

(APPROVED: 04/09/08)

**MOLOKAI PLANNING COMMISSION
SPECIAL MEETING
FEBRUARY 13, 2008**

*** All documents, including written testimony, that was submitted for or at this meeting are filed in the minutes file and are available for public viewing at the Maui County Department of Planning, 250 S. High St., Wailuku, Maui, and at the Planning Commission Office at the Mitchell Pauole Center, Kaunakakai, Molokai. ***

A. CALL TO ORDER

The special meeting of the Molokai Planning Commission (Commission) was called to order by Chairperson DeGray Vanderbilt at approximately, 6:12 p.m., Wednesday, February 13, 2008, at the Mitchell Pauole Center, Kaunakakai, Molokai.

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

Chairperson DeGray Vanderbilt: Aloha everybody. I'd like to call the meeting of February 13 to order right now. Tonight is a special evening meeting scheduled to better accommodate some of the residents who wanted to share their mana`o regarding the Laau Point Draft Environmental Impact Statement and the process to date, and, hopefully, we can share some information back about where everything is going. I really appreciate everybody coming out. There's just so much happening this time of year.

And what we're going to do, there's a sign-up sheet in the back and just if you wanna testify, go back and sign up. We'll be sending the sheets up from time to time, so you don't have to sign up right now, but anytime that you want.

Before we get started, I'd like the Commissioners to look at the minutes from November 14, November 28, and December 12, 2007 meetings and if -- and I'd entertain a motion to accept those minutes.

**B. APPROVAL OF MINUTES OF THE NOVEMBER 14, 2007, NOVEMBER 28, 2007,
AND DECEMBER 12, 2007 MEETINGS**

Ms. Lynn DeCoite: Motion to accept.

Mr. Vanderbilt: Is there a second?

Ms. Mikiala Pescaia: Second.

Mr. Vanderbilt: Motion to accept by Commissioner DeCoite and second by Commissioner Pescaia. Any discussion? Any changes that anybody wanna make?

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

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

VOTED: to accept the minutes of the November 14, 2007, November 28, 2007, and December 12, 2007 meetings.

Mr. Vanderbilt: Motion carries.

C. UNFINISHED BUSINESS

1. **MOLOKAI PROPERTIES, LIMITED** requesting comments from the Molokai Planning Commission on its second 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 diskette was previously distributed to the Commissioners. The matter was deferred from the January 23 meeting.)*

The accepting authority for the EIS is the State Land Use Commission. The deadline to receive comments on the DEIS is February 22, 2008.

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 will accept public testimony from interested members of the public on the DEIS.**
- b. **The Molokai Planning Commission will share what information it has that may enable the public to better understand how the environmental review and ancillary processes evolved to where it is today and where related processes are intended to go in the future.**

- c. **The Molokai Planning Commission will take action to provide its comments on the Draft Environmental Impact Statement (DEIS).**

D. CHAIRPERSON'S REPORT

1. **Molokai Planning Commission Letter to Molokai Properties Limited (MPL) requesting MPL to: a) grant a 30-day extension of the public comment period on the Laau Point Draft EIS document, b) to place two additional copies of the Laau Point DEIS in the Molokai Public Library, and c) make a more user friendly DVD version of the Laau Point Draft EIS, which can be cut, pasted, and edited.**

Mr. Vanderbilt: Okay, now we'll get into just public testimony, and what I'd -- I'd like to do is -- there's been a lot of testimony given in the past, especially at the Land Use Commission Hearings on November 15 and 16, which was a big turnout on relatively short notice by the community. Unfortunately, all the testimony from that meeting was purged from the verbatim transcript at the LUC. The Planning Commission is looking into that. We're trying to recreate as much of the files as we can. There's two big volumes back there. I went to Honolulu and tried to recreate the file. And we're hopeful that the Land Use Commission will recreate the verbatim transcript by viewing the video transcription that AKAKU did, and I got the AKAKU tapes now, and I'm going to send them on to the Land Use Commission, and their commission will make a decision whether they will do that. But it's very important information and part of the whole process in the environmental review is to get as much good information into a final document so it's accurate and complete and decision makers can rely on it in making future decisions, and that's the Land Use Commission, it's members of this Planning Commission, and it's members of the Maui County Council.

And so tonight, we're going to listen to what you have to say. Each of these Commissioners are sending in comments to Nancy. We're going to combine maybe some of the comments that you have too that might -- we might wanna latch onto and put in ours, and we'll just try to get as much as we can out of the short period that we have to work.

And before we get started, I'd like to call up -- we had a letter regarding the extension and I'd like to give John, and I appreciate John for coming tonight, the courtesy of letting -- letting you all know about the extension request that this Planning Commission and a few others had requested of Molokai Properties. John?

Mr. John Sabas: Thank you, Mr. Chairman. First of all, let me apologize. I believe the letter that we sent out to you on Monday went to Maui, so you probably didn't receive, so I'm glad I was able to bring it to -- with me and distribute it to all of you.

You know, we gave this -- this request, you know, quite a bit of thought and we -- we came to the conclusion that 45 days is really -- sorry -- 45 days is sufficient and it falls within the -- the rules of the Office of Environmental Quality Control, so we're not going to change the deadline. It still remains at February 22. We're pretty confident, knowing this community, that you'll be able to provide us with the comments that you feel is necessary and we'll do our part. You know, we'll address the comments and respond and, hopefully, we'll be able to turn this thing around quickly.

In regards to your request to have another copy of the Draft EIS at the library, you know, we just made another one available this week so -- so they have three copies there. The final request that the Commission asked of us was to change the -- the CD to Word format and we won't do that. You know, we can't do that. We received requests also from the Office of Hawaiian Affairs and Councilman Danny Mateo. We read in *The Maui News* paper that the County's cultural committee has also requested an extension, and there's also been some individuals that have asked, and, basically, our response will be the same.

Mr. Vanderbilt: Thank you.

Mr. Sabas: So I just wanted to be sure that, you know, I was here to represent - Peter isn't here. He's out of the country right now. So I just wanted to deliver that to you.

Mr. Vanderbilt: Thank you, John. Is there any questions of the Commissioners for John? Yeah, Commissioner Pescaia?

Ms. Pescaia: I have in front of me several letters, I just looking for clarification, saying that they were required by law to be provided a hard copy. I don't know if you've seen any of these letters. But they're concerned citizens that they haven't received a hard copy and that they were entitled to one and that now with just a few days left, they still haven't received one. Would you like to address those?

Mr. Sabas: Sure. Thank you for raising that. The requirement, as we understand it from the Office of Environmental Quality Control, is that they have a list of people that we're required to make this information available to, and they've said that we can provide either CD's or hard copies. So what we've done for most of those people on the list is provide CD's and if they requested a hard copy, as some of them have, then we would provide a hard copy. But that's the requirement as we understand it to be.

Ms. Pescaia: So everyone who requested a hard copy received one?

Mr. Sabas: As far as I know, everyone who is on that list that request a hard copy, we will accommodate that request. Yes. And if there's anyone that somehow falls through the crack, you know, just give me a call and we'll make sure that you get one. I know Lynn has

requested one recently, as well as Glenn Teves and Steve Morgan, so those should be in the mail, if not already received by them. So we'll respond, you know, quickly to those kinds of request.

Mr. Vanderbilt: John, I had received a letter from the Office of Quality Control, Leslie Segundo, who said he -- MPL's attorney and land manager, Dan Orondenker, met with him and asked him about that, and his counsel to him was he cited the law and he said and -- that if the Ranch does not hear up front from somebody whether they want an electronic or a hard copy, they should send them a hard copy in advance, and there's no need for somebody to request. And -- and he referred to a list, and he sent me the list, and I don't know if everybody on this list got a hard copy, but there's a lot of State agencies and the Planning Department, but it also says Lynn DeCoite, Steve Morgan, Glenn Teves, DeGray Vanderbilt, and Tom Holloman, who are consulted parties. So your understanding is a little different than Mr. Segundo is representing to us but --

Mr. Sabas: Yeah, I haven't seen Mr. Segundo's letter so I can't comment on it so ...(inaudible)...

Mr. Vanderbilt: Yeah, and he was just reiterating a conversation he had when Mr. Orondenker came and asked for advice.

Mr. Sabas: Yeah, and the advice that I've just, you know, relayed to all of you is basically the advice that we received and -- and like I've said, if people who have asked, who are on that list, for a copy, a hard copy, then we will provide it.

Mr. Vanderbilt: Well, did you provide a hard copy to certain people on the list? Did you use your discretion at who would get a hard copy and who would not?

Mr. Sabas: I believe certain government agencies we provided hard copies. Many of them we didn't. And we anticipated that if they really wanted one, they'd asked for one. And as far as I know, just one government agency requested one and then, on second thought, said they didn't need one.

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

Ms. DeCoite: John, you know I was one of those that requested later on in. But you know, in light of, you know, all the comments and the requests of the extension, I, as a Commissioner and as a consulted party, would like to see that extension given just due because of the CRC meeting that was taken place and out of respect to those that -- that didn't get the hard copy and found it very difficult to go through with the CD and -- and many of us couldn't open up the CD. We had hard time transferring it over. So even -- even at what you just commented on what Peter and Dan said, I'd still like to ask you, on

my behalf as well as the Commissioners, that we could get that extension somehow. And it's just out of respect to a lot of us and also as yourself, you know, from Molokai and stuff that you could give us that -- that option of that extra thirty days just so that people could comment. It shouldn't be -- it's not fair that -- that a lot of us didn't get it and not able to comment on it. We found it very difficult to just go back and forth on the computer and address those important issues, and this is a very important issue for all of us. So I'd just like to make that request formally with you. Thank you.

Mr. Sabas: Thank you.

Mr. Vanderbilt: Are there any other questions? Commissioner Pescaia?

Ms. Pescaia: I was just wondering why the change in format because I believe the previous Draft EIS that was provided was in a Word format that was able to be searched and people could kind of work with document a little bit more, and then this newer -- this version came out in a PDF format. I was wondering why the -- why the change?

Mr. Sabas: I don't think the previous CD was in Word. I think we made one CD available in Word and -- and that was it. We didn't do that after that. Yeah.

Ms. Pescaia: Because I remember -- and we've had testimony in previous Planning Commission meetings from a citizen saying that somehow they got versions of it where they were able to search as a Word document. It was easier to cut and paste and find, search for the specific topics that they were interested in. Could you just maybe why this change in -- or maybe just having this PDF format available to the community, which was more difficult. I know people had requested it being provided in another format. Could you maybe share why the hard decision to stay in PDF?

Mr. Sabas: Yeah, as far as I know, Commissioner Pescaia, you know again, I do not believe that the previous CD was in Word. I believe it was in PDF. Other than the one CD that we had on advice, which we later retracted, made available, the rest of them were not on -- on Word.

Mr. Vanderbilt: John, the Word document that went out from PBR came to me, and I thank you. It made my job a lot easier. But wasn't the original -- our Commission didn't request that it be a Word, we said word or some PDF format, like State drafts of documents and everything come to us in PDF form that can -- like our minutes online, they can be -- you can copy a section, move it over, and then edit it. It's not in a Word format, per se. But do you recall if the original electronic copy was in a PDF that could be cut and pasted?

Mr. Sabas: No, I don't.

Mr. Vanderbilt: Okay. Thank you. And I just -- I don't know if you're going to be around the whole evening, John, but I just -- I just had one question regarding the letter that went to the employees, and it has nothing to do with the employees except the last part, and I was just wondering, it says that if there are any further delays in the master plan implementation, we will be forced to implement more drastic cost reduction measures which may include complete closure of the camp, golf course, and the implementation of a plan to begin a sale of land, some of which is currently being held for donation to the community. What would be a delay? Is it -- would it be a delay caused by you or would it be a delay caused by say, in the process, there might be a provision for a legal challenge by somebody, some public has the right to do that in the process, is it any delay at all or what? I mean --

Mr. Sabas: DeGray, as much as I would, you know, like to be, you know, informative and work with the Commission on any matters I believe is important, not only to this Commission but to the community, you know, I'm prepared only to address the issues that you raised in writing to us on the extension and the request for the library at this time, yeah, and the CD.

Mr. Vanderbilt: Alright, I appreciate that.

Mr. Sabas: I hope you can understand that.

Ms. Pescaia: Well, I think it does tie in because we're looking at is a --

Mr. Sabas: But I'm not going to make any comments.

Ms. Pescaia: Okay, well, I'm just going to share with everyone.

Mr. Vanderbilt: Commissioner Pescaia.

Ms. Pescaia: If we do request -- I mean would that be a reason for withholding a 30-day extension because it would, in effect, to jeopardize people's jobs, which kind of is what the bottom line is of the letter that any delay in the process, which is what we're asking for, 30 days which indeed cause a 30-day delay in the process, is that -- I mean is that one of the reasons why the delay is not -- I mean the extension is not being granted because this is at risk?

Mr. Sabas: I can't comment on that, Mikiala.

Mr. Vanderbilt: Thank you, John. Are there anymore comments for John at this time? Again, John, thanks. Thanks for coming.

Mr. Sabas: You're welcome. Thank you.

Mr. Vanderbilt: Alright. Okay, we're going to -- we're going to take some testimony at this time and at various points, I think some of the Commissioners might have some questions to ask the County about the process, and just as a learning experience for -- for us all, we might have some breaks in the public testimony. I do have a -- I do have a list here of people who have signed up. There's a sign-up sheet in the back and we're going to just keep rotating sheets back and forth. And the first person who has signed up to testify is Donna Paoa, and followed by Max Quinney. And I'm gonna try to limit it to four minutes and if you wanna come back at the end, you can come back at the end, and if you've got something that's new information or something, you may get a little extension, but thank you. Donna?

Ms. Donna Paoa: Aloha. Aloha, Commissioners. My name is Donna Paoa and I'm here on behalf of Maui Community College on Molokai. I've come a couple of times to this Commission and also to the meetings with the Draft EIS the first time. The reason I'm here tonight, and this -- I prepared this just in a few minutes before the meeting started. I don't know how many of you came past the East End to get here but how many of you saw the college and how crowded it is? How many cars are all over the place over and over, night after night. We're doing great at the college. This is a wonderful thing. That's the reason there were 15 acres set aside in the Molokai Community Plan as far back as 1993 for the college for future generations on Molokai. We need to have some land to grow. To offer even what we need to have now, we can't do it. We don't have our science lab. We don't have an auditorium theater. We don't have an extra computer classroom. It goes on and on.

So in any case, I wanna ask the Commissioners, and this is kind of a rhetorical question: Who are you and what value does the Molokai Planning Commission, the Maui Planning Commission, the Planning Department, the Mayor, what value do you have in this whole process? And the reason I'm asking, I know the answer, but the reason I'm asking is as opposed to the Enterprise Community and the Land Trust and the value that they have in this process. So the way I look at it, is that I see you folks as a government legitimate fed-up procedure in process by which the community comes and does planning. I see the Enterprise Community as the group with whom Molokai Properties met to do their Master Land Use Plan. Okay, both are legitimate. Both are fine. But what the problem with me is is when there's some inconsistencies between what the Molokai Community Plan, which is something that came through you folks, and the Master Land Use Plan, which came through the Enterprise Community, who trumps who? So my thinking is: The Molokai Community Plan is the one that takes precedence and that's why I'm here and that's why I went to every EC meeting that I could to ask that the Enterprise Community honor the language in the current Molokai Community Plan, which says 15 acres for the college. Unfortunately, that language is not in the Master Land Use Plan and that concerns me.

