

1 MR. GINOZA: It will be five minutes.

2 MS. LOUDERMILK: Approximately five minutes.

3 CHAIRMAN STARR: Okay. Please proceed, Mr.  
4 Ginoza. Thank you.

5 MR. GINOZA: Good morning, Chair Starr, and  
6 members of the Maui Planning Commission. My name is Kyle  
7 Ginoza, and I'm with Munekiyo & Hiraga, and we're assisting  
8 various wireless carriers who are the applicants in the  
9 proposed Paia Mill telecommunications facility at the old or  
10 the former Paia Mill in Pa'ia.

11 The applicants are six wireless carriers,  
12 Cingular, Clearwire, MOBI, Sprint/Nextel, T-Mobile, and  
13 Verizon Wireless, and so it's a consolidated effort of these  
14 major wireless carriers. As I mentioned, I'm Kyle Ginoza  
15 with Munekiyo & Hiraga, and Gwen Hiraga from our office is  
16 here as well. The project location is the former Paia Mill  
17 site at 519 Baldwin Avenue in Pa'ia.

18 To give you a little bit of background on the  
19 project, the applicants propose a consolidated  
20 telecommunications facility which will co-locate all of  
21 their equipment within one site, which primarily is  
22 comprised of -- as you can see in the second bullet -- an  
23 antenna ray which would be in an elevated position which  
24 will be in an existing structure, the former sugar bin  
25 structure at the Paia Mill site. It's on the makai portion

1 of the site. As well as at-grade equipment shelters or  
2 cabinets on concrete pads, which will basically be  
3 supplementary equipment to the antennas.

4 In addition to the telecommunications' specific  
5 equipment, they are intending to develop a 12 foot wide  
6 gravel road that would provide access from Baldwin Avenue to  
7 this sugar bin facility or structure.

8 To give you a little bit of orientation, here is  
9 the Pacific Ocean, I think everybody knows where the Paia  
10 Mill is, but Hana Highway, Baldwin Avenue, the post office  
11 is somewhere around here, and here is the Paia Mill site.  
12 Skill Village is along here, mauka of the site.

13 This is a photograph of the sugar bin structure.  
14 You can see HC&S has taken off what was the siding on the  
15 sugar bin at least a year ago. I took these pictures about  
16 a year ago. This is a view of the sugar bin from Baldwin  
17 Avenue. The facility is fenced off, and the gravel access  
18 road would be kind of in this orientation. The ocean is  
19 along here, and then Baldwin Avenue is in the foreground.

20 So this is the entire Paia Mill parcel, and there  
21 are some remnant buildings from the Paia Mill. The sugar  
22 bin structure is right here. And again, Baldwin avenue is  
23 along this orientation.

24 So what the carriers intend is to -- and I will  
25 show, the next slide is an elevation so you can see from the

1 side view what it looks like. But the elevation is looking  
2 from here this way on the next slide. But here is that  
3 gravel road, the sugar bin structure, and there will be  
4 basically six equipment pads to accommodate the equipment  
5 for the supplementary to the antenna.

6 So this is the orientation looking mauka. Here is  
7 that structure that basically the antenna rays that are  
8 proposed will be within that structure, and HC&S will  
9 reconstruct the siding out of fiberglass material to allow  
10 for radio frequency pass-through, I guess. As shown here,  
11 here are some of the equipment shelters that are at grade  
12 and roughly I think 12 feet, 10 or 12 feet in elevation.

13 So to give you a little bit of background on the  
14 actual parcel, as Robin mentioned, it's in the urban  
15 district and the Pa'ia/Haiku Community Plan is heavy  
16 industrial. The county zoning is urban reserve. And  
17 because a telecommunication facility isn't an explicit  
18 permitted use in the urban reserve, a conditional permit is  
19 required for this type of use, and that's why we're before  
20 you today. A conditional permit application was filed in  
21 December of last year.

22 And in summary, the facility is to provide a  
23 co-located telecommunication facility to enhance reliability  
24 and service, wireless service for the region. The antenna  
25 rays that I described will be located within the sugar bin

1 structure and not exposed. It will be within on the inside  
2 of the siding. The facility will be constructed to ensure  
3 that federal health and safety standards are met.

4 And I know one of the comments that we received  
5 was from the Police Department that we continue to work with  
6 them to ensure that their communications frequencies aren't  
7 impacted. So I know that's one of the conditions that Robin  
8 had put into that, and we are agreeable to that, that we  
9 continue to work with them to ensure that emergency and  
10 communication frequencies aren't detrimentally affected.

11 So as a consequence, we feel that the proposed  
12 telecommunications facility serves the best interests of the  
13 community by co-locating everything and providing better  
14 service for the community.

15 That concludes my presentation. Thank you very  
16 much, and I can answer any questions that you may have.

17 CHAIRMAN STARR: Thank you, Mr. Ginoza. Questions  
18 from Members to the applicant or staff? Commissioner  
19 Hedani.

20 COMMISSIONER HEDANI: Kyle, does the facility  
21 replace towers that have been placed in other locations and  
22 consolidate it in one location, or does it just supplement  
23 other towers that are already existing?

24 MR. GINOZA: Right now they have kind of portable  
25 facilities that they want to actually make into a permanent

1 co-located facility. They have these COW, Communication on  
2 Wheels, where they have these antennas on wheels. So they  
3 want to have a more permanent station.

4 COMMISSIONER HEDANI: But this is not replacing  
5 say a tower that's up in Haiku or something like that?

6 MR. GINOZA: No.

7 CHAIRMAN STARR: Dr. Iaconetti?

8 COMMISSIONER IACONETTI: This is probably a stupid  
9 question, but what effect would there be on the wireless  
10 service if that location was destroyed?

11 MR. GINOZA: I'd like to call up one of the  
12 carriers, because I'm not really sure what impact that would  
13 be, so --

14 CHAIRMAN STARR: Please introduce yourself. Come  
15 on up.

16 MR. SCHATZ: Good morning, Mr. Chair,  
17 Commissioners. I'm Eric Schatz, I'm the director of site  
18 development for MOBI PCS, and apparently I've been nominated  
19 to speak for the carriers that are present today.

20 If I understand the question correctly, if this,  
21 the sugar bin facility itself were to be destroyed, what  
22 would the impact of that destruction be on our networks.  
23 Essentially it would leave a coverage gap for all of the  
24 carriers. There's currently some coverage in the area today  
25 from neighboring sites.

1           Several of the carriers have these temporary  
2 facilities at the mill today. Presuming that those  
3 temporary facilities were removed and everything had been  
4 relocated to the sugar bin structure, if the structure goes  
5 away coverage is definitely impacted. There would be a  
6 limitation of subscribers of all the carriers in their  
7 ability to use their devices.

8           COMMISSIONER IACONETTI: Well, I'm wondering if  
9 this is a good idea to have everything in one place, and if  
10 that one place gets destroyed then we don't have any  
11 communication, wireless.

12           MR. SCHATZ: I think you can probably say the same  
13 thing about any number of sites throughout the islands. The  
14 carriers typically do co-locate, and there will be up to in  
15 some cases six carriers in one location. It's not unusual  
16 at all.

17           In terms of this particular facility, is it any  
18 more likely than any of those others to be destroyed? I  
19 don't believe so. I believe that the structure has been  
20 deemed sound and will be maintained going forward.

21           COMMISSIONER IACONETTI: Thank you.

22           CHAIRMAN STARR: What's the distance to the  
23 nearest residential.

24           MR. SCHATZ: From the sugar bin site to the  
25 nearest Skill Village residents it's approximately 350

1 meters, just roughly just over 1100 feet. And then I guess  
2 -- I guess over here there's a subdivision that's about 500  
3 feet away. I'm not really sure of what is -- maybe Bruce  
4 knows better about what is in that area.

5 COMMISSIONER U'U: That's where the TVR's are at.

6 MR. GINOZA: That is about 500 feet away. That's  
7 across Baldwin Avenue, a little bit makai.

8 CHAIRMAN STARR: How about educational facilities  
9 and others, is there a school not that far, are there any  
10 playgrounds or anything closer?

11 MR. GINOZA: Doris Todd.

12 MS. LOUDERMILK: There's none. Excuse me, the  
13 nearest facility would be Doris Todd, and that would be half  
14 way going up to the Paia School site. Other than that,  
15 again, going up would be the gym, but they're located a  
16 couple of thousand feet outside.

17 CHAIRMAN STARR: I assume that they've done an RF  
18 analysis. A thousand feet doesn't sound like it's an issue,  
19 but I assume that analysis has been about the RF emissions  
20 to the nearest residential.

21 MR. GINOZA: I'm not sure about the specifics. I  
22 know they would be to federal standards but --

23 CHAIRMAN STARR: Can a spokesperson for the  
24 carriers tell us whether they've done that analysis?  
25 Because I believe they're supposed to do that analysis.

1 MR. SCHATZ: Yes, the analysis is required, and I  
2 believe each of the carrier has completed their own internal  
3 analysis, which will include the output of all of the  
4 carrier.

5 CHAIRMAN STARR: So in other words, the analysis  
6 will be cumulative?

7 MR. SCHATZ: Correct.

8 CHAIRMAN STARR: Okay, Members. Commissioner  
9 Mardfin.

10 COMMISSIONER MARDFIN: A couple of quick ones.  
11 You showed us a picture of the sugar bin. It sounded like  
12 you're hiding this somewhere. If we were to take a  
13 photograph two years from now would there be any change that  
14 we would notice? Except I'm not talking about the ground,  
15 because I understand you're building stuff there, but as you  
16 look up at that would it appear any different?

