

(APPROVED: 11/14/07)

**MOLOKAI PLANNING COMMISSION
REGULAR MEETING
SEPTEMBER 24, 2007**

A. CALL TO ORDER

The regular meeting of the Molokai Planning Commission (Commission) was called to order by Chairperson DeGray Vanderbilt at approximately, 12:45 p.m., Monday, September 24, 2007, Mitchell Pauole Center, Kaunakakai, Molokai, Hawaii.

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

Mr. DeGray Vanderbilt: Okay, everybody, I'd like to call the meeting of the Molokai Planning Commission September 24, 2007 to order. With us today we have Commissioner Kip Dunbar on the far right; next to him is Commissioner Bill Feeter; next to Bill is Commissioner Sherman Napoleon; next to Sherman is Vice-Chair Steve Chaikin; next to Steve is Commissioner Mikiala Pescaia; my name is DeGray Vanderbilt. On my left is our Corporation Counsel, Michael Hopper. Talking to Michael is Maui Staff Planner Joe Alueta, who'll be describing one of the ordinances today. Over to my left is Suzie Esmeralda, who will be taking the minutes. And we have Nancy McPherson trying to find a seat in this packed house, she's the Molokai Staff Planner. We have Simone Bosco up here with Long Range Planning, and Kathleen Aoki, at the computer there, also with Long Range Planning.

So, with that, Commissioners, I'd like to see if there would be any objection to amending the agenda slightly, and that would be everything would stay pretty much in order but we will put Unfinished Business, which is the review of the policy plan, after Item G so we can get through any outstanding business, and then we can get into the policy plan review. And, as I understand it, Long Range Planning has to leave at about 6:30, they have an 8:00 plane, so we, hopefully, we can finish things up on the rest of the agenda. This ordinance shouldn't take very long, and then move into the policy plan review. Is there any objections to that?

Okay, hearing none, okay the first item on the agenda is if there's anybody out there that would like to give some public testimony in advance or if you have to get back to work, or you can wait until the agenda item comes up. Oh, yes, okay, please identify yourself, Judy, for the record.

B. PUBLIC TESTIMONY ON ANY AGENDA ITEM FOR THOSE WHO HAVE TO GET BACK TO WORK OR HAVE OTHER SCHEDULING CONFLICT

Ms. Judy Caparida: Aloha. My name is Judy Caparida and I'm here -- I had to leave a meeting to come here not knowing it was a changed day; usually it's on a what? A Wednesday. Today is a Monday. I hope we can get really good communication cause if you guys are here, you guys not here for your guys self. You guys are here because of us, and it's our concern because this is where we live. We don't want only the board to be here and then nobody else are here - cute. And I here to tell you folks that when there is important things, like the bed and breakfast, the rentals and all that, we don't want it in the noon time. It is told to me our community wants to have a say in it and they want it in the evenings when they are not working. I wrote a letter to our Mayor. If she can make time to come here in the evenings for her meetings, then you guys better make time. Cause she's here to serve us. We're the community. And I need to let you guys know, we get meetings ourselves, among our community, that wants to know how come every time we're having it early. We the kupuna and the only time that we can come here and then we share with our community what's happening. So we feel that you know what? You folks are servants to us, the community of Molokai because the needs is for us, and this is what I'm speaking today that letting our board know what's going on because they feed us, and if you guys don't let them know, we going get angry, and we don't care who is around. We're going to say our piece and I think that is because why? Cause this is our life and we have the right to speak up and I'm here because of our community, they know we're community people, they ask us to speak on their behalf, and this is why I'm here. All important meetings will be called for evenings, and I am telling you, put it on record, this is what we want. Thank you.

Mr. Vanderbilt: Thank you, Judy. Are there any comments, questions for Judy? Hearing none. Judy, we try to have the meetings every Wednesday. This week, there was scheduled a Hawaii planning conference on the Big Island and several of the Planning staff and some of our Commissioners were going so we had to reschedule that. Later in the day, we are going to talk about the schedule for the October 10 transient vacation rental. The Planning Department is supposed to consult with this Commission before they schedule those things, they know that things should be in the evening, but still it was scheduled at 12:30, so we're going to try to straighten that out later on today when we get to that item on the agenda.

Ms. Caparida: Well, thank you.

Mr. Vanderbilt: Thank you.

Ms. Caparida: The thing is that I needed to let that be known to you guys that is from our community.

Mr. Vanderbilt: Well thank you very much for your input, Judy. Okay, is there anybody else that wishes to testify at this time? Hearing none, people can still come up and testify when an agenda item comes up. The next item is the approval of the minutes of the August 22

regular meeting and also the special meeting held on August 22 in the evening. Do I have a -- hear a motion to approve the minutes? Commissioner Pescaia.

C. APPROVAL OF THE MINUTES OF THE AUGUST 22, 2007 REGULAR MEETING, AND AUGUST 22, 2007 SPECIAL MEETING

Ms. Mikiala Pescaia: I would like to make a motion that we approve the minutes of the August 22 meeting, both the regular and special meeting minutes.

Mr. Vanderbilt: Is there a second? Second Commissioner Feeter. Is there any discussion or changes to the minutes?

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

It has been moved by Ms. Pescaia, seconded by Mr. Feeter, then unanimously

VOTED: to approve the minutes of the August 22, 2007 regular meeting and special meeting.

Mr. Vanderbilt: Motion carried. The next item on the agenda is a public hearing, an action may be taken by our Commission after that hearing.

Chairperson Vanderbilt read Item D.1. into the record.

Mr. Vanderbilt: It sounds like, just after reading it, it's really working on just changing a name to make everything consistent in the code, and, anyway, Joe Alueta, from the Maui staff, is over here to explain the ordinance and the amendments to us. Joe?

D. PUBLIC HEARING (Action to be taken after public hearing.)

- 1. MR. JEFFREY S. HUNT, AICP, Planning Director transmitting A Bill for an Ordinance Amending Title 19, Maui County Code, Relating to the Maui County Cultural Resources Commission. (J. Alueta)**

The amendments replace the Maui County Cultural Resources Commission for the historic commission in Title 19, Maui County Code.

A copy of the Code amendments is available on Molokai at the Molokai Public Library, and the Department of Planning Office at the Mitchell Pauole Center.

- a. Public Hearing**
- b. Action**

Mr. Joseph Alueta: Thank you, Chairperson Vanderbilt. My name is Joe Alueta. I'm your Administrative Planning Officer. Essentially, what the Chairperson has described is -- is correct. This is just a -- a name change. Some time ago, the County amended the name of the Historic Commission to the Maui County Cultural Resources Commission; however, throughout the code or at least in two sections of code, Historic Commission was referenced in those sections, in specifically 19.48 and then 19.52, with regards to their duties of reviewing building permits or within those districts. So we are, at this time, we are recommending that you approve or recommend approval of these changes to the County Council. If there's any questions, I could try to answer them at this time.

Mr. Vanderbilt: Are there any questions for Joe? Commissioner Dunbar.

Mr. Kip Dunbar: Joe, I'm curious as to these setbacks. You know a lot of times you'll get a historic building that, you know, was built at a time when some of the more modern setbacks and side yards, you know, were different. Does this -- you know does that Number E infringe anything, your yard spacing on some of the, in 52, on some of the older buildings that we got now?

Mr. Alueta: I'm sorry?

Mr. Dunbar: Yeah, what I'm saying is that you have, under E, 19.52.100 --

Mr. Alueta: Right, in Section E.

Mr. Dunbar: You have E that gives out the -- your present yard spacings and side yards and front yard setbacks. Due to the old buildings that you would be protecting, is this -- do you find this still adequate? I'm just curious. I mean I know that we're only changing the name of the commission to make it more consistent but --

Mr. Alueta: All I can say is that they found that was to be adequate at the time of adoption back in like '89 I think or '91, when they amended these codes initially. I don't have any information as to or we haven't run into that problem recently. Most of the construction, I guess, within the Historic District, whether it be 1, 2, or 3, which is the three Historic Districts on Maui, deal with renovations and stuff like that, so we haven't had --

Mr. Vanderbilt: Yeah, thank you, Commissioner Dunbar, for putting that on the record at least, and if we wanna revisit it and initiate some type of change in the future, we can do that. Any other questions or comments for Joe? Commissioner Feeter.

Mr. Bill Feeter: Yeah, thank you. Is this appropriate to recommend changes in this, or is this not the appropriate time?

Mr. Vanderbilt: Well, it's probably not the appropriate time in that -- well, I can -- let me have Corp. Counsel explain why.

Mr. Michael Hopper: Well just like last week, if you agenda it as being amendments replacing the Maui County Cultural Resources Commission for the Historic Commission in Title 19, Maui County Code, that was the only thing that you're originally doing so if you're going to do more, you would need a new agenda, at the very least, to discuss doing that and you also don't have a bill that the Planning Department's bringing forward to you that's doing that. So I would -- I would say that you would not really have the authority, either under the Sunshine Law because you'd have to give notice of the changes you're making, or the, you know, the fact that the bill that was drafted that was sent out doesn't have anywhere near those kinds of changes. If it was within the scope of the bill, you might have some -- some options, but all the bill is doing is literally changing the words "Historic Commission" to "Maui County Cultural Resources Commission" in most of the places and I suppose it occasionally corrects, you know, if there's capitalization where it shouldn't have been, there's one place where a typo is fixed but, other than that, no, I don't really think that you have the ability to make broader changes than what's already been brought forth.

Mr. Alueta: But, if I may, Mr. Chair, if you have comments on the line of Mr. Dunbar -- Commissioner Dunbar, Commissioner Feeter, we would like to hear so that maybe in the future, if there's opportunity to revisit the bill and make appropriate amendments, we would have your input now as far as what you think should be amended. But as Corporation Counsel said, we're not, at this point in junction, it would not be appropriate to do any significant changes other than what's been posted on the agenda.

Mr. Vanderbilt: Thank you, Joe. Commissioner Feeter, you wanna just put your comments or concerns on the record at this time just --

Mr. Feeter: Well, for sake of brevity, I think we'll just let it -- I might ask one question: Is the Cultural Resources Commission, how many members are on it, and are they budgeted?

Mr. Alueta: I've been indicated there's nine members. And are they budgeted? I'm sorry.

Mr. Feeter: Do they have funds available at their discretion for to carry on their activities?

Mr. Alueta: They're funded I guess you could say through the Planning Department that we staff them but they're generally a board that if you have cultural sites or historic structures or modifications, they're a reviewing agency similar to this body in some instances and they -- sometimes they act more as an -- like an Urban Design Review Board, in that kind of a policy, but they're just like another commission like you guys are staffed.

Mr. Vanderbilt: Thank you, Joe. And Molokai has one member on the commission, I believe.

Mr. Alueta: Yeah.

Mr. Vanderbilt: Any other comments? Okay, if no more, I'll entertain a motion to approve amendments to the bill.

Mr. Alueta: You still need a public hearing, Mr. Chair.

- a. Public Hearing**
- b. Action**

Mr. Vanderbilt: Thank you. Thank you. Thank you. Okay, at this time, if there's anybody that would like to comment on the amendment to the bill before us, now is your chance. Okay, hearing none, the public hearing is closed on this. And, at this time, I'll entertain a motion to approve the bill as amended by the Planning Department.

Mr. Steve Chaikin: Mr. Chair, I'll make a motion. I make a motion that we move to send a recommendation up to the Maui County Council to approve and accept the bill for an ordinance amending Title 19, specifically relating to 19.48.020.

Mr. Vanderbilt: Thank you, Commissioner Chaikin. Is there a second? Seconded by --

Mr. Hopper: The motion that you made was 19.48.020 isn't the only section being amended, there's .040, .52, so I mean I recommend just the language that you vote to, if that's your intention is to vote for the entire bill, that you vote to recommend -- recommend, you know, passage of the bill but not -- don't reference a specific section if your intention is to cover all of the sections.

Mr. Chaikin: Okay, I don't see a bill number on the top of this so how would we specifically address this particular bill for an ordinance?

Mr. Hopper: You could refer to it as the proposed bill or proposed amendments.

Mr. Vanderbilt: As proposed by the -- amendments proposed by the Planning Department.

Mr. Chaikin: Okay, I'll make a motion that we send a recommendation for approval up to the Maui County Council pertaining to approval amending Title 19 as presented to us by the Planning Department.

Mr. Vanderbilt: Thank you, Commissioner Chaikin. Is there a second? Second Commissioner Napoleon. Is there any discussion? Hearing none.

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

It has been moved by Mr. Chaikin, seconded by Mr. Napoleon, then

VOTED: to send a recommendation for approval up to the Maui County Council pertaining to approval amending Title 19 as presented to us by the Planning Department.
(Assenting: K. Dunbar; S. Napoleon; S. Chaikin; M. Pescaia; D. Vanderbilt)
(Dissenting: B. Feeter)
(Excused/Absent: J. Kalipi; L. DeCoite; L. Kauhane)

Mr. Vanderbilt: The bill passes as amended. Okay, the -- I'd just like to make a comment again that when we have ordinance, proposed ordinance, even when they're as simple as this, if we could get a -- a -- just a little cover sheet saying what it's all about, it comes out in our packet, I think that'll save time and it may stimulate more constructive questions on more complex type bill so if that could be done, it'd be very much appreciated in the future.

Mr. Alueta: Thank you. Thank you, DeGray. Commissioner Vanderbilt, that was my fault. I just was busy with a lot of other bills as you know.

Mr. Vanderbilt: That's okay. We'll be discussing that probably a little later. Okay, the next item is the Chairperson's Report and I had sent in a request to the Planning Department twice to amend this section to put these three items under the Director's Report, it was never intended that I was going to put in a written explanation as to how the Planning Department and Development Services Administration check and balance each other, that wasn't done. We have nobody here. Clayton didn't come. We don't have the director, we don't have the vice-chair here either, unless, Nancy, you don't have any comments on -- if you have any comments on 1, 2, or 3 under the Chairperson's Report, let me know.

F. CHAIRPERSON'S REPORT (Could not get to these items at the September 12 meeting.)

- 1. Written explanation as how Planning and the Development Services Administration check and balance each other to make sure that the SMA process has been completed before building or grading permits are issued.**

Ms. Nancy McPherson: Good afternoon, Chair Vanderbilt and Molokai Planning Commissioners. Nancy McPherson, Staff Planner, Molokai. For Item 1, I apologize for not having a written explanation but we did have a meeting, a joint Planning-DSA meeting, last Friday and we did discuss checks and balances. We have determined that, for grading and grubbing over one acre that Debbie Kelly of NRCS needs to be reviewing those grading

applications. I guess that kind of wasn't happening maybe for a little while so we're making sure that that's getting started again. Lance Nakamura is the gentleman from DSA that we met with and he was very positive and cooperative and so I think we've kind of got some good avenues of communication going there. There are mechanisms for review of these permits. I think one of the problems is that, in some cases, there are -- people are asking DSA if they need a grading or grubbing permit and if it's less than a certain amount, I think it's 100 cubic yards outside of the SMA or 50 inside the SMA, they are being told, if it's below that amount, they don't need a grading and grubbing permit but, if it's in the SMA, they still need an SMA assessment and it seems that, in some cases, they're not being informed of that now. I've been talking with Carl Puhi, who's only on Molokai once a week, at the most, so he doesn't make it over here every week, and he is very aware of the SMA and he has been advising people that they need assessments when they ask him. Now sometimes people go to Maui and so we don't have any control over that when they don't come to us first. So I've been discussing this with our department that we are going to initiate a communication campaign for Current Planning, we are going to be doing newspaper articles and whatever else we can to educate the community here on Molokai about the need for the SMA assessment and the need to have historic preservation review. It's very important here on Molokai because there are so many cultural resources and many of them are overgrown with kiawe and, you know, things need to be done very very carefully even if it's less than the, you know, the limit for triggering a permit. So, okay, does that answer Item 1?

Mr. Vanderbilt: Excuse me, let's see if we have any questions on Item 1.

Ms. McPherson: Okay.

Mr. Vanderbilt: I have a comment. So anytime there's a problem and we ask for some kind of explanation, you're the one that the Maui Planning Department assigns to come up with that explanation even though they might have guys with Development Services Administration and everything that might have more expertise than you rather than -- and could it do it a little quicker?

Ms. McPherson: Well, I think if -- if you'd like to request that someone -- I mean usually Ralph Nagamine is here, he wasn't -- he's not here today, but he comes on behalf of Public Works to answer those kinds of questions, so what I'll try to do, I think our next agenda's going to be very busy and I'm not going to be here in October, but maybe I can provide something in writing.

Mr. Vanderbilt: Yeah, somewhere if you could do that because -- and I had asked that this agenda item be amended, not only move it to the Director's Report, but also where it says, "SMA process," it was the SMA assessment process and I asked them to include the word "assessment" because that's the one that we were having a problem with so anyway --

Ms. McPherson: Well, we also have a problem with people grading and grubbing without getting any permits at all and, especially in the SMA, but really anywhere on the island that's a serious problem and that has to do with enforcement but education as well.

Mr. Vanderbilt: Okay, thank you, Nancy. Do you have any comments on any of the other two? Commissioner Dunbar.

Mr. Dunbar: So I'm just trying to get this straight. It's you need an assessment no matter what? Or you need -- and who is the assessor?

Ms. McPherson: The SMA assessment is done for any proposed action in the SMA, which involves basically building any structure, moving any earth, removing foliage. I mean if you're just cutting it off above the ground and removing it and you're not actually disturbing any soil whatsoever, that most likely would not need an SMA assessment, but the idea is to describe your proposed action, fill out the SMA assessment application, and that's going to be assigned to me and I'm the one reviewing the assessment applications for Molokai now, I have quite a stack of them and I'm trying to get through them as quickly as I can, but some are very simple, they will be exempted, there will be not problem, but we have to review it first.

Mr. Dunbar: Okay, so what about -- you said that Debbie Kelly is involved with grubbing and grading over one acre?

Ms. McPherson: Yes.

Mr. Dunbar: And then in the assessment area, you're talking 50 cubic yards within -- within the assessment area and a 100 cubic yards outside the SMA area?

Ms. McPherson: But I would -- I would actually request that because there is a Molokai Planner now, that any kind of grading and grubbing that at least people just give me a call, and let's discuss it, and I may, you know, be able to help identify if this is a sensitive area, perhaps there's wetlands, perhaps there's archaeological resources, stone walls and that sort of thing, you know, I'd like to do a site visit if I can and just -- just help people out because it's a lot worse when you get cited later and have to pay huge fines and the SMA fines have been going up lately; they start at a \$1000 and then they add 10 to 50 percent of the valuation or based on actually several factors, and I can bring that information, I can provide that information to the Commission for the next meeting.

Mr. Dunbar: Yeah, I'm just trying to understand the law. So the law is, if you're in an SMA area, you can move 50 cubic yards and not have to get an assessment or a permit or anything?

Ms. McPherson: No, you do not have to get a grading permit but you still need an SMA assessment.

Mr. Dunbar: Okay.

Ms. McPherson: And that's, I think, where we're kind of having the breakdown because if they need a grading permit, that triggers the SMA assessment.

Mr. Dunbar: Thank you.

Mr. Vanderbilt: Thank you, Commissioner Dunbar. Any other comments? Nancy, do you have anything on the No. 2, the status on the summary of the current enforcement policy on Molokai regarding transient vacation rentals?

2. Status of summary of the current enforcement policy on Molokai regarding Transient Vacation Rentals (i.e. steps involved with procedure, timetable for implementing each step.)

Ms. McPherson: Well, Joe may have more information about that than I do. I'm not sure. He's mainly working on revising the ordinance or doing the draft ordinances, but we have been discussing this within our department. Enforcement is moving ahead. The people who have turned in applications prior to February 13 of 2007, who were being held in abeyance, we're moving forward with processing those applications. They are still being given some grace period but will most likely -- they will definitely need to cease operation by the end of this year. But everyone else who doesn't have a permit and submitted an application after February -- on or after February 13, needs to cease operations immediately and the department is moving forward with enforcement. Again, you know, they're concentrating on Maui at this time but I am, you know, I have concern about enforcement for Molokai and I feel that's really a priority. I also, you know, am hoping that all these things will be happening simultaneously so Molokai, Maui, and Lanai; the whole County.

Mr. Vanderbilt: Thank you. Are there any comments? Commissioner Dunbar.

Mr. Dunbar: Yeah, you made mention that they're going to have some enforcement procedure. What enforcement procedures have changed? Are there more people? Are there --

Ms. McPherson: They have three new positions.

Mr. Dunbar: More education? Are they going on the website to find these things? Or, you know, what's happening?

Ms. McPherson: Okay.

Mr. Vanderbilt: Joe, you wanna try to respond to Commissioner Dunbar?

Mr. Alueta: Yeah, good afternoon, Commissioners. Yes, we do have -- or trying to get more enforcement agents within our budget for the coming fiscal years as well as filling those positions. We're interviewing for more enforcement agencies. We're also possibly looking at doing maybe a joint task force where some of the current planners assist with the inspectors to move the process along faster so that they can kinda help out explain the situation with those people and help process -- either process or explain the rights to the people as they come along. But as Nancy indicated, the amnesty provision, the so-called "amnesty provision" that was instituted under the Arakawa administration is not applied for and the agreement -- I guess you can say the agreement that established that amnesty provision ended in February when the council took action or took up the last bill so -- and so we are -- and it's been the policy of the department that if you come in for a permit, you have -- we do not accept -- we will not process your application if you have a violation or if you're -- it's basically an after-the-fact permit.

Mr. Vanderbilt: Joe, are you involved in sort of working through this thing with Planning on Maui?

Mr. Alueta: What do you mean by that?

Mr. Vanderbilt: Well, you mentioned there's some joint task force that's trying to be formed to sort of streamline the enforcement or make it more effective. It seems like it's sort of an ongoing process to figure out what the next move is.

Mr. Alueta: So far the things that has occurred is that we do have draft ordinances out there, they're out in the general public, we have gone to -- there's been several community meetings. I went to a Haiku one last week, personally. And then are -- obviously have it scheduled before the three Planning Commissions for the proposed ordinances.

Mr. Vanderbilt: That's the ordinance though. That's not the enforcement.

Mr. Alueta: Right. And then from the enforcement in general, Mr. Hopper may be able to address that there was a BVA amendment, which affects not only -- it's not specific toward transient vacation rentals, it's a process in which we handle appeals and enforcement which would streamline the process of getting through, if someone gets cited, we can process that violation a lot quicker than we previously did.

Mr. Vanderbilt: Okay, I guess the only reason I ask that is that I wanna send the word back to Maui is that Nancy mentioned that our -- our Plans Examiner, Carl Puhi, who's supposed to be here, has been taken to Maui four days a week so that -- that makes our operations

here less efficient. Nancy is totally overworked and doesn't have a lot of the same equipment and access to software that other planners on Maui have, and I don't want her burdened with the task of helping out the enforcement guys on Maui because you don't have enough people to handle Molokai cause it's just -- it's just doubling up the inefficiencies for our Planning Commission here by taking her time to do that kind of violation stuff when she could be working on proactive stuff so maybe --

Mr. Alueta: Point taken, Mr. Chair, and I'll relay that back that, you know, that we get our enforcement agency, if they come over, they handle the enforcement agencies ...(inaudible)...

Mr. Vanderbilt: Thanks, Joe. Nancy, Item 3 of -- excuse me. No, I'm sorry. Any other discussion? Yeah? Commissioner Chaikin, I'm sorry.

