

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

November 13, 2012

THE SPECIAL MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, ON TUESDAY, NOVEMBER 13, 2012, BEGINNING AT 9:07 A.M., WITH CHAIR DENNIS A. MATEO PRESIDING.

CHAIR MATEO: Council of the County of Maui special meeting of November 13, 2012, will come to order.

Mr. Clerk, may we have the roll call, please.

ROLL CALL

PRESENT: COUNCILMEMBERS GLADYS C. BAISA, ROBERT CARROLL, ELEANORA COCHRAN, DONALD G. COUCH JR., VICE-CHAIR JOSEPH PONTANILLA, AND CHAIR DENNIS A. MATEO.

EXCUSED: COUNCILMEMBERS G. RIKI HOKAMA, MICHAEL P. VICTORINO, AND MICHAEL B. WHITE.

(Councilmembers Victorino and White were not present when the roll was called; however, they arrived at 9:08 a.m. and 9:26 a.m., respectively.)

COUNTY CLERK JEFFREY T. KUWADA: Mr. Chairman, there are six Members present and three excused.

CHAIR MATEO: Thank you.

Will everyone please rise and join us in reciting the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

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

CHAIR MATEO: Members, for your information, I've been advised that Mr. White and Mr., Mr. Victorino walks in as we speak. But Mr. White should be joining us very shortly as, as well.

(Councilmember Victorino arrived at the meeting at 9:08 a.m.)

COUNCILMEMBER VICTORINO: Sorry.

CHAIR MATEO: Mr. Clerk can you tell us how many individuals have signed up to provide testimony this morning.

COUNTY CLERK: Mr. Chairman, we have received requests from four individuals wishing to offer testimony.

CHAIR MATEO: Thank you.

COUNTY CLERK: Excuse me, Mr. Chairman. We have three more so there are seven individuals.

CHAIR MATEO: Thank you. Before the Clerk calls up the first individual to provide testimony this morning, the Chair would like to set the parameters for those of you wanting to share your comments. We welcome anyone wishing to share your comments with the Council. You will be allowed to speak for three minutes on any of the items posted on the agenda. When your name is called, please advance to the podium, state your name for the record. If you represent a group or organization, please so state the name of that group or organization as well.

A lighting system on the podium is there to assist you with your testimony. At the start of your comments, the green light will be lit. At the two minute thirty second mark, the yellow light will be lit letting you know you have thirty seconds to conclude. And of course at the three minute mark, the red light will be lit letting you know you will need to end your comments. An additional minute will be provided for you to conclude your testimony should the need arise.

And for those of us with cell phones or other noise-making devices, this would be a good time to either turn them off or set them on the silence mode. Decorum in this chamber will be maintained at all times.

Mr. Clerk, call up our first testifier please.

COUNTY CLERK: Calling Tamara Paltin. Ms. Paltin will be followed by Irene Bowie.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MS. TAMARA PALTIN:

Good morning, Council and thank you for this opportunity to testify today. I'm here asking that, that you folks hold a public hearing in the evening hours because the whole process has been during like working hours. So, most of the people in the community that have jobs haven't been able to really participate in the process.

And I would say my, because I live on the west side, the majority of my testimony is focused on the west district stuff or section. And I wanted to just have on record as saying that I don't think that this plan is very good. And it's not because I think that you guys shirked the responsibility or didn't put time in it or didn't work hard on it, I, I do think that you guys did work very hard on it. But I, I don't think that the people of the community has been heard or had enough input as say commercial or corporation profit interests.

I think that for the west district alone that at least 300% housing units over the projected growth is way too much considering that we live on a island and there's finite resources. We don't have the infrastructure on the west side to support that kind of growth. And I don't, I don't think that we need that kind of growth if it's over 100% of what's projected. I don't think that benefits anybody in my community because Maui is such a desirable place to live. It's great, everyone here probably agrees on that. It doesn't mean that houses are going to be worth 80,000 or 100,000 because there's so much surplus, it just means people are going to come from other places and, and to me that kind of like dilutes the culture that we're so unique in the world, you know.

And I remember reading in the newspaper someone stated like, you know if everyone is upset I'm probably doing a good job. And I don't agree with that exactly. I think our kids and the people of Maui deserve better than everyone being upset. I think in this day and age that there are solutions if you look outside of the box. And, and I know that you guys don't agree with just throwing the whole plan out. But I feel that it's so flawed that there's no sense even having the plan.

