

PLANNING COMMISSION
COUNTY OF HAWAI`I

HEARING TRANSCRIPT
OCTOBER 22, 2004

A regularly advertised hearing on the application of PACIFIC QUEST CORPORATION (SPP 04-012) was called to order at 2:17 p.m. in the County Building, Councilroom-Room 201, 25 Aupuni Street, Hilo, Hawai`i, with Chairman Fred Galdones presiding.

PRESENT: Fred Galdones
C. Kimo Alameda
Earl Fujikawa
William Graham
Jeffrey McCall
René Siracusa
Hannah Springer
Francis Smith

ABSENT & EXCUSED: Bill Thibadeau

Ivan Torigoe, Deputy Corporation Counsel
Christopher J. Yuen, Planning Director
Norman Hayashi, Planning Program Manager
Phyllis Fujimoto, Staff Planner
Jeff Darrow, Staff Planner

And approximately 10 people from the public in attendance

APPLICANT: PACIFIC QUEST CORPORATION (SPP 04-012)

Special Permit to allow the establishment of a Special Treatment Facility for Youth on a 7.8-acre area situated within the State Land Use Agricultural District. The property is located along the north side of Kaalaiki Road, approximately 6,500 feet mauka of State Highway 11 and Honuapo Park (Whittington Park), Honuapo, Ka'u, Hawai`i, TMK: 9-5-15:15.

GALDONES: Commissioners, we are on Agenda Item No. 5. Applicant is Pacific Quest Corporation (SPP 04-012). This is a Special Permit to allow the establishment of a Special Treatment Facility for Youth on a 7.8-acre area situated within the State Land Use Agricultural District. Jeff?

DARROW: Thank you, Mr. Chairman. Again, if I can direct your attention to the location map, the area of this location is in the Ka`u District. Just for bearing, this area here identified in white is Whittington Park in Honuapo. This white line traveling in a north-south direction is the Hawaii Belt Road. This way would be towards Pahala and this would be towards Naalehu, which is identified here in the different zoning colors. This large green area is all Agricultural 20-acre parcels. There's a road identified as

Kaalaiki Road that travels from Naalehu all the way to Pahala; and it's hard to see it but it travels right here. The area of the location that we're looking at is identified in red.

The Applicant in this case, Pacific Quest, is recommending a Special Permit to allow the establishment of a Special Treatment Facility for Youth on 7.8 acres of land in the State Land Use Agricultural District. This area is, the site plan submitted by the Applicant shows a little bit closer what we're looking at as far as the property goes. On the, just for clarification, this road going through their property is identified as Kaalaiki Road, although on other maps, especially the tax map key, it shows the road as traveling on the property line. So there are some issues with the road we'll be looking at.

The proposed facility is identified as being in this area on the property and then these areas here identified in the black-shaded areas are mainly set aside for farming for the property.

The proposed facility, identified here, again, on the floor plan, is going to be made up of a 10-bedroom facility with four offices, a kitchen, classroom and a large multi-purpose room.

The facility will accommodate a maximum of 16 students ranging from the ages of 14 to 17; and the Applicant has mentioned in their application that a typical profile of a student may involve students with learning disabilities, adoption issues, low self-esteem and involvement with negative peer groups. They've indicated that they are going to be seeking a license from the Department of Health to operate a Special Treatment Facility.

Just today, we had received a letter of opposition from Jeff Silva that has been passed out to the Commissioners. And the Planning Director is recommending approval of this request. Are there any questions?

GALDONES: Commissioners? Commissioner Graham?

GRAHAM: Jeff, I just wondered if you had a chance to drive that road from Naalehu out so you can let us know what the road is like in the flesh kind of?

DARROW: I was able to pass around a couple of photographs. The road is actually paved and I believe it was paved recently as a result of the, that 2000 storm where it washed out the bridges. So they used that as kind of a bypass road, but it appears to be paved at this time. I believe prior to that it was sort of a rough road but -.

GRAHAM: It's paved from Naalehu to the facility?

DARROW: Correct. Yeah, and as well to Pahala.

GRAHAM: Thank you.

GALDONES: Commissioner Springer?

SPRINGER: Jeff, I wonder if you can discuss with us the County's analysis of that portion of Mr. Silva's letter that refers to "A portion of Kaalaiki Road crosses my private property and I am unwilling to accept the increased liability and risk to myself personally of having such a facility with its inherent increased traffic and quasi-public use of my private property."

DARROW: If it's okay if I could defer that question to our Planning Director. Thank you.

SPRINGER: Sure.

YUEN: Can I have a copy of the letter? I'm trying to, I'm not sure where Mr. Silva's property is in relation to the application. Our tax maps say that there is a government road called "Kaalaiki Road," running, and it shows it as being a government road from the Naalehu side, at least through this property and beyond -. When it gets beyond this, when it gets further toward Pahala, there is a section of the existing road that is not, that C. Brewer thinks is a government road and we are not ready to accept it as a government road yet. However, from Naalehu to this property, there is a government road, "Kaalaiki Road."

SPRINGER: So there, it will be no increased liability to the, to Mr. Silva?

YUEN: I think, well, Mr. Silva is on the Pahala side of the property. He's on the Pahala side of the property. I'm not sure if it's a government road through Mr. Silva's property. If it is, then he is not liable for anything that happens on it.

SPRINGER: But in your understanding of where Mr. Silva's property is, there will be not traffic across his property to access the subject -?

YUEN: It's my understanding that they are lot closer to the Naalehu side, as far as getting in and out.

SPRINGER: Okay. We can ask them when they come up. Thank you.

GALDONES: Commissioner Siracusa?

SIRACUSA: Thank you. I was wondering if, Jeff, do you have any information as to whether Pacific Quest has a track record in running this sort of an operation for youth?

DARROW: I'm sorry, I don't have that information. Maybe we can defer that question to them when -.

SIRACUSA: Okay, because, you know, they would still have to get a permit from the Department of Health to operate such a facility. And I'm wondering if we

should make, if we decide to approve, if we should make that approval contingent upon DOH's approval. Of course, maybe if they have a track record they've run other kind of facilities of this sort, then that would not be an issue; but without that information it's hard to tell.

YUEN: It's covered. Currently, they're covered by Condition 4 of this Special Permit, comply with all the applicable laws, rules and regulations and requirements of the affected agencies. So to the extent that this operation needs a permit from the Department of Health, they have to get it.

ALAMEDA: Just to clarify that. May I, Chair?

GALDONES: Commissioner Alameda?

ALAMEDA: So if we would grant this Special Permit and the Department of Health would deny this Applicant a license, then would that make this Special Permit mute?

DARROW: At that point, they wouldn't be operating as a Special Treatment Facility licensed by the Department of Health. They would have a use permit to be able to operate a facility, a Treatment Facility for Youth; and I'm not sure how we might want to look at that issue.

YUEN: No, they're applying for a type of facility that does require a Department of Health permit, so the permit would not be in effect. There are things that you can do, no -. They built, say, they start a, they build a house, they're running a facility, they have a license, the license gets pulled, then they can't run the facility anymore. If we hear, and either the County Planning Department or the Department of Health can say, "You're running an unlicensed facility," and they're in violation of both. Now, they still have a building out there. There are certain things that they can do with the building that don't require a Department of Health permit and don't require a County, that don't require a Special Permit. So they can do those things, or they could have somebody live in the building, for example. But they could not run a -.

ALAMEDA: Right, right. So they could potentially, like some of the examples will be rent it out, things of that nature?

YUEN: Yeah, they could rent it out. There's a, the size of the building, you can, you know, you have a limit of five unrelated persons in a dwelling, so you can't make it a complete boarding house. The size of the building makes it physically possible to do that. But, by the same token, if they came in for a building permit for a large house, and that's what they came in for, then they could get the building permit for it.

ALAMEDA: The reason I asked is 'cause I used to work for the Department of Health and we used to screen applications such as this. And if you look at the definition for a Special Treatment Facility, you know, in the application that's provided, you'll see

that it's counter to what the Applicant is proposing for it to be used. So like, and if I could read that statement, if I may, Chair?

GALDONES: Proceed.

ALAMEDA: It says, "We can included in this application the desire to operate a Special Treatment Facility because our program is voluntary and deals only with high functioning compliant students." You know, I mean, that statement already, Special Treatment Facility from my purview is really for those youngsters who are not high-functioning and who are non-compliant. So just at kind of at the get-go, I can tell you that this is very unlikely that if they go with that reason, they won't get a license by the Department of Health, under the definition of a Special Treatment Facility. Special Treatment Facilities are those for a non-compliant, low-functioning, substance abuse, mentally challenged, disabled. So, it's kind of for the Applicant to be aware of that. You don't want to waste your time, yeah?

GALDONES: Perhaps, Commissioner Alameda, when the Applicant comes forward you could raise that with them.

ALAMEDA: Sure.

YUEN: Let me ask you this. If somebody set up a Special Treatment Facility that required that the participants be voluntarily there and not involuntarily committed, is that against the rules?

ALAMEDA: I think they could be voluntarily committed, so that wouldn't be against the rules. It's just the whole purpose of a Special Treatment Facility. 'Cause the purpose, there is a, I guess the philosophy in the Department of Health is that youngsters shouldn't be raised in facilities, they should be raised in communities, in families. And the only time a youngster should be put in a facility is if we've exhausted those prior options. And, so, that's why Special Treatment Facilities are really for those very highly restrictive types of placements. It's a residential placement almost. So it goes counter to Department of Health's, I guess, philosophy of keeping kids in families and not letting them be raised in a program.

