

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

November 16, 2018

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD AT THE KAUNAKAKAI ELEMENTARY SCHOOL CAFETERIA, 30 AILOA STREET, KAUNAKAKAI, HAWAII, ON FRIDAY, NOVEMBER 16, 2018, BEGINNING AT 5:03 P.M., WITH CHAIR MICHAEL B. WHITE PRESIDING.

CHAIR WHITE: This public hearing and, shall be, please come to order.

Mr. Clerk, please call the roll.

ROLL CALL

PRESENT: COUNCILMEMBERS ALIKA ATAY, ELEANORA COCHRAN, S. STACY CRIVELLO, G. RIKI HOKAMA, KELLY T. KING, YUKI LEI K. SUGIMURA, VICE-CHAIR ROBERT CARROLL, AND CHAIR MICHAEL B. WHITE.

EXCUSED: COUNCILMEMBER DONALD S. GUZMAN.

There were 30 members of the public in attendance.

COUNTY CLERK DENNIS A. MATEO: Mr. Chair, eight Members present, one excused. A quorum is present to conduct the business of the Council.

CHAIR WHITE: Thank you, Mr. Clerk. And we're very happy to be here on Molokai to convene this meeting.

And for opening remarks I'd like to call upon your own Member Stacy Crivello.

OPENING REMARKS

The opening remarks were offered by Councilmember S. Stacy Crivello.

CHAIR WHITE: Thank you very much for those thoughtful remarks.

Will you all please rise and join me in the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

The Members of the Council, and others in attendance, rose and recited the Pledge of Allegiance.

CHAIR WHITE: Thank you. And before we proceed with the agenda, if you could please turn your phones to silent mode so that we can maintain decorum.

Also, when I spoke earlier, I should have convened the Council meeting, not the public hearing. So, the public, the Council meeting is convened. And shortly, I will be convening the public hearing which was posted for 5 p.m., or thereafter at Kaunakakai Elementary School Cafeteria, Kaunakakai, Molokai. Public hearing will be held concurrently with the Council meeting.

The Office of Information Practices was previously consulted on this procedure and they stated that the order of business would be first to convene the Council meeting, then the public hearing, take public testimony on all items on both agendas, then close public testimony, close the public hearing, and continue with the Council meeting. OIP has stated that this procedure would be consistent with the Sunshine Law. So, with that, Mr. Clerk, let's proceed.

MINUTES

of the

PUBLIC HEARING HELD ON

THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, CONVENED A PUBLIC HEARING ON FRIDAY, NOVEMBER 16, 2018 AT 5:11 P.M., AT THE KAUNAKAKAI ELEMENTARY SCHOOL CAFETERIA, 30 AILOA STREET, KAUNAKAKAI, HAWAII, WITH CHAIR MICHAEL B. WHITE PRESIDING, FOR THE PURPOSE OF RECEIVING TESTIMONY ON A PROPOSED BILL ENTITLED:

"A BILL FOR AN ORDINANCE AMENDING SECTION 2.80B.070, MAUI COUNTY CODE, TO ADOPT THE UPDATED MOLOKA'I ISLAND COMMUNITY PLAN"

COUNTY CLERK: Mr. Chair, proceeding with public testimony.

CHAIR WHITE: You can just, the public hearing is convened.

COUNTY CLERK: Mr. Chair, proceeding with the presentation of testimony on public hearing and agenda items for the Council meeting. Individuals who wish to offer testimony please sign up at the table with Joyce.

CHAIR WHITE: Joyce, if you would raise your hand so everyone knows where to sign up.

COUNTY CLERK: And, pursuant to the Rules of the Council, each testifier is allowed to testify for up to three minutes with one minute to conclude if requested. And, when testifying, please state your name and the name of any organization you represent.

Mr. Chair, we have two individuals that have signed up to provide testimony. The first individual to testify this evening is Cora Caparida-Schnackenberg. To be followed by Kalei Moss.

TESTIMONY

MS. CORA CAPARIDA-SCHNACKENBERG:

Aloha Council. Both for the public and also forgive me for where, the way I'm dressed. I'm so sorry of my appearance. And thank God for bringing you folks safely.

After reading the agenda and the different, and the corrections made, there is just two things. I appreciate how this thing is revised. But two things that I wanted to indicate is `Aha Kiole, I'm totally opposing. They're involved, their authority in the actions as partners; I think it should be indicated as community groups. And I will, and so with that being said and I can elaborate that later.

The second thing that I'm against is the CBSFA because of the deception on how it's written. Community-Based Subsistence can indicate, including the DLNR involvement which infringes on the Hawaiian gathering rights, or it could be looked at as community-based information from the communities; but not necessarily with the DLNR piece. And that is the deception that I found in here.

So, with number one, I'd like to insert to remove, I am, I would like `Aha Kiole to be removed on these items, to be replaced with Community Groups, because there are a

lot of associations such as the Molokai Farm Bureau, the Molokai Chamber of Commerce, the West Molokai Association, the Molokai Filipino Community Council. These are only a few. So, my question to you is how did you determine `Aha Kiole when there's other organizations that have the same rights to be part of partnership?

So, with that being said, I'm asking to remove and to insert as follows: page 34, 3.1 through .08; page 35, 3.1.03 to .08; page 36, 3.1.09 through .11; page 37, 3.1 through .12 through .16; page 41, oh excuse me, cross that out; page 68, 5.1.01 through .06; page 69, .07 to .15; page 70, point, page 70, 5.16 to .17; page, page 83, 6.1.01 through .04; page 84, 6.1 to .05 to .07. Okay. I think I got it. There is a discrepancies `Aha Kiole had noted on page 172 about the Constitution, Article XI and also Article XII, they had quoted Section 1 to 7.

Now, they talk about, they talk about the gathering rights. But, further on they also talk about supporting the community-based subsistence fishing area. Now, it is, the community read this and they said, man this is kind of confusing. Yes, it is confusing. If they haven't, if they haven't kept up with the meetings, the informal meetings, our informal meetings, however you want to look at it, you know, they would be confused. And that is the deception, like I said. They need to clarify the DLNR involvement versus just the community-based involvement.

Also, I want to indicate this is how they confuse, where am I, how many minutes do I have?

COUNTY CLERK: Seconds.

MS. CAPERIDA-SCHNACKENBERG: My sec, my seconds. Okay. So, in closing, I want to say that, I want to say that we do have a plan, a planner, a Molokai planner. We need to utilize her. A lot of these things can easily be used by her. But what happened? You guys take her back two days on Maui and only three days here. So, I appreciate you listening. I'm here for the people. I'm not here for any personal gain or organization gain. Mahalo.

CHAIR WHITE: Do you have a copy of, of your list that you can provide to, provide to the--

MS. CAPERIDA-SCHNACKENBERG: I still . . . You have copies Aunty? You want this? Where do you want this?

CHAIR WHITE: And with the . . .

MS. CAPARIDA-SCHNACKENBERG: Please call me if you cannot understand--

CHAIR WHITE: Members, any questions for the testifier? Seeing none, thank you very much for being here this evening.

Mr. Clerk.

COUNTY CLERK: Next testifier is Kalei Moss, to be followed by Mahina Poepoe.

MS. KALEI MOSS:

Hi. My name is Kalei Moss. I was born and raised on Molokai. I went away for college, got married, and we decided to come back to raise a family. We, my husband and I, own a parcel of land in Kaunakakai Town. On our land we have a laundromat and other businesses. But, we are currently in the interim zoning. So, I am asking that, I'm supporting the passage and asking you to support the passage of the community plan, because right now our land being in interim it is going to cost us a lot of money to move forward and try to do anything to repair our buildings, anything.

And so, the land use designation that you talk about in the plan, I'm asking that you, that you pass it, so we can move forward, provide for our children. And we're just trying to make a living, but it's really difficult. The laundromat has been there since the 60's, so it's not like it's something new and something that probably should have been taken *[sic]* care of a long time ago, but it wasn't. So, I'm just asking for your, to pass this, to not stall it so that we can move forward. And, that's pretty much it. Thank you.

CHAIR WHITE: Thank you very much for your testimony.

Members, any questions for the testifier?

COUNCILMEMBER CRIVELLO: Thank you for being here. So, do you know what the old, the present plan from what we have now, aside from that area being interim, what kind of, what's in that community plan today?

MS. MOSS: Do I, oh, like, that it's single-family residential?

COUNCILMEMBER CRIVELLO: In, in the existing plan.

MS. MOSS: In the existing plan it's single-family residential, but zoned interim.

COUNCILMEMBER CRIVELLO: Interim. Okay. Thank you.

