

**MOLOKAI PLANNING COMMISSION
SPECIAL MEETING
FEBRUARY 11, 2016**

*** All documents, including written testimony, that was submitted for or at this meeting are filed in the minutes' file and are available for public viewing at the Maui County Department of Planning, 2200 Main St., Suite 315, Wailuku, Maui, and at the Planning Commission Office at the Mitchell Pauole Center, Kaunakakai, Molokai. ***

A. CALL TO ORDER

The special meeting of the Molokai Planning Commission was called to order by Vice-Chairperson, Douglas Rogers, at approximately 3:03 p.m., Thursday, February 11, 2016, at the Maunaloa Community Center, Maunaloa, Molokai.

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

Vice-Chair Douglas Rogers: We can call this meeting to order.

C. MOLOKAI PLANNING COMMISSION DISCUSSION AND APPROVAL OF RECOMMENDATIONS RELATING TO THE NOVEMBER 2015 DRAFT MOLOKAI COMMUNITY PLAN:

1. Review and Approve Minutes of January 14, 2016 special meeting

Vice-Chair Rogers: The first thing is the review and approval of the minutes from January 14.

Ms. Diane Swenson: I'll move to approve.

Vice-Chair Rogers: We got a motion.

Ms. Zhantell Dudoit: Second.

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

VOTED: to approve the minutes of the January 14, 2016 special meeting as circulated.

Vice-Chair Rogers: I'd say that's unanimous.

Ms. Dudoit: Chair, as part of the minutes, are these Planning Commission changes, these are separate from the minutes we just approved, right? So do you want to take this up 'cause I'd like to move to defer the approval of these two, we can look at them. I mean we probably need to just make sure that they're exactly right, the way we did it, but since we just got it, like I just got mine couple days ago, just to make sure.

Ms. Jennifer Maydan: So, yes, correct. Those are not part of the minutes, but you should have received them. Are you saying you just got them right now, today?

Ms. Dudoit: Yeah. No, no, no.

Ms. Maydan: In the packet?

Ms. Dudoit: Yeah.

Ms. Maydan: Okay.

Ms. Dudoit: Yeah. But just for the sake of not being redundant, and making sure that we not talking about the same things over and over again, I just wanted to make sure that we were clear that this is what we did and, yeah. Okay.

Vice-Chair Rogers: Yeah, this is separate from the minutes.

Ms. Maydan: I'm Jen Maydan, with the Long Range Planning Division. Welcome, Members. Welcome, public. We have a lot to cover tonight. We're going over Chapters 8, Infrastructure, and 9, Public Facilities and Services, and each of these chapters have seven sections, so there's a lot to go through, a lot of policies, a lot of actions. So I believe the Chair would like to be able to break it into these sections and provide for public testimony prior to each section so we can try to move through each section.

And as far as some of the written testimony, Commission, that you have received on Chapters 1 through 4, if you desire to go through any of that, we have that at the -- at the end of the meeting for the previous chapters.

Vice-Chair Rogers: Yeah, okay, so we're open for public testimony. Okay, yeah, can wait for item if -- as we go through it, yeah, if you just want to make a general comment, this is the time to make that, otherwise, we'll try and work our way through this. Okay, cool. It looks like it's going to be specific to each item. Yeah?

B. PUBLIC TESTIMONY - At the discretion of the Chair, public testimony may also be taken when each agenda item is discussed, except for contested cases under Chapter 91, HRS. Individuals who cannot be present when the agenda item is discussed may testify at the

beginning of the meeting instead and will not be allowed to testify again when the agenda item is discussed unless new or additional information will be offered.

Mr. Byron Espaniola: ...(inaudible - not speaking into the microphone)...

Vice-Chair Rogers: Yeah, come on up.

Mr. Espaniola: ...(inaudible - not speaking into the microphone)... I had a conversation with the Water Department up the ranch just to see what I can share with the community on the progress, and there is progress, and I just wanted to comment on the fact that everywhere else in Hawaii, the groundwater that runs off of the land is illegal to drink, except in Maunaloa. There's a lot of things that has been swept under the rug as far as Maunaloa is concerned. So I wanted to address that concern, and just for the record, and what I noticed about certain laws for laws of the land, the common laws as well as the Hawaiian Constitutional, and the penal code, the Hawaiian Constitutional Penal Code, as well as the civil code, which is the, again, the common law -- Roman law, but back in 2000, case no. 99-001, provides the continuity of the state and Kingdom of Hawaii. The state, with a small "s," that means a nation, and because of the occupation, we're not reverting to Field Manual 27-10 because of the occupation Magna Carta and our Habeas Corpus suppressed, in Section 510, the government officials, the fact that a person who commit an act which constitute a war crime act as a head of state, as a responsible government, officials does relieve them from the responsibility of his or her act, and that in our Hawaiian Constitution, Article 1, states that God had endowed all men with certain enable rights among which are life, liberty, and the right to acquiring, possessing, and protecting and of the pursuant and the obtaining safety and happiness, and I see our safety in jeopardy because of the water that is -- the counts, the different counts between the toxins in the Kualapuu water. The Kualapuu water, the toxins are very low, and on the West End, Maunaloa, the furthest -- furthest spickets down at the beach are very high, and the toxins is -- will continue to be high unless we get ground -- Well 17 water from the aquifer. Correct me if I'm wrong, Marshall. It's better if we get --

Mr. Marshall Racine: Chair, can I change hats and address his water concerns directly?

Vice-Chair Rogers: Sure.

Mr. Espaniola: Well, the question was just: Is it better to have groundwater rather than surface water? Just a yes or no. Just so I can continue on and then that would be -- that would be it.

Mr. Racine: That's a really big question, and it takes a lot of stuff to take into account, but the answer is no. Groundwater is not better than surface water. Both have their risks.

Both, if they're treated well or taken cared of, then both are safe sources of water. So some of the conclusions you've made will be cleared up because I think -- yeah, okay.

Mr. Espaniola: Go ahead. I mean that's what we're here for anyway.

Mr. Racine: You're making conclusions where there really isn't any ...(inaudible)...

Mr. Espaniola: We had a notice on the -- we had a notice on the water being contaminated that's why. That's why the community came up and says, oh, we want to address the issue, and in pursuing of happiness and safety, that's all, Marshall. You know, it's just the law. It's beyond my comment. I have no comment. But sticking to the, you know, in the pursuant of safety for children. You know, quite a few of my classmates and my -- the people I go to school with on Maunaloa have died from cancer. Some of them never even smoke and drink. They just die. So with the -- with the compound amount of stuff that's around, I just want to get back to safety, and if we can pursue it and lay some ground work, again, the last meeting I said I might not live to see the day, but I will continue to make mention to our -- to our officials, like Mr. Arakawa. Where is he on this issue? It's an abandonment, I believe. I believe it's an abandonment. And I believe that it's not good for our children to continue to have these chemicals in the water. Just clean the water. 'Cause I drink water on the other side, eh, the buggah is better. And I saw the numbers. I went to speak with some of the ranch workers and they showed me numbers and how much the water could be. And we just want to stride for that. And another thing was brought up was the commercialization of the deer, venison. It was a gift, and what we do with a old toaster or old gift that we get at a wedding, it's almost a no-no to re-gift a gift to someone. The community had a majority on not selling the deer but involving the community on the challenge. The opala, we already partnered up on the opala. We doing our best with the drugs, takes a tip, and really taking the children out on outings, but that was the three issues, as a community -- a concerned community person, I wanted to bring up, we went up to ten, but we wanted to just bring up the three issues. That's all I saying. Mahalo.

Vice-Chair Rogers: Okay. Thank you, Byron.

Ms. Dudoit: Sorry, can I ask Byron one question?

Vice-Chair Rogers: Yeah.

Ms. Dudoit: Byron, just so as we go forward, to stay solution oriented and get one feel of what -- since your group went cite the problems that you saw, was there any clear solution that you guys might have had for those, I mean you don't have to go into detail, but it probably would help us to --

Mr. Espaniola: Yeah. Yeah. There was a clear solution on our challenges - it was dialogue. What I've been doing is I've been screaming at meetings, and walk away, and walk away, but I just wanted to continue dialogue and set a foundation. The dialogue that moves for safety and happiness for Maunaloa as well as the Kaluakoians on this side of the island. It's not -- it's actually -- it's United States law, it's a constitutional right, it's Kingdom law, it's constitutional right, so no matter what way you look at it, it's our God given right for the children.

Mr. Racine: Byron, I understand that your group invited Sonny to a meeting?

Mr. Espaniola: It's our community. It's our community.

Mr. Racine: Yeah, yeah, the community, to a meeting upcoming Sunday, I don't remember which day, I'll be coming with him, and I'll bring my heart and my mind and my experience with water to shed some light on what's going on and how we're trying to improve it, and to set your hearts and minds at ease. I'm right there with you. I've been doing this for lots and lots of years.

Mr. Espaniola: And that's what we want, Marshall.

Mr. Racine: I'll be there.

Mr. Espaniola: It's so powerful to have dialogue and partnership.

Ms. Dudoit: Who, specifically, would the Maunaloa community like to have dialogue with?

Mr. Espaniola: We had, I guess, we had a well-rounded amount of people, we have a list, and I could probably cough up the list, gag it up. It's written. But I -- you know, it's just talking story and trying to, you know --

Ms. Dudoit: Because what we can --

Mr. Espaniola: Oh, the reason why -- the reason why we wanted the dialogue was we wanted to reach high levels, the Mayor and the Governor.

Ms. Dudoit: So who, you want the Mayor here? You want county here?

Mr. Espaniola: The Mayor and the Governor.

Ms. Dudoit: Do you want your state representative here? Tell us who you want here so everybody can see 'em on Akaku.

Mr. Espaniola: No, the state representative, no. They know what's going on. But we need to hire and continue the dialogue because I feel an abandonment. Of course, I've been through the time when we drank rat infested feces water from Maunaloa, and I got used to it, and we was proud of it 'cause we could survive such toxicities, yeah, but we now know, clean water for the children. And, other than that, I just wanted to continue dialogue again.

Ms. Collette Machado: I want to, you know, Doug, this is a historic moment that the Planning Commission has actually come to Maunaloa, and what you left out is your introduction to your current -- your standing Commissioners and an overview on what this means to the CPAC plan and what will take place up until March. So many of us that -- well, for me, I'm an old-timer, but you got people that first time came out, they don't have an understanding of what the CPAC is, what the first round included with the CPAC appointments, and where is it at with the Planning Commission. That needs to have a -- every time you go out to a new community, it's important, Doug, I'll call you "Doug," but that you do the introduction of your Commissioners, and that you acknowledge the process we're currently in and that where we are planning to get to with the final outcome. So that's important, so I just wanted to ask you begin over again, I know you've convened the meeting, you looked at your minutes, but if you can give us a sense of what the big picture looks like, and where might we be going in the next month for the community input too. So I can tell you that we have a few of those that served in the CPAC, like Mr. Jenkins back there, they advocated to come out to the community, Walter Ritte is here, we advocated to take this information out to the various community. So, today, you have made that effort known, and we're very happy that you folks did ho'olohi, you did listen, but people need to see the big picture. I just say that to you.

Vice-Chair Rogers: Thank you, Collette. Yeah, we're here to listen. I mean that's the whole idea. As far as who's here, we got Billy Buchanan, Lawrence Lasua, Diane Swenson, Jennifer Maydan, Pam Pogue, our newest member, Wiliama Akutagawa, Marshall Racine, Zhantell, and I'm Doug Rogers. And we're here to go over the community plan and communicate, open the dialogue. That's what we're here for. Yeah. Okay. Sure.

Ms. Pam Eaton: Collette, thank you. She's right. We should start every single one of these meetings just framing the context of where we've been, where we are, and where this is going to go. So we started this -- and let me just first say 'cause a lot of questions people ask ever since the very beginning is why does what you're looking at now, the community plan, why does it look different than the existing community plan, and one of the reasons why is because the county enacted an ordinance called "2.80B," and in that ordinance, we are now mandated to require additional elements in the community plan. So the substance of the community plan has changed. The other thing it dictates is the process, and we all get frustrated with this process, and, believe me, nobody empathizes greater than me, and why that's important is because 2.80B dictates, first of all, that a CPAC will be selected, so

your community plan advisory committee consisted of 13 members; 9 members were selected by each council member, 4 members were selected by the Mayor.

Once the CPAC starts at its first meeting, it has 120 days to review an existing draft and make changes through that draft. What I will say is that what we did was we met, I have forgotten, many, many, many times, we extended the 120 days because of two hurricanes, but the CPAC worked extremely hard, not just in reviewing the draft, we had several technical resource people, directors, we really looked at, I think -- is Jennifer Hawkins here? I thought I saw her. So Jennifer was awesome. We had a whole evening on economic development and the different aspects of what's involved. We had an evening, we had Dave Goode, relevant to tonight, came over and talked about the roads and infrastructure. David Taylor came and talked about water. So what we tried to do during that very short amount of time was to try to provide as much education as we could on the issues and air them out, not only why they're important, but how they're relevant to Molokai, so that -- CPAC did an amazing job, it was very exhausting, and so the next part of the process is once CPAC voted on their plan, it then goes to the Planning Commission.

So the Planning Commission also has 120 days to go through the existing document as well, and we have -- it's a very, again, very challenging, very tight process, but this is dictated by the county ordinance. We have two more meetings currently scheduled. We have to finish by March 31st, and so let me say then, going forward, what will happen is this: We will need at least a month to take whatever has been passed forward by the Planning Commission to put it in another draft, which will then be submitted to the County Council. So this part is important, I feel like this part's been kinda lost 'cause we've been working so hard in the moment, so what happens is, probably May or so, the County Council will receive the Molokai Community Plan, and I cannot make this clear enough, once we transmit that plan, ladies and gentlemen, it is no longer in the hands of the Planning Department, because there's been a lot of confusion with that on the Lanai plan, so once we handoff that document, it then goes to Council Services, however, you will have, what 2.80B says, is the County Council has a full year to look at and review the Molokai Community Plan, and I can tell you, as it has been going on with Lanai, they will have public hearings, they will have workshops, they will come here to Molokai, so you will have -- there has been many, many times, a lot of time to submit public testimony, written testimony, so there will be an additional year by the County Council. So I really want to make sure folks know that that, yes, we're trying to meet the deadlines for the Planning Commission, but in addition to that, there will be a full year for people to provide testimony, documents, whatever you like. So that's kind of where we're at right now.

Ms. Dudoit: Pam, can I ask you a question? 'Cause there's been a lot of talk about the East End Community Policy Statement and the timing in which it needs to be done, so is it my understanding, from what you just said, that after it's handed off, even if the East End Policy is not in your -- our submission or if the original say it's put in, there's a year in which

the East End community could still petition the council to make it part of their new draft? Okay. Thanks. And other community for that matter. So if the Maunaloa community came up with a west end policy statement and they want -- okay. Thank you. Chair, would you also like to just, for the sake of all the new people, go over how we do public testimony, what specific chapters we're on, and what the end of testimonies were supposed to be intended to be, just so we can kind of stay on track?

Vice-Chair Rogers: Okay, yeah, we're going to try and work through this systematically, and we're going to try to ask people to keep it to three minutes, if at all possible, and, you know, it really kinda depends on how many people want to speak and what they have to say, but we're going to try and go through it systematically and get it done.

Ms. Maydan: And, as I mentioned, tonight, we're going over Chapters 8 and 9, Infrastructure and Public Facilities, and there are copies of the chapters at the back, so Infrastructure covers water, wastewater, stormwater management, transportation, energy, and telecommunications. Chapter 9, Public Facilities, covers parks and rec., fire, police, education, health and social services, cemeteries, and governance. So Chair opened up for public testimony to begin with to give the opportunity, but we will have multiple times for public testimony throughout the meeting. I believe your body wants to hear the public testimony first, before you go over a section, so he would open public testimony before water, and then your body has the opportunity to respond to public testimony and make your recommendations, and then we'll move on section by section, so public testimony, and then section.

Ms. Dudoit: And then can I just make something clear to the community? So one of the issues that we always have in these three-minute testimony things is that people have a lot to say, so what we try to do within the boundaries of how we gotta operate is, and it's going to be beneficial to you guys to keep this in mind, you have one opportunity to testify on anything in the first public testimony, then we going open up discussion on Chapter 8. You have an opportunity to discuss in that three minutes Chapter 8. We close that, we go into Chapter 9. You have three minutes to talk about Chapter 9. We close that. We open up public testimony to talk about any other chapters that we have already discussed. So I'm telling you this because I want the community to maximize their 12 potential minutes to get your point across as clear as possible so that we able to get one better feel of what you want, yeah? So don't think that you have to standup in one three minutes and spit out everything. If you got specific things under each chapter and you can make it as clear as possible, you have at least 12 minutes today that you can talk to us about those things. So thank you.

- 2. Chapter 8 Infrastructure**
 - a. Planning Department Overview of Chapter**
 - b. Public Testimony**

Ms. Eaton: Okay, so for Chapter 8, Infrastructure, starts with Water, and all I want to say about Water, because everybody in here I know appreciates how critical this resource is, I want to make a distinction between the community plan and the upcoming water use development plan. This has come up again and again and again and again. And it's important. And there's -- it's important. So next year, the Molokai -- I'm sorry, the Department of Water Supply, County Department of Water Supply, will start work on the Molokai Water Use Development Plan. Nonetheless, I do want to say that for this chapter and what you're looking at, we had great input from the community, Katherine Davis was amazing, she was terrific, but the thing to keep in mind is that with the water use and development plan, it will specifically address water resource conflicts, controversy, allocation issues, as well as water quality. So I just want to make that distinction, and that's it. I much rather hear from you guys.

Vice-Chair Rogers: Okay, we're open for public testimony on Water.

Ms. Dudoit: No, on Chapter 8.

Vice-Chair Rogers: Chapter 8.

Mr. Robert Espaniola: Howzit. Water. I heard that we have contaminated water. Our school -- oh, my name is Robert Espaniola, born and raised here in Maunaloa. And first of all, the school wasn't notified that we have contaminated water. To me, that's beyond one slap, giving our kids and us contaminated water.

Vice-Chair Rogers: Okay. Thank you. Go ahead, Gabe.

Mr. Gabriel Kahookano: My name is Gabriel Kahookano. I just had questions on who test the water because we all got, as residents of Maunaloa, West End, we got one -- one memo came out that said the water has been contaminated for the last so and so months, so my question is or my ...(inaudible)... about it is: Who testing the water for us? How come took that long of one span of months for tell us, okay, the last four months the water was contaminated, only now we know. So that's what I had to say about that.

Mr. Racine: Let me address that. The notice you got was for disinfection byproducts, called "trihalomethane." The ranch actually takes the samples, sends them to a certified laboratory. They take the sample once per quarter. When the sample results come back from the laboratory two to three weeks later, we report that to the state, and then the state says you broke the standards. You have to report to your people. It's not that the water's contaminated for all those months, it's just that that one sample indicated we had broke the standard, but because we hadn't had a sample for three months, we got back to the date when was the last it had a good sample. I was part of that incident. Actually, I was out of the state, but I was in the middle of the investigation, and recovery, and we started a whole

new set of plans because of it. Normally, the trihalomethanes, they're a disinfection byproduct, there's organics in the mountain water, leaves, they put dissolved organic pound in the water, first at the treatment plant, I add small amount of chemicals that will either oxidize, that means break it up, or bring it together in a clump and filter it out, and then I add chlorine as a disinfectant. Always, in any treatment process, a little bit of something gets through, but it's so small, it's not a problem. Only recently, they've built the technology to do tests to find if they even have this disinfection byproduct. Normally, we run the disinfectant, the chlorine, at a level that we are always well within the standard. Well -- all the quarters before we were. We had a problem, and this is the result of the investigation. We had a problem with low chlorine in a couple of our reservoirs, so the treatment plant operator, I was on vacation, and one of the system operators, together, decided we're going to increase the chlorine coming out of the plant to deal with the low residual in the reservoirs; the very next week, they took the samples, and that water, the higher chlorine concentration, with those organics, created a much higher disinfection byproduct. It was a spike, three times what we normally see in the system. All our samples before, and all our samples since, are much lower, but we took one sample on one day, but it counts for three months. The water was not contaminated for three months. It was the result of one week of treating the water, and one sample, okay. Since then, again, this made all the bells and alarms go off. The ranch, besides changing the way we operate, has purchased a very sophisticated piece of test equipment so we can now, weekly, daily if necessary, take samples, run them in our own office, and see that we are keeping those disinfection byproducts low enough that it's not a problem. And again, it was one sample, and one incident, but it wasn't three months of bad water, okay?

Unidentified Speaker: ...(inaudible - not speaking into the microphone)...

Mr. Racine: No, the language in the letter is dictated by state and federal law, so they have to -- they can't make up what they say. There is, in the law, there is strict language that you have to put in the letter that you send to people, and so they said, for this number of months, because that's the time between the samples, that the water was contaminated; in fact, it was one sample for water that was treated higher than we normally do for one week, and again, since then, again, it really brought our radar up. We are doing everything, since that time, we've been operating much lower than we did before, and we're experimenting with and testing strategies to keep it down there all the time, not just at sample time.

