

**MOLOKAI PLANNING COMMISSION
REGULAR MINUTES
AUGUST 28, 2024**

A. CALL TO ORDER AND ROLL CALL

The regular meeting of the Molokai Planning Commission was called to order by Chairperson Zhantell Lindo at 11:09 a.m., on Wednesday, August 28, 2024, at the Department of Planning's Molokai Office, 100 Ainoa Street, Kaunakakai, Molokai, Hawaii 96748 and via WebEx Meeting No.: **2662 630 7975**.

Ms. Lopez: Aloha Chair, can you hear me?

Ms. Lindo: Yes, I can. I'm gonna reach out to Anake right now and make sure that she is not having trouble logging on. Hang on one second. Sorry one second, she's trying to log on. Sorry everyone, we need one more commissioner in order to conduct business, so we're just trying to get Anake on the line, so please be patient. Okay, Shantel aunty having trouble with the link?

Ms. Albino: Yeah, I don't know what's been something.

Ms. Nomura: Hi Chair. I'm also resending it to Commissioner Kelly as well. I'll go and resend it to Aunty Louella too.

Ms. Lindo: Okay. There she is. Aloha Anake. Thank you. Okay, we're ready? Yeah, we get five. Okay. Aloha aina Kakou, my name is Zhantell Lindo. I am the Chair of the Moloka'i Planning Commission, so happy and blessed that you guys are joining us today, Mahalo to our staff. We wanna acknowledge that we have Andrew Nelson on here as our Corporation Counsel, staff members Sybil Lopez. I think Ana and Candace are both tied up in meetings, but we also have Shantel Nomura as our administrative staffing assistant, so Mahalo. We just would like to at this time remind all participants to please silence all your noise, noise making devices, and please stay muted until such time as you are called to speak. We are available for testimony and viewing online, and also at the physical location at 100 Ainoa Street in Kaunakakai, Moloka'i. You can visit the office there if you would like to testify in person. Our remote meeting is available on our link is available on our agenda, and also you can call in at any time. You may

also contact the Planning Department, to submit written testimony for any agenda item. So, I'd like to start off by doing roll call. Commissioners, please unmute when you are called, acknowledge your attendance, and please let us know where you are, and if there are any additional adults. You do not need to declare minors. Commissioner Shannon, Vice Chair Shannon Kaahanui?

Mr. Kaahanui: Aloha everyone, I am at home alone, so.

Ms. Lindo: Commissioner Louella Albino?

Ms. Albino: Aloha keala e Kakou, I'm alone in my room.

Ms. Lindo: Commissioner Kananikala Bishaw-Juario?

Ms. Bishaw-Juario: Aloha, Good Morning. I am signing in from my office at the school. I, I do have a student in here with me, and I do have another Zoom meeting at twelve, so I might have to excuse myself around that time.

Ms. Lindo: Um, Mahalo nui Commissioner Bishaw-Juario. We plan to be very efficient today. Okay, Commissioner Keomailani Hanapi Hirata?

Ms. Hanapi Hirata: Aloha Aina Kakou, I am actually zooming in from Kaanapali in um Maui Komohana at a hotel, there's people walking back and forth. However, I have my earbuds on and I'm kind of sitting in their garden over here, so. Mahalo.

Ms. Lindo: Commissioner Deborah Kelly?

Ms. Kelly: Sorry, I'm at the high school actually, so but I have my earphones on and we're on break.

Ms. Lindo: Mahalo Commissioner Kelly. Again, I am Zhantell Lindo Chair of the Planning Commission. I am in my office alone. Alright, we have one agenda item today. I want to remind the public that you have one, uh opportunity to testify at the beginning of the meeting on any agenda items listed on our current agenda. You will have 3 min to complete your testimony. You will also have time to testify before each agenda, or I usually like to do it at the end of each agenda item after we discuss, so that you have more information, ah to testify on. Today we have one agenda item besides our director's report and that is the presentation by the Maui Emergency

Management area Agency relating to its priorities, operations process and procedures. It has been my effort, and urgency for this commission to be familiar with all administrative departments in the County, State and other jurisdictions that we work with. I believe that collaboration is a core building block to make us more efficient, and I think the best way to do that is to invite all of the agency heads and department heads to be able to talk to us, build relationship with them, and then be able to have an ongoing collaboration. So that we can do our best for Moloka'i, Nui Ahina, and our people here. So, Mahalo Chief Amos for joining us. For transparency's sake, I would also like to say that in the very near future, I hope to be working with Chief Amos, and I mean we are already collaborating, but, that will be my new Department hopefully. And so, we are so happy to have him here today. Mahalo nui.