MS. MOSS: So, yes.

COUNCILMEMBER CRIVELLO: Thank you for being here. I appreciate it.

MS. MOSS: Thank you.

CHAIR WHITE: Thank you. Mr. Clerk.

COUNTY CLERK: Next testifier is Mahina Poepoe, to be followed by Bridget Mowat.

MS. MAHINA POEPOE:

Hi. I'm Mahina Poepoe. Before I start, can I just request my extra minute before I start? Cause I know I'm going to need them. Thank you for being here and for the years of work on this plan. It's been a long time. I thought I was going to come here and just say everything I thought that was wrong. But, I realize that I do like majority, majority of the plan I do support. So, I kind of want to talk about what I support in the plan. But, I'm going to talk about what I don't support.

First, I want to talk about the Lanai table, because that's really the only thing that, at this point, I'm opposed to, well, but I have to talk about that I'm opposed to. You know, I'm, I opposed it in the beginning and I just don't know how Envisioned Uses can be word for word the same as they are on Lanai. If it's about formatting, I think our original tables could be formatted in the same and it would come out being really similar, but not exactly the same which I think, I don't think it should be. Okay, that's that.

I support any community effort of protecting fisheries, nearshore fisheries environment to ensure the health of those systems and resultingly the ability for humans to continue subsisting and harvesting from those sources for generations to come. So, I do ask that you leave whatever remains of subsistence fishing area support in the plan, in the plan. It's unfair to condemn all potential future subsistence fishing areas anywhere on Molokai without even knowing what those proposals would be. They're all individually different and pertain to the specific needs of the area. There's just such a negative stigma attached to those letters, that it's just really unfortunate. So, I would just ask that you take it upon yourselves to validate the claims being made against it before making a decision. And, how it's written, "Encourage protection of coastline, valleys, fisheries from all commercial activities and support a process to establish community-based subsistence fishing areas." I, I think the only reason you wouldn't support it is because you want to commercially exploit one of those areas.

Now, for the more happier stuff. I am in strong support of traditional land use overlay and thank you for keeping it in there. I'm in strong support, at least, in West End Policy Statement. Please do not take them out. And, just, I'm not too keen, like sure if you guys want to add anything in at this point. But, I have to mention that at Kapukahehu or Dixie's on the west end, the erosion runoff sedimentation problem is really bad, and it's getting worse. And, I would ask you to consider adding a policy or action that is site specific to this area that would just support community led efforts to address that issue there.

COUNTY CLERK: Three minutes.

MS. POEPOE: Okay. I'm not going to need all four minutes. I'm almost done. That's pretty much it. I support leaving the `Aha Kiole as a partner. But you could also add, add to it other community groups. But, I believe in the `Aha Kiole and how it works. I think it's good to leave in. Thank you.

CHAIR WHITE: Thank you very much.

Members, any questions for the testifier?

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Aloha Mahina. Thank you for being here. So, when you say, I don't know what is the Lanai table. I know we said not to even identify it as the Lanai table when we were in discussion with Committee. So, we also have under the land use actions where we talk about identifying important subsistence use. Is that what, is that part of the matrix you're looking at also for our land use actions that you want us to just do away with, just all of that?

Two, couple questions I want to ask you if I may? CBSF, I heard at earlier testimony, and we've had variable job, the process, yay and nay. So, what are your thoughts on the, because you talk about subsistence, what are your thoughts on the identification of CBSFA?

MS. POEPOE: If I support the CBSFA? Yea, I do support it. And, I would support any community wanting to explore those types of designations. I think in this world in general it's going to be something that people are going to have to do in order to adopt and prolong their, their resource availability. I only say . . . the positive things.

And then the Lanai table, I only say Lanai table because it's just weird to call it that. I don't, okay.

COUNCILMEMBER KING: Oh, Mahina.

CHAIR WHITE: I'm sorry, Mahina, Ms. King has a question for you.

COUNCILMEMBER KING: Hi. Thank you for being here. I just wanted to ask you on the CBSFA, the language that we left in there, is there an understanding in the community that this is not something that the Council is going to be involved in actually implementing, because it's actually a DLNR, it's a State issue. So, we have really no say in it other than to, you know, support the community, talking to DLNR and coming up with a plan that's community based.

MS. POEPOE: I understand that. But, I still think it's nice to, like, have that support in there for people want to . . . for that.

COUNCILMEMBER KING: Okay. Yea, I just want to make it clear, it's not really an implementation action.

MS. POEPOE: I know.

COUNCILMEMBER KING: Because we're not, the Council is not going to do, or the County's not going to do anything. Thank you.

MS. POEPOE: I know that. Thank you.

CHAIR WHITE: Actually, I need to let you know, I'm surprised that the subsistence fishing area is not more secure, because your father-in-law and Colette Machado, and Walter was involved in it, and Wade Lee, back in 1993, got the bill passed in the State House. So, it's pretty amazing to me that we're still wrangling with that. I wish it was a little bit easier to . . . Thank you for your support.

MS. POEPOE: Thank you.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Next individually to provide testimony is Bridget Mowat.

MS. BRIDGET MOWAT:

Aloha, Councilmembers. It certainly is a privilege to have all of you folks here at one time. It's a little confusing how you guys set everything up, but we'll get use to it.

I am just kind of little, wondering where is everybody? There isn't anybody here. I was wondering, I only found out that this meeting was going to happen actually maybe a week ago. Some people found out just Wednesday. Some association member, a Hawaiian association member, homestead association just called me today, and said you got to go to the meeting. So, and, so I'm just wondering how did everybody, was there any kind of notice sent out? There was? And, do you have to have a, you have to have a computer, or do you have to have, you know Facebook or not, maybe, know how to go and manage the MauiCounty.org or .us site in order to get the meeting dates? Cause you know what? I'm kind of disappointed that a lot of people aren't here to see you folks face to face. So, I'm wondering.

And, and for us to read or try to cover this on a computer is real hard; this is a lot. So, I'm wondering did people get to view the, you know, the, all this? I just got this right now, and I, and I know I have to return it. So, I'm just, I'm just kind of wondering if there was enough publicity that the Molokai people could be present, because there's so many people. And I'm surprised Cora, Cora was a, you know, she was always saying that there wasn't enough information, but Cora got it. So, I'm wondering, you know, why isn't more people here. It's a Friday evening. So, somebody, how did this get out in the, how did they notify?

CHAIR WHITE: Maybe the Clerk can--

Ella.

MS. ELLA ALCON: Notices was post from east to west, Hoolehua, Kaunakakai.

MS. MOWAT: On the bulletin board?

MS. ALCON: Yea.

CHAIR WHITE: How about in the newspaper.

MS. ALCON: I recall it was in the Maui News. I didn't check our Molokai paper.

MS. MOWAT: Was Akaku, was there anything in the Molokai, we don't, yea, Akaku never have nothing. When did you, Akaku get notified about this?

This past Wednesday? Okay, well, so that was just something I wanted to--

CHAIR WHITE: Ms. King said it was posted two weeks ago.

MS. MOWAT: Yea, there just seems to be another, there has to be another way of getting communication out, because if you look at our, our, the turnout, for something so important that. And you hear the kids' baseball, they got games going on and I'm, I'm so sad that nobody's here. So, that was something more like I wanted to share.

And I, and I do support, and I know that doing this, doing this kind of community plan is, is really hard, hard work, and it took a lot of, lot of, lot of time. And I know we cannot please everyone. But, I'm particularly in agreement with the, with the fishponds, with the protection of our, of our oceans, the waters; especially our resources. So thank you very much. And I'm, I apologize for such a poor turn out. I wish everyone, a lot of people were here.

CHAIR WHITE: You don't need to apologize. We're happy to have whoever is here.

MS. MOWAT: Not enough. Not enough for me.

CHAIR WHITE: Well, thank you for your testimony.

MS. MOWAT: Thank you.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Next testifier is Leimana Naki, to be followed by Zhantell Lindo.

MR. LEIMANA NAKI:

Aloha everyone. . . . Riki. Hi Kelly. Yuki. Yea, you was on the brochure, okay. Good evening. Aloha ahiahi. I'm Leimana Naki. I like that what you guys did, the Pledge of Allegiance to the Flag of the United States of America; that was number one. Yes, . . . they say Hawaii Pono, yea. So, I . . . discrimination, possible. Because the, as a kanaka maoli, that I would pledge to first, because I'm from the land. I'm, I'm the people from this island and this waters from mountain to sea, okay.