Mr. Byron Espaniola: Just the chemical change with what's going on in the atmosphere will always contribute to the -- the PCAs and PHs and the -- but it's the routing of the water, and the routing of the water sees the light of day to the runoff, and then the routing of the water sees the 1.5 billion dollar reservoir - correct me if I'm wrong. Does it go into that water? Go into the big reservoir? So it's the routing of our water. I work -- we worked with -- to cement the whole reservoir, but we only cemented the leeward -- no, the windward

side, and we were pulling out the rubber, and underneath the rubber is all pineapple, pineapple ground because California Packing Company, and Del Monte farmed in an area because we know that was there before the reservoir, and during -- now, the water routes from there into that big reservoir, and then it's put into another pipeline, and then it sees the filtering up here, it's -- so the routing of the water will always be a problem due to the exposure to the air because whatever we have -- whatever we have in the air, the dust, it will end up in the water, and, yeah, then you have to clean it up, but for Kualapuu, because Kualapuu water is the closest to Well 17, the numbers of the contaminants are very, very low. They're very, very, very low. Correct me if I'm wrong. Correct? Am I correct, Marshall?

Mr. Racine: You are correct.

Mr. Espaniola: Okay, that's all I want to say.

Mr. Racine: The relationship between the disinfection and the disinfection byproduct, it's -- it's a mathematical formula. How long -- how much chlorine you put and how long the water stays in contact.

Ms. Dudoit: ...(inaudible - not speaking into the microphone)

Vice-Chair Rogers: Yep. Absolutely.

Ms. Dudoit: So I totally understand where the Maunaloa community coming from, and we talking about water quality. I just wanted to, and I not cutting anybody off, but I just wanted to make two real quick distinctions. When we talk about infrastructure for water, we only talking about county systems, yeah, because this process doesn't have the ability to force Waiola or Molokai Ranch, we can, in a sense, dictate in your Maunaloa community plan what your water rights are, what the desired intent of the community is. The other point I wanted to make, Chair, although I really appreciate you, Marshall, is that I think that Marshall's capacity to answer the community's questions, because he works for Waiola, is still just a one-sided view on things, and so what we have to do, as one Commission, I feel, is be very careful that we listening, we taking in, and that we are able to make that distinction because I don't, I, for one, don't want to be part of one long drug-out discussion 'cause, technically, what you talking about right now, in this capacity, we no more any jurisdiction over that. So it's like -- almost like one -- you know what I mean? And so I no like you take up your three minutes talking about something that we no can --

Mr. Espaniola: Yeah, it's good.

Ms. Dudoit: Take care of.

Mr. Espaniola: I understand, but that's why we wanted to take it higher. I mean we need -- I mean we need teeth in this one. You know, we need claws in this one. We're talking about my great-grandchildren going live Maunaloa, and that's why I will bring up the dialogue, and we love you, Marshall, you know. You know, we love our `ohana. And we just wanted to continue because it is contaminants. I went Google the chemical. I went understand the chemical. I was reading the chemical all night going, wholly smoke. Google is wonderful. You know, we should start Googling these chemicals. And to know, on top of the other stuff that is going, you know, into our children is just something common sense. It's a -- you know, but other than that, I understand, but we want to continue dialogue.

Vice-Chair Rogers: Okay, so the big problem is it's three different systems, and, apparently, that's an issue that's going to be, hopefully, dealt with next year with the water development plan -- water use development plan.

Ms. Machado: I wanted to call your attention to your Chapter 8.1, under Water, and under B, the issue, if you look at Issue no. 2, it talks about the PCA, you folks have identified that that is an ongoing issue, but what is missing is maybe the community of Maunaloa, something more specific, to address the potential contaminating activities have been identified that may pose a threat to Molokai's water quality. But as you been hearing from the community, that's a major issue here in Maunaloa, and with that, it'll be directed to Waiola and Molokai Ranch to address, but you need a little bit more -- something more detailed after issue no. 2 to address the PCAs. It's right out of the draft so I wanted to redirect all of us and affirm to the Maunaloa community that that matter is addressed in Chapter 8-2, under B, Issues, item -- and it's Issue no. 2. So just so you folks know that they can tighten up the language, make it more specific, Marshall, if you choose to, and specifically to address the Maunaloa concerns and your concerns for your West End people.

Mr. Greg Jenkins: Greg Jenkins, CPAC member. First, I really want to thank you guys for respecting the Maunaloa community in having this meeting in this particular moku. It's very important to the community and thank you for hearing those concerns. I wanted to share a couple things regarding Chapter 8 and 8.1, Water, as a CPAC member, some of my focuses. In general, I think all, you know, speaking for myself but also listening to our community over a very long time, most of my life, it's water is life on Molokai, and when we want to start a discussion about the health of Molokai, it usually will have to do with water. And so anything we do to hurt that water source, and not protect it, is something that, traditionally, our community has a real problem with. So that was the lense that I looked at our community plan and how I approached considerations for it. So as Collette mentioned, on the Issues, Issues 1 and 2 are very important. We know our infrastructure's outdated and when we have asbestos pipe and things like that failing in our county system, it provides other problems as we know, and so infrastructure improvement is critical and

that we identified that so that the Water Department can address that issue and our crumbling infrastructure. On page 8-3, with regards to Policies, one of the focal points for me, and I'm not an expert on water, in my profession I use it, but I'm not very knowledgeable about a lot of the water rights issues, but one of the points is maximum sustainable yield and looking at what we're taking out of the aquifers and health of those aquifers, and also rights, customary rights of native Hawaiians in regards to really establishing true allocations that are really pono that was -- that, hopefully, will be addressed in that water use development plan. It takes a lot of arguments off the table. So find sufficient quantities and while protecting our wellheads, you know, my approach on water isn't necessarily a trigger for development or I'm not pro -- have some pro-growth agenda, I'm really interested in what we're currently taking out if we're being -- if the aquifers are healthy with what we're currently taking out. A lot of that data is unknown. I think you heard me before share that, and for us to make land use planning decisions and recommend any type of relocation of our communities or any possible expansion, we have to answer this question first. It's critical. And of course, that ties into safe and efficient, reliable water being delivered. And lastly, agriculture. It's very important, we have a lot of prime agriculture lands, and that does use water, so it's important for us to look at how we're using non-potable and potable water and the impacts that's having on our fresh water aquifers as well as the MIS system, which we know, with regards to this community, they're supplied through. So the community that's here tonight, when you look in the action plan, you'll see that there are a lot of partners, including here in Maunaloa and the West End, to address those water concerns. So that's my input on water.

Vice-Chair Rogers: Okay. Thanks, Greg.

Mr. Walter Ritte: Aloha. My name is Walter Ritte, and I also want to congratulate all of you for doing what the other group did not do, which is come out into different communities. So we came out here last month, as the Aha, and the number one issue that came out that night was water. So the community is saying that they have a problem with water and even though the MIS is a state system, and I guess you guys are a private system, that's no excuse because you guys also have things in here regarding the airports, the harbors, those kinds of things, they're not part of the county, but you guys are still putting recommendations in there about the future of those facilities, so somehow you need to put into this plan that there's a major problem with water up here in Maunaloa, a major problem, and it's not only trying to get all of the hard things coagulated so you can make the water look like it's clean. The water is coming from an irrigation system. Nobody should be drinking water that comes from an irrigation system. The last two months, we had hardly an winds, it was hot, couldn't even work in the yard it was so hot because there was no wind. That system is full of tilapia. The tilapia started dying in that system and you could smell the stench from that system. So I don't know how you guys deal with it once you take that stink water from the dead tilapia and what you do to that water. I don't think you can minimize or do anything with that. So somewhere in here, we cannot allow this

community to be drinking out of an irrigation system. That's just -- that's crazy, and especially charging them the highest price in the State of Hawaii. Thank you.

Vice-Chair Rogers: Thank you, Walter.

Ms. Machado: In your Actions, no. 1, on page 8-4, 8.1.01, it talks about the Molokai Water Use and Development Plan, WUDP, and it's going to be led by the DWS, which is the Department of Water Supply, right, with the county? This is what you folks are talking about and we need to try to give input on this, this outcome, this plan? My question I'm trying to clarify, it was -- you folks mentioned, just a few minutes ago, about the Molokai Water Development Plan, and in your -- in your Actions 8.1.01, it talks about this WUDP plan, which going be led by the Department of Water Supply, when is -- what -- is this an ordinance initiative or something that -- it is another ordinance initiative?

Ms. Eaton: Yes. So, basically, the Hawaii, the State Hawaii Water Plan, one of the elements, there's five elements, and one of those elements is the County Water Use Development Plan, so CWRM has mandated that every county must develop a water use and development plan. CWRM has basically required that the Department of Water Supply take the lead, however, and, quite frankly, for the purpose as part of this Action Table, we have the lead county agency. I suspect that when CWRM comes over here, because there are five water systems, they will be facilitating -- they will be facilitating the process, but in terms of who physically is writing the plan, you know, much like this, it'll be the Department of Water Supply, like on Maui Island right now, the county only has 30% of the water system but they're physically writing the plan even though there's other water. But CWRM, to your concern, will be heavily overseeing this whole process.

Ms. Machado: The state?

Ms. Eaton: Yeah. I'm sorry. I'm sorry. The Commission on Water Resources Management.

Ms. Machado: Yeah, that's the State of Hawaii, under DLNR. So do you have any anticipated proposed dates when this might be engaged in 2017 or later on in this calendar year?

Ms. Eaton: So, yeah, so I asked that question and, right now, the Department of Water Supply has said that they're coming out with the Maui Island Water Use and Development Plan in June, so they predict -- so they're predicting 2017 when they'll start with Molokai. The other thing is that I've made a call to the commission and asked them and told them that there is a very, very heavy interest and it would really behoove them to start the Molokai Water Working Group. They should start them right away.

Ms. Machado: Reconvene it.

Ms. Eaton: Absolutely.

Ms. Machado: Okay, thank you.

Ms. Dudoit: Pam, in regards to that, so now when I looking down at -- 'cause that was going be my question also, so when you looking at 1. -- sorry, 8.1.06, and you say "explore the possibility," this is dependent on the fact that DWS will have a plan?

Ms. Eaton: No, this --

Ms. Dudoit: Or do they have a current plan?

Ms. Eaton: This is completely different. What 8.1.06 is referring to, and the reason why that action is in here, is at the time we were discussing Chapter 8, Water, there was a strong interest by the ranch, and there has been for a long time, the ranch has met with the Mayor and Water Department on several occasions to try to get the county to take over the water system, so Dave Taylor came out and specifically spoke to that, and to try to be helpful in terms of the purposes of the community plan, this was a suggestion he said is to have this kind of language in to explore that possibility because right now, when you have water systems, and Marshall could speak to this too, but the county -- when the county takes on infrastructure, whether it's solid waste, wastewater, water, or roads, which we'll talk about later, for the county to take that on, not only is -- they have to show an expense, you know, they have to show that they can afford to do that, it has to be built to code, to the County Code, to address the liability issue, and their has to be a public interest in it. So there's those three measures. So we had a lot of discussion that night, and so for the purposes of Molokai Ranch wanting the county to take on the water system, Dave sort of said, well, one thing you could put in the water section of your community plan is to look at that possibility.

Ms. Dudoit: So who mandates and gives them that code, the county or the state?

Ms. Eaton: So it's basically a professional code. It's called "The Water System Standard."

Ms. Dudoit: So private systems are not required to have the same code as the county system?

Ms. Eaton: No. The county can establish its own code because the county's dealing with the Department of Health, it's dealing with a different measure, and it's dealing with a different liability, so it is a different code, and like Dave explained, as Dave Goode with roads, in order for the county to take this one and to then be responsible for the liability and

accountability and so forth, and whatever cost is associated with bringing it up to their code, they have to meet a stronger -- a higher threshold, if you will.

Ms. Dudoit: So not to, you know, be sarcastic or anything, so what does that mean for the taxpaying citizens of the county that are in a private water system area that is not up to the county standard or code?

Ms. Eaton: You know, I'm actually going to have, because it is a different -- Marshall, I don't know if you want to just comment on it because you run, you know, you are responsible for running a private water system, but right now, what dictates water quality standards in a public system, not a privately held public system, but a public system is --

Ms. Dudoit: Because -- and the reason I asking, just before he answer, is I'm just trying to figure out in my head if all the people of the community, the county's people that they oversee, right, we all are subject to the same protection, and then the county doesn't have jurisdiction but they're looking at transferring, and the issue is that county can't do it because cost too much to get this system up to code, then there is a lack of concern for the citizens on this side of the island, so I just wanted to know because we also talk about, in 8.1.01, that we want to support the development of that plan, and the policies and implementation strategies that it's consistent with the Molokai Community Plan, so if in our scope right now, if we understand this clearly, we can better take a more aggressive approach in our community plan to do what we can do here, what we cannot do on the, you know, on things that are out of our jurisdiction.

Ms. Eaton: Well, right now, in the community plan, there's not as much as you can do as you can in the water use and development plan. So to get to your concern about the county public health and public water quality standards, whether it's the county, whether it's the state, whether it's the, you know, the United States, we are all mandated, when it comes to water quality, by the Clean Water Act. So all of us in the public, not a private water system, but in the public, I'm just speaking now with my county hat, must abide by the Clean Water Act, and so that's why we have a different, I'm not saying it's better or it's worse, so we have to, by law, federal law, have water, so no matter wherever you turn a tap, anywhere in the country, if it's a county system, that water has been tested and has been -- and is clean, and if it's not, then obviously something goes out to owners, but that is our standard, which is a federal standard from the Clean Water Act.

Mr. Racine: And on that note, whether it's privately held or a municipality, it's under the same jurisdiction. It's -- we are still called a public water system because we provide water to the public, and we are under the same laws and standards. We operate our system to the same standards. We have to take the same number of water quality samples and report the same way any municipal water district would. So your bottled water is under the same law, and your bottled water can have just as much contamination in it, we use the

word "contamination" very loosely, and I mean it's thrown all over the place, no water is pure. And if you read the language that comes with your CCR, that's the Customer Confidence Report that goes out every year, it says all water is -- it's reasonable to expect there would be something else besides water in it, but it is kept to a low standard to provide you with a reasonably healthy supply of water. Your bottled water, city-owned, private owned, all water systems and all water supply to the public is under the same laws. They have to meet the same water quality standard.

Ms. Dudoit: So in order to get a clearer view, when you look at -- when we talk about how much it'll cost the county to take over the system, theoretically, it would -- most of the monies that we looking for would be ongoing maintenance and staffing and stuff because according to what we say, the standards are the same. It should be as easy as taking it over.

Mr. Racine: You're saying construction standards; she's saying water quality standards.

Ms. Dudoit: Yeah so what's --

Mr. Racine: There are some construction standards that are different. We've got good pipeline in the ground. We've got good fire hydrants. Our reservoirs, we've got one older reservoir. They will probably want to see that replaced before they buy it. That's -- that's again -- so when they say it's not up to standard, it doesn't mean we've got an old broken down car out there. It is still capable of providing good safe water that meets all the health standards, except that one time, okay. So, yeah, that's what they need to address, it's infrastructure, it's not water quality. We meet all the water quality standards.

Ms. Diane Swenson: I have a question for the county. Like if a developer wants to develop a subdivision, like Molokai Ranch did Maunaloa, and Maui County says, okay, you have to provide a water system that's safe for the community, you have to provide roads, and you have to do certain things, and that's part of the developer's responsibility. I'm trying to understand because you're saying the county has no control or enforcement. How do they get off the hook for fulfilling what they agreed to when they got their development rights? I'm not getting this.

Ms. Eaton: I think we're mixing two different things. It's not the county; it's the state that regulates the water quality. The Commission on Water Resources Management. You're talking about two different things; one is water quality, and then one is water allocation and whether or not a developer can build and is the water there, and that's determined by CWRM, and I think it goes back to what Greg mentioned in terms of trying to monitor and making sure you're not overtaking the sustainable yield of that particular aquifer. So CWRM regulates the quantity of water, and the Department of Health regulates the water quality.

Ms. Dudoit: Pam, is there a section in the Action Table that specifically talks about water quality? Am I missing it in the Action Table? Is there anything that talks about water quality? 'Cause I can figure out, you know, like -- to be consistent like we did the last time, I can figure out how to try to make it little bit more -- put little bit more meat on the issues and the policies, but I don't know if you already have or should we just -- I mean if we were interested, do we have to put a new 8.1.11?

Ms. Eaton: So what would the action be?

Ms. Dudoit: Yeah. That's what I asking. Is there anything on water quality action on the table?

Ms. Eaton: See that -- it's the state but -- 'cause right now we look at it from the perspective, alright, what can the county do? Well, the county can continue to fund, as they have been, watershed partnerships. The county can continue to promote water conservation. The county -- so that -- and again, that is a water use and development plan, so what -- and trying to tie, to the best extent that we can, the community plan with the water use and development plan, we have Action 8.1.01, we have Action 8.1.03, and then we have the wellhead protection program, which has come up again and again, and then of course, Action 8.1.05, the Molokai Water Working Group.

Vice-Chair Rogers: Yeah, go ahead. Go.

Ms. Denise Alameda: Hello. My name is Denise Alameda. I've lived here for 26 years and I've drank bad water ever since.

Mr. Ritte: Aloha. Walter Ritte again. I missed the point on my first go-around, so I wanted to come back and share that point. The other problem we have with people drinking out of an irrigation system is that the irrigation system is also surrounded by pesticide use, and not just small farmers spraying pesticide, or people in their houses spraying pesticides. We're talking about monocropping and it surrounds the whole reservoir. Right next to that reservoir are continuous spraying of pesticides, and we have no idea what these pesticides are, so he cannot test the water to see if these pesticides are coming into the reservoir, through the MIS irrigation system, and into his system. So somehow we have to protect the people from the existing problem, and the existing problem is that we have not only irrigation system with dead Tilapia, but we have pesticides that are going into our system, and we can say, well, maybe we don't, but any fool can see that no matter which way the wind blows, when you spraying those things, some of that pesticide is getting into the water. So if we can say that and identify that under page 8-2, under Issue no. 2, expand the PCAs to include testing for pesticides, herbicides, and fungicides, and all of these cides, they say "cides" because they kill something, so for us to be drinking or for the Maunaloa people rather to be drinking this stuff, to me, is not a good idea. So I wanted to put that

down as an issue. And then on page 8-4, on your Action Table, 8.1.08, you not only trying to encourage the state to do something, but you're here encouraging the United States Government to do something, so -- huh?

Vice-Chair Rogers: Geological services.

Mr. Ritte: USGS. So I'd like to also increase that 8.1.08 to include interim stream flows. We have no interim stream low standards in our mountains, and we have seven rivers that are being diked, and those rivers, the waters are now being diverted, and it's been doing that for the last hundred-plus years, so somehow we need to get the government, USGS, to do what they're supposed to do and come up with interim stream flow standards for our rivers so that the things that are living in our rivers can live in our rivers. Thank you.

Mr. Racine: I'm sorry, but we do test for pesticides. There is a battery of tests done every year on all our water sources, Well 17, and the raw water sources, it's done every year. It's required by, again, the same law of water quality, and the reason your Customer Confidence Report is so short is because it's not found, and so they're not there.

Mr. Ritte: How do you know what to test for?

Mr. Racine: They do know what to test for. We have hundreds and hundreds of things. We send them to the laboratories, the list, you wouldn't believe - longer than my arm of what we have -- that's why we have to send it to certified laboratories, and they do the same because it's required by law, they do this big battery of tests looking for this every year. There is actually even a longer list called "Unregulated Chemicals," because they're still looking for more and more because there's new stuff coming out. Pharmaceuticals and things that they haven't tested for in the past. Anything with a cide or an eight or an oride at the end, they're testing for, alright.

Ms. Dudoit: Sorry, Uncle, you can -- I just wanted to get clear what was your thoughts on the addition of the wording or what you were trying to get across on that 8.1.08? 'Cause as it reads right now, it says, "Encourage the acquisition of USGS stream gauges be placed in Molokai's important streams." What was the change you was looking at ?

Mr. Ritte: Every stream ...(inaudible - not speaking into the microphone)...

Ms. Dudoit: So the wording you wanted -- I mean --

Mr. Ritte: Interim stream flow.

Ms. Dudoit: So Molokai's interim stream flows as opposed to Molokai's important streams?

Mr. Ritte: Interim stream flow standards. They're supposed to follow certain standards ...*(inaudible - not speaking into the microphone)*...

Unidentified Speaker: You have anything written?

Ms. Dudoit: Yeah. Oh, okay, so it should read something like "Encourage the acquisition of Molokai USGS stream gauges to be placed in Molokai's important streams and adhere to interim stream flow standards?"

Mr. Racine: My last word on water. I look forward to, I want to meet with you people. I hear you say what you don't know, and it scares you because I worked for a previous director of the ranch, who didn't want to have a water awareness week, didn't want to give tours of the treatment plant. My little plant, it's ugly. It looks like a warehouse full of old equipment, but it makes some of the best water in the state. So I want to meet with you. Let's talk about this thing, bring it out, because what I hear is you're afraid of what you don't know, and a lot of what you say, I'm sorry, is wrong, not just because I'm defending the ranch, but I got like 35 years of treating water, and what you have for a water source is one of the most pristine. I've seen rivers where one community use it, goes through the waste plant, it goes back to the river, downstream ten miles; the next community takes it out of the river, treats it with the same technology, uses it to drink, puts it in the wastewater plant, back in the river. They do that seven times down the length of the river.

Mr. Ritte: That's there, not here.

Mr. Racine: Right, and I understand that, but you have one of the most pristine and -- yeah, and used one time, and the way it's being -- again, I want to meet with you guys, and not to argue, not -- but to share the fact that it's not as bad as you think, not just to defend the ranch, but so that you can understand in your heart what's really the risk associated with what you hear is in the water. I want to meet with you guys, please.

Mr. Ritte: It's okay to drink irrigation water? It's okay to drink the irrigation water?

