keahi: ...(inaudible)...

Ms. Celiz: To the Kamehameha Iki Park.

Mr. Keahi: That's what we're doing, we have go and clean up something.

Chair Lee-Greig: Oh, I'm sorry. Can one at a time. We want to hear both mana'o but just, for the record, one at a time.

Mr. Keahi: Well, the canoe clubs ...(inaudible)... sometime we have to go in and clean up, all the schools, take all these guys, you know, we all go down clean up the park once in a while, you know. And they tell me I gotta go pick up ti leaf, go plant ti leaf around the hale over there and stuff, and put out the boards and all that stuff. I mean we all do that. We all help out, you know, so we can hold on to our permit. Nah. So we help each other, everybody, the school.

Mr. Felicilda: And one big way to -- it's just and I know when I teach out in Kaanapali, there's a lot of people, we hire guys that is -- that don't know anything about the ocean, guys straight out from Detroit. I know couple guys that they don't even know how for surf, and they walking all over the reef one day, push guys, and just by teaching them how to operate the surfboard to teach them how to push without stepping on reef, and with the park, I mean --

Mr. Keahi: The park, you know, everybody help each other.

Mr. Felicilda: Yeah.

Mr. Keahi: All the schools. Somebody ...(inaudible)... eh, kokua, bra. You get 'em, you know. We all help each other. We work together.

Mr. Felicilda: And the homeless too is a big problem. I taught -- I teach basketball and -  
-

Mr. Keahi: Yeah.

Mr. Felicilda: From being at 505, those homeless, they try to talk to the kids, and me, I try to regulate them, like tell them off, and it would be nice to have more enforcement to the homeless anyway, and there's a lot of drugs going on down there too, like they said.

Mr. Aiwohi: Question.

Chair Lee-Greig: Commissioner Aiwohi.

Mr. Aiwohi: Aloha. Sorry, what was your name?

Mr. Felicilda: Kaena Felicilda.

Chair Lee-Greig: Commissioner Lay.

Mr. Lay: How many instructors do you have?

Mr. Keahi: We get about ...(inaudible)... about three guys maybe just --

Mr. Lay: 'Cause on your permit you have one listed.

Mr. Keahi: Just one. What's that?

Mr. Lay: You have one instructor listed.

Mr. Keahi: Yeah, that's -- he's our main guy. The rest of the guys, they -- they move around and stuff ...(inaudible)...

Mr. Felicilda: Free agents those guys.

Mr. Keahi: ...(inaudible)...

Mr. Felicilda: But we haven't been operating recently just because of the --

Mr. Keahi: We haven't operated in a while because I had a problem with the guy before me, working with me.

Mr. Lay: Okay. I understand now.

Mr. Keahi: They took off. He runaway. He rip me off and ...(inaudible)...

Mr. Lay: The next follow up.

Chair Lee-Greig: Yes. Commissioner Lay.

Mr. Lay: What kind of certification requirements do you guys have for your instructors? First aid? CPR?

Mr. Keahi: Only CPR and first aid. That's all our requirement, yeah.

Mr. Lay: Okay.

Mr. Keahi: There has to be ...(inaudible)...

Ms. Kehler: Chair?

Mr. Lay: Thank you.

Ms. Kehler: Parks can talk to that.

Chair Lee-Greig: Okay.

Ms. Desjardins: I just wanna remind folks this is being recorded so we've gotta have you talk one at a time for the minutes, okay. Thank you.

Chair Lee-Greig: Parks, you have a clarification on the permit process?

Ms. Almeida: Just to speak real quick to the requirements for surfing instructors, they're required to have CPR certification, American Red Cross -- from the American Red Cross, first aid certification, instructor training so we need a copy of their instructor training manual or program, completion of an environmental protection and cultural awareness program, this is something that hasn't been offered in a bit from the Department, CORA instructors shall also wear an article of clothing that identifies them as an instructor and their CORA business affiliation so that they're clearly identifiable, and they should have access to community apparatus in order to contact emergency personnel, and we also collect a written emergency action plan including, but not limited to, first aid kit locations and tsunami evacuation plans.

Mr. Lay: Thank you.

Ms. Celiz: I just had a question. In addition to, I mean that's required by the County, but do you also go out of your way to do cultural training for the instructors?

Mr. Felicilda: Well, again, we haven't been really operating, and I'm new to this one, but --

Ms. Celiz: But is that something you'd be willing to do moving forward?

Mr. Felicilda: Yeah, we'll be willing to do that for sure. Offering loa with Keeaumoku, that's always an option. But like for me, I'm new to loa so I always wanting to pass it on, yeah.

Ms. Celiz: Thank you.

Chair Lee-Greig: Commissioner Aiwohi.

Mr. Aiwohi: I think I have a question for the Parks. On their application, they have one instructor listed, are they limited to this one instructor?

Ms. Almeida: Chair, so the requirement is that they notify us within five business days of any changes to information submitted on their annual application.

Chair Lee-Greig: Any other questions? I have a question, and I -- I'm not sure, I'm hoping that you'll be able to answer, yeah, because when we -- we look at these special places in our -- on our island and in our mukupuni, we wanna understand what kinds of pressures that these places endure whether it's from commercial activity or from public activity and just pressures from overall use of the area, yeah, so is it possible to get an idea of how your surf school's capacity, operating capacity, how many students maybe in the past that you've had?

Mr. Felicilda: Can you say it again? I'm sorry.

Chair Lee-Greig: So I'm asking if there's a way that you can share, even though you haven't been in operation last year, is there an understanding of what your past performance or your past student numbers have been operating out of Kamehameha Iki Park on average, like 20 a day, a hundred a day?

Mr. Felicilda: More smaller, smaller, 15, yeah, 10.

Mr. Keahi: Sometimes, like in our school, not very much, maybe two hours.

Chair Lee-Greig: Two hours.

Mr. Keahi: No.

Mr. Felicilda: No, but 12, 12 people.

Chair Lee-Greig: Twelve people.

Mr. Felicilda: Yeah, probably per day. We're really small.

Chair Lee-Greig: Okay.

Mr. Felicilda: We're not really ...(inaudible)...

Mr. Keahi: It all depends. Sometimes little more.

Chair Lee-Greig: And then with regard to reef safety, you know, sometimes our visitors they bring maybe their sunscreen from home or they get their sunscreen from someplace that's not reef safe, do you have -- do you have options for them through your school to obtain reef safe, is it a requirement that all students use reef safe sunscreen?

Mr. Felicilda: Yeah, we try to tell them -- I like to tell, when I teach land lessons, I tell them try to be reef safe and try not to use the stuff you find at like Walmart and -- but I have, I usually I carry a big bottle of all natural sunscreen in my bag, so usually I just have students use that.

Chair Lee-Greig: Okay.

Mr. Felicilda: If they don't have any other option with the oxybenzones and stuff inside, so I usually read the back and then, oh, you have some, and they use. That's usually what I do.

Chair Lee-Greig: Okay.

Mr. Felicilda: As an instructor.

Chair Lee-Greig: Any other questions from the Commission? Okay, so before us is the approval or denial for Opelu Surfs -- Opelu Surf School to carry on soliciting business in public parks, County Historic Districts Nos. 1 and 2. Do we have a motion on the floor?

Ms. Celiz: Can we discuss a little bit first or?

Chair Lee-Greig: We can discuss.

Ms. Celiz: I just want to point out that it seems like it's a minimal impact of commercial activity, that doesn't seem to impact, you know, the cultural resources within the park that substantially, so I think that's a pretty good thing that they have.

Chair Lee-Greig: Any other comment?

Mr. Lay: A clarification again. So, hypothetically, if we okay all this, you guys have to weed through it, right, or make your choices at that time, right, Parks Department? You wanted to hear that question, huh?

Ms. Almeida: Chair, so, yes, if all eight are approved, then the Parks Department will resume our renewal application process and considerations.

Mr. Lay: Can I ask one more question?

Chair Lee-Greig: Yes, Commissioner Lay.

Mr. Lay: In that process, what makes one stand out above the other if everyone's permit is the same? How do you pick and choose?

Ms. Almeida: Chair, so, well, we don't pick and choose. We look for compliance.

Mr. Lay: So according to this, they're all in compliance but right?

Ms. Almeida: They're compliance with the application process, but compliance is twofold, right, so it's adhering to all the rules, requirements, and ordinances that are tied to commercial ocean recreation operation, so if you're in violation, which there were people that have been cited out in West Maui recently, then that would impact their ability to renew their application likely.

Chair Lee-Greig: Commissioner --

Mr. Lay: But we don't have that information, right?

Ms. Almeida: Well, no, because that doesn't necessarily impact your purview.

Mr. Lay: Okay. Thank you.

Ms. Celiz: I also had a question, and I know, Annalise, you usually provide us with really great staff recommendations, but do you know if there has been a study done within the park itself of how these cultural resources are being affected by the commercial activities? Because I don't know if we just have enough information on specifically you're listing, you know, the historic importance and all of the entities within that park, and, you know, we don't know exactly, like just based on the CORA applications alone, we don't know how it's actually impacting the resources within that park, and that's just one of my concerns, like I don't feel comfortable approving if I don't know how it's negatively being impacted.

Chair Lee-Greig: I have a follow-up question for -- for staff too. So one of the things that we need to take into consideration when we are looking at Historic Districts, right, is not just direct impact on the physical cultural properties, but also the setting and feel of that Historic District, so Commissioner Celiz brings forward a good point in understanding our -- if commercial activities within the Historic District is affecting setting and feel as well.

Ms. Celiz: Yeah, 'cause, Annalise, you did a great job listing it, I couldn't write down all of them if -- could you -- is it okay if you go through some of those features of the park again? You mentioned it earlier, but I wasn't able to write down all.

Ms. Kehler: So, Chair, the first question was about whether or not a study has been done regarding impacts to the park. The Parks Department has information about a study that was done in 2005, if I can allow them to speak to that for really briefly, and then I'll get to the other questions.

Ms. Almeida: Chair, so the CORA study was the one that I referred to that was done in lieu of an environmental assessment or environmental impact statement; what it did was it analyzed individual parks for their infrastructure, and then their current usage, and any other coastal erosion, reef concerns, things of that nature, and then used that information to make the recommendation on whether or not a beach park was an acceptable location for commercial activity, for commercial ocean recreation activity, and then if so, at what capacity, and so that was the study where it was derived that two permits would be what the carrying capacity would be for this location if approved in regards to other pertinent zoning or ordinances, which is why we're here today.

Ms. Celiz: Thank you.

Chair Lee-Greig: With regard to setting and feel?

Ms. Kehler: So I think that when the Council, I don't remember when this was, it was many, many years ago, but when they added in the Commission's ability to approve or deny commercial activity on public property in the County Historic Districts, I think that there were issues happening with commercial activity, and I think it was affecting the setting and feeling, and so I -- my thought is that this -- this was -- the County Code was amended to address that to make sure that someone was overseeing what was happening and thinking about whether or not that commercial activity is appropriate for what -- for the significance of the district. So the answer is yes, an inappropriate activity can have an affect on the setting and feeling of a Historic District. You know, if you go down, I mean it's like being barked at or hawked at, that's -- that's affecting, that doesn't feel right, that doesn't feel -- it's the setting and feeling issue.

Ms. Desjardins: Can I say something? Yeah?

Chair Lee-Greig: Yep.

Ms. Desjardins: Sorry. Okay, and then the only other thing to make it even more muddy is if you look at the purpose of regulating commercial ocean recreational activity, under Maui County Code 13.04A.280, it says that the purpose of, you know, CORA regulation is to regulate commercial ocean recreational activity to ensure County beach

parks are utilized for the community's maximum recreational, environmental, and economic benefit. So, again, I think what's been provided to you folks for your consideration is all of the policy reasons why this Commission has the ability to vote to sell or not sell, but other than that, I think with the information you have before you, you need to be able to make a decision about what to do. Thank you.

Chair Lee-Greig: Any other comments from the Commission? I'm not going to lie, this is tough. This is very difficult especially because Lahaina is -- is historically, culturally significant, spiritually significant, yeah, so -- and also recognition that where we are talking about, there are wahi inoa for ancient -- or for place names for surfing areas in Lahaina, yeah, so knowing that surfing is very much a part of the culture, then the question becomes commercialization of that, so very difficult. Any other discussion from the Commission? Commissioner Lay.

Mr. Lay: I have one more too about this. Okay, so, for me, having them designated as tourist areas or learning school areas is -- is a good thing 'cause you're keeping them in one area. If you spread it out, there's going to be reef damage because they don't know what to do. They're, you know, they're here to have fun. You can tell them don't step on the reef but, of course, they're going to panic and step on the reef. So having them in these areas, even though it's a primary and beautiful and everything, I wanna keep it that way, it's hard to go backwards now because we've gone so forward on these having this available to them in these areas, so I'm worried that if we say no here, where they're going to go? That's going to be another place that they're going to try and go, and that's going to be another reef that there's probably going to be damage again. So, for me, it's like in that area, we keep 'em -- keep 'em there, and it's just my feelings on it, and I hate to see it get worse or anything, but at least we have one spot to control.

Chair Lee-Greig: Commissioner Bassford.

Mr. Bassford: This is not -- my comments aren't directed at one school, it's the overall issue. I agree with Chairman -- or co-Chair. Well put. The biggest problem that I have is that, at this point in time, Parks Department says there's two permits, so that's going to cut people off at the knees. I do not want to be responsible for impacting someone's livelihood. The reason I asked Ms. Kohler to address her last paragraph was because I see some pretty tricky stuff going on here, you know, somebody's got two permits, two other businesses have permits that don't need access to the park because they do it at a private shopping center, they have their own access, they also made agreement with the landlords no other surf schools are allowed to rent at the location; now I know that's business, but that's also underhanded business. So I think that's something that we all need to be aware of and take into serious consideration on this. I do think, as a -- as an industry, you guys probably ought to like try to work someway out to adopt the Pono Pathway. Stop making people wear booties. Brah, you get cut, you get cut. You get

wana, you get wana. It's how you learn. We all learn that way. Every one of us who surf. First thing, don't step on the reef. Oh, what, you got wana? Okay, bummer for you. I told you. And the policing part is the hard part 'cause I mean you guys all gotta eat. You guys all sound like you have a good community going on where you all take care of each other and that is a sense of personal policing and that's awesome, but, you know, I'm not in the surf school industry so it's really hard for me to say, but what I can say is I don't surf out there anymore 'cause it's so fricken crowded. I grew up surfing Shark Pit. I used to know your brother really well. You know, and I know some of the names on some of these permits, they're my classmates, it's guys that I was raised with, guys that I used to see in Kihei when I was a kid, you know, and like I said, I don't wanna be responsible for cutting off anybody at the knees so, for me, this is probably the toughest meeting I've ever been to, honestly. I'm an archaeologist. Lahaina is very important to me. Mokuula. Sorry, I get nervous when I'm in public. So I think a large part of this is taking on the kuleana of stewardship and working with, not only the historical community out there, but the cultural community, you know. You have a really good resource that came in front of us today. There's Uncle Keeaumoku. You know, I don't really know where I was going with this, per se, but maybe, you know, what you guys are all doing is keeping the bums out of that place is good, nobody wants to see needles on the ground, nobody wants to see trash and all that that comes with it, but you can only do so much if only so many people are allowed to -- to go there and use that area, and that's the toughest part that I have. That's what I'm fighting.

Ms. Celiz: Sorry, can I ask a question for -- for them as well?

Chair Lee-Greig: Yes, Commissioner Celiz.

Ms. Celiz: You did mention the idea of having or doing a lua with Kapu. Can you elaborate on that?

Mr. Felicilda: Well, he has classes every Thursday, every Thursday night, and Monday, he actually -- Thursday is genealogy, but usually he just teach, he goes over everything, like all your culture, like we do chants, ha`a, more and how to pound poi, kalo, everything, so it's just very educating especially one Hawaiian,

Ms. Celiz: And you're committed to incorporation your surf instruction class or business with those cultural concepts?

Mr. Felicilda: It'll be a recommendation for sure.

Chair Lee-Greig: Commissioner Aiwohi.

Mr. Aiwohi: I just wanted to say that I think at a surface level for all permits, I think I struggle too because we do have a very big problem of over-tourism, you know, on

Maui, in Hawaii, but I do also feel like we do have a kuleana to teach a way to malama this place. We -- it is our kuleana to teach surfing to the world, to our people, and we should be doing that, and a part of learning to surf is how to malama this place, so I think there is a place for that. I would like to see people continue to do that but also carry all -- carry all of that responsibility that comes with it. I know that people do take care of the park if we do have people going to the park, even schools, that it is not being monitored well to take care of the park. I would like to make a lot of recommendations to the people who are approved, how to malama this place working with Ekolu, working to Keeaumoku because there is a lot of kuleana that comes with it. So, for me, it is a difficult decision, as a whole, to allow this type of process, but I do wanna see our community move forward with it and find the right way to do. I don't think that we, as a Commission, have all of the information like the Parks does because we only make the decision of sell or no sell, so I think it is possible to sell if you take on all of that kuleana; if they are completing all of that kuleana, I feel like that is a part of what the Parks should be doing. Mahalo.