You know, when it comes to developer's rights and property rights and things like that, one set of rules seem to be in place. But when it comes to like preservation, transit corridors, buffer zones, and like that, it's not the same rules. Like, it's, it's not a, it's not what you call a change in zoning when it comes to like ag to rural or whatever, you know. But it's, it is considered a taking if it's preservation. And you know, the reality of--

CHAIR MATEO: One minute to conclude.

MS. PALTIN: --the situation is, you know, there are such things as fake farms. There are such things as we don't have enough schools. There are such thing as USGS Maui County Water Resources, we don't have enough for the west side. So I think a lot of the realities of the situation that people deal with day to day are not being taken into consideration with this plan. Thank you.

CHAIR MATEO: Thank you. Members, is there a need to have any part of the testimony rephrased? Thank you very much.

MS. PALTIN: Thank you.

CHAIR MATEO: Mr. Clerk.

COUNTY CLERK: Irene Bowie. Ms. Bowie will be followed by Lloyd Fischel.

MS. IRENE BOWIE, MAUI TOMORROW FOUNDATION:

Good morning, Chair and Councilmembers. I'm Irene Bowie with Maui Tomorrow Foundation.

I also would like to ask that the public hearing that you have on this be held in the, in the evening so the members of the public who aren't able to take time off during the day and come to these meetings have a chance. We've gone through such a long process with this, this plan that I think that's the least that we could do for the community so that everyone has a last chance to speak and understand what's, what's coming forward.

And then I'd also like to mention that the implementation chapter plus the appendix with all the needed CIP Projects has been left out with hope of getting it passed next year. I'd ask you to please make a commitment to a timeline for getting this financial component passed. That's critically important to this actually making sense as we plan.

And also with all the protection areas on the maps having been given a not enforceable by law status, Maui Tomorrow has great concern that any commitment to greenways, greenbelts, parks, and preservation areas fade when developers become interested in these areas. Please make this description more meaningful as part of a sensible and complete long-range plan.

And lastly, I'd just like to acknowledge what a great loss to our community the passing of Chris Hart is. He worked so hard on planning for, for Maui Nui and especially on this Island Plan that, that I think it, you know, it's just needs to be acknowledged and, and we certainly miss him and we'll miss him going forward. Thank you.

CHAIR MATEO: Thank you. Members, is there a need to have any part of the testimony rephrased? Thank you.

Mr. Clerk.

COUNTY CLERK: Lloyd Fischel. Mr. Fischel will be followed by Blossom Feiteira.

MR. LLOYD FISCHEL:

Good morning, Mr. Chair. Good morning, Councilmembers. My name is Lloyd Fischel and I'm a commercial farmer in Haiku, providing flowers to most of the large commercial operations in, on the island and in the State from less than two acres.

The bill is, is really not done. The work is not done. This is an expansion of the problem. Assuming that the bill is within the bounds of law, which seems not to be the case, this bill is not ready for a meaningful public hearing. Council should review their ideas about what it means to govern.

I said before that the plan is outside the legal bounds and I'm here because you want to have a public hearing on a bill that is incomplete and shouldn't be brought to the public, our friends and neighbors for comment. One example, HRS 205 establishes State land use districts and designates conservation boundaries and agricultural boundaries, both of which are ignored in the bill. Shouldn't there be a growth aspect to agriculture boundaries to conservation boundaries? You remove greenways so we can't consider them as expansion of conservation.

And it's important to note that community plan boundaries are not zoning. These define our community values. How can a plan be crafted to help society without

protecting greenways and view planes for the next 20 years? How can a plan be crafted to help society without addressing Hawaiian land issues for 20 years?

I, driving up this morning, I was happy to see there was rain; rain in Wailuku, rain in Kahului. It use to rain in Kahoolawe but it doesn't anymore because people didn't plan when they took down the forests up on our mountain here. It's up to you guys if we want to keep Maui No Ka Oi. Send this back to Committee, it's not done. That concludes my testimony.

CHAIR MATEO: Thank you. Members, is there a need to have any part of the testimony rephrased? Thank you very much.

Mr. Clerk.

COUNTY CLERK: Blossom Feiteira. Ms. Feiteira will be followed by Sarah McLane.

MS. BLOSSOM FEITEIRA, ASSOCIATION OF HAWAIIANS FOR HOMESTEAD LANDS:

Good morning, Mr. Chair, Members of the County Council. Thank you very much for this opportunity. And I just want to say for the record congratulations to all of you on a successful campaign. My name is Blossom Feiteira. I serve as the President of the Association of Hawaiians for Homestead Lands. We actually represent the 27,000 people that currently wait on the waitlist for Hawaiian Homelands.

