

(APPROVED: 05/05/08)

**HANA ADVISORY COMMITTEE TO THE  
MAUI PLANNING COMMISSION  
MEETING OF FEBRUARY 21, 2008**

**A. CALL TO ORDER**

The meeting of the Hana Advisory Committee (Committee) was called to order by Chairperson Kauai Kanakaole at 4:26 p.m., Thursday, February 21, 2008, Old Hana School Cafeteria, Hana, Island of Maui.

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

Chairperson Kauai Kanakaole: We'd like to call this meeting to order. Approval of the minutes of the November 26 meeting. The minutes are very fat. Did everybody get a chance to review the minutes? Do we have a motion to --

**B. APPROVAL OF MINUTES OF THE NOVEMBER 26, 2007 MEETING**

Ms. Mavis Oliveira-Medeiros: I'll make a motion to approve the minutes.

Mr. Shane Sinenci: I'll second that motion.

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

**It has been moved by Ms. Oliveira-Medeiros, seconded by Mr. Sinenci, then unanimously**

**VOTED: to approve the minutes of the November 26, 2007 meeting.**

Ms. Kanakaole: Okay, minutes are approved. Next on the agenda is a public hearing. Mr. Fasi, do you wanna say anything? Mich?

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

- 1. MS. CHERYL OKUMA, Director, COUNTY DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, requesting a State Land Use Commission Special Use Permit, County Special Use Permit, and Special Management Area Use Permit for the County's Hana Landfill for land consolidation, boundary realignment, and grading activity on approximately 74 acres at TMK: 1-3-006: 012 (por.) and 1-3-006: 007 (por.), Hana, Island of Maui. (SUP 2007/0004) (CUP 2007/0001) (SM1 2007/0003) (P. Fasi)**

Mr. Paul Fasi: We're going to talk about the Hana Landfill item, first public hearing item? Okay. This matter arises from applications for a Special Management Area Permit, County Special Use Permit, and Land Use Commission Special Use Permit received on June 12, 2007. The application was filed pursuant to Special Management Area Rules of the Maui Planning Commission, Sections 19.510.070, 19.510, 010, 19.510, 020 of the Maui County Code Chapter 205-6. It was filed by the Department of Environmental Management, Solid Waste Division, they are the applicant, on 74.19 acres of land in the State Ag Conservation District situated in Hana, identified at TMK: 1-3-6:12 (por.) And 1-3-6:7 (por.), that is the property.

The applicants are requesting a Special Management Area Use Permit, Land Use Commission Special Use Permit, and a County Special Use Permit in order to consolidate approximately 45 acres of State owned land into the Hana Landfill site. This is the realign the landfill boundaries after consolidation and a creation of a 100 by 100 foot runoff detention basin. So just to reiterate, they are applying for three separate applications on this action.

The first one's a County Special Use Permit, and this is covered by 19.510.070, Special Use Permit, of the Maui Code, and it says that a special use permit may be granted by the appropriate planning commission provided the criteria have been met. There are eight criteria. I'm not going to go through them one by one. Suffice to say that they have been met and reviewed and been satisfied.

The State Land Use Commission Special Use Permit is pursuant to Section 205-6, Special Permit, of the Hawaii Revised Statutes. The County Planning Commission may permit certain and unusual and reasonable uses within the ag and rural districts other than those for which the district is classified. Special permits for land in which an area is greater than 15 acres is subject to approval by the Land Use Commission. So this special use permit is going to be approved by the Land Use Commission. Certain and unusual -- certain, unusual, and reasonable uses within the ag and rural districts, other than those which a district is classified, by be permitted. That's what's stated in this particular situation. The following guidelines are established and determine what unusual and reasonable uses, and there are five of which this landfill site certainly falls within that category of being unusual and reasonable.

In the ag district, Chapter 19.3A.060, Special Uses, of the Maui County Code, landfills are a special use permitted upon approval by the Maui Planning Commission. So in this third item, in the ag district, it is a permitted use in the ag district.

This did trigger Chapter 343, environmental -- for environmental impact statement, and a findings of no significant impact was issued by the Department of Public Works and Waste Management on November 23, 2007. Procedural Matters. All procedural matters have

been met. The land use designations for the project: State Land Use District is ag conservation; it is in the Hana Community Plan, there are several parcels, two particular Parcel 12 is public/quasi-public, Parcel 7 is ag/light industrial; the County zoning, Parcel 12 is interim and Parcel 7 is ag/interim; it is in the Special Management Area.

The Department of Environmental Management is proposing two separate actions, and I'm briefly going to go over this very briefly in a couple of sentences. The -- Mich Hirano, from Munekiyo and Hlraga will have a presentation for you and give you the project details. But, basically, the first two actions are: The first action involves a boundary realignment of a portion and it consolidates approximately 45.14 acres of Parcel 7 into Park 12; the second action that they are proposing is the detention basin with dimensions of a hundred feet by a hundred feet. And we'll let Mich Hirano go into more detail with that in his presentation.

There was a permit violation on May 18, 2006. The Department of Health Clean Water Branch conducted a compliance evaluation inspection. There were several violations on the site. The Department of Public Works and Environmental Management, at the time, did receive the notices of the violation. They are addressing those currently.

Beyond this Committee, the proposed action will be reviewed by the Maui Planning Commission and the State Land Use Commission.

As of today, the Planning Department has received one written communication regarding this matter that was received by the department this morning and I believe the Committee members have copies of that particular communication item.

I'm going to turn this over to Mich Hirano, who's going to go into details of this actual project and proposed action. Are there any questions?

Mr. Michael Hopper: Paul, just to clarify. The FONSI or finding of no significant impact was issued August 8, 2007?

Mr. Fasi: You can just -- that date up there has to be revised.

Mr. Hopper: Okay, yeah, cause it wasn't 2001 right?

Mr. Fasi: No, that's a --

Mr. Hopper: Okay, I just wanted to make sure. Okay.

Mr. Fasi: That's a typographical error.

Mr. Mich Hirano: Good afternoon, Chair Kanakaole, Committee members. My name is Mich Hirano, with Munekiyo & Hiraga. We're a planning consulting firm on Maui and we are assisting the Department of Environmental Management with the environmental assessment, which was completed, and as well with the land use permitting for this project. We prepared a slide presentation to provide information on the project because there are some intricacies with the application and I think it's best described through a powerpoint and some visual aids. So I'd like to just start the presentation.

Today is February 21, so we're on a good start. The Hana Landfill is an important regional facility in East Maui, and excuse to turn my back to the audience and I hope you can see it. It has served the region since 1969 at this particular site. There was a right-of-entry that was issued by the Department of Land and Natural Resources to the County of Maui to use that area for a landfill or, at that time, it was a dump site, that's what it was called. It's a single disposal facility for the districts of Keanae, Nahiku, Hana, Kipahulu, and Kaupo. And it provides essential waste disposal in East Maui as well as recycling and green waste composting.

The permitting requirements that are before you today are a Special Management Area Use Permit. The landfill area and the land addition is within the Special Management Area. It also requires two special use permits. One at the State Land Use Special Use Permit. The reason for that is the existing landfill and the encroachment area is over 15 acres and, therefore, that's a State Land Use Commission action. And as well because it's in the agricultural district or zoned agricultural, a special use permit will be required for that portion of the landfill, and that's a County Planning Commission action.

I'd like to just provide you with just a regional location of the landfill. I'm sure you all know where it is. But, again, the darker area, and I'll refer to this as Parcel 12, this is the existing landfill area. It's approximately 29 acres. The expansion area is in this hash lighter shade and that's area that we'll be requesting an expansion to the landfill. It's approximately 45 acres, and this is Parcel 7.

A little more detail of the area. This is the portion of Parcel 12, that's the existing landfill that was dedicated -- or the control and management of this was transferred to the County of Maui in 1969. This particular area is approximately 5.4 acres and since 1969 and the '70's and the '80's, the landfill, the active area of the landfill where the solid waste are where, you know, the municipal waste are being processed, was encroached into Parcel 12 -- or, sorry, encroached into Parcel 7, it's approximately 5.4 acres, and it went over the boundaries of Parcel 12 and, therefore, this application is really to correct this encroachment and to bring this area into the part of the overall landfill property and under the control of the County since this area is actively used. And the other part of it is to provide this area because there are some environmental monitoring devices in this area and as well to provide a buffer zone from the residential areas so that in the future, it'll be --

the landfill will have adequate buffer and -- between the active area and the residential areas.

Again, this is part of the ownership of the landfill. When this parcel, and this is all Parcel 12, when this parcel was transferred over to the County, we said that -- we mentioned that it's a portion of Parcel 12, which is the shaded area, there's an area that was approximately 250 feet to 350 feet between the coastline and the landfill, which was retained by the -- by the State of Hawaii, and that's kind of a buffer zone and that was retained. So that part of it has never been part of the landfill and it's always been retained by the State for a conservation area.

Again, this is the -- a closeup of the landfill boundary. This is the existing landfill area, 29 acres. In terms of, you know, just to let you know what goes on in the landfill, this is Waikoloa Road that goes up and connects to Hana Highway. As you come down Waikoloa Road or go into Waikoloa Road, when you turn right or left, you go into the what is now part or what used to be the recycle -- recyclable sort of drop-off areas in this area here. This used to be the green waste or composting area. And there was a large area of scrap metals. And now the, you know, the future plans would be to take the scrap metals away, not have them disposed at the landfill. This area will all be green waste composting. And the recyclable areas will be and are moved into this portion of the landfill.

This portion of the landfill is the active municipal waste area, and this is where there is daily dropping off of municipal waste and the landfill operations, the disposal of those municipal waste in the landfill. This is the 5.4-acre shaded area is the area of the active landfill that's outside the boundaries that are now outside the boundaries and, therefore, you know, we wanted to -- or the public -- or the Department of Environmental Management wanted to bring this back into the operation and as well into the administrative control of the landfill.

There are some, as well, this landfill was created in 1969. Since that time, there have been new regulations from the Environmental Protection Agency and the Department of Health under the Clean Water Act, and that requires, under the Clean Water Act, that all the runoff from the landfill, the active portion of the landfill be detained onsite and disposed of onsite so that it doesn't runoff onto adjacent properties. And so, therefore, what Environmental Management wants to do is to create a detention basin, which is approximately a hundred feet by a hundred feet, which will capture all the runoff from the active phase of the landfill, and it'll be channeled into this detention basin, and then will be percolated and go into the ground and not runoff over the surface onto adjacent properties.