Ms. Albino: May I make a statement also? You know, this is a difficult decision to make because we're looking at people, their livelihoods; look at the culture; look at the `aina. The deeper question here is citizenship versus consumerism. We have become so involved as a people in consumerism as it applies to citizenship. So as a citizen of Hawaii, what is my kuleana? Huge. And it is a difficult decision to make but, you know, based on what we've had so far that cultural assessment is not enough, we all can see, as it relates to a very special place that needs our protection. And as far as protection goes, there are varying degrees and mana`o as to how it's going to be done. We don't have a guidebook to tell us, we only have our na`au. I know Keeaumoku and Mr. Kailua and their school, and I've known him for a long time, it's hard for me to say let's not do it 'cause my na`au tells me don't and to deny this, and I don't -- I don't want to offend anyone 'cause it's not based on any one group or person but because of all of the damage that has been done culturally, generationally. We're never going to get it back. There's no where we're going to get it back. So let's think about who we are. This is your place. My place is Molokai. But the discussion has to continue because we have to look between these two fundamental principles of who we are. Because you know when I was growing up, the famous question that I always had, and I was raised by kupuna who's from Maui, her mother was born in 1890, she was my grand-aunt, she became my mother, the question all the kupuna ask was: Who you? But in Hawaiian: O wai`oe? Pehea koano? Who you and how you going to act? And I took it literally. But as I grew older and I'm in the culture, I've been -- I was the first Punanaleo teacher on Molokai, I was in Kula Kaiapuni, I retired in 2014, and I still serve my community as a lecturer at the college, but I -- I look at this and I think this is so temporary, this fix, for the economy. It is a temporary thing. It'll go out to something else and uncontrollable population growth, not so much the kama`aina, but the malahini. Once the door is open, you can never close it. Never. So with aloha for all of you, what's coming from all of the data, the information and testimony that's been given, I am going to stand out, my

na`au is eha, but I'm going to deny it. Kala mai. That's only me, you know, not everybody else.

Chair Lee-Greig: I have a quick question for Parks. Mahalo, Aunty, for your mana`o. With regard to operations out of maybe 505, there's still a need to traverse in -- across beach lands, so is it just Kamehameha Iki Park where a CORA permit would be required or is it within all of Historic District 1 boundary?

Ms. Almeida: Kamehameha Iki is the only County park that is permitted within the Historic District No. 1, so 505 is private property up until DLNR responsibility.

Chair Lee-Greig: Oh, okay. So their private property line, they share a line with -- with the State? Okay. Thank you.

Ms. Desjardins: Can I ask a question?

Chair Lee-Greig: Yes. Corp Counsel.

Ms. Desjardins: I have a clarifying question for Parks. Sorry. So is what you're saying that if somebody enters from 505 and then goes onto the beach in front of Kamehameha Iki Park, that they are not in violation of CORA or is it that the sandy area in front of Kamehameha Iki is considered part of the County park?

Ms. Almeida: So it -- it changes. The way that the law is written, right, it's the wash of the high water and so it changes constantly, and we've had discussions with DLNR about this, both the Land Division and DOBOR 'cause there's dual-jurisdiction there for them as well, but in regards specifically to the 505 property, so if they were to cross over in front of Kamehameha Iki, then it would likely be a violation depending on where they are in the sand, yes.

Chair Lee-Greig: I have a follow-up question to that. What is -- is there any mechanism for enforcement and recognizing when those violations kind of in that roundabout way have been made?

Ms. Almeida: So we've been working on monitoring efforts, I'm sure for everyone that is here from Lahaina today probably feels like all of those efforts have been focused on Kamehameha Iki, but that's actually not the case, so we added on parks security officers in the last six months and have increased enforcement efforts countywide, and commercial activity as well as illegal camping and things of that nature have all been on the list of items that we've been working on, so that would be how we would enforce and, when necessary, work in partnership with DOCARE, so that would be the enforcement arm of the Department of Land and Natural Resources especially wherever there's a dual-jurisdictional question.

Chair Lee-Greig: I have a question for Mr. Keahi. Have there been any -- have you applied for CORA permits in other park locations within the County or is this permit your only application?

Mr. Keahi: What she said? I don't hear good. I broke my eardrum from surfing four times.

Chair Lee-Greig: Oh, my goodness. So is -- is this your only permit or are you seeking permits for other parks within Maui County?

Mr. Keahi: In the park. No other parks. No.

Chair Lee-Greig: No other parks? Just this one?

Mr. Keahi: Just Kamehameha Iki Park.

Chair Lee-Greig: Okay. Any other comments or points of discussion from the Commission? Commissioner Bassford.

Mr. Bassford: May I address Parks?

Chair Lee-Greig: Yes.

Mr. Bassford: What type of infractions have occurred?

Ms. Almeida: You mean specifically what was the violation?

Mr. Bassford: Yeah.

Ms. Almeida: Operating without a permit.

Mr. Bassford: Operating without permit. Okay. I can see why but --

Ms. Almeida: Chair, if I may? I'm just going to expand and say that when the codes and the rules were written, they're written with a countywide perspective, so our charge at the Parks Department, because we manage over 2,000 acres, over 154 facilities and parks, is what is in the best, fair, and most equitable use for the community as a whole. Without any kind of rules or regulations where commercial activity is regarded, there would be rampant use of public property with no regulation to keep that in check for the -- for the greater good I guess.

Ms. Celiz: I just have a comment where, you know, I know we want to do our due diligence of protecting cultural resources, and I'm kind of 50-50 split on this where I agree with Commissioner Albino that, you know, it might be prudent to deny but, at the same time, we've heard, you know, the impact does seem minimal with their low numbers and they are committed to cultural training, so I'm also kinda split on if we should approve it so.

Chair Lee-Greig: Right. So I think the way to find out is to entertain a motion so do we have someone ready to make a motion on this agenda item?

Mr. Lay: Motion -- motion to approve.

Ms. Celiiz: I'll second that motion to entertain it.

Chair Lee-Greig: Do we have a discussion on the motion? Commissioner Lay.

Mr. Lay: For me, just looking at this, I don't know what the AMA of who is going to get it, who's not going to get it, so it'd be difficult for me to say no to somebody and yes to somebody, and a lot of choices, I don't want it to be I know the guy or I didn't like the guy, or something like that, so it's very difficult for me to even say yes or no on any of these 'cause I don't know the experience out there, I don't know who's actually watching over the waters over, who does it more, who actually does a better job of, you know, taking care of that area, I don't know that. All I see is paperwork here that's trying to go through and that's why I'm saying yes and approving because I can't say no if I have nothing that says why not, and that's how I feel about it.

Chair Lee-Greig: I have a question for Parks. One more. Sorry. So you had mentioned that there needs to be cultural awareness training and that's administered by Parks, what does that training look like and who's involved with that training, and then what -- what is the process to show that the surf schools are compliant with having their employees attend that training?

Ms. Almeida: So, Chair, to speak truthfully, there was some turnover within the Department and so things were not as continuous as they likely should have been. What the Department was running was what was being called the "OPACA Program," which stood for Ocean Protection and Cultural Awareness Program; that program was put together in partnership with multiple agencies, so it was the Parks Department, it was the Department of Land and Natural Resources, multiple divisions, so Aquatics, Land Division, DOBOR, and then it was also in partnership with the Ocean Safety, and then we also, depending on the areas, we worked to get a cultural advisor or someone that could share their knowledge of the different ahupua`a and areas and the significance of the ocean in different parts of the island, and all of that was taught in a one-day course offered more than once a year, usually two times a year, and then a

certification card was issued, everyone was required to attend, all instructors, and that certification, I believe, was good for two years.

Chair Lee-Greig: So each instructor was certified, and they were good for two years, what -- is there a mechanism to check as new instructors come onboard? How?

Ms. Almeida: They were then required to attend the next scheduled OPACA training.

Chair Lee-Greig: And would they be -- and is there a waiting period from when they can take out a group? Is the OPACA certification required before they can take out a group?

Ms. Almeida: I would have to go back and look at how it was processed at that time, but I think it would be fair to say that there would be some sort of a period or that they would have to be some sort of indication that the teachings of that training were conveyed to the new hire in that period until the next class was taught.

Chair Lee-Greig: And then so the information that Ekolu handed out is very compelling, yeah, and -- and it's newer information, so what would the mechanism be to incorporate this data and taking a look at these zones as a part of the training, the OPACA -- is it -- is it just this OPACA program, is this island-wide or are there -- is it catered or specific to certain areas, yeah, 'cause each area has its challenge, right?

Ms. Almeida: Right.

Chair Lee-Greig: So if you're going to be operating in one area, then you need to know what the challenges are, what the -- what the significance of each place is, so then I guess that's my 20 other questions is is it an umbrella program, and then are there ways in which they can be specific to a surf area?

Ms. Almeida: So, Chair, to be candid to speak to your question, we were met with a lot of resistance about this program because of the impact to the operation to have all of your employees and yourself need to attend, and so I can see the advantages of doing it geographically, the challenge that would then come with that would be scheduling that, multiple schools have multiple locations, and instructors teach across more than one location in many instances, so that would be logistically something that would need to be figured out. And in regards to Mr. Lindsey's information, that was innately something that came up in conversation that would be befitting of an OPACA training.

Chair Lee-Greig: So the resistance or the -- the resistance came from the vendors and not the community having additional insight to the program, or like it wasn't a community resistance, it was the vendors?

Ms. Almeida: The people required to attend are the vendors and the instructors, yeah, that work for the vendors, and I think it was just more not that no one saw the value in it, it was probably just more of another requirement, right, it was another certification.

Chair Lee-Greig: An important one.

Ms. Almeida: Yes.

Chair Lee-Greig: Yeah. A very important one, I think. It should be at the top of the list but --

Ms. Celiz: I mean can I just throw a wild idea out there, but 'cause it kinda seems like we really don't have enough information, well, at least for some of us to kinda decide, but I mean is it possible to form a special committee or to view the park and view the activities and see first hand the impact on the park, or to hear more from the community members who don't have a financial or economic stake in it but to hear from the rest of the community members. I don't know if that's doable or --

Chair Lee-Greig: I'm not -- I'm not sure. I would have to defer to staff to find out about that.

Ms. Almeida: I apologize, Chair, I was looking at an ordinance. Please repeat the question.

Ms. Celiz: I mean I was just wondering if there's a way to form like a special committee to view the park on the weekdays to view all the activities and see it firsthand so we can see what the impact is, and also to hear more community input from members that aren't financially or economically have a stake in this.

Ms. Albino: Maybe a task force.

Ms. Celiz: Yeah, a task force, or I couldn't remember the word for it.

Ms. Desjardins: So we're on a deadline, which is why we're having a special hearing, to get these permits approved, the selling aspect of it approved or not approved so that then the Parks can complete their process within a deadline so --

Ms. Celiz: Okay. That's understandable.

Ms. Desjardins: Yeah. Sorry.

Chair Lee-Greig: Just a quick question. If that deadline is not met, what happens?

Ms. Desjardins: So if the deadline is not met, then their permits are deemed denied from Parks, and then, from there, it goes off to, you know, whatever the folks whose permits are denied wanna do with that, they can appeal it, but we're preferring to not do that, we would like to try to meet our deadline, and part of this would be CRC review.

Chair Lee-Greig: Okay.

Ms. Celiz: Thank you.

Mr. Lay: If I may, Corp Counsel, with what we have before us today, you're saying it's either they can sell or they can't sell, is what is you're saying, right?

Ms. Desjardins: That's correct.

Mr. Lay: So what differentiates, you know, what makes a difference between all of them? If we're saying one person can sell and the other person can't sell, isn't that changing the whole meeting here because it's actually can they sell or they cannot sell, right? Or is it individualized?

Ms. Desjardins: Each permit is individualized; that's why they're agendized the way that they are; it's not just do you want -- I mean if you don't want selling, I suppose then your answer is you're not going to grant any of them, hypothetically; if you want selling, you're going to allow it, but it has to be on a case-by-case basis, not like an overall issue.

Mr. Lay: Thank you.

Chair Lee-Greig: Anymore discussion on the motion to approve? Alright, I'll call for a vote. Those in favor of the motion to approve for Opelu Surf Schools, say aye. Those opposed?

Ms. Albino: Oppose.

Chair Lee-Greig: So all they ayes, can you put your hands up?

Mr. Lay: These are the ayes.

Chair Lee-Greig: And opposed? One opposed. So motion carried. It'll move forward with Parks regarding permit approval. Thank you.

**It has been moved by Commissioner Ivan Lay, seconded by Commissioner Yvette Celiz, then**

**VOTED: to approve the request of George Keahi, Jr., of Opelu Surf School, Inc.**

(Assenting: K. Aiwohi; I. Bassford; Y. Celiz; T. Lee-Greig; I. Lay)  
(Dissenting: L. Albino)  
(Excused: D. Kanahele; M. Ropa; M. Wagner)

Mr. Felicilda: Mahalo.

Mr. Lay: Thanks for standing up through this whole thing.

Mr. Keahi: Thank you.

Chair Lee-Greig: Small kind hard, yeah?

Ms. Desjardins: I know. This is the hardest it'll ever be.

Chair Lee-Greig: Do you promise? Where did my agenda go? Oh, here it is. Okay, so we are going to move onto item C.2.:

*Chair Lee-Greig read the following agenda item description into the record:*

- 2. James Kinimaka of Royal Hawaiian Surf Academy requesting approval to conduct surf lessons at Kamehameha Iki Park, Lāhainā, County Historic District No. 1, TMK (2) 4-6-002:010**

***The Commission may approve or deny carrying on or soliciting business in public parks located in County Historic Districts Nos. 1 and 2, pursuant to Subsection 19.52.090.E, Maui County Code***

Chair Lee-Greig: Mr. Kinimaka, can you --

Mr. Kinimaka: Aloha.

Chair Lee-Greig: Oh, sorry, really quickly just ask --

Mr. Kinimaka: James Kinimaka.

Chair Lee-Greig: Oh, James Kinimaka.

Mr. Kinimaka: Kimo Kinimaka.

Chair Lee-Greig: Okay, so do we have any public testimony on this agenda item specifically? No public testimony? Do we have a report on Mr. Kinimaka's permit application?

Ms. Desjardins: Close public testimony.

Chair Lee-Greig: Oh --

Ms. Almeida: Yes, Chair.

Ms. Desjardins: Sorry.

Chair Lee-Greig: Sorry, I need to close public testimony for this agenda item. Parks?

Ms. Almeida: Okay, yes, Chair, so on the back of the packet for Royal Hawaiian Surf Academy, you will see the annual permit report, and so what you're looking at there are the 12 months, from July through June, for -- from July 1st -- I'm sorry, that's a typo at the top, so this would have been from July 1, 2018, through June 30, 2019, and those are the counts for each month or use at Kamehameha Iki Park. Those are patron counts.

Chair Lee-Greig: Mr. Kinimaka.

Mr. Kinimaka: Hi.

Chair Lee-Greig: Can you tell us a little bit about your operation?

