

(APPROVED: 08/27/08)

**MOLOKAI PLANNING COMMISSION
REGULAR MEETING
JULY 9, 2008**

*** All documents, including written testimony, that was submitted for or at this meeting are filed in the minutes file and are available for public viewing at the Maui County Department of Planning, 250 S. High St., Wailuku, Maui, and at the Planning Commission Office at the Mitchell Pauole Center, Kaunakakai, Molokai. ***

A. CALL TO ORDER

The regular meeting of the Molokai Planning Commission was called to order by Chairman Steve Chaikin at approximately, 12:45 p.m., Wednesday, July 9, 2008 at the Mitchell Pauole Center, Meeting Hall, Kaunakakai, Molokai.

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

Mr. Steve Chaikin: It's July 9, 2008. At this time, I'm gonna bring this meeting of the Planning Commission to order. I'd like to thank all the members of the public who took their time to show up here today. And I'd like to start by just recognizing the people from the Maui County Planning Department that are here today. We have Nancy McPherson. We've gotten Clayton Yoshida over here and Suzie Esmeralda. Also, sitting to my immediate left is our Corporation Counsel, Mr. Michael Hopper. And just to quickly introduce our Commissioners, we have Commissioner Feeter, Commissioner Napoleon, Commissioner Buchanan, and Commissioner Williams. And we do have quorum today, so we can move forward and conduct our business as agended.

Let me just briefly go over our agenda today. We're gonna start off by allowing any member from the public that wants to come up here and present any planning issue or any land use issue that they think is important. We're gonna give that opportunity right in the beginning. Also, if anybody wants to provide testimony on any agenda item that's gonna be coming up and doesn't want to stick around for our whole meeting, you're welcome to come up at the beginning of the meeting and provide testimony. After that, we're gonna – we have some approval of minutes that we have to do. And then we're gonna move into Item B on our agenda which is Communications. That's gonna start with the – the Planning Director is asking this Commission to concur with them on an exemption for a special management area permit. So we're gonna be taking a look at that. And then the second thing is for Desmond and Christy. They're coming forward for a special – a minor special management area permit. We're gonna take a look at that. And then after that, we're gonna move on to an orientation workshop which is something that we're supposed to have done weeks ago, and we're finally – hopefully, gonna get that completed today. After the orientation workshop, I've got my report. We're gonna take a look at some of the ways that we can improve this Commission and make it more – a little bit more responsive to the

community and a little bit more efficient. And we're gonna take a – just briefly discuss the West End water delivery issues, if there's anybody that wants to make any comments about that. And then after that, we're gonna go into the Director's Report, and he's got – Clayton's got some stuff that he's gonna be discussing, including giving us an opportunity to come forward and come up with any items that we might wanna see on some future agendas. And after that, we'll adjourn this meeting, and hopefully, it won't be too long of a meeting.

B. PUBLIC TESTIMONY ON ANY PLANNING OR LAND USE ISSUE

Mr. Chaikin: So I'd like to just start off by asking if there's any member of the public who would like to come forward and provide testimony at this time. It would be a good time to do that. Alright, Auntie Judy, thank you.

Ms. Judy Caparida: Aloha. My name is Judy Caparida. Aloha. And I just have a question here on Jeffrey's Hunt, Planning Director, requesting concurrence from the Molokai Planning Commission pursuant to this special management area for Dunbar. Can I bring that up now or should I wait?

Mr. Chaikin: Well, the way we usually handle that is if you are going to be here when we bring that item up, that would be the ideal time to discuss that because we're gonna go in-depth, maybe. cause we just got these documents so we haven't had a chance to really take a good look at them. So that would be a good time to do that, but if you feel like you gotta take off and go do something else, then you can.

Ms. Caparida: No, no, I can wait. Okay, but there's another one. It's about jet skiing on the island. I mean, jet skiing is very, very important on Molokai. And I've already spoken to our game wardens. And it's because of a lot of pakalolo growers in the back of North Shore. There's a lot of them just running off and just – in other words, joy riding when there's fishermans trying to surround fishes. And we need to do something about this. And on . . . (inaudible) . . . we're trying to put a petition. They – our younger guys did put out a petition for, but we kupunas gonna put against. And the reason is why because their food. We're the ones fighting to have subsistence here on the island, and they're talking about playing around on the ocean. Hello. The fishes do not have a designated place. They go all over the place. But what they wanna do is get a designated place for these guys to go run around. Now tell me, who in their right mind going want that in the front of their place? Put'em in the back yard. Put'em in the swimming pool, where evers, but not on the ocean. That's our ice box and that's our freezer. The mountains is where we get meat. You till the soil, that's where you get bread. So this is why I'm against that and I would really want that us, here on the island, try to fix stuff that belongs to us here to feed our families than waiting 'til it's too late. So thank you.

Mr. Chaikin: Thank you, Auntie Judy. You know, this is not something that's on our agenda. So we're gonna – you know, we'll take a look and see if the – if this is something that, you know, we should or could have on our agenda. And we'll figure that out in the meetings to come. Is there any other member of the public? DeGray wants to come up and say something.

Mr. DeGray Vanderbilt: Thank you, Mr. Chairman. My name is DeGray Vanderbilt and I'd like– You know, normally, I guess the rules are that you can get up and testify if you have to go somewhere, or you wait and testify on the agenda items when they come up. But usually, transient vacation rental update is on the agenda, but I don't know where it is at this time. It's not on the agenda. So this is the only time I get to talk about it, but I wanna stay and talk about some of the other situations too. So I don't know if you can make an exception at this time, or if you want an update on the TVR.

Mr. Chaikin: Well, yeah, you can give us an update on the TVR. We just can't – we're not at liberty right now to be asking questions and getting into dialogue with you, but if you wanna say something, you're certainly welcome to do that.

Mr. Vanderbilt: Alright, well, I forget. Just a few days ago, I think it was July, it might've been July 1st, the Planning Committee of the Maui County Council held an all day meeting on the TVRs. I went and testified and provided my testimony to which I had attached Chair Chaikin's testimony which he had sent in and I read that to the Commission. And basically, was just asking that, you know, they keep Molokai's recommendations up-front. And – but what was fairly disturbing is, I would've changed my testimony considerably had I had this letter dated June 27th. Now, I don't know. This is coming from Mr. Hunt to the Council and I don't know if you all had gotten a copy of this, but you guys need to be kept in the loop on these things because this changed the bill and the definition of TVRs and B&Bs, and made some major revisions that this Commission didn't have a chance to look at in doing their recommendations. For instance, this Commission said okay for B&Bs in rural areas on Molokai which would've meant you could've had a vacation rental as long as the owner was living in the house, but they've now changed as you can see on page 2 of the letter from Mr. Hunt to Chair Baisa of the Planning Committee, dated June 27th. They 've changed it so a B&B is not only a house where the owner lives, but he can have another detached dwelling which can be rented out. So they've sort of merged the definition of a traditional TVR and a traditional B&B to mean the same thing. So it's sort of a hybrid situation now, but that impacts how we were looking at – I remember when I was on the Commission. So I don't know how the Commission wants to handle this at this point, but it would be good if– I can pass on all the things they discussed to the Chair and maybe, Mr. Chair, you could send a letter to the Planning Committee just reminding them, you know, of Molokai's recommendations and how these changes that they're thinking about now might impact those recommendations. And I'll be glad to give you all the notes that I took at that meeting after the meeting.

Mr. Chaikin: Alright, thank you, DeGray. And I did question the process as we were going through it, but I – this is something that, you know, I may want to put on our next agenda so we can be at liberty to discuss this cause it is a very important issue to this community. And it's something that, you know, we should have clarity on as we move forward cause it's a real, fuzzy process. And, you know, we made our recommendations for some bill that doesn't even exist anymore. They went and changed the whole thing around. So thank you for that. And–

Mr. Vanderbilt: Well, and just for one other point just to bring that up, on page 3 of that letter, it talks about capping the number of transient vacation rentals. And if you look at that chart, there's no cap for Molokai and Lanai. And so I don't know why that is, but anyway. So, thank you, Mr. Chair.

Ms. Lori Buchanan: I have a question for the testifier.

Mr. Chaikin: We can't get into too much discussion, you know, cause it's not an agended item. We actually do have TVRs on the agenda today. It's specific TVRs. If you look under the pending applications and the closed applications, there's a couple TVRs under there but, you know, those are very specific TVRs. I don't know if we can be sitting here discussing TVRs in general.

Ms. Buchanan: Chair, I just wanted a timeline on if we ever did have to make a letter and we delaying to the next meeting, we have a timeline where the recommendations are – go to Council, and adopted, or whatever. Jeff can answer that.

Mr. Vanderbilt: Well, apparently, I called the Planning Committee meeting, Chair, the Committee this morning and asked when the next meeting cause they said it would be sometime like three or four weeks from now, the next meeting, because they took a whole day meeting and had to trade one Committee. So they're gonna have to trade back. So they're probably not gonna have their next meeting until near the end of July. And at this point, they're still – they haven't made any decisions on any of the recommendations. They're just sort of making decisions on broader issues like what is the definition of TVR and B&B, but that sure impacts some of the recommendations we made. So anyway, it's really gotten kind of complex up there at this time, and it's hard to figure out where our recommendations are and how they fit with a lot of the new things that they're talking about.

Mr. Chaikin: Thank you, DeGray. Is there anybody else? Any other members of the public who would like to come up and provide testimony on any issue at this time? Alright, seeing none, we're gonna move onto our next agenda item which is really a housekeeping issue. It's the approval of the minutes from the April 23rd, 2008 meeting.

C. APPROVAL OF MINUTES OF THE APRIL 23, 2008 MEETING

Mr. Chaikin: I'm sure all of you guys have reviewed that and read the whole thing in its entirety. And did you see any discrepancies in there? Yeah, Commissioner Feeter, go ahead.

