

**LANA`I PLANNING COMMISSION  
REGULAR MEETING  
JULY 21, 2010**

**APPROVED 11-17-2010**

**A. CALL TO ORDER**

The regular meeting of the Lana`i Planning Commission was called to order by Chair Gerald Rabaino at approximately 6:04 p.m., Wednesday, July 21, 2010, in the Lana`i High & Elementary School Cafeteria, Lana`i City, Hawaii.

Mr. Gerald Rabaino: Come to order at 6:04 p.m. the Lana`i Planning Commission meeting. Has distribution been sent out to all the Commissioners from Corporation Counsel?

**B. INTRODUCTION OF NEW MEMBER - LISA MARIE KANIHO**

Mr. Rabaino: Okay we would like to start on the first agenda. We have a new member, Commissioner, Lisa Marie Kaniho is joining us to make it a full board of Commissioners of nine. I don't see Matthew Mano here. That's it, yeah? That's it. Okay, we have David Green is here. Commissioner David Green; Shelly Barfield; myself, Gerald Rabaino; Stanley, Vice-Chair; Letty and Alberta de Jetley and John Ornellas. And our new addition is Lisa Marie Kaniho. Could you please take a stand?

**C. APPROVAL OF THE JUNE 16, 2010 MEETING MINUTES**

Mr. Rabaino: Okay, next on the agenda – any comments on the approval for the June 20<sup>th</sup>, 2010 meeting? Any inserts, corrections, Commissioners? No comments. I need a motion to accept. Any second?

Mr. John Ornellas: Hello? I motion to accept the minutes of May 19<sup>th</sup> meeting.

Mr. Rabaino: July 21<sup>st</sup>. June 16<sup>th</sup>.

Mr. Ornellas: Okay. I'm sorry. You're right.

Ms. Leticia Castillo: I second.

Mr. Rabaino: So it has been moved by John Ornellas, and second by Letty Castillo for the minutes of June 16<sup>th</sup>, 2010. Next on the agenda, item (D.) Oh, sorry, I'm rushing. I'm sorry. Let's have a vote. All those in favor say aye.

Planning Commissioners: "Aye."

Mr. Rabaino: Any opposed? The ayes carry it, so moved.

**It was moved by Commissioner John Ornellas, seconded by  
Commissioner Leticia Castillo, then unanimously**

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**VOTED: to approve the June 16, 2010 Lana`i Planning Commission meeting minutes as presented.**

**D. COMMUNICATIONS**

- 1. MS. CAROL GENTZ, Coordinator, COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM requesting comments on the Draft Environmental Assessment for the Lanai Community Health Center at TMK: 4-9-006: 011, Lanai City, Island of Lanai. (E. Wade)**

**The Lanai Planning Commission may provide its comments on the Draft Environmental Assessment.**

Mr. Rabaino: As we move along on item (D) communications, number (1), Ms. Carol Gentz, Coordinator of Maui County Development Block Grant Program. You have the floor.

Ms. Erin Wade: Good evening Commissioners. I'm Erin Wade. I'm the small town planner. Before you today is the draft environmental assessment for the Lana`i Community Health Center. You did give us some preliminary consultation comments which we did pass on to the consultant team. They have since amended the draft environmental assessment and provided the revisions. And I think this EA went out in the packets for you folks to look over. So I'm here and also John Sakaguchi from Wilson Okamoto is in the audience to assist and take any questions that you have or comments you would still like to see addressed in the environmental assessment. So I can take comments whenever you're ready.

Mr. Rabaino: Commissioners, you folks have any questions for her? Who wanted to go first? Ornellas? de Jetley?

Ms. Alberta de Jetley: I have one comment. I would publically acknowledge the work that Phyllis McOmer and Jackie Wilke have spent on this project to bring this to this point. Well done!

Mr. Rabaino: Castillo? Commissioner Castillo?

Ms. Castillo: I don't have any comments for this. I was part of this planning also, but I had to drop off because too many commitments so I give credit to Phyllis that it continued on with this project. Thank you.

Mr. Rabaino: Vice-Chair? None? David Green? Okay, Shelly no comment. David Green?

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Commissioner Green?

Mr. David Green: I have a question. In the – I guess it's page 321, it talks about the impacts of different areas, and it specifically mentions the competition with the Lana`i Community Hospital and Straub Clinic. And part of it is a question because I'm just not knowledgeable. I see that in the write up, there is general services going to be provided and I also saw in the floor plan a couple of chairs, and I was just wondering if it's addressed here about competition with the Straub Clinic, and it doesn't say anything about competition with the dentist that's already on island, so it's just a question. Are the services overlapping or complimentary, and if so, in which way?

Ms. Wade: Okay, I think we'll have to seek the operator of the Health Clinic for a response to that. So I will submit that as a question.

Mr. Rabaino: Lisa, any comments? Commissioner Kaniho? No? Anybody else? Okay. I commend the hard work for doing this, and I appreciate that this building is going to come forth. I have a question regarding, on page 223, regarding approximately 1,600 gallons per day. Is that an actual estimation or is that an actual amount for the water usage for this facility?

Ms. Wade: John Sakaguchi from Wilson Okamoto can address your question.

Mr. John Sakaguchi: Thank you Commissioners. My name is John Sakaguchi with Wilson Okamoto. We are the preparers of the document. Your question regarding the 1,600 gallons per day on the water usage, that's based on the fixture count. That's the standard way that the mechanical engineer calculates usage. One other piece of information I did get was the landscape irrigation, and I think the landscape architect said it's 360 gallons a day based on using drip irrigation. And I think the document also mentioned that the building will be certified for LEED certification which means low flow toilets, low flow fixtures.

Mr. Rabaino: Thank you for that. And on the same page you have the Lana`i waste water reclaimed retention facility. The existing eight-inch waste water line, when you do connect to it, it will be the same, eight-inch or larger?

Mr. Sakaguchi: No. I don't think it would be any larger. We can give you the exact lateral size when we get it from the civil engineer.

Mr. Rabaino: Okay. Thank you. Commissioners, any questions? Stanley? Green? Okay, I have several here as you can see all of my markers, so bear with me. Please entertain me on your underground water injection control. What do you mean by drinking water of chemical, physical and radio active and biological contamination? For page 306,

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Commissioners – could originate from injection well activities.

Mr. Sakaguchi: Yeah, that injection well activity, I guess, is standard information regarding use of injection wells here. This project will not have any.

Mr. Rabaino: Thank you. Okay, as we continue. In your long-term on page 314, when you start the construction of the Health Center, after the demolition of the three buildings there, a screen will be placed up as you indicated above during the construction, yeah?

Mr. Sakaguchi: A screen?

Mr. Rabaino: Yeah. How high is that wind screen?

Mr. Sakaguchi: Typically a contractor puts that up, but it's a dust free, to keep, obviously the dust from the site.

Mr. Rabaino: Okay, on page 320, item number impact and mitigation measures, under medical, you'll have various staffing, yeah – nursing, director – how many of these employees, if I'm just looking at this and based on, if I'm going just on one, two, three, and six nurse, how many x-ray technicians will be on hand?

Mr. Sakaguchi: X-ray technicians, that one I cannot answer. The – my understanding is full-time staff will probably be onsite, each day, is around 10.

Mr. Rabaino: Will this staff be part of a staff that will be living on Lana`i or will be staying five-days a week, and commute back off-island?

Mr. Sakaguchi: I think it's going to be a combination of the two. Some will be living here, and my understanding also is some will be commuting.

Mr. Rabaino: In fairness to you because Straub do have theirs one rotating yeah, so we want to make sure that if this is going to be established and patient to doctor ratio is based on – when someone leaves we've got to start all over again – that's my initial concern is right now.

Ms. Castillo: Gerry?

Mr. Rabaino: Go ahead Letty.

Ms. Castillo: I just wonder, is the Health Center are going to be using the x-ray and lab facility at the hospital or are they going to be bringing in their own personnel for those services?

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Mr. Sakaguchi: I believe they'll be bringing in their own personnel. They do have, I think, there's a lab in there. And my understanding that's what they call a clinic physician type of a lab.

Ms. Castillo: Because at this point of time, Straub Clinic is using the lab and x-ray techs of the hospital, so that's why I'm kind of wondering if they are going to be using the hospital staff also.

Mr. Sakaguchi: We can clarify that in the final EA, and a response letter back to you.

Ms. Castillo: Thank you.

Mr. Rabaino: Any Commissioners wish to question? Comments? None. Okay, I'm going to continue yeah? Oh, Stanley, sorry.

Ms. Castillo: Gerry, let me continue.

Mr. Rabaino: Go ahead.

Ms. Castillo: As you folks noted, the hospital is a 14-bed hospital and it's for acute care and long term care. And the reason we have the x-ray and lab technicians 24-hours, seven-days a week, it's in compliance of Medicare regulations. So, when we don't have those staffing, we have to furnish them with a reliever during weekends. So that's why I'm kind of wondering whether this clinic will be using hospital staff or not. Thank you.

Mr. Sakaguchi: Yeah, we can clarify that for you back in your response letter and in the final EA.

Mr. Rabaino: Under page 41, section 226-20, objectives and policies, on the very bottom, it's says and I'll read just the whole comment – “the Health Center will provide accessible primary health in the medical care, dental behavior, health services, prenatal, family planning, nutritious and prevented health education service to low and moderate income, uninsured and undeserved residents.” Explain to me what is undeserved.

Mr. Sakaguchi: Under insured.

Mr. Rabaino: Under served, excuse me.

Mr. Sakaguchi: Uninsured. Those without health insurance.

Mr. Rabaino: Okay. So if – I'm just going to hypothetical – if a weak person comes, they will have access to it? To your facility?

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Mr. Sakaguchi: What kind of person, I'm sorry?

Mr. Rabaino: Let me retract that for the other person, according to one of my fellow commissioners. Okay, you can strike that. Under the historical registry, is the Health Center still part of that plan? Because I was reviewing under the BTC area – excuse me, BCT, right – that the zoning for the Health Center is still in the business town country? The registry?

Mr. Sakaguchi: The draft nomination form and the district for that did include a map for it. And the health center will be within that district. However, we did submit the documentation to the State Historic Preservation Office and they replied back to us on June 30<sup>th</sup> that the project will have no effect on historic properties. And that information will be included in the final EA.

Mr. Rabaino: Okay, thank you for your time. Commissioners, any further comments, suggestions? Okay, thank you for your time.

Mr. Sakaguchi: Thank you very much!

Mr. Rabaino: Okay. We will now open it up for public testimony. Is there a name list there Lei? Thank you. Okay, Reilly you'll be the first, and Ron McOمبر is number two thereafter. Pat Reilly.