There are also four methane gas probes. These triangular pieces. Those are gas probes and the County monitors those regularly to detect any leakage of methane gas from the landfill, and those are outside the landfill boundaries as you can see, so the expansion is to bring these into the administrative control of the County since they're already being used.

And then the star shaped symbols, there are three, and those are groundwater monitoring wells. And, again, these are new Environmental Policy Act regulations, EPA regulations, that the -- any landfill operator has to regularly monitor methane gas and water -- groundwater water quality. So that's what these wells are for - test wells to -- to do the water quality analysis.

There's really no physical expansion or new -- new activity expansion of the landfill except the detention basin but, basically, the application is to bring the operations into compliance with the County and State regulations, which is the special use permits that are required, and as well to do and get the Special Management Area Use Permit.

When the landfill was originally operating when it first started and was established in 1969, it was before the SMA rules and, therefore, there was never a SMA permit for this. The new -- the SMA rules came in at around 1972, I believe. Since this application includes an action that's within the SMA, when we did the early consultation, the Department of Planning said that you would need a special use permit and that's why this application has been developed for the special use permit.

So just to recap. The land expansion is required. It's to incorporate the existing encroachment, that 5.4 acres that are on the -- outside the landfill boundaries. It's to incorporate the proposed drainage improvements and that's because of the Clean Water Act requirements of the Department of Health. The Clean Water Act is a Federal law but it's regulated and administered by the Department of Health, which is a State agency. It's also to incorporate the existing environmental monitoring stations that were the gas -- methane gas probes and the groundwater monitoring wells. And then it's to provide a buffer from the residences to the southwest. So that is the -- sort of the -- the reason for this landfill expansion.

The environmental assessment was carried out by our firm and we looked at a number of environmental parameters. The flora and fauna study, we had a flora specialist carry out a study, Robert Hobdy was the flora/fauna specialist. He did a field survey of the existing landfill area and the expansion 45-acre area. When we did the consultation, early consultation, there was concern. We had comments about miconia plants, you know, that are and have been a problem in East Maui, so we specifically asked if there were any miconia plants because there was a comment that there could -- it could spread in the landfill because of where the cinder and the cover for the landfill is coming, and he went out the site and did his study, basically found no miconia plants in the area. He also found no Federally endangered species or habitats. So his study findings determined that there would be no adverse impacts to any flora or fauna as a result of this expansion.

As I mentioned with the air quality, three, methane gas -- or, actually, there are four. Methane gas monitoring probes on site. It's monitored regularly by the Department of

Environmental Management staff and no presence of methane gas has been detected at the landfill.

These are samples of the water quality monitoring that's done on the wells so that, you know, test -- these test wells, water is drawn up from the wells, and captured in this bucket, and taken to the lab for analysis. Again, there are three monitoring wells onsite. I had them reversed. Groundwater monitoring, there are the three. They are monitored semi-annually or twice a year, and all monitoring wells were within the statistical limits that are in measurements for the active chemicals that are tested in these wells. So there is no contamination of the groundwater from the landfill operations. That's basically what that is saying.

In terms of archaeological resources, you know, Hana, as we know, is rich in cultural and historic resources, and Xamanex Resources -- or Xamanex Researches archaeologists carried out a field assessment at the Hana Landfill. They found no significant material cultural remains above ground structural remains. And the reason for that, basically, I think is that the Hana Landfill is really built on top a`a lava and so there are no cultural areas or habitat -- habitations in that area, and the State Historic Preservation Division issued, in their review, a no effect letter saying that the development will have no effect on historic properties.

In terms of conformity with the government land policies and objectives and plans, and this is where it gets kind of technical, and this is the State Land Use District Boundaries, and a portion of the landfill is in the conservation district. This the yellow and the brown areas. And there are two subcategories of -- within the conservation district. There's the limited subzone and the general subzone. Now the overview of the -- oversight of the conservation district is with the Office of Conservation and Coastal Lands, which is part of the Department of Land and Natural Resources and, basically, what they said was they have -- and we thought we might need a conservation district use permit because this was actively in that area, but upon their review, they said that the landfill operation, because of the decision and order of the executive -- or the executive order that transferred this area for the landfill that a conservation district use permit will not be required; that the landfill is okay with this type of designation. The operations are okay. Part of that reason is that this was done in 1969. The conservation district boundaries were established in approximately the same time and it wasn't really clear where that, you know, that it was granted by the same department that oversees the conservation activities so that was okay by Office of Conservation and Coastal Lands.

In terms of community plan land use map, the landfill area is in the Hana Community Plan designated public/quasi-public, that's the "P." There's an area that is outside that area, which is probably part of the encroachment area, that's on Parcel 7, that is community plan designated light-industrial. And then the other area, in the white, in the Parcel 7, is

designated agricultural. So we have three kind of land use designations in this application: public/quasi-public for the landfill operations, light-industrial, and agricultural.

The zoning, as a result of that, because there's a difference between the community plan designation and the State Land Use Designation, the zoning of the existing landfill parcel, portion of Parcel 12, is zoned interim. The area of -- this area is zoned as well interim because this is light-industrial in the community plan, so that's interim. So these two areas are interim. And this area is agricultural. So technically, County facilities or government facilities, such as a landfill, are permitted uses in the interim district. Technically, the County Special Use Permit would cover the encroachment area only this little piece about here that's in the agricultural district.

Just taken some pictures of the landfill for you and, you know, the landfill, as landfills go, is a very neat and tidy area. I mean, you know, it's won awards for the landscaping. And as you can see, this is Waikoloa Road, and you're going into the landfill, and on this side you're going into the recycling area, you can see that it's really quite nicely landscaped. There's no litter around. You know, no wind-blown litter. It's very well kept. And I think the landfill operator should be commended for their -- their neat and tidy operation at the landfill.

Again, you know, just looking at it, nicely landscaped. Well maintained. This is going up to the active landfill area. Again, during early consultation, there was comments talking about the height of the landfill. The landfill's about 16 feet above grade. I think it's a little higher. This was taken in August but it's been a little higher so now it's about 16 feet, 16-18 feet. This is the cinder that's used to covered the landfill so the landfill receives about four tons of residential waste a day and this area covers it so that there's no wind -- it doesn't get wind blown, it doesn't create odor, you know, it's quite a nice operation.

Again, these are now have been relocated to the southwest side of Waikoloa Road and these are kind of roll-on containers and these are also containers. Here we have the tires and appliances that are being collected and in this area there are tires -- I'm sorry, batteries, oil, and glass. So these are areas that are all being sort of the recycled areas. As you can see, they are under cover, they're enclosed so that, you know, dengue fever, there's no standing water in the area that it's been cleaned up quite a bit, and this has come about as a result of the Department of Health site inspection that was done, and so, you know, this was brought back into compliance.

Again, this is the diesel fuel tank at the landfill and it's -- the pump is solar powered so, you know, there's a bit of energy efficiency as well that's going on with the landfill.

In terms of, again, just to summarize what the application is for. It's to create the drainage improvements and the environmental monitoring to meet the new Federal regulations of



the Environmental Policy Act and the Clean Water Act. It's -- the actual development portion of it is to build and create a 100-foot by a 100-foot drainage detention basin to capture the surface water runoff from the landfill. And the action really does not involve any physical expansion of the landfill. It's really to just permit what is already being carried out at the landfill.

The final environmental assessment was completed in November 2007. The determination was the project will not have adverse environmental impacts and the County of Maui Department of Environmental Management request recommendation of the approval for the Special Management Area Use Permit, the State Land Use Special Use Permit, and the County Special Use Permit.

So Tracy Takamine is here from Department of Environmental Management and if you have any questions, Tracy or I will be able to answer any of those questions, or we'll try. Thank you very much for your attention to this and that's the end of our presentation.

Ms. Kanakaole: Thank you. We can open it up for anybody on the Committee to ask questions.

Ms. Lehua Cosma: Mahalo. I'd just like to acknowledge that the landfill and pretty much the landscaping you see was done by my dad, who's retired, Andrew Park, and it did win an award for one of the nicest landfill in the State of Hawaii, and he also won Employee of the Year for the County. And it's still looking good. We also had weddings down there. People got married. So it is a special place to all of us in Hana as well as just a landfill - it goes beyond that and I just wanted to share that with all of you. Mahalo.

Ms. Oliveira-Medeiros: I just kinda wanna know what the detention basin looks like and what that's made of.

Mr. Hirano: The detention basin is basically an earth -- it'll be an excavation about ten feet deep and there'll be kind of a berm around it that will keep the water in the basin. So it would basically be like a earth cavity in the ground, and it could be grass, you know, could grow, you could grow grass on it, it doesn't have to be just dirt. There'll be a corrugated culvert that would channel the water that's coming off the landfill under the berm and then into the detention basin. So it's basically going to look like a depression in the earth.

Ms. Oliveira-Medeiros: It's for water not chemicals or spills or whatever?

Mr. Hirano: No, it's to just like, you know, when it rains and all the drainage comes off the land on the active area, there'll be channels built to direct the water into these channels and then into the drainage basin.

Ms. Cosma: One more question. My concern is on the environmental assessment. I normally look into things. We study. We read. Be educated, you know, on these kind of stuff. And my concern is it was never in the library, the Hana Public Library. I went there and I guess just today or yesterday they received it, and it didn't give me or I don't -- or them a chance to really look over it and it's pretty thick I believe.

Mr. Hirano: Right. You know the -- the -- when we do environmental assessments, we follow the State laws, which is under Chapter 343, and there are rules and regulations on what you do with the environmental assessments. Under the Chapter 343 and the rules and regulations of the Department of Health, under Title 11-200, Environmental Impact Statement Rules, the requirement for the delivery of the environmental assessment is that the draft environmental assessment get sent to the libraries for -- during the review period. There is no requirement to send the final environmental assessment under the environmental rules to the library. The finding of no significant impact of the final environmental assessment is sent to the Office of Environmental Quality Control, and they publish that in the environmental notice. And so that is the procedure that we follow in the processing of the environmental assessment. You know, we sent those final environmental assessments to the library because it was requested and -- but, normally, we don't do that. We don't need to put the final environmental assessment, under the rules and regulations of the environmental rules, to the library. But we have been requested to do that in this particular case, so we did.

Ms. Cosma: Okay, the reason I ask that because this is such a big issue and it's the future of Hana, and I believe if it was in there at a more sufficient time, you would get more turn outs here this evening where people could all give their input, you know, whether good or bad, but that's an opportunity that I find that with an environmental assessment. It gives us --

Mr. Hirano: Thank you for that comment and -- but, you know, in terms of just commenting on and public noticing and -- of the landfill, Tracy attended some public meetings on that as well.

