

**MOLOKAI PLANNING COMMISSION
REGULAR MEETING
SEPTEMBER 26, 2012**

*** All documents, including written testimony, that was submitted for or at this meeting are filed in the minutes' file and are available for public viewing at the Maui County Department of Planning, 250 S. High St., Wailuku, Maui, and at the Planning Commission Office at the Mitchell Pauole Center, Kaunakakai, Molokai. ***

A. CALL TO ORDER

The regular meeting of the Molokai Planning Commission was called to order by Chairperson John Sprinzel at 12:10 p.m., Wednesday, September 26, 2012, at the Mitchell Pauole Center Conference Room, Kaunakakai, Molokai.

A quorum of the Commission was present (see Record of Attendance).

Chair John Sprinzel: Okay. Welcome, ladies and gentlemen. We have a quorum so the – I call the meeting to order.

B. PUBLIC TESTIMONY ON ANY PLANNING OR LAND USE ISSUE

Chair Sprinzel: The first item is any public testimony from somebody who can't stay for the two items. I'll hear it now. There being none, public testimony is closed.

C. COMMUNICATIONS

- 1. MS. ARLEONE DIBBEN-YOUNG of NENE O MOLOKAI requesting a Special Management Area (SMA) Minor Permit for construction of approximately 2,800 linear feet of predator exclusion fence, one hundred twenty (120) square foot storage shed set on precast concrete blocks, and ongoing maintenance of an existing drainage way located in the established Koheo Wetland and Ka Lai O Ke Kioea Bird Sanctuary at TMK: 5-3-007: 039, Kaunakakai, Island of Molokai. (SMX 2012/0282) (Valuation: \$14,000) (L. Callentine)**

Chair Sprinzel read the agenda item into the record.

Ms. Livit Callentine: Thank you, Mr. Chair, and good afternoon, Commissioners. And for those of you I haven't gotten to greet yet, greetings. Glad to see you again. So this project as the Chair read is for an SMA permit for a predator exclusion fence, a storage facility, and drainage way maintenance at the Koheo Wetlands on Kamehameha V Highway in town here.

The applicant is Arleone Dibben-Young and she's the Director of Nene O Molokai. And the subject parcel is approximately 11.2 acres in size. It is in the State urban land use district. The Molokai Community Plan land use designation is single family. And the County of Maui zoning is interim district.

The property is – well, let's see. Let me take that back. Approximately 9.38 acres of the subject parcel is a salt marsh wetland, and it was the site of unauthorized fill in 1989, and that was removed in 2001 through an agreement with the U.S. Army Corps of Engineers. Since 2001, the wetland has been under restoration by volunteers to enhance and increase the area of an endangered waterbird habitat. Approximately 3.25 acres of wetlands fall within an existing drainage easement. And the last bit about one and a half acres is forested upland.

The property is vacant and undeveloped. The northern portion is forested in dense native kiawe with an understory of invasive Indian Fleabane. And a monotypic stand of invasive pickleweed blankets approximately 50% of the wetland.

There is existing services on the property. There is an existing water meter and there is electrical service to the property although the project will not require any service.

Now, the project in a little more detail consists of two separate fences constructed of four-foot high woven hog wire attached to galvanized T-posts. Those posts will be pounded about 18 inches into the ground and they'll be set about ten feet on center. There'll be approximately 2,100 linear feet of fence to surround the perimeter of the wetland and kiawe forest from the western property boundary, and to the south along the western line of the drainage easement, and east to west set back 40 feet from the shoreline, and another portion about 520 linear feet from north to south along the eastern property boundary from the highway to the south terminating approximately 40 feet from the shoreline. And across the northern portion of – across to the northern portion of the property is the highway, and access to the wetland is made from Seaside Street.

Also proposed is a 120 square foot storage shed, and it will be for the storage of maintenance equipment such as weed whackers, mowers, shovels, rakes, trash cans, a small hand-pulled utility cart, wheelbarrows, and the like. And that will be mounted on pre-poured piers.

And then also the removal of manmade rubbish and natural organic debris deposited from flood events is expected to be ongoing and will be conducted annually or as needed. So that's the portion of the action required – requested today.

There are dense stands of pickleweed, and these are providing a habitat for rodents, mongoose, and other predators. And they are proposed – the pickleweed is proposed to

be removed from the existing drainage way, and it will be replaced without plantings of low-growing native plants in conjunction with ongoing wetland restoration and related education activities.

So the property does lie adjacent to the shoreline area; therefore, the action is subject to the shoreline rules. A shoreline survey is required.

A portion of the project lies in flood zone "X," and that is an area determined to be outside the 2% annual chance floodplain. And a portion of the project is located in zone AE, which has a base flood elevation of three to six feet; therefore, a Special Flood Hazard Area Development Permit is required and has been obtained.

Now, as far as the environmental, cultural and historic resource impact, it is not anticipated that the project will affect an environmentally sensitive area.

It is not anticipated that the project will have an adverse effect on the quality of the environment. The proposed action also includes the construction of a temporary 18-inch high silt fence made of woven geotextile fabric. And the silt fence is to be removed following construction of the two fences previously described.

An Army Corps of Engineers Permit is not required for the project. And the State Historic Preservation Division commented in August of 1998 that they have no record of significant historic sites on the parcel, but that the most likely location would be in the sand berm running along the makai edge of the property, and concluding that it is unlikely that significant historic sites are present on the parcel, and that the proposed restoration plan will have no effect on significant historic sites.

So per Section 12-202-12 of the Molokai Special Management Area Rules, the findings of fact include that the determination has been made. That the project is a development. That it includes placement or erection of any solid material; or any gaseous, liquid, solid, or thermal waste; and an action that may qualify as not a development except the action may have a cumulative impact or a significant environmental or ecological effect on an SMA. The project valuation is under \$500,000.00, and is only \$14,000.00.

It does lie – the property does lie adjacent to the shoreline area, so it is subject to the shoreline rules, and a survey is required. The flood zone "X" is – has been determined that the property has partially flood zone "X" and partially flood zone AE. Will note that the storage shed would be located wholly in flood zone E.

With the fulfillment of recommended conditions of approval, the project will not have significant adverse, environmental, or ecological effects taking into account potential cumulative effects. The project will not impact historic sites or site remnants of archaeological or cultural significance. And the project is consistent with the objectives,

policies, and SMA guidelines set forth in HRS, Chapter 205A, and is consistent with the County General Plan and Zoning. In consideration of this determination, an SMA minor permit is required for the proposed action.

Now, at this point in time, I would like to turn the podium over – the microphone over to Arleone Dibben-Young so that she can do a five-minute slide presentation. She has set up the slide screen to be behind you. So I'm sorry, Commissioners, if we could ask you to turn around while she shows you some slides, I would appreciate it. And then, Arleone, do you have a microphone there?

Ms. Arleone Dibben-Young: . . . (inaudible) . . .

Ms. Callentine: Okay. Okay. We'll do that. And then also, did you want me to hand out those handouts for you? Did you want me to hand out the handouts for you now?

Ms. Dibben-Young: It's already been handed out. Good afternoon, Commissioners. The Ka Lai O Ke Kioea Bird Sanctuary, the traditional place name is the "Tranquil Spot of the Kioea." This is our official bird, the Kioea, the official bird of the island, and it calls the wetland its home.

This – sorry about the poor slide quality here, but this is a May 1899 map, and it shows that the shoreline at the time was up about where the College Road is up on the main highway. And this whole encircled area here is the property. The Kohea Wetland was formed from the accretion of sediment accumulated from up slope erosion and windblown sand.

What most people don't know is that there was a planned subdivision. And so in 1989, Goodfellow Brothers Construction received their grading permit to fill the wetland. And they were proceeding with a 30-lot, 60-house subdivision. And they did not, however, have an Army Corps of Engineers Permit, and after ten years, the fill was removed in 2001. You can see here. This is Seaside Street right here, and this road was gonna come up and connect to the road that continues on to the college.

So what has occurred behind these trees since the fill was removed in 2001? I get a lot of questions about that now that one area's cleared, and you can actually see the coastline from the highway. Well, the first challenge was public education to respect the wetland. Here we see where an ATV has come in and done doughnuts. We have student out-plantings. This is a motorcycle going through it. It took about three years, but finally, the site has not had that many problems up until just recently when I mowed some of the pickleweed, and then I did have some four-wheelers come in. But for the most part, people now respect the wetland.

The next challenge was cleaning up all the rubbish that was dumped in the wetland and repairing damage from the fill-removal activities. So the Sierra Club of Oahu is one group that came over numerous times. They came over two days, twice a year for four consecutive years, and then other members came at different times. We had U. H. Hilo – came for five days a year for five consecutive years. In this lower right corner here, we see one student who happened to be a veterinarian student, and he is amputating the toe of a Hawaiian Stilt that had been mauled by a feral dog at the wetland.

We have a lot of volunteers from the local schools, elementary through high school. Up above here are local students that removed this giant pile of invasive fleabane. And then down here were summer student interns. These are all students from Molokai. The site is used for DOE field curriculum. The students come learn about water quality, pH turbidity. It's a convenient site for students at Kaunakakai Elementary School. So they tend to come a little bit more than other students do.

Penny Martin also uses the site for her environmental and cultural outreach programs. Students come during breeding season, and we do nesting surveys, . . . (inaudible) . . . This here is the Hawaiian Stilt that nests at the site. This is what a stilt egg – a stilt nest looks like. You can see there's not much to it. So the stilts' nests are trampled by dogs, and also recreational vehicles, and just people walking across the wetland. And this is a nest right here that just hatched these two little chicks.