Mr. Chaikin: Thank you, Mr. Chair. You know I have some concerns about this particular item being on this agenda when we're going to be discussing it next time because what we've run into in the last two meetings is that we have these bills for ordinances and then as soon as we try to discuss some aspect in the ordinance, we're told that we can't discuss that because that particular part of the ordinance is not being affected. So I just wanna make sure that we can keep this thing on the agenda so when we do get to transient vacation rentals that we're not told that we cannot discuss this item because it's not one of the affected things.

And the other question I guess I wanted to ask is about enforcement and I think, you know, a big part of a successful enforcement campaign is communication. Communicating with the public what the policies are, or what's gong to be happening, or what the fines or the penalties are, what the appeal process is going to be. Have you begun that process of communicating with the public?

Mr. Alueta: Yes. We have, not only through the viewpoints within the *Maui News* and possibly I guess we should get them out here on Molokai as well as Lanai, specifically. We've tried -- and through various public hearings and community meetings, as I indicated I had meetings in Hana and I've been to the Haiku Community Association, I've also -- and our director has been to the Chamber of Commerce, held a hearing on the matter. As indicated, obviously on Maui, but also in the rural communities of Maui, Hana as well as Haiku. We're also drafting -- we have what we call "stock letters" that are going out to inform the applicants, existing applicants, as well as people who are coming in what the process and procedures will be. My stock line is a bed and breakfast and a -- or a transient vacation rental is not a right. It is an entitlement that you earn through the permit process. And just because you apply for a permit, it doesn't mean that you're going to be granted a permit and you may not even be granted that permit for all the entitlements you seek. So until it becomes -- unless it's in the hotel district or in the residential district or, actually, just

basically in hotel district, it is not a right. It's an entitlement that you seek. And so if someone's doing it without getting those entitlements, they're at risk of violations.

Mr. Vanderbilt: Thank you, Joe.

Mr. Chaikin: I guess I still have some concerns about specific operations. Like here, you're talking about all these people that have applied; most of the people haven't applied, so, you know, I'm just trying to figure out, you know, are you going to actually go to these people -- what's happened is there's a whole lot of these transient vacation rentals and they, basically, been allowed to continue because you haven't enforced. There's, you know, they've been going and there's a lot of people that are involved and affected. There are tourists that have signed up for vacations and we certainly don't want them to be stuck in the middle of this whole thing. So I think that, you know, you need to actually go beyond that and get on the internet and find out who has these transient vacation rentals and communicate with these people - here, this is what we're going to do so anticipate that happening - so we don't get the tourists stuck in the middle of the whole thing.

Mr. Alueta: Point taken.

Mr. Vanderbilt: Thank you, Commissioner Chaikin. Joe, you mentioned viewpoints and you mentioned in the *Maui News* and you mentioned that you go to Haiku for presentations. When you go to Haiku, do you give out some materials to help the people understand what you're talking about a little bit?

Mr. Alueta: Most of those -- because it's on our website now, most people are pretty familiar with what's going on. They've downloaded it. I did take copies to it. No one wanted a copy. Most everyone had a copy of it.

Mr. Vanderbilt: Copy of what?

Mr. Alueta: Of the proposed ordinance changes, the bills. The five bills.

Mr. Vanderbilt: No, but I'm talking about the enforcement proceedings. When you went to Haiku, you were just talking about the upcoming ordinances, not the enforcement procedures.

Mr. Alueta: I talked about it only in the sense that what had been "a quasi amnesty" under the Arakawa administration and the guidelines in which that amnesty was granted and which -- or "lack of enforcement" was done during the Arakawa administration. As I indicated, I guess the agreement, so-called verbal or quasi amnesty that Mr. Arakawa had with the MVRA or the transient vacation rental association was that he would not actively enforce it unless there was a complaint by the neighbors until such time as a policy determination was made by the County Council as to what there was -- if there was any

grounds or legs to carry an amendment that would somehow legalize transient vacation rentals. That action or lack of action occurred at the February meeting of the County Council Planning Committee and reaffirmed at the whole planning -- council members on March 16 so --

Mr. Vanderbilt: We -- I think this Commission realizes that but what we had asked for was a summary of the current enforcement policy either the steps involved, time table for implementing things like draft letters, viewpoints would be helpful. Is there any way to get a -- just a little memo with some of that stuff attached that could be sent to Nancy? Excuse me, Corporation Counsel would like to say --

Mr. Hopper: Joe, I don't know if they have the letter that the director sent to council, there was a letter by the department on behalf of the director that was sent to council I think when he announced that he would be giving people, you know, until the end of the year to shut down in certain cases; maybe that letter, if they don't already have it, would be a good one for the Commission to have as well.

Mr. Alueta: Yes. I'll follow up with my boss.

Mr. Vanderbilt: Yeah, and that viewpoint would be good too, Joe.

Mr. Alueta: Thank you,.

Mr. Vanderbilt: And I don't mean to get on you but we -- we try -- when things come up at meetings that our Commission has a question on, we try to get an explanation and then they don't happen at one meeting, they get carried over to another one and -- I mean this has been on for a couple of meetings now, I believe, so thanks for the help, Joe. Alright, the Item 3 under the chair's report is status of the amendment of the subdivision ordinance currently being reviewed by the Planning Department regarding public review of new agricultural subdivisions. Joe, do you have anything to -- are you aware of what's going on with that?

3. Status of the amendment to the subdivision ordinance currently being reviewed by the Planning Department regarding public review of new agricultural subdivisions.

Mr. Alueta: The only information I have was from our last management meeting which Public Works is still reviewing those amendments. I don't have any new information so it's still a work in progress. It's not something that's -- we ...(inaudible)...

Mr. Vanderbilt: Do you know -- well I had heard from Ralph Nagamine that they sent a draft ordinance to Planning.

Mr. Alueta: And that's very much probably true and that we are commenting back to them on the --

Mr. Vanderbilt: Now is this -- is this a change in the ordinance -- is this Commission going to be involved?

Mr. Alueta: Not at all.

Mr. Vanderbilt: Not at all. We're not going to be involved. Why aren't we -- just explain or maybe Corp. Counsel can explain why we are involved in a manini change of an ordinance like we looked at today and then something that's amending something that's very a important issue on Molokai and elsewhere in Maui County we have no -- we have no review process or say in that. I just don't understand.

Mr. Alueta: Well, my understanding is it's in Title 16 of the subdivision code, not in Title 19. Title 19, the County Charter requires that any amendment to the land use ordinance, which is title -- which is the zoning code, Title 19, the charter requires the review by the Planning Commissions. So even though this was a manini change, sometimes I have big changes, sometimes I have small changes, we just work through them as best we can, but as long as there's any type of change to Title 19, all three commissions need to review it unless the ordinance is specific to that island then only one needs to.

Mr. Vanderbilt: When the original subdivision ordinance went through and became law, were the Planning Commission involved at all in that review of the original law?

Mr. Alueta: Not of the subdivisions. You were involved in Title 19.30A, which is the agricultural district, which set up the sliding scale of subdivisions.

Mr. Vanderbilt: Okay, and the only reason I ask is our community plan, since 1984, has asked for public review at the Planning Commission level or some level on Molokai for major subdivisions and, I don't know, it just never seems to get anywhere so --

Mr. Alueta: I can take your concerns back and we can you know --

Mr. Vanderbilt: Thanks, and that's all you can do. Okay, and thanks for explanation.

Mr. Alueta: Yeah.

Mr. Vanderbilt: Commissioner Dunbar.

Mr. Dunbar: Mr. Chair, I have -- so wasn't the purpose of bringing up 1, 2, and 3 to take them out of the Chairman's Report and put them into the Director's Report? I mean have we missed the --

Mr. Vanderbilt: No. Well, I had requested twice, at our last meeting and this meeting, that the draft -- the agenda be amended to put those down there but they --

Mr. Dunbar: Into the Director's Report?

Mr. Vanderbilt: Yeah, but they never -- never got back to me on that so -- and there's nobody --

Mr. Dunbar: Okay, so the point is to move 1, 2, and 3 to the Director's Report?

Mr. Vanderbilt: Well we have people reporting on it so -- they didn't move it to the Director's Report. I was just reporting that they didn't so we gotta deal with it the best we can. Commissioner Chaikin.

Mr. Chaikin: Yeah, regarding Item No. 3, the reason that we even have this on our agenda is I brought up that we had a workshop on subdivisions and during that workshop, we discovered that there were some things that could be concern to this community, okay, and then I brought up that, you know, we may wanna take action and, you know, take those concerns through a memo or a communication or resolution and send that to the Planning Department which would give them more reason to take a look at a proposed revision to the -- to the ordinance, and that's the reason this thing was in there, not to sit back and wait and see if they were ever going to do anything. Ralph, I believe what he had sent up to the Planning Department was a recommendation that they change the ordinance and include one item or something. So, I don't know, I just brought that up as, you know, as rather than sit back and wait for something to happen, I mean this board could take action and send a communication up to Planning with our recommended changes for the subdivision process.

Mr. Vanderbilt: So -- but we need to get the proposed subdivision ordinance.

Mr. Chaikin: I don't know. Is there one? I mean I thought Ralph just sent it up -- I don't know if he actually made a whole ordinance. I thought --

Mr. Vanderbilt: I'll check on that.

Mr. Chaikin: Yeah, why don't we check on that. Thanks.

G. DIRECTOR'S REPORT

- 1. Follow-up Report on Matters Raised by the Molokai Planning Commission at the August 22 meeting.**
- 2. Open Molokai Applications List distributed for the September 12 meeting**

3. **Open Molokai Applications List**
4. **Closed Molokai Applications List distributed for the September 12 meeting**
5. **Closed Molokai Applications**

Mr. Vanderbilt: Okay, the next item is Item G. Oh, is there anymore discussion on that item? Okay. Is Item G, the Director's Report. Clayton's not here today so he was going to give a follow-up report on No. 1. No. 2 is open Molokai application list distributed for the September 12 meeting. At that meeting, we didn't have time to look at that and I was just wondering, and that goes with No. 3 too, if anybody has any questions or comments on the open Molokai applications list that we received in our packet? Okay, hearing none. Items 4 and 5 have to do with the close Molokai applications list. Is there anybody on the Commission that has any comments on that? Hearing none.

6. **October 10 Public Hearing on the TVR/ Bed and Breakfast Bills (J. Alueta)**

Okay, the next item, under the Director's Report, is the October 10 public hearing on the TVR/bed and breakfast bills. They have Joe's name down there but I don't think it was intended for him to answer for the director.

Mr. Alueta: Yes, it was.

Mr. Vanderbilt: Oh it was?

Mr. Alueta: Yeah, that's why I'm here.

Mr. Vanderbilt: Oh, okay. Well, we got a bonus. A bonus citing here. Alright. Thank you, Joe. Wow. Alright, Joe?

Mr. Alueta: So, yeah, it is scheduled for the October 10 meeting.

Mr. Vanderbilt: Well, let us -- let me say why it was on there because, right now, as Judy Caparida testified, normally important items that come before this Commission are scheduled for in the evening so the public has a chance to testify. This meeting was scheduled at 12:30 with no consultation with this Commission or by the Maui Planning Department. We now have on October 10 our regular business, a three-hour session with Long Range Planning on the policy plan review, two sections, and a public hearing on the TVR/bed and breakfast, which will start, as I understand it, at 12:30 and I have no idea how long it's going to go. I asked Clayton if they could arrange to stay overnight so that we could extend that public hearing on into the evening. I have not heard back from him. So do you have anything to add on the scheduling part of it, Joe?

Mr. Alueta: Yes, Chair Vanderbilt. Yeah, we try our best to try to have some type of consultation when we have some items that are coming up. Given the short time frame to meet the public notice requirement and given that this is somewhat of a hot topic, we felt it was urgent to get it on the agenda as best we can rather than try to delay it any further. If you feel strongly about having the night -- a night meeting, what's best is that you don't cancel this meeting, you just, when you take it up, you take it up during the posted time, that legal notice, you hold your public hearing, okay, and then possibly recess it to another time either -- either another day and an evening meeting, if that's possible, or that night if we can make arrangements to stay overnight. That would be your -- but the key factor is is that we've spent some good money on noticing this meeting at the time frame; yes, we do try to consult with the Chair in setting the agenda as best we can, but the agenda is set by the director and, you know, but we try to take into that local factor because you're going to have a better feel of what's going to be best for the community and so we take your consultation seriously so I mean that would be your ...(inaudible)...

Mr. Vanderbilt: But there was no consultation with the Chair on this.

Mr. Alueta: Given the short time frame that we needed to get the matter on the agenda, it was best -- we felt it was best to just set it, move forward, and then as -- if needed additional meetings, we can do that.

Mr. Vanderbilt: Okay, can you explain the short time frame? What drove you to have it on October 10 instead of October 12?

Mr. Alueta: October 10 as opposed to --

Mr. Vanderbilt: October 15?

Mr. Alueta: We anticipate more than one meeting on most of our commissions. My boss has already indicated to the Chair of the Planning Committee of the County Council that we would get them a bill back to them in the Fall, so we're going to be pushing toward the end of Fall. If we can get through all three commissions in one or two meetings each, we'll be able to get our bill transmitted to council so they can have it by -- and meet those deadlines.

Mr. Vanderbilt: This Fall or next Fall?

Mr. Alueta: This Fall.

Mr. Vanderbilt: I don't know what -- what is Fall? Is that September-October?

Mr. Alueta: So we're looking probably early -- early Winter.

Mr. Dunbar: ...(inaudible)... first day of Fall.

Mr. Alueta: What is? I'm sorry.

Mr. Dunbar: We just had the first day of Fall ...(inaudible)...

Mr. Vanderbilt: Well, as you said, Joe, about staying overnight, I had requested that maybe, if we're having a public hearing, there's not a need for 20 people from staff to stay overnight. We just need the minimum, somebody here. We have a local staff planner. We even have somebody on Molokai that can take minutes. And I think our aim is to best serve the public and so we're going to have to deal with this as we discuss it a little later but, anyway --

Mr. Alueta: Okay. Yeah, there's still time to be able to ...(inaudible)...

Mr. Vanderbilt: And the other thing is what about -- have you -- has the Commission been sent the draft bills yet?

Mr. Alueta: All three should have been sent. Oh, no, I'm sorry. You haven't got it. Once the agenda -- the posting of the agenda is done but the bills --

Mr. Vanderbilt: But you have the bills?

Mr. Alueta: Yeah, the bills are online on the County website.

Mr. Vanderbilt: I mean -- they're on the County website. Where are they on the website?

Mr. Alueta: mauicounty.gov - click on "departments," click on "planning department," and then scroll down, there will be, I believe the second header down on that page, you'll find bills that are proposed, the transient vacation rental bills. And if you can't get it, I thought I had pdf the file to you, Chair Vanderbilt, but if not, I can -- send me -- anyone is more than welcome to send me an email.

Mr. Vanderbilt: You pdf the file to me because I requested it.

Mr. Alueta: Right so --

Mr. Vanderbilt: But I don't staff the Molokai Planning Commission.

Mr. Alueta: Right so what I'm saying is that anybody from the Planning Commission if you want to get an advance copy of the bill --

Mr. Vanderbilt: And I guess that's what if you can do this Commission a little favor and if bills are available in time, it would have been nice to just have it a little ahead of time because there's four different ordinances to look at and there's going to be a lot of questions and I think some of the Commissioners may wanna do a little research so they're prepared maybe and -- but, anyway, I know you've been working hard on this thing so thanks.

Mr. Alueta: Yeah. And all bills, for future reference, all bills, when we schedule it, you know, we have to schedule it 30 days, from that point, I cannot schedule it 30 days without having that bill done. So at a minimum, the bill, the draft bill will be completed and ready for public review cause as soon as we schedule it and publish the 30-day notice, it's available to the public as well as this Commission.

Mr. Vanderbilt: Let me ask you something, Joe, then how did they schedule the public hearing for the Planning Commissions to review the policy plan?

Mr. Alueta: The policy --

Mr. Vanderbilt: They came that out in July and we didn't get copies of it, it wasn't complete, the copies for our review till six or seven days before the hearing, August 15 or something.

Mr. Alueta: The General Plan Policy documents are under Title 2.80B. I'm only dealing with the requirements of Title 19.

Mr. Vanderbilt: Okay. Now you know why our Commission gets confused.

Mr. Alueta: Yeah, no, I --

Mr. Vanderbilt: Commissioner Feeter.

Mr. Feeter: Joe, Thanks. You wanna give us that -- well, let me back up. In our minutes today or, excuse me, in our agenda, there's a website, and correct me if I'm wrong, it says: <http://www.co.mauhi.us/departments> etcetera. Is that correct?

Mr. Alueta: What page you're looking at?

Mr. Feeter: Two.

Mr. Alueta: Yes, that will -- that will work too. We have two -- we have two addresses now: that long confusing one, which is co.mauhi.us or whatever is, and then we have now the maucounty.gov, which is a lot easier for people to remember. Maucounty.gov so -- we're making a transition. The previous website was, as indicated by the .us, was under the Federal Government, the U.S. Federal Government.

Mr. Feeter: Is there any links to -- it's just mauicounty.gov. Is that correct?

Mr. Alueta: Just www.mauicounty.gov will get you to our main website; from there, you'll click on "departments," and you scroll down, you click on "planning," and that'll be the Planning website, and we will have -- that's where -- I was told and I looked at it today, and it was posted.

Mr. Feeter: And the new ordinance or the draft ordinance is posted. Is that correct?

Mr. Alueta: That is correct. I believe it's been uploaded as one pdf file so all five bills that are proposed, or ordinances, are -- is one pdf document.

Mr. Vanderbilt: Okay, Joe, I have a question. You had a September 17 you had this -- these bills before the Hana Advisory Committee, correct? Was there much of a turnout there? How long did the meeting last would you say? It started when? At 4:00?

Mr. Alueta: Yeah, we got out of there by eight. It wasn't -- the turnout was pretty sparse, I think, at least according to -- those who showed up and were upset that it wasn't noticed properly but it's not a -- it's -- and so they were upset but they got there. It was noticed properly in the sense that Hana Advisory is not a -- is not a required board or commission that we need to meet with and all we needed to do was post the agenda and that was it because they're not -- they're not an action -- they're not a recommending body to the County Council so -- but I thought it went really well. I think we got our points out and explained well.

Mr. Vanderbilt: So it took about four hours?

Mr. Alueta: Well, we didn't get going for about what an -- I don't know. Yeah, we didn't get started until like after five because we did not have a quorum and so we had to wait around till we could get people there to make quorum and the once we did get going, it worked out -- I'd say about -- it was about three to three-and-a-half hour meeting.

Mr. Vanderbilt: Joe, I got a call from Colleen Suyama about three weeks ago and said they had a slight problem in the way the meeting on Molokai was noticed, the legal notice. Did you hear about that?

Mr. Alueta: Yes, and we did make the corrections to that.

Mr. Vanderbilt: In the paper?

Mr. Alueta: Correct.

Mr. Vanderbilt: Okay. Okay, thank you. Alright, Commissioner Chaikin.

Mr. Chaikin: Yeah, one of the things that we've been trying to achieve is is just to get more efficient as a Commission and as communicating to the public, and one of the things that we recently got was an email address, this is 2007, we got an email address, not our own email address, it just says Planning Department. When you just said that these ordinances are online, that's a big giant step, okay. I wasn't aware of that. But somehow if that would be a big giant step for the public if the public was made aware of that through the agenda or when there's a public notice if you could actually put that because every time I read it it says, yeah, you can get these materials, just go to the library, or just drive to the window over here or something, so if we can make a habit of always putting the link or something on the -- I think it will save a lot of people a lot time.

Mr. Alueta: And that's what we've been -- I have, Commissioner Chaikin, is that we have been trying to do that as best we can and we -- the County website is managed by another entity called the MIS and we don't have direct access to be able to post stuff directly except for agendas and minutes, that's the only authority we have so that the clerical, once they get the agenda and they can post it directly to the website. We still are working on getting the functionality to post our own bills and proposed ordinances directly to the website but that has not occurred yet. Right now, we -- once we get it, we send MIS a pdf file and the guy tries to figure out how to rearrange the website page and stick it in there somewhere, but we're still -- I mean we're moving in that direction and yeah ...(inaudible)...

Mr. Chaikin: Okay, this is 2007 and we just got an email address. Okay, so, at some point, you know, you gotta pick up the pace a little bit and try to, you know. What we really wanna do is get our own email address. Now everyone in the world can have their own email address but we haven't achieved that yet. We're still working on that. So maybe if you can try to do whatever you need to do to get the process a little quicker so we can just get these stuff online and everybody can know where to find stuff without having to jump in an expensive car and use a whole bunch of gas and waste a bunch of time to go sit in some library to read it.

Mr. Alueta: Point taken and, like I say, we're trying but just as many calls I get: "I don't have email access. Can you mail me a copy? Or can I put it in the pick-up tray?" I get more calls for that than anything else. I get more calls for people saying, "I don't have web access. Give me -- I want a hard copy. I want you to put it in the pick-up tray. Or can you mail it to me?" And so it's -- yes, we're trying to move forward but I can tell you right now --

Mr. Chaikin: We can have both.

Mr. Alueta: The public is definitely -- they still like their snail mail or paper copy.

Mr. Vanderbilt: Excuse me, Joe, and maybe like on -- I have the County of Maui home page here, and it comes out every day, and they have "What's new," for instance, under

that they the grant into, they have the General Plan 2030 that we're reviewing now, so maybe somewhere in there they could alert people that the bills are available and --

Ms. McPherson: Chair Vanderbilt?

Mr. Vanderbilt: Yeah?

Ms. McPherson: I'd just like to comment that I can provide hard copy, I can print ordinances out, I'm trying to get the word out that there is a Molokai planner here, people can give me a call, I have cell phone number now, it's 646-0406. I have an email address. It's nancy.mcpherson@co.maui.hi.us; hopefully, it'll be maucounty.gov some day. But, you know, I'm a resource and I need to be, you know, utilized --

Mr. Vanderbilt: Thank you.

Ms. McPherson: For information. One other thing we're doing is we're also emailing the agendas to the Molokai newspapers and working with them so that they can start summarizing the agendas and putting that kind of pertinent information in the newspapers as a public service where people can get documents and that sort of thing. So we're working on getting that going.

Mr. Vanderbilt: Thank you. And could you do me a favor, Nancy, and we have some Commissioners that aren't here, just mail out a hard copy of those ordinances to the Commissioners.

Ms. McPherson: Okay.

Mr. Vanderbilt: Thank you. Okay, so we still have to talk about scheduling something on October 10. Commissioner Dunbar, unfortunately, will not be here, and he's our Commission expert on vacation rentals since he's been through the process. The only one in the world I think that's been through the whole process. I don't know if anybody else is not going to be here. But if we need to have this meeting on the 10th and we need to have the policy plan, that can't be changed, it's going to be a very long day for this Commission, I would say. I don't wanna start at 12:30, open the public hearing, close it; open it again at 5, and then close it again at 6:30, and then reschedule it for another day. That's not fair to the community. If we're going to schedule it in the evening, I want it to go on in the evening. So we got various choices: We can reschedule the policy plan review; we can open the public hearing at 12:30 with the idea of closing it again and get something in the newspaper that it's really going to start -- if you wanna testify at 12:30 you can, but the bulk of the testimony is going to start say at 4:30 or 5 and go on and we have a couple of people from Planning stay over and catch the plane the next morning. But it's up for discussion. Does anybody have any thoughts on that with the Commission? Commissioner Dunbar.