Mr. Bill Feeter: Yeah, thank you. There are some questions that – is this too loud? It sounds like it's– No? Okay, moving on, yes, if you turn to page 74, please, in your minutes, there is an issue here. And it's about– Let's go to page 74. It says that we have – the next item that we have is recommendations to the County Council regarding short term or vacation rentals, whatever you choose to call it. And in there is some unilateral activity, meaning that on the part of the Chair and Commissioner Buchanan, they state that the Molokai Planning Commission write a letter. And at that time, I– The minutes do not reflect that it was passed by this Commission. And it did not come up for a vote, in fact. If you – going on further on page 76, there was also some dialogue by our – by Mr. Hopper to the fact that you need to have the group approved by a majority. That's the – that sets the stage. Going on from there, it – we have – each of us received by envelope, U.S. Mail, a draft of a letter written by our Chairperson unsigned and in which it states that – well, you've all read it so I won't go over that again, but the point is that we've got by us here – and we've got a letter that was drafted and sent to the County Council without the approval of this Agency, this Board, this Commission. And I find that it's not in keeping with the appropriate, in my opinion, legal activity. Mr. Hopper said we do need to have approval of the majority. The minutes do not reflect that. They don't even reflect the fact that there was a vote taken. And so I would like to hear what transpired and what is ongoing. And by the same token, we just – Mr. Vanderbilt got up and made a similar statement, testimony, if you will, on his own, and with something that has already been done, and our County Planning Department is working on this, and I find that that's counterproductive. So I'd like to hear some comments on that from this Commission, from Mr. Hopper, particularly.

Mr. Chaikin: Yeah, thank you, Commissioner Feeter. Here's Corp. Counsel.

Mr. Michael Hopper: First of all, I want to note that the approval of the minutes is the item on the agenda right now. So if you see discrepancies in the minutes, if, for example, there was a vote or an action taken that's not reflected, certainly that should be brought up and discussed. As far as taking action on an issue, the action can be by no objections, basically, if there's no objections by the Body and action can be taken, or by a vote. If there needs to be more discussion of this particular issue of whether or not a letter should've been sent, what sort of an approval it would need, and in the future if any letters are going to be sent, that can be done, but that really needs to be on a future agenda because right now, this only – the only item here is the discussion of any corrections to the minutes, whether or not they accurately reflect what went on. Certainly if there's a problem

and there are legal questions as to action taken in a previous meeting, those need to be addressed, but right now, that's not on the agenda. The only item is the approval of the minutes. So again, if there's – I don't recall within that particular meeting there was an action taken, if the Chair said if there's no objections, I'm going to send a letter. And if there were no objections in that situation, for example, then a letter can be sent. If one person objects, you need to take a vote. So I don't recall exactly what happened at that meeting, but for right now, the only issue on the agenda is the approval of the minutes. And so if there was a vote taken or an action taken that's not reflected there, that should be corrected. But otherwise, the decision right now is the approval or not of the minutes.

Mr. Chaikin: Okay, thanks, Corp. Counsel. So I think what's on the table right now is – are these minutes. And I think that we are liberty, if it's not a controversial issue that we can actually amend the agenda and put this item on the agenda so we can discuss it and, you know, get this thing cleared up. But right now, we're just discussing the minutes. So is there any – do you guys see any discrepancies in the minutes? If not, I'd move for a motion to accept the minutes.

Ms. Buchanan: I guess after what Corp. Counsel said, we cannot move to accept the minutes, and maybe move to defer this item to the next, and maybe put that on the agenda. I not sure.

Mr. Chaikin: Is that what Corp. Counsel was saying?

Mr. Hopper: Well, if there is an inaccuracy in the minutes, that should be worked out. But if you have no reason to believe the minutes are accurate, I mean, the minutes could be accurate and you may disagree with the action taken, or think that there was a problem with the action taken. The issue is, were the minutes accurate? If you think they're inaccurate then, yes, you should defer action and determine if they're accurate. If you think they're accurate, then you should approve them. That doesn't mean you approve of what happened at the meeting.

Mr. Chaikin: Yeah, there's two separate issues. The letter is one issue, and you know, and that should be resolved. The minutes are something else. I mean, so if there's something – Commissioner Feeter, is there something in the minutes that you think were inaccurately reflected?

Mr. Feeter: I can't refute our learned colleague, Mr. Hopper, but it looked like there should've been a majority vote on the idea that you had that you would write a letter to the County Council.

Mr. Chaikin: Yeah, I think he just reiterated that some items, you don't actually have to have a formal vote on. The Chair can just say, are there any objections? And hearing no objections, you can move forward with that particular item. So that was, you know, what he was just saying, and that's what he reiterated to me prior. And that's what we— cause every little thing that you do to have to vote on can get very time-consuming and tedious. So some things that are of minor importance, then you can just go ahead and do that. We can discuss the letter because that's something, you know, that's an issue to one of the Commissioners, but right now what we should do is, move through this item that's the minutes. If you feel like you want to defer'em, we can defer'em, and then have an opportunity to look at them, or if you wanna just approve them and go on. That's really not gonna have an effect on our discussion on the letter whether or not we approve the minutes or not. Yeah, Commissioner Buchanan, you had something?

Ms. Buchanan: Seeing that the minutes are written verbatim and there's nothing wrong with the verbatim reporting of the minutes, I move that we accept the minutes.

Mr. Chaikin: Do we have any second on that?

Ms. Mikiala Pescaia: Second.

Mr. Chaikin: Okay. Alright, the Vice-Chair has second. All those in favor of approving the minutes? Okay, we got one, two, three, four, and I'll vote to accept them so that's five. So the minutes passed. So now, let me just clear up a couple things that we can come back to this letter thing. Turn the mic. on.

Mr. Feeter: I was not offered a chance to vote, obviously.

Mr. Chaikin: Okay, yeah, my apology. All those opposed? One opposed. Thank you, Commissioner Feeter.

There being no further discussion, the motion was put to a vote.

It has been moved by Ms. Buchanan, seconded by Ms. Pescaia, then unanimously

VOTED: To accept the April 23, 2008 minutes as presented.

Mr. Chaikin: Alright, so we need to have some – clarify some things on our agenda. There's a couple of items. I just wanna skip a little bit ahead so – because there's some issues that we can clear up now, and so we can move on. Under Item D, Communications, the first thing was Mr. Jeffrey Hunt is asking for us to concur with an exemption. The second communication is Desmond and Christy Manaba on behalf of D&J Ocean Farms. And there's some real ambiguity in the agenda and – with some of the items in the staff

report, and maybe you can speak to those because I'm not sure we can really even address this issue. Let Corp. Counsel have a comment on this, please. Thank you.

- 2. DESMOND & CHRISTY MANABA on behalf of D&J OCEAN FARMS requesting a Special Management Area Minor Permit for the D&J Ocean Farms Restoration Project for the restoration of wetlands (0.60 acres) and removal of sidecasting material (0.25 acres) per the EPA mandated Restoration Plan, minor trenching for electrical repairs, replacement of drainage pipe "T," and removal of mud from harvest boxes at TMK: 5-6-002: 024 and 034, Kaamola and Keawanui, Manae, Island of Molokai. (SMX 2008/0166) (SM6 2008/xxxx) (N. McPherson)**

Mr. Hopper: Just very briefly. This is agended as a special management area minor permit. It is not a minor permit. It's an exemption decision. So as agended, it is incorrect, and I would advise that there's no discussion on this item today cause it's improperly agended. I mean, you can't take any action on it so— It's— The staff report shows very clearly it's an exemption. It should be agended as an exemption and put off until the next meeting.

Ms. McPherson: I just wanted to apologize to the Commission and to the Manabas. You know, it's been a difficult last couple of weeks and a lot of stuff going on in the Department. And, you know, mistakes were made probably on my part. So I just wanted to go ahead and apologize, and let you know that we will be prepared at the next meeting to deal with this item.

Mr. Chaikin: Alright. Thank you, Nancy. I mean, I know you have a lot on your plate, and you know, these things are gonna happen from time to time, and let's just correct the situation and move forward. So this second item under Communications No. 2, we've just deferred. Do we have to vote on that?

Mr. Hopper: I'd say you really can't even vote on this. The whole point is this was agended improperly. It's a Sunshine Law issue. If someone were to come from the public, they'd think this was a permit, not an exemption. So you shouldn't really even discuss this. I think without any discussion, it should just be deferred to the next meeting, and you probably shouldn't take action on it either.

Ms. McPherson: We're asking that it be dropped from the agenda and re-agended for the next meeting to reflect the staff report.

Mr. Hopper: Yes. You want Board – you want Commission action for that?

Ms. McPherson: No, no.

Mr. Hopper: Okay.

Ms. McPherson: We'd just like concurrence.

Mr. Hopper: I believe that's what would happen. As long as – we should try to not have any discussion on it.

Ms. McPherson: Right.

Mr. Chaikin: Alright. So now we can skip back to Commissioner Feeter's concern. He had a concern over the letter. This is not something that's really on our agenda. Do I–? Do I hear any–? Is there any people on the – Commissioners here that want to add this item to our agenda today so we can discuss this item and clarify it?

Ms. Buchanan: Chair, can I call for a point of order?

Mr. Chaikin: Okay.

Ms. Buchanan: The point of order is to just clarify that the item we just discussed does not reflect Item D, No. 1a, the Dunbar application.

Mr. Chaikin: Alright. You know, that's my understanding that we're only deferring, or not even deferring, we're not even taking up Item D2.

Ms. Buchanan: Okay, thank you.

Mr. Chaikin: Thank you. Now is there any concurrence on the Board that we want to amend our agenda to add this item so we can discuss the letter and what we had discussed leading up to sending out of the letter?

Ms. Buchanan: Are you asking for discussion on that?

