

1 CULTURAL RESOURCES COMMISSION

2 COUNTY OF MAUI

3 WEDNESDAY, FEBRUARY 14, 2007

4

5

6

7

8 SPECIAL MEETING

9

10

11 Held at the County of Maui Planning Conference Room, Kalana

12 Pakui Building, Wailuku, Maui, Hawaii, commencing at 9:00

13 a.m. on Wednesday, February 14, 2007.

14

15

16

17

18

19

20

21

22

23 REPORTED BY: JEANNETTE W. IWADO, RPR/CSR #135

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

ATTENDANCE

Cultural Resources Commission Special Meeting

BOARD MEMBERS PRESENT:

- SAM KALALAU III, CHAIRMAN
- LISA ROTUNNO-HAZUKA, VICE CHAIR
- LON WHELCHER
- VERONICA MARQUEZ
- NANI WATANABE
- DOROTHY PYLE
- J. KE'EAUMOKU KAPU

STAFF PRESENT:

- JAMES GIROUX, DEPUTY CORPORATION COUNSEL
- CAROLYN TAKAYAMA-CORDEN, BOARD SECRETARY
- STANLEY SOLAMILLO, CULTURAL RESOURCES PLANNER

1 CULTURAL RESOURCES COMMISSION

2 WEDNESDAY, FEBRUARY 14, 2007

3 SPECIAL MEETING

4

5 CHAIRMAN KALALAU: Will this meeting please come  
6 to order. This is a special meeting of the Maui County  
7 Cultural Resources Commission, February 14, 2007. I just  
8 want to let everybody know who's here. When you speak  
9 today, please speak into the mic. And for those of you in  
10 the audience that are going to come up here and testify,  
11 also please speak into the mic. On our agenda we will have  
12 Stan go over what we're going to be doing today.

13 MR. SOLAMILLO: Good morning, Commissioners, and  
14 Happy Valentine's Day. This morning we have Molokai  
15 Properties, Limited requesting comments from the Maui  
16 Cultural Resources Commission on the cultural resource  
17 section of the Draft Environmental Impact Statement prepared  
18 for the La'au Point project located at TMK 5-1-002:30, a  
19 portion thereof at Kaluako'i, island of Molokai.

20 The accepting authority for the EIS is the State  
21 Land Use Commission. The deadline to receive comments on  
22 the Draft EIS has been extended to February 23rd, 2007,  
23 which is why we are meeting on this date. The EIS is a  
24 supporting document for the State Land Use District Boundary  
25 Amendment, with the State Land Use Commission, and various

1 county land use applications. The County land use  
2 applications are for a community plan amendment, a change in  
3 zoning, a Special Management Area Use Permit, and County  
4 Special Use Permit. The County land use applications will  
5 be reviewed by the Molokai Planning Commission. Sometime  
6 after the EIS process has been completed by the applicant  
7 with the State Land Use Commission.

8 The Cultural Resources Commission may accept  
9 public testimony from interested members of the public on  
10 the Draft EIS today. The Maui Cultural Resources Commission  
11 may also take action to provide its comments on the Draft  
12 Environmental Impact Statement.

13 DeGray Vanderbilt yesterday transmitted to us  
14 minutes from a meeting which had taken place on Molokai, and  
15 wanted to enter testimony from one of those meetings. I am  
16 going to read the correspondence or the transmitting  
17 document. He says, "Thank you for letting me know about the  
18 CRC meeting on February 14th. Unfortunately I will be  
19 unable to attend because we have a Moloka'i Planning  
20 Commission the same day. I am Vice-Chair of the Moloka'i  
21 Planning Commission.

22 I did put the word out to some people on Moloka'i  
23 who would have lent constructive testimony relating to  
24 impacts of the La'au project on cultural resources. It  
25 seems the short notice, high airfares, and the fact that

1 those attending the CRC meeting would have to take a day off  
2 work makes it difficult for people to attend.

3 I have attached excerpts from the minutes of our  
4 Planning Commission meetings of January 10, 24 and 30,  
5 meetings that address cultural concerns raised by those  
6 testifying before our Commission. I trust these will  
7 provide some guidance. I appreciate the fact that the CRC  
8 is making the effort to comment on the Draft EIS. Based on  
9 the three meetings our Planning Commission has had regarding  
10 the Draft EIS for La'au, it is obvious that many members of  
11 the community are diligently reviewing the Draft EIS  
12 document. As such, I anticipate the applicant will receive  
13 a significant amount of comments.

14 At a later date, possibly the CRC could arrange a  
15 meeting on Moloka'i to hear from the community about the  
16 potential cultural impacts associated with the La'au  
17 development. Also at that time the Planning Department  
18 could arrange a site visit to La'au for those CRC members  
19 who wish to see the La'au Point area.

20 Thank you again to you and the other CRC members  
21 for making the effort to comment on the Draft EIS. Please  
22 call if I can be of further assistance. Best regards,  
23 DeGray Vanderbilt."

24 COMMISSIONER MARQUEZ: My name is Veronica  
25 Marquez, Commissioner on the Cultural Resources Commission.

1 I'm asked to read this for the minutes. So let's see. This  
2 is from Miss Vanda Hanakahi. "Aloha ahiahi kakou. I am  
3 Vanda Hanakahi, born on Moloka'i, and raised, adopted and  
4 raised by my grandparents, Elena Makaiwi and William  
5 Wallace. I'm here to testify on behalf of my kupuna and  
6 myself. Having been born here and raised by kupuna, and to  
7 be raised in a culturally rich lifestyle with my kupuna, and  
8 understanding through ancient chants that were passed down  
9 that were -- are over 900 years, and kept by Kumu Kaimikaua  
10 and shared with us in conjunction with knowledge from  
11 kupuna, that I know La'au is a sacred place.

12 I had a chance to read part of the EIS, and one  
13 part of it had to do with the fishes and that there's, you  
14 know, it's like 43 percent less; in other words, the kind of  
15 fishing that would be done does not impact on our local  
16 people. I would like to say that would be untrue. From  
17 ancient times, in our chants, it was recorded that that was  
18 the place that the kahuna closed makahiki, the ceremony that  
19 with the rising of the makali'i, the pleiades, they would  
20 have an opening ceremony at Kapu'upoi, which is the eastern,  
21 at the eastern most tip of Moloka'i. From there, they would  
22 travel along the coastline of Moloka'i and end at La'au, and  
23 that was a sacred place.

24 And I know from my own upbringing that no place is  
25 randomly chosen by our kupuna. That once a place is

1 designated sacred, it is sacred, and that was a place that  
2 they held their closing ceremony known as kahipukai o lono.  
3 Now out at La'au is a heiau, and a heiau, underwater heiau,  
4 is built in the front of every ahupua'a of Molokai. The  
5 mana of the ahupua'a, beginning at La'au, up to Paia'au, is  
6 to attract the fishes.

7         In these times, my own nephew, I was just speaking  
8 to him today, and he's willing to do an affidavit that he's  
9 going fishing and he knows all of the moi holes. There are  
10 many, every kind of fish you can think of that we enjoy  
11 eating. The moi, the kole, the aholhole, manini, all of  
12 those fishes are plentiful. But in the ancient chant it  
13 talks about all those fishes, the kumu, that attracts to the  
14 heiau, and from La'au they begin their travel. And so we  
15 have a word that only specific to Moloka'i, you will not  
16 even find it in Pukau's dictionary. That word is  
17 po'olo'olou, which means turbulent. So when we talk about  
18 kai po'olo'olou, that is a metaphor for the wealth of  
19 Moloka'i. In the turbulence of the water, that signified  
20 the fishes gathering and gathering and gathering from La'au  
21 all the way to Pala'au. At Pala'au there are two heiau, one  
22 of Ku and one of Hina. And we know in our own culture that  
23 everything is in reference to kane and wahine, because of  
24 procreation and to multiply. So that's where the spawning  
25 would begin, and as the fishes would swim up to the east end

1 of Moloka'i they -- those iolei, we refer to the fish that's  
2 hatching as iole, would stock the fishpond.

3       So my point in saying all of this is that there is  
4 a historical record, there is a cultural record. And for it  
5 to be said that there's not, the fishes are not as great as  
6 other fishing grounds of Moloka'i, that is untrue. And so I  
7 would like to go on record to say, as a kupa o ka'aina, as a  
8 kanaka maole, as a keiki o ka'aina of Moloka'i, I am against  
9 the development of La'au. It was designated sacred. That's  
10 where the kahuna held their closing ceremonies. And I  
11 understand, from my own upbringing, that pani is very  
12 significant because in that pani is the closing ceremony in  
13 which your -- all of your essence, your mana, goes into  
14 asking for the fruition or the -- that the land would be  
15 fertile, the fish would be abundant, the land would produce  
16 and malama the people.

17       So I can say that from a cultural perspective,  
18 from my own knowledge as a Hawaiian practitioner, that La'au  
19 must be saved and not developed. That is my mana'o that I  
20 want to share with you. Mahalo for giving me the time this  
21 evening. To all of you members and to those from off  
22 island, mahalo nui loa." And this is from Miss Vanda  
23 Hanakahi of Moloka'i.

24       CHAIRMAN KALALAU: Thank you, Veronica. Is there  
25 any questions, Commissioners, before we open this part to



1 the public? Veronica.

2 COMMISSIONER MARQUEZ: I have a request, okay, so  
3 prior to public testimony and whatever is coming to mana'o,  
4 I would like someone on this Commission, I guess the most  
5 appropriate person, to redefine the terminology "cultural  
6 resources." And the reason I'm saying that is because I  
7 want this meeting to be on task and focus on the mana'o  
8 concerning cultural resources, and I think sometimes we need  
9 a review as to what those terms mean.

10 And on top of that, I would like someone on this  
11 Commission to briefly let all of us know as Commissioners  
12 what our kuleana, our task at hand is today in relationship  
13 to the La'au mana'o, and that's my request.

14 MR. GIROUX: I'd hate to think that a legal  
15 terminology would be the end-all to the idea of what is  
16 cultural resources. I think that really is a definition of  
17 the people who value the things around them and identify  
18 themselves with what they see around them as being part of  
19 their culture, which means that you as individuals actually  
20 determine what is your cultural resources.

21 As far as I think from a planning perspective, I  
22 think there's a certain amount of understanding of what they  
23 believe to be important cultural resources. But I think it  
24 is more of a social definition would be probably the most  
25 proper definition of what is your cultural resources. I

1 think because just the definition of culture, if you want to  
2 break it down, culture, what is the definition of culture I  
3 think would take years and years of academic study and  
4 review to actually see what is the definition of culture.  
5 And I think what makes it harder and harder is that when we  
6 have clashes of culture, I think that's a term that you can  
7 hear, western, Polynesian, Asian, every facet of those  
8 cultures have their own definition of what is their cultural  
9 resource or what they see as important as identifying, as  
10 being part of their being.

11       So I think it is a wide purview, and that's why I  
12 think that it is important to have these types of community  
13 inputs and community discussions, because it helps the  
14 people who are making decisions to look at maybe aspects of  
15 culture that they did not see. So it is a very broad and  
16 expansive look at the possible cultural resources. And I  
17 think that's why it's important for this Commission to be  
18 looking at this document and making comments. The  
19 importance of the EIS is that it is an informational  
20 document, and the comments on the most part should be about  
21 the adequacy of the information given, because in the end  
22 this is the information that's going to be given to the  
23 decision makers, people who are going to be deciding  
24 regarding designations of land, changes in designations of  
25 land, and also the giving of certain types of permits, or

1 what we like to call entitlements.

2 So for those people to make a decision based on  
3 the best information available, it's part of our purview as  
4 the Cultural Resource Commission to add comment to whatever  
5 their people have put together to say that obviously they've  
6 put it before us thinking that it is adequate. So it's for  
7 our review or for the Commission's review to test that or  
8 add to it or comment on different aspects that may or may  
9 not have been overlooked, or may or may not be enhanced as  
10 far as delving into cultural preservation.

11 CHAIRMAN KALALAU: Thank you. Any more comment?

12 COMMISSIONER PYLE: All right, just from my own  
13 perspective about this --

14 CHAIRMAN KALALAU: Excuse me, Commissioner, can  
15 you state your name?

16 COMMISSIONER PYLE: Dorothy Pyle. For a long time  
17 I've really been involved in what would be termed historic  
18 preservation, and the historic preservation idea really  
19 centers on the buildings, structures, archeology, things  
20 like that. So for a long time many people have associated  
21 historic preservation and cultural resources together, and  
22 they really do go together in a very large way. But we also  
23 now as a Cultural Resources Commission expand that concept  
24 beyond looking at physical resources, which would be  
25 buildings, archeological sites and so on, to include the

1 actions of people, the resources that are necessary for  
2 people to continue to perform what they consider to be their  
3 culture. And so in this case, while Vanda can talk about  
4 the heiau and so on, there's a lot more associated with  
5 those things that's a cultural concept rather than just an  
6 historical building concept. And that's the part that is so  
7 sticky and difficult, because there's different  
8 interpretations, and different people value things  
9 differently.

