

# **PLANNING COMMITTEE**

**Council of the County of Maui**

## **MINUTES**

**July 5, 2018**

**Council Chamber, 8<sup>th</sup> Floor**

**CONVENE:** 9:06 a.m.

**PRESENT:** Councilmember Kelly T. King, Chair  
Councilmember Yuki Lei K. Sugimura, Vice-Chair  
Councilmember Elle Cochran  
Councilmember Stacy Crivello  
Councilmember Mike White (in 11:23 a.m.)

**EXCUSED:** Councilmember Don Guzman  
Councilmember Riki Hokama

**STAFF:** Traci Fujita, Legislative Attorney  
Raynette Yap, Committee Secretary  
Ella Alcon, Council Aide, Molokai Council Office (via telephone conference bridge)  
Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)  
Dawn Lono, Council Aide, Hana Council Office (via telephone conference bridge)

**ADMIN.:** Michele Chouteau McLean, Planning Director, Department of Planning  
Joseph Alueta, Deputy Planning Director, Department of Planning  
Pam Eaton, Planning Program Administrator, Department of Planning  
Jennifer Maydan, Planner VI, Department of Planning  
Michael J. Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel

**OTHERS:** Madonna Dizon  
Cora Caparida Schnackenberg  
Karen Kamalu Poepoe  
Opuulani Albino  
Yama Kaholoaa  
Judy Caparida  
Irene Kaahanui  
Liko Wallace  
Fay Pacheco  
Leimana Naki

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Palmer Naki  
Mahina Poepoe  
Laa Poepoe  
Zhantell Dudoit Lindo  
Rita Kalahiki  
Walter Ritte  
Lori Buchanan  
Loretta Ritte  
Lawrence Carnicelli, REALTORS® Association of Maui  
Keani Rawlins-Fernandez  
Malia Akutagawa, Molokai Community Member, Resource  
Harmonee Williams Pastrana, Molokai Community Member,  
Resource  
(4) additional attendees

**PRESS:** *Akaku: Maui Community Television, Inc.*

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CHAIR KING: . . .*(gavel)*. . . Okay. We'll bring this Planning Committee meeting to order. Good morning, everybody. Thank you for being here. We have a bare quorum so we'll hope that a couple of our other Members come. But let me know if you need to get up for some reason. It's 9:10. I'm calling to order the meeting of the Planning Committee of the Maui County Council. My name is Kelly King. I'm the Chair. And today...right now, in the Chambers, we have Member...Molokai Member, Stacy Crivello.

COUNCILMEMBER CRIVELLO: Aloha --

CHAIR KING: Good morning.

COUNCILMEMBER CRIVELLO: --and good morning, Chair.

CHAIR KING: Aloha. We have Vice-Chair, Yuki Lei Sugimura.

VICE-CHAIR SUGIMURA: Good morning.

CHAIR KING: Good morning. And we have Member Elle Cochran.

COUNCILMEMBER COCHRAN: Aloha and good morning, Chair.

CHAIR KING: Aloha, good morning. Just housekeeping, if we could have everybody silence their phones. And anybody who wishes to testify who's not already signed up, please sign up in the lobby outside here. We will...we have excused right now is Don Guzman. I think he's...might try to make it in. He was ill a couple of days ago. But we have some content matter that actually he had requested to review. And we are also expecting Riki Hokama and Mike White. And then we have two Non-Voting Members who will not be here today, Alika Atay and Robert Carroll. We have with us

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our new Director of the Department of Planning, and welcome, Michele McLean. Thank you for being here.

MS. McLEAN: Thank you, Chair. Good morning.

CHAIR KING: And congratulations on the appointment that has yet to be confirmed. But thank you for being here. We actually have a new pending Deputy Director. Would you like to introduce yourself, Joe? I just...it's based on your last name, so.

MR. ALUETA: Good morning, Chair. No, my name is Joe Alueta.

CHAIR KING: Alueta?

MR. ALUETA: Thank you.

CHAIR KING: Okay. He is our new appointed Deputy Director of the Department of Planning. And we have our Long Range Planning Program Administrator, Pam Eaton.

MS. EATON: Good morning, Chair.

CHAIR KING: Good morning, Ms. Eaton. Thanks for being here. I know you're in a little bit of back pain today so I really appreciate you being --

MS. EATON: No problem.

CHAIR KING: --here. But if you need to leave, I understand. And we have our other Long Range Planner, Jennifer Maydan.

MS. MAYDAN: Good morning, Chair.

CHAIR KING: Good morning. Thank you for being here. Our Corp. Counsel is Michael Hopper.

MR. HOPPER: Good morning, Chair.

CHAIR KING: Good morning. And we have two resource people here today to speak to the East End and West End Policies. And they are...I'm gonna ask you to come down if you can, Malia Akutagawa, who's a Molokai community member; and Harmonee Williams Pastrana, who's also a Molokai community member. And they were both involved in the meetings and the write-ups of the chapter...the East End and West End Policies, and then also formatting those policies into the plan. So, can you help them with the rope there, Rayna? I forgot to introduce our Committee Staff as well. We have our Legislative Attorney, Traci Fujita; and our Committee Secretary, Rayna Yap. Thank you for being here. Thank you, ladies. I really appreciate you coming over. And I think, did I hear that, Ms. Williams, you have to leave early?

MS. WILLIAMS PASTRANA: Eleven.

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CHAIR KING: Eleven. Okay. So, we'll try to...we'll work on this issue first, the one you came over for. So right now, I'd like to open up the floor for testimony. And we'll go first to our District Office. Do we have any testimony on...in the Lanai Office, Ms. Fernandez?

MS. FERNANDEZ: Good morning, Chair. This is Denise Fernandez on Lanai and there is no one waiting to testify.

CHAIR KING: Okay. Thank you. I hope you had a safe and happy Pineapple Festival. Or are you doing that this weekend? Hana Office, Dawn Lono, do we have any testifiers?

MS. LONO: Good morning, Chair. This is Dawn Lono at the Hana Office and there is no one waiting to testify.

CHAIR KING: Okay. Thank you. And then we'll go to Ella Alcon in the Molokai Office.

MS. ALCON: Good morning, Chair. This is Ella Alcon on Molokai and our first testifier is Madonna --

UNIDENTIFIED SPEAKER: Dizon.

MS. ALCON: --Dizon.

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

MS. DIZON: Aloha. My name is Madonna Dizon, and I support the East and West End Policy. It was countless hours of community effort that was inputted into these plans, and to try to circumvent it is hewa. We are not Maui. We are not Lanai. We are Molokai. We have...our needs are totally different. And the way the people operate is to come together and do things. If we...part of the planning in the West End Policy, and we actually met with the hunters, we met with the ranch, we met with Kaluakoi, we met with the community, countless hours of work that was done in this West End Policy as well as the East End Policy. When they wanted to reformat, we actually had the help of Malia Akutagawa and Harmonee Williams. And that's when we actually married the 2005 Community-Based Master Land Use Plan with our West End Policy. And that plan was 882 pages, the 2005 Plan. And it was done by a thousand members of the community and thousand hours of work, and that is documented. And the will of the people should be heard. It should not be done by the...by people that have no idea of what goes on in the community. It should be done by people within the community. What we hear and what we feel is totally different from others of the other islands. If we wanted to be Maui, if we wanted to be Oahu, we would be Maui or would be Oahu, but we wanna remain Molokai. And for that, that is important. And the things that Malia has tried to institute, the laws, is actually trying to protect Molokai and its people. Mahalo.

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CHAIR KING: Thank you very much. Any questions, Members? Ms. Sugimura, you have your light on --

VICE-CHAIR SUGIMURA: Oh, sorry.

CHAIR KING: --do you...okay, no questions? All right, thank you very much for your testimony. Next testifier?

MS. ALCON: Our next testifier is Cora Caparida Schnackenberg.

MS. CAPARIDA SCHNACKENBERG: Aloha, Chair, and also, Committee Members. I just wanna thank Guzman for stepping up and deferring this to today's date. And I appreciate and welcome new Director...Planning Director, Michele McLean. First and foremost, I wanted to address the Aha Kiole, on Page 35, 36, 37, 38, 39, 70, 71, 72, 85, 86, and 87. The Aha Kiole did not follow the model of John Kaimikaua as intended. They had moved from its model into some other type of model. They have also...they...there are no monthly meetings especially with the community plan. But a year ago, the last meeting was in regards to the boat ramp. Therefore, their fiduciary duties were not done accordingly. And I ask that all those pages noted are to be deleted or to insert community. Number two, testimony of Malia Akutagawa does not represent me or the community of Chapter 10, East End Policy Plan. The Molokai public was not involved in this process. Also, it appears that there is a discriminatory point of view that she has taken. She only included everyone else except the other ethnicity group on Molokai. Number three, correction on Page 9, last paragraph, Appendix 1.4, it is out of place. Page 14 and 15, G, the Community-Based Subsistence Fishing Area Proposal and Management Plan in a developmental state and still in need to meet with the community, thus, it is premature to be in reference to a proposed community plan or management plan. The...there are no community consensus in regards to the community-based subsistence. And furthermore, the Governor did not approve such plan as of date. Page 69, Policy 23 be omitted, as it is the same concern as the Page 14 and Page 19. All right. Chapter 10 of the East End, Page 162, first paragraph, it's incorrect and misleading. Keep first sentence ending with Manae community since 1981. Actually, it's supposed to be 1979. Delete the rest of the paragraph. Six, on yours, Ms. King, Page 5 and 10, the boat ramp is incorrect. The standing-room fishermen...okay, that is my...is that my cue?

UNIDENTIFIED SPEAKER: Yeah.

MS. CAPARIDA SCHNACKENBERG: Okay. I can be respectful. Thank you.

CHAIR KING: All right. Thank you very much.

MS. CAPARIDA SCHNACKENBERG: Those are my --

CHAIR KING: Any questions?

MS. CAPARIDA SCHNACKENBERG: --changes. Thank you.

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CHAIR KING: Any questions? Ms. Schnackenberg --

VICE-CHAIR SUGIMURA: I just...

CHAIR KING: --can you...we have one question from Ms. Sugimura.

VICE-CHAIR SUGIMURA: This is more of a question for you, I guess. I'm just wondering if she submitted that. It's --

MS. CAPARIDA SCHNACKENBERG: Yes.

VICE-CHAIR SUGIMURA: --so much information.

CHAIR KING: Oh.

VICE-CHAIR SUGIMURA: If there's a written...

CHAIR KING: She wants to know if you submitted your testimony in writing?

VICE-CHAIR SUGIMURA: Is it --

MS. CAPARIDA SCHNACKENBERG: I will --

VICE-CHAIR SUGIMURA: --part of this...

MS. CAPARIDA SCHNACKENBERG: --definitely submit it in writing. Thank you.

CHAIR KING: Okay. Thank you. Next testifier?

MS. ALCON: Our next testifier is Kamalu Poepoe.

MS. KAMALU POEPOE: Aloha --

CHAIR KING: Aloha.

MS. KAMALU POEPOE: --County Council. Aloha kakahiaka. My name is Karen Kamalu Poepoe. And my testimony is this, I, first of all, I support the East and West End Policy Statements. I saw a lot of years' worth of work by the people. Those who chose to show up, there are many who have things to say now, late in the game, who were never part of this process and cared, but there were many who did. And I would like...I would say that those who did participate and who's put it out to the community the way that Madonna Dizon has said are all in support of this. It's our plan and we'd like to keep it in the place that Kelly King graciously worked through with us to put it respectfully into the plan as Chapters 10 and 11. The next thing I have to say is I repeat what I did last time, and that was this process has been difficult for public to participate in, especially in the CPAC portion of it. And so, those of us who did come,

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and again, tried to participate in this process, I would say to please make it more user-friendly next time around. I may not be here but please make it more user-friendly so that the public has the ability to speak. The third thing I'd like to say is about the Aha Kiole. Having been a part of Aha Kiole, many people on this island see the Aha Kiole as one of the only ways that can...they can advocate for their voices to be heard. The Aha Kiole has long...has a long history and documentation of the kinds of advocacies in support of island initiatives that are helpful to the resources. That's what Aha Kiole is about. So, I would recommend leaving those that Cora suggested are pulled out because the Aha Kiole is respected on this island, it's respected by the Department of Land and Natural Resources. It's recognized and respected by the Office of Hawaiian Affairs and our communities because it...see, it may be it looks like it's one of the few organizations on this island that are networked throughout the island and we have representatives for each of the moku. So, that's my opinion. Another person gave their opinion. That is mine. The last one is the CBSFA. I support it. And as I mentioned before, it would be irresponsible for us to simply throw it out because one group of people in one area don't care for it. We have Manae moku that has put in a letter of intent. And also West End is interested in that. And to arbitrarily erase it from its mention from our community plan, I think it's irresponsible and unfair to the rest of the communities for the family group that doesn't care to have it at Moomomi. So, once again, it's not an action plan. It simply is support things of CBSFA's and such. And I think I want to clarify that for everyone. So, I think that's all I have to say. Mahalo.

CHAIR KING: Mahalo. Perfect timing. Used the entire time. Any questions for Ms. Poepoe? No questions? Thank you very much. Appreciate your testimony. Next testifier?

MS. ALCON: Our next testifier is Opuulani Albino.

MS. ALBINO: Aloha, Councilmembers and Chairman King. Thank you for the opportunity that you've given us to testify on behalf of the plans that was presented to our community. I am in support of Chapters 10 and 11 for the East End and West End communities. I also want to make a statement regarding Aha Kiole. I am an advisor to Kukunaokala Halau. And I know that my relationship, close relationship with John Kaimikaua of the Aha Kiole, unlike reported earlier by Cora, is in fact intact, and it has maintained its objectives of traditional practices from kupuna who practiced it on Molokai where it was last practiced before the alii system. It is intact and it is functioning. And I so testify to that. And I wish to have that omitted by previous comment by Cora. I also support the CBSFA because communities who have that plan in place should speak for themselves and approve it on their own without other people who are not involved in those communities making statements that are out of place. Again, I support these plans. And I thank you for the opportunity. And please allow us to have more input orally and otherwise in the future because we do have concerns that the Planning Commission has moved on without our consent or permission. Thank you for the time and I look forward to speaking with you again.

CHAIR KING: Thank you. Any questions for our testifier? None? Okay. Thank you very much. Next testifier?

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MS. ALCON: Our next testifier is Yama Kaholoaa.

MR. KAHOLOAA: Aloha, Councilmembers. My name is Yama Kaholoaa. I'm gonna make it simple today but I really would appreciate, very much appreciate, if our County Council representative for Molokai, Stacy Crivello, would come to meetings and come and sit down with the community who have appointed...I was one that voted for her 'cause I believed in her in taking good care of Molokai people. It's so simple. I object, you know. I don't support the plan. And I think we need a community meeting held and our County Council should be there. All the meetings I've been at, she was never at any meeting. And I remember testifying the other week they're talking about Talk Story. I think that's where you need to talk story with the people here on Molokai, not with people on Maui. Furthermore, I don't support the Aha Kiole. They do not represent the community. The Aha Moku is who they should be working with. That Aha Moku itself who is the head do not support the Aha Kiole because it should be a community-based plan, which was never a community. I can testify today that all the meetings we've been and the Aha Kiole, the Hui Malama O Moomomi, they have all the same individuals. So, there is a lot of conflict of interest there. I've been to a lot of meetings where the community couldn't say anything. We just...and we were told...I've been in one meeting with our kupunas where they've been sworn [sic] at at the Aha Kiole meeting and nothing has been done. And I hope you guys would take that into consideration how important it is when they have this kind of meeting and that they treat our kupuna like that, swear at them, and tell them to shut the hell up. So, our Council...County Council come back and talk story to...on Molokai. We don't wanna talk story over on the phone with you in Maui. So, next trip you come back, you need to sit down and talk with our community and see how we can work this out where it'd be more in harmony, you know. So, thank you very much. I appreciate this time of testifying this day. And I do not support the community plan at this time based on it was never a community plan, and the community that never had a say. Mahalo.

CHAIR KING: Thank you. Any questions? No questions? Thank you. Ms. Alcon, next testifier?

MS. ALCON: Our next testifier is Judy Caparida.

MS. CAPARIDA: Okay. Aloha, everybody.