So, . . . they say that, you know that song, "I'm going to go back to my little grass shack". Well, I'm in that. I live in that, okay. You can come visit me, no electricity, no hot water, no fresh water. I do, after they halehale the water. I live at loko i`a, a fish pond, yea. You guys say fish ponds; I no like that. It's English. It's loko i`a; loko inside, i`a is the fish. So, where you get that idea from our ancestors, yea. Loko means they eat the pig gut; that's the loko. The loko is the inside. So, they had the idea. They make the loko i`a, the fish pond, like a opu, yea. You look at it. When you pass the fish pond, you gonna have a stomach, okay. And, when you eat the fish it goes in the

opu, exactly. They make no mistake. They knew what they were doing; the vision, the dream all of that, exactly. So, thank you for saying that.

I did not receive any information about this meeting. Yes, this, this, I think the communication, need to communicate on that with the community. You're in office because this community took you there. They vote for you, yeah, and this is what you get to give to us. Where is the people? Exactly. Is that right?

Now, this is the East End Policy. There's that ohana in here? . . . yeah, her grandma is, she's on the mural at UH.

COUNTY CLERK: Three minutes.

MR. NAKI: Wait, hang on. I going take the three minutes for my wife and my aunty there, thank you. Alright, so--

CHAIR WHITE: We'll give you--

MR. NAKI: Wait, hang on, hang on.

CHAIR WHITE: No, we'll give you--

MR. NAKI: No, no this is our island, this is our meeting.

CHAIR WHITE: We'll give you one minute to--

MR. NAKI: This is our community. Hello, okay. Hang on, okay, and the, he is, you see what happen when you, when you interrupt, yea. You see what happen when you interrupt? Let's give some respect, back hello. In the '78, she was 78 years of age with the Constitution of Hawaii passed. '81 when the East End Policy was adopted, she was '81. The United States of America, what his name? Yea, Clinton. In 1993, he invent an apology bill. My aunty was 93. Get that Akaku? Thank you. It's a fact. You were looking for facts over here. Right now you're wrong, and she is right.

You did not bring information enough, did not let the public know that you were going to have this meeting. You did not. We only have less than 10,000 people. What's the problem? Hello. Okay. So you trying to tell me to respect you?

CHAIR WHITE: Okay, you're, you made it to the meeting, correct?

MR. NAKI: Excuse me?

CHAIR WHITE: Okay, you've exceeded your time. I want to thank you very much for your testimony this evening.

MR. NAKI: Give me ten seconds. This East End Policy, my father, my aunty was living. That's my sister, she's 80, and those other aunties out there older now. Because of you guys continue to do . . . this East End Policy, our ancestors and our family are dying. Just on record, yea. Because when you receive this lawsuit, you will be on your conscience.

CHAIR WHITE: Okay. Thank you very much for your testimony.

Mr. Clerk.

COUNTY CLERK: Next testifier is Zhantell Lindo, to be followed by Judy Caparida.

MS. ZHANTELL LINDO:

Hi everybody and thank you guys for coming. I just first of all as a former planning commissioner and someone who spent a lot of time on this community plan on this round, I know that each of you, just like us, put a lot of heart and effort into this. And, thank you, Aunty, for being our, being our torch carrier in this whole thing.

I know that like most Molokai issues, get plenty emotion that go behind everything that we talked about. And, then people get tied to that emotion and then we start to only be able to see the junk stuff instead of all the good stuff that is coming out. So, I support the plan as you guys are having it right now.

I don't support specific things in it. But, I think at this point, to have a plan is the main, main purpose, yea. And so, there are just different things that I wanted to clarify. I believe that the CBSFA inclusion in this and the language is important. I get family and ohana on both sides of the issue, but the importance of this is to have a governing precedence for what we want. And when you don't have anything there, then we leave it up to other people coming after us. And right now, we get the, the originals, I mean we get some of the people like uncle and aunty them who were here when the initial vision and, and mission statement of our intended plan was created. We need them, we need that. And we need to have like one placeholder over there so that we can make things better.

And so, I also want to say the same about leaving the `Aha Kiole on there. I supported that. And I just want people to know that the intention of that wasn't to have one governing force behind that. It was that it was a valid, recognizable State entity. I

mean, we going have discrepancy over how much power they get and who's their boss and all this kind of stuff. But, the point was that it was a recognizable entity and we wouldn't have to battle for even sit at the table right now if we used them as a partner and a value partner. But I do agree with Cora that if language could be included that didn't just necessarily make them the only people that we can listen to, I think that would be valued, one valuable inclusion into that.

I don't know, I heard Aunty say that we don't like to refer to it as the Lanai table. So, whatever you guys refer to that as, I just wanted to say that for me, there was specific language that we put into our plan that really helped so that it wasn't so broad that our intentions would be mistaken and overlooked. One of the things that we saw as the community and, and I would say on a cultural perspective is that, at least when I was told something by my grandparents it was very specific. It didn't cover one broad spectrum, but a lot of times in our laws and our policies that we make, there's room for people to interpret the law in the way that it best suits them at the time. So, I believe that the Lanai table and being so broad in that spectrum doesn't necessarily benefit us who worked really hard to have real definite for primary and secondary uses in certain areas.

And then the last thing I just wanted to, we did a really, we did a lot of work in prioritizing things. And I was a little bit bummed that there wasn't more effort put in towards leaving the prioritization items there. But, since it's not there, instead of going backwards, I would just like to urge that for those action items that somehow or some way were able to put actual dollar amounts that is committed through the budget at some point, that these action items are not just softly wished for. And that they're actually prioritized in a way that our budget reflects that these action items going, going really get done. And so, that would be just my points. But, thank you so much for all your guys hard work. And I really appreciate the community and everything everybody's done.

CHAIR WHITE: Thank you for your time and effort put into this as well.

Any questions for the testifier? Seeing none, thank you very much.

Mr. Clerk.

COUNTY CLERK: Next testifier is Judy Caparida, to be followed Liko Wallace.

MS. JUDY CAPARIDA:

Aloha, everybody. I had a cold, but I had to be here. I thank the Lord that you guys are here, cause I see you guys on the TV, you know, and for me it's like, it's not enough

where we can get to see all of you. I think once a year you guys come, you know. But, there's problems on Molokai that we want to settle by looking at your faces. I want to look at you guys. I don't want to look at the TV. And that's why it's so special for us to bring our problems here; not to say, oh I just bringing it for some. But, it's . . .

Like how I see you, that's the same thing I would like to see Molokai far out. Come out here, because this is our life. There is no other place like Molokai. We are separated by water. The County and us is separated by water. We are County, but what are we doing to help each other knowing that our needs got to be met? My daughter Cora and I just went over all the things that was, that she talk about. And that is true. Nobody can say that is a lie. Because you make up your minds to do it without even concern about how we feel about it. What it our thing about it? And that's why I came to the meeting; to let you know. Hey, God knows everything about you guys; let me tell you that.

On Molokai, we're so thankful, because everything is free, but we gotta pay. Every time you make a plan, just remember us kupunas no can afford anymore. We no can afford. And so all those that get the money is the one that can. But are they doing their part? Are you guys enforcing the law? No. Everybody talk but then nobody go out there and chase um. You know you make your mind up, you're going to do something, then follow up. That's the way I was born. I was brought up that way; 16 of us. And we all love each other because my dad and my mom made us work, work. Today is everything like this, nobody like do nothing anymore. But we work hard. That's why I get this . . .

So, thank you Jesus, anyway; I can still walk, I can talk. I can tell you folks to your face that God is the one that created everything. He made it so all of us can enjoy, because you can't even take it with you. We are nothing. When you get in the coffin, it's just you and whatever you get on. But God says no matter what, he will keep us. As long as you upright, hey, I got the joy of the Lord. I know of the Lord because he's the one that keeps me, he gives me everything. And that's the way it's supposed to be. So, I come here to share with all of you, I love all of you. And if nobody going tell you to your face, then you know what, they are liars. Jesus says, he love all of us. So, I come to let you know. Every one of you guys is responsible for us, because you guys getting paid to do something. Then do it, do it unto honor. Do it in righteousness. I love all of you. Thank you.

CHAIR WHITE: Thank you, Aunty Judy.

Any questions for the testifier? Seeing none, thank you for being here this evening.

Mr. Clerk.

COUNTY CLERK: Next testifier is Liko Wallace.