Mr. Chaikin: Yeah. So what we wanna do is amend the agenda so we can discuss this at will. It's a minor thing, I think that, you know, the public isn't gonna be, you know, bent out of shape if we change the agenda and stick this in there. Just to– I mean, Feeter has some concerns, and we should address them.

Ms. Buchanan: Chair, I would suggest if there's not a timeline issue that I recommend that we not and we move that on the agenda for the next meeting.

Mr. Chaikin: Alright. Any objections to that? Alright. So we'll go along with that, and I'll go ahead and put that on under the Chair's Report for the next meeting. We can move on to

discuss that. Alright. So now we're moving on to D, Communications, Item 1. And that's where the Planning Director is asking this Commission to concur with them on an exemption.

D. COMMUNICATIONS

- 1. MR. JEFFREY S. HUNT, Planning Director, requesting concurrence from the Molokai Planning Commission pursuant to their Special Management Area Rules, as amended, that a Special Management Area exemption can be issued for the following:**
 - a. Dunbar Power Pole Installation - SMX 2008/0264, SM5 2008/xxxx: Installation of one electrical utility pole 50 feet mauka of Kamehameha V Highway, in pasture area, to service property at TMK: 5-7-003: 062, Puelelu, Manae, Island of Molokai. (Valuation: \$100) (N. McPherson)**

Mr. Chaikin: Nancy, do you wanna give us a report on this?

Ms. McPherson: Yes, thank you, Chair Chaikin. Greetings. Good afternoon, Commissioners, on this nice, warm afternoon. This is for a power pole that needs to be installed at the request of MECO by the Dunbars. It was actually re-measured and it is 95 feet mauka of the highway right-of-way. And you were given some exhibits showing the location. The scale is kind of difficult on Exhibit 1 there, but it's – that's showing that it's within the SMA. It's about the 50-foot elevation. And the applicant stated the pole is gonna be about 25 feet tall. And this is for two farm dwellings that have already been approved that are not within the SMA. So I did an assessment, and I determined that it falls under the category of being part of construction of a single family residence that is not part of a larger development, also the clause for agricultural use because it is ag zoned land. And that there will be no significant environmental impacts. I did check with State Historic Preservation and they are okay with this activity. So I'm recommending – the Department's recommending that it be exempted. And we're requesting that you concur with that recommendation today. And Mr. Dunbar is – is he here? Yes, you're right there. Okay, sorry. Mr. Dunbar is here.

Mr. Chaikin: So, Commissioners, do you have any questions or concerns that you wanna express at this time?

Ms. Buchanan: I have a question for staff. Since it was not stated in the papers we got today that was on behalf – the second one there that says "MECO." I've never seen MECO apply for a pole before. Why is that? This is in the SMA? This is makai – mauka.

Ms. McPherson: It's on private land and perhaps Mr. Dunbar can answer that question better, but I did speak with a representative of MECO. They did give me a call and we discussed it. And I said, you know – they're asking why does it need an SMA assessment? And I said, well, that's because it's within the SMA. So when the zoning is confirmed, the pole is located within the SMA. That they are – because it's on private land, it's not in the highway right-of-way, it needs to be assessed.

Ms. Buchanan: Okay, Nancy, not having the time to read all of this, and this would be on MECO's part, the understanding that there is no co-location of anything except electrical wires to be existing on that pole, period.

Ms. McPherson: Yeah, that's my understanding from the applicant. I'm sorry that that wasn't specified in the letter but, you know, that can be specified in the letter, if you would like, and the point being that it's just for electrical service. And if you have any questions for the applicant, I'd be happy to turn it over.

Mr. Chaikin: I'm sorry. Just for clarity, is that pole gonna go in or is it already in?

Ms. McPherson: It's going to go in. I mean, my understanding is that it hasn't been installed yet. The applicant's patiently waiting for–

Mr. Chaikin: Well, maybe we can have ex-Commissioner Dunbar come up here and explain whether or not this is actually in or it's going to go in.

Mr. Kip Dunbar: Good afternoon, Commissioners. I'm Kip Dunbar. It is not in. It is painfully waiting to get in. And it is only a utility lateral pole. It is not a power pole. It is there because if you're X amount of feet from the main line, you need to have a pole carry to your house. You can't have it directed from main line to house.

Ms. Buchanan: Okay, Kip, and the letter can reflect that there's no co-location of any type of satellite, or DPV dish, or whatever that gonna be on the pole? cause it's owned by MECO, is that correct?

Mr. Dunbar: It's a MECO request.

Ms. Buchanan: Okay.

Mr. Dunbar: It's not – this is not a 120-foot mono pole for antennas. This is strictly a round, . . . (inaudible) . . . utility pole set five feet in the ground that'll serve as lateral electricity to the two homes.

Mr. Chaikin: Any other questions?

Ms. Pescaia: Sorry. Is it your pole or their pole? I know it's their requirement, but who owns the pole?

Mr. Dunbar: Well, that's a good question. You know, the State of Hawai'i only owns a 20-foot right-of-way out there. So because the hydrants are on my property, are those my hydrants or someone else's? The waterlines on my property, is it my waterline or someone else's waterline? Anything within the 20-foot right-of-way is the State's. And that's all I have is 20 feet. So the pole that they – all the poles on the East End are on private property, and there are no easements for those poles. So I think it's their pole. It's not my pole.

Ms. Pescaia: Okay, just in case in the future they want it to be moved or – but they're – and because I was just thinking valuation of project—a hundred dollars?

Mr. Dunbar: To me, it's zero. I have no value for this.

Ms. Pescaia: So you're not putting up the money for it. They're paying for everything.

Mr. Dunbar: They're putting it in. It's not my responsibility to put it in.

Mr. Chaikin; Yeah, Commissioner Feeter?

Mr. Feeter: Yeah, I have a question for Nancy, please.

Mr. Dunbar: Any further questions for me? Aloha no.

Mr. Feeter: Yeah, hello, Nancy. Has Mr. Dunbar's application met all the requirements by the County Planning?

Ms. McPherson: Yes, to my knowledge.

Mr. Feeter: Thank you. At this point, I'd like to make a motion that we accept –

Mr. Chaikin: I'd like to just hold off on that because what we need to do is we need to allow the public an opportunity to come in and express if they have any concerns on this issue. Is there anybody from the public would like to comment on this issue? Judy, go ahead, yeah.

Ms. Caparida: My gosh. How can I ready for my question? The thing is that, you know, I never saw anybody come here in suggesting they wanna build two houses there. I don't know if they had been permitted. This comes from Maui. I mean, this guy is Mr. Jeff Hunt from Maui. Weren't we supposed to be the first people that knows what going on our own

island? That's what I wanna know. He's not ignorant when he don't know nothing. He's been on that Board. He's been on that Board. He knows everything about doing things the way it's supposed to be. I mean, this is nothing new. This is always the after-the-fact. How you like that one? I mean, what gives you the exempt that you can do anything you like and everybody else has to go another way? I mean, this is not pono, to me. Everybody has to have a way of doing things, and yet you can get friends. You get somebody to fix you up to make it look good and legal. I no think so. I don't think so. I don't think that's right. We live up in East End. Everybody up there, they not blind. They can know what's going on. There's two houses already that was passed. That was supposed to be for the son and daughter. Now, how many more children he get? I mean, this is to make business. This is for them to go ahead and rent it out to make business. I say you know what? It is not pono for us on Molokai that lives there. We are talking about bed and breakfast, TVRs, and all that kinda stuff. Not because you gave your land away, and then you get paid for it that you still can do what you like do. I mean, we gotta look into things like this. It needs to be investigated. Water being pulled out, all that kinda stuff. And you know what the State say? They don't have manpower. They don't have manpower to go over there and oversee all these things. I don't think so. I think that we need to be more closely watched on everything that people come in here and tell you. We need to go to the sites and see it out. And that's why I was really thankful for last night having the West End people come here to sit down, and know how we feel, and why we do what we do. They now know that we are all part. We are ohana. And that's why we need to be pono with everything that we do. People look at us. You know, you have to have integrity. You have to know that you know what? I do it because why? I love my island. It's not making and abusing the use of it. So I needed to share this. I don't think that, you know, this thing should be passed unless you gotta make sure that everything is pono. Thank you.

Mr. Chaikin: Any questions for Auntie Judy?

Ms. Buchanan: No, no questions, but maybe for questions of staff after.

Mr. Chaikin: Okay. Let's give the – anyone else from the public an opportunity. Does anybody wanna testify on this item? Okay, DeGray?

Mr. Vanderbilt: Thank you, Mr. Chair. My only comment is a procedural one. You know, this agenda is posted online. So if you look at this agenda, it really doesn't tell you anything. It just says there's a power pole going in. Your first thought is, what is that power pole servicing? And there's nothing in here that would get anybody figuring maybe they should come down or maybe they shouldn't. And I go back again to staff reports. And there was probably a two or three-page staff report. Have those on the website, too, so if you're at home and you click on it, you say, oh, okay, let me see what that staff report is. Then you can say whether you need to come down or not. And it's not hard to do. It's –

the County can scan things as fast as our fastest copier on Molokai, and just put'em on— You know, we're in a technological age. And it would really help the public to determine whether they need to be here. And if they feel they need to be here, at least they'll have the staff report, and be able to give constructive testimony. But as I understand this, these are just two houses for Mr. Dunbar's family to live in, but mine is just a procedural thing to better inform our public. Thank you, Mr. Chair.

Mr. Chaikin: Alright, thank you, DeGray. And, you know, the County is coming up with their new website here in, you know, towards the end of month or so. And we will have an opportunity to see if they've made any innovations that will make it a little bit more, you know, efficient for the public to take a look at, you know, some of these issues. Is there anybody else from the public that wants to come up and say something? Cora?