Mr. Racine: Calling it "irrigation water" is just like Mr. Teves saying the fish poop in it and the snails are in and birds fly over it. That's out in an open reservoir. By the time it gets -- by the time it leaves my plant -- the last time I gave a tour to some officials, I held up a jar of water that looked like the table top, and I held up another jar of water that was prettier than the water in that bottle, the plastic bottle because that's what that little plant is capable of doing. I drink it myself. If my children lived here, they would drink it too. It is safe to drink the water coming here into this town. We had a little color incident because they filled the water truck and stirred it all up. But we're going to fix that too. Again, it's not harmful. It's not dangerous to drink. You get a higher risk of the chemical in the food you eat, and the peanut butter, and beer you drink. There's so many chemicals in there that are -- but

because they're voluntary, they're not regulated by the same laws that we are by water. We have to treat water so pure, it's not funny. You use most of it on the garden and wash the car and flush the toilets. But we treat it all to a standard to make it safe, and if it wasn't, we send out letters to tell you so.

Ms. Swenson: Marshall, can you setup a separate meeting for the Maunaloa community to address these issues because we've got a lot of material to get through?

Mr. Racine: Yes, ma'am.

Vice-Chair Rogers: Next?

Ms. Dawn Bicoy: Hi. Thank you for being here in Maunaloa. I just -- I actually have just a few questions because we're talking about irrigation water getting, you know, in the MIS --

Vice-Chair Rogers: Can you state your name for the record, please?

Ms. Bicoy: I'm sorry. I'm Dawn Bicoy, and I live in this area. So they're talking about where MIS provides the water of Maunaloa, which is irrigation water, which seems to kinda like you could have surface water and it just gets just as dirty as irrigation water, basically, so it's my understanding, and I just want to be clear and I want to bring up this point, is the EPA regulates clean water by the Clean Water Act. Is that correct? Underneath the EPA, there are certain water standards that are a national standard. If you are a water provider, you have to meet those standards. Am I correct? If you go below those standards, and it is harmful to the recipients that are receiving the water, they would shut you down. Is that correct? If you go below a standard that is not poisonous or detrimental to health, but you have gone below or haven't met the standard but it's not detrimental to health, they won't close you down and they will tell you to submit a letter to the recipients. Am I correct? So what I'm understanding then is the water, although it was detectable, it wasn't detectable to the point that it would harm someone. Okay, so that MIS water that we use for drinking water here, when it comes to your facility, it then, before it comes out to this community, it meets the EPA Clean Water Standards? Okay. Thank you.

Vice-Chair Rogers: Okay, anybody else? I think we're going to close the testimony on Water and discuss the chapter. Any motions for changes?

Unidentified Speaker: ...(inaudible - not speaking into the microphone)...

Vice-Chair Rogers: Yeah, yeah. Now is the time.

Ms. Dudoit: Yeah, I have -- I can start off. Okay, so I'd like to make a motion, and I'm going to make it and then you guys can talk about it, on 8.1, under Water, item B, Issues,

2, Issue no. 2, potential -- I wanted to add on, "Potential contaminating activities, PCAs, have been identified and may pose a threat to Molokai's water quality." Can we add on, "Address potential threats to Molokai quality" -- can we add on to address PACs identified that may post a threat to the Molokai water quality -- Molokai's water quality with immediate attention to Maunaloa residents and the West Molokai water system. So it's not -- it's not pointing anybody out. It's just addressing the concerns that the community has and supporting --

Vice-Chair Rogers: It's just being more specific.

Ms. Dudoit: And -- yeah.

Vice-Chair Rogers: Yeah.

Mr. Racine: I'd like to ask the CPAC, when they use the term "PACs" --

Ms. Dudoit: PCAs

Mr. Racine: PCAs, yeah, excuse me, I'm just parroting what she said, potential contaminating activities, my understanding of the term, it's the old cars parked on hillsides, it's cattle being worked right up against a reservoir, it's septic tanks and cesspools that are not up to standard, it's not what happens to the reservoir or what happens on the mountains or if it's recreational activity in the area of our stream runoff that we're collecting for drinking water. That's what they mean by "potential contaminating activity." Not what happens downstream of the reservoir and in treatment plants and stuff. If you want to address that as an issue, it's something -- yeah, that's not what they're talking about here. Am I right?

Ms. Dudoit: It doesn't say that.

Mr. Racine: Well, again, that's -- it's an industry term, water and wastewater term when you talk about -- or environmental studies, a PCA, in an industry or in agriculture that threatens either a watertable or a watershed. Yeah. Because that's my understanding of it. I've got, like I say, 35 years plus, and I've done this.

Ms. Dudoit: I wanna address the concerns of the West Molokai community and support them in their efforts to -- in what they're saying and not discount that, so instead of recreating the wheel, I'm looking at -- and that was pretty much the only place where -- unless one of the CPAC members, Greg, unless you wanna talk about what you guys meant when you said, "PCAs," and being identified and --

Mr. Jenkins: Chair, may I?

Vice-Chair Rogers: Yeah, go ahead, Greg.

Mr. Jenkins: Greg Jenkins, CPAC member. To answer the question specific, I know we had a lot of discussion with support from the Department of Planning regarding wellhead protection, and if you see on the footnote on page 8-2, it shows 1 there, which at the bottom of the page, is Molokai Draft Wellhead Protection Ordinance, and Pam could maybe elaborate a little bit more on what's important, that's a primary consideration, and it was discussed with us that the state had jurisdiction over this as well as federal law, and so that would be the reason you don't see a lot of actions because the county doesn't have jurisdiction over that particular area. And so, of course, I'm not saying we weren't concerned about contaminants in the water, I'm not suggesting that, because there would be examples of that with failing infrastructure, for example, but then that's tested, but we don't -- but the county doesn't test it, that's the state, for the Department of Health, and through federal law. Does that answer your question, Zhan?

Ms. Dudoit: No.

Mr. Jenkins: I'm not saying that or arguing with you.

Ms. Dudoit: Okay, so how it reads right now, it just says, "Potential contaminating activities have been identified that may pose a threat to Molokai's water quality." So it's really general.

Mr. Jenkins: Correct.

Ms. Dudoit: So the way I'm taking it is anything, infrastructure, bad practices, agriculture, cars on the side of the road, whatever that means is a potential contamination to the water system, period, whether it be infrastructure or what have you is all inclusive in this statement.

Mr. Jenkins: That's a fair statement 'cause it would include, you'll see in other places that we have in this plan, like hazards, where we talk about illegal dumping, for example, where we have wellhead and aquifer contamination potential and places we have hazardous chemicals that were dumped from agricultural operations in the past, so we tried to address that but, yes, it's very general. It's all encompassing.

Ms. Dudoit: Right. But what you saying is, typically, in the language of water, not including any infrastructure or --

Mr. Racine: ...(inaudible - not speaking into the microphone)... they're the sufficient teeth in their action plan here to put in safeguards to protect the water supply to address Maunaloa's concerns, specifically, I actually think education is more important than --

because the -- they may, but if you want to put some other teeth, it's not been called out as a risk or a policy for an action plan yet so --

Mr. Rob Stephenson: Pardon me, Chair?

Ms. Dudoit: ...(inaudible - not speaking into the microphone)...

Ms. Racine: Yes.

Mr. Stephenson: Pardon me, Chair, if I may? Rob Stephenson, CPAC. If we look at the Issue no. 2, it's my recollection that that it specifically relates to the footnote, which is Molokai Draft Wellhead Protection Ordinance, and PCAs are defined by federal standards and they have different radius -- radiuses of different types of potentially contaminating activities within a wellhead, within a watershed, within things like that, so I would say that Issue no. 2 specifically relates to the Molokai Draft Wellhead Protection Ordinance, and if there's another issue that you'd like to bring up, might I suggest that you place it as a second issue, or a secondary or an additional issue because this issue here specifically states to the Molokai Draft Wellhead Protection -- or, I'm sorry, the Protection Ordinance, and it's my understanding that those are all -- there are protocols and there are standards by which one identifies the PCA and the radius within a water source with which those operations can take place. Thank you.

Vice-Chair Rogers: Yeah, so maybe we should put separate issue.

Ms. Machado: The issue was could that possibly be included under the actions more specifically as well as included it, as Rob had described, as an issue but more details in the actions that could perhaps include that type of discussion from our meeting here? You know, what's important is that the community has sort of validated that this issue, I think you've validated working for the private company, that this issue has continued, although it may have happened only once. For me is why are you only testing every quarter one time? That's interval issue that maybe should be discussed that it should be done maybe monthly and regulated better, but that's not for here. We'll save that discussion for the plan that we going all contribute to. But that's where I would say, Zhantell, it could go in as an action or add on another issue on that page.

Ms. Dudoit: So you know what? I going defer my gist until the next meeting just because -- unless somebody else has something that they want to say, so I'll just take it off so that I can better -- try find the right words.

Ms. Swenson: I think under Policy no. 4 ensures -- addresses all of this. Look on page 8-3.

Vice-Chair Rogers: Yeah, Policy no. 4 does address the issue unless you want to make a motion for another --

Ms. Dudoit: Yeah, I --

Vice-Chair Rogers: Issue specific to Maunaloa.

Ms. Dudoit: Yeah, yeah. Because -- because even like to me, even that policy is little bit weak but I not ready to give -- I mean how do you ensure safe -- how does a -- like the word, if you say it in a community plan, ensure and safe and reliable, what kind of enforcement do you have? I mean what ties that to a consequence?

Vice-Chair Rogers: The EPA.

Ms. Eaton: So that's a good question, Zhan. So you have this broad policy, it doesn't mean it's watered down, but it's trying to encompass all these concerns. So when you look at the action, how do you do that? How do you enforce that? As Greg and Robert brought up earlier, 8.1.04, "Develop, adopt, and implement a wellhead protection strategy and ordinance for county water distribution systems," which, by the way, part of that ordinance would prohibit things that Walter has brought up, things that Byron has brought up, you know, that is the whole point of that ordinance.

Ms. Dudoit: But then it doesn't address the private water system.

Ms. Eaton: Yes, it does.

Ms. Dudoit: But it specifically says, "county water distribution systems."

Ms. Eaton: It addresses all the water systems, and if you look at 8.1.06, 8.1.07, it's looking at -- and that is why, for example, with that policy, that's why it says it the way it says it is to try to embrace and try to cover all the water systems where these are concerned.

Ms. Dudoit: So when you talk about -- okay, requiring developments with privately owned and public water systems to meet DWS -- but the DWS and the DWS plan, or the Department of Water Supply engineering standards, so that's something that is separate from the water use and development plan? The standards are completely different? That's something in policy? Okay. Yeah.

Mr. Byron Espaniola: If I may. I sorry for bringing up the water again. But when people come up to me and they say, Byron, my water all brown, I think maybe you should test the water before they enter the house or at the house. I don't know if there is any testing going on at the residence. I know I'm -- my house you don't come personally. But what do we

know. There is brown water coming out and -- and there's certain patterns of the land that the heptachlor, the DDT, and the paraquat, when you fly over Molokai, you're going to see all the checkerboard squares of all the roads, and they spray a ton of paraquat, or two, or that's hundred tons, but that's almost 50 years ago, but you're not testing for it, and it might not be in the water, but we can see the patterns of what the chemicals have been doing to the land, so what do we know? We just want to continue the dialogue.

Vice-Chair Rogers: Should we move on to Wastewater? Okay.

Ms. Dudoit: Okay, I have some -- I want to make a motion, 8.1.05, on page 8-4, to add on, so the statement says, "Reconvene the Molokai Water Working Group and encourage all water purveyors to work together to address future water demands," and I want to add on, "sustainability, quality, and supply issues."

Ms. Maydan: Zhantell, can I just confirm that we got what you said? 8.1.05, after "demand," add "sustainability, quality," and then the sentence ends with "supply issues?"

Ms. Dudoit: Yes.

Ms. Maydan: Okay.

Vice-Chair Rogers: Okay, so that's a motion, yeah? We have a second?

Mr. Racine: Second.

Vice-Chair Rogers: Second. Okay, all in favor? Opposed? Have three in favor. Yeah?

Mr. Lasua: You didn't have a -- you didn't have a quorum? You didn't have a majority?

Vice-Chair Rogers: There was only three, three eyes. One, two, three, four. Okay, I'll break the tie, so -- yeah, raise your hand if you're in favor.

Ms. Dudoit: Well, did we need a discussion? Is that why? Did you call for the question before we could have one discussion?

Vice-Chair Rogers: Did you want to discuss it more? Oh, okay.

Ms. Dudoit: Yeah.

Mr. Lasua: All you did was say, "all in favor." I didn't hear any time whether to say yay, nay, left hand, right hand.

Vice-Chair Rogers: Okay, if you're in favor, raise your hand.

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

VOTED: to amend 8.1.05, on page 804, to read, "Reconvene the Molokai Water Working Group and encourage all water purveyors to work together to address future water demands, sustainability, quality, and supply issues."

Vice-Chair Rogers: That makes it unanimous, Yeah, okay. It's unanimous.

Ms. Dudoit: One more motion. 8.1.07, I would like to change the word "explore" to "Support and encourage" the possibility of DWS taking over Molokai Ranch water systems.

Vice-Chair Rogers: Okay. Do we have a second? Okay. Discussion.

Ms. Dudoit: I want it -- so right --

Ms. Machado: ...(inaudible - not speaking into the microphone)...

Ms. Dudoit: Support and encourage.

Ms. Swenson: Zhantell, I don't understand why you want to let the ranch off the hook and make the taxpayers assume their responsibilities. I mean what is it going to do our taxes and --

Ms. Dudoit: Because we get taxpayers up here who are paying way higher water bills than can be afforded to them on one county system. And then on Molokai Ranch's side too, I mean, you know, they're down here a long time too, and so I differ from Marshall in a sense that I can empathize with the community's frustration because the fact of the matter is Maunaloa never did have clean water, and maybe it does meet the national standards where you take a test and it says it's allowable, but ever since the plantation was here, Maunaloa always had dirty water, everybody on Molokai knew that. I mean we raised generations of kids on that water. And so, you know, whether people die from it or what, I cannot say that for sure, that's not my experience, but I can tell you that the water has always been dirty so --

Ms. Swenson: I agree with you. I'm just saying why should Molokai Ranch just be able to walk from something that's their obligation?

Ms. Dudoit: Because, at this point, I don't think it's a matter of hating on Molokai Ranch. I think it's a matter of what is best for our community and our people when it comes to them being able to afford the water, one; two, having an accountable party that we can make part of a process like this and ensure that -- that things work out in the best benefit of the community, I mean -- and then what happens if the ranch completely shutdown and then they just don't have the money to operate the water system - what then? Do we react in an urgent situation 'cause the county now has to take over, or do we start to look at really encouraging that transition in a way that can be feasible to our taxpayers because if come one point where the ranch shuts down, and we gotta take 'em over on an emergency basis, what happens then?

Ms. Swenson: I don't know. I don't think we have enough information to make that decision at this meeting.

Ms. Maydan: If I may, the Director of Water Supply came to a CPAC meeting and there was a large discussion on this, back and forth, and the director was comfortable with the action as worded. He put forth this action and said we, as a department, could explore this possibility 'cause there have been ongoing conversations between the department, the Mayor, and Molokai Ranch, and there's a lot of detail that goes into it, from just the detail of the infrastructure system and being able to inventory it, the county's not going to buy a system because they don't know what all the nuts and the bolts are, so the ranch has to be able to provide that information. There's a whole lot that goes into it. And I understand your desire to make "explore" stronger by saying "support and encourage," but I think saying "explore" and putting this on the table and asking the department to do this, it is starting a conversation, it is moving in that direction to see if it can happen.

Ms. Dudoit: Okay, so the fifth generation Molokai resident, five generations, who's been exploring possibilities for so long, that at what point do we really take a stand to do something in one or another? This may not be the right way, but we not going know until we do something, you know, and to me, "explore" just always gives us -- it's like interim district. It always gives us the ability to dilly-dally in whatever we can. It's either going to be conservation or business. It's either going be this or that. And I think sometimes the shades of gray, and taking away from what is black and white, is what gets us into a lot of these legal battles. And so I mean if you guys -- if the motion fails, then the motion fails, but I just think, at some point, it's time for us to take one firm stand in something we going do. This is a community plan intended for the next ten years, at least, so we going explore for ten more years, that's one more generation of people that going be exploring. So that was just kind of my concern.

Mr. Byron Espaniola: That's why we wanted to continue the dialogue ...(inaudible - not speaking into the microphone)... we just asking for help, help, yeah.

Vice-Chair Rogers: Anymore Commissioners got a discussion on the motion on the table?

Ms. Dudoit: And you know what, it may very well be that nobody else is willing to take that step either way, or one way or another, I mean -- I mean, to be honest, if somebody said -- demand that Molokai Ranch do this or that, I probably would vote for that too just to make a stand in one way or the other. But maybe what might help, since we discussing, is that the Maunaloa people come up with one West End policy statement for your community that best fits your community to help us streamline the process when comes to your side of the island. The East End Policy Statement began one wonderful example of how each individual community can be responsible for your own growth. And if you want to dictate that, if your generations of family want to do that, then that might be the way to introduce and help us out when come to making these kind of decisions in your community so --

Vice-Chair Rogers: Okay. Okay. Anymore discussion? Shall we take a vote?

Mr. Racine: Just, not about water, but about government's role and how it's reached and overreached, and that sort of thing. We got a private corporation, private land, and now we want to say -- put language where we would demand that we have to go -- the process involves condemnation of the system and eminent domain takeover, literally confiscating, you gotta pay for it, but it's doing something against the property owner's rights and will, so it's like that's a long stretch for government and we're -- yeah, I wouldn't vote for that 'cause I'm a private citizen, and I'm a very private citizen, and I believe the government's fingers are too long already so that -- only that point. What we're trying to accomplish, I agree with you.

Ms. Dudoit: ...(inaudible)... I don't have a, you know, I not here to be popular, so I just trying to -- if you guys feel that that's not the right thing, then that's not the right thing for you. So I'm just trying to get ahead and move ahead and let's just do something.

Vice-Chair Rogers: Okay, so we have a motion out there. Do you want to withdraw the motion, do you want to take a vote on it?

Ms. Machado: Did you get a second?

Vice-Chair Rogers: Yeah. Marshall seconded it. Yes.

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

It has been moved by Commissioner Dudoit, seconded by Commissioner Racine, then

VOTED: **to amend 8.1.07 to read, “Support and encourage the possibility of DWS taking over Molokai Ranch water systems.”**

(Assenting: Z. Dudoit)

(Dissenting: A. Akutagawa; B. Buchanan; L. Lasua; M. Racine; D. Swenson)

(Excused: R. Davis; M. Jennings)

MOTION FAILED

Vice-Chair Rogers: I guess that one not passing. Okay, so Wastewater.

Ms. Machado: You can say motion failed ...(inaudible - not speaking into the microphone)...

Vice-Chair Rogers: Motion -- motion did not pass.

Ms. Dudoit: Okay, one more. 8.1.08, it now states, “Encourage the acquisition of USGS stream gauges to be placed in Molokai’s important streams,” and I want to add on, “and interim stream flow” -- sorry, “and adhere to interim stream flow standards.” Did you get that? Just to add on “and adhere to interim stream flow standards.”

Vice-Chair Rogers: So you wanna add “interim stream flow?”

Ms. Dudoit: And adhere to interim stream flow standards.

Vice-Chair Rogers: Okay. Do we have a second on that one? Okay, we have a second, Marshall, so let’s discuss that one.

Ms. Eaton: Let me just make one comment about this. USGS stream gauges, a lot of them that did exist were shutdown, and they were shutdown solely because of lack of funding. Congress got slashed and so forth. They are coming back. They are critically important for many, many different reasons. To have a US stream gauge, ‘cause we did have USGS speak about this on Maui at a couple of water meetings, typically it’s done in a partnership way, so USGS comes in, it’s a live stream gauge, and the critical importance of it is that it measures -- it measures the stream flow. So the reason why you want stream gauges is you want to put them in the streams, which by the way, there is a fee every year, it’s usually \$30,000 or so because it provides a live data feed, which is very, very important in terms of determining -- to determine interim stream flow. So I don’t know that adding the language, to me, you’ve gotta have the stream gauges to collect the data to determine the interim stream flow. So one connects to the other. You don’t just say “adhere to interim stream flow,” you need those gauges to, you know, document, as Walter’s brought up at past meetings, the importance of maintaining that interim stream flow. The problem right

now is we don't have that data because a lot of the gauges, in past years, was turned off due to lack of funding.

Ms. Dudoit: Yeah, so that's what -- isn't that what -- isn't that why -- what the first part says, "To encourage the acquisition of USGS stream gauges?"

Ms. Eaton: That's why we put it in.

Ms. Dudoit: Right.

Ms. Eaton: But adding "adhere to interim" --

Ms. Dudoit: So I believe that the reason why I would put something like that in is you can put all the gauges you want in a stream and come up with whatever analysis that you have, it doesn't mean that you're going to adhere to or be -- or use best management practices to make sure that those interim streams are flowing properly. Just 'cause you put the gauge in there, it doesn't mean that there's any enforcement for the health and welfare of the stream.

Unidentified Speaker: ...(inaudible - not speaking into the microphone)...

Ms. Dudoit: And that's what the first part of that says, right? So now the way I look at it is adding that on just means we having the gauge and we having the gauge for this specific purpose. We not just having the gauge period.

Ms. Eaton: Right.

Ms. Dudoit: Yeah.

Vice-Chair Rogers: Okay, any further input on that one?

Mr. Lasua: Yeah, I'd like to know what "interim stream flow standard" is. What's the standard of that? Anybody?