10       So from our point of view, or from my point of  
11 view, anyway, and I'm just speaking for me, from my point of  
12 view that's why I wanted to bring this forward. I know that  
13 the people on Moloka'i are doing an excellent job of  
14 testifying, they are coming to meeting after meeting, they  
15 are really amazing in their determination to have their  
16 ideas brought forward. But we're a broader based group, and  
17 we are a County group, and it just is really in the County's  
18 best interest, for us who are basically selected to do this,  
19 to oversee some of these ideas to comment.

20       So we need to listen to all different perspectives  
21 and judge, decide as a Commission whether this document is  
22 adequate, whether the testimony coming from the people of  
23 Moloka'i is valuable, do the two go hand-in-hand together,  
24 what are the things that we can add to this big picture.  
25 Thanks.

1 CHAIRMAN KALALAU: Okay, thank you, Dorothy. Any  
2 more concerns? Stan.

3 MR. SOLAMILLO: To further redefine the answer to  
4 the question, above and beyond the Vice-Chair's commentary,  
5 which was excellent, for purposes of today's discussion we  
6 are dealing with the content of the Draft EIS. Does it  
7 adequately address cultural resource issues for La'au Point.  
8 Cultural resources may be defined as those associated with  
9 kanaka maole prior to contact, during contact, and after  
10 contact. So it would include prehistoric sites as well as  
11 historic sites.

12 The other thing which in doing recent corridor  
13 surveys on the island, which provides an excellent  
14 opportunity, as well as my reference I think at the last  
15 meeting where I was talking in terms of historic views, view  
16 corridors, you could take a picture that was taken on the  
17 way to Lahaina at Olowalu a hundred years ago, and that same  
18 image can be frozen in time today, even though it's being  
19 under threat. We need to look at how the landscape looks,  
20 and that is a view that people have had for thousands of  
21 years. Does a new development impact that negatively, and  
22 is the historic view, the timeless view, if you will, in its  
23 own right worth the preservation. That's kind of the larger  
24 issue as well. And probably Lisa can further define context  
25 and cultural resources from the archeological perspective.

1 COMMISSIONER MARQUEZ: Thank you.

2 COMMISSIONER ROTUNNO-HAZUKA: Lisa Rotunno-Hazuka.

3 I think if you look in the EIS on pages 6, 7 and 8, any one  
4 of those can be considered a cultural resource or impact on  
5 the cultural landscape, cultural resources. Anything from  
6 the plants and animals that are there to the archeological  
7 sites. Current routes or trails for fishing, hunting. So  
8 it is very broad. And we will have to look at each one in  
9 its specific impacts and then look at the overall impacts.  
10 And again, see if this EIS is providing enough information  
11 for other people to make decisions. Thank you.

12 CHAIRMAN KALALAU: Okay, we are going to call the  
13 applicant up, Daniel Orindecker.

14 MR. ORINDECKER: I'm Daniel Orindecker, I am the  
15 general manager for land and the general counsel for Molokai  
16 Properties, Limited, formerly known as Molokai Ranch. Thank  
17 you for giving me the opportunity to speak. I think that  
18 one of the things or one of the goals that I have in this  
19 process is to clarify a lot of the misconceptions that have  
20 been going around, and I think some history on the process  
21 and how we got here would be very helpful.

22 First of all, I'd like to start off by saying I've  
23 spent a lot of time on Moloka'i, obviously. Moloka'i is  
24 very dear to me, and I don't think generally that there's  
25 anyplace on Moloka'i that is not culturally significant.

1 Moloka'i is termed the most Hawaiian island, and it remains  
2 so. And almost everywhere you step you can feel it, and we  
3 recognize that. I think that one of the things to keep in  
4 mind is that there's a history here with Molokai Ranch, and  
5 there was a time when the community and Molokai Ranch were  
6 very much at odds, and the ranch was trying to force things  
7 down the community's throat. We like to call that the old  
8 ranch.

9       About three years ago, three and a half years ago,  
10 a gentleman by the name of Peter Nicholas, who had been  
11 working for Briorly (phonetic) in New Zealand was sent here  
12 to become the new chief executive officer. The company had  
13 changed hands. A lot of people don't realize that. It's  
14 not even the old Briorly, it's a new Briorly, it's a  
15 different ownership. The organization in general likes to  
16 work with the communities that it does business with, and it  
17 likes to be well respected and liked in the communities.  
18 It's not a corporate raider type of organization. And Peter  
19 came with that attitude.

20       Seeing what was going on and what some of the  
21 problems were, Peter threw himself into developing a dialog  
22 with the community. That dialog arose from the EC, Moloka'i  
23 EC, which was looking to reopen the Kaluako'i Hotel to  
24 develop some economic activity on the island. And in the  
25 course of that, a community planning process evolved that

1 really covered all of Moloka'i Ranch's lands. It's a very  
2 unique process. In my experience I've never seen anything  
3 like it. Part of my background is I used to work for the  
4 Nature Conservancy, and I worked for some other development  
5 communities. So I've had a lot of experience working with  
6 the community, and I've really never seen anything quite  
7 like this.

8         We like to say a thousand people were involved. I  
9 know there's been some disputes over those numbers, which if  
10 you ask me, is kind of a minor irritant. The fact is that a  
11 lot of people did show up at the meetings and said nothing,  
12 but they were still there. If they said nothing, they were  
13 there, they were interested. So it's tough to quantify the  
14 actual number of people who had input, but we do have at  
15 least a thousand people who signed pieces of paper saying  
16 that they were at the meetings.

17         The process tried to cover almost every aspect of  
18 the community concerns. Obviously and historically one of  
19 the biggest concerns of the community was the cultural  
20 implications of any type of development or any type of  
21 activity on Moloka'i. And this is relevant to the EIS in  
22 that it was the foundation of the La'au project itself. I  
23 mean Molokai Ranch is looking to figure out how it can make  
24 things work economically over there in the least obtrusive  
25 manner to the community.



1           There were a lot of plans in the past to put  
2 developments in a lot of different areas. Some were very,  
3 very sensitive. Sand dunes, for instance, on the north  
4 shore and the rest which were abandoned as part of this  
5 community process. There was a recognition and a lot of the  
6 cultural sensitivity of a lot of places. There was a lot of  
7 work done, surveys, and a lot of research from Bishop Museum  
8 to figure out what was sensitive and what wasn't. There was  
9 a lot of discussion with the community about what was  
10 happening culturally now.

11           And I was listening to the discussion about what  
12 is culture, and I think that one of the ways that we look at  
13 culture is that there are two aspects to it. There is the  
14 historical culture, what has happened in the past, and that  
15 has to do with archeology and oral history and all the rest  
16 of that. And then there's the culture of today, what's  
17 actually happening. How is that cultural background, how is  
18 that oral history being utilized today and being put into  
19 play. What is sacred, what is sensitive, what's happening  
20 in the community.

21           So all of that was kind of rolled together into  
22 what you see before you, the Cultural Resource Plan and the  
23 DEIS. Now, it's very important to not look at the DEIS as a  
24 separate entity. I mean you have to look at the community  
25 plan to really understand what's happening. And there are

1 two aspects. One of them is what's actually going on at  
2 La'au, which is attempted to be a very, very culturally  
3 sensitive and archeologically sensitive and environmentally  
4 sensitive and practically sensitive development. If you  
5 look at it, it's 200 homes on two acre lots. And if you  
6 will give me a second here I will pull out some of the  
7 numbers. I'm good with theory, not with numbers, so I can't  
8 remember statistics all the time.

9 I think if you look at the executive summary  
10 you'll see it's 400 acres of rural designated area within  
11 La'au Point, consisting of 200 lots of 1.5 to 2 acres.  
12 There's a 382 acre buffer zone around the lots. That's  
13 going to be maintained by the homeowner's association.  
14 There's a culture and expansion of the State Conservation  
15 District, cultural zones for archeological sites, and  
16 easements to protect subsistence gathering and public  
17 shoreline parks in the La'au area.

18 The total La'au Point project area is 1,432 acres.  
19 So in actuality, out of the project area we're actually  
20 covering -- the lots should be a very small percentage, a  
21 third of the total project area. And of that, only 30  
22 percent of the lots will be able to be impacted. So you're  
23 looking at a very small portion of the land area that will  
24 actually be impacted. And we've made commitments to the  
25 community that the homes themselves will be placed on the

1 lots to avoid any impact on anything that we know is there  
2 in terms of archeological sites or cultural sites, or  
3 anything like that.

4 As an aside, we've also tried to make this  
5 extremely environmentally sensitive. You will see there's a  
6 lot of requirements for solar energy, solar heating,  
7 catchment systems for drainage, and all the rest.

8 As was discussed, we recognize that the fishing  
9 and subsistence gathering is a very important part of the  
10 practiced culture at La'au. If you look through the EIS in  
11 total you will see that in actuality we are doing a lot to  
12 prevent runoff to allow the fisheries to grow in a more  
13 vibrant manner, and trying to avoid a lot of the ecological  
14 problems that have resulted from years and years of ranching  
15 and runoff, and the red dirt going in and killing the reefs  
16 and all the rest of that.

17 We've also agreed with the community to expand the  
18 buffer zone from the beaches, from the shoreline, and  
19 allowing lateral access along the beaches, so the  
20 subsistence gathering can continue. And I urge the  
21 Commissioners to come out to the site. We'd be more than  
22 happy to take the Commissioners down to the site. And if  
23 you see where the lot lines are going to be, it's going to  
24 be very difficult to even see the beach from the homes. As  
25 a matter of fact, I don't think -- personally, I don't think

1 any of the homes are going to see the beach. I think what  
2 they will see is somewhere way out in the ocean, at best.  
3 So there's a sensitivity to privacy and the feel of  
4 subsistence gathering in the area. It's not just that we're  
5 going to allow it, if things go as planned, and we hope they  
6 do, there won't be much of a change in how it feels down  
7 there.

8 I think that one of the things that this  
9 Commission may be hearing, and I've been listening to the  
10 letter that was sent, that's a good example of some of  
11 what's going on. We may have actually hurt ourselves by  
12 producing such a voluminous EIS. Very few people have  
13 actually read it thoroughly page to page, and that's why I  
14 think you hear some inconsistencies, some things that if you  
15 read the comments and then you go back into the EIS to see  
16 if it's true, you see wait a minute, there is a lot of  
17 confusion here. There is a lot of confusion, and we're  
18 running into that. The EIS is so expansive that we're not  
19 getting everything.

20 This is a very difficult and emotional topic, and  
21 we recognize that. I urge the Commissioners to look closely  
22 at the plan. I am not going to go through the plan, I don't  
23 want to create any more confusion or inconsistencies. We  
24 would appreciate, sincerely appreciate comments on the  
25 cultural plan and the community plan. I urge the

1 Commissioners to look at the community plan to realize what  
2 we're actually doing for the community and giving back to  
3 the community in terms of sacred grounds and all the rest.  
4 We do recognize that La'au has a history, has a past,  
5 obviously. As I started out by saying, everything on  
6 Moloka'i has cultural significance. What we've attempted to  
7 do is work with the community to meet their concerns and to  
8 try and develop something that gives us enough of a return  
9 to reopen Kaluako'i, which is one of the primary  
10 motivations, and to remain sensitive.

11 I think that one of the things that the community  
12 supporters find so encouraging about this plan is that  
13 essentially it solves or resolves the issue that's been  
14 debated for a generation. This is going to be what Molokai  
15 Ranch is going to do with its lands for now and forever, and  
16 hopefully the community will benefit as a result. If there  
17 are any questions, I'll be more than happy to answer them.

18 CHAIRMAN KALALAU: Okay, thank you.

19 Commissioners, question? Lisa.

20 COMMISSIONER ROTUNNO-HAZUKA: Lisa Rotunno-Hazuka.

21 What were the numbers that you said, a third of the lots, a  
22 third of the total acreage are for lots, is that correct?

23 MR. ORINDECKER: No. The total project area is  
24 about 1,432 acres. I was just making a rough analogy.

25 There are 200 two-acre lots that are proposed, 400 acres.

1 So that's about a third of 1,432 acres.

2 COMMISSIONER ROTUNNO-HAZUKA: And how much of that  
3 1400 acres is in preservation as far as archeological?

4 MR. ORINDECKER: In the DEIS is a reference to the  
5 amount of the total land area that's going to be given to  
6 the land trust.

7 COMMISSIONER ROTUNNO-HAZUKA: I read something  
8 about a thousand acres, but I thought that might be in  
9 respect to the entire 60,000.

10 COMMISSIONER PYLE: Page 24.

11 MR. ORINDECKER: It's a thousand acres that are  
12 within the project area that are going to be dedicated for a  
13 cultural preservation zone.

