

**MOLOKAI PLANNING COMMISSION
RECESSED MEETING OF JANUARY 24, 2007
CONTINUED ON JANUARY 30, 2007**

The recessed meeting of January 24, 2007 of the Molokai Planning Commission (Commission) was continued on Tuesday, January 30, 2007 and was called to order by Vice-Chairperson, DeGray Vanderbilt, at 5:00 p.m., at the Kaunakakai School Cafeteria, Kaunakakai, Molokai, Hawaii.

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

C. UNFINISHED BUSINESS

1. **MOLOKAI PROPERTIES, LIMITED** requesting comments from the Molokai Planning Commission on the Draft Environmental Impact Statement (DEIS) prepared for the La`au Point Project located at TMK: 5-1-002: 030 (portion), Kaluakoi, Island of Molokai. (EAC 2006/0017) (CPA 2006/0009) (CIZ 2006/0015) (SM1 2006/0040) (CUP 2006/0005) (N. McPherson) (*The Draft EIS was sent to the Commissioners in the second half of December 2006. Commissioners: Please bring the DEIS with you.*) (Deferred at the January 10, 2007 meeting.)

The accepting authority for the EIS is the State Land Use Commission. The deadline to receive comments on the DEIS is February 6, 2007.

The EIS is a supporting document for the State Land Use District Boundary Amendment with the State Land Use Commission and various county land use applications. The county land use applications are for a Community Plan Amendment, Change in Zoning, Special Management Area Use Permit, and County Special Use Permit. The County land use applications will be reviewed by the Molokai Planning Commission some time after the EIS process has been completed by the applicant with the State Land Use Commission.

- a. **The Molokai Planning Commission may accept public testimony from interested members of the public on the DEIS.**
- b. **The Molokai Planning Commission may take action to provide its comments on the Draft Environmental Impact Statement (DEIS)**

Mr. Vanderbilt: Wait a minute. Let me find my agenda from last time. And the item that most people testified last time was on requesting comments from the Moloka'i Planning Commission. We'd like the public to give your input on any comments you may have on the Draft EIS. And you can submit your comments to the various agencies and they have to respond to your comments. And you can -- we'll take your comments under advisement, and see whether we want to include all or a portion of your comments in with our comments also.

And with that, we can start the public testimony. And the rules for the testimony will be that you can speak for three minutes. And at the end of three minutes, I'll interrupt you, and give you a choice of finishing up in one minute, or coming back after everybody else for an additional three minutes. If there is anybody here that testified the last time and has anything new to add, not repeating your same testimony, you can testify after everybody else has testified, but you'll be limited to just three minutes.

So with that, I'd like to -- do we have a sign-up list, Nancy? And while she's doing that, just for the audience's information, I'd like to introduce the Planning Commissioners. We have Commissioner Kip Dunbar, Commissioner Sherman Napoleon, followed by Commissioner Bill Feeter, Commissioner Lynn DeCoite, Commissioner Steve Chaikin, Commissioner Janice Kalanihuia, myself, DeGray Vanderbilt who is the Vice-Chair. Robert Ribao, the Chairman, was unable to make it tonight, and that's why I am chairing the meeting. And then over to my left -- over to my left is Michael Hopper, who is a Deputy Corporation Counsel for the County and is our legal advisor. We have Suzie Esmeralda who is the Commission's Secretary. We have Clayton Yoshida who is -- what is your title? Planning Program Administrator. And he's probably been with the Planning Department longer than anybody. And then we have our own Planner Nancy McPherson. And we're real happy tonight to have with us the new Planning Director Jeff Davis. And he's really new. Jeff Hunt. He may not ever come back again. Thank you, Jeff, for coming tonight. We appreciate having you here.

And with that, I'd like to start off the public testimony. If you can come up here to the lectern at my right and state your name. And the first testifier tonight is Matt Yamashita, and he'll be followed by Mahealani Davis.

Mr. Matt Yamashita: Aloha. I'm commenting on the La'au Point EIS, Draft EIS. I was involved in this planning process as a Land Use Committee member. I was also co-chair of the Alternatives to La'au Development Committee. I'm just going to read what I'm submitting, and I'm going to submit a bunch of stuff, but I'm going to read the cover page:

It is my opinion that the general community process was rushed. And that many of the claims found in this Draft EIS are misrepresentations of the truth. There is undoubtedly

much potential for the plan to be something that is truly good for Moloka`i, but not in its current form. I do believe that there are workable alternative solutions for achieving the general goals of the project without development of La`au Point. I also believe that MPL entered into this process intending to push the La`au development without real considerations for alternatives. With a little examination, MPL's efforts to invalidate and/or discourage the search for alternatives becomes evident. Discussion of the La`au development was intentionally held until the end of the community process, and it came pre-packaged. Talk of finding alternatives was widespread in the community, yet community input on potential alternatives, economic engines was never a planned or a welcomed aspect of the process. It needs to be made clear that the Alternatives to the La`au Development Committee, or the ALDC, was forced into the EC process by community members who are concerned about the fact that alternatives were not being discussed. Unfortunately, the ALDC has become a scapegoat and the failure to find workable alternatives have been placed on this committee. The ALDC, although allowed to play the part, was set up for failure. MPL's Draft EIS tries to present a strong case that MPL and the EC did, in fact, examine alternatives, but this is not the case.

I've addressed key points of misrepresentation below. I have also supplied attachments that validate these points. At best, MPL walked through the motions of looking at alternatives while making no real effort to verify its findings. At worst, the alternative effort was contrived to satisfy the requirements of the EIS while real efforts to find alternatives were purposely suppressed and invalidated.

MPL's EIS is full of holes and leaves me with more questions than answers. If the intention of the plan is to truly benefit Moloka`i, then we need to commit more time and energy into making it something that brings our community together rather than splitting us apart.

I go on to address three pages of specific points from Section 6 of the Draft EIS which is "Alternatives to the Proposed Action." I'm probably running out of my three minutes, but if anybody has questions or want an example as to the level of inaccuracy that I found in this section, you can ask me after my three minutes is up, and I'll answer your question. Mahalo.

Mr. Vanderbilt: Matt, you've got an additional minute, if you want, right now.

Mr. Yamashita: Okay.

Mr. Vanderbilt: Or you can come back in three minutes after everybody.

Mr. Yamashita: No, no, no.

Mr. Vanderbilt: Okay.

Mr. Yamashita: Yeah, I'll take my additional minute.

Mr. Vanderbilt: Okay.

Mr. Yamashita: And I'll just point out one of the -- I think I got like 12 different points that I addressed. And this one is -- I mean, this is really outstanding to me, as I was reading through this. There's a quote that says, "In April of 2005," "April 2005, MPL reported to the LUC and the ALDC on its review of ten alternatives including alternatives proposed by the ALDC Planning Consultant." This is a major inaccuracy because the ALDC Planning Consultant's report wasn't received by the ALDC until October of 2005. So MPL is claiming to have reviewed and evaluated this report six months prior to the report ever being delivered. And on top of that, this report was never -- wasn't considered before the vote that the EC made to approve the plan. So they basically, rearranged some, in this case, a very critical piece of the process to, seemingly, to show that the ALDC's report was taken into consideration for months ahead of that vote when really, it wasn't reviewed by the EC until after they voted to approve the plan. That's just one of a bunch of different inaccuracies that I pointed out in here. I'm also submitting a bunch of different documents that will help support these things, and I hope you guys have time to go over these documents. If you guys have any questions, please let me know.

Mr. Vanderbilt: Excuse me. Commissioners, does anybody have any questions of -- Kip?

Ms. Lynn DeCoite: Matt, at that time, how many people was involved in the alternative process in that group?

Mr. Yamashita: In the ALDC?

Ms. DeCoite: In the ALDC?

Mr. Yamashita: Geez, I wish I had that one.

Ms. DeCoite: Just approximately.

Mr. Yamashita: I think there were -- in the beginning, there were about, I hate to just throw out a number, but over 15 individuals involved at the beginning of the ALDC. Towards the end it got skinny down to like three or four of us.

Ms. DeCoite: And at that time, was MPL aware of the alternatives you guys put forward and willing to give you that ample of time to take a look at it?

Mr. Yamashita: You gotta understand the circumstances under which the ALDC kind of came up to really understand the answer to that question. The ALDC wasn't formed until November or December of 2004. They started their work at that point. At that point, the EC, the other committees, the environmental committee, cultural committee, and all those committees had already been closed. I think the Land Use Committee was then the operating committee. So we came in, basically, real late in the game. We had, like I said in my opening, we had to force our way in, because it was never a planned part of the process to have any group look at alternatives. So we were working with a real limited time-line. Basically, between December of 2004 and October of 2005, we had to come up with a report that outlined alternative strategies, which we accomplished, but that report was discredited and pretty much invalidated mostly on the grounds that there was nothing concrete. There was no concrete plan. And it says it in the EIS. It says that no business plans and numbers were presented to, you know, those kinds of specific numbers, but I address that in here also. It was never -- if you look at the proposal for the consultant that we hired to help us put together our alternatives report, we were looking at -- we were suppose to outline strategies, not come up with detailed business plans in the hope that the EC would then follow-up on the work and dedicate more energy into creating the business plans that would go with those strategies.

Ms. DeCoite: So you would say that, basically, they put you guys on a wild goose chase to kind of get you guys just revved up and put these alternatives without even seriously going to take a look at it. Would that be safe to say where you're coming from?

Mr. Yamashita: Yeah, definitely.

Ms. DeCoite: Okay. Thank you.

Mr. Vanderbilt: Any other questions? Commissioner Dunbar?

Mr. Kip Dunbar: Yeah, Matt, I read through the EIS, and I know what you speak about the alternatives, and the lack of substance in some of these. And I'm just wondering while you were looking through these, there's a -- I can't find any justification either for the alternatives or for the project. They just -- you know, they'll give numbers as to why perhaps some of the alternatives are not possible, but there are no numbers as to why the plan is possible. So in your deliberations with this, were there any numbers that made the plan better than any of the alternatives?

Mr. Yamashita: That's a good question. And if you look at the EIS, that Section 6, Section 6.4, "Other MPL Land Development Alternatives," you guys gotta understand, and I cover this in my points, that these nine alternative developments that have numbers attached to

them and are evaluated by these criteria, these were submitted by MPL. These weren't plans that the community came up with. Basically --

Mr. Dunbar: ...(Inaudible)...

Mr. Yamashita: No, these weren't ALDC alternatives. Basically, when we were in the Land Use Committee, MPL -- Peter came one day and said, "I'm going to do a presentation on MPL alternatives." And he put this document on the table, and he said, "Here's nine alternatives that we looked at, we ran the numbers on, and none of them work." And, basically, the Land Use Committee looked at it and said, "Oh, yeah, they don't work." Nobody asked any serious questions about what these numbers were, if they were valid numbers, if they had been run by any outside consultant.

And then to answer your question, finally is that the missing element in here is that you don't see La`au Point Development represented by the same criteria in the same format. So there's no way to compare these numbers to the La`au Point proposed numbers because there are no proposed numbers for La`au Point in this format. So there's no way to compare them.

Mr. Dunbar: Yeah, I agree. So there was never any redress back to you folks on any of the alternatives other than what you've seen now in the EIS?

Mr. Yamashita: Correct. Our consultant delivered the report in October. The ALDC was supposed to have processed that report, and report back to the EC on what we supported in that report and what we didn't. The EC vote was held in November, I think on November 4th. They never got our report. They were supposed to. They didn't. They voted to approve it. At that point, we kind of figured that our efforts were moot. And so MPL never did evaluate and get back to the ALDC at least. I'm not sure about the EC. I'd like to see documentation if they did.

Mr. Dunbar: So your comments here tonight, are they as of you, Matt Yamashita, or are they as of the -- were you then the chair of the ALDC?

Mr. Yamashita: We had three co-chairs. I was one of the co-chairs.

Mr. Dunbar: You were one of the co-chairs?

Mr. Yamashita: Yeah. We considered -- well, I personally considered the ALDC as no longer in existence as of our last report, which was on January '06.

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Mr. Dunbar: Well, I'm not too sure you really should do that because alternatives in any EIS are one of its main brackets. And it -- I think it does carry a lot of weight. So I would strongly suggest that if you do believe that there are other alternatives that have not been given their -- the full examination that would either disallow them or would, in fact, maybe promote a better use, then I strongly suggest that you write a letter to that effect so that it goes to the State Land Use Commission.

Mr. Yamashita: Yeah, I guess, the only danger we see in that is that just as the ALDC was kind of set up to step through the steps to pretend that we really looked at alternatives, we don't want to say that we're actively looking at alternatives so that they can report in the EIS that they're still looking at alternatives, and then push us away. In other words, we don't want to be used again the way that we were the first time. So that's my hesitancy.

Mr. Dunbar: Yeah, I understand that, but you gotta remember that what's happening here is that we, the Commission here, are not, you know, we're not approving anything or denying anything. All we're doing is hearing the public as to the process that will be submitted to the State Land Use. And so if you -- you are, obviously, an integral player in developing alternatives which we've heard a number of other speakers, you know, expound on that there are alternatives out there. And so if you're the leading edge of those alternatives, then by all means, you ought to let the State Land Use know that at least those alternatives that are mentioned even in the EIS weren't given their just due.

Mr. Yamashita: And that's what I do in here.

Mr. Dunbar: That's what your letter says?

Mr. Yamashita: Yeah.

Mr. Dunbar: Thank you.

Mr. Vanderbilt: Are there any other questions of Matt? I have a question, Matt. Did you at the -- I was on the Land Use Committee also. And at the time that there was a vote, that meeting - I forget when it was - November of 2005, Peter Nicholas -- we were trying to get amendments to make sure that future alternatives were looked at legitimately by MPL, or the EC, or whoever was doing it. And at that meeting on the record I asked Peter Nicholas if he was willing to give the same perks to an investor the ALDC brought in that he was planning to give to an investor they were seeking, such as, which he said they were going to do, give them an interest in the ongoing profits of the resort. Did Mr. Nicholas ever share with you what he was willing to give to an investor if you brought one in so you could go and try to sell somebody on becoming a part of an alternative to La`au Point?

Mr. Yamashita: No, those details were never shared with us. We were pushing just even on -- in the most basic level. We were pushing for a general price on the La`au Point parcel that would satisfy MPL and enable the rest of the plan to be set in motion, and we've never gotten even a ballpark figure.

Mr. Vanderbilt: Did you ever give you any idea of a price? I thought there was some price.

Mr. Yamashita: Yeah, in one of the attachments that I'm submitting, they gave us at the very beginning, I think it was January of '05, MPL submitted this breakdown on the cost. It's not a price, but it's a breakdown on the cost or the amount needed to fund the other aspects of the project meaning the reopening of the hotel, the golf course, the land trust, the coastal zone, all that kind of stuff. So there is a breakdown on those numbers which give you a real good sense of what a fair price might be on the La`au Point parcel, but we could never lock that down.

Mr. Vanderbilt: So at times, you did ask him specifically what they would sell the La`au Point parcel for?

Mr. Yamashita: Yeah, repeatedly, yeah.

Mr. Vanderbilt: Thank you. Any other questions for Matt?

Mr. Dunbar: Yeah, I do. Matt, I know that DeGray was saying a price for the parcel. That's confusing to me. That's the parcel as one piece or that's the parcel broken up into 200 separate lots? What were you talking about? You were negotiating just to buy the vacant land?

Mr. Yamashita: Well, yeah, one of -- the alternative that the ALDC supported the most in the end was the buyout of the parcel, the whole parcel, the whole TMK as it exists unsubdivided.

Mr. Dunbar: Because I haven't been able to find out they're selling the lots for either.

Mr. Yamashita: Yeah.

Mr. Dunbar: So if you can't find out how much they're selling the lots for, how you know what they're doing is above the cost of developing it?

