

**MOLOKAI PLANNING COMMISSION
REGULAR MEETING
MARCH 28, 2007**

A. CALL TO ORDER

The regular meeting of the Molokai Planning Commission (Commission) was called to order by Chairperson, Robert Ribao, at 12:40 p.m., Wednesday, March 28, 2007, Mitchell Pauole Center, Kaunakakai, Molokai, Hawaii.

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

Chairperson Robert Ribao read the March 28, 2007 agenda into the record.

Mr. Robert Ribao: I guess we'll start off if there's any public testimony on anything on the agenda where someone has to go. There's not much on the agenda today besides the presentation. No public testimony. Moving on. Clayton, you got some Resolutions you wanna do?

**B. RESOLUTIONS THANKING OUTGOING MEMBERS JANICE KALANIHUIA AND
CHAIR ROBERT RIBAO**

Mr. Clayton Yoshida: Yes. Good afternoon, Mr. Chair and members of the Commission. We come to this day, after five years. First of all, we have a Resolution thanking Janice Kalanihulia, this is a Resolution of the Molokai Planning Commission.

The Resolution for Ms. Kalanihulia was read into the record by Mr. Yoshida (see copy attached).

Mr. Yoshida: So if the commissioners can sign this Resolution. We also have a congratulatory letter from the mayor, Mayor Tavares, addressed to Janis Kalanihulia.

The Mayor's congratulatory letter to Ms. Kalanihulia was read into the record by Mr. Yoshida (see copy attached).

Mr. Yoshida: We also have a certificate signed by the Mayor, which goes to the outgoing commissioner, and on order is a nice frame to put the certificate in but it hasn't come in yet so -- Mr. Chairman, our second Resolution is a Resolution thanking the outgoing Chair, Robert Ribao.

The Resolution thanking Mr. Ribao was read into the record by Mr. Yoshida (see copy attached).

Mr. Yoshida: Likewise, we also have a same body content congratulatory letter for Mr. Ribao from Mayor Charmaine Tavares, as well as a certificate of appreciation signed by the Mayor with the appropriate frame on order, and we'd like to thank Robert Ribao. (Copy of congratulatory letter attached.)

C. APPROVAL OF MINUTES OF THE FEBRUARY 14, 2007 AND FEBRUARY 28, 2007 MEETINGS

Mr. Ribao: Okay, moving on. Okay, approval of minutes for February 14 meeting. I need a motion to approve.

Mr. Steve Chaikin: Yeah, I'll make a motion that we move to approve the April 14 minutes.

Mr. Ribao: Second.

Mr. Sherman Napoleon: Second.

Mr. Ribao: Okay.

Mr. Chaikin: February 14.

Mr. Ribao: Yeah, February. You're ahead of your time, Steve. Okay.

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

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

VOTED: to approve the minutes of the February 14, 2007 meeting.

Mr. Ribao: Minutes passed. Okay, next on our agenda is a presentation by the Office of Hawaiian Affairs and Department of Land and Natural Resources on the Papohaku --

Mr. Yoshida: Sorry, Mr. Chair. We have --

Mr. Ribao: Oh, I'm sorry. Okay.

Mr. Yoshida: Another set of minutes.

Mr. Ribao: Yeah, okay. I didn't see that. I guess I'm anxious to go. We need approval for the February 28 minutes also, 2007. I need a motion. Motion by Mr. Feeter. Second by DeGray.

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

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

VOTED: to approve the minutes of the February 28, 2007 meeting.

Mr. Ribao: Motion passed. Again, presentation by the Office of Hawaiian Affairs and Department of Land and Natural Resources on the Papohaku Dunes Cultural and Natural Resource Preservation Plan. Would it be better if we sit in the gallery and watch?

D. Presentation by the Office of Hawaiian Affairs and the Department of Land and Natural Resources on the Papohaku Dunes Cultural and Natural Resource Preservation Plan

Ms. Collette Machado: When Sam comes up to give his presentation I think maybe. I'm just going to give a real quick chronology and introduce the report.

Mr. Ribao: Okay.

Ms. Machado: What you've been distributed to, and let me begin by giving to Nancy and the Planning Department eight copies of those commissioners that are not here and also those that will be incoming, your two new, plus two ex-officio members, these -- I'm not sure how we got the names but according to my office, this is the distribution so we'll let you sign off.

Okay, let me begin by saying that, in your booklet, you'll see a letter dated March 19, and it says:

Dear Planning Commission Members:

The Office of Hawaiian Affairs, along with the Department of Land and Natural Resources, Office of Conservation and Coastal Lands, with the University of Hawaii Department of Urban and Regional Planning, is pleased to provide you with a copy of the Papohaku Dunes Cultural and Natural Resource Preservation Plan.

How many of you don't have the letter? Okay, it's important to follow through this cause that'll help stage the next presentation that Sam will be doing. If you don't have one, we can get one to you, okay? Can we follow along?

We thank you for your patience and continued support for the preservation of Papohaku Dunes. This plan was developed to assist you, as local stewards of the dunes, in protecting the precious eco-system you live with daily. As one of the last intact coastal dune systems remaining in Hawaii, it is our kuleana, responsibility, and privilege to preserve and protect Papohaku Dune's natural and cultural resources.

This report, pamphlet, and brochure summarize months of planning, processing, and evaluating data organized by the University of Hawaii DURP students, Spring 2005 Practicum Class, the project sought to determine the current physical and structural condition of the dune and assess ecological and cultural resources.

Data collected helped to prepare useful guidelines that promote integrated cultural base management and protection of the dunes and mitigate adverse effects of development at Papohaku.

Recommendations within the plan promote cooperative, scientifically based, and culturally sensitive management strategies that effectively protect and enhance the dunes while enabling homeowners to enjoy their homes and surrounding environment.

Brochures provide a quick summary of goals and objectives as well as a useful table on best management practices and suggestions of where to look for more information on regulations and permitting processes.

The report has been distributed throughout State departments, county planning offices, councils, and in local libraries.

We thank you again for supporting this very important study.

I wanted to have you all to open up your booklets and turn to Roman Numeral, I think it's like the fourth page from the -- it's identified as Roman Numeral XV, I believe that's like 15, and I wanted to pay particular attention, the letter doesn't describe the comprehensiveness of the report but you will see, beginning with Appendix A, that the critical aspects of this report is actually on the -- starting from Appendix G. For the first time, there's an ethnographic report that was done. Interviews were conducted by people that have previous knowledge of sand mining that was -- that had taken place when all of the sand was taken to Honolulu. You will find that an archaeological report that was done, which integrated much of what was previously done, that was done back in the early '50's, and then again in the '60's. In the '50's it was done by Professor Bunk as part of his masters or PhD thesis. He wasn't a professor then. And then Cathy Summers in the site survey

book. And then we were able to update that for new information that was found. A botanical report was done, and that was done by Tina Lau, and a lot of help and volunteer work came from the Nature Conservancy. At the County level, we worked with Zoe Norcross-Nu`u, who did the coastal processes. And then there was a drainage report that was done. All of this, and if you turn to the next page, the most comprehensive, I believe, was the Appendix M, which was the GPS and the GIS report.

The work began in September of 2004. The field work began in various segments. The botanical data collection began in September 15, 2004. Field work, GPS began from September 27 to the 29. The graduate students came up in January 2005. And then they did field visits and field work out from March 10 to the 13 of 2005. We were able to obtain permission and consent from the Papohaku Homeowners Association to access their property. And then by August 2005, a draft of the Papohaku Sand Dune Preservation was already in place and editing had occurred.

What does this tell you? In less than a year, approximately 11 months, with the collaborative efforts through the Office of Hawaiian Affairs and with the students and their professor, and I would have to say with very little help from DLNR, the students came forth, along with many volunteers, and I can give you some of the names that helped. We had like 23 individuals that gave to many of the field work that took place that could do the botanical survey, that did the GIS, that also did the archaeological work: Arleone Young -- Dibbens Young; Bill Puleloa; Billy Akutagawa; Emmett Aluli; Paul Bartram; Mac Poepoe; Stacy Crivello; Jimmy Duvauchelle; Bob Granger; Debbie Kelly; Uncle Masa Cowboy Otsuka; Walter Ritte; Matt Yamashita; Steve Emeger; Kekama and Kanoho Helm; Kamalani Pali; Myron Akutagawa; Ed Misaki of the Nature Conservancy; Donald Takayama; Halona Ka`opuiki; Irene Kaahanui, and Alvin Barros.