U. H. Manoa and USDA Forest Service Hilo have conducted research three times a year for three consecutive years, and they're gonna be beginning a new research session next year for an additional three years. They love the site more than the other 40 wetlands that they visit in the State. Koheo Wetland is their favorite wetland because it contains the native species when it's inundated. USDA Wildlife Services also utilizes the site for . . . (inaudible) . . . and surveillance. This is one morning here. You can't see the site here. We're pulling out birds out of . . . (inaudible) . . . And you're up at 3:30 in the morning, and you shut the . . . (inaudible) . . . at 4:30, and we watch the sunrise.

The proposed action is a minor structure of hog wire and T-posts. And the use of the wetland for environmental . . . (inaudible) . . . and scientific research. Both are allowable actions in the shoreline setback area. This here you can see the fence. It's a poor photo. Sorry, because of the light, but you can see you can barely see the fence. So what I have proposed is to . . . (inaudible) . . . the shoreline and set back a fence 40 feet from the existing shoreline. This here is the delineated wetland. And around here is where the fence is proposed to surround the largest portion of the wetland and the waterbird habitat. And then this fence right here is on the Kapaakea Subdivision side.

This is an aerial view of that so that first, you have your map, and now you have what it looks like from topside. And sadly we can't see in this light, but the vegetation line is what

I wanna use as far as the setting back the fence from the shoreline. The hog wire fence is chosen because it is a permeable structure yet it excludes free-roaming dogs, but maintains the open space character of the site, and has insignificant impact on the view plane. Now keep this photo in mind. This photo was taken from 50 feet away from the fence and you can barely see the fence.

So the proposed fence is an environmental enhancement project that improves the shoreline area, and will have positive effects for the wetland and the endangered waterbirds that inhabit the site. A 40-foot shoreline setback will protect 100% of the water bird habitat, prevent disturbance of student-propagated and out-planted natives, and mitigate the disruption of restoration efforts by free-roaming dogs and recreational vehicles. Keep that previous photo in mind with the fence taken from 50 feet away. This here, this red line, is where the fence would go. And this photo was taken from 150 feet away. So it will have very, very little impact, if you can see it at all. A greater than 40-foot setback from the existing shoreline would exclude all the water habitat – waterbird habitat in this photo, and it would defeat the purpose of the project.

The Coastal Zone Management Rules, 205A-22-8, the fence is not a development because it is supporting horticultural activities related to the wetland's restoration, and animal husbandry by protecting nesting endangered waterbirds and their chicks. The Shoreline Setback Rules, 12-203-12-9, the fence is a minor structure within the shoreline setback area, and does not adversely affect beach processes, does not artificially fix the shoreline, does not interfere with public access or public views to and along the shoreline. The project is consistent with 205A-2, Coastal Zone Management, B, Objectives, 3a, it protects, preserves, restores, and improves coastal open space and scenic resources. 4a, protects the valuable coastal ecosystem from destruction by recreational vehicles. 8a, stimulates public awareness, education, and participation in coastal management. And 8b, disseminates information on coastal management issues through educational outreach.

We disagree with the recommendation of the department requiring an SMA minor permit and shoreline certification. We are requesting that the Molokai Planning Commission find that the fence is a minor structure, and therefore, exempt from the requirement of the shoreline certification, and find that the project is not a development, and is therefore, exempt from the rules of the SMA. Mahalo.

Chair Sprinzel: Thank you so much.

Ms. Dibben-Young: I also have some testimony to read. So just let me know when I do that.

Chair Sprinzel: Yes. I'm going to give it to the Commissioners first before we go to public testimony, because while we probably agree, I'm not sure that the hut would exempt you

from the shoreline. So it's just possible that the fence might be exempt, but the hut certainly wouldn't be. As you know and as we've discussed, our rules have been virtually changed. We're just waiting for a public meeting, and for it to come back to us for the final vote. But whether or not this fence and hut is clarified by that, we have tried. So anyway, first and foremost, I'd like to ask the Commissioners for their opinion just if whether they're for it or against it, just so we know whether we're gonna have five votes or not. Okay. We can have public testimony. That will take about an hour and a half. And three minutes each, please. Who's up? Public testimony. We have the letters.

Ms. Callentine: So is there anyone here wishing to give public testimony? So why don't you go ahead and come up here, and you can write your name here and state your name for the record. Thank you.

Mr. Robert Roccograndi: Good morning, ladies and gentlemen – I mean, afternoon. My name is Robert Roccograndi. And I've been living around this area for 25 years. My wife and I built the house right dead center in front of the bird sanctuary. And I've been – I went through a lot of changes. And like the property transformations with this property with the tar and everything else. It's gotten down to a point where thank God, Arleone came along and tried to clean this place up. I mean, I've seen at least a thousand bags of rubbish being taken out of here, truckloads of rubbish. And thanks to her and her diligence to keep this place nice and clean, it's what it looks like now. And what we need most of all I think is this fence to keep out the unleashed dogs because they're a nuisance. They're the ones that are chasing all these birds away. And we need this fence. I mean, it's – I hope everybody votes in favor of this fence because we really need it. This is like the last leg of the Triple Crown here. What else can I say? This woman has done a tremendous – a lot of work here. Her time, her diligence with teaching these kids all about the birds. I mean, she's been teaching every kid on this island about this spot. So I really appreciate her time, ten years' time with this property, cleaning it up, teaching kids. I mean, it's really – she's a five-star in my book. And I hope everything goes well for her today. That's all I can say. Thank you.

Chair Sprinzel: Thank you very much. I think we're all in favor of this and we all appreciate what Arleone – what this lady has done.

Ms. Callentine: Okay. The next person on the list?

Chair Sprinzel: No, let me just finish.

Ms. Callentine: I'm sorry.

Chair Sprinzel: I am the Chairman.

Ms. Callentine: I can't hear you, Chair.

Chair Sprinzel: And we're gonna hear everybody through, but before you kind of tell us how wonderful it all is, we know this. It's just a question of Arleone has said they cannot afford the shoreline survey. So what we're trying to find out is whether she can do this and not perhaps build the hut, and have it as an exemption. Okay. Next person, please.

Ms. Callentine: Next on the list is Frank DeSimone.

Mr. Frank DeSimone: My name is Frank DeSimone and I actually had nothing nice to say about her. No, I live on the southeast corner of the Seaside. And I just wanna say that when I first came there, I really didn't appreciate what was going on, but as the time went on, I see the amount of work she's done. It's clearly improved dramatically, month by month. What I love about living in that area is also probably what's the threatening is the openness of that area with dogs, kids. And even the fence that was put up recently actually doesn't change – you know, basically, it doesn't change the open feel. It still feels accessible. I still love having dogs roaming the streets, but when they get in that, I've seen the damage they can do. So I'm in favor of this fence. I do think it's important. And that's all I wanna say. Thanks.

Chair Sprinzel: Thank you. Livit, who's next on your list?

Ms. Callentine: Yes, Mr. Chair, next up on the list is Frances Feeter.

Ms. Frances Feeter: Good afternoon, Commissioners and staff. Very short. Phillip Howard wrote a small book called, *The Death of Common Sense*, which I wish I could get everyone to read. He cites many instances of when no-reading public officials go overboard in trying to enforce – protect the environment, enforce the letter of the law, and they forget what the aim and the goal of what they're trying to do. And it seems to me that what is being planned for this side is a temporary fence, a temporary building. It's not built in the ground. Why should that be considered a development? I feel strongly that the nature of the structure that's going to be in there does not require this kind of certification, and the cost is so horrendous it can't be done. Thank you.

Chair Sprinzel: Thank you, Francie.

Ms. Callentine: And then next on the list, Mr. Chair, is Heidi Jenkins.

Ms. Heidi Jenkins: Aloha, Chairperson. My name is Heidi Jenkins and I'm an educator here on the Island of Molokai since 2004. I have personally taken field trips out to Koheo Wetland with groups of third graders, fourth graders on up. And I'm here to speak on behalf of the education that has been led and shared out by Arleone Young at Koheo

Wetland. Sounds like the new kinda buzz word in education and it stands for science, technology, engineering, and math. And students who visit Koheo Wetland really have the opportunity to build their scientific content knowledge. They learn about things like biotic and avionic factors within wetland – within ecosystems. They build their general environmental consciousness. This fence, I think– I forgot your name. I apologize. Frank had spoke to about the general openness of the area. And I've had students who've come back to me after visiting and learning about the wetland talk about how they're gonna do things differently because these are kids who live near and around Seaside, who ride their bikes – or who used to ride their bikes through the wetland area. And they come back and say, "Oh, I understand now the importance of this ecosystem, of the native species, and the plants within that ecosystem. And that's something I'm not gonna do any more is ride my bike through the area." So even those things are important, but I think kids were doing that before because they just didn't know. And so a fence would actually serve as that protection for our community who just doesn't know exactly what is going on at Koheo Wetland. So I wanted to say something about that.

Also, just in terms of some of the technological use, kids go out there, Arleone mentioned, they go out and learn how to take scientific data. They use vernier probes. They take dissolved oxygen, pO – pH, excuse me, dissolved oxygen and pH. They do temperature checks, turbidity. So they're collecting the scientific data, doing inquiries. They're learning how to make inferences and conclusions. They come and graph. So they're learning about mathematics in real-life situations. So she's also served really as a mentor within the community as well to these children. A lot of our children are choosing now to pursue career pathways in science. And I think that's one of the neatest things that I see. So anything that you guys can do as a Commission in support of her protecting the Koheo Wetland in terms of the structure, the fence, as an educator, I would be all in favor of that. Thank you.