17 MR. GINOZA: There would be the siding. The  
18 photograph I showed was absent of the siding that -- let me  
19 show you.

20 So this is what hit looks like now. You can see  
21 all the antennas would be located within this upper  
22 structure that is absent of having any kind of siding around  
23 the perimeter and on the roof.

24 COMMISSIONER MARDFIN: So you will put siding  
25 around it?



1 MR. GINOZA: It will look something like this,  
2 where it would be surrounded by siding and roofing, like how  
3 it was before.

4 COMMISSIONER MARDFIN: In the old -- I think I  
5 want to make sure I interpret that last line correctly. In  
6 the old days there was siding around it?

7 MR. GINOZA: Yes. They removed it because it was  
8 quite dilapidated.

9 COMMISSIONER MARDFIN: So it would look more like  
10 the original after you're finished?

11 MR. GINOZA: Yes.

12 COMMISSIONER MARDFIN: Are they going to use  
13 either materials or at least have the appearance of using  
14 materials that will appear like it used to be?

15 MR. GINOZA: Yes. Except that whereas in the past  
16 it was, I think it was like a corrugated metal-type  
17 material, they're going to use fiberglass so that it would  
18 allow for RF transmission.

19 COMMISSIONER MARDFIN: So it won't look more like  
20 it used to. I mean it will look like it used to look in  
21 that it's enclosed, but it won't look like it used to look.

22 MR. GINOZA: Well, it will still look that similar  
23 texture, but the actual material itself --

24 COMMISSIONER MARDFIN: Okay, thank you.

25 MR. GINOZA: -- would be different.

1           CHAIRMAN STARR: The actual bin portion of it, it  
2 frankly looks pretty ugly in its rusting state. Is that  
3 going to be cleaned up and painted or is it going to be left  
4 to rust away?

5           MR. GINOZA: I'm not sure what kind of plans HC&S  
6 has for that, it's not -- the carriers are leasing portions  
7 of this facility for this use, but they're not involved in  
8 the restoration or elimination of other structures in the  
9 facility. So I'm not sure what they have plans for. You  
10 mean in this portion of it?

11           CHAIRMAN STARR: Yes.

12           MR. GINOZA: I'm not sure.

13           CHAIRMAN STARR: It doesn't look like that at all.  
14 Can we leave that up there? I have a question for staff,  
15 for Planner Loudermilk.

16           When you have an industrial facility that the use  
17 has been discontinued, in the case of the Paia Mill, and now  
18 we have kind of rusting industrial stuff that may not be the  
19 most beautiful to some of the beholders, I don't know, I'm  
20 curious is there an obligation to remove rusting industrial  
21 eyesores from the landscape? And, you know, if so, does  
22 creating a new use out of it obviate that kind of social  
23 responsibility so that, you know, we kind of end up stuck  
24 with it?

25           I know like in Seattle Gas Works Park, which to be

1 is the ugliest thing in the whole Pacific Northwest, some  
2 people have been kind of feeling that this stuff should be  
3 left in the landscape to remind us of the old days, but I'm  
4 not a real fan of that.

5 MS. LOUDERMILK: First of all, there's been no  
6 indication whether the structure is not sound. Secondly, in  
7 terms of the improvements that will be required, the  
8 soundness of the structure will be taken into consideration.  
9 Thirdly, the determination of what gets torn down due to  
10 derelict or similar is not connected with the zoning or use  
11 of the property. That is a separate agency or entity to  
12 make the determination based upon public health, safety and  
13 welfare.

14 And lastly, regarding the use, as indicated  
15 earlier, because of a stoppage in use really has no bearing  
16 in relationship to whether a structure poses a public health  
17 and safety risk. It doesn't cover this due to the zoning or  
18 the land use.

19 CHAIRMAN STARR: Is there any wording in the  
20 general plan or community plan regarding aesthetics or the  
21 beauty of, you know, of post-industrial sites?

22 MS. LOUDERMILK: Quite frankly no, because it  
23 hasn't been updated since all the mills have closed at this  
24 point in time. But I do think that in order for the  
25 carriers to want to locate there, that the HC&S will ensure

1 that the structure is sound, can accommodate in a safe  
2 manner all of the various antennas, and that, quite frankly,  
3 will continue to have an existing presence within the Pa'ia  
4 community, though it may not be used for a sugar bin.

5 CHAIRMAN STARR: Okay, thank you. Commissioner  
6 Hedani?

7 COMMISSIONER HEDANI: Robin, can we just make that  
8 a condition, that the structure be repainted?

9 MS. LOUDERMILK: Yeah, we can. And the only  
10 reason why, the carriers are willing to do it, but it's  
11 actually HC&S.

12 COMMISSIONER HEDANI: It doesn't matter if the  
13 carrier or the landowner or both, but it should be done.

14 MS. LOUDERMILK: Okay. You're going to have to  
15 assist me on wording, but yeah.

16 CHAIRMAN STARR: Okay, Commissioner Mardfin.

17 COMMISSIONER MARDFIN: In the paperwork we got  
18 there was a letter from DPW talking about they wanted the  
19 road paved. There was a response from the applicants that  
20 they didn't want to pave it or that, you know, the issue is  
21 gravel running out. There was not a follow-up letter from  
22 DPW as to whether the response was acceptable to them or  
23 not.

24 MS. LOUDERMILK: Mr. Miyamoto?

25 MR. MIYAMOTO: The reason for our comment was that

1 Baldwin Avenue has a lot of bicycles on it, and we have  
2 different types of bicyclers, We have both the tour bicycles  
3 and we have the road riding people. Recently we did some  
4 improvements at the existing mill crossing, there's a  
5 concrete pad that had some cracks and an accident resulted  
6 from that cracked concrete, so we went ahead and did some  
7 repairs.

8           And in looking at it we're just concerned that  
9 there could be some loose rocks on the roadway, and that's  
10 our concern about the driveway. We're just concerned, we  
11 just want to make sure that the access has at least some  
12 kind of a driveway pad near the roadway so that should rocks  
13 be tracked by the vehicles they can fall onto that hardened  
14 surface. The gravel roadway, that's fine, that's up to  
15 them, but it's the access that's onto the roadway that's  
16 really a concern.

17           COMMISSIONER MARDFIN: Are you satisfied with the  
18 response to your department's letter?

19           MR. MIYAMOTO: I'll have to look at it real quick,  
20 I'm sorry.

21           CHAIRMAN STARR: So yeah, as I understand it, you  
22 want to see the first 50 feet or 100 feet, or something  
23 like, that be surfaced.

24           MR. MIYAMOTO: I mean typically for a driveway  
25 entrance within the county right-of-way it would require our

1 typical driveway type of access, which helps keep the gravel  
2 from the roadway.

3 COMMISSIONER MARDFIN: If it will help you, it's  
4 exhibit 13 I believe where they provide their  
5 counter-suggestion.

6 CHAIRMAN STARR: While you are looking that up,  
7 Commissioner U'u.

8 COMMISSIONER U'U: Can we just put it in as a  
9 condition, to construct an apron off of Baldwin Avenue?

10 CHAIRMAN STARR: Commissioner Hedani.

11 COMMISSIONER HEDANI: Robin, is there a  
12 landscaping plan to screen out the equipment from view, or  
13 is there some kind of -- is there a chain link fence and is  
14 this going to be around the facility?

15 MS. LOUDERMILK: There's going to be a chain link  
16 fence. There is -- I did not, well, the existing fence, and  
17 I did not require any additional landscaping at this point  
18 in time, none required. I mean I'm curious to hear what you  
19 have to say in terms of where the landscaping would be.

20 COMMISSIONER HEDANI: I'm not a real big fan of  
21 chain link fencing unless it's either vinyl claded or with  
22 vinyl inserts or if there's some kind of screen.

23 MS. LOUDERMILK: It's already there, they're not  
24 going to add anything on. They're not going to add any  
25 additional. I'm not sure.

1           COMMISSIONER HEDANI: To screen the equipment from  
2 view. You're saying it's not visible from Baldwin Avenue.  
3 Well, let me ask, is it very far away from Baldwin Avenue  
4 that you can't really see it?

5           MS. LOUDERMILK: You can see it from Baldwin  
6 Avenue, but I think the type of the structures that will be  
7 coming up are no different than other types of support  
8 structures that are there on the mill site. I wouldn't want  
9 to make this area nice and pretty and the rest of the mill  
10 not, at this point in time. But, you know, I defer to you  
11 folks.

12           CHAIRMAN STARR: Let's move along to public  
13 testimony, and then Mr. Miyamoto can get back to us when we  
14 get to a motion and conditions.

15           Are there any members of the public wishing to  
16 give testimony at this time on this item? Please come  
17 forward and identify yourself.

18           MR. SCHATZ: Again, Eric Schatz, Director of Site  
19 Development for MOBI PCS. The nature of my comments were  
20 coordinated with other members of the carrier group, and  
21 we'd like to bring to your attention a couple of the  
22 conditions that have been recommended by the Planning  
23 Department, specifically conditions number 2 and number 3.  
24 They present some challenges that I think are relatively  
25 unique for a multi-carrier consortium, and for the wireless

1 industry in particular.

2 Condition number 2 has a valid period of two years  
3 for this conditional permit, after which we will need to  
4 come back and seek extensions. We'd like to request some  
5 consideration for additional time on this period beyond two  
6 years before we come back for an extension. The reason  
7 partially being here we're about a year into this  
8 conditional permit request.