CHAIR KING: Aloha.

MS. CAPARIDA: I know you guys work hard. But remember, you guys were put there because you guys wanted to sit there to help the community. Okay. Chapter 11 and 12, list of concerns, this is my list of concerns. Chapter 10, East End Policy Statement, I thank you Jesus for Guzman. If it wasn't for Guzman, we wouldn't have a chance again to talk. I cannot read all this paperwork but I live the life so I know what it's all about. A lot of them talk but they don't live the life. I'm saying this because I love Molokai. My name is Judy Caparida and I've been wrapped up in our

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community. And if it was not so with my family, this would have been Maui, Honolulu. But I thank Jesus because, you know why, everything was given to us free. But now we're getting so much problems because of greed. Just gotta remember this, I have to say about OHA. OHA all of a sudden is in the picture. Where was OHA all this time? I need to say this. I said because you know what, there's a lot of conflict of interest. Tell the truth, nowadays nobody wanna tell the truth. So much money's been spent. Grants, did you guys know where the grant money is going? Do you guys follow up on the monies that you give? There's no follow-up. Ms. King, you don't know too much. All the meetings we've been having is for those that they invite to come. I was not invited to come to any meetings. I just crash. You know, that's why I love Molokai. We are free agents over here. We find that nowadays that everything is coming out heavy on us. We live here. Everybody making plan for us here. A lot of them voting from outside. They're the one putting in all these calls, all these stuff, the paperwork. Not the kupunas cannot do that kind of stuff. That's why I get hard copy. They said to me for go get this, I say hey, I come to the meeting. And if it wasn't so, I would say so. But you know what, I don't lie. I tell the truth. Everybody supposed to be telling the truth, not covering up. And this is what I feel that everything that we do, you gotta watch. God no sleep. He sees, he hears, and he knows. And that's all I need to say to you. I want another meeting. I wanna where I can see your face when I talk 'cause I hate talking on the telephone. I love you guys but I tell the truth. Aloha.

CHAIR KING: Any questions? No questions? Okay. Ms. Alcon?

MS. ALCON: Our next testifier is Liko...is Irene Kaahanui.

MS. KAAHANUI: Aloha, County Councilmembers and other. My name is Irene Kaahanui, a native-born kupuna from our magnificent island of Molokai, a veteran of the US . . . *(inaudible)*. . . and a retiree from the State. Humbly, I submit for the sake of our community--sorry for the pause--somebody is just looking over my shoulders. Humbly, may I submit for the sake of the community's heartbeat of the people that we should put Chapters 10 and 11 on the side until the community is more educated. I realize that there has been many hours of deliberation; however, we would like to see a quality-driven outcome for our Molokai Community Plan. Please feel it in your heart this morning as God is watching over us, that some can profess to know our cultural values as there's a community agrees to whatever it is thus far. But many have not walk the talk to inform our community of what is transpiring today. Our community are not puppets on a string. That is the old way, nah, no worry, we get 'em. We are real and we love Molokai. We stand by our gathering rights. Mahalo.

CHAIR KING: Okay. Any questions, Committee Members? No questions? Thank you for your testimony. Next?

MS. ALCON: Our next testifier is Liko Wallace.

MS. WALLACE: Good morning, Chair King and Councilmembers.

CHAIR KING: Good morning.

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MS. WALLACE: Okay. Here we are on the last stretch of our Molokai Community Plan. I just wanted to include that I participated in the CPAC meetings. Although it was difficult to be a part of it because it didn't seem like it was a two-way street. The prioritization process with Councilmember King and Councilmember Crivello, when she...when they were here on Molokai and looking for prioritization, I attended every meeting for Member...Councilmember King, and two of the four for Councilmember Crivello. The formation of the West End Policy Statement and the strengthening of the East End Policy Statement, I've been praying that each and every one of you, don't just hear what we have to say but actually feel our hearts in the matters that are very important to our present generation along with the generations after us that do not currently have a voice. So, I have included in my written testimony the four concerns that I would like you to make sure you address, which is Appendix 6.1 and 6.2; Chapter 12, Implementation and Monitoring; Chapters 10 and 11, the East End Policy Statement and West End Policy Statement; and the Moomomi Community-Based Subsistence Fishing Area Proposal. I have all those written down for you to refer to so I don't take up too much time at this moment. So, as a servant of Jesus Christ, I pray that each one of you have taken the time to put this matter before the Lord and ask Him for wisdom so that when you do make your final vote for our community plan, it is with God's wisdom that you make the right decision. Mahalo.

CHAIR KING: Thank you, Ms. Wallace. So, Members, we have...Liko Wallace has written testimony dated today, July 5<sup>th</sup>. Thank you very much. Any questions? No questions? Okay. Ms. Alcon?

MS. ALCON: Our next testifier is Fay Pacheco.

MS. PACHECO: Good morning, Chair King and Councilmembers. I'm Fay Pacheco. And I just wanna verbally say that it is so disheartening to see that our prior testimonies and meetings with our Committee Members be in vain. As you claim you like and appreciate public input, so please hear our voices with open ears and open hearts to our community cries and be with us. I'm also sending a written testimony. And so, it will be all in detail. Thank you very much.

CHAIR KING: Okay. Thank you. Did you wanna make any statement about the plan or the East and West End Policies?

MS. ALCON: Are you asking a question?

CHAIR KING: Yes, I didn't...I know you said you're gonna send in your testimony. Did you wanna make a statement about your support or opposition to any particular item?

MS. PACHECO: I will be sending in a written testimony.

CHAIR KING: Okay.

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MS. PACHECO: But I do want to strongly support the PC-2 and the Molokai Island Community Plan.

CHAIR KING: Okay. Great. Thank you very much.

MS. PACHECO: Thank you.

CHAIR KING: Next testifier?

MS. ALCON: Our next testifier is Leimana Naki.

MR. LEIMANA NAKI: Who am I speaking to?

MS. ALCON: The Planning Committee.

MR. LEIMANA NAKI: Planning Committee? Aloha kakahiaka. That means good morning.

CHAIR KING: Good morning.

MR. LEIMANA NAKI: I'm Leimana Naki. For some reason, we're being in this position again. This chair, the other chair, and across the street, yeah, they...in the East End. One meeting was held in the East End community. For the last three years, we the East End community were asking, knocking on that door, that all meetings that pertaining to the East End community center, yeah, community policy meetings be held in East End. And it's because of that, the East End Policy was made before that. And we are addressing that point, every and all meetings that pertain to the East End Policy be held in our community. That's the consensus from the people. Yes, and to revise and ask to revise again, it's not consensus from the people. The revision come from the people. They make the policy. You listen to and you observe the policies then you bring it back to us and we tell you, you don't tell us. Excuse me, we the people put you in that chair. You don't belong in that chair, get off. Exactly. They are very disrespectful. Forty years, and knocking on that door, no more. We are looking at advice...for legal advice, exactly. Legal advice means that you American put in the law ordinance and whatever you wanna call that. We are from the land. We are from the sea. Molokai High School says that, the bond of land and sea. And we are still today. So please, yeah, kindly, yeah, if you are on that board to help and assist, we are just 7,000 people here. We are not big as Maui, yeah. We're not as small as Lanai. Figure that out. All right. Yes, we have fish to feed our families. Yeah. We are so humble, yeah, poor in spirit. You know what that means, yeah, not poor monetarily, yeah, we don't have money, but poor in spirit that we are humble to have what we have and thankful for our water, our mountains, and our sea. Yes, what's in the water, above, below, and in between; and the mountain, on top, in the valleys, the river, we are so humble and thankful. Yes. So, whoever visit Molokai, it's Molokai. It's not Lanai. It's not Maui. Okay. You are very educated people in this forum if you guys call that. So, for those of you that understand, you are excused. But for those of you that are ignorant, yes, you are not.

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MS. ALCON: Three minutes.

MR. LEIMANA NAKI: But thank you and you have a nice day. Any question?

CHAIR KING: Any questions? None? No questions. Thank you, Mr. Naki.

MR. LEIMANA NAKI: Mahalo.

MS. ALCON: Our next testifier is Palmer Naki.

MR. PALMER NAKI: Aloha.

CHAIR KING: Aloha.

MR. PALMER NAKI: My name is Palmer Naki. And well, I just was reading the...this revised policy over here, this...there's a lot that I wanna agree with and there's a lot that I don't agree with. Well, I'm gonna start with what I don't agree with on top of this thing is the hunting. It's, I guess is letter B, appendix...it says Public Facilities, A, East End Community, and then B, Hunting Conservation Cabins. I think for our mountains up on the East side, I don't think we need any cabins in the mountains up there. There's too much access for others up there to destroy and damage any road or whatever. But as far as...I support the policy. There is some stuff in there I do not support--. . .*(inaudible)*. . .--and as far as for fence in those mountains, I don't want no fence. I feel that there should be no fences up there, no cabins. Our mountains is pristine. It's beautiful without all of these things up in the mountains. And I kinda never really prepared myself today. But that's all I wanna share about, no hunting cabins and no fence in East Molokai. Thank you.

CHAIR KING: Thank you Mr. Naki. Questions? No questions? Next testifier?

MS. ALCON: Our next testifier is Mahina Poepoe.

MS. MAHINA POEPOE: Hi. This is Mahina. You know, I don't really know what more I can say. I've...I feel like I've said everything I can or at least but I support the East End Policy Statement in its revised...in the current draft as it is. It absolutely needs to remain a chapter in the plan. We worked too hard for too long for it to just be thrown out at the last minute, and the West End Policy as well. You know, I wanna use short-term rentals as an example because recently with the last Land Use meeting, we've seen how the outdatedness and the age of the East End Policy Statement was being used against the intent of the statement as the part, it says the permanent moratorium on tourist accommodations was questioned because of the age of the statement. So, it absolutely needed to be updated. I...we can't just keep recycling the same plan in 20 years, in 40 years, in a 100 years. It needs to evolve as the General Plan does as well. So, I just wanted to say I support the East End Policy Statement. Please don't remove it. Please don't remove the West End Policy Statement. When it comes to the CBSFA issue, I'm not sure if that's gonna come up today but I would just recommend analyzing and validating the actual claims being made by those who

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oppose the CBSFA before actually making a decision. You know, a common thread that really weaves our whole plan together is the desire to protect our resources, culture, subsistence, way of life, and those parts I mentioned, CBSFA really does compliment that part of our plan. It's just a binding factor that reaffirms our desire to protect our resources. So, it's really frustrating to be in just the final hours of this and having to keep coming back and fighting. We've been in this for years already. And it just...I just...yeah, that's all.

CHAIR KING: Okay. Thank you.

MS. MAHINA POEPOE: So, we need the laws and County support to help protect our resources. So, I support leaving the CBSFA stuff in the plan.

CHAIR KING: Okay. Thank you --

MS. MAHINA POEPOE: Thank you.

CHAIR KING: --Ms. Poepoe. Any questions? Seeing none, next testifier?

MS. ALCON: Our next testifier is Laa Poepoe.

MR. LAA POEPOE: Hi, this is Laa Poepoe. I'm in support of keeping the East End Policy and the West End Policy in the Molokai Island Community Plan, as well as supporting the CBSFA. Thank you.

CHAIR KING: All right. Thank you very much. Question? No questions? Next testifier?

MS. ALCON: Our next testifier is Zhantell Lindo.

MS. DUDOIT LINDO: Aloha. My name is Zhantell Lindo. During the course of this Molokai Community Plan, I was a Planning Commissioner, Zhantell Dudoit. I want to stand in support of several things and then just make clarification. First and foremost, the Planning Department claims that the Community Plan Advisory Committee and the Molokai Planning Commission gave its blessing in adopting the land use designation table used in the Lanai plan. I wanna make a statement that as a commissioner, that was never the truth. There was never a time when we approved or gave blessings to use any such language or to use the table in any way as part of our community plan. So, I think some sort of gauge of ethics needs to be asked on that part. The Planning Department also looked at removing, and from the beginning strongly suggested that we remove the East and West End Statements and Policies. I disagree. There was more than enough opportunity for this community to come out and voice their opinion on what was being talked about in the plan. And I think that the plans give one really consistent view of the overall plan. So the statement are not separate from the plan. They enforce what needs to be done with more detail to the specific geographical area and the types of people and communities that are...make their home there. And I really wanna just clarify that there's been a lot of talk about the CBSFA and not supporting the plan, the statements inclusion because of this stuff, that's all separate.

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That's all a separate. Don't take a political item like CBSFA or whether it's the aha or whoever is managing it and throw out one whole, good, well thought-out, intentional, heartfelt plan because we cannot decide who gonna manage 'em. I think that's a political ploy in people getting what they want that is not consistent with what the community want. So, yeah, get things in the plan that gotta be worked out, get things in the community policy statement that gotta be worked out but not so much as to just disregard it. I think that would be a total disrespectful thing to do after all the hard work and effort that was put into each statement and the community plan. And I gonna be the first to say that I supported Maunaloa and West End, including their policy statement just to stake a claim. I mean, you know, the analogy I can use is that long ago I remember being told a story that the Hawaiians lost plenty of their land 'cause they didn't know how to go to the Bureau of Conveyance or wherever and pay their fee and put their names down on a piece paper. That's not happening to us anymore. We went learn from our mistakes. So, we're staking our claims in the parts of this land that belong to us and we're making good intentional benefit to our community then the future that we face. Please don't take that away from us. It might not be all good but no plan is all foolproof. And so, I just wanna stand as a commissioner who put in a lot of heart to this. And I'm gonna stand behind this plan and I'm gonna be here 'til the end to make sure that we include as we go along in our future to address the things that need to be addressed. But please take a good look at the inclusion of the Chapters 10 and 11, and please ensure that a political disagreement over who manages it is not important enough to take it out all the way. And I just like to thank you for your time. Mahalo.

CHAIR KING: Thank you so much, Ms. Lindo. I really appreciate hearing from the Planning Commission. Any questions, Committee Members? Ms. Crivello? Are you still there?

COUNCILMEMBER CRIVELLO: Aloha, Zhan. Can you hear me?

CHAIR KING: Miss...

MS. ALCON: Is there a question?

CHAIR KING: Yeah, there is a question. Is --

COUNCILMEMBER CRIVELLO: So...

CHAIR KING: --the testifier still there?

MS. ALCON: Yes.

CHAIR KING: Okay. Thank you.

COUNCILMEMBER CRIVELLO: Okay. Zhan, this is Councilmember Stacy Crivello. My question, to your recollection, when you were on the...serving on the Planning Commission, would you agree then that part of the efforts that came out or the

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outcome that came out of the final voting acceptance of the plan included policies, the East and West Policy, the Chapters 10 and 11?

MS. DUDOIT LINDO: So, just to clarify, you're asking me if Chapters 10 and 11 were included and approved on the commission level --

COUNCILMEMBER CRIVELLO: Yeah --

MS. DUDOIT LINDO: --at the end --

COUNCILMEMBER CRIVELLO: --well, the West...

MS. DUDOIT LINDO: --of the session?

COUNCILMEMBER CRIVELLO: Yeah, the West and East End Policy.

MS. DUDOIT LINDO: Yes, it was.

COUNCILMEMBER CRIVELLO: Okay.

MS. DUDOIT LINDO: And...

COUNCILMEMBER CRIVELLO: Thank...yeah.

MS. DUDOIT LINDO: Sorry, and if I recollect well, I think the minutes will show that I made that motion.

COUNCILMEMBER CRIVELLO: The...to my recollection, yes. Okay. Thank you very much. I appreciate it.

CHAIR KING: Okay. Thank you. Any other questions?

MS. ALCON: Our --

CHAIR KING: Okay.

MS. ALCON: --next testifier is Rita Kalahiki.

MS. KALAHIKI: Aloha. This is Rita Kalahiki, and I am here to say that I am in support of the East and West End Statement and also strongly support the PC-2 for the Molokai Island Community Plan. Thank you.

CHAIR KING: Okay.

MS. KALAHIKI: Aloha.

CHAIR KING: Thank you very much. Questions? Okay. Next testifier?

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MS. ALCON: Our next testifier is Walter Ritte.

MR. RITTE: Aloha.

CHAIR KING: Aloha.

MR. RITTE: Yeah, we can't see what's going on over there. Can you tell us who...what Members are present?