Mr. Dunbar: Well I'm -- granted I'm not going to be here but that's no reason not to hold it. You know, I just -- I think what you have to look at is, you know, it says, "TVR/bed and breakfast bill." You gotta look at what it is. It's not a TVR/bed and breakfast bill. It's a land use change ordinance. So, you know, let's call a spade a spade and put it, you know, where it's supposed to be. The stance being taken by the County is that all vacation rentals are bad and that's why they're coming up with this land use change, so there's nothing whatsoever to do to talk about where some might be and where some aren't going to be. It is -- I mean we got 'em -- we got short term rentals on Hawaiian Home Lands. So, you know, I guess getting back to the point is that it's going to be a long meeting, it sounds to me like an awful long agenda, and we gotta decide whether or not we're going to do the policy statement or do this.

Mr. Vanderbilt: Thank you. And I think the Planning Department has just come up with a bill and after they've heard from the commissions, after they've heard from the public, I would assume there would be some massaging of that bill, but they have to start somewhere and I think they've done the best they can to just start somewhere because, otherwise, they would never even get out a draft bill to start talking about to the public. But, having said that --

Mr. Dunbar: Well, actually, there was a bill. Bill Carroll entered a bill a year ago, or a year-and-a-half ago before he even got off the commission, so I mean this is not new. This is the --

Mr. Vanderbilt: No, but the council -- the council just let that die on the vine. They didn't take any action. I don't think Planning -- Planning didn't have anything to do with that and then Planning's picking up the -- maybe Joe can give a little, just real quick, Joe --

Mr. Alueta: That bill was taken up and it was very clear what the council action was that they didn't want anything to do with it and that the -- I think the issues that they had with it was that they concurred with the department's analysis that the use of pure TVR's within the ohana district was contrary to the County ordinances and the intent of those State laws, they felt that TVR's in the ag district was contrary to what they felt, and they also felt that the conversion of single-family residence to transient vacation rentals was contrary and they -- but they, at the same time, they wanted a streamlined process for the bed and breakfast and the main thing of B&B -- the Bob Carroll's bill proposal was changing the definition of the B&B structure to conform with what people have for TVR's so it qualified for both and, you know, all three commissions voted against that bill and the council respected that; in fact, they didn't even go with any of our recommendations at the time.

Mr. Vanderbilt: All three Planning Commissions you mean?

Mr. Alueta: All three Planning Commissions did vote on it and -- and that kinda was our starting so it's kind of what we're taking a stab at is to where we want these. But I'd like to save that discussion for October 10.

Mr. Vanderbilt: Yep. Thank you, Joe, but it's good background information. Again, we've gotta decide on what we wanna do. As far as our options, Corp. Counsel, is it possible to have the meeting start at 12:30 and have a newspaper article in advance of the meeting saying it's going to start at 12:30 but those who wanna testify can but the bulk of the testimony will be taken starting at say 5:00 and running on into the evening and then, hopefully, we'll get some Planning Department people to say? Is that something --

Mr. Hopper: If you've already noticed it for 12:30, I mean you're going to have to start the public hearing at 12:30. We'd recommend, even if the department does want to put something in paper to have it say the bulk of the testimony will be a certain point, what you could say, well, is that additional testimony will be taken at 4:30, but you would definitely want to confirm that you have a quorum for that time period and that the Planning Department can staff the meeting at that point. Obviously, as you've frequently done with other land use ordinances, you can have more than just this meeting on it. You can the meeting on the 10th, you could have another meeting, I understand you have other business, but that would also be an option. But, legally, I think the notice has already been given that the public hearing will start at 12:30 so, at the very least, even if you do do something later that day, you've gotta open the hearing at 12:30 and, you know, the newspaper notice shouldn't create any ambiguity as to when the start of the hearing would be. You know, you would have to still say it was 12:30 but you could also say that additional testimony will be taken later. Be sure that people will be available for that though. You wouldn't want to have everybody show up and no one will be there.

Mr. Vanderbilt: Okay, I guess my next question is to Long Range Planning about rescheduling, if needed, the 10th meeting to the 11th or 12th to have a special meeting of the Commission.

Ms. Bosco: Okay, if the Commission would like to reschedule the review of the policy plan, we'd need to coordinate through the Chair and ensure that we have quorum. However, we would need to just make sure that we make that 120-day four month review period. So by rescheduling, you're losing the review of two sections, which you'll need to catch up on, so we would need to do that.

Mr. Vanderbilt: Well, we wouldn't be losing the review cause we'd --

Ms. Bosco: You would reschedule it.

Mr. Vanderbilt: What we'd review on th 10th, we'll review on the 12th so --

Ms. Bosco: That's what I mean.

Mr. Vanderbilt: Okay. Any other -- is there any suggestions by the Commission? Commissioner Chaikin.

Mr. Chaikin: I'm pretty much open for whatever it is that we decide to do. I do think that this is such an important issue to this community that we really need to let the public have an opportunity and to come and testify other than, you know, during the middle of a work day when a lot of people can't attend. So I would be willing to, if we do keep the schedule as it is, I would be willing to, you know, have a meeting at 12:30 and start it, go through our policy plan stuff, get all that done, and then maybe recess, come back, and, you know, get into the TVR later on at 5 or whatever. I would be willing to do that. But we are always running short of Commissioners so we really gotta poll the Commissioners and see who would be able to attend and whether or not it looks like we would be able to have quorum.

Mr. Vanderbilt: But we have to give people the opportunity to testify at 12:30 on the TVR.

Mr. Chaikin: Yeah, that's correct.

Mr. Vanderbilt: And if we have -- I don't know how many -- Joe, how many would you say testified up at Hana? Maybe 20 or 30?

Mr. Alueta: Again, it was -- the notice was only through an agenda item. It wasn't a "published" and a 30-day notice so there was only probably about five or six testifiers.

Mr. Vanderbilt: Well what -- what took so long?

Mr. Alueta: What took so long?

Mr. Vanderbilt: Did they -- oh, they had other things on the agenda or --

Mr. Alueta: No, it was just we had to -- just discussion. We had to go -- I presented the entire bill in length, they wanted to do line by line through the changes, we went through it line by line. If they had any changes to it or recommendations, they made motions but -- or just explaining, you know, the nuances of the bill took that long.

Mr. Vanderbilt: Okay, cause they're in a little different position. What we're going to be doing is taking public hearing so were you planning to make a presentation to the public?

Mr. Alueta: I was planning to make a presentation to this Commission and to go over the bill --

Mr. Vanderbilt: Prior to --

Mr. Alueta: Yeah.

Mr. Vanderbilt: And then we'll have public hearing after that?

Mr. Alueta: Correct, just like any other bill.

Mr. Vanderbilt: Okay. So what I'm saying, Commissioner Chaikin, is that we're going to have a presentation, we're going to have people that are there to testify, if there's 20 people here, 3 minutes, you know, that's another hour, hour and then we got three hours and, you know, so it's --

Mr. Chaikin: So how does that work? We had a public notice, typically, we have a Planning Commission meeting, and it starts at 12:30, and there's various things on the agenda, and --

Mr. Vanderbilt: Well, they announced the public hearing at 12:30. They didn't announce our meeting.

Mr. Chaikin: But we always have public hearings on our agenda and they don't start it at a specific time, they start whenever we get to that agenda item. Or I mean how does that work?

Mr. Vanderbilt: I don't have the legal notice. Can you explain how the legal notice works on the time?

Mr. Hopper: I don't have the particular notice. It should just say the time that it starts, that the hearing will be, and, you know, as long as the meeting starts then, you could have the notice a little bit later as long as it's part of that same meeting. I think that it's true that you don't necessarily start it at 12:30 but you'd wanna have it as part of that meeting that begins and have the testimony. I mean the idea is that you don't wanna be deceptive. You wanna let people know, if you say there's going to be a public hearing at 12:30, can you start it at 12:31? Yes. But you wanna make sure that you have that public hearing within that meeting so as not to be deceptive. And then also if you wanna do an additional hearing, that's fine, but I wouldn't recommend not having a public hearing at that -- that meeting at all in the afternoon.

Mr. Vanderbilt: I think what Commission Chaikin was say is that, alright, if we start at 12:30, Joe gives a presentation and we have a public hearing, we can't start at 12:30 with our review of the policy plan and go for three hours on that before we get into the public hearing. Would you say that's a correct assessment?

Mr. Hopper: I'm not sure.

Mr. Vanderbilt: Well, I think that would be very deceptive to the public cause the hearing was -- it was specific to the TVR rentals and it's --

Mr. Hopper: What you could do is have the public hearing, do that as your first item, say that the public hearing is going to be recessed until that meeting, after you've had whatever testifiers show up at 12:30 to testify, then go right into your policy plan. So if your public hearing goes from 12:30 to 1:30, you could then recess that until the evening meeting and then go into your policy plan, get as much done of that as you can, and then when the evening comes around, you could continue with the public hearing. That would be one of your options. I wouldn't see any Sunshine Law or other notice problem there.

Mr. Vanderbilt: But I think if we started the meeting at 12:30, we'd want Joe to make a presentation and then we'd want him to make a presentation again when we reconvene the meeting for the benefit of the public I think, if that's the way we're going to go. Commissioner Pescaia, did you have --

Ms. Pescaia: I was just going to add that because the GPAC has also been on schedule and there are people who are wanting to attend, you know, they're going to be showing up at 12:30 not really wanting to know the TVR stuff but wanting to respond or participate in the GPAC review because that has been published and noticed, you know? That was already scheduled as well. So I think that you -- maybe what he just suggested as far as opening up one item, recessing it, we definitely need to do -- I mean I wouldn't suspend the GPAC review to a different date. I would try to do them both.

Mr. Vanderbilt: Has the GPAC review schedule been published locally?

Ms. Bosco: The specific topics have not been published; however, we have made it clear to the public that over the next four months we'll be reviewing all 11 -- 11 sections of the policy plan.

Mr. Vanderbilt: But there's some flexibility, especially if we --

Ms. Bosco: There's some flexibility, keeping in mind we needed to make sure we covered two sections per meeting.

Mr. Feeter: Chair?

Mr. Vanderbilt: Commissioner Feeter?

Mr. Feeter: Could we take a ten-minute break?

Mr. Vanderbilt: The Chair calls a ten-minute break.

(A recess was called at 2:05 p.m., and the meeting was reconvened at 2:20 p.m.)

Mr. Vanderbilt: Okay, I'd like to call the meeting back to order and let's just finish up this last item before we move on. I think what I'd like to do, if there's no objection, is to, on the 10th, have both the TVR and the policy plan review in the following format: We'll start the public hearing on the TVR at 12:30 because it's been noticed for that and whoever can be there they can testify, and Joe will give his presentation at that time. In the meantime, we'll put out a newspaper article to the community saying that why the 12:30 start time, it was just something that was put upon our community, and that the Commission is going to continue the public hearing at 5:00 and run on into the evening, and we're going to have to get a commitment from the Planning Department to stay overnight, and then we'll take what testimony we have at 12:30, and then we'll go into the policy plan review, then we'll break an hour for dinner or late lunch or whatever, and come back, and go on with the public hearing in the evening for the community that couldn't make it at 12:30. Does anybody -- and we're going to -- well I assume it's going to -- well, I don't know. I don't know where, whether this place is available on the 10th or whether it'll be somewhere else, hopefully, it will be but that's up to staff to get us a place. So, anyhow, and then we'll -- we'll get a newspaper article out to the community saying that we're going to take public testimony two times so those that can't make it at 12:30 can come at 5, 6, 7, 8, 9, whenever, and then we'll coordinate with the Planning Department to make accommodations for them to stay overnight. So it's all contingent on a few things happening. And Long Range Planning's got to realize though that if we have a lot of people show up at 12:30, they might not get -- we might not get to the policy plan and might still have to schedule another meeting. Okay? Alright. Is everybody okay with that? Commissioner Chaikin. Simone?

Ms. Bosco: Yep, just two things. First of all, I just wanna make sure everybody can make it. The Commissioners are able to make it to the meeting.

Mr. Vanderbilt: Vice-Chair Chaikin checked and five of the six will be here and -- and we have three other people that we'll -- we'll poll so, hopefully, we'll have six or seven people that can attend both.

Ms. Bosco: Okay, and the second item was there were two times mentioned: 5:30 or 5, and just for clarity, did you want the public hearing recessed to 5:30 or 5? If you're going to do a story, then that should be clear so that the public knows.

Mr. Vanderbilt: Okay. I said 5. Let's see, we got 12, 12:30, 2:30, 5 -- I would say start at 6.

Mr. Alueta: It's not required, Chairman DeGray, that you state now because you're going to -- you're going to basically recess --

Mr. Vanderbilt: No, no, but I think we're going to -- we're going to let the --

Mr. Alueta: Try to get the public to know ahead of time, then that would be good.

Mr. Vanderbilt: Yeah, and -- and for the reporters here, a lot of this is still contingent on checking whether the Planning Department can stay overnight and various other things so we'll probably have a handle and I'll keep in touch with you guys.

Mr. Feeter: ...(inaudible)...

Mr. Vanderbilt: Thank you, Commissioner Feeter. Commissioner Chaikin.

Mr. Chaikin: Yeah, I was just wondering if we had any news whether or not the Planning Director would be able to make our TVR meeting.

Mr. Vanderbilt: I think that's something we need to request that he be here.

Mr. Alueta: It's anticipated, Chairperson, that the director will be here when I do my presentation.

Mr. Vanderbilt: Okay. But, Joe, can you make arrangements so you can do a presentation at both?

Mr. Alueta: The same one, yeah.

Mr. Vanderbilt: The same one? Okay. Alright.

E. UNFINISHED BUSINESS

- 1. MR. JEFFREY S. HUNT, AICP, Planning Director, transmitting the 2030 Countywide Policy Plan (Plan) to the Molokai Planning Commission pursuant to the provisions of Chapter 2.80B of the Maui County Code. The Molokai Planning Commission may review and provide recommendations on Section IV (Goals, Objectives, & Policies) of the Plan, which was revised to reflect the recommendations of the Maui, Molokai and Lana`i General Plan Advisory Committees. Emphasis will be placed on the revised Natural Environment, Local Culture, Sustainable Land Use and Population Management, and Housing Sections . (Plan was mailed previously. Commissioners: Please bring your copy.)**

First public hearing was conducted on August 22, 2007.

To view Section IV, (Goals, Objectives, & Policies) and revisions proposed by the three General Plan Advisory Committees see Maui County website at:

http://www.co.maui.hi.us/departments/Planning/pdf/Full_Directors_Report.pdf)

A copy of the draft Policy Plan may also be reviewed on Molokai at the Molokai Library, and at the Department of Planning Office at the Mitchell Pauole Center (553-3221).

The draft Policy Plan is divided into 11 sections: Education, Social and Health Care Services, Natural Environment, Local Culture and Traditions, Land Use and Population, Infrastructure, Housing, Parks and Public Facilities, Good Governance, and Transportation. At the September 24 meeting, the Commission will focus its review on the Natural Environment , Local Culture , Sustainable Land Use and Population Management, and Housing sections of the draft Policy Plan at any of the Commission's meetings when the Policy Plan is reviewed.

- a. Public Testimony*
- b. Action*

Mr. Vanderbilt: Okay, so we'll go -- go on that right now and we are now going to start the policy plan review. But first, you know, Joe's not here today, but first I'd like to just get a little idea of how we got to where we are and where we're going from here based on some concerns Joe brought up and the fact that the GPAC spent a lot longer time than we have -- or they spent 180 days reviewing this plan. How many days did they --

Ms. Bosco: 120

Mr. Vanderbilt: 120, okay, the same that we had. They made some recommendations, it's coming to us, we're going to make recommendations, then the GPAC is going to inherit our recommendations in order to guide them in developing the policy -- the island community plan for Molokai. Is that a correct assumption?

Ms. Bosco: Let me clarify that a bit. The council will inherit your recommendations for the Countywide Policy Plan and they have a year to act on the recommendations of the three Planning Commissions and the recommendations of the Planning Director. Following the Countywide Policy Plan, the department will be processing the Maui Island Plan and the Molokai and Lanai Community Plans, and the Countywide Policy Plan will serve as a framework for those later plans to be developed so --

Mr. Vanderbilt: My question is: If the council has a year to act and they don't get it till the end of the year or something, you've already started the Maui Island Plan, which this document's supposed to be guiding for, this document that we're working on is supposed to be the guiding thing for the community plan, our island community plan is supposed to start in the Spring, yet there's been no plan adopted by the council, so what are the GPACs using in the interim as a guiding document if there's no plan that's been adopted by the council?

Ms. Bosco: That's a good question. The way we are processing the island plans and the community plans now is the recommendations have been presented, at this point, we've gotten only so far, and since it's the same division working on all documents, we are internally watching for inconsistencies that may come up between the Countywide Policy Plan, the island plans and, later on down the line, the community plans. So it's true while the council will not adopt and act on the Countywide Policy Plan till much later, we are internally watching how this process is developing and if something comes up, we need to address it as we're working on the later documents, okay? Does that help? Does that answer your question?

Mr. Vanderbilt: Yes, that helps. And if you have a minute here, I'd like to -- there's a handout that I gave out that came about because of a meeting I had with Long Range and also comments at our last meeting and it's -- the heading of it is, "Handout at September 24, 2007 Molokai Planning Commission Meeting," and it's about suggested amendments to certain policy statements. And, basically, what I did was go through , if you look at your Natural Environment section, there was several policy statements that were suggested to go to some separate implementing section that isn't described anywhere in the original policy plan draft. The GPACs weren't made aware of this and one of the reasons given, about the fourth paragraph down, "The Planning Department advised the Molokai Planning Commission that the Planning Director recommended moving certain policy statements to a separate implementing section because: A) The statements contained "how to" wording that made the policy statements more of an implementing action, and B) The restrictive "how to" wording could limit the flexibility of those crafting the future island or community plans in that the "how to" said establish this by doing A, B, and C, it didn't say establish this by doing such things as." So in an effort to not create a new section and do -- have us do things that the GPAC didn't have the advantage of being able to assess whether they wanted to or not, on Page 2 I started, and I took all the items, policy statements that the director said move to a separate section, and I just made a few changes that took out the restrictiveness of the "how to's" and turned them more into suggested language. And, again, I think that I'm just trying to understand how things changed. I mean we had policy statements that read one thing, the GPAC looked at them, and then the director went back and changed them back to the way they were before the GPACs looked at them, and I'm wondering who is making these decisions? There's advice coming from the Planning Department on the front end saying, "These are great policy statements or draft policy statements," and then the director is saying, "No, they -- they aren't because they have these things in it." Can you explain that a little bit, Simone?

Ms. Bosco: Yeah, thank you, Mr. Chairperson. That's an excellent question. I wanted to take a few minutes to explain and, hopefully, clarify why we've proposed certain implementing actions, and I'd also like to try and answer the Vice-Chair's question that he had for staff too. What we've done is we've gone through the policy statements and we've identified certain statements which contain very specific actions that will be better addressed in implementation, in the implementation of the plan.

Mr. Vanderbilt: Can you give us an example?

Ms. Bosco: Sure. Absolutely. Okay, I have to find one now.

Mr. Vanderbilt: Maybe working -- can you work off that memo that I sent?

Ms. Bosco: Sure. Okay, under the memo that the Chairperson proposed, he has here the very first, I believe it's a policy statement, is that right? A1, 1001, and let me go to the -- I'm going to refer to the very -- the very large matrix, A, 1001, okay, that was originally proposed as, "Improve the opportunity to experience the natural beauty and bio-diversity" -- wait a second. I'm sorry. A1, 1001, let me think here, 1001 --

Mr. Vanderbilt: Simone, could you explain first why -- the rationale behind moving them to an implementing section?

Ms. Bosco: Yeah, let me get back to that. The rationale behind that --

Mr. Vanderbilt: And using an example.

Ms. Bosco: Okay, the rationale behind -- actually, I'm going to go to 1002 cause that's the very first policy statement where we removed a piece of that statement. The rationale --

Mr. Vanderbilt: Well, could you go to one that's in the document please that I prepared?

Ms. Bosco: Okay, you want to go to 1003?

Mr. Vanderbilt: Whatever. That's fine.

Ms. Bosco: Okay, 1003. If you take a look at that statement, we've taken out a portion of the original draft statement and staff felt that the portion relative to "developing islandwide networks of greenways, water courses, and habitat corridors" is more of an implementing action, it's more of something that the -- the County can do to achieve the ultimate goal of preserving and establishing -- reestablishing wildlife habitat connectivity. So where there was a portion of the policy statement which was a very specific action that supported a broader objective or goal, staff removes that, and the rationale behind that was we would restate it in a -- the later Section 5, which is the implementation section, as a specific implementing action that was part of a much larger implementation strategy, okay.

Mr. Vanderbilt: Alright, you wanted to save those words, even though you moved them to an implementing action. Well if we knew, and the GPAC knew that, they might have wanted done additional wording on all of the policies to make them more definitive to send to an implementing action, but they didn't have the advantage of knowing that's what you guys were planning to do with us.

Ms. Bosco: What we -- okay, and that's very true. They didn't have enough time. I think the, at the time, the GPACs, all the GPACs, would have liked to have had the liberty to review Section 5 and there was a very -- there was a Section 5 in the original -- there is a Section 5 in the original draft.

Mr. Vanderbilt: And that Section 5 says that there'll be implementing documents in other documents, whether it be the island plan or the community plan, it doesn't mention an implementing section for the policy plan.

Ms. Bosco: That's true. Let me explain how that will actually play out. What we're --

Mr. Vanderbilt: Okay, let -- alright, let's just stay on this for --

Ms. Bosco: Alright.

Mr. Vanderbilt: Alright, so you -- the Planning Director says, "These things ought to be moved cause they're not," but what he's moving is exactly what the Planning Department recommended in the original draft language.

Ms. Bosco: That's right.

Mr. Vanderbilt: So you can see the confusion here. The GPACs got advice from you that this is -- this is a pretty good policy statement and we want you to consider that. They consider it. They consider it. They agree with you. And then the Planning Director says, "Whoa, no, it's not so hot. We wanna change it." So it's hard for us to understand, cause we're going to make changes to what the GPAC recommended, and they were working under a different set of rules than we are and it's kind of difficult, at least for me. I don't know about the other Commissioners.

Ms. Bosco: I understand. It's important to keep in mind that this body can choose between the director's recommendations or any of the GPACs recommended language.

Mr. Vanderbilt: But I think we need to understand where you guys are coming from when we see something like this, you put it in, the GPAC agrees with it, and then you take it out again.

Ms. Bosco: Well, that's -- that's true and I'd like -- let me try and speak to that. As we went through the process, we realized that some of these statements actually got very specific, and they were so specific that perhaps it would be -- it would be better to broaden the statements and allow that statement to be further refined and developed in an implementing strategy later on down the line in the island plan and community plans.

Mr. Vanderbilt: Well, what I attempted to do in that memo was just to make it not very specific, 1, 2, or 3, just they were suggestive -- suggested actions that could be considered by the future such as to just -- but the future --

Mr. Alueta: Commissioner Vanderbilt, if I may. I'll just -- I'm here representing the administration so I'm here for Jeff and Colleen.

Mr. Vanderbilt: Okay.