So my purpose of outlining the kind of effort that went into the product that's here is simply to say that what began as an initiative based on years of monitoring landowners in a negative way because there were illegal work being done in a conservation area without practices or non-compliance to the CDUA review, and also of past practice of commercial sand mining, in particular, there were one resident that if there was adequate monitoring, he would not have removed the kind of amount of sand that he did.

And this book is really dedicated to Halona Ka`opuiki because without his insistency and his experience with this one landowner, we would not have been able to see what we call vanishing landscapes or cultural preserve at the highest level being removed purposely for commercial purposes, and all of you that worked on the project really know who I'm referring to, and we wanted to bring an end to that and, at the same time, work hand-in-hand and in a positive manner with the current landowners to prevent that type of work.

The drainage report that was prepared was really necessary because you had a landowner that was on the shoreline that had already begun to start trenching because, apparently, when there were heavy rains the wash would come down and it would collect in the back of the dune area and it became a nuisance so one of the property owner deliberately started to dig and what he was trying to do is to create a canal so the water would drain out into the ocean. And I think Sam will tell you a little bit more about some of the recommendations that have occurred.

OHA was responsible to fund the entire project. We were fortunate that Professor Minerbi had a work practicum for 2005 and, in advance, we were able to recruit the students and work in an agreement to provide the kind of stipends, and very little money went into the project, and some transportation, airfare, and some per diem that went into the cost of the students, but they worked -- worked very hard. If you open the front page, you'll actually see the students, and you could thank this project for encouraging Nancy, the current planner for your Molokai office, as being one of the major coordinators behind the work of the product that you see before you.

So there is a significant cultural heritage that has, I believe, has been identified; a lot more than what we've ever had. There's been no ethnographic background that were interviews, that's why you see Cowboy Otsuka's name there and some of the others, like Mac Poepoe, who actually used to work for the sand mining company at that time. So contained in the book is also their personal testimony of what they know of the ahupua`a of Kaluakoi and some of their personal experience.

So this has been a very wonderful experience for the Office of Hawaiian Affairs and I'll be pushing Sam Lemmo with the Office of Conservation Land Office to take it to the highest level for preservation. I believe that we have enough data and scientific information and also for the cultural significance of the area to push a stricter guidelines on how people can actually develop within the conservation area and to look at the protection of the dunes.

I was fortunate that I was able to get our division identified as the Native Rights Division. I believe this project had actually earmarked \$150,000, but we had underutilized, and that's why we were able to do a wonderful printing. You have color maps. You have pull-out maps that are -- Professor Minerbi insisted that they be done in color so we had to ship it outside of the United States to get it printed and binded; that's why it took a little longer, from August 2006 to getting it ready to distribute. And the reason why we held up on it is that the -- I wanted to present the -- this resource book to the Papohaku Homeowners Association first. They had their annual meeting last Saturday and our office here, Halona and Irene and I, had attended and Sam came over to introduce the booklet. So what began as an effort to never again have someone remove sand commercially on a lot that they own at Papohaku, and never allow anyone to think they can breach the dune by trying

to trench to let the water out, to preserve this. It is one of the last or is the last sand dune in all of Hawaii that really needs to be preserved.

So with that said, I wanted to thank Halona for his years of work and his insistence to help clean up what was done in the past, and I'm really looking at regulatory stronger teeth through DLNR and Sam knows I going be bird-dogging him from OHA to make sure we can get that so it could make everybody's job easier so that it would be already noted that very limited work can be done in that particular area.

So with that said, I wanted to thank everybody, and we turned over extra copies to Nancy for those that are not here and also for the two commissioners that were coming -- that have been selected to replace the two outgoing, and if you don't know who they are, they're Linda Kauhane and Mikiala Pescaia. I just found that out from Clayton today. So I have -- if you don't have any questions now, I can turn this over to Sam. And I'm really kinda -- you know Sam came prepared to do a powerpoint presentation at the homeowners association too so -- and he couldn't so he had to talk it out and it's not same because it's a little bit more detailed. So you folks are in for a treat with the full presentation from Sam's part, but he will say that without OHA's help and commitment, this report wouldn't have been done in the period that it was done, and I would say, in return, it could not have occurred without willing consultants as well as the volunteers that put effort into all the special areas that needed to be worked on, including the informants that took time to come and get interviewed by the students and then also working on the archaeological report and the botanical survey report and the GIS effort, so now everything is mapped. You'll see all of that contained in this report for your review. This is information. You know I was at the Papohaku homeowners meeting on Saturday. I almost lick one of the owners cause she said, "Oh, is that a telephone book?" So please don't treat it as something insignificant. And I was really upset. This is not a phone book. This is hard work and years of compilation that is now at your fingertip and please use this as a resource. You can't go through it in one sitting. It's important that you kind of are familiar with some of the important aspects of it, but don't treat it as a phone book cause it surely is not a phone book. Thank you. And Sam Lemmo is next.

Mr. Ribao: Can it wait till the end of the presentation, Bill, or it has to be -- you wanna ask a question now? Go ahead.

Mr. Bill Feeter: Yeah, thanks, Mr. Chair. This community owes Trustee Machado a tremendous debt. This is an epic. This is going to be a reference that will shape this community, the people. It not only will have a affect but it will effect, and I think this is just epic, and I wanna thank, on behalf of all of us, that -- and the community, the perseverance that you've had and the goals and having seen Halona walk with his bare feet out on that west end, it was worth it, so thanks so much for the Office of Hawaiian Affairs and Trustee Machado.

Mr. Ribao: Okay, thank you, Bill. Okay, you're it, sir.

Mr. Sam Lemmo: Geez, I don't know where to start after that very comprehensive introduction of the report. I think she covered it A to Z, and that's actually good because I can actually be fairly brief today; go over some of the high points.

My name is Sam Lemmo and I'm the Administrator of the Office of Conservation and Coastal Lands at the Department of Land and Natural Resources, I'm based on Oahu, and I do wanna thank you all for having, you know, allowing me to make a short presentation to you about this important document.

My office, basically, just to give you a little bit of background, is responsible for the enforcement of land use regulations in the State Land Use Conservation District. All over the State, we have conservation district lands. We have them in the mountainous areas, in the rural areas, and, of course, all the beaches and the off-shore areas are conservation district land. And another thing we do at my office is we have a Coastal Lands Program and so we are very interested in the protection of Hawaii's coastal areas and that's why this plan was so attractive to us because it almost exactly achieves or sets out to achieve what our department sets out to achieve, which are to protect and conserve these resources for the benefit of present and future generations. And so Trustee is correct, DLNR didn't participate financially in this -- in this effort but we were certainly there giving her all the moral support that we could and I think this is a fantastic achievement of OHA.

I wanted to mention one other thing before I get started. I finished reading a book recently; well, couple months ago actually. It's called *Collapse*, written by Jared Diamond, I think, and it's a fairly recent book. I don't know if anybody's seen it or read it. Well, the subject matter is, basically, why civilizations don't make it, you know, why they collapse, and then, of course, why some civilizations succeed, and they go into a number of examples: one of them being Rapanui, rapidly deforested allegedly by the population, although there are other theories about why Rapanui population declined, largely anthropocentric, human caused decline; Mangavera Island; Pitcairn; Hamilton Island. Many of these places had thriving cultures and civilizations and, for some reason, they went to the wayside. And then you have some success stories. They talk about Japan. Of course, then you have the Anasazi of the southwest who also collapsed. And the Japanese was somewhat of a success story and they were able to reforest their island to, basically, you know, maintain their environmental quality and, apparently, that helped them succeed as a civilization and they do today. The reason I say that is because, you know, it's interesting when you look at Hawaii, we're so geographically isolated that it is possible that we could fall victim to the same type of situation. We're living in -- we live in an international economy. Everything we do is related to what happens in other countries: in Asia, in Europe, in the Continental United States. And if those relationships change, it can have a major impact on our island. So the idea is: How do you -- how do you be self-sufficient? How do you create an

economy based on local, local products, local knowledge, local skills, local agriculture, local energy because you don't want to be dependent on outsiders? They can be your friends one day; your foes the other, and so you can have big problems.

