

MOLOKAI PLANNING COMMISSION
REGULAR MINUTES
MAY 29, 2024

A. CALL TO ORDER AND ROLL CALL

The special meeting of the Molokai Planning Commission was called to order by Chairperson Zhantell Lindo at 11:01 a.m., on Wednesday, May 29, 2024, at the Department of Planning's Molokai Office, 100 Ainoa Street, Kaunakakai, Molokai, Hawaii 96748 and via WebEx Meeting No.: **2660 791 9832**.

Ms. Lindo: Hello. My name is Zhantell Lindo I'm the chair of the Molokai Planning Commission. Thank you for joining us today. At this time, we'd like to kindly ask everyone joining us on the call to silence any noise making devices. Um our commissioners are under sunshine law. Uh, after I take roll call will also let us know where they are and if there are any other people in the room for full disclosure. Uh, we would also like to acknowledge that this meeting is viewable um, virtually only, and you can log on to the County website to get all of the information and the link to join us today. If you would like to testify, we ask you to write in the chat and our staff will put you down on a list and call you when it's time to testify. We are given the opportunity to call for testimony at the beginning of the meeting as our first agenda item on any item that is on today's agenda. So, your testimony must be restricted to just agenda items on today's agenda. You can testify at the beginning of the meeting or you can wait until the item is called up. If you testify at the beginning of the meeting, you have a total of 3 min. to testify on any and all agenda items. If you wait until the item is called up, you will have an opportunity each time to have 3 min. to testify on that topic. We'd like to thank our corporation council who's here Mr. Chris Nunokawa, also to our staff Shantel Nomura and Sybil Lopez, and I can't see who else is on here, but Mahalo, Mahalo, thank you to all our guests who have accepted to join us today and also to our applicants and presenters. So, first off, we'd like to call, give a roll call for our commissioners.

Chair Lindo conducted a roll call of the Commissioners. A quorum of the Commission was present (see Record of Attendance).

Ms. Lindo: Commissioner Louella Opuolani Albino.

Ms. Louella: Here I'm in my room on myself.

Ms. Lindo: Commissioner John Russell Phifer?

Mr. Phifer: I'm here at home by myself.

Ms. Lindo: Commissioner Keomailani Hanapi-Hirata?

Ms. Hanapi- Hirata: Aloha aina kako I'm commissioner Hanapi- Hirata I am at home by myself.

Ms. Lindo: Commissioner Shannon Kaahanui?

Mr. Kaahanui: Aloha, I'm, at home alone.

Ms. Lindo: And Commissioner Kananikala, Bishaw-Juario?

Ms. Bishaw-Juario: Morning. I am here at home. I do have people over outside. Thank you.

Ms. Lindo: Thank you. Okay. And again, my name is Zhantell Lindo. I am the chair and I am in my office with one additional adult Haunani Madella. Alright, item number one on our agenda today is the opening of public testimony, anywhere, any public wishing to testify on any agenda item, you have a total of 3 min. and can now unmute and let us know or type in the chat. And if staff has any testifiers signed up, you can acknowledge that at this time.

Ms. Lopez: Hello chair, this is Sybil Lopez at the Molokai office and no one here is requesting to testify. Thank you.

Ms. Nomura: Hi chair. I don't see anybody in the chat signed up to testify as well.

Public Testimony: None

Ms. Lindo: Right, thank you so much. So, without objection, I will close public testimony for the beginning of the meeting. Again, just to acknowledge, you are able to testify at each agenda item and I would.... I allow testimony usually after the presentation before our discussion so that you can have a, a better scope of what we're talking about for your testimony.

B. CONTESTED CASES

Pursuant to Chapter 91-10, Hawaii Revised Statutes, and Subchapter 4 of the Molokai Planning Commission Rules of Practice and Procedure, any individual wishing to testify on these items is required to do so under oath, and may be asked questions by the applicant and members of the Commission. The applicant may provide comments in response to each testifier and should notify the Commission if it wishes to do so.

1. SPECIAL MANAGEMENT AREA (SMA) MINOR PERMIT

MR. BRANDON MURR, on behalf of COUNTY OF MAUI PARKS & RECREATION, is requesting a Special Management Area Minor Permit for the construction of an approximately 3,750 sq. ft. shade structure for the existing playground, two concrete pads with picnic tables that are ADA accessible, fencing and other park improvements located at 0 Kamehameha V Highway in Makakupa'ia, Island of Moloka'i, Hawaii; TMK: (2) 5-4-003:023 (SMX 2023/00292) (Valuation \$350,000) (S.Lopez)

The Commission may act to approve or disapprove the SMA Minor Permit, or defer.

Ms. Lindo: Okay, item B contested case, cases. Pursuant to chapter 91-10 Hawaii Revised Statute and Sub Chapter 4... Planning commission rules of practice and procedure. You can testify on this item, this is special management area SMA minor permit. Mr. Brandon Murr on behalf of the county of Maui Parks and Recreation is requesting special management area minor permit for the construction of an approximately 3,750 sq. ft. shade structure for the existing playground two concrete pads with picnic tables that are ADA accessible, fencing and other parking improvements located at 0 Kamehameha V highway in Makakupa'ia, island of Moloka'i. The valuation of this project is \$350,000. The TMK is 2-5-4-003:023 and our planner is Sybil Lopez.

Ms. Lopez: Hello chair, and hello commissioners. Welcome today. My name is for the record, Sybil Lopez and I am the staff planner on the project that is before you today. This project is with the Department of Parks and Recreation and their consultant is also here today as well as Parks, and the consultant is. Oh, CDF engineering, and we both have them present here, and this is located in the Makakupa'ia in the Ahupua'a located outside of town going east. And they are requesting to do improvements at our OneAli'i Park to install uh, and construct the 3750 sq. ft. shade structure for the existing playground that is there as well as, some park improvements with ADA access, some ramps.... um.... and picnic pad areas. And so, this is located in the state land use urban, community plans is park and the county zone is interim. It is in the SMA area, as far as Chapter 343 and the HRS. It, the parks and Recs has exempted themselves using the Exemption Class 2 and Item 6, Class Exemption 3 and Item 17, and Exemption Class 6 and Items 5 and 6 and you can see that in your Exhibit 2, it is in the flood zone AE and it is required to have a flood development permit, which it was issued on April 23, 2020. And I would also want to point out that in our 2018 Moloka'i island community plan under Chapter 9, it's actually an action item. Action item 9.1.05 where the community plan states that they wanted to provide shade for the OneAli'i park playground area which is this project that is in front of you today. It is a SMA minor permit, so this permit does come with conditions, but I would like to turn the time back to chair unless the consultant and the applicant of the consultant would wanna provide additional comments. I believe that they do have a presentation. So, if it's okay chair, I'll turn the time over to April Shiotani, and she can introduce her team.

Ms. Lindo: Okay, actually, and the reason for the presentation is to give us a full school, uh I mean, I personally feel like we've seen everything and we've, we've done this. Does the commission feel like we need to see a presentation? Does anyone on the commission feel like we need to see a presentation? Okay, my recommendation would be that if any commissioner wants to see the presentation or needs more information, um, then you can let me know now. Otherwise I'll ask the planner to give us the recommendations and then open up for public testimony. Only...

Mr. Kaahanui: Yeah I don't need to see it...

Ms. Lopez: Just for the record and for the note chair, the presentation has been attached to the agenda, so.....

Ms. Lindo: Okay, just making sure yes that it is already accessible and that's why that's why I was saying that it is.....

accessible already and so I'm not sure that we need to take up the time to do that. Okay. Staff, would you give us recommendations and talk to us about the conditions and then I'll go ahead and open public testimony.

Ms. Lopez: Sure, thank you chair. So, I'll read, I'll read the.... recommendation and I'll go one by one on the condition so that I can put all of that into the record, Mahalo, chair. So, in consideration of the foregoing determination, an SMA minor permit is required for the proposed action. So pursuant to the afternoon, the Department of Planning recommends approval of the SMA minor permit subject to the following seven conditons...

Condition 1: That the project be in accordance to the description and plans titled OneAli'i Park playground shade structure submitted on 11 October 2023, including C-1 to C-4 drawing plans and representations made to the department by CDFI engineering LLC.

Condition 2: The, that best management practices shall be used in the implementation of the proposed work. Appropriate measures to minimize dirt and water runoff, noise and thus must be used.

Condition 3: That the proposed project shall be initiated by May 31, 2025 and shall be completed within two years of said initiation.

Condition 4: That an archaeological monitor shall be on site doing all ground disturbance activities and, you shall adhere to the monitoring guidelines as stated within the archaeological monitoring plan.

Condition 5: That the applicant shall submit a copy of the archaeological monitoring report of findings that is sent to SHPD as well as the SHPD acknowledgment of the report to the department within 90 days of the completion of the field work.

Condition 6: That in the event that historic resources including human skeletal remains are identified during the construction activities, the applicant shall cease work in the immediate vicinity of the find, protect the find from additional disturbance and immediately contact the Department of Land and Natural Resources State Historic Division Preservations Division on Maui.

Condition 7: And number 7, that the applicants shall comply with all applicable statutes, ordinance, rules and regulations of the federal, state and county governments for authorized projects. In consideration of the foregoing, the department recommends that the commission adopt the Departments memorandum to the commission for its May 22, I will strike that out and put May 29, meeting as its findings of fact conclusions of law and decisions in order and authorize the Planning Director to transmit said written Document on behalf of the commission. Thank you chair.

Ms. Shiotani: No, thank you chair. I....

Ms. Lindo: Great. At this time, I would like to open up testimony for the public on our agenda item number one. If there is anyone in the community wishing to testify, you can let us know now and if staff has any testifiers, please acknowledge.

Ms. Lopez: Aloha chair, this is Sybil in the Moloka'i office and there's no one here wishing to testify. Thank you.

Ms. Nomura: Hi chair. There's no one on-line willing to testify.

Ms. Lindo: Thank you, thank you guys, okay. At this time the chair would like to entertain a motion to approve this project. I do have some discussion, but for this, if somebody would like to, I would like to entertain a motion to approve.

Ms. Lopez: Hi Chair. I just, just wanna make a side note that we do have Dr. Janet Six here, our County archaeologists if, if the commission has any questions regarding this project. Thank you.

Ms. Lindo: Okay, okay, we can hold off on that then. I was gonna ask her during the discussion, but it makes more sense for us to listen. Um.. Dr. Six, do you have any comments as our County archaeologists or any additions to the conditions that you would recommend?