MS. LIKO WALLACE:

Aloha, Council. Thank you so much for being here and putting all the, I thank you, Kelly, for putting all your effort forward to implement what we had tried to work with you to be put into our plan. It breaks my heart to know that it was out-voted and the prioritization did not follow through. Because there were a lot of us that had put some long hours into putting it together so that the monies that would come our way would be put forth in a way that is necessarily to help our island and its growth, in its improvements in the things that was put forth. So, finding out that it didn't pass, it disturbed me. So, I just, we came to, I would say, if there was ten meetings, nine out of the ten meetings to participate and let you know our voice in all of this.

I also wanted to let you know that I did not, I was not in favor of adopting the Lanai land use designation table. Again, we're both small islands, but we still have our own needs that differ from Lanai. And, I don't think the way it was, it is worded is right for us. I also wanted to support including the language recognizing the traditional land use overlay recommended in the plan as an action item. There's so many things that seems useless to even talk about because it wasn't approved.

And then I also would like to say that I support the CBSFA. Again, there was a lot in the language that may be taken out of context or not understood by all in the same way. As a community, I know we can work together to make this right for all of us and be pono. Again, I would just like to thank you for hearing my voice today. And thank you for being on our island.

CHAIR WHITE: Thank you very much, Ms. Wallace.

Members, any questions for the testifier?

Mr. Clerk.

COUNTY CLERK: Mr. Chair, Ms. Wallace was the final individual that had signed up to provide testimony. If there's any additional individual who would like to provide testimony, please identify yourself and advance to the microphone at this time.

CHAIR WHITE: It's nice to see that somebody else takes as long as I take to get out of these small chairs.

MR. WALTER RITTE:

I use to be faster than that, but that was the fastest I could do it now. First of all, I'd like to say aloha to all of you. One, two, three, four, I think is one of the last times we're going to be seeing you. So, I'd like to say aloha to all of you for all of the hard work that you're doing for our County; and especially to Stacy. Her and the Chairman, or Chairwoman, did a really good job in this, in this plan. They put some extra effort to get the community's input.

So, the biggest thing that is happening on Molokai today is that one-third of our island is being sold. And the guys that we've been fighting with for 30 years have given up and they're going to sell one-third of this island. So, we've been actively going out there to look for people so that we don't have to have another 30 years of fighting. And, the response we're getting, we have interested people. And they're, what, one of the responses was what does the community plan say? And I told them, well the community plan should be finished pretty soon.

So, it's really important for us on Molokai that we have a community plan. I'm urging you to please pass this plan as soon as possible so we can keep talking to the people that would like to buy the island, one-third of our island. And the plan, we put as much energy into this plan as possible. So, we're pretty much like, this is going to be where we're going to go in the future; so whoever is coming to Molokai, they're going to be following this plan even though it's this thick.

Some of the issues; we didn't get everything we wanted. I think this idea about our land use designations. We did a lot of work on that. And for somebody to say that, I guess, he was the Planning Department wanted to put in the Lanai stuff into the plan. So, it doesn't really sit well with us on Molokai, because we really want to make our own, our own plan. In fact, one day we want to become our own County. So, this is like the start for us to do that.

CHAIR WHITE: You don't want to pay your own bills.

MR. RITTE: Oh no, no, we can pay our own bills, let me tell you. We, we got some really good plans. So, the idea about, I tried to make a list.

Some of the attacks on the community-based subsistence fishing areas; for us on Molokai, in our plan as we go forward, we have to keep our subsistence lifestyle active. And that, we cannot depend on our subsistence lifestyle if we don't have rules on the, on the ocean, when you go to pick stuff in the ocean. And people from the different islands are coming here now to take our stuff. Because we've been kind of like taking

care of our stuff and they haven't, so now they're coming here. So, the rules are to make sure that, not against us, but to try and curb what's coming to Molokai because they're not doing what they're supposed to be doing. And our plan that we have is, one day we're going to be stocking the use of all of the islands with our fishponds. So, we just got to hold tight before we get to do that.

I need glasses to read. I'm really want to support in our plan, erosion control. That is killing our reefs. That is killing all of our shorelines. And, we have a community group now that's work, really active, and we want the new landowners coming in that they're going to have to make sure that they have plans on how they're going to stop the soil from going into our reefs, just like on Lanai and, and in Maui.

I support the East Policy Statement, the East End Policy Statement. I was young then, and today I'm old and still supporting it. And, I'm really supporting Aunty Stacy's vision, vision statement in the plan. I remember the days when we use to say that and you see the tears coming down our eyes about saying where we want to go.

The `Aha Kiole; that's a State sanction. To me it's legitimate. I'm not . . . about that one. And, the last thing I want to say is about I really support traditional land use designations. That's going to be important about how we're going to . . . police in the future. But we want to stay a Hawaiian island. Thank you.

CHAIR WHITE: Thank you, Mr. Ritte.

Any questions for the testifier? Seeing none, thank you.

Mr. Clerk.

COUNTY CLERK: Next testifier is Shaeralee-Tiare Manosa.

MS. SHAERALEE-TIARE MANOSA:

Aloha. I'm kind of coming in blindly with this, because first of all I just found out last night at about 7 'o clock. So, I don't really know everything that's in the plan, and that's kind of junk that we don't get to hear about all of these things prior so that we can come up with a more strategic way of coming forward, how we feel about everything.

One of the things that I did hear about was about the Lanai table. Lanai table belong in Lanai . . . It don't belong here, because we have differences. We have very big differences. Lanai is owned by a deep pocket. We are run by community stuff. And, unfortunately, we don't really have all of our community here so that really sucks,

because there are a lot of people, who I can say feel the same way that I do; my entire family. We always talk about this kind of stuff, but we always find out last minute about everything.

The next thing is the short-term rentals. I think that should stay at zero, mainly because I have been helping families try and find places and there is a lot of discrimination. A lot of houses do not want to accept Section 8. They go out into the community, hear one thing that they don't like about a particular Section 8 recipient and will cut them down. I've heard landlords, more like realtors, because most of them are realtors; turn around and tell these people, "no, I no like you". Like, straight out "no, I don't like you", because of their past. And I no think that that is right, so yea, zero.

The Molokai, the Mana`e plan, I heard it brought up again a couple of years back up at Kilohana. And, I totally agree with what was in there. And so, I don't know what you guys waiting for, like, when is Mana`e going to get their plan? Because it was the community; that was Mana`e that came out with it. From the old timers to today, we still stick with the same.

Also, I'm not sure, like I said I came in not knowing what is going on, what we're supposed to be talking about. I expected that we were going to be listening to you folks first, and then we can come with, you know, our idea of what we're, we want to really say. And, when it comes down to the relocating, so last night I was able to see a picture of the community being relocated up higher.

Part of my roots come from Kapaakea, which is along the beachline and it is the DHHL Hawaiian Homestead. On November 1, I attended a meeting at OHA building. And what they were talking about there was implementing a regional plan. Everybody got confused because, you know, we're thinking low lying erosion areas, flooding; we're going to get relocated. Well, that wasn't what was really being said there.

So, they referred us to Wednesday night, November 14, I think it was. And at that meeting, they said that they would need 18 months to implement a new plan for our, our flooding issues that we're having, and relocation might be an option. But, we all needed to do that as a community. So, I'm wondering why is this being brought up and we haven't even finished the plan for DHHL. We are part of the community. Whether they say different landowners, we're still part of the community.

CHAIR WHITE: Your, your time is up; if you can provide us a concluding remark.

MS. MANOSA: Okay. . . . Lanai table . . . if that's what you like in there. Short-term home rental owners are about business, but when business affects our living situations, it's your duty to make sure our issues are prioritized first.

Your relocation plan is not complete. DHHL is part of the community and only now has brought this issue to the table. Our residents, our DHHL learning this reality just now. Furthermore, it isn't projected to happen for another 50 or more years. They don't even know. Mahalo.

CHAIR WHITE: Thank you very much.

Members, any questions for the testifier?

Mr. Clerk.

COUNTY CLERK: Next testifier is La`a Poepoe.

MR. LA`A POEPOE:

That's my clock, no. Thank you. La`a Poepoe here, current Molokai Planning Commissioner. I had this awesome speech that Zhantell when already deliver to you guys. Was so good that I was going to say all that stuff, I think so, especially, just wanted for include, include leaving the CBSFA or anything subsistence fishing within the plan, don't, just no touch um. That's it.

I when enjoy Zhantell's testimony so much that I would like to request to give, give her my, the remainder of my time so that she can deliver the rest of my speech, if that's alright.

CHAIR WHITE: Unfortunately, we can't do that.

MS. LINDO: What do I do, just tell him, we just actually had a question.