9 Assuming that we are granted approval of that, we  
10 could be looking at another full year, maybe more, to simply  
11 acquire the building permits to develop these facilities,  
12 and then we will go into a construction period. We could  
13 only have use of the site, in that it's actually serving the  
14 public, for six or eight months prior to being required to  
15 come back and request an extension of that permit. If for  
16 some reason the extension of that permit weren't granted, we  
17 have invested all this time and substantial sums of money  
18 for a very short duration use of the site.

19 We'd like to request that the initial period of  
20 use be at least five years to allow us some time to begin to  
21 recoup that investment before we are in jeopardy of losing  
22 the permit. I think that the public interest is still  
23 served by other conditions that require us to comply with  
24 the conditions and with the plans that were submitted. And  
25 if we're in violation of those plans or in violation of



1 those conditions, we haven't done what we've said we were  
2 going to do, there's still recourse for the Planning  
3 Department to protect that public interest.

4           The other point I'd like to bring up is in  
5 condition number 3, and that condition says that this  
6 conditional permit will be non-transferable unless it comes  
7 back to Council for review and approval. In the last three  
8 years alone in this business, Sprint and Nextel have merged,  
9 Cingular became AT&T, and there's a pending merger between  
10 Clearwire and Sprint.

11           The way that this is worded, every one of those  
12 would have required the carriers to come back for approval  
13 of the transfer. And the equipment didn't change, the  
14 antennas didn't change, the use of the property didn't  
15 change, but the entity that operates the equipment changed  
16 in those circumstances.

17           So I'd like to request that some consideration be  
18 given for an allowance for a transfer within the same use,  
19 or at the very least, that a transfer wouldn't have to be  
20 approved prior to that acquisition, to allow time for  
21 mergers and acquisitions to proceed in a straight forward  
22 manner. The big wireless carriers, an acquisition would  
23 involve thousands of cell sites, retail store subscribers,  
24 switches, and I don't think that it's reasonable to hold up  
25 an acquisition like that based on the transfer of one

1 permit. MOBI is a much smaller company.

2 CHAIRMAN STARR: Please finish up.

3 MR. SCHATZ: That was about it, thanks.

4 CHAIRMAN STARR: Thank you. Members, any  
5 questions? Commissioner Hedani.

6 COMMISSIONER HEDANI: You guys didn't have a  
7 problem with repainting the structure and making it look  
8 more presentable. Would you have a problem with landscaping  
9 or screening the ground facilities from view, or making the  
10 facility presentable to the general public?

11 MR. SCHATZ: I don't think that we as carriers  
12 would have an issue with inserting vinyl slats into the  
13 fence that we're going to surround our equipment with. They  
14 did do a quick look at the plans when you mentioned that  
15 point, and it looks like the nearest piece of wireless  
16 equipment is about 240 feet from Baldwin Avenue. So it's a  
17 fair way set back. And there is existing fencing and  
18 vegetation of the kind, I guess it's weeds basically.

19 So I'm not sure how visible the wireless equipment  
20 on the ground is going to be from any public viewpoint to  
21 begin with. I think that we'd prefer to avoid putting in  
22 new vegetation around our equipment that's going to need to  
23 be irrigated and maintained, but I don't think anybody has  
24 any problem with inserting slats into the fencing.

25 CHAIRMAN STARR: I have a question which is that,

1 you know, you're asking for a longer term commitment, you  
2 know, rather than the two years which is coming to us  
3 recommended. And, you know, I think part of the reason for  
4 keeping it short-term is that the thing is an eyesore now,  
5 and it's not going to be improved much.

6           So there is possibly a hope that the whole mill  
7 area will be, you know, changed and improved from rotting  
8 old industrial stuff to something a little more useful and  
9 eye pleasing. And if so, there may be a concern to give you  
10 long term of a site when you are not willing to landscape it  
11 or make it look descent.

12           So maybe, you know, that could be thought of kind  
13 of as a tradeoff, that if you want more long term it would  
14 be easier to feel good about it if it was known that you  
15 were going to be good stewards and would be making it look  
16 really good and landscaping it. I don't know if you have  
17 any comments on that or might think about that.

18           MR. SCHATZ: The area of control for the carriers  
19 is somewhat limited. We have a small leased space from the  
20 landowner. So even if we were to clean up our small  
21 footprint, I'm not sure that it would have much impact on  
22 the overall site conditions. It's a multi-acre site with  
23 numerous large, clearly dilapidated and unsightly  
24 structures. I don't think the carriers are at the point of  
25 wanting to massively increase their investment by being

1 responsible for the entire parcel. I think we'd be happy to  
2 clean up our section.

3 CHAIRMAN STARR: Commissioner Hedani.

4 COMMISSIONER HEDANI: Is there a representative of  
5 the landowner here today?

6 MR. SCHATZ: No.

7 MS. LOUDERMILK: No.

8 CHAIRMAN STARR: Okay. And we are still in public  
9 testimony portion. Commissioner Mardfin.

10 COMMISSIONER MARDFIN: I rarely get a chance to  
11 talk to the people that represent the people. What is the  
12 radius of service that this facility will cover?

13 MR. SCHATZ: It will vary for each carrier  
14 depending on their neighboring sites. They're called cell  
15 sites for a good reason, they have interlocking borders with  
16 neighboring sites. And depending on each carrier's  
17 individual sites, I think realistically for MOBI PCS we're  
18 expecting six or seven tenths of a mile radius from this  
19 particular site.

20 COMMISSIONER MARDFIN: Let me just take advantage  
21 of the fact that you're there. My understanding is Hana  
22 only receives one carrier.

23 COMMISSIONER HIRANAGA: Point of order. Can we  
24 stick to the agenda item, please?

25 CHAIRMAN STARR: Please continue, Commissioner

1 Mardfin, I see no problem with your question.

2 COMMISSIONER MARDFIN: I just wanted to know if  
3 your understanding is that only one carrier serves the Hana  
4 district.

5 MR. SCHATZ: My understanding is there's two  
6 carriers there today.

7 COMMISSIONER MARDFIN: Okay, thank you.

8 CHAIRMAN STARR: Commissioner Hedani.

9 COMMISSIONER HEDANI: Did you have a problem with  
10 the apron request from Public Works?

11 MR. SCHATZ: I think that would be satisfactory.  
12 We really didn't want to harden the road surface. Basically  
13 it's an existing road. We didn't want to harden the surface  
14 all the way back, for drainage issues, if nothing else.

15 COMMISSIONER HEDANI: I think that was to make  
16 sure that the gravel doesn't end up making the bicyclists  
17 flip out.

18 MR. SCHATZ: Right. I don't see a problem with  
19 that.

20 CHAIRMAN STARR: Okay, thank you very much. Any  
21 other members of the public wishing to give testimony,  
22 please let yourself be known.

23 Seeing none, the public testimony portion of this  
24 is over. I will go back to Members for any questions or  
25 possible motions. Commissioner Hiranaga.

1           COMMISSIONER HIRANAGA: Just a comment. You know,  
2 I live in Spreckelsville and I used to live in Makawao, and  
3 I used to drive by the mill from Makawao to get to  
4 Spreckelsville twice a week. You know, I don't even know  
5 where this tower is, because I guess I don't look into the  
6 mill facility when I'm driving on Baldwin Avenue. So I  
7 really don't see a need for landscaping or slats in the  
8 security fence around the facilities.

9           If you are going to put a gravel roadway and have  
10 some type of hardened driveway apron within the county  
11 right-of-way, maybe you want to improve that gate there,  
12 because it looks a little in disrepair. But landscaping,  
13 unless you are going to provide irrigation, Pa'ia does not  
14 receive a lot of rainfall that I think would sustain any  
15 type of landscaping. So I mean if it's 80 yards off the  
16 road, I just don't see a need for it. Thank you.

17           CHAIRMAN STARR: Okay, Members. Commissioner  
18 Hedani.

19           COMMISSIONER HEDANI: Move to approve the  
20 department's recommendation with the addition of a concrete  
21 apron on the access driveway.

22           CHAIRMAN STARR: Okay.

23           COMMISSIONER IACONETTI: I'll second that.

24           CHAIRMAN STARR: Okay, we have a motion by  
25 Commissioner Hedani, seconded by Commissioner Iaconetti.

1 And the motion is --

2 MR. YOSHIDA: The motion is to accept the  
3 department's recommendation with the additional condition  
4 that the applicants provide a concrete driveway apron on the  
5 access driveway.

6 CHAIRMAN STARR: Okay, Dr. Iaconetti.

7 COMMISSIONER IACONETTI: I have an amendment.

8 CHAIRMAN STARR: Go ahead.

9 COMMISSIONER IACONETTI: To increase the period of  
10 two years to five years.

11 CHAIRMAN STARR: Is there a second to that  
12 amendment? Before comments.

13 COMMISSIONER HEDANI: Did we get a second to the  
14 main motion?

15 CHAIRMAN STARR: I think we already had a second.  
16 Dr. Iaconetti had seconded the main motion. So where we  
17 have an amendment that's been put forward, we have not  
18 received a second for it yet.

19 COMMISSIONER MARDFIN: I'll second his motion.

20 CHAIRMAN STARR: So we have an amendment by Dr.  
21 Iaconetti, seconded by Commissioner Mardfin. The amendment  
22 is --

23 MR. YOSHIDA: To amend condition number two from  
24 two to five years.

25 CHAIRMAN STARR: Discussion? Commissioner

1 Hiranaga.

2 COMMISSIONER HIRANAGA: I'm just wondering if the  
3 staff has any comment regarding that amendment.

4 MS. LOUDERMILK: We would have no objections to  
5 that amendment.

6 CHAIRMAN STARR: Okay, any other questions?  
7 Commissioner U'u.

8 COMMISSIONER U'U: Just a comment. I was  
9 wondering if the condition, the adding a condition to add  
10 the apron would be better suitable if we use asphalt instead  
11 of concrete, and if we could ask Public Works to give a  
12 comment.