YUEN: Okay. Let's talk about it with the Applicant when they come up.

SIRACUSA: It looks like we've got a conflicting definition of terms between the Applicant and the Department of Health here; and, I don't know, it's raising some red flags for me. But I have nothing else to say about that at this time until we have a chance to talk to the Applicant.

GALDONES: Further questions or discussions with Jeff on the application? Seeing none, is the Applicant or its representative present with us today? Could you please come forward? Could you please raise your right hand? Do you swear or affirm to tell the truth on this matter now before the Hawai'i County Planning Commission?

MCKINNEY: I do.

KAISER: I do.

GALDONES: Could you please state your name, your residence address and speak into the microphone so we can get you recorded, please, sir.

MCKINNEY: My name is Mike McKinney. I'm the president/co-owner of Pacific Quest; and my address is 96-1168 Kamani Street in Pahala.

KAISER: My name is Chris Kaiser and I live at 95-1120 in Naalehu, Puahala Place in Naalehu.

GALDONES: Okay. Gentlemen, have you folks received a copy of the Background Report and the Recommendation?

MCKINNEY: Yes, we do have a copy of the Recommendation, yes.

GALDONES: Do you have any comments on those documents?

MCKINNEY: No.

GALDONES: Commissioners, any questions of the Applicants? Commissioner Siracusa?

SIRACUSA: Yes. I'd like if you would both give us a brief rundown on your professional credentials to run a facility like this and, also, then, your, maybe your comments regarding Commissioner Alameda's notation of the discrepancy in definitions here.

MCKINNEY: Sure, sure. Well, Chris and I have both, and I'll let him speak for himself but we've been in this industry for six or seven years on the mainland and worked for a number of different programs, whether residential treatment centers or where people call wilderness programs, worked as mentors, in a lot of different capacities. I've worked in the field, quite a bit, I've also worked in management as well. I think one of the reasons why we want to be licensed by the Department of Health is that we want to have a lot of people on our staff that have amazing credentials, and we want to be regulated.

The State of Hawai'i doesn't really have anything in between. And where I look at the Department of Health and where it's, when they talk about Special Treatment Facilities, I don't look at the definition as a student profile. This is the type of, I look at it as how are we regulated, how do we have checks and balances, how do we hold these programs accountable? Because I've been in this industry for a long time and I've seen bad programs. A lot of them try and fly under the radar. A lot of them will get a house and

call it something else. We want to be regulated, we want people to come out. We want an opportunity for the public to come forth and give their impressions. Because, you know, working with kids, you know, whether they're extremely oppositional or a just a little oppositional, you know, it does affect the community, we think in a positive way. You know, we know that these kids are out there. We're looking to help them.

Throughout my career, I've seen very punitive programs, I've seen lockdown programs. And, to me, that doesn't reach internal motivations that students really need in order to have long-term success. Most of these programs are very behavioral-based, very short-sighted where they whip the kids into shape. You know, I agree the facilities often are our last resort.

We are kind of running, this is a working organic farm and residential treatment facility which, like I said, really are, the way we're looking at it is we will be regulated, we will be, we can have a Ph.D. overseeing clinical aspects. We will have, you know, all the departments regulating us, making sure that we're doing the right thing. We want to be a family for these kids who are having difficulties. We are shorter term, we can do short-term and long-term. We'd like to be able to do a month or two months for kids who are just kind of going in that direction. We'd also like to be able to spend up to a year with a student that needs, you know, a little bit more work.

We're not in this for the money. Chris and I are Pacific Quest. We have a passion for working with these kids. We have kind of developed our own way of modeling personal responsibility, working with these kids as mentors, not as people who are going to tell them what to do on how they should fit in. Many of these kids are very, very bright.

We also want to have a very stringent screening process where if you do have students that really have clinical diagnosis, this program won't be appropriate. Now, I'm sure there's a, and we've been discussing that with the Department of Health. You know, I'm not sure, if you look at the documents, you're going to see what we are. But we wanted to err on the side of being as regulated as possible, because I think we could probably do something like this and call it something else. But I do want to work with the best possible staff. I do want to do this above board and make sure that everyone feels comfortable, because I think that the community of Ka'u has a need for this, other surrounding areas, neighboring islands. We also want to operate it on a sliding scale. These programs are expensive to run, but we would like to be able to subsidize especially in our community of Ka'u because it really isn't a well-off community for the most part. And I think a lot of the kids that need help, we will be able to provide scholarships for them.

KAISER: I'm the elder but I'm the less talkative one so -. My experience over the past 7-1/2 – 8 years has been working with primarily adolescents in, at-risk adolescents, adjudicated in residential facilities, wilderness programs, foster homes, child care homes, those kinds of places. My experience has all been in the field or with the kids. I'm not a therapist, I'm not a manager, I pretty much work with kids. I think that pretty much is all my experience. But, yeah -.

GALDONES: Commissioner Siracusa.

SIRACUSA: Thank you. I have a follow-up question in that how would kids be referred to your program and are you going to focus on local youth?

MCKINNEY: Well, like I said, it is expensive to operate these programs. In order for us to get the license from the Department of Health, we will have to build the facility, we will have to have our employees in place. So the costs are still a bit up in the air. We work with a number of referring professionals from the mainland, from other islands. We're relatively new to the Big Island. And since a lot of this is contingent just upon the Planning Commission, we haven't gone out shaking hands and saying, "Hey, we've a facility." There's obviously a need for that. You know, as I said, I think what we will, as we become legitimate, I think we'll reach out more to our own community and it will be very easy to find students locally. And, as I said, I have lots of relationships with referring professionals, as well as lots of families that I've worked with in the past that really have appreciated it. There's a lot of word of mouth in this industry. So it comes from a number of different areas, but we will certainly be working with the local community.

KAISER: Yeah, County government as well and social workers. I mean, there's a whole list of referring sources that we would basically go out and introduce ourselves to, so that they could send the appropriate people to us.

SIRACUSA: My concern is knowing how many young people really need help in lots of different ways to, in some way, assure ourselves that it's not going to be, that your facility is not going to be filled with youth, troubled youth from the mainland, when we have so many here and they wouldn't be able to access a facility like this.

MCKINNEY: Sure. Once again, I think there's a bottom line, and we have to bring in money. So we very well may have some people from the mainland. But, really, what that will, money will do, it will be on a sliding scale. We certainly wouldn't subsidize anyone from the mainland to come out here. We would like to use their money, if needed, to subsidize the students here.

I think the other thing, too, that I'd like to address is that, you know, a 16-bed facility is not going to change -. But we would like to bring into this community our expertise and help the community, also, establish kind of a community-based mentoring program, you know. And we have a lot of different areas that we work in and, that work well with kids and, so, trying to get the local community involved as well and have them really be a part of, whether it's Pacific Quest or we help design something that's more broad-based. And maybe it's not residential but maybe it's a program where mentors take kids out and, etc., etc., so that -. You know, we really emphasize the community to our kids, to our staff and, so, we want to be there and be a resource.

KAISER: And I think the working farm enables us to do that because it becomes a facility that can be used by not only the people that are staying there but others as well.

MCKINNEY: Or maybe not used but, you know, we grow organic fruits and vegetables and, you know, for the stuff that we don't use we'd like to be able to give back to the community. We've already started affiliating with other farmers in the area where we can do service projects and show the kids how different farms work, and provide a bit of vocational skills, etc.

GALDONES: Commissioner McCall?

MCCALL: Sure. The question about, in your background information, you note that you've been, it says that you've been in touch with all your surrounding neighbors as required by this application and all have expressed their support for your program. So you're saying that all the people, Randal Cabral, John Cross, Al Galimba, have all sent you letters of support? May I see the letters or -?

KAISER: No. I've spoken to Mr. Galimba and Mr. Cabral, Mr. Cross.

MCCALL: And they've all expressed their support?

KAISER: Yeah.

MCCALL: I mean, this is a very small community. I live in Ka'u. I'm -.

KAISER: Mr. Cabral may not have. I don't know, let's -.

MCCALL: Okay. Mr. Cross is sitting right behind you. Mr. Galimba was talked to last week. Are you sure that they have expressed their support for you?

KAISER: Yes. I've spoken with them personally. I've met Mr. Cross before in his office. He said he was excited about it. We talked about trail maintenance and other service projects. He volunteered to be a networker as far as his contacts in the area. I saw Mr. Galimba at the Ace Hardware in Naalehu two weeks ago. He asked me how things were going, I mean -.

MCKINNEY: I think one of things we're just finding is, as, are the hearing information got, people have kind of come out that we're not aware of and -. You know, we'll be happy to talk to anybody, but I just don't know everyone. So, I am, I mean, obviously, I know Mr. Cross is in here, too, so I think -. Part of my concern is that the data that kind of gets out to these guys is very, you know, we're operating a Special Treatment Facility, there's no background, there's no, you know, we're running a farm. Mr. Silva's letter mentions that, you know. So, I think there's a lot of, there have been more discussions since a lot of times when spoke with these people -. So, I'm certainly

not going to vouch for where they stand right now. But as of, you know, we spoke to all the people that -.

KAISER: Actually, now I remember Mr. Cabral, when I went to his office, Mr. McCall, Randy Cabral said that he, we took a look at the map and he was listed on the property tax web site as being, I can't remember it was a lessee of an adjoining property. And then when I went in there and we spent time looking at the map, he said, in fact, that that was an error and that he was not a lessee of an adjoining property, or I can't remember what it was, but it didn't apply to him. So that's where Mr. Cabral stood.