14 COMMISSIONER ROTUNNO-HAZUKA: And those would be  
15 anything from archeological sites to trails?

16 MR. ORINDECKER: Yes.

17 COMMISSIONER ROTUNNO-HAZUKA: And the proposal is  
18 to have like a building pad set up on the lots that do have  
19 cultural resources so that --

20 MR. ORINDECKER: Well, I think that if you, once  
21 again, I want to refer back to the DEIS. And I don't want  
22 to get too specific, but if you look back at the DEIS I  
23 believe that the lots -- it states up front that the lots  
24 were sited to avoid the culturally significant areas.

25 COMMISSIONER ROTUNNO-HAZUKA: Okay, thank you.

1 CHAIRMAN KALALAU: Any more questions? Lisa?

2 COMMISSIONER ROTUNNO-HAZUKA: No.

3 CHAIRMAN KALALAU: Dorothy?

4 COMMISSIONER PYLE: I have questions. I think  
5 they're appropriate, maybe not. I noted the access points  
6 for residents of Moloka'i are at the extreme ends of both  
7 sides of this development. And in reading some of the  
8 testimony that's come from the Planning Commission hearings  
9 over there I noted that there are a number of people who  
10 have stated that the actual gathering areas or the places  
11 that are of most benefit to them are a distance. And so if  
12 the trail is going to be a foot trail only, and people are  
13 going to be guided very strongly to very extreme points, it  
14 does sort of seem to me that the ability to practice your  
15 gathering rights and other cultural things is going to be  
16 severely limited, and I just am concerned about that.

17 MR. ORINDECKER: Two comments on that. First of  
18 all, we welcome your opinion on that, but there are two  
19 reasons. And I think you should look back at the community  
20 plan for that. The primary reason that there are, that the  
21 access is only at two ends, is that the community actually  
22 requested that. Their concern is that once we build a road  
23 down there, because there's no road down there right now,  
24 you have to basically go across Moloka'i property land to  
25 get there on Jeep roads. Once the roads are put in then a

1 lot of non-residents, a lot of people will be coming down  
2 there to access the area and change its character, make it  
3 much more accessible.

4 Right now the only way in is at either end, and  
5 the community wanted it to be difficult to get in there,  
6 they wanted it to remain that way. The County standards are  
7 we're supposed to provide access every I think it's every  
8 1100 feet or every 1500, feet I can't remember exactly the  
9 number, but we haven't done that at the community's request.  
10 I understand, I've seen that comment as well, but I think  
11 the history of why it is the way it is is why I'm here, but  
12 your comments are welcome.

13 CHAIRMAN KALALAU: Veronica.

14 COMMISSIONER MARQUEZ: You comment or refer to  
15 communities because you're talking about the mana'o shared  
16 between the EC and MPL?

17 MR. ORINDECKER: Well, the process was one in  
18 which there were numerous open meetings held where the  
19 community was invited to come and give us input to discuss  
20 it. We believe that the community really drove this process  
21 as much as anything else. Obviously, there are certain  
22 things that were important to Molokai Properties, but in  
23 terms of the overall land use plan and the overall community  
24 plan, that was driven by these community hearings.

25 COMMISSIONER MARQUEZ: Thank you.



1 CHAIRMAN KALALAU: Anyone else? Lon.

2 COMMISSIONER WHELCHER: Lon Whelchel, fellow  
3 member of the Commission. This EIS has a lot of boilerplate  
4 information, but it also has a lot of inventive ideas that  
5 make it pretty much a model community, like the dual system  
6 of water which I feel like should be across the board on all  
7 homes, no buildings on slopes 50 percent, greater than 50  
8 percent, and they're retaining the water runoff because  
9 they're on the edge of the water. And you have a 25 foot  
10 single story envelope. And I couldn't, I didn't find  
11 anything stating that you had multiple homes. This is for  
12 one home?

13 MR. ORINDECKER: Yes, one home only.

14 COMMISSIONER WHELCHER: Is there a limit on the  
15 size?

16 MR. ORINDECKER: Well, as I indicated, only 30  
17 percent of the lot can be impacted, so I mean that includes  
18 lanais, driveways, everything.

19 COMMISSIONER WHELCHER: Well, I think it's a nice  
20 piece of work. But we have the '97 UBC, and I understand  
21 that they're going to upgrade it, and the upgrade may  
22 include the requirements of fire sprinklers for every  
23 residence. And if they're using water tanks, five thousand  
24 gallon water tanks, I don't know if they can produce enough  
25 energy, enough pressure to make the fire sprinklers

1 effective. Is this a little bit premature?

2 MR. ORINDECKER: Well, the water tanks are an  
3 environmental portion of the development. They are going to  
4 be serviced by a regular water system as well. I mean you  
5 are going to have potable water coming in from essentially  
6 the Mauna Loa area pressurized, and then you will also have  
7 non-potable water coming in pressurized from the same area.

8 The utilization of the catchment systems is  
9 something that we haven't -- we're kind of leaving that up  
10 to the individual homeowners. The catchment system is  
11 designed to prevent runoff and to hold water on the  
12 property. I don't believe that it's intended for fire  
13 safety purposes, although it could be used for that.

14 COMMISSIONER WHELCHER: And you have an area here  
15 that speaks that you are going to educate the people. How  
16 is this going to be, in a classroom type thing or just hand  
17 them a paper like this study?

18 MR. ORINDECKER: Well, if we hand them something  
19 this big we might as well forget about it.

20 COMMISSIONER WHELCHER: In my experience, 50  
21 percent of them don't read the covenants, and the other 50  
22 percent, 20 percent of those don't understand what they're  
23 reading.

24 MR. ORINDECKER: I don't have an answer to your  
25 question right now, and the reason I don't have an answer to

1 your question is a lot of people are asking the same  
2 question, and we want to respond to it in writing. And I  
3 urge you to submit that as a question.

4 COMMISSIONER WHELCHER: That's all I have to say.

5 CHAIRMAN KALALAU: Ke'eaumoku.

6 COMMISSIONER KAPU: Yeah, good morning, Ke'eaumoku  
7 Kapu. Aloha. My question is retrospective to Dorothy's  
8 question based upon the access for the public community.  
9 I've been looking at your maps, and there's one section  
10 where it's designated public park/County Land Trust. How  
11 much areas in the development itself provides access for the  
12 residents only within that area? Because I see some roads  
13 coming down into the shoreline conservation zone from the  
14 development area, yeah, there's about three or four roads  
15 coming down into that area. Can you answer me that  
16 question?

17 MR. ORINDECKER: There's three or four roads  
18 coming down. We're not building any roads. There are  
19 former Jeep trails that exist that run across Molokai  
20 Property land, but those aren't going to be developed and  
21 open to the public or repaired.

22 COMMISSIONER KAPU: But my question is whether or  
23 not it will provide access for the residents that will be  
24 living in that area.

25 MR. ORINDECKER: First of all, once again, I urge

1 you to submit your questions in writing so that we can  
2 answer them as part of the DEIS process, because that will  
3 be secure. But I think if you look at the plan you will see  
4 that there is only one road that's being developed, the  
5 backbone road. The other trails are not passable by  
6 vehicle. I mean I suppose you could run a motorcycle or  
7 something over them, but they're not going to be developed.

8       COMMISSIONER KAPU: Well, my question is just  
9 basically the access for the public versus the access rights  
10 for the residents. Whether or not the public will only have  
11 limited access, where the residents in the area will have  
12 ultimate access within the so-called preservation zone area,  
13 the protected area.

14       MR. ORINDECKER: Once again, I'm not trying to  
15 avoid questions here, I just think that it's important that  
16 we maintain the integrity of the process, so please submit  
17 your questions in writing. I think if you review the  
18 community plan you will see that there is no access for the  
19 residents that's being constructed. The residents are going  
20 to have to go to either end, the same way the community is.

21       MR. SOLAMILLO: Just as an information item, all  
22 the comments or unanswered questions that come out of this  
23 meeting will be transmitted, for the applicant's benefit as  
24 well as the State Land Use Commission, by the 23rd in  
25 writing.

1 MR. ORINDECKER: I want to reiterate that I'm not  
2 trying to be difficult. We're very concerned that we  
3 maintain the integrity of the DEIS process, and the DEIS  
4 process really requires submission of questions in writing,  
5 so that everyone who looks at the DEIS can see what other  
6 people are commenting on and say, "Oh, good, I'm glad they  
7 brought that up," or "What's the answer to that?" And all  
8 the rest. So when I stand here and answer questions orally,  
9 it kind of defeats the process a little bit.

10 So I'm more than happy to answer questions about  
11 the cultural stuff, but questions regarding the DEIS itself  
12 and inadequacies and things like that are really better  
13 addressed in writing.

14 COMMISSIONER KAPU: Just for my information,  
15 basically for myself, the reason why I brought that question  
16 up is because if the residential areas will be provided an  
17 ultimate access within these areas, then it triggers the  
18 so-called Article 12, Section 7, HRS 7-1, HRS 1-1. I mean  
19 if you are protecting this area, and the community is saying  
20 that they only want to limit the access within the area,  
21 that's the community's opinion, yeah, versus the  
22 association's opinion based on where their access is going  
23 to be provided.

24 MR. ORINDECKER: First of all, I think the  
25 structure of the development is something that this group

1 should take a look at. The land trust is going to be in  
2 partnership with the homeowner's association controlling all  
3 the lands that are actually owned in fee by the residents.  
4 And whether that works for this group or not is something  
5 that we would be more than happy to have your opinion on.

6 The concerns that are being raised by that  
7 question were addressed as part of the community process and  
8 are actually laid out in the community plan. Speaking from  
9 experience of having walked around on the lot, if there's  
10 not a road built there the kiawe is thick, and there's some  
11 of the biggest spiders I've ever seen in my life.

12 COMMISSIONER KAPU: No further questions, thank  
13 you.

14 CHAIRMAN KALALAU: Dorothy?

15 COMMISSIONER PYLE: Just one thing. Somewhere in  
16 here, and I'm trying to find the page, it does seem that I  
17 read that the homeowners are going to have control over the  
18 area that they're in. It's not going to be kind of like a  
19 partnership, it's the homeowner's association. So that  
20 really concerned me, that it's only the homeowners and not  
21 really even the trust. Somewhere it says that in here,  
22 because I remember I started, and I am trying to find it.

23 But the other point besides that is that since you  
24 want us to put all our comments in writing, perhaps we  
25 should just decide that we're going to discuss this among

1 ourselves at this point and put our comments in writing, and  
2 we will let you off the hook and you won't have to try and  
3 answer any of our questions any more. That might be easier  
4 for everybody in many ways, because then you don't have to  
5 feel that you have to interject something that you are not  
6 supposed to interject, and we are not going to be asking you  
7 questions that are probably inappropriate for us to ask you.  
8 How does that sound?

9 MR. ORINDECKER: Thank you.

10 CHAIRMAN KALALAU: Veronica?

11 COMMISSIONER MARQUEZ: Veronica Marquez, Moloka'i

12 Commissioner. Sir, it seems, well, on Moloka'i there's a  
13 plan, there is this La'au. You know, what's not here really  
14 is your plan, the plan which was melded by the community and  
15 MPL. That document is included in your DEIS. And from what  
16 I've read, you need to know one to figure out the other.  
17 The two go hand-in-hand. So we can sit here, and unless  
18 people are ma'a, or know what the plan is, then we're going  
19 to go around and around again. It is there, however we have  
20 the abridged copy. But I know that the plan is inserted  
21 into your DEIS. It would be behoove all of us to know the  
22 plan, that's what my comment is. Does that make any sense?

23 MR. ORINDECKER: I agree, and that is why we  
24 included it in the larger document. I don't know how you  
25 obtained the abridged version. We have only been

1 distributing the full document.

2 MR. SOLAMILLO: My apologies to the Commission. I  
3 believe at the last meeting I was given permission by this  
4 Commission to abridge the document and only send what  
5 addresses cultural resources issues and the appropriate  
6 section, which was appendix D. My apologies.

7 CHAIRMAN KALALAU: Ke'eaumoku?

8 COMMISSIONER KAPU: Again, I have a lot of  
9 questions, but I will try to see whether or not I can  
10 squeeze everything together. Based upon bringing up issues  
11 of height variances because of view planes, where the  
12 so-called water treatment plant is going to be, the cesspool  
13 plant is going to be, because that's culturally relevant to  
14 making sure that we don't get into an area that's highly  
15 sensitive to our history on Moloka'i.

16 Whether or not these houses are going to be on  
17 post and pier, whether or not they're going to be on slabs,  
18 because the more encroachment of this area. The history is  
19 rich, and this doesn't tell me anything within any of those  
20 areas. Can you comment on that, on the development  
21 application and how these houses are going to be built,  
22 where the cesspool plant going be, the water treatment area,  
23 all those kinds of things, whether or not it's going to be  
24 in a rural area?

25 MR. ORINDECKER: I believe all of those questions



1 are answered in the larger document, and that may be why you  
2 have some of those questions. I would urge you to get a  
3 copy of the larger document.