Mr. Tracy Takamine: But I just wanna clarify that a draft environmental assessment was in the Hana Library, right, for a period of 30 days?

Ms. Cosma: Really?

Mr. Takamine: Yeah, the draft --

Ms. Cosma: I just spoke to the library ...(inaudible)... said they just got it.

Mr. Takamine: No, no --

Mr. Hirano: The draft.

Ms. Cosma: Oh, the draft, but not the final?

Mr. Takamine: The final -- not final, but a draft --

Ms. Cosma: Okay.

Mr. Takamine: Which is the bulk of this other than the responses was at the library for the entire review period.

Ms. Oliveira-Medeiros: I'm trying to understand. You represent who again?

Mr. Takamine: Okay, yeah, good evening. I'm Tracy Takamine. I'm the Division Chief for the Solid Waste Division, Department of Environmental Management. So I'm basically in charge of all the landfill operations, all the refuse collection, recycle activities, and abandoned vehicle collections.

Ms. Oliveira-Medeiros: And who did the environmental assessment? Was it you guys or -- you guys did it?

Mr. Hirano: Our firm.

Ms. Oliveira-Medeiros: And you guys passed it? It was all good?

Mr. Hirano: The County of Maui, Department of Environmental Management made the determination that it was okay, yeah.

Mr. Sinenci: I had a brief time to look over the document but I just wanted to clarify some of the activities or changes that you guys are doing to the dump site. I believe there's the removal of all the cars and machinery, like the washing machines, that's all going to be taken out?

Mr. Takamine: That's correct. We have a, as was mentioned, we had a notice of violation issued from the Department of Health and one of the issues were the collection of all the scrap metal that's on site, that is -- all that is not a permitted activity on any landfill, basically ...(inaudible)...

Mr. Sinenci: So does that mean now that -- if we do, residents in Hana, if we have scrap metal, where do we -- I mean we don't wanna be like the rest of the island where we're just throwing it on the -- on the road for the County or whoever to pick up or --

Mr. Takamine: Yeah, I understand that --

Mr. Sinenci: Or and are we going to be charged for this kinda thing like the rest of the island is?

Mr. Takamine: What we're trying to do right now is, number one, we need to clean it up, okay. That was one of the requirements. We need to clean it up. So that's why we had to stop taking vehicles, stop taking appliances because it kept adding to pile. What we did was went out for a request for proposals to get a contractor to come in and clean up the materials, and in order to do that, we had to give -- you know, we couldn't keep adding to that pile because he couldn't bid on -- you know, correctly bid on it. So we stopped everything, number one. We are in the process right now of doing a contract. We did get a contractor out of that process. It took us about a year, which is SOS Metals, who's a metals processing that opened about a year-and-a-half ago. So he is the winner on basically the RFP. We're putting together a contract. We anticipate him starting and getting out here I would say by mid-April or late April, and his task would be to clean up everything, all the scrap metal, all the automobiles, all the appliances, all the batteries, all the propane tanks, and we're just going to clean off everything on the makai side of the highway by the road. Once that's cleared, you saw in the picture, we have setup a recycle center that we're trying to get approved and the reason we're not taking anything right now other than I think we're taking the used motor oil and we don't have a permit. All these activities need to be permitted. In the past, everything we did at Hana Landfill was unpermitted. The appliances, the tires, the batteries, everything - it was just -- you know, people I guess got used to doing it and we didn't stop anybody but all those activities need to be permitted by Department of Health and we're trying, right now, to get a permit to start activities again for residents. And what we're looking at is opening that site up, eventually, and then taking appliances, tires, batteries, used motor oil, glass. Yeah, those are the items from residents only. It would not be open to commercial and the reason being is even at this point, because we don't have the correct zoning requirements and everything in place, we do not have an operating permit or a valid operating permit. It expired. Our permit expired some time ago. But we cannot get a new one because we don't have the right zoning requirements and we encroached on the land. So all this corrective action, once it's in place, will allow us to then continue to get our permit in order with the Department of Health. Once we get the permit in order, we can get a recycle permit. Each one is a different type of permit. So in the meantime, they've allowed us to put this facility together and we're trying to get what we call a permit by rule or permit just to do a convenient center facility and that will allow us to, once we get that from DOH even if we don't have the current permit for landfill operations, we can then open it up to the public and start taking those items. But until we get that, we can't take those items. If we do, we're in violation again. If we allow commercial to come in and drop off appliances, it's a different type of permit and we can't get that permit, you know, then it becomes a transfer station. So they have all these different requirements and it gets complicated, but we're trying to

work on it and eventually, like I say, it's going to get -- it's definitely going to get cleaned up within the next six months, everything's going to be gone from the -- the landfill, and we're definitely going to get, I would six to -- six to eight months, and then we're definitely going to open up the facility again for what those -- for those recycle items I mentioned. So that's the plan right now and we're working toward that.

Mr. Sinenci: So in the meantime, if we had any scrap metal to dump, we wouldn't be able to until after the six months?

Mr. Takamine: That's correct. We would turn you away right now for any of those items, well, other than used motor oil. We're still allowing used motor oil because we do have a valid permit for that and that's a, again, a different type of permit. And I wanna clarify too, we will not be taking automobiles, even after this is all finished, automobiles are not a permitted item to be disposed of at any landfill. So we will not be taking anymore automobiles or vehicles.

Mr. Sinenci: So we would have to dispose of our automobiles?

Mr. Takamine: Just like anybody else on Maui County, on this island, you have to go, unfortunately, and take it to a used metal processor, which right now there are two: Kitagawa and SOS Metals.

Ms. Cosma: I think for Hana there needs to be some kind of exception, you know, we live so far, we're separated from the rest of the island, and to not have the expansion include these items, I don't think it's worthwhile then because you have to include everything and everyone to make it work. I just cannot see all these cars lining up on the side of the road and don't know where to put it so we, as a team, I think have to decide what's best for Hana.

Mr. Sinenci: And I think if more residents knew that, they would be here.

Ms. Cosma: Yes.

Mr. Sinenci: I mean, and Lehua is right, just because of the distance, it's hard for us to -- to take our things over and I guess we have been kind of used to just dumping our things down there. Now if we gotta take all this scrap metal back to the other side of the island, that's going to be real cumbersome, not just for me, but I would -- a lot of residents in Hana and represents a lot of those people. We've also been kind of, right, we don't have to pay for any -- any of our dumping and if all this comes around, is it -- I know the other side of the island has to pay to dump their trash. Are we going to be -- be stuck with a fee now for taking our trash there?

Mr. Takamine: No. Nobody pays for trash. If you come to the landfill. If you come to the landfill, there is no charge for you --

Mr. Sinenci: Right.

Mr. Takamine: Whether it's here or Central Maui.

Mr. Sinenci: Oh, okay.

Mr. Takamine: The only collection we do is residential collection. If you have a curbside pick up --

Mr. Sinenci: Right.

Mr. Takamine: And I believe you guys have it here in Hana, in fact Jimmy's crew does that for us, we charge you for that. That's \$12.00 a month. Same with the rest of the island, same with the other islands, Molokai and Lanai, but Lanai's a little bit different, but there is no charge to residents at the landfill for disposal of any items. Now, I truly understand your concern about the cars but if I take the cars again, it's going to -- I'm going to be in violation again. It's costing me right now, oh, not me, the County, to do this removal, close to a million dollars, that's the low bid, million dollars. The next bidder is 1.4 million. And it's a massive project because we have to truck everything from here, back to his facility, and then he has to process it, all the fluids -- everything you see there now, you know, we got contaminated soil over there. After we clear it, we're probably going to have to do soil mediation because we are not designed or have a space to accommodate cars. Like I said, if you ever been out there, it's a pile, okay. You know, it needs to be organized, it needs to be placed, and we don't have, number one, the space to do that, and we don't have the permit to do that. It's entirely, again, a different type of permit requirements and zoning requirements. That's why, you know, in terms of cars, we just cannot accommodate the cars.

Mr. Tom Hoeffken: Can I say something?

Ms. Kanakaole: We're going to open up for public testimony in just a second and then you can speak. Just a sec.

Mr. Takamine: So again, you know, we do understand the concern about cars and, you know unfortunately, we're trying to do everything else, but the cars it's just, you know, it's an issue and I do understand, yes, 57 miles between here and Wailuku.

Ms. Oliveira-Medeiros: Was it also a health issue kinda sort of, that's why, when we had dengue, they took all the cars away and so would that be an issue too? A health issue not being able to take the metals anywhere?

Mr. Hirano: There was a health issue and that's why these roll-ons and these containers were brought into the site because I think what the dengue problem was is water was -- rainwater was being collected in various deposit areas on the cars and just in open areas and creating --

Ms. Oliveira-Medeiros: Washers and dryers and --

Mr. Hirano: And washers, yeah. And now they're under cover. They will be under cover so that would, hopefully, eliminate that.

Mr. Sinenci: I just feel that maybe we should consider some options cause I'm just concerned about the alternative, which is the dumping and not in the designated areas. In the past, we've had the luxury of go and get parts down there, parts can be real expensive. Wo whenever we needed wire or an extra part, we just went down there and got -- we got a part, and I know that's a hazard as well, especially what -- I mean it kind of was all convenient for us all these years but now we're getting hit with something that I don't think a lot of residents are prepared for. So I would wanna discuss that, more options on that. The second thing was with the existing municipal garbage dumping, is that area going to be expanded cause we already talked that it -- talked about 16 feet going up? Is it going to go any higher or we're going to stop that area and open up another area on the expansion?

Mr. Takamine: Okay, the plan right now is to not expand. Our design, footprint, and height is in the general area that Mich mentioned. The additional buffer area is just a buffer. We do not intend to go out of that. We just did a recent study, and actually we're going to do a more in-depth master plan of the Hana Landfill within the next year, hire a consulting engineer to come in and give us a more detailed topography and everything, but a recent study we did, the current footprint as it is, we have more than enough landfill capacity space for at least 30-plus years in that current area that we're in right now.

Mr. Sinenci: Which means we'll probably go up more?

Mr. Takamine: If we go up to a maximum height, we could even extend that to maybe 80 years, you know, but we -- we definitely have more than enough capacity for at least 30-plus years there with it not going too high.