My testimony this morning in particular is to talk about the 8,000 families that are currently on the waitlist for Maui island. We would support the opportunity to come to a public hearing in an expedient manner, Mr. Chair, if possible. And also to have, schedule it during the evening so more of our beneficiaries and our beneficiary organizations will have the opportunity to come and participate.

In particular, and I've testified in front of you before at the Committee level regarding the expansion of the urban growth boundary around the area known as Puunene or Pulehunui. Hawaiian Homelands currently has about 831 acres of land situated there. We are talking specifically about 285 acres of Hawaiian Homelands down there that we are looking for the expansion to cover for the purposes of commercial development.

And just to give you an idea. We have been working with the Department of Hawaiian Homelands since 2001 on an island plan and a regional plan with the idea of being able to map out where we want our people to be living and working and playing. On the island of Maui, the only place that was even considered for any kind of commercial opportunity was the Pulehunui area. It is unsuitable for housing, but it

is absolutely suitable for ag development as well as small commercial development. And that is what we were asking the County, Committee in our previous testimony. And I'd like to put that forth for this County Council that you consider that at the time of the public hearing. Thank you very much.

CHAIR MATEO: Thank you. Members, is there a need to have any part of the testimony rephrased? Thank you very much.

Mr. Clerk.

COUNTY CLERK: Sarah McLane. Ms. McLane will be followed by Mark Deakos.

MS. SARAH MCLANE, MAUI NUI MARINE RESOURCES COUNCIL:

Aloha, Councilmembers. Thank you for this opportunity today. I also would like to ask for the public hearing to be held at night. We, we have a lot of our members that have specifically asked us to request that as well. I'm the Executive Director for the Maui Nui Marine Resource Council. I, I think I've talked in front of all of you guys before.

But I wanted to make something clear about particularly the West Maui section of the plan. A lot of testimony has come up about Olowalu and I've brought testimony and many other people have as well. But I think that lines were kind of getting blurred a little bit and I want to make sure it's clear that, you know, what's going into the plan is not Olowalu Town, its urban growth potential for Olowalu. And my Council is very clear that we don't want any urban development in Olowalu.

You know, my question is really that, what happens if Olowalu Town, which, you know, everybody seems to be gung-ho about, doesn't get their permits and they're not able to build? Then what's left? We still have an urban designation and there could be a megamall there for example. Is that really what we want in Olowalu?

You know, to me, this isn't necessarily about, you know, the jobs or the affordable housing that could come with Olowalu Town. This is about what is the potential that you're creating for that area by saying urban, you know, an urban area.

We've seen that urban development hurts the reefs. This is a no-brainer now. We know it doesn't work. There's plenty of examples. And now we're to the point where, even in our own Maui Island Plan, you guys have said we need to do a reef recovery plan; not a reef protection plan. We've screwed this up so many times before that now we have to have a reef recovery plan?

You know, my organization has spent two years doing this and we've brought scientists in from all over the world to help us with this because we don't know that we can do it. You know, this has not been done before. And, you know, so I just want to make that really clear what you are setting the precedent for here.

I know most of you, I think, were invited to our forum that we had this week where we had several speakers come in from the mainland, from Big Island, to talk about this kind of stuff. And what we learned is that, like research coming out right now in articles in Scientific Journal says that "Olowalu Reef seeds all of the West Maui reefs, reefs on the South Shore of Molokai, and reefs on the North Shore of Lanai". So if we lose Olowalu Reef, there's potential to lose all of those reefs. This is not just a small little thing going on here. This is a much bigger picture that's happening.

You know, Hawaii is really far behind in protecting our marine resources. We are trying, you know. But just for an example, Australia protects 54% of their marine areas. Mexico protects 24%. Brazil protects 80%. Hawaii as a State protects less than .01% of our marine areas in the main Hawaiian Islands, you know. And we need to do better.

CHAIR MATEO: One minute to conclude.

MS. MCLANE: You know the bottom line is that there should be no urban growth allowed for Olowalu. And, you know, this really doesn't have anything to do with Olowalu Town. It's really just that this kind of thing isn't good for this area; the carrying capacity of Olowalu is, is not going to work.

So I appreciate your time. I do appreciate all of your efforts on this plan. I do, I don't envy you guys, this is a long drawn out process. So thank you for your time.

CHAIR MATEO: Thank you. Members, is there a need to have any part of the testimony rephrased?

Mr. Pontanilla.