Ms. Six: Um...No, I just was doing a, a really quick high quick search. Can you come back to me in about 5 min., so I can just have a little bit better understanding? I'm familiar with this project, but I just want to pull up the most recent data. Okay, thank you. Thank you.

Ms. Lindo: Thank you. Thank you. All right. Okay. Um...You know what, let's just start discussing right now. Anyone have any discussion on this item? Okay. Commissioner Hanapi- Hirata.

Ms. Hanapi- Hirata: Ha-ha, I'm Commissioner Hanapi- Hirata. I wanted to talk about this monitoring plan that the arch archaeological monitoring plan. I have some things in here I wanted to recommend. Um... Thank you, Dr. Six for being here. So, 1; I would like her to also be listed in this plan in there, um... what is it called? They have this whole, what is this? Monitoring conventions and, oh yeah, the monitoring guidelines. Basically, um.. if we could include, I would recommend to include Dr. Six to be also part of the consultation in this process. Um... I would like to also recommend that a cultural monitor be on site. The reason for this is when OneAli'i Parks, wastewater treatment facility was upgraded some years back. Um... Iwi kupuna was found at two different stages of that project. And as you know, the wastewater system is not too far away from, where the playground is. I mean, they are kind of far apart, but still in the same facility on the same land parcel. So, if a cultural monitor could be on site. Um... and then... I had maybe a little bit of questions about artifacts that may possibly come up and listed in here. It says that the artifacts would leave the island. Any non, all non-barrier artifacts. The samples collected during the project would undergo analysis and be sent to a lab in Maui. Um...I think that perhaps, I don't know if someone from the team, from this, let's see. Uh, engineering team know who made this report? Anyway, any of the archaeologists that was a part of this coming up with this, plan, if they're on, if they could kinda explain a little bit about that part of removing artifacts from our island? If you guys come up find any... Um...is there a possible way that they could stay on island? I don't see the need to remove artifacts. Anyway, that's pretty much all I had was those couple

recommendations, and then just questioning the “any artifacts that may come up that are non-barrier related.” I also wanted to make something clear and state this for the record. When projects like this happen and you have an archaeologist that you folks recommend to be on site, archaeologists are archaeologists. They do not deal with lwi, which means they do not deal with really necessarily human remains. So, it is important. I noticed that SHPD put that in their letter also about having a meeting before the project gets started or everyone who's a part of it, whether they're machine operators, whatever.... Whoever doing the work needs to understand, the laws that surround the Hawaii State Laws that surround burials or lwi itself, meaning an example would be you're never supposed to take pictures. So, the archaeologist, it's good that they like have an archaeologist on site, but they all or as a monitor doing this whole project, but they also need to have a cultural monitor in place. And so... So, anyway, thank you chair.

Ms. Lindo: Uh, commissioner Hirata, I am adding to Condition Number 6, from what you said, where it says in the event that the historic resources including humans' skeletal remains are identified during the construction activity, the applicant shall cease work in the immediate vicinity of the finding, protect the find from additional disturbance, um... according to what you said, and do not remove from site or island and immediately contact DLNR Historic Preservation on Maui. Um... is there other people you would like to include on island for immediate response or anything that we can add in here? And I also put no picture shall be taken off any findings.

Ms. Hanapi- Hirata: I would like to list Dr. Janet Six in there. She is Maui County's archaeologists. If she can be listed, they do have the island burial council listed, whoever is gonna be the district representative... Uh... I think that's it.

Ms. Lindo: Okay, alright, and then um just to make sure I got what you said too. You would also like to include Dr. Six in the monitoring plan and consultation of the project, and you would like to have a cultural monitor on site?

Ms. Hanapi- Hirata: Yes chair. That's my recommendation.

Ms. Lindo: Okay, any other recommendations? Or discussion from the other commissioners? Oh, Dr. Six I see your hand.

Ms. Six: I have to learn with WebEx how to unmute myself, sorry. Let's see. So, I wanted to ask Brandon if they've hired a firm yet or if this is a monitoring plan I'll be drafting on behalf of the County, and then sometimes I do that if it's a County project. So, I wasn't sure if they've already contacted a firm. The other person I would list as having a contact if lwi Kupuna are found is OHA for sure. And yes, I think I would like to help with any kind of training. So just, you know, this is a little bit off topic, but I'd like I hear what you're saying chair about having cultural monitors as well as archaeological monitors. And I'm meeting next week with Maui College along with Tanya lee Greg and Dr. Leebo to discuss the creation of Cultural/archaeological monitor hybrids for Lahaina, because we have so many folks doing cultural monitoring that are gonna transition over and we have such a need for archaeological monitors who actually understand the culture. Maybe not at the same level as certain folks, but it would be nice if we could have the operators trained as well, so I'm happy to help with any kind of facilitation of training. I did this at the civic center after a numerous lwi were impacted, so that everybody could get on board. And, any licensed firm that would be doing this work would have a very clear understanding and they don't always follow it, but they have a clear understanding that no photos are taken. It's covered up, all work is stopped within 50 ft., and that goes for any bones until a

determination, determination is made that it's absolutely not human. Being that these are adjacent to fish ponds I'm as concerned as you are with ground altering activities in this area. So that's all I had to say. I just wanted to clear up a couple things and I'm also not sure if a firm has been hired, and the monitoring plan, like I said I, I do these for the County, so I might be the one actually authoring it, so I might defer to Brandon on that. Thank you.

Ms. Lindo: Brandon do you want to clarify anything?

Mr. Murr: Question, Janet. We did, we have been working with scientific consulting services and Mike Dega to put the site-specific archaeological monitoring plan together. So, I'm not sure if that was included, with the, it wasn't a part of the PowerPoint so I'm not sure if that's been sent out, but there is a, a site-specific archaeological monitoring plan that has been drafted.

Ms. Six: I really want to see it. I really, really wanna see it if it's coming from SCS, I want to see it. Right now, I'm cleaning up a mess that's in Lahaina with Dr. Leebo. I'm telling you, the work has to be impeccable here and it's, it's I'm not disparaging any one person, but I am actively working on a site they did adjacent to where they blasted through a canal, didn't record anything. So, if you don't know anything about this specific culture, Iwi are often found in and adjacent to these ponds, these local because of the Mo'o. So with Mokuula and Mokuhini, I do not know all of Moloka'i you know, you know. It's a history, but I just want to be really clear. And so, if I could just look at that to make sure it's really a robust and to have all the accurate knowledge because the report I just had to review and for the last two years we've been working and we're gonna actually let the poor person build their house even though the report is unacceptable. We need to make sure that the due diligence, due diligence has been done. So just please include me on that. And Mike has worked with me. I reviewed his work before especially when it's for the County, so thank you so much. And feel free to call me, I'll put my name. Is there a chat on this thing? I don't know how WebEx works. I'm too old for this. Thank you. I'll make sure you have my contact Brandon, and Mike works with me all the time, so I'm not trying to be a trouble maker. I'm making sure that in this case we really are on it, okay? Because this is hyper sensitive and Moloka'i people don't play, so we're gonna do the right thing. Thank you, folks.

Mr. Murr: Thank you, Dr. six.

Ms. Lindo: Thank you Dr. Six, thank you Brandon. Dr. Six, just in your so I'm, I'm writing all this stuff down and putting it as a condition that the County of Maui archaeologists, Dr. Genesis must review and approve monitoring plans for this project.

Ms. Six: Send it to me, send it to me, and then Mike can send it to SHPD. Because I just because and this is not attack on Mike, just so you know, everyone's stretched really thin because of Lahaina and they've hired people to draft documents that aren't archaeologists, so we want to make sure it has the rigor that's required, and I'm not pointing fingers cause again, people are super stretched thin because a lot of resources are being focused on Lahaina. So, I just want to make sure what they send to SHPD is acceptable and also acceptable to the people of Molokai and that's all. Yeah.

Ms. Lindo: You're, you're, you're our, our dream come true right now and so.

Ms. Six: No problem, No problem.

Ms. Lindo: Problem that we've been having is that we continuously have with SHPD, because either work has already been done or they're not familiar or they don't have enough staff. They continue to send letters to this commission of projects and say, because we don't know enough about it or because it's already been disturbed, we have "NO" "we have NO comment." And so, part of the reason we invited you and want to have a relationship with you with critical projects like this is we would like to recommend that as the County is responsible for handing out these permits and approving these projects. We'd like to know that the person we've hired in the County to represent us and knows Maui County is also being given the same kind of, um weight, should we not be able to get a viable answer from SHPD. So, which is why I said that I would like you to look at them and, and comment to it. You know just because SHPD says yes or no. I also want your comments to have weight to this too.

Ms. Six: So, Folks know what's going on, a lot of moving parts. We, we don't have Andrew McCallister anymore and Lolani obviously is super overwhelmed, so I'm actually. Maybe, maybe working on an MOU or I could step up and help SHPD. Know that certain projects will come to me and I can determine if what kind of review they need. And also, just so you know. If you ever get a letter that you disagree with, you can write an appeal and that's when you can reach out to me. And we can see if it's, if it's worth appealing because sometimes SHPD has working with limited data. They don't always know all the sites, they're doing the best they can. And again, they're there have seven job openings right now they're fully understaffed and everything is rush rushed Rush Lahaina, which it should, but at the same time, you know. We gotta pump our brakes and make sure that we're doing our due diligence in there as well because as we know the many cultural sites associated with the pre-contact town of Lele. So anyway, alright. I'm happy to help and I'll let you know. I'll keep you I'll Keo and everyone informed on when this because we're working on a monitoring plan and template for the County to make it easier. Brandon so you don't have to hire people. We can just, we can generate these things in house, and then training cultural and archaeological hybrid monitors, and I'll let you folks know when that training happens. Because we want to get Moloka'i folks involved as well. It likely will be online and then in person. And so, I'll just keep you in the loop of all the stuff that's going on, but yeah. Hopefully I'll have a little bit more. My, am, my permission from them so I cannot violate the six E's I mean I'm and I think after four years or before my four-year anniversary is Saturday. They kind of trust me now that I'm not gonna go making problems. So, I'm trying to always be solution oriented. So that's the and also, we want to protect the resources, right? That, that's it.

Ms. Lindo: So also, Dr.Six I was kind of excited when you mentioned that you were willing to train, and so if this commission recommended an addition to conditions saying that the applicant or a representative of the project needs to complete a cultural and Iwi Kupuna training on cultural and Iwi Kupuna laws and the handling of these finds protocol and consequences, would you be willing to give that?