Molokai is an interesting place because, you know, it seems like an almost independent nation within itself, and the reason I'm going this way is because I think a lot -- in many ways, some of the other island have been developed to an extent, at this point, where we are losing resources rapidly. Access to coastal areas are being lost. Resources are being damaged. It's ongoing. Development pressure is immense. Molokai is holding out and so, you know, it's a nice place where we can see this story play itself out in the future, you know, is Molokai going to, you know, emerge as a sustainable island community or is it going to go the way of the other islands? I'm not putting any value judgement on that; I'm just stating it as a matter of what I think is the situation. Anyway, sorry for having to indulge you in that, but I think this plan fits into that.

Ideally, this plan should have been done about 20 years ago because it should be done before any development takes place anywhere, right? You want to know what the archaeological and cultural resources are. You want to know what the -- what the flora and fauna are in the area. You want to know what the drainage patterns are like. You want to know what the dunes are like. What's in the dunes. And you want to know all of these things. You want to know what the constraints and limitations imposed -- are imposed on you by the environment before you start carving the place up and selling it off. Only in that way can you protect the place and protect the people that come there in the future. And this is what's happened in the world, this is what's happened in our islands is that they've just came in, and they did things, and it was kind of a spontaneous, it was reactionary, it was a knee-jerk, there wasn't a lot of thought, and so it's not surprising why we have so many resource problems in this day in age. Why do we have shoreline erosion, for instance, you know? Erosion happens. It happens. It's been happening for thousands of years and it's going to continue to happen. The problem is we build too close to the shoreline. We didn't take into account shoreline change when we did the subdivision. So, in many ways, it's our fault, but that still becomes a major social, economic, and environmental problem for us today. So, ideally, this could have been done 20 years ago and then you make the development around it, you know, so that everything is protected, you know, but the fact that it was done today is a tremendous feat nonetheless.

One of the things I want to point out, briefly, is this is laws that apply to this area, State law, these are State laws, Coastal Zone Management Policies and Objectives, under 205A, and I suppose it's -- it's your job, as commissioners, to enforce these laws, and the planners and the public officials in this room are also required to enforce these laws. And if you look at the list of things we're supposed to be doing under Chapter 205A, it's interesting: Protect recreational resources; protect historic resources; protect scenic and open space; protect coastal eco-systems; provide for economic uses, yeah, that's gotta be in there;

reduce coastal hazards; improve the development process; promote public participation; protect beaches; protect marine resources. So, obviously, this law is focused on protecting our coastal environment. That is the priority. That is the objective. We have other laws that we use to develop our lands and, in some ways, this is kind of like the -- the throttle to try to make sure that things happen in accordance with, you know, judicious use of natural resources. It's like an overlay to make sure that we're preserving some of these areas for our children. I think it's very important not to lose site of these policies and objectives, and I'm afraid that, in many cases, many of our officials have lost site of these.

This is the Department of Urban and Regional Planning team who, basically, wrote the report up, and I think you see Nancy sitting there in the front, and, oh, Luciano Minerbi is the professor who was in charge of this, and he's not here today, but a great debt of gratitude should go out to him for committing to do this project.

And if you can't see this, and anyway, Collette, basically, described for you in very much detail exactly what was -- what was in the report so, basically, there's a list of names for the ethnographic survey that was done, and Halona's on there, and you have the consultant studies that were conducted to support this plan, and, of course, you have additional information from agencies and groups that was provided on this report. The consultant studies, I just wanted to take a look at those. We have archaeology, botanical, coastal processes, drainage, erosion, and it was all GPS'd. And so you can see a tremendous amount of resources have gone into this effort.

Okay, I just want to go over this briefly. This is the -- much of the Kaluakoi area subdivision and you can see the project boundary - I apologize, my eyes aren't too good - you can see the project boundary in red; it's about two miles in length, a little more than two miles in length; it starts at the golf course; it kind of goes to this head land on the south side, which is a lithophyte dune area, and it's about a quarter of a mile wide from the sea in-land. You can see that -- you can see here, this is a conservation district area. This is a conservation district, general sub-zone. My office is responsible for all regulation in this area. If anybody wants to do anything here, pull a plant out, put a plant in, cut a tree, plant a tree, they have to get authorization from my office; they have to get a permit likely from my office. In fact, we have issued a couple permits to do landscaping in a dune area. I believe we just issued two permits in the past five or ten years. One is the Tamish property, which is a area that is fenced in, and they basically took the kiawe out and planted natives and it's being irrigated. And then another one was the old Dunham property where they also took the kiawe out and they're attempting to -- it's a new owner and they're attempting to keep the area vegetated. Taking the kiawe out, basically, they cut it at the base, they don't take the roots out because, you know, we felt that the roots helped -- were very important in holding the dune together, at least for the time in which the new plants can grow and recover.

This was the area where that resource assessment took place. You had all your data gathering in here. I wanted to point something out about the subdivision. You know, this is an interesting subdivision as far as subdivisions go in Hawaii. You have large lots in the back and on the shore front you have a lot of five to ten acre, I believe these are five-acre lots, and one of the good things that happened 20 years ago when this subdivision was approved was that somebody at least had the forethought to design the subdivision like this so that all the lots are linear. You see that? They're -- they run linearly, perpendicular to the shoreline area. They're very deep. This is important on coastal lands, on a coastal area because you have the shoreline which constantly changing; it's eroding; it's moving inland; sometimes it moves seaward, that's called accretion. That's not happening 90 percent of the time. Ninety percent of the time it's eroding now because of a lot of -- a variety of factors including, you know, sea level rise being one of them. Having the lots very deep in linear allows someone to build back in this area so that it provides space for the shoreline to -- to move to and fro. Another good thing about this subdivision is that they had the foresight to create a large, one large parcel over the dune and kind of tagged it as a preserve area and they put it in the general sub-zone. So, okay, so this was pretty good, pretty good forethought for at that time. All over the State, we have situations that are not even close to being as -- as good as this, like we have five, six, 7,000 square-foot lots on a shoreline that is undergoing tremendous erosion that is, you know, exposed to 20 and 30 foot north sea swells during the winter time. It's just -- it's a real hardship on anybody having to live there and so we should not do that anymore. You know, we should plan our communities, you know, to accommodate the shoreline change.

And I wanted to, real briefly, just show you a couple things, don't want to spend too much time on this, but this is what I'm talking about, example of a subdivision that's not recommended, where you do flag lots. What happens is, on three of the lots of the six lots, you push the structure up too close to the shoreline. Why not do six linear lots where you can build the houses all at the back, at the rear of the lot, therefore, protecting the coastal area, the frontal dune, the secondary dune, protecting coastal processes.

Here's another good example for you. Not too ideal where you do have some linear lots but they built houses up on the back of the dune, which is not recommended. Here you have a situation where you have the same kind of subdivision but they did build the houses more landward, this is highly recommended, and this is even better. You have a cluster development, which basically preserves open space. All -- everything that's happening in this area, all the wildlife, all the shoreline change is just -- is just being allowed to go off and continue, we're not being impacted by it and we're not impacting it, and so that's a good thing.

These are just some shots of the Papohaku area. This is the -- I think this is the area past sand mining, which obviously doesn't occur any longer for -- on the kind of scale that was taking place back in the '60's and '70's and '50's. Obviously, that is a practice that we

would never recommend. Taking sand out of a coastal dune is -- it's just nonsensical. The dune, basically, is the thing that is going to protect all of the back shore resources, all of the back shore communities when you have erosion, when you have high surf events. What happens is, if you look at the dune here in the winter time, it almost seems like its been chewed away by the high wind or swells. The front of the dune is getting eroded. You get a large escarp. But then it rebuilds again in the summer time. The minute you take away this dune, that dune -- that area is going to be breached and everything in the back is going to be, basically, destroyed, so that's not good.