VICE-CHAIR PONTANILLA: Thank you. Thank you for your testimony. I, I got to ask you this question. In regards to any urban growth area here on Maui County that affects the ocean, have your Council work with potential developers for those areas, or the landowners that are included in the urban growth area boundary?

MS. MCLANE: Yes, well and actually the Olowalu Town has asked us to come and meet with them in particular. We have gone a couple times. I think people went maybe a long time ago as well. That one in particular is important to us because, you know,

the reef there, we consider it the crown jewel sort of, of what we've got left here on the island.

You know, I think the bottom line though is there, there's really just not that many good reefs left. You know, Maalaea use to be a really beautiful reef. And, you know, then everything in Maalaea and North Kihei got developed and now we've got algae problems on the beach.

So yes, we're definitely willing to go. Unfortunately the problem is too though, that there's not really good examples of this working in Hawaii. There's good examples of it working maybe on the mainland or in other countries that maybe have different slope characteristics or soils or rainfall. But there just isn't good examples of that here. And so we're really not willing to, to say it's okay.

VICE-CHAIR PONTANILLA: Thank you. You, you, you going to have another opportunity during the community plan process.

MS. MCLANE: Yes.

VICE-CHAIR PONTANILLA: And, and hopefully when people are selected, you know, the selection is broad, you know, environmental, developers, regular people that sit on the Community Plan Advisory Committee. And I think that way, you know, you can even make the urban growth area a better place or a better plan. So you'll have that opportunity. Thank you. Thank you, Chairman.

(Councilmember White arrived at the meeting at 9:26 a.m.)

MS. MCLANE: Thank you.

CHAIR MATEO: Thank you, Mr. Pontanilla. Members, further discussion? Thank you very much.

Mr. Clerk.

COUNTY CLERK: Mark Deakos. Mr. Deakos will be followed by Dick Mayer.

CHAIR MATEO: Thank you. Before the testifier starts his testimony to the body, the Chair would like for the record to recognize the presence of Member White.

Good morning, Mr. White.

COUNCILMEMBER WHITE: Good morning, Chair.

CHAIR MATEO: Thank you. Go ahead.

MR. MARK DEAKOS:

Thank you, Chair, Councilmembers. I also want to say I want to thank the Council here. You guys do have a very tough job and you're often faced with very tough decisions to make. Lipoa Point is an example. You clearly hear the outcry from the community for the preservation. But at the same time you feel for those pensioners. So it's tough and I applaud you guys for trying to look for those win-win solutions for everybody.

But with Olowalu, I've been struggling with the logic on this one. I believe that all of you understand the value of that reef. You've heard it over and over again, maybe not in its entirety. Sarah just mentioned recent work from Dr. Fields that, that shows this is seeding West Maui, Molokai, and Lanai; so extremely important. I believe even Mr. Frampton was at the talk that they gave last Wednesday. But yet the decision being made by this Council is essentially handing a death sentence to that reef. And I can't imagine a 30 year Maui Island Plan that doesn't have some sort of protection implemented in the plan for, as often referred to our crown jewel.

So at the very, very least you would think that some compromise would be given; for example, leaving the lands that are makai of the highway. These are, this at the very least would create a small buffer between the 4,000 plus residents that are uphill and the reef; a place where storm water, pollutants, pesticides, fertilizers, all that can get absorbed before it hits the reef.

These lands aren't, weren't even requested by GPAC or the Planning Commission. These are lands that should be part of the Mayor's Pali to Puamana Parkway Plan, as Councilmember Hokama explained. These are lands in the tsunami disaster area.

So why would anyone encourage development in a disaster area, especially after watching what's happened on the East Coast? So, and when that infrastructure gets destroyed along with the insurance companies, taxpayers are the ones that end up picking up that tab, so not to mention the tab for any lawsuits that the County might face.

So I'm desperately trying to make sense of the long-range plan. And don't get me wrong, proposed developers, they are very good people with good intentions; I meet with them regularly. But the reality is they've never done a coastal project that protects the reef, in fact nobody has. So at the very least, please consider, you know, a win-win situation where at least compromise is given to, to create that buffer layer between the 4,000 residents and our crown jewel. Thank you.

CHAIR MATEO: Thank you. Members, is there a need to have any part of the testimony rephrased?

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. Good morning, Mr. Deakos, nice to see you here. I'm looking at your list of over, I guess, 800 signatures on this petition. And exactly, the signatures are in support of what exactly? Is it Olowalu not an urban growth or is it no development makai? Can you clarify please?