B. COMMUNICATIONS

1. Presentation the Maui Emergency Management Agency, relating to its priorities, operations, processes, and procedures.

Mr. Lonokailua-Hewett: Am I presenting now? Okay, so sorry. So sorry. Aloha Mai Kakou, So, uh let me introduce myself. My name's Amos Lonokailua-Hewett. I am from Maui native born, from Maui. I do have Moloka'i ties, via my ancestors, which was Kamehameha nui raised. Kamehameha nui ailuau, I raised on Moloka'i by Kapalikailuaola that's what my name's sake is as well. I was with the Maui Fire Department. I retired in 2019 after 25 years of service. I did prematurely retire because of a battle with Stage 3 colon cancer. I did overcome that with God, and I am before you took on the position as the Administrator for Maui County, as of January 1, 2024. I just wanted to share some of the thoughts, and ideas that I have regarding our vision. The vision relates to building up resiliency for our community, and that comes, um that comes in in very various forms, but what I cannot help is I cannot help but think about, our Hawaiian traditions, and the fact that our people have, have lived and survived many volcanic eruptions, earthquakes, and hurricanes, and tsunamis. And they've survived, and they've used their traditions, and their perspectives, and because I was taught some of those perspectives, and traditions, they continue to, help me move, and navigate forward in the way I move the agency and hopefully protect the community. So, resilience. Just a few terms, or a few words that come to mind is a Kuleana, it's Ohana, it's Ahupua'a, and Aha Moku. In short, that means that we build resiliency to first, uh within ourselves, and our accountability, our Kuleana to ourselves to prepare ourselves. The next step is to prepare our Ohana and how we do that through all of the traditions that Ohana survive on, not to go into depth on that. The way we, re, we, we, share

resources, and the way we survive as a community is we have a wonderful, wonderful system of the Ahupua'a that we are familiar with. And uh has is, is probably a real key way of how communities survive and are resilient. And then of course the Aha Moku is just a system of our management and sharing resources bigger than our communities, and outside our communities. So, resiliency, and my mission is related to, or, or incorporates, and integrates, and prioritizes our native Hawaiian traditions. I just kind of want to read my, my mission statement to enhance. Let me see real quick. To enhance community resilience by prioritizing, and integrating traditional Hawaiian wisdom with modern technology for effective emergency management. So, we definitely want to blend, you know, the old with the new technology is, is progressing really, really quickly, and for us to effect press the challenges that we all face. I'm gonna use every tool that is available to me in the form of technology to expedite, and make efficient all things that we decide to move on. Going into some of my priorities, the first one being enhanced preparedness. Right after the fire I was called by the Mayor's officer as a volunteer to, address the situation first at Napili Plaza. And then, I was asked to manage the distribution of food and water to the entire West Maui. In that process, I was fortunate to watch the community engage in response, and the short story is that the community of West Maui is just... Let me back up cause there was more than just West Maui, but the community responded unbelievably where it was a very agile, and very adaptive, and very responsive to the needs of the community. And what I'm trying to do in as far as preparedness is try, and replicate what happened in the West Maui, in the, you know, the biggest largest disaster of Hawaiian history, that we know of, and try and replicate that. So, that means when we're talking about preparedness is to try and, prepare the community to respond more effectively, and efficiently to connect with government a little bit quicker, to provide, resources for the community in these areas, to communicate whether that was radios, Star links, Cell towers, so on and so forth. Where there was a, different agreements going into place so we can mobilize the money, and, and purchases to get people active, to get people engaged. Those are kinds of the things I ah talking about when I talk about preparedness. Related to what I was witnessed and managed for, um 32 days after the fire. second priority is the response capabilities. What I learned in, what I know from my experience with the fire department, and what I learned in my response to the last fire, as well as, what I know in MEMA our effectiveness is dependent on our capacity. And so, response, response capabilities relate to our capacity to respond. So, what that means is I am looking for solutions to create capacity to have the community come forward, and support the response effort. There's a lot of that that means, but let me just say a couple of things, like we wanna re-envision, reimagine and reimplement the CERT program. We're looking to build an IMT and Incident Management Team that is basically a group of trained professionals that know how to run incidents. We have