Mr. Alueta: And I understand your frustration or your confusion with the department having an initial recommendation and then, all of sudden, the director is saying, "No, no, no. We're going to change it back later on." As you know, this is a very long process. It's kind of an organic process. We're trying to make refinements as we go and so that's reflected in the change by the director in trying to go with more of a broader statement, therefore, not hamstringing when we get to the implementing actions or the islandwide or community plan process later on down the line, so that's why we're trying to keep in a broad perspective. Again, if it is the -- your recommendation that you liked the original or the original ideas and you have modified language, that's your prerogative. All of that information will be going forward to the County Council. But, yeah, I apologize that, you know, the department's recommendations and sort of the director's recommendation on that specific language did change. We're not trying to be inflexible through this long process, we're learning more things as we go along, and, like I say, it's a long process, it's kind of an organic process, and we're willing to make changes. We're not going to just -- just because we made a mistake in the past, doesn't mean we're going to continue making that same mistake. If we find a better method along the way, we're going to tell everybody.

Mr. Vanderbilt: Okay, Joe, let me -- thank you. Let me just ask: On the implementing, you then said you were going to take these words and move them and recraft them in an implementing section. Is this Commission going to review the wording in the implementing section?

Ms. Bosco: That is -- that is our hope that, in the very final meeting --

Mr. Vanderbilt: Are we going to do it?

Ms. Bosco: We would like you to see it. You are required, by law, to review the section for the plan, the vision, the core values, and principles sections.

Mr. Vanderbilt: But not the implementing actions, right?

Ms. Bosco: You're not -- I'm going to defer to Corp. Counsel on that, however, you are -- we need to get through Section 4 and to answer the --

Mr. Vanderbilt: That's right but -- go ahead.

Ms. Bosco: And we have it --

Mr. Vanderbilt: You hope that you have time for us to review --

Ms. Bosco: We have it scheduled. We have it scheduled as the final meeting in December.

Mr. Vanderbilt: So you're asking us to approve things that the GPAC -- change things that the GPAC did and give you -- trust you to just go ahead and change them again like you want them in the implementing section and you hope that maybe we'll have a chance to agree with what you said. That doesn't sound too cool.

Ms. Bosco: Let me try and explain how -- how we're going to treat those implementing action statements. We are not adding more. We are preserving what is in your worksheet. We are literally just taking those statements, those implementing action statements that are in italics, moving them to Section 5 of the Countywide Policy Plan, and explaining them as part of a larger implementing strategy. They will literally be preserved.

Mr. Vanderbilt: Alright, and then I'm going to cut it off here. This guy's taking too long. But -- so going back --

Mr. Dunbar: Mr. Chair, implementing actions takes money, okay. If no money, there's no implementation. So I mean that's -- that's the bottom line and that's why there is no rules over implementing actions. You know they -- they have to be able to budget it, they have to be able to find the resources, they have to be able to then spend those resources, I mean we asked for a planning commission for five years.

Mr. Vanderbilt: Then it shouldn't -- then it shouldn't be in the policy plan, right? Then it shouldn't be in the policy plan.

Mr. Dunbar: Well, then maybe it shouldn't.

Mr. Vanderbilt: The original document -- excuse me, mister -- excuse me.

Mr. Dunbar: Then let's move on.

Mr. Vanderbilt: Excuse me, Commissioner Dunbar. If you had read the original document, it did not say that there would be an implementing section in the policy plan. It said there'd be an implementing programs would be handled in the island and the community plans where you really have to get down and see if you have the money, so why have an implementing section with just general statements in the policy plan?

Mr. Dunbar: Because then the Molokai Community Plan is going to be where you're going to make it more specific.

Ms. Bosco: That's right. Commissioner --

Mr. Vanderbilt: Okay. Okay. Now let's hold that thought because if you look at 1003 again, you said, specific, it says, "Preserve and reestablish wildlife habitat connectivity," and then we added, "through the development of islandwide network such as," it's not specific. It's just a general statement: "such as greenways," and you're just going to take that "greenways, water courses, and habitat," move it to an implementing section and it's going to be restrictive again because you're not going to put "such as" in there. You said you were going to move it, the wording just as it is. So I don't know what -- all I'm saying is why create all this confusion when you can make these policy statements not restrictive and just suggestive as they should be in a general policy statement?

Ms. Bosco: What we're trying to do is clarify and actually categorize implementing actions according to larger implementing strategies such as there are land use regulatory tools and there are a number of implementing actions that fit under that larger implementation strategies of regulatory tools. Or another example would be a comprehensive infrastructure improvement program as an implementing strategy and a number of those implementing action statements fall under that so -- and I'd like to just speak to your memo. I did look at your memo and I believe it's, in my opinion, it's very good. There's only one statement out of the many that I'd like to address.

Mr. Vanderbilt: Okay.

Ms. Bosco: So it was very well crafted, well thought out.

Mr. Vanderbilt: Okay.

Ms. Bosco: Okay, so if the Commission can consider the Chairperson's proposed amendments as part of the review, that's fine. That's fine. We're just recommending that we keep those policy statements as broad as possible and allow those statements to be further developed in the later plans.

Mr. Vanderbilt: Okay, and I guess the only thing is, and I think that's great you're going to move this language to an implementing, but the GPAC, if they'd known about that, they might have wanted to put some implementing actions on the other general policy statements to make them stronger, if that's the intent of moving these to the implementing -- so, anyway, with that, where are we on the -- is any -- are there any other comments on the process? Has everybody got the process pretty well understood? I guess I'm the only one that -- Commissioner Pescaia.

Ms. Pescaia: Well, I just wanted to add that I noticed that there's some things that are taken in its entirety and moved to the implementing plan and the mana`o behind -- I mean, you know, it might be specific, the mana`o behind it should, to me, is important and could have been reworded into an acceptable policy format, but that wasn't one of the options given to the GPAC. You know what I mean? They got this draft language and it was just okay, sounds good, sounds good. Had they known that, you know, we could have taken it and somehow reworded it and made it more broader so that -- cause there's chunks of it that I remember when we were going through the -- the -- I think it was Natural Environment, I don't know, the one we were doing in that room is like after 12 things got done, there were like only 4 statements that were being passed and I remember there were just whole pieces of it that was going to by and we kept saying it was going to the implementing action plan but it seems now that it's something that's disconnected and the essence behind why we would want to do those things is not there. I don't know if that makes sense but --

Mr. Vanderbilt: Thank you, Commissioner Pescaia. And the GPAC isn't here to share their mana`o and we do not have the minutes from the GPAC minutes for us to review because of some snag on the minutes. So we're just flying in the dark here and going through the motions and we don't all understand what we're really trying to do. So, anyway, those are just my comments and I appreciate Commissioner Pescaia putting her comments on the record. Anybody -- anybody else have any comments before we get started? And one last thing, Corporation Counsel says, at some point down the line, once we get the minutes, we can -- or we have to revisit something of the GPAC, there's a very simple process by which -- we lost quorum. Excuse me, I call a five-minute recess.

(A recess was called at 2:48 p.m., and the meeting was reconvened at 2:50 p.m.)

Mr. Vanderbilt: We'll get started back again. Okay, we're back on the record now. Okay, okay, we'll call this meeting back to order. Yeah, Commissioner Chaikin.

Mr. Chaikin: Yeah, you know, personally, I don't really have a big problem with what the Planning Department is doing. Basically, they're taking the statements and they're trying to make clean concise statements without a big rambling on policy statement. And I think that what we need to do though is look at each one and see when they -- if they remove that and move it, it loses, you know, the value that's inherited in that statement, just like she was saying, is that sometimes it actually changes the meaning of the thing when you take a bunch of that stuff out. So I just think, you know, we need to take a look at it but, you know, I'm just saying I don't have a big problem with trying to make it a clean concise statement and that's basically what you guys did, you came to the conclusion that, hey, this is not the best way. I think we have a better way to do it. You guys came up with a better way and it's up to this Commission whether they accept that better way or not.

Mr. Vanderbilt: Thank you, Commissioner Chaikin. Okay, so you guys ready?

Ms. Bosco: We're ready. I wanna ask the Chair, before we move on, we had distributed a memo, dated September 10, which outlined the schedule of review and, for the record, I want to make sure that the Commission knows that the order that we're following is on Page 2 of that memo and that would mean that, at this particular meeting, we're catching up and completing Natural Environment and Local Culture and, hopefully, if there's time, we can move into what we should have been doing which is the Land Use section and Housing, and then at the next meeting, if there -- if we do have time at the next meeting on October 10, we'll be covering the next two sections and so on, the next sections being Physical Infrastructure, and Parks and Public Facilities, and then continuing following that schedule. If you would like to speak to this now, we can; if not, we can -- we can move right into the policy plan.

Mr. Vanderbilt: Yeah, I would just like to ask what was, you know, I sent a letter to the other chairs regarding an amended schedule and the basis was for the amended schedule was to try and combine like subjects where there were a lot of similar policy plans, where water was in both of them or something, and then, at the end, leaving Transportation as the last one because Molokai and Lanai, it's a long section for Maui, but no such much and that would give us catch up time. Maui was alright with it and the Chair of the Lanai Planning Commission was alright with it, but then you changed it back or you changed it again and what was the reason for your changes cause you didn't really elaborate in your memo?

Ms. Bosco: Thank you. In the memo, we restructured it slightly from the Chairperson's proposal trying to create kind of a logical build between the subjects so the order that the Planning Department proposed sort of naturally -- the subjects naturally build on each other and where there were interrelated subjects, just as you had done, we tried to couple those two subjects, such as Physical Infrastructure and Parks and Public Facilities, those two.

Mr. Vanderbilt: So you went through the policy statements to see where there were like things, where water was -- and you combined them? Okay.

Ms. Bosco: And we, yes, and so in doing so, when we brought this to Maui Planning Commission, they had asked us to come back with a revised schedule and they had approved -- they have approved the September 10 revised schedule. Lanai, on the other hand, at the last meeting on the 19th, requested that we include three sections per meeting. So they actually wanna cover three -- or try to cover three sections per meeting so we're going to be doing three sections per meeting according to this schedule.

Mr. Vanderbilt: Well, but I thought you said that you wanted to keep everybody on the same schedule but you're letting Lanai put whatever schedule they want?

Ms. Bosco: Yes, and the reason is they started late and they're -- they actually started, not in August, but in September so they're running into a situation where they're trying to actually --

Mr. Vanderbilt: No, but they have the same 120 days that we do.

Ms. Bosco: They do, however, they --

Mr. Vanderbilt: It doesn't matter when they start.

Ms. Bosco: They want to try and stay concurrent with the other two commissions.

Mr. Vanderbilt: Okay, thank you. Okay, so there wouldn't be any reason why we couldn't schedule it like we wanna schedule it, right?

Ms. Bosco: We would prefer that all commissions stay on the same sections.

Mr. Vanderbilt: Except Lanai? Okay, --

Ms. Bosco: Lanai --

Mr. Vanderbilt: We'll work with you on that.

Ms. Bosco: Yeah.

Mr. Vanderbilt: Thank you.

Ms. Bosco: Thanks. Okay, if there are no other comments, then we'll move into Natural Environment and --

Mr. Vanderbilt: Excuse me, where did we -- did we -- where did we end up last time?

Ms. Bosco: Yeah, thank you. We ended up on the Objective A2 of Natural Environment. Did you guys wanna move around and so you can see the screen or -- I'm sorry. I don't know if this is hard for you to see. It's up to. Do you want to move around?

(Commissioner Pescaia was excused from the meeting at 3:00 p.m.)

Mr. Vanderbilt: Okay, Simone?

Ms. Bosco: Okay, thank you. We're starting off with Objective A3 of Natural Environment and, I'll go ahead and read the objective statement and if you would like, I'll read the policy statements. A3: Improve the stewardship of the natural environment within Maui County. A3a: Utilize ahupua`a stewardship practices as a means to better understand ecological, social, and economic relationships. A3h: Document, record, and monitor existing conditions, populations, and locations of flora and fauna communities within Maui County. This is rescoped as an implementing action. A3g: Support the acquisition of resources

with scenic, environmental, and recreational value and encumber their use. This is also proposed as an implementing action. A3b: Improve coordination among government agencies, non-profit organizations, individuals and land owners. A3e: Evaluate development to assess potential short term and long term impacts on the County's land, air, water, aquatic, and marine environment. A3i: Improve enforcement activities relating to the natural environment. This is proposed as implementing action. A3c: Improve efforts to mitigate and plan for the impact of natural disasters, human-influenced emergencies and global warming on the County's native ecology. A3j: Seek innovative techniques to regulate access to sensitive ecological sites and landscapes. This is proposed as an implementing action. A3d: Reduce air, noise, light, land, and water pollution and reduce Maui County's contribution to global climate change. A3f: Plan and prepare for global warming. A3k: For each shoreline community identify and prioritize beach conservation objectives and develop action plans for their implementation. This is proposed as an implementing action. Okay, any discussion? Oh, and there is one more I'd like to point out. There is one more policy statement up on the screen proposed from the Long Range Division which reads: The welfare of the natural world and our relationship to it will be prioritized. Discussion on the Objective.

Mr. Dunbar: Why, is there an unnatural world?

Mr. Vanderbilt: Simone, just one question. You know early, when we made comments, you made them available to the Molokai and Lanai Planning Commission -- Maui, Lanai Planning Commissions, do we have anything coming to us on various comments that they made?

Ms. Bosco: Yes, I handed that out at, I believe, the last meeting and we also can project that for you. So far, we've covered the Natural Environment and Local -- hold on now. Let me think about that. Let me back -- no, that's actually that's not true. Let me take that back. We don't have that because Julia went on vacation. Julia normally compiles that and what we're going to be doing is, once she gets back, she's back now, we'll be coming back with those comments.

Mr. Vanderbilt: And one last thing. Can I ask you guys for the minutes and have them indexed by subject of what was covered?

Ms. Bosco: The minutes? Yes.

Mr. Vanderbilt: With a cover sheet because I believe Corp. Counsel had said that they can be distributed with a little disclaimer on them.

Ms. Bosco: Yes, we're working on that now actually.

Mr. Vanderbilt: Okay, thank you. Okay, any comments, Commissioners, on -- Simone, I had a comment on A3k. Where did that come from?

Ms. Bosco: A3k.

Mr. Vanderbilt: See, it wasn't -- it wasn't looked at by any of the GPACs.

Ms. Bosco: A3k is the "For each shoreline community, identify and prioritize beach conservation objectives and develop action plans for their implementation." In looking at the matrix, the large matrix, I'm trying to find it right now here. Oh, yes, absolute -- that came -- I believe the genesis of that was from our CZM planner, in collaboration with the Planning Director, had proposed language to support CZM management, the coastal zone management program.

Mr. Vanderbilt: Well is there -- if that was the genesis of it, is there any -- is there any advantage to mentioning the CZM program or is that just one of many things you could do to handle beach conservation objectives?

Ms. Bosco: This is one of many things we can do, yes.

Mr. Vanderbilt: Okay, thank you.

Mr. Dunbar: Simone, I have a question. Who exactly is the shoreline community?

Ms. Bosco: The shoreline community --

Mr. Dunbar: Yeah, under this A3k, who is the shoreline community?

Ms. Bosco: That would be any property along the shoreline and I -- let me read this again. For each shoreline community -- that would be the community along the shoreline.

Mr. Dunbar: I mean I realize it should be ...(inaudible)...

Ms. Bosco: Usually -- usually communities within the SMA area would fall under that category.

Mr. Vanderbilt: And what was that last one, "The welfare of the natural world and our relationship to -- "

Ms. Bosco: "To it will be prioritized." Would you like me to move through each statement and ask for your comments or -- would that work? We can start with A3, Objective A3, any discussion?

Mr. Vanderbilt: What does A3 say?

Ms. Bosco: "Improve the stewardship of the natural environment . . ."

Mr. Vanderbilt: So I thought we had talked about taking out like "within Maui County" cause this is a Maui County policy plan.

Ms. Bosco: Yes, we can do that throughout the document. We haven't done it yet because we're going to be -- we're going to be -- that would come as -- that was actually originally the director's recommendation so before we put that in the director's recommendations, we wanna get all the comments first. That was -- that was what we were going to be doing. So wherever you see "Maui County" and it's redundant, well be removing it.

Mr. Vanderbilt: So, just so we can get a feel for the policy statement, so when we get to the island plan or community plan, how you want to do that, whether it be through improve enforcement or whatever, that's where we can take this policy and refine it more in the community --

Ms. Bosco: That's correct.

Mr. Vanderbilt: Thank you.

Ms. Bosco: Any comments on A3? If not, A3a?

Mr. Vanderbilt: Yeah, I have a comment on A3a. I'd like to include the word "interconnected" that was recommended by the Molokai GPAC.

Ms. Bosco: Very good. Thank you.

Mr. Vanderbilt: And I'd also like -- what is ecological mean? I mean what's an ecological relationship?

Ms. Bosco: Ecology -- you have certain ecologies that occur within regions or areas. Ecological usually refers to the ecological systems or interrelationships between living things within an area --

Mr. Vanderbilt: Thank you.

Ms. Bosco: Such as watersheds or certain sensitive ecological areas.

Mr. Vanderbilt: Thank you.

Ms. Bosco: If no other discussion on A3a, we'll move to A3h, and this is recommended to be moved into the implementing action section.

Mr. Vanderbilt: Simone?

Ms. Bosco: Yes?

Mr. Vanderbilt: Commissioner Chaikin talked about moving whole things and maybe lose some of the thought. Why wouldn't you, as in other things like in A2b, they move certain "how to's" to the implementing but they still said, "Protect the County's marine resources and wildlife?" I would like to see, in this statement, "Protect the County's flora and fauna communities." And then if you wanna move all that other language into the implementing --

Ms. Bosco: You're -- are you referring to your memo?

Mr. Vanderbilt: No, I'm referring to 1018. In that, you're saying you wanna move that whole thing and I'm saying why not leave, it's just a general policy statement, "Protect the County's flora and fauna communities?"

Ms. Bosco: That would be -- that would be one way of making that statement very broad. Yes.

Mr. Vanderbilt: And then all these other ways that you -- in there to do it move to the implementing section.

Ms. Bosco: Kathleen is writing that down for you to see. "Protect the County's flora and fauna communities." Is that correct, Chairperson?

Mr. Vanderbilt: Yeah.

Ms. Bosco: Okay. Okay, are we done with that policy statement? If we are, we'll move on to A3 -- let's see, where are we now? A3g: Support the acquisition of resources with scenic, environmental, and recreational value and encumber their use. And I believe the Chairperson had some proposed language for that as well.

Mr. Vanderbilt: In the original document, where are we now? We're on A --

Ms. Bosco: A3g, 1019.

Mr. Vanderbilt: A3g

Ms. Bosco: 1019

Mr. Vanderbilt: Okay. In the original document it talks about acquiring and encumber and all the GPACs went with that.

Ms. Bosco: The rationale for changing it and adding the word "Support" the acquisition of resources, was the County can't always be the only agent for acquiring or encumbering, and when -- when you acquire, you -- that's also an encumbrance. So we broadened the statement so that it doesn't preclude non-profits and other organizations and groups from also acquiring resources.

Mr. Vanderbilt: Well I -- I suggested just -- I agree with you on that and I suggested "Encumber the use of resources with scenic environmental, cultural, and recreational value through acquisition or other means."

Ms. Bosco: That would be one other way of saying it. I'm not sure specifically what the --

Mr. Vanderbilt: Well I mean I think this is -- I think the encumbrance of important resources, whether agricultural or environmental or recreational, has always been at the forefront of the objectives of most communities and I think this would be something that should be in the policy statement because if you move something to an implementing action, there is no policy statement to go with that implementing --

Ms. Bosco: Right.

Mr. Vanderbilt: You're moving portions of some and all of others.

Ms. Bosco: Okay, I'm going to have Kathleen write your proposed language up on the board.

Mr. Vanderbilt: Alright, this is -- it would be "Encumber the use --"

Ms. Bosco: Where is it? Right here. "Encumber the use of resources with scenic --"

Mr. Vanderbilt: "With scenic, environmental," add in "cultural," "and recreational value." Take out "and encumber their use," and put in "through acquisition or other means."

Ms. Bosco: Thank you. I would probably suggest leaving the word "cultural" out only because the next section deals with culture and it doesn't clearly fall into the category of Natural Environment. Or if you're thinking more in terms of natural features which have cultural value, that would be another -- we could try and make the language more closely fit with that interpretation. One way of handling that would be to add "natural" before the word "resources," so it would read: "Encumber the use of natural resources with scenic, environmental, cultural, and recreational value through acquisition or other means."

Mr. Chaikin: I have a little problem with -- it just seems like, you know, a scary statement. I mean a lot of, you know, lands that have scenic value and other kinds of, you know, value, environmental value, are private property. And so how are we, as a County, just going to go start, you know, encumbering everybody's property because it has good scenic value. It seems like it's a little bit strong that what we wanna do is we wanna try to move to protect or encourage the, you know, the, you know, to keep that -- that value going but to say that we're going to encumber all of it, I mean or -- I don't know.

Mr. Vanderbilt: That sounds like a good suggestion so put more -- something like "protect."

Ms. Bosco: There's two -- two comments.

Mr. Alueta: If I may, Simone? Simone? If I may, Mr. Chair. The encumber, it can be interpreted broadly. Encumber doesn't necessarily mean you acquire it through only the physical means of acquisition. It can be encumbered through either protective easements, transfer of development rights, and a slew of other -- or even through land use regulations either by height restrictions or development restrictions. So there's a wide variety of implementing actions later on that can -- that encumber can be used for. So it doesn't have to necessarily -- when you say "encumber" meaning by buying it; it can be done through other means.

Mr. Chaikin: Right, I understand. Still it is kind of a -- a scary word. It seems like we should say something like "support the protection of" or something, rather than we're definitely going to go and do something with this guy's property. We can support the protection of that property, but to say we're actually going to mandate that we're going to encumber it in some way.

Mr. Alueta: Well, I think that's part of the -- the purpose is to have it be in some form or fashion in the future a little more concrete -- I mean to preserve it, not just encourage the preservation, and be very generic. I think -- I mean that's -- it should be generic but I think it gives the County a multiple of tools.

Mr. Chaikin: Right. I understand what you're saying. Yeah, I mean that's fine. I just interpret it as saying that if something has environmental value, my land has all kinds of environmental values on it, great, I mean there's all kinds of great things. Now, what are you going to come and do? There's -- you know, where do you draw the line of what has, you know, enough value that we're going to encumber it. So that's the, you know. But I don't know. I'm open. Whatever. I mean I don't have a big giant problem with it.

Mr. Dunbar: Well, actually, I agree with Steve. I think when you use the word "encumber," whether it be with -- with purchase or deed restrictions or land use changing from conditional use permits to nothing, all of that decreases and gets back to the -- to your original point that many of these things are on private land and I think if you protect them

or you encourage the protection of them, or your implementing action is to -- is to support the funding of them, I think that's sufficient as opposed to -- I don't like the word "encumber" either.

Ms. Bosco: Commissioner, I understand that softening the language to read: "Protect --" what was the language again? "Protect --"

Mr. Chaikin: "Support the protection of -- "

Ms. Bosco: Thank you. That's a softer way and it's broader. The other comment that staff has is I -- we -- the government cannot come in and take anything away from anybody without a -- a process in place. It's -- there would be processes in place to achieve this particular policy statement that would need to be collaborative with private owners and so forth. We could also add, at the end of that statement, something to the effect of "recognizing the community needs," but the idea behind the statement is not to come in and just do eminent domain but it's to provide some direction for the County to take a look at scenic and environmental and cultural, recreational resources and where there's a process in place, an implementing process, we can work with landowners and other organizations to try and protect valued natural resources.

Mr. Chaikin: So would there be a problem changing "encumber" to "support the protection of resources with scenic, environmental, cultural --"

Ms. Bosco: Let's put that down and then the Commission can vote on that.

