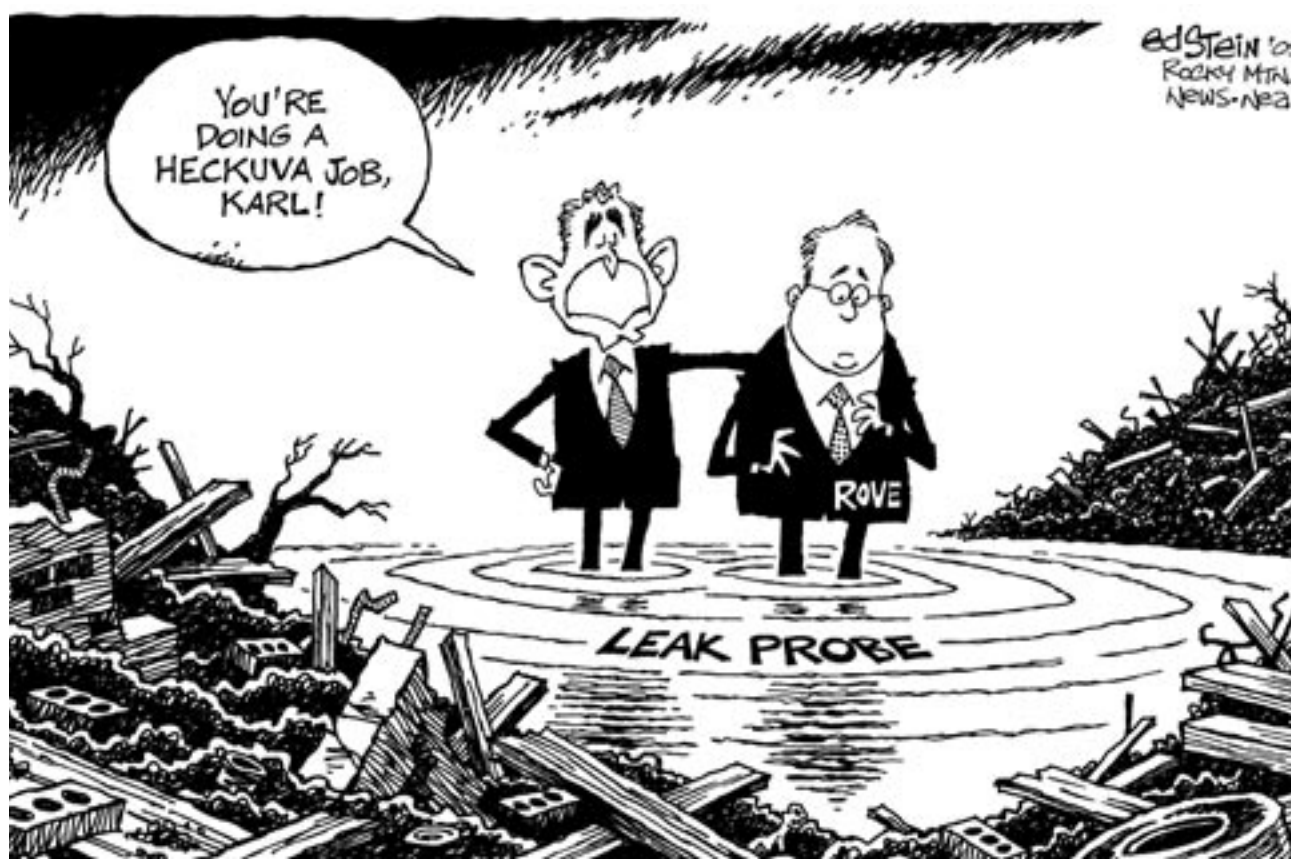


FORUM

THE GARDEN ISLAND
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GUEST VIEWPOINT

McCloskeys 'deserve a fair shot'

I would like to respond to the letter written by Mrs. Jennie Loke Pereira, published on Oct. 22. While I have known Mrs. Pereira since 1998, and have a great deal of respect for her, I feel compelled to correct the misstatements she made. Since 2002, I have overseen nearly all of the operations at Moloa'a Bay Ranch for its owners, Tom and Bonnie McCloskey (as Moloa'a Bay Ranch, LLC or MBR).