Ms. Eaton: Again, this is something the county has no control over whatsoever. It's completely mandated and regulated by the Commission on Water Resources Management. What the county can do though is get the gauges. The county can do that.

Ms. Dudoit: So I know that she just gave us this book, but I've been looking at that too, so there's a lot of cultural practices and traditional practices that pertains to water that mandate that kind of stream flow activity and what needs to happen, and how you encourage that, and what kinds of activities are promoted by that type of practice, so

actually I was going wait till we get to finish Chapter 9 because it seemed more appropriate, but I think the OHA recommendations that were given to us, in its entirety, is a good gauge for a lot of this water conversation that we having, and plenty of the -- plenty of the public facilities and other things that we talking about, so I don't know if the Commissioners had one chance to look at that, but that's the best way that I would -- I would gauge it is there are already cultural and traditional practice rights to water, Hawaiian rights to water, that dictate stream flows and dictates that kinds of things, and I think just the wording in there, I just think the wording needs to be put in there.

Ms. Machado: Walter ...(inaudible - not speaking into the microphone)... what is interim stream flow standards and why is it important and needed?

Mr. Ritte: Yeah, a lot of the rivers got gauges, but that's gauges to tell you how much, you know, flood waters or whatever, but the interim stream standards is a process that the state needs to go through in order to figure out how much water would be allowed to be taken out and how much water needs to be there in order for that river to survive, and that's a really big different process, that's -- and they haven't done it for the last hundred years because it's not an easy process, but if we don't do it, those streams will never become alive again. So I think if nobody says anything, we'll have these dead, these nine, no seven dead streams in our mountains and it's not good for the watershed, it's not good for anybody to have streams that are diverted to the point where there's no water left in the streams. That's something that, I think nationwide and worldwide, people are fighting to bring their streams back to life again because the whole system's dependent on those things, even if the water doesn't get down to the ocean, then you're creating a whole mess in the ocean, there's no muliwai, there's no growth going on there, so it's affecting our reefs, it's affecting everything, so in the old -- a hundred years ago, nobody cared, but I think now we're much more -- and the laws state, constitutional law even states that you have to do these things, so we just need to tell them you need to do it on Molokai. I think it's critical for our -- we have such a small system.

Ms. Dudoit: And to be perfectly honest, like that is pretty relevant to me and my `ohana because of the Kumimi area, so if you look at the water yield and -- coming down to the ocean now compared to 30 years ago when I was one child, I lied, 40 years when I was one child, significantly -- I used to be able to jump off that bridge --

Mr. Ritte: Right.

Ms. Dudoit: Into the water.

Mr. Ritte: 'Cause that's a good case because on the top they're diverting it.

Ms. Dudoit: Yeah. Yeah.

Mr. Ritte: So -- and there was no standards.

Ms. Dudoit: Yeah.

Mr. Ritte: So if you put standards, then they're going to have to either let more water come down or make sure the stream is ...(inaudible)...

Ms. Dudoit: And the funny part is, at one point, when they did gauge that river, 'cause that's where my family is, a big portion of where my family is from, they took the measurements from the top part of the river where it flowed a lot, long, long time ago, but then when you just take that measurement and you don't mandate that there's so much sustainable yield that coming down for all the cultural practices and what have you, it just stops right there, so people can start taking out water from the river, you can do whatever you want to do, and then by the time it reaches the bottom out to the ocean, it's empty. So if you could see that river or that stream system 20 years ago even, significant drop in water flowing in that area.

Mr. Ritte: The biggest impact is Kawela Stream. That's the huge -- they're taking choke water from there, and then the Kawela guys got wells, they're putting wells, and so the water's not coming down to reestablish their wells, so that's probably the hugest impact.

Mr. Yama Kaholoaa: Aloha. My name is Yama Kaholoaa. It's a very interesting topic - water. You know, everybody got their opinions and, you know, what's best for Molokai. I think there's -- we don't have any idea of what's happening today, and simply because today it's modern. It's a modern day now. So no matter what you look at, we're going lose all our water, okay, and the reason for that is we're going have more and more children coming, this island going to expand, and where -- even how much gauge you put in the water, people just going to keep taking water, yeah. I remember when I grew up, we washed clothes in the river and we take our water from the river, and buckets. Today, we all have tap water. How many of us brush teeth, we let the water run? How many of us watch our kids take a bath, you know, just run the water? They don't care about the water. Only all of us here worrying about the water, yeah. So it's going to come to a point where pretty soon we not going have enough water, and I don't -- and, basically, because it's government, you know. How the government runs this. I mean you talk about rain gauge. In Pelekunu, we got all the rain gauge in there, yet the USGS guys go there check on the water, but they're out there, out there catching prawns, shocking all the prawns in the river, so they get fired. So who can we trust to take care of our resources? That's a big question. We can come over here and talk all we like about, you know, what's good, what we need to do, but who's going to really be honest in taking this job responsibly? And even, you know, I thank all of you for being here, you know, you're doing the best you can, and then we, as the community, I'm not here from Maunaloa, I'm from Hoolehua, but we're going to have the same problem; in fact, we already having the same problem. So coming

today, you know, it's really interesting to hear all the comments and then where are we going to go from here today, yeah? And I'm listening about contaminated water, I mean if you get good water, why you want to put dirty water in the good water? You know, it don't make sense at all. If you want to drink water, then drink good water and not -- same like you cook food, you don't want to throw dirty ingredients in there, so you would -- yeah, it's, basically, the same thing, and I understand where the community is coming from. I used to live up in Kipu, 45 years ago, and when the water used to come through the pipe, I used to fill up my gallon with water to go to work next day, I leave it in the freezer, next day I wake up in the morning, you got a big brown spot in the middle, like pineapple, you know. So the water was always dirty, so we used to use Bull Durham, the cigarette, you put the bag around the pipe to drain it; eventually, it gets all dirty. I'm going to be 70 years old next month, and there's nothing wrong with me. I think the -- maybe I can give you guys the remedy how to stay healthy. Work hard. Do a lot of hunting. Do a lot of fishing. And give all your stress to your family. Thank you.

Ms. Dudoit: Chair?

Vice-Chair Rogers: Sounds like good advice.

Ms. Dudoit: Sorry, but, Chair, public testimony was closed, and we had a motion on the floor. We had a -- you officially closed public testimony for Chapter 8.

Vice-Chair Rogers: Yes.

Ms. Dudoit: Okay. And then we had a motion the floor, so we were having discussion, and then it never got finished, so -- because in reality, I mean I hear you calling out like wastewater, solids, and all that kind, but I think they're being confused because it's still all in Chapter 8, so we closed public testimony for Chapter 8?

Vice-Chair Rogers: Yes. We have closed public testimony on the water.

Ms. Dudoit: Okay, and we have a motion on the floor.

Vice-Chair Rogers: We have your motion is still on the table.

Ms. Dudoit: Yes.

Ms. Maydan: Can I make a recommendation regarding your motion? So, in the plan, you have the Action 8.1.08, "Encourage the acquisition of USGS stream gauges be placed in Molokai's important streams." So Pam is saying that this is an action that the county can take towards this issue. Perhaps adding a policy on the previous page since interim stream

flow standards are a responsibility of the state, of CWRM, perhaps we could add a policy to encourage CWRM to establish and adhere to interim stream flow standards.

Ms. Dudoit: Can you repeat that again?

Ms. Maydan: Encourage CWRM to establish and adhere to interim stream flow standards.

Ms. Dudoit: And then so if that's a policy, do we need an action on the table?

Ms. Maydan: Well, as Pam stated, this is a responsibility of the state --

Ms. Dudoit: Okay.

Ms. Maydan: So we do have --

Ms. Dudoit: So you only have county actions on the table?

Ms. Maydan: Correct.

Ms. Dudoit: Okay.

Ms. Maydan: The Action Table really needs to be where the county can really take a lead, and we do have an action in there that does pertain to this issue with the county as the lead.

Ms. Dudoit: So I just had one question. Uncle Walter, when you talk about interim stream flows, is there any footnote or any, I know it hasn't been done for long time, but is there any reference that we can go back to so that if there's a confusion on how you gauge those things? Any resource or stream flow that -- I mean any resource or --

Mr. Ritte: I think a mandate through CWRM.

Ms. Dudoit: Okay, so that would be -- then we wouldn't need to 'cause we've called them by name, right? Okay. Okay, so I going to -- I going amend my motion and go to Policies, under 8-3, so Policy no. 12, we'll say, "Encourage CWRM to establish and adhere to interim stream flow standards."

Vice-Chair Rogers: Second, anybody? Okay, we have a second. Anymore discussion? Okay, let's take a vote then.

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

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

VOTED: to add, under Policies, on page 8-3, no. 12, "Encourage CWRM to establish and adhere to interim stream flow standards."

Vice-Chair Rogers: Alright. It's in there. Motion carries. So that brings us to Wastewater. No?

Ms. Dudoit: I think -- I think -- so I think all it is is if any of the Commissioners have any other recommendations for Chapter 8 that they want to make, 'cause I think when you're calling out by name, they think it's a new issue to talk about.

Vice-Chair Rogers: Okay, so it's 8.2, Wastewater. Oh, any further recommendations for the Water section? Anybody else have any further recommendations for the Water section, Commissioners?

Unidentified Speaker: ...(inaudible - not speaking into the microphone)...

Vice-Chair Rogers: Well, I was trying to get to that but -- okay, if nobody else has anything on Water, then we'll move to Wastewater.

Ms. Dudoit: ...(inaudible - not speaking into the microphone)...

Ms. Eaton: We need to get to Wastewater.

Vice-Chair Rogers: Yeah, we're moving to Wastewater.

Ms. Dudoit: ...(inaudible - not speaking into the microphone)...

Ms. Maydan: Chapters 8 and 9 have seven sections each, so I would recommend that we allow the public to testify before each section so we --

Ms. Dudoit: But that's not what we agreed on.

Ms. Maydan: That's what -- we're allowing for more public testimony. I mean it's --

Ms. Dudoit: Only on the chapter, not on each individual section,

Ms. Maydan: Well, I would say this is at the discretion of the Chair.

Ms. Dudoit: Okay. That's up to you.

Vice-Chair Rogers: Yeah, public testimony for 8.2, Wastewater. Okay, don't see anybody stepping up for Wastewater so -- okay, so we can close public testimony on Wastewater. Go ahead, Marshall.

Mr. Racine: ...(inaudible)... whether it's a typo or am I misunderstanding what I'm reading. Issue 5, in the text, and existing conditions, it says that the wastewater treatment plant is -- has reached its 75% capacity, actually it's at 83% capacity, they require an update of the plan. Issue 5 is currently operating at a flow rate above the acceptable rate of 15%, but it's at over 75%. Is that a typo or am I --

Ms. Dudoit: ...(inaudible - not speaking into the microphone)... 75%

Mr. Racine: 75?

Ms. Eaton: That is based on ...(inaudible)... so once you hit 75% --

Mr. Racine: Right. But I'm saying Issue 5 says it's at an acceptable rate of 15% of capacity.

Ms. Eaton: It's above 15%.

Ms. Dudoit: It's above 15%, at a rate above. The Department of Health acceptable rate.

Mr. Racine: Okay. But that's not -- it's not called out as a problem or an existing --

Ms. Eaton: It's not an issue.

Mr. Racine: It's not an issue then, 15% of capacity --

Ms. Eaton: I know that.

Mr. Racine: But it's not so why is it --

Ms. Eaton: ...(inaudible - not speaking into the microphone)...

Ms. Dudoit: ...(inaudible - not speaking into the microphone)...

Mr. Racine: Yeah, explain why CPAC put that in there because it's -- it's a gross understatement of what's going on. Issue 5, page 8-6. They're calling it an issue that the water treatment plant is operating at 15% of capacity.

Mr. Jenkins: Thanks, Rob. Greg Jenkins, CPAC member. This was, wastewater is not one of my specialities, but I do know that in the draft plan, that was provided to us by the Planning Department, and in consultation from what we were told by the Planning Department staff, is that these were recommendations made by David Goode, and it will affect the water, like Dave Taylor, so I would just defer this to the Planning Department staff because this was not something that -- that we determined as the CPAC. This was something that was provided to us as a concern from the department.

Ms. Eaton: This is, like Greg said, this is language that came from the Department of Environmental Management, which is not Dave Goode, he's Public Works, but it was discussed on the night they were both here and there was concern prior to the director -- prior to this about whether or not the Kaunakakai wastewater treatment facility was operating above capacity, and in meeting with Scott Rollins, who is the Division Chief overseeing wastewater, he provided information, which on 8-5, saying that they are not. When they do reach 75% or higher of capacity, then they are mandated to do a facility plan because the question was: Why had they not done one when, in fact, it was shown that they don't need to do one because they haven't reached 75% of capacity? What they did say is where they are at right now is at 15% of capacity, so that's what they're operating at right now. So they're well within the range that they need to be in, so that hasn't been waived.

Mr. Racine: Okay, I'm doing math wrong, but say the plant's capacity .3 million gallons a day, that's 300,000 gallons a day. When they talk about how the water is used, what's going to reuse and what is not, it comes to a total of 250,000. That's 83% of .3 million gallons a day. It's not 15% capacity.

Ms. Eaton:(inaudible - not speaking into the microphone)...

Mr. Racine: Yes.

Ms. Eaton: I will have him check his math.

Ms. Dudoit: So, Pam, I don't want to make you any nauseated on this chapter as you guys already were but -- but was there any discussion or an issue brought forth about the location of the wastewater treatment plant?

Ms. Eaton: Yes. There was a lot of discussion about the location, not only in this chapter, but also in Chapter 4, Hazards, and I can tell you that, as you probably have already read the actions, you'll see that there are actually actions here talking about it, 8.2.01, about the feasibility of whether or not to move the Kaunakakai wastewater treatment facility. So yes, there were discussion, there were actions, and it's in here. And it's also in the Hazard Mitigation Plan, and it's ranked a high priority action under FL-1.

Vice-Chair Rogers: Okay, Commissioners, anymore input on the Wastewater? Let us move on to Stormwater, it's 8.3, Stormwater Management. Any public input on Stormwater Management? Okay, I guess that'll close the public testimony on Stormwater Management. Commissioners, Stormwater Management? Okay.

Ms. Dudoit: So I was just wondering, and we don't have to change it, I just want to be educated on this, so on the Actions, CPAC members, it says, "Implement the Kaunakakai Master Drainage Plan." So you know that the master drainage plan flows right out into the Kaunakakai Harbor, and so we really want to implement that drainage plan? I mean what was the thought process behind supporting a continuation of that -- of that drainage plan?

Mr. Stephenson: Rob Stephenson, CPAC. The reason for this action item, as I recall, is because the Kaunakakai Master Drainage Plan hasn't been fully implemented, there's a drainage system there, but it comes to an end without no outlet, that's why every time it rains heavily or we get the runoff, the town fills up with water because all of the drains, they come to an abrupt end, and so what it was is to allow that plan that has already been approved by multiple agencies, whether it be the county and the state and federal government to all of the ...(inaudible)... that that Kaunakakai Master Drainage Plan has been approved by all of the appropriate agencies to implement that to complete it so we don't continue to see the flooding that happens within Kaunakakai Town because of the fact that it has not been fully implemented. And that's my recollection. Thank you.

Mr. Jenkins: Thank you for the question, Zhan, and Chair, Greg Jenkins, CPAC. This is kind of a complicated issue in that we know that we have non-point source pollution, we have standards that are currently in place with the county to try to maintain, and new standards, all runoff that would happen on the site from leaving that site, and that's a real general, probably paraphrase that, statement to keep any contaminants or wastewater from impacting other properties and running into the ocean, however, under 8.3, with stormwater, if there is not an outlet for the stormwater to go, then it collects in town, and so natural gravity takes it out, like most of our stormwater systems, in the stormwater channels that are throughout the county, and in our case, one of them would be in Kaunakakai going out to the wharf, but I think the intent that we were under is that that -- I mean, from what I understand, we do have standards in place, such as detention basins and other means in our county code to prevent that runoff happening in the first place, so it's more like an overflow in that sense, right, and there's also places, like downtown Kaunakakai that never had those standards put in place so that's the only way for water to escape, as you know, and now we see the pump trucks, which come in, in the low-lying areas and get that water, and they suck it up and they put it in the correct -- in the wastewater treatment facility or other suitable area depending on what they do. So I agree with your concern. If I'm feeling your concern, you don't want a bunch of contaminated stormwater running into the harbor, but the system is not complete.

Ms. Dudoit: Well, and then we stay stuff, right, in the community plan, like encourage the continuation of Malama Cultural Park, and those areas, but do we really want to have a cultural park where the excess stormwater going, you know, potentially flood out. No, so I understand. I was trying to get a gauge of what was happening over here. Okay.

Mr. Ritte: The plan for the Malama Cultural Park, they were going to have that ditch come down across the street, and then they was going to -- but they was going to leave that whole place open because it's a low land and it's flooded that area, but if they made it a park, then they could manage that flow of water to the park, but it would be a passive park, people could sit and things like that. But then now, looks like they're building it up. They're putting in dirt. They're going to build. They going put buildings and everything over there now, so the plan is changing without us telling them that we want open area for the drainage or anything like that. People are just doing what they're doing.

Ms. Dudoit: I guess that's why I was asking because I was here when they was doing the first implementation of that -- of that storm drainage system so didn't have all that build-up, yeah, before, so I just was -- that's why I just wondering, from Greg guys, if the implementation was of that original plan, which would mean you would have to remove a lot of that stuff that is now there that wasn't there when the original -- so that's what this meant, right, that you guys wanted to -- you wanted to, sorry, use the existing drainage, storm drainage plan, yeah, the Molokai, to go forward with implementing the original plan, not a new plan, the original plan? Okay.

Ms. Maydan: Commissioners, in your packets, you were provided a sheet of Planning Department recommended changes, there are two that apply to Stormwater Management, page 8-9, line 37, which is Policy 5, which reads, "Encourage development of an integrated, effective, and environmentally sensitive stormwater management system from Kalamaula to Kamalo through a partnership of large landowners mauka of Kamehameha V Highway, our recommendation would be to delete "large" before landowners, so that it just reads, "partnership of landowners." And our second recommendation is on the same page regarding the footnote, and the footnote refers to a glossary, but it instead to just put in a definition for "green infrastructure," and to add that "Green infrastructure uses natural systems, constructed soil, rock, or plant-based systems for surface and stormwater management," just so that that definition is right there rather than having to refer to the glossary. So just two simple recommendations.

Vice-Chair Rogers: Yup, we need a motion on that one. Anybody want to make the motion?

Mr. Lasua: I'll make the motion.

Vice-Chair Rogers: Okay, the motion is made.

Ms. Dudoit: Second.

Vice-Chair Rogers: We got a second. Discussion? Okay.

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

VOTED: to accept the Planning Department's recommended changes.

Vice-Chair Rogers: Okay, motion carries. Anymore discussion on Stormwater Management? Oh, yeah, let's take a break. Ten minutes. Okay, let's take a ten-minute recess.

(A recess was called at 5:15 p.m., and the meeting was reconvened at 5:34 p.m.)

Vice-Chair Rogers: Okay, we're going to move on to Solid Waste, 8.4. Is there any public input on Solid Waste? No? Okey-dokey. Okay, then I guess public testimony is closed on Solid Waste. Commissioners, any input on Solid Waste?

Ms. Dudoit: I have one question.

Vice-Chair Rogers: Shoot.

Ms. Dudoit: So when we -- when the landfill is so high that our trucks cannot reach to the top, what happens, what's the next phase, like what happened when --

Vice-Chair Rogers: Put a park on top of it. No, seriously. I've seen them do it on the Mainland. They call it "Mount Trashmore, Virginia Beach, Virginia.

Ms. Dudoit: Oh, okay. Oh, I was just wondering 'cause, in my lifetime here, I've seen like two different locations, yeah, so I was just wondering like we fly to the moon --

Vice-Chair Rogers: What else can you really do? I mean that's what -- that's what they've done on many landfills.

Ms. Dudoit: Oh, okay.

Vice-Chair Rogers: They put a big pipe that lets the methane out, and put grass on top, and call it a "park."

Ms. Dudoit: What is a "legal junkyard?" 'Cause I just see Issue 3, "There is no legally operated junkyard." Is that meaning just for cars?

Vice-Chair Rogers: Oh, like auto. Auto. Yeah, auto recycling.

Ms. Dudoit: Oh, okay.

Vice-Chair Rogers: Which everybody's got their own in their backyard.

Mr. Racine: I had the same concern. That's an auto recycling yard then is what we're talking about?

Vice-Chair Rogers: Yeah.

Mr. Racine: Can we say "auto recycling yard" there?

Vice-Chair Rogers: Oh, you want -- you want to make a motion to change that to "auto recycling?"

Ms. Eaton: Well, that I was going to have Greg -- I mean that just came from CPAC. You want to comment on it, Greg? This came from CPAC.

Mr. Jenkins: Greg Jenkins, CPAC. The junkyard, aka the treasure chest, so Molokai, I mean, a lot of people commented at meetings that going to the dump was one of the -- I mean that's for us, that's one of our highlights of the day, right, not just taking the rubbish, but going shopping, and so that -- we know that that didn't meet EPA standards, and there's a lot of work that the county did to fix that, but there was a lot discussion that came up, I believe, I think even our chair talked about the Big Island, where there is solid waste recycling efforts where the community can get that, so I think that's where the "junkyard" came from. I don't know if was that's specific, Marshall, to only automobiles. So if I -- hopefully, I addressed that correctly.

Ms. Dudoit: So the reason it says "legally," Greg, the reason it says "legally operating" is because there are policies or requirements that you gotta follow to accept, or is it like a thrift store for bigger stuff?