Mr. Chaikin : "For the protection of resources --"

Ms. Bosco: "Support the protection of --"

Mr. Chaikin: Resources.

Ms. Bosco: "resources with scenic, environmental, cultural, and recreational value through acquisition or other means." Did the Commission want to keep the word "cultural" in there because I believe -- I'm not sure how that term is intended to be used here, Mr. Chairperson?

Mr. Vanderbilt: Cultural resources are used --

Ms. Bosco: Cultural resources can sometimes mean, you know, structures and so forth. If it's -- if we add the word "natural resources," that would crystalize your -- it would limit cultural to natural --

Mr. Vanderbilt: Whatever. It doesn't matter.

Ms. Bosco: Okay. Thank you. Okay, if not other comments, we'll move to A3b.

Mr. Dunbar: Yeah I have a comment. I think you should put "Support the protection of natural resources with enforcement --" So if you gotta put "enforcement" in there, someplace, other than just acquisition and other means. I don't know how specific you wanna get here.

Ms. Bosco: We have that exact language later on in another section.

Mr. Vanderbilt: Yeah, in 1022.

Ms. Bosco: Okay, no other comments, we'll move to A3b: Improve coordination among government agencies, non-profit organizations, individuals, and landowners.

Mr. Chaikin: I had a comment on that. I think that, you know, you're dealing with government and you're dealing with non-profits, and really what needs to happen is there needs to be more communication and more collaboration between the two, not necessarily coordination. First you have to communicate, and then you have collaborate with them. So that would be my recommendation and get rid of "coordination" and change it to "communication and collaboration."

Ms. Bosco: Thank you.

Mr. Dunbar: Or all three ...(inaudible)...

Ms. Bosco: Or we can add three. Okay -- go ahead.

Mr. Vanderbilt: And one thing on that would be I'd like see, after "organizations" or somewhere in there, put "communities."

Ms. Bosco: Communities? Thank you.

Mr. Vanderbilt: Yeah. And then you took out "involving environmental stewardship" that was approved by the Molokai and Lanai GPACs. What was the reason for taking that out? I mean they could be talking about golf or the next --

Ms. Bosco: Okay, can you --

Mr. Vanderbilt: The next Warriors game.

Ms. Bosco: Can you repeat your question again, Chairperson?

Mr. Vanderbilt: Well, if you look at the -- what the Molokai GPAC and Lanai GPAC did, they both said, "involving," the end of the sentence was, "involving environmental stewardship."

Ms. Bosco: I believe the reason was the entire section deals with stewardship. The Objective statement is to improve stewardship.

Mr. Vanderbilt: Okay. Sorry for the questions but I think it helps develop the record when the next guy looks at it.

Ms. Bosco: That's right. Thank you. Any other comments? If not, we'll move to A3e: Evaluate development to assess potential short term and long term impacts on the County's land, air, water, aquatic, and marine environment.

Mr. Vanderbilt: Molokai, Lanai, and the original draft language from the County called it "air, water, aquatic, and marine resources," and you took out the word -- the Planning Director replaced "resources" with the "environment."

Ms. Bosco: That's correct. Because -- let me look at this again here. I'll tell you why. The word "resources" actually refers to the things that we use and it also refers to anything that supports life. It doesn't always include things we don't use. So the word "environment" is a broader word, it includes things we don't use. It could mean a vacant piece of land that has absolutely no use, it doesn't life whatsoever, but it's -- it's there so it's part of the natural environment. That's the reason for the change.

Mr. Vanderbilt: Well, if you're trying to assess the short, long term impacts on water environment versus water resources, I mean -- see the director's picking up on the Maui GPAC's recommendation. He didn't come up with that on his own.

Ms. Bosco: Pardon me? He came up with that on his own?

Mr. Vanderbilt: No, he didn't come up with it on -- he took it from the Maui GPAC recommendation and the Maui GPAC recommendation is contrary to your original language, Molokai and Lanai's language.

Ms. Bosco: Okay, we can insert Maui GPAC's language if the Commission so desires and --

Mr. Vanderbilt: No, he already did. He took -- he took out "resources."

Ms. Bosco: Oh, you're talking about ...(inaudible)...

Mr. Vanderbilt: And put in "environment."

Ms. Bosco: That's right. That's right.

Mr. Vanderbilt: So that was the explanation that Maui gave the relationship --

Ms. Bosco: That's staff's explanation.

Mr. Vanderbilt: Where are we?

Ms. Bosco: Okay, we're moving on to the next one, if there are no more comments, on A3i: Improve enforcement activities relating to the natural environment. And this is --

Mr. Dunbar: ...(inaudible)...

Ms. Bosco: Okay, this is your -- this is exactly your enforcement statement here so -- okay, and this actually proposed as an implementing action, and I want to also add that enforcement comes up later in the Good Governance section, I believe it comes up later. So although we're rescoping this as an implementing action, we have a policy later in the document that addresses enforcement, okay, so --

Mr. Vanderbilt: I would like to see, you took out the word "proactive," which was in everybody's statements, and just said, "improve."

Ms. Bosco: Would you like to have that word put back in?

Mr. Vanderbilt: You could put "Improve and proactively enforce -- "

Ms. Bosco: Thank you.

Mr. Chaikin: Yeah, I concur with the Chair on that cause, basically, the County has a provision that they don't do anything unless there's a complaint or something, and so we really have to be proactive.

Ms. Bosco: That's very true. Thank you.

Mr. Vanderbilt: And proactively enforce, and why did he take out "environmental rules and regulations," which -- and change it to "enforcement activities relating to the natural environment?" I mean that -- I think it's the rules and regulations --

Ms. Bosco: Oh, I know why.

Mr. Vanderbilt: We're in the natural environment section so we don't have to bring it up.

Ms. Bosco: Yeah. The reason -- the reason why it was changed is because, in some cases, the rules and the regulations haven't been updated to reflect current conditions and trends, so we wanted to make sure the language was broad enough so that if a situation came up where there was no rule or regulation but the County definitely wanted some kind of enforcement, we could create the rules and regulations that we need in order to enforce something. So it's -- it's actually trying to address the fact that sometimes rules and regulations aren't in place for a need that the community -- community wants.

Mr. Vanderbilt: Well this is a very short and succinct statement and it's general, so I would recommend not moving it to the implementing action.

Ms. Bosco: Okay. Kathleen's going to make it regular font now. Thank you. Any other comments? If not, we'll move to A3c: Improve efforts to mitigate and plan for the impact of natural disasters, human-influenced emergencies, and global warming on the County's native ecology. Any comments?

Mr. Vanderbilt: No.

Ms. Bosco: If no, A3j: Seek innovative techniques to regulate access to sensitive ecological sites and landscapes. This is proposed as an implementing action and the Chairperson does have amended language for this. The Chair's language that was proposed is: Regulate access to sensitive ecological sites and landscapes through innovative techniques appropriate to each island.

Mr. Vanderbilt: I don't -- I don't see where I even had that. Do you have it on an earlier --

Ms. Bosco: On your memo, it's A3j, which is 1024.

Mr. Vanderbilt: Well, based on what you said, where are we? A3 --

Ms. Bosco: A3j

Mr. Vanderbilt: j -- well I don't see why you just couldn't leave it as -- the wording as is that was approved by the Molokai and Lanai GPACs and the draft -- original draft language. Just leave it like it is but don't move to implementing section because it's -- it just says, "Seek innovative techniques." It's not restrictive and then --

Ms. Bosco: Okay, that means we'll --

Mr. Vanderbilt: Then when we get to the community plans, we can try to come up with whatever the community feels is innovative techniques.

Ms. Bosco: Okay, so we'll -- the proposal by the Chairperson is to retain that as a policy -- the original language as a policy statement.

Mr. Vanderbilt: Unless the other Commissioners have a problem with that.

Ms. Bosco: Okay, any further discussion? Commissioner Dunbar?

Mr. Dunbar: So if you move it to implementing action, that means there's no -- no further discussion on it. It goes into what?

Ms. Bosco: If we move to implementing actions --

Mr. Dunbar: Right.

Ms. Bosco: We restate this exact statement --

Mr. Dunbar: Correct.

Ms. Bosco: In Section 5, and we further develop it in the island and community plans. It doesn't go away. It just -- it's rescoped as part of a larger implementing strategy to deal with the natural environment. It's something that we are going to have to do so part of the implementation would -- that part of implementation, this particular statement will need to be further developed in the island and community plans. So it will -- there will be further action and it would come back as something that would be further developed in the Molokai Community Plan, for example.

Mr. Dunbar: So what is being said by the Molokai GPAC is exactly what is said under the director's recommendation so why wouldn't it move to implementing plan -- or implementing action rather?

Ms. Bosco: Why would -- say that again. I'm sorry. Can you re-ask your question? I didn't hear you.

Mr. Dunbar: Oh, I'm saying that under the -- under A3j, 1024, sometimes that happens, sometimes it doesn't, it is the same language --

Ms. Bosco: It is exactly.

Mr. Dunbar: That is suggested by the GPAC and the Lanai GPAC.

Ms. Bosco: That's right.

Mr. Dunbar: So what's the problem with moving it to implementing action or not?

Ms. Bosco: We're saying that it should -- it's an implementing action. It's something that is part of implementing a strategy of protecting the natural environment. It's -- it's up to you. If you wanna retain it as a policy statement, we keep it in the Countywide Policy Plan as a policy statement, or we remove it as part of the core objectives and policies and we address it later in the community plan and island plans. Okay? So --

Mr. Vanderbilt: Hey, Kip, can I explain something? The reason I tried to adjust these, all these statements so they stayed in the policy statement is that we were told that these implementing wording was too specific and it might restrict what you wanna do in the community plan. So they're just going to take this same restrictive language, move it to an implementing section under the policy plan, our community plan has to be consistent with the policy plan so they're going to have that same problem when they go to do their implementing actions. They're going to refer to the policy plan and it just says A, B, and C. So you see the problem? We're going to get into a conflict cause you're not changing, you're just moving it to implementing and it's going to set up a conflict that is going to restrict those who are working on the various community and island plans.

Ms. Bosco: Well, the intent of this statement is to keep it very broad so there will not be any conflicts ...(inaudible)...

Mr. Vanderbilt: But you -- but you're moving the restrictive language to an implementing section, you say you're not going to change the language, you're going to move it as is, and then when the various community plan -- when the community plan gets to look at its community -- its implementing actions, they may have others but they're outside of what was set in the policy plan and we have to be consistent with the policy plan. If there's a conflict, the policy plan prevails.

Ms. Bosco: The way --

Mr. Vanderbilt: That's why this unknown language just going off into some unknown section that was --

Ms. Bosco: Right. Let me -- let me explain that a little further. The way this Section 4 is used is, when we're reviewing projects or we're working with communities or agencies, the policy statements here in this table are used as solid guidelines for planners, for agencies. In Section 5, in the implementing section chapter, they're more used as recommendations, they're more used as a guideline for what we need to cover later on down the line. When it comes to the community plan or the island plan, the community itself and the islands will be able to decide or add to or change exactly how they -- what implementing actions they wanna pursue.

Mr. Vanderbilt: So, are you saying for the record that our community plan document does not have to be consistent with the policy plan document as far as implementing actions of various policy statements?

Ms Bosco: What I'm saying is Section 5 is not -- Section 5 is not something that will be used as -- the consistency requirement in Section 5 is not as rigid as it is with Section 4. In other words, Section 5 is really where we say, "These are the things that we need to do Countywide," and then they're further addressed in the island and community plans. So the consistency is --

Mr. Vanderbilt: So you're saying we still have the flexibility in our community plan to add additional implementing action --

Ms. Bosco: Yes.

Mr. Vanderbilt: Then the ones that you put in the policy document?

Ms. Bosco: Yes.

Mr. Vanderbilt: Thank you.

Ms. Bosco: Okay, right now, we've maintained this statement here as a policy statement, "Seek innovative techniques to regulate access to sensitive ecological --" it's cut off here. Hold on. "ecological sites and landscapes." The next statement is A3d: Reduce air, noise, light, land, and water pollution, and reduce Maui County's contribution to global climate change." Discussion?

Mr. Vanderbilt: So, you're going to take out "Maui County's contribution?"

Ms. Bosco: That's right.

Mr. Vanderbilt: Cause it wasn't in any of the other statements.

Ms. Bosco: Yeah, that's right.

Mr. Vanderbilt: Could I just ask one quick question --

Ms. Bosco: Sure.

Mr. Vanderbilt: On A -- the one right before A3j? You explained ecological relationships. What is an ecological site, just one site, what is an ecological site? What would that --

Ms. Bosco: I'll give you an example. Let me think here.

Mr. Vanderbilt: Just anything for the record.

Ms. Bosco: Like the East Maui -- I'm trying to think of an ecological site here.

Mr. Dunbar: Papohaku Sand Dunes.

Ms. Bosco: Yeah, there you go. Thank you.

Mr. Vanderbilt: Okay. Thank you. Thank you.

Mr. Dunbar: We've been sitting here for the last 3 hours and doing nothing and you don't even know that one?

Ms. Bosco: Thank you. Okay. Okay, any other comments on A3d? Okay, if not, we'll move to A3f: Plan and prepare for global warming. Policy statement. Any discussion? If not, we'll move to A3k, this is proposed as an implementing action, and this be the policy which reads: For each shoreline community, identify and prioritize beach conservation objectives and develop action plans for their implementation.

Mr. Vanderbilt: Simone, is there going to be a definition section to this policy plan?

Ms. Bosco: Yes.

Mr. Vanderbilt: The only reason I think Commissioner Dunbar was asking what a shoreline community is so I don't know if --

Ms. Bosco: Thank you. Okay? If there are no other comments on that, we'll move to the new policy statement reading: The welfare of the natural world and our relationship to it will be prioritized. And that's the -- the entire section if the Commission would like to make a motion to approve all the amendments. Please take a look at what's on the screen. Kathleen will scroll down from the very top. There's an amendment to A3, A3a, A3h, A3g, A3b, A3i, A3j, and that's it.

Mr. Dunbar: Can you go through this again please?

Ms. Bosco: Just look at the language; make sure we have it right cause we, you know, we wanna make sure we got it right.

Mr. Chaikin: Sorry, I, Simone, can I just back up to that last statement. One more time, where did that statement come from?

Ms. Bosco: That came from the Long Range Division. It's proposed -- we're floating it out to see if the commissions support the statement and so far the two commissions of Maui and Lanai have supported it.

Mr. Chaikin: Okay. And why -- what was the reasoning that you came up with that? Did you think it was missing it or something and it was --

Ms. Bosco: Yes, the reasoning was that the -- that this particular statement can be used to measure the -- the environment's welfare. It's opening the door for programs that, basically, look at how we're -- how we're treating the environment. If we're hitting certain indicators, we could develop indicator programs from it and so forth.

Mr. Dunbar: So, Simone, so for each shoreline community, we're talking about A3k, is that what we're talking about?

Ms. Bosco: That's right, and the new policy statement.

Mr. Dunbar: So A3k means we'll have Chip Fletcher taking his photographs and saying that you gotta move back 400 feet from the shoreline or you'll be engulfed? Is that where it's coming from? I mean what sort of --

Ms. Bosco: This is -- well, this --

Mr. Dunbar: A3k

Ms. Bosco: A3k is designed to allow the agencies to develop, write rules, regulations, action plans, and so forth to basically protect the beach and the shoreline. So it's not only to do with shoreline setback requirements, it's to do with a whole range of tools designed to protect the shoreline. But the answer is, yes, that's part of it. Part of it is about shoreline setbacks, yes, but there's a whole other range of tools that could be developed.

Mr. Dunbar: You know my paper here, unless I've missed it, does not have A3k.

Ms. Bosco: That is because you're looking at an old version. Let me -- let me get you --

Mr. Dunbar: Well, this is the version that came -- I mean this is the version that came in my packet.

Ms. Bosco: Oh, okay.

Mr. Dunbar: And my binder doesn't have it either.

Ms. Bosco: This is the -- hold on. Let me look at what you have.

Mr. Dunbar: And it doesn't have a little number. Where is it? Did I miss it? Is it on a different page? You see the -- you see the problem I have here is you have these little numbers that go down, then you have A3, you got A3a, then you go A3h, then you go A3g, then you got a A3b. Isn't the "b" supposed to be right after the "a"? I mean this thing is so confusing it's unbelievable. And then there's A3c right down here when it should be over here on this page. See I mean I don't have a problem with the statement, it's just that it's reasonably confusing. I mean if you're going to have, you know, 1020, 1021, 1022, 1023 --

Ms. Bosco: Can you speak into the mike, Commissioner Dunbar?

Mr. Dunbar: Yeah, the point is if you're going to have -- if you're going to number it on one side, see this is not numbered or it's numbered now but it wasn't numbered before, so the problem I have is that don't even put in the reference A3b if it's not even in consecutive order.

Ms. Bosco: Okay, the reason why it's not in consecutive order is because that particular number refers back to where the statement is in the -- the actual draft of Section 4. In your binder, you have a complete draft of Section 4, and it's outlined in consecutive order. This reference number, A3b, A3e, refers back to where it is in the actual text. Now, that's why it can't be in consecutive order because it -- they just -- in this original -- this is the working document remember, this was what we were working off of, but just so I can try an explain it, that reference number refers back to something in the text document, okay, so it could not be in consecutive order.

Mr. Vanderbilt: Okay.

Ms. Bosco: So and it does cross-reference with the worksheet that we handed out so --

Mr. Chaikin: Simone, I would be happy to make a motion on this section if you can read -- go over the numbers or the letters one more time of those particular policies that we've made changes to.

Ms. Bosco: Yeah, thank you. The letters that we made changes to are A3, A3a, A3h, A3g, A3b, A3i, A3j.

Mr. Chaikin: Okay, I'd like to make a motion that this Planning Commission accept the recommendations as put forth to us by the Planning Department under this section noting that we did make changes to A3, A3a, A3h, A3g, A3b, A3i, and A3j, and that we did support the new policy statement that's presented on the screen to us.

Mr. Vanderbilt: Is there a second? Second by Commissioner Napoleon. Discussion?

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

It has been moved by Mr. Chaikin, seconded by Mr. Napoleon, then unanimously

VOTED: to accept the recommendations, as put forth by the Planning Department under this section, noting the changes made to A3, A3a, A3h, A3g, A3b, A3i, and A3j, and that the Commission did support the new policy statement that was presented.

Mr. Vanderbilt: Five to nothing. It passes. Thank you, Commissioners. We're now -- we're going to take a five-minute break.

Ms. Bosco: Okay, thank you.

(A recess was called at 3:50 p.m., and the meeting was reconvened at 3:57 p.m.)

Mr. Vanderbilt: I'd like to call this meeting back to order. Simone, we're on what? Objective A4?

Ms. Bosco: A4: Educate residents and visitors about stewardship and the interconnectedness of the natural environment and its people. A4a: Expand education about native flora, fauna, and eco systems within Maui County. A4b: Align the County's priorities to recognize that the health of the County's natural environment and the health of its people are inextricably linked. A4c: Educate County citizens about the impacts of global warming and the ability of individual choices and actions to reduce Maui County's climate change. And this whole section deals with education, okay, so education about the natural environment. Discussion?

Mr. Vanderbilt: So, Simone, in A4b, you're going to take out "Align the County's" and then just "Align priorities," right?

Ms. Bosco: As well as A4a.

Mr. Vanderbilt: Okay, all the way.

Ms. Bosco: Yep.

Mr. Vanderbilt: Does the Commissioners have any comments on any of these four?

Mr. Dunbar: Yeah, A4. I would strike "visitors," and just put residents cause we're not going to have any visitors.

Ms. Bosco: Okay, now, when you say "we," are you referring to just Molokai?

Mr. Dunbar: Yeah.

Ms. Bosco: Okay. Keep in mind, we're -- this is a Countywide plan so we have to remember that the other islands will have visitors. And any other discussion? Was that a serious remark or did you want us to really remove that?

Mr. Dunbar: ...(inaudible)...

Ms. Bosco: Okay. Any other discussion?

Mr. Chaikin: I just wanted to, you know, bring up this global warming thing a little bit more cause it was in the last section, and it said, "Plan and prepare for global warming," and I'm thinking, wow, this is just such a major -- you know, as far as planning goes, I mean long range planning, global warming is a major issue and so I'm looking at that statement, okay, in our plan, we're going to commit six words to global warming, I'm thinking, wow, that's, you know. I mean here's an ongoing -- a potential ongoing series of events that could have catastrophic consequences for our County and we're going to provide six words for that in our plan. And I'm just thinking that, you know, I hate to under emphasize something that's so important and here we're talking about the education, in A4, of the County citizens about the impacts of global warming but, to me, what's really important is that the people that make the decisions get educated, like the number on priority is the planners and the decision-makers need to be educated about global warming and that's -- and when you say "all citizens," it includes them but it doesn't emphasize them, and the problem I have is that when we make these statements, some of the things will happen and some won't. So we almost have to prioritize certain things so if only a little bit of the action gets done, that we can be assured that, you know, that the rights things get done. And that's the problem I have is that we really need to make sure that planners and decision-makers are well informed about global warming and how we put that in here, I don't know.

Ms. Bosco: Can we add it to after the word "citizens," comma "particularly planners and decision-makers?" Is that --

Mr. Chaikin: Yeah, or "special emphasis" on or "particular" -- yeah, either one will work.

Ms. Bosco: Okay, if there's better language, please propose it.

Mr. Vanderbilt: How about if we put "educate County planners, decision-makers, and citizens?"

Ms. Bosco: Thank you -- "about the impacts of global warming." Thank you.

Mr. Dunbar: Simone, I have a question. On this -- on this A4c that you just put in, "and actions to reduce Maui County's climate change."

Ms. Bosco: I think it should have been --

Mr. Dunbar: I don't understand what that means.

Ms. Bosco: I think the language -- let me look at the matrix cause I think there's a word missing.

Mr. Dunbar: I mean we're not going to stop the climate change so what do we -- and you know when you get into global warming, if you're using this as a guidance tool and you're going to -- and you're thinking you're going to have receding shorelines and that's currently where people live and all the rest of it across the road is ag, so you either gotta open up more rural or open up ag or, you know, you just -- you can't piecemeal it. It has to be, you know, one concrete plan.

Ms. Bosco: Back to your comment about A3c -- or A4c, I think it -- it would be better if it read, the very tail-end of it, "and actions to reduce Maui County's contribution to climate change." Does that make sense? "and actions to reduce Maui County's contribution to climate change."

Mr. Vanderbilt: Which one are you on, Simone?

Ms. Bosco: A4c. There's something there. You can't just reduce Maui County's climate change. That's -- I think it's supposed to be --

Mr. Chaikin: Well, I think -- I think that changes the intent of the whole thing though cause we're not -- I mean global warming is something that Maui County is going to have little control over so we really need to, you know, regardless of what Maui County does, we need to be educated on, you know, about the impacts of global warming and that's really the just of the thing. I mean it could be a different thing as far as what we can do to help global warming, but we need to be informed of it generally.

Ms. Bosco: Is the statement as it reads alright or did you -- are you proposing anything different, Commissioner --

Mr. Chaikin: Switch back to the other screen; see what it says.

Ms. Bosco: Are you suggesting dropping the end or changing it somehow, or is it alright the way it is?

Mr. Chaikin: Yeah, go ahead.

Mr. Vanderbilt: Yeah, I was thinking "Educate County planners, decision-makers, and citizens about the impacts of global warming." And then take out the rest of the sentence and include "and the appropriate steps needed to resolve those impacts." Would that be

in line with what you were thinking? I mean it's one thing to educate, but you gotta get to the realities of resolving those impacts.

