

Thursday, January 8th, 2015 By **Molokai Dispatch Staff**

Addressing Overfishing

Community Contributed

By `Aha Kiole O Molokai Members

Since statehood, the people of Molokai have relied on state government to manage Molokai's ocean resources. We are currently witnessing profound shortages in our subsistence gathering sources, which island families rely heavily on. We have fewer income opportunities and higher costs of living than most of the other islands.

From the early 90s, an effort to slow down the noticeable losses from our once rich ecosystems was begun. Management by the DLNR has not yielded positive outcomes in terms of maintaining sustainable and healthy nearshore fisheries.

Out of necessity and concern for our families, Molokai has independently generated its own island-wide conservation effort. We have adopted traditional Hawaiian management strategies because of the proven effectiveness of these methodologies. In a Community Based Subsistence Fishing Area (CBFSA) designation proposal for our entire Northwest side, Pala`au Moku residents are working to come up with best practices designed to manage their area intelligently. Increasingly, people have joined the campaign. We have spread the word about how much and when to take for ecosystem survival. Our efforts have taken root, and with a few exceptions, Molokai has an understanding of fishing pono.

Because of this collective effort, our residents understood the need to take a huge step back. We watch and remind each other, point out spawning seasons, throwing back egg-laying females and the bigger reproductive staged fish. We catch and eat low population fish sparingly. We no longer advocate selling `opihi. We've had to manage this unprecedented paradigm shift on our own, not only without government help, but often with administrative roadblocks.

One of those roadblocks is the relentless usage of our nearshore resources by other-island commercial fishermen who are not aware of our conservation effort. Watching others help themselves indiscriminately to what Molokai has conscientiously elected to save for fishery replenishment has brought about feelings of extreme frustration. Subsistence fishermen have watched helplessly as the most threatened species are hauled off in frightening numbers that guarantee depletion. This issue has resulted in a very unfortunate circumstance in which our island residents, pushed to the limit, made choices that hurt others, themselves and their own families. We would like to ask those handling this pilikia to understand the whole circumstances in their deliberations and findings.

Displacing the konohiki management system, state laws extending the right to fish in any area were created when resources were still plentiful. Clearly, this is no longer the case. The reason non-residents are making trips to our

shorelines is because poor management and unrestrained free enterprise have caused unrecoverable losses in their own areas. The people of Molokai are trying to address resource shortage issues communally, but cannot do so in a bubble.

Molokai residents do not want to be at risk while we work so hard to fix what is broken. We are not in favor of people having to take the law into their own hands. We are expecting this situation to bring about much needed acknowledgement from the state: Your support of our efforts to protect our no longer plentiful resources is long overdue. Please step forward and work with our island so no more of our families hurt by these kinds of occurrences.

After Rebuff by Planning Commission, 'Pepe'ekeo Palace' Builder Goes to Court

Scott Watson, builder of the "Pepe'ekeo Palace," just won't take "no" for an answer. Having twice tried, and twice failed, to get the Hawai'i County Windward Planning Commission to amend conditions of subdivision approval for the lot on which Watson and partner Gary Olympia are building a mansion, Watson and Olympia are once more taking their argument to 3rd Circuit Court.

It's not the first time.

In 2013, attorney Steve Strauss sued on behalf of the landowners, arguing that the state alone had the ability to set building setbacks at distances greater than 40 feet. For that reason, he argued, the county special management area for the subdivision, requiring all construction to be at least 40 feet from the top of the sea cliff, "violates state law."

That litigation is in limbo at the moment, but the last time a judge ruled in the case, in August 2013, it was to deny Strauss's motion for summary judgment. Back then, Judge Glenn Hara found that the county could indeed establish a setback of more than 40 feet during the subdivision approval process. The conditions established when in the 2004 SMA permit legally bound the lot owner, Hara found.