Mr. Jenkins: I can't comment on exactly what they do on the Big Island, but I believe that there's specific standards that the county follows in managing our solid waste facility, our landfill, and from what we kinda heard that there is -- there were issues with us doing that. The question came up that there are other jurisdictions in the state that do have those types of things, so that's why it came up as such.

Mr. Racine: Okay, now so that ties the junkyard to Action 8.4.12, a take it or leave it station, right? Is that what I'm seeing? But I don't see the thread continue through the policies. How did you guys do that?

Ms. Dudoit: And to add on to his thing, and where would the taking -- the take it or leave it station be, at the current county facility?

Mr. Jenkins: Policy 4. on page 8-12.

Vice-Chair Rogers: The current contractor, I don't think they want to touch that with a ten-foot pole because of liability.

Ms. Dudoit: ...(inaudible - not speaking into the microphone)... 8-13 --

Mr. Jenkins: Can you say it one more time?

Ms. Dudoit: Page 8-13 ...(inaudible - not speaking into the microphone)...

Mr. Jenkins: Okay. So the take it or leave it station, that is a substance of what we're talking about, and it ties back in to Marshall's, I think, point where we look back on page 8-12, of Policy no. 3 and 4.

Ms. Dudoit: Okay.

Mr. Racine: ...(inaudible - not speaking into the microphone)...

Vice-Chair Rogers: Yeah, it used to be like that long time ago, but not anymore. Now everybody's worried about legalities and liability issues.

Mr. Racine: Question for staff. In the existing conditions, they talk about phasing in the additional cells in the solid waste facility, the landfill. The date for cell 5 is 2019, but cell 6 is 2016. Is that a typo or the way they're positioned, they're numbered, one's going to go in before the other?

Ms. Eaton: It's not a typo. This came directly from DEM, and, basically, the way it was described to me is it's based on the scope of work involved and when they were able to sequence the project.

Mr. Racine: Thank you. Page 8-12, item -- Policy no. 8, "Explore the possibilities of developing a cradle-to-cradle recycling program." Can you define that? I don't understand cradle-to-cradle I thought everything was cradle-to-grave, or our we -- is it a bite -- your dog biting its tail, I mean is that why you say "cradle-to-cradle?" It's like a complete recycling? Come on.

Mr. Jenkins: Greg Jenkins, CPAC. That's correct, Marshall, is cradle-to-cradle is there are some companies that when they manufacture goods, and they are distributed out to

wherever the consumer buys them, that there is a program to recycle them back to the source, not necessarily cradle-to-grave, so we're not necessarily taking a bunch of, you know, stuff on Molokai and then disposing it into our landfill. The plan is there's companies, it could be a car manufacturer, like, well, BMW, for example, and they recycle their vehicles, or it can be an appliance manufacturer that takes those appliances back and recycles them, and their plants for that, so it was exploring those options for Molokai, wherever possible, to reduce the impact on our landfill, it's regard to solid waste dumping.

Vice-Chair Rogers: Better than just burying it. Okay, anymore input on Solid Waste? 8.5, Transportation. Any public input on Transportation? Commissioners?

Ms. Dudoit: Can I just ask CPAC members, when you talk about support the expansion of the air services to Molokai as needed, what -- what -- that's a pretty broad statement, and to be perfectly honest, it's not really something that -- I mean if you're talking about as needed for residents? 'Cause I would hate for somebody to look at this and think that we wanted to establish a direct Mainland route.

Mr. Stephenson: Chair, Rob Stephenson, CPAC. Zhan, that was to support the expansion of the air services to meet the needs of the island, whether they be for the residents, whether they be for tourists, whether they be for -- whatever the needs of the island are moving forward. I don't think the intent was to expand the airport into an international airport that could handle flights direct from the Mainland. It was -- we made it so broad that we didn't exclude something that, somewhere down the line, residents and people of Molokai may be able to utilize. Thank you.

Mr. Jenkins: And just to add to Rob's statement, that there was a prior statement, actually there's so many versions of this, that had the, help me out, Pam and Jen, the airport master use plan, and we removed that because we never saw and had an opportunity to understand it and consider it, so that was one of the reasons why we tried to make it simple and general to the continued air services that we currently have versus expanded. Does that help? Okay.

Ms. Dudoit: Sorry, Pam, I don't have mine. Would you, just off hand, happen to know what the original statement in the plan was for this part? We're on 8-18, Policy no. 1.

Ms. Eaton: What do you mean by the original?

Ms. Dudoit: On the previous community plan.

Ms. Eaton: No. I don't have it in front of me.

Ms. Dudoit: And, Greg, Policy no. 7, you can kinda give me one clearer view when you talk about support improving access to East Molokai during wet weather events? It's improving the current access roads, like main highways?

Mr. Jenkins: So I'll answer your second question first. So improving access to East Molokai during wet weather events by providing bridges at sites of flooding on Kamehameha V Highway, so there was a lot of discussion regarding the current impacts on the state highway due to lack of culverts or other means, so where it was necessary to make sure that there were safe driving conditions, that -- that we were improving that transportation route 'cause there's a lot of standing water and impacts of places that don't currently have bridges that flood out and prevent people from accessing towns, say like Kapualei Dip, or other areas, or Pukoo Stream would be an example, and there's other items in regards to the roads where we identified that they're -- they're actually falling into the fishponds, and their built on top of fishponds, etcetera, so, yeah, improving in general that. And also, on Policy 1, I know you brought that back up, this was -- that's why it says "air services," I think our chair had brought up that it included all of the services that support the airport, not necessarily flights, services at the airport. But again, I just checked with Rob, we specifically did not see that master airport plan so we couldn't -- we didn't want to say we support the plan 'cause we don't even know what it is, so we just tried to speak specifically to Molokai.

Ms. Dudoit: So is it your -- is it your understanding, on Policy no. 7, that you didn't need to specifically point out that supporting improved access to the Kam V Highway going east or on east -- you didn't have to add that that the statement specifically meant that it was improving access on the current highway?

Mr. Jenkins: Correct. On the current highway, on Kamehameha V Highway.

Ms. Dudoit: Okay. So you're comfortable with that this statement says that this is specifically to the current highway and not at all meaning that we could improve access to different things that would not otherwise --

Mr. Jenkins: That's correct.

Ms. Dudoit: Okay.

Mr. Jenkins: In fact, unless you see the wording of that sentence where that would possibly be the case, we would be open to you amending it because the intent was, yes, the current highway.

Ms. Swenson: I have one more question, Greg. On no. 11, you say, "Support the completion of a feasibility study to build a new boat ramp." Is there some reason why you

didn't say "and encourage the development of it?" I mean we're just going to do a feasibility study and let it sit for ten years?

Mr. Jenkins: That's a good topic, Diane. Okay, so -- alright, how do I tackle this one? In the East End Policy Statement, there is a lot of discussion about boat ramps. We discussed this in conjunction with the community, the East End Policy Statement community concerns, as well as other stakeholders. I'll give you, for one example, I discussed that with my Fire Chief, right, for safety reasons. Ultimately, people want their boats now. So if there is a need for a ramp, at least my input is that that's something that's identified by the community to meet their needs if necessary, and we know that our -- that Representative DeCoite also looked at looking at a feasibility study, for example, and got monies. Where that is currently at? I'm not quite sure. I do know that the community groups on East Molokai have met. I know Aunty Collette may be able to share some background on that because there was testimony that was provided to the state on that. So I think whatever we do, it needs to be something that the community wants, not something that they don't.

Vice-Chair Rogers: Well said.

Ms. Machado: This issue of the boat ramp whether it's a feasibility study on the Mana'e, on the East End of Molokai, it's very controversial. It's really divided our community. And there's been no solid agreement for or against. When you look at the process that occurred last legislative session, it was Representative Lynn DeCoite that actually attempted to move a measure that identified Pukoo as a logical place. It was only I after I confronted her and some of the fishermen in the community at the neighborhood -- at the Mana'e Goods and Grind and told them that this is not how you do it. And then they change the concept to a feasibility study. So, initially, it was going to be designated at Pukoo. And when you look at the kind of limited resources, and we talk about protecting the inshore resources and managing the resources, you cannot control commercial use, and the fear we have is that although there's some big V-boats that East End community fishermen do own, there's also the flat-bottom that go and gather subsistence. You cannot control people coming from the different neighbor islands to come and use the launch and to pull their boats up, or choose to come and park out and come to the area, or even as we've been experiencing, the succession of gathering with the different kinds of guns or how they use the most sophisticated way of gathering in the deep ocean, that's the fear we have is that the depleting of the resources and the kind of oversight we don't have with DLNR is a problem. So for me, I told Lynn you gotta hold one meeting so you can get the community to share with you what they feel, and at that meeting, which was well attended, there was no agreement, so she decided after hearing the meeting with the community, and there was no agreement, to pull that measure off. So the feasibility bill died at the committee level and should not support it anymore. We are not yet at that level to say yay or nay, or to come in again to get the kind of funding to conduct a feasible area because

legislative session is over already 'cause the bill didn't come in in January so the process is already rolling. So what am I telling you? The community needs to come to some agreement, and I believe that they've been in discussions with the Mana'e group that's been formed by Debbie Maples and notes by Mahealani. I believe that they have already prepared a letter to the Planning Commission, I got a draft today, and also some of the revisions that they're making. And I think, I would honestly say, that there's been no common understanding or a sure footing on how to proceed with this issue of a boat ramp. Although they talk about the cost to drive all the way to Kaunakakai, but I would have to agree, if people are now launching and are getting out to the resources and in the ocean, whether they're just commuting to take people to Maui and back, they have been able to do it. But to get the community to say nay -- up or down is something that the community should make that decision and you folks, as the planning entity, should not take that away from the community because the game is not over, 'cause even if you put it in here, you gotta hustle the money, and if the legislators or the politicians are told don't participate or else, you know, all things can count against them, they're going to think twice. So that's all I would have to say. I agree with Greg Jenkins that it is a controversial issue, but it's a situation where you should allow the community of Mana'e to make that decision, and it's not just representative of the fishing community, it's those that rely on the inshore resources, those that just throw net, or those that take their family down to the ocean to just poke manini. You know, those things are so valuable, and those are the kinds of simple stuff everybody is concerned about or they have this fear of how this could just disappear from us, and they talk about the rapid changes with development along the shoreline. But allow us that opportunity to make that decision, and I know that Debbie, who was in support of the boat ramp, has been very balanced about how she's leading this group 'cause the intent was to secure the East End Policy Statement with reasonable changes to be added into the -- into this document. But that's all I would plead with you folks to allow the Mana'e community to make that decision, and it's not an easy thing because people have opinions, but yet I believe that if there's a solution to work towards, all things going fall in place, but if you don't allow that process, when it gets to the political arena, such as the State Capitol, it's not going to advance; if it gets to the County Council, that's not going to advance because people will be showing up and trying to kill it every step of the way, and that's not how I want to live my life the rest of my life, you know, to just look at all these things to jump up and argue and debate, but we have to look at long-term impact of inshore resources and the management for our future generation, I don't say that lightly, but I know how children rely on the ocean. They don't learn how to pull, they go out and they know where one manini place get, where get the special area where they can stand up with their tubbies to actually go underwater so they're not afraid; from there, you take these baby steps, and then you get a little bit bigger, you can go out a little bit more, and under the reef is where you get the big fish, but just imagine if our young children cannot get out there and our babies cannot learn in that way. What kind of future we have our rural communities, especially on the East End, where everybody knows that that's where you get your -- your

spirit cleanse, they're huiwai that you take and you renew your commitment to be, not only as a Hawaiian, but as a resident on the East End. So I just wanted to add that in. Mahalo.

Vice-Chair Rogers: Sounds like we should defer that one to the East End Policy Statement. You want? Okay.

Ms. Dudoit: Yeah. I actually would like to make a motion to remove Policy no. 11.

Vice-Chair Rogers: Second?

Mr. Akutagawa: Second.

Vice-Chair Rogers: Wiliama second. You want to second that one? Yeah, yeah. Yeah, yeah. If you second, then we discuss it.

Mr. Akutagawa: Yeah. I no agree with the boat ramp either, you know. One ramp is enough, you know, by the wharf and stuff. You know, not too much fish -- fish also, yeah, left. Yeah, limited resources and, you know, I was talking to some of the guys outside about dirty water and stuff, you know, I cannot believe that still get dirty water up here, you know. But yeah, uncle said he going be flushing out the lines every three months. And the Manila Camp's sewer, you know, they say it's like 15% below capacity, man, that thing is stink. And, yeah, one of my workers too that he caught crab over there not too long ago, some Samoan crab and, you know, that thing should smell like crab. And, you know, that I know what it says on paper but, you know, a lot of things I, you know, a lot of decisions I make is by like what I see also, yeah, so, yeah, I think that thing has to be relocated also, yeah. Yeah, thank you.

Ms. Dudoit: And just to make clear so that the Commission, the other Commissioners, so the intent of taking this out is the way I look at it is if we agree to support a feasibility study, then we've agreed that it's necessary to have another harbor over there, and I think that what is important is that our -- so a lot of times, there has been no agreement between the community whether we need 'em or not, yeah. But when you get one documentation that says, oh, we did one feasibility study and the best place to have 'em is Kamalo, or the best place to have 'em is Pukoo, then all of a sudden, you've given the pro-ramp guys one reason to say that all this money has been done, state going jump on, DLNR, whoever, and I think that what is so wonderful about, two things, what is so wonderful about allowing the community to go through the process first is we all really love each other in this community, and if we eliminate government sometimes from the initial just sit down talk story and let's hash this out, we can actually come to the table with one real thought out plan for our future, and I believe, speaking life into our community, I believe that we've been made out to look like we're always complaining with each other, but that's not the truth. We all love where we live and I think, if given the opportunity to just work it out among ourselves first,

we can come up with one plan that going be good. The second, this is -- Molokai has this unique ability, and I one really spiritual person, so it limits us to the stuff that we can do, and whereas some people see it as one disadvantage, I see it as one total advantage, not having built up stuff or creating things where it's not absolutely necessary for the quality and welfare of our residents is sometimes such an important aspect to why we even have one Molokai Community Plan to preserve our resources for the next generation, and it doesn't mean in our next generation they not going think we need one boat ramp, but right now, I just think for our community to just be in one good way, we need to eliminate any idea that this Commission supports it one way or another, and that we allowing the community to make that decision.

Ms. Swenson: Zhantell, I just have one question. Do you think we should decide this now or wait until we're in -- on the East End and listen to the community because we're going to go back and through this? I think it, for me personally, it would be good to have some community input.

Ms. Dudoit: So for me, I feel like taking the feasibility study off the table doesn't mean you taking the idea of the boat ramp off the table. It just means that we not in support of spending any taxpayer dollars to figure out whether or not a feasibility study warrants us the need of a harbor, another passage, or another port. And so I don't think it's saying that the community cannot decide for itself, if they decide in their East End policy they like one other harbor, those people, then they're more than welcome to petition Representative DeCoite to go and get the feasibility study done. I just no think that this is the place, or at least I wouldn't be able to support encouraging one feasibility study at this point.

Vice-Chair Rogers: Okay, we have a motion. Anymore discussion?

Mr. Jenkins: Chair, just real quick. With that motion, and your discussion, can I ask you guys also to consider page 8-17, Issue 5, and 8-20, Action item 8.5.12, if you guys can discuss that 'cause they all tie-in together, so if you can address that, it may be more efficient for you guys.

Ms. Dudoit: ...(inaudible - not speaking into the microphone)...

Mr. Jenkins: Issue 5 on page 8-17, which says, "Molokai has only one recreational boat ramp facility located in Kaunakakai." That as well as 8.5.12 on 8-20.

Ms. Dudoit: I think I would, so I not too sure, but I think I would amend my motion to include removing Policy no. 11, on 8-19, and also Action item 8.5.12, on page 8-20.

Vice-Chair Rogers: Yeah. It sounds like that's pretty much the same thing.

Ms. Dudoit: I not comfortable with eliminating Issue 5 because I not sure that it --

Vice-Chair Rogers: Yeah.

Ms. Dudoit: That's not my issue but it states a fact so --

Vice-Chair Rogers: Okay. Anymore input on that, Commissioners? Okay, let's take a vote on that.

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

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

VOTED: to remove Policy no. 11, on 8-19, and also Action item 8.5.12, on page 8-20.

Vice-Chair Rogers: Okay, motion carries. Okay, so anymore, Commissioners, anything else on Transportation? 8.6, Energy. Any public input on Energy? Okay, we'll close public testimony on that. Commissioners, any input on Energy?

Ms. Swenson: No. I just have a question for the CPAC guys. Under -- on page 8-23, 8.6.05, where you say "Encourage the use of electric vehicles." You know, if you compute it, it costs more to operate an electric vehicle than it does to put gas in a car. I mean so I was wondering why you were doing that.

Vice-Chair Rogers: You can charge 'em from the sun.

Mr. Jenkins: Thank you, Diane. Greg, CPAC. I think I don't have much to add to what it says on that action. There are people who have electric vehicles. We know those charging stations exist throughout the county, even at the County Building. And then the issue of the photovoltaic would be to power those with an alternative energy source versus just tying them into our electrical grid. So encouraging that use of alternative energy. I'm not an expert on electric vehicles, but I know that's a county policy that we take into account to reduce our fossil fuel use, so I have nothing to argue about that.

Vice-Chair Rogers: I love mine.

Ms. Swenson: Yeah, well, we have people who run out of energy and they stop at our office and use our's to get on.

Vice-Chair Rogers: I know who. They have regenerative breaking. It's downhill. Just tell 'em push the car. They can get it down. Okay, anybody else got comments on Energy, Commissioners? 8.7, Telecommunications. Any public input on Telecommunications? Okay, I guess we can close public testimony on Telecommunications. Commissioners, any input on Telecommunications?

Mr. Racine: Again, the overreach of government. We're looking at, on page 8-25, line 9, Policy 6, "Require telecommunication providers to expand the coverage and provide more reliable service throughout the island." That's a little bit of overreach. Come to find out, the last time I had a dish installed, we represent a very small portion -- percentage of the market, and they go where the money is and we don't pull in a lot of money. Requiring to do so would be like government putting an undue burden on a private business, and I think we shouldn't go into that area. Yeah.

Vice-Chair Rogers: Perhaps we should just change that to "Encourage."

Mr. Racine: Yes. I would make the motion that we "Encourage telecommunication providers to expand."

Vice-Chair Rogers: Okay, anybody want to second that one?

Ms. Dudoit: I'll second to discuss.

Vice-Chair Rogers: Okay, seconded. Go ahead.

Ms. Dudoit: So I, for one, think "require" is an appropriate word only because we've seen a lot of those SMA type permitting and we see a lot of those communication tower stuff being brought before the Commission, yeah, and so they're already -- and a lot of times what we do is we put the requirements that we need in the special or conditional use -- or conditions in their permits and stuff like that, and I just think if you going come to Molokai, right, and you going charge the same amount for your monthly fees as you do everybody else, then we should be given the opportunity to get that service all over the island. I mean what's the sense of us getting one service that when we cannot reach once we pass Kaluakoi turnoff, or pass Kamalo for that matter?

Mr. Racine: Again, the issue is that, yeah, that is an existing condition. It's an issue. We've got dead spots. The conditions that we put on a permit or an application is to ensure that they don't have an adverse effect on our community, that they don't do something wrong. When you read most of them, they're not disturbing archaeological sites, etcetera. We don't put a level of performance as a business as one of our conditions of the permitting. Granted, we would like to have better service, but that's going to mean more towers, and so again, who's backyard? Well, that's whoever will release the space to them.

But encouraging them to increase whether it'd be subsidies from the county or whatever, I don't know if getting government getting involved again, but encouraging them to increase their service area rather than requiring it as a permit process, we don't put that same requirement on other business. To single them out, I think, again, is overreaching as a body.

Ms. Dudoit: Greg, what was the reason ...(inaudible - not speaking into the microphone)... for requiring.

Mr. Jenkins: I think I may get in trouble on this one. Cell service on Molokai sucks. The telecommunication systems that we have that are land line are, sadly to say, poorly maintained. They're not reliable even though we get charged a fee from that particular company. And so people oftentimes rely upon their cell service as their primary means of communication, and so I know our discussion focused on that quality; of course, you can see this also ties into internet as well. So we have kind of the two-part problem. So we're allowing these cell towers to be permitted on Molokai. My opinion is if they want to do business on Molokai, they provide reliable service to our community, and that's just my opinion, and so I would imagine that the "require" part, I know that our chair and other members felt very strongly about this, so I would assume that's how that word got in there. If you want to take it out to "encourage" and that's more appropriate, I can't argue with you about that, but I believe this is actually a public safety and equity, it ties into our economic growth, it ties into our public safety, it ties into so many different things in communications and how remote our community is and how -- I mean I would want to say 99% of the rescue calls that I go on at work are via cell phone, and, you know, you're doing this, you know, and that's even if you can go drive to that hotspot on top of Halawa to even do that, you know.

Ms. Dudoit: Was there any conversation about balancing out the adverse effects of what that increase or requirement of those things would be compared to the need and the necessity to require them to do it?

Mr. Jenkins: No. Not that I remember. We did not debate -- we were suggesting, you know, additional towers and such. It's just trying to figure out how we can make that better.

Mr. Stephenson: Rob Stephenson, CPAC. I would echo what Greg said, and as far as the word "require," I would be -- I'm not sure exactly how that got in there, but my initial thinking right now is I don't know if you can require someone to do something. It may have been something that was overlooked, but then again, is it a requirement? Can you require a company to do that? So I mean putting in "encourage" I think would probably be an appropriate step as well. And as far as your other question was there any thought into mitigating the effects of increasing the service, I think that any effects would be mitigated by current county code laws and through the permitting process. Thank you.