Mr. Kinimaka: Okay. I feel sorry for all of you guys today. Tough place to be. And I really can't see us all not being working together after whatever decision is -- whatever you deem -- anyhow, I've been in the surf industry, my family, the Kinimaka family, has been in surf our whole lives. I've been teaching at the break wall for over 21 years. I take extreme pride in what I do. I consider myself, sorry guys, to be the best. Yeah. I sorry but -- and I'm not sorry because you wanna be the best in whatever it is you do. You know, we run kinda like split classes so we don't impact the water in a volatile way. We -- we run the numbers we supposed to run and we run like a 7:30, and then -- and then we have guys getting ready to get in the water at 9:00, when these guys get out, so we have like a constant flow, but we don't have anything like where there's -- where we're piling on top of each other. We do the best that we can, and, on occasion, stuff will happen where people end up kinda crossing and traversing at the same time coming in and out of the water, but just recently my wife discussed with me the possibility of not because we are the 505 location, as Aina said, but what happens when our lease goes away and all we have is the CORA, so that's one of the reasons why I'm holding on to the CORA. If I could have the insurance of being at 505 for the next - till I

melt away, then I would stay there and not need this County permit, but if anything was to happen, I'm one of the guys that, unfortunately, and I'm going to say this, the people that were at 505 prior to us, they had an agreement with their lease, the management, I didn't even know, we just went and we said we cannot afford rent over here, let's try this place, and then they came back, they said, oh, I said, wow, one Hawaiian going be amongst, good, 'cause we supposed to be here. We're supposed to be in there. We're not supposed to be the guys like the bad guys. We're supposed to get. We were supposed to step in, and we're the people to show people real aloha and the true value of our culture and what we stand for, and -- and I think we've done that, and we've done that exceptionally well. Couple of things that we touched on over here, once again, going back to Ekolu, you know, I think it's really, really important that you guys figure out a way to incorporate a cultural class that we can all be involved in, that we pay for, just find the guys. We'll pay. We all want our permits. What Lisa said earlier, Ms. Almeida, and I apologize for talking to you during the -- what Lisa said about the OPACA, that was really good, you know. It should be every year so you don't have lapses of two years where somebody comes on and then they gotta find stuff out about the culture if they from Detroit. You don't have to -- we have to keep that going, and we have to be able to keep people informed and culturally aware of pu`ukukui, our reef, Moku`ula, everything. We have to be able to inform the malahini about who we are. Now, Aunt, please notice that sometimes, Albino, Ben, okay, anyway, the thing is we're going to -- we're going to get out there, we're going to do the best that we can, and we show people what real aloha is, and we've been doing this for such a long time, When we first started, we were all required to take first aid lifeguard, lifeguard, not first aid CPR, that don't mean you can swim, that don't mean you can save a life. I think that should be a requisite. It should be something that we're -- it's mandatory that we do. And -- and, you know, at the end of the day, whatever you all decide, we thank you all so much for your time, we know how difficult this is for each and every one of you, and I thank you all, and, unless you have any questions, I know Yvette get questions.

Chair Lee-Greig: Commissioner Celiz.

Ms. Celiz: How long have you been at the 505 location, and how much is left is on the lease?

Mr. Kinimaka: Three-hundred sixty-eight days and --

Ms. Celiz: Three sixty-eight.

Mr. Kinimaka: Like five more years.

Ms. Celiz: And what is your cultural knowledge of the specific area within the park, not just the coral reefs and ocean, but also --

Mr. Kinimaka: My grandparents are buried at Waiola Church that's all -- no. I mean I'm really, really lucky. I moved here to Lahaina, I went to Kamehameha, came here in 1980, and as far as the culture, the culture is what I've learned through the years of being here, it's not -- I didn't go to any cultural classes or anything. You get a -- and when I went to Kamehameha, they never teach Hawaiian. They taught us how to succeed in the world when we step out and we step, we fly to the Mainland, we step off the plane we're ready.

Ms. Celiz: And, yeah, what is your plan for park stewardship, and like, you know, you were mentioning Ekolu's recommendation, how do you plan to implement that within your surf school?

Mr. Kinimaka: I consider myself a steward for many years and continue doing just exactly what I do, and all of my crew, and to make sure that the people that are working with me, that they all have the same idea, and we're all on the same page, and that's the best I can do.

Ms. Celiz: Thank you.

Chair Lee-Greig: Commissioner Bassford.

Mr. Bassford: How often do you guys need to apply for a CORA permit? Yearly?

Mr. Kinimaka: Every year. Every year we're -- we're required to -- and like all of us, how many of you sleep for a whole month prior to your CORA permit, raise your hands? Nobody. We don't sleep because, you know, we live under this -- we're following guidelines, we step -- you know, it's like, okay, we cannot do this, cannot do this, and then you drive and you look at all these guys just doing surf lessons, they get the car, they get surfboards, and they're in, and here we are, we're paying our taxes, we're following all of the -- all of the -- everything that you guys have prescribed for us to follow, we, to the best of our ability, I can only speak for myself, we -- we follow the protocol that's been set before us, and that's all we can do.

Chair Lee-Greig: Commissioner Lay.

Mr. Lay: Okay, I just wanna comment on that, what you said about the lifeguard thing 'cause when I was looking through the requirements, it doesn't even say they gotta swim, be able swim.

Mr. Kinimaka: Right.

Mr. Lay: It's not even there. It's like how is that even possible when you're a surf instructor and, you know, under the requirements, it doesn't say they have to swim, but I do agree on the life saving -- having that certification.

Mr. Kinimaka: Mandatory.

Mr. Lay: Yeah.

Mr. Kinimaka: Before, and nothing against any administration 'cause every two years we get a new Arakawa or, you know, Uncle Mike this time, which is cool, it always changes, so it's just a matter of just like, you know, the administration following suit into the next, and Lisa has done a great job being there for all these years and stepping in with the -- and flexing her muscles with all this change in administration.

Ms. Celiz: Just another follow-up question.

Chair Lee-Greig: Commissioner Celiz.

Ms. Celiz: So, yeah, my only concern is that you do operate business out of 505 that you mentioned and, you know, that does have a private entrance to the beach, so how necessary is it for you to operate business activity and commercial activities within Kamehameha Iki Park?

Mr. Kinimaka: I don't but I'd like to be. If -- if I can't keep this place, if they go one day and they go we no like this kanaka in here, and we gotta move, then I can go move next door and continue my business.

Ms. Celiz: So it's more of like a fallback.

Mr. Kinimaka: It's just a safety net, fallback, yes.

Ms. Celiz: Thank you.

Chair Lee-Greig: Commissioner Bassford.

Mr. Bassford: How long is your lease?

Mr. Kinimaka: It's a five with an option to go ten years.

Mr. Bassford: So you're guaranteed locked in five years at 505?

Mr. Kinimaka: Yes. Yes.

Chair Lee-Greig: Okay.

Mr. Bassford: Would you be willing --

Mr. Kinimaka: Yes.

Mr. Bassford: To --

Mr. Kinimaka: Reapply in five years? If you guys would give me that, yes. I would love to.

Mr. Bassford: To allow -- to allow more opportunity to help bruddahs?

Mr. Kinimaka: I would love to drop my permit right now to help others to give anybody that chance to do it just knowing that when I come to the end of my term, that I could resume where I left off. Thank you, Mr. Bassford. Thank you for giving me that question.

Mr. Bassford: Thank you for that.

Chair Lee-Greig: We a comment from Parks.

Ms. Almeida: So, unfortunately, that's not how it would actually work, right, because I just need to make sure that this is on the record, right, so we're trying to reach the two permits through attrition, so even if Mr. Kinimaka gives up his permit, that doesn't mean we're going to issue another one, right, so I know that you were hoping this was adding towards getting to two, but then we're not able to then allow Mr. Kinimaka to return, I mean if there was a lottery and if there was an opening, then we would go 'cause that is the process actually and so everyone should know that that's the process is the lottery to issue a new permit at a location, so that would be the way for him to return if there was an opening out of the two permits.

Chair Lee-Greig: So just to -- just to clarify just for me. So today is the day and then from this point forward, we will not be -- there will not an annual permitting application for CORA?

Ms. Almeida: There -- there will be any annual permitting process each year, we will come back to see you each year, but whoever does not move forward after this year will not be back with us.

Ms. Celiz: And so the two that do get the slots, they can reapply but no one else can apply unless it drops down and it becomes open, so it would just be those two people that are able to reapply for future years?

Ms. Almeida: If the Commission chooses to only approve selling for two people, then yes.

Ms. Albino: I have a question. Would the Commission, at any time, or I'm sorry, the Parks and the County at any time approve more than two?

Ms. Almeida: Chair, so up until this time, we have because, going back again to the 2005 study, so the Finance Department had the permits before we did, they issued without any limitations, they just issued to whomever applied, and then the process in its entirety was turned over to the Parks Department because we are the managers of the facilities that are most greatly impacted, the CORA study was conducted and capacities were determined, but there were all these permits that were already out, and so the decision was made that we would reach the capacities through attrition, and 2005, so in 14 years, we've only had two companies leave until we announced we were coming to the CRC and then we had a third company leave out of 11 down to now 8. So we have been issuing more than two, to answer your question directly, yes.

Ms. Albino: Okay, that clears it up for me 'cause I thought we're having this hearing and only two are going to be chosen. I guess that was my misunderstanding.

Ms. Almeida: And that's still a --

Ms. Albino: That's still here.

Ms. Almeida: A very real possibility, yes.

Ms. Desjardins: Can I say something?

Ms. Albino: It's a difficult thing.

Chair Lee-Greig: Corp Counsel.

Ms. Desjardins: Thanks. So under the CORA rules, the reason why it works that way is because 10.102.11 talks about permit renewal, so it does give the director authority to renew a permit, so, arguably, if you have more permits, or if people just keep wanting to do it year after year, there hasn't been any reason to open the permit process. What we're doing now is we're going to comply with the law and only choose two because that's what the CORA rules require, that's -- that's what's -- that was what was given was two slots based on that study, that's what was deemed appropriate for this park. Other parks have different requirements, if you look at the chart. Some allow scuba permits. Some allow surfing, kayaking. This park is allowed two permits for surfing only, not even scuba, nothing else. That's it.

Mr. Kinimaka: Rough one.

Ms. Celiz: I mean is that the only way where, okay, so, hypothetically, if two people do get the permit, 'cause that still has to be decided by Parks and Rec, but I think one of my issues is that they'll just keep hoarding it and they're the only ones that can renew each year. Is there no way to start fresh, have everyone apply, reevaluate everybody, or is that just not an option?

Ms. Desjardins: Well, according to the rules, it says, "The director may renew a permit," it doesn't say the director shall renew a permit, so it's within the discretion of the director, but to this point, the Parks Department, or Finance, I guess, according to Lisa, this has been in their hands, has been just renewing them as a matter of course every year.

Mr. Kinimaka: You know, as far as hoarding, it takes a long time to build a brand and to be somebody that'll be a formidable, somebody out there where people look and they go go there, it's really good, it's really safe. Your kids are going to have a good time. They'll live. It's not hoarding if somebody takes extreme pride in their business and continuing what they've done for a long time and continuing to make it better for the entire industry.

Ms. Celiz: Yeah, it is a lot of responsibility for whoever does have those two permits

Chair Lee-Greig: Any other questions from the Commission? I have a couple of questions.

Mr. Kinimaka: Yes.

Chair Lee-Greig: Do you hold CORA permits at any other locations?

Mr. Kinimaka: No.

Chair Lee-Greig: Okay. Can you tell me a little bit about your surf school curriculum, if you will? Do you incorporate cultural training? Do you incorporate any kind of history? Is it -- how is that done?

Mr. Kinimaka: You know, as far as -- as far as the cultural training, you know, we have a fair hiring base right, so, to me, it's not -- you can swim, you can surf, as long as it doesn't really mean that if you're Hawaiian, you're the only person that can teach people how to surf. Anybody can teach people how to surf. Unfortunately, the people that move here from the Mainland, we can't bring Dan from Chicago and say, hey, you know what? We want you to know this before you go out in the water because it

wouldn't be fair to him to apply for a job and to be denied because he doesn't know things culturally then it becomes something that can fall upon me in a really bad way.

Chair Lee-Greig: But do you have a protocol for training your instructors?

Mr. Kinimaka: Yeah, absolutely. We have it on paper how we train -- train our people, and the only thing that we're lacking right now is -- is first aid and a cultural course, which I strongly stand behind and strongly recommend and request and abide in.

Chair Lee-Greig: So I asked Mr. Keahi a very poignant question about reef safe habits, so have you -- are you aware of the Pono Pathways?

Mr. Kinimaka: Very much so. Ekolu and I -- I have one of the posters from Ekolu as well.

Chair Lee-Greig: Okay. And then with regard to how are visitors who come through your surf school how -- how you regulate or -- or interact your surf school instructors and the visitors that come through your surf school and say a person like myself, who is au.

Mr. Kinimaka: If you come to our place, have you ever gone to Disneyland and see people talk about work? No. We don't talk about work. It's just about that good time that you're about to have. So we instill that right from -- if I ever walk in and see somebody not saying hi to somebody, we would talk about out back and we going gas you little bit, but it's just really, really important to make people feel recognized, make people feel noticed, people all need to feel special.

Chair Lee-Greig: And just -- just to remind me again, did you say that you don't have a - a cultural training in place for your instructors yet or a cultural program for your visitors?

Mr. Kinimaka: No, 90% of my boys -- 90% of my boys is kanaka maoli.

Chair Lee-Greig: Okay.

Mr. Kinimaka: So what they -- what they know is sufficient for me.

Chair Lee-Greig: Okay.

Mr. Kinimaka: And I'm not going to question the integrity of what their grandparents taught them.

Chair Lee-Greig: Right. Right. So -- so 90%, and then the 10% that are not kanaka?

Mr. Kinimaka: Yeah, but they sweet, but they going learn, you know, just by osmosis, by being around us. Right? You ever notice somebody's been here for like 20 years, all of a sudden, 20 years later, you hear them talking, oh, your accent changed.

Chair Lee-Greig: And as far as behavior in the reef, so you have your -- the visitors who come through your school, they wear booties --

Mr. Kinimaka: Yes.

Chair Lee-Greig: They wear reef-safe sunscreen --

Mr. Kinimaka: Yes.

Chair Lee-Greig: And you check to make sure that there's reef-safe sunscreen?

Mr. Kinimaka: Absolutely. No, we don't check. We can't really tell people what sunscreen to wear and not to wear. We do carry Maui Vera. We carry fresh products. We carry products that are naturally based. We recommend them, but we cannot tell people. We have signs up inside the -- oh you look at everybody like he doesn't -- we have signs that say about the unsafe, but we can't just tell, hey, what kind deodorant you wearing?

Chair Lee-Greig: NO. Right.

Mr. Kinimaka: Or, you know, what kind sunscreen --

Chair Lee-Greig: Sunscreen.

Mr. Kinimaka: Yeah. Yes.

Chair Lee-Greig: Yeah.

Mr. Kinimaka: We, unfortunately, we don't do that. I'm not going to sit here and tell you something that's not.

Chair Lee-Greig: Sure, no, I appreciate your honesty. I have a question for staff, something that I cannot remember, when -- when does the sunscreen ban go into effect? Is it in effect already?

Unidentified Speaker: 2020

Chair Lee-Greig: 2020

Mr. Kinimaka: I'm looking forward to that.

Chair Lee-Greig: And then, at that time, you can tell them it's illegal.

Mr. Kinimaka: ...(inaudible)...

Chair Lee-Greig: Okay.

Mr. Kinimaka: Okay. Promise.

Mr. Aiwohi: Question.

Chair Lee-Greig: Commissioner Aiwohi.

Mr. Aiwohi: Staff, do we have a copy of everybody's training manual?

Ms. Almeida: Chair, yes. At our office, we have -- it's not necessarily a manual in some cases, it's just a handout, whatever they're using for their new hires, yeah.

Chair Lee-Greig: Any other questions for Mr. Kinimaka from the Commission? Do we have a discussion?

Mr. Aiwohi: I just wanted to say I guess the -- the manual is just important for me because if there are commercial activities, I would like to know that, if I am going to say yeah, you can go ahead and do that, that these people do have a high level of cultural training, environmental protection, and I do believe that you do that, but it's really hard for us because we don't know, right? We have to just rely on --

Mr. Kinimaka: Us.

Mr. Aiwohi: What -- what you're telling us.

Mr. Kinimaka: Yeah.

Mr. Aiwohi: So, yeah. Mahalo.

Mr. Kinimaka: Thank you.

Ms. Celiz: And, I know I've mentioned this before, but, yeah, I was just saying that, you know, since the Surf Academy already has a place to commercially operate and they do have good participant count and I just don't think it's necessary to conduct commercial

activities within this cultural park if they already have a place to operate that has access to the shoreline. But that's just my thoughts.

Mr. Kinimaka: The flip side is that when my lease ends, I don't have a place.

Mr. Celiz: Yeah, I mean I know it's -- the economic markets are unexpected and you want to have that safeguard, it's just, you know, things to consider.

Chair Lee-Greig: And I -- I understand your concerns and -- and then in fairness to everyone who may not have an alternative --

Mr. Kinimaka: For real like --

Chair Lee-Greig: Spot so that has to I think come into a situation that has to -- we have to think about when we're deliberating whether or not to approve or deny. So do we have a -- a motion? I cannot make a motion.

Mr. Lay: Okay, motion to approve.

Mr. Aiwohi: I'll second.

Chair Lee-Greig: Okay. Discussion on the motion to approve?

Mr. Bassford: May I?

Chair Lee-Greig: Commissioner Bassford?

Mr. Bassford: Say you get the permit, but you still have the building, how's that going to work? Is there a way to massage if you can?

Mr. Kinimaka: Yeah, you know, if there is any way that I could take it and massage it and let somebody else utilize the spot while I'm -- while I'm not there --

Mr. Bassford: While you're at the -- while you're at the 505?

Mr. Kinimaka: Right. Yeah, I'm all for it.

Mr. Bassford: I'm going to hold you to that.

Chair Lee-Greig: Well, so, can we get clarification on the legalities of that from Parks, please?