13 CHAIRMAN STARR: Go ahead.

14 MR. MIYAMOTO: Thank you, Mr. Chair. If you look  
15 at the applicant's photos of their original application,  
16 photo 7 and 8 show an old existing asphalt driveway that was  
17 there, and so that's what's sort in disrepair. And you can  
18 see in photo 7 there's gravel that's starting to leech onto  
19 the roadway. So that's what prompted the comments.

20 We would prefer to see asphalt so that we have a  
21 flexible surface meeting a flexible surface, not a flexible  
22 surface meeting a hard and rigid concrete surface.

23 MR. GINOZA: Mr. Chair?

24 CHAIRMAN STARR: Yes. Mr. Ginoza, go ahead.

25 MR. GINOZA: Actually, photos 7 and 8 are a



1 different driveway, they're not reflective of the driveway.  
2 There's a cane haul road access that's the current access  
3 makai of the property. The access that is in question is if  
4 you look at photo number 8 it's more -- it's just beyond  
5 that utility pole, the driveway in photo number 8.

6 COMMISSIONER HIRANAGA: What document is the  
7 applicant referring to?

8 CHAIRMAN STARR: Robin, why don't you take the mic  
9 and clarify what's happening.

10 MS. LOUDERMILK: Yes, the documentation that the  
11 applicant is referring to is the application document  
12 provided to the department in which the agencies provided  
13 the comments for.

14 CHAIRMAN STARR: So we don't have that document?

15 MS. LOUDERMILK: No, you don't.

16 CHAIRMAN STARR: Thank you. We can pass it  
17 around, but it's not relevant anyway. It's going to be a  
18 new driveway, am I correct?

19 MS. LOUDERMILK: Basically it will be a new  
20 driveway, correct, and whatever the Public Works desires the  
21 composition to be, the applicant will do that.

22 CHAIRMAN STARR: And if my memory is correct, the  
23 motion did not specify what kind of apron, just an apron,  
24 right?

25 MS. LOUDERMILK: Actually, it did. Concrete was

1 specific. It was specific to concrete.

2 CHAIRMAN STARR: Can we change that possibly to an  
3 approved apron or something like that?

4 MS. LOUDERMILK: As approved by the Public Works.

5 CHAIRMAN STARR: Yeah, maybe you want to make that  
6 a second to your amendment.

7 COMMISSIONER HEDANI: I think we have an amendment  
8 that's already on the floor right now, which we should  
9 dispose of before we resolve that.

10 CHAIRMAN STARR: Okay. So let's limit right now  
11 discussion on to that one amendment, which is to increase  
12 from two years to five years, and dispose of that.

13 COMMISSIONER HEDANI: Call for the question.

14 CHAIRMAN STARR: Okay, the question has been  
15 called for. The amendment, which is to increase from two to  
16 five years, all in favor, please raise your hand.

17 (A show of hands)

18 All opposed.

19 MR. YOSHIDA: There were five votes in favor,  
20 Commissioners Hiranaga, U'u, Mardfin Hedani and Iaconetti.  
21 And one opposed, Chair Starr, and three excused.

22 CHAIRMAN STARR: So the amendment passes.

23 Commissioner Hedani?

24 COMMISSIONER HEDANI: With the approval of the  
25 second I'd like to restate my motion to say improve the

1 driveway to a form acceptable to the Department of Public  
2 Works.

3 COMMISSIONER IACONETTI: Second.

4 CHAIRMAN STARR: So the Chair will allow that a  
5 motion has been restated. And the new motion is what?

6 MR. YOSHIDA: The motion is to add an additional  
7 condition that the applicants improve the access driveway to  
8 a form acceptable to the Department of Public Works.

9 CHAIRMAN STARR: Wasn't that --

10 COMMISSIONER HEDANI: It was a restatement of the  
11 original motion.

12 CHAIRMAN STARR: That was on the main motion. The  
13 main motion will have an apron to be approved.

14 Commissioner Hiranaga.

15 COMMISSIONER HIRANAGA: I'd like to address the  
16 comments from the applicant regarding conditional permit, or  
17 condition number three that the conditional permit shall be  
18 non-transferable unless the Council approves the transfer by  
19 ordinance. I'm wondering if the department would be  
20 agreeable to saying the applicant shall just provide notice  
21 to the Council of transfer.

22 MS. LOUDERMILK: They can do that, but by code  
23 they're required. So you are going to be asking the Council  
24 to modify the code to allow just for notification of  
25 transfer. That can be a recommendation for them to accept

1 it or not. Because technically any amendment, including a  
2 time extension, comes again before this body and then goes  
3 up to the Council. But that can be a consideration.

4 CHAIRMAN STARR: Commissioner Mardfin.

5 COMMISSIONER MARDFIN: I'm unclear. Are you  
6 saying that a conditional permit by ordinance is  
7 non-transferable?

8 MS. LOUDERMILK: Yes.

9 COMMISSIONER MARDFIN: In general?

10 MS. LOUDERMILK: In general. Let me rephrase  
11 that. Any change to a conditional permit, including the  
12 terms of conditions, even who the permit is issued to, is  
13 considered an amendment by the conditional permit ordinance.  
14 Thus any amendments by the code requires that the amendment  
15 to come through our department go through you folks and then  
16 to the Council. However, if Council can make the rules,  
17 maybe they can decide if they want to modify.

18 CHAIRMAN STARR: Okay, let's move along. Are we  
19 ready to call the question on the motion?

20 Commissioner Mardfin.

21 COMMISSIONER MARDFIN: I'll try to. I'm concerned  
22 about the legality of this whole thing. On the last page,  
23 exhibit 18 that we received in our packet, it talks about  
24 urban reserve district.

25 MS. LOUDERMILK: Yes.

1           COMMISSIONER MARDFIN: On the second page of that,  
2 item D2 says, "Height Regulations: No building shall exceed  
3 two stories nor 30 feet in height." This is more than two  
4 stories.

5           MS. LOUDERMILK: That is correct. In consultation  
6 with the Zoning and Administration Enforcement, this is an  
7 existing structure, therefore not subject to this particular  
8 regulation.

9           COMMISSIONER MARDFIN: Thank you.

10          CHAIRMAN STARR: Okay, are we ready for the main  
11 motion? The main motion is to recommend the Conditional Use  
12 Permit. Commissioner Hedani.

13          COMMISSIONER HEDANI: We still haven't addressed  
14 Ken's concern, right?

15          COMMISSIONER HIRANAGA: I did not make a motion to  
16 amend, I was just asking a question.

17          COMMISSIONER HEDANI: Okay. Should we amend  
18 condition number three to allow for mergers or acquisitions  
19 among the existing applicants?

20          CHAIRMAN STARR: If you wish, you can make any  
21 amendment that you want.

22          COMMISSIONER HEDANI: Is that something that's  
23 acceptable to the applicants?

24          MS. LOUDERMILK: Yes, that would be acceptable to  
25 them.

1           COMMISSIONER HEDANI: Move to amend to include the  
2 exception for mergers and acquisitions of the existing  
3 applicants on condition number three.

4           COMMISSIONER U'U: Second.

5           CHAIRMAN STARR: Okay. We have an amendment  
6 offered by Commissioner Hedani, seconded by Commissioner U'u  
7 that the recommendation include potential mergers and  
8 acquisitions by the original applicants. Any discussion?  
9 Commissioner Hiranaga.

10           COMMISSIONER HIRANAGA: Just a clarification. So  
11 it's just the applicants named here, if they merge or  
12 transfer within themselves.

13           MS. LOUDERMILK: Yes.

14           COMMISSIONER HIRANAGA: So no new entities. I  
15 mean how they're changing their names, but it's the same  
16 company.

17           MS. LOUDERMILK: My understanding of the amendment  
18 is that before us today we have six entities. Within a  
19 period of time any of these six entities can be merged or  
20 bought out. And I think if the merger or buy-out relates to  
21 any of these six entities, that would be sufficient. They  
22 can rename themselves at this point in time. But again,  
23 limited only to the six.

24           And I think within the next -- should the permit  
25 be approved, that we can take a look at that condition at

1 the time of renewal, whether that is something that would  
2 still be valid.

3 CHAIRMAN STARR: We have an amendment on the  
4 floor. Are we ready to vote on the amendment?

5 Okay, all those in favor of the amendment to allow  
6 the original applicants mergers and acquisitions, please  
7 raise your hand.

8 (A show of hands)

9 All those opposed.

10 Unanimous, passes.

11 Commissioner Hedani.

12 COMMISSIONER HEDANI: I'm sorry, I forgot to add  
13 that we add a condition that the existing sugar bin  
14 structure be renovated or repainted or reconditioned.

15 CHAIRMAN STARR: Okay, is that an amendment?

16 COMMISSIONER HEDANI: Yes.

17 CHAIRMAN STARR: Is there a second?

18 MS. LOUDERMILK: So that would be a new condition  
19 number nine in terms of --

20 COMMISSIONER MARDFIN: Second.

21 CHAIRMAN STARR: We have an amendment by  
22 Commissioner Hedani seconded by Commissioner Mardfin that  
23 the existing sugar bin structure be painted and/or  
24 reconditioned.