Mr. Racine: The word “encourage” would encompass expediting applications for permit to put in towers, and I know about the dead spots because they park in front of my house to use the phone from Kaluakoi and they disturb my dogs.

Vice-Chair Rogers: That actually gives us more latitude too if they come in for a permit on the cell tower so -- anymore discussion?

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

It has been moved by Commissioner Racine, seconded by Commissioner Dudoit, then

VOTED: to amend Policy 6, on page 8-25, to read: “Encourage telecommunication providers to expand the coverage and provide more reliable service throughout the island.”

(Assenting: Z. Dudoit; L. Lasua; M. Racine; D. Rogers; D. Swenson)

(Dissenting: W. Akutagawa; B. Buchanan)

(Excused: R. Davis; M. Jennings)

Vice-Chair Rogers: It carries. Anymore input on Telecommunication? Okay, we finished the chapter.

- 3. Chapter 9 Public Facilities and Services**
 - a. Planning Department Overview of Chapter**
 - b. Public Testimony**

Vice-Chair Rogers: Okay, Public Facilities, 9.1., Parks and Recreation. Any public input on Parks and Recreation? Okay. I guess we can close public testimony on Paks and Recreation. Commissioners, Parks and Recreation? Any input on Parks and Recreation? Going once. Twice. 9.2, Police. Any public input on the Police? Okay, cool. Everybody's happy with the Police. You had something on recreation?

Ms. Swenson: Yeah, I just, on page 9-5, where it says 9.1.07, for the new gym, I think that we ought to encourage that to also add “out of the flood zone,” if possible. I mean because where it is right now, I mean all new county facilities, in my mind, should be out of the flood zone because a tsunami is just going to wipe them out and I -- I'll make a motion to add “out of the flood zone” to that section.

Ms. Dudoit: I'll second.

Vice-Chair Rogers: Okay, we have a motion and a second. Any further discussion on that one?

Ms. Dudoit: I want to just reiterate what she said. I think -- I think that investing anymore of our dollars into critical, you know, like infrastructure, monies to go into stuff that is in the flood -- and it's not even at the edge of the inundation zone, it's like where you'd be completely underwater at some point. It probably make sense for us to start to encourage the thought process of instead of dumping more money over there to moving it somewhere else that would be out of the flood zone, so I totally agree with what she just said. So, Diane, you would include community shelter for disaster "out of the flood zone," right? That's what you said? Okay.

Vice-Chair Rogers: Makes sense to me. Anymore discussion on that one? Okay, we have a motion. Let's take a vote.

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

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

VOTED: to add "out of the flood zone" at the end of Action item 9.1.07, on page 9-5, after "disasters."

Vice-Chair Rogers: Motion carries.

Ms. Dudoit: I have a question maybe for the CPAC. What was the intent of the Action item 9.1.08, "Explore land acquisition and development of park facilities at Kumimi Beach?"

Mr. Jenkins: Greg Jenkins, CPAC. I know this is another controversial matter, and I believe that going back to our former Council Chair, Danny Mateo, as well as our current Council Representative, Stacy Crivello, that there has been discussions with regards to Kumimi, and that becoming a county park, but there is possible issues between the landowner, current landowner, and what the county requirements would be for that site, and I think that came up in testimony, and I would want to make sure that's clarified correctly with our council member, that the park facilities would be like comfort stations and restrooms and stuff, that was not in agreement, I believe, with the landowner, and so there's kind of a -- there's an issue there. So I think that that was the intent of that section, "park facilities" didn't necessarily say what.

Ms. Dudoit: Why would the county do a new park facility in Kumimi and not just take care of the current Morris Point park facility that was always there?

Mr. Jenkins: I think that's the discussion. I think there's also issues here with regards to the land is not owned by the county, currently, where it's a private property, so I'm kind of going in some territory that I'm not an expert on, but I know it's currently private property and that the county does not own that. I know there's also discussions with regards to the road, it's current alignment, erosion issues, parking, impacts with the increase in the amount of people, I mean there's a long list of concerns, but I know that -- I think the thing that the CPAC agreed with is that that area, that beach, is something used by our community currently that's very important to our community, so I know that the park facility wasn't specific to what, but there are county requirements for parks so that's kind of -- it's one of those convoluted issues.

Vice-Chair Rogers: Okay, is there anymore discussion on Parks and Recreation?

Mr. Akutagawa: Yeah, I'd like to know more about 9.1.09, about the "Explore state or county land acquisition and development of park facilities at Kamalo?" You know, that's where I'm from and a lot of my family too is from -- yeah, they not too happy about that, you know, 'cause I was reading -- reading also that, you know, they want to make like a -- fix up the wharf and stuff like that, yeah, and, you know, not too much fish, yeah, for subsistence over there and, yeah, you know, the resources getting depleted over there also and then, you know, they kinda like it like how it is, you know. Yeah, I would like to delete that.

Vice-Chair Rogers: You want to make a motion to remove that one?

Mr. Akutagawa: Yeah.

Vice-Chair Rogers: Okay. Anybody wanna second that one?

Ms. Dudoit: ...(inaudible - not speaking into the microphone)...

Vice-Chair Rogers: Okay, seconded. Discussion?

Ms. Dudoit: So, Wiliama, right now, if I not mistaken, so -- actually, let me ask CPAC. Where is this land acquisition you talking about - at the harbor?

Mr. Jenkins: Greg, CPAC. Wiliama, good point. The land acquisition would be mostly in the harbor area, and the current concern that I remember bringing -- brought before the CPAC was that it's private land, and so it's currently the access that takes place there is -- it's not public, it's traditional, yeah?

Vice-Chair Rogers: Kind of informal.

Mr. Jenkins: Right. It's informal. So I think the concern here was that if it would be possible to maintain the public access there through it being a park, instead of improving it, but that was the thought so, of course, there was not suggestion of making a big park and doing a lot of capital improvement, but I think the primary concern was making sure we maintain public access as it currently is, yeah.

Mr. Akutagawa: Yeah. You know, what I was reading, they also wanted to like fix up like the roadway, right, you know the old stonewall, make a water break system, drive all the way out, you know, people can drive all the way out to the moorings, right, the pillars, and they wanted to make new pillars and stuff over there and, you know, yeah, a lot of people, you know, they not too happy about that because, you know, you fix up that thing and, you know, next thing you know, you got no fish already, right. You know, a lot of people already they go there but, you know, you going make 'em more accessible, more easy for people come in, they going drive all the way out, you know, and, yeah, the next thing you know, going look like one wharf again, you know, going look like Kaunakakai Wharf so --

Mr. Jenkins: So, Wiliama, we weren't, as the CPAC, familiar with those particular improvements, but I will disclose that, as Collette mentioned, there was a lot of different locations brought up about potential boat ramp locations, so, you know, I should disclose to the Planning Commission that that was, Kamalo was one consideration that people brought up for a possible boat ramp, so also you should be able to consider that in your decision as well.

Mr. Akutagawa: Yeah, yeah. A lot of people unhappy about that.

Ms. Dudoit: Okay, Wiliama, so I just -- I just wanted to get one feel from you. So right now, the current landowners and management of Kapualei Ranch that own that property, they fencing up and eliminating access to all the places that, in the last 20, 30 years, everybody was able to go, so what is your feel or how do we ensure that we still going be able to do that should the ranch decide that they don't want to permit any access except for foot access to that place, and is -- and is maybe the exploration of the state or county acquiring the land more security for subsistence?

Mr. Akutagawa: You know, my expectation is that, you know, going get trouble. Going get trouble, 'cause people they've been going over there from generations to generations to generations, you know. All they like is access to the place and stuff, yeah, you know, and main thing people cleanup all their opala and stuff and then -- but, you know, when you start making the thing real easy, easy access for everybody, you know, then, you know, you going see plenty resources get depleted and stuff, but, yeah, the landowner wouldn't do that, fencing 'em off though 'cause that's what he told us, yeah. But, you know, as far as improving 'em and making 'em real nice and everything, you know, people they like it like how it is already or else, you know, you going get more people coming, you know.

Ms. Dudoit: Is that something that you would feel comfortable voting on tonight, or would you -- or would you prefer that we hang out and wait for the rest of the Manae community to have one -- what you think? I mean, no, 'cause I with you. I can totally understand what you saying. I just wondering if that's one of the topics that we like wait to hear from a broader Manae community or is that something that you comfortable with moving on tonight?

Mr. Akutagawa: Yeah, I comfortable with taking it out tonight, yeah.

Vice-Chair Rogers: You want to go ahead and take a vote on it? Anybody else got any input?

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

It has been moved by Commissioner Akutagawa, seconded by Commission Dudoit, then unanimously

VOTED: that Action item 9.1.07, on page 9-5, be removed.

Vice-Chair Rogers: Okay, that makes it. That passes. Okay, anymore on the recreation? Okay, anybody on the -- any Commissioners got any input on the 9.2, Police?

Unidentified Speaker: ...(inaudible - not speaking into the microphone)...

Vice-Chair Rogers: Oh, I did already. Okay.

Ms. Dudoit: Okay, so maybe, Greg or Rob, when you looking at 9-7, Policy no. 9, I just was curious 'cause I commend you guys for putting that in, but is there an action item that goes along with that policy? That's Policy no. 9, 9-7, page 9-7, "Support the provision of Molokai community and cultural sensitivity training for new police recruits and transfer personnel." Oh, okay. That was a really cool recommendation, by the way.

Vice-Chair Rogers: I think that's why they send the rookies over here. We're discussing. You got input on that?

Mr. Racine: Existing Conditions has some good issues. Policy no. 1, "Support an expanded police presence in the east and west ends of Molokai." Are we asking for an increased patrol, or are we asking for substations?

Vice-Chair Rogers: Greg?

Ms. Machado: ...(inaudible - not speaking into the microphone)...

Mr. Racine: ...(inaudible)... we be more specific in our language there.

Mr. Jenkins: Greg, CPAC. So, Marshall, one thing that you can do to answer the question that we're talking about that is, on page 9-8, Action item 9.2.03, so we know that the Police Department has intentions to move their current police station out of the flood zone. There was a police substation in Maunaloa Town years ago, that no longer is the case. The issue with the expanded police presence was that we heard concerns about -- we know that staffing is limited and so -- and with that, you know there is an officer that would assign to go west and then assign to go east, it may not be adequate to meet the community's needs in under-served areas, so that's why it's there. So we're not recommending necessarily a substation, as you can see in the policy, but it's a police station that meets the community's needs. Any substations would be something that you guys could consider and talk to the police chief or the local police captain about, but we weren't -- it never was brought to us on anything about substations.

Mr. Stephenson: Pardon me. Rob Stephenson, CPAC, if I may be allowed the opportunity to add one thing. I think the reason, when you look at this and there's other statements that appear more broad, like this statement without the plan, what it is is this plan is a long range planning document that's going to span 10, 15, maybe 20 years, you know, perhaps the next community plan update process will have some delays like this one did, so what this does is, if you're more specific and say you want greater patrols, well, then when somebody comes in 5, 10 years from now and there's an idea and an opportunity to create a substation, then you can't point to something in the community plan that says, well, this is supporting the community plan. But when you say, "Increase the police presence," then you leave that open to anything that may be possible in the future. You don't restrict yourself to only things that you've mentioned. You open it up to opportunities that may not exist now, but may exist in the future. Thank you.

Mr. Racine: There's still no action item to support that policy. We point out that there's a lack of police response capabilities on both the east and west end. If -- we may not have the population, but we got the geography that maybe staffing levels is something that the county needs to revisit so that they can maintain safety of the east and west end. So pointing to budgets and pointing to the existing staffing levels is -- I'm not satisfied with that, so maybe, yes, support, expanding, yes, but let's make it an action item so that we now have a little more teeth to it instead of just waiting for the county to say, oh, we got the money now. Let's ask them to look at and, not just explore, again, exploring and doing studies doesn't accomplish anything, to increase -- I mean not rely on population to establish the staffing, you know. Again, they need to supply safety to the west and the east ends. So how do we word that?

Ms. Dudoit: ...(inaudible - not speaking into the microphone)... into action?

Mr. Racine: Yes. Instead of making an action item. We can do that. So 9.2.05, we just take Policy no. 1 and put it as an action item.

Ms. Dudoit: ...(inaudible - not speaking into the microphone)...

Mr. Racine: No, he's -- no I wanted it stronger. I wanted it to be -- but, again, there may be another way of addressing, rather than building a substation, saying a man has to sit here, there may be another way of addressing the problem, and it just gives them flexibility. I can live with that. But having an action item -- so just restating this is sufficient. So, yeah.

Vice-Chair Rogers: Is that a motion?

Mr. Racine: Yeah, restating the policy as an action item, so it's something that we put them on notice, not just, hey, think about this, you know, go do something about this.

Vice-Chair Rogers: Is there a second?

Ms. Dudoit: Second.

Vice-Chair Rogers: Got a second. Discussion?

Ms. Dudoit: ...(inaudible - not speaking into the microphone)... Maui Police?

Mr. Racine: Yes.

Ms. Dudoit: ...(inaudible - not speaking into the microphone)...

Vice-Chair Rogers: Okay, anymore discussion on that one?

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

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

VOTED: to move Policy no. 1, on page 9-7, and place it as Action item 9.2.05, on page 9-8.

Vice-Chair Rogers: Oh, it's unanimous. That one is passed.

Mr. Racine: One more thread. Issue 5 says there's no animal holding facility on Molokai. Policy 11 says, "Encourage the establishment of an animal holding facility on Molokai." But

there's no action item. Again, it's nice to think about it, but let's instruct someone to do something about it.

Ms. Maydan: The reason there's no action is because that's not a responsibility of the county, and we have to keep in mind that the Action Table needs to be tied to a county function, so policy does carry weight.

Ms. Dudoit: But I have a question then. So, currently, the dog-catcher doesn't have a holding facility so he can't even come pickup our dog because now that -- when the ferry doesn't run, he doesn't have anybody who can pickup the animals from the plane or it's --

Unidentified Speaker: ...(inaudible - not speaking into the microphone)...

Ms. Dudoit: What?

Unidentified Speaker: ...(inaudible - not speaking into the microphone)...

Ms. Dudoit: You cannot take them to the county yard. So he used to be able to hold the dog at the Humane Society but because they on DHHL land, he can't hold it there anymore, so I just went through this like a couple weeks ago. There's no place for him to hold the dog. So, typically, you gotta hold on to the dog till he can make the arrangements with the Humane Society on the other side on Maui to pickup the dog, which is only usually shipped on the ferry, so my question is: If this is not a county, we can't do anything, then what's the sense of having a dog-catcher on Molokai?

Mr. Racine: My thoughts exactly. Either he stops collecting dogs or we --

Ms. Dudoit: 'Cause now we paying for one personnel that actually doesn't have the facilities or the things, resources he needs to warrant the position, which we know we need it.

Ms. Maydan: Does anyone from CPAC recall? Do you have an answer to this 'cause I remember this was a large discussion from public testimony during CPAC? This is where this came from.

Mr. Jenkins: The information you just brought up with regards to the holding at the Humane Society did come up. The fact that we know that that's not supposed to be happening at the Public Works baseyard and it does, is an issue. But as Planning Department brought up, this wasn't something within our jurisdiction. The animal control part within the Maui Police Department, but the actual facilities where the animals are held is something different, so for us to require that action of a private entity, wasn't something we can do, so the issue would be that in the policy and in the -- well, the issue and the

policy, hopefully, would encourage the Humane Society, and they do want to relocate, and they want to get that capability, we do know they receive county funds to run, so I know a lot of that discussion came up and Hoala, you know, Davis would be someone to talk to about that, and then of course the other resources would be the police captain.

Ms. Dudoit: So then my question is: 'Cause he cannot even put, legally, he cannot even put down the dog in a county baseyard, so how is -- what did you call it? What does he do then? Animal control?

Mr. Jenkins: Yeah, it would be the animal control officer.

Ms. Dudoit: So what are they doing with the animals that are out of control?

Mr. Jenkins: This is a G-rated movie.

Ms. Dudoit: Oh, no so I'm just wondering because it just seems like the county says that we can't make a, you know, an issue out of this and there's no -- they can't do anything, but then where's our -- okay, so let's just talk on the animal control side then. Is there an action item that is permitted for us to say that we need to have a legal or certified or regulated animal holding place for animal control in a county establishment. I mean is that something that --

Ms. Maydan: I honestly don't know.

Ms. Dudoit: Okay.

Ms. Maydan: We could research it.

Ms. Dudoit: Okay, can we table that so that we can figure it out?

Ms. Maydan: Okay.

Mr. Racine: This sounds like a dodge. I mean if you have an animal control officer, part of his job is to apprehend and store animals, it's part of the Police Department. It should be in their budget. It's something that they should be maintaining. I mean construct and maintain.

Mr. Jenkins: They don't hold the animals on Maui.

Vice-Chair Rogers: He's mostly just picks up road kill.

Ms. Dudoit: They put them out. They put them down.

Mr. Racine: They put them down immediately?

Ms. Dudoit: Yep.

Vice-Chair Rogers: No, no. He mostly just picks up road kill.

Mr. Jenkins: The Humane Society.

Mr. Racine: So they hand them off to the Humane Society?

Ms. Dudoit: Yeah.

Mr. Jenkins: I think the part here that Jen tried to make, which is important, and this is a very good example on the plan of where there is no lead county agency for action item to require then a private company to do that or private entity or organization, even if it's an NGO nonprofit to do that, we know it's connected to the Police Department, so there is -- therein lies our issue and our policy, and that's, I believe, the discussion we had. We were -- we got stuck on this ourselves.

Mr. Lasua: Jen, there is an animal control for the county?

Vice-Chair Rogers: Yeah. We do have an animal control officer.

Mr. Lasua: The animal control is under the Police Department? Okay, what does it take for the county to separate that from the Police Department? Would you know? Oh, okay.

Ms. Dudoit: And so I going tell you, for me, the concern is this, so couple Hoolehua residents, right, we call, and this is how I know the issue, we call 'cause the dogs are biting and chasing the kids down the road, so we call, and he comes to get them, but he doesn't have a place to hold them. So the recommendation is you gotta put them out yourself. So now we get people shooting each other's dogs in the community because there's nobody to call, and he's, Richard, is super good at what he does, but he's -- he's limited to what he can do because there's nowhere to put the dogs down over here, so when the ferry's not running on that particular day, there's no way for him to put it on the ferry to get it to the Humane Society so is this -- so maybe we should just table this until we can get more information on it 'cause I'm thinking that it would be as easy as including it as an action item that says support the implementation of a hold facility for animal control, or something like that, on the island, and that MPD would be the lead agency, and County of Maui would be the partner since it is under animal control.

Ms. Maydan: So my question would be: How is that different from the policy?

Ms. Dudoit: Because under the policy, you're only talking about holding facilities.

Ms. Maydan: And what did you add?

Ms. Dudoit: No, so you're saying that we cannot address the holding facility problem because -- or policy on actions because we cannot regulate a private entity to do a holding facility, so I'm saying what we can do is we can support MPD reinforcing that there's a holding facility for animal control, right?

Ms. Maydan: So I just don't understand how -- what the action is going to do that the policy doesn't already do.

Mr. Racine: The policy's just saying something it'd be nice to do, and action designates people who are going to do it, so we put --

Ms. Maydan: We need to stay within the realm of reality though with the policies -- with the actions that is it within the county's purview to do this?

Ms. Dudoit: Isn't it MPD's jurisdiction for animal control?

Ms. Maydan: Yes. Police Department for Animal Control.

Ms. Dudoit: So is animal control meaning that there is -- if there's a raging dog somewhere that they can pickup, he doesn't have to keep it in the back of his truck the whole time, till Tuesday, when the ferry comes and then send it out on the boat to Humane Society?

Ms. Maydan: I honestly don't have anymore clarification for you here. As Greg said, this was quite a bit of a discussion with Hoala at CPAC, and it was recognized as an issue, but with how it's currently dealt with in the county, there isn't an entity that holds the animals. As we stated, on Maui, the Humane Society does, we'd be happy to -- if you want to make a recommendation, we'll go ahead and, you know, do that, and we can research it more. We were just informing you of the discussions that did happen regarding this issue.

Ms. Dudoit: Yeah, 'cause I think what we could do is, under Partners, you could list the Humane Society as a partner, and at the very least, it would encourage somebody to do something. And if they couldn't do it and it's out of the realm, they'll say it's not, you know --

Vice-Chair Rogers: Do we have a motion? You want to make a motion?

Mr. Racine: I'll make the motion that we create Action item 9.2.06, "Explore," okay, "Explore the possibility of constructing an animal holding facility," make Maui Police

Department the lead agency, and partners being the Police Department and the Humane Society.

Vice-Chair Rogers: We had a motion and a second. Any further discussion on that one?

Ms. Dudoit: ...(inaudible - not speaking into the microphone)...

Vice-Chair Rogers: Yeah, further discussion on that?

Ms. Dudoit: So I was thinking, if this is something that can stick and be in here, that at least when Humane Society goes up for budget review, some consideration can be made too, so from what I understand from Hoala, is that because of where they are on Department of Hawaiian Home Lands, which is feasible for them 'cause they can afford the rent and, you know, being over there, that's kind of where they're having a hardship to be able to hold the dogs and put them out and, you know, all that kinda stuff. So maybe this will help the Humane Society in collaboration to acquire land or get somewhere else where they would be able to afford and be able to serve the community's purpose, yeah.