Mr. Ron McOمبر: I beat you here Pat. Name is Ron McOمبر. I've lived on Lana`i for 40 years. Remember this is an environmental impact statement so any questions about whether they're going to take business away from the hospital or away from the clinic has no bearing on environmental impact. First of all we know the situation on Lana`i that this community center is very essential right now, especially with the money situation and employment. So this is, you know, this is a necessity and it's been going on for 10 years trying to get this folks. So any help we get from you would be appreciated.

As far as the impact, we just discovered when they looked at the ground at the old library, they found a cesspool that had never been hooked up. So beware there may be cesspools over there that have not been hooked up. That's what happened over here. They all at once discovered they had a cesspool. It's been hooked up to the senior center but they never hooked it up to the sewer. So beware of that. That could very well be in that area over there. Just for your own edification. That would be embarrassing. Anyway, we as a community should support this. This is essential for this community, and thank you very much. That's my two cents worth. I'll let Pat have his five cents.

Mr. Rabaino: Commissioners, any questions for Ron McOمبر. None? Thank you Ron. Pat?

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Mr. Fairfax “Pat” Reilly: Thank you. I appreciate the opportunity. This is probably more emphasis than anything new. I do strongly support this project and I think it is needed in the community. 3.3 – I noticed when you talk about noise and dust abatement, and I think Chair Rabaino you raised that issue, is that we do have church, churches in that area, apartments, homes and the school and some retail operations, and it seems to focus on daylight hours. But as a result of the visitor industries we also note that people will be sleeping during the day and the churches and retail outlets also have activities during the day. So I don’t know exactly what noise and dust abatement the construction will bear, but I just wanted to emphasize that there are activities going on during the day that the construction noise and the dust may impact.

3.41 is the drainage and for those of us who have been here for awhile, when we have a strong storm event, the water comes down Sixth Street in gallons. And we’d refer you to the R. M. Towill Master Drainage Draft Plan for Lana`i City. But if there’s a real big storm, it runs right down Sixth Street, right here into the school. So any additional drainage, and I know it says you’re trying to keep all drainage onsite, but I tell you, in a big storm event, that’s probably impossible. So I don’t know how you address that, but I just wanted to let people know that that water does run down Sixth Street pretty strongly if there’s a big storm.

It probably is no consequence when you mentioned the aquifer, 3.41, and the description of the aquifer seemed to be out of line with the present water use and development plan. I think the one you’re using maybe – we have a draft plan that’s moving forward and so I’m not sure those aquifers are correct, but I don’t know if it makes any difference.

Lastly, traffic control, and I know you do mention a study but that corner at Sixth and Fraser is, in the morning and since I worked here at the school, that’s where everybody drops off their children to a large extent and makes that turn, and also picks up in the afternoon sometimes. And again if you’re going to have a construction project on Sixth Street, that will be double congestion and I don’t know if it would interfere with traffic flow to the school early in the morning. So I just wanted to raise those few points for emphasis, and I appreciate the EA. It was very well done. Thank you.

Mr. Rabaino: Thank you Pat. Commissioners, any questions for Pat Reilly? So none? Thank you Pat. We will now close the public testimony for Lana`i Community Health Center. Alberta? Okay, just a notation for the record, Alberta is excused. Don’t know long she’ll be back. Hold on.

Yes, I agree with Pat and Ron that this is vital for our community so, you know, only one last question for you. You said very vaguely early 2000 that this construction will start. Has the permit been submitted on the start date? And is the money appropriated and is allocated?

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Mr. Sakaguchi: My understanding is that right now the Health Center is still in the process – they're processing some grant money. But, in speaking to the Health Center, they anticipate either late 2011 now or in the early portion of 2012. I believe the drawings are in the process of the building permit.

Mr. Rabaino: Okay. Based on that have you – that's also included with the delays like down time, when raining, and the barge can't come in with your guys materials. Has that all been factored in?

Mr. Sakaguchi: I believe the estimate of the construction time came from the architect. It's what they –. I don't know whether that's in the construction, in the content documents. I can verify that also.

Mr. Rabaino: Okay, that would be great. Well, you can pass that message onto Lei. Because I'm looking at some of this back portion here. It says like, you know, obtain County permit approval, so I was just curious how of those permits have already been submitted or slashed has been approved.

Mr. Sakaguchi: I don't think any of the permits have been approved in my understanding. The permits that are identified on there are a building permit, and any project would need that.

Mr. Rabaino: Okay, thank you. Commissioners? None? Okay, thank you very much for your time. Stanley you want to have the last say, Vice-Chair? Okay, back to you.

Ms. Wade: Just one last thing to follow up. The last time that I was here you asked me about the Lana`i Art Center and how it would be impacted by the Lana`i Health Center. I did speak with Lance Anderson directly, the Executive Director, and he said he's actually written several letters in support of the Health Center. And he would have been here in person today if he wasn't going to be on the mainland for a trip. But they're strongly in support of the Health Center. He wanted me to convey that to you. And although their activity room is going to need to be relocated, they still see that as an opportunity for the Art Center Excel and wanted me – he just wanted me to convey that they strongly support the Health Center project.

Mr. Rabaino: One question. When they do, where would they – when they start construction or demolition, where would the Health – will the Health Center be relocated?

Ms. Wade: The Art Center activity room will be relocated. The location of that has not been determined. But as Mr. Sakaguchi mentioned, we do have a little bit of time to work with the land owner to determine what the best location for that use would be.



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**E. Workshop conducted by Castle and Cooke Resorts, LLC**

- 1. Active subdivision projects within the Koele and Manele Project Districts**
- 2. Status of the proposed new brackish well no. 15**
- 3. Status of the Lanai Hale fencing program**

**The workshop is for information purposes only.**

Mr. Rabaino: Okay, thank you. Before we move on, any of the Commissioners wish to make a comment? None? Okay, thank you very much. We'll move onto item no. (E), workshop, conducted by Castle & Cooke Resorts. Items one, two and three. First one is active subdivision projects within Koele and Manele project district. Item no. two, status of proposal new brackish well no. 15. No. three item, status of Lana`i Hale fencing program. Clay?

Mr. Clay Rumbaoa: Good evening Chair Rabaino and Commissioners. My name is Clay Rumbaoa. I'm with Castle & Cooke. And as you mentioned earlier or just recently Chair Rabaino, I'm here to discuss the active subdivisions for the Koele and Manele Project Districts; the status for brackish well 15; and Mr. Bryan Plunkett will provide an update for the Lana`i Hale fence.

To give you guys a base line for the Koele Project District. Koele Project District consists of 618 acres. Within that 618 acres, 214 acres are for single-family residences, 26 acres are for multi-family residences, 21.1 acres is for the hotel which is the Four Seasons, The Lodge. Open space has 12 acres, and that predominately consists of the area along the Kapana Gulch right above Lalakoa. The public is one acre and that is for the old two-million gallon tank right near the Cavendish area, the Cavendish Golf Course. The park, 11.5 acres, is along, above Queen Street and Kaumalapau, that area right there. And obviously the golf course is the Experience at Koele and Cavendish for 332.4 acres.

Again for Koele, I want to break down further the residential portion and this is where we are today. Again, for the 214 acres for single-family, the density is at 2.5 units per acre, so that gives us an allowable 535 units to build single-family residents in Koele. Currently we have finished 18 units which is along the Kaunoha Drive, and we've sold all 18 so we have zero in inventory. For the multi-family, 26 acres, the density for multi-family is six units per acre, for a total allowable of 156 units. We finished 33 units. We sold 27. Those 27 are along Kukui Circle which are the Villas. And the six remaining inventory are the recently completed Pines units.

Our future proposed entitlements are K-8A which is proposed for four single-family lots.

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K-9A, nine single-family lots. And K-23 which is in the multi-family area right along Kukui Circle in the Villas and that's proposed for 10 units there. And this here is a map that kind of hopefully shows where our projects are. As I mentioned, the proposed single-family entitlement projects are K-8A which is right above hole number two, right where the Kaunoa paved road ends, and K-9 is right above that for nine proposed lots. Those two projects are with the County of Maui for subdivision review and eventual approval. The other one that I mentioned for proposed projects is K-23 which is the Villas which is on the bottom left hand corner which is along the Kukui Circle. And again that is proposed for 10 detached multi-family units. The others that you see, the K-22, K-24, K-25, those are multi-family projects, but they're not in the County for any kind of review. And as you see probably towards the right, the designations K-9B, K-A6 those are just our outline of future developments that is in its conceptual stages at this point. And as I mentioned earlier, the park on the lower right corner, above Queen Street, that's where the proposed future park we hope to put in there.

Moving onto the Manele Project District, that project district consists of 868 acres. 328.8 of it is designated for single-family, 55 acres for multi-family, commercial 5.25. The commercial is located at the fork of the highway, Manele Road and where Hulopoe Beach Park and Small Boat Harbor forks off. The hotel obviously is where the Four Seasons Hotel is, and also includes the future proposed expansion area so that totals 56.6 acres. Open space, 152.02 acres, consists of the predominately the Puapepe area, open space area there, all the gullies, and basins. The roads are the Hulopoe Drive road, the loop road and all those minor roads. The parks, 66.33 acres, is the Hulopoe Beach Park area, and there's a road or there's a park right by the small boat harbor in the back there, that's part of the 66.3 acres. And then the golf course is the Challenge at Manele Golf Course at 172 acres.

And again this is where we are today in terms of the residential portion of Manele Project District. 328.8 acres, at a density 0.856 units per acre, gives us an allowable 282 units to construct single-family. We finished 51 of those units slash lots, sold 28 of those, and we have 23 lots in inventory. For the multi-family, again, 55 acres, density at 3.34 units per acre, for a total allowable of 184 multi-family units. We've constructed 69 of those units, sold 61 and we have eight in inventory.

Our projects, current entitlement projects include the Palms Phase Two which is the County of Maui Building Department for review right now. That's 19 multi-family units attached, and six which is adjacent to or right across from the Palms, nine single-family units, and seven two-units or lots, and M-8 six single-family lots. And this is a photo or a map showing you where those are. The purple are the out to sale. And the, I guess, the Palms, I guess the light-bluish, that's the phase two where we have the 19 proposed multi-family units that's with the County for building permit review. And then the M-6, 7, and 8 to the left, I guess, of Maunalei Drive is within the County of Maui for review. And then what you

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see there, M-9 and 10 furthest west, it's just in our conceptual stages. We're just looking at how we can work with the lotting plan so that is not with the County of Maui as of yet. And then up above, the M-Ag, is ways down the road.

The item number two on the agenda, brackish well 15, this is the location of it which is at the north west corner of the piggery. That building there is the piggery which is about three-quarters of a mile from Maunalei Road. We hope to have this completed and running in 2012. I'll turn the presentation over to Bryan Plunkett at this point. Thank you.

