

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

**A. CALL TO ORDER**

The regular meeting of the Molokai Planning Commission (Commission) was called to order by Vice-Chairperson, DeGray Vanderbilt, at 4:38 p.m., Wednesday, January 24, 2007, Mitchell Pauole Center, Kaunakakai, Molokai, Hawaii.

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

Mr. DeGray Vanderbilt: Alright, everybody, this is probably going to be a fairly lengthy meeting so, hopefully, we can get this thing started and move it along. And I wanna welcome all of you to the January 24 Molokai Planning Commission meeting. My name is DeGray Vanderbilt. I'm the Vice-Chair. Robert Ribao's the Chair and he was unable to make it tonight so that's why I'm chairing the meeting.

Before we get started, I would like to introduce some of the members of the Molokai Planning Department staff that are here with us to help out through the meeting. Over there, maybe you could just raise your hand, we have Colleen Suyama, who is the newly appointed Deputy Director of the Planning Department. We have Clayton Yoshida, who's the Planning Program Administrator for the County. We have Suzie Esmeralda, who's the Secretary for Boards and Commissions with the County. We have Nancy McPherson, who is our new Molokai Planner who is living on Molokai right now. And we have Michael Hopper, right here, who is the -- are you the Deputy -- Deputy Corporation Counsel, that's the fancy name for a lawyer, and he's going to be giving any advice that he can tonight that might help us understand the process. And I don't know if I've left anyone else out here. And I'd like to introduce our Planning Commissioners to you. We have Kip Dunbar, Commissioner Dunbar on the far end. Next to him is Sherman Napoleon. Next to him Bill Feeter. And next, Joe Kalipi. And Lynn DeCoite. Steve Chaikin. And Janice Kalanihuia. And myself.

So with that, I'd like to call the meeting order and the first thing on here is I'd like to see if we could maybe move something up on the agenda if there was -- Corporation Counsel says that the first item would be to approve the minutes of the December 13 meeting. Do I have a motion to approve the minutes?

**B. APPROVAL OF THE MINUTES OF THE DECEMBER 13, 2006 MEETING**

Mr. Vanderbilt: Moved by Commissioner Feeter. Is there a second? Second by Commissioner Kalipi. Any discussion?

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

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

**VOTED: to approve the minutes of the December 13, 2006 meeting.**

Mr. Vanderbilt: Motion carried.

**D. SCHEDULING OF A SPECIAL MEETING OF THE MOLOKAI PLANNING COMMISSION**

- 1. Pursuant to Section 12-301-9(f), Planning Director Jeffrey S. Hunt Requesting Scheduling of a Special Meeting of the Molokai Planning Commission in order to conduct a site inspection of La`au Point to aid the Molokai Planning Commission in its review of the Draft Environmental Impact Statement (DEIS) prepared for MOLOKAI PROPERTIES, LIMITED 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)**

Mr. Vanderbilt: I would like to see if we could move something up on the agenda, if there's problem with the -- with the other commissioners, and that would be Item D, Scheduling a Special Meeting of the Molokai Planning Commission, and that's really with regard to a site visit to Laau Point. Do we have any problem moving that us so that at least we could get that settled because -- it doesn't lost at the end. Okay. Well then we're going to move --

Mr. Kip Dunbar: Okay wait.

Mr. Vanderbilt: Yes, Commissioner Dunbar?

Mr. Dunbar: Mr. Chair, I thought that that scheduling of that special meeting was only if it didn't get handled tonight?

Mr. Vanderbilt: No, the special meeting is for a site visit, not for a continuation of this --

Mr. Dunbar: Decision of a site visit?

Mr. Vanderbilt: Yeah. And I just didn't want it to get lost and we don't get to that because there's a lot of planning that would have to go into arranging the site visit. Okay, so with that, we'll move D. up, and I think the Commission, most of the commissioners wanna have a site visit to Laau Point and I believe that, on a site visit, the public -- they have to be noticed as a regular meeting and the public is allowed to attend. Is that correct, Corp. Counsel?

Mr. Michael Hopper: In order for any action to be taken, yes, the public would have to attend. There can be a -- a limited meeting scheduled for the Commission only but no action could be taken. If there is a vote to have a regular, well, it would be a special meeting, but a meeting there, then, yeah, you would wanna have the public attend and it would have to be conducted just like a regular meeting, which means agendaed and while the meeting's in order, the same formalities need to be observed while on site as we observe here.

Mr. Vanderbilt: Planning Commission staff has suggested maybe February 7 as a possible date for the site visit. How do the commissioners feel about that day? That's a Wednesday. And I think we need at least five commissioners in order to have the site visit. Is that correct?

Mr. Hopper: For a special meeting, it can actually be the chair or the department head but, by way of coordination, I would want to -- we would want to see if everyone from the Commission could make it on that day so I think a vote would be prudent.

Mr. Vanderbilt: Anybody is -- is the 7<sup>th</sup> okay for everybody?

Mr. Steven Chaikin: When is our next regular scheduled meeting?

Mr. Vanderbilt: It would be the second Wednesday in February, which would be the 14<sup>th</sup>. And is there a time preference? Maybe in the morning? It may get a little warm out there. Any suggestions on time? 10:00? 9:00? How about 9:00? Is that alright? 8:00? We might have a problem with some of the Planning staff. I don't know how many members have to be over here. Probably not a whole lot, do they?

Mr. Hopper: That would be a question for Planning.

Ms. Colleen Suyama: With the flights coming over from Maui, I believe 7:45 is the earliest that we would arrive at Molokai Airport, so 8:00 may be a little tight for our departmental staff to make it.

Mr. Vanderbilt: How about 8:30 at the airport?

Ms. Suyama: That'll be fine.

Mr. Vanderbilt: Is that okay with everybody? Okay, so if you all could schedule the site visit for February, what is that? The 8<sup>th</sup>? 8:30 at the airport we would meet.

Ms. Suyama: February 7, Wednesday.

Mr. Vanderbilt: February 7, right.

Mr. Chaikin: Mr. Chair?

Mr. Vanderbilt: Commissioner Chaikin?

Mr. Chaikin: Thank you, Mr. Chair. I think that Corporation Counsel is saying that there's two different kinds of meetings we could have. We could either have a regular meeting in which we're going to conduct business where there's an agenda, and there's the other kind of meeting, which will be more of a private meeting between the -- with just the commissioners. I think that's what he was saying. So there's actually a choice of two different types of meetings we would wanna have.

Mr. Vanderbilt: What's the Commission's pleasure? I mean if we have a special meeting versus a working meeting, at either meeting, you can have discussions regarding the project, right?

Mr. Hopper: You would -- you could either have what's called a limited meeting in which case the commissioners can be there but there can't be any action taken, meaning no votes on any motions and, you know, you couldn't have any action, and that does not have to be open to the public if it's in the discretion of the Commission that it's a -- it would be dangerous to have that open to the public. If there's a regular meeting though, for there to be discussion, it has to be open to the public. It has to be open to the public just as, you know, a regular meeting would be in the same way. So there are two different meetings you could have under the rules.

Mr. Vanderbilt: What is -- is there -- let's have some discussion. Does anybody have a preference?

Mr. Chaikin: Well, I just think, from a logistical standpoint, you know, the access to the area, it would be difficult to have, you know, a very large group of people going down there so, from my perspective, I think it would be easier just for the Commission to go out there and have a look. But, I don't know. What do you guys think?

Mr. Vanderbilt: Well, I -- I don't think we would take any action anyway on either meeting. I mean what are we going to take action on? It's just a site visit. So, well, do we have a motion for one type of meeting or the other?

Ms. Lynn DeCoite: I'd like to make a motion to just do a site visit, commissioners only, limited.

Mr. Vanderbilt: Second?

Ms. Janice Kalanihulia: I'll second that.

Mr. Vanderbilt: Any discussion? Okay, Corporation Counsel just mentioned to me that if it's a -- if it's a special meeting just for the commissioners and the public can't be there and -- and I don't know what we want with the site visit, just us or -- so, anyway, any discussion on the motion? Alright, all those in favor of the motion raise your right hand. The motion -- the motion is to have a special meeting with the commissioners to go to the site visit.

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

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

**VOTED: to approve a site visit, commissioners only, a limited meeting.**

Mr. Vanderbilt: The motion is unanimously carried. I'm corrected, it's not a special meeting, it's a limited meeting. Okay, thank you, commissioners. Alright, before we move on to public testimony on Item C., which is Unfinished Business, and this is the Molokai Properties, Limited, requesting comments from the Molokai Planning Commission on the Draft Environmental Impact Statement prepared for the Laau Point Project. The Draft EIS was sent to the commissioners in the second half of December. And this item was deferred from the January 10 meeting. Now there was a meeting to take testimony on January 10. We had several residents testify. We got the message that more people would have showed up if it had been in the evening rather than during work hours, so that is why we scheduled this meeting this evening.

As far as the testimony goes, there will be some rules. You'll have three minutes to testify and at the end of the three minutes, I'll cut in and I'll say you have a choice of taking an additional minute and finishing up, or coming back for an additional three minutes of testimony after everybody else has testified. And when you testify, hopefully, you can keep the -- your testimony focused on the Draft EIS. Now the Draft EIS includes an awful lot of information on everything, on all the ranch properties on Kaunakakai and Kualapu`u, on the resort, water, cultural aspects, archaeological aspects, so, anyway, the more focused

you could be on the comments, the better. We're here to listen to your comments. The Molokai Planning Commission has already come up with their preliminary comments, and thanks to our Planner Nancy McPherson, she put them together in 15 or 20 pages, and they're available at the Planning Commission office. And so, anyway, with that said, give your comments. Nancy, did you wanna give a short statement before we get into public testimony?

Ms. Nancy McPherson: Yes, Chair DeGray and Molokai Planning Commission. Greetings. Aloha. And I'd just like to talk a little bit about what we've done so far as far as collecting comments on the Draft EIS for Laau Point. We, at the meeting on the 10<sup>th</sup>, as Chair Vanderbilt stated, we collected comments from the public, we also asked the Commission to give us comments by the 16<sup>th</sup>, and I received those and I put those together, consolidated those, put them all together, and the commissioners gotten those back, so they have those. Then I also prepared comments on the part of the department, the Planning Department, commenting on different parts of the EIS and they have received a copy of that letter. And so what we'd like to do now is continue to collect public comment on the Draft EIS, which, again, Chair Vanderbilt has stated, covers a whole lot, so, you know, feel free to speak to if you think the information in there is sufficient, if it's describing things adequately, and if it's not, you know, try to give us some mana`o about how it could be better and what more information needs to be in there. And then what we're going to do is we're going to be compiling all that, Suzette's working very hard to do minutes and type everything up, and we wanna give that back to the commissioners, back to the department, then we're going to be compiling that. The Commission will also be trying to put together formal comments so they can submit those. The original comment period ending date was February 6. The applicant has voluntarily agreed to extend that until February 23. What the Commission can do, if possible today or during additional meetings if we need to have those before February 6, go ahead and approve comments that they all can agree on, we can go ahead and put that into a letter and submit that. And then they can also do more comments later on depending on what they get from the site visit and what they get from the public comments. So we value your mana`o and we hope that we can make this a very productive session today and if we need to have more meetings, we're going to have more meetings to take your mana`o, so thank you.

Mr. Vanderbilt: Thank you, Nancy. Is there any questions for Nancy from the Commission? Commissioner Chaikin.

Mr. Chaikin: Yeah, Nancy, just for -- just for clarification and for those of us that may not be that familiar with this process, could you just explain the different ways that people can provide comments in case they don't feel comfortable talking here tonight in front of everybody or are there other avenues that they could submit comments?

Ms. McPherson: Yes, we take comments in writing, those are actually preferable, but we don't wanna discourage anyone from giving their mana`o if they haven't put it in writing. But putting it in writing, you can mail it to the County here in care of the Planning Office, so Nancy McPherson; you can mail it to care of the Molokai Planning Commission; you can mail it to Maui, to the department on Maui, and -- or you can just drop it off right here, you know, and we'll take it, and we'll keep compiling it and putting it together, if that's more comfortable. You know, you can provide it anyway that you feel comfortable and we'll try to collect as much as possible.

Mr. Clayton Yoshida: Yeah, I would add, Mr. Chair, that probably if people wanna comment individually, they can send their comments to the applicant or their consultant, and the State Land Use Commission, who will be the accepting authority on the EIS. What we have here today is to try to help the Commission in formulating its comments to the applicant and the Land Use Commission on the Draft EIS. But people can submit comments individually by the deadline.

Mr. Vanderbilt: And if all of you wanna send in your comments individually, the applicant, Molokai Ranch, has to publish your comments, as they're written, in the Final EIS and provide their response to your questions. So that'll be published in the Final EIS, which will be used as a document for the decision makers as the process moves forward at the State and County levels.

Before we go on, Corporation Counsel would like to clarify something on the site visit and we may have to take another action.

Mr. Hopper: In order for there to be a limited meeting, the board actually has to determine that -- that the location is, the location of the meeting, in this case, for the site visit that it is dangerous to the health and safety of the people to have a meeting there with that many people and that there has to be a two-thirds vote on that -- on that finding. And, in addition, the meeting has to be video taped and at the next meeting, the video tape has to be made available. So it's not to say you can't have the meeting, but there has to be a determination that to have the meeting there open to public would be dangerous to the health and safety, and then there has to be a two-thirds vote in favor of that motion to have the limited meeting. You can have a regular meeting but it would just still have to be open to the public. So the motion, as it was adopted, didn't have a specific finding that it would be dangerous to the health and safety to meet there and that being the reason why the public wouldn't be attending that meeting, so there actually would have to be another motion and another vote in order to properly have a limited meeting, if that's what the Commission would like to do.

Mr. Vanderbilt: Now, if we were going to reconsider our vote, what would be the proper procedure?

Mr. Hopper: It could be a motion to reconsider that vote, a second, you would vote on that motion, and then you would adopt a -- you would -- what you could do you could actually amend the other motion to include that the -- that the reason for a limited meeting would be because of a finding of the board or of the Commission that it would be dangerous to the health and safety to have the public meet there. Or to just simply have another motion posed, which would be -- which would be a motion to have a regular meeting at that location. It would be a special meeting at that location, just not a limited meeting.

Mr. Vanderbilt: Okay, do we have a motion to reconsider the previous vote on the site visit?

Ms. DeCoite: I'd like to make a motion to redo the site visit on a -- based on safety and hazard to the public for a special -- for a meeting with the commissioners on February 7.

Mr. Vanderbilt: Correct me if I'm wrong, but we need to make a motion to reconsider, right? So you want to make the motion to reconsider our previous vote and amend it to say we want to have a limited meeting based on the fact that it's a health and safety issue to have a lot of people from the public there?

Ms. DeCoite: Correct.

Mr. Vanderbilt: Is there a second?

Ms. Kalanihuia: Second.

Mr. Vanderbilt: Any discussion, Lynn? Any other discussion? I just have a little discussion, only that I find it a little difficult if it's not dangerous to us, why it'd be dangerous for so many people unless there's just a traffic situation, but maybe the -- I don't know how many people from the public would take off that day, it's a work day, to come down there. So that's just a consideration. Thank you. Okay, anymore discussion? Commissioner Chaikin?

Mr. Chaikin: Thank you, Mr. Chair. I think as, you know, it's difficult for us as never have been there before to determine if there is a danger to our health and safety. I mean I think that the ranch would have a better idea of the situation down there and maybe they could shed some light whether it would be, you know, a danger to the health and safety if we had too many people down there.

Mr. Vanderbilt: John, you have any comment on that?

Mr. John Sabas: I think just from a logistical point of view, it'd be very difficult to control, you know, the entering and the exiting of a number of people. We don't know how many



people are coming in. It's just much more easy for us to manage, you know, a limited amount of people, just from logistics wise.

Mr. Vanderbilt: But that's not a health and safety situation, that's just a --

Mr. Sabas: It could be. If you can't manage and control -- I mean if you've got a whole number of people down there, that it could be a hazard.

Mr. Vanderbilt: Okay, thank you. Is there any other discussion? Any questions of John? Okay, no more discussion. All those in favor of the motion, raise your right hand. I'm being asked to restate the motion that the limited meeting is based on a finding that it would be a danger to the health and safety of having a lot of people at the limited meeting.

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 reconsider the Commission's previous vote and amend it to say that the Commission will have a limited meeting based on a finding that it would be a danger to the health and safety of having a lot of people at the limited meeting.**

Mr. Vanderbilt: Motion carries.

## **C. UNFINISHED BUSINESS**

- 1. MOLOKAI PROPERTIES, LIMITED** requesting comments from the Molokai Planning Commission on the Draft Environmental Impact Statement (DEIS) prepared for the Laau 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: Okay, now we'll start the public hearing and, again, you'll have three minutes. At the end of your three minutes, I'll ask you if you want to conclude in a minute or you want to come back at the end when everybody else has testified and provide another three minutes of testimony. We have a sign-up sheet, it should be back there on that table, and I don't know if we have -- do we have the first page of the sign-up sheet? Thank you. Alright our first testifier is Adam Benlze, followed by Glenn Teves. Is Adam here? Adam is not here. Glenn Teves, and he'll be followed by Steve Morgan.

Mr. Glenn Teves: Good afternoon, Commissioners. My name is Glenn Teves and I'd like to comment on the Laau Point zoning change and, specifically, the EIS. I've been involved in reviews of EIS now for 30 years and the EIS for Laau is definitely inadequate and incomplete. It lacks key data and is not comprehensive enough. When committee consultants to the EIS, including myself, met with Molokai Ranch, PBR, and Isaac Hall, we made it clear that since this project was part of a larger project, they need to do an EIS for the larger project. This was not done. We really don't know the water needs of the entire EC Molokai Ranch plans. In planning circles, this is called parceling and it's frowned upon. You only talk about one part of the project so decision-makers, like yourself, cannot assess the impact of the entire project.

Water. We're in the midst of a serious water crisis caused by two actions. One, we're using more water than what we have available in the areas that we're experiencing increased salinity. And, two, the aquifer is shrinking due to long term drought. Based on their EIS comments, they really have no commitment for water for their project. They have no alternatives for water, and their estimates for water are purposely low in order to sell this project to the community that it will not impact on the limited water resources on the island. They are using water and well studies conducted over 13 years ago by Alpha USA as a basis for their conclusion that there's no potable water on the west end. I would think a project this important to them would use the most comprehensive and up-to-date information.

Their recent brochure offering DHHL 500,000 gallons per day is a joke. First of all, it's not their water. It's Hawaiian Homes water. That's for offering to give us back our water. We really appreciate it. In the EIS, they mention that they're in negotiations with DHHL and the County. The fact of the matter is Hawaiian Homes cannot negotiate with the ranch because they cannot give up their first rights to water. It's non-negotiable. The County has nothing to negotiate. They're just trying to get water to replace the Kawela Well and since the water commission is asking them to decrease their reliance on the Kualapu`u Well because this water is reserved for Hawaiian Homes use, they're also trying to find additional water elsewhere. On top of this, the Ualapu`e Well, which is the only well supplying the eastern half of Molokai, is showing elevated levels of salts with no increase in water use.

The ranch is trying to get more water in a time when the island is facing a serious water crisis and needs to stand in line, behind DHHL, and the County. Ideally, the County wants to drill two new wells to supply Kaunakakai Town and I believe the present water needs of Kaunakakai far outweigh the future needs of Laau. Add to this --

Mr. Vanderbilt: Excuse me, Glenn? Would you like to finish up in a minute or come back?

Mr. Teves: I got -- I got about a minute more. I can --

Mr. Vanderbilt: Okay.

Mr. Teves: Can you guys understand fast, if I speak real fast?

Mr. Vanderbilt: Yeah.

Mr. Teves: Okay.

Mr. Vanderbilt: We're going to get the verbatim minutes.

Mr. Teves: Okay, add to this -- add to the fact that USGS hydrologist, Delwyn Oki, stated in a meeting on Molokai, in August, that he doesn't believe Hawaiian Homes can get their reservation of 2.905 from Kualapuu because it doesn't exist. So you can now see that the total water situation on Molokai. If you follow the State Water Code hierarchy of water rights, this means Hawaiian Homes needs to reserve water in Kamiloloa, the County needs to reserve water from Kamiloloa and Kawela, Molokai Ranch needs to go farther east to Kawela or beyond to find their water if the community will them.

It makes no sense to take water from the Kaunakakai area when they're facing a water crisis. Molokai Ranch is already taking water from this sector through their surface mountain system above town. No one really knows how much water is being taken from

here because they're not being mandated to keep data. Recently, in the winter months, they've been pumping this mountain water into the MIS because their reservoirs cannot hold the water. It would be in the best interest of this island and the Molokai Water Commission that you request that the water -- the Molokai Planning Commission that you request that the State Water Commission monitor this water so we really know how much water is being taken from the different sectors of Molokai.

In their EC water plan, the ranch projected a one percent build out in Kaluakoi, yet, last year, there was a build out of ten percent, off by nine times. You cannot estimate water if you're this far off. The estimate of 500 gallons per day for Laau is way off. The actual use in Kaluakoi is 3,000 gallons per day, which includes the lawn. But the Laau houses will be at least twice as large and use more water. You gotta be real and gotta be honest, and, right now, they're just throwing darts at a bulls eye with numbers on it.

The reality is Molokai Ranch has water in their ahupua`a, namely Pala`au. When they proposed a golf course in Maunaloa, they laid out their plan for a water line from the former Yuen shrimp farm, up a Jeep trail, to Maunaloa. Why isn't this on the table?

Mr. Vanderbilt: Glenn, can you wrap up here?

Mr. Teves: Okay, I got information over here. One, a map showing this dangerous soil that exist at Laau Point. This is from the University of Hawaii, College of Tropical Agriculture. This soil has been involved in litigation on Oahu, 25 million dollar litigation, suits right now that the State has lost. The other thing is the issue of CC&R's. The CC&R's will not hold water because it's contrary to western law. I gotta run this afternoon. I got work to do so I'm just going to drop this off.