Chair Sprinzel: Thank you very much.

Ms. Callentine: And the last on my list is J. W. Bill Feeter.

Mr. J. W. Bill Feeter: Aloha, Commissioners, and Molokai community. I'm for this. I never met a kolea I didn't like. And a curlew is right up there too. I saw 17 of them the other day at the playing field out here. Those birds come here from the Arctic Circle and they like to rest. They stay here. They enhance our community. We need this type of thing in our community. And please support this. Thank you very much.

Chair Sprinzel: Thank you, Bill. Next?

Mr. Rich Young: Aloha, Commissioners. Rich Young. And obviously, I'm in support of this project. I just wanna emphasize the analysis that we went through for this project. It

doesn't – it's not one glove fits all. It's – there is a subtlety here and I think you picked up on it from the presentation, and that's – there is a rule within the – or wording within the SMA rules that they describe permitted structures and activities. And we feel very strongly that this structure is a minor structure, and a minor structure is allowable in the shoreline setback. And that's the key phraseology. I mean, it meets all the other conditions that she outlined that are listed within that. The vocabulary of, you know, not offending the shoreline, and access to the shoreline, and it's not a nuisance, and blah, blah, blah. But I think that is really a key to the ingredient of hopefully, enabling you as a Commission to support the fact of having the fences. If it is considered an allowable structure within the shoreline setback, a shoreline certification would be redundant. So in other words, if it's allowable, what purpose – the purpose of the shoreline certification is to determine where your shoreline is so that you can set back structures. And in our opinion, my opinion, this is not a structure.

The deal-breaker for this wetland is truly the enclosure fence, and that is what's gonna make it the – there for posterity to enjoy, and see the nurturing of the kids, the education, the birds. Everything I think will flourish. And I think that the testimony from today and the written testimony support that. So I think Arleone will agree with me that if the deal-breaker is the storage shed, it's gone. So I understand the Chair's concern about that. And to make things be less out of balance here, that is not the critical thing that we're trying to get approved here. So it is a little odd because we don't quite fit right within all the normal criteria, but we're asking you to find that the recommendation being that the fence is a minor structure, and therefore, an activity that can be allowed in the shoreline. I hope that helps.

Chair Sprinzel: Thank you, Rich. Anybody else would like to make a comment? There being none, public testimony is now closed. Before we go on, I would like to just explain that the ruling has been made by the Planning Department that for an SMA minor permit, we have to have a shoreline survey whether we like it or not. We have to go by the law. Now, we'll let Mike, our lawyer man, explain this in detail.

Mr. Michael Hopper: Livit, are we going by the assessment application requirement here or is there a different requirement that the department has determined?

Ms. Callentine: We are going by the assessment requirement and also the rules, the SMA rules, which unfortunately, have not yet been amended.

Mr. Hopper: Right, the application, the assessment requirement in the SMA rules.

Ms. Callentine: Yes.

Mr. Hopper: So just for the information of the Commission, and we discussed, of course, amending this as part of that SMA rules, the rules states:

Any applicant seeking an assessment shall submit an application form provided by the department to the central coordinating agency. The application shall require the following information and documentation: a shoreline survey, if the parcel abuts the shoreline provided. If the proposed action will occur outside of the shoreline setback area, the director may waive a survey if: 1) the shoreline is fixed by a manmade structures (that's a typo) which have been approved by appropriate government agencies and for which engineering drawings exist to locate the interface between the shoreline and the structure, or the shoreline is fixed by a natural stabilized feature such as cliffs and rock formations.

Do either of those exceptions apply?

Ms. Callentine: No, they do not.

Mr. Hopper: So even if this was an exemption, according to the rules as they're currently written, the person applying for the exemption would still need to have a certified shoreline as part of their application, correct?

Ms. Callentine: Yes, and that is the dilemma that the department faced because the two – the activities that are proposed by this permit are permitted to occur within the shoreline setback area. So all a certified shoreline survey would do would be establish where the setback is. Through the GPS survey that was done, which is probably fairly accurate, we can calculate how far back the setback would be. The shed itself is entirely and well outside the setback area. The fencing is partially in the setback area. But we are stuck with the rules, reading the way that they read. This is a very good illustration of why maybe sometime – maybe we might wanna amend the rules to allow something like this if it is – has an overall benefit to the community and no detrimental effect on the environment, but we are stuck.

Mr. Hopper: So before the Commission, though, is an SMA minor permit, correct?

Ms. Callentine: Correct.

Mr. Hopper: This has not been determined to be exempted.

Ms. Callentine: That's correct. And the reason is because we need to put a condition – we can only put conditions on minor permits or major permits. We can't put a condition on an

exemption. And the department does not have the authority to not require a shoreline survey. So we have to make that a condition of approval.

Mr. Hopper: The determination of a minor permit versus an exemption is based on the definition of development in 205A.

Ms. Callentine: That's true.

Mr. Hopper: And so in this case, you read that the definition of development, not development, and then determined that this was a development.

Ms. Callentine: Well, there's two things, yes, the placement of any solid material is a development, and this involves the placement of solid material. And then of the second portion that we analyzed was that an action may qualify as not a development except that the action may have a cumulative impact or significant environmental or ecological effect on the SMA. However, we do believe that given the best management practices that have been proposed, there would not be any significant impact. I believe I mentioned that the Corps of Engineers reviewed the project and they stated that a Section 404 Permit is not required because the project does not involve discharge of fill material, and the proposed activities would not degrade the existing drainageway.

Mr. Hopper: You also – did you review the exemption that was given in the presentation which was the development does include the following use of any land for the purpose of cultivating, planting, growing, and harvesting plants, crops, trees, and other agricultural, horticultural or forestry products or animal husbandry, or aquiculture or mariculture of plants and animals or other agricultural purposes? I think that's what was cited.

Ms. Callentine: Yes.

Mr. Hopper: Was that eligible for a basis for an exemption or–?

Ms. Callentine: If you really take apart each one of those items listed in that list, the maintenance of the wetlands is definitely an exemption. The fencing and the shed, I don't really see them as fitting into that. But again, I mean, as much as I would like to recommend an exemption, how do I do that? Now, there have been other – there's other factors at play here that – you know, there have been other projects. There was a wetland restoration I wasn't involved in, but this Commission, some of you were here, and you approved it out on the East End. That project didn't – the Commission didn't require a shoreline survey for that project, and I have not been able to determine how and why that happened.

Mr. Hopper: So at this stage, the department has determined an SMA minor permit is required.

Ms. Callentine: Yes.

Mr. Hopper: Based on what's being presented.

Ms. Callentine: Yes.

Mr. Hopper: So that's the determination. That's what is on our agenda today. Now, the Commission has the authority to grant, or deny, or grant with conditions. As far as an exemption, if there is some sort of alteration to the project or reassessment, that would have to be done at a later meeting based on a department evaluation of – I mean, if there are different facts. But at this stage, the department has said this requires an SMA minor permit, and that's what's before the Commission for – its review, approval, or approval with conditions, correct?

Ms. Callentine: Yes, another alternative the Commission could consider today would be to defer the project until you amend the SMA rules, which if they were amended such that this type of a wetland restoration project would not be subject to a certified shoreline survey, then that might be an advantageous time for the applicant to return for your final determination or concurrence with our determination.

Mr. Hopper: And that would be assuming, though, that their project, under the amended rules would qualify to not have required a certified shoreline. And there I know was some debate among the Commission Members over what projects should be required still to do certified shorelines and which ones would not. I don't recall exactly what the rules had proposed, and in fact, until the rules are amended, we won't be certain as far as which projects will require or not require certified shorelines. But I think that's correct—another option is deferral pending those rules being adopted. But based on your reading of the SMA rules as adopted by the department, the two instances in which certified shoreline can be waived as part of an application are not present in this particular case.

Ms. Callentine: That's correct.

Mr. Hopper: And that's what you advised the Commission based on their own rules.

Ms. Callentine: Correct.

Mr. Hopper: Okay.

Chair Sprinzel: So that brings us back to what I said right at the start. We're kind of all in favor of this, I think, but we can't do anything because this is the law. However, can each Commissioner please make a comment?

Mr. Hopper: What another option, Livit, be to grant the permit with the condition or – I mean, I don't know how this even helps the applicant, necessarily, but to grant the SMA minor permit with the condition of getting the survey, and if the rules change, coming in for an amendment to the permit conditions to delete that as a condition?

Ms. Callentine: Yes. One other thing that the department actually considered in our recommendation, and if you look at Recommendation No. 1, that the applicant shall submit to the department a shoreline survey certified by the Board of Land and Natural Resources, that last phrase, "Prior to initiation of construction," the Commission, I believe, would have within their purview to say within one year of the granting of the permit, if that was something that the applicant would be willing to agree to. I saw a puzzled look on your face. The reason that I believe that would be a prudent – one alternative and a prudent way of going is that the proposed activities are already permitted actions in the shoreline survey. So just in the shoreline setback area, they are permitted actions. It's just this quirk in the rules that say but you still have to have a certified shoreline survey. So I guess, Corp. Counsel, you probably have a comment on that, but that is one thing that the department discussed and considered was recommending that the survey be prepared and provided within one year of approval of the minor permit. Your suggestion also was another alternative.

Mr. Hopper: So the construction and the project would be allowed, and then the survey after the construction's completed?

Ms. Callentine: Right, that would still meet the intent of the rules. I mean, that would still meet the letter of the law as far as the rules go.