And, of course, development. This is a -- this is not on the primary dune face; this is just in the back of the primary -- primary dune face. This is Kaluakoi. I like the fact that nobody was allowed to actually build on the primary frontal dune; however, if I had my druthers, I still would have built some of these structures further back than they've been built. Of course, at this point, they're having to comply with the County setback, and if the shoreline is at the front of the dune, they're probably 300 feet from the shoreline, so law would provide them or allow them to build here. My office is involved in a process in trying to rethink coastal zone management policies. There's a bill circulating in the Legislature. There's resolutions circulating in the Legislature to change the requirements for shoreline setbacks, not just on Maui, but in all of the Hawaiian Islands, requiring people to conduct erosion analysis prior to as a precedent to development of parcels, subdivision of land, and development of land. So we're trying to look at this thing not arbitrarily, at a 40 foot or 60 foot, but more situational. In some situations require much larger setbacks than others. That's the reality of the situation.

Okay, and, okay, this is a problem. This is a dune breach. Looks like somebody, not for sure, but it looks like somebody may have dug this out, and I don't know why, maybe they did it for access, maybe they did it to drain, drain storm waters. I'm not sure. But this is suicide. Once you breach a dune, now it's basically like you've opened a wound that is going to fester and become infected and it's going to spread, and it could, ultimately, result in a demise of healthy dune systems in the immediate vicinity of this area, so this should be highly discouraged.

And, of course, sediment is a problem. This is around the road and look at the amount of sediment that's come off the hillside. That's, of course -- that, of course, is a result of a lot of different factors, a lot of it -- one of them, possibly, being related to the development taking place there. The channelization of direction of materials in these areas. But what happens is this material ultimately might end up in the ocean and while some sediment is good for the marine environment, too much can smother cause smothering kill it, so this is something that we also have to be careful of. If too much sediment comes off the mountain and that gets in behind the dune systems and if people are allowed to bring in fill material to build their building, to put make their building pads up higher, if this practice is continued, you're in a situation where now you're artificially modifying the morphology of

the dune system, and not with sand, you're bringing in fill material. So that will have a major impact on where water goes when it floods. And so, you know, by introducing these elements and changes into this environment, we're very much potentially having a serious long-term impact on it. So it may not seem that big of a deal, but taken together, if everybody does this out there, it will have a cumulative impact.

Okay, I just wanted -- this is a picture of a house somewhere on the East Coast, and this is a beautiful sandy beach somewhere, and this house is just about ready to fall in the ocean. It's probably a multi-million dollar home. It's sitting up on a 20 or 25-foot escarpment and, you know, it's a typical situation, man versus nature. You know we can come in and we can control this thing man, you know, we can build on top of it, and you know what? If it erodes, we'll build a seawall, you know, and maybe that's what we've done in the past but, at some point, we gotta recognize the fact that we can't fight it any longer and we gotta work with it, and so it becomes a situation of nature versus man. But I think in the end, we all lose unless some change of pace is taken.

This is the dune here. So, perhaps, you know thinking about the last few slides that we just went over, we could perhaps look at a new paradigm. You know a paradigm is a different way of looking at the world. And we can look at the ahupua'a, which is, you know, referenced and talked about extensively in the report, which is basically a watershed approach, managing -- you guys know this stuff, managing the resources from the top of the mountain to the sea. And, of course, the designing with nature. Everything we do in our day-to-day activities and our land use developments, we should consider what nature allows us to do, not what we want to do to nature cause we can engineer things but, ultimately, it seems like we haven't done a good job.

And this is too bad because this is kind of hard to read but if you look at your handouts, it's in there, Papohaku Dune represents one of Hawaii's few large intact dune systems. So aside from perhaps Kekaha on the west side of Kauai, Polihale, which does have some nice dunes, you know, this is really one of the only ones left in the State, and, to me, it's like a legacy coastline, you know, it's a museum, and we have to do everything we can to protect it. If we lose this dune system, everybody I think would agree with me we've lost a little bit of ourselves, a little bit of our culture. And it's not so bad maybe losing one thing here or there, but, you know, it's that old adage, you know, death by a thousand cuts. Over time, we get so cut up that we -- we're all bloody and we no longer -- we don't wanna go on any longer. But, you know, if you think about.

The dune is a sanctuary harboring cultural resources and marine plants and provides habitat for endangered monk seals and sea turtles. Hey, some people think, whoa, what? It's just a beach with sand, you know. Big deal. No. I mean the coastal areas have many, many native plants, you know: aki`aki; pohuehue, morning glory, isn't a native plant isn't it? No? Okay. I'm not sure. But it's also important to recognize that, you know, if we

didn't have beaches, you know, where would monk seals go to birth their pups? They'd probably go to the Northwest Hawaiian Island, but still they should have places here where they should do it. Turtles. Where are turtles going to lay their eggs? So the beaches are important in the life cycles of some of these important native species. There's an ecological purpose for protecting the dune. It's not just an instrumental purpose for human beings because we like beaches.

Okay, the dune provides access to native Hawaiians for subsistence and cultural practices. This doesn't need any explanation.

Oh, I got some more. The dune acts as a sand bank providing the active beach with material during storm events. Real quickly, there's a little analogy I like to use here. The active beach, this area out here, this is like your checking account. The ocean's writing checks on it everyday, in and out, in and out; up and down, up and down. It's moving all around like a checking account. This is your savings account. You don't want to spend this. You know, it's just sitting there. But every now and then, when there's an emergency, somebody gets sick or, I don't know, maybe you want to go to Europe or something, take a trip, you break into your savings account and you spend some of it. Well that's what happens here too. Every now and then you get high surf, you get storm events, and it'll come up and it will start to gnaw away at these dunes, it'll use these dunes, but it's basically just eating and feeding on what it needs. As long as we don't meddle or interfere with this process, it'll recover over time. That's why it's important.

The dune protects the land from erosion. Many of our dunes have been flattened and developed upon and they no longer serve any kind of flood control from storm surf. This is a very sad situation.

I'm almost done. Guiding principles of the Papohaku plan. This plan, essentially, is the thing that -- the reason we're involved is because this is an example of what we think how things should work, you know. We have a plan that was developed with OHA's guidance, it was community based, and now they're looking for someone to maybe implement the plan. Of course, we can all implement the plan by the reading it and being better stewards of the environment. There's more formal ways to implement the plan and the plan describes those. One of the formal ways that we want to implement the plan is, basically, take it a step further and use the plan as a framework or a foundation to increase the level of protection for this area and we can do that I think.

Basically, though, real briefly, the plan is an integration then of native values with contemporary land use practices. We're listening to the people. We're listening to the native values. Halona. Halona. And we're trying to see how we can design or conceive our land use practices to coincide with those values to as much as possible because it's not just because we're doing it because it's a neat thing to do or it's cute, you know, or

we're afraid as haoles, we actually see that it has value in the long term for our survival, for our welfare, for our well-being, if you have children, for your children. So there's a real purpose behind this. It's not just bluff.

Of course, malama aina/kai. And the one thing I talked about when I started to talk was early planning. What is critical in all of this is that before anything happens, you know, before it goes to Land Use Commission for a down-zoning, you know, from conservation to ag, or ag to urban, or whatever, get out there and do your homework. Go out and do a hazard assessment. Is this a tsunami inundation zone? Are there endangered plants or animals in this area? Is there archaeology that needs protection? Are there cultural sites? Is the scenario subject to flooding? I mean you need to go out, you know. What is the erosion rate? Maybe the erosion rate's one foot a year. In 70 years, that's 70 feet. So if you have a 100-foot setback with the one-foot erosion rate per year, in 70 years, which is basically a lifetime, it's going to be the freak-out point cause once it gets to 20, 30 feet, people wanna do something already. It don't have to get right to your front door. You can see it coming. We gotta plan for these things. We gotta plan around them. We gotta accommodate them. That's one of the big messages of this plan, you know. Get in early. Get out safe.