Mr. Bassford: Again, you cannot.

Mr. Kinimaka: Lisa. Partner. Partner.

Ms. Almeida: Commissioner Bassford's not going want to hear this, but permits are nontransferable.

Mr. Kinimaka: I make a motion to approve.

Chair Lee-Greig: Alright made.

Mr. Kinimaka: Oh, okay. Second. I second.

Mr. Lay: Okay, on discussion, okay, I love your passion for this, your surf school, I love that what you bring out there safety-wise and your overall view on how it should it be done, the proper way of doing the surf school, I appreciate everybody else too.

Mr. Kinimaka: Yes.

Mr. Lay: You guys all work together and, again, for me, to pick all of you right.

Mr. Kinimaka: I know.

Mr. Lay: But anyway, that's why I -- I'm approving for you because you are really passionate about this school.

Mr. Kinimaka: Thank you, sir. I left Hawaiian Airlines to do this. I'd be at 30 years of a flight attendant right now.

Chair Lee-Greig: Do we have a vote? Let's call for a vote on the motion. All in favor of the motion, say aye or raise your hand? All opposed? I'm so sorry.

**It was moved by Commissioner Ivan Lay, seconded by Commissioner Kaapuni Aiwahi, then**

**VOTED: to approve the request of James Kinimaka, of Royal Hawaiian Surf Academy.**

(Assenting: K. Aiwahi; I. Bassford; I. Lay)  
(Dissenting: L. Albino; Y. Celiz; T. Lee-Greig)  
(Excused: D. Kanahale; M. Ropa; M. Wagner)

**MOTION FAILED**

Ms. Albino: Excuse me? I just want you to know I'm not picking anyone in particular. It's just that the whole concept of a culturally sensitive place being used without discretion because there's no -- no enforcement in any case so, please, don't think it's any -- it's on anyone because if I could, I would let all of you if there was a place a to go and we didn't have to consider the consequences of a significantly and culturally important place but do we have a -- do we have a standoff here?

Chair Lee-Greig: We do. So can I -- I just wanna say really, for my vote, it's more that if you were to get the permit, then there's some -- but you're operating out of somewhere else then that denies someone else who that's their only operation.

Mr. Kinimaka: And that -- those were the first words out of my mouth.

Chair Lee-Greig: So that's kind of the -- the fairness here, but we are in a tie and we don't know what to do about that right now, so we're going to take a little bit of a break for about ten minutes and reconvene at 2:30 p.m.

Mr. Kinimaka: I not going be here so whatever happens, he's got it.

Chair Lee-Greig: Okay, thank you.

*(A recess was called at approximately 2:25 pm, and the meeting reconvened at approximately 2:35 p.m.)*

Chair Lee-Greig: Okay, we would like to bring the CRC meeting back to order and continue with item C.2. So we -- we have -- because we ended the last vote in a non-majority way, three and three, Corp Counsel has some recommendations or insight as to the next steps.

Ms. Desjardins: Okay, so since you don't have a majority one way or the other, you have two options: One is to defer the item and have it come up next time when there may be more members present to vote and possibly break the tie, I can't recommend that only because I know Parks is trying to get this done in a timely manner, so the other option then is to -- I recommend just going ahead and transmitting this to the Parks Department with a notation that the CRC was unable to come to a consensus, this particular permit on whether to allow to sell or not sell, and then the Parks Department will have to deal with that information in the -- in dealing with where to take the permit next.

Mr. Lay: Sounds good.

Chair Lee-Greig: So we're going to take that recommendation and send this to Parks with the -- that notation.

Ms. Celiz: Okay.

Chair Lee-Greig: And move on to item C.3., I apologize if I can't pronounce this last name:

*Chair Lee-Greig read the following agenda item description into the record:*

- 3. Michael Przetak of Reef Encounter Inc. requesting approval to conduct surf lessons at Kamehameha Iki Park, Lāhainā, County Historic District No. 1, TMK (2) 4-6-002:010**

***The Commission may approve or deny carrying on or soliciting business in public parks located in County Historic Districts Nos. 1 and 2, pursuant to Subsection 19.52.090.E, Maui County Code***

Chair Lee-Greig: Is there a representative for Reef Encounter in the audience today? No. Okay. Do we have any public testimony for this specific agenda item? No? Closing public testimony. Parks, do you have a report for us?

Ms. Almeida: Yes, before we look at the annual report, I'd like to make a clarification on Reef Encounter's application, on page 2 of 3, if you look at the top, where it discusses park names and activity types, Reef Encounters did have, and I'd need to verify with staff what occurred here, but Reef Encounters did have a permit for Hanakao`o Beach Park and was one of the companies impacted by that addition to the -- of that park to the prohibited list, and so they now have permit for Ulua-Mokapu and Papalaua Wayside Park, so I wanted to make that correction, so they have a permit for Ulua-Mokapu Beach Park, they have this application for Kamehameha Iki Park, and then they have a permit for Papalaua Wayside Park for diving, for scuba.

Chair Lee-Greig: Can I ask a quick question? Can you share with us what the activity types were at Hanakao`o and Papalaua?

Ms. Almeida: Hanakao`o was just for scuba, and then that was -- now that permit is at Papalaua Wayside Park.

Chair Lee-Greig: Oh, okay. Commissioners, we have any discussion on this permit application?

Ms. Celiz: Yes, so it looks like a lot of the activity is mainly for scuba for this particular application and that, you know, Kamehameha Iki Park is, you know, just for surfing only so if you look at the annual permit report on that, the actual participant count for the

surfing doesn't really seem -- it's very minimal, so for this particular application, I don't know if it's necessary for them to operate within Kamehameha Iki Park.

Chair Lee-Greig: Yeah. Any other comments from the Commissioner? Do we have a motion?

Ms. Celiz: Can I make a motion to deny the permit?

Mr. Aiwohi: Second.

Chair Lee-Greig: Let's take it to vote. In favor of motion to deny, raise your hands? Okay, motion carried. Reef Encounter's permit request is denied.

**It has been moved by Commissioner Yvette Celiz, seconded by Commissioner Kaapuni Aiwohi, then**

**VOTED: to deny the request of Michael Przetak, of Reef Encounter Inc.**

(Assenting: K. Aiwohi; L. Albino; I. Bassford; Y. Celiz; T. Lee-Greig; I. Lay)  
(Excused: D. Kanahale; M. Ropa; M. Wagner)

Chair Lee-Greig: Moving on to item C.4:

*Chair Lee-Greig read the following agenda item description into the record:*

- 4. Thomas F. Castleton of Third Reef Inc. DBA Maui Waveriders requesting approval to conduct surf lessons at Kamehameha Iki Park, Lāhainā, County Historic District No. 1, TMK (2) 4-6-002:010**

***The Commission may approve or deny carrying on or soliciting business in public parks located in County Historic Districts Nos. 1 and 2, pursuant to Subsection 19.52.090.E, Maui County Code***

Chair Lee-Greig: Do we have public testimony on this specific item for Third Reef Inc., Maui Waveriders? Seeing none, I'm going to close public testimony on agenda item C.4. Mr. Castleton, can you tell us a little about your operation?

Mr. Castleton: Yes. Good afternoon. This is my wife, Alisa, she's half-owner so I thought she might --

Chair Lee-Greig: Okay.

Mr. Castleton: Do you want her to stand or --

Chair Lee-Greig: That's fine.

Mr. Castleton: Okay. Okay.

Chair Lee-Greig: Yeah.

Mr. Castleton: So in the early '90s, I had the pleasure of teaching people how to surf on the break wall, that's when you could go to the DMV and get a permit. I think that goes pretty far back. And then I've had the privilege of working with all these beautiful Hawaiians for all these years teaching surfing, and we started the company in '97, and it's just blossomed, do you know. It's turned into a wonderful thing to be able to make a living teaching surfing and sharing the sport of surfing. I feel really bad for all the people that were going to lose their jobs if you guys deny the permits. It's hard for them to -- they have no other jobs, and it's just really hard. I mean this has been a gut-wrenching type of thing for people that have been in business 20-something years, and all of a sudden, you wanna pull the plug. I mean that's pretty harsh. I mean my heart, I can't sleep at night, you know. That's rough. You know, all decisions, I mean all we need is a little easement to walk down to the beach. We don't need to do land instructions. We don't need to park cars. We have retail locations with our parking, you know. And I'm committed to a five-year lease at \$7,000.00 a month. What am I going to do now? I'm stuck with this lease. She's not going to let me out of the lease. All these people, where are they going to go? I mean it just seems so, after 20-something years, all of a sudden, this is happening. I've watched every administration. We've always worked through all this. We can self-regulate. You know, Kihe's and Alden Paoa, and all these beautiful Hawaiians, they can regulate the water. There's no problem with that. I don't think we're harming anything. I think we're bringing more to the table than taking anything away because of -- what's going to happen if you don't have instructors out there and people rent boards? There's going to be way more accidents. There's going to be way more problems. It's going to create a lot of chaos when you take people's business away, like I think someone said they're going to go to another location, then they're going to go to another location, and it's just going to be a circus. It's going to be a circle. Parks Department are going to have to hire more park rangers. It's just going to be out of control. I think you're creating more of a problem by, you know, by not approving the permits. The people that have retail locations that have -- have been above-board that have done everything they're supposed to do all these years, and all of a sudden, boom. You wanna pull the plug? What do we tell people? We're out of business? You're going to put us in bankruptcy? I just don't understand, walking through a little easement where it's concrete, we can stay out of the park, but on the other side of the quonset hut, there's just this little walkway. Nobody even sees us. We just go down. There's a shower. We go to the beach. We go in the water. We come in. We go back to our shop. We're not affecting anything. So I just, you know, I could talk all day about how wonderful surfing is. We're talking about people's livelihood.

Their jobs. Just like you guys gotta go to work. We gotta go to work. You know, so I don't understand because, right now, you're down to eight permits to renew them. All you're going to do is get more regulation in the water. It's going to be safer for everybody. Everybody takes care of one another. We watch out for one another. The park's going to be better off by eliminating people that shouldn't be there. So I think we're more givers than takers. I think we definitely have way more aloha and wanna give, but I think if you take away our -- all we know how to do is teach surfing, you take that away, what'll we do? I mean, you know, I mean what do we do if we can't teach surfing? I mean do you have any other options for us?

Chair Lee-Greig: What's before us today is approval or denial --

Mr. Castleton: Right.

Chair Lee-Greig: To whether or not commercial activities can continue. It is the law that dictates two permits at this specific location. So, unfortunately, it had not been followed and the compliance had not been there over the past several years, which allowed it to get to this point, so now the County is trying to get back into compliance with the rules and laws that are written and codified.

Mr. Castleton: But how fair is that for all the people who all years that have just developed business because it's just a law. Laws can be changed. I mean to be so nick-picky --

Chair Lee-Greig: So that would be one avenue --

Mr. Castleton: Right.

Chair Lee-Greig: Is to look at maybe petitioning to amend the laws based on studies on whether or not, so now we're going to go down to two permits, and we will see how the park fairs after that. I think it's -- I don't know if it's a fair assessment to say that, you know, after -- after this period, then taking another look at it and seeing if it can handle more than two permits, that is not our purview as a Commission. We can only -- our purview as a Commission is only to look at how things are affecting the historic district and we are not approving or denying a permit but rather the ability to sell, right, so even if it were to pass through this body today, there is still another step to take where the permits get down to two permits, so I know that does not give any comfort to you, but that is -- we are limited in what we can do and so, today, we are here to listen, as Commissioners, to what the different surf schools have to say and how that may or may not affect the setting, feel, or cultural resources in the historic district as well as the cultural resources off of the -- off of the reef, so we're here to hear that so with that, sir, can you -- I think we have a -- a report from Parks. We're going to listen to the report from Parks, and then we'll come back to your application, specifically. Thank you.

Ms. Almeida: Thank you, Chair. So Third Reef, Inc., doing business as Maui Waveriders, that was one of the separate reports that was handed out to you today, Mr. Castleton amended his report per the Department's request to separate use, he has Kalama Park as well, so we really wanted to just get the usage numbers for Kamehameha Iki alone, so that's why you have the amended report here today. The business name you would be looking for, you received two handouts, the one you're looking for is Third Reef, Inc., dba Maui Waveriders, and that would be with the July numbers of 110, and then down through June, the number 14.

Mr. Castleton: You know, we do a lot for the community, you know. We sponsor a lot of, you know, like the school right next to us, all the kids use the boards for free.

Chair Lee-Greig: Hi. Can -- I'm sorry, we're just kinda going over this right now --

Mr. Castleton: Okay.

Chair Lee-Greig: And I just ask for your patience --

Mr. Castleton: Okay.

Chair Lee-Greig: As we --

Mr. Castleton: Okay.

Chair Lee-Greig: Go through and figure out which papers we should be looking at.

Ms. Desjardins: Okay, so there we go. That's just Kamehameha Iki.

Chair Lee-Greig: Okay. Okay.

Mr. Castleton: This is ridiculous ...(inaudible)...

Ms. Celiz: So just looking at the annual permit report, so you do operate both at Kalama Park and at Kamehameha Iki Park and it looks like your participant count at Kalama Park is much more substantial at Kamehameha Iki Park, so how important and urgent is it for you to have this CORA permit at Kamehameha Iki Park?

Mr. Castleton: Extremely important because they're separate businesses, you know, one's for Lahaina, which I have a business partner, and that's going to put him out of business, you know, if you guys don't renew the permits, and also all the instructors that have been committed there for many years, and everything's gone so well so many years, it just seems, again, I just -- it's hard for me to understand why this is happening,

I understand how historical and how wonderful it is, but most of the people that for me are all Hawaiians and they feel they have the right to teach surfing. So I don't -- all I can tell you is that we run a first-class operation; we change people's lives; they always come back. We're going to hurt the visitors because then they won't have a place to really teach surfing at. It's going to limit visitors to that experience. You're going to kinda deny them.

Ms. Celiz: Well, yeah, just looking at the Third Reef doing business as Maui Waveriders, and when you look at the two permit reports 'cause you amended one that just had Kamehameha Iki Park, so just for example, July it says there's 2,550 at -- all together, and the participant count of just Kamehameha Iki was 110, so that seems like you already have 2,400 going out of Kalama Park in all of July so --

Mr. Castleton: Yeah, that's a separate business.

Ms. Celiz: You already have a separate application for the Club Maui Beach --

Mr. Castleton: Right.

Ms. Celiz: But the report here just says Third Reef.

Mr. Castleton: Okay.

Ms. Celiz: But that was the second question is that I did notice that you are applying for two separate permits --

Mr. Castleton: Yes.

Ms. Celiz: So can you elaborate more on the differences between the business and how they operate?

Mr. Castleton: They operate very similar, except in Lahaina they have more of a controlled buoy system where they crowd-control it, but we've always operated with two locations for 20-something years.

Ms. Celiz: It looks like, from the application that both businesses operate from both parks.

Mr. Castleton: Locations.

Ms. Celiz: Yeah --

Mr. Castleton: Well ...(inaudible)...

Ms. Celiz: Not just one business in one location, and one business in another location,

Mr. Castleton: They're kinda like together even though they're separate because we all work as one ohana so we -- even though we've had separate permits, we just separate Lahaina from Kihei.

Ms. Celiz: Okay, so is it just because you have different business owners so that's why you have two separate permits instead of combining one permit?

Mr. Castleton: Yes.

Ms. Celiz: Okay, thank you.

Ms. Albino: There appears to be a lot of traffic.

Mr. Castleton: Well there's a lot of tourists.

Ms. Albino: That's the fear I have because earlier I said, you know, we're looking at a historical and culturally significant place that's been utilized for commercial purposes and the assessment that was done wasn't complete enough to identify a lot of the archaeological specialties of that place, so when people disregard it and they just trample all over, that's where damage happens and this -- I can imagine the people in the ocean, I mean there's -- there's gotta be -- you must be the most -- the most -- the busiest surf instructor at this place -- at these places.

Mr. Castleton: Well, it's been there a long, long time so our business grew over the years, and we don't touch the reef. The instructors make sure the students don't touch the reef. They enter the water, they have to stay on the board, they sit at a buoy, they go out to their instructor one at a time, so there -- it's very controllable. It's not harming anything.

Ms. Albino: I beg to differ because anytime you enter the ocean, you leave a footprint. That's just the way it is in Hawaii and now all over the world. You can never enter a place and not leave an imprint.

Mr. Castleton: Alright.

Ms. Desjardins: It's two separate permits, so just focus on this one first.

Chair Lee-Greig: Any questions from the Commission for Mr. Castleton with regard to Third Reef, Inc., what we're looking at right now? Commissioner Aiwohi.

Mr. Aiwohi: Can you go over your environmental protection and cultural awareness program that you do with your instructors?