Chair Sprinzel: As presented to us, it says "Prior to initiation of construction."

Ms. Callentine: That's right.

Chair Sprinzel: We can't change this.

Ms. Callentine: Yes, you can. You can change the wording of conditions.

Chair Sprinzel: If we approve the SMA.

Ms. Callentine: Well, in order to approve the SMA, you can amend the conditions.

Ms. Zhantell Dudoit-Morris: Can I ask a question?

Chair Sprinzel: Well, I'd like to hear the Commission on this.

Ms. Dudoit: Why are we even discussing anticipation of approved rules? I mean, to me, that's a very irresponsible way of dealing with the situation. We don't even know if we're gonna be able to vote and agree to change those rules. So having the applicant go through this whole process and reword all the conditions so it says in case we change our mind, then you might not have to do it, but it also at the same time solidifies that they agree to do it should we not change our rules. So I think the discussion over anything concerning what isn't a law or a policy now is just not worth our time right now, and we should be concentrating on efforts on how we can help, because I also agree that this is a very important project. We need to do this. I mean, the applicant has said they're willing to remove the shed, if that's the major problem in the whole thing.

Ms. Callentine: That wouldn't help. That wouldn't change anything. Thank you, Commissioner Dudoit, but . . . (inaudible) . . . help.

Ms. Dudoit: And so I was trying to understand, Corp. Counsel, if this were an exemption, you would still be subject to the shoreline survey. And the reason you – the department wants it to be a minor is because under the conditions, can we eliminate the survey?

Ms. Callentine: You can't entirely eliminate the survey because of the way that the rules are currently written.

Ms. Dudoit: But if the minor permit allows us to put conditions into the permit–

Ms. Callentine: Yes.

Ms. Dudoit: We could figure out a way that we could possibly eliminate the shoreline survey depending on the way that we word it–our conditions.

Ms. Callentine: I couldn't answer on the affirmative on that. I would say that it wouldn't eliminate it, but it could possibly defer it, and then–

Ms. Dudoit: . . . (inaudible) . . .

Ms. Callentine: Well, you could–

Ms. Dudoit: . . . (inaudible) . . .

Ms. Callentine: Right.

Ms. Dudoit: It sounds crazy but you could defer it for, you know, an unbelievable amount of time at which time it gives us a hundred years to fix what's wrong, right? Or I'm not saying a hundred years but—

Ms. Callentine: Right.

Ms. Dudoit: Yeah.

Ms. Callentine: You could. You could. I believe you could. I hope your attorney will correct me if I'm wrong.

Ms. Dudoit: Sir that protects our rights and our legal, but will you tell me what you think?

Mr. Hopper: Your rule says any applicant shall submit an application form provided by the department, and the applications all require the following information and documentation: a shoreline survey if the parcel abuts the shoreline. And so, I mean, the wording is as part of the application. Now, I don't know what the department has done as far as conditions in other permits. I don't recall this Commission dealing with a certified shoreline requirement in an SMA minor permit condition. I may be mistaken. If the Maui Planning Commission has adopted conditions in similar instances, perhaps that can be constructive, but I am not aware of this Commission doing that because it's listed as an application requirement. Now, if it's something that can be deferred, and I am not aware of instances other than the two exemptions that are listed in your rules when this has been deferred, then I think that would be relevant information, obviously, to pass onto the Commission. I am not personally aware of the Commission's authority to by condition, essentially negate the requirement of a certified shoreline, but if it has been done by, maybe Clayton would remember, by the Maui Planning Commission or in other cases, the Commission needs to know that. That's an issue of precedent that I do not happen to know. As far as this Commission's concern, I do not think it has ever been done.

Mr. Clayton Yoshida: Mr. Chairman, Members of the Commission, as I recall for the Kealani Spa Renovation Project, which is located between two buildings, there was a condition that the applicant comply with the SMA requirement for a certified shoreline survey, as determined by the Special Management Area Rules, within a year after approval. So if the rules change so that they didn't have to – the SMA rules were changed so that in this particular instance, it would not require a certified shoreline survey, then the applicant would have met that condition. If they did not, then they would to provide the certified shoreline survey.

Mr. Hopper: And in that condition, was the project allowed to be constructed during that one year before the survey was obtained?

Mr. Yoshida: Yes.

Mr. Hopper: That was a Commission condition that was placed on the project?

Mr. Yoshida: Yes.

Mr. Hopper: Okay.

Ms. Callentine: And then there was also the Kip Dunbar's Wetland Restoration Project, which I was not involved in, but a very similar project to this in some respects, and there was no shoreline survey required for that.

Ms. Dibben-Young: . . . (inaudible) . . .

Ms. Callentine: Okay. Please hold your comments. We'll allow you another chance to speak, Arleone. So I don't know if you recall, Clayton, how that – or if anyone on the Commission recalls how that came to be on the other wetland restoration project.

Chair Sprinzel: Was that on an ocean shoreline?

Ms. Callentine: Yes. Yes. Well, Okay. So in answer, I would like to just give a little more information about the assessment. You read the requirements for the assessment application, Mike, and I believe you said that it is required that a shoreline survey be submitted. In the application, it's not required that it be a certified shoreline survey. So this application was submitted with a shoreline survey. It was a GPS – well, it was a shoreline survey that was determined through GPS positioning information.

Mr. Hopper: Just to note, under the rules, the definition of a shoreline survey means the actual field location of the shoreline prepared by a land surveyor registered in the State of Hawaii. Such survey maps developed by the registered land surveyor shall bear the surveyor's signature and date of field survey, and a certifying signature and date of the Chairman of the Board of Land and Natural Resources. And so that's what's– This is the Commission's rules. And, I mean, that's what we have. And I don't know about past cases. And this is something that the department– It is part of the rules, so just to note that.

Ms. Callentine: Yes, thank you.

Chair Sprinzel: What I would like to do is hear from the Commissioners, and then we'll have a proposal, and we can pass it. And then if, Arleone, you wanted to discuss it with the Planning Director in lieu of the actual law, that's something we can't do. So could we hear from Mr. Davis?

Mr. Ron Davis: Perhaps we can do the same thing that was done about the project that Clayton just spoke about, and set a time for them to meet the shoreline survey. And if the rules change by then, then they would have satisfied the requirement.

Chair Sprinzel: Zhantell?

Ms. Dudoit: How much is a shoreline—? I mean, what kind of expense are you—?

Chair Sprinzel: About seven thousand.

Ms. Dibben-Young: . . . (inaudible) . . .

Ms. Dudoit: So how many years would it take you to be able to raise seven thousand dollars if the rules didn't change?

Ms. Dibben-Young: . . . (inaudible) . . .

Ms. Callentine: May I just suggest that if this is gonna be on the record that you actually come up here and use the mic. so that we actually— I think it's a good question and a good answer, but I wanna capture it.

Ms. Dibben-Young: We wouldn't be able to do a shoreline certification. It costs between seven and ten thousand dollars. Right now, the nonprofit is struggling just with the \$1,800 a year liability insurance to be able to have the students come onto the property. And as far as operating expenses, I have written grant after grant to try and get money for just operating expenses such as a shoreline certification. Money's short. I'm just not getting it.

The Kip Dunbar Project, by the way, was exempted. It was deemed not a development and he was not required to do a shoreline certification. The Planner that proposed or presented that application to you, when I spoke to him, he said go ahead and apply, but put in my application with the GPS shoreline. His opinion at that time was that it is not a development, and it's a minor structure, and therefore, it's allowable, and that the certified shoreline was not going to be necessary. So that's why the application has made it as far as it has to you at this time. And again with this project, it's not a development. It's an allowable structure and it's a permeable structure. I disagree with it being a solid structure. It's not like a huge house or anything, you know, it's just T-posts pounded into the ground.

Chair Sprinzel: Sherry, would you like to—?

Ms. Dudoit: Actually, I was asking because I wanted to finish. So in the best interest — 'cause I think we all agree that it's necessary and we support what's going on over here.

So in the best interest of the applicant and of our rules is the two options that would be best: either for them to withdraw and see if within the next few months or so our rules change and then reapply as – you know, I mean, if our rules change.

Chair Sprinzel: That's what I suggested to Arleone.

Ms. Dudoit: Yeah, or the second option that we attach a condition that has a time extension for them to fulfill the requirements of a site survey.

Chair Sprinzel: Yeah, but we'd have to accept the SMA and then put in the conditions.

Ms. Dudoit: No, we wouldn't have to accept it if the client says that they wanna defer their application, right?

Chair Sprinzel: Oh, yes, if they defer it, yes, sure, but as it stands, if we pass the SMA minor permit, we can then change the condition.

Ms. Dudoit: Give them a time extension.

Chair Sprinzel: We can do an extension, I think, but I wanna find out first of all whether we're all in favor.

Ms. Dudoit: Okay. And then I going give up the mic., but I just wanted to make for clarification's sake that since we looking at this issue to be changed—the wording for the requirement for the survey, I'd like to also say that I also do environmental report reviews that are required by the federal government for housing projects. And they, in the national government sector, will approve an application based on the USGS maps. So, I mean, we might wanna take that into consideration that all the other governmental entities pass those things, and then we have specific criteria for a economically-depressed community to have to hire somebody for a signature. Thank you.

Ms. Callentine: May I just ask, Commissioner, did you want to – in your recommendation, did you wanna specify a time limit, if the Commission wanted to go with a—?