Mr. Vanderbilt: Are you going to leave that with the Commission?

Mr. Teves: Yes, I am.

Mr. Vanderbilt: Thank you. Thank you for your comment. Are there any questions from the commissioners? Hearing none, you can leave that with Suzie over there, Glenn, and thank you. The next testifier is Steve Morgan, and he'll be followed by Joseph Pentak. Steve, I think that comes out of the holder if you want --

Mr. Steve Morgan: Aloha, commissioners. At the risk of being redundant, I'm going to repeat a lot of what I said at the last meeting cause a lot of folks weren't here at that time and I think it's a -- a crucial issue and that is I believe that Molokai Ranch has ignored the cumulative impact of future development in the Kaluakoi area, which most people on this island are totally unaware of. This takes place in two areas. One, I've made up a map, behind me in fact. This map behind me which says *One Last Development* on this map

shows the Kaluakoi Resort area. It shows developments -- development proposals, I should say, that are already, subdivisions that already exist. They were part of the original master plan of this community. These are not -- not subdivisions that are being proposed. These already exist. Let me tell you what this includes. It includes six hotel sites; three multi-family sites, condominium type sites; one single-family site, 80 to 100 homes possible; one rural zoned area, I should say several rural zoned areas that would make possible 400 plus homes, plus another golf course. And I want to encourage everybody out here, if you get a chance tonight, to come up and take a look at this map because this is real. This already exist. Most people are totally unaware of it.

The other dilemma that we have, besides this, is a fact that we have the potential of homeowners in Papohaku Ranchland and Moana Makani areas, these are the residential ag subdivisions on the west end, now have the potential to subdivide their lots. Currently, we have 306 lots exist out on west end. The current number of potential homes on those lots, you can have two homes per lot, so the current potential of homes would be 612 homes. If subdivided, and everyone has the right to subdivide, the CC&R's do not stop them and Maui County does not have a prohibition against subdivision out there, the current potential of lots could be 769, making the current potential homes 1,538.

Everything that I'm talking about, all these subdivisions, all the hotels, all the condos, all the homes, the golf course, all these subdivided homes are not in the EIS. Tell me how this is not going to affect our island. And, on top of that, we have the statement that we keep hearing, Molokai Ranch keeps boasting this famous statement, "One Last Development." We've heard that over and over. I don't think there's probably anybody in this room that hasn't heard this statement. Now, recently, since we've started to come back with this, what they've added is, "Accept for the resort area." And most people's question is how many people before this have really understand -- understood what they mean by the "the resort area." Did you know that we're talking about six hotels, three condominium projects, and maybe 500 homes? Well this is what's missing from the EIS and I think this needs to be a vital part of this EIS. Thank you very much.

Mr. Vanderbilt: Thank you, Steve. Are there any questions of Steve from the commissioners. Hearing none -- oh, excuse me. Commissioner Chaikin?

Mr. Chaikin: Thank you, Mr. Chair. Are you going to formulate what you've just said into specific questions that will prompt a response from the ranch?

Mr. Morgan: I do. I'd like to come back and have my extra three minutes, if I can, later on to come back with the questions.

Mr. Chaikin: Okay. I just wanna make sure that when people provide testimony, that it's in such a way that the ranch can actually respond to what they're saying.

Mr. Morgan: Yeah. I do have those questions, if I could extend to the three minutes later in the meeting.

Mr. Chaikin: Thank you.

Mr. Joseph Kalipi: Mr. Morgan? Do you have a map on smaller base?

Mr. Morgan: I do, I don't have one prepared at the moment, but I do. And I have this on a PDF file that I can send to -- to anyone, to one of the commissioners as well so --

Mr. Kalipi: Thank you.

Mr. Vanderbilt: Thank you, Steve. The next testifier is Joseph Pentak, and he'll be followed by William Kaholoa`a.

Mr. Joseph Pentak: I'm Joseph L. Pentak and I live on the west end. I've been in Hawaii since 1963, and I'm happy and pleased to see so many red shirts in and amongst this group. The reason I say that is the scheduling of speakers couldn't be better. I am here for one reason and one reason only, and that's the mis-truths, half-truths, and sometimes outright lies, which has appeared in our newspapers. Steve Morgan, the speaker in front of us, in front of me, he just said it, we all heard it. If we can develop the west end, each lot can be subdivided under current County regulations. What Mr. Morgan forgot to mention or forgot to tell you fellows is that he was in the forefront, about a year, year-and-a-half ago, where the west end homeowners association wanted to eliminate the subdivision. Mr. Morgan was in the forefront, leading those to subdivide the land he speaks he does not want subdivided today. Which way is it?

Mr. Vanderbilt: Mr. Pentak, could you speak to the commissioners, please?

Mr. Pentak: I'm sorry.

Mr. Vanderbilt: Thank you.

Mr. Pentak: Which way is it? So that's why I say we are filled with truths and half-truths. And all I can say is, in closing, the vote that was taken, they needed 75 percent to change the by-laws. That percentage was not met. So, therefore, the lands can be subdivided. The votes that came in were 60, I believe 62 percent for no subdivision, and this is by the owners of the individual lots on West Molokai, and the group that Steve formulated and led ended up with about 22 percent. Thank you very much for your time.

Mr. Vanderbilt: Excuse me, Mr. Pentak. Anybody have any questions for Mr. Pentak?

Mr. Pentak: Pardon?

Mr. Vanderbilt: No, I was just seeing if any of the commissioners had any questions. I had a question, Mr. Pentak. You had mentioned that 62 percent of the owners voted for no subdivision.

Mr. Pentak: I am not sure, exactly ...(inaudible)... but the vast majority ...(inaudible)...

Mr. Vanderbilt: Well ...(inaudible)... but you mentioned that ...(inaudible)... but the -- were the owners -- did that include owners of the condos as well as owners of the lots?

Mr. Pentak: Not only the owners of condos and the lots, but also of the ranch. The ranch owns a considerable number of lots up there and they too endorsed the no subdivision.

Mr. Vanderbilt: Thank you. The next testifier is William Kaholoa`a, and he'll be followed by Hano Hano Naeaho.

Mr. William Kaholoa`a: Well, first of all, I'm here to talk truth, and right now I like know, by a raise of hand, all the guys for the Laau plan, raise your hand. Raise your hand like one warrior. Raise your hand. I like see. Yeah, for the plan. Take a good look around you. Take a good look. There's only three of you right now. Okay, all you warriors that against Laau, raise your hand. Okay, thank you. But, anyway, I going talk straight over here, okay. Why you think, why you think I stop for questions? Why you think? Ke Akua went give us Hawaiians this land. Why you think He gave us Hawaiians this land? Cause he knew we was going care for it. Okay? And he had wisdom, okay, and he had knowledge that he could trust us. He made one covenant with us Hawaiians. And why you think our kupuna, for us today, received this blessings today? You know why? It's because, yeah, they've be obedient for us to receive these blessings today, okay. Now, but you guys stay over there you guys making one -- one carnival over there, okay. You guys make one carnival, just like one drug addict, you guys get dope all over there. For what? Okay. You guys attracting flies from outside, okay. Where the taking care of the people here on Molokai, okay, because none of them, none of them stay live in their hale up there, okay. So you guys plan is the good plan but not on this island, brah, not on this island, okay? Let me tell you one other thing, Mr. Sabas ...(inaudible)...

Mr. Vanderbilt: Excuse me, William. Could you address the Commission, not people in the audience. I appreciate it, thank you.

Mr. Kaholoa`a: But, anyway, by the raise of hand, anybody went Pu`u Ali`i before? Raise your hand. Oloku`i? Pepe opae? Yeah. Pu`u Kolekole? You guys know what all these places have in common? That's the one. Get the load of water. The ones you guys drink. Okay? Laau might not seem like nothing, but everything in Molokai is balance. Balance.

Like you cut your arm over here, a`ole your arm, no can work. You understand? So, now simple. Simple now. When was the last time you guys went Waialau? The rivers was this big before. Now the thing this small. Where is your folks knowledge? Now, I going ask you one more question. You guys think this going work? You guys feel this going work? Or your guys know this work?

Mr. Vanderbilt: William?

Mr. Kaholoa`a: You guys know this work?

Mr. Vanderbilt: Excuse me, William? Can you finish up in a minute or would you like to come back?

Mr. Kaholoa`a: I going finish `em up one more time. I going finish `em up one minute.

Mr. Vanderbilt: One minute?

Mr. Kaholoa`a: Yeah.

Mr. Vanderbilt: Thank you.

Mr. Kaholoa`a: All I got to say, yeah, while I was in my ohani right now is where my ancestors right now talking through me. The Hawaiians never believe, they crooked talk, talk on the side of the neck, talk on the side of the head, cause you know why? When the husband told his wife he'll be back four moons, by this rock over here, and they will cry ole, they will come home right by that rock. So make sure you guys hear the cries right now of what make Molokai Molokai, okay, because you know what? I've been there where I had one good job Fire Department, so and so, but I chose to do what is wrong, that's why I lost my job, okay. I went to jail. I did wrong things that's why I went to jail but you know what is sad? You know what is sad? A lot of them is all Hawaiians. They don't know how to function in Lahaina, okay? They don't know how to function. But you know what? I going tell you this. This Molokai went teach me how for live, no matter what, stay alive, survive, and you know what? If you guys going kill Molokai, I going tell you guys this. Brah, something going happen and you know what? That's my word to you guys right now, okay. Aloha.

Mr. Vanderbilt: Thank you, William. Are there any questions from the commissioners? Hearing none, Hano Naeaho, followed by Bobby Ocampo.

Mr. Hano Hano Naeaho: First of all, I'd like to give thanks and aloha to all the kupuna in the room, the ones we can see, and also the ones we cannot. Second of all, to Mr. Pentak, sorry. People like you is the reason why we get Honolulu.



Mr. Vanderbilt: Hano, could you keep it on the Draft EIS, please.

Mr. Naeaho: Okay.

Mr. Vanderbilt: Thank you.

Mr. Naeaho: Well, I'm just trying to address him because if you're not from here, two generations and more, then we really no care what you talking about. To the Commission, this EIS, in actuality, all you need to do is look at what happened to Oahu. Look at what happened to Maui. Okay, this is not brain surgery and we're not making up -- these guys not making up anything new, okay? Our resources are depleted. You can ask the hunters, the fishermen, and the farmers. There is so much tension in the air on Molokai right now that everything that is happening is being recorded because if you guys don't stop this action from happening, you guys going be held responsible for what going happen after. And I can -- and you guys can see, just by looking in this room, mean action. We don't even have to talk about it, okay? You can either help stop 'em, or be part of the reason why Molokai go into chaos cause this is serious, serious kuleana right now. And, you know, I don't know right now if it's mahalo for being on this board right now because this is very heavy stuff. But I can tell you what, we, like every meeting get you guys on camera, we going be following closely on how you guys decide on this and, definitely, blow `em up big time to everybody on why you guys made your decisions that you made and, really, it shouldn't be hard. We don't want to look like Oahu. We don't want to look like Lahaina. We don't want to go to the store. And if you guys going force this upon us, I mean look in the mirror, pray to your gods, and realize that this is -- this is the day, this is the point where you can help Molokai. Or you can be branded and shown to the world that you guys either, if you kanaka, we call you traitors, and if you're not, we just call you people, we just call you Captain Cook. I mean --

Mr. Vanderbilt: Hano, can you finish up in a minute or would you like to come back?

Mr. Naeaho: Yeah, yeah, I'll finish up in a minute.

Mr. Vanderbilt: Thank you.

Mr. Naeaho: My point is is I'll be damned if anybody judge me as one bad guy. I love this island. My family has shown love through their entire existence. But, right now, backing us into the corner, right, and thinking that we going fold, the answer is, "Hell no." This is war. We get enough evidence. You guys have enough evidence. No play games. This is not one game. We going down one road where we don't wanna go and this is the last Hawaiian place in the world, okay? People die for the desert. People die for the Arctic. And you think we going give away paradise? Hell no.

Mr. Vanderbilt: Thank you, Hano. Are there any questions for Hano? Excuse me. Commissioner Chaikin?

Mr. Chaikin: Excuse me. Hano, thank you for your testimony. I just wanted to make one clarification. This body is not the final authority on this project, so what we're attempting to do here tonight is to get as much information as we possibly can that's going to go to the decision-makers. So, when we provide testimony, what we're trying to do is find out what's wrong with the project so we can bring back to light to the people that are going to make the decisions. So, if you could come up with comments, specific comments, and address the specific issues that are going to be, perhaps, negative impacts, then that information will be available to the decision-makers.

Mr. Naeaho: Steve Chaikin, I think my evidence of what I was trying to say is that the whole plan sucks, okay? No matter what way they word it or put it. It's like turning Molokai into an Oahu. It's like turning Molokai into Lahaina. Because it's the domino, that if it falls, we going that way, and why would we wanna go that way when we -- all you -- that's all the evidence. You can tell that to the whatever body you guys doing your report to. We don't wanna be Oahu. We don't wanna be Maui. We wanna be the last place where nature rule and Hawaiians subsist off that.

Mr. Vanderbilt: Thank you, Hano. Any other questions? Before the next testifier, I would just like to add something to what Steve said, and this is a little out of line, but I think the whole idea of this meeting tonight is not only to get comments, but to educate everybody on the process. The applicant comes out with a document and puts in there what they feel needs to be put in there, and it's up to State and County agencies, and the public, to read through this thing and put in comments that either flag areas which were not included that should have been, or things that might be incorrect, and the idea is -- or things that need to be expanded on a little bit more, and the idea is to get this document into a format so it can be readily looked at by a decision-maker and they can make an informed decision without spending five weeks going through a thousand pages. And so that's what the comments are for. And as far as the process, this document will have all the -- the next document is the Final EIS and that will have all your comments that are sent in and with the ranch's responses to those, then it's published in the *OEQC Bulletin*, and there's a 60-day challenge period if anybody wants to challenge the adequacy of it, and then after that, it becomes a final document and goes to the Land Use Commission and they start having their hearings on the State boundary or State zoning changes that are needed for the project. And during that same period, the applicant does have the right to, concurrently, process the County change in zoning, the County community plan amendment that is needed for the project. And during that process, we hold the public hearings and we can make recommendations, but the final say on the change in the zoning and the community plan amendment is with the County Council. Then after those permits are gone through, then it comes back to the Molokai Planning Commission for a special management area

permit. But the way it is in here now, the special management area permit is just being limited to a few small items and it's not being applied to the entire project, and maybe later on in the evening we can get some clarification on just what the Molokai Planning Commission's role is on the SMA permit. And, so with that explanation, our next testifier is Bobby Ocampo, and he'll be followed -- he'll be followed by Opuulani Albino.

Mr. Bobby Ocampo: Aloha, everybody. I'm here for a reason. I wanna share my mana`o to you guys. My mana`o is you should leave Laau alone and the reason I say that is because I did a lot of interviews in town, I guess you've seen my shows, I did my interviews. People were giving me the eye. I work for the ranch. But I no care. You know what? That's just my feeling. And, you know, my kupuna, they're there for a reason, they're there for rest, yeah, and they no need to be disturbed and have developers over there. So I think you should just leave Laau alone, period. Aloha.

Mr. Vanderbilt: Thank you, Bobby. Are there any questions for Bobby from the commissioners? Hearing none, Opuulani Albino, followed by Karen Holt.

Ms. Opuulani Albino: Aloha mai kakou. You know the issue of Laau Point has been on our minds and our hearts and has become part of our family's issues throughout this whole proceeding, from the beginning. I sat on the Burial Council for Molokai and I saw back then the plans that Molokai Ranch had for west end and I thought it wouldn't go through because they were at our Burial Council meetings, we expressed our concern for those developments that they had planned. During the past year, Molokai Ranch has approached, through individuals in our community, my sister Vanda Hanakahi and I, to help with some ho`oponopono up at Kaluakoi, which is a very special thing that happened because of our aloha for the kupuna and the things that went on there at Kaluakoi, it brought me even more into depth with this whole Laau development, and I'm -- I'm here because, as part of my ohana, my sons are fishermen. They are subsistence survivors. My family go back. I'm sixth generation from the time my kupuna came from Waikapu to today. Six generations of people who lived on this land, who knew the hardships of this land, and who survived because Laau and all of the areas that we called west end resources preserve their lives.

My main issue today is to question the cultural impact study that was made on the EIS, and I'd like to challenge that because I don't think the study was done in a complete manner, and it brings me to think that that portion of the EIS was given so little attention. Is it because nobody who really are qualified to give comments and information on that and really were contracted, and I question that. So that will be part of the written information that will be given to you by Vanda Hanakahi. But, we as a family, do not support the plan. We've been here too long, we've worked too hard, we've seen too many families come and go because, as Hawaiians, the social issues, the economic issues stem from land lost. That's why we are who we are. We struggle. We have people like Junior Boy, who's my

ohana, who have problems. They come back. The economic problem is not the problem, it's because land was taken from Hawaiians. We all know how Molokai Ranch acquired the land. We wanna go back that far; we have records that tell how they acquired the land. From the ali'i, it went to the ali'i's husband, who was not ali'i, who gave that land to the sugar plantation owners, way back then, with thoughts to make big money, big money on Hawaiian land and their water.

But, in closing, I just want to say again, my family, the Hanakahi's, the Albino's, I am Makaiwi, my ohana go back Kuamu, from Maui, from Waikapu, Maui. They knew land and water issues. They left their rich lands to come to Molokai, they were pioneers here in Hoolehua, so they survived off of those -- those rocky shores, those lands we call west end, who people think are just dry sandy beaches, but they give life to us. So, in closing, consider your decision, when it comes back into your hands, us, here on Molokai, and our lives and the generations are here to come, and I come before you along with my kupuna. Mahalo.

Mr. Vanderbilt: Thank you. Are there any questions for Opuulani? Hearing none, the next testifier is Karen Holt, followed by Bridget Mowat. Is Karen here? Bridget Mowat? And following Bridget will be Dennis Faria.

Ms. Bridget Mowat: Aloha, Molokai, and aloha to our Planning Commission, and I say thank you for allowing us to come before you and share our mana'o. The Laau Point, I am here to say that I am just totally against it, most of all, for the water that -- I represent also the Kapaakea Hawaiian Homestead Association and I know, through the master plan, that Department of Hawaiian Homestead has been planning is to build more homes for our Hawaiian people here on Molokai, and there is homes that is planned for the Kamiloloa area as well as Hoolehua. So I'm wondering, with the -- the state we are in as far as the water, and we all know that there isn't much, is the Laau Point development a priority to our own Hawaiian people here on Molokai. And not only here on Molokai, but also to the State of Hawaii because there are many Hawaiians throughout the whole State that don't have homes. And I think you folks, your whole purpose is to represent the people of Molokai. You are going to take back what we give to you. So I just hope that you had time to go through the EIS and there's a lot of things in there as far as the social impact. I was born and raised on Maui, and I was raised on Maui at the time when Makena was like, somewhat like east end. Only had a few family homes, and the family were ohana. Today, my family, who had property there, are bickering because they're trying real hard to hang on to one piece of land, and to get into his house, he has to go through a maze of cement walls that is part of a millionaire's home. He just told me, at our last family reunion, that he is going to have to sell cause his land tax is \$18,000 a month. So that's another Hawaiian that has to bite or eat the dust. He gotta go sell and there goes everything. I used to -- I was brought up in that home. We used to go every weekend.

Mr. Vanderbilt: Excuse me, Bridget?

Ms. Mowat: Yes?

Mr. Vanderbilt: Can you finish up in a minute or would you like to come back?

Ms. Mowat: Oh, okay. Oh, you know what? I can keep on going. I'm sorry. I'm sorry.

Mr. Vanderbilt: Well, you have a choice of trying to finish up in a minute or come back after everybody else for three more minutes.

Ms. Mowat: Okay, I can do that. I can do that. But I just --

Mr. Vanderbilt: Okay, go ahead. I'm sorry.

Ms. Mowat: The water is the main thing, social impact, and then I'll get -- I'll get off the thing, okay. Mahalo very much.

Mr. Vanderbilt: Thank you, Bridget. Are there any questions from the commissioners? Hearing none --

Ms. Mowat: Thank you.

Mr. Vanderbilt: The next testifier is Dennis Faria, followed by Lawrence Aki.

Mr. Dennis Faria: Aloha, brothers and sisters, and the board. And I wanna give God the glory today and honor him with my words and lips because I feel very violent oriented. We had an outrageous meeting last night with the hunters and we know what the Nature Conservancy and the ranch is trying to do. They're not pulling no games over our eyes. Now this board is going to be representing our, in theory but not in practice, our community, and I wanna caution you all. I covered the water issues years ago with Queen Lingle, when she was the mayor, and I caught her in lies and deception with all the SMA permits, all the manipulations and deviations she did. Now I'm sitting here and I'm watching what's going on with our island and what you folks are supposed to represent our community. Now we should take a real strong look at what the Molokai Ranch is doing through the manipulation, lies, constantly lying, deceiving us. You put an 800-page full of BS, padded, nobody here in this room, I bet, has the time to digest 800 pages. Is there a hand out here? And what I understood was you folks want us to have an input. Duh. Why don't you give us more than a couple of weeks? If it's 800 pages, give us 6 months. And if you're going to give us a report, let's be honest and report this thing correctly, as Mr. Morgan said and my brother Glenn Teves. I say ditto to what they did. I don't have the time because I have other issues trying to help people in my independent ministry and

trying to help people with health issues, but I can guarantee you, this is not going to go on call for -- I mean is not going to go unchecked with our Heavenly Father. Everyone on this board and the ranch is going to sit in judgement seat. And I say be principled in your thinking and your being on the Bible. Principle thinking. Do not be consequential thinking. Don't be looking out for your okole. Represent us fairly and honestly. Our Father's watching everyone of you guys. He's seeing us here right today. And we're all up to this. Okay? And it makes me blood boil and I'm a hot blood Portagee. So I'm just trying to ask you, please, be honest, represent us fairly, and not like Collette Machado who told us to shove it. She's going to vote her own way, and I mention that you there, my brother, DeGray, because --

Mr. Vanderbilt: Excuse me, Dennis?