Ms. Bosco: That's one way. And that's intent of what's up there already is to speak to individual choices.

Mr. Vanderbilt: Because you see -- yeah, and again, this is a policy statement that's not being moved to the implementing, yet it -- that it has "how to's." It says, "Educate" on what? And it gives two things when there could be more things but it's not moved to the implementing sections. So that's just another --

Mr. Alueta: Simone, if I may. I agree with Chairperson Vanderbilt that it'd be better if it was more broad and given the fact that this is just an education section under the environment section so it doesn't -- remember, later on in other sections, you know, as far as addressing some of Mr. Dunbar's concerns or other issues like whether or not we're going to do change in zonings for ag land or whatever. It's just -- but I think if you delete it as proposed, that would be my encouragement, I guess, at this point.

Mr. Vanderbilt: I concur with that.

Ms. Bosco: Yeah. Yeah, we can do that, yeah. I see the point too, by the way, that's why I'm -- I want to revisit that. Thank you. Yeah, so, as it stands, it reads, "Educate County planners, decision-makers, and citizens about the impacts of global warming," period. Thank you. Okay, you're done with this section. Go ahead and take a look at what's on the screen.

Mr. Vanderbilt: Do we have a -- anybody wanna make a motion regarding what we've done to this?

Mr. Chaikin: Just for the process of moving forward here, let me make a motion that we accept the recommendations set forth by the Planning Department for Objective A4, noting that we did make changes to A4a, A4b, and A4c.

Mr. Vanderbilt: Is there a second? Seconded by Commissioner Feeter. Any discussion?

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

It has been moved by Mr. Chaikin, seconded by Mr. Feeter, then unanimously

VOTED: to accept the recommendations set forth by the Planning Department for Objective A4, noting the changes made to A4a, A4b, and A4c.

Mr. Vanderbilt: Five. Motion passes.

Ms. Bosco: Thank you. Alright, we completed --

Mr. Vanderbilt: We completed the Protect the Natural Environment section.

Ms. Bosco: Yep, thank you. Okay, did you want to take a short break or just move right into the next section?

Mr. Vanderbilt: If there's no objection from the Commissioners, we'll move right ahead.

Ms. Bosco: Okay, we're moving in to the Local Culture section. Kathleen's bringing that up on the screen and I'll move to the Goal statement in the first series of -- the first Objective and series of policies. Goal B: Maui County will protect, perpetuate, and reinvigorate its cultural values and traditions to ensure that current and future generations will enjoy the benefits of their rich island heritage. Objective B1: Perpetuate the Hawaiian culture as a vital force in the lives of Maui County residents. B1a: Protect and preserve access to mountain, ocean, and island resources for traditional Hawaiian cultural practices. B1b: Foster partnerships to identify and preserve or revitalize historic and cultural sites. B1h: Identify and prohibit inappropriate development of cultural lands and sites which are important for traditional Hawaiian cultural practices and establish mandates for the special protection of these lands in perpetuity. This is proposed as an implementing action. B1c: Support the perpetuation of Hawaiian arts and culture. B1d: Promote the use of ahupua`a and moku management. B1e: Encourage the use of traditional Hawaiian architecture and craftsmanship. B1f: Promote the correct use of the Hawaiian language. I'd like to make a note. If I mispronounce anything here, please forgive me. B1i: Establish alternative land use and overlay zoning designations that recognize and preserve the unique natural and cultural characteristics of each ahupua`a or district. This is proposed as an implementing action. B1g: Encourage the teaching of Hawaiian culture and language within the County. Discussion? And this whole entire section specifically focuses on the Hawaiian culture. This meaning this series of policy statements, not the entire goal section.

Mr. Vanderbilt: Simone?

Ms. Bosco: Yeah?

Mr. Vanderbilt: There was a tremendous amount of discussion at the Molokai GPAC on 5004, and I think that the director picked up on some of that, I don't know if he looked at the minutes or not, but I would propose that the Molokai GPAC recommendation be included as a policy statement and not moved to the implementing section.

Ms. Bosco: Okay, so the proposal is to bring the Molokai GPAC recommendation for Policy B1h, which is 5004 on the large matrix, and put it as the Molokai Planning Commission

recommendation, and that reads, hold on here, that reads: "Identify and prohibit inappropriate development of cultural lands and sites which are important for traditional Hawaiian cultural practices and establish mandates for the special protection of these lands in perpetuity."

Mr. Vanderbilt: Which is the same as the director's recommendation except he moves it to an implementing.

Ms. Bosco: That's right. That's correct. So we are turning that -- right now it's proposed as a policy statement here. Any comments on the Goal statement? If not, Objective B1?

Mr. Dunbar: I have a couple comments.

Ms. Bosco: Okay.

Mr. Dunbar: There are many of these items that while I feel as a Hawaiian very important are at times there's a great need to protect some of those resources, in particular I'm thinking of Koke'e where all your lei growers go up and get mokihana and they just trash the place, but it's their native Hawaiian practice. Or they go and they pick maile and they trash the place. And whether or not it's a Hawaiian doing it or whether or not it's a lei seller of any other nationality, you know, when you give someone access, the traditions of Hawaiian access was not that you just take but that you give back, and there's no giving back in this verbiage. So -- and you can promote the use of ahupua'a and that's -- that's wonderful but if you're -- if -- I just attended a meeting a couple days ago and it was where they wanted to keep all -- all food that was made down on the flat lands. Well if that's now going to be inundated because of the global warming section we just went through, you know, how is that -- how do you figure that into to where you are here? The County already has a traditional Hawaiian architecture, and I don't know what one means by craftsmanship, but I mean if we're talking about, you know, hale wa'a that you can -- or hale moe, they already have all of that written in the plan, but it also has to be in the plan so that whatever they're doing there, because they don't have fire sprinklers and any other things, you're not impacting somebody that's downwind of you. So I'm trying to get -- I understand the protect and perpetuate, I like that, but I think there's a lot more thought that just gotta go in there than throwing out this -- this verbiage because I think there's a lot of impacts on access and, you know, what is developed, what is inappropriate, you know, I mean I don't know that. You know I've seen a lot of things that -- that happened that maybe I think's inappropriate but someone of Hawaiian ancestry doesn't think's inappropriate. So, to me, there's a lot of verbiage in there that needs some fixing up.

Ms. Bosco: I, to your first comment about B1a, "Protect and preserve access," would it help to add something to that statement which addresses protecting the environment or --

Mr. Dunbar: Yeah, I mean we're talking about for traditional Hawaiian cultural practices, and that's -- that's thrown out a lot, I mean that's used over and over and over and over, but there's so few of them that practice that, you know, so it's --

Mr. Vanderbilt: Excuse me, Simone. And I think that when they -- you noticed all three GPACs, because Kip was concerned about everybody and their brother coming in and trashing the place, they all took out "identify," so the --

Mr. Dunbar: What is identify?

Mr. Vanderbilt: Well they took it out in B1a. You had just mentioned about people coming in and trashing up the areas and a lot of access. Well in this particular one, all three GPACs took out the suggested wording of the County in the original draft language "to identify." They just said "Protect what's known and is already there." And a lot of times the Hawaiian community doesn't want, you know, flyers out there that go visit this; go visit that. So I mean it seems like that's the problem we have of not having the minutes, and I'm going to go back on that because we could just go right back if, you know, we could say this is where this was discussed and there might be some stuff that alleviates my concern or Kip's concern or Steve's concern or Sherman's or Bill's, but we don't have that and -- but I know there was just a tremendous amount of discussion on the record of this thing, and some of it was very good.

Ms. Bosco: Planner Nancy McPherson just made a -- a good suggestion you can consider. Perhaps we can further define what traditional Hawaiian cultural practices are in the definition section and that would also include the giving back part of their tradition there. So I don't know if that would help clarify the intent.

Mr. Dunbar: Well, you know, you talk about the ahupua`a concept and the ahupua`a concept had a konahiki and he had to be responsible for everybody in that -- in that place, but he was -- he was the person that said you don't come here, you don't go there to fish, you know, you leave this alone because it's a kapu season, and that doesn't happen anymore. You know, I mean they catch akule by surrounding them and you know that they've surrounded them because when you go buy them in the store and you cut the bellies open, they got sand in it, so you know that they just surrounded this thing and took out some every while that they wanted it just to keep the price of the market up. It happens all the time. So there are -- there are great traditional practices, but you can't just buy a portion of the concept. If you're going to buy into it, then you buy the whole concept because there are a lot of things that people don't like to be told what to do, or that they can't go there because it happens to be a planting month, or they can't go there because whatever, they have their menstrual period, that was a big one. So, you know, when you label something with traditional Hawaiian practices, it just almost means nothing to me, you know, unless you follow the concept, the whole concept.

Ms. Bosco: Do you have a suggestion on how we could clarify that here?

Mr. Dunbar: I don't know ...(inaudible)...

Mr. Vanderbilt: Simone, you mentioned come up with a definition of traditional Hawaiian cultural practices.

Ms. Bosco: Yeah.

Mr. Vanderbilt: I don't think that's something that the Planning Department or Maui County is qualified to do.

Ms. Bosco: No, we can't do it alone, definitely.

Mr. Vanderbilt: Okay. So you can't do it alone. So that brings up another point. If there are definitions to be established with this policy plan, are -- are the Planning Commissions going to have a review of those because the definitions, if they're crafted by the Planning Department, can maybe change the whole meaning of something? I mean --

Ms. Bosco: Okay, I can -- I don't know right now. Unless we are very efficient, if we're very efficient, then we can get to reviewing the definition section. I don't know the answer to that right now.

Mr. Vanderbilt: Okay.

Ms. Bosco: But I can tell you this, we're not going to craft definitions that are inaccurate. We're going to attempt to get the best definition there is out there for certain things.

Mr. Vanderbilt: And I think, in answer to Kip, Kip had some legitimate concerns and I think that's where you hammer those out in the community plans. Certain things might mean different things on Maui and Lanai than they do on Molokai, and I thought the object of these general statements is to focus or put some refinement when we focus on them in the --

Ms. Bosco: That's right.

Mr. Vanderbilt: Community plan or island plan or whatever the next document is.

Ms. Bosco: That's right. Absolutely. That's the intent is that programs can be further tailored and developed to each community or group and that these statements are intended to open the door for that. Any other discussion on this section? Commissioner Feeter?

Mr. Feeter: I'm just going to read a comment relative to what we're talking about here and values and that is: "The values are basic. Old time values are pono, are doing what's best for the entire population, i.e. community, rather than segments of the community."

Ms. Bosco: Thank you.

Mr. Vanderbilt: So, Bill, what do you wanna do with that statement?

Mr. Alueta: Do you wanna strike "Hawaiian" and just leave it as traditional cultural practices? It's all about preserving local cultures and tradition, or am I on the wrong section ...(inaudible)...

Mr. Vanderbilt: What, are you suggesting, Joe, that we strike the word put in by the Molokai GPAC?

Ms. Bosco: Okay, I need to just make sure everybody knows that the other sections, the other objectives also address other cultures and other -- respecting other cultural traditions so --

Mr. Vanderbilt: Did the Lanai and Maui -- did Lanai and Maui --

Ms. Bosco: Did they alter this policy?

Mr. Vanderbilt: Take action on this?

Ms. Bosco: Yes, they did and the Lanai Planning Commission actually asked us to go back and look at this section and to -- and the following section and make sure that we -- we aren't, in other words, they want us to relook at this. They wanted to take a close look at -- yeah, Lanai. Remember?

Mr. Vanderbilt: Take a close look at what? The whole section?

Ms. Bosco: Oh, the following section. I'm sorry, it was the following section. They wanted us to look at this next section, after this one, and make sure that all the Hawaiian statements are in the same section cause there's a lot of -- there's a lot of statements in the next section that are --

Mr. Vanderbilt: I'm talking specifically to 5002, B1a. Did --

Ms. Bosco: Okay, hold on.

Mr. Vanderbilt: Did --

Ms. Bosco: Look up -- up on the screen.

Mr. Vanderbilt: I can't read that.

Ms. Kathleen Aoki: What's on the screen now is what Lanai voted on, so they voted to leave everything as is, except for Goal, the Goal, they made an amendment there.

Mr. Vanderbilt: And how about Maui?

Ms. Bosco: Hold on, let's see if we have Maui's comments okay cause --

Mr. Vanderbilt: Well, the only reason I'm asking -- this was something that Molokai put in and --

Ms. Bosco: Okay, on the screen --

Mr. Vanderbilt: I just wanted to know if the Maui and the Lanai GPACs pick up on it.

Ms. Bosco: It doesn't look like it. They didn't here. This is Maui. They didn't alter it.

Mr. Vanderbilt: They -- they didn't alter it. Thank you.

Ms. Bosco: So on the screen is Maui Planning Commission's changes to this section, and just -- okay, go ahead.

Mr. Chaikin: I was just going to say, what we -- I guess what I'm hearing is that Kip wants to improve on the statement that's on there somehow cause he feels that, you know, we're protecting this access for these people to go up and do all this stuff but we're not protecting the stuff. So we need to protect the access and we need to protect the stuff that's up there so they don't trash it.

Mr. Vanderbilt: Commissioner Chaikin, I think if we look at 5006, I hate to jump ahead or it's not jumping ahead is it? But it says: "Promote the use of the ahupua`a and moku management and strengthen awareness of the interconnectedness of island systems and to improve the stewardship of the land and cultural resources." I mean that -- maybe that's something that -- but then -- but then the director took out that language so I ...(inaudible)...

Ms. Bosco: I hear where you're going with that and I'm not -- I'm trying to -- I'm grappling with what language we could use. I'm trying to see how we could include --

Mr. Chaikin: Well, you could put protect at the end. You could say something like: "Preserve access to mountain, ocean, and island resources for traditional Hawaiian cultural practices and protect those resources," or something.

Ms. Bosco: That's what I was thinking; something like that. Thank you. So protect or "Preserve access to mountain, ocean, and island resources for traditional Hawaiian cultural practices and protect those resources?"

Mr. Chaikin: Yeah, the English is okay.

Ms. Bosco: It's okay? We could improve upon it. Any other suggestions? We could come back to that later if you wanna exclude it from the vote and work on it a little bit.

Mr. Alueta: How about: "and the protection of those resources?"

Ms. Bosco: "and the protection of those resources." Thank you, Joe. Okay, any other discussion? I think one -- well, hold on here. I'm kind of wondering if, under B1a, saying, "island resources," is that clear that we're referring to all the islands or should we say something to clarify that it's all the islands? So in B1a, and we could take the word out -- we could take the word "island" out and it would be broad to apply to all the islands so nobody gets caught up on which island we're talking about.

Mr. Vanderbilt: Simone?

Ms. Bosco: Yes?

Mr. Vanderbilt: On 5005, all three GPACs talked about "and support centers and programs of excellence" to give a little direction on supporting the perpetuation of Hawaiian arts and culture.

Ms. Bosco: Well, again, this sentence was -- was very much broadened so that it -- it doesn't just refer to establishing centers and programs but we wanna go even further than that. We wanna perpetuate Hawaiian arts and culture broadly in as many ways as we can. That's the reason for the -- or for leaving out that specific part of the sentence. So establishing centers and programs is just one part of perpetuating Hawaiian arts and culture.

Mr. Vanderbilt: So the original Planning Department statement was: "Develop a center for the perpetuation of the Hawaiian arts and culture?"

Ms. Bosco: That's right, we broadened our own statement.

Mr. Vanderbilt: But I, you know, and I guess this is where the problem I had with the GPACs not knowing about this whole implementation cause they're just playing off your advice as professional planners and then you do an about face at the end and they might have reacted differently if you had said, "Well this is -- we need to broaden this," which they

did, they broadened it themselves, but then -- you see what I mean? They were operating without a full deck.

Ms. Bosco: I understand what you're saying. Let me just answer that in two parts. When we went to the GPACs, they had a great deal of suggestions and comments and recommendations that were very, very specific. We captured their comments. One way to address this issue is to create an implementing action right under this policy statement which brings back that part of the sentence. So we can create an implementing action here that says, "Support the establishment and development of centers and programs of excellence for the perpetuation of Hawaiian arts and culture."

Mr. Vanderbilt: That would be good.

Ms. Bosco: Thank you. Anything else? If not --

Mr. Dunbar: Simone, can you tell me what you mean by "moku management?"

Ms. Bosco: That is a land division that the -- the Hawaiians used. It's larger than the ahupua`a. There's a tier of land divisions and the largest one is a --

Mr. Dunbar: Well, I know what they are.

Ms. Bosco: Okay. Oh, what do I mean?

Mr. Dunbar: What's the management part?

Ms. Bosco: Good question. I -- I would have to look into that. I can't answer that. I think this was -- hold on here. Let me look at that.

Mr. Vanderbilt: Where are we?

Ms. Bosco: B1d. Well, I know that the genesis of this was to try and bring back certain land use practices and resource management practices that the Hawaiians used and to bring back the concept of that, okay. I'm not an expert on Hawaiian land use practices so I'm going to have to -- I can't accurately answer that. Joe, you want to speak to that?

Mr. Alueta: I'm not going to answer it directly but I will say, as far genesis, as far as potential implementation action regarding from such a management is that Department of Land and Natural Resources is looking at using some of their -- amending their rules with regards to fishing and gathering rights, such as lobster season or other restrictions in fishing where they have a season. Right now, they discovered that the seasons are not -- I mean they're all different for the various islands but on the Big Island and even Maui, the larger land areas either the moku or the ahupua`a that there's even seasons within that,

so like on section of the Big Island should have lobster season, some other one should not, and so whereas right now I believe it's just island -- the whole State or maybe varied from island to island, but they're looking at -- they're discovering that the nesting season or the breeding season for lobsters are different in various areas of the Big Island, and so they're trying to potentially implement and have administrative rules and that would be one of those implementing actions down the line.

Mr. Dunbar: So the question is: Is the management side, is that -- is that self-management; is that management by DLNR; is that management by landowners; is that management by some -- by one DLNR enforcement officer here that doesn't go out at night and starts from eight and quits at four?

Ms. Bosco: We're not specifying --

Mr. Dunbar: You know, I mean --

Ms. Bosco: We're not specifying the responsible party here because it could be a number of those things: it could be a non-profit; it could be indeed an agency; it could be an individual landowner, but at least the policy would open the door for different ways of looking at land use.

Mr. Dunbar: Thank you.

Mr. Vanderbilt: Excuse me, Simone, or on this B1d, where did this, the draft language, come in Column 1, where did that come from?

Ms. Bosco: The draft language came from staff. The very lefthand side column.

Mr. Vanderbilt: Now was that from staff after meeting -- some initial meetings with the GPAC?

Ms. Bosco: No, that was the very initial language.

Mr. Vanderbilt: Okay, then we were all given this original document in our review package and the original statement that came out from the Planning's original draft was: "Promote the use of ahupua`a and moku management," which is exactly the same wording as the director's recommendation but it's very contrary to the draft language that the Planning Department came up -- so see this is where we're wondering, did the director -- did the director come up with these -- his recommendations? Did he author those or were they offered by Planning for his approval?

Ms. Bosco: Thank you for asking that. The director, in collaboration with staff, reviewed all of the statements and, in some cases, most cases staff authored it and then the -- the statements were reviewed and supported by the director.

Mr. Vanderbilt: Did the current Planning Director have any input into these original ones or he wasn't around quite yet was he?

Ms. Bosco: The Planning Director reviewed the original statements and forwarded it.

Mr. Vanderbilt: That went out in the white booklet?

Ms. Bosco: Yes, he had to -- he had to approve the original draft in order to forward it to the GPACs.

Mr. Vanderbilt: Thank you.

Ms. Bosco: And to answer the question of why this is so short. We went through the entire policy plan and tried to -- to make the statements as concise as possible to eliminate wordiness. If the Commission would like to bring back the second half of that sentence, they can. It's just intended to broaden it and keep it sweet and simple.

Mr. Vanderbilt: Well, I think the GPACs must have -- the Planning Department and the GPACs must have seen some benefit of broadening it, you broadened it first, everybody agreed with you, and probably had some discussion on it so --

Ms. Bosco: Okay, the part of the sentence here that's starting with: "To strengthen awareness of the interconnectedness of island systems," you know, that whole part could be, you know, made into its own policy statement if you like it. I mean you could start with: "Strengthen awareness of the interconnectedness of island systems and improve the stewardship of land and cultural resources." I mean you could create a whole new policy here if you really wanted to bring it back. But we kept it simple.

Mr. Vanderbilt: I would recommend a new policy statement starting with "Strengthen."

Ms. Bosco: Okay. Thank you. I mean cause I think it's really important to improve this stewardship and care of the land, as Commissioner Dunbar was saying.

Mr. Dunbar: Well, and you know, DeGray, part of it comes from if -- you know, the minute you have low tide, the minute you have no wind on the north shore, the minute you got none of that, the opihi is gone. It's wiped. I mean where guys are taking out, you know, four or five hundred pounds, you know, on a day.

Mr. Vanderbilt: ...(inaudible)...

Mr. Dunbar: Go there a little bit later -- go there a little bit later on the, you know, on the year and you go up there and there are no hiihawai. It's wiped again. So unless you got enforcement to talk about traditional Hawaiian values, you got nothing.

Mr. Vanderbilt: Well, you know, I --

Mr. Dunbar: It's not the vacation rentals guys ...(inaudible)...

Mr. Vanderbilt: No, but I just feel that there's a movement around the State but especially on Molokai with the Hawaiian immersion and just with the whole Hawaiian cultural efforts to, hopefully, get it to the point where we don't need the enforcement of DLNR enforcement officers but it'll be a self-enforcing situation with the Molokai community.

Ms. Bosco: Okay, Kathleen's added that new policy statement up on the screen. If there are no other comments, did the Commission want to decide on this whole section? Looking at what we have --

Mr. Vanderbilt: Excuse me, Simone. Is B1i part of what we're looking at?

Ms. Bosco: Yes, it is.

Mr. Vanderbilt: Okay, where did the B1i come from?

Ms. Bosco: Okay, let me look at that, B1i.

Mr. Vanderbilt: It wasn't on the original one and it wasn't dealt with by the --

Ms. Bosco: No, it was proposed by the Maui GPAC, the Molokai GPAC.

Mr. Vanderbilt: Well, it wasn't proposed by both of them.

Ms. Bosco: Yes, it -- it was proposed probably -- I would probably venture to say the Maui GPAC proposed it and the Molokai GPAC agreed that's -- that's a lot of what happened at the GPACs. In this particular case, I'd have to research exactly who.

Mr. Vanderbilt: I was on the GPAC and I think you'll find that Molokai proposed it.

Ms. Bosco: Okay, like I said, I'd have to check specifically.

Mr. Vanderbilt: And I think a lot of that has to do with the mapping and stuff that was done out on the East End and --

Ms. Bosco: Okay. And we are bringing this back as an implementing -- this is an implementing action.