Ms. Dudoit: Personally, I wanna do what I think the client sees that they can handle. I mean, it makes no sense for us to approve this permit if she's saying that in one year, five years, ten years they still cannot afford the survey because I'm not gonna make a vote anticipating that the rules going change to accommodate their needs. So that decision, I think, is basically up to them. And then whatever, if she says, no, we won't withdraw, then we'll have to vote accordingly.

Ms. Callentine: Thank you. You might also then consider the condition reading, if you were to accept that, or until such time as a certified shoreline survey is no longer required for this activity.

Chair Sprinzel: No, we can't do that.

Ms. Callentine: Yes, you can.

Chair Sprinzel: Well, we're kinda guessing on whether we're gonna change the rules or whether the rules are gonna be changed.

Ms. Callentine: And that's why it's just an "or." It's not a guarantee. It's just an "or."

Ms. Dudoit: And I also wanna make clear, I said I was going give up the mic., but Commissioner Buchanan is a big time activist and pretty much the one who pushes most of these kinds of regulatory surveys, and shoreline surveys, and these kinda things. And I just would hate to have her miss such an important discussion, too, because I think a lot of the information and knowledge that she has on this stuff is really important too.

Chair Sprinzel: Sherry, can I have your views on this, please?

Ms. Sherry Tancayo: Sorry, I'm late. I know I came in late and only heard part of it, but it was my understanding that we could approve it, and she could do it, and then wait for the approval? Is that true?

Chair Sprinzel: Not as it stands.

Ms. Tancayo: I mean, she can't even start? Because it's a fence, so I'm just thinking if we approve it – because I know what we talked about with the rule changes at the last meeting, and if it accommodates or whatever, but if she didn't get it and didn't have the money, it seems like this would be a pretty easy project to pull out. I could be wrong. Because I've been there. I've seen the area. I've seen what she does, and pretty much have an idea of what she's gonna do just by my interaction with that property. So I guess my question would be– I don't really understand. She's saying yes, no, yes, no. So it would be if we approved it, would she be allowed to put the fence up, and then if it did not pass, or whatever, these things don't pass in time to accommodate it, it's something that she could take out that didn't seem like it would do a lot of damage to the area or any damage to the area?

Mr. Hopper: What Clayton Yoshida had advised and I did not know was that I guess on another permit, a Planning Commission on Maui with the same rules that you have has determined in a case that a certified shoreline was required; however, that did not have to

be provided until one year after the date of approval. That would also allow – that also allowed that particular applicant to construct the project. It provided that they had that certified shoreline completed within one year. I think it is true, though, that would still require that a certified shoreline be provided within one year. So if the rules were not amended or otherwise changed, then that permit condition would still be there. Even if the rules are amended, I think that permit condition would need to simply be amended to be stricken to eliminate that requirement because that requirement would be imposed through the permit. What I did not know was that Clayton had said in this condition, the one-year timeframe allows for the construction of the project provided that the survey was provided by the end of that year. The other option that was – which is certainly an option, is typically always an option, is to withdraw the application and resubmit it if the Planning Commission rules change. Now, of course, that's a big "if" if the Planning Commission rules change. That's within your purview. And it's not certain that that will happen. But giving an approval subject to requiring a certified shoreline within one year is something that has been done in the past with similar rules. So that's something you could do, but that wouldn't exempt the requirement. It would just defer it for another year.

Chair Sprinzel: And Arleone had said that they couldn't afford to do it within a year. So what I did suggest is it was withdrawn, they have discussions, further discussions, with the Planning Department, and resubmit it hopefully without that requirement, if they could agree that it wasn't in any way necessary. Anyway, Nat, can we have your opinion? Well, I'd like to get through it and find out whether we're gonna vote for or not.

Mr. Bacon: No, I agree with the fact that, okay, if this whole thing rests on that survey, and we know that we can have the survey done after-the-fact, after the construction is done, if that's what we decide we want as a condition, you know, they use the year. I don't see what limits us to a year. We could do it for ten years. And as we mentioned, it could be ten years, and/or if the rules change, void it.

Chair Sprinzel: I agree with you on that.

Mr. Bacon: You could put that as a condition. I mean, ten years down the road, that's all gonna be under water probably, anyway, if everything keeps melting the way it is. So it may not be an issue. So if we say something like ten years, that's certainly down the road enough. And we do the "or," the rules change, and then that's never hanging over anybody's head.

Chair Sprinzel: Now, our 100 percent attender, Douglas.

Mr. Douglas Rogers: I'd like to see it done, sure. Let's do it. My kids have benefitted from it, and I'll have more kids that will benefit from it. Let's do it.

Chair Sprinzel: Well, I would like to have a motion proposed and with the condition. Who's gonna speak?

Mr. Rogers: I'll make the motion.

Chair Sprinzel: The motion is to approve an SMA minor permit with the condition of—?

Ms. Callentine: Did you wanna slow down?

Unidentified Speaker: Yeah.

Ms. Callentine: Okay. Go ahead.

Unidentified Speaker: . . . (inaudible) . . .

Ms. Callentine: Okay. Use the mic., and tell the Commission.

Ms. Dudoit: Okay. Wait, wait, though. I mean, our Corporation Counsel didn't even know there was a pilot project or a template for us to follow until Clayton said one year.

Chair Sprinzel: Well, he did ask. He did ask if there was a case.

Ms. Dudoit: But what I'm saying is there is another option so that we're legal, and we're binding, and we're good is we could defer this vote until the next meeting so that both our Corporation Counsel and Clayton can — 'cause I'm pretty sure if there was an exception for ten years, that would've been brought up the department. If there was an opportunity for us to say a project could be deferred — a survey for ten years, Clayton would've known that. So what I don't wanna do is for us to make a decision like that on a really big . . . (inaudible) . . . and not be able to follow through with what we voted on. I don't think we would be comfortable with that.

Chair Sprinzel: Sounds a bit like we're making the law, doesn't it?

Ms. Dudoit: Yeah. And I mean in their benefit, we could still at the next meeting say ten years if we can't find out the information. But if we did, there might be a deferral that is not timed or it could be 20 years. I mean, I just think we're going too fast and we're not—

Chair Sprinzel: Well, we seem to have two proposals at the moment. Which one would you like to put up?

Ms. Dudoit: What does he think?

Mr. Tancayo: Yeah, we'd like to know what Mike thinks of that. And then I'd also – one more thing is she was talking about that like Kip Dunbar Project got an exemption. Does this qualify for the same exemption? Or does that exemption exist? I'd like to hear what Clayton and Counsel think about what our options are for them.

Chair Sprinzel: That was wetland excavation of a pond, as far as I can remember. Did it have a fence?

Unidentified Speaker: . . . (inaudible) . . .

Chair Sprinzel: Now then I would suggest to you, Arleone, go back to the – withdraw the thing today, 'cause it's gonna be messy, whatever, discuss it with the Planners, and bring that up, and then we'll hear it at the next meeting. I mean that way is simple. I mean we've been eight years so far trying to change the rules.

Ms. Callentine: Rich, just hold your comment. You have to see if the Chair will recognize you. I'm sorry, Mr. Chair. Rich Young was trying to make a comment and I asked him to hold his comment to see if you wanted to recognize him.

Chair Sprinzel: Yeah, Rich, what would you like to say? Say it to a microphone.

Mr. Young: Rich Young. I really – I think all the brainstorming that we're doing is spot on, and I do believe that the department set a precedent. We don't have all the parameters of that particular application here to talk about, but from everything that we know, and Arleone just wrote a letter to that Commission, it was your Commission that voted it in, and Jim Buika presented it, no shoreline certification was required for a much more intensive, higher fence in – set in concrete. So we just want to be treated fairly and within the norms of what is allowable. Now that fell through the cracks, obviously. It doesn't matter if we go back and visit it with – I don't feel that – if we have all the Deputy Directors, and the Planning Director, and Jim Buika in the room, it's still gonna come back to this particular application now that it's been discussed on record with Corp. Counsel explaining our only options unless we change the rule is to have some unusual or some creative out of the box recommendation by this Commission. And it seems like our Commission wants to have jurisdiction and total understand – we wanna understand about our community. Our community has spoken. These are the things that we need to do for Molokai, if nothing else, for the sake of the kids, the education, and all that's going on. For gosh sakes, if we can't make this happen, we can't do anything right for this – you know, it's a – to me, it's such a bigger picture that we're missing because of the black and white of the rules as written. It behooves us to change these rules. I think more and more projects– This is the right thing to do to have this kind of project and more of them. For gosh sakes, we are benefitting from this. This is not development of any kind. It is not big structures, big box stores, and this is all about Molokai. And this is what I feel passionately, obviously. I'm

sorry I'm so excited about it. It's just, this is what we need to be able to facilitate. Places all over California and the Mainland are closing their beaches off with these same kinds of enclosures to preserve the endangered species. We messed it up. We got too many people walking around without the knowledge. So here, I believe we've got something we can really do good. And if there's a way we can make a recommendation, I think this Commission has the power even if it's changing the rule power, but give us the option to go forward and not wait for a "what if."

Chair Sprinzel: We don't, Rich, honestly. We can't just make a change in the rule. It's taken eight years to get where we are.

Mr. Young: Okay. But even if it's an exempt action— The other concern is this activity, which is now acknowledged by Corp. Counsel and what I was saying in my previous testimony is a – it's an action that is allowable in the setback. Now, just think about how redundant our rules are if you can have an activity that's allowable in the setback, the shoreline certification has no bearing whatsoever.

Chair Sprinzel: You're preaching to the choir, Rich. We agree with you, but we can't do it.