Mr. Bryan Plunkett: My name is Bryan Plunkett, manager for Conservation and Natural Resources for Castle & Cooke, and overseeing the Lana`i Hale Summit fence project. Now it's hard to see but there's a red line, 2.6 miles going up and coming down to Fort Bench from Puheele Loop. Right at this point here where it shows the Harmer station we started construction up here in June, the first week in June, and we completed one mile by July 4<sup>th</sup> weekend. And we started up here because beyond this point the Uau habitat and Horivat section, the Uau, is in breeding season now, and the fence construction working down here is a lot easier than working up hill. So we started up at the Harmer Station, went down to the – there's a cliff side over here, the end point, one mile, and there's a dirt slide right past this point. Right here is along the Munro Trail so if you drive up to the Munro Trail from the south side, you will see this fence already up. And this part here, the stainless steel portion of the fence, there's a side road that once you come out where you're overlooking Maui, there's a turn off road and you come across this stainless steel portion of the fence. So this 2.6 mile increment two, phase two, currently is costing \$378,000.

This is an overall view. What we looked at was from here. Well, up here is where we started, and we ended up past – these blue dots are deer guards to be installed. So we started around over here and went down to about here. So we have to wait till after October to work this part down, to get past the breeding season of the Horivat and the Uau. And we'll be completing this portion by, hopefully, October. The rest of this. And right now this four mile, increment three section, as you see we have this section will be completed at the bottom here when this 2.6 miles. So we have an enclosed increment here. We have the 7.5 miles is already completed at the top. And when the 4 miles on the east side which is the most difficult part is completed sometime in future depending on grant monies available. And each mile is costing about a quarter of a million dollars so it's real expensive. So that's the update of the current Lana`i Hale Summit Fence Project.

Mr. Rabaino: Okay. Thank you. Can you remain seated Bryan? Commissioners, any questions, comments? John Ornellas? Commissioner Ornellas?

Mr. Ornellas: Clay, brackish well 15, what is that water going to be used for?

Mr. Rumbaoa: For irrigation for the Manele Project District. It will be used as a relief for

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wells 1, 9 and 14, and to be used for irrigation.

Mr. Ornellas: Is there any relation to shift with well 15 to the proposed new stables and ranching efforts in the Palawai Basin?

Mr. Rumbaoa: No. No relation at all. This was in the books for a few years.

Mr. Ornellas: And the number –. Maybe we'll discuss this at the LWAC meeting, but water for all these units that haven't been built yet, do you feel confident that there's enough water there for the balance that needs to be built and sold?

Mr. Rumbaoa: Yes.

Mr. Ornellas: And are you still, is Castle & Cooke still planning on selling their water to a proposed, I guess, developer? Or is Castle & Cooke trying to dump the water system, to sell the water system to another person, another entity?

Mr. Rumbaoa: I'm not aware of that, so I will say no.

Mr. Ornellas: Okay.

Mr. Rabaino: Commissioner de Jetley? Castillo? Commissioner Ruidas? Shelly? David? Commissioner David Green?

Mr. Green: I have one question Clay. If I remember correctly well 15 was suppose to have been started in January/February of this year. And so now it sounds like it's going to be delayed at least a year. What's causing the delay or change in plans?

Mr. Rumbaoa: There's no change in plan. The permitting process and the funding issue. But we hope to get it in early 2012 per our SMA condition.

Mr. Green: And by funding you mean allocation of funds for the well from Castle & Cooke?

Mr. Rumbaoa: That's correct.

Mr. Green: From my understanding it was already funded for 2010, starting early in the year.

Mr. Rumbaoa: I guess things change, but that's why it got pushed back, along with the permitting issues.

Mr. Green: I just think it's very dangerous for Castle & Cooke to mess around with water

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issues. And I'm personally disappointed that the well has been delayed because I think it's really important.

Mr. Rabaino: Commissioner Kaniho? Suggestion/comments? None? Clay, I don't want mispronounce your last name so I'll call you Clay out of respect, okay. My question for you, under K-8B, for single lots, what is the lot size?

Mr. Rumbaoa: K-8B or K-8A?

Mr. Rabaino: Oh, I cannot read my scribbling over here. 8A then.

Mr. Rumbaoa: About one acre. Roughly one acre per lot.

Mr. Rabaino: With K-8A and K-9A, that 9A is the nine single-family lots. Is that larger than the four that you mentioned for K-8A?

Mr. Rumbaoa: They're barely larger. You know, they range from one acre to one-and-a-half acres.

Mr. Rabaino: Okay, how soon – provided the economy improves – will these lots will have construction on them?

Mr. Rumbaoa: Again we're waiting to get our lot subdivision from the County so it depends on when we get that. And we'll program it to our budget cycle, so it could be two years or so. It's just depending again. The big question is the County of Maui approvals.

Mr. Rabaino: Okay. Under your K-23 Villas, you have 10, yeah? Is that subject also under construction and permits –

Mr. Rumbaoa: That's correct.

Mr. Rabaino: – apply?

Mr. Rumbaoa: Correct.

Mr. Rabaino: Okay. Any starting date, just out of blues, that you are looking for?

Mr. Rumbaoa: Again we're waiting for the County to respond to our building plan review.

Mr. Rabaino: Okay. And then you mentioned about the park area, yeah, the 18 acres, park 11.5 acres of park. Is that going to be – I'm trying to figure this out – is that going to start before you have any other constructions while you are waiting for approvals of the other

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sites that you have planned for the Koele District area?

Mr. Rumbaoa: The park we have – we have designs for the park and it's just a matter of us getting those reviewed, again, by the County and then we'll move forward. (*Changed cassette tapes*). .

Mr. Rabaino: And the same applies for the Manele District portion too, for the Terraces?

Mr. Rumbaoa: Correct. The ones that I mentioned in current entitlement projects are in the County of Maui for review.

Mr. Rabaino: Okay. Thank you. Just a little bit out of the ordinary – I'm going back down to Manele – Castle & Cooke Resort catch basin, you're waiting for the – the Planning Department recently granted your SMA minor permit for the proposed project. When will this so-called area be starting construction or moving forward?

Mr. Rumbaoa: I'm not familiar with that. Minor permit, SMA? Can you clarify that? Catch basin, I'm not familiar with that.

Mr. Rabaino: Is that regarding to the Miki Basin? Down Manele site? Corporation Counsel, I need assistant please? What area is this? The catch basin, Castle & Cooke catch basin, that the Planning Department recently granted a shoreline management. Yeah, it's down at Manele. Is it the project site where the Terraces are located or are we talking about Manele Small Boat Harbor?

Mr. Rumbaoa: Can you repeat your question again on that?

Mr. Rabaino: Well, I'm just concerned about the proposed project area for the catch basin at Manele Resorts. The title says Castle & Cooke Resort catch basin. Is this for drainage or for flood drainage?

Mr. Rumbaoa: I think that is to capture some of the runoff from the irrigation from the hotel from migrating into Hulopoe Bay, so that is what that is. And we went through the process of getting our SMA permit to construct that remedial method.

Mr. Rabaino: Okay. Thank you. Sorry to throw that at you, but I was just curious about it. Okay. Commissioners, any other questions? John Ornellas? Commissioner Ornellas?

Mr. Ornellas: Clay, thank you guys for coming today and providing us, and I hope this is on the agenda for every planning commission so we can get updates as months go by, different things come up. How many gallons is this well going to be producing off the top of your head?

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Mr. Rumbaoa: Approximately 300,000 gallons per day.

Mr. Ornellas: And this is going to – you'll use at the golf course or at the resort or at the Residence?

Mr. Rumbaoa: It will be used for residential irrigation. It will be tied into our pipeline system that feeds the 15 million gallon reservoir, and that reservoir is used for irrigation – golf course irrigation, roadway irrigation, residential irrigation.

Mr. Ornellas: Okay. Isn't the golf course under a – isn't there a maximum amount of gallons you can use per day?

Mr. Rumbaoa: That's correct. It's 650,000 gallons per day on a 13 period rolling average.

Mr. Ornellas: Okay. And are you – with this 300 – I mean out of this 300,000 pumping per day will that – how much of that will be earmarked for the golf course?

Mr. Rumbaoa: We don't know because again we have these wells, 1, 9, 14, and soon 15, and not all of them will be pumping at the same time. They all go to a main collection point which is the 15 million gallon reservoir. And from that it's disseminated down Manele and used for golf course irrigation, roadway, residential irrigation, so that's, you know, how it's used.

Mr. Ornellas: And this well be metered?

Mr. Rumbaoa: Correct. Yes.

Mr. Ornellas: I don't know if you can tell us, but at what cost is this, by installation of this well, what cost is it to Castle & Cooke?

Mr. Rumbaoa: I can't answer that question. I don't know.

Mr. Ornellas: The only reason why I'm asking is there's so many leaks in the Palawai Basin as far as water lines and according to the LWAC, as well as the Maui Water Board that if Castle & Cooke would repair those leaks you wouldn't need another well.

Mr. Rumbaoa: I think when we have our next LWAC meeting, John Stubbart will say that the leaks at the Palawai Basin as been minimized and we are not experiencing those leaks that has been expressed and written in the water use development plan. So we've made improvements to rectify those leaks at the Palawai Basin, which is a small portion of our water pipeline throughout the whole island. So I think we made great progress to minimize those leaks in the Palawai Basin.

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Mr. Ornellas: Oh, good, I'll be looking forward to seeing that. Also, this presentation that you put up on the screen, can we get a copy of that?

Mr. Rumbaoa: Yeah, sure. I apologize for not providing it before hand, but we will get it to you folk. We'll send it to the County of Maui and they can disseminate it to you folks.

Mr. Ornellas: Okay, great. Thank you Clay. I appreciate it.

Mr. Rabaino: Commissioners, any other comments, questions? Commissioner Green?

Mr. Green: I had a question for Bryan. I'm still not – I couldn't see the slide very well, and I'd like to get clarified in my own mind, what portion of the area that you were referring to is yet to be completed? You're talking about seven miles or something rather.

Mr. Plunkett: It's four miles on the eastern slopes, about the 2,000 foot elevation. That is to be finished, surveyed, and monies to be gotten through grants. But that is four miles left after this phase two, of increment two, is completed.

Mr. Green: And will that enclose then that area completely?

Mr. Plunkett: Correct.

Mr. Green: And then the plan would be to remove the ungulates that are left in there at that time, so nothing is going to happen until obviously the circuit is totally enclosed?

Mr. Plunkett: Correct. Each increment that's enclosed – like the first increment was seven and a half miles which was totally enclosed. So the steps of eradication of deer, and then, to a certain extent, elimination of alien species and native restoration. So each segment once it's closed up, then the first step is to get rid of the deer and then do some alien species removal, and then native plant restoration.