In the most recent case, Strauss makes the identical arguments concerning the county's ability to es-

tablish setbacks greater than the minimum established by state law, but also throws into the mix the Planning Commission's failures to provide findings of fact and conclusions of law to justify the decision to deny the SMA amendment.

The commission heard the application first on September 17. At that meeting, it took no vote to grant or deny the request and so the application was deemed denied. Strauss asked for a reconsideration, which was granted on November 20. The outcome was the same.

Strauss argues that both the original hearing and the hearing on the request to reconsider the application amounted to contested cases, and that therefore the commission was obligated to enter separate findings of fact and conclusions of law to justify the action – or non-action, in this case. — P.T.



The line of rebar at the right of the photo marks the outer limit of the planned lanai area of the "Pepe'ekeo Palace." Without the public access route being changed, the lanai encroaches into the public access easement running in front of the house site.

Denby Fawcett: Stop the Malaekahana Development

The City Council should put the brakes on a proposal to expand urban boundaries and build another North Shore town.

MARCH 3, 2015 · By DENBY FAWCETT

When I was a child, my mother used to drive us out to Laie to participate in the hukilau that the Mormon Church put on from time to time to raise money.

We enjoyed watching men splashing through the turquoise water as they hauled in the net filled with hundreds of colorful, jumping fish. As we watched, we always had fun visiting with Laie residents, including the now famous chef Sam Choy, who was a little boy then, helping out at his father's restaurant in Laie where we sometimes stopped to buy hamburgers.

Most of all we loved the long drive from our house in Kahala through banana patches and small rural villages to get to remote Laie.

Bob Jones



Traffic is usually heavy on the two-lane Kamehameha Highway near Laie.

agricultural space.

Our expeditions were called “going to the country” and in some ways it was like going to another country; an entirely different area where the views from the mountains to the ocean were sweeping and the atmosphere was calm enough to stop my brother and I from our usual fighting in the backseat of the car.

The Oahu General Plan, a blueprint for the sustainable development of Oahu, has long recognized the need for such rural open space by directing development to central and west Oahu and away from the windward side of the island, which it slated for rural,

But even with the General Plan’s long-ago push for rural preservation and the recent promise from rail transit promoters that the new transit system would protect the country by encouraging growth in the urban corridor along the rail stations, my concern is that what we called “country” will slowly be merged into the city with the entire island of Oahu to eventually become one uniform urban place.

It Starts in Laie



You can see the beginning of this creeping urbanization in Laie, where at that old-time hukilau I first began to understand the importance of open rural land.

I am talking about Hawaii Reserves Inc.’s plan called Envision Laie, which is to extend its current building spree even farther by turning 300 acres of agriculture-zoned land it owns at Malaekahana into a new town.

Hawaii Reserves is the land management arm of the Church of Jesus Christ of Latter Day Saints (Mormons).

Malaekahana is between Laie and Kahuku. Hawaii Reserves owns 900 acres there.

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I think Hawaii Reserves’ plan to extend the urban boundary from Laie into rural Malaekahana land is harmful not just to Windward residents but to all of us.

The two-lane highway through the area will not support the additional traffic.

“Parts of the two-lane road at Kaaawa and Hauula are already eroding into the sea,” says Creighton Mattoon, the president of the Punaluu Community Association.

Allowing agricultural areas to be rezoned urban sets a bad precedent. It will change the rural character of a beautiful area Oahu that residents cherish for recreation and refreshment.

“It doesn’t make sense to urbanize the whole island,” says Mattoon. “Who would want to come here?”

It must be stopped.

Hawaii Reserves recently built multiple new structures at the Polynesian Cultural Center at Laie, including a 40-shop Disneyland-like attraction called, coincidentally, the Hukilau Marketplace after our much-enjoyed Laie hukilau.

Bob Jones



The newly opened Hukilau Marketplace in Laie.

There is also a 144-room Marriott Courtyard Hotel scheduled to open this summer — a grey concrete monolith so ugly critics call it Motel Utah or the Laie Prison.