Ms. Oliveira-Medeiros: It's kind of scary to me how fast the place is filling up because when I was a kid, I used to go down there, it was flat and, well, maybe that was a long time ago, but it seems like not too long ago.

Mr. Sinenci: There was hole before.

Ms. Oliveira-Medeiros: Yeah, and there was a hole. There was a hole and now it's 16 feet high. That's kind of scary. So what I'm thinking is are you guys going to provide the recycling so that people can recycle instead of dumping everything?

Mr. Hirano: Yes. You know, I think what Tracy was mentioning is, well, it's in the environmental assessment is that a lot of what the future emphasis will be on is diversion so that, right now, and it was studied in the Central Landfill, approximately 35 percent of the -- all the landfill material has been reduced by recycling so with the efforts that the County is embarking upon with recycling and redirecting the flow of municipal waste, that, you know, approximately we think 30 percent of that could be diverted away from the landfill and into recycling. So that's a pretty significant, you know, number I think that, again, answering your question about trying to -- trying to divert it.

Ms. Oliveira-Medeiros: But you guys don't have a date about when that's going to happen?

Mr. Hirano: Well, part of it, you know, is right now with -- with this recycling the glass, the paper, the cardboard, I mean that's part of the recycling effort.

Ms. Oliveira-Medeiros: Is there a plastic -- place for plastics? Hana people use a lot of plastic and I know that thing cannot --

Mr. Takamine: The cardboard we just, I think in the past, the farmers here have taken the cardboard. The plastics we, right now, with the HI-5, I guess Hasegawa General Store now has the HI-5 for the plastics, the glass bottles and cans. We are --

Ms. Oliveira-Medeiros: Plenty of the -- I'm sorry. The big juice bottles, everybody drink --

Mr. Takamine: Milk cartons --

Ms. Oliveira-Medeiros: They don't take those. We gotta drive them to Haiku right now.

Mr. Takamine: Right now you will. We are going to be looking, in the near future, of developing maybe curbside recycling, like Honolulu, we're going to be looking at that. We're doing a master plan right now, an integrated solid waste management plan, which is, you know, ongoing. The challenge we have with outlying communities, like Hana and Molokai and Lanai, is that it becomes -- we gotta look at how we can get materials back,



you know, transporting materials and all that, but we are going to be looking at trying to see how we can incorporate that here in the Hana area too. But right now, we do not have, in this facility once we open it back up, the ability to do the -- like the milk jugs and other items.

Ms. Cosma: So with the expansion at landfill, does that mean it's going to create more jobs for our local people in Hana? Or is it just going to just be expanded and -- I mean who's going to work, do all that?

Mr. Takamine: Okay, as we mentioned, the expansion doesn't really mean we're going to be expanding the landfill. I guess we're talking about incorporating the new buffer area, incorporating the encroachment. So we're not creating a bigger landfill. But I have expanded the landfill in terms of positions. I requested last year a supervisor and another -- supervisor and laborer I believe it was, so I will be getting actually two positions, but it's not as a result of what we're doing here today. It's just that we were short-staffed to begin with and we're trying to just get our correct staffing to properly maintain the landfill.

Mr. Sinenci: One more question. Would our County workers be able to use the part of the landfill where it's light-industrial?

Mr. Takamine: For what?

Mr. Sinenci: I mean just for their -- maybe their daily operations? Only, you know, cause if there's an -- I mean is it still under the County where, you know, right now even where our existing site is, it's right on a -- and with big trucks coming through there, you know, could we also -- the County -- the local -- the Hana County workers also use the area to -- to expand some of their operations? I'm just -- it's just a question. Cause it is light-industrial.

Mr. Takamine: I think what you're asking if we can use that land for other activities like --

Mr. Sinenci: Yeah, this might be off the -- the subject but I'm just thinking the -- where we are right now, we're right on a intersection, our present County site, and a lot of times there's a lot of traffic going through there in the mornings and with the big trucks, could they also use that area, especially in a light-industrial area, for maybe some daily operations, parking?

Mr. Takamine: I don't believe so. This is a permitted landfill activity by Department of Health. Once we get our valid permit again, it's strictly -- it's for landfill activities only.

Mr. Sinenci: Okay. I was just --

Mr. Takamine: Yeah, we wouldn't be able to use it for other activities.

Mr. Sinenci: Okay.

Mr. Takamine: We might be able to use for, like we mentioned, for recycle activities because it's related to the landfill, you know, trying to -- trying to reduce what's going into the landfill. But maybe to put a baseyard or something like that? Is that what you mean?

Mr. Sinenci: Yeah.

Mr. Takamine: No. No.

Mr. Sinenci: No.

Mr. Takamine: Most likely we won't be able to do that.

Mr. Sinenci: Thank you.

Ms. Oliveira-Medeiros: The gas methane probes and the water quality monitoring, you said they come out once a month to check it?

Mr. Hirano: I believe the water quality monitoring is done twice a year, every six months, and the methane gas probes are quarterly I think? Quarterly. Every three months.

Ms. Oliveira-Medeiros: And so every one of them have been --

Mr. Hirano: They've been within the -- the standards, yeah, within the guidelines.

Ms. Oliveira-Medeiros: Can I ask you what that is, the standard? Sorry.

Mr. Hirano: Yeah -- no, that's -- the -- what they look at, and you know they -- they look at Ph; temperature; turbidity and that means -- turbidity I think is the solid matters, particles in the water; conductivity; salinity, which is the salt content; the dissolve oxygen. So those are kind of the field parameters that they talk about. In terms of the other conventional parameters there, ammonia and nitrogen, these are the organic carbon, chlorides, sulfates, alkalinity, total dissolve solids, calcium magnesium, iron, potassium. These are kind of the chemicals that they test in the water. There's a certain, you know, tolerance that's allowed. You know, you should have a little traces or, you know, you're allowed certain levels of it, and so these are all -- what they've studied is all within the -- I'd say approved levels so far.

Ms. Kanakaole: Anybody else have anymore questions? If not, I'll open up public testimony and if anyone would like to testify, you have three minutes, and you can come

up and state your name and give your testimony.

**a. Public Hearing**

Mr. Tom Hoeffken: Good evening. I'm Tom Hoeffken, Tom's Backhoe and Excavation, and I've done some work at the dump, crushing those cars when Larry had the job. Unfortunately, Larry never did get over here to finish. I would recommend, cause what you're saying is going to be really -- I think it'll be a catastrophe if you don't accept cars, I'd recommend that -- SOS called me last week and said they're coming out with a small bailer that'll do small cars, foreign cars, or you know the mini cars, but they could bring over a big bailer, and Larry's got a few of them laying around and if you were to put it on a -- that boat that went to Kahoolawe, you could, you know -- I'm pretty sure they could land in the harbor by where the -- the small boats go out and you could get that bailer over here, build a concrete pad, and just leave it here. And after these guys are finished with their job, then just, you know, once a month have the local rubbish people, the people, the County people crush cars. When the trucks go out, you know, the -- the local truckers, when they head out, they can load up a truck load of cars and take them to the dump or to recycling. But if you don't do that, you're going to have cars everywhere and it's going to be a mess. And I think it's -- it's feasible and I don't think it'll cost that much more money. You know, just when they crush it, have a -- have a well underneath to pick up all the oils and antifreezes and all that cause I know people don't like to do that. But I'm purchase their -- their small bailer they're bringing out here. Right now they're bringing out a bailer, a small bailer, and a 225-case excavator with a -- what do you call it? One of them shears and so they have to cut the cars in half, but if you were to bring the big one, that's it. Just leave it here forever and I don't believe they're that much maintenance other than that, they're just all steel.

Mr. Sinenci: What, it just crushes the cars ...(inaudible)...

Mr. Hoeffken: It just crushes it into -- yeah, to a cube and that way it could be done, you know, by the dump folks. Just a recommendation. I think what you're doing is going to be a nightmare and it's going to destroy the -- the area.

Mr. Sinenci: Thank you.

Ms. Cosma: Thank you.

Mr. John Blumer-Buell: Aloha, Committee members. My name's John Blumer-Buell, and I've submitted to you a two-page letter, and I've raised some legal issues about notification, and the first one, which is very important, I was not sent a copy of the final revised environmental assessment in a timely manner. And I had requested this in a written letter, which is in the EA, which none of you have ever seen, in July 4, 2007, and the Cheryl K.

Okuma wrote me a letter back that said that she would provide it to me. So it was not provided to me in a timely manner. When I heard this -- this hearing was going on, I was surprised for a number of reasons. I was relying on getting the EA to help me get my testimony together.

And in effect, without sending me a final revised environmental assessment in a timely manner, I have been denied my rights, as a citizen, to review this document, to file a timely legal response, and/or request a contested case hearing. And more importantly, I don't like contested cases, I don't like the courts, but more importantly, I haven't had the time to go through the 35-page report, which some of you just got. I haven't had time to go through the 5-pages of recommendations. And I haven't had time to go through these 200 pages to correlate the recommendations with my testimony.

Now just for your information, I've been participating in the landfill issues for a long time. I testified. I've got in your Exhibit 19 in what you got, they have one of my letters, but I have not had a chance to and you haven't had a chance to read my April 20, 2004 letter, which was for the draft. They responded to that. I wrote a second letter in July 4, 2007. You never got a chance to see that. You saw the response to it in -- as Exhibit 19 in your report. And it says, from -- from Cheryl Okuma, that a copy of the final revised EA will be mailed to you and the Hana Community Association has requested, and I requested to get it as soon as it was finished. The reason I requested it went to the Hana Community Association was so we could have a community meeting on this issue.

And the -- the -- I simply request you to end this meeting without a decision and then require them to re-notice the meeting at a future date. Now what they would do is restore my rights to submit testimony and/or file for a contested case, which I don't want to do. I would prefer to sit down with Mich and the planners, and Paul, and Clayton, and I think there's about, just right off the bat, about 15 conditions that I see, including the idea that the gentleman just gave you, including your ideas that should be incorporated into your recommendations. Okay, I'm not here to shut down the landfill, but the attorney knows that I have, you know, citizens have legal rights and they haven't been followed in this case.

Now, I request a new hearing date and I request you to -- not to recess this meeting, to end the meeting and then re-notice it in a few weeks. That would restore my rights to a -- to intervene if I wanted to. Again, I'm not interested in a contested case hearing. I think all the issues can be worked out.