improved, or we have 13 new positions approved for MEMA, so we're moving from 9 to 22. Which puts a Staff Specialist on Moloka'i, Lanai and Hana. We have tried to well, we have three persons in our comm section, and we have three persons in our training section. So, all of those things are, help our response capabilities, to build capacity for us to respond for larger incidents. Streamlining coordination is another goal that comes with a lot of things once again for Moloka'i, you know, without somebody on Moloka'i, or some group or some team connected to Maui and to Hawaii and to FEMA, and in the form of resources. And a request a communication, the coordination is delayed. And so, we're looking to always look for opportunities to streamline coordination. Once again, that begins with putting people into place, places that effectively manage coordination; as well as, all of our process and technology that allows us to streamline coordination. Coordination regards to situational awareness as well. So, all of the technology pieces as we gather information, we're, we're getting a lot better in, how we receive information which allows us to streamline coordination better as well. Expanding partnerships, the short story is we're trying to create groups, and partner with everybody, and anybody that wants to be a part of community resilience, and, um basically protecting our community. So. There's a lot of partnerships that we're trying to build, or restore, or strengthen. We are, you know, trying to increase public awareness. You might see that comes out in our messaging. We're more forward leaning. We have, information, and education effort vision. We have three persons that are assigned to it. That have been approved, three new positions, a Public Affairs Officer, a PIO and a Community Outreach Specialist that will enhance, and improve our ability to communicate and provide public awareness. We want to be able to provide information in a timely manner that is accurate, and that is our effort to crowd the angst, and stabilize the situation to the best of our ability. Some of the things that we are working on is, like I said, we are going through a reorganization. Which expands our agency from 9 to 22 for the first phase of that is, has been submitted phase two is underway, and then phase three will come after your FY 26. Like I said, we are reimagining cert. We just had our initial, our first, train the trainer in August. We have our Incident Management Team that we're building. We expect to implement the Incident Management Team for the Maui Invitational Tournament, and look at opportunities to exercise and build a team. All of our plans are being updated. They shall, but the timeline for that to be done is all of them somewhere by, somewhere within March. There's a comprehensive Emergency Management Plan, which includes all of our operational responsibilities; as well as, our strategic plan; as well as, our standard operating guidelines; as well as, our multi hazard, hazard mitigation plan, so as our coup plan. There's a lot of plans that are, are being updated, and will be completed. Hazard mitigation will expire August 2025, so we're underway, that takes a long time to prepare for that. And then we're also upgrading the EOC, we're moving locations to

enhance the, our abilities to coordinate and respond. Which also includes helping to build out the EOC on Moloka'i. That is all I have to report, pending any of your questions?

Ms. Lindo: Thank you so much Chief. That was awesome. Any Commissioners have any questions? And if not, I can start and then maybe can get encouraged some other questions from you guys. So Chief, just for the context of what we deal with here on Moloka'i. How important is it, do you believe it is for MEMA to be included in planning and implementation on land use issues for Moloka'i?

Mr. Lonokailua-Hewett: Oh, I, I think it is, ah very important, what I'm trying to think about is... um, I'm at, there's various projects and, and thoughts that are coming into my brain related to that. But I think from the basic standpoint is... What I'm trying to know, and learn is all of the issues with Moloka'i, and Lanai, and all of our community, and be able to... uh, coordinate and take, you know, correct actions in a unified way. So, that begins with being part of the planning meetings and, being able to gather that information, and then offer information that I may have. Um...