4 COMMISSIONER KAPU: Well, I think anything that is  
5 inclusive with our culture and the heritage of our island  
6 should be present in front of us to basically view. I don't  
7 see anything, so that's the kind of questions that first I'd  
8 like to ask, whether or not the height of these houses are  
9 going to be to an extent where, you know, if the residents  
10 up there are going to have the ultimate, how do you say,  
11 million dollar view.

12 So I'm just throwing some things out there, things  
13 that I need to know, because what I have here -- I've got to  
14 call my son because he's in college, he probably can point  
15 out the arrows for me a lot better. Thank you.

16 CHAIRMAN KALALAU: Okay, any more questions?  
17 Okay, Daniel, Sam Kalalau. As I was reading through these  
18 things I started off with a whole lot of questions, but then  
19 after I got to each end of each paragraph it says, like  
20 Section 4.2 contains the full discussion, and then I  
21 understand that we only have the cultural resource part of  
22 this. So anyway, one of the questions I wanted to ask, is  
23 anyone right now working on the restriction plans for the  
24 homeowners to come up with their guidelines?

25 MR. ORINDECKER: Yes.

1 CHAIRMAN KALALAU: And, you know, you guys are  
2 talking about the home association group, and then you guys  
3 are going to have another public community group that will  
4 be working with these groups in preserving and protecting  
5 the historical sites and some of the fauna and other  
6 endangered species. Did you guys have any plans on how  
7 these areas are going to be protected, or do you have any  
8 guidelines on the setbacks of these historical areas and  
9 endangered plants and stuff?

10 MR. ORINDECKER: The easy answer, the quick  
11 answer to that is yes, and those questions like, once again,  
12 are DEIS questions that we'd rather answer in writing. But  
13 I can say that generally if you look at the plan -- and once  
14 again I realize that you don't have the full document in  
15 front of you -- the land trust and its sub-entities are  
16 supposed to be working with the community association and  
17 with us to develop all those things that you are talking  
18 about. Some of them are already developed, and if you look  
19 back in the plan you will see them discussed.

20 But without getting into saying things that may be  
21 inaccurate, that's my hesitancy, this is such a big document  
22 that I don't have it all in my head. If I say something it  
23 could be inconsistent with this, it could be just my  
24 recollection. And there were a lot of community meetings  
25 and things changed, so I don't want to miscommunicate.

1 CHAIRMAN KALALAU: The other question that I had  
2 about protection and buffer zones is that do you folks have  
3 any guidelines for the construction, and if you have any  
4 grading process going on for the protection of the  
5 historical sites or endangered species surveys and stuff?

6 MR. ORINDECKER: I think the way I'd like to  
7 answer that question is we're going to do everything that  
8 we're required to do. And the actual details, some of them  
9 are, once again, laid out in here. Some of them will have  
10 to be developed as we begin to construct because, as you  
11 know, you find things when you start to move dirt.

12 I think that, backing up for a second to your  
13 prior question, I think the only thing that I would like to  
14 say generally about both of these two questions is that one  
15 of the things as a former Nature Conservancy employee I was  
16 very interested to see, is that we have not tried to isolate  
17 individual either archeological sites or individual plants  
18 and animals. What we've tried to do is create zones, areas  
19 where even if there's a lot of extra space in between the  
20 individual sites or the individual plant locations, we're  
21 just not going to go. I mean the gulch is a good example.  
22 That's a very comforting thing. So details about barriers  
23 and things like that, how close you can get, in certain  
24 instances that may be irrelevant.

25 CHAIRMAN KALALAU: Right, because my concern was

1 when the homeowners move in and one guy wants to put rock a  
2 wall, one guy might say, "Oh, no, we want to put fencing  
3 in." The other guy is thinking about just growing a hedge.  
4 This is why I said you guys are going to set up criteria or  
5 guidelines and stuff. Because one guy he might say the 30  
6 feet buffer and one guy says, "I want to put my tool shed  
7 over here, so I'm going to put just a 15 foot buffer." This  
8 is the kind of guidelines we want to see in how these areas  
9 and these kinds of plants are going to be protected.

10 MR. ORINDECKER: That's a very good concern.

11 CHAIRMAN KALALAU: Lisa?

12 COMMISSIONER ROTUNNO-HAZUKA: Yes, Sam, one thing  
13 that I thought of when you were talking about that is  
14 usually when you have the grading and the grubbing you have  
15 the BMP's, the best management practices, but a lot of times  
16 that's for runoff, you may have silt fences, dust fences.  
17 But it may be important for us to be specific, like with  
18 your question on how would you protect the flora. If you  
19 have a lot of silt flying in the area and then it sits down.  
20 So I think that's a good question.

21 I do know on buffers, as far as archeologically,  
22 if the buffer is at 30 then the homeowner must maintain that  
23 30 foot. And there will be a document that goes with it,  
24 that's filed in the Bureau of Conveyances, and it shows the  
25 buffer zone and it shows where they're supposed to be and

1 where they're not. Again, enforcement would be a problem.

2 CHAIRMAN KALALAU: That is why it's important  
3 what Ke'eaumoku was saying about the view plane too. You  
4 need that mauka-makai connection in the real heavily  
5 historical areas. You can see right here on their maps that  
6 they get them laid out pretty good. The view plane is  
7 important. We all know on that Kihei-Wailea project about  
8 that heiau there that the view points stayed open.

9 As a Commissioner, I think, a Cultural Resource  
10 Commissioner, I think we ought to be focusing on a lot of  
11 those areas, because we know there's a whole lot of  
12 archeological sites and historical sites and endangered  
13 species and stuff in the area. So I think maybe later on  
14 when they do push this project more forward that we be able  
15 to make recommendations on the protection and preservation  
16 of some of these areas. Nani?

17 COMMISSIONER WATANABE: Mr. Chair, I have a  
18 question. Nani Watanabe, Commissioner from Lana'i. One of  
19 the parts is it states that there's going to be education to  
20 these homeowners. I think my biggest concern is at the  
21 beginning when they actually want to buy a property, and  
22 I've seen it, is they're very much interested in the culture  
23 and the preservation, but later on down the line there's no  
24 interest. I mean it's not as important to them any more  
25 because they've bought their property, they live there, you

1 know, and so the sensitivity of the culture becomes actually  
2 lost.

3 I think that the question is, how important is  
4 having them be educated about the island and about the area  
5 and the culture, and who will enforce this. And if they  
6 decide that they don't want to live on Moloka'i any more and  
7 they want to sell, what happens to the new owner? And I can  
8 see that a lot of this will get lost, and that is a concern.

9 CHAIRMAN KALALAU: Thank you. Any more  
10 questions? Dorothy.

11 COMMISSIONER PYLE: I just wanted to put into the  
12 record, you keep referring to and we keep hearing the  
13 comment about the community-based Master Land Use Plan for  
14 Molokai Ranch. And I want everybody to note on page 18 of  
15 the papers that we got that it actually says that this  
16 master plan is an agreement between the Moloka'i Enterprise  
17 Community, the EC, and Molokai Ranch. That this is not a  
18 County land use plan, it is not a plan that is in any way  
19 part of the general plan right now that is going forward,  
20 and that we need to be really aware of that.

21 The EC has operated for a long time on Moloka'i.  
22 They have had many, many projects. I think some of us are  
23 very aware of some of the projects that they have done. But  
24 they are an entity of the island, not the island. And so I  
25 really want us to all be aware of the fact that perhaps some

1 of the testimony that's coming forward now through the  
2 Planning Commission on Moloka'i is coming from people that  
3 were not part of this EC process and maybe also have  
4 differing ideas that are not included in this plan or not  
5 part of the agreement that was made. So I think we all need  
6 to be very well aware that there is a distinction about the  
7 people of Moloka'i and the EC.

8 CHAIRMAN KALALAU: Ke'eaumoku?

9 COMMISSIONER KAPU: Two acre agricultural lots,  
10 are you encouraging that the residents do agriculture in  
11 this area?

12 MR. ORINDECKER: It's rural.

13 COMMISSIONER KAPU: But it's two acres, right, so  
14 it falls under the agricultural guidelines? My question is  
15 whether or not there will be potable water used for this  
16 area, or it's all going to come from non-potable, and where  
17 is the non-potable water coming from?

18 MR. ORINDECKER: Again, I'd refer you back to the  
19 portions of the plan that you don't have where that's  
20 thoroughly discussed. I apologize for that.

21 COMMISSIONER KAPU: Well, for myself, there's a  
22 lot of things that aren't in here that I need to know. I  
23 would like to see more of other things that is related to  
24 our, how would you say, responsibilities as the Cultural  
25 Resources Commission. There's a lot of things that are

1 lacking in here. Thank you.

2 CHAIRMAN KALALAU: Okay. Stan?

3 MR. SOLAMILLO: Two things. I just got a request  
4 from Lisa to get a full copy of the EIS, and we've got a CD  
5 ROM that was provided by the applicant, and probably we can  
6 burn enough for the rest of the members to go through the  
7 larger document. So if you have comments after this meeting  
8 that relate to that, we will have to get them in fairly  
9 quickly to meet the February 23rd deadline. Also because  
10 Vice-Chair Pyle has to leave at 11:30, correct?

11 COMMISSIONER PYLE: 11 o'clock.

12 MR. SOLAMILLO: Which isn't much longer. We  
13 probably want to ask her to give us all her comments.

14 COMMISSIONER PYLE: It's only 10 to 10.

15 MR. SOLAMILLO: If you like, we can structure the  
16 rest of the discussion to go through section by section, and  
17 log in everyone's comments for the record so that they can  
18 be transmitted to the applicant, and save question and  
19 answers. It's up to the Commission.

20 CHAIRMAN KALALAU: Okay, how do you feel,  
21 Commissioners? If not, you know what, Daniel, are you going  
22 to hang around too? We are going to see if there's anyone  
23 else in the public that wants to come and testify. Okay,  
24 thank you, Daniel.

25 Is there anyone else in the public that wants to



1 testify on this item?

2 MR. KEKONA: Hello, aloha. My name is Kaipo  
3 Kekona. I sit on the GPAC, but today I come to you as  
4 concerns of the public. I never got the opportunity to look  
5 over their plans or anything like that, but I have been to  
6 La'au Point, I've made the trek that takes at least  
7 two-and-a-half hours, so I'm kind of familiar with the area.  
8 I got walked through there with some elders of Moloka'i and  
9 they explained to us a lot of the significance.

10 I'd like to encourage you guys to look -- I know I  
11 sat in on you guys meeting, the last one that you had, and  
12 you guys were talking about drawing up your CRC plan, and  
13 you guys were concerned about the language used in the  
14 thing. Well, I think you guys should really consider  
15 watching the language that they use as well, because earlier  
16 he mentioned about, you know, like how they took a lot of  
17 effort to grade or watch the runoff, and the efforts that  
18 they took to prevent it because of the previous grazing and  
19 all of that. And we all know that over-grazing causes  
20 runoff, but development causes greater runoff.

21 It kind of sounds to me like they only kept into  
22 consideration or addressed the issue of the grazing, the  
23 farm kind of runoff, and not really the development runoff.  
24 Like, you know, he talked about preservation and how there  
25 would be, where they would be put and set. And like you

1 guys mentioned about the enforcement. How do they enforce  
2 it, and to what extent? Like will the people of Moloka'i be  
3 allowed to be going into these preservations? And not  
4 practice their rights, but do their rights? They don't  
5 practice their rights, it is something that they do. So  
6 watch that, that's another language thing, not practice.

7       And take a look at where the preservations are.  
8 Because the ones that I see along the shoreline are, like I  
9 said, when I talked through there with the kupuna that's the  
10 places of like concentration for them, yeah, that's where  
11 they go to. And if you are going to have enforcement on  
12 them, would the enforcement be educated to the people that  
13 are there? Are they going to know that these people are  
14 allowed to be there because of their rights?

15       Just like also the grading ideas. Like the guy  
16 said, that 50 percent slope there's no development done.  
17 It's real easy for one tractor to change that slope from 50  
18 percent to 25 or whatnot, so maybe regulations on grading,  
19 how much they can be graded down on. And just like the  
20 place, yeah, the shoreline is more than what you can take.  
21 I mean you get monk seals that come up on the beach every  
22 day.

23       So like the preservation issue, to me, is like it  
24 would be better for have the whole coastline in  
25 preservation. But at the same time like the people get

1 their rights, like residents and whatnot, so you have got to  
2 keep in mind that the language that they going use may not  
3 suit the way things are, yeah. So my heaviest issue is the  
4 language that they use. You have to watch the fork tongue,  
5 yeah. So that's all I have to say.

6 CHAIRMAN KALALAU: Thank you.

7 MS. KAPU: Aloha, Uilani Kapu. I have many  
8 concerns regarding this. I was able to read portions of it.  
9 1,000 of the population on Moloka'i was involved in this.  
10 That's not enough. That's why we have a lot of people  
11 grumbling and fighting and protesting and everything on  
12 this, because they know it's not for them.