In addition, Hawaii Reserves plans to build 10 housing structures at Brigham Young University Hawaii to accommodate a planned 5 percent to 7 percent annual growth of its current 2,700-student population.

There was no way to stop all of that. That land at Laie is zoned for such buildings.

A Third City?



But rezoning the Malaekahana agricultural land is a different story. Many more hoops will have to be jumped through to make that happen, including council approval, a sign off by the mayor (in the past Mayor Kirk Caldwell said he's for the Envision Laie plan) and many additional government permits.

The new town Hawaii Reserves hopes to build at Malaekahana would include a commercial center, a school, churches, office buildings, a light industrial park and 875 new housing units.

It would be bigger than Laie or Kahuku.

LDS church leaders defend the proposed new community at Malaekahana, saying it's needed to avert what they call a housing crisis sparked by pent-up demand for homes by current residents and new residents coming in with the expansion of BYUH and the Polynesian Cultural Center.

Critics say that's nonsense. The church had permits years ago to build housing on its 7,000

acres in Laie but failed to build the houses despite the so-called “crisis.”

Eric Beaver, president of Hawaii Reserves, says the existing housing designations in Laie are not suitable because they are either downwind of the sewer plant, on steep slopes or in low lying flood prone areas.

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James, real

Hawaii Reserves says half of the housing in the new Malaekahana community would be affordable with single-family homes starting at \$309,000.

But real estate broker Choon James says she doubts if all the Laie residents hoping to move into the new homes will qualify for mortgages to pay for them.

“We have an income crisis in Laie, not a housing crisis.” says James. “Many of the residents have part-time or low-paying jobs.”

James is a Mormon who graduated from Brigham Young University Hawaii, where her husband is a professor. She has lived in Laie for 35 years.

Councilman Steps Up to Oppose Plan



On Thursday, the LDS church is arranging buses to transport hundreds of supporters wearing bright blue Envision Laie T-shirts to Honolulu for a meeting of the City Council’s Zoning and Planning Committee.

The Envision Laie website urges attendance saying, “If you are in favor of housing and jobs for our community, now is the time to make your voices heard.”

Council members will be acting on Bill 47, which could either begin to clear the way for Hawaii Reserves proposed new town at Malaekahana or stop it.

Committee chairman Ikaika Anderson has submitted amendments to Bill 47 to derail the Malaekahana project by eliminating in the bill all references to Malaekahana in the Koolau Loa Sustainable Communities Plan — a plan which now includes the development aims of Envision Laie.

Anderson said in a phone conversation Saturday it is OK with him if Hawaii Reserves builds at Laie or Kahuku on urban-zoned land, but it would be wrong to move the urban boundary to

allow it to build in Malaekahana.

“Basically, I am against the development because it flies in the face of the Oahu General Plan, which calls for preserving our existing rural areas, including Malaekahana.”

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Anderson says he supported the Second City at Kapolei but “I have no intention of creating a Third City” at Malaekahana.”

Anderson says Envision Laie’s contention that Laie residents need to have more affordable housing to prevent their children from moving away “does not hold water.”

Anderson says he has four children and he realizes when they grow up, all of them may not be able to afford to live close by him in Waimanalo.

“The people in Laie need to realize their children may not be able to keep living in Laie or Kahuku. We can’t keep building in rural areas.”

PF Bentley/Civil Beat



City Councilman Ikaika Anderson

Anderson thinks the rest of the Zoning Committee will side with him and vote to stop Hawaii Reserves from building at Malaekahana.

“I haven’t polled them but my gut feeling is they will agree with me. It would be too significant of a policy change to move the urban growth boundary.”

Plans Can Change



Hauula resident Barbara Kahana says she has been fighting to keep the country country for more than 40 years.

She says she was dismayed when she worked two years with 20 members of advisory committee of the Koolau Loa Sustainable Communities Plan, only to have the plan greatly changed in 2010 by the city’s Department of Planning and Permitting when, without consulting her or the others on the advisory committee, it altered the plan and inserted the Envision Laie proposal.