And the reason I'm here because of the Draft EIS for Laau. So you're saying why do I have to listen to this college lady again, and again, and again? And that's because the Master Land Use Plan is so comprehensive that it includes the language for the college. So if I'm not here, noone would be, and we can't forget about the college and its role in this whole thing.

So when I did my five questions to -- on the first EIS, and I got the responses, I'm not happy with them. I take exception to the answers. All of the answers that I got had to do with the Enterprise Community. Here's an example: The Enterprise Community decided that a gym and a swimming pool would be next to the college and that they would become part of the college. And because of that, it's a done deal. It's decided. And I'm thinking: Hello? Excuse me? That's not what is planned and that's not part of what the college wants but that was the response to my comment. Another one I'll say, when I asked about the 15 acres, I was told, and I'm going to quote this one line, "Molokai Properties Limited notes that the Molokai Community Plan language on land to be allocated to the college --" okay, "Molokai Properties notes the Molokai Community Plan language on land to be allocated to the college. This land is going to be donated to the Molokai Land Trust and this issue will, in time, no doubt be addressed by the Land Trust." So again I'm saying, "Okay, who is the Land Trust and the EC making the decisions versus the 15 acres for the college where we came through the Molokai Planning Commission?" So in any case, because I still feel that the Master Land Use Plan has some inconsistencies regarding the college, and because I think there's language that needs to be corrected regarding the college, that's why I ask the Commissioners to not move to accept it as adequate disclosure the second time around. Thank you. I'll take any questions.

Mr. Vanderbilt: Thank you, Donna. Are there any questions of Donna? Commissioner Chaikin.

Mr. Steve Chaikin: One of our responsibilities here tonight is to decide whether or not we're going to provide comments and what those comments are going to be that we turn in to the Ranch. And I think as we hear testimony here tonight, we have to, as Commissioners, figure out how we're going to handle testimony like Donna's testimony. She raises some pretty important points and we need to figure out how we're going to incorporate her comments into our comments. So -- and one of the things we can do is find out whether or not you're going to submit comments yourself. Are you planning on directly submitting comments?

Ms. Paoa: I will, and I'll do it a little better than this speech cause it was kinda quick, however, I don't expect the answers to be different. I expect the responses to be the same from Molokai Ranch that the Enterprise Community decided and, therefore, it was a community group and they decided, and also any future land developments I'll have to go to the Land Trust who, of course we know, has some of the same members as the

Enterprise Community. So it's kind of a catch-22 and -- and I don't think that was what was planned when we went through the -- the planning process with the Molokai Community Plan process.

Mr. Chaikin: Yeah, Donna, I totally understand your concerns. Chair, how are we going to handle this in terms of all the testimony that we receive here tonight? How are we going to turn those into comments and how are we going to decided whether or not we, as a Commission, are going to adopt these comments as our comments or how are we going to handle that?

Mr. Vanderbilt: Well, we're -- we're going to have a special meeting of the Commission, there won't be any public testimony at that meeting, and at that meeting, we are going to review a final set of comments, which will consist of comments that we each have started sending in right now plus anything we pick up tonight that we wanna add in to supplement our comments. So between the end of this meeting and 12:30 on the 19th, we got a lot of homework to do to put together a package because we can't submit comments until we approve them. We can't just send them in as individual Commissioners. So that's what we're going to do and that's why we're here to listen tonight because I'm sure there's some points that we've overlooked, and even though you're going to send in testimony, Donna, we might supplement it, some of your thoughts into our testimony also.

Ms. Paoa: Okay. Thank you.

Mr. Vanderbilt: Anymore questions?

Ms. Paoa: Okay, thank you.

Mr. Vanderbilt: Thank you, Donna. The next to testify is Iwalani Arakaki. Iwalani, we can get somebody to pass those out for you if you just -- here --

Ms. Iwalani Arakaki: Aloha. I'm Iwalani Arakaki. My reason for being here is I've been away for the last three-and-a-half years and I've kinda been away from a lot of things that's been happening here. But I'm back now and I found things that is not right. I was in this thing a very long time ago and I thought everything was going okay - that the community was working together and trying to do the best thing they can for -- for whatever is happening in Kaluakoi side.

Anyway, I'm here first of all, I wanna say this that I have some documents here that I've done research on a very long time ago. It's self-explanatory. I'm sure you folks can see that, explanatory, read it, and then you folks would understand what I'm saying here.

As for Laau, a`ole. A`ole. And the reason is it's there. If you folks do your folks research, you folks will find it. It's there. You know I did this a very long time ago and I had to go through a lot of things to try and -- try and get things together. But like I say, I'm not going to mention names here. It's, like I said, self-explanatory and I think that's about all I can say. I mean you folks have your answer there. You folks look into it. It's there.

Mr. Vanderbilt: Thank you, Iwalani. Who was that with you?

Ms. Arakaki: Oh, I'm sorry. This is my mo`opuna, Akea Kamai.

Mr. Vanderbilt: Okay, aloha, Akea. Well thank you for taking the time to do the research and pay for the copies and whatever else you did. And may I ask you: Did you provide testimony at the Land Use Commission hearings?

Ms. Arakaki: ...(inaudible)...

Mr. Vanderbilt: Are there any other questions for Iwalani? Hearing none, thank you so much. That's all on this sign-up sheet. Do we have any other sign-up sheets? Is there one back there? Clayton, who's next on -- who's next on the sheet? You don't have to walk it all the way up. Okay, alright, Bridget.

Ms. Bridget Mowat: Aloha, members of the Molokai Planning Commission, and mahalo for taking the time to listen to what we, the community, is saying in regards this island and our future. My name is Bridget Mowat and I have lived on Molokai for -- for more than 30 years and I am a homesteader in Kapaakea. What -- regardless of what you read in the newspaper or what is told to you, the majority of Molokai is against the development of Laau Point. It may not be against the plan, but the Laau Point makes the plan not pono. So even the people in the outer-islands, especially Maui and Oahu, they know why we are against the 200 to potentially 400 million dollar homes and it's because of the fear, because of their hearts, because of their frustration, because of what they have to live through everyday of their lives, and I'm talking about traffic, crime, homelessness, domestic violence, pedestrian deaths, robberies in-house and out, drug abuse, child abuse, sexual abuse, shootings, gang-related deaths, child abductions, missing persons, political scandals, extortion. It's just not safe anymore and they've lost control, and I'm talking about Maui, Oahu, Kauai. They have lost control.

The roads up there have become cemeteries with crosses and flowers as a reminder of another pedestrian or automobile fatality, neighborhoods are littered with old iceboxes, furniture, rubbish, abandoned cars because the landfills are no longer able to handle the trash. Graffiti is all over the place. Almost everyday we hear of sewage spills, raw sewage spills into streams, ocean, canals, and even homes. Streams are littered with trash and the pleasure of taking a cool dip in the ocean stream can be a danger to your health. Streams

are contaminated with wild animal feces and urine because of overpopulation. No more hunting and the overpopulation of wild animals rampage our -- our forest. No forest; no trees; no rain. Their communities are shadowed by newer, bigger structures and new people move in who don't even fit into our local lifestyles; who demand change and have money to buy it. Our once thriving communities are uprooted for the sake of development.

Development runoff flow into our oceans covering the coral reefs with soot. Our fish cannot feed and our oceans can no longer feed the population. Water diverted for golf courses and the like have robbed our shorelines of the natural springs so our limu and fish are robbed of their need and cannot flourish.

Housing that sheltered the less-fortunate are being torn down to make way for higher priced housing that only rich can afford forcing families to live in tents on the beach. Only the well-off can afford the high prices of rent. Families have to live together cramped in one home to make the rent, food, and utility cost. Living with other family members and children are real hard and that's why there's a lot of domestic violence and abuse. They are thriving in these homes. People are frustrated and they're angry. Land taxes are going up to cover fixed rail system. People competing to get ahead of the next guy and doing at it -- doing it at any cost.

I used to live in Oahu. I lived in Waianae where everyone struggled together. Now staying alive is a struggle. I moved to Molokai 30 years ago from Maui, moved -- before I moved, Makena was threatened by one hotel, the Prince Hotel, that the first hotel for that side of Maui. Look at Makena now. Makena and Kihei exploded with construction, people, traffic, schools, shopping malls, bigger homes, more people, more hotels, condos, tourist shops, traffic lights, and they're still building. Kahului, Wailuku, Paia, the traffic is -- and people are so -- I don't even see the local people anymore. I don't even know Molokai people -- Maui people anymore. I feel like a stranger in my own place of birth. Where are all the local people? You know what? They're at home trying to survive. They can't enjoy the sunsets anymore. Sunsets, mountains, and ocean views are blocked by black plastic fences. While larger expensive homes are constructed, who are going to live in these homes? Not the local people. A lot of retired people on fixed income having to give up their homes because of land taxes. Many sold their homes for prices they cannot even come close to the value and the memories. They work hard all their lives to own their homes and then they have to sell in their retirement years because of the neighbors. A lot of people have to sell their homes because of the land taxes.

Mr. Vanderbilt: Bridget, it's going on about a little four minutes.

Ms. Mowat: Okay.

Mr. Vanderbilt: Could you sort of -- no, just can you wrap it up?

Ms. Mowat: But you know, to make the story short, that's why. I mean you talk about social impact. I mean I'm afraid and I go through fear everyday and that's what we're trying to keep. Look around us. We don't have that. Molokai can be the -- the learning place. So I'm totally against Laau. I did do a EIS -- I did do a comment on the social impact, and I also did submit a letter to request an extension.

Mr. Vanderbilt: So you're -- you're submitting comments on the social impact on this current Draft EIS?

Ms. Mowat: Yes.

Mr. Vanderbilt: Terrific. Okay.

Ms. Mowat: Okay?

Mr. Vanderbilt: And --

Ms. Mowat: Was my four minutes up? No --

Mr. Vanderbilt: Is there -- is there -- do you have any testimony you could leave with Suzie?

Ms. Mowat: Yes.

Mr. Vanderbilt: Okay. That would be terrific.

Ms. Mowat: And it's probably under four minutes. No. Sure. I do. You want me to give it to her?

Mr. Vanderbilt: Yes, thank you very much. Is there any other questions for Bridget?

Ms. Mowat: Thank you. Thank you.

Mr. Vanderbilt: The next speaker is Cheryl Pritchard, followed by Ken Bare.

Ms. Cheryl Pritchard: Hello, or Hello again. My name is Cheryl Pritchard and --

Mr. Vanderbilt: Can you get a little closer to the mike.

Ms. Pritchard: My name's Cheryl Pritchard and I wanted to be recorded that I'm against Laau. I did attend the Ranch's meeting for two years. I don't feel that they were really community meetings because there weren't a whole lot of people that attended them, in the

first place, consistently, and I don't think that they adequately -- well let me start over. I don't have this planned out. I was a dissenting voice at those meetings and my voice was never heard. I was frustrated from the get-go because you couldn't talk about water. So how can you make a plan if you're not talking about water? And so it didn't make any sense to me and that's why a lot of my neighbors didn't even show up for the meetings because it was like a waste of time because the essential point is when you make a plan, you have to talk about the water and if water was not being able to be talked about, it's a useless plan because you gotta start with the water and work from there. And so it was two years and Laau wasn't even -- wasn't even brought up until the very end. So for two years, we talked about everything but Laau, which was very confusing to me. So I just want to be on the record again, thank you very much, for being against Laau.

Mr. Vanderbilt: Thank you, Cheryl. Any questions for Cheryl? Thank you. Cheryl, did you -- did you testify at the Land Use Commission hearings?

Ms. Pritchard: Yes, I did.

Mr. Vanderbilt: Okay. Well, we'll try to resurrect your testimony. The next speaker is Ken Bare, followed by Darryl Canedy.

Mr. Ken Bare: Good evening. I'd like to thank you guys for asking for an extension to the comment period. I'm a slow reader. To deal with that much material in that amount of time, and have a life besides doing only comment on Laau, is ridiculous. I mean if I was reading a novel, it would take me longer than month to read over 2,000 pages, let alone think about it. I think it's totally disrespectful to expect people to comment on this in this short of time. And thanks for you efforts in that.

Also, I'd like to second what my partner Cheryl says about the community plan. I also went to many, many of those meetings and throughout the Draft Environmental Impact Statement, it's like this community plan is a Holy Grail because it's community, and this community has never voted on this plan. And as a subcommittee member, I never voted on this plan either, and I went to very many of these meetings. The people that voted on this plan were the people that were EC board members, which at the time most of those people were in support of the plan. The few people -- the couple people that were not in support of the plan tried to bring it to a public vote and what did it -- you know, it's not right. It's not a community plan and it just makes me irritated every time I read this thing to see it be called a community plan. Myself, I'd rather have this thing come up as a vote, yes, no, in front of the community. I know that's probably not the way this works but until this community has a say as a community, I don't see calling it a community plan and, you know, right off the bat, it just isn't right.

The water plan I think is inadequate. Until we figure out on this island what is the sustainable water plan, how can you change a designation to allow more development when people on this island already, that have legally binding rights for development on their properties, don't have water? It's one aquifer to me to put water to a place that is not legally developable now is taking away from people that own property on this island and until it is addressed and that we are certain that we have a sustainable water plan, there's no way that anything you can say can make it right to transfer water to a piece of land that is not developable -- develop -- you know, figured in our development here.

So I guess that's, you know at this point, just a couple of the comments I have. The other comment I had was that the alternatives to Laau Development very inadequately explored. There was some great ideas going around. At one of those community meetings, I was there, I questioned Peter Nicholas, what about agriculture? To quote him, and you can find it in AKAKU's minutes there, he said, "Agriculture is a dead horse on this island." And I think agriculture can be sustainable on this island and I don't believe developing desert land with multi-million dollar houses is and that's how I feel. Thank you.

Mr. Vanderbilt: Thank you, Ken. Any questions? So you're going to submit some draft comments on the Draft EIS?

Mr. Bare: Yes, I will.

Mr. Vanderbilt: Okay, thank you.

Mr. Bare: Thank you.

Mr. Vanderbilt: The next testifier is Darryl Canedy, followed by Kammy Purdy.

Mr. Darryl Canedy: Commission members, my name is Darryl Canedy. My wife and I are residents on the West End of Molokai, Kanani Kai, and we have been owners and residents out there for 27 years. And I'm looking around in the group and I -- I see very few -- in fact, I'd like a raise of hand, this not proper I understand, how many people are here that live currently on the West End right now? I didn't see a hand raised. Interesting. One? Thank you. My comments here are not for or against Laau Point. I think Laau Point is a pie in the sky that chances are will never happen if history on the West End is to repeat itself in the next 30 years from the previous 30 years when we started Kaluakoi. In MPL's water plan, the allocated amount of water for residential ag lands is a thousand gallons a day for lots that range from five acres to a hundred acres in size. This is in contrast to condominium owners who would be allocated only 750 gallons a day or roughly 25 percent less. When the rationale of such disproportional figures of water allocation and when the numbers turn out to much higher than in the end, how will this be resolved? And this is a question that

I ask you, the Planning Commission, to look at because this is a question that you could ask the developers on this EIS.