13 This is agricultural conservation lands. I am so  
14 tired of all of these lands being dictated by other people.  
15 It is a significant historical area, as you see on your  
16 maps, as a culture. There's not too much indigenous fauna,  
17 native fauna to the areas, because they've all been just  
18 desecrated, just gone, but we can preserve the sites. You  
19 know what, I don't like the word "preserve" in a way,  
20 because it is Hawaii, that's what makes Hawaii. That is our  
21 past. We need to start implementing more guidelines, more  
22 restrictions, no houses at all in any of the areas where  
23 there is a site. They need to take it out of their plans.  
24 I don't care how much it's going to affect it. But being  
25 that this is the beginning of the process, we can at least

1 ask that. Or not ask it, demand it.

2 We need to start looking at sign ordinance. I  
3 mean that's you folks' area, sign ordinance and colors of  
4 the area. Grading should not be allowed. They say they  
5 don't want to change the area, because that's why they're  
6 limiting the roads. Okay, don't put grading. Make a post  
7 and pier. Because if you put a post and pier you won't  
8 damage any of the sites in the areas as much as a slab for  
9 housing. When you grade you come across anything and  
10 everything. Hawaii has it everywhere, in our caves, in our  
11 lava tubes, everywhere. So when grading occurs they will  
12 come across it. And believe me, they will, in that site  
13 plan.

14 Then that area, the kupuna have said that's the  
15 shark area. Those waters are where the mano spawn. The  
16 mano, that's their homes out there. I looked at the waste  
17 water plant, where it's going to be. Why is it going to be  
18 on the point there? I mean is the non-potable water coming  
19 from the streams? Where are they getting it from for the  
20 agriculture? It should stay in agriculture. If they want  
21 to empower Moloka'i, then empower them by growing things.  
22 Making things where they can support themselves on Moloka'i,  
23 instead of depending upon everywhere else.

24 There's a heiau out there on that point. It  
25 should be brought back. There's everything out there,

1 that's why there's so much people fighting about this place.  
2 The history and significance of it needs to start being  
3 respected and acknowledged, and not desecrated for some new  
4 development. The land trust, they have their hands in it so  
5 deep that it's not going to benefit all. This is a big  
6 issue and it should be heard and done correctly with the  
7 whole island, not just a thousand people. The whole island  
8 should come out and voice it.

9       We've spoken to many of the young ones and told  
10 them this is their place, they need to start taking their  
11 stand because it's their future, unless there's going to be  
12 pushed out of Moloka'i and move somewhere else. If they  
13 intend to stay there, they need to voice it out. They don't  
14 like these thick books, but it's important to read it. We  
15 found that out. The historical significance in the area  
16 really needs to be looked at. The houses shouldn't be built  
17 higher than anything else, it should be just level. The  
18 level of each house should remain the same. The grading  
19 should be limited.

20       The water treatment plant, I just have a hard time  
21 with the elevation. What elevation is that water treatment  
22 plant going to be at? I wasn't able to read up on it  
23 enough. And the sewage treatment plant is another issue. I  
24 know my comments are going to go in by the 23rd, and we are  
25 trying to help a lot of other people on Moloka'i and trying

1 to get them to put their comments in also. Mahalo.

2 CHAIRMAN KALALAU: Thank you. Veronica?

3 COMMISSIONER MARQUEZ: Mahalo. I thoroughly  
4 understand that, yeah. I do agree that the whole island  
5 should get involved. And it should. However, human nature,  
6 it doesn't matter if it's the applicant or any one, you open  
7 up these mana'o meetings, you invite the whole island. And  
8 to be very honest with you, and it doesn't have to be La'au,  
9 it could be anything, the opportunity is there.

10 So what I'm saying is, we as people living on the  
11 island, because I do too, should take the opportunity to go  
12 voice mana'o. Now, if you have the opportunity you go  
13 maika'i no. If you have the opportunity and you don't, well  
14 then, please. I'm saying yes, 7,500-plus on Moloka'i.  
15 However, to be very honest with you -- and this happens all  
16 over the planet -- that those who really want to be there  
17 will be there, and those who don't want to will not be  
18 there, and they will have their mana'o on the side, and  
19 that's called human nature. I agree with you.

20 If we local people can highly encourage others to  
21 say, hey, go say your mana'o where it counts at the meeting,  
22 so after that when pau, whether it's maika'i or hewa, at  
23 least you had the opportunity. So I look at all sides and  
24 say yes, I respect that mana'o, so we really should do our  
25 part too and encourage participatory action. Mahalo.

1 CHAIRMAN KALALAU: Okay, anyone else.

2 MR. KEKONA: If I could, could I say some more?

3 CHAIRMAN KALALAU: Let's ask if anybody else.

4 Okay.

5 MR. KEKONA: I get kind of nervous when I stay on

6 the mic, so I forget plenty of the stuff I like say.

7 CHAIRMAN KALALAU: Just say your name.

8 MR. KEKONA: Aloha, Kaipo Kekona again, and I sit

9 on the GPAC, but I'm here representing myself. The

10 representative of the developers also stated that, you know,

11 their main reason for preventing the runoff is because to

12 better thrive the reefs, yeah. But like the reef is

13 thriving, man. Anything that you going do that is human is

14 only going to worsen the situation. A man once told me

15 "Humans are the worst parasites." Anything they do they

16 destroy something, yeah.

17 So Moloka'i was the only place I ever went to and

18 saw kupe'e in the daytime, you know. Sitting on the rocks

19 you can sit there and pick your own, you know need wait

20 nighttime. And when I was there I ran into this kupuna

21 named Harry Aki. Many people on the island despise the man

22 from what I've known or heard. He's one radical man, he's

23 crazy, but he taught me something that I going respect him

24 for the rest of my life. When we left La'au Point we ran

25 into this man and he started yelling at us about coming to

1 Moloka'i thinking we going do something better, but in  
2 reality we just like pick opihi and eat their crab. I  
3 thought to myself I getting yelled at by this man when I was  
4 drooling over all the kupe'e over there, but I never pick  
5 one because that's not what I was there for. I never go  
6 there for rape their resources, yeah. So keep that in mind  
7 when you are planning for the preservation and bettering the  
8 reefs, because what I see is just making the situation  
9 worse.

10 And I can tell you one story about the sharks,  
11 too. We were swimming in the tide pools thinking that it  
12 was all fine and dandy when one of us decided for put on one  
13 mask and look outside in the deep blue water, and all you  
14 could see was tiger sharks all around you. So it tells you  
15 that they're there, make no mistake about it. It's right  
16 off the shoreline. That's all.

17 CHAIRMAN KALALAU: Okay, thank you. Any  
18 questions? Veronica.

19 COMMISSIONER MARQUEZ: Young man, Veronica from  
20 Moloka'i. Help me understand GPAC, what is GPAC?

21 MR. KEKONA: The General Plan Advisory Committee.  
22 We're dealing with the County of Maui. We just look -- we  
23 form the general plan.

24 COMMISSIONER MARQUEZ: Thank you.

25 CHAIRMAN KALALAU: Okay, anyone else from the



1 public who wants to testify? Commissioners, do you have any  
2 questions? If not, I would like to ask Daniel if you could  
3 come back up again, Daniel.

4 I have a question on this map and the  
5 archeological site map. This is the project area summary  
6 map. You know, between the existing conservation district,  
7 which is the entire shoreline, you're asking to turn  
8 agricultural to conservation right on the mauka side of the  
9 existing conservation areas. And you are going to double  
10 the conservation area because, you know, you're saying that  
11 you are going to -- you're asking to I guess rezone  
12 agricultural land to conservation. I can see this dark  
13 green strip, which is the existing conservation zone, and  
14 then you have the regular green colored strip right on the  
15 mauka side of the existing conservation zone.

16 COMMISSIONER ROTUNNO-HAZUKA: Figure 1.

17 CHAIRMAN KALALAU: Yes, Figure 1 in the project  
18 area.

19 MR. SOLAMILLO: There are two figures in question,  
20 for Commissioners, Figure 1 and Figure 10. Figure 10 is  
21 after page 24.

22 CHAIRMAN KALALAU: Figure 1 and Figure 10. My  
23 question on that is, if you're going to expand the  
24 conservation zone area it will put a majority of the  
25 archeological sites and cultural sites along the ocean side

1 within that district. Then as you get your housing layout  
2 there's very little archeological and historical sites  
3 within the housing layout. But the question is, because a  
4 lot of these archeological sites are on the ocean side,  
5 again, this would come down to like access, you know, to  
6 those sites.

7       Being that you worked with the community and  
8 they're trying to restrict access to just both ends of the  
9 entire plan, my concern was how do they get to the other  
10 archeological sites, especially the ones that are closer to  
11 the lighthouse area, and coming up to Kahalepohaku. There's  
12 a few sites over there in the conservation area. I guess  
13 maybe on you guys' major, on the rest of your EIS thing, it  
14 probably would address that address with the homeowner's  
15 association.

16       MR. ORINDECKER: Well, first of all, I'm not sure  
17 I understand the question. Let me start out there.

18       CHAIRMAN KALALAU: You know, basically how I'm  
19 looking at this layout of these maps is like the sites would  
20 be well protected, but the only thing about it is if some of  
21 these sites are spiritual sights and people want to practice  
22 their spiritual culture, how are they to access those areas?

23       COMMISSIONER PYLE: You have to walk from one  
24 corner to the other.

25       MR. ORINDECKER: As I mentioned before, the

1 community raised a number of concerns with regard to access  
2 to the area, and I think that, once again, your comment is  
3 one that's well taken and we would like to respond to it in  
4 writing, which we will.

5 But I can speak to the background, and the  
6 background is that the community was concerned that the  
7 marine resources, that the marine resources would be  
8 depleted if there was too much access and it was too easy to  
9 get there. And there was also concern about the sanctity of  
10 the sites, the cultural sites, and allowing too many people  
11 to get there too easily, and that was the background for the  
12 plan.

13 CHAIRMAN KALALAU: Okay, thank you. Dorothy?

14 COMMISSIONER PYLE: I just have kind of a reverse  
15 comment that really addresses the same thing. That is that  
16 somewhere in this document it says that the homeowners will  
17 have the right to build their own trails and have their own  
18 access down to the beach. It says that.

19 MR. ORINDECKER: Where does it say that?

20 COMMISSIONER PYLE: I'll find it if you really  
21 want me to, because it does say that. And if that's really  
22 true, then how are we going to protect against them doing  
23 things in this area?

24 MR. ORINDECKER: I'm not going to even touch that  
25 question, because I don't believe that --

1           COMMISSIONER PYLE: It says right here in the  
2 cultural resources assessment on page 137, I guess this  
3 is -- oh, no, that's not the right page. Page 147,  
4 community members were concerned that subdivision lot owners  
5 and their friends will have preferential access to the  
6 coast. There will be nothing to stop the homeowners from  
7 going down to the beach. Those who live on the shoreline  
8 will be able to access their home on the beach by vehicle.  
9 Homeowners can create a trail to the beach and let their  
10 friends have access to the beach. Affording only two access  
11 points for the general public, while the rich people in the  
12 subdivisions will have access from their homes, seems  
13 unequal.

14           My point is, if the homeowners have access into  
15 this conservation area where there are all these  
16 archeological sites, what is to protect the archeological  
17 sites from them?

18           MR. ORINDECKER: I think you are going to have to  
19 submit that one in writing. You're misinterpreting what's  
20 in the document.

21           CHAIRMAN KALALAU: Lisa?

22           COMMISSIONER ROTUNNO-HAZUKA: I didn't read this,  
23 but isn't this impact statement reiterating a concern of the  
24 community, and it's not necessarily true that they are  
25 allowed to make these trails? Isn't someone saying -- what

1 we need to do is find out what they're allowed to do. But  
2 it sounds like someone is afraid that they're going to be  
3 allowed to do this, not that it is stated so.

4 COMMISSIONER PYLE: Who would enforce it on a  
5 daily basis if they're not allowed to? Who is going to be  
6 down there saying, "You can't come down this conservation  
7 zone to the beach, you need to go up to the other end at the  
8 corner and walk down the same way that the other people do."

9 CHAIRMAN KALALAU: This is why I asked the  
10 question earlier, when are the covenants and restrictions  
11 for the potential house owners or lot owners going to be  
12 drawn up, because I think this should be introduced in that  
13 covenant or in the agreements for purchase of sale.

14 COMMISSIONER PYLE: It's a huge question.

15 CHAIRMAN KALALAU: That was my concern in the  
16 earlier question I had about the restrictions and covenants  
17 of people owning the property out there.

18 COMMISSIONER KAPU: I get one question, and I  
19 think it falls in the same line. This conservation area  
20 from the residential areas down to the beach, what you guys  
21 going do, put up one fence to keep everybody out? I mean  
22 you used to work for the Nature Conservancy, yeah. They're  
23 doing that up in the mountain to keep the pigs from going up  
24 higher.