Mr. Rabaino: Commissioners, any other questions? Okay, I've got one for Bryan yeah. Your area in one, two and three, it is my understanding are you planting trees up there, native Hawaiian plants, or just strictly fencing?

Mr. Plunkett: We have been planting Cooke Pines over the years. That's the only thing that really would survive. Within the Uluhe fern and to help with the fog drip, so that particular plant in the Uluhe fern is protected against the deer browsing. So to replace the fog drip capture of the existing dying plants that we have been planting over the years.

Mr. Rabaino: And my other question for you, Bryan, is the road permanently closed or is it open just for you folks when you go and work up there?



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Mr. Plunkett: There's no change in any road activity while we're up there.

Mr. Rabaino: Okay because I know that some of the tourists when I pick them up to bring them back to the boat they go, they closed the road, so I'm just –

Mr. Plunkett: It wasn't us.

Mr. Rabaino: Okay. Thank you. Commissioners, any other questions? Kaniho? Commissioner Kaniho? None? de Jetley please.

Ms. de Jetley: Mr. Chair? It's only Lana`i City Service does not let their vehicles go onto the Hale and to that road. That road is closed to their customers.

Mr. Rabaino: And also for the Eagle Venture one too? The other jeep rental?

Ms. de Jetley: I have no idea what their policies are. But it's the u-drive companies that are deciding not to let their customers use the road, not anybody else.

Mr. Rabaino: Okay, thank you de Jetley, Commissioner de Jetley for that information. Any other questions so we can move on? Oh, public testimony is now open. Thank you Bryan and Clay.

Mr. Reilly: Thank you Commissioners. I just have some recommendations for – this is not going to be for tonight obviously – but to put on the agenda because there will be issues that arise in the community and things that will be come before the Commission that I think you should need at least, if it's not monthly, every other month, what the status is, and the community would sure like to know. One, I would ask for a report on the status of the EIS's related to the power project. And since those will come before you and while it will take a long time to get them, I think the Commission should ask for a status report. What is the status of all the EIS's are and what the progress is. I know there are several issues about road closures and the most recent one I hear is about boulders in the back of Central Services. And if that's a project of the Company, you should know who's doing it anyhow and get a report on that, and if there are going to be road closures, I don't know how that works. But, at least, I would want a report on what roads are going to be closed because there are certain aspects of the community plan that have open roads for trails and access, so I'm confused on that. I don't know about the – again, you raised the issue of the stables and the new projects, the rumors around that they are going to be building new stables out in the Palawai and putting horses out there. I don't know if those, if they need a special use permit to construct those, but I would want to know the status of those projects as they go along so that you have a heads up. So I don't expect that tonight, but I just thought I'd add those so you at least you items on your updated reports and you're going to get that. And I think it's useful for the community. Thank you very much.

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Mr. Rabaino: Commissioners, any questions for Pat Reilly? None. Okay. Ron?

Mr. McOmber: Good evening, again, Ron McOmber. You know, what's really ashamed is this fence is at least four years behind completion. And a lot of the permits that they were given to go forward with their construction and their projects was based on protecting that watershed. And it looks like we're going to be another couple of years before that's done. This is not acceptable because they had made commitments to do this, and the company has fallen very short. I had to give trucks, my own personal trucks to people coming in doing volunteer work on the Hale and related areas because Castle & Cooke could not supply vehicles for these people. That goes to show you how poorly Castle & Cooke, and how mundane they must think this is. This is really important. We have people who come on this island to do public service, they do work at the hale, they do all kinds of neat stuff at their expense, not at the expense of Castle & Cooke, out of other monies, and Castle & Cooke can't even supply trucks for these folks. This is awful. This is insane.

The other thing is where does Castle & Cooke get permission to run rain berm on the paddock to water grass at Koele and round up the paddock, horse paddock, when everybody else is dying around here for water? This is ludicrous, and I don't hear a peep out of Castle & Cooke. They don't let the community know what's going on. I see Aoki coming in now to bring feed in and pellets in to feed his cattle. And Castle & Cooke is talking about maybe doing stables up one of the bench fields to get to horses up there. Where are they going to –? They're blocking roads off. They're putting fences. They're putting gates up. They're bulldozing. Dirt piles up to stop the residents to use this land and this is not acceptable folks. Castle Cooke – and you folks need to ask Castle & Cooke to come and talk about this and future things because this is not acceptable to this community. We're lucky it's not Moloka`i because if it was Moloka`i that stuff would all be torn down already. But you can't get answers from these folks, and they're not giving you answers. And we haven't had a water meeting for a long, and this next one coming up is going to be dozy because we're talking about the water use and development, and it's in our hands. We have the completed copy and it's within weeks being completed. And then it will be in front of you folks to look at. But be sure to remember that the LWAC is who you ask for this information because we have that information. Thank you very much.

But keep this in mind, all of this stuff is going forward. A lot of these water shed protection is based on getting that stupid fence done. Now I hear rumors that they may put fences all the way down to the ocean like they did before. That's not acceptable folks, not without coming back to this community, and let the community. They can't make these decisions because of a bunch of cowboys are going to come in here and do something radical. And when the saw the water sprinklers in the paddock, two Saturdays ago, watering the paddock, in the middle of the day, not a 10 o'clock at night, not at 9 o'clock in the night, in the middle of the hot part of the day, how stupid is that? That's our drinking water. That isn't even R-1 water folks. That's our drinking water. This company is just absolutely

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rudely telling us it's none of our business and somebody better – this Planning Commission better start asking some questions about this stuff. Thank you very much.

Mr. Rabaino: Ron, please remain seated. Commissioners, any questions for Ron? Ron, the location of this rain berm, what side of the island?

Mr. McOmber: Say that again?

Mr. Rabaino: The paddock. Which paddock?

Mr. McOmber: The one just above the stables. Just the road that goes down, where you turn up. I can see when you go down to the tennis court and you drive to the end of the road of the tennis court and look back over. It's the one, the paddock right there in front of the stables. It's a big rain berm. We were warned about this. Joel warned us about that, and I said, they can't be doing that. That's ludicrous. I think Joel is smoking something. And then I go over and I find them doing it. This is in your face. It's our drinking water folks. It's like the other day, I'm driving up the street, and water is running down the street. The company did not have the courtesy to tell us they were going to flush the fire hydrants. They just did it. I mean, they have no regard for this community. Zero.

Mr. Rabaino: Okay. Ron, the next question that I have for you is you're talking about the Company, referring to Castle & Cooke, is going to put another stable up on the bench. Is that bench one, two and three, or just in Palawai Basin?

Mr. McOmber: I don't know which bench it is but I got it from a very reliable source that knows the guys there. See this is a proposed thing. According to Harry Saunders that told people that this is just a proposal they're putting out. But if they go through with this and they put horses up on that bench field, they're going to block roads and we won't be able to get up there and go hunting or go gathering or anything else. They've already started. Look at Bob Herra's house. They've already blocked that road off right there. You can't get up Bob Herra's and go up and do archery anymore because that road is block. Right where you go up Kaumalapau and you run right into that. It's block with a big orange cable across there, and a big sign that says "private property." That's not private property folks. And my understanding was they caught somebody growing Pakalolo. Hello, they've been growing Pakalolo up there since I've lived here. Then they need to go up there, enforce it and catch the guy doing it. You can't penalize the rest of this community because there's a bunch of jerks up there growing Pakalolo which they've been doing for 40 years or 50 years. That's just not right.

Mr. Rabaino: Okay, we'll take that under advisement, Ron, and then we'll find out what's going on. Thank you.

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Mr. McOmbler: Thank you.

Mr. Rabaino: Next on the agenda, moving on. Oh, we're closing the public hearing, excuse me. Sorry. For the record, closing public hearing. Commissioners, any other comments or suggestions? No? Okay, public testimony is closed. We're going to move onto item (F), Planning Department orientation workshop.

Mr. Jim Buika: Good evening Commissioners, my name is Jim Buika. I'm the shoreline planner for the Planning Department. If you would allow me two minutes to switch projectors here. And for the Castle & Cooke folks, can I use your projector? Is that okay?

Mr. Rabaino: Let me make a suggestion. We'll have a little break Commissioners. We'll take a five minute break so you can set up.

Mr. Buika: Thank you kindly.

Mr. Rabaino: You're welcome. Commissioners, break.

*(The Lana`i Planning Commission recessed at approximately 7:10 p.m., and reconvened at approximately 7:25 p.m.)*

**F. Planning Department Orientation Workshop No. 3 (J. Buika)**

- 1. Special Management Area Rules**
- 2. Shoreline Area Rules**

Mr. Rabaino: Commissioners – where's de Jetley and Ruidas? Okay, it's now 7:25 p.m.. The item is the Planning Department orientation workshop. Okay. Special Management Area Rules and Shoreline Area Rules. Okay, you may begin sir.

Mr. Buika: Thank you very much Chairman and Commissioners. Again, my name is Jim Buika. I'm the shoreline planner for the Planning Department, Maui County; and this evening I will present to you part of the ongoing series of yearly trainings at the Commissions conduct with the Planning Department. This is on the Coastal Zone Management Act, the Special Management Area Rules for the Lana`i Planning Commission and the Shoreline Rules and Regulations for the Lana`i Planning Commission. So what I will present is the Coastal Zone Management Act, the Hawaii Revised Statutes 205A, that manages some of your decisions – all of your decision; along with the Lana`i Planning Commission Rules under the Special Management Area Rules for the Lana`i Planning Commission; and the Shoreline Rules. I have the wrong presentation in here, I believe, because this is Lana`i. I apologize. There we go, and I'll have some concluding remarks.

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So first the State level Coast Zone Management Act is a statute that was enacted and codified as HRS 205 in 1977, and approved throughout the State in 1978. It manages all of our resources. It's our State resource management policy umbrella for all of our islands. And it permits a home rule to the Counties to create a Special Management Area Permit system, and in particular along the shoreline, a setback variance rule to manage development in the setbacks.

Again, this is the flow diagram from the planning frame work, the larger planning framework, parallel with the planning act. The land use Commission zoning, we have Coastal Zone Management Act, where we have our Special Management Area Rules, 402, Chapter 402, and the Shoreline Setback Rules, Chapter 403. And under those, the authority for the Lana`i Planning Commission review are the SMA Major Permits, the Shoreline Setback Variances, and the SM5 Exemptions. So the Special Management Area is a subset of the Coastal Zone delineate by County authorities. And in Lana`i it's a very, very thin band. It gets little larger near Manele Bay. This is very sensitive. So you can see that the – it is in yellow. There is not very much, but it's along the coastal road pretty much, so it's a very thin subset of the coastal zone.