For the record, Tom and Bonnie have owned MBR since 1998. In 2001, after having received a SMA minor permit from the Kaua'i County Planning Department, a number of dead and diseased ironwood trees were removed. Ironwoods are an invasive species that create erosion by restricting the growth of ground cover. Once this work was done, our plan was to plant Pan-Pacific species, which are considered to be Hawaiian heritage plants because of their common use in historic times, as new ground cover to support the soil along the sloped portion of the property. Note that under Hawai'i Administrative Rules, no permit is required from either the Department or the Board of Land and Natural Resources (DLNR or BLNR) for the removal of dead or diseased non-native trees.

When Planning inspected the tree removal progress, they deemed that the scope of work had been exceeded and ordered work to stop. Then, they required us to submit an application for an after-the-fact SMA Use Permit, a topographic survey map of the affected area, and a landscape plan to re-vegetate the affected area. We did all of these things. After this, Public Works issued a notice of violation for grubbing, which was related to the tree removal. Public Works subsequently approved our grubbing plans, but asked us to resolve Planning's concerns regarding the SMA. DLNR then requested that an Environmental Assessment (EA) be done and we have submitted a draft EA for the DLNR's review; we are waiting for the DLNR's comments to our document. Please keep in mind that all of this was simply to reduce the possibility of erosion and run-off, and to prepare the property to be Tom and Bonnie's personal home site. It was not and is not to develop the land any more than that. Further, Tom and Bonnie have now moved their home site to another property. We have accepted responsibility for our actions, and have done everything State and County officials have asked us to do. We have been working at resolving the 2001 violation since 2002, and this is the subject of the pending SMA Use Permit application before the Kaua'i County Planning Commission now. Since the 2001 tree removal violation, there have been no violations at MBR of any kind.

That said, here are the facts regarding Mrs. Pereira's Forum letter:

- ▶ There has never been a violation at MBR relating to burning.
- ▶ State and local notifications have never been and will never be ignored. We work closely with State and County government officials on a weekly and sometimes daily basis, and we always have open lines of communication.
- ▶ I am not aware that the "SMA hillside gave way" at any time since we have owned the property. In 2002, when we had record rains on Kaua'i, mud from a portion of MBR outside of the SMA slid to the lower reaches of the property. Prior to that time, we had been trying to secure a grading permit to stabilize the soil in this area, but this permit was held up, pending the resolution of the SMA issue now before the Kaua'i County Planning Commission.
- ▶ We have never "paid to relocate" anyone. The sliding mud, referred to above, reached a carport and a ground floor equipment room of one of our neighbors, but this

neighbor was not living on the property at the time. We worked cooperatively with our neighbor, promptly removed the mud, and installed silt screens to prevent another occurrence. This worked well, and there has never been a repeat of this incident. In fact, this particular neighbor wrote a letter of support for our SMA application now before the Kaua'i County Planning Commission.

- ▶ We have never done and will never do anything to cause mud to flow into Moloa'a Bay. In fact, the reason the ironwood trees were removed in the first place was to replace them with ground cover that would secure the soil along the slopes above the bay. At our recent public hearing, an arborist testified on our behalf that ironwoods are an invasive species, and cause erosion. Our new landscaping plan includes planting Pan-Pacific species, which are considered to be Hawaiian heritage plants because of their common use in historic times, in place of the invasive ironwoods that were removed.
- ▶ No new roads are being "constructed." We are asking to reclaim certain existing dirt roads, which were created years before we bought the property
- ▶ There is no "deeded public trail" at MBR. There is a deed reservation for a trail near the high water mark whose location was to have been established by the Commissioners of Public Lands (CPL). While the CPL never established this location, the State agency that succeeded the CPL — the DLNR — might do so. We have a pending permit application before the DLNR and have stated publicly that we will work with them to address this issue at the time the permit application is heard.

- ▶ We do not "use Ko'olau Japanese Cemetery." We only share a portion of this access, which is entirely legal.
- ▶ We have never attempted to "rush to exclude the public." At our Kaua'i County Planning Commission hearing on Oct. 11, we requested that the Planning Commission close the public hearing so that a decision on our application might be made in the near future. The removal of ironwoods, which necessitated this application, happened in 2001. We responded to the Planning Department by filing our application in 2002, and we have now waited patiently for almost three years to be placed on the Planning Commission's agenda. After a four-hour public hearing on Sept. 13, a three-hour field trip on Oct. 5, and another four-hour public hearing on Oct. 11, we felt that the Planning Commission had ample opportunity to receive public testimony on our application. Meanwhile, the slope in question continues to degrade.