MCCALL: Okay.

MCKINNEY: So, as I said, I can't vouch for everyone's support. But before we even sent out the first round of letters, we went around and spoke with everyone; and if it wasn't, "Hey, guys, this is great," it was, "I don't care."

MCCALL: I think that's a little different, it's a little different from what your background says, though. It says that all your neighbors expressed their support.

MCKINNEY: Well, and I understand that; but I think the support of at least, I'm not, you know, sound, I don't think anyone really argues with working with kids. If that's misleading, I apologize.

GALDONES: Commissioner Alameda?

ALAMEDA: Aloha, again. I wanted to just read and then, read you the definition on Special Treatment Facility and then tell me how, 'cause I'm just trying to think, you know, how to be helpful to you so that you don't spin your wheels. And it's a documentation, I guess, you provided. It says, "Special Treatment Facility means a facility which provides a therapeutic residential program for care, diagnosis and treatment or rehabilitation services for socially or emotionally-distressed persons, mentally ill persons, person suffering from substance abuse, and developmentally disabled persons." And the reason I bring it up is 'cause if you go back to your original kind of background information, and I'll read it again that, "We have included in this application the desire to operate as a Special Treatment Facility because while our program is voluntary and deals only with high-functioning, compliant students," and then it continues, it's just not fitting that definition. So what's your thoughts on that? Go ahead.

MCKINNEY: Well, I think the socially or emotionally-distressed would probably be the area that would be most similar. I mean, that's a very subjective thing, you know, as we do an intake process. There are, there's lot of paperwork, there's interviews -.

ALAMEDA: Right.

MCKINNEY: There's reviewing of any kind of testing going on. So, you know, these students are not referred, they're referred to us for a reason. Now, whether they

have a clinical diagnosis of oppositional defiance or not, it's, you know, they're having difficulty in school. You know, you can tell from a more non-clinical subjective point of view that this kid is going down the wrong road.

ALAMEDA: I guess it's the term "high-functioning." It's "voluntary and deals only with high-functioning" -. To me, high-functioning encompasses of, you know -.

MCKINNEY: I think it's high-functioning in the scope of the kids that are usually going to special treatments so -.

ALAMEDA: Academically, like maybe they get good grades but they still kind of naughty or -?

MCKINNEY: Well, we find mostly kids that we're working with, and within kind of this framework and the idea, is they're bright kids, they're just getting mixed up for whatever reason.

ALAMEDA: Right, right. 'Cause I think you mentioned earlier about Ka`u needing, you know, some resources; and the resources really is for those low-functioning, non-compliant youngsters out there. The high-functioning kids, you know, they pretty much from my own inkling they're going to be okay 'cause they got support and there's a reason why they're high-functioning. But it's those other kids that I kind of worry about.

MCKINNEY: Well, and I guess it's those kids that don't have the support, you know, that can -. And like I said, it's, I've worked and seen a lot of kids that really are bright and get it but they get lost for whatever reason, whether they have a great family or a bad family. Adoption issues really tend to be a big thing that, you know, while maybe not super clinical, it really affects kids and their happiness, their health, their productivity, their impact on the community. So you're absolutely right, I mean, there needs to be more facilities that deal with low-functioning students.

ALAMEDA: So what would your guys' plans be then if you don't get that special license from Department of Health? Just curious.

MCKINNEY: We'll probably be an organic working farm. I mean, that's, as you guys were kind of asking, this, to us, is contingent upon getting -. This is the first step and then we get the license. So if we don't get the license, it really is, in my mind, kind of moot. We're not going to operate a, you know, a Special Treatment, Unlicensed Special Treatment Facility. And, you know, there are language in here, penalties, etc., etc.

ALAMEDA: Right, right. Okay. Thank you.

GALDONES: Further questions or comments to the Applicants? Commissioner Graham?

GRAHAM: Maybe I could ask this to Jeff as much, in our Background Report, where on page 3 it has floral, fauna, archaeological resources, it says that DLNR State Historic Preservation issued a no-effect letter believing there are no historic properties present because of intense cultivation. I know this letter we got here today indicates that there's a good chance of archaeological significance on this parcel. So we don't have a copy of the State Historic Preservation Division "no-effect letter," and I'm wondering if you have any further information or if the Applicant has any further information -.

MCKINNEY: I have a copy of that letter; and, also, I just received this letter from Mr. Silva a little while ago, maybe 30 minutes ago. But as I read it and in our discussions with Mr. Cross, the area in question is not our property, it's near our property. And Mr. Cross had expressed a concern that maybe a septic system might get a leak in there. You know, we certainly, and we wrote him a letter back saying that we would do everything we can to, you know, make sure that doesn't happen. And, frankly, if it's a concern, we are, I'd happy to move the facility away from that, the actual building. But I do have a copy of the -.

GRAHAM: Do you know if the State Historic Preservation people actually came and did a site visit, or they're just doing this from paperwork or something?

MCKINNEY: Not to my knowledge, no; and we don't even know where that site is. Yeah, as I said, I think it's off our property; and last we heard it's been dumped, covered up with sticks and trash, and -.

GRAHAM: Thank you.

GALDONES: Commissioner McCall?

MCCALL: Well, I guess, my question, I think we probably, looks like we're going to have some testimony about this anyway. But my understanding on this property, the lower portion of it, it was sugar cane land. The upper portion of it is big old eucalyptus trees. It hasn't, as far as I know it has never been cleared. Most probably I'm assuming that's old kuleana, a kuleana parcel. I would think that at the very least we need to get an archaeologist out there to look at it before we approve anything because there's -. You know, I don't know if there's rock walls, probably gravesites, probably, you know, a number of other things. And I would also, I would like to make sure that the Waiubata Cave is protected. I think it's, this is a very important resource that needs to be protected; and, to tell the truth, I don't particularly want to see a building this big, you know, 50 feet. I've been to Waiubata Cave half a dozen years ago. I know it's real close to this property. I mean, if it's 50 feet from it, I'm not sure I really want troubled kids roaming around there. The general idea on petroglyphs and, I mean, we have our resident expert here, but the idea is to keep this as low key as possible to protect them.

MCKINNEY: Well, I mean, absolutely; and, first of all, we'll never have kids roaming around. You know, we are, it's very organized and structured. But, absolutely.

I mean, you know, we contacted these guy. I was not aware of it, you know, the need to do any more than go along with what was required. I'd be happy to have -.

MCCALL: Yeah. On your letter that you contacted them, it looks, did you, it sounds to me like you said that this was all sugar cane land and had been previously bulldozed, or previously cleared.

MCKINNEY: I don't recall the exact letter. I believe I just said we're applying for this Special Permit on this particular TMK and we're asking for a -.

KAISER: Yeah, and the first that we heard about that place was when I met with Mr. Cross and he mentioned the existence of it just makai of our property boundary. I hadn't been able to find it but if he'd been there, I mean, other than the fact that it was all covered up -. So at the time we wrote the letter, we weren't aware of, that there was anything on or near our property -.

MCCALL: Yeah. My concern, of course, is for the mauka half of your property that I think an archaeologist would need to come out there and take a look at it before -. Because I think there's, you know, even besides the Waiubata Cave, I think we need to look at what else is on the property before we allow clearing and stuff.

GALDONES: Jeff, in Condition No. 4, on No. 3, would that take care of the concern that's being raised by Commissioner McCall and, also, in the letter from Mr. Silva in reference to petroglyphs?

DARROW: It could. But, again, as we were mentioning earlier, we're depending solely on the Applicant regarding, you know, finding any unidentified sites. It appears that, at this point, there are sites in the area possibly, that are, you know, they're being identified; and we might want to look at taking a further step.

GALDONES: So the second sentence was, speaks of subsequent work proceeding with the archaeological clearance, would be after they have identified the objects. Commissioner McCall, are you okay with that language or are you advocating proposing a much stronger language that the study be done before anything occurs?

MCCALL: I would, my recommendation would be, my thoughts would be, as I say is done, say, like the Kona parcels and stuff where, you know, that we get before anything is done, before we issue a permit that an archaeologist comes in and takes a look at it. And then after the archaeologist has given his okay or shown what parcels or what portions need to be preserved, then something like, like No. 3, then could come into effect for anything that is found afterwards. But I think, in my opinion, we need to do an archaeological study before any permits are -. That would be my preference.

GALDONES: Mr. Yuen, could this be considered a sensitive area that a condition be placed upon the application?

YUEN: Yeah, based on what I'm hearing, this is the sort of thing where we normally would have some kind of archaeological study accompany the application. Our standard practice is that we require an archaeological study unless they get this "no-effect letter" from State Historic Preservation Division. Unfortunately, and they're usually, I'm amazed at the amount of good work that they do with the staffing that they have, and they're usually pretty reliable about this. But it looks like they may have thought that the whole site was cultivated. They will often issue these, they will usually issue "no-effect" letters when it has been in sugar cane cultivation, other kinds of active farming, or there has been a house there before, those kinds of things, and the ground has been completely disturbed. I don't think that, I don't know that they would issue this letter where the site had not been previously disturbed.

GALDONES: I see. Okay. Commissioner Springer?

SPRINGER: So would it be possible for us to request an archaeological survey before we continue on with this application, which is what I think Commissioner McCall is leading us towards in his discussion?

YUEN: Well, it's up to the Commission how they want to handle this. But we could, you could either do it, you could do that or you could do it subject to, you could approve subject to the work being done.

GALDONES: Commissioner Graham?