Ms. Chaikin: Simone, I've got a comment on 5008, that's "Promote the correct use of the Hawaiian language." That's a nice statement. I mean who can argue with something like that. The problem I've got is that, you know, the reason we're sitting here is that we're trying to make a plan to get something done and I just, you know, I just see this as a statement where it's going to go through the process, it's going to be business as usual, nothing is going to change because we have this in here, and part of the thing is is that, you know, there's no one that's going to be held accountable to do that, and that's almost an implementing action to hold someone accountable to take -- but you almost have to do that because, otherwise, no one's going to take the ball and nothing's going to change, everything's going to be exactly the same, and that's not why we're here. We're here to try to change things. And when I look at this statement, I think that somebody should take the -- the initiative to do that and the only one I can think of is Maui County. So if Maui County used the language correctly, they could set an example for the rest of the County to follow. Now, the County has -- does make an effort to use the language correctly but I see on a lot of our stuff the County hasn't even gotten the names of the islands right, you know, we mispronounce them, they're not written right on the documents, you know so, you know I'm kinda thinking that even though it's kind of an implementing action to say that Maui County will utilize the Hawaiian language correctly to set an example for the rest of the County to follow kinda sounds like an implementing action, but if we don't do that, I think that, you know, this thing's going to achieve nothing.

Ms. Bosco: Okay, we could add that statement as an implementing action under the policy, something like: "Ensure that governmental communications use the Hawaiian language correctly." Something like that. Or what you just said. "Maui County shall --"

Mr. Vanderbilt: See, here's an example of what the GPACs approved, and then it got -- you took it out because it was too specific when it really isn't specific. It says just promote the correct use of the Hawaiian language throughout the County.

Ms. Bosco: Would you like us to say --

Mr. Vanderbilt: Including -- including but it's not limited, including but not limited to government communications.

Ms. Bosco: Okay, would you like us to insert that into the policy statement as it was originally drafted?

Mr. Vanderbilt: Well, I think so because it's not --

Ms. Bosco: Okay.

Mr. Vanderbilt: It's not really a --

Ms. Bosco: This one, 5008. Okay, we're looking at the draft language, the original, left -- far lefthand side column, and it reads: "Promote the use of the Hawaiian language throughout the County including government communications." Now the GPACs changed that slightly as they went through the process. Which one would you prefer the most?

Mr. Vanderbilt: Where did we change it?

Ms. Bosco: Well --

Mr. Vanderbilt: I don't see it.

Ms. Bosco: Maui GPAC included the word "correct" and "with the County," and the Molokai GPAC agreed -- oh, I guess they all agreed, okay. I'm sorry.

Mr. Vanderbilt: Everybody agreed with the same language.

Ms. Bosco: Which one do you want? Do you want the GPAC's language or the original draft?

Mr. Vanderbilt: That's fine. It's just a general statement. I don't think it's too restrictive or --

Ms. Bosco: Okay, we're taking the GPAC's language.

Mr. Vanderbilt: Rather than create a whole new implementing action which nobody --

Ms. Bosco: Okay. Thank you.

Mr. Vanderbilt: Yeah. Yeah.

Ms. Bosco: Okay, take a look at the screen. That's what we're putting as your recommendation: "Promote the correct use of the Hawaiian language throughout the County including governmental communications with the County." Okay.

Mr. Chaikin: I'd say get rid of that part, yeah.

Ms. Bosco: We could drop the end.

Mr. Chaikin: Yeah.

Ms. Bosco: Okay, so we'll -- we'll just leave it ". . . communications" period.

Mr. Chaikin: Good. I think that's good. It doesn't get the government off the hook and it shows somebody's going to be accountable to do something.

Ms. Bosco: Okay, thank you. Any other discussion on this section? If not, we -- okay.

Mr. Vanderbilt: Yeah, I would like to put in B1i as a policy statement.

Ms. Bosco: Okay, B1i as proposed as a policy statement instead of an implementing action.

Mr. Vanderbilt: Because it says, ". . . preserve the unique natural and cultural characteristics of each ahupua`a or district," and it's up to each community plan, like in the current community plan, there's unique historic districts.

Ms. Bosco: What we would have normally done with this, and we didn't in this case, is we would have wrote this as a policy statement: "Preserve the unique natural and cultural characteristics of each ahupua`a or district," and then the rest of that would have been an implementing action.

Mr. Vanderbilt: That's fine.

Ms. Bosco: Thank you. Okay, so we'll start with: "Recognize and preserve," and then we'll cut the first part of the sentence out, and move that down, and turn it into an implementing action. Thank you. Any other discussion? Okay.

Mr. Chaikin: In an effort to move forward, I'll make a motion if we can kind of go over the letters here that we changed.

Ms. Bosco: Okay, we have an amendment to B1a, B1h, B1c, we have a new policy not numbered yet, and B1f, B1i is amended, and B1g, and we also have an implementing action statement for -- actually, B1c is an implementing action statement and then we have new one under B1i. Do you see that? Oh, I'm sorry, B1g has no changes. So let me go over that again. I'm sorry. Maybe I need a break now. Okay, amendments to B1a, B1h, B1c is -- we're adding an implementing action, there's a new policy statement, and then B1f has changes, and B1i has an amendment and it also has a new implementing action.

Mr. Chaikin: I'll see if I can get this right. I make a recommendation or a motion that we accept the Planning Department's B1 Objective and all of the recommendations there under noting that we did make an amendment to B1a, B1f, B1h, B1i and we also turned "i" into an implementing action, and we also turned "c" into an implementing action, and we added a new policy statement.

Ms. Bosco: There's also the Goal statement included.

Mr. Chaikin: Oh, yeah, and that we accept the Goal B.

Mr. Vanderbilt: Is there a second to the motion? Second Commissioner Napoleon. Any discussion?

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

It has been moved by Mr. Chaikin, seconded by Mr. Napoleon, then

**VOTED: to accept the Planning Department's Goal B, B1 Objective, and all of the recommendations there under noting the amendments made to B1a, B1f, B1h, B1i and that "i" was turned into an implementing action, and "c" was also turned into an implementing action, and a new policy statement was added.
(Assenting: B. Feeter; S. Napoleon; D. Vanderbilt; S. Chaikin)
(Dissenting: K. Dunbar)
(Excused/Absent: L. DeCoite; L. Kauhane; J. Kalipi; M. Pescaia)**

Motion Failed.

Mr. Vanderbilt: Okay, do we have another motion?

Mr. Dunbar: I think we need more discussion.

Mr. Vanderbilt: Okay, let's go for more discussion.

Mr. Dunbar: For the new policy statement where you say, "Establish alternative land use and overlay zoning designations . . ." you know, as a landowner, that is somewhat frightening to me because it's -- it's assuming that I'm not taking care of my own property, which I do very well actually, as on the policy statement. I'm a little concerned that there was nothing under that by a draft language from the Planning Department nor the Lanai GPAC. So I -- it is interesting that the Maui GPAC and the Molokai GPAC kinda came up with the same -- same information. I agree with Mr. Chaikin in that, you know, these are all very nice little words, but I've been around Molokai here for a little while and I realize that all these little nice words all of sudden turn into gospel and you're beholding to them even though they're only recommendations. So it is not in my intent at all to restrict traditional Hawaiian uses, but with use comes responsibility, and I don't see any responsibility in here and that is my main reason for opposing this. So unless it goes back to somebody to come up with some good ideas on how to propose responsibility, I can't, you know, I've seen too many abuses and we don't have the enforcement to protect the abuse. My five cents.

Mr. Vanderbilt: Excuse me, Simone?

Ms. Bosco: I'm looking at the Goal statement here and I'm wondering does that not do enough? It currently reads: ". . . will protect, perpetuate and reinvigorate cultural values and traditions to ensure that current and future generations will enjoy the benefits of their rich island heritage." Now the -- part of the benefit of that would be that the traditions don't degradate the environment or so forth and that's the reason for the word "ensure." Part of ensuring that would mean you create a mechanism to hold people responsible for their actions. Keeping in mind this is very broad language and there needs to be programs developed to ensure the protection of, you know, so -- if -- or if you have other language to propose, I'm not sure, you know, right now how we can add to this but any suggestions?

Mr. Vanderbilt: Excuse me, Simone. I don't -- I don't see how this is any way taking a shot at how Commissioner Dunbar takes care of his land, and I would agree he takes care of his land, but I don't see how this particular policy statement singles him out in any way. And the other thing is in our existing --

Mr. Dunbar: You probably don't because you don't own anything on Molokai.

Mr. Vanderbilt: And the -- in our existing community plan, on Page 19 under Culture, it says, "Pursue the implementation of traditional use districts through definition by statute of permissible uses, the establishment of appropriate regulatory mechanisms, and designation of areas on a land use map," and I see whatever -- I see that statement being somewhat consistent with this policy statement and I just leave it out at that, and I would ask Commissioner Dunbar, if we take this out, would he be okay with the rest of the section?

Mr. Dunbar: You're talking about taking out B1i? That policy statement? What are you talking about taking out?

Mr. Vanderbilt: B1i.

Mr. Dunbar: Well, I think that's certainly a start but -- and it's not -- and it's not that I disagree with that, it's just that it's not enforced, you know, and I can't tell you how many times people come to me telling me what to do with my land, and I'm one of the best protectors they got. So, you know, and you talked about map. Yeah, there's been talk of a map. You know Nancy's been out there trying to do a map but there's no map yet. And until you get the -- until you get the people that own the land to -- to say, "Okay, this is a good map or this is a good alternative use," you know, then you're -- you know, as far as I'm concerned, it's a taking, you know, whether it's taken by the County saying, well you can't do that because of this new whatever, or you get someone that's saying, well here's a map that we all believe in and, you know, eight people have made the map. So I support the correct use of Hawaiian language, I think that's paramount; I think there should be encouragement use of traditional Hawaiian architecture and craftsmanship, such as what Bill Kapuni does in building canoes --

Mr. Vanderbilt: So could you --

Mr. Dunbar: I don't know what --

Mr. Vanderbilt: Could you give the numbers that you're okay with?

Mr. Dunbar: Sure. I'm okay with B1f, B1e, I have problems with trying to establish what a moku management is, I'm not in support of B1d --

Mr. Vanderbilt: B1 what? b?

Mr. Dunbar: d.

Mr. Vanderbilt: d.

Mr. Dunbar: I support B1c. I support B1b. I think there needs to be some more word changes on B1a. I certainly support the objective of B1, and I support the Goal. So --

Ms. Bosco: In which part of B1i, if you look on the screen, do you object to?

Mr. Dunbar: Yeah, this is --

Ms. Bosco: We've split it up now. We split it and we took out "establish alternative land use and overlay zoning designations" and we wanna put that into an implementing action and we wanna retain the first part of that as a policy: "Recognize and preserve the unique natural and cultural characteristics -- "

Mr. Dunbar: I'm in concurrence with the policy statement under B1i.

Ms. Bosco: Thank you. Not the implementing action though?

Mr. Vanderbilt: Excuse me, what was that, Simone?

Mr. Dunbar: Yeah, not the implementing action.

Ms. Bosco: Okay. Thank you.

Mr. Dunbar: Wait. Let me think about that. Yeah, I'm not in support of any overlay or -- I think it all has to be looked at and it all has to be judged and there's not enough of it. No one even knows what's up on those hills right now.

Ms. Bosco: Okay, so you have some concerns about the implementing action statement under B1i?

Mr. Dunbar: Yeah, I would leave the policy statement.

Ms. Bosco: You are in support of the policy statement? Thank you. So the objections are and concerns are on -- with B1a, B1d, and the implementing action statement on B1i? You could probably vote on the rest of them.

Mr. Vanderbilt: Excuse me, Simone, are you saying Commissioner Dunbar only has objection to B1a, B1d, and B1i?

Ms. Bosco: The second part of B1i, the implementing action, yes. Look on the screen, Mr. Chairperson.

Mr. Vanderbilt: Well, wait now, are you leaving up there what we're -- what's on the screen now? What we didn't get the votes on?

Ms. Bosco: What's on the screen right now is --

Mr. Vanderbilt: Cause I want a record of what we didn't come to a conclusion on in case we don't come to a conclusion tonight --

Ms. Bosco: Right.

Mr. Vanderbilt: Just so we can update the other Commissioners where we are.

Ms. Bosco: Kathleen has not changed anything right now.

Mr. Vanderbilt: Okay. Well that's fine. I can't -- I can't read that writing anyway. It's too small.

Ms. Bosco: Do you wanna enlarge that ...(inaudible)...

Mr. Vanderbilt: No, that's alright. I don't need to read it. I can hear.

Ms. Bosco: Okay, so right now, the concern that Commissioner Dunbar has is with the proposed language under B1a.

Mr. Vanderbilt: Okay.

Ms. Bosco: B1d, which is --

Mr. Vanderbilt: Promote the --

Ms. Bosco: Which is not -- there's no, actually, amendment on B1d. He has a concern with B1d period. And then he would like to remove the implementing action that we proposed under B1i. Okay.

Mr. Vanderbilt: And not keep it as a -- just remove the whole statement?

Ms. Bosco: No, remove just the implementing action under B1i.

Mr. Chaikin: Well, can we just take a look at those, like B1a, is there anything that we can do to that statement that we can improve that for you that would make it acceptable cause it does have in that statement that we are protecting those resources?

Mr. Dunbar: I understand that. I don't know how it's going to get done.

Ms. Bosco: That would be part of --

Mr. Dunbar: You know, cause you're -- cause you're protecting and preserving, you know, and both of those are very good strong words, but I'm -- I don't know how it's done.

Ms. Bosco: And that is -- that is not -- that is something that would be further developed at the community plan level or the island plan level. There could be cultural management programs and -- that would address the how to.

Mr. Dunbar: Nice words.

Mr. Chaikin: So, Chair, what's our alternative? Make no recommendation on that or to come back and revisit it?

Mr. Vanderbilt: Our alternatives are that we can vote on the policy -- Goal, Objective, and Policy Statements that we seem to have no objection on and not take any action on the others. Or we can vote for the ones we have no problem with and say that we'll revisit the others at a future meeting to discuss them further and maybe Planning, at that time, could come up with some other suggestions that might accomplish what's needed. Or we could just bag this whole section. But I would like to --

Mr. Chaikin: Well, let's -- you know, we agree on some stuff so let's agree on what we agree on and what we don't agree on, let's just not take any action on those numbers. And at a later date, at the last meeting or whatever we've got time, we'll go back and revisit those. So I'd like to make a new motion --

Mr. Dunbar: I mean part of where I'm coming from, let's just take the three that I don't like, B1d, I have no idea what moku management mean so how could I possibly -- possibly think it's something I should be voting on.

Mr. Chaikin: I agree. I don't know what it means either, Kip, and so I don't have problem with just eliminating that and not taking action on it at this point.

Ms. Bosco: Staff can come back with a better explanation at the next meeting for that particular policy statement.

Mr. Dunbar: Yeah, I -- okay, and so then we go to -- you've already reestablished B1i. I like that.

Mr. Vanderbilt: What's B1i?

Mr. Dunbar: B1i was the policy statement. It moved to this "Recognize and preserve the unique natural and cultural characteristics of each ahupua`a or district."

Mr. Vanderbilt: Which one is it? B1?

Mr. Dunbar: Well, yeah, they had to add it here.

Ms. Bosco: Commissioner Dunbar supports the policy statement but has some concerns about the implementing actions, which reads: "Establish --"

Mr. Vanderbilt: On the one that starts: "Establish alternative land use --"

Ms. Bosco: That's right.

Mr. Vanderbilt: So he wants it in an implementing action?

Ms. Bosco: No, he would like the implementing action removed in -- that we propose here, not the policy -- this policy statement is fine. The implementing action needs to be removed.

Mr. Vanderbilt: Okay. Alright.

Ms. Bosco: According to --

Mr. Dunbar: It's just that I have -- I have many other ways that I think one can recognize and preserve the unique and natural cultural characteristics of each ahupua`a other than doing alternative land uses and overlaying zoning designation. You know, I think you can -- there's all sorts of ways you can do it.

Mr. Chaikin: Okay. I don't have a problem with removing that -- with removing that implementing action. So he would be acceptable on that one then? So there's only two left.

Mr. Dunbar: No, there's actually only one, which would be B1a, which is "Protect and preserve access to --" I don't know, the word -- "mountain, ocean, and island resources for traditional Hawaiian cultural practices." It's --

Mr. Chaikin: That's what we got up there so far.

Mr. Dunbar: Well, yeah, I know. That's the one I have problems with.

Mr. Chaikin: Okay, so you wanna just not take any action on that at this point? Okay, that's fine.

Mr. Dunbar: I'm not the chair. That's not my ...(inaudible)...

Mr. Chaikin: But, no, we don't have any choice. If you're not -- if you're not going to vote for it, then we don't have a quorum so I mean we can't approve it.

Mr. Vanderbilt: No, no, but I respect where Kip's coming from and we can -- we can do that. That's alternative. We can move on what we agree on with a caveat that we're not taking any action at this time on the --

Mr. Dunbar: Yeah, I mean DeGray will wait until he gets more people that can vote on it, then he'll have a five, I know what he's doing. What I'm saying here is that I think we need to bolster this so it makes sense.

Mr. Vanderbilt: Well then maybe you could come back with some language at another meeting and do that.

Mr. Dunbar: I'll do that.

Ms. Bosco: Thank you.

Mr. Vanderbilt: And -- cause you're the guy that has the land, has the expertise, and -- and it would be real helpful to do that.

Mr. Chaikin: Okay, so there's -- I see that you have a problem with B1a and you also said you had a problem with B1d. Is that correct?

Mr. Dunbar: Well, no, not anymore if you're going to take out the moku management. I just don't know what it means. I can't vote for something I -- so if you just leave it -- if you leave it: "Promote the use of ahupua`a," I don't have a problem with that.

Mr. Chaikin: Does anybody have a problem with taking out "moku management" in there?

Mr. Vanderbilt: I have the same problem as Kip because I don't -- I don't have the minutes or the background on this and I would feel reluctant to take that out when all three GPACs agreed to it. It must have had some discussion. But once we get the minutes, we can see if there -- then I believe there was discussion on moku management.

Ms. Bosco: There was some small discussion on it, yes. Staff can bring back a better explanation of B1d if you'd like and it might help understand why -- where it came from.

Mr. Chaikin: I'd like to go ahead and make a motion. Okay, I make a motion that we accept Goal B, and under Goal B note that we're not going to take any action on B1a or B1d, and that we did change B1f, B1h, and B1i, noting that there is a new policy statement that we added, and that we are not going to have any implementing statement for B1i. One of the things, B1c, or no, we changed another one to an implementing action. I think that was what B1c got changed to an implementing action.

Ms. Bosco: Hold on. I need to have Kathleen scroll up. Hold on. B1c was changed to an implementing action, yes.

Mr. Vanderbilt: No, I think --

Ms. Bosco: Or actually no.

Mr. Vanderbilt: The statement was kept as a policy --

Ms. Bosco: We added, yeah.

Mr. Vanderbilt: And that those other words went into -- were transferred to an implementing action.

Ms. Bosco: That's right. We added an implementing action to B1c, but the original policy statement is retained.

Mr. Chaikin: Okay, part of that motion is retain B1c and add additional wording for an implementing action as shown on the screen.

Mr. Vanderbilt: Is there a second?

Mr. Dunbar: Yeah, I'll second.

Mr. Vanderbilt: Moved by Commissioner Chaikin, seconded by Commissioner Dunbar.

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

It has been moved by Mr. Chaikin, seconded by Mr. Dunbar, then unanimously

VOTED: to accept Goal B, and under Goal B note that no action will be taken on B1a or B1d, and changes were made to B1f, B1h and B1i, noting that there was a new policy statement added and that there will be no implementing statement for B1i, and retain B1c and add additional wording for an implementing action as was shown on the screen.

Mr. Vanderbilt: Motion carries.

Ms. Bosco: Who seconded that last motion?

Mr. Vanderbilt: Commissioner Dunbar.

Ms. Bosco: Okay, Kip Dunbar. Okay, are we ready to move to the next section or did --

Mr. Vanderbilt: What's the next section?

Ms. Bosco: The next section is B2, Objective B2 and the supporting policies.

Mr. Vanderbilt: Let's go.

Ms. Bosco: Okay, "Emphasize respect for the natural environment, family and local culture in our island lifestyle." B2a: Treat the Hawaiian culture as host to the rest, and as such, perpetuate an attitude of respect and humility towards the Hawaiian people and their practices. B2b: Perpetuate a respect for diversity and recognize the historic blending of cultures and ethnicities as vital to the quality of life within the County. B2d: Protect and prioritize funding for recreational activities that support local culture such as surfing, fishing, and outrigger canoe paddling. This is proposed as an implementing action. B2c: Encourage the perpetuation of the cultures' unique island cuisine, attire, music, recreation, and folklore, and recreational activities. B2e: Study, establish, and enforce minimum stream flow thresholds provided for the Hawaiian culture. And this is proposed as an implementing action. Discussion?

Mr. Vanderbilt: Simone, on 5013, I see the director picked up some of that "such as" wording that made it not so restrictive.

Ms. Bosco: That's right.

Mr. Vanderbilt: So maybe all the implementing actions should be like that. I mean that's not -- you know, I still have that worry about when we go to do things in the community plan that you're setting up restrictions in the --

Mr. Chaikin: 5014, we talk about encouraging the perpetuation of the cultures' unique island cuisine, attire, music, recreation, and folklore, and recreational activities. I think dance is import. If we're going to talk about music, we should talk about dance as part of the whole thing.

Ms. Bosco: And the word "dance." Thank you. Okay, Kathleen, under B2c, we have -- insert the word "dance" after "attire," I guess. Thank you.

Mr. Vanderbilt: Do we want, Commissioner Chaikin, do we want to have something in that -- again, here we have a policy statement that's setting out specific "how to's" and "what to's," do we want to put in there sort of a catch-all to perpetuate, among other things, the cultures' unique -- and other activities or something because, as we go down the line, everybody's going to have maybe something, so I was just -- along the lines that we were told of why things are going to implementing actions, here we have something that list all the different things you can do, and then if somebody -- if you hadn't had put "dance" in there and somebody wanted to do dance, they might say -- well recreational activities might cover it, but I was just wondering if we could have "Encourage such things as the perpetuation --" or -- or something to that effect.

Mr. Chaikin: I mean I agree. I mean we have this statement and then we list, you know, a certain number of items and it's certainly not all inclusive, there's many many more things that could go in there, so we kinda need to rephrase that it seems like to allow for more things to be fit in there.

Ms. Bosco: Can I look at -- do you mind if we turn to the other Planning Commission recommendations and see what they had cause I think they worked on this? Okay, Maui made a change. Maui's statement reads: "Encourage the perpetuation of the cultures' unique --" they didn't change it much did they? They took out the word "recreation" is what they did, or "recreational activities." No, "recreation." Okay, that's not much of a change there. I'm not sure if Lanai changed it.

Mr. Vanderbilt: Excuse me, Simone, could I suggest something?

Ms. Bosco: Sure.

Mr. Vanderbilt: Okay, we have "Encourage the perpetuation of the cultures' unique --"

Mr. Chaikin: Characteristics?

Mr. Vanderbilt: No, ". . . perpetuation of the cultures' cuisine, attire, dance, music, recreation, folklore, recreational activities, and other unique island traditions."

Ms. Bosco: Can you repeat that one more time? Oh, Kathleen has it. Okay.

Mr. Vanderbilt: "Encourage the perpetuation of the cultures' cuisine, attire, music, dance, recreation, folklore, recreational activities, and other unique island traditions."

Ms. Bosco: Thank you.

Mr. Vanderbilt: It's just for consideration.

Mr. Chaikin: On B2b -- are we done with that last one, Chair?

Mr. Vanderbilt: Yes.

Mr. Chakin: B2b, it says, "Perpetuate a respect for diversity and recognize the historic blending of cultures and ethnicities as vital to the quality of life within the County." I've got a little problem with the end of that sentence. You know, I mean I would like to just put a period after "ethnicities" and not say that, hey, I have to blend with someone else to have a good quality of life.