Mr. Young: Could we have a recommendation then to allow us the time – a ten-year to bring in a shoreline certification in within a ten-year period?

Chair Sprinzel: Well, let's see if there is a proposal to do that, a seconder, and a vote.

Ms. Dudoit: Wait, wait, we asked the question for Mike to comment on what he thought about the ten years and those kinda things, but we never got to hear from him.

Mr. Hopper: Clayton, has the department ever had more than one year to complete a certified shoreline that has not been done prior to the SMA permit approval? Is one year the longest amount of time you've ever seen on an application?

Mr. Yoshida: Yes.

Mr. Hopper: Okay. So that would be ten years – ten times the amount that we had previously ever done before. I'm not sure what the intent of the one year was. It does take time to get the shoreline – the shoreline certified, so that could have been it. I know they're only good for one year. So I don't know the history of that application. So that's not something I'd ever seen before. As I said, the rules say that that's part of the application is the certified shoreline. And if there have been other applications where that's not been done, there should be reasons for it. There's either an exemption for it or other reasons the department has determined and obviously consistently applied across the board to other applicants. And that needs – the way that the rules are stated, those are required

for applications, for assessment applications which could also involve ultimate exemption determinations. So, I mean, ten-year – a ten-year timeframe versus – I mean, a one-year has been done before. That's something that has been approved by a Commission before. We've never had more than that in any single case. So at this stage, I'm not comfortable advising you to go that far before you without any other precedent that I've ever seen before for something like that. If it's considered an impermissible essentially an amendment to your rules on the floor to substantively not require a certified shoreline in a case where they are required, that could potentially be a problem. However, a one-year time period has been granted. Given time to investigate that, you know, the circumstances of that permit could be prudent. I want to let the Commission know that until I came till to the meeting today, I did not know there was an issue with providing a certified shoreline. It was a condition here. I didn't know that was going to be a particular issue which is obviously an issue of cost. At seven thousand dollars, it's obviously a significant issue of cost. So I don't – I cannot give you an opinion I'd be comfortable with sharing with you today on a ten-year time extension which is again, ten times the amount that any Commission has ever granted to do a certified shoreline. Clayton, has there ever been a case where we know of a condition exempting the – an applicant from the requirement of doing a certified shoreline under any circumstances that you know of when such a requirement applied under the rules?

Mr. Yoshida: Not that I'm aware of, if it's outside of the scope of the rules, I mean, the exemptions that are listed in the rules.

Mr. Hopper: I'd have to investigate that. Again, this is an issue that came up literally ten seconds before the meeting today. So I'm not comfortable with – at this point, a one-year extension has been done before in other permits. And I think that that's a condition that would be – that you could do. Again, that does not exempt them from doing a certified shoreline. It simply says in one year they have to do that.

Chair Sprinzel: Well, we have the proposal of the motion. Is there a seconder?
Is there a seconder? Doug has proposed that we accept the thing with what? The one-year? Yeah. Is there—?

Ms. Dudoit: I don't think they heard the whole motion.

Ms. Callentine: Yeah, and I would very much like to make sure before we move on anything that I, the Planner, have got your conditions clear. Please let me make sure it's clear word for word before I walk out of here today.

Chair Sprinzel: Certified by the Board of Land and Natural Resources within one year. Happy with that? Seconder?

Ms. Callentine: Of approval, within one year of approval.

Chair Sprinzel: Within one year of approval, yes. Secunder?

Ms. Tancayo: Could I ask another question?

Chair Sprinzel: Sure, there is a time after where we can ask questions.

Ms. Tancayo: No, I was gonna say if they want it with – if they'd be more comfortable withdrawing or us passing this with the one-year extension.

Chair Sprinzel: Well, I did suggest at the start of the afternoon that they withdrew it. And they won't. They can't afford to do it within a year. So now it's up to us to have a secunder and then a vote.

Ms. Callentine: I have another suggestion that if they are not able to complete the shoreline survey within one year and the rules have not been amended to no longer require it for a project such as this, then they would have to come in and ask for an amendment to the permit terms and conditions. And they could ask that that be extended again. They could ask for an extension of that one year. People do that all the time for permits all the time. So that would also be an option is to go ahead and get it moving today.

Chair Sprinzel: That's not in the motion. That's for them to do.

Ms. Callentine: Well, that's an amendment. No, that's in the motion, but just I'm pointing it out.

Chair Sprinzel: Yes, well, we know that. I mean, Arleone has discussed this with Michele, the Deputy Director, who decided that this was subject to a – so it's not up to us. We now have a proposal for a motion. Do we have secunder? We have a secunder–Nat Bacon. All in favor, raise your right hands. Oh, sorry, discussion. More discussion?

Ms. Dudoit: Okay. So I'm not gonna vote in favor of the one-year. In fact, I think that we're being premature, and we offering them either they take what we giving them, or they take their application and defer it until we change our rules. But I really would suggest that like Corporation Counsel said, we've just been introduced to evidence. I mean, on Molokai alone, we have an example of a project that was done similar. It's not parallel to what they're doing. What is two weeks or three weeks to go and research that? I mean, I'm pretty sure like I've seen a thousand times when the department finally makes a ruling or the Commission makes a ruling, they come out with reasonings for why that ruling was done. And it may be applicable and fit what we're doing right now, but by rushing into

either having them take out the application or us putting a time limit on something that we're unsure of I think is a little bit premature.

Chair Sprinzel: I agree with you and I wasn't gonna vote in favor either. So do we have a seconder? We do.

There being no further discussion, the motion was put to a vote.

It has been moved by Commissioner Rogers, seconded by Commissioner Bacon, then

VOTED: To approve an SMA minor permit as discussed.

(Assenting: D. Rogers and N. Bacon)

(Dissenting: R. Davis, S. Tancayo, and Z. Dudoit-Morris)

(Excused: L. Buchanan, J. Kalanihuia, and M. Jennings)

Chair Sprinzel: Okay. The motion is denied.

Ms. Dudoit: I have a motion, sir.

Chair Sprinzel: Sure.

Ms. Dudoit: I would like to make a motion that we defer Mrs. Young's request for a special management area permit until the next meeting at which time, both the department, the Commissioners, and everyone involved in the situation will become more familiar with the rules that apply to this permit specifically, in regards to previous judgement made or decisions made in accordance with Kip Dunbar's property. And also, to get definite answers and rules as it applies to the amount of time that is allowable for us . . . (inaudible)

. . .

Chair Sprinzel: Do we have a seconder for that motion? We do.

Ms. Callentine: Okay. I'm sorry, Mr. Chair, I cannot write that fast. I need you to say that again.

Chair Sprinzel: Well, no, we're just deferring it.

Ms. Callentine: But the part that I need to know is what do you want me to do between now and two weeks. Do I need to do anything?

Chair Sprinzel: I understood her that the proposal was to research into the other cases.

Ms. Dudoit: Livit, what I wanted to do was just defer the motion and to revisit it again on October 10th. And during that time, if the department, and the Commissioners, and everyone involved in the situation could familiarize themselves and come up with legitimate documented evidence and reasoning for a responsible solution or decision that we can make. And especially, a lot of the discussion was formulated around Kip Dunbar's property and it being similar to what these guys are applying for, so maybe we could get history on that or some kind of reasoning for why that was exempted. And then also that Corporation Counsel, the department, the Planning Department, whoever's responsibility it is to advise us on valid or legal time extensions, or if there is a documented time limit that we can give extensions or deferrals for a shoreline survey.

Chair Sprinzel: Secunder, please? Okay. We have a secunder.

There being no further discussion, the motion was put to a vote.

It has been moved by Commissioner Dudoit, seconded by Commissioner Tancayo then unanimously,

VOTED: To defer this item to the October 10, 2012 meeting.

Chair Sprinzel: Carried unanimously. Thank you. Arleone, you've gathered we all approve of it. We love it. What you gotta do is sort out with the Planning Department, how you can get around it. Thank you. Right. Thanks, everybody, for their patience on that.

- 2. MR. HARVEY TEVES requesting a Special Management Area (SMA) Minor Permit for the installation of a solar pump and water line to provide fire protection and irrigation for agricultural uses for property located at Mile Marker 8.25, 4461 Kamehameha V Highway, TMK: 5-5-001: 007 (por.) and 5-5-001: 026, Keonekuino, Island of Molokai. (SMX 2011/0535) (Valuation: \$2,500) (L. Callentine)**

Chair Sprinzel read the agenda item into the record.

Chair Sprinzel: Now before we ask the Planner to go over this, we do know from the lecture we had on riparian rights that Mr. Teves owns the spring and the pond. And therefore, he does, under Hawaiian law, and under Hawaiian law – state law, have riparian rights to use that water. Okay. Livit?

Ms. Callentine: Thank you, Mr. Chair. Okay. So this application is by Harvey Teves for an SMA assessment for installation of a solar-operated submersible pump in an existing fresh water pond, a one-inch water line running a distance of 280 feet from the pump to 10,000-

gallon storage tank, and a standpipe next to the barn. The water is needed for fire protection and for agricultural purposes in order – for agricultural purposes. The project will take place on portions of TMK: 5-5-001:007 and 026. Parcel 7 is 82.98 acres, and Parcel 26 is about a half an acre. Both parcels are in the state ag land use district. Our Molokai Community Plan designates it agriculture and is also designated agriculture within the County of Maui zoning district. A portion of Parcel 7 is in the SMA and all of Parcel 26 is in the SMA.