MR. DEAKOS: The, the request, the petition I believe is, is eliminating urban growth at Olowalu. And these were, these were within the last three days. So I understand that the Council certainly looks at, you know, the path of least resistance. And except for a handful of us that come down here and protest for the reefs, there hasn't been a lot of voice. But there is a voice. And as people learn about what is happening, the decisions being made, those that rely on the reef for fish, for recreation, their livelihoods, they're now speaking out. They're, they're understanding what is at stake here and they're very concerned about the decision that's being made to, to develop that area.

COUNCILMEMBER COCHRAN: Thank you. Thank you, Mr. Deakos. Thank you, Chair.

CHAIR MATEO: Thank you, Ms. Cochran. Members, further discussion? Thank you very much, Mr. Deakos.

Mr. Clerk.

COUNTY CLERK: Dick Mayer.

Mr. Chairman, Mr. Mayer is the last individual to submit a request to offer testimony.

CHAIR MATEO: Thank you.

MR. DICK MAYER, GENERAL PLAN ADVISORY COMMITTEE:

Good morning, Chair Mateo, Councilmembers. Looks like we may be at the end of this long, long process. It was six years ago that I was appointed to the, to be on the GPAC.

I first want to just take a moment to say my, thank my, who is not here now but he's here in spirit is Chris Hart. Chris Hart wrote the first draft for this plan and it's really

tragic that he isn't here to see it finally coming to fruition. He was a major force in, in the document that you have in front of you.

I also want to thank several of the, of the GPAC Members and the Maui Planning Commissioners, who also participated in this process and sat through hours and hours, hundreds of hours of public hearings and meetings. I would hope that when you have, look at that front page and you see the names of the people being recognized that you'll add the names particularly of Dave Michaelson and Julia Staley who participated very strongly, who are major staff people. They've been left off that page of, of Planning staff in the document.

I, like others, would like to request that you hold evening meetings with the, when you hold the meeting at the end of the month, that you schedule it the Monday night before that, I admit, know that you're planning to do it on Tuesday morning that you hold the meeting Monday night or Wednesday night, that you make special effort to hold a meeting that members of the community can come out and, and give their testimony. They have not been able to do that the last two years here except in the case of Hana, one meeting. But I would hope that they would be able to give a, give voice to this plan.

When I, when Alan Arakawa, Mayor Arakawa came into office two years ago, I met with him and asked him about his viewpoint on the plan. And he said, well it really lacks a financial basis. It's very tough to know what the cost will be for the County etc. and he, that was his major disappointment with the plan at that time.

And now this plan is going to be going forward without a financial basis and I believe many of the decisions made in the plan have been made without financial consideration to the County of cost of sewers, highways, roads, etc., to the State, schools, etc. And I would urge you to expedite your process next year, I know it's not going to happen this year, but I hope you would expedite that process next year to get the CIP component of this plan. Because until that part is there, the plan has no teeth at all, as we know we need to follow the money.

One item I would just like to comment on the plan itself. When you went ahead and approved that Olowalu Plan request, the committee here, committee of the General Plan Committee asked that the applicant for that area provide comments on the County's and the other people's statements on the EIS document. I saw that no return of that document. They, they were requesting to provide information on the EIS that they were finalizing and that has not come before the Council. And I would urge you to get a copy of that response and have it validated and checked through because I think it's very important that you have that kind of information.

And lastly, I would just like to conclude by saying please hold an evening meetings so that communities can make presentations to you, separate from 9:00 meetings. Thank you very much, Chair.

CHAIR MATEO: Thank you. Members, is there a need to have any part of the testimony rephrased? Thank you very much, Mr. Mayer.

MR. MAYER: Thank you.

CHAIR MATEO: Members, as the Clerk had indicated, Mr. Mayer was the last individual who had signed up for public testimony prior to the start of the meeting. The Chair will offer anyone in the gallery the opportunity to provide testimony if you had not already done so, please advance to the podium at this time. And when you are completed with your testimony, please report to the table in the back so you can fill out your form for us please. Please, please come forward. State your name for the record, sir.

MR. BILL FRAMPTON:

Good morning, Chair. My name is Bill Frampton and I'm here on behalf of Olowalu Town. Good morning, Members.

I just wanted to take a quick minute. There have been several statements made this morning in regards to our project, a lot of them that are incorrect and false, a lot of them that are false as well. We will be available as we go down the road when you do discuss the plan, if you'd like to go back over it, and would appreciate an opportunity to come back up at that time to answer specific questions. We can also be, we will be transmitting additional information that does reply to some of the points that were raised, that again, they, they were just not correct.

CHAIR MATEO: Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Mr. Chair. I just think Mr. Frampton, you might mention what project you're talking about for those who do not know.