CHAIR KING: Okay. We have Member Crivello, Sugimura, and Cochran.

MR. RITTE: Oh, okay. Is that a majority or...

CHAIR KING: And myself. That's a...it's a bare quorum. We have seven Members on this Committee and we have four in attendance right now.

MR. RITTE: Okay. Thank you. Is this gonna be the last time we go over this or we're gonna have to come back again?

CHAIR KING: Well, we'll see how today goes.

MR. RITTE: Okay. Well, my testimony is I'm trying to be as positive as I can so I wanna start off in a positive manner. And I've been involved in the process from the very beginning, and I think the process went up and down and all around. But in general, I wanna congratulate yourself and Stacy for sticking out and coming with extra meetings in order to iron out some of the problems that we had. And on the negative side, I'm really disappointed in the Planning Department itself. From day one, we've had all kinds of problems with them because they had an idea as to where and how we're gonna do this process, and they were not willing to go along with how the community over here wanted to do the process. So, we had problems with them all along and I'm very disappointed that now we have two brand new guys that we're dealing with. And I'm hoping that they gonna go along with this community and not listen to their prior boss who had put in things here now that has made this process a lot longer than it should be. So, again, congratulations to yourself and to Stacy for your hard work. As far as what the Planning Department wants to do with the land use designations and follow the Island of Lanai, I think that is so ridiculous. Molokai would never wanna follow another island. We pride ourselves in trying to determine our own destiny. So please don't allow that to happen. As far as the East-West Policy Statements, you know, again, the Planning Department is saying hey, that's too much work, it's too much...too cumbersome and all those kinds of words. They should be praising this community for all of the work that was done to put up those two areas, East and West. And I wanna say along those line that you have two of the best people that were involved in Malia Akutagawa and Harmonee. They've really helped the community put this thing together and you should follow them, and I support whatever they're gonna be doing over there today. As far as the CBSFA, every single island should have a CBSFA. And Kauai is showing the way. They have one, Molokai

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has been trying to get one for the last 20 years. And the whole island of Molokai should have a CBSFA. So, I'm really in strong support of the idea of managing our oceans and managing our shoreline. So, please don't take that one out. So again, mahalo to all of you for your hard work on that side and especially this community who never gives up and participates in all kinds of stuff when it comes to the future of this island. Mahalo and aloha.

CHAIR KING: Thank you, Mr. Ritte. Any questions? No questions, Committee? Next testifier?

MS. ALCON: Our last testifier is Lori Buchanan.

MS. BUCHANAN: Aloha, good morning, honorable Council.

CHAIR KING: Good morning.

MS. BUCHANAN: . . .*(inaudible)*. . . Thank you. I arrived a little bit after 9:00 today because I was on standby for morning flights to Maui. Since about a week-and-a-half ago, no flights were available to Maui. I felt strongly enough to testify in person and to spend my own personal money to fly to Maui to be there. And so, I apologize. But that is the burden that this community has on trying to communicate on very important issues to this community. I worked in Hilo for about a year, and the best thing I ever saw them do was their county council because the island was so big and spread out but that they had video conferencing. And I noticed that the State and county levels, we haven't caught up. And Molokai is still in the dark ages as far as trying to communicate. When I arrived at the office this morning it was a mad house with so much people trying to fit into a small office, and you couldn't hear and you couldn't understand. And that's been status quo for quite some time. So, it's disheartening to...for me as a community advocate to be able to convey my deep heartfelt concerns in this manner. So, I hope we can improve on that in the future. And now that I took up half my time, I will say that I support the efforts by Malia and Harmonie in helping this community facilitate and putting to some kind of concise and written manner the East End and West End Policy Statements, now known as Chapters 10 and 11. And I support that 100 percent. I'm in my third service to the County as the chair of the Molokai Planning Commission. Prior to this, I was a member of the CPAC. So, in...I support the testimonies I heard so far, the one just before myself by Walter and Zhantell. But I also wanted to say for item, I believe it was two on your agenda, the comments, I read the comments by the Planning Department and it made me really sad because I thought it was filled with hearsay. And I'm glad that Zhantell brought that up that prior Planning Director Spence said that the Molokai Planning Commission and the CPAC "gave our blessings to adopt the Lanai Community Plan and that we left it up to the County Council." That is false. And I beg them to prove it. And so, I don't support adopting the Lanai table, land use table. And so please don't do that. A big issue there was the definitions or the lack of definitions of Mixed Use or whatever district, Mixed Use. And I also wanted to say thank you to County Councilwoman Crivello and Kelly King. I thank you as Walter said, for sticking it out with this community. It's a hot button. And I think that anytime you have this type of

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last-minute discourse or even through the process, you just look to leadership to see how your captain is steering your boat. And so again I was...I'm not pleased having participated for the past 30 years in many planning efforts that I think we could have done a better job. And now we at the end, so, I support strongly what the community came up with, and I'm very proud of my community. And I think they should be commended. And I thank you for our leadership there with our two Council people in trying to get everything that this community wanted included. Thank you.

CHAIR KING: All right, thank...miss...thank you, Ms. Buchanan. Any questions, Committee Members? No questions? Okay. Thank you so much for being here. Sorry you couldn't get a flight over.

MS. ALCON: I have one last testifier.

CHAIR KING: Okay. One more testifier.

MS. ALCON: Loretta Ritte.

MS. RITTE: Aloha, good morning. I'm just here to testify strongly in favor of supporting the Molokai Community Plan. Mahalo.

CHAIR KING: All right. Thank you very much for that statement. Okay. No questions? So, we are going to move to our Chambers. Do we have testifiers in the Chambers, Ms. Fujita?

MS. FUJITA: We have one person signed up to testify, Lawrence Carnicelli, testifying on PC-2.

CHAIR KING: Okay.

MR. CARNICELLI: Good morning, Chair, Members. It feels like a Monday. But I'm...it's a...I always enjoy testimony from Molokai. And I appreciate the four ladies being here again. I grew up with four sisters, no brothers. And so once again here I am, just the four ladies here again. I feel a little bit comfortable that way, I guess. But as I always said, when it comes to...oh by the way, Lawrence Carnicelli, REALTORS® Association of Maui, testifying on the Appendix 6.1 and 6.2, which basically takes a comparison of the State land use districts, the community plan designations, and the County zoning. Now I understand that, you know, Title 19 is probably gonna change, you know, before we do the Molokai Plan again. But when we have discrepancies in these, we create, and as I talked...testified before, we create what's called existing nonconforming. This isn't something that's gonna be in the future. This is just something that exists now. It could actually become nonconforming. If that person wants to or that landowner wants to go change something, they can't because it's nonconforming. If it burns down, they can't replace it. So, I know that you guys only have like a couple meetings to finish this entire thing and there's a lot of stuff that you guys gotta deal with. But I think that this is just important and I don't wanna add more work to the meetings that you guys have to do. But I just think that it's

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important that, you know, we are clear whether it be in the Committee report, whether it be actually in the plan or not that we don't want discrepancies to be created to where we force, say landowners that wanna just maybe do an addition to have to come in for a whole community plan amendment before the Council or whatever it might be. So, anyways, that's really all I'm testifying on is just...is if you guys could in whatever way, shape, or form address Appendix 6.1, 6.2 to make sure that there's clarity there. And I know this maybe a dirty thing but it's like...and to get the departments, you know, to be able to clarify that for you guys to say like okay, this is kinda how it, you know, would fit or would not fit. So, thank you, Chair, and thank you, Members.

CHAIR KING: Okay. Thank you. Any questions, Committee Members? No questions? Thank you for your testimony. I think we have...

MS. FUJITA: We have one more person --

CHAIR KING: Okay.

MS. FUJITA: --signed up to testify, Keani Rawlins-Fernandez, testifying on PC-2.

CHAIR KING: Okay.

MS. RAWLINS-FERNANDEZ: Okay.

CHAIR KING: Ms. Rawlins?

MS. RAWLINS-FERNANDEZ: Aloha, Committee Chair --

CHAIR KING: Aloha.

MS. RAWLINS-FERNANDEZ: --King and Honorable Councilmembers. My name is Keani Rawlins-Fernandez. Mahalo for this opportunity to testify. There were many community members who wanted to be here in person today to be able to truly convey the importance of our community plan. As Aunty Lori mentioned earlier, previous testifier had mentioned, it's very challenging to be here in person, to pay out-of-pocket for travel and secure a flight from Maui, which...to Maui...which is very limited. I had to fly here last night and figure out accommodations for myself so that I could be here this morning in time for this meeting. And that's why I'm here today in hopes that my presence will convey to you how strongly we support the amendments we made under your Committee's review. I want to thank Chair King, Councilmember Crivello for coordinating the meetings on Molokai, six different times in this past year-and-a-half. And this is the 26<sup>th</sup> meeting on our community plan. You have given us a lot of time to discuss this, so mahalo. I'll try to keep my testimony short so that the Committee can move forward with its work. One, I support the East and the West End Policy Statements. Chair King moved to adopt both policy statements at the last meeting. And I was really disappointed that one of the Councilmembers held up the vote in that last meeting after missing almost half of the meetings. So, I urge you to please vote to adopt it today. Two, I support the language in Malia and Harmonee's testimony that

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tightens up the land use designation language in Appendix 6.2. Three, I support the prioritization of the action items. And I personally participated in this prioritization process. Four, I support keeping the CBSFA proposal reference in the plan because it provides the studies and the data that support the fact that Molokai still heavily relies on our subsistence, and we need that protection of our natural resources. I support the testimonies submitted by Malia Akutagawa and Harmonee Williams. If the reference made by the previous testifier earlier about discriminating against other ethnicities, I'm sure Malia will expand upon this. But Native Hawaiian, traditional and customary practices are protected in the Hawaii Constitution. I would also like to reference the Office of Hawaiian Affairs' written testimony, which goes into more detail about the legal obligations of this Council to uphold and protect Native Hawaiian traditional and customary practices. So, mahalo again for this opportunity to testify.

CHAIR KING: Okay. Thank you very much. And, Committee Members, any questions? Seeing none, thank you for your testimony.

MS. RAWLINS-FERNANDEZ: Mahalo.

CHAIR KING: Appreciate you being here and coming all the way over. I know how hard it is for our members of Molokai 'cause we all have that same issue when we have to go to the State Legislature and testify when we have to try to find a flight over there. So, I think that is one thing that we'd like to work on in the future is getting some kind of interaction where we can actually see each other. Okay. So, any other testimony? Do we have any more testimony in...okay. So, with that, I guess we'll close testimony unless there's any objections.

COUNCILMEMBERS: No objections.

CHAIR KING: Okay. Testimony is closed for today's meeting.

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

CHAIR KING: And I'd like to, since we have limited time with our guests, I'd like to allow Ms. Akutagawa and Ms. Williams to maybe go over the testimony that you presented that's dated Thursday, July 5<sup>th</sup>.

COUNCILMEMBER COCHRAN: Just a brief recess.

CHAIR KING: Ms. Cochran?

COUNCILMEMBER COCHRAN: I just...can we get a brief recess for...

CHAIR KING: Oh, okay.

COUNCILMEMBER COCHRAN: Just a --

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CHAIR KING: We'll take...

COUNCILMEMBER COCHRAN: --real brief, five --

CHAIR KING: Let's --

COUNCILMEMBER COCHRAN: --minutes --

CHAIR KING: --just take --

COUNCILMEMBER COCHRAN: --not...

CHAIR KING: --a real brief of --

COUNCILMEMBER COCHRAN: Yeah.

CHAIR KING: --a two-minute recess if we --

COUNCILMEMBER COCHRAN: Yeah.

CHAIR KING: --can and come back.

COUNCILMEMBER COCHRAN: Yeah. Thanks.

CHAIR KING: Okay. . . .(gavel). . .

**RECESS: 10:06 a.m.**

**RECONVENE: 10:09 a.m.**

CHAIR KING: . . .(gavel). . . Okay. Back from recess. Thank you, Members, for being so prompt. I think that was the shortest recess I've ever seen since I've been on this Council.

**ITEM PC-2: MOLOKAI COMMUNITY PLAN UPDATE** (CC 16-98)

CHAIR KING: And so, we'll turn it over to Ms. Williams and Ms. Akutagawa to give us the highlights of their testimony and specifically I'd like to try to focus on the East End and West End Policy Statements so we could at least get a vote on that and make an agreement on that. And then if you can address your statements on the appendices and where we're at with that, that would be really helpful. Also, I wanted to note that I had them put it in Granicus but I...the appendices from the original version of the 2016 version of the plan just to show that because there were some question from some testifier last time about whether or not the East End and West End Policies were in there, and they were actually both in those appendices, in one appendix...well, it was called Chapter 11. Yeah, but both of those were the placeholders that I think you

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heard CPAC members and the Planning Commissioner, the former Planning Commissioner, speak about. So, it's dated June 29<sup>th</sup> but you don't have to go through that whole thing because it's just to show that those...that there was reference to the East End Policy and then what was called the Maunaloa Policy. So, with that, I'll turn it over to our guests and let you...ask you to make a presentation of your testimony. And thank you very much for being here again. We appreciate it, on your own time.

MS. AKUTAGAWA: Aloha, Chair King; our representative, Stacy Crivello; and other Members of our County Council present today. My name is Malia Akutagawa. I apologize for my raspy voice. I have strep throat. So, if I start fading out, I'll just pass the mic to Harmonee. We're gonna try and summarize our testimony. But basically, I'm just gonna provide some of the bullet points first and then go into more detail. So, you know, on our last...second, on Page 11 of our...or the last page of our testimony, we have a summary of actions requested. We'd like you to disregard the recommendations provided by former Planning Director, Will Spence in his letter dated June 1, 2018, as they reflect bias and an abusive authority against the will and intent of the Molokai community. A lot of his comments on redundancies and conflicts, we already addressed in prior testimony. But basically, they are just rather than redundancies, they are reflections back to sections within the community plan for consistency, not redundancy. In terms of conflict, basically, Director Will Spence had stated there's overlapping State, Federal, and County mandates and obligations. So, he was saying that there's conflicts there. I believe that is untrue or perhaps just a more slighted...slanted perspective. And that, you know, being a former chair of the Planning Commission, we had to deal all the time with overlapping regulations at the State, County, and Federal levels. So if there's any references to those things, it's just to make things more clear and understand that we have multiple jurisdictions looking at land use decision-making in Hawaii. We ask to keep and approve Appendices 6.1 and 6.2, and not replace it with the Lanai Community Plan. We do want to also make sure though in Appendices 6.1 and 6.2 that the Traditional Land Use Overlay is reflected within those appendices. So, slight amendment or modification to that. We ask that you approve and adopt Chapters 10 and 11 of the East and West End Policy Statements. However, there are some slight suggestions that we'd like to make as to those chapters where we saw that your Committee had deleted some language that we feel is very reflective of the intent of the community and we would not want those provisions to be taken out. We also would like to have the Committee restore appendices referenced in the original East End Policy Statement that we drafted in 2016 before we knew that we could make it into chapter...a chapter. And those appendices that have somehow been taken out include the Traditional and Customary Practices Report for Manae, Molokai; A Framework for the Aha Moku System and Collaborative Governance; United Nations Declaration on the Rights of Indigenous Peoples; the Advisory Council and Historic Preservation-Section 106 and the UN Declaration on the Rights of Indigenous Peoples; Manae GIS Mapping Project, which is critical to the TLU Overlay; Table 5.1 of the Manae Subsistence and Ahupuaa Management Plan Framework and Table, as they represent some of the erosion control measures and the community work at...in the restoration of our ahupuaas in Manae; and the University of Hawaii Archaeological Training Project, the survey done on Kamalo, Molokai, as we want that to be included in the TLU Overlay protection. So,

