

**PLANNING COMMITTEE**  
**Council of the County of Maui**

**M I N U T E S**

**Lanai Community Center**

**January 28, 2015**

**CONVENE:** 5:05 p.m.

**PRESENT:** VOTING MEMBERS:

Councilmember Don Couch, Chair  
Councilmember Robert Carroll, Vice-Chair  
Councilmember Gladys C. Baisa  
Councilmember Elle Cochran  
Councilmember Don S. Guzman  
Councilmember Michael P. Victorino  
Councilmember Mike White

NON-VOTING MEMBERS

Councilmember Stacy Crivello  
Councilmember Riki Hokama

**STAFF:** Jordan Molina, Legislative Analyst  
Pauline Martins, Committee Secretary

Morris Haole, Executive Assistant to Councilmember Carroll  
Denise Fernandez, Council Aide, Lanai Council Office

**ADMIN.:** Michael J. Hopper, Deputy Corporation Counsel, Department of the  
Corporation Counsel  
Michele McLean, Deputy Director, Department of Planning  
Mary Jorgensen, Senior Planner, Long Range Planning Division,  
Department of Planning  
Jennifer Maydan, Planner, Long Range Planning Division,  
Department of Planning  
Pamela Pogue, Planner, Long Range Planning Division,  
Department of Planning  
Michael Napier, GIS Analyst, Long Range Planning Division,  
Department of Planning

**OTHERS:** Gwen Hiraga, Senior Advisor, Munekiyo & Hiraga  
Arlan Chun, Senior Vice President of Development & Construction,  
Pulama Lanai  
Lynn McCrory, Senior Vice President of Government Affairs, Pulama  
Lanai  
Kurt Matsumoto, Chief Operating Officer, Pulama Lanai  
Pat Reilly  
Ron McOmber  
John Ornellas

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Margaret Peary  
Stan Ruidas  
Kepa Maly  
Alberta de Jetley  
Deborah dela Cruz  
Leona "Lee" Moore  
Kelli Gima  
Butch Gima  
Caron Green  
Mel Catiel  
Winifred Basques  
Sally Kaye  
Gerald Rabaino  
Sol Kaho`ohalahala  
R.R. Kaye  
Geraldine Carroll  
Plus (14) other people

**PRESS:** Brian Perry, *The Maui News*

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**PC-11 LANAI COMMUNITY PLAN UPDATE (CC 14-283)**

CHAIR COUCH: . . . (*gavel*) . . . Will the Planning Committee meeting of January 28, 2015 please come to order. My name is Don Couch. I am the Chair of this Committee and before we start, can I ask everybody to turn their cell phones on to silent mode or silent any noise making devices. With us today, or this evening, is the Vice-Chair of this Committee, Robert Carroll, and Council Chair, Mike White, and Council Vice-Chair Don Guzman, and then Councilmember Gladys Baisa, Councilmember Elle Cochran.

COUNCILMEMBER COCHRAN: Aloha.

CHAIR COUCH: Councilmember Michael Victorino.

COUNCILMEMBER VICTORINO: Aloha.

CHAIR COUCH: And also we have, those were the voting Members. We have non-voting Members of this Committee. We have Councilmember Riki Hokama and Councilmember Stacy Crivello. From the Administration, we have Michele McLean, who's the Deputy Planning Director, good evening, Pam Pogue, Planning Program Administrator, she's over there somewhere. There she is. David Yamashita, Planning Supervisor. I thought I saw him. There he is in the audience. Mary Jorgensen, Planner V, Mary. Jennifer Maydan, Planner V, Jennifer. Michael Napier, GIS Analyst and Michael Hopper, Deputy Corporation Counsel. There he is over there. And also our Committee Staff, Committee Analyst, Jordan Molina. He was sitting right there,

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he's behind me, over here, and Committee Secretary, Pauline Martins. Okay, the item on today's agenda is PC-11, which is the Lanai Community Plan Update, and the Committee is in receipt of a proposed bill to adopt the decennial revisions to the Lanai Community Plan, pursuant to Section 2.80B.090, Maui County Code. We're going to have public testimony tonight. We'll accept it in a few minutes. Testimony shall be limited to three minutes, with one minute to conclude if you request. Testifiers are requested to state your name and to indicate who you are representing. Members, I'd ask you please consider your, limiting your questions to testifiers as provided by the Rules of the Council. Without objection, we will open public testimony.

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR COUCH: Okay. So I will call your name and then have, call the next person in line and so you're ready to go. Please come up to the microphone, identify yourself and who you're, to whom you're representing, if anybody. And first up is Pat Reilly, followed by Ron McOmber.

**. . . BEGIN PUBLIC TESTIMONY . . .**

MR. REILLY: Aloha and welcome. I, respectfully, if I could sit down, that would help me a lot. I need a little WD-40.

CHAIR COUCH: We'll get a chair for you.

MR. REILLY: No, I'm right here. I can just go backwards. I don't want have to knock this over. No, I'm not going to walk around, standup comedian or anything, no. My name is Pat Reilly, a resident, 468 Ahakea. I represent myself. First, I want to really thank you for coming today and listening to our testimony. This is a big plan and I'm not going to try to go through any of the details. I want to pay my respect to the CPAC and to the Lanai Planning Commission for all the work they put into it. I'd like to offer, and I don't know the language and I'll leave it up to you if it's appropriate, but I think this Community Plan should be dedicated to the Planning Department, to CPAC, the Council. Without going into any details, I think it's very important and appropriate and how exactly to do that, I'm not sure. So thank you very much for that consideration. You've done a wonderful job in planning for the weather today. I don't know how you do it but please continue that good work. The issues, to me, I'm a 36-year resident here. This is a very unique situation we're in Lanai for 2015. I don't know any other place in the United States, maybe unless an oil country, where the investments are being made at the level they are being made, maybe not everybody's happy with the details of the investments but the other side of the coin is we could have had no investments in the future economy of this island, which is very important. The one issue that's current on my mind and been coffee shop talk for a long time is affordable housing and how this Plan impacts the County budget, the State budget and all the services that are attendant to the investment that the landowner is making and how that will impact your budget, our budget, both at the

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State and County level, and you will acquire some cost for this if we're going to do the development that is provided in the Plan.

CHAIR COUCH: Three minutes.

MR. REILLY: Alright. And that's just about all I have to say. I think at this point, I have attended all the meetings, and I read through the Plan but I'll leave it at that. Thank you very much.

CHAIR COUCH: Okay, thank you. Hang on, Mr. Reilly. Members, any questions to the testifier? Okay, Mr. Reilly, just to let you know, from your first comments, the inside cover, there is a dedication that you asked for.

MR. REILLY: I didn't see that part. Thank you.

CHAIR COUCH: Next up is Ron McOmber, followed by John Ornellas.

MR. MCOMBER: Good evening, Chair, members of the Council. My name is Ron McOmber. I'm a member of the CPAC. I re-did this for nine months, sounds like a pregnancy but it felt like one. This was a labor of the Lanai residents that stood up and tried to understand what we were going to have. When we first did this, we used the original Lanai Community Plan and we were going to look at that. At the same time, Ellison bought the island and we heard all these rumors, you can't live on this island and not understand what's going on in the administration and this island. It gets out. So we asked Kurt Matsumoto and the Pulama staff to please show us, put it out on the table, what were your future plans for Lanai in the next five to ten years. What we were given would shock you, it shocked us. But knowing the amount of money that Ellison had, it was not beyond the realm that he could do this. One of our concerns, it goes way back to our original MOA in the early '90s, was water. One of the things that Pulama said they were going to do was they're going to do a desal plant. Guess what, folks? We go through this whole Community Plan and we got screwed. There is no desal plant and they cannot go forward. I don't know what you guys saw today in your trip or where their plans are, but they can't have this grandiose stuff if we don't have water for it. What bothers me even more than that, we have a right on the CPAC to follow this process all the way through to the end, when you folks are done with it. That is what was promised to the CPAC and the Community Plan. We got a piece of paper in the last couple days, which is 7.5 in the Community Plan, Goals, Issues and Strategies. We have been doing Water Use and Development Plan on this island for 30 years or more, 'cause that was what the issue. We formed an outfit called LWAC with the blessing of the Water Commission, Lanai Water Advisory Council. Apparently Pulama doesn't like this because I just saw something two days ago that shocked me. This is nullified. This piece of paper I have in my hand knocks LWAC right out of the equation. This is not acceptable folks. If this is what this Plan is going to show to Lanai people, then you might as well go home 'cause we're going to fight that this is not part of this Plan. Water is a issue on Lanai.

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CHAIR COUCH: Three minutes.

MR. MCOMBER: Good.

CHAIR COUCH: You get one more, one more, one more to conclude.

MR. MCOMBER: But I'm telling you right now, from my standpoint, we shouldn't have to fight this damn hard for water when we had a desal plant and they had the money to do it and now they're not going to do it. And now we get a piece of paper that says the hell with you, we're going to cut it all out. And I think this is a product of Pulama 'cause it can't come from anybody, it didn't come from us, it didn't come from LWAC. And we were in an LWAC meeting the other, last week and their water supervisor said there is no LWAC, and I couldn't believe what I was hearing but this is why he made that statement. So please, we need to look at this. This is not carte blanche folks, this is not ready to go. All the work we did and all the Planning Commission did, for nothing? How many other things in the program that we haven't seen? I'd almost called to have the CPAC go back in place again. Thank you very much.

CHAIR COUCH: Thank you, Mr. McOmber. Members, any questions to the testifier?

COUNCILMEMBER GUZMAN: Chair?

CHAIR COUCH: Yes, Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Mr. McOmber. The document that you referring to is what? Can you identify it?

MR. MCOMBER: Well, it's a supplement. It was goals, issues, and, strategies right out of, supposed to be right out of the --

COUNCILMEMBER GUZMAN: Oh, okay, seven, seven dash five.

MR. MCOMBER: --seven dash, but this I don't, I just looked in my book and it's not, this isn't in there. This is new and if you'd like to see it, I'd be glad to give it to you. But this is, this is a terrible.

COUNCILMEMBER GUZMAN: We have it. Thank you.

MR. MCOMBER: You have it? I don't know if you have this one.

CHAIR COUCH: Well, what we have is the one we're gonna work off of. So if that's not in there then.

MR. MCOMBER: Okay.

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CHAIR COUCH: Yeah. Okay. Members, any further questions? Seeing none, thank you Mr. McOmber. Up next is John Ornellas, followed by Margaret Peary.

MR. ORNELLAS: Aloha, Members. Whoa. Portagee no need mics, right? My name is John Ornellas. I've been a 26-year resident here on the island. I'm representing myself. Ron brings up a good point, especially that last addendum, I guess, you guys are going to look at to go into the Community Plan. We did not see that. I mean, meaning the CPAC as well as the Commission, the Planning Commission, we did not see that. So some of the corrections that were on there should come back to the Planning Commission to be added before you guys get it. They can't come in in the third quarter and start producing rules and changes to the Community Plan without proper due course through the Lanai Planning Commission, or even the CPAC. So I would, I wouldn't take that, I wouldn't add that to the Plan. So basically what we submitted to you is what you guys should be looking at. And we tried to make, as a planning commissioner, we tried to honor the CPAC and their draft that they presented to us by keeping most of the stuff in there. So you'll see you don't get people like Ron McOmber who come in and start beating on your desk, finding out why the Planning Commission changed something. So we tried to keep that to a minimal. Now we, CPAC, did a draft. Lanai Planning Commission did a draft and then that got sent to the Planning Department and then now you guys have the draft. Between us, between the Planning Commission submitting the draft to the Planning Department, there was a Special Use Permit that was brought forward by Pulama on the desal plant down at Manele, and we spent four months reviewing it and eventually we came to the conclusion that instead of a 30-year permit, they would only get 15 years and we approved the permit. And the very next week, we started hearing that the Planning Commission was being blamed for shutting down the desal plant. Pulama actually shut down the desal plant because they couldn't get 30 years and we gave 'em 15. It's mindboggling, it's a very, disappointment, as far as us spending that much time on it and them taking that and just shutting it down, period. That was the number one priority when they came, when Ellison bought this island, this was the number one priority for this island and we told 'em, water is it. Without water, you're not going to be able to do anything else. Based on the Water Use and Development Plan, by the Maui County, if the build-out happens at Manele and Koele, they don't have enough water to do anything else. So the entitlements are there and they don't have enough water. So now they want to do all this development, which is in this Plan but they don't, you know, Mike Victorino couple years ago said, where's the water, where's the water? Well, I'm asking, where's the water? How you going to get through this Plan and do all these subdivisions and get through the projects that they want to do? How can they justify it when there is no water?

CHAIR COUCH: Three minutes.

MR. ORNELLAS: Oh.

CHAIR COUCH: You get one more.

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MR. ORNELLAS: Okay.

UNIDENTIFIED SPEAKER: ...*(inaudible)*...

MR. ORNELLAS: No, I don't need to go that far. So right now, I mean, I'm at the point where, you know, you guys are going to review this and then this Plan could go through, but I'm asking you not to approve it, just because most of the projects that are in here by Pulama require water and they're not getting it. They turned off the desal plant, they turned off the projects as far as I'm concerned. So if they want to bring back the desal plant, then we can, we can go with this because there'll be enough water to go around. So that's it. That's all I got.

CHAIR COUCH: Members, any questions to the testifier?

MR. ORNELLAS: Thank you.

CHAIR COUCH: I have one.

MR. ORNELLAS: Go ahead, Don.

CHAIR COUCH: Thank you for coming and testifying.

MR. ORNELLAS: Uh-huh.

CHAIR COUCH: The question I have is, your concern was the water and I understand that. If the desal plant was going, you were fine with the way the Plan is set out right now?

MR. ORNELLAS: Yes. This Plan is predicated on the desal plant in operation. Without it, this Plan doesn't hold any, that's a pun, don't hold any water.

CHAIR COUCH: Okay, thank you.

MR. ORNELLAS: Okay.

CHAIR COUCH: Members, any further questions? Okay, next testifier is Margaret Peary, followed by Stan Ruidas.

MS. PEARY: I don't know nothing about the Plan and \_\_\_\_\_.

CHAIR COUCH: Okay, 'cause this would be your only chance, at least this trip, to testify.

MS. PEARY: I find it really \_\_\_\_\_

CHAIR COUCH: You have to come up to the ...

MS. PEARY: Okay. This morning Ron McOmber asked that the project be talked about first

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before he testified, and the Committee voted to do that, and quite frankly, I just find it really odd that something, any kind of government business wouldn't be discussed beforehand and then the people have a chance to respond. So it kind of seems, for me anyway, I haven't had a chance to review the entire Plan so I don't feel qualified to speak on the Plan. So that's my only comment right now. Thank you.

CHAIR COUCH: Thank you. Members, any questions to the testifier? Seeing none, I would like to say that we did have a full meeting, and it wasn't here, but we did talk about it for one of our full Committee meetings and this Plan will probably not be passed out today, I mean, this trip. We're going to have more meetings on Maui, of which you can remote testify, as well as one more time here for a meeting and then a public hearing before it passes Council, so you will have plenty of time to testify, okay?

MS. PEARY: Thank you.

CHAIR COUCH: Thank you. Stan Ruidas, followed by Kepa, I guess that's Maly, yeah?

MR. RUIDAS: Good evening, Chair Couch, and Councilmembers. My name is Stan Ruidas. I'm representing myself and I was a Vice-Chair of the CPAC and I was the only guy that testified two weeks ago on the phone. Thank you for coming to Lanai, and, you know, you guys look better in person than on Akaku, but the only thing I wanted to say is, you know, like following Ron and John, what we did in the CPAC was like a package deal. Desal was part of the package. Without the desal, you cannot do the projects, you cannot go ahead and go forward with all the things that Pulama wanted. And on another note, you know, if you don't have the desal, we might not have water on the island and if we run out of water, like say in five years, you know, we need a plan, we need a plan for Lanai. That's all I have.

CHAIR COUCH: Thank you Mr. Ruidas.

MR. RUIDAS: Thank you.

CHAIR COUCH: Members, any questions to the testifier? Seeing none, thank you. Kepa Maly is the last person that signed up here to testify but I see a few more people so I'll call the next person when I get the papers.

MR. MALY: Aloha, Chair, Committee members, Councilmembers. My name is Kepa Maly and I am a resident of Lanai but also the founding executive director of our community museum and living history program and in charge of historic preservation programs on the island of Lanai. My class is one year under Honorable Hokama's class graduated here on Lanai, and the topic that I'd like to just touch bases on is not as meaty as what's being discussed here but it is the foundational history of our island home and I acknowledge that this has been a difficult situation, particularly for members of the Planning Department and for Lanai. `A ko kākou aina aloha o Lāna`i nei, Lāna`i a ka ula lā`au, he wahi kupuna, he wahi, wahi pana kēia `āina. This is a sacred and storied landscape and a part of our history is rooted in the accuracy that



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we present our traditions, our stories, that we speak our place names and that we speak of the names of the families who came before us. The foundational history of this Plan is actually rooted in the native lore of this place. We do not have a place called Awahua. We don't have a Kamaluhao. I wrote a bunch of stuff out, you know, for discussion. What I'm asking you is that this document, I can't speak about all the high kinda falutin agency stuff but what I can tell you is that it is a flawed document in the use of Hawaiian language, inconsistent use of diacritical marks, many inconsistent spellings, and what happens is, as an agency document, this record becomes a history. So imagine now if we're fighting to not say Lanai because I'm sorry we're not Maui's back porch. This island is Lāna`i a ka ula lā`au, Lāna`i a ka ula wahine. This is a sacred child of one of the progenerative creative forces of nature and if we imbed inaccuracies, misspoken words of our history, a generation or two from now, we going lose all of that. They're going to say, well this must be the truth, look Awahua, Kapulihua Road, no much such a place as that on this island, and while I understand from having wonderful staff with the Planning Department and that in some ways they feel constrained by erroneous information recorded by the United States Geological Survey during its 1923 surveys here, we have so many inconsistencies in the place names and just in the record, I could have gone through that and word checked the whole thing, put diacritical marks. In fact, I didn't even insist that we use diacritical marks but we should use them consistently. Use them or throw them away but at least that way we have the opportunity to pass a legacy of history on to future generations. So that's all I ask you, please let's consider that before we pass something on to the future that will just add seeds of confusion. Mahalo.

CHAIR COUCH: Okay, thank you. Members, any questions to the testifier?

COUNCILMEMBER HOKAMA: Question \_\_\_\_\_. Kepa, mahalo.

MR. MALY: `Ae.

COUNCILMEMBER HOKAMA: I would say, since you very ma`a about the island, I would ask that you consider assisting us because, you know, that's one of my issues with the maps.

MR. MALY: Hm.

COUNCILMEMBER HOKAMA: I appreciate that we call the specific areas under its true name and calling. So like Manele Mauka, I know that is not the name of the site.

MR. MALY: `Ae, pololei `oe.

COUNCILMEMBER HOKAMA: Okay, so let's be pololei about it, yeah?

MR. MALY: Yeah.

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COUNCILMEMBER HOKAMA: And so I would ask you to assist us because I am in support of what you trying to have the Council embrace, which is correct names of important sites to us --

MR. MALY: Uh-huh.

COUNCILMEMBER HOKAMA: --for this island. And there's reasons why we have names for certain sites.

MR. MALY: `Ae.

COUNCILMEMBER HOKAMA: You know that, I know that. So I would ask that you assist us in making those type of corrections, because I would like to have it pronounced correctly, I would like to have it spelled correctly, because by our State Constitution, Hawaiian is an official language.

MR. MALY: \_\_\_\_\_. Mahalo.

COUNCILMEMBER HOKAMA: So, mahalo.

MR. MALY: `Ae. Happy to at any time.

CHAIR COUCH: Thank you.

MR. MALY: Thank you.

CHAIR COUCH: Members, any other questions? Seeing none, next up is Alberta de Jetley, followed by Deborah dela Cruz.

MS. de JETLEY: Good evening, Councilmembers. Thank you for appearing before us so, to allow us to have this opportunity to speak to you in person. I was a member of CPAC. My family moved to Lanai in 1951, and between 1951 and now, presently, I've moved back and forth between Maui and Oahu and to Lanai but Lanai is my true, the home of my heart. Being on the Lanai Community Advisory Plan was really exciting for me because throughout the Plan, Mr. Matsumoto, Kurt Matsumoto, he was at every meeting and he helped us to understand what the grand vision of Pulama, what they were seeing for Lanai. You really have to start looking at this Plan, not as something drawn in stone but as a roadmap to our future. A lot of the things in the Plan will be thrown out along the way, a lot of the things may be changed, but this gives us a direction on where we are going. One of the things that I really liked that Mr. Matsumoto spoke about was the three villages idea. Lanai is the last plantation town in Hawaii. We shouldn't detract from this town by adding on subdivisions on each corner of it. We should be looking at creating new villages. I think you went to some of the sites today. Those villages will give us the space we need to expand, it will create other places for people to live and it will add to our community base. I want to publically thank Butch Gima. He was our Chair and Stan Ruidas, our Vice-Chair.

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This Committee was very difficult to work in. We didn't always agree. We disagreed quite a lot but Butch and Stan lead us through the process, got us back on track, until we were able to come to some consensus and finalize our Plan. I thank Mr. Matsumoto for sharing their ideas with us. I really would like to also thank Pulama Lanai's Lynn McCrory because she has been instrumental in keeping the community advised on an ongoing basis of what is happening with Pulama Lanai. I personally don't like the entire Plan but there are many parts of it that I do like, and I was really extremely disappointed that the Lanai Planning Commission did not see their way through to approving the desal plant without conditions. It was not Pulama that sunk the desal, it was the conditions that was imposed on their request to build the desal. Today, this afternoon, I saw a truck, loaded with well casings, flying down Kamalapau Highway. I think those were the well casings to do the plant and once those well casings leave the island, it will be a long, long time before they come back again to restart this project. Thank you for hearing me out. Aloha.

CHAIR COUCH: Thank you. Members, any questions to the testifier? Seeing none, Deborah dela Cruz, followed by Leona Moore.

MS. dela CRUZ: Hi, my name is Debbie dela Cruz. I was born on raised on Lanai, left after graduating high school and came back in 1990. I did serve on the CPAC. I thank the Lanai Planning Commission for leaving what we came up with pretty much intact and I also thank the members of the Planning Department. We could tell that many of them shared our love for Lanai. The growth to 6,000 people is not my preference but realistically I recognize that we need to grow in order to be sustainable. There are only two places in the Plan that talk about what we were viewing or what our state of mind was at the time we were going through the Plan and it does talk about water. It says continued...wait a minute, sorry...the CPAC predicated their decisions on the availability of significant additional water sources for the future development proposals. That statement is only in two places of the Plan but as you go through the Plan, it affects just about every single chapter that's in there. In the water portions specifically, it says Lanai's limited water resources will not be able to sustain the supply as demand increases from development in Koele, Manele and the expansion of Lanai City. The strategy says, continued conservation and water efficiency measures are required to decrease water demand. It does go on to another issue, talking about alternative water sources, but we've been talking conservation and water efficiency for years and years and it really hasn't helped. As far as I'm concerned, the statement that the CPAC predicated our decision on the availability of more water should be in every single chapter and if you put the Plan through, I would suggest that you add that. Otherwise, as I stated before in another meeting, it just makes us look really, really stupid.

CHAIR COUCH: Thank you. Members, any questions to the testifier. Seeing none, thank you. Lee Moore, followed by Kelli Gima.

MS. MOORE: Hi, my name is Lee Moore. I'd like to sit down if I could. Thank you. My name is Lee Moore and my parents were first generation German immigrants and I

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was born and raised on a dairy farm in Minnesota and they're German and they were happy to come to America, okay. I'm not using USA anymore, it's America. And, anyway, over here, the water was so dirty and I said why is everybody, you know, needs a kidney. Why does everybody need a kidney on this island? And all these people in dialysis. Dirty water is what causes the disease and anyway I had dirty water where I got stuck in there and this whole thing is the mortgage fraud that went throughout the United States and this, I got stuck in part of it. But anyway, I've got a book here, The \_\_\_\_\_ Secret Service. I think you all need to read this and my entertainment is reading and I get the books that are the true books. This family torn apart and it's a Japanese and last time I went, anyway, this was in the paper, FBI trying to reach victim in Hawaii of mortgage scam. And a Missouri woman allegedly targeted an estimated 87 Hawaii homeowners in a mortgage relief scam, the FBI said Friday. Well the FBI receives various complaints of foreclosure abatement scams. This is the first case in which Hawaii residents were the sole targets said FBI Special Agent Tom Simon. Marlene Brown of \_\_\_\_\_, Missouri, which is right north of St. Louis, North Park, appeared Friday in Federal Court in St. Louis on four counts of wire fraud --

CHAIR COUCH: Excuse me, Ms. Moore.

MS. MOORE: --and one count of mail fraud.

CHAIR COUCH: This, is this in regard to the Lanai Community Plan?

MS. MOORE: Yes, it certainly is.

CHAIR COUCH: Okay.

MS. MOORE: The U.S. Department of Justice announced in the U.S. Attorney's Office in St. Louis, charged Brown August 8. The FBI said it believes there are 87 victims in Hawaii who paid advanced fees of 2,000 to 5,000 to Brown for a mortgage rescue or court foreclosure rescue.

CHAIR COUCH: Three minutes.

MS. MOORE: Services, but, I know you're trying to --

CHAIR COUCH: One more.

MS. MOORE: --shut me up. Okay, Brown took the money for personal use. The FBI has identified 40 of those households and the FBI's Honolulu is trying to reach the other 47. Since they made foreclosures, look at how many people lost their houses. Anyway, I was working with the DCCA and he said, Lee, who is your agent? And I said I don't know, I'll call him and 314 and 636 are the area code for St. Louis. So I called and it was the FBI office in downtown St. Louis. And I said, well I'm sitting out here in some dirt surrounded by water. And she said, oh, we know all about you. And I took

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a flight out at 10:30 that night.

CHAIR COUCH: Four minutes, Ms. Moore. We have, can you wrap up in one sentence?

MS. MOORE: Yeah. And really, Couch, I know all about you and I know when you arrived on the island and you were, I moved here from Maui. I couldn't believe it when I came here and saw all those wires. I said, damn, I didn't move from Timbuktu. I moved here from Maui and you were the Kihei and we disagreed on every damn thing you did and you fought me every bit of the way.

CHAIR COUCH: Well, you have stop your testimony, you've been over four minutes.

MS. MOORE: Okay.

CHAIR COUCH: Thank you.

MS. MOORE: I'll shut up. I'll shut up as far as this is concerned but I'm not shutting up

CHAIR COUCH: Thank you. Kelli Gima, followed by Butch Gima.

MS. GIMA: Hi, good evening, everyone. My name is Kelli Gima and I am a resident here and representing myself this evening. I also sit on the Lanai Planning Commission, so had a lot of time to review this Community Plan, and I was, as I was hearing people testify a little bit earlier, I'm kinda confused on the various changes that were made. I think we received our draft in the mail back in October. So I really hope that these changes are going to be provided to us and that we can see this, because starting with the CPAC and then with the Planning Commission, we worked so hard on this. I mean, nights, hours, and as well as having so many community members come out and share their thoughts and to testify. I also wanted to speak upon something Uncle Kepa was talking about with the misuse of okinas and not spelling it correctly. Many times when we were reviewing the map section of the Community Plan, we requested to have him consulted to get the appropriate spelling for, specifically for those maps. So that was something that was requested more than once and I'm pretty sure it was when the CPAC was also reviewing it. This is my home. This place is unique. I moved back here because I wanted to raise my son here and although I have mixed feelings about growth and development and change, our island and our community needs to still have the, what makes us unique here. We have a variety, a different type of issues than other islands. I'm a social worker here in the community. We have our share of issues and problems as well and I hope that those things are, you know, definitely taken into consideration. We worked very hard to, on the action items to include and keep partners for various things and like it was mentioned, LWAC, we pushed to get those, that group in under the partners section. And I'm sorry I'm rambling. Again, I didn't see the most updated draft and I would really like our community, especially the CPAC and the Planning Commission to see those revisions before it's moved forward because, like I said, we worked very, very hard. And thank

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you again for coming tonight. It's always nice when we have people come here and get to see our home and talk with our residents. So, thank you.

CHAIR COUCH: Thank you, Ms. Gima. Members, any questions of the testifier? Mr. Victorino? Should be a microphone right there.

COUNCILMEMBER VICTORINO: Thank you, Ms. Gima.

MS. GIMA: You're welcome.

COUNCILMEMBER VICTORINO: You said the last version you got was October of last year.

MS. GIMA: Correct. That was when we received it in the mail. Mary, I might be wrong. I think it was October. Yes...

COUNCILMEMBER VICTORINO: And that's the same version we're working off of.

MS. GIMA: It is? So there weren't any changes or things taken out or revisions made?

COUNCILMEMBER VICTORINO: I don't think so. But anyhow --

MS. GIMA: Okay.

COUNCILMEMBER VICTORINO: --when we cover this more detail, I just wanted to know if that was the version you folks received.

MS. GIMA: Yeah, with the October 2014 date. Okay, thank you for clarifying that 'cause I had heard some talk about there were things changed, then if that happens, I think our community should definitely be aware of the changes.

COUNCILMEMBER VICTORINO: Yeah, definitely. And, again, that's why I was asking the question so that I could correlate, if it not, then make sure that somehow you guys got the information.

MS. GIMA: Okay. Thank you.

COUNCILMEMBER VICTORINO: So thank you, Ms. Gima very much.

MS. GIMA: Thank you for the clarification. I appreciate it.

CHAIR COUCH: Just, Members, just for clarification, we will be working off the October 31<sup>st</sup> copy; however, the Planning Department did send a list of recommended changes. I believe we got it yesterday, I believe, but they've also sent with the letter, the cover letter of this item, they also sent that same list of changes.

COUNCILMEMBER VICTORINO: Chair, then with those changes, were those changes

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transmitted to the CPAC and the rest of the groups that have been working hard on this Plan?

CHAIR COUCH: According to, it looks like, according to the Administration, they were not.

COUNCILMEMBER VICTORINO: They were not?

CHAIR COUCH: They are online, however, I believe.

COUNCILMEMBER VICTORINO: Yeah, again, you know, Mr. Chair, that's, and if was only yesterday, how many people went online from yesterday. So I know, I'm not going to get into it. I apologize. Sorry about that.

CHAIR COUCH: Actually the cover letter's dated October 31<sup>st</sup>, I believe.

COUNCILMEMBER VICTORINO: The cover letter itself?

CHAIR COUCH: To the, I'm sorry, I'm sorry.

COUNCILMEMBER VICTORINO: Not the changes, yeah? Anyhow, I don't mean to detract from the meeting, Mr. Chair. You know, we can go figure this all out, okay, later. Okay, thank you. I apologize.

CHAIR COUCH: Thank you. Butch Gima, followed by Caron Green.

MR. GIMA: Okay, my name is Butch Gima, a resident. I want to refer to Page 7-6, which is under the Actions and Infrastructure and Water, have some concerns, because on the lead agency, the documents states Pulama Lanai. As I testified earlier, the importance of LWAC was quite evident at the Lanai Planning Commission meeting last week when they were deliberating the SMA and the Planning Commission needed the information from LWAC because it was a very important subject to discuss. On top of that, the Planning Department and the Department of Water Supply made no reference to the Water Use and Development Plan and whether the project complied or did not comply with our Water Use and Development Plan. So this is a very significant part of the Community Plan document and I think that the LWAC needs to be given a lot more credibility because they are the members of the community who knows our water situation, knows the laws and can provide information to the Planning Commission. On Page 12-3, Action Item 12.09, I want to bring you attention to the recommendation being made that in order for this Plan to be useful, it has to be implemented. Historically these type of plans really are never implemented because there is no lead person, and this action item is recommending that you have a Lanai-based individual be responsible to ensure the implementation and monitoring of this strategic plan. I mean, we spent, I would say, a quarter of a million dollars has been spent on this Community Plan when you take into account your costs, the CPAC, the Planning Commission, and it would be a waste of money that if no one is appointed to implement this Plan, it's just going to sit on a desk. So I strongly advise you to fund

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that position and two other positions for the Lanai-based hazard mitigation coordinator and the economic development specialist position. I concur with many of the other residents regarding the desal issue. As you heard many times that they language in the document was predicated on the desal plant working. There are many people in the community, residents, members of LSG and other different organizations that were touting the excellent, comprehensive plan and renewable energy and sustainability vision of Pulama and we testified on that note. So, in closing, the spirit and intent of this document is very much compromised by Pulama's decision to pull the desal plant, and I think it's important for you, as our representatives, to ask Pulama what they're willing to do about that or what are they going to do about the plans and projects that they had proposed before the CPAC and the Lanai Planning Commission.

CHAIR COUCH: Three minutes.

MR. GIMA: One last thing. To reiterate about the LWAC, back when Mike was a Chair of the Water Resources Committee, they came here and all entities punted, nobody wanted to take responsibility for Lanai's water. LWAC did, LWAC does, and LWAC continues to want to do that. And until an entity, whether it's State or County, steps forward, then I think it's responsible on your part to ensure that LWAC oversees, monitors and implements our Water Use and Development Plan, which we worked on for almost 12 years. Thank you.

CHAIR COUCH: Thank you. Members, any questions for Mr. Gima? Seeing none, thank you, Mr. Gima. Caron Green, followed by Mel Catiel.

MS. GREEN: Thank you, Councilmembers, for coming over here. My name is Caron Green and I was a member of CPAC. I have to say in getting ready for the CPAC, I read through the old Community Plan and then, of course, when we started CPAC, and you'll see in the front, it has a whole list of the issues and challenges that Lanai faces, and I was extremely impressed with Pulama Lanai when they came on board, that it seemed like they had gone through our documents and seen everything that we needed and they were systematically going to go through and take care of a lot of our problems. I do have two things in particular I want to discuss and one is what Debbie alluded to and that is critical mass. I know there is some pushback on the community growing. I think when we were in the Plan, they said for a community to be self-sustainable, you need a population of about 6,000 people, which is about doubling the size of Lanai. My husband and I moved here eight years ago and part of the reason we moved here is because we loved the wide-open spaces and the sense of community that you have here and the wonderful people. But I think that the way the Plan has come together, as Alberta alluded to, with little satellites rather than dramatically changing the downtown area, still leaves a lot of wide-open spaces for people to enjoy the island. The other thing that I wanted to--oh, I wanted to also say something that, for critical mass, for example, we had a dog when we came here. There was no vet on island because we didn't have a big enough population to sustain a vet, and these are the kind of things that I think with an increased population would



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be beneficial to the community. The other thing is the topic of water. Again, it really irritates me when people stand up here and say we approved the Plan when they put in conditions that are unacceptable. I happen to live down at Manele and the condition that was put on this Plan was that if for some reason, the desal plant didn't work, that the only thing that we could have down at Manele would be water for human consumption. Now I don't know if that just means drinking water, or if I can take a shower, or whatever, but we have landscape down there that would just absolutely be destroyed. The hotel down there, you know, the golf course and everything. That's kind of a draconian measure. Now hopefully, it would never get to the point where we wouldn't have, you know, where the desal plant would not work, but I think that first of all, they were asked to give 30 years, which is reasonable when you're making an expense, I mean, he was giving us this water plan, this desal plant at no charge to us, merely asked to have 30-year time horizon to amortize his costs over and they gave 15 and then the other conditions. So to sit here and say well, we approved it, is a little misleading and I wanted to state that. I also want to state one other thing and that is when you look at the --

CHAIR COUCH: Three minutes.

MS. GREEN: --okay, beginning of the Water Plan here, it says that we have two sub-aquifers, each has a sustainable yield of 3,000 gallons per day for a total of 6,000 and we are currently only using 1.8. So to also say that every further development is totally dependent on desal in my opinion sounds a little misleading since we are now only using 30 percent of the sustainable level of water. Thank you.

CHAIR COUCH: Thank you. Members, any questions for the testifier? Mr. Victorino?

COUNCILMEMBER VICTORINO: Thank you. And I want to make a correction, it's 3 million gallons, not 3000.

MS. GREEN: You're right.

COUNCILMEMBER VICTORINO: Yeah. And it's 6 million, is the total yield. No, just because you got me all shocked too and like wow, I've been doing this for a long time, where did I lose all those millions of gallons? Thank you.

MS. GREEN: I can't read.

COUNCILMEMBER VICTORINO: Alrighty. Just wanted that clarification, Mr. Chair, for the record.

CHAIR COUCH: Thank you.

MS. GREEN: Thank you very much.

CHAIR COUCH: Members, any other questions? Yeah. Mr. Hokama?

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COUNCILMEMBER HOKAMA: Just for those that were not with us in the 1980s when this project districts were being considered and approved, the Council approved that the project districts, knowing that the island had a difficult water situation. Manele Project District was always supposed to be, with the landowner's agreement, that we would not be having a full-fledged type of resort with unlimited water. It was always geared to have only certain amounts of potable water, and if you look at the State Land Use Commission orders, Commission on Water Resources and what the Council approved, you will see that it has been very consistent, because for people like me who's been doing this development since 1970, I can tell you, I have seen plans of this island from 1954, the various landowners have promised and committed many things to the people of this island that have never been fulfilled. So I would say for those that are new residents, the history, it causes us to be where we are today. So please be aware of the historic and why the situation is such and the conditions of \_\_\_\_\_ that were granted by the County to the Council are still part and binding to the land as a commitment to the people of this island. So I would say, please be aware of those historical facts. Thank you.

CHAIR COUCH: Thank you. Members, any other questions? Thank you. Mel Catie.

MR. CATIEL: Catiel.

CHAIR COUCH: Catiel, sorry, followed by Winifred Basques.

MR. CATIEL: My name is Mel Catiel. I'm a third generation of Lanai. I was born and raised here. I live here all my life. You guys talking about this kind water problem, the best thing is to cut a lot of this projects off, because this project's going to benefit the rich, not going to benefit Lanai guys, maybe will create job for them little while but what about in the long run, they not going get job. The rich going be sitting pretty and they going create two separate city, the rich and the lower class. That's what I see in the future. Preserve Lanai as it is, you know, now, how it is. Don't ...*(inaudible)*... like coming to Oahu or Maui. That's why I live here all my life. I don't want to see that. When I go off island, I come back Lanai, I feel happy. I feel relaxed. I don't see the rat race, I no see tall buildings, like that, and I don't care for this guy Ellison because I went through it with Murdock. They only here for make money, just for make money, that's it. So I'm pissed off with this guy. He don't come to the meeting, you don't see any meeting, he don't come. If he, you know, impact the community life over here. Why don't he come, at least sit in one, the people they went speak to him once. So I don't care for him. I like keep Lanai Lanai, that's all I want. Thank you.

CHAIR COUCH: Thank you. Members, any questions of the testifier? Seeing none, Winifred Basques, followed by Kurt Matsumoto.

MS. BASQUES: Hui, pehea `oe? It seems that we been having a big issue about water. Water is so precious to us. The thing is that when they have the desalination, water, and then now you look at this, Lanai Company *[sic]* Plan, I going read you something.

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To me, it doesn't cut it. Anyway, I going tell it straight, back to the point. I not beating around the bush or whatever, okay. The thing is that I look at this thing, the expansion, he wants to create big, big picture. It's not a tidal wave, it's huge. Who is coming? Who is going come on this island? Did you know that--okay, now, let's just see the paper, the water issue. I talking about issue that, it consists of 524 acres in university, 50 acres tennis academy, 291 acres of park, you know when you have all this statistics, where's the water? We live on here, we live on Lanai. We love this style. Here come Mr. Murdock, he want to create jobs, he wants to create this, he wants to create that. He takes away our whistle, our morning whistle, and furthermore, he doesn't like the style that we live. He come from the island, or the mainland where he comes from, the rich people. We are people here who works day in and day out to make a living for us, the family. And here comes this other one, the big gunner, the big honcho, okay. Eh, money, no object to him. But remember when you go, Uncle Sam going take 'em back. He say gimme back my money. You never use it the right way. I talking from the man, the man above, ke akua, he tells me to tell what you folks is all about. It ain't gonna cut it. I tell you, the thing is that we're here, we live our lifestyle. I come from Honolulu. Next month, February 28<sup>th</sup>, 4 o'clock, I landed on this island. It's going be 52 years on this island and I love it here but when you have this changes, forget it, braddah. We don't like it and that how it's gonna be because people here, they come, oh, let's go to Lanai, let's do this, let's do that. They no talk about the people. They talk about this, the kala in the hand, in the pocket. And when the pocket is full, they say, good bye. Thank you very much.

CHAIR COUCH: Three minutes. Get one more.

MS. BASQUES: No, that's all. Thank you.

CHAIR COUCH: Okay. Members, any questions for the testifier? Seeing none, thank you very much.

MS. BASQUES: Mahalo.

CHAIR COUCH: Last person signed up to testify for now is Kurt Matsumoto. Anybody else wants to testify, please come forward and sign up.

MR. MATSUMOTO: Good evening, Councilmembers, thank you for being here. And thank you for the opportunity to speak in front of you. I just wanted to touch on a few things that were mentioned earlier. I did sit through both the CPAC and the LPC process that developed the plans that are in front of you and, you know, I think I understand the comments about the desal and how it relates to portions of the project and portions of what is sitting there in front of you. There's a couple things that I want to point out to you. Number one, the number in the population, you know, just shortly after I started my job, I was called by Long Range Planning because the schedule for the CPAC was coming up and they were concerned about whether the landowner was prepared to go through the process or not. And I should've said no but, you know, we tried to put together what we could because we understood the

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value of the time. There came a point in the Plan where they asked you for a number and so, basically talked about, you know, what is a sustainable number, what's a number that would make it resilient enough that the island can have an economy that can kind of work with itself? So, you know, the advice was around six to seven thousand so we came up with a number of 6,000 and that's all it is. It's not a target, we have no plan or desire to get there. We're more about looking at this island and having things develop on a organic basis. I would point out to you too, by the way--you probably already know this--but the existing Community Plan calls for a population of 12,000 people on Lanai. So it's, the 6,000 number is not an important number to us. From the standpoint of the landowner, you know, we don't want to do anything to Lanai that would harm the island, that would change its character, or that would disappoint the people here. So, you know, I can understand that there would be, when you look at the map, say, wow, is all these different things that are gonna happen. So, again, I wanna go back to the meeting that I had with Long Range Planning and how they explained the process. I sat on the CPAC back in, that developed the '98 plan and the way they explained the process to me, it's a little different this time around. But, you know, it's a collaborative process. It's to be able to sit there, talk about it with the County, with residents and so we put ideas up. Now, does it mean we're going to do everything on that Plan? No. And I agree, water leads. If there's no water and the components of the Plan that call for water cannot fit in with what's available, it should not be implemented. We should be, we should not be so irresponsible to attempt to try to get it done. So, you know, I wanna say that we're willing to make adjustments and hear suggestions and go through the process with you for the next few days and look forward to that work with you. So thank you.

CHAIR COUCH: Thank you. Members, any questions to the testifier? Seeing none, thank you Mr. Matsumoto. Sally Kaye, followed by Gerald Rabiano, Rabaino. Sorry about that.

MS. KAYE: Good evening. My name is Sally Kaye. I just have a few points. I understand we only have three minutes so when I get cut off, I also understand we can submit in writing and if you have a deadline for that please let me know. I did find what was submitted online this morning and I would like to recommend that first point on Page 7-5, support provisions under land use entitlements of the Water Use Development Plan by deferring additional or incremental discretionary entitlements pending careful consideration should be replaced with definite proof of the adequacy of long-term water supply source and infrastructure. Second, I would like to comment on 7.01, a policy, I believe, to update the Water Use Development Plan demand analysis to account for new growth areas. I believe this is premature. I believe it's up to the County, County Council, to amend the Water Use and Development Plan by ordinance. And so I would delete that because there isn't a need to do that right now. Third, I would like to point out 13, the changes that were added last minute by the Planning Department. Page 13-1 has a bunch of actions to be identified as either Priority 1 or Priority 2 and I don't see them anywhere. I don't see where those standards are applied. I also would like to point out that, as Butch said, that removing LWAC is unacceptable and there's no basis for it. We have a legal opinion

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that LWAC exists and I don't know why, at the last minute, without any consultation with CPAC or the Planning Commission, that this was done unilaterally. As far as your changes, I would also like to point out Appendices, delete Appendix 3.2, the Lanai Forest and Watershed Partnership, because it no longer exists. I don't think anyone's told the partners that. As far as I know, they still think it's a very active agreement. So I don't think that should happen. Now, I would like to just begin to talk about some of the requirements from Maui County Code 2.80B, under E it says it's required to have a statement of social, economic, environmental effects. It's not, it's missing. Desired sequence of future development is missing. Statement of planning standards substituted by the Planning Department is vague and toothless. For the Planning Department to unilaterally delete the Planning Commission's decision to include the '98 standards is unacceptable. With this plan, if you wanted to build a two-story house behind the Post Office, you couldn't do it because the Community Plan said there will be no two-story houses. If you take out the old standards, there's nothing to fall back on, except for Maui County Code provisions. A clear list of the areas, structures recognized as having historical or archaeological significance is missing.

CHAIR COUCH: Three minutes.

MS. KAYE: Where is Kihamaniania? Okay, so I'm just going to submit the rest of these in writing?

CHAIR COUCH: You have one more minute and then --

MS. KAYE: Oh.

CHAIR COUCH: --yes, you can, we would like to see that in writing, I'm sure, anyway.

MS. KAYE: Okay. The Manele Mauka, which I understand is a bad term, is slated for some sort of Mixed Use Residential. It says it will include senior housing. How much, how affordable, and how do we make sure that this happens? I have some more specifics but overall I think the draft plays a lot of lip service to diversifying the economic base but most it's the suggestions are subsets of tourism and that continues a volatile and potentially unsustainable economic model for the next 20 years. I would think that really it looks like multiple cans have been kicked down infinite roads and I would suggest some major revisions. There's no budget. There's no time frame for any of the proposed developments. Thank you.

CHAIR COUCH: Thank you. Members, any questions to the testifier? And please submit that so we can get that. Seeing none, Gerald Rabaino. And Mr. Rabaino is the last person to sign up to testify.

MR. RABAINO: Aloha and thank you for coming to Lanai. And most of you, we are familiar with each other. Just a little brief history before because I'm gonna talk about two topics, water issue and housing. The first one was under, when I got involved with,

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when I first came to Lanai in the late, I mean, well early '70s, was under Oceanic Company then switch over Koele Company and from Koele Company they had a lot of plan under Don \_\_\_\_\_, was still Castle & Cooke. Then came Lanai Company, that's when Murdock came in. All this planning was done before the CPAC was formed. Riki used to be my former boss under Koele Company under Swede Deshay and so forth. I was trained by, in the ILWU with Goro Hokama, Shiro Hokama as well as \_\_\_\_\_ Dela Cruz when he was still alive. They catered to me to be one of the union representatives. The water issue, from what I've learned living on the island of Lanai and doing the Koele Company. There's only 1 percent annual rainfall in the Manele Bay district so we needed that desalination plant. I am very angry and partly confused. The anger is the people that comes here, whether it's State, County, they say they know what they doing, they do all the research, but when there's a storm coming here--and I'm gonna use Hulopoe Beach Park--the architects that comes from Honolulu during the Koele Company era when David Murdock came in. We told them not to build the parking lot where it is located today 'cause of the high surf and the drainage. Till today, they pump water out there, a hard lesson learned, okay. The water for Lanai, when I was still here during the plantation day, we are not, down there is not to use potable water when all this planning was coming before CPAC was formed. Potable water would remain for Lanai residents because of our aquifers, okay. I'm not good at math. I'm not going be able to fill out the per gallons, and that's the reason why we had, under the plantation days, LWAC. Under Linda Lingle time, and I was sitting on the Planning Commission, LWAC gave lot of report and the company was going back and forth. As an outsider and a residents, it seems like the water issue is being used as a hostage for Lanai residents before development can move forward by both parties, County, State and the company, because we want development on Lanai. I'm pro development 'cause I want to see the keiki o ka aina prosper on this island and those who want to come back.

CHAIR COUCH: Three minutes.

MR. RABAINO: Okay.

CHAIR COUCH: One more.

MR. RABAINO: Okay, I still get the housing one yet, okay. Under Charmaine Tavares, that's when CPAC came through and that's when I got my introduction with Gladys on the MEO when I got involved. All this back and forth thing with different committees every year, different players, okay. Of course politicians gotta run and they lose and whatnot, but the bottom line is the water. Why can't you guys sit down, homalimali, come together, hana inu each other with LWAC Company and you government people, County and State, come up with a formula because the bottom line is Manele needs the water, okay. Tourists love the sunshine but we don't want our potable water and aquifers up here damaged, okay. Sincerely, I come from green valley, Punaluu, Kahana Bay, Waihole, okay. I remember five years ago Castle & Cooke on the leeward side because of Kapolei, the second city, Manele would be the second city on Lanai. The farmers over there are fighting for --

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CHAIR COUCH: Gerald.

MR. RABAINO: --water because of the windward side.

CHAIR COUCH: Okay, can you --

MR. RABAINO: Lanai is --

CHAIR COUCH: --finish in one sentence?

MR. RABAINO: --also in the same situation.

CHAIR COUCH: Can you finish in one sentence?

MR. RABAINO: Yeah, well ...

CHAIR COUCH: We're past four minutes.

MR. RABAINO: Then can I talk about housing after?

CHAIR COUCH: Just say, we need, no, you only get four minutes.

MR. RABAINO: Oh. Let me give you, okay, well.

CHAIR COUCH: One sentence.

MR. RABAINO: The water issue is go homalimali with each other. Make peace 'cause we want this development but as they say, without water, there's no life, okay. Housing.

CHAIR COUCH: Just one sentence, if can.

MR. RABAINO: Okay. Housing. I'm doing to draw a picture for you to submit up.

CHAIR COUCH: One sentence.

MR. RABAINO: Okay. Three families in one house, one toilet. How do you feel? We need housing.

CHAIR COUCH: Thank you. Nobody else has signed up to testify. The last chance for anybody who hasn't testified before to come up and testify, come on down if you, just come up and give your name. We all know your name but give your name and then sign up afterwards. Thanks, Sol.

MR. KAHO`OHALAHALA: Aloha, Councilmembers. Welcome to Lanai. I thought that it would be important to bring testimony tonight especially as a native Hawaiian and I

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guess my thoughts here are not that the Community Plans were not put together right, it takes a lot of work by these Lanai Advisory Councils and it takes a lot of work for the Lanai Planning Commissions to come out with the best plan that they can. I would like to speak on behalf of native Hawaiians though. I want to remind the Council that you have a policy document that guides the State in its plan and the County in its plans for our County, and in that I want to at least cite for you some sections that I think are important because I think it relates to why I'm here on behalf, as a native Hawaiian speaking on the Lanai Community Plan proposed. You have one that says preserve local cultures and traditions as a policy, and it says in the that Section B, Objective 1 that you would perpetuate the Hawaiian culture as a vital force in the lives of residents, okay. And in that section you state really important things about protection and preservation of mountain, ocean and island resources and traditional and cultural practices. You also say that you wanna make sure that you promote the use of ahupua`a and moku management systems and you talk about recognizing the unique natural and cultural characteristics of ahupua`a districts. These are just a few of your guiding policies. So I want to also emphasize that the State of Hawaii Constitution, Article 12, Section 7 ensures that the traditional and customary native Hawaiian rights are ensured. And so it is these premises that I come to you and say that in the particular section of the Lanai Community Plan that has an increased development of a rural district on the east side of our Lanai, that Kahalepalaoa area, and also for a resort development. Councilmember Hokama, when you talked about it is important for us to remember some of the historical proceedings of the community planning process, in 1983, I sat as a member of the Lanai Planning Advisory Council and it was at that time that a resort development was being discussed on this island of Lanai. And in that Community Plan, if you go back and look, you'll see that a real, clear, distinct decision was made for this island Lanai that we would concede to allowing development to occur at the Manele/Hulopoe area because it had infrastructure, because it had easy access and it was one of the most beautiful places on this island of Lanai. And this community would give up that place for resort development with the understanding that we would never develop the east side of Lanai by contrast, because that side is where traditional and cultural practices are carried on. And I am perplexed by the fact that this proposed plan now envisions to include a resort, plus 250-acre development for rural. The conflict I see is that in allowing the resort to move to the Manele area, part of the other restrictions that were placed there is that we created the marine life conservation district and that was to ensure that this community was going to help preserve that particular location and as a result of that gave up traditional and cultural practices for gathering. So we made a restriction on ourselves, not to fish those particular bays if we could be assured that the east side of Lanai would continue to allow us to subsist. So this is the side of the island where everyone goes and as the only location of kuleana properties, these are Hawaiian lands that are still in existence today. This has been where they have been able to subsist and sustain themselves and feed themselves. To allow this particular Plan to go through with that provision is to now infringe upon what I consider those traditional and customary native Hawaiian rights. And, therefore, I would ask this Council to consider taking a look at your own policies here, consider taking a look at what the State Constitution provides for, consider and look what State statutes



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provide for and then at the same time, understand that as a native Hawaiian, we have particular rights irregardless of who the landowner is --

CHAIR COUCH: Three minutes.

MR. KAHO`OHALAHALA: --and that we want to ensure that that is protected. And I believe that this Plan right now does not protect those rights. If it is not taken care of, that we will have to take it to another level to make sure that it is dealt with properly. So, thank you.

CHAIR COUCH: Thank you. Members, any questions to the testifier? I have one, Sol. You said that there was an agreement, was it the old Lanai Community Plan that swapped the rights?

MR. KAHO`OHALAHALA: The first Lanai Community Plan, 1983.

CHAIR COUCH: The first? Okay. Thank you.

MR. KAHO`OHALAHALA: And so that's when we made a concession. So my point about the concession is that we gave up gathering rights here at Manele and Hulopoe, except for one thing we allowed for was to allow senior citizens access to fishing from shore with hook and pole.

CHAIR COUCH: Uh-huh.

MR. KAHO`OHALAHALA: But giving up that kind of privilege in this area to ensure that we will have access to the east side, which was where the only reef systems of this entire island exist, was a tradeoff and a concession made by this community.

CHAIR COUCH: Okay.

MR. KAHO`OHALAHALA: To allow the Plan to move forward in the current condition is to now say that we gave up this place, and no one continues to understand how this history of this planning took place, and someone comes and just changes and said, oh, I think I'd like to have another location on the east side with no thought. I'm not sure how they came about with that plan but if you look at the history of how these community plans came about, there is a reason why the east shorelines of Lanai were left to be protected for those reasons. And I'm not only saying that the benefit is one that is only for native Hawaiians, that is for the community.

CHAIR COUCH: Uh-huh.

MR. KAHO`OHALAHALA: It is for the residents. But if the native Hawaiian benefit cannot be assured, then what is the benefit to the residents of this island?

CHAIR COUCH: Okay.

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MR. KAHO`OHALAHALA: So.

CHAIR COUCH: Can you, is it, do you have that in writing or can you put something like that in writing to give to the Members? You know, we're going to be doing this for several days and a couple more weeks so.

MR. KAHO`OHALAHALA: I would be happy to put together some of those historical statements that I made --

CHAIR COUCH: Okay.

MR. KAHO`OHALAHALA: --and also to cite for you some of the protections that are currently in law.

CHAIR COUCH: Thank you, thank you. Members, any other questions? Seeing none, Mr. Kaho`ohalahala, you need to sign --

MR. KAHO`OHALAHALA: Okay.

CHAIR COUCH: --yeah, was the last person to sign up to testify. Anybody else?

MR. KAYE: . . . *(inaudible)* . . . a question.

CHAIR COUCH: You come up and testify if you like but you have to...

MR. KAYE: . . . *(inaudible)* . . .

CHAIR COUCH: You have to give your name.

MR. KAYE: My name is Robin Kaye. I'm a resident of Lanai. Just a question. I've heard several people mention the next couple of days. Is there more conversation on Lanai about this Plan tomorrow or the next few days? You've mentioned it, Kurt mentioned it, someone else has just mentioned it. Thank you.

CHAIR COUCH: Okay. You gotta still sign up. That's alright. Sorry. And we're going to be here through 4:30, I think, tomorrow afternoon, discussing this Plan, and then we'll be going back to Maui and discussing it a little bit further in Chambers of which, at that time, you have more chance to testify remotely. You've done it successfully here before, so we anticipate a lot more testimony on that day, and then when we can wrap up our deliberations, we will come back out, probably before we make the final decision, and then also once for a public hearing. This is a not a public hearing. We will have an official public hearing with all the Council involved, even though all of them are here today, two are not voting Members today. So that being said and seeing no other people coming up to testify, without objections, Members, I would like to close public testimony.

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COUNCILMEMBERS VOICED NO OBJECTIONS.

**. . . END OF PUBLIC TESTIMONY . . .**

CHAIR COUCH: Okay, public testimony is closed. Now we had planned to just power through the night but I know everybody wants to have some time for dinner so what we're gonna do is we're gonna recess for one hour. We will be back here at 7:30 and then we will continue to deliberate for I'm guessing at least two hours.

COUNCILMEMBER VICTORINO: Mr. Chair?

CHAIR COUCH: Yes.

COUNCILMEMBER VICTORINO: Before you take a recess, is all the information that the Department has, will that be disseminated to, the recommendations that the Department is making to us? I know it's online but not everybody can get online so will that information be made available to the public via and to us and to whoever else? If we could have an answer to that question please.

CHAIR COUCH: Mr. Molina?

MR. MOLINA: Yeah, we created a webpage on the County Council's website. We are trying to upload documents as soon as they come but a lot of the transmittals came in last, before we had chance to update 'em for today's meeting but as soon as we get back, we'll try and get everything in the binder contents, online.

CHAIR COUCH: So do we have items for tonight --

UNIDENTIFIED SPEAKER: Yeah.

CHAIR COUCH: --that are in print?

MR. MOLINA: Currently available on the County, the Council website, is the Lanai Community Plan Advisory Committee's draft, as well as the Planning Commission draft, as well as the Planning Department's letter, initial transmittal letter.

COUNCILMEMBER VICTORINO: Mr. Chair? I guess the question begs to be asked, the Department's recommendation, I think is what, I'm trying to get to. The rest, I think we have, but I'd like to see the Department's recommendations. And I think the public wants to see that too.

CHAIR COUCH: Uh-huh.

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MR. MOLINA: I believe the, the letter dated January 21<sup>st</sup> is in your binders with that list of recommendations. I'll see if we have copies available.

CHAIR COUCH: Yeah, we have that. Go ahead, Riki.

COUNCILMEMBER HOKAMA: Chairman, I would request, one that, I think it's only fair for the people who have turned out to be able to participate with us and follow along with the documents we are working at. That would be fair. I think I would also like to make another request for the Committee's consideration. It's not easy to follow, you know, we work through all these documents, yeah, but I think what I would ask that the Department can assist the Committee is a matrix of what is the existing Community Plan, the Advisory Committee's recommendation, Planning Commission's recommendation and the Planning Department's recommendation so the people can see it all in front of themselves at one time. I think that is fair and it's easier for them to understand some of the actions that this Committee will be taking on, and I appreciate the Chairman, people of Lanai, my request to the Chairman has been that you will get to see the revised draft before Council takes action on the document. And that Council, by ordinance of our law, the Council Chair is required to hold a public hearing back on this island on the finalized version that Council will be looking at adopting. So I just want to share that with you that you have additional opportunities to give comment and that as we make the changes, you will also be given that opportunity by the Committee Chair and the Council Chair to speak on the adjustments that the Committee and the Council will be reviewing and making a final decision on, and I believe that is fair to this island's residents.

CHAIR COUCH: Okay, if we have access to a copier for the January 21<sup>st</sup> letter, we can do that tonight. The matrix, I'm not sure what the Department has as far as a matrix of the three different, I mean the differences in the three different documents. Any thoughts on that, Ms. McLean?

MS. McLEAN: Thank you, Chair. The Department has posted its changes on, through the Planning Department's web page. It doesn't seem like they're up on the page that Jordan described but they are available through the Planning Department site. At this point, we are deferring to Council with what documents you make available, what you put on your website, but that was one that we went ahead and put on so it is available right now on that web page and I'm imagining it'll be on the special page that you guys have created very soon. We have not done a matrix. The changes between the CPAC version and the Planning Commission version are actually very, very minor so to have a matrix that compares those differences would actually put the focus on very small components of the Plan rather than the much bigger, more significant, substantive components of the Plan. The process is for us to work with CPAC, put together their version, provide that to the Planning Commission, then the Planning Commission works from that document and we work with them to transmit their version to the Council. And that's what we've done and we are also to provide Council with our recommended changes to that, and that's what we have done in a red lined format, not in a matrix, in a chapter-by-chapter red lined format. And it can get unwieldy in a

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way to have too many documents and comparisons, then you run into criticisms for how changes are described rather than just having the red lined text. So what we've transmitted to date are our recommendations to date, and we can discuss another format that those might take but we have not prepared a matrix. We have prepared red lined recommendations to the Council for Council's consideration.

CHAIR COUCH: Okay. Jordan, do we have access to a copier?

MR. MOLINA: We'll have to check with our District Staff and see what resources we have.

CHAIR COUCH: Okay.

MR. MOLINA: We can do that during the recess.

CHAIR COUCH: Yeah, during the recess, we might be able to make the copies of the January 21, which is essentially just the changes which is the same as a matrix other than potentially small changes between the CPAC and the LPC, okay. So we'll get that, we'll see if we can get that, work with the Staff to see if we can get that either through, it looks like, Denise, looks like we might be able to do that? Okay. Alright, with that, Members, we're gonna recess until 7:30.

UNIDENTIFIED SPEAKER: 7:35.

CHAIR COUCH: 7:35, so this meeting is in recess. . . .(gavel) . . .

**RECESS: 6:34 p.m.**

**RECONVENE: 7:41 p.m.**

CHAIR COUCH: Will the Planning Committee meeting of January 28<sup>th</sup> please come back to order. Members, to start off, I want to thank the Staff for passing out the letter of January 21<sup>st</sup> to the public, and also they passed out, you received something that basically says Page 1, Page 2, and what that says is Summary of Differences between the Community Plan Advisory Committee's September 30<sup>th</sup> Final Draft Plan and the Lanai Planning Commission's October 31<sup>st</sup> Final Draft Plan.

MR. MOLINA: Mr. Chairman?

CHAIR COUCH: Yes.

MR. MOLINA: Just to clarify for the record. We didn't hand out the transmittal letter but we just simply distributed one of the attachments to the letter, which was the Planning Department's list of recommended changes.

CHAIR COUCH: Thank you, you're right. It's just, the cover portion is not on there, it's just the attachment, right. So for those of you who are concerned about what the

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differences between the CPAC and the LPC, that's the information. If you want to discuss it when we go through, we certainly will be willing to discuss that. The next thing is, you have with you in your binder, the actual recommendation from the Department, dated October 31, 2014, and that's the Lanai Planning Commission Final Draft. And then you have the January 21<sup>st</sup> item that has the Planning Department's suggested revisions to this draft. So it's a lot of paperwork. I would suggest you have the January 21<sup>st</sup> paperwork in front of you, and we'll go through one item at a time, one chapter at a time, because there aren't a lot of changes. There are some significant changes in some opinions so those we will discuss. So I'll give you a minute or two to get your paperwork all settled out and then we'll start. Okay, it was, one of the things that we would like to talk about is Kepa came up and talked about the proper place names and spelling, whether, if you're going to use the diacritical marks, then use 'em all or don't use 'em. So I'll leave that one up to the Planning Department as far as how they want to handle that, but as far as the place names and whatnot, are you willing to or would you rather have us, as they come up, but I don't see him tonight so maybe have him go through it and provide changes for us?

MS. McLEAN: Yeah, we did have a fair amount of dialog with him through the process and there are formalized government processes for certain place names, and so we were sort of caught between the two but certainly we will work with the community to make proper references --

CHAIR COUCH: And that's kinda what I figured.

MS. McLEAN: --to the place names and if necessary we could simply put in language that references the differences between the two --

CHAIR COUCH: Correct.

MS. McLEAN: --so that both are acknowledged and ...

CHAIR COUCH: For instance, if it's the official government name, you put that in parenthesis and put the real name, the correct name, right.

MS. McLEAN: Right.

CHAIR COUCH: Okay.

MS. McLEAN: We're happy to --

CHAIR COUCH: Okay.

MS. McLEAN: --make those clarifications.

CHAIR COUCH: Good, 'cause I just wanted to make sure that that was taken care of. Alright, Members, so Chapter 1, if, you know, from our January 15<sup>th</sup> meeting, we had,

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we were given all this information and discussed, so what I'd like to do is have the Department just quickly go through what Chapter One's about, like two minutes, and then tell us any issues that you have with that Chapter. So fire when ready, Mary.

MS. JORGENSEN: Okay. Chapter 1 provides the Introduction to the Community Plan Update. It begins with a portrait of the community, which those first two pages are an addition that was between the CPAC and the Planning Commission draft. It was added after the CPAC. And then, as required by 2.80B, it discusses the Community Plan area and also in that first Intro section, it acknowledges that this is a period of major change for the community with a new landowner and that the community wants to play a major role in shaping the change. The, also within the Introduction are sections that discuss the planning guidance from the State plan, the County General Plan and then the Maui County Code 2.80B requirements and how those are different from the 1998 Plan, the new elements that have to be addressed. And then finally, there's just a very brief overview of how the Plan is organized by chapters and the last page giving Fast Facts on Lanai, the physical features, the population and demographics and flora and fauna. And in terms of the changes that were made, as I noted, that those first two pages were added between CPAC and the Planning Commission, but then the Planning Commission removed employment data saying it was not accurate and it was changing too much from the Fast Facts table. Otherwise there was no change between the two drafts for that chapter. And then as our, as the Planning Department's one recommended change is on Page 1-7 to insert at lines 17 through 19, in that area, a sentence that would be as follows: Actions may be implemented by the lead County agency or by another entity, such as the State or non-profit groups, and assisted by a County agency. And this was added to clarify so as people are, you know, looking at the action tables in Chapters 3 through 12, just what the County's role might be because sometimes the partner is actually the one that would have the key responsibility and the County would just be assisting.

CHAIR COUCH: Okay. Members, if it's alright with you, I would like to allow for the first comments to be from the island representative, if that, and I know he's a non-voting Member but if, without objection, I'd like to make, have him make the first comments in each one of these.

COUNCILMEMBERS VOICED NO OBJECTION.

CHAIR COUCH: Okay. Mr. Hokama, you heard what Chapter 1 was about and the changes that were made from CPAC to LPC and also the one sentence that they wanted to add. Any other, any comments on that?

COUNCILMEMBER HOKAMA: Chairman, I believe the community worked hard. The Introduction is basically a historical component of our Community Plan and how we got to where we are. I had hoped we would have used the existing Community Plan since we were told at the beginning of this process, it was a very good plan and would need to just tweak it. I didn't expect a whole novel to be developed, 'cause my concern in general, Members, is that I need this Plan to stay flexible for the island's benefit to

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adjust to changing circumstances, whether it be a potential new ownership or a change of economic drivers for the County and this island, I ask that we maintain as best we can, flexibility for this island to adjust without going through lengthy, bureaucratic, government requirements.

CHAIR COUCH: Thank you and I agree with you as far as making it as flexible as possible. Members, you've heard the Department and what they wanted to add. Is there any objection to adding that sentence?

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR COUCH: Okay, so we'll do that. Most of this will hopefully be by consensus. If there is objections, then we'll be glad to discuss it. That being said, anything else in Chapter 1 that you guys have any concerns with? If that's the case then without objection, we'll accept the language in Chapter 1 as amended.

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR COUCH: Okay, great, thank you. Chapter 2, Department?

MS. JORGENSEN: Chapter 2 discusses Lanai's Future and it provides the framework for the rest of the Plan by, the Vision and Guiding Principles was written primarily by the CPAC. They spent a lot of time on writing that section and it's the first of four major sections within the chapter, but it definitely guides the entire Plan. The second section is Problems and Opportunities, and this is a 2.80B requirement to have the major concerns which came from talking to the community in the early public engagement events and then also what kind of potential resources or opportunities to address those concerns were also identified by the community. The section on Population includes projections and estimates of growth. As was mentioned, the future growth is an estimate but what you see in this population section is what's based on the 2010 census and also in a moment I'll talk about the addition of visitor population. The final section is to address two new State laws for Sustainability and Climate Change Adaptation and discuss how those would affect the society, the environment and the economy and how that's interwoven through all the chapters. So it gives just a brief overview of the State laws and how they provide different strategies and guidelines for the policies and actions that are in the chapters. So in terms of the changes that were made between the CPAC and the Planning Commission--and I'm highlighting on these changes just the major ones. There were minor edits but I'm right now just trying to capture what was the key issues. So in Chapter 2, one of the, the largest one was the discussion and revision to the Population section to make that more complete after the CPAC 'cause we didn't have some of the information of what a sustainable or a size for the population might be with the changes that were occurring. And then revision to subsection D was the discussion on sustainability and climate change adaptation. We made it more summary where before it was a long list of what you would find in each chapters and it made it a little clearer in terms of just readability. And that was on Page 2-11 and 2-12.



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CHAIR COUCH: And then you added something on 2-8?

MS. JORGENSEN: Sorry. On Page 2-8, what would go in around Lines 14 and 15 is to add the visitor's population and the sentence would read as follows: The Average Visitor Census, which is AVC 2010 historical data for Lanai is 673 visitors. Growth in the visitor population is projected to the year 2035 gives an AVC of 912 visitors. And that's a requirement under 2.80B to have that included.

CHAIR COUCH: Okay. Mr. Hokama, any comments on their additions?

COUNCILMEMBER HOKAMA: Chairman, thank you. My question for the Department. I like this chapter basically and I understand your recommendation regarding the Average Visitor Census. My question is when the Advisory and Planning Commissions discussed this chapter and you folks talked about sustainability, self-sufficiency, was there any discussion as regarding to taxation and payment of services? Because I would think part of sustainability, if they wanna consider it, should be of course, being able to pay the requirements of government services, which this island is subsidized from Maui. So as we gonna add more, is the subsidy gonna grow? Is it part of sustainability to eliminate the subsidy and be self-sustaining as a revenue source for the County to be able to pay for its services from this island?

MS. JORGENSEN: That was not the heart of the sustainability. Discussion was more on meeting the needs of the future population, so not using up resources today that, so it wasn't more the, how to sustain on a taxation base, it was more how do you, natural resources so that you can support future generations and, but there was discussion in terms of the economic sustainability 'cause it all goes together is the three parts of economic, social and environment. And in terms of economic, it was that in order to sustain this community, you would have to diversify the economic, yeah, different, you'd have to develop different economic activities because right now it's primarily luxury tourism and, but they didn't talk about in terms of how that would generate additional taxes or how you would, how the County would support it. I'm not sure if I answered your question.

COUNCILMEMBER HOKAMA: So there was no discussion regarding financial requirements to have implementation done?

MS. JORGENSEN: In terms of the ...

COUNCILMEMBER HOKAMA: You know, because nine of us, as Councilors, gonna have to find ways to finance what eventually becomes an actual project, whether it would be for government services, transportation requirements, infrastructure utility requirements. I mean, where does the money come for all of these things that I, development moves forward? I mean, who's gonna pay the bill? Are we gonna tell the Lanai people, you're gonna pay that bill? Are we gonna ask the Maui people to subsidize Lanai for all of this additional things?

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MS. JORGENSEN: They were looking at some of the proposals as, that Pulama Lanai, what they, if they were proposing these different development areas that we'll discuss in the Land Use chapter, that those would be part of the investment for the new developed areas. In terms of some of the other actions, yes, there are requests for different, there's a few CIP projects that might be, fall on the County responsibilities, Fire and Public Safety, there's a CIP and they did not discuss whether there was, the specifics of how much that would cost. That would be in the Implementation table. That number is still to be determined as to what that would cost to say like in the Fire and Public Safety, they were looking for more water safety, both on the east coast and down at Manele and, but there wasn't specific discussion of it as to what that would cost and where that was going to come from.

COUNCILMEMBER HOKAMA: Okay. Well, Chairman, you know, my comment to the Members is that, you know, I think Lanaians are responsible, but I think they also need to know what is the financial impact on them from a taxation standpoint too. I mean, we all want the best that anything can be provide, but we're realistic to know that someone's gotta pay the bill and we have to live within our means of what we can provide from, through taxation and other fees and services that we collect revenue from. So, my thing is let's be honest with our community, what we can or cannot afford based on our projections of revenue generation, what the State may take away from the County's ability to generate revenue. And so I just pose this because I think it will impact all community plan conversations that I think we need to be honest with our communities and be upfront regarding the taxation component on how to, implementation will impact fulfilling the goals of any new community plan, Chairman. Thank you.

CHAIR COUCH: Thank you. And let me respond to that, then Mr. Guzman, you're next. Also, Members, you do have Chapter 13, which is a full Implementation plan that does have estimated costs but it doesn't address what Mr. Hokama is talking about is about how we're going to get the money, but at least has the estimated cost. Mr. Guzman?

COUNCILMEMBER GUZMAN: Thank you, Chair. Just a housekeeping matter in reference to that previous, the most recent, I guess, recommendation for the revision. It cites Page 2-8, Lines 14-15 but in reference to our copy, 2-8, lines 13-14 is New Major Landowner. The subject matter is displaced. It doesn't make sense placing it there. It actually should be more appropriately placed in Page 2-9.

CHAIR COUCH: Right. I believe that's a typo. That should be 2-9.

COUNCILMEMBER GUZMAN: Is that correct? Just clarifying.

CHAIR COUCH: Yeah, I'm looking at it on the...Members, you also got, yesterday, I believe, online, a copy of the, this October 31<sup>st</sup> with the changes in red line.

COUNCILMEMBER GUZMAN: Yeah, I'm actually reading the one in red line.

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CHAIR COUCH: Well, no, I'm talking about ...

COUNCILMEMBER GUZMAN: Ramseyered version?

CHAIR COUCH: Ramseyered version of the whole thing.

COUNCILMEMBER GUZMAN: Right.

CHAIR COUCH: I think Mr. White has a copy. It's about that thick. Yeah, it is, 2-9.

COUNCILMEMBER GUZMAN: Okay, okay. Yeah, okay, thanks. There's a separate ...

UNIDENTIFIED SPEAKER: Document.

CHAIR COUCH: Yes. That got sent to you in an e-mail. It's this same document, the big one, with those changes on the 21<sup>st</sup> actually imbedded in the document. See, if you have a tablet.

COUNCILMEMBER GUZMAN: Yes, thank you, Chair. But you referenced, you referred us to a different document.

CHAIR COUCH: Right, right, I know.

COUNCILMEMBER GUZMAN: In the beginning, the Committee --

CHAIR COUCH: Yeah, yeah, yeah, and that's where we're working on.

COUNCILMEMBER GUZMAN: --so that's what I was working off of --

CHAIR COUCH: That's what we're working at.

COUNCILMEMBER GUZMAN: --was your initial reference --

CHAIR COUCH: And that is what we're working at.

COUNCILMEMBER GUZMAN: --to a document, which is --

CHAIR COUCH: Right.

COUNCILMEMBER GUZMAN: --explained differently or was, never mind.

CHAIR COUCH: Yeah.

COUNCILMEMBER GUZMAN: Let's just move on.

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CHAIR COUCH: Okay, anything else in Chapter 2?

COUNCILMEMBER COCHRAN: Chair, \_\_\_\_\_

CHAIR COUCH: Yes, Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you. And not sure if it fits here but Mr. Guzman and I were across the street having some dinner this evening, and it was really sad to hear that pretty much, at least like a dozen horses got shipped off the island because the stables are closing down, there's just four horses left, all roping steer gone, and so, to me, that's part of this character and charm. And in one paragraph here it's about, you know, Future Farmers of America and 4-H programs and stuff. But I don't see how that's even going to be addressed if all this livestock and what have you, having anything to do with the ranching, farming and, in particular, are gone. So, to me, it was really sad to hear. I know Mr. Guzman and I just sat there with our jaws wide open, going, what? And quite disturbing to hear. So that's just my comments of what I learned firsthand here at the restaurant. Thank you. So I don't know where that fits, sorry.

CHAIR COUCH: Members, any other comments? Okay, I have one, everybody on Page 2-7 of your document, the October 31<sup>st</sup> one, right here. Note that under Opportunities, we have the Water Use, B is Water Use Development Plan and also Desalination and Water Conservation. I applaud, it looks like the CPAC and the Planning Commission, both kept that language in there. I think we need to be mindful of this when we move forward is to make sure that emphasis, you heard it today in testimony, that emphasis on, you gotta have the water before you can do this Plan. This kinda alludes to it but I'm looking to see where we might be able to add some language to be a little bit stronger on that. And the Department, I guess, your guidance would be helpful as well. Somewhere along this, when we go through this process, somewhere we have to add a little bit stronger language, in my opinion, if the Committee agrees to make sure that the water is there before the Plan can be fully implemented. Okay, other than that, any other questions or comments for Chapter 2? Without objections, Members, we'd like to accept the changes and everything in Chapter 2.

COUNCILMEMBER HOKAMA: We not going to make any adjustments yet?

CHAIR COUCH: I don't know if this is the place. The question was, are we gonna make adjustments to the Desalination and Water Conservation and Water Use and Development Plan. I think this is the opportunities and just letting everybody know what's going on. I believe Chapter 7 talks about water in very big detail. So when we get to 7, I think, is where we can really do that in the Actions and Goals. Okay, any other comments on Chapter 2? Without objection, we'll accept everything in Chapter 2, including the changes on, from the Planning Department?

COUNCILMEMBERS VOICED NO OBJECTIONS.

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CHAIR COUCH: No objections? Okay, great. Moving on to Chapter 3. Department?

MS. JORGENSEN: Okay. Chapter 3 looks at Environment and Natural Resources, and this is part of 2.80B to look at when there's several parts that say look at development effects on the environment and the society. And so the Environment and Natural Resources is trying to give an overview of what is on the island, and it gives you the existing conditions, describing particularly the forest and ocean ecosystems and what their key issues are. So in the beginning, in Chapter 3, and through Chapter 12, each chapter has a Issue and Strategy section. And for this chapter, it looks at declining forest and base of plant and animal species and excessive sediment in stormwater runoff and then the strategies that could address that. So that section of Issues and Strategies provides the framework in which the goal was developed. And so there's one Goal, and then followed by a list of Policies and a table of Actions. And there's also, with Chapters 3 and all the way through Chapter 9, there's various maps that will support it, that we, as you go through the chapter, Mike Napier, GIS Analyst, could show you, those to you if you'd like to see them at any time during this process. There are associated maps. And those are in your, I think that's tab number 14, has the maps in your Plan. In terms of the changes that were between, on the sheet that outlines what was changed between the CPAC Draft Plan and the Planning Commission, there really was very, next to nothing. Most of the edits in there were just to make it more concise and readable. So then the Planning Department has for recommended changes within the chapter, on Page 3-2, Lines 27 through 39 would be revised to reflect that there isn't a Watershed Partnership Program anymore. And so, would you like me to read that text that, the changes or do you have that?

CHAIR COUCH: Members, you're okay with the document on the 21<sup>st</sup>, reading that, or would you like her to read it?

UNIDENTIFIED SPEAKER: No.

CHAIR COUCH: Okay.

MS. JORGENSEN: Okay, and then on Page 3-3, Lines 40 through 41, it's a revision to Strategy 2 which was asked for by the Department of Public Works is to have a definition of what green infrastructure is. So we added the, in parentheses, the definition for green infrastructure best management practices and then parentheses, such as surface water management using natural systems or constructed soil, rock and plant-based systems. And that's ...

CHAIR COUCH: Okay, let's, this one, since it looks like we're getting into the tables, let's not go past just the introduction and stuff, and then when we get into the policies and tables, we'll continue, 'cause there's, this looks like there's a bunch of different things here. So, Members, just in the verbiage all the way from 3-1 through essentially 3-3, there are two changes. One of them is Page 3-2, Lines 27 to 39, they revised it. Any questions on that one? Mr. Hokama, first.

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COUNCILMEMBER HOKAMA: Chairman, if the Department can respond, that would be great. If not, I would ask the Committee's permission to have a representative of the landowner to give comment. Is there, what rationale was given whereby from a cooperative type of approach, whether it be for funding or for protection of natural resources, particularly our mountain, has the landowner chose to basically do it by themselves and not have other potential partners, like Nature Conservancy, County of Maui? Was there any, can you give us some background on what the Commission and Advisory Committee was thinking when they made this potential, proposed changes?

MS. JORGENSEN: That, I was advised by Pulama Lanai that they would be, as a private landowner, having the responsibility for those forest lands, but there is certain requirements for the State Department of Land and Natural Resources, that they would be working under those requirements, and I'm not sure about the partnership with the Nature Conservancy for the dryland forest preserve.

COUNCILMEMBER HOKAMA: I would ask if the Committee has no objections, I would like to have the landowner provide some comment if they're able to at this time.

CHAIR COUCH: Thank you. Somebody from the, you wanna just go ahead and bring a chair up and get kinda close and the hot seat? And Jordan has a microphone for you. So Mr. Hokama, can you repeat your question?

COUNCILMEMBER HOKAMA: I would appreciate, Mr. Matsumoto, representing Pulama Lanai, if you could give us some comment on, I just find it interesting that, you know, the County provides funding to assist landowners regarding watershed protection and enhancement, the State provides support, I'm just wondering why you wouldn't utilize those potential additional funds to enhance and expand your efforts to protect our mountain.

MR. MATSUMOTO: Yeah, so Councilman, we wouldn't preclude the opportunity to seek funds, but, you know, when we went through the process, we did say that we would take the lion's share of the responsibility.

COUNCILMEMBER HOKAMA: And I appreciate that very much, Mr. Matsumoto. I would hope that the Committee would consider, and again, we appreciate your additional comments, Mr. Matsumoto, that I would like to see a more collaborative effort because besides the landowner, there's a public trust regarding the ability to provide water to the community and for residential use. And we already have a Hawaiian Homes subdivision in place and they have certain, what we, I would say, constitutional rights regarding water requirements. And so, you know, to me, there's a bigger thing than just the landowner's interest. There is a public interest in this area and so I just would ask the Committee to keep that in mind as we move along on these type of revisions.

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CHAIR COUCH: Thank you. And I do have a...you might as well...you can go back and forth if you like but I do have a question or comment to either the Department or to the representative of the Pulama Lanai. I know for other watershed management areas, we do provide funding and have public/private partnerships, soil conservation and watershed management. Is that something that is, would be new to here if we decided to do something with that or is there something you're willing to help work on? I mean, yeah, if you can provide all the funding, that's great, but we certainly want to make sure that we have the watershed protection taken care of, watershed management and soil conservation so.

MS. McLEAN: My understanding is that the watershed partnerships that are funded by the County through the Water Department are grants administered through the Department of Water Supply because those watershed areas serve the County water system and that's not the case on Lanai. So that type of grant wouldn't be applicable here. That's not to say perhaps there is another, there are another funding opportunities but the watershed grants that you typically see are for watersheds that --

CHAIR COUCH: For County watersheds. okay.

MS. McLEAN: --\_\_\_\_\_ into the County water system.

CHAIR COUCH: Mr. White has a question. And then, Mr. Hokama.

COUNCILMEMBER WHITE: Actually, not a question. During the Budget, we had set aside the same funds from the previous year, but the company said that they would take care of it and so the funds were reallocated to other purposes on Lanai, as far --

CHAIR COUCH: Okay.

COUNCILMEMBER WHITE: --as I recall.

CHAIR COUCH: Alright.

COUNCILMEMBER HOKAMA: Well, just from a budgetary standpoint, the Council has supported General Funds to be placed in the Budget, not from Water Department, but from General Funds, to be able to be accessed for Lanai's benefit, for watershed enhancement and protection. So I can honestly say that we understand the division of Department of Water Supply revenues and uses, and that has not been the case through our budgetary process, we've always used General Funds.

COUNCILMEMBER WHITE: Right.

CHAIR COUCH: Okay, thank you. Anybody else have any comments on that particular, Page 3-2, Lines 27 to 39? Okay, without objection, oh, yeah, right, Mr. Hokama?

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COUNCILMEMBER HOKAMA: Was the termination of the partnership with the Nature Conservancy one, because of dissatisfaction with their part of fulfilling their partnership agreement terms with the land, with you as a landowner, or they've already accomplished the intent of what they were trying to do for Lanai and therefore there's no additional future need of a partner like Nature Conservancy?

MR. MATSUMOTO: Councilman, the Nature Conservancy still has a presence on Lanai. They have the easement at Kanepu`u and there is no termination of that easement, so.

COUNCILMEMBER HOKAMA: And I just bring it up because the proposed language says, in a former partnership with Castle & Cooke or who was at that point in time, the landowner. So I was interpreting former partnership as mean no longer being a partner and so it's just the way I've been reading it and interpreting it, but if this is not accurate, I would appreciate you telling us now so we can make the appropriate corrections, Mr. Matsumoto.

MR. MATSUMOTO: Yeah, so the Nature Conservancy has a easement. It is a durable easement, so even though the landowner changes, the easement is still in place.

CHAIR COUCH: And, Members, the full sentence talks about putting up the fence and developing a management plan in a former partnership with Castle & Cooke Resorts. As the landowner says, that they're still working with them. So that's good to know. Is that, do you need to make that, do we need to make that clear in the language or?

UNIDENTIFIED SPEAKER . . . *(inaudible)* . . .

CHAIR COUCH: Okay, yeah, if the Department could come up with something to make, okay.

COUNCILMEMBER COCHRAN: Chair? Chair?

CHAIR COUCH: Yes, Ms. Cochran?

COUNCILMEMBER COCHRAN: Chair? Thank you. And thank you, Mr. Matsumoto. So the last, I'm on the changes of the Planning Department, the Lanai Native Species Recovery Program, that is your, Pulama Lanai's program? Or is that, what is that program, who is that program?

MR. MATSUMOTO: So, I don't recall that language so maybe you can refresh my memory.

CHAIR COUCH: Did the last line, Ms. Cochran? Where it says the Lanai Native Species Recovery Program performs invasive weed control, fence upgrading, and fence maintenance.

MR. MATSUMOTO: So, I think historically, so Castle & Cooke had created a plan and the fencing work was completed under that plan. We have since recently engaged in



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developing a new plan and we are developing it in concert with the U.S. Fish and Wildlife Service.

COUNCILMEMBER COCHRAN: Okay. Thank you. I mean, not to say no trust but just I think there needs to be an oversight on each other's behalf. There needs to be a check and balance for me and the comments of this community to have heard previously. So, thank you.

CHAIR COUCH: And keep in mind this is kind of an overview and talking about existing conditions at this point. We get into issues and strategies pretty soon. So on Page 3-2, Lines 27 to 39, any objection to changing the language as noted here with potential readjusting of the words by the Department to make it a little bit clearer on that first sentence.

COUNCILMEMBER VICTORINO: Chair, I would rather see the words as they, needs to be put in instead of saying yes to something and not seeing it. I'd like to see final version in other words. If there gonna make changes, I'd rather see the final version so then in my mind it'll be acceptable. They're gonna be changing some of this, people need to see it.

CHAIR COUCH: Okay.

COUNCILMEMBER VICTORINO: Yeah, you understand? You asking --

CHAIR COUCH: Yeah, yeah, but ...

COUNCILMEMBER VICTORINO: --...(inaudible)...

CHAIR COUCH: We need to talk into the microphone 'cause we're recording.

COUNCILMEMBER VICTORINO: What I'm referring to is that if you gonna make changes and you want them to make language change, I'd rather see what that language change is before I say yes to something, you know.

COUNCILMEMBER WHITE: If I could say ...

CHAIR COUCH: Mr. White?

COUNCILMEMBER WHITE: My understanding is what the process will be is the Staff will make changes and then we will see another --

CHAIR COUCH: Yes.

COUNCILMEMBER WHITE: --version before --

CHAIR COUCH: Right.

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COUNCILMEMBER WHITE: --we're voting --

CHAIR COUCH: So, yeah, essentially --

COUNCILMEMBER WHITE: --and the community will see the changes --

CHAIR COUCH: Right.

COUNCILMEMBER WHITE: --as well.

CHAIR COUCH: Essentially, it's just rewording that first sentence to make it clearer, but the idea, the premise of these changes in general seems to be okay unless we want to take a vote on it.

COUNCILMEMBER VICTORINO: . . . *(inaudible)* . . .

CHAIR COUCH: We can take a vote if you'd like.

COUNCILMEMBER CRIVELLO: Chair?

CHAIR COUCH: Yes, Ms. Cochran?

COUNCILMEMBER CRIVELLO: ...*(inaudible)*...

CHAIR COUCH: I'm sorry, Ms. Crivello?

COUNCILMEMBER CRIVELLO: In regards, so we have here the changes, right, that we're voting on, I mean, that you're voting on?

CHAIR COUCH: Yeah.

COUNCILMEMBER CRIVELLO: Yeah, okay. Just as long as I'm following you correctly.

CHAIR COUCH: For the most part, the idea, the Department is going to change this one line that says, more recently the Nature Conservancy, because it was a little, it seemed liked that they're no longer in that partnership when the partnership really is still there with the current company. So it's just rewording that little bit. Okay. Mr. Molina. Okay, so if there's no objections, we'll accept that?

COUNCILMEMBER VICTORINO: \_\_\_\_\_ whatever ...

CHAIR COUCH: We can't ...

COUNCILMEMBER VICTORINO: . . . *(inaudible)* . . .

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COUNCILMEMBER WHITE: Chair, just to clarify the process. I'm assuming what you're asking is to, for Staff to be able to make nonsubstantive --

CHAIR COUCH: Yes.

COUNCILMEMBER WHITE: --changes for clarification.

CHAIR COUCH: Correct.

COUNCILMEMBER WHITE: That's all.

CHAIR COUCH: Correct.

COUNCILMEMBER WHITE: So I understand Mr. Victorino's desire to have a look at it again before we have a vote. I think that's appropriate.

CHAIR COUCH: Yes.

COUNCILMEMBER WHITE: So rather than accepting, we're not accepting the language, we're accepting allowing Staff to make nonsubstantive changes --

CHAIR COUCH: Right.

COUNCILMEMBER WHITE: --to clarify.

CHAIR COUCH: Right. Is that okay?

COUNCILMEMBER VICTORINO: Well, that's different.

CHAIR COUCH: Okay.

COUNCILMEMBER VICTORINO: \_\_\_\_\_ clarification ...(inaudible)...

CHAIR COUCH: No, he's a voting Member.

MR. MOLINA: Mr. Chair?

CHAIR COUCH: Okay.

MR. MOLINA: Mr. Chair?

CHAIR COUCH: Yes.

MR. MOLINA: Can Staff get clarification on?

CHAIR COUCH: Pardon?

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MR. MOLINA: Can we get clarification on this?

CHAIR COUCH: I'm sorry, it's not this Staff. It's Planning Department staff.

MR. MOLINA: Right, but for our tracking purposes, can I get clarification?

CHAIR COUCH: What we're gonna do is ...

MR. MOLINA: It's not necessarily a motion to change anything but more a Committee request to come back with proposed language.

CHAIR COUCH: Correct.

MR. MOLINA: Okay. Thank you.

CHAIR COUCH: Correct. Only changing that first sentence starting with more recently. Everything else, everybody likes.

MR. MOLINA: Okay, so there is a change?

CHAIR COUCH: It's a request for the Department to change that sentence, to make it clearer, not to change the meaning of the sentence, so it's a nonsubstantive change and we're, I don't want to be wordsmithing for this whole thing.

MR. MOLINA: Correct. So but for my record, I'm not noting a change at this time, or are we gonna adopt the recommendations --

CHAIR COUCH: We're gonna adopt the rest of it.

MR. MOLINA: --and then a second request --

CHAIR COUCH: Right.

MR. MOLINA: --to have --

CHAIR COUCH: Correct.

MR. MOLINA: --additional language proposed?

CHAIR COUCH: Correct.

MR. MOLINA: Okay, thank you.

CHAIR COUCH: Thank you. Members, Page 3-3, Lines 40 to 41, it says revise Strategy 2. It says conduct community workshops to introduce a landowner/business toolbox of

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green infrastructure best management practices and then adding in parenthesis, such as surface water management using natural systems or constructed soil, rock and plant-based systems, closed parenthesis. So adding that little second sentence there, or in parenthesis, basically telling, you know, what would be in this toolbox 'cause that was one of my questions, is like what is a toolbox? So this is, clarifies it a little bit more. Any objections to that or any comments? Mr. Hokama?

COUNCILMEMBER HOKAMA: Just a question for the Department please. What is your understanding of the phrase surface water for Lanai, as it regards to Lanai, regarding the surface water management?

MS. JORGENSEN: Surface water management would be for any runoff during a storm, you'd want to control it so you didn't have either localized flooding or you wouldn't want to have, if there was a great deal of water that it would be carrying sediment into the ocean or other areas where you would not want to have that occur. So you'd either build drainage channels or diversion ditches or ponds to collect the surface water in areas that are, it's just normal runoff from the rainfall across the surface of the land.

COUNCILMEMBER HOKAMA: So this would be just stating what is current practice for the County? Because, you know anything regarding surface flow or lateral flow on developments must be maintained within the project site. It cannot be transferred to another location. That's current County practices. So I'm asking if this is something beyond what we currently, our standards are or what the current conditions that we place on any type of development on any island of this County, would have to take care of those things within the project parameters?

MS. McLEAN: I think this relates more to existing development, existing residences, for example, smaller developments that, where surface water might exceed the 100-year event that it's designed for or that it wasn't built with those types of standards when it was built long ago. So, and this relates to conducting workshops so that the community can better work together with controlling surface runoff rather than new projects that would have the codified standards that you've referred to. This would be for existing projects or existing areas that might not have been designed to those standards.

COUNCILMEMBER HOKAMA: So, Chairman, if I may ask another question?

CHAIR COUCH: Go ahead.

COUNCILMEMBER HOKAMA: Thank you. As a follow up then for our understanding from the Council's point of view, is this something that the Department is going to be recommending for all community plan regions or this is just specifically for Lanai?

MS. McLEAN: It would most likely be recommended for other community plan areas when there are runoff and flooding concerns in those particular areas, which is probably

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most of our community plan areas. But it's, I don't want to say this is just some sort of universal language that we're --

COUNCILMEMBER HOKAMA: No, but --

MS. McLEAN: --just gonna plunk in but ...

COUNCILMEMBER HOKAMA: --my point though, Director, is that I think this is good language. But I think this should be Countywide, not just for Lanai. I think every district has some issues.

MS. McLEAN: Yeah, we would have to see what the CPACs and Planning Commissions say through those processes when the time comes.

COUNCILMEMBER HOKAMA: Thank you, Chairman.

CHAIR COUCH: Thank you. So, Members, without objection, we'll accept that change?

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR COUCH: Okay, thank you. Okay, Page 3-4, Line 40, they want to add a policy that says 11, support the State quarantine and inspection process for imported plant species. Planning Department, can you tell us a little bit about that? Yeah, we all, I'm sure want to support it but what do you mean by support it? Are you talking about help fund it? I'm a little concerned about that.

MS. JORGENSEN: Originally, this was in an action that we took out. It was action 3.11 on Page 3-6 and it was for the Mayor's Office Environmental Coordinator to work with the State Department of Agriculture and Pulama Lanai as being partners and that was a concern about species being brought in on the barges that might bring, you know, introduce some invasive species and so in their effort to control that on, up in the watershed and in the forest. It was a concern. But it seemed like it was not a County responsibility in terms of its specific action, that's the State responsibility. And so, but we didn't want to lose the intent of having it so it's more keeping in the awareness here of saying, when this comes up, if there's an issue in talking with the State about well should, you know, the County will support having that process happen on this island.

CHAIR COUCH: Okay. My concern then is when we change it, when we add it as a policy-- and maybe this is for the Department or for Corporation Counsel--when it is a policy, is that, you know, set in stone or is that a guideline that we're trying to achieve? I think I know what the Department's gonna say, but it may be, you know, if we get somebody coming in saying hey, it says that as a policy so you must do that and by support means you must fund, that's my concern. So after Ms. McLean, then if Mr. Hopper has a comment on it, and then Mr. Hokama.

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MS. McLEAN: Your question underscores why it was moved from action to a policy because the actions are what get put into the implementation program --

CHAIR COUCH: Okay.

MS. McLEAN: --and those are what get tracked and those are prioritized. And so if it were an action, then that would, you know, that is more of a we must do this and because the County wouldn't be the lead in that, it was moved to a policy. That, to us, indicates when there are opportunities to support that effort or if there's coordination with the State that that's something, hey, the Community Plan says we need to support this, then that gives the County the backing to make that argument and to show that support. And then, you know, it would be discussion of budget and so forth. That would come from you folks as well. I don't know that it makes it binding. My thinking is that it wouldn't be binding. It would be the backup that's needed when that position was taken.

CHAIR COUCH: Any thoughts, Mr. Hopper?

MR. HOPPER: Yes, Mr. Chair. In general, we've I think discussed this with respect to the Maui Island Plan and the Countywide Policy Plan. There's language--I'm trying to find it in the Code--at the moment that essentially when you're talking about County budgets, nothing in the Plan can compel the County in a future budget to adopt certain funds for a particular item. The future Council would need to appropriate that money through the Budget process. There is language in the Code that states preparation of the County's annual operating budget and Capital Improvement Program respectively developed pursuant to, and then it lists the relevant sections, of this Code shall implement the Community Plan to the extent practicable.

CHAIR COUCH: Okay.

MR. HOPPER: So that language there. And then that in addition to the fact that the, there's the word support, which could mean a lot more than, you know, financial support.

CHAIR COUCH: Yeah.

MR. HOPPER: Now I suppose the State could point to that and say this is, this shows that the County is supporting this process and whatever that would mean. I don't know if the State would try to change State law to make the Counties responsible, but that would still have to be something that would go through the Legislature and would need to involve funding various Counties for that item and I'm not sure if there's any talk about even doing that. And the policy wouldn't necessarily support something like that.

CHAIR COUCH: Okay.

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MR. HOPPER: It's very broad language and it would not compel the County through the budgeting process to allocate money for that process unless a future Council decided to do so.

CHAIR COUCH: Okay.

MR. HOPPER: That's still, the Council would still retain that discretion and that's clarified in the, actually 2.80B itself as to what the nature of the community plan actually is. So there wouldn't be a forced allocation of funding for this particular or really any of the polices until the Council actually gets down to that in the Budget and decides here's what we're going to fund.

CHAIR COUCH: Okay, thank you. And I wanna point Members to Page, go back a little bit, to Page 1-7 where it does say goals are intended to describe a desirable condition of the island by the year 2035. They are intentionally general but are attainable through a concerted effort. Policies are not intended as regulations, but is instead to provide a general guideline for County decision makers, departments, and collaborating organizations. So that kind of helps clarify it as well and I forgot to mention that at the beginning of this. I have it flagged and everything for you guys. Yeah, I answered my own question, thank you. So, Members, without any objection to that, yes, Mr. Hokama?

COUNCILMEMBER HOKAMA: Question. For the Department please, Chairman. In your recommendation, your last few words is imported plant species. Was that to also include invasive species or you folks see it as two separate and distinct things or this is also regarding imported and invasive species?

MS. JORGENSEN: Well, it would be imported on to the island so that the idea, the quarantine and inspection process would be to find those that would be invasive.

COUNCILMEMBER HOKAMA: Because I can tell you, Lanai, we chose not to import Coqui frogs, but somehow Coqui frogs got to this island, you know, so I'm just trying to have, make sure that the community understands what we talk about, imported plant species, is that to, another word for invasive plant species?

MS. JORGENSEN: No, imported would be that it would be brought to this island. It'd be, like through a nursery, you know, they bring in stock on the barge so it's plant species that are shipped to the island.

COUNCILMEMBER HOKAMA: Okay, I thought we trying to put, expand and enhance native species as one of our goals regarding culture. But, Chairman, I would ask the Committee, I heard the comments from Mr. Hopper from Corp. Counsel and Department. I would ask the Committee to consider instead saying something like support adequate State funding. I think we should be a little bit more specific on what kind of support that we're looking at from a community, it's adequate State funding. I mean, we deal with the issue of funding for our ag inspectors on Maui. The problem is



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funding. And I think it's clearer to the Legislature that we telling 'em what kind of support and it's for them to fund their personnel and fund their program to protect the islands.

CHAIR COUCH: Okay, so Member Hokama, if we say support adequate State funding for the State quarantine and inspection process for imported plant species, is that what you're looking for?

COUNCILMEMBER HOKAMA: I think that's clearer.

CHAIR COUCH: Okay. Members, any objection to adding that? Mr. Hopper?

MR. HOPPER: Thank you. I would suggest, I wouldn't want that to be construed as that the County is going to support the funding by giving the State money, for example. So I don't know if it's maybe support the ongoing efforts of the State of Hawaii, of the State, sorry. Maybe to support the ongoing efforts of the State quarantine and inspection process, just for and then whatever, I don't know if you still want to use imported, but the idea is that it's not the County doing it, it's supporting the State continuing to do it through funding and other methods. That'd be my only concern about saying support State funding. I wouldn't want it to be construed as the County would then be supporting, giving County funds to the State somehow. Maybe I'm totally off on that but that would, that's my, just, initial take on, or support the continued allocation of State funding for the quarantine and inspection process.

CHAIR COUCH: Mr. White?

COUNCILMEMBER WHITE: Could we use the word that's used in the prior, number 10? Instead of using support, just use encourage, because encourage doesn't infer that we're going to give money.

MR. HOPPER: I understand. The support has more of a financial connotation to it than encourage, I would probably say.

CHAIR COUCH: So what's your change to that then?

UNIDENTIFIED SPEAKER: . . . *(inaudible)* . . .

CHAIR COUCH: Support and change encourage the State quarantine.

UNIDENTIFIED SPEAKER: . . . *(inaudible)* . . .

CHAIR COUCH: Okay, Members, Mr. Hokama, yeah.

COUNCILMEMBER HOKAMA: Chairman, my only concern again is currently in my humble opinion, it is inadequate what the State is currently doing regarding this program. I mean, it impacts Maui island itself, which is the generator of many of our funding to

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take care Lanai and Molokai. So, you know, I don't have a problem as a policy document, which is a guideline --

CHAIR COUCH: Uh-huh.

COUNCILMEMBER HOKAMA: --telling us that we encourage adequate funding because the current status is not acceptable I think to all the Membership.

CHAIR COUCH: Okay, so then you would say, encourage adequate State funding for the State, so a little bit of both? You okay with that, Mr. White?

COUNCILMEMBER WHITE: Or demand.

CHAIR COUCH: Or demand. I would love to demand. Okay, Members, yes, Mr. Victorino? I know you don't need a microphone but we do need to ...

COUNCILMEMBER VICTORINO: I have no problem with what Member Hokama is adding but, you know, for imported plant species, I still no agree with that invasive, somehow, because you talking plants here. What about Coqui frogs? What about fire ants? Yeah, it may come in on plants but they may come in other means and so what if they come in, you know, so I guess what can we add there, and I guess that's what I'm looking for that we could make sure that we covering all the bases, imported, as wells as invasive plant species. I don't know, I don't know.

CHAIR COUCH: And I agree.

COUNCILMEMBER VICTORINO: Something.

CHAIR COUCH: Generally, the ag folks just inspect, well, they inspect the animals too coming in.

COUNCILMEMBER VICTORINO: \_\_\_\_\_ inspect animals too.

CHAIR COUCH: Yeah.

COUNCILMEMBER VICTORINO: Yeah, so, \_\_\_\_\_. That's why I'm look for.

CHAIR COUCH: Take the word plant out, imported species, whether they're plant or animal?

UNIDENTIFIED SPEAKER: But how do we get \_\_\_\_\_?

COUNCILMEMBER VICTORINO: Oh.

UNIDENTIFIED SPEAKER: ...(inaudible)...

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COUNCILMEMBER VICTORINO: Yeah, so, I mean, again, maybe the Department can work on some language that --

CHAIR COUCH: Yeah.

COUNCILMEMBER VICTORINO: --yeah, you don't have nothing else to do.

UNIDENTIFIED SPEAKER: ...(inaudible)...

COUNCILMEMBER VICTORINO: Yeah.

CHAIR COUCH: Well, the idea is not just for plants.

UNIDENTIFIED SPEAKER: No \_\_\_\_\_.

CHAIR COUCH: Right.

MS. McLEAN: By inspecting plants, many non-plant pests are intercepted. So Coqui frogs come in on plants. So even though it refers to plants, it's inspecting and quarantining plants. Larry's suggesting just take out the reference, put a period after process.

COUNCILMEMBER VICTORINO: What was that?

CHAIR COUCH: Oh, okay, that's even better.

MS. McLEAN: So encourage adequate State funding for State quarantine and inspection processes.

COUNCILMEMBER VICTORINO: Maybe that ...

CHAIR COUCH: Great, I think that works.

COUNCILMEMBER VICTORINO: Yeah, \_\_\_\_\_, yeah ...

CHAIR COUCH: Members --

COUNCILMEMBER VICTORINO: Take it away.

CHAIR COUCH: --the language is encourage adequate State funding for the State quarantine and inspection process.

MS. McLEAN: Less is more.

CHAIR COUCH: Consensus?

COUNCILMEMBERS: Consensus.

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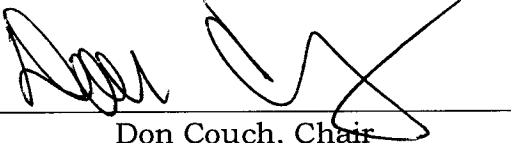
CHAIR COUCH: Okay. Great, thanks. Thank you. See we knew you would come up with something. Alright, I wanna try and get through Section 3, but, oh, actually, yeah, it's about 8:45 and just so everybody, if they wanna go get something to eat, the restaurant closes at 9:00 so, Members, are you okay for recessing 'till tomorrow at 10:30? Everybody okay? Huh? People want to have breakfast and ...

UNIDENTIFIED SPEAKER: ...(inaudible)...

CHAIR COUCH: Yeah, 10:00, alright, alright. So thank you, public. We will be back here at 10 o'clock tomorrow morning. This meeting is in recess. . . . (gavel) . . .

**RECESS: 8:47 p.m.**

APPROVED BY:

A handwritten signature in black ink, appearing to be 'Don Couch', written over a horizontal line.

Don Couch, Chair  
Planning Committee

pc:min:150128:alp

Transcribed by: Annette L. Perkett

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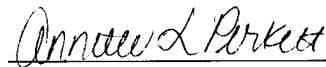
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CERTIFICATE

I, Annette L. Perkett, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 24<sup>th</sup> day of February, 2015, in Haiku, Hawaii.



\_\_\_\_\_  
Annette L. Perkett