MR. FRAMPTON: Thank you. I'm referring to the Olowalu Town Master Plan.

COUNCILMEMBER BAISA: Thank you very much. You know, those of us that have been working with you know but maybe the viewing public has no idea what we're talking about.

MR. FRAMPTON: Right.

COUNCILMEMBER BAISA: What you were talking about.

MR. FRAMPTON: I'm, and I'm talking about that. And there are a lot of very valid points that have been raised. Rightfully so, questionings involving the beautiful reef, questions involving infrastructure and how we can or can't coexist with nature. But I do believe there have been many examples provided around the world that do show you can do reef restoration. But more importantly is to stop it before there is any damage to recover from. And we have been having good dialogues regarding that.

COUNCILMEMBER BAISA: Thank you very much.

MR. FRAMPTON: Okay.

CHAIR MATEO: Thank you. Members, further need for clarification? Thank you very much.

MR. FRAMPTON: Thank you, Chair.

CHAIR MATEO: The Chair will once again, for the last and final opportunity, anyone wanting to provide public testimony, please advance to the podium at this time, state your name for the record. When you are completed with your testimony, please go to the back by the door, fill out your testifiers form for us please. If there's anyone else following this individual, please stand and advance to the podium or you will not have this opportunity. Thank you.

MS. CYNTHIA MATZKE:

Thank you. My name is Cynthia Matzke and I'm a Marine Biologist here on Maui. I've lived on the island for fourteen years and seen changes and progressions and development and building. And I am here today to say that I think it is very important to consider these next steps carefully in regards to Olowalu Reef.

I know there's a lot of talk and a lot of testimony. And there's even talk about if there's a problem, rapid response. We are dealing with an area that is, some of the coral is over 500 years old. It is a, an area very unique to many species including manta rays, monk seals, highly endangered animals have made their home there. I don't think that there is a place in which we can say, hey if there's an event and if we mess this up, we'll go in and clean it up. That's not the way that the ocean works. It would be too late at that point.

And it is my feeling that we need to make that entire area a reserve. And it's not whether this particular development would be better than x, y, or z. That area is a seed reef for all of West Maui. If we look at what has happened in Kahekili and some of the other areas, development that has tried to minimize its impact, it just doesn't work. Humans and human activity does have an effect on this area.

So I think to talk about cleaning it up after is a completely moot point. I'd like to see protective measurements go into place where that area can continue to do its job, which is to keep the rest of the reef and our ecosystem alive. If you guys have not been out there to see it, it's something that I think that you need to do.

Because, the other point that I would like to make is a lot of us are not able during working hours to leave our jobs and I thank you for hearing my testimony last minute. I think that this is a conversation that needs to occur at night when working people who are out there, maybe on the reef right now taking people kayaking or on a boat, I know a lot of people who would like to be here right now but were not able to switch and get their days off of work. So I think to make sure that there's a meeting available in the evening is very key. So I think you'll get a lot more voices that will have something to say if you can make it at a time when people are free to do so.

CHAIR MATEO: Thank you. Members, is there a need to have any part of the testimony rephrased?

Ms. Baisa.

COUNCILMEMBER BAISA: Yes, thank you very much, Chair. And thank you very much. I hope I have your last name correct. Is it Matzke?

MS. MATZKE: That's correct.

COUNCILMEMBER BAISA: Thank you very much for being here. You know, I've been listening very carefully to what you said, and you mentioned something about human activity having an impact on the reef. I have not heard an outcry to stop whatever human activity is going on out there. Is that an issue? It's already going on.

MS. MATZKE: It is. And I think the part of the problem is there is some confusion between the repair to Olowalu Road. So a lot of people in the community have thought, oh the developments already going in, we see the, all of the trucks and everything at the side of the road. Well, if we look at just the repair from the tsunami damage which was given a quick nod to go through, even that little development itself caused a six week bloom of sediment cause they hit a clay layer and, and silted out that entire area. So there's a lot of people who thought, you know what I see the trucks there, it's already too late.

COUNCILMEMBER BAISA: I don't think I was clear.

MS. MATZKE: Okay.

COUNCILMEMBER BAISA: I'm talking about marine activity.

MS. MATZKE: Okay. So rephrase the question again for me so I can answer.

COUNCILMEMBER BAISA: Okay, let me try again. There are people out there, you said, that are, you know, taking boats out there, or paddling or surfing or doing whatever it is they do. But that's human activity. You don't feel that that's an issue?