25 COMMISSIONER HEDANI: Right.

1 CHAIRMAN STARR: Okay. I think he wanted paisley,  
2 but we are not going to specify.

3 MS. LOUDERMILK: You have colors paisley?

4 COMMISSIONER HEDANI: Purple.

5 CHAIRMAN STARR: We can let them decide.  
6 Commissioner Hiranaga.

7 COMMISSIONER HIRANAGA: I guess I'll be voting  
8 against that proposed amendment, because I think repainting  
9 it or refurbishing it will just draw attention to it. I  
10 think right now it would be more consistent with the  
11 existing structures, unless you are going to paint it  
12 camouflage.

13 CHAIRMAN STARR: Okay thank you. Any other  
14 discussion? Calling the question on the amendment to paint  
15 the sugar bin structure, all in favor please raise your  
16 hand.

17 (A show of hands)

18 All those opposed.

19 (A show of hands)

20 MR. YOSHIDA: We have four in favor, Commissioners  
21 U'u, Mardfin, Chair Starr and Commissioner Hedani. Two  
22 opposed, Commissioners Hiranaga and Iaconetti, and three  
23 excused. So the motion does not pass.

24 CHAIRMAN STARR: Okay. Commissioner Hedani.

25 COMMISSIONER HEDANI: Call for the question on the



1 main motion.

2 CHAIRMAN STARR: Okay. The main motion to  
3 recommend approval of the conditional use permit. All those  
4 in favor?

5 COMMISSIONER IACONETTI: As amended.

6 MS. LOUDERMILK: As amended.

7 CHAIRMAN STARR: As amended. All those in favor,  
8 please raise your hand.

9 (A show of hands)

10 All those opposed.

11 CHAIRMAN STARR: Okay, thank you. Clayton?

12 MR. YOSHIDA: We have five in favor, and Chair  
13 Starr voted against, and three excused, and the motion  
14 passes.

15 CHAIRMAN STARR: Okay, thank you. Good luck.

16 MS. LOUDERMILK: Thank you.

17 CHAIRMAN STARR: Okay, our next item once again  
18 will be rescheduled. Do we need some time? We are going to  
19 take a recess until 11:20.

20 (Whereupon a brief recess was had)

21 CHAIRMAN STARR: The Maui Planning Commission is  
22 back in session. Okay, we're back in session. We're the  
23 Maui Planning Commission. Clayton Yoshida is going to  
24 introduce our next item.

25 MR. YOSHIDA: I believe, Mr. Chair, we are on item

1 D, approval of the action minutes of the September 9, 2008  
2 meeting.

3 CHAIRMAN STARR: Okay. We have action items that  
4 came really fast, and frankly I think they look really good.  
5 Do we have anyone wishing to make a motion to approve them?

6 COMMISSIONER IACONETTI: So moved.

7 CHAIRMAN STARR: Do we have a second?

8 COMMISSIONER U'U: Second.

9 CHAIRMAN STARR: Okay. We have a motion by Dr.  
10 Iaconetti, seconded by Commissioner U'u to approve those  
11 action minutes. That was the fastest we ever got them.  
12 It's great to have them right after the meeting. Thank you,  
13 Carolyn.

14 All those in favor, please raise your hand.

15 (A show of hands).

16 All those opposed.

17 (None)

18 Okay, thank you, and good work with that.

19 Next item, Clayton.

20 MR. YOSHIDA: Under New Business we have a request  
21 from Sandy Baz of Maui Economic Opportunity, Inc., for an  
22 Environmental Assessment Determination on the Final  
23 Environmental Assessment prepared in support of the  
24 Community Plan Amendment to Light Industrial for the MEO  
25 transportation facility at TMK 3-8-006, portion of 004,

1 Kahului, island of Maui. Staff planner is Ann Cua.

2 MS. CUA: Mr. Chairman, members of the Commission.  
3 The Final Environmental Assessment document was prepared by  
4 Chris Hart & Partners. It's dated August 29, 2008, and it  
5 was distributed to the Commission at your September 8, 2008  
6 meeting.

7 One note I want to make, this Environmental  
8 Assessment was initially submitted in support of a community  
9 plan amendment, state land use district boundary amendment,  
10 and change in zoning application. The applicant has since  
11 discovered that the State Land Use classification for this  
12 property is urban, and therefore they will be withdrawing  
13 the State Land Use District Boundary Amendment application.

14 And so in our letter dated September 23rd, 2008 we  
15 do want to delete reference to the state Land Use District  
16 Boundary Amendment.

17 With that, I'd like to turn it over to the  
18 applicant. They have about a 15 minute presentation they'd  
19 like to share with you.

20 CHAIRMAN STARR: Can I request that they make the  
21 15 minute presentation in 10 minutes, because we're trying  
22 to finish up. We have had it already, this presentation, so  
23 we're looking mostly for what's changed.

24 MR. HART: Okay, thank you, Mr. Chairman. My name  
25 is Chris Hart, Chris Hart and Partners. Initially I would

1 just like to say that we were here before the Commission on  
2 June 10th, 2008 to present the draft EA. We have quite a  
3 few people with us and they're available for questions.  
4 Sandy Baz is not available, he's in Washington D.C. Lynn  
5 McNeff is the chief programs officer, and she's here in his  
6 stead. Steve West, who is a board member, is also present.  
7 And Harry Johnson, who is the transportation director, is  
8 present. And John Min, who is the project manager on behalf  
9 of MEO, is also present.

10 With me today I have Brett Davis, who is the  
11 project planner, and Jason Medina, who is the lead  
12 accredited professional for this project, and myself. The  
13 architect is Jim Neiss, and we have Pablo Genoux (phonetic),  
14 who is actually assisting him. And our civil engineer is  
15 Stacey Otomo, and Philip Rowell is our traffic engineer.

16 We won't go through the location, you have already  
17 discussed that. This gives you a better sense of the  
18 location. This is the new Mokulele Highway alignment. The  
19 project site is approximately 10-plus acres. This is the  
20 First Assembly of God church.

21 The site is approximately 10 acres. MEO purchased  
22 five acres from A&B at a deep discount, and A&B donated the  
23 remaining five acres. The site was the highest rated among  
24 six sites in the MEO multi-function transportation center  
25 master plan of 2005. The site is urban under the

1 agricultural lands in the State of Hawaii, ALISH.

2 This shows our project site in relationship to the  
3 mill. It also shows Mokulele Highway, which actually  
4 doesn't exactly front the property. There is a remnant  
5 portion that actually serves as a buffer between the project  
6 site and the public view along Mokulele Highway.

7 The Maui Planning Commission had comments on the  
8 draft EA, and I'd like to focus on those. We were asked to  
9 provide additional shade in the parking lot. We have  
10 actually done that. More planting around the buildings and  
11 on the perimeter of the project site have been actually  
12 added.

13 It was also requested that measures be taken to  
14 break the massing of the asphalt in the parking lot. We've  
15 incorporated colored concrete in the vehicle storage area.  
16 We've also relocated the bus wash and fueling station with  
17 canopies.

18 We also were asked to discuss the alternative of  
19 100 percent screening of the parking area from Mokulele  
20 Highway. I indicated to you that there is a sizeable buffer  
21 between Mokulele Highway and the project site. We've also  
22 added 100 percent screening. We felt that 100 percent  
23 screening would necessitate a high solid wall or fence,  
24 therefore we've increased and provided extensive tree and  
25 hedge planting with a chain link security fence fronting the

1 project site adjacent to Mokulele Highway.

2 This is a rendering of the project. This would be  
3 Mokulele Highway. This would be the remnant area and this  
4 would be the screening that's provided. This shows the  
5 asphalt or the colored concrete which actually does break up  
6 the large asphalt area, and the additional trees that were  
7 provided for the project.

8 Continued comments by the Planning Commission, we  
9 were asked to consider parking lot phasing to maintain  
10 grassed areas. We are providing open grass areas which will  
11 be maintained as pads as part of the future development of  
12 the project, which is going to be built out in three phases.

13 This gives you an idea in plan. This shows the  
14 landscape planting buffer along Mokulele Highway. And  
15 again, this shows you the area that basically separates the  
16 project site from Mokulele Highway. This shows the colored  
17 concrete which breaks up the site. These are the pads that  
18 will actually be maintained as open space in the context of  
19 the build out of the project.

20 This would be phase two for the site; this would  
21 be phase three.

22 In terms of the request by the Planning Commission  
23 again for confirmation regarding the urban growth boundary,  
24 MEO submitted a letter dated April 24, 2008 to the General  
25 Plan Advisory Committee and the Planning Director requesting

1 inclusion in the urban growth boundary of the proposed Maui  
2 island general plan.

3           The entire project site, as Ann indicated, is  
4 within the State Urban District, as recently determined by  
5 the State Land Use Commission staff based on a new survey  
6 map. The site was previously in residential use as part of  
7 the Puunene Plantation Village.

8           I'd like to just say that in the context of this  
9 confirmation, this is an actual official Land Use District  
10 boundary confirmation map prepared by the State Land Use  
11 Commission. There was actually a remnant or a small sliver  
12 of land that was along this mauka boundary that we felt was  
13 not or it was not clear that it was within the urban  
14 district, and this actually has clarified that, that the  
15 whole site is within the urban district.

16           The land use history. Again, it was formerly  
17 residential housing in Puunene Village from the early 1900's  
18 to the 1970's. It was previously zoned R-1 Residential but  
19 changed to Agriculture. This established -- this occurred  
20 when the new Agricultural District Zoning Ordinance was  
21 adopted in 1998, and it established standards which actually  
22 automatically rezoned the land and designated it  
23 Agricultural in the community plan.