Mr. Faria: Like her, you guys ...(inaudible)...

Mr. Vanderbilt: Let's keep it on the subject.

Mr. Faria: Okay.

Mr. Vanderbilt: Alright.

Mr. Faria: I just want you guys to be checked, first of all, by our Heavenly Father, and then with our hearts over here. We're not all here for play games. Now, in reference to Mr. Steve over there, you said you were trying to correct the other gentleman about the purpose of the board is here to find out what's wrong with the project. Well, duh. What's wrong is there should be no project. You got 99 percent of everybody on Molokai no like the project so listen, pay attention. Cause just like somebody said, you're all going to be accountable for what's going to happen in the future and it will happen. Trust me on this.

Mr. Vanderbilt: Dennis? Can you finish up in a minute or would you like to come back for three minutes after?

Mr. Faria: Oh, I got too much to say, but let me have any questions right now. I like hear.

Mr. Vanderbilt: Are you finished?

Mr. Faria: I'm finished for now, but I'm not finished forever.

Mr. Vanderbilt: Thank you. Are there any questions by the commissioners? Commissioner Chaikin.

Mr. Chaikin: Thank you, Mr. Chair. Let me just respond and say I think what I was saying is that we need to get the information to the decision-makers so they can make the best decision. If we -- if we don't give them, if we don't answer or ask the ranch, you know, the real hard questions, then they're not going to get the information. So that's our job is to find out what they're telling us and try to ask the right questions so we can get all the information that we possibly can so the decision-makers can make the best decision. That's what we're here for.

Mr. Faria: Well let me to you, your job is to tell the ranch to cease and desist with the project. That's your job. Leave us alone. That's your job.

Mr. Chaikin: But we don't have that authority.

Mr. Faria: Well, I'm going to give you that authority. How's that? I'll vote for you.

Mr. Vanderbilt: Excuse me, Dennis, this is a hard process on everybody. This is a difficult document to get through.

Mr. Faria: Eight hundred pages, it should be. They did it on purpose to us. Playing the game again.

Mr. Vanderbilt: But there's a system out there and it leaves this Commission, which is an official body, is trying to meet some deadlines. After the January 10 meeting, many of the commissioners went through this in detail and our initial comments were put together in this 18-page document, thanks to Nancy McPherson, our Planner, so you're doing things your way but there's certain ways that this Commission has to do to be effective and do what we have to do.

Mr. Faria: Trust me. I can respect you. I just would like you to respect us, okay.

Mr. Vanderbilt: Thank you.

Mr. Faria: Give us an input. A serious input.

Mr. Vanderbilt: Thank you, Dennis.

Mr. Faria: You're welcome, and God bless all of you.

Mr. Vanderbilt: The next testifier is Lawrence Aki, followed by Mervin Dudoit.

Mr. Lawrence Aki: Aloha, everybody. It's good to see a good attendance, but Molokai is always known for that. This evening, what I'd like to do is I'd like to concentrate on what

is the impact, that's what I'd like to concentrate on. More specifically, what is the impact to that of us as Hawaiians. The issue of water, I think, is clearly stated by Mr. Teves. The other issues will definitely be stated very clearly by many of you. I know that for a fact. Because the one thing I know about Molokai is they do their homework before they come out. But, as a Hawaiian, I think it's important to address that situation. As a Hawaiian, we stand here before that of a western concept, and a western thinking, and a western plan, and that of a western way of doing business. Yet, in truth of the matter, everybody, the bottom line is we Hawaiians was here first. And what is more important is, in my teachings, in my training, I have always been told that the intellect, when in trouble with that of the intuition, then something is wrong. And when the na`au is not feeling good, then there is definitely something wrong. I assure all of you I am for jobs, make no mistake on that. I assure all of you, Molokai Ranch needs help. Make sure you understand that as to where I am coming from. But Laau, I've said it before and I'll say it again, is not the place to develop. For a Hawaiian, there are many mo`olelo that is shared about the place. When I go to Maui, and when I see the Sheraton Waikiki, and as I watch them do the ceremonies there of the torch lighting, and as this individual gets to the Black Rock and jumps off the rock and into that of the waters, that place is a uhane lele. I don't feel good as a Hawaiian. Why is that hotel there on Maui? It shouldn't be there. And yet the mo`olelo of Laau tells us people, it tells us of how Kane and Kanalua had come by that of canoe, and how they landed there at Laau, and how kani took that of his ko`o and then plunged that ko`o into that of the land and what did that occur? What occurred was the flow of water. And in that of their journey along the shorelines of the south side of that of Molokai, Kane takes that of his ko`o, seven other times, and plunge it into the land and more water flows. Who destroyed this water? Let's be sure we understand that. American sugar. Who is American sugar?

Mr. Vanderbilt: Excuse me, Lawrence. Can you finish up in a minute or would you like to come back for an additional three minutes?

Mr. Aki: What is the time you've been giving, if I may ask?

Mr. Vanderbilt: There's three minutes.

Mr. Aki: Okay.

Mr. Vanderbilt: And then you have a choice after the three minutes of finishing up in a minute or coming back for an additional three minutes after others have testified?

Mr. Aki: Can I have both, the minute and the three minutes later on?

Mr. Vanderbilt: No.



Mr. Aki: Okay, it's important. It's important because it is an item that people are not addressing and that is very much an impact for the Hawaiians. Many of the Hawaiians don't understand it, but they know from within something's wrong. They just need clarification; that's all they need. And I'm just trying to clarify for the Hawaiians what it is that is wrong, alright, and what is wrong, everybody, is the fact that that is a uhanē lele. It's a place with great richness, not only the resources cause those are going to be pointed out by many of you, alright, but I want to make sure you understand the impact it will have on us from within as far as a Hawaiian, and I will want to take that opportunity of coming back as well because there is too much to ...(inaudible)... as far as this is concerned, DeGray.

Mr. Vanderbilt: Thank you, Lawrence.

Mr. Aki: Alright.

Mr. Vanderbilt: I appreciate it. And I, you know, it's tough to have a time limit but --

Mr. Aki: That's why I said, DeGray, we're in a western system. That's all I have to say at this point, alright.

Mr. Vanderbilt: And we have a lot of other people that wanna speak also. Thank you. And, you know, we, as commissioners, could prepare to go all night, and a lot of meetings on Molokai have gone all night until everybody has testified and it's been pretty lengthy, but, unfortunately, the Planning staff has to catch a plane and they gotta be out of here by about 10:15. So anyhow, hopefully, we can get everybody that wants to testify and those that have more to say come back. So, anyway, the next testifier is Mervin Dudoit, followed by Martin Kahai. Oh, and by the way, before Mervin starts, any of you that wants to testify, there's a sign up sheet right back there towards where Nancy McPherson is going.

Mr. Mervin Dudoit: Aloha, everybody. My name is Mervin Dudoit, and I am with Ka Honua Momona International, and reef fish restoration. We do fishponds. We have two fishponds that we're working on, and if you guys give the water to the ranch, our fishponds will be dead. All our work we do right now, we have a lot of kids come in and help us remove mangroves, you know, for a long time, we've been there almost two years, and if you guys give these guys the water, guarantee the fishpond is dead. We don't want that. We want the water so we can, you know, work the fishpond because a lot kids come by. Right now, I have young ones working for -- under ...(inaudible)... are working with us and all that work would be wasted if no water for the fishpond. So I hope you guys take that into consideration and, you know, think about the pond because, in the future, I think we going have more fishponds, the guys working on more fishponds, so I like you guys think about that. That's all I have to say. Thank you.

Mr. Vanderbilt: Thank you, Mervin. Any questions for Mervin? Hearing none, the next testifier is Martin Kahae.

Mr. Martin Kahae: My name is Martin Kahae, Hawaiian Homes, Lot 179, Hoolehua, Hawaii. I'm here for agriculture, yeah. It's survival. Agriculture. It's very important for us on Molokai. The first Americans that started raising cattle on Kamehameha's land down there brought in the deer. Everything was agriculture. The whole Territory was agriculture. The future for Molokai is agriculture. Now, the first Hawaiians that came to these islands came for the land. They never come here for money. Everybody came after the Hawaiians came for money, and that's the problem now because the Hawaiians feel that this is their land, the water is their resources, and that's a problem we're having with money. On the homestead, the money is threatening our agriculture water. I want to keep Molokai zoned agriculture, nothing else, just agriculture. That's our history; that's our present; that's our future. When I look what's going on with Laau, I'm thinking that people have killed agriculture. I don't think, you know, with Laau, it's almost like they gave up on agriculture. I don't see that. I've been involved in agriculture in many of these different cooperatives and we try, as Hawaiians, to run some of these businesses, but it becomes hard when you start dealing with money. Some of the whole bureaucracy dealing with taxes. Money again. So my testimony tonight for you guys is to keep Molokai agriculture because that's going to protect our water for homestead lands. Thank you.

Mr. Vanderbilt: Thank you, Martin. Any questions for Martin? Hearing none, the next testifier is Moke, followed by Judy Caparida. Next testifier is Moke. Oh here's Moke, followed by Judy Caparida.

Mr. Moke: Aloha . . . I want you to ponder this. I support the plan. You know why I support the plan? I wanna see H-5 come to Molokai. I wanna see more cars. I wanna see more hotels. I wanna see box stores. I wanna see Wal-Mart and all them other guys that hire us at minimum wages. You know, I really wanna see that, and I wanna see that they drill more wells and they use more water so that we become like the rest of country and we buy more bottled water. Our kids need more activities so we wanna see more big homes, rich homes, fabulous homes so that they can go maha`oi. You know because I'm a homesteader, and a rich one, wealthy one at that, I wanna see all of this so that I can buy bottled water at 2,000 percent more than tap water. So Molokai better be ready when we have to go buy that water. I'm ready. I'm lining up for those kinds of jobs to go clean somebody else's potty. That's the kind of jobs. The one that don't give me security. But just the thought of why I support that plan is why I love going to Honolulu. Now I don't know why people laughing, they think I not serious, but that's the same thing went happen when my wife went kick me in my head and says, "Wake up. You're having a nightmare." Mahalo.

Mr. Vanderbilt: Thank you, Moke. Any questions for Moke? Hearing none, the next speaker is Judy Caparida, followed by Don Williams.

Ms. Judy Caparida: Aloha, commissioners. I'm back again. Aloha, Molokai. I'm so glad we're alive one more day. We can come here and tell them what we have on Molokai. There's nothing that man gives us that wasn't here. God has blessed us with all these blessings. I'm so blessed that I can come and say that. Everything that was made was not made by the hands of man. It was made by Him and yet we gotta pay a lot of money for stuff that is already been paid all for. I wanna tell you about water. I have fought water for almost 20 years. They said because get plenty water. Hello? We got more people than we got water now. If you look at the streams, they're shrinking. How can we say there's a lot of water? I told Peter Nicholas, "Bruddah, if you ask me for water, you see my face. If you say nothing about water, I not be there at the meetings." And I have never been at the meetings, till water came up, and I said I'll never give him water. I fought for the water, we got the water. It was because of poor management. That's what happened. So you know what? Where all those ...(inaudible)... that promised all this? Where are they now? They're all over the place. What doing? Marketing land. Marketing their business while we're here fighting our own, right in our face. That's our own people. How you like that one? Do you think that's funny? No, it's not. It's very sorrowful. Very sorrowful for us to do that. But how we going to live if we don't say anything. You know our people? They never say nothing. That's why they lost everything. Today we gotta save what we have. The land is there. We have a lot of children coming up. We are teaching them that you know what? You gotta work hard. You gotta get your degree so you can get food, you can work. Today, for go wash toilet, you're going to need degree. And that's the kind of job they're talking about for our kids. Hello? No. We want bosses for them. We want them to be principals, to be vice-principals, doctors, nurses. Come home, we get plenty sick people to take care of. That's why I'm really blessed. I have taught my children, yet you know what? Your grandpa, 16 kids, taught us how to work with our hands. Go holoholo. Go up to the mountain get the meat. Plant. We were never afraid to work. This is what we have to embed into our children because you know what? Everybody spoil 'em. Give 'em. Now they tell you what you give me if I go clean the yard? Hello? Come here. I show you what I'm going to give you. We have to be real -- you gotta be real with these kids today. We gotta be real with us. We gotta be real with those that is making decisions for us on Molokai. It's a very sad, sad time for us today. But I really thank the Lord because you know why? He give me the privilege to come out here and say it that you know what? You better start thanking the Lord for the blessings. We gotta cry in faces and say, "Lord, it's your will to be done." Because you know what? Everything that man has for us, we can't afford it. We gotta pay for their lifestyle. We are simple people. We don't need what they want to offer us. But you know what? We no can just sit down and talk. We gotta be doers.

Mr. Vanderbilt: Judy? Could you finish up in a minute?

Ms. Caparida: Oh, yes, I will right now.

Mr. Vanderbilt: Or come back and get an additional three minutes.

Ms. Caparida: That's alright, bruddah. I'll do it now.

Mr. Vanderbilt: In one minute. Thank you.

Ms. Caparida: I'm so thankful I live over here Molokai that we should be thankful for what we have and don't be afraid to fight and do what we need to do to get it because you can't be lying down, rolling over, and playing dead. Thank you.

Mr. Vanderbilt: Are there any questions? Excuse me, Judy. Commissioner Chaikin.

Mr. Chaikin: Thank you, Mr. Chair. Judy, just a comment. You know, you come to more of these Planning Commission meetings than anyone else in this community, and I just want to take the time to thank you for sticking up for what you believe in.

Ms. Caparida: Thank you.

Mr. Vanderbilt: Next speaker is Don Williams, followed by is it Janeel Hew?

Mr. Don Williams: Aloha, everyone, and distinguished panel. My name is Don Williams and I was born in the Territory Hawaii; unfortunately, on Oahu, what is now what we all fear is going to happen to this island, so I have a living experience. And besides the destruction of the social, the religious impacts that we're going to have on Laau Point, I wanna talk about economics. I know that MPL has promised all of us that we're going to have these dreams of having all these jobs and stuff, but really I don't see how they're addressing deep sincere plans on how we're going to accomplish this. Meaning, how -- who are really going to get the jobs? Is it just going to be the fact that they're promising to develop Kaluakoi and we'll get the \$10 an hour jobs? The real impact is going to be on the development itself, the real economic impact that's going to be the millions of dollars that are going to be spent there developing each individual lot, should it happen. I believe that MPL is not really addressing those issues. They're not coming up with affirmative hiring plans that will guarantee Molokaian that there will be adequate jobs or that will get preference or will get anything sincere out of them. My experience, unfortunately, I'm a contractor. I know that's a nasty word to all of you but I am sincere in what I do. I believe in hiring locals. I have, in fact, all Hawaiians but one, and he's a Tongan, but we're all from here, and I believe in affirmative hiring has helped in my business and I think all of us should be considering using methods like this development cause it does, the money does stay in the island, it does help all my employee's families, whereas what I'm experiencing and what I'm seeing, currently, on the west end where I develop primarily is that once

Molokai Ranch, if should they be allowed to develop this development, once it's sold to an individual, it's out of their control. They have no way of telling people who they hire to build their project. What's typically happening is, out of the 15 or 20 houses that are currently being developed in Papohaku Ranchlands right now, there's probably three that I know of that are licensed, legitimate contractors from Molokai. The rest of them are being developed under this crude form of development called the owner-builder method where it is a loophole that allows people from off-island and out-of-state and out-of-country, actually, to acquire property here. They bring, typically, they bring people to work here. They don't consider hiring local people. They pay cash under the table. They escape from all the State and Federal taxes, insurances, and all these commitments that we, as legitimate contractors, have to provide. So I think it's really unfair and I think we should take a real hard look at how Molokai Ranch is going to ensure us that jobs are going to be available for the community should you allow them to do this. My worse fear is that what's going to happen is, you know, maybe they do have good intentions, maybe the Kaluakoi will be revitalized, but there's no guarantee that it won't happen. It's happened in the past that it won't fold, they'll go bankrupt, those jobs will be lost again. The real economic impact is going to be in the development of those lots, each individual lots. So my question is how are they -- or how we're all going to benefit by this economically cause we don't want people sending people from off-island, out-of-state, out-of-country, and anybody can see this, it's predominant in that development. It's probably in other developments on the island. We need to really take an in-depth look at how we're going to accomplish or allow this development to happen if they're not going to consider affirmative hiring of local residents, therefore, impacting us in a good way instead of adversely. And that's all. Thank you.

Mr. Vanderbilt: Thank you, Don. Any questions of Don from the commissioners? Hearing none, the next speaker is Janeel Hew, followed by Tyson Santiago. The microphone comes off and --

Ms. Janeel Hew: I will sit up here.

Mr. Vanderbilt: Oh, terrific.

Ms. Hew: I may not be able to stand tall but that's okay. You know, a lot of people on the board, hi, that are from off-island, I'd just like to ask you guys a question. You guys come here and you see all these people but outside, there's a lot of children running around and most of the kids know me at Auntie Pu because I like to keep life simple, and that's basically what Molokai is about. The simplicity. When you come here, it's not about this family and that family and that family, everybody is ohana. And when you guys come over here, try thinking about asking yourselves, where would I feel my kids be safer walking down the street? Molokai? Maui? Oahu? You bring in more houses, you bring in more people. When there's more people, there's more crime; there's less resources; all of that.

Everybody has their own, how do I say, specialty on what they wanna direct. But anybody that knows me knows that I try to speak for the ones who don't have a voice. I'm talking about children, our children's children. They talking about, oh, well, what are our kids going to do? What resources do we have for our children? What type of jobs are they gonna have? Not only is Molokai the best place to raise kids as it stands, but we are the luckiest people in the Hawaiian Islands. We're smack-dab in the middle of opportunity on both sides of us. What? Twenty minutes away? Thirty minutes away? Do our children have to go far for these job opportunities? These educations? Speaking of education, our children also have the best opportunity of learning here on Molokai. You guys think, oh, nah, get all these technical stuff here and there. Kids need one on one. Kids thrive academically in small classrooms. Is that for me.

Mr. Vanderbilt: Can you finish up in a minute or would you like to come back for another three?

Ms. Hew: No. Bottom line is --

Mr. Vanderbilt: Take your time. A minute's a long time.

Ms. Hew: Just this last minute, listen to us with a child's heart. Where would you like to play? On a street filled with graffiti, homeless people, and crime? Or here on Molokai where everybody raises their children together? You know your neighbor and you love your neighbor. Thank you.

Mr. Vanderbilt: Thank you. Any questions for Janeel? Hearing none, the next speaker is Tyson Santiago, followed by Walter Ritte.

Mr. Tyson Santiago: Hello. My name is Tyson Santiago, and I'm here to go against Laau Point and its development. And I wanna start by saying for two years you guys been trying to force this plan on us and it's not working. It's never ever going to work. We all know as locals growing up, we tell our kids, "If I have to tell you one more time, pau." Huh, you guys understand? We talk, talk, talk, and no action, and we come here and bear our testimonies of how we feel about Molokai. We had guys go out there and protest. And when they protest, they taking all our mana from right here to Oahu, and they felt 'em. I guarantee they felt 'em. Cause I feel 'em too. There's no denying what we feel today. Plenty people on the board, not just this board, EC board, they made me who I am today, and I'm proud too, how they brought me up. I cannot see what they see but I can definitely feel what they feel. They know in their heart this is wrong. I guarantee the first thing come out of their heads when they heard this plan, they said, "No way." I guarantee it. This issue with water is simple. I like end with one quote from a special man from Molokai, and this is going be the person who inspire many of us on Molokai, and we all seen on the news, we all read in the books, and he said, "Call me a radical for I refuse to remain idle.

I will not let the foreigner prostitute the soul of my being and I will not make a whore out of my soul, my culture." My name is Tyson. I am Hawaiian. A`ole to Laau. Thank you.

Mr. Vanderbilt: Thank you, Tyson. Any questions for Tyson? The next speaker is Walter Ritte, followed by Karen Holt.

Mr. Walter Ritte: Mahalo nui. This is just the beginning, yeah, and this whole process is a really scary process. It's based on -- what's happening right now is confusion and everybody is getting little bit antsy, and the waves are big, and we tried to pick go pick some opihi. We know we shouldn't be picking opihi because the waves are really big. I don't know if you guys was here last night, but there was a lot of yelling and screaming last night because the hunters were being threatened by Nature Conservancy. The farmers are being threatened because they think they're going to lose their water to development. The fishermen have been struggling and getting really tense because the State of Hawaii was threatening their fishing. A lot of things happening where things are happening to this island where we're being threatened. When you go Friendly Market, nobody know -- my wife used to take half-hour for go shopping, now she takes five minutes cause she don't know nobody inside the store. Somebody was trying to find parking at the post office had to drive around, drive around, drive around - no more parking. Molokai is under a lot of pressure. This process that we're going through is just going to exacerbate that whole damn thing because it's so confusing. It's so confusing. And it is really, really difficult. This document, I don't think anybody is going to read that whole document. It's really difficult. It's even more difficult because we need time, they give us crumbs about time. And they're saying that this process is something they want the whole State of Hawaii to see and copy, that this is the way developers supposed to treat their community.

Now they're going to have concurrent hearings. And this is just the beginning. I know you guys don't understand what these guys roles are and everything else because it's really, really confusing, and it's just the beginning. When they start having concurrent hearings, when the State is going to be having hearings and the County going be talking about SMA's and amendments to plans and all kinds, nobody going know who they talking to and why they talking. And before we know it, we not going start -- we going stop coming to meetings because we going be all burnt out, frustrated, and we don't know who the hell we talking to. That's how this process going work.