Secondly, why hasn't Molokai Ranch laid out its plans for the West End, as it is called, the dual water system? In it, the new EIS, and how is it that Molokai Ranch is able to move forward with this new EIS without first resolving the MIS and Wellhead 17 issues? This is another question that I would ask you, as the Planning Commission, to ask the Ranch and get complete definitive answers. Thank you.

Number two, the West End subdivision, and we all know what that is, that's Kaluakoi and the original 7,000 acres that was planned and approved some 30 to 40 years ago. Many you may or may not know that we had a recession in 1981 and '82, and since that recession, in the last 30 years in that master plan that was designed over 30 years ago, we have only had 50 homes or less built in that master plan, in that period of time. Now we have Laau, 200 homes, two million dollars a lot, total of four hundred million dollars. It certainly looks good on the bottom line of any corporation's plans. It looks real good. But if history repeats itself or in a recession now or going that way, is the last 30 years going to teach us anything about maybe the next 30 years in the Laau plan?

Mr. Vanderbilt: Darryl, can you wrap it up in about ...(inaudible)...

Mr. Canedy: Yes. The last two areas I think we need to talk about is the fire protection in the EIS. Given the isolation and dry hazardous conditions of the West End, why has no effort been committed by the Molokai Ranch to assist in the construction, design, and implementation of a fire station and a police station out there? Any questions? I am through.

Mr. Vanderbilt: Thank you, Darryl. Darryl, you presented written testimony to the Land Use Commission?

Mr. Canedy: Yes, I did.

Mr. Vanderbilt: And you would stand by that testimony --

Mr. Canedy: Yes, sir, I would.

Mr. Vanderbilt: If copies were made to this Commission?

Mr. Canedy: I had never given it to the Commission at the time that they --

Mr. Vanderbilt: No, no, we got copies. You would stand --

Mr. Canedy: You mean right now?

Mr. Vanderbilt: Yeah, would you stand by the testimony you made to this Commission?

Mr. Canedy: Yes, I will, sir.

Mr. Vanderbilt: Thank you. Any questions of -- Commissioner Chaikin?

Mr. Chaikin: Yeah, Darryl, thank you for your testimony. One of the goals of this Commission is to try to figure out how much water they're currently using and then project out in the future of all undeveloped lots and see what the picture of the water availability really looks like. It's been difficult for us to get, you know, accurate figures as far as what's really going on. But what's the current situation? Are you guys -- can you use as much water as you want or what is the water utility telling you in terms of your water use? Are you rationed? Or how does all that work?

Mr. Canedy: Over the last -- I'm only going to speak five or six years. There have been times that we have been told by the County that we need to water ration and so we do. Our water utility, or pardon me, our utility that provides us with water and sewer is now owned by Molokai Ranch. It used to be owned by Kaluakoi and the owners of Kaluakoi. It has no longer done that. So we get little or no input from our water utility. All we hear is what has come out in the papers where a few years ago, we were throwing away a million gallons a day through the pipeline system and etcetera. Years ago when Tokyo Kosan was running it, they weren't paying their bills to the MIS. And so we weren't being taken care of properly. We will do what is necessary to make sure that we continue to get our water, our share, of what was originally set up to us in Wellhead 17, which is basically one gallon out of -- out every four - pardon me, out of every three comes from Wellhead 17 is allocated to Kaluakoi. The other two gallons -- the other two-thirds gallons comes -- goes to Kualapuu and the farmers up there, as I understand that original contract, which now has been thrown out by the -- the courts.

Mr. Vanderbilt: Thank you, Darryl.

Mr. Canedy: Any other questions?

Mr. Chaikin: Yeah, you mentioned that the County was telling you, at some point, that you needed to ration the water. What role was the County playing in supplying you with the water?

Mr. Canedy: You know, I honestly do not know. I have no answer. We, as owners out there, we hear from the water utility and to us, that's all we hear. We don't even hear whether we're getting quality tested or not.

Mr. Chaikin: Right, this is kind of a, you know, longshot, but do you have any idea how much, on a daily basis, those lots are using out there in Kaluakoi? Gallons per day or anything?

Mr. Canedy: I don't -- I don't have an inkling, and the reason being, I feel, is that the Ranch doesn't want us to know. We don't hold in our hands our own destiny of water usage period.

Mr. Chaikin: Yeah, Darryl, I can say that, you know, us, as the Commission, were trying to find out those same kinds of figures and so we can make some kind of a logical induction as to, you know, the water availability and what it looks like on the West End. But thank you.

Mr. Canedy: One other little quick point. As we read in the paper, Molokai Ranch has relieved themselves from the water board thing that's going on right now here on Molokai. It was announced in the paper that Molokai Ranch has withdrawn, and I understand for the second time from that commission hearing. I heard nobody else. I, personally, called Kammy Purdy and said, "Hey, can we get somebody to be on that board so we can have some knowledge as to what water we're getting and if we're using too much or using too little?" And she said, "Yes. I'll see if I can get you in there." But in history, the Ranch has been everything to us.

Mr. Vanderbilt: Thank you, Darryl.

Mr. Canedy: Thank you.

Mr. Vanderbilt: Alright, I'll just expand on what Darryl mentioned. The Ranch did send in a letter on January 29 to the State Water Commission saying they were withdrawing from participating in the Molokai Water Working Group, which was reconvened by the State Water Commission specifically to get to the bottom of the major purveyors of water: the Hawaiian Homes, MIS, the County, the Ranch, Kawela Plantation, all those, how much they were using; what was their sources; what was their future plans, so there could be some real good information. And it was just very frustrating for the Ranch to withdraw. They had some reasons for withdrawing. And so that's a big gap that we have to try to continue -- continue to fill. But that's what the Water Working Group right now is working on and we'll move forward with or without the Ranch. Okay, the next person to testify after Darryl is Kammy Purdy, followed by Chris Hammond.

(Commissioner Joseph Kalipi entered the meeting at 7:05 p.m.)

Ms. Kammy Purdy: Aloha. My is Kammy Purdy. I'm the President of Ahupua`a O Molokai, which represents five homestead associations here on Molokai. No water - no Laau. That's what I'm standing here for. Water is life. Molokai has to provide water for 8,000 lives at this time. It is mandated by law that the homesteaders have two-thirds water rights. It is known that MPL has two court decisions regarding water improprieties. MPL pulled out of the Water Working Group, not sharing their water data like DHHL, MIS, USGS, and the County. MPL needs to take care of these water issues first before anymore government permits are approved. Mahalo.

Mr. Vanderbilt: Thank you.

Mr. Purdy: I'm Tudy Purdy. I figure I go with Kammy - easy. I too also attended all the meetings and submitted by questions for the EIS, the original one, so I just wanna comment on one of the issues that I asked the question on, which was economics and tourism. And as most people know, I own a macadamia nut farm, and economics, in the EIS, there was none at all. Actually, there was no economics generated by the development of Laau. They was only getting money if tax revenue for land and that was -- that was the only economics. So I questioned the Ranch to why were they doing Kaluakoi Hotel first, which created an economic engine for the island in '77, started, because of Tokyo Kosan, owning it last, and wanting to do larger, they pulled out. Molokai Ranch took over. They've had for now about six years. And we assumed at the time they bought it that they were gonna add this to their tentaloos, add it to their lodge, that would create that economic engine that was planned. It was developed. The island approved it. And it worked very well for about 21 years. So they should be -- so my comment was mainly that it is -- bring back this engine back to life. And before they would do Laau or do anything, they would have to do that first cause it would employ at least a hundred Molokai residents. So I can't see on anybody's committee or board that they would allow Molokai Ranch to let it sit idle, not charge them to deface the property. They've been leaving it idle, these people that go down as visitors sees this dilapidated buildings and they comment it's unsafe. So the island should be charging them some money for them not taking care of their opala. They creating one big opala down there. So we need that as more of an economic engine and brought back to life before Laau is developed. That's my comments. Thank you.

Mr. Vanderbilt: Thank you, Tudy. Are there any questions of -- Tudy, we have a question from Commissioner DeCoite. Oh, for Tammy. Oh-oh.

Ms. DeCoite: Aunty Kammy, you just stated that you represent five of the homestead associations. I think the biggest comment right now in the community is how does those five associations feel with the West Enders, as is, residents as of today, what is their comment on them being on that waterline?

Ms. Purdy: Well, there are many comments but the thing is the homesteaders are not going to give up their water. There's no way. And they know how important water is. They will stand by that -- that issue, that mission, our vision to keep the water preserved for the rest of our generations to come.

Ms. DeCoite: Okay, we know that the Attorney General ruled on the transmission line. I think what they're looking at is what is the reassurance, as of today's allocation, they found that the water allocated at the present time, what is the feeling on your behalf being that you got the activation on the Water Working Group with Molokai Ranch pulling off the table?

Ms. Purdy: With the Water Working Group, we were hoping -- our next meeting actually, we only have two more meetings left, our next meeting was to have the Ranch share their water data with those that are sitting at the table. And those that are sitting at the table are many, from east to west, so everybody's involved in this Water Working Group. So that already, for us, shows a red flag. Something is not right. They're not trying to be part of this Molokai Island community. So right now, we'll stand by our fact that water for the native Hawaiian homesteaders are the most important thing that there is for us and until we can get all of our answers to the questions of whether or not there is enough water for us all, that live here already on Molokai, and how many more people are we looking at that will be moving to Molokai in the next year, two years, five years down the road, that we need to know, and we can't do it if we don't have the information we need. So it's important that MPL comes back to the table and shares their information regarding the water. Thank you.

Mr. Vanderbilt: Thank you. Okay, next testifier is Chris Hammond, followed by Glenn Teves.

Mr. Chris Hammond: My name is Chris Hammond. I'm here tonight with my wife, Patricia Hammond, and I'm going to change it up a little bit. I don't have anything to say about water. But a couple months ago, we were looking at the EIS online and trying to pick it apart and understand it, and we were looking at sections specifically directed towards permitting. We recognized that there were no permits that were Federal. Everything was County and State. And so we did some investigations and looked at the Endangered Species Act, which is a Federal Act of 1973, and specifically our monk seal that lives here and thrives here is covered under that act. And there is a permit that is explained under that act. It's called "A Habitat Conservation and Incidental Take Permit," and the wording is a little complicated, but basically the permit is required when any non-Federal activity will result in a take of threatened or endangered wildlife. And "take," under the Endangered Species Act, is defined as harass, pursue, hunt, shoot, wound, kill, trap, capture, or collect any threatened or endangered species, and also includes harm, which may include significant habitat modification where it actually kills or injures a listed species through

impairment of essential behavior, i.e. nesting, reproduction, fishing grounds, and my concern is is that this permit's been overlooked and that is important and that our monk seal need to be protected by it, especially if it is protected by law already. I'm wondering if it's been applied for. I have no legal background. So that might be a question for somebody who's got a much broader understanding of that law and the legalities that are incorporated. But personally, I don't wanna see the development of Laau Point, and I know my wife does not either. I think there's other areas on this island that are much easier to developer that would be better choices. And about the monk seal, I'm concerned that, you know, if we keep pushing them out of their fertile fishing grounds, and pushing and pushing, we won't have them anymore. And right now, the vast majority of them live in the northwestern chain, which nobody lives in. It's uninhabitable. There's very few left in the inhabited chain the Hawaiian Islands and it would be ashamed to see them disappear. And that -- that's my spiel for tonight. But I'm interested in that permit and the outcome of what's involved with it, and I think it would be poetic if the monk seal, actually, wound up saving Laau Point. Thank you.

Mr. Vanderbilt: Thank you. Chris? Chris? Chris? Just a minute. Any questions for Chris? I just want to let you know that, under the Freedom of Information Act, I asked for all the files that had been exchanged, all the letters exchanged between NOAA and MPL because if you read the NOAA letter in the first Draft EIS and this, it references other correspondence. So if you wanna see or anybody wants to see any of the go-between letters that went between the Ranch and NOAA to come up with what their final letter was, those will be on file at the Planning Commission office. And if you could, if you could write the name down of that endangered species --

Mr. Hammond: I've got a copy for you.

Mr. Vanderbilt: You do? Okay. Thank you. Thank you. You can just leave it there. There you go. Okay, thanks very much, Chris.

Mr. Hammond: Thank you very much. Aloha.

Mr. Glenn Teves: Good evening. My name is Glenn Teves and I'm a Hoolehua homestead farmer. I also represent my children and my wife who are endangered species. I believe water is the biggest issue. I'd like to focus my testimony on this USGS one-dimensional water study. Molokai Ranch was crying foul about a one-dimensional water study - wait. Let me stop. Back up. Molokai Ranch was crying about -- crying foul about a one-dimensional water study since it showed major impact on water entering the ocean and also Kualapuu Aquifer, including Hawaiian Homes Rights and is now applauding it based on a Kaunakakai Study that purports to have less impact on the Kualapuu wellfield. I believe MPL is misinterpreting the study of this EIS. I think the only way to get clarification is to invite USGS Hydrologist, Delwin Oki, to meet with the Molokai Planning Commission

and explain the study and also MPL's EIS interpretation of the study. Mr. Oki also stated in a County meeting on Molokai that he didn't believe that DHHL could get their reservation of 2.905 million gallons from the Kualapuu Aquifer. That means we need to go east to supply the needs of Hawaiian homesteaders.

Water transmission to Kaluakoi, and Mr. Canedy hit it -- hit it right on the nail, regarding the proposed development of a dual water system, MPL has a track record on managing a dual system in Kaluakoi that they inherited from Kukui Molokai. To date, they have never operated the agricultural line and has allowed it to fall into disrepair to the point where it's no longer operable. MPL has made no attempts to repair or utilize it when they have the ability and both domestic and untreated water to contend with. With this kind of track record, how can we expect them to operate a dual system in the future?

Water Allotment. Molokai Ranch's present allotment of 1.018 million gallons for Kaluakoi is in question, okay, and I -- I could go into all details on this but I think this is getting cutting to the chase, so what does Molokai Ranch have in the way of water and water resources? MPL has a well, Well 17 in Kualapuu, with no allotment of water and no agreement to transport it to Kaluakoi. MPL has a mountain system that can transport between 110 and 500,000 gallons a day to Pu`u Nana then to the entire West End, but the mountain streams have no interim stream-flow standards as established by the Commission on Water Resource Management, and they will be challenged in light of recent court decisions related to the Waiahole Contested Case. As a result of these proceedings, they may lose some of this water. In other words, MPL is on shaky ground with pieces of a water system, with remaining pieces exposed to litigation.

Water Needs. MPL is underestimating their water needs, and this is consistent in the latest EIS. The present approved lots at Kaluakoi, impending subdivision of these lots, and plans to open Kaluakoi will expand their domestic needs beyond the 1.018 for domestic use only. Additional issues, such as swimming pools for fire control, will only aggravate the water issue, okay.

MPL's water use. MPL -- DHHL Water Use. MPL has reportedly used DHHL's allocated water numbers as actual use to cloud the issue of water. Although the allocated use is 367,000, Hawaiian homes use 650,000 gallons a day, okay. This is intended to skew the numbers showing there's sufficient excess water in the Kualapuu Aquifer in the event MPL exceeds their proposed water use.