“We were shocked,” Kahana says. “They completely ignored what we put in the plan.”

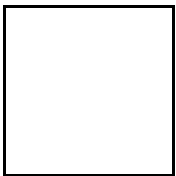
The original Koolau Loa Sustainable Communities Plan called for the area to be kept as an agricultural, open space, recreational area for all of Oahu.

Kahana says she admires what Anderson is doing to stop the Malaekahana proposal.

“Ikaika Anderson is standing up and doing what is right by not allowing expansion into Malaekahana because one single-minded business corporation wants to build a town at the expense of all its neighbors and the expense of future generations to enjoy open land with uninterrupted view planes.”

I agree. Imua Anderson! Make sure the Oahu General Plan is followed. Make sure there is a “country” we can drive to in the future, perhaps not to enjoy hukilau any more, but at least to enjoy the peace and comfort of rural views.

About the Author



CONTRIBUTOR

Denby Fawcett 📷

Denby Fawcett is a longtime Hawaii television and newspaper journalist, who grew up in Honolulu. Her new book, [Secrets of Diamond Head: A History and Trail Guide](#) is available on Amazon.

[Use the RSS feed to subscribe to Denby Fawcett's posts today](#)

Desalination plant off the table for now

Pulama Lana'i's decision frustrates residents

January 29, 2015

By BRIAN PERRY - City Editor (bperry@mauinews.com), The Maui News

LANAI CITY - Lanai residents are frustrated that for now at least, Pulama Lana'i is not going forward with a proposed desalination plant to extract fresh water from saltwater, a decision that has thrown a monkey wrench into the Lanai Community Plan.

Lanaians repeatedly told members of the Maui County Council's Planning Committee Wednesday night at the Lanai Community Center that the Community Plan - as it made its way through the Lanai Community Plan Advisory Committee and the Lanai Planning Commission - was predicated on development of the desalination plant as a way to get the water needed for housing and other new development.

Ron McOmer, a member of the plan advisory committee, said panel members were shocked when they first learned of the scale of development plans of Pulama Lana'i, the development company of Lanai landowner, billionaire Larry Ellison.

Overall, projects are proposed on 2,500 acres and, with a full build-out, those developments could nearly double the island's population from 3,100 residents to 6,000 in 20 years.

"They were going to do a desal plant," McOmer said. "We go through this whole community plan, and guess what? There is no desal plant. We can't develop without water."

Lanai Planning Commission Chairman John Ornellas said Pulama Lana'i sought a special use permit for the desalination plant last year.

Fact Box

Facts about Lanai

Ownership: In June 2012, billionaire Larry Ellison purchased 88,000 acres, or 98 percent of Lanai, from former owner Castle & Cooke Inc. The sale included two luxury resorts (Four Seasons Lanai at Manele Bay and the Lodge at Koele), two championship golf courses, residential and commercial buildings and other assets. Ellison, the co-founder and former chief executive officer of California-based Oracle Corp., is worth an estimated \$54 billion as of Wednesday, according to Forbes magazine.

Area: 140.5 square miles

Size ranking: Sixth largest of main Hawaiian Islands and smallest publicly accessible inhabited island

Highest elevation: Mount La-naihale, 3,366 feet

Channels: Kalohi Channel separates Lanai from Molokai to its north; 'Au'au Channel separates it from Maui to its east

Population: 3,135 people (2010 census)

Flora and fauna: 64 plant species listed as endangered, candidate or species of concern; Lanaihale forest conservation area (3,588 acres of wetland forest); Ka-nepu'u Preserve Natural Area (590 acres of lowland olopua/lama dryland forest); endangered 'ua'u (Hawaiian petrel) in fern understory of Lanaihale forest; Manele-Hulopo'e marine life conservation district with coral reef, sandy beaches and rocky habitats; Hawaiian monk seals, green sea turtles and spinner dolphins

Sources: The Maui News and Lanai Community plan draft update

"We spent four months reviewing it," he said.