25 MR. ORINDECKER: Are we going to put a fence?

1 First of all, once again, that's a very good question and I  
2 want to answer it. We will answer it in writing if it's  
3 submitted to us. The short answer I will give you right now  
4 is no.

5 Commissioner KAPU: That's good. Then I'm looking  
6 at all these burials or possible burials. You've got some  
7 that's right within the development area over here. You get  
8 some areas that had data recovery, so it's listed as a site  
9 number I guess, or a number. But on, what is this, the  
10 east, south side or is it south? There's a lot of  
11 identified burials, and it looks like some of them fall  
12 within lot areas. Are those going to be relocated or  
13 preserved or protected?

14 MR. ORINDECKER: Well, we are going to be very  
15 sensitive to everything. Those types of things are exactly  
16 what we want to hear from this committee so that we can  
17 respond to them, and if we missed it we can look at it and  
18 say, oh, we missed it, we have got to deal with this. I  
19 don't have an answer for you right now.

20 COMMISSIONER KAPU: So you guys would be open to  
21 the idea of preservation in place, with buffer zones  
22 implemented and all these, to protect those historic areas  
23 within the development?

24 MR. ORINDECKER: We're open to every idea that  
25 anybody can put across right now.

1           Commissioner KAPU: I'd love to encourage that on  
2 my point, based upon everything that you come across be  
3 protected in place, and not go through a process of  
4 relocating any history to accommodate just the development  
5 itself. So make sure that those things are taken care of  
6 first.

7           But my concern is shoreline access as well. We  
8 can say one thing today and it's going to be totally  
9 different tomorrow, because we see how areas are impacted  
10 upon all because people feel that they have the God given  
11 right under the United States constitution which will  
12 protect them to invade these areas. They will invade these  
13 areas. And I would love to see something from the  
14 homeowner's association based upon how they're going to  
15 create something to protect these areas, not just for  
16 themselves, yeah, because it becomes an association  
17 responsibility, you know.

18           Like the County, in this morning's newspaper they  
19 were entertaining the idea of providing a shoreline park all  
20 the way from the pali all the way down to Puamana, but then  
21 they're going to allow the developer to do it, or they're  
22 talking about allowing the developer to do it. All of a  
23 sudden later down the road the County can't take care of the  
24 responsibility and another association comes inside and  
25 takes the full responsibility of these so-called public

1 parks. I see this turning into an association's so-called  
2 home rule to protect the integrity of the history of that  
3 place by encroaching heavily on these areas, and I want to  
4 see something where the state or the county, or even the  
5 feds or even the people you used to work for draw up a plan  
6 so I can see how this area is not going to be impacted upon  
7 from these residents. And at the same time whether or not  
8 these residents will be Hawaii residents or these homes will  
9 be provided for our new neighbors that are coming to Hawaii  
10 who has no cultural sensitivity of our islands but only  
11 believe in the constitution that will protect them to allow  
12 them to build their trails down to the parks and things like  
13 that.

14 I notice it's all going be on record, so I want  
15 this submitted and put in its right perspective so everybody  
16 knows where I'm coming from. Thank you.

17 CHAIRMAN KALALAU: Very good. Any more  
18 questions? Okay, thank you, Daniel. We are going to take a  
19 short break and be back here in five minutes.

20 (Whereupon a brief recess was had)

21 CHAIRMAN KALALAU: Commissioners, let's reconvene  
22 this meeting. Right now we're going to give the  
23 Commissioners a chance to go through the section of this  
24 brief section of the Environmental Impact Statement, giving  
25 your comments and concerns.



1 COMMISSIONER PYLE: Are you looking at pages 6, 7  
2 and 8, is that what you're looking at?

3 MR. SOLAMILLO: That part first, and then go into  
4 the -- hold on. I guess the best thing would be to go  
5 through the first part, which is the background information,  
6 if you have comments on that, and then we will go directly  
7 to the cultural impact assessment for La'au Point.

8 CHAIRMAN KALALAU: Lisa?

9 COMMISSIONER ROTUNNO-HAZUKA: I just have a  
10 question for Stan. If we are going to send you comments,  
11 what's the latest we can send them to you?

12 MR. SOLAMILLO: Probably that should be -- no, I  
13 can't do it on the 22nd, I have to do it on the 23rd. Okay,  
14 I can either put the CD ROM into the mail, which is going to  
15 take two days to get to you, or you can come by our office  
16 and pick up the CD ROM.

17 COMMISSIONER MARQUEZ: It's on line.

18 MR. SOLAMILLO: Could you give us the web address  
19 so that the Commissioners can access it immediately, Daniel?

20 MR. ORINDECKER: We might have a link on our  
21 website. I don't have the website.

22 MR. SOLAMILLO: Just tell the Commissioners what  
23 your website is, and if the link is on there then they can  
24 get it.

25 MR. ORINDECKER: To be honest with you, the

1 website is Molokairanch.com, but I don't know if there's a  
2 link there yet, I'm not sure.

3 COMMISSIONER MARQUEZ: I was speaking with a  
4 personnel from your MPL because I wanted a copy, and she  
5 said to go on line. And she did give me a specific one, but  
6 I didn't pay attention.

7 MR. ORINDECKER: I don't remember.

8 COMMISSIONER MARQUEZ: There is a specific site.

9 MR. ORINDECKER: There's a separate site. But I  
10 think if you cannot access it directly through the site,  
11 Stan, you have my email address and I can email you the  
12 information.

13 COMMISSIONER PYLE: Perhaps you can just email it  
14 to us then, thank you.

15 COMMISSIONER ROTUNNO-HAZUKA: And then going back  
16 to my question, because I won't have a lot of comments today  
17 because I didn't have time to review this.

18 MR. SOLAMILLO: Next Monday is what date, the  
19 19th. So the 20th.

20 COMMISSIONER ROTUNNO-HAZUKA: And then in the  
21 future it seems like we've had this a couple of times where  
22 we tell you go ahead and just give us sections and that  
23 doesn't work. So I think in the future we ought to just say  
24 either we get the CD and we print out what we want to print  
25 out.

1 MR. SOLAMILLO: That will be the way it will go  
2 from now on, we will do the CD ROM.

3 COMMISSIONER ROTUNNO-HAZUKA: That's it for now.

4 CHAIRMAN KALALAU: Okay, so we're going to go to  
5 page 6. Or if you have any questions on page 1. I have one  
6 question for Corporate Counsel. You know, being that  
7 there's large areas of conservation district, does it fall  
8 under the state control?

9 MR. GIROUX: I think if it's currently under  
10 conservation it would be exclusively state. But that does  
11 not mean it would be -- if there was any development on  
12 conservation properties, the county is taking the position  
13 that they still would need to get the Special Management  
14 Area Permits. So just because it is -- if it is currently  
15 conservation it does not mean that no buildings or no  
16 structures can go on it, it just means that the state would  
17 be the permitting process to get what they call a CD in  
18 order to erect any type of structures on it. It just means  
19 that they wouldn't be necessarily mandated to get county  
20 building permits, but we're taking the position that they  
21 still would need to get an SMA, Special Management Area  
22 Permit.

23 CHAIRMAN KALALAU: Okay, thank you. Okay, page  
24 6. Questions, comments? Lisa.

25 COMMISSIONER ROTUNNO-HAZUKA: One comment would be

1 that it's going with the CC&R's for the development. And as  
2 far as protecting the beach, the conservation zone that we  
3 talked about before, if there could be some type of fencing  
4 that can be placed around the conservation district so that  
5 there isn't a lot of access mauka-makai from residents.

6 That they also have to access from the two exterior points.

7         So I guess the comment would be if some type of  
8 fencing can be placed to bound the conservation district.  
9 And fencing can be anything from maybe a vegetation, but  
10 probably something like they do along Sugar Beach where they  
11 just have the little wooden pickets for the turtles. It's  
12 really more for the turtles. It doesn't have to be some  
13 elaborate structure. And signage that says, "This is a  
14 conservation district, no access. Please access at the  
15 extreme points."

16         CHAIRMAN KALALAU: Okay, Dorothy.

17         COMMISSIONER PYLE: Actually, I was just going to  
18 really support Lisa's comments, because I do think that by  
19 saying in one part of this that they really do protect or  
20 wish to protect the shoreline resources, and then in the  
21 other part of it not clearly stating the availability or the  
22 intention of the houses that will be built there, we can  
23 really comment on the need to in some way restrict the  
24 access of the residents as well as the people of Moloka'i in  
25 order to protect these resources. And that if the two

1 distant access points are essentially good enough for the  
2 people of Moloka'i, perhaps they should be good enough for  
3 the people who are living there as well.

4 CHAIRMAN KALALAU: Okay, anyone else? Dorothy.

5 COMMISSIONER PYLE: And probably it fits under the  
6 same pages as well. I really was very interested in the  
7 comments about no grading, and I think that the concepts or  
8 the comments about no grading should really be taken  
9 seriously, because the impact of grading is very severe.  
10 And whether it's the flying silt or whether it's the actual  
11 changes in the landscape which cause runoff to happen in  
12 ways that we don't even understand at this point, the idea  
13 of suggesting very strongly that this should be a no grading  
14 area. That houses that are built should not impact the  
15 natural coastal structure, and that they should be post and  
16 pier or some kind of pole structures that would not have any  
17 impact on these other resources.

18 CHAIRMAN KALALAU: Okay. Lisa?

19 COMMISSIONER ROTUNNO-HAZUKA: The other side of  
20 the coin is that you're going to have to have maybe grading,  
21 you know, when you do your drainage, your water, things that  
22 flow with gravity. You can't be doing a 20, 30 foot trench  
23 to put a sewer in because you didn't grade that area. So  
24 there would have to be -- I think there would have to be  
25 minimal grading. I don't think you can just say no grading

1 at all. Maybe the house lots would be more strict on the  
2 grading, but when you get into the roads and talk about  
3 utilities, that's going to be a little tougher, I think.

4 COMMISSIONER PYLE: I do understand the public  
5 part of it as being really tough. I also would like to add,  
6 as far as the grading issue is concerned, that there not be  
7 any fill, because this has also become an issue right here  
8 on Maui where we filled in gulches so that people have  
9 better views, and I think that that should also be a very  
10 important aspect. And while you would think it goes without  
11 saying, we need to say it, that filling is also not an  
12 appropriate concept.

13 CHAIRMAN KALALAU: Okay. And I would like to say  
14 something underneath the archeological and historical  
15 resources paragraph there, where a lot of the mitigation  
16 plans would be approved by the State Historical Preservation  
17 Department. I believe that we should also be informed of  
18 the mitigation from the state. And before they make any  
19 kind of final decision, that we should at least have our  
20 comments in before the State Historical Preservation  
21 Division decides to have final approval.

22 COMMISSIONER PYLE: Excellent.

23 CHAIRMAN KALALAU: And also on the cultural  
24 resources section over there, the last paragraph, "The plan  
25 also provides for covenants, conditions and restrictions

1 that La'au Point homeowners will need to accept and agree to  
2 uphold in order to purchase a lot." I would hope that we  
3 can have a copy of that plan.

4 COMMISSIONER PYLE: And have the right to comment  
5 on them.

6 CHAIRMAN KALALAU: Yes, and we'd like to comment  
7 on them. Also, just more clarification on the scenic  
8 resources. If our archeological sites and historical sites  
9 are going to be part of the scenic resources, I'm hoping  
10 that we could comment on them too, because historical sites  
11 and cultural sites will be part of these scenic resources.

12 Do we have any more comments? Okay, moving on. I  
13 just wanted some clarification, Stan. You know, on the  
14 functional plans it's saying that the Hawaii State Plan  
15 directs state agencies to prepare functional plans. What  
16 are the functional plans to this area?

17 MR. SOLAMILLO: In response to the Chair's  
18 question, I do not know what the functional plans are. What  
19 page is that on?

20 CHAIRMAN KALALAU: Page 10.

21 COMMISSIONER PYLE: Who has got the thick one,  
22 Section 5.1.6?

23 CHAIRMAN KALALAU: Okay, it's Section 5.1.5.

24 COMMISSIONER PYLE: This is just a comment,  
25 because it says Maui County General Plan. It is really

1 important for us to note that the Maui County General Plan  
2 right now is under review and that it is no doubt going to  
3 have some significant changes in it over the past general  
4 plan. And perhaps we could request or ask that decisions  
5 concerning this particular project be deferred at any level  
6 until the County General Plan is completed.

7 CHAIRMAN KALALAU: Yes, Lisa.

8 COMMISSIONER ROTUNNO-HAZUKA: In the Draft  
9 Environmental Impact Statement it talks about the functional  
10 plans. There's one, there's an agricultural functional plan  
11 that seeks to increase the overall level of agricultural  
12 development in Hawaii in accordance with the two fundamental  
13 Hawaii State Plan objectives. One, continued viability of  
14 Hawaii's sugar and pineapple industries. Two, continued  
15 growth and development of diversified agriculture throughout  
16 the state.