In the late 1990's, MPL exposed -- MPL opposed DHHL's request for additional water to cover their new subdivisions where 85 lots were built near Lanikeha and 100 lots in the new Kalamaula subdivision. After MPL filed an appeal to -- after MPL filed an appeal, the case was never heard. As a result, Hawaiian homes just took the water citing a reservation of 2.905 million gallons, okay. And this was covered earlier.

MPL has not be forthcoming in coming up with information . As a consulting party, I just received my hard copy today and that's not kosher, and I think this is grounds for some legal action in not getting hard copies in a timely manner. The last round, I got a hard copy early. There seems to be inconsistencies in the distribution of copies. So either Molokai Ranch will extend the deadline or we're going to have to challenge them on that.

Segmentation. There is still segmentation in the present EIS. Clearly MPL has not addressed the water needs of Kaluakoi at full build-out as well as all their properties identified in the Land Use Plan. Instead, they have downplayed the impacts of their taking of water from both Kakalahale Well and Kualapuu Aquifer or not addressed all their water needs. This is a clear example of segmentation, also known as parceling.

The proof of non-impact on the water lies with MPL, okay, and that was made clear in the latest Kukui case. It's not the Hawaiian homesteaders or the native Hawaiian's responsibility to prove impact on their water. It's Molokai Ranch's responsibility to show that they not going impact on our water rights, okay.

And, I think that's all for now. I no like give out too many of my secrets. Thank you.

Mr. Vanderbilt: Thank you. Glenn? Glenn? Any questions of Glenn?

Mr. Teves: Pardon?

Mr. Vanderbilt: Any -- Commissioner Chaikin.

Mr. Chaikin: Yeah, I was just curious. Early in your talk you were talking about the old agricultural line.

Mr. Teves: Yes.

Mr. Chaikin: Could you expand on that? I'm not familiar with that line.

Mr. Teves: When -- well, okay, as a condition to building Kaluakoi, which was supposed to be an agricultural subdivision, they had to put a dual system in, so they have a line for agricultural water and they have a line for domestic water. That agricultural line was for decoration in order to get the clearance for the subdivision and was -- has never been used. So to this day, I mean it's all rotten and everything and you cannot run water through it. I would check the fire hydrants too to see if they work.

Mr. Vanderbilt: Commissioner Pescaia.

Ms. Pescaia: I was just wondering. Do you know which water or what the source of the water for the fire suppressant system is down there?

Mr. Teves: That's gotta be the same line because it only got one system down there.

Ms. Pescaia: So that's domestic water being used for the suppressant --

Mr. Teves: That's gotta be, yeah. Yeah.

Ms. Pescaia: Not ag water?

Mr. Teves: No.

Ms. Pescaia: Okay.

Mr. Teves: Well, it's not real clear. When the water gets down there, it's all mixed together, okay, it gets to Pu`u Nana, mixing all the water together, so that Molokai mountain line is running to Maunaloa but again, there's all interconnections. You cannot say, okay, this water is from here and this water from there. It's all interconnected.

Mr. Vanderbilt: Glenn, you were at the last meeting and USGS had some things to say. In this new Draft EIS, just looking at the water, there's a big section added in there with a lot of information, maybe five extra pages --

Mr. Teves: That's based on that Kaunakakai Study.

Mr. Vanderbilt: Okay.

Mr. Teves: And I think there's some real questions about that study and how it relates to other studies, other one-dimensional studies that's been done because I think that last time in August when Delwin Oki came and spoke to the County, I mean that showed major impacts along the whole south shore of taking water from anyplace, including Kualapuu, and actually measured how much water was going to be decreased into the ocean and how much water was going to be decreased on every piece of land on this island.

Mr. Vanderbilt: So would you -- would it help if USGS --

Mr. Teves: I think that's critical in your folks' decision making and, you know, Mr. Chaikin mentioned water is the big issue, so we gotta get it from those guys. I mean it's getting -- it's getting -- the stuff is getting all jumbled up.

Mr. Vanderbilt: So they did not comment on the initial Draft EIS. Would it be helpful if we requested them to comment on this --

Mr. Teves: I think beyond that. Beyond that. I mean they should come to the community and explain what this is all about. I mean is it going to impact Kualapuu or not? I mean they got two different studies, and one saying going impact and the other one said cannot, not going - something wrong over there. And then you got EPA saying this is a single-source aquifer so no matter where you take the water from, it's impacting the aquifer. So now you get two Federal agencies saying two different things. Something -- something's up.

Mr. Vanderbilt: Yeah, but a lot of things was put in the current Draft EIS that was interpretations by MPL --

Mr. Teves: Right.

Mr. Vanderbilt: Of what USGS said. Now --

Mr. Teves: Right.

Mr. Vanderbilt: We don't know if USGS agrees or disagrees, and you seem to have some concerns. Would it be helpful to have them at least start off by commenting on the Draft EIS?

Mr. Teves: I think they should comment and they should come to the community and if it's going to help you folks make decisions, I mean that's another -- another thing.

Mr. Vanderbilt: Okay. Thank you.

Mr. Teves: Okay, thanks. Commissioner DeCoite.

Ms. DeCoite: Just for the record, I'd like to request that Delwin Oki come before this Commission and elaborate on MPL and their findings of their water systems.

Mr. Vanderbilt: Would there be any objection to, not only doing that, but also requesting, if they have time to respond, make comments on the Draft EIS? Is there any objection to requesting them to make comments? Okay. Thank you. Thank you.

Mr. Teves: Thanks.

Mr. Vanderbilt: The next testifier is Kimo McPherson, followed by Wade Buscher, and then Gandhava Ross.

Mr. Kimo McPherson: Actually I'm a longtime resident of Molokai. In fact, a lot of these people here I haven't seen them before. But what I'm here for is for my three minutes to let you know how I feel about Molokai Ranch Briley Corporation and what they've done. I wanna thank AKAKU for informing me for the last two years of what -- what was happening. But the fact is, I couldn't waste my time for two years sitting down and listening to this garbage about what they're going to do for the community. When we know Briley is not from this community. But more than that, before I call names and make innuendos, I wanna let you know I'm a very emotional person, so I wanna get out the fact that there is no water on this island to give to -- to this corporation that once put agricultural million dollar homes on the West End on Molokai where it's -- it's a what you call? Spiritual. That's a desecration. Now just today in the morning paper, it was on the news, it was on the 6:00 news, that the Colorado River, in the next 10 years, will not be able to sustain all the states for their water use. I wanna tell you. I've traveled all over the world. And the one thing I notice is water. If we don't have water, we have no community. And what -- what bugs me is the fact that Mansanto is going to upgrade 30 percent more water and land and you know what that is. That's just telling us that Molokai Ranch realizes that, eh, you know what? We gotta -- we gotta show that we using a lot of water here. Go ahead. Plant more. Yeah. Yeah. You want water? Yeah, we want water. So that when they go look for -- oh, look all these people. Look all the water usage we have. I wanna tell you I worked for the Ranch for -- I think four years, '99 to 2003, best time in my life for the fact is I was able to go down to Laau on quite a few occasions and it's a very special place. It's not a place where we gotta put mister millionaire and his house and his toilets and his family down at that point. I don't care who owns the land. Actually, we own the land. We're the community. If you put them -- them houses down there, there is no community. There's block vote of 200 millionaires. We don't know where they came from. And they're going to be able to vote us out. Eh, we got the vote here. We have the water rights. You know what? We need a fire station down there. Yeah, we'll get a fire station down there. All of these political moves, I wanna tell you, is a crime. It's a crime being committed to the people and we -- we gotta hold you accountable. You have to stand up and fight for us because the majority has spoken already, you know, and the majority -- and you know what? That's my vote is that I gotta come up here and pound here and tell you how I feel. I'm the silent majority. I rather have you put it down right there, where's my X? All I wanna do is put my X. I don't wanna get up here and explain who I am; where I come from. That's my business. Actually I was going to Petra this year, to Jordan, because Jordan is like a commonwealth like the Kingdom of Hawaii was back then. They have a king. They have a queen. We did also. But I'm here because in 1893, we had some Hawaiians that said we do not -- we do not go along with this overtake -- overtaking of our government. And so I'm here to tell you I do not see this Ranch taking over our land. I came to Molokai not to see development. In fact, if you -- if you -- it's all over the world. People are not coming to see development. What are we going down and look at 200 new millionaires? What are we going to do? Is that something that we all live for? To look at that? Actually, people are coming in droves to those places past Makena where it's still wild. Where you

can see the whales. Well we can see the whales right out here. You can hear them. You can see the monk seals on the beach down there. I can hear the rocks. I can talk to the rocks. I can feel the mana of our -- of our ancestors in that area. You know in Africa, during slavery, they wanted to catch slaves, what did they do? They got a Negro guy from the community to round up all the slaves. That's what I think of Mr. Sabas.

Mr. Vanderbilt: Eh. Alright.

Mr. McPherson: So I'm here to tell you, for my three minutes, that there is no water, there was no history of water down there, so how can we give these people a community down there that we're not approving. We gotta -- we gotta ask them. We cannot make any -- you know the -- the Sheraton down there, I went down there in 1968 when there was no Sheraton and you could see all the deer tracks. They were having a ball. They would run in circles. They were all over the place.

Mr. Vanderbilt: Kimo, can you finish up?

Mr. McPherson: Okay. Today, you try to go down there. There is no -- there is no lobster. There's nothing. Their golf ball places have reached the water. Now they're trying to say, oh, let's go down further down the coast. No. A`ole.

Mr. Vanderbilt: Thank you, Kimo. Thank you, Kimo. Any questions for Kimo? Hearing none. The next testifier is Wade Buscher. And as we move through the evening, let's -- let's try to direct the comments to the Commission and not get personal with each other, if possible. Thank you.

Mr. Wade Buscher: Aloha. My anme is Wade Buscher. I live in town here, 88 Beach Place. I appreciate the opportunity to speak tonight. I have a couple comments. I just wanna -- just you bear with me here while I read off what I wrote. But within the GuocoLeisure Limited website, it stated, "The Guoco Group has a proven track record of creating substantial value for shareholders through investing in opportunities and actively managing them to their full potential. With its established investment discipline, Guoco aims to achieve superior and long-term sustainable returns for its shareholders by investing globally with an Asian focus in business and industries where our management expertise and competence can create prime value." It also states, "The company's primary role as an active investor with strategic shareholdings and active investment management aimed at extracting and maximizing shareholder value. GuocoLeisure, the parent company of MPL, is in the business of developing properties on Molokai and Fiji. They are also involved in the hotel and gaming industries as well owning shares in oil and gas. GuocoLeisure is in the business of making money for their shareholders. That's what they do."

In the introduction to the EIS it stated, "The objectives of the Laau Point Project are rooted in MPL's desire to create a sustainable future through the plans and implementation." Then it goes on to list those objectives, characterized by words such as "sustainable," "compatible," and "protect." All very powerful and positive adjectives used to cover the one true objective of GuocoLeisure, which is to achieve superior and long-term sustainable returns for its shareholders.

Giving up this pristine area of Laau Point to development is not the responsible form of development that this island is looking for. I don't know how any agency or document can fully ascertain the affects that such a development could have on the so-called social economic dynamics of Molokai, not to mention the obvious impacts to the environment, i.e. the water, the flora, and the fauna. Can we really fool ourselves into believing that those individuals who can afford to live in a development of Laau Point will assimilate and integrate into the community? Molokai welcomes those individuals who love the island for what it is, not those who would choose to live there because -- choose to live here because they have a front row seat to the ocean sunsets.

I'm positive there are better alternatives to creating the development of 200 home sites on Laau Point. There are many other avenues and alternatives to explore beyond the business's usual model of turning ag conservation land into residential areas. Laau Point is not the proper place to have a development such as this. The alternatives to creating a sustainable Molokai as well as creating sustainable returns to the shareholders to GuocoLeisure should be researched more thoroughly.

I have two more comments here. Last week, there was a handful of us that went to -- we walked from Dixie Maru to Laau Point for the closing of Makahiki. While we were down there, we saw four monk seals. One was hauled out on the sand, on the beach, and there were three that were playing and frolicking in tide pool. You don't see that. You don't see that anywhere in Hawaii, but it's there at Laau Point. We could -- which brings me to my next point, which is ...(inaudible)... Hawaiian Monk Seal habitat, because of its remoteness and limited access, sandy beach ...(inaudible)... and proximity to foraging areas. We all know the Hawaiian Monk Seal is endangered and protected by the Federal Government, therefore, I was a little perplexed when I read further in the EIS where NOAA states that they believe there should be a monitoring program with regular surveys conducted before, during, and after development to determine whether or not the Hawaiian Monk Seal's habitat changes as land and uses change. To me, if this -- if this would not be ...(inaudible)... for not adequately protecting the Hawaiian Monk Seal, then I don't know what does. So guarantee there's going to be some lawsuits. Guarantee. You'll have every environmental agency down here or organization doing some business so that's something to look forward to.

Also, a question I have is: What happens if these lots don't sell? There's a lot of restrictions on these lots. I don't think they're sold yet. If they aren't sold, and they can't be sold because of the type of restrictions that are on them, what happens then? The infrastructure will already be put in down there. MPL will come back to table and say they wanna change things. They wanna build more expanded developments so they can get their return. So that's something to think about.

Mr. Vanderbilt: Thank you, Wade. Any questions of Wade? Wade, if -- again, if you wanna look at the dialogue that went back and forth between NOAA and MPL, those letters will be at the Planning Commission office. Okay, the next testified is Gandhava Ross, followed by Karen Holt.

Mr. Gandhava Ross: Okay, aloha kakou, Commissioners and all the community who's out tonight. My name is Gandhava Ross and I grew up on the east side and, currently, I'm a teacher at Molokai High School as well as a parent, you see my kids running around, but also subsistence taro farmer in Wailua and Halawa Valleys, and I try to teach those things to my children.

The first thing I'm here I wanna talk about is from my responsibilities as teacher. With the first round of the EIS, we had our students take a section of the table of contents that was of interest to them, and then read through it, and come up with questions, comments. If they support, though it was a great idea; if they felt it didn't quite match up right, or things like that. So one of my students, I remember from the last time, she looked at how long would take the fire truck and the police car to reach from the fire station and police station here to over there, and she said, "I don't think they have their estimates right," and things like that. So that was of the type of comments that came from the first round. So a lot of times they looked at it and was a total different perspective than a lot of us who was like reading -- trying to read the whole thing or that they just picked one spot that's interesting to them. So I finally got it into their hands today and so I wanted to ask if maybe we could have an extension, I wasn't here from the beginning, but I -- we can try and get it in by the deadline if possible because they not -- they're not trying to read the whole thing, just a short section, but I feel we don't have enough time to have them to prepare a rough draft of their letter and get it spell checked and this and that, and make sure it's ...(inaudible)... to send in and become a part of the EIS final document. So I'm requesting for extension time so we have a little more time for our students to look at it.