So the application – an application was approved as an exemption by this body on March 12, 2009 and that one – that project was for the construction of a farm dwelling, a driveway, a power pole, a barn, an individual wastewater treatment system, and a well. And that was gonna take place entirely on Parcel 7. So that was exempted by the Commission on March 12th.

The well was drilled and subsequently was found to not to be able to yield what it was predicted it would yield and what was required of the Fire Department to provide adequate fire protection. So the applicant is before us again today requesting that alternative means to providing the adequate water supply be approved.

So the subject application that is before you today was presented to you March 14th of this year, and we asked that you concur that the application would be an exemption. And that is shown in your – in my report to you on as Exhibit 1–that report from the department. And at that hearing, the Commission determined that the project qualified as a development and would require the preparation of a minor permit application. And the decision and order finding that to be the fact is shown as Exhibit 2 of this day's report.

On the subject parcel, the services are – and Maui Electric Company provides electric service. There is no water or wastewater system provided to the applicant.

The project in terms of environmental, cultural and historic resources, it is not anticipated the project will have an adverse effect on the quality of the environment. The proposed action consists of installation of a solar-operated, submersible pump within an existing pond under a second well permit, water line, and standpipe, in order to provide water for fire protection and limited irrigation for a farm operation.

According to the Commission on Water Resources Management, for the Kawela aquifer system has a sustainable yield of five million gallons per day. Fifteen water use permits have been approved, have been issued by the State for withdrawal from the Kawela aquifer. That is a combined – with a combined maximum total withdrawal of 0.803 million gallons per day, or approximately, 16 percent of the total sustainable yield of the aquifer. That means that 84 percent of the sustainable yield in that aquifer still remains untouched and could be used – put to use in other ways, or applied for and used by other users. The

applicant is permitted by the Commission on Water Resources currently with a ground water permit to withdraw less than 1 percent of the total sustainable yield. And the Commission on Water Resources Management determined that the requested withdrawal of water will not impact the hydrology of the area.

The department transmitted – after our last meeting, with the concerns that came up, the department transmitted the application to quite a number of agencies. And we did receive a number of responses which are summarized in the assessment portion of your report. The key portions are that the State Historic Preservation Division reviewed the project again. This is the most significant comment. And that they determined that because the Kipapa Fishpond is listed on the National and State Historic Registers of Historic Places, they have concerns that the freshwater ponds that is proposed to be tapped may be an integral part of the Kipapa Fishpond, and that this project could potentially impact the setting, integrity or condition of the site. And SHPD has requested that an archaeological inventory survey of the project area – of the project area, not of the whole huge parcel, but of the project area be carried out in order to identify historic properties and assess the potential effect this project may have on historic properties.

So therefore, until that survey is done, along with any required mitigation determined by that survey and accepted by State Historic Preservation Division, it cannot be determined that there will be no irrevocable commitment to loss or destruction of any natural or cultural resources.

I'd like to also point out, however, that the U. S. Army Corps of Engineers commented that they reviewed the project pursuant to Section 10 of the Rivers and Harbors Act, and Section 404 of the Clean Water Act. And they noted that the pond is not tidally influenced and is not a navigable water, a Section 10 permit is not required. Further, that the proposed work will not result in discharge of dredge or fill material, and a Section 404 permit is not required.

Fish and Wildlife had no concerns. I did not receive a reply from Soil and Water or from the National Marine Fisheries.

The Department of Water Supply had some comments, namely that it was outside of their service area, and that the applicant should comply with the Commission on Water Resource Management requirements. And I'd like to point out as far as the requirements from the Commission on Water Resources Management that not only does he have a permit, a ground water permit, for – to withdraw up to 45,000 gallons per day, that is from any source. That could be a combination of the existing well which is underperforming and also, from the pond. But I think the applicant intends to give you testimony information in a moment about how much realistically he will actually be able to withdraw, and it's well below the 45,000 gallons per day that the State has already permitted him to withdraw.

There are – along with this water use permit that the Commission has – the Commission on Water Resource Management has granted, if you look in Exhibit No. 3, and you wanna make sure that you don't look at the Exhibit No. 3 that's in the first report, you gotta go further back in your packet about halfway through to Exhibit 3, which actually is a copy of the ground water use permit granted to Mr. Teves. And this is a revocable permit. That's an important point to make. If he were to ever – if there were ever to be a change in the situation with the Kawela Aquifer or with Mr. Teves' use of the water, they can take this permit back. Also, if he under uses the water, they can some of that. They can amend the permit, if he doesn't use enough of the water. There's a really long list of conditions that he's subject to with this water use permit. And it assures me that there will not be an impact to the aquifer. Also, he has to provide monthly and annual reports of his usage to the Commission on Water Resource Management. And he will measure that usage by placement of a meter, a water meter, on the water sources, and have to record those numbers every month, and then keep track of those for the Commission.

So the main concern then is doing an archaeological inventory survey. The applicant has contacted a firm, and is attempting to get that firm to talk with State Historic Preservation Division to make sure that everyone is clear on what the State Historic Preservation Division wants as far as the scope of work prior to him engaging the services of an archaeologist to do the survey.

So at this point, I would like to turn the project – the microphone over to the applicant, because I do believe he would like to say a few words, if that's Okay, Mr. Chair.

Chair Sprinzel: Yes. Mr. Teves?

Ms. Dudoit: Livit . . . (inaudible) . . .

Ms. Callentine: Sorry?

Ms. Dudoit: . . . (inaudible) . . .

Ms. Callentine: That is right at the very beginning of your report. On page 4 of the report dated September 26, 2012 is the beginning of the new recommendation. So on page 3, you see the beginning of the findings of fact, and on page 4 the recommendation begins. And I was gonna hold off on giving the recommendation until after Mr. Teves has a chance to speak and you have a chance to ask any questions.

Mr. Harvey Teves: Thank you, Livit. Mr. Chair, Members of the Commission, do all of you have something I just wrote up–this pamphlet? Everybody got one? Okay. Thank you for hearing me. I'm just gonna read this through because I realize that you just – you were just

given this sheet, these sheets, prior to our meeting. So if you haven't had a chance to go through it, I thought I'd write it up and give my comments.

I would like to offer some clarification regarding the application before you. I'd like to make this brief. And perhaps when I'm through, you may have some questions or concerns that I'll try to address. Now, some of this might be redundant to what Livit had said already or what you read.

In March 2009, I obtained a permit, SMA and both building permits to build a barn, well, a wastewater system, and bringing in power from Kamehameha Highway, and build a 35,000-gallon pool, and consent to build a future home. Since then, I've drilled a well, installed the well pump, completed the barn and the wastewater system, and installed an electrical system. I have not yet built the 35,000-gallon pool for the following reasons. The pool was to be filled from water drawn from the well. The pool was to fulfill a Fire Department requirement of 10,000 gallons and was to be positioned between the barn, below the barn, and the subject pond. I have not been able to get water yield – the water yield from that well that was anticipated. The well yields approximately, 120 gallons per day. And at that rate, I would take 80 or 90 days to fill up the Fire Department requirement of 10,000 gallons and leave no room for any other usage.

I went back to the Water Commission and Mr. Charles Ice, explained my problem, and it was suggested that I modify my original well permit, the well I've already drilled, and obtained an additional pump permit to draw the necessary water for fire control and future ag from the use of an existing subject pond on my property which is surface water, however, coming from the same aquifer as the original well. That is the application in front of you today mainly because the subject pond lies in the SMA area.

A few months ago in March, this request came before you at the Molokai Planning Commission as an SMA exempt permit. The outcome was the determination that the application should be for an SMA minor permit. Certain concerns came from that early meeting which we have tried to answer and address at this presentation.

Further clarification, although my permit allows for a draw of 45,000 gallons a day, the total draw from the existing well and the new pond combined will be a maximum of only 2,540 gallons per day somewhere between 5 and 6 percent of the allowable draw. The existing well, again, it's 120 gallons a day, and that is for house service water that is shower, toilets, laundry, etc. And it's pumped into a separate holding tank. The pond water will be drawn by a solar pump. This pump's maximum output is six gallons per minute, 300 gallons per hour, or 2,400 gallons per day. So that added to the other well totals 2,540 gallons a day.

The one-inch PVC line to be installed from the pump to the 10,000-gallon holding tank on the hillside will be about 280 feet long and buried 12 inches deep. That and the solar pump itself will all be in areas already disturbed by previous permitted construction of the barn, wastewater system, driveway, and related site work. The last 60 feet of the waterline to the tank on the hill is on land that has not been previously disturbed. I would prefer not to bury this portion of the line but instead lay it on the surface, and not do any digging, because of the steeper terrain. All the work for this project will take place on Parcel 7. That's the 82-acre parcel. None will be – include Parcel 26. The pond actually lies on both parcels with the major part of it in Parcel 26. Historically, or prior to 1947, Parcel 26 was part of the fishpond. In 1947, Kam Highway was built and cut through the existing fishpond resulting in the creation of two separate parcels: 8, then 26. Parcel 8 is the current fishpond which is owned by the State of Hawaii. Parcel 26 was transferred to the owners of Parcel 7 which is the parcel I own. Subsequently, in 1974, Parcel 8, the remaining fishpond, was determined a historic site, and Parcel 26 stayed as it is in agriculture. That is the present status of these parcels.

A farm plan—I do have one that is to plant native plants, and to create a 200-foot green belt on the property parallel to Kam Highway. To elaborate on this thought a bit, like people before us, we are given the sun for solar, the water, the land, and the climate. The only additional thing we now have is a solar pump, which enables us to move the water uphill to irrigate and create the green belt. It may take a while. However, once in place, this green belt should help stop the erosion and aide in the protection of our precious reef.