Ms. Lindo Yeah, I totally, and I'm asking that question because, one of, one of the things that happens in our Commission, and, and in the other Commissions is that the Planning Department, when somebody does a project, they send it out to the Departments for review, and I have never seen MEMA be consulted on any of those reviews. And as we look at Lahaina Town, and what happened on different areas in our communities as sea level rise, and the need for enhanced evacuation preparedness, and all those kinds of things. Those to me, Emergency Management is a critical part of that piece. We, we cannot keep on building, and then ask you to solve all of our problems after it's already been in. And so, I was asking that question to see whether or not based on your positions that you've expanded from 9 to 22, does your agency currently have the capacity to do these reviews as a standard procedure? At least for Moloka'i? I cannot speak for all the Planning Commissions, but, our Commission has the opportunity to include agencies in the standard review process of projects. And I wanted to know if we did something like that, does your agency currently have that capacity to do these reviews? Is it something that one of your, um (inaudible distorted), but if it's not currently something that you can do... Do you see a path forward in creating within one of those positions the opportunity to review land use planning?

Mr. Lonokailua-Hewett: Absolutely, so, well I, I would imagine that, that would begin with our Staff Specialists as I reflect on the other components of Emergency Management, and our... And what I wanna, what I wanna say is when I have it all filled at 22, that's for sure. But when I start to think about our community outreach, our operations people looking at our hazard mitigation efforts as well. All of those efforts will, support the Planning process. They're all part of it. So, hopefully we can get those positions filled and, and start to, be a part of that process, but absolutely, if we get our 22, I do imagine... Well, I'm confident that we can be a part of that for that review for sure. And I just, just mentioned a couple of things that I think one of the challenges is, is to my, our role at MEMA is, is coordination, and, and support. And so, what I just kind of want to say is. What, what I'm I've kind of calibrated my, my goggles, or my perspective to, is looking at coordination and, you know... I would say that, you know, we can improve on our coordination, and for whatever reason. We're not looking at the coordinating pieces, and why MEMA plays a bigger role, or should play a bigger role. I think we're improving in that countywide. I think we are more involved, and more part of the Planning process in various ways. And I, I, I would say that there's improvement to be made for sure, collectively as a County, and that includes MEMA. But I think we're going in the right direction, and for me, we definitely want to be a part of the process.

Ms. Lindo: Thank you. Does any other Commissioner... I have a couple more questions, but does any other Commissioner have any questions they wanna ask? Go ahead, Commissioner Albino.

Ms. Albino: Aloha, and Mahalo for your presentation. My question is, you know, involving the community and your, your coordinating efforts, how important is the voice of the community in the Planning process? Say, um for Moloka'i, we want to make sure that in the Planning, and coordinating of the verified subject to damage. Such as; beach fronts, and the way that the weather is determining how our, our shores behave. How important is a community? And, and when I ask this question is, because there are many visitors who form a large majority of our community. But you mentioned to try and keep it with Hawaiian Cultural Values in place. So, I'm just hoping that, that doesn't conflict when the community comes together. And that the community's effort to keep Moloka'i the way it is, remains the way it is. Without the imp, imposition of development, because that's what's going on in our community. With a lot of people thinking Maui is really busy now, and we're gonna look at Moloka'i, and try to see what we can do with Moloka'i, so that's my main concern. In your coordinating efforts, so you know the community, like I said, some of the meetings are attended by visitors. And they form a large,

you know the group. Native people with those who have cultural concerns that that have lived here for forever, are, are worried where they're concerned about this movement, and how does your Department help us in determining, you know, keeping the culture of values. Not only during emergencies but in the Planning of land use here on Moloka'i, and, and Maui. Because I know there's a lot going on, on Maui.

Mr. Lonokailua-Hewett: So, I would...

Ms. Lindo: I like jump in real fast I cause I had something similar to that. So, hanging on to auntie's, I was gonna ask you, how supportive or committed is MEMA to using Native Hawaiian Tradition Practice, and Practices to mitigate good land use management, planning strategies use, going forward?

Ms. Albino: Okay, that's similar.