CHAIR WHITE: Yea, this, go ahead and share your--

MR. POEPOE: What is the process for making amendments for things that don't work? Come on--

MS. LINDO: We just asking what is the process for amending the plan within the ten-year time period--

MR. POEPOE: Amending the plan within the ten-year time period--

MS. LINDO: --of things that don't work or things that we can include that might work better?

MR. POEPOE: Was that on the, on the record?

CHAIR WHITE: We can always amend the community plan. We, people approach us with requests anytime. So, at any given point, if you feel there's something that's not working, you can talk to your representative and they can forward it; or you can bring it to the Planning Department, the Molokai planner; and the Commission can do it as well.

Maybe, maybe I'm not holding it this way, maybe I'll hold it this way. But, you can, the Council can amend the plan at any time during the ten-year period. And so, if there is an idea that you feel that needs to be addressed, they, it can come to Council and the Council will, will try to address it.

MS. LINDO: I not going put you through . . .

MR. POEPOE: I did not exceed my time, so I going say thank you guys.

CHAIR WHITE: Thank you.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, there is no other individuals who wish to offer testimony at this time. And, we have received written testimony.

CHAIR WHITE: Thank you, Mr. Clerk.

Without objection, we'll receive the written testimony into the record?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you.

THERE BEING NO OBJECTION, WRITTEN TESTIMONY RECEIVED FROM THE FOLLOWING INDIVIDUALS WERE MADE A PART OF THE RECORD OF THIS PUBLIC HEARING AND COUNCIL MEETING.

1. Cora Caparida-Schnakenberg; and
2. Lori Buchanan.

CHAIR WHITE: And without objection, we will close the public testimony on both the public hearing and the Council meeting.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay. So, public testimony is closed.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, proceeding, proceeding with min--

CHAIR WHITE: Wait, wait. Hold on a second. No, . . . you have one, one time. We gave you a little more than the four minutes.

Mr. Clerk.

Okay, without objections, Members, we will close public testimony on both the public hearing and the Council meeting.

MEMBERS VOICED NO OBJECTIONS.

CHAIR WHITE: Okay, so it is. Public testimony is closed, and the public hearing is adjourned. And we'll continue with the Council meeting.

ADJOURNMENT

The public hearing of November 16, 2018 was adjourned by the Chair at 6:04 p.m.

COUNTY CLERK: Thank you, Mr. Chair.

Proceeding with minutes.

MINUTES

The minutes of the Council of the County of Maui's regular meeting of October 5, 2018, were presented at this time.

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE THAT THE MINUTES OF THE REGULAR MEETING OF
OCTOBER 5, 2018, BE APPROVED.

COUNCILMEMBER CRIVELLO:

SECOND.

CHAIR WHITE: We have a motion from Mr. Carroll, and a second from Ms. Crivello.

Mr. Carroll.

VICE-CHAIR CARROLL: No discussion.

CHAIR WHITE: Members, any discussion on the minutes of the October 5 meeting? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, HOKAMA, KING, SUGIMURA,
VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER GUZMAN.

CHAIR WHITE: Measure passes with eight "ayes", one "excused", Mr. Guzman.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, proceeding with County Communications.

COUNTY COMMUNICATIONS

NO. 18-417 - MICHAEL J. HOPPER, DEPUTY CORPORATION COUNSEL,
(dated October 30, 2018)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.80B.070, MAUI COUNTY CODE, TO ADOPT THE UPDATED MOLOKA'I ISLAND COMMUNITY PLAN", approved as to form and legality.

COUNTY CLERK: And also calling up.

ORDINANCES

ORDINANCE NO. _____
BILL NO. _____(2018)

A BILL FOR AN ORDINANCE AMENDING SECTION 2.80B.070, MAUI COUNTY CODE, TO ADOPT THE UPDATED MOLOKA'I ISLAND COMMUNITY PLAN

CHAIR WHITE: Thank you, Mr. Clerk.

Ms. King.

COUNCILMEMBER KING:

CHAIR, I MOVE TO PASS ON FIRST READING THE PROPOSED BILL LISTED ON THE COUNCIL AGENDA UNDER ORDINANCES – FIRST READING ENTITLED "A BILL FOR AN ORDINANCE AMENDING SECTION 2.80B.070, MAUI COUNTY CODE, TO ADOPT THE UPDATED MOLOKA'I ISLAND COMMUNITY PLAN", AND TO FILE COUNTY COMMUNICATION 18-417.

COUNCILMEMBER CRIVELLO:

SECOND.

CHAIR WHITE: We have a motion from Ms. King, and a second from Ms. Crivello.

Ms. King.

COUNCILMEMBER KING:

CHAIR, I MOVE TO AMEND THE PROPOSED BILL BY INCORPORATING THE REVISIONS SET FORTH IN COUNTY COMMUNICATION 18-417, AS IDENTIFIED IN THE CORRESPONDENCE DATED OCTOBER 30, 2018, FROM THE DEPARTMENT OF THE CORPORATION COUNSEL.

COUNCILMEMBER CRIVELLO:

SECOND.

CHAIR WHITE: We have a motion to amend from Ms. King, and a second from Ms. Crivello.

Ms. King.

COUNCILMEMBER KING: Chair, because the bill listed under ordinances – first reading is the one recommended for first reading via the Planning Committee report, it is clear to use this as the starting point for discussion. The revisions outlined by the Department of the Corporation Counsel in County Communication 18-417 are appropriate and do not alter the policy recommendations of the Planning Committee. I believe they can all be incorporated by a single motion. And I would ask our Corp. Counsel, Michael Hopper, to go over the revisions in that communication.

CHAIR WHITE: Thank you, Ms. King.

COUNCILMEMBER KING: We all have, you should all have a copy of the revisions.

CHAIR WHITE: Yes, that's the October 30 communication, Members.

Mr. Hopper, if you would please walk us through the changes.

DEPUTY CORPORATION COUNSEL MICHAEL HOPPER: Certainly, Mr. Chair. Just to give a bit of background why this is a little different. This passed out of Committee. It was sent to our Office for approval as to form and legality. There were changes as is common with bills that we had to make to approve this to form and legality. But because it had been passed out of Committee, what I did was made the revisions in, in the bill, signed the bill and then wrote out a table of what the, what the revisions were. Some might be referenced. There were changes, there were typos, and certain other things. There was one page that was blank.

So, as I go through this table, the numbers will be, the page numbers may be like one page off. But, the action items and the, will be the same. So, a lot of times we'll reference an action item, the action item is the same. So, I'll try to go through this as, as smoothly as possible. If there are questions, I can address them. Again, this is the October 30, 2018 letter that I had sent. It goes over the changes and the page numbers of the changes.

The first change was page 9. There is a paragraph on Appendix, of the second paragraph on 1.4, for the paragraph on 1.4, the appendix, the second sentence doesn't appear to be a grammatically correct sentence. So, what I had done was deleted the second sentence. The appendix is still in there, so there's still a sentence referencing appendix 1.4, that appendix is still in there. But, the second sentence had grammatical problems with it, so I deleted it because it did not appear to be different without that sentence. So, this is page 9. Again, the appendix is still in the document. So, that's what I had done on that, on that one.

CHAIR WHITE: Members, any questions on that change? Thank you

DEPUTY CORPORATION COUNSEL HOPPER: Okay. On page 37, actually, 3.1.09. The page number is different. It's, in the new plan it's page 36. In the old plan it's page 37. This is Action item 3.1.09. I changed the sentence to "Encourage appropriate Federal and State agencies", and then the remainder of the sentence. This dealt with activities involving community stewardship of coastal areas, including conducting baseline studies on coastal water quality and coral reef conditions. I added the language "Encourage appropriate Federal and State agencies to" conduct that program, because it involves water quality testing of coral reef conditions, this is outside of the shorelines. So, generally, the County would not have jurisdiction in this area. State and Federal agencies would potentially. So, the change was to "Encourage appropriate Federal and State agencies to" take this action. There have been other changes in the plan that similarly encourage State and Federal agencies where that was within their jurisdiction and so this was a change made to 3.1.09; similar to those other sections. And I can move on to the next change if you like.

CHAIR WHITE: The next, go ahead and do the next change since it's essentially the same.

DEPUTY CORPORATION COUNSEL HOPPER: Yea, the same idea in 3.1.11. This was involving a toolbox for BMPs for our coastal ecosystems, as well as BMPs education for, for water quality pollution. This is generally something that the State and Federal agencies are responsible for through the State Clean Water Branch, and the County generally would not have jurisdiction over those items. So, they changed that to "Encourage the State and Federal agencies" which would be the appropriate agencies for those. Those again were the changes made. The policy is still here if the Federal and State agencies go as the bodies that would be undertaking those actions. So, I can move onto the next.