Mr. Castleton: Sure. Most of the people that work for me are Hawaiian so we go through a procedure on how to teach surfing properly. We teach the etiquette of surfing, not to drop in on somebody. Be very curious. Don't get in people's way. Stay away from the local people. Stay inside of the break. Don't go outside. Stay where the white water is where people don't really care that know how to surf. The waves these guys are riding the other people don't want the waves. It's just beginner waves. They're just really gentle soft waves unless you're a total beginner, that's what it's for, just beginners. The Hawaiians share all their culture, you know, surfing is -- is -- I've been in the water since I been a little boy, you know. You just share the love of surfing, the aloha, the ohana, the aloha, we share. Maui Waveriders has gone all over internationally over the world. You know, we've taught so many people how to surf and changed their lives and it seems ashamed to deny visitors that experience. I mean, basically, we're going to deny people the experience of learning how to surf. And I think what's going to happen is people are going to move all over the place, they're just going to get more spread out on different reefs and different places because they don't want to quit their job. They want to teach surfing. Where they're going to go? That's my observation. I just know that it's going to go -- inside Lahaina right there, it's a perfect place, and nobody really wants to surf in there except just beginners.

Ms. Celiz: And I asked this of all the other previous applicants but what is your cultural knowledge specifically of Kamehameha Iki Park and the cultural resources that are located there?

Mr. Castleton: Well, I just know that it belongs to the Hawaiians, and that we're visitors, and we're very blessed to be able to use the -- the property just to enter the water. I moved here when I was 18 so I didn't -- I wasn't born and raised here, my family, my son is, but I just have so many beautiful Hawaiian people, I just follow their culture, I respect the culture, I mean surfing is part of the culture, so we share, basically, when we teach surfing, we're sharing the Hawaiian culture

Ms. Celiz: Okay, thank you.

Chair Lee-Greig: Any other questions from the Commission? Commissioner Bassford.

Mr. Bassford: Yeah, I'm a little bit confused. So one permit application is for Third Reef, and then there's a secondary permit application for Club Maui Beach Service, is that correct?

Mr. Castleton: Yes.

Ms. Desjardine: But we're only discussing Third Reef right now.

Mr. Castleton: Okay.

Mr. Bassford: I'm just trying to -- so you're looking for two permits?

Mr. Castleton: You know, we'd be happy with just Club Maui if that comes down to it because we could use just one permit, I mean if that's what it comes down to, I'll do whatever it takes, you know.

Mr. Bassford: Unfortunate, I don't know if that's going to --

Mr. Castleton: Happen, right?

Mr. Bassford: Yeah, I don't know if that's -- but I just was trying to clarify here. So thank you.

Mr. Castleton: Yeah, Club Maui's mostly all Lahaina, and Third Reef is mostly all Kihei. Third Reef the majority of the business is Kihei, and we send a few people up to Lahaina that are staying in Wailea that wanna surf bigger waves so we send them up the coast to Lahaina.

Mr. Bassford: So is this permit that we're looking at now applicable toward Kalama Park as well?

Chair Lee-Greig: I mean --

Mr. Bassford: 'Cause it says Kalama Park on it.

Chair Lee-Greig: But we -- we won't make a decision on Kalama Park, yeah.

Mr. Bassford: Yeah.

Chair Lee-Greig: 'Cause that's outside our of our purview.

Mr. Bassford: Okay. Thank you.

Chair Lee-Greig: Any other questions from the Commission? So, Mr. Castleton?

Mr. Castleton: Yes? Yes?

Chair Lee-Greig: I have a few questions.

Mr. Castleton: Sure.

Chair Lee-Greig: Or request for clarification.

Mr. Castleton: Okay.

Chair Lee-Greig: You're willing to give up the Third Reef in favor of Club Maui Beach?

Mr. Castleton: Right.

Chair Lee-Greig: You and your wife are owners for both?

Mr. Castleton: Yes.

Chair Lee-Greig: Okay.

Mr. Castleton: Been married 34 years. Do everything together.

Ms. Castleton: Our Kihei permit or corporate name, and then Club Maui is Lahaina.

Chair Lee-Greig: Okay. And then so they're two separate businesses but they're owned by you both?

Mr. Castleton: That's correct.

Chair Lee-Greig: Okay.

Mr. Castleton: I do have a business partner.

Chair Lee-Greig: You have a -- okay. And your wife is your business partner?

Mr. Castleton: Yeah, she's number one.

Chair Lee-Greig: Okay.

Ms. Castleton: Well, for Lahaina.

Mr. Castleton: For Lahaina, we have a business partner --

Chair Lee-Greig: You have a business and that is with --

Mr. Castleton: Who runs the business.

Chair Lee-Greig: Club Maui?

Mr. Castleton: Yeah, with Club Maui.

Chair Lee-Greig: And Third Reef is Kihei mainly?

Mr. Castleton: Kihei. That's correct.

Chair Lee-Greig: And maybe a little bit of a place holder for Kamehameha Iki?

Mr. Castleton: Well, we just send people that way that don't -- that don't want to serve Kihei, so we just send them up the coast.

Chair Lee-Greig: Okay, do you -- sorry, I'm looking here, you do also operate Club Maui out of Kalama Park as well?

Mr. Castleton: That's correct.

Chair Lee-Greig: Okay. And is it the same -- the same sort of thing, people in Club Maui don't wanna surf Lahaina, they're going to -- or they cannot or like they need a little bit of Kalama Park, they gotta go down there, like is that --

Mr. Castleton: We send -- I mean more people wanna go up to Lahaina than they do wanna go to Kihei most of the time.

Chair Lee-Greig: Okay.

Mr. Castleton: But they like the beaches in Kihei better but --

Chair Lee-Greig: Okay. Okay. Do we have any other questions from the Commission? I just have a, sorry, I have a few ...(inaudible)...

Mr. Castleton: Sure. Absolutely.

Chair Lee-Greig: So your training manuals, your training materials, your cultural awareness, do you have a culture awareness program --

Mr. Castleton: Yes.

Chair Lee-Greig: Beyond the kanaka instructors that --

Mr. Castleton: Well, we mostly talk about the aloha spirit and how to -- how to respect one another and how to pass that down and how to be very respectful of -- of everyone.

So I mean I've learned more from working with, you know, Kihe and I used to work together, Alden Paoa Kahanamoku works for me for 20-something years, so I'm surrounded by Hawaiians, so I consider working with Hawaiians and being next to them, they share their aloha, naturally share the aloha spirit, so I think it just comes out of their blood, you know, I mean I have -- I used to the CORA classes and we had -- I had no problem with that, but they stopped doing that.

Chair Lee-Greig: And I see your instructors for both companies are the same. Oh no, different.

Mr. Castleton: Different. Different.

Chair Lee-Greig: Oh, they're -- Todd Caselman --

Mr. Castleton: That's for Lahaina.

Chair Lee-Greig: The Club Maui --

Mr. Castleton: Beach Services.

Chair Lee-Greig: Beach Services, Kamehameha Iki Park instructors are different from the Third Reef instructors?

Mr. Castleton: And -- and -- and Kihei, yes.

Chair Lee-Greig: But the ones operating out of Kamehameha Iki Park, they service both of your --

Mr. Castleton: No. Just one location.

Ms. Celiz: It doesn't really look that way on the application.

Ms. Almeida: Chair?

Chair Lee-Greig: Yes?

Ms. Almeida: So in the amended report that was submitted, it appears as if the instructors list was not corrected to reflect accurately the separate instructors for each school.

Chair Lee-Greig: Okay. Okay. I think I have the information that I need.

Mr. Castleton: Okay.

Chair Lee-Greig: Do we have any other questions? Commissioner Bassford.

Mr. Bassford: Why is one more important than the other?

Mr. Castleton: Well, Kihei seems to be easier to teach out of, I'll be honest with you. I prefer Kihei because it's just more wide open. There's more space. Lahaina is in one spot controlled by a buoy, which is also, you know, they just have limited space, it's really friendly for kids in Kihei, and there just seems to be more tourists down there so it just seems to be more popular in that -- that direction.

Mr. Bassford: So, from a business standpoint, it makes more sense to wanna hold on to Kihei and Kalama Park than it is Kamehameha Iki?

Mr. Castleton: Right, but I still have a separate business in Lahaina that, you know, that's why I'm willing to give up a permit if that's going to make a difference and just for me to stay in Kihei and then, for the business partner, stay in Lahaina under Club Maui.

Mr. Bassford: Okay.

Mr. Castleton: Because one permit really just works for Lahaina --

Mr. Bassford: Right.

Mr. Castleton: And the other permit just works for Kihei.

Mr. Bassford: Right.

Mr. Castleton: So we separated them, you know, they're total separate businesses. I got started in Lahaina in '94, but then as time went down, I realized Kihei was a great place to teach and there was nobody there, I mean since I started, there was only like one other school when I got started, so I mean it's become so popular. Surfing has just become like the number one activity to do on Maui between, you know, it really has grown, and I've just been blessed. I don't know what to say. I've just been very fortunate to --

Mr. Bassford: Well, I'm just asking because I'm thinking about spreading the wealth, if you would, to the other people who are here who are requesting the same permit 'cause, again, we're not the ones who are making the decision on who gets the slots.

Mr. Castleton: Right.

Mr. Bassford: We're just trying to triage through everything

Mr. Castleton: Right.

Mr. Bassford: And so I see two permits here --

Mr. Castleton: Right.

Mr. Bassford: For the same place and I'm going hmm.

Mr. Castleton: Well, like I said, I mean we just need one permit to operate out of Lahaina and -- and I mean if I had to, I mean I can give up the one for Kamehameha Iki but I wanna keep my Kalama Park.

Mr. Bassford: Sure.

Mr. Castleton: I don't want to give -- I'm not trying to -- maybe I misunderstood.

Mr. Bassford: You'd rather keep Kihei --

Mr. Castleton: Well, that's just for Third Reef.

Chair Lee-Greig: For Third Reef.

Mr. Castleton: Third Reef, yeah. I don't wanna confuse you. Third Reef. Now Club Maui has always been Lahaina and that's a whole separate business. Completely different. Yeah. So, basically, I have a business partner that runs that and that's pretty much, you know, how that is, and I'm down in Kihei. So they're just separate places, separate businesses.

Mr. Bassford: Okay. Thank you.

Mr. Castleton: That's -- you gotta do whatever ...(inaudible)...

Chair Lee-Greig: Okay, do we have any other, with regard to Third Reef, application for CORA permit, do we have any other questions for the operator? Do we have a motion for Third Reef? Recommendation?

Ms. Albino: I'd like to make motion to --

Chair Lee-Greig: Commission Albino.

Ms. Albino: Yes, I make a motion to make a recommendation - what was it?

Chair Lee-Greig: Make a motion --

Ms. Albino: Make a motion --

Chair Lee-Greig: With regard to denial or approval.

Ms. Albino: Denial or approval, okay.

Ms. Desjardins: One or the other.

Ms. Albino: Oh, for denial.

Chair Lee-Greig: So the motion is for denial of application for the CORA permit for Third Reef, Inc. Do I have a second?

Mr. Aiwohi: Second.

Chair Lee-Greig: Okay, let's take a vote. Those in favor of denying, raise your hand? Those opposed, raise your hand? So we have a majority for denial for Third Reef.

Mr. Castleton: Right.

Chair Lee-Greig: We will move on --

Mr. Castleton: And that's for Kamehameha Iki?

Chair Lee-Greig: For Kamehameha Iki. We have no purview over Kalama.

Mr. Castleton: Kalama. Okay.

Ms. Desjardins: Can we -- can we be more specific on who voted yes and no for the person keeping the records in the corner?

Chair Lee-Greig: So those voting in favor of denial, please raise your hand? Those opposed? None. Oh, majority. Sorry, I thought you.

Ms. Desjardins: Thank you. Sorry about that.

**It has been moved by Commissioner Louella Albino, seconded by Commissioner Kaapuni Aiwohi, then**

**VOTED: to deny the request of Thomas F. Castleton, of Third Reef Inc. DBA Maui Waveriders.**

(Assenting: K. Aiwohi; L. Albino; I. Bassford; Y. Celiz; T. Lee-Greig; I. Lay)  
(Excused: D. Kanahale; M. Ropa; M. Wagner)

Chair Lee-Greig: So we will move on to item C.5.:

*Chair Lee-Greig read the following agenda item description into the record:*

- 5. Thomas F. Castleton of Club Maui Beach Service Inc. DBA Maui Waveriders Lahaina requesting approval to conduct surf lessons at Kamehameha Iki Park, Lāhainā, County Historic District No. 1, TMK (2) 4-6-002:010**

***The Commission may approve or deny carrying on or soliciting business in public parks located in County Historic Districts Nos. 1 and 2, pursuant to Subsection 19.52.090.E, Maui County Code***

Chair Lee-Greig: Do we have any public testimony for this specific item with regard to Club Maui Beach Services operating out of Kamehameha Iki Park? Seeing none, I'm going to close public testimony and ask Parks if you have a report for Club Maui Beach Services.

Ms. Almeida: Yes, thank you, Chair. So similarly to item C.4., for item C.5., Club Maui Beach Service, Inc., doing business as Maui Waveriders Lahaina, the annual permit report was amended and so you have that handout that was given to you at the beginning of the meeting today, and this would be the one where the numbers begin with the month of July, 1,089, ending with the month of June, 665. That would be the correct handout.

Chair Lee-Greig: Thank you. Do we have any questions from the Commissioners for Mr. Castleton? Seeing none, I just have a quick calculation to do just to ease my mind here.

Ms. Celiz: While she's doing that, on average, how many classes do you have per day?

Mr. Castleton: We run three classes on the busy season, and when it slows, sometimes we have only one class. It's a very seasonal business --

Ms. Celiz: So between --

Mr. Castleton: So like we're going into slow season now, so I mean our hours of operation could be one class at 7:30, closed by 11:00. It just depends on the busy season.

Ms. Celiz: Right.

Mr. Castleton: But a majority of the, you know, during September, October, November, it's pretty slow, then it picks back up in December, January slow, then spring break's busy, and then usually July and August are the two busiest months. So it's very seasonal.

Ms. Celiz: And approximately how many in each class, is it like 6 to 12?

Mr. Castleton: No more -- no more than six per instructor, so we always keep it down to exactly what it's supposed to be, and everything's manageable out there. It all works together, you know. Our incidents are very low.

Ms. Celiz: So just 1 to 3 classes, 12 people per class, but, of course, it's seasonal.

Mr. Castleton: Right.

Ms. Celiz: Okay, thank you for clarifying.

Chair Lee-Greig: Any other questions from the Commission? Do we have a motion with regard to Club Maui Beach Services doing business as Maui Waveriders in Lahaina?

Ms. Celiz: I'm always worried about the impact on cultural resources but I think, you know, that's, again, up to the Parks and Recs to decide, the carrying capacity is two, so I can't really -- I don't wanna say anything against this, so I will make a motion to approve.

Mr. Castleton: Thank you.

Ms. Celiz: Do we have a second on the motion?

Mr. Bassford: I'll second that.

Mr. Castleton: Thank you.

Chair Lee-Greig: Let's call for a vote. Commissioners in favor of approving Club Maui Beach Service to carry on business in Kamehameha Iki Park, raise your hand?

Mr. Castleton: Thank you. Thank you.

Chair Lee-Greig: And do we have anyone opposed? Thank you very much. You have the majority for approval to carry on business in Kamehameha Iki Park so you'll move -- move on to the next round.

**It has been moved by Commissioner Yvette Celiz, seconded by Commissioner Ian Bassford, then**

**VOTED: to approve the request of Thomas F. Castleton, of Club Maui Beach Service Inc. DBA Maui Waveriders Lahaina.**

(Assenting: K. Aiwohi; I. Bassford; Y. Celiz; T. Lee-Greig; I. Lay)  
(Dissenting: L. Albino)  
(Excused: D. Kanahale; M. Ropa; M. Wagner)

Mr. Castleton: Well, I appreciate that and --

Chair Lee-Greig: The permitting process.

Mr. Castleton: And all the people that work for us appreciate that opportunity. Thank you.

Chair Lee-Greig: Thank you.

Mr. Castleton: Mahalo.

Chair Lee-Greig: Okay, we are going to move on to item C.6.:

*Chair Lee-Greig read the following agenda item description into the record:*

- 6. Scott Kirby of Vision Odyssey LLC DBA Outrageous Surf requesting approval to conduct surf lessons at Kamehameha Iki Park, Lāhainā, County Historic District No. 1, TMK (2) 4-6-002:010**

***The Commission may approve or deny carrying on or soliciting business in public parks located in County Historic Districts Nos. 1 and 2, pursuant to Subsection 19.52.090.E, Maui County Code***

Chair Lee-Greig: Do we have any public testimony with regard to this specific item on the agenda for Outrageous Surf? You have -- you have something?