GRAHAM: My sense, we're doing a lot of talk without having heard from the public yet, which is probably our mistake, but my sense is that there's a lot of premature things to this. It feels a little bit like a chicken and an egg. If you guys can get this permit then you got something substantial to go back to the community with and, you know, get some support, and get some licensed folks to work with you, and all like that. But, on the other side, we're kind of, I'm sort of at least sitting here thinking I'd like a show on that you guys are a viable entity that's already done that work in the community before we do this. So my sense is for that reason, as well as archaeological reason, it's kind of premature for us to be granting a permit at this time.

MCKINNEY: Well, if I can address that. I think that the Department of Health, and Mr. Alameda maybe you know better than I do, but we are required to have these people and these positions. Now whether that's Chris or me being the program director or the clinical director, I mean that, it's required to have that kind of professional staff. We obviously have the experience. But what they do is kind of look at the nuts and bolts of, you know, okay, you obviously have the credentials to operate a program like this. And that's really why we're going this route, so that we are, so that everyone can feel comfortable that that will be addressed. But I can't hire all these people when the facility is two years down the road.

GRAHAM: Yeah, but, I mean, my sense is not one of hiring but it's the sense of you having a couple of people that have done this kind of work in Hawai'i that will

come in here with you and say, “These guys will put together a program and I will assist them and,” you know, da de la la la, something that makes me a lot more comfortable about where it’s going than where you’re at at this point. That’s all.

MCKINNEY: Right. And that’s why I think that’s the area the Department of Health really makes that determination, are you guys qualified to operate this. Whereas, to my understanding this Commission is, is this an appropriate use of this land.

KAISER: Yeah, the license, your procedure with the Department of Health is, as you can attest to, a pretty rigorous process. They’re not giving out Special Treatment Facility licenses without a lot of paperwork and proof.

ALAMEDA: Chair? And just to make it for the record, I’m not speaking on behalf of Department of Health. It’s just my experience in working with them, with the Child & Adolescent Mental Health Division, which is probably where you’re going to have to go to. It’s going to require more than an evidence of staff. You’re going to have to determine who your target population is going to be. And then if it’s going to be high-functioning and compliant individuals, it’s very unlikely it’s going to fly. So it’s going to be revamping of mission statement almost.

MCKINNEY: Well, and once again, I think it would be, you know, if we, we have been speaking with them but in very loose terms because it is the chicken and the egg. It has been difficult for us. You know, but, in fact, what we need is to change the language of it and take out high-functioning. We are still going to screen our kids and take the right kids for the right program, I mean, that’s obviously very important.

KAISER: One other issue is that I believe, and I don’t know exactly where in the Department of Health license your requirements is that we have, that we’re, that it’s, the zoning is, in effect, that we can do that there. So I think what we’re, if you can enforce the things, we’re going to go to them, and they’re going to say, well, when you get the Planning Commission to say it’s okay, then come back and -.

MCKINNEY: Yeah, we would have, I would have preferred to go to them first and make sure that we can get that. ‘Cause we have to build the facility before they will even look at us. And the Department, you know, with the food service, and there are so many, I mean, you’re right, Mr. Alameda, it’s a lot more than just your staff. It is, you know, you have documents this thick -.

KAISER: Policies and procedures -.

MCKINNEY: Talking to all that.

KAISER: So we are kind of in between the chicken and the egg.

YUEN: Can I just -. Can I just jump in for, with a couple of comments on what we’re hearing. And this is, first of all, on the licensing situation, there’s a level of

facility or program that you can have that's like this that doesn't need a license; and I'm not, it's, and probably Commissioner Alameda knows a lot more about this than I do. All I can say is that the line is a little vague as to what needs a license. Let me give an example. If I have a friend who's having trouble with their teenage, teenager, and I say, "Why don't you have him stay with me for a couple of months and I'll see if I can straighten him out," and even if there's an exchange of money for that, like they paid a thousand dollars a month for it, I don't need a license to do that. They take him in a home, you have this kid in your home and you don't need a license. And there are programs, there are unlicensed types of programs, that get people, their parents were exactly in this situation, typically the child will be very troubled but not meet the kind of thing that gets you a health insurance, for example. It's not at a level that'll get a placement to something like Kahi Mohala where you're placed, where you're actually placed and then your health insurance covers it, or the State will cover it if you're on Medicaid, or something like that; but the parent is not able to deal with the kid. There are lots of, there are programs like that that are unlicensed. All right? And it's, but at a certain point, I don't know where it is, you need to get a license; and when you're a Special Treatment Facility, you need to get a license. All right?

So what they're proposing to do is a licensed facility by the Department of Health. If they came in with an unlicensed facility, they would still need, if they wanted to do one of these programs but not be licensed, they would still need a Special Permit to do it in the Ag District. Once you get past having the number of people that you could have at a house, just as a house, like the example that I gave earlier, that would be me, my wife and one other, and one other unrelated person in our house, and I don't need any kind of permit to do that. But once, if they'd come in with an unlicensed program, they would still need a Special Permit to do it, but they would not have needed this Department of Health license.

As a Department, and on our side in making a recommendation, we would be more concerned with the type of program, the people who are running it, the kind of person that was there, the security, all those kinds of issues, because there isn't anybody else who's really looking at it as an unlicensed program.

Now what we're looking at and what gives us a degree of comfort is that they're proposing to be a licensed program. The Department of Health has a set of rules; and the Department of Health will periodically check to make sure that they're following the licensing. Now that's one point on this question of licensing. And what they're saying is correct, they do need the Special Permit to get the license. They need the Department of Health to issue the licenses, they're going to need a site where they can do it. So we do come first in that process.

The other point I'd like to make is I'm hearing you folks using the high-functioning in two different senses. When they say high-functioning they're not talking about you go into a regular class in high school and you take the best, the best top half of the class as high-functioning. They're talking about the people who are at the bottom, the kids who are definitely having some kind of trouble who may have, they have significant

behavioral problems, there's some significant, or possibly substance abuse. I don't know if that's specifically their take on it. But within that group of people the more high-functioning, the more high-functioning types within that group. Am I understanding you correctly?

MCKINNEY: Yes.

YUEN: Okay. So they're not talking about, and there are programs that deal, that take kids who are, there are youth programs that are designed for kids that are maybe leaders in high school and model students, and they're designed to give them an even extra boost. That's not your program?

MCKINNEY: We're not that.

YUEN: Their program is for troubled kids but the higher functioning group within those troubled kids.

ALAMEDA: The only issue with that is compliance. See, you know, when they say high-functioning compliant kids, a troubled kid and a compliant kid or behaviorally-challenged kid and a compliant kid, I mean, that's two sides of the coin. How can you be compliant and yet be a behavioral problem?

MCKINNEY: Well, there are so many kids who are very internalized. They shut down, they stay in the room, they don't do, they don't interact with anyone -.

ALAMEDA: Right, right.

MCKINNEY: I mean, so, to me -.

ALAMEDA: So, yes, so you're not talking about the behaviorally acting out, kind of external acting out? You're talking like what Director Yuen was talking -?

MCKINNEY: Yeah, we're not talking about the kids that are like running away, or being unsafe, or -.

ALAMEDA: You're talking internalized, you're talking like depression -?

MCKINNEY: Right.

ALAMEDA: You're talking those kids who are more kind of reserved?

MCKINNEY: Yes. And there is always -.

ALAMEDA: So, yeah, if you kind of frame it like that, you might get a better chance, I think; and, again, I'm not speaking for Department of Health.

MCKINNEY: Well, and we were trying to make this as user-friendly as possible. 'Cause I knew we were not dealing with the Department of Health, so to use a lot of clinical terminology -. I was trying to kind of and I guess I didn't do a very good job, but try to give you guys a sense of the type of kid that we're taking.

ALAMEDA: And my only thing is, you know, just, like call a spade a spade if it's going to be used for a Special Treatment Facility for youngsters who are indeed troubled. But then I still have issue with that 'cause you mentioned compliance in there, or behaviorally-challenged, or the top of the bottom, you know, if it's for that then let it be known that it's for that; and if, but if it's not -. Then that's why I asked you, what is your Plan B? If it's going to be a farm dwelling then just tell us it's going to be a farm dwelling, you know, or whatever.

MCKINNEY: No, well, the program is a -.

GALDONES: Gentlemen -.

MCKINNEY: Oh, I'm sorry.

GALDONES: Gentlemen, may I intercede here? Mr. McKinney, you are correct. You're trying to make it as user-friendly as possible in making this presentation to the Commissioners. And, perhaps, we are taking, I'm allowing it to go into a direction that we probably should not be going into too much discussion, which is regulating the clinical aspect of it. In the conditions, there is Condition No. 4 which speaks of rules and regulations of the Department of Health that you need to comply with. The Commission's responsibility is to decide whether your use is permitted for the land that you want to use it for; and probably that's where we need to bring the focus back into. In terms of the Department of Health, that is something you're going to have to deal with; and it's part of the condition that you have to comply with that also. Okay?

However, in the statement that was made by Commissioner McCall, then, Commissioners, I think we seriously need to consider that, whether the archaeological study needs to be done prior to any kind of work being done. And, so, perhaps in the, when the motion is made or something, that we need to take a look at whether that would be a condition that we should include in it. Okay? Are there any further questions? We have beaten up these two gentlemen enough, maybe we need to give them a rest.

MCCALL: We still have public testimony.

GALDONES: Yes, I will proceed with that. If there's no further questions of the Applicants, we have a gentleman from the public who have signed up, which is Jeff Silva. Is there any other individual who wishes to testify besides Jeff Silva? Is Jeff Silva in the house? Jeff? Gentlemen, could you allow him a seat there? You don't have to go back, but you can sit there. Mr. Cross, you will be making a presentation, too?