24           Adjacent to the recently approved Maui Business  
25 Park Phase 2 to the north and the A&B Sugar Museum to the

1 south.

2           This gives you -- this is the Community Plan which  
3 actually shows the heavy industrial, the Puunene Sugar Mill,  
4 this the A&B Sugar Museum. This is Maui Business Park Phase  
5 2, which is actually light industrial. This is the portion  
6 that we're looking at, which is actually Agriculture. The  
7 proposal is to change this to L-1, which would allow for the  
8 development of the transportation center.

9           This is the county zoning which currently is still  
10 zoned R-1 on the county zoning map. And again, it is Urban  
11 and it's R-1. It's Agriculture, it was changed. I'm sorry,  
12 but the map shows it.

13           Okay. Maui Planning Commission comments on the  
14 Draft EA. The project, as far as the parking lot lighting  
15 is concerned, all the lights will be down shielded to reduce  
16 impacts on surrounding areas. Lighting fixtures will comply  
17 with the Maui County Code Chapter 20.35 Outdoor Lighting.

18           Also LEED registration, MEO has registered the  
19 proposed Transportation Center with the US Green Building  
20 Council and will seek LEED certification of the project.

21           Maui Planning Commission comments continued. The  
22 feasibility of a park and ride. The project, first of all,  
23 is a demand responsive transportation program, and the  
24 feasibility of a park and ride would require -- more land  
25 would be needed for vehicular parking. There would be a



1 need to revise the Traffic Analysis Report to include an  
2 assessment of the number of buses, routing, and origin and  
3 destination of users related to the park and ride. The  
4 study would take several months to complete and would cost  
5 from \$100,000 to \$200,000.

6           The other important point is that the Maui Bus is  
7 a fixed route bus system, where again, the Maui Economic  
8 Opportunity is basically a demand responsive system.

9           The feasibility of a park and ride continued.  
10 Comments from the State DOT indicate that a revised TIAR  
11 would be required if a park and ride facility is proposed.  
12 New park and ride facilities should be part of an  
13 island-wide study by the county, since the county  
14 administers the public bus system currently under contract  
15 to Robert's Hawai'i. Park and ride facilities should be  
16 integrated with the county's public bus system.

17           We're requesting HRS chapter 343 Environmental  
18 Assessment Review, a Determination of a Negative  
19 Declaration, a Finding of No Significant Impact. In the  
20 context of the entitlements we're asking for a Community  
21 Plan Amendment from Agriculture to Light Industrial. Also a  
22 change in zoning from Agricultural district to M-1 Light  
23 Industrial district. Again, we will be withdrawing the  
24 request for the Land Use District Boundary Amendment.

25           This is the history, and I think that all of you

1 are aware of the history. Phase 1 consists of a 3-story  
2 office administration building, maintenance building; Phase  
3 2 would be the bus transfer; and Phase 3 would be a future  
4 3-story administrative office building.

5 This shows all three phases. This is a project  
6 rendering. And again, we do have the project architect  
7 here, Jim Neiss, if you have any questions. This is a  
8 project rendering basically showing the screening along  
9 Mokulele Highway. And this is the landscape plan.

10 And in terms of potential effects, it's compatible  
11 with the surrounding land uses; suitable soil and topography  
12 for development; minimal flood hazard potential; no  
13 significant flora and fauna or wildlife habitats; noise  
14 impacts will be minimized; air quality impacts will be  
15 minimized; no significant archeological or cultural  
16 resources.

17 No significant population increase, demand on  
18 housing, or secondary impacts; no significant impacts on  
19 public facilities and services; will comply with Maui County  
20 Code Chapter 14.12, Water Availability; will connect to the  
21 county sewer line on Hookele Street; onsite drainage  
22 retention system will be provided; electrical and telephone  
23 utilities available in the area; traffic impacts will be  
24 minimized.

25 Classified State Urban District and consistent

1 with the State Land Use Law; supported by policies in the  
2 Maui County General Plan; MEO requested inclusion within the  
3 Urban Growth Boundary of the proposed Maui Island General  
4 Plan under review by the General Plan Advisory Committee;  
5 site is next to lands designated Light Industrial and Heavy  
6 Industrial in the Wailuku-Kahului Community Plan and  
7 supported by objectives and policies in the community plan;  
8 consistent with M-1 Light Industrial District, and  
9 Off-street Parking, and Loading Ordinance of Maui Community  
10 Code Title 19.

11 Conclusion: We're outside of the Special  
12 Management Area but reviewed for consistency with the CZM  
13 objectives and policies, and there's no significant adverse  
14 effects under the Significance Criteria.

15 Based on the Final Environmental Assessment, the  
16 proposed action is not likely to have a significant  
17 environmental effect, and the filing of a Negative  
18 Declaration or Findings of No Significant Impact is  
19 requested. Respectfully. Thank you.

20 CHAIRMAN STARR: Thank you, Chris. Members, any  
21 questions? Dr. Iaconetti.

22 COMMISSIONER IACONETTI: Chris, I'm sorry, I was  
23 on the mainland when this first came up, so this question  
24 probably was already answered. But doesn't it seem rather  
25 strange that the access to this property goes around the

1 Sugar Museum and finally comes over to Mokulele Highway? Is  
2 that a safe distance in the event of fire or anything else?

3 MR. HART: The fact is that Mokulele Highway is a  
4 limited access highway. So in the context of making use of  
5 this site, this is the A&B Sugar Museum, which is undergoing  
6 a master plan now to actually do some further development  
7 over a period of time. But essentially the access would be  
8 to Hansen Road and then to the signalized access at Mokulele  
9 Highway.

10 And, you know, it is a functioning access, and  
11 because this is essentially a demand responsive type of bus  
12 system, the amount of use of the access is going to be  
13 intermittent. You are not going to have a situation where  
14 there's going to be a lot of traffic going in and out of the  
15 facility, in terms of buses. And so it will be intermittent  
16 throughout the day actually.

17 COMMISSIONER IACONETTI: What is as you look at it  
18 to the left of that property?

19 MR. HART: To the left here?

20 COMMISSIONER IACONETTI: Yes.

21 MR. HART: That's Maui Business Park Phase 2.

22 COMMISSIONER IACONETTI: And does that empty on to  
23 a road? I don't think there is a picture that shows it  
24 adequately. I was looking.

25 CHAIRMAN STARR: Is it Zippy's?

1 MR. HART: Yes, that's it. This would be our  
2 parcel here.

3 COMMISSIONER IACONETTI: Is there a reason why you  
4 can't provide access that way, rather than going that  
5 twisting way to get out of there?

6 MR. HART: Let's see, I'd have to -- how the  
7 access evolved.

8 MR. MIN: Thank you, Commissioner. My name is  
9 John Min, I'm the projects manager for MEO. We actually  
10 have two accesses from the subject property to Hansen Road.  
11 One is at kind of circuitous access easement that was  
12 provided to the property by A&B. The other is the old  
13 section of Puunene Avenue that we'd like to use for exiting  
14 purposes only.

15 The property to the north, Maui Business Park  
16 Phase 2, is privately owned, and at this point in time we  
17 are not aware if there are any plans to put any connecting  
18 roads that would lead to the MEO property. So the property  
19 that we have has the secured access easement to Hansen Road,  
20 and then we're working with the State of Hawaii to get the  
21 second access using the old Puunene Avenue remnant.

22 CHAIRMAN STARR: I have a question. Will there be  
23 pedestrian and bicycle access out toward Mokulele and the  
24 sidewalk?

25 MR. MIN: There's an existing bicycle/pedestrian

1 access along here that's already in place. It's off the  
2 highway. That will continue and remain. As far as any  
3 access within the property, there will be none, and it's for  
4 security purposes.

5 CHAIRMAN STARR: So you're saying that if people  
6 want to go there, you know, workers -- say if someone wants  
7 to go there by bus, you know, I understand this is not the  
8 real bus, this is like the kind of fake bus or, you know,  
9 the special service bus. But if someone wants to go there  
10 by the real bus, the Maui Bus, the one that goes all around  
11 Maui and takes people to work and so on, how do they go if  
12 they can't walk in there? Where is the nearest bus stop?

13 Usually in your transit analysis you have the  
14 locations of transit stops. You don't have that in here,  
15 Chris. Where is the nearest bus stop and how do people go  
16 if they have to walk around by Hansen Road? How far is it,  
17 and are there sidewalks?

18 MR. MIN: I'm not sure if there are any bus stops  
19 along Hansen Road, but the MEO transportation facility is  
20 for the MEO transportation service. The Maui Bus system  
21 does not currently or will not, at least in the near future,  
22 connect to the system, okay, they're separate systems. Now  
23 again, I'm not sure on Hansen Road if there are any bus  
24 stops. I would be surprised if there are. But the Maui Bus  
25 system has its own fixed routes, has its own schedules and

1 its own bus stops along public streets and I believe at some  
2 of the shopping centers.

3 CHAIRMAN STARR: Can I have Chris come to the mic?

4 Chris, we've been through this. Where is the  
5 nearest bus stop?

6 MS. McNEFF: Lynn McNeff, MEO. The nearest bus  
7 stop is Wal\*Mart right on Hookele, right in that area.

8 CHAIRMAN STARR: And how do people walk from the  
9 bus stop at Wal\*Mart if they're working in this facility?

10 MS. McNEFF: They would walk down Hookele and walk  
11 down the bike path to our area.

12 CHAIRMAN STARR: But I just heard that they can't  
13 enter that way.

14 MS. McNEFF: There wouldn't be any, well, they  
15 would walk down and come into the access. I don't think  
16 they'd go on Hansen Road. They would go on Puunene, the  
17 same one we're putting the buses on, the old Puunene.