Ms. Desjardins: If it's different.

Chair Lee-Greig: Is it new testimony from today? It's about his business specifically and this morning was about CORA in general. Okay, please, sir. Please state your name.

Mr. Nakihei: My name is Abner Nakihei, Jr. I wanted to speak on his business, which is Outrageous Surf School. It's actually a competition of mine but I wanted say thank you to him, to Scott. My -- when I started my business, which is Hang Loose Surf Club, it was with my younger brother, we broke up after a year, so it's -- I've been stuck with the business ever since, and my brother, like all our people, most of our Hawaiian people, went downhill, and he got into drugs and alcohol, and he helped, he gave my brother a job. So thank you.

Chair Lee-Greig: Thank you. Really quickly, Parks, do you have a --

Ms. Desjardins: Close public testimony.

Chair Lee-Greig: Oh, sorry. Anyone else from the public want to give testimony on this specific agenda item? Alright, I'm going to close public testimony for this item. Parks, do you have a report for us?

Ms. Almeida: Yes, the annual report is on the last page of the application. The numbers for July, starting with 215, and ending with June, 296. Also, as a point of clarification, our original records show Rob Crone as the owner, so maybe Mr. Kirby can speak to that.

Mr. Kirby: We're -- we're equal partners.

Chair Lee-Greig: Okay. Okay, Mr. Kirby, can you tell us a little bit about your operation?

Mr. Kirby: We're kind of a smaller boutique shop, so we're not as large as the other ones, more of a family-run business. It's pretty much myself and my son and my wife. I'm the managing partner so Rob's kinda doing other things, so smaller family business, dedicated to it. My wife was a Catholic school teach for 15 years, now she's with me. We try to run the best operation that we can, hands on. My wife and I are there every day all day to make sure that everything runs smoothly to make sure that everybody is safe, to make sure that we're doing things the right way.

Chair Lee-Greig: Do we have any questions from the Commission for Mr. Kirby? Commissioner Celiz.

Ms. Celiz: So my question is, so you're located at 640 Front Street --

Mr. Kirby: Yep.

Ms. Celiz: Is that your -- is Kamehameha Iki Park your only and main access to the beach?

Mr. Kirby: It's our only access. Yes.

Ms. Celiz: Okay, and also what I've of everyone else, what is your cultural knowledge specifically of the park area and the cultural resources?

Mr. Kirby: I know that it was home to the kings. I've done some research myself, but I gotta say that my friend Kihe has given me more information than I can even believe, and then I pass that on to my instructors, they're also with Kihe a lot so we try to pass that on. I wasn't born here, so I'm not Hawaiian, but I try to be as much aloha as I can.

Ms. Celiz: Alright, thank you.

Mr. Kirby: Yeah.

Chair Lee-Greig: Any other questions? Commissioner Lay.

Mr. Lay: Okay, so Ekolu gave us this paperwork on --

Mr. Kirby: Yeah, I go take care.

Mr. Lay: Do you guys have the poster in your --

Mr. Kirby: He brought it in so yeah, but we went over it. My instructors, they've all been surfing for years and years, they have the utmost respect for the reefs so we know to stay off the reef.

Mr. Lay: And you share that with your customers?

Mr. Kirby: Oh yeah. Yeah, I have a small team so -- and we don't do a lot of paddle boarding, I'd say that maybe five percent of my business is paddle boarding and that's where a lot of the reef situations are happening by Shark Pit is with the paddle boarders, so we go north to break wall, and the paddle boarders kinda go south, and so I might do one paddle board excursion a month.

Mr. Lay: Okay. Thank you.

Mr. Kirby: But when it's done, it's done the right way. And then when people rent paddle boards, we give them the same spiel, let them know about the safety of the reef and to protect it.

Mr. Lay: Thank you.

Mr. Kirby: Yep.

Chair Lee-Greig: Any other questions? I -- I have a -- Commissioner Albino, you have a --

Ms. Albino: No. Thank you.

Chair Lee-Greig: I have a question about --

Mr. Kirby: Oh yes...(inaudible)...

Chair Lee-Greig: The stand-up paddling --

Mr. Kirby: Yup.

Chair Lee-Greig: Rental.

Mr. Kirby: Yes, ma'am.

Chair Lee-Greig: So you do both guided stand-up paddle but you also rent without a guide.

Mr. Kirby: Correct.

Chair Lee-Greig: So what kind of information do you supply to your -- to our visitors who rent a guideless stand-up paddle board, and then how do you ensure that they are following through and following those guidelines?

Mr. Kirby: Everything that we do, the most important part of what we do is safety, so, first and foremost, we make sure that the -- whoever rents boards or whoever does lessons is kinda -- sits through a short safety meeting, mainly about the reef, just being cautious of the reef, but then the secondary part of that is protecting the reef, so we'll spend a couple minutes going over the safety parts of it, and then the environmental parts of it as well whether it's a rental, and if it's a guided tour, the whole time we're doing the guide, we're telling them this is the reef, this this that, there's a monk seal, and just showing them different things.

Chair Lee-Greig: So with your rental, do you have any of your staff escort them to beach with their boards and show them the -- the --

Mr. Kirby: What we do is we, in our shop, we have benches that are shaped like surfboards, so we do a class in there, and so we spend a couple minutes with them whether they're renting or doing a lesson, and then they'll take the boards from our shop and walk them, so but we spend some time in the shop because we have benches that are ten feet long shaped like a surfboard so we can do a safety class in there.

Chair Lee-Greig: Would you be open to having someone --

Mr. Kirby: Oh.

Chair Lee-Greig: I mean --

Mr. Kirby: Please.

Chair Lee-Greig: Because --

Mr. Kirby: Yes.

Chair Lee-Greig: Telling someone where the right entry point is --

Mr. Kirby: Sure.

Chair Lee-Greig: Who's never been to the beach --

Mr. Kirby: Right.

Chair Lee-Greig: Or been to Maui or have any experience with the reef --

Mr. Kirby: Yeah.

Chair Lee-Greig: Versus showing them in person and watching them go out --

Mr. Kirby: Sure.

Chair Lee-Greig: They're two different animals so --

Mr. Kirby: In what -- where we're located, they don't even walk through Kamehameha Iki Park with the rentals, they go straight through the harbor.

Chair Lee-Greig: But just as a -- as a company practice.

Mr. Kirby: For sure.

Chair Lee-Greig: When we talk about malama.

Mr. Kirby: Anything to make things better.

Chair Lee-Greig: Yeah.

Mr. Kirby: Absolutely. Yes.

Chair Lee-Greig: Okay.

Ms. Albino: I have a question. So you don't go through Kamehameha Iki Park at all?

Mr. Kirby: We do. Yes, ma`am, for our -- for our surf lessons, but when people take rentals, it's a closer access to the beach from straight through the harbor.

Ms. Albino: Thank you.

Mr. Kirby: Yes, ma'am.

Chair Lee-Greig: Do we have any other questions for Mr. Kirby? Commissioner Aiwohi.

Mr. Aiwohi: Why don't you guys go through the same way that your rentals do?

Mr. Kirby: 'Cause we're not allowed. Yeah. I think you have to have a special permit from the State 'cause it's through the harbor, so I think a lot of the boat businesses go on there so --

Chair Lee-Greig: Do we have a discussion with the Commissioners on this particular application or are we ready to --

Ms. Celiz: I can make a motion.

Chair Lee-Greig: Form a motion?

Ms. Celiz: Yeah.

Chair Lee-Greig: Okay.

Ms. Celiz: I'll make a motion to approve the permit, or not the permit but doing business --

Chair Lee-Greig: Doing business. Okay, do we have a second?

Mr. Bassford: I'll second.

Chair Lee-Greig: Commissioner Bassford. Any discussion on the motion? Alright, we'll put it to vote. Those in favor of approving doing business in Kamehameha Iki Park for Vision Odessey doing business as Outrageous Surf, say aye or raise your hand? Those opposed? Commissioner Albino. You have the majority.

**It has been moved by Commissioner Yvette Celiz, seconded by Commissioner Ian Bassford, then**

**VOTED: to approve the request of Scott Kirby, of Vision Odyssey LLC DBA Outrageous Surf.**

(Assenting: K. Aiwohi; I. Bassford; Y. Celiz; T. Lee-Greig; I. Lay)  
(Dissenting: L. Albino)  
(Excused: D. Kanahele; M. Ropa; M. Wagner)

Mr. Kirby: Thank you.

Chair Lee-Greig: You're moving on. Thank you. Alright, item C.7.:

*Chair Lee-Greig read the following agenda item description into the record:*

- 7. Tim Sherer of Goofy Foot Surf School Inc. requesting approval to conduct surf lessons at Kamehameha Iki Park, Lāhainā, County Historic District No. 1, TMK (2) 4-6-002:010**

***The Commission may approve or deny carrying on or soliciting business in public parks located in County Historic Districts Nos. 1 and 2, pursuant to Subsection 19.52.090.E, Maui County Code***

Chair Lee-Greig: Do we have anyone wanting to give public testimony on this specific agenda item as it relates to Goofy Foot Surf School?

Mr. Castleton: Just real quickly, he has a 505 location so he's one of the --

Chair Lee-Greig: Sir, can you come to the podium, please, and state your name?

Mr. Castleton: Thomas Castleton.

Chair Lee-Greig: Okay.

Mr. Castleton: Tim's been fortunate because he got in 505 and, unfortunately, they won't let anybody else come in, so he does have a location where he can enter the water unlike the other surf schools, him and Kimo have that location where they can get in the water.

Chair Lee-Greig: Thank you very much. Do we have any questions for the testifier? None? Any other public testimony for this agenda item? Seeing as there's none, I'm going to close public testimony for item C.7. Parks, do you have a report for us?

Ms. Almeida: Yes, so looking on the back of the application, you have here the annual permit report for what we call "Fiscal Year '19," which would be again July 1, 2018 through June 30, 2019, and it would be the document that shows July, 1,160, through June, 715.

Chair Lee-Greig: Thank you. Mr. Sherer, is that -- I'm saying that --

Mr. Sherer: Yes.

Chair Lee-Greig: Wrong? Correct?

Mr. Sherer: Tim Sherer.

Chair Lee-Greig: Tim Sherer, can you tell us a little bit about your operation?

Mr. Sherer: Sure. Couple things first. Thank you very much for the opportunity and I wish you guys all the aloha in the world deciding what to do here. This is a very challenging situation. I'd also like to say something to all my co-workers; all the other businesses in Lahaina. I've been in Lahaina operating Goofy Foot since 1994, so the longest running current owner, and it's amazing to me, over the years, that we all share the same water, and we all get along and work together. As competitors on one hand, and brothers and sisters in the water, for our own safety and for the public's safety, I think it's an extremely exemplary situation. It's just been something remarkable that I've observed over the years. So I just wanted to pass on my respect to all you guys and your businesses and for working together out there. I started Goofy Foot in 1994. I got a job teaching surfing for an older school in Lahaina. On my first lesson, they gave me ten people, and then he told me to walk on the reef. So I worked for about three months that way, and then I realized couple of things: That that's too many people, and that walking on the reef is very inefficient and not safe, okay, for the reef or for the people, so I started teaching off a surfboard, which was, at the time, kind of innovative and that way I didn't have to touch the reef and I could be an example to my students of not touching the reef, okay. So that ushered in a new style of teaching, which has been

super highly developed by the instructors of these schools over the years. I think the level of instruction in Lahaina is some of the best in the whole world. We -- the time came that it started getting popular, and the first permit was required, we went through all the pertinent steps, and out of respect and out of compliance to the community in Lahaina, we wanted to do everything possible to be accepted, okay. So, for me, I've always strove to be the most positive, professional individual in that park, running up and down the beach, and teach in the water ever since 1994. We decided that five students to one instructor was what would fall within what I call "risk management parameters." So, for me, even though it's six people, we've never, I mean on occasion, I can't say we're 100% perfect, we might have had an extra person join a class, but, essentially, we only run five people per one instructor, okay. As the permit process was implemented, one of the things we needed was a place of business and that's why we -- we moved into 505. It was much further away from the other surf schools at the time, so it was kind of a new thing to do. We didn't realize that it had private access or not. That wasn't an issue. I've maintained my permit with the County ever since it's inception even though I'm at 505 to be respectful of the permit process to make sure that we're doing everything that's possible to comply with every authority that's there to show respect, to be respectful, okay. It's come down to the point where I just have a -- I concur with Tommy Castleton quite a bit in his assessment of taking away six businesses especially like if you've been in business for 20 years. I feel like when I started, there was -- it was interesting, there was two -- two-women owned surf schools and one guy from the Mainland, and there was really no Hawaiian operators at the time that I knew of, and I feel like there's a lot more risk at choosing to start a surf school back at that time. So a lot of these schools that have been around a long time help prove that this was a viable concept. For me, it's a pure labor of love, like I love teaching surfing. It's not about huge profits. My degree is in business and if I wanted to make a lot of money, I would have done something else, but I prefer doing something I love, and I love teaching surfing actually more than I like surfing now, and I love hiring people who love what they do. It's kind of a "job requirement." I love being a business in Lahaina that represents a hard work ethic to all the kids growing up. I have kids that used to surf with me out in the water who've come to work for me 20 years later. The assessment that was made back in 2005 that there should only be -- I'm confused a little. I've heard that it's recommended there's only two permits, and then I've also heard people say that it's the law. Is it the law or is it just recommended or what's -- can I -- can I have clarity on that?

Chair Lee-Greig: Parks, can we get clarity on recommendations of two permits versus codified two permits out of Kamehameha Iki Park?

Ms. Almeida: Chair, so the capacities are set forth in the CORA administrative rules and those capacities came off of the CORA study.

Chair Lee-Greig: Okay. So then what that means is that it is -- it is the law. It's the administrative rules. It's not a recommendation. This is -- this is law.

Mr. Sherer: So one of the -- over the last ten years, a lot of the guidelines that the permit requires, like no Sundays, noon on Saturdays, until 3:30 on Monday through Friday, we've complied with and, also, during a few period of time, a lot of mini surf schools have opened at illegal locations and locations that are not legal or illegal, like they're out any of those boundaries, okay, Kaanapali opened, which wasn't opened for business before, so then with the class size regulations, all of that is -- I wanna let you guys know that this attrition, this concept of attrition, like I wanna let you know that it's, from our perspective, it's having a really big impact already. From the last few years, my business is, overall, we are 30% less now than we were eight to ten years ago, like due to all these factors, like what I'm trying to say you don't need to go down to two permits, like it's already been so successful so far in terms of reducing, okay, and one of my big questions is where is the talk all these schools that are operating that don't have permits? Like and what they're -- 'cause all these schools that have permits are the ones who are trying to comply and pick up trash when we come in from our lessons or sponsor the once a year park cleanup or whatever, we're -- we're really trying to comply and it seems like we're going to get penalized when there's still this whole set of surf instructors and schools and entities operating all over the place that might need to be looked at closer, you know, like we're penalizing these guys on some outward affect, like what we're -- what we've seen and observing and yet, there's all -- so many entities that are doing -- teaching surfing that don't even go through the permit process or first aid or lifeguard trained or CPR or the cultural studies program, which hasn't been offered in a while, and I think it should be once a year, and with yours, Ekona? Ekola? I'd like to -- to let you know that if you were to do something like once a year in Lahaina, I would help you sponsor it --

Chair Lee-Greig: Sir?

Mr. Sherer: Arrange ...(inaudible)...

Chair Lee-Greig: Sorry, can you direct your --

Mr. Sherer: Sorry, I will.

Chair Lee-Greig: Thank you.

Mr. Sherer: I really like his input. And in terms of all of us, like how we've been kind of working together and self-regulating, I would recommend that -- that an annual afternoon with him to -- with all the Kamehameha Iki entities to -- to learn from him, learn from a local, I think that's a wonderful idea. So I -- I really request that you take due consideration and really consider that a lot of what's been going on has been

helping already and, one, there's park overall reduced, and, two, let the attrition process keep working rather than taking away six businesses who put in so much effort.

Chair Lee-Greig: So, and I -- and I hear you and I -- and I understand but I still have to - - we still need to stay within our purview and according to compliance with the current rules, yeah, so the current rules are two permits, and we, as a Commission, our purview is to analyze and look at whether or not an entity can continue business transactions or business activities, commercial activities in the park, right, so this is our step today is to determine whether or not -- or make a recommendation or vote on whether or not to approve or deny the continuation of commercial activities of specific entities within Kamehameha Iki Park, and then it'll go to Parks to look at, to take a deeper look at those -- those vendors who got -- who were approved through this process to the two permit limit, right, so, you know, and I expressed to Mr. Castleton, changing the administrative rules is beyond our purview, so that two permit limit is definite, that is within the administrative rules and that has to follow a different process. So right now, right here, what we are doing is we are just hearing vendors come forward and approving or denying continuing business, commercial activities within the park based on certain parameters.