CROSS: Yes.

GALDONES: Okay. Why don't you just come forward, sit next to Mr. Silva. Any other individual wishing to testify on this subject matter?

Gentlemen, may I have you raise your right hand, please, to swear you in. Do you swear or affirm to tell the truth on this matter now before the Hawai'i County Planning Commission?

SILVA: Yes, I do.

CROSS: Yes.

GALDONES: Mr. Silva, could you please state your name and residence address?

SILVA: My name is Jeff Silva. I live in Wood Valley, Ka'u.

GALDONES: Mr. Cross?

CROSS: John Cross. I'm with C. Brewer & Company; and I live in Hakalau.

GALDONES: Okay. Mr. Silva, would you like to present your testimony?

SILVA: Yes, first, thank you, thank you very much for taking your time on this issue. I would also like to point out that I own parcels approximately three-quarters of a mile Pahala side of their property. And before I, I'm actually going to read this letter just to have it on the record. But I just want to point out, you were discussing the road earlier, that Kaalaiki Road. The Naalehu side of that road is very rough in many places, it's dirt, there's a large crossing. I do know that John is going to testify so possibly he can answer that question, whether the gulch repair has been completed or is in progress. But I do know that ranchers who live in Naalehu drive from Naalehu to Pahala, and then take Kaalaiki Road from Pahala all the way back to the area where they're planning this. So there is an issue where they are going to continue to use that, use the road between Pahala and their property, because that is the smoothest and easier route.

GALDONES: Mr. Silva, could you care to go up to the map and show us what exactly you're trying to tell us?

SILVA: Sure. Okay. Naalehu is here, Pahala is probably somewhere over here. Pahala is approximately 10 miles from their property. Naalehu is about 4-1/2 by the Kaalaiki Road. The Kaalaiki Road is a rough dirt gravel road, all the way from the cemetery at the back of Naalehu. And it comes up through a real serious gulch crossing, which I'm not sure if that crossing has been repaired, but it was pretty dicey last time I went through it about three months ago, continues up on a dirt road, and then turns to a paved road. Probably, I don't know the distance there but it's probably about a mile of paved road before their property. By paved, yes, it's paved but it's pretty badly potholed.

It's used by cattle trucks, heavy trucks, trucks carrying gravel to maintain the roads, Macnut trucks, you know, harvesting equipment. So this road is not exactly smooth; and that actually continues all the way to Pahala in that state. There are numerous crossings which were damaged in the 2000 flood, all along this area of Kaalaiki Road, all the way to Pahala. And actually C. Brewer has repaired a lot of those just recently; but, you know, the likelihood of them continuing to repair that is pretty slim, seeing as how they're almost done in Ka'u.

On this map it's very difficult to see, but my parcels are right here; and that's just about three quarters of a mile from their parcels. Does that clarify well enough?

GALDONES: Thank you, Mr. Silva. Mr. Silva, do you have anything else that you would like to present to the Commissioners?

SILVA: Is it necessary that I place this in the oral testimony or will you accept this as written testimony?

GALDONES: We have accepted it. You have presented it to the Commissioners and we have accepted that into the record.

SILVA: Okay. There's one other thing I would like the Commission to consider, is the possibility that if there is indeed a liability issue for people on that road, that every person or entity that owns a parcel adjoining the road be notified of the progress in this case.

GALDONES: Mr. Silva, your property, where you mentioned it to us is about three quarters of a mile from the campsite. They will be crossing through your property if they are coming through Pahala?

SILVA: Yes, it will cross through two of my parcels. Both parcels have some land above and below the road, so they would cross over two parcels.

GALDONES: Access through Naalehu, if they access through there they would not cross your property at all?

SILVA: That is correct.

GALDONES: Thank you. Commissioners, do you folks have any questions of Mr. Silva? Commissioner Springer?

SPRINGER: Question. You mentioned this Waiubata Cave?

SILVA: Yes.

SPRINGER: So it's a named site that's known in the community?

SILVA: It's a named site known in the community, yes.

SPRINGER: And is it associated with, what kind of name is Waibata? Is that Japanese, or Hawaiian, or -?

SILVA: I have no idea.

SPRINGER: Or Japonified Hawaiian? I don't know. And it contains petroglyphs. Are there any other known attributes regarding that cave or associated, sites associated with it towards their property?

SILVA: To my understanding, I've never been there, but it is 50 to a 100 feet makai of their boundary line. It is very close. As I mentioned, in my letter to the committee, that it is very close to the boundary between the Honuapo and Hiona`a ahupua`a, and that possibly indicates that that's an important archaeological area for me. The Applicants also referred to, that there was some trash in the mouth of the tunnel or the cave; and that has been attributed to someone who's doing some bulldozing and didn't know that it was there and pushed some material into a low spot, and it has partially entered the cave. It's not completely blocked off but it is partially in the cave; and that's, from what I've heard of people who have been there and visited the site.

SPRINGER: Thank you.

GALDONES: Commissioner Siracusa?

SIRACUSA: Is the parcel fenced at all, either the one on which this property we're talking about here or the parcel on which the Waiubata Cave is?

SILVA: To my knowledge, there's no fencing on the lower part of that parcel. The Applicants will be better qualified to answered that.

MCKINNEY: There is some fencing but it's really not within our property lines.

SIRACUSA: I was wondering if the concern about young people going across the boundary line and accessing the cave might be mitigated by fencing.

MCKINNEY: And we would be happy to do anything like that. I mean, our program philosophy really is a connection and respect for the land. And, so, it's by no means our intent to disturb any kind of sites; and that's why I'll also be happy to have people come on the mauka side and look.

GALDONES: Seeing no further questions of Mr. Silva, Mr. Cross?

CROSS: C. Brewer is actively filling all of its land assets in the area; and adjoining the two, the parcel, the subject parcel, we have two TMKs that are being sold to others, one to a Mr. Ed Olson and another to Chris Manfredi. I just want to let you

know in that regard, when I received the letters from the Applicant, I forwarded those letters to those buyers. It is more appropriate for those people who are going to be the owners of those lands to make comments on the Applicant's use of their parcels rather than C. Brewer, who is in weeks away from not being an owner of the land.

My main reason for being here is regarding some of the comments that were made, or I want to know what's happening with Kaalaiki Road, because Kaalaiki Road is, in our opinion, a government road. And as Mr. Silva stated, the Naalehu side is definitely not paved, it's not improved and it's a bumpy, nasty road; and we're not going to be around to maintain it anymore. The bridge collapsed, and the bridge exists on County government land; and I'm not about to repair a bridge on government land.

So we've done repairs to a crossing, but on our own land, so we can bypass that bridge. But we get into that whole thing again, is that Kaalaiki Road is government and then at times it's private. I think our County needs to step up and make this a government road and maintain this road as a government road, and provide services to all the landowners that adjoin Kaalaiki Road.

GALDONES: Mr. Cross, I'm not going to talk about the road. But in terms of archaeological sites and petroglyphs, the areas in there were once farmed as sugar cane land?

CROSS: Okay. Mauka portion has pretty much always been out of cane, never been in cane. There's probably eucalyptus trees 50, 80 years old up there. Makai side of Kaalaiki Road, at one time was in cane. Probably about 1940s it got removed from cane because of shallow soil, and it got turned over to the ranch, Hawaiian Ranch.

So the jog in that property appears to have been done to include Waiubata Cave because it's -. You see that wide part, below there where the facility is going to be? Straight down below that, yeah, right about there, that's the cave. And if you've seen these books, Kwiatkowski, and all these petroglyph books, one of, this is, it has been photographed, and that's the one with the long fingers, the enigma, petroglyphs. That's the cave. So it's a very significant cave. There's Maakaau cave is on Honuapo, on the Naalehu side, but probably three quarters mile away. There's a lot of caves in the area. But, you know, I think there's ways that you can protect the cave or make it a feature. I don't know, but it is important.

GALDONES: Thank you. Commissioners, any questions of Mr. Cross?

YUEN: I have a couple questions on the cave. How far does it go? How far in does the cave go?

CROSS: Two hundred feet.

YUEN: Is there any projection mauka under this property that you know of? Does it only go makai from this property?

CROSS: It's collapsed on the mauka side, probably just before their property. When you get in the cave, you'll stand up, you can walk. And, you know, the pahoehoe sides, that's all glazed, that's where all the petroglyphs are. As you walk up, you can feel air coming through the cracks in the cave, mauka, but then it's collapsed. So I don't know where it goes beyond that. Certainly it goes up, up I don't know where.

YUEN: So if somebody dug a cesspool there, that would be, it possibly could deposit into a, an extension of the cave, quite possibly.

CROSS: If I had any concern over this project, it was voiced to Chris about that, specifically. When he sent me the, your, their plan and I saw where the septic tank was, that's the first thing that came in mind. I was very concerned about that.

YUEN: You know any reason why the mauka side was not in cane?

CROSS: Total rock. It's very poor, poor soil.

YUEN: I asked Norman to go over and look at my, our -. Let me just look at something here and then I'll -. If the other Commissioners have any other questions -. I want to look at the map and, on the roads, the government road question.

GALDONES: Mr. McKinney?

MCKINNEY: I, we would be happy to move the building. I mean, if there's any concern at all about destroying a cave, even one that's collapsed, I mean, I think what I would like to do is move the building quite a bit to the west, maybe kind of, if I may, just go up here. I think maybe around here might be a more appropriate location so that we're as -.