Molokai Ranch has the ability to make this process user-friendly so that we can understand and we have the time do this process. They're in the driver's seat because the government is saying, "Oh, we gotta have concurrent hearings. Or we gotta have limits about how much time you -- the community can have to do things." The pressure is on this community, and this community is like boiling right now. So I'm really nervous about what's going to happen in this process because the application is to change the zoning of this one little parcel but, no, this is about the plan. Naiwa, Kaunakakai, Ilio, all over the place. But

the Land Use Commission is only going to do this one development plan, so there's a lot of confusion. It's confusing. It's confusing. Oh, yes, we wanna save the land. We wanna save this. We're going to help Hawaiians. We're going to increase subsistence. All the things that this development is going to kill. Talk about confusing.

Mr. Vanderbilt: Walter, can you finish up in a minute?

Mr. Ritte: Yeah.

Mr. Vanderbilt: Thank you.

Mr. Ritte: You know, John and I grew up together. He's saying the same words I'm saying when we do interviews in the newspaper, but he's supporting the development and I'm not so whatever words I'm saying, he's saying the same words cause he has the same beliefs, but how can you have a development and yet we're talking about the same thing. It's confusing. It's totally confusing. And then the ranch makes statements that somehow there's a silent majority out there that supports their plan, and the inference is that Molokai is supporting their plan. What you see here tonight, three against whatever, hundreds that we have out there, is how this things has been going for two years and every single meeting the majority of the people has been against Laau. But you look in the EIS, it's like this community, thousand people came to our hearings, we had hundreds of meetings, it's a community-based plan, we going give this whatever amount of acreage to the community. It's not to the community, it's to a corporation that's going to get that land trust. It's confusing, confusing, confusing. Okay, so I don't know what you guys can do, but if you guys can at least make the process simple for us, make it simple. Let the Land Use Commission do their job. If they do their job and say no, all the County stuff drops off anyway. Having this thing where we're going to have meetings, all kinds of meetings, three or four meetings at once, is not in the best interest of this community. Somebody has to speak up for this community.

Mr. Vanderbilt: Walter, can you finish up, please?

Mr. Ritte: I tell you. This is really, really bad, a bad process and I wanna encourage that we make it simple so that we can participate. We want to participate. We want to save Laau. We want to save Molokai and keep Molokai the way it is. We want to do that. Allow us to do that. Keep this process simple.

One more last thing, then I'm going to go. We talked about Laau. If you guys got today's paper, the Times -- *The Molokai Times*, this add, the Makahiki, I didn't even know, somebody just showed this to me now and I wanna show it to everybody, because we're talking about Laau, this is at Laau, okay, and that Laau is where the Makahiki closing was in the old days. So I was really taken by this ad and this -- in this paper because it really



pertains to what we're talking about and what Lawrence was trying to talk about. When you go down there, you're going to feel something. Hard to put into words.

Mr. Vanderbilt: Thank you, Walter. The next speaker is Karen Holt, followed by Josh Pastrana.

Ms. Karen Holt: Aloha kakou. Sorry I'm late. I was going back to my office because I was bringing back the EIS. I forgot what was in it. I haven't read the whole document word by word, but I've tried, and it's hard. And the main thing that I conclude after doing my best to do my homework is that there are lots of unanswered questions in that document. And since the purpose of this meeting is to give you folks some ideas of questions that the Land Use Commission should be considering when deciding if this EIS is adequate, I just wanna briefly go over the questions that I have in my own mind, most of which I've actually asked of Isaac Hall, the attorney for the ranch, but I've never gotten a response.

So, first question, I'd like to see the specific language of the thing that people are calling CC&R's, that stands for deed covenant and condition restrictions. And, as we heard from a gentleman who testified a little earlier, they don't really work all that well. Louisiana Land put ten years worth of restrictions on all the folks who bought their subdivisions, I guess including that gentleman, when they first subdivided, but there was a point where they were going to expire, and so the vote that that man was talking about was a vote of those landowners to decide whether or not they were going to continue to all agree not to subdivide. Well the guys who wanted to subdivide won, and I think you folks may have noticed an ad in the paper recently for one of those subdivided lots, if I'm not mistaken, the price was about 1.4 million dollars. So a lot of homework not there in those documents.

I would like to see the specific language of the CC&R's because Hawaii law does not support them. The case law is real clear on that. I emailed that to Davianna McGregor a couple years ago, and I know he sent it to my old friend, John Sabas, but I never heard anything back from them. So that's really important because that's what's supposed to restrict the water and a whole bunch of other things that none of us really wanna see down there and, yet, I've not seen the legal documents, and these glasses are not for nothing, I can read that stuff, but I gotta see it before I can figure it out. So that's one serious question that needs to be asked of the ranch in this EIS process.

Another thing, there's a lot of numbers being thrown around about how much land the ranch is going to "give" to the island. The amount that I see in the EIS is 26,200 acres, which is a lot, and amen. I'm all for that as long as it's protected. It's not 50,000 acres, and that's what was in the *Star Bulletin* two weeks ago; 24,000 of that acreage is going to stuff that doesn't have specific information either in the EIS, but 10,000 of this going into something that I've never heard of called *Rural Landscape Reserve*. No explanation of what that is. Another 14,000 is going to ag easements, and that's supposed to protect that

land. Every single mansion that you see on the west end at Papohaku is built on ag land. Every one of them. So that's another question. What is the ag easement? Can we see the language? Can we see the Rural Landscape Reserve explanation? Another one --

Mr. Vanderbilt: Karen? Karen, can you finish up in a minute or would you --

Ms. Holt: Yeah, I can.

Mr. Vanderbilt: Okay, thank you.

Ms. Holt: I will talk fast. There's another 10,000 acres that the ranch is reserving for something that's called *Community Expansion*, some of that is resort land above Kawakiu actually, real close to Kawakiu. I wanna know what they're going to do with that land. And that's the main question I asked Isaac and I didn't get an answer. But, as someone earlier pointed out, there's hotel zoning there; there's a lot that could be done above -- above that area so what's going to be done on the 10,000 acres that the ranch is going to own and reserve a 100 percent right to do whatever it wants to.

The final thing that I really would like to see is the land trust document. If you read the EIS carefully, it says that there is going to be a relationship between the ranch and that land trust, and it will be spelled out in the land trust documents, but we don't see those documents. So final thing I really wanna say is I know all of you folks personally, I know if you weren't born, you've lived here a long time, and you love this place. You have a really hard job to do, you're not the final decision-maker, but this is a touch situation and I'm hoping that you'll do the right thing for Molokai. Mahalo nui.

Mr. Vanderbilt: Thank you, Karen. Are there any questions for Karen? Hearing none, the next --

Mr. Kalipi: Commissioner?

Mr. Vanderbilt: Oh, excuse me. Commissioner Kalipi.

Mr. Kalipi: Karen?

Mr. Vanderbilt: Karen?

Mr. Kalipi: Karen, can we have a copy of your list of questions for the commissioners? Thank you.

Mr. Vanderbilt: Thank you, Commissioner Kalipi. Excuse me?

Ms. DeCoite: Karen, can you come back please?

Mr. Vanderbilt: Commissioner DeCoite.

Ms. DeCoite: Karen, I just like you elaborate more for me on the CC&R's and what would cause it not to hold up in Hawaii law if the CCR's were to be put on this land trust?

Ms. Holt: The top case in Hawaii is actually a case from Waikiki, which by the way is where I grew up, five generations of my family, so when we talk about Molokai changing, I see it, you know, from personal experience. These hotel developers bought land from the same landowner, which is how CC&R's start. It's gotta be one landowner who decides to put restrictions on their subdivided property. So they bought land and the guy that sold it to him forgot to mention that there was a height restriction, and that was in a legal CC&R in the leasehold and landholding documents. And so the whole thing went to court because of course these guys wanted to build a higher hotel. And what the Supreme Court said was, "Hawaii law does not support enforcement of CC&R's." They don't. And that's a long tradition. You compare that to the Hawaiian kapu system. It's completely huli. Completely opposite. But Hawaii law, current modern day law, does not support any restriction on the use of your land, and so if there's any way around that, this is what I put in my email to that Davianna shared with John, if there's any way around that, the courts will always rule against the CC&R's. So I can give you an actual case site if you want it, but this isn't just my opinion. I went to other lawyers and there is a consensus that these things are really not -- not what you want to protect your land. The other thing is if one guy of the 200 people in the millionaire subdivision decides that they're not going to tell the next guy, "Oh, guess what? We have a CC&R." The courts will strike it down for everybody. So it is not a safe deposit box. It really isn't. And I'm not saying this with any personal animosity to anybody, but all we gotta do is take a plane to know what happens when the protection dies so --

Mr. Vanderbilt: Excuse me --

Mr. Dunbar: Karen?

Ms. Holt: Yes, Kip?

Mr. Vanderbilt: Commissioner Dunbar?

Mr. Dunbar: Some of us, we look like we have been here for six generations too.

Ms. Holt: I think you have.

Mr. Dunbar: I guess the real point I'd like to ask is that I read this document through and through, and there's a lot of just repeat stuff. I'm more interested in the -- in the land trust agreement. It would seem to me that it would be very hard for the Land Use to even go forward with this if they didn't have the trust agreement to review because it's -- it's one of the mega parts of this entire plan. And I think you brought up some good points in that it doesn't seem -- it seems like it raises a lot more questions than there are answers and so I'm -- how do you feel about this plan going to the Land Use Commission if it hasn't even answered the questions that have come up?

Ms. Holt: Well, anybody is free to submit whatever permit applications they wanna submit. If they're incomplete, then they risk not getting them approved. I -- if I were on the Land Use Commission, which I'm not, I would be asking all these questions and I would be telling the developer I don't think I can even decide until I know how guarans the whole thing is, and you can't do that unless you see the legal documents. You just can't.

Mr. Dunbar: Okay, then I would think it imperative that your -- your questions actually be forwarded to Nancy McPherson so that those can be incorporated in this --

Ms. Holt: I'll do that. Thanks.

Mr. Dunbar: Thank you.

Member of the Public: Can you repeat that, please, Kip? Can you repeat that last statement, please?

Mr. Dunbar: I just say that I think it imperative that Karen put together those questions and give them to Nancy McPherson so that she can put -- make sure that they are in the context of this meeting tonight. You know, what this meeting is trying to develop is questions from the community as to why the EIS either is or is not complete. I mean the fact that we all love Molokai, I think, goes without saying. What we have to ask is why it either is or is not complete. And the more -- the more information that can be fed to MPL, to the Land Use Commission as to what is or is not onerous about this plan is what's going to give everybody what they want. Now, it may turn out that there is enough good information in the plan that it goes ahead. There may be enough -- it may be so onerous that there is not enough information in this EIS for it to go ahead. But that is what we should be concentrating on so that we can give the Land Use Commission that's going to decide on the zoning, as Walter said, as Karen said, and if they don't have the information that they -- that they need or that they think that the community thinks is valid, then they don't have enough information to go on and we might get something that we, that some of you out there with red shirts don't want, some of you without red shirts don't want. So I think the point I'm trying to make is that we need -- we need to make sure that it's not the emotion that we're talking about, it's the realization of where this goes next, and that is

going to be to the Land Use Commission and we need to make sure that we can tell them why we -- this, whatever you've read, is or is not accurate. So please give those questions to Nancy McPherson.

Ms. Holt: I will. I will.

Mr. Dunbar: Thank you.

Ms. Kalanihulia: And, Karen, you mentioned you'd be willing to give us a copy of the case law? You have it now?

Ms. Holt: Thank you.

Mr. Vanderbilt: Thank you. Anymore questions from the commissioners? None? Thank you, Karen. The next testifier is Josh Pastrana, followed by Makaila Purdy.

Mr. Josh Pastrana: Aloha. E kala mai. I no ma`a reading this kind palapala, 850 page kind stuff, so I just going share my mana`o in words, words that I see, so I going share my mana`o that my kupuna shared with me. That's where it is. Preserve. Preservation. How you going preserve one area and still build your million dollar houses in an area that is full of . . . one area that get the ihi of our kupuna? How you going do that? Just because you get one pile rocks, you don't know what that is, no more one plaque that says that's what it is, you going run `em over? Just cause you get one area, one nice area, but you know more one plaque that says so and so lay here, that no mean you go with your bulldozers and run `em over. We know rape, murder, and plunder this aina so that we can save other parts. We no dig up our kupuna over here so we can save the rest. We no work that way. It's not pono. That's desecration. You digging up our kupuna. You look all over the State, Hokulia project, Honokahua. They digging up our kupuna. There's some places you just cannot go and some things you just cannot have. Laau, Molokai noe ahina is one of them. So tell me, how you going be sensitive to these areas and still build your houses when the whole area is covered with our kupuna? This desecration gotta stop. Desecrating our kupuna is desecrating ourselves. Why you think so pili with this aina. We are the aina. It is in our moku auhau lava already. So that's my question. How you can be sensitive when the whole place is covered with our kupuna? There isn't an inch of soil that our ancestors have not laid their footprints on. That's all I have to say.

Mr. Vanderbilt: Thank you, Josh. Is there any questions for Josh? Hearing none, the next testifier is Makaila Purdy, followed by Kammy Purdy.

Ms. Makaila Purdy: My name is Makaila Purdy.

Mr. Vanderbilt: Thank you.

Ms. Purdy: And my mom, Aunty Phil over there, one of the kupuna there. Aloha. You know, I've been away for thirty years, I've just moved home, but it feels like I've been here forever still because we still get the same issue, the water especially, and I don't know too much about the ranch, too much, but I've heard a lot of stories and stuff like that about them, good stuffs and bad stuffs, and I've come to my own conclusion cause I don't judge anybody unless I see it for myself, and I've been following the meetings, all the way from the beginning, from 2005 because of the Laau, so I've been out and one of the reasons why I came back was because Molokai was the last most Hawaiian island. Now, I come back and it's really sad to see that this foreign company wants to develop 200 luxury homes. Everybody knows that. You said you want hard questions. I think we got easy questions like, you know, pros and cons on this. The water issue is -- is a very easy question or a hard question. Maybe it's a hard question but an easy answer. Everybody knows there's not enough water. Till today, ever since I was born and raised here, still not enough water. So how can? So that's one question. How can they develop? That's a hard -- I mean easy question, actually. And, like I said, I've been here for the beginning and trust the -- the ranch was one of the state, you know, one of the statements and, you know, there was a golf tournament that was, you know, just a few weeks back were so -- what I wanna know is why the whole community was not invited because everybody in this room supports the reopening of Kaluakoi. So that's my question. Why? Why wasn't the whole community invited? Cause I wanted to come. There's a lot of golfers down there and I support, we all support the reopening of Kaluakoi. Now, in one of the meetings or some of the meetings that I went to, quote, I quote Peter Nicholas, and a question was asked by Uncle Yama many times and Peter Nicholas answered, "The community was to decide if Laau was to be approved or disapproved." Now that's another lie. That's a lie. I mean I just found out that that's a lie. And so I finding out that the ranch has a track record of not keeping their promises and stuff, maybe now because we have different CEO's things are going to get better, but I know from past CEO's, that's the reason why the ranch went down and that's the reason why they wanna build the 200 luxury homes to get them out of the red, to get them out of the red so --

Mr. Vanderbilt: Makaila, can you finish up in a minute or would you like to come back for three minutes after everybody else has talked?

Ms. Purdy: No, no.

Mr. Vanderbilt: Thank you.

Ms. Purdy: So my main questions were that. And then, of course, a lot of hard questions, you said, jobs, create jobs they said. What kinds of jobs? That's what I like know. Besides construction jobs, how long the jobs are going to last and for who the jobs are going to be for? So that's the questions I wanna know and there's other, there's so much, there's sewage, environmental, health, traffic, everything. Everything. So that's what I

wanna know. And the EIS, like the, I forget what his name was, but he said 800 pages, 800 pages. How can we read 'em all? Thank you. Mahalo.

Mr. Vanderbilt: Thank you, Makaila. Any questions for Maikaila? Hearing none, we have on this list, and I'm sure there's some other testifier's, but we have Kammy, followed by Julie Lopez, Glenda Mawae, and Jaissuinn Caree, and then I think we'll take a break, a five-minute break, and then come back and resume testimony. Kammy?

Ms. Kammy Purdy: Aloha, commissioners. I, Kammy Purdy, oppose the Laau development. I am not willing – I am not willing to give up my quality of life for the Laau development. There will be many reasons, valid reasons, why this community opposes Laau. The lack of water, the social and cultural impact, and the economic imbalance to name a few. This Laau development is not pono. I understand MPL asked the County and the State to concurrently address the permit process, which means that they would like to have the State and the County, together, go through the permit process, which will stress the community of Molokai. We cannot be in two places at one time. So I sincerely ask the County to wait until the State completes their process and only then should the County process proceed. Mahalo.

Mr. Vanderbilt: Thank you, Kammy. Are there any questions for Kammy? Hearing none, the next testifier is Julie Lopez.

Ms. Julie Lopez: Hi. My name is Julie Lopez. I've been here since 1982. I started a farm here. I grew up on Oahu and I'm totally, totally against Laau development. I worked for the ranch. I know how the ranch operates and that's why I quit. The water first goes to the Hawaiian Homesteaders, the agricultural farmers, and if you know and grew up here in Hawaii, you know that you don't want any big time development of million dollar homes. I now work at Coffees of Hawaii. I meet a lot visitors. They ask about the Laau signs. I, basically, tell them what it's all about and they say, "Fight because you don't want your island to become like Maui, Honolulu, Kauai. You don't." They say, "Fight." They said, "We used to go to Maui. We don't go there anymore. It's just like California." So I'm telling you now we're going to fight and if we die for it, that's okay. Thank you.

Mr. Vanderbilt: Thank you, Julie. Are there any questions for Julie? Okay, the next testifier is Glenda Mawae, followed by Jaissuinn Caree.

Ms. Glenda Mawae: Mr. Vanderbilt, is it alright if Penny takes my place at this point cause she wants to --

Mr. Vanderbilt: That'll be fine.

Ms. Mawae: Can we switch?

Mr. Vanderbilt: That'll be fine. Thank you.

Ms. Penny Martin: I signed up late. She can take my place. I wasn't even going to talk tonight but --

Mr. Vanderbilt: Can you introduce yourself?

Ms. Martin: I'm sorry. My name is Penny Martin and I actually came here to listen and got inspired to speak. And I was reading Nancy McPherson's plan, kind of a condensed version, and I appreciate you doing this, and I heard some of the EIS today and there were just a few things. The CC&R's, the conditions, covenants, and restrictions to the subdivision. It says here that the CC&R's are very strict and almost beyond what one would normally find in a residential subdivision and that's a good thing. That's really good. But I'm wondering who's going to enforce this and usually it's the homeowners association so it's like the homeowners themselves enforcing their covenants. That kinda seems wrong to me. It's like no watchdog if you're watching yourself. So I had a question about that. Also the access. I read in the newspaper that it's not a gated community but I'm sure all those 200 homeowners are not going to want me shortcutting through their yard to get to the nicer beach at Laau. And so the access to the beaches don't -- it's really far from the nice spot in Laau and so I'm wondering about access as well. How much access do I have, as a Molokai resident, to enjoy Laau as much as the homeowners down there do? And, you know, and I'm sorry I didn't do my homework more. I just didn't even realize this was out and there's a lot in here, 800 pages is a lot. And so those were two questions that I had reading this. I also, you know, and I just wanted to share with you too that I just did the channel race and we paddled past Laau, very beautiful, very nice, that's always my -- I like to start cause I like paddling from Hale o Lono to Laau and just so nice to see everything pristine, and then you go through the whole channel and you get to Honolulu and, whoa, there's the new Laau in front of you and it scares me. It scares me. And my other question is is this the last development because almost every development on Molokai was the last development? So I mean I'm not trying to be sarcastic or to sass the people that put a lot of time into this, but what guarantees do we have? I respect the other side, Collette, and Stacey, and Emmitt, those are my friends, and usually we're on the same side, and this is very difficult for me as I guess it is for them. And I tell you how important this is to me. It's not easy for me to come up here and speak like this. It's very difficult. But it's something that is very scary for me and something that I care about so that I made myself come up here tonight to talk because later on I don't wanna be sorry about it. And you guys sitting here, I feel sorry for you because this is a hard job, and I wanna say thank you tonight because you are here simply to listen to us, digest all of this, and take it back. And I hope that we've given you enough substance to work with to take back. So I question the CC&R's, who's going to monitor that? I question the easement for residents. Is that adequate. Is that enough for me? I question about --



Mr. Vanderbilt: Penny, can you finish up in a minute?

Ms. Martin: I can. And I question cultural and social impacts. Two hundred one million lots on Molokai is like, whoa, you know, right away. How do you act? In closing, I just -- somebody gave me a document written by John Kaimikaua, and it's the Molokai Land Trust Cultural Committee, written by John Kaimikaua, March 30, 2004, and it's about pono, and he says, "The need for pono is vital in laying out the foundation ...(inaudible)..." And then he goes on to say, "Pono is generated entirely by human intent that can create a positive or negative force that can lead to the success or failure of any and all projects." And then he says, in the last paragraph, "The greatest detriment to the spirit of pono required in the decision making for the future success of Molokai are individual and collective hidden agendas." So I hope that there are no collective or individual hidden agendas so that this can be pono because, as John said, if this is not pono, it cannot work. So mahalo to all of you and I wanted to aloha all the kupuna that are here tonight at this late hour, and it's good to have the kupuna here because they give us strength and they inspire me. They inspired me to stay and come up here and speak tonight so mahalo.

Mr. Vanderbilt: Thank you, Penny. Are there any -- excuse me, Penny? Penny? Commissioner Chaikin?

Mr. Chaikin: Thank you, Mr. Chair. Penny, I just wanted to let you know that if you didn't have enough time to adequately review the information, we still have until, what is it, February 14 or 16? What is the cutoff date for comments?