One of the things I would do is to show you a number of contradictions that exist in the County's written testimony. Mister -- I strongly objected to the vertical expansion of the dump and I was told by Charles Jencks, former Public Works Director, and John Harders of Public Works, that the community association was told this landfill would stop at grade. Now they admitting, at this point, this 18 feet over grade, and I think that's something that

has to be dealt with through conditions, and I personally feel it is an absolute insult to the -- as a culture to be creating this mountain to our stupidity at the base of Kauiki Hill. You go up Kauiki Hill, which is one of the real important places in this area, and you look down, and we have this mountain that's building up of junk.

So, a couple other things. Mich, if you'll permit me, Chair, is that Mich brought up the idea of the mica, and I did raise that in the original environmental assessment, but my concern was not that it was at the dump. My concern is that there is a cinder mining operation up the hill in above Kaeleku that's as big as several football fields and probably a hundred feet deep, and that is an environmental impact that the County refuses to acknowledge as even part of the dump operation. It's completely related to the dump operation. So I would suggest that you would stop this meeting and the next time you meet, you should go up to that, do a field visit up to that mining operation and really see what's going on up there. It is -- that is as much of an environmental degradation as everything that's going on at the landfill and our County Public Works Department is probably spending 50 percent of their budget mining cinders up there and transporting them into the dump. Yet in the -- in their own documents, they deny that that has anything to do with the dump. So I do have some pictures for you to look at, just if you've never been up there, and I'll finish with a couple things.

Ms. Kanakaole: Can you make it fast, John?

Mr. Blumer-Buell: Yes. You folks are allowed to suggest conditions to the Planning Commission and the State Land Use -- the State land board, so the kind of conditions I'm talking about would be a baseline study of water quality in Hana Bay and marine life in Hana Bay, and I would suggest that that would be conducted with the University of Hawaii in association with kids at Hana School, make it a serious science project, and with the Hana Canoe Club, and this would be an ongoing monitoring of Hana Bay. There was high levels of chloroform bacteria found in the late 1980's in Hana Bay, John Mink did those studies. We don't know if they were from the landfill. They could have come from the Hana Kai where there was an injection well and other things. But that's -- that's a good monitoring study. You could do -- you should do a baseline study of the -- with professional scientists of the -- the ponds around Waikoloa. And I know of two people that will let you go on their property to do ongoing water quality test with the kids from Hana School and legitimate scientist.

Now, this report, it's unbelievable to me, but it basically says that the water goes down to the dump and then runs back uphill; that it doesn't run through the dump into the ocean. Now I just don't even believe that but it's -- it's in here and the way that you -- if you don't believe it, then you can try to monitor it through conditions, and that's what I would urge you to do is create conditions that monitor this.

The last thing is that Mr. Takamine - is that correct? Your name? Yeah, you know, he testified before the General Plan Advisory Committee, which I'm on, and his testimony was that that landfill is far lower than they're going to be able to go in the future. And secondly, we did -- I did raise the issue of a satellite dump, and I don't know if that's the same as a transfer station or if there's a distinction. Is that the same? I mean is Lahaina a transfer station?

Mr. Takamine: Right, that's a transfer station.

Mr. Blumer-Buell: Okay so, you know, the point is, and this will be the last thing, Kauai, is that, you know, let's say we had a perfect world and everything in Hana was recycled, except for the green waste, so what does that mean? We'd have a bunch of containers and we'd have to still take them back to the other side to recycle them. That's what a transfer station would do. It means we have a satellite dump, which means the stuff would go to the -- the non-recyclables would go to the Central Maui Landfill and it would not reduce the number of workers in Hana, we'd have a better -- a cleaner environment, and some of those guys would be driving the junk to the other side.

And the final thought is that if this proposal was being made today at that site at Hana Bay, you would have half the community here protesting it at least. The -- Mr. Takamine did a great job at the GPAC of describing how the Central Maui Landfill are required to line these things with, I'll just call it plastic, and they have to put organic material and gravel. The EPA has very stringent requirements and we have none of those advantages at the Hana Landfill. Now the only reason it's allowed to continue is that somehow we're continuing this pre -- we're continuing this because of the 1969 exception.

So, anyway, mahalo, and I'm trying to be constructive. I know I've worked with Clayton for -- we've known each other for 20 years with planning stuff and, you know, I'm here to be constructive so anybody's always welcome to talk with me. I think that the concerns -- the long-term concerns for the community can be met through conditions and really, you know, nona keiki, that's what this is all about, you know, the future for the kids and, you know, we want to leave them a -- as clean an environment as possible. So mahalo. I'll answer questions if you have any.

Ms. Oliveira-Medeiros: John, you were talking about the water quality in the ocean. If the water quality test that they're doing on the land shows that it meets whatever requirements, would that mean that the ocean might be okay or no?

Mr. Blumer-Buell: I am very skeptical of the results and I -- I will stand to be corrected by Mich or Mr. Takamine, but the report basically says that the water comes off the mountain and does not go into the ocean; that somehow it turns around and goes back up toward Wakiu. And as my understanding, there are no water monitoring stations on the makai side

of the dump. Now I've never heard of water flowing back uphill in -- in the ecology here. So, you know, whether you --

Ms. Oliveira-Medeiros: ...(inaudible)...

Mr. Blumer-Buell: Right, so what, you know, I'm simple saying that -- I mean it's logical that there is runoff into Hana Bay. I mean and if you -- I mean I was there when that was still a -- a huge hole in the ground and over the years seen paint, oil, gasoline, agent orange, 24D, all this stuff go into there. It's not just sitting in there static. It's going somewhere. So, you know, that to me is very logical and to me it's not logical that the water's not running through the landfill and through those ponds that are at Waikoloa to get to the ocean. And a way to -- to address the issue in the -- you know, we're talking about long-term, is to start a monitoring program, start a good recycling program, and at some point, I think Mr. Takamine talked about, with the Central Maui Landfill, we may be able to recover some of this stuff. I don't like the fact we're 18 feet over grade or whatever it is. At some point, Jimmy and the -- and the crew can go in there and bulldoze it, and screen it, and we'll be able to take what's left and burn it for fuel or something, probably within ten years, probably less, but these are long-term solutions we need to, you know, think about now and, you know, you have the ability to limit the height of that, you have the ability to say, look, we're going to review -- we're going to come back and review this every year to see how their progress is, and so forth.

My final thing is I think this is really premature because the County is working on a solid waste management master plan, which includes Hana, it's close to being done, and you don't have the advantage of seeing what their plan is. So, anyway -- if I've made any mistakes, you're welcome to contradict me.

Mr. Sinenci: Yeah, I just wanted to add that has there been any health -- health types of survey? And I'm only bringing that up because, this year in the school system, we've seen an incredible amount of staph infections, a lot of them from students that have been surfing down in the bay. I don't know if there's -- I'm not saying -- I'm not saying that there's any connection, but I mean bringing this stuff up, it's real important, and not only staph but MRSA, which is a -- which is a really high level of staph infection, one case of that.

Mr. Blumer-Buell: There is again -- this is something that you could condition in the permit, for example, we know Tutu's is just going into a cesspool there and they've had to use hydrochloric acid to clean it out a number of times. You could say in the -- your recommendations that the Hana Community Plan calls for a master wastewater system around Hana Bay. It's existing in the community plan. It's never been implemented. You could make that a condition of this permit within -- within, you know, four or five years that will be done. That would help. We know that there's -- that there's nothing but cesspools along Hana Bay. That's all the way from -- from Akana's, all the way around Waikoloa, and

I know for a fact that some of those, when they -- they had lava tubes when they dug those cesspools and I know people that night dive in front of the old ...(inaudible)... place, there's no house there anymore, they'd night dive there and they'd see -- they'd see human waste coming into the bay, and toilet paper, at night when they were diving. So --

Mr. Hoeffken: ...(inaudible)...

Mr. Blumer-Buell: Sure, I'm just -- if they have anymore questions.

Mr. Hoeffken: You're right. That's been a problem in Hana Bay ...(inaudible)...

Mr. Blumer-Buell: Okay, so I'd like to -- okay --

Mr. Hoeffken: But they've fixed it.

Mr. Blumer-Buell: Okay.

Mr. Hoeffken: They put in aerobic treatment plants in the last few months.

Ms. Kanakaole: If you -- you gotta be on record so you need to be speaking into a mike when you talk.

Mr. Hoeffken: About ten months ago I bid on the aerobic treatment plants at Hana Bay and since then, they've been installed with their new project, but that -- once they put in the aerobic treatment plants, the effluent coming out is going to be about 90 -- 98 percent clean. But, Tracy, you know that. Yeah. But until that time, it's about 3,000 gallons of raw sewage going into the ocean every day and that's where your fecal chlorophyl was coming from. I don't think that was coming from the dump.

Mr. Blumer-Buell: Could I make one comment? And that's -- you know another -- another condition you could make, and we tried to get the County to do this more than ten years ago, and that is to put dye -- to get people to voluntarily put dye, they make these things different colors, to have them flush them in their toilets, to put them in Tutu's, you won't see it with rough water in the winter, but when the water gets still, you will see -- you'll see the -- you'll see where the effluent is moving to. Now the gentleman that just spoke, that is progress. That's the kind of condition you need to do. I think he's talking about Tutu's. Now we have about, you know, 50 houses right around Hana Bay, including a -- the Hana Kai that does -- that has an injection well and we know that's a big problem with the reef destruction on the other side. So that's, you know, all I'm suggesting is there's a lot of things you already know that we can make part of the permit that will solve the problem and, you know, two, five, ten years, but we're going to make an improvement. So mahalo.



Ms. Kanakaole: Any other testimony?

Ms. Hannah Bernard: Aloha. My name is Hannah Bernard. E kala mai. I'm not from Hana. I live in Haiku, and I was here for another meeting and I saw this meeting was going on and so I just sat in, and I have not gotten to read the EA, either the draft or the final. But what John Blumer-Buell said is -- is really alarming, and I am a marine biologist, and I do -- I do really support his comments to you folks that, you know, there can be some conditions that are added in that would support keeping the bay cleaner or cleaning the bay completely, and lining a landfill is -- is -- it should be done. It should be done. The landfill should be lined, especially that close to the ocean. And we do know that with groundwater testing, there are tremendous amounts of nutrients that go into the water from our land, from past land use practices and from pollutants, and they can be measured, some of them, out at sea. The question, and sorry, I haven't been able to see this assessment, is what parameters are being measured? And the gentleman did -- he did name some of them, but the question that I would have is have all of the pollutants, all the toxins that may be present, heavy metals, hydrocarbons, and pesticides, and the things that have been known to be put into the landfill, have those things also been tested in the water, both the groundwater and the -- the near-shore waters. And the thing with testing waters too is they have to be done more than twice a year because that's not often enough and especially if there's been a -- like an episode, like somebody dump something, and then it was in the winter and the rains came, and six months later, you go to measure it, it might be diluted out. So the testing has to be done a lot more frequently, like every quarter minimally and seasonally and after every storm event, if there's something that happened that's flushing it into the ocean. So I just wanted to support what John Blumer-Buell said. I think it's really wise to come back and revisit this. It's so important for the health of the bay. Mahalo.