MS. MATZKE: I think that, that, that as an issue that, that area can be appreciated and in a very safe way. There's many groups that have worked hard to make sure that mooring balls are in place so boats that do come in, and there's many commercial boats that come in, are, do not have to drop an anchor. We see kayakers that are out there for the day using responsible methods and dropping things. So I think it is an area that can and actually should be appreciated. But that is a very low impact activity compared to homes and businesses that would be up from it causing siltation.

Another concern is if there is a degradation of that reef area there, wave action would continue to encroach closer to the lands. So I think that that area should be passively enjoyed at a minimum.

COUNCILMEMBER BAISA: Thank you very much.

MS. MATZKE: You're welcome.

CHAIR MATEO: Thank you, Ms. Baisa. Members, further, further questions? Thank you very much.

Good morning and please state your name for the record.

MR. KIMO HAYNES:

Good morning. My name is Kimo Haynes. I'm an owner up at Maunaolu Plantation. And I just wanted to come before you guys and, and let you know that I guess the proposal to convert our subdivision to rural was voted down a few weeks ago simply because there wasn't much input from our homeowners, from the homeowners in the area.

Our subdivision has 39 homeowners and I just wanted to come forward today just to inform you that we're going to be having an annual meeting this Friday and this is a topic that we're going to be discussing. So, the homeowners can discuss it and can give you guys a clear indication of what our preferences are. And we will be sending that in next week. Thank you.

CHAIR MATEO: Thank you. Members, is there a need to have any part of the testimony rephrased?

Mr. Victorino.

COUNCILMEMBER VICTORINO: Mr. Chair.

CHAIR MATEO: Mr. Victorino.

COUNCILMEMBER VICTORINO: Yeah, My Haynes, what is your homeowners association? You came in and you kind of went right--

MR. HAYNES: Oh, Maunaolu, Maunaolu Plantation.

COUNCILMEMBER VICTORINO: Maunaolu Plantation. And this is in?

MR. HAYNES: On, off of Baldwin.

COUNCILMEMBER VICTORINO: Off of Baldwin, okay. You know, the public doesn't know. We know, but they don't know, that's why I'm asking the specific question.

MR. HAYNES: I apologize.

COUNCILMEMBER VICTORINO: And you will get back to us as far as the results?

MR. HAYNES: Yes. I'll send that in next week.

COUNCILMEMBER VICTORINO: We appreciate it. Thank you. Thank you, Chair.

CHAIR MATEO: Thank you, Mr. Victorino.

Mr. Pontanilla.

VICE-CHAIR PONTANILLA: Thank you. Thank you, Kimo for being here. Just a fast question in regards to your water source, is it public source or private?

MR. HAYNES: It's a private well.

VICE-CHAIR PONTANILLA: And, and the cost difference between public and private, do you know?

MR. HAYNES: I don't. No.

VICE-CHAIR PONTANILLA: Yeah, cause if you paying a higher rate on private, you know, I can see why, you know, you want to go rural.

MR. HAYNES: It, it's a higher rate.

VICE-CHAIR PONTANILLA: Yeah. Okay, thank you.

CHAIR MATEO: Further questions, Members? Thank you very much.

MR. HAYNES: Thank you.

CHAIR MATEO: Just a reminder for those individuals that stepped up to provide testimony, please report to the table and fill out your testifiers form.

Members, with no objections, we will close public testimony for the morning. Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR MATEO: Thank you, so ordered.

Mr. Clerk, let's proceed.

COUNTY CLERK: Mr. Chairman, I would note that we have received written testimony.

CHAIR MATEO: Members, in the folders on each of your desks, written testimony has been provided. With no objections, we will receive it into the record. Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR MATEO: Thank you, so ordered.

THERE BEING NO OBJECTION, WRITTEN TESTIMONY RECEIVED FROM THE FOLLOWING WERE MADE A PART OF THE RECORD OF THIS MEETING:

1. Shelley Maddigan; and
2. Mark Deakos.

CHAIR MATEO: Mr. Clerk, let's go.

COUNTY CLERK: Mr. Chairman, proceeding with committee reports.

COMMITTEE REPORTS

COMMITTEE REPORT
NO. 12-125 - GENERAL PLAN COMMITTEE:

Recommending the following:

1. That a PUBLIC HEARING be HELD on the proposed bill, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.80B, MAUI COUNTY CODE, RELATING TO THE MAUI ISLAND PLAN"; and
2. That the proposed bill, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.80B, MAUI COUNTY CODE, RELATING TO THE MAUI ISLAND PLAN", be SCHEDULED FOR FIRST READING, following the public hearing.