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those are the main points we wanted to make. I believe the former testifiers were clear about what role Harmonee and I played throughout this planning process. So, I don't wanna necessarily go through the background information to belabor the point. Just suffice it to say, we have been involved from the very beginning and we were asked by the community to assist. I am personally from Manae, East End Molokai, born and raised. Harmonee is from Kaluakoi moku, West End, and she also has ties to East End through her husband, and their work with Uncle Pilipo Solatorio in Halawa Valley. So, Harmonee has connections to all parts of the island and she was very instrumental in creating the Manae GIS Project, as well as working on the Manae Traditional and Customary Practices Report. And I'll let her speak more about that after I speak. I would like to say too that personally, the East End Policy Statement is very important to me and my family. I was a little girl when my community formed Malama Manae and there was...this was one of the first instances of aloha aina, and there was dredging of reef in Pukoo and in Puahala. And Manae was slated for major resort development, and my ohana and the members of Manae including the Naki family, they were part of that march. And their kupuna created the East End Policy Statement in 1981. And so, all this does is take that manao from our kupuna and just transpose it into a chapter form to make the will of our kupuna action items, not just something that sits in an appendix for reference. So, I would say those who testified against the East End Policy Statement, they need to know the history, and they need to remember what George Helm said, do your homework before you talk. And that's just my personal statement. Okay. So, I agree also with what former Molokai Planning Commission Chair, Zhantell Lindo said that there was a lot of time for the community to bring forth our East End Policy and West End Policy Statements, and the Planning Department was duplicitous in trying to stonewall and block us, trying to tell the West End community that they should do more work on it, not letting them know that it would take another 10-15 years when the next Molokai Community update would come up that they could do revisions. So, I'm very thankful for the leadership of our former Molokai Planning Commission Chair, Zhantell, in making sure that the Planning Commission rule to adopt the East End and the West End Policy Statements. And we're very grateful that your County Council Planning Committee reached out to Harmonee and I to make it...these statements into chapters so that now they're implementable and they...and it breathes more life into the words and thoughts and intents for...of our kupuna to take care the next generations long after we're gone from this earth. So, I ask you to please protect these policy statements and leave them in the plan. So, there were certain things I saw that was deleted from the Chapter 10 that we had originally crafted at your request. And so, we'd like to see that you put 'em back in. We saw the removal of action number 10.1.03, which calls for the support of designations to protect and preserve traditional lands under the DLNR conservation regulations through County zoning or other appropriate methods including the creation of a Traditional Land Use Overlay. So, I'd ask that you return that language in because this was the work of our Manae community in 2008. This is something that Harmonee was involved in and wrote, and this is what the Planning Department gave a \$10,000-grant to fulfill. And what came out of that was the Manae community painstakingly GIS'd every single historic and cultural site and traditional or cultural landscape that was important for preservation. They GIS'd it. They mapped it. And that's why too we need to put that

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Manae GIS and the maps in there back into the appendix section of the community plan. And it was the recommendation of the former Director...Planning Director, Wayne Boteilho, that when the next Molokai Community Plan update comes up, that we introduce the TLU Overlay. Yes, this is unique. This is one of its kind. I have to tell you Kauai County Council got wind of what we were doing and they're now introducing a TLU Overlay. I think we need to take...we need to honor the leadership of our community that work so long and hard. And I, myself, I teach historic preservation law and Native Hawaiian burial sites protection. I teach that. And what I see is a lot of times when Archaeological Inventory Surveys are done, you have contract archaeologist that's not even from Hawaii. They don't know how to interpret sites. So, they'll determine them to be insignificant and slate it for data recovery. Data recovery is not important but I gonna draw one picture to scale of the site, and then we're gonna bulldoze 'em. Our history is in the land. When...once it's gone, it's gone. And the way that the Manae community is looking at these sites, it's not in their singularity but in a more holistic complex way. They look at the contextual overlay of these sites. That's why they're called traditional cultural properties or traditional cultural landscapes. And it's important when the Planning Commission is making decisions that they understand that these are identified by the people as important traditional cultural landscape rather than look at each individual site in a singularity. So, I would urge you to put that stuff back in. Table 10.2 on Cultural Resources and Traditional Land Uses, there are a number of action items that have been removed by your Committee. They include protecting Ulu Kukui O Lanikaula and the Cave of Hina, which is the mother goddess of Molokai. These provisions reflect the wishes of our makua and kupuna as early as the 1980s. And as I said before, some of them have passed away and they fought very hard to keep Manae, Manae. So, if they're not deemed as priority action items, we wanna at least have them reflected in the narrative portion within the East End Policy Statement.

CHAIR KING: And, Ms. Akutagawa, just to let you know that on Page 172 that has those 10.2, the table, most of those things were moved to policy from...because they weren't deemed as action items since they were supporting actions of others. So --

MS. AKUTAGAWA: Okay.

CHAIR KING: --we can go --

MS. AKUTAGAWA: Okay.

CHAIR KING: --through that later if you want.

MS. AKUTAGAWA: Okay. My mistake.

CHAIR KING: No problem.

MS. AKUTAGAWA: Main thing the essence of what our kupuna said aren't...isn't lost in the new formatting of the chapter then I retract my statement then.

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CHAIR KING: No problem.

MS. AKUTAGAWA: Okay. There were things also, you know, just to summarize the documents I stated that were removed from the appendix that I feel should be restored. So, two of these documents reference ahupuaa watershed management and erosion control measures. They will aid the Molokai Planning Commission in understanding the community's intentions in this section of the East End Policy Statement. As I said earlier, several of the documents are important to the Traditional Land Use Overlay, and they're important for making land use decisions when the Planning Commission receive permit application requests. Information provided on collaborative governance, consultation processes like Free, Prior, and Informed Consent guaranteed by the UN Declaration on the Rights of Indigenous Peoples and adopted by our Federal government are also important as they apply to our cultural sites and traditional cultural landscapes. I wanna make a mention about Chapter 12. Even though you guys are mainly looking at 10 and 11, I know that this is my last crack, so if you entertain these comments. So, at the June 15, 2017 meeting, members of...in the Molokai community testified in support of prioritizing the action items in Chapter 12, from only priorities 1 and 2, to one that would better instruct the County, the order in which to address each action item. There were over 200 action items. The CPAC was only allowed to choose priority one or two, which only narrowed it down by half. With over 100 action items, the County could potentially start on programs and projects that are not as important to the community. Prioritizing it further makes it possible for the community to communicate to the County what they would like to see funded and completed in the first one to three years, and next one to three years. It makes it a plan that is more transparent in its implementation process. The Planning Department claims that 40 percent of the CPAC's action items were deleted. That is inaccurate. The actions items are still in the plan but have been moved from the action table to the policy section. The Planning Department also claims that the CPAC was given numerous hours, and that their prioritization process was detailed and extensive. CPAC members who have continued to follow this process have said from the first informal Talk Story that Chair King held on Molokai that this is not true. They said they felt rushed. They were not given enough time to choose between one and two. All the informal Talk Stories on Molokai were recorded by *Akaku* and are available for public review. So, we thank Chair King and our County Councilmember Crivello for listening to our community, and about the prioritization and allowed us time to provide more than one, two priority levels. We respectfully request that the items, which received a priority two by the CPAC, be reinserted into the plan. It's important to keep in all action items that still need to be implemented so that it's on record as something needed to be addressed. We also request that the following sentence be included on the first page of Chapter 12, Maui County Code 2.80B.110, is enables a person to amend the community plan after five years of enactment. So, you know, in speaking to some of these CPAC members, they said it's better to include all the priorities. And even if the priority shift over time, there's still that community plan amendment process that will allow this to go through. So, we recommend that the references to the Moomomi CBSFA and CBSFA law in general, remain in the plan. I was fortunate to actually be involved in the 1993 Subsistence Study. I was the on-island coordinator and it was a very extensive study, very well

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done with random surveys, tests, interviews, as well as focus group sessions and mapping. It's a very detailed study that Governor Waihee had called for. And it was really about us feeling that we were being marginalized as a...as an island, and being pigeonholed as this poverty welfare island. But we all knew that we had a strong subsistence economy. So, this study was to show that we...it basically proved and demonstrated that subsistence is a major part of our diet. And so, we have to protect our island's natural resources and the practices associated with gathering and expressing our culture. And what came out of this, it came out of the Hoolehua Homestead community where they said we need to protect our fishery. And so, this subsistence report gathered that manao, and then the homesteaders went and lobbied the State Legislature to pass the CBSFA law. They've been waiting 25 years for the Department of Land and Natural Resources to approve their rules. In that 25 years, the community has taken leadership regardless of what the State is doing to delay everything. They've done the science. They've taught children that are now adults to be pono fishers. They've done so much community outreach. This is not out of the blue stuff. This is foundational things. And so, I think it's important for the County to support references to the CBSFA. Furthermore, I come from Manae, and I talked with Uncle Byron Espaniola from West End. We talked with some of these fishermen from Moomomi area that are opposed to the CBSFA. And we told them, you know, you're also trying to block Manae, East End Policy Statement, and West End Policy Statement, and our community's desires for a CBSFA for the whole island and especially around our fishery. You're trying to block that. I'm mad with you guys. And there are 19 other communities Statewide that are looking to Moomomi to succeed. So, to try and block this as what Zhantell has said, just as a political move that's disrespectful. So, I ask that you keep the spirit of our community and our long work that has proven and documented that you keep the CBSFA language in there. And then finally, just to address some of the comments that were made, the Aha Kiolo, I'm actually the po`o. I was recently, I guess elected September of last year to be the Aha Kiolo O Molokai po`o. I understand the laws very closely. As an attorney as well, I've been involved in the Aha Kiolo since 2010, I believe. The Aha Kiolo have been in existence in its modern form since 2008. So, it has ten years of history. The County...our former County Councilmember Danny Mateo worked close to me...with us on the cruise ship issue and we were able to resolve that through the County Council's help, as well as the State. We have a proven track record. We are legitimate. And there are State laws already on the books that recognize the island councils of every island. And Aha Kiolo is the island council. So to say we illegitimate, that's just being misinformed. I appreciate Palmer Naki's comments about the hunting cabins and conservation fencing. I want to say that the Manae TCP accurately reflected his comments. And we did not try to skew the data in any way. We wanted to represent everybody's manao. And so, the Manae TCP reflects that manao. And I honor and appreciate his comments, and I understand where he's coming from. As for, I'm not sure if I'm pronouncing his name correctly, as to Lawrence Bardicelli's [sic] testimony about Appendix 6.1 and 6.2, creating an existing nonconforming use, and he doesn't want to unduly burden landowners to ask for a community plan amendment, I respect that comment. However, I think there's a simple fix to this. Just insert language that should any existing uses become nonconforming, the Planning Department and Planning Commission shall consider

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these extenuating circumstances and seek to accommodate landowners/permit holders to the extent feasible or reasonable. So, I think that could be a easy insertion to meet Mr. Bardicelli's [sic] comments. Thank you.

CHAIR KING: Okay. Can we just see if anyone has any questions and then, or we'll allow Ms. Williams to speak and then we will take questions? You have a question, Ms. Cochran?

COUNCILMEMBER COCHRAN: Yeah.

CHAIR KING: Okay.

COUNCILMEMBER COCHRAN: Thank you. And thank you, ladies, for all your hard work on the...this plan and being here this morning. The...Palmer I think, his comment you'd mentioned that you appreciate that, and that was in reference to the cabins and the fencing that he --

MS. AKUTAGAWA: Yeah.

COUNCILMEMBER COCHRAN: --mentioned?

MS. AKUTAGAWA: Like he said that it might open up more public access into the mountain area beyond people from Manae. So, I agree with that. And I remember him stating that it's been difficult for him because a lot...there's a lot of large private landowners that don't allow access. And so, he's tired of hopping fences and being criminalized for feeding his family. My dad and brother are hunters. I come from a hunting family. So, I understood that. So, one of the things we put in the plan, we asked other people from Manae what would they do to respond to concerns like what Palmer raised. And so, they actually said hunting cabins might be good for conservation and hunters hunting up farther, and that we create agreements like make a hunting hui with liability insurance to avoid some of the concerns of large landowners and make agreements with them to access their lands as part of conservation and for subsistence. So, we acknowledge that there were those...there were people against the fence and felt that we don't need to have that, that it was too much to see Manae covered that way. So, we tried to accurately reflect both points of view and see where there might be some compromise.

COUNCILMEMBER COCHRAN: Okay. Okay. Yeah, I just wanted... 'cause I know for here, I mean fencing is to keep the ungulates and things that can destroy our, you know, our watersheds out. And then, you know, people who are allowed to go in such as our partnership...watershed partnership people go in to eradicate this and that. So, that's why I was wondering. So, basically, the fence line you're mentioning are the private landowners like in fencing their private land. But now of course, as you say you're cutting out the hunters from accessing for subsistence purposes. So, I'm happy to hear some type of perhaps agreements amongst, you know, the users there. But I was wondering, yeah, did it have anything to do with keeping out...not bad the people, but bad the...any invasive or ungulates in the protected watershed per se area --

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MS. AKUTAGAWA: Yeah, so --

COUNCILMEMBER COCHRAN: --as in fencing.

MS. AKUTAGAWA: --we brought our concerns to Nature Conservancy and DLNR. So, one of the things that we talked about was okay, create smaller fencing unit. Don't fence the entire Manaae because there's some areas where people don't get along with the large landowners, and they feel that they should manage it themselves. But there's also a fear that if we fence up some areas and not others that it would create a corridor where all the animals would run to, and then it would foul their streams and degrade their environment. So, one of the questions that we asked, those who wanted the fencing we said okay, how you're gonna protect those other guys that no like fence? So they said, okay, we have to...each ahupuaa or cluster of ahupuaa gotta take care their own so that the animals no run to that side. So, we're gonna organize regular community hunts. And they even said they was...for put cargo net to kind of like...it's like a fishing technique to kinda paepae the animals. And that they would organize these community hunts to track the ungulates and then distribute the meat to the community so there was no waste. So, those are some of the things that they stated. And then, TNC agreed to create step-overs where hunters could also step over the fence or climb over the fence and hunt within the protected forest area. So, those things were added to try and mitigate harm to those that didn't want fence. So, TNC really scaled down their project to just Pakui Watershed instead of the entire East End. So, that was a positive. I know not everybody gonna be happy with everything but we tried our best to make sure to get as much of a win-win as we could.

COUNCILMEMBER COCHRAN: Okay. Well, very good. Thank you so much again. Thank you, ladies.

CHAIR KING: Thank you. And I did...I was...a few months ago, I went up and visited the watershed with the TNC. And I did see those step-overs where the hunters could come and at will whenever they're...whenever they want to, you know, get into that area to hunt. So, Ms. Williams, do you have anything to add?

MS. WILLIAMS PASTRANA: Malia --

CHAIR KING: 'Cause a lot --

MS. WILLIAMS PASTRANA: --said most of it.

CHAIR KING: --was said.