Mr. Sherer: Yeah, and I only brought it up because somebody mentioned that that can be put up for review, or something, and so I wanna --

Chair Lee-Greig: I may have misspoke but --

Mr. Sherer: I wanna reinforce that -- that that be worth consideration, please.

Chair Lee-Greig: And it's just something that if there's a -- if there's a way in the process to reanalyze, if there's another study or something like that that looks at the data today that maybe in the future that permit can be -- the permit numbers can be adjusted but that's not for us today to --

Mr. Sherer: Okay.

Chair Lee-Greig: To look at, yeah.

Mr. Sherer: Okay.

Chair Lee-Greig: So we're just looking at your operation.

Mr. Sherer: Okay.

Chair Lee-Greig: Okay? Do we have any questions from the Commission for Mr. Sherer? Commissioner Celiz.

Ms. Celiz: Sort of what we also asked the other Surf Academy at 505 Front Street, and how long have you been at that location and -- and it's great that you have maintained compliance with the County CORA permit but knowing that you do now have private access, are you willing to go through the private access or is it really important for you to go through the park?

Mr. Sherer: We're -- we always access the beach from 505, so we have not -- we maintain a permit but we've never used the parking spot nor do we use it for access. So I didn't know that, back when I got my permit, I didn't know that I could not necessarily need one 'cause I had private access, that wasn't something that was known, there was no one to tell, yes, that's true or, no, that's not true. So it seems to be true now. So I've just been compliant for the reasons that I told you and ...(inaudible)... for the same reason that Kimo said, like there's no guarantee that a lease -- a lease could be renewed and I always wanted to be able to continue, so to protect my employees and the business, I've maintained the permit as well as a -- as a potential backup plan. But I never really thought of the backup plan. I thought it was something that I needed to do to comply and I thought that we're actually spending extra money and effort to not use the park, and, to me, I thought it as a positive influence, like in terms of impact, like we're maintaining, we were in order, we got a permit, so there you go.

Ms. Celiz: Yeah, that's understandable. So I'll just save my comments for later.

Chair Lee-Greig: Any other questions?

Ms. Albino: I have a question. So may I -- may I hear, again, did you say you don't use Kamehameha Iki Park access-wise or at any time? You use another --

Mr. Sherer: 505 Front Street.

Ms. Albino: Yes. Okay.

Mr. Sherer: There's three surf schools located in 505 right now, and two of them have CORA permits, Mr. Kinimaka and myself. So, as of right now, our guests park across the street or under -- underground at 505, and then they work their way to our shop, and then we access the beach from the private, and then we get the water directly in front of 505. So no. The only time we that we use the park is when the water hose at 505 is broken for some reason, then we walk over to the park and we'll let the people take their shower there, so other than that, right now, no. We don't impact the park other than for ...(inaudible)...

Ms. Albino: Thank you.

Chair Lee-Greig: Commissioner Celiz.

Ms. Celiz: I remembered my question so, yeah, how long have you been at 505 and how much more do you have on the lease?

Mr. Sherer: Our lease is like three-and-a-half to four years locked on it right now, and I've been in 505, where the shops is, since approximately 2000. I worked in 505 since '94, but I didn't have my own shop, another shop allowed me to use their shop as the place of business and then we went over to the van in the park -- parking lot.

Ms. Celiz: Thank you.

Mr. Sherer: You're welcome.

Ms. Almeida: Chair?

Chair Lee-Greig: Yes?

Ms. Almeida: I just wanna provide the Commission with a point of clarification. So I'm not exactly sure what Mr. Sherer stated, but just so you're aware, using County hose bibs and showers for cleaning of equipment, and I'm not sure if you meant your patrons were showering with --

Mr. Sherer: Just people.

Ms. Almeida: Okay, so no cleaning of equipment in the County park?

Mr. Sherer: No. Never.

Chair Lee-Greig: Any other questions for Mr. Sherer? I have a couple of questions.

Mr. Sherer: Okay.

Chair Lee-Greig: So this participant count that you have listed in your annual permit report, so this is just based out of the folks going out of 505 and no one really accessing from Kamehameha Iki Park, these 1160 --

Mr. Sherer: Yes.

Chair Lee-Greig: In July, 900 in August.

Mr. Sherer: Yes. Our shop has direct access so all of our -- all of our students would access that way. We offer five lesson times a day.

Chair Lee-Greig: Okay. And you said you're up for lease renewal in about four-and-a-half years?

Mr. Sherer: Three-and-a-half to four years --

Chair Lee-Greig: Three-and-a-half.

Mr. Sherer: Will be our next renewal.

Chair Lee-Greig: Okay. But you've been consistently applying for lease renewals for 18 years now.

Mr. Sherer: Since 2000. Yes.

Chair Lee-Greig: So --

Mr. Sherer: That's approximately. Yeah.

Chair Lee-Greig: Okay.

Ms. Patrick: Can I say something with that?

Chair Lee-Greig: Yes.

Mr. Sherer: This is my general manager.

Ms. Patrick: Elicia Patrick. With that, the complex has also been for sale for past few years so any business in there kind of been told that who knows what's going to happen, so this, in the past, I feel like it has been a little bit more of like you never know if it's a guarantee but we felt more confident; at this point, we don't really know. We don't know who the new owners would be; what's going to happen; they might clean out the whole complex; start fresh. So that's just -- I had to throw that in.

Chair Lee-Greig: And then -- so with this Pono Pathway, where to go in between the reef, you -- I'm sorry, I usually am better at this, but 505 in relation to where to access the surfing break beyond the reef, where is that in relation to this?

Mr. Sherer: Shark Pit?

Chair Lee-Greig: Yeah.

Ms. Patrick: I'll show you on the map.

Mr. Sherer: Yeah, show her.

Ms. Patrick: So we'd access from over here, and then you go on the inside.

Mr. Sherer: We have a stand-up paddle safety flyer sheet that all of the people who take a lesson, first of all, we -- we don't rent to anybody who's never stand up, period. We guide the large majority of people into the lesson so that we get them orientated, and then we say now you can come rent boards with us. If you've never done stand-up paddle, we have a policy we do not rent boards to you. If you pass the interview and can illustrate to us that you do have skills in stand-up paddling, then we do a safety review before they go out, and all of our instructors are qualified as stand-up instructors or surf instructors, and we're a team, so their -- instructors are on the beach so if a renter comes down, they're going to get some guidance from our instructors.

Chair Lee-Greig: So you have guided and unguided stand-up paddle?

Mr. Sherer: We have lessons, and then once you finished a lesson, you qualify for rentals, so then you can come back and get on our rental program. Unless you pass the interview that we give in the beginning, if we interview and we ask you questions, where do you go, how many times have you gone, have you ever done it over a reef, etcetera; if we feel comfortable with what they tell us, then we'll give them a navigation review of the reef; we have a map kinda like that made up that we give to them, they can take with them with all the safety for stand-up; how to self-rescue; there's a picture of how to paddle the board back in if the wind blows you too far out past the reef; we have four different pictures of four different ways to paddle; so we -- we -- our whole program is risk management, like how -- like when we take our people surfing at the break wall, we purchase, it's 25 bucks for the fins we buy, we buy rubber-edge soft fins, they're only seven inches deep, and the fins that come with the boards are nine inches deep, and the hard, and I never ever, since I started using these boards, used the nine-inch fins because it's two inches less is managing the potential of hitting the reef less as well as hitting a body less and the rubber-edge fin is going to have less impact than a hard-edge fin, so that's how I manage safety throughout my whole surf school. Everything's like has almost a mathematical risk management approach.

Chair Lee-Greig: Do we have any questions, other questions from the Commissioners for Mr. Sherer? Do we have a motion onto whether or not to approve or deny out of Kamehameha Iki Park.

Mr. Bassford: Okay, so I look at this as a want versus a need. You guys want the permit but, in reality, at this juncture, you don't need it. There are other companies that

need it, so regardless of whether or not you got the permit or not, you're still operating your business and you can still work whereas these other guys can't, so for that, I'm going to have to make a motion to deny.

Mr. Aiwohi: I'll second.

Chair Lee-Greig: Second by Commissioner Aiwohi. Those in favor of the motion to deny, please raise your hand. Everyone. That is the majority. I'm so sorry to be fair. Thank you.

**It has been moved by Commissioner Ian Bassford, seconded by Commissioner Kaapuni Aiwohi, then**

**VOTED: to deny the request of Tim Sherer, of Goofy Foot Surf School Inc.**

(Assenting: K. Aiwohi; L. Albino; I. Bassford; Y. Celiz; T. Lee-Greig; I. Lay)  
(Excused: D. Kanahale; M. Ropa; M. Wagner)

Chair Lee-Greig: Our final agenda item, item C.8., under this New Business, item C.8.:

*Chair Lee-Greig read the following agenda item description into the record:*

- 8. John Browne of Maui Beach Boys LLC requesting approval to conduct surf lessons at Kamehameha Iki Park, Lāhainā, County Historic District No. 1, TMK (2) 4-6-002:010**

***The Commission may approve or deny carrying on or soliciting business in public parks located in County Historic Districts Nos. 1 and 2, pursuant to Subsection 19.52.090.E, Maui County Code***

Chair Lee-Greig: Do we have anybody from the public, anyone from the public wanting to provide testimony on this specific agenda item? Yes, sir. Please come forward and state your name.

Mr. Aquintes: Aloha everybody. My name Lolo Aquintes. Mahalo everybody. Mahalo for your time. Just real quickly. I'd like to aloha everybody and Maui Beach Boys, John Browne, for bring in a cultural advisor and cultural Hawaiian practitioners, Kihe and myself and I. What he's brought in to surf instructors is starting our day, our greeting with our guests meaning learning the true meaning of aloha. All of to face ha, breath, and because words can hurt you, that's what we teach them before we speak, we see each other so that maybe it helps in the relationships as well. We teach the true meaning of Hawaii. Before, like I said before, we even say, hey, we're going to go surf,

first safety, we bring them in to acknowledge where they are so that when they hit the water, they have a better understanding to want to learn, to want to listen to instructors, to want to be safe by telling them where we are Hawaii, ha, breath of life; wai, the water that's going through our bodies and that we need, and that we're surfing and we're drinking, and then i, to connect with ourselves and we let go of the past because if we leave the past when we go to our instruction, they don't listen, they not paying attention. If we leave the past when we go into the water, they're the most dangerous things in the water. So John Browne allows the Hawaiian to -- and us, as people, to spread it with our surf schools and everybody so that that way it's a lot safer. So I just wanna say thank you. And that's it. Mahalo.

Chair Lee-Greig: Thank you. Do we have any questions for the testifier? None? Mahalo.

Mr. Aquintes: So I was little -- I stay hungry so I'm going right now.

Chair Lee-Greig: Anyone else from the public wanting to give testimony on this specific agenda item? Anything new for this specific agenda item that was not stated from before? Please come forward. State your name.

Mr. Kihe: Kelson Kihe. I don't consider myself a practitioner, by the way, but I learn from all the practitioners, names like Pua -- Aunty Pua Maiolohe, I know I should be learning from Keeaumoku but I cannot go over the boundaries of that because of the -- as of lua, the Hawaiian martial arts, we have to pay respect to your master first, and my master is Alohe Lyons Kapi'ioho and Alohe Elie Mitchell from Oahu, and I learned laaulapaau, I learned how to connect with past, present, and future, and like Aunty say, we do this every day to ourselves, o wai oe, who are you? Who you going be? Where you going go? What's the plan for your future? And what I learn is going to impact the next seven generations. So I do this for keikis and make sure to do the right thing, and you guys doing the right thing though. I'm glad you guys have this program right here because we need it. It's important for all of us. Without this, everything going be pilikia out there. Things not going happen the right way. So -- but it's happening now. I know these people, they look at -- they look up to me as one was a Hawaiian practitioner but I just know what I learned from kupunas, and what they tell me is what I share with them about Kamehameha Iki Park, about Mokuula, about the reef itself. We the reef as Piilani, but the ancient name is Uo, the very first surfer. So it's important for people to know this stuff and it's important for me to share, I don't want to ever hold things back, but it's important for me to share with not just our -- our small surf school that we have, but with all the surf schools that are out there. So mahalo.

Chair Lee-Greig: Mahalo. Any questions for the testifier from the Commission? None? Thank you so much

Mr. Kihe: Mahalo.

Chair Lee-Greig: Anyone else from the public on this specific agenda item? Seeing none, I'm going to close public testimony for agenda item C.8. Parks, do we have a report?

Ms. Almeida: First, I just wanna bring your attention to the annual report on the last page, starting with the count for July of zero, and ending with a count for June of eight, and then maybe leave it Mr. Browne to help explain the two gentlemen that have spoken on his behalf that are with the company are not listed on the instructors list and so maybe he can share about that.

Chair Lee-Greig: Do we have a representative from Maui Beach Boys here? Mr. John Browne, can you share with us a little bit about your operation how you operate out of Lahaina?

Mr. Browne: Oh boy. I'll try not to steal any -- I'll try not to steal anything from anybody else. I've been in business, teaching surfing, since -- I started in '93, represented three companies, worked under their permits as an instructor, and then received a permit in, I'm not sure what year, Lisa probably knows what year I got a permit finally, a while back, and I operate out of Kalama, and I have Ukumehame as well, and I have Lahaina and had Lahaina for a long time. I know Ekolu, and we talked just last week about, you know, some of the stuff the guys going to do with the environment, and I brought Kihe in, I don't use Lahaina that much because it's so crowded there that I use that when I need to, you know, and so I, personally, wanted to setup and get the Hawaiians with the company so I could learn more about the environment. We try to be really careful. I don't have big numbers on there. I don't have big numbers anywhere, in any of the places I teach 'cause I don't choose to have that. I opened up 50 health clubs and was number one in the United States at sales, then I moved here in '91, got sober and gave up all that, now I'm from San Diego, so I gave up all that aggressive behavior, it's taken me a while, believe me. I don't compete with any of the other schools. Maui Beach Boys, for me, is a gift. I've maintained not using the hotels. I use a little bit of the Fairmont. I use most of my stuffs off the website that I built because of the reputation of the service that we provide. We also keep our -- our groups, like the Goofy Foot or Outrageous, whichever one, very small amount of people. The original reason I got Ukumehame, I do some corporate stuff, I wanted to have an alternative spot for the wind and for the conditions. I do not rent any boards or paddle boards to people that haven't surfed with us as well, so I can answer that question for you now. I have a very small crew and I wanna keep it that way. I totally respect and learning more 'cause, you know, I am -- I'm a haole and I've only been here since '91 or so, so I've been learning now about everything, you know, with the environment and how to protect it. We have a safety policy and we go over do not walk on the reef, Kalama's a little different story, I'll be totally honest with you, we've been down there a long time and it's pretty trampled

up, but up this park, as I know that it's sensitive and I'm just finding out now about the historical part of it all, I still don't want to teach a lot of people up there. I wanna keep my school small, personable, and that's why whatever is in charge of this whole place brought me together with him and he's been teaching me, so I won't have a real good answer, I mean we did take the course that they offered a few years back for us to learn about the environment, they offered one and they never offered another one again. They changed it over. I think they only have one maybe --

Ms. Almeida: No.

Mr. Browne: Right?

Ms. Almeida: No.

Mr. Browne: They had more? I never heard about it. We had one or two of those meetings down at the whale place to learn about the environment and the coral and the fish and that, so what we try and do the best of our ability is I'm all over my staff to -- which is small, I get rid of guys that don't respect the -- the water and the `aina and reef, and I learned from a long time ago from a guy, when I started off doing kayak tours in La Perouse, we always go up to the locals, we always ask them and said okay if I put some kayaks down here, I'd always give them the food that was leftover because I wanna respect the people, that's just something I learned from -- from the Hawaiians. I know you guys have been here a long time. I certainly don't wanna keep you here much longer. I will tell you it's an honor and a privilege to be able to teach surfing anywhere for me, and we try and learn and -- and do the best we can to -- that's why I got him, and that's why I brought him in, and I believe I put him on my permit, but I'll talk to Lisa about that. Thank you so much for your time. I do understand. It's a tough decision. But I'd be honored to be able to teach and keep the business going in Lahaina. Thank you.

Chair Lee-Greig: Wait. Hang on. Sorry. We may have some questions for you from the Commission. Do we have any questions for Mr. Browne? Commissioner Celiz.

Ms. Celiz: Thank you. And I think it is fantastic that you bring in cultural advisors to help with your business. Although I'm just looking at the application, so it looks like your main address is primarily in Kihei, and you mentioned that you hadn't used Kamehameha Iki Park for a long time and you're mainly out of Kalama Park, so is this location it's not really a necessity for you to operate your business at this specific park?