But the commission concluded that instead of a 30-year permit for the plant, it would grant 15 years, Ornellas said. The permit was approved, and he said commission members heard later that they were being "blamed" for "Pulama shutting down the desal plant."

He said getting the desalination plant was a top priority for the commission and that the development projects hinged on its construction and operation.

"We told them . . . Without water, you're not going to be able to do anything else," Ornellas said.

He added that, "so now, they want to do all this development . . . without water. . . . How can they justify it when there's no water?"

Stan Ruidas, vice chairman of the plan advisory committee, said the advisory panel's work on the plan "was like a package deal, and the desal was part of the package."

Alberta de Jetley, the publisher and editor of the Lanai Today newspaper and another member of the advisory panel, said she was "extremely disappointed" when the Lanai Planning Commission on June 18 imposed conditions on the desalination plant as part of the special use permit for its operations.

According to the commission's minutes, the panel:

- * Granted the permit for 15 years, half of the 30 years requested by Pulama Lana'i.

- * Attached condition No. 23, which states that once the desalination plant is operational, no high-level aquifer water would be pumped or used in the Manele project district, except in the event of an emergency as determined by the Lanai Water Co. and the Lanai Water Advisory Committee, and then only for human consumption.

Kurt Matsumoto, chief operating officer of Pulama Lana'i, said during a break in Wednesday night's meeting, that the company had not given up on development of a desalination plant, but its plans were being reassessed in light of the planning commission's actions in June. He said the company had invested substantially toward developing the plant.

During public testimony, Matsumoto said that although the estimated population for Lanai with proposed developments is 6,000, that was thought to be sustainable population.

But, "it's not a target," he said. "There's no plan or desire to get there."

Matsumoto pointed out that Lanai's current community plan calls for a population of 12,000 on the island.

Pulama does not want to do anything that would harm Lanai or change its character, he said. "If water's not available, it shouldn't be done."

Resident Gerry Rubaino said the desalination plant is needed, especially in the dry Manele area.

"We want development on Lanai," he said. "I want to see the keiki o ka aina prosper on the island. . . . The bottom line is the water. . . . As they say, without water, there is no life."

He also called for more housing on Lanai.

"Three families. One house. One toilet. How (would) you feel? We need housing," Rubaino said.

A number of testifiers were upset that the Department of Planning made its own recommendations for changes in the community plan earlier this month, without consulting with the advisory group or the Lanai Planning Commission.

Planning commission member Kelli Gima said the community had worked hard on drafting action items in the community plan, and she hoped it would help preserve Lanai as a special place.

"This is my home," she said. "This place is unique. I moved back here because I wanted to raise my son here."

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Opposition to DLNR nominee mounts

Posted: Feb 17, 2015 7:42 PM HST

Updated: Feb 17, 2015 8:07 PM HST

By Rick Daysog **CONNECT**

HONOLULU (HawaiiNewsNow) - Opposition to former Castle & Cooke lobbyist Carleton Ching's nomination to head the Department of Land and Natural Resources continues to mount but the governor is standing by his man.

More than 7,000 people have signed a petition asking the governor to withdraw Ching's nomination as chair of the DLNR, a department which oversees more than 1.3 million acres of state land and beaches and over 750 miles of Hawaii's coastlines.

"If you look at his resume it's just a blueprint for development. So the fear is you'd have the fox guarding the hen house," said David Henkin, staff attorney for EarthJustice.

Added Henry Curtis, executive director of the Life of the Land:

"We really want someone with a passion and the drive to protect the environment and to protect cultural and natural resources," he said.

Ching is a former lobbyist for Castle & Cooke, which is developing the controversial Koa Ridge project and the Big Wind project on Lanai.

At a recent news conference, Ige defended Ching.

"I believe Carlton Ching has the management experience to lead that department and most importantly I believe he has the heart," he said.