MS. WILLIAMS PASTRANA: Yeah. No, I just wanted to thank you, Chair King and Molokai Councilmember Crivello and other Councilmembers, for being here. I just have a few short things that I just wanted to...will accentuate and clarify, I guess. So, as Malia mentioned, my background is in community planning. I've been involved in numerous community planning processes throughout Hawaii and some in South Pacific, in

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Palau. And one thing I've learned from the other planners, senior planners that I've worked with and from my own experience is that these planning processes are never perfect, right? They're never gonna be. It's just always to try and get as much input as you can and do the best you can. And my old boss used to say, you know, we do the best we can and really our goal is to implement home rule, right? We're trying to get...be the body that helps translate that local knowledge into something that works for them. And so, with that in mind, I just...a couple points I wanted to bring up in response to the Planning Department letter of June 1<sup>st</sup>. So the one was about the East End and West End Policy Statements saying that including them as chapters creates a plan that is too long, unclear, and difficult to implement. I kinda wanted to...I just wanted to counter that. My thoughts on it are it actually makes it clear, makes it more clear, right? So as somebody who's not living on the island, they're trying to figure out what policies or zoning or regulations affect that island, they just...you just have more information, right? It's...it is a little more work to go to read through it but you have more information to make better decisions. And as far as difficult to implement, I think from all the time that we've spent going through the plan itself plus those two policy statements, any places where there's redundancies, I think they just make that point stronger, right? 'Cause it's like, okay, we're hearing the same thing, maybe more than once. And so, yeah, again, I just think that helps to make the plan better and stronger and more clear for the people making the decisions. Specifically within the East End Policy Statement, Malia touched on the TLU, the Traditional Land Use Overlay that's in there. And I just wanted to...there was one again, there was a comment in...back in that...the letter from the Planning Department that says, so, in regards to the...oh sorry, let me back up, so, it was the GI, the Manae GIS Mapping Project that kinda led, right, to that TLU recommendation. And so, the letter says that our action statement or the action statement included, which was basically to implement that Manae GIS Mapping Project, Action 10.1.01. It says this action is very unclear and has serious concerns regarding budgetary implications. And so, I just wanted to, you know, I went back into the GIS Manae Mapping Project and kinda refreshed myself with it 'cause I did help write it ten years ago. And the thing that I...that really stuck out to me was that the very conclusion of the whole thing was, so here's some priority actions to seek funding for. And that was the things they referenced, mapping of other additional cultural and natural resources, a wetlands inventory, oral histories, et cetera. But underneath it, it says numerous funding sources exist. Some feasible sources include, and then there's a whole list of places to look for money. So, I think that concept of the County being responsible for implementing that plan is not even stated in that plan. It just says that we support it, that the mapping that was done of these important sites is important. It should be recognized but it doesn't say for the further work related to that has to be funded by the County. And then, regarding the West End Policy Statement, I just was handed this today, which I think is the updated. So, Chapter 11.5, Infrastructure, Public Facilities, and Services. And there's a section on water. So, there was quite a bit of community input that was originally in here really just talking about, well, this one sentence in particular, the community lacks confidence in the safety of the drinking water. And then there's a paragraph below that that talks about how the Kaluakoi water system has received three Tier 2 violations for exceeding the maximum contaminant level. And so, being a resident of Kaluakoi, I have experienced this. And

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there's times when the water is not clear, and there's times when it smells super strong of chlorine. And I don't feel safe drinking it or feeding, you know, giving it to my family. So, I just feel like that's an important point to keep in there. What's in there currently just basically states the facts of how the system is supposed to work but it doesn't really bring up the critical need, which is to address the safety of the water that our residents are drinking. And one last thing regarding West End Policy Statement, there's been comments made in previous meetings that the West End Policy Statement was flawed, that it wasn't open to the public, that not many people attended. And I just have to say one was publicly attended. I mean, sorry, publicly...there was public notice put out in newspaper, fliers, e-mail list serves to the residents and the homeowners in that area. And as the facilitator of that process, I dug through my folders and found several of the sign-in sheets. I apologize, I never typed them up or did official meeting notes 'cause this was, you know, volunteer after work, extra work that we were doing. And I didn't, you know, if this was my full-time job, and this was what I was doing, I would, you know, do the proper...go through the proper protocol of typing all that up. So, I apologize I don't have it in that format but I do have sign-in sheets with names and dates if you wanted copies of that. So, yeah, those were the main ones. Oh, and lastly, just the appendices that Malia mentioned, I do wanna again support the inclusion of those. And I know one of the concerns was including them would make the document huge, too voluminous. And so, I know there was mention of just including the links to those, which we're totally fine with, in support of. I think again it just goes back to that statement I started with, which was the more information you have, the better for making decisions and implementing home rule. So, thank you.

CHAIR KING: Okay. Any questions? And I wanted, you know, I was hoping that Mr. Guzman would be here because he was the one that had questions about the statements that were made by the Department. But maybe we can get a...have the Department, if you have any questions about conflicts, potential conflicts that you wanted to restate. I know we went over this way earlier last year sometime. But since we have our two folks here who worked on that piece of it, can you...if you have any concerns, now is the time to...let's discuss them.

MS. McLEAN: Thank you, Chair. Our comments were detailed pretty simply in the last correspondence that we sent to you. And it's more redundancies than conflicts. What I would like to say though is when it comes to the two policy statements, as well as the implementation chapter, we have to...we, the Planning Department, have to remain true to the process that's prescribed in Chapter 2.80B of the County Code. And we followed that process through the CPAC. We had 22 CPAC meetings, and with the Planning Commission where we had 8 meetings. Those are...those meetings are subject to the Sunshine Law. The agendas are posted. They're open to the public. Testimony is taken. There's a public record. And so, when we transmitted the plan to the Council, and then these other meetings were taking place and documents were being revised, we didn't know who was involved in those, who created them, what kind of input there was. And we're not here to question that. I'm just trying to explain why we are sticking to what could be seen as a really rigid way to move this plan through. Now, you folks have had this plan for a very long time. You've spent a lot of time on it.

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You've also taken a whole lot of testimony. So, at this point, if you feel that the process that it's followed is a sound one, that the documents you have in front of you reflect what the community want, and you're good with their content, then go ahead and vote on them. We've shared our concerns with you. But our role in this is really to facilitate the process. We leave it up to the CPAC to make their recommendations, those go to the commission who make their recommendation to you, and then it's up to you at this point. And we'll provide you our comments and make our recommendations because we're the ones who are responsible for administering 2.80B. But the plan obviously evolves as it goes through. And so now, it is up to you to make your decisions. You've heard our comments about the policy statements, how we're looking for a streamlined plan that is clear to implement so that the community and the Council and the Department know what's expected. We've put in writing what our concerns are with redundancies and whatnot. But, you know, you've talked about this extensively. You've gotten a great deal of input from the community. So, we're satisfied with everything that you've taken in to date, and it's really your call at this point of including those statements and how to include them, and what to do with the implementation chapters. We put forward the implementation chapter as it came through the process. The Chair and Councilmember Crivello have spent additional time on that and have reworked that. So, you have two pretty clear choices there. And then you have a couple of options on how to proceed with the policy statements. And it's really your decision at this point. Thank you, Chair.

CHAIR KING: Okay. Thank you for that statement, Ms. McLean. Ms. Crivello?

COUNCILMEMBER CRIVELLO: Thank you, Director, for your explanation. I guess my question would be, and I'm just gonna refer right now to the West and East End Policy, you referenced the Maui County Code, the 2.80B, is it your understanding that we're...we are not in compliance by putting the West End Policy and East End Policy as our chapters with its references?

MS. McLEAN: If you --

CHAIR KING: Department?

MS. McLEAN: --include those chapters...include those documents as chapters, I do not think that would be in conflict with 2.80B.

COUNCILMEMBER CRIVELLO: It's not in conflict?

MS. McLEAN: I do not believe so.

COUNCILMEMBER CRIVELLO: Okay. Okay. That's good to know. The other...you mentioned, I guess the implementation, Chapter 12, I may agree with you on that part as far as having a process to where we've reached the priorities, though it's over a 100 priorities. But it's okay for us to have all these priorities set forth because bottom line, we know it comes down to budget and what the community is willing and able to expend with the support of the budget process. So, my major concern, and I'm sorry

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that my colleague, Mr. Guzman is not here today because he had some, I guess concerns as far as the need or trying to pass the West and East End Policies. But before I go any further, I really wanna thank Malia and Harmonee for this long process and the time that they've put in trying to narrow it down as much as they could or felt that we...we're in compliance with the Maui County Code. I personally will encourage for us to allow the passage to include this policy if it comes to that point for us to make a decision to include this in our community plan at least with the West and East End Policy that I believe has gone through. I always say our community does not necessarily have to have community meetings with all of the agencies from government to be there. If you know our island, we meet and meet and meet and finally come to some conclusion or no conclusion. But that being said, I...the other question, the other part that I would like to ask too with the TLU, the traditional layovers [sic] on the land use, I think that is a value. Today, we often hear right here on Maui, and I'm sure your Department, we as Council, Land Use, and even going up to the State Land Use, we are constantly dealing with the challenges that we as a traditional understanding of our lands that we face many challenges. So, I can appreciate that we can set something forward with that kind of statements in our plan. So, it is my hope that this too will set, maybe not so much a precedent in each district but a precedent for us as an island. This is a island plan within our community. So, that we can appreciate that. As far as Chapter 12, I think there needs to be more full discussion on that. And I wanted to know, Chair, if someone else wants to ask questions and make comments. But I wanted a little clarity from our resource people in reference to 6.1 and 6.2, on...so that I can have my own clarity what their recommendations are based on, certain part of the table, not necessarily the Lanai Plan but the table that is before us.

CHAIR KING: Okay.

COUNCILMEMBER CRIVELLO: Yeah.

CHAIR KING: So, because we have somebody who has to leave, fairly soon --

COUNCILMEMBER CRIVELLO: Yeah, Harmonee leaves --

CHAIR KING: --and I was hoping --

COUNCILMEMBER CRIVELLO: --at 11:00.

CHAIR KING: --to at least get consensus on keeping the East End and West End Policy Statements in so that we can, you know, they don't have to come back again to address this issue. And then the only outstanding thing that I see on this that, and you just mentioned it, was whether or not to put back in that, the creation of the Traditional Land Use Overlay, which is on Page 165. If you turn to 165 and you look at that Table 10.1, this is 10 point...well, it's originally it was numbered 10.1.03. And point 02 was taken out because it was a supportive statement. So we put that into policy. Ten point one point oh three was removed. There's no comment about it going

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to policy. Do you know, Ms. Fujita, that we do...we just removed that because the statements from the concerns of the Planning Department?

MS. FUJITA: I believe that one was proposed by Councilmember Cochran. I don't recall the reason for it though.

CHAIR KING: Okay. The...so, we removed that and we...let me see if it's in the policy statement.

VICE-CHAIR SUGIMURA: What page are you on?

CHAIR KING: Page 165.

VICE-CHAIR SUGIMURA: Mine is different.

CHAIR KING: So, if you see the statement about reviewing and assessing the sewage needs in implementing appropriate infrastructure, that was moved to the policy statement.

COUNCILMEMBER CRIVELLO: Right.

CHAIR KING: So, that is part of the policy. And then 10.1.03, which our resource people have been speaking about, and, you know, that was the Traditional Land Use Overlay. And I know you just said that you'd like to see that back in. So, that would be the one outstanding issue in...that I see. Because I think the other things were appendices, and we can address those when we get to the appendix. But if we wanna put that back in before we, and what would your recommendation be?

COUNCILMEMBER CRIVELLO: I would...I like the...because we need the...it...DLNR plays a role in this too. But I think we would just support designations to protect and preserve traditional lands, including the creation of a Traditional Land Use Overlay through County zoning or other appropriate methods.

CHAIR KING: So, that would...because we took that out in the...I think it had to do with it being part policy and part action. The bottom part of this is an action item because it talks...it speaks to creating the Traditional Land Use Overlay.

VICE-CHAIR SUGIMURA: Creation of.

COUNCILMEMBER CRIVELLO: I think adding support to it is the action that we should take.

CHAIR KING: Okay. Are you in favor of leaving it in this table?

COUNCILMEMBER CRIVELLO: Yeah, I think it...it's a policy statement that has to do with our natural resources and that of our lands, yeah.

CHAIR KING: Okay. Department, do you have a comment?

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MS. McLEAN: Thank you, Chair. It's not clear to us what we would do to implement this action. But I can't say we're opposed to including it. But I, you know, I...

COUNCILMEMBER CRIVELLO: So, wouldn't that --

MS. McLEAN: It's not clear --

COUNCILMEMBER CRIVELLO: --include...

MS. McLEAN: --to me what we would do.

CHAIR KING: The action items actually creation of a Traditional Land Use Overlay.

COUNCILMEMBER CRIVELLO: And wouldn't this be like a guidance for our zoning and land use? I mean our whole island is Interim. I believe, miss...

CHAIR KING: Okay. Ms. Akutagawa, you have a comment?

MS. AKUTAGAWA: Yeah, if I might add something about the TLU, first of all, I wanna mention that former Molokai Planning Commission chair, Zhantell Lindo, wanted the TLU Overlay to cover the entire island. And in terms of how it could be implemented, basically, we would utilize all the sites that's in the Manae GIS, as well as what was referenced in the West End Policy Statement, aspects of the Molokai Ranch Master Land Use Plan that identified those cultural sites for protection. They would basically be whenever the Planning Department would get a land use permit request where in an area where it's mapped as a TLU Overlay, they would just, in their staff report, inform the Molokai Planning Commission that there is a TLU Overlay there. And then the Planning Commission could impose certain conditions that would not or that would mitigate any kind of potential harm to those sites. So, that's how I see it being implemented. And what it does is it protects the landscape itself rather than what happens with SHPD is that what they'll do is they'll look at the State historic registry of historic sites. And if they don't see that it's registered, they might not realize that it might be an important area to our Molokai residents. So, that's how the TLU plays into this. It doesn't usurp State duties. It just strengthens and helps the Molokai Planning Commission make more informed decision-making. And I don't think it would be an undue burden on the Planning Department to just look at the map and say, does this project fall within the TLU Overlay? All you have to do is inform the Planning Commission that there's a TLU Overlay, you know, and cite the archaeological report or the GIS Mapping Project to say, okay, it's a TLU because the community has identified it as a, I don't know, heiau or agricultural complex of loi terraces, you know, whatever. But it just adds that extra layer of protection and follows the will and intent of the community.

CHAIR KING: So, is there a framework right now for the TLU or is this something they would have to create from, you know...

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MS. AKUTAGAWA: I believe the framework was described in the Manae GIS Report, right, Harmonee?

MS. WILLIAMS PASTRANA: It didn't go into the specific details of exactly like the steps but it really goes into the intent, again like Malia was getting at. So, one of the things that is very clear about is just the importance of the...like the components of the traditional food system. So, like loi kalo...sorry, loko ia, the fishponds, the loi, the places where people have been coming in to build and filling in. That was the Manae residents' concerns is that...is just to make sure that the traditional land use was looked at. And if it made to sense to build there. Like there's places where people have tried to fill in loi or fill in fishponds, and then of course they're having all these problems like there's runoff and there's things that, you know, it doesn't make sense to build there. So, that's what the TLU, kind of the purpose was to have that lens on when reviewing a permit application. For example, like what was the historical land use and is --

CHAIR KING: Okay.

MS. WILLIAMS PASTRANA: --this new proposed building gonna affect that?

CHAIR KING: So, Members, if you look on Page 43, number 8, there's basically this policy exists there as well. It says protect traditional cultural landscapes, such as Halawa Valley, Hokuano-Ualapue Complex, Kaamola, and...through the designation of all of Manae within a Traditional Land Use Overlay. So, you know, we can move that to...we could move one...and that's under policy. So, we could move that paragraph on Page 165 in that table over to the policy section. And it would be a little bit of redundancy but this would give it the focus on, from the Manae community.

VICE-CHAIR SUGIMURA: Chair?

CHAIR KING: Ms. Sugimura?

VICE-CHAIR SUGIMURA: So, we're trying to determine--this is not on--we're trying to determine keeping 10.1.03, right? So, can't you just say creation of a Traditional Land Use Overlay to support the designation to protect...so, switch it if...cause the discussion is, is this an action or is this policy, right? So, you're trying --

CHAIR KING: Right. And do --

VICE-CHAIR SUGIMURA: --to make it an action.

CHAIR KING: --we wanna put it back in? No, no, I think that's a good idea. That's a good suggestion to keep it in there and just reword it so that it is an action item. And, you know, it may be redundant with the Page 43. But like we said earlier that redundancies are kind of strengthening the idea that we need this in these communities. So, did you get that?

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MS. FUJITA: Chair? I also wanted to point out that there's also language in action 10.2.02 on Page 171.

CHAIR KING: Okay. Yeah, so that may be why we took it out of...maybe...and we've got the...it just says comments, and it has Ms. Cochran's name on it but it doesn't say what those comments were. So, that...so, it actually does exist if you look at the 10.2.02. Is that sufficient, Malia? I think what we did was we took that out of 10.1 and we added it to this one, to number 10.2.02 because we thought it fit under there. Because that table is named Cultural Resources and Traditional Land Uses. So, it does refer to the Traditional Land Use Overlay there.

MS. AKUTAGAWA: Yeah, I think so.

CHAIR KING: Okay. Okay. So, I would like to if we can, I know Harmonee has to leave, if we can come to a consensus to keep in Chapters 10 and 11, Committee Members. And then we can move forward on this piece.

COUNCILMEMBER CRIVELLO: Consensus.

CHAIR KING: Consensus?

COUNCILMEMBERS: Consensus.

CHAIR KING: No objections? Okay. Great, we have consensus on a major piece of this. We're gonna keep Chapters 10 and 11. Thank you very much, ladies, for being here. If any other Committee Members...

MS. AKUTAGAWA: I'm gonna stay here.

CHAIR KING: Okay. If you can stay, that would be really helpful, too. So, we'll...I'm gonna just recess for a couple minutes to let our guests leave. . . .*(gavel)*. . .