Ms. Kanakaole: Anybody else testimony? Okay, I'll close public testimony. Does anybody on the Committee have anymore questions they wanna ask before we go into discussion? Or make any motions?

**b. Action**

Ms. Oliveira-Medeiros: I just wanna say that when I came over here I thought, oh, extending the landfill, that's -- I don't know how much they're extending it by, I didn't pick mines up either until today, so it was in my mail, we had a little article too large for box thing from Monday or Tuesday and so I didn't get to pick this up till today so I really haven't had a chance, I flipped through everything, but I'm kinda worried about the environmental assessment and I think that any time there's something in Hana that you guys should know that it would be important for the people of Hana to see this, not -- I don't know that we have to make a request to see it, I didn't know we had to make a request. Because people in Hana live still, you know, they subsidize their income by eating fish, they fish for food over here, so it's really important to -- to know what's in the environmental assessment and

if I knew that we had to ask for it, I would have asked for it, but I thought that it just comes with the whole package. So just know that when it comes to Hana, we are really concerned about the environment over here and the water and what goes into the ocean because we live partly off the land and off of the ocean. Thank you.

Ms. Cosma: I too just picked my pamphlet up before I came so I never really got chance to look at everything, visit the EA, and I would like to do more reading on that before deciding for the community of Hana. I think it's only fair that we probably meet again so that we can invite more people to come and give their mana`o cause it's their future too, not just ours.

Mr. Sinenci: Yeah, it's a pressing issue hearing from all sides and I know there's been a lot of work on your guys part putting all this together and -- and your intentions are, you know, commendable for the Hana residents, and I too believe that we should take a second look with some of the issues, you know, and maybe get more input from the -- from the community on this.

Ms. Kanakaole: Can one of you make a motion? It seems like three of you feel the same way but we need to make a motion on this to --

Ms. Cosma: I'd like to make a motion that we revisit the whole EA packet and come back again for another meeting, if we can. That's my motion.

Ms. Kanakaole: He just told me how to word it. He just suggested how to word it, which would be to defer, which would be we would meet again whenever this meeting would come again we would -- this would be on the agenda. Is that true? If we defer? And we would defer and we would have to state our reasons for deferring - subject to receiving the EA and -- and reviewing the packet again. So if you wanna say that in your motion.

Ms. Cosma: Okay, I'd like to make a motion that we defer this meeting so that we can have more sufficient time to go over the packet, and the environmental assessment, and the whole paperwork that was presented. I think we need more time and that's my reason for deferring.

Mr. Sinenci: I'll second that motion.

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

**It has been moved by Ms. Cosma, seconded by Mr. Sinenci, then**

**VOTED: to defer this meeting so the Committee can have more sufficient time to go over the packet, and the environmental assessment, and the whole paperwork that was presented.**  
**(Assenting: M. Oliveira-Medeiros; S. Sinenci; L. Cosma; K. Kanakaole)**  
**(Excused: M. Mauliola; D. Kaina; D. Lono)**

Mr. Yoshida: Just for clarification, does each member want a copy of the final environmental assessment or do they want a copy of the final environmental assessment to be available at the Council Services offices or wherever?

Ms. Kanakaole: Yes.

Mr. Yoshida: Which -- which one is it?

Mr. Sinenci: Yes, I feel it's that important.

Mr. Yoshida: So each member wants a copy of the final --

Ms. Cosma: If can, yeah, I think that will be great. And do we have one at the Council office? Or somewhere the public, who don't go to the library, may have access to it.

Mr. Hirano: One is at the library.

Ms. Cosma: They are at the library.

Ms. Kanakaole: Okay, thank you.

Mr. Yoshida: So is there anything more you want the applicant to provide besides environmental assessment? Would you want like a pdf copy of the EA instead of the hard bound copy? Or do you want -- each member wants a hard bound copy?

Ms. Oliveira-Medeiros: I'm fine sharing one with somebody else.

Mr. Fasi: What Clayton's asking is rather than receiving a, you know, that thick hard bound copy --

Ms. Oliveira-Medeiros: On computer.

Mr. Fasi: If you have a PC at home, we can put it on a disk and you can just read it and you can do a search on a word; sometimes it's easier just to do it, to read it like that.

Ms. Kanakaole: That's fine.

Mr. Fasi: Everyone's amendable to that?

Mr. Sinenci: Yeah.

Ms. Kanakaole: Yeah.

Mr. Fasi: Okay.

Ms. Oliveira-Medeiros: I don't know. I don't know if my computer can hold that much. You mean send it --

Ms. Kanakaole: It's on a disk.

Ms. Oliveira-Medeiros: Oh, it's on a disk?

Mr. Fasi: You read off a disk. You don't have to download it.

Ms. Oliveira-Medeiros: Oh, okay. Yeah, that would work for me too.

Mr. Fasi: That'd be -- you know, sometimes it's easier just to do searches on --

Ms. Oliveira-Medeiros: But still have one at the library and one over here for other people to look at.

Mr. Fasi: Well, we can put the hard copies maybe at the library and at Council Services, but for you folks, we'll send you CD's.

Ms. Kanakaole: Thank you.

Ms. Oliveira-Medeiros: That'll work.

Mr. Fasi: Is that good? Okay.

Mr. Hirano: Okay, thank you.

Ms. Kanakaole: Thank you, Mr. Hirano. Okay, next on the agenda?

Mr. Yoshida: Oh, I don't know if you wanna take a short recess and they can disassemble their --

Ms. Kanakaole: Okay, we're taking a short break, three minutes.

*(A recess was called at 6:10 p.m., and the meeting reconvened at 6:20 p.m.)*

Ms. Kanakaole: The next item on the agenda is Communications about the affordable housing project at Kawaipapa, Hana.

#### **D. COMMUNICATIONS**

- 1. MR. WAYNE I. ARAKAKI, P.E. of WAYNE I. ARAKAKI, LLC requesting by letter dated January 2, 2008 comments from the Hana Advisory Committee to the Maui Planning Commission on the owners' proposal for an affordable housing project at TMK: 1-3-004: 001, Kawaipapa, Hana, Island of Maui. (P. Fasi)**

Mr. Fasi: The Planning Department, this planner just received this letter this morning so I don't know a whole lot -- to much about -- I'm not familiar with this project. But basically, there is a request for comment from the applicant, well not an applicant yet, but requesting comment on this particular project from the community at large and also from this Committee. They haven't submitted for any type of application yet. This is purely a preliminary consultation with the community. They are just wanting to share what their proposed action may be, depending the reception that they do receive from the community. I'm going to let Wayne Arakaki, of Wayne I Arakaki Engineering, give you the details of the project. Thank you.

Ms. Kanakaole: Can you turn on the -- I don't think it's on.

Mr. Wayne Arakaki: My name is Wayne Arakaki and I'm an engineer in Wailuku, I originally come from Haiku, and we're trying to work on this affordable housing. It's very preliminary in planning and the reason being is that, you know, I went to several of these Committee meetings, Planning Commission and all that, and it seems like, you know, everything is already done when you folks get it. What we're trying to do is provide one opportunity for the community to have their input. I have a basic concept drawing but it's -- it can changed, you know. Over the years that I worked as an engineer and was doing subdivisions, I found out that, you know, something like this might work for the community but again, I'm open to any kind of suggestions or planning requirements or whatever.

The property is owned by Tom Hoeffken. Tom's right over here. He's a local contractor. He works in Hana. He has a property about 72 acres, it's right next -- abutting Kawaipapa Stream. If you look at the Maui Electric substation plant, it's on the Paia side of the -- of the stream. It's -- on my drawing here, you can see the lot. It's up here. It's 72 acres. It

comes from Hana Highway, all the way up to -- to the mountain. On the affordable housing that we're planning to do, it's right next to Kawaipapa Stream and it's right across that Healani affordable housing project.

Okay, presently the property is agricultural. What we're trying to do is go through -- if it's favorable, we were going to go in front of the Planning Department and make one formal application and the -- for affordable housing. The lot size will be from 10,000 square feet and up to 15,000 square feet. We're going to have septic systems. There is no sewer, County sewer system in that area. There is County water. We're going to have County water, get County water meters. You know, one thing that you gotta understand is that the State Department of Health requires a septic system, but the maximum amount of - they go by bedrooms, not by bathrooms - is five bedrooms. So even though -- if you have a big lot, 15,000 square feet, which is quite big, you know, you should be able to build a house and cottage, you're still limited to five bedrooms, whether it be a three-bedroom main house and a two-bedroom cottage. Okay, so again, with the State law, we're limited just to five bedrooms.

We're going to have -- we're proposing to have paved road. It's going to be 20-foot wide. There's no curb, gutters, and sidewalks because, actually, the Hana Community Plan, to keep it rural, or Hana, there's no curb, gutters, and sidewalks I guess anywhere I guess in Hana. So it's going to be just a grass shoulder, trees, and, you know, for cost wise, we're proposing just overhead electric power.

Again, the present zoning is ag. We plan to do a 201G, or whatever that's available, and then -- actually, to do affordable housing, which was done in the past with the project across -- across the stream. The lot sizes, again, getting back, is anywhere from 10 to 15,000 square feet. The width is actually 70 feet in width, and it's probably 120 feet in depth. There will be some flag lots but all of them would have access to a County road. This road would eventually be turned over to the County. The road width is actually 44 feet and with a 20-foot pavement. We're going to have some drainage improvements within the subdivision. I know that Kawaipapa Stream is right next but we're going to try to retain the runoff and -- that's generated from this subdivision within the County roads.

We are not planning to build any houses right now. We just wanna develop the property and sell the land at an affordable price, or we might team up with self-help housing or Lokahi or whoever works with affordable housing. That was some of the ideas that was brought up. Right now, on the planning stage, all we have is just what we have on paper. I did some research on some drainage, some technical things and all that, but I haven't put everything together yet because I just wanted input from the community and see what else is needed.