And then the second thing I wanted to say was coming the perspective as a subsistence taro farmer. Starting in Wailua, when I was as small as my little kids are running around, back then it was something I had to do, not understanding why too much cause I look at it now and I know why because I need to teach my children so they can teach their children and make sure that we have people still farming taro on Molokai. My wife is from Halawa Valley and Kahananui where her kupuna comes from and so my children have kuleana

land and kuleana rights on the east side of Molokai and so I plan on teaching them their kuleana and responsibilities of taking care of ...(inaudible)... for generations to come, and I feel this plan, the water part of it will have serious negative impacts on our ability to carry on these traditions. It seems like a lot of times we hear things about water it's about numbers of how many gallons in the -- being pumped through which system and to where it stop and this real important because homesteaders get their reserve and everyone who has their water from a pipe is real concerned with those types of issues. I get my water from the stream. So when it rains, the pipe broke, I gotta go up the mountain fix them and make sure I get water again. And my taro patch, the water come from the auwai and so when we have summer droughts, the -- some years it's good, some years it's not too good and we really gotta work hard to make sure we still got water in the auwai. And so I'm really scared if we continue to drill wells, as was stated earlier, we're a single-source aquifer and so we continue to drill wells on this side of the island to provide for future needs or current expansions, you know, that's severe impacts on the stream's ability on the east side to remain perennial streams cause we've seen lots of our streams that, at one time, were perennial streams and now they only run when it rains a lot. And a perfect example is the Kawela Streams. At one time they were perennial streams, constant flow, but we know that there's a intake up in the mountain that's taking more than the allotted amount so the inflow stream standards that are set forth in that Wainahole case need to be monitored up there and things. The water never approaches the height of the dam. All the water goes into the pipes and things like that so my main concern is that the -- the appurtenant rights of kuleana landowners on the east side are recognized in all of the discussions on water cause most of it's been with homesteaders and watering pipes. And the highest law in the State water code and stuff relates to kuleana landowners farming taro on kuleana lands that's appurtenant rights so -- mahalo for the time to speak.

Mr. Vanderbilt: Thank you. Gandhava, just one question. You said you received a copy of what? You received the electronic copy of a hard copy?

Mr. Ross: Actually, I looked at my copy online but it's kind of hard to download them to all the computers and this and that, so I ended up I got a copy from *The Dispatch*. So I got a CD and went put it on the different computers and so we were able to look at it that way. It's a PDF file so it's -- as what you said as far as, in the newspaper, about having difficulty copying and pasting and things like that, it's kinda hard for my students. I told them grab what you find interesting, copying it to a Word document, so you can kinda collect your thoughts. They do not -- they take notes a lot better that way nowadays than actually writing things down with pencil and paper. They're a lot more technology savvy than we are but -- so they like to do it that way and so it's kind of difficult but they got it, our first day, we took about an hour or so looking at it and stuff, so they got some notes down, we need time to put those together into a letter form, and proofread the letter.

Mr. Vanderbilt: Did you request a hard copy with the Ranch?

Mr. Ross: Actually, no, I didn't make the request in to really anybody. I busy with a lot other things to do at school and stuff so I just got the copy that I could get and put it on the different computers that way.

Mr. Vanderbilt: Thank you. Are there any questions for Gandhava? Hearing none. Thank you, Gandhava. The next testifier is Karen Holt, followed by Julie Lopez.

Ms. Karen Holt: Aloha kakou, Commissioners. November 17, I think is when the Ranch decided to withdraw its EIS and barely a month-and-a-half later, they filed the second draft. We're now up against a deadline to submit comments, it's pretty short, and I know that governmental agencies as well as individuals have requested extensions of time to submit their comments but, so far, Molokai Ranch has not replied to any of those requests. I wanted to start off by saying this because, obviously, this is a very controversial issue and, obviously, there's an awful lot to go through to figure out whether or not that EIS is adequate, and I wasn't sure whether the Ranch would be able to do a really good job in a month-and-a-half or not. But having looked at that EIS, there really isn't too much difference from the first round.

Specifically, I wanted to go back to an issue that I've raised before you as well as in front of the Land Use Commission, and I did testify to them. The issue right now in front of all of us is whether or not the Ranch has done an adequate job of analyzing the environmental effects of its development. It's not whether we want it to happen. It's simply whether or not they've done a good job on their EIS. My concern when I originally read their first attempt was that because this is a document that's supposed to explain to us what the environment is that they're going to be impacting and how they might take steps to minimize the impacts, the environmental consequences of this -- this development, this proposed development, are critical to look at carefully and what they say, and I did my word search with Adobe Reader, God bless it, 866 times they say that the environmental resources at Laau are going to be protected by something that they refer to as CC&R's, conditions and covenants and restrictions. It's a legal document. Everybody who lives at the West End, I think, has one of those, that binds the protection of the property. So they never did provide the language of the CC&R's attached to their first EIS. The only way you can really tell whether those things are going to work or not is you have to be able to read the language because, nationally, law does not favor their enforcement. The idea is that if you own property, you ought to be able to do whatever you want to it, and any CC&R's that somebody tries to force you to comply with will quickly be overruled by a court if there's any loophole way to do it. So this time they actually did submit something that's called CC&R's and I just wanna briefly say that having looked at the document, and I confess not word by word but trying to find the important parts, these are things that leaped out at me when I looked at this language.

First of all, it says that the declarant, and in the document that means Molokai Ranch, can change anything as long as they're an owner. So that's kind of fatal, in my opinion, to the whole concept. Maybe there's something else in that document that backtracks but -- but the language is clear. Also, it talks about rules and regulations that the association down there is supposed to be promulgating to affect all of its -- its owners, and those rules and regulations are in Exhibit E, which is missing. There's no Exhibit E attached to that document. What I found was CC&R's that probably came from a real estate attorney's office, they're very generic, very boilerplate, with things stuck in here and there. But the 866 times that the Ranch mentions these CC&R's in their original document, they have a long list of things that they're going to protect from seals; they're going to make everybody who buys a lot down there go to classes from the kupuna so they can learn how to be culturally sensitive and spiritually aware, seriously, that's all in their -- their language; nothing in the CC&R's about that. They're also supposed to build fences to protect the seals, four varieties of fences. I don't see anything about that in the CC&R's either. So like Glenn Teves before me, I don't wanna give away too much, however, if you -- if you look carefully at this document, it really does not do what the Ranch said it should do 866 times in their first EIS.

The second thing I wanna mention is that they also continuously say that they're really going to "protect 51,000 acres for our community - 26,000 in the community land trust, the rest of it is going to be agricultural and rural easements." I asked in my first comments to the first EIS for copies of those easement because, once again, if you don't know how they're going to be enforced, then you really can't be confident that they will be. They do not have the language of the ag or rural easements anywhere in this EIS as far as I can tell, and that's a big gap.

Thirdly, there's really no discussion that I can see about what we're calling the cumulative impacts of the whole development. You know, the Ranch had to withdraw their EIS, for those who were at the hearing you know this, in part because they never did discuss the whole plan, and the master plan covers 62,000-plus acres of the Ranch's properties, not just Laau. So Commissioner Ruben Wong said, "I think you need to talk about reopening the hotel, what impact that will have, the community land trust." Well, if you read this document, once again, you have six hotels north of Kaluakoi zoned that way already, space for condos, and they haven't addressed the impacts of all of that development at all. And Hawaii law requires that you look at cumulative impacts, which again includes everything. It's not just about Laau. So I think that's a big gap as well.

And finally, the social impacts. The study that was done of social impacts. If you go back and read it, it's a little insulting, and I -- I mean that. The study that was conducted was done by a Mainland firm and they interviewed people sort of secretly because according to the person conducting the study, people didn't want to come out and say what they really meant, what they really thought. And what this person found out in the secret meetings in

Maunaloa was that people who lived in the West End area, at least the ones she talked to, and I'm not sure if she talked to Darryl Canedy or others farther west, but certainly people in town think it would be a great idea to do this whole thing because they wanna go work at Kaluakoi again. And I'm bothered because when we finally read the marketing study for this whole development, as you remember, the magic word is "pentamillionaires." They're going to be pentamillionaires who buy those lots down at Laau. There is absolutely no analysis of how pentamillionaires will affect virtually everybody in this room. I would bet none of whom are pentamillionaires. So I think the social impact study is also inadequate.

And one more thing, and I know I'm probably out of four minutes, but real fast. I wanna say that, you know, it's really pain to have to come back to a hearing. Right? We're all exhausted. Right? Okay. We have to buy the Ranch and that's in this new EIS. I think they gave it half-a-page and the summary was: What a stupid idea. Well, I know we've hit some headwinds on this idea but, you know, Molokai hashed it up ten years ago in the original EC plan because it was seen as the only way that this community, all of us, could really have a say about what happens with this island. And Hawaii, in general, has squandered that ability ever since Statehood by becoming a commodity on the international market or sale to the highest bidder. If we owned, and I mean we, all of us, if we owned the Ranch, then if somebody wants to come in and develop Laau, they're going to have to get permission from us, and I suspect we'll say "no." So can it happen? Oh yeah. It can happen. And if any of you read all the flack over Governor Lingle's speech planning to buy Turtle Bay, then now we know it's not so delusional because we even have the Governor saying that's a good way to protect our land so --

Mr. Vanderbilt: Thank you, Karen.

Ms. Holt: Mahalo nui.

Mr. Vanderbilt: Thank you. Any questions for Karen? Karen, a question from Commissioner Chaikin.

Mr. Chaikin: Yeah, this gets back a little bit to the CC&R's. You know, we had concerns that the CC&R's could be changed and so I think the response was that they're moving towards this master perpetual covenants that are gonna not be able to be changed. Have you ever seen that strategy being used before?

Ms. Holt: This whole thing is fictional, okay. Sorry. But it is. No, and people who deal with CC&R's will tell you very quickly that even though they're perfectly, you know, they're done by real people with suits and ties, and they charge a lot of money for them, they get overturned all the time. So I don't know what the Ranch's moving toward. All we have is what they gave us and what they gave us says that the declarent, Molokai Ranch, can change it as long as they have an ownership interest. The other thing, by the way, that's

not in here at all, if you go look hard, there's no explanation of how the Land Trust has anything to do with this. They're in there, but they're not even a member of the association, which can enforce all the CC&R's. I'm glad John's not here, you know, saying this he might throw that back in there. But, seriously, if you look at the ability to enforce this document, all the eggs are in the Land Trust basket and yet whoever wrote this thing wasn't really thinking too hard about how to make that stick. So I apologize. I don't know what they're thinking they want to do. What they have done, in my opinion, is not going to protect Laau.

Mr. Chaikin: Okay. Just one more question. What you were referring to was that language that's contained within the CC&R's or was that bylaws of the homeowners association?

Ms. Holt: We don't know that the bylaw's saying. They haven't shown it to us as far as I know ...(inaudible)...

Mr. Chaikin: Cause it was my -- it's my impression that that's an important document in determining whether or not the -- the homeowners association is actually going to be enforcing the -- the bylaws. So that's another thing that this Commission was trying to get out of them is to get that -- those bylaws.

Ms. Holt: If you look at, and they're not here, if you look at Page 16 of their -- of exhibit whatever it is, E, I don't know, in the EIS, what it says is that the declarant, that's the Ranch, shall have sole and full authority to amend the association design guidelines, those are all the things that they -- they stuck in the community master plan, as long as it owns any portion of or has the right to expand the project unless declarant specifically delegates the owners to amend the design guidelines. So again, I apologize. I may be misinterpreting a little bit of this. I really didn't spend hours looking at it, however, that language jumps out at me because it says the Ranch can amend this. And if you go read the stuff about the Land Use -- or the Land Trust, they don't have any teeth that I can see cause they're not even members of the association.

Mr. Chaikin: Alright, thank you.

(Commissioner Linda Kauhane arrived at the meeting at 8:00 p.m.)

Mr. Vanderbilt: Thank you, Karen. Next to testify we have four testifier who are Julee Lopez, Teri Waros, are the next two, and then we have two others after that, and then we're going to take a ten-minute break.

Ms. Julee Lopez: My name is Julee Lopez and I just have a few questions for the Commission and ask them to please think about what they read through the EIS, and one of them is this -- is that in September of 2007, the Attorney General said that the Molokai had to get off of the -- the water system. So then in the Supreme Court in December 2007

also said they had to re-file for their water permit. So if they have to do all this first, how do they plan on doing a development when they have to go through these same procedures again? And the other question is: How is that a foreign company can control a public utility? Or how is it that they allow to do this in the United States? I'd like to know that. Maybe you guys can find out, you know, why are they controlling our water for people who live here on Molokai. And the other thing is I feel that the Ranch holds its employees and the people at the West End as hostage. I used to work for the Ranch back in '94 and '95 and I feel they haven't changed anything on the way they run their business, how they treat their employees, so I can say that. And they lost money all on their own by how they mismanaged their business. And the other thing is I work in the visitor industry and I meet visitors every day. They ask about Laau. And everyday we explain to them about Laau and everyday they say, "Keep on fighting because it shouldn't be on this island." They said the other islands are all ruined. And one guy even told us that he would have never stayed at the Ranch if they had known this was going on on this island. So I would ask you to really think about the water thing, about what the Supreme Court said, what the Attorney General has said because I'm not sure you can do a development unless you have water and permits to start your planning. Okay? Thank you.

Mr. Vanderbilt: Thank you. Julee? Julee, I think in this -- the way the permits would go down even without those other water permits, they were going to have to have their water permit last after they got all the zoning changes because you can't go for a water permit on Molokai being a designated water management area until you finish the land use entitlements.

Ms. Lopez: Okay.

Mr. Vanderbilt: So where they're going to throw in these other roadblocks, the Supreme Court decision and the other one, that'll just have to be part of the process, but they say they will not build Kaluakoi Hotel or start construction of Kaluakoi Hotel or get the investment money till they have all their land and all their water entitlements, and that's one of the things that hasn't really been discussed, I don't think, is to what's the realistic -- are we looking at two years, five years, eight years for Kaluakoi Hotel.

Ms. Lopez: Okay, and I just wanted to thank also the people, like Karen Holt and Glenn Teves, that come up here because they give us all such valuable information that we need to know. Thank you.

Mr. Vanderbilt: Thank you. We got Teri Waros, followed by Makaila Purdy, and the final testifier before the break will be Judy Caparida.

Ms. Teri Waros: Aloha. Good evening, Commissioners. I'm Teri Waros and I'm going to introduce myself as a permanent resident of Molokai because every time I go to town

people go, "You're still here?" I am. Those of you who don't know, I am a former employee of Molokai Ranch and I'm going to go out on a ledge, and my attorney's probably going to kill me, but I'm in litigation with the Ranch, and I'm sorry, I just need to bring up the irony that I have to go into litigation over a land deal with Molokai Ranch and so that's my caution to the community and my purpose of bringing it up is just the irony of it. Look through that EIS. I went through the last with a fine tooth comb, I'm not finished on this one, areas that I picked out were social economically touched on earlier. On top of your questions, DeGray, which you're speaking of, when Kaluakoi would reopen, and I have not made it to this section in this current EIS, but in what form would it open? It's been spoken to that it'll be the Kaluakoi is days old. And I'm really nervous that the community has got an idea in their mind and that's not exactly what is being proposed. It's really important we know exactly what the plans for Kaluakoi because again, from the every beginning of all this, the drive for Laau was to get the investment necessary, the finances necessary for the renovation. If you read the original master plan, that was the reason for it. Ask questions on areas with that that don't add up or don't make sense. Be very, very careful on claims that are made that are not substantiated. I did testify at the last LUC meeting. I encourage those planning commissioners to do the same. I'm asking the same of you. I'm sorry. I have been through an awful lot of government entities in areas recently to protect what I believe are my personal rights as well as the rights and the morale issues and moral and the integrity of this island, and I have been really disappointed in the protection that we have so I'm hoping that you can help.