Mr. Vanderbilt: Okay. Thank you, Matt. Any other questions? Thank you, Matt, for all your hard work. Now, are you going to hand that in? Does that include the plan that you all submitted to --

Mr. Yamashita: Yeah. The -- you know, unfortunately, we don't have -- I can't submit the ALDC, the consultant report, in its full-size form. There's a bunch of maps and diagrams and stuff. We do have all the written material here. But I can get the Commission the rest of the stuff.

Mr. Vanderbilt: And then are you -- Commissioner Dunbar asked about this testimony tonight. Is this you as an individual, or is it possible that this could be submitted as comments from the ALDC?

Mr. Yamashita: I don't know. I'd have to look into that. I'd have to -- I don't know. I mean --

Mr. Vanderbilt: Because in the Draft EIS it says, at some point, that Molokai Ranch did not include a list of names of the ALDC members because they didn't want them listed. Do you recall the ALDC saying they didn't want their names listed in the --

Mr. Yamashita: No, I don't. Maybe it was in. I don't know. I don't recall that, though.

Mr. Vanderbilt: Okay. Thank you.

Mr. Yamashita: Yeah. Okay. Mahalo. Who do I give this to?

Mr. Vanderbilt: All right, the next testifier is Mahealani Davis followed by Gandharva Ross.

Ms. Mahealani Davis: Hi. Aloha. Mahealani Davis. I've got about eight points which will take up the whole three minutes, probably, and testimony to turn in for you folks to consider.

First of all, the EIS, the Draft EIS, in many places, but basically, I find that it's not consistent with the community plan. The planning process itself is what I talked about the last time that there was a Planning Commission meeting -- the last two times back. But in -- to be specific, it's not consistent with our community plan. In the beginning of the community plan, it notes that scarcity of water on Molokai is a limiting factor for any kind of development on the island, including agriculture. This plan, I don't find includes enough information. And the references they make to water studies that have been done are sketchy, to be kind.

Documents from the County, from the Molokai Water Working Group, from the Department of Agriculture, from the Department of Hawaiian Homelands are all consistent in saying -- and the Water Commission are consistent in saying that there is not enough data available

on water on Molokai to make sound planning decisions, and that those studies should be done before any large development is done. And those studies have not yet been done on this island.

My second point is -- it's a question really for the Planning Commission regarding the SMA status. I know it was brought to the Planning Commission and it is -- it was one of the originally EC projects to create a special management area of the entire island being that no point on the island is more than five miles from any given shoreline. And we all understand ahupua`a concept, and how things happening upland from other things impacts everything downhill. So my question just for you folks to consider is whatever happened to that initiative? I'm recalling that we got pretty close to having information come back from the County Planning Department, and then I never heard anything else about it. So I'd like to have some kind of a response to that.

The third thing is, nowhere in the DEIS do we have a strong statement from the main players and this Brierley and the other company. They've been pretty much silent or just absent from any of these hearings, talk story sessions, debates or discussions in the community for quite a while. We have no guarantee that if the La`au project is approved that they will go ahead and follow through with the commitments they've made to this community. As a matter of fact in Appendix J, there's some reference to something they call the doomsday plan. You know, that they'll just have to sell off all their lands and go away. So I have a big question about what real assurance does this community have that they will keep their promises and commitments to this community if the La`au project is approved.

And I wanted to just remind people that way back when Brierley first came to the island, their description of this project to their shareholders was the Moloka`i project. It was a water reticulation and real estate development plan. And I don't see that that's changed at all.

Mr. Vanderbilt: Can you finish up in a minute, or do you want to take three minutes and come back?

Ms. Davis: I'll take three minutes later.

Mr. Vanderbilt: Okay. Thank you very much. The next testifier is Gandharva Ross followed by -- Nancy, do we have any others that have signed up?

Mr. Gandharva Ross: Aloha, everybody. Gandharva Ross. And I'm -- I wanted to be here last week, but I was on Maui for the science fair. And I typed up a whole thing to be

handed in, and then right when I was ready to print it, computer freezed and everything, so I just going do one verbal testimony.

I'm a teacher at the high school, subsistence taro farmer in Halawa, and a former EC board member since the outset until the day of the vote. My main concern is water. As a taro farmer on the east end, these will have severe impacts on my family's ability to further carry on traditional taro farming in Halawa and Waialua Valleys.

The second concern -- actually, three of them are pretty much the same concern. It looks at the different studies that were done on the resources in the area at La`au Point. There's severe deficiencies in the marine resource study and the bird study. The plant study is a lot more thorough and it was done by someone from Molokai. But the key issue missing is critical habitat designation for the`ihi`ihilauakea, which is an endangered species found in seasonal wetlands in the proposed development. It's one of the few places left in the world for this plant.

Looking at the bird study, they say that there were no native land birds and there were also no mice or rats. As someone who knows that area of the island to be prime habitat for the pueo, if there's no rats and mice, there must be pueo. The person who did the study said he went in -- I don't recall offhand the date, but he also had gone in 1989 and he did see pueo there.

And then the third one was the marine resources where an Oahu group also did the study. And it looks like they did a dive of the reef, but they didn't really know where to look for the resources because they have a thorough description of the boulders, the reef crest, and how it drops off at different distances from the shoreline, but there's no mention of any marine invertebrates except sea cucumbers, coral, and wana. But people who know the area know there's lots of lobster in the area. There's also he`e.

And when it talks about the fish study, it mentions convict tang, lots of surgeonfish, one papio, and maybe a uhu or two. But people who dive and goes into these areas know that there's lots of fish. And one of the main resources in the whole stretch is moi. And in the whole EIS, not one time they mention moi.

Another thing that's not mentioned is opihi. I got people -- uncles from Oahu commute back and forth. They have family on the island and they love to pound opihi. Their favorite spot is La`au Point. They've got opihi from all over the island, and they said that one is the best.

So I guess I want to take my one more minute to talk a little about these studies, and then I got a few more things, and I'll take the three minutes later.

Mr. Vanderbilt: Gandharva?

Mr. Ross: Yeah?

Mr. Vanderbilt: You gotta make a choice.

Mr. Ross: Oh, only one?

Mr. Vanderbilt: So you can come back for three minutes.

Mr. Ross: Okay. Yeah, I'll do that. Can I get one more quick one about the birds? The other different studies? I think we should hire some local experts to do some studies.

Mr. Vanderbilt: Thank you. We'll put you down to come back.

Mr. Ross: Okay. Mahalo.

Mr. Vanderbilt: Okay, the next testifier is Todd Yamashita followed by Noelani Lee.

Mr. Todd Yamashita: I'd like to say good evening to all of you that have come out, and thank you for volunteering your time. As the owner of the *Molokai Dispatch*, I'm held pretty close to the pulse and the heartbeat of the Molokai community whether I want to or not. It's kind of my job. I'm here tonight to speak as an individual, however, on some of what I have seen and what I have gleaned as working as the editor of the *Moloka'i Dispatch*.

I think a major theme for me is accountability. And we've heard time and time again that, you know, this project would not move forward without the support of the Moloka'i community. I think everyone has heard that over and over again. And I'd like to point out in Section 4.2.4, the "Cultural Assessment" of the DEIS, it says,

In general, those people that were interviewed for the cultural impact assessment and those who came to cultural assessment community meetings, many expressed reservations about the proposed development. There were no enthusiastic advocates. And the most vocal were opposed to the development.

That said, I'd also like to point out that through the work that we've done with the newspaper, we called one hundred randomly selected respondents. Eighty-six said that they would not support a master plan, which included the development of La`au Point. We have an ongoing poll online that shows 142 people do not support the development of La`au versus 57 who did. And a more recent poll starting on January 23rd, also ongoing, shows that out of 110 votes, 75 people would vote for an EC candidate which supports

alternatives to developing La`au versus 35 who would support a candidate who does want to develop La`au. So my main thing is that not just through letters to the editor and through interviews, but also through numbers, I can see the majority of this community does not support La`au Point.

And speaking on the line of accountability, I would, you know, I would like to hold the powers that be accountable to saying that this will not go forward if the community doesn't support it. That's it.

Mr. Vanderbilt: Are there any questions from the Commission to Todd? Commissioner Chaikin?

Mr. Steven Chaikin: Yeah, thank you for your testimony. Could you just elaborate a little bit on that unofficial survey that you have online? You said something like you had 142 people vote no and 57 people vote yes. Could you just explain how that's framed a little bit; what kind of questions people are asking?

Mr. Yamashita: Yeah, we tried to keep the question consistent in both the poll that we did through the telephone and the poll that we did online. It asked, "Do you support a master land use plan for Molokai that includes the development of La`au Point?" And the respondents were given the chance to answer yes, no, or undecided. And I did not talk about the numbers that were undecided. I just talked about either for or against.

Mr. Chaikin: Did you have the numbers of the people that voted undecided?

Mr. Yamashita: I don't. It's not a very large margin. I would say in all cases, it was under 10 percent, 7 percent -- oh, 17 people. Seven people were undecided on the Internet poll.

Mr. Chaikin: That's an interesting study because I'm looking at the 57 people that said yes, and that's only 14 people away from being a 50/50 split. So that's interesting, those results. Thank you.

Mr. Yamashita: Yeah, no, it says that 142 people did not support the development of La`au versus 57 people who did. So that's not percentage, that's --

Mr. Chaikin: Oh, I see. Oh, the 42 is not the total number. Okay. Yeah, I got it. Okay. Sorry.

Mr. Vanderbilt: Commissioner DeCoite?

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Ms. DeCoite: Todd, was these numbers ever brought to Mr. Nicholas and put to him that this is what we had polled --random people? Because of -- I know Aka`ula at one point was doing the same thing, and they had pretty much kind of hand-selected who they were calling for the votes. And what was Mr. Nicholas' response, if you had a discussion with him about this poll?

Mr. Yamashita: I did not discuss the poll, personally, with Peter Nicholas. It was printed up in various forms in the newspaper. I did bring it with the Moloka`i EC. And I think the gist that I got from them as well as from Daviana McGregor were that it's not necessarily how much support there is for the plan in percentage, but moreso what the affected people -- the people who would be affected by the development, what could better -- how could those people benefit from other areas of the plan. In other words, it was kind of like not necessarily are you for it or against it is important moreso as, you know, what would be best if it was developed is kind of the gist that I got.

Ms. DeCoite: And that response coming from Mr. Nicholas is what he had told you?

Mr. Yamashita: Like I said, I did not talk to him, personally, about the matter. I would like to because again, he said that if the community did not support this plan, then the plan would not go through. And again, the community -- I feel that the community does not support this project.

Ms. DeCoite: Okay. No, I kind of felt that way also. I had talked with him myself. And the same response I got, like you guys, was that the community would decide. And at that time, I didn't know whether you or Matt at that time with the Alternatives had asked him would it be up for the community to vote on it as a regular poll. So I don't know if that became part of a suggestion back again to him.

Mr. Yamashita: Again, that was taken up with the Molokai Enterprise Community. And due to differences in opinion as well as wording of the request, that public vote was denied.

Ms. DeCoite: I guess what I'm trying to say is that you believe this thing is to be politically pushed from behind and not let the community decide what they want?

Mr. Yamashita: I think it's -- I think from what I can gather, it's clear that it is definitely being politically pushed and that the majority of the community, point blank, you know, they don't support it. So it's a pretty clear picture to me.

Ms. DeCoite: Thank you.

Mr. Vanderbilt: Commissioner Dunbar?

Mr. Dunbar: Todd, I'm curious on those that either said they were for it or said they were against it, did you follow up on any of them to try to ascertain why they didn't support it? I mean, was it a cultural stance? Was it not economically feasible? Was it an infrastructure stance? Was it a water stance? Or if they did support it, why did they support it? Did they support it because of whatever: the promise of jobs, or the promise of being able or told they could get the opihi first, or --

Mr. Yamashita: I think what we were trying to do was to get as much numbers as possible and to keep it as simple as possible. I'm not a professional pollster so, you know, we just did our best to frame it the way that we thought it should be worded. But I will point out that the one area of very common feedback that we have gotten through these polls and through interviews is that almost everyone is in support of the reopening of Kaluakoi. I see that time and again as pretty straightforward as well amongst the people.

Mr. Dunbar: Yeah, I think the plan states that. I better not say too much more. But obviously, once you build one thing in perpetuity, you certainly want the other to exist in perpetuity, and 60 percent occupancy don't do nothing in perpetuity. So, you know, yes, you would like everything -- I mean, one thing, you want it all to work. That's for sure. That's why we -- you're acting as your brother's press agent. We had to grill him on the Alternatives because that might be where this all goes.

Mr. Yamashita: Yeah, I do believe there are viable alternatives, and I will say on the record that I think much more energy should be put towards seeking viable alternatives to developing La`au Point.

Mr. Dunbar: That would be good comments to give to Nancy ...(Inaudible)...

Mr. Yamashita: Awesome.

Mr. Vanderbilt: Are there any other questions for Todd? Todd, I have a question or just a comment. Thank you for all your work, just like everybody else has put in. And I think this Commission got the feeling there was 41 or 2 people that testified at the January 24th hearing. And I think what we heard was that it wasn't just no. I mean, people supported the master plan, but they were not in support of one component of the master plan. And everybody was pretty much in consensus with reopening the hotel. And we had several testifier's urging the community on both sides to work together to come up with something that's best for Molokai. So I think if nothing else, there's a positive momentum to get something positive done. It's a win-win thing for the Ranch and the community.

Mr. Yamashita: I certainly hope so. And I believe that our or this community is the strongest community that I've ever seen. And if there's any group of people that can get something done on that level, I think that we all can together.

Mr. Vanderbilt: Thank you very much. Our Corporation Counsel would like to say something.

Mr. Michael Hopper: Just also it's not just giving your comments to Nancy, you can also directly transmit your comments—I don't know if you've already done so—to the ranch, and to the State Land Use Commission as a member of the public, or as a member of the paper as well.

Mr. Yamashita: Great. Thank you very much.

Mr. Vanderbilt: Thank you, Matt. Our next testifier is Noelani Lee followed by Sybil Lopez. While Noelani's coming up, I think what Michael said about the comments, any of you that are submitting comments to this Commission should also send them through as your own personal comments to the ranch and the Land Use Commission. Okay, Noelani?

Ms. Noelani Lee: Aloha mai. I'm Noelani Lee. And I would like to share an oli with you. . . . That oli was given to me by two kumu hula, and both kumu hula expressed to me that it was about – it was an honor – an oli to give someone as an honor complimenting them because it was about a special fern that grew in Kawaihoa called the 'ihi'ihii, and that's what I believe Gandharva was talking about earlier. And the chants that we have are critical habitat on Molokai for that special fern is so sacred and cultural, and so important to Hawaiians, and to people living in Hawaii today. And I guess that's the point I wanted to touch upon in the environmental impact statement is the impact that it's having on our environment here.

I'm the executive director of a nonprofit here called Ka Honua Momona International. We work on fish ponds. We do -- we caretake the Kaloko`eli Fish Pond, which is right between Molokai Shores and Hotel Molokai, and Ali`i Fish Pond, which is--sorry, I'm shaking, I'm a little nervous--right before One Ali`i Park. And those fish ponds are loko kuapa`a and they're built around freshwater springs. And from what I hear about the water situation, you know, to even get a water meter on that site took me almost a year just to get any kind of, you know, water meter on the site. And that's just to wash the kids off after they've been working in the ponds after a long day, or to water the plants in the area. And if we don't have enough water for things like that, then I have a hard time believing we're going to open it to 200 millionaires on the west side. And besides the water meter part, though, the freshwater springs, that is what feeds the baby fish. When they come in, they feed off of the brackish water. So I think Uncle Merv came and testified last week. Unfortunately,

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I wasn't able to, but I'd just like to second what he said and say that that freshwater is so important to all Hawaiians, but also to our lands and to our fish here. Mahalo.

Mr. Vanderbilt: Thank you, Noelani. Does anybody on the Commission have any questions for Noelani? Hearing none, thank you very much for your testimony.

Ms. Lee: Thank you.

Mr. Vanderbilt: The next testifier is Sybil Lopez. And, Nancy, do we have any other testifier signed up?