CHAIR WHITE: Yes, please move on. Members, any questions about those changes? Okay, please move on.

DEPUTY CORPORATION COUNSEL HOPPER: The next involved interim zoning. The, there's four bullet points on new page 73, old page 74. There were four bullet points about interim zoning. One of them said that commercial zoning is not permitted in the Interim District. I think the intent was to say commercial use is not, is not permitted in the Interim District. That's not entirely correct. There are some commercial uses allowed in the Interim District. So, I deleted that bullet point.

I think the other three bullet points sufficiently go over some of the problems with interim zoning. Now, it would be kind of difficult to explain that while some commercial uses are allowed on interim but not all of them, so in business it has, interim zoning may have a problem with continuing their business. I think that was a bit complicated to explain in a bullet point. And so, I deleted that bullet point. So, that was the change made to page, old page 74, currently page 73. I don't know if there's questions on that.

CHAIR WHITE: Members, any discussion on that? Thank you.

Page 110.

DEPUTY CORPORATION COUNSEL HOPPER: Page 110. Again, this is page 109 of the new document. Action 8.3.07. Again, added the "Encourage appropriate Federal and State agencies and private landowners to improve or restore historic wetlands that help mitigate impacts from stormwater drainage systems". There's also, I had "Improve" as a capital "i", I'd like to change that to a lowercase "i" on that section. Again, the County wouldn't have jurisdiction on wetland restoration unless you're talking about County wetlands. This is something Federal and State agencies would have jurisdiction over, though. So, unless you're talking about County lands, it's . . . the private landowners

or the Federal and State government that would have the jurisdiction there. So, then that was a change made there. And, I can answer your questions about that if you would like.

CHAIR WHITE: Okay. Thank you. Members, any questions?

Page 133.

DEPUTY CORPORATION COUNSEL HOPPER: And again, I'll go over this. This was sent along through the Council bill with . . . so certainly if there's questions, I can try to answer them. Page 133, which would be 132. The Action is 9.1.03. It talks about "Adopt a beach/mountain access dedication ordinance using Transfer of Development Rights addressed in Chapter 46, HRS". I added the words "if appropriate" and this would allow that to be used if it's appropriate or for other tools to be used. As currently worded, it basically said you had to use Transfer Development Rights under HRS-46. I added if appropriate, so that could allow other, for other methods in addition to that method. And, and so that was the change there.

CHAIR WHITE: Any questions, Members? Thank you.

Page 161.

DEPUTY CORPORATION COUNSEL HOPPER: Moving on, page 161, 160 in the document. The actual item is 10.1.01. It says, "Adopt recommendations made in the Mana`e GIS Mapping Project where appropriate". The previous language said, basically it was going to be adopted as policy and action items in the plan. That was problematic, because this is an action item in the plan itself. So, you're adopting the plan at the same time. You would be adopting these recommendations at the same time.

Also, that language eliminated the adoption to, to only policy and action items in the community plan. That, that project could be adopted through other methods such as ordinances. And so adding the language "where appropriate", I think would allow for it to be adopted not only as potentially future community plan policies but could also be through ordinances and other methods. So, that's why that change was made. Again, that's page, new page 160, Action item 10.1.01.

CHAIR WHITE: Thank you. Members, any questions on that item?

Seeing none, onto the next.

DEPUTY CORPORATION COUNSEL HOPPER: The next was, there were several dropbox links. Dropbox were, were I think privately maintained sites that included some

documents. The documents referenced had been left in the footnotes. These are in several footnotes on, I think, pages 161 to 163 there were links to dropbox. So, what I recommended doing was get rid of the dropbox links, keep the citations to the documents, but delete dropbox links because those are privately maintained. And so those could change over time and I wouldn't recommend having a dropbox link listed in the document for a source.

If it's important for the Council to have those documents referenced, then perhaps it could be added as appendices. They're still referenced, you know, but the links are no longer there. I would also note there is also, on new page 172, footnote 91, there's also a dropbox link there. I would want to include deleting that dropbox link as well to this, to this portion. That's on page 1, on page 170, new page 172.

CHAIR WHITE: Members, before you move on, without objections, Members, we'd like to drop that, remove that dropbox note; be consistent.

No objection. Thank you.

COUNCILMEMBER KING: Chair. Chair. Chair, question. Question for Corp. Counsel.

So, would we, Mr. Hopper, if we drop those dropbox links, what happens to those, those imports that are email dropbox right now. Because I think those are reports that we asked Ms. Akutagawa to help us link to and that's the way she did it, was through those dropbox references.

CHAIR WHITE: I think--

DEPUTY CORPORATION COUNSEL HOPPER: The reports are still cited. Now, I mean, there are a variety of reports cited in the document. And most of them do not, I don't know if any of them have links to the report itself if they are referenced. A dropbox link, I don't think would be the best way to do that. If the Council wanted those documents to actually be referenced, they could be attached as appendices would be a better way of doing that. It might be in the plan, but they would be right in the plan rather than having a dropbox link which over time it could not be maintained and maybe not, no longer exist, so.

COUNCILMEMBER KING: Right. No, I agree with that.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: So, so right now what's in there is the reference to the report?

DEPUTY CORPORATION COUNSEL HOPPER: Yes--

CHAIR WHITE: I'm sorry.

DEPUTY CORPORATION COUNSEL HOPPER: I'm sorry, Mr. Chair.

CHAIR WHITE: The Chair's intention is to have those documents on Granicus, available on Granicus along with the plan. So that rather than using these dropbox links, we will put the documents as a link, on our own website.

COUNCILMEMBER KING: Okay. So, they'll still be in.

CHAIR WHITE: Correct.

COUNCILMEMBER KING: They'll still be some, linked to some, okay, great.

CHAIR WHITE: Thank you.

DEPUTY CORPORATION COUNSEL HOPPER: Okay. And then on page 1, new page 166, I think, old page 167. 10.2.01 talks about supporting nomination to the State and National Registers of Historic Places. I added "if appropriate" at the end of that to make sure that those sites would need to meet the, the requirements for designation. I think that was probably implied by the original which did talk about "support the nomination of appropriate sites". But, I wanted to make that, that clear by adding "if appropriate" to, to make that clear. And so that's--

CHAIR WHITE: Any questions, Members?

COUNCILMEMBER COCHRAN: Chair. Sorry.

CHAIR WHITE: Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Chair. Thank you, Mr. Hopper, for your extra due diligence on this report. But, this one, this one item, it says, re-nominating historic sites if dropped in 1979. What does that mean, what is that about?

DEPUTY CORPORATION COUNSEL HOPPER: I, I did not write that policy. I added "if appropriate" at the end. But, it sounds like there were some sites dropped in 1979. And this policy statement by the Council would say, re-nominate them if appropriate; so, review them and re-nominate them. The lead agency is the Planning Department. I don't know where this planning came from historically, or where this language came from, but that's I think what the language says.

COUNCILMEMBER COCHRAN: Okay. Thank you. Thank you.

CHAIR WHITE: Any other questions, Members?

Next item, 172.

DEPUTY CORPORATION COUNSEL HOPPER: This is now, 171 in the current plan. I think there was, there was a sentence that wasn't complete. Also, the link did, did not attach to the EA. It had the traditional and customary practices report though. So, I did, on footnote 90, retained the reference to "The Mana'e Traditional and Customary Practices Report dated January 2017". So that reference is there. But there were some additional sentences in that link that were incomplete. So I deleted those sentences and left the, left the reference in there for grammatical, to be grammatically corrected.

CHAIR WHITE: Any questions, Members?

Thank you. Next item, 175.

DEPUTY CORPORATION COUNSEL HOPPER: Now, new page 174, old 175, Action 10.5.03, this involved installing hunting cabins on apparently private lands. And I added, "Encourage appropriate State agencies and private landowners to install and maintain" the hunting cabins, because I did not see how the County of Maui in its powers would have the ability to install those cabins unless it was on County property. So, that, that was changed to "Encourage appropriate State agencies and private landowners" rather than, I think the old language involved the County constructing the cabins potentially.

CHAIR WHITE: Thank you. Any questions, Members?

Seeing none, page 189.

DEPUTY CORPORATION COUNSEL HOPPER: Page 189. This is 11.2.01. Again, this is, involves, nominates sites to the State Historic Register, the State Register of Historic Places. I added "where appropriate" to make clear that that would, the sites would need to meet the criteria for nomination. I think that was the intent all along, but I think that clarifies the section.

CHAIR WHITE: Thank you. Any questions, Members?

Okay, next item 193.