I just wanted to comment also, real quick, on Steve's, Vice-Chairperson, I was trying to find out what water is being used. Again, just a personal example that's all we have to go on. But in one month when I lived down at Papohaku, I was renting and was buying water from whatever, the Ranch, my bill came in for 88,000 gallons in one month. It was my self and two Tibetan Spaniels, and after six months, now I'm an employee of the Ranch, after six months of trying to get to the bottom it explaining I do not have four swimming pools in my front yard, they were never able to rectify what was happening and what the mistakes were. So trying to find out the real situation is going to be very difficult if at all possible. Thank you. Mahalo. I'll be there at the LUC meeting.

Mr. Vanderbilt: Thank you. Thank you, Teri. Are there any comments for Teri? And on the Kaluakoi Hotel, one of the things, and I was on the group that was -- help put this master plan together, it was supposed to open as -- as a affordable hotel and there was supposed to be a put back to the community and that never really got flushed out, so there was supposed to be some kind of put option in all this and once it got going, the community could buy it back, but I really haven't seen too much more on that subject in the Draft EIS.

Ms. Waros: My concern, being a hotel -- my background is like opening hotels around the world, to open a hotel, to have a feasible, functional, profitable hotel you need to have a clear vision with all of the stakeholders. That does not exist.

Mr. Vanderbilt: Well it would probably be helpful, with your experience in this community, they put a whole section on the Kaluakoi because one of the Land Use Commissioners raised the question about it --

Ms. Waros: I know.

Mr. Vanderbilt: So they've got a whole lot of stuff in there which you would probably be one of the best in the community to address that to make sure it's accurate and complete. Thank you.

Ms. Waros: You're welcome.

Mr. Vanderbilt: Makaila Purdy, followed by Judy Caparida.

Ms. Makaila Purdy: Good evening, Commissioners. Mahalo and aloha kakou to everybody. My name is Makaila Purdy, and let me see, I'm here just to -- I know this is about the EIS, Environmental Impact Statement, but what I'm here for is because I cannot present this to the State Planning Commission. My brother, as you guys all know, owns the macadamia nut farm, and I help him out at the farm at least three days in the week, and so I took it upon myself to -- to do a petition for the visitors, for the visitor industry, and you guys tell me, what is the number one economy in Hawaii? Tourism, huh? Tourism. What is the number one economy on Molokai? Can you guys answer me that? Anybody? What is the number economy on Molokai? Not tourism. Ag, yeah, ag. But what is the second one? Tourism. But in the whole State of Hawaii, tourism is our economy and our Governor Lingle, yeah, supports this plan for economy reasons. And I'm here to tell you that while I took the petition on my own hands and I have here about almost 500 signatures, and that's not even a third, you know, cause we have visitors that come up to the grove every single day and they see the signs all over Molokai, and they always ask us what is the signs about, so we would tell them, "Well, save Laau is we just wanna save it because MPL wants to develop 200 luxury estate homes on it." And as soon as you tell them that, they're like, "What? We don't come here for that reason. The reason why we come to Molokai is because there's nothing over here. There's no traffic. There's nothing over here." And that's the reason that they come to Molokai. And I'm listening to this, all these visitors. So this is the reason why I'm here tonight to let you know that the visitors, the industry, is all against -- well, not all, but at least 85 percent of the visitors that come up to our grove is against this Laau Point, and I just wanted to tell the community that, and I have the signatures right here and the thing is, I can get more. I can get more. So that's just what I wanted to say tonight cause at the State Planning Commission, they won't -- I mean you can tell them about it but they won't put it down as a -- on record, so I just wanted the Molokai Planning Commission to hear this and so I thank you guys for listening to me tonight. Mahalo.

Mr. Vanderbilt: Makaila? Makaila? Just one moment ...(inaudible)... can you share a copy of that?

Ms. Purdy: I will make copies for everybody, okay.

Mr. Vanderbilt: Well, you don't have to make copies for all of us but if we could have one for the Planning Commission Office, if you could --

Ms. Purdy: I got at least 20 pages here full.

Mr. Vanderbilt: Yeah, but don't you pay for it. Let Nancy make a copy.

Ms. Purdy: Oh, okay, and these people come from all over the world, not just from the United States, from all the world, and I got them right here, from Poland, Germany, Japan, everywhere, and they don't want to see that happening to Molokai cause they don't wanna go down there and see the same things that they just left so --

Mr. Vanderbilt: Well, Makaila, and I think, you know, this morning in the *Honolulu Advertiser*, it said about the rest of the State is crying because two cruise ships have left now to make bigger profits somewhere else and they're all losing money.

Ms. Purdy: Exactly.

Mr. Vanderbilt: Well, Molokai isn't losing any money. And I think the point you bring up is really what was behind the cruise ship protest is that we want tourist to come here for different experience than the other island --

Ms. Purdy: They do ...(inaudible)...

Mr. Vanderbilt: And so it works. Molokai --

Ms. Purdy: It works, but if we have the 200 houses down there, who knows what's going to happen. They may not wanna come here anymore because they can see that in Oahu, they can see it on Maui, they can see it in Kauai, and all the islands are just gone already. Molokai is the last most Hawaiian island.

Mr. Vanderbilt: Thank you.

Ms. Purdy: Mahalo.

Mr. Vanderbilt: Judy?

Ms. Judy Caparida: Aloha, Commissioners. Aloha, Molokai. You know what? You know who's working them over? The Boss. Anyway, I don't know how far we are with water, but I had another meeting to attend to which was for our school and now I'm here for our community. And we're working on some more of our local people on the Commissions too so I wanna let you folks know Molokai is Molokai. It's one of the most unique places on the earth because we're blessed. We're so blessed. You know it may seem like there's nothing here, but whatever we got is not a fantasy. It is not a fantasy. It's not make believe. All we got here is in real color. It's reality. And that's why we love Molokai. That's why I get involved in Molokai. Why? Because everything that we have we share. If you don't have, hey, we share, help each other. There's no where in the world anymore like that. And you know what? They're making us very unfriendly. I no wanna be unfriendly. This is supposed to be the friendly isle. What I'm really concerned about is that we come to our Planning Commission meetings all the time and we found that we need to have our County water people here, our State water commissioners, we need everybody that deals with water at these meetings because it's our life. You can go without electricity. But you can't go without water. Everybody have this big idea what they're going to do with the water. There isn't enough water to do all what you want to do, you know. You come to Molokai to enjoy Molokai - fine. Let Molokai change you, not you come over here and change our lifestyle cause it won't work. And for our Commissioners, they know because I always tell them that. We're the people that you should be concerned about. We're the people that you cater to because we live here. We not part-time livers. All our people is here, they live what? Three months? Six months? They gone. Somebody else is taking care of their place. It's not a necessity for them to have a home. For us, it is a necessity. That's all we have. All these things that's coming in is costing us a lot of money to change our lifestyle, to make us the things that we don't even want and we don't need it, and that's what's so unhappy about living. On Molokai, that when people come here and this is what they don't like what we have. Hey, the first two years I met a lot of them. Two, three years that's really happy. Oh, I'm so happy I'm on Molokai. It's so nice and -- hey, after three years, they get bored. They wanna bring all their junk they left over there they wanna bring it here. Hey, you like go? Go home. Go back and enjoy your life. Don't come here and make us miserable. That's what it is to me. That's what my children went their children because there's a lot of changes that you cannot change just like that. The changes come from in here. Is it okay to be changed? Is it alright that nobody else going to be hurt from doing it? That's the kind of lifestyle we have. For me, I'm going to tell you something about this. The CR&R's, they have their own policies, they have their bylaws. They have their own association. You know what? I'm getting deep in this. Let me tell you. Those people come here to build. They making their own development. And then they're using the water. You know that every house that they get ...(inaudible)... it has to have a swimming pool. How can we ever work anything together if we not going have everybody come to the table? Honey, change your rules. This is Molokai. You cannot go and fut around with the water because this is a water management island. Now, I like sit on that board. At the same time, I wanna fight you guys because I want you guys do something. We don't have

to listen to those guys that make plans for us. You Molokai, you make the plans that suits our lifestyle. We're unhappy -- all these damn bullshit. I didn't mean to say that. But I did it. You know, coming to these meetings is miserable. That's all we do is talk, we always miss people, we always missing people but they don't show up. We gotta get everybody, even the Fire Department, they pissing me off. Why? They said they no can build a house unless they get one swimming pool. Hey, they have sprinklers nowadays. You wanna move your house, you pass the code, the code says you gotta stay within, what, 50 feet from the house or 500 feet? Honey, build your house over there. If you back 'em up, you're on your own. So what's the hard -- so hard to make plans about that. And no tell me I get three minutes. Anyway, looking at your eye, the hell with the three minutes. It's so important because we don't have everybody all the time so we can really talk. We need to talk because this is life and I wanna tell you that there's a lot of moves over, Commissioner, hello, Chairman, we gotta get all these cuties over here. We cannot make no plans unless they sit down because this plans they making, hey, hello, they come sometimes at this, oh, this so wide you can walk in and out, and every time you're going to come over here and have the same problem. No, we want to kill it. Ban the problem so that we can move on. I'm really happy I'm here tonight, you know. I said, you know what? Hey, these ...(inaudible)... has to go, bye. Let's go sis cause I knew it was important over here. But I know that we are on a working -- water working group and even that cutie don't know what's happening to Molokai. They don't even know about the cute swimming pools that's popping up like popcorn just on the West End. You see what I mean? If no more some old fut like me go around and investigate, nobody know nothing, and I doing it for free. Hello. Anyway, I wanna let you guys know that they have to get down to business. Never mind listening too much rubbish. You gotta make sure you get the facts. The facts is there's no more enough water. Lord no give us guys rain, hello, no water, but we ain't going to wait till damn salt water come out of my pipes. No way. They know I'm here to let you guys know that water is life. And I'm so happy to see Teri. Teri. You know what? She used to work for that guy. She was a manager. Hello. That's why I said, "Oh-oh, she's here. Watch, she's going to talk about the Ranch." But she's for us. Why? Because she works hard to do what she wanted to do but found that it wasn't going right but because she love us too. We have taken her, taken everyone of you guys into our hearts. It's just that where and how far in our heart you wanna go. Is it that way and go? Or you wanna be all the way? You gotta be pono. Be pono in heart in what you say and what you do. Thank you.

Mr. Vanderbilt: Thank you, Judy. Thank you very much. Just under three minutes. Alright at this time, we're going to take a ten-minute break and then come back. That was the last testifier that signed up but there may be some other signatures back and I'm just gonna let anybody get up who -- who wants to speak. So we're going to take a ten-minute break.

(A recess was called at 8:25 p.m., and the meeting reconvened at 8:37 p.m.)

Mr. Vanderbilt: Alright, we're back on the record. We have a couple of people signed up to testify and I think just a couple others that want to so after these two, I'll just ask who wants to come up from the audience. The first one is Kahualaulani Mick, followed by Sean Ellis.

Mr. Kahualaulani Mick: Aloha. I don't know really know where to start. I'm a fast reader. I can read a lot of stuff. I can usually digest a lot of information and I haven't had a life the past week. I've been reading like crazy. And you know what? I'm still not through that thing cause at every paragraph I get to, I gotta write down so many questions and so many things, and they say I gotta look up that cause somewhere else I read something different that they say. It takes a really, really long time. Well, I'm one of the people that requested an extension too. Well, I just wanna put this quote into the record because I think it's real interesting. A year ago, this was from *The Maui News* on January 17, 2007, John Sabas, and it says, "Molokai Ranch has extended the deadline for public comments because the project is extremely important to the people of Molokai and we want to ensure that there's sufficient time for review." So I don't know. I guess it's no longer important and I guess they don't care about sufficient time anymore. So I find that interesting.

I wanna speak about water real quick. Plenty people have touched on that. I find it interesting that in the first DEIS, water was an unresolved issue. In their withdrawn Final EIS, water was an unresolved issue, and now in this DEIS, it is still an unresolved issue and not only that, it's even more of an unresolved issue with the recent court decision. Molokai Ranch no longer has Well 17. The whole water plan for Laau Point is based on the use of one million gallons per day from Well 17. They don't have a permit for Kakalahale. The rest of their million gallons of non-potable water is from that well, as everyone know. So as I said before, this EIS, this whole development cannot and should not be accepted or approved or used to grant any permits, land use changes, or anything until this issue is resolved, and I know land use decisions always come first in Hawaii, but that seems backwards. They should take care of the water use decisions first.

Project segmentation. This is really a mean one. This DEIS is still in violation of illegal project segmentation. I don't know if everybody is very clear on what that means so I wanna just kinda explain it real quick. Section 11-200-7 of the Hawaii Administrative Rules prohibits applicants from segmenting their projects. What this means is that they're required to analyze the project in totality. If their project is a smaller piece of a big project, then that is considered improper segmentation. The law is very clear. "A group of actions proposed by an agency or an applicant shall be treated as a single action when the component actions are phases or increments of a larger total undertaking, or an individual project is a necessary precedent for a larger project, or an individual project represents a commitment to a larger project." Now we all know that Laau Point is a component action of a larger total undertaking; it is a necessary precedent of a larger project; and a commitment to a larger project, mainly the Community-Based Master Land Use Plan for

Molokai Ranch. So the entire plan, by law, must be treated as a single action. All of the actions of the plan must be analyzed: Laau Point; Kaluakoi Hotel; affordable housing developments in Maunaloa, Kualapuu, Kaunakakai; industrial park expansion; new fire station; possible new golf course; extensive and intensive agriculture on Land Trust easements. All of these things are primary impacts that must be analyzed. In addition to these things, there's cumulative impacts.

I'm sorry. I going to try and finish up but I have a lot.

Cumulative impacts are incremental impacts that are added to past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes these actions. Past actions are like The Lodge, Kaupoa Tentaloos. There's other actions: rural-zoned lots at Kawakui; development of existing DHHL lands. All these things. MPL has 101 lots in Papohaku. All of these things need to be analyzed as cumulative impacts.

Okay, real quick, CC&R's. Final CC&R's are supposed to be unchangeable. The master plan, as one of key provisions I have an inability to change CC&R's. At the August 1, 2005 Land Use Committee meeting, the same one that supposedly approved the plan and that we always have reference to, and Commissioner Vanderbilt would know about this, he was on it, the same meeting, you made a motion, which passed 22 to 0 to 1, to "Ensure that final CC&R's are unable to be changed." Okay, but in this EIS and these CC&R's, there are three classes of covenants, some are unchangeable, some are changeable with the approval of the Land Trust, and others are changeable with the approval of the homeowners association alone. They are not changeable, this is against the plan, this is against the guys who supposedly approved the plan and sent it on to the EC. They pulling blinders over us with this kind of technical stuff. Okay, please take a look at that.

Is it okay if I continue real quick?

Mr. Vanderbilt: Okay...(inaudible)... Aunty Judy's look. You gotta be a little more forceful though.