Ms. Six: It's not really appropriate for me to do a training about Iwi, but what I could do when I've done is I can train cultural monitors and I can train archaeological monitors and operators. When do you stop and call the appropriate people and who are the appropriate people? I can train them that when you see what you believe to be Iwi or a burial pit cause sometimes you find it. Find the avoid shaping the soil before you actually impact Iwi cover it, stop, and who to call. We can put in there a very specific phone tree. We're doing this with FEMA right now in Lahaina. There's a very specific phone tree, so everybody's on the same page. So that kind of training I can do. When I was a professor, so I have no problem, I would do it virtually. That's how I did it for the folks at the civic center, and people the machine operators. Anybody wants to attend, I just go over and then I point out, you know, exactly what you do if you suspect Iwi and if you're not sure you'll still treat it like it's human until someone can make a determination. So that their phone tree, you know, like who, who you want call on the island, you know, cause again, we got do care, and we got SHPD on everyone's available. So, we want to make sure we have someone who can respond that's on island as well. Sorry, my phone's.

Ms. Lindo: Thank you so much. Thank you. Okay, go ahead commissioner Hirata.

Ms. Hanapi-Hirata: Hi, just along those lines, I wanted to just share something on that possibly the County could look at mahalo Dr. Six for all of that information. Yes. As everybody knows on top of this call SHPD is, and when it comes to Moloka'i specifically, we do lack the, the um resources or for them to come to Moloka'i island. So, in the last six months, maybe seven months, we have SHPD has established someone on Island that helps and assist us with the cultural monitoring and works hand in hand with Iolani Kauhane. Who is the assigned archaeologist, and that is Dr. Pulima Maioho. So, she holds a contract with SHPD of Certain projects that they have on this island. So, she does have cultural monitors that she has hired that works under her for now, but I really welcome what, Dr. Six's saying especially with Tanya Lee Greg and Aina Archaeology assisting. We just need to build the resources on island for projects. So, Mahalo.

Ms. Albino: Aloha, I am Commissioner Albino and I'm thanking you for doing the process for Moloka'i as a kupuna and familiar with cultural practices and worried about the, the aspect of finding Iwi there. Because Iwi was previously found there in that area along the, the coastal areas near fish ponds. So please keep in touch with me. I am a cultural monitor if you wanna call me one, and a cultural practitioner. So, I am grateful that Maui County has approved your... involvement in this project and along the way. I'm so grateful that we have Dr. Pulima here to train and she has some people working with her who had done work at Kalaika'ilio, and so we've been in touch on that. So mainly concerned about the spiritual processes, not, not so much the physical processes because there are people in place, but please keep in. In touch with me as well as the commissioners here in other

practitioners. I'd like to be able to keep a record of this because there are many places on Moloka'i yet to be discovered with um... Iwi Kupuna Mahalo.

Ms. Lindo: Thank you....

Ms. Six: And also, I'm so glad congratulations to Dr. Lima on finishing her PhD and I'm she is such a resource for you folks. I don't know her personally, but I know of her work and it's impeccable, so I'm really glad you have such a resource in your community.

Ms. Lindo: All right, any other commissioner wishing to um just to give comment or add in? Okay, I, I, I have a couple of questions and then I will read over some of the additional recommendations and then we'll entertain a motion, okay? So, one of my comments is I noticed that the project has been given a two year, um a two-year time from May 31 to, two years after that initiation. So, it must be initiated by May 31 and then be completed within the two years of the set initiation. Based on other things we've talked about like the additional review from Dr. Six, um possible training that needs to happen. One is, and maybe may be this is to the applicant, is May 31 still an appropriate date for the initiation of this project? And two, um... is two years to complete enough time?

Mr. Freeman: This is Jacob Freeman with CDF engineering. We would love to request an additional six months on that start time if that's acceptable to everybody. The total completion construction timeline is more, should be more than adequate. April if, if you're still on? If you're, if you'll confirm that please as the owner?

Ms. Shiotani: This is April. I'm the capital improvements project coordinator for Department of Parks and recreation. I concur with our engineer Jacob Freeman from CDF engineering that we need additional permits for the shade structure and having that additional six months would probably be needed for permitting, and then the two years hopefully would be enough.

Ms. Lindo: So that would take it to November 30, 2025 for the initiation date, the start.

Mr. Freeman: Sounds good to me. Thank you. Thank you and thank you for that. This is, this is.

Mr. Kimoto: This is Darin Kimoto I request that maybe we add on if there is a suspension of the project for, let's say worst case scenario, six months that that be added on to the final timeline just because that's a wild card where we wouldn't know, what that suspension would be.

Ms. Lindo: So, you so you mean in addition to starting six months later now you want an additional six months on the end?

Mr. Kimoto: No, NO. I'm just saying whatever time maybe incurred, does it, can it be a floating date depending on, let's say we have to stop due to artifacts being found and it is suspended for six months. Could that time be added on to the completion date? Because obviously there's nothing being progressed during that time.

Ms. Lindo: My immediate answer would be no, because if you were to have significant artifacts or finds that would totally have another review of the project and whether or not that could be completed. But I'll leave that up to corporation council to advise.

Mr. Nunokawa: Hello, from Department of Corporation council. I am not familiar enough with how the whole process works on normal stoppage time for things that have potential to be cultural artifacts. So, um..is there anyone from planning who has a better idea of the process?

Ms. Lopez: So, thank you. In the event that there are findings and the time has will or may expire, the part, the applicant which is the Department of Parks and recreation will come in to apply for a time extension. Just a request for amendment, which will go back to the commission to approve and make that determination and decision. Thank you. Thanks.

Mr. Kimoto: Thank You.

Ms. Lindo: Then that's a good segway into my next question. So, knowing that this area is both culturally and significant, but also that we are on the shoreline affected by sea level rise and climate change. Does the valuation? Okay, does any additional work that is being done? Or, or say like, expenses in addition to this project over beyond what's already allocated and that would significantly affect the valuation Sybil of the project from, say, a minor to a major? What, what, what would happen then?

Ms. Lopez: So, in reference to your specific question regarding evaluation. So, there's a history to this project because the commission before you guys already have seen it on a, on a different SMA, and it was actually this commission who requested that it'd be um bifurcated because it was presented to you as a whole project with three different phases depending on how the budget looks. And so, what was recommended from the commission was that the Department of Parks and Recs take it one by one. Where if you have the monies or the budget now, then that is the only thing that we want to see. And so, speaking to what you're referring to as sea level rise. So, because this specific scope of work is outside, it's a shoreline property, but it's outside of the shoreline setback. They did not require a certified shoreline survey. They did not require a shoreline setback because it's well outside of that area. So, the proposed work will be only done and CDFI engineering can confirm with me or correct me that it will be only in the vicinity of the shade. The, the playground to provide that shade structure and any additional ADA requirements that, that they added on for that improvements so that the commission will know that the parks and recs, if any further work that they're gonna do, they will come back with a new SMA permit to present in front of you. Thank you. I hope that answered your question.

Ms. Lindo: Yeah, super clear. Thank you for stating that for the record. Okay, also for the record and for the commissioners, approval, just based on the notes and if any I got any of this wrong or you wanna add to it, you guys can let me know. So, on the recommendations, we're going to adjust recommendation number three that the proposed project shall be initiated by November 30, 2025 and shall be

completed within two years and six months or sorry, within two years of the said initiation. And then in addition to number six after disturbance, and do not remove from site or island, and then and immediately contact the Department of Land and Natural Resources Historic Division, Preservation Division, the Office of Hawaiian Affairs, The Island Burial Council, and Maui County archaeologist, Dr. Janet Six. There are two additional recommendations, that a training be done. That the applicant completed training of cultural monitoring as it applies to Iwi Kupuna and cultural artifacts etc., protocols and policies to be given by Dr. Janet Six prior to the project beginning. And then recommendation number nine that the county of Maui archaeologists must review, and give comment on the monitoring plans for this project. Any commissioners, did I leave anything out? Did I? Oh, sorry and I also wanted to include sorry that, somewhere in there Sybil whichever recommendation but that the archaeological monitoring plan include Dr. Six in the monitoring plan and consultation, and that there'll be a cultural monitor on site during the project. Okay, any other commissioners have any, more discussion? Okay, seeing none, does the applicant or the planner have any comments or discussion or, or want us to take into consideration anything based on the new conditions or revisions of conditions that are proposed. Okay, seeing none the chair will entertain a motion to approve the project with the nine conditions and the amendments made to the original seven. If any commissioner would like to make that motion?

Ms. Bishaw-Juario: I make a motion to approve.

Ms. Lindo: Commissioner Bishaw-Juario has moved to approve with the nine conditions and also the revisions made to the department's original seven.

Mr. Kaahunui: Yes. I second it.

Ms. Lindo: Yes. Any there's 2nd by commissioner Kaahunui. Okay, any more discussion? Alright, all those in favor, please raise your hand so I can see you. Alright, let's see, let's see 1, 2, 3, 4, 5, 6 ayes, NO, noes. Motion carries. Congratulations. Okay, welcome.

It was moved by Commissioner Bishaw-Juario, seconded by Commissioner Kaahanui, then unanimously.

VOTED: To approve the SMA exemption with conditions.

(Assenting: L. Albino; K. Bishaw-Juario; K. Hanapi Hirata; S. Kaahanui; Z. Lindo; J. Phifer)

C. DRAFT ENVIRONMENTAL ASSESSMENT REVIEW

MUNEKIYO HIRAGA, on behalf of MOSCO INC., requesting comments on the Draft Environmental Assessment and anticipated Finding of No Significant Impact for the proposed replacement/demolition of the Kaluako'i Wastewater Treatment Plant located at Kaiaka Road, Kaluako'i, Moloka'i TMK: (2) 5-1-003:008 (por.) and 024 (por.) (EA 2024-00001)

The Commission may provide comments on the draft environmental assessment.

Ms. Lindo: Thank you. Thank you Sybil. Okay, item C draft environmental assessment review. Munekiyo Hiraga on behalf of Mosco Inc requesting comments on the draft environmental assessment and anticipated findings of no significant impact for the proposed replacement demolition of the Kaluako'i Wastewater Treatment Plant located Kaiaka road, Kaluako'i Moloka'i TMK 2-5-1-003:008. Okay, at this time, um... Sybil, does the applicant have any or staff does the applicant have any presentation or anything they want to say before I open up public testimony?