18 CHAIRMAN STARR: Commissioner Hedani.

19 COMMISSIONER HEDANI: I think there's some  
20 confusion, and you can correct me if I am wrong, Chris, but  
21 MEO is like a service that provides door-to-door service for  
22 customers. So if you want service from MEO, you call them  
23 up and they'll stop at your doorstep and pick you up and  
24 take you where you want to go.

25 CHAIRMAN STARR: Yeah. What I'm looking for is

1 for the people that work there, since there are several  
2 office buildings being built there, there will be obviously  
3 quite a few people working there. I want to be sure that  
4 they have options, and especially since this is a  
5 transportation center, those people working there should  
6 have the option of not having to either take an automobile  
7 if they don't want to or can't afford it, or taking a  
8 special needs MEO bus. They should be able to take the Maui  
9 Bus.

10 And that's what I'm trying to get at is what  
11 happens to those poor souls who want to try to work here and  
12 take the Maui Bus. And it's not clear if there will be  
13 access to the old Puunene Avenue and the bike path  
14 pedestrian, or whether they'll have to walk all the way from  
15 Wal\*Mart all the way around through Hansen Road. That's the  
16 clarification I'm looking for.

17 COMMISSIONER HEDANI: I think my only point is  
18 it's not a facility intended to be for the public.

19 CHAIRMAN STARR: Yes. Well, there will be people  
20 working there. We're looking for choices.

21 Chris, any comment?

22 MR. HART: Well, at this point in time obviously  
23 the Maui Bus system is still developing. But at this point  
24 in time the closest bus stop is at Wal\*Mart. And, you know,  
25 as was indicated, from Hookele Street there is pedestrian



1 access, and there will be access to the project site from  
2 old Puunene Avenue. You know, that's basically the  
3 pedestrian route that would be available at this time. It  
4 doesn't mean that in the future that there might be a bus  
5 stop in this area.

6 CHAIRMAN STARR: There will be access to Puunene  
7 Avenue for pedestrians and bicycles. That's what I was  
8 trying to get at.

9 MR. HART: Yes, yes.

10 CHAIRMAN STARR: Commissioner Mardfin.

11 COMMISSIONER MARDFIN: I thought a couple of  
12 minutes ago you said that was going to be gated, fenced off  
13 with a chain link fence and they can't get in.

14 MR. HART: Well, not during the day. I mean the  
15 facility basically will be open during the day.

16 MR. MIN: Commissioner, the proposed gate at the  
17 old section of Puunene Avenue will be open during the day,  
18 but there will be perimeter fencing around the project. But  
19 there will be that gate at the Old Puunene Avenue and there  
20 will be, you know, it will also be open at Hansen Road.

21 CHAIRMAN STARR: Thank you. Members? Okay,  
22 seeing a lull in the questioning, I want to open it for  
23 public testimony. Any members of the public please come and  
24 identify yourself and please try to be brief.

25 MR. WEST: Stephen West. Thank you for the

1 opportunity to be here. I just wanted to stress a couple  
2 of things to you now in our economic situation. Times are  
3 tight, and state funding is going to be needed for this as  
4 well, as well as county and whatnot, and any additional  
5 conditions that are put on this project will put it in  
6 greater jeopardy. So I just really appreciate if you can  
7 get this thing moving forward as quick as possible. It's  
8 going to create jobs, it's going to definitely offer  
9 opportunities to our seniors on our youth. And thank you  
10 very much, appreciate it.

11 CHAIRMAN STARR: Thank you. Any questions?

12 Wait, come back. Commissioner Mardfin.

13 COMMISSIONER MARDFIN: From the presentation of  
14 Chris Hart, basically he said some of the issues raised last  
15 time about park and ride have basically been dismissed. Is  
16 that your interpretation also?

17 MR. WEST: Well, yeah. The Park and Ride  
18 definitely with the DOT, from my understanding of it, they  
19 would not -- you would not get the blessing from them as far  
20 as the DOT. You know, that's --

21 COMMISSIONER MARDFIN: So you don't want to do  
22 extra studies and stuff because you're basically rejecting  
23 that as a possibility.

24 MR. WEST: Yes.

25 COMMISSIONER MARDFIN: Thank you.

1 CHAIRMAN STARR: Commissioner Hedani.

2 COMMISSIONER HEDANI: Move -- I'm sorry, did we  
3 hear the department's recommendation?

4 CHAIRMAN STARR: No, we haven't finished testimony  
5 yet. Hold on for just a bit. Thanks, Steve.

6 Any other members of the public wishing to give  
7 testimony?

8 Seeing none, public testimony is closed.

9 Members, comments, questions or possible motions.  
10 Commissioner Hedani.

11 COMMISSIONER HEDANI: I move to accept the  
12 department's recommendation to accept the final EA and issue  
13 a Finding of No Significant Impact determination.

14 COMMISSIONER U'U: Second.

15 CHAIRMAN STARR: Okay, we have a motion by  
16 Commissioner Hedani, seconded by Commissioner U'u. And the  
17 motion is --

18 MR. YOSHIDA: To accept the final EA as a Finding  
19 of No Significant Impact.

20 CHAIRMAN STARR: Okay, Members, any other  
21 comments, questions, amendments?

22 Seeing none, the Chair wants to make a comment,  
23 which is that I will be voting for this because I don't  
24 really see its impact as being great, but I do have real  
25 concerns over this project. You know, it's a massive

1 infrastructure project in the transportation field, and by  
2 putting all these resources into this, it is in a sense  
3 taking away those resources from where they might better go,  
4 which is to the Maui Bus and to our real transit system.  
5 And that by putting resources into special needs transit  
6 we're holding back the real transit that we need for this  
7 community.

8           And I would much rather see this being a facility  
9 that would serve the Maui Bus and really be the transfer hub  
10 and the Park and Ride and the service for all of Maui's  
11 transportation needs, and then I would feel it would make  
12 sense. But to do this and to build two office buildings to  
13 administer, that means creating a huge bureaucracy that is  
14 frankly not needed.

15           So I do have real questions about what this will  
16 be doing, and I'm not sure if this is really the right  
17 direction to take. But I don't really feel that fighting  
18 the EA would be the right way to go about it. I thank you  
19 for indulging me and letting me get that off my chest.

20           And with that said, let's call the question on the  
21 motion. All in favor, please raise your hand.

22           (A show of hands).

23           All opposed?

24           (None)

25           Okay, it looks like unanimous.

1 MR. YOSHIDA: Six in favor, three excused.

2 CHAIRMAN STARR: Okay, congratulations.

3 MR. HART: Thank you very much.

4 CHAIRMAN STARR: Okay, Members let's keep order  
5 and finish up here, please. We're going to move along to  
6 the Director's Report. Clayton and our Deputy Director has  
7 a presentation for us, which we're looking forward to. Why  
8 don't you introduce it, Clayton.

9 MR. YOSHIDA: Yes, the first item is the update on  
10 the Pali to Puamana Project, and that's being handled by our  
11 Deputy Director, Kathleen Aoki.

12 CHAIRMAN STARR: Welcome, Kathleen, and thank you.  
13 And congratulations once again.

14 DEPUTY DIRECTOR AOKI: Thank you. I have a cold,  
15 so please bear with me. And I'm having a hard time hearing,  
16 so if I'm talking loud, just tell me.

17 So good morning, Members. This presentation today  
18 was simply a courtesy to you, the Members, to let you know  
19 that we did go ahead and adjust the concerns that the  
20 members voiced at the -- I believe it was the April 22nd  
21 meeting when we went over this EA for the Pali to Puamana  
22 project. I got the minutes of the meeting and I also  
23 watched the tape to make sure that I addressed those  
24 concerns that you Members had.

25 So I just wanted to let you know that we did go

1 in, we took out the Olowalu church property and we took out  
2 the property behind the church, so those are not being  
3 affected by this plan. And we also went through, there was  
4 questions about our appraised values of the land, and we  
5 still went with the 2006 tax assessed values. We did add in  
6 the 16 acre parcel that was inadvertently left out. I also  
7 added language that essentially said that, you know, the  
8 market fluctuates extremely, and primarily in the last  
9 couple of years it's been fluctuating a lot. So if and when  
10 the county were to try to acquire the land, that an  
11 appraisal should be done. So that's what it says in the EA.

12 Because it's very difficult to try to put down a  
13 value in today's dollars when this might happen 20 years  
14 from now. So what happens is because the members voted on  
15 accepting the EA, as I say, this is just a courtesy to let  
16 you know that we did make those changes, and the notice with  
17 OEQC will be filed on Friday the 26th by our consultant.  
18 There will be a 30-day review period which will end on  
19 November 7th. So any questions?

20 CHAIRMAN STARR: Members? Commissioner Hiranaga.

21 COMMISSIONER HIRANAGA: Kathleen, could you  
22 address the reasoning to proceed with the proposed Community  
23 Plan Amendment versus waiting for a the General Plan Update?

24 MS. AOKI: I believe that question was asked the  
25 last time, too. This is something that the county has been

1 working on for many, many, many years, and the momentum is  
2 going. So you don't want to stop something just because  
3 something else is coming along. If we wait, then all that  
4 effort that has been put into this, I mean I understand the  
5 question and I appreciate the question, because by the same  
6 token the department is saying the same thing to the  
7 developers, you know, "why don't you wait." And I  
8 completely understand where that's coming from.