In a community this small, I think it's important that we get our facts straight about each other. Tom and Bonnie are land developers, which is not necessarily a well-liked industry on Kaua'i, but in my opinion, they have been honorable in their business dealings. This doesn't mean they haven't made mistakes — we all have — but they care about and have always done everything they could to correct their mistakes. They've also been a good employer, and have 40 local employees; they have provided increased access to Kealia Kai, which both residents and visitors enjoy today; they donated 60 acres of Kealia land to the County so the County could finance and build the bike and walking path, which will serve our community for generations; and they've been good and charitable community citizens, donating their time and financial resources to many local causes. They've done this because they care about our community and their employees, and they have personal relationships here. They, like all of us, deserve a fair shot in our County's regulatory processes and a fair presentation of the facts.

▶ Greg Kingsley is Project Manager of McCloskey and Company.

EDITORIAL ROUNDUP

Harriet Miers' nomination

The Knoxville (Tenn.) News-Sentinel, Tuesday, Oct. 25:

Following Monday's Cabinet meeting, a reporter asked President Bush if the White House was working on a contingency plan for the withdrawal of Harriet Miers' nomination.

A number of influential conservatives wish the president would do that to avoid a fight over a Supreme Court nominee they consider unqualified. The fight could leave Bush's base shaken and divided.

Bush did not answer the reporter's question, choosing instead to address the issue of a request by Specter's committee for legal opinions and memos drafted by Miers as White House counsel.

Responding to that request, said Bush, "would make it impossible for me and other presidents to be able to make

sound decisions. They may ask for paperwork about the decision-making process, what her recommendations were, and that would breach very important confidentiality. And it's a red line I'm not willing to cross."

It is a dilemma for Bush. He is a true believer that certain White House communications must be privileged to protect the president's ability to get candid advice from his aides.

On the other hand, the senators have a point, too. They have very little to go on from her pre-White House legal career to judge her fitness for the high court.

Surely someone in the vetting process must have anticipated this problem. It's why appointing your personal attorney and White House aide to the Supreme Court is not a great idea.

LETTERS

Group just trying to help home buyers

I am tired of hearing people like Pete Antonson say that the group in the "Ohana Kauai Group" are a bunch of old wealthy people trying to get a tax break for themselves.

Let me tell you that as a member of that group I am not wealthy, but I am old, 71. I purchased a home in Kapa'a for an awfully lot of money, \$340,000. My neighbors hold down two or three jobs to pay for their homes that they bought probably 7 or 8 years ago for perhaps half that much. Under the current tax measures their homes became worth \$340,000 and therefore their taxes would go up to a taxation as though they lived in a \$340,000 home. And if I sell my home tomorrow for \$700,000 they will be paying taxes on their home now valued at \$700,000. Yet if we have another 'Iniki or the housing boom goes boom! their home and mine will be worth far less.

So they would have been paying a real estate property tax on a home that was never actually worth \$700,000 unless they sold it.

There are people who are envious of others who choose to buy instead of rent, so they think it is not fair that the owner should get a so-called "break." Well it is not a break because the real value of their property is what they paid for it not what their neighbor paid for his. The only time their home becomes worth the going rate is when they sell it. And then what do they do? Move to Las Vegas, so that more so-called wealthy mainlanders can come in and take over the island.

I joined with this group to help the people who own on Kaua'i to be able to afford to keep their homes and to not be taxed out of them because of real estate inflation.

By the way this amendment is not like Prop 13 in California because it does not include businesses nor tourist-type rental properties, it is only for "owner-occupied residences".

This was a well-thought-out Charter Amendment and those who worked on it were truly wanting to help those who chose to buy a home.

So let's wait to see what happens with the Hawai'i Supreme Court as they take on this amendment. And quit the "belly aching" about who and what were the motives of the people who initiated the amendment.

No matter the outcome, I hope that those 13,000 voters who voted "YES" on the amendment will remember the politicians who have spent so much of taxpayers' money to thwart the wishes of those voters.