NOMURA: Microphone.

MCKINNEY: I'm sorry. So we're as far away from that area as possible.

KAISER: We had originally picked that part 'cause it was the furthest down away from the road, before we knew about the cave. So that made the most sense to have it away from the road so there wasn't a visual impact, you know, people driving by and stuff like that.

MCKINNEY: And so many things are contingent upon people getting in and looking at things, and what's going to be the best way, the septic guys and the water guys, and all that kind of stuff.

GALDONES: Mr. McKinney, in reference to the road that Mr. Cross spoke about, if the road is in that condition, then that is, your plan is to use that road access

through Naalehu. How do you plan to improve that so that accessibility would be something much more desirable than it is?

MCKINNEY: Well, Chris has been driving that road just about every day for the last year. We have all 4-wheel drive vehicles, we probably have a couple of Suburbans, so that we could go over anything we needed to. It's confusing, this, the whole road and who owns what. Our property goes across the road. According to the last C. Brewer survey map that we saw, and I based our site plan on that map, but that wash is repaired; and I know Mr. Cross said it's on his property. I'm not sure what all the residents up there are going to do. I mean, I'm not, I don't, I understand there's some liability issue. As a Special Treatment Facility, we're going to have lots of liability insurance, there's all that kind of stuff. But I just wonder, I assume this is a topic that every person that owns a piece of property has to deal with, going through other people's property. And I assume we're all going to come to some kind of agreement that we're all going to allow each other to go through each other's property, or else no one can get to their land.

KAISER: The condition of the road is, I would say, I would characterize it as fair. The gulch is repaired and it's a little bumpy, but it's not bad. I drive it almost every other day.

GALDONES: Being that this is a road in limbo and Mr. Cross says that it should be considered as a government road, we are not, if you're not successful in having it designated as a government road, are you prepared to do some repairs so that families of the children that you have there would be able to access it without a 4-wheel drive vehicle?

MCKINNEY: Yes. I mean, that's certainly something we'd be willing to consider. I mean, we're not a multi-million dollar organization where we can throw around tons of money. I mean, as I said, I think it's going to be the responsibility of all the property owners up there to kind of get together. If it's not government then there should be probably some homeowner's association. But, you know, we sent, we've got a letter from the Department of Public Works who have no objections to the request and did designate it as a government right-of-way. But we, certainly, will make it drivable -.

The other thing, too, is we're not going to have a lot of traffic up there. Families don't just get to come whenever they want and visit their children. You know, a lot of the kids we get, there's family dynamic issues, too, so -. And that was one of the concerns raised by Mr. Silva, was the amount of traffic, and we would be very limited in that respect.

KAISER: Yeah. We're not, the, our clients or students are not leaving the facility everyday and driving down. And, so, we're talking about maybe two or three staff people to and from each day, so pretty minimal compared to what's already up there on the road.

GALDONES: Mr. Silva?

SILVA: Thank you. I don't know, it doesn't seem like it's even being addressed. But in my letter it's mostly concerning emergency issues, okay, and, sorry, they're not coming from Naalehu in a big hurry. Okay? They're not. They're not coming in a big hurry, neither Police, neither Fire. Any emergency services, if they're coming from Naalehu, it's going to take time. And what the County is talking about potentially approving is basically accepting that they're going to rescue or help those people in the time of an emergency. And with that road issue from either direction, that is an issue; and I would like that to be addressed. Thank you.

GALDONES: Mr. Yuen?

YUEN: Can I ask Mr. Silva a question? Mr. Silva?

SILVA: Yes.

YUEN: Chris Yuen right here.

SILVA: Where? I'm sorry. I'm like where is that coming from?

YUEN: From above. What's your tax map key number?

SILVA: It's 9-5-15:3, 4, oh, geez, 3, 4, 5, 10. And 13?

PUBLIC: It's 14.

SILVA: It's 14, 10 and 14, I believe. I can point them out on the TMK map if -.

YUEN: The, there -.

SILVA: There's a little grouping of seven parcels; and I own five of the seven.

YUEN: Yes. Okay. You're in the small parcels, relatively small parcels on the Pahala side of this property?

SILVA: Correct.

YUEN: Yeah. Just for edification of the Commissioners, if I can describe what my understanding is the situation of Kaalaiki Road as best as I can. There is a, there's a continuous government road shown on the tax maps from Naalehu, and eventually it gets over to Pahala. On the Naalehu side, and at least as far as where Mr. Silva's property is, and I believe even to the Pahala side, that the road that's on the ground is at least close to where the road is on the tax maps, the government road is on the tax maps. The County does have a disagreement with C. Brewer as to the status of a section of road between, on the Pahala side of this section of road, as to whether what

people drive and call Kaalaiki Road is the same as the government road shown on the tax maps.

GALDONES: Mr. Silva?

YUEN: And just to, on the question, roads in limbo, we've talked about it before here in the Planning Commission. The end result of the roads in limbo is going to be that the County will be accepting jurisdiction over the, over roads that are clearly government roads. They're not private roads and we'll accept that they're County rather than State. However, there are roads that exist out there that are not government roads that are canefield roads; and the County is not going to accept those. That's where the, I think there is still a difference where we are not convinced -. I know that C. Brewer has submitted a map and submitted documentation to try to get the County to accept this particular route of Kaalaiki Road as being a government road and, hence, a County road; and we haven't accepted that for at least a portion of it. That portion does not affect their access on the Naalehu side.

GALDONES: Commissioner McCall?

MCCALL: A question to the Applicants. Is there a particular reason why you have chosen this property for your facility? Seems to me that it would be better suited on, perhaps, on a real government road, perhaps a little closer to, you know, to civilization and -.

MCKINNEY: Well, I mean, there's a balance. I think there are a lot of people, I think anyone applying for this kind of permit or license, I think there's always someone that doesn't want troubled kids near them. So we tried to pick a place that was rural, away from, you know, a big population, yet -. Pahala has a hospital. We've, there's a lot of infrastructure nearby. You know, so that's ultimately why we picked it. It was a good piece of land that suited our needs in terms of size. We really wanted to incorporate the farming aspect; and so that's why we chose it.

If I could just address the emergency services. To me, it seems like we're very close to emergency services as opposed to, you know, you can keep going out, out and out, and the nearest hospital is far, far away. You know, as part of the licensing, you know, there's going to have to be evacuation procedures, and this and that.

You know, we also work with private organizations. We're really looking at the highest standards. One of the things is I won't rely on an ambulance coming to take a student away that hurt himself. We will have vehicles that will get him or her to an appropriate place. I don't, you know, my understanding is the hospital does have emergency care. We're spoken with Dr. Carol Wilder who lives in Pahala and is a physician there, and she has agreed to be a resource to us, if there is some after-hour crisis or anything like that. So we've really done the best that we can. And we're in very early stages but we will continue to make sure that, you know, that we are prepared for absolutely any kind of contingency.

GALDONES: Commissioner Springer?

SPRINGER: I have some, that was my question about evacuation and if you would have vehicles or a proposal in place in that event. May I ask a question of Mr. Cross or Mr. Silva?

GALDONES: Proceed.

SPRINGER: Mr. Silva, in your letter you mentioned fire. Is fire something that occurs in that region?

SILVA: Fires do occur on, you know, what, you know, regularity can't be said; but they do move pretty quickly there, especially if the winds are up.

SPRINGER: And I suppose that if there were a facility in place, the County Fire Department would be responsible for responding to that and might need to move in a manner more quickly than now given the population and the, how dispersed the folks are in Ag land. I guess that would just be a concern to me about a fire management plan.

MCKINNEY: And they've addressed us, you know, in a letter saying, you know, this is what you would need to have and these kinds of requirements so that we could address -. And once again, I mean, I don't think we're going to be any more likely than anyone else up there to start a fire. You know, we will have our, we're certainly not going to let all the children burn up. We would evacuate. And, so, we are going to have contingencies for fire, for you name it. And that's where the Department of Health is pretty, you know, that's part of the licensing requirement, is to go over all of those things and have those bases covered.

SPRINGER: Thanks.

MCKINNEY: Sure.

GALDONES: Commissioners, further questions of Mr. Cross or Mr. Silva? Gentlemen, you may be excused. Thank you.

SILVA: Thank you.

GALDONES: Mr. McKinney and Mr. Kaiser, do you have any further statements that you would like to present to the Commissioners?

MCKINNEY: I'd just like to thank you all for your time. I wish this was more concrete. I wish I could give you all the answers that you want. Like I said, we've really tried to have other departments utilize their staff and their administration to help put you all at ease, that these things will be addressed.

KAISER: Yeah, thank you. I would just add to that sentiment that the licensing procedure from the Department of Health is really a rigorous thing and that all these administrations are things that we would need to comply with in order to get that. Thank you.

MCKINNEY: If I could just say one more thing, too. To Mr. Silva, you know, I appreciate your concerns and we really do want to be part of this community and have people's input; and it has been difficult to kind of find those people that may have concerns and address them but we really do want to work to make sure, you know, our liability is covered and caves are preserved, etc.

GALDONES: Commissioners, any further questions of the Applicants? Hearing none, Commissioners, the Department recommends that the Planning Commission approve the application with the conditions as stated. However, concerns raised by Commissioner McCall possibly is something that we would like to address further in the conditions. What are the wishes of the Commissioners? Commissioner McCall?