Ms. Sybil Lopez: Hi, my name is Sybil Lopez. I just want to touch bases on a lot of things, but I'll try keep it short because everything is in my head. I never written anything down because I want it to actually come from my heart.

First of all, like what Matt has been saying all about the ALDC, I helped in the initiating point, but yet I kind of drifted away. But what he said I kind of support everything what was going on, and everything, how it was progressed that just the issue of timing and the timeframe that the MPL actually gave us to actually work on this ALDC, and come up with alternatives was really limited on that point.

And to brush up on Todd about presenting it to the Molokai EC, it was presented. We actually made a motion, but actually it was denied for the second time, speaking as an EC board member, and me trying to second that motion. And it was only two votes out of the seven that was present at that day.

But what I wanted to talk about was the economic impact that this whole MPL plan for actually Molokai community -- actually, our own Molokai people. And just reading it, it was really vague on how the EIS actually really implicitly never expanded on how economically it would benefit us as Molokai members and being residents of Molokai.

Being already economically depressed as an island, and having this type of landowner come in and present this EIS or this plan, it -- they really never touched bases or held a very -- because they wanted to ask us how we can economically sustain them, they never actually said how they can sustain us as well. I mean, donating lands and parcels is not how you can sustain an economically depressed community. Having only a minimum amount of job opportunities is not how you're going to help an economically depressed island. I think that the EIS should expand more on that. They should actually research more upon that.

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And even onto the affordable housing, like in the Page 70, 4.8.2, "Housing," they kind of touched a little bit about property taxes, and asked if property taxes will affect La`au development, and how it would on Molokai residents who would want to buy housing. And I guess they had an Appendix L from Hallstrom Group. Their comment letter said it will not affect the La`au Point properties, but actually, properties that they'll be given, donated, will affect because they're in the housing area. So say for instance today is 200 -- roughly around \$300,000 single family home. If you're projecting it within ten years to five years, it'll definitely go up. And bring jobs maybe, like for example, I'm making what? Nine, ten dollars an hour, and I want to buy a house, I won't be able to afford it. And they're talking about affordable housing. It's really vague. And they should really expand more on that and do more research under the EIS. Thank you.

Mr. Vanderbilt: Thank you, Sybil. Are there any questions for Sybil from the Commission? Well, thank you --

Ms. DeCoite: Wait, DeGray. Sybil, I just wanted to comment on something, and it's in regards with what Matt had earlier and what Kip talked about is that I think it's time for you guys to regroup that Alternative Group, and whether or not to take it to Land Use, and be that intervention, and challenge it. I mean, that's kind of what I would recommend. And, you know, I kind of hear you where you're coming from on affordable housing and everything, and I understand that, you know, but that's what I would recommend.

Ms. Lopez: Thank you.

Ms. DeCoite: Thank you.

Mr. Vanderbilt: Any more questions? I want to commend you for taking the time to read through that. That report is almost as big as you are.

Ms. Lopez: Yeah. Okay. Thank you.

Mr. Vanderbilt: Nancy, there's no more people that have signed up to testify? Is there anybody here that did not testify at the last meeting on January 24th that would like to share their mana`o here tonight? Okay. With that, I think we have some -- well, first we're going to go back to the people that wanted to come back for three minutes, and then I'll open it up for three minutes only for anybody else that wants to testify. And so the first person is Mahealani Davis coming back for her additional three minutes.

Ms. Davis: Thank you. Mahealani Davis. I left off talking about the fact that the development plan that -- this is about the third time we've seen this same development plan for a project down at in the La`au Point area, started by Brierley, has and remains a

water reticulation and real estate development plan. And my fear about -- you know, we're seeing this happening more and more often on the island. And I'm really afraid that once the entitlements are in place, once the community has been convinced that it's -- the benefits outweigh the detriments in this plan that we're going to have a sell-off of ranch properties. And it'll be something similar to what's going on on the east end where we have a property out by Wavecrest that's been cleared by local people. They're going to put in some homes for local people and so nobody says anything because it's a good thing and then, suddenly, it's on the market for 5.something million. Okay. This is going on all over the island. That's just one example.

The fifth thing I wanted to say was that there's some reference in this plan that we no need worry about the water situation because the ranch has been in -- is in negotiations with the Department of Hawaiian Homelands. And the only comment I have to say about that is the DHHL water and water rights are nontransferable, period. So I don't know who's talking to who, but they have no right to.

Six, a concern about the membership of the Land Use Committee, and also the names that are listed in the EIS, the DEIS. I sat down and listed them all out. There are 140 names total. There are a lot of duplications in that DEIS. And I went through and noted all the people that I know for sure are for the plan, and I get 36. I went through again and I listed all the people that I know that are against the project, and I got 46. And then there are a lot of names that we don't know, really. These are people that are still thinking about it who have said, you know, some of it's good, some of it's bad, and includes a lot of people who don't even live on Molokai, who were just at a meeting, including Mr. Vanderbilt's girlfriend, you know, people that came over from Maui for the day, and have nothing to do with this, but they're listed in this EIS as if they are supportive, and helped to put this together, and we all support the plan, and that's very misleading.

And the last thing is, just that the project in its entirety, my understanding of the law is that the Land Use Commission and Office of Environmental Quality Control are not allowed to do piecemeal review. They're not allowed to take a piece of a development plan and just look at that. They are required by law to look at the plan in its entirety. Now, in the plan it says many different places. And about a third of that plan is the master plan with all the nice pictures and everything. They say that this La`au piece is lynch-pinned to the hotel, the land trust, and all the pieces are all dependent on each other to work. Now, I know that at least one person who has sent in questions to -- is it PBR, the consultant? Has gotten response that says quite a few of the questions -- we don't have to answer these questions because those are not questions about the project area, referring to the boundaries of La`au, those 200 lots.

Mr. Vanderbilt: Can you finish up real quick here?

Ms. Davis: Yeah, this is my last point. So it's gotta be one or the other. Either they accept our comments about the entire plan or they don't. And if they don't, they're violating the law --

Mr. Vanderbilt: Thank you very much.

Ms. Davis: Oh, and so I think if there are any questions that they have not answered, then they should be considered items that are likely to have a significant impact. Thank you.

Mr. Vanderbilt: Thank you very much, Mahealani. Any questions for Mahealani from the Commission? Hearing none --

Mr. Dunbar: Yeah, Mahea, I would --

Mr. Vanderbilt: Oh, excuse me, Commissioner Dunbar. Sorry.

Mr. Dunbar: Yeah. I would make sure that that point is again noted to, you know, State Land Use. I can say that your reference to that point in this EIS did not go unnoticed by all of the Commissioners too. I mean, I don't know of any plan that's really come forth on this island yet that hasn't taken in the bigger aspect, not just piecemeal it out, and comment on each individual, one, two, three without having to add the whole thing up to six, and comment on six. So that has been noted. But I think if you make a statement such as that so that it is not deliberately looked at, there's three individual sets, but a total, it would go a long way too.

Ms. Davis: Okay. Thank you.

Mr. Vanderbilt: Are there any other questions? Thank you, Mahealani.

Ms. Davis: I'm going to deliver to the clerk some testimony that was -- that is -- I think will just help the Commissioners as far as general information about the water situation on the island.

Mr. Vanderbilt: Thank you. We have Gandharva Ross coming back for his --

Mr. Walter Ritte: ...(inaudible)... can you please relax this three minutes time limit? We don't have many people ...(inaudible)...

Mr. Vanderbilt: Well, let's get through everybody, then I said people could come back.

Mr. Ritte: ...(inaudible)...

Mr. Vanderbilt: Let's get through this, then I'll ask the commissioners if they would like to relax the three minutes. Thank you.

Mr. Ross: So my next question would be, since I wasn't here last week, can I go after them and talk for three more minutes like they get the chance for come back and talk from last week because I get plenty stuff written down over here?

Mr. Vanderbilt: They didn't come back. Anyway --

Mr. Ross: They spoke last week, and they're here to testify again. I couldn't make it last week, so I gave my--

Mr. Vanderbilt: You don't think they should testify again?

Mr. Ross: I think they should, but I think I want to too.

Mr. Vanderbilt: Do your three minutes, Gandharva.

Mr. Ross: Okay. So my next point I had over here -- I finished on, I think, on the plant study and bird study, but I think I want to reemphasize that that we need to look in -- I don't know who, someone in the community looking at having a community-based survey done by community experts, because I remember the last Waiola case hearing that Doctor . . . who was a limu expert and he never saw any limu. And then we hired community experts and they found limu all over the place.

Okay, so, the next one I wanted to talk about was the cultural impact. And I know a lot of people had spoken of a lot of aspects probably, but my main concern was the building of the roadway to the whole area, and creating this ditch to put in utility lines, and pipes, and all these things would definitely unearth bones, and artifacts, and all these things. If you look at the plan that shows the known burials and known archaeological sites, I would say at least 20 to 40% of the lots proposed in the development have known burials and/or known archaeological sites. And that's not even talking about all the ones that are unknown. So if you look at the map that shows the pink, and the green, and the orange, that's the map I talking about.

The next one was one of the things that my students brought up. They're asking me what are the CC&R's? And I read through and there were no place where we could access the CC&R's to see what they are. There's no place that the -- it says there's all these great CC&R's to prevent it from being this or that, but there's no place for the community to see what those rules are, and that's something that my students brought out when they've been reading through different sections of the EIS to submit for comment.

The one point, okay, one more point is, two of the EC projects that directly violate -- directly go against the proposed plan, and I don't know how they can be going against their own selves, on the water moratorium and the SMA for the island. But coming on to where my first point in this whole thing was that I was a former EC board member from the beginning up until the day of the vote. I was also a member of the YDC project, or Youth Development project, which helped fund the ALDC project. So I've been involved in a lot of these alternatives and youth development projects as well as the EC board.

When the money was given to the -- from the EC board that the youths had fund-raised by making cantaloupes with ice cream inside to fund-raise our own money, we gave the money to ALDC in order to do a study. And then as an EC board member, we weren't given a chance to review the study because the vote was done the same day that the EC presented on their study -- the ALDC presented on their study. So basically, one of the EC's -- the youth went through their hard work to fund-raise their own, decided the ALDC was a good thing because it was an alternative. And so we invested our hard time and money, our work and stuff, into trying to see it happen, but it was all set up to fail because there was never -- as an EC board member, we never had a chance to review the document that was produced by the people that were contracted to look into alternatives. And so it's a really tricky situation looking at that one because I think that's one of the key points in the whole thing is the alternatives.

And going back to Matt's point about not getting a number on what it's worth, like so, if we want to do an alternative, how can we do alternatives when we don't know what they need? If they can give us a price, an actual price for this property, then we can raise the money, but in the last two years, we've been talking about all this stuff, there's never been one mention. We've been constantly going to them to find out what do we need to get to stop it, but there's never been any mention. So it's basically, this is what's going to happen, and tough luck. So I think they really haven't looked into the community's the kind. Mahalo.

Mr. Vanderbilt: Thank you very much, Gandharva. Any questions of Gandharva? Commissioner Dunbar?

Mr. Dunbar: Gandharva, are you part of that -- the --

Mr. Ross: I wasn't one of those main three or five people that Matt talked about. I was involved some in the middle, in the beginning, I mean, not when it started out. But then as it started getting rolling, I was involved. And actually I remember at one of the meetings, I took out my 20 dollars and put it on the table. Here, let's start raising this money now because I knew eventually, if everybody on Moloka'i put in that much money, we'd have enough money to ask people with a lot of money to help us out, and we'll be able to buy the whole thing, and not develop it. Buy the whole ranch, have the hotel working for us,

not for them. So, I mean, it all comes down to how much do we need, and we've never been given that number. But, yeah, so I was involved initially, and I think we really need to look into your guys' recommendation of getting that thing going on.

But, at the same time, I definitely back up where Matt them was talking about about we don't -- as the next generation, okay, you guys do all the work, and we not going listen anyway at the end. So it's really frustrating when they put this -- such a critical part of it on us, and not giving any backing up, or even listen to what we got to say. So I think that's really like one of the critical faults of everything--not looking enough into the alternatives.

Mr. Dunbar: Well, you're one of Molokai's champion runners so, you know, don't go 28 miles, and then don't go the last 56 feet now.

Mr. Ross: Oh, no way. I never bog out. Keep going. But, see, at the same time --

Mr. Dunbar: So you gotta complete the marathon. So you gotta make sure that that gets to the, you know, gets to the State Land Use.

Mr. Ross: Yeah, I'll send in my comments to the LUC as well as whoever else needs to hear them.

Mr. Vanderbilt: Thank you, Gandharva. Commissioner DeCoite?

Ms. DeCoite: You know, Grandharva, I can really appreciate you getting the kids involved, and taking even a look at the Draft EIS because, you know, I have also my daughter involved with taking a look at it. And for them to bring comments forward and stuff is -- I think that's awesome.

You know, what I no can appreciate is that you guys as the EC was just basically looked on as -- I mean, you guys was like puppets. And they wasn't really willing to listen to you guys. And we saw the writing on the wall from the beginning. And like Kip said, you know, let's do the whole -- you know, go the whole mile. Let's not stop halfway. And just hang in there. And just keep bringing in those comments and stuff, and let's take it up to Land Use because, you know, you guys know where we stay on as the Planning Commission, and that we're not the deciding authority on this. But the recommendation and the comments coming from us will be in support, I believe, of the community. So, you know, bring it forward.

Mr. Ross: I going elaborate little bit on what we're doing with the kids. Actually, I have three students -- three classes at the high school: two environmental science classes, and one Hawaiian emergent class of juniors and seniors where we -- I assigned them to take

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a section that -- we looked at the table of contents. And I told them pick something that interests you, read about it, write a summary, and write down a few questions. And then -- so they all got real involved and we were all pumped up. So I took it one step level where we -- now we're taking the summary and questions, and writing a letter to -- so I'm not really sure who to address this letter to, and how many different people, and things like that. But I'm sure the Land Use Committee and PBR is one of them. I'm not sure who else I should send it.

And so -- and another point, it's really hard as a teacher because I have students whose parents work for the ranch, and they're against the plan. And then I have students whose parents are activists, and they're for the plan. And it's like -- it's been really hard on the community, and it's a real touchy issue. So when -- I always have to make sure, I try to be unbiased, but they all see me on T.V., and all the time, so it's hard to be unbiased. But then -- so, the way I try to be unbiased is I tell them if you don't want your comments to be heard publically, just turn it in for an assignment. And then if you do, I'll mail it in. So that's all. And I definitely won't give up.

Mr. Vanderbilt: Thank you.

Ms. DeCoite: Thank you.

(Mr. Dunbar excused himself from the meeting at approximately, 6:10 p.m.)

Mr. Vanderbilt: Okay. There's no other people signed up. Is there anybody else in the audience that would like to share their mana'o? Do we have anybody else out -- oh, excuse me, Bridget. You did sign up, but you had testified. Is it okay if Walter goes before you? If you could introduce yourself for the record, Bridget. And I would ask, if you could, is to try to bring up some points that you didn't bring up at the last meeting. That would be helpful to the Commission. Thank you.

Ms. Bridget Mowat: Sure. Bridget Mowat. I just wanted to make a comment and it's different from the first one I did. And it was in the DEIS, was 1.7.8. And that it reads, "Probable adverse environmental effects that cannot be avoided includes changes to the land use character, and visual appearance of the site," which is obvious, "unquantifiable impacts to the overall spiritual quality of the area." Unquantifiable is like unmeasurable. I had to look it up. Unquantifiable? Okay.

Changes to the experience of fishing in an isolated area, differences in values and lifestyle of new residents, increase to wastewater and solid waste generated, increased water and electrical power consumed, increased demand for police and fire protection services, and short term impacts to air quality and noise levels.