Ms. Lopez: Mahalo chair. I am looking around the participant list to make sure that we do have representations from the applicant and the consultant and I can't find if they're here or not. Oh, there you go. There's Mark. So, I, I'll probably turn the time over to Mr. Mark Roy from Munekiyo and Hiraga and he can introduce himself and his team and take it away regarding the draft environmental assessment for the Kaluako'i Wastewater Treatment Plant Mahalo.

Ms. Lindo: So, so Mr. Roy, if you have a presentation or you'd like to speak to the commission before, that's cool. If you just wanna wait for questions after I do public testimony, that's cool too. You let me know what works for you.

Mr. Roy: Thank you. Good morning chair members of the commission. My name is Mark Roy. I'm with the planning firm of Munekiyo Hiraga we're, we're helping on this project with the EA and, and the permitting. We do have a presentation that we were hoping to offer the commission today. I can share the presentation and go through that if chair would prefer us to do that prior to testimony?

Ms. Lindo: Yes, thank you.

Mr. Roy: Okay. Awesome. Okay, I'm hoping you guys can see this, okay?

Ms. Lindo: Yes, we can. Thank you. Okay, great.

Mr. Roy: Right. Well, again, thank you for allowing us the opportunity to present this project to you all today and receive comments from this commission on the draft Environmental Assessment that's being prepared for the needed replacement of the Kaluako'i Wastewater Treatment Plant. We also very much appreciate the commission's willingness to schedule this special meeting so that comments can be received within the 30-day public comment period for the draft EA. Our Presentation today will consist of 5 main components. So, the purpose of the meeting is to respectfully request the commissions review and comments on the draft Environmental Assessment that has been prepared. We're gonna run through a brief presentation. It's like to first introduce you guys to the project team. We'll give a brief project overview. We'll talk a bit about the draft EA that has been prepared and then we go into, a period of requesting the planning commissions comments, and then we, we can talk about next steps so to introduce the team that's working on this project, the applicant for the project the entity is called Mosco Inc. This is the entity that's responsible for the operation of the wastewater treatment plants in Kaluako'i, which is a public regulated utility. Is the applicant's representative, he was hoping to be here today, but unfortunately he's not able to be with us as he's currently

traveling. However, as discussed last week, he did give us authorization to proceed today in light of the 30-day public comment period on the draft EA. The designer of the replacement wastewater treatment plant is a company called Water Tectonics. We have a gentleman called Denny Eames who is here today. We also have Trevor Yuha and Chantel Konohia Spencer from Cultural Surveys Hawaii. CSH is providing our archaeological and cultural support services for the project. And, and lastly, I've got Colin Robins and myself. We're both here today representing Munekiyo Hiraga as I mentioned earlier, we're serving as the planning consultant for this project and we're, we're, we're all here today, and we'd be happy to respond to any questions that commissioners may have to the best of our abilities. Is the commission goes through the process of assembling its comments? Very briefly, I'm sure the commission knows the location of this project very well is located in Kaluako'i and is accessed by Kaiaka Road. The facility itself sits on a .65 A Curb site, which is actually a portion of a larger parcel. It's a portion of TMK, 2-5-1-003:008. So, we'll be referring to that as parcel 8 today during the presentation. Right next door there's a 16-acre affluent disposal area and it's on former golf course lands. These lands are identified as a portion of TMK 2-5-1-003:024 will simply call it parcel 24 and to put it on a, on a map here. This is an arrow focus showing where the existing wastewater treatment plant today is located. It's about it's more than 500 ft. inland of Pipuhi Beach area, and this next map, shows the limits of those two TMKS that I just mentioned. So, the yellow one is, is parcel 8. And, the white-lines actually represent the project area that we're talking about today. So, this is the existing wastewater treatment plant just next to Kaiaka road and then the red outline is the other TMK parcel 24 and the, the slightly larger dashed or the larger 16-acre dashed area here is the affluent disposal area. So together these two white dashed outlined areas are the, the project area that we'll be reviewing with the commission today. The remainder of the, the two parcels parcel 8 and parcel 24, so the areas closer to the shoreline, those will, will not be used as part of this project and will be left untouched. This folk...

Ms. Lindo: Sorry, Mark, just to clarify, so the picture that you just showed us right before that, none of the affluent ponds are on 24 or 8.

Mr. Roy: The, the affluent disposal area is here. Hopefully you can see my...

Ms. Lindo: Yeah, yeah, I can see that. Yeah. But there are no affluent ponds on 24 or 8.

Mr. Roy: So, the affluent ponds are on Parcel 24.

Ms. Lindo: Oh, ok, I see. Okay, got it. Sorry. Go ahead.

Mr. Roy: Yep, and the facility itself is on parcel 8, which is a .65-acre portion of the land. Yeah, thanks for the question. Yeah, as I mentioned, this is a photo just showing the ground level the existing wastewater treatment plant was built quite a while ago back in 1976 as I understand. And provides wastewater service to 361 housing units in the bay area. In terms of background, it was originally designed with a capacity of 100,000 gallons per day, but was later expanded to a 160,000 gallons per day. The wastewater treatment plant has continued to serve the community for a number of years, but is now has now reached the end of its useful life and is needing to be replaced due to structural deficiencies. The applicant, as I mentioned is Mosco Inc. He's been working

on this project for the past several years in order to respond to, a mandate from the State Department of Health that the facility be replaced by March 15 of 2022. To extend the life of the current facility by up to a year, some temporary structural bracing was required by DOH to be installed in 2021 at recommendation of a, of a structural engineer. So, the applicant Mosco Inc is seeking to replace the existing plant with a much more, modern facility that is designed to ensure continued service to the surrounding community into the future. The replacement plant will actually be smaller in terms of capacity than the existing one. Treatment capacity will go down from a 160,000 gallons per day to a 102,000 of gallons per day, and this is based on the existing needs of, of, of the community. In addition to the replacement plan, as I mentioned earlier, the project would also involve... Well, it would involve demolition of the existing facility and then also use of ponds and an irrigation system on the neighboring parcel 24, um for storage and disposal of treated air fluent. The quality of the treated affluent will actually increase from, I believe it's an R-3 standard today and with the new technology of the replacement plants it would be treated to a level of R-1 with, with installation of, of the new replacement facility. So, in terms of project components, this is really a replacement action, so a project involves installation of a replacement, waste water treatment plant facility, including related support components. Such as a propane tank that would serve, serve an onsite generator in the event of power outages. I would it will include the demolition of the existing plants as well. And then once operational, the replacement facility will treat and then convey affluent R-1 treatment. Affluent to the existing storage ponds on the neighboring golf course lands and would use an existing irrigation system to disperse the treated affluent over about 16 acres because the vacant land. I'll show a site plan here on this next slide, just shows the, the black, the black coloring is the replacement plant components. As well as the existing facility that would be removed once the new plants is operational. Obviously, the, the new plant needs to go in to ensure uninterrupted, uninterrupted service to the community and then once operational, the older elements would be removed. And then the next slide, this is parcel 24, so this is that white dashed outline that we had on the earlier slide. This shows the 16-acre affluent disposal area, and, this is about. At its closest point, I believe it's a minimum of over 500,000 excuse me, 500 ft from the nearest area of coastline. In terms of agency coordination, as I mentioned, Mosco Inc. has been working on this for some time in terms of coordinating with the respective agencies, they've been coordinating with DOH quite extensively, and also the Planning Department since first receiving, a letter from DOH that required the replacement of the facility by March 15 of 2022. The coordination included; requested support from the Planning Department for initially the use of an SMA emergency permitting process for the project given the need for the replacement facility to be installed in in in a timely manner. Upon review, the Planning Department declined those requests and informed the applicant in April of 2022, that an EA and an SMA use permit application would instead be required. So, the applicant then assembled its consultant team, some of which are here today on, on the meeting, and started along the process to prepare an EA. Which included preparing tech technical studies as well and then submitted an SMA use permit application to the Planning Department. The applicant continues to coordinate with DOH on the review of the construction plans for the replacement facility, and so the goal is to obtain a final design approval from DOH fairly shortly. Okay. So, to summarize, the applicants seeking to; first complete the EA, so Chapter 343 Environmental Assessment, that's the reason that we are here today we're on one of the steps of the EA process. We've still got some work ahead

of us. And then once the EA process is, is completed, they would then need to move forward to obtain the necessary approvals, which would include an SMA use permit, a flood permit, and as I mentioned Department of Health approval of the design of the replacement facility itself. So in regards to the Environmental Assessment the applicant, first completed a phase of early consultation with agencies, and then also completed technical studies, and we'll go through some of those studies today during the presentation, and then put together a draft EA. That draft EA was published on 8 May of this year and is currently undergoing a public review period. So, it's a 30-day public review period, it ends on June 7. That's where we are in, in the process of the EA. And then so in terms of the studies themselves within the draft EA that the commission receives for review, there is a 100 % design report. These are the essentially the design plans for the replacement plant itself. They define operational characteristics, construction, staging operations, and then demolition procedures for implementation of, of the project. And, as mentioned before, their currently pending final approval by state Department of Health wastewater branch. There's also a preliminary engineering report that just looks at the, the, the conditions of the existing site based on that report. Surface runoff and use of existing utilities, portable water for example is not anticipated to increase cause it's, it's essentially just a replacement of an existing facility, and is actually less in terms of overall capacity. And then the improvements have been learned with the Planning Department's Zoning Administration and Enforcement Division, ZAED to ensure that the design complies with flood permitting requirements. There was also a floor of phones survey that was conducted. This was conducted by Mr. Bob Hobdi, who unfortunately is no longer, longer with us. He sadly passed away last year, but what I can do is just summarize the findings of, of his survey, on this slide. So, the area that was surveyed was found to be dominated by mostly introduced species. There were two native plants species that were identified both of which were determined to be common. There were no federal listed endangered or threatened native species identified within the project area. In terms of birds, there were two native water birds that were identified. The Hawaiian Blackneck stilt was actually in the report determined to potentially benefit from the projects palms in that they provide some additional viable habitat in this, and there's pretty much pretty dry area of the island. There were no seabirds in any or endangered bats that were observed during the survey itself. However, it's recognized that certainly seabirds transitioned through the area. The survey concluded that the project was not expected to have any significant negative impact on botanical resources, and as part of the EA, there has been consultation with both the US Official Wildlife Service and the State Division of Forestry and Wildlife. That's continuing and that's intended to identify mitigation measures, mostly construction best management practices that will be implemented during construction of the project. As mentioned, we have an archaeological team as well that have been assisting with this project Cultural Surveys Hawaii. They conducted an archaeological literature review and field inspection report at the outset. So, it covered the entire 16.65-acre project area and found that consistent with previous archaeological surveys in the area, there were no historic sites that were identified, there were no burial features or human remains identified during the course of, of that study itself. The project will, of course, though, comply with any requirements that are set forth during the State Historic Preservation Divisions review that will be occurring as we continue moving forward with the EA and SMA application process for the project. Through the consultation process there was also a cultural impact assessment report that, that was done. This was based