Mr. Vanderbilt: 23<sup>rd</sup>.

Mr. Chaikin: Of February?

Mr. Vanderbilt: Of February.

Mr. Chaikin: Okay. So there still is time for you to review the information, put your comments down, submit those comments, and have the ranch respond to your comments. So I just wanted to let you know.

Ms. Martin: That's good to know because I think I actually tried to muddle through it. I actually found out that my name is in Appendix A as an -- as an attendee, active attendee, and I think I attended about three or four meetings and got frustrated and never went back, so since my name is in there, I think I'd like to muddle through it and see what I was actively attending.

Mr. Vanderbilt: Thank you. The last testifier, before we take a break, is Jaissuinn Caree. Jay? Jay, why didn't you just put "Jay" down there?

Mr. Jaissuinn Caree: Excuse my ethnicity, it's Scottish and English. Aloha, commissioners and you red shirts, spiritual warfare. This is about spirit and God is the control of all this. To be pono is to be in right standing with God and to be right in standing with one another, so I encourage each and everyone of you on the Commission board to pule, whatever it takes for you to get right with God, and for us all to pule and let us get right with God and one another. To God be the glory, amen. Excuse me, I wasn't even going to speak tonight cause I have sore mouth and so I'll just be brief. A picture is worth a thousand words. Please follow me on this. The greatest resource is all Hawaii nei is the Hawaiian people. And what I show you here, I will get emotional but, hopefully, my voice controls. I listen to words and I listen to processing and I listen to principles. And, to me, Molokai, whether you're visiting or you're welcome here to live here, is na ahupua`a. Molokai is one big ahupua`a, and so whether it's Wailau or Laau or Halawa or Ilio or wherever, Molokai is fighting for her life and the people are strong, spiritually strong, mentally strong, financially strong, and, of course, mentally strong. So I ask you, the commissioners, couple questions if I may, cause I understand this meeting is about information and about questions. Can I have a raise of hands if you've ever been to Laau on the Commission board right now?

Mr. Vanderbilt: Excuse me, Jay.

Mr. Caree: Is that not appropriate?

Mr. Vanderbilt: It's not appropriate to ask that.

Mr. Caree: I'm sorry. Okay, I'll retract that question.

Mr. Vanderbilt: We're here to hear your comments.

Mr. Caree: Yes. I understand.

Mr. Vanderbilt: Thank you.

Mr. Caree: Okay, this is what I ask is to the spiritual warfare, do the homework that tells you that you're right and pono with one another. Thank you so very much. Aloha.

Mr. Vanderbilt: Thank you, Jay. Are there any questions for Jay? Hearing none, we're going to take a ten-minute break right now and we have other testifier's. There's a sign up sheet back there. And then when we come back from the break, I'm going to open it for just a few minutes for the commissioners if they have any questions for staff or the attorney regarding process or anything that they've heard up to now. Commissioner Dunbar? So we're on a break, ten-minute.

*(A recess was called at 7:00 p.m., and reconvened at 7:12 p.m.)*

Mr. Vanderbilt: Okay, commissioners, let's bring the meeting back to order and, Nancy, do we have anymore testifier's? Okay, everybody, come on in and we got several more testifier's, and the first testifier is Noah Horner, followed by Malia Waits. Okay, our first testifier, after the break, is Noah Horner, and Malia Waits will follow Noah.

Mr. Noah Horner: Aloha. My name is Noah Horner. I am the son of Roy and Faith Horner, who currently resides at 29 Pukapele, which is 40 acres of homestead. In the home where they raised six of us kids, that homestead lot was given to my father by his parents, and my place of origin is Molokai. I am from Molokai. I can't say that I've actually been anywhere else, and I consider this my home. Back in '94, a few of my brothers and sisters, along with my mother, went to a homestead meeting to ask permission to subdivide our 40-acre lot so that the six of us children could have a piece of the homestead to put up a home and to have our family reside there. We were turned down by the homestead because of the lack of water, which was told to us at that time, back in 2004. And, currently, now that I hear about the interest of developing the 200 lots in Laau, it raises questions to myself as to what the difference was within these last couple of years where we were unable to subdivide our lot and now we're proposing to develop lots in Laau. That is my reason for not supporting the development in Laau. I just have a questions. I'll make it short.

My questions are the people who are making the decisions on this development in Laau, do they know who the water on Molokai belongs to? From my understanding it belongs to the homesteaders. And if they know that it belongs to homesteaders, do they know whether or not that the homesteaders need the water, meaning our residents who are -- who qualify for homestead lots and also our homestead farmers? And the only other question I have is is this the only out for Molokai Ranch as far as opening the Kaluakoi Hotel? It seems like this is their last option and I'm just wondering if that is true or there might be other ways of financially supporting their reopening of the hotel. Thank you.

Mr. Vanderbilt: Thank you, Noah. Any questions for Noah? Hearing none, our next testifier is Malia Waits, followed by David Estrella.

Ms. Malia Waits: Aloha, Molokai. My name is Malia Waits. I have a few questions concerning the EIS. First of all, we've been given an extension period for the EIS. I would like to know what legal documents do we have holding the ranch accountable for any questions that are turned in after February 6? If there are -- if they have to be or what kind of legal documents says that the ranch has to answer our questions in the next EIS draft? That's one, yeah. Okay, another one of my questions is how many -- they say that the Molokai Land Trust is going to be a community-based land trust. I'm wondering if the employees of the ranch will have any say or any influence on the land trust, if they're able to run for board, if they're able to have any kind of input as to the decisions that are being made, like the bylaws and things like that. Also, there doesn't seem to be any real

environmental impact statement according the monk seal population down there. I've heard a lot about fishing subsistence, but I haven't heard a lot about the monk seals, and they are an endangered species, and they should be considered to be one of the top priorities during this development. The other thing I don't think subsistence fishing is looked on as a whole because we are an island and anything that happens out there is going to affect everywhere else on the island. They put so much emphasis on the subsistence fishing at Laau. There are fishermen all along this whole shore, east shore, you know, we got them all over, and there's really no environmental impact statement. There's so much emphasis putting on how much they're going to support the subsistence down there and not really about what's going to happen on the rest of the island and how we could be affected because you know what? People do come here from off-island and you do see them here with your fishing poles, and they come out, and they go and fish at all the same spots that everybody else does, and they come up to you and they say, "Oh, where the best fishing spots? Where can we catch the most fish?" So we do have, you know, more things to worry about other than just subsistence fishing on the west end. You know, it does affect the east as well. And social impacts, of course, is not properly detailed in the EIS. Of course, it's an environmental impact statement. But, also, the soil. The soil type on the west end is really not good for the kind of development that they wanna do and all the things that they say they wanna help with as far as agriculture and how to support native plants, and even with the house sites and kinds of things that people are going to want, the kind of agriculture they're going to want in their backyard, the soil does not permit, it will erode and it will, eventually, hurt the subsistence fishing right there on the shore and, eventually, the monk seals too. Thank you.

Mr. Vanderbilt: Thank you, Malia. Is there any questions for Malia? Hearing none, the next testifier is David Estrella, followed by Donna Morgan.

Mr. David Estrella: Aloha, everyone. Glad to see you all here and thanks so much, all you members of the board. Yeah, my name's David Estrella. I'm from Portuguese ancestry, and, as you know, the Portuguese, they sail all over the world, and that's my direct relatives in their early voyaging to Hawaii. You know, they've been all over the world, they seen all the whole everything there is, and they saw that this was a beautiful place. They love it over here. And, you know, that's the special thing about Molokai. Nowadays, all the Hawaiian Islands are getting overrun, huh? My wife and I spent 30 years on Kauai. We've always lived in Hawaii, grew up on Oahu, my wife from Makaha, I'm from Kaneohe. We've seen all the changes, just like I know you folks here have seen a lot of changes too. But we see what happens and we raised a family over there but, now, Kauai has come to a place where it's very, very busy. The traffic and, one of the main problems was infrastructure wasn't put in, and they get all that development beyond control. In fact, you know, one thing, there was a time had this Joanne Yukimura, she was the Mayor of Kauai, oh man, we used to support her. She had tried put a little damper on development just to slow things down so at least the infrastructure can catch up with the changes because

these islands are so in demand, they're getting overrun. So I know, in your folks position, you have a real important part to play and I really ask that you do take the time and consideration. I know a lot of you realize what I'm talking about too. And, you know, with that confusion bruddah Walter was talking about, you know, seven years ago, or throughout the years, born and raised in Hawaii, I always used to -- I loved to coming to Molokai because Molokai is so special and so undeveloped, and that's what everybody from all over the world they love about Molokai, the ruralness, and the -- you know, it used to be known as *The Friendly Isle*. I don't know. Maybe they no can -- maybe time for not be so friendly and -- but, you know, when I first -- I bought a place over here cause I liked so much and my wife and I try to spend as much time as we can over here. My wife is Makaha, they love eating mango, huh? Where we lived on the north shore on Kauai, hard for grow mango. Too much rain. But here in Kaunakakai, beautiful, so we planted a nice mango orchard and everything. When I first started coming, I thought, you know, I see all the signs everywhere "No Cruise Ships." I wondering, "What the heck? Would be nice if the cruise ships come inside and, you know, eh, bring good business for Kaunakakai, and the people they just come and leave, hopefully." You know, but then I talked to Walter about that, Walter said, "Eh, no brah. They destroy all the fishing and the water, you know, they pollute all the water and everything." I told him, "Nah, they wouldn't do that, eh?" Eh, those buggahs they dump, yeah, that's right, they gotta dump all their sewage right but they going dump `em out in the ocean, that's, you know, whatever -- however --

Mr. Vanderbilt: David, can you finish up in a minute?

Mr. Estrella: Yeah, okay.

Mr. Vanderbilt: Or would you like to come back?

Mr. Estrella : I can wrap `em real quick.

Mr. Vanderbilt: Well, thank you.

Mr. Estrella: But, lo and behold, I found out this guy knew what he was talking about. I went back to Kauai. I was driving down Nawiliwili, over there is choke with cruise ships. Sometimes they get three or four in the harbor at one time. They all backlogged and everything. And, lo and behold, first thing in the morning, I was driving down, like 6:00, the cruise ship is dumping all of its sewage. I see one full jet stream. They're dumping it right in Nawiliwili Harbor. And here I figure, no way, they not going to that. You know, they did the EIS. This is why I wanted to bring this up. You know, the EIS, you gotta -- why I say the thing is no good and it's incomplete because there's all these unforeseen disasters and then there's these kind of guys that they don't care. They don't love the aina like I see the love for these people over here, the way they love their land, and everybody that loves Molokai, they love it the way that it is. You know, why change the thing? You know on

Kauai, my land taxes is over a thousand dollars a month. Over thousand dollars a month. You know, I still have a home on Kauai. Just for land tax, 12,000 a year. But mine is low compared to some other guys I know. And that's one of the criminal things, you know, over there on Kauai had this guy, John Barretta, they used to call him the tax fighter, but, eh, that's another criminal thing that they eliminate local people, Hawaiian people of being able to own their land because the land taxes go so high to the moon and that's what this other thing would do.

Mr. Vanderbilt: David? David, thanks. Your minute, your additional minute's up.

Mr. Estrella: Oh, okay. So I guess I'll come back but one thing final --

Mr. Vanderbilt: No. No, no, you took the additional minute. You had a choice. But that's okay.

Mr. Estrella: There's a song that I love, keep Molokai Molokai, and I hope you guys can help do that too. Thank you.

Mr. Vanderbilt: Thank you for your testimony. Any questions for David? Hearing none -- hearing none, the next testifier is Donna Morgan, followed by Glenda Mawae.

Ms. Donna Morgan: Aloha. I'm Donna Morgan, and I live on west side, wife of Steve Morgan. One of my concerns is who is Molokai Land Trust? I haven't read the complete EIS statement, but in overview of some points on the EIS, on Page 20, it says, "The Molokai Land Trust will provide the community self-determination, protection of the island's resources with the mission to protect and restore the land's natural and cultural resources of Molokai and to perpetuate the unique native Hawaiian traditions and character of the island." And, yet, this land trust has already been established, from my understanding, and so how is that -- how is the community have the self-determination? I don't even know anybody in the community, a lot of people have left, but who is on this land trust? Is there people here in the community that is on this land trust? And, obviously, not right now are here, but so that's my concern and my question is, you know, who makes the Molokai Land Trust and would like a full detail of this organization and its board, the members of the, you know, the board members, and how does the community of Molokai make these decisions that are going to help preserve and what it's stating here, that's just incomplete if it's, you know. Anyway, so, also, let's see, on Page 19, which I think this was talked about earlier, was the, you know, the lands that would be given into this land trust and, just like Karen had said, you know, it's not 51 acres, it's really only the -- let's see, right here, the 20 -- where is it? Oh, well, I think you know exactly how much it is, but, anyways, but, okay, "The restrictive easements designed as either open space, conservation, rural landscape reserve, or agricultural district easements will effectively remove," well, it says, "remove the development or the opportunities from the lands," but, yet, they stay in, those other lands,

stay in the Molokai MPL's hands and so, right now, we're coming -- they're coming before you to ask for rezoning and how is it that if this can happen that, with this agricultural district, it could still happen, again, what guarantees that that cannot be placed, and there's no showing inside here.

Mr. Vanderbilt: Donna, can you finish up in a minute?

Ms. Morgan: Yep. I'm actually done.

Mr. Vanderbilt: Oh, well, thank you.

Ms. Morgan: So I'll just -- yeah, mahalo.

Mr. Vanderbilt: Are there any questions for Donna? Hearing none, our testifier is Glenda Mawae, followed by Wayde Lee.

Ms. Glenda Mawae: Good evening, everyone. My name's Glenda Mawae and I've been attending the Draft EIS workshop meetings for the last, I think, three weeks in a row, and my frustration has been I don't know what to believe when I read the words in the book, and so I'm leaving the water issues to the water experts, I'm leaving the other issues that I'm not really familiar with to people that really know that they're talking about, and I found myself zooming in on the social issue because of my work with people who are sick and dying and also going through the grief and bereavement process. And listening to testimony on Akaku, listening to testimony in this room even tonight, hearing how people are willing to lay down their life for this land, people look at this land as their mother, and they're willing to lay down their life to protect their mother. That's the current social impact that this is having on the community today, besides the fact that it's pretty much divided up a lot of families and a lot of people, and I know we're all doing our best to talk about this without ending up hating each other, but I think we need to try harder. When I think about people who are willing to die for this place, and the possibility of that happening, and the families that are left behind, I have to ask a serious question. What greater love can we have for one another than to lay down our life for those who we love? I hope to God it doesn't come to that. And when it comes to the development and the possibility of seeing all that so-called progress down there, my question is what good is it if we gain a whole world but we lose our soul? And the soul of Molokai is at stake right now. I love that statement, *Molokai Pule o`o*, and I wanna leave that tonight with you.

Mr. Vanderbilt: Thank you, Glenda. Any questions for Glenda? Hearing none, let's see, the next testifier is Wayde Lee, followed by Cynthia Luafalemana.

Mr. Wayde Lee: Aloha, Planning Commission. My name is Wayde Lee, resident of Molokai, Lot 74, homestead. How many generations? Four, yeah? Fourth generation.

You know this development is really strange and I don't think we should follow Maui process, follow the EC process. They always go backwards. You change the -- you figure out the land use so you change, is it agriculture to development; then you figure out, they get enough for a house, and the water was always last, and then we all get caught with the bag of going to court or DLNR and say the same thing we've been saying that no more enough water. Maui process, the last time we went fight Tokyo Kosan, I told them, "Eh, this is all backwards." To the development, Kaluakoi, they let them build all the infrastructure, ah, give 'em, let 'em pay their money, let 'em build the infrastructure and then what happen? Oh, go find your water. And then guess who they blame? Blame the activists. They the one who went stop you from getting the water. Where is the water? Why is County looking for one new place for dig their well? Is there well getting salty? Just like EC process, I went in the very beginning, I asked, "Let's talk about the water. Let's talk about the first thing first before anybody invest money." They never like. You know how much they went invest already? I got one brand new DVD came to my post office. Try squeeze water out of that. For years, the public or us, all of us, take the jerk of getting into the court case and doing our testimonies, and taking gas all the time. I think it's about time that Molokai commission, Planning Commission do this right. Let's start with never mind how much building, how much guys, how much jobs, let's start with, we get enough water? And if not, cut the programs. Let's start with west end. They get one swimming pool down there. Cut the program, not because they no more fire hydrant that they can put one swimming pool that going save them, that water no belong over there. You know what I mean? So I think you guys need to turn around and be innovative, and whatever come through, let's start with the water cause that's been the fight on Molokai for years. From who? From Louisiana Purchase, Tokyo Kosan. Yeah, you guys remember? And I'll be a hypocrite if I would say, "One last development." For all the time I stand and try testify that no more enough water, and now I going say get enough water. I think I'll be a hypocrite. I'm here to tell you today the same thing we said many years ago, we live on one low island, no more plenty water. You like water, do what the homesteaders or my tutu man did, pray for 'em, and I not being arrogant. The homesteaders went pray for their water. You like water, go pray. If no come, that means you never take care. You not pono. So mahalo.

Mr. Vanderbilt: Thank you, Wayde. Any questions for Wayde from the Commission? hearing none, Cynthia Luafalemana, and followed by Barin.

Ms. Cynthia Luafalemana: Okay, my name is Cynthia Luafalemana, my kids would have been here but there was time scheduling so I'm going to speak in behalf of my children, okay. I was born and raised on Oahu, but I had Molokai connection. My mom is born and raised from Molokai. I am not a Naki. I am remarried to a Naki. I am not a Naki. I am a Ka`awa. My grandmother was Anna Kuulei Ka`awa, and my grandfather was David Kaina Ka`awa of Mo`omomi Avenue. My mother is Harriett Poli Patricia Ka`awa. My grandparents had ten girls, and they lived and worked on Mo`omomi Avenue, the last -- the



second to the last green house on Mo`omomi Avenue. That is my connection. That is how I'm related to Molokai. And I've been coming to Molokai, the only one that actually, from my mom's family that landed on Molokai, cause my brother and my sister said, "No ways. Red dirt. I ain't dealing with no dirt." Honolulu born, raised, like the city life - not me. When my grandmother said, "You going come Molokai and you going live." And I've never left. I came here in 1982 to the Naki property, and it was only kiawe trees; didn't have no money; had three children; didn't know what to do. My husband and I dig all the kiawe trees with our hands, planted grass, planted banana. Kip was my neighbor. I knew them. And that was my bread right there. My children, I have six, and my children went and asked grandma, "Grandma, you for Laau Point?" She said, "No, because from the time we was born and raised on Molokai, we never had water. We had to sometimes go to the neighbor's house, get our bucket, and carry water to feed the animals." Ten girls; ten acres. Today, my cousin, Edwin and his wife Nona, has the property. And my Aunty Anna and my cousins Melody and Taylor lives on the property my Aunty Naliko lives on. Those are the two aunties that stayed on Molokai. That's it. "Grandma, no more water?" "No, never had. Cannot build that side." Never went. And I walked from my grandmother's house all the way to Mo`omomi Beach, ride my bike, we going to the beach, okay, gotta walk through the pineapple fields looking for water, bring your water, and all I'm saying there was -- just telling you the history about water. We're all talking about water. The questions I wanna say --

Mr. Vanderbilt: Excuse me, Cynthia, can you finish up in about a minute?

Ms. Luafalemana: Yeah. I'm going to say it with the question.

Mr. Vanderbilt: Thank you.

Ms. Luafalemana: Question. Why homes and not farms? The homes, this whole development, will it provide better community facilities for our youths, for our schools, for our farmers? Jobs. Construction, roadways, hey, three years already, east end, still get the same bridge three years. Only one side went fix. Is that what you're promising up there on the development? Roadways. Never fix that road, coming down from Kaluakoi, still bumpy. Never fix. Promises. Different home development. Land trust. Money. Land trust for who? Education. Community facilities. Eh, look this gym. I feel like calling home improvement to come over here Molokai maybe they can help build us one new gym. Can build home, hotel? Bruddah over here, build us one new gym, build us a new, brand new, multi-million houses by multi-million community service. Cannot even fix your own community, Molokai Ranch. Up there, youth center, where? No more nothing. Where the money? Where the land trust? Will they support youth programs, our education, jobs? You know what? I had one choice. I sent my kids away. That was a guarantee. You ain't staying on Molokai. Graduate. You out of here. I pack the clothes. Send them on the

plane. Pay 'em, and send them to college. Send them away so they always can come back and appreciate this island.

Mr. Vanderbilt: Thank you, Cynthia.

Ms. Luafalemana: You can answer those questions.

Mr. Vanderbilt: Thank you. Any questions of Cynthia? Hearing none, alright, next testifier is Barin, followed by Ken Bare.

Mr. (?): Barin has been detained. He's getting some information and we will submit it to the Planning Commission. Thank you.

Mr. Vanderbilt: Thank you. Next testifier is Ken Bare, followed by Cheryl Pritchard.

Mr. Ken Bare: Yeah, good evening. Thanks for your patience here. My name's Ken Bare, lived on the island six years, and I don't support the plan. And I'd just like to say to you guys that, as I see it, I went to quite a few of those meetings, probably 15 of them or something, the EC meetings, and that doesn't mean I support the plan. It kinda sounds like if you went to them, you supported the plan. Well, no. And the reason, it's not a community plan, and it wasn't. It was Molokai Properties plan, and I have a really hard time calling it Molokai Properties because everybody calls it Molokai Ranch, but it's not, and I think their name says it all, basically. And so they had the plan decided and this was their way of getting it through the community, and so it's not a community plan, and it never was. Yes, there is community input, but it fell on a lot of deaf ears. I was there many times and I, personally, and other people brought it up that agriculture is a big part of this island and there's gotta be other alternatives than big time development. It went on deaf ears. Peter Nicholas told me, at one of those meetings, that on this island, agriculture is a dead horse. That's a quote and it was taken on -- I mean, with that attitude, what kind of a plan is this? Community plan? I don't think so. And, as we all know, it boils down to water, amongst other things, but water certainly and what -- out of Well No. 17 is going to be their sweet water well, I guess. They're going to pump two-and-a-half million gallons a day out of this well? What if the chloride levels, which I would -- I'm not a betting man, I gamble everyday I work, I'm a fisherman, so I don't go to Reno and Las Vegas and all that, but I would bet on this one. I'll bet you the chloride levels will go up. Does this EIS deal with the -- what would happen to their sources if it goes sour and are you going to let them drill more wells forever and take -- I mean, once you give water and once you let this development happen, you can't take the water back. They'll go to court and the people of this island that care don't have the money to fight 200 millionaires plus their entourage of lawyers, and I'm afraid this is where this whole thing's going to end up is in court and we're on the short end of the stick. So, please, do your homework. It's hard. Eight hundred

pages. We need way more time to adequately respond to this and that's all I have for right now but I will write up something. I appreciate it. Thank you.

Mr. Vanderbilt: Thank you very much, Ken. Any questions for Ken?

Mr. Dunbar: Well, yeah, Ken, so what are you saying? Are you saying that the EIS statement is incomplete? Is that what you're saying, as it regards to water?

Mr. Bare: To tell you the truth, I haven't gotten through to that point, but I would suspect it is since --

Mr. Dunbar: Thank you.

Mr. Bare: The ranch would figure that they have all the wonderful water they need and they only need two cups a day out there, you know.

Mr. Vanderbilt: Thank you. Any other questions for Ken? Alright, the next testifier is Cheryl Pritchard, and we have Victoria Kapuni, Tuddie Purdy, and Butch Albino as the last four testifier's. So if there's anybody else that would like to testify, just sign up on that sheet or just raise your hand when the last speaker comes. Okay, Cheryl?

Ms. Cheryl Pritchard: Hi. My name is Cheryl Pritchard. Thank you for allowing me to talk. I lived on a ranch and the well went dry. And for three years, the water came from another county and it was piped on a specially built pipe that came across a bridge. That's my introduction. I speak from experience. The Colorado River water does not reach Mexico. It used to. It's been diverted to areas that don't have water that have lots of developments. There's aquifers in the southern southwestern part of the United States, they're dry, and there's court cases in the Federal Courts that have been going on for years by expert hydrologists and the experts are on either side of the case. And no matter how long these experts debate in the courts, it's not going to fill up the empty aquifers. Hydrology is not an exact science. An hydrologist on this island told me that. And the visible proof of hydrology not being an exact science is on this island and it is the well that they built and put a lot of money into to monitor our aquifer. And after several years, something happened that they didn't guess about and they are no longer monitoring our aquifer, so nobody really knows what's going on on this island's aquifer. That aquifer is no longer producing any data because the hydrologist, with their best guess, didn't guess it right. So my question to you tonight is I want the answer to where is the water going to come from when the well runs dry. Thank you.

Mr. Vanderbilt: Thank you, Cynthia. Any questions for Cynthia? Hearing none, the next testifier is -- is it Victoria or Victorice Kapuni? Oh, yeah, that is an "a." Alright. I thought it was a "ce." Victoria.

Ms. Victoria Kapuni: Aloha. My name is Victoria Kapuni and I'm going to be a homesteader soon, I hope. We're supposed to be by now but it hasn't happened. I didn't intend on testifying tonight. I have been working on the EIS statement. I'm on Page 90 and this is how many questions I have. So you ask me if I think this is an adequate document, and I say, "no." I can't begin to read you all these questions, but I started reading through my copies and I picked out a few highlights. Other than the CC&R's, there are gaps in other legal documents in this document and that is the corporation, the CDC corporation, which will work with the land trust. There are no legal documents there. There are no specifications for what those people will be; who the shareholders of the corporation will be; what the mission statement is for the corporation; how they will interact with the land trust; who will have the ultimate say in several different areas of the document; they have control over different chunks of land. We need to know what the legal descriptions are for those chunks of lands and how those lands will be utilized as easements. What are the easements?

We were told at, I've only gotten involved in this since this summer, and I started attending the meetings. I heard Penny Martin say that she was involved in a few of the meetings, as was my husband, Bill Kapuni, but neither one of them supports this plan so let's look at all this thousand people that attended these meetings and ranch is saying they support the plan and it was community input. Let's find out who those thousand names were, what meetings they attended, and who the number of people were that were for the plan at those meetings. You saw this meeting tonight. You saw a handful of people maybe that were for the ranch plan. The meetings that I've attended since June have all been against Laau Point. And sometime, somebody has to hear these people. When are the responsible people going to listen to the public? I want to know who those thousand names are. I also, just for my little information, took the names of the committee members and I attached them to ranch employees, or to former ranch employees, or to people that were married or part of the family of a ranch employee, and guess what? There is so much duplication of the ranch people in those meetings and who were running those different meetings: the tourism, the culture, the economics. All of them were a nucleus of ranch people. I want to see those statistics of those people. I wanna see those numbers. That's what I would like to see if they're saying indeed this is a community plan.

In addition, in your book, you have the ranch plan. You have the ranch community plan. You know their -- of course you know. You made it. There's a Molokai plan and it's different than this one, and I want the people and the ranch to answer the distinctions between this plan and the plan that this Commission made. We have a right to know those distinctions and you have a right to see, in black and white columns, like we did this, you did this.

Mr. Vanderbilt: Victoria, can you finish up in a minute?

Ms. Kapuni: I get emotional. I'm sorry.

Mr. Vanderbilt: No, but can you finish up in a minute or would you like to come back?

Ms. Kapuni: Yes, let me just see because I don't wanna keep you, I mean it's getting late. I just wanted to cover a couple of things. Oh, I wanted to start because there was a very wise woman in the east end that said, "Whenever you talk about Molokai, you talk about it being 32 miles long and 10 miles wide. And whatever happens at one part, influences the whole island. It's a very small place." I will just submit my questions to the board but I did want to, you know, to the company that put this together. I just wanted to highlight those few things. I think it's important for us all to remember that maybe this isn't a community plan. Maybe the plan you people made was the community plan.

Ms. Vanderbilt: Thank you. Excuse me, Victoria, we have a question from --

Ms. Kalanihulia: Would you submit your questions to Suzie, please?

Ms. Kapuni: You want all of these questions?

Ms. Kalanihulia: I do.

Ms. Kapuni: Do you?

Ms. Kalanihulia: Yes.

Ms. Kapuni: Okay. Can I -- would you mind if I print them off and give them to you tomorrow? Print off a new set?

Mr. Vanderbilt: I think she could drop them off at the Molokai Planning Commission office, right? Yeah, and that's --

Ms. Kapuni: Are you the person?

Mr. Vanderbilt: Yeah, right down here.

Ms. Kapuni: Out here? Okay. Alright.

Mr. Vanderbilt: Yeah. Thank you, Victoria. Next testifier is Tuddie Purdy, followed by Butch Albino.

Mr. Tuddie Purdy: Aloha. My name is Tuddie Purdy. I was born and raised on Molokai. I am a Hawaiian Homesteader doing business as Purdy's Macadamia Nut Farm. For 25

years I've done that, and I had a chance, like Victoria, to read part of the EIS. It took a week to utilize the book, and my interest was tourism and economics, so that's what I wanted to focus on, tourism, economics. And when I read, when I started to flip the pages and tried to, you know, get to those areas, in the tourism part, there was no tourism. There was nothing that said in the EIS about the tourism aspect of Laau, so I was wondering why didn't have tourism involved in this -- this -- in the EIS. I also got to the economic side, and the economic side of this EIS was, basically, a taxation, and that for State, County, and maybe Federal, and this was only for the homes that was going to be built, the land that it was going to be on, and there really wasn't an engine that was going to drive this island to economics. Okay, so it was just houses being built, and rich people, and they're staying out there, and there was really no economics other than, you know, government money. That's the only place it was going.

So, as I was trying to get through 800 pages, which I couldn't, I came across, and this is only an example of what I -- what I read, so one was public safety, okay, and that's part of the EIS is on -- I don't have my notes on it, but I am writing questions, I am putting it to PBR, actually, more so than here, so I'm going to relay it to the guys that made the EIS, but one example of being really like kind of buttering over this EIS process is that public service was police, fire, and then, in their comments, in one section of it, and I got it listed down in my notes, that it would take the Fire Department, from Hoolehua to Laau, 25 minutes to get there, okay. This is just a statement they're putting in the EIS. It's there. It's documented. So I called the retired fire captain, I not going to mention the name, retired fire captain on this island, from this island, and I said, "How long going to take from Hoolehua to Maunaloa, not to Laau, but to Maunaloa?" And he said, "Forty-five minutes, maybe thirty minutes at the most, you know, around that." Just to Maunaloa.

So I'm telling you that the EIS process is like they -- it's a facade, big facade, cause every step of the way that I was turning pages that I wasn't interested in, like tourism and economics was the only thing I was interested in, but when I got to some of these things, I jotted it down, so I wanted you guys to know, this committee here, that that is one, I only giving one example actually of public safety, okay, that's what they think about how long it's going to take a fire truck to get down to Laau Point. I no care how good you make the roads down to there, it's not going to take 25 minutes from Hoolehua. So I'm just putting that out as one actual thing that was said and written and I'm commenting on that particular question, but there's many, many, many more. So that's what my comment is.

Mr. Vanderbilt: Tuddie?

Mr. Purdy: So mahalo for your attention. I think my granddaughter wants to say something.

Granddaughter: Malama Laau. Mahalo.

Mr. Purdy: Aloha. Aloha.

Mr. Vanderbilt: Thank you Tuddie. Are there any questions from Tuddie from the Commission? Hearing none, the last testifier we have signed up is Butch Albino. Okay, Butch isn't here. Bill, would you like to testify? Just, for the record, put your name on the record here.

Mr. Bill Kapuni: Aloha, everybody. Aloha, Planning Department. I really didn't wanna speak tonight but I think there's a lot of hurt going on on this island and every time I look at Akaku or just being here, present at this meeting here, and what the people in the community here is looking for. I going go back couple years, maybe 20 years, over here on the east end of Molokai. There are two ladies I was talking to, their kupuna, Auntie Harriett and Grandma Kapuni. At one time, at the Dunbar's ranch, Kip Dunbar, I was a land manager there for a big development, was breaking that property up for five-acre parcels. Had this when Kip's dad was running that area. I remember both kupuna talked to me and told me that was right what we was going do there, to build this -- put this five-acre parcels up there on the hill. And I told them the way I felt. I felt like a guy just came from the Mainland, had bright ideas, and want to develop. As weeks and months went by, we kept on working on that property up there. I not going go too far in detail on it but this is one of the plans they wanted to do out there, and that plan was the plan I was very involved in. The two ladies that had put a ring in my ear, especially Grandma Kapuni, who had told me to take care the aina and take care the coming up growing keikis. Not to change the land. And I thought, gee, I look back where I was raised. I was raised up in Oahu. I spent a lot of my time being a beach boy at Waikiki, surfing, canoeing, you name 'em, I've been there. I just came back from the Mainland and I hear on Molokai ...(inaudible)... the ranch management, I hear out in the community, we're born Hawaiian people, and, at the time, I was thinking, well, I'm going to create jobs, but I listened to grandma them, who was teaching me the other avenues to go and develop, you know, to develop in a community. There's a lot of ways to do it besides trying to change the land put expensive houses. The houses was going be very expensive up there, very expensive.

Mr. Vanderbilt: Bill, can you finish up in a minute or would you like to come back for an additional three minutes?

Mr. Kapuni: I'm going to finish it, yeah, so --

Mr. Vanderbilt: Okay, thank you.

Mr. Kapuni: So I just sharing. I don't support the Laau Point, what's going on, and for the money, you are just living here, and seeing what -- what I passed in the years I've been here and seeing what happened in Oahu, Maui, I think we have a very special island, and I think you guys gotta really look at it before we start really opening up the doors and

realizing this is going to create jobs for the people over here - it's not going to create jobs. You can listen all in these testimony, all in their voices, it won't create jobs. It's going to add problems, you know, it's going to add problems, so I am against Laau Point and thank you very much I can share my mana`o.

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

Mr. Dunbar: Yeah, I have -- I just wanna make a point.

Mr. Vanderbilt: Oh, excuse me.

Mr. Dunbar: It was not my father who developed that property. He sold the property and there was another developer and I wasn't even there. So let's just get it straight.

Mr. Vanderbilt: Alright, Bill was the last testifier. Is there anybody else out there that would like to share their mana`o? Jane.

Ms. Jane Lee: I just wanted to thank Akaku. We are the short-ends, we're home, we're the old warriors that retired, and, you know, we don't have a chance to come out to the meetings. We're either not well enough or, by nighttime, we go down with the sun. So Akaku has kinda keep us abreast as to what the debate or the -- what was going on. And I really thank the people in the red shirts who thought fought very hard, and I remember the days when we had to do more with less. And, usually, the other guy had millions and we had 26 dollars. Everybody remember that? The other side had 26 million dollars; we had 26 dollars among all of us. But we won. We won the argument because it was true. And the truth that I'm hearing now, I really supported the process. I really had hopes for it. These are good people that were on that side. These were leaders that fought very hard for years. And then to see them split was painful. Together, they were a mighty force. Separated, it was very confusing because they both know each other's strategies. So I thank Akaku because they educated us at home and anytime we didn't wanna listen, we just turned it off. But what I've heard so far, and I've taken a position based on what I've heard and the promises made by Molokai Properties, and the plans that they've come up with, I know was hard work, but it doesn't sell anything. It doesn't sell me anything. And they're empty, and it would be -- we would be a sorry lot to let this development go. I think, given the people on both sides, and how creative and innovative and how they know our island -- how it works, that they can come up with something much, much better that fits our island, yeah? We need change. We have to change. You know, we cannot be stagnant. We gotta change, but we have not even really worked on it. Let's come up, instead of beefing with each other, let's come up with what we can develop and maybe if we, you know, present it to you, maybe there is something you can see in it, right; it's something we can support; it's built with the spirit of Molokai in it; we preserve what we love



best about this island. I am not in support of Laau development and I did not take that position from the very beginning; it was after I saw and I heard the debates and the discussion. I'm sorry, ranch. I really was hoping that you folks would come up with something. Mahalo.

Mr. Vanderbilt: Thank you. Any questions for Jane? Hearing none, are there any other people that would like to testify?

Ms. Janeel Hew: I just wanted to ask a question about the ...(inaudible)...

Mr. Vanderbilt: Excuse me?

Ms. Hew: I just wanted to ask a question about the ...(inaudible)...

Mr. Vanderbilt: Oh, you wanted to ask a question on the site visit? Okay.

Ms. Hew: It's me again. Now I know that there's a lot of feelings of mistrust when it comes to some of the community and the ranch, and I know you guys are going down for the site visit. What is it exactly, just for my ignorance here, that you guys are going to be looking at when you go down?

Mr. Vanderbilt: Thank you for the question. We're just going to go down and see the site, and I don't know if all the commissioners who've been down to the site, but it might just give us a better perspective on either some comments we may wanna make, but it'll just familiarize us better about the whole project. And I really -- this isn't a question and answer situation, but it's really to familiarize us. We've heard a lot of testimony on January 10, we heard a lot of testimony tonight, we've taken a lot of notes, and there may be some things that we just want to filter through and also see the site.

Ms. Hew: And are there going to be people other than yourselves going down?

Mr. Vanderbilt: No, no.

Ms. Hew: I know the community is not involved, it's just going to be, you know, your ...(inaudible)...

Mr. Vanderbilt: Well, it's going to be us and the Planning staff, some of the Planning staff, and I would assume some of the members of the applicant, Molokai Properties, if we have some questions of them.

Ms. Hew: Now would it be okay if maybe one or two individuals --

Mr. Vanderbilt: No, I think, no, this is going to be a -- what did you call it? A limited -- a limited meeting and we've already voted on that and --

Ms. Hew: Okay, cause I was just thinking it would help with the trust factor on, you know, what you guys see and the input that you receive from the Planning Commission and, you know, what you see, you know, what you hear.

Mr. Vanderbilt: Well, I believe -- Corporation Counsel, does this have to be videotaped?

Mr. Hopper: Well, under the limited meeting rule, the meeting is supposed to be videotaped and made available at the next meeting. That's one option. There could also be just a, you know, you could vote to have a special meeting that would be a regular meeting open to the public, but that was determined to be -- that would be dangerous to have that many people there.

Mr. Vanderbilt: So, in answer to your question, we will have a video of the entire site visit, which it'll be made available to the public.

Ms. Hew: Okay, thank you.

Mr. Vanderbilt: Alright. Excuse me, Dennis, you've already testified and if -- Dennis.

Mr. Dennis Faria: That's okay, this is an apology. This is not a testimony. I wanna apologize to everyone of you folks on the board because I mentioned the name and I said I wasn't going to honor my Father in Heaven so I just ask you to please forgive me for mentioning His name. And, secondly, I did not -- was aware that you folks, as a Planning Commission for our island, was why we were here. I was told this was the State people and County people that we were going to testify. So I'm not prepared, unfortunately.

Mr. Vanderbilt: Okay.

Mr. Faria: So what you had heard was from my heart.

Mr. Vanderbilt: Thank you.

Mr. Faria: And I just wanna finalize this. But this report, since I now have a clearer understanding, I'd like you to recommend to the ranch to give us an extension of time so that most of us can actually digest and read that.

Mr. Vanderbilt: Well, the request for an extension was made to the ranch, the ranch provided an extension.

Mr. Faria: Not six months though, that's what I was talking.

Mr. Vanderbilt: Well, the ranch has provided the extension that they felt was --

Mr. Faria: Okay. Well, and everything is the way they feel.

Mr. Vanderbilt: Sufficient for the community for review.

Mr. Faria: It's not the way we feel though, but thank you.

Mr. Vanderbilt: Thank you. I'm going to limit the -- oh, excuse me, Dan would like to testify. Dan is with Akaku and he's filmed a lot of meetings and --

Mr. Daniel Emhoff: Hello, everybody. My name is Daniel Emhoff. I was actually hoping that I wouldn't be affiliated, whatsoever, with where I work. I am up here speaking completely and entirely as a community member of Molokai. I would just like to allege that the fact that we have spent all this time here right now is or could possibly very well be illegal. The reason I say that is because usually when there's a vote, and if you go back later and find out the vote is fixed, that vote is moot. It's illegal. Alright. The only reason we are here discussing this before you guys is because the EC made a vote about a year ago to allow this plan to move forward to this level. Now, I want you guys to take this to the guys above you, the decision makers, and have them look into this. How many people on that board that made that vote work for the ranch? How many people on that board now are board members to the land trust that is still going to be affiliated with the ranch? Alright. And if you really consider that, I mean, that's a stacked deck of cards, alright. The EC is something that was made for people and for us to trust that they were going to do what's in the community's best interest. If the cards are stacked that way, is it legal? Is that vote legal? I think that's a question that needs to be asked. Thank you.

Mr. Vanderbilt: Thank you. Are there any questions for Dan? Dan, the only reason I mentioned Akaku is that Mrs. Lee was praising of you.

Mr. Emhoff: You know, I'm very honored and I appreciate that. Thank you very much.

Mr. Vanderbilt: Alright. Is there anybody else that would like to testify? Sir, could you state your name for the record since we don't have it on the list?

Mr. Jeff Spencer: I sure will. No, you don't. My name is Jeff Spencer. I've been a Molokai resident for a couple years, came from Southern California, little coastal community that was based in agriculture. When I was a kid, the population was 16,000. By the time I was a voting adult, it was up to about 25,000. Growth and development was starting to occur. I was one of the first people in Southern California to ever run for public office on a limited

growth environmental platform. Some of the -- most of the concerns you heard tonight are the very same concerns that we expressed 35 years ago in Southern California, when our communities were small, kids played out in the street at night, nobody worried about their kids, everybody knew everybody, the kind of place you wanna be in, and we were worried it was going to change.

One of the most difficult issues that we faced at that time was that what we were trying to express, what our concerns were about the environment, about all the things that all these good people have talked to you about, we had no proof, it was theory because we were small, we were kinda like Molokai, so we were saying, "What if? What if?" And it was very difficult to get those points across because it wasn't California Circuit 207, we didn't have a reference point, and the developers came in and said that things wouldn't be like that. That they'd mitigate these things. Well, today, you've got a big advantage. Now you've got 35 years to look at what happens as growth and development occur. All the promises of developers aside. It's right here in front of you. You only have to go to Maui to see what happens.

So one of the other things that happened to us was that we needed to understand how these things were occurring, even though we were trying to fight them. Why did it continue to go forward? Well, we've realized that you needed to be at the planning level. We were trying to fight these things at the final approval level and the plan was already developed. So we realized that what we needed to do was get back to that base, to create a plan that met all of our needs and all of our thoughts, and not fight a plan that never even considered all that stuff. Now, developers have always said we're going to do this, we're going to mitigate that, we're good citizens, but I'm telling you, 35 years later, if it walks like a duck, and quacks like a duck, you know what it is. So no matter what's being told to you today, I can take you to any number of places with any number of documents where developers have promised to have mitigated, have done EIR's. When we started, they didn't have -- we called them environmental impact reports, EIS, they weren't even there. We developed the procedures for those things and it just turned out to be some cookie cutter process where we really never talked about yes or no, we only talked about how to mitigate the negative impacts and carry forward because development was the way that the country was going. Now, you see the effects.

So, the second thing, realizing planning was so important, here's what we did, here's what I did. I just went to the computer, got on the Molokai 2001 plan, looked at it, and quickly, I have to tell you, that if -- if this is the basis for your decisions, it's the clearest marching orders I've ever seen and I wish our California planners had what you have in front of you. What you judge by. Page 1 --

Mr. Vanderbilt: Jeff, can you finish up in a minute?

Mr. Spencer: I can finish in a minute. Page 1 talks about a hierarchy and how the State is above you, how the County is above you, and how you're next, and, to the points just mentioned, the EC's not even in this thing. They came along after the fact. And I assume if there's a hierarchy, they're below you. So I would ask you to go back to the EC and tell them that their plan doesn't even come close to conforming to your plan and they need to adopt their lower hierarchal status to conform to you, not create something entirely different that doesn't follow in that chain. So I need you to do that. I also need you to consider, quickly here, that by the time that any unbiased person just reads the historical portion of your plan and followed right by your vision statement, there is no way they can ever see Laau as reflective of those powerful words, words that speak to the last Hawaiian island, the value of culture, the core values, and all these things. And I would ask you to adjourn this meeting now and tell the Land Use Commission that any changes in zoning of Laau do not conform to your own principles of your planning and they are against the wishes of all these people on Molokai. Thank you.

Mr. Vanderbilt: Thank you, Jeff. Any questions of Jeff? Thank you, Jeff. Are there any other people that would like testify this evening? Yes?

Mr. Wade Buscher: My name is Wade Buscher. I live at 88 Beach Place. I just have a -- one question to pose to you and if you've already gone through it, if it's in the document, then forgive me for asking you this, but those homes, 200 of them and possibly 400 multi-million dollar homes, bringing in those types of residents to the island, I would be concerned with what affect that would have on the lifestyle here; how would that affect the life that everybody chooses to live here. I love Molokai for the same reasons that everybody else here does, and if you get very wealthy individuals here, that many of them, they would perhaps be able to sway a vote with their money. If you think that development ends there, I'd be willing to bet that those individuals would probably want more than what they have. So I would just consider that, and once you do something like this, you can't go back, it's a done deal, and Molokai is what it is because of the community here. So that's my question. I hope you consider it. Thank you.

Mr. Vanderbilt: Thank you, Wade. Any questions of Wade? Hearing none, is there anybody else out there that would like to provide some testimony? Excuse me, Victoria.

Ms. Victoria Kapuni: ...(inaudible)...

Mr. Vanderbilt: Quickly. Quickly. No, you gotta go to the microphone. One question.

Ms. Kapuni: Can this board postpone your work on Laau Point so that it doesn't work concurrently with the Land Use Commission? And if so, I would ask that you do that to conserve cost because the Land Use Commission might not find in favor of the ranch.

Mr. Vanderbilt: Thank you, Victoria. I think after the public testimony, we've got some housecleaning things and we may have some questions for the attorney regarding concurrency and the plan and everything else. One question, Walter.

Mr. Walter Ritte: That was the last time. The SMA, which comes under the jurisdiction of this group.

Mr. Vanderbilt: Correct.

Mr. Ritte: I was confused about whether or not the development is under the SMA or just little bit of portions is under the SMA?

Mr. Vanderbilt: We'll ask --

Mr. Ritte: No, I'm asking the question now. Does anybody have an answer so we know what's going on?

Mr. Vanderbilt: Well, the only answer I can say is that, in the first document, which was the environmental impact statement prep notice, which people could first comment on it, it said that there would be an SMA permit, but it didn't qualify what that would cover. In this document, the 800-page document, it says that the SMA permit will cover a small part of the project but none of the residences. But we don't know how that decision was reached and that was one of the things that we were going to ask staff or our attorney, who makes that decision and everything cause, personally, I don't know.

Mr. Ritte: John, what is the position of the ranch? The SMA is going to cover the --

Mr. Vanderbilt: Walter? Walter, we can't -- we can't have that.

Mr. Ritte: Why? We all live here.

Mr. Vanderbilt: I know we live here but we -- you know, everybody wanted to just ask questions of each other, we're going to ask that question.

Mr. Ritte: To the ranch?

Mr. Vanderbilt: No, we're going to ask that question as to who determines --

Mr. Ritte: So I'm asking the ranch.

Mr. Vanderbilt: The ranch -- the ranch -- we're going to ask who determines that. Who makes that decision. Somebody must have made that decision.

Mr. Ritte: Okay, so you're saying the document says it's only small portions?

Mr. Vanderbilt: As far as I recall.

Mr. Ritte: The EIS?

Mr. Vanderbilt: Yeah.

Mr. Ritte: Okay.

Mr. Vanderbilt: Thank you.

Mr. Morgan: ...(inaudible)...

Mr. Vanderbilt: Yeah, Steve, you, yeah, you said you wanted to come back for three minutes and Lawrence Aki also said he wanted to come back, so you can take your three minutes at this time.

Mr. Steve Morgan: Okay, back to the beast. First, I just wanna say the only reason I do any of this is because of my love for this aina, my love for the people here, and the love for the culture. Only reason. I don't think any of us enjoy spending all the time this kind of stuff takes. But I did wanna follow-up with some questions in regards to what I was explaining earlier about all this subdivision and I will submit these questions at the end. My first question is Molokai Ranch has boasted that the Laau development would be the last development. In more recent statements, Molokai Ranch has added the words "outside of the resort area of the last development." Does Molokai Ranch believe that the community really understands what they mean by this statement? And how do most people on the island define "resort area?" Do they really understand it to be all of this that we have up here?

My second question is in the Kaluakoi Resort area, establishing zoning already exist for six hotel sites, three multi-family areas, one single-family area, which could include 80 to 100 homes, several rural zone areas which could allow over 400 homes, and a future second golf course for the area. Can the MPL please explain why they have ignored the cumulative impact of future development of the Kaluakoi Resort area?

My third question. Can MPL please explain why they ignored the cumulative impact of further subdivision at Papohaku Ranchlands and Moana Makani Subdivisions? The current number of these lots for these areas is 306, allowing two homes on each, creating 612 homes. If subdivision is allowed as much as 769 lots could exist with the potential of 1,538 homes.

Question number four. How will Molokai be impacted by future resort subdivisions and how will Molokai be impacted by further subdivision of Papohaku Ranchlands and Moana Makani areas?

Question number five. The Molokai Water Task Force recently released a statement that Molokai has a water crisis and there is not enough water to support existing approved development. Can the MPL please respond to this?

And I'd like to take the remaining part of my time to read part of this press release, January 19, 2007, from the Molokai Water Task Force. It says, "Molokai has a water crisis. There is not enough water to support existing and approved development on the island now. Yet, Molokai Ranch wants to pump one million new gallons a day to support its Laau development plans. Here are the facts. Molokai only has 33.5 million gallons per day of sustainable water supply source. The State DLNR Water Commission report, dated 1996. When complete, all currently approved development will need 54.45 million gallons of water, this includes 11.55 million gallons of drinking water, and 42.9 million gallons for agricultural and recreational use. Again, State DLNR Water Commission report, 1996."

Mr. Vanderbilt: Steve --

Mr. Morgan: According to DLNR --

Mr. Vanderbilt: Steve?

Mr. Morgan: Yes?

Mr. Vanderbilt: Your three minutes is up.

Mr. Morgan: Okay. Bottom line is this needs to be a park.

Mr. Vanderbilt: Now you have some questions written out there --

Mr. Morgan: Yes.

Mr. Vanderbilt: And other things. Would you make those available to --

Mr. Morgan: I will. I'll hand these over and the exhibits I have in here as well of the water report and statements by Molokai Ranch regarding statements that they have made under one last development as well.

Mr. Vanderbilt: Thank you.



Mr. Morgan: Thank you.

Mr. Vanderbilt: Okay, that ends the public testimony for tonight, and the Commission now has some things that we need to ask maybe as a follow-up and so I'll open it up to the Commission at this time to see if they have any questions for staff regarding some issues that might have come up because of process or whatever just to clarify the record. Commissioner Chaikin.

Mr. Chaikin: Thank you, Mr. Chair. I'll go ahead and ask the question, this is a follow-up to something that came up earlier, and also I think Walter brought it up. If somebody wants to build a house in Waialua on the beach, they have to come to this Commission and we are the final authority. If somebody wants to build a house in Kaunakakai, they have to come to this Commission and we are the final authority. If somebody wants to build a house in Wailau, they have to come this Commission and we're the final authority. If somebody wants to put a carport on their garage in Kaunakakai, they have to come to this Commission and we are the final authority. And, as I read the Draft Environmental Impact Statement, I guess what it is if somebody has a oceanfront lot and wants to divide it up into 200 lots, we have no authority or limited authority. And, further to that, if they get approved and those 200 lots go through and the owners wanna build on those lots, they don't have to come to this Commission for any kind of permit or any approval. So I guess my question, and I would -- and I would like a written response to this question from maybe Corporation Counsel or the Planning Department, whichever is probably more appropriate, is what is our role as planning commissioners in this process if it moves forward as the ranch expects it move forward? And maybe even, just for the benefit of the people here, maybe we could get a verbal answer to that as well.

Mr. Vanderbilt: And, Steve, would you mind if I added on to that cause that would fall right into that question of, I think Walter had it, who makes the determination of what our involvement will be? Will it be on the whole project or will it be on just a portion of the project as described in the Draft EIS? Nancy, could you just go right on up to the --

Ms. McPherson: Nancy McPherson, Staff Planner, Molokai. The application for SMA has been submitted on the entire parcel number, TMK, which is a 6,000-acre parcel. Now, per the Maui County codes and regulations, which I'm still getting familiar with, there is this subdivision process that is going to go through but only after the environmental review process has been completed, which this Draft EIS is a part of, and it goes to the Land Use Commission. Now, when we talk -- I'm going to also let Corp. Counsel answer this and my Deputy Director and my supervisor, Clayton, program administrator, but my understanding is that they have submitted their applications for SMA, community plan amendment, change in zoning, and a conditional use permit for the wastewater treatment plant. Those materials have been submitted. The bulk of the information is a part of the Draft EIS and the County's required to base our analysis on that information. So it's also in our best

interest to make sure that that document is complete as possible. Now, once that happens, we are still bound to wait until the environmental review process has been completed and the Final EIS has been accepted and the challenge period has, the 60 days, has ended. We hold all those applications in abeyance, which means we just -- we hang on to it. I mean I'm studying the EIS. I'm trying to understand all the issues. I'm listening to all of the public comment. I'm trying to understand that as much as I can. It's a big job. And, you know, this is an amazing community and people I know have been working very hard also on understanding it, so I -- I share your pain. But what then we do is then we can start doing an analysis of the issues and the information and process that the way the County processes its applications. And so there's not going to be any hearings or anything until the Final EIS has been completed. And, as far as concurrence with the Land Use Commission District Boundary Amendment process, I'm going to have to defer that to other people cause I'm not totally clear on that.

Mr. Vanderbilt: Excuse me, Nancy. I think the question is that in the EIS Prep Notice, it just mentioned that the project would be subject to an SMA permit with definition of the extent of that permit. This document now says that it will only be, well, the SMA permit may only be applicable to a small portion of the project and none of the 200 lots. And if you know the answer, give it to us.

Ms. McPherson: Okay, well, my understanding is that if the lots are drawn outside of the SMA boundary, then when the individuals come in to build homes on their lots, they will not be required to come in for additional SMA permits.

Mr. Vanderbilt: No, the question is -- the question is why -- Colleen, can you answer this question? The EIS Prep Notice said there would be an SMA permit. Most people in the community felt that the Planning Commission would be reviewing the project, but now this says that it'll only be applicable to a small portion, and I'm wondering if that's just the ranch's take on that or they've met with the Planning Department and have come to this conclusion with the Planning Department.

Ms. Suyama: I know that a portion of the property is within the SMA, not the entire property in that subdivision would be occurring. I'm not sure. I wasn't involved in any of the meetings that the ranch may have as part of pre-consultation with the department. I would rather prefer to answer your questions in writing, one of it which is who makes the determination on the SMA as to when a project needs to be reviewed by the Commission and, you know, and whether in part or in total that determination will be made. I think that's one of your questions. The other one deals with what is the role of the Molokai Planning Commission in this whole process dealing with the EIS, the change in zoning, the community plan amendment, and the conditional permit, as well as probably what is the process of the State Land Use Commission and all of the land entitlements. And we'll respond back to those questions in writing. I'm not prepared tonight to tell you the answer.

Mr. Vanderbilt: Thank you. Commissioner Chaikin?

Mr. Chaikin: Colleen, just one more question to add to that list. It was my understanding that if you have a parcel and part of that parcel is within the SMA, the whole parcel, if you build a house that's not in the SMA but because part of the parcel is in the SMA, then you have to go through the SMA process. At least that was my understanding. So what happens, like for instance, if they were going to build a house up on the hill at Laau Point right now, they would have to get an SMA permit, at least that was my understanding, but then my question is is when you take that and you divide it up into 200 pieces, do those new 200 pieces carry the same restrictions that the piece that you started with, or do they -- can you actually have parcels that are less restrictive than the one parcel that you started with?

Ms. Suyama: It is possible for somebody to do a subdivision that subdivides the entire area that's within the SMA out of the major parcel and then come back and say, "Well, I'm going to do a new subdivision that's outside of the SMA and, therefore, since I'm a separate parcel, I'm no longer subject to the SMA rules and regulations." That is possible. That could happen. I think we need to go back, you know, to what discussions were done, internally with the department and the developer, what kind of representations were made because I'm not privy to what those recommendations were and whether the department had made a determination as to whether the SMA review process would be only part of the project and not the entire. I need to review that, you know, with my staff later on when we get back to, you know, to Maui before I can answer your question.

Mr. Vanderbilt: Colleen, you think you could have that response by our next meeting?

Ms. Suyama: I'll try to get that response done before your next meeting.

Mr. Vanderbilt: Thank you. Are there any other -- Commissioner Dunbar.

Mr. Dunbar: Yeah, just a comment on that. And while you're looking at that, you know, I wouldn't take in just the building sites themselves. You know, it would seem to me if the whole project, which includes access roads and trails and, you know, driveways and culverts, and if all of those are part of the major project that then leads to, you know, these lots, it should be included in it all.

Ms. Suyama: Right. We'll take an analysis, right.

Mr. Dunbar: And I think that's who the SMA's written.

Ms. Suyama: Right, we'll take an analysis of the total project as being proposed in the EIS.

Mr. Dunbar: Thanks.

Mr. Vanderbilt: Thank you. Are there any other questions? Commissioner Chaikin.

Mr. Chaikin: Yeah, I just wanted to kinda go over the process a little bit so we all understand it. I understand that we're going to give all these comments, and the ranch is going to get these comments, and they're going to respond to these comments. We're going to read those comments and a lot of the answers we're probably going to come to the conclusion or maybe incomplete or didn't address our question, you know, the way that we would hope that they would. So my question is is the 60-day period that, I guess that's a challenge period, could you explain that so we get a better understanding of what that is?

Mr. Yoshida: Yes, Mr. Chairman, Commissioner Chaikin, the land use, well, the Molokai Ranch will present a Final Environmental Impact Statement to the State Land Use Commission, and the Land Use Commission will decide whether to accept or not accept that document. If they accept that document, then the notice of their acceptance of the Final EIS will be published in the *Office of Environmental Quality Control Bulletin*, the *OEQC Bulletin*, and people or parties have 60 days, from the date of publication, to challenge, legally challenge that acceptance, or that acceptance stands. Well, the acceptance will stand if it is not challenged within that 60-day period. And then we can -- they can move on to the next step, which would be the, for the Land Use Commission, would be consideration of their district boundary reclassification application; for the County, it will be the community plan amendment, change in zoning, special management area permit, and County special use permit.

Mr. Dunbar: Okay, Clayton, I have a question. So we've developed these questions that we've given to Nancy that she has compiled. I'm sure with the 40 plus people that have testified tonight, there are going to be a lot more questions for her to compile. They go to MPL and they respond back to those questions, or they just incorporate the answers in the Final EIS that they give to the Land Use? Are we going to get to see the answers to these questions before it goes to Land Use?

Mr. Yoshida: I do not -- well, I don't think that's necessarily a requirement. The Final Environmental Impact Statement will be used as a supporting document for the community plan amendment, one of the items that the Molokai Planning Commission will be considering, and they will have copies of the Final Environmental Impact Statement with the comment letters from the public and agencies and the response of the applicant to those comments.

Mr. Dunbar: Well, I guess where I'm coming from here is I've heard some pretty strenuous questions here tonight that I think took a bunch of insight and give a bunch of alternatives

to the plan, and so I'm just trying to understand whether or not we get an answer before it goes to Land Use, or this is just all moot until it goes to Land Use and then it comes back and they gotta answer us when they go for a community plan amendment.

Mr. Vanderbilt: Kip --

Mr. Yoshida: I guess for those comments that are timely filed by the deadline, the applicant --

Mr. Dunbar: They filed them last -- on the 16<sup>th</sup>, so that's timely filed so now what?

Mr. Yoshida: Yeah, February 23 is the deadline.

Mr. Dunbar: Okay.

Mr. Yoshida: The applicant --

Mr. Dunbar: I mean you already got them ...(inaudible)...

Mr. Yoshida: Yeah, the applicant would have to address those comments and submit copies of their responses to the commenting entity. So if the Molokai Planning Commission generates comments that are submitted by the deadline, then the response, the applicant will respond to the Molokai Planning Commission, written response to the comments, and we can circulate copies of their response letter to the Planning Commission on your comments.

Mr. Vanderbilt: Hey, Kip, could I just chime in just for minute on this? Yeah, I think what we're trying to get at does this Planning Commission get to come back again, and I think, the way I understand the process and correct me if I'm wrong, that we're going to make our comments, the ranch is going to respond to them, send us a copy, but then the Final EIS is going to go on to the Land Use Commission. They're not going to -- and then when -- if the Land Use Commission accepts the Final EIS as being adequate, and that meeting they have said would be on Molokai, if they accept that and this Commission doesn't feel the questions were answered adequately, we have no other recourse than to go to court during the 60-day challenge period, which brings up the question, if we go to court, is Corp. Counsel going to represent us or do we have to get our own counsel?

Mr. Hopper: It says that the Final EIS has to include reproductions of all letters received containing substantive questions, comments, or recommendations, and it also says it has to include the responses of the applicant or proposing agency to each substantive question, comment, or recommendation received in the review and consultation process. Now, as far as Corporation Counsel representing you in a challenge, that can only be

addressed once we see the Final EIS because, at this state, we're going to adopt these comments and we don't know right now what the Final EIS would look like. At that time, a legal challenge would have to be based on those comments, you know, so you have to make a comment and if that comment's not adequately addressed, then you have to consider whether it should have been addressed and if there's a legal basis for that challenge. But that decision can only be made at the time that the Final EIS is published and accepted.

Mr. Vanderbilt: And if you -- who makes that determination? If we still say that it's inadequate, is it possible that Corp. Counsel could say, "Well, we don't agree with you and we're not going to represent you. If you wanna challenge this, you gotta find another attorney?"

Mr. Hopper: That would be the determination of Council. I, personally, would not be making that determination. It would have to be the Head of Corporation Counsel.

Mr. Vanderbilt: But if this Commission didn't agree with you, would we have the option of getting our own attorney?

Mr. Hopper: I have to get that determined by Corporation Counsel. Corporation Counsel can provide outside counsel, but they would have to get it approved in the budget and things like that.

Mr. Vanderbilt: Thank you.

Ms. DeCoite: Okay, DeGray?

Mr. Vanderbilt: Yes?

Ms. DeCoite: First of all, I think, after tonight and the comments that were made to the Commission, you guys leave us holding the ball again and, basically, getting axed. The comments that were made should be given sufficient response to it and I believe those comments should be coming back to the Commission first, with our comments again attached to it. You look at this Draft EIS that was given to us. It's, basically, just been fluffed. We still don't have adequate answers to the water situation. USGS's geological survey wasn't done properly in here. So our comments on there, to me, has not been addressed. And as a Planning Commissioner, when you guys turn around and you guys tell us that we go through this process and that process, I don't know if I'm out of line, Corp. Counsel, right now, but I think this is bullshit. I mean I hate to say it. You know, you guys just fluffed it. You guys come back with this wasn't warranted and that wasn't warranted, you know, what part of this are we trying to figure out here? Does this actually fit the community plan? We've been down this road, we told you guys, and we've asked the

questions, and we get these half-ass responses, and that's what's happening here. So it's, basically, what you're telling me is that the final draft will go to State Land Use and they'll decide on it from there, irregardless. Is that what's going to happen?

Mr. Vanderbilt: It'll go to Land Use and they may -- they'll have a hearing over here as to whether they're going to accept it or not accept it. People will be able to testify as to what they feel the adequacy is. If they don't accept it, then I don't --

Ms. Suyama: Can I clarify something? The Land Use Commission, when they make their decision on the Final EIS, does not bring it back to Molokai. The only time they hold --

Mr. Vanderbilt: They -- excuse me, Colleen. They have promised. I talked with them. They're coming to Molokai.

Ms. Suyama: Oh, okay.

Mr. Vanderbilt: Have you talk to them?

Ms. Suyama: No.

Mr. Vanderbilt: Okay.

Ms. Suyama: But, normally, what they do --

Mr. Vanderbilt: They don't, you're right, they don't have to come back but because they held the first meeting in Hilo and got so much heat from that, they said they would bring all the public hearings plus the hearing in which they are going to determine the adequacy of the EIS back here.

Ms. Suyama: Okay, I knew about the public hearing but not necessarily the Draft EIS.

Mr. Vanderbilt: No, they're not required, as you stated --

Ms. Suyama: Right.

Mr. Vanderbilt: But they said they would come back. Thank you.

Mr. Kalipi: Just a comment, Chair?

Mr. Vanderbilt: Commissioner Kalipi.

Mr. Kalipi: Just to think of the process that we're faced with right now, a lot of testimonies that came forward, just an idea to say that can we have some time to digest because the 23<sup>rd</sup>, we're going to have another Planning Commission meeting before the 23<sup>rd</sup>, can we reserve or just, you know, for discussion to bring more inputs that we wanna present as the Planning Commissioners to the EIS?