**RECESS: 11:08 a.m.**

**RECONVENE: 11:23 a.m.**

CHAIR KING: . . .*(gavel)*. . . Okay. We're back in session, Planning Committee, July 5<sup>th</sup>, 2018. And we're moving through a short list of outstanding issues but before we move on to the next one which is Chapter 12, I just wanted to clarify one outstanding issue that we have, which was the statements about the water issues. What chapter was that in? Chapter 11? Not Chapter 11, Chapter 8. There was a outstanding question. I believe it was, yeah, Chapter 8. And there were some statements in the beginning of the conditions about there not being enough water. And then under the section where it talks about agriculture, there was a statement that there's adequate water. So, if you...maybe, Ms. Maydan, you can just reiterate what you told me earlier. We asked the Planning Department to respond to those seemingly --

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MS. MAYDAN: Thank you, Chair.

CHAIR KING: --conflicting statements.

MS. MAYDAN: Actually in fact, this is in Chapter 1.

CHAIR KING: Oh, Chapter 1. I thought it was...okay, okay.

MS. MAYDAN: On Page 10, under item C, under Problems, Water, the sentence states, “the numerous studies by USGS and legal case conclusions document that current and future demand exceeds sustainable supply at this time.” And then it references several studies and reports. And then the other statement is on Page 13, under Opportunities, F, Natural Environment. Part way through the paragraph it reads, “with abundant agricultural lands, a year-round growing season, and an adequate supply of water, Molokai has the capacity to grow produce for on-island consumption and exportation.” And I guess at the last meeting it was brought up that these two statements are in conflict saying there’s adequate supply of water and that there’s not adequate supply of water. I would urge your Committee to edit this however you see necessary, but I would just point out that these statements should be read in context of the full paragraph that they’re each in. The first one under problems for water is pointing out that there is concern for current and future demand that there would not be adequate supply of water. And with the second one, it’s pointing out that it is an opportunity that Molokai has this...has abundant natural resources, abundant agricultural lands, fertile soils, and water supply for agricultural operations. So, while I see that the two statements could seem that they’re in conflict, I think you really have to take them in context of the paragraphs that they’re in. So, I would say your Committee should just edit as you see necessary.

CHAIR KING: Okay. So, thank you for that explanation. So, you know, my suggestion would be to edit the statement on Page 13 so that it reads, with abundant agricultural lands, a year-round growing season, and, depending on other community priorities, an adequate supply of water. So that makes it clear that there would be an adequate supply of water for agriculture depending on whether the other priorities that take that water. So, just get your thoughts on that. Okay.

VICE-CHAIR SUGIMURA: So, you know, Chair?

CHAIR KING: Ms. Sugimura?

VICE-CHAIR SUGIMURA: This is kind of a side note, but my pages or whatever you’re talking about is completely different from what you have. So, I don’t know if I have an...I’m looking May 1, 2018, the document that was --

CHAIR KING: Okay.

VICE-CHAIR SUGIMURA: --submitted to us.

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CHAIR KING: So, you looked on page...so, what does your Page 10 say? There's a section C, Water.

VICE-CHAIR SUGIMURA: So, Page 10 is appendix was also reviewed by the Planning Department's CPAC or vetted by the community. That's it.

CHAIR KING: Oh, no, I don't know what you're reading off of.

COUNCILMEMBER COCHRAN: . . .*(inaudible)*. . .

CHAIR KING: But...

VICE-CHAIR SUGIMURA: Mine is May --

COUNCILMEMBER COCHRAN: Sorry --

VICE-CHAIR SUGIMURA: --1.

COUNCILMEMBER COCHRAN: --Chair. What...what's the...your transmittal date on your...date, the top of your transmittal --

VICE-CHAIR SUGIMURA: Your Planning....

COUNCILMEMBER COCHRAN: --on your --

CHAIR KING: Oh, well, actually --

COUNCILMEMBER COCHRAN: --pages?

CHAIR KING: --it was just a question that we asked that came up last meeting. And so, we asked the Planning Department to respond to it. So, that was their response as to why there's these conflicting...there was no letter transmitted but it was regarding the chapter...in Chapter 1.

MS. MAYDAN: Chair?

VICE-CHAIR SUGIMURA: Okay. I have the wrong information in my folder.

CHAIR KING: So that...

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

VICE-CHAIR SUGIMURA: No.

CHAIR KING: Oh, the...okay. June 6 is the date of the plan.

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COUNCILMEMBER COCHRAN: June...okay.

CHAIR KING: June 6.

COUNCILMEMBER COCHRAN: Okay.

CHAIR KING: Sorry, I thought you were talking about the letter to the Department. But no, there was a comment made under...in Chapter 1, under Water, that there was, you know, there was a conflicting statement. Okay. Ms. Cochran?

COUNCILMEMBER COCHRAN: So, Chair, you made a recommendation, correct?

CHAIR KING: Right.

COUNCILMEMBER COCHRAN: To correct --

CHAIR KING: My recommendation --

COUNCILMEMBER COCHRAN: --that? Yeah.

CHAIR KING: --was to edit the paragraph under Opportunities, that is F, Natural Environment. So, that statement that currently says there is adequate water would say, with abundant agricultural lands, a year-round growing season, and, depending on other community priorities, and an adequate supply of water. So, it makes it clear that, you know, if we don't do anything else, we have an abundant supply of water for agriculture unless we take it and use it for something else. So, we have consensus on that?

COUNCILMEMBER COCHRAN: Yeah.

CHAIR KING: Questions? Ms. Crivello?

COUNCILMEMBER CRIVELLO: I...with abundant agricultural lands, which is what we have with the department of...with homesteaders who have ag lands. And adequate...they do have first preference to our irrigation system. So, I think it...it's agreeable what it says here. It has the capacity to grow produce for an on-island consumption and exportation but that's just referencing the water. But the problems I think sometimes it contradicts what that is saying.

CHAIR KING: Yeah. So we're just making it clear that, you know, because this one...the first statement says that there's...the demand exceeds sustainable supply. So, we're just making it clear that depending on what the community priorities are, that there would be adequate water for agriculture.

COUNCILMEMBER COCHRAN: Yeah.

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COUNCILMEMBER CRIVELLO: And how do you see this in conflict that we need to add whatever we want to add?

CHAIR KING: It's in conflict with...on Page 10, with the statement that numerous studies by USOS [sic] and legal case conclusions document that current and future demand exceeds sustainable supply at this time. So, that statement is saying there's not enough water on the island for current demands. So, we have consensus on that edit?

COUNCILMEMBER COCHRAN: I'm good.

CHAIR KING: Okay.

COUNCILMEMBER COCHRAN: I don't know...

COUNCILMEMBER CRIVELLO: I don't have --

CHAIR KING: Okay.

COUNCILMEMBER CRIVELLO: --a problem with how it's written now.

CHAIR KING: You don't have a problem with one paragraph saying there's not adequate supply, and then another one saying there is adequate supply?

COUNCILMEMBER CRIVELLO: Well, if we're talking...see, we have ag water and we have potable water, you know. So, I just feel that this recognizes that water for ag use is already available and we should recognize it as a priority for us to have the use of ag water. And I don't think we have to add anything else. But that's just my opinion.

CHAIR KING: Okay. Any other comments? Okay. We just vote on it, I guess, but, Ms. Cochran?

COUNCILMEMBER COCHRAN: Yeah, I mean I understand the statement on 10 is a fact of studies from USGS. Then F, Natural Environment, I guess it's kinda inferring that should there be adequate...as long as there is adequate water to be added to the abundant agricultural lands, you know, movement towards a more sustainable future will occur. So, I mean I see the truth in that. So, I'm not sure, I mean if you take yeah, out of context, an adequate supply of water, doesn't...is contradictory to the USGS comment on --

CHAIR KING: Right.

COUNCILMEMBER COCHRAN: --the other page. So, I mean I think you're, you know, your change is not really...I think it's highlighting, you know, to be more directly, you know, I don't know, correct inference to the other page --

CHAIR KING: Yeah, this is --

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COUNCILMEMBER COCHRAN: --to reflect --

CHAIR KING: --in...

COUNCILMEMBER COCHRAN: --what...

CHAIR KING: And these are opportunities. So, these are not statements of what the priorities are.

COUNCILMEMBER COCHRAN: Yeah, just --

CHAIR KING: So, it's just --

COUNCILMEMBER COCHRAN: --opportunities, right.

CHAIR KING: --saying that if depending on what the priorities are, there would be adequate water for agriculture.

COUNCILMEMBER COCHRAN: Right. 'Cause I think the F is like almost like stating a given or a statement. But then it is contradictory to what USGS is saying on the other page. So, I mean sure, of course we want this as an opportunity. There is an opportunity should there be adequate by all means we can move towards the sustainable future on the abundant ag lands.

CHAIR KING: So, maybe we can...

COUNCILMEMBER COCHRAN: So, as long as that's known I guess, or somehow I don't know. I mean...

CHAIR KING: Well, we can change it to say with an adequate or with a prioritization of agriculture, there would be an adequate supply. So then that would put...that would kinda give that statement that Ms. Crivello is looking for, for --

COUNCILMEMBER COCHRAN: Sure.

CHAIR KING: --making agriculture a priority.

COUNCILMEMBER CRIVELLO: Well, that's my feel --

CHAIR KING: Okay.

COUNCILMEMBER COCHRAN: Yeah, that's...

COUNCILMEMBER CRIVELLO: --that --

CHAIR KING: That's fine. It says the same thing but it --

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COUNCILMEMBER CRIVELLO: --ag --

CHAIR KING: --would give a little --

COUNCILMEMBER CRIVELLO: --lands --

CHAIR KING: --more strength to that.

COUNCILMEMBER CRIVELLO: --are...they are abundant. Homesteaders have it.

CHAIR KING: Okay.

COUNCILMEMBER CRIVELLO: They...we have a Molokai irrigation system, which is for our ag lands. And the homesteaders have first preference to the water. So, I think for me, this is okay.

CHAIR KING: So, if we put...if we can put in there, and with the prioritization of agriculture and adequate supply of water. Because the previous statement talks about groundwater and the watershed not being adequate for the current demands.

COUNCILMEMBER COCHRAN: Right.

CHAIR KING: Okay.

COUNCILMEMBER COCHRAN: Sorry. So if...with that statement currently, then obviously we need to make it a priority to put it, you know, to ag lands in order to move towards that sustainable future.

CHAIR KING: Right. I mean it...

COUNCILMEMBER COCHRAN: 'Cause if currently we're already --

CHAIR KING: Right.

COUNCILMEMBER COCHRAN: --tapping the source then somehow we need to guide efforts towards, you know, what we wanna see in the future there.

CHAIR KING: Right. So do you have any problem with that statement if we put that statement in there like that?

MS. McLEAN: No, thank you, Chair.

CHAIR KING: Okay. Okay. So, we move forward on this? Consensus?

VICE-CHAIR SUGIMURA: What's the final?

COUNCILMEMBER COCHRAN: Consensus.

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VICE-CHAIR SUGIMURA: Read the final.

CHAIR KING: So it would say and, with the prioritization of agriculture, and adequate supply of water.

VICE-CHAIR SUGIMURA: That's fine.

CHAIR KING: Okay. Consensus? Okay. So, got that done.

COUNCILMEMBER CRIVELLO: Was there a consensus?

CHAIR KING: I believe so. Unless...did you have an objection?

VICE-CHAIR SUGIMURA: I just wanted to see what --

CHAIR KING: Okay.

VICE-CHAIR SUGIMURA: --our Molokai representative --

CHAIR KING: Any objections?

VICE-CHAIR SUGIMURA: --...*(inaudible)*...

COUNCILMEMBER CRIVELLO: I don't know what's wrong with this sentence because it already tells us that our ag lands, we have...it identifies our supply of water for our ag lands.

CHAIR KING: Well, it says we have an adequate supply. But then it says that we don't have an adequate supply two pages earlier for the current demands. That's the problem because agriculture is one of the current demands. So, if you're gonna prioritize agriculture, yeah, there's enough water. But if you don't and you prioritize other uses...

COUNCILMEMBER CRIVELLO: Well, that's the problem we have but then we have the opportunity to utilize the supply of water for ag, right?

CHAIR KING: Well --

COUNCILMEMBER CRIVELLO: We identify....

CHAIR KING: --you would have it if you prioritize agriculture. If you don't prioritize agriculture, you won't have it.

COUNCILMEMBER CRIVELLO: Can I ask our resource person?

CHAIR KING: Yeah.

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MS. AKUTAGAWA: Yeah, I think maybe if it could be made clear that Molokai has been designated as a sole-source aquifer, and that's why we worry about sustainable yield. However, the community time and time again has identified as, agriculture as the number one industry, not tourism. So, I think the reflection is that if we're gonna set aside water, the priority is for agriculture --

CHAIR KING: Okay. So, do you think --

MS. AKUTAGAWA: --above other industries.

CHAIR KING: --that edit makes it clear if we put that in there, Malia?

MS. AKUTAGAWA: Huh? Can you restate?

CHAIR KING: Do you think that edit makes it clear that if we put in, with the prioritization of agriculture?

MS. AKUTAGAWA: Can you re-read it? I'm sorry I was kinda --

CHAIR KING: Okay.

MS. AKUTAGAWA: --fading out.

CHAIR KING: Sorry about that.

MS. AKUTAGAWA: I was like, okay, my testimony --

CHAIR KING: So, it would --

MS. AKUTAGAWA: --is done.

CHAIR KING: --say with an abundant...with abundant agricultural land. This is...and this is the opportunity --

MS. AKUTAGAWA: Okay.

CHAIR KING: --you know. So, the inadequacy of the water supply was in one of the problems, and in one of the opportunities under Natural Environment, the statement, with abundant agricultural lands, a year-round growing season, and an adequate...and adequate supply of water. So, what my...what I was proposing was to edit it to say, and with the prioritization of agriculture and adequate supply of water. So, it makes it...it kind of goes back to that previous statement saying if we prioritize, we would have adequate water. Right now, on the...I think we were a little worried and I can't remember who brought up this issue last time, but I think the concern was that the statement that there's not sustainable supply of water, which is on Page 10 and 11.

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MS. AKUTAGAWA: Okay. Let me see.

CHAIR KING: Ms. Cochran?

COUNCILMEMBER COCHRAN: Chair, yeah, it was my staff in my office who had noticed and felt it was contradictory.

CHAIR KING: Okay.

COUNCILMEMBER COCHRAN: And I brought it to the floor for us to discuss, and here we --

CHAIR KING: Yeah.

COUNCILMEMBER COCHRAN: --are.

CHAIR KING: Thank you.

MS. AKUTAGAWA: You're looking at Page 10 and 11, yeah?

CHAIR KING: Page 10, it --

MS. AKUTAGAWA: . . .*(inaudible)*. . .

CHAIR KING: --says "the numerous studies by USGS and legal case conclusions document that current and future demand exceeds sustainable supply at this time." It's talking about groundwater resources and watershed areas.

MS. AKUTAGAWA: I don't know, to me it looks okay 'cause it identifies it's a sole-source aquifer that, you know, future water use development has to create better efficiencies and...

CHAIR KING: Yeah, that part we weren't questioning.

MS. AKUTAGAWA: Yeah, so.

CHAIR KING: Because that's a statement of the problem, it was just, you know, the statement of the opportunity saying that we do have adequate supply of water.

MS. AKUTAGAWA: Okay. So, I don't know maybe delete that part that we don't...that we have adequate supply. Just say that priority will be given to agriculture, you know, and that we'll stay within the sustainable yield, I guess.

CHAIR KING: Well, the proposal was to edit it to say, and with the prioritization of agriculture, we have --

MS. AKUTAGAWA: Okay.

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CHAIR KING: --an adequate supply of water. So, which would --

MS. AKUTAGAWA: Okay.

CHAIR KING: --be saying that we or we're prioritizing what water we have for agriculture.

MS. AKUTAGAWA: I think what you said make sense.