▶ Gordon "Doc" Smith
Kapa'a

Citing scientific truths

Mr. Whiting's assertion (GI 10/22/05) that the Bible contains no scientific truth is most revealing of his ignorance of the facts. While it is true that the Bible is not a book of science, only the most uninformed would believe there are no scientific truths in it. There are so many that the word limit would be surpassed several times over in listing them all. So here are just a few examples:

1. Only in recent years has science discovered that everything we see is composed of invisible atoms. Scripture tells us that the "things which are seen were not made of things which do appear."

2. Medical science has only recently discovered that blood-clotting in a newborn reaches its peak on the eighth day, then drops. The Bible consistently says that a baby must be circumcised on the eighth day.

3. At a time when it was believed that the earth sat on a large animal or a giant (1500 B.C.), the Bible spoke of the earth's free float in space: "He ... hangs the earth upon nothing" (Job 26:7).

4. The prophet Isaiah tells us that the earth is round: "It is he that sits upon the circle of the earth" (Isaiah 40:22). This is not a reference to a flat disk, as some skeptics maintain, but to a sphere. Secular man discovered this 2,400 years later. At a time when science believed that the earth was flat, it was the Scriptures that inspired Christopher Columbus to sail around the world (see Proverbs 36 footnote).

These are but a fraction of the many scientific truths in the Bible. I'd be more than happy to supply the rest, upon request.

▶ Kent D. Gibboney
Kapa'a

Seeking the truth

Chris Metcalf's letter in the Saturday *The Garden Island* points out that scientists who do not believe in the existence of gods will be biased in their observations of the world by that atheism. I'm sure this is true to some extent. After all, they are only human. But I'm also sure that most scientists are aware of such a bias and try not to let it affect their research. The primary goal of science is truth. That is why scientists police themselves in the form of peer-review. Findings are not blindly accepted as fact. They are checked over and over again. Even after decades or centuries, their research is open to modification as new research is conducted.

However, I do know of a group of scientists who refuse to accept the findings of outside research. In fact, some of them were on Kaua'i over the weekend. Dr. Hugh Ross, astrophysicist, and Dr. Fuz Rana, chemist, spoke at a conference sponsored by the Kauai Christian Fellowship Church. Both are members (Ross is the founder) of Reasons to Believe, an international ministry which produces Christian books, videos, etc. Reasons to Believe adheres to the International Council of Biblical Inerrancy. A visit to their web site will reveal what they believe in the form of The Chicago Statement on Biblical Hermeneutics.

This states that they "deny that extrabiblical views ever disprove the teaching of Scripture or hold priority over it." They also "deny that any genuine scientific facts are inconsistent with the true meaning of any passage of Scripture." More telling, they "deny that the teaching of Genesis 1-11 are mythical and that scientific hypotheses about earth history or the origin of humanity may be invoked to overthrow what Scripture teaches about creation." In other words, any scientific discovery that conflicts with what the Bible says is dismissed a priori. They don't even have to see the evidence. If it contradicts what the Bible says then their position is that the evidence is false!

A personal bias in people is to be expected. However, when a group of so-called 'scientists' publicly and proudly claim to know the answers regardless of the evidence then the truth is nowhere to be found, it is the epitome of the closed mind.

▶ Brian Christensen
Lihu'e

Intelligent design, evolution or ... E.T.?

Gee, is it just me again or is there anyone else who has had their fill of this intelligent design vs evolution debate?

I didn't call it a discussion because I'll bet ten bucks that if you got both camps in the same room for a "discussion" with no rules it would be a heated one. The funny thing is I think no one will ever know for sure.

Both sides have great arguments to support their beliefs (facts?) but I'm very sorry to report that you're both absolutely wrong. Everyone on this planet is a direct descendant of extraterrestrials deposited here 3.59 million years ago. Fact!!! How do I know this? I had 2 beers with what looked like an alien last Thursday in Hanalei.

Nah ... just kidding. Oh lighten up, will you!

▶ Stephen Shioi
Kapa'a

How to comment

E-Mail letters to
ginews@aloha.net

Fax to 808-245-5286

Mail to Forum, P.O. Box 231,
Lihu'e, HI 96766.

▶ Letters must include the author's full name, address and daytime phone number.

▶ We prefer shorter letters, 200 or 300 words. Letters may be edited for length.

▶ Because of the volume of letters, we cannot acknowledge unpublished letters.

▶ Letters become the property of *The Garden Island*.