How can the plan help DLNR help resource protection in West Molokai? Good question. And this isn't in the plan but this is a really fascinating -- and I only have one more slide after this -- this is a fascinating slide. It was created by Dennis Wong, who developed our - - we have a *Coastal Hazard Mitigation Guide* book that the DLNR just produced about a year ago and, basically, what this is telling you is that we have in our State of Hawaii eight stages of development: State land use districts, and I know you understand this, DeGray; general/community plans; local zoning; subdivision; infrastructure; lot purchase; home construction. The eight stages where all these problems start to arise: erosion hazard notice; remedial options. What is your option here? What are you going to do? You got erosion, you're going to build a seawall. If you don't build a seawall, you're going to lose your house, you know. This is a terrible situation to put people in. We want to avoid this. How do we avoid that? We plan for it up here. So before you get the zoning, you make sure that there is an adequate erosion buffer established. And why do you do it here? There's economic and political reasons to do it here because, at this point, the market value is less. The investment expectations are less. Once it gets down to here, where it's one homeowner trying to deal with this problem, you know, it's a tremendous financial burden. They have tremendous investment expectations at this point. Also a note here, at the State land use district level, your community input is the greatest. Your government options are the greatest, right? When you do land use changes, you got hearings and the public can go and testify. That's where it happens. Get your blows in early man because, as you go through the development process, those opportunities disappear. You know, like you're really going to get a chance to comment on whether someone's going to be able to build

a seawall or not. I doubt it. And, as far as we're concerned, we don't have a lot of options at this point.

Okay, this is it. Basically, the plan will promote integrated shoreline management through early planning. I just mentioned that. Create private, public, and community-based co-management groups to conduct projects. This is a big theme in the plan, co-management, meaning, you know, what do you call it? Kuleana. Taking care of it. Taking responsibility for it, not just me as a resource manager, but you, you know, as commissioners and the public, as citizens getting together and trying to figure out what they wanna see happen out here. And, of course, the private landowners. I don't wanna forget them completely. They're very important in this process. Improve construction practices and promote indigenous solutions. Use native plants. How do you improve construction practices? Well, maybe I'd like to see homes built back a little further. Certainly, I'd wanna see all the dune grading discontinued for now until we can figure out what the appropriate type of landscaping is in that dune. And I really wouldn't like to see anymore fill brought into these areas. If they're going to build up, they should build up on pilings.

You know, it's amazing. If you look around our coastline, right on the coastline, beautiful beaches, walled and un-walled. What do you see? Ten thousand square-foot houses, slab on grade. That is insane. No one in the world does that anymore. We're still doing it. I'm not pulling any punches on this one. I'm sorry.

Promote stewardship and -- stewardship of dune and personal responsibility. I mentioned that. And designate primary dune with latest highest level of conservation. Okay, I'm almost done. When I was at the Maunaloa Theater, I kind of announced to the people, and I believe that many of them are homeowners, that DLNR intended to initiate a project or an amendment to basically change the sub-zone from general to protective. It is our feeling that this dune is so important that it deserves a much higher protection rating, and so we announced it to those people that we would initiate that process. I'm announcing it to you, the commissioners, that the DLNR, under the support of Peter Young, intends to initiate this process and we will be notifying the affected landowners individually, there'll be public notices issued on this, it'll be -- it will be displayed on our website, and we're hoping that we can, with everybody's help, we're hoping that we can actually, you know, perform this for the community, and I think it'll be a good thing for everybody.

So, I don't have anything else to add at this point, but I want to thank you for this really precious time that you've given me to explain this to you. Thank you.

Ms. Machado: I forgot to announce that Professor Minerbi really wanted to come and be part of the presentation but we couldn't get him a reservation, and we tried to get him on the mid-morning flight and take him back in the afternoon but nothing was available on

Island Air, and he didn't wanna ride on the smaller airlines, and so I wanted to send his regrets.

One other important thing I forgot to acknowledge Sam Lemmo's division is that it's wonderful when you work not only with the kind of funding we had and with willing students and with a professor who has a well-known background in planning, but you work with very little guidelines. There was a lot of flexibility on how we implemented and what the students wanted to do, and that's very important. They were really clear about what the CDUA process was, but there was no limitation on how they would implement, and I think Nancy could actually acknowledge that that they had -- so this is truly something the team, they weren't bureaucrats then, you know, maybe they worked quite a lot out of the books at experiencing various communities, but this was a very magnificent opportunity for all of them to not be limited, and I wanted to thank Sam for allowing them that opportunity.

One of the things that I've learned in this process is two things about the dune: one that it's one of the few intact dunes, but also, through Zoe Norcross Nu`u, we found that it's a lithophyte dune also, so that was very important to note.

Also, these books were quite expensive to produce. I'm in the process of getting a CD that we will be duplicating, so we can do broader distribution, then, hopefully, education would become the next level of information to go out and that the CD's would be more cost-effective to get out to everybody, including students and teachers also. Thank you.

Mr. Ribao: Thank you. I have a question. If you guys going to change it to protective area, could you define that? What can go on the place or you cannot remove anything. Could you define that what that means? Cause you guys saying you guys going change it over, yeah, try to anyway?

Mr. Lemmo: You can't touch anything, you have to float over it. I'm just joking. I'm afraid I can't help myself. Right -- I'll be honest with you. I'll be very, very honest with you about this. It really -- it won't really change -- it will change a few things legally, for instance, right now it's in the general sub-zone so, theoretically, you could apply for a permit to do landscaping on the dune and maybe you could plant things that aren't native or exotic or something or even invasive or we probably wouldn't allow that because it's in a non-restrictive zone. If we took it to protective, it would really kind of limit the kind of plants that you could put in there to like only the most -- only the plants that are the most beneficial to the ecology, probably native plants, non-evasive, and those types of things. So, but really you can't build anything of any major type currently anyway and that wouldn't change. And it would also just heightened the awareness for the owners and the adjacent owners of the importance of them to -- if they need to like take care of the dune and make sure it's okay and it's an -- just kind of highlighting how important this really is.

Mr. Ribao: Okay, thank you. Any further questions?

Mr. DeGray Vanderbilt: Yeah, Sam, you say you can't build anything. You could build a house in the protective zone, couldn't you?

Mr. Lemmo: No. For the most part, no.

Mr. Vanderbilt: So you're -- you're saying the protective zone would be that red line that went around?

Mr. Lemmo: Not exactly.

Mr. Vanderbilt: Well that's the dune so you're not going to put the dune in the protective zone?

Mr. Lemmo: The red line on the exhibit actually is the -- extends, if you'll look at it, extends out into the ocean and actually extends, you know, several hundred feet in back of the primary dune. There's a shaded area in the parcel, the long linear mauka parcel, I mean seaward parcel, that's in the general sub-zone, that's the conservation district.

Mr. Vanderbilt: And I remember that area very well because, as a group, we fought very hard to kill the effort by the owners and the developer down there to extend those lots, they wanted to extend, I don't know if you remember that, into the general sub-zone, and they had the hearings over here and everything else, and thank God the land board defeated that. So I don't know -- it was 1981, and we had hearings and everything else, and they just wanted to extend the property lines all into the conservation zone to get closer to the water. And I guess I have a hard time when you say, "do your homework," "get involved." This community gets so involved. We have a community plan that says, since 1984, "Give our community some say over subdivisions." We have no say over subdivisions. Any of these guys, whether they wanna re-subdivide these existing lots, which they're already starting to do, they just go to Ralph and they say, "Ralph, we wanna subdivide," and we got no say on this island. They can just disrupt our whole community plan. And I don't know if the County isn't going to wake up and work with us and respect our community plans. We're just blowing in the wind over here. So you guys even, when there's subdivisions, I don't know what you do to comment whether you say, if somebody goes in for a building permit, well we suggest that you have him build on the back of the lot. I mean you mentioned that it was really nice that they had these lots so they could build back, but how many guys are building back rather than closer? Probably not very many because the value's the closer and then you can get an ohana unit behind and -- so this is really a great thing and it says a lot of good things, but there's a lot of documents that say a lot of good things including our community plan, but nobody gives a damn. They just say, "Huh, it's pretty. I like the pictures, but we own the land, we can do what the hell we want on it." And

that's what frustrates our community because this community does more than any other community in the State of Hawaii about getting involved and -- and people just dedicate so much time, and OHA and Collette and everybody did a lot of time on this thing, and -- and so, hopefully, this can get incorporated. Maybe -- we're in the General Plan review right now of policy plans, maybe some of these things can get included in the Maui County Policy Plan and the Molokai Island Plan that's coming up, and it'd be a great reference document. So I thank OHA and you guys for -- all the students for really putting in the good effort but, hopefully, it'll be put to good use too.

