

January 27, 2016

STATE OF HAWAII
LAND USE COMMISSION
Dept of Business Economic Development & Tourism
P O Box 2359
Honolulu, Hawaii 96804
Attention: Mr. Daniel Orodener-Executive Officer

LAND USE COMMISSION
STATE OF HAWAII

2016 FEB -1 A 9:41

Subject: DR08-36 Ko'Olina Development, LLC

Dear Mr. Orodener,

I received your letter dated 1-22-16 regarding "What have the fishermen/boaters and Ko'Olina done in discussion since the meeting to seek the greater understanding".

In response to your question, after the hearing on 11-5-15 I went up to Curtis and Ken to make sure we schedule a meeting to discuss our concerns to bring this issue to a closure. They said they would email me a time a place for the meeting which we did hold on 11-24-15. I wrote minutes to this meeting which I distributed to core group of our committee (See Attached). At this meeting I asked Mr. Ben Matsubara if we would have a follow up meeting to continue the discussion and what the next step would be. As of the date of this letter, no contact or follow up was ever scheduled.

I look forward to our next meeting with the LUC committee to continue to voice our concerns.

Very Truly Yours

Creighton S Q Chang
Boater

Attachment

Cc: Warren Von Arnswaldt
Rodney Ajifu
Bert Saruwatari

Meeting Minutes 11/24/15

In attendance at this meeting were the following:

1. Ben Matsubara/Curtis Tabata-Matsubara-Kotake, Attorney's at Law
2. Ken Williams-Ko'Olina Community Association
3. Creighton Chang
4. Warren Von Arnswaldt
5. Rodney Ajifu

The meeting started out with Ken going over the rules regarding the information and rules and frequently asked questions regarding the use of the new boat ramp facility. All of the information is shown on their website at www.koolina.com. Once you get to their website you need to click on the Ko'Olina Marina, then scroll down to the Ko'Olina Boat Ramp section.

Once Ken's presentation was over we started with our concerns, the first being the Insurance requirements. We asked them to lower the requirements to \$300,000 BI/PD. Our justification was the amount of exposure the boaters have vs the moored boats there. After haggling with Ken Ben spoke up to summarize our request to lower the insurance requirements to \$300,000. He replied they will look into the matter. As part of the insurance requirement we asked why so many additional insured requirements are listed and who are they. Ko'Olina wants to push all liability on the boaters. We also requested they clarify the acronyms listed for additional insured. Rodney gave his experience as an insurance adjuster and requested from his insurance the additional insured requirement. He was told look elsewhere for that policy as they would not provide additional insured as requested. They will also look into this matter

Second on the list is vehicle and boat length. I started off by saying I guess this is a moot point since they allow large boats launching from their facility. They responded NO. I then showed them a picture of a boat with a triple-axle trailer and a full size truck attached to it. We did not measure the truck and trailer however it was well over 55' long. They kept on saying they built it to the C & C standards. It was explained that the requirements for the painted stalls had nothing to do with the size of boats using it. The

minimum stall painted length of 40 feet is a requirement however nowhere else in the state there is a requirement for the size of vehicle +trailer that to fit in that stall. Painted length does not equal vehicle + trailer length. Warren reiterated the fact that he wrote and told them the configuration as shown on their plans would not work however was told by them they had the engineers to do those calculations. Everywhere else in the state where there are painted stalls the trailer usually stick out which is ok. We asked them if it was their intent that they not allow boats larger than 18 feet to use their facility. They answered no. We then told them their engineers screwed up if they did not allow ample space for the larger boats. We gave them suggestions to extend the stalls to allow larger boats. They will look into revising this rule.

The third thing discussed was the fees. We proposed the tiered fee schedule were a boater can choose to pay a onetime fee or a yearly fee. We asked the parking fee be eliminated since no one else charges a parking fee. We suggested that the daily fee be revised to \$25.00/day and a yearly fee of \$125.00 be charged for boaters who may want to use the facility more often. A discussion on the parking fees was next and I tried to correct Curtis that no State facility charges parking fees to boaters as they mentioned at the LUC meeting. Curtis replies that he got the information on the DLNR website. We want all parking fees to be waived. After the meeting I did confirm with the Harbor Master and DLNR Engineer on Maui that there is a parking fee charged for vehicle parking but no parking fee or launch fee for the boaters as long as you have your ramp fee up to date. They also mentioned that the stalls for the boats had to be revised from the 40' length to 70' to accommodate the size of boats being launched there.

One of the things that Ben brought up was regarding who do we represent. We responded with: Rodney-9 fishermen, Warren-over 50 fishermen and myself- over 200 who signed my petition to represent them. He was very concerned that after all of this is done and agreed upon another group would come out to challenge them again. We told him that our group is a very large diverse group covering a substantial area unlike the previous negotiations with only the Waianae group. He was satisfied with that answer.

Regarding future fees, no guarantees.

Regarding grandfather clause for previous users. NO

Meeting ended around 10:10 am.

We asked Mr. Matsubara if there would be a meeting prior to the one with the LUC and he responded affirmative. As of 1/27/16 no future meeting is scheduled.

By: Creighton S Q Chang