Again, all of the brown areas are, again, we went over some of these here for the shoreline rules. Also the Lana`i Planning Commission reviews EA and Environmental Assessment documents; Community Plan Amendments; and other areas here. So the purpose and goal of the SMA Rules, it's a management tool and it set special controls through a permitting process to assure allowable developments that are designed and carried out in a manner consistent with the Coastal Zone Management objectives and policies. And the goal of the SMA Rules is to further the policy of the State through these objectives and policies in order to preserve, protect, and where possible, restore natural resources of the coastal zone.

There are 10 objectives of the Coastal Zone Management Act which are embedded into your Special Management Area Rules. So at the State levels these objectives are here listed on the left, the 10 of them. They are to protect and minimize impact to these various resources: recreational, historic and culture – culture, going down the list – scenic, coastal ecosystem, economic uses, coastal hazards, the management of development, streamlining the permitting process, requiring public participation, protecting our beach and our beach accesses, and also protecting our marine resources. So under these 10 objectives there are various policies that are in the Coastal Zone Management Act that detail these out a little more. So from those 10 objectives and policies in the Coastal Zone Management Act are the Special Management Area Rules for the Lana`i Planning Commission, Chapter 12-402. So the SMA Rules provide authorities to both you as Commissioners and to the Director of Planning Department. So any proposed action within the SMA requires an assessment by the authority. The Commission is authority for SMA Major Permits, and also SMA Exemptions. The Director is the authority for SMA Minor

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Permits, and Emergency Permits. So you also review and approve Exemptions similar to Moloka`i. On Maui, we do not. The Commissioners do not approve Exemptions.

So your role is first under the Coastal Zone Management Act is to define whether or not a project considered development. And pretty much anything, any action, that you do is considered – action or construction activity is considered a development. However, there are some activities that are exempted from development and there are 16 of these various exempted categories. And I believe that most of you are fairly familiar with some of these types of exemptions which I'll go into some of the typical categories a little later because you do look at exemptions from time to time. So, first of all, a project is deemed – if it is deemed a development and it has a valuation greater than \$125,000, then the Lana`i Planning Commission authorizes it via a public hearing process. If the project is deemed development and evaluation is less than \$125,000, then the Director can authorize it with no public hearing. It does not require a public hearing process and those under \$125,000 would be a minor permit, authorized by the Director of Planning Department.

And under the Lana`i Planning Commission SMA Rules there are various – there's assessment and evaluation criteria listed. And in preparation for every SMA permit that comes before you, the Planning Department evaluates the project versus 12 criteria. Adverse effects may exist for some development. Of course every development has some adverse impacts, however, our objective and your objective is to minimize those impacts in light of compelling public interest such as public health and safety, as well as economic development. So what that is saying is it's a balancing act between development and the environment health and safety. And there are guidelines that are under the CZM law that provides some consistency for how we review these. And these guidelines which were adopted by the Lana`i Planning Commission provide for adequate access to beaches, wildlife areas, reserves; adequate and properly located public recreation areas; adequately control and manage and minimize impacts from pollution and runoff; minimize adverse effects to water resources, scenic resources; and recreational amenities, and minimize risk to proposed structures from coastal hazards. So you can see the words I underlined there – adequate and minimize – is we are trying to do the best we can with all development. So, again, we're seeking, in summary, we're seeking to minimize, where reasonable, dredging, filling; altering of the coastal area; reduction in any beach size; impediments to public beach access and coastal recreation; coastal views; loss of coastal views, we want to prevent that; adverse effects to water quality, fisheries, wildlife, habitat; and loss of existing potential uses. So we need to certainly minimize all those.

So the bottom line is the Coastal Management Act through the SMA Guidelines and our Lana`i Planning Commission SMA Rules seeks to minimize, where reasonable, adverse impacts to the environment. So again, it's that balancing act. So, these are the 12 criteria that are in your rules, that we as planners, and you as Commissioners need to evaluate every project against. There's a lot of words here. I'll just run through them very quickly.

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But we want to obviously minimize environmental impacts, and we want to judge whether any project has a significant environmental impact when the proposed action can do any one of these 12 things. When we have irrevocable loss of natural or cultural resources, we want to prevent that; curtail certain beneficial uses of the environment; conflicts with long term environmental polices at the State and County level; substantially effects the economic social welfare of the community; involves substantial secondary impacts or increase effects on infrastructure; is part of a cumulative effect or part of a larger commitment, or involves a commitment of a larger action; it's substantially effects the rare, threatened or endangered species of animal or plant or its habitat; is contrary to our State plan, County General Plan, appropriate community plans, zoning and subdivision ordinances; detrimentally effects the air and water quality, noise levels; and number 10, affects environmentally sensitive areas such as flood plains, shorelines, tsunامي, erosion prone areas, coastal waters, fresh waters; substantially alters land forms and public views especially along the shoreline. And then going back to all of the objectives and policies, the 10 that I had in the table at the beginning of the Coastal Zone Management Act, after we look at this top 11 criteria for impacts, we go back and look at the objectives and policies of Coastal Zone Management Act to make sure that the project is consistent with all of those objectives and policies.

So there are several permits that are under the SMA rules. There's a major, a minor, and an emergency. The three that I have on here. The major permit is greater than \$125,000 that is deemed development. It requires a public hearing. It requires a notification of owners within 500 feet, and most often is approved with conditions to avoid, minimize and mitigate impacts. And the authority there is the Lana`i Planning Commission.

Minor permits are projects that are deemed development that are under \$125,000. They do not require a public hearing. They are conditioned in the same way as a major permit is to avoid, minimize and mitigate impacts. And there's a notification of the Lana`i Planning Commission at the next scheduled meeting of any approved minor permits.

Emergency permits are ones that pop up to the top to the Planning Director because it's an emergency. It has to be deemed an eminent and substantial harm to public welfare or to persons and property. The Director may give an oral approval for those. And there must be a report submitted to the Commission upon final determination. They are conditional permits expiring in 180-days, and the Lana`i Planning Commission is notified at the next scheduled meeting. So these are the three: Major permit, Minor permit and Emergency permits.

This was something I dealt with on Maui, just recently, this past winter. Just large waves, Kanaha Sunset AOA that had an eminent collapse and had to be evacuated for a number of months. So we had to shore that up obviously. So this needs to be taken cared of immediately. So these take time and they need input from all of you and a report comes

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back to you.

So besides those three permit categories, there's also the exemption that you deal with. These are these 16 categories of projects that are defined as not development. Right now, such as a single-family home is one example. But it's only defined as not a development after an environmental assessment is completed using our criteria that I went over, and that the proposed action is determined to no adverse impacts on the – no significant adverse impacts on the environment which includes a look at drainage; view plains; archaeology; historic, natural and coastal resources; and also looking at cumulative impacts. And this Commission provides a review and determines final approval on exemptions after a review by the Planning Commission, by the Planning Department and presentation to this body. And then there is a category of denied in which it is usually is – usually some inconsistency with one of the, either the State Land Use Plan, the General Plan, Community Plan or Zoning; and also is deemed to have an adverse impact on coastal resources. And both the Lana`i Planning Commission, and the Planning Director can deny these types of permits.

All minor and emergency permits are reported to the Commission at their next regular meeting. Exemptions are reviewed by you. Each of these decisions can be contested within 10 days, by filing an appeal with the Commission after the Director's decision. Pardon, except for exemptions? We'll have a clarification on that.

Mr. Michael Hopper: It's important, we have an almost eight month contested case on Moloka`i because of a misreading of this. The Commission determines exemptions so if you determine something is exempted, that appeals goes directly to court. That appeal doesn't come back to you. So that is kind of an important clarification. Since you decide on exemptions, if you deny an exemption, that appeal would go straight to court. It wouldn't come back to you. Again, we spent about eight months on Moloka`i. We had this come up on a contested case hearing that should've gone directly to court.

Mr. Buika: Thank you Mike. We don't even want to think about those things. So again just a clarification on the difference between an exemption versus a permit. An SMA Exemption cannot have conditions because it's actually exempted from the SMA permit application process. And there are 16 categories of exemptions and I'll give some example of those. A proposed action may be exempted if it includes measures to avoid, mitigate and minimize adverse impacts. Often projects come to us and to you that are well put together projects, and there are such things. I have an example here of the State Historic Preservation Division requires an archaeological monitor for all ground altering activities. So often projects are modified, tremendous amount of modification. When the planners work with the applicants to modify the project so that there is a great deal of environmental mitigation so that it turns out from a bad environmental project to a good environmental project. And that's where we want to take it before you with all of these conditions. They're not formal conditions on the project, but the applicant has agreed to many mitigation activities as part



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of the project. So they can still stay exempted that way if you can follow what I'm saying.

In contrast an SMA Use Permit may contain formal conditions to avoid, mitigate, and minimize adverse impacts on coastal resources. And we do that through a set of standard project conditions and also project specific conditions that most of you are familiar with. So here's just a quick list of some of the common exemptions that are set at the Coastal Zone Management Act level: single-family residents not part of a larger action. So only one single-family, construction of one single-family residences. Structural and non-structural improvements to single-family residences. Repair and maintenance of roads and highways. Routine dredging of streams as maintenance. Repair and maintenance of underground utilities. Repair and maintenance of the existing structures. And demolition of some structures less than 50 years old in general. So those are some of the categories.

And then the second set of rules are your Shoreline Setback Rules and Regulations for the Lana`i Planning Commission, Chapter 12-403. Again, the shoreline rules are looking at a subset, the ones in white, and CZM Act objectives. We're looking at coastal ecosystems to minimize adverse impacts and protect our coastal ecosystems. We're looking at coastal hazards. Reducing the risk to new structures and to enhance public safety. And the third category is beach protection and access. Enhancing public beach access, minimizing beach loss due to erosion and site hardening. So the goal of the shoreline rules is to regulate development so that shorelines are protected, beach resources are conserved, visual and physical access preserved, and landowners do not incur unnecessary risk or shoreline hardening expenses. And again – sorry I'm trying to use my cursor and it's just so sensitive. But you can see on the right hand side, again the brown boxes that you look at, Special Management Area Rules, Shoreline Rules, providing your approval. And also Planning Commission review of environmental assessment documents and EIS documents that are part of shoreline variances, and we'll get a little bit into shoreline variances here.

So the setback objectives of your shoreline rules pretty much make sense. We want to move out of harms way. Plan the obsolescence of structures in the shoreline setback. Ensure shoreline access and limited types of structures and activities in the shoreline area. So at a very general level. Where you get directly involved is, again in the white box, we can do, the Planning Department can do shoreline setback determinations for you and approvals with conditions. Those first two are requiring State certified shoreline surveys so determine what the shoreline setback is, and I'll get a little bit into that also. But what is important for you to review are shoreline setback variances which are projects where there will be a structure or activity that is being proposed to be developed within the shoreline setback area that probably requires a variance. So under your rules, when – certain projects require an environmental assessment to be built within the shoreline area. They require a public hearing; notification of adjacent homeowners, landowners; and requires a State certified shoreline survey.