That's environmental irreversibles. I mean, they cannot really kind of -- they'll try to address it, but I -- you know. To me, that is like -- and through the EIS, it's telling -- it's saying that they're going to maintain Molokai's rural island character. So that kind of like -- it doesn't make any sense to me. What I was -- what really hits me and always hits me is even the name of this whole project, "Community-Based Master Land Plan for Molokai Ranch," and based on what I just even heard this evening, I think we should -- it should be titled what it is, and take out the "Community-Based," because it's not community-based. And it should read, "Master Land Use Plan for Molokai Ranch," because it sounds like Moloka'i community is going to help them do what they want to do as far as keeping their revenues and their economics up. So that was just a comment.

And there's a lot of -- as far as the sites and the protection of the sites, there's a lot of talk about this, the CC&Rs, and how it's going to be established. I'd like to see in the DEIS that the kinds of things they're going to do, and the kinds of penalties that will come about if any of this is in violation. So that's just my comment. Anybody have questions for Bridget?

Mr. Vanderbilt: Thank you, Bridget. Are there any questions from the Commission? Hearing none, thank you very much, Bridget. Is there anyone else who would like to share their mana'o tonight? Walter?

Mr. Walter Ritte: Aloha. My name is Water Ritte. And I was part of the process for the community-based plan, which is in question right now. In fact, I was there the very first day that Peter Nicholas was introduced to myself, Colette Machado, John Sabas. And this was a Senator Inouye party at Wavecrest. And we all called over there, and he was going to say thank you because we used to hold signs for Senator Inouye all the time. So he was saying thank you. And he introduced this guy, short little guy. Everybody was going like this to his hair. He was a really nice guy. And the Senator said, you know, "The time for fighting has come to an end. We have to work together if Molokai is going to proceed." So somebody asked a question, "Is this political?" You know, the Governor was over here. The first thing she said that came out of her mouth was "Support this plan." So there's a lot of politics involved in this whole thing. It goes pretty deep.

And the saddest thing about all of this is, when we went through the process, this whole La`au thing was put on the side, and the water thing was put on the side. So we knew one day there was going to be a big crash in all of this. So the question was going to be, well, who's going to support it, and who's not? And what ended up was there was a big split. So now we're in the process of either supporting or not supporting it. The politics keep going because all the people that we used to rely on as activists to help us, all the different law firms, and all the -- Earth Justice, the guys on Maui, Colette went to see all of them. And she tried to lock them all down, not to really work for them, although some did work

for them, but to make sure that we wouldn't have anybody that was going to help us. So there was a lot of politics at the high level and at the low level in this whole process.

So when I look out in the audience, you know, I no see my friend, John Sabas. He's the guy making the most money out of all of this. I cannot understand why the ranch is not here tonight unless they think that they got the LUC locked up so they don't need to deal with home-rule kind guys.

And what we learned last week from -- oh, she's not here today. She said she was going to come back and give us information on some stuff, but I guess she didn't come. She's sick? Okay. What we found out was in the best case scenario, this would be the body that would make the decision first before we go statewide. That's why I say "home-rule." The power at the home-rule base, instead of going statewide to the LUC, this group would say whether or not we're going to amend the plan or not. If we don't amend the plan, the Molokai plan, not the ranch community-based plan, the Molokai plan, then the LUC I don't think can do what they want to do. So maybe another strategy since John is not here tonight, we can surprise him because he didn't come tonight, to say that next week we're going to have hearings on the alternatives -- I mean on amending the Molokai General Plan. And take the power away from the LUC, and bring it right back here to Molokai because it's going to be really difficult for us to go all the way to express in one night or two nights what this island -- people who live here know what is going on on this island. So maybe we should grab that home-rule power again. And let's have hearings on the amendment of that plan first before the LUC especially, if the ranch is not even interested enough in coming to these meetings.

Mr. Vanderbilt: Walter, you had three minutes.

Mr. Ritte: I knew you was going to say that, DeGray. How come you so strict, DeGray?

Mr. Vanderbilt: No, I'm --

Mr. Ritte: I just joking. Okay, okay, okay. I have great respect for your authority, DeGray.

Mr. Vanderbilt: Thank you.

Mr. Ritte: I -- this business about community will decide is critical. I mean, we have it on video over and over: Peter kept saying that. So we believed him. So we need to hold him to the fire on that one because we all know what's going on in this community. Okay, DeGray.

Mr. Vanderbilt: Are there any questions for Walter? Commissioner DeCoite?

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Ms. DeCoite: Walter, you know what? I no really understand 'til today why EC is there anyway, but what was – what is promised to these EC guys, or whoever is to control the land trust? Is money the tag on it as in salaries?

Mr. Ritte: First of all, when the Senator made his statement, the first thing they needed was a community-based group, so they picked the EC. And the chairman at that time was Stacy, of course, and she was really into opening up the hotel. And we all supported that whole idea. So that was the entree into using the EC. And then when the EC started like going in the candy shop and grabbing all the candy that the ranch was giving out, that was it. Everybody just like grabbed all this stuff: 26,000 acres here, 13,000 acres there. It was like they got hooked into the whole thing. So now everybody is stuck. They all went go grab and now they stuck.

Ms. DeCoite: See, because what I never understand about this EC process, and I don't know if I going off key—let me know, yeah, if I am—but you remember way back when EC was going in for this money? You remember that? And we were invited to a meeting. And then remember had -- I think we were limited for age, and I think the age was 18, 18 to 25 or something years old. And the original plan, which we all supported was the opening of Kaluakoi, and the buying out of it. At that point was actually the buying out of the ranch. And all of a sudden, the thing just went veer off into one whole different area. And -- but you remember that, yeah?

Mr. Ritte: No, yeah, because we created 40 projects. So it was a shotgun approach in all kinds of different areas. And then once this project started, Project 47, so there's like 47 projects, it became the number one project. And the only project for that two-year period was this one project. And everything got dumped into that whole effort. The whole EC became part of that because the EC is going to be part of the land trust. They're going to create a CDC, community development corporation. So somebody is going to have to make profits in order for this land trust to run. So when the drop dead clause comes to the EC, they're just going to switch from the EC into a CDC. So there's motives behind all of this. It's like a long range plan where everything falls into place and they keep going.

Ms. DeCoite: So you think if -- because I'm well aware that those seats has been filled for that land trust. I'm well aware of that. Let's say if we took all the salaries away that has been guaranteed to these people, would you think they'll still be there supporting this plan?

Mr. Ritte: I think right now everybody is stuck. Everybody is -- it's almost like make ass if you not going -- you know what I mean? I mean, you cannot back down now. Everybody put their signs up already like everybody's taken their position. Nobody going back off right now.

Ms. DeCoite: Because slowly, but surely, I'm starting to watch as the community has been hired into the ranch. And they're family names, correct me if I wrong, that's been hired. And it's as if we're playing chess again. And I see the pawns. I see the kings and the queens. And they're using these families against each other. And we see that, but what I'm saying is, if we remove EC, the community land trust, or the Molokai land trust, what it's going to be ended up being, would these guys still hang in for the long haul?

Mr. Ritte: Well, that's a good question. The question that was asking earlier is, how much money did they want? That 7,000 acres was bought from Tokyo Kosan for only six million dollars. They paid six million dollars for that piece of property. And now they're saying they need two hundred million out of that whole thing. I mean, border line greed is what's going on with that whole project.

Ms. DeCoite: Because my thing was when I spoke with Mr. Nicholas at that time, and I asked what was the purchase price also, he wouldn't lay it down on the table. But the ultimatum was if you guys don't follow the plan, he going sell them. Okay, I did a little research of my own. And I asked what would -- you know, he actually put these things out which was starting to be listed on the Internet as price sales on these lands. I did some research with some real estate agents. And basically, if the infrastructure wasn't in place, who would come to buy? But was the community willing to stand there for the long haul, and take on the alternatives as Matt guys brought forward? But what -- you know, what -- and how far we're willing to go?

Mr. Vanderbilt: Commissioner DeCoite, I mean, could we --

Ms. DeCoite: Okay, well, that's the question I'm asking.

Mr. Ritte: On the alternative one, it was really, really sad to see the young people and what they was trying to do because in the back room, the word was they're wasting their time. There is no alternative. But Peter made it known from day one there is no alternative to La`au development. There is none. So I didn't join them in the beginning because it was like pissing in the wind. You know? I mean, it was like no sense. Waste of time. Then later on I started to join them because it was really clear among all the guys who was calling the shots that there would be no alternative to La`au. And like when he put down the nine alternatives, he had that from day one, there is no alternative. And we all know there are thousands of ways to make money. There's not just one way to make money.

Ms. DeCoite: Thank you.

Mr. Vanderbilt: Thank you. Walter, I have one question. Gandharva mentioned an EC project when he was on the board, and you may have been on the board, and he just

mentioned SMA on the island. And today, you submitted some testimony, and I think Mahealani Davis mentioned of the expansion of the SMA boundary to include the entire island, which is something that's in our community plan. Was that EC project that Gandharva mentioned, was that about expanding the SMA to the entire island?

Mr. Ritte: Yeah, we're very supportive of that idea cause our island is only ten miles wide. And I tried to build an open air wall, traditional building for our kids at Keawanui, and I had to get an SMA. In fact, they told me my roof gotta be green or you ain't going get your SMA. So we painted our roof green, but we had to get an SMA. And to have a project like that on the west end where your going to put 80 million dollars' worth of infrastructure and not be covered under SMA is ridiculous. Those are the kinds of examples that we were talking about that was happening on Molokai where there should've been SMA's. There's no SMA's. So we said why don't we just do the whole island? And because nobody else is doing their whole island, of course, everybody gets all -- but Molokai's always like that. We always do what we think is better for this island, so we pushed that whole idea. And that's why we wrote the letter because last week or the last meeting, we were talking about that very issue: which things are going to be covered in the SMA? And it wasn't clear on the explanation.

Mr. Vanderbilt: Thank you. Are there any other questions for Walter? Hearing none, is there anybody else out that would like to provide some testimony?

Mr. Lawrence Aki: Aloha, commissioners. Sorry for being so late. It's a hour drive to Halawa and hour drive out of Halawa. It gets very tiring. And I'm glad to see my brother is here though. He made it before me. He doesn't come to meetings like this. But, in any case, I fel asleep, but I'm glad I'm able to make it. You know, in truth of the matter, in the last meeting that you had, I tried to make it -- the awareness of how, you know, just looking at the attendance and, you know, you had a very good attendance in the last meeting where everybody pretty much did not want this project go through. You know, the caveats are excellent, but there's something I have to share about the caveats. You know, protecting Naiwa, protecting Kaena, Kaana, that's a given, everybody. That's not something that should be part of the package. That's a given. You're talking about, you know, 26,000 acres, and these are 26,000 acres that, basically, Molokai Ranch destroyed and really they're giving it back to us so that we can go restore the forest that the mo`olelo once tell us about. You know, if you listen to the stories about that of, you know, Kapo and her sister, and how the ohia flourished in that mountain, you know. So they go over there, bulldoze this forest, and now they wanna give it back to us under a trust land. You know what? They responsible for it. You know, how come we gotta go beat up ourselves go try get money and everything else to try to restore all these items?

You know in truth of the matter, everybody, Peter Nicholas he lying, that's the bottom line. He lying. And I can point that out to you. He lying because of the fact that he said the community is one that would make the decision, and you know what? That wasn't the case as we -- that's why we're all here now. Right? Trying to tell 'em, "Hey, you said we would make the decision." Peter Nicholas basically said that they have the silent majority of the community. Hell, I haven't seen that. So let me tell you something, in the truth of the matter, he lying. He lying to all of us. So you think I going trust somebody like that to tell me that the CC&R's are going to work in the future? That's a lie.

So, you know, I know one thing, everybody, and the one thing I do know is La`au is untouched. All of the archaeology, all of the sacred spots have not been bulldozed. It's in place. I mean it's all under the kiawe trees. I've walked that land many a times myself. And yet the laws, the Federal laws, State laws, we all talk about preservation of our endangered species, wow, we all know that that's where the monk seals hang out. So what we doing now? We trying to say, "Oh, well, we can preserve it as long as we put the houses this far back." Come on, leave the monk seals alone. That's why they weren't here in the '50's and '60's, and had to be reintroduced in the '70's because, we as mankind, everything we touch we destroy.

So, bottom line, commissioners, they lying to us. Bottom line. I mean we can go on and on and on. You heard all the reasons from water to that of the fishing grounds, you know. I remember the first report that they came out with, and I read about the marine life, and the marine's life they said minimum. Shit, who's writing these reports? So that's just a beginning of a lie. Walter is right, everybody. They gave us no alternative as far as where the discussion of La`au, right? It was either La`au or everything folds, yeah. Everything else about that caveat, let me tell you, is a given. They're the largest landowner on Molokai. Like it or not, they have to give it to us anyway. That's the community part that they have to play.

Mr. Vanderbilt: Lawrence?

Mr. Aki: Don't get wrapped up with it.

Mr. Vanderbilt: Can you finish up here, please?

Mr. Aki: So, you know the -- I know that when you are speaking of 200 millionaires coming onto this island, Peter Nicholas says he was wants to preserve the lifestyle of this island, and if you believe he's telling you the truth, after trying to subdivide 200 units for 200 millionaires, that guy is lying, plain and simple. Thank you.

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Mr. Vanderbilt: Thank you, Lawrence. Are there any questions for Lawrence from the Commission? Hearing none, is there anybody else that would like to share their mana`o here? Yes, could you state your name for the record, please?

Ms. Kawila Hanchett: Aloha mai kakou. My name is Kawila Hanchett. I am the daughter of Carla and Mike Hanchett, and the granddaughter of Ann Hi`iaka Prudy. I am from Molokai, born and raised, and have been away at college working in the charter schools. Only now I'm returning home and becoming aware of the issues that is facing Molokai. What I would like to share is that I do not think they address, in the EIS, the spiritual and cultural connection of a people to place. In western thought, we view place as a commodity, as real estate. In Hawaiian thought, place is ohana. There is a spiritual connection and tie to people, the indigenous people of Hawaii, and the place they inhabit. There is a covenant between the people and the place, kuleana, a spiritual tie. When you look at our people, you see they are not in good shape, in health, in economics, and why? What has happened to their land? They have been disconnected from their ohana lands and, therefore, their spiritual health is compromised, and their health on every other level. What you do to La`au, you do to us. There is no disconnecting people from place. Mahalo.

Mr. Vanderbilt: Thank you, Kawila. Is there any question for Kawila? Hearing none, is there anybody else who would like to say a few words? Lori?

Ms. Lori Buchanan: Hi. My name is Lori Buchanan. I wasn't going say nothing but I was listening to everybody, and several times I heard them address the ihi`ihi. And although we know it's a endangered plant found at the west end, I just wanted to point out the importance of it. It's marsilea villosa, and I work in conservation, and so I make it a point to know these things. And the ihi`ihi has the highest, the highest, the extreme highest level of critical protection by the United States of America. It has the highest rating that you can get ever to protect a plant and that's because there are not more than five known occurrences in the world, and two of them occur at the west end of Molokai. Another thing that people don't realize is that that occurrence can be spaced by several years, so maybe tomorrow I could go down there and find the ihi`ihi, and then not find it again for another ten years, but the spores are in the ground, okay. And mother nature, and I won't get into the science of the plant, but if tomorrow I went down there and I found it, guess what? The United States is mandated to come in and shut everything down, cause that's how high level protection that plant has. And it's been found that Kamaka`ipo Gulch and Moki`o, and it only happens when it floods, okay. You need to get a major flood in the area, the soil has to be right, it can be in sand, it can be anywhere, but there has to occur a flooding, and then the flooding has to subside, and then -- I'll go on and on and on about the scatterfcaiton of the spores that makes it spread, and the birds, but that's not even addressed in the EIS, and if I could, you know, I'll wait for one big rain and I would just

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spend the rest of my days hunting for ihi'ihi in West Molokai because then I'd have the Federal Government on my side shutting down the whole project. So that's just one point I wanted to bring up because most people don't realize that you can see 'em today and not see 'em for another ten years, but it's there, and it's a fern, and it doesn't even look like a fern. The same like at Mo`omomi. We have many endangered plants, some you gotta get down on the ground and really look for, and there are ferns in one coastal area.