Ms. Cora Stankenberg: Aloha. My name is Cora Stankenberg. I like Mr. Dunbar. He's sort of like a neighbor. But when we look at what is expected by our community and the procedures, yeah, we have to follow. Not because you may have investors, or you might have the kenekene, or whatever, it's the precedence that it's gonna be set is the important thing. And that's why I like to talk about this because we have locals struggle to try and make the requirement to follow the procedures that is asked by the County, by the State. Then we have someone that comes along and build something first, and then later on, maybe need waterline, and then later on, oh, I need one electric line. You know what? That's after-the-fact. Now we gonna accept this, if this is accepted, then you're opening the doors for other people. And we're trying to get a check and balance. And this is where you folks come in place. And I would really have you folks reconsider what he's asking and requesting. It's the precedence that will be set today and thereafter. And what is it you demonstrate or he might be demonstrating? Like I said, I love Mr. Dunbar, but you know what? This has to do with following the procedures expected by the law, because if there was no procedure, then there's no reason to have it. And the reason why we have it is so that we all follow it. So I'm here to take a stand and ask you folks to reconsider what you folks are doing regardless if it's after-the-fact. Thank you.

Mr. Chaikin: Thank you, Cora. Any questions?

Ms. Buchanan: I have a question for Cora. Cora, just clarification, you're asking us to reconsider or take a stand on this current application for a pole? Or are you alluding to something else?

Ms. Stankenberg: You know, I not blind. We all not blind. This island no more – you know, only get one road go in and out. If it's a house that I'm thinking it is, the house is built. And I would say normally, the electric and the waterline would normally be the first thing you gotta put in before you build. Now, in the past, I've seen work putting in a waterline after-the-fact that the house is built. There has been occupied whether it's a vacation home or

a residential home. Then later on, the waterline goes in. Now you know what? There's something wrong with this picture. If you going call the locals to follow the rules, it goes for everyone. What goes for one, goes for all. So you Commissioners need to take a really firm stand on what is pono, what is straight. The last cannot be the first, and the first cannot be the last. We all gotta follow the first person. But hopefully, the first person going demonstrate what is pono, you know? So I hope I had answered your question. The question is that anybody that wanna build, need to be installed, should first follow the first step. That is to submit a permit, get that approved, then ask for the waterline, then ask for the electric line before you even start building a house. Now, I don't – I'm not all akamai about building things, but I think that's common sense. And for everyone that take a stand and ask for something, you know what? There are smart people that are asking for you folks' permission. They are well intelligent. They're well educated. And they took a really high position in servicing our community. So to say, oh, I never know or I forget, you know what? That don't cut no eyes when it comes to follow the rules. Thank you.

Ms. Buchanan: Okay, thank you, Cora, but the thing is that today, we're reviewing a permit for an installation of a pole. It has nothing to do with the permitting of the two prior houses, and that's why I asked for clarification. Now, after this, I going ask staff to give us a breakdown because I was not here at the time whether that permits for the houses came through or not. But for today, I gotta – you know, before me is the application for a pole, and that's why I asked for clarification.

Ms. Stankenberg: Okay.

Ms. Buchanan: Thank you, Cora.

Mr. Chaikin: Commissioner Feeter? Cora?

Mr. Feeter: If Mr. Dunbar put in a photo voltaic electric system, what would be your feelings on that?

Ms. Stankenberg: Well, I think that a precedence will be set. That would be my concern is that we're asking the people to do things in order. Yeah? What I'm saying is that although he's requesting a permit, yeah, that permit should've been sought prior to the building. But in any event, it's just setting the precedence, basically. See, we don't know what came first—the chicken or the egg? And that's pretty much what you guys need to talk about. And so, Mr. Dunbar is a very intelligent man. He knows loopholes because he's been where you're at. He's been in the money institution. He knows how to allocate money, and whatever it has to do in his investment. Whether it's personal gain or not, that's his kuleana. And you know what? He's gonna have to answer to the Almighty. So you folks sit there, and I'm hoping you guys will do what is right for the community.

Mr. Feeter: Thank you, Cora.

Ms. Stankenberg: Thank you.

Mr. Chaikin: Anybody else? Any Commissioners – further questions? Alright. Thank you, Cora.

Ms. Buchanan: I just have a question for staff.

Mr. Chaikin: Alright, is there anybody else from the public have any testimony on this item? If not, I'm gonna close the public testimony portion of this agenda item now and we can ask staff questions. Commissioner Buchanan, go ahead.

Ms. Buchanan: Nancy, I'm just gonna take a stab at it and assume that this project which concerns was raised by neighbors that the project had prior approval to this application today for a pole by our Planning Director?

Ms. McPherson: Thank you, Commissioner. When we do our analysis for SMA assessment, we research the property in our KIVA system. We look at all of the permits that have been either approved or in process for that property. I did that research for this particular situation. I was told by the applicant that this was for the two houses that had already received their building permits. So I check that in KIVA, and that was the case. It's listed at the end of the assessment form under Resource Analysis. So there is an approved farm plan because it's agricultural land. The two farm dwellings were not in the SMA, so in this case, they were not subject to SMA assessment requirements. If they had been, if that had been applied, they would've been exempted anyway, or we would've requested that you exempt them. But because the location of the homes was not within the SMA, and there was nothing else going on below it, supposedly— Although I did note here that there was a request for service at one time. And there was a complaint about grading, bulldozing, and grubbing. And that, you know, was not – it was withdrawn or voided as a violation because – or a permit was not required because the original conservation plan covered the work that was in question regarding this violation or request for service. So that means that there was a conservation plan that was done with I would imagine NRCS or the Soil and Water Conservation District. It's also part of the farm plan process, I believe. And so because it's— See, every kind of land use district and zoning has different rules. And this is ag. It's ag, ag, ag, ag. Only the lower part, the first about 150 feet from the highway is in the SMA. So because of that, only the power pole triggered an SMA assessment. So, yeah, I do the research before I recommend exemption.

Ms. Buchanan: Okay, thank you. Nancy, one more question—the RFS, when the RFS was requested for the service, did somebody actually come out? Did a zoning officer actually

come out to look at the work? Or did they just look up the conservation plan and voided it after that?

Ms. McPherson: I really don't know the answer to that. Perhaps the applicant does, but I do know that it was Ty Fukuroku and he does come over here from time to time. So it's quite possible he did a site inspection.

Ms. Buchanan: Okay, thank you. So the reason why this Commission had not reviewed the project is because it's not in SMA, so it's not under our purview. Otherwise, as our rules stand now, any development within the SMA whether it's exempted by the Planning Director has to come to this Commission.

Ms. McPherson: Right. And, you know, each situation is looked at individually. In this case, the sign off for the building permits occurred on Maui. I did not do that signing off on the building permits. So this is the first time that I've seen this project. And if the – let's say the SMA boundary was expanded, then the houses would've come under SMA at that point. So I think it's hard for the public sometimes doesn't understand that the only time usually the Planning Commission sees houses is when they are being built inside of the SMA. If they're not in the SMA and they meet all the other requirements, then Maui Planning Department, our Zoning Division, just signs off on the building permit and they're good to go.

Ms. Buchanan: One quick question, Nancy—when somebody requests for service, is there a letter that goes from the Department back to the applicant for the RFS advising them of their findings?

Ms. McPherson: I've seen those letters before, but I'm not sure that there was one done in this case. It's not always done. Sometimes it's worked out in other ways.

Mr. Chaikin: Any other Commissioners have any questions—concerns? Alright, you know, let me just say that, you know, we have a process here. It is certainly not a perfect process. And we are continually trying to figure out ways to make it a better process. And I think we've heard a couple things come up here. One, Cora brought up a good point that, hey, when you have actions that are happening that aren't in the SMA, but they require something to occur within the SMA, there should be some, you know, some connectivity between the two, or there should be some – like you've gotta get A before you can move to Step B. So there is, I think, you know, some ways that we can improve the process. I think another thing that comes up is I don't think we ever got clarity whether or not – you have a piece of property, and the house is not in SMA, but the property is in the SMA, whether or not just because the property's in the SMA, does that mean that all the improvements on that property are subject to the SMA? I have talked to people in the Planning Department that say, yes, they are. Other people say, no, they're not. So we

don't have clarity on if you have a big parcel, is everything that happens on that parcel considered to be in the SMA. So anyway, those are things that we can, you know, put down on our list of things to take a look at in the future, you know, that we can try to improve and figure a better way to do it. Right now, we have an action before us. You know, they're requesting for us to concur with them on this. And, Commissioners, do you have any further discussion on this? Are you ready to try to move this to some sort of a vote? Alright, do I hear any motions out there? Yeah, Commissioner Feeter, go ahead.

Mr. Feeter: In so far that this permit application has met all the requirements by the County Planning, I would like to move that this Commission accept that.

Ms. Buchanan: I second that motion.

Mr. Chaikin: Alright, we've got a motion. We've got a second. Is there any further discussion on this? Seeing none, all those in favor of this, raise their right hand.

There being no further discussion, the motion was put to a vote.

It has been moved by Mr. Feeter, seconded by Ms. Buchanan, then unanimously

VOTED: To accept concurrence.

Mr. Chaikin: Alright, passes unanimously. Thank you, Commissioners. Alright, so that means we can move along with our agenda here. And we've skipped down to Item E, which is an Orientation Workshop. What we're gonna – get a workshop on the environmental assessments and environmental impact statements. So, Clayton, are you gonna be quarterbacking this workshop for us?

Mr. Yoshida: Yes, Mr. Chairman. If we can take a short recess to set up the power point projector?

Mr. Chaikin: Certainly. Alright, we'll take a five or ten-minute break, and then we'll meet back here and resume.

(A recess was then taken at 1:40 p.m. and the meeting reconvened at 1:53 p.m.)

Mr. Chaikin: Alright, Commissioners, I'm gonna call this meeting back to order, and I'm gonna go ahead and turn it over to Clayton. He can take us to the workshop.