Vice-Chair Rogers: Sounds like worthy endeavor to me. Anymore discussion on that?

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

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

VOTED: to create Action item 9.2.06, on page 9-8, to read: "Explore the possibility of constructing an animal holding facility," with Maui Police Department as the lead agency, and the Partners being the Police Department and the Humane Society.

Vice-Chair Rogers: Another unanimous. It's passed.

Mr. Racine: I have one last concern ...(inaudible)... pick it up. Policy no. 10, on page 9-7, yes, "Encourage state hunting safety courses and development of a shooting range." Yes. But when you come over to the action items, it looks like -- yeah, this is a good idea but it's under the police. Is this something that maybe should be, you know, encouraged as a private enterprise rather than the police taking on -- my experience, the previous municipality I worked for built a shooting range, the police took it over, basically, there was, like they scheduled their shooting hours, they scheduled their neighboring friend's shooting hours, and you could possibly get in an hour every other month, so --

Ms. Dudoit: ...(inaudible - not speaking into the microphone)...

Mr. Racine: Page 9-7, no. 11, "Encourage state hunter safety courses," which are good, "and development of shooting range." But that, as coming under the police purview, it kinda --

Ms. Dudoit: ...(inaudible - not speaking into the microphone)... under the Police section?

Mr. Racine: Yes, under the Police section. There's no action item for it, and it's just something to explore. I know there's some guys talking and asking the ranch for some land to lease, you know, there's some discussion going on about it, but it's something we need, yes. There's a lot of guys that shoot the north shore, the signs, and whatnot. If we had a range, it could address that, I mean limit some of that but --

Ms. Dudoit: Jen, is any of that under national resource, any of those kinda hunter education addressed in hunter resources -- in the Natural Resources section?

Ms. Maydan: No, it is not in the Natural Resources section, but the reason it's as a policy here, again, is because there's not a county entity to do hunter safety to run a shooting range.

Mr. Racine: Right now, it's at Kulana O Iwi, it's the Nature Conservancy that's actually running the courses? Okay. And so my comment to -- I mean my notes to myself, okay, but why the police? Is this a poaching -- I mean is poaching an issue why we want to have hunter safety course and a shooting range? Again, I don't -- who -- CPAC, why was this included as a policy, and these two items connected?

Ms. Maydan: Lori Buchanan brought this up, and then we also had somebody from the state come and testify, and I don't recall, I don't know if you do, Greg, his name.

Mr. Jenkins: So, I'm sorry, I was having a side discussion. So you're talking about, one, is the shooting range, and the other one is the -- the what? Oh, hunter safety. Yes, we did have testimony from the hunter safety educator, and encouraging that those are continued within our community. Those are not provided by a county agency. Those are provided by citizens that teach those in conjunction with the state, I believe, the hunter safety courses, so it wasn't something that we added as an action item for that reason. As far as the shooting range, again, it's not a -- it wasn't -- it's not a public facility where the police run it or the government runs it, so all we could do was create an issue and a policy because there's no lead county agency that's going to be maintaining or running a shooting range.

Ms. Dudoit: So the reason that I guess where I kinda see where Marshall's going is it was included in the Police section of this because there was an issue with illegal hunting.

Mr. Jenkins: Just a hunter --

Ms. Dudoit: Like I'm wondering why something like hunter education or that kind wouldn't be someplace under Natural Resources and coincide with cultural practices.

Mr. Jenkins: That's a good question. I can't --

Ms. Dudoit: And I'm thinking that it's only because the issue would have been illegal hunting and so that's why --

Vice-Chair Rogers: It's just public safety.

Ms. Dudoit: Yeah, public safety.

Mr. Jenkins: It could be or public safety. Public safety.

Ms. Dudoit: Is that why it's in here? Okay. Okay.

Mr. Jenkins: I could assume that. And then the issue with did you have the same question for the shooting range because I think someone -- I heard someone bring up Lori, and that is correct. One of the concerns is that the officers go up to the Kipu area/Kalae, near golf course, and they shoot over there, there's no range for them, it's just a traditional place they go shoot, so the idea was to, hopefully, have a range established so that can be done as well as other people because we know people citing guns any kind places, Hoolehua, Mana'e, we know the spots so --

Mr. Racine: So why don't we make an action item and police as one of the partners so that they can make use of the facility but be like Parks and Recreation or somebody like that maybe, bring in some county funds to see that it actually happens 'cause we can lease land, we can get -- my experience, because I belong to several of them, is that they're best run by a club, but you gotta have some land and you gotta have maintenance money, and that sort of thing, so a cooperative effort, we make partners.

Mr. Stephenson: Pardon me, Chair, if I may? May I?

Vice-Chair Rogers: Yeah, yeah. Go ahead.

Mr. Stephenson: Okay, thank you. Rob Stephenson, CPAC. I think maybe to take a step back for a minute. The issue with policies and action items, there doesn't necessarily need

to be an action item attached to each policy. The reason for that is a policy is something that we can support of an agency, whether it be a state agency, a federal agency, a private landowner or private entity, an NGO, a quasi private-public partnership type of thing, and what that does is let's say if in the community plan, if the -- if a private landowner wants to go in and develop, let's say Molokai Ranch wanted to go in and develop a shooting range, and they would do it on their private land, well then they could go in their permitting process and point to the community plan where it says supporting a shooting range, and so although in the policies, the policies would allow us to help support things that aren't necessarily a function of the county. An action item has to be constrained to a function of the county. So there won't necessarily always be an action item for a policy, but the policy gives us, again, that broad ability to be able to support something that the community has decided they want through this community plan, but it may not necessarily be a function of the county. thank you.

Vice-Chair Rogers: Sure.

Mr. Myron Akutagawa: Myron Akutagawa. We practice a lot of hunting, not practice, but we do a lot of hunting on this island. It's become a culture. We have guns that came from our grandfathers, okay. It ends up in the hands of the grandsons. We need a place to teach some safety, how to operate these guns, and we don't have a place. We have to -- we need support from the community, like Greg said, we go anyplace, but is it safe to go anyplace? You know what I mean? We need a rifle range where there's good backing, a good seat, and area where you can teach safety. When you -- there's more guns on this island than people because the guns has been passed down from their grandfathers, three generation, four generation, some even five. So these guns, they don't get thrown in the fire. They just get passed on. So there's a lot of unregistered guns because you cannot -- if you didn't register that gun before, it's like a illegal gun, but they know that's their grandfather's gun. So all I saying, we should support a rifle range for safety, teach them how to shoot, since we have all these guns, go, one day, and when you make a rifle range, I hope it's grandfathered in that the rifle range stays there. If there's a subdivision going to be built, say no, no, the rifle range will not be moved unless you provide the money to make a new rifle range, you know. All that type of stuff. Because our guns, if I have five, you know, that is going down to the -- they probably going buy their gun, by the time get down to three generations, you're going to get 15 guns in somebody's house, or 15 guns is going to be passed around. Okay. With that, thank you.

Vice-Chair Rogers: Thank you. Sure.

Ms. Eaton: I want to comment on Mr. Akutagawa's testimony because he made a perfect point. His bringing up the possibility of, for example, there being a subdivision proposed that might, let's say, possibly threaten or take away the existing range. This is an example where if you have a policy, not an action item because the county can't control this, but if

you have a policy in the community plan, and of course this is all hypothetical, then when it comes time to fighting and making sure that range stays there, you can show and say the community plan supports this range. So that's an example of where you can, you know, this is the values, you know, as Greg and Robert were saying, these are the values of what the community finds is important. So you don't necessarily, every single time, have to have an issue, a policy, and action because, again, this is a county document, and it's what can the county do and the county can control. Yes, there are some state actions dealing with health, dealing with education, and it's important for the county to encourage and support, but in this particular case, just because it's a policy, that doesn't mean it's not important and doesn't carry weight, it becomes very, very important. So thank you for your comment.

Ms. Dudoit: So maybe with that being said, Marshall, maybe it needs to be put into Economic Development as a recreation. You know what I mean? There might be a creative way to get in an necessity that cannot be supported by the county.

Mr. Racine: It is public safety, but one of the things uncle brought up, there's generations of guns passed down that are not registered. If it's under the police or the police is there, whatever, you go to exercise and practice, but gotta worry about now they can take them away because it's not registered and are they going to be there with the list, so just -- that's why I had a little bit of hair on the back on the neck when I saw it in the Police section, but it's in there, and I agree. It's in there. It's stated. And it can be pointed to and say the county support the construction and continued operation. I'm okay.

Ms. Jennifer Hawkins: Okay, I just want to make one comment, and it's really not going to change anything you say, but I want to -- I want to thank Greg and Rob for being here, and I would encourage you, as the Commissioners, as you go to other places, to make sure that people realize that they're here because they believe in their community and because they want to help the process, and they, in no way, shape or form, have to be here, and I think that's something that not everybody that comes to these meetings realizes, and that's a value to you all because they can address some of the things that you all have to say, so as part of OED, and as a citizen, I just want to say that I appreciate them being here and being able to have this dialogue with you all, but I think as you go to the next communities, it's very important to let people know that they're not here because they have to be, but because they're vested in this process.

Vice-Chair Rogers: Amen to that. It's us too. But, yes, thank you.

Ms. Dudoit: And you know what? We totally appreciate them too, but I think that it shows even more than that is that Greg and Rob stand behind what they've done, so, yes, they don't have to be here, but I would be here if I made decisions on here that I want it to change and be part of this process too so -- so thank you guys. Thank you, Greg and Rob.

Vice-Chair Rogers: Fire and Public Safety, 9.3. Any public input on that one?

Ms. Dudoit: Greg, so one of the things, unless I'm missing it in here, and I don't know if it belongs in the Fire or in the Police section, but one of the ongoing concerns is the address, the 911 response and address, and I know we've Travis and I, and, you know, you and several other people have tried for is, is there a good place to put it in the community plan to encourage that DHHL and the county get together and mandate that the addresses are corrected in the system so that 911 response can be accurate? And just for the Commission's review, if you don't know what we're talking about, right now, DHHL has a separate address listing, so when 911 dispatches emergency services to a location, it's according to the county TMK, okay, so plenty times it's not listed as lot numbers, it's not listed so there's a confusion; the beautiful part is we have plenty Molokai people, our Molokai dispatch is awesome, but what happens in urgent situations or disaster situations is 911 dispatch is removed from the scenario and a lot of times, Wailuku station, with a dispatcher that doesn't know Molokai, the aunties, the uncles, the location, will strictly go on the county's address map. So for years, people, including myself, have tried to get the agencies to sit down together and get them to develop a map for Molokai, and this is not just Molokai, 'cause DHHL and the counties, the individual counties, addresses are not always the same, but it just hasn't been a successful or easy effort, so I was just wondering, Greg, if there was a way or where that would -- and the only reason why I asking for Fire is 'cause, traditionally, and I know we on camera, but Fire has always been the most community oriented easily accessible people to sit at the table and address concerns like this, and they do take central command during disasters and emergencies and stuff like that, so I just wanted to --

Mr. Jenkins: So, Zhan, I agree with you that that's a very applicable and important item, and I want to say that I -- that we included that somewhere. I'm just -- it's escaping me right now if it was in Community Design or something but --

Ms. Eaton: Maybe Community Design, Greg.

Mr. Jenkins: So I would agree. Why it's not directly in Fire's 'cause it would affect -- it would have affected multiple agencies, you know, Fire, Police as well, so I can do the homework and remember where we put that 'cause I thought we brought that up having premises identification. One of things about it is premises identification is the law, right, and so, and it's in our Fire Code, jurisdictions are issues that we talk about Hawaiian homes, etcetera, those matters, but I would agree with you that if -- if it's not included anywhere in the plan, it could be included here as a public safety item. It is a problem. We do not have a fully enhanced 911 system. It does cause -- it will cause delays. The county does have issues in the history of supporting the personnel and engineering, etcetera, that enter those addresses, we have issues of computer programs where the maps don't line up and the addresses are in the middle of the street, I mean there's a lot of issues, and I'm

sure that everybody here, including you guys on the Planning Commission, would agree that when 911 is called, that we know exactly where we're going, and it's not just knowing where we're going from the station, it's being able to find that location when we get there. So I agree a hundred percent. I thought we had something in here, and if we don't, then yes.

Ms. Maydan: I honestly don't remember discussing, it sounds vaguely familiar, but I don't remember us adding anything, so if there are recommendations. Yeah, I remember the conversation on Lanai, but I don't remember it here, so if there's recommendations to add.

Mr. Jenkins: So an issue to -- so let me, if you give me a sec, I can maybe recommend some language, or do you got it?

Ms. Dudoit: No, I think we can table it and figure it out ...(inaudible - not speaking into the microphone)...

Mr. Jenkins: Okay. That's fine. I could write something up and work with you.

Ms. Dudoit: Yeah.

Mr. Jenkins: Okay.

Ms. Dudoit: Maybe -- so I do know -- oh, see, okay, I do know that what would be cool about this is that if we can implement it in here, I do know that Aunty Bonnie in the Police Department have been trying for long time to do this, so it may be as simple as supporting them so, meanwhile, we can go talk story with her between -- between us and then just find out what's being done so that we can support their efforts, yeah.

Vice-Chair Rogers: Sounds like a plan. Okay.

Ms. Maydan: On your sheet of recommendations from the Planning Department, there are two items pertaining to this section, Fire. In an effort to not duplicate and be concise in the plan, we recommend, on page 9-10, to delete Policies 1 and 2, for the reason, 1, I believe is duplicative of Action 9.3.03, and Policy 2 is a duplicate of Action 9.3.02. And how they're written here is policies, they really read more like actions, so as I said, in the spirit of being concise and to the point, we would recommend that the actions remain and those two policies are deleted.

Ms. Dudoit: Jen, sorry, you can do that one more time?

Ms. Maydan: So on page 9-10, Policy 1, if you read that, and you read Action 9.3.03, you'll see that the second sentence in the Action evaluate the results of the standards of

coverage report and address recommended fire service needs, that's an action. The policy essentially says the same thing so the action carries the weight. And then same with Policy 2, it's covered in Action 9.3.02. So it would be our recommendation to delete the two policies since the actions are there. If there's something I'm missing, Greg, let me know.

Mr. Koholoaa: I got a question for Greg. You know, when you do fire prevention in open areas, and who make the decision on giving the citation because we had a -- we were cited on the land that we lease from DHHL, a guy from Maui, someone called from Molokai that they needed us to clear up the place, that's on Yamashita Heights, up on the heights, so what we don't understand, you know, he didn't come over to check if there is any combustible material that's going to cause fire, and then, just by hearsay, they send a citation to DHHL because we are the lessee, we have to comply, otherwise we're going to be fined, and we had to get it done by the 28th, and on the letter it's stated that you have to be 30 feet, and it also said 100 feet, so we don't know which is it, so from -- how far is the setback?

Mr. Jenkisn: So, Planning Commission, while this is a fire prevention program kinda question that Uncle Yama ask, it does tie into Policy no. 3 where we're encouraging programs and projects that address the fire risk affected in the communities. So the fire prevention program of the Maui Fire Department that the Chief has oversight over, in that program there is our fire code, and there are, in our Maui County Code, which includes the fire code, there are standards with regards to brush abatement on parcels of land. And so, at the discretion of the Fire Chief or his representative, those numbers that Uncle Yama addressed, for example, 30 feet and 100 feet, would have been determined by the fire prevention officer from Maui of what was needed for that property, and the consideration has to do with -- could have to do with setbacks from a building, it could have to do with the windward versus the leeward side of the property in regards to risk is usually how those numbers work. But it is a program there. And the authority, from the county side, comes from the Fire Department, primarily, 'cause they can issue citations. Typically, if there's an issue that we have operationally where its not a normal inspection, we will contact police and also refer to the Fire Prevention Bureau for followup, so any citations that the Fire Department issues go through a normal typical judicial proceeding with what's filed so that that question could be answered by, you know, contacting Maui and that inspector. Did I help? But then one other thing. Jurisdiction on Hawaiian Home Lands, that, I don't want to tackle that one. I can respect the sensitivity of that, and I'd rather work with you on that than, you know, in the spirit of fire risk then saying that we have jurisdiction on Hawaiian Homes. That's a matter for our county government officials above my paygrade in Hawaiian Homes.

Vice-Chair Rogers: Yeah.

Ms. Dudoit: So, Greg, not just sticking on the fire prevention side, and I not trying to get you in trouble so just answer the best that you can, lack of enforcement. So one of the things that I've learned through the years is you can create all kind policies, you can state the issues, you can have the policies, you can have an action plan, but if you don't have enforcement, that's one big issue. So I know that get plenty legalities with the Fire Department, but did you see that as a potential issue and something that policy or an action needed to be taken for Molokai 'cause, like right now, we don't even have a fire prevention officer on the island, we don't -- when people get cited, like Uncle Yama talking, you know, citations and whatever, there is no enforcement, with the lack of the fire marshal, or whoever, that division, there hasn't been enforcement for a long time, so what keeps people in line from not doing what they not supposed to do, from doing what they're not supposed to do?

Mr. Jenkins: That would be enforcement and public education. Both of which were a capacity of our prevention officer that was assigned. That position, person retired, and that position was temporarily assigned to Molokai and was since moved back to Maui to serve in other needed area, per the chief's discretion, however, I think that, if I can try to address it, the spirit of your comment is what's more important. We have to understand that fire risk is a real problem on Molokai. We have to understand that what we do on our properties or in a large body of land that impacts our residences, for example, puts us at risk, and if we don't take care of our properties, we are -- we can contribute to the spread of fire that impacts others, and that becomes a civil liability matter. I mean we have fire insurance and things of that nature, but, you know, one of the most common problems, along those lines, would be a wild land fire where we have a community that has not taken proper brush abatement, they're not voluntarily compliant, enforcement was not an option, and as a officer, I have to choose if I'm going to safely be able to protect that home or not versus write it off, and I think a lot of people in our community don't understand that. They don't understand that I have to pick a winner. I can't pick losers. And I can't answer to my Fire Chief or the community if I try to protect a loser and lose a winner. Right? I mean it's kind of a simple concept, right? And those are tough decisions that one day we hope not have to make, but is a reality. So that's why code enforcement and public education is so important, and so if you felt it was necessary to encourage that in this plan, I would see that that would be something that you would determine was important for Molokai.

Mr. Koholoaa: The other thing is that our cattle association, I'm the vice-president of our cattle association and we're very passionate about residents, you know, and so we took it upon, not took it upon ourselves, but the county originally was taking care of that fire break, and then somehow, you know, they gave it up. They didn't go back and clean it. So now -- and what happen, people in that area, throw all their rubbish over the fence. You know, we got that place pretty well cleared up with the tractor, we hired a tractor to clear it up, but people in those residence throw their rubbish, so now we're fined and the county used to take care of that before. So there are nine residents in that area. When we first

got the citation, I went to every home and I talked -- I got eight of them, just one I didn't get because he was in the Mainland, and I talked to them that we're -- we want to let them know that we're going to clean it up. So, you know, we're in the process of cleaning it already, but the question is: Do we clean 30 feet or 50 feet? What's the setback?

Mr. Jenkins: ...(inaudible - not speaking into the microphone)...

Mr. Koholoaa: Yeah, because originally was 30 feet so when we put a tractor in there, we paid a lot of money, and then so we cleared 60 feet. We got 60 feet open wide, you know, we went more than what was expected, but now they telling us 100 feet, that means we gotta take a tractor back in there again so -- so that's why we -- so if you can find out for me, great. Okay, thank you. Thank you.

Vice-Chair Rogers: You want to make the motion?

Ms. Swenson: Yeah. I'll make a motion to adopt the Planning Commission's -- I mean the Planning Department's recommendations, page 9-10, lines 28 and 30, delete Policy 1, and page 9-10, lines 32 to 34, delete Policy 2.

Ms. Dudoit: Second.

Vice-Chair Rogers: Okay, we have a motion, we have a second. We have further discussion? Okay, there's no further -- yeah, any further discussion?

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

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

VOTED: to adopt the Planning Department's recommended changes, page 9-10, lines 28 to 30, delete Policy 1, and page 9-10, lines 32 to 34, delete Policy 2.

Vice-Chair Rogers: Yeah, okay. Looks like that one carried. Okay, you guys had enough? Anything else you guys want to try tackle tonight or you want to call it a night?

Ms. Dudoit: No, I got something.

Vice-Chair Rogers: You want something? Okay, shoot.

Ms. Dudoit: So I want to make a motion to adopt, in its entirety, all the recommendations made by the Office of Hawaiian Affairs in regards to the Molokai Community Plan. So I hope that the other Commissioners got to read it in detail. It goes all the way from page 1 to page 12 -- sorry, page -- page 12 and ends with C, add on action to 5.1. So I just think that would be the easiest way to do it because I did -- okay, go ahead.

Ms. Swenson: I think we need to go over each recommendation, not just blanket --

Ms. Dudoit: Oh, but that's why -- so that was the whole point was that you gotta take this home. I don't think we have time in a public meeting to go over each individual section, but, okay, so I just going -- I going make that recommend -- that's my move, my motion is to adopt all of the recommendations in its entirety, up until page 12, section C, that was made by the Office of Hawaiian Affairs to implement into the Molokai Community Plan.

Mr. Lasua: 12 or 11? Page 11?

Ms. Dudoit: Page 12 because ...(inaudible - not speaking into the microphone)...

Ms. Swenson: Yeah, I have a question for Collette because I have one --

Ms. Dudoit: ...(inaudible - not speaking into the microphone)...

Vice-Chair Rogers: Anybody second it? Okay, we got a second. Okay, go ahead.