CHAIR KING: Okay. Any objections? Okay. So, we'll word it like that, and then that will give a statement, a stronger statement to agriculture. Okay. Let's move on to, you know, I'm gonna--yeah, I'm hoping to have more people here by now--but I'm gonna move on to Appendices 6.2...6.1 and 6.2 issue. And we have Malia here because I wanted to address some of the...your proposal about these additional reports. And then, and you and I had talked during the break about meeting...we'd kind of do a side...if you look on the last page and there's a list of appendices that we couldn't find links to, and so we took them out. And so, we're gonna work with Malia to figure out where she's gonna house those reports so that we can actually link them and put them back in. But we...the only other possibility if we don't have a link is we have to print the entire report as part of the document. So, I think we can address that later on if you're okay, Ms. Akutagawa?

MS. AKUTAGAWA: Yes.

CHAIR KING: Okay. So, we'll work on that later. And then we'll just...and then if we can make a decision on keeping Appendices 6.1 and 6.2 versus the Appendix 9 from the Lanai Community Plan. So that's what we're...I'm hoping we can make a decision on that.

COUNCILMEMBER CRIVELLO: Are --

CHAIR KING: Ms. Crivello?

COUNCILMEMBER CRIVELLO: --you gonna bring up the discussion for the Appendix 6.1 now, Chair?

CHAIR KING: Yeah, 6.1 and 6.2. Because that was the proposal by the Department was to replace both of those with the Appendix 9 from the Lanai Community Plan.

MS. McLEAN: Chair, can I?

CHAIR KING: Sure --

MS. McLEAN: Thank you.

CHAIR KING: --Ms. McLean. Thank you for speaking up.

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MS. McLEAN: This get...keeps getting referred to as the table from the Lanai plan.

COUNCILMEMBER CRIVELLO: Yeah.

MS. McLEAN: I need to make it abundantly clear --

COUNCILMEMBER CRIVELLO: Yeah.

MS. McLEAN: --that it is not specific to Lanai or --

COUNCILMEMBER CRIVELLO: Right.

MS. McLEAN: --Molokai or Maui. It is Countywide to lay out as clearly as we could the community plan designations and what zonings relate to those community plan designations. And we will be advocating in all of the community plans that this kind of language and this kind of table be in there to make it very clear. And the Council spent a lot of time discussing this when the Council adopted the Lanai Community Plan update. But it is not at all specific to Lanai. It doesn't have any reference to any island or any community.

COUNCILMEMBER CRIVELLO: Yeah.

MS. McLEAN: It's just a very broad depiction as clearly as we could come up with of how the Department currently does and has for many years administered community plans and zoning together. You know, earlier I talked about, you know, the ball being in the Council's court and how this process has evolved. This is one area where we feel very, very strongly that what was included to clarify the relationship between community plans and zoning in the Lanai plan also be included in this plan, as well as our other community plans. Thank you.

CHAIR KING: Ms. Crivello?

COUNCILMEMBER CRIVELLO: Yeah, thank you for clarifying that. It...I don't know why we refer it to the Lanai plan. I think we're at the stage where we're trying to determine what we want to include in the Molokai plan from this table. I have a question if I may regarding this, the land use designations, as well as its uses from this table. If the Department or Mr. Hopper can help me with this. For my own clarification, and I look at Light Industrial just so I can have a better understanding. When I look at Light Industrial, I look like right here on Maui, is maybe where Sam Sato is located. And then because you have, and correct me if I'm wrong, so where Sam Sato is located, you have other types of businesses and buildings. So, I'm wondering if that's considered Light Industrial. Then I look at also how my Kaunakakai Town how I grew up was we had an...and what they're trying to push today, I don't know if that's part of Light Industrial. So, how I grew up for Kaunakakai Town, we had the stores on the bottom and we had apartments on the top of the buildings. And some of them still exist though may be not used as apartments or what have you. Is that what we're...is that how I would describe Light Industrial District? Because we have the businesses

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and then we also have the residents located on the top side of the businesses like our stores. That was the Kaunakakai Town that I grew up in. So, does this take away that kind of opportunities or that kind of designation? Can you help to give me more clarity with what's here on Maui and how this removal will not allow that kind of...where does it...where or what land use designation does it come under?

CHAIR KING: Department?

MS. McLEAN: Thank you, Chair. Light Industrial zoning allows commercial uses, allows light industrial uses, and also allows multi-family or apartments, and some degree of mixture among those. In Kaunakakai, the Business Country Town zoning does also allow a combination of commercial and residential but not standalone residential but residential as part of commercial. There are other business zonings that also allow that but I believe the majority of Kaunakakai is Business Country Town-zoned. And so, it would allow that, that this would not change that at all. What this says is that Business on the community plan is a general designation while BCT zoning is more specific. And so, what the zoning allows is what would be permitted and would be consistent with that Business designation on the community plan.

COUNCILMEMBER CRIVELLO: So, in no way Light Industrial, if this is not a, you know, if whatever we decide, the Light Industrial does, have no conflict to...cause not the whole town is BCT. You got Interim. You've got 'em all over the place. So unfair for young people who's trying to establish new businesses and they're local residents. It's...so I'm just trying to see how we can have something that's very consistent in my Kaunakakai Town as to what exists and how we will be able to continue to provide business and residents if that's possible.

MS. McLEAN: The tables do not change at all how...what uses are allowed and how those uses are administered or enforced by the County. And so, if there is Light Industrial use, those combinations of uses would be allowed to continue.

CHAIR KING: So, you have a comment, Mr. Hopper?

MR. HOPPER: Just to add if the...there's language on Page 77 and 78 of the plan that also helps to clarify the relationship between the community plan and zoning. So, that may be helpful as well. I think the issue that the Council went through in the past is whether these descriptions of each community plan designation, what are they supposed to be? Are they supposed to be an exhaustive list of all of the uses allowed in the district or are they general descriptions of what you would find in the district? And traditionally, I believe they had been looked at as a general description of what's allowed in the district. But that the zoning that matches the actual language that for example for Single-Family Residential zoning, R-1, R-2, and R-3, would set forth the specific uses that are allowed and the Single-Family district would be described as generally what you would find in that district. And so, I think that's...that was the issue was to clarify because there were some question on issues in Maui having nothing to do with this plan in particular as to whether or not these designations were intended to set forth every use that could be allowed or if they were intended to be

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general with reference to the appropriate zoning, not whatever the zoning was. So, for example, if you had something that was Agriculturally zoned but Single-Family, you know, Single-Family designated in the plan, that wouldn't say that oh, whatever your zoning is, is allowed by the community plan and vice-versa. But basically, that if you had a Single-Family zoning...if you had a Single-Family community plan designation but a Residential zoning, that the uses allowed in Residential zoning would be considered consistent with the Single-Family designation. And so, that discussion had gone on in the past. I think that's what happened for...in previous community plans. And so, I think that was something that the Council should be clear on as to what these designations mean. And I think we would encourage clarity there. I think the, again, the description on Page 77 and 78 of your plan does help that but I think that was some of the background with respect to these designations. I would also wanna point out with Appendix 6.2, there's a introductory statement that states that the following list includes the designations used in the most recently adopted community plan updates though not every community plan uses all of these designations. So, just to point out that this current Appendix 6.2 is not specific to this community plan region, that it's a general description of community plan designation. So, I think the Council if it wants to get more specific as to this plan could look in some more detail at the designations if it would like.

CHAIR KING: Okay. Ms. Akutagawa, you have a comment?

MS. AKUTAGAWA: I would like to state that one of the dangers of the Lanai appendix is that the Mixed Use language, we deliberately on Molokai left that out because it's too nebulous. It's not fully defined. And I've had personal experience litigating in this area where Judge Ibarra on the Big Island stated that this sort of issue creates illegal spot zoning. So, basically, it's not compatible with the surrounding uses, yeah. So, I think we need to avoid that. The language in our Appendices 6.1 and 6.2 is more clear, as well as in terms of tightening up primary use and secondary use, they have to be complementary to each other. And that's...there's no protection like that in the Lanai appendix. And, you know, our community hasn't properly vetted that Lanai designation table so I would be strongly opposed to supplanting Appendix 6.1 and 6.2 with the Lanai version. I also want to remind you of Zhantell Dudoit's testimony today, as well as Greg Jenkins' testimony last month where he talks about that the CPAC was not given a comprehensive review of the content of the Lanai version. And that the Appendix 9.2 of the Lanai Community Plan contains some language that is inconsistent and contrary to decisions made by the Molokai CPAC, Molokai Planning Commission, as it relates to language in the same corresponding sections of the Planning Department, CPAC, MoPC Draft Molokai Plan Update. And as a CPAC member, he recalled discussions during some of the meetings regarding that Lanai appendix language. And they never fully deliberated or adopted that language. And then he provides an example of the Mixed Use Residential Lanai language as not being compatible with their...the Molokai Community Plan update especially description or definition under typical County zoning districts and uses envisioned until a new Mixed Use Residential zoning district is established in the Comprehensive Zoning Ordinance, a mixture of existing Residential, Apartment, Park, Business, and Public/Quasi-Public zoning would correspond with and implement this community plan use designation.

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In the Molokai Plan, the Lanai language was intentionally left out as to avoid implementation of this specific land use on Molokai until it was properly vetted through community consultation process for Molokai and established in the Comprehensive Zoning Ordinance. This may be a backdoor effort to force this type of land use designation, envisioned uses, and corresponding implementation for Molokai. And then speaking from my own experience as a Planning Commissioner, I used to get all this kind of Mixed Use and Interim zoning stuff and it really it was, you know, whatever whimsical idea anybody had. And the Planning Department would just recommend approval 'cause it was Interim and Mixed Use. So, I think that's dangerous. And I think we should just keep 6.1 and 6.2 and make sure we keep the TLU within that because also the Lanai one would ignore a TLU Overlay.

CHAIR KING: Okay. Thank you for that. And I would add that we just went through this idea of Mixed Use in Kihei, and actually just went through it. It was years of taking an area that was zoned Light Industrial and trying to put a megamall in there, and which was even violation of our community plan. Because our community plan in South Maui says that Light Industrial has to be mostly Light Industrial, and it was planned for mostly commercial business. So I can see some of the things that could happen from this. But I think my point, and you all have a copy of Mr. Jenkins' testimony, again it's dated June 14<sup>th</sup>. But he actually called me up this morning and asked me to redistribute it for today. And so, I think the larger issue is that this was not vetted by the community. It was brought to us by the Planning Department after the fact. And so, and then this body asked to have it sent back to...for comment from the CPAC but we couldn't get a quorum of that organization. So, we're...we do have testimony from CPAC members. I went over and spoke with some CPAC members. And we, today, just had testimony from the former Planning Commissioner. I believe she was the chair. Was she the chair, Malia? Zhantell?

MS. AKUTAGAWA: She was.

CHAIR KING: Yeah, she was the chair of the Planning Commission when they went through this. So, I think...oh...

MS. McLEAN: She was previously but not when the plan --

CHAIR KING: Okay.

MS. McLEAN: --went through --

CHAIR KING: But --

MS. McLEAN: --the --

CHAIR KING: --she was --

MS. McLEAN: --commission.

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CHAIR KING: --the chair at one time. Anyway, the...

MS. AKUTAGAWA: She was the chair when the community plan update went through the Molokai Planning Commission. It was her last day of service on the Molokai Planning Commission. So, she was the one that was the chair that handed off the community plan to this Committee.

CHAIR KING: Okay. So, basically, you know, it's a matter of hearing from the...for me, it's a matter of hearing from the community that they don't want this in their plan. I believe that we could take care of any potential conflict of use with the statement that I think you gave us a statement earlier that we could insert into that appendix. Can you repeat that, Malia?

MS. AKUTAGAWA: Oh wait. You're talking about the...

CHAIR KING: The nonconforming.

MS. AKUTAGAWA: Yeah, I sent --

CHAIR KING: Existing --

MS. AKUTAGAWA: --it to --

CHAIR KING: --nonconforming.

MS. AKUTAGAWA: --Traci. But let me try and find it again.

MS. McLEAN: Chair, if I can for the record please, Commissioner Dudoit was on the Commission. She was not the chair nor the vice-chair when the Molokai Planning Commission concluded its review of this document.

CHAIR KING: Okay. Well, we have difference of opinion so we can work that --

MS. McLEAN: It's not a difference --

CHAIR KING: --out but it's...

MS. McLEAN: --of opinion, excuse me, that's a fact.

MS. AKUTAGAWA: That is not a fact and you're deliberately lying. I was present at that meeting and Zhantell personally testified today that she was there.

MS. McLEAN: I'm --

MS. AKUTAGAWA: So, I don't know --

MS. McLEAN: --not doubting that --

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MS. AKUTAGAWA: --why --

MS. McLEAN: --she was there.

MS. AKUTAGAWA: --you're saying that.

MS. McLEAN: I'm saying...

MS. AKUTAGAWA: Show the minutes.

MS. McLEAN: I'm saying that she was not the chair. I'm not --

MS. AKUTAGAWA: Yes --

MS. McLEAN: --saying...

MS. AKUTAGAWA: --she was the chair.

CHAIR KING: Okay.

MS. AKUTAGAWA: I was there.

CHAIR KING: We're gonna table that discussion.

MS. AKUTAGAWA: Okay.

CHAIR KING: Anyway...

MS. AKUTAGAWA: As to the language, Chair King--and I'm sorry for that --

CHAIR KING: Okay.

MS. AKUTAGAWA: --outburst--anyway, this is the language I proposed, should any existing uses become nonconforming, the Planning Department and Planning Commission shall consider these extenuating circumstances and seek to accommodate landowners or permit holders to the extent feasible or reasonable.

CHAIR KING: Okay. So, any thoughts on that? Mr. White, you've been silent this whole time.

COUNCILMEMBER WHITE: Thank you, Chair. I'd like from the Department, are there...if we leave 6.1 and 6.2 as is, are there parts of the Molokai community that will be put in a position of being nonconforming and not be able to make changes to their property if they choose to do so? And if so, in what areas would those be? Would they be in Kaunakakai or elsewhere?

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MR. HOPPER: Madam Chair?

CHAIR KING: Mr. Hopper?

MR. HOPPER: Just to clarify, I don't think that language at this point...I think we would need to look at would...are we talking about as a nonconformity. There is a zoning ordinance already in existence that contains specific language on zoning nonconformities and defines what they are. As far as community plan designations, any nonconformity would be created if a designation...any potential nonconformity would be created if a new designation was provided. What we are not attempting to do here, as I understand it, is have these designations be adopted and say something different than the same designations under the current community plan. And so, as far as that language, we would need to take a clear look at it. And I'm not sure what anyone is talking about with respect to nonconformities of a community plan. Generally, a nonconformity is if a use is allowed and then a law is passed that says that use is no longer allowed, then what are the rights of that individual? As I understand it from this table anyway...the map may be a separate issue. But from this table, these uses and descriptions are not different than what's in the current community plan. So, adopting them should not create any type of nonconformity. Adopting the map, if somebody's map goes from a use that's...they're already undertaking and then the community plan map changes to make that person's use no longer legal, then that's something that would have to be addressed. But by adopting this table itself, my understanding is that this table is not intended to be any different than the current uses in the current community plan. Some of the concern though was the level of specificity in the actual document. For example, it states Single-Family. This includes single-family, duplex, and ohana dwellings. Is that intended to be a comprehensive list of all of the uses in the Single-Family district or any place that is designated Single-Family? That has never been the case in the history of community plans to my understanding, rather, this is a description that states this is a description of what's allowed here. It's a general description but it is not intended to go over every possible use allowed in the district. And so with that in mind, I don't think there was an intention to adopt this table and then have this be different language than in the existing Molokai Community Plan, which would apply to current landowners. If the map change, which is in a separate section and should certainly be reviewed, actually changes somebody's designation from something that they were...a use they were undertaking that makes that use no longer allowed, then that would be your general nonconforming situation. But adopting this table, I'm unclear as to what nonconformities we're talking about here under this table and what they could be...what they would be, you know, potentially created? The testifier that raised that issue isn't here anymore and I'm not sure exactly what language --

CHAIR KING: Okay.

MR. HOPPER: --he's thinking of. I believe he's thinking of adopting this language being more restrictive than the existing plan language, which I think we need to make clear is not the intention, if it's not --

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CHAIR KING: Okay.

MR. HOPPER: --the intention.

CHAIR KING: And you're referring to the current, the 6.1 table?

MR. HOPPER: No, I'm talking about the existing community plan right now. A nonconformity is you're doing something that's allowed by law, the law changes --

CHAIR KING: Okay.