on extensive research of, of maps, literature, archaeological studies of the area, and I think also most importantly, consultation with information that had a lot of knowledge of the area and based on, on that process of, of research, the CIA determined that there weren't any cultural practices found to be connected with the actual project site itself. So, the 16.65. project site although, you know, it is recognized that the areas surrounding Kaluako'i is used for various marines fishing and gathering type activities. There was mention of, a concern of potential for leakage from the pond liners due to marine resources fishing and gathering in the area. The applicant has looked into this potential concern and those liners will be evaluated as part of this project as it moves forward, and any liners will be replaced, repaired or replaced if, if they're determined to be to require a replacement. So, the applicant has committed to, to doing that to address that potential concern that came up during the CIA process. So that really concludes the presentation that we have today. As mentioned earlier, we're, we're, we're here today to respectfully request the commission's comments on the draft EA. We still have some ways to go, with the EA process, and the permitting and so in terms of next steps, once we have received the comments from the commission on the draft EA. We'll be moving forward to prepare a final EA document. This would incorporate all of the comments received not only from this commission but also the agencies and any other comments that are received during the 30-day comment period. Those will be responded to as part of the final EA and so we'll be coming back at a future point in time with the final EA document to this commission and we'll be requesting review of, of the final EA during that second meeting. And once the EA process has been completed the processing of the SMA use permit application would then move forward with the Planning Department, and that would include the scheduling of a third meeting with the Maui Planning Commission, which would be the scheduling of a Public Hearing, and the commission at that point would review and make a determination on the SMA use permit request. So that kind of summarizes the next steps for this project as it, as it moves through the process. I'd like to thank you all very much again for your time today. We really do appreciate your opportunity to be here and we look forward to receiving your comments on the draft EA document.

Ms. Lindo: Thank you so much, Mark. Alright, unless staff has anything they want to say, I'm going to open up this agenda item for testimony. So, if anyone in the public has, would like to give public testimony on this agenda item concerning the Kaluako'i Wastewater Treatment Plant you can do so now by notifying the staff or unmuting and letting us know. Staff any testifiers?

Ms. Lopez: There's NO one here wishing to testify. Thank you.

Ms. Nomura: NO one's online to testify.

Ms. Lindo: Okay, Mahalo, seeing NO testifiers and with NO objections I would like to close public testimony for this agenda item. Alright commissioners, you've seen the presentation. Do you have any questions? Any discussion would you like to, who would like to start?

Public Testimony: None

Ms. Albino: Aloha, this is commissioner Albino and you know I read the report, the hard copy that was sent to me and so I, I have some questions. You know, when, when it stated that there's no cultural practice going on over there, that's not true, because at different seasons of the year, fishing, surfing, and other cultural practices do happen there, and so we need to kind of discuss that. So, my major concern I have is, with any kind of change of development happening on the west end water is always a question that comes up. And so, with an increased area or acreage of affluent. Will there be additional water usage? There wasn't clearly stated in his presentation. And so, the surface runoff is another thing that bothers me. If there is a puncture in the lining, what kind of lining are they really using? And so, on that 15 or 16 areas of affluent treated affluent, there's only 500 ft. from the coastline? And a concern I have is that really. Is it lined all the way? And the design approval is larger than what, you know, they have previously? Although, you know, the, the map shows a different, a different structure. So how much portable water? And that wasn't clear in his presentation. How much portable water are they gonna need? And is this a way to increase usage, for the 2/3 designation of Hawaiian Homeland's water to go to West End? So even, even in in the upcoming development details for West End that is, you know, related to the owning or buying the ranch, that big issue of water is, is a concern for me. So, is that portable water being increased in order to get the affluent, affluent, you know, processed properly? And because it's only 500 ft. from the coastline, we have scientific proof that any kind of, cesspool or affluent will damage the turtles that was just on the news last night? The tumors on turtles have been growing on them because of this type of discharge from the Aina, and so, talking about best practices. We need to look at that, and see that culture practices do exist. They may not be visible to them who were observing. I don't know who they were, but portable water and best practices in that area is a concern to me and that the affluent might will affect that area, because it's too close to the shoreline and the seepage will happen. So, that's just my just my concern that I'm finding preliminary now because he's doing this report. But in my reading of the, the, the draft EA I saw some things that need to be answered, and so that'll be developed in our next meeting if needed. But these are the main concerns; potable water, affluent discharge into the soil because that's, that's dry soil, and why is this so close to the ocean? Why couldn't we upland somewhere? Because it's servicing with 360 or so residents that needed? Water is number one for us on Moloka'i 2/3 belong to Hawaiians, and I'm really worried and really watching that this kind of, restructuring of their affluent process it's gonna take more water, that that has to be answered up front because we gotta watch the water, and Western End has been always trying to take water. So, is this another ploy for them to take water? That's just my concern, being upfront and honest about it.

Ms. Lindo: Mr. Roy, so I think what we can do is most of the commissioners will probably have questions for you. If you'd like to answer them, you can. We realize that this is a commenting period. So, we, and I'm also writing this down, so that we can have it on the record as well. As an actual comment from the commissioners, but if you'd like to address or clarify any of those, you, you can do that too.

Mr. Roy: Sure, thank you. Thank you chair. Thank you, commissioner, for the, the questions and, and comments. We can do our best to address any questions that we have a response to today. As mentioned, we've got, we've got the engineer for the facility with

us, so maybe we could. We could address any questions regarding the treatment of affluent and the technology that's being used for this new facility. I can address the question on, on water use though. So, we, we did look at that in, in the EA and there will actually be less water demand associated with this replacement plan than under today's conditions based on the assessment. And that's because of the reduction in the capacity for the new replacement plants, so it's actually having a less, it's, it's treating less water than the existing plant was designed to treat based on the existing need to the community. So, the water use will actually be less than existing conditions, and from what we understand the, the waters provided by the Moloka'i Public Utilities Inc Water System, and so, yeah, based on the draft EA, we're not anticipating any significant impacts on water demand associated with this project just purely because, it's, it's replacing an existing facility that's gonna be smaller than what's there today. So, I can offer that information in response to commissioner's question relating to water. I'd be happy to invite Denny Eames with Water Tectonics, to join the conversation if he's still on the line to maybe describe the, the improved technology that will be used with the replacement wastewater treatment plant.

Ms. Lindo: Sorry, NO, NO. I guess maybe, yeah, I'd like him to respond, but I guess maybe the, the bottom line that the commissioner was asking is, will it require an increase of portable water allocation? And can you confirm that as you go forth with this new technology that at some point it will still, I saw on the slide that you said no, but will this still remain the same throughout the course of this project? That you would not need, any more portable water allocation?

Mr. Roy: Yeah, we can, we can certainly take that as a comment from the commission today and respond in writing to that comment just to be sure that we give you know, a an, an accurate answer, but that's my understanding. Is that water demand will be less with this project going in than it is today.

Mr. Eames: Yeah, the original, plant was designed to treat a 120,000 gallons a day. And that was based on the hotel, which is out of service as you read the report. You know, I pointed out that's out of service, so the design requirement is now only 102,000 gallons a day. The plant itself does not use any potable water. The water used on plant is reuse water or water that's made from the wastewater. So, this is a wastewater? The original design in the seventies, the water went to lined ponds that was used to irrigate the golf course that was around the homes and around this waste treatment plant specifically, the holes that they were on, the TMK number 24. As the plant aged and the hotel was shut down, that practice of irrigating was

stopped. That irrigation equipment is no longer in service. The water still flows to the lined ponds. The only reason the ponds are lined is to retain the water. But it could be used for irrigation. The water is treated to a quality that is allowed for infiltration by the Department of Health, by the Hawaii Department of Health, as an R-3 water or Reuse 3 water. The upgrades to the plant, additional equipment will be invested so that it can be an R-1 water. The additional treatment methods will be sedimentation, aeration, and ultra-filtration along with UV disinfection. So, we're not gonna be adding any chemicals to the water and this water meeting R-3 is the highest grade of wastewater that can be generated by the Department of Health, and will be used to now irrigate a larger area. The initial disposal method will be to flow through the two-line ponds so that water can be stored and then overflow into pond three, which will then infiltrate into the ground water. And that is the disposal plan current. Then the back will be used to irrigate inside the fenced area. Does that answer your questions, commissioner?

Ms. Albino: Thank you for expounding on the process with the affluent. And my concern is that, you know, with Moloka'i ranch owning property... Why isn't the hotel being used with this increased acreage of affluent that needs to be... You know, is way more than 16 acres are way more and I'm worried about how it extends over the ocean. So those are just parts of the concern. You're explaining the, the process of getting raw sewage into affluent and into this high-grade R-3 seems promising to me, but it's just always concerned the way Moloka'i Ranch does things. That's what I'm, I'm concerned about I've been here all my life and I've seen the goings and the doings and dealings of Moloka'i Ranch, so when they come on, but with something like this is it's bound to be questionable. So, like I said, so who is this Water Inc.? Can you tell me who that is? Who makes that up?

Mr. Eames: Who operates the plant? Mosco?

Ms. Albino: Moloka'i Water Inc.. Who's that?

Mr. Eames: Ah..Roy did you wanna answer that?

Mr. Roy: Yea! Absolutely, I can do my best. I think we had some of the information on tht in the beginning of the draft EA. Let me see if I can get to that real quick... Right, so...

Ms. Lindo: Isn't it just a subsidiary of Moloka'i Ranch that specifically deals with their wastewater facility.

Mr. Eames: Correct there's that right.

Mr. Roy: So, It's Mosco Inc. is a public utilities commission regulated sewer company, so it's PUC regulated company has oversight responsibilities over the existing wastewater treatment plant at Kaluako'i and its a wholly owned subsidiary of Kaluako'i sewer LLC which is an affiliate of Moloka'i Profiecies.

Ms. Albino: Which Is Moloka'i ranch? Yes! Okay. Okay, because you know the breakdown of where the water goes and who controls it at whatever point, but the water still comes from the 2/3 straw in the ground the, the aquifers. So, thank you.