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Although we want to keep most structures out of the shoreline setback areas, there are a few that are permitted and these are considered minor structures and activities. Minor structure is less than \$20,000 and that is determined not to impede the natural movement of the shoreline or does not alter the existing grade of the setback area. So benches, some walkways, some showers, some minor park structures can be put in there that are of minor value and small in nature. And actually under our new flood plain ordinance for Maui County, all new structures must be elevated one foot above the base flood elevation on pilings or columns – that's a protective structure – and the County is held harmless, and also, it should not harden the shoreline such as a seawall.

So your role in approving shoreline setback variances, variances can be granted for structures that are necessary or ancillary to this category of projects. Crops and aquiculture; limited landscaping that does not effect shoreline properties; drainage improvements; boating water sport facility; public facility repair improvements or utilities that are already there in the shoreline that are permitted; private facilities for improvements that are clearly in the public interest; protection of a legally habitual structure or public infrastructure via structures in the shoreline; and private facilities or improvements which do not adversely affect beach processes – you need determined that – and artificially affects the shoreline. But the important thing is they have to meet the criteria in front of you that these structures have to be built or required to be built, and they have to show that hardship would occur if not approved. So if a structure is about to fall into the ocean would be an example. Our mandatory variance condition set by the State law that we need to maintain safe lateral access for public along the shoreline or compensate for its loss; minimize adverse impacts to beach processes; minimize risk that structures from failing; comply with flood hazard roles; and minimize impacts to public views to and along the shoreline.

And then to conclude here, there are your shoreline rules provide the determination of the shoreline setback area. Your shoreline rules were became effective in 1996. And the help regulate, again, activities and uses of the shoreline for mostly for public health and safety and welfare of the public; they provide minimum protection from coastal natural hazards, and ensure that the public use and enjoyment of shoreline resources are preserved and protected for future generations. And there is one method used here which is the average lot depth, and that's the method, and it requires the State. Also, every shoreline setback determination requires a State certified shoreline under your rules.

And just very quickly, just to show you, what the criteria for the setback are. The ALD, or the average lot depth, of a property. If the average lot depth is very short, less than a 100 feet, then the setback is 25 feet. If it's up to a 160 feet and it's 40 feet. Anything greater than 160 feet, it's 25% of the average lot depth. And the average lot depth is taken in three locations along the lot. If the curvy bottom part is your shoreline, this parcel here would have a 250 foot lot depth on the left side, and a 225 on the right side, 230 in the middle.

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You add them up, divide by three, so you get an average lot depth of 235 feet. So since that's greater than 160 feet in the third bullet above, we just divide by four. So the average lot depth is 58.75 foot setback. The maximum setback for any lot is 150 feet. So the range of shoreline setback area is between 25 feet and 150 feet. So that concludes my remarks on your shoreline rules. And just in conclusion, obviously the shoreline provides for tourism economy, recreation, fishing, food, cultural practices and our quality of life. Shoreline is threatened with coastal erosion that is accelerating, and our shoreline and coastal erosion processes are a system that need to be studied and fully understood to make sound, scientifically based planning decision. So through right now, the best vehicles we have are through the coastal zone management act, through the SMA guidelines, and through you as the Planning Commission, your SMA Rules for the Lana`i Planning Commission, to seek, minimize, and where reasonable, minimize adverse impacts to the environment. So at this point, if you have any questions or comments, I'd just like to give you my information here, first, and just to let you know we have two other planners who help out with coastal zone management program. Anna Benesovska and also a University of Hawaii Sea Grant Extension Program Coastal Geologist, Tara Miller Owens are in Maui. Those are our numbers and email addresses. Thank you very much.

Mr. Ornellas: Mr. Chair, I have a question, and the Director might be able to answer this too. If there's an emergency and you have 180 days as a temporary permit for the shoreline, you have a 180-day, what if it goes over? Do you provide extensions or does it come to the Planning Commission?

Mr. Buika: It does come to the Planning Commission, and what we require is a strategic long-term solution to the problem. Often it's, you know, some of these shoreline projects, of course, they're kind of caught between a rock and hard place along the coast and they need protection of their structures. And we're seeing it more and more. The 180-days, it's difficult because some of these protection of the shoreline they happen immediately. The acute catastrophic event is over and usually you just can't – a lot of times these temporary fixes often take 180-days to put in place sometimes. The 180-days is, often, I'm finding is not realistic. But we do require bringing them back to the Planning Commission and that's where all of you can have clot. We can remove that. It is a temporary permit. And it can be removed and we can require them to remove the temporary shoring such as on a shoreline property. So it's been a difficult situation to resolve, and it's a good question. And it's something we need to, with all three Planning Commissions, really look at, the emergency permit. I'm not aware of how many emergency permits you have had before you. I've just been, in the last couple of years, dealing with them, only on Maui Island myself, so they do come back to you.

Ms. de Jetley: I have a question. You showed us the slide and I think you said it was Kahana Sunset where the buildings were just totally –. So a repair job on that would be considered an economical hardship, so you would grant them an exemption to stabilize.

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But if they stabilize, wouldn't it harden the shoreline?

Mr. Buika: In this case there is a beach in front of it, but sometimes it does harden the shoreline. They are required because it is an activity within the shoreline setback area. It is a structure. It is a development in the shoreline setback area so that triggers a shoreline setback variance which requires coming back to, in that case, the Maui Planning Commission. They have not yet. But they're required to do an environmental assessment because of that shoreline setback variance. So that is yet to be resolved from last December, in front of the Maui Planning Commission. So they have to do an environmental assessment to look at all the alternatives, including strategic retreat of that building out of that beach area that has had tremendous erosion. So this will come as an EA and a shoreline setback variance, and it has to be approved by the Maui Planning Commission. And there are not guarantees that they will approve it as it is. So we're still half way through the process, and I'm very interested to see where it goes. So I can't give you those answers but any of these shoreline hardening activities that are happening because of erosion of the shoreline, it's in the setback area. So it triggers a variance. It triggers an EA. It triggers a full review by all of you for anything along the coast line like this. So you are the final authority on any of these emergency, temporary permits that occur.

Mr. Ornellas: Last question for me. Is your presentation online with the County of Maui?

Mr. Buika: I can put it online and I can get copies to you. It's not online yet, but –. And I apologize, I know I had some MPC's in there. I had a version final, and a version show. I just showed you the wrong version, but I wasn't going to stop again in the middle of it. I apologize. I know it's embarrassing to the Planning Department. I apologize for that. Yeah, I will get it online to you, on the coastal zone management area for you.

Mr. Stanley Ruidas: Jim, under the SMA area, on the east side of the island – I think I asked Kathleen a couple of months ago – what is the area or any areas on that side?

Mr. Buika: That are in the SMA?

Mr. Ruidas: Yes.

Mr. Buika: Just straight forward?

Mr. Ruida: Yeah.

Mr. Buika: I don't know if you can see it in the light. The east side, it is the very, very thin stretch makai of the road along the shoreline there. And the Lana`i Planning Commission does have the authority to modify the SMA boundary. And one way that might be going about it is via the elevation rather than arbitrarily along the road, say 20 feet, 25 feet, 30

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foot elevation, that would give you something. Obviously something more of a boundary along the shoreline would be an elevation criteria rather than – rather arbitrary boundary that was set, I believe, back in 1978, for all of our islands. So that is within your purview to review the SMA boundary.

Mr. Ruidas: So the boundary goes around the whole island?

Mr. Buika: Yes. Can you see the yellow? I'm extremely color blind, but you can see down by Manele Bay. You can see a little bit more of it there. And at this scale it's so difficult to see.

Mr. Ruidas: Yeah, because in other maps, it wasn't detailed as far how inland it went to. Anyway, how do we go about extending or detailing the area of the SMA?

Mr. Buika: I'm reluctant to give you the process right now because I'm not familiar with it. But I would maybe talk it over with Corporation Counsel, maybe give you something in writing – would that be good – kind of the process for your next meeting?

Mr. Ruidas: Okay. Cause that side, on the east side, the road always changes depends on the shoreline. Is it correct that Moloka`i has the entire island SMA?

Mr. Buika: No. Theirs is very limited also. There's been rumors that some people want to put the entire island in the SMA, but that's totally unreasonable. So we're working, beginning to work with them also on their SMA boundary.

Mr. Ruidas: Okay. Can you guys get back with us? Because all the maps I've seen, it isn't detailed as far as the boundary.

Ms. Aoki: Stan, so are you asking just for us to provide you with a more detailed map or are you –

Mr. Ruidas: Yes.

Ms. Aoki: – asking us how the procedure is to amend the boundaries or you want the map first?

Mr. Ruidas: Well, first, we have to look at –. First I want to see where the boundaries are.

Ms. Aoki: Okay, so you want a more detailed map.

Mr. Ruidas: Yeah.

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Ms. Aoki: Okay.

Mr. Ruidas: And what the procedures are to extend it if necessary.

Ms. Aoki: Okay. Yeah, I was going to say, we can get you the maps because we have that in our GIS section.

Mr. Ruidas: And one of the reason being like for that side, from Francis Cerizo's presentation, that could come under Federal Flood Zone Areas. And then if we can get that, something, maybe we might have some monies that we can fix that area.

Ms. Aoki: Okay.

Mr. Rabaino: Any Commissioners any questions? I've got one for you Jim. Currently from Naha all the way going to Keomoku town and down to Federation side, that's the windward side of Lana`i, what Stanley is saying is because of the erosion there from the ocean, my question to you is, because the road does change because of the incoming tide, you were saying something about elevation. Can we go from zero to 500 or 1,000 feet for setback of the shoreline management?

Mr. Buika: Yes you can. You have the option to modify the SMA boundary however you feel is important to Lana`i to protect the shoreline resources, so that is within your authority.

Mr. Rabaino: Thank you. So I think that we should, like Stanley said, have a detailed map for the windward side of Lana`i, from Naha all the way down to – well, the whole island basically, but we know what areas that needs the setback because of the erosion, yeah. Okay, so with that said, any other questions for Jim? If not, thank you Jim for your presentation.

Mr. Buika: Thank you very much.

Mr. Rabaino: We're going to item (G), Director's Report. Oh, public testimony? Sorry. Riki Hokama?