Mr. Lonokailua-Hewett So, I mean, in short, the opinion, perspective, and desire of the community is what drives me. Plain and simple. I mean, everything that we we're trying to do has nothing to do with me, or the agency. It has everything to do what the community wants us to do. And, now I, I think the tricky thing about that, is that at times the community is divided. And trying to navigate through, and find a common ground for the overall, or the majority of the community maybe. That's something that I guess lies with the community. For me I cannot do anything without the community. I mean, my whole plan in Emergency Management is built around moving the whole community. It has nothing it's not for Emergency Management. I'm speaking on MEMA, um... It's, it's, it's driven by the community. The whole plan is, is lives and dies with the community. So, when we talk about traditional values too... You know, and I was raised with traditional values, I do speak the language myself and at times, at times our community deviates from it. Whether they never learned it, they forgot about it, or they choose to set it aside. It's part of being human, but I will always, because I was raised that way, I will always turn to my Kupuna. I will always turn to the community. I will always turn to the wisdom that led me to the place that I'm here that I'm at now. I, um which takes me to the community. So, I have a, a story but I'm not gonna tell it... but I have a story that, you know, kind of communicates, um the community divide, as we were trying to prepare for or, or trying to come up with a community plan to provide, relief to West Maui. When I walked in the room, I was a volunteer at the time, but I was asked by Kupuna to take on this effort to find relief. And at that point there was, it was very uncertain. It was August 13, but the room wasn't in full agreement,

and let me go ahead and say it...So before we design the, the plan or develop the plan collectively, I wrote on the board community. And I said before we can develop a plan to protect the community. We first have to define who the community is, and in the room, they, we disagreed, right? And so, we came to a common ground. That common ground was found by the traditions of our Hawaiian people, and how they defined community. True Olelo Noeau that I shared, and our Kupuna that was in the room that knew about it, and we all concurred that the definition of community moving forward was what was set in that room. And we developed the plan accordingly. So, community is first. Without the community as far as MEMA is concerned community is... There is no community resilience. Traditional wisdom I always turn to. As a person, because I was raised to and have tremendous results from leaning on kupuna, and the wisdom that came before me. Oop, that answered the question? Yeah.

Ms. Albino: (Olelo Hawai'i) No'u kepani pololei kau. Mahalo nui. No Kamea ua hanai I 'au mai ku'u Mau kupuna mai Mau e mai la ko Waikapu, no leila. Mahalo nui no kau pani. Mahalo.

Mr. Lonokailua-Hewett: Mahalo no. Mahalo no.

Ms. Lindo: Oh. Mahalo Aunty Anake. Okay, the last question I have is, what are some priorities from your agency's perspective and Kuleana? So, so I'm asking this question because I realized that like right now. I no like put any more pressure on your, as you start to reorg, and we've agreed that long term, once the positions get in line, it would be advantageous to include you guys in on a steady review of projects that we have. But for right now, as one Commission... What are some priorities from your agency's perspective and Kuleana that need to be included in land use planning, and review from the Emergency Management Perspective? Like just as one community when we looking at different projects. What kinds of things, things if you had the open door to tell us, I wish you guys would always keep in mind evacuation routes. So, I wish you guys would always keep in mind that no clutter up the, the ocean side, or whatever, you know, I mean...If you from your perspective of Emergency Management had one list of things that you could say to Planning and Commissions. What would the priorities and the Kuleana be that need to be included, or at least thought about as we review projects and plans?

Mr. Lonokailua-Hewett: Well I think two things stand out to me. The one being sheltering, and the second being evacuation routes. And I want to throw in a community resiliency hub idea as a, part of a sheltering kind of plan. So, on my end with Hazard Mitigation, one of the big concerns

for me is hardening facilities to protect people from disasters. Which includes potentially, or it's one of our projects potentially constructing a CAT5 shelter, two CAT5 shelters. So obviously a CAT, a shelter standing by itself has some value. But making it a part of a Community Center, and or partner with a Fire Station Community Center, gyms, so on and so forth, and a CAT5 her, ah CAT5 facility, would be, a good choice. Right, I think as we look at hardening facilities, and improving areas where people can go, in, in an emergency, I think we can do better. And so, regarding, hardening facilities, and or constructing that hit multi-purpose. That have it, have a, a strong or high rating is what we should be looking for. I think the regarding like the evacuation routes, when I think about the, we're looking at all of the communities, and when they were constructed in Maui. And, you know, they don't have a second means of egress. Some of them, right? The ones that we've been looking at don't have. The roads are narrow and, and, you know, that, that should be always considered. I think regarding evacuation routes, you know, the conversations is around, uh powerlines, and some kind of action to ensure that evacuation routes to a primary exit, or primary route, doesn't have, trees, or powerlines that would affect the exit. Or the evacuation, right? Community Resiliency Hubs, you know, the idea there is, is in, in, in, it's to provide some kind of place that have some kind of capability of communication, some kind of initial supply, some kind of meeting area, some kind of organization of the community in the response phase of the, of, of Emergency Management. That's what the resiliency hubs kind of stand for. Now, if there are positions where these resiliency hubs, which obviously are not, you know. CAT3 or higher rated, but they do provide some kind of immediate relief to the community that's cut off. That's what though that represents for me now. Where does that go? So, what does it look like? How long does it supply? Who takes care of it and maintains it? All of those things come after it, but in in in regards to Planning, making sure that those things go in the right location, and they have what they need to effectively support the community in a response site.

