

## PC Committee

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**From:** Sybil Lopez <lopezs808@gmail.com>  
**Sent:** Thursday, July 20, 2017 2:31 PM  
**To:** PC Committee  
**Subject:** Testimony for PC-2 Molokai Community Plan Update 7/20/2017  
**Attachments:** SLopezTestimony7-20-2017.pdf

Aloha;

Attached is my written testimony.

Mahalo;

Sybil K Lopez

July 20, 2017

I am Sybil K Lopez, the Molokai Planner in the Current Division of the Maui County Planning Department. Today, I speak as a Concerned/Private Citizen/resident, born and raised on the island of Molokai.

#### INTRODUCTION

I would like to point out some concerns and recommendations that I want the Committee to strongly consider.

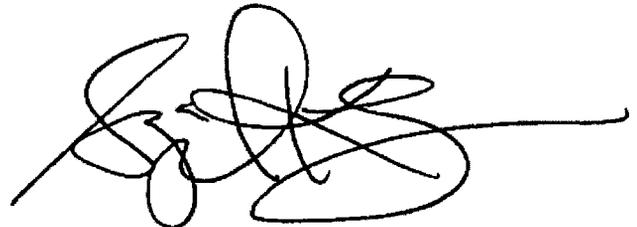
#### MAIN POINTS

1. STRH CAP discrepancy between the Resolution 17-74 and Molokai Community Plan 6.2.07:
  - a. The Resolution 17-74 was adopted by the Council on April 21, 2017 to put a cap of 40 STRH in three regions.
  - b. On May 26, 2017 the Planning Committee Chair King proposed revisions by including the MCP 6.2.07 to put a cap of 1 on East End, and 5 STRH as an action item within table 6.3 Housing Actions which derived from a March 24, 2016 testimony which was received at the Planning Committee meeting on July 6, 2017
  - c. STRH is a huge issue on Molokai and the Molokai Planning Commission will be revisiting the Resolution in next week's commission meeting. The MoPC minutes of 4/26/16 also reflect that the commission did not want to put a cap within the MCP.
  
2. APPENDIX 1.4, According to the final rules of practice and procedure DLNR Aha Moku Advisory Committee
  - a. Where it is currently positioned within the MCP (Chapter 1-page 7 and page 119), it disenfranchise and deprives the integrity of the historical essence and framework and debilitate the existence of the Aha Moku System.
  - b. The purpose of this part is to introduce the historical framework for the 'aha moku system; to restore the indigenous methodologies employed by ancient kupuna; to responsibly utilize the traditional knowledge and expertise of the committee serving that capacity; expressly convey the communication process, and recognition of a global leader integrating Indigenous resource management models.
    - i. It takes away the purpose and intent of the Aha Moku System, Section 2-1, as a historical framework rather than a legal framework.
  - c. By taking a closer look at the 8 realms of decision making, it reveals that the body of knowledge and intellect is a valuable resource to be respected, maintained, and managed properly. This is the knowledge of kahuna, kia'i aina and those of 'ike. The leaders who governed the people and managed the resources were actual practitioners, those who had gained a comprehensive and masterful understandings of the biological, physical, and spiritual aspects of the 'aina.
  - d. It depreciates the value and true essence of such 'ike, if placed within the MCP as such.
    - i. If not deleted from the Molokai Community Plan, the most appropriate place is 9.7.07 as a guided tool for a Native Hawaiian Cultural Expert on the Molokai Planning Commission in order to protect Native Hawaiian traditional and customary rights as a historical framework and unnecessary to provide the MoPC with training. The MoPC is not in a position to uphold such decision

making and it should be with the Native Hawaiian Cultural Expert on the MoPC. It is a kuleana, an embedded right and an innate responsibility.

**CONCLUSION: STRONGLY CONSIDER THE FOLLOWING:**

- ✓ **STRH CAP RESOLUTION 17-74 vs 6.2.07 discrepancy: To provide clear and concise direction; and to be consistent**
- ✓ **Aha Kiole o Molokai should be changed to "Community Groups" in the text and tables of the MCP in order to provide transparency for other special interest groups not stated and the development of future groups as well.**
- ✓ **IN ORDER TO BE MORE TRANSPARENT WITH THE MOLOKAI COMMUNITY, I STRONGLY CONSIDER to reconvene the CPAC to vet the following issues:**
  - **Chapter 10, Chapter 11, Chapter 12**
  - **Chapter 11-East End Policy Statement-There were three different versions of the EEPS and the confusion was what EEPS will be inserted within the Community Plan. The first two versions (1981 original, 2/25/16 version) had no clear community consensus throughout the MoPC and CPAC. While the final version by Malama Pono O Ka Aina, which is now revised and incorporated into the MCP, had no opportunity for any review by the Department, MoPC at the time and has never been seen by the CPAC. The final version was submitted to the MoPC at their final meeting, therefore**
  - **Appendices 3.2 and 3.3: As stated being developed by CPAC and community members to be reviewed and considered for inclusion.**
  - **SHOULD NOT ADOPT APPENDIX 1.4 as a LEGAL FRAMEWORK. Aside from Appendix 1.4 as a historical framework,**
    - **GIS Mapping Project, 2008, was a pilot project and pertains to only a portion of Mana'e, not the entire region. It will still need to be worked on to be considered for the entire region.**
    - **Traditional and customary practices of Mana'e, 2006 pertains to a fencing plan proposed by the East Molokai Watershed Partnership and not something that should embed a chapter in the MCP.**
    - **Traditional Land Use Overlay Designation: Neither of these documents contain specific guidance or proposed regulations for development that is not already covered in existing laws or policies within the MCP**
    - **I do commend those that worked hard to instill a cultural component regarding decision making and provide guidance within the MCP, however these framework, documents, and designation should be fully completed as guidance tools and a resource for a Native Hawaiian Cultural expert on the MoPC, not as policy and actions items within the MCP.**
  - **All the revisions made by the Committee TO DATE throughout the Molokai Community Plan:**
    - **Referring to March 24, 2016 MoPC minutes as inserts**
      - **Revisions made on page 56 regarding taxes on kuleana land owners should be deleted.**
- ✓ **WAIAHOLE 1 contested case hearing should not be located in Chapter 5. Economy. It has been taken out of context to reinterpret public trust doctrine that pertains to water use. It should be deleted or further vetted for importance.**

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