9 I guess my point is, people that started, like  
10 Pululehua, for example, who started their project years ago  
11 and are continuing forward, we are not telling them, well,  
12 wait, you know. We made a decision, we have, you know, we  
13 are representing them. And so the same thing with this  
14 public park process.

15 And the other part of it too is that this is  
16 something that has a public benefit to it. So you're not  
17 talking about development, you know, you're not talking  
18 about further increase of impacts to the land versus taking  
19 and trying to preserve the land. So it's a different kind  
20 of project.

21 CHAIRMAN STARR: Okay. Commissioner Hedani.

22 COMMISSIONER HEDANI: Kathleen, the developer of  
23 the agricultural subdivision in Ukumehame has been doing  
24 some paving work in that area recently, and it looked like  
25 we ended up with a hundred feet of pavement widthwise as far

1 as it kind of merged with Honoapiilani Highway so there's  
2 nothing but asphalt there. What is the alignment of the  
3 Pali to Puamana alignment in that area, is it going to be  
4 150 yards mauka?

5 MS. AOKI: Well, along where that strip is we have  
6 the hundred acres, so part of that ingress and egress lanes  
7 that they're building does fall onto our land. So you  
8 could, yeah, relatively say that they've eaten into our open  
9 space portion of it. But the idea being that if and when  
10 the highway got moved, you know, you would take out all that  
11 asphalt and everything that they've built for those lanes,  
12 because all you would need is the bike and pedestrian path.

13 So for the time being it's encroached into our  
14 open space reserve. One hopes that, you know, when the time  
15 comes to move the highway.

16 It's the same thing as what they're saying, if  
17 they were to, you know, elbow the highway that they talked  
18 about doing in the interim where it's eroding, rather than  
19 building a whole new highway they talked about kind of  
20 bending it and coming back. Again, that's going to  
21 encroach, if you will, on the P-to-P plan, but eventually if  
22 and when the new highway gets built, you know, then we get  
23 the existing highway and then we can do with it what we  
24 want, to create parking lots or dig up the asphalt or just  
25 create a pedestrian path.



1 Does that answer your question?

2 COMMISSIONER HEDANI: Yes, it did, thank you. But  
3 I guess what that means is that they sold property to the  
4 county for open space park purposes and then paved over it.

5 MS. AOKI: Yeah, but that was part of the  
6 agreement, that we knew that they would need that ingress  
7 and egress lanes for the subdivision. So it was part of the  
8 agreement.

9 CHAIRMAN STARR: Well, thank you very much for  
10 moving through with that.

11 DEPUTY DIRECTOR AOKI: You're welcome.

12 CHAIRMAN STARR: And it's great to have a vision  
13 and to try to move it forward. It will be a wonderful thing  
14 if this will come to fruition. Thank you.

15 MS. AOKI: Thank you. We try.

16 CHAIRMAN STARR: Okay, Members, Planning  
17 Commission projects/issues. Anyone have anything on this?  
18 Okay, future Maui Planning Commission agendas.  
19 Clayton?

20 MR. YOSHIDA: Yes, we circulated a memo stating  
21 what items that are known to be coming up on your next  
22 agenda item on October 14th, and there are two public  
23 hearings for the residential subdivisions in Makena were on  
24 today's agenda that will be on the -- which we were unable  
25 to hear, that will be on the October 14th agenda.

1 CHAIRMAN STARR: How about the Kahana Nui, will  
2 that bump?

3 MR. YOSHIDA: I think that one probably will be on  
4 the November agenda.

5 CHAIRMAN STARR: Okay. EAIIS Isle report. Sounds  
6 like Old MacDonald. Anything, Doc? Don't have anything  
7 today?

8 COMMISSIONER IACONETTI: No.

9 CHAIRMAN STARR: Moving right along, minor  
10 permits, exemptions.

11 The conference. I know I had a great time. There  
12 were some sessions there that to me were brilliant. You  
13 know, I really want to thank staff. Commissioner Hedani.

14 COMMISSIONER HEDANI: I just wanted to complement  
15 the staff also on an excellent conference. And the quality  
16 of the speakers I thought was very, very high and they did a  
17 fantastic job.

18 CHAIRMAN STARR: I want to complement the  
19 Commissioners. We had six Commissioners there sitting  
20 through a lot of the program. I'm sure it was really  
21 useful. You know, the one on the peak oil presentation was  
22 great, the one on local versus global economy was great, the  
23 water breakout session was fantastic, the shoreline tour I  
24 went on. I just heard good things, I didn't hear anything  
25 bad.

1 Commissioner Mardfin.

2 COMMISSIONER MARDFIN: I'd like to add that I  
3 really enjoyed it also. The only problem was there were too  
4 many good things simultaneously, and I couldn't clone myself  
5 to hear them all. But I think they recorded them, so I'm  
6 hoping to hear at least some of them on tape at some point.

7 MS. AOKI: Yes, that's funny, because I've heard  
8 that same complaint, that there was just too many good  
9 things to choose from. So I'll accept that complaint.

10 COMMISSIONER MARDFIN: Thank you.

11 MS. AOKI: I do understand that we are trying to  
12 get approval from all the speakers to release an audio of  
13 their presentations. So as soon as we get that, please  
14 check out the website. It's going to be up I think until  
15 the end of October, and that's where it will be posted. But  
16 we will have it available for you. Thank you.

17 CHAIRMAN STARR: Okay, thank you. And thanks to  
18 the department for doing a great job.

19 Clayton, on the site inspection.

20 MR. YOSHIDA: Yes. We have a site inspection  
21 scheduled for a week from today on September 30th, a meeting  
22 of the Central Maui Landfill, at the Ameron quarry. And the  
23 Maui Lani VMX sites meeting at the Central Maui Landfill  
24 site at 9:00. And we will do some basic orientation, put  
25 people on buses, and then kind of take you up and look at

1 the quarry, the quarry operations and the phases for 5 and 6  
2 of the landfill, and then that might take about an hour.  
3 And then we will go over to the Maui Lani VMX site meeting  
4 at the intersection of Ekahi Drive and Waihole Drive. And  
5 there will be an orientation and they will take you on a bus  
6 around the site. Then I guess we come back here and kind of  
7 debrief, if you have any questions, because sometimes it's  
8 hard to ask questions if it's windy.

9 CHAIRMAN STARR: Where is the location we're going  
10 to meet more specifically?

11 MR. YOSHIDA: I guess at the entrance to the  
12 Central Maui Landfill.

13 CHAIRMAN STARR: Go up Puunene Avenue and then  
14 enter that main gate entrance to the landfill, or is there  
15 an administrative office somewhere? Where do we go?

16 MR. YOSHIDA: Pulehu Road, Central Maui Landfill.  
17 I guess the question that I had for the Commission is, you  
18 know, we're doing the site inspections and we're doing the  
19 debriefing here, but how long do you want to go on the  
20 debriefing? Because I just don't -- I mean we can do -- I  
21 think we discussed the Maui Lani Village mixed use. They  
22 had a public hearing and there was public testimony. They  
23 did the full-on Power Point presentation for the landfill  
24 and the Ameron quarry. I just don't want to have a fly-by  
25 whereby you expect to go to 1:00 and we go to 3:00, or

1 something like that.

2 CHAIRMAN STARR: I know I would feel uncomfortable  
3 to do any kind of deliberation here on that, because it's  
4 not noticed as a regular meeting.

5 MR. YOSHIDA: It's just information on the  
6 workshop.

7 CHAIRMAN STARR: My feeling is we should keep that  
8 short, you know, after the site inspection.

9 MR. YOSHIDA: Okay.

10 CHAIRMAN STARR: And my understanding also is that  
11 we can come here and ride in the buses from here, is that  
12 correct?

13 MR. YOSHIDA: No. I guess we would have to -- I  
14 think we can car pool from here, but we get in a bus when we  
15 get to the Ameron Central Maui Landfill site.

16 CHAIRMAN STARR: I'm still a little unclear about  
17 where we're meeting. Are we meeting like by the gate where  
18 you go into the landfill, is that the spot?

19 MS. TAKAYAMA-CORDAN: As far as I know, you go  
20 into where the recycle place is. There's parking areas in  
21 that area.

22 MR. YOSHIDA: Yes, I think there's a map that's  
23 provided with the agenda. If you have any further  
24 questions, give us a call.

25 COMMISSIONER IACONETTI: I've got one now. What

1 time do we arrive here to be car pooled there?

2 MR. YOSHIDA: At 8:30.

3 COMMISSIONER IACONETTI: 8:30.

4 MR. YOSHIDA: So if you need a ride, let us know.  
5 If you can't make it, let us know.

6 CHAIRMAN STARR: Okay, any other questions on  
7 this, Members? Okay, thank you, Clayton.

8 And with that, our regular meeting is at October  
9 14th, 8:30 am. Be there or be square. Until then (gavel).

10

11 (The proceedings were concluded at 12:10 p.m.)

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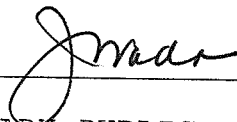
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C E R T I F I C A T I O N

I, JEANNETTE W. IWADO, Notary Public for the State of Hawaii, certify:

That the proceedings contained herein were taken by me in machine shorthand and were thereafter reduced to print under my supervision by means of computer-aided transcription; that the foregoing represents, to the best of my ability, a true and accurate transcript of the proceedings had in the foregoing matter.

Dated the 3 day of October, 2008

  
\_\_\_\_\_  
NOTARY PUBLIC, State of Hawaii

My commission expires 2/5/2012