So, anyway, that saying that, your job is of course to give comments on the EIS. Then they going take everybody's comments and they going fix 'em. They going fix the EIS to make 'em more palatable to the LUC. That's their job. So we all doing them one favor right now by giving comments on this Draft EIS. The comments I get would be one short novel because I found so many holes in this EIS. In my five years -- six years of dealing with planning, I have read many, many environmental assessments, the EIS put out by the Army, by the United States, by the County, by a lot of people. A lot of it is filled with fluff from other people, but always the question gotta be what is the plan? I mean you -- it's a skeleton of a plan, but when you get down to the meat, it's, okay, how you going achieve this, and they have to get a community plan amendment, special use permit because -- because it's not what the plan says you can have on Molokai and that's why we have all this trouble now. You gotta change the zoning. And the land we're getting from the kine is in conservation, you know, It's so much more than what it appears to be and the deeper you're going to dig, the more things you're going to find wrong with it. I'm a real detailed person and I always ask why, why, why. You know like the kids when you bug you, "Why? Why? How come? Why this?" That's me, always gotta know why. And so I cannot give my comments tonight cause it's too much, so that gotta go straight to the Land Use Commission. But when come before you folks, that not a bad idea, Walter. I like the idea about the -- trying to get the community plan amendment.

Mr. Vanderbilt: Excuse me, Lori, could you finish up?

Ms. Buchanan: Yeah, I can finish. But I just wanted to thank this committee for going the extra mile, having the meeting you guys had last week, which I wasn't here, and then extending it for tonight too because these guys no get paid, you know, and, yeah, give them a hand. And I think if wasn't for them, the ranch would have never given the 17 days extension cause all of them pushed them really hard, all the way to Commissioner Kalanihūia at the end, and I think that's what made them change their mind. Thank you.

Mr. Vanderbilt: Excuse me, Lori. Are there any questions from the Commission? Yes, Commissioner Chaikin?

Mr. Chaikin: Yeah, Lori, you talked a little bit about the Federal Government coming in and possibly taking over and shutting down that land. Can you explain that process a little bit more about what would happen?

Ms. Buchanan: It's a critically endangered species and has the highest level, there's nothing higher designation you can give. If you go on the website, and you look it up, they give numbers to each plant that they considered endangered, critically endangered, and the ihi`ihi is the highest because there's only five in the world. That's pretty -- that is serious stuff. And so they are mandated by law, under Federal protection, to protect a critically endangered species, such as the ihi`ihi. That's it.

Mr. Chaikin: And so how does that normally happen? Somebody just calls it to their attention and then they come and have a look, or what's that process?

Ms. Buchanan: Well, it would have been in the botanical study, yeah? So they pointed out that, in the past, they found it, but unless you in one area and you know what you looking for and you're there all the time and this thing grows one day and then might not grow again for another ten years, how you're going to know? So that would take finding the thing and then probably GPS'ing it, and then finding somebody of authority to come and really look at the thing and say, "Oh, yeah, that is." And then guess what? You know --

Mr. Chaikin: Okay, thank you.

Ms. Buchanan: So we all going look tomorrow? No.

Mr. Vanderbilt: Anymore questions of -- Lori, I had a question. How do you spell the name of that plant?

Ms. Buchanan: I think it's V-E-R-S-I-L-E-A memosa, M-E-M-O-S-A. Oh, ihi`ihi.

Mr. Vanderbilt: How's that?

Ms. Buchanan: That's versilea memosa. I can't really see it.

Mr. Vanderbilt: No, Gandharva had mentioned --

Ms. Buchanan: So did Noe.

Mr. Vanderbilt: Noelani gave a chant, and Gandharva mentioned that he had seen that mentioned in the botany report. Is that the same plant that you're talking about?

Ms. Buchanan: Probably. I didn't really look at the botany report yet.

Mr. Ross: ...(inaudible)...

Mr. Vanderbilt: Excuse me. Excuse me.

Ms. Buchanan: I know Bill Garnet who did the study, the botany study. He's my neighbor. I work with him a lot.

Mr. Vanderbilt: Okay.

Ms. Buchanan: I don't think they found it actively growing. It's just past records.

Mr. Vanderbilt: So the person that did the botany report, you would say was a credible person?

Ms. Buchanan: Yes.

Mr. Vanderbilt: Okay, thank you. Anybody else that would like to -- yes, come on up and introduce yourself. Excuse me, could you come up here and -- and put your name on the record please, Victoria.

Ms. Victoria Kapuni: My name's Victoria Kapuni and I just wanted to add to what Lori said. You can find this on Page 43, the very top line, the ranch is recognizing that it's a critical plant, but they haven't done anything about it, and some of the questions that I've asked is who did you report it to, and went on and on and on about it. So they are acknowledging that it was there --

Mr. Vanderbilt: Thank you very --

Ms. Kapuni: And the spelling of it is M-A-R-S-I-L-E-A, second word V-I-L-L-O-S-A.

Mr. Vanderbilt: That's on Page 43 --

Ms. Kapuni: Forty-three; very top line.

Mr. Vanderbilt: Of the botany report?

Ms. Kapuni: No, just the -- I haven't gotten to the botany report. Just the very top line.

Mr. Vanderbilt: Okay, well, thank you very much, Victoria.

Ms. Kapuni: Yeah.

Mr. Vanderbilt: I appreciate all the work you're doing. Is there anybody -- Gandharva, now just to answer, okay?

Mr. Ross: I'm going to say where it is in the botany report.

Mr. Vanderbilt: Oh, okay. Boy, I mean it's amazing what this community --

Mr. Ross: I can show you here but if you look at the botany report on Page 6 -- Bill Garnet's botany report, Page 6, and there's a map of the proposed development area with a circle, a star, and a square designated as habitat of three native plants found in the area. *Gasipium tomentosa*, which is the Hawaiian cotton found in Kamaka`ipo Gulch, and then *marsilea villosa*, which is the *ihiihi*, it looks like somewhere in between Kaupoa and Kamaka`ipo, in that riverbed area, and I can pass this computer around, but it's on Page 6 of the botany report.

Mr. Vanderbilt: Okay, no, that's fine. Just that, well, I think people watching this on Akaku is going to be impressed with the technology that is found here on Molokai. Victoria, just quickly, please.

Ms. Kapuni: I just have additional information in that this habitat on La`au Point was in -- was registered with U.S. Fish and Wildlife Service and was on the Federal critical habitat for threatened and endangered plant species but, somehow, in 2003, it got deleted.

Mr. Vanderbilt: Thank you. Thank you for that little bit of information. Alright, and is there anybody else that would like to testify because this Commission does have some other business as follow up to some of the things that were said tonight and where we're going from here so -- but is there anybody else that has anything to share with us tonight? Yes, Walter?

Mr. Ritte: ...(inaudible)...

Mr. Vanderbilt: That's something that we have to follow up with. I mean that's what we've asked Planning at the -- Walter's question was is it possible, at the last meeting, Deputy Planning Director, Colleen Suyama, mentioned that in an ideal world, to make this process more user-friendly, the -- it would have been good to go with the community plan amendment first, then go for the State boundary use change at the State level, then come back to the County for the zoning change, and then go before the Planning Commission for the SMA. But at the end of her testimony, she did say that this is the ranch's choice, and, at this point, the ranch isn't here tonight, unfortunately, to ask them. I'm sure

everybody is wondering where the ranch is, and I think this is one of the things that we're going to get to. Apparently, there was a lengthy email that came in that all of us commissioners have not seen and -- and I wish they had been here, and their consultants, and their lawyer, Isaac Hall, who is an expert in -- he was hired to really make sure that this process goes through and the community's ensured of getting everything that they can because he's an expert, and it would be good here to have those people here so they can really understand what -- what the community's putting on the table. So, hopefully, at another meeting they'll be here but we're going to get that information, and if we can't get it tied down tonight, we'll have the answer at our February 14 meeting.

Okay, with that, I'm going to close public testimony, and we have a couple of items that need to be addressed. Apparently, there was a little hitch in this limited site visit that the Planning Commission is going to take, and I will turn it over to our distinguished legal counsel, Michael Hopper, and maybe he can get us on the right track here.

Mr. Michael Hopper: Just at the last meeting, there was a vote to have a limited meeting as a site visit on the 7th and a determination made that there was -- that it would be dangerous to the health and safety of the public to have an open meeting. That determination has to also be what they call concurred to by the Attorney General, so what we would need to do, we've already -- we've already taken a vote on that, to have the limited meeting, what we need to do is to have some, in my opinion, increased findings on why it would be dangerous to the public health and safety. And to give you some information on that, the Planning Department has some information about the site itself of reasons why it could potentially be dangerous to the health and safety, and then if -- if you would want to adopt that information as -- as your own for the basis of having the limited meeting, then I'd recommend that you would have a -- make a motion to amend the previous vote on having a limited meeting. There was a motion to have a limited meeting that was unanimously carried to have the meeting on the 7th; all you would need to do have another motion to amend that motion and adopt the findings of the Planning Department or -- as the basis for having the limited meeting because of the reasons that the Planning Department puts forth for you tonight. And it could be based on some of the reasons, all of the reasons, or if you don't believe that it would be dangerous to the health and safety of the public to have this meeting, then you wouldn't have a limited meeting. And then that information, if that's adopted by the Planning Commission, then we can have that forwarded to the Attorney General and if they concur with that, they can let the Commission know and then we can schedule the meeting on the 7th. But there is something in the rule that requires Attorney General concurrence for that to happen. I spoke with the Attorney General and she said that that's one thing that we could do. So I have the Planning Department can speak to you now on that basis.

Mr. Vanderbilt: Okay, Nancy, are you going to speak to this? Okay, Nancy McPherson, who is our Molokai Planner. Nancy?

Ms. Nancy McPherson: Nancy McPherson, Staff Planner, Molokai.

Mr. Vanderbilt: Could you go up there? I think it'd be a lot easier. You could put your papers down and -- thank you.

Ms. McPherson: Nancy McPherson, Staff Planner, Molokai. I actually did draft some suggestions for a basis for substantiating, you know, grounds basically for the Commission to go on. I didn't print those out so if you wanted me to get those, we would have to take a short break and I could go print that out and bring it back.

Mr. Vanderbilt: Why don't you just read what you have.

Ms. McPherson: Okay, well, no, I have to do it out of memory, actually. Oh, and one thing I wanted to say first was that, on Page 2 of the Draft EIS, we have listed three, Item 1.2, 1.3, and 1.4, the applicant, the planning consultant, and the accepting authority, those are the folks that you wanna send your written comments to. But if you'd like to provide a copy as well to the Molokai Planning Commission, I'm sure they'd accept that, and then you can just send that to the -- the County offices, or drop it by, and we can make sure it gets to the Molokai Planning Commission. But the most important ones -- the most important ones are Molokai Properties, Limited, PBR Hawaii, and Anthony Ching at the Land Use Commission. So I just wanted to share that with the public first.

Mr. Vanderbilt: So, excuse me, Nancy. So if somebody has a question on this, they could call you at the Molokai Planning Commission office?

Ms. McPherson: Well --

Mr. Vanderbilt: Just as to where to send --

Ms. McPherson: Yes. Yeah.

Mr. Vanderbilt: Okay, thank you.

Ms. McPherson: I'd be happy to facilitate, but it is on Page 2 of the document.

Mr. Vanderbilt: Thank you.

Ms. McPherson: Okay, Corp. Counsel has provided me with my own email so I can read these off. And I would like to defer to the folks here in the room who know a lot more about the area. I've been on one site visit and I really wanted to see more and I wanted to spend more time down there. So these, you know, I may not be accurate here in this characterization, but what I did was I listed about five items.

Item A is the area is remote far from emergency services and is accessed, in some cases, by four-wheel drive vehicles only; Item B is the area is along an exposed coastline so is subject to high wave and tidal action, storm surges, and, well, potentially tsunami; Item C is vehicular access is not possible along the majority of the coastline and the existing pathway along the coastline is unimproved, uneven, and in close proximity to the shoreline; D is sections of the coastline are rocky or consist of escarpments and cliffs, therefore, making coastal access difficult and hazardous; E -- and what I've been told is that's more down towards the Hale o Lono side, so along the southeastern side from the point; and, E, in the winter months, as we are having right now, the coastline is subject to high wind and wave action including high winter swells and storm surf, therefore, creating a higher hazard level. Now, I know there's a lot of people in this community who would be very comfortable in an environment like that, but there may be people who are not, and I would really defer to the judgement of this Commission about having the limited meeting. But these are just some potential grounds that you could use.

Mr. Vanderbilt: Thank you. Are there any questions of Nancy at this point? The -- just to explain to the audience. If there is a limited meeting, the ranch has said that they would defer to the Commission whether to be there or not. I think most of the commissioners would probably want them there. And if there is a limited meeting, the full meeting has to be videotaped and that videotape has to be made available to the public. I -- and no action or decisions can be taken, and I think it was a site visit just -- I've been down there a couple of times. I don't know if anybody -- has any other commissioners been down to La`au? Bill's been down there. So I think it was just a chance for the Commission to be familiar with the area. It might lend us to ask some additional comments on the Draft EIS based on the site visit. I would hope that the commissioners, we have to discuss this, would -- would concur that we need to have the ranch there, and then we'll have to discuss who would videotape it and how quickly that videotape could be made available to everybody in this community. So, with that being said, Nancy, you have a question?

Ms. McPherson: Chair, if I may, Nancy McPherson, Staff Planner. I have printed out some copies of this section of the Hawaii Revised Statutes, if anybody needs a copy, and under Sub-Item 1 Sub 2, it says, "Make the videotape available at the next regular meeting."

Mr. Vanderbilt: So if we had the site visit on the 7th, the video would have to be available at our February 14th?

Ms. McPherson: Yeah.

Mr. Vanderbilt: So that means that, okay, well that -- that's good to know. And is that all you have?

Ms. McPherson: Well, I'm sorry, Chair, we also have talked about, you know, what kind of itinerary it might be and, you know, I don't know if you wanna talk about that right now if you'd rather just take care of this business.

Mr. Vanderbilt: Well, maybe we'll just put that all in the motion. Oh, our Corp. Counsel is saying -- so what, at this point, I thought the schedule was to meet at the airport at 8 or 8:30, and you said you wanted to see a lot more of La`au Point. Did we -- I can't recall if we determined how long the site visit would be.

Ms. McPherson: Well, we had discussed having it go to about 3, 3:00, if that's possible for the commissioners, with a break in the middle. And the idea being that we could go down Hale o Lono Road, towards the harbor, walk in along the coastline, come back; go back up; go down again to the north side; come back up, and then possibly go down to the Kaluakoi side to Dixie Maru and look at where they're talking about to -- to put the road in and all that sort of thing.

Mr. Vanderbilt: Thank you. Thank you.

Ms. Buchanan: Chairman Vanderbilt, can you define limited?

Mr. Vanderbilt: I will defer -- you're probably looking at a detailed definition of limited, huh? So I will defer to our Corp. Counsel. Yes, Michael, I -- maybe you could explain to this Commission what the definition of "limited" is in the context of us having a limited meeting.

Mr. Hopper: A limited meeting is just defined by the statutory section that Nancy just referenced. It's actually defined by the fact that no action can be taken, it has to be videotaped, and that it has to be conducted on the basis of the Commission finding and Attorney General concurrence that the area would be -- it would be, I'll find the precise language here, it's actually defined in HRS 92.

Ms. Buchanan: Corp. Counsel, the discussion at the limited site inspection would be on the record though?

Mr. Vanderbilt: Excuse me. Yeah, let him finish cause we can't get into you asking Corp. Counsel. If you wanna ask the Commission a question, we'll ask Corp. Counsel but -- can you state the section and everything in there where this is mentioned?

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Mr. Hopper: It's HRS 92-3.1, the meeting has to be, and that goes through all the definition of what a limited meeting is, it deals with no decisions can be made, the videotape -- it has to be videotaped and the videotape has to be made available, and the meeting has to be, you know, agendaed as if a normal meeting; the main difference is that there can't be any action, there can't be any motions or action taken, and it has to be videotaped and it has to be -- it has to be based on a finding and vote by two-thirds of the Commission, which is six people, to have the meeting based on the fact that the -- that it's necessary to hold the meeting at the dangerous location and the Commission has to specify the reasons for its determination that the location is dangerous to health or safety. Now all it says about the Attorney General is that the Attorney General must concur with that finding. And I spoke with the Attorney General, if you send a -- the Commission sends a letter to them and they agree with the basis of the Commission's finding, then the meeting can go on.

Mr. Vanderbilt: Excuse me. Commissioner Kalanihulia.

Ms. Janice Kalanihulia: Mr. Kalanihulia. Let's back up -- I thought you said "mister." Let's back up a second.

Mr. Vanderbilt: I said "commissioner."

Ms. Kalanihulia: Let's back up a second. Let's back up a second. If the commissioners change their mind and decided that we would have a regular meeting there and we did not take the advice of Corp. Counsel, what is the -- or of the Planning Department, what's the ramifications of that?

Mr. Hopper: The presentation today was just based on the action the Commission voted on, taken last week. I never advised of taking a limited meeting. I gave you that option of having a limited meeting or an open meeting. If you have an open meeting, it has to be conducted just like these meetings where it's open to all members of the public and if it's not open to all members of the public, you can't have the meeting.

Ms. Kalanihulia: I'm sorry, if it's not open, so, in other words, ADA, if someone in a wheelchair couldn't get down there, we can't have the meeting?

Mr. Hopper: We'd have to make accommodations for that person and the property owner would have to agree to allow those people on the property. If they would want, you know, liability waivers or anything like that, they would be within their right to ask for those, I believe. And if people refuse, then you couldn't that as a meeting because open to the public means open to the public, in my interpretation of the statute.

Ms. Kalanihulia: Thank you.

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Mr. Vanderbilt: Well, and I think, just for the members of the public, we wanna continue to go the extra mile as a Commission and -- and be able to say that our Commission went down there on a site visit, like many other people have. It just gives our comments a lot more credibility and I don't want to give Molokai Ranch a way to get out. They're not here tonight. At the last meeting, the General Manager of Community Affairs, John Sabas, mentioned that he thought having a lot of people would be dangerous because they couldn't keep track of them. So if they require waivers to be signed, for example, and one person doesn't wanna sign a waiver, if I'm -- am I correct in saying then we could have the meeting if they didn't let that public person go in because they didn't sign the waiver?

Mr. Hopper: I could review that but in my interpretation of the law right now is that it wouldn't be open to the public in that situation that all members would be there.

Mr. Vanderbilt: And I think so that's why I think we wanna go down there and just get this out of the way to give the integrity that at least we've gone down there and that would add more strength to our comments, which are going to include a lot of your comments.

Ms. Buchanan: As our old Corp. Counsel would say, just -- just a word of caution. What I wanted the definition of limited was -- was in reference to a community member attending the meeting cause we all know, once you on the site, you going talk story. I've been on many site visits that were in a meeting with no action taken but there was discussion. So all I getting at is if this Commission would consider, when they have their site visit, which will be hosted by the applicant --

Mr. Vanderbilt: We hope.

Ms. Buchanan: They have to. Okay, but anyway, that if one or two other community members, now I not saying 25 people, who are willing to sign the waiver, which they definitely will make you sign, if they wanted to attend that, that would be open to this because Sunshine Law violation. I mean it just keeps everything above board regardless of whether we're taping it or not. So that's just my petition to this Commission to open up to at least one or two guys that maybe don't work for the ranch.

Mr. Vanderbilt: Well, I don't think that's an option because you either gotta open it to everybody or not open it to everybody, but Corp. Counsel could clear that up.

Ms. Buchanan: It's, DeGray, it's already open. Anybody can walk down there on the shoreline if they want to. I mean just being part of the itinerary. How's that? If they could share the itinerary with the persons. It's just for accountability.

Mr. Vanderbilt: We're not gonna, yeah, and we're not gonna get into a debate on this.

Ms. Buchanan: It's not a big deal, Chairman Vanderbilt.

Mr. Vanderbilt: Well, let me ask Corporation Counsel a question. Would it be a limited meeting if we allowed five or ten members of the public to come along and didn't allow, say, 200 people wanted to come along and didn't allow those rest of the people?

Mr. Hopper: In my opinion, that creates a problem because on what basis do you choose the few that are going to come and those that don't come, and that's why I'm hesitant to allow that because the definition of an open meeting is just that, it's open to all members of the public, and you can't really have a public election on one or two people to represent the entire public on the issue, that's the problem that I see legally.

Mr. Vanderbilt: Well, I -- and I think, Lori, that your advice is something we'll really take into consideration at -- when this thing is videotaped, we will make sure that any discussions on certain things is held as we come together as a group and not a lot of side conversations and none, and I will -- I'll make that very clear at the start -- actually, hopefully, Chairman Ribao will be there and he can make that very clear to all of us before we start the site visit. But I -- I want the ranch there because I think --

Ms. Buchanan: They have to be there. They're the applicant.

Mr. Vanderbilt: Well, I think Corp. Counsel has said that, well, I'll ask Corp. Counsel, but I think they just have to open the gate and they can -- because that's what one of the options that ranch has said, they sent an email saying that that might be an option, they just open the gate and let us go in, and we want them to be there so we can ask some questions to give use a better understanding so that we can make our comments more thorough. Commissioner Kalanihuia?

Ms. Kalanihuia: What email are you referring to?

Mr. Vanderbilt: That's coming up a little later. There was an email sent in, apparently, to the Planning Department from the ranch today or yesterday that's fairly lengthy, and we're going to get into that explaining why they're not going to be here tonight, and I don't think any of us, well I know none of us have seen the full text of that email. So, Lori, to answer your question, I think -- I hope that we've demonstrated that we are going the extra mile and we'll make sure that this is done right, and we just don't wanna give Molokai Ranch a means of not being there and well represented to answer some questions from this Commission.

Ms. Buchanan: They have to be there. It's a site visit, Chairman Vanderbilt. They have to be there. They're the applicant. It's a site visit. They have to point out the --

Mr. Vanderbilt: But they could -- they could send their new attorney, they could send somebody and that would probably meet the --

Ms. Buchanan: And that's true and emails to the Chair that your fellow commissioners are not aware of would require executive session to discuss that, which you would have to come back and tell this community what the ranch was -- it's not that, DeGray. I not getting into that. I trying to be simple. It's just a matter of accountability. That's all I saying. That's all. I trust all my commissioners. I love all you guys. I trust you guys.

Mr. Vanderbilt: Okay --

Ms. Buchanan: But I also been on many site visits and I hope they're showing you what you need to see and that's why I was interested in the itinerary, okay.

Mr. Vanderbilt: Thank you. Brennan, go to the microphone please ...(inaudible)... but I'll give you -- go ahead.

Mr. Brennan Purtzer: I had one question and that was, we're talking about the limited versus the open status, and I'm sure myself and Todd would be interested in participating in the site visit. I wanna know if there was some different class for press.

Mr. Vanderbilt: Well, I will have to ask Corp. Counsel, but I would assume that you're a member of the public just like Lori's a member of the public.

Mr. Hopper: I would read it as that that the press would be members of the public, but it does say the videotape needs to be made available and that the meeting has to be videotaped, so I'm not certain, at this point, how the department's going to go about doing that or making it available by perhaps distributing it to the television or what, but the -- I would say that, yeah, the press would be considered part of the public.

Mr. Vanderbilt: Well, I would hope that we would have a copy of the tape at the Planning Department as well as, hopefully, making it available on Akaku.

Ms. Buchanan: Chairman Vanderbilt, can we have a copy of the itinerary as soon as it's made available to the commissioners? Me, I have one.

Mr. Vanderbilt: As soon as we have a copy of the itinerary, I think that, as a matter of fact, it has to be posted doesn't it?

Mr. Hopper: Yeah, the agenda has to be posted just like it was a regular meeting.

Mr. Vanderbilt: And can we have that agenda include the itinerary, or would that be the agenda?

Mr. Hopper: Well there's -- I think you could do it either way because no action items actually need to be taken so --

Mr. Vanderbilt: Alright. Well, then, to answer your question, Lori, we will, if we vote for this limited, we will post the itinerary and have it available to the public.

Mr. Hopper: Again, the agenda has to be posted six days prior to the meeting so, I guess, it depends on how much information the Planning Department has at that point, what they could post in the agenda, but it would at least have the schedule date and time for the meeting.

Mr. Vanderbilt: Well, and I think we could have gotten a lot of that cleared up tonight if the ranch had been here, unfortunately, they're not here so, anyway, moving on. I would like to entertain a motion for a limited site visit based on some criteria on the health and safety.

Ms. Kalanihulia: Could we defer that until we hear the contents of the email?

Mr. Vanderbilt: Sure, we can. Corp. Counsel, do you see any problem -- have you seen the email?

Mr. Hopper: I haven't had a chance to read it. I'm not sure -- this is -- I haven't had a chance to review it. It appears to just be from Nancy McPherson to the Planning Department but I'm not sure it involves the -- it was a Commission, intended for Commission communication. I'm not certain.

Mr. Vanderbilt: Well, yeah, let's take a five-minute break on this because we need to find out. I'm a little troubled by the fact that there's an email communication between an applicant and the Planning Department, there's some concern about sharing that with the Planning Commission, whether -- I just don't get that, but we'll have to talk about that during the break. So if -- is that okay for the commissioners to have a five-minute break? Oh we can't talk during the break but we can go out and visit -- we can go out and visit our neighbors, huh? Oh, okay, but we can -- and we can go to the bathroom, okay, so we have a five-minute break. Thank you. No talking in the bathroom.

(A recess was called at 7:15 p.m., and reconvened at 7:26 p.m.)

Mr. Vanderbilt: Okay, I'd like to call this meeting back to order because we have a couple of things. We wanna figure out something with this email, we need to vote on the site visit,

and we need to take a -- consider a vote on accepting our initial package of comments, if we wanna approve those tonight and get them moving through the pipeline with the potential of having additional comments at our February 14 meeting approved, because between now and then, after tonight's testimony, there may be some more comments coming in from the Commission. So, with that, Nancy, can you slip up to the mike and give us a little insight on this email? Nancy?

Ms. McPherson: Yes?

Mr. Vanderbilt: Let me just ask you something. Does this email have any reference to the site visit anywhere in it?

Ms. McPherson: I don't believe so.

Mr. Vanderbilt: There's nothing in there that says that, as far as this --

Ms. McPherson: Oh, yeah, there is. There's something at the end.

Mr. Vanderbilt: Okay. Okay. So I think it's appropriate then. Before we get into a long explanation, maybe you can explain the origin of the email and when it came in to you.

Ms. McPherson: Well, I have been, you know, trying to coordinate things as best as I can for these meetings and I, you know, it's challenging. We have a lot of activity and there's a lot of communication required. You know, I was asked to, you know, work with the applicant to discuss the site visit and how to get the Planning Commission down there and etcetera, etcetera. Well, what I did was I sent out an email today, pretty late in the day, actually, I think it was this afternoon, asking them, I think I sent it to John Sabas, and I asked him, "Okay, so who all is coming tonight to the meeting?" And he responded that nobody was, well, he actually just responded that he and, I forget who the other person was that I asked if they were coming, that these people weren't coming and then he kinda just went into the reasons why they weren't coming that they felt that this was just discussing the draft comments on the -- you know, the comments on the Draft EIS, and that they had come to the last meeting as just to observe. And so I thought that was kind of interesting. But, you know, it was we were getting ready to come over here to set up this meeting so I didn't really have time to respond or follow-up on that at all. So I just kind of took their comments, you know, I discussed them with Clayton, and you were asking me questions about, well, is the ranch going to be there tonight, and so I responded, and I told you, "Well, it looks like they're not."

Mr. Vanderbilt: Okay, now with regard to the site visit, can you read any reference to the site visit in that email to us so we have an idea if it might impact our motion?

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Ms. McPherson: They say at the end that given some of the comments that they had heard at the last meeting, they weren't sure that they should be there when the Commission discussed the site visit, and they also were concerned that going along on the site visit might, you know, violate the trust of the community that maybe they felt that, you know, that that should be an option for the Commission to go without them, basically. So they said they'd leave it up to the Commission to decide what they wanted to do and how they wanted to, you know, leave the site visit up, totally up to us, basically, staff and the Commission.

Mr. Vanderbilt: Alright, so -- and your feeling is that if we say we would like John Sabas and your attorney or somebody there, that they will ...(inaudible)...

Ms. McPherson: Yeah, they gave assurance that they, you know, we're just standing by, basically, waiting to assist the Commission and staff however they could.

Mr. Vanderbilt: Thank you. One last question. I don't know if you can answer this or Clayton, is there any reason that that email cannot be made part of the public file since there was questions tonight from the people that were testifying just wondering why the ranch wasn't here, and it doesn't seem like that grave of a email, it's just explaining why they aren't here, and is there any reason that couldn't be made part of the public record? Clayton, maybe you could answer that.

Mr. Yoshida: Mr. Chair, members of the Commission, I don't see problems with, you know, why it would not or it could not be part of the public record.

Mr. Vanderbilt: Thank you. Okay, that having been said, Nancy, do you have anything --

Ms. McPherson: Well, I think we're just concerned that, you know, that, you know, this is not something that -- I mean we're just trying to coordinate, at this point, and, you know, the department's trying to coordinate with the applicant and --

Mr. Vanderbilt: Well, I guess I -- excuse me, Nancy. I wouldn't have even brought it up except, you know, the ranch is talking about trust and everything else, and here people come and they expected to see the ranch there just for whatever reason, and so I think that having on the record why they couldn't be here is healthy for everybody involved so, again, we don't get this mistrust or there's some rumor going around as why they weren't here, it's right on the record. So I would ask that you put that in the file ...(inaudible)...

Ms. McPherson: Sure. Yeah, we can provide that.

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Mr. Vanderbilt: Thank you. Now, Commissioner DeCoite, first, then Commissioner Chaikin.

Ms. DeCoite: You know, after that email and without the ranch being here, I think you might have to help me with this, Corp. Counsel, cause I'd like to move ahead with making a motion on this site visit. And you said I would have to amend the limited site visit if I wanted to turnaround and open it up for public site visit. Correct me if I'm wrong, and what I was about to attempt to do was amend the previous motion on the limited site visit due to dangerous and hazardous conditions, and after Nancy McPherson's statement on those five areas, I believe that the majority of the public is used to these kind of dangerous and exhausting areas that I would like to make a motion and open it up to the public. Am I correct on that or do I got to --

Ms. Kalanihulia: I'll second that motion.

Ms. DeCoite: Thank you.

Mr. Vanderbilt: Alright. We're going to give this over to Corp. Counsel because I think it's great that Michael's here, and we're all trying to learn Robert's Rules and everything, so rather than us stumble around for a half-hour, let's let Michael give us -- enlighten us a little bit on where we gotta go.

Mr. Hopper: You would state that you'd like to make a motion and then you would state what the motion would be. And it sounds like you want to make a motion to amend the Commission's previous motion to have a limited site visit on the 7th, and you can make that a -- to make that be a -- be an open meeting rather than call it a limited meeting, it would now be an open meeting. Now, if you make that motion, then we don't -- there's no Attorney General concurrence required at all, but the ranch would have to make provisions for -- leave it open to the public, they could require the public to sign waivers to make their -- if that couldn't be coordinated between now and, I think there's about a couple of days between now and the time we would need to post the agenda, then there couldn't be a visit. So that's -- that would be the situation. But if the Commission feels that it wants to have a public meeting, it would amend the motion that was made, and this was a motion made at, actually, at this same meeting, this meeting was actually continued, so it's still considered to be this same meeting, you'd want to amend that motion and state that you would amend that motion to -- to read that instead of having a limited meeting on February 7, you would have an open meeting on February 7.

Mr. Vanderbilt: Do I hear a motion?

Ms. DeCoite: Yeah, the motion would be --

Mr. Vanderbilt: Commissioner DeCoite?

Ms. DeCoite: I would like to make a motion to amend the limited meeting on January 24, I mean for February 7 to be an open public meeting.

Mr. Vanderbilt: Is there a second to that motion?

Ms. Kalanihulia: I'll second that motion.

Mr. Vanderbilt: Any discussion, Commissioner DeCoite? Commissioner Chaikin?

Mr. Chaikin: Yeah, just a comment, just to back-up a little bit of where -- how we got to this position in the first place. When the site visit issue came up, we had decided that it was going to be a logistic problem to get hundreds of people down to La`au Point, so we had come up with the idea of the limited meeting. And then it got to the point where, oh, now we gotta come up with the safety and hazard concern. So then we dreamed up something that would, you know, be a safety and hazard concern. And then we came back today and now we find that the Attorney General has to agree with our finding. And it's just getting to the point where we really need to make this as open as possible. We've heard people speak and I think we need to open it up and just let whoever wants to come come.

Mr. Vanderbilt: Is there any other discussion? Yeah, I'd just like to make a comment. I would be -- I think that if we could -- I mean I guess what people fear is that everybody will call out the troops on both sides, and so I would hope that it's a work day and I would hope it didn't get into a big circus down there only because I just don't want the whole thing to fall apart and -- but we would welcome the public to be there if this motion passes. So is there any further discussion?

Ms. DeCoite: Yeah, I would just like to --

Mr. Vanderbilt: Commissioner DeCoite?

Ms. DeCoite: Say that, you know, if we could, you know, hopefully, you know we could keep it at a minimum on the public, you know, cause we're basically going down there and try do some findings ourselves so, you know, if everybody can kind of cooperate and work with us on that also. Thank you.

Mr. Vanderbilt: Thank you, Commissioner DeCoite. Any further discussion? Commissioner Feeter?

Mr. Bill Feeter: Yeah, Mr. Chair, could we define the route that we would take?

Mr. Vanderbilt: Well, again, if Molokai Ranch was here, it were to be a big help to get some of that on the record right now. I think, at best, we could probably say that we're going to meet at the -- I think we were going to meet at the airport at 8:30, and leave it at that, and give Nancy another job that she probably doesn't need to try to work with the ranch to get an itinerary that would give us the best exposure to the total property.

Ms. McPherson: Now, to my -- oh, Nancy McPherson, Staff Planner. To my knowledge, Hale o Lono, the road to Hale o Lono Harbor is open to the public. Is that still correct?

Mr. Vanderbilt: Correct.

Ms. McPherson: Okay, that was a -- that was a hard won battle too, I think, originally. But so we could conceivably go down that road and walk along the coastline because it is true that up to high water mark, that's State owned property and people are allowed to travel along those areas freely so -- the other thing we could do then is if we, you know, and I know the ranch wants to cooperate and wants to let us in and all of that stuff, so that's fine, but I mean the either end of it is actually, basically, open road.

Mr. Vanderbilt: Okay. Okay, Nancy. Well, I think we -- why don't you try to set-up with the ranch the itinerary and we can -- we can agree to meet at the airport at 8:30.

Ms. McPherson: Yeah.

Mr. Vanderbilt: And then, at that time, you can let us know if the ranch is going to supply some vehicles or what needs to be done and so on.

Ms. McPherson: Well, we're --

Mr. Vanderbilt: But I don't think we can get into that tonight without the ranch here.

Ms. McPherson: No, and we -- but we also will be -- we can include that as part of the public notice as well, if that's what the Commission wishes.

Mr. Vanderbilt: Okay, but right now, if this motion passes, and I think that we would meet at 8:30.

Ms. McPherson: Yes.

Mr. Vanderbilt: Okay, so anyway, is there any further discussion on the motion?

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

It has been moved by Ms. DeCoite, seconded by Ms. Kalanihuia, then unanimously

VOTED: to amend the limited meeting for February 7 to be an open public meeting.

Mr. Vanderbilt: Motion carried unanimously. We'll have an open public site visit on February 7, and we'll meet at 8:30 at the airport to start the site visit. Okay, with that done, we have another item here and that is whether we want to make a formal -- we could. I think that -- no, yeah. Okay. Yeah, I know. Corp. Counsel's worried about talking on the side and that's a legitimate ...(inaudible)... but I was requested by Mr. Ritte to allow another testifier, who couldn't get off work, to come up and testify, and if there's no -- no problem with the commissioners, is that okay if we -- any problem? Okay. Vanda, would you like to --

Ms. Vanda Hanakahi: Aloha ahiahi kakou. I am Vanda . . . Hanakahi, born on Molokai, and raised, adopted and raised by my grandparents, Elena Makaiwi and William . . . Wallace. I'm here to testify on behalf of my kupuna and myself. Having been born here and raised by kupuna, and to be raised in a culturally rich lifestyle with my kupuna, and understanding through ancient chants that were passed down that were -- are over 900 years, and kept by Kumu Kaimikaua and shared with us in conjunction with knowledge from kupuna, that I know La`au is a sacred place. I had a chance to read part of the EIS and one part of it had to do with the fishes and that there's, you know, it's like 43 percent less; in other words, the kind of fishing that would be done does not impact on our local people. I would like to say that would be untrue. From ancient times, in our chants, it was recorded that that was the place that the kahuna closed their makahiki -- the ceremony that with the rising of the makali`i, the pleiades, they would have an opening ceremony at Kapu`upoi, which is the eastern, at the eastern most tip of Molokai. From there, they would travel along the coastline of Molokai, and end at La`au, and that was a sacred place. And I know, from my own upbringing, that no place is randomly chosen by our kupuna, that once a place is designated sacred, it is sacred, and that was a place that they held their closing ceremony known as khipukai o lono. Now out at La`au is a heiau and a heiau, underwater heiau, is built in the front of every ahupua`a of Molokai. The mana of the ahupua`a, beginning at La`au, up to Pala`au, is to attract the fishes.

In these times, my own nephew, I was just speaking to him today and he's willing to do an affidavit, that he's gone fishing and he knows all of the moi holes. There are many, every kind of fish you can think of that we enjoy eating. The moi, the kole, the awholehole, manini. All of those fishes are plentiful. But in the ancient chant it talks about all of those fishes, the kumu, that attracts to the heiau, and from La`au, they being their travel. And so we have a word that only specific to Molokai, you will not even find it in Pukui's dictionary.

That word is po`olo`olou, which means turbulent. So when we talk about kai po`olo`olou, that is a metaphor for the wealth of Molokai. In the turbulence of the water, that signified the fishes gathering and gathering and gathering, from La`au all the way to Pala`au. At Pala`au, there are two heiau. One of Ku and one of Hina. And we know in our own culture that everything is in reference to kane and wahine because of procreation and to multiply. So that's where the spawning would begin, and as the fishes would swim up to the east end of Molokai, they -- those iolei, we refer to the fish that's hatchling as iole, would stock the fishpond.

So my point in saying all of this is that there is a historical record, there is a cultural record. And for it to be said that there's not, the fishes are not as great as other fishing grounds of Molokai, that is untrue. And so I would like to go on record to say, as a kupa o ka`aina, as a kanaka maole, as a keiki o ka`aina of Molokai, I am against the development of La`au. It was designated sacred, that's where the kahuna held their closing ceremonies, and I understand, from my own upbringing, that pani, is very significant because in that pani is the closing ceremony in which your -- all of your essence, your mana, goes into asking for the fruition or the -- that the land would be fertile, the fish would be abundant, the land would produce and malama the people. So I can say that, from a cultural perspective, from my own knowledge as a Hawaiian practitioner, that La`au must be saved and not developed. That is my mana`o that I wanna share with you. Mahalo for giving me the time this evening. To all of you members and to those from off-island, mahalo nui loa.

Mr. Vanderbilt: Thank you, Vanda. Any questions for Vanda from the commissioners? Thank you very much. Okay, moving on, we have -- Nancy was nice enough to -- is this the package of -- did you make a copy of the package you gave out last time?

Ms. McPherson: No.

Mr. Vanderbilt: You didn't?

Ms. McPherson: No.

Mr. Vanderbilt: Alright. I don't know if everybody brought their package from last time of the comments. Well it looks like everybody -- I had asked Nancy to make copies because the commissioners would probably forget to bring them. It looks like everybody brought them except the Chair, so I was trying to cover my okole with that -- oh, here we go. I got a copy now. Okay, so, moving on. I think what -- the Chair would like to entertain a motion to formally accept these initial comments from the Commission with the understanding that the Commission will have an opportunity to make additional comments, approve additional comments at its February 14 meeting.

Ms. DeCoite: I'll second that motion.

Mr. Vanderbilt: No, I was asking for somebody to make that motion.

Ms. DeCoite: Oh, okay. Yeah, I'll make that motion to -- to have this questions and comments to be submitted and have additional comments at our February 14.

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

Mr. Chaikin: Yeah, just for clarification. We have two piles of comments here. Some were compiled from this Commission; the other ones were compiled from all of the comments that we got from the public. Which comments are we referring to?

Mr. Vanderbilt: Well, these -- the ones I'm referring to were given at the last meeting here.

Mr. Chaikin: Okay.

Mr. Vanderbilt: These have been handed in by the public, and Nancy has not had time to pull them all together in categories that would make sense, so she will do that for our February 14 meeting, along with any other comments from the commissioners. I know some of the commissioners need a little more time to -- to digest everything that's been said, plus a little more time to review this document, so -- the date of what memo? Oh, it's the 18th -- January 18, 2007. So that -- is there anymore discussion? Hearing none.

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

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

VOTED: to have the January 18, 2007 questions and comments to be submitted and have additional comments at the February 14, 2007 meeting.

Mr. Vanderbilt: Motion carried unanimously. At this point, I would like to say that we received, just for the record, we have received comments from the Planning Department themselves, dated January 30, 2007; we have -- hold on a minute. We're getting so much paper here, it's just getting -- hold on just a minute. Alright, I have it. Alright, for the record, we've received comments from the Planning Department, dated January 30, 2007; we received written testimony today, dated January 30, 2007, from Hui Ho`opakele Aina questioning the expansion of the SMA; we received comments, written comments, dated

January 27, from Elizabeth Johnson of Kaunakakai regarding deficiencies in the Draft EIS; we received, at our last meeting, a letter dated January 23, 2007, from Valerie Monson talking about the fact that she did not participate in the -- in the formation of the master plan even though her name was mentioned; and we have a letter, dated Thursday, December 28, from a Jeffrey Friedman and Suzanna Yacht of Honolulu putting in some comments on the Draft EIS; and, finally, it will be in the file is something that the commissioners got tonight from our Molokai Planning Commission Orientation Workshop, dated April 12, 2006, which gives some idea of how the EA is processed through the County. So I just wanted to put those on the record so anybody reading the meetings would know where to refer to.

There's one other thing that I wanted to ask. At our last meeting, Colleen Suyama was going to get back to this Commission with something in writing talking about the -- the SMA area and what our jurisdiction is there, is it going to be on part of the project or all the project, and did we get handed out something, Clayton, on that?

Mr. Yoshida: Yes, Mr. Vice-Chair, members of the Commission, as you had previously noted, we had distributed, the department had distributed a January 30 memo. In it, we -- two questions as to who makes the determination regarding the scope of the SMA. According to your rules, your SMA rules, it's the Planning Director. And question number two, the clarify what is identified in the SMA application for La`au and whether the Planning Department has made a determination as to whether the whole or partial will be reviewed by the SMA permit. We did attached Exhibit A, which is the SMA area permit application form that was submitted to us by Molokai Properties, Limited. It does describe the proposed development as the work within the defined special management area. That's what was submitted to us. And we are looking at that question as to whether the whole or partial area will be reviewed by the SMA permit relative to your SMA rules, the State statute, and case law, and we will inform the applicant and the Commission regarding the decision on the scope of the SMA application.

Mr. Vanderbilt: And that, excuse me, are there any questions from the commissioners on this? Clayton, so you said that the director will make that determination?

Mr. Yoshida: Yes, we would -- we wanna review the SMA rules, the State statute, Chapter 205A, and case law regarding similar type projects.

Mr. Vanderbilt: And that would take into consideration certain things that the development that's in the SMA as part of a larger action?

Mr. Yoshida: Yes, that the total project is more than just those actions that are occurring in the defined special management area.

Mr. Vanderbilt: Thank you. One other question. We've had a testifier, I think, Mahealani Davis and written testimony from Hui Ho`opakele Aina regarding the status of the SMA, we initiated the process back in almost two years ago, almost three years ago, I think it was, to move things forward, we passed a motion to make the entire island SMA, which is an implementing action called for in our current community plan, and the expansion of the SMA boundary was also an implementing action the 1984 community plan, so it's been on the books for twenty something years, and it was going along, the then Deputy Planning Director said, testified before our Commission, it'd take eight months, and then it just fell off the radar and, I guess, it's this Commission's -- the buck stops right here and I think is noted in some of the testimonies. Could we get a status of where that is, if not tonight, a written status of where it is right now and how it can get back on track by our next meeting?

Mr. Yoshida: You're talking about the February 14 --

Mr. Vanderbilt: Yeah, I just -- I would like the Commission to get something back in writing but, just for the record, just off the top of your head, do you know some of the details or would you rather wait till February 14?

Mr. Yoshida: I'd like the opportunity to confer with our coastal resources planner.

Mr. Vanderbilt: And who would that be?

Mr. Yoshida: Thorne Abbott.

Mr. Vanderbilt: Thorne Abbott? Okay. Thank you.

Ms. DeCoite: Mr. Chair? Excuse me?

Mr. Vanderbilt: Oh, Commissioner DeCoite, sorry.

Ms. DeCoite: So, with that, can we -- are we allowed to agenda this SMA for next meeting, February 14? Is --

Mr. Vanderbilt: Well, I think we have a pretty big plate next meeting, we got a public hearing on something, but I think we can get the written report from Planning and then, at that point, after we understand where it is and where it might go, we can agenda it for the following meeting. But let's see -- see where it is.

Ms. DeCoite: Okay.

Mr. Vanderbilt: Well, I think -- oh, in answer to your question, would the Commission like this to be an item, just a communication item that we can at least discuss? You want that? Would that be helpful?

Ms. DeCoite: Yes. That's what I would like to get the update and be discussed upon.

Mr. Vanderbilt: Well, Clayton, if it's possible, if we could just have that as a communication item so that at least the Commission can discuss what report you bring back. Is there a problem with that or is there another way to do the same thing?

Mr. Yoshida: No, that's fine.

Mr. Vanderbilt: Thank you. Okay, is there any announcements that anybody has? Commissioner Chaikin?

Mr. Chaikin: Yeah, I just wanted to -- I mean earlier, on the 24th meeting, we had an opportunity to ask questions about the process because I think all of us, sitting up here at this table, we don't have any background in planning and the permitting process, and if we're going to be asked to make decisions that affect people's lives, we should, at a bare minimum, know the process, and usually the forum of these meetings do not allow for us to have that opportunity to ask questions about the process and what happens if then and that, so I hope that, I don't know if right now is the time, but I hope that within the next few meetings we'll have another opportunity to ask a series of questions so we can bring a little more clarity to a blurry picture.

Mr. Vanderbilt: Commissioner Kalanihulia?

Ms. Kalanihulia: I think at the last meeting I asked for some sort of an algorithm and if someone could get that to us, that might at least begin to help us figure out what the process is or if this happens, then this happens; if this --

Mr. Vanderbilt: Alright --

Mr. Yoshida: Yes, Mr. Chair, that's why we circulated copies of the orientation workshop slides because in it --

Ms. Kalanihulia: That's your -- okay.