Mr. Riki Hokama: My name is Riki Hokama. I would ask the Commissioners to have the Department present them with the current community plan. I think if you look at the language that was worked on in the 1990s, I believe the community spoke about a 300 foot, or 300 yard setback from the shoreline. And that was part of what had occurred maybe one or two decades ago on east Maui, in Hana, when the Council was looking at a zoning entitlement request for Hotel Hana. And at that time, I think it was pretty much unprecedented but the Council was looking at a 1,500 foot setback from shoreline. Of course that went no where. But I think if you look in the community plan, we did provide

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a basis of a recommendation for this Commission to look at what was appropriate for a SMA zone. So you can look at those record, the minutes, of the discussion that then CAC brought up for the island. And you can look and see whether that proposed epic is validated at this time or if you folks want to use an elevation as another option of how to determine where you would make your boundary lines. Thank you very much.

Mr. Rabaino: Thank you. Any questions for Riki, Commissioners? John Ornellas?

Mr. Ornellas: Yes, I sat on the 1993 CAC, and you're right. It was, I think it 300 to 500, but we were looking for 1,500, and company went nuts. Castle & Cooke thought that was very unfair. But the community plan process can also handle that too. Of course, it will come back to us, but it can be on that. That's another avenue.

Mr. Rabaino: Commissioners, any other comments? None? Okay, thank you Riki. Next on the agenda. I'm closing the public hearing – I keep forgetting that. Okay, next on the agenda is status report on Lana`i Community Plan update by David.

## **G. DIRECTOR'S REPORT**

### **1. Status Report on the Lanai Community Plan Update (D. Yamashita)**

Mr. David Yamashita: Thank you Jerry. I just wanted to give you a quick summary of where we are in the community update plan. As part of an update process I think we'll do as often as we need to through the whole process. So this will probably be the first one. If I'm not doing it, Kathleen Kern will do it. And I think you all remember Kathleen from the May meeting. So I'm just going to go over a couple of things really quickly. Kathleen, could I have you pass this out quickly? I just wanted to – it's just one book. They can just look at the photos. What Kathleen is showing you are some photographs from our open house that we had on Moloka`i a few weeks ago. And the format for this open house would be pretty much the same that we'll do for the Lana`i open house that we've rescheduled to August 7<sup>th</sup>. The original date as some of you know was July 31<sup>st</sup> but we've rescheduled it to August 7<sup>th</sup>. Hopefully in this room. We're still getting, looking for confirmation from the school district for it. But the photographs that you see are, again, typical of what you're going to see at the Lana`i open house. You'll see the very interactive and it's set up so people can drop by any where between 9:00 am and 1:00 pm. And we have several interactive exercises where essentially people write their ideas and comments down on sticky notes or on a piece of paper if they want. But I think the key, one of the key points, is it's anonymous. You can write whatever you want, put it on a piece of paper. And for Moloka`i that was a consideration and I suspect it as here as well. So I just wanted to share that with you.

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We also have, at the end, a couple of photos of the pineapple festival when we were here on July 3<sup>rd</sup>. We essentially had the same exercise at the table so people could see how those are going to work. So once this is done on August 7<sup>th</sup>, the next steps are going to be to have at least a couple of more workshops, we hope, by the end of the year, probably October or November. We'll see how it goes, but we're going to have to have at least a couple more.

And finally, I just wanted to leave you with a thought that at the last – well, the first time we came in May we got quite a few comments on the process we had proposed, and I want to tell you that we did hear them and so we're responding to them, to the comments that were made and some of the ideas. I also wanted to tell you that we're still open to ideas. This whole process is not set in stone. We have some idea how it could work. But a lot of it depends on what happens at these different open houses. And it also depends on the ideas we get from the Commission and other people as well. But generally we're still on schedule to try and get a draft, a draft of at least some options or something like that by next April or May. But we did want to emphasize we did hear the comments about being mindful of implementation, of finance, and how we needed to look at the existing plan as a basis to start with. And so we've taken that to heart, and I think you'll see the results of that at the first open house.

Mr. Ornellas: Mr. Chair, I have a question.

Mr. Rabaino: Go ahead.

Mr. Ornellas: There's been some confusion about GPAC members being automatically added to the community plan committee. What is – might as well hear it from the horse's mouth.

Mr. Yamashita: I'm going to give you the same response we gave last time, in May. And if I recall our recommendation is that current GPAC –. I think what we said was the Department is going to recommend or advocate for current GPAC members being appointed to the CPAC. Now having said that, we're not the one who decides. But that's our recommendation. That's the way we structured our response.

Mr. Ornellas: So who will decide? The County Council and the Mayor?

Mr. Yamashita: The way I understand it, there are nine members. There are 13 members in all, and the Council gets to appoint some and the Mayor gets to appoint some.

Mr. Ornellas: So if anybody on Lana`i was interested in serving, they should send a letter to –



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Mr. Yamashita: Good question John. We don't have a formal process set up for that now, but we will have one set up probably by the end of the year. We can't formally appoint the committee, really until next year. Because they can't start meeting because they have a maximum six months. So we have to be careful when we start the process, and formally appoint them when we have the first meeting.

Ms. Aoki: I'm just looking at your face John, so I just wanted to add that if and when that process, you know, begins, the person, if a person was interested, they should contact the Council, the Mayor's Office, the Planning Department, and whatever we get, we, the Planning Director would forward that letter to the Mayor's Administration. Then it's ultimately the Mayor makes her selection, hers/his, whoever is Mayor at the time, and the Council members would make theirs. So that is how you would do it. You would write a letter asking to be considered.

Mr. Ornellas: So you're saying that the GPAC members don't get a –

Ms. Aoki: Back when the GPAC was meeting, there was this sort of drive to do a resolution for both Moloka`i and Lana`i to keep the same members on the GPAC for the CPAC. Now that resolution was never sent to Council, but there is a draft of it. And the Department may send it. I mean, I'm not going to say we're going to send it, yes or no, but there was that will and desire of the GPAC members to remain the same for the CPAC. Now, not all the GPAC members are actually still here with us, so there's going to be vacancies. There may be GPAC members who have no desire to be on the CPAC. Now this is for Moloka`i. I'm speaking for both Moloka`i and Lana`i. So I guess what we're kind of saying, at this point, it's just a little premature for us to be very specific in our answers because a process hasn't been set up yet. But once we do, we'll be able to give a clearer direction.

Mr. Ornellas: Alright. You would voice to the Planning Commission as well as newspapers?

Ms. Aoki: Right. Right. There would be a lot of public out reach, just like it was for GPAC members.

Mr. Ornellas: Alright.

Mr. Rabaino: Any other questions, Commissioners? Thank you. Public testimony? Any public testimony? None. Okay. Thank you. Okay, Director's report.

## **2. Open Lana`i Applications Report.**

Ms. Aoki: We provided a memo to the Commissioners regarding Chair's request for more information on the Open Lana`i Projects Report, so you should have all of that in front of

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you. It's pretty self explanatory, but if you folks have any questions, I can try to answer them.

Mr. Rabaino: Commissioners, any question?

Ms. Aoki: There was one other thing that Erin actually provided to me that we wanted to hand out to all of you, if you're interested, which I'm sure you probably are. Apparently there was an incident with the Lana`i Senior Center, and Alberta sent an email questioning what was happening there in early July with the building being taken apart. So this response that we're providing to you is direct from the Director of Housing and Human Concerns. It's her response to Alberta which we thought you would benefit from providing an explanation as to what happened.

Mr. Rabaino: Commissioners, any questions on the pass out? Okay. None. Letty? David? Kaniho? Shelly? Okay.

Ms. Aoki: That's about all I have for you folks tonight.

### **3. Agenda items for the August 18, 2010 meeting.**

Mr. Ruidas: Kathleen, can I ask you something?

Ms. Aoki: Sure.

Mr. Ruidas: On the 65 acres affordable housing area? The County owns that land?

Ms. Aoki: Yes. Yes we do. The one that they're doing affordable housing project on?

Mr. Ruidas: So, if anything should happen on that land, County would be liable, say if someone dies on the land because of negligence.

Ms. Aoki: If someone got hurt, the County would be liable.

Mr. Ruidas: Okay, next questions.

Ms. Aoki: Well, I shouldn't talk. I don't know. Corporation Counsel is saying not necessarily. So I guess it depends on what it is they're doing, but it is County land.

Mr. Ruidas: So who is the caretaker of that land right now? Who does it belong to? What Department?

Ms. Aoki: That I don't know. I would have to check. Sometimes the land under County

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jurisdiction is owned by Parks, or managed by Parks. I think for the most part, it just falls under the Finance Department, but I'm not really –. I would have to check. I really don't know.

Mr. Ruidas: Okay, reason being, you know, we need fire breaks around the city, and that's one of the fire breaks that we need. It's in on County land. And the other one is signs are being put up. I guess Castle & Cooke took it upon themselves to put barriers so that people wouldn't trespass on those areas. But if someone was to, say hit the boulders and die, would that be constituted as a lawsuit against the County?

Mr. Hopper: I can't give legal advice on something that hasn't happened. But, I mean, the County, it's the County's land is all that we know right now. If someone sues the County, then the County is going to, you know, obviously, defend itself and would respond to a lawsuit like that. And it's not necessarily the case that every time someone gets injured, you know, if it's on County land, that doesn't necessarily mean that the County is liable. So from the legal perspective that's kind of all I can say about that without anymore details. If there are things that I think you would believe that the County needs to do on that land, then it's probably a good idea to figure out which Department is managing that land and let them know. You know, they may not know or they may want to hear that from you, so I think that's probably a good idea. But just from a legal perspective, I mean, I wouldn't say automatically and set of facts would mean the County is liable. There's a lot of law and issues like that. I depends. If the person is trespassing on the land. You know, what is happening with duties owed and managing that land, and there's laws that go over that. But I think if you could figure out which department is managing the land, and inform them if there's problems that's the next step I think.

Mr. Ruidas: Okay, can take be looked in for us?

Ms. Aoki: Sure. We can let you know.

Mr. Ruidas: That's all I've got.

Ms. Aoki: Okay.

Mr. Ornellas: In the 19 – I guess the community plan was completed and signed off in 1998. It took five years to get it approved. But in the present Lana`i Community Plan, there are maps and diagrams as far as what trails and roads, dirt roads were to remain open. And if I'm not mistaken, I think that one was one of those because it circumvents the city. So people with ATV's and off road vehicles and stuff don't have to travel through town, and they can access from there. At one time, that was suppose to be the bypass road, but since that time, Hawaiian Homes has extended down. But they shouldn't be putting boulders and signs about trespassing on roads and stuff they agreed to back in

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1998 to leave open so people have access to hunting areas and fishing grounds.

Ms. Aoki: Just so I understand you that the boulders and the signs are on the County's property? Okay, on County's property.

Mr. Ornellas: Just for clarification. If you go down Fifth Street, Hawaiian Homes where you've got Olapua Woods and then Hawaiian Homes, first and second phase. Second phase is still dirt, and then past that is where the County has its 65 acres for affordable housing.