17 Then there's a Conservation Lands Functional Plan  
18 and there's a lot under that, and then there's an Employment  
19 Functional Plan. It talks about the workforce for the  
20 global information-based 21st Century. So there's three, no  
21 actually, there's a couple.

22 COMMISSIONER PYLE: There's 14 state functional  
23 plans.

24 COMMISSIONER ROTUNNO-HAZUKA: They're  
25 specifically stated in this big document.



1 MR. SOLAMILLO: Thank you, Lisa.

2 CHAIRMAN KALALAU: Any more comments, concerns?

3 Dorothy.

4 COMMISSIONER PYLE: This is a general comment, not

5 so much specifically to anything here. I think that in view

6 of the fact that the CRC has not been able to directly visit

7 Moloka'i, and the members have not directly had a site visit

8 in this area, I think that we should -- I would like us to

9 take seriously the consideration of the testimony and the

10 comments that are being brought forward at the Moloka'i

11 Planning Commission at this point in time. Since most of

12 our membership on this Commission is not from Moloka'i, we

13 need to pay attention to them because this is a separate

14 place, a different island where their knowledge trumps ours.

15 It's very obvious.

16 And so I think that I guess my request would be

17 that a comment, an additional, just something added to what

18 we write is that the ideas expressed by the Moloka'i

19 Planning Commission's hearings should be given specific

20 attention. It's not a question we can ask them, it's not a

21 question we can ask the developer, it's just a comment that

22 we can make that we are in agreement that the Moloka'i

23 Planning Commission has important information that needs to

24 be looked at.

25 CHAIRMAN KALALAU: Dorothy, you know, on a

1 statement like that I think it's best we put it into a  
2 motion.

3 COMMISSIONER PYLE: Let's see. Okay, is it you're  
4 asking me to make a motion?

5 CHAIRMAN KALALAU: I think so.

6 COMMISSIONER PYLE: I move that the Cultural  
7 Resources Commission add as a comment to our letter -- we're  
8 sending this letter to the Planning Commission?

9 MR. SOLAMILLO: State Land Use Commission.

10 COMMISSIONER PYLE: The State Land Use Commission  
11 and the Planning Commission. That the letter that we are  
12 sending to the official places it needs to go include a  
13 statement that we recognize the importance of the testimony  
14 that comes from the island of Moloka'i through their own  
15 Planning Commission, and that we recognize that our  
16 Commission needs to be in support of the cultural values of  
17 the various islands in Maui County. Therefore, we request  
18 that specific attention be paid to our looked at concerning  
19 the information coming from the Moloka'i Planning  
20 Commission.

21 COMMISSIONER ROTUNNO-HAZUKA: Second.

22 CHAIRMAN KALALAU: It has been moved and  
23 seconded. Everybody understand the motion? Okay, it's now  
24 open for discussion. Any discussions? Chair sees no  
25 discussion. All in favor say "aye."

1 (A chorus of ayes).

2 All opposed?

3 (None)

4 Secretary, have you got that motion? Okay, very

5 good. Veronica.

6 COMMISSIONER MARQUEZ: On the DEIS, I don't know

7 the page, but I know the mana'o. You know the mana'o about

8 these people, residents will be educated, maika'i. However,

9 I'd like to comment and maybe possibly highly encourage to

10 add to that that I believe that we need to model behavior we

11 expect. So yes, it's fantastic to educate newcomers.

12 However, it's doubly important that we also educate

13 ourselves. So if that document can blend in the education

14 of all, not only the residents, the new ones. Because I

15 know a lot of people on the island, they're well versed in

16 their culture with all this mana'o, however a lot of us need

17 to learn our culture too.

18 So to me, for the blending of a community, if we

19 talk community, then we'd better be talking together. And

20 not only say, "Oh, well, when these newcomers come they'd

21 better learn." For them to learn we'd better learn, and a

22 lot of us have a lot of learning to do. Maika'i.

23 CHAIRMAN KALALAU: Okay, thank you. Lisa?

24 COMMISSIONER ROTUNNO-HAZUKA: I'm wondering if we

25 can make a site visit, and when we do make a site visit,

1 after the applicant receives comments then they incorporate  
2 the comments and that becomes -- is that called the final or  
3 is it still in draft form until it's accepted?

4 MR. SOLAMILLO: I don't know, you have to address  
5 that to the applicant.

6 CHAIRMAN KALALAU: The protocol, what Lisa is  
7 asking for is do we address it?

8 MR. ORINDECKER: First of all, I'm a little  
9 uncomfortable. I think questions with regard to legality  
10 should be addressed to your Corporate Counsel.

11 MR. GIROUX: My understanding is that this is an  
12 EIS, so when your comments go in, that the applicant will  
13 address those comments, and then it will go to the Land Use  
14 Commission for if they're going to decide to receive the  
15 final as a final. So if the comments are not adequately  
16 addressed, then they will reject the document as being a  
17 final and ask the applicant to go back and address those  
18 comments that were not addressed.

19 COMMISSIONER ROTUNNO-HAZUKA: So then let's say  
20 after the comments have been addressed, the second document  
21 has been created, if there are people in the community or  
22 the CRC still has comments, then do we address a letter to  
23 the LUC and say we don't feel these things were adequately  
24 addressed? How do they know, do they use their own  
25 knowledge to say, yes, I think they attacked each one of

1 these points made by the community and Commission members?

2 MR. GIROUX: I think at that point the State  
3 Planning, their state planners that staff the Land Use  
4 Commission, and they also are advised by the Attorney  
5 General. But I think the community also has I believe  
6 after, it's actually after the Land Use Commission receives  
7 it as a final there's I believe a 60-day or a 30-day  
8 litigation window where if people are not satisfied with the  
9 document that they can actually take it to the Circuit  
10 Court.

11 COMMISSIONER ROTUNNO-HAZUKA: Okay. So if we were  
12 to make a site visit, it would help us. But at this point  
13 we obviously should have done it before this 23rd deadline.  
14 But if we were to go after the 23rd, and say at our next  
15 meeting, can that help us at all?

16 MR. GIROUX: One comment I want to make is that  
17 this EIS is being prepared for the Land Use Commission's  
18 decision on the District Boundary Amendment because it's  
19 greater than 15 acres. After that, the applicant will still  
20 have to come back for a change in zoning and an SMA Permit.  
21 But in those processes the change in zoning would go to the  
22 Moloka'i Planning Commission for comment and suggestion to  
23 the County Council. And then once the zoning is consistent  
24 with the community plan and other land use designations,  
25 then they can go forward to get their Special Management

1 Area Permits, and that would also go before the Moloka'i  
2 Planning Commission. The Moloka'i Planning Commission would  
3 be the final, they're the final authority for the Moloka'i  
4 Special Management Area Permits.

5 So before zoning and before the Special Management  
6 Area Permit, you could also request the Planning Department  
7 to bring again for cultural review this project. But it  
8 wouldn't be regarding the EIS. By that time you would have  
9 a final EIS document if the project has made it that far.  
10 But that document could guide you in making further comments  
11 towards the project zoning. There are the possibility of  
12 zoning conditions that the Maui County Council could  
13 incorporate into their changes of zoning, and there is SMA  
14 conditions that the Moloka'i Planning Commission can  
15 incorporate into their permit.

16 Also too, the individual owners, although the  
17 individual homes are exempt unless there's communative  
18 impact, each individual homeowner if the Planning Department  
19 sees it as a development, may also have to go before the  
20 Moloka'i Planning Commission for SMA Permits. I know right  
21 now that there has been a change in the rules, in the  
22 Moloka'i SMA rules which allows the Planning Commission  
23 itself to review exemptions and minor permits, which would  
24 include any additions to any homes or anything like that.

25 So in all of those processes the Planning

1 Commission does have the ability to defer, to allow for  
2 agency comments, such as from the CRC, and I think it would  
3 be important that the CRC comment before it goes to zoning.  
4 So the Planning Department would have to be aware that  
5 that's your concern, that you want to see it at those  
6 different levels also.

7       So just to comment back to the question, would a  
8 site visit do you any good, just to let you know that there  
9 are other processes that are going along. This is just the  
10 EIS for the Land Use Commission. And since they're the  
11 first permitting body then they are the accepting body for  
12 the final EIS.

13       COMMISSIONER ROTUNNO-HAZUKA: Thank you.

14       MR. ORINDECKER: Just a quick comment. First of  
15 all, I want to just mention that I have some time  
16 constraints as well. But with regard to a site visit, even  
17 if there were an addition process, we urge everyone to come  
18 down and take a look at the site. But I do have to caution  
19 you, we ran into this with the Planning Commission, there  
20 are Sunshine Law issues with the committee going over there.

21       It's our position, and it is in fact I mean it's  
22 true that it is a hazardous area. There are no improved  
23 roads, there's loose rubble and all the rest. And having an  
24 open meeting down there raises a number of liability issues  
25 for us. That we would request or require actually as a

1 condition of letting the general public on the property a  
2 liability waiver be signed, and that may run into some  
3 difficulty. Corp Counsel would have to review that. But we  
4 do welcome people down on the property to take a look.  
5 Thank you.

6 COMMISSIONER ROTUNNO-HAZUKA: Thank you.

7 MR. GIROUX: Just as a comment, if the applicant  
8 does require a liability waiver to be signed, if somebody  
9 refuses to sign it, OIP has opined that then we cannot have  
10 a meeting because it's not considered open.

11 COMMISSIONER ROTUNNO-HAZUKA: So if anyone in the  
12 public that wanted to go decided they didn't want to sign  
13 it, then we cannot have a meeting because they're being  
14 precluded?

15 MR. GIROUX: Yes.

16 COMMISSIONER ROTUNNO-HAZUKA: By their own  
17 admission.

18 COMMISSIONER KAPU: I'd like to add something in  
19 here as well to make sure that this EIS addresses the  
20 Article 12, Section 7 of the Hawaii State Constitution, the  
21 HRS 7-1 and the HRS 1-1, to implement that to be a part of  
22 this.

23 COMMISSIONER PYLE: I'm sorry, I apologize, I do  
24 have to go. But I did want to just ask perhaps that in the  
25 letter that gets sent that we could add a comment that we



1 have not been as yet able to visit the site. And for future  
2 readers, whether they're for SMA Permits or the County  
3 Council, for future readers of this letter, we would like to  
4 leave open the idea that we may have further comments to  
5 make after having an opportunity to see the site.

6 CHAIRMAN KALALAU: Thank you, Dorothy. Anyone  
7 else?

8 COMMISSIONER KAPU: One more thing I want to add  
9 also is to make sure that any after-the-fact finds,  
10 historical sites, burials, that the mitigation process  
11 really is strict upon relocation of those areas, those sites  
12 of burials, to make sure that they don't disturb it or move  
13 it. It needs to stay in that area.

14 CHAIRMAN KALALAU: Okay, moving on. On page 11  
15 it's kind of like the protocol of what Corporate Counsel had  
16 just told us the process of how these applications will go  
17 through. Lisa?

18 COMMISSIONER ROTUNNO-HAZUKA: I don't have a  
19 comment about the EIS, but in general, when we need to  
20 review EIS's can we request to have more time? I don't  
21 know, I know maybe somebody brings it to your attention,  
22 Stan, then you try to get it on the agenda right away. But  
23 to adequately address I would need more time to review. And  
24 I don't want to say anything on the record if I haven't read  
25 it thoroughly, because I don't want to misquote or misstate

1 anything.

2 MR. SOLAMILLO: In the future we will provide more  
3 time. This was a special meeting called specifically for  
4 this project and we had to fit it in with the constraints.  
5 My apologies for the timing or lack thereof.

6 CHAIRMAN KALALAU: Moving on. You know, just  
7 underneath 2-3-6, the covenants, underneath green  
8 architecture, page 29, in the required green architecture  
9 that incorporates recycled materials, energy efficient  
10 equipment, natural ventilation, solar and photovoltaic  
11 systems, et cetera, if the landowners could also do their  
12 lawns and grounds in a green landscaping. I know in the  
13 landscaping areas they're going and try and put most of the  
14 plants that grows well in that kind of area out there in  
15 climate.

16 Also, I think they should think about going into  
17 more green and organic kinds of systems for their yards,  
18 instead of putting a lot of chemicals, because we know we're  
19 going to have a lot of runoff in there and the shoreline is  
20 one of the important things of preserving. If we could just  
21 add that in there, if they can use more organic materials.

22 COMMISSIONER ROTUNNO-HAZUKA: Sam, if you go down  
23 like on pesticide and fertilizer restriction, "Pesticide use  
24 will be prohibited. Only organic fertilizers will be  
25 allowed." Is that where you're going? Then they do talk a

1 little bit about xeriscaping.

2 CHAIRMAN KALALAU: Lisa, you guys talked about  
3 fences earlier, like along the conservation area at the  
4 beaches. And then I looked underneath that same one with  
5 the fence to create private property from public access  
6 areas.