Ms. Dudoit: Collette, can I ask you a question. Yeah, I don't disagree with anything in it. The only concern I have and is like what we had one neighbor for a while, who was Hawaiian, and he used to cut our bananas and pick our flowers and he said that those were his rights because he was a native Hawaiian, and so I have no problem passing this but I mean shouldn't private property rights be respected and something play in on that too?

Ms. Machado: Did he plant the fruit trees? Did he water it?

Ms. Dudoit: No, that was --

Ms. Machado: It was on your side of property?

Ms. Dudoit: That was on gathering. He was -- he could gather because of his --

Ms. Machado: Well, that's a really misinterpretation and that gives native rights a bad rep. I would say that's an unusual and a response that didn't need to be responded by you. We're not crossing over on what is private property rights versus what are some of the rights that are part of the Constitution of the State of Hawaii and what is in state statute.

But nobody has the right to go into somebody else's yard and say, oh, that's my mango. Only if he planted the tree and he's actually watering it.

Ms. Swenson: Yeah, well, I would hope that the Office of Hawaiian Affairs would do some outreach and clarification in that department because I think there's some confusion with some people.

Ms. Machado: I think that that's a reasonable request. We have a whole team at OHA that this is their background on running -- I was just talking to Kamalo here of doing a workshop as we go about this understanding 'cause some of this stuff, like the primers I gave you, was written in 2009, and today is 2016, so we still trying to get everybody caught up on boards and commission and policymakers both at the municipal level and at the state and county level. So, you know, it's really about if you have any fears, these primers or any kind of future use workshops that we want to be able to come in should actually be able to set everybody at ease.

Ms. Swenson: Thank you.

Ms. Dudoit: So just for the sake of discussion, what I loved about the document, and I read 'em several times, is that it doesn't have any emotional or -- it's not a document that presents itself on anything but what is already written in state law and policy, and so I think what is cool about that is we can still go -- we can still adopt this and go into our individual communities and be -- be very specific to what they want within the confines, and we don't have a legal counsel here, we going have 'em next week, but the truth of the matter is, this is the first real legal information that we've gotten since we started that has some kind of validity to it that we can actually go back and state a statute or a policy, and I thought that was pretty cool, and I thought it was really well written, and so that would be my comment.

Ms. Maydan: I'm just a little confused at why we're not finishing Chapter 9, Chair? We've jumped ahead to the item on the agenda, Chapters on Previous Meeting -- yes.

Ms. Dudoit: Because this document has Chapter 9 in 'em.

Ms. Maydan: It does, but it also -- there's an action that refers to Chapter 6, which we have not covered, so we wouldn't -- you wouldn't be able to vote on that recommendation. So we have not finished Chapter 9. I would recommend that you focus your time on that if you want to continue the meeting tonight. And also, I mean there is quite a lot in here. I would really want to understand if the members have all read this and all agree, and want to blanketly accept it, and we do have -- we've reviewed it thoroughly and we have some comments and recommendations on specific recommendations.

Ms. Machado: ...(inaudible)... the Long Range people. I appeared before them, I provided them with these primers. We're missing one section on the iwi kupuna matter, and this document was dated November 12, 2015, and it went directly to Molokai Planning Commission. Assuming that it actually went to the Planning Department, but I can't verify that. So now we're rapidly moving to the second phase of the overall picture of the community plan, so I felt that we were kinda running out of time knowing that, by March, we were looking at to adopt this revisions or whatever additions going come out of the Planning Commission from CPAC as an outcome, so I felt that we were running out of time, and I hadn't -- and then our OHA staff hadn't heard from the Planning Department, so I was a witness at the last meeting, in Kaunakakai Cafeteria, and although the -- tonight's meeting is very different from that night, we have sort of an order, we working through line items, and talking about certain areas that people have free and full discussions that you have, and you've been able to utilize the two CPAC people that have been readily available to address some of their decision making that took place during that part of the whole process. So I'm just concerned that to avoid a misrepresentation, I wanted to have OHA come to the front and center and be acknowledged as the state's agency to represent native Hawaiians, and that this only reflects their comments as that authority and being provided with the review of the minutes and looking at the document itself 'cause it's so detailed what they were looking at. There's some areas that we weren't included, they're asking to be included. There's some small kind language change they looking at. But I was hopeful that if you folks are willing to take the time and look at it, and make some recommendations on which aspects you folks can include, that would be ideal because I don't want to have this matter of whether it's Aha Kiole, who supposedly not a recognized entity, versus personal interest between one personality versus the other personality fester because, in reality, the outcome not going have these things that would give jurisdiction to OHA to speak on behalf of their beneficiaries, and that's what I was trying to avoid. That's why I made the appeal to you folks this morning at the 11:00 meeting because in the absence of having these kinds of acknowledgments in the report itself is going to be very difficult for the community to have a sense of comfort, and I just didn't want to get into the beefing 'cause I'm tired of it too, who said what, and what said what, and then it takes away from your time because you are the ones that need to be absolved into the free and full discussion, and tonight was the first time -- this evening was the first I saw that dialogue, it wasn't all divisional, Zhantell going do this, everybody contributed, and I like that process 'cause you folks are going to be held accountable at the end -- as part of the end product. So that's why I tried to go this morning and I'm open if you folks need a little bit more time and feel more comfortable about this recommendation, but I just didn't want it to wait too long and it gets sidetracked because of the personalities at the community meetings. We got two more meetings to come up with. And that's all I was trying to track because we have vetted process before it can become an official testimony of OHA. There was some talk about including the different Aha Kiole meetings with input to be part of OHA's testimony. I checked with the staff and with our CEO, that cannot happen 'cause they're not going to revisit this and try to go through the input, so this testimony will stand as a

representative testimony of the Office of Hawaiian Affairs. If the other meetings that we've held with the Aha Kiole and other community groups, and if they have comments that reflect OHA, that's fine, but they cannot be included in this testimony, and I wanted to make that clear, and I wanted to assure you folks that this was my only intentions, I didn't come in with one agenda to block the boat ramp or to look at other personal issues that I'm involved with, but I wanted OHA to have that so-called "authority" to represent native Hawaiians legally as statutory, constitutional, etcetera, and that's why this testimony and the primers you folks got is supposed to be helpful. And in the primers, it also gives reference to some of the legal issues on water, some of the Waiola case that we've been involved with, and we have been litigants in it, and that we're looking at, I think there's three water use permits that are coming up for considering on island, so that's my intention. I don't have any other agenda except to assure that native Hawaiian rights and their voices are being heard through this testimony. But I'm open if you folks are willing to come back next round and say what you can live with, what you cannot, that's open, but not to address it since November is alarming my internal, I get nervous. That's all.

Ms. Eaton: I thank you for your comment, and I want to assure that when we received this in November, the whole -- Zhan wasn't at that meeting, but it was passed out at the November meeting, we did go through it in detail, we did review it in detail, and we spoke to our director about it; at this point in time, it is 7:36, we have not finished Chapter 9, because it does raise a lot of issues throughout the entire plan, and some of those we haven't got to and we can't discuss, by next week or the next meeting, we will have all of this, we will have our director, I will back, Jen will be back, and Corp. Counsel will be here, so my suggestion is that when -- is that when we have the time and the director and Corp Counsel, 'cause we have fully vetted it, we have read it, we have fully vetted it, our next meeting, we will have then gone through all chapters.

Ms. Machado: Thank you. That's all I wanted ...(inaudible)...

Ms. Dudoit: Okay, so my concern is that we only get couple more meetings left, and next meeting going be one really -- I mean if we think we late this meeting, next meeting going be one even more heavier meeting, so what is important to me, since the Commission is the one that are making the recommendations is it's okay for you guys to answer back to her but then she going need time to go back to OHA and get back, so then where does that leave us? You know, so if you guys can say that you going to have your comments for OHA by next meeting and we going be able to hear 'em and we going be able to get over with this stuff before the last meeting, then that's cool because, for me, this all looks really good.

Ms. Eaton: I just want to address one thing and that is you're absolutely right, in November, it was submitted as written testimony. As a rule, the Planning Department does not respond to individual written testimony. So we weren't avoiding it, we weren't trying to

-- but we took the time and we went through it in detail, I have my copy also marked up with little stickys, so we can provide comment, but --

Ms. Machado: And I think that's a foolish step to take and ...(inaudible - not speaking into the microphone)... March or April. No, March is the deadline, right?

Ms. Dudoit: Yep.

Ms. Machado: ...(inaudible)... April.

Ms. Dudoit: So I'll officially withdraw my motion. Sometimes we just need to --

Ms. Machado: Okay. Thank you.

Ms. Dudoit: To, yeah, thank you.

Vice-Chair Rogers: Okay, so I believe we had a motion. Do you want to withdraw that motion for now and, okay, so, yeah, let's try and knockout Chapter 9. Okay.

Ms. Maydan: On your sheet on recommendations, we have two very minor recommendations on page 9-12, correcting an incorrect statement on line 13, where we mentioned that Kilohana School is located in Hoolehua, so to correct that to Ualapue. Second one being on the same page, line 32 to 34 -- oh, sorry, nope. Same page, line 28, to update enrollment figures to 2016 when they're available. So two very minor recommendations.

Ms. Dudoit: I'm sorry ...(inaudible - not speaking into the microphone)...

Ms. Maydan: Page 9-12, line 28, I believe the enrollment figures noted here are from 2014 and to update them when they're available for 2016.

Ms. Swenson: So moved.

Ms. Dudoit: Second.

Vice-Chair Rogers: Okay.

Mr. Stephenson: Pardon me. Are we going to be consistent and take public testimony before each section in the chapter or --

Vice-Chair Rogers: I think we're kinda running out of time but if you want to say something, go ahead.

Mr. Stephenson: Pardon me, on Education, just one specific point. It mentions in there we have four public elementary schools but the Kualapuu Elementary School is actually a public/private charter school. Thank you.

Vice-Chair Rogers: Okay, so anymore discussion on that motion? Okay, all in favor?

Ms. Machado: What is the motion? Could you repeat...(inaudible)...

Vice-Chair Rogers: It's -- we're going to move Kilohana School back to Ualapue --

Ms. Dudoit: Change Hoolehu to Ualapue, and then update...(inaudible - not speaking into the microphone)...

Vice-Chair Rogers: Yeah. Okay. Alright. All in favor.

Ms. Dudoit: I want to make a motion to note the changes just that there are three public elementary schools, Molokai, Kaunakakai, and Maunaloa -- sorry, there are four, four, sorry four, and one -- and one - what is it? It's private charter? Four public. Okay, three private -- sorry.

Ms. Swenson: Excuse me, but, no, Kualapuu School also has a charter school within the school, and there's the Hawaiian immersion school, so if you start this, I mean --

Ms. Dudoit: No, but this wrong. The facts that they have here is wrong.

Ms. Swenson: I know but your motion is too 'cause --

Ms. Dudoit: No, that's why we're trying to work it out right now. So the motion is to change this to there are three public elementary schools on Molokai, which is Kaunakaka, Maunaloa, and Kilohana, and one --

Ms. Swenson: There's a charter school at Kualapuu School, and there's the Aka`ula School.

Vice-Chair Rogers: Yeah, it's a private school.

Ms. Swenson: Is it private?

Vice-Chair Rogers: Yeah, Aka`ula is private.

Ms Swenson: Okay. Okay. Well then it's just the one in Maunaloa, and then what's the Hawaiian immersion school?

Ms. Dudoit: Okay.

Vice-Chair Rogers: It's not a public school. Is it? Works for me.

Ms. Dudoit: ...(inaudible - not speaking into the microphone)...

Vice-Chair Rogers: Okay. So all in favor? Okay.

Ms. Dudoit: ...(inaudible - not speaking into the microphone)... huh? More discussion? Okay, we got a second, I believe.

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

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

VOTED: to note the change that there are "three" public elementary schools, Molokai, Kaunakakai, and Maunaloa.

Vice-Chair Rogers: It carries. Okay, Health and Social Services. I hesitate to ask.

Ms. Dudoit: Sorry, Greg and Rob, I know it's getting late, but just one I was wondering, under the Issues, was there any reason why that one of the issues, or maybe I'm just thinking about it wrong, but that there was no mention of a trauma or an upgrade in our emergency facility at the hospital?

Mr. Jenkins: I believe this came up with regards to the technical definition of the critical access facility. Does that ring a bell, Rob? In regards to upgrading that, it is a private facility and not a county facility, so upgrading it, I'd have to go read through the -- all the items, but I do believe we talk about having the health care system that meets the community's needs and supporting that, but it didn't specifically have an action on upgrading that facility because that's not -- it wasn't our county kuleana.

Ms. Dudoit: But there's not even an issue.

Mr. Jenkins: Let me review that real quick. I was writing something else down so let me look.

Ms. Dudoit: And no more one policy either. So just to be clear, the only reason why I asking is because, every year, we stand up and ask the county for monies to get the helicopter available for -- because we don't have a critical trauma unit over here, and so

that's very limited to the amount of people we can care for, and it's always been kind of the thought process that, at some point, even if we cannot force, you know, Molokai General and it's a private entity to do it, that to cite that it is an ongoing issue and a problem, and that at some point, maybe it would be something that can be addressed in our community.

Mr. Stephenson: Chair, if I may? I think if you look at, on page 9-18, the Goal, it says, "Molokai will have a comprehensive, integrated health care and social services system that provides for the community's health and well-being," and we discussed that being so broad that we'll have a comprehensive, which mean it would cover everything, and integrated to where everything will be able to work with one another to provide for the needs of the community.

Mr. Jenkins: Zhan, to answer your question, after quickly reviewing this, the only policy that I could see, in addition to what Rob stated as the Goal, would be Policy no. 3, so you are correct, that is a good consideration with what you brought up about the medevac helicopter, so if you wanted to make a recommendation, I would. That's fine. Rob also suggested Policy no. 2, so maybe Policy 2 or 3 could be strengthened to include what you're talking about.

Vice-Chair Rogers: Okay, do we have anymore discussion on Health and Social Service? Okay, let's go to Cemeteries.

Ms. Maydan: We have a recommendation on Cemeteries. This section actually was not included, originally, in the draft update. This section was developed from concern from the CPAC, as far as cemeteries, and which kinda came up -- this came together in the last couple of meetings so that's why when you received it, this section was quite small and had some pukas in it, so our recommendation, on your handout, at the very bottom, is to complete that first paragraph on page 9-20, lines 4 to 8, to fill in the pukas that are in there, so where there was a blank on the number, we're not trying to quantify the number of cemeteries, but we're recommending just saying "Molokai has numerous cemeteries." And then at the end of the sentence, "Other cemeteries on Molokai include Kanakaloloa Cemetery at Hoolehua and Homelani Cemetery at Manawainui, maintained by DHHL, Maunaloa Cemetery, owned by Molokai Ranch and maintained by the community, and several private cemeteries maintained by families or churches." And I pulled this information together by asking several CPAC members who were knowledgeable on this to provide me information as well as Nancy McPherson, from DHHL, and working with County Public Works division as far as county maintained cemeteries, so trying to get the current status for the existing conditions, so that would be our recommendation to fill out that first paragraph.

Vice-Chair Rogers: Do I hear a motion? Got a motion. Got a second? Got a second.

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

VOTED: to adopt the Planning Department recommended edits to page 9-20, lines 4 to 8, the first sentence to read: “Molokai has numerous cemeteries maintained by various entities.” And the last sentence to read: “Other cemeteries on Molokai include Kanakaloloa Cemetery at Hoolehua and Homelani Cemetery at Manawainui, maintained by DHHL, Maunaloa Cemetery, owned by Molokai Ranch and maintained by the community, and several private cemeteries maintained by families and churches.”

Vice-Chair Rogers: Okay, it carries. Anything else on Cemeteries?

Ms. Machado: Everybody dying to get in ...(inaudible)...

Mr. Racine: 9-20, line 14, The County DPW is not budgeted or has not budgeted sufficient funds to maintain cemeteries? It says “is.”

Ms. Maydan: Is not budgeted because it’s the council that does the budget. The Department of Public Works asked for money and the council has not given it to them, so I think it is stated correct. The County Department of Public Works is not budgeted sufficient funds.

Ms. Dudoit: So, Governance, can you just explain to me exactly what that means? Are we just talking about like county offices or are we talking about like district voting?

Ms. Eaton: So Governance, again, is another section that’s required by 2.80B, and again, I’m glad we’ve got Greg and Robert here, but for the purposes of the community plan, a lot of the concern centered around making sure or ensuring that Molokai residents were being represented and that they had an opportunity throughout the entire county process, governmental process, everything from serving on boards and commissions, to having access to meetings, to I think we even brought up something about televising or video taping council meetings in terms of the ability to travel, so just making sure that they have equal opportunity and access to the governmental process in Maui County.

Ms. Dudoit: Greg, was there somewhere where you would input if the community felt that they wanted to revisit the issue of district voting?

Mr. Jenkins: So in this section of Governance, there was a few items that came up, I know one of them had to do with, for some reason it had to do with the governance of Kalaupapa.

I know we talked about that in our Governance section, yeah, under Actions. That was important before we had any discussion, that was an issue. And then back in regards to the rest of Molokai from a county perspective, not Kalawao, we know that our Charter Commission, the most recent Charter Commission took that issue with regards to district representation up, and they chose to maintain the current system. It was not put on the ballot. There was no testimony that we received that I remember that talked about any type of change to our current system where we have a Molokai representative, and if we, for example, don't like what the representative in another part of our county is doing, we, on Molokai, can choose to vote against that person. That's our current system. So however it is a concern, we know in our community, that Maui, in their numbers, may elect our council members. That's a reality. So that discussion is still there of course in who truly does represent us and how that works, but our current system gives our community the greatest voice currently, and that's what we -- we didn't hear anything different in that. But we do know that there's other things on here to ensure, like you see 9.7.04, in the back of the County Charter it does discuss the minimum requirements for people that serve on boards and commissions that are representative of all districts, so this was an attempt that we know, in the past, that hasn't always been done, and so that was something, for example, important enough for the CPAC to make sure that that was -- that Molokai did have those representatives, was an example.

Ms. Dudoit: So where does ...(inaudible - not speaking into the microphone)...

Mr. Jenkins: I believe Commissioner, not Commissioner, but CPAC Member Buchanan provided this language and so I would be -- I mean as far as the moku or the correct Hawaiian name for that, that was what was provided so I don't have any comment on that.

Ms. Dudoit: Governance though, isn't it recognized at Kalawao?

Mr. Jenkins: Correct, but I think she's calling it by the Hawaiian name of that complete moku. Is that correct, from what I understood?

Vice-Chair Rogers: Yeah, but it's Kalawao County.

Ms. Dudoit: No, I know that. I just saying that as you go through the document, you talking about Kalaupapa, then, you know, and so I just wanted to make sure 'cause for somebody who doesn't know it by that name, do we want to be, you know, so that --

Vice-Chair Rogers: Which is probably a lot of people.

Mr. Jenkins: That may be good clarification to add. I don't have anything else except that if there was a reason, CPAC Member Buchanan used that terminology, but I have no comment on that.

Vice-Chair Rogers: You want to make a motion to clarify it?

Ms. Dudoit: For the purpose of this document though, is it important to be consistent in the names that we call places and -- it probably is, yeah? Okay.

Vice-Chair Rogers: Okay, got anymore input on Governance? I don't see anymore input on Governance. Might be time to adjourn this meeting.

- 4. Chapters on Previous Molokai Planning Commission Special Meeting Agendas**
 - a. Chapter 1 Introduction**
 - b. Chapter 2 Molokai's Future**
 - c. Chapter 3 Natural, Heritage and Scenic Resources**
 - d. Chapter 4 Hazards**
 - e. Chapter 5 Economic Development**
 - f. Public Testimony**

D. NEXT MEETING DATE: February 25, 2016

Ms. Maydan: Okay, so your next meeting is scheduled for February 25. We -- I've passed out a new schedule. The next two meetings will be at Kalaniana'ole Hall. The next meeting covers Chapter 6, Land Use and Housing, and Chapter 7, Community Design. So again, we expect it to be a full and long meeting. One question, you do not have a regular Planning Commission meeting that same day, do you have the desire to start this meeting earlier, at 2:00? Up to you - just posing the question.

Vice-Chair Rogers: Yeah, the idea was so people could come after work ...(inaudible)...

Ms. Maydan: Okay, we just wanted to put that out there to accommodate. Okay.

Ms. Dudoit: Jen, have we been able to secure --

Ms. Maydan: That's what I'm saying is you do not have a regular meeting so I was just putting it out there is you wanted to schedule this meeting a little bit earlier.

Ms. Dudoit: Have we been able to secure a facility on East Molokai?

Ms. Maydan: No. Yeah, we've tried. So last thing I have is I have testimony that was submitted by the East End community group that has been working on updates to the East End Policy Statement, so I'll hand this out to you, and they've asked that, it related to Chapter 6 so it will be on the next agenda, and they were asking us, so I'll pass it out to you, and that's all I have.

E. ADJOURNMENT

Vice-Chair Rogers: A motion to adjourn?

Ms. Dudoit: Motion to adjourn.

Mr. Akutagawa: Second.

Vice-Chair Rogers: Second.

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

VOTED: to adjourn the meeting at 8:00 p.m.

Respectfully submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards & Commissions

RECORD OF ATTENDANCE

Present

Douglas Rogers, Vice-Chairperson
Wiliama Akutagawa
Billy Buchanan
Zhantell Dudoit
Lawrence Lasua
Marshall Racine
Diane Swenson

Excused

Ron Davis
Michael Jennings, Chairperson

Present

Pam Eaton, Planning Program Administrator, Long Range Division
Jennifer Maydan, Staff Planner, Long Range Division