MR. HOPPER: --to make that no longer allowed.

CHAIR KING: But when you're referring to the table making it nonconforming, I mean the discussion is on the table 6.1, not the proposed table, the one that came out of the Lanai plan. So that was what the testifier referred to as possibly creating existing nonconforming.

MR. HOPPER: I don't recall if that is correct. In any case, whatever...

CHAIR KING: Neither one of them are...you have that issue with.

MR. HOPPER: Whatever...the thing that would create a nonconformity is the map you're adopting, potentially. And I don't think that it necessarily is but these don't actually change the designations. The map can. The map you're adopting could say something that is Single-Family designation is now an Ag designation, for example, or something like that.

CHAIR KING: Okay. Mr. White, what'd you, sorry.

COUNCILMEMBER WHITE: Yeah, I appreciate Mr. Hopper's explanation. My concern is that if this plan is taken as the only things that can be allowed in those designation, and there's no designated areas, are we then excluding everything else that is currently in such as a residential area like a church or a gas station or something of that sort? That's my concern. I have no problem if these tables are seen as general. But if these tables are seen as prescriptive and immovable, and not general, then I think there's a problem with it. And quite frankly, Chair, I think there's enough confusion on this. I have no desire to vote on this today. Because I think it is something that is critical to us moving forward with all the other community plans. The whole push to change the Lanai plan was put on by people from Maui, not Lanai. So, I'm not ready to vote on this. So, I would appreciate if you defer this item.

CHAIR KING: Okay.

COUNCILMEMBER WHITE: And we're --

CHAIR KING: Any --

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COUNCILMEMBER WHITE: --well past --

CHAIR KING: --response --

COUNCILMEMBER WHITE: --our time.

CHAIR KING: --Mr. Hopper, then we'll...

COUNCILMEMBER WHITE: And actually, I was asking the question of the Department not of Mr. --

CHAIR KING: Oh.

COUNCILMEMBER WHITE: --Hopper, but I really appreciate Mr. Hopper's --

CHAIR KING: Okay.

COUNCILMEMBER WHITE: --clarification.

CHAIR KING: Okay.

COUNCILMEMBER WHITE: Department?

CHAIR KING: I don't think the...I think the people on Maui were against the actual Lanai table but...or some of the people...

COUNCILMEMBER WHITE: No, that's...no, that's what I was referring to.

CHAIR KING: Yeah.

COUNCILMEMBER WHITE: Not...I...well, I --

CHAIR KING: Okay.

COUNCILMEMBER WHITE: --know some of the same people have been involved in this but...Ms. McLean?

MS. McLEAN: Thank you, Chair. Echoing what Corporation Counsel said, I don't know that this upon adoption would create nonconformities. What it would do is create uncertainty and confusion about what uses are allowed when you have uses for example, in Single-Family in the Residential districts, parks are also allowed as a permitted use in the Residential districts. And so it makes it unclear that if you have an area that's Single-Family community planned that is a park, is that park now inconsistent with the community plan and what is its status? The language that we're proposing makes it clear that the uses allowed by the zoning would be allowed under the community plan. And as Corporation Counsel read, the description of

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Single-Family says single-family, duplex, and ohana. It doesn't say parks. It doesn't say churches. It doesn't say the other things that are allowed in the Residential districts. So even when we have a match of Single-Family on the community plan and Residential zoning, there are still some uses within that Residential zoning that wouldn't clearly be allowed under Single-Family community plan. And that's what we're trying to make clear.

COUNCILMEMBER WHITE: So, my question to the Department is, with the wording as is in the 6.1 and 6.2 that are currently there, do you think any future Department decisions would be focused on just the items that are on this plan because that's what the plan is? That's my concern. If it's in the plan then it's gonna be very difficult for somebody to come in and apply for a permit to build a church in a residential area or to build many other things in other areas that are currently and historically allowed. And I'm just, you know, I...anyway.

MS. McLEAN: That's exactly it. And that's our concern, too. And as you know, the Lanai Community Plan update was ongoing as the Department was taking the Molokai plan through the CPAC and the Commission. And we did make it clear to both of those bodies that we would be advocating for the same language to be included in this plan. The Council hadn't adopted it. And so it wasn't final. But we made it clear that that is what we would be recommending. So, it is true that the community did not vet that language but it is also true that we made them aware of what we would be recommending once that language was adopted by the Council during its consideration of the Lanai plan.

COUNCILMEMBER WHITE: Okay. And I'm not saying that it would happen, but if this plan went through and the Department saw this as being specific and unyielding, and there was a church that was built in a residential area, and because that's not allowed, it's not specifically allowed, would they be able to reroof or make other changes that they wanted to make? Or would be they...would they be considered nonconforming?

MS. McLEAN: It would depend on the kind of permit that they needed and what the Administration of the County and of the Planning Department at that time, how they would interpret this. That is what the danger is that it is not clear enough. And there certainly are people who believe in the example I gave before, with Single-Family community plan, Residential zoning with park, who believe that that park would be in conflict with the community plan and should not be allowed. So, if somebody with that perspective was processing the permit, the reroofing permit that you described, then I think there is a danger that that could happen. And that is why we wanna make it clear.

COUNCILMEMBER WHITE: Okay. Thank you. Thank you, Chair.

CHAIR KING: Okay. Ms. Akutagawa?

MS. AKUTAGAWA: I think the Planning Department . . . *(inaudible)*. . . I think the...

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CHAIR KING: It's going on and off.

MS. AKUTAGAWA: I think the Planning Department is being deliberately misleading. I think the Lanai version is more broad and vague such that you can end up having conforming uses because it's too broad anyway. And then you get like the Mixed Use again, so you get spot zoning. And I believe Councilmember White's concerns are actually addressed in the Molokai version. Because our proposed language would establish primary and secondary uses. So primary would be residential, secondary could be church, park, and other compatible uses. So there is compatibility. There's a more conscientious planning in this. And further, I'd like to say that the whole community plan process is about individual communities coming together and devising their own plans. It's not trying to be compatible with other communities. And we are an island in a tri-isle County. Molokai is vastly different from Lanai and Maui. So, I think we need to err on the wisdom of the people of our island. And that's their due process rights. So, I don't want us to trod heavily upon the due process rights of our citizens of Molokai. We are self-determined and self-empowered and wish...our wishes to...should be respected. And I think the language that I proposed would very easily take care of potentially nonconforming uses. It's like any kind of language that you get in a law. If, you know, if any provision within this law conflicts with another law, then, you know, we will work out. I forget the exact language. But there's that disclaimer clause within laws. So, you know, this is the similar language that I'm proposing and can easily deal with this issue versus, you know, Mixed Use, it's too broad and you get spot zoning versus well, we get one guy that has a existing nonconforming use, there's flexibility with the decision-making on the Planning Department and Planning Commission level to make accommodations for that person. I think we're looking at the path of least resistance and the most fair and equitable path. And then also, I'd like to apologize to the Planning staff person. I was told by Aunty Stacy Crivello that Zhantell wasn't the chair but she...at the meeting that I went to, she served as the chair because the actual chair was absent that day.

CHAIR KING: Okay. Thank you for that. And any last comments and then we're gonna --

VICE-CHAIR SUGIMURA: I do.

CHAIR KING: --go ahead and defer...did you, well...

VICE-CHAIR SUGIMURA: Go ahead.

CHAIR KING: I think you had your light on. I don't know if you wanted to speak --

COUNCILMEMBER CRIVELLO: No --

CHAIR KING: --Ms. --

COUNCILMEMBER CRIVELLO: --I --

CHAIR KING: --Crivello?

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COUNCILMEMBER CRIVELLO: --appreciate the deferral 'cause I don't want to put our island in a box. And I don't want to see our residents have to go through...you listen to the horror stories that they have to go through to just to reroof their house with...if they're in Kaunakakai Town. You listen to the horror stories of what steps you have to go through to get necessary permits so you can do a auto repair shop. And it's costly. I look at the kupuna who wants to subdivide their kuleana lands. I would just hope that whatever decision we make on this, it will not make it harder for our residents to be able to process what they feel is necessary to build a residence, put a business in place, or what have you. So, I think at this stage I appreciate the deferral.

CHAIR KING: Ms. Sugimura?

VICE-CHAIR SUGIMURA: Yeah, I too appreciate the deferral. And I look forward to talking about this again. I wonder if from the Department, if you could tell me based upon your opening comments regarding 6.1, 6.2, right now, in front of me, I have like my binder is incorrect. It's like May Planning document, but yet we're talking about June. So, can you submit to, or can you just direct me maybe to where I need to be looking for what the Department is using to standardize this section Countywide?

CHAIR KING: The document is...looks like this. So there's --

VICE-CHAIR SUGIMURA: Yeah, but I --

CHAIR KING: --both versions --

VICE-CHAIR SUGIMURA: --got --

CHAIR KING: --in it. That should --

VICE-CHAIR SUGIMURA: --several versions --

CHAIR KING: --be on your desk.

VICE-CHAIR SUGIMURA: --of it. Is that your version?

CHAIR KING: It has both versions in it.

VICE-CHAIR SUGIMURA: Department?

MS. McLEAN: The Committee's March 17<sup>th</sup> draft of the plan included our recommendations for 6.1 and 6.2.

VICE-CHAIR SUGIMURA: Okay. So it's not this then?

MS. McLEAN: That's the --

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VICE-CHAIR SUGIMURA: Oh, I'm sorry . . .*(inaudible)* . . .

CHAIR KING: I think you're looking at the wrong --

MS. McLEAN: --implementation table.

CHAIR KING: --document.

VICE-CHAIR SUGIMURA: I'm sorry, that's implementation.

CHAIR KING: So, if you look at this document --

VICE-CHAIR SUGIMURA: It says --

CHAIR KING: --that's --

VICE-CHAIR SUGIMURA: --July.

CHAIR KING: --dated today, it has this comparison of 6.1 with the proposed table that came out of the Lanai plan.

MS. McLEAN: Can we --

CHAIR KING: So you got --

MS. McLEAN: --get a...

CHAIR KING: --both of them on it.

MS. McLEAN: Can we get a copy of that, Chair? We haven't seen that.

CHAIR KING: Oh, could you...okay. This...the document looks like this. It's got a lot of red print. You didn't...you folks, didn't get it? Okay. Sorry, we didn't get it passed out to everybody. I guess we put it on all the Councilmembers. Yeah, it's got a place to check off Admin. So, I'm not sure why it didn't get to you but...okay. Any last comments, Ms. Cochran?

VICE-CHAIR SUGIMURA: So, it's the July 5, 2018 from you?

CHAIR KING: From me. It looks like this.

VICE-CHAIR SUGIMURA: And it's a comparison?

CHAIR KING: Yeah, all...you should...all the Committee Members should have gotten that.

COUNCILMEMBER COCHRAN: Chair? So, I'm trying to get a general thought of Planning Department's thought processes. If you're saying that zoning is overriding the

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community plan, the generalization of a plan, the plan itself, thereby, you really, really want to pinpoint and, you know, for the...in the zoning parts? Is that what you're...the kind of the hardship here is trying to balance out, trying to voice the community's wants and needs through the zoning process and not so much the overall generalization of a community plan itself?

MS. McLEAN: The zoning provides more specificity than the community plan. And what we're trying to make clear is that if a community plan says Single-Family, that that does not mean just houses. That can also mean parks, and schools, and other things that the Residential zoning districts allow. So, it...zoning does not override the community plan. The community plan does not...I was going to say the community plan does not override zoning but the community plan directs zoning. And the zoning is intended to implement the community plan. And we wanna make it clear that in the details of each zoning district that there are uses beyond just the one or two-word label of the community plan.

COUNCILMEMBER COCHRAN: All right.

MS. McLEAN: That if you say Single-Family, that doesn't mean homes and nothing else. It means things that are related to and compatible with homes like parks and schools.

COUNCILMEMBER COCHRAN: Right. Okay. I mean but I see us do Change in Zonings all day long, community plans' amendments, district boundary amendments, I mean we do it all the time. And so sometimes, I look at...I've been trying to uphold our current community plans especially in West Maui, and it's all overridden. We change it all up. And sometimes I just wonder yeah, where is the teeth, where is the, you know. So, anyways, yeah, it would be nice for us to listen to the voice of that respective community and follow their plans whether it's 10, 20 years later, it's still the voice of the people who created these plans and the Councilmembers who came before us and others who made that decision. So, you know, I think we know a lot of the projects that I've voted against because I'm trying to uphold the existing community plan. And I just wonder how we're gonna move into the future to really make sure that we are standing true to the people who created them and not waltz on in later, you know, in the future, somewhere and just switch it all up. So, wherever we land, Chair, I just wanna make sure that we're consistent and, you know, sticking...staying true to the people of that respective community at the time. Thank you.

CHAIR KING: Thank you, Ms. Cochran. I have the same concerns because I...in listening to testimony that's been ongoing, I haven't heard anybody support the other table. And my concern is that we're inserting a table and we're planning to insert this table into every community plan. I've already heard concerns about this table from South Maui. Rather than going, you know, working on Chapter 19, and coming up with something that works for...if we're gonna come up with something that works for everybody, let's come up with something that works for everybody first and then go back into the community plans and say, you know, does this fit with the community? But the pushback I've heard from the Island of Molokai on this has been loud and strong. And

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so, that's a great concern of mine, too. So, with that, we're going to...did you have a comment, Mr. Hopper?

MR. HOPPER: Just a last thing about Mixed Use Residential. I know that was a topic that has come up. In the proposed 6.2 in the current plan, it does say a proposed new designation that would include a mix of Single-Family and Multi-Family Residential, Neighborhood Parks, Business/Commercial, and Public/Quasi-Public uses. That's what's in 6.2 in the plan that's proposed to be adopted. As my understanding is, that no one is...that's not a designation that anybody actually has right now. I don't know if the Department has issues with deleting it or where it's actually...where properties are actually designated Mixed Use Residential on the map. But yeah, there's no...apparently, they're saying there's no place that's designated it. So, I don't know if the Department...in the Molokai Community Plan, so I don't know if the Department has issues with just deleting that or if the current language is adequate or not. But that's apparently been something that a lot of the testifiers felt strongly on. So, if the Committee wants to take a look at that, they certainly can. But my understanding is there's not only no one zoned that but there's also no proposed designations on the community plan map. So, maybe that's something the Committee can look at deleting.

CHAIR KING: Okay. And that's on, what page did you see that on?

MR. HOPPER: Well, that's just on Appendix 6.2. That's Page 287. That's the one that I think that they're...that you're looking at adopting. That there's a Mixed Use Residential description there, I don't know --

CHAIR KING: Right.

MR. HOPPER: --if people are --

CHAIR KING: No, I see what you're --

MR. HOPPER: --comfortable with that.

CHAIR KING: --talking about, yeah.

MR. HOPPER: Yeah, it says MUR. But my understanding is it doesn't exist anywhere. So, if the Committee wasn't planning on designating anybody that, then I don't know why they couldn't delete that. But that's up to the Committee.

CHAIR KING: Okay. All right. We'll...with that, we'll go...we'll defer the PC-2.

**COUNCILMEMBERS VOICED NO OBJECTIONS.** (Excused: DG, RH)

**ACTION: DEFER PENDING FURTHER DISCUSSION.**

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CHAIR KING: And thank you for your work today. We made a...I think it was a major decision to keep in the East End and West End Policy. And thank you so much for being here, Malia Akutagawa. I really appreciate your support, and Harmonee Williams. And we will contact you if we need you for further meetings. But thank you for being here.

MS. AKUTAGAWA: Thank you --

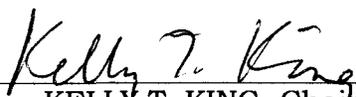
CHAIR KING: With that, we're --

MS. AKUTAGAWA: --for having us.

CHAIR KING: --adjourned. . . .(gavel). . .

**ADJOURN:** 12:26 p.m.

APPROVED:

  
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KELLY T. KING, Chair  
Planning Committee

pc:min:180705:acqp

Transcribed by: Ann Carmel Q. Pugh

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CERTIFICATE

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

DATED the 30<sup>th</sup> day of July, 2018, in Kihei, Hawaii

  
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Ann Carmel Q. Pugh