Ms. Lindo: That's awesome. Thank you so much. Anybody else have any questions? Okay. I'm so thankful, and blessed to have you with us today. I'm looking forward to collaborating more with MEMA in planning situations and I'm sure that the Planning Department has noted all of this great Mana'o that was shared today. And I'm looking forward to all the great things that you and the Emergency Management Department will do. So, Mahalo nui for joining us. Okay. If there's anybody in the community that would like to testify on this agenda item, please unmute now or notify our staff by typing in the chat. We'll give you some time to do that. Staff, do we have any testifiers?

Ms. Nomura. Hi chair. I see none online.

Ms. Lopez: Aloha Chair, this is Sybil Lopez in the Moloka'i Office...(inaudible)

PUBLIC TESTIMONY: NONE

Ms. Lindo: Okay, Mahalo, at this time we closed testimony for this agenda item. Moving on to the Director's Report, we have agenda items for the future meetings, follow up discussion regarding Planning Department Enforcement Presentation. I think that will be done by Andrew, and then completed Moloka'i applications report generated by the Planning Department as of August 28, 2024. There are none, so turn the time over to Sybil and Andrew.

C. DIRECTOR'S REPORT

1. Agenda items for future meetings.
2. Follow up discussion regarding Planning Department enforcement presentation.
3. Completed Moloka'i Applications Report generated by the Planning Department with the August 28, 2024 - **NONE**

Ms. Lopez: Mahalo Chair. We probably would have one item on the September 25, and it would be an After-the-fact SMA exemption. That's all I have for now. Thank you. I'll turn the time over to Corp. Counsel.

Mr. Nelson: Alright, I think another item that might be popping up in our next meeting or perhaps meeting after that is a welcome for our newest member, to the Commission. And, I understand that is, let's see here Keolamaupono Sagario, who should be joining soon. Alright. Let's see here. So, in terms of the follow up discussion regarding the Planning Department's Enforcement Presentation that they gave at our last meeting. During that discussion, there was a question as to whether it would be possible for the commission to increase the fines that are specified in the SMA, and Shoreline Rules. So just wanted to let you know that I, looked into that, and what I found basically is that the Commissions SMA and Shoreline Rules already specified the maximum fine allowed, pursuant to Hawaii Revised Statute. And that's HRS 205A.32. So, the good news is that we you know, wouldn't have to make any changes to,

increase the fines, because we already specified the maximum allowable. So that's all I had on, on that point.

Ms. Lindo: So, Andrew while you're on that subject, so, so we don't have the capacity to increase the fine, but does this Commission have the, have the, authority to include conditions in association with the fines?

Mr. Nelson: I'm, let's see, I don't, I don't think that the Commission has the ability to, put conditions on, the fines specifically. Um, but the Commission definitely has the ability to condition, for instance, an SMA approval that comes before it. And so, in the context of a fine, that might be some sort of After-the-fact permit approval, that's requested. So, you know, at, at that point, the Commission could condition the approval on, you know, various things being performed by the applicant.