E. ORIENTATION WORKSHOP PART V

1. Environmental Assessments and Environmental Impact Statements

Mr. Yoshida: Thank you, Mr. Chair. I guess if the Commissioners can get comfortable, we have distributed a copy of our power point presentation. You can follow along. Today's workshop is in the environmental assessment, and the environmental impact statement process.

Chapter 343 of the Hawai'i Revised Statutes was adopted in 1974. It encourages the conservation of natural resources and enhancement of quality of life. It is the statutory basis for developing and processing of environmental assessments and environmental impact statements which will be referred to as EAs and EISes throughout the presentation. Many development projects require the preparation of either an EA or EIS. Before these development projects are approved, consideration must be given to environmental, social, and economic consequences. The Chapter 343 process assures the public the right to participate. The agency charged with administering Chapter 343 is the Office of Environmental Quality Control or OEQC. Publications of EA or EIS documents are found in the OEQC Environmental Notice.

How does Chapter 343 apply to projects? First of all, not all projects require an EA or EIS. The law established nine triggers which require compliance to Chapter 343. And we'll be going over these triggers in a few minutes. These triggers apply to two types of actions: those proposed by an agency, or those proposed by a private applicant. There are also ten exemption classes. The exemptions are actions with minimal or no significant effect on the environment. The exemptions are not applicable when the cumulative impact of plan actions in the same place over time is significant, and when a normally insignificant action may impact a particular sensitive area. The County of Maui has a comprehensive list of exemptions for all departments. The most recent version was adopted by the State Environmental Council in January 2007.

We will be reviewing the nine triggers. Be aware that the nine triggers are important because there are applications that come before the Commission that do not trigger Chapter 343 compliance. And the Commission sometimes asks why there is no EA or EIS document. So these are the nine triggers as specified by Chapter 343.

Chapter – the 343 process begins with the pre-consultation activities. Prior to preparing a draft EA, it is important to consult with government agencies and the community regarding a proposed activity. In the pre-consultation phase, the scope of development is detailed and potential impacts are identified. If in the pre-consultation phase, no significant impacts are anticipated, a draft EA is prepared. An EA document is an informational document. A draft EA which includes anticipated impact is filed with the Office of Environmental Quality Control. They then publish the notice of the draft EA, and a 30-day public comment period begins. As Planning Commissioners, you will review many draft EA

documents. This is usually the first time you will receive a project. Staff Planners normally distribute EA documents to the Commission well in advance of the meeting when the matter will be discussed to allow you adequate time to review the document and formulate your comments. It is important that you review the document and come prepared with your comments. All comments received during the comment period are responded to, and both the comment letters and applicant agency responses are included in the final EA document. The Planning Commission reviews the final EA document, and this is typically the second time you will review the project. If the final EA anticipates no significant impacts, a findings of no significant impact or FONSI determination is made. The determination is filed with the Office of Environmental Quality Control, and there is a 30-day challenge period. Once the 30-day challenge period ends, permit processing can continue. The pertinent application that accompanied the EA/EIS document would then be scheduled for a public hearing with the Commission. This is the third time you will review the project.

If through the pre-consultation project process, significant impacts are anticipated, an environmental impact statement is prepared. An EIS assesses the proposed project. And EIS prep notice is issued and a 30-day public comment period begins. A draft EIS is then prepared and filed with the Office of Environmental Quality Control. And they publish the notice of the draft EIS in their bulletin. Once published, a 45-day public comment period begins. All comments received during the comment period are responded to. And both the comment letters and applicant/agency responses are included in the final EIS document. The final EIS document is then filed with the Office of Environmental Quality Control. And if acceptable, a 60-day challenge period begins. Once the 60-day challenge period is complete and no appeal has been filed, permit processing can continue. If the final EIS document is not acceptable, there is a 60-day window whereby an appeal may be filed. An example of an EA which the Commission reviewed probably is the Molokai General Hospital Phase II Project. The draft EA came to the Commission for their comments. Then a final EA was prepared, and the Commission accepted or made a determination of a findings of no significant impact. And there was a – that determination was filed with the Office of Environmental Quality Control. There was a 30-day challenge period from the date of publication. And since there was no challenge filed, then we could proceed with the SMA permit application for the Molokai General Hospital Phase II Improvements

Okay, moving to the next slide, which is review and evaluation, EAs and EISes are similar in structure. However, the EIS is a more detailed disclosure document including a detailed analysis of alternatives and mitigative measures. Both documents must address impacts on their surrounding environment caused by a proposed development. Both EAs and EISes must also consider mitigative measures which are actions used to prevent, lessen, or counteract potential impacts. Both EAs and EISes must identify alternatives for the proposed action. In the photos to the right, we see examples of what impacts a development may have on the wildlife and the environment. The top photo shows potential impacts to sea life with manmade debris – because of manmade debris. The bottom photo

shows the impacts of sedimentation on coastal waters with inadequate land management methods.

The environmental assessment must consider every phase of the proposed action. It must also consider all types of impacts. There are four basic types of impacts. There are primary and secondary impacts: regional and site specific impacts, cumulative impacts, short term and long term impacts. And we will discuss these a bit – a little bit later. In order to determine whether a proposed action will have an impact on the environment, potential impacts are evaluated in relation to significance criteria. It's important to note that there may be unresolved issues in evaluating a potential impact such as traffic on the Lahaina Pali.

The first impacts we'll discuss are primary and secondary impacts. Primary impacts are effects caused by the proposed action and occur at the same time and place. This slide illustrates that construction of a proposed subdivision in forested lands may have a primary impact on wildlife in the area. Secondary impacts are effects caused by the proposed action and are later in time or farther removed in distance but still reasonably foreseeable. The parking lot shows a secondary impact associated with the construction of the parking lot. A parking lot may increase the potential for petroleum residue in storm water runoff, which could ultimately affect shoreline and marine resources.

Other impacts caused by development include regional and site specific impacts. Regional impacts are effects caused by the proposed action on a larger scale regional basis. An example of regional impact is a new proposed project district in a community plan region. This action would require the review of regional impacts. This slide on the left shows a number of proposed projects in the West Maui Community Plan Region. When a new development is proposed, it must take into consideration other proposed land uses and developments in the area. Site specific impacts are effects caused by the potential and proposed action in a localized smaller area. An example of a site specific impact is a limited building addition to an existing structure. This will likely require a review of the site specific impacts only. Requiring – reviewing a proposed action relative to the regional or site specific impacts will oftentimes depend on the type of proposed action and will often be determined by experience.

Moving to the next slide discussing primary, secondary, and cumulative regional–regional site specific impacts can have both short term and long term effects. Short term impacts occur immediately, and long term impacts occur over a given period of time. For example, a new golf course—a primary impact of a new golf course would be the impact on water usage. The short term impact is water usage during construction. The long term construction is water usage for continued maintenance of the golf course.

Cumulative impact is the impact on the environment resulting from the incremental impact of the action when added to the other past, present, and reasonable foreseeable future actions regardless of what agency or person undertakes such other actions. An example of a direct cumulative impact is traffic.

Significance criteria—when reviewing the potential impacts of a proposed action, an action may have a significant impact to the environment, if it meets any of the following significance criteria. And these are taken from the Chapter 343. So the project has to be reviewed relative to all of these significance criteria.

In measuring significance, in a significance criteria that we just reviewed, we noticed that most of the criteria is qualified as a significant effect if the action involves the following key words: irrevocable, destruction, conflicts, substantial, considerable, or detrimental. The question then becomes, how do you measure substantial, detrimental, etc.? In some cases, an impact can be quantified numerically such as air quality measured in parts per million, or traffic measured by level of service, or noise measured by decibels. There are also cases that are not so easily quantified and may have to be reviewed on a case-by-case basis such as the view corridors of our ocean or mountain vistas. In this situation, and considering the immediate surroundings of the proposed action, it may be desirable to re-site the building, or to reduce the height of a multi story structure so as to create or preserve a view corridor.

Mitigative measures are measures planned to prevent, lessen, or counteract potential impacts. There may be one mitigative measure, a series of mitigative measures such as best management practices for erosion control, turn lanes for level of service, or preservation plans that could be used or applied in order to counteract a potential impact. Other mitigative measures are identified by agency comments such as the installation of a traffic light, turning lanes, best management practices to reduce runoff or a preservation plan to protect historic resources. Mitigative measures are often – can often prevent a potential impact from quantifying – qualifying as a significant impact. This could be sufficient enough so as not to require the preparation of an EIS because the proposed mitigation measures has reduced the level of significance.

Alternative analysis—as mentioned earlier, EAs and EISes must contain an analysis of alternatives. Each alternative should provide a summary of potential impacts and any mitigative measures proposed to lessen the impacts. An alternative analysis should include input from the community. Oftentimes, the community members may be aware of concerns and impacts that make up a particular alternative more or less desirable. An alternative analysis can also identify beneficial uses of the property not originally considered. For example, redesigning a site plan to preserve or lessen impacts on scenic vistas. The preferred alternative should be the alternative with the least detrimental effect on the environment, but this is not always the case. When identifying and discussing alternative

methods for a proposed action, one should consider a different site or location. This might include another site on the same property or a completely different site, less density or intensity. For example, a multi family project poses a significant impact to traffic. By moving to a less intensive use such as single family development, the impacts are mitigated. Redesign—redesigning a site plan so as to preserve those areas where endangered plants or habitats are then applied; or when cultural, historical resources have been identified; and no project. This is usually an unpopular alternative, but in an area that is already developed, instead of intensifying the project, an alternative may be to remodel the buildings or convert existing vacant buildings into other uses. That basically concludes our power point presentation. Are there any questions from the Members?

Mr. Chaikin: Is there any questions from any of the community or anybody in the room have any questions? Seeing none, Clayton, could you just once more explain who decides and how do they decide whether it's gonna be an EA or an EIS?