Mr. Yoshida: They talk about the process, like say on Page 21 of that handout, it talks about the environmental impact statement process and the various steps that are taken

for -- in processing and environmental impact statement, and that has to be done before permit processing.

Mr. Vanderbilt: And does it give the time lines, like --

Mr. Yoshida: It does talk about the 60-day challenge period; it does talk about the 30-day public comment period on the EIS preparation notice; it does talk about the 45-day public comment period on the draft EIS.

Mr. Vanderbilt: And then how about the -- where the community was getting confused was on the concurrent processing. Does it have the details on the community plan amendment and the change in zoning process, like once it starts, how long this Commission has to react and all of that? Is that in that document?

Mr. Yoshida: Well, I guess on Page 19 of that -- the slides of the orientation workshop that was conducted for the Commission back in April 2006, it does talk about the planning framework, and as you move from left to right, it does talk about the general plan and community plans; the community plan amendment; who is the reviewing agency, which is the Molokai Planning Commission, it does talk -- the next column is the State land use district boundary amendment, that it's more than 15 acres, I'm talking about Page 19 of the handout, the top slide, that if the boundary reclassification is more than 15 acres, then the Land Use Commission deals with the -- and it does talk about zoning, the next column, and --

Mr. Vanderbilt: Okay, but this is a lot of work for this Commission to try to filter through all this stuff. Isn't there some way, based on the concurrent processing, as I understand it, once the draft -- final EIS is accepted and has cleared all legal challenges, they can start public hearings at the State level and public hearings on the community plan level and the change in zoning level at the same time. Is that correct?

Mr. Yoshida: Yes, that's correct.

Mr. Vanderbilt: And I guess the community's worried, I mean the State process is sort of quasi-judicial and there's going to be a lot more detail and everything, and stuff that comes out, and that could take a year or eight months, but the County process, we have to have our recommendations back, I think, within a 120 days from you -- from when the final EIS is accepted, so we'll have to make our recommendations and a lot more stuff could come out that we might have wanted to include in our recommendation, so I think that's what we need to understand. If you could put some kind of time line together next meeting, the best your can, I mean -- oh, excuse me, Commissioner Kalanihūia?

Ms. Kalanihulia: You know, I apologize that this was one of the things that you handed out when we sat down so I didn't have time to really look at it. I didn't realize that this was the answer to my question. But I think what I'm looking for is something like this specific to this process, specific to the La`au process, not a global view but to this particular instance.

Mr. Vanderbilt: Do you think you can put together something for the next meeting?

Mr. Yoshida: Put a flowchart together.

Mr. Vanderbilt: Okay, well, I appreciate that and I'm sure all the other commissioners will also. And is there any -- any other announcements or comments from the commissioners? If not -- oh, Commissioner Chaikin?

Mr. Chaikin: Yeah, you know, one of the things that was a little bit confusing about this particular meeting is how the public was going to be notified of it. We did have that earlier meeting and then we just kind of decided, at that meeting, that we were going to have, you know, a continuation of the meeting, and I was just wondering how the public is going to be informed of this public hearing, and I think we need to at least, within this Commission, it's really our responsibility to, you know, to figure that out and solve that and make sure that the public, you know, gets notice of when there is going to be a continued meeting.

Mr. Vanderbilt: Nancy, was there any posting of the 24th agenda saying it's recess till today here? Clayton, what's the normal way of noticing the public of a recess meeting, as mister -- as Commissioner Chaikin asked?

Mr. Yoshida: Well, I guess we would just have a notice outside the meeting area just saying it's recessed to whatever date, whatever time.

Mr. Vanderbilt: Nancy, did we do that?

Ms. McPherson: No, I don't believe we did.

Mr. Vanderbilt: Well, we'll do it next time, right?

Ms. McPherson: Definitely.

Mr. Vanderbilt: Good. Thank you very much. Any other questions? Commissioner Chaikin.

Mr. Chaikin: I would just say that would be the absolute bare minimum that we would wanna do. I wanna actually get the, you know, the information out to the public somehow,

maybe by putting up notices around town or something, other than, yeah, other than, you know, the absolute bare minimum. That's not really going beyond the call to do our job.

Ms. McPherson: Well, I think what happened was actually Brennan put an article in his newspaper but he got the date wrong so, he put in the 25th, and that was incorrect, so that even actually confused people even more so --

Mr. Vanderbilt: Okay, well --

Ms. McPherson: I'll make sure that something correct gets into the newspaper.

Mr. Vanderbilt: Well, we're all learning and, Nancy, you're taking on a big job here and you're doing a great job trying to get everything going so, anyway, with that, if there's no more comments, do I hear a motion to adjourn? Oh, excuse me. Corporation Counsel.

Mr. Hopper: Sorry, yeah, I saw enthusiasm you had when I wanted to say something. But just that the next meeting on the 14th is going to be the last, we'll hopefully have the site visit, but it's going to be the last meeting before adopting your comments on the Draft EIS, you could potentially continue that, and I know that you're all -- all want to know about the overall process here, but I think it's very critical to really review that Draft EIS and have your comments ready by that next meeting because there's -- there's going to be yet another opportunity for the public to testify, it's a new meeting, so the public will testify on that and then you'll have to adopt your comments, and there's also some other public hearing items that the department has to go over then, so that's going to be a pretty full agenda, so just to concentrate on getting your final comments to the Draft EIS and that's extremely important to have those done and ready by that meeting because the 23rd is going to happen after that and we can't agenda another meeting until that, we could continue one, but we couldn't agenda one, so just to let you know.

Mr. Vanderbilt: And, Nancy, realistically, to get these out, I guess if we waiting till the 7th or 8th, probably all you could do would be delivering them to us at the meeting. When would you have to have them to be able to get them out to us in the package for the February 14? Probably in the next few days, huh?

Ms. McPherson: Yeah, it would -- well, if we take six days back from the 14th and that would be the 8th, and I need a couple of days before that, which would be the 6th, so we're talking the 7th, I think, at the latest.

Mr. Vanderbilt: So maybe -- and you would prefer if we could email them into you?

Ms. McPherson: Yes, either --

Mr. Vanderbilt: Okay, cause I know you got some handwritten ones, which is -- that's okay on Molokai but --

Ms. McPherson: Well, if it's only two pages. If it's 20 pages, then that's going to be a problem.

Mr. Vanderbilt: No. So I would hope that the commissioners would try to -- to email them in. It'll make her job a lot easier and, again, I wanna thank you for the due diligence you're putting in and pulling all these things together, I know it's a tough job with everything else you got to do so --

Ms. McPherson: Thank you.

Mr. Vanderbilt: With that, if we have -- oh, Commissioner Chaikin?

Mr. Chaikin: Sorry, just one more. The comments that we have, we have this pile of comments that came in from the public that's getting compiled, are those comments just going to be sent in on their own or do they go through us for approval and then we send them in?

Mr. Hopper: Well, the comments, in order for the Commission, this is the Commission making comments, and in order for the Commission to make any comments or really to take any action, there has to be a vote taken, and unless you take a vote, a motion and a vote to adopt certain public comments as your own, I don't think they'll be forwarded by Nancy. It would be up to those people individually to send those comments in because those aren't the Commission's comments until they're adopted by the Commission, and I would highly recommend not adopting just a blanket of all the comments because some could be contradictory, some could have different -- you need to read through them and determine which ones you'd like to adopt or which ones you wouldn't, and that's why Nancy was taking notes on what the people were saying in their public testimony, but, you know, the people also need to realize that, by testifying before us, they're not submitting their comments. It's only by absorbing that testimony and adopting the motions on -- and also adopting -- the Commission adopting the motions that the Commission can actually make its comments.

Mr. Chaikin: Okay, cause that's -- that gets a little confusing cause I think that we had portrayed to the public that if they turn their comments in here, that they would be recorded and passed on, but what I'm hearing now, that's not the case. All these people that testified, it's just moot unless we adopt them and pass them on. So we need really clarification, you know, whether or not, you know, these people that have testified whether their comments are going to count or not.

Mr. Vanderbilt: Commissioner Chaikin, if I could just address that point. I think we've told everybody, and I think a lot of the people understand that they're going to send their own comments in but they want to send their comments to us in case there's some things that we feel are very important because maybe our comments carry more weight down the line if they're not answered, and they're coming from the Commission versus somebody else, and I would like this Commission to consider to allowing Nancy to filter through these and our comments and every -- and arrange them and knock out the -- the repetitive ones and try to condense it down into something that we could look at on the 14th and approve, if that's alright with the other commissioners. Commissioner DeCoite.

Ms. DeCoite: Mr. Chair, you know, I know Nancy has a lot to do and I kinda just no like miss the boat, you know, on the comments and stuff, so I mean I don't know if maybe we should, and I don't know what the ruling is on Corp. Counsel, if we should be actually ciphering this, sitting down, pushing the thing through directly to Nancy instead of -- I mean there's a lot of comments and stuff and we should, you know, basically single them out, so whether or not we gotta put a committee in two days and say, "Let's sit down and do this and then pass it to Nancy," because --

Mr. Vanderbilt: Well, see, Commissioner DeCoite, I think the problem is that there's -- there's going to be more comments coming in from us. This isn't it. We have -- there's other commissioners I know that are going to put some comments in. And so I don't know. I just think that if we all look at it, I don't know. I just think it would be -- go ahead, Nancy.

Ms. McPherson: Can I respond? Nancy McPherson, Staff Planner, Vice-Chair DeGray. What I see happening here is, for one thing, all written testimony that was submitted has been forwarded to the applicant, so if people submitted testimony in writing, is that correct? Yeah, that they -- because they told us that they would accept all testimony in writing.

Mr. Hopper: Yes, and that's to be distinguished from the Commission's comments. If that's being done, then yeah, they'll be coming from those individuals. It's -- I mean it's good we're submitting that to them, it's as if they're submitting it, but then those aren't considered comments of the Commission until they're adopted by the Commission. It's a distinction.

Ms. McPherson: Right, and what you have the option of doing is incorporating. Now I've already drafted a separate letter. I may submit additional comments as well. You can incorporate my comments; you can incorporate comments that have been submitted in writing by the public; you can incorporate verbal comments that you've heard during these hearings, and I think the key term is here is quality not quantity. I think the main thing is to really look, like some of the things that were brought up today by the public, some key omissions, errors, etcetera, information that needs to be included that isn't included. You

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gotta go through it with a fine tooth comb and the public can help you because they've all been working on this and looking through this, so it would make sense for you to read through their comments and go, "I agree with that. I agree with that. I agree with that." And just -- if you let me know that those are high priority items for you, I can use my planner's discretion and training to help identify that as well, but maybe the team approach is the way to go here.

Mr. Vanderbilt: Okay, that's a good suggestion. Lynn, would you see that if each commissioner, we're going to go through this ourselves, we're going to have our own comments, we have this package, and let's each of us incorporate those and send them all in to Nancy and she can decipher the rest, and she may have some more that come in a little bit that we can look at on the 14th or something and put them in, but I think if -- I think if we all take it upon ourselves because I don't think anybody wants to -- well, maybe I'm speaking out of term, form a committee.

Ms. McPherson: I don't think we have time to do that actually.

Mr. Vanderbilt: Yeah, we don't have time and so let's try to get our comments in and take what we've heard here, which brings me to another point. There was some really outstanding comments at both the 24th and 30th that were the result of people really going through this document. Now, the only place those can be made available are in the minutes and I would like to see a rush job on the minutes from -- completed from the 10th meeting, the 24th, and the 30th. Now, they can be done over in Maui, we have Nina right here who used to do the minutes and she, I don't know if can or is willing to help out -- well, I don't know about that, but I think we have a resource here too to help out in these situations cause there's a tremendous workload over in Maui too, so if something like that could happen, I would like to see the minutes completed, hopefully, as soon as possible and mailed out to all these commissioners.

Ms. McPherson: Well, I'm going to try.

Mr. Vanderbilt: The draft minutes.

Ms. McPherson: I've been provided with copies of tapes of the previous meeting so I'm going to try to listen to those.

Mr. Vanderbilt: Well, you got a lot of other things to do, you know, we got Suzie and we got Nina, and we have our Planning Director here, and I would hope that, this is such a critical importance to this community, that everybody could coordinate to try to get this out cause there was really some dynamic testimony, I think we owe it to the public who took

the time to really read through all of this, so if we could do that, I don't know how it's going to be done, but if we could do it. Commissioner DeCoite.

Ms. DeCoite: Mr. Chair, can we get cards of the Corp. Counsel, of the Planning -- of our planner and stuff of phone numbers and emails. You know, I had to have some of them written down but being that the hyphen could be an underscore some of the emails got shot back and --

Mr. Vanderbilt: Well, that brings up another point. On the GPAC, all the GPAC members have given their emails to Long Range Planning, so Long Range Planning just fires out things via email. That has never happened with this Planning Commission. I don't think there's a record of any emails of this Planning Commission so any quick turnarounds, like we're faced with now, it gets very awkward, and I don't know about the commissioners if they want to supply their emails to Nancy to make it easier to not only to receive any updates or whatever, but I -- what's the Commission think? Commissioner Chaikin?

Mr. Chaikin: Yeah, I just -- maybe we could have Corp. Counsel just comment on that a little bit if -- if it gets to the point where commissioners are communicating with each other through email, one to one, is that a problem?

Mr. Hopper: I have to stress there can be no communication between two members or more members on any item that has anything to do with the Commission business. You know, you can go out and have a beer and, you know, talk about non-Commission business, but -- and that's pretty strictly enforced, and that's maybe one of the reasons why the email hasn't been used in -- as much in the past cause there's temptation to -- to forward and stuff, but I just have to urge you there's outside communications allowed at all about Commission business. I just can stress that enough.

Mr. Vanderbilt: Well I think Molokai is starting to agree with Michael. He's suggesting going out and having a beer, so we're moving along in the right direction, but aside from that, and I guess the only reason I brought it up, Commissioner Chaikin, was that we were told the same thing on the GPAC but it's just with things move so vast and so many people, it just makes it easier and I guess we have to just trust the system that the -- our commissioners won't abuse it. Commissioner Chaikin.

Mr. Chaikin: Yeah, I mean I don't think that that should, you know, stop us from using email cause we might communicate. I think that we need to use the technology the best of our advantage and I would certainly be willing to give my email address just to move things off a lot more swiftly and --

Mr. Vanderbilt: So, tonight, those folks that want to give Nancy her email address, fine, and then if you could contact the other commissioners, Nancy, and just say that if they would like to be communicated by email. So, Nancy, you could contact Commissioner Dunbar and Commissioner Kalipi and --

Ms. McPherson: Well, Commissioner Dunbar gave me the handwritten comments so I don't know that he has email but perhaps he does so --

Mr. Vanderbilt: Oh, he was the one that gave -- alright. Alright. Well, anyway --

Ms. McPherson: So my only concern would be that not all the commissioners had email and so some will be getting information and others wouldn't and that's not good so --

Mr. Vanderbilt: Okay. Again, we have it working on the GPAC and that's part of Planning too so I -- it's just, if it helps out, let's do it. So, anyway, is there anymore -- if there's no more business, is there a motion to adjourn? Oh, seconded by Commissioner Napoleon. All in favor. Alright, this meeting is adjourned. Thank you very much. Thank you members of the Planning Staff for being here and members of the public.

There being no further business brought before the Commission, the meeting was adjourned at 8:28 p.m.

Respectfully submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards and Commissions I

RECORD OF ATTENDANCE

Present

DeGray Vanderbilt, Vice-Chairperson
Janice Kalanihuia
Steven Chaikin
Sherman Napoleon, Jr.
Lynn DeCoite
Bill Feeter
Kip Dunbar (left the meeting at 6:10 p.m.)

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Excused

Robert Ribao, Chairperson
Joseph Kalipi

Others

Jeffrey Hunt, Planning Director
Clayton Yoshida, Planning Program Administrator
Nancy McPherson, Staff Planner, Molokai
Michael Hopper, Deputy Corporation Counsel