MCCALL: Yeah, at this point in time, I am uncomfortable with approving a Special Permit like this. I would like to see, I guess my preference, I'd like to see what the other Commissioners -, but my preference would be to defer action on this until an archaeologist comes out there, takes a look at it and brings us a, you know, a proper report of what's out there. I don't know what the rest of the Commissioners feel but -.

GALDONES: Commissioner McCall, if that is your, the concern that you have, instead of holding it up, perhaps, you know, I recommend that you include that as part of the condition, that an archaeological study be made and it be approved before anything is done there, instead of holding, instead of deferring the application till the study is made. Would you be comfortable with that approach instead?

MCCALL: To be truthful, at this point, I'm not. Because I think there's a potential for enough stuff there that may make this property unusable for their use; and, I mean, I just don't know what's all there. I think between the Waiubata Cave next door and potential stuff on it, I would like to see an archaeologist report before we approve a Special Permit, rather than have a Special Permit approved and then, you know, and then they're twiddling their thumbs saying, you know, "What are we going to do with this building we just put up when we can't -?"

GALDONES: Mr. Yuen, what would be your, the procedure proper in trying to address Commissioner McCall's concerns?

YUEN: There are several alternatives. One is the Commission can defer the application, ask them to have an archaeologist look at the property. What we would, if you want to defer it completely until the archaeological report is done, what would happen is that they would have an archaeologist look at the property -. The archaeologist may do a quick look and request; and if there isn't anything on the site, he can re-request a "no-effect" letter from State Historic Preservation. If there is something, if there are

sites on the property, then there isn't really an in-between in the process. Then you go into a full archaeological inventory report which then has to be approved by Historic Preservation; and then if there are sites that need to be preserved, then you have a preservation plan. That's one alternative. That does mean, it could mean a short deferment while the archaeologist, they'd have to get an archaeologist here, the archaeologist will have to look at it. If the archaeologist didn't find anything then he would submit a second "no-effect" request to SHPD, and then they could be back here.

We would still have the cave to deal with. The typical, typically, that's not considered their responsibility being off-site. The Commission can put in conditions to protect it even though it's off-site. But as far as SHPD, I believe they would not, they would ask the archaeologist to look at the possibility that there's some cave entrance and that there's some site, you know, extending onto their property. But if the entire cave and the petroglyphs are off their property, they won't make them do anything about it. Okay, so that's what the deferral option is. All right?

The "subject to" option is that you can approve this, subject to there being this archaeological work done. It wouldn't involve their possibly putting up the building before finding out all this archaeological work, but it would be, because it would -. If you wanted to go that route, we would word the condition so that there wouldn't be any actual development or site disturbance of the property before the archaeological work had been done. And then we would, then, it would be as I described before; and if there were sites and they had to be preserved -, the typical thing is that the sites are preserved with buffers around them.

I noticed from their site plan that their primary, that on the mauka side, which is apparently the undisturbed site, they have organic gardening; whereas, on the makai side is where they actually want to do the building. So if there were, assuming that it's scattered sites, the typical thing that will happen is that there would be preservation sites, and there'll be a buffer around it; and that if you were going to garden or disturb, you would have to do it away from those sites. It wouldn't usually be a, unless there's something like there's a heiau there, or some other large kind of site or complex of sites, or a village site, it wouldn't be something that would be the, the whole area would be a "no-touch" area. So those are the, that would be what would happen.

So, at this point, it's up to the Commission. I agree that we should, from what you've said and what we've heard, we should definitely do something. It's the Commission's choice as to either way. I would be comfortable with either way.

Normally, we do want to see the archaeological study done before we bring it to you. In this case we had the "no-effect" letter in hand, and so we did bring it forward to the Commission.

On the, the protection of the cave is a tricky one. Facility or not, the cave can be vandalized. If you tell the kids don't go in there, that may be the worst thing to do. I don't know physically if it's possible. People have different philosophies of these things

as far as how to handle them. I don't like barriers myself, but there have been caves that have been closed off. I don't know if that's physically possible in this case or not. But we, on the side of there being physical damage to the cave or leaching from the septic tank, that I'm sure can be handled by the design and the location of the septic system.

GALDONES: Commissioner McCall.

MCCALL: Just a question. If the archaeologist, he would come and, part of my concern is -. You know, when I went and visited the cave, it was, you know, before this property was broken off, in fact, my lines that I used to find the cave were the trees, I believe, that is either part of this property or whatever. So, in my mind, the cave is on this property, it may not be. And I don't know whether a proper survey has been done but I would like to have, at the very least, you know, have the archaeologist make sure that this cave, if it is 50 feet off the property or just, you know, part of, in my mind, I'm not sure that it is off the property.

YUEN: Yeah, and that's a very good point. Whichever way the Commission goes, we should definitely have an archaeologist look at this before there's any disturbance on the site. The archaeologist would be responsible for locating the property lines and locating the cave in relation to those property lines; and I would expect that we should have some protective condition. How we actually handle that, I don't know. It depends, we can expect more of the Applicant if it's on their property than off their property, though.

GALDONES: Commissioner Graham?

GRAHAM: I just wanted to say I'm certainly in favor that we defer this and not just because the archaeology, at this point, given all the concerns, like the road concerns, given the fact that we don't have licensed professionals into this project already. I'm certainly not expecting that you have your Department of Health permit already. But I don't like the idea of granting a Special Permit that's still, to me, highly speculative in that we attach a lot of conditions so that if all these conditions were met, they can do it, but that we don't really have, you know, high expectations that all these conditions will be met. I'd rather wait till we're at the point where we have high expectations, in other words, they've done a lot more of the groundwork to begin with before I would feel comfortable voting in favor of a Special Permit. So, to me, it feels quite premature still. And I wouldn't want to load up a Special Permit or word it with lots of conditions which may or may not be able to be met. I'd rather just wait until we know we've got something that can fly with a relatively good level of certainty, and then go for it. Thank you.

GALDONES: There were three concerns that were being raised: One is the archaeological study, the other is the road and, also, the staffing that you had mentioned. If we decide that we are going to defer this, then in fairness to the Applicants the things that concern us should be raised with them. So when it comes back before us, these issues will be addressed, instead of having to defer it again. It wouldn't be fair to them if

we would do that to them. So if there are any others, I think that we should raise them with the Applicants if the choice is to defer that. Okay?

GRAHAM: Sure. And my sense about the community was not that they have staffing in place but that there be community involvement saying that we support this, and there'd be some licensed people that come forth and say this is a good project, and the specifics that Commissioner Alameda brought out are kind of addressed. Like this is the way we think it will work, and all of that kind of stuff, I feel like needs to be a lot farther down the path than what it is right now. That's my personal opinion.

GALDONES: Okay. Commissioner Springer?

SPRINGER: I concur with the previous speakers; and thank you for reminding us in giving direction to the Applicants of the concerns that we have so it's very clear what's on the table for discussion. While the Applicant had indicated that their background was obvious, it's not obvious from the material that we received. So deeper discussion of qualifications might be in order, perhaps discussion of the curriculum. But I would concur with a deferral, but being very specific as to what our concerns are.

GALDONES: Mr. McKinney, you wanted to address that?

MCKINNEY: Well, I just wanted to address the staffing issue. It's my impression that that is what the Department of Health is going to oversee. That's why we're seeking this permit. So if they regulate us and they make sure we have the qualified people, and that this, they grant a license that, you know, that we've proved not just the curriculum and the staff, but all the hundreds of things that we have to do, I'm just not sure if this is the right forum to, you know, discuss staffing.

GALDONES: But I think what you're hearing, Mr. McKinney, is the Commissioners want to establish some comfort level, if they can have a better view of the total picture that would help them in making their decision. I don't think that they are making that, it's just my opinion, making that your requirement in making their decision, but a better bird's eye view would help definitely.

MCKINNEY: Sure, sure. I would be happy to provide that to you.

ALAMEDA: Chair?

GALDONES: Commissioner Alameda?

ALAMEDA: And, again, in tagging along, just things to be aware of next time is probably, I'm interested in getting some community kind of input on whether or not, a kind of how they feel towards a Special Treatment Facility, but with the definition the Department of Health uses. So if you share the term with them, you know, we want to erect a Special Treatment Facility and then they'd ask, well, what does that consist of? Then you'd want to share with them what the definition the Department of Health has,

rather than, you know, your own conceptualization of that. This is kind of my thing 'cause then, you know, when we get community input back, then I'll decide. I feel kind of confident that the community, like we're defining Special Treatment Facility in the same way.

MCKINNEY: I understand.

GALDONES: Commissioner Siracusa?

SIRACUSA: Yes. In line with what Commissioner Springer was saying about our wanting some assurance about the degree of competency, I'm not sure if she was referring strictly to staffing. I think it sort of goes back to my original question about track record; and you said you had so many years of this and that, and that, and that. But you never actually stated what university you went to, what, you know, degrees you got, what facilities you worked at, that sort of thing; and I think that is sort of the information that one would find on the resume. And I would like to suggest that you both, when you come back to us, come with a complete resume with that sort of information so that we can be assured that at least the two people who are spearheading this project have the level of competency to know what they're doing, and am able to hire the proper staffing and deal correctly with the Department of Health, and everything else that that entails. And I would, I, for one, would appreciate seeing a nice, you know, proper resume with nothing, not the vague stuff but, I mean, specifics; and I would really appreciate that.

MCKINNEY: Sure.