Mr. Yoshida: I believe that Chapter 343 makes a distinction between— Well, I guess you have to look at the triggers, first of all. And then, yeah, Chapter 343 makes a distinction between agency action – public agency actions and applicant actions. So in the case of the – well, the impacts of the Super Ferry controversial issue. But say the impacts of the Super Ferry on Kahului Harbor, which is a State Department of Transportation Project, it's gonna be the State's going to be the accepting authority for that project. And an EA trigger is the use of State funds and the use of State lands. In the case of say, a community plan amendment, I guess they would defer probably to the first discretionary approval. This is based on the Malama Maui vs. Maui Land and Pineapple Company Upcountry Town Center Case where Maui Land and Pine wanted to build a commercial development in the Pukalani Triangle area. And essentially, the Judge ruled that they needed a community plan amendment, a State land use district boundary amendment, a change in zoning, and it was a project district so a project district approval. The Judge ruled that it's the first discretionary approval. Since the Council approves the community plan amendment, that is not a – that's a legislative approval, not a discretionary approval. So it is the Land Use Commission because it was more than 15 acres—the Land Use Commission approval of the boundary reclassification. So the Land Use Commission is the accepting authority on the environmental document.

Mr. Chaikin: So does that accepting authority is – are they ones that decide whether or not they need to do an EIS or EA?

Mr. Yoshida: The accepting authority has to find if relative to the significance criteria, say if they're doing an EA, if there are no significant adverse impacts, environmental or ecological impacts, and therefore, they could accept the final EA and make a findings of no significant impact, which the Molokai Planning Commission did on the Molokai General Hospital Phase II Project. Or the other way they could go is they could decide that there

may be significant adverse environmental or ecological impacts and require the preparation of an environmental impact statement. So it's really the accepting authority that will make the determination which is subject to legal challenge.

Mr. Chaikin: Thank you, Clayton. Is there anybody else that has any questions for Clayton? Alright, seeing none, thank you very much for that, Clayton. Does that conclude the whole workshop series?

Mr. Yoshida: Yes.

Mr. Chaikin: Alright, well, thank you. Alright, we'll – let's regroup over here, and then we can move on with our agenda here, and move into Item F, which is the Chairperson's Report.

F. CHAIRPERSON'S REPORT

1. Memorandum dated 3/27/08 of meeting with Chair and Vice-Chair with Director and Staff

Mr. Chaikin: Alright, moving right along, let's go to Item F, which is the Chairperson's Report. And the first item there is really the memorandum. And this is really the area in the agenda where we, as a Commission, and the public as well, figure out if there's any ways that we can make this a better process. And we have come up with some things in the past. Some things that we have, you know, accomplished is we've talked about letterhead, and we got that issue resolved of how we're gonna deal with our letterhead situation. We've dealt with the maps. We do have maps coming for both zoning and SMA for the Commissioners. We have successfully gotten some additional equipment for Nancy so she can be more efficient at her work. I think she's still missing a multi page scanner. So these somewhat lengthy documents so she can scan them a lot quicker than doing it one at a time. Some of the unresolved issues that we have are us obtaining our own email address. Also, being able to get email notifications of when our agenda's coming out and being able to give those out to the public for whoever wants them. We still haven't been able to get that accomplished, and also, some improvements to our website. We've basically got all those items on hold because they're coming up with a new website towards the end of this month or so. And when that comes out, we should be able to have a closer look at whether or not there's some areas there. We'll address these concerns or if, you know, there's some other additional items that we'd like to maybe address. But I'd like to move beyond these. I mean, I think that we have to – it's a continuing and ongoing process. And one of the things that – there's a whole long list of things on that memorandum. And one of my things that I have always kinda contended that we have to make this a transparent process. We have to allow the public the opportunity to see everything that's going on at these meetings. And you guys come, the public comes, and

you hear the testimony on all these different issues, but what you don't really know is what gets handed to us like testimony that we receive. If you're coming in here on a particular issue, you only know what you hear. You don't know all the things that we have sitting on our desks in front of us. Now, if you're astute, you're gonna go and ask Nancy, hey, is there any other documents pertaining to—? If you're an investigator, you can go and investigate and figure it out, but it shouldn't have to be that. It should be something fairly straightforward and something that's relatively easy for the public to take a look at all of the documents relating to a particular meeting. And I think the last Chair, DeGray, he really wanted to take this issue on. And I think when he first became the Chair, he brought this up—hey, we need a master meeting file. And he harped on that the whole time that he was Chair, and it really never got accomplished. And I think one of the reasons it never got accomplished is it might've been overreaching. It was a little bit more than I think that the Planning Department could really accept and be able to achieve. So I would like to make this a little bit simpler, in fact, real simple. That we would just have a file that's called "The Master Meeting File," that has every single document pertaining to that meeting in it. So when the public comes, I can tell the public if there's any of the documents they would like to see, they can go sit on the chair, and they can look through that file, so they can be on the same page as all of us, and have all the documents. And then if they actually want a copy of some of that, they can go later on to the Planning Commission Office window and request a copy. So let me first ask Clayton. Clayton, do you concur that us, as the Commission, can ask the Planning Department to do small relatively minor clerical activities or do you concur with that?

Mr. Yoshida: Yes. I believe that all of the documents circulated at the meeting are sent her to the Molokai Office, so they can all be put together in a meeting file say for the July 9th meeting.

Mr. Chaikin: Alright, so like for our next meeting, can we get like a little folder and have all of the documents in there? Even like for instance, this memorandum, I have this on this particular agenda. So it would be good to have that memorandum in the file even though it was passed out to us at an earlier date, but some member of the public coming here might not be familiar with the memorandum and might wanna actually take a look at. Is that something that we can include all the documents for the meeting in that file?

Mr. Yoshida: So you would want documents even for say, running agenda items – items that appear on every agenda like this item?

Mr. Chaikin: Yeah, like this, I have the memorandum. I've had it on there for the last five meetings. And so could we also have that particular document in the file?

Mr. Yoshida: Yes, we can do that.

Mr. Chaikin: Okay. So can we start this at the next meeting?

Mr. Yoshida: Yes.

Mr. Chaikin: Okay. So I'll be able to, you know, let the public know that if there's any documents that they wanna see— Because there's some documents that they know about. There's some documents that get handed to us and distributed that they don't really know about. And everybody should be on the same page. Everybody, all the public, should see exactly the same things that we see. So if they wanna provide testimony, and they wanna rebut any information that we're getting that they have an opportunity to do that. Okay, thank you, Clayton. Does anybody else – does any other Commissioners, or anybody from the public really have any issues that they wanna, you know, maybe put onto this list that we can improve somehow this whole process? Commissioner Feeter?

Mr. Feeter: We discussed a while back about having the meetings in the evening so the community can attend. Could we act on that?

Mr. Chaikin: Thank you, Commissioner Feeter. Yeah, and I think we all went around and we asked all of the Commissioners what they thought. And I think most of the Commissioners were alright having them later on in the day sometime or in the evening. And we asked the Planning Department to check into that and look for flights to see if they could, you know, actually, you know, get a flight to go back the same night so they could be with their families. And I think it came to be real problematic for the County staff to do that. And so, you know, we kinda – you know, we wanna have a working relationship. We could actually demand that they do that, but I don't think that, you know – you know, right now, I think my feeling is that if there's an important issues that the public would really wanna show up for that we would really should have the meeting in the evening. But if that's not the situation, I would be content with having them early in the day, and allow either the Planning Department to get back to their families at night, or not have to charter a very expensive private plane to take them back. I mean, do you concur with that or what do you think, Commissioner Feeter?

Mr. Feeter: I think we should get some data, valid data, first, and do a community survey, a real genuine scientific survey and see what the population would agree with. We also – we could ask some other pertinent questions. We can work on that that are community issues. Substance abuse comes to mind, first of all. It's ruining our community and it has been for some time. I think that these are issues that need to come up. But for right now, our meetings are so poorly attended, they really border on being insignificant.

Mr. Chaikin: Thank you, Commissioner Feeter. And I think your point about the survey is a good one. And hopefully, the new website that we have will be agile enough that we can actually do things like that is have an area on the website where people have – you know,

we could either do a survey, or we can ask for recommendations from the community at large. You know, it certainly would be good to hear from the people that aren't here at this meeting. So anyway, I'd like to move on. Is there anybody else that have – has any input into this particular agenda item? Commissioner Buchanan?

Ms. Buchanan: Is this where we come up with an action item wish list?

Mr. Chaikin: Okay.

Ms. Buchanan: Yeah? Okay, so, community brought up about the jet ski. So maybe on the next agenda, we can have maybe a letter coming from this Commission to DLNR because the letter was generated by community to DLNR which prompted the first community meeting. So maybe because it was addressed to us, we would like to send a letter from the Commission to DLNR citing concerns by the public and stating what Ms. Caparida had mentioned. That's the first action item. The second action item would be a letter to Gladys Baisa and her TVR commission or council, whatever. And that might have to go on the agenda as well so we can discuss it.

Mr. Chaikin: Commissioner Buchanan, are you talking about future agenda items like for the next agenda items to be on it?

Ms. Buchanan: Yeah.

Mr. Chaikin: Okay, that's gonna be coming up later under the Director's Report. So he's gonna talk about future agenda items but, you know, those are two things that we can certainly take a look at under the Director's Report.

Ms. Buchanan: Okay, we can do that under Director's Report. What about other stuff? If this Commission can concur to put a request through the Planning Department to get some items for our Planner. The first would be the purchase of a new Xerox. You wanna bring that up now?

Mr. Chaikin: I think that's very pertinent for this particular item because that was one of the things on the memorandum. We had a bunch of list of stuff that Nancy really needed to have to do her work. And she got some of them, but not some other stuff.