DEPUTY CORPORATION COUNSEL HOPPER: So, page, well, I could go over this. That's not actually a change. Page 193 contains a link to "affordablehousingonline.com". I didn't know much about the site or if the numbers were accurate, the reference to here. So, I left it in, but it's up to the Council if they want to use the numbers from that website. I just didn't have the background to that website if it was, you know, accurate or not. But, it's, it's referenced here.

CHAIR WHITE: So, it's the, since there's no changes, no need for discussion on that item unless somebody would like to have that removed. Any, any issues with that, Members?

Okay. Next change. The final change is 196.

DEPUTY CORPORATION COUNSEL HOPPER: And then the last one I had, yes, 196, new page 195, 11.4.02. I added "Explore appropriate action". This, I think, recognizes that, for, there's a social impact assessment stated here, and I think that the appropriate action would involve ordinance changes and other things potentially. So, I added the language "Explore appropriate action to". And, I think this is similar to the previous action item, 11.4.01. They're talking about something that you would need to do by ordinance. So, I think the appropriate wording is "Explore appropriate action to", in this case, develop the social impact assessment. And the previous section had the same, a similar language. So, I changed it to kind of match 11.4.01.

CHAIR WHITE: Thank you. Any questions, Members?

Seeing none, next.

DEPUTY CORPORATION COUNSEL HOPPER: And that summarizes the changes I had in my letter.

CHAIR WHITE: Okay. Ms. King.

COUNCILMEMBER KING: Well, I believe that's the, that's the second motion I made for amendment, so.

CHAIR WHITE: Any, any further discussion on the motion to amend?

COUNCILMEMBER KING: Just to make, I guess, just to make it clear that these are legal, these came from our legal counsel, so this is why, this is what we were waiting for and why we, presumably why it got postponed; that this meeting was originally scheduled

for November 2, waiting for Corp. Counsel to review it. So, all these changes are, are recommended by our legal counsel.

CHAIR WHITE: And both Chair King and myself agree that it doesn't change the intent of what is in the plan, just that it's meant to clarify and to provide legal language.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Yea, thank you, Chair. So, I have a question regarding, if I could go back to the affordablehousingonline.com link. And I just, I, I see where Corp. Counsel is referencing it as it may have implications to the plan. And I just want to make sure that if we do keep it in there that it's, it's not going to lead people in the wrong direction. I didn't look at the link. I'm not too sure what it's, what kind of information it's providing. And I don't want us, I don't want it to go to the, it doesn't matter? Okay.

CHAIR WHITE: Well, I would like to thank a good friend, Stacy Crivello and Chair King for pulling this together and making quite a number of trips over to Molokai to communicate with everyone here. And I want to especially thank so many of you that spent so much time communicating with us and making, making sure that Molokai's voice is heard.

And, with that, there is no further discussion. Okay, Ms. King.

COUNCILMEMBER KING: Well, I, just to add to that, because I think the question came up that this plan is fluid. And, if I had to discuss, similar discussion with, about our community plan in South Maui, with the community of South Maui about, about community plan changes and because a couple of testifiers had asked that question that, you know, I hope you continue to meet and address some of the concerns that came up today. You know, we're not going to go through all those, because we've been going through this for a couple of years now. And, I do have an extensive background on this that is in my notes. If we'd like to hear it, Chair, I'll leave it up to you if you'd like me to go through the background of this plan.

CHAIR WHITE: Let's, let's deal with the amendment first.

COUNCILMEMBER KING: Okay.

CHAIR WHITE: And then when we get to the main motion that'd be fine.

COUNCILMEMBER KING: Okay. But, anyway my point is that, you know, please keep meeting on any concerns you have. And you know, you'll have a, you'll still have a Council representative in this area, and support once we find your replacement, I know

Ella you've been here a long time. I also want to add my thanks to, for your support over the last couple of years working on this plan. So, with that I'll, turn it back over to you Chair.

CHAIR WHITE: Yea. Okay, so any further discussion on the amendment? Okay, seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, HOKAMA, KING, SUGIMURA,
VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER GUZMAN.

CHAIR WHITE: Measure passes with eight "ayes", one "excused"; Mr. Guzman.

We're back to the main motion.

Ms. King.

COUNCILMEMBER KING: Thank you, Chair. So, I just would like to reiterate that this, this is a, not the quite the culmination. We have one more Council meeting to do the second reading on this in two weeks or so. The Council meetings are up to the Chair to notice. So, I'm not going to put words in your mouth. I'm assuming it's going to be the next Council meeting.

But I would like to just offer up a history of this, which began on February 2, 2017. And we met 25 times thereafter. The Maui County, Maui County Council Planning Committee met to review a proposed bill to adopt a revised Molokai Community Plan, now known as the Molokai Island Community Plan, including decennial revisions required by Chapter 2.80B, Maui County Code.

The Molokai Community Plan Advisory Committee held 22 public hearings to review the draft plan between March and October of 2015. The Molokai Planning Commission held eight public meetings to review the draft plan between November '15 and March 2016. The Planning Director transmitted a draft plan to the Maui County Council on May 5, 2016.

The plan implements the Maui County General Plan 2030 Countywide Policy Plan's vision, principles, goals, policies, and core themes. It identifies current and anticipated future conditions and needs on Molokai. These conditions and needs are addressed throughout the plan by identifying strategic planning goals, policies and actions that will guide decision-making and implementation through 2035.

The Planning Committee made every effort to ensure the community's input was reflected in the plan. The Committee Chair and the Councilmember residing on Molokai called three informal meetings on Molokai to receive input on the plan. A formal Committee meeting was held on Molokai in September 2017 to receive public testimony on the plan.

I would also like to just to remind and thank people for coming out. There were two additional talk stories that I held on this, on this island and people came out and gave input on action items. The Committee recognized the contributions of the Molokai Planning Commission and the Molokai Community Plan Advisory Committee in providing significant input to the revised plan, and worked extensively to evaluate and process their comments and recommendations, as well as those from the Planning Department and other State and County agencies, advisory bodies, and the public.

This plan represents the Committee's collective judgment on the best balance of many competing concerns. In the course of the work, recommendations have been amended or modified, rejected or approved, all in service of producing a community plan that generally represents the best interest of the people of Molokai.

The Committee voted 7-0 to recommend a public hearing to be held on the proposed bill, passage of the proposed bill on first reading, and filing of the communication. I ask for the, for the Members support to pass on first reading the proposed bill.

CHAIR WHITE: Thank you, Ms. King.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Planning Committee Chair Kelly King. I also would like to support the efforts for us to pass this on first reading. It has taken us 18, well, 8 years right? No, 2010 and we're at 2018 for us to start having a new community plan. And as far as amendments or what have you, it's ongoing right, you know that? And so, I don't think we have to encourage you.

But you can understand the process that we've started from the CPAC. It, what was it 2015, 2016 and, and through the Planning Commission. So, this is the tail end. So, it's not like we didn't have community participation early on from the CPAC and

Planning Commission. We had numbers, the typical Molokai turnouts that came out to, to say "yay" or "nay" or "of course". A lot of the amendments have come in from community input.

So, I want to congratulate our community. And by saying that, if we pass this through first reading and then get it through to our second reading, people like the Moss family, Molokai homegrown that wants to do a little business in our Kaunakakai Town, the first step will allow that kind of process to go and it's still a long way to go with zoning of, change of zoning and what have you.

And, I want to add that with the East End Policy, if many of you are familiar, I'm sure, Walter, you are with the 2010, it was just slapped in the back. It, it was something that was just an appendix and just noted. But through the support of our Committee and the efforts of, I'm going to give some credit to Malia Akutagawa and Harmony, what's, Williams, for her effort, their efforts to meet with me and how we came up with, how we can end up having it not just be an appendix. So, I think we've come a long way to include that.

This is the first time that the west end community got involved too in trying to come up with their West End Policy. And, you know, many of you has been involved through our community process. We're an island that has stacks of plans, whether it's a strategic plan, an economic plan, we have shelves of them. Right, Walter, yea? We've got shelves of plans. So, it, this is just a portion of what we use for our guidelines.

And I congratulate my community for their full-on participation. Many of you are not here today, but I want to publicly say, thank you for your full-on participation. And I encourage my colleagues to, let's get this through first and second reading so we can say we have a Molokai Community Island Plan. Thank you.

CHAIR WHITE: Thank you, Ms. Crivello.

Any other Members wish to provide remarks?