Ms. Lindo: Thank you, thank you, you had another question commissioner Albino?

Ms. Albino: Ah, ah... No, it's just these irrigation needs and where the water is going, but my concern is the closest of that facility um to the ocean. And science data has proven that those turtles and nests there have been the ones in Kailua anyway have been found to have tumors because of discharges from treated or untreated um sewage. So that's just a concern for our community and our environment to be...

Ms. Lindo: Thank you. Thank you. Commissioner Albino. Okay. Any other commissioners? Commissioner Hanapi- Hirata?

Ms. Hanapi-Hirata: Oops, sorry. Hi. Hello, hello, It's. So, I had So the draft Environmental Assessment, I know that you were just speaking about, you folks are still in the process. I wanted to note that I can't find any documentation. There is references of notes in here of contacting the State Historic Preservation, but nowhere in the EA or the CIA, do I see any actual letters from SHPD or I could be mistaken. I mean if you have a page number I can reference, but I went through this and I don't see anything. I know that you folks did note that you sent um... You sent a letter for, what is that on? Page I think 99 has it listed that you guys did send to all these agencies and SHPD is one of them. I wanted to ask, did they ever respond in an official capacity to this project?

Mr. Roy: Yeah, thank you commissioner. That's a really good question. And, so we've got Trevor Yuha from Cultural Service Hawaii on, on the meeting today, so he, he was the archaeologist that put together the archaeological report that's included in the draft EA. I'll hand over to Trevor if he's able to switch his camera on and join. But to respond to your question, the archaeological report was included in the draft EA and the SMA application that was submitted to the planning department, because the SMA permit is required. My understanding is we'll be working with the Planning Department staff now to initiate the 6E consultation process on the archaeological report that Trevor Yuha has put together, but I'll hand over to Trevor here and I actually see Can, Candice with her hand in the air, so I'll maybe defer to Candice as well.

Ms. Hanapi- Hirata: Hold on 1 second before anybody speaks. Sorry, this is commissioner Hirata again. Thank you for that Mark, but I want I just wanted to make a quick note SHPD has other departments underneath them, other branches under their department. Sorry, that should have been consulted. So, So, I, I hear you when you say the Planning Department is gonna go talk to archaeology. Archaeology is one branch under SHPD. I do not see anything in here about history and culture. I do see in the CIA that they did have a note, um... that they had some type of a correspondence with Hinano Rodriggs, who is the former History and Culture Branch Chief. Like there was some type of communication, but I don't see an actual letter from him or the reference of the phone conversation or the email

thread that is referenced in the CIA. I'm curious to know what history and culture has to say, not so much archaeology, um... they don't come into play. But, in this CIA that should have been thoroughly investigated or, you know, like somehow, some which way. So maybe it's whoever did the CIA I need to get the answer from. Thanks Mark. Thanks.

Ms. Lindo: Thank you. Okay, thank you. Candace?

Ms. Thackerson: Yes. Thank you. Environmental Planning Supervisor, Candace Thackerson, I don't have anything to add to commissioner's point or anything. I just was just a reminder to everybody to swear to tell the truth, because we do have lots of different testifiers right now both on the applicant, like on the applicant side and variety of, of people coming on. So, just make sure that you introduce yourself for the record so that our secretaries can make sure they're getting the transcript down correctly and please also just a reminder to swear to tell the truth. That's all. Thank you so much.

Ms. Lindo: Okay, Mark, Denny, and Colin. Do you guys swear to tell the truth? Did you tell the truth and everything you said so far? Will you be telling the truth into the future? Just say yes for the record.

Mr. Roy: Yes chair.

Mr. Eames: Yes chair.

Ms.Lindo: Colin, you not telling the truth or you just ...

Mr. Roy: Oh, we can't hear you Colin. I'll give him a chance to maybe figure out his microphone. We worked together. I'm not sure if Colin will be responding to any questions, but if he does, maybe the first time he does he can state for the record.

Ms. Lindo: That's fine. That sounds good. That's fine. Okay. Commissioner Hanapi-Hirata, were you done for now with your questioning or did you have anything you needed to add?

Ms. Hanapi- Hirata: Oh, that's I'll just start with that and then yeah, I'll let everybody else ask questions too.

Ms. Lindo: Any, any other commissioner has anything to say before I start down my list? Okay. All right. Thank you so much for educating us. This is, this is really interesting. What was, what I noted in reading pretty much the entire document, is that there's not a clear history of the affluent ponds between the time the Kaluako'i hotel shutdown and now. So, I see I, I don't see a history of where those ponds were and how they transferred from, being used to water the golf course and then all of a sudden became a disposal site for wastewater. And to me that's super important because we, a lot of the environmental assessment and maybe that's just the way it's been designed, is centered around, the current revisions, and build up that's gonna be done to take what the Department of Health said is, is not, authorized, and then have you guys come into compliance. So, so it's concentrating on that part and what's not evident to me in the entirety of the report is what happened during the time prior to the department citing, um... citing this infraction and how do we know that currently, the effects of using those ponds to discharge didn't already affect our shore line

or the existing parcels. Those things are not added and so that would be one of my comments. Also, I hear a lot about, pending too, and the intent to do this for existing users, and that is it, it the report seems to make a big deal about this being for residential customers. In 2004, your report says that the branch went in to the PUC and said, hey, we need authority to or we need you to allow us to increase the rates or water rates because the hotel shut down and we need you know we need to increase it in order to run this. So, I guess one other, one of my comments would be being that now you wanna just concentrate on residents will this existing new technology lower the rates for existing users to be able to truly reflect your desire to, um... specifically be for residential housing? Also, what I don't see in the report is what does the future look like for this wastewater treatment facility? If this is a small portion of the facility that has currently been cited and non-in compliance and now needs to be fixed? What is the long term for the entire project? It's to me pretty much a given that if one portion of that is, is, not working or not in compliance that at some point the entirety in sections. However, that might turn out will also not be in compliance, and so, there's no kind of, um full scale looks at the facility in general and the cumulative impacts that that entire facility and the discharge and the affluent ponds and the usage of land and monitoring and those kinds of things are viewed in respect to the current and, and also long-term future for that area in Kaluako'i. And not just the, the effects to the land but also to the people and potential growth of the place. I guess another one of my comments would be that. I'm, I'm, I'm pretty I, I invited Dr. Six, and I also invited Wes Wesley Crile, because parcel 24, even though there's been statements that it's 500 ft. away, also looks like it's pretty close to the dunes. And so, as the County's dunes specialists, I'd like to know how Mr. Crile views, this project in respect to what it does to adjacent dunes. Also, how do we ensure that any growth of this project, any future seepage, should the plant in bigger sections start to fail and we get spillage? How does that affect the dunes and are there mitigation ways that we can include in our comments so that we can be ahead of the game? Mr. Crile?

Mr. Crile: Thank you chair. Well as, as far as, you know, well, I guess let me back up, so what I heard is that they're treating to R-1 affluent standards. I think it was explained that R-1 is the, the highest level of treatment. State Department of Health allows R-1 to be used for irrigation, pretty much unlimited unrestricted use for irrigation. It's about, it's kind of like one step um below drinking water. So, you know, I'm glad that, you know, I, I think it's good that they're treating to that standard as far as wastewater influence effect on dunes in, in general. You know, is not good. We, you know, even, even, even just even clean affluent clean water on dunes is, is not is kind of a no no because dune plants are adapted to dry ocean almost desert like environments and you know, so when we when we do dune restoration projects, we, we put in, you know, we, we plant natives and we do water them initially for, for just a you know, like a month to get them established, but then we turn off all water. So, um you know, I would be concerned if there was sort of, you know, broadcast irrigation happening. You know, in the, in the dunes in Papohaku or, or anywhere near the ocean. Yeah, that's, that's my initial take on it.

Ms. Lindo: In, in your, as an, as an expert in this field, is there any additional protective measures? Should this be like the only solution for right now? Are there any other protective measures you know of that can help us protect the dunes?

Mr. Crile: Yeah, I mean when I reviewed the document, um there were a couple of things that came to mind. You know, the fact that they're treating to R-1 standards is great. I was curious, you know, they're, they're watering the 16 acres with the affluent, that's, that's basically a surface disposal methodology. Department of Health does allow for that, but they're, they're just watering kiawe and, and non-native plants. And I'm, I'm curious if there's not an irrigation demand, um at the structures at the residents if, if that water, you know, would be better suited to irrigate. You know whatever landscaping is in those areas that would also address um I think, I think it was commissioner Albino's question about water use. If you, if could this R-1 water be used for irrigation that would maybe offset some of the portable water use that's currently being used I'm, I'm assuming I don't know, but maybe it is being used currently for, for irrigation in the in the area. Let's see, I had that, and then I know, um they're saying that the you know, the, the, the document says there's, there's no risk of flooding or, or, wetland. You know, there's, there's no wetlands in the vicinity. I did look at the, the County's, draft wetland map for Moloka'i, and it, it shows it shows the stream coming in really close to the to the affluent ponds, and I'm just curious. I, I, you know, I don't know the area it's been a long time since I've been out there, but there is a there is a stream mapped, it's got a name, but, it seems to terminate right in the vicinity of the, of the affluent disposal area, and I'm just, you know, it would be good to address what sort of storm water mitigation measures. Um, you know they might have and let's see... I also just I also had, you know, they're they identified Makaloa and um I'm assuming that was growing in the affluent ponds cause that's a wetland plant. So, I'm, I'm guessing that's growing in the, the existing affluent ponds, but I'm not, I'm not entirely sure cause I haven't been on site. But, you know, and they do identify the a'o and the auku'u in the vicinity. And so, they're gonna, I don't know if they're gonna drain the, the existing ponds to assess the liner. It says they're, they're, they're gonna assess the condition of the liner and make repairs or replacements as necessary. So, it would be good to have some bmps in place to protect those species while that's happening cause I know these, these treatment, you know, Bob Hobdy is right, like these, these treatment ponds do attract those native species and they do provide a good habitat for them, but if you're draining it to a, you know, to what extent, um you know, they're gonna disturb that, that existing habitat would be good to know. Yeah, that's all I've got on my list.