Ms. Buchanan: Okay, since I don't have that memorandum in front of me, the first item would be a purchase of a new Xerox, a color Xerox. Second would be the purchase of a screen for the projector so we can stop borrowing her sheet off her bed. The third would be for a multi page scanner, color. And the fourth would be for a paid intern because you made a simple request to have a master file, but guess who gets to make that master file? It's Nancy. Clayton can tell Nancy now, you gotta–

Mr. Chaikin: Well, there's other staff people too. I mean, that's Clayton's – utilize his staff the best we can. There's two people in the office over there. So he can provide that–

Ms. Buchanan: Over where?

Mr. Chaikin: As far as I know, there's–

Ms. Buchanan: You're talking about this office over here?

Mr. Chaikin: Yeah.

Ms. Buchanan: It ain't gonna get done, if Nancy doesn't do it. So that's why I just was – you know, the logistics of it, Clayton?

Mr. Yoshida: Yeah, I think it'll fall to Nina, but as you know, Nina is out right now because her brother passed away.

Ms. Buchanan: If Nina can do it, okay.

Mr. Chaikin: Okay, so you brought up four things, but I'd like to actually hear from Nancy. Nancy, could you come up and address those? Because we, as a Commission, can make a request, you know, write a letter and make a request to the Department, but I wanna make sure these are items that you need and you want.

Ms. Buchanan: That's items I need as a Commissioner and I want.

Ms. McPherson: You'd like your copies in color, your maps, I would imagine, so you could read them. Thank you, Chair Chaikin. Yeah, I work– The Department is responsive. Some of our challenges are just the budget cycle, identifying funding, actually putting in the purchase request, which those, you know, those are my responsibilities. So, you know, they all take research. They take time to find out what would be the best item to get and so– You know, and I just kinda keep missing – missing the boat, but it is the Department's desire to provide the equipment for the Department. So I think that any encouragement from the Commission would be wonderful. I definitely– I have a new desktop computer with GIS. So once I get a color copier, that's gonna really be awesome. We can create some really good maps for you folks. Helps me do my research and analysis cause we all know that, you know, Molokai doesn't have a lot of streets, and doesn't have a lot of – you know. It's not laid out like most places. It's all overgrown kiawe. And, you know, if you have aerials, and you can lay over the TMK lines, and that sort of thing, you can really see what's going on. So that's been provided. That was a huge progress. So I think next would be a scanner. We can probably get a scanner/copier/printer all in one, basically. There is a big production copy machine in the office right now. It's getting kinda old, and

it has some challenges. It can't really print out full pages of – with a lot of black ink on it. It always gets all jammed up when you try to do maps.

Mr. Chaikin: Alright, Nancy, how can we, as a Commission, help you to obtain those things?

Ms. McPherson: Well, if you desire, you could just send a letter to the Planning Director saying that we support any of Nancy's request for equipment and please expedite.

Mr. Chaikin: It would be good if we could be a little bit more specific because that kinda leaves it wide open. Is there some things that you really need that you would like to have? If you could pick three or four items, what would they be?

Ms. McPherson: They'd be again, a combination color/printer/scanner/copier that's networkable so that Nina and I could both use that. A screen and project which you – the Commission and Commissioner Feeter has been asking for a while now. And as far as a production copier, if I get my reports in, in enough time to Clayton and Suzie, they print everything up on Maui and bring it over. So what happens – what the challenges is when we have to print out a bunch of stuff here on Molokai. And I guess that's a bigger problem because you can't lease machines on Molokai. You have to buy them because no one will lease copiers, I guess. I mean, I don't know.

Mr. Chaikin: Okay, Nancy, do you think you could put together a letter from this Commission, and then we take a look at it at the next meeting? And then if we all approve it, we can sign it, or I can sign it, or whatever. We can send it off to the Director, and try to move this a little bit quicker through the system. One of things that I heard you talking about is you have a very, very slow Internet connection. And that really hampers your ability to move these documents at a pace that you can be efficient. Is that something that, you know, we can put in a request for? Or is that something that we can help in any way, you think?

Ms. McPherson: Well, again, I think just asking the Department to look into it. Our MIS Department has to look into it. They actually – with the new computer that I just got, they did do something that is actually speeding up access to the drives on Maui. So it has improved already since last week. So we're making progress. I don't know what the band width situation is. I think that MIS has to make that determination, but I think you guys asked if someone from MIS could come over here a little while back?

Mr. Chaikin: Yeah, we did, but then when the situation with the new website was coming out, we thought we'd have a wait and see attitude toward that. Well, we do have that new website coming out, so maybe after all that dust settles, you can see whether or not that improves situations, or it's still the same, or whatever.

Ms. McPherson: Yeah, I'll monitor it and time it every once in a while and see if it's still faster.

Mr. Chaikin: Okay, so you're gonna prepare a letter for us to take a look at, at the next meeting?

Ms McPherson: Sure.

Mr. Chaikin: Okay. Any other Commissioners have anything that they wanna add to--? How about any members of the public? Is there any way we could better serve you, or be more efficient, or do our jobs better, or--? Hearing none, boy, we must be pretty good. Okay. Alright, moving right along, let's just move to the next item on my Chairperson's Report, and that's really the West End water delivery issues.

2. West End Water Delivery Issues

Mr. Chaikin: And really the reason I had this on there is in the event that we wanted to discuss, we would be able to. You know, we don't really have any new news. We did have that meeting last night with the Mayor, and the Mayor came, and listened to everybody's testimony. And it's a lot of what we had heard before from Mahina Martin at our last meeting, but we're gonna have to wait and see what this public hearing is -- that's on the 15th? What's the date of that, and the time, and the place? Does anybody know--the PUC hearing? Is that on the 15th that--?

Mr. Yoshida: I believe it's at ten o'clock at the Maunaloa School Cafeteria.

Mr. Chaikin: Yeah, so that'll be an important meeting, kinda of the next step. And then the next step after that is for the PUC to actually act on their order. And then from there, hopefully, we'll be able to have some kind of an indication from the Ranch whether or not they continue to provide water through their utilities, or they're not going to, or they're going to with some of the utilities, and not with any of the other utilities or-- Hopefully, you know, they'll come forward with some kind of a statement for us to be able to know what's going on. Is there anybody else that wanted to add anything to this issue? Alright, seeing none, we're just gonna move right along here, then.

3. Molokai SMA Maps and Molokai Zoning Maps

Mr. Chaikin: I think that pretty much concludes my Chairperson's Report, so I'm gonna turn it over to the Director. Clayton? And he can present his Director's Report.

G. DIRECTOR'S REPORT

1. **Pending Molokai Applications**
2. **Closed Molokai Applications**

Mr. Yoshida: Thank you, Mr. Chairman, Members of the Commission. The Department has circulated the list of pending and closed Molokai applications. Are there any questions on that?

Ms. Buchanan: Chair, I have a question.

Mr. Chaikin: Yeah, go ahead.

Ms. Buchanan: Clayton, maybe I have two extra minutes to go, but it's real quick. Because on the permit name, it doesn't say the type of development it is, and so very quickly, if you can just let me know if it's a dwelling or what it is. And going to the first page, the Drucker TVR halfway down the page, that's an application for a TVR?

Mr. Yoshida: Yes, for a conditional permit and a State special use permit. So it must be on ag or rural lands.

Ms. Buchanan: Okay. So all the Ho`olehua Lands applications are for what—the cultural impact assessment? For what project? Nancy know. There's several applications for Ho`olehua Lands, cultural impact assessment/Molokai by Scientific Consultant Services. What is that for?

Ms. McPherson: Well, it's a request for comment and—

Ms. Buchanan: On?

Ms. McPherson: I have not had a chance to look at that. It was just assigned June 20th so — but I need to make a comment on that. I'm sure it's — as soon as possible.

Ms. Buchanan: Okay.

Ms. McPherson: I can give you a report at the next meeting as to what's that about.

Ms. Buchanan: Okay. Gartland, James, new office/retail building—it's where?

Ms. McPherson: Again, that looks like — well, there's Gartland, new office/retail Building B. That is Danny Dias's. Some of these projects are assigned to other Planners, it looks like, so—

Ms. Buchanan: Yeah, so mostly I just wanted one location. Clayton?

Ms. McPherson: Okay, well, yeah, we have the TMK number there. If you'd like, I could generate a map in Accela that shows you where it is for the next meeting.

Ms. Buchanan: Okay. Molokai Canoe Club?

Ms. McPherson: Yeah, I think what they want to do there is they want to put up a new shade structure so—

Ms. Buchanan: Okay, but that's not for a new permit for a new structure on the shoreline?

Ms. McPherson: No, I think it's a request for comments so—

Ms. Buchanan: Okay.

Ms. McPherson: They don't need – it seems they don't need an SMA permit. They might just be replacing the fabric or something.

Ms. Buchanan: Okay. So on the next page, Lloyd Inouye, the window and gate alternations, where are we on that?

Ms. McPherson: That's Hiyaku Gas and Go. I need to work on that one next.

Ms. Buchanan: Okay. The Verizon Wireless center cell site/Kaunakakai, was that a co-location of poles on the MCC site?

Ms. McPherson: Yes, it was.

Ms. Buchanan: What happened to that?

Ms. McPherson: Well, you know, the Verizon applications are kind of interesting because they come in, and then they kind of go away for a while, and then they come back so—

Ms. Buchanan: Okay, cause I saw that posted in the newspaper sometime ago. I called that number for contact and I made comment that if they looked at the initial permit, the initial permit conditions of use was no co-location for that project if it was MCC. So I just wanted to know—

Ms. McPherson: I think I gave that information to them, and so they're kind of figuring out what they wanna do.

Ms. Buchanan: Okay. And the Pawn – the Karen Pawn second dwelling, it's a second dwelling on an existing site where the first dwelling is—residence?

Ms. McPherson: Yes. Yeah, that's one I'm working on also.