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. I just want to thank Stacy, and to let the Molokai community know that every single page of this document she fought hard for your island. And, I think we defer to her often whenever there was a question of the intricacies and beauty of your island. I just want to thank Stacy Crivello very much for all that you have given your island and the Council to make sure that this Molokai Island Plan is, is good for the island. So, thank you, Stacy.

CHAIR WHITE: Any other discussion, Members?

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And yea, I, this job, you know, we all get tugged in many different ways in, and we get feedback on many different levels. And I'm sure Ms. Crivello has had her share here on Molokai. But, I just want to thank the island and the participation that has come through on all levels; whether there's points where, you know, there's disagreements, agree to disagree issues. But in the end, you know, we compiled everything, took everyone's mana`o, and, and vetted it very thoroughly and went above and beyond on all levels I feel. And, this is the, this is the outcome, this is the final product here.

And as stated, you know, no worries because things can be adjusted, things evolve, we all morph into other things in different times. So, this Council that will come after me and Ms. Crivello and others, will have, you'll have the opportunity still. And of course, I know I'm not going anywhere. I don't think Ms. Crivello is moving too far away either. And so we, I feel I'm still here as a resource in any way that you all need me as, as a, as help, and kokua, and kako`o.

So, I just want to say mahalo to everyone; Aunty Bridge, she's been kind of my pick me up, drop me off, take me around, whatever; the Rawlins family too. So, it's been a wonderful journey and experience to be with all of you, Ms. Alcon, to be here. So, mahalo to Molokai. And I think we have come out with a wonderful plan for you. But again, as we live and grow there's always room to adjust and there's always room to amend wherever you feel appropriate. So, mahalo for all your participation.

CHAIR WHITE: Any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, HOKAMA, KING, SUGIMURA,
VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

EXCUSED: COUNCILMEMBER GUZMAN.

CHAIR WHITE: Measure passes with eight "ayes", one "excused"; Mr. Guzman.

Mr. Clerk.


COUNTY CLERK: Mr. Chair, for the record, BILL 119 (2018).

And, there is no further business before the Council.

CHAIR WHITE: Thank you very much, Mr. Clerk. Thank you, Members. And thank you so much to the community for coming out this evening. And with that, this meeting is adjourned.

ADJOURNMENT

The regular meeting of November 16, 2018 was adjourned by the Chair at 6:39 p.m.



DENNIS A. MATEO, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII

Chap. 3

Natural Resource - pg. 34 (3.1.01-02) p. 35 (3.1.03-08)

p. 36 (3.1.09-11) p. 37 (3.1.12-16) p. 68 5.1 (01-06) p. 69 (07-15)

Moloka'i Island Community Plan Article XIII, sec 7

COUNTY OF MAUI OFFICE OF THE MAYOR

DEPARTMENT OF PLANNING

Alan M. Arakawa, Mayor
Keith Regan, Managing Director

Michele McLean, Planning Director
Joseph Alueta, Deputy Planning Director

*p. 41 Hawaii Constitution
*p. 42 5 Protect Subst. Gathering Rights

p. 70 (5.16-17)

p. 83 (6.1.01-04)

p. 84 (6.1.05-07)

144 Cultural Traditional Community Group

LONG RANGE DIVISION, DEPARTMENT OF PLANNING

Pam Eaton, Planning Program Administrator
Joy Paredes, Division Secretary
Richele Lesa, Office Operations Assistant
David Yamashita, Planner Supervisor
Jennifer Maydan, Project Lead, Senior Planner
Mary Jorgensen, Senior Planner
Doug Miller, Senior Planner
Annalise Kehler, Cultural Resource Planner
Daniel McNulty-Huffman, GIS Supervisor
Mark King, GIS Analyst
Michael Napier, GIS Analyst
Kristana Erikson, GIS Analyst

*P. 172 Ahu Kiohe note

p. 59 (4.16)

Detail Mitigation Cultural archive of the Kupuna knowledge of traditional

p. 162 Chap. 10 Hawaii Constitution Article III Sect 11-7

*P. 178 Maomoni Preserve What is TNC?

*P. 183 Community Based Mkk Ranch

Master Land Use Plan p. 62

CONSULTANT TEAM AND SPECIAL STUDIES

Chris Hart & Partners, Inc.
John M. Knox & Associates, Inc.: Moloka'i Economic Development Paper and Moloka'i Housing Issue Paper
Belt Collins Hawai'i LLC, John Kirkpatrick: Land/Use Forecast
SMS Research & Marketing Services, Inc. and Belt Collins Hawai'i Ltd: Socio-Economic Forecast
Wilson Okamoto Corporation: County of Maui Infrastructure Assessment Update 2003
R. M. Towill Corporation: Public Facilities Assessment Update County of Maui 2007
PlanPacific, Inc.: Existing land use database for Socio-Economic Forecast

Misused CBSFA Community Based CBSFA

Community Based Management of Natural Resources

p. 64 Community Based Tradition-based lifestyle

Service-based economy

Photo Credits

Cover: David Yamashita

p. 132 (9.1.03)

Deception Community Based

Community Groups * Moloka'i Planner

p. 66 + 67 14, 19, 23

TESTIMONY OF LORI BUCHANAN

TO: Council of the County of Maui
Regular Meeting of November 16, 2018

RE: Item H Communications

No. 18-417 Proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.80B.070, MAUI COUNTY CODE TO ADOPT THE UPDATED MOLOKAI COMMUNITY PLAN", approved as to form and legality.

Honorable Councilmembers,

I have been a community advocate for Molokai Island all my life. I am currently serving a third term as Chair of the Molokai Planning Commission. I also served as member of the CPAC convened to work with the Maui County planning department to update the current DRAFT of the Molokai Island Community Plan. I am a very active member of this community and I have attended much community meetings and listened to much testimony from the Molokai community for the past 40 years. Please take seriously the testimony below as I believe it could resolve the most contentious parts of this document and will move to bring the most harmonious outcome while working to add needed protections for Molokai Island.

I SUPPORT THE DRAFT IN ITS CURRENT FORM WITH THE FOLLOWING REVISIONS;

AMMEND TABLE 6.2 LAND USE ACTIONS

- **No.1.01** Strike "Adopt a comprehensive zoning map for Molokai" the verbiage is not needed and is covered better and inclusive in the following sentence.
-
- **No. 6.1.02** Strike/remove all inferences to "mixed use". The strong pressure by the Maui County Planning Department to include the introduction of a new zoning code to Molokai called "MIXED USE" WAS ADAMANTLY OPPOSED. Regardless of testimony by the Maui County Planning Department that the Molokai CPAC "gave permission to the planning department to include the use of the LANAI LAND USE TABLE INTO THE MOLOKAI ISLAND COMMUNITY PLAN IS FALSE! This discussion and contention between the Maui Planning Department and the CPAC, Molokai Planning Commission and the Molokai Community will stop here by STRIKING 6.1.02 AND ANY ALL MENTION OF "MIXED USE" in land use on Molokai Island (pg. 87, 6.2 Housing) etc. Similar zoning to mixed use is already covered in "PROJECT DISTRICT" in the community plan.
- **No. 6.1.03** Strike "implement" and replace with "review and amend" It is well known that the current IAL designation needs review and amending. During a recent application to the state land use commission by Monsanto to designate 1000 acres of ag lands on Molokai I intervened because there was an absence of due process for community at the state and county level. This needs to be resolved before our plan directs Maui County to implement IAL.

AMMEND CHAPTER 10 (Also known as the East End Policy Statement))

- **Page 166** Strike #15 "Support governmental protections through a "Natural Area Reserve" designation or other appropriate measures for Ka'ena o Hina. The importance and support for restoration and protection is already covered elsewhere. Striking the mention of a state program (NAR) will lessen the worry of some residents who have long standing issues with DLNR.
- **Page 172** line 92? Strike "Cabins would aid hunters who need to access higher elevations to control ungulate populations, and conservation workers who monitor and repair the fence line, perform forestry work, and remove invasive species". This statement under "Existing Conditions" draws a conclusion rather than makes a statement. This was also a contentious point of discussion within the community for the same reason listed above of community members who may be in support of watershed protection but do not agree on the "management tools" to be used to accomplish protection. Protecting watershed and water is well documented throughout the current draft so removing specific management tools from the document will not lessen the priority and importance watershed and watershed protection.
- **Page 174** Policies Strike #4 for the same "management tools" discussion above. AND # 6 the portion that states "erect cabins over private and state lands".
- **Page 174 and 175** Actions Table Strike 10.5.03 reference to hunting cabins etc for the reasons stated above.
- **Remove language that refer to CBSFA**

Other: Table 12.2 Strike #17 **STHR's**
Implementing Actions; Remove actions associated with the above