Ms. Lindo: Thank you so much, and thank you for making the time to join us. Thank you. Okay, some of the other things I had also was one of one other comment I had was I'm a, because it's huge Ag-lands and not all of the fire hydrants are working. It would be cool to have emergency MOU or something in place that would allow for the R-1 once the ordinance it becomes R-1 water for that to be used in emergency purposes for the fire department for fire suppression wildfires. So, so that would be something I think that would be cool. And then probably my last thing for right now, and it maybe something to think about. And, and it cannot be done at this very moment, but the current zoning of where the affluent ponds are and the wastewater treatment plant, um mostly where the ponds are, are for golf course. There is nowhere in this plan that says that you ever intend to open the golf course back again and if you did, I would be interested in knowing how you take a affluent pond that's already been used for that kind of water to now go back into some other kind of water and whatever... make it safe. But, it, it seems to me that perhaps a change in zoning is necessary. So, that in the future as if you needed to use this for the purpose you're saying you need to use it now to ensure that we have adequate switch

and, and you can tend to the residents in this area. Yeah, that there's no kind of, effort to go back to luxury resort standards where all of a sudden these things are covered up, and whatever environmental possible damage that was done gets overlooked. It also makes sense to me that a change in zoning that actually condemns that part of the land to ensure that we can get maximum support for cleaning ensuring that there is like Environmental Protections and, and just a devaluing of that part of it seems to me to make sense, because I don't see how...First of all, I don't like the idea that there's not mentioned or the but there's not a choice between an above ground solution. I mean we send people to the moon, we clone stuff I, I don't I don't see how there's not a viable solution to be above the ground, and for us to like totally take this wastewater facility further away from the shoreline. That would be my preference but in lieu of that to come into compliance, because I do understand that our West Moloka'i Community needs to have a, a solution for this idea. I, I just think that there, there needs to be some coinciding legislation, and policy changes across the board that ensure that we have conforming use where we are. I don't, I, I don't know whether or not golf courses, and maybe staff can help me whether or not golf courses are adequate for a wastewater facility. I don't know whether or not a viable Ag-land are, are okay. I mean how we grow our food after all of this damage? And, and again the, the lack of long-term plans for this aging facility is really concerning to me, and the fact that we are only being able to kind of view this in a very small spectrum, and not look at the cumulative damages, and impact of the entire project cause this is only one small part of the facility is a little bit concerning to me. But I realized that that's the scope of our work, and so can't do too much about that. But I really would like to hear some comments from the staff or some of the experts that we have on the call about how we continue to use discharge affluent ponds now of this, of, of this kind of magnitude the only ones that are handling discharge for the entirety of Kaluako'i Ahupua'a. How do we handle that as far as like zoning and policies and, and permitable usage in, in those areas?

Mr. Roy: Thank you chair, for, for those questions and, and comments. I, I can, I can maybe offer some information in terms of what we have in the draft EA on that question of zoning. There was as mentioned quite a bit of coordination with the Planning Department early on for this project. And, the zoning of where the ponds are is actually mostly interim zoning from the County's perspective and our understanding is that the interim zoning allows for what's called public utility uses which I believe this kind of facility would fall into that category because it's a publicly regulated wastewater utility. So, that's what we have in the draft EA. We reflected what we had confirmed with the Planning Department through some, some early consultation was that this project is a permitted use within the golf course lands, but certainly I'm I defer to the Planning Department in terms of providing any additional information on that question.

Ms. Lindo: sure. Candace go ahead.

Ms. Thackerson: Environmental Planning Supervisor, Candace Thackerson. So, Mark is correct in that interim has been used for public utility usage. I think what chair Lindo is mentioning is the Community Plan Designation, which I believe is park and golf course, and that might be what chair was referencing. We did talk to our long-range division, the head of the long-range division Jacky Takakura, and, she said that the ponds are fine. They're allowed in park and golf course community plan designations, that they're used, I guess

used all over on golf courses, most golf courses ponds are filled with R-1. They're not filled with portable drinking water. A lot of them tend to be R-1 and that's what they use, and she said that ponds are used for irrigations and are sometimes part of the course to make them more challenging. And that was the comments that we received from her regarding the Community Plan Designation.

Ms. Lindo: So, Candice, yes, I, I understand that ponds are used, but on golf courses ponds are used strictly for irrigation. The permitted usage though now for those ponds have changed from irrigation to a drainage pond. And regardless of whether or not it goes from R-3 to R-1 the intended use of the ponds, and their specific use is now not in compliance.

Ms. Thackerson: That would be something that I would want to run by our long-range division, as the current division we're not as familiar with the interpretations of the community plan. Usually the community plan categories tend to be broader and more open, and general than zoning. Zoning tends to be very specific. And then community plan allows for more uses because it has both passive and active uses as allowed. But that was the comment that we got from Jacky at the, the head of long range, but we can always follow up with her. But her initial comment was that those are the fluent ponds are consistent with the park and golf course community plan.

Ms. Lindo: Okay, and then also, the zoning. It's been a while now when we I had assumed that the Planning Department in this County had done away with interim zoning, and that we were at a point where we were already functioning as if these things were in or, or where's the, what's the status on that?

Ms. Thackerson: I do not have a status on whether or not we're changing all the interim zoning. I do know that there's a very large portion of parcels that are still zoned interim, and they come in and we treat them as interim zoning. I have not heard about taking all of the parcels and going through them one by one and, and changing their zoning that that I've heard of.

Ms. Lindo: So, what happens then, if, because its zoned interim community plan which I thought trumped everything else has it as park and golf course what, what takes precedence?

Ms. Thackerson: They have to be compatible with each other. They have to work together, and that's why we reached out to long range and long range said that the ponds were compatible with that Community Plan Designation, but as I stated we can do a follow up with long range ,and maybe have them write that out formally if the commission would like to see that.

Ms. Lindo: Yea. I would just like to make sure for the record that the question is asked the right way also we not just talking about ponds yea we talking about the intended use yea of the ponds. um and then ok...

Ms. Thackerson: Okay, and we can have staff Planners Lopez write that up; per, the minutes from this meeting so she can make sure that to gets the question correct.

Ms. Lindo: Okay, and then...

Ms. Lopez: yeah, did you want me to repeat that? Just for clarification so that I have that portion correct in res in response to the intended use. So, understanding that the current

zoning is interim and understanding that the community plan is park/golf course the question relies on, that the understanding is that there's no golf course in use, but the intended use for that parcel is for the purpose of, um pond affluent ponds that accom....

Ms. Lindo: It changed from golf course as the main subject to you to public utility.

Ms. Albino: Okay, there you go. Okay

Ms. Lindo: More specifically to a wastewater treatment facility.

Ms. Lopez: Okay. Okay. Got it. Thank you. Thank you.

Ms. Lindo: Thank you. Take a break. Any other commissioner have anything else they want to add?

Ms. Albino: Yes, you know, hello commissioner Albino here, that whole project is too close to the sand dunes where Kupuna Iwi are at. We all know that Western sand dunes have Kupuna Iwi, they're burial grounds. That's, that's something that we all know living on Moloka'i, and that will disturb just the whole presence and the construction of that... Whole new facility extending to that far out near the ocean, and the sand dunes it is going over one of the sand dunes from what I've seen. The projected, the projected facility goes over the ocean. So, correct me if I'm wrong, and if that is so, that is so not okay. West End people who have bought properties have been told not to plant trees or remove trees that have been already been planted there by ancients to keep the sands in place because of the bones that are buried there. So that's a concern that I have. So, I just wanted to put that out there as a matter of record, Mahalo.

Ms. Lindo: Thank you Commissioner Albino. Any other commissioners have anything? I have a question for either Wes or Sybil or one of the staff members just so that we, we, you know, the commission is educated. When you look at the County has adopted, um the University of Hawaii's sea level horizon climate change plan we've looked at maps we've implemented overlay maps to for projection of long-term planning. There are several things that are put into place in our County Planning that helps accommodate for long range planning that will be affected by sea level rise. So, in this project, it's being said that the ponds are like more than 500 ft. away. But using the new overlay of flooding and sea level maps. How long do we have before it will be mandated to comply to shoreline setbacks, and those kinds of things? And, and does the projected lifespan of this facility, and the improvements being made coincide with projections that we are using currently on the County to make permitting approvals so that at some point there's not a conflict?

Ms. Thackerson: So Environmental Planning Supervisor, Candice Thackerson. That plan is informational, and not regulatory as of right now. It's there to be a guidance document, and to help us plan and think about these things, but it is not a regulatory document. If the commission would like to change the shoreline setback. That's in your purview, that's something you can do through your rule process, like the Maui Planning Commission just adopted the 3.2 erosion line as the new setback, because they were taking that into consideration. But, the plan is something that you as the commissioners could comment on this EA that they should take the plan into consideration, and you can use the plan to make comments about how that should be the goal that we're looking for. But that plan is

not regulatory.

Ms. Lindo: So, so, so, so, if the commission, like you said, the Planning Commission use the 3.2 setback. If the County doesn't use it as a regulatory process and the commission takes this on as a commission rule, and the commission and, and somebody sues them because the County doesn't back it up with its regulatory standards, who's reliable for that?

Ms. Thackerson: So, in order to make it regulatory part, parts of the plan not the whole plan to become regulatory, but if you wanted to change your setbacks is what I was saying. You, the commission, have the authority to establish how shoreline's setbacks are determined on Moloka'i. And, like I said, Maui County adopted the 3.2 erosion hazard line you're welcome to follow suit or come up with your own. It obviously you can work with the department. So, once you adopt that then it is regulatory. So, then we would back you up because those are your rules. But that whole plan itself, um I'm not sure if the department would feel comfortable making that entire plan or regulatory document, but there are pieces of it that you as the commission can incorporate in your own rules, and then it becomes regulatory and then you have the authority. And...

Ms. Lindo: So, if the commission decided to make the whole plan in our rules, then you would...

Ms. Thackerson: The department may or may not support that we would want to have a talk and, and look at it of course, and we would have to bring in corporation council as well, because there maybe parts of that plan that are not something that can be legally regulatory and some things that can. So that would have to be a discussion.

Ms. Lindo: Thank you.

Ms. Nomura: Um excuse me chair just wanted to double check if Keomailani is still on line because I see her camera on but we don't see her face.

Ms. Lindo: She was just reclining, but she could hear.

Mr. Crile: Yeah, I was just gonna add really quick, also the, the erosion hazard line is not available yet for Moloka'i from the one that we're using on Maui Island so that that data is being collected, but it, it's not those lines haven't been drawn yet.