Ms. Buchanan: And the Jim Fada is for a single family dwelling?

Ms. McPherson: That looks like a farm plan.

Ms. Buchanan: Okay. Oh, I see.

Ms. McPherson: And those are approved by Jay Arakawa on Maui. So again, if they're gonna build houses in ag and they're not in the SMA, they need a farm plan. They are sending me a copy of the farm plan, once it's approved, though. So I do have copies of those on file.

Ms. Buchanan: Okay. Sorry, I no more the acronyms otherwise, I would figure it out on my own. So next – last page, the Gilliland, Sydney–single family?

Ms. McPherson: Yeah, I'm going to be trying to get that ready as soon as possible.

Ms. Buchanan: Okay. And the Peter's Paradise, what is that? What is CP?

Ms. McPherson: That's also a vacation rental, yeah.

Ms. Buchanan: The variance, Herling Variance, variance for what?

Ms. McPherson: I'm not sure. That's assigned to another Planner so – but I can try to find out for you.

Ms. Buchanan: Yeah, that would be good. I never like be blind-sided by one variance for height or something that we never know what was coming. And that Hale O Pu`Hala is vacation rental again?

Ms. McPherson: Yes.

Ms. Buchanan: Two-lot subdivision, Gordon, Greg – Greg Gordon is where?

Ms. McPherson: That looks like it's on Mana'e. I can get you a map of that also, if you'd like.

Ms. Buchanan: Also for the Woo property?

Ms. McPherson: Yeah, that's an after-the-fact for grubbing and grading. And they have – I think I'm waiting for one more submittal of information from them.

Ms. Buchanan: Okay, Roland Salmon?

Ms. McPherson: That is also construction that was begun without a permit and an after-the-fact SMA assessment.

Ms. Buchanan: Hawai'i Shared Owners, subdivision/Puko`o?

Ms. McPherson: It looks like that is also being handled by ZAED.

Ms. Buchanan: Okay, for that one, I would wanna know how large the subdivision is or the preliminary – if they went in for a preliminary subdivision approval.

Ms. McPherson: Okay.

Ms. Buchanan: Okay. Second dwelling, DeCosta dwelling?

Ms. McPherson: Yeah, that's another–

Ms. Buchanan: Second house on a current residential?

Ms. McPherson: Yes.

Ms. Buchanan: And the Honouliwai land swap from the County Council?

Ms. McPherson: Yeah, that's a – two parcels that are on Honouliwai Stream. They're mauka of the highway, of course, and there's a question about the State land use district. So they– I'm drafting a letter to the owners. They have to find that out from the State, and get that clarified before we can– But what they're requesting is that they swap land so that they can build somewhere else because that is in a floodway. Those properties are in a floodway. So that's – Danny's handling that one.

Ms. Buchanan: Danny's handling that. Okay. Okay, so just the map on the parcels in question, and the questions. That's it. Thank you very much.

Ms. McPherson: Okay, thank you.

Mr. Chaikin: Any other Commissioners have any other questions on the open projects? Clayton, just on the La`au Point and the Kaluakoi Hotel, La`au Point had a whole bunch of applications in, and now I see it's only reduced to one. What happened to all the rest of them?

Mr. Yoshida: They're kinda all being processed. Well, they have all been submitted; however, we cannot move on the first request which is the community plan amendment until the State Land Use Commission accepts the final EIS.

Mr. Chaikin: You took all the rest off of here for now?

Mr. Yoshida: No, they're all still pending, but they're all awaiting acceptance of the final EIS by the State Land Use Commission.

Mr. Chaikin: Alright. So on all the TVR projects that are on here, are they moving through the system? Or is the Planning Director stalling those applications? Or what's happening with those?

Mr. Yoshida: I think if the applicant wants the permit process, we are processing their application.

Mr. Chaikin: You said it's on the discretion of the applicant?

Mr. Yoshida: Well, I believe that with the enforcement process that occurred last summer after the Council filed the Bob Carroll TVR Bill, we wrote to the different applicants, you know, because we had been holding them in abeyance anticipating that there may be some new legislation that might be adopted. But when they were filed, we wrote to the applicants saying that this is what the community plans says, this is what the General Plan says, do you still want us to process your application? And for those that say, yeah, we want you to process the application, we've been processing those applications. That's why we – I think there was an article in the *Maui News* today about this Don Nelson TVR application at Ma`alaea. So we are processing these TVR applications.

Mr. Chaikin: Alright, thank you. I don't know if there's any of these open projects that are actually on the West End in Kualapu`pu, Kipu, Maunaloa, or any of these other places that might be affected by the current water situation, but I'm just bringing it up for, you know, maybe a comment from you. I mean, I don't know if any of those items are gonna come up to us to take a look at, but I just bring up the thought that, you know, are we in a position at this point to take a look at any project which would move towards a building permit when there's no definitive source of water, and there is no definitive company that's gonna provide that water. Can you comment on that, or how we, as a Commission, should–? What recommendations do you give to us in terms of looking at potential permit requests from these locations?

Mr. Yoshida: Well, the Council had adopted that Show Me the Water Bill. I think that applies to subdivisions, and that's being administered by the Department of Water Supply.

Mr. Chaikin: Okay, but there's the – the issue right now with the lack of certainty for water for the West End and other places. I mean, if somebody comes forward with some request to get a building permit out there, we, as a Commission, if it's in the SMA, it would come through us. I'm just throwing that out to you and to the Commission to discuss that. You know, where do we stand on that? I mean, should we even be looking at those applications until that gets resolved, or what's your feelings with that?

Mr. Yoshida: Well, I believe, depending on the type of application that they come in with and the criteria – you know, some of the criteria are that there is sufficient infrastructure to support the application. That includes water, wastewater, disposal, etc. So the Commission can look at those criteria when the individual application comes before them.

Mr. Chaikin: Alright. Well, thank you. Is there any other questions for Clayton on these open projects? Alright, Clayton, you can move forward.

3. Status of the Filling of the Vacant Molokai Planning Commission position

Mr. Yoshida: Let's see. The status of the filling of the vacant Molokai Planning Commission position—we talked to the Mayor's Office and they informed me that Mayor has submitted a name of Karen Waros to the Council. And so probably within the next 60 days or less, the Council will act on the nomination.

4. Agenda Items for the July 23 meeting

Mr. Yoshida: As far as the agenda items for the July 23rd meeting, of course, we have the D&J Ocean Farms item. That will be noticed. We were planning to bring back the Service Business Residential Bill. We had stated at the last meeting that Joe Alueta would be on vacation for three weeks starting from July 2nd. So that's why we couldn't bring it up at this meeting cause he's on vacation. We may bring up a few other SMA assessment applications. And I guess Commissioner Buchanan had mentioned some items about writing to DLNR about jet skis, and writing to the Council Planning Committee about TVRs.

Ms. Buchanan: One more thing for Clayton to add to that was the discussion of the letter writing by the Chair. At least to have it on our agenda so we could not be in violation of the Sunshine Law.

Mr. Chaikin: Is there any other Commissioners that have any issues that you feel is important that we should take a look at? Alright, hearing none. Clayton, did you wanna—? Just for clarification, that bill for an ordinance, is Joe gonna be back in time for our next meeting to put that on the agenda?

Mr. Yoshida: Yes, he'll be back.

Mr. Chaikin: Okay, thank you.

5. Rescheduling of the public hearing for the Duke Maliu Baseyard to August 27

Mr. Yoshida: We had discussed at the last meeting the scheduling of the public hearing on the land use entitlements for the Parks Department baseyard at Duke Maliu Park. And it was scheduled for August 13th, but the matter – the design of the building has to be reviewed by the Urban Design Review Board. And unfortunately, their consultants were not able to schedule that for July. So we have to schedule that for the first meeting in August. Darryl Canady is a member of the Urban Design Review Board. So therefore, we are pushing back the date of the public hearing on the land use entitlements by this Commission to August 27. And we just wanted to inform the Commission and the public in case they were preparing to testify on the matter on August 13th that we need to have the review by the Urban Design Review Board. And that's all we have to report.

Mr. Chaikin: Alright, any questions for Clayton? Commissioner Feeter?

Mr. Feeter: Yeah, is the Duke Maliu Baseyard – is that a County highway baseyard?

Ms. McPherson: The Parks Department is moving its baseyard from right over here over to the park, yeah, to the back of the park where the parcels kinda of meet up. So we won't be hearing them sawing stuff during our meetings anymore if it gets approved. But they need more room and they've been asking for this for a while. And they have a completed EA so we're going to go ahead with that as soon as we can.

Mr. Chaikin: Okay, Clayton, is that your – complete your Director's Report?

Mr. Yoshida: Yes, Mr. Chairman.

Mr. Chaikin: Alright, well, good. That brings us to the end of our agenda. Does the County have any further business? Alright, hearing none. Any Commissioners, do you have anything else before we adjourn this meeting? Seeing none.

H. NEXT REGULAR MEETING DATE: July 23, 2008

Mr. Chaikin: Our next regularly scheduled meeting will be Wednesday, July 23rd, at 12:30 right here at Mitchell Pauole. So I'd like to thank Akaku for being here and thank all the public for taking time out of your schedule to be here. And this meeting is now adjourned.

I. ADJOURNMENT

There being no further business to come before the Commission, the meeting adjourned at 2:56 p.m.

Submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards and Commissions

RECORD OF ATTENDANCE

Present

Steve Chaikin, Chairperson
Mikiala Pescaia, Vice-Chairperson
Lori Buchanan
Bill Feeter
Sherman Napoleon, Jr.
Don Williams

Excused(E)/Absent(A)

Lynn DeCoite (E)
Joseph Kalipi (A)

Others

Clayton Yoshida, Planning Program Administrator
Nancy McPherson, Staff Planner, Molokai
Michael Hopper, Deputy Corporation Counsel
AKAKU