Mr. Mick: Okay, okay. I don't have quite Aunty Judy's stature, you know, in this community so I gotta ask. MPL's analysis of windmills is very superficial. This was an alternative that was brought up at the LUC hearings by Matt Yamashita. He told them, "You need to analyze this alternative." They put in basically one-and-a-half page thing on windmills. Now, I gotta go back to the law, which requires that alternatives, which could attain the objectives of the action, regardless of cost, must be analyzed in sufficient detail to explain why they were rejected. They gotta have a rigorous explanation and objective evaluation of these impacts -- I mean of these alternatives, and they have to give particular attention to alternatives that might enhance environmental quality or avoid, reduce, or minimize some or all of the adverse environmental effects, costs, or risks of mainly the Laau Point

development. They don't have anything on this. There's no cost analysis. There's nothing about how much water will windmills use. There's no cultural impacts of windmills. There's nothing on population, on pollution, on spiritual quality. Nothing about this. They need to analyze this and compare it to Laau Point in order to meet the law. And one quick thing about windmills is you don't need CC&R's to control windmills. There's no people factor. There's no variable, yeah. Now, I'm not a apologist for windmills, but I'm an apologist for alternatives and I think it should be explored thoroughly.

Plenty people talked about monk seals. The biggest problem with monk seals is habitat displacement. This is not covered well in the DEIS and it needs to be -- be done. NOAA doesn't think development is a problem. They think human - what you call - increase humans on the beach is the problem. What's going to increase the humans on the beach is the development and the 98 private shoreline gates for these pentamillionaires to access the shoreline. It will displace these monk seals and that cannot be mitigated.

Finally, I think, I have this all in detail. I'll leave this with you guys and you can look at it. Let's see. This shoreline access management plan. I got so much on this, I'll just turn it in and real quick, but the SAMP's regulation and control of access is illegal. It goes against State law. It goes against County law. There's going to be so many exceptions that they'd have to get, and so many challenges to this access law, that I highly doubt or almost guarantee that you're not going to end up with two access points. It's 1500 feet and that's -- it's going to be challenged, and not only on that one. Not only that but a public access has to go from a public highway or a public street to below the shoreline. It can't cross through a private park where you suddenly come under the jurisdiction of all this rule, yeah, it has to go from public to public. This is a law, HRS 46-6.5, this is on an coastal shoreline.

And here's another one, the SAMP has no authority to regulate fishing and gathering, yeah. Why is that? They say they're going to. They say that the plan will ensure protection of the area's marine resources because it includes protocols, rules, and permitted activities for persons engaging cultural activities and subsistence shoreline fishing and gathering in the shoreline area. But as I pointed out at the LUC hearings, MPL says, "MPL recognizes that it cannot exercise control over or prevent access along the shoreline below the highwater mark." Think about that for a second. All fishing occurs below the highwater mark. All the monk seals are below the highwater mark. All of these things they're proposing to protect with their shoreline access management plan they ain't going to protect.

And finally, this will be my last thing, the easement lands. The rural landscape reserve easements. Page 33 of the EIS says, "The rural landscape reserve easement will protect open space and views on which no buildings or development will be permitted." But on Page 32 it says that "The rural landscape reserve easements lands will allow residential uses of one house per 1500 acres plus secondary farm buildings, each limited to 2500

square feet and 25 feet in height.” This is a major contradiction. The ag easements can allow up to 143 primary dwellings plus secondary dwellings. You’re talking a total of 300 houses when you add up how many could be built on these easements. So please look closely into these certain things that -- that the DEIS is full of that. And I thank you for letting me go over time.

Mr. Vanderbilt: Thank you. And thank you for taking the time for that professional presentation. Are there any questions? You can leave a copy of that? Okay. And I just wanna say to staff, I wanna make sure that these copies don’t leave the island. I wanna have copies available -- out to the Commissioners tomorrow cause we have a short time frame. I don’t want them to get back to Maui and we have to wait three or four days. So, hopefully, we can arrange that after the meeting. So the next to speak is -- oh Sean. Yes. I lost the list.

Mr. Sean Ellis: Aloha, everybody. I’m hear to represent my ohana and my family. I live on the homestead right now and I born and raised here. I cannot agree to anybody who -- who come from over here and try change everything. I cannot. I been here -- I been in Oahu for six years. No more I go over there. And I move back home, this is where I come from. This is what I learned and, basically, I no like Laau be developed because my grandmother taught me no go niele where you no belong. If not, you going get cracks. That’s discipline to us. To other people might be child abuse, but that’s discipline to us here on Molokai. And you know what? Molokai should be the way Molokai is. And as far as like Peter Nicholas and all them Molokai Ranch people, I see them go do that to their own place. Never going happen cause always -- they always try change things that always was better before. So I testifying here because why? I come from Molokai and I no like no changes. I no like no Oahu, no concrete jungle, no nothing. I like the way it is. I walk from Papahakea to town. I no care. You know what I mean? And that’s the way it is. I no have to need one brand new car or one fancy bike - you know the kine? Or see one rich guy with one Mercedes going down the road. Never happen. I no like this kind stuff. As far as the millionaires, I like them gone off the island. This place is only for the kanaka maoli, and the kanaka maoli only. I’m not Hawaiian - I kanaka maoli. Thank you.

Mr. Vanderbilt: Thank you, Sean. Any questions for Sean? Thank you, Sean. Is there anybody else who would like to testify at this time?

Mr. Barin Van Krugel: I only have two -- two quick things. One is I haven’t heard anybody look at the Federal and State take -- taking over this land and make it into a public park ...(inaudible)... The other thing is I’m from Sonoma County, California. The only place that I know of which went as far as the Supreme Court, the City Council, to have development suspended for 25 years. They’re in no hurry to build this stuff. You can’t get the land back. To sell land is crazy. You can’t get ‘em back. And so I would suggest that the County -- I believe the -- we as ...(inaudible)... we’re the County of Maui ...(inaudible)... that

we place a moratorium on development here. It's legal. It's a law. Nobody can touch us. Thank you very much. Aloha.

Mr. Vanderbilt: Thank you. Can you give your name for the record.

Mr. Van Krugel: I'm sorry. My name is Barin Van Krugel.

Mr. Vanderbilt: Okay, Barin, thank you very much for taking the time to testify. Thank you. Okay, Walter.

Mr. Walter Ritte: Just a couple loose ends. Everybody did such a good job, especially the Ranch and all of their supporters that came up and talked all night: Collette Machado ...(inaudible)... thank you for coming. Thank you for dragging us through all this stuff and you guys no show up and suffer with the rest of us.

Okay, I got it off my chest. I don't know who dragging us through this process but the guy who was here earlier and he left, stay in England someplace, probably drinking wine and chasing wahines or -- and we still be here dealing with all this mess, and it pisses me off. Okay, now I really got it off my chest.

Okay. I just wanted to add another request so it can go on the record from Senator Clayton Hee, Chairman of the Senate Committee on Water and Land. This is a formal request. This is a letter he wrote. This is a formal request for a 60-day extension from the publishing of the Draft Environmental Impact Statement, the DEIS, by PBR for the proposed luxury development at Laau Point, Island of Molokai, proposed by Molokai Properties, Ltd., and he has a full on letter explaining why he's asking for this request. So I wanted to leave this for the record with this group.

Mr. Vanderbilt: Okay, Walter, could you -- could you refer -- didn't he talk something about the Governor purchasing other places and maybe should consider Laau in that long paragraph?

Mr. Ritte: Yeah, as you all know, the Governor wanted to buy some problems on Oahu and he says that there are several individuals who have requested that lands at the development at Laau be added to the existing legislative proposal similar to the Turtle Bay legislation. It may -- it may well come to pass if such a request would be honored during this session and, hopefully, you will give my request serious consideration. So he's talking about a process that's going on that might just take away all this mess that we're being dragged through right now so he's asking for an extension and it seems like a reasonable request ...(inaudible)...

Okay, the last thing is I was going to cover the access plan and I was waiting all night for somebody to cover it, nobody covered it, but Kahua just did. I'm just going to say a few couple quick work on the access plan and I'll leave a copy of mine ...(inaudible)... on the access plan. It's -- it's sort of a ridiculous, ridiculous plan that all of us who live here know no can work. It's so stupid that they going make all us guys walk from the two ends while everybody else drives. And they're putting in 70 million dollars worth of infrastructure but you going make people walk from the two ends at the five mile ...(inaudible)... I mean how ridiculous. I mean it is so stupid. Who the heck is going to walk five miles when you can just drive if we could make friends with whoever live over there? I mean that's what we do down there right now. Even when we like go hunting that's what we do so -- and I'm the author of that plan. So I have every right to say how stupid it is because when we did this plan, it was because there was nothing there at Laau Point when we did this plan. We did this plan early on in the process and it was a great plan. Everybody had to walk so we didn't have to manage much because you can only take what you can carry. If you walk that far with that much, then you deserve it. Then in comes all this infrastructure and the plan just goes up in smoke but they keep the plan. So it's a stupid plan. Kahua had all the reasons why. There's one other ...(inaudible)... but I going leave this copy.

Mr. Vanderbilt: Thanks a lot. Any questions for Walter? Walter, we had -- Commissioner DeCoite?

Ms. DeCoite: Walter, so you saying that Laau is probably going to be proposed in this -- the buyout with Turtle Bay and so on? Are they going to propose --

Mr. Ritte: Well, there's been requests from the community to put Laau on the that list, you know, the Santa Claus governor went go play Santa Clause now everybody going like --

Ms. DeCoite: So then the article of the *Star Bulletin* is that when we see them come around, her, the Governor, and the Senator that we buy Portuguese sausage?

Mr. Ritte: Oh, yeah, yeah, the cowboy with his sausages.

Ms. DeCoite: ...(inaudible)... okay. Okay.

Mr. Ritte: I wanted to make couple announcements, Mr. Chair.

Mr. Vanderbilt: Go ahead. Do we have any -- do we have anybody else that wants to speak at this time? Yeah, Alton? Oh, yeah, let Walter make his fast announcements.

Mr. Ritte: February 18, Monday, OHA meeting, ceded lands settlement; February 18, Monday, Ilio meeting, same place, Kulana Oihi, as usual, we going have two big Hawaiian meetings in the same place at the same time. February 19, Tuesday, Governor's Advisory

Board. This is an important board that we can make -- they advise the Governor so we need to advise them what to advise the Governor. She just appointed somebody that was kind of real -- Tuesday the 19th is a big day. Go vote. Vote Obama. Okay. Wednesday, the 20th, Wednesday, we have our weekly Laau meeting trying to keep up with this EIS, and that reminds me, I'm supposed to make a formal request with this body that Save Laau and Hui O Pakele Aina also requested extensions cause we're trying our best and we stay way behind. We get hard time with this short time period. I know they want the community's input. That's what they told us. I cannot believe that's enough time to ...(inaudible)... we did such a good time last time but -- February, Thursday, 21st, Senate Hearing on Molokai for the confirmation of Abby Mayor for the position of Office of Planning, to head up the Office of Planning, this is a Statewide job. This is a really big job. And then February 26th, I'm sad to say, we'll be all dressed in black, as the last day for the EIS letters.

Mr. Vanderbilt: February 22 -- 22nd.

Mr. Ritte: What did I say?

Ms. Pescaia: 26th.

Mr. Ritte: Oh. February 22, Friday, last day for EIS letters.

Mr. Vanderbilt: Thank you, Walter.

Mr. Ritte: If you want a copy of this ...(inaudible)...

Mr. Vanderbilt: Okay, the Commissioners will all have a copy of this tomorrow. Thanks, Walter. Oh, questions? Questions? Commissioner Pescaia?

Ms. Pescaia: Did you formally submit a request for extension to the Ranch?

Mr. Ritte: Oh, to the Ranch?

Ms. Pescaia: Yeah, or anybody? Did you submit your formal request for the extension of the review period?

Mr. Ritte: No, we didn't because we thought you guys had all the power so we was relying on you guys and we found out that --

Ms. Pescaia: We tried.

Mr. Ritte: Yeah, everybody tried so we just wanna now add our names to the whole thing ...(inaudible)...

Ms. Pescaia: Okay, I was just thinking from -- just from knowing you that it might be good to add in that since you were observing the cultural practice of Makahiki, and that you did lay down your ihe, that having to review the EIS in this spiritual kapu period, may be construed as means of -- or of cultural disrespect to the community to force you to do things that are against your religion, basically, in reviewing the EIS. You might wanna consider that angle on your --

Mr. Ritte: Yeah, cause we were ...(inaudible)... were busy doing Makahiki.

Ms. Pescaia: Right.

Mr. Ritte: This is the whole Makahiki season now. We went to work with all of the elementary school cause we get all that stuff ready, it was a really big season for us, so it was hard to us to do all these things all at once.

Ms. Pescaia: Right, so having observed your activity, cause I know that's what you've been doing in the community in the last month, you were busy, you were very busy, and so that detracted from the time that you had available and since that the EIS is -- has -- or the Ranch has taken the stance that they're being very culturally sensitive and that they're making every effort to work with the community on something that significant, that's nearly, I see, impacting you and all the other people on the island who observe Makahiki, oh, I mean get several hundred -- several -- actually thousand people that came down that weekend so we know that -- well we see that in the community. You might wanna ...(inaudible)...

Mr. Ritte: That's a really good point. We do things and we don't even see how busy we are and what we're doing. We notice ...(inaudible)... with the Ranch.

Mr. Vanderbilt: Thank you, Commissioner Pescaia. Thank you, Walter. And the one thing is unlike the Land Use Commission, we will have verbatim minutes of this meeting and there will be verbatim minutes of the last Cultural Resources Commission meeting in the -- the special meeting they're having on the 21st, and all of this information is going to get passed on to the Land Use Commission, which again will have to determine whether the new Final EIS is acceptable. So Alton?

Mr. Alton Arakawa: I wanna apologize for coming so late. I had a kinda hard time downloading the EIS and going through it and finding out -- finding the place that I like to focus on and ...(inaudible)... agriculture and so I'll -- agriculture so I'll focus on that. And I looked at it and I think that it'd be wise for this Planning Commission not to accept this Draft EIS at this time. What triggered the need for the EIS was a request by Molokai Properties, Ltd. to redistrict land that is presently in agricultural district to rural district. In this process of redistricting agricultural land resources to other uses, MPL need to provide

evidence that the land resource has no value to agriculture and those activity on the redistrict land poses no threat or impact to agriculture.

The people of Hawaii have mandated that leaders of this State provide the highest protection for our agricultural land resources by including the protection in Article XI of the State Constitution. No other uses has been given this kind of protection, whether it's churches, hospitals, schools. No other uses has been given this kind of protection except - you see agriculture in there, and that's for a good reason. I think those people that originated this article has someday hoped that people in Hawaii will realize that they live on islands, yeah, and maybe that's -- we've come to that point now that we need to make a decision here and I'd like to -- this is part of this whole education process that I'd like to present to you. And we're different - people of Hawaii. We can't afford to behave like continental people and agricultural resources will become very important to us. So no other State has given agriculture this kind of protection, this kind of -- to include it in their state constitution except Hawaii and for very good reason.