Mr. Hopper: That's a good point and the issue was brought up earlier as to whether or not the -- there's any legal documentation of the extension until the 23<sup>rd</sup>, and it appears that there's actually no -- there's no notice that goes out by OEQC, for example, that says there's been an extension to the 23<sup>rd</sup>. What you have is a press release from the developer saying that they're going to accept comments beyond the 23<sup>rd</sup>. In the law, it says that the comments will be within the 45-day period and doesn't provide for an extension, however, I've been informed by the Land Use Commission that they oftentimes have the voluntary extension periods and encourage that. However, if there is a legal challenge mounted later on, there could be, a judge could potentially, and I haven't seen any case law in this, I've looked into this, make a ruling that if the comments weren't in that 45-day period, they don't have to be considered. I would disagree with that ruling and, right now, I'm comfortable with the comments being on the, you know, due on the 23<sup>rd</sup> because the 45-day period is there for to protect the developer to give them, you know, to keep the process going along and if they agree to an extension, comments received after that should be considered and could be the basis for a legal challenge. The point being that I suggest that the Commission potentially adjourn this meeting and continue this meeting on the 30<sup>th</sup>, which would be a continuation of this exact same meeting. People that have already testified publicly wouldn't be allowed to testify again. If people new come who haven't testified, they would, and you could simply continue the agenda item here, which is to adopt the set of comments, which could be to adopt a set of comments that would be before the Land Use Commission before the 7<sup>th</sup>, that could be the first set of comments. And then, after that meeting, the next meeting's on the 14<sup>th</sup>, that would be after the site visit and everything, you could have another meeting on the 14<sup>th</sup>, have more public testimony, and then also adopt another set of comments, which would be after the deadline in the event that in the future a court would have an adverse ruling there but I think that that would probably be the best idea to do, have the Commission send two sets of comments in.

Ms. Kalanihulia: Now, John, you wouldn't do that to us would you?

Mr. John Sabas: You asked for an extension, you got it.

Ms. Kalanihulia: That's right, you gave it to us, 16 days or whatever number I pulled, 17, you wouldn't do that to us would you?



Mr. Hopper: The only potential issue would be that it would be the Land Use Commission would accept it and might be the one making the argument that they don't have to look at the comments. The ranch might not even have a say. That's the only thing I'm concerned about. I don't think that would happen, in my review of the law is that it wouldn't, but just cause of the potential and the uncertainty, and I can't predict what a judge would do, I think it would be a good idea to have two sets of comments.

Ms. Kalanihulia: I think part of the frustration by this Commission tonight is that, you know, people are angry at us and, in the end, we really don't have very much power, at this point, or very much to say over this and we're trying the best we can, and I think that's what we want, everyone has come here tonight and sat through four or five hours of testimony is that we're trying to understand the process as you are and I don't know if the Planning Commission has some sort algorithm that they could give us so that when, you know, this happens, then the next thing is; and if this happens, that happens; and if this happens, it goes the other way. Something that you could give to us and maybe also give to the community so that people could better understand this process.

Mr. Vanderbilt: I would just like to get a little explanation on this concurrency that was brought up where once the Final EIS has been published after surviving legal challenges, I believe the law allows for concurrent processing of the State Land Use boundary amendment, the County change in zoning, the County community plan amendment, and I'm wondering, obviously, the applicant, Molokai Ranch, knows the law and you guys know the law, is there -- can that concurrency be adjusted by anybody? I mean could say Molokai Ranch say, well, we're gonna make it more sequential and not do the County before we get a State's approval of the State -- or where's the flexibility, if there is any? Is it with the applicant, or is it with something else in the process? Can anybody explain, just generally?

Mr. Suyama: If we lived in an ideal world, what would have happened is that rather than filing with the State Land Use Commission the district boundary amendment, the applicant would have filed the community plan amendment first because the community plan is the long-range land use goals for the island of Molokai, and the first portion of it is to change the general policy as to where you want development to occur. So, ideally, it should have been the community plan amended first, then that sets the tone of where you want development to occur, what type of land uses you want to occur; then you would for your State district boundary amendment in which you state -- you redistrict the State district from whatever -- whether it's agriculture, conservation, or rural to the urban district. The next step after that would have been coming back to the County for a change in zoning to actually apply County zoning to the property. And the last step would have been the SMA application. That is the ideal sequence. But because there is a provision in HRS that allows concurrent processing, it is the applicant's choice to choose that route. In other words, in concurrent processing, he can process his application through the State level and

come to the County level and process his applications. And because of that, we're in this -- this dilemma in which they're trying to redistrict the State land use district prior to our community plan which is our guidance on how land use should occur is completed first through the public hearings here at the County level as well as through the County Council. But because of that provision, you know, we're basically forced to do the concurrent processing because it is a provision that the applicant has. It is their choice to choose that provision. It is not something that the County comes out and tells the applicant do concurrent processing.

Mr. Vanderbilt: Colleen, so the applicant could have chosen that ideal scenario if they'd wanted?

Ms. Suyama: They could have.

Mr. Vanderbilt: Okay, now that they haven't, could they go back and say, we wanna go back to that process? Could they sort of put the State boundary amendment on hold and go for the community plan amendment first, and then go back to the State, and then come back for the change in zoning?

Ms. Suyama: That would be their choice but then, you know --

Mr. Vanderbilt: Choice.

Ms. Suyama: You have to realize, because they started this process, there'll probably be some, you know, financial problems, some timing problems with the applicant.

Mr. Vanderbilt: Thank you. Commissioner Chaikin.

Mr. Chaikin: Yeah, Colleen, just following up on that a little bit. I was wondering if the ranch, let me see, if the -- we're talking about concurrent permits and I guess I was wanting to know about the water permit. Is the water permit something that they choose when they go for that water permit? Somebody made a comment where they should get the water first. I'm just wondering, is that a choice on their part?

Ms. Suyama: I'm not really sure how the water process works. Usually, if they're drilling wells for water resource development, it is handled through the Department of Land and Natural Resources through the Water Commission, and developers have done it both ways. In a lot of developments, they've gone for their permit, their water permit to drill their wells, which is through the State agency, and then come back on the land use level and tell us that, in the process, that we've already got our water because we got the -- the wells drilled, we got our water permits to do the wells drilling, we're the process of doing the drilling of the water, we're maybe, you know, getting close to doing the monitoring because

you have to monitor your wells for a while, you know, and so, basically, they're saying -- telling us that we have done water development, we have the resources. So they've done it both ways. Or they've waited until after they've gotten the land use approvals and then gone for their water permits.

Mr. Chaikin: Okay, another question regarding the concurrent processes that are going on. The concurrent process is one thing, but when it comes to public hearings, then that's something else. Is the County going to hold public -- or not hold public hearings until the Land Use has made a decision, or can they come and hold public hearings prior to the Land Use?

Ms. Suyama: We've done it both ways. Once an application is filed, once the Draft EIS, the Final EIS is approved, the application is basically complete. What we do on our side also, you know, in the process is that we send the applications out to the different agencies for review and comments. Once we receive all of the agency comments, there may be issues that are brought up by the agencies, our policy is usually to have the developer address those issues with the agencies and getting, you know, revised letters saying that, you know, if an agency said they wanted a revised traffic impact analysis, we usually tell the developer you do the revised traffic impact analysis first, get the agencies to review your analysis with new comments, and if there are no issues left within all the different agencies, then we schedule for public hearing because, at that point, the application is complete. We don't have anything in our ordinance in which the County can hold the processing of the application once they've met all the requirements.

Mr. Vanderbilt: Colleen, the -- excuse me, somebody else have s question? Had a senior moment.

Mr. Dunbar: Yeah, Colleen, I have a question. It was Wayde that brought up, you know, get the water first and then come back and figure out how many lots you can service with it. I'm just trying to think, if we go down the line, the comments come in, because I've seen some of the responses and the response kind of says, you know, this is not part of the bigger development and so Molokai Ranch has no comment. So I mean that's -- I mean there's a lot of those responses in here. And if the question is to the Water Commission as to the capacity of pumping Kakalahale and I -- I'm assuming there is no, you know, there is no pump in there yet, then there is a pump test period that you have to go -- I mean you gotta get a permit to put in the pump, you gotta get a pump test permit, you gotta get a water designation out if first in order to know that you can even get water out that well. It would seem to me that if that's not known, if that information if not known by the time you get to the Land Use side that has to make a decision on the finality of the EIS statement, how can you -- how can you possibly make a determination if there's no -- there's no pump permit, there's no permit to pump water and make a long-term pump test

determination so you have no idea what the chlorides are, what the chlorides might be after you pump it for a long time?

Ms. Suyama: Right.

Mr. Dunbar: So how do you get it complete, you know, the --

Ms. Suyama: Well, what happens in the process, in the State Land Use Commission's process when they do the district boundary amendment, it's a semi-judicial system that they formalize their meetings. What happens is that --

Mr. Dunbar: This is the ...(inaudible)...

Ms. Suyama: This is the State Land Use Commission because they probably may be the first one to hear the matter in a public hearing forum. What happens is that the State Land Use Commission has three automatic parties. One is the applicant, which will be Molokai Properties. One is the Office of Planning on the State level. The other one is the Maui Planning Department for the County level. There is also an intervention process. There may be people in the public who have a special interest. They can intervene into the process by filing a petition to intervene. It has to be a timely petition to intervene. The commission, before the proceedings even begin, have to make a determination as to whether if any petitions to intervene were filed, whether these outside people will be allowed to enter into the process, the formal public hearing process or the contested hearing. If they are allowed, then they have standing in which they have the ability to bring up their own witnesses, they're own experts, they also have the ability in the whole proceedings to cross-examine all the witnesses that all the parties are bringing forward. In other words, the applicant brings out their expert witnesses to support their project, the State will have a position before the Land Use Commission whether they are in support, not support, you know, or partial support of the application. They will bring out their own expert witnesses to support their position. The County, themselves, will come out with their position whether it is support, none support, or partial support, and we will send up our list of exhibits and witnesses to present before the Land Use Commission, and, basically, they testify before the Land Use Commission. Each of these witnesses are subject to cross-examination by all the parties that are involved in the proceedings. And a lot of times during these proceedings, like you will have the water witness, and the commission, and the County, and the State, and the intervener will ask direct questions to the witnesses to gather more information if it's not available in the EIS document or any other document that have been submitted to date. Based upon that testimony, all of the testimonies that are received, each party comes out with their position, their final proposed findings of fact, conclusions of law, and decision and order. The Land Use Commission then takes all of those documents and makes a decision based upon the facts that they have received.

Mr. Dunbar: Yeah, I understand that, and that's if there's intervention. If there's no intervention, then they go --

Ms. Suyama: Then it's between the three parties.

Mr. Dunbar: And they go there, is the County still represented there as one of the parties?

Ms. Suyama: Yes. The County is -- the County of Maui Planning Department is always a party to the proceedings, as well as the Office of State Planning on the State side, and the applicant.

Mr. Dunbar: And who would that -- and who would that person be?

Ms. Suyama: The Office of State Planning is the --

Mr. Dunbar: No, no, no. The County?

Ms. Suyama: You're talking -- the County of Maui is the Planning Department, so our staff prepares testimony and we set up the witness list. We have a corporation counsel who represents us before the Land Use Commission. And, generally, the Director of Planning testifies on behalf of the County, the position that we take.

Mr. Dunbar: Thank you.

Mr. Vanderbilt: Colleen, I just had a couple questions. If the Land Use Commission approves a State zoning change from ag to rural, or whatever it is, and then later in the process, the project does not get approved, either the change in zoning or the community plan amendment at the County level, what happens to the Land Use Commission zoning change? Does it go away or does it stay?

Ms. Suyama: It stays. It stands until the Land Use Commission goes back -- I mean there is this thing, the Land Use Commission usually has a condition that if within five years or within a time limit if you have not developed the property, they have a provision that they can go back and give a notice of due cause to the applicant, the petitioner, as to why they have not fulfilled the terms of the development, and they can rescind the district boundary amendment, but they have to go through a whole formal hearing process to do that. It's not an automatic rescission. They're not going to be allowed to develop until you've gotten all of the approvals on the County level as well as on the State level.

Mr. Vanderbilt: How about all of the State zoning changes that have -- that are at the existing Kaluakoi Resort that haven't been developed in the last 10 or 15 years? Could the Land Use Commission go back and have a hearing on rescinding those?

Ms. Suyama: I don't know what the facts were at the time of the Kaluakoi district boundary amendment and the change in zoning. It's just that I know that, in more recent years, they put this provision into their conditions. I'm not sure if there was similar --

Mr. Vanderbilt: So those might be grandfathered in?

Ms. Suyama: Yeah, because they were so long ago there may not have been a provision of that sort.

Mr. Vanderbilt: And just one last question on the confusion that seems to be with some of the commissioners and myself and the public is that, if you look on Page 141 of the Draft Environmental Impact Statement, it has approvals and permits, and there's 12 different permits that are required for the Laau Point project and -- and the water is not mentioned as one of those permits, so I think that -- that's why some people are confused. Yet, in this Draft EIS document, the ranch, I believe, makes the statement that the hotel, the work on the reopening of the hotel will not take place until they've gotten all their land and water entitlements so, you know, some people are expecting the hotel to open, maybe in 2007 or 2008. But then you have all these permits that have court proceedings and I think that's why somebody asked for some kind of flow chart so we could get some reality time checks on this whole process. That's just a comment. Anybody else have any questions?

Mr. Chaikin: Yeah, I think that, you know, this Commission, before we adjourn, we need to make decisions as to what we're going to do with our comments. I think Corp. Counsel gave us two choices: either we adopt what we've got right now and get it in, or take a leap of faith that everything's going to be okay and keep adding in and then submit later. So we have to do one of those.

Mr. Hopper: What I suggested is that you could be either -- you know, begin your comments now, begin adopting them, adjourn this meeting until the 30<sup>th</sup>, which will be a continuation of this same meeting, meet on the 30<sup>th</sup>, we do have a place scheduled, finalize those comments, have that as your first letter that you're going to send based on all the comments that you currently have, so you'll have one set in. And then after that, there's another meeting scheduled for the 14<sup>th</sup>, that'll be after the site visit, you can have another meeting with -- in order to adopt, if you have additional comments after the site visit, your -- a second draft of comments, you know, things that may come up after the 6<sup>th</sup> and to maybe give the public another opportunity to testify and take advantage of the extension, versus just getting all of your comments in before the 6<sup>th</sup> and having that be it, and having no more, you know, that wouldn't take advantage of the full extension time. Just as a suggestion.

Ms. Suyama: Can I just clarify? He means to recess to the 30<sup>th</sup>, not adjourn.

Mr. Vanderbilt: Yeah, and I think a lot of the commissioners -- so we really could be working on our individual comments and present some additional comments even at the 30<sup>th</sup> meeting, and then even have maybe one more subsequent date after that at our regular February 14 date, which would be a regular meeting.

Mr. Hopper: You'd wanna get a final letter out on both this -- the rest of this meeting and then meeting on the 30<sup>th</sup> if you have -- if you have it continued until then, have a, you know, a letter coming out of that meeting, you'd wanna have a final letter, send that, and then, you know, then go on the 14<sup>th</sup>.

Mr. Vanderbilt: Okay, and, before we tackle that issue, I just had one more question on the concurrency. This Commission received in the mail, about a month ago, an SMA application for the Kaluakoi Hotel. Now, throughout -- throughout this Draft EIS and even in the SMA application for the hotel, it says that the hotel is not going to happen without Laau Point. So I'm wondering why we would be processing this if we gotta find out if Laau Point goes before the hotel or maybe this could be a part of the whole master planning because even -- even in a recent ad in the *Molokai Times*, there was a big ad on that golf tournament where everybody was really down there supporting the hotel and then it got spun into an ad that said, "Unless we get Laau Point and the plan, that Kaluakoi Hotel will never happen." So the two are really -- the hotel is part, is a component, and I think that's where the community's getting frustrated because if they get the permits for the hotel, and then -- and then, for some reason, Laau Point doesn't go through, they've got a hotel with permit approvals that is going to be worth a lot more if the parent company wants to just sell it off. So it just seems you can't segment these projects, and I don't know what the answer is, but maybe you give us a little insight on that, Colleen.

Ms. Suyama: Well, for one thing, if an SMA permit was issued to Kaluakoi Hotel, it's not, you know, there is a non-transferable clause in it so whoever the new owner has to come back to say that we want to transfer ownership from the present owner to the new owner and, at that time, you know, I believe, I'm not sure if Molokai rules has that provision like the Maui Planning Commission that there are certain standards you need to meet before the transfer is approved, like one of them is that you acknowledge the conditions of approval and that you are going to adhere to those conditions of approval that was originally set by the Commission. So even if they sold it, it's not selling the permit, it's selling the property because the permit is not guaranteed to be transferred.

Mr. Vanderbilt: But it can get transferred but it's on approval of this Commission, correct?

Ms. Suyama: I'm not sure if the Molokai rules read the same as the Planning Commission on Maui, but if you don't have that provision about where the department can, the director can transfer the permit, then it would come back to the Commission.

Mr. Vanderbilt: I think that's something we need to check on. Thank you. John, you had something?

Mr. John Sabas: Yeah, just a brief comment. One of the fundamental reasons why we've submitted our EA and application for an SMA is really just to make up for some time here, you know, if not, you know, we'd be, you know, a year or two that you've been discussing just going through this EIS process and then through the Land Use Commission, you know, we'd be that farther behind so, you know, having the SMA permit for the hotel in place, you know, puts us in a better position, you know, to have that ready to go, you know, once everything else is approved. So that's one of the fundamental reasons why we've submitted it.

Mr. Vanderbilt: Does anybody have any questions of John on that? No, the reason, John, I was worried a little about the process because, as I've told you at the break, I got off the plane at the airport and somebody said, "Eh, brother, did you get a lot at the Laau Point?" And I thought they were joking, and they sort of were I guess, but they said, "Go look in your mailbox," and then that promotional flyer that went out to the community, there's my beautiful face right in the brochure. I don't know -- I don't know if that's going to help you or hurt you, but -- but I just wanna assure everybody I don't have a lot.

Mr. Sabas: No, but you do have a beautiful face.

Mr. Vanderbilt: Oh, thank you, John. Now see -- now here we go; now things are starting to get more pono. So, as far as a recess, do -- is there a motion on the floor to recess this meeting until --

Ms. DeCoite: Yeah, I'll make a motion to recess this meeting to January 30.

Mr. Vanderbilt: Beginning at 4:30 at Kaunakakai School. Is that correct? Is that the --

Ms. DeCoite: Beginning at 4:30 at Kaunakakai School.

Ms. Kalanihuia: I second.

Mr. Vanderbilt: Any discussion on that?

Mr. Chaikin: Yeah, I was just wondering. If we, from this meeting, we're going to have a lot more comments I think that are going to be added on to your list, so when that -- if we submit those and they get incorporated into the list that we already have and it gets distributed to the Commission members, can we, at that meeting, adopt those?



Mr. Hopper: Yes. Yeah, and that would be the plan. At 30<sup>th</sup>, you can adopt whatever comments, you'd have a motion to adopt, you could have Nancy, you know, basically give you the substance of the comments, you'll have them before you, and to have a motion to adopt, you know, you can adopt some, you know, you can vote to not adopt some, but, yeah, that would be the plan to adopt the comments by motion at that meeting, and then still have the meeting on the 14<sup>th</sup>. And in that letter, I think you'd wanna say we may have supplemental comments pending the site visit and other public testimony.

Mr. Vanderbilt: Thank you, Mike.

Ms. Suyama: Can I ask consideration that if the Commission is going to making additional comments, that if they can get those comments to Nancy by Friday, then she can compile it, together with the rest of your comments. She probably will not have them ready until your meeting on 30<sup>th</sup>. You know, it's such a short, you know, it's less than six days.

Mr. Dunbar: You know, Colleen, we can certainly try to do that but if we do --

Ms. Suyama: Yeah, as much as possible.

Mr. Dunbar: But if we do miss that date, we still have the meeting on the 14<sup>th</sup>, which is regular meeting before 23<sup>rd</sup>.

Ms. Suyama: Right, right. Right, because you want it to be compiled all together. You know, if you can get as much as you can to Nancy by Friday, then she at least can compile some of it for you for the 30<sup>th</sup> meeting.

Mr. Vanderbilt: Thank you. Is there anymore discussion on the recessing the meeting till the 30<sup>th</sup>?

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

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

**VOTED: to recess the meeting to January 30, 2007, 4:30 p.m., at Kaunakakai School Cafeteria.**

Mr. Vanderbilt: Motion carried. So the meeting will be recessed till January 30. Is that -- what is that a Wednesday? A Tuesday, at 4:30, at Kauanakai School. That being said, do a I hear a motion to adjourn?

Mr. Dunbar: You got it.

Mr. Vanderbilt: Motion, second. Anybody opposed?

Ms. Kalanihulia: No.

Mr. Vanderbilt: Thank goodness. We're adjourned. Thank you all for coming. I think we all learned a little bit about the process tonight, and thank you to the Planning Staff. We're recessed, yeah. And I wanna thank Daniel, and I wanna thank John for coming over from the ranch.

There being no further business brought before the Commission, the meeting was recessed at 9:15 p.m.

Respectfully submitted by,

SUZETTE L. ESMERALDA  
Secretary to Boards and Commissions I

### **RECORD OF ATTENDANCE**

#### **Present**

DeGray Vanderbilt, Vice-Chairperson  
Bill Feeter  
Janice Kalanihulia  
Steven Chaikin  
Lynn DeCoite  
Sherman Napoleon, Jr.  
Kip Dunbar  
Joseph Kalipi

#### **Excused**

Robert Ribao, Chairperson

#### **Others**

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