Mr. Lemmo: Just one comment about the subdivision stuff and I do think there's some things in this plan that can be simulated by Maui County. The subdivision thing. I had a situation on the -- it was on the north shore of Oahu, Kaunala Subdivision, which was near Velzyland, everybody kept saying, "Oh, there's no more coastal land on Oahu to be subdivided." Well, as soon as they said that, we had one, and went before the City and County of Honolulu, County Council, testified against the subdivision, and got blasted by the developer, Andy Anderson, and some of the commissioners, and I didn't understand why. I said, "Well, we're just here trying to protect, you know, the beaches," and they said, "Oh, we're being too restrictive." And we brought things up to them like you gotta hold their feet to the fire. If you look very specifically at the subdivision requirements and the County ordinances, there's a lot of things they gotta do. So it's up, unfortunately, it's up to the watchdogs to make sure that they're actually doing all those things. Of course, you can mention this to people and sometimes they don't -- they still don't listen, but then you have, you know, a legal venue, you know, if you choose that way, but one of the things we found out in the subdivision process that, you know, subdivisions have to be designed so that they protect future inhabitants from hazards. Well how do you do that if you don't even know what the hazards are? So we brought -- you know, there's actually things in the existing laws that you can look to to improve this process.

Mr. Ribao: Okay, thank you. We're kinda straying away from here, from sand dunes to coastal management, so let's stick to the subject, DeGray.

Mr. Vanderbilt: Well, just one more. You showed that slide where sometime had trenched or done something, wounded the dune. If you found out who did that, what would be the penalty? Would he get fined a thousand dollars? Two million dollars?

Mr. Lemmo: If we had an active enforcement case on it, and we don't, and, yeah, we could take them before the land board and we could fine them \$2,000 for the action but we could also require them to fix it.

Mr. Vanderbilt: But how do you fix nature?

Mr. Lemmo: Well, you could repair the dune. You could bring -- somehow you'd have to find -- you'd have to do -- there is a way to fix it. It didn't look like a major dune breach so you would have to regrade it, refill it, and then replant it, and restore the whole area, and that would, you know, I mean putting somebody through that process will certainly teach them a lesson never to do it again.

Mr. Ribao: Okay, thank you. Anything else? Okay, Steve.

Mr. Chaikin: Yeah, I guess this question would be more directed to Collette. I'm just wondering, now that we have this great plan, what's the road map look like moving forward? Because when you take a look at the potential future threats to the dune, then you do a threat assessment on that, I don't know exactly what all the threats are but the things that come to my mind are, you know, construction people, the homeowners, and the realtor's, and I think that -- I think, Collette, you mentioned something about, you know, CD's and education and I was just wondering who, you know, is there kind of a plan and who's going to coordinate that, you know, in terms of trying to get realtor's educated about this, trying to get, you know, the homeowners educated, trying to get, you know, contractors educated so, you know, just to minimize future risk? Is there any kind of a plan moving forward?

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

Mr. Lemmo: My office has just finished a -- actually, it was my office with Sea Grant, just completed a real estate guidance manual for purchasing coastal property, it's a really -- and, unfortunately, I don't have a copy with me. You have copies? You can look at it. And we've been giving seminars all over the State to a group -- we've had real estate brokers and agents by, you know, 50, 100 at a time, bring them in. It's a wonderful resource. It's easy to read. We're probably going to -- we're going to probably try to come to Molokai to do this.

Ms. Machado: Well, when we were at the homeowners association meeting on Saturday, I think that there were two applicants, I guess, on the CDUA that were severely -- they had huge fines, I think, I'm not really sure all the details and I didn't wanna know, but, currently, there are a model landowner that actually worked strictly with Arleone along with DLNR conditions to do the restoration. But just among themselves, they have disagreements on whether or not they would want to take it to the higher level and -- I guess what I'm trying to tell you politely, my work is over. I believe that we can disseminate the information that we put together but it's going to have to take a more of a citizen's approach or some other organization, some entity, I'm not sure, but already, internally, with the homeowners, they have disagreements because not everybody is on the shoreline and the few that have made and have been fine and cited, there's some disagreements about even the fence line that's there that should be removed, so that's a tough one, and I don't see myself or our

office involved with that. But we're open to provide information or even -- this is how I see it. We have no regulatory oversight on any of the regulations. I feel it's the County of Maui where it applies, and also the larger entity is the DLNR through Sam's division and the land board. OHA has no regulatory overview or oversight. So, basically, I'm available or if there are -- you go arrange, you wanna get the realtor's together, I don't have a problem doing the presentation and discussing and presenting the flyers or the leaflets to them. But, certainly, that would have to take an effort from a citizens group that would be challenged to take it another step further and utilizing the products from this report. But we've actually allowed ourselves at OHA and the Molokai office to actually be available for the landowners, primarily the president who is Paul Morticini, who's actually worked with me one-on-one. He's also the president of the West Molokai Homeowners Association, that's the condo plus the Papohaku Ranchland group. I have not been asked to present this presentation to them and I was somewhat disappointed cause that might be helpful if I was requested. I believe they have something coming up this Saturday. But all of that effort will become something that will evolve and I'm not going to be initiating it. I don't know if I answered your question. I just telling you I put over a year-and-a-half of commitment to this and we did it in 11 months and taken it out now would have to come from others that feel a real need to look at the kuleana. I'm really hoping that this would drive some entity to rise to the occasion.

And I agree, the homeowners need to be kept in check. They need to be reminded about certain obligations and they need to know -- and even the community, I foresee even the NARA students going out there and trying to do native plants, special projects that would allow them, because that common area, I think it's called Lot 57 -- 156 that big -- that's the lot that's owned in common just before the conservation area where the public has access to, they could use some kind of effort to do native planting or some project that students or even college students could participate. I think they're open to do some stuff like that, whether individually or as the association, but certainly we all can move forward in something very positive for working with the homeowners association.

But, as far as our work, this ends our participating and my office at Kulana Oihi, hopefully when we have the diskettes, we can announce it's available. We have limited copies of the books here at the office but Sam Lemmo has a whole hundred copies and I wanted to add that even a consultant like Luigi Manerbi has already been knocking on his door on when he can help some of the landowners move forward on some of their projects that they're holding. And then what that wahine, the broker out in Kaluakoi, Linda? What's her name? Yeah, the one go with Don Williams? I'm gossiping now. But she was very vocal at the -- cause he's actually had a -- Stephanie. What her last name, DeGray? Yeah, her. He's actually had a moratorium on any kind of new applications and have held -- held firm on not reviewing any new request, so they were asking about when is the moratorium going to be lifted? He said, "There's no moratorium." But they will scrutinize as the applications come in so they already know they got six eyes now looking at any request coming from

Papohaku. But if they keep within what is in the law now, they could proceed. There's nothing he can do to deny it. So if you take it at the higher level and the land board approves it, administratively it'll be harder for many of the residents that wanna make those improvements happen. So I just telling you what the politic's like down there cause you got a so-called consultant already knows what he -- he got a copy of the book that was -- so he has a hundred copies. If you want a copy, contact him. Our copies we're trying to get out to all -- we distributed it to the Legislators, and then we have a few more left that we got out, almost 35 to the community that were involved. So knock on his door for more copies, and the CD's we going to get will, hopefully, help everyone that we'll give to. Get it at the library. Go get your free CD and people will come and get cause it's a lot more less expensive. So I just giving you guys some scoops. People are already going to be planning on how they -- the landowners are preparing to come forward with -- you can smell 'em, right?

Mr. Chaikin: Thank you, Collette. Yeah, Collette, I'd like to thank you for your commitment to this project. Yeah, I just hope that we'd be able to take this to the next level, and, you know, I noticed that, you know, we do have meetings, public meetings, informational meetings where people can come and get information on this, but it's, you know, a lot of the people don't come to those informational meeting so it would be good if, on the State level, you know, as the State is doing with the realtor's, and on the County level, if you could actually get the information to the people rather than asking the people to come to the information; maybe if we can, all the of the homeowners in that area could get a copy of the CD, and the contractors could get a copy of the CD, so at least there was an attempt that everybody involved and work in that area had a copy of this report. Thank you.