Mr. Browne: Well, it is because what I'm -- I've had these guys come down and they're working with all my staff, not just at your historical park, but everywhere so he can educate them so that's why I have him in here, and I do, you know, I've been doing this so long that I -- I don't know what it'd feel like to have you guys tell us we don't need the

counsel no more, we don't need the Planning staff, we don't need the County people, I mean you do it your whole life, I don't know what that would feel like for you, but it's my life, it's been my life forever. Why I want the park? I do Ukumehame as well, a little bit. It's always windy, always windy there, so I like to use the park, not only for an alternative, but so I can setup the Hawaiian part of this thing, the cultural part so we can be educated about this stuff. I don't make any money. Everybody thinks we make awesome -- I pay my bills, that's all I do, and I'm not greedy, and I don't wanna be the biggest, I don't want -- you know, I want to be the best. It's just to keep things going and -- and to, you know, provide the Hawaiian side, the cultural side to this business that -- and this is the best way I know how to do it.

Ms. Celiz: Yeah, 'cause from at least the past year that the information they provided us it looks like your participant count is minimal in this park, so is this --

Mr. Browne: On purpose.

Ms. Celiz: Is this cultural thing a new initiative that you're trying to --

Mr. Browne: Yeah, we just started this.

Ms. Celiz: And then you're looking at increasing activity specifically within this park in having --

Mr. Browne: Well, I wanna have activity up there. Yes, I, you know, I wanna -- I wanna be able to do surf lessons at -- there as well as that because a lot of people call Maui Beach Boys, we got a lot of incredible five-star reviews, thousands of people, all five-star, are all at the top, i turn down a lot of business, but I need to operate at Lahaina because I got a lot of people that stay on the West Side, not a lot, but some, so that'd be really, really nice because, otherwise, everybody's gotta go to Kalama and if you've been down to Kalama, and, by the way, I would love to invite anybody to come and get free surf lessons and see what we're about any time so you would know what goes on down there and what we actually do with the people on the beach, not stand-up, go unsupervised, 'cause you know why 'cause I have 80 surfboards, those boards are going to be in the water and I don't know if you know that we supervise everybody so we'll have a shop, and then the people go in the water, we gotta make a living, you know, they're going to go in the water, you know, and I'm not threatening anyone, but I mean my alternative to keep livelihood and pay my bills and pay for my family and house and my kids would be to rent the boards, you know, about four or five of us wanna hui up and get a little shop, that's unsupervised. I mean we used to have Launiapoko, we used to have Puamana, we used to have anywhere, and as this other gentleman said, you go to Ukumehame, you comply. Your hours are cut. You're going to have to wait two months to get your permit, you know, because everything's changing, the fees are up, you pay to go in the water, you pay to go in there, you pay

workmans comp, you pay -- everybody says I'm rich. I'm not rich. I pay my bills. I'm in debt really, not too bad, but it's, you know, everybody operates everywhere. Go down by Thousand Peaks or by Ukumehame, go along there, there's people operating with nothing, and then we comply and we gotta beg to stay in business, and this is why -- that's why I have him. We're put together. You know, I got a big heart. I can sit here and cry for you because I'm that passionate about what I do, and so I just ---- it's all up to you guys and thank you.

Ms. Celiz: And thank you for the information, and do you also implement cultural programs when you teach at Kalama Park?

Mr. Browne: All I do is to keep them off the reef. There hasn't been a whole lot of that, like I said, that's why I brought in him because he can teach us about that, and I know Bully real well too and I've setup the -- a lot of the paddling canoe clubs, I've sponsored them. The whole time I've been around, we've sponsored the kids and built the Wailea Canoe Club for Kapena down there, and so I do like to volunteer and do that stuff with the community.

Ms. Celiz: Thank you.

Chair Lee-Greig: Do we have any other questions for Mr. Browne from the Commission? I have a question for Parks, and then I have a question for you. So I see that surf lessons and standup lessons plus rentals, so the rental part for Kamehameha Iki is -- is that crossed out on page 2 of the application?

Ms. Almeida: So with rentals specifically, it's when there's guidance provided, so it becomes like a lesson, that's when we are treating it as an activity --

Chair Lee-Greig: Okay.

Ms. Almeida: At this time.

Chair Lee-Greig: Okay. But rentals in general don't fall under commercial permitting? Okay. So you said that you don't -- you don't do standup rentals at Kamehameha Iki, were you -- were you aware of the information put together by Polinui Hiu and the Nature Conservancy?

Mr. Browne: Actually, I was up at his house just last week.

Chair Lee-Greig: Okay.

Mr. Browne: I was -- we didn't have much chance to talk about but he said he was setting it up and we're planning on getting together a one of the guys who lives there is

one of my long time friends so I'm all for that. I'm all for that right there. That's -- that's just beautiful.

Chair Lee-Greig: And so your standup lessons, I just kinda wanna learn a little bit more about that in relationship to Shark Pit and this -- this reef system, yeah, that fronts there, so your -- your guides -- I'm sorry, the two gentleman that came up to testify on your -- on your agenda item, are they also standup paddle surfing instructors with your company?

Mr. Browne: Yeah, they're -- we don't -- we don't have that many guys. We just have a couple guys. You're looking at them right there.

Chair Lee-Greig: Okay, and --

Mr. Browne: And me.

Chair Lee-Greig: I'm not -- can you -- can you repeat their names for me? I don't think I'm seeing their names on your -- your permit.

Mr. Browne: Well, actually the sign fell off the truck and Lisa called me and shut me down in Lahaina. That truck down there and they said my sign wasn't on the truck ...(inaudible)...

Chair Lee-Greig: But your --

Ms. Almeida: So, Chair?

Mr. Browne: Maybe some --

Ms. Almeida: Would you like me to clarify what --

Mr. Browne: Yes ...(inaudible)...

Chair Lee-Greig: Yes, please.

Ms. Almeida: Okay. So what occurred was that there was a van for a company that does not have a permit and that van was displaying Mr. Browne's company's permit on its dashboard, which is a violation.

Chair Lee-Greig: I see.

Ms. Almeida: A citation was then issued.

Chair Lee-Greig: And the company's name, do we know what the company?

Ms. Almeida: Not off -- I don't want to misquote what the company name was.

Chair Lee-Greig: Okay. What company was using your permit on their dashboard, sir?

Mr. Browne: Maui Surf and Culture, and, of course, the ticket was thrown out of court.

Chair Lee-Greig: Maui Surf and Culture. And that is not owned by you or under your permit?

Mr. Browne: No. But what happened was we switched trucks and so when we went to put his truck up there, the sign wasn't on, my sign, Maui Beach Boys sign. The same thing is happening at Kalama Park with another Hawaiian surf school that has --

Chair Lee-Greig: Right, but we're here to hear about Kamehameha --

Mr. Browne: I understand. No, I understand.

Chair Lee-Greig: So I just kinda wanna --

Mr. Browne: Yeah, as soon as I found out, and Lisa called me, and this is true, right, Lisa, as soon as she called me and said, hey, wait a second, that thing isn't here, I said, you know, we took -- I took it out. I took, you know, we took the card outta there because I had to wait and get Maui Beach Boys printed up on there and then they pulled the -- the permits from everybody so we just put it on hold.

Chair Lee-Greig: So you can share with me or not, but what facilitated the Maui Surf and Culture's use of your permit display?

Mr. Browne: Because I was setting them up to work up there.

Chair Lee-Greig: So are the gentlemen that -- you're Maui Surf and Culture?

Unidentified Speaker: ...(inaudible)...

Mr. Browne: Yes.

Chair Lee-Greig: Okay. Okay.

Mr. Browne: I'm sorry if I confused you.

Chair Lee-Greig: No. It's okay.

Mr. Browne: I wanted to --

Chair Lee-Greig: So help me to understand then, are they then sub-consultants to you as a part of a cultural protocol for your ...(inaudible)...

Mr. Browne: What I wanted them to do is setup them 'cause they're into the culture up in Lahaina. I would just try one of my trucks up there and teach up there. I wanted to set the Hawaiians up so they could teach me about the Hawaiian way to do surfing. You understand? So I -- I put them on on my staff and then they got shut down.

Chair Lee-Greig: You put them on your staff but they -- but the -- but there's also a operation, a separate business operation called "Maui Surf and Culture?"

Mr. Browne: Well, that's the name of his company, but what I wanted to do is put my permit and my sticker on there and set him up because he's Hawaiian and so we could work. I hope I'm --

Chair Lee-Greig: Clarification from Parks, please.

Ms. Almeida: Chair, obviously, we're not opposed to anyone working for a company or anything like that, but as you've heard multiple times here today, enforcement is a concern, Mr. Browne was just sharing earlier about enforcement issues on State unencumbered lands and how all of these continued illegal operations make it very taxing on the legal companies, so part of our enforcement efforts are to look for the alignment of paperwork and when we find that there is a van that is operating that is not -- that is - how do I say - wrapped or logoed with a company that is not a CORA operator, and they are operating at a beach park and do not have a permit, whether or not they have someone else's permit is irrelevant. What is relevant is where or not they have a permit.

Chair Lee-Greig: So let me -- just a quick question for clarification. As we learned earlier in these proceedings, these permits are nontransferable, correct?

Ms. Almeida: Correct.

Chair Lee-Greig: Thank you. So the -- I'm an archaeologist by trade, I also have a permit, it would be like me giving another archaeological firm my permit and that is without them -- without that firm following through with the process right, so it would be kinda like skipping the process a little bit, so I'm just trying to understand --

Mr. Browne: Yes, ma'am.

Chair Lee-Greig: In my own context at how I'm permitted to operate through a permitting process and how that might apply similarly here. Okay. So I have a quick question for, and while we're not here to hear -- we're not, today, hearing about Kalama Park, Ukumehame, it falls out of our purview, but we have this understanding that we want to empower Hawaiians to teach surf school lessons and the culture and this is the way that you have gone about it with your connection and collaboration correct?

Mr. Browne: Yes, ma`am.

Chair Lee-Greig: So are they -- are your cultural advisors also doing programs out of Kalama Park and Ukumehame Park where they're learning Hawaiian protocols for these very specific surf spots? I just wanna understand how they operated in your overall.

Mr. Browne: Well, I've done some more work at Ukumehame and I brought -- I bring him in to bless everything and to talk about it and do the, you know, blow the shell, and then talk to them about the land, you know, and the `aina. Lolo works with me up at -- he worked with me at Ukumehame, so I wanted do the same thing at Kalama, which I have not done yet.

Chair Lee-Greig: Okay.

Mr. Browne: And especially now with all that's going on and everything, we wanna make sure we're, you know, no ones came here and offered really educated us on -- on the things that you're talking about, we learned a little bit at the whale thing years ago we had a, you know, where all my instructors and I went and we learned about the reef and this and that, but now is when we really, you know, I didn't know this place was historic Lahaina. I wasn't aware that it was --

Chair Lee-Greig: You've been operating in Lahaina for how long, sir?

Mr. Browne: A long time. But I didn't know that it was like any different really than Kalama or Ukumehame or anything, I wasn't realized of the historic part that's why I -- I have him.

Chair Lee-Greig: Okay.

Mr. Browne: So I can learn.

Chair Lee-Greig: Thank you. Do we have any other questions from our Commissioners for Mr. Browne? Do we have a motion on Mr. Browne's application, permit application or would you prefer to discuss the matter a little bit more?

Ms. Celiz: Just with the information we've already heard, I would make a motion to deny, unfortunately.

Chair Lee-Greig: Is that the motion that you're putting forward on the floor?

Ms. Celiz: Yes.

Chair Lee-Greig: The motion on the floor is to deny continuation of business activities at Kamehameha Iki Park for Maui Beach Boys LLC. Do I have a second?

Mr. Ivan: To hear -- I'll second.

Chair Lee-Greig: Okay. Discussion, please.

Ms. Celiz: And I think it's kind of just looking at the report and the numbers and that this business isn't currently utilizing the Kamehameha Iki Park for the surf, you know, and operating in that capacity when you're looking at the participant county. I didn't know it was plans moving forward, and I don't know if there is officially like did the business acquire the other business, but, in that case, it should have been a separate, you know, that's a separate process, so for this, specifically, just -- that's kind of why I would make a motion to deny.

Chair Lee-Greig: Other Commissioners have any questions or additional mana`o for discussion?

Mr. Lay: Okay, so I'll share more about why the denial also. A lot of these guys here don't have a second option. They don't have another choice. That's the only place they can go. You have another venue and, you know, we wish we could give it to everybody but we're worried about those guys where they only have one place, you know, that's my concern too. They don't -- they don't have Kalama. They don't have, you know, anywhere else. This is their option at least to be there and that's the only reason for me.

Ms. Albino: I think, for me, it's a big issue when it comes to compliance as well as an adequate cultural element in your program. You cannot live in and do business in a -- a historical district without that kind of licensure or ike, if you wanna call it, in any place that is so Hawaiian and -- and the longer and the more we get away from that, the more it'll be overlooked and when we look back, it'll be too late and it's gone. We live in a very fragile culture. We are a minority. And so using Hawaiians to do business is good practice, however, we're not to use them as tokens. I'm sorry. That's my mana`o. Mahalo. Don't mean to offend anyone. That's just my mana`o.

Chair Lee-Greig: So any other comments from the Commission, mana`o to share? Commissioner Aiwohi.

Mr. Aiwohi: Yeah, I just wanted to share that it does make it harder when I see low numbers and then we have other companies who need this spot, who really need this area because you could go to other locations, you could, like you already work in Ukumehame, but at the same time, I kind of like that you have low numbers because when we see other companies who have all these hundreds and hundreds of people coming through, you know, that's when I start thinking about the coral, so I still kind of defer to the Parks when they get it because what I want to see is more kuleana for whoever does get the permit that you are following through and because that's not our purview, I would -- that's why I would defer. Yeah, mahalo.

Chair Lee-Greig: Any other comments from the Commissioners? So, Mr. Browne, there are a few things that -- about this application that seems a little odd to me, and it's just the integration part between the two companies and whether or not they're -- the gentlemen are staff or their own company operating out of Kamehameha Iki Park, I would expect to see a separate permit application for Maui Culture and Surf to do that. So, for me, that is some of the things that I'm thinking about with my vote or however that will go. As far as the low numbers, that also is something that's interesting here, but as my colleagues have said, you -- there are two other spots that are available and that you have permits for and that you can grow your cultural practice or your cultural program out of and -- and maybe come back here when -- when you, as an owner, have learned more about this space as well and not just advisors. So with that, that's just a little bit of mana`o from me. With that, I'm going to put it to a vote. So those in agreement or in favor of denying business application by Mr. Browne and Maui Beach Boys LLC, please say aye or raise your hand? Those opposed to that motion? We have Mr. Aiwohi opposed. So the majority is approved.

**It has been moved by Commissioner Yvette Celiz, seconded by Commissioner Ivan Lay, then**

**VOTED: to deny the request of John Browne, of Maui Beach Boys LLC**

(Assenting: L. Albino; I. Bassford; Y. Celiz; T. Lee-Greig; I. Lay)

(Dissenting: K. Aiwohi)

(Excused: D. Kanahale; M. Ropa; M. Wagner)

Mr. Browne: I get it.

Chair Lee-Greig: And I appreciate --

Mr. Browne: Yeah.

Chair Lee-Greig: All of you and -- and you as well, and mahalo for your time. Thank you so much. So with that concludes business items under agenda item C.

D. NEXT MEETING DATE: September 5, 2019

E. ADJOURNMENT

Chair Lee-Greig: Under D, our next meeting date is set for September 5, 2019. We are adjourned at 4:24.

**The meeting was adjourned at 4:24 p.m.**

Submitted by,

SUZETTE ESMERALDA  
Secretary to Boards & Commissions II

**RECORD OF ATTENDANCE:**

**Present:**

Tanya Lee-Greig, Chairperson  
Ivan Lay, Vice-Chairperson  
Ka`apuniali`ionalaniki`eki`ie Aiwohi  
Louella Albino  
Ian Bassford  
Yvette Celiz

**Excused:**

Daniel Kanahale  
Michael "Kaleo" Ropa  
Mary Randall Wagner

**Others:**

Jennifer Maydan, Planner VI, Long-Range Division, Dept. of Planning  
Annalise Kehler, Cultural Resources Planner, Long-Range Division, Dept. of Planning  
Suzette Esmeralda, Secretary to Boards & Commissions, Current Division, Dept. of Planning  
Mimi Desjardins, Deputy Corporation Counsel, Dept. of the Corporation Counsel  
Karla Peters, Director, Dept. of Parks and Recreation  
Lisa Almeida, Park Permits Officer, Dept. of Parks and Recreation