We're just planning to do affordable housing, nothing more, and the reason being is because if we tried to get more amenities on the project, it would just drive the cost of the property higher and higher. So the County Council, I believe, passed the law for affordable housing to actually delete some of the subdivision requirements for this kind of project. So we don't have to do, as I said before, curb, gutters, and sidewalks, underground electric, and all that kind of thing.

Tom, do you have anything that you wanna add? Okay. So you have any questions that you folks wanna ask?

Ms. Cosma: Aloha. I have a question and that is: About how many affordable houses you're looking at to go on --

Mr. Arakaki: We have 40 lots.

Ms. Cosma: Okay. And are those for Hana residents only? For local residents? Or is it for outside people to come in and apply?

Mr. Arakaki: You know, it's a tough question but we wanna make it for Hana residents. You know, it's a legal question. I don't know how we can do that but our primary objective is actually for the Hana community, not for outside residents.

Ms. Cosma: Okay. Mahalo.

Ms. Oliveira-Medeiros: It's called affordable housing but you said you're actually going to sell off the lots at affordable rate or whatever.

Mr. Arakaki: There's a provision that the -- the housing, we checked with the Housing Department and they have "affordable lots;" it's not only house and lots, but we can sell lots at affordable prices.

Ms. Oliveira-Medeiros: Any idea what is affordable?

Mr. Arakaki: It's based on the -- I guess the income that's generated in a community, average income, and I think a lot, a finished lot, is like a hundred thousand.

Ms. Kanakaole: How long will you be in this planning stage of taking ideas?

Mr. Arakaki: Well, I'll tell you this, over the past -- I really don't wanna rush, even though Tom tell me hurry up, I'll come back as much as I have to to get everybody's input. Then when I feel that it's -- it's okay, it's comfortable, then I'll proceed on with the next phase.

Ms. Kanakaole: Only because I teach at school and I know that our building and construction program at school, our students have been coming up with the plans for subdivisions that would be applicable to Hana people, and they have come up with several last year and this year because they knew that there was an affordable housing project coming up up there, and self-help, so I was wondering is you would be open to them showing you their ideas?

Mr. Arakaki: I'm perfectly happy with that. In fact, I encourage that because that way I can see some of the ideas, new ideas, yeah, not the ideas that I was forced in based on County rules. And, you know, because it's a 201G, the County get some flexibility, so maybe, if it's not a safety problem or that kind of thing, I think the County may accept what's given, new ideas.

Ms. Kanakaole: So I can -- they could contact you at this address?

Mr. Arakaki: Yeah, they can contact me. They can come in even visit with me at my office.

Ms. Kanakaole: Okay.

Mr. Arakaki: And then we can sit down, I'll make some plans for them, and if they can scratch it off and then, you know, we can brainstorm together.

Ms. Kanakaole: Okay, thank you.

Ms. Oliveira-Medeiros: You'll still be coming back for more meetings, yeah, because I don't think the community had time to find out about this?

Mr. Sinenci: It's just --

Ms. Oliveira-Medeiros: Preliminary, yeah?

Mr. Arakaki: Yeah. No, it's real preliminary, you know, it's not a, you know, you gotta take it or leave it kinda thing, yeah. So we're coming back again but, you know, with some more concrete ideas and, like I said, we welcome the school to participate in this thing.

Mr. Tom Hoeffken: We've been working on self-help now for way too long and we just got the permit for the grading this week. And although the politicians are, you know, preaching we want affordable housing, they're not -- they're not acting. So I can't afford to -- with something like this we'll have to either say you wanna do it or not cause we just can't afford to hang out like a self-help project. And I believe when we talked to Joanne, she was talking about -- what's the Jimmy Carter one? Habitat for -- Habitat. They were thinking about coming in, and so was self-help. We're also interested if the -- if people -- I was at



a meeting here when the Mayor was here a few months ago and people were asking for affordable rentals, and that's something we might -- that's pretty crazy though. But we were looking at trying to do the -- at least 16 lots with a hundred thousand, and then the bigger lots we have to ask more because we'll go broke at that, you know, it cost almost that much to do a lot just like -- so there will be at least 16 lots at a hundred thousand and then they're going to go up, but it's still going to be affordable, according to the -- your standard of, you know, what the cost of living is in Hana.

Ms. Kanakaole: A hundred thousand. That would be the lot with --

Mr. Hoeffken: With all the amenities.

Ms. Kanakaole: The amenities? Okay.

Mr. Hoeffken: And the County was going to waive the water meters, and I think park assessments and stuff like that, they were -- yeah.

Ms. Kanakaole: They're going to waive the water meter?

Mr. Hoeffken: They're going to waive the water meter fee.

Ms. Kanakaole: Wow. That's seven grand. That's seven grand.

Mr. Arakaki: That's something that we still gotta negotiate with them. You know, all these projects are all negotiable. It's not like it's automatic.

Ms. Oliveira-Medeiros: It might be water catchment ...(inaudible)...

Mr. Hoeffken: No, no. It's County water.

Ms. Oliveira-Medeiros: ...(inaudible)...

Mr. Sinenci: ...(inaudible)...

Ms. Oliveira-Medeiros: These are about quarter-acre lots, yeah?

Mr. Arakaki: Yes, 10,000 square feet minimum lots.

Ms. Oliveira-Medeiros: Oh, you know, you were saying something about you don't the legalities of how -- if you can make a preference for Hana people or something?

Mr. Arakaki: There was a -- a lot of effort in trying to provide for the, you know, the community and I guess I would rely on the County on the legal kind of thing. Yeah, it's -- I'm not one attorney, but I know that they were trying to do that where it's actually for the community first, yeah.

Ms. Oliveira-Medeiros: So they would have to apply through the County or through you? Through you?

Mr. Hoeffken: I'm not even sure.

Mr. Arakaki: You know, right now it's still up in the air but, you know, like as Tom said, it could be like self-help housing, what Habitat?

Mr. Hoeffken: Habitat for Humanities ...(inaudible)...

Mr. Arakaki: Yeah. Yeah. And then they might be able to assist us, yeah, because actually Tom is a contractor, landowner, I'm an engineer, so we wanna do the product but as far as selling and all that other kind of stuff, it would probably be somebody else, yeah. We would rely on somebody else's expertise on that.

Mr. Sinenci: Sounds like some exciting stuff and I just wanted to thank you. Housing, affordable housing especially, has been a big thing for us. I know people in the community who are on the self-help list continually are asking about it. They call into the office, me one, but -- so this is -- mahalo for that. My question is, and maybe -- looking at this map, there's a lot of contour lines, especially, not the lower if I'm not mistaken, the property is right above the -- the ditch, almost like a -- that goes before -- before the teachers' cottages --

Mr. Arakaki: Yes.

Mr. Sinenci: I don't know the terrain back there, but it looks like there's -- what is that drop right over there by Lot 18 and 17? That's pretty steep. Or is it? I'm asking for --

Mr. Arakaki: This is a -- yeah, this is a preliminary subdivision map so, you know, we have to do some grading work to finish up the lots, so this is -- this is not final. It's just preliminary in nature, yeah.

Mr. Sinenci: So --

Mr. Arakaki: So it's --

Mr. Sinenci: So would there be a lot of grading of the property? I mean if it -- I mean I know there's a big papa over there, I mean just one big lava rock that goes up all through there.

Mr. Hoeffken: It's doable.

Mr. Sinenci: It's doable. With Dan under the controls, he can do it?

Mr. Hoeffken: But on the self-help project we're on now, we're finally kinda got our grading ...(inaudible)... and we're installing septic tanks this week, we got three more installed, and then we'll start ...(inaudible)...

Ms. Cosma: Okay, again, I'd like to say thank you for putting this thing out because it is important for Hana. Also, another thing I see is every time I hear Kawaipapa, it becomes a safety thing for all of us, you know, cause if you ever see how that water comes down, so my concern is if there are lots, and there's houses, and there's children, as an engineer, how would you -- how many feet is the house away from the river and the lot?

Mr. Sinenci: Those are the cheaper lots.

Ms. Cosma: I mean it's a concern that I think you should look into because --

Mr. Arakaki: Yeah, we'll -- yeah, we're going to look into the safety aspect.

Ms. Cosma: Cause I've seen it several times go over the bank and the sides and I was just kinda worried. I wanted to raise that.

Mr. Arakaki: Yes, thank you.

Mr. Hoeffken: I've gotta run. I've got engagements ...(inaudible)...

Ms. Cosma: Don't run - walk.

Mr. Hoeffken: Thanks you all.

Ms. Kanakaole: Any other questions?

Mr. Blumer-Buell: Can the public make a comment or --

Ms. Kanakaole: Well, I was going to open up to public testimony if -- if the Committee didn't have anymore questions right now.

Mr. Sinenci: 201G. You mentioned 201G. I wasn't --

Mr. Arakaki: You know, the laws have changed. Is it a 201G or 201H?

Mr. Sinenci: Yeah, I just asking clarification for those.

Mr. Yoshida: Well, I thought the last one was 201H, in terms of the State statute.

Mr. Sinenci: What is 201H?

Mr. Yoshida: It's to allow for fast-tracking for affordable housing projects that they don't have to get a community plan amendment, they don't have to get a zoning change, let's say the Hale Mua project, I don't know if you heard about the Hale Mua project between Waiehu and Wailuku, on the mauka side of Kahekili Highway, that was a 201H project. They didn't have to get a community plan amendment, they didn't have to get a zoning change, and they don't necessarily have -- they get some exemptions from compliance with various portions of the County Code. The Jesse Spencer project in Waikapu, on the makai side of Honoapiilani Highway, that is a 201H.

Ms. Cosma: So 201H only applies to affordable housing? Anybody who's doing --

Mr. Yoshida: Yeah, it was done back in the mid-1980's, I believe, when John Waihee was governor the State to accelerate the provision of affordable housing that they would provide for this method where if they get County Council approval, they don't have to come in for all of these other conformance with land use regulatory -- conform with say community plan or zoning and the like.

Ms. Oliveira-Medeiros: Is there like a minimum like I don't know if this like one-third of the subdivision have to be for affordable houses or something? Is there a requirement like that?

Mr. Yoshida: I think the majority of the project, at least 50 percent or more, has to be affordable.

Ms. Oliveira-Medeiros: If he has 40 lots and 16 are for affordable, that's what he said, yeah?

Mr. Arakaki: When we talked with -- and when we talked with the Housing Department, there's different levels of affordability, so the lowest base was 16 lots at 100,000; then the next increment was 200,000 so -- but this project is considered hundred percent affordable, according to the County. But, you know, again, we'll work -- we will be working with the

County because to fast-track this thing, it has to be -- the County Council would support something that's a hundred percent affordable.