Ms. Machado: I wanted to say we distributed 50 copies on Saturday to the homeowners association and I already have ...(inaudible)... so, basically, that was required to get it out to the homeowners. I'm hoping that -- maybe ...(inaudible)...

Mr. Vanderbilt: Thank you, Mr. Chair. Collette or Sam, could we -- we're starting the general plan or the community plan review process, do you think copies could go to the members of the GPAC?

Ms. Machado: Sam get hundred copies ...(inaudible)...

Mr. Vanderbilt: Sam, can we get some copies --

Ms. Machado: I rather give it to them instead to the ...(inaudible)...

Mr. Vanderbilt: Can we get some copies of this book for the 13 members of the General Plan Advisory Committee that's working on our new Molokai Community Plan? Yeah.

Mr. Lemmo: Yes. Absolutely.

Mr. Vanderbilt: And copies of this? And you mentioned one other thing, the coastal mitigation guide book.

Mr. Lemmo: Yeah, I can give you copies of that now but I need ...(inaudible)...

Mr. Vanderbilt: Yeah, I can give you the address or --

Ms. Machado: I think Nancy can email us ...(inaudible)...

Mr. Vanderbilt: Yeah, Nancy can get that, yeah. Okay, Sam, and about -- you know one of the hardest things in this community, cause everybody is working several jobs, is monitoring things. Who monitors right now things down at the west end or on this dune? Is there --

Mr. Lemmo: For the DLNR -- I know the County has it's own inspectors for areas in the County jurisdiction. For the State jurisdiction, which is the conservation area, we have Keith Apo. He's the lone officer on Molokai. The lone ranger, yeah. So it ain't easy.

Mr. Ribao: Okay, thank you. Any public testimony on this subject?

Ms. Lori Buchanan: Real fast. I wanted to thank Halona for bugging Collette and the Office of Hawaiian Affairs. I love you Halona. And I wanted to really thank Collette Machado who was instrumental in getting the funding for this project. When we heard it was coming up, all the stirring was kinda excited. Anytime you put money into a project, you have results. And I think when you start off with something that is pono, it just comes together and that's what happened. Collette, I love you. Thank you. I appreciate your hard work in the office. A lot of good things came out of that cause, like I said, when it's pono, it's pono, and that's how Nancy McPherson got her introduction to Molokai, and I'm so happy she's here and excited that she's going to be our planner. So I wanted to thank them, really, because I worked under Tina Lau, who did the botany. Our team from the Nature Conservancy, we went out there for hours and hours and GPS'd everything, then worked with Renee for hours and hours in the OHA office downloading on the sheet files on GIS and making sure everything was okay. You guys never know I did that, eh? Anyway, so we was really excited and really happy to give our own time to this project. And the more I heard about it coming together, the more excited I was and I really wanna take this project to heart and really thank the guys, especially the 2005 spring students that came over with Luciano, who got thrown into luaus here and there, and went out in the hot sun and did the hard work and actually wrote this project up, so thank you very much. And since I get the mike, I did wanna thank commissioner, our Chair Ribao, our outgoing chair. Sorry, I was late cause I was buying you one gift so I was late. And I really wanted to thank Janice. I really, really,

really had a good time working with you folks and we going miss you guys, and continued support for the rest of the present members, thank you.

Mr. Ribao: Thank you. Thank you very much.

Ms. Buchanan: Something for Sam Lemmo. I appreciated your presentation at the Kauai conference. I was there. The crazy lady who stood up and said, "Mr. Lemmo, before you do any CDUA permits, call your boss, Peter Young, and you tell him don't you issue any permits on Molokai before you come to the Planning Commission;" that was in reference to CDUA permits that you guys granted on the north shore of Molokai for residences and that still holds true today. Thank you.

Mr. Ribao: Okay, thank you. Any further public testimony? Okay, seeing none -- okay, DeGray has another question.

Mr. Vanderbilt: Oh, Sam's gone but was -- oh, there's Sam. Or anybody, was there any -- is the State or the County or is anybody taking -- starting to figure in the effects of rising oceans? I mean there's -- when we got our GPAC information, it said, "Start planning for a rise in the ocean from three to nine feet." I mean three feet, if it's just three feet, that's going to exasperate an already bad situation I would think.

Mr. Lemmo: Thank you. I'm sorry. I just -- I do a lot of research on sea level rising, global warming. It's kind of one of my pet projects. But, you know, you saw Al Gore just testify before the -- the Congress, both House and Senate, on global warming; actually, I sat through a little bit of that and CSPAN, it was kind of interesting, but the latest report, which was the IPCC, Intergovernmental Panel on Climate Change, released in late 2006 or earlier this year, basically, indicated that we can expect a sea level rise of between a half -a-foot to a foot-and-a-half by the end of the century. A foot -- a half-a-foot to a foot-and-a-half by the end of the century. I have spoken with a lot of oceanographers, and coastal geologists, and scientists in the field, and they -- there is a vast chasm of disagreement over this number. It's one of the more controversial aspects of the IPCC report. They were kind of surprised that it was so conservative; after all, a half-a-foot in a century is less than what occurred in the past century, which was maybe eight inches, eight or ten inches. I forget the exact number. A foot-and-a-half of sea level rise maybe doubles what happened over the last century but they've already seen it doubling of the rate, at this early juncture, so there are people out there that are saying maybe like a meter is more realistic. But then there's the other school, and I'm not here to -- this is totally -- there's another school now they're saying that, by the mid-century, 2050, if global warming continues, you could see a rapid melting of the Greenland ice sheet and parts of Antarctica. If those ice sheets begin to melt significantly, sea level rise could go as much as one meter for every 20 years. So it's a very dangerous situation. To be honest with you, nobody really knows what's going to happen. We do know there's going to be some minor rising, probably more than what's

been stated by the IPCC, but it's definitely something we have to plan for. It may overwhelm us; it may not. We just don't know. But to ignore it would be stupid.

Mr. Ribao: Are you satisfied, Commissioner DeGray? Okay. Okay, Nancy?

Ms. Nancy McPherson: Thank you, Chair Ribao, Planning Commissioners. I just wanted to respond to some of the concerns that are being expressed today about implementation of the plan in coordination with State and County. Our department is already coordinating with other departments and divisions of the County to discuss implementation of the recommendations of the plan. We have heightened the scrutiny for the Papohaku Dune lots so that, you know, all permits are flagged that we have to be applying these principles and we are developing our strategy. I also wanted to say that we're working closely with DLNR, Sam Lemmo, and Thorne Abbott, our coastal and shoreline planner, have a very good working relationship. We've gone down to Papohaku. We've looked at Hotel Molokai together. We've, you know, really been checking things out and I try to bring them down to troubled areas as often as I can. In fact, we were going to do some site visits today, I'm not sure if we're still doing that, but the Planning Department is very supportive of sending planners to conferences that they need to go to to get the training that they need to make presentations, to listen to the most current information, scientific information, to work with University of Hawaii to do erosion based coastal zone management. We're working very hard to implement the Coastal Zone Management Program for the State of Hawaii, for our jurisdiction, so we're really working on coordination. Ralph is here, Nagamine, Public Works, and DSA, and Aaron Shinmoto been discussing things with him and Francis Cerizo, and so we're really -- we're going to be meeting, we're going to be kukakuka, we're going to be putting our heads together, and, you know, really getting a strategy and a good coordinated approach. I also wanted to mention that this plan has been accepted by, I don't remember the exact title of the conference, but there's an international dune conference in Northwest Spain and it's an area with a spit of sand, they've had a lot of hotels put down there, but they're trying to preserve their dune system. There are people coming from all over the world and this plan is going to be presented, I haven't put in my travel request yet to go to Spain, but I'm hoping the commissioners will put a good word in for me. Several of the other students who have participated are also intending to go and going to get graduate, you know, grants and that sort of thing. So we're going to be on the -- Papohaku is going to be on the international spotlight in the first week of October so it's something to really -- to get excited about and I'll make sure that we report back to you on the outcome of that conference and how things went and what we learned. So, thank you.