Ms. Lindo: Okay, I guess my last comment, Mark, would just be that for the record, I, I am concerned that, because of the emergency efforts being made by the ranch issued citation from Department of Health that this commission, and the County are being forced to look at a small fraction of a project that doesn't adequately address the total impacts that the facility is making on the environment, on the marine life, on the sand dunes, and on potential future for our people. Also two viable agricultural lands. And so, I just would like to put that in there as another comment. Commissioner Hanapi- Hirata?

Ms. Hanapi-Hirata: Hi, I just wanted to, for clarification purposes, I know this is just to comment on the draft EA. Can anyone mark? So, can you state for the record, is all of the materials to build this new system at the site already?

Mr. Roy: Thank you for the question. I, so I work for Munekiyo Hiraga a planning firm working on the EA. I'm not a representative of Mosco Inc or Moloka'i ranch, but, in speaking to Sybil previously to this meeting my understanding is that, that could be the

case I haven't been to the site recently and, I'm not able to share, you know, a 100% observation of what's there or, or not there, but Denny is putting his hand up, so maybe he has some more information he can share.

Mr. Eames: Yes, the equipment has been on site to replace the failing equipment for more than a year and a half. I'll share google Maps if that's okay with you. Uh, am I allowed to share? Can you see that? This is the, the failing equipment right here. The tanks are right here across the street and these containers are the water treatment equipment, and this is the electrical distribution and the generator. All this has been on site for a year and a half because we were under a decree by the Department of Health to replace it more than two years ago. And so, Moloka'i Ranch to their benefit did everything they could to get it there and get the equipment purchased and on site to replace it. And, we're just waiting for approval now.

Ms. Hanapi- Hirata: Yeah. Thank you for that. I just wanted the optics of this was very important to get there on the record. Thank you and thank you for showing that picture.

Mr. Eames: Yeah, so one of the things that I'm concerned about is if, see the walls of the existing treatment plant have been are, are failing and they're falling in. If they fall in and we can't do treatment anymore we'll have raw sewage that could be go untreated to these ponds. Which would be devastating for the ocean and the other things that we've been talking about in this meeting today. Moloka'i Ranch is trying to do their best, and has spent millions of dollars to move forward, and put this equipment there to do the right thing, and they're not being allowed to do it both for approval by the Department of Health, and approval by the Planning Commission. So, they're trying.

Ms. Lindo: Thank you Mr. Eames. We have a difference of opinion because I think if they were trying to do the right thing they wouldn't have waited to be cited. But in any case, in, in your experience, and your expertise, um Denny, how does the rest of the plant suffer from the need to be done? Or how does one portion of a plant that was erected all together start failing, and not the other portions of it be affected?

Mr. Eames: I mean, I can explain that. Let me share my, the screen again. It's probably easiest to do that. Can you see this? The Strain

Ms. Lindo: uh huh.

Mr. Eames: So, the water is collected from, you know, the, these homes here, all these homes here, and these homes up here as, as shown in there, and it all drains into a collection system that comes down this road and enters this box. It then splits into three trains. These two trains were the 1st two trains that were installed in 1976 called Kulako'i. This train was built in the 1980's. During erosion, because of erosion, because they're still tanks they rusted and at some point, in the 1990's they came in, and they lined all these tanks with CMU blocks. The soil pressure is now pushed the sides of this walls, and this is collapsed right in here, and I, I have pictures I could show you, but this tank is no longer in service because the walls have collapsed, and it, and it can't no longer holds water and it can no longer be used as a treatment system. This side, and you can see these lines going

across here they've come in, and, and put reinforcement to keep the walls apart to keep to, to give it a few more years while we go through the while we went through the design process back in 2021, and 2022. We designed and built the equipment that's there on site. The water flows from this splitter box into these two trains where its aerated, and then it flows out through here where it's chlorinated and then it flows to, uh these two ponds, this one and this one. It goes into this one through this one and then it overflows into pond three, which is this one, which is infiltration. So, currently this has storm water in it. This is the existing storm water pond, and the river is this one that was talked about earlier that goes into the storm water pond. This pond only drains from the area right around in here that falls into that, and there's an overflow pipe from this one. If it gets too full, it drains into this to prevent it from going into the ocean. Does that answer your questions?

Ms. Lindo: Yeah, thank you. Okay. Okay, anybody else have any more questions? Or any more comments? Okay, Mark, I, I wrote down stuff. Do you want me, do you think you have everything kind of on it or do you want me to read it out for the record?

Mr. Roy: I'm, I've taken notes along the way, and I would guess Sybil has done too although I will I will ask the Sybil the question. I'm happy to collaborate with Sybil to, um assemble the comments from, from the meeting today. But, but if chair would, would like to summarize the comments for the benefit of the, the commission members, um I completely defer to the commission and its desire in terms of how it would like to summarize the comments.

Ms. Lindo: I'm, I'm good. Sybil, you think you got everything?

Ms. Lopez: Yeah yes, I can work with Mark. Mahalo.

Ms. Lindo: Okay?

Mr. Roy: Oh, and Chair maybe?

Ms. Lindo: Yeah yes go ahead.

Mr. Roy: Maybe if I could just make a comment from, from the team and the applicant side. We, we recognize that this is a process we're midway through the EA preparation process right now. The best available information that we had based on the studies has been included in the draft EA that's been reviewed by the commission today. We are in this public comment period, so we're very happy that we can receive the comments today from the commission. We will respond to those comments as part of putting together the final EA document in addition to any other comments that we received during the public comment period from agencies or, or the public. So, we'll be coming back with the final EA at a future meeting. We we're not quite sure when that will be, because we do need to go through the process of responding to the comments, but did want to just to the fact that we appreciate the commission's time today very much so, and we recognize that this is a process, and we, we look forward to coming back to you for your consideration of the final EA when we get to that point. Thank you very much.

Ms. Lindo: Thank you Mark. It was a pleasure to work with you guys on this. You have a very calming tone. It's a good fit for this commission. It does anybody staff or anybody have anything that you need to say, or that you want to add on?

Ms. Albino: Thank you very much for your presentation gives us an opportunity to look at what we're dealing with and see where we can come together. Mahalo Nui Mark.

Mr. Roy: Thank you.

Ms. Lindo: Sybil you have anything you need to add or you would like to say?

Ms. Lopez: Thank you for your time, chair, and commission.

Ms. Lindo: Thank you. Okay. Okay, seeing no further comments on this item, thank you so much and we will eagerly await your return.

E. DIRECTOR'S REPORT

1. Agenda items for future meetings.
2. Completed Molokai Applications Report generated by the Planning Department with the May 29, 2024 Agenda Packet (Appendix-A)

Alright moving on to item number E director's report agenda item. Wait hang on, let me see something. Okay, item number one is sorry E.1. is agenda items for future meetings. E.2. completed applications report generated by the planning department with the May 29, 2024 agenda packet. Staff. Thank you, commission.

Ms. Thackerson: There's Candace Thackerson on behalf of Deputy Director Ana Lillis. You have there with you in your packet, appendix A, which just shows the completed permits, and then agenda items for future meetings at your next meeting, I believe on June 12, you will be seeing the Duavachelle/ Warring permit will be coming back before you. This was deferred by this body, and it will be coming back before you. And then we also have a SM5 exemption that this body will be reviewing. Sybil If you'd like to, you could give them a brief overview of it, so then the commission can say that they want to either waive their review or if they would like to, to review it at the next meeting. Which is kind of what we've been doing. We're trying to include them on the agendas. Sometimes it doesn't happen that way. The projects kind of get done after the agenda gets set out, but we're doing our best. Sybil, did you want to give a brief summary of it?

Ms. Lopez: Sure. So, this would be the most properties located at 80 Makaena PI. which is situated in the country town business district. Neighboring properties do include the Moloka'i Fish & Dive Gas Station on that property, you have the lunchbox, the laundry mat, and the auto repair. So, they, they just requesting to be exempted to do minor repairs such as re-roofing, and nothing to no expansion, no, no intensification of use just want to make sure that they can provide good safe environment for their customers mainly the leaking

roof. So, thank you.

Ms. Thackerson: So, commissioners, this will be on your next meeting to be reviewed by you to either take it up or waive review, so that will be on your next item as well as the deferred permit from a previous meeting. That's what we have scheduled so far.

Ms. Lindo: Okay, so for the record, the commission does not waive its review of the project.

Ms. Thackerson: We, we assumed. And so, we're bringing it before you, we have it.

Ms. Lindo: But I like it. I, we prefer it this way though the different meetings.

Ms. Thackerson: Yeah, that's totally fine. Thank you, commissioners.

Ms: Lindo: Okay, agenda item F next scheduled regular meeting date is June 12. 2024.

F. NEXT SCHEDULED REGULAR MEETING DATE: JUNE 12, 2024

G. ADJOURNMENT

Chair Lindo announced the next scheduled regular meeting of June 12, 2024.

Ms. Lindo: So, Mahalo commissioners Mahalo, Mahalo Nahulu, we never see you on screen all meetings, but we appreciate you. Mahalo to our staff, thank you. Oh, and I also for the record wanted to I'm sorry wanted to introduce you guys. So, Susie is no longer with us, but Shantel Nomura is our new staff secretary, so I wanna formally just welcome her to our commission, and thank her for agreeing to be part of our Moloka'i Planning Commission Ohana. And we, we just going to say thank you in advance for all the hard work you do. Okay, everybody ok? All right, so we'll see you on June 12. Mahalo everybody for coming by and this meeting is adjourned.

Chair Lindo adjourned the meeting at 1:17 p.m.

Submitted by,

Shantel Nomura
Secretary to Boards & Commissions I

RECORD OF ATTENDANCE:

Present:

Zhantell Lindo, Chairperson

Shannon Kaahanui, Vice-Chairperson
Louella Albino
Kananikala Bishaw-Juario
Keomailani Hanapi Hirata
John-Russel Phifer

Others:

Candace Thackerson, Supervising Environmental Specialist, Current Division Department of Planning
Danny Dias, Planning Program Administrator, Current Division, Department of Planning
Sybil Lopez, Staff Planner, Current Division, Department of Planning
Chris Nahulu Nunokawa, Deputy Corporation Counsel, Department of the Corporation Counsel
Suzette Esmeralda, Secretary to Boards & Commissions II, Current Division, Department of Planning
Shantel Nomura, Secretary to Boards & Commissions II, Current Division, Department of Planning
Clayton Yoshida, Supervisor to the Boards & Commissions, Department of Planning
Brailey Gonsalves, Staff Planner, Current Division, Department of Planning
April Shiotani, CIP Coordinator, Parks & Recreation Division
Janet Six, Archeologist, County of Maui
Wesley Crille, County of Maui