CHAIR MATEO: Thank you.

Ms. Baisa.

COUNCILMEMBER BAISA:

MR. CHAIR, I MOVE TO ADOPT THE RECOMMENDATIONS
IN GENERAL PLAN COMMITTEE REPORT 12-125.

COUNCILMEMBER COUCH:

SECOND, MR. CHAIR.

CHAIR MATEO: It's been moved by Ms. Baisa and second by Mr. Couch to adopt the recommendations in Committee Report No. 12-125.

Ms. Baisa.

COUNCILMEMBER BAISA: Mr. Chair, in late 2009 the Planning Director began transmitting to the Council the draft Maui Island Plan including the comments and recommendations of the General Plan Advisory Committee, and the Maui Planning Commission pursuant to Sections 8-8.5 and 8-8.6 of the Maui County Charter and Chapter 2.80B of the Maui County Code.

Chapter 2.80B, Maui County Code, requires that the Maui Island Plan include an island-wide land use strategy, Water Element, Nearshore Ecosystem Element, Implementation Program, and Milestones.

As transmitted by the Planning Director, the draft Maui Island Plan included an introduction and ten chapters drafted to fulfill the requirements of Chapter 2.80B, Maui County Code.

The Council's Planning Committee for the 2009 to 2011 Council term met approximately 27 times on the draft Maui Island Plan. And your General Plan Committee met approximately 56 times. The Planning Committee held meetings in the districts of Lahaina, Haiku, Pukalani, Kihei, and Hana. And your General Plan Committee met in the district of Hana.

The deadline for the Council to adopt the Maui Island Plan is December 31, 2012 pursuant to Resolution 12-66. Ordinance 3979 enacted on October 8, 2012 allows the Council to adopt the implementation program of the Maui Island Plan no later than one year after the Council adopts the other components of the Maui Island Plan. Therefore, to give the Department of Planning more time to update the implementation program and the Council more time to consider the implementation program, your Committee deleted the portions of the draft Maui Island Plan related to implementation.

Your General Plan Committee devoted many meetings to Chapter 8, the Directed Growth Plan, to thoughtfully consider the planned growth areas and protected areas for each community plan region. Your Committee made revisions to ensure that the Directed Growth Plan will accommodate population and employment growth in a manner that safeguards the island's natural and cultural resources, enhances areas that are already developed, and preverves, preserves land opportunities for future generations.

In compliance with Section 2.80B.050(D)(2), the Maui County Code, your Committee, voted 8-0 to recommend that the proposed bill adopting the Maui Island Plan be scheduled for a public hearing, and after the public hearing, be scheduled for first reading. I ask for the Council's full support of my motion. Thank you.

CHAIR MATEO: Thank you, Ms. Baisa. Members, further discussion?

Mr. Pontanilla.

VICE-CHAIR PONTANILLA: Thank you. Thank you for, thank you, Member Baisa for reading that comments that you just made.

Chair, just a fast question. So, during the first reading, Members can make amendments to the Island Plan?

CHAIR MATEO: Correct.

VICE-CHAIR PONTANILLA: Okay, fine. Thank you. That's all I wanted to know.

CHAIR MATEO: Thank you, Mr. Pontanilla. Members, further discussion? All those in favor of the motion to adopt the recommendations in Committee Report No. 12-125, signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, VICTORINO, WHITE,
VICE-CHAIR PONTANILLA, AND CHAIR MATEO.

CHAIR MATEO: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR MATEO: Motion is carried with eight "ayes"; one "excused", Member Hokama.

Mr. Clerk.

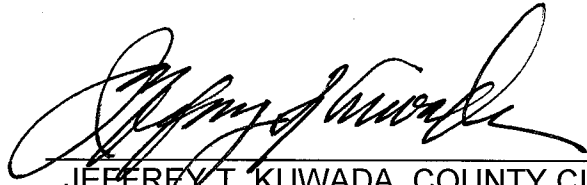
COUNTY CLERK: Mr. Chairman, there is no further business before the Council.

CHAIR MATEO: Members, we have concluded our business for the day. Chair would like to recognize and acknowledge those individuals that continue to provide support for, to the Council: our Corporation Counsel, Mr. Wong; our County Clerk, Mr. Kuwada; and our support staff, both Joyce Murashige and Theresa Valdez.

Council of the County of Maui special meeting of November 13, 2012 is now adjourned.

ADJOURNMENT

The special meeting of November 13, 2012, was adjourned by the Chair at 9:51 a.m.



JEFFREY T. KUWADA, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII