

Meeting Summary - Moloka`i CPAC Mtg. 14, August 20, 2015

Attending: **Community Plan Advisory Committee**
 Steve Chaikin (Chair), Lance “Kip” Dunbar (Vice-Chair), Pi`ilani Augustiro, Dathan Bicoy, Robert Stephenson, Deldrine Kauinohea Manera, Gregory Jenkins, Lori Buchanan, Debra Kelly, John Sprinzel

Absent: Carl Adolpho, Glenn Teves, Edwin Mendija

County of Maui – Planning Department

Pam Pogue, Long-Range Planning

Mary Jorgensen, Long-Range Planning

Jen Maydan, Long-Range Planning

Michael Napier, Long-Range Planning

Call to order at 3:15 PM

Steve Chaikin provided opening remarks.

ACCEPTANCE OF SUMMARY MINUTES OF THE JULY 28, 2015 MEETING:

Amendments:

Correct spelling of Steve Chaikin’s name

Page 1, first paragraph – replace Teri Zacher with Noelani Yamashita, add Uncle Merv Dudoit

Page 1, last paragraph, add “asked for a definition of mixed use”

Page 4, revise line 2: uninhabited

Page 5, line 3 revise: ...ecosystem along...

✓ = Yes/Aye, N = No/Nay, A = Abstain, R=Recuse, cross-out = Absent, First = 1, Seconded = 2		
Motion: Accept the July 28, 2015 summary minutes as amended		
Passed: Unanimously		
✓ Steve Chaikin	✓ Kip Dunbar	✓ Pi`ilani Augustiro
✓ Dathan Bicoy - 1	✓ Lori Buchanan	✓ Gregory Jenkins
✓ Debra Kelly	Glenn Teves	✓ Deldrine Manera
Edwin Mendija	✓ John Sprinzel	✓ Robert Stephenson -2
Carl Adolpho		

REVIEW AND RECOMMENDATIONS: DRAFT COMMUNITY PLAN UPDATE

CHAPTER 3 Natural, Heritage, and Scenic Resources

Appendix 3.1, Page A-10

- Add "limu" under “Provisioning Services, Food”
- Add “feral ungulates” under “Provisioning Services, Food”
- Add “Cultural practices” under “Cultural Services”

Natural Resource Maps

Map 3.1 - Lori questioned whether the critical habitats in the legend are a federal classification. She also wanted to know how forest and plant cover are defined. Mike Napier read the 2003 DBEDT definition. Lori asked to have subsistence task force practices digital layer added. Mike explained that to

create this layer digitally is an inordinate amount of work that would not be completed within the confines of the CP process. He asked if this data layer already is in existence. Debra asked for ocean resources to be added to the maps. Mary noted that some Federal and State resources are on Map 3.2 but the maps are very general, rather than detailed. Pam mentioned the Ocean Resources Plan has a subsistence practices layer. Lori said she would check with UH to see if this layer already exists. Lori noted that there are 2000 acres in east Moloka'i under the Hawai'i Island Land Trust.

- Add Mo'omomi to map.
- Add "federal" to critical habitat in legend.
- Identify the source of "Forest and Plant Resources" in legend.

Map 3.2 The CPAC discussed adding federally managed lands to the north shore area on the map. They discussed the National Park Service management area in Kalaupapa, which is in Kalawao County and not being addressed in this plan.

- Check with Hawaii Islands Land Trust (HILT) for inventory of their properties on Moloka'i; add if available.
- Add the Nature Conservancy Preserves layer.
- Ensure the SMS boundaries are the latest version.

Chapter 3 Section 3.2 Cultural Resources

Jen Maydan explained the Planning Department's recommended changes shown in gold highlight in the July 28th revised draft. Policy 1 was deleted because it is already required by existing laws and regulations. Policy 4 was edited to cover impacts of grading more broadly and address Debra's concern brought up at 4/16 meeting that grading permits are not reviewed by staff familiar with Moloka'i. Action 3.2.06 was edited to match the policy. Policy 6 was deleted because it is covered by the next policy. Policy 8 was deleted because it is covered in 3.1 Natural Resources. Action 3.2.02 is a new recommendation by the Department's Cultural Resource Planner to address historic landscapes and traditional cultural places. Action 3.2.03 was deleted because traditional access is covered by the State Constitution and laws, and other access would better be addressed in the Parks and Recreation section (9.1).

Greg Jenkins recommended that an iwi repository be on Moloka'i. Jen conveyed that SHPD said that there is not a repository in the State and that this is to be avoided as the goal is to leave discovered iwi in place.

Lori Buchanan asked if "traditional cultural properties" referred to in Action 3.2.02 was different from the U.S. Department of the Interior definition. Jen explained that it is the same term and definition and that it is explained in the text of Chapter 6 on page 3-11.

The State Legacy Lands Funds Program was discussed as a potential source of funding that the county could apply to. Lori asked about open space funds for Malama Park and whether the Smith and Bronte memorial site at Kamalo would qualify. Pam Pogue said she would look into this grant fund.

- Page 3-10, line 5 change "some" to "many"

- Page 3-10, line 7, delete first “and”; change “Molokaian” to “Moloka’I”
- Page 3-11, lines 1-6 Greg wants language from East End Policy Statement added – he will provide
- Page 3-11, line 13 add "fishpond" after heiau
- Page 3-11, line 14 after "animals" add "negative human activity"

Issues

- Page 3-12, line 11 Issue 2 - delete "contemporary"

Goal

- Page 3-12, line 20-21: delete first and. Add "," after “sites” and "value"

Policies

- Page 3-12, lines 36-39: Add MCC Title 20 reference.
- Page 3-12, lines 38-39, after "reviewed by" delete "County personnel" and add "Moloka`i Hawaii Soil & Water Conservation District." Delete "located on Moloka`i" on lines 39-40.
- Page 3-13, line 1, add back in Policy 6
- Page 3-13, line 3, delete “Support protection of” add “Adhere to”
- Page 3-13, lines 15-16, add "Hoku-Kano" "before Ualapu`e"
- Page 3-13, line 27, spell out SHPD - State Historic Preservation District
- Add new policy - "Support Moloka`i cultural events that do not have an adverse effect on natural resources."

Actions

- Page 3-14, Action 3.2.01 - Delete "create" add "Complete and regularly". Add "trails" after "resources"
- Page 3-14, Action 3.2.08 -- add language "to apply for a grant."
- Page 3-15, Action 3.2.09 -- add language "apply for a grant" after "curatorship"

Greg asked to add an action to page 3-15 - "Encourage the State to establish an iwi repository on Moloka`i in coordination with the Moloka`i Burial Council and cultural practitioners." Jen noted that Hinano Rodrigues from SHPD stated that this is not advisable. Pam said she would check with Halealoha Ayau as to appropriateness of that action. Hale is on the Moloka`i Burial Council and former head of Hui Malama I Na Kupuna O Hawaii Nei.

✓ = Yes/Aye, N = No/Nay, A = Abstain, R =Recuse, <i>cross-out</i> = Absent, <i>First</i> = 1, <i>Seconded</i> = 2		
Motion: Add action: "Encourage the State to establish an iwi repository on Moloka`i in coordination with the Moloka`i Burial Council and traditional practitioners."		
Passed: 9 Yes/Aye, 1 Abstain, and 3-Absent		
✓ Steve Chaikin	✓ Kip Dunbar	✓ Pi`ilani Augustiro
✓ Dathan Bicoy	✓ Lori Buchanan - 2	✓ Gregory Jenkins - 1
✓ Debra Kelly	Glenn Teves	✓ Deldrine Manera
Edwin Mendija	John Sprinzel - A	✓ Robert Stephenson
Carl Adolphe		

- Add new action: "Encourage the State to establish an iwi repository on Moloka`i in coordination with the Moloka`i Burial Council and traditional practitioners."
- Add new policy "Support Moloka`i cultural events that do not have an adverse effect on natural resources."

- Add new Action: "Promote Moloka`i cultural events that do not have an adverse effect on natural resources." County Lead: OED, Partners: USCG, DoCARE
- Action 3.2.11: Move to be Policy 13. Would the Smith and Bronte memorial site at Kamalo qualify for funding from the Legacy Lands Program? Staff to research.

Cultural Resources Map 3.3

Several members asked why data is missing from the North Shore. Was it ever surveyed? Kauai expressed concern about the cemetery in Ualapu`e not being properly maintained. Dathan asked where the map data is from. Mike responded that it is from a survey conducted by a consultant for SHPD in 2008. Lori suggested the Bureau of Ocean and Energy Management may have archeological data.

- Add disclaimer to maps indicating frequency of data updates.
- Add Phallic Stone, Manae, and Wailau Trail (see public testimony below)

Chapter 3 Section 3.3 Scenic Resources

Mary Jorgensen explained the Planning Department's recommended changes in this section. On page 3-16, lines 22-23, she noted that the methodology was written in 2006, but the management plan and design guidelines need to be developed, and then later be implemented. Policy 2 was combined with Policy 3. Action 3.3.01 was divided to create a new action 3.3.06.

The CPAC was concerned about the mangroves blocking vies to the ocean but broadened the new issue to include other invasive vegetation or poorly maintained vegetation.

- Page 3-16, line 6: delete "or"; add "springs and waterfalls" after coastlines
- Page 3-16, line15: delete "mangroves" and add "vegetation"
- Page 3-16, line 16: delete "some" and add "many"
- Page 3-16, add Issue: The increasing spread of invasive and poorly maintained vegetation is blocking views to the ocean.
- Page 3-17, Action 3.3.05 Move to Policies, and add "Support land purchase: and delete "Purchase land"
- Page 3-17, Action 3.3.01: delete "development" and add "land and development uses"
- Page 3-17, Action 3.3.03: add "and implement" after "Develop"

PUBLIC TESTIMONY:

Steve opened testimony to the public:

Penny Martin suggested siting data resources on maps.

Kanoe Davis suggested waterfalls on be shown on maps.

Regarding Map 3.3, Karen Poepoe wanted to see the correct location of Kualapu`u. She wants 2001 CP goal used for section 3.2. She wants a repository in Manae for iwi, to be added as an action.

Nancy McPherson (DHHL) handed out written comments for Chapters 1 – 4 and provided additional comments not listed on her sheet:

- Add Aha Kiole as partner on Actions 3.02.01, .02, .05, .07, .08, .09, .10, and .12
- Southwest Moloka`i is an archeological district SHPD missing on Map 3.3
- Phallic Stone, Manae, and Wailau Trail are missing on Map 3.3. CPAC agreed to add to map.

Nancy referred to Action 3.2.08, page 3-14, and noted that a cultural resources management plan for Kawakiu was a condition of approval for entitlements that was not implemented. She said that it was originally a national district in Planning Department files and in SHPD. She noted that development includes activities that are not included in 2.05A.

Karen Poepoe noted that historic and cultural sites are missing on the backside of Moloka'i on Map 3.3. She said that the community needs to see what these places are. She doesn't like "use and enjoy" in Environment Goal because it sounds like a commodity. She likes the 2001 goal better. She asked why policy # 1 was struck. Policy 6 in Cultural Resources doesn't just apply to Native Hawaiians and should be reinstated. Regarding the Burial Council and iwi she stated that the kupuna know the culture. She wants the East End Policy Statement kept whole and put in the plan. The intent of the statement is important to the community to be absorbed.

Jen Maydan explained that Policy # 1 was deleted because it is covered by existing law.

Chapter 3 Section 3.1 Natural Resources

Lori recommends adopting 2001 goal and CPAC agreed.

- Page 3-6, Goal: "Preserve, protect and manage Moloka'i's exceptional natural land and water resources to ensure that future generations may continue to enjoy and protect the island environment."

Continue Public Testimony:

Cora Schnackenberg supports the Burial Council and Aha Kiole. She said that there is a lot of information on the late 1970s-80s in the files and she recommended using Nancy McPherson's former Planning Department database and files. She said that there is something in place in words or protocol on what to do.

Jen Maydan read an e-mail from SHPD that encouraged additional Moloka'i volunteers to participate on the Burial Council and increase members from three to five. There tends to be a lack of agenda items since the Burial Council only meets on burials that were discovered as a result of an AIS. All other burials are handled directly by SHPD.

Hano Naehu stated that the East End Policy Statement should not be pulled to pieces. He said that the statement will be reviewed at an upcoming Manae community meeting and he will bring back comments to the CPAC. Map 3.3 is missing information. Pesticides are an environmental issue.

Mary Jorgensen responded that pesticides are discussed in Chapter 3, section 3.1 regarding water quality, which was discussed on July 28th. Greg Jenkins also noted that hazardous waste is discussed in Chapter 4.

Kanoe Davis had specific recommendations for Chapter 3 and said she would submit them in writing. She suggested an action to do more inventory and restoration of archeological sites. She suggested deleting enjoyment from the goal and rewriting the former policy # 1 to recognize and protect significant vegetation for cultural practices.

Shannon stated that Kalawao County is a viable economic place for the island, with scenic and natural resources that should be discussed in the plan. Although the county does not have jurisdiction it can show support. He noted that archaeological sites are missing on Map 3.3.

Judy Caparida stated that Kaluakoi Road needs fixing and asked who is responsible. She said that iwi need to be respected and if found they should be put back in their place. She said Moloka`i used to have a Burial Council and needs one again. She thinks that Moloka`i could be its own county.

Mahealani Davis questioned revisions made to the 2001 vision and would like a discussion of the East End Policy Statement. She noted that there was a Manae Mapping Project in the past. Mary Jorgensen asked her about the practice of not putting sensitive, specific sites on the cultural resources map. Mahealani responded that sites on the map should be general not specific.

Jeannine Rossa had specific recommendations for Chapter 3 and said she would submit them in writing and send cultural and historic building locations.

Penny Martin stated that she feels Maunaloa is "suffering", in reference to sentence on Page 3-11. She would like all document resources to be sited in the plan. She said that the proper protocol when iwi are found is to pule then cover them. She encouraged the CPAC to use strong words so people will understand. She will email more comments.

Walter Ritte noted that the Aha Kiole plays a role in community participation. The Aha Kiole will bring feedback from the community to the CPAC. He noted that the more time the better the plan will be and that he supports an extension.

CHAPTER 4 Hazards

Pam Pogue explained why new material was added. The original text was drafted in December -- since that time the County Hazard Mitigation Plan was being updated and every effort was made to include Moloka`i. Hazard risk and vulnerability assessments were updated, new hazard mitigation actions were identified through this process and the Flood risks section is also being updated since December 2014 as a result of NFIP Community Rating System audit due to occur in October 2015. Additionally, new material was added, at the request of the CPAC from the May 20 workshop in which there were presentations by the Moloka`i Wildfire Task Force, updates to the NFIP flood mapping process as well as presentations on sea level rise, tsunami inundation and climate change.

- Page 4-6, line 8 and page 4-7, line 30, change "2010" to "2015"
- Page 4-7 add paragraph explaining mandate to purchase flood insurance
- Issue 2, page 4-8: add "including Kaunakakai" after "coastal areas" and add "and structural damage" after "retreat"
- Issue 3, page 4-8: revert back to original "Moloka`i has a high risk of wildfires."
- Page 4-8, Add Issue 4: "Cumulative effects from stream flooding, deposition, and tidal erosion is undermining roadways and posing significant danger to motorists and cyclists."
- Page 4-9, Policy 8: change "2014" to "2015"
- Page 4-9, Action 4.04: change "Mayor's Office (Environmental Coordinator)" to "OED"
- Page 4-11 Issue #2: add "and structural damage" aft the end of the sentence.
- Page 4-11, Issue #3: Revise to read "Moloka`i has a high risk of wildfires."
- Page 4-12, Policy #8 change "2014" to "2015"
- Page 4-12 Add Policy: "Promote the distribution of public education and outreach materials that explain flood insurance."

- Page 4-13 Add DHHL as a partner

Lori Buchanan noted that Kumini Beach is an example of Issue #4. Robert Stephenson asked about other shelters, in addition to the Red Cross approved ones in Policy #2. Pam Pogue said that Anna Faust, Civil Defense Director, and Michelle Liberty, the head of the Red Cross both reviewed the table and advised that it be taken out because the information is confusing and the shelters are going through an ongoing evaluation. Anna Foust said further that most often shelters approved for use frequently does not happen until the time of the disaster event and that the determination as to which shelters to open depend upon the characteristics of the storm (flooding, fire, high winds, etc.) Pam noted that the Red Cross approved shelters in Policy #2 address hurricane needs.

Debra Kelly said that she is part of the Moloka'i Fire Task Force and has corrections to Action 4.06, .07 and .08 that she will submit via email.

Pam explained that actions 4.06 through 4.08 came directly from the Captain Hanalei Lindo's presentation.

Robert Stephenson asks where drainage is addresses and Pam refers him to Chapter 8 Infrastructure – Stormwater Management section. Robert asks about the re-certification of the levy system and whether there is a policy or action in this chapter. Pam says that according to DPW the levy has had an initial assessment and based on those results the County has an engineering firm under contract to provide a more detailed engineering analysis to provide greater detail on the improvements and costs needed for the levy to be recertified.

Greg Jenkins asked about the FEMA flood insurance process and if Pam knew if anyone has had their property foreclosed on because they didn't have flood insurance? Pam explained that it is up to the bank, not FEMA, who requires a mortgage to be covered with flood insurance. Pam explained the NFIP's Community Rating System, Maui County is a members and it allows all flood policy holders a 10% discount off their annual premium. The discounts are awarded because the County has been proactive in implementing flood mitigation projects, programs and policies thereby minimizing floods risk to properties and infrastructure. The more comprehensive the County is with instituting and minimizing risk the better they will be rated which could result in higher premium discounts to policy holders. Currently the County is undergoing a 5 year audit by the insurance Services Organizations (ISO) and trying to increase it's rating to a Class 6 or 7 which would allow a 15 - 20% savings on flood insurance premiums. Greg asks about the maps that FEMA sends and how often these can be changed. When an area has been substantially impacted by a hurricane, tsunami or any significant flood event -- FEMA records the damage through it's after action reports and other studies such as updated flood profiles and may change the maps to better reflect future flood risk.

Public Testimony:

Mahealani Davis said she would like to add another issue to say that we are not prepared. The weather is changing. Where is the resettlement place going to be? Not Kaunakakai as it will be flooded and looking mauka from there are many issues including archaeological sites. Maybe part of the answer is to ask the Ranch to fulfill their Maunaloa obligation. Or maybe in another area like Kualapu'u. She would like to see a policy added to the plan encouraging strategic retreat from the shoreline.

Karen Poepoe noted that the biggest problem is a human induced problem affected by chemicals and pesticides. This issue upsets the lifestyle here and there needs to be more awareness and disclosures.

Robert Stephenson responded that this is addressed in 3.1 and Mary Jorgensen said that it is in actions 3.1.08 to 3.1.12 and in the health section of chapter 9. Greg Jenkins added that both air and water could be addressed in the health section. Rob noted that pesticide use is regulated at the federal and state level and he requested that if hazardous chemical are discussed in the plan that all uses of them should be addressed.

Hoala Davis noted that there is hazardous material protocol for how much exposure and number of incidents but there is an issue with picking and choosing who is doing this. She said that hazardous materials have an impact on soil, water, air and human health.

Pam Pogue responded that page 4-7 has a section on hazardous substances and waste. She also noted that the wellhead protection program addresses potential contaminating area to protect water sources. UH did a source water survey that included private water systems. Juanita Colon, Manager from the Kawela Plantation has successfully implemented a wellhead protection program for their water system. Many private water systems in Maui have also implemented wellhead protection programs since 2009. In 2014 Maui County issued the Kaunakakai Water Quality Report and tests are available for the Kualapu'u Reservoir that show that pesticides do not exceed the 700 parts per billion standard. DOH has strict standards and they test each week.

Julia Kulia Peters said that she is a homesteader. She provided an example of her cousin who was exposed along with others to chemical overspray and felt that there needs to be greater awareness of what is happening.

Pinkey Ah Hee asked why DHHL is not listed as a partner in the actions.

Nancy McPherson (DHHL) responded that DHHL is willing to be a partner wherever appropriate.

Steve read written testimony from Luigi Manera (Architectural Drafting Service) requesting that the CP designation for a parcel in Manila Camp be amended from single family to multi-family or mixed use residential.

Meeting adjourned at 9:30 PM