7 COMMISSIONER ROTUNNO-HAZUKA: Page 29?

8 CHAIRMAN KALALAU: Page 30.

9 COMMISSIONER ROTUNNO-HAZUKA: "Fence to demarcate  
10 private property from public access areas. A clear physical  
11 demarcation, such as a log fence, running along the  
12 individual property lines will distinguish the private  
13 near-shoreline lots from the expanded public Conservation  
14 District areas." So vice versa, same. They're still doing  
15 a demarcation along the conservation district, but basically  
16 to keep the public out of going into the private area  
17 instead of the housing to go into the conservation area.  
18 But it accomplishes the same goal, I guess.

19 COMMISSIONER KAPU: I had one question. I don't  
20 know whether or not this is one recommendation, but on page  
21 29, soil erosion, "No building allowed on slopes greater  
22 than 50 percent. Manage open space common areas to  
23 reduce/eliminate soil erosion by restoring the vegetative  
24 cover. Dear and livestock fence will be placed at the rear  
25 of the subdivision." We get plenty deer over there, yeah?

1 I'm kind of a little bit concerned about that alone, because  
2 that's when they're talking at the rear of the subdivision  
3 where are they talking about, is that the ocean side or is  
4 that the mauka side?

5 MR. ORINDECKER: It's the mauka side. The  
6 concept is to put a fence back there so that the deer and  
7 the pigs won't come on to the residential area, and they'll  
8 stay out so they can be hunted back there.

9 COMMISSIONER KAPU: But that even draws more  
10 concerns for me to look at whether or not who is going to be  
11 allowed to be provided access within this area. I mean at  
12 the same time we are trying to keep people from going into  
13 the conservation area, but then we're trying to keep the  
14 animals out of the residential area. We need to look at  
15 that to see how we are not going to deprive also the native  
16 Hawaiian practitioners from going into those areas too,  
17 because they have a right. I don't know, that needs to be  
18 looked at. Animal versus human. I need more clarity,  
19 that's all.

20 COMMISSIONER WHELCHER: On page 30 there's a note  
21 here on CC&R's, "The final CC&R cannot be changed." I have  
22 never seen CC&R's that didn't have a lot of loopholes,  
23 misconceptions that didn't need to be cleaned up later.  
24 That shouldn't be there.

25 CHAIRMAN KALALAU: And then further on, the second

1 to the last paragraph on the bottom says, "The CC&R's will  
2 establish policies that permit subsistence gathering and  
3 cultural practices, as well as allow the hiring of resource  
4 managers to protect the subsistence lifestyle."

5 COMMISSIONER ROTUNNO-HAZUKA: That's great.

6 CHAIRMAN KALALAU: And then up there it says it  
7 cannot be changed, and down here it says the policies, they  
8 will establish the policies.

9 COMMISSIONER KAPU: Who will?

10 CHAIRMAN KALALAU: The CC&R's.

11 COMMISSIONER KAPU: Where is that?

12 CHAIRMAN KALALAU: On page 30, the second to the  
13 last paragraph.

14 COMMISSIONER ROTUNNO-HAZUKA: I think it's good  
15 that at least they're talking about, you know, you implement  
16 something and then you follow up with enforcement. So it's  
17 not often that we have that.

18 CHAIRMAN KALALAU: And they're talking about to  
19 perpetuate the rights of I guess the native gatherers and  
20 stuff for their subsistence gathering. I like that last  
21 paragraph too. I mean if they can really enforce them about  
22 a quarter-mile out from the shoreline and from the beach  
23 only Moloka'i residents can fish, that's a good one.

24 COMMISSIONER ROTUNNO-HAZUKA: That's a really good  
25 one.

1 CHAIRMAN KALALAU: Daniel, you know, from the  
2 west end to the east end of that entire project, if you have  
3 to walk along the shoreline how long would that take, how  
4 many miles or you know that whole distance, what is that?

5 MR. ORINDECKER: The shoreline on the project  
6 area is 5.3 to 6 miles, depending on how you measure it.  
7 Walking the full length of the project is difficult because  
8 you run into the Coast Guard station on the corner there.  
9 But the shoreline distance is 5.3 to 6 miles.

10 CHAIRMAN KALALAU: Okay, thank you.

11 COMMISSIONER KAPU: I get one question. Under the  
12 CC&R's will establish policies, who is putting together the  
13 policies on the CC&R's pertaining to subsistence gathering  
14 and cultural practices? That's my question. It's not for  
15 the development or the developers to provide the CC&R's  
16 based upon the rules of gathering.

17 COMMISSIONER ROTUNNO-HAZUKA: We should make that  
18 a comment then, to say that the CC&R's should be established  
19 by a group of kupuna who are knowledgeable about the  
20 subsistence practices there. I mean I'm sure within a  
21 development when you have your CC&R's that's by the  
22 developer, but when it gets into cultural issues it should  
23 be the same kind of format they have been doing, where they  
24 talk to the native Hawaiian practitioners. And it may be in  
25 the document somewhere, I don't know if they have talked

1 about that.

2 We may want another comment that it would be nice  
3 to have established CC&R's before the EIS is accepted, and  
4 I'm not sure that that usually happens that early in the  
5 process.

6 COMMISSIONER KAPU: I'd like to make another  
7 comment to that, because if we don't actually know what  
8 we're looking at based on what is the traditional practice  
9 of gathering, and we have a tendency of creating something  
10 that has nothing to do with the traditional management based  
11 upon those areas. So this would be the area to basically  
12 have the development or the developers look into those  
13 articles that I talked about to make sure that there is  
14 clarity based upon access rights, native Hawaiian  
15 traditional gathering rights, their rights to practice not  
16 only on the gathering level but the spiritual level.

17 All those things addressed inside there to make  
18 sure the CC&R's are compliant with those HRS's, those Hawaii  
19 Revised Statutes and laws that have been implemented in  
20 there to protect native Hawaiian gathering. To not have  
21 this be put together by an entity. To make sure that they  
22 understand those rights before they make any CC&R's to  
23 establish policies on rights to gather.

24 CHAIRMAN KALALAU: Okay, thank you. Moving on,  
25 community meetings and involvement. I can see you guys had

1 a lot. I think this is very good that you guys are trying  
2 to get out to the community and to the public. I think I  
3 was there at the October 6th meeting, and I felt like I was  
4 the only guy sitting in the middle. There was the left side  
5 and the right side. Yes, Veronica.

6 COMMISSIONER MARQUEZ: To add mana'o to that, you  
7 know when you cannot sleep at 2:30 in the morning, turn your  
8 TV on. The replays of all these meetings are on, you can  
9 see it in full bloom. Without being sarcastic, and I'm sure  
10 you folks didn't attend the meetings, but that's one great  
11 venue of knowing what happens in these previous meetings.  
12 They're all documented and very colorful.

13 CHAIRMAN KALALAU: 54 or 56.

14 COMMISSIONER MARQUEZ: Try 56. It's all there.

15 COMMISSIONER KAPU: You know, I for one would like  
16 to stress and say that I live in the boonies so I don't even  
17 have cable, I ain't got nothing. As soon as people bring up  
18 this thing about La'au Point I'm totally in the dark. And I  
19 sort of look at that as a positive thing for myself to make  
20 sure that my directives are clear. And understanding that  
21 from other people, like the kupuna coming up to me sharing,  
22 stuff like that. I would love to do a site visit to go over  
23 there and see what really is going on.

24 CHAIRMAN KALALAU: Okay, moving on. Page 37,  
25 Cultural Impact Assessment For The La'au Point



1 Rural-Residential Development, Kaluako'i, Island of  
2 Moloka'i. Veronica?

3 COMMISSIONER MARQUEZ: I highly recommend that we  
4 all, and I did, read this, because beyond factual  
5 information you will have the no'olelo which shares history  
6 of the certain aspects and sites. So very interesting  
7 reading, I believe very required reading to understand the  
8 spiritualness, the Moloka'i mana'o. So please pay attention  
9 to this document.

10 CHAIRMAN KALALAU: This is the one that was done  
11 by Davianna. Okay, any further questions, concerns? Stan,  
12 do we have anything? Okay, any questions on this Cultural  
13 Impact Assessment for La'au Point?

14 MR. SOLAMILLO: Just one staff comment. On page  
15 30 possibly I might be challenged in what I read from the  
16 larger document, but I didn't get any indication of what  
17 historic sites were located at La'au Point. It all deals  
18 with prehistoric sites, but I didn't get a sense of whether  
19 we do have historic sites on the property in the project  
20 area. So that would be things dating after contact through  
21 1950.

22 CHAIRMAN KALALAU: Because this information here  
23 is all pre.

24 COMMISSIONER ROTUNNO-HAZUKA: Was there an  
25 inventory survey, were you able to read that?

1 MR. SOLAMILLO: No.

2 COMMISSIONER ROTUNNO-HAZUKA: I guess too we could  
3 look at the site numbers that are on La'au Point and then  
4 see how those coincide with the report and see if any of  
5 them are actual post-contact.

6 CHAIRMAN KALALAU: In the large document?

7 COMMISSIONER ROTUNNO-HAZUKA: In the large one,  
8 yes.

9 MR. SOLAMILLO: The same comment would go for page  
10 44. The paragraph in the second column speaks in terms of a  
11 Cultural Conservation Management Zone to include historic  
12 cultural sites, but I get no sense of what historical sites  
13 are being preserved.

14 COMMISSIONER KAPU: I get one question on 31,  
15 burial treatment. Newly found burials trigger consultation  
16 with Moloka'i Island Burial Council. Does Moloka'i have a  
17 burial council?

18 MR. SOLAMILLO: We have the Maui Burial Council.

19 COMMISSIONER MARQUEZ: I believe they do.

20 MR. SOLAMILLO: Corp Counsel, does Moloka'i have a  
21 Burial Council?

22 MR. GIROUX: I'm not sure.

23 COMMISSIONER MARQUEZ: In fact, I just saw an ad  
24 for vacancies. We do.

25 CHAIRMAN KALALAU: It's state, the Burial Council

1 is a state position.

2 COMMISSIONER KAPU: To make sure we get clarity in  
3 that area to make sure whether or not the Moloka'i Burial  
4 Council does exist, and maybe it needs to be changed to say  
5 that an entity, if there is no Burial Council for Molokai,  
6 then who would be the alternate to be considered.

7 CHAIRMAN KALALAU: Those are approvals by  
8 legislation.

9 MR. SOLAMILLO: Another staff comment on page 39  
10 and 56. I am familiar with both maps, and in reading the  
11 narrative it's very unclear to me, you have such incredibly  
12 high subsistence or resource concentrations on the west end  
13 that are noted, but then when you look at the 1853 Moloka'i  
14 population map all the population concentrations are on the  
15 east side. And in the narrative I need that explained to  
16 me, why there is so rich a concentration of resources but no  
17 settlements to correspond with that. What, if anything,  
18 happened to cause that population shift.

19 CHAIRMAN KALALAU: Okay, any more comments,  
20 concerns? If not, thank you Commissioners. Thank you,  
21 Daniel.

22 Stan, do we have some announcements? Okay, before  
23 we do anything else, we need a motion from this Commission  
24 to send all of our comments and recommendations and  
25 requirements to the appropriate agencies by February 23rd.

1           COMMISSIONER ROTUNNO-HAZUKA: I make a motion that  
2 the comments, questions, the discussion that we just had,  
3 that Stan produce a letter that will go to the appropriate  
4 agencies, which I think right now is the LUC, and that as we  
5 have additional comments Stan incorporates those into a  
6 letter. And any reason to send it back to us for  
7 clarification? We won't have time. That's my motion.

8           COMMISSIONER WHELCHER: Second.

9           CHAIRMAN KALALAU: It has been moved and  
10 seconded. Any discussion? No discussion? All in favor say  
11 "aye."

12           (A chorus of ayes).

13           All opposed?

14           (None)

15           Okay, our next regular meeting is dated March 1st,  
16 2007. Will someone make a motion to adjourn this meeting?

17           COMMISSIONER MARQUEZ: I move.

18           COMMISSIONER WATANABE: Second.

19           CHAIRMAN KALALAU: It has been moved and  
20 seconded. The meeting is now adjourned.

21

22           (The proceedings were concluded at 11:30 a.m.)

23

24

25

1           C E R T I F I C A T I O N

2

3           I, JEANNETTE W. IWADO, Notary Public for the State of  
4 Hawaii, certify:

5           That the proceedings contained herein were taken by  
6 me in machine shorthand and were thereafter reduced to print  
7 under my supervision by means of computer-aided  
8 transcription; that the foregoing represents, to the best of  
9 my ability, a true and accurate transcript of the  
10 proceedings had in the foregoing matter.

11

12           Dated the 19th day of February, 2007

13

14

15

16

17

\_\_\_\_\_

18           NOTARY PUBLIC, State of Hawaii

19

My commission expires 2/5/08

20

21

22

23

24

25