YUEN: I'd like to make a little comment here on the Commission. I understand the feelings of the Commission and the things that they're expressing. We have to always be cautious, though, that our permits are based on the suitability of the property for the project that's presented. Always keep in mind that the, that all of these permits are transferable. They run with the land. They are not tied to the individuals who are the applicants. So do not count on the particular, it's not a question of the qualifications of the particular individuals who are applying to you. Again, in this case, we are dealing with a program that will ultimately, by the conditions of the permit, be regulated by the Department of Health. But always keep in mind when you have an application, don't grant it on the basis of who is the applicant in front of you, because they can transfer this permit to another organization. For example, if we grant this permit to this group today under the conditions that we had here and they decided not to run the facility any longer, a completely different organization comes in but it's still licensed by the Department of Health and it's still running a Special Treatment Facility according to the guidelines of this permit, it doesn't matter to us as a Department or to the permit who is actually the one that's out there.

GALDONES: Thank you, Mr. Yuen. Commissioner Fujikawa.

FUJIKAWA: Mr. Director, it's the same process with the B&B, right?

YUEN: B&B's, rezonings, commercial projects, they're all not, they're all impersonal in that sense.

FUJIKAWA: Right.

MCCALL: Maybe -.

GALDONES: Commissioner McCall, you're prepared to make a motion?

MCCALL: Sorry, yeah. Well, maybe just one comment first to the Director. I do, I understand completely what you're saying, I guess. And, perhaps, maybe part of my feeling here is when I looked at their plan here, I looked, you know, it was called a Special Treatment Facility, but I looked at it and said, you know, "Sure looks like a 10-bedroom bed and breakfast, or a youth hostel, or something like that." And the truth is if we give a Special Permit to them for a Special Treatment Facility and they're not able, no offense, you know, not able to get Department of Health approval, it, we are going to find our hands tied behind our back. And it's going to be very hard not to give them approval as a bed and breakfast, or something else on this facility. And, so, part of what I'm looking at is, is this size and type of facility, not necessarily Special Treatment Facility, is this an appropriate use of this land? So -.

GALDONES: So with that said.

MCCALL: With that said, I'd like to make a motion that we defer, let's see -. In the matter of this Special Permit application (04-012) for Pacific Quest Corporation, I'd like to make a motion that we defer action on this item until they -.

GALDONES: Archaeological study -.

MCCALL: Until an archeological study is prepared, and I think we've also, we've talked about some other things, but primarily the archaeological study.

GALDONES: Okay. Do I have a second?

SPRINGER: Second, and discussion.

GALDONES: The motion made by Commissioner McCall, seconded by Commissioner Springer, that Pacific Quest Corporation's Special Permit Application No. 04-012 be deferred till such time that the archaeological study be made and the report submitted for the Commissioners' consideration. And in the application that will be brought forth to the Commissioners it will also include some of the things that were addressed in the discussions by the Commissioners that would be relevant. Because Mr. Yuen mentioned that there are certain things that is not relevant to our consideration. Discussion?

SPRINGER: So in that regard, and thank you, Director Yuen, for that reminder about the nature of the permit and the relationship of the applicant to the Planning Commission. But the issue of the roadways, if that's something specific that we can get a better handle on -.

GALDONES: If that is also the purview of the Planning Commission, then that was the request that was submitted by Commissioner Graham, that that be part of the report that would come back before the Commissioners. Commissioner Fujikawa?

FUJIKAWA: So that was the, is it something like the Applicant to come down with something about maintenance agreement with the neighbors of the roadway?

GALDONES: I believe the concerns raised or the sentiments raised by the Commissioners is to get some public response to their project.

SPRINGER: But I think in clarity with regard to responsibility for the road, whether it's County government or the neighborhood, the landowners adjacent to it.

GALDONES: Yes. Any further discussion? Hearing none, Jeff?

DARROW: I have a quick question. The road issue, you wanted that submitted by the Applicants or by the Department, clarification on the road issue?

GALDONES: I think there are two aspects of them. One is the road is in limbo, the other is the condition of the, the accessibility of the road. And if that is the purview of the Planning Commission, then if something to that effect could be submitted. If it's not the purview of the Planning Commission, then that should not be part of the requirement for their report back to the Commissioners.

TORIGOE: Well, I'm sorry.

GALDONES: One moment.

TORIGOE: I just want to clarify what it is exactly you're asking again. Number one, the archaeological study or some kind of archaeological review to be submitted to you? The roadway issue, again, are you asking the Applicants then to try to address whatever issues arose in today's hearing and then to report on their response to that? And, thirdly, there was an issue of more generalized public responses, you want to have the Applicant make another effort to let their neighbors know the nature of this particular proposed project, as Commissioner Alameda was referring to the Department of Health's definition of this type of facility? And then there was another issue as to whether you wanted to have more of the professional background reported to you? And as the Planning Director has noted you have to be careful not to make a decision based on the particular qualifications of these applicants. I think I would also add, though, that you do need to gather enough information so you have an idea what the nature of the facility

is like or it would be so you can gauge the impacts on the neighbors. Does that about cover it?

GALDONES: I believe it does, Mr. Torigoe.

MCKINNEY: I'm still a little confused about the roads.

GALDONES: Mr. McKinney?

MCKINNEY: You know, I asked the Department of Public Works and they gave a response. It seems like if anyone can figure it out, C. Brewer could; and they can't. I'm not sure how -.

FUJIKAWA: I have a question.

GALDONES: Commissioner Fujikawa?

FUJIKAWA: When you purchased the land, what did your deed say, on access to your property?

MCKINNEY: It said, all it said is we have to provide an easement, and I believe that's 40 feet on each side of our, of the road in order to allow the road -.

FUJIKAWA: They described the road?

MCKINNEY: They described it as Kaalaiki Road. There are so many maps with so many different views of where the road goes. Like I said, the best map that we could find is represented as such where there's actually two pieces of our land that the road goes through. I just don't know how I'm going to be able to resolve that. I mean, I can certainly try and do my best, but, you know -.

GALDONES: Commissioner Fujikawa?

FUJIKAWA: I think the road issue is very important for them to handle before they present it to us.

GALDONES: Yeah, but I think what Mr. McKinney is saying, what is exactly do you folks want him to report back to us, in what form and what fashion. It makes no sense making him go out on a wild goose chase and we decide it's not what we're looking for. So I think he's looking for some guidance what we're looking for.

FUJIKAWA: I'm afraid to -.

YUEN: I think on the County side, we can give you a definitive statement of what the County considers to be a government right-of-way for the Kaalaiki Road, and to determine definitively that it at least goes to their property from the Naalehu side.

GALDONES: Commissioner Graham?

GRAHAM: Yeah, I know I've been speaking to the road issue; and I'm not trying to imply there's any little, I'm not trying to imply the road has to be of a certain quality in order for this application to be acceptable. But I would like you folks to be able to present to us the road is in this condition in this area, access will be at a, you know, along a certain way. In event of flooding, this is how these kinds of washouts would be handled. It is expected so much time is going to take to get here and there. All the little issues, if you can just lay it out. And then everybody that's involved, whether it's C. Brewer or the County, can say, "Yeah, that's the way we understand it, too." Then we have a piece of hard-fast information. We can say, "Well, that's okay," or "That's just too messed up, we don't think it's okay." But we just don't have anything clear like that to go on at this point.

MCKINNEY: So it's more of the actual access, not the legal issue of who owns what and what? It's can we get to and from -?

GRAHAM: That's more my concern -.

MCKINNEY: Okay.

GRAHAM: I don't know about other Commissioners.

KAISER: And photographs, or some video, or something to help that -?

GRAHAM: I don't think you need to do all that, as long as you can give us a clear representation of how the access is now and how it's likely be in the future after floods and stuff like that, and get the other parties to know about it to say, "Yeah, that's right." Then at least we can go forward, 'cause we feel like we know. Thank you.

GALDONES: Mr. McKinney, Mr. Kaiser, you have a clear idea of what the -?

MCKINNEY: Relatively clear, yes.

GALDONES: Okay, as clear as can be. Okay. Further discussions, Commissioners?

DARROW: Could I ask the Director a quick question, just so, you know, I can get this clarified. You had mentioned from Naalehu to the subject property is considered government road but beyond that to Pahala is unclear?

YUEN: There's a certain point that we're not convinced that what people are using on the ground as Kalaiki Road is the same as the government roads that are on the maps and that are actually government roads.

DARROW: Okay. Just for clarification, I happened to drive recently from Naalehu to Pahala, it is a better road from the subject property to Pahala. So it's just whether or not, I mean, are we saying no access from Pahala to the subject property? I mean, you're actually saying they're going to have to access from Naalehu?

YUEN: When I look at this application, the thing that I look at is do they have legal access and physical access in the same place. I was satisfied that they had that from the Naalehu side. I am not sure that they have that from the Pahala side.

DARROW: Okay. But we wouldn't restrict them to be, to not be able to go to the Pahala side?

YUEN: No.

DARROW: Okay. Thank you.

GALDONES: Mr. Darrow? Are we prepared? We're ready for the vote.

DARROW: Commissioner McCall?

MCCALL: Aye.

DARROW: Commissioner Springer?

SPRINGER: Yes.

DARROW: Commissioner Alameda?

ALAMEDA: Aye.

DARROW: Commissioner Fujikawa?

FUJIKAWA: Aye.

DARROW: Commissioner Graham?

GRAHAM: Aye.

DARROW: Commissioner Siracusa?

SIRACUSA: Aye.

DARROW: Commissioner Smith?

SMITH: Yes.

DARROW: And Mr. Chairman?

GALDONES: Aye.

DARROW: The motion passes for deferment.

GALDONES: Thank you, gentlemen.

The discussion ended at 4:10 p.m.

Respectfully submitted,

Sharon M. Nomura, Secretary