Ms. Bosco: Thank you. We'll put that up there, like you propose.

Mr. Vanderbilt: Excuse me, you're finish with that one? Okay, on 5015 --

Ms. Bosco: That was moved to the core values and principles section.

Mr. Vanderbilt: What was moved?

Ms. Bosco: That entire statement.

Mr. Vanderbilt: The Molokai statement?

Ms. Bosco: The -- the entire statement was removed from the Section 4 and --

Mr. Vanderbilt: Wait a minute - 5015?

Ms. Bosco: Yeah, 5015, which is: "Foster a spirit of aloha . . ." Is that where you are?

Mr. Vanderbilt: Yeah, I'm on what Molokai said, "Foster a spirit of pono."

Ms. Bosco: Yeah.

Mr. Vanderbilt: Is that getting moved?

Ms. Bosco: That was moved. I'd have to -- you know, I have to -- let's check. We have to check the vision statement, but let me look at that actually. Hold on. But all of it was

moved. We moved the statement entirely and parts of it I know are in the vision statement and let me just turn to that real fast and see which parts are --

Mr. Vanderbilt: Now is this Commission going to have final approval or final recommendation on the final Core Values?

Ms. Bosco: Yes.

Mr. Vanderbilt: Thank you. Simone, at this point, oh you're looking up to see what was moved? Oh, okay.

Ms. Bosco: Keep -- you can continue your discussion. We can follow it. Okay, I found it.

Mr. Vanderbilt: Okay.

Ms. Bosco: Under the Core Values, we bring back the term "aloha." Let me keep looking at the rest of it.

Mr. Vanderbilt: Simone, can I propose something? I'd like to just propose as a policy statement: "Foster the spirit of pono."

Ms. Bosco: Thank you. We'll do that.

Mr. Vanderbilt: That's just a proposal for the Commission to consider.

Mr. Chaikin: Anymore comments? Yeah, if no one has any objections on any of these policy statements on B2, I'll go ahead and make a motion. Does anybody have any objections on any of these statements in B2?

Mr. Vanderbilt: Excuse me, there seems to have been a lot of different decisions by GPACs on this B2e, and it's a very important issue of natural stream flows. Lanai said, "Study and establish protections afforded by the State Constitution for Hawaiian culture to include, but not limited to, natural stream flows."

Ms. Bosco: The Maui Planning Commission discussed this statement a lot and I'd like to bring what they came up with for you. Okay, they added something to this and made it a policy instead of an implementing action, and their language proposed was: "Study, establish, and enforce minimum stream flow thresholds as provided by the State Constitution and the State Water Code."

Mr. Vanderbilt: And they took out: "for the Hawaiian culture." But that would be covered under the State Water Code anyway.

Ms. Bosco: That is covered. That is covered under the State Water Code.

Mr. Vanderbilt: Well, I would propose that we go with that.

Mr. Chaikin: Any other -- any other objections to B2?

Mr. Vanderbilt: If there's no objections, I'll entertain a motion.

Mr. Chaikin: I'll go ahead and make a motion that we approve Objective B2 and all of the policies provided to us by the Planning Department noting that we did change B2b, we changed B2c, we put back in the Molokai GPAC recommendation: "Foster a spirit of pono," that the Planning Department moved to the core values, and for B2e, we're taking the Molokai, excuse me, the Maui Planning Commission's recommendation for B2e.

Mr. Vanderbilt: Is there a second? Second Commissioner Napoleon. Any discussion?

Mr. Dunbar: Yeah, I just wanna be sure, this B2e, this is going to be the new: "Study, establish, and enforce minimum stream flow thresholds as provided by the State Constitution and the State Water Code?"

Mr. Chaikin: Is the correct, Simone?

Ms. Bosco: That's right. Yep, I nodded my head. I'm sorry. That's correct.

Mr. Vanderbilt: Well I had a second. We're on discussion. Okay, anymore discussion?

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

It has been moved by Mr. Chaikin, seconded by Mr. Napoleon, then unanimously

VOTED: to approve Objective B2 and all of the policies provided by the Planning Department, noting a change to B2b, change to B2c, and that the Commission put back in the Molokai GPAC recommendation: "Foster a spirit of pono" that the Planning Department moved to the Core Values, and for B2e, taking the Maui Planning Commission's recommendation for B2e.

Mr. Vanderbilt: Okay, it passes. I'm going to call a two-minute break or would you rather have five? Five minutes, okay, then we'll come and finish up this last --

(A recess was called at 5:28 p.m., and the meeting was reconvened at 5:37 p.m.)

Mr. Vanderbilt: Okay, Simone?

Ms. Bosco: Okay, we're on --

Mr. Vanderbilt: B3?

Ms. Bosco: Oh, sorry. We're on B3, and B3, Objective B3 and the supporting policies: Preserve the present and future generations -- wait, I'm sorry. "Preserve for present and future generations the opportunity to know and experience the arts, culture and history of Maui County." B3a: Expand opportunities for all age groups to participate in the arts and cultural activities. B3e: Support programs and activities which record the oral and pictorial history of Maui County residents. That's suggested as an implementing action. B3b: Identify and foster teaching opportunities for cultural practitioners to share their knowledge and skills. B3f: Support the development of cultural and natural history learning centers within each community to act as repositories for culture, history, genealogy, oral history, film and interactive learning. That's suggested as an implementing action. B3c: Broaden opportunities for public art and the display of local artwork. B3d: Expand and increase Hawaiian and other cultural festivals throughout the County. And once again, we're in this section or any section it says, "County," and it's redundant, we're going to remove it, such as in B3d, B3e, B3. Discussion?

Mr. Vanderbilt: Excuse me, Simone?

Ms. Bosco: Yes?

Mr. Vanderbilt: On B3f, I'd like to include as a policy statement the first part of the first sentence: "Support the development of cultural and natural history learning centers within each community."

Ms. Bosco: Thank you.

Mr. Vanderbilt: And then move the rest to the implementing action.

Ms. Bosco: Thank you.

Mr. Vanderbilt: And I would like to include, in 5024, the Commissioners to consider putting in "cultural districts" in the director's recommendation, which was recommended by the Molokai GPAC.

Ms. Bosco: Okay, that's the next section. I don't think we're there yet.

Mr. Vanderbilt: Sorry.

Ms. Bosco: That's okay.

Mr. Vanderbilt: Is there any other comments by the Commissioners? If not, could we have a motion?

Mr. Chaikin: Anybody got anymore comments on B3? Okay. I'd like to go ahead and make a motion that we accept the -- the Objective B3 and all the policies underneath it as presented by the Maui County Planning Department noting that we did make a change on B3f and divided that up into a policy statement and an implementation action as presented on the screen.

Ms. Bosco: And we also removed the word "County" in the statements where it's redundant. That was --

Mr. Chaikin: Yeah, that's a --

Mr. Vanderbilt: That's throughout the plan.

Ms. Bosco: Yeah, that's right.

Mr. Chaikin: Yeah, throughout the plan we're removing "County" where it's redundant.

Mr. Vanderbilt: Is there a second? Second by Commissioner Feeter. Discussion?

Mr. Dunbar: Yeah, one fast one.

Mr. Vanderbilt: Commissioner Dunbar.

Mr. Dunbar: I know that no one likes "Maui County" but, you know, under B3, the Objective, but I mean that -- I mean we're talking the Hawaiian Islands arts, culture and history? Are we talking Maui Nui? Are we -- you know I think there should be something rather definitive there.

Ms. Bosco: That's a good point. Thank you. That's true. It may need to be retained or say something like "of Hawaii."

Mr. Dunbar: I just wanted you to know I'm just not an obstructionist ...(inaudible)...

Ms. Bosco: Thank you. Yeah.

Mr. Vanderbilt: Can we leave that in then?

Ms. Bosco: We can. Yes. Thank you.

Mr. Vanderbilt: That's a friendly amendment to the motion. We're not even going to let Corp. Counsel comment on that. Okay, is there anymore discussion?

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

It has been moved by Mr. Chaikin, seconded by Mr. Feeter, then unanimously

VOTED: to accept Objective B3 and all the policies underneath it, as presented by the Maui County Planning Department, noting a change to B3f to divide that up into a policy statement and an implementation action as was presented on the screen, and remove the word "County" in the statements where it's redundant except in Objective B3.

Mr. Vanderbilt: Motion carries. Okay, we're on the last section; one, two, three, four, five, six, seven, eight statements, starting with B4.

Ms. Bosco: B4: Preserve the historic architecture, structures, cultural sites and cultural landscapes of Maui County. B4e: Identify, develop, map, and maintain an inventory of significant natural, cultural, and historical resources for protection with selective public disclosure. That's suggested as an implementing action. B4a: Promote the rehabilitation and adaptive reuse of historic sites, buildings, and structures to perpetuate a traditional sense of place within the County. B4f: Prepare and continually update a management plan which documents the existing use of cultural sites, identifies a sustainable rate of use, and sets forth specific policies to protect cultural resources. This is an implementing action. B4g: Protect and preserve lands with cultural or historic significance to the County's communities. This is an implementing action. B4b: Support programs which record, restore, maintain, and interpret cultural districts, landscapes, sites and artifacts in both natural and museum settings. B4c: Perpetuate the authentic character and historic integrity of Maui County's rural communities and small towns. B4d: Seek win-win solutions that honor the traditions and practices of the host culture while recognizing the needs of the community. And I'd like to direct your attention to the screen. We have one more policy statement which was added because the Maui GPAC had voted this statement in as a policy statement, it's not reflected on your matrix, however, this is not the director's recommendation and I wanna just explain this a little more. We're putting it up here because it's not in your large matrix to Maui --

Mr. Vanderbilt: Can you read it?

Ms. Bosco: Pardon me? Yeah, I'll read it. It's: "Immediately provide and encourage laws to preserve and enhance the summit of Haleakala with no new buildings." The director felt that this was better addressed in the Maui Island Plan so the director didn't include it as part of the recommendations the director would proposed; however, it was proposed by the

Maui GPAC, so we brought it up so you can see it, and you can vote it -- you can vote to support it or not, but that's the background.

Mr. Vanderbilt: Can you -- can you increase that language? It says, "Immediately --"

Ms. Bosco: "Immediately provide and encourage laws to preserve and enhance the summit of Haleakala with no new buildings." The background of that policy statement comes from looking at Haleakala as a culturally significant site and with the buildings on it, it sort of -- is deleterious to the cultural significance of this site.

Mr. Vanderbilt: I'd just like to comment that I think we could find a lot of sites here that we wouldn't want any buildings on and that be -- and I think it's going to complicate anything. I'm of the understanding that they've already started the Maui County Island Plan and it's supposed to be finished in a couple of months. Is that correct?

Ms. Bosco: Yes, that's right ...(inaudible)...

Mr. Vanderbilt: So I think the Planning Director's suggestion that it be included in the island plan is appropriate and really won't compromise the Maui GPAC. So I would suggest that we don't take any action on that or we don't support it.

Ms. Bosco: Thank you. Thank you.

Mr. Dunbar: Comment. I kinda disagree with that, you know, cause I get up on my hill and I look across and I see these buildings on the top of Haleakala and, you know, while it might -- I know they make -- they make some sense but why they always paint them white, I have no idea. They ought to be painting them blue or black so it looks like a stone. I mean they make -- you know so while I know it doesn't impact us directly, no new buildings is rather harsh.

Ms. Bosco: Okay, Commissioner Dunbar, I projected on the screen what Maui's amended language is, which is broader in application, it reads: "Any new construction on the summits of the islands shall be done in an unobtrusive manner respecting the unique geographical and cultural attributes."

Mr. Dunbar: I can buy that.

Mr. Vanderbilt: And, excuse me, could you go back to that language there?

Ms. Bosco: We're going to paste it up here, and it reads: "Any new construction --" hold on. I can't see it. "Any new construction on the summits of the islands shall be done in an unobtrusive manner respecting the unique geographical and cultural attributes."

Mr. Vanderbilt: I wouldn't support that and the reason I wouldn't is you start saying -- you're not saying construction on summits for emergency use or -- or defense mechanisms. I mean that could open the door for just people putting houses up there and just -- and make sure you don't see too much of them. So I -- that's just -- "Any new construction on the summits of the island shall be done in an unobtrusive manner respecting the unique geographical and cultural attributes," and -- and --

Mr. Dunbar: ...(inaudible)... such as --

Mr. Vanderbilt: No, but -- and then -- and consistent with community plan.

Ms. Bosco: Respecting the needs of the community?

Mr. Vanderbilt: No, no.

Ms. Bosco: Cause that "consistent with the community plan" is ...(inaudible)...

Mr. Vanderbilt: Consistent with --

Ms. Bosco: Consistent with each community plan?

Mr. Vanderbilt: The General Plan.

Ms. Bosco: The General Plan.

Mr. Vanderbilt: Doesn't the General Plan include the policy plan, the community plan?

Ms. Bosco: Yes, it does. Consistent with the General Plan.

Mr. Chaikin: I mean I don't even know why we're even, you know, addressing this. We're supposed to be talking about the cultural and traditions and we're talking about new construction. I don't know. It's just kind of seems like it's venturing kind of far off.

Mr. Vanderbilt: I would drop it. I would support just dropping it too.

Ms. Bosco: At this point, we -- we know you would rescope the statement to the Maui Island Plan. That's what I have so far on that. We're dropping the proposed language and we're saying here as a comment this should be addressed at the Maui Island Plan level. Is that correct?

Mr. Vanderbilt: This should be addressed in the three island plans.

Ms. Bosco: Oh, it should be addressed in the three island plans. Okay.

Mr. Vanderbilt: On 5027, is there any way to just have a simple -- oh, yeah, what the -- I'd like to see what the three GPACs agreed on but have it: "Prepare and continually update a management plan for cultural sites, districts, and landscapes . . ." We use those three terms throughout the document. Somewhere we use cultural landscapes; somewhere we use cultural districts; somewhere we use cultural sites. I, for one, don't know -- I know a site is a site, I don't know the difference between a landscape and a district.

Ms. Bosco: I can explain that.

Mr. Vanderbilt: Okay.

Ms. Bosco: A district can be a very broad area. It could be -- in both cases, a landscape and a district can be a very large area or a small area. Usually when using the term landscape, it refers -- it includes kind of a geographical lay of the land, it also includes similar elements or similar items, items that have similar attributes within the area so, for example, the Lahaina Historic District, that's a -- there's a district and then there's also larger landscape. The landscape goes beyond the district in that case and it includes historic homes that go beyond the district. Oftentimes, district is a legal term, okay, you tie it to a legal boundary whereas a landscape sometimes just includes elements of an area or a region. So I don't know if that helps.

Mr. Vanderbilt: So I would suggest -- I would like the Commission to consider to taking the GPAC's wording "Prepare and," instead of "periodically," use what the Planning Director came up: "Prepare and continually update a management plan for cultural sites, districts, and landscapes." And then it's up to the various communities to come up with that management plan.

Ms. Bosco: Can you repeat your recommendation?

Mr. Vanderbilt: "Prepare and continually update a management plan for cultural sites, districts, and landscapes." And then if you wanna move the rest of the director's recommendations to an implementing action.

Ms. Bosco: Thank you.

Mr. Vanderbilt: Simone?

Ms. Bosco: Yes?

Mr. Vanderbilt: Is there any reason 5028 can't be a policy statement? It's not very restrictive. It's kind of open-ended.

Ms. Bosco: It could easily be a policy statement. I agree it's broad.

Mr. Vanderbilt: Well, I would recommend that as a policy statement.

Ms. Bosco: Thank you - 5028 reads: "Protect and preserve lands with cultural or historic significance to the County's communities."

Mr. Vanderbilt: And then up on 5025 it says -- what is: "Protection with selective public disclosure?"

Ms. Bosco: Excellent question. A lot of these sites are sensitive and also need to be protected from broad public access, especially sites which may -- the family may not wish for the public to know about or have access to cause it could lead to degradation, so selective public disclosure means that only with certain permission -- certain permission can you actually have access to the inventory of sites or any particular information on sites.

Mr. Vanderbilt: Okay, and I would just recommend instead of "significant," that's -- who determines significant? Maybe --

Ms. Bosco: Usually the DLNR -- the DLNR or cultural practitioners would determine what's significant. There's a -- there's a point at which it becomes significant.

Mr. Vanderbilt: Well how about if you put -- other places you put in "locally valued." That's been an adjective used to describe things - "locally valued natural, cultural, and historic resources."

Ms. Bosco: Okay.

Mr. Vanderbilt: And then the communities can petition DLNR or whoever.

Ms. Bosco: Okay, give Kathleen a chance here to go back and look at the matrix. Okay, Chairperson, is this the language you would like to see?

Mr. Vanderbilt: It just respect "locally valued" with -- "significant" with "locally valued" that's all.

Ms. Bosco: Say that again.

Mr. Vanderbilt: It replace "significant natural, cultural" with "locally valued."

Ms. Bosco: Is that still an implementing action?

Mr. Vanderbilt: Yeah, if you wanna make it an implementing action.

Ms. Bosco: Okay, thank you.

Mr. Vanderbilt: And then the other -- one last thing would be up in 5024 to include "cultural districts" which was recommended by the Molokai GPAC in the policy statement.

Ms. Bosco: Okay, thank you.

Mr. Vanderbilt: Thank you.

Ms. Bosco: Thank you.

Mr. Vanderbilt: Are there anymore comments from the Commission? Hearing none, do we have a motion?

Mr. Chaikin: Any other comments on B4 or any of these?

Mr. Dunbar: Yeah, just a couple. 5024, B4, on the Objective, it's just: "Preserve the historic --" I would put really "Preserve and restore --" I think it makes more sense unless that's going to be an island action.

Ms. Bosco: Which item are you on, Commissioner?

Mr. Dunbar: That's B4, the Objective.

Ms. Bosco: B4, the Objective?

Mr. Dunbar: Yeah.

Ms. Bosco: You would like to see "Preserve and restore?"

Mr. Dunbar: Please.

Ms. Bosco: Thank you.

Mr. Dunbar: Under B4e, "locally valued" is a little blurry to me. Maybe "locally significant" or -- I mean I remember one situation where nothing was looked at in years and then the minute it made sense, it was cleaned off and said, "This is significant." Well, if you go back and look at it today, it's all covered up again, but, you know, I have -- there's some selective value there that I think we need to get around.

Mr. Vanderbilt: I would agree with that. Let's change it, "value" to "significant."

Mr. Dunbar: So, yeah, "locally significant" or "inventory of --" you know there has to be a way of judging that and I think just by throwing it out there, there's no real judgement to it.

Ms. Bosco: Is that alright the way we've got it now?

Mr. Vanderbilt: And I think that's when -- in our community plan, that's where we look into it. Like I said, there's historic sites that are significant to the community that are listed and there may be -- that's when the community can discuss things.

Ms. Bosco: Yeah, that's one area and then also in the cultural management plan, when we update that, that would be another implementing tool.

Mr. Dunbar: Yeah, I'll live with that. It's not quite where I want it to be but I'll live with it.

Mr. Chaikin: Last call? Okay, I'll go ahead and make a motion that we accept the Objective B4 and all the policy statements as set forth by the director's recommendation, noting that we did actually change the Objective B4, as noted on the screen; we changed B4e; and we changed B4f and split it into a policy statement and an implementing action, as noted; we changed B4g from an implementing action to a policy statement; and we are going to recommend that the Maui GPAC's statement regarding Haleakala be taken up in the community plan process.

Ms. Bosco: In the Maui Island Plan.

Mr. Chaikin: In the Maui Island Plan.

Mr. Dunbar: Second.

Mr. Vanderbilt: Motion by Commissioner Chaikin and seconded by Commissioner Dunbar. Any discussion?

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

It has been moved by Mr. Chaikin, seconded by Mr. Dunbar, then unanimously

VOTED: to accept Objective B4 and all the policy statements as set forth by the director's recommendation, noting a change to Objective B4, as was noted on the screen; change to B4e; change B4f into a policy statement and an implementing action, as was noted; change B4g from an implementing action to a policy statement, and recommend that the Maui GPAC's statement regarding Haleakala be taken up in the community plan process in the Maui Island Plan.

Mr. Vanderbilt: Motion carries. Thank you.

Ms. Bosco: Yay, we finished.

Mr. Vanderbilt: And with that --

Ms. Bosco: Thank you.

Mr. Vanderbilt: Unless somebody has something else that they wanna get into at this time? Okay, so as far as -- our next meeting is when ...(inaudible)...

Ms. Bosco: October 10.

Mr. Vanderbilt: Okay, and you're going to look into maybe not putting such heavy weights --

Ms. Bosco: Yeah, Commissioner --

Mr. Vanderbilt: Subjects on as Land Use and something else --

Ms. Bosco: Yeah.

Mr. Vanderbilt: Because that's going to just be --

Ms. Bosco: And did you wanna discuss that with the Commission right now? That would be helpful.

Mr. Vanderbilt: Yeah, Commissioners, we're going to have a full plate on October 10 and I was hopeful that we could look at certain sections of the policy plan that might not be so, not onerous, but just -- that brings out -- as Land Use and what was the other one? So, anyway, I was hoping to work with the guys at Long Range and see if they could put some more benign sections on there for review.

Mr. Dunbar: Benign sections?

Mr. Vanderbilt: Well they're --

Ms. Bosco: What we can do is look at the following sections that aren't as weighty. I think it's Public Facilities and Physical Infrastructure. Take those two.

Mr. Vanderbilt: Well, if the Commission wouldn't mind, I can work with -- is there any objection to working with Long Range? Thank you.

Ms. Bosco: Okay.

Mr. Vanderbilt: Okay, with that, thank you very much, staff. Thank you, Michael.

Ms. Bosco: Thank you.

Mr. Vanderbilt: Thanks to the reporter from *The Molokai Times*.

Ms. Bosco: Do you have to adjourn the meeting.

Mr. Vanderbilt: Oh, excuse me. Commissioner Dunbar?

Mr. Dunbar: Yeah, if there is some way to change that October 10 discussion on TVR's, I'd certainly like to attend that meeting. But I cannot do it because I'll be on the Mainland. I don't know if it can or can't, but I throw it out.

Ms. Bosco: Did Commissioner --

Mr. Vanderbilt: Well I wanted to change either that -- one of the two. Excuse me.

Ms. Bosco: Sorry.

Mr. Vanderbilt: Go ahead.

Ms. Bosco: Really important. Did you have a public hearing and did you close it? Was there a public hearing item today and did you close the public hearing? Okay. Okay. That's all.

Mr. Vanderbilt: I don't know the answer to that. Check with the attorney.

Mr. Dunbar: Yeah, we won't know until we get our minutes in October ...(inaudible)... but we'll let you know.

Mr. Vanderbilt: Thank you, Commissioners, for hanging in. Meeting's adjourned.

J. ADJOURNMENT

There being no further business brought before the Commission, the meeting was adjourned at 6:05 p.m.

Submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards and Commissions

RECORD OF ATTENDANCE

Present

DeGray Vanderbilt, Chairperson
Steve Chaikin, Vice-Chairperson
Kip Dunbar
Bill Feeter
Sherman Napoleon, Jr.
Mikiala Pescaia

Excused

Joseph Kalipi
Lynn DeCoite
Linda Kauhane

Others

Joseph Alueta, Administrative Planning Officer
Simone Bosco, Staff Planner
Kathleen Aoki, Staff Planner
Nancy McPherson, Staff Planner, Molokai
Michael Hopper, Deputy Corporation Counsel