Ms. Lindo: So, so for clarity, an application for after the fact comes before us and it's listed as approval of an After-the-fact permit, but actually by process it's an application for an SMA approval that acknowledges an After-the-fact has been done, and has been fined. But clearly doesn't dictate whether, or not this Commission can disapprove based on the After-the-fact determination, right? Because the way it's listed on our agenda is that it shows up as an After-the-fact approval, but we really, according to what you see like we're talking about right now, have no jurisdiction over whether we can say, hey, you know what? We're gonna say no based on the fact that you just did all this illegal stuff before. Because by process they've already paid for, the fine of doing something After-the-fact. We're not the building inspector, so we cannot really mandate that we shut the project down. But then we're asked to do a determination on whether or not we're gonna approve a Special Management Area Permit. Looking at the project as if the After-the-fact has not been done yet. That's what we're asked to do and that's where I'm having one difficult time understanding, and clarifying the process. Because if we cannot make, let me give you one good example... Hypothetically, since I don't know if we can talk about them. Hypothetically, somebody puts up antenna balls even though we said don't do it. And then After-the-fact, say it was filled, but shot clock runs out, jurisdiction not there anymore. Maui County, even though we were the authority at one point cannot now put any conditions on the permit at all, because it's no longer in our jurisdiction. But the if, if the fine of a thousand dollars linked us to some kind of consequence that the County was available to give, that's the, that's the extent of it. And this Commission has just been suckered punched, and our integrity lessened, so we have less value to the community. Because what we said held no water. And so, I wanna

know if there is a mechanism within the rules for us to include some kind of conditions to either After-the-fact. Or, or in an in a situation where the, the applicant was found to be guilty of an After-the-fact project. Can this Commission put conditions on, on, on that? You know, where the money is being spent, that the client has to, in addition to this have to undergo education for Culture and, and Historic Preservation. Or, you know, like those kinds of things. So that, that, so that we're building capacity. We're not trying to sucker them anymore. We're just like trying to build capacity, so things like this no happen anymore.

Mr. Nelson: Yeah, it's a little bit difficult to, you know, provide advice on a hypothetical and definitely when looking at specific applications and the, the way that they were processed, you know, I'd be able to provide more, um concrete analysis. But yeah, in terms of your, you know, broader questions and concerns related to after the fact permitting, that's something that I can, you know, research further and we can follow up, you know, at a, at another point if that's ok.

Ms. Lindo: Sounds great, Andrew. Thank you. And then I won't take up any more time with that unless any other commissioner has any more questions. Oh, go ahead.

Ms. Albino: Okay I have a question, you know, thank you Andrew for your response. Maybe at some point we should look again at the SMA process, because if criteria cannot be attached to the permit and, you know, conditions After-the-fact kind of, condition. Maybe we should look at the SMA. And look at how we can, make some changes to the SMA process before it gets to that point.

Ms. Lindo: Yeah Aunty, you're completely right, and we do have set for our agenda on, in a couple months, or in a month, or so, at a couple meetings from now that we will look at an investigative looking at possibly, looking at changing our rules. Commissioner Kelly, you had something to say?

Ms. Kelly: Alright, I just need to leave soon.

Ms. Lindo: Yeah. So, so if anybody has anything to say, to it regarding this? Okay, seeing none, our next, we have no scheduled, we have nothing scheduled for completed applications. Our next regular scheduled meeting is September 11, 2024 at 11 a.m. We will be having a presentation from the new Department of Oihi Resources and meet the Director. That will be super critical for those of us who are really concerned about Planning, and Cultural, and Preservation, Preservation and Management. So, please join us uh, for that. Also, Keolamaupono is slated to

possibly join us by then, so, so happy to do that. Alright guys, seeing no further business, if there's any community testimony for any of the items we talked about on Director Report, now is the time. Unmute, let our staff know. Staff, can you let us know if there's any testifiers?

PUBLIC TESTIMONY: NONE

Ms. Nomura: Hi Chair, there's no testifiers online.

Ms. Lopez: Aloha Chair this is Sybil... (inaudible)

Ms. Lindo: Alright, thank you so much. Seeing no testifiers public testimony is closed for item C director's report, next scheduled meeting September 11, 2024. Mahalo staff, Mahalo Andrew Mahalo Commissioners, and to our community. Take care. Aloha. This meeting is adjourned.

Meeting Adjourned 12:10 P.M.

**Submitted by,
Shantel Nomura
Secretary to Boards & Commission I**

RECORD OF ATTENDANCE:

**Zhantell Lindo: Chair
Shannon Kaahanui: Vice Chair
Keomailani Hanapi Hirata
Kananikala Bishaw Juario
Debra Kelly**

Others:

Andrew Nelson- Deputy Corp. Counsel
Amos Lonokailua-Hewitt- Maui Emergency Management Administration Director
Sybil Lopez- Staff Planner, Department of Planning, Current Division
Shantel Nomura- Secretary to Boards & Commissions, Department of Planning, Current Division