Mr. Ribao: Go ahead, DeGray.

Mr. Vanderbilt: Nancy, you missed your chance last night at the budget hearing, the Council was here, to get your plane ticket to Spain. Have you been approved to go to Spain?

Ms. McPherson: No, not yet, but I'm just trying to get, you know, some other things for my office. I was concentrating on the near-term need first.

Mr. Vanderbilt: We would have testified for you. But the other thing you mentioned -- you mentioned that you've already heightened the scrutiny of lots out on the dune area to sort of implement some of these plans. Well, if I look at this handout, it said, "Best management practice. Elevate the house instead of grade and filling." It says, "Maintain natural contours; zig-zag driveways to divert water; no septic tanks in sandy soils; consider composting toilets as an alternative." Are you saying that when somebody goes in for a building permit, the County may just say, "You've got to follow these things," for those lots in the dunes? And if not, is there a way that we could do that? Cause I don't know scrutinize means when you say "scrutinize."

Ms. McPherson: What I mean is that we're flagging those TMK's for coordination to make sure that permit applications are, you know, circulated to Thorne and myself and, you know, that we're all communicating and that the other divisions are aware now and they have their copies of the plan. Now, I can't make recommendations to DSA about how they want to implement the plan, but we are working together and those things are all going to be looked at I'm sure.

Mr. Vanderbilt: So maybe Ralph could tell us how we could get into the building permit process where people had to follow these best management practices in building their structures. Is there -- what would this community have to do as far as changing the law or something to allow that to happen?

Ms. McPherson: I'll let Ralph answer that but let me just say first of all that a lot of these things actually have been implemented, a lot of the recommendations for Planning has actually already been implemented since this study was done, so we're very proud of the progress that we've been making, not those in particular, but other things and Thorne and I was talking about that earlier so --

Mr. Vanderbilt: Well let -- maybe Ralph could just -- so, Ralph, what would we have to do so when somebody came in for a building permit, they would have to not put septic tanks in the sandy soils, they'd have to zig-zag their driveways, maintain the natural contours, and elevate the construction on post and pier instead of grading?

Mr. Ralph Nagamine: Okay, first of all, the location of the house that they're going to be building is going to be governed by the setback, the shoreline setbacks, okay, and the

Planning Department recently, I think within the past several years, couple years, did amend their shoreline setback rules so now the structures are --

Mr. Vanderbilt: But that was just for Maui, right?

Mr. Nagamine: No, I believe it's -- is it just for Maui that the shoreline setback rules were amended?

Mr. Vanderbilt: The amended?

Mr. Nagamine: Well, we'll get back to that. But, anyways, relative to the grading that's done within the shoreline setback, our grading ordinance was amended again, several years ago, so that they're very specific as to what kind of fill material can be used for fill material in the shoreline setback. It's gotta be beach quality sand.

Mr. Vanderbilt: So anybody building at Papohaku right now has to fill with sand?

Mr. Nagamine: If they're within the shoreline setback area.

Mr. Vanderbilt: But in back of the lot? Oh, within the shoreline setback area?

Mr. Nagamine: Setback - right.

Mr. Vanderbilt: But where they build their house, they can bring in fill right?

Mr. Nagamine: That's correct.

Mr. Vanderbilt: Thank you.

Mr. Ribao: Okay, thank you. Any further public testimony? If not, I'm closing the public testimony.

E. CHAIRPERSON'S REPORT

F. DIRECTOR'S REPORT

- 1. Pending Molokai Applications**
- 2. Closed Molokai Applications**

Mr. Ribao: Chairperson's Report, I have none. Director's Report.

Mr. Yoshida: Thank you, Mr. Chair. We've circulated copies of the pending and closed Molokai applications. Other than that, we'd like to thank Commissioners Kalanihulia and Ribao for their five years of service. We have some celebration this evening, at about 6:30ish, and our next meeting is on April 11. We plan to do an orientation, refresher session as we'll have two new commissioners coming on board. That's all we have to report, Mr. Chair.

Mr. Ribao: Okay, any questions for Clayton? DeGray, you got no questions? Okay. You sure? This is the last chance with me. Okay. Okay, thank you, Clayton.

G. ANNOUNCEMENTS

H. OTHER BUSINESS

Mr. Ribao: Okay, Announcements, I guess we got that done. Other Business. Anybody wanna testify regarding anything? I'm going to stretch this meeting until 6:00. Okay, you like say something?

Mr. Vanderbilt: You got on board too late, bruddah.

Ms. Buchanan: Just for you, Chair Ribao, I going testify again. The picture that Sam Lemmo showed you had of the sediment with the drainage down at Papohaku, and I going be honest with you guys, that was the only thing I regretted in the five years as -- on this Planning Commission was approving that. And if you don't remember what that was, that was Molokai Ranch's proposal for drainage and they made -- they dug a big hole next to the golf course and that is one of the main drainage right before Papohaku Beach Park. I knew at the time it was not good. We had no real resources. The Planning Department suggested approval of that permit. We struggled with it. I asked for a onsite inspection, and I forget, there was just me and I don't know who else showed up for that site inspection, you, DeGray, and we walked in there and I knew it felt bad, okay. I knew that. What they were going to do, every time the sediment collected down there, was they were going to dig it out and sell it to the landowners for fill; just what we don't want them to do. And, to this day, it haunts me and so that's just something for the rest of the present commissioners to consider is when something doesn't feel right, don't let anybody push you into making a decision that you'll regret later on. And, on that note, thank you for turning the pool down, abutting the fishpond. That was really brave and especially when Council told us that we couldn't disapprove permits. It just proved them wrong that we can deny permits. And thank you, Ribao, again. Huh, stretch 'em out enough for you?

Mr. Ribao: Yes.

Mr. Vanderbilt: Lori, I just got one question. I think that --

Ms. Buchanan: See, he helping you out here.

Mr. Vanderbilt: No, no. I just wanna help Bobbie out too cause it's only 2:30 right now, but, no, one last thing. I don't know if we can look into, we gave a permit for that sediment basin, but if it's not doing what it's supposed to be doing and it's causing some problems out there, maybe there's some way that we can amend it or do some corrective measures, but maybe we could talk to the dune restoration folks to find out if it's doing good or bad or whatever.

Ms. Buchanan: Well, we knew that the overflow was going to go onto the golf course and then right onto the beach, but they had a 100-year flood plan that went along with that, which really didn't look great, but as long as we don't continue to do that, by space option there's another one that they put under there that's big enough where the deer actually walk back and forth, and that's after the Papohaku Beach Park, before the intersection to go down to ...(inaudible)... so -- and that's not counting the guys at the end who changed the flow of the river or the guys at ...(inaudible)... place that built the stonewall that we wanted removed, and at least the house got stopped that cut into the lithophyte dunes next to Patterson's who took away the whole mountain with sand and fill in with soil.

Mr. Ribao: Okay, thank you. Anybody else wanna say anything? If not, I'm going to adjourn this meeting. You guys got the date of the next meeting. Hopefully, the next chairperson will keep it short, sweet, and to the point. Thank you. Meeting adjourned.

I. NEXT REGULAR MEETING DATE: April 11, 2007

J. ADJOURNMENT

There being no further business brought before the Commission, the meeting was adjourned at 2:23 p.m.

Respectfully submitted by,

SUZETTE ESMERALDA
Secretary to Boards and Commissions I

RECORD OF ATTENDANCE

Present

Robert Ribao, Chairperson
DeGray Vanderbilt, Vice-Chairperson
Janice Kalanihulia
Bill Feeter
Sherman Napoleon, Jr.
Steven Chaikin

Excused

Kip Dunbar
Lynn DeCoite
Joseph Kalipi

OTHERS

Clayton Yoshida, Planning Program Administrator
Nancy McPherson, Staff Planner, Molokai
Thorne Abbott, Staff Planner
Michael Hopper, Deputy Corporation Counsel
Ralph Nagamine, Administrator, Development Service Administration, DPWEM