Mr. Rabaino: Kathleen, let me. It's behind the this park here. There's a road that goes through all the way up to the Fifth Road, so there's a lot of people using it with their ATV's and other short cut sort of say behind the city. So if it is under County's jurisdiction while the company went and put boulders up to, you know, stop people from not only using it as a passage, but there's a lot of dumping there too. Because I usually go riding behind that road myself.

Ms. Shelly Barfield: That road is called Awaloa Road. If I'm not mistaken that's up on top of the zoning map. You can see it. And it connects off, supposedly, to the Lodge Road.

Mr. Rabaino: Kathleen, in fact, if you can get a detailed map of that area for us, for next month's meeting, that would be most appreciated because we can point out to you. And the next question with that, being that Shelly said that's Awaloa Road, is the company still have an intent of making that a bypass road in the coming future or months being that there's going to be a lot of construction going on in that area? Because that road also, that we are referring to, is where the school expansion is going to be also. So if you can get one map for all the Commissioners then we can look at it and we can discuss that.

Ms. Barfield: It should be on the zoning map. I forget which one. It has all the zones on it.

Ms. Aoki: Alright, we'll have a look.

Mr. Rabaino: Okay Commissioners, any other questions. If none?

Mr. Ornellas: Are you about ready to adjourn?

Mr. Rabaino: No. That's it. Well, I had one question for Erin. Okay, you know the one you distributed over here, the one I was inquiring. Can you find out for me, on this Manele pier improvement, is that State? Are they planning to move forward with that, on the phase two improvement? That's not for you?

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Ms. Wade: It's not my project, but –

Mr. Rabaino: Do you have access to that information?

Ms. Wade: Yes, I can certainly ask the planner.

Mr. Rabaino: Oh, it's Kathleen. Kathleen?

Ms. Wade: I think that's Joe Prutch.

Ms. Aoki: I'm sorry, which project are you looking at? Manele Pier Improvements is Jim Buika.

Mr. Rabaino: Shelly is going to explain to you. Item #4 on my July 20<sup>th</sup> one.

Ms. Aoki: Yes?

Mr. Rabaino: Manele Pier Improvements.

Ms. Aoki: Jim, is that your project? It's listed as yours.

Mr. Buika: It actually –. It's not a project that has been come forward as a Special Management Area project. At this point, it was an environmental assessment. I talked with the consultant and they had asked me to comment on it. It was just a request for comment on the draft environmental assessment. It may not have even been the entire environmental assessment yet. So it's still preliminary at this stage. So we have not seen it as a project as of yet. It's still in the environmental assessment from what I understand.

Mr. Rabaino: Okay, because the reason I'm asking Jim, yeah, because today I was approached by from some construction guys that catching the folks off the boat, and they were saying the bidding process is on. That was kind of interesting.

Mr. Buika: It's outside of the Planning Department right now. If any of that is going on, there may be some of that. But there is a consultant, and I can –. Why don't I update –. I updated this information last month, but I'll talk to the consultant again, and find out. So you're saying that some potential, there's rumors that construction is being bid out already?

Mr. Rabaino: Yes. Because I asked a particular company that did our first – two years ago that did the construction down Manele. It was Jag Construction, and they said no they didn't bid for the (inaudible).

Mr. Buika: I'm surprised because what I reviewed there are various different alternatives

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to how they construction the addition or the improvements to the pier in what I had read.

Mr. Rabaino: Okay. I understand where you're coming from. But you know how these vendors –

Mr. Buika: Coconut wireless.

Mr. Rabaino: Yeah, they said because it required a crane. They need the 60 ton crane over there to complete the pier.

Mr. Buika: Okay.

Mr. Rabaino: They were talking among themselves, so I threw my, you know, two cents in.

Mr. Buika: Okay.

Ms. Aoki: I'm just reading what it says on here, Commissioners. We were asked to provide to early consultation for the draft. So the draft hasn't even been done yet. So it's very premature to go out for bidding when you haven't even done a draft EA. So perhaps it's just a rumor, but we can double check.

Mr. Rabaino: Okay. Thank you. Any other, Commissions? John? You want to close? Next agenda. Go ahead.

Mr. Ornellas: On the next agenda can we add Castle & Cooke to talk about the Palawai Basin? I found out earlier this evening that they are putting water into the basin for horses. So – they are – so get them back here to explain what's going on in the Palawai Basin.

Mr. Rabaino: John, I believe when we had our break –

Mr. Ornellas: And?

Mr. Rabaino: – I kind of asked Kathleen to check on that for us.

Mr. Ornellas: Okay.

Mr. Rabaino: And then give us a report back.

Mr. Ornellas: And then also if we can get Chris Lavvorn or Rodney Futukoshi to come and give us an update on the windmill project because we, the Makana, has meeting on the end of this month, the 28<sup>th</sup>, and it would be good for everybody to know what's happening.

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Mr. Rabaino: Can it be done Kathleen?

Ms. Aoki: We can certainly try.

Mr. Ornellas: You can ask.

Ms. Aoki: I'll let Clayton know.

Mr. Ornellas: I'm sure Chris Lavvorn would be more than happy to come.

Ms. Aoki: Okay. Chair, just so I can let the other members know what we talked about. What the Chair asked me to do was for the Planning Department on behalf of the Planning Commission send a letter to Castle & Cooke. There were two things specifically that I was asked to put in the letter. It was to address comments made tonight by members of the public. One was it was observed by a resident that sprinklers were running during the middle of the Koele paddock "a few Saturdays ago." Please comment as this appears to be a poor use of water to use the sprinklers in the middle of the day given the drought situation the island is experiencing. And two, does the company have plans to build new stables in Palawai? Is it Palawai Basin? Basin. Okay. So those –. Do you want that to be something that's on the agenda as a response or just something that is handed out to you as a letter if they respond?

Mr. Rabaino: Well Commissioners?

Mr. Ornellas: I would like to see their face because we may generate some questions off of their responses.

Mr. Rabaino: Okay, put it on the agenda.

Ms. Aoki: We can request them to come.

Mr. Rabaino: Everybody favorable on the agenda? Commissioners? Commissioner Green, speak your mind. Kaniho? On the mic please.

Ms. Lisa Kaniho: I would also like to see them come in front of us for that because it's very important to us.

Mr. Ornellas: Mr. Chair, the next LWAC meeting is scheduled for, I think it's the 28<sup>th</sup>, and we're going to go over the water use and development plan which we got a copy of. And then on the 11<sup>th</sup>, I passed out the Maui Water Board will be here to do a public hearing on the Water Use and Development Plan for Lana`i. So it's important that we all come and listen to what this all about. I mean, it's a 700 page document, but, of course, they're going

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to kind of give us a readers digest version of it.

Mr. Ruidas: John, can you give us the update as far as, after you go to your meeting, to update the Commissioners on what you guys talked about?

Mr. Ornellas: Sure I'll be more than happy to.

Mr. Ruidas: So can you put that on the agenda?

Mr. Ornellas: Yeah, the agenda for the next meeting, LWAC update.

Mr. Rabaino: Did you guys form a committee the last time, they had the last month meeting that you guys got together and this is going to be an established water committee on Lana`i.

Mr. Ornellas: There's been a Lana`i Water Committee, Advisory Committee for the last 15 years, so there is one. I'm the newest member. I'm representing the Lana`i Planning Commission, and I think David is the alternate.

Mr. Rabaino: Yeah. So you guys have your monthly meeting though, right?

Mr. Ornellas: Yeah, kind of. This binder is this thick. It's thicker than this binder here so there's a lot of information. So Ellen from the Water Department has worked hard and long on this. So it would be interesting to see what will happen on the 11<sup>th</sup>.

Mr. Rabaino: Okay. Thank you. David, before I adjourn this meeting, is there any –? August 7<sup>th</sup>? What is August 7<sup>th</sup>? It stay ringing in my head. Are we going to have a town meeting regarding the update for the BTC?

Ms. Aoki: August 7<sup>th</sup> is a Saturday. August 7<sup>th</sup> is a Saturday, so that's the day that we're trying to come back. We had originally scheduled it for July 31<sup>st</sup>, but I guess there's a funeral or something. Yeah, so to accommodate that, we thought it might be best to move it a week. So we will be back for a community plan, open house.

Mr. Rabaino: What time will that begin? Location?

Ms. Aoki: 9 a.m.

Mr. Yamashita: It's 9 o'clock to 1 o'clock. You can drop in at any time, and it's scheduled for this room. But we're waiting for final confirmation from the school. We're just waiting for a phone call or something. But it will be here and it will be similar to what you saw in the photographs. So it's interactive and we want lots of people to come.



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Mr. Ornellas: David who was your contact at the school? Maybe we can help.

Mr. Yamashita: Kathleen called whoever answered the phone. And she was then referred to someone who has since retired. So when she checks back, they said, okay, we'll send your message to somebody else.

Mr. Ornellas: David McHugh?

Mr. Yamashita: Retired. There's someone else.

Mr. Ornellas: Pierce. I'll go to the horse's mouth.

Mr. Yamashita: But we would love to know as soon as possible.

Mr. Ornellas: The 7<sup>th</sup> from 9 a.m. to 1 p.m.

Mr. Yamashita: Yes. 9 a.m. to 1 p.m.

Mr. Ornellas: I'll go tomorrow and talk to Pierce.

Mr. Yamashita: I would appreciate that.

Mr. Ornellas: Kathleen, I have another thing. I mean, we talked briefly about it tonight. The drainage plan for Plan. Are we still working on a draft? It's done. It was submitted to the County.

Ms. Aoki: So that would go to Public Works, not the Planning Department.

Mr. Ornellas: Okay.

Ms. Aoki: Thank you Shelly.

Mr. Rabaino: Anything else Commissioners? Do I have a motion to adjourn?

Mr. de Jetley: I move to adjourn.

Mr. Rabaino: Any second?

Mr. Green: Second.

Mr. Rabaino: So moved. Thank you David.

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**H. NEXT REGULAR MEETING DATE: August 18, 2010**

**I. ADJOURNMENT**

There being no further discussion brought forward to the Commission, the meeting was adjourned at approximately 8:45 p.m.

Respectively transmitted by,

LEILANI A. RAMORAN-QUEMADO  
Secretary to Boards and Commissions I

**RECORD OF ATTENDANCE**

**PRESENT:**

Gerald Rabaino, Chair  
Stanley Ruidas, Vice-Chair  
Alberta de Jetley  
David Green  
Leticia Castillo  
Shelly Barfield  
John Ornellas

**EXCUSED:**

Matthew Mano

**OTHERS:**

Kathleen Ross Aoki, Planning Director  
Jim Buika, Staff Planner  
Erin Wade, Small Town Planner  
David Yamashita, Staff Planner  
Michael Hopper, Deputy Corporation Counsel