"Clearly, if there is a conflict with his former position, he would declare a conflict and recuse himself."

Along with Ching appointment, environmentalists said they were concerned by the way Ige let go several high-profile environmental advocates.

Former Deputy Health Director Gary Gill, whose agency oversees the state's response to environmental spills and is charged with keeping Hawaii's waters clean, was not retained.

Ching's predecessor, William Aila, was transferred to the Department of Hawaiian Home Lands, while Bill Tam, a former DLNR deputy who authored Hawaii's landmark water code, also was dropped.

"It's a concern for me that the administration is willing to remove people without identifying their replacements or without ever having provided justification," said Marti Townsend, executive director of the Outdoor Circle.

Lawmakers say that Ching's confirmation is not in trouble for now. His confirmation hearing is scheduled in mid March.

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Oregon Attorney to Assist in Kauai Dairy Dispute

Friends of Mahaulepu opposes the agricultural facility proposed for the island's south side.

FEBRUARY 12, 2015 · By CHAD BLAIR

The Garden Island [has this item](#) about legal representation regarding a controversial Kauai dairy. Excerpt:

An Oregon-based environmental attorney who successfully represented a community group in Washington state in a lawsuit against an industrial dairy in Yakima Valley has agreed to represent Friends of Mahaulepu in its fight to stop the dairy proposed for Kauai's Southside.

"The damage that can be done by a facility of the size proposed is irreparable," said attorney Charlie Tebbutt. ...

In January, U.S. District Judge Thomas Rice of Spokane ruled that Cow Palace, a more than 11,000-cow dairy in Yakima County, polluted groundwater through its application, storage and management of manure, posing an "imminent and substantial endangerment" to the environment and to people who drink the water.

In that case, Tebbutt represented the Granger-based Community Association for Restoration of the Environment. ...

On Kauai, Hawaii Dairy Farms, a company backed by eBay founder Pierre Omidyar's Uluono Initiative, is planning to build a \$17.5 million, 578-acre dairy in Mahaulepu Valley. ...

Omidyar is publisher of Honolulu Civil Beat.

To read more about his local interests, read [Omidyar in Hawaii: The Billionaire in the Corner](#).



Flickr: Steven Zolneczko

A dairy cow.

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From the Pacific Business News

:<http://www.bizjournals.com/pacific/news/2015/02/18/starwood-to-build-new-390-villa-time-share-resort.html>

Starwood to build new 390-villa time-share resort on Maui

Feb 18, 2015, 2:48pm HST Updated: Feb 18, 2015, 3:25pm HST



[Jason Ubay](#)

Reporter- Pacific Business News

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Starwood Vacation Ownership will develop a new 26-acre oceanfront time-share resort on Maui, The Westin Nanea Ocean Villas, scheduled to open in 2017 in Kaanapali.

Starwood Vacation Ownership, the time-share division of **Starwood Hotels & Resorts Worldwide**, Inc. (NYSE: HOT), announced the development on Tuesday.

The new property will be built on a vacant lot at 45 Kai Malina Parkway between Honua Kai Resort & Spa and The Westin Kaanapali Ocean Resort Villas.

Plans call for 390 luxury villas, a 10,000-square-foot lagoon-style pool and a beach bar. It also will pursue the **U.S. Green Building Council's** Leadership in Energy and Environmental Design (LEED) certification for high-performance buildings.

The project also includes a 10-acre public park. Local architecture firm WCIT Architecture is designing the resort, and Hawaiian Dredging Construction Co., Inc. is the general contractor.

Starwood [recently announced](#) that it would spin off its time-share business as a separate entity. It currently has three time-share properties in Hawaii: The Westin Kaanapali Ocean Resort Villas and Westin Kaanapali Ocean Resort Villas North on Maui and the Westin Princeville Ocean Resort Villas. The company has plans to convert the **Sheraton Kauai** into a time share as part of the spinoff.

Jason Ubay covers tourism and finance for Pacific Business News.