For this reason, the burden is placed on the applicant to provide information to decision makers, like yourself - Molokai Planning Commissioners, with factual information on agricultural values of the land in question. The EIS failed to accomplish this test. The EIS fails to recognize that the soil of the Kapuhikani series that covers a major part of the south and west coast of Laau Point. It is in the soil order called Vertisol. I'll give you this here for later on. This is a new publication, September 2007, *Soils of Hawaii* -- covers the major portions of Laau Point is a soil series Vertisol. A quote from this study: "Vertisol is a very fertile, neutral to alkaline soil capable of supporting good crop growth." This is from the study *Soils of Hawaii*, September 2007. In fact, contrary to this publication, and by the soil experts of J. Deenik and McClellen, the EIS concludes that the Laau Point soil are very poorly suited for soil-based agriculture.

Now, I ask you that when they wrote this article in the Constitution, they didn't mean that we should be preserving all proposed fertile soils in Hawaii. Is that soils a resource, not for -- not only for the present generation, but very specifically in the Constitution say that you folks should think about our future generations because there is -- there is, you know, some people say just these scared kind of pains that -- that someday, people say, maybe the Miracle Grow won't come here to fertilize the import from outside is not going to reach us here. And those lands that are considered to be very fertile, there are very few -- few soils -- there's another soil here from all these soils that they consider very fertile in agriculture. We have some the soils here on Molokai but they're also not on this side of the island; stay on that side of the island, you know, a lot of those soil, and this type of soil, Vertisol, only exist in some of the older islands: Kauai, Oahu, Molokai, Lanai. None of this soil, Vertisol, exist on Maui and the Big Island. So these are very special soil, you know. Hawaii, we don't have oil. We don't have minerals. We don't have ...(inaudible)... but

maybe that's best that we don't have that but we have fertile soil. Remember, we are island dwellers.

The EIS also portrays that the proposed activities on the redistrict agriculture lands will not have an impact on agriculture because it will not displace agriculture activities in the immediate area of Laau. In other words, because there's no farming there and there's no threat ...(inaudible)... However, the EIS proposes that activities will share the same water system, Molokai Irrigation System, as farming activities up stream of Laau. The sharing of the same water system between farmers and domestic users has historically been a threat to agriculture. We see this not -- not here, but California, you know where we see urbanization and see the competition between farming and agriculture; along the Colorado River coming down; and also along the Columbia River up Northwest.

Urban development and the requirement to meet the need for human health and safety has always trumped the need for water for raising crops and agriculture. While real water use figures are available to MPL through their water utility company, the EIS fails to use them to project the water needs. Recent court and AG decision have demonstrated the unstableness of the water supply of MPL. These unstable situation puts further threat on agriculture. The EIS fails to provide evidence that their recent legal situation will not impact their water supply. Without reliable water -- supply of water for proposed activities, it will have a great impact on the water for agriculture up stream when human health and safety needs compete with growing sweet potatoes and taro. When that decision has been made, it usually fell on -- fell on the side of meeting human health and safety.

The EIS fails to provide enough justification as to why this fertile agriculture lands should be exempt from the protection of Article XI of the State Constitution that mandate decision makers protect our agriculture resources for our present and future generations. Thank you.

Mr. Vanderbilt: Thanks, Alton. Is there any questions for Alton? Okay, hearing none. Thank you, Alton. And you can leave a copy of that?

Mr. Arakaki: Okay.

Mr. Vanderbilt: Thanks. Is there anybody else that would like to testify at this time? Okay, hearing none. Yeah, and I think at this time we're going to close public testimony and we're going to recess this meeting until 12:30 on Tuesday, February 19, at which time we'll have a final set of comments that we can look at and approve to send in by the deadline of February 22. And I know I took some notes tonight and I'm very appreciative of everybody coming out. I know everybody is just getting worn down by this process. But there's a lot of good stuff that went on the record tonight. I did notice one thing that the Ranch is trying to do, just in some letters I've seen, is to limit the scope of cumulative impacts and

segmentation. Right now, they're trying to say it's just Laau and now Kaluakoi Hotel. But then there's others that say the Draft EIS is so interdependent that we've got to answer comments about the master plan and the cumulative impacts. And in the document they withdrew from the Land Use Commission, they said, at the bottom of the first page, Page 9, it says in the background, "This environment impact statement is one component of the implementation of an integrated community-based master land use plan for Molokai Ranch. Because this Laau Point EIS cannot be used in isolation, the entire plan has been included as Appendix A." So they say that. But in the new Draft EIS, because a commissioner brought up segmentation, they took out from the statement all of that about being one component and cannot be viewed in isolation. They just deleted it. So -- and I -- it just seems that if you have questions on the whole thing, you should ask that. You should comment on that, the Draft EIS, because it hasn't been resolved by anybody that I know of to date that that's -- that they can just limit it to Laau and the Kaluakoi Hotel. I think they're having a tough time doing that so don't -- don't limit your comments if you -- if you happen to take the time to read this whole thing. Clayton, did you have any --

Mr. Clayton Yoshida: For the February 19 meeting, do we have a quorum?

Mr. Vanderbilt: Yeah, and -- and it shouldn't take a whole lot of time. And if you can get any comments you might have into Nancy and -- the sooner the better, and then also, Nancy, I don't know how we can get some of this testimony scanned in or something.

Ms. Nancy McPherson: Thank you, Chair. Nancy McPherson, Staff Planner. I'm going to make copies of the tapes of this meeting on Friday on Maui so I'll bring those back with me and, hopefully, we can have staff here work on transcribing some of that, and are you suggesting that we try to get verbal testimony?

Mr. Vanderbilt: Well I -- No, no, I'm just saying people took notes tonight so I don't know why we need to transcribe those.

Ms. McPherson: Okay.

Mr. Vanderbilt: I -- do you? I mean I think -- but I was just wondering, we have copies that were given out --

Ms. McPherson: Yes.

Mr. Vanderbilt: And if we could make those copies, get them out to the Commissioners as soon as possible just so they have these to refer to.

Ms. McPherson: Yeah. I've gotta make copies of everything right now actually --

Mr. Vanderbilt: Okay.

Ms. McPherson: So we'll get those out to you tomorrow.

Mr. Vanderbilt: Okay, and does anybody else have any comments? Commissioner Kalipi.

Mr. Joseph Kalipi: Sure. I would just like to say thank you for all the testifier tonight, those who are here and those who went home. Just thank you for spending the time, sharing your mana`o and being committed to the process. Just nice to see the spirit of Molokai and I just wanted to say thank you on the record.

Mr. Vanderbilt: Commissioner Chaikin.

Mr. Chaikin: Yeah, just for clarity. We had a lot of good testimony tonight and I know all the Commissioners did take notes. I think we need to be clear how we're going to translate those comments into specific comments that we're going to adopt and submit, whether Nancy is going to do that or we, as Commissioners or independently, going to try to take these comments and turn them into something that can be adopted. But I think as a Commission, we need to be clearer on how we're going to proceed here.

Mr. Vanderbilt: Well, I would think Nancy's got a lot on her plate. She is responsible, I believe, unless somebody volunteers over in Maui, she's responsible for doing all of the Planning Department's comments. So, you know, possible, I mean she could be -- if the public comments get into the Planning Department's or the Commission's, I'd rather them get into the Commission's because it probably be more helpful. So I -- I would like to see the Commissioners put in whatever comments they have from reading the Draft EIS and then even if it's a note saying, well, I think there should be of an explanation on Article XI and the why the ag lands should be exempt from Article XI, the Laau Point ag lands, or something like that, and then maybe with that bullet point, Nancy could put it in a little better language. But I think the Commissioners need to -- to come up with some --

Mr. Chaikin: Okay, I think what I'm hearing is that we, as Commissioners, need to have listened tonight, and made comments -- copies of whatever people said, and whatever we think is important, we need to put that into a comment and get it to Nancy. That's the only way that what the people said here tonight is going to actually get into the Land Use. So I think we have to take that responsibility to translate your notes, whatever you think is important, get them to Nancy so she can distribute it so we could approve those. So I think that's where we're at. Does that sound --

Mr. Vanderbilt: Yeah.

Mr. Chaikin: Okay. And I -- if I can just make one more observation. You said that Nancy was responsible for all of the County's comments. Nancy, can you comment on what's happening with all the rest of the staff of the County? I mean this thing really impacts a lot of different areas of the County and I'm hoping that everybody in County is going to step up to the plate, including Clayton, and put all the comments that they think are, you know, pertinent forward. Can you just give us an update on what's happening with the Maui County?

Ms. McPherson: Well, there are a number of County agencies and departments that this document has been transmitted to and they're going to be making their comment to MPL. I'm responsible for the Planning Department's comments but I have also requested that comments -- that some of our staff planners look at the document, so our coastal shoreline planner and our cultural resources planner, it's also been put on the Cultural Resources Commission agenda and they're going to be having a special meeting. So we are trying to get as much feedback. And then we also are going to be meeting internally with the deputy director and director to work on it before our comments are submitted.

Mr. Chaikin: Thank you. Yeah, I just wanted to ensure that, you know, that the rest of the staff, the planning staff, was going to take an active, you know, get engaged in this thing and come up with some, you know, some additional constructive --

Ms. McPherson: Yeah, it's a team effort.

Mr. Chaikin: Comments. Thank you.

Mr. Vanderbilt: And the Cultural Resources Commission, they had a meeting on February -- what was it? February 14, I believe?

Mr. Yoshida: February 21st.

Mr. Vanderbilt: Well, this has a mis-date on it. It was -- it was last week they had it but it says February 14, and the Molokai representative on that is Veronica Marquez, and they were really upset with the fact that the Land Use Commission had wiped out all the testimonies, especially the cultural testimonies that would have been relevant to them before the Land Use Commission. They've asked if anybody wants to come over to the 21st meeting and just talk to them, they'd welcome that, but realize that that's a big expense for people on Molokai. Nancy McPherson has volunteered to get with AKAKU and try to edit out the cultural testimonies and chants and everything that was at the Land Use Commission and condense it down and send them a tape that they may view at their meeting. So we're going to try to help them out as much as they can. And the comments of the commissioners, they voted unanimously, they needed more time, it's too big of a project, it's too cultural of a sensitive area, and they were very skeptical about the Ranch

granting the extension because they said they hadn't even answered the Planning Commission's January 24th request, but the commissioners, several of them, said that they think that that will not reflect well on Molokai Ranch because they said the idea of this whole EIS process is to come up with a document that decision makers can rely on to make informed and accurate and fair decisions. So they had a lot of good stuff on the record and -- so I think everybody's doing the best that they can in a very trying situation. And I would like to thank our Councilman, Danny Mateo, for sending his support for our Planning Commission's request and he says in his letter that the revised EIS is an even larger document than the original -- than the original with no clear delineation of the changes made. Therefore, I think it's in the best interest of the company and the community that the Planning Commission's request be granted. And -- and I think that's it. And the time frame may not have been so onerous had it not been for all the other difficulties, locking down PDF format. They could have very easily shown the changes in the new Draft EIS from the old Draft EIS so you could focus on the new stuff. And there were a lot of other things that could have -- and the hard copies going to people, especially people who had participated diligently in the process up to date. A lot of things could have been done to make that 45-day period a little easier to deal with but -- but none of those concessions were made by Molokai Ranch and I think that's unfortunate and not a real testament to all the hard work this community's put in to make this environmental process work the way it's intended to work. And I too wanna thank the community. It's just incredible. I didn't wanna come out tonight and talk about this anymore, and I don't think anybody really did tonight. I mean we had some great testimony, but we can't help but have great testimony on Molokai, but people were just tired, you could tell, and -- but that doesn't mean the fire's going out, I don't think, and -- and I'm not saying whether you're for or against. We're fighting to get their testimony resurrected at the Land Use Commission for all the testimony, even those for and those that weren't for the project because it's not fair to anybody to just wipe out testimony from a public record. So --

Ms. McPherson: Chair?

Mr. Vanderbilt: Yes?

Ms. McPherson: Can I just make a clarification?

Mr. Vanderbilt: Sure.

Ms. McPherson: I floated that out as an idea as far as the Land Use Commission hearing cultural testimony because, for one thing, none of the testimony was transcribed and for another thing, even it was transcribed, you can't really capture oli and hula, you know, on -- in a transcription. I thought that might be helpful for the CRC, the Cultural Resources Commission, but I made no commitment about how we were going to do that. I was just

inquiring as to whether or not we could, you know -- how to proceed on how to do that. I haven't approached my department about it or anything.

Mr. Vanderbilt: Well, we'll -- we'll try too. Maybe the -- the department can, if it cost a little money for somebody at AKAKU to edit the thing, that they can pick up the tab, hopefully. So anyway -- Commissioner Pescaia.

Ms. Pescaia: I just wanted to make a suggestion to the rest of the Commissioners as we're processing all the comments and questions that are received. If we're forwarding some of that to Nancy to compile, it might be helpful if you could organize your questions and comments maybe by topic so we can see where there are redundancies ...(inaudible)... to make our job easier when we get together next week. We can kind of go through sections.

Mr. Vanderbilt: Good point.

Ms. Pescaia: Please.

Mr. Vanderbilt: Any other comments?

Mr. Michael Hopper: Just very quickly, I wanted to, especially for the new Commissioners, at this stage, the Planning Commission has the same status as basically a member of the public. Your commenting on the EIS. The State Land Use Commission will be deciding whether or not accept the EIS. I just wanted to make that clear cause in some of the testimony it seemed to be at some stages so that if, you know, members of the public would have the same right as the Commission to send their comments directly to the Land Use -- or the Molokai Ranch and testify in front of the Land Use Commission. So it's actually not -- it's nothing the Planning Commission has to do with approving the EIS at this point, which I think most people here know, but I just wanted to make that clear that if you testify here, that doesn't guarantee that that testimony's going to get to the -- to the developer in this case so that testimony should be submitted directly to the developer in addition to being presented to the Commission here.

Mr. Vanderbilt: Just one last comment. Everybody has the -- I don't know, but I'm assuming everybody has the responses that the Ranch made to our original comments, and that's in a Word format that can be edited, and that might be one quick place that you look at to see if they actually answered the last ones. I know for a fact that, from my opinion, they didn't respond adequately to about seven or eight of the previous comments we made and so we can re-ask those questions. And the last thing is I'll get out a letter to the USGS and request that they respond with comments on the Draft EIS and I think they may if they get a letter from an official organization, they generally don't, but I think they will in this case. We got consensus earlier, yeah.

Okay, with that, this meeting is adjourned, and thanks again for everybody for coming out. Oh yes, recessed. Recess is a playful word and I don't think anybody is in a very playful mood. So we'll recess the meeting till 12:30, February 19, Tuesday, right here at Mitchell Pauole Center. Thank you.

The meeting was recessed at 9:30 p.m. to Tuesday, February 19, 2008, at 12:30 p.m., at the Mitchell Pauole Center.

Submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards and Commissions

RECORD OF ATTENDANCE

Present

DeGray Vanderbilt, Chairperson
Steve Chaikin, Vice-Chairperson
Lynn DeCoite
Bill Feeter
Joseph Kalipi (Arrived at 7:05 p.m.)
Linda Kauhane (Arrived at 8:00 p.m.)
Sherman Napoleon, Jr.
Mikiala Pescaia

Excused

Kip Dunbar

Others

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