In conclusion, I do ask you grant my request for this SMA minor permit. And I thank all Members of your Commission for their positive consideration. I'm especially grateful for the time and effort put forth by the Maui Planning Department. The gathering of information from various Federal, State, and County agencies on this matter was not a simple task. It has been very much with their professional assistance which has enabled us to come to this point—our presentation. I do thank Michele McLean, Clayton Yoshida, and the diligence and objectivity of Ms. Livit Callentine for that. I also thank the kupuna support from the Caparida Family and others regarding this project. I thank you. Does anyone have any comments or questions?

Chair Sprinzel: Any questions from the Commissioners?

Ms. Dudoit: Sir, in one of the paragraphs you make the determination between Parcel 26, Parcel 7, and Parcel 8. Can you just give me little bit more explanation of your reason for this – these statements that were made? Are you trying—? It seems to me that you're trying to say that the historical site designation is only on Parcel 8.

Mr. Teves: Well, Parcel 8 is—

Ms. Dudoit: That you don't own. Is that what you're trying to say?

Mr. Teves: The State of Hawaii owns Parcel 8. That's across the road.

Ms. Dudoit: But I think it's important to understand that the reason Parcel 8 is designated that a historic site is because of the pond. So it doesn't really matter where the pond is located if you pumping from that historical— So it says right here in the letter. So I just wanted to clarify that because it seems that the Department of Historic Preservation wrote you a letter making a determination that this was a historical site because of the pond. And that's the same pond that we're talking about putting a pump in, right? Whoever. I just don't wanna be confused or for the Commissioners to be confused about the separation of the parcels.

Ms. Callentine: Thank you. I actually would appreciate the opportunity to answer that. The State Historic Preservation Division hasn't ruled that there would be an impact. They just want more information. They wanna know. They're curious. And so they want this applicant to fund their curiosity, essentially. The Department of Transportation in 1947 bifurcated Parcel 8, and the piece that was – to move the road. The piece, the little half moon piece, half-acre, that was now mauka of the road was then deeded to the owner of Parcel 26 who wasn't at the time, Mr. Teves. Is that correct, right? Yeah. So that Parcel 26 now was created, and – because in 1947, the road was built, no one reviewed it, and there was no SMA review, and that's what they did. Then in '74 and '81, so quite a long ways after this bifurcation of the fishpond, the property was reviewed because it was nominated as a – the fishpond was nominated as a historic property. At that time, there was no mention or no discussion of any portion of the fishpond being mauka of the road. That's not in the historic nomination papers, which I have provided as part of my report. So that's sort of an aspect of it to consider is that why wasn't that considered during the nomination process. If it was an issue, why wasn't it raised? Why wasn't that portion of the pond on the mauka side of the road, the portion of the fishpond, the former portion of the fishpond, mentioned in the nomination papers? I mean, now DOT has built up the road. There's a huge embankment between the two pieces. There's no way you're gonna have fish moving back and forth from across the road. So that concludes my response to that question.

Ms. Tancayo: I have a question for Livit. That was part of the – your initial testimony is that I think it was the Army Corps of Engineers did a title survey, and there's no title change in this pond, right?

Ms. Callentine: That's correct.

Ms. Tancayo: So if there's no title change, it has nothing to do with the pond because the pond would have a title change.

Ms. Callentine: Yes, that conclusion– I am not a scientist.

Ms. Tancayo: No, I understand, but I'm just saying that – I mean, you're talking about the Army Corps of Engineers who is actually here instead of somebody from somewhere else saying, "Well, we think." So I'm just trying to get the evidence sorted out. And if there's no title change in the pond– Because I had to go through the same thing on the East End so I understand all the dynamics of what is going on here. So I just wanted to clarify that that we have somebody that actually came in, and tested this, and said that there's no title change, correct?

Ms. Callentine: Correct.

Ms. Tancayo: Okay. Besides all the other paperwork, this has nothing to do with the pond?

Ms. Callentine: Correct.

Ms. Tancayo: Thank you.

Chair Sprinzel: Any other questions, Commissioners? In which case, public testimony, would anybody like to make any testimony on this matter? There being none, public testimony is now closed. Okay. Commissioners, the serious bit.

Ms. Tancayo: Can I make an approval that we approve the permit?

Ms. Callentine: Can I give the department's recommendation first before that?

Chair Sprinzel: We need– Yes, we just need Livit to confirm the recommendations. You don't have to read all the conditions 'cause we've got them in front of us.

Ms. Callentine: Okay. Great. So pursuant to the aforementioned, the department recommends approval of the SMA minor permit, subject to the Conditions 1 through 7, which are shown in the department's report and recommendation to the Commission of September 26th 2012. Okay. Now you can make a recommendation and a motion.

Ms. Tancayo: Okay. I make the motion to go along with the recommendations that Livit has drawn up that we approve this SMA minor.

Chair Sprinzel: Thank you. Do we have a seconder? Nat Bacon. Discussion?

Ms. Dudoit: Yeah, I just wanted to for clarification's sake since it was brought up, and I know that Commissioner Buchanan and I made a big issue about the effects that it would have on the fishpond. So I just wanted to state for the record that the Army Corps of Engineers did not say that there wasn't a title change. They said that it wasn't in their

navigable water of the U.S. and therefore, not – does not need Section 10 permit, and it's not required for the proposed work. So under – I'm trying to understand this. Our only scope, our only jurisdiction right here for this specific instance is to determine whether or not this applicant is eligible for an SMA permit under – including the conditions we or the department put on their permit, nothing else. All the rest of the stuff and conditions that we put on should – if we wanted to secure our comfort level as far as the pond is concerned, historical preservation, and all that stuff.

Chair Sprinzel: And Livit did make the point that there are so many . . . (inaudible) . . . things.

Ms. Dudoit: Okay. Okay. That's all.

Chair Sprinzel: But if there's a sin, it will be punished.

Ms. Dudoit: Yeah, thank you.

Chair Sprinzel: Thank you. A seconder? We've got a seconder. Any more comments? No more comments.

There being no further discussion, the motion was put to a vote.

It has been moved by Commissioner Tancayo, seconded by Commissioner Bacon, then unanimously,

VOTED: To concur with the Planning Department's recommendation to approve this SMA minor permit.

Chair Sprinzel: Carried unanimously. Thank you, Commissioners. Well, that was a long day.

D CHAIRPERSON'S REPORT

Chair Sprinzel: Okay. Chairperson's report—I hope you all enjoyed your vacation day earlier this month when Lori and I went to Oahu for the Planning State Meeting, and listened to about eight lectures. Very, very interesting stuff including, 90 minutes of law on planning and neither of us fell asleep. Part of the thing was held in Disney Resort, and any remarks about Mickey Mouse and Planning are not allowed. Okay. That's my report. Can we please have Clayton?

E. DIRECTOR'S REPORT

1. 2013 Molokai Planning Commission Meeting Schedule (*The Commission may act to adopt or modify the proposed meeting schedule*)

Mr. Yoshida: Thank you, Mr. Chair, and Members of the Commission. We have provided you with our proposed meeting schedule for the Year 2013. If you want to take a look at it and either approve it or modify it so that we can work with the Parks Department as this is a much used facility especially, during the summer months when they have the Summer Pals Program. So I don't know how the Commission feels in scheduling a regular meeting for November 27th which is the day before Thanksgiving.

Chair Sprinzel: We normally cancel that, don't we?

Mr. Yoshida: Yeah, typically.

Chair Sprinzel: And the other one is the September 11th which is normally the convention.

Mr. Yoshida: Yeah, I guess we wait for the materials to come out from the host.

Chair Sprinzel: 'Cause we can cancel it, then, yes.

Mr. Yoshida: Yeah.

Chair Sprinzel: Anybody object to canceling the Thanksgiving meeting? No, so that's fine. Thank you.

- 2. Highlights of the 2012 Hawaii Congress of Planning Officials (HCPO) Conference from Commissioners who attended the Conference**
- 3. Pending Molokai Applications**
- 4. Closed Molokai Applications**

Mr. Yoshida: The Chairperson has provided the report on the HCPO Conference so we have circulated our list of pending and closed Molokai applications. If there any questions from the Members? Seeing none.

5. Agenda items for the October 10, 2012 meeting

Mr. Yoshida: I guess our next meeting is scheduled for October 10th and so far we just have the matter that – the application that was deferred today, the Arleone Dibben-Young

special management area minor permit application for the Koheo Wetland. Are there any other items that the Commission would like placed on that agenda?

Chair Sprinzel: Is the open meeting, general public meeting, on the rules' changes scheduled for that day too? Oh, they're still being done. Okay. Thank you.

Mr. Yoshida: With that, that concludes our report.

Chair Sprinzel: Thank you, Commissioners. Thank you, Clayton. And we'll see you in two weeks or so's time. We are adjourned.

F. NEXT MEETING DATE: OCTOBER 10, 2012

G. ADJOURNMENT

There being no further discussion, the meeting adjourned at 2:01 p.m.

Respectfully submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards & Commissions

RECORD OF ATTENDANCE

Present

John Sprinzel, Chairperson
Nat Bacon
Ron Davis
Zhantell Dudoit
Doug Rogers
Sherry Tancayo (Arrived at 12:48 p.m.)

Excused

Lori Buchanan, Vice-Chairperson
Michael Jennings
Janice Kalanihuia

Others

Clayton Yoshida, Planning Program Administrator
Livit Callentine, Staff Planner, Molokai
Michael Hopper, Deputy Corporation Counsel