Ms. Oliveira-Medeiros: You don't know how big the other lots are going to be?

Mr. Arakaki: The lots ranges from 10,000 to 15,000 square feet.

Ms. Oliveira-Medeiros: That was for the 16 affordable -- all of them are?

Mr. Arakaki: Yeah, even some of the -- one of the -- some of the 16 might be more than 10,000 square feet, yeah. It depends on the terrain of the land, yeah, so we gotta get usable land to make houses so -- but again, it's between 10 to 15,000 square feet.

Mr. Yoshida: I believe also a portion of the Healani Gardens property is a 201H project, Self-Help Housing Corp. of Hawaii.

Ms. Kanakaole: Okay, we'll open up public testimony.

Mr. John Blumer-Buell: I just wanna say mahalo to Wayne, and also if could tell Tom, just for coming to the community because that's always the best thing to do. So Kauai has made a very good suggestion, which is to talk with Rick Rutiz at the school because the kids have been working on a proposed hundred acre housing project mauka of the fire station, so they have lots of good ideas. A couple -- I was involved with the subdivision of the Halani or Cooper's old place, going back to 1994, and I won't go into in detail now, but there was a lot of things that went wrong with that because it was a 201G or 201H project. Both Sam Kalalau and I went to the final approval meeting and protested because the final environmental assessment said it was not a flood zone. We both testified it was a flood zone. And that people -- and the lots, the original lots, were supposed to be half-acre, they ended up being -- you know, which is like 20,000 square feet, ended up being 10,000 or less closer to the stream and the County was so desperate for any affordable housing that they approved it, but, you know, there's a -- still a real risk there. It also didn't end up as affordable as it was brought to the Hana Advisory Committee in 1994. They brought to us under a different guise and then huli it over into something else. So I would just tell Wayne that it may even be better to -- it may be better to talk with the community and actually go through the zoning like normally, and, Clayton, please, correct me if I'm incorrect, but normally this is a piece of ag land so they would have to come to you, the Planning Commission, and the County Council to get a change of zoning to rural half-acre if they wanted to do this. The fast-track would eliminate that type of a -- of a zoning change. Now, I'm not advocating that. I'm not trying to make trouble for Wayne. But it could be that if they go through a zoning change, the community has a chance to make conditions of zoning, so you might say we support under these ten conditions. We know teachers need housing. We know policemen need housing. We know there's all these needs. So

potentially they could go for zoning, meeting needs, and it could be the Committee would have more control. I mean I saw how the Healani project, the community lost control. It did not end up what it was supposed to be and it cost twice as much as it was supposed to. So -- but I wanna thank Wayne for -- and Tom for coming forward and I think you'll be --

Ms. Cosma: Before hand.

Mr. Blumer-Buell: Yeah, I think you'll be surprised when you talk to Rick and the kids, I mean they're -- they may -- they may redo the plan for you. Mahalo.

Mr. Arakaki: No, that's fine with me. I would kind of be interested cause I would like to tell the County tell me "no."

Ms. Kanakaole: Anymore public testimony? Okay, public testimony is closed. Anymore questions or comments for Mr. Arakaki?

Ms. Oliveira-Medeiros: I just hope that by the end, it can -- it will still be affordable and there's no gate locking it, locking it up from the rest of Hana.

Mr. Arakaki: No. If you don't mind, what I'll do is I'll, you know, let you folks know of the progress and then I may ask for your folks help on the County level because a lot of times they don't listen to the landowner or even the consultant, but they would listen to community. So if I get your folks' support, I think that's really something to get it done quickly.

Ms. Cosma: Thank you. I think this is wonderful again. Can we ask you to come back?

Mr. Arakaki: No, I'll be back after I get some input, yeah, from the school.

Ms. Cosma: Because I really love to have more community members out here on this so I think it's wonderful you can do that.

Mr. Arakaki: Okay. Will do.

Ms. Oliveira-Medeiros: I know you're probably talking the legalities is like you cannot discriminate, yeah?

Mr. Blumer-Buell: You could -- you could plan the development in phases and then have it released as you anticipate the Hana community will ...(inaudible)... without discriminating.

Ms. Oliveira-Medeiros: Yeah.

Mr. Blumer-Buell: They can do it phases.

Ms. Oliveira-Medeiros: I'm trying to think of what you can say instead of --

Mr. Blumer-Buell: John, you have to be on the mike otherwise you're just going to be inaudible.

Ms. Oliveira-Medeiros: No one allowed that makes more than 500,000 -- no, 200,000.

Mr. Arakaki: Yeah, Wayne Arakaki again. I wanna mention that we are going to do this in phases, and the reason being is that exact reason. The community can only absorb x-amount. If we were to bring 20 lots at one time, I don't think it's going to happen. So we're going to do it in two phases.

Ms. Kanakaole: Okay, it's -- thank you very much for coming.

Mr. Arakaki: Thank you.

Ms. Kanakaole: And we'll move on to the Director's Report.

#### **E. DIRECTOR'S REPORT**

- 1. February 1, 2008 Transmittal of the Bed & Breakfast/ TVR legislative package to the County Council by the Maui Planning Department**
- 2. February Transmittal of the Recommendations on the Council Resolution regarding Superstores to the County Council by the Maui Planning Department**
- 3. Possible Agenda Items for Upcoming Meetings of the Hana Advisory Committee**
  - a. Council Resolution No. 08-5 referring A Draft Bill to Authorize Home Occupations in Various Zoning Districts to the Lanai, Maui, and Molokai Planning Commission *(This is for information only.)***

Mr. Yoshida: Thank you, Madam Chair and members of the Committee. First of all, we wish to note that the department did transmit the bed and breakfast TVR legislative package to the Council. It's on the Full Council agenda for tomorrow for referral to the Planning Committee, I believe, that's chaired by Councilmember Gladys Baisa. So your input, the minutes, the letters, all the testimony from this body and the three Planning Commissions was transmitted to the County Council.

The next item is we also transmitted this month the recommendations from the various entities on the Council Resolution regarding Superstores. I believe this body, the Cultural Resources Commission, and the three Planning Commissions provided their recommendation on the Council Resolution.

There is an item on the Tuesday Maui Planning Commission agenda, Council did transmit Council Resolution No. 08-5 referring a Draft Bill to Authorize Home Occupations in Various Zoning Districts. They request, from the Maui Planning Commission, that they receive input from this body, the Hana Advisory Committee, on this proposed bill. So that may necessitate a meeting in March, depending on what the Commission does on Tuesday, if they want to seek comments from the Hana Advisory Committee on the Council Resolution. So we're looking at possibly a meeting on March 20, a Thursday, it's the day before Good Friday. I don't know if that's a good day or not. But we want to take advantage of Commissioner Oliveira-Medeiros before she leaves after five years at the end of March. And I guess we also may be bringing back the item deferred today on the Hana Landfill. I just need a clarification from the board that, you know, we don't have to do the full-on notification, but like with the bed and breakfast legislative package, if we can do maybe a meeting notice or something just to inform the public that the body -- the Committee will be reviewing the request for the Hana Landfill again.

Ms. Kanakaole: Yes. You will -- you will do the meeting notice?

Mr. Yoshida: Yeah, we would do a notice of public meeting.

Ms. Kanakaole: Okay.

Mr. Yoshida: Yeah.

Ms. Kanakaole: But not publish in the newspaper?

Mr. Yoshida: Right. Not having the applicant do the full-on notification of all of the landowners and recorded lessees within the 500-foot radius, publish once a week in a newspaper for three consecutive weeks.

Ms. Kanakaole: Where does the other notice -- where's the other notice posted? If it's not posted in the newspaper, how do you make it --

Ms. Oliveira-Medeiros: Library, yeah?

Mr. Yoshida: Well, again, we do post it on the County website.

Ms. Kanakaole: Oh, okay.



Mr. Yoshida: So, is that a good date, March 20?

Ms. Cosma: He's not going to be here.

Ms. Oliveira-Medeiros: He said it's right before the spring break.

Ms. Kanakaole: No, it's after -- during.

Ms. Cosma: Anyways, for the community side, I'm willing to put up a public notice --

Ms. Kanakaole: Thank you, Lehua.

Ms. Cosma: So that we do have more community come out. If I have to use a big king size sheet up - put anything just so that they know that they need to get here.

Mr. Yoshida: Yeah, I think in the past we've tried to work with Committee Member Lono.

Ms. Kanakaole: Dawn.

Mr. Yoshida: And try to have her post some notices or I mean agendas on bill -- I mean not billboards, but poster boards around town.

Ms. Kanakaole: Oh, okay. She's done it then? I see. Okay.

Mr. Yoshida: Bulletin boards around town. So is that okay as far as the date, or that's not a good date?

Ms. Kanakaole: It's alright for me.

Ms. Oliveira-Medeiros: I'm not going anywhere.

Ms. Kanakaole: Shane will not be here but --

Ms. Cosma: So far it's okay with me. Nothing came up yet.

Ms. Kanakaole: Yeah, it seems okay with the rest of us.

Mr. Yoshida: I guess the one thing I wanted to check was with the Office of Council Services as to when the Council will be coming to Hana for their budget -- budget meeting because I don't want the two meetings happening on the same evening then the people have to make a choice as to which meeting they're going to because the Mayor will be

submitting her budget around March 15, and then Council normally goes out to the various communities to get input. That's all we have to report, Madam Chair.

Ms. Kanakaole: Thank you. Is there a motion to adjourn the meeting?

Ms. Oliveira-Medeiros: I make a motion that we adjourn this meeting.

Ms. Cosma: I second that motion.

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

**It has been moved by Ms. Oliveira-Medeiros, seconded by Ms. Cosma, then unanimously**

**VOTED: to adjourn the meeting.**

## **F. ADJOURNMENT**

There being no further business brought before the Committee, the meeting adjourned at 6:45 p.m.

Respectfully submitted by,

SUZETTE L. ESMERALDA  
Secretary to Boards and Commissions II

## **RECORD OF ATTENDANCE**

### **Present**

Kaui Kanakaole, Chairperson  
Mavis Oliveira-Medeiros, Vice-Chairperson  
Lehua Cosma  
Shane Sinenci

### **Excused**

David Kaina  
Dawn Lono  
Melissa Mauliola

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**Others**

Clayton Yoshida, Planning Program Administrator  
Paul Fasi, Staff Planner  
Michael Hopper, Deputy Corporation Counsel